""" COUNCIL PROCEEDINGS OF THE CITY OF SHREVEPORT, LOUISIANA NOVEMBER 11, 2003

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

Councilman Green led the Invocation and offered a special prayer in honor of the Veterans. On Roll Call, the following members were Present: Councilmen Lester, Walford, Carmody (3:20), Gibson, Hogan, and Green and Jackson (3:05). 7. Absent: None.

<u>Approve Minutes.</u> Motion by Councilman <u>Green</u>, seconded by Councilman <u>Gibson</u> to approve the Administrative Conference Summary Minutes of October 27, 2003 and the Council Meeting Minutes of October 28, 2003. Motion approved by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan, and Green. 5. Nays: None. Absent: Councilman Carmody and Jackson. 2.

Awards, Recognition of Distinguished Guests, and Communications of the Mayor Which Are Required By Law.

<u>Convention Center Report, Property Standards Report, and Red River District Legal</u>

<u>Proceedings Report.</u> The Chairman noted that the Reports were received yesterday.

Councilman Lester: I want to give special recognition, you can't see them now. I want to thank Dr. Curley White who is the Principal at Booker T. Washington High School. I would like to thank Ms. Katrina Gilliam, and Ms. Pauline White.

Today, for the first time we actually have students from the Booker T. Washington
Telecommunications Magnet School. Booker T. Washington is a very important and historic institution
in the City of Shreveport and I'm proud to say, it is one of the bedrock institutions of City Council
District A. Well, today we have two students in their Telecommunications Magnet Program that are
actually assisting Mr. Robert Burton in video taping this meeting. The students are going to be working
with Mr. Burton during this meeting as well as Caddo Parish Commission meetings. This is going to give
the students there at the Booker T. Washington Technology Magnet an opportunity to get some hands on
training and internship, learning about government and learning about how computers and technology
affects our lives. So, I would just like to thank, like I said, Dr. White, Mr. Gilliam, Ms. White, and the
Administration for assisting us in putting this together. I think it is going to be a great thing to show once
again that some good things are happening at Booker T. Washington High School.

Councilman Walford: I understand Mr. Gilliam, you have some additional information on the Convention Center Report for us.

Convention Center Report Update:

Mr. Sam Gilliam: I came down to speak regarding the Convention Center. Thank you very much Mr. Walford, the rest of the Council members for inviting me down to speak regarding the Convention Center. As you know we have been in pretty intense, I guess would be a fair word to say negotiation with Yates, the Prime Contractor n the Convention Center, lets say over the last 2 or 3 weeks. We are now at the point where we have actually had them go into interviews with some prospective sub-contractors, fair share clientele specifically, to see if indeed we can come up with some reasonable and significant representation from our clientele in the construction of the Convention Center.

Here's where we are at this point. We actually have representatives of Yates on campus as we speak, on the 2nd floor and they have been interviewing our clients for the last I guess, since I last spoke to you. We have gotten the goal up from the 1.9%, where we were the last time I spoke to you, we now have a goal of approximately and we've done the breakdown for you today and I won't belabor you Mr. Walford with all of this information in my hand here, I'll try to verbalize it as much as I can for you, Sir. But we now have a goal of \$9.5 million dollars and this would be local, fair share contractors. And in this specific instance these would be local fair share minority contractors. If we were to add the total gamut of fair share clientele, it would be roughly around 16%.

Now, the rub comes of course in terms of those negotiations that our clients are going through

with Yates as I speak to you. That is kind of that devil of the detail that we speak about often.

We are trying now to make sure that indeed, these clientele that are being interviewed, are being given a real chance and they are negotiating with our clients in good faith. And of course, I have been talking with the representatives and we don't always agree on what good faith is. Suggestion I am making to them is indeed it is indeed a nublious term, it somewhat defined in the ordinance and in the plan, but we've tired to give them our little motif of that if you would, Council members. And we are saying to them that, our clientele, if you are dealing with it in good faith it is not the same as dealing with an LBE or large business enterprise. A business enterprise that has been established traditionally has a historic record of say, 50 or 60 years, the business has been passed down to or three generations.

Our clientele are basically first generation, they don't necessary have a strong business infrastructure and if you are going to deal with them in good faith, it takes a different little twist. In others I will close out by saying that, we are suggesting to them that good faith for our clientele means giving some consideration to and being sensitive to uniqueness of the clientele that we deal with.

This goal is good. We hope to come back to you in the near future and say that indeed, a significant amount of these dollars and these individuals are actually being used and have actually consummated contracts with the Prime Contractor.

Councilman Green: You said on the last time that we talked which was, two weeks ago, we had basically 1.9% minorities?

Mr. Gilliam: Basically, 1.9% local minorities.

Councilman Green: And in terms of money wise, how much was that?

Mr. Gilliam: That was less than \$60,000 at that time.

Councilman Green: And of course, I heard Mr. Yates stand there and say that they had done a great job; so, it was basically, a \$60,000 great job.

Mr. Gilliam: What they were considering to be fair share numbers, we didn't consider to be fair share numbers.

Councilman Green: So, at this point in time with all of the fair share that we have, we are just at 16%?

Mr. Gilliam: Roughly 16%, little over 16% all total---14.5% which would be local minority fair share numbers and contractors.

Councilman Green: And at this point, the contract has been signed?

Mr. Gilliam: You mean with the Prime?

Councilman Green: No, with the Yates Company?

Mr. Gilliam: As I understand it, it has been.

Mr. Antee: Councilman Green, just to clarify one thing, that 16.9% is fair share certified companies that have already certified in the Fair Share Office. There is an additional, I think five and half million in work and minorities that they have designated that they represented to us that is not fair share certified, either they don't qualify or they are out of town or something, but they are minority, MBE certified.

Councilman Green: And when you say 'minority' how many of those would be actually African-Americans?

Mr. Antee: That, I don't know.

Councilman Green: Could we get a breakdown on that?

Mr. Antee: Sure.

Mr. Gilliam: That is where we are right now, we are pressing them now to find out indeed that they are MBE, that there is some kind of proof or verification to show us that in fact, they are. We are talking with specifically, I know one contractor in the Houston area, and we are saying to them, we'll go as far as getting an A8 Certificate from them, we'll get a DBE Certificate from them, but we will get an Emerging Business from the State or a reciprocal, anything like that to show us that they who they say they are.

Councilman Green: Again, I would like to commend you for a great job. Mr. Mayor we've asked

for a meeting with Mr. Yates. Do you know about when that meeting will be?

Mayor Hightower: I don't know when Mr. Yates will be in town, but we can certainly meet with Mr. Rosenblum.

Councilman Green: When?

Mayor Hightower: We can do it this week if you guys want to.

Councilman Green: We'll set it up after the meeting. Thank you Mr. Gilliam and thank you for your hard work and just keep up the good work. And if you happen to talk to any of them, just tell them that I am concerned about and 16%, we are doing okay, but we are not there.

Councilman Gibson: For the Administration, we have a signed contract with Yates, is that correct?

Mayor Hightower: That is correct.

Councilman Gibson: The General Contractor returned the contract signed?

Mayor Hightower: I believe that that's the case.

Mr. Antee: Yeah, we do have. . . .

Councilman Gibson: I mean I know we signed it, but did they return their side of the signed contract?

Mr. Antee: They signed it and then we signed it and then I think they took it and filed it.

Councilman Gibson: So we have a hard dollar amount that, again, that we are bound to that number, right?

Mayor Hightower: Correct.

Councilman Gibson: So in terms of, you know, this city has always been committed to trying to have inclusiveness and good faith and things of that nature, but there comes a point in time, Mr. Gilliam would you agree that, a company has submitted a hard bid based on the public bid laws and it is based on a competitive process and has worked with your Department to do whatever but there comes a point in time that it is time to move on and get this project in the ground, is that correct?

Mr. Gilliam: Indeed, Sir. We are trying to do everything to enhance that kind of effort too. We are just trying to make sure we get as much involvement from our clientele as possible.

Councilman Gibson: I understand that and I do appreciate that. But, we've had several discussions up here regarding meetings and things of that nature and again, I think that is the professionals are left to do their job and you are one of those professionals and I do appreciate because I've heard from several local minorities that appreciate the efforts that you put in and I know several of them are on this project. But, again, I think if I recall, we are about 4% over what the first bid that came in through the construction management side, if I am not correct. It was 11 or 12%?

Mr. Gilliam: We are encouraged by the goal.

Councilman Gibson: So we are over, it looks like at the end of the day, we are going to be over and beyond what we did the first go around and again, I commend you. But, to continue to meet and meet and meet, and try to, I don't know where we are going with this thing, but they provided a competitive bid to the citizens to assure that the taxpayer money was spent judiciously and I guess what I am hearing is, that is not good enough and that we are going to go back and ask them to spend money that aren't there, and I don't think legally we are on a ground to do that. I think that we are bound by a contract signed, by that Mayor, and by, I have to assume, Mr. Yates and we are ready to roll based on the framework that you put in play.

Mr. Gilliam: Basically that is right and we are suggesting to them that, there is nothing in what we have done that would cause them to circumvent public bid law and I don't think that they've had a problem with it.

Councilman Gibson: I wasn't suggesting that the Fair Share Department was, I just—when I hear other meetings taking place I just wonder what the objective is, seeing that you've done all of your due diligence, Yates has done their due diligence. We are above what we were about a month and a half ago under the old construction management format and again I just want to tell you how much I appreciate the effort because I know you and Ms. Barnes has done a fantastic job by lining out information for the Yates

Company in order to maximize 1. minority firms and 2. local firms on this project and obviously the leveraging of that dollar is to stay within the community and to circulate to maximize economic impact; so again, thank you.

Councilman Green: Mr. Gilliam, let me be perfectly clear. I want to be really, real clear. How much is the contract we are talking about?

Mr. Gilliam: The total contract here is: \$65,000,384 (and some change).

Councilman Green: So we can be perfectly clear, <u>apparently</u>, Mr. Gibson got all of his contractors in. I don't have my people in yet, and when I talk about 'my people' I'm concerned about, as I was last Council meeting, about the entire City. But we as African-Americans, we as black folk, we don't every get our fair shake.

And when you talk about \$65 million dollars and you talk about maybe \$9 million dollars possible going to Black folk and we are not even sure about that. It is easy for Mr. Gibson to sit over there, because all of the folk in the AGC or the HO whatever he represent. They are happy. They don't have to come up here and beg for nothing. In fact, they don't have to come knocking on your door because they are always get whenever they need and whatever they want. I am talking about the folk who will do the work, who can do the work, but they always got to go through the backdoor. Those are the folk that I am talking about.

It always burns me up to hear somebody when they talk about fair share, then they go out and try to fool Black folk like they really concerned about them, when they are not. And when you are talking about \$65 million dollars and you are talking about a measly \$9 million dollars and to hear him come back to talk about, to make his exposition of whatever and all he said was, 'has the contract been signed; that's all he said.

Mr. Gilliam, you do a good job with what you have got to work with and I want you to keep on doing that good job but when you talk about 16% and it is supposed to be at least 25% but it is not even that.

Last Council meeting, Mr. Yates, [Rosenblum], whoever stood there said that, 'we are doing a good job.' We only had \$60,000 dollars of \$65 million and he felt good about it. And I'm sure Mr. Gibson knew about. He felt good about it. But I don't and I don't even today and even with the smirky smile, that is still don't make me feel better. You can fool some of the people some of the time, but you can't fool me any of the time because there is something behind that smile and I understand.

But all I'm saying to you, Mr. Gilliam, is continue to work hard and when you talk about \$65 million dollars and \$9 million dollars going to African-Americans, that is not good enough. And if it takes me and some other folks, even though the contract has been signed to go out there on the day that we are suppose to do ground breaking and have a pray vigil, I'll do that to assure you.

You shouldn't have to be struggling about, 'we got to do this, we got to do that' it should be automatically. They already knew this before they got here. You shouldn't have to be up there sweating and tussling and fighting and whatever, it ought to be automatic. In fact the entire City ought to be working to get everybody a piece of their pie, but it is not and that is what America is about, free. We talked about celebrating Veteran's Day. Free, freedom. And we shouldn't have to have this struggle.

And again I'll say, the AGC, they don't have to do this. They don't have to but we as African-Americans got to do it, we been doing it and we are on some of the strongest backs that have builit America. We don't every get our Fair Share but you just keep working and we'll keep trying and maybe someday before Jesus come, we'll be okay.

Councilman Lester: Mr. Gilliam, I want to piggyback on what Mr. Green has said. I really appreciate your hard work through this process, understanding of course, there is only so much that you can do in the framework that we have set up. But as I appreciate it, you've done everything that you can do and then some, so I really appreciate the work for that.

My question is this, on last Council meeting, we had a representative from Yates, in fact the President and the Chairman of the company was here and he stood about right about where you were, I don't want to put words in the man's mouth but just to paraphrase what he said, he said as I can recall that

he would, meet fair share and in fact, I think I heard him say that we would be impressed with the quality of his work and the quality of how he was going to deal with Fair Share. Well, he is not here and I think someone needs to let him know that 16% does not impress me at all when the Fair Share Goal is 25%.

Now as I appreciate it, the process was that Yates when through and broke-out with your insistence, areas where Fair Share vendors could participate and as I appreciate it, this 16% represents what Yates believes could go to Fair Share as you say, your clients. Is that correct?

Mr. Gilliam: That's right.

Councilman Lester: I just have a couple of questions and you probably aren't the right person to ask those questions, but you are here and hopefully someone with Yates will hear and communicate back to me.

My first question is, how is it that they were not able to get to the 25%? How do we know that 16% is what's Fair Share? How do we know that that's good faith? To me, good faith is you show up and say we are going to do 25% and here are the people that I am going to do with the 25% with.

As I appreciate it, your office has gone throughout the four corners of the geographic service area and has searched not only Shreveport, but has gone as far as Dallas and Houston and New Orleans and Jackson and all of these things trying to get minority vendors that can do this work. So my first question to Mr. Yates and his staff would be, why is it that we aren't at the 25%?

Now, I will give credit where credit is due. Under the previous scenario we had a single digit scenario and as I appreciate it under this form, under the bid we actually had 16% but that is with your insistence.

One of the concerns that I had that we discussed at our last Council meeting, was why in fact when we went through he whole bid process whoever was the winner bidder did not actually come to the table with the 25%, they were allow to get the bid and then come back after the fact.

But personally I was hoping and that didn't happen, and you have to excuse me Mr. Gibson, I'm a litigator at heart, but at some point somebody is going to have to litigate to me the idea of what is a responsive bid. To me, I don't think you are a responsive bidder if you have a Fair Share Program that says you are suppose to do 25% with Fair Share companies and you don't show up with the 25%. I don't think that is a responsive bid. I think that is subject to some legal interpretation but we haven't crossed that bridge and you are quite obviously are laboring under the confines that you have right now.

But my question is: 1. Why don't we have 25%? What can we do to increase the percentages and I think the other thing that is really important is, as I appreciate it, we have an agreement and correct me if I'm wrong with Yates at this particular time that they are going to do 16% with Fair Share clients, that's all we have right now. Is that correct?

We don't have, in fact you can not stand here today and say Mr. Lester, Council, Mayor, we have 16% of these sub-contracts that have signed and ready to go to work; is that correct?

Mr. Gilliam: That's correct.

Councilman Lester: So we are still in a position that, if in fact Yates decides that this exercise that we have had here where you brought everyone and let me for the benefit of the people that don't know, I appreciate the fact that you went out and circulated information to all the Fair Share clients. And in fact you at last Council meeting on Tuesday had this room literally full of Fair Share clients saying, 'we want to do business.' So quite obviously, Reverend Green, the interest is there for folks in our community and like you said before, we've had to go through the, very rarely through the front door, through the side door, through the back door, whatever to participate in these projects when other people haven't had to and you had a room full of people saying, give me some work. I want to show that I can do this work.

What I am concerned about Mr. Gilliam, is, I don't want any of that to be in vein. I don't want these companies and these contractors and these workers and these people with businesses that are in the minority and African-American community to say yet again, that we've set up a process, people have talked to us, I've given them my numbers, I've told them what I want to do, I've said I'm ready willing and able, and for one reason or another, Yates decides at the last minute, I want to go in a different direction.

So, again I am going to implore you to continue to do what you've done. Continue to hold Yates feet to the fire because it is absolutely imperative---I want to see a Convention Center. I want to see a Convention Center before my term is up or even more than that, in my children's life time. But I will say this, I want the Convention Center to be done properly. I don't want us to rush to build a Convention Center just so we can enrich the people that have continually been enriched in our City's history as opposed to doing it in such a fashion that people who have disproportionally not had an opportunity to participate in our City's contracting, don't get their Fair Share and that is what this discussion is all about.

It is not about the AGC or anybody else getting their money because just like Councilman Green says, the operation of time and the way things have lead up, they are going to get theirs. But we want to set up a scenario where that small company, that minority company that hasn't had an opportunity and thanks to this Mayor and this Administration for setting up this guideline to get people that have been historically disenfranchised an opportunity to participate but we want to make sure that, we get ours' and that what three of us are sent here to do.

I think Al Sharpton says and I'm surprised I'm even quoting him right now, but *some people say* that when certain people come downtown they have to represent everybody as opposed to representing the interest group that sent them. Well I know who sent me. I was sent by the people of Allendale, the people of the Cooper Road, the people of Cherokee Park and there is a certain group of people that want to see the Convention Center, but they want to see it done correctly. They want to see that this building and see where some companies like them, with some CEOs that look like them, participate in this process; so, we just want to implore you to keep working hard, Mr. Gilliam and if there is anything that we can do to help you, please know that you have our one hundred percent support because we are going to make sure that this project is done correctly.

Councilman Jackson: I just want to reiterate that Mr. Yates, two weeks ago was here and I don't know a lot about construction and the intimate details of construction, but you will probably remember there were three statements that I thought were important that I think maybe we as Councilman ought to remember them And, I am going to quote him: He said, "under budget, on time, and to the customers' satisfaction." Does that sound accurate was the mantra of the company and the motto for a lack of a better. I think Councilman Green asked, did the company have a motto or something like that and he said to us, 'under budget, on time, and to the customers' satisfaction.'

We talk about the Convention Center. Obviously the customers are not just this Administration or this City Council, but the customers are the people within the City of Shreveport, the people whether they pay \$2.00 dollars in taxes or \$200,000 dollars in taxes, the customers obviously are the people who live within the City of Shreveport. I'd like to believe that ever person on this Council, this Administration, your office and others have that mind set that everyone who lives in the City, all who will be end users of this eventual product are the customers. And, I think it is fair to know that the customers have a right to have a say in what is going on as the project is being built because the promise made to us was, under budget, on time and to the customers' satisfaction.

I think of all of those things all of them are important, it is important to be under budget, fiscally and economically it makes sense for us a city. It is important to be on time because people have been waiting patiently for its Convention Center, but to be under budget and to be on time, but not to be to the customers' satisfaction, I don't think bodes well for the City of Shreveport.

My concern is that you would just hear the concerns of all of the Councilmen express—I heard Councilman Green, Councilman Gibson, and Councilman Lester all speak to it from their own perspectives.

I would say that this is still the customers' project and we have to be sure that we remember all of the customers and that this is built to the customers satisfaction. One of our responsibilities is to speak to the customers and as one of the persons speaking for the customers who I represent who happen to be black and white, poor and affluent, I think the best thing for our City is to be sure that we build this to the customers satisfaction and I am not talking about the end product, I am talking the process which means that all of the customers need to have a part to play in erecting it so that we can all play apart in enjoying

it as well. I think that what they said is that historically, we've all been a part of enjoying, but we all haven't been a part of erecting, we all haven't been a part of the economic structure that brought it to fruition and I just think this is a great opportunity, this Administration has talked about this being a great opportunity. We can ill-afford by contract or otherwise, to move forward without the customer satisfaction being first. And in this case, the customers are our citizens so I just want to ask, if we would, if we can filter through all the minutia that we've heard today, and get down to the brass tacks, that is, everybody needs to participate because this is everybody's project. And I just hope that your office will continue to stand on the courage of your conviction to make sure that you do the right thing.

Councilman Walford: Mr. Gilliam, you know I am a great supporter of what you do in your office. I think you and Ms. Barnes do a fantastic job. I support Fair Share but I would just like one word included with the fair share and you now it and that is 'local' because I think local builds the capacity to do more and more. But I commend you for what you do, I'm behind you one hundred percent.

Mr. Gilliam: As in the kids in the neighborhood say, we hear you and we feel you.

<u>Property Standards Program Report.</u> Councilman Walford: We got our report yesterday. <u>Red River District Legal Proceedings Report.</u> Councilman Walford: We got our report on the Red River District Legal Proceedings. I believe Mr. Hogan had asked if we could have, Mayor a representative from the Red River District or its successor and believe Mr. Dunman is here. If you would give us your name and address for the record, and a brief update on where things are.

Councilman Hogan: Mr. Dunman, I appreciate you coming today, Jeff and as ya'll know and heard yesterday, I requested that Mr. Dunman come and explain his plan, what his vision is for the Red River District and I do appreciate you coming again today and we are going to let you proceed on it.

Jeff Dunman (503 Unadilla): Jeff had called me last night and we have some history together in the commercial real estate business. I guess you want me to talk about is what I would like to see happen going forward and some things Councilman Walford has talked about to try and appeal to local restaurants and local businesses and try and get something that the people in Shreveport and Bossier are familiar with and see if we can start with that, and go forward, something that people are familiar with. I think we've seen that in the first two weeks with my (inaudible) in that after signing a lease with (inaudible) out of New Orleans on Commerce Street, the first lease that I signed, my partners and I, is with Nicky's Mexican Restaurant. So we are excited about that and see if we can build on that.

Councilman Hogan: Jeff, would you mind just going over your background a little bit and your qualifications and your credentials? I know you have certain designations related to commercial real estate, I'd like you to just share a little bit about that.

Mr. Dunman: I have the designations of: CPM (Certified Property Manager), CCIM (Certified Commercial Investment Manager given out by the Commercial Investment Real Estate Institute) as well as SIOR (Specialist Industrial and Office Real Estate). I've been in the commercial real estate business about 10 years and volumes brought in excess of \$310,000,000 and that is industrial, office, retail and apartments.

I have my own company now. I was with a local firm, Vice-President of a local firm for a number of years and went on my own in July. Also, am a guest lecturer and teach a couple of courses and fill in at LSU Shreveport in commercial real investment and finance and things of that nature as well as hold a position on the LSU-S College of Business Advisory Board setting curriculum and things like that in real estate.

Councilman Hogan: Jeff, I think what you are talking on is extremely complicated especially in light of some of the things that have happened lately. I would think it may be a good idea if you could consult with the casinos, maybe, I am sure you have been talking to Flintco industries and they have a vested interest as well as the City. And, I'd like see some meetings between some of the property owners and some people that have a vested interest in the investment in downtown in the Red River District as well because I certainly want to see this succeed. As someone said, in time it will succeed, I believe that that is true. I would just like to see some other efforts. I know you are a one-man show and I know that you have the drive and the determination, but I think it is going to take some other outside people as well,

some input from them as well. So, then again, I appreciate you coming on and I'm proud that you are the hometown guy and not 350 miles away as the previous guy was, I think that is going to be a big asset for us, and I appreciate you coming down today.

Councilman Lester: Mr. Dunman, I appreciate you coming down today obviously you didn't have to do that. Less people get it mis-characterized. You work for the group that actually owns, that is the new owner of the entertainment district. Your job is not to come here and save this per se, you are working to work the local angle to try to get local businesses to come into this and fill this development, isn't that correct?

Mr. Dunman: Correct.

Councilman Lester: Because I don't want anyone to misconstrue that you are now the new owner and all of the ill will should not be directed toward you.

Mr. Dunman: I appreciate that. I am, have a contract with the gentleman that have the mortgages, first mortgages and I have an arrangement with them to provide local leasing and management and hopefully get it moving it in the right direction so that ultimately, it is a success.

Councilman Lester: I heard Mr. Hogan ask you about your qualification. I think the fact that you are local and you have a good grasp of business, commercial real estate and the things of that nature, will help us to fill this place so that hopefully we can get some of our money back and despite what some people say, I think it is good to have local people dealing on local projects, for what that is worth.

Mr. Dunman: I agree.

Councilman Carmody: Jeff, I thought I had a question for you. I did want to revisit what we discussed yesterday. Mr. Mayor, yesterday we discussed your statement in the November 10, 2003 edition of *The Times* in which you stated, we put together an agreement with Flint so hopefully the City can recoup the money, the \$5,000,000 CDBG loan. And yesterday we were informed that your statement was passed on a letter from Flint which we were provided a copy of the letter from Texas Street Ventures which contained the following sentence: To this end, Texas Street Ventures is willing to share 1/3 of any ultimate net recovering from the portion of the Red River District with this City.

And I know have the following questions to follow up about that agreement. Could you please define the ultimate net recovering? What does *the net* mean? Can we expect to begin receiving funds immediately or only after Texas Street Venture recovers all of the funds it is owed?

Mayor Hightower: As we stated yesterday and I think maybe the general public needs to understand, if they don't understand already and I do think the paper has done a pretty good job of presenting the facts in this particular case. But the facts are, when the first mortgage holder in any property forecloses, the second positions go away. Which leaves us at zero, nothing, no partnership, no hope of recouping.

Thanks to the efforts of this Administration and the working relationship of the City Council, the kindness of Flint and their desire to make this project work, they have invited us back into the project at zero cost to us. They have offered us a 1/3 of their net. As we said yesterday, we have a letter of intent with Flint and we passed that out to each one of you. We do not have a contract with them, at this point, that is something that is in the works. Until we get that worked out, I really can't answer that question but I can answer it by saying that whatever we get is one dime more than we are in line together if it weren't for the willingness of Flint to work with us.

So, I think we've got to look at this agreement as an agreement that enables us to get back on the playing field to have an opportunity to recoup some of our money. Now whether that comes off a gross number or a net number or a blow you a kiss at Christmas time, we are better off today than we were on foreclosure day, but we are still working on that contract.

Councilman Carmody: I think you have partially addressed the second question I have and that was: Has Flint agreed to this arrangement and if so, is it in writing. Can Texas Street Ventures obligate Flint?

Mr. Antee: The letter was actually written on Texas Street Ventures letterhead across the top and was signed by Mr. Bates whose the President of Flintco and I would assume although I have seen the

actually LLC documents, it is a subsidiary of Flintco.

Councilman Carmody: The third question I have is that the letter mentions and you said of course there is no expense to the City, but the letters mentioned continued help from the City particularly respects to security and parking. Specifically then, what is expected of the City and how much is it going to cost?

Mayor Hightower: I don't think that we have any specifics but we will do no more than we've done in the past. Obviously during the good weather times, it is going to be more expensive, it takes more security because more visitors are in the district but it is not our intent to be sole security force for the district. That plan was in place, it was just never adhered to by the former management company. But again, our obligation is to work with these guys at no additional investment to make the district work. And even as the former owner said, we have battled back and forth and agreed and disagreed and it is still, I think, believed by all that this can work and finally someone local, on board that is out there hustling and has had a success, with two weeks on the job.

I think we have some good things to look forward to down there, and again, I am just thankful that Flint is including us so that we will have an opportunity to recoup some of our money.

Councilman Carmody: You've already touched on the last question that I had and I guess Mr. Antee had said that we are working toward getting a formal contract with Flint then.

Mayor Hightower: Right.

Councilman Carmody: And I do think that its imperative because without something in writing with terms like ultimate net recovering defined, it is very hard to enforce contracts, as an attorney, I'm sure that Mr. Antee is very well aware of that.

Mr. Antee: We do have to be careful in that sometimes you can kick a gift horse in the mouth. And then they say, well this is too much trouble, we just want to give you anything since we don't have to; so, just realize what position we are in.

Councilman Carmody: Well, and as I say I don't anticipate us in, I think the Mayor uses the expression, one red cent. So I don't want to kick a gift horse who is willing to give us a third of possible nothing but I do think that it is imperative that we put down in writing that both parties comes to a meeting of the minds to understand what each are making a commitment to the other for and I appreciate ya'll answering these questions.

Councilman Gibson: I just have to echo that because obviously this is going to be a long term commitment and to see those things in writing is obviously more than likely before we see a return, if any on this particular agreement will not fall on this Administration, it will fall in future Administrations. And obviously to have a road map for future Administrations to look at, I think makes good business sense. And again, I have to echo what Councilman Carmody has said on this particular issue.

Mayor Hightower: I don't know that I can be any clearer than I was yesterday and again today. We have a Letter of Intent from the Flintco Corporation and Texas Street Ventures. As I said yesterday and as I repeated again today, we are working on a contract with them now. We are at zero. We are trying to move forward to where we have something that hopefully insures that we'll get some of our money back. We are working on that, we are working on that.

Councilman Hogan: Mr. Mayor do you know how much our monthly payment is on that mortgage?

Mayor Hightower: I don't know exactly, Liz may be able to tell us but it is about \$50----.

Mr. Antee: Ms. Moore is back there, she may.

Mayor Hightower; It is about \$50,000 a month or something like that.

Mr. Antee: Ms. Moore, what they are asking is what the payment that we never received from the, the monthly payment.

Mayor Hightower: I think it is about \$53,000 a month, is that right?

Ms. Moore: We don't pay monthly payments. We pay an Interest Payment in February of about \$200,000 and Principal and Interest in August of about \$400,000; so it is about \$619,000 annually.

Councilman Hogan: It is about \$619,000 annually that will be amortized over 15 years?

Ms. Moore: Correct.

Councilman Hogan: From a practical standpoint, I'd like to see some type of plan on the marketing of that Red River District. Somebody stood before us a few weeks ago, I don't recall the lady's name and she said, we need to define who we are targeting and I think she was right on target. We don't know who we are going after down there. We keep talking about families going down there, but I am not going to take my wife and three children down to a restaurant where next door, they are hanging out and there are a few hundred drunk people next door and I've talked to somebody this morning that voiced the same concerns. And the people that are spending money, are not going down there and I think we need some type of plan, a serious marketing plan that is going to address that. I don't know what the answer is but we need to get something done as far as a plan and who we are targeting, who we want to come down there.

Councilman Carmody: I had one last thought. Council members, next Council meeting I am going to introduce either a resolution or ordinance to require that any proceeds that the City might receive from the Red River District be used for housing and infrastructure in the CDBG neighborhoods. Because again, I do think that it is our duty as good stewards of the money, that is what the money was originally intended for from the federal government and that if we get any money toward that end it should go back toward those persons who were the intended recipients of that money so two weeks from now, I will ask your support on that.

Mayor Hightower: I am certainly not opposed to that but I think that as the Attorney, Mr. Frazier told you yesterday, by contract with HUD any monies that we receive as payment on that loan obviously has to go back to repay that debt and those moneys can be used towards anything from streets to housing to programming to economic development, all of the things that HUD that and the CDBG monies are allocated for but those monies won't come back to the General Fund. They will go directly back by contract, to repay the loan to HUD.

Mr. Antee: And the agreement with Texas Street Ventures is only to the extent that the loan is fully repaid. Once it is fully repaid, then they will recoup any and all profits.

Awards, Recognition of Distinguished Guests, and Communications of the Mayor Which Are Required By Law.

Distinguished Guests: At the end of the meeting, the Council recognized Dr. Giles.

Councilman Jackson: Phillip Deep was supposed to be here today. Coach called me and said he wasn't going to be able to come, but Phillip, he was going to send Phillip. And I think that he may have left because I told him we would do it early on so they wouldn't have to wait. We'll just wait until the next time.

Communications of the Mayor: None.

<u>Public Hearing</u>: 2004 Budget Appropriation Ordinances. The Chairman declared the hearing open and called for a Presentation from the Administration.

Mr. Dark: Council is here today to accept public comments on the City of Shreveport's 2004 budget ordinances. This public hearing is required by State law.

Our 2004 Operating budgets, as presented by the Mayor last month, total \$370.8 million, up 5% from last year. The City has sixteen budgets for various operations, ranging from \$75,000 for the Redevelopment Agency to \$161.5 million for the General Fund, which contains money for the basic City functions like fire, police, streets and drainage, solid waste and recreation. All of these budgets maintain the current level of City services and do so with thirty-nine (39) fewer budgeted positions than in 2003.

We also have a Capital Improvements Budget of \$551.1 million. It contains funding for projects which may be almost completed or may have just begun. About \$19 million in new funds is included in this budget.

Some of the key issues addressed in this budget are funding for equipment replacement and infrastructure needs, the threat of much higher pension contributions to the plans that our Firemen and policemen are under, the cost of employee health care and the fact that, like most cities, are needs are generally more than the resources we have.

The City Council has met with Administration representatives on seven (7) occasions so far to discuss various parts of the 2004 budget. These meetings will continue through the November 20. The Council is required by the City Charter to adopt next year's budgets by December 15. Our goal is to adopt the budget at the Council's December 9 meeting.

This public hearing is also for the 2004 budget for the Downtown Development District. There budget is funded by taxes you pay on downtown property. We would be happy to answer any questions about the various budgets.

Councilman Carmody: Just to recap Mr. Dark, you said that we budgeted approximately 5% over what last year's budget was?

Mr. Dark: Yes.

Councilman Carmody: Can you tell us, I know that we went through, I think two periods during this year where we talked about the revenue shortfalls for the City. How did we ended up, year-to-date I guess where we are coming in. I know that we were under and made some budget adjustments?

Mr. Dark: We made some significant budget adjustments in the Spring. We are doing a little bit better than we projected, at that time which is helping our year-end position and making it easier to do the 2004 budget. We are still under what we started the year, hoping for but we are little bit ahead of what we projected in April.

Councilman Carmody: Is then the 5% to optimistic?

Mr. Dark: The five percent (5%) is not contained in the General Fund which is what we talked about. It is mostly in the Retained Risk Fund, in the Debt Service Fund and in a couple of other places. General Fund is only up 3% and we are only projecting 1% for sales tax revenue.

Ken Kreft (157 Archer): I would like to take a brief moment of my 3 minutes for a silent prayer for the Veterans. I have 10 points, I think I do it in 3 minutes and I will follow this up with a written communication to the Mayor and my Councilman.

1. I think Mr. Dark has done a very good job on the revenues. I think they are pretty much on target. 2. I am quite pleased that you planned two police and one fire class next year. 3. Looking ahead to an ordinance on today's agenda, Ordinance 190, I don't know what it contains, but I am very pleased that we are going to do something about the NIP either now or next year or both. 4. I am somewhat concerned that 42 or 48 packers are being replaced in one year. I am not sure I would ant to do that if I was running that company. It might be unavoidable, but 7/8ths of anything is risky in some ways if they all wear out at the same time. 5. If possible, don't know if ya'll can squeeze it in, another inspector for Codes Enforcement would greatly help in that area and would probably pay for itself. 6. Try to waive the building rental fees less often next year. You always over budget, waive them for this and that group and come in about ½ to a 1/3 of what you budgeted. 7. I think it is noteworthy that art of Operational Services has about 190 fewer positions now than five years ago when the Mayor first was elected. I think that is commendable. I think there was a presentation last week that explained that. I think the citizens need to hear that more from the media, that is a notable achievement. 8) I am concerned that the river boat revenues may be a little high next year. That new Indian Casino in Southern Oklahoma. I have a friend in Dallas whose mother went there with her senior group on a bus tour. They liked it and they are going there from now on, once a month. I don't know if we are over budgeting river boat, but I think that that needs to be looked at, a little bit. 9. Request from my neighborhood association maybe out of NIP. The Broadmoor Neighborhood Association has never asked the City for a dime and in some earlier correspondence we are seeking \$2,000 from the City next year which would be more than enough to help us. We have about 300 members. 10. Similar to No. 9. On behalf of Ms. Lola May, the President of the Shreveport-Bossier Neighborhood Associations and I'm the Secretary-Treasurer, we are also requesting \$2,500 for the next five years. This was a request similar to what Mayor Bo Williams Administration gave to that organization when it was founded some 7 years ago.

Murray Lloyd (4719 Richmond Avenue, 71106): Lewis Terrell had three steps for always staying organized. He said, you begin at the beginning, you go all the way through to the end and then you stop. And so as part of my effort to stay organized, I'm here to the end to talk about infrastructure and planning

and our budget.

I mostly want to tell you thank you for the efforts that ya'll put in. I think it is important that ya'll went through the trouble to use your talents and your time to set up an infrastructure committee and I want to commend the Department of Operational Services for putting together a good Infrastructure Report, particularly with the priority list at the end. I want to thank you for attending all of the budget meetings and for putting up with my questions.

The words 'economy' and 'ecology' both have the same root word in Greek, it is eco and it means, house. So when you are talking about th economy or ecology you are really talking about managing your house. Ya'll are talking about managing our community. When we talk about infrastructure and we are talk about our water and our sewer and our streets and our drainage, we are talking about managing the foundation of our house, the basic infrastructure of this City. I think it is important that this Council has taken the time to look at and tends to address the infrastructure (inaudible) that we have. The operation and maintenance portion of the infrastructure is missing about \$8 million annually. This is a recurring need. It is going to have to be recurring funds. I look forward to the recommendations of the Infrastructure Committee and any of the rest of you to address this deficit.

And I have one specific request in the budget under Sportran. The City has done a lot to be proud of in terms of our air quality. We are the only city in Louisiana that has an ozone flex program with EPA. We are the only ones that have a—there are other things that we've done that are important. I would ask that in the Sportran budget as they are replacing their vehicles that we replace those buses with one General Motors diesel electric hybrid bus that they have just come out with and use it for the downtown area. I think it would be important to us 1. because it will actually help address our air quality problem.

2. It will go a long way to show to EPA our commitment to dealing with our air quality problems, both when we go to them for potential grants and also when they come to us and we ask back for regulatory flexibility in our air quality.

The Chairman called for any persons to speak in Favor of the Budget. No one came forward to be heard.

The Chairman called for any persons to speak in Opposition to the Budget. No one came forward to be heard.

<u>Confirmations and/or Appointments:</u> Motion by Councilman <u>Green</u>, seconded by Councilman <u>Jackson</u> for confirmation to the Downtown Development Authority: Shonda Stone. Motion approved by the following vote: Ayes: Councilman Lester, Walford, Carmody, Hogan, Green and Jackson. 6. Nays: None. Out of Chamber: Councilman Gibson. 1.

Adding Legislation to the Agenda.

Motion by Councilman <u>Carmody</u>, seconded by Councilman <u>Green</u> to add the following legislation to the Agenda.

- 1. Resolution No. 181 of 2003 by Councilman Walford: A resolution suspending the effects of Section 90-277 (B) and Section 90-332(b) of the Code of Ordinances relative to the collection of reduced late fees and cost for certain parking infractions and to otherwise provide with respect thereto.
- 2. Resolution No. 182 of 2003: A resolution declaring the city's interest in certain adjudicated properties as surplus and otherwise providing with respect thereto.
- 3. Ordinance No. 195 of 2003: An ordinance declaring certain adjudicated properties to be surplus and to authorize the Mayor of the city of Shreveport to sell the City of Shreveport's tax interest in certain surplus adjudicated properties, and to otherwise provide with respect thereto.

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

<u>**Public Comments.**</u> Motion by Councilman <u>Green</u> to bring Ordinance 175 [zoning matter] and BAC-92-03 to this time on the agenda to vote on at this time, seconded by Councilman <u>Lester</u>.

Councilman Green: Yesterday you made a request that we bring both of them together.

Councilman Walford: I just needed the number, 175 it wasn't in numerical order here. [Motion approved by the following vote: Ayes: Councilman Lester, Walford, Carmody, Hogan, Green and Jackson. 6. Nays: None. Out of Chamber: Councilman Gibson. 1.]

Councilman Green, I am going to defer to you since you made the request. We have a number of Public Comments to be made on that issue. Now, that we have suspended the rules. Your's was to vote that item, at this time?

Councilman Green: Yes, sir.

Councilman Walford: I'll entertain a motion.

Councilman Green: It is Councilman Jackson's district, so I will let him make the motion.

Councilman Jackson: I think this will require more than one action and I thought it was three and I hear you say, four.

Mr. Thompson: There are two items. On the zoning, it only requires a vote for or against the zoning ordinance. But then on the Board of Appeals matter there are three different motions that should be made, so that is a total of four. I believe that is what the Chairman had reference to.

Councilman Walford: I would entertain a motion on the first item that Councilman Green requested come forward which is No. 175 was the Metropolitan Planning Commission decision, the Zoning Ordinance [see Council action under <u>Ordinances on Second Reading and Final Passage.</u>]

Motion by Councilman <u>Green</u> to return to Regular Session, seconded by Councilman <u>Gibson</u>. Motion approved by the following vote: Councilman Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. Nays: None.]

Motion by Councilman <u>Green</u> to suspend the Rules to address Resolution 178 of 2003 to come up at this time, seconded by Councilman <u>Lester</u>. Motion approved by the following vote: Councilman Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. Nays: None. [(See in numerical order of Resolutions.)]

The Chairman recognized the request of Mark Alrick who declined to make Public Comments.

The Chairman recognized the request of Jack Sindal who declined to make Public Comments.

CONSENT AGENDA LEGISLATION:

TO INTRODUCE RESOLUTIONS AND ORDINANCES ON CONSENT:

Motion by Councilman <u>Carmody</u>, seconded by Councilman <u>Green</u> for Introduction of Ordinances No. 186 through 189 of 2003 on the Consent Agenda to lay over until the November 21, 2003 meeting. Motion approved by the following vote: Ayes: Councilman Walford, Carmody, Hogan, and Green. 4. Nays: None. Out of Chamber: Councilman Lester, Gibson and Jackson. 3.

RESOLUTIONS: None.

ORDINANCES:

1. Ordinance No. 186 of 2003 by Councilman Walford: An ordinance to create and establish a no parking zone between the hours of 7:00 a.m. and 9:00 a.m. on either side of the 600 block of Stephenson Street and to otherwise provide with respect thereto.

- 2. Ordinance No. 187 of 2003 by Councilman Walford: An ordinance to create and establish a no parking zone on the south side of the 1500 block of Dickinson Street and to otherwise provide with respect thereto.
- 3. Ordinance No. 188 of 2003 by Councilman Gibson: An ordinance to repeal a portion of Ordinance No. 107 of 1991 which created a two-way stop at the intersection of Hidden Hollow Drive and Overcross Drive, and to create and establish the intersection of Hidden Hollow Drive and Overcross Street as a four way stop intersection and to otherwise provide with respect thereto.
- 4. Ordinance No. 189 of 2003 by Councilman Gibson: An ordinance to repeal a portion of Ordinance No. 107 of 1991 which created a two-way stop at the intersection of Beaver creek Drive and Trail Ridge Road and to create and establish the intersection of Beaver creek Drive and Trail Ridge Road as a four way stop intersection and to otherwise provide with respect thereto.

TO ADOPT RESOLUTIONS AND ORDINANCES ON CONSENT:

Motion by Councilman <u>Green</u>, seconded by Councilman <u>Carmody</u> for Adoption of Ordinance Nos. 176 and 177. Motion approved by the following vote: Ayes: Councilman Walford, Carmody, Hogan, Green and Jackson. 5. Nays: None. Out of Chamber: Councilman Lester and Gibson. 2.

Councilman Green: Just for clarification, I noticed everybody went out with the workers. Is there a point that we got to go out?

Councilman Walford: As long as we have four of us up here, business continues.

RESOLUTIONS: None.

ORDINANCES:

ORDINANCE NO.176 OF 2003

AN ORDINANCE CLOSING AND ABANDONING A PORTION OF THE 60 FOOT-WIDE SOUTHERN LOOP ROADWAY LOCATED IN THE SE/4 OF SECTION 23 (T16N-R14W), CADDO PARISH, LOUISIANA, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

WHEREAS, the City of Shreveport was conveyed all rights to the Southern Loop Roadway right-of-way by the Parish of Caddo in March of 2002, per Bk. 3521, Pg. 124 of the Conveyance Records of Caddo Parish and now controls and maintains the said right-of-way, and;

WHEREAS, the Property Management Section of the Department of Operational Services has received a request to close and abandon a portion of the above identified roadway, and;

WHEREAS, the office of the City Engineer has reviewed this request and recommends closure and abandonment.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Shreveport in due, legal and regular session convened, that the portion of the 60 foot-wide Southern Loop Roadway, as shown and as indicated on the plat attached hereto and made a part hereof, is hereby closed and abandoned.

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

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

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

ORDINANCE NO. 177 OF 2003

AN ORDINANCE CLOSING AND ABANDONMENT OF THE 50 FOOT - WIDE LA SALLE STREET IN THE 500 BLOCK OF THE DUNCANS SUBDIVISION LOCATED IN THE NW 1/4 OF SECTION 25 (T18N-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 50 foot-wide La Salle Street right-of-way running from North Caddo Street South east to Agurs Street in the 500 block of the Duncans Subdivision located in the NW 1/4of Section 25 (t18n-R14W), Caddo Parish, Louisiana, and as shown and as indicated on the plat attached hereto and made a part hereof, are all hereby closed and abandoned.

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

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

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

REGULAR AGENDA LEGISLATION:

RESOLUTION NO. 172 OF 2003

A RESOLUTION AUTHORIZING THE MAYOR TO REQUEST APPROVAL FROM THE STATE BOND COMMISSION TO INCUR DEBT RELATIVE TO THE PURCHASE OF A PERFORMANCE BASED ENERGY MANAGEMENT SYSTEM FROM JOHNSON CONTROLS, INC.; AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH JOHNSON CONTROLS, INC., RELATIVE TO THE PURCHASE, INSTALLATION AND MAINTENANCE OF SAME; AUTHORIZING THE MAYOR TO ENTER INTO FINANCING AGREEMENT(S) WITH FINANCIAL INSTITUTIONS OR OTHER LENDERS FOR THE PURCHASE OF SAME; AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

WHEREAS, R. S. 33:4547.1 et. seq., authorizes political subdivisions to enter into performance based energy efficiency contracts for services and equipment; and

WHEREAS, the authorizing legislation further provides that such contracts shall be considered contract for services and are exempt from the provisions of the Public Bid Law; and

WHEREAS, pursuant to the provisions of the above referenced statute, the City of Shreveport intends to enter into a performance based energy efficiency contract with Johnson Controls, Inc. for the purchase of performance based energy conservation equipment and the installation of energy conservation measures, facility improvement measures, and operational efficiency improvements in several City facilities to achieve energy savings over the term of the Agreement; and

WHEREAS, the purchase price of the equipment will be paid in eight (8) installments

necessitating approval of the Agreement by the State Bond Commission.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Shreveport, in due, regular, and legal session convened that the Mayor is hereby authorized to request approval from the State Bond Commission to incur debt for the purchase of a performance based energy management system from Johnson Controls, Inc and to execute an agreement with Johnson Controls, Inc., relative to the purchase, installation and maintenance of same.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute financing agreement(s) with financial institutions or other lenders for the purchase of such equipment subject to terms favorable to the City of Shreveport.

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 declared repealed.

Read by title and as read motion Councilman <u>Green</u>, seconded by Councilman <u>Jackson</u> for passage.

Councilman Carmody: Gentleman, I think that y'all had received the same information that I'd received today asking some questions about the cost savings on the contract, did y'all have chance to take a look at that. Could I ask for a representative of Johnson to come up, please. (Lisa Loupe, with Johnson Control).

Ms. Loupe, I appreciated the presentation you made yesterday. There were a number of issues that were brought that I'm hoping that you can help address. Did or did you not yesterday during your presentation advise this body that Johnson Controls responded to a Request for Proposal and that there were actually three companies that had responded?

Ms. Loupe: Yes, sir.

Councilman Carmody: I think that there was a question about whether or not y'all were the only company contacted. Was a question brought forward about the burden of proof in order to verify the cost savings. Is the contract between the City and Johnson Controls to put the responsibility for verification of the cost savings on the City or on Johnson Controls?

Ms. Loupe: We are responsible for providing you with the information that justifies our savings. But what I mentioned yesterday is that the software and the accounting system is a third party non-proprietary system that you will have a copy of and you will be able to take a look at what we represent and evaluate that. But, it is incumbent on us to present to you the savings on a quarterly basis and then on an annual basis, we would reconcile what our guarantee is versus what you actually saved. And in this case, for this particular contract, one hundred percent of the savings are utility, avoided utility savings and so that is very easy to measure because you are looking at bills before and bills after and so there is a very simple kind of accounting for that.

Councilman Carmody: An issue brought up here regarding the fact that, utility costs do fluctuate from year to year. We all pay different costs for our gasoline, for natural gas, water and everything else. How is that adjustment made then?

Ms. Loupe: What we do is actually the base line that we use. We are really guarantee units, reduction in units. So, even if, actually if the cost of utilities goes up, you will actually save more because in that baseline document which we presented already to the City. We are basically taking the expenditures or the units of consumption during the base year, and we will be looking at that from a consumption reduction level. So, whatever happens to rates, you are going to get those.

Councilman Carmody: So it is not a dollar-to-dollar expenditure annually, it is actually unit to unit?

Ms. Loupe: Both. In other words, you are looking at unit to unit but of course we are capturing, we don't anticipate rates going down any time soon. It could happen.

Councilman Carmody: You are optimistic.

Ms. Loupe: It could happen.

Councilman Carmody: That's like saying the CPI might go down.

Ms. Loupe: Right, exactly; so, it is safer for you to have unit consumption reduction than a dollar amount.

Councilman Carmody: I would agree with you. There was one other question about whether or not Johnson Controls becoming the contractor that provides this service to the city could award inflated bids to anyone it chooses in order to install so-called energy savings devices?

Ms. Loupe: Yeah.

Councilman Carmody: This information is apparently based upon an issue with Johnson Controls and the City of New Orleans.

Ms. Loupe: Yeah, we talked about that a little bit about that yesterday.

Councilman Carmody: Okay, I'm sorry I must have missed that.

Ms. Loupe: But I wasn't sure what your question was.

Councilman Carmody: Always get a competitive bid before spending taxpayers' money. If you award any energy management programs to a company like Johnson Controls, they will become the contractor that can and will award inflated bids to anyone they chose to install so-called energy saving devices.

Ms. Loupe: Well, it wouldn't be, certainly wouldn't be in our best interest to award inflated bids because we've already presented a turnkey price to the City and we did present a very detailed breakout of costs per measure, the savings that are attached to each of those measures, and so we've already gone through that negotiation. So at this stage in the game, if we gave inflated contracts then we would be the ones who would certainly suffer, in that regard, if that makes sense to you.

In other words, we've already presented to the City a turnkey price and the City evaluated, the Staff took a---again, this RFP was released in 2001.

Councilman Carmody: I know it has taken a while.

Ms. Loupe: It has taken a while. And I think they've done a very thorough job of looking at that. So, I don't know if that answers the questions but at this point the City gets a turnkey price from us and there is no risk that that is going to go up and that we are going to come back to you and say, you know we need some more dollars. We are going to give this to another contractor, and they want more money. We've already agreed to that with the City.

Councilman Carmody: And again yesterday, either I didn't pick it up or maybe you could elaborate and I'm not trying to look at south Louisiana or the situation here. But there are two different cost savings that are looked at here: 1) is operational costs and the other is 2) utility costs?

Ms. Loupe: For this contract we are only utility savings.

Councilman Carmody: Okay.

Ms. Loupe: The law itself allows you to capture in the cashflow, both avoided utility costs and avoided operational costs and that is avoided repair cost, avoided emergency rental equipment cost, avoided capital costs so the law itself allows you to do that. In Shreveport, one of the—and this was during our negotiation with the Staff and the Mayor, it was clear by the City of Shreveport we want to use avoided utility savings only. And therefore, there is no debate, there is no issue and frankly, some of the debate and issue at the City of New Orleans, surrounded those savings.

Councilman Carmody: The operational part of it, not the utility side.

Ms. Loupe: Absolutely; so, really, I think you make it a little more black and white, that

was where the City of Shreveport stood.

Councilman Carmody: Well, and let me tell you that I only say one building that actually, I think you now remember me as the Querbes Building guy, there is only one building in District C, but again they are all kind of city-owned facilities which affect all seven members of this Council. I like the idea of the City being pro-active to try and save money where it can. Part of that is, sometimes you've got to spend money in order to save money. It shows deferred maintenance. We have plenty of it and unfortunately maybe not enough money to address it all. But I appreciate you taking the time to kind of clarify these questions for me. Again, I did not know if any of these other Council members even had a chance to look at it. I think you've got it there in front of you as well.

Councilman Gibson: Mayor I have to assume we looked at the, in terms of the bid laws and things of that nature, in terms of the legalities of this thing?

Mayor Hightower: Yes.

Councilman Gibson: Okay, and everything complies? I know that there is precedence out there in terms of other municipalities who have done this, is that correct?

Mayor Hightower: Correct, there is actually a state statute that permits it.

Councilman Gibson: The second question I have, we talked yesterday at the Work Session and I appreciate the information you brought in terms of the commitments that you have in terms of local contractors both minorities and non-minorities. But there is big dollars not really in the sub-contractors because that is really labor, more labor-intensive than it is anything.

Kind of describe to me because obviously this Council is committed to trying to maximize economic impact for community, tell me about the equipment purchasing because we have some fine companies in this town that provide a variety of different equipment to companies just a large as you provide. And I guess what is the commitment in terms of Johnson Controls, in terms of utilization to make sure that there is a first and last opportunity for equipment suppliers here to be able to have that money here.

And again, we are dealing with budgets on a routine basis just like everybody around the country but if we can keep the lion's share of the purchases here, it is going to generate sales tax and use taxes and it circulates four or five times over. Can you address that issue?

Ms. Loupe: In fact, I don't think any of the equipment that we have specified so far in our contract is coming from outside of Shreveport. Any of the controls equipment certainly is coming from Johnson Controls Shreveport office and that is a small portion of what we will be, is a part of that. Lighting equipment, the mechanical equipment all of it is being purchased through folks in Shreveport; so, one hundred percent.

Councilman Gibson: So that means, currently an din the future, that same kind of corporate commitment is going to be there?

Ms. Loupe: Absolutely, yes, and I understand that.

Councilman Gibson: I'm sure the Administration went through all of this process. Again, when we go through budget crunches and we are looking at cuts here and cuts here and we just got through a long debate on the City employees, obviously your good corporate citizenship will come into play. And obviously I think our colleagues on City Council and myself, will be watching that for quite sometime and I'm hoping that y'all will fulfill that good corporate citizen commitment to Shreveport.

Ms. Loupe: In fact the staff and Mayor made it very clear in every meeting that local participation, sub-contractors, equipment and that was really accepted and that is no different than was our intention.

Councilman Gibson: Again, in the industry I represent there are certain pieces of information that come and go through the people I deal with. And the rumors that were on the street was, most of the equipment was coming through Houston and again, that is why I asked the question.

Ms. Loupe: I'm glad that you did.

Councilman Gibson: And I want to make sure that those who are maybe and they maybe some of your competitors and I know how that goes.

But at the same time when we put our trust in taking a vote for something like this obviously we don't want to look up and somebody come to us from our constituency saying, well what benefit did we get out of it? Yeah, we got some savings in some areas, but did we maximize that, so I appreciate that answer.

Councilman Lester: Ms. Loupe, this contract with Johnson Controls, aren't we talking about a 20-year contract?

Ms. Loupe: What we are talking about is a 20-year guarantee for, as we mentioned, as we discussed yesterday, we will be installing about \$5 million dollars worth of upgrades and then of course, the expectation and the contractual commitment we have, is that we will provide a savings guarantee that, that \$450,000 of avoided utility cost will happen every year; so that is the long term nature of the agreement.

Councilman Lester: So let me ask this. At some point if the City decides that they are not in favor or no longer want to use Johnson Controls services, what is our recourse? I guess, is the City Attorney still here?

Ms. Ragle: Just let me address that for you because we've asked all those questions too. What you have to remember, the only thing that we are doing with these guys for 20 years is guaranteeing the savings. Lots of municipalities I've talked to at some point say, we no longer need Johnson because we can guarantee our own savings.

The one thing that Johnson brought to the table was the software that we can all use. I am almost assure that some of the people that brought those questions to you, are the some of the guys that brought the question to us and there were two or three things they've said to us.

One was about the software that we use to track savings to make sure that we can read that as well as they can. They guaranteed us that.

The savings was not going to be operational. We don't have any money to spare in our operational cost and we went back to them and said, no operational cost only energy savings.

The third thing was can you get out of it if you don't need them any more? And a lot of municipalities, school boards, people we've talked to have said we can realize the savings without Johnson so they end the relationship with Johnson after five years because they are realizing those units of saving on their own. So, at any time that we get ready to, our relationship with Johnson can end.

Councilman Lester: Let me ask you this, contractually does the contract provide that it is the first five years, no option or are we signing a series of one year options?

Ms. Ragle: Year to year is the way it is going to work. Because what happens is, once we do the installation they only thing left, is their guarantee of savings and then anytime we want to take them off the hook for those guarantees, we can do that and they would relinquish---

Councilman Carmody: Well they will be relieved of the burden of having to pay them then.

Ms. Ragle: Then they wouldn't be guarantee for the money. Does that make sense? Councilman Hogan: We were sweating yesterday and today the air conditioning seems to be stuck. My ice water is frozen, so can you turn it down.

Ms. Loupe: We'll fix that right away.

Councilman Lester: Ms. Ragle, is this contract going to be dealing with all city buildings?

Ms. Ragle: No, you were given a list of the buildings that it deal with. The major replacement of mechanical building equipment is going to be the riverfront building, I think you and I have talked about this and we've talked about it in our budget hearings is that you look the revenues of Convention Hall, and Civic Theater. We can't rent those at the same time because we

don't have enough air conditioning; so it is going to be really dealing with those buildings on mechanical upgrades, major mechanical upgrades.

The police facilities where we will see some mechanical upgrades to enhance air conditioning and the heating system over there.

Councilman Lester: What about this building?

Ms. Ragle: This building will receive controls, it will receive window tinting, lighting. And lighting, when we first start looking at this, and they kept talking about retrofitting lighting it has been a real educational process for all of us, it has been a two year process. I've learned a lot about lighting and what lighting does for us, is really where we maximize the savings and so lighting is really throughout the City. And, I think there is about 33 building will get lighting upgrades, 27 buildings will get control upgrade meaning, right now we run air conditioning, heating, 24-hours, 7-days a week at, if you like it 55, you want it 55. If you like it 78 and this will give us some controls over those areas and then major mechanicals.

Councilman Lester: What about the old City Hall Annex, is that included?

Ms. Ragle: I am going to tell you, the reason it has taken 2 years to get here is because when we first started, that was our biggest concern. We could not generate enough savings, not operational and not by utilities to repair that building.

So, what we have done we have taken that building on as a separate project not with Johnson, but on our own to see what we can do to make that system work better. I don't want to get into any of the, too deep into the mechanicals, but what you have over there you have a system that cools and heat on chilled water or warmed water and you can't get, we only have two pumps coming in, one coming in and one going out and it really, to make that system work efficiently you have to have four pumps. And by the time we could do all of that, we couldn't even afford that even you if combined operational savings as well as utility savings, there was no way to do that building.

But we are trying to do is figure out a way to work on that building by itself, you know, find a way within our department to make better. The Mayor has given us some instructions on some things that he'd like to see us try, some people he would like for us to talk to us in the City that have come to him with some recommendations. You are very familiar with that building because I know you spend a lot of time over there, but it is a very antiquated system and it is going to take some money to repair it and there was no way in this project that we could do it without operational savings and we aren't really to say, we just can't afford to give up. Y'all saw our budget, you know how little we have for expenses.

Mr. Antee: Was that 55 comment directed at anybody in particular?

Ms. Ragle: Yes it was. Mr. Antee: I was afraid so.

Councilman Lester: Finally, 'cause I think I heard Mr. Gibson on this issue, you've indicated that your plan to is to adhere to the Fair Share Program. At what point are you going to give us information about your sub-contractors and your vendors? I know that you gave us a little brief presentation on yesterday, about the proposed vendors. My question is, what is your plan and your timetable with coming across with hard numbers with the fair share clients?

Ms. Loupe: I guess with the approval of the Council to move forward with finalizing the contract, I think that is what, or at least allow the Mayor to enter into a contract, we will be in that stage of making final commitments to all of sub-contractors and getting that language put into the final document that then the City would execute.

Councilman Lester: So you are going to take care of that as far as the Fair Share, that's going to be placed into this agreement and we will have those numbers in place before a contract is signed?

Ms. Loupe: Yeah, I would assume that would be your desire, but that is typically how we do it when we sign those agreements because you can make promises, but then somehow

between the promise and. . .

Councilman Lester: Trust would verify.

Ms. Loupe: Right, so and it is better for us as well because if it is there, and here are our commitments and here is who we would be working with and then it is all there; so, that is what we would like to see as well.

Councilman Carmody: In a prior career, I served as an Operational Manager and as I recall there was some federal mandates as far as the cost savings on electrical devices which had to be implemented, I'm sure that has been a decade past so we are probably five years past whatever that mandated time period is. Is part of what Johnson is doing is helping us comply with some of the federal regulations?

Ms. Loupe: Yes, that is and actually exceed that and it is a combination of using, light technology is amazing because it improves every year. The components become more and more efficient. They putout higher light levels, so yes, this project would do that for you, as well.

Councilman Carmody: Good. The only other question I had for you, after the retrofit or upgrade of the facilities, we have different floors which you see employees bring their own space heaters into. Are we going to be able to eliminate that need so that we have it at a constant temperature that maybe is not too cold and not too hot and granted that every human being has a difference level of tolerance towards heat and cool.

Ms. Loupe: That's the goal and of course, as you said, some folks will always be colder than others or warmer.

Councilman Carmody: I mean, an ambient temperature between 68 and 72?

Ms. Loupe: That is the goal. Well, I am not sure if that is exactly the goal, we put it in the contract document but we can put whatever you like in there. But the other thing that we do is, we let you know how much energy those units use. One of things we could say, for every little space heater, you are using 'x' amount of energy and though an education process because a lot of folks don't realize that it could also be a fire hazard as well. But, yes, we have the temperature parameters that we need to, we have to contractually live within it.

Councilman Carmody: And my observation always seem to be that if you were cold, that you could always put on a little bit more apparel. . . .

Ms. Loupe: That's what my mother used to say, yes.

Councilman Carmody: . . .like a sweater but many times I've seen people that actually to be hurdled over their space heater because they felt like the temperature was uncomfortable; so, that was a concern that I had that hopefully we could eliminate that, find a common ground which is comfortable for a majority of the employees.

[Councilman Gibson called for the question, seconded by Councilman Hogan. Motion passed by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan, and Jackson. 6. Nays: None. Absent: Councilman Green. 1.]

Resolution passed by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan, and Jackson. 6. Nays: None. Absent: Councilman Green. 1.

RESOLUTION NO. 176 OF 2003

A RESOLUTION AUTHORIZING THE PURCHASING AGENT TO DECLARE SURPLUS AND DISPOSE BY PUBLIC SEAL BID CERTAIN EQUIPMENT AND INSTRUMENTS AND TO OTHERWISE PROVIDE WITH RESPECT THERETO

WHEREAS, Ordinance No. 108 of 1980 authorizes the Purchasing Agent to dispose of certain equipment and instruments determined to be surplus, after consultation with the head of the department concerned; and

WHEREAS, the City Council desires to retain responsibility for the disposition of all surplus

equipment and instruments, having an acquisition value of \$10,000 or more; and

WHEREAS, the City desires to dispose of, by public seal bid a mail processor w/table, automailer system with mail stacker, monitor, keyboard, and two laboratory spectrophotometers and accessories as described in Exhibit A, as attached hereto and made a part hereof, which have been determined surplus, obsolete or unusable for present and future City needs; and

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

NOW BE IT RESOLVED by the City Council of the City of Shreveport in due, legal and regular session convened, that the Purchasing Agent is hereby authorized to dispose of, by public seal bid the surplus equipment and instruments described in Exhibit A, as attached.

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

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

Read by title and as read motion Councilman <u>Lester</u>, seconded by Councilman <u>Gibson</u> for passed by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, and Jackson. 5. Nays: None. Out of Chamber: Councilman Hogan. 1. Absent: Councilman Green. 1.

The Deputy Clerk read the resolution by title: Resolution No. 177 of 2003: A resolution authorizing the Mayor to execute a guarantee of payment of certain reimbursement obligations of Shreveport Convention Center Hotel Authority that may be owned in connection with a termination of the Hilton Hotel Franchise Agreement; authorizing the Mayor to request approval from the Louisiana State Bond Commission relative to same; and to otherwise provide with respect thereto.

Read by title and as read motion by Councilman <u>Lester</u>, seconded by Councilman <u>Gibson</u> to postpone the resolution until the November 21, 2003 meeting.

Councilman Jackson: I wanted to just ask as I appreciate it, I don't know what can materially and maybe you will be able to help me, what can be materially changed based on what's on 177, it is one of those things that seem to me either we are going to do it or we are not going to do it there. I just, and I might just had the opportunity to read it in total and it seems to me that it is a situation where you have got three people, and of course the Authority and then Bond Commission, not necessarily involved, but they are the person who have given us that particular, will give us the money and then we will execute a Cooperative Endeavor Agreement if I am correct. And, then it just simple says it asks us to guarantee, the City will have to guarantee the reimbursement clause of that particular clause and I think the reimbursement clause it simple says that if anything should go wrong, HRI would get their, would be reimbursed for any fee, franchise or fees or whatever the case may be.

I didn't know and I'll vote in favor with you, but I just was concerned that we were looking for some material changes or if it was something that could be changed in the language of the resolution or something that would change that?

Councilman Lester: My reason for postponing is just to look it and to get some additional questions that I had, that I needed to have answered. I don't necessarily think that there is anything wrong with it, I just have some questions that I want to have answered to my satisfaction and once I've done that, I'll be prepared to move forward.

Mr. Antee: Mr. Chairman, if there are any questions, I'll be glad to try and answer them, but it's real simple. If we want Hilton, then we're going to have to execute the Hilton franchise agreement. And part of the Hilton Franchise Agreement is that if we decide that okay, we don't want Hilton anymore, we want to go with Marriott or Sheraton or Ritz Carlton or whoever, then there are some termination penalties and we'll have to guarantee those penalties.

If we don't want Hilton and we want ABC Hotel, then you're going to have the same franchise agreement with any of the big time franchise or the big four names. So, all we're trying to do is go ahead and get the franchise locked in, so that we can move forward before the design is done and then we're sending it out there without a franchise.

But I'll be glad to answer any specific questions you may have. It's a simple we guarantee that termination penalties if in fact we terminate them without cost.

[Councilman Gibson called for the question, seconded by Councilman <u>Lester</u>. Motion by Councilman Gibson, seconded by Councilman Lester to end debate. Motion approved by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, and Jackson. 5. Nays: None. Out of Chamber: Councilman Hogan. 1. Absent: Councilman Green. 1.]

Motion to postpone until the November 21, 2003 meeting passed by the following vote: Ayes: Councilman Lester, Carmody, Gibson, and Jackson. 4. Nays: Councilman Walford. 1. Out of Chamber: Councilman Hogan. 1. Absent: Councilman Green. 1.

The Deputy Clerk read the resolution by title: Resolution No. 178 of 2003 by Councilman Lester: A resolution to recognize PACE International Union And Pace Local 4-25 as the exclusive representative agent for certain City employees for the purposes stated herein, and to otherwise provide with respect thereto.

Read by title and as read motion by Councilman Lester, seconded by Councilman Green for passage.

Councilman Lester: I would like to have Mr. James Robinson come up, please. Could you give us your name and address for the record.

James Robinson: My name is James Robinson, I live at 131 Mayfair Drive, District A, 71107, Shreveport.

Councilman Lester: Mr. Robinson, can you tell us what brings you here in terms of your relationship with PACE and kind of outline for the Council, your position in terms of supporting of this resolution.

James Robinson: Yes, sir be more than happy to and thank you for this time. I am President of PACE Local 4-25 which the Union Local of the Shreveport City Workers. I am not going to keep you long today, if you recall from the last time, I can get longwinded, but I am going to make this brief and short today, matter of fact, we are going to make it brief and short, it just a couple of speakers.

But we've been here before, five months ago we were here for this same vote. I understand that some of you still have inquires. This vote in only simply asking for recognition to put the City workers on a level playing field where we can give input and be part of the decision-making process to the decisions that are made by this body and the City Council and the Administration as far as they relate to directly impacting the City workers.

I understand that there is some concern that some may want some additional information. However, I'd like to remind you that 5 months ago, it takes us about 2 months to get to this point because of some outstanding things, the Hudspeth shooting and some other things that were going on. And we urge you to go forward with the vote today in a positive manner because these City workers who've come here today they've worked a full day's work. We have come to this Chamber time and again. We've shared with you our problems and our concerns on numerous occasions, you are familiar with that. We shared information with you. We have volunteered information with you. If there is any other needed

information for you to make a relevant decision, there has been 5 months of time that has passed from the last vote to this vote where that information could have been addressed and could have been satisfied. I asked that you don't disrespect the workers by postponing this any further because it cost them to be here: some had to take the day off, some had to take hours off, some had to come after a full day's work.

Yes, it is going to come a time, if recognize us and that is all we are asking for today, which gives our people the right to be at the table, to right to be at meetings, and grievance procedures to protect our sisters and brothers.

We of course, there is going to be times that we have to come to some agreements, further down the road. We'll cross those bridges when we get to them. Those agreements have to be made for us to sit down together and get and find a middle ground on any problems or things that there may be. These agreements have been made with other cities, city of Alexandria, the City of Monroe, the City of Lake Charles, the City of Baton Rouge, the City of New Orleans. We have no reason to be afraid of democracy when democracy comes to the City workers and that is all that we are asking for that our voices are heard in the decision-making process and we are given proper representation in all decisions and practices.

Councilman Jackson: I just wanted to, Mr. Robinson, you can help me it is just really one question for you and I think one for the Administration. Is this basically, what you are asking to do is to be a union much like the Police Union and the Fire Union?

Mr. Robinson: That is correct sir, much like the only thing and what I need to bring to your attention is, the Fire and Police it is different with them. Some have said well, enjoy the status that they enjoy. We are a local, we are recognized and chartered with the state. We are recognized by National AFL-CIO and also recognized by PACE International. What I need you to understand, the only difference with us and the Fire and the Police Union, the Fire and Police Union are civil servants and they have civil service laws protecting them. We as city workers are classified city workers. We have no protection and we need that protection. We are at the whims of Administration to Administration. This Administration, Mr. Hightower and yourselves could work with us and meet us where we need to meet for the next 2 years without any problem and we make a lot of progress. But without recognition, the first day that the new Administration comes in (inaudible), could wipe out everything that we've accomplished and that is why we need recognition, for protection.

Councilman Jackson: I understand. I just wanted to know, I don't know if you understood what I was saying. I understood about them being civil service, but that was the only difference, was my point.

Mr. Mayor, is this what you were talking about before, we have conversations before, obviously been down this road before and you were saying that you thought they ought to have something like this and I think the sticking point the last few points has been this issue of collective bargaining and I think absent of that, is this representative of what we've talked about?

Mayor Hightower: To answer your question quickly, no. I do think that, I am a hundred percent for organization. I think James has done a good job as the representative of the Union. We've meet a dozen times maybe, talked at least that many times over sometimes, little bitty things, some times great big things, some times things that were taken care of within a phone call while he was sitting in my office. You know some things we will agree on and some we won't.

One happen to be insurance. They came and wanted to present another insurance package. Well, the Insurance Board had already made that decision of which employees have representation on that Board that are elected by employees. The difference is that the Police and the Fire Unions are not formally recognized, but they do a great job as far as representing themselves and having a place at the table, just as Mr. Robinson has been able to do for PACE in the short time that they've been put togther. I think that they have been able to accomplish a lot. But you know, collective bargaining is certainly a problem and could present a bad budget problem for this Council, this year, next year, whenever that may come about. But, we do have, one thing that James did say is he was worried about when this Council left or when I left this spot what may happen. One good thing that we do have in place is good personnel ordinances and appeal processes that protect city workers. I promise you, I can't get mad at James for any reason and have him gone tomorrow. He has appeal after appeal (and you know I am not picking on

you, but I'm just saying in general) the employees, I don't care where you work, you probably don't get everything you want. But there are processes especially though the classified employee section of the ordinances that really do give City employees a lot of protection. Does it give them automatic raises? No, it doesn't do that. We are on a merit system and we do cost-of-living when the City Council feels like that is appropriate.

So, again, my comments five months ago, were that I am for organization. I am for them electing a president and representatives to come sit down with the Administration or City Council or whoever they wish to sit with and talk about what concerns are, what the needs are, and what we can do to come together as a unit to address those because I know as well as anybody, if these guys aren't out there in trenches and in the ditches and picking up garbage and riding the bulldozers and running the tractors and doing all the things that we expect to be done in our City, you know, that's not going to happen if they are not happy with their jobs, if they are not out there doing what we've asked them to do.

And I've got to take this moment to say, with what's going on over the past 5 years in budget reductions, budget cuts, personnel cuts, attrition and so forth, these guys have stepped up to the plate. There is no doubt about it. I still don't have people complaining about their garbage pick up. I don't have people complaining too much about grass cutting, litter pick up, water and sewer repair, the things that we all expect. Those things are being done and those guys are stepping up to the plate. I think this Administration and this Council has stepped up to the plate to the levels that we can, when we start talking about pay and pay increases and getting to the level and certainly when it comes to sitting down and listening to the concerns. Again, Mr. Robinson, I think has done a heck of a job expressing the wants and the desires.

And again some things we are going to be able to do, some things we can afford, some things we can't, some things don't cost much of anything but as far as formal recognition goes, then I think he has stepped over the bound that Police and Fire currently have; so, this would be out of the ordinary.

But again, I am for exactly what the guys are doing now, organizing, getting their thoughts together, presenting them, coming as a unified unit to say, *here's where we are hurting, here's what we need or here are ways that we can do it better* and having someone to be able to listen to them do that.

Councilman Jackson: But the fact that, what you talked about that is the difference signifies the same difference that I think he was pointing out that in fact, the Fire and Police are civil service and have certain protections with regard to their civil service status as opposed to the city workers. And I guess my concern was I, fundamentally, I guess I've been confused about what the opposition has been because I thought that the opposition was about the fact that, when it was first started that it was an attempt to do some collective bargaining and then we pulled that off and asked them to embrace the idea without that. It seemed to me in good faith that they had embraced that idea without that and I thought then that meant that we had compromised in both regards and was prepared to move forward.

Councilman Gibson: A couple of question, Mr. Robinson. 1. In your resolution you say, you have *verifiable showing of interest on the part of said employees*. How many employees are you representing?

Mr. Robinson: Right now we have over 600 carded members.

Councilman Gibson: No, that is not what I asked. How many are—in terms of all the departments inclusive and everything, how many employees?

Mr. Robinson: All departments inclusive, I think the number–excluding Fire, Police and Appointees, and those who are not just Unclassified workers, I think the number is right around 1,000.

Councilman Gibson: And in terms of, I would like to get the exact number not around, I would like to see the exact number. And the reason why I am asking these questions, because I think that I am the only City Councilman that has any experience with collective bargaining on this Council.

Mr. Robinson: I would like to say this.

Councilman Robinson: Just hold on a second, Mr. Robinson.

Councilman Gibson: Majority vote, right now there is a question on majority vote. If I could ask Ramon Lafitte to come forward and also Price Barker to come forward.

Mr. Robinson: Mr. Chair, we keep getting off where we are at, I keep hearing collective bargaining.

Councilman Walford: Mr. Robinson, let me interrupt you and tell you that you are up here for Mr. Lester. He exhausted his time. If Mr. Gibson has questions of you, I want you to answer them.

Councilman Gibson: He's answered my questions.

Councilman Walford: Mr. Gibson has the floor at the moment. I think each Councilman will probably have questions for you and I'm not trying to shut you up.

Councilman Gibson: Mr. Lafitte, I appreciate you coming forward as our City Attorney, I visited with you on Friday, because I think that my colleagues need to understand some things here. That I too am like the Mayor in terms of organization, that what the Police and Fire has a system that is working and has dialogue with the Administration. But I think there is some language in this resolution that I'd like the City Attorney to address and then I am going to in just a few minutes after all my colleagues have had a chance to have their opportunity to ask, I am going to ask for a two week delay based on the information that our City Attorney and also there is only one labor attorney in this room and that happens to Price Barker who is on retainer with the City and I'll let you introduce him, but could you address this resolution that this Council has before us, Mr. Lafitte.

Mr. Lafitte: What I'll do at this time, is introduce Mr. Price Barker who is contract counsel for the City and he does handle all of our employment related issues and he has reviewed this matter and in fact has been following it since its inception so he would.

Councilman Gibson: And what firm is he with?

Mr. Lafitte: With the firm of Cook, Yancey, and Galloway.

Councilman Gibson: Could you give kind of a background of what your expertise is, Mr. Barker? Councilman Lester: We don't have to qualify him as an expert, I tender him.

Councilman Gibson: Again, for the record, I think I have the floor. Could you just give your background and expert experience on this.

Mr. Barker: Sure, I am a graduate of Louisiana Tech University, LSU Law School. I have been a practicing attorney in Louisiana for 14 years, in Texas for 13 years. My practice is in labor and employment law representing.

Councilman Gibson: So you are a labor attorney?

Mr. Barker: Yes sir. One of the questions that has been asked of me directly outside of this room and I've heard asked here tonight is, does this resolution call for collective bargaining? In my opinion, it does

It clearly states that PACE would be the *exclusive representative to sit down and talk about wages, hours and working conditions*, which that is really the essence of employment, wages, hours and terms and conditions of employment, there really is nothing else to talk about. So I think this does call for collective bargaining.

There has been discussion of whether this would be different than what the Fire and Police have? It clearly would be. The Fire and Police Unions do not have any formal recognition from the City Council, this would call for formal recognition.

Councilman Gibson: Thank your Mr. Barker. I just want to make sure that my colleagues understand what we are looking. Again, I am completely supportive and have made that comment to PACE about what their interest are in terms of organization, but there is some key language in here that I felt that it was important that my colleagues have and I would be willing to turn my time back over to the Chair.

Councilman Green: I just basically wanted to clarify that when it comes to collective bargaining, I am the only Councilman up here that is familiar with it because I actually worked for A T & T, Western Electric, so I know about collective bargaining.

Councilman Jackson: Mr. Barker, can you tell me specifically the part that you made reference to when you were reading the resolution, please.

Mr. Barker: If you look, it is about middle of the page in paragraph, it is Resolved that *PACE as*

the exclusive representative agent for the above mentioned employees, and that the City agrees to meet and confer with the authorized representatives of PACE International Union, and the duly elected or appointed officials of PACE Local 4-25 to resolve employee issues regarding wages, hours and working conditions; that is collective bargaining. You are meeting and conferring about wages, hours and working conditions.

Councilman Jackson: Question. Mr. Mayor and Mr. Robinson also, it would seem to me that perhaps if they don't, if there is no recognition, is there some prohibition that would disallow them to talk about wages, hours, and working conditions with you in your office?

Mayor Hightower: Is there a prohibition?

Councilman Jackson: Yeah. Mayor Hightower: No.

Councilman Jackson: Do you consider it, when they come in to talk to you about wages, hours, and working conditions, you consider yourself to be in the process of collective bargaining? Or let me ask you Mr. Barker, if they were to go into his office tonight without recognition or yesterday, lets say, and they've discussed issues with hopes toward a resolution regarding wages, hours, and working conditions would they be engaged in collective bargaining?

Mr. Barker: Not as defined by the law, no.

Councilman Jackson: So, in other words if they dealt with wages, hours, and working conditions in the Mayor's Office if they were not recognized, they could deal with the issues of wages, hours and working conditions and the definition changes from collective bargaining to what?

Mr. Barker: The definition changes when they become the official and exclusive representative for these issues, that is what makes the difference. Anybody can go in and talk to the Mayor that he'll give an audience to as a representative of the employees. But once you confer official status upon them to talk about these things as the exclusive representative, the law says then, they've got the right and the City has the obligation to collectively bargain for those issues.

Councilman Jackson: Now, if the language in the resolution is changed to: 'To recognize PACE International Union and PACE Local 4-25 as a Representative Agent for the City Employees,' that gives it the same definition?

Mr. Barker: If you still have the language about, we are going to sit down and talk about wages, hours, and conditions of employment.

Councilman Jackson: So, the exclusive representation does not give it that connotation. It is just the idea that somebody is doing it in an organized fashion?

Mr. Barker: It is the fact that you are recognizing the Union as the exclusive representative.

Councilman Jackson: What if they are not the exclusive representative?

Mr. Barker: What if they are not?

Councilman Jackson: The exclusive representatives, but a representative?

Mr. Barker: I am not sure that that is what the resolution calls for and I am not sure what you are asking about.

Councilman Jackson: I am saying if the resolution were changed and it read, the term 'exclusive' were taken out and it said 'a' representative agent, would that then give it the same connotation?

Mr. Barker: No, it wouldn't. I think what you are asking is can this resolution be drafted where it recognizes the Union but doesn't confer collective bargaining obligations on the City. If that is your question, the answer is yes. But as it is written now, my opinion is, this resolution creates a full union with full blown rights just as a private employer would have.

Councilman Jackson: Well, let me ask this question. Based on what you've heard me talk about today, and I guess the spirit of what we've talked about over the last several months, I think it has been my position and I think the Mayor understands that it has been my position that I think they ought to be able to do what they need to do without necessarily have, if the collective bargaining is the sticking point, then lets take that out. If the word 'exclusive' would alleviate that connotation then I would be in support of the resolution without the word 'exclusive' in there.

Mr. Barker: I don't think that solves all your legal problems.

Councilman Jackson: Well, that's the only one we are talking about now. Where are the others? Mr. Barker: Well, if you are a representative for terms and conditions of employment, and you are recognizing them as a representative, who are the other representatives if they are not the exclusive representative? And how many folks are we going to be talking about?

Councilman Jackson: Would there be room for other people to serve as representatives, as well? Mr. Barker: There could be, but that alleviates or does away with the efficiencies enhancements because I think the goal is the Mayor and the Administration would have 1, 2, or 3 people to talk to that would represent these thousands of people that they say they represent. If you have got to meet with 3 or

4 different groups, and you've got competing interest going on all at the same time and one group wants this and another group wants this, you've lost the efficiency.

Councilman Lester: Looking at this resolution now, I heard you say earlier, it confers the essence of collective bargaining but it does not actually confer collective bargaining.

Mr. Barker: It confers the essence of employment which is wages, hours, and working conditions; there is really nothing else that employees care about.

Councilman Lester: Let me ask you this. Now, isn't it a fact that when you talk about collective bargaining, you are talking about unions that actually have a contract, don't you?

Mr. Barker: No, collective bargaining is a process that you go through to get a contract.

Councilman Lester: So, your position is any organized group that is the exclusive spokesman for a group that speaks to issues of wages and work conditions, you are engaging in collective bargaining, in essence?

Mr. Barker: What I'm saying is, this resolution when it recognizes the union as the exclusive representative of these employees, and has language that says you are going to sit down and talk about wages, hours and working conditions, that is a recognition by the City Council of an official representative and a requirement that you engage in collective bargaining in my opinion.

Councilman Lester: In your opinion.

Mr. Barker: And collective bargaining has a specific legal meaning, in the labor laws.

Councilman Lester: Right, I understand that.

Mr. Barker: So we may be trying to compare language that we use in everyday life with language that is legal. I don't know that, that comparison works.

Councilman Lester: Right, I'm fully aware of that. My question then is this, what I am trying to get some clarity on is, it seems that Councilman Jackson asked the question that I was going to ask. You seem to indicate that when you take out the exclusivity arrangement in terms of exclusive representation, initially you said well that would cure some of those defects but then afterwards you said, well you are not exactly sure. My question is this, is it your position that any recognition of any union automatically or puts you in a position of saying that you are collectively bargaining, is that your position?

Mr. Barker: Using this resolution, yes and perhaps I wasn't clear in my communication. If you take out the 'exclusive' language it may cure some problems with this 'verifiable showing of interest' language that Mr. Gibson pointed out. But keep in mind that the law prohibits you from recognizing a union that you don't have a reasonable belief, represents a majority of the employees in what's called a bargaining unit. And so, that would cure that problem but it causes a lot of other problems because if they are not the exclusive representative for all of the employees in this group, who are the other representatives going to be? Those that are unrepresented, are they going to come individually and talk to the Mayor and Administration, and those were the problems that I was referring to.

Councilman Lester: So your position is, because it seems like the arguments that we are going, they continue to be circular if we remove this, then that cures this problem but we still have the problem. It sounds like the position is that there is no way that PACE or any other union could be officially recognized without having collective bargaining, that's your opinion.

Mr. Barker: That's not what I'm saying at all.

Councilman Lester: Okay, what are you saying?

Mr. Barker: In fact it can be done, it just has to be with different language in the ordinance.

Councilman Jackson: Mr. Barker, you were asked earlier about your experience and how long have you been labor specialist or whatever the term?

Mr. Barker: Fourteen (14) years.

Councilman Jackson: Have you always represented the management side or have you represented both the Labor side and the Management side?

Mr. Barker: Management only.

Councilman Jackson: Okay. Thank you, Mr. Chairman. We shouldn't expect to hear anything different.

Councilman Lester: Right. Thank you Mr. Barker. I would like to bring up Mr. Carter, if you could.

Michael Carter (8525 Chalmette Drive, Apartment S15): I am the President of the Shreveport Police Union. I assure you we are recognized. I have talked to most of you and of course, in my tenure as President or Vice-President of this Union. I've been involved in the Union Executive Board for at least 4 years and I'm rather surprised about what I am hearing here today.

You have a pro-management attorney here, I man I respect very much, Mr. Barker but at the same time, maybe you should hear the labor side now. My background is in industrial and organizational psychology. I hold a Master's Degree in Human Resource Management. I am ABD, that's all but a dissertation from a Doctoral degree in Organizational Psychology. I don't think the Mayor or anybody else is every going to tell you that they've every felt threatened by our union or by recognizing our union. I have been educated by this City. I am very loyal to this City. The men and women that I represent in our Union, we don't care to strike, we don't care to boycott, to picket. We don't do that.

We are a servants. We are proud to be a servants. We have scars on our body where we have served this City. There will be many more and we may even lose our lives doing it, but there is one thing that we expect, we expect that if we are going to be shot at and we are going to be beat on then we are going to have our spot at the table and these men and women deserve the same.

They pick up trash, the lay brick, they built what's in this room. We didn't. The wood, the consoles, the desks, the chairs you are sitting on was built by laborers. I guarantee you, if you go back far enough in your families, you are going to find a laborer in your family. Somebody worked real hard at some point in time to get to where you are at right now. We all want our children to have more than what we have had. I do. I want my little girl to go further and have more than what I ever dreamed of having. I think you do too. So do these men and women and they need their spot on the field. It is time to get them out of stands and on the field and at the table.

Last year, I organized a plan for a sales tax. It was not a popular year to do it. Mayor Hightower accepted us in at the table. We sat down and we talked about it. I never will forget the words you said, I am going to remind you of them today. You said, it might not be the most popular thing to do but it is the right thing to do and this is the right thing to do as well. Give them a spot at the table, let them have their union representation. We all know that some employees are more confident than others as far as negotiating and speaking, not everybody is a public speaker. Let them elect the people they want to represent them and to send them to the table. In the past we've had speakers who weren't as effective. We've had union leaders who weren't as effective and it showed. We got very little for it.

Last year we received the biggest pay raise in the history of the International Union of Police. We received a 25% pay raise and I credit Mayor Hightower for allowing us to the table and helping us all the way through that. I think that if you allow these men and women to the table, like he has allowed us then you will have the same results with them.

There has been a lot of debate on recognition and formal recognition and things like that and I am going to end my talk on that. Last year in November, 77% of the citizens in this town voted to tax themselves and give us a pay raise; that is recognition enough for us.

Councilman Lester: I have one question. I want to ask where we are. I want to defer to other Councilmen to let them speak and I want to make sure that I have, kind of a final wrap up.

Councilman Walford: Councilman Hogan and Councilman Carmody both have debate left if they wish.

Councilman Lester: I will save my comments for a final wrap up.

Councilman Hogan: Mr. Robinson, upon reading the resolution, I noticed that Baton Rouge, Lake Charles and New Orleans are mentioned. The last time we talked and five months ago or so, you gave me the name of a fellow, there is a City Councilman in Monroe and I don't recall his name, but I did call him and talk to him and indeed he gave a favor testimony of how the union has worked for them and I figured it wasn't near as big a group, I don't recall, 200 or 300 or so employees. However, and someone spoke earlier of Alexandria and Monroe. You know, I would like to hear or if you can give me the information, people to talk to from these other cities. I would like to hear their testimony. I would like to hear more of the positive benefits of the union.

You know, what's its done for them. I've meet with several of you as the Mayor said, he had several meetings. In fact, I haven't declined anybody a meeting that has wanted to come to my office or meet as we did Mr. Robinson, here two weeks ago behind these doors, you and some of the people in the audience here. I think in deed you do have some legitimate concerns and as I spoke to Councilman Lester this morning, I voiced some of those concerns. You know, I can see there are pros and cons to both sides and of course after hearing some of the conversation and discussion we've had today, I am not in favor of the resolution as it is written here on my screen.

However, I would like to hear from some other groups some of these other cities that you've spoken of and now I might even be in favor of postponing the vote today or whatever we chose to do. If Councilman Lester, if you want to try to re-write the resolution, I am not sure how that will work or if you want to chose to do that, but that is where I am, I would like to hear from some other people.

Mr. Robinson: Again, I would like to reiterate that 5 months ago we provide samples and names to everyone from different cities and that the time to research these, ample time between now and then, the time has been ample.

We keep this, being an affront to the City workers by every time they are coming in, sending them back and saying, ya'll are going to have to pay some more dues, take some more time off, we've got this reason and that reason that we are not going to look at this.

We've got a management attorney who comes in the room all of sudden and tells us that any meeting with wages and working conditions would mean collective bargaining, when it doesn't. We took that collective bargaining language out. How can you come to an agreement if you don't' sit down and meet and talk about these things? Just like Mr. Carter said, they sit down, they meet.

And to show you why the field is not level. That bond issue that he talked about that the citizens gave him last year. The other half of that is, when he introduced it, he and the Union introduced it, that all city workers was included in that and it was supposed to be a .50% increase rather than .25. But when it got to City Hall, when it got up here, the City workers were taken out of that bond issue and the Fire and Police were left. And you know why the City workers were taken out? Because they had nobody at the table. Fire and Police had somebody there to make sure that they got theirs. But we got kicked in the side and got kicked to the curb again, because the playing field is not level for this segment of public servants and city workers. And the meetings are on-going and we arranged-how we going to talk if we don't meet? We are not asking for a contract in this. And I'm still asking you to go forward with the vote today to do the right thing. We just want our seat at the table. If there are some things, and we got to talk to these other people to find out what's the best way to put a package together that works for everybody, let us cross that bridge when we get to it, but my brothers and sisters, these ladies and gentlemen who have taken out from their families, their jobs, given up money out of their pocket because they gave up the day's work to come here to represent the rest of their (inaudible), it is not fair to them that we keep coming back and back and back. We have been doing this—and we are talking the same language that we even spoke of 5 months ago. It is the same resolution. But in the 9th hour all of sudden, we don't grasp this and we get a one-sided opinion from a one-sided attorney whose taken the good English language and tell me, a meeting is collective bargain. How can you communicate without a meeting and we are

just asking to communicate, not for a contract.

Councilman Hogan: Mr. Robinson, may I address what you said, back to the subject. You said five months ago you had provided information about from these other cities, representatives from these other cities, I don't remember getting that. I know that you called me on the phone and I wrote down in my home office the number of this guy in Monroe and that's what I'm asking. If you gave it to me and I lost it, I'm sorry.

Mr. Robinson: We gave out packets before we came with sample contracts from Lake Charles, Lafayette, Alexandria and a number of cities and gave contact names of people who we contacted. When we gave the information, if there was genuine interest, look like there would have been self-motivation to follow up and contract folks to get information from. We did as much as we can. We continuously said, if there is anything that anybody wants, we will provide it. Here is this, here is that, this is the way it is done. We are the only City in the state of Louisiana who does not have a recognized city workers union. Why is that? Why are we afraid of the people who live and work here but we will bend our backs and turn flips for the folks that come in out of town and for the tourists, I don't understand.

Councilman Hogan: Mr. Robinson, like I said, I apologize. If you gave me that information I might have lost it but can you get it for me again?

Mr. Robinson: Yes, sir. We will get it for you.

Councilman Hogan: Thank you. One other question. When was the last time that city employees had a cost of living raise?

Mr. Robinson: I think it was six years ago and it was a 2% at that time and it might have been another one in the interim, if it was it was another 2% but to my knowledge, I think it was about 6 years ago.

Councilman Hogan: The Administration, is that information correct?

Mayor Hightower: I think the last cost-of-living increase we had was 3 years ago. I know it was since I have been the Mayor.

Councilman Hogan: And what percent was that?

Mayor Hightower: I think it was 2%, I think that may be right.

Mr. Antee: It was a 2% across the board COLA. Everybody is entitled to a 4% merit increase if they meet the merit requirements, every year.

Mayor Hightower: And that has been in place every single year.

Councilman Hogan: Merit raises has been in place annually for people that qualify.

Mayor Hightower: Yeah. I would suspect that there is not a person in the audience that has not received a raise every year, and if they haven't received a raise every year since I've been the Mayor then it is because of job performance. Is there anybody in the audience that has not received a raise?

Jerry C. Fields (538 Janet Lane): Department heads and supervisors down there, the least little thing you do will knock you out of it. They got favoritism (inaudible) because I have filed a grievance on that where some of them get outstanding and then get the bonus money and I don't see how when a person like me do more production work there and then have to train some of these person that come in there getting that bonus money, how can't get it. You got to check in there now, one little thing you do, low expectation on that evaluation, knocks you out of everything.

Councilman Hogan: Sir, if you keep standing please. I want to make sure I understand what you are saying.

Jerry C. Fields (538 Janice Lane, Councilman Gibson is my representative there. I been with the City of Shreveport for over 21 years): Yes, they came out with a merit system but there was a catch to that merit system.

Councilman Hogan: Mr. Fields, I don't mean to interrupt you but I've got a couple of questions for you and then, I may let you speak if you have something else have to say because I want to hear what you have to say.

Mr. Field: I am kind of full right now.

Councilman Hogan: Okay, I want to hear what you got to say.

Mr. Field: I am kind of full.

Councilman Hogan: But, anyway I understand you said a moment ago that you didn't receive a merit raise for 2003, is that correct?

Mr. Fields: Yes.

Councilman Hogan: When was the last time that you had a raise? Did you get one last year?

Mr. Fields: No, sir I didn't because I'm assuming that the Mayor said, if you don't meet the criteria or you don't meet that standard, that merit.

Councilman Hogan: I would be interested to know when the last time was that you didn't have a raise?

Mr. Fields: It has been over 3 years.

Councilman Hogan: It has been over 3 years?

Mr. Fields: Yeah.

Councilman Hogan: It has been maybe the last cost-of-living raise that we had, the 2%? Mr. Fields: That is with the merit, that is with the merit. You see, the cost of living. . . .

Councilman Hogan: I am talking about the cost of living, that 3 years ago that they spoke of a moment ago. Were you here, were you employed then?

Mr. Fields: Yeah, I been here 21 years. Yeah, we get that, we get that.

Councilman Hogan: That cleared up my main question. Did you have other comment? Go ahead.

Mr. Fields: But what I am saying, when you do get that, your insurance go up. But with this thing, about this is, of course we got a merit system for people that are, every 6 months or every year you be evaluated to get more money. But, somewhere down through department heads or something like ths, the least little thing you do within that 6 month period, knock you out of everything. The 2% automatic fall in, they can't stop that but if you are going to try to get 'exceed money' or get a 'bonus money' on your evaluation you work toward that but when you got different little things that can come up and knock you out of that, so you can't win with that.

Councilman Hogan: Right, right. I appreciate you sharing that. Councilman Lester, do I recall I don't remember it being on the agenda, but didn't recently you request from Finance or someone or Mr. Dark what it would cost the City for a raise for the Classified Employees; do I remember that? Could you refresh my memory? Was that a 4% raise, how much did it cost?

Councilman Lester: I got something Tom gave me, but he did not give me exactly what I asked. What I asked for was, what would it cost to give a raise to workers like Operational Services, like Water and Sewer, like the people that are working hard out there on the trucks that are hourly wages that don't work inside in the air conditioning? The people that would be most effective and get the least, that is the question that I asked.

Councilman Hogan: Did you get a solid answer for that?

Councilman Lester: Not yet. The answer that I got was with, everybody.

Mayor Hightower: The one thing that I might want to clear up. Mr. Dark just informed me and we get these reports every single month from the Personnel Department and for the year 2003, 92% of our employees receive merit increases, 92%.

Councilman Carmody: I am going to defer my time to Councilman Gibson.

Councilman Walford: I'll tell you what Mr. Gibson, you are going to get debate time. We are going to have another round of ten minutes each, and it is alright since Mr. Lester was the maker of the motion and I had intended to recognize him after Mr. Carmody.

Councilman Lester: I just wanted to speak last, if he wants to go.

Councilman Gibson: The only thing I want to just say is 1. I think we've got an opportunity here. But obviously we have and there is only one attorney on this Council and we defer to him to a lot of different things to take the lead on and I appreciate Councilman Lester's experience in terms that.

I am going to make a motion that we ask for a two week delay with the express direction that our City Attorney along with our Legal Counsel that we have under retainer work with PACE Legal Staff in

terms of, and I'd like to see a couple of representatives or whatever at the pleasure of the Chair and I will leave that up to the Chair in terms of naming some City Councilmen to sit down and look at this baseline document that we have before us and see what we can move towards in terms of trying to get something that is a happy medium to address what I've heard PACE say that they want to be recognized just like the Police and Fire Department. 2. I want to make clear, that's my motion. But in my comments on that.

Councilman Walford: We already have a motion on the floor.

Councilman Gibson: I am amending that motion. Councilman Walford: That is an amended motion? Councilman Gibson: I am amending that motion.

Councilman Green: Before I make the second on the amendment, I would defer to Mr. Lester if he will (Councilman Gibson: I will defer to Mr. Lester also.) agree to that. And the reason that I am doing this is because I would prefer us to get something that we can pass versus giving the city employees another blow to defeat this and then say, bring it back again. I would prefer if in fact we would do what it takes to get us where we need to be so that they won't keep on leaving out with basically their feelings hurt, motivation and self esteem go down and I just think that, that is just something that we ought to do. I just think that we can talk all we want to, we can do whatever, but until we got something that will help them, our talking is just talking. It is just something to make you feel good.

Councilman Walford: Was that a second.

Councilman Green: Yes, sir that was a second.

Councilman Lester: My discussion will be real short. When we ran, and I can't speak for everybody else, but when we ran for office that we are sitting here as I appreciate it, each and every one of us talked to those guys. We were Candidates not Councilmen and each and every one of us signed a piece of paper and I would dare say, if we ask them to produce it they could and each and every one of us signed that document and said, it was real simple—didn't need a lawyer, appreciate him coming-- but that document said if I'm elected I will support the recognition of this group and the city workers. Each of us signed that pledge.

Councilman Carmody: That is not correct.

Councilman Lester: You didn't sign it (inaudible).

Councilman Carmody: represent.

Councilman Lester: I certainly don't want to mis-represent you, Mr. Carmody.

Councilman Lester: With the exception of Mr. Carmody---and we can still pass it with a 6-1 vote. Six people said yes. Now, we voted on this previously. There was 3 of that 6 that voted for it, 3 of that 6 that signed a pledge voted against it. I don't have a problem going back and sitting down and talking with folks, but the question is this, are we going to do something or are we going to continue to play games with these city workers' emotions?

We said that we were going to do it. As men and as honorable folks, I was taught if you sign your name to something, you mean to do that. I mean, we've given each an opportunity to live up to that creed and once before we said, no. Now we are back again saying, well if we wait two weeks, we will sit down and you know, we'll come up with something.

The question that I have to ask is, this: If we wait two weeks and if we sit down with Mr. Barker because if we vote for this, I am going to tell Mr. Barker and I am going to tell the City Attorney, lets sit down and lets get in a room and lets write something that accomplishes what we want to accomplish. But my question is to you, if we do it are you going to vote for it? Are you going to fulfill the pledge that you made to those men and women over a year ago when they asked and you asked for their support that would be may reflective question. Because if the answer to that is 'yes' then yes I would say lets do it in two weeks. But if your intent is just to delay, delay and come up with another excuse, no and lets just say from this Council and let it be done with that we are not going to recognize the City workers, we are not going to maintain the pledge that we signed when we ran for office, and we are not men of honor on this issue.

So I'll turn that question around: Are we going to sign, are you going to live up to your

commitment? If you are going to live up to your commitment, yeah, lets do. We'll wait two weeks and I can sit down with Mr. Barker, I'll clear my schedule and we'll get it done. But if you are not going to do it, then lets not waste our time and their time. Lets just let it be said, that we are not going to live up to our campaign promises that we made a year ago and lets be done with it. Lets not mess around with it.

Councilman Green: I call for the question.

Councilman Lester: Mr. Chairman, I didn't get my question answered, Mr. Chairman.

Councilman Walford: I have a motion by Councilman Green and I'm waiting for a second which is a Call for the Question or ending debate [motion died for a lack of a second.]

Councilman Gibson: Let me make it clear to the City Employees, your representatives last week, I went and talked to those representatives and asked for a two week delay before we even got up here. I even asked the author of this bill or this legislation to delay this two weeks because obviously there is some legal implication that need to be addressed.

There is only a few people I this room that have expertise. Yes, in fact there are people at this table that did have some discussions with PACE, did sign documents. I, for one, amended that document with about three or four different amendments but we are not going to talk about that because, again, we are talking about the subject matter. We are not here to muddy the water. But again to be fair to the citizens of Shreveport, because we are here to be judiciously responsible, first and foremost which includes taking care of our employees including taking care of the citizens of Shreveport and the quality of life in terms of all the---streets, water, sewer, drainage, police, fire, garbage pick up and everything else we do that this is an opportunity to bring those legal people together to come up with a solution to this problem that is obviously a problem. Because we've had some people testify or state that there is some differences of opinions up here but to bring what happened 12-months ago, is irrelevant at this point in time. Yes it is from the standpoint that we are asking for two weeks to look at what can be amenable in order to get to the final bottom line on this thing and not to delay, to play games on this. So, again I wouldn't have made that motion otherwise.

So, Mr. Chair, again I stand by that motion to ask for a two week delay and I will defer over back to the Chair.

Councilman Lester: So are you answering the question that I asked in the affirmative saying that if we came back that you will vote for it?

Councilman Walford: Mr. Lester, you are out of order.

Councilman Jackson: I just wanted to say too, I think if we can move forward is real key for me, I was prepared today.

The real key for me is and I think this is not the first time we've expressed, I have, I can't speak for anybody else, I've expressed it before that, at times there are reasons why we delay things, but I don't want to, and I am certainly not trying to judge Councilman Gibson's motive and I hope that it is not deemed as such, but I just want to make sure that as we delay and that we deliberate and that this deliberation is meaningful and not just tactical to delay the inevitable. And if the inevitable is that we are never going to change our positions, then we may as well vote today.

If we intend to go out and I question the wisdom of too many people getting together to put together a deal. I think that if the PACE group has representation in the form of an attorney that perhaps they can put something together without the presence of our City Attorney, that our City Attorney perhaps can look to at some point and then they can present that to us.

But I don't know if they need to necessarily have to sit down again and put together a deal that is going to be amenable to us because if we are, like you said, depending on whether or not we are at the table, how are we going to know if it is amenable to us 'till we get it the next time?

And so, I just think that there has to be some deliberate action taking place and not just two weeks to sit around and make people feel good and say, 'I'm with you, I am not with you right now.' I mean I wished that we could, and I guess mines' was simple because I am not among the group of people who have union experience or collective bargaining expertise, that's why when I talked to the attorney, I asked him, if we took one word out would it make it okay? I don't know. But I trust that those who have

that intellect and that experience, will sit down and do it.

And, I would hope that in two weeks we are prepared to do something because we been dealing with this, since I don't' remember when but it has been along time, we been dealing with it. I just think it is time to, well I won't use any metaphors right there, but I just think that we need to do something right away and I hope that this two weeks is not just tactical, but it will be strategic and it'll be deliberative.

Councilman Lester: Two things: 1. I still haven't heard an answer to me question from other Councilmen. 2. The entire act of us as a Council sitting down with a representative from PACE and an attorney sounds like to collective bargaining in the first place. And, if that if it so wrong for us to sit down and do collective bargaining, then what we are doing right now or what we are propose to do, is against what Mr. Barker said, we should be doing in the first place. Which goes back to my original argument that there is nothing wrong with collective bargaining, we are making this a monster.

This argument and this is where we are is about dignity versus dollars; that's it. At no time have these gentlemen come up and talked about their salary situation. They have come to us time and time again about issues, about the employment situation, in terms of dealing with their supervisors and their quality of the---they said that they have been working here at these wages for 20 years, 15 years, and obviously they like their jobs because they are continuing to do them and they make us look good, everyday.

The only thing that they have asked us to do is honor a pledge that at one point we made, some of us made, some of us didn't, some of us signed it, some of us made codicils, some of us backed out.

The question that they are asking is, are we going to be men about our business and recognize them as men and women with dignity? That is all that they are asking, that is all that they are asking.

And I don't see what the hesitancy is because it seems that everyone is concerned about collective bargaining. Well, collective bargaining if we are talking about a means to an end, you are talking about a contract and the last time I talked, if you enter into a contract, that is the law between the parties and at no time has anyone said we are going to bring a contract up. Everyone is throwing collective bargaining around like it is a bugger-man that is going to come out and eat the children. But, what we are actually, if we are going to do what Councilman Gibson has advised us to do, is the act of collective bargaining as told to you by Mr. Barker, just a few minutes ago. Any time that you, an organized group sits down and talks about wages or anything like that, that is collective bargaining so if collective bargaining is bad, then what you are asking us to do is, bad.

What I am saying is, lets not let this devolve into this circular argument. It is very simple. Either we are going to recognize these men and women and give them the dignity that they afford, just like the Police Union has, just like the Fire Department or we are not.

And my question is to my other colleagues that signed the pledge, that voted against it, if we come back in two weeks are you going to vote for it? Because if the answer is, no I am not going to vote for it in two weeks, no I'm not going to vote for it in 6 months just like I didn't vote for it even though I said I was going to live up to this agreement, then lets vote on it now and lets kill it and lets be done with it. And, and at least these men and women will know where they stand with us on the City Council.

Councilman Gibson: Point of Order. The motion is to have the legal counsels and if City Council so chooses to be involved to look at the language, not to discuss wages or benefits or any of that, is to look at the legal language; so I just want to make sure that the motion is clear.

Councilman Walford: Let me clarify the motion or perhaps ask you to clarify the motion. You were asking for a delay of two weeks and asking the Chair to appoint Council members. . . .

Councilman Gibson: Some Council members to work with legal counsel through the City Attorney and also PACE to look at the current baseline document to find language that is amenable to be back before us to vote on.

Councilman Walford: And that motion from you with a second from Councilman Green.

Councilman Gibson: And again, not to talk about wages, not to balk about benefits, not to talk about working conditions but to talk about the language that is in this resolution and that was my motion and I think Councilman Green seconded it. Is that correct?

Councilman Walford: That is correct and your Point of Order is taken and I think the motion is clear to all of us at the table.

Councilman Green: I don't know how to do this. I'll ask the Clerk how we do it. My question would be to you all, would you all like up or down today or would you all like the motion that I second to give two weeks to see if we can work out a basis? Because from where I see it, today, if it is up and down today, it fails.

I have faith and I believe that if in fact we are given two weeks that there are some honorable gentleman up here and I believe that we can work it out. But before I vote on a delay, I would rather ask the Clerk how do we ask you all without breaking the law because I don't want you all to leave out of here defeated again. I don't want you to leave out hurt again. I don't want you to leave out upset.

Like I said, I worked for AT&T, Western Electric for years and I experienced being in a union and I know what you are actually going through with. So, my question is, Mr. Clerk, would I be in order just to ask them by standing, would you all want it, vote it up or down or would you want a two week delay?

Councilman Walford: You may call their representative up or you may ask them to stand. Councilman Green: Mr. Robinson, simple do you want a up or down or do you want a two weeks delay? Mr. Robinson: Sir, to answer that question, I'd like to. . . .

Councilman Green: Mr. Robinson, please help me. Do you want an up or down or do you want a two week delay?

Mr. Robinson: Based on Mr. Lester's question if those are going to vote will make a difference with this information and pass the vote, we would defer for the two weeks.

Councilman Green: Okay, two weeks. He said two weeks. [Councilman Green called for the question, seconded by Councilman Gibson. Motion approved by the following vote: Ayes: Councilman Lester, Carmody, Gibson, Hogan, and Green. 5. Nays: Councilman Walford and Jackson. 2.]

Councilman Walford: Now, we will vote on the motion made by Mr. Gibson which is a two week delay and the Chair will appoint Council members to work with the (help me out Mike) work with the attorneys and the Union. . . .Councilman Gibson: Work with our City Attorney and their representative attorneys and PACE legal counsel to review this baseline document to come up with language to come before City Council in two weeks.

Councilman Lester: I have some un-readiness on that motion.

Councilman Walford: No. It is not up to discussion. The discussion has been ended.

Councilman Lester: I have question.

Councilman Walford: Discussion has been ended.

Councilman Lester: Oh, slow down. I am not debating the merits of the motion, I have a question about his motion, so I could ask for a Point of Order for clarification on his motion.

Councilman Walford: Okay, do that.

Councilman Lester: I'm asking for clarification on his motion. Is Mr. Gibson's motion that, we are going to, you are asking representative from the Council, representative from PACE Union to sit together to draft a document that we will vote on that will be acceptable or are we voting on a document that we are going to bring back?

Councilman Gibson: Again, Mr. Lester, until we have our legal counsel I am not an attorney you are, but I am not an attorney. But until I see the legal discussion. Again, this Council depends on a lot of legal information and again to say that this document, I have to assume that if we get all the players together we are going to come up with something that is acceptable but again until we see it that. . . .

Councilman Walford: Mike, again we are going into debate on it.

Councilman Lester: So what you are saying is, you are voting—we are going to be voting on a motion---

Councilman Walford: You are going into debate.

Councilman Lester: I'm not going into debate. I'm just trying to clarify what I'm voting for.

Councilman Walford: Well.

Councilman Lester: I can get clarification on what I'm voting for because if I'm not clear on it, I might vote in an interest that is against my interest.

Councilman Gibson: Councilman Lester I've already said what my motion was, so that is all I have to say.

Councilman Walford: The motion is clear, it is time to vote.

Councilman Lester: So you are saying that we are coming back with something that we are going to vote on that is acceptable?

Councilman Walford: No, we are saying that we are coming back with something that we will vote on that you can't guarantee that three people are going to come back with something that is acceptable to the entire Council. Vote, please.

Councilman Lester: So why are we doing this exercise?

Councilman Walford: Mr. Lester, vote, please.

Motion by Councilman <u>Gibson</u>, seconded by Councilman Green to postpone the resolution until the November 21, 2003 meeting approved by the following vote: Ayes: Councilman Walford, Carmody, Gibson, Hogan, and Jackson. 5. Nays: Councilman Lester and Green. 2.

RESOLUTION NO. 179 OF 2003

A RESOLUTION TEMPORARILY SUSPENDING A PORTION OF SECTION 26-52 OF THE CODE OF ORDINANCES RELATIVE TO CUSTODY AND SIGNING OF TITLES TO CITY OWNED VEHICLES AND OTHERWISE PROVIDING WITH RESPECT THERETO.

WHEREAS, the City Council adopted Resolution No. 28 of 2002 relative to financing certain equipment and vehicles with Suntrust Leasing Corporation (the "Lease"); and

WHEREAS, the Lease requires the city to either have liens placed on each vehicle title financed thereunder or allow Suntrust Leasing Corporation to hold the titles thereto in its custody during the term of the lease; and

WHEREAS, the less expensive and more feasible alternative is to allow Suntrust to hold the titles in its custody; and

WHEREAS, Section 26-52 of the Code of Ordinances requires all titles to automotive vehicles owned by the city to be held in the custody of the director of finance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport in due, legal and regular session convened that the provisions of Section 26-52 of the Code of Ordinances are suspended to the limited extent necessary to comply with the title custody provisions of the lease with Suntrust Leasing Corp. authorized by Resolution No. 28 of 2002 as amended.

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

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

Read by title and as read motion Councilman <u>Lester</u>, seconded by Councilman <u>Carmody</u> passed by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, and Jackson. 5. Nays: None. Out of Chamber: Councilman Hogan. 1. Absent: Councilman Green. 1.

RESOLUTION NO. 181 OF 2003

A RESOLUTION SUSPENDING THE EFFECTS OF SECTION 90-277 (b) AND SECTION 90-332(b)
OF THE CODE OF ORDINANCES RELATIVE TO THE
COLLECTION OF REDUCED LATE FEES AND COSTS FOR
CERTAIN PARKING INFRACTIONS AND TO OTHERWISE

PROVIDE WITH RESPECT THERETO.

BY: Councilman Walford

WHEREAS, by conservative estimate, the City of Shreveport is owed in excess of \$1.7 million dollars for uncollected parking tickets;

WHEREAS, a portion of this amount includes late fees and costs which were added to the original amount of the parking ticket when the parking ticket was not paid within ten (10) days of the offense or the infraction; and

WHEREAS, the management and operation of enforcing downtown parking zones, the City's parking meter maintenance, replacement and repair, parking citation issuance and enforcement and the collection of funds associated therewith are the responsibility of the Downtown Development Authority ("DDA") pursuant to a contract with the City of Shreveport; and

WHEREAS, in October 2003, a resolution was adopted by the Shreveport City Council which suspended the collection of late fees and costs for certain parking tickets. The late fee amnesty was available to persons with ten (10) or fewer parking tickets provided the tickets were paid between 8:00 a.m. October 6, 2003 through 4:00 p.m. October 10, 2003; and

WHEREAS, approximately \$26,065.00 in parking revenue was collected by DDA during the amnesty period; and

WHEREAS, the payment of overdue parking tickets during the amnesty period resulted in an increase in revenue for the City of Shreveport;

WHEREAS, DDA and City officials recommend that Section 90-277 (b) and Section 90-332(b) of the Code of Ordinances be suspended and an amnesty period is declared which authorizes the collection of reduced late fees and costs for persons paying overdue parking tickets during the amnesty period; and

WHEREAS, the amount of the reduction of the late fees and/or costs would be based upon a sliding scale and determined by the total amount of overdue parking tickets paid by the vehicle owner during the amnesty period;

WHEREAS, the amnesty period would be effective from 8:00 a.m. December 8, 2003 through 4:00 p.m. December 19, 2003.

WHEREAS, suspending the effects of these ordinances should increase revenue to the City of Shreveport which is a public purpose.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport in due, legal and regular session convened that Section 90-277 (b) and Section 90-332(b) of the Code of Ordinances are hereby suspended from 8:00 a.m. December 8, 2003 through 4:00 p.m. December 19, 2003, and an amnesty period is declared which authorizes the collection of reduced late fees and costs for persons paying overdue parking tickets during the amnesty period based upon the following scale:

TOTAL TICKET AMOUNT PAID	LATE FEE/COST OWED
\$20.00 - \$50.00	\$ 5.00
\$51.00 - \$75.00	\$ 10.00
\$76.00 - \$100.00	\$ 25.00
\$101.00 - \$500.00	\$ 50.00
\$501.00 - \$1000.00	\$100.00
\$1001.00 & up	\$250.00

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

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

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

Councilman Jackson: Mr. Councilman, I hope this is a practical question. Do we have any way of having any assurances that - - -well, let me ask it another way. Do we have any anticipations of doing this any more times beyond this time?

Councilman Walford: No. And if I may answer, we had number of people that came forward that had more than the ten tickets and DDA had talked to the Administration and talked to me about an amnesty period that would allow the people with any number of tickets to pay those tickets, but they would pay late fees.

We wouldn't waive all the late fees like we did for those people that had ten or less tickets. We collected twenty-six thousand, some odd dollars on that other amnesty period. We feel like we'll collect more now because quite frankly, the boots are ready and we're going to start booting shortly after the first of the year. So, I think a number of people will come forward.

And what we've done is we've got a scale that you'll see in the resolution where if they owe up to \$50 in face value of the tickets, they'll pay a \$5 late charge and it goes on up to \$1,000, I think they pay \$250. So, it's my Christmas gift and one last chance and that'll be the last time, I'll ask you to do this and I hope we'll see the boot on those that don't come forward to pay.

So, I would ask for a yes vote and to give you a quick figure, we have \$1.7million still outstanding in parking violations. Eight Hundred Thousand Dollars of that is people with two or more parking tickets. I don't have the numbers, but a large part of that was people that didn't qualify for the first amnesty period. So we're hoping that some of those people will come forward. I'm hoping that one that Mr. Antee and I know will come forward so he doesn't get booted and call one of the two of us. Does that answer your question Mr. Jackson?

Councilman Jackson: I guess that what you're saying is this is the last time we're going to do it? Councilman Walford: This is the last chance, and then the boots go on.

Councilman Jackson: Okay, can you tell me again, I'm sorry, it's not on the screen, or I don't see it on my- - -what is the time period again?

Councilman Walford: The time period is this second week of December.

Ms. Lee: The 8th, I believe it's December the---

Councilman Walford: 8 thru 12 isn't it?

Ms. Lee: December 8 thru the 12th.

Councilman Walford: And we did that to put it after the holiday period, the Thanksgiving holiday.

Councilman Jackson: Let me ask this Council a question. I think and at the risk of being redundant, I know I said it the last time we voted. I would ask Mr. Chairman for, if it's going to be the last time for an increased amount of time, maybe ten days and which would basically be two working weeks to get that done.

Councilman Walford: I really have no problem with two weeks for my part. If you want to amend the resolution as such.

Councilman Jackson: I don't know if we can do it without having done it in writing.

Councilman Walford: I really think five days will do it. That gives people - - the media plans to cover this rather heavily and - - -

Councilman Jackson: I guess my only concern was I thought the first time, we thought, it was gonna do it for us as well and I think when we find some wisdom, that part of that may be also extended that period of time, you know just as an effort to be, for that last opportunity, you never know what happens if people are out of town and that kinds of things that we said the first time. Don't know. I think if we're going to be nice, you know, you may as well be nice.

Councilman Walford: I don't want to be too nice. No, I'm sorry.

Councilman Jackson: But again, that's just my request. Because I think if the logic is, if they're gonna do it, they're gonna do it. It's a bad logic, because if they were going to do it, we wouldn't have this amnesty period.

Councilman Walford: Well, now we're aiming it at a different group of people. Those who were not eligible on the first amnesty, because it included only those with ten or less tickets.

Councilman Gibson: Mr. Chairman, could I get a point of order real quick.

Councilman Jackson: I guess my point is, you know we're still talking about people who haven't paid tickets over a long period of time and not just people who owe a routine ticket from yesterday; so, that's all I want Mr. Chairman. Thank you.

Councilman Gibson: I don't have a problem with what you're discussing at this point of order, if we're going to do this, put it in writing, and we can get this going.

Councilman Walford: Personally, I would like to just go with the five days.

Councilman Gibson: Well again, if we want to change it, lets just put it in writing and move on.

Councilman Walford: Well, I prefer not to change it. I'd like to see it go forward as is. I would encourage.

Councilman Gibson: I said if that is what you want to do. I'm just asking for a point of order. If it's amended, we put it in writing.

Councilman Jackson: Well, I'm confused Mr. Chairman, because a minute ago, you said you didn't really have any problem with that. Now, you say you want to move on?

Councilman Walford: If it means that a delay, I have a problem with it.

Councilman Jackson: You mean the time it takes to write the amendment?

Councilman Walford: If it can't be done today. Mr. Thompson, can you help us?

Councilman Gibson: Write it and get it over with.

Ms. Glass: Mr. Chairman, we could write it, but it would take a few minutes to, trying to find the electronic version of it. It does need to be in writing if it's adopted and we would just need a little while to draft it.

Councilman Jackson: I'm about to draft it right now.

Councilman Walford: Well, all we got to do is change that second December date to - - -

Councilman Jackson: Is there a motion on the floor?

Councilman Walford: There is a motion on the floor to pass as is.

Motion by Councilman <u>Jackson</u>, seconded by Councilman <u>Gibson</u> to defer to later in the meeting. Motion passed by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, and Jackson. 5. Nays: None. Out of Chamber: Councilman Hogan. 1. Absent: Councilman Green. 1.

Councilman Walford: Mr. Jackson, is the 19th okay with you? Thus it would be 8th thru 19th.

Ms. Glass: December 8th thru 19th?

Councilman Walford: Yes.

The Council considered the following Amendment:

Ms. Glass: Mr. Chairman, I don't know if you want to do it at this point, but the amendment that we discussed earlier---

Councilman Walford: Yes, please.

Ms. Glass: Sharon offered to go upstairs and print it out, but it is in writing because its in electronic form has been mailed to the Clerk. We didn't go upstairs and print it out, but I can read it to you.

Amendment to Resolution No. 181 of 2003 Relative to Suspending the Collection of Late Fees for Parking Infractions

On the second page in the third Whereas clause, and in the Now Therefore Be it Resolved paragraph, delete the date "December 12, 2003" and substitute the date "December 19, 2003."

Councilman Walford: Now, do we need to vote on an amendment or the resolution as amended.

Ms. Glass: Vote on the amendment, and then the resolution as amended.

Motion by Councilman <u>Gibson</u>, seconded by Councilman <u>Walford</u> to adopt the amendment. Motion passed by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, and Jackson. 5. Nays: None. Out of Chamber: Councilman Hogan. 1. Absent: Councilman Green. 1.

Motion by Councilman <u>Gibson</u>, seconded by Councilman <u>Jackson</u> to adopt the resolution as amended. Motion passed by the following vote: Ayes: Councilman Lester, Walford, Gibson, and Jackson. 4. Nays: Councilman Carmody. 1. Out of Chamber: Councilman Hogan. 1. Absent: Councilman Green. 1.

Councilman Walford: Gentlemen, I thank you for that, the DDA thanks you for that, and hopefully a lot of parking scofflaws thank you for that.

RESOLUTION NUMBER 182 OF 2003

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

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

WHEREAS, the City of Shreveport has entered into an intergovernmental agreement with Caddo Parish under which Caddo Parish will undertake to sell 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:

Lot 110, Carver Heights Subdivision

Geographic Number 181421-034-0110

Unit No. 2

Municipal Address: 1708 Simpkins Drive

Council District "A"

Lots 25 and 26, Evangeline Subdivision Municipal Address: 4231 Barbara Avenue

de Subdivision Geographic Number 171417-007-0091

Council District "G"

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 Councilman <u>Lester</u>, seconded by Councilman <u>Gibson</u> passed by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, and Jackson. 5. Nays: None. Out of Chamber: Councilman Hogan. 1. Absent: Councilman Green. 1.

INTRODUCTION OF RESOLUTIONS:

1. Resolution No. 180 of 2003: A resolution authorizing the Mayor to enter into a Supplemental agreement No. 1 for the Cooperative Endeavor Agreement with the Sate of Louisiana for the purpose of constructing the I-49 Interchange Landscaping Project between LA 526 and Kings Highway, and to otherwise provide with respect thereto.

Read by title and as read motion Councilman <u>Lester</u>, seconded by Councilman <u>Walford</u> for Introduction of the Resolution to lay over until the November 21, 2003 meeting. Motion passed by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, and Jackson. 5. Nays: None. Out of Chamber: Councilman Hogan. 1. Absent: Councilman Green. 1.

INTRODUCTION OF ORDINANCES:

- 1. Ordinance No. 190 of 2003: An ordinance amending the 2003 budget for the General Fund Budget and to otherwise provide with respect thereto.
- 2. Ordinance No. 191 of 2003 by Councilman Gibson: An ordinance amending the 2003 Capital Improvements Budget and to otherwise provide with respect thereto.
- 3. Ordinance No. 192 of 2003: An ordinance amending Chapter 42 and Chapter 86 of the Code of Ordinances of the City of Shreveport relative to itinerant vendor's licenses and occupational license taxes and otherwise providing with respect thereto.
- 4. Ordinance No. 193 of 2003: TWENTY FIRST 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 \$13,565,000 principal amount of Water and Sewer Revenue Bonds, 2003 Refunding Series C, 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 Councilman Carmody, seconded by Councilman Gibson for

Introduction of the Ordinances to lay over until the November 21, 2003 meeting. Motion passed by the following vote: Ayes: Councilman Lester, Walford, Carmody, Hogan, Gibson, and Jackson. 6. Nays: None. Absent: Councilman Green. 1.

5. Ordinance No. 194 of 2003: An ordinance authorizing the Purchasing Agent to dispose of surplus real properties and otherwise providing with respect thereto.

Read by title and as read motion Councilman <u>Carmody</u>, seconded by Councilman <u>Gibson</u> for Introduction of the Ordinance No. 194 of 2003 to lay over until the December 9, 2003 meeting. Motion passed by the following vote: Ayes: Councilman Lester, Walford, Carmody, Hogan, Gibson, and Jackson. 6. Nays: None. Absent: Councilman Green. 1.

6. Ordinance No. 195 of 2003: An ordinance declaring adjudicated properties to be surplus and to authorize the Mayor of the City to sell the City of Shreveport's tax interest in certain surplus adjudicated properties, and to otherwise provide with respect thereto.

Read by title and as read motion Councilman <u>Carmody</u>, seconded by Councilman <u>Gibson</u> for Introduction of the Ordinances to lay over until the November 21, 2003 meeting. Motion passed by the following vote: Ayes: Councilman Lester, Walford, Carmody, Hogan, Gibson, and Jackson. 6. Nays: None. Absent: Councilman Green. 1.

ORDINANCES ON SECOND READING AND FINAL PASSAGE:

1. Ordinance No. 152 of 2003: An ordinance amending Chapter 26 of the Code of Ordinances of the City of Shreveport by adding Article VIII., Division 1 and Division 2 relative to disposal of public property and disposal of adjudicated property and otherwise providing with respect thereto.

Having passed first reading on October 14, 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 to table the ordinance. Motion adopted by the following vote: Ayes: Councilman Lester, Walford, Carmody, Hogan, Gibson, and Jackson. 6. Nays: None. Absent: Councilman Green. 1.

2. Ordinance No. 153 of 2003: A ordinance authorizing the incurring of debt and issuance of Thirty-Seven Million Dollars (\$37,000,000) of General Obligation Bonds, Series 2003A, of the City of Shreveport, State of Louisiana; prescribing the form, terms and conditions of said Bonds; designating the date, denomination and place of payment of said Bonds; providing for the payment thereof in principal and interest; and providing for other matters in connection therewith.

Having passed first reading on October 14, 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 Carmody, seconded by Councilman Lester for passage. The Deputy Clerk the following amendment:

Delete the ordinance as Introduced and substitute in lieu thereof the attached ordinance.

Motion by Councilman <u>Carmody</u>, seconded by Councilman <u>Lester</u> for adoption of the amendment. Motion passed by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan, and Jackson. 6. Nays: None. Absent: Councilman Green. 1.

Motion by Councilman <u>Carmody</u>, seconded by Councilman <u>Gibson</u> for adoption of the ordinance as amended. Motion passed by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan, and Jackson. 6. Nays: None. Absent: Councilman Green. 1.

3. Ordinance No. 155 of 2003 by Councilman Jackson: An ordinance amending the 2003 budget for the Retained Risk Internal Service Fund and otherwise providing with respect thereto.

Having passed first reading on October 14, 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 Jackson, seconded by Councilman Carmody to postpone the ordinance until the November 21, 2003 meeting. Motion passed by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan, and Jackson. 6. Nays: None. Absent: Councilman Green. 1.

4. Ordinance No. 156 of 2003 by Councilman Jackson: An ordinance amending the 2003 budget for the Riverfront Development Special Revenue Fund and otherwise providing with respect thereto.

Having passed first reading on October 14, 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 Jackson, seconded by Councilman Carmody to postpone the ordinance until the November 21, 2003 meeting. Motion passed by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan, and Jackson. 6. Nays: None. Absent: Councilman Green. 1.

5. Ordinance No. 175 of 2003: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, by rezoning property located on the Northwest corner of Greenwood Road and Bert Kouns Industrial Loop, Shreveport, Caddo Parish, Louisiana, from B-3, Commercial Business District, to I-1, Light Industrial District, and I-1 (SPI-2), Light Industrial (Industrial Park Overlay) District, and to otherwise provide with respect thereto.

Councilman Jackson: Without discussion, I mean, I don't know if there is any kind of discussion on it but I just was trying to go through it to find out what the appropriate motion would be on that matter.

Mr. Thompson: The motion is 'to adopt' and the person that makes the motion can indicate whether he is in favor or opposed to it, but normally that the motion is to adopt.

Councilman Jackson: I would like to move 'to adopt' and ask you to vote 'no.' Councilman Hogan: There is not a vote on the adoption it is already on the agenda, correct?

Councilman Walford: We are voting whether to adopt the whether to adopt the

ordinance as presented by the Metropolitan Planning Commission.

Councilman Hogan: Madame Clerk, could you erase my vote.

Councilman Gibson: On discussion, I really would like to amend that motion to ask for a two week delay on this [died for lack of a second].

Mr. Thompson: What was the motion?

Councilman Jackson: It was a motion to adopt this particular ordinance and what I was asking of this Council was to vote 'nay' because that would kill the adoption of it.

Having passed first reading on October 14, 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 Jackson, seconded by Councilman Carmody denied by the following vote: Nays: Councilman Lester, Carmody, Gibson, Hogan, Green and Jackson. 6. Ayes: Councilman Walford. 1.

6. Ordinance No. 178 of 2003: An ordinance to amend Section 50-86 and repeal Section 50-87 of the City of Shreveport Code of Ordinances relative to Miscellaneous Offenses and to otherwise provide with respect thereto.

Having passed first reading on October 28, 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 Carmody, seconded by Councilman Lester adopted by the following vote: Ayes: Councilman Lester, Walford, Gibson, Carmody, Hogan, and Jackson. 6. Nays: None. Absent: Councilman Green. 1.

7. Ordinance No. 179 of 2003: An ordinance amending the 2003 budget for the Community Development Special Revenue Fund and otherwise providing with respect thereto.

Having passed first reading on <u>October 28, 2003</u> was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman <u>Carmody</u>, seconded by Councilman <u>Lester</u> to postpone the ordinance until the November 21, 2003 meeting. Motion adopted by the following vote: Ayes: Councilman Lester, Walford, Gibson, Carmody, Hogan, and Jackson. 6. Nays: None. Absent: Councilman Green. 1.

8. Ordinance No. 180 of 2003: An ordinance amending the 2003 budget for the Fleet Services Internal Service Fund and otherwise providing with respect thereto.

Having passed first reading on October 28, 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 Carmody, seconded by Councilman Lester to postpone the ordinance until the November 21, 2003 meeting. Motion adopted by the following vote: Ayes: Councilman Lester, Walford, Gibson, Carmody, Hogan, and Jackson. 6. Nays: None. Absent: Councilman Green. 1.

9. Ordinance No. 181 of 2003: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, by continuing B-2-E, Neighborhood Business/Extended Use District Zoning limited to "Automobile Repair Service" only on property located on the northwest corner of Shreveport-Barksdale Highway & Camilla Shreveport, Caddo Parish, Louisiana and to otherwise provide with

respect thereto.

Having passed first reading on October 28, 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 Carmody, seconded by Councilman Gibson for adoption.

Councilman Carmody: Mr. Kirkland, I received a call from Wayne Krohn. And he seemed to be under some misunderstanding as to exactly what the intent was as to the approval that he was given. I think that he had felt like that he really needed storage of vehicles as a part of his approval and as I had gone through the agenda and read back the stipulations, that was not provided that he would have the ability just to store cars and that as I explained to him - - -

Mr. Kirkland: Not inoperable vehicles.

Councilman Carmody: Right.

Mr. Kirkland: I'll try to be kind in my remarks.

Councilman Carmody: You don't need to candy coat it for me.

Mr. Kirkland: (Inaudible) had a problem from Day 1. He's a good mechanic. We've tried our best to work with him, we think we have. In this decision. We gave him basically rights to park overnight, 30 cars on that site for repairs. If you've seen this site, it's a very small site.

Councilman Carmody: Very familiar with it.

Mr. Kirkland: That's being extremely liberal to Mr. Krohn. But he seemed like a business man whose trying hopefully to continue to do well. He's got other bigger problems frankly dealing with DEQ, environmental problems and the board gave him an additional year to continue an operation. We don't want to- - - the board didn't want to cause him to have to shut down his business. But at some point, Mr. Krohn's gonna need another site that's larger. He was not given the right to store inopers there. It's a very different sort of zoning used than what he asked for.

Councilman Carmody: And that's what I wanted to make sure. When I discussed it with him, I had read verbatim the legislation as well as the stipulation that was placed on him and he seemed to feel like that maybe they were a little bit too burdensome, but as I explained to him that the complaints that I received and I'm sure probably the prior District C Councilman received on this particular site was that there seemed to be so many vehicles on that lot that were inoperable and he - - -I think the man is trying to do what he needs to do. And as I told him I would support making sure that as long as he was in compliance with the approval that he would continue to operate there. So, I just wanted to ask the Council to vote with me to approve this, but with the understanding that he was not granted a stipulation to allow him to store inoperable vehicles on the site.

Mr. Kirkland: In fact with this approval, he's way ahead of the game, whether he understands that or not and I know Roy has worked with him, his lawyer's worked with him, we've tried to work with him. A lot of folks that know him and know him to be a good mechanic tried to lend support. And this really does do that, but it certainly is not giving him the right run a wrecking yard there or store inops there. Every vehicle on that site - - - now he may have some that folks haven't paid him for. Now, those are sitting there and as far as we know they've been repaired and they're not inops. So, some of those, we're not saying you gotta move those off if you're trying to collect them.

Councilman Carmody: Well, and he had told me that he had made provisions for another piece of property in which to store those vehicles. So, I thought that, hopefully would alleviate the problem.

Mr. Kirkland: That's really where we are.

Councilman Walford: And if I may, we're talking about a one year approval is what we're dealing with.

Mr. Kirkland: Yes sir. Because Mr. Jambor did some checking with Louisiana DEQ and apparently some of those issues are gonna come to a head prior to the year and the implication is within a year, something will have to be done about the tanks underground and some other things that will cost a major expense to someone.

[Councilman Gibson called for the question, seconded by Councilman Carmody and approved by the following vote: Ayes: Councilman Lester, Walford, Gibson, Carmody, Hogan, and Jackson. 6. Nays: None. Absent: Councilman Green. 1.]

Motion for adoption approved by the following vote: Ayes: Councilman Walford, Gibson, Carmody, Hogan, and Jackson. 5. Nays: None. Out of Chamber: Councilman Lester. 1. Absent: Councilman Green. 1.

10. Ordinance No. 182 of 2003: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, by rezoning property located on the south side of Bert Kouns Industrial Loop 700 feet east of Mansfield Road, Shreveport, Caddo Parish, Louisiana, From R-1D, Urban, One-Family Residence District, to B-1, Buffer Business District, and to otherwise provide with respect thereto.

Having passed first reading on October 28, 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 Gibson, seconded by Councilman Carmody for adoption.

Councilman Hogan: This is in my district and I'll just give a little update on what's going on with this. This is a portion of the old property that we have, our East Campus at Summer Grove Baptist Church. And I would encourage the Council to vote for this because this is gonna - - - the funds that we receive from this is gonna help us in our renovation of the mall. And I haven't heard any opposition, but I just wanted everybody to know what was going on about this and I would encourage a vote in the affirmative.

Councilman Gibson: Well, I was gonna vote for it, but now, I'm not. Chairman Walford: Any other discussion, if not - - -

Ordinance approved by the following vote: Ayes: Councilman Walford, Gibson, Carmody, Hogan, and Jackson. 5. Nays: None. Out of Chamber: Councilman Lester. 1. Absent: Councilman Green. 1.

11. Ordinance No. 183 of 2003: An ordinance authorizing the Shreveport Airport Authority to sell the improvements only on the lots described herein located on Meriwether Road, as Surplus Property and otherwise providing with respect thereto.

Having passed first reading on <u>October 28, 2003</u> was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman <u>Carmody</u>, seconded by Councilman <u>Gibson</u> to postpone the ordinance until the November 21, 2003 meeting.

Councilman Jackson: What are we postponing?

Councilman Walford: 183 – Authorizing the Shreveport Airport Authority to sell the improvements only.

Councilman Jackson: Do we have to postpone that?

Councilman Walford: Yes.

Councilman Jackson: Even though it can't be adopted prior to November 21st?

Mr. Thompson: Cannot be adopted prior to November 21st.

Ms. Lee: Same thing. Mr. Thompson: Long day.

12. Ordinance No. 185 of 2003: An ordinance to amend Section 106-1123, of the City of Shreveport Code of Ordinances, the Zoning Ordinance, relative to on-premises advertising signs, and by otherwise providing with respect thereto.

Having passed first reading on October 28, 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 Walford, seconded by Councilman Gibson adopted by the following vote: Ayes: Councilman Walford, Gibson, Carmody, Hogan, and Jackson. 5. Nays: None. Out of Chamber: Councilman Lester. 1. Absent: Councilman Green. 1.

Mr. Kirkland: And it was really what I was gonna ask you for, if you'd asked any questions anyway. On this ordinance, a lot of people worked together with the MPC and the staff, but no one less than the man sitting right here with the big hair, and that's not Ken Antee.

Councilman Gibson: Oh, are you talking about me?

Mr. Kirkland: In any event, he showed real leadership in helping us to get rid of some rather sticky points on this ordinance. But at lot of times he gets—what was that you said, 'no good deed goes'?

Councilman Hogan: Unpunished.

Mr. Kirkland: You pay for or something, I forget exactly what you were saying yesterday.

Councilman Hogan: No good deed goes unpunished.

Mr. Kirkland: That's what it was. But he did a good job on this and we have no opposition to it and Mr. Chairman, you too, we appreciate your help. But the Mayor in particular stepped up and helped, I'll say, negotiate and that's used carefully some of the debate on this issue. We've got good ordinance, good legislation and a lot of its due to the work of the Mayor; so, thank you.

Councilman Walford: Mr. Kirkland, I certainly appreciate all that the MPC and the MPC staff did and Mayor, I thank you and all of the Council for that vote.

The Ordinances as amended follow:

ORDINANCE NO. 153 OF 2003

Offered by Councilman <u>Carmody</u> and seconded by Councilman <u>Lester:</u>

ORDINANCE

A ORDINANCE AUTHORIZING THE INCURRING OF DEBT AND ISSUANCE OF THIRTY-SEVEN MILLION DOLLARS (\$37,000,000) OF GENERAL OBLIGATION BONDS, SERIES 2003A, OF THE CITY OF SHREVEPORT, STATE OF LOUISIANA; PRESCRIBING THE FORM, TERMS AND CONDITIONS OF SAID BONDS; DESIGNATING THE DATE, DENOMINATION AND PLACE OF PAYMENT OF SAID BONDS; PROVIDING FOR THE PAYMENT THEREOF IN PRINCIPAL AND INTEREST; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH.

- **BE IT ENACTED** by the City Council of the City of Shreveport, State of Louisiana, acting as the governing authority of said City, that:
- **SECTION 1**. <u>Definitions</u>. As used herein, the following terms shall have the following meanings, unless the context otherwise requires:
- "Agreement" means the agreement to be entered into between the Issuer and the Paying Agent pursuant to this Ordinance.
- **"Bond"** means any Bonds of the Issuer authorized to be issued by this Ordinance, whether initially delivered or issued in exchange for, upon transfer of, or in lieu of any Bond previously issued.
- **"Bond Register"** means the records kept by the Paying Agent at its principal office in which registration of the Bonds and transfers of the Bonds shall be made as provided herein.
- **"Bonds"** means the Issuer's General Obligation Bonds, Series 2003A, authorized by this Ordinance, in the total aggregate principal amount of Thirty-Seven Million Dollars (\$37,000,000).
 - "Code" means the Internal Revenue Code of 1986, as amended.
- **"Executive Officers"** means, collectively, the Mayor, the Director of Finance and the Clerk of Council of the Issuer.
- "Governing Authority" means the City Council of the City of Shreveport, State of Louisiana.
- **"Government Securities"** means direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by the United States of America, which are non-callable prior to their maturity, may be United States Treasury obligations such as the State and Local Government Series and may be in book-entry form.
- "Interest Payment Date" means May 1 and November 1 of each year, commencing May 1, 2004.
 - "Issuer" means the City of Shreveport, State of Louisiana.

- "Outstanding" when used with respect to Bonds means, as of the date of determination, all Bonds theretofore issued and delivered under this Ordinance, except:
- 1. Bonds theretofore canceled by the Paying Agent or delivered to the Paying Agent for cancellation;
- 2. Bonds for which payment or redemption sufficient funds have been theretofore deposited in trust for the owners of such Bonds, provided that if such Bonds are to be redeemed, irrevocable notice of such redemption has been duly given or provided for pursuant to this Ordinance or waived:
- 3. Bonds in exchange for or in lieu of which other Bonds have been registered and delivered pursuant to this Ordinance;
- 4. Bonds alleged to have been mutilated, destroyed, lost or stolen which have been paid as provided in this Ordinance or by law; and
- 5. Bonds for the payment of the principal (or redemption price, if any) of and interest on which money or Government Securities or both are held in trust with the effect specified in this Ordinance.
- "Ordinance" means this ordinance authorizing the issuance of the Bonds, as it may be supplemented and amended.
- "Owner" or "Owners" when used with respect to any Bond means the Person in whose name such Bond is registered in the Bond Register.
- **"Paying Agent"** means Argent Trust, a division of National Independent Trust Company, in the City of Ruston, Louisiana, until a successor Paying Agent shall have been appointed pursuant to the applicable provisions of this Ordinance and thereafter "Paying Agent" shall mean such successor Paying Agent.
- **"Person"** means any individual, corporation, partnership, joint venture, association, joint-stock company, trust, unincorporated organization or government or any agency or political subdivision thereof.
- "Record Date" for the interest payable on any Interest Payment Date means the 15th calendar day of the month next preceding such Interest Payment Date.
- **SECTION 2.** <u>Authorization of Bonds Maturities</u>. In compliance with the terms and provisions of Article VI, Section 33 of the Constitution of the State of Louisiana of 1974, Sub-Part A, Part III, Chapter 4, Title 39 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority, and being authorized at a special election held on July 21, 2001, there is hereby authorized the incurring of an indebtedness of Thirty-Seven Million Dollars (\$37,000,000) for, on behalf of, and in the name of the Issuer, for the purpose of constructing, acquiring, and improving works of neighborhood public improvement for the City, including roads, streets, drainage, parks and recreation facilities and public facilities including facilities for the police department and fire department, and other public purposes, and acquiring the necessary land, equipment and furnishings. To represent said indebtedness, this Governing Authority does hereby authorize the issuance of Thirty-Seven Million Dollars (\$37,000,000) of General Obligation Bonds,

Series 2003A, of the Issuer, which Bonds were authorized at the said election of July 21, 2001. The Bonds shall be in fully registered form, shall be dated November 1, 2003, shall be issued in the denomination of Five Thousand Dollars (\$5,000) each or any integral multiple thereof within a single maturity and shall be numbered from R-1 upward. The unpaid principal of the Bonds shall bear interest from the date thereof or from the most recent Interest Payment Date to which interest has been paid or duly provided for, payable on each Interest Payment Date, commencing May 1, 2004, at the following rates of interest and shall mature serially no later than November 1, 2023 and bear interest at a rate of not to exceed 6% per annum. The Mayor is authorized to accept the lowest bid received pursuant to the Official Notice of Sale.

The principal of the Bonds, upon maturity or redemption, shall be payable at the principal office of the Paying Agent, upon presentation and surrender thereof, and interest on the Bonds shall be payable by check of the Paying Agent mailed by the Paying Agent to the Owner (determined as of the close of business on the Record Date) at the address shown on the Bond Register. Each Bond delivered under this Ordinance upon transfer of, in exchange for or in lieu of any other Bond shall carry all the rights to interest accrued and unpaid, and to accrue, which were carried by such other Bond, and each such Bond shall bear interest (as herein set forth) so neither gain nor loss in interest shall result from such transfer, exchange or substitution.

No Bond shall be entitled to any right or benefit under this Ordinance, or be valid or obligatory for any purpose, unless there appears on such Bond a certificate of registration, substantially in the form provided in this Ordinance, executed by the Paying Agent by manual signature.

The Mayor is hereby authorized to execute and deliver any other instruments to further the purposes of this Ordinance and delivery the Bonds.

SECTION 3. <u>Book-Entry Registration of Bonds</u>. The Bonds shall be initially issued in the name of Cede & Co., as nominee for The Depository Trust Company ("DTC"), as registered owner of the Bonds, and held in the custody of DTC. The Director of Finance of the Issuer or any other officer of the Issuer is authorized to execute and deliver a Letter of Representation to DTC on behalf of the Issuer with respect to the issuance of the Bonds in "book-entry only" format. The Paying Agent is hereby directed to execute said Letter of Representation. The terms and provisions of said Letter of Representation shall govern in the event of any inconsistency between the provisions of this Bond Ordinance and said Letter of Representation. A single certificate will be issued and delivered to DTC or its designee for each maturity of the Bonds. The Beneficial Owners will not receive physical delivery of Bond certificates except as provided herein. Beneficial Owners are expected to receive a written confirmation of their purchase providing details of each Bond acquired. For so long as DTC shall continue to serve as securities depository for the Bonds as provided herein, all transfers of beneficial ownership interest will be made by book-entry only, and no investor or other party purchasing, selling or otherwise transferring beneficial ownership of Bonds is to receive, hold or deliver any Bond certificate.

Notwithstanding anything to the contrary herein, while the Bonds are issued in book-entryonly form, the payment of principal of, premium, if any, and interest on the Bonds may be payable by the Paying Agent by wire transfer to DTC in accordance with the Letter of Representation.

For every transfer and exchange of the Bonds, the Beneficial Owner may be charged a sum sufficient to cover such Beneficial Owner's allocable share of any tax, fee or other governmental charge that may be imposed in relation thereto.

Bond certificates are required to be delivered to and registered in the name of the Beneficial Owner under the following circumstances:

- (a) DTC determines to discontinue providing its service with respect to the Bonds. Such a determination may be made at any time by giving 30 days' notice to the Issuer and the Paying Agent and discharging its responsibilities with respect thereto under applicable law.
- (b) The Issuer determines that continuation of the system of book-entry transfer through DTC (or a successor securities depository) is not in the best interests of the Issuer and/or the Beneficial Owners.

The Issuer and the Paying Agent will recognize DTC or its nominee as the Bondholder for all purposes, including notices and voting.

Neither the Issuer or the Paying Agent are responsible for the performance by DTC of any of its obligations, including, without limitation, the payment of moneys received by DTC, the forwarding of notices received by DTC or the giving of any consent or proxy in lieu of consent.

Whenever during the term of the Bonds the beneficial ownership thereof is determined by a book entry at DTC, the requirements of this Bond Ordinance of holding, delivering or transferring the Bonds shall be deemed modified to require the appropriate person to meet the requirements of DTC as to registering or transferring the book entry to produce the same effect.

If at any time DTC ceases to hold the Bonds, all references herein to DTC shall be of no further force or effect.

SECTION 4. <u>Redemption Provisions</u>. The Bonds maturing on November 1, 2013, and thereafter, shall be callable for redemption at the option of the Issuer in full at any time on or after November 1, 2012 or in part in the inverse order of their maturities, and if less than a full maturity then by lot within such maturity, on any Interest Payment Date on or after November 1, 2012, at the principal amount thereof, plus accrued interest from the most recent Interest Payment Date to which interest has been paid or duly provided for.

In the event a Bond to be redeemed is of a denomination larger than \$5,000, a portion of such Bond (\$5,000 or any multiple thereof) may be redeemed. Any Bond which is to be re-deemed only in part shall be surrendered at the principal corporate office of the Paying Agent and there shall be delivered to the Owner of such Bond a new Bond or Bonds of the same maturity and of any authorized denomination or denominations as requested by such Owner in aggregate principal amount equal to and in exchange for the unredeemed portion of the principal of the Bond so surrendered. Official notice of such call of any of the Bonds for redemption shall be given by means of first class mail, postage prepaid, by notice deposited in the United States mails not less than thirty (30) days prior to the redemption date addressed to the Owner of each Bond to be redeemed at his address as shown on the Bond Register.

SECTION 5. Registration and Transfer. The Issuer shall cause the Bond Register to be kept by the Paying Agent. The Bonds may be transferred, registered and assigned only on the Bond Register, and such registration shall be at the expense of the Issuer. A Bond may be assigned by the execution of an assignment form on the Bond or by other instruments of transfer and assignment acceptable to the Paying Agent. A new Bond or Bonds will be delivered by the Paying Agent to the last assignee (the new Owner) in exchange for such transferred and assigned Bonds after receipt of the Bonds to be transferred in proper form. Such new Bond or Bonds shall be in the

denomination of \$5,000 or any integral multiple thereof within a single maturity. Neither the Issuer nor the Paying Agent shall be required to issue, register, transfer or exchange any Bond during a period beginning (i) at the opening of business on a Record Date and ending at the close of business on the Interest Payment Date or (ii) with respect to Bonds to be redeemed, at the opening of business fifteen (15) days before the date of the mailing of a notice of redemption of such Bonds and ending on the date of such redemption.

SECTION 6. Form of Bonds. The Bonds and the endorsements to appear thereon shall be in substantially the following form, to-wit:

(FORM OF BOND)

NOTICE: Unless this Bond is presented by an authorized representative of The Depository Trust Company to the Issuer or its agent for registration of transfer, exchange or payment, and any certificate issued is registered in the name of Cede & Co. or such other name as requested by an authorized representative of The Depository Trust Company and any payment is made to Cede & Co., ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL SINCE THE REGISTERED OWNER HEREOF, CEDE & CO., HAS AN INTEREST HEREIN.

As provided in the Bond Ordinance referred to herein, until the termination of the system of bookentry-only transfers through DTC and notwithstanding any other provision of the Bond Ordinance to the contrary, this Bond may be transferred, in whole but not in part, only to a nominee of DTC, or by a nominee of DTC to DTC or a nominee of DTC or a nominee of DTC to any successor securities depository or any nominee thereof.

No. RPrin	ipal Amount \$
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UNITED STATES OF AMERICA STATE OF LOUISIANA PARISH OF CADDO

GENERAL OBLIGATION BOND, SERIES 2003A
OF THE
CITY OF SHREVEPORT, STATE OF LOUISIANA

Maturity Date	Interest Rate	Bond Date	CUSIP Number
November 1,	%	November 1, 2003	
THE CITY OF SHREVEPORT, STATE OF LOUISIANA (the "Issuer"), promises to pay to:			
REGISTERED OWNER:		CEDE & CO. (Tax Ider	ntification #13-2555119)
PRINCIPAL AMOUNT:			DOLLARS

or registered assigns, on the Maturity Date set forth above, the Principal Amount set forth above,

together with interest thereon from the Bond Date set forth above or the most recent interest payment date to which interest has been paid or duly provided for, payable on May 1 and November 1 of each year, commencing May 1, 2004 (each an "Interest Payment Date"), at the Interest Rate per annum set forth above until said Principal Amount is paid, unless this Bond shall have been previously called for redemption and payment shall have been duly made or provided for. The principal of and premium, if any, on this Bond, upon maturity or redemption, is payable in such coin or currency of the United States of America as at the time of payment is legal tender for payment of public and private debts at the principal office of Argent Trust, a division of National Independent Trust Company, in the City of Ruston, Louisiana, or successor thereto (the "Paying Agent") upon presentation and surrender hereof. Interest on this Bond is payable by check or draft mailed on or before the Interest Payment Date by the Paying Agent to the registered owner at the address as shown on the registration books of the Paying Agent maintained for such purpose. The interest so payable on any Interest Payment Date will be paid to the person in whose name this Bond (or one or more predecessor Bonds) is registered at the close of business on the Record Date (which is the 15" calendar day of the month next preceding an Interest Payment Date). Any interest not punctually paid or duly provided for shall be payable as provided in the Bond Ordinance (hereinafter defined).

During any period after the initial delivery of the Bonds in book-entry-only form when the Bonds are delivered in multiple certificates form, upon request of a registered owner of at least \$1,000,000 in principal amount of Bonds outstanding, all payments of principal, premium, if any, and interest on the Bonds will be paid by wire transfer in immediately available funds to an account designated by such registered owner; CUSIP number identification with appropriate dollar amounts for each CUSIP number must accompany all payments of principal, premium, and interest, whether by check or by wire transfer.

FOR SO LONG AS THIS BOND IS HELD IN BOOK-ENTRY FORM REGIS-TERED IN THE NAME OF CEDE & CO. ON THE REGISTRATION BOOKS OF THE ISSUER KEPT BY THE PAYING AGENT, AS BOND REGISTRAR, THIS BOND, IF CALLED FOR PARTIAL REDEMPTION IN ACCORDANCE WITH THE BOND ORDINANCE, SHALL BECOME DUE AND PAYABLE ON THE REDEMPTION DATE DESIGNATED IN THE NOTICE OF REDEMPTION GIVEN IN ACCORDANCE WITH THE BOND ORDINANCE AT, AND ONLY TO THE EXTENT OF, THE REDEMPTION PRICE, PLUS ACCRUED INTEREST TO THE SPECIFIED REDEMPTION DATE; AND THIS BOND SHALL BE PAID, TO THE EXTENT SO REDEEMED, (i) UPON PRESENTATION AND SURRENDER THEREOF AT THE OFFICE SPECIFIED IN SUCH NOTICE OR (ii) AT THE WRITTEN REQUEST OF CEDE & CO., BY CHECK MAILED TO CEDE & CO. BY THE PAYING AGENT OR BY WIRE TRANSFER TO CEDE & CO. BY THE PAYING AGENT IF CEDE & CO. AS BONDOWNER SO ELECTS. IF, ON THE REDEMPTION DATE, MONEYS FOR THE REDEMPTION OF BONDS OF SUCH MATURITY TO BE REDEEMED. TOGETHER WITH INTEREST TO THE REDEMPTION DATE, SHALL BE HELD BY THE PAYING AGENT SO AS TO BE AVAILABLE THEREFOR ON SUCH DATE, AND AFTER NOTICE OF REDEMPTION SHALL HAVE BEEN GIVEN IN ACCORDANCE WITH THE BOND ORDINANCE, THEN, FROM AND AFTER THE REDEMPTION DATE, THE AGGREGATE PRINCIPAL AMOUNT OF THIS BOND SHALL BE IMMEDIATELY REDUCED BY AN AMOUNT EQUAL TO THE AGGREGATE PRINCIPAL AMOUNT THEREOF SO REDEEMED, NOTWITHSTANDING WHETHER THIS BOND HAS BEEN SURRENDERED TO THE PAYING AGENT FOR CANCELLATION.

This Bond is one of an authorized issue aggregating in principal the sum of Thirty-Seven Million Dollars (\$37,000,000) (the "Bonds"), all of like tenor and effect except as to number, denomination, interest rate and maturity, said Bonds having been issued by the Issuer pursuant to Ordinance No. ____ of 2003 enacted by its governing authority on October ____, 2003 (the "Bond

Ordinance"), for the purpose of constructing, acquiring, and improving works of neighborhood public improvement for the City, including roads, streets, drainage, parks and recreation facilities and public facilities including facilities for the police department and fire department, and other public purposes, and acquiring the necessary land, equipment and furnishings therefor, title to which shall be in the public, under the authority conferred by Article VI, Section 33 of the Constitution of the State of Louisiana of 1974, Sub-Part A, Part III, Chapter 4, Title 39 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority, and were authorized at an election held on July 21, 2001, the result of which election has been duly promulgated in accordance with law.

The Bonds are issuable only as fully registered bonds in the denomination of \$5,000 principal amount or any integral multiple thereof within a single maturity, exchangeable for an equal aggregate principal amount of bonds of the same maturity of any other authorized denomination.

Subject to the limitations of and upon payment of the charges provided in the Bond Ordinance, the transfer of this Bond may be registered on the registration books of the Paying Agent upon surrender of this Bond at the principal office of the Paying Agent as registrar, accompanied by a written instrument of transfer in form and with guaranty of signature satisfactory to the Paying Agent, duly executed by the registered owner or his attorney duly authorized in writing, and thereupon a new bond or bonds of the same maturity and of authorized denomination or denominations, for the same aggregate principal amount, will be issued to the transferee. Prior to due presentment for registration of transfer of this Bond, the Issuer and the Paying Agent may deem and treat the person in whose name this Bond is registered as the absolute owner hereof for all purposes, whether or not this Bond shall be overdue and neither the Issuer nor the Paying Agent shall be bound by any notice to the contrary.

The Bonds maturing on November 1, 2013 and thereafter, are callable for redemption at the option of the Issuer in full at any time on or after November 1, 2012, or in part in the inverse order of their maturities, and if less than a full maturity then by lot within such maturity, on any Interest Payment Date on or after November 1, 2012, at the principal amount thereof, plus accrued interest from the most recent Interest Payment Date to which interest has been paid or duly provided for. In the event any Bond to be redeemed is of a denomination larger than \$5,000, a portion of such Bond (\$5,000 or any multiple thereof) may be redeemed. Official notice of such call of any of the Bonds for redemption shall be given by means of first class mail, postage prepaid, by notice deposited in the United States mail not less than thirty (30) days prior to the redemption date addressed to the registered owner of each Bond to be redeemed at his address as shown on the registration books of the Paying Agent.

The Bond Ordinance permits, with certain exceptions as therein provided, the amendment thereof and the modifications of the rights and obligations of the Issuer and the rights of the owners of the Bonds at any time by the Issuer with consent of the owners of a 2/3 majority in aggregate amount of all Bonds issued under the Bond Ordinance, to be determined in accordance with the Bond Ordinance.

This Bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Bond Ordinance until the certificate of registration hereon shall have been signed by the Paying Agent.

This Bond and the issue of which it forms a part constitute general obligations of the Issuer, and the full faith and credit of the Issuer is pledged for the payment of this Bond and the issue of which it forms a part. Said Bonds are secured by a special ad valorem tax to be imposed and

collected annually in excess of all other taxes on all the property subject to such taxation within the territorial limits of the Issuer, under the Constitution and laws of Louisiana, sufficient in amount to pay the principal of this Bond and the issue of which it forms a part and the interest thereon as they severally mature.

It is hereby certified, recited and declared that all acts, conditions and things required to exist, to happen and to be performed precedent to and in the issuance of this Bond and the issue of which it forms a part to constitute the same legal, binding and valid obligations of the Issuer have existed, have happened and have been performed in due time, form and manner as required by law, and that the indebtedness of the Issuer, including this Bond and the issue of which it forms a part, does not exceed the limitations prescribed by the Constitution and statutes of the State of Louisiana. It is certified that this Bond is authorized by and is issued in conformity with the requirements of the Constitution and statutes of the State of Louisiana.

This Bond and the issue of which it forms a part have been duly registered with the Secretary of State of Louisiana as provided by law.

IN WITNESS WHEREOF, the City Council of the City of Shreveport, State of Louisiana, acting as the governing authority thereof, has caused this Bond to be executed in the name of the Issuer by the manual or facsimile signatures of its Mayor, Clerk of Council and Director of Finance and its corporate seal to be impressed hereon.

	CITY OF SHREVEPORT, STATE OF LOUISIA
Clerk of Council	Mayor
	 Director of Finance
	(SEAL)
(FORM	* * * * * * I OF SECRETARY OF STATE ENDORSEMENT TO BE PRINTED ON ALL BONDS)
	OFFICE OF SECRETARY OF STATE STATE OF LOUISIANA BATON ROUGE
his Bond secured by a tax	c. Registered on this, the day of, 2003
	Secretary of State

* * * * * *

(FORM OF PAYING AGENT'S CERTIFICATE OF REGISTRATION - TO BE PRINTED ON ALL BONDS)

This Bond is one of the Bonds referred to in the within-me	entioned Bond Ordinance.
	Argent Trust, a division of National Independent Trust Company, Ruston, Louisiana as Paying Agent
Date of Registration:	By: Authorized Officer
* * * * *	
(FORM OF ASSIGNM	ENT)
FOR VALUE RECEIVED, the undersigned hereby sells, a	assigns and transfers unto
Please Insert Social Security or other Identifying Number of Assignee	
the within Bond and all rights thereunder, and hereby irre	evocably constitutes and appoints
attorney or agent to transfer the within Bond on the boo power of substitution in the premises.	ks kept for registration thereof, with full
Dated:	
NOTICE: The correspond with the name as it appears upon the face of the alteration or enlargement or any change whatever.	he signature to this assignment must ne within Bond in every particular, without
* * * * *	•
(FORM OF LEGAL OPINION C TO BE PRINTED ON ALL	
I, the undersigned Clerk of Council of the City of Shrevepethat the following is a true copy of the complete legal op Casten & Pearce, Co-Bond Counsel, the originals of whitesued as of the date of payment for and delivery of the therein and were delivered to, thereof	oinions of Crawford Lewis, P.L.L.C. and ich were manually executed, dated and e original Bonds of the issue described
(Bond Printer Shall Insert Leg I further certify that executed copies of the above legal executed copies thereof have been furnished to the Payin	opinions are on file in my office, and that

(facsimile)	
Clerk of Council	

[STATEMENT OF INSURANCE TO BE PRINTED ON ALL BONDS]

* * * * * *

SECTION 7. Execution of Bonds . The Bonds shall be signed by the Executive Officers for, on behalf of, in the name of and under the corporate seal of the Issuer, and the Legal Opinion Certificate shall be signed by the Clerk of Council of the Issuer, which signatures and corporate seal may be either manual or facsimile.

SECTION 8. Registration of Bonds. The Bonds shall be registered with the Secretary of State of the State of Louisiana as provided by law and shall bear the endorsement of the Secretary of State in substantially the form set forth herein, provided that such endorsement shall be manually signed only on the Bonds initially delivered to the Purchaser, and Bonds subsequently exchanged therefor as permitted in this Ordinance may bear the facsimile signature of said Secretary of State.

SECTION 9. Pledge of Full Faith and Credit. The Bonds shall constitute general obligations of the Issuer, and the full faith and credit of the Issuer is hereby pledged for their payment. This Governing Authority does hereby obligate itself and is bound under the terms and provisions of law and the election authorizing the Bonds to impose and collect annually in excess of all other taxes a tax on all of the property subject to taxation within the territorial limits of the Issuer sufficient to pay the principal of and the interest on the Bonds falling due each year, said tax to be levied and collected by the same officers, in the same manner and at the same time as other taxes are levied and collected within the territorial limits of the Issuer.

SECTION 10. <u>Sinking Fund</u>. For the payment of the principal of and the interest on the Bonds, the Issuer will establish a special fund, to be held by the regularly designated fiscal agent of the Issuer (the "Sinking Fund"), into which the Issuer will deposit the proceeds of the aforesaid special tax and no other moneys whatsoever. The depository for the Sinking Fund shall transfer from the Sinking Fund to the Paying Agent immediately available funds on each Interest Payment Date, funds fully sufficient to pay promptly the principal and interest falling due on such date.

All moneys deposited with the regularly designated fiscal agent bank or banks of the Issuer or the Paying Agent under the terms of this Ordinance shall constitute sacred funds for the benefit of the Owners of the Bonds, and shall be secured by said fiduciaries at all times to the full extent thereof in the manner required by law for the securing of deposits of public funds.

All or any part of the moneys in the Sinking Fund shall, at the written request of the Issuer, be invested in accordance with the provisions of the laws of the State of Louisiana, in which event all income derived from such investments shall be added only to the Sinking Fund.

SECTION 11. <u>Application of Proceeds</u>. The Executive Officers are hereby empow-ered, authorized and directed to do any and all things necessary and incidental to carry out all of the provisions of this Ordinance, to cause the necessary Bonds to be printed, to issue, execute and seal the Bonds, and to effect delivery thereof as hereinafter provided. The proceeds derived from the sale of the Bonds, except accrued interest, shall be deposited by the Issuer with its fiscal agent

bank or banks to be used only for the purpose for which the Bonds are issued. Accrued interest, if any, derived from the sale of the Bonds shall be deposited in the Sinking Fund to be applied to the first interest payment.

SECTION 12. <u>Bonds Legal Obligations</u>. The Bonds shall constitute legal, binding and valid obligations of the Issuer and shall be the only representations of the indebtedness as herein authorized and created.

SECTION 13. <u>Ordinance a Contract</u>. The provisions of this Ordinance shall constitute a contract between the Issuer, or its successor, and the Owner or Owners from time to time of the Bonds and any such Owner or Owners may at law or in equity, by suit, action, mandamus or other proceedings, enforce and compel the performance of all duties required to be performed by this Governing Authority or the Issuer as a result of issuing the Bonds.

No material modification or amendment of this Ordinance, or of any ordinance amendatory hereof or supplemental hereto, may be made without the consent in writing of the Owners of two-thirds (2/3) of the aggregate principal amount of the Bonds then outstanding; provided, however, that no modification or amendment shall permit a change in the maturity or redemption provisions of the Bonds, or a reduction in the rate of interest thereon, or in the amount of the principal obligation thereof, or affecting the obligation of the Issuer to pay the principal of and the interest on the Bonds as the same shall come due from the taxes pledged and dedicated to the payment thereof by this Ordinance, or reduce the percentage of the Owners required to consent to any material modification or amendment of this Ordinance, without the consent of all of the Owners of the Bonds.

SECTION 14. Severability; Application of Subsequently Enacted Laws. In case any one or more of the provisions of this Ordinance or of the Bonds shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions of this Ordinance or of the Bonds, but this Ordinance and the Bonds shall be construed and enforced as if such illegal or invalid provisions had not been contained therein. Any constitutional or statutory provisions enacted after the date of this Ordinance which validate or make legal any provision of this shall be filed with the Paying Agent, but such filing shall not be a condition precedent to the validity of any action taken in reliance upon such waiver.

SECTION 15. <u>Cancellation of Bonds</u>. All Bonds surrendered for payment, redemption, transfer, exchange or replacement, if surrendered to the Paying Agent, shall be promptly canceled by it and, if surrendered to the Issuer, shall be delivered to the Paying Agent and, if not already canceled, shall be promptly canceled by the Paying Agent. The Issuer may at any time deliver to the Paying Agent for cancellation any Bonds previously registered and delivered which the Issuer may have acquired in any manner whatsoever, and all Bonds so delivered shall be promptly canceled by the Paying Agent. All canceled Bonds held by the Paying Agent shall be disposed of as directed in writing by the Issuer.

SECTION 16. Mutilated. Destroyed. Lost or Stolen Bonds. If (1) any mutilated Bond is surrendered to the Paying Agent, or the Issuer and the Paying Agent receives evidence to its satisfaction of the destruction, loss or theft of any Bond, and (2) there is delivered to the Issuer and the Paying Agent such security or indemnity as may be required by them to save each of them harmless, then, in the absence of notice to the Issuer or the Paying Agent that such Bond has been acquired by a bona fide purchaser, the Issuer shall execute, and upon its request the Paying Agent shall register and deliver, in exchange for or in lieu of any such mutilated, destroyed, lost, or stolen Bond, a new Bond of the same maturity and of like tenor, interest rate and principal amount,

bearing a number not contemporaneously outstanding. In case any such mutilated, destroyed, lost or stolen Bond has become or is about to become due and payable, the Issuer in its discretion may, instead of issuing a new Bond, pay such Bond. Upon the issuance of any new Bond under this Section, the Issuer may require the payment by the Owner of a sum sufficient to cover any tax or other governmental charge that may be imposed in relation thereto and any other expenses (including the fees and expenses of the Paying Agent) connected therewith. Every new Bond issued pursuant to this Section in lieu of any mutilated, destroyed, lost or stolen Bond shall constitute a replacement of the prior obligation of the Issuer, whether or not the mutilated, destroyed, lost or stolen Bond shall be at any time enforceable by anyone and shall be entitled to all the benefits of this Ordinance equally and ratably with all other Outstanding Bonds. Any additional procedures set forth in the Agreement, authorized in this Ordinance, shall also be available with respect to mutilated, destroyed, lost or stolen Bonds. The provisions of this Section are exclusive and shall preclude (to the extent lawful) all other rights and remedies with respect to the replacement and payment of mutilated, destroyed, lost or stolen Bonds.

SECTION 17. <u>Discharge of Ordinance; Defeasance</u>. If the Issuer shall pay or cause to be paid, or there shall otherwise be paid to the Owners, the principal (and redemption price, if any) of and interest on the Bonds, at the times and in the manner stipulated in this Ordinance, then the pledge of the money, securities, and funds pledged under this Ordinance and all covenants, agreements, and other obligations of the Issuer to the Owners of the Bonds shall thereupon cease, terminate, and become void and be discharged and satisfied, and the Paying Agent shall pay over or deliver all money held by it under this Ordinance to the Issuer.

Bonds or interest installments for the payment or redemption of which money shall have been set aside and shall be held in trust (through deposit by the Issuer of funds for such payment or redemption or otherwise) at the maturity or redemption date thereof shall be deemed to have been paid within the meaning and with the effect expressed above in this Section, if they have been defeased pursuant to Chapter 14-A of Title 39 of the Louisiana Revised Statutes of 1950, as amended, or any successor provisions thereto.

SECTION 18. Successor Paying Agent Paying Agent Agreement. The Issuer will at all times maintain a Paying Agent meeting the qualifications hereinafter described for the performance of the duties hereunder for the Bonds. The designation of the initial Paying Agent in this Ordinance is hereby confirmed and approved. The Issuer reserves the right to appoint a successor Paying Agent by (a) filing with the Person then performing such function a certified copy of an ordinance giving notice of the termination of the Agreement and appointing a successor and (b) causing notice to be given to each Owner. Every Paying Agent appointed hereunder shall at all times be a bank organized and doing business under the laws of the United States of America or of any state, authorized under such laws to serve as Paying Agent, and subject to supervision or examination by Federal or State authority. The Executive Officers are hereby authorized and directed to execute an appropriate Agreement with the Paying Agent for and on behalf of the Issuer in such form as may be satisfactory to said officers, the signatures of said officers on such Agreement to be conclusive evidence of the due exercise of the authority granted hereunder.

SECTION 19. <u>Arbitrage</u>. The Issuer covenants and agrees that, to the extent permitted by the laws of the State of Louisiana, it will comply with the requirements of the Internal Revenue Code of 1986 and any amendment thereto (the "Code") in order to establish, maintain and preserve the exclusion from "gross income" of interest on the Bonds under the Code. The Issuer further covenants and agrees that it will not take any action, fail to take any action, or permit any action within its control to be taken, or permit at any time or times any of the proceeds of the Bonds or any other funds of the Issuer to be used directly or indirectly in any manner, the effect of which would be

to cause the Bonds to be "arbitrage bonds" or would result in the inclusion of the interest on any of the Bonds in gross income under the Code, including, without limitation, (i) the failure to comply with the limitation on investment of Bond proceeds or (ii) the failure to pay any required rebate of arbitrage earnings to the United States of America or (iii) the use of the proceeds of the Bonds in a manner which would cause the Bonds to be "private activity bonds".

The Executive Officers are hereby empowered, authorized and directed to take any and all action and to execute and deliver any instrument, document or certificate necessary to effectuate the purposes of this Section.

SECTION 20. Continuing Disclosure. The Director of Finance of the Issuer is hereby empowered and directed to execute an appropriate Continuing Disclosure Certificate (substantially in the form set forth in Appendix H of the official statement issued in connection with the sale and issuance of the Bonds) pursuant to S.E.C. Rule 15c2-12(b)(5).

SECTION 21. Co-Bond Counsel Employment A real necessity is hereby found for the employment of co-bond counsel in connection with the issuance of the aforesaid bonds, and accordingly Crawford Lewis, P.L.L.C. and Casten & Pearce, A.P.L.C. are hereby employed as co-bond counsel to the Issuer and requested to do and perform comprehensive legal and coordinate professional work with respect to the issuance of the aforesaid bonds of the Issuer for the purposes stated hereinabove. Said Co-Bond Counsel shall prepare and submit to this Governing Authority for adoption all of the proceedings incidental to the authorization, issuance, sale and delivery of the bonds, shall counsel and advise this Governing Authority as to the issuance and sale of the bonds, and shall furnish their opinions covering the legality of the issuance thereof. The fee of Co-Bond Counsel in connection with the issuance of the aforesaid bonds of the Issuer is hereby fixed at a sum not to exceed eighty per cent (80%) of the maximum fee allowed by the Attorney General's fee guidelines for comprehensive legal and coordinate professional services in the issuance of general obligation bonds, based on the amount of said bonds actually issued, sold, delivered and paid for, plus "out-of-pocket" expenses, said fee to be payable solely out of the funds derived from the sale of said bonds and to be contingent upon the issuance, sale and delivery of said bonds. Pursuant to instructions from the Chief Administrative Officer, Co-Bond Counsel shall also assist in the preparation of an official statement containing detailed and comprehensive financial and statistical data required with respect to the sale of the aforesaid bonds; and the costs of the preparation and printing of such official statement shall be paid from the proceeds of the issue for which it has been prepared. Said official statement shall be submitted to such nationally recognized bond rating service or services as may be recommended by the Director of Finance, together with a request that an appropriate rating be assigned. Payment for all ratings shall be made by the Director of Finance, upon presentation of appropriate statements from the particular rating services furnishing the ratings. A certified copy of this ordinance shall be submitted to the Attorney General of the State of Louisiana for his written approval of said employment and of the fee herein designated, and the Director of Finance is hereby empowered and directed to make payment to said Co-Bond Counsel in payment of the fees herein provided for under the conditions herein enumerated.

SECTION 22. <u>Publication</u>. A copy of this Ordinance shall be published immediately after its adoption in one (1) issue of the official journal of the Issuer.

SECTION 23. <u>Section Headines</u>. The headings of the various sections hereof are inserted for convenience of reference only and shall not control or affect the meaning or construction of any of the provisions hereof.

NOTICE OF INTRODUCTION OF ORDINANCE

NOTICE IS HEREBY GIVEN in accordance with the provisions of Section 4.17 of the Charter of the City of Shreveport, 1978, that the following ordinance was introduced in final form at

a regular meeting of the Council of said City held on October 14, 2003, and is on file in the office of the Clerk of Council of said City, complete in the form in which it will be offered for final adoption by said Council, and is available for public inspection and will so remain for at least one week prior to its final adoption:

NOTICE IS HEREBY GIVEN that the Council of the City of Shreveport, State of Louisiana, will consider the final adoption of said ordinance at its regular meeting scheduled for Tuesday, October 28, 2003, at three (3:00) o' clock p.m. at the City Hall, Shreveport, Louisiana

Given this	day of	, 2003	
/s/Clerk of Council			/s/Chairman

ORDINANCE NO. 178 OF 2003

AN ORDINANCE TO AMEND SECTION 50-86 AND REPEAL SECTION 50-87 OF THE CITY OF SHREVEPORT CODE OF ORDINANCES RELATIVE TO MISCELLANEOUS OFFENSES AND TO OTHERWISE PROVIDE WITH RESPECT THERETO

BE IT ORDAINED by the City Council of the City of Shreveport, in due, legal and regular session convened that Section 50-86 of the Code of Ordinances of the City of Shreveport is hereby amended and now reads as follows:

Section 63 Criminal Trespass

- a No person shall enter any structure, watercraft, or movable owned by another without express, legal, or implied authorization.
- b. No person shall enter upon immovable property owned by another without express, legal, or implied authorization
- c. No person shall remain in or upon property, movable or immovable, owned by another without express, legal, or implied authorization.
- d. It shall be an affirmative defense to a prosecution for a violation of Subsections A, B, C, of this Section, that the accused had express, legal, or implied authority to be in the movable or on the immovable property
- e. The following persons may enter or remain upon the structure, watercraft, movable or immovable property, of another:
- 1. A duly commissioned law enforcement officer in the performance of his duties.
- 2. Any firefighter, whether or not a member of a volunteer or other fire department, and any employee or agent of the Louisiana Department Agriculture and Forestry engaged in locating and suppressing a fire.
- 3. Emergency medical personnel engaged in the rendering of medical assistance to an individual.
- 4. Any federal, state or local government employee, public utility employee or agent engaged in suppressing or dealing with an emergency that presents an imminent danger to human safety or health or to the environment.
- 5. Any federal state or local government employee, public utility employee or agent in the performance of his duties when otherwise authorized by law to enter or remain on immovable or movable property.
- 6. Any person authorized by a court of law to enter or remain on immovable property.
- 7. Any person exercising the mere right of passage to an enclosed estate, as otherwise provided by law.
- f. The following persons may enter or remain upon immovable property or another, unless

specifically forbidden to do so by the owner or other person with authority, either orally or in writing:

- 1. A registered land surveyor or his authorized personnel, engaged in the "Practice of Land Surveying", as defined in R.S. 37:682.
- 2. A person, affiliate, employee, agent or contractor of any business which is regulated by the Louisiana Public Service Commission or by a local franchising authority or the Federal Communication Commission under the Cable Reregulation Act of 1992 or of a municipal or public utility, while acting in the course and scope of his employment or agency relating to the operation, repair, or maintenance of a facility, servitude or any property located on the immovable property which belongs to such a business.
- 3. Any person making a delivery, soliciting, selling any product or service, conducting a survey or poll, a real estate licensee or other person who has a legitimate reason for making a delivery, conducting business or communicating with the owner, lessee, custodian or a resident of the immovable property, and who, immediately upon entry, seeks to make the delivery, to conduct business or to conduct the communication.
- 4. An employee of the owner, lessee or custodian of the immovable property while performing his duties, functions and responsibilities in the in the course and scope of his employment.
- 5. The owner of domestic livestock or his employees or agents while in the process of retrieving his domestic livestock that have escaped from an area fenced to retain such domestic livestock.
- 6. The owner of a domestic animal while in the sole process of merely retrieving his domestic animal from immovable property and not having a firearm or other weapon on his person.
- 7. Any candidate for political office or any person working on behalf of a candidate for a political office.
- 8. The owner or occupant of a watercraft or vessel traveling in salt water engaged in any lawful purpose for the purpose of retrieval of his property or for obtaining assistance in an emergency situation.
- g. The provision of any other law notwithstanding, owners, lessees, and custodians of structures, watercraft, movable or immovable property—shall not be answerable for damages sustained by any person who enters upon the structure, watercraft, movable or immovable property without express, legal or implied authorization, or who without legal authorization, remains upon the structure, watercraft, movable or immovable property after being forbidden by the owner, or other person with authority to do so; however, the owner, lessee or custodian of the property may be answerable for damages only upon a showing that the

damages sustained were the result of the intentional acts or gross negligence of the owner, lessee or custodian.

- h. A minor ten years old or younger shall not be arrested, detained or apprehended for the crime of trespass.
- i. Whoever commits the crime of criminal trespass shall be fined not more than \$500.00, or imprisoned for not more than 60 days, or both.

BE IT FURTHER ORDAINED, that Section 50-87 of the Code of Ordinances of the City of Shreveport is hereby repealed in its entirety.

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

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

ORDINANCE NO. 181 OF 2003

AN ORDINANCE AMENDING CHAPTER 106 OF THE CODE OF ORDINANCES, THE CITY OF SHREVEPORT ZONING ORDINANCE, BY CONTINUING B-2-E, NEIGHBORHOOD BUSINESS/EXTENDED USE DISTRICT ZONING <u>LIMITED TO "AUTOMOBILE REPAIR SERVICE" ONLY</u> ON PROPERTY LOCATED ON THE NORTHWEST CORNER OF SHREVEPORT-BARKSDALE HIGHWAY & CAMILLA SHREVEPORT, CADDO PARISH, LOUISIANA, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO

SECTION I: BE IT ORDAINED by the City Council of the City of Shreveport, Caddo Parish, Louisiana, in due, legal and regular session convened, that the zoning classification of Lot B, Anderson Island Sub., Unit 4, Shreveport, Caddo Parish, Louisiana, located on the northwest corner of Shreveport Barksdale Highway & Camilla, be and the same is hereby approved for a continuation of B-2-E, Neighborhood Business/Extended Use District limited to "automobile repair service" only.

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

- 1. Development of the property shall be in substantial accord with the revised site plan, submitted on September 29, 2003. Any significant changes or additions shall require further review and approval by the Planning Commission.
- 2. Maximum number of cars on the property at any one time shall be limited to 25.
- 3. Approval is granted for a period of one year, after which, the applicant can reapply with a waiver of application fees.

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

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

ORDINANCE NO. 182 OF 2003

AN ORDINANCE AMENDING CHAPTER 106 OF THE CODE OF ORDINANCES, THE CITY OF SHREVEPORT ZONING ORDINANCE, BY REZONING PROPERTY LOCATED ON THE SOUTH SIDE OF BERT KOUNS INDUSTRIAL LOOP 700 FEET EAST OF MANSFIELD ROAD, SHREVEPORT, CADDO PARISH, LOUISIANA, FROM R-1D, URBAN, ONE-FAMILY RESIDENCE DISTRICT, TO B-1, BUFFER BUSINESS DISTRICT, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO

SECTION I: BE IT ORDAINED by the City Council of the City of Shreveport, Caddo Parish, Louisiana, in due, legal and regular session convened, that the zoning classification of property located on the south side of Bert Kouns Industrial Loop, 700 east of Mansfield Road, legally described below, be and the same is hereby changed from R-1D, Urban, One-Family Residence District, to B-1, Buffer Business District.

Being the N'ly 309 feet of Lot 10 and the N'ly 300 feet of Lot 9, less the W'ly 15 feet thereof, all in Summer Grove Village Subdivision, Section 4T16N-R14W, Shreveport, Caddo Parish, Louisiana.

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

following stipulation:

1. Development of the property shall be in substantial accord with a revised site plan to be submitted, showing curb cuts that are designed to Traffic Engineer's specifications, and required landscaping, to be approved by the Planning Director, with any significant changes or additions requiring further review and approval by the Planning Commission.

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

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

ORDINANCE NO. 185 OF 2003

AN ORDINANCE TO AMEND SECTION 106-1123, OF THE CITY OF SHREVEPORT CODE OF ORDINANCES, THE ZONING ORDINANCE, RELATIVE TO ON-PREMISES ADVERTISING SIGNS, AND BY OTHERWISE PROVIDING WITH RESPECT THERETO.

BE IT ORDAINED by the City Council of the City of Shreveport, Louisiana, in due legal and regular session convened, that Section 106-1123 Chapter 106 of the City of Shreveport Code of Ordinances, the Zoning Ordinance, is hereby amended and reenacted to read as follows:

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

- (a) *Residential districts*. The following signs shall be permitted in any residential district, excluding the SPI-1 district:
 - (1) Those signs described in subsection (k) of this section.
 - (2) Permanent detached signs for the purpose of identification of a residential or townhouse subdivision/development, limited to one sign per subdivision/development entrance and not exceeding seven feet in height and 72 square feet in size per sign face.
 - (3) Permanent detached signs for the purpose of identification of any use requiring specific approval by either the planning commission or zoning board of appeals (excluding home occupation), limited to one double-faced sign per building site and not exceeding 15 feet in height and 72 square feet per sign face for sites with less than 200 feet of frontage. Sites with frontage greater than 200 feet, shall be limited to one double-faced sign per building site and not exceeding 30 feet in height and 150 square feet per sign face.
 - (4) Permanent detached signs for the purpose of identification of a multifamily complex/development, limited to one double-faced sign at the principal entrance and not exceeding 15 feet in height and 72 square feet in size per sign face.
 - (5) Residential nameplate not exceeding one square feet for single-family or two-family residences.
 - (b) *Business and industrial districts*. The following signs shall be permitted in all business and industrial districts, excluding the SPI-3 district:

- (1) Detached signs not exceeding 45 feet in height shall be permitted in the B-1, B-2, B-3, I-1 and I-2 districts. Detached signs in B-3, I-1 and I-2 districts may be increased in height to sixty feet if such signs are located more than 300 feet from residentially zoned properties.
- (2) Detached signs along limited access highways not exceeding 100 feet in height only if such signs are located within those areas designated as such on the official zoning map.
- (3) Attached signs or roof signs in the B-1, B-2, B-3, I-1 and 1-2 districts. Projections above the parapet to which it is attached or the highest surface of a permanent enclosing roof shall be limited to the height for a detached sign on the same premises. Roof signs with two faces or less shall be considered as an acceptable alternative to one permissible ground sign. Roof signs with more than two faces shall be considered as an acceptable alternative to two permissible ground signs.
- (4) Attached signs in the B-4 district.
- (5) Detached monument or pole signs in the B-4 district, subject to the following requirements:
 - (a) Permitted only in privately owned paved and/or other open areas of greater than five hundred square feet.
 - (b) Subject to all additional restrictions contained herein, each property shall be limited to a single, double-faced monument or pole sign for each frontage.
 - (c) The area of each sign face shall not exceed 72 square feet.
 - (d) The height shall not exceed 25 feet.
- (6) Roof signs in the B-4 district, subject to the following requirements:
 - (a) No exposed portion of a structural support shall be visible from a public right-of-way.
 - (b) The lowest portion of each sign face shall be within ten feet of the lowest parapet or highest surface of a permanent enclosing roof.
 - (c) Projections above the parapet to which it is attached or the highest surface of a permanent enclosing roof shall not exceed the greater of fifteen feet or ten percent of the building height.
 - (d) The area of each sign face shall not exceed six hundred seventy-two square feet.
 - (e) Use of a roof sign shall preclude the use of a pole sign on the same parcel or any adjacent property under the control of or for the benefit of the same business.
- (c) Advertisement of nonconforming uses. Any sign used in the advertisement of a nonconforming use, structure, business, etc., shall comply with all of the provisions of this chapter for the zoning district in which the property is located.

- (d) Signs in rights-of-way. Notwithstanding any other provision of this section, no sign shall be permitted within the street right-of-way, except in the B-4, central business district. In such cases they shall not project more than eight feet beyond the building or property line and no closer than two feet from the back of the curbline and must have a minimum clearance of eight feet above the ground or sidewalk level and 15 feet above public driveways and alleys.
- (e) *Common definitions and requirements.* In all business and industrial districts as they now exist and may hereafter exist, the following definitions and requirements shall apply:

(1) Definitions:

Attached sign refers to wall signs, or signs mounted on or an integral part of an awning.

Building height refers to the vertical distance measured from the ground level to the highest parapet or permanent enclosing roof.

Double-faced sign means a sign with two sign faces, generally back to back.

Frontage means that portion of the property where direct vehicular access could be permitted as set forth in section 106-1180.

Ground sign an outdoor advertising display sign when such sign is supported by uprights or braces in or upon the ground; or when such sign is mounted upon a vehicle, trailer, or mobile structure principally used for the purpose of advertising. A ground sign includes three basic kinds of detached signs: (1) pole signs, (2) detached readerboard signs (skid-mounted signs permanently anchored to ground) as set forth in subsection (e)(5) herein, and (3) monument signs.

Height means the vertical distance measured from the ground level to the highest point of the sign.

Monument sign means any ground sign which is placed in or on the ground with little or no open area below the face.

On-premises sign any sign that advertises goods, products, services, business, persons or activity found on the premises where the sign is located.

Permanent enclosing *roof* refers to the highest finish roof of an occupied floor level; or equipment penthouses, storage structures, unimproved or unoccupied volumes which shall only be considered when architecturally compatible with the remainder of the building and when the total enclosed footprint of such an improvement exceeds twenty percent of the primary floor area or has no horizontal dimension less than twenty feet. Architectural compatibility shall be subject to the approval of the planning director or his designee.

Pole sign means any ground sign which is supported by poles, columns or other similar structures or supports in or on the ground and independent of support from any building.

Principal *frontage* means that frontage which is in accordance with the address of the building site.

Roof signs are any signs (including attached signs) that project more than three feet above the permanent enclosing roof or the parapet to what it is attached.

Sign face means that part of the sign where copy and display matter is or could be located.

Temporary sign means any sign that is intended to be displayed for a specified or limited time period such as a sale, single event, or until a permanent sign can be installed. Included in this category are sandwich (A-frame) signs, banner signs, inflatable or gas-filled signs and retailers' signs displayed for the purpose of informing the public of a sale or special offer.

Visibility triangle means the triangle formed by the intersecting street right-of-way lines and a straight line connecting such street lines at points 30 feet from the point of intersection measured along such street lines.

Wall sign means any sign affixed to, painted on, or attached to the exterior of any building or structure.

(2) Number of location of ground signs in all industrial and business districts except B-4. One detached sign for each 200 feet of frontage or fraction thereof to be permitted per business. However, when more than one business occupies a single building or a series of buildings joined or grouped together, but acting as an individual entity (e.g., a shopping center, office complex, etc.) one detached sign contained all business identification signs will be permitted for each 200 feet of frontage or fraction thereof. Each frontage shall act independently of the other. (See note below.)

Note:

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0--200 feet = one sign
201--400 feet = two signs
401--600 feet = three signs, etc.
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No sign (other than a legally permitted single pole sign whose pole is less than 16 inches in diameter) more than three feet in height shall be erected, placed or maintained within the visibility triangle at intersections.

- (3) *Pole sign*. In the case of a pole sign, there shall be a minimum height of nine feet from the bottom of the sign display area to the grade surface, unless the top of the sign is not more than three feet above the ground. All parts of the sign face/structure shall be set back at least five feet from any street right-of-way line. Flagpoles displaying flags bearing a company name, logo, insignia, etc., shall be considered a sign.
- (4) *Monument signs*. Such signs shall be set back at least five feet from the property line and, except as provided below, in no case shall such signs be placed within 15 feet of the curb or edge of pavement. If the sign is three feet or less in height, such sign can be placed at the property line with no minimum from the curb or edge of pavement.
- (5) Detached readerboard. In addition to the allowable number and location of permanently detached signs as set forth in subsection (e)(2) herein, one readerboard shall be permitted for every 200 feet of frontage or fraction thereof provided the following requirements are met:

- (a) Signs shall be anchored to the ground by methods acceptable to the zoning administrator. Screening of the base, e.g., skirting or landscaping, is encouraged.
- (b) Signs shall not exceed 50 square feet in size per sign face.
- (c) A sign permit shall be required.
- (d) Signs shall be prohibited in residential districts.
- (e) Signs shall not be placed in a parking space that is part of the minimum parking requirements.
- (f) Signs shall be set back at least five feet from the property line and, except as provided below, in no case shall such signs be placed within 15 feet of the curb or edge of pavement. If such sign is three feet or less in height, such sign can be placed on the property line with no minimum from the curb or edge of pavement.
 - (6) Wall signs. Except as otherwise provided herein, a sign permit is required for all wall signs.
 - (7) Lighter than air signs. In lieu of a permissible detached permanent sign, one gas-filled, lighter-than-air sign may be allowed and may be attached to a building if desired, provided the following requirements are met:
 - (a) A sign permit shall be required at the minimum fee.
 - (b) The sign shall be subject to all applicable district requirements.
 - (c) Adherence with section 106-1123 (e) (2), regarding the number and location of ground signs.
 - (d) No more than one gas-filled, lighter-than-air sign shall be permitted per building site.
- (8) *Temporary signs*. Unless otherwise noted in subsection (k) of this section, no permit shall be required if a temporary sign is less than 60 square feet in size; however, a business shall be limited to two temporary signs not exceeding 60 square feet each.

In case of air-filled advertising displays, the following shall apply:

- (a) Must be set back from any property line a distance equal to or greater than its height.
- (b) Maximum allowable time at any one location is 30 days. Permits will be required for each location.
- (c) Permit fee will be based on cross-sectional area, doubled, for odd-shaped figures.
- (d) Displays filled with gas lighter than air are prohibited.
- (e) Displays attached to buildings or vehicles are prohibited.
- (f) Permit.
- (1) Required. No sign shall be erected, altered or relocated without first securing a sign permit from the chief building official. No permit will be required when changing out the sign face of an existing business.

However, a permit will be required when changing out the sign face to a new business or ownership. Such permit shall contain the location of the sign structure, the name and address of the sign erector which shall be obtained from such drawings showing the design and location of the sign and such other pertinent information as deemed necessary to ensure compliances with all ordinances of the city. The zoning administrator shall ensure that all requirements of this chapter have been met prior to a permit being issued.

- (2) Schedule of permit fees.
- a. A minimum fee of \$15.00 shall be required for any sign permit unless otherwise noted.

2.	Size of Sign	Amount
	Up to 100 square feet	\$25.00
	101-200 square feet	50.00
	201-400 square feet	100.00
	Over 400 square feet	150.00

- 3. In the event that a sign is erected, altered, or relocated without first securing the proper permits, the permit fee shall be doubled and a \$50.00 penalty shall be assessed. Payment of such fee shall not relieve any person from compliance with all the provisions of this section or from any penalty prescribed by law.
- (g) Compliance with other codes. All signs shall comply with the pertinent requirements of the building code and, if illuminated, the electrical code as well, of the city, including the securing of all permits and payment of any fees regarding such codes.
- (h) *Marking of permitted signs*. All signs hereafter erected, constructed, altered or maintained, for which a permit is required shall be plainly marked with the name of the person, firm or corporation erecting and/or maintaining such sign and shall have affixed on the front thereof the date and number of the permit issued by the chief building official for such sign.
- (i) *Prohibited signs.* Strictly prohibited are signs which:
- (1) Contain or are an imitation of an official traffic sign or signal or contain the words "stop," "go slow," "caution," "danger," "warning" or similar words.
- (2) Are of a size, shape, location, movement, content, coloring or manner of illumination which may be confused with or construed as a traffic-control device or which hides from view any traffic or street sign or signal.
- (3) Street signs, banners and streamers suspended over or above dedicated streets or alleys are prohibited.
- (j) *Illuminated and electronic signs*. Illuminated and electronic variable message signs shall be constructed and located so as to protect the general welfare of all citizens and the safety of the motoring public as follows:
- (1) The light from any illuminated sign shall be so shaded, shielded, or directed that the light intensity or brightness will not be hazardous or objectionable to the adjacent or surrounding areas.

- (2) Except in the area bounded by Lake Street, Spring Street, Cross Bayou and the Red River, no sign shall have blinking, flashing or fluttering lights or other illuminating device. Beacons or revolving lights shall not be permitted.
- (3) No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic-control devices.
- (4) Neither the direct nor the reflected light from primary light source shall create a traffic hazard to operators of motor vehicles on public thoroughfares.
- (5) Except in the area bounded by Lake Street, Spring Street, Cross Bayou and the Red River, no exposed reflective-type bulbs and no strobe lights or incandescent lamps exceeding 30 watts shall be used on the exterior surface of any sign so as to expose the face of the bulb, light or lamp to any public street or adjacent property; however, electronic variable message signs will be allowed subject to the additional requirements:
- (a) Time, date, and temperature must be displayed at least three seconds without changing.
- (b) Other messages must be displayed at least five seconds without changing.
- (c) Approval is to be tied to a specific location and should sign structure be moved, a new permit shall be necessary.
- (k) Signs exempt from permit requirements. The signs listed in this section are exempt from the permit requirements of this chapter only if the sign does not exceed six square feet in size, except where otherwise specifically enumerated, and complies with structural and safety requirements.
 - (1) Residential nameplate signs for single-family and two-family residences.
 - (2) Street number signs in all districts for all uses.
 - (3) Directional signs erected solely for the purpose of:
 - a. Identifying and giving directions for phone booths, restrooms, and parking areas.
 - b. Providing direction to motorists within parking lots and structures.
 - c. Aiding and directing the movements of pedestrians.
 - (4) Signs protecting private property or identifying property hazards.
 - (5) Temporary signs for the purposes listed below, which shall be removed upon completion of activity (in real estate, completion shall mean closing) or project denoted by sign:
 - a. Identifying the location of rummage and garage sales.
 - b. On-premises advertising of residentially zoned property for sale, lease or rent, including open house signs up to eight square feet.
 - c. Contractor, developer or construction project identification signs and limited to a maximum size of 40 square feet.

- (6) Notices posted by public agencies (e.g., notice of zoning change).
- (7) Public utility signs and safety signs required by law.
- (8) Public art, regardless of size, with the approval of the Executive Director of the MPC or his designee.
- (l) Nonconforming signs.
- Any on-premises outdoor advertising sign, display or device which was not lawfully permitted and in compliance with the version of this ordinance in force on the date of its installation shall be removed at the owner's expense within ninety days of a notice issued by the Zoning Administrator.
- (2) Nonconforming signs which are structurally altered, relocated or replaced shall comply immediately with all of the provisions of this section except as otherwise provided for in subsection (f) of this section. Nonconforming detached readerboard signs (skid-mounted signs permanently anchored to the ground) shall be made to conform with the requirements as set forth in subsection (e)(5) of this section within six months of July 7, 1992. If compliance is not met within six months, signs shall be removed by the owner at the owner's expense.
- (3) The zoning administrator may order the removal of any sign erected or maintained in violation of this section. He shall give 30 days' written notice to the owner of such sign or of the building, structure or premises on which such sign is located to remove the sign or to bring it into compliance. However, in the case of temporary signs, the zoning administrator shall only be required to give seven days' written notice. He may remove a sign at cost to the owner, immediately and without notice if, in his opinion which shall be final, the sign presents an immediate threat of danger to the safety of the public or if the sign is located within the right-of-way.

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

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

UNFINISHED BUSINESS:

- Resolution No. 88 of 2003: Amending Sections 1.8 and 1.11 of the Rules of Procedure of the City Council (Public Comments). (A/Lester) (Tabled on June 24)
- 2. Ordinance No. 40 of 2003: Changing the names of the Shreveport Blanchard Road from the Roy Road to North Hearne Avenue, and of Ford Street from North Hearne Avenue to Pete Harris Drive, and of Caddo Street from Pete Harris Drive to the Clyde Fant Parkway to Hilry Huckaby III Avenue. (A/Lester) *Tabled *As Amended on July 8* *Changing the name of the Shreveport Blanchard Road from the Roy Road to North Hearne to Hilry Huckaby III Avenue.)
- 3. Ordinance No. 80 of 2003: Amending the 2003 Riverfront Development Special Revenue Fund Budget (disparity study). (G/Jackson) (Tabled on July 8)
- 4. 2004 Budget Ordinances (to be adopted by Dec. 15):
- Adopting the 2004 budget for the Downtown Development District.
 - 158 Adopting the 2004 General Fund budget.
 - Adopting the 2004 Capital Improvements budget.
 - Adopting the 2004 budget for the Water and Sewerage Enterprise Fund.

- Adopting the 2004 budget for the Airports Enterprise Fund.
- Adopting the 2004 budget for the Retained Risk Internal Service Fund budget.
- Adopting the 2004 budget for the Golf Enterprise Fund.
- Adopting the 2004 Metropolitan Planning Commission's Special Revenue fund.
- Adopting the 2004 budget funding contractual services provided to SporTran by the Metro Management Associates, Inc.
 - Adopting the 2004 Debt Service fund budget.
 - Adopting the 2004 budget for the Community Development Special Revenue fund
 - Adopting the 2004 budget for the Riverfront Development Special Revenue fund.
 - Adopting the 2004 budget for the Police Grants Special Revenue fund.
 - Adopting the 2004 budget for the Fleet Services Internal Service fund.
 - 171 Adopting the 2004 budget for S'port Redevelopment Agency Special Revenue Fund.
 - 172 Adopting the 2004 budget for the Environmental Grants Special Revenue Fund.
 - 173 Adopting the 2004 budget for Downtown Parking Enterprise Fund.
- 174 Adopting the 2004 budget for the Downtown Entertainment Economic Development District Special Revenue Fund.

NEW BUSINESS:

BAC-92-03, *Sports Mall L. L. C. & Randy's Travel Town, Inc.*, 7288 Greenwood Road, truck stop with gaming and on-premise consumption of high alcoholic content beverages, and a restaurant with the on-premises consumption of high alcoholic content beverages, and a convenience with the sale of packaged beer.

Action 1: Motion by Councilman <u>Jackson</u> to overturn the decision of the ZBA to approve gaming, and to deny the application for gaming and on premise consumption of high alcoholic beverages in the gaming area, seconded by Councilman <u>Carmody</u>.

Councilman Gibson: Could I get Mr. Kirkland, Mr. Kirkland regarding these items could you give recap of what happened with ZBA and MPC regarding these issues?

Mr. Kirkland: I believe first, let me say thanks to Mr. Thompson and Ms. Glass and Ms. Scott for their collaboration in putting three suggested actions in front of you because the ZBA had specifically three requests from the applicants to act on it.

The first of which was gaming at the truck stop. And in that gaming area to have the right to sell alcohol for consumption, so that was one issue.

The other was to have a separate restaurant which is already open by right in the B-3 district but to have high alcoholic content beverages to be able to be sold for consumption in that restaurant.

The third request was for a convenience store to also have package sales of alcohol at that convenience store. And what Mr. Thompson and Ms. Glass along with some other collaboration from staff folks, did was try to give you all possible motions that might cover, if you are in favor of Mr. Brazzell and his application and what he requested regardless of what the Zoning Board did or if you are in favor of the opponents, the motions are there for you to select those as well.

I believe Mr. Gibson, let me respond to questions, that you have, I think is about as succinct as I can get. The Board as you may have noticed they were split themselves. They had a number of tie votes, 3-3; they had a number of positions they took. And the Zoning Board essentially said, we approve the gaming on a split vote, no alcohol in the gaming area. We approve the restaurant with low alcoholic content beverage only. We

deny the request for package sales at a convenience store. And again, because their positions where pretty well split, those were the (inaudible) actions of the ZBA all of which were appealed to you by the opponents and by the applicants—each one is somewhat different. Are there other questions I can answer or try to answer to clarify or have I left it as clear as mud.

Councilman Jackson: I just wanted to say that if there is anything else, it is all on the screen, all of the ZBA's action that was here, those three things.

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

Action 2: Motion by Councilman <u>Jackson</u> to uphold the decision of the ZBA to deny the application for the packaged sale of beer at the convenience store, seconded by Councilman <u>Carmody</u>. Motion approved by the following vote: Councilman Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. Nays: None.

Action 3: Motion by Councilman <u>Jackson</u> to overturn the decision of the ZBA, and to deny the application for the consumption of alcoholic beverages at a restaurant, seconded by Councilman Lester.

Councilman Gibson: I want to ask Mr. Kirkland to come forward, one more time. Charles, your staff does a great job. The experience is obviously, it bleed through on a day-to-day basis and I can't tell you how much I appreciate what the staff does. I would like, if you would some time before year end, could you bring before this body, a list of the items that have been appealed back to us just citing the specifics.

I guess for my colleagues stand point, the ZBA and the MPC specifically, I guess, I am still a little confused on what their mission is and what their purposes are in the fact that when tough decisions have to occur, it seems that it kind of goes through those organizations and several of us, in terms of colleagues up here, we've talked about that. And I guess I would like to see I know we've dealt with several critical issues since we've been on Council and this isn't unusual for this Council, past Councils have done that, but I would just like to see what has been approved from the ZBA and MPC and then ends up in our ball park.

I think we all realize we are elected to make tough decisions but before I get ruled out of order, I thought that this was the appropriate time to ask for that information to kind of look at that and to see again, what exactly is our MPC and our ZBA, are they basically a middle man between the public and the elected officials up here? And when they go through their due diligence, again, you do all the leg work and your staff does a great job in doing that leg work, but somehow it appears to me that the system somewhere has got some flaws in what is going on because when the tough decisions come down, it seems like it comes back to us for final vote.

And again, I can stand up here just like every one of my colleagues and make tough decisions, but I would like to see that information and see if there is any trends there that we should be concerned with. And, maybe this Council should at some point in time in the near future visit with some of the Board members on the MPC and ZBA to see where the disconnect seems to be on some of these items that you are going to bring before us.

I don't expect a comment from you because again, you do your job as a staff person and I again, on a scale of 1 to 10, I rank you a 11 or 12 so appreciate that but Mr. Chair that is all I have on that.

Mr. Kirkland: May I make a very quick response. It is hard for me not to respond to something on that. I've had about 17 years of experience in MPC and ZBA business and

frankly, we'll do the numbers but I can tell you now what they are because I follow them. Ninety-five percent (95%) of everything the MPC and ZBA do, you and the Parish government approve, those decisions stick. I think that is a pretty good record. The system is not flawed, but we will be happy to—of course controversially there is always going to be some cases that come to you, and that is why they should, you are the elected officials.

Very few of a lot, I will say the ZBA decision, they don't even come to you unless they are controversial but I can give you the numbers and you will be surprised at how high the percentage is of, how many stick. Now, that doesn't mean you are not going to reverse the Board from time-to-time but I think that record has been there for a long time and we are going to keep it that way. But the Board's vote up or down, and they don't get paid for that, as yet.

Councilman Carmody: All I was going to do was make an observation and maybe you can concur with it Charles, or correct it. And I know that Councilman Green remembers this as well, during my first term there was a change in the interpretation of what Public Comment had to be received at this body's level and the persons that are here today to have their two cents heard, we've done a parliamentary move in order to, I guess, circumvent their coming before us so that they don't have to say what they'd like to say and we can go ahead and move to get to the end that they'd like to see us get to.

But as I appreciated it, we had an interpretation of the law that said that any matter which had been a subject of a prior public hearing, did not have to receive Public Comments when it got to the City Council and so, their's the difference. The difference was, as I appreciate it, correct me if I am wrong that you drew your battle lines at the ZBA and at the MPC because you knew that is where you would be heard. I think that there has been a shift and that now we take all comers here at the Council and some persons feel like that it is arbitrary for them to show up at those meetings because if they don't get the decision that they'd like to have, here's where the battle line is drawn.

Mr. Kirkland: And that is what they should do.

Councilman Carmody: And that is what they should do. I just wanted to make that point that I think that is actually what has changed here that puts the responsibility clearly on us which it should be, to me, the final arbitraters of what we are going to do.

Mr. Kirkland: Well what happened, and again a brief comment Mr. Chairman, Art when was it about 2 years that Act 85 of the Louisiana Legislature, changed the rules, had to do with another matter. But the bottom line is, still change the rules for governmental bodies in that you had to allow input.

Prior to that time the Council, this Council had a rule that went back way beyond me which basically said if there has been a public hearing, as you said, we will not allow further Public Comment. Now you may remember, as well as I that even though folks couldn't comment on zoning cases, they would sure come and they would pack these Chambers, so you knew they were here regardless. But yes you are right, they are now allowed and have been under that Act's provision to speak.

But you will always get the controversial cases and I don't know other than by changing some of the laws to prevent that, frankly, I would be in favor of preventing that, that is what you are here. And folks, can (inaudible), they don't like this decision they can go to court, that's their right too. So, the process is all there and it seems to work well. But the MPC and ZBA are basically (Mr. Walford, I'm preaching to the choir, you've paid your dues there) essentially are recommending bodies to the elected officials on many of their actions and that is what you are getting, are their recommendations. They're citizens just like you except they are not elected

they are appointed as you well know, but the process works and quite a few cases are resolved. I don't think you'd like how long you'd have to stay in your meetings if we weren't there doing what we do.

Councilman Carmody: Having been at one of your last meetings, I would say that it is nice to know that there are persons who actually receive the information first, try to process it the best that they can come to an agreement on, and then if there is a process of which persons can appeal and, again, I think that it works well and ya'll do a fantastic job. It is amazing, the small number that it seems to be that do get appealed to this body. Thank you for the work.

Councilman Walford: Charles, don't go away, please. I had a question. We are going to Item 3 at this time. Isn't that site already approved for a restaurant with alcohol?

Mr. Kirkland: No, you can have a restaurant by right. They can not have the alcohol.

Councilman Walford: I guess I am going back to my time on the ZBA. Didn't we approve this site for?

Mr. Kirkland: Two (2) are already there in existence, they are operating. Yes, you are correct. Your memory is correct. It was not this site though. This was an additional restaurant with alcohol.

Councilman Walford And I would have to say, having paid my dues for seven (7) years, I am very reluctant to overturn decisions of that Board, but that is neither here nor there. Up here it becomes political, so.

Motion to overturn approved by the following vote: Councilman Lester, Carmody, Gibson, Hogan, Green and Jackson. 6. Nays: Councilman Walford. 1. [Motion by Councilman <u>Green</u> to return to Regular Session, seconded by Councilman <u>Gibson</u>. Motion approved by the following vote: Councilman Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. Nays: None.]

REPORTS FROM OFFICERS, BOARDS, AND COMMITTEES.

Infrastructure Committee Report:

Councilman Gibson: At the next Work Session, the Infrastructure Committee will be bringing information before this body. The Infrastructure Committee working in conjunction with Mike Strong and Ron Norwood and his staff. We're gonna be bringing some information before this body in terms of some of the financing options and some of the other issues that we've been looking at.

I want to thank Mike Strong for working with us on some of that, but our intent is to look at the Work Session, it may be that we may have to defer that one other time. Right now, we are targeting the next Work Session to go through a presentation.

Metro Law Enforcement Committee Report:

Also Mr. Chair, the Metro Law Enforcement Agency group did meet and the minutes are being developed as we speak, but again, it's a very positive set of information, some information that is forthcoming from both the Sheriff and the Police Chief in terms of some of the like in departments in terms of some of the data, in terms of staff, and resources that are going in some of those 14 or 15 like services.

I'm also very pleased to report that both departments are working together on some other measures that again, obviously, through the efforts of this body in asking them to look at opportunities to work together have brought them closer together to see more opportunities and its, so far, looks very promising in terms of streamlining some of the expenses.

Councilman Jackson: I asked you at the last Council Meeting for information in regards to our Committee, the Metro Police and you were supposed to give me the information.

Councilman Walford: I was gonna get a list from you of everybody that's - - - -

Councilman Gibson: Mr. Chairman, I've fallen down on my job, if Mr. Jackson will call me, we'll sit down and get him that information.

Councilman Walford: I'll remind you to.

Councilman Carmody: And a copy of the minutes?

Councilman Gibson: A copy of the minutes are in the process. Staff is working on that.

Councilman Walford: I'll get it to you when I get it.

Councilman Jackson: Mr. Chairman, you told me the last time, you were going to get it to me.

Councilman Walford: Mr. Gibson, you're getting me beat on here. I will assure you, it is forthcoming.

Councilman Jackson: I'm giving you three days.

Councilman Gibson: If you'll give me a call, we'll talk.

Councilman Jackson: I'm sorry Mr. Gibson, I don't want to talk. I just want a copy of the list.

Councilman Gibson: I understand.

Councilman Walford: While we're on committees, your motion to postpone, I would ask you if you would join Councilman Lester in dealing with the issue of PACE International.

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 6:50 p.m.

/s/Monty Walford, Chairman /s/Arthur G. Thompson, Clerk of Council