

THE NON-FLOOD PROTECTION ASSET MANAGEMENT AUTHORITY
MINUTES OF THE FULL BOARD MEETING
THURSDAY, AUGUST 18, 2011 – 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, August 18, 2011 at 5:30 P.M., in the Lake Vista Community Center, 2nd 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 5:40 p.m. and led in the Pledge of Allegiance.

The roll was called and a quorum was present.

PRESENT:

Chairman Robert E. Smith Lupo
Secretary Greg Ernst
Commissioner Darrel Saizan
Commissioner Wilma Heaton
Commissioner Stanley Brien
Commissioner Patrick DeRouen
Commissioner Carlton Dufrechou
Commissioner Michael Bridges
Commissioner John B. Trask

ABSENT:

Vice Chairman Joe Hassinger
Commissioner William Hoffman
Commissioner Pearl Cantrelle
Commissioner Romona Baudy

STAFF:

Louis Capo, Executive Director
Sharon Martiny, Non-Flood
Nina Marchand, Non-Flood
Fred Pruitt, Airport Director
Charles Dixon, Marina Manager

ALSO PRESENT:

Al Pappalardo
Gerard Metzger
Steve Nelson
Wesley Mills
John Davis
Frank Stuart
Susan M. Garcia
Jack Panno
Nick Asprodites
John Holtgreve

ADOPT AGENDA

Commissioner Trask offered a motion to adopt the Agenda, seconded by Commissioner DeRouen and unanimously adopted.

APPROVAL OF PRIOR MINUTES

Commissioner Trask offered a motion to approve the minutes of the Board meeting held July 21, 2011, seconded by Commissioner Saizan and unanimously adopted.

Chairman Lupo advised there may be difficulties maintaining a quorum so the meeting tonight will move rather quickly. Opening comments will be toward the end of the meeting and the motions will be heard first in order of importance.

NEW BUSINESS:

Motion No. 08-081811

This motion is to enter into a new lease with Lakeview Landings, LLC. Mr. Pappalardo referred to a photograph indicating what the proposed development will look like. This development was discussed in its entirety in the June Real Estate Committee meeting. About 1½ years ago the Authority was approached by Mr. Jack Panno and Mr. Nick Asprodites who discussed developing a fuel dock, restaurant and ship store. Lease terms were discussed and negotiated and the Authority entered into a letter of intent with the predecessor to this Board through the Division of Administration. For approximately one year Mr. Panno and Mr. Asprodites have run into road blocks with necessary approvals from FEMA and the City of New Orleans. FEMA wanted the ship store to be 18 feet in the air, the same as the restaurant. Through much intercession by Chairman Lupo who contacted the mayor's office and deputy mayor, it reached a stalemate. The developers were ready to pull the trigger on the development in June because they could not get approval for the ship store. There were further discussions which resulted in the concept of putting the ship store on a floating dock. This is the first development on Orleans Levee District for Non-Flood Asset land since Katrina and the first new building in that entire Lakefront area since the Southern Yacht Club was rebuilt.

Mr. Panno informed that they have been issues on this project regarding the boat store. In discussions with Mr. Pappalardo this new option came about with the floating barge for the ship store. Mr. Asprodites has the construction expertise and will advise of our plans for the building and how it is going to work. Mr. Duke LoCicero from Café Giovanni is the restaurant operator who has the idea of putting an old style New Orleans restaurant back at the Lakefront.

Mr. Asprodites informed that the boat store will be moved to the water temporarily while we work with FEMA which will allow us to move forward with the entire project. The restaurant is elevated 17 feet which meets all permits and requirements of FEMA and the City. We will move forward with the fuel dock portion and have two dispensers; one on the water and one on land which will provide marine diesel as well as automotive diesel. The restaurant is 4,000 square feet and will be raised. Seating will be provided for approximately 180 guests with a portion of the restaurant on deck and a portion in the open air. There is an area underneath where seafood will be boiled and picnic tables on which patrons may eat watermelon and boiled seafood outdoors.

Mr. LoCicero stated he wanted the old school approach with the new school cuisine along with casual dress. There will be some grilling in the open air and seating will be inside and on a patio at the top that wraps all the way around the building. There will be box meals for people arriving on a boat for take-out. Seating will be approximately 100 seats inside and 80 outside. The bar will be in the café with hours of operation until possibly 1:00 a.m. serving food. There will likely be video poker since it is legal in Orleans Parish. We will serve a light breakfast, lunch and dinner. Commissioner DeRouen stated that he would feel more comfortable if some questions were answered regarding the surrounding neighborhoods. Chairman Lupo stated everybody wants to make sure we don't have something that impacts the neighborhood negatively. Previously, there was a connection between Lakeshore Drive and the community through Topaz Street which has been done away with.

Mr. LoCicero informed there will be half of Landry's and the bar area will not be as big as Landry's. The whole area is still going to be food oriented. Smoking is not allowed in the establishment. Mr. Asprodites informed that he will not be having live bands all night long. This will be a family restaurant with local old style New Orleans seafood. There may be a live band on a holiday such as July 4th, but not until 1:00 in the morning. Mr. LoCicero informed there will be piped in music but it will not be loud. Chairman Lupo advised of noise, traffic and trash ordinances which will alleviate many problems.

These restrictions are a fit to that area and will bring back much of what we need to develop our interest in the Orleans Marina and the New Basin Canal.

Mr. LoCicero added that previously there were 3-4 bars in the area and people were coming from all over staying until 2:00 a.m. at Amberjacks. Some places were staying open until 6:00 a.m. with people parking across the levee. There will be no problems related to a bar situation. Commissioner Trask expressed concern regarding noise and Mr. LoCicero assured the Board that they would cooperate if there were any complaints of noise.

Mr. Pappalardo explained that this is a large parcel that has been out for development for approximately 10 years. The problem with this parcel is that the bulkhead has eroded. A consideration of this lease is that the tenant will rebuild 375 feet of bulkhead and receive a rent credit for the first 2 years. That rent credit is approximately \$113,000, which is not as much as the bulkhead costs. That was an incentive for the Authority to do this deal. There is 58,000 square feet in this parcel in which the tenants are going to provide a service to the Marina with marine fuel so we bifurcated the property for the purpose of determining rent. The rent charged is the rent charged for other fuel docks including Schubert's, Mayer and Sintes, with an industrial rent of \$1.50 per square foot. The rent for the other portion was \$2.65 per square foot and will begin producing immediately \$66,000 per year for the \$2.65 and \$50,000 per year for a total of \$116,853. There will be a credit given of approximately \$4,800 per month for the first two years and in 5 years there will be a CPI adjustment to the lease. In 10 years the entire land will be reappraised at market value in accordance with the formula used for the New Basin Canal. If the market value is stagnant the rent will not increase or decrease. This is a 50 year ground lease so they will not be charged for improvements. If land rent goes up at reappraisal they will be charged that rent. Commissioner Ernst questioned if the square footage price for the restaurant portion is consistent with Landry's rent. Mr. Pappalardo informed that there was litigation involved with Landry's. Landry's rent was set by a court order, but it is consistent with other relevant recent leases on New Basin Canal.

Chairman Lupo commented that Mr. Pappalardo addressed one of the most important points which is that the bulkhead reclaims land out to a position where you can build. Their lease line goes out past that so that allows them to dock boats there. The cost of that is considerable.

Commissioner Saizan questioned what the personnel would be at the restaurant. Mr. LoCicero informed the staff would be less than 50. Commissioner Saizan questioned if Mr. LoCicero tied into Delgado or Café Reconcille's culinary program. Mr. LoCicero informed that he had just done a fund raiser for Café Hope and raises money constantly to get kids back and make sure they are excited about a culinary career. Mr. LoCicero is on the Board of Directors for the LRA (Louisiana Restaurant Association).

Commissioner DeRouen questioned if there were any covenants in the lease that prevent this from being anything other than what it is originally designed. Mr. Pappalardo informed that the permitted uses under the lease are for a fuel dock, ship store and a restaurant. Mr. Metzger added that the lease has a use clause that is for a restaurant, a fuel dock and the ship store. If it is not operated as that, the user defaults and there would be a termination, acceleration, eviction, re-letting it and recovering the difference. All of the remedies are there that any lessor would want.

Chairman Lupo noted for the record Commissioner Dufrechou's arrival.

At this time a roll call vote was taken as follows:

Chairman Lupo, Commissioner Ernst, Commissioner Heaton, Commissioner Bridges, Commissioner Brien, Commissioner Dufrechou, Commissioner Trask and Commissioner Saizan were in favor of Motion 08-081811.

Commissioner DeRouen was opposed to Motion 08-081811.

Mr. Capo announced there were 8 in favor and 1 opposed and the motion passes.

MOTION: 08-081811
RESOLUTION: 06-081811
BY: COMMISSIONER TRASK
SECONDED BY: COMMISSIONER SAIZAN

August 18, 2011

RESOLUTION

WHEREAS, the Non-Flood Protection Asset Management Authority (“Management Authority”) was established by Act 1014 of 2010 by the Louisiana Legislature effective August 15, 2010 and is the governing authority of the Orleans Levee District (“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, Lot 2E situated in the City of New Orleans located on the east side of the New Basin Canal is one of the non-flood assets of the Orleans Levee District managed and controlled by the Management Authority;

WHEREAS, Lakeview Landings, L.L.C. has offered to lease Lot 2E for development of a fuel dock, ship’s store and restaurant under the terms and conditions set forth in the attached copy of the proposed lease;

WHEREAS, the proposed lease with Lakeview Landings, L.L.C. for the lease of Lot 2E on the New Basin Canal has been reviewed by the Real Estate Consultant for the Management Authority who has recommended approval of said lease; and,

WHEREAS, the Management Authority after considering the proposed lease proposal resolved that it is in the best interest of the Orleans Levee District to approve the proposed lease with Lakeview Landings, L.L.C.

BE IT RESOLVED, that the Management Authority approves a lease with Lakeview Landings, L.L.C. for Lot 2E on the New Basin Canal for the development of a fuel dock, ship’s store and restaurant under the terms and conditions set forth in the written lease attached to this Resolution.

BE IT FURTHER RESOLVED, that the Management Authority Chairman or Executive Director be and is hereby authorized to sign the attached proposed lease with Lakeview Landings, L.L.C. for Lot 2E on the New Basin Canal.

AYES: LUPO, HEATON, BRIDGES, BRIEN, DUFRECHOU, TRASK, SAIZAN, DEROUEN

NAYS:

ABSTAIN:

ABSENT: HASSINGER, HOFFMAN, CANTRELLE, ERNST, BAUDY

RESOLUTION ADOPTED: YES

Motion 07-081811

This motion is to approve a Memorandum of Understanding between the Non-Flood Protection Asset Management Authority and the Southeast Louisiana Flood Protection Authority – East regarding the Orleans Levee District police operational expenses, equipment and facilities. A copy of the Memorandum of Understanding will be attached to the Resolution for the transfer of all current Orleans Levee District police personnel to the management and control of the Board of Commissioners of the Southeast Louisiana Flood Protection Authority – East.

Chairman Lupo stated that this takes the operation, obligations, responsibilities and pay out of the control of the Non-Flood Authority and moves it to the Flood Authority. Civil Service accepted the fact that these two authorities came under the same jurisdiction

and they did not have to lay these officers off and go through the Civil Service procedure.

Commissioner DeRouen questioned where the new police headquarters will be and what the Authority would do with the old headquarters. Chairman Lupo informed that the police headquarters would be moved to the Franklin Avenue facility approximately 60 days from the signing of the MOU. The current police headquarters is a good location for some positive things that will service not only the neighborhood but the University of New Orleans. Commissioner Saizan commented that we need to make sure that whatever we come up with is amenable to the neighborhood and presented to that association because the neighborhood is sensitive about what is going on. Commissioner Heaton supported this motion and thanked everyone who had a part in making this motion happen and informed that this is super technical regarding the date the agreement is actually signed. Commissioner Heaton suggested Mr. Capo get with Mr. Gillen regarding the date it was signed and the dates for employees' benefits. Mr. Capo informed that he spoke with Mr. Gillen and this agreement will be effective August 22, 2011 at the end of a pay period. With health insurance and retirement you have to pay in advance so we did not want to carry this into the next month. This motion was passed today at the Southeast Louisiana Flood Protection Authority – East Board meeting without any changes.

Commissioner Dufrechou offered a motion to approve a Memorandum of Understanding between the Non-Flood Protection Asset Management Authority and the Southeast Louisiana Flood Protection Authority – East regarding the Orleans Levee District police operational expenses, equipment and facilities, seconded by Commissioner Saizan and unanimously adopted to wit:

MOTION: 07-081811
RESOLUTION: 05-081811
BY: COMMISSIONER DUFRECHOU
SECONDED BY: COMMISSIONER SAIZAN

August 18, 2011

RESOLUTION

WHEREAS, the Non-Flood Protection Asset Management Authority (“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 assets of the Orleans Levee District (“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 Management Authority is the successor of the Division of Administration (“DOA”) and the Board of Commissioners of the Orleans Levee District, which formerly managed the non-flood assets of the Orleans Levee District;

WHEREAS, the Board of Commissioners of the Southeast Louisiana Flood Protection Authority – East (the “Flood Authority”) is the governing authority of the flood assets of the Orleans Levee District;

WHEREAS, effective May 17, 2007, the Management Authority and the Flood Authority entered into a Memorandum of Understanding (the “Memorandum of Understanding”) regarding the Flood and Non-Flood Assets and functions of the Orleans Levee District;

WHEREAS, under the terms of the Memorandum of Understanding, effective June 4, 2007 the Orleans Levee District Police personnel were placed under the management and control of DOA which was responsible for all aspects of their supervision and employment, including but not limited to salaries, wages, and benefits of the personnel of the Orleans Levee District Police Department;

WHEREAS, Louisiana Attorney General Opinion No. 06-0129 provided that the management and control of the Orleans Levee District Police personnel could be transferred from the Management Authority to the Flood Authority;

WHEREAS, the Louisiana Legislature enacted Act 363 at its regular session in 2011 which provided among other things that the Orleans Levee District shall maintain a minimum police force of 24 officers to provide security for Lakeshore Drive and other flood assets located within the jurisdiction of the Orleans Levee District;

WHEREAS, the Management Authority and Flood Authority have negotiated a proposed Memorandum of Understanding for the transfer of the management and control of all current Orleans Levee District Police personnel from the Management Authority to the Flood Authority, which will assume financial responsibility for the Orleans Levee District Police Department and will become the appointing authority for the Orleans Levee District Police personnel, a copy of which is attached hereto;

WHEREAS, the Board of Commissioners of the Southeast Louisiana Flood Authority – East on behalf of the Orleans Levee District approved the Memorandum of Understanding at its regularly scheduled monthly meeting held on August 18, 2011, a copy of which is attached hereto;

WHEREAS, the Louisiana Department of Civil Service has also approved the transfer of the management and control of all current Orleans Levee District Police personnel from the Management Authority to the Flood Authority; and,

WHEREAS, it is in the best interest of the Management Authority and of the Orleans Levee District Police Department to approve said Memorandum of Understanding for the transfer of the management and control of all current Orleans Levee District Police personnel to the management and control of the Southeast Louisiana Flood Authority – East;

NOW THEREFORE, BE IT RESOLVED, that the Management Authority approves the Memorandum of Understanding with the Board of Commissioners of the Southeast Louisiana Flood Authority – East on behalf of the Orleans Levee District, a copy of which is attached to this Resolution, for the transfer of all current Orleans Levee District Police personnel to the management and control of the Board of Commissioners of the Southeast Louisiana Flood Authority – East.

BE IT FURTHER RESOLVED, that the Management Authority hereby authorizes the Chairman of the Management Authority or the Executive Director to sign any and all documents necessary to accomplish the above.

AYES: LUPO, HEATON, BRIDGES, BRIEN, DUFRECHOU, TRASK, SAIZAN, DEROUEN

NAYS:

ABSTAIN:

ABSENT: HASSINGER, HOFFMAN, CANTRELLE, ERNST, BAUDY

RESOLUTION ADOPTED: YES

Motion 01-081811

This is a motion for election of a nominating committee to make recommendations to the members of the Management Authority at the September meeting for the annual election of officers as provided under Article IV, Section I of the By-Laws of the Management Authority.

Chairman Lupo suggested selecting a nominating committee that would come back with recommendations based on who shows interest in the available positions. The nominating committee then makes those recommendations and at the next meeting there is a vote. This is the system Chairman Lupo would like to put in place and into the By-Laws. Those who are interested in the three positions will contact the nominating committee and at the next meeting will come back and make a recommendation. Nominations can come from the Board and the floor at that meeting as well.

Chairman Lupo recommended that the nominating committee be 5 people and informed that the Chairman is never on the nominating committee. Commissioner DeRouen recommended Commissioners Hassinger, Trask and Ernst and Commissioners Saizan and Dufrechou volunteered to be on the nominating committee. Chairman Lupo stated that the nominating committee would consist of Commissioners Hassinger, Ernst, Saizan, Trask and Dufrechou.

Commissioner DeRouen offered a motion for election of a nominating committee to make recommendations to the members of the Management Authority, seconded by Commissioner Saizan and unanimously adopted to wit:

MOTION: 01-081811
RESOLUTION: 01-081811
BY: COMMISSIONER SAIZAN
SECONDED BY: COMMISSIONER TRASK

August 18, 2011

RESOLUTION

WHEREAS, the Non-Flood Protection Asset Management Authority (“Management Authority”) was established by Act 1014 of 2010 by the Louisiana Legislature effective August 15, 2010 and is the governing authority of the Orleans Levee District (“OLD”),

WHEREAS, officers of the Management Authority shall be elected among its members each year at the regularly scheduled August Management Authority Meeting as provided under Article IV, Section 1 of the By-Laws of the Management Authority;

WHEREAS, after considering the alternatives for nominations of officers, the Management Authority resolved that the best approach would be to elect a Nominating Committee of Five Members to make recommendations for the annual election of officers of the Management Authority;

WHEREAS, members of the Management Authority shall submit nominations for the offices of Chairman, Vice-Chairman and Secretary to the Nominating Committee on or before Thursday, September 8, 2011;

WHEREAS, after discussion and motion duly seconded the following members were elected by the Members of the Management Authority to serve as members of the Nominating Committee for the annual election of officers of the Management Authority effective September 1, 2011, Commissioner Joe Hassinger, Commissioner Greg Ernst, Commissioner John Trask, Commissioner Darryl Saizan and Commissioner Carlton Dufrechou.

BE IT RESOLVED, that Commissioner Joe Hassinger, Commissioner Greg Ernst, Commissioner John Trask, Commissioner Darryl Saizan and Commissioner Carlton Dufrechou be and are hereby elected as members of the Nominating Committee for the annual election of officers of the Management Authority.

BE IT FURTHER RESOLVED, that the members of the Management Authority shall submit nominations for the offices of Chairman, Vice-Chairman and Secretary to the Nominating Committee on or before Thursday, September 8, 2011.

BE IT FURTHER RESOLVED, that the members of the Nominating Committee shall report its recommendations for the election of officers to the Management Authority at the regularly scheduled Management Authority meeting in September, 2011.

AYES: LUPO, ERNST, HEATON, BRIDGES, BRIEN, DUFRECHOU, TRASK, SAIZAN, DEROUEN

NAYS:

ABSTAIN:

ABSENT: HASSINGER, HOFFMAN, CANTRELLE, BAUDY

RESOLUTION ADOPTED: YES

Chairman Lupo requested Commissioner Trask call a meeting and send notice to all Board members advising if they are interested in a position to please notify Commissioner Trask. Mr. Metzger added nominations will be submitted by the next committee meeting on September 8, 2011.

Motion No. 03-081811

This motion is to procure flood insurance for the McDermott Hangar through Fidelity National Indemnity Insurance Company in the amount of \$9,545.00 through Eagan Insurance Agency, Inc. with Fidelity National Indemnity Insurance Company. Mr. Capo advised that this Authority is now taking flood insurance operations from the Flood side. Eagan has been the insurance agency procuring flood insurance for the Orleans Levee District. This is a flood insurance policy in which Eagan obtained a standard quote. This is \$500,000 worth of coverage and we are trying to sync all of our insurances with the fiscal year. With the flood insurance we have run into a problem because the flood insurance program will not let you buy 13 months of insurance. In order to sync this with the fiscal year we could have a lapse of insurance coverage. The recommendation is to continue the course with the flood insurance. Mr. Capo noted that this cost is passed on to the tenant and reimbursed to the Authority.

Commissioner Saizan offered a motion to procure flood insurance for the McDermott Hangar through Fidelity National Indemnity Insurance Company in the amount of \$9,545.00, seconded by Commissioner Trask and unanimously adopted to wit:

MOTION: 03-081811
RESOLUTION: 02-081811
BY: COMMISSIONER SAIZAN
SECONDED BY: COMMISSIONER TRASK

August 18, 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 (“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 Flood Insurance renewal is due on the hangar and offices known as the McDermott Hangar at the New Orleans Lakefront Airport

WHEREAS, Eagan Insurance Agency Inc, has received a quote in the amount of \$9,545.00 from Fidelity National Indemnity Insurance Company to provide flood insurance coverage on said building in the amount of \$500,000.00 with a \$5,000.00 deductible,

BE IT RESOLVED; that the Non-Flood Protection Asset Management Authority authorizes the procurement of Flood Insurance for the McDermott Hangar at New Orleans Lakefront Airport, through Eagan Insurance Agency Inc., with Fidelity National Indemnity Insurance Company in the amount of \$9,545.00.

BE FURTHER RESOLVED; that the Authority hereby authorizes the Authority Chairman or Executive Director to sign any and all other documents to carry out the above.

AYES: LUPO, HEATON, BRIDGES, BRIEN, DUFRECHOU, TRASK, SAIZAN, DEROUEN
NAYS:
ABSTAIN:
ABSENT: HASSINGER, HOFFMAN, CANTRELLE, ERNST, BAUDY
RESOLUTION ADOPTED: YES

Motion No. 06-081811

This is a motion to enter into a contract with BLD Services, LLC to replace 110 feet of 8 inch pipe and clean and provide CCTV services of 2,700 linear feet of line at Lakefront Airport in the amount of \$14,987.00. Commissioner Saizan commented that the Director and the Chairman should have the authority to do something like this immediately as it is an emergency situation. This is a problem that has to be resolved quickly. Mr. Capo informed that the By-Laws are structured to where if the cost is between \$15-\$25,000 approval is required by the Board Chairman or Chairman of the Finance Committee and it must be a budget line item. Chairman Lupo stated a procedure must be implemented in the By-Laws that handles environmental/human emergencies. Mr. Metzger informed that an amendment to the By-Laws was needed for an emergency situation along with a dollar amount, whether it is budgeted or not.

Mr. Capo informed that it may take a few days to repair the sewer line; other damage discovered is always a problem because it will halt the project until it gets Board approval. Chairman Lupo stated that this Authority runs sewer systems, water systems and fire protection systems for airports so we need to look at this more seriously and find out what other agencies are doing to handle emergency situations such as this. Commissioner Saizan advised that this Authority has old infrastructure that needs to be dealt with quickly and efficiently. You have to bid and take the low bid unless the person is not qualified to do the job. Mr. Capo informed that there is a bid process that needs to be followed.

Commissioner Bridges stated that this \$15,000 is only going to replace line 110 feet. If in the rest of the 2,700 feet of line you run into another break, there will be no time to go get quotes. It would be best to use the contractor on site because he has cameras and will get the issue solved more quickly. Commissioner Bridges suggested giving the Executive Director the authority to proceed as we are not going to have time to get quotes. Chairman Lupo advised to amend this motion so if other problems arise or are discovered as a result of this repair the Executive Director is authorized to go forward with that work notifying the Chairman and the Finance Committee Chairman.

Commissioner Saizan offered the motion, as amended, to enter into a contract with BLD Services, LLC as the low bidder to repair a broken sewer line at the Lakefront Airport, seconded by Commissioner Dufrechou and unanimously adopted to wit:

MOTION: 06-081811
RESOLUTION: 04-081811
BY: COMMISSIONER SAIZAN
SECONDED BY: COMMISSIONER DUFRECHOU

August 18, 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 (“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, a sewer line break was discovered on the grounds of the New Orleans Lakefront Airport, and

WHEREAS, the Authority requested and received four (4) quotes to replace 110 feet of 8 inch pipe and clean and provide CCTV of 2,700 linear feet of line, and

WHEREAS, the following companies provided quotes:

BLD Services, LLC	\$14,987.00
Davinci Builders, LLC	\$15,949.00
Pipeline Services, Inc	\$28,950.00
Wallace C. Drennan, Inc	\$49,200.00

WHEREAS, the low responsive bidder is BLD Services, LLC and it our consultant and staff recommendations to move forward and enter into a contract with BLD Services, LLC to replace 110 feet of 8 inch pipe and clean and provide CCTV of 2,700 linear feet of line, and

WHEREAS, the funding for this repair was not budgeted in the approved FY 2012 operating budget, the repair will be funded from current airport operating revenues, and

WHEREAS, if there are other problems that arise as a result of this repair or that are found out as a result of the repair, the Executive Director is authorized to move forward with the additional repair work notifying the Chairman of the Full Board and the Chairman of the Finance Committee.

BE IT RESOLVED; that the Non-Flood Protection Asset Management Authority authorizes the Authority Chairman or Executive Director to enter into a contract with BLD Services, LLC to replace 110 feet of 8 inch pipe and clean and provide CCTV of 2,700 linear feet of line along with the providing the required insurance documentation, and

BE IT FURTHER RESOLVED, if there are other problems that arise as a result of this repair or that are found out as a result of the repair, the Executive Director is authorized to move forward with the additional repair work notifying the Chairman of the Full Board and the Chairman of the Finance Committee.

BE IT FURTHER RESOLVED; that the Authority hereby authorizes the Authority Chairman or Executive Director to sign any and all other documents to carry out the above.

AYES: LUPO, BAUDY, HEATON, BRIDGES, BRIEN, DUFRECHOU, TRASK, SAIZAN, DEROUEN

NAYS:

ABSTAIN:

ABSENT: HASSINGER, HOFFMAN, CANTRELLE, ERNST

RESOLUTION ADOPTED: YES

Motion No. 04-072111

This motion is to amend Stuart Consulting Group's contract to include ID/IQ engineering services in an amount not to exceed \$35,000 for fiscal year 2012. The terms of said supplemental agreement shall follow the terms of the original contract.

Mr. Capo informed that this Authority is a need of engineering services to assist the Authority in developing RFQs, plans, specs and the scope for what is needed on certain projects. This is a request to contract with Mr. Frank Stuart of Stuart Consulting Group as Stuart is familiar with the Authority's property and we feel comfortable Stuart's services. Chairman Lupo added that this Authority does not have anyone on staff to do road overlays in which a set of specs are needed to go out for bid. This Authority lacks the staff to do that and is in need of this service.

Commissioner Dufrechou offered a motion to amend Stuart Consulting Group's contract to include IE/IQ engineering services in an amount not to exceed \$35,000 for fiscal year 2012, seconded by Commissioner DeRouen and unanimously adopted to wit:

MOTION: 04-081811
RESOLUTION: 03-081811
BY: COMMISSIONER DUFRECHOU
SECONDED BY: COMMISSIONER DEROUEN

August 18, 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 Stuart Consulting Group, Inc. entered into an Agreement on the 15th day of June, 2010 to provide Project and Direct Administration services for Hurricane Katrina Damage Repairs for Non-Flood Protection Asset Management Authority owned projects, and

WHEREAS, Initial authorization included project management services on six specific Non-Flood Protection Asset Management Authority owned, projects, and

WHEREAS, the aforementioned contract includes provision for expansion as authorized in writing by the Non-Flood Protection Asset Management Authority, and

WHEREAS, Supplemental Agreement 1 added direct administration services for FEMA related projects on Non-Flood Protection Asset Management Authority owned projects, and

WHEREAS, the need for engineering services of non-FEMA related projects has arisen, and

WHEREAS, Stuart Consulting Group, Inc. as a qualified engineering consulting firm has the necessary expertise and licensure to perform said services, and

WHEREAS, Stuart Consulting Group, Inc. has presented billable rates in conformance to DOTD allowable billable rates for design services.

THEREFORE, BE IT RESOLVED, that the Authority authorize the Chairman or Executive Director to execute a supplemental agreement, to include the aforementioned services on an as needed basis with a not to exceed amount of \$35,000; the terms of said Supplemental Agreement shall follow the terms of the original contract.

AYES: LUPO, HEATON, BRIDGES, BRIEN, DUFRECHOU, TRASK, SAIZAN, DEROUEN

NAYS:

ABSTAIN:

ABSENT: HASSINGER, HOFFMAN, CANTRELLE, ERNST, BAUDY

RESOLUTION ADOPTED: YES

Chairman Lupo informed the Board that what was on the Agenda as Motion 2 has been handled with Motion 1 because we are not going to elect officers tonight. Chairman Lupo requested to table Motion 5 because it has not come before any particular committee. Commissioner Saizan offered a motion to table Motion 5, seconded by Commissioner Brien and unanimously adopted.

Mr. Capo advised of a motion that was added to the Agenda in which a motion to add to the Agenda was needed. Commissioner Saizan offered a motion to add Motion 9 to the Agenda, seconded by Commissioner Brien and unanimously adopted.

Motion No. 09-081811

This motion is a cooperative endeavor agreement confected with the Wildlife and Fisheries in accordance with the boating infrastructure grant also known as BIG. Wildlife and Fisheries will provide grant sponsor funding of \$100,000 toward a

permanent fuel dock facility estimated to cost no more than \$135,000 of which Louisiana Department of Wildlife and Fisheries will be responsible for \$100,000 and the Management Authority will be responsible for approximately \$35,000. Louisiana Dept. of Wildlife and Fisheries has requested a resolution authorizing the Management Authority to apply for the grant for the fuel dock facility. The Executive Director is hereby authorized to apply to the Wildlife and Fisheries for the boating infrastructure grant for the fuel dock facility.

This authorizes the Executive Director to apply to the Wildlife and Fisheries for the grant which has a September 1, 2011 deadline. Chairman Lupo noted that the Counselors of Real Estate's strategic plan of action states that if South Shore Harbor is to be successful, a fuel dock is mandatory. This will be the first step to bringing the Marina back. Mr. Dixon informed that one other marina in the State of Louisiana is applying for the grant and it is on the North Shore. Mr. Dixon applied for the maximum grant amount on tier one which is \$100,000. Chairman Lupo requested Mr. Dixon get the information on what committee the Wildlife & Fisheries answers to in the legislature. Commissioner Saizan questioned how soon would there be a fuel dock at South Shore Harbor assuming we received this grant. Mr. Dixon informed that we would learn in June of next year if we get the grant and is pulling the previous fuel dock drawings that Orleans Levee District was going to build prior to Katrina and sending them in with the packet.

Commissioner Brien offered a motion for a cooperative endeavor agreement confected with the Wildlife and Fisheries, seconded by Commissioner Saizan and unanimously adopted to wit:

MOTION: 09-081811

RESOLUTION: 07-081811

BY: COMMISSIONER BRIEN

SECONDED BY: COMMISSIONER SAIZAN

August 18, 2011

RESOLUTION

WHEREAS, the Non-Flood Protection Asset Management Authority ("Management Authority") was established by Act 1014 of 2010 by the Louisiana Legislature effective August 15, 2010 and is the governing authority of the Orleans Levee District ("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 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 February 8, 2011, the marina staff has worked diligently with the Louisiana Department of Wildlife and Fisheries ("LDWF") towards building a fuel dock system for the use of transient boaters;

WHEREAS, the Industrial Canal is closed at the Seabrook Bridge for the next twelve months, thereby preventing the boating public from accessing the fuel dock facilities located there from Lake Pontchartrain;

WHEREAS, the only other accessible fuel dock on the South Shore of Lake Pontchartrain at the present time is located near Orleans Marina;

WHEREAS, the planned fuel dock facility is to be located in South Shore Harbor south of the Marina Center (Peninsula Building), and built and maintained to the strictest standards to prevent discharge and pollution from entering marina waters and Lake Pontchartrain; and

WHEREAS, the Counselors of Real Estate (CRE) strategic plan of action states that if South Shore Harbor Marina is to be a full service marina, it must have a fuel dock;

WHEREAS, in a cooperative agreement effort with the LDWF, in accordance with the boating Infrastructure Grant, LDWF will provide grant sponsor funding of \$100,000.00 toward a permanent fuel dock facility estimated to cost no more than \$135,000.00, of which LDWF will be responsible for \$100,000.00 and the Management Authority will be responsible for the balance of approximately \$35,000.00; and,

WHEREAS, LDWF has requested a Resolution authorizing the Management Authority to apply for the grant for the fuel dock facility.

BE IT RESOLVED, that the Executive Director is hereby authorized to apply to LDWF for the Boating Infrastructure Grant for the fuel dock facility.

BE IT FURTHER RESOLVED, that the Management Authority hereby authorizes the Executive Director to sign any and all documents necessary to accomplish the above.

AYES: LUPO, BAUDY, HEATON, BRIDGES, BRIEN, DUFRECHOU, TRASK, SAIZAN, DEROUEN

NAYS:

ABSTAIN:

ABSENT: HASSINGER, ERNST, HOFFMAN, CANTRELLE

RESOLUTION ADOPTED: YES

Commissioner DeRouen suggested this Board formulate a master plan because it is critically important given where we are now and the transition that we are facing.

Chairman Lupo advised the Board that there has been another delay from the Corps of Engineers on the permitting of the utility crossings along Lakeshore Drive. This Authority planned to make sure that the shelters are in the condition to be hooked up. A very good friend of the Authority met with Col. Fleming and explained that when this Authority makes the statement that the work on Lakeshore Drive is complete and people go out there and there are still no lights, they can't fish and there are no shelters operating, this Authority is not going to take the Corps' blame. The Corps will have to respond as to why they continually create roadblocks in front of getting these utilities back to Lakeshore Drive.

Chairman Lupo informed the Board that a structural review of the Bally's terminal at South Shore Harbor will be performed. Regarding Lakeshore Dr. and the Lakefront Airport renovation, there needs to be an informational gathering and dissemination for the public. Commissioner Heaton has contacted a documentary producer to document a film to be aired on TBS regarding the restoration of this important structure. What they need from us is access to a video. They have provided the insurance document to indemnify the Management Authority and the contractors which has been forwarded to the attorney for the Board. This will not interfere with construction at the Airport. Commissioner Saizan commented that there is a great story to tell at the Airport as this is a quintessential New Orleans landmark that is being restored. Chairman Lupo questioned if Mr. Davis had been contacted to see if this dovetails with the contractor to make sure that this does not disturb the construction project. Mr. Davis informed he had spoken to the head of the media company who was taken on a tour to see what was being done at the Airport. It is Mr. Davis' understanding that there are no conflicts with the contractors. The media company wants to put time lapse cameras in the building so there are going to be logistical issues regarding when they can film. The contractor understands that this is important to the Authority. Chairman Lupo added that we

need to document and get out to the public this Authority's story. Chairman Lupu informed that the Authority will try to come up with a program to present to the Board that would document the Authority as well as the building.

Commissioner DeRouen questioned if the Authority considered working with UNO, Delgado or LSU's undergraduate or graduate programs to provide these resources at little or no cost to the Authority. Chairman Lupu stated that the Authority wants to do this as quickly as possible with someone who knows how to do this and direct them on telling the Authority's story since its inception. Commissioner Heaton stated that the media company requested putting a time lapse camera in the Airport to let the public tune in on the website to see construction progress but this Authority does not have a website. Commissioner Heaton has been in discussions with University of New Orleans and Loyola to engage and work with the Authority on agreements with graduate students and interns, but we need to have the basic infrastructure to receive that help. We will be working with the staff but we need a professional to give us the infrastructure and augment that because staff is on overload and there is only so much they can do. This is public information and we have some pieces missing.

Mr. Davis informed that the contractor had the first construction meeting and they have already started demolition on the interior. They shaved off the electrical and they have taken a big section out of the central area to where you can see from the first floor to the second floor. We have not ran into anything that we don't know about in the building as of yet.

Mr. Capo advised that the bus tour for all of the assets looks permissible and we can move forward with the bus tour which should be some time in October. Chairman Lupu suggested doing it on a weekend in October. Mr. Capo added that the Counselors of Real Estate contacted the Times Picayune who wants to do a follow-up story on the Counselors of Real Estate report and South Shore Harbor.

Commissioner Saizan referred to the Counselors of Real Estate report and questioned if they reviewed present revenues or revenue projections for the marina. Mr. Pappalardo advised that the Counselors did do a cursory check of the revenues and felt revenues were in line with revenues of other marinas in the Lake Pontchartrain Basin. The Counselors of Real Estate urged the Authority to clean up the site at South Shore Harbor, which we have done to a large degree. The Counselors also suggested the Management Authority lease out the Bally's Terminal. Mr. Capo will put together an RFQ for an engineer to inspect the Bally's terminal building to determine whether that building can be retrofitted for immediate use. Once we get that information, we will be in a position to go out to the market.

The Authority is also looking to see if we can influence groups to come have functions at the large paved areas that are presently at South Shore Harbor along with having some sort of festival with food trucks as a sort of revival for South Shore Harbor to get South Shore Harbor cleaned up.

NEXT BOARD MEETING

Mr. Capo announced the next full Board meeting was scheduled for Thursday, September 22, 2011 at 5:30 p.m. and all committee meetings are on Thursday, September 8, 2011.

ADJOURNMENT

Commissioner Saizan offered a motion to adjourn, seconded by Commissioner DeRouen and unanimously adopted.

The meeting adjourned at 7:09 p.m.