

NON-FLOOD PROTECTION ASSET MANAGEMENT AUTHORITY  
BOARD MEETING MINUTES  
THURSDAY FEBRUARY 23, 2017 – 5:30 P.M.

The regular meeting of the Full Board of the Non-Flood Protection Asset Management Authority was held on Thursday, February 23, 2017 at 5:30 p.m., in the 2<sup>nd</sup> floor meeting room in the 2<sup>nd</sup> Floor Conference Center – Lakefront Airport Terminal Building, located at 6001 Stars & Stripes 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.

Chair Heaton called the meeting to order at 5:30 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  
Secretary Thomas Fierke  
Comm. Rodger Wheaton  
Comm. Anthony Richard  
Comm. Greg Ernst  
Comm. Roy Arrigo  
Comm. Dawn Hebert  
Comm. Carla Major  
Comm. Chris Morvant  
Comm. Cedric Grant  
Comm. Pat Meadowcroft  
Comm. Sean Bruno

**ABSENT:**

Comm. Stan Brien  
Comm. Bill Settoon  
Comm. Leila Eames  
Comm. Charles Henry

**STAFF:**

Jesse D. Noel, P.E. – Executive Director  
Ngoc Ford – Deputy Director  
Sharon Martiny – Administrative Assistant  
Chuck Dixon – Marina Director  
Chanse Watson – Asst. Airport Director  
Marlene Wilkerson – Accounting  
Melissa Bailey - Accounting

**ALSO PRESENT:**

Gerard Metzger – Legal Counsel  
Al Pappalardo – Real Estate Consultant  
Dennis McSevenney – Lake Terrace Property Owners Assn.  
Ann Duffy – Lake Oaks Property Owners Assn.  
Karl Hudson – Orleans Marina Tenant  
Delaney Martin – New Orleans Airlift

**ADOPT AGENDA**

Comm. Ernst offered a motion to adopt the Agenda, second by Comm. Meadowcroft. Motion passed.

**APPROVE MINUTES**

Comm. Bruno moved to approve the minutes of the January 26, 2017 Board meeting, second by Comm. Meadowcroft. Comm. Ernst opposed due to lack of content. Motion passed.

### **OPENING COMMENTS**

Vice Chair Green commended the Selection Committee regarding the selection of the new Executive Director, Jesse D. Noel, P.E.

### **PUBLIC COMMENTS**

None.

### **PRESENTATION**

None.

### **COMMITTEE REPORTS:**

**Airport** – Chair Heaton advised that a memorandum would be sent out that included housekeeping issues.

**Marina** – Chair Arrigo noted that there are many things going on with the Marina Committee including an upcoming music event, pier repair in Orleans Marina, boathouse demolition and Pennick Dock repairs.

**Commercial Real Estate** – Chair Green reported that the RFPs for Parcel K and the N. Peninsula were advertised. The Bally's development by Studio Network, Lakefront will open in the fall.

**Recreation/Subdivision** – Chair Wheaton reported that the lease for Shelter No. 1 is on hold due to zoning restrictions. The Lake Terrace Fountain is not operational due to the electrical vault, which will be replaced by Entergy at their cost in the near future.

**Legal** - Chair Major reported that Mr. Metzger gave a status report in all ongoing legal matters.

**Finance** – Chair Richard reported that Accounting has not yet begun to use the new accounting software. Marina slip leases are being entered manually.

### **OLD BUSINESS**

None.

### **NEW BUSINESS**

#### **01-022317 -- Motion to approve annual slip leases commencing on July 1, 2017 for the Orleans Marina and South Shore Harbor Marina**

On February 7, 2017 the Marina Committee recommended that the Marina slip leases be issued for one year commencing on July 1, 2017 under the same terms and conditions with the annual base rent and sur charge fixed at the current rate for 2016-2017.

Comm. Arrigo offered a motion to approve annual slip leases commencing on July 1, 2017 for the Orleans Marina and South Shore Harbor Marina, second by Comm. Fierke. The Resolution was adopted to wit:

**MOTION:** 01-022317  
**RESOLUTION:** 01-022317  
**BY:** COMMISSIONER ARRIGO  
**SECONDED BY:** COMMISSIONER FIERKE

February 23, 2017

### **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;

**WHEREAS**, two of the non-flood protection assets managed by the Management Authority are Orleans Marina and South Shore Harbor Marina (the "Marinas");

**WHEREAS**, the slip leases in the Marinas are for a term of one (1) year and the slip leases at both marinas expire on June 30, 2017;

**WHEREAS**, the Marina Committee at its meeting on February 7, 2017 discussed the renewal of the slip leases in the Marinas;

**WHEREAS**, after considering the terms and conditions of the slip leases for the Marinas, the Marina Committee recommended that the leases at both marinas be issued for a term of one year, beginning July 1, 2017, under the general terms and conditions of the current slip leases, with revisions recommended by the Marina Manager and Legal Counsel, and with the annual base rent and surcharge fixed at the current rates; and,

**WHEREAS**, the Management Authority after considering the recommendation of the Marina Committee resolved that it is in the best interest of the Orleans Levee District to approve the recommendation of the Marina Committee for the slip leases for the Orleans and South Shore Harbor Marinas commencing on July 1, 2017 and expiring on June 30, 2018;

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, that the Management Authority approves one year slip leases for the Orleans and South Shore Harbor Marinas, commencing on July 1, 2017 and expiring on June 30, 2018, under the general terms and conditions of the current slip leases, and with revisions recommended by the Marina Committee, and with the annual base rent and surcharge fixed at the current rates.

**BE IT FURTHER HEREBY RESOLVED**, that the Management Authority Chairman, Executive Director or Marina Manager be and is hereby authorized 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:

**AYES:** HEATON, GREEN, FIERKE, WHEATON, RICHARD, ERNST, ARRIGO, HEBERT, MAJOR, MORVANT, GRANT, MEADOWCROFT, BRUNO

**NAYS:**

**ABSTAIN:**

**ABSENT:** BRIEN, SETTOON, EAMES

**RESOLUTION ADOPTED: YES**

**02-022317 -- Motion to approve a contract with the lowest responsible bidder for NFPAMA Project OM-2016-08-17 – Orleans Marina Pier 4, 5 & 6 Repairs**

Comm. Arrigo reported that four bids were received in response to the RFP. Three bids were in full compliance, including the low bidder; Ashley Savarino Unlimited Construction, LLC with the low bid being \$244,645.17.

Comm. Arrigo offered a motion to approve a contract with the lowest responsible bidder for NFPAMA Project OM-2016-08-17 – Orleans Marina Pier 4, 5 & 6 Repairs, second by Comm. Fierke. The Resolution was adopted to wit:

**MOTION:** 02-022317

**RESOLUTION:** 02-022317

**BY:** COMMISSIONER ARRIGO

**SECONDED BY:** COMMISSIONER FIERKE

February 23, 2017

**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 is one of the non-flood protection assets of the District managed by the Management Authority;

**WHEREAS**, certain finger piers, stairs, runners, stringers and pile caps at Orleans Marina are in need of repairs and replacements;

**WHEREAS**, the Management Authority advertised, as required under the Louisiana Public Bid Law, a Request for Bids and received four (4) bids for the repairs described in the Request for Bids;

**WHEREAS**, the following companies submitted bids:

Ashley Savarino Unlimited Construction, LLC	\$244,645.17
Kostmayer Construction, LLC	\$300,000.00
Gills Crane and Dozier	\$341,764.00
Mayer Building Company, LLC	\$366,095.00

**WHEREAS**, the lowest responsible bidder was Ashley Savarino Unlimited Construction, LLC and the Management Authority’s consultants and staff recommended that the Management Authority award a contract to Ashley Savarino Unlimited Construction, LLC, for the repairs described in the Request for Bids for the price and sum of \$244,645.17;

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

**WHEREAS**, the Management Authority resolved that it is in the best interest of the Orleans Levee District to award a contract to Ashley Savarino Unlimited Construction, LLC, as the lowest responsible bidder, for the repairs at the Orleans Marina described above for the price and sum of \$244,645.17.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the Management Authority approves a contract with Ashley Savarino Unlimited Construction, LLC, as the lowest responsible bidder, for the repairs at the Orleans Marina described in the Request for Bids for the price and sum of \$244,645.17.

**BE IT FURTHER HEREBY RESOLVED** that the Management Authority authorizes the Chairman or Executive Director of the Management Authority to sign a contract with Ashley Savarino Unlimited Construction, LLC, and to sign any and all other documents necessary to carry out the above.

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

**AYES:** HEATON, GREEN, FIERKE, WHEATON, RICHARD, ERNST, ARRIGO, HEBERT, MAJOR, MORVANT, GRANT, MEADOWCROFT, BRUNO

**NAYS:**

**ABSTAIN:**

**ABSENT:** BRIEN, SETTOON, EAMES

**RESOLUTION ADOPTED: YES**

**03-022317 - Motion to authorize a Location Agreement between the NFPAMA and the Louisiana Philharmonic Orchestra and New Orleans Airlift, Inc. for the New Water Music Special Event on April 8<sup>th</sup> or 9<sup>th</sup>, 2017**

Delaney Martin (New Orleans Airlift, Inc.) advised the Board that the event is scheduled for April 8, 2017, with April 9, 2017 being an alternative date in the event of inclement weather on April 8. Comm. Arrigo reported that the Authority will receive a location usage fee of \$250.00 and between 500-1,000 people are estimated to attend the music event.

Comm. Arrigo moved to authorize a Location Agreement between the NFPAMA and the Louisiana Philharmonic Orchestra and New Orleans Airlift, Inc. for the New Water Music Special Event on April 8<sup>th</sup> or 9<sup>th</sup>, 2017, second by Comm. Richard. The Resolution was adopted to wit:

**MOTION:** 03-022317  
**RESOLUTION:** 03-022317  
**BY:** COMMISSIONER ARRIGO  
**SECONDED BY:** COMMISSIONER RICHARD

February 23, 2017

**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 Levee District owns Lakeshore Drive and the Lakefront Parks on Lakeshore Drive in the City of New Orleans, which are non-flood protection assets of the Orleans Levee District under the management and control of the Management Authority;

**WHEREAS**, The Louisiana Philharmonic Orchestra ("LPO"), a Louisiana non-profit corporation, and New Orleans Airlift, Inc. ("N.O. Airlift"), a Louisiana non-profit corporation, have proposed to conduct a free public performance of Handel's Water Music, featuring the LPO and over 100 community musicians playing from a barge and boats belonging to regional fisherman near the south shore of Lake Pontchartrain to be held on April 8, 2017, with an alternate date of April 9, 2017 in the event of inclement weather;

**WHEREAS**, the LPO and N.O. Airlift have proposed this special event, "New Water Music," to unite the audience and participants from all backgrounds and regions in tackling the coastal crisis affecting Louisiana's coast and its inhabitants;

**WHEREAS**, this special event will also include among other things local food vendors and Inspiration Nets creating forms and spaces and floating seats;

**WHEREAS**, the LPO and N.O. Airlift will need a Location Agreement with the Management Authority for park space along Lakeshore Drive where the former Naval Reserve Facility was located and to use the Seabrook Boat Launch area on Lake Pontchartrain to conduct this special event;

**WHEREAS**, the LPO and N.O. Airlift have proposed to enter into a Location Agreement with the Management Authority in consideration for payment of a permit fee of \$250.00, which will include the Management Authority's standard terms and conditions for Location Agreements, including all liability insurance and police and security requirements, and have also agreed to secure all other required governmental permits needed for the New Water Music special event;

**WHEREAS**, the Marina Committee at its regularly scheduled monthly meeting held on February 7, 2017 unanimously voted to recommend approval of a Location Agreement under the terms and conditions set forth above with the LPO and N.O. Airlift for the New Water Music special event; and,

**WHEREAS**, the Management Authority resolved that it was in the best interest of the District to approve a Location Agreement under the terms and conditions set forth above with the LPO and N.O. Airlift for the New Water Music special event.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the Non-Flood Protection Asset Management Authority approves a Location Agreement with The Louisiana Philharmonic Orchestra and New Orleans Airlift, Inc. for the New Water Music special event, to be held on April 8<sup>th</sup> or 9<sup>th</sup>, 2017, in consideration of payment of a permit fee of \$250.00, which will include the Management Authority's standard terms and conditions for Location Agreements, including all liability insurance and police and security requirements, and conditioned upon and subject to Louisiana Philharmonic Orchestra and New Orleans Airlift, Inc. securing all other required governmental permits needed for the New Water Music special event;

**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:

**AYES:** HEATON, GREEN, FIERKE, WHEATON, RICHARD, ERNST, ARRIGO, HEBERT, MAJOR, MORVANT, GRANT, MEADOWCROFT, BRUNO

**NAYS:**

**ABSENT:** BRIEN, SETTOON, EAMES

**RESOLUTION ADOPTED: YES**

**04-022317 - Motion to approve ratification of correspondence forwarded by the Management Authority Chairman to the City Planning Commission dated February 7, 2017 requesting support of consistent zoning (OS-R) of the entirety of Lakefront Park from West End Boulevard to the Seabrook Bridge and also authorizing the Chairman to take action to have Shelters 1 and 2 grandfathered as existing shelters that have been used as public concessions and restaurants since 1936**

Commissioner Wheaton gave an update on the status of re-introducing shelters 1 and 2 to commerce. This update included the finding that current zoning would prohibit the intended use and that some zoning modification would need to be sought. Commissioner Wheaton asked that ratification of the letter by the Chairman be stricken from the resolution, but that the Authority continue to pursue a zoning modification to facilitate the intent of returning the shelters to commerce as a restaurant or other beneficial use.

Chair Heaton gave an update on the drafted letter and deferred to Commissioner Wheaton's request that the Authority seek adequate zoning to return the shelters to commerce without ratifying the letter.

Commissioner Green questioned the term grandfathered and noted that this is not a concept codified in the Comprehensive Zoning Ordinance. Commissioner Green offered an amendment to the therefore clauses and was requested to place it in writing for the Secretary's review.

Commissioner Green was requested to work with Mr. Metzger to confect an amendment to the resolution to adequately reflect the intent of the board to request a zoning modification to allow for the return of Shelters 1 and 2 to Commerce.

Motion by Fierke to lay on the table, seconded by Meadowcroft – unanimous

The Resolution was amended and adopted to wit:

**MOTION: 04-022317**  
**RESOLUTION: 04-022317**  
**BY: COMMISSIONER WHEATON**  
**SECONDED BY: COMMISSIONER MAJOR**

February 23, 2017

**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**, Shelter House No. 1 located on Lakeshore Drive in the City of New Orleans is one of the non-flood protection assets of the Orleans Levee District managed and controlled by the Management Authority;

**WHEREAS**, on June 13, 2016 the Management Authority issued a Request for Proposals for the restoration and lease of Shelter Houses Nos. 1, 2 and 4 on Lakeshore Drive (the "RFP");

**WHEREAS**, Bernadotte Ventures, L.L.C. ("Bernadotte Ventures") submitted a Response to the RFP and the Board adopted a resolution on December 15, 2016 approving a lease with Bernadotte Ventures for Shelter House #1 and the adjacent parking lot and land (the "Leased Premises") to operate a restaurant, as defined as a standard restaurant in the Comprehensive Zoning Ordinance of the City of New Orleans, for a term of five (5) years with three (3) five (5) year options to renew, with a rental rate of \$30,000.00 per annum, payable in monthly installments of \$2,500.00 each, and in accordance with other terms and conditions set forth in the written lease agreement;

**WHEREAS**, under the terms of the Lease the Lessee is obligated to pursue, request and secure the regulatory approvals and permits necessary to operate a restaurant on the Leased Premises, at Lessee's sole cost and expense, and the Management Authority agreed to appear as owner in connection with any hearing required for the issuance of permits for the use of the Leased Premises as a restaurant;

**WHEREAS**, the Lease further provides that in the event permits and approvals are not granted for use of the Leased Premises as a restaurant, then, in that case, the Lease shall terminate;

**WHEREAS**, the Leased Premises is located on the west side of Lakeshore Park, and Lakeshore Park runs along Lakeshore Drive in the City of New Orleans for 5.5 miles from West End to the Seabrook Bridge;

**WHEREAS**, Lakeshore Park between West End and Bayou St. John where Shelter House No. 1 is located is the most heavily used area of Lakeshore Park and is zoned S-LP or Suburban Lake Area Neighborhood Park, which zoning requires a "passive" park and does not permit the use of Shelter House No. 1 as a restaurant;

**WHEREAS**, Lakeshore Park between Bayou St. John and the Seabrook Bridge is zoned OS-R or Regional Open Space District which would permit Shelter House No. 1 to be used as a restaurant;

**WHEREAS**, Shelter Houses 1 and 2 on Lakeshore Drive were constructed by the Works Progress Administration in 1936, are Lakefront landmarks and were operated as public concessions and restaurants with public restroom facilities by the District until Hurricane Katrina devastated the City of New Orleans in August of 2005;

~~WHEREAS, the Chairman of the Management Authority was requested to issue a letter of support to the City Planning Commission to approve a zoning change for the use of Shelter House No. 1 as a restaurant;~~

~~WHEREAS, by letter dated on February 7, 2017, the Chairman of the Management Authority issued the letter of support requesting that the entirety of the Lakefront Park along Lakeshore Drive from West End to the Seabrook Bridge be consistently zoned OS-R, a copy of which said letter is attached to this Resolution;~~

~~WHEREAS, the Recreation/Subdivision Committee of the Management Authority at its meeting held on February 9, 2017 reviewed and discussed the letter of support dated on February 7, 2017 issued by the Chairman of the Management Authority and thereafter adopted a resolution by a majority vote to recommend that the Management Authority ratify and approve the letter issued to the City Planning Commission by the Chairman of the Management Authority; and,~~

WHEREAS, the Recreation/Subdivision Committee of the Management Authority ~~also~~ agreed, after input from the public, that the Management Authority would be open to consideration of keeping the zoning "as is" on an interim basis, with a proviso that Shelters 1 and 2 be grandfathered as existing shelters that have been used as public concessions and restaurants since 1936.

~~WHEREAS, the Management Authority resolved that it was in the best interest of the District to ratify and approve the letter of support forwarded to the City Planning Commission by the Chairman of the Management Authority;~~

THEREFORE, BE IT HEREBY RESOLVED, that the Management Authority hereby authorizes staff and the Chairman of the Board to approach the New Orleans City Planning Commission to explore the creation of restaurants in the area zoned S-LP subject to conditional use and the number of restaurants within that S-LP zoned district be limited to two in number, and that they shall be located in the existing locations of shelters 1 & 2.

BE IT FURTHER HEREBY RESOLVED, that the Management Authority Chairman or Executive Director be and is hereby authorized to sign any other documents necessary to return Shelters 1 and 2 to service as public concessions and restaurants, including an agreement to allow the zoning to remain "as is", with a proviso that Shelters 1 and 2 be grandfathered as existing shelters that have been used as public concessions and restaurants since 1936.

AYES: HEATON, GREEN, FIERKE, WHEATON, RICHARD, ERNST, ARRIGO, HEBERT, MAJOR, MORVANT, GRANT, MEADOWCROFT, BRUNO

NAYS:

ABSENT: BRIEN, SETTOON, EAMES

RESOLUTION ADOPTED: YES

### **05-022317 - Motion to approve Conflicts Waiver requested by Gordon, Arata, McCollam, Duplantis & Eagan, LLC**

Comm. Major noted that the Authority would continue with Gordon, Arata. Comm. Wheaton added that Gordon, Arata currently has a Conflicts Waiver. Gordon Arata recently merged with Montgomery Barnett and as a result has added more cases with Travelers requiring a second Conflicts Waiver. The Authority agreed to approve a second conflicts waiver with Gordon Arata to encompass the additional cases pertaining to Travelers as Travelers is adverse to this Authority in one case. Mr. Metzger advised that a detailed request was made by e-mail, and those detailed are laid out in the Resolution.

Comm. Major offered a motion to approve a Conflicts Waiver requested by Gordon, Arata, McCollam, Duplantis & Eagan, LLC, second by Comm. Bruno. The Resolution was adopted to wit:

MOTION: 05-022317

RESOLUTION: 05-022317

BY: COMMISSIONER MAJOR

SECOND BY: COMMISSIONER BRUNO

February 23, 2017

#### **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, occasions arise when the Management Authority requires professional legal services for matters involving the non-flood protection assets owned by the Orleans Levee District and managed by the Management Authority and in other legal matters;

WHEREAS, the Management Authority entered into a written Professional Legal Services Contract with Gordon, Arata, McCollam, Duplantis & Eagan, LLC, ("Gordon Arata" or "Counsel") effective July 29, 2015 for a term of one (1) year (the "Contract") with one 1-year option to renew for one additional year;

WHEREAS, in accordance with the terms of the Contract, Counsel was engaged to represent the Management Authority in those proceedings captioned and entitled "*RedDot Buildings, Inc. v. GM&R Construction Co., et al.*", USDC EDLA 14-2803" (the "GM&R litigation");

WHEREAS, the Management Authority filed a counterclaim against Travelers Casualty & Surety Co. of America ("Travelers") in the GM&R litigation;

WHEREAS, Gordon, Arata has entered into an agreement to merge with the law firm of Montgomery Barnett, LLP and one of Montgomery Barnett, LLP's clients is Travelers Casualty & Surety Co. of America;

**WHEREAS**, Gordon Arata has requested waivers of the conflict of interest in view of its representation of the Management Authority in the GM&R litigation from the Management Authority and Travelers;

**WHEREAS**, Travelers has granted Gordon Arata a waiver of the conflict of interest resulting from Gordon Arata's representation of the Management Authority in the GM&R litigation;

**WHEREAS**, Gordon Arata requested a waiver of the conflict of interest from the Management Authority and the Legal Committee of the Management Authority at its meeting held on February 14, 2017 voted unanimously to recommend approval of a waiver of the conflict of interest to the Management Authority;

**WHEREAS**, the Management Authority after considering the request for a waiver of the conflict of interest and the recommendation of the Legal Committee resolved that it was in the best interest of the District to waive the conflict of interest requested by Gordon Arata;

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, that the Management Authority waives the conflict of interest resulting from the representation of Non-Flood Protection Asset Management Authority by Gordon, Arata, McCollam, Duplantis & Eagan, LLC in those proceedings captioned and entitled "*RedDot Buildings, Inc. v. GM&R Construction Co., et al.*, USDC EDLA 14-2803," and the representation of Travelers Casualty & Surety Co. of America by Gordon, Arata, McCollam, Duplantis & Eagan, LLC in other, existing and future unrelated matters.

**BE IT FURTHER HEREBY 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:** HEATON, GREEN, FIERKE, WHEATON, RICHARD, ERNST, ARRIGO, HEBERT, MAJOR, MORVANT, GRANT, MEADOWCROFT, BRUNO

**NAYS:**

**ABSTAIN:**

**ABSENT:** BRIEN, SETTOON, EAMES

**RESOLUTION ADOPTED: YES**

### **06-022317 - Motion to approve a one year extension of the term of the Professional Legal Services Contract with Gerard G. Metzger (APLC)**

Chair Heaton stated that the Legal Committee vetted this item. An RFQ was advertised two years ago. Mr. Metzger was chosen through the RFQ process.

Comm. Major offered a motion to approve a one year extension of the term of the Professional Legal Services Contract with Gerard G. Metzger (APLC), second by Comm. Wheaton. The Resolution was adopted to wit:

**MOTION:** 06-022317  
**RESOLUTION:** 06-022317  
**BY:** COMMISSIONER MAJOR  
**SECOND BY:** COMMISSIONER WHEATON

February 23, 2017

#### **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;

**WHEREAS**, occasions arise when the Management Authority requires professional legal services for matters involving the non-flood protection assets owned by the Orleans Levee District and managed by the Management Authority and in other legal matters;

**WHEREAS**, the Management Authority entered into a written Professional Legal Services Contract with Gerard G. Metzger (APLC), effective the 29<sup>th</sup> day of October 2015, for a primary term commencing on October 29, 2015 and ending on June 30, 2016, with an option to renew for one (1) year (the "Contract");

**WHEREAS**, the Management Authority by resolution dated April 21, 2016 approved exercising the option to renew the Contract with Gerard G. Metzger (APLC) for one (1) year, commencing on July 1, 2016 and ending on June 30, 2017;

**WHEREAS**, the Legal Committee of the Management Authority at its meeting held on February 14, 2017 unanimously adopted a motion to recommend to the Management Authority extending the Contract for an additional one (1) year term, commencing on July 1, 2017 and ending on June 30, 2018; and,

**WHEREAS**, the Management Authority resolved that it was in the best interest of the District to extend the Contract with Gerard G. Metzger (APLC) for a one (1) year term, commencing on July 1, 2017 and ending on June 30, 2018, under the terms and conditions set forth in the Contract, subject to approval by the Office of the Attorney General of the State of Louisiana as required under Louisiana law.

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, that the Management Authority approves an extension of the Professional Legal Services Contract with Gerard G. Metzger (APLC) for an additional one year term, commencing on July 1, 2017 and ending on June 30, 2018, under the same terms and conditions specified in the Professional Legal Services Contract with Gerard G. Metzger (APLC), effective on October 29, 2015, subject to approval by the Office of the Attorney General of the State of Louisiana as required under Louisiana law.

**BE IT FURTHER HEREBY 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:** HEATON, GREEN, FIERKE, WHEATON, RICHARD, ERNST, ARRIGO, HEBERT, MAJOR, MORVANT, GRANT, MEADOWCROFT, BRUNO

**NAYS:**

**ABSTAIN:**  
**ABSENT:** BRIEN, SETTOON, EAMES  
**RESOLUTION ADOPTED: YES**

**07-022317 - Motion to approve extension of the expiration dates of the contracts with Charles L. Silbernagel & Associates, Inc. and Studio Kraft, L.L.C. to review plans and specifications for Lakefront Subdivision Projects to June 30, 2018**

Comm. Wheaton advised that the two architects were awarded the contract through the RFQ process. This Resolution extends the contract to June 30, 2018 when all other Professional Services contracts expire.

Comm. Wheaton offered a motion to approve extension of the expiration dates of the contracts with Charles L. Silbernagel & Associates, Inc. and Studio Kraft, L.L.C. to review plans and specifications for Lakefront Subdivision Projects to June 30, 2018, second by Comm. Richard. The Resolution was adopted to wit:

**MOTION:** 07-022317  
**RESOLUTION:** 07-022317  
**BY:** COMMISSIONER WHEATON  
**SECONDED BY:** COMMISSIONER RICHARD

February 23, 2017

**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;

**WHEREAS**, the District has a continuous need for professional engineering/architectural services to assist the Management Authority in reviewing plans and specifications of proposed projects for compliance with the building restrictions for the Lake Terrace, Lake Vista, Lakeshore, and Lake Oaks Subdivisions ("Lakefront Subdivisions");

**WHEREAS**, the Management Authority authorized the issuance of Request for Qualifications/Proposals ("RFQ/P") for professional service agreements every two years, which included the referenced engineering/architectural services;

**WHEREAS**, an RFQ/P was issued on July 19, 2016 for the referenced professional engineering/architectural services to assist the Management Authority in reviewing plans and specifications for proposed projects in the Lakefront Subdivisions;

**WHEREAS**, the responses to the RFQ/P were reviewed and graded by the Members of the Recreation/Subdivision Committee, and the Committee recommended approval of contracts with the two highest scoring firms, Charles L. Silbernagel & Associates, Inc. and Studio Kraft, L.L.C., for a primary term of one (1) year commencing on the date the contracts were signed and with the billing rates currently established for these professional services;

**WHEREAS**, the Management Authority at its January, 2017 Board Meeting approved written professional service contracts with Charles L. Silbernagel & Associates, Inc. and Studio Kraft, L.L.C. for a term of one year commencing on the date of signature of the contracts, which will expire in February, 2018, and which said professional service contracts have been signed by the parties;

**WHEREAS**, the Staff of the Management Authority recommended that the expiration dates of the professional service contracts with Charles L. Silbernagel & Associates, Inc. and Studio Kraft, L.L.C. be amended to coincide with the expiration dates of other professional service contracts with the Management Authority on June 30, 2018;

**WHEREAS**, a motion was made and adopted at the Recreation/Subdivision Committee Meeting held on February 9, 2017 recommending extensions of the expiration dates for the professional service contracts with Charles L. Silbernagel & Associates, Inc. and Studio Kraft, L.L.C. to coincide with the expiration dates of other professional service contracts with the Management Authority on June 30, 2018; and,

**WHEREAS**, the Management Authority considers it to be in the best interest of the District to approve an amendment of the professional service contracts with Charles L. Silbernagel & Associates, Inc. and Studio Kraft, L.L.C. to extend the expiration dates of these professional service contracts with the Management Authority to June 30, 2018.

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, that the Management Authority approves amendments of the professional service contracts with Charles L. Silbernagel & Associates, Inc. and Studio Kraft, L.L.C. extending the expiration dates of these professional service contracts to June 30, 2018.

**BE IT FURTHER HEREBY 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.

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

**AYES:** HEATON, GREEN, FIERKE, WHEATON, RICHARD, ERNST, ARRIGO, HEBERT, MAJOR, MORVANT, GRANT, MEADOWCROFT, BRUNO

**NAYS:**  
**ABSTAIN:**  
**ABSENT:** BRIEN, SETTOON, EAMES  
**RESOLUTION ADOPTED: YES**

**08-022317 - Motion to authorize a contract with the highest ranked firm in accordance with FAA Guidelines to provide Aviation Planning Services for the New Orleans Lakefront Airport.**

Chair Wheaton advised that she attended FAA meetings in November and requested what needed to be accomplished to receive assistance from FAA. The FAA noted that aviation planning services and engineering services were required. RFQs were advertised and this is the result from the RFQ for Aviation Planning Services. This is a requirement by FAA for airport planning for the future. Some of these services may be reimbursed. These services were previously provided under an IDIQ contract, but to be FAA compliant a firm must be selected to provide these services.

Comm. Heaton offered a motion to authorize a contract with the highest ranked firm in accordance with FAA Guidelines to provide Aviation Planning Services for the New Orleans Lakefront Airport, second by Comm. Bruno, and abstained by Comm. Arrigo. The Resolution was adopted to wit:

**MOTION: 08-022317**  
**RESOLUTION: 08-022317**  
**BY: COMMISSIONER HEATON**  
**SECONDED: COMMISSIONER BRUNO**

**February 23, 2017**

**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 protection assets of the Orleans Levee District;

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

**WHEREAS**, the Management Authority issued a Request for Qualifications for Aviation Planning Services at the Airport in compliance with LaDOTD and FAA requirements;

**WHEREAS**, the selection process for a firm to provide the requested professional services was conducted in accordance with the FAA Advisory Circular 150/5070-6B and 150/5100-14D;

**WHEREAS**, the Scoring Committee scored each response, the scores were compiled, and as a result the Scoring Committee recommended that the Management Authority Chairman or Executive Director be authorized to enter into negotiations with the highest rated firm, Kutchins & Groh, LLC, a professional Aviation Planning Service firm, for a contract to perform Aviation Planning Services at the Airport, for a term of three (3) years with two (2) 1-year options to renew; and, further recommended that the Chairman or Executive Director be authorized to negotiate a contract with the next highest rated firm should negotiations fail with the highest rated firm;

**WHEREAS**, the Management Authority considered it to be in the best interest of the Management Authority to accept the recommendations of the Scoring Committee for contract negotiations for Aviation Planning Services for Airport.

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, that the Management Authority Chairman or Executive Director be and is hereby authorized to enter into negotiations with Kutchins & Groh, LLC, a professional Aviation Planning Service firm, for a contract to perform Aviation Planning Services at the Airport, for a term of three (3) years with two (2) 1-year options to renew; and, further hereby authorizes the Chairman or Executive Director to negotiate a contract with the next highest rated firm should negotiations fail with the highest rated firm.

**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:

**AYES: HEATON, GREEN, FIERKE, WHEATON, RICHARD, ERNST, HEBERT, MAJOR, MORVANT, GRANT, MEADOWCROFT, BRUNO**

**NAYS:**

**ABSTAIN: ARRIGO**

**ABSENT: BRIEN, SETTOON, EAMES**

**RESOLUTION ADOPTED: YES**

**09-022317 - Motion to authorize contracts with the highest ranked firms in accordance with FAA Guidelines to provide Architectural/Engineering Services for the New Orleans Lakefront Airport**

Comm. Heaton advised that these are Architect/Engineering Services for future airport projects, which services are required to be FAA compliant. These services include electrical, drainage and runway repairs. The three highest ranking firms were Garver, Michael Baker, International and AECOM.

Comm. Heaton offered a motion to authorize contracts with the highest ranked firms in accordance with FAA Guidelines to provide Architectural/Engineering Services for the New Orleans Lakefront Airport, second by Comm. Bruno, and abstained by Comm. Arrigo. The Resolution was adopted to wit:

**MOTION: 09-022317**

**RESOLUTION: 09-022317**  
**BY: COMMISSIONER HEATON**  
**SECONDED: COMMISSIONER BRUNO**

**February 23, 2017**

**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 protection assets of the Orleans Levee District;

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

**WHEREAS**, the Management Authority issued a Request for Qualifications for Architectural/Engineering Services for Airport Development Projects in compliance with LaDOTD and FAA requirements;

**WHEREAS**, the selection process for a firm to provide the requested professional services was conducted in accordance with the FAA Advisory Circular 150/5070-6B and 150/5100-14D;

**WHEREAS**, the Scoring Committee scored each response, the scores were compiled, and as a result the Scoring Committee recommended that the Management Authority Chairman or Executive Director be authorized to enter into negotiations with the highest rated firms, Garver, Michael Baker, International, and AECOM Technical Services, Inc., professional Architectural/Engineering firms, for contracts to perform Architectural/Engineering Services for Airport Development Projects at the Airport, for a term of three (3) years with two (2) 1-year options to renew; and, further recommended that the Chairman or Executive Director be authorized to negotiate a contract with the next highest rated firm should negotiations fail with the highest rated firm;

**WHEREAS**, the Management Authority considered it to be in the best interest of the Management Authority to accept the recommendations of the Scoring Committee for contract negotiations for Architectural/Engineering Services for Airport Development Projects for Lakefront Airport.

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, that the Management Authority Chairman or Executive Director be and is hereby authorized to enter into negotiations with Garver, Michael Baker, International, and AECOM Technical Services, Inc., professional Architectural/Engineering firms, for a contract to perform Architectural/Engineering Services for Airport Development Projects at the Airport, for a term of three (3) years with two (2) 1-year options to renew; and, further hereby authorizes the Chairman or Executive Director to negotiate a contract with the next highest rated firm should negotiations fail with the highest rated firm.

**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:

**AYES: HEATON, GREEN, FIERKE, WHEATON, RICHARD, ERNST, HEBERT, MAJOR, MORVANT, GRANT, MEADOWCROFT, BRUNO**

**NAYS:**

**ABSTAIN: ARRIGO**

**ABSENT: BRIEN, SETTOON, EAMES**

**RESOLUTION ADOPTED: YES**

**10-022317 - Motion to Amend Resolution No. 03-092216 (increase the New Orleans Lakefront Airport Rehabilitation Runway 18R/36L – Phase I Project) by adding "State Project Number (SPN) H.012765 and FAA project number AIP No. 3-22-0038-029-2016", and by including the verbiage "in an amount not to exceed \$237,510.00 provided by the FAA and an amount not to exceed \$30,000 provided by the La.DOTD"**

Chair Heaton advised that the previous Resolution did not include the AIP number or the State project number. This amendment will serve as housekeeping on the previous Resolution.

Comm. Heaton offered a motion to Amend Resolution No. 03-092216 (increase the New Orleans Lakefront Airport Rehabilitation Runway 18R/36L – Phase I Project) by adding "State Project Number (SPN) H.012765 and FAA project number AIP No. 3-22-0038-029-2016", and by including the verbiage "in an amount not to exceed \$237,510.00 provided by the FAA and an amount not to exceed \$30,000 provided by the La.DOTD", second by Comm. Richard. The Resolution was adopted to wit:

**MOTION: 10-022317**  
**RESOLUTION: 10-022317**  
**BY: CHAIR HEATON**  
**SECONDED: COMMISSIONER RICHARD**

**February 23, 2017**

**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"), including the New Orleans Lakefront Airport ("Airport");

**WHEREAS**, the Management Authority and the Orleans Levee District are the Public Sponsors of the Airport for Louisiana Department of Transportation and Development, Aviation Division ("LADOTD") and U.S. Department of Transportation, Federal Aviation Administration ("FAA") grant funding;

**WHEREAS**, the FAA and LADOTD approved the Project identified as "New Orleans Lakefront Airport Rehabilitation Runway 18R/36L – Phase I Project" (the "Project") with grant funding by LADOTD in the amount of

\$30,000.00 and grant funding by the FAA in the amount of \$270,000.00, and the FAA Grant Funding was subsequently decreased to the sum of \$162,000.00;

**WHEREAS**, the Management Authority by Resolution No. 02-072816 approved and accepted the FAA Grant Funding for the Project in the amount of \$162,000.00;

**WHEREAS**, thereafter the FAA approved an increase in the Grant Funding for the Project to the not to exceed sum of \$237,510.00, and by Resolution No. 03-092216, the Management Authority accepted and approved the increase in the FAA Grant Funding for the Project (the "Resolution");

**WHEREAS**, the Resolution adopted by the Management Authority did not include the FAA or State Project Numbers and also did not include "not to exceed" language for the amount of the FAA or State Grants, and the Airport staff has recommended that the Resolution be amended to include the FAA and State Project Numbers and also provide that the amounts of the State and FAA Grants be stated as "not to exceed" sums;

**WHEREAS**, notice of the proposed amendment of the Resolution was provided in the Agenda issued prior to the Management Authority's regularly scheduled monthly meeting held on February 23, 2017; and,

**WHEREAS**, the Management resolved that it was in the best interest of the Airport to amend the Resolution in accordance with the recommendation of Airport staff;

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, that the resolving clause of Resolution No. 03-092216 be and is hereby amended in its entirety to read as follows:

**"NOW, THEREFORE, BE IT HEREBY RESOLVED**, that that the Management Authority, on its behalf and on behalf of the Orleans Levee District, as the Public Sponsors of the New Orleans Lakefront Airport, accepts and approves the increase in the FAA Grant Funding for the Project identified as AIP No. 3-22-0038-029-2016 for the Rehabilitate Runway 18R/36L – Phase 1 Project from the sum of \$162,000.00 to the not to exceed sum of \$237,510.00 and accepts and approves the Louisiana Department of Transportation and Development, Aviation Division Grant Funding for the Project identified as State Project Number H.012765 for the not to exceed sum of \$30,000.00."

**BE IT FURTHER HEREBY 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.

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

**AYES:** HEATON, GREEN, FIERKE, WHEATON, RICHARD, ERNST, ARRIGO, HEBERT, MAJOR, MORVANT, GRANT, MEADOWCROFT, BRUNO

**NAYS:**

**ABSTAIN:**

**ABSENT:** BRIEN, SETTOON, EAMES

**RESOLUTION ADOPTED: YES**

### **ANNOUNCE NEXT MEETING**

Chair Heaton announced the next full Board meeting will be held on Thursday March 30, 2017 at 5:30 p.m.

### **ADJOURNMENT**

Comm. Major offered a motion to adjourn, seconded by Comm. Hebert. Motion passed. The meeting adjourned at 6:58 p.m.