

THE NON-FLOOD PROTECTION ASSET MANAGEMENT AUTHORITY
MINUTES OF THE FULL BOARD MEETING
THURSDAY OCTOBER 17, 2013 – 5:30 P.M.

The monthly meeting of the Board of the Non-Flood Protection Asset Management Authority of the Orleans Levee District was held on Thursday October 17, 2013 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.

Vice Chairman Ernst called the meeting to order at 5:44 p.m. and led in the Pledge of Allegiance. The roll was called which constituted a quorum.

PRESENT:

Vice Chairman Ernst
Commissioner Robert E. Smith Lupo
Commissioner Wilma Heaton
Commissioner Carlton Dufrechou
Commissioner Nyka Scott
Commissioner William Hoffman
Commissioner Pearl Cantrelle
Commissioner Michael Stack
Commissioner Darrel Saizan
Commissioner Eugene Green

ABSENT:

Secretary Romona Baudy
Commissioner John Trask
Commissioner Patrick DeRouen
Commissioner Stan Brien

STAFF:

Louis Capo - Executive Director
Sharon Martiny – Non-Flood
Dawn Wagener – Non-Flood
Vincent Caire – Non-Flood
Chuck Dixon – Marina Director
Fred Pruitt – Airport Director

ALSO PRESENT:

Al Pappalardo - Real Estate Consultant
Gerard Metzger - Legal Counsel
Alton Davis – Richard C. Lambert Consulting
Steve Nelson – Stuart Consulting
John Davis – Stuart Consulting
Trey Babin – Messina's
George Messina – Messina's
Stacey Messina – Messina's
Darin Yuratich – Messina's
Alicia Banta – Silva, Gurtner & Abney
Tim Avegno – Eagan Insurance
Randy Maddox – Morrison Insurance
Brayton Matthews – Flightline First
Jonathan Buff – Hawthorne
Walter Baudier – Design Engineering, Inc.
John Holtgreve – Design Engineering, Inc.
Ray Landeche – Lakeshore Subdivision

ADOPT AGENDA

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

APPROVE MINUTES

Commissioner Green offered a motion to approve the minutes of the August 15, 2013 Board Meeting, seconded by Commissioner Hoffman.

Commissioner Dufrechou offered a motion to approve the minutes of the August 26, 2013 Special Board Meeting, seconded by Commissioner Hoffman.

OPENING COMMENTS

Vice-Chairman Ernst advised that Chairman Hassinger was recently appointed to serve on the Board of the Southeast Louisiana Flood Protection Authority – East, which is a very important job and Mr. Hassinger will do great. We wish Mr. Hassinger well and thank him for his service as Chairman on this Board. Mr. Hassinger thanked the Commissioners and staff and added that it was a privilege to work with the Board and management. Since Katrina people have given much time and talent to rebuild the City to make it a better place. I count everybody here among that group. It has been a privilege to work with everyone and I am sure paths will cross on several issues. I would like you to call on me when I can assist and I will do the same.

Vice-Chairman Ernst noted that having a former Non-Flood Board member on the SLFPA-E Board is good because there are mutual interests. With the background and knowledge of the Non-Flood Authority that Mr. Hassinger will bring to the SLFPA-E Board, SLFPA-E may be more sympathetic to issues that the Non-Flood Authority is dealing with. It is a good opportunity for the two Boards to work better in the future.

REPORT BY EXECUTIVE DIRECTOR

Mr. Capo noted for the record the arrival of Commissioner Cantrelle.

Substantial completion was given and the Authority now has possession of the Mardi Gras Fountain. The fountain is operational daily and the lights will be on until 10:00 p.m. nightly. There are cameras placed near the fountain which can be accessed via a link on the internet which provides a view of the fountain and several areas along the Lakefront. A link will be provided shortly to the Board members.

The website for the entire Authority will be available shortly with links to the Airport. The website will include the Committee assignments, Board and Committee meeting minutes and the Agendas can be downloaded along with all operating budgets and financial information.

Ms. Alicia Bantam, Silva, Gurtner & Abney, advised that the final audit report ending June 30, 2013 will be filed with the Legislative Auditor and will be available on that website. There were no significant audit findings. Estimates were used for judgments and legal claims. Payables involved significant management estimates. There were no changes in policies or procedures for accounting purposes and there were no difficulties working with management during the audit. Management throughout the Flood and Non-Flood Authority has stayed consistent. There were no corrected or uncorrected misstatements that were significant and there were no disagreements with management. A Management Representation Letter was signed by the Executive Director and Chairman of the Authority that stated all information was provided and made available. There were no findings or management comments.

Staff was requested to continue to monitor the accounts receivable related to FEMA project worksheets to ensure those accounts are cleared as the project worksheets close. A consultant is in place to ensure that task is being performed. The Independent Auditors Report is slightly different due to new audit clarity standards. The Opinion spells out management's responsibility for the financial statements and the auditor's responsibility to audit those financial statements. This was a clean opinion.

The Non-Flood Division is consolidated and part of the Flood Authority's audit report. The Non-Flood Authority is not opined on separately, but could be broken out upon request.

COMMITTEE REPORTS

Airport Committee – Commissioner Heaton reported that Airport items will be taken up under New Business.

Marina Committee – Commissioner Dufrechou advised that fencing is complete at South Shore Harbor and robberies have dropped to zero. Issues to address lighting and the replacement of dock boxes are underway.

Commercial Real Estate Committee – Commissioner Ernst noted that Mr. Pappalardo gave a thorough presentation regarding the status of all properties overseen by the Management Authority which will be very helpful to all Committee members.

Recreation/Subdivision Committee meeting – Vice-Chairman Ernst noted that the Recreation/Subdivision Committee meeting was cancelled.

Legal Committee – Commissioner Scott advised that the Legal Committee meeting was cancelled.

Finance Committee – Commissioner Hoffman reported that the Budget to Actual for 2013 was reviewed. The financial statements, list of all checks issued and the credit card transactions that are distributed at the Finance Committee meeting will be available for review on the new website.

NEW BUSINESS

Motion 01-101713 – Elect a Chairman for the Non-Flood Protection Asset Management Authority to serve the remaining annual term through August 31, 2014

Mr. Capo advised this motion is to elect the Chairman for the Non-Flood Protection Asset Management Authority to serve the remaining annual term through August 31, 2014. Prior to his resignation Chairman Hassinger nominated Commissioner Nyka Scott as Chairman to serve the remaining term as Chairman of the Management Authority. Vice Chairman Ernst advised the Board that he was not in a position and did not have the time to dedicate to the position of Chairman for the Management Authority. Mr. Hassinger recommended Commissioner Nyka Scott as Chairman to serve the remaining term. There is a very short time constraint to put this process in motion. Commissioner Green offered a motion to elect Commissioner Nyka Scott as Chairman for the Non-Flood Protection Asset Management Authority to serve the remaining annual term through August 31, 2014, seconded by Commissioner Hoffman and unanimously adopted to wit:

MOTION: 01-101713
RESOLUTION: 01-101713
BY: COMMISSIONER GREEN
SECONDED BY: COMMISSIONER HOFFMAN

October 17, 2013

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, as provided under Article IV, Section 1 of the By-Laws of the Management Authority, officers of the Management Authority are elected each year at the regularly scheduled August Management Authority Meeting;

WHEREAS, at the August 15, 2013 meeting of the Management Authority the members of the Management Authority elected Lambert “Joe” Hassinger, Jr. as Chairman;

WHEREAS, Chairman Hassinger has tendered his formal resignation as Chairman;

WHEREAS, Article IV, Management Authority Officers, Section 2 provides that upon the resignation of an officer, an election to fill the vacant office shall be held within 30 days of the vacancy;

WHEREAS, former Chairman Hassinger prior to his resignation nominated Commissioner Nyka Scott as Chairman to serve during his remaining annual term as Chairman of the Management Authority; and,

WHEREAS, after motion made and duly seconded, the members of the Management Authority elected Nyka Scott as Chairman commencing on October 17, 2013 through August 31, 2014.

THEREFORE BE IT HEREBY RESOLVED, that Nyka Scott be and is hereby elected to serve as Chairman of the Management Authority commencing on October 17, 2013 through August 31, 2014.

AYES: ERNST, LUPO, HEATON, DUFRECHOU, SCOTT, HOFFMAN, CANTRELLE, STACK, SIAZAN, GREEN
NAYS: NONE
ABSTAIN: NONE
ABSENT: BAUDY, TRASK, DeROUEN, BRIEN
RESOLUTION ADOPTED: YES

Motion 02-101713 - Acquire vehicle liability insurance through Morrison Insurance from AmTrust Group (total annual premium \$42,435.00) and approve policy with National Liability and Fire for the ARFF fire truck (total annual premium \$3,347.00)

Mr. Capo advised that this motion authorizes Morrison Insurance Agency to procure vehicle liability insurance (excluding the ARFF fire truck) through AmTrust Group for an annual premium of \$42,435. This motion also authorizes a vehicle liability policy for the ARFF fire truck with National Liability for an annual premium of \$3,347 using funds from the fiscal year 2014 budget.

Commissioner DeRouen offered a motion to acquire vehicle liability insurance through Morrison Insurance Agency from AmTrust Group (A.M. Best rating "A" "IX") for all units, excluding the ARFF fire truck, for a total annual premium of \$42,435.00, and to approve a policy with National Liability and Fire with a total annual premium of \$3,347.00 for the ARFF fire truck, seconded by Commissioner Hoffman and unanimously adopted to wit:

MOTION: 02-101713
RESOLUTION: 02-101713
BY: COMMISSIONER DeROUEN
SECONDED BY: COMMISSIONER HOFFMAN

October 17, 2013

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);

WHEREAS, the Automobile Liability Policies for the vehicles owned by the District are due for renewal on November 1, 2013;

WHEREAS, Morrison Insurance Agency is the incumbent Agent for the Authority;

WHEREAS, the Finance Committee of the Management Authority at its October 3rd, 2013 meeting reviewed this matter and recommended that our Agent, Morrison Insurance Agency, be allowed more time to solicit the market for a better premium;

WHEREAS, Morrison Insurance Agency solicited premiums from the market for the auto insurance policies and presented same to the insurance committee at its meeting held on October 17th, 2013;

WHEREAS, the Insurance Committee voted to recommend that the Management Authority procure the auto policy from AmTrust Group and National Liability and Fire Insurance Company;

WHEREAS, it is in the best interest of the Authority to authorize Morrison Insurance Agency to procure vehicle liability insurance from AmTrust Group (A.M. Best rating "A" "IX") for all units, excluding the ARFF fire truck, for a total annual premium of \$42,435.00, and to approve a policy with National Liability and Fire with a total annual premium of \$3,347.00 for the ARFF fire truck, and

THEREFORE, BE IT HEREBY RESOLVED, that the Authority authorizes Morrison Insurance Agency to procure vehicle liability insurance from AmTrust Group (A.M. Best rating "A" "IX") for all units, excluding the ARFF fire truck, for a total annual premium of \$42,435.00, and to approve a policy with National Liability and Fire with a total annual premium of \$3,347.00 for the ARFF fire truck with funds contained in the FY 2014 budget, in accordance with the provision set forth above in this resolution.

BE IT FURTHER HEREBY 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: ERNST, LUPO, HEATON, DUFRECHOU, SCOTT, HOFFMAN, CANTRELLE, STACK, SIAZAN, GREEN
NAYS: NONE
ABSTAIN: NONE
ABSENT: BAUDY, TRASK, DeROUEN, BRIEN
RESOLUTION ADOPTED: YES

Motion 03-101713 - Approve a Lease of Office 125/122 in the New Orleans Lakefront Airport Terminal with Flightline Ground, Inc. d/b/a Flightline First

Mr. Capo advised that this motion is to approve a lease of Offices 125 and 122 in the New Orleans Lakefront Terminal with Flightline Ground d/b/a Flightline First which lease will be effective December 1, 2013 under the following terms and conditions:

The leased premises shall be used exclusively by the clients of Flightline First as a gift shop and news stand where no beverages or food of any kind will be sold or served. The lease will be for a primary term of 44 months with a base annual rent of \$13,806 payable in equal monthly installments of \$1,150 with two 5-year options to renew subject to CPI adjustments of the base annual rent during the option terms and the lease will also provide that the lessee will be responsible to pay an additional rent consisting of a pro-rata share of the lessor's insurance premiums, electricity and gas charges at the Terminal which as of the commencement date of the lease will be \$318 per month resulting in a total monthly rental of \$1,468.51 during the first year of the lease and which additional rent with the pro-rata share of insurance and utility charges will be recalculated each year on the lease anniversary date.

Commissioner Heaton advised that the new leasing procedures put in place were followed and the Airport Committee recommended this item go before the Board.

Mr. Pappalardo advised that Flightline submitted the Letter of Intent with all requested information and are in compliance with the new lease requirements. Offices 125 and 122 together measure approximately 708 s.f. The offices will be utilized for passengers in conjunction with the lessee's charter business, Southern Airways Express. In the instance of a special event in the atrium, the area can be draped off and passengers will utilize the rear hallway which contains the handicapped chair lift.

Brayton Matthews, Flightline First, thanked the Board and noted that there are many people that visit the Terminal on a daily basis which will be interested in the café and restaurant as they walk through the Airport. The gift shop will be manned each day the Terminal is open with full-time employees. Commissioner Lupo noted that the amount of leased space in the Terminal Building in less than one month is a credit to Mr. Pappalardo and to the building.

Commissioner Heaton offered a motion to approve a Lease of Office 125/122 in the New Orleans Lakefront Airport Terminal with Flightline Ground, Inc. d/b/a Flightline First, seconded by Commissioner Lupo and unanimously adopted to wit:

MOTION: 03-101713
RESOLUTION: 03-101713
BY: COMMISSIONER HEATON
SECONDED: COMMISSIONER LUPO

October 17, 2013

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, the Management Authority manages, operates and administers the New Orleans Lakefront Airport, which is a non-flood protection asset owned by the Orleans Levee District, located on the south shore of Lake Pontchartrain in the Parish of Orleans, State of Louisiana, ("Airport");

WHEREAS, the New Orleans Lakefront Airport Terminal was severely damaged by Hurricane Katrina in August of 2005 and the Management Authority recently completed extensive repair and renovations of the Terminal (the "Terminal");

WHEREAS, Flightline Ground, Inc. d/b/a Flightline First ("Flightline First"), a fixed base operator at the Airport, has proposed to lease Rooms 122/125 containing 708 square feet in the Terminal;

WHEREAS, under the proposed lease the premises will be used by the clients of Flightline First, including a charter service, and the leased premises will also be used as a gift shop and newsstand where no beverages or food of any kind will be sold or served; the primary term of the Lease will be forty-four (44) months, with a base annual rental of \$13,806.00, payable in equal monthly installments of \$1,150.50, with two five (5) year options to renew, subject to a CPI adjustment of the base annual rental rate during the option terms; said Lease will also provide that the Lessee will be responsible to pay an additional rent consisting of a pro-rata share of Lessor's insurance premiums, electricity and gas charges at the Terminal, which as of the commencement date of the lease will be \$318.01 per month, resulting in a total monthly rental of \$1,468.51 during the first year of the Lease, and which additional rental and pro-rata share of said insurance and utility charges will be recalculated each year on the Lease anniversary date; and,

WHEREAS, the Management Authority, after considering the terms of the proposed Lease and recommendations of the staff and Real Estate Consultant of the Management Authority, resolved that it is in the best interest of the Airport and the Orleans Levee District to approve the proposed Lease with Flightline Ground, Inc., under the terms and conditions set forth above.

THEREFORE, BE IT HEREBY RESOLVED, that the Management Authority approves a Lease of Rooms 122/125 in the Terminal at the New Orleans Lakefront Airport with Flightline Ground, Inc., effective December 1, 2013, under the following terms and conditions: the leased premises shall be used exclusively by the clients of Flightline First and as a gift shop and newsstand where no beverages or food of any kind will be sold or served, the lease will be for a primary term of forty-four (44) months, with a base annual rental of \$13,806.00, payable in equal monthly installments of \$1,150.50, with two five (5) year options to renew, subject to a CPI adjustment of the base annual rental rate during the option term, and the Lease will also provide that the Lessee will be responsible to pay an additional rent consisting of a pro-rata share of Lessor's insurance premiums, electricity and gas charges at the Terminal, which as of the commencement date of the Lease will be \$318.01 per month, resulting in a total monthly rental of \$1,468.51 during the first year of the Lease, and which additional rental for the pro-rata share of insurance and utility charges will be recalculated each year on the Lease anniversary date.

BE IT HEREBY FURTHER RESOLVED, that the Management Authority Chairman or Executive Director be and is hereby authorized to sign a written lease with Flightline Ground, Inc. d/b/a Flightline First, which said lease shall include the terms and conditions set forth above, and any other documents necessary to carry out the above.

AYES: ERNST, LUPO, HEATON, DUFRECHOU, SCOTT, HOFFMAN, CANTRELLE, STACK, SIAZAN, GREEN
NAYS: NONE
ABSTAIN: NONE
ABSENT: BAUDY, TRASK, DeROUEN, BRIEN
RESOLUTION ADOPTED: YES

Motion 04-101713 - Approve an amendment to the lease with Robichaux Law Firm, LLC for an additional 65 square feet of leased space in the New Orleans Lakefront Airport Terminal

Mr. Capo advised this motion authorizes an amendment to the Robichaux Law Firm to lease an additional 65 s.f. of office space in Office 230 in the Airport Terminal. The base annual rent is \$8,124 payable in monthly installments of \$677. Lessee will also pay the pro rata share of \$304.09 for Lessor's insurance, electricity and gas charges resulting in a monthly rental rate of \$981.09.

Commissioner Heaton offered a motion to approve an amendment to the lease with Robichaux Law Firm, LLC for an additional 65 square feet of leased space in the New Orleans Lakefront Airport Terminal, seconded by Commissioner Lupo and unanimously adopted to wit:

MOTION: 04-101713
RESOLUTION: 04-101713
BY: COMMISSIONER HEATON
SECONDED: COMMISSIONER LUPO

October 17, 2013

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, the Management Authority manages, operates and administers the New Orleans Lakefront Airport, which is a non-flood protection asset owned by the Orleans Levee District, located on the south shore of Lake Pontchartrain in the Parish of Orleans, State of Louisiana, ("Airport");

WHEREAS, the New Orleans Lakefront Airport Terminal (the "Terminal") was severely damaged by Hurricane Katrina in August of 2005 and the Management Authority recently completed extensive repair and renovations of the Terminal;

WHEREAS, on October 3, 2013 Robichaux Law Firm, L.L.C., entered into a Lease Agreement with the Management Authority for Office 230 in the Terminal (the "Lease");

WHEREAS, Robichaux Law Firm, L.L.C. has proposed to amend the Lease to add an additional 65 square feet in the Terminal, as per the attached drawing, under the terms and conditions set forth below.

WHEREAS, the proposed amended lease will contain the same terms and conditions of the Lease plus an additional 65 square feet for a total of 677 square feet, with a base annual rental of \$8,124.00, payable in equal monthly installments of \$677.00, and the pro-rata share of lessor's insurance premiums, electricity and gas charges at the Terminal, will be \$304.09 per month, resulting in a total monthly rental of \$981.09, all other terms and conditions of the Lease remaining the same; and,

WHEREAS, the Management Authority after considering the terms of the proposed amended lease and recommendations of the staff and Real Estate Consultant of the Management Authority resolved that it is in the best interest of the Airport and the Orleans Levee District to approve the proposed amended lease with Robichaux Law Firm, L.L.C., under the terms and conditions set forth above.

THEREFORE, BE IT HEREBY RESOLVED, that the Management Authority approves an amended lease of Office 230 in the Terminal at the New Orleans Lakefront Airport with Robichaux Law Firm, L.L.C., for an additional 65 square feet, as per the attached drawing, for a total of 677 square feet, with a base annual rental of \$8,124.00, payable in equal monthly installments of \$677.00, and the pro-rata share of lessor's insurance premiums, electricity and gas charges at the Terminal, will be \$304.09 per month, resulting in a total monthly rental of \$981.09, with all other terms and conditions of the Lease remaining the same.

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

AYES: ERNST, LUPO, HEATON, DUFRECHOU, SCOTT, HOFFMAN, CANTRELLE, STACK, SIAZAN, GREEN
NAYS: NONE
ABSTAIN: NONE
ABSENT: BAUDY, TRASK, DeROUEN, BRIEN
RESOLUTION ADOPTED: YES

Motion 05-101713 - Approval of RCL's additional services and fees due to construction delays on the James Wedell Hangar which will be compensated from the liquidated damages assessed to the contractor, GM&R Construction Company, Inc.

Mr. Capo advised that RCL performed additional services due to construction delays with the James Wedell Hangar. The additional compensation applies to construction administration services provided by RCL following the contract completion date. The additional compensation does not include punch list and close out procedures and shall not exceed the total amount of liquidated damages assessed to the contractor.

Alton Davis, RCL Architecture, advised that the liquidated damages exceed the extra time. Mr. Metzger noted that the fees will come out of the liquidated damages as stated in the Amendment. This is a revenue neutral item.

Commissioner Heaton offered a motion to approve RCL's additional services and fees due to construction delays on the James Wedell Hangar which will be compensated from the liquidated damages assessed to the contractor, GM&R Construction Company, Inc., seconded by Commissioner Hoffman and unanimously adopted to wit:

MOTION: 05-101713
RESOLUTION: 05-101713
BY: COMMISSIONER HEATON
SECONDED BY: COMMISSIONER HOFFMAN

October 17, 2013

RESOLUTION

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

WHEREAS, the Management Authority is the successor of the former Board of Commissioners of the Orleans Levee District and of the Division of Administration, State of Louisiana, which previously managed the non-flood protection assets of the Orleans Levee District;

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

WHEREAS, the former Board of Commissioners of the Orleans Levee District and Richard C. Lambert Consultants, LLC, ("Consultant") entered into an Agreement on the 26th day of May, 2006 for Consultant to provide professional services at the Airport, including in connection with the James Wedell Hangar Project ("Project") at the Airport (the "Agreement");

WHEREAS, Supplemental Agreement No. 32 approved by Resolution 04-111512 of the Management Authority and dated November 15, 2012 extended the Agreement through December 31, 2013;

WHEREAS, the contractor for the James Wedell Hangar, GM&R Construction Company, Inc. ("Contractor"), has exceeded the Contract Completion Date of the contract through no fault of the Management Authority or the Consultant;

WHEREAS, Article 13, Section 13.1 of the Agreement states “If at any time there are contract delays beyond the Consultant’s control ... this will be cause for review of contract fees.”;

WHEREAS, the Consultant requested additional compensation for the additional time and effort that the Consultant will have to expend to administer construction to the completion of the project;

WHEREAS, the Consultant has proposed that the additional effort expended by the Consultant be tracked hourly and compensated based on the attached hourly rate schedule identified as Exhibit “A”;

WHEREAS, the Consultant shall not receive additional compensation for any time spent performing tasks that are already included under the scope of the Agreement, including but not limited to executing a punch-list and performing the close-out processes at the end of the job;

WHEREAS, the additional compensation for services by the Consultant will be paid out of liquidated damages assessed to the Contractor;

WHEREAS, the Airport Committee at its October meeting considered the request by the Consultant and unanimously voted to recommend a supplemental agreement with the Consultant for these additional construction administration services payable out of liquidated damages assessed to the Contractor and in accordance with the attached hourly rate schedule to the Management Authority; and,

WHEREAS, the Management Authority considers it to be in the best interest of the Airport to approve a Supplemental Agreement to compensate the Consultant hourly for construction administration services required through the completion of the Project to be paid out of liquidated damages assessed to the Contractor.

THEREFORE, BE IT HEREBY RESOLVED, that the Management Authority approves a Supplement Agreement with the Consultant providing hourly compensation for construction administration services for the James Wedell Hangar Project based on the attached hourly rate schedule identified as Exhibit “A”, which compensation shall be paid out of liquidated damages assessed to the Contractor, with all other terms and conditions of the Agreement to remain the same.

BE IT FURTHER RESOLVED, that the additional compensation included under this Supplemental Agreement shall only apply to construction administration services provided by the Consultant beginning on the date immediately following the Contract Completion Date of the Contractor’s contract and shall not include compensation for any time spent performing tasks that are already included under the scope of the Agreement, including but not limited to executing a punch-list and performing the close-out processes at the end of the job.

BE IT FURTHER RESOLVED, that the additional compensation included under the Supplemental Agreement shall not exceed the total amount of liquidated damages assessed to the Contractor.

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

AYES: ERNST, LUPO, HEATON, DUFRECHOU, SCOTT, HOFFMAN, CANTRELLE, STACK, SIAZAN, GREEN

NAYS:

ABSTAIN:

ABSENT: BAUDY, TRASK, DeROUEN, BRIEN

RESOLUTION ADOPTED: YES

Motion 06-101713 - Approve a lease with Messina’s Lakefront Airport, LLC as restaurant operator and special events caterer in the New Orleans Lakefront Airport Terminal

Mr. Capo advised that this motion authorizes a lease with Messina’s Lakefront Airport, LLC as a restaurant operator and special event caterer in the New Orleans Lakefront Airport Terminal to operate the Walnut Room, bar, kitchen and café and for rental of the atrium and west side viewing deck of the Terminal.

Mr. Metzger noted the primary terms and conditions of the Lease are laid out in the Resolution and an Executive Summary of the Lease was circulated. A special purpose entity will be established, but the Lease will be guaranteed by Messina’s, Inc. The Authority will receive three forms of rental: base annual rent, percentage rent based on restaurant income, and gross rental of 8% on any activity in the atrium. This is a triple net lease. There will be a pro rata share of utility and insurance charges of \$21,000 for the first year and the lease includes indemnity obligations and default provisions. Items such as the gas line and the electricity bill related to the chiller system may delay execution of the lease. Both issues are currently being addressed by RCL engineers.

George Messina, Messina’s, advised that this will be an easy sell for Messina’s and the Authority to maximize revenue in the Terminal. Messina’s is comfortable that the revenue can be generated to meet all obligations and allow a successful business venture on the property. The property permits will take approximately 60 days to obtain

and early December rentals will be through Messina's catering permit which allows Messina's to go to any venue in the City of New Orleans. The café and bar will open in January or February of 2014.

Commissioner Hoffman noted that the Authority is excited that Messina's will be in the Terminal Building and is looking for a long-term relationship with Messina's. This is a new venture for both the Authority and Messina's and the Board will work with Messina's on partnering and making this venture work for both parties.

Commissioner Heaton offered a motion to approve the lease with Messina's, seconded by Commissioner Lupo and unanimously adopted to wit:

MOTION: 06-101713
RESOLUTION: 06-101713
BY: COMMISSIONER HEATON
SECONDED: COMMISSIONER LUPO

October 17, 2013

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, the New Orleans Lakefront Airport (the "Airport") is one of the non-flood protection assets of the District under the management and control of the Management Authority;

WHEREAS, the buildings and other facilities at the Airport, including the Terminal Building, were severely damaged by Hurricane Katrina which struck southeast Louisiana in August of 2005;

WHEREAS, the Management Authority invested over \$20 million to return the interior and the exterior of the terminal back into a fine example of the original Art Deco architecture;

WHEREAS, the Management Authority at its monthly meeting held on May 22, 2013, authorized the Executive Director to issue a Request for Qualifications and Proposals ("RFQ/P") for a lease agreement for the restaurant and related facilities at the Terminal.

WHEREAS, after considering the recommendation of the Airport Committee, the Management Authority at its August 15, 2013 meeting unanimously adopted a resolution authorizing the Management Authority's Executive Director, Real Estate Consultant and Legal Counsel to engage in negotiations with Messina's, Inc., which was one of the respondents to the RFQ/P, for a lease agreement for the restaurant and related facilities at the Terminal;

WHEREAS, the Management Authority's Executive Director, Real Estate Consultant and Legal Counsel have negotiated a Lease Agreement with Messina Lakefront Airport, L.L.C., an affiliate of Messina's, Inc., for the Walnut Room, Bar, Kitchen and Café located in the Terminal and for the rental of the Atrium/Lobby and Westside Viewing Deck of the Terminal, which Lease Agreement shall include the following terms and conditions:

1. The Leased Premises will be used for the exclusive purposes of operating a standard restaurant, as defined in the Comprehensive Zoning Ordinance of the City of New Orleans, and as a special events venue with alcohol service; the restaurant will be open seven (7) days per week between the hours of 7:00 a.m. and 5:00 p.m. Lessee shall provide at its expense all equipment necessary for a fully operational commercial kitchen for the operation of a standard restaurant.
2. Lessee may also rent the Atrium/Lobby and the Westside Viewing Deck for special events and the Lessor reserves the right to use or rent the Atrium/Lobby and the Westside Viewing Deck for any use that is not in conflict with the Lease, including but not limited to the filming or production of motion pictures or television shows.
3. The Lease shall be for a primary term of five (5) years, commencing on the 1st day of December, 2013, with seven (7) five (5) year options to renew, for a maximum term if all of the options to renew are exercised of forty (40) years.
4. The rent for the Leased Premises during the primary term shall be \$24,000.00 per annum (the "Base Annual Rent"), payable in twelve (12) equal monthly installments of \$2,000.00, in advance of the beginning of each month. In consideration of the anticipated mutual benefits to Lessor and Lessee, the base annual rent shall be effective June 1, 2014. The Base Annual Rent shall be subject to a CPI adjustment every five (5) years.
5. In addition to the Base Annual Rent, Lessee shall also pay a Percentage Rent (the "Percentage Rent") of Three (3%) Percent of the gross income, net of state and local sales tax, received by the Lessee from the operation of the Leased Premises in excess of \$349,999.99 and up to \$750,000.00; Five (5%) Percent of the gross income, net of state and local sales tax, received by Lessee from the operation of the Leased Premises in excess of \$750,000.00 and up to \$1,000,000.00; and, Eight (8%) Percent of the gross income, net of state and local sales tax, received by Lessee from the operation of the Leased Premises in excess of \$1,000,000.00.

6. In addition to the Base Annual Rent and Percentage Rent, Lessee shall also pay a Special Event Percentage Rent of Eight (8%) Percent of the Gross Income, net of state and local sales taxes, received from any use by Lessee, its patrons and invitees of the Atrium/Lobby.
7. The Lease will provide that the Lessor shall be provided with sales tax returns, financial statements and operating reports to verify gross income and shall have the right to have the financial records of Lessee audited.
8. Lessee shall also pay as additional rent all utility charges which may accrue by reason of Lessee's use and occupancy of the Leased Premises and a pro-rata share of Lessor's property and flood insurance premiums.
9. Lessee shall maintain the Leased Premises and shall be responsible to make at its expense all repairs and replacements of any kind except for repairs and replacements of the roof and structural components of the Leased Premises.
10. The Lease shall also provide for reasonable inspection rights of the Lessor, no representations or warranties by the Lessor of the suitability or condition of the Leased Premises, an improvements reversion clause, prohibition against assignment and subletting, assumption of responsibility and indemnity obligations by the Lessee, and maintenance of liability insurance, automobile liability insurance, worker's compensation insurance and property and business interruption insurance by the Lessee.

WHEREAS, the Management Authority after considering the proposed Lease Agreement with Messina Lakefront Airport, L.L.C. resolved that it was in the best interest of the Orleans Levee District and New Orleans Lakefront Airport to approve said Lease Agreement.

THEREFORE, BE IT HEREBY RESOLVED, that the Management Authority approves a Lease Agreement with Messina Lakefront Airport, L.L.C. for the Walnut Room, Bar, Kitchen and Café located in the Terminal and for the rental of the Atrium/Lobby and Westside Viewing Deck of the Terminal, which said Lease Agreement shall include the terms and conditions set forth above.

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

AYES: ERNST, LUPO, HEATON, DUFRECHOU, SCOTT, HOFFMAN, CANTRELLE, STACK, SIAZAN, GREEN

NAYS:

ABSENT: BAUDY, TRASK, DeROUEN, BRIEN

RESOLUTION ADOPTED: YES

Motion 07-101713 - Approval of public leasing procedures for space leased in the New Orleans Lakefront Airport Terminal

Mr. Capo advised that this motion was for approval of a public leasing procedure to lease space in the New Orleans Lakefront Airport Terminal recommended by the Management Authority's Real Estate Consultant and Airport Committee.

Mr. Pappalardo noted that the leasing procedure is a checklist for leasing office space in the Terminal Building. It is an informational packet which includes the floor plan and areas that are already leased. The prospective tenant will be shown what spaces are available and will advise the Authority what type of usage and what square foot requirements are needed. If dividing walls are needed, Mr. Davis from RCL will advise if the space is sub-dividable. As space becomes limited prospective tenants will submit a Letter of Intent setting forth the usage for the space, how long the lease would be and how many square feet were needed. The Airport Committee would hear the request in a public forum and final approval would be subject to the Board. The Authority has leased approximately 23% of the available office space this first month and Messina's is an additional 5,427 square feet.

Commissioner Heaton thanked the staff, consultants and particularly Mr. Pappalardo, for working with the Board to find the way through this process and preparing a fair leasing policy. The Board is open for comment and edit to anyone that cares to suggest improvements to the policy.

Commissioner Heaton offered a motion to approve the public leasing procedure, seconded by Commissioner Hoffman and unanimously adopted to wit:

MOTION: 07-101713
RESOLUTION: 07-101713
BY: COMMISSIONER HEATON
SECONDED: COMMISSIONER HOFFMAN

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, the Management Authority manages, operates and administers the New Orleans Lakefront Airport, which is a non-flood protection asset owned by the Orleans Levee District, located on the south shore of Lake Pontchartrain in the Parish of Orleans, State of Louisiana, (“Airport”);

WHEREAS, the New Orleans Lakefront Airport Terminal (the “Terminal”) was severely damaged by Hurricane Katrina in August of 2005 and the Management Authority recently completed extensive repair and renovations of the Terminal;

WHEREAS, there is office space in the Terminal that will be leased by the Management Authority;

WHEREAS, the Real Estate Consultant for the Management Authority was requested to prepare recommendations for a policy on public leasing procedures for the lease of the available office space in the Terminal, a copy of which is attached hereto;

WHEREAS, the Management Authority’s Real Estate Consultant presented his recommendations for a policy on public leasing procedures for the lease of the available office space in the Terminal to the Airport Committee at the Airport Committee’s October 2013 meeting;

WHEREAS, the Airport Committee after considering the Real Estate Consultant’s recommendations for a policy on public leasing procedures for the lease of the available office space in the Terminal voted unanimously to recommend adoption of the recommended policy to the Management Authority; and,

WHEREAS, the Management Authority considers it to be in the best interest of the Airport to adopt the policy on public leasing procedures for the lease of the available office space in the Terminal recommended by the Airport Committee.

THEREFORE, BE IT HEREBY RESOLVED, that the Management Authority approves the policy on public leasing procedures for the lease of office space in the Terminal, a copy of which is attached hereto.

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: ERNST, LUPO, HEATON, DUFRECHOU, SCOTT, HOFFMAN, CANTRELLE, STACK, SIAZAN, GREEN

NAYS:

ABSTAIN:

ABSENT: BAUDY, TRASK, DeROUEN, BRIEN

RESOLUTION ADOPTED: YES

Motion 08-101713 - Approval to issue an RFQ/P for the restoration of the Xavier Gonzalez Murals in the New Orleans Lakefront Airport Terminal

Mr. Capo advised that this motion authorizes issuance of an RFQ/P for the restoration of the Xavier Gonzalez murals in the New Orleans Lakefront Airport Terminal. The Executive Director will issue a Request for Qualifications and Proposals with responses due no later than December 1, 2013.

Commissioner Heaton advised that the Authority has seven of the eight murals which are in need of restoration. It is hopeful that the Board and some non-profit organizations in the City will identify funding to restore these murals. There should be a process in place to get proposals from individuals qualified in this type of restoration. It will be up to the Board to make the final selection of who will be chosen to restore the murals.

Commissioner Ernst clarified that this is a preliminary action. Commissioner Heaton advised that prospective bidders would be shown the murals, the RFP will be advertised and responses to the proposals will be submitted to the Airport Committee. There will be qualified individuals to assist the Committee in reviewing the responses which would be presented to the Board along with a full report from the consultant and staff of a recommendation. At any point in this process if a Board member is not comfortable, the process can be terminated.

Mr. Metzger advised that the Authority could accept donations, but could not comment on the tax deductibility. Commissioner Heaton noted that the Authority would not be accepting contributions. Through work with non-profits in the arts counsel and people in the arts community money could be raised for this purpose.

This would be legitimate non-profits in the art community who would be allowed to raise monies for the Authority for this specific purpose.

Commissioner Heaton offered a motion to approve issuing an RFQ/P for the restoration of the Xavier Gonzalez Murals in the New Orleans Lakefront Airport Terminal, seconded by Commissioner Dufrechou and unanimously adopted to wit:

MOTION: 08-101713
RESOLUTION: 08-101713
BY: COMMISSIONER HEATON
SECONDED: COMMISSIONER DUFRECHOU

October 17, 2013

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

WHEREAS, the buildings and other facilities at the Airport, including the Terminal Building (“Terminal”), were severely damaged by Hurricane Katrina which struck southeastern Louisiana in August of 2005;

WHEREAS, the Management Authority has invested over \$20 million to return the interior and the exterior of the Terminal back into a fine example of the original Art Deco architecture and includes the complete restoration of the Walnut Room, the bar area, the café, and the atrium at the Terminal;

WHEREAS, seven murals by the artist Xavier Gonzales depicting air travel, exotic destinations and milestones of aviation are located on the mezzanine of the lobby of the Terminal;

WHEREAS, six of the seven murals have been subject to extreme environmental conditions and, as a result, are in need of professional restoration and conservation;

WHEREAS, the Management Authority staff has prepared a Request for Qualifications and Proposals (“RFQ&P”) for the Mural Conservation Project, Lakefront Airport, New Orleans, a copy of which is attached to this Resolution; and,

WHEREAS, the Management Authority resolved that it is in the best interest of the Orleans Levee District and New Orleans Lakefront Airport to issue the RFQ&P.

THEREFORE, BE IT HEREBY RESOLVED, that the Management Authority approves the Request for Qualifications and Proposals for the Mural Conservation Project at the Newly Renovated New Orleans Lakefront Airport Terminal, a copy of which is attached to this Resolution, and authorizes the Executive Director to issue the Request for Qualifications and Proposals for responses by no later than December 1, 2013.

BE IT FURTHER HEREBY RESOLVED, that the Management Authority Chairman or Executive Director be and is hereby authorized to execute any and all documents necessary to accomplish the foregoing.

AYES: ERNST, LUPO, HEATON, DUFRECHOU, SCOTT, HOFFMAN, CANTRELLE, STACK, SIAZAN, GREEN

NAYS:

ABSTAIN:

ABSENT: BAUDY, TRASK, DeROUEN, BRIEN

RESOLUTION ADOPTED: YES

Motion 09-101713 - Request the State of Louisiana Capital Outlay Program fund certain Non Flood Protection Asset Management projects for Fiscal Year 2014-2015

Commissioner Heaton noted that the study for drainage and flood protection at the Airport did not make the Capital Outlay list. Mr. Capo advised that the lake side, Lakefront Airport, east side hurricane risk reduction can be modified specifically for the drainage study.

Commissioner Heaton advised that a Resolution is required by November 1, 2013 to allow the Authority to make applications and get letters of support from the legislative delegation. The Resolution would be amended to add flood protection for Lakefront Airport.

Commissioner Heaton advised that the Capital Outlay request list should be prioritized in the order of importance. Filing of the Capital Outlay application was addressed by the Airport Committee, but the list was not prioritized. The Capital Outlay request is a baseline for this Authority to communicate what the needs are when dealing with the FAA, DOTD and all the other entities on a State and national level. Several of these requests were submitted on last year's Capital Outlay request. The Board and staff determine which items will be requested on the Capital Outlay application. The items are also based upon past Capital Outlay requests. The number one priority should be flood protection at the Airport. The Authority's vision was to grow Lakefront Airport and the economy of the entire region, but until there is flood protection for the Airport that vision is not possible. Commissioner Hoffman agreed and noted that the Authority invested millions of dollars at the Airport and those assets should be protected.

Commissioner Dufrechou noted that the Authority did invest tremendous amounts of money in the Airport which needs to be protected, but the Authority is also responsible to the public. Lakeshore Drive needs lights. That item means more than anything else and should be number one on the Capital Outlay list. Commissioner Ernst seconded Lakeshore Drive utility crossings being number one.

Chairman Scott clarified that the utility crossings were number one and the flood protection at Lakefront Airport was number two on the Capital Outlay list. Numbers four and five would be flipped.

Mr. Capo advised that request number six, the Boat Launch, is the only public boat launch on the south shore of Lakeshore Drive. There are numerous calls from the public regarding the boat launch, lighting, piers, and riff raff that has appeared over the last several years. Commissioner Stack noted the need for a boat launch, but advised that the utility crossings and Lakeshore Drive striping are safety issues which expose the Authority to liability. While the boat launch is important, it does not produce revenue. Commissioner Heaton agreed that the boat launch is the only public boat launch in the entire region. This Authority is responsible, as a quality of life issue, to give something back to the community and the boat launch is used very much by the public. Commissioner Stack advised that the striping and markings on Stars and Stripes Blvd. is terrible by the Airport.

Chairman Scott clarified that number three will be Lakeshore Drive Safety and Striping and number four will be the Seabrook Boat Launch Park and Fishing Pier. Number five is the Lakeshore Drive Fill and Drainage and Number six is the New Basin Canal Park and Bicycle and Jogging Path.

Commissioner Heaton offered a motion to approve the Request the State of Louisiana Capital Outlay Program fund certain Non Flood Protection Asset Management projects for Fiscal Year 2014-2015, as amended, seconded by Commissioner Dufrechou and unanimously adopted to wit:

MOTION: 09-101713
RESOLUTION: 09-101713
BY: COMMISSIONER HEATON
SECONDED: COMMISSIONER DUFRECHOU

October 17, 2013

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, the State of Louisiana Capital Outlay Program (COP) funding applications are required to be submitted by November 1, 2013, and the Management Authority has submitted the application timely as requesting sponsor funding;

WHEREAS, the Management Authority has projects that require funding from the COP in order to initiate design and/or construction phases of said projects; and,

WHEREAS, the Management Authority after considering the funding applications and adopting an amendment to this Resolution to prioritize the request for funding the projects in said applications resolved that it was

in the best interest of the Orleans Levee District to formally ratify said request submitted to the State of Louisiana COP.

THEREFORE, BE IT HEREBY RESOLVED, that the Non Flood Protection Asset Management Authority by this Resolution formally ratifies the requests submitted to the State of Louisiana COP to fund in the following order of priority the projects listed below for Fiscal Year 2014-2015 in the amounts shown:

1. **Lakeshore Drive Utilities and Repair of Lakeshore Drive Lighting**
\$360,000
2. **Lakefront Airport East Side Hurricane Risk Reduction and Drainage Study**
\$6,000,000
3. **Lakeshore Drive Safety Striping and Pavement Markings including Stars and Stripes Blvd.**
\$600,000
4. **Seabrook Boat Launch Park and Fishing Pier**
\$657,000
5. **Lakeshore Drive Fill and Drainage**
\$4,476,000
6. **New Basin Canal Park Bicycle and Jogging Path**
\$600,000

BE IT FURTHER HEREBY RESOLVED, that the Management Authority does hereby certify, in accordance with the State Capital Outlay Act, the following:

1. There is no bond funding, other than State general obligation bond funding, sufficient to fund the above Capital Outlay request.
2. All local options for funding for this Capital Outlay request through taxation special assessments, loans, bonds, or other resources have been considered and rejected as not being feasible or readily acceptable at this time.
3. There is no revenue source for these non-recurring project appropriations.
4. No surplus and/or unobligated funds are available.

BE IT FURTHER HEREBY RESOLVED, that the Management Authority is committed to providing a local project match to the extent it is economically able to for the amounts required/recommended and necessary by the State.

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

AYES: ERNST, LUPO, HEATON, DUFRECHOU, SCOTT, HOFFMAN, CANTRELLE, STACK, SIAZAN, GREEN
NAYS: NONE
ABSTAIN: NONE
ABSENT: BAUDY, TRASK, DeROUEN, BRIEN
RESOLUTION ADOPTED: YES

Motion 10-101713 - Accept an offer from PCCP Constructors for 32 months for additional Temporary Right Of Way (ROW) for 1.58 acres on the south side of Lakeshore Drive

Mr. Capo advised that PCCP responded to the request for the use of green space along Lakeshore Drive. The Authority requested that the contractor repair the parking lot behind Shelter No. 1 and repair the Lake Terrace Fountain. PCCP responded advising that rent for the green space of \$1,000 per months would be paid as opposed to making the repairs. The Authority will receive \$1,000 per month for 32 months which equates to \$32,000 for the 1.5 acres of green space PCCP will be using. The site that PCCP is currently using has two small pavilions located in the area that would be taken out of public domain for use. The new area has drainage issues. PCCP will leave that area graded and drained upon completion of the project.

Commissioner Ernst advised that the Authority should continue to pursue a Hold Harmless for the work in general. Mr. Metzger advised that PCCP will give the Authority a Hold Harmless and Indemnity relating to what PCCP is leasing. The Resolution is based on correspondence from PCCP dated October 2, 2013 to former Chairman Hassinger. Mr. Hassinger advised that PCCP would surrender use of the north side of Lakeshore Drive, which would be included in any agreement going forward. PCCP would pay \$32,000 for use of the green space, surrender use of the north side and improve the parcel of land used on the south side, which is in bad shape. Mr. Metzger

advised that the Resolution would have to be amended to reflect PCCP surrendering use of the north side of Lakeshore Drive.

Mr. Pappalardo advised that this issue was reviewed from a valuation perspective. The area that PCCP is requesting is park land or green space, which the Authority typically does not lease. Due to the recreational improvements on the north side (two small pavilions) and since the lake can be accessed for fishing that area is more preferable to the public for recreational purposes. If the Authority gets the north side back, PCCP would pay the Authority \$32,000 over 32 months and improve the land with proper drainage, it is a fair deal. PCCO will surrender the temporary servitude on the north area due to safety issues with their employees walking across the road. Using the south area consisting of 1.5 acres would make more sense from a safety perspective. This will be a fair deal because the Authority will get the south land back in better condition and will not lose any land from the recreational inventory.

Mr. Hassinger noted that PCCP was advised that this Authority would hold them responsible for damage to the roadway, but PCCP has not replied. PCCP did respond to the traffic control request that an outside contractor advise what traffic control measures should be utilized to make the stretch between West End and Orleans Avenue Canal safe. PCCP replied via e-mail which e-mail was forwarded to Chairman Scott. Commissioner Ernst added that the only way to hold PCCP responsible is to take them to court. Mr. Hassinger informed that PCCP would have to be taken to court because PCCP will not agree to anything, including a general scope of work and Hold Harmless Agreement. Commissioner Stack noted that it is not the contractor, the Corps will not agree because the federal government will not allow that to happen.

Commissioner Trask, at the Recreation/Subdivision meeting held on October 3, 2013 offered a motion to approve the offer from PCCP Constructors for 32 months for additional Temporary Right Of Way (ROW) for 1.58 acres on the south side of Lakeshore Drive, seconded by Commissioner Ernst and unanimously adopted.

Commissioner Hoffman suggested that the motion be amended to include relinquishing their servitude on the north side, seconded by Commissioner Dufrechou and unanimously adopted to wit:

MOTION: 10-101713
RESOLUTION: 10-101713
BY: COMMISSIONER TRASK
SECONDED BY: COMMISSIONER ERNST

October 17, 2013

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, Lakeshore Drive and adjacent parkways and green spaces are part of the non-flood protection assets owned by the District under the management and control of the Management Authority;

WHEREAS, the U. S. Army Corps of Engineers has contracted with PCCP Constructors, a Joint Venture ("PCCP Constructors") for construction of the Permanent Canal Closures and Pumps on the outfall canals on Lakeshore Drive (the "Project");

WHEREAS, PCCP Constructors has requested to lease and obtain a right-of-way (the "ROW") for the property described on Exhibit 1 attached hereto, consisting of 1.58 acres, which property is adjacent to the Orleans Pump Station on the south side of Lakeshore Drive;

WHEREAS, the ROW among other things will minimize workers and construction vehicles from crossing Lakeshore Drive which will protect the traveling public, construction employees, joggers and cyclists who use Lakeshore Drive;

WHEREAS, PCCP Constructors has offered to rent the 1.58 acres for \$1,000.00 per month for 32 months, commencing on November 1, 2013, and has also offered upon completion of the Project to improve the property by grading the property to drain and re-establishing the turf;

WHEREAS, PCCP Constructors has also offered to screen the area from view and keep it in a well maintained state throughout construction of the Project;

WHEREAS, an amendment was offered to this Resolution which was seconded and duly adopted to condition the lease and right-of-way agreement on the release by PCCP of the right-of-way/servitude it has on property on the lake side of Lakeshore Drive across from the future site of the Orleans Avenue Pump Station; and,

WHEREAS, the Management Authority after considering the request for the ROW by PCCP Constructors resolved that it is in the best interest of the Management Authority and Orleans Levee District to approve the requested ROW with PCCP Constructors under the terms and conditions set forth above.

THEREFORE, BE IT HEREBY RESOLVED, that the Management Authority approves a lease and right-of-way with PCCP Constructors, a Joint Venture, for the property described on Exhibit 1 attached hereto, for a rental of \$1,000.00 per month for 32 months, commencing on November 1, 2013, and under the terms and conditions set forth above for the screening and maintenance of the property and improvement of the property upon completion of the Project by grading the property to drain and re-establishing the turf, the release by PCCP of the right-of-way/servitude it has on property on the lake side of Lakeshore Drive across from the future site of the Orleans Avenue Pump Station, and under the general terms and conditions included in rights-of-way granted by the Management Authority and Orleans Levee District, including but not limited to liability insurance and hold harmless, defense and indemnity agreements.

BE IT HEREBY FURTHER RESOLVED, that the Management Authority Chairman or Executive Director be and is hereby authorized to sign a lease and right-of-way agreement with PCCP Constructors, a Joint Venture, which shall include the terms and conditions set forth above, and any and all other documents necessary to carry out the above.

AYES: ERNST, LUPO, HEATON, DUFRECHOU, SCOTT, HOFFMAN, CANTRELLE, STACK, SIAZAN, GREEN
NAYS: NONE
ABSTAIN: NONE
ABSENT: BAUDY, TRASK, DeROUEN, BRIEN
RESOLUTION ADOPTED: YES

Motion 11-101713 - Approve amendment to the Professional Services Contract with Richard C. Lambert Consultants, L.L.C. to change the consultants' compensation from FEMA Cost Curve "B" to Cost Curve "A" conditioned upon approval by FEMA

Commissioner Heaton requested that this item be tabled with the approval of the Board and requested that a letter be written first which Commissioner Heaton would co-author. This matter can come back to the Board if a Resolution is required. This matter should be indefinitely postponed.

Commissioner Heaton offered a motion to indefinitely postpone Motion 11-101713, seconded by Commissioner Hoffman and unanimously adopted.

PUBLIC COMMENTS

Brayton Matthews, Flightline First, advised the Board that the NBAA Schedulers and Dispatchers Convention will be held in New Orleans from January 13-17. Flightline applied for a booth to display within the world fuel complex of FBOs at the event. This is a big opportunity for the Bastian-Mitchell Hangar to be used for static displays and for the Terminal Building under Messina's catering for special events and parties. The staff of the NBAA should be made aware of this at the regular convention in Las Vegas Tuesday and Thursday of next week. Whatever interest this Authority can drum up as to what the NBAA may want to do at the Airport would be a huge opportunity for the FBOs and for the Authority.

Mr. Pruitt advised that the NBAA requested to host a jogging event on the airfield using the runways and taxiways. The FAA advised that could not be done and offered the NBAA use of the roadway and ball park. That was the only request of the Schedulers Convention.

NEXT BOARD MEETING

The next full Board meeting of the Non-Flood Protection Asset Management Authority is scheduled for Thursday, November 21, 2013 at 5:30 p.m.

ADJOURNMENT

Commissioner Hoffman offered a motion to adjourn, seconded by Commissioner Ernst and unanimously adopted. The meeting adjourned at 7:16 p.m.