

**MINUTES OF THE  
LAKEFRONT MANAGEMENT AUTHORITY  
BOARD MEETING  
THURSDAY, AUGUST 29, 2019**

The regular monthly Board Meeting of the Lakefront Management Authority was held on Thursday, August 29, 2019 at the Lakefront Airport Terminal Building, 2nd Floor Conference Center, 6001 Stars & 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.

Chair Heaton called the meeting to order at 5:40 p.m. and led in the pledge of allegiance. Louis Capo called the roll and a quorum was present.

**PRESENT:**

Chair Wilma Heaton  
Commissioner Roy Arrigo  
Commissioner Stanley Brien  
Commissioner Esmond Carr  
Commissioner Thomas Fierke  
Commissioner Dawn Hebert  
Commissioner Carla Major  
Commissioner Pat Meadowcroft  
Commissioner Anthony Richard  
Commissioner Robert Romero  
Commissioner Robert Watters  
\*Commissioner Stanley Cohn arrived at the Board Meeting at 6:30 p.m.

**ABSENT:**

Commissioner Sean Bruno  
Commissioner Leila Eames  
Commissioner Eugene Green  
Commissioner Chris Morvant

**STAFF:**

Louis Capo – Executive Director  
Shelly Raborn – Administrative Program Manager

Sarion Granger – Human Resources Analyst A  
Bruce Martin – Airport Deputy Director  
Monique Bonnet – Accountant  
Cynthia Grace – Finance Manager  
Helaine Millner – Orleans Marina Manager  
Tyrone Powell – Airport Manager  
Chandra Chaffin – Grants Administrator  
Officer Albert Hynes – Orleans Levee District Police  
Marc Lucas – Lakefront Management Authority

**ALSO, PRESENT:**

Al Pappalardo – Real Estate Consultant, P.C.I.  
Steven Massicot – Massicot Group L.L.C./Oceana  
Rick Mickler – Lakeview resident  
Paul Dimitrios – R.C.L.A.  
Monte Shalett – Lake Vista Property Owner Association  
Chais Sweat – Lakeview Property Owner Association  
Chris Fenner – Vice President of Stuart Consulting Group, Inc.  
Stephanie Spencer – Services  
Rob Daigne – L.M.D.L.  
Dee Dee Cohen – L.M.D.L.

**OPENING COMMENTS:**

Chair Heaton reminded the Board, the public, and the staff of the Franklin Augustus Remembrance on Saturday, August 31, 2019 in the Terminal Airport Atrium. She commented that Mr. Augustus was very influential in the aviation community.

Chair Heaton announced that Commissioner Paul Pablovich resigned from the Board.

**MOTION TO ADOPT AGENDA:**

A motion was offered by Commissioner Major, seconded by Commissioner Fierke, and unanimously adopted, to amend the agenda to add an Executive Session for the discussion of a proposed LWCC settlement.

A motion was offered by Commissioner Arrigo, seconded by Commissioner Meadowcroft, and unanimously adopted, to adopt the amended agenda.

## **PUBLIC COMMENTS:**

Rick Mickler, a Lakeview resident, stated that valets are parking vehicles in the Lakeview neighborhood. He requested that the Board add a "Good Neighbor Clause" in the J & J Partners, Inc. d/b/a Masion Du Lac lease and involve the President of the Homeowners Association in the process. Mr. Mickler presented a photo to the Board for the record.

## **DIRECTOR'S REPORT:**

Louis Capo, Executive Director, stated that the Flood Protection Authority sends out Hurricane Dorian updates at 10:00 a.m. and 4:00 p.m. He mentioned that FEMA approved a grant for Hurricane Barry. Chair Heaton acknowledged Chandra Chaffin, Grants Administrator, for all her hard work on the Hurricane Barry grant from FEMA.

Mr. Capo stated that he is in the process of insuring the murals. He has a mural appraisal from 2013 and is expecting an updated appraisal proposal this week.

G.E.C. will be submitting a proposal to Mr. Capo for the Geo-tech work on the Lake Vista sidewalks. Commissioner Fierke suggested that the premiere is more heavily used and should be included in the project in lieu of the interior parks.

The arms of the swing gates have been removed from Shelter 1 and Shelter 2. Mr. Capo explained that the posts have not yet been removed, because they are bolted to the ground, and that the arms of the swing gates were easier to remove.

Mr. Capo commented that the audit should have been finished this week, but the auditors requested an extension. The extension is an extra cost.

Mr. Capo advised that he reviewed the Lake Vista Community's (LVCC) leases, and that he found some issues. He commented that the LVCC tenants were sent notices about submitting their updated insurance certificates. The tenants have been complying, and several updated insurance certificates have been received.

Mr. Capo reported that fuel sales have decreased in the last month by 10%. He predicted that next month's fuel sales will be even lower.

Mr. Capo discussed the July budget with the Board.

## **COMMITTEE REPORTS:**

### **Airport Committee:**

Chair Heaton invited Bruce Martin, Airport Deputy Director, to give the Board a status update about the Airport projects. Mr. Martin stated that the milling and overlay of the runway is ahead of schedule. He discussed recent/upcoming events and in the works projects. Chair Heaton commended Mr. Martin for his efforts and outstanding job.

### **Finance Committee:**

Chair Bruno was absent. The Finance Committee meeting for August was deferred.

### **Legal Committee:**

The Legal Committee met in conjunction with the Commercial Real Estate Committee on Thursday, August 22, 2019. Chair Watters briefly spoke about the issues that were discussed in the joint meeting. He deferred his comments until the Board's discussion of the items.

### **Commercial Real Estate:**

The Commercial Real Estate Committee met in conjunction with the Legal Committee on Thursday, August 22, 2019. Vice Chair Eames was absent. Chair Watters offered a brief overview.

### **Marina Committee:**

Chair Arrigo noted that the Marina Committee had an extensive discussion about several issues. He deferred his comments until the Board's discussion of the items.

### **Recreation/Subdivision Committee:**

Chair Hebert discussed the Seabrook Boat Launch Project and advised that she is hoping that the project is completed by 2021.

**OLD BUSINESS:** None

**NEW BUSINESS:**

- 1) Motion to Reschedule Board Meeting Date from August 22, 2019 to August 29, 2019.

**MOTION:** 01-082919

**RESOLUTION:** 01-082919

**BY:** COMMISSIONER RICHARD

**SECONDED:** COMMISSIONER FIERKE

**August 29, 2019**

- 1) Motion to Reschedule Board Meeting Date from August 22, 2019 to August 29, 2019.

**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 By-Laws of the Management Authority provide that the Management Authority shall hold its regular monthly meeting on the third Thursday of every month, except in the month of November, and that the regular 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**, in accordance with the By-Laws of the Management Authority, the regular monthly meeting of the Management Authority for the month of August, 2019 was scheduled for Thursday, August 22, 2019 at 5:30 p.m. at the Terminal at the New Orleans Lakefront Airport;

**WHEREAS**, the Chairman moved to reschedule the August, 2019 meeting to August 29, 2019 at 5:30 p.m. at the Terminal at the New Orleans Lakefront Airport; and,

**WHEREAS**, the Motion to reschedule the August, 2019 meeting to August 29, 2019 at 5:30 p.m. at the Terminal at the New Orleans Lakefront Airport was seconded and after discussion was adopted by the Management Authority.

**THEREFORE, BE IT HEREBY RESOLVED**, that the August, 2019 regular monthly meeting of the Lakefront Management Authority be and is hereby rescheduled and shall be held on August 29, 2019 at 5:30 p.m. at the Terminal at the New Orleans Lakefront Airport.

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

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

**YEAS:** Heaton, Arrigo, Brien, Carr, Fierke, Hebert, Major, Meadowcroft, Richard, Romero, Watters  
**NAYS:** None  
**ABSTAIN:** None  
**ABSENT:** Cohn, Eames, Bruno, Green, Morvant  
**RESOLUTION PASSED:** Yes

- 2) Motion to approve Settlement of all Claims for reimbursement of the cost of demolition of Orleans Marina Boathouse N-41 against Mary Salzer.

**MOTION:** 02-082919  
**RESOLUTION:** 02-082919  
**BY:** COMMISSIONER WATTERS  
**SECONDED:** COMMISSIONER ARRIGO

**August 29, 2019**

- 2) Motion to approve Settlement of all Claims for reimbursement of the cost of demolition of Orleans Marina Boathouse N-41 against Mary Salzer

### **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 Orleans Marina located at West End in the City of New Orleans is one of the non-flood protection assets of the Orleans Levee District under the management and control of the Management Authority;

**WHEREAS**, as owner of the Orleans Marina, the Orleans Levee District is authorized to lease its water bottoms and land as moorings for boats and construction of boathouses for fair and equitable rental rates, as provided under La.Rev.Stat. 38:336(A) and (B)(4);

**WHEREAS**, Mary Salzer leased Orleans Marina Boathouse (“OMB”) Site N-41 and she owned the improvements located on the leased premises, including a boathouse;

**WHEREAS**, in 2013 the Management Authority had OMB Sites N-41 through N-47 inspected by a licensed engineer who concluded that the structures were a serious hazard to public safety and needed to be demolished;

**WHEREAS**, despite requests to cancel the lease and release Ms. Salzer from all obligations under the lease, including the obligation to pay for the cost of demolition of the improvements on the boathouse site, Ms. Salzer refused to voluntarily surrender possession of the premises and she was subsequently evicted;

**WHEREAS**, in 2018 the Management Authority entered into a Collection Agreement with the State of Louisiana, Department of Justice;

**WHEREAS**, earlier this year, the Management Authority referred several cases and claims, including the claim against Ms. Salzer for reimbursement of the cost incurred to demolish her former boathouse, to the Department of Justice pursuant to the terms of the Collection Agreement;

**WHEREAS**, the Management Authority had the boathouses and improvements located on OMB sites N-41 through N-47 demolished, and the demolition contractor estimated that the cost allocated to demolish the boathouse and other improvements located on OMB Site N-41 was \$22,581.00;

**WHEREAS**, counsel for the Department of Justice made demand on Ms. Salzer for reimbursement of the cost for demolition of her former boathouse and negotiated a settlement offer with her for payment of \$16,000.00 cash, in satisfaction of all claims of the Management Authority against her;

**WHEREAS**, under the terms of the Collection Agreement, a fee in the amount of 25% is payable on all sums collected by the Department of Justice;

**WHEREAS**, counsel for the Department of Justice has recommended accepting the settlement offer from Ms. Salzer because counsel has determined that there will be no viable options to enforce collection of this claim against Ms. Salzer through garnishment of wages or seizure of other assets available to satisfy a judgment under Louisiana law;

**WHEREAS**, the Legal Committee of the Management Authority at its scheduled monthly meeting held on August 22, 2019 considered the terms and conditions of the proposed settlement and voted to recommend approval of the settlement under the terms and conditions described above to the Management Authority; and,

**WHEREAS**, the Management Authority resolved that it was in the best interest of the District and Management Authority to approve the settlement under the terms and conditions recommended by the Legal Committee.

**THEREFORE, BE IT HEREBY RESOLVED** that the Lakefront Management Authority hereby approves the settlement of all claims against Mary Salzer in consideration of payment of \$16,000.00 cash, and further approves payment of the fee of 25% to the State of Louisiana, Department of Justice, as provided under the Collection Agreement between the Lakefront Management Authority and the State of Louisiana, Department of Justice.

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

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

**YEAS:** Heaton, Arrigo, Brien, Carr, Fierke, Hebert, Major, Meadowcroft, Richard, Romero, Watters  
**NAYS:** None  
**ABSTAIN:** None  
**ABSENT:** Cohn, Eames, Bruno, Green, Morvant  
**RESOLUTION PASSED:** Yes

- 3) Motion to approve a Contract with Hard Rock Construction, L.L.C. in the amount not-to-exceed \$89,000.000 for construction of improvements in the parking lot and sidewalks in the Smith-Lupo Shopping Center required under the American with Disabilities Act.
  - Chris Fenner, Vice President of Stuart Consulting Group, Inc., stated that the Lakefront Management Authority has a cost share agreement with M&O Realty Inc. in which it is responsible for 38% of the costs of the project and M&O Realty Inc. is responsible for 62% of the costs of the project. Commissioner Romero asked what property is owned by M&O Realty Inc. Gerry Metzger, Legal Counsel, responded that the Lakefront Management Authority owns the parking lot and sidewalks while M&O Realty Inc. owns the food and clothing establishments.

**MOTION:** 03-082919  
**RESOLUTION:** 03-082919  
**BY:** COMMISSIONER FIERKE  
**SECONDED:** COMMISSIONER WATTERS

**August 29, 2019**



- 3) Motion to approve a Contract with Hard Rock Construction, L.L.C. in the amount not-to-exceed \$89,000.000 for construction of improvements in the parking lot and sidewalks in the Smith-Lupo Shopping Center required under the American with Disabilities Act.

### **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 parking lot and sidewalks in the Smith-Lupo Shopping Center (the “Shopping Center”) are non-flood protection assets of the Orleans Levee District under the management and control of the Management Authority;

**WHEREAS**, in April of 2016 a civil action was filed against the Management Authority and other owners of property in the Shopping Center in the United States District Court in the Eastern District of Louisiana alleging violations of the American with Disabilities Act (“ADA”) in the parking area and sidewalks of the Shopping Center;

**WHEREAS**, in March of 2018 this lawsuit was settled, and part of the settlement required the Management Authority and one of the owners of property in the Shopping Center, M & O Realty, Inc., to make improvements to bring the sidewalks and parking lot in compliance with the ADA (the “project”);

**WHEREAS**, the contract for the project will be let and administered by the Management Authority and the cost for the engineering services and construction work will be shared with the Management Authority responsible for 38% of the costs of the project and M & O Realty, Inc. responsible to reimburse the Management Authority 62% of the costs of the project, pursuant to an agreement reached between the parties as part of the settlement of the referenced civil action;

**WHEREAS**, the Management Authority solicited informal bids for the work as required under the Louisiana Public Bid Law, La.Rev.Stat. 38:2211, et seq. and a contract was awarded to Dom Development Corporation for the Project for the price of \$77,700.00;

**WHEREAS**, Dom Development Corporation was unable to provide the required contract related documents, informal bids were again requested by the consulting engineering firm administering the contract, Stuart Consulting Group, Inc., and Hard Rock , LLC submitted a bid in the amount of \$89,000.00 and Cycle Construction Company submitted a bid of \$116,287.00;

**WHEREAS**, Staff and the consulting engineer recommended awarding a contract to Hard

Rock Construction, LLC, as the lowest responsible bidder, to complete the project in accordance with contract documents and specifications prepared by Stuart Consulting Group, Inc.;

**WHEREAS**, M & O Realty, Inc. agreed to the contract price submitted by Hard Rock Construction, LLC to complete the project and agreed to reimburse the Management Authority 62% of the contract price, in accordance with agreement reached between the parties as part of the settlement of the referenced civil action;

**WHEREAS**, the funding for the project was budgeted in the approved FY 2018-2019 Operating Budget; and,

**WHEREAS**, the Management Authority resolved that it was in the best interest of the District to approve a contract with Hard Rock Construction, LLC for the project in accordance with the terms set forth above.

**THEREFORE, BE IT HEREBY RESOLVED** that the Lakefront Management Authority approves a contract with Hard Rock Construction, LLC, for the price and sum of \$89,000.00, to complete the project, in accordance with the contract documents and specifications prepared by Stuart Consulting Group, Inc., with the Lakefront Management Authority responsible for 38% of the contract price, totaling \$33,820.00, and M & O Realty, Inc. responsible to reimburse the Lakefront Management Authority 62% of the contract price, totaling \$55,180.00.

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

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

**YEAS:** Heaton, Arrigo, Brien, Carr, Fierke, Hebert, Major, Meadowcroft, Richard, Romero, Watters

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** Cohn, Eames, Bruno, Green, Morvant

**RESOLUTION PASSED:** Yes

- 4) Motion to authorize installation of signs prohibiting overnight parking of motor vehicles in the parking lots along Lakeshore Drive.
  - Commissioner Richard recommended that the signs define the hours considered overnight parking. He commented that there should be enforcement to “put some teeth in it.” Chair Heaton recommended that the resolution be amended to clarify the hours considered as overnight.

A motion was offered by Commissioner Major, seconded by Commissioner Fierke, and unanimously adopted, to defer the motion regarding the installation of signs prohibiting overnight parking to the next Recreation/Subdivision Committee Meeting.

- 5) Motion to approve Change Order No. 1 in the amount of \$58,312.18 to the Contract with Morcore Roofing, L.L.C. for the South Shore Harbor Marina Covered Boat Slips Roof Replacement Project.
  - Paul Dimitrios, R.C.L., stated that the contractor received three change orders. Commissioner Arrigo commented that funding for enhancing the project is in budget. He explained that the enhancement included installing downspouts, better metal, and seamless gutters. Commissioner Watters questioned the cost increase. Mr. Dimitrios stated that the cost increase is \$58,000 and that the contractor will credit the Lakefront Management Authority \$5,000 for materials if the Authority installs the downspouts. Commissioner Carr questioned the difference between the metals. Mr. Dimitrios explained that the seamless gutters have greater longevity than the previous method. Commissioner Major inquired about the budget. Mr. Dimitrios stated that he initially made his decision because of the limited budget.

**MOTION:** 05-082919  
**RESOLUTION:** 05-082919  
**BY:** COMMISSIONER ARRIGO  
**SECONDED:** COMMISSIONER BRIEN

**August 29, 2019**

- 5) Motion to approve Change Order No. 1 in the amount of \$58,312.18 to the Contract with Morcore Roofing, L.L.C. for the South Shore Harbor Marina Covered Boat Slips Roof Replacement Project.

### **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 (the “Marina”);

**WHEREAS**, the roof on the covered boat slips in the Marina is in need of replacement;

**WHEREAS**, the Management Authority publicly advertised for bids for the replacement of the roof of the covered boat slips, as required under the Louisiana Public Bid Law, La.Rev.Stat. 38: §2212, et seq. (the “Project”), and a contract for the Project was awarded to Morcore Roofing,

LLC in the amount of \$440,000.00, pursuant to Resolution adopted by the Management Authority at its regularly scheduled May Board Meeting;

**WHEREAS**, Change Order was discussed at the Marina Committee Meeting held on August 20, 2019 and the Committee requested staff and Consulting Architect/Engineer to review additional information and present a proposal for the Change Order to the Board on August 29, 2019;

**WHEREAS**, the Staff of the Management Authority and the Consulting Architect/Engineer for the Project recommend approving Change Order No. 1 to include Stainless Steel Gutters and the Addition of Downspouts on the water side of the covered boat slips roof;

**WHEREAS**, the combined total amount for Change Order No. 1 is \$58,322.18 which brings the total contract price to \$498,322.18;

**WHEREAS**, the funding for this project has been identified by encumbering prior year unrestricted funds of \$250,000 and \$250,000 approved in the FY2019-2020 Capital Project Budget;

**WHEREAS**, the Management Authority resolved that it was in the best interest of the Management Authority and the District to approve Change Order No. 1 to the Contract for the Project; and,

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the Lakefront Management Authority approves Change Order No. 1 in the amount of \$58,322.18 and a not-to-exceed contract price of \$498,322.18 with Morcore Roofing, LLC for the South Shore Harbor Roof Replacement Project.

**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:

**YEAS:** Heaton, Arrigo, Brien, Carr, Fierke, Hebert, Major, Meadowcroft, Richard, Romero, Watters

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** Cohn, Eames, Bruno, Green, Morvant

**RESOLUTION PASSED:** Yes

- 6) Motion to amend the Approved Capital Budget (2019-2020) to reallocate \$98,510.00 to complete the funding for the Service and ADA Compliant Elevator at the Lakefront Airport Terminal Building.
- Paul Dimitrios, R.C.L., stated that he thought that the bid would be higher. Chair Heaton advised that the Flood Protection Authority will handle some maintenance costs, which will free up money for the elevator project. Commissioner Watters asked about the service maintenance plan for the new elevator. Mr. Dimitrios responded that the elevator has a one-year service plan. Chair Heaton noted that the project can't begin until Motion # 7 is completed.

**MOTION: 06-082919**  
**RESOLUTION: 06-082919**  
**BY: COMMISSIONER FIERKE**  
**SECONDED: COMMISSIONER MEADOWCROFT August 29, 2019**

- 6) Motion to amend the Approved Capital Budget (2019-2020) to reallocate \$98,510.00 to complete the funding for the Service and ADA Compliant Elevator at the Lakefront Airport Terminal Building.

**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**, by Resolution 05-032819, the Management Authority approved the General Operating and Capital Project Budget for Fiscal Year 2019-2020;

**WHEREAS**, by Resolution 02-022119, the Management Authority approved a Task Order to RCL to prepare bid documents, advertise bids and recommend award for the Lakefront Terminal Building Elevator;

**WHEREAS**, the Approved Capital Budget for the Terminal Elevator was \$450,000.00 and the lowest responsible and responsive bidder was Smith Construction Co. for a price and sum of \$548,510.00;

**WHEREAS**, to award the contract a budget reallocation is needed, and the following is a recommendation to cover the construction cost;

**Capital Project Budget**

Reallocate From:

Capital Reserve (Unrestricted) Lakeshore Drive (\$98,510.00)

Reallocate To:

Capital Reserve (Unrestricted) Elevator and ADA Compliant \$98,510.00

**Total (decrease) / Increase** --

**WHEREAS**, the foregoing adjustments are determined to be in the best interest of the Management Authority to resolve these issues.

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, that the Management Authority approves the revisions set forth above to the Fiscal Year 2019-2020 Capital Project Budget.

**BE IT HEREBY FURTHER RESOLVED**, that the Chairman or Executive Director be and is 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:** Heaton, Arrigo, Brien, Carr, Fierke, Hebert, Major, Meadowcroft, Richard, Romero, Watters, Cohn

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** Eames, Bruno, Green, Morvant

**RESOLUTION PASSED:** Yes

7) Motion to approve a contract with Smith Construction Co. the lowest responsible and responsive bidder for the construction of a Service and ADA Compliant Elevator at the Lakefront Airport Terminal Building in the amount not-to-exceed \$548,510.00.

- Commissioner Romero recommended including a maintenance agreement in the contract. He asked whether Otis is the only company that can perform repairs on the elevator. Mr. Dimitrios stated that any company can perform maintenance on the elevator.

**MOTION:** 07-082919

**RESOLUTION:** 07-082919

**BY:** COMMISSIONER FIERKE

**SECONDED:** COMMISSIONER MEADOWCROFT

**August 29, 2019**

7) Motion to approve a contract with Smith Construction Co. for the of a Service and ADA Compliant Elevator at the Lakefront Airport Terminal Building in the amount not-to-exceed \$548,510.00.

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

**WHEREAS**, the Management Authority advertised for bids for the installation of a Service and ADA Compliant Elevator at the Lakefront Airport Terminal (the “Project”), and were received, opened and read aloud on August 21, 2019 at 2:00pm in the Lakefront Airport Terminal Building in the 2<sup>nd</sup> floor Conference Center;

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

**WHEREAS**, the following bids were received on August 21, 2019 for the scope of work:

Smith Construction Co	\$548,510.00
CM Combs Construction, LLC	\$557,000.00
Stallings Construction	\$573,700.00
CDW Services, LLC	\$672,000.00

**WHEREAS**, the bid by Smith Construction Co. in the amount of \$548,510.00 was the lowest responsible and responsive bid;

**WHEREAS**, the Management Authority’s consultant Richard C. Lambert Architecture (RCLA) reviewed the bid documents and recommend that Smith Construction Co. as the lowest responsible and responsive bidder, be awarded the contract for the Project; and,

**WHEREAS**, the Management Authority resolved that it was in the best interest of the Management Authority and Lakefront Airport to approve a contract with Smith Construction Co. for the price and sum of \$548,510.00, for the installation of a Service and ADA Compliant Elevator at the Lakefront Airport Terminal

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, that the Lakefront Management Authority approves a contract with Smith Construction Co. for the price and sum not-to-exceed

\$548,510 for the installation of a Service and ADA Compliant Elevator at the Lakefront Airport Terminal

**BE IT FURTHER HEREBY RESOLVED**, that the Chairman or Executive Director of the Non-Flood Protection Asset 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:** Heaton, Arrigo, Brien, Carr, Fierke, Hebert, Major, Meadowcroft, Richard, Romero, Watters, Cohn  
**NAYS:** None  
**ABSTAIN:** None  
**ABSENT:** Eames, Bruno, Green, Morvant  
**RESOLUTION PASSED:** Yes

- 8) Motion to approve an amendment to the Contract for Professional Services By and Between the Louisiana Legislative Auditor and Ericksen Krentel in the amount of \$7,5000.00.

**MOTION:** 08-082919  
**RESOLUTION:** 08-082919  
**BY:** COMMISSIONER RICHARD  
**SECONDED:** COMMISSIONER COHN

**August 29, 2019**

- 8) Motion to approve an amendment to the Contract for Professional Services By and Between the Louisiana Legislative Auditor and Ericksen Krentel in the amount of \$7,5000.00.

### **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’s financial books and records are audited annually by an independent certified public accounting firm;

**WHEREAS**, the State of Louisiana Legislative Auditor (“Legislative Auditor”) issued a request for proposals for independent public accounting firms to prepare the audits for the Management Authority for the fiscal years ending June 30, 2018, June 30, 2019 and June 30, 2020;



**WHEREAS**, the Legislative Auditor selected the firm of Ericksen Krentel, L.L.P to prepare the audits for the fiscal years ending June 30, 2018, June 30, 2019 and June 30, 2020;

**WHEREAS**, the Legislative Auditor prepared and has signed a Contract for Professional Services with Ericksen Krentel, L.L.P. (the “Contract”) to provide the audit services for a total sum payable for the audit services and reimbursement of expenses and other costs not to exceed \$29,850.00 per annum,

**WHEREAS**, the Management Authority is named as a party to the Contract and is obligated under Section VI – Compensation, Sub-Section (C) Method of Payment of the Contract to pay the fees and costs for the annual audits to the Legislative Auditor in the amount of approved itemized billing statements, not to exceed the amount specified in the approved itemized billing statements and as set forth in the Contract; and,

**WHEREAS**, on July 26, 2019 the Legislative Auditor notified the Management Authority of an increase in the contract price for the current audit year ending June 30, 2019

**WHEREAS**, the increase in the amount of \$7,500.00 was due to additional audit services required by the Single Audit Act and increase the not-to-exceed contract price to \$37,350.00; and,

**WHEREAS**, the Management Authority resolved that it was the best interest of the Management Authority and Orleans Levee District to approve an amendment of the Contract for Professional Services by and between the Louisiana Legislative Auditor and Ericksen Krentel, L.L.P to increase the not-to-exceed contract price to \$37,350.00.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the Non-Flood Protection Asset Management Authority approves the amendment of the Contract for Professional Services by and between the Louisiana Legislative Auditor and Ericksen Krentel, L.L.P., a copy of which is attached to this Resolution, to increase the not-to-exceed contract price to \$37,350.00.

**BE IT FURTHER HEREBY RESOLVED** that the Management Authority authorizes the Chairman or Executive Director of the Management Authority to sign the attached Contract for Professional Services by and between the Louisiana Legislative Auditor and Ericksen Krentel, L.L.P., a copy of which is attached to this Resolution, and any and all other documents necessary to carry out the above.

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

**YEAS:** Heaton, Arrigo, Brien, Carr, Fierke, Hebert, Major, Meadowcroft, Richard, Romero, Watters, Cohn

**NAYS:** None

**ABSTAIN:** Fierke  
**ABSENT:** Eames, Bruno, Green, Morvant  
**RESOLUTION PASSED:** Yes

- 9) Motion to Authorize and Executive Director, Real Estate Consultant and Legal Counsel to Negotiate a Lease subject to Board approval with J & J Partners, L.L.C. for the property located at Municipal Address 7412 Lakeshore Drive.
- Maison Du Lac stated that he was asked to submit receipts to Mr. Louis Capo and his staff. Commissioner Arrigo commented that he believes that a win-win can be negotiated.

**MOTION:** 09-082919  
**RESOLUTION:** 09-082919  
**BY:** COMMISSIONER WATTERS  
**SECONDED:** COMMISSIONER ARRIGO **August 29, 2019**

- 9) Motion to Authorize and Executive Director, Real Estate Consultant and Legal Counsel to Negotiate a Lease subject to Board approval with J & J Partners, L.L.C. for the property located at Municipal Address 7412 Lakeshore Drive.

### **RESOLUTION**

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

**WHEREAS**, the former Board of Commissioners of the Orleans Levee District entered into a written Lease Agreement, dated on November 4, 1994, with J & J Partners, LLC (the “Lease”) for the property located a Municipal Address 7412 Lakeshore Drive in New Orleans (the “property”), which is one of the non-flood protection assets of the Orleans Levee District managed and controlled by the Management Authority;

**WHEREAS**, the Lease was for a term of 25 years, commencing on August 1, 1994 and expiring on July 31, 2019, and provided that the term would be extended for an additional 25 years if the lessee expended \$500,000.00 for permanent improvements on the property;

**WHEREAS**, a dispute arose between the parties over whether the lessee made the required expenditures on permanent improvements for an extension of the term of the lease for an additional 25 years;

**WHEREAS**, this matter was discussed at the Joint Meeting of the Legal and Commercial Real Estate Committees of the Management Authority on August 22, 2019;

**WHEREAS**, the Management Authority resolved that it was in the best interest of the Orleans Levee District and Management Authority to authorize its Executive Director, Real Estate Consultant and Legal Counsel to negotiate a long-term ground lease of the property with J & J Partners LLC., which lease would be subject to the approval of the Management Authority;

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the Lakefront Management Authority hereby authorizes the Management Authority's Executive Director, Real Estate Consultant and Legal Counsel to negotiate a long-term ground lease of the property with J & J Partners LLC., which lease will be subject to the approval of the Lakefront Management Authority;

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

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

**YEAS:** Heaton, Arrigo, Brien, Carr, Fierke, Hebert, Major, Meadowcroft, Richard, Romero, Watters, Cohn

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** Eames, Bruno, Green, Morvant

**RESOLUTION PASSED:** Yes

### **Executive Session:**

A motion was offered by Commissioner Arrigo, seconded by Commissioner Fierke, and unanimously adopted, for the Board to convene in Executive Session to discuss a proposed LWCC settlement. The Board convened in Executive Session at 6:52 PM.

A motion was offered by Commissioner Fierke, seconded by Commissioner Meadowcroft and unanimously adopted, for the Board to return to regular session. The Board returned to regular session at 7:01 PM.

Chair Heaton reported that no action was taken during Executive Session.

- Motion to recommend that the Lakefront Management Authority authorize the Louisiana Worker's Compensation Corporation (LWCC) to settle the Worker's Compensation Claims of Charles L. Dixon (LEGAL).

A motion was offered by Commissioner Fierke, seconded by Commissioner Arrigo, and unanimously adopted.

**Announcement of next Regular Board Meeting:**

**1) Thursday, September 26, 2019 – 5:30 PM**

**Adjourn:**

A motion was offered by Commissioner Arrigo, seconded by Commissioner Major and unanimously adopted, to adjourn. The meeting was adjourned at 7:05 PM.