

THE NON-FLOOD PROTECTION ASSET MANAGEMENT AUTHORITY  
MINUTES OF MONTHLY BOARD MEETING  
THURSDAY, FEBRUARY 17, 2010 – 5:30 P.M.

The regular monthly meeting of the Board of the Non-Flood Protection Asset Management Authority of the Orleans Levee District was held on Thursday, February 17, 2011 at 5:30 P.M., in the Lake Vista Community Center, 2<sup>nd</sup> Floor, 6500 Spanish Fort Blvd., New Orleans, Louisiana after due legal notice of the meeting was sent to each Board member, the news media, and a copy of the call was posted.

Chairman Lupo called the meeting to order at 5:30 P.M. and led in the Pledge of Allegiance.

The roll was called and a quorum was present.

**PRESENT:**

Chairman Robert E. Smith Lupo  
Commissioner Carlton Dufrechou  
Commissioner Darrel Saizan  
Commissioner Michael Bridges  
Commissioner Joe Hassinger  
Commissioner Wilma Heaton  
Commissioner Stanley Brien  
Commissioner William Hoffman  
Commissioner Greg Ernst  
Commissioner John B. Trask  
Commissioner Pearl Cantrelle

**ABSENT:**

Commissioner Romona Theresa Baudy

**STAFF:**

Louis Capo, Executive Director  
Dawn Wagener, Non-Flood  
Sharon Martiny, Non-Flood  
Charles Dixon, Marina Manager  
Major Donald Booth, Police

**ALSO PRESENT:**

Gerard Metzger  
Steve Nelson  
Kevin Gray  
Capt. Brock Schmidt  
Charles Curtis

**ADOPT AGENDA**

Commissioner Hassinger offered a motion to adopt the Agenda, seconded by Commissioner Saizan and unanimously adopted.

**APPROVAL OF PRIOR MINUTES**

Commissioner Hoffman offered a motion to approve the minutes of the Board meeting held January 20, 2010 seconded by Commissioner Ernst and unanimously adopted with minor corrections.

**COMMENTS**

Chairman Lupo thanked the audience and commissioners for their diligence during the past month in the committee meetings and the staff for trying to make some very important decisions.

Mr. Capo informed of the ongoing work with Mr. Al Pitre, Connie Uddo with Hike for Ka-tree-na and Mr. John Benton. Mr. Benton is working on a plan to put certain species of trees on the Lakefront between Shelter #1 and the Mardi Gras Fountain. A schematic of the Lakefront was obtained from the Flood side and there will be close to 200 trees planted. Mr. Pitre raised close to \$5,500 so far and his goal is to get \$20,000 to purchase and maintain the trees. The Cadets are coming in the first week of March and will volunteer their services to plant the trees. At the next Recreation/Subdivision Committee we hope to present a plan of implementing the trees on Lakeshore Drive.

Mr. Capo added that he is working with Gallagher Insurance to acquire public officials' liability and employment practices insurance. An application has been filled out and we should receive a quote by the March 3<sup>rd</sup> Finance Committee meeting.

Mr. Capo advised of a meeting with John Deluca with the Department of the Navy Commemorative War of 1812 presentation. This is going to be a huge event in New Orleans with the Blue Angels. They want to use Lakeshore Drive and the areas east of Lake Terrace toward the Naval Reserve facility. Yesterday was the kick off meeting and as more information becomes available it will be forwarded to the Commissioners.

Mr. Capo informed of a meeting with Bill Burke, race director for the Ironman Competition which is coming in April. Mr. Capo stated that Julie Lacour with the City Park provided a list that includes their rates charged for these types of events. Mr. Capo will be drafting a resolution that includes a rate schedule for people who want to use Lakeshore Drive for events. Mr. Capo then noted that the agreement between Odyssey and Landmark has been finalized. They have reimbursed us for legal fees in the amount of \$6,000.

### **COMMITTEE REPORTS**

#### **Airport**

Commissioner Saizan informed that there are two items on the Agenda; the Walter Wedell Hangar and the main terminal at the Airport in which we should get alternate funds and additional design fees. We are trying to move along and those are the two motions being brought before the Board tonight.

#### **Marina**

Commissioner Brien commented that both items for the Marina Committee are at South Shore Harbor. One is the removal of two steel pilings to allow us to move forward with the pump out facility. The second motion is the Counselors on Real Estate looking at South Shore Harbor which will coincide with things at the Airport to provide activity at South Shore Harbor.

#### **Police**

Commissioner Dufrechou stated there were no items on the agenda resulting in the cancellation of the Police Committee meeting.

#### **Commercial Real Estate**

Commissioner Trask informed that the Real Estate Committee had one item of interest regarding a tenant, Schubert Marine, and the request of a lease change to operate a bar. For multiple reasons that request was rejected by the Committee. Commission Trask commented that we need to look at all of the assets and make sure we use proper planning on a long term basis. We have a multitude of assets which we need to cultivate to the best of our ability. As a new commission we have a lot of work ahead of us.

### **Recreational/Subdivision Obligations**

Commissioner Hassinger advised of two issues that came before the Recreational/Subdivision Obligation Committee during this past meeting. One was Ms. Betsy Boudreaux of the Mardi Gras Marathon came before the committee to ask approval for use of a portion of Lakeshore Drive. We are glad to have them as we want to encourage as many events along the Lakefront as we can. The news of the 1812 presentation and the Ironman Competition is great. Commissioner Hassinger also referred to the section in Lake Vista referred to as the Wren Street Development and informed that there was nothing to bring to the Authority other than the last action by the Committee requesting the developer to submit detailed plans and specs to this Authority for review so we can do everything possible to help bring that development to reality. The other issue related to the Corps which will be addressed when the Corps gives their presentation.

### **Legal**

Commissioner Ernst reported that the Legal Committee meeting was cancelled due to lack of items on the Agenda.

### **Finance**

Commissioner Hoffman stated that the budget review committee had their meeting on January 31, 2011 and thanked everyone for their participation. In the Finance Committee meeting we reviewed items under New Business. The main topic will be discussed under Old Business, which is the 2012 proposed budget.

## **PRESENTATIONS**

### **Army Corps of Engineers – Status of Ongoing USACE Projects**

Capt. Brock Schmidt from the Army Corps of Engineers updated the Corps projects starting at the 17<sup>th</sup> Street Canal and moving east. Regarding the 17<sup>th</sup> Street Canal, there was a relocation of an Entergy gas line which took longer than expected but things are progressing well. Piles have been driven along Lake Marina Drive. There should be more walls along the west side of the Seabrook Marina. The current gate is open and will remain open until mid March at which point it will be closed and demolished. The eastern gate will then be opened. Drainage on the flood side is under construction and there should be completed parking area behind the Harbor Master. Capt. Schmidt met with the Harbor Master to discuss an AT&T line and a Cox Cable line. The AT&T line is scheduled to go underneath the wall which will be resolved in the next couple of weeks. Cox Cable lines are being moved to the east so the Harbor Master can do construction of the water mains in that area. You will see a reduction in cost of about \$20,000.

Pontchartrain Blvd. excavation has begun and there are seven relocations to be done in that area including two Sewerage and Water Board lines, an Entergy line, an electric line that will be overhead, an AT&T line, and an Entergy gas line. Each relocation takes a certain amount of time for the appropriate facility company to come out. The sanitary sewer line is scheduled to be completed in the next two weeks. By early April traffic will shift back over into the existing roadway and construction of the last T-Wall will begin. All piles on Pontchartrain Blvd. have been driven and they will start pouring the remainder of the seawall and open Lakeshore Drive by the middle of February. Lakeshore Drive at West End should be open within the next month.

Concrete work is complete at Rail Street and they are doing back fill. The gates are scheduled to be delivered in the middle of March or beginning of April. Pile driving started at Lake Terrace. The due dates for that project are on schedule to be completed prior to April. This is important due to the Ironman race in which

people will be running along the entire area. This race will bring in \$13 million dollars of revenue to the city.

Capt. Schmidt stated they are taking the extra material off the top of the UNO ramp. The paving and ramps will be complete and open by the beginning of March. The entrance at the Ted Hickey Bridge headed west onto Lakeshore Drive will also be open in another month. All of Lakeshore Drive minus those two spots, Rail Street and Lake Terrace, will be open in March. The other two sections will be open by April 20<sup>th</sup>. The entire Lakeshore Drive should be open to the public by April 20<sup>th</sup>.

Commissioner Saizan commented that we need to have some type of grand opening because the question of when Lakeshore Drive will be opened to the public is asked at every community meeting. The second question asked is when the Walnut Room will be open. We need to publicize the event as a Grand Opening. Commissioner Heaton suggested that the Recreation/Subdivision Obligation Committee notify the councilmember as a courtesy and possibly get on the website to work in concert with the city to publicize the event.

Chairman Lupo stated that by April 20<sup>th</sup> there is still going to be a need for electricity on Lakeshore Drive because Lakeshore Drive will be open but not fully functional without electricity. The Corps has decided that there has to be some analysis made on the 1½ foot levee raisings that the Corps did within the last three years. There were specs put out for the levee raising and the contractor was let on the specs. It was built to those specs but during the time it was built, the Corps changed the specifications. Now our designer has to go out there and analyze the whole levee system that the Corps just built.

Capt. Schmidt stated that was completed prior to his arrival. Most certifications of the levee will be done as one whole when the entire system is complete. We still have not worked out the language at CPRA for the State on what the levee certification is. There was talk about remediation along Marconi being tied into one of the projects, the canals that go towards the south along Marconi. I have not heard anything about remediation or another look at the canals by the levees that go along the Lakefront.

Chairman Lupo stated that Design Engineering has spoken with the Corps and made a presentation at our last meeting that they were ready to start. Design Engineering has since received new information stating that Eustis Engineering is to analyze the work the Corps did. Capt. Schmidt advised of new criteria which states that nothing is to go through or underneath the levee. If it has to go over the top of the levee, there is certain criteria regarding how much material has to be put on top of the line and what the angle off the top of the line has to be once the material is established. This is the criteria they are talking about.

Capt. Schmidt stated that he would check into this and inform Mr. Capo. Capt. Schmidt also requested correspondence going back and forth to make sure we get going on this because the Authority has worked hard to get it to the Corps and the Corps worked hard to get it going also. Capt. Schmidt agreed that having the Lakefront open without lights is not where we want to be. Commissioner Hoffman questioned the date of completion for the Ted Hickey Bridge. Capt. Schmidt stated they are pouring at the gate as you get off at Ted Hickey heading to Lakeshore Drive. Once those are finished we will put barriers to keep people out of the construction area at the boat launch which will free up Lakeshore Drive. Albert Ricci is the contractor that moves very quickly is doing the Seabrook project and building gates over the railroad track. We hope to have nothing but the placement of the actual vehicle gate in the way of opening the boat launch in March. Because of the time it takes to manufacture the gate, the contract completion is May 15<sup>th</sup>. We advised the contractor we expect completion to be February 20<sup>th</sup> for all work minus the gate. The middle of March is reasonable. The Corps slowed this down because they could not drive the

piles for the Seabrook project if we poured the pile along with the base slab so this slowed them down a bit. We expect to have that open mid March. Once the gate is built we will put it in place and make sure everything works.

Commissioner Heaton stated it is critical that the public be aware of where we are and what to expect. Information is vital and people have been very frustrated over time.

Capt. Schmidt stated that the Seabrook project is going well. At Ted Hickey Bridge you have what is going in the coffer dam which is approximately 80% complete. Wood will be inserted and piles will be driven inside the coffer dam to enable the slabs to be placed where the gates will be put in. Construction of the T-Wall is good and the tie-in from the T-Walls is in place. The 100 year level of protection is expected before June 1<sup>st</sup>. New Orleans metro area will have the 100 year level of protection walls constructed by the beginning of May. New Orleans East will have more activity around the Airport. This was a little slow getting started but they are up and moving now. We expect every project along Lakeshore Drive to be completed by May 15<sup>th</sup>. All but 4 miles of T-piles are driven along Hayne Blvd. so that is a 100 year level of protection. We are working on the concrete capping and construction is going well. They are driving about 25-30 piles a day in the section along Downman Road and we just did the levee with sheet pile. Regarding the I-Walls going in there, the sheet piles are 45 feet long and 3 feet of that is above ground. We put a 3 foot cap on there for wave action. The I-Wall, by our calculations and modeling, will never take a surge enough to be comparable to the I-Wall that was put in prior to Katrina. When you think about rust, if there is no air there is no rust. When T-Piles are driven into the ground as they are, there is no air that can get to it so all of those elements that start to create rust do not exist. A concrete cap was placed on top and there is no air in the concrete.

Commissioner Hassinger questioned if all of the work on Lakeshore Drive would be complete by May 15<sup>th</sup>. Capt. Schmidt confirmed and informed that this includes Lake Marina Drive. Everything has been repaved and recurbed and all contractors and cranes will be gone. This includes between Franklin and Elysian Fields and from West End Drive to Lake Marina Drive. Grass will be planted at the end of this month.

Commissioner Hassinger stated that the event like the Ironman Competition is very important for the Lakefront and thanked the Corps for working with that group to get everything ready for the competition.

Mr. Capo informed that he met with Billy Rossignol of the Corps. The location of Shelter #4 where the Corps had mud stockpiled for a long period of time is covered in shells. Capt. Schmidt advised that the sidewalk would be put back and the shells would be removed.

Commissioner Hassinger questioned the blow out of the drains. Capt. Schmidt advised that he talked to Gerry Gillen about that and all the drains are still functioning in that area. There is one that needs to be blown out on the east side. On the west side we will have to look into that. Capt. Schmidt will get with Gerry Gillen to discuss the location of the contracts the Corps are working and whether the Corps can feasibly do that. We still have the Canal Street enlargement, the two UNO ramps and the Leon C. Simon ramp. We still have them on contract. Capt. Schmidt will get with Gerry Gillen to discuss if the drains are not working but they are within range they are in contract.

Commissioner Trask referred to getting recreation back in areas around the Lakefront and questioned if the construction zones will be kept out of the neighborhoods and put on the lake side so as not to interrupt the recreation we are getting back. Capt. Schmidt advised that the contract is scheduled to let on the 21<sup>st</sup> of April at which time he would be able to give a full report on where the

construction areas are. All construction will take place on the lake side of all of the existing pump stations that are in place now. Capt. Schmidt added that the standard for the Corps contracts is that all bi-pass roads are not through the neighborhoods.

Commissioner Trask questioned if there is spot where it can be done on the lake side of the levee without intruding on the marathons which bring money to the city. Capt. Schmidt informed that was taken care of.

Capt. Schmidt next addressed the 60 inch culverts which were compensable. This will be tied into the contract with the 17<sup>th</sup> Street Canal pumping station. The pump station has to be built either on top of the culverts or on the lake side of the culverts. They will have to be rerouted and you will get exactly what is there with the same amount of capacity.

Chairman Lupo called for a motion to go into executive session to discuss *AeroPremier Jet Center, LLC v. Orleans Levee District*. Commissioner Hoffman offered the motion, seconded by Commissioner Ernst and unanimously adopted by a roll call vote. Upon exiting from executive session, Chairman Lupo announced that no votes were taken.

## **OLD BUSINESS**

### **1) Update on FY 2012 Proposed Budget**

Mr. Capo informed that on January 31<sup>st</sup> budget hearings were held. Mr. Capo referred to the budget presented at the January 31<sup>st</sup> budget hearing and the budget presented at the February 3<sup>rd</sup> Finance Committee meeting. Between those two dates, we had looked at some additional revenue and some cuts to the budget. The budget submitted on January 31<sup>st</sup> had a deficit of \$3.1 million. Revenue at the Airport was increased by approximately \$178,000. Fuel flowage was increased by approximately \$150,000. The cuts made to the January 31<sup>st</sup> budget were the Police at \$1.39 million. The Ted Hickey Bridge was reduced by \$213,000; grass cutting was reduced by \$250,000. The General Fund Personal Services adjustment was approximately \$14,000; Lake Vista Maintenance was reduced by \$5,200. There was a Personal Services adjustment for Orleans Marina in the amount of \$5,735; South Shore Harbor less one position was \$42,000 and Airport Personal Services was increased by \$2,000. The revised budget as presented to the Finance Committee has a deficit of \$870,000. We have trimmed the budget roughly \$2.5 million from January 31<sup>st</sup> to February 17<sup>th</sup>.

Wayne Francingues is communicating with Stan Hurdy of Office of Group Benefits to see what it will take to move us to OGB. One issue is that OGB wants to do a claims history analysis of the District. We are not separate from the Flood Division so the claim analysis will include Non-Flood and the Flood Division as a whole. Mr. Francingues feels that OGB does have better benefits for the employee. There is a question regarding employees close to retirement. Mr. Francingues feels he can give me some information pertaining to that for the March 3<sup>rd</sup> Finance Committee meeting. Those are some of the issues that will be coming forward in additional budget adjustments made by the Chairman Lupo and Chairman Hoffman of the Finance Committee.

Commissioner Hoffman commented that \$900,000 is too big of a deficit given our current cash flow. We will make a final recommendation at the Finance Committee meeting which will come back to the Board at the next Board meeting. The objective is to get a budget that we agree upon as a Board. This will be the budget that goes to the State for the April 1<sup>st</sup> deadline.

Commissioner Bridges questioned why OGB has us combined with the Flood side. Mr. Capo informed that we only have one tax ID, it is not split. Mr. Francingues advised Mr. Capo the two divisions could not be split based on the historical data for the claims history.

Chairman Lupo requested Mr. Capo set up an appointment between the Chairman of the Flood side of the Orleans Levee District and Chairman Lupo to discuss issues and how they relate to each department. Chairman Lupo requested input after each Commissioner reviews the comments and thoughts.

### **NEW BUSINESS**

#### **Motion 01-021711**

This is a motion to approve that the Non-Flood Protection Asset Management Authority will take no action regarding the settlement agreement until it receives a final ruling on the Complaint filed with the FAA by a third party. In approving this resolution, the Non-Flood Protection Asset Management Authority specifically does not endorse or approve the merits of the settlement which occurred prior to the effective date of this Management Authority's assumption of responsibility as the governing authority of the Orleans Levee District Division of Non-Flood Assets pursuant to Act 1014 of 2010.

Motion 01-021711 offered by Commissioner Saizan, seconded by Commissioner Ernst, was unanimously adopted to wit:

**MOTION:** 01-021711  
**RESOLUTION:** 01-021711  
**BY:** COMMISSIONER SAIZAN  
**SECONDED BY:** COMMISSIONER ERNST

February 17, 2011

### **RESOLUTION**

**WHEREAS**, AeroPremier Jet Center, L.L.C. ("AeroPremier") and the Orleans Levee District, Division of Non-Flood Assets ("OLD") are parties to a lease dated April 8, 2008 ("Lease") pertaining to certain property at the New Orleans Lakefront Airport ("Airport");

**WHEREAS**, AeroPremier, a Fixed Based Operator ("FBO") at the New Orleans Lakefront Airport, filed a petition in the Civil District Court for the Parish of Orleans, entitled AeroPremier Jet Center, L.L.C. v. Board of Commissioners, et al, No. 09-8632 (the "Lawsuit");

**WHEREAS**, Advantage Capital Partnership XI, L.P. and Advantage Capital Partnership VI, L.P. (collectively "Advantage"), as an investor and partner in AeroPremier, intervened in the lawsuit, asserting various causes of action and claims against the OLD; the intervention of Advantage together with the Petition filed by AeroPremier are hereinafter collectively referred to as the "Lawsuit";

**WHEREAS**, on August 11, 2010, the parties participated in a mediation with retired Louisiana state court Judge Michael E. Ponder;

**WHEREAS**, a Settlement Agreement was reached as a result of the mediation, which agreement was approved by Mr. Jerry Jones of the State of Louisiana, Division of Administration, which at that time was the governing authority of the OLD;

**WHEREAS**, the Settlement Agreement provided that it was subject to the approval of the Federal Aviation Administration (“FAA”);

**WHEREAS**, the FAA has given notice that it will not approve or disapprove the Settlement Agreement;

**WHEREAS**, a third party has filed a Complaint with the FAA alleging that the Settlement Agreement violates certain Sponsor Grant Assurance obligations of the OLD (the “Complaint”); and,

**WHEREAS**, the Management Authority believes it is in the best interest of the OLD and Airport to take no further action at this time regarding the Settlement Agreement until the FAA has ruled on the Complaint filed with the FAA.

**BE IT HEREBY RESOLVED**, that the Non-Flood Asset Protection Management Authority will take no action regarding the Settlement Agreement until it receives a final ruling on the Complaint filed with the FAA by the third party.

**BE IT FURTHER RESOLVED**, that in approving this Resolution the Non-Flood Asset Protection Management Authority specifically does not endorse or approve the merits of the Settlement Agreement, which occurred prior to the effective date of this Management Authority’s assumption of responsibility as the governing authority of the Orleans Levee District, Division of Non-Flood Assets pursuant to Act 1014 of 2010.

**AYES: LUPO, HASSINGER, ERNST, HOFFMAN, HEATON, BRIGES, BRIEN, DUFRECHOU, TRASK, SAIZAN, CANTRELLE**

**NAYS:**

**ABSTAIN:**

**ABSENT: BAUDY**

**RESOLUTION ADOPTED: YES**

**Motion 02-021711**

This is a motion to approve the removal of two steel pilings at South Shore Harbor to access the pump out facility. The Authority Chairman or Executive Director is authorized to enter into an agreement with B&H Enterprises to remove the two Blue Dolphin piles as per the bid specification for the sum of \$4,500.

Commissioner Brien informed that this is the last item to complete the pump out facility which is something South Shore Harbor needs on its return to greater utility.

Chairman Lupo requested the Executive Director to give the financial aspect of this project. Mr. Capo stated the cost was \$4,500 and added that we are well below the public bid laws. Mr. Capo informed that we do go out for bid so we can get assurance that we are getting the best price.

Motion 02-021711 offered by Commissioner Brien, seconded by Commissioner Trask, was unanimously adopted to wit:

**MOTION: 02-021711**  
**RESOLUTION: 02-021711**  
**BY: COMMISSIONER BRIEN**  
**SECONDED BY: COMMISSIONER TRASK**

February 17, 2011

**RESOLUTION**

**WHEREAS**, the Non-Flood Protection Asset Management Authority was established by Act 1014 of 2010 by the Louisiana Legislature effective August 15, 2010 and is the governing authority of the OLD, and an agency of the State of Louisiana placed within the Louisiana Department of Transportation and Development as provided under Title 36, Section 801.1 (A) of the Louisiana Revised Statutes;

**WHEREAS**, the Orleans Levee District (“OLD”) has owned and operated South Shore Harbor Marina since 1987, and has continually attempted to enhance the operation of the Marina in terms of profitability, tenant amenities, environmental compliance, capital improvements, and other enhancements;

**WHEREAS**, since May 6, 2009, the Marina staff has worked diligently with the Louisiana Department of Wildlife and Fisheries towards acquiring a marine sanitation system for the capture and disposal of vessel sewerage discharge,

**WHEREAS**, the only other pump-out facility on the South Shore of Lake Pontchartrain is located at the Orleans Marina;

**WHEREAS**, the pump-out facility is located south of the Marina Center (Peninsula Building), and to be used to prevent sewerage discharge and pollution from entering marina waters and Lake Pontchartrain;

**WHEREAS**, in a cooperative agreement effort with the Louisiana Department of Wildlife and Fisheries (LDWF), in accordance with the Clean Vessel Act Grant Program, a permanent pump-out facility has been purchased and installed;

**WHEREAS**, two blue dolphin piles are located near the pump-out facility and is a navigational hazard to boaters utilizing the pump-out;

**WHEREAS**, bids were taken for the removal of the two blue dolphin piles and B & H Enterprises was the low bid at \$4,500.00;

**WHEREAS**, the Marina Committee of the Management Authority has reviewed this matter and has recommended approval of this Resolution to the Management Authority; and,

**BE IT RESOLVED**, that the Authority Chairman or Executive Director be and is hereby authorized to enter into an agreement with B & H Enterprises to remove the two blue dolphin piles as per the bid specifications for the sum of \$4,500.00.

**AYES: LUPO, HASSINGER, ERNST, HOFFMAN, HEATON, BRIGES, BRIEN, DUFRECHOU, TRASK, SAIZAN, CANTRELLE**

**NAYS:**

**ABSTAIN:**

**ABSENT: BAUDY**

**RESOLUTION ADOPTED: YES**

**Motion 03-021711**

This is a motion to reject the bids on the Walter Wedell Hangar and request FEMA's approval to use the funds as an improved alternate project on the Airport Terminal Interior, Bastian Mitchell Hangar and the James Wedell Hangar. Following, the contractor's February 19, 2011 deadline for holding their bid, the Authority shall reject the bids for the James and Walter Wedell project and the Authority shall proceed with FEMA discussions, meetings and required paperwork to move forward with versioning project worksheets to reflect the amounts included in the lowest NFPAMA cost burden scenario as detailed in Attachment "A". The Authority Chairman or Executive Director is authorized to sign any and all documents necessary to carry out the above.

Commissioner Saizan stated that the goal is to get the interior of the Airport Terminal completed as discussed at length in the Airport Committee meetings.

Chairman Lupu informed that the Authority's consultant has met with FEMA. They are drafting up the appropriate papers to transfer the monies. This does not prohibit the hangar that we are not going forward with from being funded in the future but it does allow us to finish the Terminal Building which is the most important structure out there to get the Airport up and running to its best use.

Commissioner Saizan stated that we have been working with the engineering firm involved and we think we can get this accomplished with FEMA.

Steve Nelson with Stuart Consulting informed that this was mentioned to FEMA. It is required that we go through the proper paperwork and procedures. FEMA has not formally approved or denied the request. Mr. Nelson believes that based on the precedents FEMA has set in using funding for different funds for alternate or improved projects, we can reduce the deductions that would otherwise be felt if we had gone straight from one project to the other.

Commissioner Hoffman informed that this particular hangar was not critical for the operations of the Airport over the next five years. It is not something that we are going to be working without.

Motion 03-021711 offered by Commissioner Saizan, seconded by Commissioner Heaton, was unanimously adopted to wit:

**MOTION: 03-021711**  
**RESOLUTION: 03-021711**  
**BY: Commissioner Saizan**  
**SECONDED BY: Commissioner Heaton**

February 17, 2011

**RESOLUTION**

**WHEREAS**, the Non-Flood Protection Asset Management Authority was established by Act 1014 of 2010 by the Louisiana Legislature effective August 15, 2010 and is the governing authority of the Non-Flood Division of Orleans Levee District, and an agency of the State of Louisiana placed within the Louisiana Department of Transportation and Development as provided under Title 36, Section 801.1 (A) of the Louisiana Revised Statutes;

**WHEREAS**, the Non-Flood Protection Asset Management Authority (the Authority), as a result of the damages caused by Hurricane Katrina and as authorized by the Federal Emergency Management Agency (FEMA), had proposed to replace the Walter Wedell Hangar; and

**WHEREAS**, the James and Walter Wedell hangars were initially bid on October 21, 2010; and

**WHEREAS**, the Authority has requested a Project Worksheet version from FEMA to cover the additional cost of said bids to match the eligible scope; and

**WHEREAS**, aforementioned version request has not been received to date, and

**WHEREAS**, the Airport Administration Building (Terminal) interior renovations, the James Wedell Hangar, and Bastian Mitchell Hangar have funding shortfalls related to various scope and funding reasons; and

**WHEREAS**, the proposed course of action is to enter into discussions with FEMA to utilize the funding from the Walter Wedell Hangar as alternate and improved funding to cover shortfalls on the James Wedell Hangar, Bastian Mitchell Hangar, and Airport Administration Building; and

**BE IT RESOLVED**, that, following the contractor's February 19<sup>th</sup>, 2011 deadline for holding their bid, the Authority shall reject the bids for the James and Walter Wedell projects, and the Authority shall proceed with FEMA discussions, meetings, and required paperwork to move forward with versioning Project Worksheets to reflect the amounts included in the "Lowest NFPAMA Cost Burden" scenario as detailed in Attachment A.

**BE IT FURTHER RESOLVED**, that, the Authority Chairman or Executive Director is hereby authorized to sign any and all documents necessary to carry out the above.

**AYES: LUPO, HASSINGER, ERNST, HOFFMAN, HEATON, BRIGES, BRIEN, DUFRECHOU, TRASK, SAIZAN, CANTRELLE**

**NAYS:**

**ABSTAIN:**

**ABSENT: BAUDY**

**RESOLUTION ADOPTED: YES**

**Motion 04-021711**

This is a motion to approve Richard C. Lambert Consultants additional design fees for the Airport Terminal interior. The Authority will authorize the Chairman or Executive Director to execute a supplemental agreement increasing the contract in the amount of \$22,058 to Richard C. Lambert Consultants, LLC to include compensation for the aforementioned services as presented in Attachment "A". The terms of the said supplemental agreement shall follow the terms of the original contract. The Authority will authorize the Chairman or Executive Director to sign any and all documents necessary to carry out the above.

Commissioner Saizan stated that this is to get the Terminal up and running. There were discussions on how we would get that done and additional design requirements.

Chairman Lupo added that there were some design criteria before this Authority was in place that had not been reviewed and as a result we have had some discussion with the designer and the tenant. It was thought best to change some of the allocations for the use of the ground floor, the second floor and that is what this involves.

Commissioner Heaton added that several options were reviewed and this is a more than fair fee.

Brayton Matthews questioned if the atrium would be opened up and the murals be restored along with re-matching the marble in the interior of the Terminal Building. Chairman Lupo informed that the second floor, formerly the mezzanine, would come out. Many of the murals have been saved and those will be brought back. This will be completed in time for the Super Bowl.

Paul Dimitrius, Architect with Richard C. Lambert, stated that he is part of the team working on the Terminal interior. This project is about restoring the facility back to what it was in 1934. All the historic finishes will be restored and put back. The Airport Director's offices will be placed on the second floor. Mr. Dimitrius stated that this is a legacy project and is a huge treasure for the city.

Commissioner Saizan commented that we are looking at bringing the fountain back to the middle if we can. We are going to have to figure out a way to resurface the roadway into and out of the Airport as this is a costly project that needs to be completed.

Mr. Capo informed that they requested the roadway through the Capital Outlay program each year but we have received no funding as of yet.

Motion 04-021711 offered by Commissioner Saizan, seconded by Commissioner Heaton, was unanimously adopted to wit:

**MOTION: 04-021711**  
**RESOLUTION: 04-021711**  
**BY: COMMISSIONER SAIZAN**  
**SECONDED BY: COMMISSIONER HEATON**

February 17, 2011

**RESOLUTION**

**WHEREAS**, the Non-Flood Protection Asset Management Authority was established by Act 1014 of 2010 by the Louisiana Legislature effective August 15, 2010 and is the governing authority of the Non-Flood Division of Orleans Levee District, and an agency of the State of Louisiana placed within the Louisiana Department of Transportation and Development as provided under Title 36, Section 801.1 (A) of the Louisiana Revised Statutes;

**WHEREAS**, the Non-Flood Protection Asset Management Authority and Richard C. Lambert Consultants, LLC entered into an Agreement on the 26<sup>th</sup> day of May, 2006 to provide professional services in connection with the "Administration Building", and

**WHEREAS**, by Board Resolution 1-111810, the Authority approved an extension to the Agreement with Richard Lambert Consultants, LLC through December 31, 2011, under the same terms and conditions of contract dated May 26, 2006, and

**WHEREAS**, subsequent contract adjustments authorized by supplemental agreement and written authorization have increased the contract to its current total of \$291,003.50, and

**WHEREAS**, Richard C. Lambert Consultants, LLC had completed floor plans and the majority of design work as required by contract for the aforementioned project, and

**WHEREAS**, Richard C. Lambert Consultants, LLC has been directed to perform alterations to the aforementioned design by the Non Flood Protection Asset Management Authority, and

**WHEREAS**, Richard C. Lambert Consultants, LLC has proposed additional services in the amount of \$22,058, as illustrated in Attachment A, to perform the aforementioned alterations, and

**WHEREAS**, the proposed increased fee has been reviewed by Stuart Consulting Group, Inc. and found reasonable.

**BE IT HEREBY RESOLVED**, that the Authority authorize the Chairman or Executive Director to execute a supplemental agreement increasing the contract in the amount of \$22,058 to Richard C. Lambert Consultants, LLC, to include compensation for the aforementioned services as presented in Attachment A; the terms of said Supplemental Agreement shall follow the terms of the original contract.

**BE IT FURTHER RESOLVED**, that the Authority authorize the Chairman or Executive Director to sign any and all documents necessary to carry out the above.

**AYES: LUPO, HASSINGER, ERNST, HOFFMAN, HEATON, BRIGES, BRIEN, DUFRECHOU, TRASK, SAIZAN, CANTRELLE**

**NAYS:**

**ABSTAIN:**

**ABSENT: BAUDY**

**RESOLUTION ADOPTED: YES**

**Motion 05-021711**

This is a motion to approve a contract with Craigo Code Consultants to perform a third party review to meet Louisiana State Fire Marshall requirements. The Authority will approve a contract with Craigo Code Consultants for review of the appropriate projects on a project by project basis not to exceed the total amount of \$5,000 for all reviews. The Authority Chairman or Executive Director will be authorized to sign any and all documents necessary to carry out the above.

Mr. Capo explained that in 2005 by Act 12 the State required all new construction to conform to certain State Fire Marshall requirements starting in January of 2007. The State Fire Marshall can do the review however, the State Fire Marshall's costs are slightly higher and his time to review is slightly longer than Craigo Code Consultants. Craigo is less expensive and they can do a faster turn around. It is in the best interest of this Authority to obtain the services of Craigo

Code Consultants to perform this review. There are several other projects that require code review. This contract is capped in the amount of \$5,000 anticipating future projects which would eliminate the need to request additional project review costs. Craigo Code Consultants are approved and certified as a third party reviewer by the State Fire Marshall.

Motion 05-021711 offered by Commissioner Hoffman, seconded by Commissioner Bridges, was unanimously adopted to wit:

**MOTION: 05-021711**  
**RESOLUTION: 05-021711**  
**BY: COMMISSIONER HOFFMAN**  
**SECONDED BY: COMMISSIONER BRIDGES**

February 17, 2011

**RESOLUTION**

**WHEREAS**, the Non-Flood Protection Asset Management Authority (the Authority) was established by Act 1014 of 2010 by the Louisiana Legislature effective August 15, 2010 and is the governing authority of the Non-Flood Division of Orleans Levee District, and an agency of the State of Louisiana placed within the Louisiana Department of Transportation and Development as provided under Title 36, Section 801.1 (A) of the Louisiana Revised Statutes;

**WHEREAS**, the Authority is manager of various properties/facilities and is responsible for care, management, and construction related repairs or replacement of said facilities; and

**WHEREAS**, the Louisiana State Fire Marshal, according to Act 12 of the 2005 First Extraordinary Session, requires all new construction within the state to comply with the provisions of the new State Uniform Construction Code on applicable projects starting January 1, 2007; and

**WHEREAS**, the aforementioned review must be performed by a registered third party; and

**WHEREAS**, the requisite review services are offered by several providers within the state of Louisiana; and

**WHEREAS**, the list of qualified entities has been reviewed and Craigo Code Consultants provides the best qualified least cost alternative (in terms of both time and financial cost) for the required review; and

**BE IT HEREBY RESOLVED**, that the Authority approve a contract with Craigo Code Consultants for review(s) of the appropriate projects on a project by project basis not to exceed the total amount of \$5,000 for all reviews.

**BE IT FURTHER RESOLVED**, that that Authority Chairman or Executive Director is authorized to sign any and all documents necessary to carry out the above.

**AYES: LUPO, HASSINGER, ERNST, HOFFMAN, HEATON, BRIGES, BRIEN, DUFRECHOU, TRASK, SAIZAN, CANTRELLE**

**NAYS:**

**ABSTAIN:**

**ABSENT: BAUDY**

**RESOLUTION ADOPTED: YES**

**Motion 06-021711**

This motion is to approve the Counselors of Real Estate proposal. The Non-Flood Protection Asset Management Authority entered into an agreement with Consulting Corps of the Counselors of Real Estate to create a strategic plan of action for the revitalizing and optimizing the existing 450 slip marina as well as the evaluation of the highest and best use of the 15 acre north peninsula and the proximity impact of Lakefront Airport in the amount of \$22,500. The Authority Chairman or Executive Director will be authorized to sign any and all documents necessary to carry out the above.

Commissioner Brien stated this was a unique opportunity to examine South Shore Harbor closely, particularly as the Airport is coming along and there are opportunities to look at synergies for those two facilities together. At the fundamental level, South Shore Harbor is under utilized. This gives the opportunity to be a good steward of the assets that we have.

Chairman Lupo commented that the panel that was in place prior to this Authority had discussions on master plans that were needed on the utilizations of several of the assets under this new Authority. More importantly, we knew there was going to be no funds available for this type of research. The Authority is extremely lucky to have Mr. Pappalardo as a member of this organization who suggested Consulting Corps of the Counselors of Real Estate get involved to perform their services for the minimal cost of travel and boarding expense. This is an incredible opportunity to have a master plan on how to best develop and utilize this property at a fraction of what this would cost.

Commissioner Saizan commented that this is exactly what we need at a very low cost to get their best expertise and their marina people to tell us what the best options are. This is a fantastic deal for us to get this kind of consultation.

Motion 06-021711 offered by Commissioner Brien, seconded by Commissioner Saizan, was unanimously adopted to wit:

**MOTION: 06-021711**

**RESOLUTION: 06-021711**

**BY: COMMISSIONER BRIEN**

**SECONDED BY: COMMISSIONER SAIZAN**

February 17, 2011

**RESOLUTION**

**WHEREAS**, the Non-Flood Protection Asset Management Authority was established by Act 1014 of 2010 by the Louisiana Legislature effective August 15, 2010 and is the governing authority of the OLD, and an agency of the State of Louisiana placed within the Louisiana Department of Transportation and Development as provided under Title 36, Section 801.1 (A) of the Louisiana Revised Statutes;

**WHEREAS**, at the January 13, 2011 Marina Committee meeting, Mr. Brent Palmer, Chairman, Consulting Corps of the Counselors of Real Estate outlined his organization and how the Consulting Corps can assist the Authority in re-vitalizing and optimizing South Shore Marina, the North Peninsula, and the proximity impact of Lakefront Airport; and

**WHEREAS**, the Marina Committee has requested Mr. Palmer to submit a proposal to the Authority; and

**WHEREAS**, The Counselors of Real Estate have submitted a flat fee proposal in the amount of \$22,500 to cover all project cost; and

**WHEREAS**, the Consulting Corps will create a Strategic Plan of Action for re-vitalizing and optimizing the existing 450-slip marina as well as an evaluation of the highest and best use of the 15-acre north peninsula, and proximity impact of Lakefront Airport; and

**BE IT RESOLVED**, that the Non-Flood Protection Asset Management Authority enter into an agreement with Consulting Corps of the Counselors of Real Estate to create a Strategic Plan of Action for re-vitalizing and optimizing the existing 450-slip marina as well as an evaluation of the highest and best use of the 15-acre north peninsula, and proximity impact of Lakefront Airport, in the amount of \$22,500; and

**BE IT FURTHER RESOLVED**, that the Authority Chairman or Executive Director be authorized to sign and all documents necessary to carry out the above.

**AYES: LUPO, HASSINGER, ERNST, HOFFMAN, HEATON,  
BRIGES, BRIEN, DUFRECHOU, TRASK, SAIZAN,  
CANTRELLE**

**NAYS:**

**ABSTAIN:**

**ABSENT: BAUDY**

**RESOLUTION ADOPTED: YES**

## **PUBLIC COMMENTS**

CORPORAL HOTARD BRANDON – Tenant at Orleans Marina

Cpl. Brandon stated that in mid to late January power was lost at Orleans Marina for one week. There were issues with the pier in which power was lost there are 6 live a-boards. It was considered a non-emergency. There was no one sent overnight to fix the power. They wanted to send bids out instead but because there are live a-boards we should be treated like tenants or like any other facility as an apartment building or so on. This was not handled that way and a lot of people were very uncomfortable. People were very cold and it was an inconvenience for everyone. There were certain circumstances that arrangements were made available for certain individuals to move around but they would move their boat to one slip and then the power would be on for a very short time and the power would go back off and they would have to move back. They were playing musical chairs. I had a conversation with Mr. Louis Capo about this and we asked for a generator so we could have power. We were told that there was no money to provide a generator for us. This was just after we had all paid our rent. I really think that is outrageous considering the amount of money the marina produces itself. I have heard that the marina produces about \$1 million per year and the funds are disbursed between other projects around the Levee Board. There is a lot of things within the marina that should be fixed within itself before the money is distributed to other places. Before this incident, I had brought up an issue to Mr. Capo about we had lost hot water and it was a holiday weekend. We did not have hot water for four days in our showers. We made phone calls to all of the people higher up and no one came out to fix our hot water. It was also cold. Mr. Capo brought up an interesting factor. He said that maybe we should start charging a live a-board fee for the tenants to live a-board so we could get this fixed. To me, I thought it was an insult because it seems like they want to charge us to make things happen faster for us to live a-board. The difference from the people who actually live a-board and the people who are actually tenants is the people who are actually live a-boards don't have a lot of money. A lot of the other tenants who live there, they have a good bit of money. We live there because we can't afford to live somewhere else. Charging a live a-board fee is charging us more money to live there 24 hours then the other people but they have more money and we don't. I really think this is an issue. There are other instances where we have the doors on the bathrooms. I personally walked in on an individual in the bathroom. He said he locked the door. There is a lock on the backside. I personally got walked in on using the bathroom and I know I had pressed the button. There are a lot of issues in the marina that need to be taken care of and I think that the money should be used in the marina first and to charge a live a-board fee is outrageous. I came to the marina as a tenant because of the fact that I was homeless before I came to the marina. I don't have a lot of money to pay extra as maybe some other people do. I would like this to be heard for everybody, I speak on behalf of everybody who lives at the marina.

Chairman Lupo advised that there is the Orleans Marina Tenants Association. Chairman Lupo requested Mr. Brandon make a list of some of the things that need attention at the Marina and offered to meet with Mr. Brandon. There is also a Marina Committee that would hear these grievances and see what the policies are and see some issues could be corrected.

Commissioner Dufrechou questioned Cpl. Brandon how long the power was out at the Marina. Cpl. Brandon explained that it was 8 days. It was not a continuous 8 days, it was an off and on situation that lasted 8 days. It is Cpl. Brandon's opinion that the situation was taken very lightly as he was told that the breaker had tripped. This happened on a Saturday and nothing was done Saturday through Monday. Tuesday night the power went out again and Cpl. Brandon stated he was out of power again and the situation began to get worse. Cpl. Brandon stated he had to make arrangements to stay somewhere else due to the cold weather. There were also items in his refrigerator that was lost due to the power outage. It is Cpl. Bradon's opinion that he is feeling overlooked as tenants at the marina.

#### BRAYTON MATTHEWS

Regarding the Airport, there are some insurance issues along with water and electricity issues, some of which there are disputes over. There has been some discussion from time to time about certain credits that would be issued to Flightline on one time insurance payments that have been made and on work that has been done that Flightline paid for on the Bastian Mitchell Hangars by the ramp area so Flightline could use that area. Under the circumstances regarding the complaint that has been filed against the Airport, Mr. Matthews is going to get a final amount and pay the full amount that is due to the Airport under protest and then file a legal action for whatever credits are due to Flightline. Mr. Matthews also commented on the restoration of the Terminal Building. It would be wonderful to do some promotion within the general corporate aviation area. Pilots and dispatchers are always looking for something interesting to send their aircraft and their passengers to as opposed to sending them to MSY. If we could get some money together and get some PR started to get into the city industry magazines which are provided on line marketing for it to let the people know what is happening at Lakefront Airport we could get some of the business from MSY over here. In terms of the Four Winds Fountain being moved, there is some real interest in seeing that moved over to a more prominent spot.

Commissioner Saizan stated that this subject has come up in discussions with Flightline. Commissioner Saizan stated that he went and looked at the fountain and it makes sense to move the fountain be we are trying to figure out how to do it in the best possible manner for the Airport.

#### **ANNOUNCEMENT OF NEXT MEETING**

Mr. Capo announced the next Board meeting is scheduled for Thursday, March 17, 2011.

#### **ADJOURNMENT**

Commissioner Trask offered a motion to adjourn, seconded by Commissioner Brien and unanimously adopted.

The meeting adjourned at 7:00 p.m.