

NON-FLOOD PROTECTION ASSET MANAGEMENT AUTHORITY
FULL BOARD MEETING MINUTES
THURSDAY OCTOBER 27, 2016 – 5:30 P.M.

The regular meeting of the Full Board of the Non-Flood Protection Asset Management Authority was held on Thursday, October 27, 2016 at 5:30 p.m., in the Conference Center in the Lakefront Airport Terminal Building, 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.

Chair Heaton called the meeting to order at 5:35 p.m. and led in the Pledge of Allegiance.

The roll was called which constituted a quorum.

PRESENT:

Chair Wilma Heaton
Vice Chair Eugene Green
Comm. Stan Brien
Comm. Rodger Wheaton
Comm. Anthony Richard
Comm. Greg Ernst
Comm. Leila Eames
Comm. Roy Arrigo
Comm. Dawn Hebert
Comm. Carla Major
Comm. Chris Morvant
Comm. Cedric Grant

ABSENT:

Secretary Thomas Fierke
Comm. William Settoon
Comm. Pat Meadowcroft
Comm. Sean Bruno

STAFF:

Sharon Martiny – Administrative Assistant
Dave Dabney - Payroll
Ben Morris – Airport Director
Chanse Watson – Assistant Airport Director
Yvonne Mitchell - Airport
Adam Mansur – Maintenance Director
Melissa Bailey – Accounting
Marlene Wilkerson – Accounting
Helaine Millner – Administrative Coordinator
Chuck Dixon – Marina Director
Tony Collins – Airport
Jake Brown – Airport

ALSO PRESENT:

Gerard Metzger – Legal Counsel
Ann Duffy – Lake Oaks resident
Gregory Trahan – AECOM
Zack Butterworth – Peninsula Condominiums
John Skinner – Lake Oaks resident

ADOPT AGENDA

Comm. Eames offered a motion to adopt the Agenda, second by Comm. Major. Motion passed.

APPROVE MINUTES

Comm. Richard offered a motion to approve the August 25, 2016 Board meeting minutes, seconded by Comm. Eames, abstained by Comm. Morvant. Comm. Ernst opposed noting that Page 4 reflected a written ballot be taken to cast votes, and stated that “written” should be replaced with “secret”. Chair Heaton disagreed, and requested the change be noted in the minutes. The Motion to approve the August 25, 2016 Board meeting minutes passed.

Comm. Richard offered a motion to approve the August 30, 2016 Board meeting minutes, seconded by Comm. Eames, abstained by Comm. Morvant, and opposed by Comm. Ernst. The Motion to approve August 30, 2016 Board meeting minutes passed.

Comm. Major offered a motion to approve the September 22, 2016 Board meeting minutes, seconded by Comm. Hebert.

PUBLIC COMMENTS

Zack Butterworth (Peninsula Condominium tenant) noted that Peninsula Condominiums has 19 years left on their lease. Peninsula Condominiums is scheduled to meet in the near future with the Real Estate Consultant and Legal Counsel to discuss the requested lease extension.

OPENING COMMENTS

NFPAMA staff introduced themselves to the new Commissioners and gave a brief description of their job duties. Chair Heaton thanked the staff and noted that she is working with Civil Service to determine steps to become more efficient and identify money in the budget for additional employees.

PRESENTATIONS

Audit Findings for Fiscal Year ending June 30, 2016 – Carr, Riggs & Ingram, LLC

Becky Hammond, Partner – Carr, Riggs & Ingram, LLC, presented the Financial and Communications Statement, and noted separate pieces of the statements were specific to the Non Flood Authority. The auditors have the responsibility to express an opinion regarding financial statements. A clean opinion was given with one material weakness in Internal Controls that specifically affects the Non-Flood Division. Accounting policies and procedures were reviewed, and the audit did not encounter significant difficulties in audit. There were no disagreements with management, who signed the Representation Letter stating all required items are true and correct to their knowledge. The audit found no fraud, illegal acts, and no inconsistencies. There was a finding regarding software that affected quarterly billings for the marinas, but Chair Heaton worked diligently with staff to get the software up and running to correct the problem as quickly as possible. Mr. Capo was enlisted for quarterly internal audits to prevent these issues in the future.

Chair Heaton thanked Mr. Capo for the 11 years that the Non Flood Authority had no findings, noting that the finding was very unusual. The Finance Committee will give monthly updates on the status regarding the Marinas, and mini audits will be conducted. Quarterly and Aging reports will be given to the Finance Committee going forward.

COMMITTEE REPORTS

Airport Committee – Airport Director Ben Morris noted that over \$600,000 was received in grants since the Airport Director and Asst. Airport Director started, which grants do not require a match by the Authority.

Marina Committee – Chair Arrigo noted that the Marina Committee meeting was held on Tuesday, and the Agenda was extensive.

Commercial Real Estate – Chair Green noted four items under new business regarding the Commercial Real Estate Committee will be addressed at the appropriate time.

Legal Committee – Chair Major advised that she was recently appointed the Chair of the Legal Committee, but was not in attendance at the last meeting.

Recreation/Subdivision Committee – Chair Wheaton reported that a draft lease was generated for Shelter No. 1, which addresses concerns brought forth by the surrounding neighborhood. Leases going forward will include clauses that address controlled music. Shelter No. 2 is in its infancy and no draft lease has been prepared. Old electrical vaults in surrounding subdivisions will be replaced by new electrical racks. This item will be a big issue at the next meeting and Entergy representatives will be invited to address the new racks.

Finance Committee – Chair Richard reported that the audit was addressed along with questions concerning the expense report. The Committee reviewed financial reports to determine where the Authority stands and the Finance Department will report monthly regarding revenues and expenses. Quarterly audits will be conducted, concrete issues will be addressed, and the Committee will be presented with reports addressing when revenues are received and expenses are paid.

OLD BUSINESS

None.

NEW BUSINESS

01-102716 – Motion to approve the Fourth Amendment of the By-Laws of the Non Flood Protection Asset Management Authority increasing the number of Authority members that may be appointed to a committee to five (5) Authority members.

Mr. Metzger advised that the Authority discussed the amendment to increase the number of members on each committee to five members. Notice of the Amendment was given to Board members on September 26, 2016.

Comm. Wheaton offered a motion to approve the Fourth Amendment of the By-Laws of the Non Flood Protection Asset Management Authority increasing the number of Authority members that may be appointed to a committee to five (5) Authority members, second by Comm. Ernst. Motion passed.

MOTION: 01-102716
RESOLUTION: 01-102716
BY: COMMISSIONER WHEATON
SECONDED BY: COMMISSIONER ERNST

October 27, 2016

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 is authorized by law to adopt by-laws, rules and regulations for the management of its affairs and for the operation and governance of the non-flood protection assets of the Orleans Levee District;

WHEREAS, the Management Authority adopted By-Laws at its regularly scheduled monthly meeting in July of 2011;

WHEREAS, the By-Laws of the Management Authority in Article V, Committees, Section 2, Committee Procedures, Subsection 1 presently provide that the each Committee of the Management Authority shall be composed of no more than four (4) Authority members and such other persons as the Chairman may deem in the best interest of the Authority;

WHEREAS, the Management Authority at its regularly scheduled meeting held on September 22, 2016 discussed an amendment to Article V, Section 2, Subsection 1 of the By-Laws to increase the number of Authority members that may be appointed to a Committee to five (5) Authority members;

WHEREAS, in accordance with Article X of the By-Laws, notice was given to the members of the Management Authority of the proposed amendment, in writing, dated September 26, 2016, a copy of which is attached hereto; and,

WHEREAS, after consideration of the proposed amendment to the By-Laws to increase the number of Authority members that may be appointed to a Committee, the Management Authority at its regularly scheduled monthly meeting held on October 27, 2016 approved and adopted a resolution authorizing the amendment as set forth in the notice issued on September 26, 2016 to the members of the Management Authority.

NOW THEREFORE, BE IT HEREBY RESOLVED, that the Management Authority approves and adopts the amendment to Article V, Section 2 (1), as set forth in the notice issued on September 26, 2016 to the members of the Management Authority, a copy of which is attached to this Resolution.

BE IT FURTHER HEREBY RESOLVED, that the amendment to the By-Laws shall be effective as of the date of the adoption of this Resolution.

BE IT FURTHER HEREBY RESOLVED, that the Management Authority authorizes the Secretary of the Management Authority to sign an amendment to the By-Laws as set forth above and file same in the records of the Management Authority.

The foregoing was submitted to a vote, the vote thereon was as follows:

YEAS: HEATON, ARRIGO, BRIEN, EAMES, ERNST, GRANT, GREEN, HEBERT, MAJOR, MORVANT, RICHARD, WHEATON,
NAYS: NONE
ABSENT: FIERKE, SETTOON, MEADOWCROFT, BRUNO
RESOLUTION ADOPTED: YES

02-102716 – Motion to approve a Settlement Agreement with Fairview Realty, LLC

Mr. Metzger advised that this matter arises out of a dispute from 2013 when the Board granted the tenant the right to demolish the boathouse improvements. Improvements are owned by the tenant, and at the end of the lease those improvements revert back to the Levee District. The tenant contracted with a construction company to rebuild the improvements, but the contractor required a hold harmless agreement due to the condition of the piles noting that adjacent boathouses may be damaged by pile driving. Fairview Realty advised that the improvements could not be rebuilt due to the possible damage to surrounding boathouses. Comm. Fierke requested a settlement as the tenant stopped paying rent. A settlement was negotiated for \$37,000. The Authority will get the property back, which will be put back in commission.

Comm. Fierke offered a motion to approve a Settlement Agreement with Fairview Realty, LLC, second by Comm. Major. Motion passed.

MOTION: 02-102716
RESOLUTION: 02-102716
BY: COMMISSIONER FIERKE
SECONDED: COMMISSIONER MAJOR

October 27, 2016

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 Orleans Marina located in the City of New Orleans is one of the non-flood protection assets of the District under the management and control of the Management Authority (the “Marina”);

WHEREAS, as owner of the Marina, the Orleans Levee District is authorized to lease its water bottoms and land as moorings for boats and construction of boathouses for fair and equitable rental rates, as provided under Louisiana Revised Statutes Title 38, Section 336(A) & (B)(4);

WHEREAS, West Roadway Boathouse Sites W-11, W-12 and W-13 (the “leased premises”) are leased to Fairview Realty, L.L.C. (“Fairview Realty” or “lessee”), pursuant to the terms of a written lease signed on November 21, 2007, which Lease is for a term of five (5) years with five 5-year renewal options (the “Lease”);

WHEREAS, the improvements located on the leased premises are owned by the lessee, and were in a deteriorated condition and at the end of their useful life in May of 2013;

WHEREAS, Fairview Realty also requested the approval of the Management Authority to demolish the improvements and remove the pilings on the leased premises;

WHEREAS, Fairview Realty also agreed to construct new boathouse improvements on the leased premises, at its sole expense, which improvements would be subject to the review and prior approval of the Management Authority, as required under Article VI of the Lease

WHEREAS, the Management Authority at its meeting on May 16, 2013 adopted a resolution approving the demolition of the improvements conditioned upon Fairview Realty constructing, at its expense, new improvements on the leased premises subject to the review and prior approval of the Management Authority, as required under Article VI of the Lease, that said improvements be completed by no later than December 1, 2014 and other conditions set forth in said resolution;

WHEREAS, Fairview Realty did demolish the improvements on the leased premises, including removal of the pilings on the leased premises; and, after said demolition was completed the Management Authority granted an extension of time for the completion of the construction of the improvements;

WHEREAS, a dispute arose with construction of the improvements on the leased premises involving the pile driving needed to rebuild the improvements on the leased premises, which Fairview contended would damage the foundations of the adjacent and surrounding boathouses in the Marina;

WHEREAS, the staff and counsel for the Management Authority and Fairview Realty entered into negotiations to amicably resolve this matter;

WHEREAS, Fairview Realty has offered to pay \$37,498.65 in consideration of cancellation of the Lease and a final settlement of all claims between the parties; and,

WHEREAS, the Management Authority resolved that it is in the best interest of the District to accept the settlement offer of Fairview Realty in the amount of \$37,498.65 in consideration of cancellation of the Lease with Fairview Realty and a full release of any and all claims between the parties.

NOW, THEREFORE BE IT HEREBY RESOLVED, that the Management Authority approves the settlement offer of Fairview Realty in the amount of \$37,498.65 in consideration of cancellation of the Lease with Fairview Realty and a full release of any and all claims between the parties.

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 carry out the above.

The foregoing was submitted to a vote, the vote thereon was as follows:

YEAS: HEATON, ARRIGO, BRIEN, EAMES, ERNST, GRANT, GREEN, HEBERT, MAJOR, MORVANT, RICHARD, WHEATON,

NAYS: NONE
ABSENT: FIERKE, SETTOON, MEADOWCROFT, BRUNO
RESOLUTION ADOPTED: YES

03-102716 – Motion to approve Agreement regarding annual rental with Landry’s Seafood House – New Orleans, LA

Mr. Metzger advised that the agreement submitted by Landry’s will memorialize rent for the next five (5) years. An appraisal was performed to establish the new rental rate. The new rental rate is \$230,000 annually. Landry’s executed the Agreement and will forward a check for any rents owed to the Authority.

Comm. Green offered a motion to approve Agreement regarding annual rental with Landry’s Seafood House – New Orleans, LA, second by Comm. Ernst. Motion passed.

MOTION: 03-102716
RESOLUTION: 03-102716
BY: COMMISSIONER GREEN
SECONDED: COMMISSIONER ERNST

October 27, 2016

RESOLUTION

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

WHEREAS, the immovable property located at Municipal Address 8000 Lakeshore Drive in the City of New Orleans is one of the non-flood assets of the Orleans Levee District managed and controlled by the Management Authority;

WHEREAS, the former Board of Commissioners of the Orleans Levee District and Landry’s Seafood House-New Orleans, Inc. (“Landry’s”) entered into certain Lease Agreement dated June 28, 1995, as amended, (the “Lease”), for the lease of the immovable property located at 8000 Lakeshore Dr., New Orleans, LA 70124 (the “Leased Premises”);

WHEREAS, pursuant to the terms of the Lease, the Leased Premises had to be appraised for the purpose of determining the fair market rental value for the period from July 1, 2015 through June 30, 2020;

WHEREAS, the Management Authority and Landry’s followed the appraisal procedures specified in the Lease and desire to clearly state and memorialize in a written agreement the annual rental for the Leased Premises for the period from July 1, 2015 through June 30, 2020;

WHEREAS, pursuant to the appraisal procedures specified in the Lease, the annual rental for the Leased Premises will be \$230,000.00, per annum, for the period from July 1, 2015 through June 30, 2020, and will be paid in accordance with the terms of the Lease;

WHEREAS, attached to this Resolution is a proposed written agreement with Landry’s regarding the annual rental for the period from July 1, 2015 through June 30, 2020 (the “Agreement”);

WHEREAS, the Commercial Real Estate Committee of the Management Authority considered the proposed Agreement with Landry’s at its meeting held on October 18, 2016 and voted to recommend approval of the Agreement to the Management Authority; and,

WHEREAS, the Management Authority after considering the Agreement resolved that it is in the best interest of the Orleans Levee District and the Management Authority to approve the proposed Agreement with Landry’s.

NOW, THEREFORE BE IT HEREBY RESOLVED, that the Management Authority approves the Agreement Regarding Annual Rental with Landry’s Seafood House-New Orleans, Inc., a copy of which is attached hereto.

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

The foregoing was submitted to a vote, the vote thereon was as follows:

YEAS: HEATON, ARRIGO, BRIEN, EAMES, ERNST, GRANT, GREEN, HEBERT, MAJOR, MORVANT, RICHARD, WHEATON,
NAYS: NONE
ABSENT: FIERKE, SETTOON, MEADOWCROFT, BRUNO
RESOLUTION ADOPTED: YES

04-102716 – Motion to select an architecture firm to provide architectural services to develop building standards for boathouses in the Orleans Marina and to develop a conceptual design for new boathouses on West Roadway

Comm. Green moved to defer the item as the Committee did not have adequate time to review and grade the proposals, second by Comm. Ernst.

05-102716 – Motion to approve a contract with the lowest responsible bidder Ill’s Crane & Dozier, for NFPAMA Project OM-2016-08-17 – Orleans Marina Pier 4, 5 & 6 repairs

Comm. Arrigo moved to defer the item to ensure that the bid complies with State Law, second by Comm. Major.

06-102716 – Motion to approve a contract with the lowest responsible bidder, Anders Construction, Inc. to repair the Pennick Dock.

Mr. Dixon advised that three bids were received, and Anders Construction submitted the lowest bid.

Comm. Arrigo moved to approve a contract with the lowest responsible bidder, Anders Construction, Inc. to repair the Pennick Dock, second by Comm. Green. Motion passed.

MOTION: 06-102716
RESOLUTION: 04-102716
BY: COMMISSIONER SETTOON
SECONDED BY: COMMISSIONER GREEN

October 27, 2016

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 Pennick Dock at Orleans Marina is in need of repairs caused by damage from Hurricane Katrina;

WHEREAS, the Management Authority solicited bids and received three (3) bids to complete the requested services described in the base bid scope;

WHEREAS, the following companies provided bids:

| | |
|-------------------------------------|-------------|
| Anders Construction, Inc. | \$63,650.00 |
| Gill’s Crane & Dozier Service, Inc. | \$68,050.00 |
| Iron Triangle Development, LLC | \$98,875.00 |

WHEREAS, the lowest responsible bidder was Anders Construction, Inc. and consultants and staff recommend entering into a contract with Anders Construction, Inc., to complete the requested services described in the base bid scope;

WHEREAS, the funding for this repairs was budgeted in the approved FY 2016-2017 Operating Budget; and,

WHEREAS, the Management Authority resolved that it was in the best interest of the District to approve a contract with Anders Construction, Inc., as the lowest responsible bidder, for the repairs needed to the Pennick Dock.

THEREFORE BE IT HEREBY RESOLVED that the Non-Flood Protection Asset Management Authority approves a contract with Anders Construction, Inc. to complete the requested services described in the base bid scope for repairs to the Pennick Dock in the Orleans Marina for the price and sum of \$63,650.00.

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

The foregoing was submitted to a vote, the vote thereon was as follows:

YEAS: HEATON, ARRIGO, BRIEN, EAMES, ERNST, GRANT, GREEN, HEBERT, MAJOR, MORVANT, RICHARD, WHEATON

NAYS:

ABSTAIN:

ABSENT: FIERKE, SETTOON, MEADOWCROFT, BRUNO

RESOLUTION ADOPTED: YES

07-102716 – Motion to approve a State Grant in an amount not to exceed \$293,684,000 for State Project H.011984 “Crack Fill, Sealcoat and Repaint Runway 36R/18L”

Chair Heaton advised that this item was vetted and approved by the Airport Committee.

Chair Heaton offered a motion to approve a State Grant in an amount not to exceed \$293,684,000 for State Project H.011984 “Crack Fill, Sealcoat and Repaint Runway 36R/18L”, second by Comm. Richard. Motion passed.

MOTION: 07-102716
RESOLUTION: 05-102716
BY: COMMISSIONER HEATON
SECONDED: COMMISSIONER RICHARD

October 27, 2016

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 and specifically New Orleans Lakefront Airport (“Airport”);

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

WHEREAS, the Management Authority, as sponsor of the Airport, (the “sponsor”), requested funding assistance from the LA DOTD to fill cracks, apply sealcoat and repaint Runway 36R/18L at the Airport, identified as SPN H.011984, (the “project”);

WHEREAS, the project has been approved by the Louisiana Legislature and the LA DOTD is agreeable to the implementation of the project and desires to cooperate with the 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 project and reimburse the sponsor up to \$293,684.00 of project cost.

NOW, THEREFORE, BE IT RESOLVED by the Management Authority that it does hereby authorize the Chairman or Executive Director to execute an Agreement for the project identified as SPN H.011984, more fully identified in the Agreement attached hereto, and to execute any subsequent related documents, including, but not limited to, amendments to said agreement.

The foregoing was submitted to a vote, the vote thereon was as follows:

YEAS: HEATON, ARRIGO, BRIEN, EAMES, ERNST, GRANT, GREEN, HEBERT, MAJOR, MORVANT, RICHARD, WHEATON,

NAYS:

ABSENT: FIERKE, SETTOON, MEADOWCROFT, BRUNO

RESOLUTION ADOPTED: YES

08-102716 – Motion to approve a State Grant in an amount not to exceed \$30,000 for State Project H.012779 “Rehabilitate L-807 and L-806 Wind Cones”

Chair Heaton advised that this item was vetted and approved by the Airport Committee.

Chair Heaton offered a motion to approve a State Grant in an amount not to exceed \$30,000 for State Project H.012779 “Rehabilitate L-807 and L-806 Wind Cones”, second by Comm. Ernst. Motion passed.

MOTION: 08-102716

RESOLUTION: 06-102716

BY: COMMISSIONER HEATON

SECONDED: COMMISSIONER ERNST

October 27, 2016

RESOLUTION

WHEREAS, the Non-Flood Protection Asset 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 and specifically 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;

WHEREAS, the Non Flood Protection Asset Management Authority has requested funding assistance from the LA DOTD to approve a State Grant in the amount not to exceed \$30,000 for State Project H.012779 “Rehabilitate L-807 and L-806 Wind Cones”;

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 to approve a State Grant in an amount not to exceed \$30,000 for State Project H.012779 “Rehabilitate L-807 and L-806 Wind Cones”, and reimburse the sponsor up to \$293,684.00 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 State Project H.012779, more fully identified in the Agreement attached hereto, and to execute any subsequent related documents, including, but not limited to, amendments to said agreement.

The foregoing was submitted to a vote, the vote thereon was as follows:

YEAS: HEATON, ARRIGO, BRIEN, EAMES, ERNST, GRANT, GREEN, HEBERT, MAJOR, MORVANT, RICHARD, WHEATON,

NAYS: None

ABSENT: FIERKE, SETTOON, MEADOWCROFT, BRUNO

RESOLUTION ADOPTED: YES

09-102716 – Motion to approve final payment to Design Engineering, Inc. on the Utility Completion Project, OLB Project No. 3034802

Chair Heaton advised that the Finance Committee reviewed and approved this item. There were extensive presentations regarding the matter and a voluminous amount of work was done. After Hurricane Katrina the Corps removed the utility crossings leaving Lakeshore Dr. void of electric and water. With the assistance of DEI, the Corps paid millions of dollars for this project. After project completion, this \$77,000m was the only amount the Non Flood Authority was asked to pay. Authorization is requested to pay DEI up to \$77,000 to put this matter to rest.

Mr. Metzger advised that a Motion to Amend was needed to fill in the amount to be paid to DEI.

Comm. Arrigo offered a motion to amend, second by Comm. Richard. Chair Heaton offered a motion to approve final payment to Design Engineering, Inc. on the Utility Completion Project, OLB Project No. 3034802, second by Comm. Richard. Motion passed.

MOTION: 09-102716
RESOLUTION: 07-102716
BY: COMMISSIONER HEATON
SECONDED BY: COMMISSIONER RICHARD

October 27, 2016

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, after Hurricane Katrina the United States Army Corps of Engineers performed work on the levees on Lakeshore Drive in the City of New Orleans;

WHEREAS, the United States Army Corps of Engineers required the removal of all utility lines under the levees servicing Lakeshore Drive in connection with the work performed on the levees and required all utility service lines to cross over the levees;

WHEREAS, the Management Authority engaged Design Engineering, Inc. to provide professional services in connection with the project identified as the Lakeshore Drive – Utility Service Completion Project, OLB Project No. 3034802 (the “Project”);

WHEREAS, Design Engineering, Inc. submitted in April of 2016 a proposal for a fee increase for additional services rendered during the extended construction phase of the Project;

WHEREAS, the fee increase for additional services submitted by Design Engineering, Inc. totals \$77,197.61;

WHEREAS, after consideration of the requested fee increase by Design Engineering, Inc., the Management Authority resolved that it is in the best interest of the Orleans Levee District to approve final payment to Design Engineering, Inc. on the Project in an amount not to exceed \$77,000.00.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Management Authority authorizes final payment to Design Engineering, Inc. on the Lakeshore Drive – Utility Service Completion Project, OLB Project No. 3034802 in an amount not to exceed \$77,000.00.

BE IT FURTHER HEREBY RESOLVED that the Management Authority authorizes the Chairman or Executive Director of the Management Authority to sign any and all documents necessary to carry out the above.

The foregoing was submitted to a vote, the vote thereon was as follows:

YEAS: HEATON, ARRIGO, BRIEN, EAMES, ERNST, GRANT, GREEN, HEBERT, MAJOR, MORVANT, RICHARD, WHEATON,

NAYS: NONE

ABSENT: FIERKE, SETTOON, MEADOWCROFT, BRUNO

RESOLUTION ADOPTED: YES

10-102716 – Motion to authorize the Chairman of the Management Authority to negotiate a settlement of all remaining claims on the construction of Shelter House No. 3 and the terms of any negotiated settlement shall be subject to approval by the Management Authority

Comm. Wheaton noted that this issue was brought before the Legal and Recreation Committees. Two major issues existed with Shelter No. 3: the interior had cosmetic issues and effervescence from concrete and mortar were bleeding through the interior walls. The Committee determined that Shelter No. 3 is an outdoor non-air conditioned public restroom, and it is not worth the Authority investing more money to make the repairs. Another issue was the louvered doors that were replaced with solid doors to prevent vandalism, which eliminated air flow to the interior of the Shelter.

In reviewing the remaining invoices and considering the backflow preventers which were installed, the contractor and DEI agreed to the sum of \$61,840.71 owed to the contractor in addition to the \$75,544.27 in retainage. There will be additional invoices from the contractor as there are unfinished items remaining on the project. The Change Orders amounted to \$17,000, which the Authority has not been asked to address. One

Change Order in the amount of \$7,754 for stainless steel sinks will be credited as agreed to by DEI.

Crescent Commercial Construction agreed to accept \$61,840. The addition of the louvered doors will be resolved between DEI and the contractor. The Authority will be responsible for matters regarding the retainage. The Authority will make interim payments to Crescent Commercial Construction and DEI, and the Authority will still have retainage of \$75,000. No other amounts will be reimbursed from the Corps as the Authority received \$2 million for this project from the Corps. The Authority will end up being \$143,000 under budget, which good news. The Authority had to pay out-of-pocket \$27,000 for the backflow preventers. The motion must be amended to fill in the amounts; \$61,000 to Crescent Commercial Construction and \$49,000 to DEI.

Comm. Wheaton offered a motion to amend, second by Comm. Ernst. Motion passed. Comm. Wheaton offered a motion to authorize the Chairman of the Management Authority to negotiate a settlement of all remaining claims on the construction of Shelter House No. 3 and the terms of any negotiated settlement shall be subject to approval by the Management Authority, second by Comm. Settoon. Motion passed.

MOTION: 10-102716
RESOLUTION: 08-102716
BY: COMMISSIONER WHEATON
SECONDED BY: COMMISSIONER SETTOON

October 27, 2016

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, after Hurricane Katrina the United States Army Corps of Engineers performed work on the levees on Lakeshore Drive in the City of New Orleans;

WHEREAS, the United States Army Corps of Engineers in connection with the work performed on the levees required that Shelter House No. 3 on Lakeshore Drive be demolished and rebuilt at another location on Lakeshore Drive;

WHEREAS, the United States Army Corps of Engineers authorized funding for the demolition and rebuilding of Shelter House No. 3;

WHEREAS, the Management Authority entered into a contract with Design Engineering, Inc. for design and other professional services for the construction of new Shelter House No. 3 on Lakeshore Drive (the "Shelter House");

WHEREAS, the Management Authority entered into a construction contract with Crescent Commercial Construction, LLC for the construction of the Shelter House;

WHEREAS, certain problems with the design and construction of the Shelter House arose after the completion of the Shelter House;

WHEREAS, the Management Authority has not accepted this project because of the problems with the design and construction of the Shelter House and final payment has not been made on the project;

WHEREAS, the Management Authority after consideration of this matter, and an amendment to this Resolution duly adopted, resolved that it is in the best interest of the Orleans Levee District to authorize and interim payment to Crescent Commercial Construction, LLC in the amount of \$61,840.71 and an interim payment to Design Engineering, Inc. in the amount of \$49,622.12 and to authorize the Chairman of the Management Authority to negotiate a settlement of all remaining claims involving the construction of Shelter House No. 3 and the terms of any negotiated settlement shall be subject to approval by the Management Authority.

NOW, THEREFORE, BE IT HEREBY RESOLVED the Management Authority authorizes an interim payment to Crescent Commercial Construction, LLC in the amount of \$61,840.71 and interim payment to Design Engineering, Inc. in the amount of \$49,622.12.

BE IT FURTHER HEREBY RESOLVED that the Management Authority authorizes the Chairman of the Management Authority to negotiate a settlement of all remaining claims involving the design and construction of Shelter House No. 3.

BE IT FURTHER HEREBY RESOLVED that any settlement negotiated by the Chairman of the Management Authority of the remaining claims involving the design and construction of Shelter House No. 3 shall be subject to approval by the Management Authority.

BE IT FURTHER HEREBY RESOLVED that the Management Authority authorizes the Chairman or Executive Director of the Management Authority to sign any and all documents necessary to carry out the above.

The foregoing was submitted to a vote, the vote thereon was as follows:

YEAS: HEATON, ARRIGO, BRIEN, EAMES, ERNST, GRANT, GREEN, HEBERT, MAJOR, MORVANT, RICHARD, WHEATON

NAYS: NONE

ABSENT: FIERKE, SETTOON, MEADOWCROFT, BRUNO

RESOLUTION ADOPTED: YES

11-102716 – Motion to approve an Airport Capital Improvement Plan for 2017-2018
Chair Heaton moved to approve an Airport Capital Improvement Plan for 2017-2018, second by Comm. Major. Motion passed.

MOTION: 11-102716

RESOLUTION: 09-102716

BY: COMMISSIONER HEATON

SECONDED: COMMISSIONER ARRIGO

October 27, 2016

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

WHEREAS, the State of Louisiana, Department of Transportation and Development, Division of Aviation (formerly the LA DOTD-OAPT) is charged by Title 2 of the Louisiana Revised Statutes with the responsibility for the development of aviation facilities within the State to foster air commerce and to safeguard the interests of those engaged in all phases of the aviation industry and of the general public;

WHEREAS, the Non-Flood Protection Asset Management Authority, hereinafter referred to as “Sponsor”, has completed an FAA and DOTD approved Master Plan, Action Plan, and/or Airport Layout Plan which outlines the specific future development of New Orleans Lakefront Airport; and, the Sponsor is desirous of implementing a portion of the approved Plan recommendations which provide for the critically needed improvements as stated below to substantially improve the safety and usability of the Airport, but does not have sufficient funds of its own required for completing the needed improvements; and,

WHEREAS, the LA DOTD, Division of Aviation also is authorized by Title 2 to expend funds for the construction or enlargement of airports for the safety and advancement of aeronautics;

NOW, THEREFORE, BE IT RESOLVED:

SECTION I

That the Sponsor does hereby formally request that the LA DOTD, Division of Aviation provide funds required to complete the airport improvements at New Orleans Lakefront Airport specifically as described in the Capital Improvement Program Application for State Financial Assistance dated October 27, 2016.

SECTION II

That the said LA DOTD, Division of Aviation be and is hereby assured that all necessary servitudes, rights-of-way, rights of ingress and egress and means thereof will be furnished by the Sponsor and the titles thereto will be valid and indefeasible, and that the Sponsor will assume ownership, financial reporting, and complete responsibility for the maintenance and upkeep of the airport after completion of said improvement.

SECTION III

That the Sponsor will save and hold the said LA DOTD, Division of Aviation, its officers, agents, and employees harmless from any liability or claim for damages arising out of the project, including death or injuries to third parties including, but not limited to, liability or claim for damages out of the negligence of said LA DOTD, Division of Aviation, its officers, agents, or employees, and expressly agrees to defend any suit of any nature brought against the LA DOTD, Division of Aviation as a result of this project.

SECTION IV

That the Executive Director or the Chairman of the Sponsor be and is hereby authorized and directed to evidence this agreement by affixing her signature at the place provided therefore on this resolution and on subsequent related documents/agreements as required by the rules and regulations of the Federal Aviation Administration and the State of Louisiana and the Clerk is hereby authorized to attest said execution.

SECTION V

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

The Non-Flood Protection Asset Management Authority Board as managing entity for the Orleans Levee District, New Orleans Lakefront Airport, for the Sponsor in the Parish of Orleans met in regular session on this date. The aforesaid resolution was offered by Chair Wilma Heaton and seconded by Commissioner Richard.

The resolution was submitted to a vote, and the vote thereon was as follows:

YEAS: HEATON, ARRIGO, BRIEN, EAMES, ERNST, GRANT, GREEN, HEBERT, MAJOR, MORVANT, RICHARD, WHEATON
NAYS: NONE
ABSENT: FIERKE, SETTOON, MEADOWCROFT, BRUNO
ADOPTED: YES

12-102716 – Motion to authorize the Real Estate Consultant and Legal Counsel for the Management Authority to prepare a Request for Proposals for the commercial development of the North Peninsula to be issued conditioned upon approval by the Commercial Real Estate Committee of the Management Authority

Comm. Green advised that construction is underway for the amphitheater and shop venue at the location near South Shore Harbor. The Authority owns the N. Peninsula located across from South Shore Harbor, which is currently vacant and has been for many decades. The Commercial Real Estate Committee continues to utilize the many assets under its jurisdiction to bring higher and better use for the Authority. This motion will request the release of an RFP to determine the enthusiasm for commercial development of that parcel of land. There will be a period of two months for entities to approach the Authority regarding environmental concerns. Mr. Morris noted that concerns regarding height and restrictions for structures will be address during negotiations for the N. Peninsula.

Comm. Green offered a motion to authorize the Real Estate Consultant and Legal Counsel for the Management Authority to prepare a Request for Proposals for the commercial development of the North Peninsula to be issued conditioned upon approval by the Commercial Real Estate Committee of the Management Authority, second by Comm. Arrigo. Motion passed.

MOTION: 12-102716
RESOLUTION: 10-102716
BY: COMMISSIONER GREEN
SECONDED: COMMISSIONER ARRIGO

October 27, 2016

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 North Peninsula in the South Shore Harbor Marina is one of the non-flood protection assets of the Orleans Levee District managed and controlled by the Management Authority;

WHEREAS, the North Peninsula has never been developed for commercial use by the Orleans Levee District;

WHEREAS, the members of the Commercial Real Estate Committee of the Management Authority discussed at their October 18, 2016 meeting the preparation and issuance of a Request for Proposals for the commercial development of the North Peninsula;

WHEREAS, the Commercial Real Estate Committee at its October 18, 2016 meeting unanimously voted to recommend that the Management Authority authorize the Real Estate Consultant and Legal Counsel for the Management Authority to prepare a Request for Proposals for the development of the North Peninsula to be issued conditioned upon approval by the Commercial Real Estate Committee; and,

WHEREAS, the Management Authority resolved that it is in the best interest of the Orleans Levee District and the Management Authority to authorize the Real Estate Consultant and Legal Counsel for the Management Authority to prepare a Request for Proposals for the commercial development of the North Peninsula to be issued conditioned upon approval by the Commercial Real Estate Committee of the Management Authority.

NOW, THEREFORE BE IT HEREBY RESOLVED, that the Management Authority authorizes the Real Estate Consultant and Legal Counsel for the Management Authority to prepare a Request for Proposals for the commercial development of the North Peninsula to be issued conditioned upon approval by the Commercial Real Estate Committee of the Management Authority.

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

The foregoing was submitted to a vote, the vote thereon was as follows:

YEAS: HEATON, ARRIGO, BRIEN, EAMES, ERNST, GRANT, GREEN, HEBERT, MAJOR, MORVANT,
RICHARD, WHEATON

NAYS: NONE

ABSENT: FIERKE, SETTOON, MEADOWCROFT, BRUNO

RESOLUTION ADOPTED: YES

EXECUTIVE SESSION

None.

ANNOUNCE NEXT MEETING

Chair Heaton announced the next full Board meeting will be held on November 15, 2016 at 5:30 p.m.

ADJOURNMENT

Comm. Major offered a motion to adjourn, seconded by Comm. Ernst. Motion passed. The meeting adjourned at 7:15 p.m.