

**PROCEEDINGS OF THE CITY COUNCIL OF BOSSIER CITY
STATE OF LOUISIANA TAKEN AT THE REGULAR MEETING
TUESDAY, SEPTEMBER 9, 2008**

The City Council of the City of Bossier City, State of Louisiana, met in regular session in Council Chambers, 620 Benton Road, Bossier City, Louisiana, September 9, 2008 at 3:00 PM

Invocation given by Council Member Scott Irwin

Pledge of Allegiance led by Council Member Jeffery Darby

Roll Call as follows:

Present: Honorable Scott Irwin, President; Honorable Councilors, Timothy Larkin, Jeffery Darby, Don Williams, David Jones, Dr. James Rogers

Absent: David Montgomery, Jr.

Present: Mayor Lorenz Walker, James Hall, City Attorney, Phyllis McGraw, Deputy City Clerk and Helen Thornton, City Clerk.

By: Mr. Jones

Motion made to approve minutes of the August 19, 2008 meeting and dispense with the reading.

Seconded by Dr. Rogers

Vote in favor of motion is unanimous.

Motion made to add to agenda the following:

By: Mr. Jones

under Committee Reports Chief Sammy Halphen update on evacuation shelters and other information in our area.

Seconded by Mr. Williams

No Public Comment

Vote in favor of motion is unanimous

By: Mr. Larkin

Introduce Ordinance to repeal Ordinance No. 64 of 2008 and to clarify and enact a flood damage prevention ordinance as described in Exhibit "A" in order for the City of Bossier City to remain consistent with the National Flood Insurance Program Regulations.

Seconded by Mr. Jones

No Public Comment

Vote in favor of motion is unanimous

By: Mr. Jones

Introduce Ordinance amending Ordinance No. 108 of 2001 of the Code of Ordinances relative to Sportran fares, and otherwise providing with respect thereto.

Seconded by Mr. Larkin

No Public Comment

Vote in favor of motion is unanimous

By: Mr. Williams

Approve confirmation of the nomination of Bryan Kauffer by Mayor Walker for the position of Bossier City Director of Public Utilities.

Seconded by Mr. Jones

No Public Comment

Vote in favor of motion is unanimous

By: Mr. Jones

Under Committee Reports Sandy Davis, Director of EOP, for update on Hurricane Gustav.

Seconded by Mr. Williams

No Public Comment

Vote in favor of motion is unanimous.

By: Mr. Jones

Motion made to approve agenda as amended

Seconded by Dr. Rogers

Vote in favor of motion is unanimous.

Committee Reports:

Mayor Walker displays plaque given the City of Bossier City from the Bossier Chamber of Commerce for their tremendous support and aid during Hurricane Gustav.

Fire Chief Sammy Halphen gave update on shelters used for Hurricane Gustav evacuees and thanked all that were involved in helping during this time.

Sandy David, Director of EOP, recognized the City of Bossier City and Bossier Parish for all of the help during this challenging time.

The following bids read by Steve Westbrook, Purchasing Agent:

- A. Wetwell rehab Alligator Bayou Lift Station for Engineering Dept.
 - 1. David Lawler Construction \$397,600.00
 - 2. Peck Construction Company \$330,622.50
 - 3. Yor Wic Construction \$349,575.00

By: Mr. Jones

Motion made to approve reading of bids.

Seconded by Mr. Williams

Vote in favor of motion is unanimous.

- B. Manhole epoxy rehab project for the Engineering Department
- | | |
|-----------------------------------|--------------|
| 1. Standard Cement Material, Inc. | \$158,652.50 |
| 2. Suncoast Infrastructure | \$138,901.00 |
| 3. Video Industrial Services | \$231,443.00 |

By: Mr. Jones

Motion made to approve reading of bids.

Seconded by Mr. Williams

Vote in favor of motion is unanimous.

The following Ordinance offered and adopted:

ORDINANCE NO. 68 OF 2008

**AN ORDINANCE TO APPROPRIATE \$950,000 TO
COME FROM THE 2008 UTILITY BOND ISSUE
TO BE USED TO CONSTRUCT A NEW 4-BAY
GARAGE ANNEX.**

WHEREAS, the Bossier City Department of Fleet Services requires additional garage space for the repair and service of large vehicles and equipment; and

WHEREAS, a proposed 4-Bay Garage Annex will be located at the Bossier City Public Service Complex; and

WHEREAS, the construction budget for a 4-Bay Garage Annex is estimated to be \$950,000; and

WHEREAS, funds for construction of this project are available in the 2008 Utility Bond Issue.

NOW, THEREFORE, BE IT ORDAINED that the Bossier City Council of the City of Bossier City, in regular session convened, does hereby appropriate \$950,000 from the 2008 Utility Bond Issue to be used to construct a new 4-Bay Garage Annex to be located at the Bossier City Public Service Complex.

BE IT FURTHER ORDAINED, that the Mayor is authorized to sign any and all documents in connection with the furtherance of this Ordinance.

The above and foregoing Ordinance, read in full at open and legal session convened, was on motion of Dr. James Rogers and seconded by Mr. Don Williams, and adopted on the 9th day of September, 2008, by the following vote:

AYES: Mr. Larkin, Mr. Irwin, Mr. Darby, Mr. Williams, Mr. Jones and Dr. Rogers

NAYS: none

ABSENT: Mr. Montgomery, Jr.

ABSTAIN: none

Scott Irwin, President

Helen Thornton, City Clerk

The following Ordinance offered and adopted:

ORDINANCE NO. 69 OF 2008

**AN ORDINANCE TO APPROPRIATE \$300,000 TO
COME FROM THE SEWER CONTINGENCY FUND
TO REHAB EXISTING DAMAGED MANHOLES
AS LISTED ON THE FIVE-YEAR CAPITAL BUDGET
PROJECT LIST**

WHEREAS, existing damaged manholes have been identified for rehab;

WHEREAS, the rehabilitation of the identified manholes will aid in preventative maintenance to prevent road, highway, sidewalk, and driveway damage as well as the reduction of inflow and infiltration into the City sewer collection system;

WHEREAS, funds are available in the Sewer Contingency Fund for the Annual Sewer Manhole Rehabilitation Project as stated in the Five-Year Capital Budget Project List.

NOW, THEREFORE, BE IT ORDAINED that the Bossier City Council of the City of Bossier City, in regular session convened, does hereby appropriate \$300,000 to come from the Sewer Contingency Fund to allow for the Annual Sewer Manhole Rehabilitation Project.

BE IT FURTHER ORDAINED, that the Mayor is authorized to sign any and all documents in connection with the furtherance of this Ordinance.

The above and foregoing Ordinance, read in full at open and legal session convened, was on motion of Mr. David Jones and seconded by Dr. James Rogers, and adopted on the 9th day of September, 2008, by the following vote:

AYES: Mr. Larkin, Mr. Irwin, Mr. Darby, Mr. Williams, Mr. Jones and Dr. Rogers

NAYS: none

ABSENT: Mr. Montgomery, Jr.

ABSTAIN: none

Scott Irwin, President

Helen Thornton, City Clerk

The following Ordinance offered and adopted:

ORDINANCE NO. 70 OF 2008

**AN ORDINANCE TO APPROPRIATE \$400,000.00 TO
COME FROM THE SEWER CONTINGENCY FUND
TO REHAB EXISTING DAMAGED LIFT STATIONS
AS LISTED ON THE FIVE-YEAR CAPITAL BUDGET
PROJECT LIST**

WHEREAS, five lift stations have been identified for rehab, two of which have ties to the Cyber Innovation Center;

WHEREAS, the rehabilitation of the identified lift stations will aid in preventative maintenance to prevent mechanical failure, electrical failure, and sewer system back ups as well as upgrades for increased inflow due to economic development;

WHEREAS, funds are available in the Sewer Contingency Fund for the Annual Lift Station Rehabilitation Project as stated in the Five-Year Capital Budget Project List.

NOW, THEREFORE, BE IT ORDAINED that the Bossier City Council of the City of Bossier City, in regular session convened, does hereby appropriate \$400,000.00 to come from the Sewer Contingency Fund to allow for the Annual Lift Station Rehabilitation Project.

BE IT FURTHER ORDAINED, that the Mayor is authorized to sign any and all documents in connection with the furtherance of this Ordinance.

The above and foregoing Ordinance, read in full at open and legal session convened, was on motion of Dr. James Rogers and seconded by Mr. David Jones, and adopted on the 9th day of September, 2008, by the following vote:

AYES: Mr. Larkin, Mr. Irwin, Mr. Darby, Mr. Williams, Mr. Jones and Dr. Rogers

NAYS: none

ABSENT: Mr. Montgomery, Jr.

ABSTAIN: none

Scott Irwin, President

Helen Thornton, City Clerk

The following Ordinance offered and adopted:

Ordinance No. 71 Of 2008

AN ORDINANCE AUTHORIZING THE TRANSFER OF LOT 32, BARKSDALE ANNEX SUBDIVISION TO BELLAIRE BAPTIST CHURCH IN ORDER TO DEVELOP A PLAYGROUND FACILITY AND AUTHORIZING MAYOR LORENZ WALKER TO EXECUTE ANY AND ALL DOCUMENTS IN CONJUNCTION THEREWITH.

WHEREAS, Bellaire Baptist Church and KaBOOM a non-profit organization have collaborated to build a playground facility in Barksdale Annex on property owned by the City of Bossier City and Bossier Parish; and

WHEREAS, it is the intent of Bellaire Baptist Church in association with KaBOOM to construct a playground facility on Lot 32, Barksdale Annex; and

WHEREAS, this donation of property meets the constitutional requirement of supporting a program for social welfare for support of the needy;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Bossier City, Louisiana, in regular session convened, that Mayor Lorenz Walker is hereby authorized to execute any and all documents necessary to donate Lot 32, Barksdale Annex Subdivision to Bellaire Baptist Church reserving all mineral rights in said property.

The above and foregoing Ordinance was read in full at open and legal session convened, was on motion of Mr. Jeff Darby, and seconded by Mr. David Jones, and adopted on the 9th, day of September, 2008, by the following vote:

AYES: Mr. Larkin, Mr. Irwin, Mr. Darby, Mr. Williams, Mr. Jones and Dr. Rogers

NAYS: none

ABSENT: Mr. Montgomery, Jr.

ABSTAIN: none

Scott Irwin, President

Helen Thornton, City Clerk

The following Ordinance offered and adopted:

Ordinance No. 72 Of 2008

AN ORDINANCE AUTHORIZING THE SALE OF A PORTION OF LOT 4 OF THE VIKING DRIVE INDUSTRIAL PARK CONSISTING OF APPROXIMATELY 10 ACRES FOR \$25,000.00 PER NET ACRE TO SCANNELL DEVELOPMENT COMPANY AND AUTHORIZING MAYOR LORENZ WALKER TO SIGN ANY AND ALL DOCUMENTS IN CONJUNCTION WITH THE SALE.

WHEREAS, the City of Bossier City and the Parish of Bossier jointly own the Viking Drive Industrial Park and the Greater Bossier Economic Development Foundation has marketed the referenced property to companies desiring to locate in Bossier City; and

WHEREAS, this development will result an increase in ad valorem taxes of approximately \$152,115.15 annually between Bossier Parish and the City of Bossier City. The City of Bossier City would receive approximately \$28,803.00 annually with Bossier Parish receiving \$122,311.00. The sales tax revenue would be approximately \$102,500.00

NOW, THEREFORE, BE IT ORDAINED by the City Council of Bossier City, Louisiana, in regular session convened, that the sale of a portion of Lot 4 of the Viking

Drive Industrial Park consisting of approximately 10 acres to Scannell Development Company is approved.

BE IT FURTHER ORDAINED, that Mayor Lorenz Walker is hereby authorized to execute any and all documents necessary to complete the transfer of property referenced herein.

The above and foregoing Ordinance was read in full at open and legal session convened, was on motion of Mr. Jeff Darby, and seconded by Mr. David Jones, and adopted on the 9th, day of September, 2008, by the following vote:

AYES: Mr. Larkin, Mr. Irwin, Mr. Darby, Mr. Williams, Mr. Jones and Dr. Rogers

NAYS: none

ABSENT: Mr. Montgomery, Jr.

ABSTAIN: none

Scott Irwin, President

Helen Thornton, City Clerk

The following Ordinance offered and adopted:

Ordinance No. 73 Of 2008

AN ORDINANCE SETTING THE FRANCHISE FEE TO BE PAID BY THOSE ENTITIES PROVIDING CABLE OR VIDEO SERVICE WITHIN THE CITY'S MUNICIPAL LIMITS UNDER A STATE - GRANTED FRANCHISE AUTHORITY AND OTHERWISE PROVIDING WITH RESPECT THERETO.

WHEREAS, pursuant to the provisions of the Consumer Choice for Television Act of 2008, codified at LSA-RS. 45:1361 et seq, any person or entity desiring to provide cable or video services within the City of may do so by obtaining a state-issued certificate of franchise authority; and

WHEREAS, pursuant to the provisions of LSA-R.S. 45:1366, the holder of a state-issued certificate of franchise authority for cable or video service is required to pay a franchise fee to a municipality in which it operates upon the passage of an ordinance by municipality setting such a fee; and

WHEREAS, there are persons or entities which operate or desire to operate cable or video services within the City's municipal limits; and

BE IT THEREFORE ordained by the City Council of the City of Bossier City, State of Louisiana, that all persons or entities providing cable or video services to the citizens of the City of Bossier City of pursuant to a state-issued certificate of franchise authority as provided in LSA-R.S. 45:1361 et seq shall, pursuant to the provisions of LSA-R.S. 45:1366, pay the City of Bossier City a franchise fee equal to 5% of the cable or video service provider's gross revenues, as that term is defined by the "Consumer Choice for Television Act of 2008," derived from operations within the City's municipal limits.

BE IT FURTHER RESOLVED, that all ordinances and resolutions in conflict herewith are hereby repealed, except those approving any cable or video franchise agreement in force and effect between the City and any cable or video service provider.

The above and foregoing Ordinance was read in full at open and legal session convened, was on motion of Dr. James Rogers, and seconded by Mr. Don Williams, and adopted on the 9th, day of September, 2008, by the following vote:

AYES: Mr. Larkin, Mr. Irwin, Mr. Darby, Mr. Williams, Mr. Jones and Dr. Rogers

NAYS: none

ABSENT: Mr. Montgomery, Jr.

ABSTAIN: none

Scott Irwin, President

Helen Thornton, City Clerk

The following Ordinance offered and adopted:

Ordinance No. 74 Of 2008

AN ORDINANCE REQUIRING THE PAYMENT OF PUBLIC, EDUCATIONAL, GOVERNMENTAL ACCESS PROGRAMMING SUPPORT TO THE CITY OF BOSSIER CITY BY CABLE OR VIDEO SERVICE PROVIDERS OPERATING WITHIN THE CITY'S MUNICIPAL LIMITS UNDER A STATE-ISSUED CERTIFICATE OF FRANCHISE AUTHORITY AND OTHERWISE PROVIDING WITH RESPECT THERETO.

WHEREAS, pursuant to the provisions of the Consumer Choice for Television Act of 2008, codified at LSA-RS. 45:1361 et seq, any person or entity desiring to provide

cable or video services within the City of Bossier City may do so by obtaining a state-issued certificate of franchise authority; and

WHEREAS, the City of Bossier City has requested those entities providing cable or video services within the municipal limits of the City of Bossier City to provide public, educational, and governmental access programming, streams, or channels ("PEG") and desires to collect PEG access support from these cable or video service providers pursuant to the provisions of LSA-R.S. 45:1370; and

BE IT THEREFORE ordained by the City Council of the City of Bossier City, State of Louisiana, that pursuant to the provisions of LSA-R.S. 45:1361 et seq, providers of cable or video services holding a state-issued certificate of franchise authority as provided in LSA-R.S. 45:1361 et seq and operating within the City's municipal limits shall pay to the City of Bossier City an amount equal to one half percent of the gross revenues, as that term is defined by the "Consumer Choice for Television Act of 2008," derived from operations within the City's municipal limits.

BE IT FURTHER RESOLVED, that all ordinances and resolutions in conflict herewith are hereby repealed, except those approving any cable or video franchise agreement in force and effect between the City and any cable or video service provider.

The above and foregoing Ordinance was read in full at open and legal session convened, was on motion of Mr. David Jones, and seconded by Mr. Jeff Darby, and adopted on the 9th, day of September, 2008, by the following vote:

AYES: Mr. Larkin, Mr. Irwin, Mr. Darby, Mr. Williams, Mr. Jones and Dr. Rogers

NAYS: none

ABSENT: Mr. Montgomery, Jr.

ABSTAIN: none

Scott Irwin, President

Helen Thornton, City Clerk

The following Ordinance offered and adopted:

Ordinance No. 75 Of 2008

AN ORDINANCE REQUIRING A PERMIT FOR USE OF MUNICIPAL PROPERTY FOR BUSINESS OPERATIONS IN THE CITY OF BOSSIER CITY REQUIRING THE PROVISION OF CERTAIN INFORMATION PRIOR TO ISSUANCE OF SUCH PERMIT; AND OTHERWISE PROVIDING WITH RESPECT THERETO.

WHEREAS, pursuant to the provisions of LSA-R.S. 33:4401, LSA-R.S. 45:1361 et seq, this municipality’s police powers, [and, if applicable, Article 2 of the Bossier City’s Charter] and in order to protect the health, safety, and welfare of the public, the City of Bossier (herein referred to as “the City”) recognizes its right, duty and obligation to regulate and maintain the integrity and safety of the City’s property and rights-of-way;

WHEREAS, there are persons or entities which utilize and desire to utilize the City’s property and rights-of-way to conduct business operations, including but not limited to the provision of telecommunication, internet, electrical, cable, water, gas or other services or products (hereinafter referred to as “Business Operations”);

WHEREAS, the City makes and adopts the following findings and purposes:

- (1) The City recognizes that it holds its property and the rights-of-way within its geographical boundaries as an asset in trust for its citizens. The City and other public entities have invested millions of dollars in public funds to acquire, build, and maintain the rights-of-way. It also recognizes that some persons, by placing their equipment in the rights-of-way and charging of citizens of the City for goods and services delivered thereby, are profiting from their use of this property held by the City for the public good;
- (2) The City’s rights-of-way are owned or held by the City primarily for the purpose of pedestrian and vehicular passage and for the City’s provision of essential public safety services, including police, fire, and emergency medical response services; and public health services, including sanitary sewer, water, and storm drainage services (together, “Public Uses”);
- (3) Public Uses should in all cases be considered and treated as the dominant and preeminent uses of public property and rights-of-way;
- (4) All other uses of public rights-of-way, including use for the provision of Business Operations, must be subordinate to Public Uses;
- (5) In order to provide for the health, safety and well-being of its citizens, as well as to ensure the structural integrity of its rights-of-way and the City owned facilities located therein, the City strives to keep its rights-of-way in a state of good repair and free from unnecessary encumbrances;
- (6) Right-of-way obstructions and deterioration disrupt the flow of vehicular and pedestrian traffic and are a source of frustration for merchants, business owners and the general population;
- (7) The Louisiana legislature enacted Act 433 of 2008, codified as LSA-R.S. 45:1361-1378 as the “Consumer Choice for Television Act,” which provides for a state-issued certificate of franchise authority for cable and video services. In LSA-R.S. 45:1374, the legislature reserved to local government certain authority to regulate the holder of a state-issued

certificate of franchise authority including the City's lawful exercise of its police powers; and

- (8) In order for the City to properly protect the health, safety and welfare of its citizens, to enhance the Public Uses, and manage and maintain its property, it is appropriate and necessary that the City obtain and maintain current, accurate information concerning the location, construction, installation, and maintenance of structures, facilities, and equipment occupying City Property for Business Operations ("System").
- (9) Some entities conduct Business Operations utilizing City property and rights of way authorized by a fully executed, valid franchise agreement or ordinance with the City which addresses, among other matters, maintenance and use of City property and rights of way. The City has determined that it is in the public's best interest to honor said franchise agreements or ordinances and exempt from the application of this Ordinance the Business Operations specifically authorized by such agreements or ordinances.

BE IT THEREFORE ordained by the City Council of the City of Bossier City, State of Louisiana, that no person or entity may enter upon, traverse, either above ground or below, or otherwise utilize any property, servitude, or other property right, owned, leased, possessed, or controlled by the City (herein referred to as "City Property") for the conduct of Business Operations without first being issued a permit to enter City Property for Business Operations as more fully set forth hereafter.

1. Location of any System for Business Operations within the City Property without a valid permit from the City pursuant to this Ordinance presents a threat to the health, safety, and welfare of the City's citizens and their property and is expressly forbidden.
2. The City recognizes and reserves any and all rights available to it to regulate use of any City Property.
3. The granting of any City license, permit, or other requirement for doing business within the City shall not be construed as authorizing any such person or entity the right to utilize City Property for the conduct of Business Operations.
4. Any person or entity desiring to operate a System occupying City Property "(Applicant)" shall make a written request to the City for a permit, which shall include the following information:
 - a) Name, address, telephone number, and contact person of the person or entity making the request;
 - b) Necessary corporate information, if applicable;
 - c) Name, address, email address, and home, office and cell telephone numbers of a person with authority to act on behalf of the Applicant in case of emergency;
 - d) Description of the proposed activity;
 - e) Identification of the City Property which Applicant's System will occupy. Said identification shall include the following:
 - i) Map drawn to scale of the location of all Applicant's System presently occupying City Property;

- ii) Inventory of all equipment, structures, and facilities comprising Applicant's System occupying City Property; and
 - iii) Description of all anticipated construction, major maintenance, and major installation activities which shall include the specific locations and the beginning and ending dates of all projects to be commenced during the next calendar year; and the tentative locations and beginning and ending dates for all projects contemplated for the two year period following the next calendar year.
- f) Proof of comprehensive general liability insurance covering and affecting the Applicant's Business Operations occupying City Property. Applicant shall notify the City of cancellation of such policy(ies) at least 30 days in advance of such cancellation; and
 - g) Name of all contractors acting or working on behalf of Applicant within City Property along with the name and home, office, and cell telephone numbers of a person with authority to act on behalf of the contractor in case of emergency.
5. Upon provision of all of the information required by Section (4), the City shall issue a permit allowing the Applicant/Permittee to enter City Property to conduct Business Operations in accordance with the specific information provided to the City by the Applicant/Permittee.
6. Standard provisions of each permit granted pursuant to this Ordinance shall include the following:
- a) Conditions of Occupancy. The System shall be located so as to cause minimum interference with the Public Uses use of City Property and with the rights and reasonable convenience of property owners who own property that adjoins City Property.
 - b) Restoration of Public Ways. If, during the course of the Permittee's construction, installation, or maintenance of the System, there occurs a disturbance of any City Property by the Permittee, the Permittee shall replace and restore such City Property to a condition reasonably comparable to the condition of the City Property existing immediately prior to such disturbance.
 - c) Relocation at Request of the City. If the City shall lawfully elect to vacate, relocate, abandon, alter, reconstruct or change any City Property, the Permittee, upon thirty (30) days written notice by the City via certified mail to the Permittee, shall remove, re-lay and relocate its structure, equipment, and facilities at its own expense. Should the Permittee refuse or fail to remove System within thirty (30) days after written notification, the City shall have the right to remove the component parts of the System and charge the Permittee for the costs of removal.
 - d) Relocation at Request of Third Party. The Permittee shall, on the request any person holding a lawful building moving permit, protect, support, raise, lower, temporarily disconnect, relocate in or remove from any City Property, as

necessary, any property of the Permittee provided: (i) the expense of such is paid by said person benefiting from the relocation, including, if required by the Permittee, making such payment in advance; and (ii) the Permittee is given reasonable advance written notice to prepare for such changes. For purposes of this Section, “reasonable advance written notice” shall be no less than thirty (30) days in the event of a temporary relocation, and no less than one hundred twenty (120) days for permanent relocation.

- e) Interference with Use of right-of-way. When working within City Property, Permittee shall not unreasonably interfere with Public Uses of said City Property and the safety, health, and convenience of the public in the public’s use thereof for ordinary travel.
7. No less than three (3) business days prior to commencement of construction, installation or maintenance activities within City Property, the Permittee shall notify the City of the specific locations and beginning and ending dates of said construction, installation, or maintenance project and shall provide current, accurate contact information for both the Permittee and the contractor as outlined in Section (4). Upon receipt of this notification, the City shall determine whether the proposed construction, installation, or maintenance activities shall pose an unreasonable inference with Public Uses. If the City determines the proposed activity presents no such reasonable interference, it shall issue the Permittee a notice to proceed. If the Permittee receives no written notification from the City within twenty-four hours of the proposed commencement of activities, the proposed activities may be deemed approved. This Section shall not apply to emergency repair projects or utility service extension projects which the Permittee could not have anticipated.
 8. The Permittee shall keep all of the information required by Section (4) current at all times by immediately providing the City written notice of changes.
 9. Any person or entity (1) whose System occupies City Property for Business Operations without obtaining the permit required in this Ordinance; (2) who fails to provide the 72-hour notice prior to commencement of construction, installation, or maintenance activities as required in Section 6; or who fails to maintain current, accurate information required by Section (4) concerning any System occupying City Property may have any permit granted pursuant to this Ordinance revoked any may be denied future authorization for construction, installation, or maintenance activities for a period of two years.
 10. Any violation of this Ordinance shall afford the City the full range of remedies available under any applicable law or regulation including the levying of fines. The election of one or more remedies shall not be construed as a waiver of any other legal and/or equitable remedy including, but not limited to the City’s right to seek injunctive relief, damages, and attorney’s fees as the law might allow.
 11. Business Operations specifically authorized by a fully executed, valid franchise agreement or ordinance with the City shall not be subject to the provisions of this Ordinance and the provisions of said franchise agreement or ordinance shall continue to govern.

BE IT FURTHER RESOLVED, that all the ordinances and resolutions in conflict herewith are hereby repealed, except those approving any cable or video franchise agreement in force and effect between the City and any cable or video service provider.

The above and foregoing Ordinance was read in full at open and legal session convened, was on motion of Mr. David Jones, and seconded by Dr. James Rogers, and adopted on the 9th, day of September, 2008, by the following vote:

AYES: Mr. Larkin, Mr. Irwin, Mr. Darby, Mr. Williams, Mr. Jones and Dr. Rogers

NAYS: none

ABSENT: Mr. Montgomery, Jr.

ABSTAIN: none

Scott Irwin, President

Helen Thornton, City Clerk

The following ordinance offered and adopted:

ORDINANCE NO. 76 OF 2008

AN ORDINANCE AMENDING ORDINANCE NO. 126 OF 2003, BY CHANGING THE ZONING CLASSIFICATION OF A PORTION OF LOT 8, WALLER SUBDIVISION, 10TH FILING, BOSSIER CITY, LA, FROM R-LD, RESIDENTIAL-LOW DENSITY DISTRICT, TO B-2, LIMITED BUSINESS DISTRICT, FOR FUTURE COMMERCIAL DEVELOPMENT. (MARLENA BONOMO)

SECTION 1. BE IT ORDAINED by the City Council of Bossier City, Louisiana, in regular session convened, that Ordinance No. 126 of 2003 of the City Council of the City of Bossier City, Louisiana, is hereby amended to provide that the zoning classification is hereby changed from R-LD, Residential-Low Density District, to B-2, Limited Business District, for the following:

Lot 8, less the northerly 26 feet, Waller Subdivision, 10th Filing, Bossier City, LA

Motion was made by Dr. James Rogers and seconded by Mr. David Jones to adopt the above ordinance. Upon the following vote, the ordinance was duly adopted this 9th day of September, 2008.

YEAS: Mr. Larkin, Mr. Irwin, Mr. Darby, Mr. Williams, Mr. Jones and Dr. Rogers

NAYS: none

ABSTAIN: none

ABSENT: Mr. Montgomery, Jr.

SCOTT IRWIN, PRESIDENT

HELEN THORNTON, CITY CLERK

C-45-08

By: Mr. Jones

Motion made to introduce Ordinance granting approval for the issuance, sale, and delivery of not to exceed One Hundred Twenty-Five Million and No/100 (\$125,000,000) Dollars of Utility Revenue Bonds of the City of Bossier City, State of Louisiana, in one or more series, for the purpose of making additions, improvement, extensions, renewals, replacements or repairs to the water works plant and system and the sewer utility system, and providing for other matters in connection therewith.

Seconded by Mr. Darby

Vote in favor of motion is unanimous.

By: Mr. Darby

Motion made to introduce Ordinance to declare certain movable equipment owned by City of Bossier as surplus to the City's need and provide for salvage and disposal according to law.

Seconded by Mr. Williams

Vote in favor of motion is unanimous

By: Mr. Jones

Motion made to approve report of Change Order for the Benton Road Railroad Overpass an increase of \$34,878.00, total of contract with increase \$11,551,247.00.

Seconded by Dr. Rogers

Vote in favor of motion if unanimous

Hearing of appeal for Ernest Gibson for violation of Chapter 47, Section 123, Inoperable Vehicle, located at 112 Wilbanks Street, Bossier City, Louisiana.

Present: Joes Dean, Code Enforcement Officer

Owner not Present

Mr. Dean stated that three of the five vehicles had been removed.

By: Mr. Williams

Motion made to have remaining two vehicles towed immediately

Seconded by Mr. Jones

Vote in favor of motion is unanimous.

Discussion of appropriation of money to the Ark-La-Tex Mardi Gras Museum:

Present: Dorothy Carnal, representing the board of Ark-La-Tex Mardi Gras Museum.

Ms. Carnal stated the museum is requesting \$25,000 from the City of Bossier City for their upcoming 2009 budget.

Hearing to review the recommendation of demolition and removal of dilapidated structure located at the following address:

716 St. Charles Street, Bossier City, Louisiana

(This property was ordered to be demolished within 30 days at the July 22, 2008 Council meeting, no work has been started on this structure)

Present:Kenny Carrington, Code Enforcement Officer

Owner not present

Mr. Carrington stated that no work has been done on this structure.

By: Mr. Jones

Motion made for immediate demolition of 716 St. Charles Street, Bossier City, Louisiana.

Seconded by Dr. Rogers

Vote in favor of motion is unanimous.

By: Mr. Williams

Motion made to introduce Ordinance No. 64 of 2008 and to clarify and enact a flood damage prevention ordinance as described in Exhibit "A" in order for the City of Bossier City to remain consistent with the National Flood Insurance Program Regulations.

Seconded by Mr. Jones

Vote in favor of motion is unanimous

By: Mr. Rogers

Motion made to introduce Ordinance No. 108 of 2001 of the Code of Ordinances relative to Sportran fares, and otherwise providing with respect thereto.

Seconded by Mr. Mr. Jones

Vote in favor of motion is unanimous.

By: Mr. Jones

Motion made to approve confirmation of nomination of Bryan Kauffer by Mayor Walker for the position of Bossier City Director of Public Utilities.

Seconded by Mr. Williams

Vote in favor of motion is unanimous.

Mr. Irwin announced that the agenda meeting for the September 16 meeting will follow this meeting with a five minute recess.

There being no further business to come before this meeting, meeting adjourned at 4:05 PM by Mr. Irwin.

Respectfully submitted by:

HELEN THORNTON
CITY CLERK

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