

**NON-FLOOD PROTECTION ASSET MANAGEMENT AUTHORITY
MINUTES OF THE RECREATION/SUBDIVISION COMMITTEE MEETING
THURSDAY SEPTEMBER 5, 2013 – 2:30 P.M.**

The regular monthly meeting of the Recreation/Subdivision Committee of the Non-Flood Asset Protection Management Authority was held on Thursday, September 5, 2013 at 2:30 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 Trask called the meeting to order at 2:42 p.m. and led in the Pledge of Allegiance.

The roll was called which constituted a quorum.

PRESENT:

Chairman John Trask
Commissioner Stanley Brien
Commissioner Greg Ernst

FURTHERMORE PRESENT:

Commissioner Robert E. Smith Lupo

ABSENT:

Vice Chair Darrel Saizan

STAFF:

Louis Capo - Executive Director
Sharon Martiny - Non-Flood

ALSO PRESENT:

Gerard Metzger – Legal Counsel
Al Pappalardo – Real Estate Consultant
Steve Nelson – Stuart Consulting Group
John Holtgreve – Design Engineering
Walter Baudier – Design Engineering
Don Lapeyrolerie – Stuart Consulting Group
Ann Duffy – Lake Oaks Subdivision
Ray Landeche – Lakeshore Subdivision

ADOPT AGENDA

Commissioner Ernst offered a motion to adopt the Agenda, seconded by Commissioner Brien and unanimously adopted.

APPROVAL OF MINUTES

The July 11, 2013 and August 1, 2013 Recreation/Subdivision meeting minutes will be deferred until the November Recreation/Subdivision Committee meeting.

REPORT ON CURRENT RECREATION/SUBDIVISION ISSUES

Mr. Capo advised that most of the issues will be discussed under Old Business.

NEW BUSINESS

1) Update on Lakeshore Drive Utility Crossings

John Holtgreve, Design Engineering, Inc., reported that there were changes in the utility crossing project as a result vault locations and changes to the utility crossing locations. A decision was made to move the utility crossings and the Corps gave their approval. There is a utility

crossing located between London Avenue Canal and UNO in which Entergy would not allow the vault in that area.

In order to provide service to that area a change to the design size of the wiring was required to carry power toward UNO. The Corps is committed to restoring the utilities to Lakeshore Drive regardless of the method. A Change Order was forwarded to the contractor who turned in his estimate of \$250,000 to extend the services across the levee. The changes are not a problem with the Corps and the entire amount should be reimbursed to the Authority within 30 days of the invoice being paid.

Mr. Holtgreve advised that the Corps established a budget of \$1.5 million for construction and DEI estimated \$1.3 million for the construction budget. The Corps acknowledged that all reasonable costs of the project would be reimbursed. Some facilities will be changed to avoid a new crossing over the levee which requires new wire sizes and those charges are not included in the current bid prices. Mr. Metzger advised that a Resolution authorizing the Change Order is required along with a motion to recommend approval to the Board.

Mr. Holtgreve advised that DEI will move forward with this issue so the contractor can be instructed to move forward. Once the contractor is authorized to proceed it will take approximately three weeks to complete the work. The amount should be increased to \$300,000 to allow ability for DEI to negotiate for increased project expenses because it will take longer to complete the project. Commissioner Ernst offered a motion to change the amount of the Change Order from \$250,000 to \$300,000, seconded by Commissioner Brien and unanimously adopted.

Walter Baudier, Design Engineering, Inc., added that DEI is in a position to move forward to Reach 1 for the lights for Lakeshore Drive. Southeast Louisiana Flood Protection Authority East (SLFPA-E) is considering funding the cost of repairing the lights on Lakeshore Drive back which is approximately \$125,000 for Reach 1. SLFPA-E is willing to pay for LED lights also. Reach 2 is not ready operational due to a wiring issue with Reaches 2 through 5. If Mr. Gillen approves the extra costs the lights in Reach 1 between Canal and Landry's will be turned on by February. Additional lights will be placed on Reach 1 plaza similar to those between Landry's and Lake Avenue. We will then move to Reach 4 and 5 and then Reach 2, which is the portion that follows.

Commissioner Ernst offered a motion to approve the Change Order, seconded by Commissioner Brien and unanimously adopted.

2) Update on Mardi Gras Fountain

Walter Baudier reported that at the time of the substantial completion inspection several of the 22 nozzles on the fountain were not pumping properly, some lights were not functioning and the contractor had not completed the plaques on the Mardi Gras Fountain. The request for substantial completion was rejected at that time. After investigating the fountain, it was determined that nozzles were clogged by small Palm tree debris that ended up in the pipes as a result of Hurricane Katrina. The contractor did a television inspection which depicted a broken pipe under the slab. The pipe will be repaired by tunneling under the fountain

because the slab is 16 inches thick and pile supported. The cost to tunnel under the fountain will be a pre-existing condition of the project and should be reimbursable by FEMA. The condition of the pipe was not known beforehand and the cause is clearly Katrina.

Mr. Capo advised that a Board Resolution may be required if the cost of the contract will be changed. Resolutions are structured by the contract issued and contain a not to exceed dollar amount. That dollar amount cannot be exceeded. Mr. Metzger advised that the Board is required to adopt a Resolution for the pipe repair to the Mardi Gras Fountain and a cost for the repair is required.

A quote was received to relocate the two security cameras. The cameras will be mounted on light poles over the next week and will be operating in two weeks. The contractor requested an additional fee for artwork on the Mardi Gras Fountain plaques which will be submitted to FEMA. The Authority will not be responsible if FEMA does not approve the additional fee. The Mardi Gras Fountain should be operational within the next month.

3) Discussion regarding USACE request for Project Traffic Control Plans and Haul Routes

Mr. Capo advised that PCCP Constructors submitted a proposal for approval of the haul route plan. PCCP has not yet advised who will repair any damage to the roadway. A meeting will be scheduled next week addressing the additional right of way the contractor is requesting, haul routes and who will be responsible for damage to Lakeshore Drive. A haul route was submitted and my recommendation is to defer taking action until both issues are addressed in the meeting with PCCP.

Chairman Trask noted that there will be substantial damage to Lakeshore Drive and it is a concern because PCCP has given no indication about who will repair the damage. Mr. Capo advised that neither the Corps nor PCCP said they would be responsible and advised that approval was given by Coastal Protection and Restoration Authority (CPRA) to use the areas. The Corps and PCCP still need the Authority's approval for the use of Lakeshore Drive. Commissioner Stack advised that these were not approved haul routes. Other entities such as SLFPA-E, the Corps and CPRA have given PCCP access to additional land on Lakeshore Drive.

Mr. Metzger advised that The Authority needs an agreement that the Corps or PPC will be responsible if the trucks do damage. Piles will be driven and there is a residential community right next to where those piles will be driven. There has been damage in the past in or adjacent to neighborhoods as a result of big projects such as the flood walls. A copy of the permit issued by SLFPA – E is needed to determine what was in the permit issued by SLFPA-E. The issue is would the Authority have a third party action against the Corps or their contractor because of the Corps immunity under the federal law.

Chairman Trask noted that someone has an idea that there will be damage because my house was one that was video inspected to make sure there is no pre-existing damage. Mr. Capo noted that Lakeshore Drive has been video-taped. A copy of that video tape has been requested, but has not been received to date.

Mr. Metzger informed the Committee that the contract was requested and PCCP advised that their legal department had to give permission to release the contract that PCCP has with the Corps. Mr. Capo suggested a meeting with Chairman Hassinger, Commissioner Trask and representatives of the Corps and PCCP to prepare an agreement advising who will be responsible for damages to Lakeshore Drive and that betterments be included for removing the additional green space from public use.

Mr. Capo advised that PCCP would use Lakeshore Drive without any type of approval. General Haig and Crystal will be used as secondary haul routes with smaller pick-up trucks being used. Mr. Baudier advised that the last plan showed haul routes along Lakeshore Drive. The access route inside of Lakeshore is probably for smaller vehicles. The only time heavy-duty dump trucks will be brought through neighborhoods is when Lakeshore Drive is flooded from overtopping or wave action as a result of a storm. Chairman Trask requested this issue be put on a list to be addressed at the meeting. If dump trucks are used many people who live in that area will be very upset because the streets are already bad. If this work will cause damage to homes or streets there has to be a plan in place.

Mr. Capo advised that PCCP already has one area under their control, but are requesting another 1.5 acre area by the Orleans Canal. PCCP advised that betterments to the area shall include that the area be left in a condition such that positive drainage is provided. That is what betterments PCCP is proposing for taking the land between the north side of the levee and Lakeshore Drive out of public commerce for four years.

Mr. Pappalardo addressed what the value of the requested area was to the Authority and reported that the Authority does not typically rent park land. No rate has been established because park land is not put in commerce. The area will be used in an industrial sense such as the industrial sites at the Marina and on Lakeshore Drive. The industrial sites such as Shubert's, Sintas and Meyer Yacht have rates of \$1.50 per square foot which would be approximately \$102,000 per year for use of the 1.56 acres that PCCP is requesting. If you are talking four years the figure is \$400,000. Mr. Capo can find other betterments that could be figured in to meet that amount. PCCP would probably not give the Authority \$400,000, but may perform in-kind betterments if the value is established.

Mr. Capo noted that the Authority is not receiving compensation from PCCP for the current area as that was approved by a previous right of way which was given by the Flood Authority. PCCP initially sought this Authority's approval. When it was not given PCCP received the approval from the Flood Authority. PCCP is back and persistent seeking approval for use of this area.

Mr. Pappalardo advised that a total Hold Harmless and Indemnity Agreement for damage to the roadway, streets and subdivisions would be valuable to the Authority if it stuck. Ultimately it will be kicked to the Corps who may have immunity.

ANNOUNCEMENT OF NEXT MEETING

Chairman Trask announced the next Recreation/Subdivision meeting is scheduled for Thursday, October 1, 2013 at 2:30 p.m.

ADJOURNMENT

Commissioner Ernst a motion to adjourn, seconded by Vice Chairman Brien and unanimously adopted.

The meeting adjourned at 3:20 p.m.