

**THE NON-FLOOD PROTECTION ASSET MANAGEMENT AUTHORITY  
MINUTES OF THE FULL BOARD MEETING  
THURSDAY SEPTEMBER 20, 2012 – 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, September 20, 2012 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 5:36 p.m. and led in the Pledge of Allegiance. The roll was called and a quorum was present.

**PRESENT:**

Chairman Robert Lupo  
Secretary Greg Ernst  
Vice Chairman Joe Hassinger  
Commissioner William Hoffman  
Commissioner Wilma Heaton  
Commissioner Michael Stack  
Commissioner Stanley Brien  
Commissioner Carlton Dufrechou  
Commissioner Darrel Saizan  
Commissioner Nyka Scott

**ABSENT:**

Commissioner Romona Baudy  
Commissioner John Trask  
Commissioner Pearl Cantrelle  
Commissioner Patrick DeRouen

**STAFF:**

Louis Capo - Executive Director  
Sharon Martiny - Non-Flood  
Dawn Wagener - Non-Flood  
Chuck Dixon – Marina Director  
Dave Smith – Airport Operations Manager

**ALSO PRESENT:**

Al Pappalardo - Real Estate Consultant  
Gerard Metzger - Legal Counsel  
Chris Fenner – Stuart Consulting  
Steve Nelson – Stuart Consulting  
Gerry Gillen – Orleans Levee District – Flood Division  
Wesley Mills – Design Engineering, Inc.  
Walter Baudier – Design Engineering, Inc.  
Ann Duffy

**ADOPT AGENDA**

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

**APPROVAL OF PRIOR MINUTES**

Commissioner Saizan offered a motion to approve the minutes of the Board meeting held August 23, 2012, seconded by Commissioner Ernst and unanimously adopted.

**REPORT BY EXECUTIVE DIRECTOR**

Mr. Capo introduced David Smith, Airport Operations Manager, who will be assisting Fred Pruitt at the Lakefront Airport. Chairman Lupo welcomed Mr. Smith and noted that this Authority needs Mr. Smith's expertise and institutional knowledge.

Mr. Smith informed the Board that he has been involved with Lakefront Airport approximately 25 years with over 20 years as an air traffic controller, supervisor and training officer and a pilot for 45 years. Mr. Smith then left for New Orleans International Airport, but returned to Lakefront Airport and retired out of the Lakefront Tower. The last nine years Mr. Smith has been in the Aviation, Safety and Airport Compliance Office for the State of Louisiana, as an airport and heliport inspector and certifier of landing areas and heliports.

Mr. Capo reported that all FBOs are in different stages of restoration and are moving forward. Hawthorne Aviation provided an estimate which has been forwarded to the flood adjuster for comparison. Flightline has not submitted any costs to provide to the flood adjuster for comparison. Flightline has put the walls back up and the insulation is in. Landmark is proceeding forward as they hold their own insurance. Pictures have been taken of the process as the FBOs move forward. Wind, fire and hail adjusters have inspected all properties for wind damage and will forward their reports. Damage assessments were prepared by the engineers who did an independent analysis of all properties. There is an Insurance Committee meeting September 24, 2012 at 4:00 p.m. and reports from the engineers and insurance adjusters will be reviewed for a clearer picture of the damage and where the Authority stands as far as repairs between the insurance companies and the Authority.

A FEMA kick off meeting is scheduled for September 24<sup>th</sup> at 10:00 a.m. to address Hurricane Isaac. Engineers from DEI and Stuart Consulting will participate along with staff to review what direction to proceed. There was a Special Board meeting to approve the AIP grant for the markings and signage project and the pre-construction meeting is scheduled September 24<sup>th</sup> at 2:00 p.m. The utility crossing bid package is on the Agenda and a pre-construction meeting with Boh Brothers is scheduled for September 27<sup>th</sup> at 2:00 p.m. The advertisement for RFPs for the Mardi Gras Fountain went out in the morning paper and that bid opening is scheduled for October 22. The Rogers' boathouse transfer was completed and the Authority received a check for \$24,000 for the transfer.

Chairman Lupo compliments the staff who had their feet on the ground and kept moving forward. Every question that was asked the staff had the answer keeping staff ahead of the curve.

### **COMMITTEE REPORTS**

**Airport Committee** – Commissioner Saizan stated that the Board is looking forward to working with Mr. Smith the new Operations Administrator. A meeting with Andy Velayos, the Authority's representative from the FAA, is scheduled in the near future. Mr. Velayos has been very helpful to the Authority.

**Marina Committee** – The Marina Committee was informational only due to lack of a quorum. Mr. Dixon reported that the Marinas fared pretty well. Mr. Dixon has met with the insurance adjusters and will provide more detail at the November Marina Committee meeting.

**Finance Committee** – Commissioner Hoffman reported that the Finance Committee reviewed the financials and there is nothing unusual to report. Finance issues will be addressed under New Business later in the meeting.

## **NEW BUSINESS**

### **Motion No. 01-092012 – Motion for approval of Supplemental Agreement No. 3 to amend Terracon’s contract in the amount of \$34,552.75 for additional structural steel testing of the Bastian-Mitchell Hangar trusses at the recommendation of the structural engineer**

The Supplemental Agreement will amend Terracon’s contract in the amount of \$34,552.75 with all other terms and conditions of the Agreement to remain the same. Chairman Lupo explained that the Bastian-Mitchell Hangar has a huge clear span that makes the roof construction more difficult. As a result, testing for the welds are the most important item to have tested on this project. Mr. Davis noted that when the contractor gave the original proposal for the testing it was not known that the method would be changed. The crane size was reduced and two cranes were used to brace the trusses for the lifts requiring more welding and much more testing, which may be reimbursable from FEMA. Mr. Nelson advised he could not guarantee if FEMA would reimburse this expense. In the interest of public safety the additional testing is recommended. It is the engineer’s recommendation that the additional testing be performed. Given that the FAA required the multiple moves which mandated additional welding with some reports advising to go back and remedy some welds. The additional testing needs to happen and FEMA will be advised that the additional testing had to be done.

Commissioner Saizan offered a Motion to approve amending Terracon’s contract in the amount of \$34,552.75 for additional structural steel testing of the Bastian-Mitchell Hangar trusses, seconded by Commissioner Hassinger and unanimously adopted to wit:

**MOTION:** 01-092912  
**RESOLUTION:** 01-092012  
**BY:** COMMISSIONER SAIZAN  
**SECONDED BY:** COMMISSIONER HASSINGER

September 20, 2012

### **RESOLUTION**

**WHEREAS**, the Non-Flood Protection Asset Management Authority (the “Management Authority”) is a political subdivision of the State of Louisiana and the governing authority of the non-flood assets of the Orleans Levee District (“District”), and a political subdivision of the State of Louisiana;

**WHEREAS**, the New Orleans Lakefront Airport (“Airport”) is one of the non-flood assets of the District under the management and control of the Management Authority;

**WHEREAS**, the Management Authority and Terracon Consultants, Inc., (“Consultant”) entered into an Agreement on the 16<sup>th</sup> day of November, 2011 for the Consultant to provide construction materials engineering and testing services for the Bastian-Mitchell Hangar at the Airport (“Agreement”);

**WHEREAS**, the current contract amount is based on a cost estimate adopted in Supplemental Agreement 2 executed on April 17, 2012;

**WHEREAS**, the cost estimate included \$21,000 for Structural Steel Testing;

**WHEREAS**, the structural engineer of record has since recommended that 100 percent of the truss splice welds be tested with ultrasonic testing in the interest of public safety;

**WHEREAS**, the cost estimate was based on the structural engineer’s original recommendation that only 20 percent of the truss splice welds be tested with ultrasonic testing;

**WHEREAS**, the steel erector’s schedule has required that the Consultant work additional hours not anticipated in the cost estimate; and,

**WHEREAS**, the Consultant has requested additional fees to cover the costs associated with the additional hours and additional ultrasonic testing as shown on Exhibit “A”, attached hereto.

**BE IT HEREBY RESOLVED**, that the Management Authority approves a Supplement Agreement with Terracon Consultants, Inc. to increase the contract total by \$34,552.75, as shown on the attached Exhibit “A”, with all other terms and conditions of the Agreement to remain the same.

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

**AYES:** LUPO, HASSINGER, ERNST, HOFFMAN, HEATON, STACK, BRIEN, DURECHOU, SAIZAN  
**NAYS:** NONE  
**ABSTAIN:** NONE  
**ABSENT:** BAUDY, TRASK, CANTRELLE, DEROUEN, SCOTT  
**RESOLUTION ADOPTED:** YES

**Motion No. 02-092012 – Motion for approval of agreement with LA-DOTD for the additive alternate in the Airport Paving Project to pave the access roads for the sum of \$53,172.00**

Mr. Capo informed that the access roads are not covered by the Department of Transportation in their funding. There are two roads that are not covered which total \$53,000 which DOTD will not cover and the Authority will have to pick up the cost on that. Commissioner Saizan added that Commissioner Stack, Walter Brooks at RPC and Phil Jones have been working on this for months and were able to get the opportunity to pave the parking lot with LA-DOTD funding provided by the State. These access roads will not be covered in terms of the funding from LA-DOTD. Commissioner Stack informed the Board that the access roads cannot legally be covered as they are two private facilities not for public use. DOTD will include the access roads if approved by the Board. Chairman Lupo noted that the Airport project is an \$18 million dollar building and all of the roadways are in deplorable condition. LA-DOTD is funding between \$200,000-\$300,000, the larger portion of the funding, with the Authority picking up \$53,000. Commissioner Stack advised that Boh Brothers was the low bidder and the contract is ready to be awarded. Commissioner Saizan added that DOTD is working on a time frame with the contractors at the Terminal Building and Bastian-Mitchell Hangar and the contractors will re-stage the equipment so the project will be completed prior to the Airport opening. Commissioner Stack stated there is flexibility in the schedule which will be resolved with Stuart Consulting and Mr. Davis.

Commissioner Saizan offered a motion to approve the additive alternate of paving the access roads for the Airport Paving Project for the sum of \$53,172.00, seconded by Commissioner Hoffman and unanimously adopted to wit:

**NON-FLOOD PROTECTION ASSET MANAGEMENT AUTHORITY**

RESOLUTION NO: 02-092012

September 29, 2012

The **NON-FLOOD PROTECTION ASSET MANAGEMENT AUTHORITY** of the Parish of ORLEANS met in regular session on this date. The following Resolution was offered by Commissioner Saizan and seconded by Commissioner Hoffman.

**RESOLUTION**

A resolution authorizing the **CHAIRMAN** or **EXECUTIVE DIRECTOR** to execute an Agreement with the Louisiana Department of Transportation and Development (**LA DOTD**) for improvements at the **NEW ORLEANS LAKEFRONT AIRPORT**.

**WHEREAS**, Act 451 of the 1989 Regular Session of the Louisiana Legislature authorized the financing of certain airport improvements from funds appropriated from the Transportation Trust Fund; and

**WHEREAS**, the **NON FLOOD PROTECTION ASSET MANAGEMENT AUTHORITY** has requested funding assistance from the **LA DOTD** to/for **SEALCOAT & STRIPING AND TERMINAL APRON REHABILITATION**; and

**WHEREAS**, the stated project has been approved by the Louisiana Legislature and the **LA DOTD** is agreeable to the implementation of this project and desires to cooperate with the **NON-FLOOD PROTECTION ASSET MANAGEMENT AUTHORITY** according to the terms and conditions identified in the attached Agreement; and

**WHEREAS**, the **LA DOTD** will provide the necessary funding for the **SEALCOAT & STRIPING AND TERMINAL APRON REHABILITATION** and reimburse the sponsor up to \$77,426.00 of project cost.

**NOW THEREFORE, BE IT RESOLVED** by the **NON-FLOOD PROTECTION ASSET MANAGEMENT AUTHORITY** that it does hereby authorize the **CHAIRMAN** or **EXECUTIVE DIRECTOR** to execute an

Agreement for the project identified as AIP No. 3-22-0038-023-2012 and SPN H.010231, more fully identified in the Agreement attached hereto.

This resolution shall be in full force and effect from and after its adoption.

The aforesaid resolution, having been submitted to a vote, the vote thereon was as follows:

YEAS: LUPO, HASSINGER, ERNST, HOFFMAN, HEATON, STACK, BRIEN, DURECHOU,  
SAIZAN, SCOTT  
NAYS: NONE  
ABSENT: BAUDY, TRASK, CANTRELLE, DEROUEN

WHEREUPON, the resolution was declared adopted on the 20<sup>th</sup> day of September, 2012.

NON-FLOOD PROTECTION ASSET  
MANAGEMENT AUTHORITY

BY: \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
Louis J. Capo  
(Typed or Printed Name)

TITLE: Executive Director

ATTEST: \_\_\_\_\_  
(Signature)

TITLE: \_\_\_\_\_

**Motion No. 03-092012 – Motion for approval of a contract with Boh Brothers Construction Company, LLC in the amount of \$1,459,481 as the lowest responsible bidder for completion of the utility crossing project on Lakeshore Drive**

Commissioner Hassinger noted that many people will be glad to see the utilities come into fruition on Lakeshore Drive as there are many complaints with regard to lighting on Lakeshore Drive. The money for the utility crossings is reimbursable by the Army Corps of Engineers. This project has been a long time in the works and is very exciting.

Commissioner Hassinger offered a motion to approve the contract with Boh Brothers Construction Company, LLC in the amount of \$1,459,481 for completion of the utility crossing project on Lakeshore Drive, seconded by Commissioner Hoffman and unanimously adopted to wit:

**MOTION: 03-092012**

**RESOLUTION: 03-092012**

**BY: COMMISSIONER HASSINGER**

**SECONDED BY: COMMISSIONER HOFFMAN**

September 20, 2012

**RESOLUTION**

**WHEREAS**, the Non-Flood Protection Asset Management Authority (“Management Authority”) is a political subdivision of the State of Louisiana and the governing authority of the non-flood protection assets of the Orleans Levee District (“District”);

**WHEREAS**, prior to Hurricane Katrina, the utilities (water, sewerage and electrical) ran along the entire length of Lakeshore Drive and were positioned through the center of the hurricane protection levees;

**WHEREAS**, post Hurricane Katrina, the USACE does not permit utilities to penetrate the center of the hurricane protection levees, and subsequently, all utility crossings were removed;

**WHEREAS**, the Non-Flood Protection Asset Management Authority does not have the funding to reestablish the utility crossings;

**WHEREAS**, the USACE has determined that all of the utility crossings are compensable by the USACE, with the exception of the electrical crossing to the Mardi Gras Fountain and Shelter #2;

**WHEREAS**, the Management Authority advertised and issued a Request For Bids to reestablish the utility crossings on Lakeshore Drive in accordance with the Louisiana Public Bid Law (the "project");

**WHEREAS**, the sealed bids were received and announced on Monday, September 11, 2012 at 2:00 p.m. in the 2<sup>nd</sup> floor meeting hall in the Lake Vista Community Center;

**WHEREAS**, the results of the Bid Opening were as follows:

Boh Brothers Construction Co., LLC	\$1,459,481.00
TKTMJ, Inc.	\$1,484,658.00
Quality Design & Construction, LLC	\$1,755,802.40
Hard Rock Construction, LLC	\$1,859,390.00
Cycle Construction Company, LLC	\$1,882,428.85
Wallace C. Drennan, Inc.	\$1,929,793.00
Subterranean Construction, LLC	\$2,067,156.30

**WHEREAS**, the bids were reviewed by the Management Authority's engineer of record, Design Engineering, Inc., which recommended that the Authority accept and award the contract for the project to the lowest responsible bidder, Boh Brothers Construction Co., LLC, for the sum of \$1,459,481.00.

**THEREFORE, BE IT HEREBY RESOLVED**, that the Management Authority accepts and awards the contract for the project to Boh Brothers Construction Co., LLC, for the sum of \$1,459,481.00, as the lowest responsive bidder; and,

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

AYES: LUPO, HASSINGER, ERNST, HOFFMAN, HEATON, DTACK, BRIEN, DURECHOU, SAIZAN, SCOTT  
NAYS: NONE  
ABSTAIN: NONE  
ABSENT: BAUDY, TRASK, CANTRELLE, DEROUEN  
RESOLUTION ADOPTED: YES

### **Motion No. 04-092012 - Discussion regarding the permitted use of public parks in the Lakefront Subdivisions**

Chairman Lupo advised that this Agenda item is a discussion regarding the permitted use of public parks along Lakeshore Drive. There is a difference between internal parks located in Lakeshore, Lake Vista, Lake Terrace and Lake Oaks as opposed to parks along Lakeshore Drive not within the subdivisions as there is a different zoning. Jesuit High School in the past held cross country events along Lakeshore Drive as it is a safe environment although there were problems with logistics of how these were run. There were issues with not enough port-o-lets, no security or trash pick-up. Previous Boards passed on the issue. These are public parks for the use of the community so there should be a way to make this happen as it does not negatively impact surrounding communities.

Mr. Metzger advised that the issue of interior parks has arisen in the past a number of times dealing with the use of the interior parks. The restrictions in Lake Oaks mirrors Lake Vista East and West and Lakeshore. This provision states:

The interior parks will reserve for the common use of the property owners of Lake Oaks and nothing shall be placed thereon and there should be no use made thereof to the detriment, inconvenience or annoyance of the residents or owners of any part or portion of ground adjacent thereto.

A policy was established by the former Levee Board in 2003 that these were passive parks and organized athletics were not permitted. However, Lake Oaks Park and Lake Vista are public parks as designated in the restrictions. These public parks are owned by the Levee District, but are for use of the general public of the City of New Orleans. The only restriction that would apply to an athletic event in a public park is in the ordinances of the City of New Orleans which apply to baseball and football on a playground containing a backstop or a football field or in City Park and Audubon Park that are designated for athletics. There is no restriction applicable to what Jesuit is requesting in this public park nor would there be in the Lake Vista Park or Lakeshore Park. It is the policy of the Authority in the order of a Location Agreement which shall include a written contract, hold harmless and indemnity agreement, insurance requirements, and administrative requirements such as port-o-lets. The Jesuit event would include running on the levee. Mr. Gillen from the Flood Authority will address that issue as the Flood Authority will permit the event and any damage to the levee will be the responsibility of the Flood Authority.

Chairman Lupo thanked Mr. Gillen for attending and complimented Mr. Gillen and his staff for the work that was done on Lakeshore Drive after the storm in such a short period of time was incredible. Not only this Board, but the community as a whole really appreciates all the efforts.

Mr. Gillen stated in 2007-2008 Steve Spencer wanted to suspend all activity on the levees as the levees were just constructed. The levees were soft and the grass had to establish and harden up. A sufficient amount of time has passed and the Flood Authority fully supports runners to access the crown of the levee. Commissioner Heaton noted that in 2008 the levee was under construction. Chairman Lupo requested staff put an important concept into the agreement stating that the organization using the park provides security to stop people attending the event from parking in driveways. There also has to be a sufficient amount of port-o-lets as the participants hydrate themselves before the meet. The agreement will state these particular items be addressed and adhered to so the community as a whole will be happy. Mr. Gillen requested that organizations or schools come to the Flood Authority to obtain a Letter of No Objection, an insurance certificate and to verify that the organization has come to the Non-Flood Authority for permission and additional requirements such as security, restrooms and trash pick-up.

Chairman Lupo requested Mr. Gillen prepare a letter of approval as there is a previous letter from Mr. Spencer on file.

Mr. Capo advised that the current Location Agreement for an event on Lakeshore Drive includes protective language that addresses insurance. The Location Agreement will be tailored to running in the parks as those parks may contain holes or stumps. There is a standard fee of \$1.25 per participant for events to cover administrative costs.

Commissioner Heaton stated that this event was late in the game and requested the Board consider waiving the fee as this is for an educational institution. Chairman Lupo added that this event is slightly different due to the time frame. There is a policy for Lakeshore Drive and for profit events.

Peter Kernion, Jesuit High School, stated that the events proposed are not for profit. The two proposed meets are relatively small championships and no one is making money. The dates are Friday, October 26 and Friday, November 2 with Jesuit sponsoring the meet. The first meet is New Orleans Metropolitan area that includes all schools in the New Orleans metropolitan area. There were approximately 90 sprinters in the first meet and 40 runners in the second meet and the same turnout is expected this year. There are usually two spectators per runner.

Jesuit used this space for 20+ years prior to Katrina. Issues such as port-o-lets, trash pick-up, security and parking have been addressed. Insurance will be provided for the meet. Peter Foster, President of UNO, has allowed use of UNO's parking lot for parking to avoid people parking in the neighborhood. The race will start near Elysian Fields and

end approximately 100 meters from the starting point, the same course used years ago running over the levee.

Commissioner Saizan suggested a flyer be distributed in the Lake Oaks neighborhood informing residents of what events would be taking place that weekend. Residents of Lake Oaks have stickers on the windshields and security in the subdivision every day that knows exactly who lives in the neighborhood.

Commissioner Hassinger stated that this would be a good and it would be great to see kids having a good time. With the short time frame the fee for this event should be waived. Chairman Lupo noted that the Board wanted the issue vetted with the community and staff to make sure that certain issues are detailed when the new policy is prepared.

### **PUBLIC COMMENTS**

Mrs. Ann Duffy stated that the park is there and it is a beautiful park and it should be used within limits and not late at night. This is a very healthy event and I like to see people in the park using the park.

Mr. Skinner stated that he is not opposed to athletic events, as long as they do not get out of hand and are in moderation. The Levee Board Police are no longer under this Authority's control and cannot be requested to police these events. Chairman Lupo informed that a request would be made to the organization handling this event to provide security at any particular street to solve any security problems.

Commissioner Heaton advised that this issue does not require Board action as it was a matter of public discussion. Chairman Lupo thanked Mr. Gillen for attending and requested written authorization from the Flood Authority stating that the Flood side has agreed to the events. The Board wanted to make sure staff heard the issues so the regulations could be updated based on comments from the neighborhood.

Commissioner Dufrechou thanked Mr. Capo and the staff who were very helpful in assisting with the Lake Pontchartrain Basin Foundation annual Beach Sweep this past Saturday. The Lighthouse is relighting the light and the event has been rescheduled for Wednesday, September 26<sup>th</sup>. The relighting ceremony includes a race on Lakeshore Drive at 5:30 p.m. Everyone is invited to the relighting.

### **NEXT BOARD MEETING**

The next full Board meeting of the Non-Flood Protection Asset Management Authority is scheduled for Thursday, October 18, 2012 at 5:30 p.m.

### **ADJOURNMENT**

Commissioner Dufrechou offered a motion to adjourn, seconded by Commissioner Ernst and unanimously adopted.

The meeting adjourned at 6:29 p.m.