

**MINUTES OF THE
LAKEFRONT MANAGEMENT AUTHORITY
REGULAR BOARD MEETING MINUTES
THURSDAY, MAY 26, 2022**

PRESENT:

Chair Anthony Richard (Arrived at 5:40 PM)
Commissioner Stanley Brien
Commissioner Sean Bruno (Arrived at 5:55 PM QUORUM)
Vice-Chair Esmond Carr
Commissioner Stanley Cohn
Commissioner Brian Egana
Commissioner Dawn Hebert
Commissioner Wilma Heaton
Commissioner Renee Lapeyrolerie
Commissioner Pat Meadowcroft (Arrived at 6:32 PM)

ABSENT:

Secretary Thomas Fierke
Commissioner Monika Gerhart
Commissioner Howard Rodgers
Commissioner Bob Romero

STAFF:

Louis Capo – Executive Director
Vanessa McKee – Assistant to the Executive Director/Board Secretary
Winifred Christopher - Airport Manager
Bruce Martin – Airport Director
David Martin– Director of Engineering and Operations

ALSO PRESENT:

Gerard G. Metzger – Legal Counsel to the LMA
David Jefferson “Jeff” Dye – Legal Counsel to the LMA
Al Pappalardo – Real Estate Consultant to the LMA
Mike Gillen – South Shore Harbor
Ray Landeche – Optimum Solutions
Noah Lewis – NOE Resident
Gregory Marsiglia - Lowes Kahn
Rick Renfroe – Cobalt Builders
Briget Renfroe - South Shore Marina
Holly Radtke – South Shore Harbor
Karl Hudson - OMTA
Chase Patten – South Shore Harbor
Larry Brook – South Shore Harbor
Don Cheramie – Covered Slips

The regular monthly Board Meeting of the Lakefront Management Authority was held on Thursday, May 26, 2022, at the Lakefront Airport Terminal Building, 2nd Floor Conference Center, 6001 Stars and Stripes Blvd., New Orleans, Louisiana 70126, after due legal notice of the meeting was sent to each Board member and the news media and posted.

In the absence of Chair Richard; Vice-Chair Carr called the meeting to order at 5:38 P.M. and led in the pledge of allegiance. Executive Director Louis Capo called the roll, seven board members were present and a quorum was **not** established. To be respectful of time, Vice-Chair Carr suggested the Director and Committee Reports be heard until a quorum is established.

Director's Reports:

Louis Capo, Executive Director of Lakefront Management Authority, reported on several updates to ongoing projects happening in and around Lakefront Management Authorities' jurisdiction. He also presented a Finance spreadsheet summary as of May 24, 2022. Airport Director Bruce Martin will follow giving his input and updates on various airport projects.

Director Capo's Reporting:

- The Lake Vista roof replacement is complete and weather tight. There will be an additional change order to make modifications to the two upstairs doors leading to the roof. Director Capo will review the change order and submit it to the committee for further action.
- Shelter No.4 repairs are near complete. The skylights are in and the bathrooms are complete. The projected timeframe to reopen Shelter No.4 is two weeks from today.
- Maintenance has been working on Lake Terrace Fountain which had been vandalized some time ago. The sign should be installed tomorrow.
- Director Capo presented a current Finance spreadsheet on screen as of May 24th.
 - There is a considerable jump in the ad Valorem tax of up to 72%, with an expectation of more coming in the next 60-90 days.
 - We have received a good increase of \$169,000 in reissues along the lakefront, South Shore Harbor, and at the airport brought in. Miscellaneous rents are at 97% anticipated rent of our properties.
 - We are over the estimated budget in Interest. We have reduced it by 50% from the previous year. As our bank account drops, it's less interest and the interest rates are low at this time.
 - In summation, we are at 94% of our anticipated revenue budget
 - Expenditures: Personal Services which are salaries is at 75%.
 - We are over on Contractual Services as of May 24 is at 104%. Maintenance has increased repairs therefore Contractual Services have increased.
 - Equipment is at 172% mainly due to the purchase of the new ARFF (fire) truck for the airport at a cost of approximately \$390,000.

- In summation, we are at 95% of our anticipated expected expenditures for this year. Revenues and expenditures are tracking closely. At present we are projecting an \$85,000 loss.
- Commissioner Cohn asked if there are any present areas of concern. Director Capo states his major area of concern with regard to financial challenges is if there is another storm. We are really taking a hit on the property and wind deductibles bought by flood for building and property damages. Zeta was \$1,000,000 and Ida came behind that. Adding that now they have changed how the deductibles and claims are settled.
- Attorney Metzger asked to be recognized to report that the new Orleans Tax Accessor accessed taxes to Orleans levee District property. Commissioner Rodgers, Director Capo, and Attorney Metzger met with Acessor Erol Williams to present documents for his review. After which Acessor Williams agreed and found that the properties are not subject to property taxes. This is a subject that will not be a concern going forward. This concludes the Executive Director's Report.

Director of Aviation Director Bruce Martin open his director's reports by stating that the airport generated a total of \$6978 for the month of April 2022 in comparison to last year's was \$6196. The inflation is largely attributed to the Final Four and Jazzfest. In general, aviation is on an increase while passenger travel is down a bit since PRE-COVID numbers. Operations and fuel sales totaled \$111,965 for April 2022 which is the highest April dating back to 1993.

- The Lake Vista roof replacement is complete and weather tight. An additional change order came in to make modifications to the two upstairs doors leading to the roof. Director Capo will review the change order and submit it to the committee for further action.
- We bent out for bid on 927 crack, fill and seal coat the remarking of the runway. This was a state grant. The engineer estimated the job to cost \$346,000. We only had one bid come back for the job which came back over budget at \$692,648. We met with the engineer and identified a few things that could help bring the price down. We plan to go back out for rebid on this project.

A quorum was established at 5:55 pm with nine Commissioners present. Commissioner Egana requested that we address the action items now that a quorum has been established.

Chairman Richard agrees and reserves his and all other comments until after we have completed the action items on the agenda. The Chairman calls for a motion to accept the agenda.

I. **Motion to Adopt Agenda**

MOTION TO ADOPT AGENDA:

A motion was offered by Commissioner Cohn, seconded by Commissioner Bruno, and was unanimously approved to adopt the agenda.

MOTION TO AMEND AGENDA:

A motion was offered by Vice-Chair Carr to amend the agenda to add a fifth item; a motion to reject the Boh Brothers Bid on the South Shore Harbor Sprinkler system the motion was seconded by Commissioner Heaton and was unanimously approved to adopt the amended agenda.

A second motion to was offered by Commissioner Bruno to amend the agenda to address the action items ahead of committee reports and public comment. second by Commissioner Egana and was unanimously approved.

Chair Richard opens the floor for public comments on the subject of the motion to amend the agenda.

No public comments were offered at this time. Hearing none both motions to pass.

MOTION TO ADOPT THE AGENDA AS AMENDED

Chair Richard offered a motion to adopt the agenda as amended; second by Commissioner Hebert and was unanimously passed.

II. **NEW BUSINESS**

1. Motion to award and approve a contract with H3 Electric, LLC for the price and sum of \$181,765.70 for electrical testing, inspection, and repairs at the South Shore Harbor Marina.

A motion to approve was offered by Commissioner Carr; second by Commissioner Egana.

- Director Capo referenced that H3 Electric had to work with the Secretary of State's Office to obtain a Letter of Good Standing. We have received that letter, which has been included in our packets, to proceed with the work they will be doing.

The motion passes unanimously.

2. Motion to approve and accept a DBE Program for U.S. Department of Transportation, Federal Aviation Administration, Airport Improvement Program grant funding and to authorize publication of notice of the DBE Program for review and public comment, as required by applicable federal law and regulations.

A motion to approve was offered by Commissioner Carr; second by commissioner Bruno.

- Commissioner Lapeyrolerie referred to an erroneous 144-page document that was emailed to the board.
Director Bruce Martin clarified that may have been an error due to administrative turnover.

The motion passes unanimously.

- 3. Motion to approve a Lease of Boathouse W-21 Site, located at Municipal Address 7301 W. Roadway, with West End Marina Condominium, LLC, for development of condominiums, for a term of fifty (50) years, with two additional options to renew, for a maximum lease term of 99 years, with an annual rental of \$17,193.52 per annum for the first two years and \$47,690.00 commencing in the third year, with CPI and appraisal adjustments of the rent and a transfer fee of three (3%) payable on the sale of the condominium units or boat slips during the term of the Lease.**

A motion to approve was offered by Commissioner Cohn; second by Commissioner Carr.

Chair Richard opens the floor for questions and discussion.

- Commissioner Heaton asks for clarification on the different dollar amounts of the annual rent.
- Attorney Metzger clarified that the \$18,574.00 was the agreed-upon The adjustment made back in October.
- Commissioner Egana asks what committee did this item go before and was it approved by the committee.
- Attorney Metzger affirms that this item went before the Commercial Real Estate Committee and was approved.
- Greg Marsiglia agrees with Attorney Metzger's testament that the amount in the amended resolution is correct.
- Carl Hudson asks for clarification of the location.

The motion passes unanimously.

- 4. Motion to amend the 2022 Committee and Board Meeting Schedule. A motion to amend was offered by Commissioner Egana; second by Commissioner Bruno.**

- Director Capo clarified that this is a corrective action. There were two calendars out; one with erroneous dates in June and September. This resolution will immortalize the correct dates on the calendar.

The motion passes unanimously.

- 5. Motion to reject the Boh Brothers Bid on the South Shore Harbor Sprinkler System.**

A motion to reject the Boh Brothers bid was offered by Commissioner Egan, second by Commissioner Carr.

The motion passed unanimously.

- Director Capo explained that there were three estimates which came in between \$500,000 - \$650,000. We only received one bid which was from Boh Brothers which came in at \$1,920,000. We recommend rejecting this bid based because the amount is beyond the allocated amount for the project.

III. ADOPTION OF THE MINUTES:

1. Board Meeting Minutes – January 27, 2022

A motion was offered by Commissioner Cohn and was seconded by Commissioner Rodgers to adopt the Board Meeting minutes of January 27, 2022.

Commissioner Lapeyrolerie and Commissioner Egana abstains.

The motion passes.

2. Board Meeting Minutes – March 24, 2022

A motion was offered by Commissioner Egana, was seconded by Commissioner Carr, and was unanimously approved to adopt the minutes of the Board Meeting Minutes of March 24, 2022.

Commissioner Lapeyrolerie abstains.

The motion passes.

3. Special Board Meeting Minutes – March 28, 2022 - Differed

A motion to differ the Special Board Meeting Minutes of March 28, 2022, to the June Board Meeting by Commissioner Heaton and second by Commissioner Lapeyrolerie.

The motion passes.

4. Marina Committee Minutes - March 15, 2022

A motion to approve the Marina Committee Minutes of March 15, 2022, was offered by Commissioner Hebert; second by Commissioner Lapeyrolerie, The motion passes.

Commissioner Egana asked for clarification on why are we bringing committee minutes to the full board?

Mr. Metzger and others state that only that committee's members can vote.

Commissioner Lapeyrolerie adds this is standard procedure in cases where minutes were not available to vote on during committee or if the committee lacks a quorum.

5. Recreation and Subdivision Committee Minutes - March 15, 2022

A motion was offered by Commissioner Carr, was seconded by Commissioner Hebert, and was unanimously approved to adopt the minutes of the Airport Committee Special Board Meeting Minutes Meeting of April 19, 2022. The motion passes.

6. Airport Committee Minutes – April 19, 2022

A motion was offered by Commissioner Lapeyrolerie, was seconded by Commissioner Egana, and was unanimously approved to adopt the minutes of the Airport Committee Special Board Meeting Minutes Meeting of April 19, 2022. The motion passes.

IV. COMMITTEE REPORTS

1. Airport – Chair Lapeyrolerie

The Committee met on May 17th to discuss a vending machine lease. There was also a discussion regarding leasing suites 113 and 114 to CityJet. We recommended approval of the DBE update for FAA.

2. Finance – Chair Bruno

No committee meeting. No action items to discuss.

3. Legal – Chair Cohn

No committee meeting. No action items to discuss.

Chair Cohn sent a memo out to the commissioners and the public to express his open availability to discuss anything on their minds at anytime.

4. Commercial Real Estate – Chair Rodgers

Attorney Metzger was recognized to speak in Chair Rodgers's absence. The Commercial Real Estate committee recommended approval of the Tesda Condo Project which the board just approved. There was a discussion to issue an RFP/Q for the North Peninsula and there was no recommendation made.

Commissioner Heaton added that there were two excellent and thorough presentations from two proposers on the Parcel L Project. There was a full house largely represented by the community.

Commissioner Egana was glad he was present for the Parcel L Project presentation. It was a very first class and well attended with two great applicants. He commended the LMA staff for an excellent job putting this together.

Chair Richard also commended the staff for their hard work.

5. Marina – Chair Hebert

Chair Hebert reported that her committee was briefed on several unsafe issues at both marinas. Hopefully, we will keep moving forward with work to improve the marinas to increase occupancy.

6. Recreation/Subdivision – Chair Carr

Chair Carr reported on the Krewe of Vapor Wave which was differed to next month's committee to report on the cost accrued to remove the plaque.

V. PUBLIC COMMENTS

Chair Richard called to open the floor to public comments.

Director Capo stated that public comment is limited to two minutes per speaker. Directo Capo calls Jen Mortz who yields her time to Rick Renfroe.

Commissioner Cohn asked if you could compound the speaking time

Chair Richard reiterated that public comments are limited to two minutes per person.

Mr. Renfroe spoke as the representative for the covered slip tenants. He expressed concerns that the lease for the covered slip was not written for tenants in their unique living situation. It was assumed since 2006 that the leased space was ours to utilize due to the substantially higher rent we pay. The discussed storage unit issues have existed long before some of us came here. They understand clause eight in the lease which states that we shall not make additions or alterations without the consent of the lessor. They have addressed this same issue with three different harbormasters over the years. Since then, the tenants have all conversed, and have all received different information.

Chair Richard calls for time.

John Wartz is called and yields his time to Rick Renfroe.

Mr. Renfroe continues to speak and asks for a lease to be written specifically for the covered slips to address this particularly different type of real estate.

Chair Richard calls for order and reiterates that each person gets two minutes only.

Mr. Renfroe asks for clarification on the rule of yielding time to another speaker.

Chair Richard responded that cannot be done. Another speaker may pick up the presentation to continue when a speaker's two minutes are up. Attorney Metzger confirms Chair Richards's statement

Commissioner Lapeyrolerie also questions the rule on yielding time. Commissioner Hebert agrees with Commissioner Lapeyrolerie.

Chair Richard states that at this time no changes will be made regarding the 'yielding of time' and calls for the next speaker.

Mr. Rye is called to speak. He expressed that does not have the same issue as the other tenants. However, based on his expertise, owning a naval architecture and engineering company that designs ships and boats; and also having a commercial builders license, he was asked by the other tenants to look into and give an opinion on this situation. As a tenant of the covered boat slips himself, he expressed that he is equally as concerned about safety and egress. In his professional opinion, he sees no safety issue at the covered boat slips and that a professional should be hired to look into any safety issue.

Several other persons yielded their time to Mr. Renfroe.

Don Cheramie is called to speak. He has been a tenant at South Shore Harbor For over 20 years. He expressed that when he built his building, it that was verbally approved and complimented by a previous harbormaster. However, if we are in any type of violation we would take the necessary corrective steps to help us keep our property. He expressed that the biggest safety issue is no maintenance on the faulty harbor sprinkler system. There are some other areas on the harbor that need to be addressed but he is personally willing to conform to make everything work.

Commissioner Bruno asked for someone to clarify exactly what the issue is. Mr. Cheramie continued to explain the issues with the letter of the written lease not being followed by the previous harbormaster(s) who were given authority by civil service and verbally complimented our additions. His community is in major distress with broken electrical, dated sprinkler system issues, and a low budget that has not been able to address these issues. It took fifteen years to fix the leaking roof which caused rust damage to their boats. Mr. Cheramie invited the commissioners to visit the covered slips to see for themselves to come up with a plan to take the necessary corrective actions.

Chair Richard asked how did we get to this point and asked for an explanation for the complaints.

Commissioner Lapeyrolerie left the meeting at 6:10 PM

Director Capo stated that the sprinkler system is a problem. The engineer and a consultant determined that it has not been updated since 1984 -1986 and needs to be replaced.

Director Capo received information that gasoline and propane tanks were stored under the shed which is not allowed on our property. He instructed Harbormaster Cain to make a sweep of the area to remove flammables. In January Harbormaster Cain asked the tenants to remove the flammables to no

avail. A second request was made to remove flammables in three weeks adding that if the flammables were not removed, the maintenance crew would remove them.

Director Capo showed several pictures of areas of hazardous piles that pose a danger to the tenants and the covered slips.

Chair Richard added that this is a hazardous issue, an insurance issue, a safety issue, and a life-threatening issue.

Commissioner Carr added, for clarification, that Mr. Capo stated that the sprinkler system had not received any maintenance work since the 1980s but \$60,000 was previously spent on sprinkler repairs. Mr. Capo confirmed that the \$60,000 was expended by the previous administration but he does not know the details of the maintenance done.

Commissioner Hebert stated that these tenants have been here for some time and asked for clarification on what prompted this action and why has no other harbormaster seen what Mr. Capo has shown us today and no action was taken. Are you asking for only flammables to be removed?

Mr. Renfroe asked to be recognized and contested Mr. Capo's depiction of the photographs he showed earlier. Mr. Renfroe had his own pictures of the same areas which looked very different.

Holly Radtke is called to speak. She stated that she and her husband, who is active military moved to the covered slips during the height of Covid. She believes there has been a lot of miscommunication about what is or is not allowed from multiple sources. Most recently we were told to remove everything down to the cement slab and it had to be out by Friday.

Commissioner Carr asked who gave her that information. She wasn't told directly. Also, regarding propane and gasoline; people are going to have propane to run their kitchens and galleys. There is gasoline on the boats themselves. Almost anything can be considered a combustible including clothing. We need clarification with performance standards for the building as to what needs to be removed. She asked for a professional in the marine environment to come out.

Mr. Capo read verbiage regarding gasoline and petroleum products from section 20 of the tenant lease which he must enforce.

Mr. Rye adds that he respects Mr. Capo's job and is asking that the tenants and management work together to come up with rules that work for both parties. Mike Gillen was called to speak. He questions and comments on numerous items of his concern to include, the necessity of installing more cameras, the

\$1,900,000 sprinkler system bid. He mentions that the bathroom improvement on the floor which look good but there is only one toilet in the men's room for the entire marina. There is no laundry room for tenants. He attested to many other issues that he feels have continued to go unaddressed.

Ray Lanceche was called to speak and was paused.

Commissioner Hebert asked staff for a meeting with the tenants to come up with a plan to compromise.

Mr. Capo states that the next step is to have the Fire Marshall come out.

Chair Richard comments that he has been briefed by Mr. Capo and legal and his position is safety first. He feels that everyone can come together to take the necessary corrective actions.

Mike Gillen again invites the commissioners to come out to see the marina.

Chair Richard set up a visit for Saturday at 11 am to tour the marina and invites the other commissioners as well. The meeting spot will be at the terminal parking lot. He also asks if the marine environmentalist be of cost to LMA.

Mr. Capo adds the question it is more about what the Fire Marshall will allow.

Mr. Rye offers his expert opinion free of charge.

Chair Richard makes it clear that once the commissioners have visited they will engage with the Fire Marshall for their professional opinion to gather enough information to develop a suitable safety plan for the marina.

Commissioner Meadowcroft sites the state's fire codes 3603.1, 3603.2, 3603.3, 3603.4 and suggests we all become familiar with these codes.

Commissioner Heaton speaks to the marina's concerns and struggles over the years. She also expressed her excitement for the upcoming redevelopment of the Parcel L Project and how it could help pour some funds to put into the marina. She appreciates that the tenants have been patient. We have a great leader in Chair Richard to accomplish our mission and goals.

Commissioner Hebert and Commissioner Cohn both let the public know that they will not be able to attend due to previously scheduled engagements.

Ray Landeche is called to speak about Parcel L. He goes on to say that the tenants deserve a good development. He thought the two proposals were presented well. However, he thinks the process is flawed and suggests rejecting the current Parcel L bid and resubmitting the bid to include Parcel P.

Mr. Renfoe presented his idea to develop the North Peninsula.

Commissioner Carr asked what is he offering financially to the board?

Mr. Renfroie submitted a basic proposal to reformat.

Commissioner Carr asked what was his timeline for the build.

Mr. Renfroie stated he can start in 90 days. He has completed the site surveys.

Commissioner Carr asked when would he be finished.

Mr. Renfroie said he could complete the project in 18 months.

Chair Richard asks Attorney Pappalardo for input on Mr. Renfroie's proposal.

Mr. Pappalardo states that this proposal went before the Commercial Real Estate Committee as a discussion. The Chairman of the committee felt that since he had received bids on Parcel L they would proceed with Parcel L before putting the North Peninsula out for bid.

Attorney Metzger added that Mr. Renfroie's proposal was added to the agenda for a request for proposal/qualifications and Chair Rodgers and the committee differed.

Chair Richard states that he attended this particular Commercial Real Estate Meeting and remembers something coming up that may jeopardize the Parcel L Project.

Mr. Pappalardo adds that there have been two successful meetings with both Proposers and neither made mention to the North Peninsula.

Chair Richard asked for patience to allow us to get through the Parcel L development before addressing any other development.

Commissioner Carr has asked for a white paper comparing the two bids. He also asked to have the questions (a) do the parties have the necessary cash on hand, and (b) are we going to have liquidated damages and a timeline to follow.

Attorney Metzger stated that ordinarily, our leases describe a for completion of construction. If they do not meet it then they are in default and that terminates the lease. This is a fully bonded contract with assurity totally qualified as a surety on the contract.

Noah Lewis is called to speak. NOE resident. He heard the two excellent proposals. He confirms that the selection of the developer will be made in June and will be open to the public. Whichever one makes it will be a major contributor to the community.

Commissioner Heaton announces that the Flood Authority is looking to fill the position of Police Superintendent. I have the announcement if anyone is interested.

7. Chair Richard makes the Announcement of the next Regular Board Meeting

1) Thursday, June 23, 2022 – 5:30 P.M.

**8. Adjourn at 8:31 pm
Chair Richard motions to adjourn the meeting, second by
Commissioner Carr**

MOTION: XI 01-05262022

RESOLUTION: XI 01-05262022

BY: COMMISSIONER ESMOND CARR

SECONDED: COMMISSIONER BRIAN EGANA

May 26, 2022

1) Motion to award and approve a contract with H3 Electric, LLC for the price and sum of \$181,765.70 for electrical testing, inspection and repairs at the South Shore Harbor Marina.

RESOLUTION

WHEREAS, the Lakefront 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 South Shore Harbor Marina is one of the non-flood protection assets of the District under the management and control of the Management Authority (“Marina”);

WHEREAS, the Management Authority issued an Invitation for Bids for electrical testing, inspection and repairs of electrical systems at the Marina (the “Project”) in accordance with the provisions of the Louisiana Public Bid Law, La. Rev. Stat. 38:2212, et seq.;

WHEREAS, the Louisiana Public Bid Law requires that the contract for this Project be awarded to the lowest responsible and responsive bidder, as provided under Section 2212 of the Louisiana Public Bid Law;

WHEREAS, bids were received and the lowest responsive bid was submitted by H3 Electric, LLC in the amount of \$181,765.70 for the Project;

WHEREAS, the staff of the Management authority recommended that the Management Authority accept the bid submitted by H3 Electric, LLC, LLC, as the lowest responsive and responsible bidder for the Project;

WHEREAS, the Marina Committee of the Management Authority reviewed the bid submitted by H3 Electric, LLC and considered the recommendation of staff at its meeting held on April 19, 2022 and voted to recommend that the Management Authority award and approve a contract to H3 Electric, LLC for the Project; and,

WHEREAS, the Management Authority resolved that it was in the best interest of the District to award a contract to H3 Electric, LLC for the Project.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Lakefront Management Authority approves a contract with H3 Electric, LLC for the price and sum of \$181,765.70, for the scope of work for electrical testing, inspection and repairs of the electrical systems project at the South Shore Harbor Marina.

BE IT FURTHER HEREBY RESOLVED that the Chairman or Executive Director of the Lakefront Management Authority 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:

**YEAS: BRIEN, BRUNO, CARR, COHN, EGANA, HEATON, HEBERT,
LAPEYROLERIE, RICHARD**

NAYS: NONE

ABSTAIN: NONE

ABSENT: FIERKE, GERHART, MEADOWCROFT, ROMERO, RODGERS, VEAZEY

RESOLUTION PASSED: UNANIMOUSLY

This resolution was declared adopted this 26th day of May 2022.

I hereby certify that the above and foregoing is a true and correct copy of a resolution duly adopted by the Lakefront Management Authority at its meeting on May 26, 2022, held in New Orleans, LA, at which a quorum was present.

Thomas G. Fierke
Secretary

MOTION: XI 02-05262022

RESOLUTION: XI 02-05262022

BY: COMMISSIONER ESMOND CARR

SECONDED: COMMISSIONER SEAN BRUNO

May 26, 2022

2) Motion to approve and accept a DBE Program for U.S. Department of Transportation, Federal Aviation Administration, Airport Improvement Program grant funding and to authorize publication of notice of the DBE Program for review and public comment, as required by applicable federal law and regulations.

RESOLUTION

WHEREAS, the Lakefront Management Authority (“Management Authority”) is a political subdivision of the State of Louisiana and the governing authority of the non-flood protection assets of the Orleans Levee District (“District”);

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

WHEREAS, the 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 (“DOT”), Federal Aviation Administration (“FAA”), Airport Improvement Program (“AIP”) grant funding;

WHEREAS, the LADOTD and the FAA provide AIP grant funding, either jointly or separately, for the purpose of funding capital improvements to airports, and these grants are awarded in response to formal applications submitted by the public sponsors of airports;

WHEREAS, acceptance by public sponsors of airports of AIP grant funding obligates public sponsors to comply with the FAA Disadvantaged Business Enterprise (DBE) Program and other civil rights requirements of federal law and regulations;

WHEREAS, airport sponsors seeking AIP participation in grant funding for projects that equal or exceed an accumulative amount of \$250,000.00 within a fiscal year must have an approved DBE Program, setting forth the overall goal for DBE participation in federally assisted projects, on file with the FAA prior to issuance of a grant, which must establish regional goals that facilitate participation by available DBE firms in federally assisted projects, as required under 49 CFR part 26, Grant Assurance #37, 49 USC 47113:

WHEREAS, airport sponsors must file an approved DBE Program every three years with the FAA;

WHEREAS, the Management Authority filed a DBE Program with the FAA in April of 2018 in accordance with regulations of the DOT and 49 CFR Part 26, and received federal financial assistance from the DOT and signed assurance agreements with the FAA agreeing to comply with 49 CFR Part 26;

WHEREAS, after establishing and accepting a DBE Program, an airport sponsor is required to publish notice announcing the proposed overall goal for DBE participation in federally

assisted projects on the airport's website, and which also may be posted in other media, such as minority media and trade association publications, for review and comment before the DBE Program is submitted to the FAA;

WHEREAS, the Management Authority's airport consultant prepared a DBE Program, setting forth a proposed base figure for the overall goal for DBE participation in federally assisted projects of 24.13 percent, in accordance with the approaches and methodologies outlined in 49 CFR 26.45 for determining a base figure for the relative availability of DBEs in this region, a copy of which is attached to this Resolution (the "DBE Program");

WHEREAS, the Airport Committee of the Management Authority at its monthly meeting held on May 17, 2022, reviewed the DBE Program and the Committee voted to recommend that the Management Authority accept and approve the DBE Program and authorize publication of notice of the DBE Program for review and public comment, as required by applicable federal law and regulations; and,

WHEREAS, the Management Authority resolved that it is in the best interest of the Airport to accept and approve the DBE Program, setting forth a proposed base figure for the overall goal for DBE participation in federally assisted projects of 24.13 percent, and authorizing the publication of notice of the DBE Program for review and public comment, as required by applicable federal law and regulations.

THEREFORE, BE IT HEREBY RESOLVED, 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 DBE Program, setting forth a proposed base figure for the overall goal for DBE participation in federally assisted projects of 24.13 per cent, a copy of which is attached to this Resolution, and hereby authorizes the publication of notice of the DBE Program for review and public comment, as required by applicable federal law and regulations.

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 carry out the above.

**YEAS: BRIEN, BRUNO, CARR, COHN, EGANA, HEATON, HEBERT,
LAPEYROLERIE, RICHARD**

NAYS: NONE

ABSTAIN: NONE

ABSENT: FIERKE, GERHART, MEADOWCROFT, ROMERO, RODGES, VEAZEY

RESOLUTION PASSED: UNANIMOUSLY

This resolution was declared adopted on this 26th day of May 2022.
.....

I hereby certify that the above and foregoing is a true and correct copy of a resolution duly adopted by the Non-Flood Protection Asset Management Authority at its meeting on May 26, 2022, held in New Orleans, LA, at which a quorum was present.

Thomas G. Fierke
Secretary

MOTION: XI 03-05262022

RESOLUTION: XI 03-05262022

BY: COMMISSIONER STANLEY COHN

SECONDED BY: COMMISSIONER ESMOND CARR

May 26, 2022

3) Motion to recommend approval of a Lease of Boathouse W-21 Site, located at Municipal Address 7301 W. Roadway, with West End Marina Condominium, LLC, for development of condominiums, for a term of fifty (50) years, with two additional options to renew, for a maximum lease term of 99 years, with an annual rental of \$18,574.00 per annum for the first two years and \$47,690.00 commencing in the third year, with CPI and appraisal adjustments of the rent and a transfer fee of three (3%) payable on the sale of the condominium units or boat slips during the term of the Lease

RESOLUTION

WHEREAS, the Lakefront Management Authority (“Management Authority” or “Lessor”) 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, Orleans Marina Boathouse Site W-21, consisting of 12,550 square feet, located on the west side of the Orleans Marina in the City of New Orleans, and bearing Municipal Address 7301 West Roadway, New Orleans, Louisiana 70124, is a non-flood protection asset of the Orleans Levee District managed and controlled by the Management Authority (the “Leased Premises” or “Premises”);

WHEREAS, John Testa is the current lessee of the Leased Premises (“Lessee”), pursuant to the terms and conditions of a written lease agreement, dated on December 1, 1975, which lease, if all options to renew under the lease agreement are exercised, expires on February 22, 2043;

WHEREAS, Lessee offered to enter a new lease for the Leased Premises, in the name of West End Marina Condominium, LLC, a limited liability company organized by John Testa, to build a residential condominium complex, containing twelve (12) residential units and three (3) boat slips, (the “condominium”), for a term of Fifty (50) years, with two additional options to renew, for a maximum lease term of 99 years, and under other terms and conditions set forth below (the “Lease”);

WHEREAS, Lessee proposed to build the condominiums, under a fully bonded contract and subject to the prior written approval of the plans and specifications for the condominium complex by the Management Authority, which shall be completed and ready for occupancy no later than twenty-four (24) months after the commencement date of the lease, and that failure to complete the condominiums within that time period shall be a default, subject to an extension of the completion date for a reasonable period of time, in the event of an Act of God, not to exceed thirty-six (36) months, which extension will not be unreasonably delayed or denied by Lessor;

WHEREAS, pursuant to the terms of the proposed Lease, the annual rent for the lease of the Leased Premises will be \$18,574.00 per annum for the first two years, and commencing in the third year will be \$47,690.00 (\$3.80 psf x 12,550.00 sf), payable in quarterly installments, and the annual rental will be subject to Consumer Price Index and appraisal adjustments during the term of the Lease;

WHEREAS, Lessee also agreed that the proposed Lease shall provide that upon the sale of a condominium unit by Lessee, a Condominium Association or the owners of condominium units or a boat slip that the Management Authority will be entitled to receive a transfer fee in the amount of three percent (3%) percent of the total amount of any consideration received from the sale of a condominium unit or boat slip, and that the failure to pay the transfer fee shall constitute a default, entitling Lessor to exercise any rights available under the terms of this Lease in the event of a default, including termination of the Lease;

WHEREAS, the Lease will also include a prohibition against assigning the Lease until the condominium project is completed and a Condominium Association is established by a Condominium Declaration executed and recorded by Lessee to establish a Condominium Regime on the Leased Premises, in accordance with the Louisiana Condominium Act, La.Rev.Stat. 9:§1121.101, et seq.;

WHEREAS, the Commercial Real Estate Committee of the Management Authority considered the proposed Lease at its meeting held on May 19, 2022 and voted to recommend that the Management Authority approve the Lease under the terms and conditions set forth above in this Resolution; and,

WHEREAS, the Management Authority after considering the recommendation of the Commercial Real Estate Committee resolved that it was in the best interest of the Orleans Levee District to approve the Lease under the terms and conditions set forth above in this Resolution.

THEREFORE, BE IT HEREBY RESOLVED, that the Lakefront Management Authority hereby approves a lease with West End Marina Condominium, LLC of Orleans Marina Boathouse Site

W-21, located on the west side of the Orleans Marina in the City of New Orleans, and bearing Municipal Address 7301 West Roadway, New Orleans, Louisiana 70124, to construct a residential condominium complex, for a term of fifty (50) years, with two additional options to renew, for a maximum lease term of 99 years, for an annual rent of \$18,574.00 per annum for the first two years of the lease, and commencing in the third year the annual rental shall be \$47,690.00 (\$3.80 psf x 12,550.00 sf), payable in quarterly installments, and the annual rent shall be subject to Consumer Price Index and appraisal adjustments during the term of the Lease, and including provisions for payment of a three (3%) transfer fee upon the transfer of the condominium units or boat slips, and under the other terms and conditions set forth above and in accordance with the standard terms and conditions for ground leases of the property of the Orleans Levee District approved by the Lakefront Management Authority.

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

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

**YEAS: BRIEN, BRUNO, CARR, COHN, EGANA, HEATON, HEBERT,
LAPEYROLERIE, RICHARD**

NAYS: NONE

ABSTAIN: NONE

ABSENT: FIERKE, GERHART, MEADOWCROFT, ROMERO, RODGES, VEAZEY

RESOLUTION PASSED: UNANIMOUSLY

This resolution was declared adopted this 26th day of May 2022.
.....

I hereby certify that the above and foregoing is a true and correct copy of a resolution duly adopted by the Lakefront Management Authority at its meeting on May 26, 2022, held in New Orleans, LA, at which a quorum was present.

Thomas G. Fierke, Secretary

MOTION: XI 04-05262022

RESOLUTION: XI 04-05262022

BY: COMMISSIONER BRIAN EGANA

SECONDED: COMMISSIONER SEAN BRUNO

May 26, 2022

4) Motion to amend the 2022 Committee and Board Meeting Schedule

RESOLUTION

WHEREAS, the Lakefront 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 Louisiana Open Meetings Law provides in section 19 that all public bodies, except the legislature and its committees and subcommittees, shall give written public notice of their regular meetings, if established by law, resolution, or ordinance, at the beginning of each calendar year, and that such notice shall include the dates, times, and places of such meetings;

WHEREAS, the By-Laws of the Management Authority provide that the Management Authority shall hold its regular monthly meetings on the fourth Thursday of every month, except in the month of November, and that the regular monthly meeting may be held on another day of the month as determined by a majority vote of the total present voting membership of the Management Authority at a regular or special meeting;

WHEREAS, the Management Authority approved a schedule for Board and committee meetings to be held in 2022;

WHEREAS, the schedule approved listed the date of the June Board meeting as June 30 and dates for the June committee meetings as June 21 and 23, and also listed the date of the

September Board meeting as September 29 and dates for the September committee meetings as September 20 and 22;

WHEREAS, the schedule for the Board and committee meeting dates should have provided that the June Board meeting would be held on June 23 and June committee meetings would be held on June 14 and 16, and also should have provided that the September Board meeting would be held on September 22 and September committee meetings would be held on September 13 and 15;

WHEREAS, a Board and Committee Meeting Schedule with the amended dates for the June Board and committee meetings and September Board and committee meetings is attached to this resolution; and,

WHEREAS, the Board resolved to approve the Board and Committee Meeting Schedule attached to this Resolution to amend the dates for the June and September Board and Committee meetings to be held in 2022.

THEREFORE, BE IT HEREBY RESOLVED, the Lakefront Management Authority hereby approves the Board and Committee Meetings Schedule attached to this Resolution to amend the dates for the June and September Board and Committee Meetings to be held in 2022.

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

**YEAS: BRIEN, BRUNO, CARR, COHN, EGANA, HEATON, HEBERT,
LAPEYROLERIE, RICHARD**

NAYS: NONE

ABSTAIN: NONE

ABSENT: FIERKE, GERHART, MEADOWCROFT, ROMERO, RODGES, VEAZEY

RESOLUTION PASSED: UNANIMOUSLY

This resolution was declared adopted this 26th day of May 2022.

.....
I hereby certify that the above and foregoing is a true and correct copy of a resolution duly adopted by the Lakefront Management Authority at its meeting on May 26, 2022, held in New Orleans, LA, at which a quorum was present.

Thomas Fierke
Secretary

MOTION: 05-05262022
RESOLUTION: 05-05262022
BY: COMMISSIONER EGANA
SECONDED: COMMISSIONER CARR

May 26, 2022

) Motion to reject the bid submitted for the South Shore Harbor Marina Covered Slips Sprinkler System Project as authorized under section 2214 of the Louisiana Public Bid Law, La. Rev. Stat. 38: 2214 (B).

RESOLUTION

WHEREAS, the Lakefront 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 South Shore Harbor Marina is one of the non-flood protection assets of the District under the management and control of the Management Authority;

WHEREAS, the Management Authority issued an Invitation for Bids for the South Shore Harbor Covered Slips Sprinkler System Project, in accordance with the provisions of the Louisiana Public Bid Law, La. Rev. Stat. 38:2212, et seq., (the “project”);

WHEREAS, Boh Brothers, LLC (the “contractor”) submitted the only bid for the project in the amount of \$1,920,000.00;

WHEREAS, there were three preconstruction estimates obtained for the costs of the project, which were between \$500,000.00 and \$600,000.00, and funds in an amount not exceeding \$600,000.00 were available and budgeted for the project;

WHEREAS, under section 2214 (B) of the Louisiana Public Bid Law, a public entity may reject any and all bids for just cause, which includes but is not limited to, the unavailability of funds sufficient for the construction of the proposed public work and when bids exceed an established threshold of the preconstruction estimates for a public work, which is part of the bid specifications, La. Rev. Stat. 38: 2214 (B);

WHEREAS, the Management Authority does not have sufficient funds available and budgeted to accept the bid for the project submitted by Boh Brothers, LLC;

WHEREAS, the Management Authority resolved that it was in the best interest of the Orleans Levee District to reject the bid submitted for the project as it exceeded the funds available and budgeted for the project, as authorized under La. Rev. Stat. 38: 2214 (B);

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Lakefront Management Authority hereby rejects the bid submitted by Boh Brothers, LLC for the South Shore Harbor Covered Slips Sprinkler System Project on the grounds that the bid exceeded the funds available and budgeted for the project, as authorized under La. Rev. Stat. 38: 2214 (B);

BE IT FURTHER HEREBY RESOLVED that the Chairman or Executive Director of the Lakefront Management Authority 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:

YEAS:

NAYS:

ABSTAIN:

ABSENT:

RESOLUTION PASSED:

This resolution was declared adopted this 26th day of May, 2022.
.....

I hereby certify that the above and foregoing is a true and correct copy of a resolution duly adopted by the Lakefront Management Authority at its meeting on May 26, 2022, held in New Orleans, LA, at which a quorum was present.

Thomas G. Fierke
Secretary