

**THE NON-FLOOD PROTECTION ASSET MANAGEMENT AUTHORITY
MINUTES OF THE FULL BOARD MEETING
THURSDAY APRIL 18, 2013 – 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, April 18, 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.

Chairman Lupo called the meeting to order at 6:00 p.m. and led in the Pledge of Allegiance. The roll was called which did not constitute a quorum so the meeting was informational only.

PRESENT:

Chairman Robert Lupo
Commissioner William Hoffman
Commissioner Wilma Heaton
Commissioner Michael Stack
Commissioner Stanley Brien
Commissioner Carlton Dufrechou
Commissioner Patrick DeRouen
Commissioner Nyka Scott

ABSENT:

Vice Chairman Joe Hassinger
Secretary Greg Ernst
Commissioner Romona Baudy
Commissioner John Trask
Commissioner Darrel Saizan
Commissioner Pearl Cantrelle

STAFF:

Louis Capo - Executive Director
Sharon Martiny - Non-Flood
Dawn Wagener – Non-Flood
Joan Coats - Compliance
Chuck Dixon – Marina Director
Fred Pruitt – Airport Director

ALSO PRESENT:

Al Pappalardo - Real Estate Consultant
Gerard Metzger - Legal Counsel
Chris Fenner – Stuart Consulting
Alton Davis – Richard C. Lambert Consulting
Steve Nelson – Stuart Consulting
Ray Landeche – Lakeshore Subdivision

ADOPT AGENDA

Due to a lack of quorum, the Agenda was not adopted.

APPROVAL OF PRIOR MINUTES

Due to a lack of quorum, approval of the March 21, 2013 Board meeting minutes will be deferred until the May 16, 2013 Board meeting.

OPENING COMMENTS

Chairman Lupo apologized to the vendors and contractors who were present noting that the meeting would be informational only due to a lack of quorum. No motions on the Agenda can be passed without a quorum. The Agenda cannot be adopted and

approval of the minutes of the March 21, 2013 Board meeting will be deferred until the May 16, 2013 Board meeting.

REPORT BY EXECUTIVE DIRECTOR

Mr. Capo advised that the utility crossing project is underway on Lakeshore Drive. A contractor is assessing the condition of the lights and will provide a report advising what the cost will be to get the lights in working condition. Chairman Lupo noted Lakeshore Drive is divided into five Reaches. The section of lights where the erosion prevention plaza work is underway is in bad shape as those lights have not been turned on for six years. When the lights charge up the circuitry heats up and dries out and there is a lot of trouble with the lights. The Flood Authority is doing a beautiful job on the plaza and the Non-Flood Authority, through FEMA dollars, is repairing the Mardi Gas Fountain. Chairman Lupo requested that the Flood Authority provide the dollars to repair the lights so when the plaza sections are finished the lighting comes back on. The section from Lakeshore Dr. to Bayou St. John is where the troubled lighting is. The cost to repair the lights was presented to the Flood Authority for consideration to make the necessary repairs. The reaches from Franklin Avenue to Seabrook are functioning. Once the lights are functioning all of Lakeshore Drive will be open at night.

Councilmember Susan Guidry had a meeting at St. Dominick's regarding ongoing projects along Lakeshore Drive. Presenters at the meeting included the Non-Flood Authority, The Flood Authority and the Corps of Engineers. The meeting was informational and well attended by the public.

Approval was given for a movie company to place one 40x40 tent in Tourmeline Park. The \$3,600 collected from the movie shoot will be put back into the park to trim trees in the park. A second movie company will be in the old Shelter #3 parking lot from Monday through Friday. The parking lot will be used for passenger vehicle parking. The Authority is collecting fees for use of that parking lot.

Chairman Lupo noted that each Agenda item would be discussed, but not passed due to lack of a quorum. The presentation by Mr. Alton Delarge, Jr., Director, Economically Disadvantaged Business Program – S&WB has been rescheduled for the May 16, 2013 Board meeting.

Chairman Lupo advised of a meeting with the two principals of Belou-Magner and the Authority's consultants and architects regarding concerns about the Terminal Building project. A letter was also written to the bonding company of the contractor explaining the situation. The contractor understood some problems, but was also making excuses on some issues. A telephone conference was held with the Executive Director, Legal Counsel, Architect and Consultants and the local bonding company office regarding concerns about delays and manning of the Terminal Building project. The bonding company relayed the contractor's concerns also. After these meetings the work force at the Terminal Building rose to approximately 30 men. Airport Committee Chairman Saizan has been there every day and has reported that the principal of the contracting company is on the job as well. Contacting the contractor's bonding company had some affect on the contractor, who is now working through the issues he was concerned about. Mr. Nelson noted that the new schedule completion date is June 17, 2013. There are approximately 30 people on site each day working hard in all areas in the building. The air condition is turned back on, the big hurdles seem to be over and there are positive indications. If another issue arises and workers walk off the job, the Authority has four pieces of documentation regarding the project to the bonding company.

Chairman Lupo noted comments regarding the envelope and roof of the building, roof leaks and window leaks that related to flashing along with problems with the glass tower. The architects, consultants and legal counsel have pursued the general contractor. The architect researched the windows and advised that there were 24 questionable windows. The issue is an installation problem that does not fit with the specs. Mr. Metzger will pursue the general contractor on that issue. Mr. Metzger

advised that a lawsuit was drafted, but has not yet been filed due to new issues with the windows in the building. The general contractor has been non-responsive. Chairman Lupo added that the Authority has expended the dollars to repair these issues as the contractor could not go forward with interior work until the window issues were addressed.

COMMITTEE REPORTS

Airport Committee – The issues will be discussed as they appear on the Agenda

Marina Committee – Commissioner Brien advised that painting will soon begin which represents much of the \$90,000 allocated to major maintenance at Orleans Marina. Several other items will exhaust the \$90,000 before the end of the fiscal year. South Shore Harbor leases will be discussed along with how to capture the anticipated S&WB charges. Orleans Marina leases cannot be adjusted to capture those costs as the leases are under a three year arrangement due to the major maintenance.

Commercial Real Estate – Chairman Lupo reported that both new restaurant tenants had problems with the City at the final inspections, however both buildings are moving along. Mr. Brisbi is looking at late May for opening Brisbi's Restaurant. The Blue Crab will open at a later date. Entergy and the City decided that all existing panels had to be placed in a different location at the Blue Crab. The Blue Crab has all of the kitchen equipment in place, but they are waiting for electrical and to get occupancy so they can open.

Recreation Committee – Commissioner DeRouen stated that the production company with the movie in Tourmeline Park has been there since Wednesday and everything has gone off without a hitch.

Legal Committee – Commissioner DeRouen noted that the BP issue needs to be addressed.

Finance Committee – Mr. Metzger advised that SLFPA-E filed a Presentment of Claim which is a prerequisite to instituting a lawsuit under the Oil Pollution Act of 1990. The claim includes the economic damages that this Authority will seek to recover in the lawsuit. The Authority should ratify the Presentment of Claim and address attorney's fees connected with this litigation. The lawsuit will be filed as prescription will run on Monday. The Claim was presented in January, but they have not responded. Mr. Metzger suggested filing the lawsuit to interrupt prescription and noted the Executive Director or Chairman of the Board is required to authorize filing of the claim.

Mr. Metzger noted that the Flood Authority has a 25% contingency fee contract with Walter Leger. Commissioner Ernst informed that there will be a Steering Committee of lawyers involved in this lawsuit. Mr. Metzger will keep the Board apprised of the lawsuit and appear in court when needed on behalf of the Management Authority. Commissioner Ernst suggested the legal fee be the lesser of the AG's hourly rate per hour or 25% as a max with the fee payable only if the Authority wins.

Commissioner Hoffman advised that the budget was approved and administration will submit the budget prior to the April 1, 2013 deadline.

Commissioner Heaton noted that time is running short for the dedication ceremony. One response to the RFQ/P was received on March 29, 2013. This should be added to the next Board meeting Agenda for approval of a Consulting Agreement with Crescent City Consultants (CCC) and New Orleans Convention Company, Inc. (NOCCI) for services for the dedication ceremony of the Lakefront Airport Terminal Building. The complete schedule of services and the staff that will be committed to this project is laid out in the proposal. The cost is \$15,000 plus 10% commission on any sponsorship money raised for the event. NOCCI and CCC are willing and highly qualified to do the work under this arrangement.

Mr. Capó informed that any contract less than \$25,000 can be executed without Board approval. Commissioner Heaton requested the contract not be executed for at least 48 hours as this was just distributed tonight.

Chairman Lupo agreed and stated that this would allow the Authority to proceed and bring the issue back to the Board so the Board can vote on all issues. Commissioner Heaton noted that CCC and NOCCI advised that references could be checked. NOCCI and CCC have done functions for the WWII Museum. Preparing a first-class event will take time in order to contact all the sponsors. Chairman Lupo noted since this issue was time sensitive it was to be added as an additional item on the Agenda.

Chairman Lupo advised that items on tonight's Agenda included the signage along Lakeshore Drive and the Airport. The Authority will enter into a contract for paint work at the Orleans Marina. A change order is necessary for the Fire Marshall and Entergy to get occupancy permits for the Wedell Hangar and lighting for other projects. These items will be addressed at the next scheduled full Board meeting.

Mr. Davis noted that the \$63,000 for the signs could not be approved without a quorum and suggested that the Executive Director sign for the \$1,900 for shop drawings to get the process started. Mr. Capó approved \$1,900 for shop drawings.

NEXT BOARD MEETING

The next full Board meeting of the Non-Flood Protection Asset Management Authority is scheduled for Thursday, May 16, 2013 at 5:30 p.m.

ADJOURNMENT

Due to a lack of quorum, there was no motion to Adjourn.

The meeting adjourned at 6:34 p.m.