

September 21, 2000

MINUTES

OF REGULAR MEETING OF THE COUNCIL OF THE CITY OF NEW ORLEANS
HELD IN THE COUNCIL CHAMBER, CITY HALL, THURSDAY, SEPTEMBER 21, 2000
AT 10:15 A.M.

The Council of the City of New Orleans met this day in Regular Session, at 10:20 A.M., in the Council Chamber, City Hall, Council President, Jim Singleton, presiding.

On calling the roll, the following members answered to their names:

PRESENT:

BREAUX

CARTER

JOHNSTON

SAPIR (COUNCIL VICE-PRESIDENT)

SHEA

SINGLETON (COUNCIL PRESIDENT)

THOMAS

SEVEN MEMBERS, CONSTITUTING A QUORUM, PRESENT.

ROLL CALL

EMMA J. WILLIAMS

Clerk of Council

INVOCATION

REVEREND WARREN RICHARD

PASTOR, STONE EZEL BAPTIST CHURCH

PRESENTATION OF COLORS

SGT. EDWARD MAYO
JROTC ABRAMSON HIGH SCHOOL

PLEDGE OF ALLEGIANCE TO THE FLAG

LULA HARRIS BREAUX
COUNCILMEMBER DISTRICT AE@

NATIONAL ANTHEM

HEART & SOUL
KE-VIN JAMES, BRITTANY JAMES AND SHELLITCA GATLIN

ACCOMPANIED BY
MRS. LILLIAN DUNN PERRY
DIRECTOR OF ROBERT PERRY SINGERS

CONSENT AGENDA

REPORTS

OF THE MAYOR'S OFFICE/DIVISION OF ECONOMIC DEVELOPMENT -
Recommending approval of the Restoration Tax Abatement request for:

RTA NUMBER	ADDRESS	COUNCILMEMBER
#990267-34	524-28 Madison Street	Carter

RECEIVED. HEARING DATE SET FOR 10/19/00.

OF THE EXECUTIVE DIRECTOR OF THE CITY PLANNING COMMISSION -
Transmitting Zoning Docket Numbers 97/00, 102/00, 105/00, 108/00, and Design
Review 70/00 to set hearing dates thereon:

zoning docket number	councilmember	council deadline	HEARING DATE SET FOR
97/00	Carter	10/31/00	10/5/00
102/00	Carter	11/14/00	10/5/00
105/00	Johnston	11/28/00	10/5/00
108/00	Shea	11/28/00	10/5/00

			HEARING DATE SET FOR
	Carter	11/19/00	10/5/00

RECEIVED.

ORDINANCES ON FINAL PASSAGE

CAL. NO. 23,221 - BY: COUNCILMEMBER THOMAS - An Ordinance to effect a map change from an RM-2 Multiple Family Residential District to an RO General Office District to permit a doctor=s office, on Square 196, Lot B2, in the Sixth Municipal District, bounded by Magazine, Robert, Constance, and Upperline Streets (Municipal Addresses: 4920-4926 Magazine Street); and otherwise to provide with respect thereto. (Zoning Docket No. 73/00)

ROLL CALL

YEAS: Carter, Johnston, Sapir, Shea, Singleton, Thomas - 6

NAYS: 0

ABSENT: Breaux - (Temporarily out of Chamber) - 1

AND THE ORDINANCE WAS ADOPTED.

CAL. NO. 23,222 - BY: COUNCILMEMBER BREAUX - An Ordinance to provide for the establishment of a conditional use to permit a private school in an existing building with waivers of site area and setbacks, on Lots 9, 10, 11, 28, 29 and 30, Square 330-A, in the Third Municipal District, bounded by St. Claude Avenue, Eldorado, Tupelo and Gordon Streets, (Municipal Address: 6030 St. Claude Avenue); and otherwise to provide with respect thereto. (Zoning Docket No. 84/00)

ROLL CALL

YEAS: Carter, Johnston, Sapir, Shea, Singleton, Thomas - 6

NAYS: 0

ABSENT: Breaux - (Temporarily out of Chamber) - 1

AND THE ORDINANCE WAS ADOPTED.

COMMUNICATIONS

FROM WALTER C. THOMPSON, JR. - Filing a complaint in the captioned matter:
Thomas P. Lowenburg, et al v. Entergy New Orleans Inc. (UD-00-2). Filing fee paid.

RECEIVED AND REFERRED TO COUNCIL UTILITIES COMMITTEE.

FROM ELLIS DILLON, JR. - Requesting the Council's enforcement of the Budget
Hearing Ordinance, Sect. 4-Article 6, Chapters 100- 03, titled Enforcement of Budget
and Enforcement of Pay Authorization.

RECEIVED AND REFERRED TO CAO.

FROM THE DIRECTOR OF PERSONNEL, CITY CIVIL SERVICE - Submitting an
amendment to the Rules of the Civil Service Commission as adopted by the Civil
Service Commission at its meeting of August 17,2000.

PROPOSED NEW RULE

Rule IV, Section 2. Incentive Pay

RECEIVED AND REFERRED TO BUDGET COMMITTEE, COUNCIL FISCAL AND
COUNCIL RESEARCH.

FROM RICK FIFIELD - Requesting to appeal the decision of the Historic District
Landmarks Commission for properties located at

156-74 S. Rampart/1013-27 Common Street.

RECEIVED. HEARING DATE SET FOR 10/5/00.

FROM JOHN C. WILLIAMS, AIA, PRINCIPAL, WILLIAMS AND ASSOCIATES ARCHITECTS - Requesting to appeal the Historic District Landmarks Commission decision of denial to construct a three-story rooftop addition with a penthouse for property located at 125-27 Decatur Street.

RECEIVED. HEARING DATE SET FOR 10/5/00.

MOTION TO ADOPT CONSENT CALENDAR AND REFER OTHER MATTERS TO THE PROPER AGENCY.

YEAS: Carter, Johnston, Sapir, Shea, Singleton, Thomas - 6 NAYS: 0

ABSENT: Breaux (Temporarily out of Chamber) - 1

AND THE CONSENT CALENDAR WAS ADOPTED.

On motion of Councilmember Singleton, seconded by Councilmember Carter, and without objection, the rules of the Council were suspended for the purpose of advancing to Ordinances on Final Passage.

ORDINANCE ON FINAL PASSAGE

CAL. NO. 23,193 - BY: COUNCILMEMBERS SINGLETON AND SAPIR (BY REQUEST) - An Ordinance authorizing the Mayor of the City of New Orleans through the New Orleans Aviation Board (ALessor@), to enter into a lease agreement and contract with Parking Facilities Corporation (ALessee@), a non-profit corporation to be formed to serve as lessee and borrower of bond proceeds, for the design, development and operation of a new parking garage and with New South Parking for the continued

management of the existing parking garage at the New Orleans International Airport (AAirport@), and to otherwise provide with respect thereto.

After discussion, Councilmember Johnston moved to continue the foregoing ordinance to the meeting of October 5, 2000, seconded by Councilmember Thomas.

ROLL CALL:

YEAS: Singleton, Thomas, Breaux, Johnston - 4

NAYS: Shea, Sapir, Carter - 3

ABSENT: 0

AND THE MOTION TO CONTINUE WAS ADOPTED.

REGULAR ORDER OF BUSINESS RESUMED

FIRST ORDER OF BUSINESS

ORDINANCE ON FINAL PASSAGE

CAL. NO. 23,179 - BY: COUNCILMEMBERS THOMAS, CARTER AND SHEA - An Ordinance to ordain Article VI. Booting of Motor Vehicles on Private Property of Chapter 66 ENVIRONMENT of the Code of the City of New Orleans relative to the practice of booting motor vehicles not authorized to park on private property; to define certain terms; to impose requirements for booting on private parking areas; to provide for maximum fees for booting; to impose booting service business requirements; to impose requirements for booting service businesses licensed to operate in the City; to prohibit damaging or removal of boot; to provide for an administrative hearing to determine if the booting of said vehicle was proper; and otherwise to provide with respect thereto.

After discussion, Councilmember Sapir moved to continue the foregoing ordinance to the meeting of October 5, 2000, seconded by Councilmember Carter.

ROLL CALL:

YEAS: Carter, Sapir, Singleton, Shea, Thomas - 5

NAYS: Breaux, Johnston - 2

ABSENT: 0

AND THE MOTION TO CONTINUE WAS ADOPTED.

SPECIAL ORDER OF BUSINESS

NEW ORLEANS CITY COUNCIL JOB FAIR

COMMUNICATIONS

FROM ANDREA A. LOYOLA, NEW ORLEANS CITY COUNCIL COMMUNICATIONS
CONSULTANT/JOB FAIR COORDINATOR - Announcing the New Orleans City
Council Job Fair will be held on Wednesday, September 27, 2000.

RECEIVED.

LEGISLATIVE GROUPING

TAX ABATEMENT HEARING

OF THE MAYOR'S OFFICE/DIVISION OF ECONOMIC DEVELOPMENT -
Recommending approval of the Restoration Tax Abatement request for:

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RTA NUMBER	ADDRESS	COUNCILMEMBER
#990564-70	4125 St. Charles Avenue	Thomas
#980143-16	2003-06 Carondelet Street	Thomas
#990478-57	900 South Peters Street	Thomas
#990518-63	135 St. Charles Avenue	Thomas

NO. R-00-615

BY: COUNCILMEMBER THOMAS

SECONDED BY: COUNCILMEMBER SINGLETON

WHEREAS, Article VII, Section 21(H) of the State Constitution and Act 445 of 1983 provides for payment of ad valorem taxes on a certain basis for property owners performing certain improvements in Historic, Economic Development, and Downtown Development Districts; and,

WHEREAS, in accordance with the procedures established by Resolution R-98-126 the following described property has been submitted to the Mayor's Office of Economic Development for review, said property being described as municipal address 4125 St. Charles Avenue owned by Clark-O=Hara, L.L.C. and

WHEREAS, the Mayor's Office of Economic Development recommends approval with regard to participation in the aforementioned tax program; now therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the Council, after consideration of the recommendation of the Mayor's Office of Economic Development, hereby approves participation of municipal address 4125 St. Charles Avenue owned by Clark-O=Hara, L.L.C. and further identified by the State Board of

Commerce and Industry as application number RTA #990564-70 in the Property Tax Abatement Program authorized by Act 445 of 1983 and Article VII Section 21(H) of the Constitution, effective September 21, 2000, therefore;

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That a copy of this resolution be forwarded to the State Board of Commerce and Industry.

THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS: Breaux, Carter, Johnston, Sapir, Shea, Singleton,

Thomas - 7

NAYS: 0

ABSENT: 0

AND THE RESOLUTION WAS ADOPTED.

NO. R-00-616

BY: COUNCILMEMBERS THOMAS AND SAPIR

WHEREAS, Article VII, Section 21(H) of the State Constitution and Act 445 of 1983 provides for payment of ad valorem taxes on a certain basis for property owners performing certain improvements in Historic, Economic Development, and Downtown Development Districts; and,

WHEREAS, in accordance with the procedures established by Resolution R-98-126 the following described property has been submitted to the Mayor's Office of Economic Development for review, said property being described as municipal address 2003-05 Carondelet Street owned by Stan-M, Inc. and

WHEREAS, the Mayor's Office of Economic Development recommends approval with regard to participation in the aforementioned tax program; now therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the Council, after consideration of the recommendation of the Mayor's Office of Economic

Development, hereby approves participation of municipal address 2003-05 Carondelet Street owned by Stan-M, Inc. and further identified by the State Board of Commerce and Industry as application number RTA #980143-16 in the Property Tax Abatement Program authorized by Act 445 of 1983 and Article VII Section 21(H) of the Constitution, effective September 21, 2000, therefore;

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That a copy of this resolution be forwarded to the State Board of Commerce and Industry.

THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS: Breaux, Carter, Johnston, Sapir, Shea, Singleton,

Thomas - 7

NAYS: 0

ABSENT: 0

AND THE RESOLUTION WAS ADOPTED.

NO. R-00-617

BY: COUNCILMEMBER THOMAS

SECONDED BY: COUNCILMEMBER SINGLETON

WHEREAS, Article VII, Section 21(H) of the State Constitution and Act 445 of 1983 provides for payment of ad valorem taxes on a certain basis for property owners performing certain improvements in Historic, Economic Development, and Downtown Development Districts; and,

WHEREAS, in accordance with the procedures established by Resolution R-98-126 the following described property has been submitted to the Mayor's Office of Economic Development for review, said property being described as municipal address 900 South Peters Street owned by Paragon Lofts, L.L.C. and

WHEREAS, the Mayor's Office of Economic Development recommends approval with regard to participation in the aforementioned tax program; now therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the Council, after consideration of the recommendation of the Mayor's Office of Economic Development, hereby approves participation of municipal address 900 South Peters Street owned by Paragon Lofts, L.L.C. and further identified by the State Board of Commerce and Industry as application number RTA #990478-57 in the Property Tax Abatement Program authorized by Act 445 of 1983 and Article VII Section 21(H) of the Constitution, effective September 21, 2000, therefore;

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That a copy of this resolution be forwarded to the State Board of Commerce and Industry.

THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS: Breaux, Carter, Johnston, Sapir, Shea, Singleton,

Thomas - 7

NAYS: 0

ABSENT: 0

AND THE RESOLUTION WAS ADOPTED.

NO. R-00-618

BY: COUNCILMEMBER THOMAS

SECONDED BY: COUNCILMEMBER SINGLETON

WHEREAS, Article VII, Section 21(H) of the State Constitution and Act 445 of 1983 provides for payment of ad valorem taxes on a certain basis for property owners performing certain improvements in Historic, Economic Development, and Downtown Development Districts; and,

WHEREAS, in accordance with the procedures established by Resolution R-98-126 the following described property has been submitted to the Mayor's Office of Economic

Development for review, said property being described as municipal address 135 St. Charles Avenue owned by the Royal St. Charles Hotel, L.L.C. and

WHEREAS, the Mayor's Office of Economic Development recommends approval with regard to participation in the aforementioned tax program; now therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the Council, after consideration of the recommendation of the Mayor's Office of Economic Development, hereby approves participation of municipal address 135 St. Charles Avenue owned by the Royal St. Charles Hotel, L.L.C. and further identified by the State Board of Commerce and Industry as application number RTA #990518-63 in the Property Tax Abatement Program authorized by Act 445 of 1983 and Article VII Section 21(H) of the Constitution, effective September 21, 2000, therefore;

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That a copy of this resolution be forwarded to the State Board of Commerce and Industry.

THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS: Breaux, Carter, Johnston, Sapir, Shea, Singleton,

Thomas - 7

NAYS: 0

ABSENT: 0

AND THE RESOLUTION WAS ADOPTED.

REPORTS

OF THE INTERIM EXECUTIVE DIRECTOR OF THE CITY PLANNING COMMISSION - Recommending approval to the change in non-conforming use for property located at 601 Eighth Street, subject to six (6) provisos. (The change is from a bar to a hair salon).

After discussion, Councilmember Thomas offered the following motion:

NO. M-00-624

BY: COUNCILMEMBER THOMAS

SECONDED BY: COUNCILMEMBER SINGLETON

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and favorable recommendation OF THE INTERIM EXECUTIVE DIRECTOR OF THE CITY PLANNING COMMISSION - For approval to the change in Non-Conforming Use for property located at 601 Eighth Street, for applicant Behendy Verrett, be, and the same is upheld and the change of Non-Conforming Use is granted, subject to six (6) provisos. (The change is from a bar to a hair salon).

BE IT FURTHER MOVED, That the Clerk of Council shall forward copies of the motion directly to all affected departments.

THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:

YEAS: Breaux, Carter, Johnston, Sapir, Shea, Singleton,

Thomas - 7

NAYS: 0

ABSENT: 0

AND THE MOTION WAS ADOPTED.

OF THE INTERIM EXECUTIVE DIRECTOR OF THE CITY PLANNING COMMISSION - Recommending the approval of the change of non-conforming use for property located at 7833 St. Charles Avenue. (The change is from a real estate office to a hair salon).

After discussion, Councilmember Shea offered the following motion:

NO. M-00-625

BY: COUNCILMEMBER SHEA

SECONDED BY: COUNCILMEMBER CARTER

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and favorable recommendation OF THE INTERIM EXECUTIVE DIRECTOR OF THE CITY PLANNING COMMISSION - For approval to the change in Non-Conforming Use for property located at 7833 St. Charles Avenue, for applicant John Malta, be, and the same is upheld and the change of Non-Conforming Use is granted, subject to seven (7) provisos. (The change is from a real estate to a hair salon).

BE IT FURTHER MOVED, That the Clerk of Council shall forward copies of the motion directly to all affected departments.

THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:

YEAS: Breaux, Carter, Johnston, Sapir, Shea, Singleton,
Thomas - 7

NAYS: 0

ABSENT: 0

AND THE MOTION WAS ADOPTED.

On motion of Councilmember Singleton, seconded by Councilmember Sapir, and without objection, the rules of the Council were further suspended for the purpose of continuing/withdrawing the following matters:

LEGISLATIVE GROUPINGS

HDLC APPEALS

OF LEON RADKOVICH - Requesting to appeal the Historic District Landmarks Commission's decision of denial to retain the security door for property located at 507 Elmira Street.

REPORT

OF THE EXECUTIVE DIRECTOR OF THE HISTORIC DISTRICT LANDMARKS COMMISSION - Denying the retention of the security door and approving the retention of the shed as per ARC recommendations.

CONTINUED TO THE MEETING OF 10/5/00.

OF MICHAEL OLIVAS - Requesting to appeal the Historic District Landmarks Commission's decision of denial to retain work that has been done on property located at 630-632 Poland Avenue.

CONTINUED TO THE MEETING OF 10/5/00.

VIEUX CARRE APPEAL

OF CHRIS OWENS - Requesting to appeal the decision of the Vieux Carre Commission in regard to property located at 500 Bourbon Street. The request was to remove existing showcases in facade and install French Doors on the Bourbon Street side.

CONTINUED TO THE MEETING OF 10/5/00.

APPEAL

OF GARDEN DISTRICT NEIGHBORHOOD IMPROVEMENT ASSOCIATION -
Requesting to appeal the Housing Conservation District Review Committee=s verbal
and written decision taken in reference to 2241 Magazine Street.

CONTINUED TO THE MEETING OF 10/5/00.

ZONING PETITIONS

ZONING PETITION NO. 83/00 - BLAKE MILLER AND KURT TANDE - Requesting a
Conditional Use to permit a Bed and Breakfast Guest Home with four (4) guest rooms in
an RD-3 Two Family Residential District located on Square 141, Lot B, in the Third
Municipal by Royal, Louisa, Chartres and Clouet Streets(626-28 Louisa Street). The
recommendation of the City Planning Commission being AFOR MODIFIED
APPROVAL@, of three (3) guest rooms subject to one (1) waiver and eight(8)provisos.

RECEIVED LETTER FROM APPLICANT TO WITHDRAW.

ZONING PETITION NO. 91/00 - CORNELL PENDELTON - Requesting a Map Change
from RM-4 Multiple Family Residential District to an LI Light Industrial District, to permit
a woodworking shop located on Square 296, Lot 12, in the Fourth Municipal District,
bounded by Simon Bolivar, S. Rampart, St. Andrew and Felicity Streets (2030- 32
Felicity Street). The recommendation of the City Planning Commission being AFOR
DENIAL@.

CONTINUED TO THE MEETING OF 10/5/00.

ZONING PETITION NO. 96/00 - LAURA AND ELIOT H. KAMENITZ - Requesting
a Conditional Use to permit a Bed and Breakfast Family Home with one (1) guest room
in an RD-3 Two Family Residential District located on Square D, Lot A, in the Second
Municipal District, bounded by Wilson, Harding and Delgado Drives and Dumaine Street

(3626 Delgado Drive). The recommendation of the City Planning Commission being AFOR DENIAL@.

CONTINUED TO THE MEETING OF 10/5/00.

ZONING PETITION NO. 98/00 - COSMOPOLITAN CORP., SOLARI PROPERTIES, LLC - Requesting a Conditional Use to permit the construction of a hotel in the CBD-3 Central Business District with variances for the allowed height and floor area ratio (FAR), and to include the demolition of one (1) structure, and to rescind Ordinance #18614 located on Square 66, Lot X, in the Second Municipal District, bounded by Canal, Iberville, Royal and Bourbon Streets (121-23-25 Royal Street). The recommendation of the City Planning Commission being AFOR NO LEGAL MAJORITY@.

CONTINUED TO THE MEETING OF 10/5/00.

ZONING PETITION NO. 99/00 - OJALA LTD. - Requesting a Conditional Use to permit an automobile service center, with an Urban Corridor Overlay, in a B-2 Neighborhood Business District located on Square 205, Lot 1, in the Fifth Municipal District, bounded by General DeGaulle and Bender Boulevards, Behrman Place and Memorial Park Drive. The recommendation of the City Planning Commission being AFOR DENIAL@.

CONTINUED TO THE MEETING OF 10/5/00.

ZONING PETITION NO. 100/00 - FATIMA NAYIR - Requesting a Conditional Use to permit the sale of alcoholic beverages in a restaurant in a B-1A Neighborhood Business District with an Inner- City Urban Corridor Overlay located on Square D, Lots 2, 3, & 4, in the Third Municipal District, bounded by N. Carrollton Avenue, Picheloup Place and Dumaine Street (900 N. Carrollton Avenue). The recommendation of the City Planning Commission being AFOR APPROVAL@, subject to thirteen (13) provisos.

CONTINUED TO THE MEETING OF 10/5/00.

DESIGN REVIEWS

DESIGN REVIEW NO. 18/00 - PELICAN OUTDOOR ADVERTISING - Requesting an appeal to raise a billboard beyond height limit on Square 459 in the First District, bounded by Interstate 10, Julia, Cypress and Derbigny. The recommendation of the City Planning Commission being AFOR DENIAL@.

CONTINUED TO THE MEETING OF 10/5/00.

ORDINANCES ON FINAL PASSAGE

CAL. NO. 23,143 - BY: COUNCILMEMBER SINGLETON - An Ordinance to amend Ordinance Number 19,476 M.C.S., as amended, entitled AAn Ordinance Providing an Operating Budget of Expenditures for the City of New Orleans for the Year 2000,@ to transfer funds within the budget of the City Council.

CONTINUED TO THE MEETING OF 10/19/00.

CAL. NO. 23,212 - BY: COUNCILMEMBERS SINGLETON AND SAPIR (BY REQUEST)- An Ordinance authorizing the Mayor of the City of New Orleans to enter into a Notarial Act of Exchange between MLR Management, Inc. (AMLR@) and the City of New Orleans (the ACity@), wherein MLR shall transfer to the City for the use and benefit of the New Orleans Aviation Board (ANOAB@), a certain parcel of ground, designated as Lot 7C-2, ALaFon Air Park@, as more fully described herein, owned by MLR, being a portion of the East Access Road, in exchange for extensions (leasehold interest), through November 30, 2025, of five (5) lease agreements on property being leased by the NOAB to MLR Properties, L.P. (AMLRLP@), known as Buildings 1, 2, 3 4 and 5 in LaFon Air Park, at the New Orleans International Airport (the AAirport@), subject to approval of the Council of the City of New Orleans; and otherwise to provide with respect thereto.

CONTINUED TO THE MEETING OF 10/5/00.

CAL. NO. 23,225 - BY: COUNCILMEMBER CARTER - An Ordinance to provide for a Map Change from RS-2 Single Family Residential District to a C-1 General Commercial District with a UC Urban Corridor Overlay District, to allow a commercial retail development and a Conditional Use to permit a shopping center (Super Wal-Mart) and a

secondary request to permit the disposition of city property (paper streets) known as Poe, Elmwood Park, Oakwood Drive, Potomac and Sabine Streets and Bender Circle located on the entirety of Squares 183-190 and 191, in the Fifth Municipal District, bounded by Oakwood and Donner Drive, Bender Boulevard and Behrman Highway; and otherwise to provide with respect thereto. (Zoning Docket No. 52/00)

CONTINUED TO THE MEETING OF 10/5/00.

CAL. NO. 23,229 - BY: COUNCILMEMBERS THOMAS AND CARTER (BY REQUEST)
- An Ordinance authorizing the sale at public auction of four parcels of ground with all improvements and appurtenances designated as PARCEL 1 - LOT 3, SQUARE 254 - 2711 DAUPHINE STREET, PARCEL 2 - LOTS 2&3, SQUARE 115 - 1377-81 ANNUNCIATION STREET, PARCEL 3 - LOT 4, SQUARE 44, 514 JACKSON AVENUE, AND PARCEL 4 - LOT 1, SQUARE 28-A , 2340 ROUSSEAU STREET in various Municipal Districts in New Orleans, Louisiana, no longer needed for public purposes.

CONTINUED TO THE MEETING OF 10/5/00.

THIS CONCLUDES LEGISLATION TO BE CONTINUED/WITHDRAWN.

ORDINANCES ON FINAL PASSAGE

(CONTINUED)

CAL. NO. 23,181 - BY: COUNCILMEMBERS SAPIR, SINGLETON, THOMAS, SHEA, BREAU, CARTER AND JOHNSTON - An Ordinance to amend and reordain Sections 66-101 through 66-106 of Chapter 66 ENVIRONMENT of the Code of the City of New Orleans relative to the procedure of removing junked, abandoned or wrecked vehicles from the streets of the City; to define certain terms; to provide notice for the removal of junked vehicles; to revise the towing charge for removing junked, abandoned or wrecked vehicles; to revise the storage fees total which shall be collected for junked, abandoned or wrecked vehicles; and otherwise to provide with respect thereto.

Councilmembers Sapir, Singleton and Thomas offered the following amendments:

AMENDMENTS TO ORDINANCE CALENDAR NO. 23,181

BY: COUNCILMEMBERS SAPIR, SINGLETON AND THOMAS

1. On page 1, in the preamble, on the first unnumbered line thereof, after the word ASections@ delete A66-101 through 66-106" and in lieu thereof, insert A66-101 through 66-163"
2. On page 1, in Section 1, on line 2 thereof, after the word ASections@ delete A66-101 through 66-106" and in lieu thereof, insert A66-101 through 66-103".
3. On page 1, in Section 1, on line 5 thereof, after ASec.@ delete A66-101" and in lieu thereof, insert A66-100".
4. On page 1, in Section 1, delete lines 11 through 14 in its entirety and in lieu thereof, insert the following language:

Junked or Junk Vehicle shall mean any motor vehicle which is totally inoperable, left inoperable, left unattended on any unused portion of any occupied lot, neutral ground, street or sidewalk, and is so damaged or dismantled as to be a total loss. The term Atotal loss@ shall mean that the cost of repair a damaged or dismantled motor vehicle exceeds the junk value of said vehicle, as determined by any recognized national appraisal book.

5. On page 1 in Section 1, on line 15 thereof, after ASec. @ delete A66-102" and in lieu thereof, insert A66-101".
6. On page 2, in Section 1, on line 21 thereof, after ASec @ delete 66-103" and in lieu thereof, insert A66-102".
7. On page 2, in Section 1, on lines 40 and 41 thereof, after the word Avehicle @ delete Ain accordance with the procedures contained in R.S. 32:476".
8. On page 3, in Section 1, on line 45 thereof, after the word vehicle @ delete the words Aof the @ and in lieu thereof, insert the word Awho @.
9. On page 3, in Section 1, delete lines 68 through 103 in their entirety.

After discussion, Councilmember Sapir moved adoption of the foregoing amendment.

YEAS: Breaux, Carter, Johnston, Sapir, Shea, Singleton,

Thomas - 7

NAYS: 0

ABSENT: 0

AND THE AMENDMENT WAS ADOPTED.

After further discussion, Councilmember Sapir moved adoption of the ordinance, as amended.

YEAS:Breaux, Carter, Johnston, Sapir, Shea, Singleton,

Thomas - 7

NAYS: 0

ABSENT: 0

AND THE ORDINANCE, AS AMENDED, WAS ADOPTED.

CAL. NO. 23,223 - BY: COUNCILMEMBERS CARTER, SAPIR, SINGLETON, JOHNSTON (BY REQUEST) - An Ordinance to amend Ordinance No. 13,573 M.C.S., (as amended by Ordinance No. 14,561 M.C.S., Ordinance No. 15,200 M.C.S., Ordinance No. 15,527 M.C.S., Ordinance No. 15,678 M.C.S., Ordinance No. 16,047 M.C.S., Ordinance No. 16,048 M.C.S., Ordinance No. 16,298, Ordinance No. 18,192 M.C.S. and Ordinance No. 19,651 M.C.S.) to provide for the revision of the form of Agreement Among Canal Street Development Corporation (ACSDC@), MONY Life Insurance Company and 800 Canal Street Limited Partnership (the AThree Party Agreement@) approved by this Council pursuant to Ordinance No. 19,651 M.C.S.

After discussion, Councilmember Carter moved adoption of the foregoing Ordinance.

YEAS:Breaux, Carter, Johnston, Sapir, Shea, Singleton,

Thomas - 7

NAYS: 0

ABSENT: 0

AND THE ORDINANCE WAS ADOPTED.

CAL. NO. 23,226 - BY: COUNCILMEMBER CARTER - An Ordinance to amend and reordain Ordinance No. 4264 M.C.S., as amended by Ordinance No. 16,976 M.C.S., the Comprehensive Zoning Ordinance of the City of New Orleans, by amending Article 18 thereof, to add Article 18, Section 18., to create a new Interim Zoning District (IZD), to be known as AAlgiers Point Interim Zoning District,@ prohibiting any new C-2 General Commercial District usage in the C-2 General Commercial District, on a half of Square 8, and all of Squares 9, 10, 11, 12, 13, bounded by Bermuda to Patterson, Mississippi River, Bouny, Pelican, Seguin, Morgan to Bermuda Streets, and otherwise to provide with respect thereto. (Zoning Docket No. 56/00)

After discussion, Councilmember Carter offered the following amendment:

AMENDMENT TO ORDINANCE NO. 23,226

BY: COUNCILMEMBER CARTER

SECONDED BY: COUNCILMEMBER SINGLETON

1. On page 1, in Section 1, on line 11 thereof, before the word Aprohibit@ delete the word Awill@ and in lieu thereof, insert the word Ashall@.
2. On page 1, in Section 1, on line 11 thereof, after the word ANeighborhood@ delete the Aperiod (.)@ and insert the words ABusiness District regulations@.
3. On page 2, in Section 1, on line 13 thereof, after the words AThis interim zoning district@ insert the words Ashall be the same as@.
4. On page 2, in Section 1, on line 16 thereof, after the word Aarea@ delete the Acomma (,)@.
5. On page 2, in Section 1, on line 19 thereof, delete the word Ainclude@, and in lieu of, insert the word Aincludes@.
6. On page 2, in Section 1, on line 24 thereof, delete the word

Ademolition@.

7. On page 2, in Section 1, on line 33 thereof, after the words
Aa period of A delete Aeighteen (18)@, and in lieu of, insert
Atwelve (12)@, and after the word Avoid@, delete A18", and in
lieu of, insert A12".

8. On page 2, in Section 1, on line 35 thereof, after the word
Afor@ delete Aan additional period of time that shall not
exceed eighteen (18) months.@ and in lieu thereof, insert
Atwo (2) additional periods of time that shall not exceed six
(6) months each.@

After discussion, Councilmember Carter moved adoption of the
foregoing amendment.

YEAS: Breaux, Carter, Johnston, Sapir, Shea, Singleton,

Thomas - 7

NAYS: 0

ABSENT: 0

AND THE AMENDMENT WAS ADOPTED.

After further discussion, Councilmember Carter moved adoption of the ordinance, as
amended.

YEAS: Breaux, Carter, Johnston, Sapir, Shea, Singleton,

Thomas - 7

NAYS: 0

ABSENT: 0

AND THE ORDINANCE, AS AMENDED, WAS ADOPTED.

CAL. NO. 23,227 - BY: COUNCILMEMBER CARTER - An Ordinance authorizing the revocation of dedication and the sale at public auction of a portion of Poe Drive; two (2) portions of Elmwood Park Drive; two (2) portions of Sabine Street; two (2) portions of Potomac Street; and a portion of Oakwood Drive including Bender Circle; all within that portion of Elmwood Subdivision bounded by Behrman Highway, Unnamed Street (S&WB Drive), Donner Drive, and Bender Boulevard, all in the Fifth Municipal District, with all improvements and appurtenances, no longer needed for public purposes.

Councilmember Carter offered the following amendment:

AMENDMENTS TO ORDINANCE CALENDAR NO. 23,227

BY: COUNCILMEMBER CARTER

SECONDED BY: COUNCILMEMBER SAPIR

1. On page 3, SECTION 1, delete lines 51 through 71 in their entirety and substitute, in lieu thereof, the following:

AA certain portion of ground located in Elmwood Subdivision, Section C, Fifth District, New Orleans, Louisiana, being portions of the road right of way for Oakwood Drive located between Bender Boulevard and Donner Drive, and described as follows:

Commence from the intersection of the easterly right of way line of Bender Boulevard and the southerly right of way line of Behrman Highway and go South 42 degrees 10 minutes 11 seconds West along the easterly right of way line of Bender Boulevard a distance of 1176.55 feet to the northerly right of way line of Oakwood Drive, the POINT OF BEGINNING. Thence go South 2 degrees 40 minutes 40 seconds West along the easterly right of way line of Oakwood Drive a distance of 441.16 feet to the northerly

right of way line of Donner Drive; thence go North 43 degrees 10 minutes 40 seconds West along the northerly right of way line of Donner Drive a distance of 281.49 feet to the easterly right of way line of Bender Boulevard; thence go North 42 degrees 10 minutes 11 seconds East along the easterly right of way line of Bender Boulevard a distance of 317.62 feet to the POINT OF BEGINNING. All as shown on a survey and resubdivision by Acadia Land Surveying, L.L.C., dated September 3, 2000 and containing 41,243 square feet. @

2. On page 3, SECTION 1, delete lines 73 and 74 in their entirety.

3. On page 4 SECTION 1, delete lines 75 through 96 in their entirety and substitute, in lieu thereof, the following:

AA certain portion of ground located in Elmwood Subdivision, Section C, Fifth District, New Orleans, Louisiana, being portions of the road right of way for Potomac Street located between Donner Drive and Poe Drive, and described as follows:

Commence from the intersection of the easterly right of way line of Bender Boulevard and the northeasterly right of way line of Donner Drive and go South 43 degrees 10 minutes 40 seconds East along the northeasterly right of way line of Donner Drive a distance of 629.17 feet to the Westerly right of way line Potomac Street, the POINT OF BEGINNING. Thence go in a North 2 degrees 40 minutes 40 second East along the westerly right of way line of Potomac Street a distance of 415.07 feet to the southerly right of way line of Poe Drive; thence go South 87 degrees 19 minutes 20 seconds East along the Southerly right of way line of Poe Drive a distance of 50.00 feet to easterly right of way line of Potomac Street; thence go South 2 degrees 40 minutes 40 seconds West along the easterly right of way line of Potomac Street a distance of

463.60 feet to the northeasterly right of way line of Donner Drive, thence go North 43 degrees 10 minutes 40 seconds West along the northeasterly right of way line of Donner Drive a distance of 69.68 feet to the POINT OF BEGINNING. All as shown on a survey and resubdivision by Acadia Land Surveying, L.L.C., dated September 03, 2000 and continuing 21,131 square feet. @

4. On page 5, SECTION 1, delete lines 130 through 133 in their entirety

5. On page 6, SECTION 1, delete lines 134 through 153 in their entirety and substitute, in lieu thereof, the following:

AA certain portion of ground located in Elmwood Subdivision, Section C, Fifth District, New Orleans, Louisiana, being portions of the road right of way for Sabine Street located between Donner Drive and Poe Drive, and described as follows:

Commence from the intersection of the easterly right of way line of Bender Boulevard and the northeasterly right of way line of Donner Drive and go South 43 degrees 10 minutes 40 seconds East along the northeasterly right of way line of Donner Drive a distance of 1,033.31 feet to the westerly right of way line of Sabine Street, the POINT OF BEGINNING. Thence go in a North 2 degrees 40 minutes 40 seconds East along the westerly right of way line of Savine Street a distance of 696.54 feet to the southerly right of way line of Poe Drive a distance of 50.00 feet to the easterly right of way line of Sabine Street;thence go South 2 degrees 40 minutes 40 seconds West along the easterly right of way line of Sabine Street a distance of 745.07 feet to the northeasterly right of way line of Donner Drive; thence go North 43 degrees 10 minutes 40 seconds West along the northeasterly right of way line of Donner Drive a distance of 69.68 feet to the POINT OF BEGINNING. All as shown on a survey and resubdivision of Acadia Land Surveying , L.L.C., dates September 03, 2000 and containing 35,205 square feet.@

6. On page 7, SECTION 1, delete lines 186-193 in their entirety.

7. On page 8, SECTION 1, delete lines 194-210 in their entirety and substitute, in lieu thereof, the following:

AA certain portion of ground located in Elmwood Subdivision, Section C, Fifth District, New Orleans, Louisiana being portions of the road right of way the Elmwood Park Drive located between Donner Drive and Poe Drive, and described as follows:

Commence from the intersection of the easterly right of way line of Bender Boulevard and the northeasterly right of way line of Donner Drive, and go South 43 degrees 10 minutes 40 seconds East along the northeasterly right of way line of Donner Drice a distance of 1,437.45 feet to the westerly right of way line of Elmwood Park Drive, the POINT OF BEGINNING. Thence go in a North 2 degrees 40 minutes 40 seconds East along the westerly right of way line of Elmwood Park Drive a distance of 978.01 feet to

the southerly right of way line of Poe Drive; thence go South 87 degrees 19 minutes 20 seconds East along the southerly right of way line of Poe Drive a distance of 75.00 feet to the easterly right of way of Elmwood Park Drive; thence go South 2 degrees 40 minutes 40 seconds West along the easterly right of way line of Elmwood Park Drive a distance of 1050.80 feet to the northeasterly right of way line of Donner Drive; thence go North 43 degrees 10 minutes 40 seconds West along the northeasterly right of way line of Donner Drive a distance of 104.52 feet to the POINT OF BEGINNING. All as shown on a survey and resubdivision by Acadia Land Surveying, L.L.C., dated September 03,2000 and containing 74,827 square feet.@

8. On page 9, SECTION 2, Line 2, delete the number A\$606,000.00 and substitute, in lieu thereof, the number A\$598,000.00.@

Councilmember Carter moved adoption of the foregoing amendment.

ROLL CALL

YEAS: Carter, Breaux, Johnston, Sapir, Shea, Singleton,

Thomas - 7

NAYS: 0

ABSENT: 0

AND THE AMENDMENT WAS ADOPTED.

After discussion, Councilmember Carter moved adoption of the ordinance, as amended.

ROLL CALL

YEAS: Carter, Breaux, Johnston, Sapir, Shea, Singleton,

Thomas - 7

NAYS: 0

ABSENT: 0

AND THE ORDINANCE, AS AMENDED, WAS ADOPTED.

CAL. NO. 23,228 - BY: COUNCILMEMBER THOMAS - An Ordinance authorizing the Mayor of the City of New Orleans to enter into a contract of lease of air rights with Whitney National Bank for a primary term of sixty (60) years commencing October 1, 2000, pertaining to a certain portion of air space located above public property along St. Charles Street adjacent to Lot W-1, Square 171, First Municipal District; to declare that such property to be leased is not needed for public purposes at this time; to set forth the reasons for said lease; and to establish the minimum price and terms of said lease.

After discussion, Councilmember Thomas moved adoption of the foregoing ordinance.

ROLL CALL

YEAS: Carter, Breaux, Johnston, Sapir, Shea, Singleton,

Thomas - 7

NAYS: 0

ABSENT: 0

AND THE ORDINANCE WAS ADOPTED.

CAL. NO. 23,235 - BY: COUNCILMEMBERS SINGLETON, SAPIR, CARTER AND BREAUX (BY REQUEST) - An Ordinance to amend Ordinance No. 19,475 M.C.S., as amended, entitled AAn Ordinance Providing an Operating Budget of Revenues for the City of New Orleans for the Year 2000, @ to appropriate Federal grant funds from Intergovernmental Transfers to the Department of Health, Healthcare for the Homeless Program.

After discussion, Councilmember Breaux moved adoption of the foregoing ordinance.

ROLL CALL

YEAS: Carter, Breaux, Johnston, Sapir, Shea, Singleton,

Thomas - 7

NAYS: 0

ABSENT: 0

AND THE ORDINANCE WAS ADOPTED.

CAL. NO. 23,236 - BY: COUNCILMEMBERS SINGLETON, SAPIR, CARTER AND BREAUX (BY REQUEST) - An Ordinance to amend Ordinance No. 19,476 M.C.S., as amended, entitled AAn Ordinance Providing an Operating Budget of Expenditures for the City of New Orleans for the Year 2000,@ to appropriate Federal grant funds from Intergovernmental Transfers to the Department of Health, Healthcare for the Homeless Program.

After discussion, Councilmember Carter moved adoption of the foregoing ordinance.

ROLL CALL

YEAS: Carter, Breaux, Johnston, Sapir, Shea, Singleton,

Thomas - 7

NAYS: 0

ABSENT: 0

AND THE ORDINANCE WAS ADOPTED.

CAL. NO. 23,239 - BY: COUNCILMEMBERS BREAUX AND JOHNSTON - An Ordinance to amend and reordain Ordinance No. 19,541 M.C.S., being a temporary moratorium requiring a development plan for all new permit/license applications for alcoholic beverage outlets; clarify and correct the boundaries of the affected area to include the area bounded by Chef Menteur Highway, Downman Road, Hayne Boulevard, and the Orleans Parish/St. Tammany Parish line; to extend the duration of the moratorium until December 14, 2000; and to provide otherwise with respect thereto.

After discussion, Councilmember Breaux moved adoption of the foregoing ordinance.

ROLL CALL

YEAS: Carter, Breaux, Johnston, Sapir, Shea, Singleton,

Thomas - 7

NAYS: 0

ABSENT: 0

AND THE ORDINANCE WAS ADOPTED.

On motion of Councilmember Singleton, seconded by Councilmember Thomas and without objection, the rules of the Council were suspended for the purpose of reverting to Land Use Matters

HDLC APPEALS

(Continued)

OF JANE ROLLING - Requesting to appeal the decision of denial of the Central Business District Historic District Landmarks Commission regarding signage on the Camp Street side of the National D-Day Museum building, located at 945 Magazine Street.

HEARING HELD.

REPORT

OF THE EXECUTIVE DIRECTOR OF THE HISTORIC DISTRICT LANDMARKS COMMISSION - Denying signage on the Camp Street side of the National D-Day Museum building, located at 945 Magazine Street.

RECEIVED.

After discussion, Councilmember Thomas offered the following motion.

NO. M-00-626

BY: COUNCILMEMBER THOMAS

SECONDED BY: COUNCILMEMBER SAPIR

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the request OF JANE ROLLING - to appeal the decision of denial of the Central Business District Historic District Landmarks Commission regarding signage on the Camp Street side of the National D-Day Museum building, located at 945 Magazine Street be, and the same is hereby granted.

BE IT FURTHER MOVED, that the Clerk of Council shall forward copies of this motion directly to all affected department.

ROLL CALL:

YEAS: Breaux, Carter, Sapir, Shea, Singleton, Thomas - 6

NAYS: 0

ABSENT: Johnston (Temporarily out of Chamber) - 1

AND THE MOTION WAS ADOPTED.

ZONING PETITION

(Continued)

ZONING PETITION NO. 86/00 - ANNIE FRANKLIN - Requesting a Conditional Use to permit a Bed and Breakfast (two rooms) in an RM-2 Multiple Family Residential District, the bed and breakfast is proposed to be located on Lot 18, Square 128, Fifth Municipal District, Square 128 is bounded by Pacific and Opelousas Avenues, Elmira and Slidell Streets (731 Pacific Avenue). The recommendation of the City Planning Commission being AFOR APPROVAL@ subject to one (1) waiver and one (1) proviso.

After discussion, Councilmember Carter offered the following motion:

NO. M-00-627

BY: COUNCILMEMBER CARTER

SECONDED BY: COUNCILMEMBER SAPIR

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the report and favorable recommendation of the City Planning Commission on ZONING PETITION NO. 86/00 - ANNIE FRANKLIN - Requesting a Conditional Use to permit a Bed and Breakfast (two rooms) in an RM-2 Multiple Family Residential District, the bed and breakfast is proposed to be located on Lot 18, Square 128, Fifth Municipal District, Square 128 is bounded by Pacific and Opelousas Avenues, Elmira and Slidell Streets (731 Pacific Avenue), be, and the same is hereby upheld and the Conditional Use granted, subject to one (1) waiver and one (1) proviso as stated in the City Planning Commission=s report.

BE IT FURTHER MOVED That a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney=s Office for the preparation of an ordinance to effectuate the Conditional Use.

THE FOREGOING MOTION WAS READ IN FULL THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS:Breaux, Carter, Johnston, Sapir, Shea, Singleton,

Thomas - 7

NAYS: 0

ABSENT: 0

AND THE MOTION WAS ADOPTED.

ZONING PETITION NO. 93/00 - CITY COUNCIL MOTION M-00-377 - Requesting to establish an IZD to be named the S. Claiborne Avenue Urban Overlay Corridor District for those squares fronting on S. Claiborne Avenue between Napoleon Avenue and Martin Luther King, Jr. Boulevard. The recommendation of the City Planning Commission being AFOR MODIFIED APPROVAL@.

After discussion, Councilmembers Thomas and Singleton offered the following motion:

NO. M-00-628

BY: COUNCILMEMBERS THOMAS AND SINGLETON

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the report and recommendation for MODIFIED APPROVAL of the City Planning Commission on ZONING PETITION NO. 93/00 - CITY COUNCIL MOTION M-00-377 - Requesting to establish an IZD to be named the S. Claiborne Avenue Urban Overlay Corridor District for those squares fronting on S. Claiborne Avenue between Napoleon Avenue and Martin Luther King, Jr. Boulevard be, and the same is hereby upheld, and the IZD granted.

BE IT FURTHER MOVED That a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney=s Office for the preparation of an ordinance to effectuate the IZD.

THE FOREGOING MOTION WAS READ IN FULL THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS:Breux, Carter, Johnston, Sapir, Shea, Singleton,

Thomas - 7

NAYS: 0

ABSENT: 0

AND THE MOTION WAS ADOPTED.

ZONING PETITION NO. 101/00 - KRONLAGE FAMILY, LLP - Requesting a Conditional Use to permit the sale of alcoholic beverages in a restaurant in a B-1 Neighborhood Business District located on Square 90, Lots 7, 8, 9 & 10, the Third Municipal District, bounded by Elysian Fields, Filmore & Dreux Avenue and Western Street (5217 Elysian Fields Avenue). The recommendation of the City Planning Commission being AFOR APPROVAL@, subject to five (5)provisos.

After discussion, Councilmember Johnston offered the following motion:

NO. M-00-629

BY: COUNCILMEMBER JOHNSTON

SECONDED BY: COUNCILMEMBER SAPIR

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the report and favorable recommendation of the City Planning Commission on ZONING PETITION NO. 101/00 - KRONLAGE FAMILY, LLP - Requesting a Conditional Use to permit the sale of alcoholic beverages in a restaurant in a B-1 Neighborhood Business District located on Square 90, Lots 7, 8, 9 & 10, the Third Municipal District, bounded by Elysian Fields, Filmore & Dreaux Avenue and Western Street (5217 Elysian Fields Avenue), be, and the same is hereby upheld and the Conditional Use granted, subject to five (5) provisos as stated in the City Planning Commission=s report.

BE IT FURTHER MOVED That a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney=s Office for the preparation of an ordinance to effectuate the Conditional Use.

THE FOREGOING MOTION WAS READ IN FULL THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS:Breaux, Carter, Johnston, Sapir, Shea, Singleton,

Thomas - 7

NAYS: 0

ABSENT: 0

AND THE MOTION WAS ADOPTED.

ZONING PETITION NO. 103/00 - CHAVEZ PROPERTIES, NATCHEZ PROPERTIES, C.F. WEBER INC. & ED SMITH=S HOLDING COMPANY, INC. - Requesting a Map Change from CBD-4 to CBD-1 to permit the construction of a hotel located on the entirety of Square 165, a portion of Lots X & Y, also Lots, A, A, B, B, C, D, X, 1, 2, 3, 4, 7, 14, 21 & four undesignated lots in the First Municipal District, bounded by Poydras, Camp, Natchez and Magazine Streets. The recommendation of the City Planning Commission being AFOR APPROVAL@.

After discussion, Councilmember Thomas offered the following motion:

NO. M-00-630

BY: COUNCILMEMBER THOMAS

SECONDED BY: COUNCILMEMBER SHEA

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the report and favorable recommendation of the City Planning Commission on ZONING PETITION NO. 103/00 - CHAVEZ PROPERTIES, NATCHEZ PROPERTIES, C.F. WEBER INC. & ED SMITH=S HOLDING COMPANY, INC. - Requesting a Map Change from CBD-4 to CBD-1 to permit the construction of a hotel located on the entirety of Square 165, a portion of Lots X & Y, also Lots, A, A, B, B, C, D, X, 1, 2, 3, 4, 7, 14, 21 & four undesignated lots in the First Municipal District, bounded by Poydras, Camp, Natchez and Magazine Streets, be, and the same is hereby upheld and the Map Change granted.

BE IT FURTHER MOVED That a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney=s Office for the preparation of an ordinance to effectuate the Map Change.

THE FOREGOING MOTION WAS READ IN FULL THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS: Breaux, Carter, Johnston, Sapir, Shea, Singleton,

Thomas - 7

NAYS: 0

ABSENT: 0

AND THE MOTION WAS ADOPTED.

ZONING PETITION NO. 104/00 - HENRY BONURA - Requesting a Conditional Use to permit a fast food restaurant (PAPA JOHN=S PIZZA), in a B-1 Neighborhood Business District located on Square D, Lot B-1, in the Third Municipal District, bounded by Paris Avenue, Robert E. Lee Boulevard, Aviators and Hamburg Streets (1534 ROBERT E. LEE BOULEVARD). The recommendation of the City Planning Commission being AFOR APPROVAL@, subject to five (5) provisos.

After discussion, Councilmember Johnston offered the following motion:

NO. M-00-631

BY: COUNCILMEMBER JOHNSTON

SECONDED BY: COUNCILMEMBER CARTER

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the report and favorable recommendation of the City Planning Commission on ZONING PETITION NO. 104/00 - HENRY BONURA - Requesting a Conditional Use to permit a fast food restaurant (PAPA JOHN=S PIZZA), in a B-1 Neighborhood Business District located on Square D, Lot B-1, in the Third Municipal District, bounded by Paris Avenue, Robert E. Lee Boulevard, Aviators and Hamburg Streets (1534 ROBERT E. LEE BOULEVARD), be, and the same is hereby upheld and the Conditional Use granted, subject to five (5) provisos as stated in the City Planning Commission=s report.

BE IT FURTHER MOVED That a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney=s Office for the preparation of an ordinance to effectuate the Conditional Use.

THE FOREGOING MOTION WAS READ IN FULL THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS:Breux, Carter, Johnston, Sapir, Shea, Singleton,

Thomas - 7

NAYS: 0

ABSENT: 0

AND THE MOTION WAS ADOPTED.

DESIGN REVIEW

(Continued)

DESIGN REVIEW NO. 34/00 - SELF PARK INC. - Requesting an appeal of Ordinance No. 11,489 M.C.S. prohibiting the demolition of buildings located within the Central

Business District (excluding historic districts), to permit demolition of a building at 118 N. Villere Street, on Square 158, two undesignated Lots in the Second Municipal District, bounded by N. Villere, Canal, Iberville and Marais Streets (118 N. Villere Street). The recommendation of the City Planning Commission being AFOR DENIAL@.

After discussion, Councilmember Carter offered the following motion:

NO. M-00-632

BY: COUNCILMEMBER CARTER

SECONDED BY: COUNCILMEMBER JOHNSTON

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the report and unfavorable recommendation of the City Planning Commission on DESIGN REVIEW NO. 34/00 - SELF PARK INC. - Requesting an appeal of Ordinance No. 11,489 M.C.S. prohibiting the demolition of buildings located within the Central Business District (excluding historic districts), to permit demolition of a building at 118 N. Villere Street, on Square 158, two undesignated Lots in the Second Municipal District, bounded by N. Villere, Canal, Iberville and Marais Streets (118 N. Villere Street) , be, and the same is hereby upheld and the Demolition is denied.

BE IT FURTHER MOVED, that the Clerk of Council shall forward copies of this motion directly to all affected departments.

THE FOREGOING MOTION WAS READ IN FULL THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS: Breaux, Carter, Sapir, Shea, Singleton, Thomas - 6

NAYS: Johnston - 1

ABSENT: 0

AND THE MOTION WAS ADOPTED.

DESIGN REVIEW NO. 59/00 - INFINITY OUTDOOR ADVERTISING - Requesting an appeal of the Outdoor General Advertising Sign Regulations, Article 12, Section 12.5 of the Comprehensive Zoning Ordinance, prohibiting outdoor general advertising signs

within design vistas and aesthetically sensitive areas to permit the installation of a general advertising sign at Thayer Street near US Business 90 (Westbank Expressway) located on Square 301 in the Fifth District, bounded by Greater New Orleans Bridge, Bodenger Boulevard, Thayer and Semmes Streets. The recommendation of the City Planning Commission being AFOR DENIAL@.

Due to Council=s deadline, the foregoing Design Review expired.

REGULAR ORDER OF BUSINESS RESUMED

MOTIONS/RESOLUTIONS

(LYING OVER)

NO. R-00-553

BY: COUNCILMEMBERS SINGLETON, SAPIR, CARTER, AND BREAU (BY REQUEST)

Authorizing the issuance of the Taxable Pension Revenue Bonds, Series 2000 in the principal amount stated herein, to fix certain details necessary with respect to the issuance of the Bonds, and to provide for other matters in connection therewith.

After discussion, on the motion of Councilmember Singleton, seconded by Councilmember Sapir, and without objection the foregoing resolution was withdrawn.

MOTIONS/RESOLUTIONS

NO. R-00-553

(SUBSTITUTE)

BY: COUNCILMEMBERS SINGLETON, SAPIR, CARTER AND BREAUX (BY REQUEST)

A RESOLUTION providing for the incurrence of debt and issuance of not exceeding \$180,000,000 of Taxable Pension Revenue Bonds, Series 2000 (the "Bonds"); 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; awarding such Bonds to the purchaser thereof; authorizing the delivery of the Board of City Trusts - New Orleans Firefighters= Pension and Retirement Fund Trust Agreement and approving the related Investment Policy; and providing for other matters in connection with the foregoing.

WHEREAS, the Firefighters= Pension and Relief Fund (the AFund@) was created by La. R. S. 11:3361; and

WHEREAS, pursuant to La. R. S. 11:3375, the board of trustees of the Fund reports the condition of the Fund to the Council of the City of New Orleans, Louisiana (the "City") and if at any time there is not sufficient money in the Fund to pay each person entitled to the benefits thereof the full amount, then the Council of the City is obligated to appropriate and pay into the Fund an amount sufficient to make good the deficit in the Fund; and

WHEREAS, the Council of the City currently pays over approximately \$17,000,000 a year to the Fund to satisfy its obligations under La. R. S. 11:3375; and

WHEREAS, this Council, by Resolution No. R-00-464 adopted on August 3, 2000, granted its approval to proceed with the issuance of the Bonds, subject to the terms of said Resolution, for the purpose of funding a portion of the current projected unfunded accrued liability of the Fund and reimbursing the City for a portion of the appropriations made to date in fiscal year 2000 to the Fund, which is expected to aid the City in funding such unfunded accrued liability over a shorter period instead of paying benefits over the next 40-60 years as estimated by the Fund=s actuary; and

WHEREAS, La. R. S. 39:1430 (the AAct@) authorizes the City to issue revenue bonds for any authorized purpose, payable out of any source whatsoever or any other monies which, by law or contract, may be made available to the City; and

WHEREAS, the Council in and by said Resolution R-00-464 authorized the sale of the Bonds to Paine Webber Incorporated, as senior managing underwriter (the "Underwriter"); and

WHEREAS, this Council has determined that it is in the best economic interest of the City to obtain credit enhancement with respect to the Bonds and, accordingly, payments due for principal of and interest on the Bonds when due will be insured by a municipal bond insurance policy to be issued by Ambac Assurance Corporation, an insurer rated in the highest rating category by Standard & Poor=s Ratings Services, a Division of The McGraw-Hill Companies, Moody=s Investors Service and Fitch IBCA, Inc.; and

WHEREAS, it is the now desire of this Council to authorize the issuance of the Bonds in the not exceeding principal amount stated herein, to fix certain details necessary with respect to the issuance of the Bonds, and to provide for other matters in connection therewith; now, therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That

ARTICLE

DEFINITIONS

SECTION 1.1 Definitions. Unless the context shall clearly indicate some other meaning, the following terms, for the purposes of this Resolution, or any resolution or other instrument amendatory hereof or supplemental hereto, and for all purposes of any certificate, opinion, instrument or any document therein or herein mentioned, shall have the following meanings, with the following definitions to be equally applicable to both the singular and plural forms of such terms and vice versa:

"Bond Register" means the records kept by the Paying Agent at its principal corporate trust office in which registration of the Bonds and transfers of the Bonds shall be made as provided herein.

"Bonds" means the bonds authorized to be issued by this Resolution, whether initially delivered or issued in exchange for, upon transfer of, or in lieu of any bond previously issued.

"City" or "Issuer" means the City of New Orleans, Louisiana.

"Cooperative Endeavor Agreement" means the Cooperative Endeavor Agreement dated as of November 1, 2000 among the City, the Board of Trustees of the Fund, and the Board of City Trusts.

"Council" means the Council of the City, the governing authority of the Issuer.

"Costs of Issuance" means all items of expense, directly or indirectly payable or reimbursable and related to the authorization, sale and issuance of the Bonds, including, but not limited to, printing costs, cost of preparation and reproduction of documents, filing and recording fees, initial fees and charges of any fiduciary, legal fees and charges, fees and charges for the preparation and distribution of a preliminary official statement and official statement, if paid by the Issuer, fees and disbursements of consultants and professionals, including financial advisors, costs of credit ratings, fees and charges for preparation, execution, transportation and safekeeping of the Bonds, costs and expenses of refunding, premiums for the insurance of the payment of the Bonds, if any, and any other cost, charge or fee paid or payable by the Issuer in connection with the original issuance of the Bonds.

"DTC" means The Depository Trust Company.

"Executive Officers" means, collectively, the Mayor of the City and the Clerk of Council of the City.

"Fiscal Year" means the one-year accounting period ending December 31 of each year, or such other period as may be designated by the Council as the fiscal year of the Issuer.

"Fund" means the Firefighters= Pension and Relief Fund.

"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 and which may be United States Treasury obligations such as the State and Local Government Series and may be in book-entry form.

"Insurance Policy" means the municipal bond insurance policy issued by the Insurer insuring the payment when due of the principal of and interest on the Bonds.

"Insurer" means Ambac Assurance Corporation, a Wisconsin-domiciled stock insurance company, or any successor thereto or assignee thereof.

"Interest Payment Date" means each March 1 and September 1 of each year, commencing March 1, 2001.

"Outstanding", when used with respect to Bonds, means as of the date of determination all Bonds theretofore issued and delivered under this Resolution, except:

- (1) Bonds theretofore canceled by the Paying Agency or delivered to the Paying Agent for cancellation;
- (2) Bonds for the payment of which sufficient funds have been theretofore deposited in trust for the owners of such Bonds;
- (3) Bonds in exchange for or in lieu of which other Bonds have been registered and delivered pursuant to this Resolution;
- (4) Bonds alleged to have been mutilated, destroyed, lost or stolen which have been paid as provided in this Resolution or by law; and
- (5) Bonds for the payment of the principal of and interest on which money or Government Securities or both are held in trust pursuant to Section 13.1 of this Resolution.

"Owner" or "Owners" or "Holder", when used with respect to any Bond, means the Person in whose name such Bond is registered in the Bond Register.

"Participant" means any broker-dealer, bank and other financial institution from time to time for which DTC holds Bonds as securities depository.

"Paying Agent" means the bank to be selected by the City in a supplemental resolution, unless a successor Paying Agent shall have been appointed pursuant to the applicable provisions of this Resolution and thereafter "Paying Agent" shall mean such successor Paying Agent.

"Paying Agent Agreement" means the agreement to be entered into between the Issuer and the Paying Agent pursuant to this Resolution.

"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.

"Resolution" means this Resolution adopted by the Issuer authorizing the issuance of the Bonds.

"State" means the State of Louisiana.

"Supplemental Resolution" means any resolution adopted by the Council supplementing, modifying or revising the provisions of this Resolution.

"Underwriter" means PaineWebber Incorporated.

ARTICLE II

AUTHORIZATION AND ISSUANCE

SECTION 2.1 Authorization. In compliance with the Act, and other constitutional and statutory authority, there is hereby authorized the issuance of not exceeding \$180,000,000 of Taxable Pension Revenue Bonds, Series 2000, for the purpose of funding a portion of the current projected unfunded accrued liability of the Fund and reimbursing the City for a portion of the appropriations made to date in fiscal year 2000 to the Fund, which is expected to aid the City in funding such unfunded accrued liability over a shorter period instead of paying benefits over the next 40-60 years as estimated by the Fund's actuary.

SECTION 2.2 Form, Date, Denomination. The Bonds shall be in fully registered form, substantially in the form set forth as Exhibit A hereto, with such necessary or

appropriate variations, omissions and insertions as are required or permitted by the Act and this Resolution. The Bonds shall be dated November 1, 2000, and shall be issued in the denomination of Five Thousand Dollars (\$5,000) or any integral multiple thereof within a single maturity. The Bonds shall be numbered from R-1 upwards.

SECTION 2.3 Maturities, Interest Rates and Redemption Provisions. The Bonds shall mature in annual installments not to exceed thirty (30) years, bear interest at a rate not exceeding 9% per annum and be subject to mandatory sinking fund redemption, as such maturity schedule, rate(s) and redemption provisions shall be set forth in a Supplemental Resolution.

SECTION 2.4 Payment of Bonds. Interest on the Bonds shall be payable on March 1 and September 1 of each year, commencing March 1, 2001, and principal on the Bonds shall be payable on September 1 of each year, commencing September 1, 2001, or such other date as set forth in a Supplemental Resolution.

The principal of, premium, if any, and interest on the Bonds, upon maturity or redemption, are 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. Principal and premium, if any, of the Bonds, upon maturity or redemption, shall be paid only upon presentation and surrender thereof at the principal corporate trust office of the Paying Agent. Interest on the Bonds is payable by check mailed on or before the Interest Payment Date by the Paying Agent to the Owner thereof (determined as of the close of business on the Record Date) at the address of such Owner as it appears on the registration books of the Paying Agent maintained for such purpose, provided that the owners of \$1,000,000 or more in aggregate principal amount of the Bonds may request payment by wire transfer if such Owners have requested such payment in writing to the Paying Agent, which request shall be made no later than the Record Date and shall include all relevant bank account information and shall otherwise be acceptable to the Paying Agent.

Except as otherwise provided in this Section, 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, as the case may be, provided, however, that if and to the extent that the Issuer shall default in the payment of the interest on any Bonds due on any Interest Payment Date, then all such Bonds shall bear interest from the most recent Interest Payment Date to which interest has been paid on the Bonds, or if no interest has been paid on the Bonds, from their dated date.

The person in whose name any Bond is registered at the close of business on the Record Date with respect to an Interest Payment Date shall in all cases be entitled to receive the interest payable on such Interest Payment Date notwithstanding the cancellation of such Bond upon any registration of transfer or exchange thereof subsequent to such Record Date and prior to such Interest Payment Date.

SECTION 2.5 Registration and Transfer. The Issuer shall cause a Bond Register to be kept by the Paying Agent. No Bond shall be valid or obligatory for any purpose or entitled to any security or benefit under this Resolution unless and until a certificate of registration on such Bond substantially in the form set forth in Exhibit A hereto shall have been duly executed by manual signature on behalf of the Paying Agent by a duly authorized signatory, and such duly executed certificate of the Paying Agent upon any such Bond shall be conclusive evidence that such Bond has been executed, registered and delivered under this Resolution. Each Bond shall be transferable only upon the Bond Register at the principal corporate trust office of the Paying Agent at the written request of the Owner thereof or his legal representative duly authorized in writing upon surrender thereof, together with a written instrument of transfer satisfactory to the Paying Agent duly executed by the Owner or his legal representative duly authorized in writing. Upon the transfer of any such Bond, the Paying Agent shall issue in the name of the transferee, in authorized denominations, one or more Bonds of the same aggregate principal amount and series as the surrendered Bonds. Neither the Issuer nor the Paying Agent shall be required to issue, register, transfer or exchange any Bond during a period beginning at the opening of business on a Record Date and ending at the close of business on the Interest Payment Date applicable to the Bonds.

SECTION 2.6. 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, which signatures and corporate seal may be either manual or facsimile.

SECTION 2.7. Forms of Bond. The Bonds and the endorsements to appear thereon shall be in substantially the forms set forth in Exhibit A hereto.

SECTION 2.8. Book Entry Form. (1) The Bonds shall be initially issued in the form of a separate single fully registered certificate for each of the maturities set forth in Section 2.3 hereof, each in the aggregate principal amount of such maturity. Upon initial issuance, the ownership of each Bond shall be registered in the registration books kept by the Paying Agent in the name of CEDE & CO., as nominee of DTC, the securities depository for the Bonds. Except as provided in subsection (3) of this Section, all of the outstanding Bonds shall be registered in the registration books kept by the Paying Agent in the name of CEDE & CO., as nominee of DTC.

(2) With respect to Bonds registered in the registration books kept by the Paying Agent in the name of CEDE & CO., as nominee of DTC, the Issuer and the Paying Agent shall have no responsibility or obligation to any Participant or to any person on behalf of which a Participant holds an interest in the Bonds. Without limiting the immediately preceding sentence, the Issuer and the Paying Agent shall have no responsibility or obligation with respect to (i) the accuracy of the records of DTC, CEDE & CO. or any Participant with respect to any ownership interest in the Bonds, (ii) the delivery to any Participant or any other person, other than a holder, as shown in the registration books kept by the Paying Agent, of any notice with respect to the Bonds, or (iii) the payment to any Participant or any other person, other than a holder, as shown in the registration books kept by the Paying Agent, of any amount with respect to principal of or interest on the Bonds. The Issuer and the Paying Agent may treat and consider the person in whose name each Bond is registered in the registration books kept by the Paying Agent as the holder and absolute owner of such Bond for the purpose of payment of principal of and interest with respect to such Bond, for the purpose of giving any notices with respect to such Bond, for the purpose of registering transfers with respect to such Bond, and for all other purposes whatsoever. The Paying Agent shall pay all principal of and interest on the Bonds only to or upon the order of the respective holders of the Bonds, as shown on the registration books kept by the Paying Agent, and all such payments shall be valid and effective to fully satisfy and discharge the Issuer's obligations with respect to payment of principal of and interest on the Bonds to the extent of the sum or sums so paid. No person other than a holder as shown on the registration books kept by the Paying Agent shall receive a certified Bond evidencing the obligation of the Issuer to make payments of principal of and interest pursuant to the Resolution. Upon delivery by DTC to the Paying Agent of written notice to the effect that DTC has determined to substitute a new nominee in place of CEDE & CO., and subject to the provisions herein with respect to record dates, the word "CEDE & CO." in this Resolution shall refer to such new nominee of DTC.

(3) (i) DTC may determine to discontinue providing its services with respect to the Bonds at any time by giving notice to the Issuer and the Paying Agent and discharging its responsibilities with respect thereto under applicable law.

(ii) The Issuer, in its sole discretion and without the consent of any other person, may terminate the services of DTC with respect to the Bonds if the Issuer determines that: (A) DTC is unable to discharge its responsibilities with respect to the Bonds, or (B) a continuation of the requirement that all of the outstanding Bonds be registered on the registration books kept by the Paying Agent in the name of CEDE & CO., or any other nominee of DTC, is not in the best interest of the beneficial owners of the Bonds.

(iii) Upon the termination of the services of DTC with respect to the Bonds pursuant to subsection (3)(ii)(B) of this Section, or upon the discontinuance or termination of the services of DTC with respect to the Bonds pursuant to either subsection (3)(I) or (3)(ii)(A) above, after which no substitute securities depository willing to undertake the functions of DTC hereunder can be found which, in the opinion of the Issuer is willing and able to undertake such functions upon reasonable and customary terms, the Issuer is obligated to deliver Bonds to the Owner, at the expense of the said Owner as described in this Resolution, and the Bonds shall no longer be restricted to being registered in the registration books kept by the Paying Agent in the name of CEDE & CO., as nominee of DTC, but may be registered in whatever name or names holders transferring or exchanging Bonds shall designate in accordance with the provisions of this Resolution.

Notwithstanding any other provision of this Resolution to the contrary, so long as any Bond is registered in the name of CEDE & CO., as nominee of DTC, all payments with respect to principal of and interest on such Bond and all notices with respect to such Bond shall be made and given, respectively, in the manner provided in the Blanket Issuer Letter of Representations dated September 26, 1995 and delivered to DTC.

ARTICLE III

SECURITY FOR BONDS

SECTION 3.1. Pledge and Dedication of Revenues. The Bonds shall be limited obligations of the City secured by and payable solely from moneys that are available after the payment of contractual and statutory obligations and other required expenses, including the payment of outstanding Certificates of Indebtedness of the City, in each of the fiscal years during which the Bonds are outstanding. There is hereby irrevocably pledged and dedicated to the payment of the Bonds an amount of such available moneys sufficient to pay same in principal and interest as they respectively mature. Until the Bonds shall have been paid in full in principal and interest, the Governing Authority does hereby obligate the Issuer, itself and its successors in office, to budget annually a sum of money sufficient to pay the Bonds and the interest thereon as they respectively mature, including any principal and/or interest theretofore matured and then unpaid, and to levy and collect in each year taxes and to collect other revenues within the limits prescribed by law, sufficient to pay the principal of and interest on the Bonds, after payment in such years of contractual and statutory obligations and other required expenses, including the payment of the Issuer=s outstanding Certificates of Indebtedness, in each of the fiscal years during which the Bonds are outstanding.

SECTION 3.2. No Additional Bonds. The Issuer shall issue no other bonds or obligations of any kind or nature payable on a parity with the Bonds, provided that other subordinate and junior lien obligations may be issued without limit.

ARTICLE IV

APPLICATION OF BOND PROCEEDS

SECTION 4.1. Application of Bond Proceeds. As a condition of the issuance of the Bonds, the Issuer hereby binds and obligates itself to:

(a) Deposit irrevocably in trust in a special account with the City's fiscal agent bank to be designated "Taxable Pension Revenue Bonds Expense Fund", such amount of the proceeds of the Bonds as will enable the City to pay the Costs of Issuance of the Bonds.

(b) Deposit accrued interest, if any, received on the delivery date of the Bonds into the Sinking Fund established by Section 5.1 hereof and to apply said funds, if any, to pay a portion of the interest due on Bonds on the first Interest Payment Date therefor. Accrued interest, if any, received upon delivery of Bonds shall be invested only in Government Securities maturing on or prior to the first Interest Payment Date.

(c) Transfer to the Issuer's General Fund not exceeding \$8,000,000 as reimbursement for appropriations made since January 1, 2000, and the final amount shall be set forth in a Supplemental Resolution.

(d) Deposit irrevocably in trust in a special pension trust fund (the APension Fund@) to be established under the direction and control of the Board of City Trusts created by the Home Rule Charter of the City, the balance of such Bond proceeds set forth in a Supplemental Resolution (not exceeding \$180,000,000), which proceeds shall be disbursed to the Fund solely for the purpose of paying pension benefits to the beneficiaries of the Fund entitled thereto. The Pension Fund shall be invested and disbursed in accordance with the Board of City Trusts - New Orleans Firefighters Pension and Retirement Fund Trust Agreement in substantially the form attached hereto as Exhibit B, together with such necessary or appropriate variations, omissions and insertions as are required or permitted by the Act and this Resolution and approved by the parties thereto and the Investment Policy of the Firefighters Pension and Relief Fund (Old) is hereby approved as the Board of the City Trusts Investment Policy, which Investment Policy shall be superseded as provided in the Firefighters Pension and Retirement Fund Trust Agreement. Moneys on deposit in the Pension Fund are not pledged to the payment of the Bonds and the owners of the Bonds shall have no lien or claim on such moneys.

ARTICLE V

SINKING FUND

SECTION 5.1. Sinking Fund. For the payment of the principal of and the interest on the Bonds, there is hereby created a special fund to be known as "Taxable Pension Revenue Bonds (Series 2000) Sinking Fund", which shall constitute a Debt Service Fund as defined in Section 6-203 of the Home Rule Charter of the City, as amended, said Sinking Fund to be established and maintained with the regularly designated fiscal agent bank of the Issuer. The Issuer shall deposit in the Sinking Fund monthly in advance on or before the 20th day of each calendar month, (i) commencing on January 20, 2001, a sum equal to one-half (2) of the interest falling due on the Bonds on March 1, 2001 (after credit for any accrued interest on the Bonds on deposit in the Sinking Fund) and on March 20, 2001 and monthly thereafter, a sum equal to one-sixth (1/6) of the interest falling due on the Bonds on the next Interest Payment Date, and (ii) commencing on January 20, 2001, a sum equal to one-eighth (1/8) of the principal falling due on the Bonds on September 1, 2001 and on September 20, 2001 and monthly thereafter, a sum equal to one-twelfth (1/12) of the next principal falling due on the next principal payment date for the Bonds, together with such additional proportionate sums as may be required to pay said principal and interest as the same become due, and subject to reduction by any surplus amount, including any amounts irrevocably pledged to pay interest constituting capitalized or accrued interest, contained in said Sinking Fund. The depository for the Sinking Fund shall transfer from the Sinking Fund to the Paying Agent at least three (3) days in advance of each Interest Payment Date, funds fully sufficient to pay promptly the principal and interest falling due on such date.

It shall be specifically understood and agreed, however, and this provision shall be a part of this contract, that after the funds have actually been set aside out of the revenues of any Fiscal Year sufficient to pay the principal and interest on the Bonds herein authorized for that Fiscal Year, and all required amounts have been deposited in the aforesaid Sinking Fund established by this Resolution, then any excess of available revenues remaining in that Fiscal Year shall be free for expenditure by the Issuer for any other lawful corporate purpose.

All moneys deposited with the regularly designated fiscal agent bank or banks of the Issuer or the Paying Agent under the terms of this Resolution 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 to the general fund of the Issuer.

ARTICLE VI

BOND INSURANCE

SECTION 6.1. Notices to be Given to Insurer. While the Insurance Policy is in effect, the Issuer shall furnish to the Insurer, to the attention of the Surveillance Department, unless otherwise indicated.

(a) as soon as practicable after the filing thereof, a copy of any financial statement of the Issuer and a copy of any audit and annual report of the Issuer;

(b) a copy of any notice to be given to the Owners of the Bonds, including, without limitation, notice of any redemption of or defeasance of the Bonds, and any certificate rendered pursuant to this Resolution relating to the security for the Bonds;

(c) such additional information as the Insurer may reasonably request; and

(d) to the extent that the Issuer has entered into a continuing disclosure agreement with respect to the Bonds, the Insurer shall be included as party to be notified.

The Issuer shall notify the Insurer of any failure of the Issuer to provide relevant notices, certificates, etc.

The Issuer will permit the Insurer to discuss the affairs, finances and accounts of the Issuer or any information the Insurer may reasonably request regarding the security for the Bonds with appropriate officers of the Issuer. The Issuer will permit the Insurer to have access to and to make copies of all books and records relating to the Bonds at any reasonable time.

The Insurer shall have the right to direct an accounting at the Issuer's expense, and the Issuer's failure to comply with such direction within thirty (30) days after receipt of written notice of the direction from the Insurer shall be deemed a default hereunder; provided, however, that if compliance cannot occur within such period, then such period will be extended so long as compliance is begun within such period and diligently pursued, but only if such extension would not materially adversely affect the interests of any Owner of the Bonds.

Notwithstanding any other provision of this Bond Resolution, the Issuer shall immediately notify the Insurer if at any time there are insufficient moneys to make any payments of principal and/or interest as required and immediately upon the occurrence of any event of default hereunder.

SECTION 6.2. Rights of Insurer. Notwithstanding any other provision of this Resolution, in determining whether the rights of the Owners of the Bonds will be adversely affected by any action taken pursuant to the terms and provisions of this Resolution, the Paying Agent shall consider the effect on the Owners of the Bonds as if there were no Insurance Policy.

SECTION 6.3. Payments Under the Insurance Policy. (a) As long as the Insurance Policy shall be in full force and effect, the Issuer and the Paying Agent agree to comply with the following provisions:

(a) At least one (1) day prior to all Interest Payment Dates the Paying Agent will determine whether sufficient funds have been provided to pay the principal of or interest on the Bonds on such Interest Payment Date. If the Paying Agent determines that there will be insufficient funds, the Paying Agent shall so notify the Insurer. Such notice shall specify the amount of the anticipated deficiency, the Bonds to which such deficiency is applicable and whether such Bonds will be deficient as to principal or interest, or both. If the Paying Agent has not so notified the Insurer at least one (1) day prior to an Interest Payment Date, the Insurer will make payments of principal or interest due on the Bonds on or before the first (1st) day next following the date on which the Insurer shall have received notice of nonpayment from the Paying Agent.

(b) The Paying Agent shall, after giving notice to the Insurer as provided in (a) above, make available to the Insurer and, at the Insurer's direction, to the United States Trust Company of New York, as insurance trustee (the "Insurance Trustee"), the registration books of the Issuer maintained by the Paying Agent and all records relating to the funds and accounts maintained under this Bond Resolution.

(c) The Paying Agent shall provide the Insurer and the Insurance Trustee with a list of Owners of Bonds entitled to receive principal or interest payments from the Insurer under the terms of the Insurance Policy, and shall make arrangements with the Insurance Trustee (i) to mail checks or drafts to the Owners of Bonds entitled to receive full or partial interest payments from the Insurer and to pay principal upon Bonds surrendered to the Insurance Trustee by the Owners of Bonds entitled to receive full or partial principal payments from the Insurer.

(d) The Paying Agent, shall, at the time it provides notice to the Insurer pursuant to (a) above, notify Owners of Bonds entitled to receive the payment of principal or interest thereon from the Insurer (i) as to the fact of such entitlement, (ii) that the Insurer will remit to them all or a part of the interest payments next coming due upon proof of Owner entitlement to interest payments and delivery to the Insurance Trustee, in form satisfactory to the Insurance Trustee, of an appropriate assignment of the Owner's right to payment, (iii) that should they be entitled to receive full payment of principal from the Insurer, they must surrender their Bonds (along with an appropriate instrument of assignment in form satisfactory to the Insurance Trustee to permit ownership of such Bonds to be registered in the name of the Insurer) for payment to the Insurance Trustee, and not the Paying Agent, and (iv) that should they be entitled to receive partial payment of principal from the Insurer, they must surrender their Bonds for payment thereon first to the Paying Agent, who shall note on such Bonds the portion of the principal paid by the Paying Agent, and then, along with an appropriate instrument of assignment in form satisfactory to the Insurance Trustee, to the Insurance Trustee, which will then pay the unpaid portion of principal.

(e) In the event the Paying Agent has notice that any payment of principal of or interest on a Bond which has become due for payment and which is made to an Owner by or on behalf of the Issuer has been deemed a preferential transfer and theretofore recovered from its Owner pursuant to the United States Bankruptcy Code by a trustee in bankruptcy in accordance with the final, nonappealable order of a court having competent jurisdiction, the Paying Agent shall at the time the Insurer is notified pursuant to (a) above, notify all Owners that in the event that any Owner's payment is so recovered, such Owner will be entitled to payment from the Insurer to the extent to such recovery if sufficient funds are not otherwise available, and the Paying Agent shall furnish to the Insurer its records evidencing the payments of principal of and interest on the Bonds which have been made by the Paying Agent and subsequently recovered from Owners and the dates on which such payments were made.

(f) In addition to those rights granted the Insurer under this Bond Resolution, the Insurer shall, to the extent it makes payment of principal of or interest on Bonds, become subrogated to the rights of the recipients of such payments in accordance with the terms of the Insurance Policy, and to evidence such subrogation (i) in the case of subrogation as to claims for past due interest, the Paying Agent shall note the Insurer's rights as subrogee on the registration books of the Issuer maintained by the Paying Agent upon receipt from the Insurer of proof of the payment of interest thereon to the Owner of the Bonds, and (ii) in the case of subrogation as to claims for past due principal, the Paying Agent shall note the Insurer's rights as subrogee on the registration books of the Issuer maintained by the Paying Agent upon surrender of the Bonds by the Owners thereof together with proof of the payment of principal thereof.

(g) To the extent that this Resolution confers upon or gives or grants to the Insurer any right, remedy or claim under or by reason of this Resolution, the Insurer is hereby explicitly recognized as being a third-party beneficiary hereunder and may enforce any such right remedy or claim conferred, given or granted hereunder.

(h) Nothing in this Resolution expressed or implied is intended or shall be construed to confer upon, or to give or grant to, any person or entity, other than the Issuer, the Paying Agent, the Insurer, and the Owners of the Bonds, any right, remedy or claim under or by reason of this Resolution or any covenant, condition or stipulation hereof, and all covenants, stipulations, promises and agreements in this Resolution contained by and on behalf of the Issuer shall be for the sole and exclusive benefit of the Issuer, the Paying Agent, the Insurer and any Owners of the Bonds.

ARTICLE VII

SUPPLEMENTAL RESOLUTIONS

SECTION 7.1. Supplemental Resolutions Effective Without Consent of Owners. For any one or more of the following purposes and at any time from time to time, a resolution supplemental hereto may be adopted, with the consent of the Insurer, which, upon the filing with the Paying Agent of a certified copy thereof, but without any consent of Owners, shall be fully effective in accordance with its terms:

(a) to add to the covenants and agreements of the Issuer in this Resolution other covenants and agreements to be observed by the Issuer which are not contrary to or inconsistent with this Resolution as theretofore in effect;

(b) to add to the limitations and restrictions in this Resolution other limitations and restrictions to be observed by the Issuer which are not contrary to or inconsistent with this Resolution as theretofore in effect;

(c) to surrender any right, power or privilege reserved to or conferred upon the Issuer by the terms of this Resolution,

but only if the surrender of such right, power or privilege is not contrary to or inconsistent with the covenants and agreements of the Issuer contained in this Resolution;

- (d) to cure any ambiguity, supply any omission, or cure or correct any defect or inconsistent provision of this Resolution; or
- (e) to insert such provisions clarifying matters or questions arising under this Resolution as are necessary or desirable and are not contrary to or inconsistent with this Resolution as theretofore in effect.

SECTION 7.2. Supplemental Resolutions Effective With Consent of Owners. Except as provided in Section 7.1 above, any modification or amendment of this Resolution or of the rights and obligations of the Issuer and of the Owners of Bonds hereunder, in any particular, may be made by a Supplemental Resolution, with the written consent of the Insurer and the Owners of a majority of the outstanding Bonds at the time such consent is given. No such modification or amendment shall permit a change in the terms of maturity of the principal of any Outstanding Bond or of any installment of interest thereon or a reduction in the principal amount thereof or in the rate of interest thereon without the consent of the Owner of such Bond, or shall reduce the percentages of Bonds the consent of the Owner of which is required to effect any such modification or amendment, or change the obligation of the Issuer to budget annually a sufficient sum of money to pay the principal of and interest on the Bonds as the same respectively come due and to levy and collect in each year taxes and to collect other revenues within the limits prescribed by law sufficient to pay the principal of and interest on the Bonds after payment in such year of all statutory, necessary and usual charges, without the consent of the Owners of all of Bonds then outstanding, or shall change or modify any of the rights or obligations of the Paying Agent without its written assent thereto. For the purposes of this Section, the Bonds shall be deemed to be affected by a modification or

amendment of this Resolution if the same adversely affects or diminishes the rights of the Owners of the Bonds.

A Supplemental Resolution, upon the filing with the Paying Agent of a certified copy thereof, shall become fully effective in accordance with its terms.

SECTION 7.3. Consent of the Insurer. (a) Any provision of this Resolution expressly recognizing or granting rights in or to the Insurer may not be amended in any manner which affects the rights of the Insurer under this Resolution without the prior written consent of the Insurer.

(b) Unless otherwise provided in this Section, the Insurer's consent shall be required in addition to Owner consent, when required, for the following purposes:

(i) execution and delivery of any Supplemental Resolution;

(ii) removal of the Paying Agent and selection and appointment of any successor paying agent; and

(iii) initiation or approval of any action not described in (i) or (ii) above which requires Owner consent.

ARTICLE VIII

REMEDIES ON DEFAULT

SECTION 8.1. Events of Default. If one or more of the following events (in this Resolution called "Events of Default") shall happen, that is to say,

(a) if default shall be made in the due and punctual payment of the principal of any Bond when and as the same shall become due and payable, whether at maturity or otherwise; or

(b) if default shall be made in the due and punctual payment of any installment of interest on any Bond when and as such interest installment shall become due and payable; or

(c) if default shall be made by the Issuer in the performance or observance of any other of the covenants, agreements or conditions on its part in this Resolution, any Supplemental Resolution or in Bonds contained and such default shall continue for a period of forty-five (45) days after written notice thereof to the Issuer by any Owner; or

(d) if the Issuer shall file a petition or otherwise seek relief under any Federal or State bankruptcy law or similar law;

then, upon the happening and continuance of any Event of Default the Owners of Bonds shall be entitled to exercise all rights and powers for which provision is made under Louisiana law.

SECTION 8.3. Consent of the Insurer in the Event of Insolvency. Any reorganization or liquidation plan with respect to the Issuer must be acceptable to the Insurer. In the event of any reorganization or liquidation, the Insurer shall have the right to vote on behalf of all Owners who hold Insurer bonds absent a default by the Insurer under the Insurance Policy insuring such Bonds.

SECTION 8.2. Consent of the Insurer Upon Default. Anything in this Resolution to the contrary notwithstanding, upon the occurrence and continuance of an Event of Default, as defined herein, the Insurer shall be entitled to control and direct the enforcement of all rights and remedies granted to the Owners or the Paying Agent for the benefit of the Owners under the Resolution.

ARTICLE IX

CONCERNING FIDUCIARIES

SECTION 9.1. Paying Agent; Appointment and Acceptance of Duties. The Issuer will at all times maintain a Paying Agent having the necessary qualifications for the performance of the duties described in this Resolution. The Paying Agent for the Bonds shall be designated in a Supplemental Resolution. The Paying Agent shall signify its acceptance of the duties and obligations imposed on it by this Resolution by executing and delivering to the Executive Officers a written acceptance thereof. The Council reserves the right to appoint a successor Paying Agent by filing with the Person then performing such function a certified copy of a resolution giving notice of the termination

of the agreement and appointing a successor and causing notice to be given to each Owner. Furthermore, the Paying Agent may be removed by the Issuer at any time for any breach of its duties set forth herein, affective upon appointment of a successor Paying Agent as set forth above. Every Paying Agent appointed hereunder shall at all times be a trust company or bank organized and doing business under the laws of the United States of America or of any State, authorized under such laws to exercise trust powers, having capital of at least \$50,000,000, and subject to supervision or examination by Federal or State authority.

The Paying Agent may be removed at any time, at the request of the Insurer, for any breach of the trust set forth in this Resolution.

The Insurer shall receive prior written notice of any Paying Agent resignation.

Every successor Paying Agent appointed pursuant to this Section shall be a trust company or bank in good standing located in or incorporated under the laws of the State, duly authorized to exercise trust powers and subject to examination by federal or state authority, having a reported capital and surplus of not less than \$75,000,000 and acceptable to the Insurer.

Notwithstanding any other provision of this Resolution, no removal, resignation or termination of the Paying Agent shall take effect until a successor, acceptable to the Insurer, shall be appointed.

ARTICLE X

PARTICULAR COVENANTS; ADDITIONAL PROVISIONS

RELATING TO BONDS

SECTION 10.1. Budget: Audit. As long as any of the Bonds are outstanding and unpaid in principal or interest, the Issuer shall prepare and adopt a budget prior to the beginning of each Fiscal Year and shall furnish a copy of such budget within thirty (30) days after its adoption to the Paying Agent and any Owner requesting same in writing. Not later than eight (8) months after the close of each Fiscal Year, the Issuer shall cause an audit of its general fund books and accounts to be made by an independent firm of certified public accountants showing the receipts and disbursements made by the Issuer during the previous Fiscal Year. Such audit shall be furnished to any Owner requesting same in writing.

SECTION 10.2. Bonds Legal Obligations. The Bonds shall constitute legal, binding and valid obligations of the Issuer, and of the Council and its successors in office, and shall be the only representations of the indebtedness as herein authorized and created.

SECTION 10.3. Resolution a Contract. The provisions of this Resolution 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 the Governing Authority or the Issuer as a result of issuing the Bonds.

SECTION 10.4. Recital of Regularity. This Council, having investigated the regularity of the proceedings had in connection with the Bonds herein authorized and having determined the same to be regular, the Bonds shall contain the following recital, to-wit:

"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."

SECTION 10.5. Effect of Registration. The Issuer, the Paying Agent, and any agent of any of them may treat the Owner in whose name any Bond is registered as the owner of such Bond for the purpose of receiving payment of the principal of and interest on such Bond and for all other purposes whatsoever, and to the extent permitted by law, neither the City, the Paying Agent, nor any agent of any of them shall be affected by notice to the contrary.

SECTION 10.6. Notices to Owners. Wherever this Resolution provides for notice to Owners of Bonds of any event, such notice shall be sufficiently given (unless otherwise herein expressly provided) if in writing and mailed, first-class postage prepaid, to each Owner of such Bonds, at the address of such Owner as it appears in the Bond Register. In any case where notice to Owners of Bonds is given by mail, neither the failure to mail such notice to any particular Owner of Bonds, nor any defect in any notice so mailed, shall affect the sufficiency of such notice with respect to all other Bonds. Where this Resolution provides for notice in any manner, such notice may be waived in writing by the Owner entitled to receive such notice, either before or after the event, and such waiver shall be the equivalent of such notice. Waivers of notice by Owners 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 10.7. Cancellation of Bonds. All Bonds surrendered for payment, 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 10.8. Mutilated, Destroyed, Lost or Stolen Bonds. If (1) any mutilated Bond is surrendered to the Paying Agent, or the Issuer and the Paying Agent receive evidence to their 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 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 Resolution.

SECTION 10.9. Cooperative Endeavor Agreement. The City is authorized to enter into the Cooperative Endeavor Agreement, which Cooperative Endeavor Agreement shall be substantially in the form attached hereto as Exhibit C.

ARTICLE XI

MISCELLANEOUS

SECTION 11.1. Preliminary Official Statement. The Issuer hereby approves the distribution of the Preliminary Official Statement pertaining to the Bonds.

SECTION 11.2. Defeasance. If the Issuer shall pay or cause to be paid to the Owners of all Bonds authorized under this Resolution then outstanding, the principal and interest to become due thereon, at the times and in the manner stipulated therein and in this Resolution, then the covenants, agreements and other obligations of the Issuer to the Owners of the Bonds shall be discharged and satisfied. In such event, the Paying Agent shall, upon the request of the Issuer, execute and deliver to the Issuer all such instruments as may be desirable to evidence such discharge and satisfaction and the Paying Agent shall pay over or deliver to the Issuer all moneys, securities and funds held by them pursuant to this Resolution which are not required for the payment of all of the Bonds not theretofore surrendered for such payment.

Bonds or interest installments for the payment 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 otherwise) at the maturity date thereof shall be deemed to have been paid within the meaning and with the effect expressed above in this Section. Bonds shall be deemed to have been paid, prior to their maturity, within the meaning and with the effect expressed above in this Section if they have been defeased pursuant to Chapter 14 of Title 39 of the Louisiana Revised Statutes of 1950, as amended, or any successor provisions thereto.

Notwithstanding anything herein to the contrary, in the event that the principal and/or interest due on the Bonds shall be paid by the Insurer pursuant to the Insurance Policy, the Bonds shall remain Outstanding for all purposes, not be defeased or otherwise satisfied and not be considered paid by the Issuer, and all covenants, agreements and other obligations of the Issuer to the Owners shall continue to exist and shall run to the benefit of the Insurer, and the Insurer shall be subrogated to the rights of such Owners.

SECTION 11.3. Continuing Disclosure. The Director of Finance of the City is hereby empowered and directed to execute an appropriate Continuing Disclosure Certificate (substantially in the form set forth an Appendix to the Official Statement issued in connection with the sale and issuance of Bonds) pursuant to S.E.C. Rule 15c 2-12(b)(5).

SECTION 11.4. Evidence of Signatures of Owners and Ownership of Bonds. (a) Any request, consent, revocation of consent or other instrument which this Resolution may require or permit to be signed and executed by the Owners may be in one or more instruments of similar tenor, and shall be signed or executed by such Owners in person or by their attorneys-in-fact appointed in writing. Proof of (i) the execution of any such instrument, or of an instrument appointing any such attorney, or (ii) the ownership by any person of Bonds shall be sufficient for any purpose of this Resolution (except as otherwise therein expressly provided) if made in the following manner, or in any other

manner satisfactory to the Paying Agent, which may nevertheless in its discretion require further or other proof in cases where it deems the same desirable:

- (1) the fact and date of the execution by any Owner or his attorney-in-fact of such instrument may be proved by the certificate, which need not be acknowledged or verified, of an officer of a bank or trust company or of any notary public or other officer authorized to take acknowledgments of deeds, that the person signing such request or other instrument acknowledged to him the execution thereof, or by an affidavit of a witness of such execution, duly sworn to before such notary public or other officer. Where such execution is by an officer of a corporation or association or a member of a partnership, on behalf of such corporation, association or partnership, such certificate or affidavit shall also constitute sufficient proof of his authority;

- (2) the ownership of Bonds and the amount, numbers and other identification, and date of owning the same shall be proved by the registration books of the Paying Agent.

- (b) Any request or consent by the Owner of any Bond shall bind all future Owners of such Bond in respect of anything done or suffered to be done by the Issuer or the Paying Agent in accordance therewith.

SECTION 11.5. Moneys Held for Particular Bonds. The amounts held by the Paying Agent for the payment due on any date with respect to particular Bonds shall, on and after such date and pending such payment, be set aside on its books and held in trust by it, without liability for interest, for the Owners of Bonds entitled thereto.

SECTION 11.6. Parties Interested Herein. Nothing in this Resolution expressed or implied is intended or shall be construed to confer upon, or to give to, any person or entity, other than the Issuer, the Paying Agent, the Insurer and the Owners of Bonds any right, remedy or claim under or by reason of this Resolution or any covenant, condition or stipulation thereof; and all the covenants, stipulations, promises and agreements in this Resolution contained by and on behalf of the Issuer shall be for the sole and exclusive benefit of the Issuer, the Insurer, the Paying Agent and the Owners of Bonds.

SECTION 11.7. No Recourse on Bonds. No recourse shall be had for the payment of the principal of or interest on Bonds or for any claim based thereon or on this Resolution against any member of the Governing Authority or officer of the Issuer or any person executing Bonds.

SECTION 11.8. Successors and Assigns. Whenever in this Resolution the Issuer is named or referred to, it shall be deemed to include its successors and assigns and all the covenants and agreements in this Resolution contained by or on behalf of the Issuer shall bind and enure to the benefit of its successors and assigns whether so expressed or not.

SECTION 11.9. Severability. In case any one or more of the provisions of this Resolution or of Bonds issued hereunder shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Resolution or of Bonds, but this Resolution and Bonds shall be construed and enforced as if such illegal or invalid provisions had not been contained therein. Any constitutional or statutory provision enacted after the date of this Resolution which validates or makes legal any provision of this Resolution or Bonds which would not otherwise be valid or legal shall be deemed to apply to this Resolution and to Bonds.

SECTION 11.10. Publication of Resolution. This Resolution shall be published one time in the official journal of the Issuer; however, it shall not be necessary to publish any exhibits hereto if the same are available for public inspection and such fact is stated in the publication.

SECTION 11.11. Peremption. For thirty days after the date of publication of this Resolution, any person in interest may contest the legality of this Resolution and of any provision herein made for the security and payment of the Bonds. After that time, no one shall have any cause of action to test the regularity, formality, legality, or effectiveness of this Resolution, and provisions hereof for any cause whatever. Thereafter, it shall be conclusively presumed that every legal requirement for the issuance of the Bonds has been complied with. No court shall have authority to inquire into any of these matters after the thirty days.

SECTION 11.12. Execution of Documents. In connection with the issuance and sale of Bonds, the Executive Officers are each authorized, empowered and directed to execute on behalf of the Issuer such documents, including, without limitation, certificates and instruments as they may deem necessary, upon the advice of bond counsel, to effect the transactions contemplated by this Resolution, the signatures of the Executive Officers on such documents, certificates and instruments to be conclusive evidence of the due exercise of the authority granted hereunder.

SECTION 11.13. Employment of Co-Bond Counsel in Connection with Validation Proceedings of the Bonds. This Council finds and determines that a real necessity exists for the employment of special bond counsel in connection with the validation proceedings for the issuance of the Bonds, and accordingly the law firms of Foley & Judell, L.L.P., of New Orleans, Louisiana and The Cantrell Law Firm, of New Orleans, Louisiana are hereby employed as special co-bond counsel to the City to do and perform comprehensive legal and coordinate professional work with respect to the preparation of validation proceedings and representation of the City in that connection. The compensation to be paid for said services is \$150.00 per hour. In addition to the above compensation for professional services, Foley & Judell and The Cantrell Law Firm shall be reimbursed for all travel, lodging, telecommunications, express deliveries, duplicating and other out-of-pocket expenses incurred in connection with the performance of such services.

SECTION 11.14. Effective Date. This Resolution shall become effective immediately.

After discussion, Councilmember Singleton offered the following amendment:

AMENDMENT TO RESOLUTION NO. R-00-553 (SUBSTITUTE)

BY: COUNCILMEMBER SINGLETON (BY REQUEST)

1. In Exhibit B, the Board of City Trusts - New Orleans Firefighters= Pension and Retirement Fund Trust Agreement, delete Section 4.3 and insert the following:

4.3. The Trustee, after consulting with the Firefighters= Pension and Relief Fund, may employ such professionals as it deems advisable to assist it in the performance of its duties and functions, including without limitation, professional money managers, financial advisors and insurance consultants, and shall pay compensation for services rendered by them from the assets of the Trust Fund (as defined herein). Any operating expenses of the Board of City Trusts which do not involve the administration and management of the Trust Fund shall not be paid from the assets of the Trust Fund.

Councilmember Singleton moved adoption of the foregoing amendment.

YEAS: Breaux, Carter, Johnston, Sapir, Shea, Singleton,

Thomas - 7

NAYS: 0

ABSENT: 0

AND THE AMENDMENT WAS ADOPTED.

AMENDMENT TO RESOLUTION NO. R-00-553 (SUBSTITUTE)

BY: COUNCILMEMBER SINGLETON (BY REQUEST)

SECONDED BY: COUNCILMEMBER SAPIR

1. On page 10, in the 7th unnumbered line of Section 4.1(d), delete the phrase Attached hereto as Exhibit B@ and insert the following:

Ain substantially the form attached hereto as Exhibit B, together with such necessary or appropriate variations, omissions and insertions as are required or permitted by the Act and this Resolution and approved by the parties thereto@

2. In Exhibit B, the Board of City Trusts - New Orleans Firefighters= Pension and Retirement Fund Trust Agreement, delete Section 1.4 and insert the following:

1.4 The Trustee shall distribute to the Firefighters= Pension and Relief Fund (Old System) for distribution by such fund to each beneficiary entitled thereto as determined by the Firefighters= Pension and Relief Fund (Old System) the difference between the City contribution to the Firefighter Pension and Relief Fund (Old System) as set forth in Schedule I attached hereto (which City contribution shall be reduced by the amount of fire insurance premium taxes received by said Fund and interest income earned by said Fund) and the amount certified to be needed pursuant to La.R.S.11:3375 et seq., provided, however, that at any time the actuary for the Firefighter Pension and Relief Fund (Old System), the City may determine not to make value of Trust Fund is 75% of the amount necessary to actuarially fund make the payments listed on said Schedule I for the Fiscal Year in which the report was provided, in which case there shall be paid the full amount due pursuant to La. R.S. 11:3375 by the Fund. The Trustee shall make such distribution upon receipt of a voucher from the Firefighters Pension and Relief Fund (Old System) that such amounts are due and owing under La. R.S. 11:3375.

YEAS:Breaux, Carter, Johnston, Sapir, Shea, Singleton,

Thomas - 7

NAYS: 0

ABSENT: 0

AND THE AMENDMENT WAS ADOPTED.

AMENDMENT TO RESOLUTION NO. R-00-553 (SUBSTITUTE)

BY: COUNCILMEMBER SINGLETON (BY REQUEST)

SECONDED BY: COUNCILMEMBER CARTER

In Exhibit C to Substitute Resolution R-00-553, the ACooperative Endeavor Agreement@, on page 4, following Section 11, insert a new Section 12, to read as follows:

ASECTION 12. The parties hereto agree to extend the term of this Agreement for a period up to thirty years, upon the request of any party to this agreement.

After further discussion, Councilmember Singleton moved adoption of the foregoing amendments.

YEAS:Breaux, Carter, Johnston, Sapir, Shea, Singleton,

Thomas - 7

NAYS: 0

ABSENT: 0

AND THE AMENDMENT WAS ADOPTED.

Councilmember Singleton moved adoption of the foregoing ordinance, as amended.

YEAS:Breaux, Carter, Johnston, Sapir, Shea, Singleton,

Thomas - 7

NAYS: 0

ABSENT: 0

AND THE ORDINANCE, AS AMENDED, WAS ADOPTED.

NO. R-00-619

BY: COUNCILMEMBERS SINGLETON, SAPIR, CARTER AND BREAUX (BY REQUEST)

A RESOLUTION authorizing the City of New Orleans, Louisiana to proceed with the issuance of not exceeding Twenty-five Million Dollars (\$25,000,000) of Certificates of Indebtedness, Series 2000 (the ACertificates@) of the City of New Orleans, Louisiana for the purpose of paying general settlements and judgments against the City; making an application to the State Bond Commission for approval of the Certificates; providing for employment of bond counsel and designation of an underwriter; and providing for other matters in connection therewith.

WHEREAS, the revenues for the City of New Orleans, Louisiana (the AIssuer@) for the fiscal year ending December 31, 2000, as reflected in the fiscal year 2000 Budget (which is the fiscal year in which the obligations herein authorized will become outstanding), shows ending fund balances and/or estimated excess of revenues over statutory, necessary and usual charges and all other expenses in such fiscal year of \$294,278,746, but which excess revenues are otherwise obligated and budgeted by the Issuer for various City purposes, including payment for debt service on Prior Certificates, as described below; and

WHEREAS, described above, the first payment of one (1) years= debt service on the Certificates is due in fiscal year 2001 and this governing authority will obligate itself and its successors in office to budget and set aside annually adequate funds for the payment of the Certificates in principal and interest in future fiscal years; and

WHEREAS, Sections 2921 to 2925, inclusive, of Title 33 of the Louisiana Revised Statutes of 1950, as amended (R.S. 33:2921-2925) (the AAct@), authorize the Issuer to make and enter into contracts dedicating the excess of annual revenues of subsequent years above statutory, necessary and usual charges to the payment of debt service that is to be borne by the Issuer under such contracts provided that all such dedication does not exceed the estimated excess of revenue above statutory, necessary, and usual charges (AExcess Revenues@) for the year in which such contract is made; and

WHEREAS, the City has outstanding \$12,445,000 of its Refunding Certificates of Indebtedness, Series 1998A (the ASeries 1998A Certificates@); \$75,205,000 of its Refunding Certificates of Indebtedness, Series 1998B (the ASeries 1998 Certificates@); \$3,535,000 of its Taxable Refunding Certificates of Indebtedness, Series 1998C (the ASeries 1998C Certificates@); and \$5,350,000 of its Refunding Certificates of Indebtedness Series 1998D (the ASeries 1998D Certificates@). The Series 1998A Certificates, Series 1998B Certificates, Series 1998C Certificates and 1998D Certificates are collectively referred to herein as the APrior Certificates@; and

WHEREAS, the terms of issuance of the Prior Certificates require that in order for the Certificates to enjoy a parity of lien on Excess Revenues with the Prior Certificates, anticipated Excess Revenues in the year in which the Certificates are to be issued, as reflected in the budget adopted by the Issuer, must be at least 1.5 times combined principal and interest requirements for any calendar year on the Prior Certificates and the Certificates proposed to be issued; and

WHEREAS, the budget of the Issuer for the calendar year 2000 shows Excess Revenues in excess of 1.5 times combined principal and interest requirements for any calendar year on the Prior Certificates and the Certificates proposed to be issued hereby; and

WHEREAS, the payment of general settlements and judgments by the Issuer is self-funded and inadequate funds are available for payment of all current judgements and settlements; and

WHEREAS, pursuant to and in accordance with the foregoing the Issuer now desires to issue not exceeding Twenty-five Million Dollars (\$25,000,000) of Certificates of Indebtedness, Series 2000, payable from Excess Revenues on a parity with the Prior Certificates for the purpose of paying general settlements and judgments against the Issuer and to pay costs of insurance of the Certificates in the manner authorized and provided by the Act, as hereinafter provided; and

WHEREAS, the Issuer desires to authorized the filing of an application with the Louisiana State Bond Commission (the ACommission@) requesting that the Commission grant approval to the issuance of the Certificates in accordance with the Act; and

WHEREAS, in connection with the issuance of the Certificates, the Issuer has recognized, found and determined that a real necessity exists for the employment of Bond Counsel and for the designation of an Underwriter for the purchase of the Certificates; now, therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, THAT:

SECTION 1. For the purpose of paying general settlements and judgments against the Issuer and paying the costs of issuance therefore, this governing authority

hereby gives approval to the issuance of not exceeding \$25,000,000 of Certificates of Indebtedness, Series 2000 of the Issuer (the ACertificates@) to be issued on a parity with the Prior Certificates.

SECTION 2. The Certificates shall be limited obligations of the Issuer and shall be payable solely from a pledge and dedication of the Excess Revenues of the Issuer above statutory, necessary and usual charges in each of the fiscal years during which the Certificates are outstanding. The Certificates shall bear interest at a fixed rate or variable rates not exceeding six and nine-tenths percent (6.90%) per annum, maturing no later than ten(10) years from the date of issuance of the Certificates and shall be issued under the authority of the Act and other constitutional and statutory authority.

SECTION 3. The Certificates shall be sold through a negotiated sale to Morgan Keegan & Company, Inc., as senior managing underwriter and such other co-managers as may be designated by the Issuer, at a price of not less than 97% of the principal amount thereof, plus accrued interest, if any. The details of the Certificates shall be established by subsequent resolution to be adopted by the governing authority.

SECTION 4. The issuer does hereby authorize the filing of an application with the Louisiana State Bond Commission requesting approval of the issuance of the Certificates.

SECTION 5. There exists the necessity for the employment of nationally recognized bond counsel to handle the issuance and sale of the Certificates, and accordingly, the employment of Jones, Walker, Westchester, Poitevent, Carrere & Denegre, L.L.P., New Orleans, Louisiana, Bond Counsel, is hereby ratified and approved, said Bond Counsel to handle all matters of a legal nature in connection with the negotiation, sale, issuance and delivery of the Certificates at a fee not to exceed the maximum fee for revenue bonds as provided by the Attorney General=s fee schedule, plus Aout of pocket@ expenses payable from the proceeds of the Certificates. This governing authority also authorizes Bond Counsel to assist in the preparation of and distribution and use of a preliminary and final official statement (collectively, the AOfficial Statement@) containing detailed and comprehensive financial and statistical data required with respect to the sale of the Certificates and the costs of the preparation and printing of such Official Statement shall be paid from the proceeds of the Certificates. Said Official Statement shall be submitted to such nationally recognized bond rating service or services as may be recommended by Bond Counsel, together with a request that an appropriate rating be assigned. Payment for all ratings shall be made upon presentation of appropriate statements from the particular rating services furnishing the ratings. In addition, credit enhancement may be sought for the Certificates

A certified copy of this Resolution shall be submitted to the Attorney General of the State of Louisiana for his written approval of said employment and of the fee herein designated.

SECTION 6. A copy of this Resolution shall be published immediately after its adoption in one (1) issue of the official journal of the Issuer. For thirty days after the date of publication, any person in interest may contest the legality of this Resolution, any provision of the Certificates, the provisions herein made for the security and payment of the Certificates and the validity of all other provisions and proceedings relating to the authorization and issuance of the Certificates. After the said thirty days, no person shall have any cause of action to test the regularity, formality, legality, or effectiveness of this Resolution, and the provisions hereof, for any cause whatever. Thereafter, it shall be conclusively presumed that every legal requirement for the issuance of the Certificates has been complied with. No court shall have the authority to inquire into any of these matters after the said thirty days.

SECTION 7. The Mayor and City Council are hereby empowered, authorized and directed to do all things necessary to effectuate the provisions of this Resolution.

SECTION 8. This Resolution shall become effective immediately.

After discussion, Councilmember Singleton offered the following amendment:

AMENDMENT TO RESOLUTION NO. R-00-619

BY: COUNCILMEMBER SINGLETON

SECONDED BY: COUNCILMEMBER SHEA

1. On the second line in the first paragraph delete ATwenty-five Million Dollars (\$25,000,000) and insert Twenty-seven Million Dollars (\$27,000,000)

2. On page two (2) in the fifth AWhereas@ paragraph delete ATwenty-five Million Dollars (\$25,000,000) and insert Twenty-Seven Million Dollars (\$27,000,000).

3. On page three (3) in the ABE IT RESOLVED@ paragraph in Section 1 delete ATwenty-five Million Dollars (\$25,000,000) A and insert Twenty-seven Million Dollars (\$27,000,000).

After discussion, Councilmember Singleton moved adoption of the foregoing amendment.

YEAS: Breaux, Carter, Johnston, Sapir, Shea, Singleton,

Thomas - 7

NAYS: 0

ABSENT: 0

AND THE AMENDMENT WAS ADOPTED.

Councilmember Singleton moved adoption of the foregoing ordinance, as amended.

YEAS: Breaux, Carter, Johnston, Sapir, Shea, Singleton,

Thomas - 7

NAYS: 0

ABSENT: 0

AND THE ORDINANCE, AS AMENDED, WAS ADOPTED.

NO. M-00-620

BY: COUNCILMEMBERS THOMAS, BREAUX, JOHNSTON AND SINGLETON

WHEREAS, The City Council has retained Bruno & Tervalon, CPA, the City's Single Auditors, to provide advice to the Council, its Audit Committee, and staff regarding the Council's monitoring of subrecipients of federal funds; and

WHEREAS, the Audit Committee has recommended that the maximum compensation be increased \$3000, to a total of \$11,000, to allow continued advice to the Council through the end of the year on this project; now therefore

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the Council President is authorized and directed to execute an amendment to the contract with Bruno & Tervalon, CPA, to increase the maximum compensation to \$11,000.

After discussion, Councilmember Thomas offered the following amendment:

AMENDMENT TO MOTION NO. M-00-620

BY: COUNCILMEMBER THOMAS

1. In the second AWhereas@, in the second line, delete the number A11,000" and insert A19,000".
2. In the ABE IT MOVED@ paragraph, in the last line, delete the number A11,000" and insert A19,000".

After further discussion, Councilmember Thomas moved adoption of the foregoing amendment.

YEAS: Breaux, Carter, Johnston, Sapir, Shea, Singleton,
Thomas - 7

NAYS: 0

ABSENT: 0

AND THE AMENDMENT WAS ADOPTED.

Councilmember Thomas moved adoption of the motion as amended.

YEAS: Breaux, Carter, Johnston, Sapir, Shea, Singleton,
Thomas - 7

NAYS: 0

ABSENT: 0

AND THE MOTION, AS AMENDED, WAS ADOPTED.

NO. M-00-621

BY: COUNCILMEMBER JOHNSTON

SECONDED BY: COUNCILMEMBER SAPIR

WHEREAS, Ordinance 19,778 M.C.S. was adopted on August 3, 2000 to establish a temporary moratorium on the issuance of permits relative to the establishment of bars, cocktail lounges, package liquor stores, convenience stores, or restaurants, and the issuance or renewal of alcoholic beverage permits to persons who do not both hold a current valid alcoholic beverage permit, and are engaged in the commercial sales of alcoholic beverages at the permitted premises on the effective date of said ordinance; and provided that the moratorium shall apply only to the person(s) seeking the issuance or renewal of alcoholic beverage permits for premises located within the commercial or industrially zoned properties bounded by the Industrial Canal, Interstate 10, and Stephen Girard Avenue.

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS That Motion Number M-00-455 requesting a public hearing to consider an amendment to Article 18 of the Comprehensive Zoning Ordinance of the City of New Orleans, Ordinance No. 4264, as amended, to establish a new Interim Zoning District (IZD) for the commercial or industrially zoned properties in the area generally bounded by the Industrial Canal, Peoples Avenue Canal, Interstate 10, and Stephen Girard Avenue, prohibiting the issuance or renewal of alcoholic beverage permits for any use, including but not limited to bars, cocktail lounges, package liquor stores, grocery stores, or restaurants, unless

that person holds a valid alcoholic beverages permit and is engaged in the commercial sales of alcoholic beverages at the permitted premises as of July 20, 2000, be and the same is hereby rescinded.

THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS: Breaux, Carter, Johnston, Sapir, Shea, Singleton,

Thomas - 7

NAYS: 0

ABSENT: 0

AND THE MOTION WAS ADOPTED.

On motion of Councilmember Singleton, seconded by Councilmember Thomas and without objection the rules of the Council were suspended for the purpose of introducing and considering the following motions/resolutions received after the Council's deadline.

NO. M-00-622

BY: COUNCILMEMBER SHEA (BY REQUEST)

SECONDED BY: COUNCILMEMBER THOMAS

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the Mayor's reappointment of C. Ray Nagin, as a member of the Rivergate Development Corporation for a term which will expire April 15, 2002 be and the same is hereby ratified, confirmed and approved.

THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS: Breaux, Carter, Johnston, Sapir, Shea, Singleton,

Thomas - 7

NAYS: 0

ABSENT: 0

AND THE MOTION WAS ADOPTED.

NO. M-00-623

BY: COUNCILMEMBER SHEA (BY REQUEST)

SECONDED BY: COUNCILMEMBER THOMAS

WHEREAS, Boathouse Number 18, located in the New Orleans Municipal Yacht Harbor, is presently leased by the City of New Orleans to Laurence L. Lambert.

WHEREAS, Laurence L. Lambert wishes to transfer the leasehold interest in and to the aforementioned boathouse to:

Name: Jeffrey M. McCalla

Residing at:

St. Name: 116 Moss Lane

City/State/Zip: River Ridge, La. 70123

WHEREAS, the appropriate forms have been executed and filed with the Yacht Harbor Manager and the Department of Property Management; now, therefore

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS,

That the Municipal Yacht Harbor is authorized to initiate an agreement for leasehold interest in and to Boathouse Number 18 in the Municipal Yacht Harbor to Jeffrey M. McCalla and the same is hereby approved.

THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS: Breaux, Carter, Johnston, Sapir, Shea, Singleton,

Thomas - 7

NAYS: 0

ABSENT: 0

AND THE MOTION WAS ADOPTED.

COMMUNICATIONS

FROM JOHN MICHELET, DIRECTOR, REGULATORY AFFAIRS - Submitting Notice and Summary of Filing by Entergy New Orleans in Conformance with offer of Settlement as amended(Docket No. UD-97-1) and in compliance with Council Resolution R-98-721 (Substitute).

RECEIVED AND REFERRED TO COUNCIL UTILITIES.

On motion of Councilmember Singleton, seconded by Councilmember Sapir and without objection the rules of the Council were suspended for the purpose of introducing and considering the following communication received after the Council=s deadline.

FROM LLOYD E. LAZARD - Informing the Council that Gert Town/Carrollton Historical Society will celebrate the 126th Anniversary of Carrollton Annexation to New Orleans in 1874 and requesting that the City Council cover the cost of the Mahalia Jackson Day Celebration.

RECEIVED.

At this time Councilmember Sapir moved to enter executive session. Seconded by Councilmember Singleton.

The following Councilmembers voted in favor of the motion to enter executive session:

ROLL CALL

YEAS: Breaux, Carter, Johnston, Sapir, Shea, Singleton,

Thomas - 7

NAYS: 0

ABSENT: 0

AND THE MOTION TO ENTER EXECUTIVE SESSION WAS ADOPTED.

EXECUTIVE SESSION

Louis Hamilton, ET AL vs Ernest N. Morial, ET AL USDC NO: 69-2443 AND Consolidated Cases, Section ALLM@ (5).

The Council recessed for Executive Session at 1:25 P.M.

The meeting reconvened at 2:00 P.M.

REGULAR ORDER OF BUSINESS RESUMED

On motion of Councilmember Singleton, seconded by Councilmember Sapir and without objection the rules of the Council were suspended for the purpose of introducing and considering the ordinances received after the Council's deadline.

ORDINANCES ON FIRST READING

CAL. NO. 23,245 - BY: COUNCILMEMBERS SINGLETON, SAPIR AND THOMAS - An Ordinance approving and ratifying action of the Sewerage and Water Board of New Orleans in awarding, Contract 8105 (Replacing Two (2) Low Pressure Boilers at St. Joseph Street) to The Lou-Con, Inc.

CAL. NO. 23,246 - BY: COUNCILMEMBERS SINGLETON, SAPIR, CARTER AND BREAUX (BY REQUEST) - An Ordinance to amend Ordinance No. 19,475 M.C.S., as amended, entitled "An Ordinance Providing an Operating Budget of Revenues for the City of New Orleans for the Year 2000," to appropriate federal funds to the Chief Administrative Office, Office of Emergency Preparedness, to establish the Domestic Preparedness Program.

CAL. NO. 23,247 - BY: COUNCILMEMBERS SINGLETON, SAPIR, CARTER AND BREAUX (BY REQUEST) - An Ordinance to amend Ordinance No. 19,476 M.C.S., as amended, entitled "An Ordinance Providing an Operating Budget of Expenditures for the City of New Orleans for the Year 2000," to appropriate federal funds to the Chief Administrative Office, Office of Emergency Preparedness, to establish the Domestic Preparedness Program.

CAL. NO. 23,248 - BY: COUNCILMEMBERS SINGLETON, SAPIR, CARTER AND BREAUX (BY REQUEST) - An Ordinance to amend Ordinance No. 19,476 M.C.S., as amended, entitled "An Ordinance Providing an Operating Budget of Expenditures for the City of New Orleans for the Year 2000," to transfer grants funds from the Office of the Mayor (Criminal Justice Coordination) and the Law Department, to the Police Department for overtime.

CAL. NO. 23,249 - BY: COUNCILMEMBER BREAUX - An Ordinance to temporarily waive fees that in accordance with Section 10-52 of the code of the city of New Orleans, the Director of the Department of Finance is hereby authorized to issue a Special Event permit to Holy Cross School=s Annual Family Day Event, for the premises located at 4059 Dauphine Street which shall be valid only for Sunday, October 22, 2000 from 10:00 a.m. until 6:00 p.m.; and to otherwise provide with respect thereto.

CAL. NO. 23,250 - BY: COUNCILMEMBERS SINGLETON, SAPIR, CARTER AND BREAUX (BY REQUEST) - An Ordinance to amend Ordinance No. 19,475 M.C.S., as amended, entitled "An Ordinance Providing an Operating Budget of Revenues for the

City of New Orleans for the Year 2000," to rollover previous years= CDBG funds for the Department of Housing and Neighborhood Development.

CAL. NO. 23,251 - BY: COUNCILMEMBERS SINGLETON, SAPIR, CARTER AND BREAUX (BY REQUEST) - An Ordinance to amend Ordinance No. 19,476 M.C.S., as amended, entitled "An Ordinance Providing an Operating Budget of Expenditures for the City of New Orleans for the Year 2000," to rollover previous years= CDBG funds for the Department of Housing and Neighborhood Development.

CAL. NO. 23,252 - BY: COUNCILMEMBER THOMAS - An Ordinance to amend and reordain Article VI. Booting of Motor Vehicles on Private Property and Private Parking Area of Chapter 66 ENVIRONMENT of the Code of the City of New Orleans relative to the practice of booting motor vehicles not authorized to park on private property; to define certain terms; to impose signage requirements for booting motor vehicles on private property; to impose requirements for booting on private parking areas; to provide for maximum fees for booting; to impose booting service business requirements; to impose an annual license for the booting service business; to impose requirements for booting service businesses licensed to operate in the City; to prohibit damaging or removal of boot; to provide for an administrative hearing to determine if the booting of said vehicle was proper; to provide that these requirements shall not apply to the City=s or other governmental entity=s booting operations; and otherwise to provide with respect thereto.

CAL. NO. 23,258 - BY: COUNCILMEMBERS SAPIR AND SINGLETON - An Ordinance to amend and reordain Section 66-102 of Chapter 66 ENVIRONMENT of the Code of the City of New Orleans; to revise and increase the towing charge for removing junked or wrecked vehicles; to revise and increase the storage fees total which shall be collected for junked or wrecked vehicles; and otherwise to provide with respect thereto.

CAL. NO. 23,259 - BY: COUNCILMEMBER THOMAS - An Ordinance to amend the Code of the City of New Orleans, Chapter 6, Administrative Procedures, Section 6-34, Authority of Hearing Officer, to add Booting of Motor Vehicles on Private Property and Private Parking Area to the list of adjudication authority of hearing officers; and otherwise to provide with respect thereto.

CAL. NO. 23,260 - BY: COUNCILMEMBER SINGLETON - An Ordinance to amend the Code of the City of New Orleans, Chapter 6, Administrative Procedures, Section 6-34, Authority of Hearing Officer, to add Historic Preservation to the list of adjudication authority of hearing officers; and otherwise to provide with respect thereto.

CAL. NO. 23,261 - BY: COUNCILMEMBER SHEA - An Ordinance to provide for the establishment of a Conditional Use to permit a PCS site with one (1) monopole, with a height of 100 feet, and accessory equipment for wireless personal communication services in an LI-Light Industrial District, on Square 1354, Lots O, P. & X, in the Third Municipal District, bounded by North Broad, Columbus, North Dorgenois, and Laharpe Streets (Municipal Address 2533 Columbus Street); and otherwise to provide with respect thereto (Zoning Docket No. 102/00).

THE FOREGOING ORDINANCES WERE LAID OVER AS REQUIRED BY LAW.

There being no further business, on motion of Councilmember Singleton, seconded by Councilmember Johnston, and without objection, the Council meeting adjourned at 2:05 P.M., subject two call

Emma J. Williams

Clerk of Council

mml