

**MINUTES OF THE  
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY–EAST  
BOARD MEETING  
THURSDAY, OCTOBER 18, 2018**

The regular monthly Board Meeting of the Southeast Louisiana Flood Protection Authority-East (Authority or FPA) was held on October 18, 2018, in the Franklin Avenue Administrative Complex, Meeting Room 201, 6920 Franklin Avenue, New Orleans, Louisiana, after due legal notice of the meeting was sent to each Board member and the news media and posted.

Mr. Hassinger called the meeting to order at 11:00 a.m. and led in the pledge of allegiance. Mr. Cosse called the roll and a quorum was present:

**PRESENT:**

Lambert J. Hassinger, Jr., President  
Richard A. Luettich, Jr., Vice President  
Mark L. Morgan, Treasurer  
Clay A. Cosse, Secretary  
Quentin D. Dastugue  
Andrew J. Englande, Jr.  
Herbert I. Miller  
Herbert T. Weysham, III

**ABSENT:**

Jason P. Latiolais

**ADOPTION OF AGENDA:**

A motion was offered by Mr. Luettich, seconded by Mr. Morgan and unanimously adopted, to adopt the agenda.

**RESOLUTION NO. 10-18-18-01 –  
APPROVAL OF SEPTEMBER 20, 2018 BOARD MEETING MINUTES**

On the motion of Mr. Luettich,  
Seconded by Mr. Cosse, the following resolution was offered:

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East approves the minutes of the Board Meeting held on September 20, 2018.

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

YEAS: Mr. Cosse, Mr. Dastugue, Mr. Englande, Mr. Luettich, Mr. Miller,  
Mr. Morgan and Mr. Weysham

NAYS: None

ABSENT: Mr. Latiolais

## **EMPLOYEE RECOGNITION AND APPRECIATION:**

Mr. Hassinger explained that each month the Board takes the opportunity to recognize an employee whose contribution is appreciated by the people he/she works with every day. The mission of the FPA is a very serious one and it takes over 200 people working every day to ensure the integrity of the flood defense system so that when a storm comes the system works—every component, every time. This can only happen if the FPA has a collection of people who are committed to its mission, work together as a team and exhibit the FPA's values. This month Jason Glenn was recommended by his colleagues for recognition.

Jason Glenn is a Maintenance Repairer 2 in Department 312 – Operations and Maintenance/Facilities Maintenance. Mr. Glenn is an outstanding employee and goes above and beyond when it comes to a work project. He leaves no stone unturned when completing an assignment. Mr. Glenn never complains when given a task whether it is big or small. He is one of the first to volunteer whether the job is in his department or another department. Mr. Glenn's colleagues say that he is a great person to work alongside.

Mr. Glenn truly exemplifies the Authority's values in his day to day activities. He is a team player and exhibits professionalism, accountability and commitment to the Authority's mission. Mr. Glenn is a valuable member of the FPA team and an important contributor to the success of the organization.

Mr. Hassinger presented Mr. Glenn with a Certificate of Commendation expressing the FPA's appreciation for his commitment and excellent work performance.

Mr. Hassinger advised that the Board is taking the opportunity this month to recognize Kelli Chandler, the FPA's Regional Finance Director, for outstanding leadership, teamwork and commitment to excellence, and provided the background for this special recognition.

The FPA created the position of Regional Finance Director to manage all financial activities of the Authority, serve as its chief financial spokesperson, and lead the consolidation and centralization of Finance functions. Kelli Chandler joined the FPA on October 24, 2016 as its first Regional Finance Director. She quickly learned about the Authority and levee districts. Before attempting to implement changes, she gained a full understanding of the financial operations by spending time individually with Finance staff members learning their duties and developing personal relationships. She then proceeded with the enormous job of not only consolidating and centralizing financial operations, but also investigating and implementing up to date technologies to achieve efficiencies.

Ms. Chandler has collaborated with directors, supervisors and FPA team members to achieve a successful consolidation of financial operations, and her professionalism, hard work, knowledge and sense of humor has gained her the admiration and respect of everyone with whom she has worked. She continues working hard to advance the Authority's financial operations and the overall success of the organization.

An important part of Ms. Chandler's success is her embracement of the Authority's cultural initiative. Her extraordinary efforts in team building have won the affection of her staff and the admiration of all FPA team members. She also recognized the importance of interacting with every team member and on many occasions meets with and participates in training team members throughout the organization.

Ms. Chandler is the consummate example of leadership, teamwork and integrity and her commitment to excellence is recognized by all members of the FPA team.

Mr. Hassinger presented an award to Ms. Chandler in recognition of her outstanding leadership, teamwork and commitment to excellence.

### **OPENING COMMENTS BY PRESIDENT AND COMMISSIONERS:**

Mr. Luettich thanked everyone for their well wishes. He explained that in September Hurricane Florence crossed the community in which he lives and that conditions were probably equivalent to those of Hurricane Isaac several years ago when it crossed the Greater New Orleans area. Hurricane Florence remained in the area a long period of time with significant rains and winds. He stated that the effects he personally experienced could be considered annoyances and that many other people in his community experienced greater damages and have a much longer road to recovery. He added that watching the damages caused by Hurricane Michael in the Florida panhandle helped put things into perspective and commented on the people who are dealing with the aftereffects and recovery.

Mr. Luettich stated that Hurricanes Florence and Michael reminded him of how important the Flood Protection Authority and the commitment of its team of employees are to the protection of the citizens of the region from these events. Events like Hurricanes Florence and Michael will continue to occur. He stated that these events gave him a greater appreciation for the work performed by the FPA team and thanked them for their service.

Mr. Luettich pointed out that Hurricanes Florence and Michael also put into perspective how inadequate 100-year protection is in terms of protecting the lives of the citizens of the region and their livelihoods. He stressed that the FPA must continue to strive to elevate its current defense system because 100-year protection is a minimal standard.

### **PUBLIC COMMENTS:**

John Riehm informed the Board that Wood Materials/Wood Resources (Wood) began transferring coal from barge to barge on Sunday, October 7<sup>th</sup>, which is in violation of the City of Harahan's comprehensive zoning ordinance governing the nonurban batture district. The transfer of coal continued to October 10<sup>th</sup>. The issue was brought to the attention of the Flood Protection Authority, the East Jefferson Levee District, the Mayor of Harahan, the Harahan City Council, the President of Jefferson Parish, the Jefferson Parish Council, LA State Representative Kirk Talbot, LA Senator Danny Martiny, U.S. Senator John Kennedy, the Port of New Orleans, the New Orleans Public Belt Railroad,

which controls the coal, and the U.S. Coast Guard. He stated that in a 1988 lawsuit, Wood Materials vs. the City of Harahan, which was joined by the Board of Commissioners of the East Jefferson Levee District (EJLD), the U.S. 5<sup>th</sup> Circuit Court of Appeals decided in favor of Harahan and the EJLD concerning permitted uses, which includes, in part, barge mooring and holding facilities, but not unloading activities, and sand extraction. He pointed out that EJLD Police Officers patrol the area and should be notifying the proper authorities regarding the illegal activity. He stressed that Harahan and River Ridge residents have recently been plagued with noxious odors causing eye, nose and skin irritations. While some people believe the Waggaman landfill to be the cause, others, including the President of Jefferson Parish, have suggested that mid-river cargo handling operations may be the cause of air pollution.

Mr. Riehm asked, how was this illegal coal transferring activity allowed to start in the City of Harahan just 1,260 feet from residences and was the FPA or EJLD informed about this operation prior to its commencement? Derek Boese, Chief Administrative Officer, responded, no; the FPA does not regulate activity in the river. Mr. Riehm stated that this is a new operation started by Wood, which is not permitted at this location, and that the Port of New Orleans addressed Wood regarding this activity. He pointed out that this unpermitted unloading activity was allowed to continue over four days and three nights and that penalties should be assessed against Wood for the illegal activity. He stated that pictures of this activity will be presented at next month's meeting. The issue was addressed at the Jefferson Parish Council meeting and Keith Connelly advised that he would take care of this operation and that evening (Wednesday) after the meeting the crane was being transported back down the river. He suggested that if Wood wants to continue industrializing this location on the river, it should purchase the residential property in the area so that residents can relocate and not suffer any longer.

Evelyn Riehm addressed the Board concerning ACBL's transfer by crane of coal from barge to barge and then from barge to the shore, which took place night and day. Thirty-eight open barges of coal were moored at Wood's facility on the Harahan bature. Harahan's ordinance only allows the mooring and holding of the barges. The comment has been made that Wood keeps doing unpermitted activities because the City of Harahan does not have the money to fight Wood and the issues become tied up in the courts. She said that she was just asking that Wood do the right thing. She showed the Board a stack of complaints against Wood that were signed by the residents. Ms. Riehm pointed out that the EJLD gives Wood its operating permit and asked that the FPA help the citizens of Harahan and tighten its reigns on the permit.

Mr. Miller advised that multiple permits are issued to Wood Materials/Wood Resources from various entities [i.e., FPA/EJDL, Coastal Protection and Restoration Authority (CPRA), U.S. Army Corps of Engineers (USACE) and the City of Harahan]. He requested that Michelle White, Assistant Attorney General, look into this issue and determine if the activity that has been reported regarding the loading and unloading of coal is permissible under any of the permits and report to the Board. He stated that the FPA/EJLD permit for Wood is coming up for renewal at the end of the year (December). The FPA has had problems with Wood in the past and Wood has made some good progress primarily at the request of the citizens of Harahan. Wood has fulfilled a

number of its commitments; however, the Board is interested in knowing if Wood is violating the terms of its permit.

Ray Landeche stated that last month he asked the Finance Committee questions about the Memorandum of Understanding (MOU) between the FPA, on behalf of the Orleans Levee District (O.L.D.), and the Non-Flood Protection Asset Management Authority (NFA) that was approved by the Board, and that he had asked the Finance Committee to delay action on the MOU for thirty days in order to study the document. He referred to Item 13 (intra-fund receivables and payables due the O.L.D. by the NFP) of the MOU, and stated that the NFP initially owed the O.L.D. \$21 million; however, after the MOU was signed, the number was reduced to \$1.3 million. He said he was curious about the documentation regarding the \$21 million. He stated that relative to Item 15 (excess revenue) another \$14.8 million is missing. He advised that he would be requesting the public documents and stated that he hoped that the FPA would look closer at the MOU.

### **PRESENTATIONS:**

A short (4–5 minutes) video was shown to the Board at the request of the President. The video was produced by Anne Rheams, Water Management Communications, LLC, and her team and highlights the Permanent Canal Closures and Pumps (PCCP). The video is part of the FPA's efforts to address visibility and inform the public about the work of the FPA and how their tax dollars are being used. The video also demonstrates to the public the increased capacity with respect to the perimeter defense system. Mr. Hassinger commended Ms. Rheams and her team for the excellently produced video and for her efforts on behalf of the FPA. The video will be posted on the FPA's website.

Mr. Hassinger explained that when the FPA made the decision to accept the operation and maintenance responsibility for the PCCP, it understood that it would have to complement its talent with some additional skillsets because of the PCCP's complexities. He requested that the PCCP team be introduced to the Board.

Gerry Gillen, Operations Director, advised that the PCCP team members were hired about May 1<sup>st</sup> and that the team has been receiving intensive training. As the hurricane season comes to a close, the PCCP team will move into the maintenance phase. He introduced the members of the PCCP team:

Ken Johnson, Power Generation Specialist Manager, worked for Caterpillar Corporation for many years. He worked on the PCCP project during the four years of its construction and was intimately involved in setting up the generation equipment and sensors. Mr. Johnson is a native of New Zealand.

John Mitchell, Facility Assistant Maintenance Manager A - Power Generation Assistant, worked for Caterpillar Corporation and serves as Mr. Johnson's assistant.

Robert Albright, Controls Specialist Manager, worked for Prime Controls, Inc. and wrote the programs that automate the three PCCP stations.

Karl Hoffpaur, Facility Assistant Maintenance Manager A - Controls Assistant, is a long time employee of the FPA and transferred to the PCCP team. Mr. Hoffpaur serves as Mr. Albright's assistant.

Darren Nichols, Facility Assistant Maintenance Manager A - Electrician Specialist, transferred from the Department of Transportation and Development (DOTD) to the FPA. He formerly worked with the crew on the Crescent City Connection.

Craig Simon, Mechanic, is a long time FPA employee who transferred to the PCCP to pursue additional skillsets.

Brian Corte, Mechanic, is being trained as an operator and works with the PCCP team on maintenance.

Mr. Hassinger commented that the citizens of the region are told that when the water comes, no matter what, every component of the food defense system will perform, including the PCCP. He stated that the FPA appreciates the members of the PCCP team being on the job to ensure that this commitment is met.

#### **COMMITTEE REPORTS:**

**Finance Committee:** Mr. Morgan advised that the Finance Committee did not meet during the month of October.

**Operations Committee:** Mr. Miller reported that the Operations Committee met prior to the Board meeting and considered the six items listed on the agenda. The Committee recommended that four of the items be approved by the Board, one item be amended and that the sixth item relative to Phase 2 of the Permitting Software be deferred to allow time for the consultant to provide additional information.

#### **CHIEF ADMINISTRATIVE OFFICER'S REPORT:**

Derek Boese, CAO, provide the highlights of his report:

- Hurricane Michael – The FPA's response to Michael was similar to the response to Tropical Storm Gordon. Michael, which developed and intensified over a very short period of time, was a good example of the reason the FPA takes certain actions early. The timeline with the FPA's response to Michael was reviewed. The IHNC Surge Barrier Barge Gate and six Lake Borgne Basin Levee District (LBBLD) gates that had been closed for Gordon were left closed for the remainder of the storm season. Certain gate closures were required due to high tides. A total of 28 employees worked emergency operations for Michael. Required closures were closely coordinated taking into consideration railroad and port operations.
- Inspections – The FPA conducts or participates in five separate inspections: Quarterly (in-house; CPRA observes), Semi-annual (in-house; CPRA observes); Annual (USACE), Periodic (USACE) and Third Party (Consulting Engineer). The FPA is finalizing the Semi Annual Inspection Report for submittal to the CPRA

and USACE by October 31. The inspections indicate that the system will perform as designed during an event.

- Engineering – Phase I (warehouse portion) of the Franklin Complex renovations are underway and occupancy is anticipated for late February, 2019. The Notice to Proceed with the demolition of the Loft Building was issued on October 15<sup>th</sup>. The new O.L.D. Police Station is scheduled for occupancy by the end of October; however, the ribbon cutting is being postponed to a later date. The EJLD Safehouse and Consolidated Facility is scheduled for opening in January, 2019.
- Operations – A picture of debris found at LBBLD Pump Station No. 1 was shown as an example of the type of debris that can be found in the canals and the type of on-going issue faced by the LBBLD pump operators. A pump was taken off line because two tires were found jammed into the pump. The pump was repaired and is back on line.

Mr. Cosse stated that page four of the CAO's Report states, "Pump Stations 1 and 4 have diminished capacity due to one pump at each station being out of commission and due to the Parish contract litigation." He asked the reason the repairs to the pumps are being held up. Mr. Boese explained that this is the subject of the litigation. The Parish hired a consultant and a contractor to replace the engines and because of this work that is now in litigation, the engines are down and are taken apart.

- FY 2018 Financial Audit – The audit is wrapping up and going well. Information was received from the USACE and a decision was made that for consistency amongst the FPA, CPRA, FPA-West and Pontchartrain Levee District, the FPA will record the Hurricane and Storm Damage Risk Reduction System (HSDRRS) features as assets based on the values provided by the USACE for their work (roughly \$4.5 billion).
- Employee services – Two Human Resource (HR) Analysts have been hired and started work on October 8 and 22. The HR Training Coordinator will start work on October 29. Five candidates will be interviewed for the position of HR Director on October 19. Open Enrollment information meetings are in progress at three primary locations. Follow up meetings will be held after employees have had an opportunity to review this year's offerings. The employee surveys have been completed with approximately 75 percent participation. The responses are being reviewed.

Mr. Englande asked had any progress been made regarding an intern program. Mr. Boese responded that no progress had been made because the FPA is attempting to hire permanent staff. An intern program can be addressed by the new HR Director after the position is filled.

- Public Information – Antwan Harris, Public Information Director, advised that he is working on streaming Board meetings, developed a standard format for press releases, acquired access for the FPA's social media accounts and will be increasing social media activity and implementing efforts to garner more followers and increase the FPA's reach, producing a video that can be used as a walking tour based on tours of the 17<sup>th</sup> Street Canal PCCP, and working with the

Police Superintendent on materials to highlight the Police Department for the Night Out Against Crime and with the Director of Maintenance and his staff to help promote the maintenance staff.

- Night Out Against Crime – The levee district Police Departments will participate in the kickoff party in Lafreniere Park, the Crime Prevention Symposium held at St. Pius and the Bonnabel Boat Launch event.

Ryan Foster, P.E., and Darren Austin, P.E., provided information on the International Network of Storm Surge Barriers Annual Conference held in Ipswich, England on October 1-3, 2018.

Mr. Foster reviewed the General Conference Schedule, which included:

- Presentations on the Colne and Ipswich Barriers followed by site visits.
- Core member presentations by the FPA, USACE, Environment Agency (UK), RWS (Netherlands) and VWA (Italy).
- Member led sessions on various subjects; i.e., operations, maintenance, fire safety, coastal resilience, risk based asset management and climate change.
- The Environment Agency's Presentation on future barriers.

Mr. Foster advised that he and Mr. Austin toured the Thames Barrier on October 4<sup>th</sup>.and that he participated in a tour of the Thames River and its flood defense embankments and walls. Mr. Austin continued his work with I-STORM members in follow up to the Peer Review of the FPA's IHNC Surge Barrier Sector and Barge Gates, Seabrook Complex and Bayou Bienvenue Lift Gate.

Mr. Foster commented on the excellent knowledge exchange that took place between members during breaks and meals. He advised that Mr. Austin's presentation on the I-STORM's peer review of the FPA complex structure gates was well received. Mr. Austin explained that a contingent of the I-STORM's peer review team that visited the FPA had attended the conference and that they were very excited to receive the update on the FPA's post-peer review efforts and the implementation of their recommendations.

Mr. Foster added that representatives of the USACE's Headquarters and Galveston and New Orleans Districts attended the conference. The USACE provided a presentation on Hurricane Harvey efforts.

Mr. Morgan requested that insurance quotes for the upcoming year be provided at the November meetings in order to allow sufficient time for renewals.

Mr. Englande requested an update on the FPA's participation in the Water Environment Federation (WEF) conference held in New Orleans in October. Mr. Boese advised that approximately 20,000 people attended the WEF conference. Multiple tours of FPA facilities were conducted for conference attendees. Wilma Heaton, Director of Governmental Affairs, arranged for Mr. Boese and Jesse Noel, NFP Director, to



participate in a panel that focused on hiring and staffing needs and attracting people to fill workforce needs.

**NEW BUSINESS:**

**RESOLUTION NO. 10-18-18-02 - VIOLET CANAL NORTH REALIGNMENT – PHASE II BIDDING SERVICES, CONSTRUCTION ADMINISTRATION AND RESIDENT INSPECTION - AMENDMENT OF TASK ORDER NO. 9**

Mr. Miller advised that the Operations Committee considered the proposed increase to Task Order No. 9 issued to Tetra Tech. He explained that information had been requested from the appropriate entities regarding the location of utilities; however, during construction a number of utilities were found that were not on the original plans. Therefore, additional design was required.

On the motion of Mr. Luettich,  
Seconded by Mr. Miller, the following resolution was offered:

**WHEREAS**, the Forty Arpent Levee in the Lower Ninth Ward and St. Bernard Parish must be certified in order to be accredited by FEMA for the National Flood Insurance Program; and

**WHEREAS**, by Resolution No. 11-15-12-06, the Southeast Louisiana Flood Protection Authority-East (FPA) approved the selection of Tetra Tech, Inc. for the purpose of entering into a Contract with said consultant to provide the professional engineering services required for the non-federal levee certification effort; and

**WHEREAS**, the SLFPA-E entered into a contract with Tetra Tech, Inc., dated February 8, 2013, and expiring on June 30, 2018, to provide the aforementioned services, with a not-to-exceed contract value of \$5 million; and

**WHEREAS**, by Resolution No. 10-16-14-02, the SLFPA-E approved the execution of Task Order No. 5 for work required in connection with the new protection alignment in the area of the Shrimp and Soap Factories on the Violet Canal; and

**WHEREAS**, by Resolution No. 07-20-17-11 the FPA approved the issuance of Task Order No. 9 under the aforementioned contract with Tetra Tech, Inc. in the not-to-exceed amount of \$142,850.00 for Bidding, Construction Administration and Resident Inspection Services for the construction of the Violet Canal North Levee Realignment Phase II; and

**WHEREAS**, several unknown conflicts and conditions occurred during the construction of the project, which extended the period of construction and resulted in the following additional costs: additional Design During Construction - \$11,585.00, additional Resident Inspection (14 weeks) - \$24,780.00 and additional Construction Administration (14 weeks) - \$22,645.00, or a total of \$59,010.00.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East (FPA) approves the extension of the expiration date of the contract with Tetra Tech, Inc. to December 31, 2018 and the amendment of Task Order No. 9 under the contract to provide for said time extension and to amend the task order

to increase the total not to exceed amount to \$201,860.00 (an increase of \$59,010.00), and authorizes the FPA Chief Administrative Officer to execute said documents 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: Mr. Cosse, Mr. Dastugue, Mr. Englande, Mr. Luettich, Mr. Miller,  
Mr. Morgan and Mr. Weysham

NAYS: None

ABSENT: Mr. Latiolais

**Motion to authorize FPA Chief Administrative Officer to execute a contract with a not to exceed amount of \$135,337.50 with Vinformatix for Phase 2 of the Web-based Permitting Software Management System.**

Mr. Miller explained that several members of the Operations Committee had questions concerning the proposal and recommended that the motion be deferred so that additional information could be obtained.

**RESOLUTION NO. 10-18-18-03 - MOA BETWEEN FPA, CPRA AND USACE FOR TESTING RELIEF WELLS ALONG THE IHNC AND GIWW LEVEES**

Mr. Miller advised that the Operations Committee considered the proposed Memorandum of Agreement (MOA) and recommended Board approval. He explained that a number of relief wells must be inspected in order to determine whether they are functioning at the proper capacity. Mr. Morgan added that currently there are no specifications on the relief wells as to how much or how efficiently they should be pumping. The USACE will be able to make this determination and provide specifications to the FPA so that the FPA can take over future testing. Stevan Spencer, Regional Chief Engineer, advised that the USACE will also provide recommendations regarding any repairs that are required. The repairs will be done at the FPA's cost.

On the motion of Mr. Luettich,

Seconded by Mr. Morgan, the following resolution was offered:

**WHEREAS**, the U.S. Army Corps of Engineers (USACE) requires the testing of up to 140 relief wells located along the Inner Harbor Navigation Canal (IHNC) and Gulf Intracoastal Waterway (GIWW) levees for inspection purposes; and

**WHEREAS**, the Southeast Louisiana Flood Protection Authority-East (FPA) proposes to enter into a Memorandum of Agreement between the FPA, Coastal Protection and Restoration Authority (CPRA) and USACE for the testing of the aforementioned relief wells by the USACE; and

**WHEREAS**, the estimated cost for testing up to 140 relief wells at said locations is between \$150,000 and \$200,000.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East approves a Memorandum of Agreement by and between the FPA,

CPRA and USACE for the testing of up to 140 relief wells located along the IHNC and GIWW levees by the USACE at a cost not to exceed \$200,000.

**BE IT FURTHER RESOLVED**, that the FPA Chief Administrative Officer is hereby authorized to execute the aforementioned Memorandum of Agreement, and any and all documents necessary to carry out the above.

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

YEAS: Mr. Cosse, Mr. Dastugue, Mr. Englande, Mr. Luettich, Mr. Miller,  
Mr. Morgan and Mr. Weysham

NAYS: None

ABSENT: Mr. Latiolais

**Motion to approve the issuance of a Change Order to the contract with Southern Delta Construction, LLC for the NASA Levee Repair Project to increase the contract amount from \$354,140.00 to \$537,035.00 for additional required work.**

The motion to approve the issuance of a proposed Change Order to the contract with Southern Delta Construction, LLC for the NASA Levee Repair Project was offered by Mr. Luettich and seconded by Mr. Morgan.

Mr. Miller advised that the proposed Change Order was considered by the Operations Committee. An amendment is needed to the motion on the agenda as the additional fill that was required had significantly increased. The Operations Committee recommended that the Board adopt the amendment to the motion. He asked that Felton Suthon, Engineer, explain the issues involved.

Mr. Suthon explained that a significant amount of rain took place during construction. The initial survey was conducted a considerable amount of time before the construction project started and changes had taken place in the levee because it is not in good condition. He explained that the levee washes out and grass growth does not occur. The soil was tested and the results showed that the soil is not particularly good for grass growth. The contractor had to strip more material than the FPA anticipated off the levee in order to reach better material and achieve a good bond between the new material and the existing material. Washouts have occurred because of the rain even though a silt fence was put in place. He commented that everything that could go wrong had gone wrong. He stressed that the FPA has tickets on every cubic yard of fill; therefore, there is verification for every bit of fill placed on the levee. The FPA is hopeful that the weather will be better in the next few days and that the project can be closed out.

Mr. Dastugue inquired about the additional cost contained in proposed amendment to the motion. Mr. Suthon clarified that the proposed amendment would increase the contract amount from \$354,140 to \$669,745. Mr. Dastugue asked, should the FPA put the job out for bid due to the increase? Mr. Boese advised that the work is underway. He explained that the FPA knew the levee was in bad shape when it was turned over by the USACE. The FPA was not satisfied with how the USACE turned the levee over and staff fought hard against it; however, the USACE still turned the levee over. There has been an on-going effort to get the levee to the proper level that it should have been. He

stated that Mr. Suthon, as he worked through the process, realized that there was a lot more work that needed to be done. The soil that was used was not in great shape and there was a problem with the salinity and the ph. Therefore, more soil had to be stripped off in the middle of construction than had been anticipated in order achieve the appropriate level.

Mr. Suthon explained that he designed the bid documents. The FPA knew the soil was bad and had testing performed in order to develop a plan for hydro mulching the levee. Mr. Boese reiterated that the contractor had to go down farther than anticipated to reach the proper bond between the new soil and the old soil. The levee is located at Michoud (NASA) in New Orleans East behind the IHNC Surge Barrier.

Mr. Luettich asked did the levee damage date back to Hurricane Katrina. Mr. Suthon explained that NASA wanted to raise the levee post-Katrina; therefore, the USACE did the levee raising, but the material itself never took grass. He advised that he had a timeline that is about twenty pages long and shows that the levee never grew grass. Therefore, the levee eroded with every rainfall. The levee raising was NASA driven. The idea to raise the levee came before the Surge Barrier was constructed. Once the Surge Barrier was constructed, the levee did not experience the same kind of floodside water.

Mr. Morgan asked the current purpose of the levee. Mr. Suthon responded that it is now a back levee; however, the levee could not be left in the condition that it was in because the USACE comments on its condition every year during the annual inspection. Mr. Boese pointed out that the levee is still part of the Federal system much like the protection along the Industrial Canal. Mr. Cosse asked, from what threat does the levee protect? Mr. Suthon responded that the threat would be internal drainage.

Mr. Morgan inquired about the length of the repairs. Mr. Suthon responded that the main portion, which is closer to the NASA pump station, is about two to three thousand feet long. The total project is at least three-quarters of a mile in length. Some portions of the levee are sufficient. Mr. Luettich asked, was the levee subsiding? Mr. Suthon replied, not to his knowledge.

Mr. Luettich inquired about the extent of residual responsibility of the USACE for turning over a substandard levee to the FPA. If the answer is none, he asked what choice remains for the FPA other than to fix it in the way that it needs to be fixed. Mr. Boese responded that the FPA does not have any other choice. Staff made multiple concerted efforts over the years informing the USACE that the condition of the levee is not what it should be and got nowhere. The USACE issued its Notification of Contract Completion (NCC) on the project and turned the levee over to the FPA. Now, the FPA is receiving negative comments by the USACE on the annual inspections and the FPA must bring the levee up to the proper standard. The levee is now the FPA's responsibility.

Mr. Dastugue commented that the problem he had concerned not knowing these issues prior to bidding the project and that having a change order doubling the cost of the project causes the public to lose confidence in the FPA's management of the system. He stated that he could not vote for approval of the change order.

Mr. Morgan asked whether the FPA had any other options. Mr. Suthon replied, no; if the FPA walks away from the project now, the condition of the levee will keep getting worse. Weather conditions are not within the FPA's control and rain occurred every day during the last half of September. Mr. Dastugue asked, was the weather the reason for the cost increase? Mr. Suthon responded, yes. Mr. Boese clarified that for a substantial portion, yes. Mr. Suthon explained that although the rainfall reported at Armstrong International Airport was not very high, the area in New Orleans East in which the project is located received significantly more rain. He reiterated that rain occurred every day during the last 15 days of September. The rainfall made it impossible to work, caused washouts and sometimes did not allow the borrow pit to be open because it was too wet to obtain the material to be used for fill. The contractor lost 46 days. A consultant had been retained for inspection and had documented the 46 lost days very carefully.

Mr. Boese further explained that the soil on the levee was an unusual combination of high ph and high salinity and proved to be worse than anticipated. This led to essentially having to redo the mixture and adding more gypsum to the hydro mulch. Therefore, there was a lot of trying to grow grass, not working and having to adjust again. Mr. Morgan pointed out that the ph adjustment alone was \$67,000.

Mr. Dastugue asked, did the FPA commit to this increase by granting extra days to the contractor? Mr. Suthon responded, no. Mr. Dastugue commented, then the FPA could stop construction and rebid the project.

Mr. Luettich pointed out that most of the cost increase is for the additional fill (\$319,800). Lost days is not an explanation for needing additional material. Mr. Suthon advised that material is lost when the contractor is not working. The contractor had to strip further down into the levee to reach decent material to bond, which probably doubled the number, and the remaining third is more than likely due to weather. Silt fences were put in place and precautions were taken; however, they just did not work.

Mr. Luettich commented that two-thirds was due to surprises that were not revealed in the testing done prior to the project and one-third was due to weather. Mr. Suthon advised that none of the problems had to do with the testing. The contractor has not yet hydromulched. The purpose of testing was to develop the hydromulch plan. Mr. Luettich clarified that one-third was lost fill because of rainfall and two-thirds was fill because the contractor had to dig out inadequate soils and replace them with adequate soils. Mr. Suthon concurred with Mr. Luettich's statement. Mr. Luettich asked, did this have anything to do with testing? Mr. Suthon responded, no; it had to do with the fact that the FPA had to go lower than it thought to achieve a good bond with the existing material and because the existing material that was subpar was deeper than the FPA thought. Mr. Boese commented that it was due to site conditions. Mr. Suthon explained that the testing goes about six inches into the soil and there is no way to know anything from the testing other than information for developing the hydromulch plan.

Mr. Spencer explained that the FPA did not know how bad the soil was and how deep it went relative to the bonding issue until the contractor started the project. The top four

inches of soil was taken off and nothing was adhering. The majority of the cost was for the additional fill. Prior to the Surge Barrier coming into full effectiveness, NASA and Federal government wanted to raise the levee to keep the facility safer. NASA and the Federal government knew that the Surge Barrier would be on line in several years, but they gave the USACE \$6 million to raise a perfectly good levee in order to make it a couple of feet higher. The USACE raised the levee using material that does not seem to work well. Prior to the USACE's issuance of the NCC, FPA staff complained about the erosion and the soil not being in the best shape; however, the USACE proceeded with its timeline and issued the NCC. The erosion has continued since the NCC was issued. Mr. Suthon was finally able to put together a bid package and obtain bids on the project. Staff discovered that the soil was worse than anticipated after the contractor started work. Therefore, the contractor had to strip the soil deeper going from four-inches to six-inches to ensure successful grass growth and that future erosion would not occur.

Mr. Luettich commented that in hindsight it seems obvious that more extensive testing should have occurred and asked whether this would have been possible. Mr. Spencer responded that the FPA handled the East Jefferson Lakefront Levee lifts and did not have to do extensive testing since the lifts are just surface work. The NASA Levee repairs had unknowns involved, such as the issue with gypsum. Mr. Miller concurred that in hindsight additional testing may have been beneficial; however, the bottom line is that had the FPA performed the additional testing, it still would have needed to do this work. The same amount of fill would have been required and there would still have been the problems with washouts and additional depths. Therefore, with the exception of the material that was lost during washouts, the additional material due to the additional depth would have been included in the original contract.

Mr. Luettich asked, is the cost of the additional fill at a competitive rate? Mr. Suthon responded that all of the items were broken down in the bid package and that the FPA is obligated by the contract to use the contractor's unit price. The unit price in the contract is \$41.00 per cubic yard, which is a decent price. The unit pricing in the bids ranged from \$30 to \$45. Mr. Boese added that special access is needed because of the location of the job site and that clearance must be obtained by using a TWIC card issued by NASA. Therefore, there is more complication on the contractor's part getting trucks in and out of the job site.

Mr. Hassinger asked the implication in terms of cost should the FPA rebid the work. Mr. Boese responded that the current contractor must be paid for demobilization in accordance with the contract. Costs would be incurred for the advertisement process, the mobilization and demobilization of potentially a new contractor and for borrow material. Since the grass growing season is coming to an end, if the work is rebid at this time, it would presumably be occurring sometime this winter and rye grass would have to be grown until the spring when good grass can be grown. Therefore, there may be additional costs for grass growth. He pointed out that the current contractor had to deal with unusual weather conditions for this time of year; however, the more the work goes into the winter, the worse conditions will be in terms of rain, especially during January through March. Therefore, there will be additional costs, and if the work is

rebid, the cost would increase. The cost of the fill may change; however, the quantity of fill would remain the same.

Mr. Luetlich commented that if the FPA knows the unit cost of the fill, then it would at least have some sense of whether it would expect to receive a substantially different price for the FPA to rebid the work. He added that it sounds like there is probably not a tremendous amount of cost savings that one might expect and that one may actually expect that the ultimate price tag would come in higher due to mobilization and other issues.

Mr. Boese asked Mr. Suthon if he recalled the dollar range of the bids. Mr. Suthon advised that offhand he recalled that the low bid was approximately \$354,000 and that the next bid was in the low \$400,000's. The contractor began work in July and the project was anticipated to take 90 days.

Mr. Englande asked, does the FPA include conductivity and ph when it does a soil characterization? Mr. Suthon responded that a series of tests are performed with a goal of developing a plan for the soil enhancements for the hydromulch in order to encourage grass growth. Mr. Englande expressed concern regarding the potential reoccurrence of this issue in future projects. He suggested that the FPA may wish to revisit its testing program. Mr. Suthon explained that the NASA levee is a unique levee in the system. Mr. Morgan advised that in about 2010 the USACE approved all of the borrow sources and had performed comprehensive tests. It sounded as though the NASA levee was raised prior to the USACE approving the borrow pits after doing the extensive testing.

A motion to amend the original motion to increase the contract amount to \$669,745 was offered by Mr. Luetlich and seconded by Mr. Miller.

Mr. Cosse inquired about the nature of the potential threat since the levee is located inside of the system. Mr. Suthon responded that the potential threat would be from a heavy rain event during which a significant amount of water is pumped into the area that would not be able to escape because the IHNC Surge Barrier Gates are closed. At the time that the Surge Barrier was being constructed, the FPA was advised that the water would not rise above an elevation of 8+-feet. He stated that he did not know whether the advice regarding the 8+-feet elevation was ever tested. Mr. Boese added that during a storm event, the Surge Barrier and Seabrook Complex Gates are closed blocking off this part of the system; however, rain would still be falling into the Industrial Canal and multiple pump stations would be pumping rainwater from the urban areas into this area. Therefore, the levee must still perform against a certain load (water sitting inside of the canal) even though it is not a part of the outer ring of protection. Mr. Luetlich pointed out that the levee must also perform against water that overtops the Surge Barrier in excess of a 100-year storm. He noted that the Surge Barrier was designed for overtopping.

Mr. Cosse asked the condition of the levee noting that a representative of the USACE commented on it during an annual inspection. Mr. Suthon replied that the levee is rutted and has rills running down the levee. The material becomes wet and runs down

the rills. The levee is not in a crisis condition; however, it is not performing as intended. The intended condition is one with grass that allows water to run down the levee without eroding the material. The levee was raised by the USACE from an elevation of 12+-feet to 14+-feet.

Mr. Hassinger called the question on the motion to amend the original motion to increase the contract amount to \$669,745. The motion was unanimously adopted.

Mr. Dastugue stated that it is obvious that someone made a mistake and that the testing procedures are not of such quality that the FPA can determine these types of things. He stated that core samples are taken when he builds an office building. A core sample should be provided due to the type of materials being put in place and the weight. He commented that he thought that the value of the levee is questionable and that Board approval of almost doubling the contract cost would go to the core of what it is trying to accomplish as an Authority and affect public confidence. He stated that even though it may cost the FPA more money to rebid the work, the FPA should shut the work down and rebid it or question whether the project should be done at all. He stated that he could not vote for cost increase.

Mr. Miller asked whether the additional fill had been put in place. Mr. Suthon responded that some of the fill has been put in place. Staff is requesting approval for an upper limit since there would not be sufficient time to bring this issue to the Board again.

Mr. Luettich commented relative to value that the levee seems to be integral to the system. The value of the levee as a part of the system is not questionable. The way in which the levee was constructed is questionable. The levee is along the IHNC, which is a part of the system insofar as it defends against discharge water from drainage and water that overtops the Surge Barrier that would fill up the IHNC. Therefore, it is not a part of the exterior perimeter of the system, but it is a part of the perimeter system insofar as the Surge Barrier was actually designed for overtopping. It is not an interior levee in the way that the 40 Arpent Levee is an interior levee.

Mr. Dastugue asked, should the FPA rebid the work because it is a valuable levee? Mr. Luettich responded that it is a valuable levee and not something that the Board can just neglect. The question remains concerning how the work should proceed. Mr. Boese agreed that the FPA must maintain the levee as it is valuable and integral to protection.

Mr. Weysham asked, did the USACE comment on the levee during inspections prior to turning it over to the FPA? Mr. Boese responded, no. He explained that the USACE has a Construction Division that builds levees and an Operations Division that inspects completed works. Mr. Weysham stated that the USACE should be responsible for repairing the levee because it knowingly turned over a substandard levee to the FPA.

Mr. Miller offered an amendment to the motion to include a request that the USACE reimburse the FPA for the cost. He stated that he understood that previous attempts for the USACE to repair the levee were unsuccessful; however, the FPA has more information at this time than it had prior to the design of the repairs. He stated that the FPA should at least ask that the USACE consider at least partial, if not full,



reimbursement of the cost. Mr. Luettich seconded the motion to amend the resolution offered by Mr. Miller and the motion was unanimously adopted.

Mr. Morgan commented that the point is that the FPA could rebid the work; however, it would probably cost \$750,000 with remobilization and other costs. He asked, was it worth \$75,000 for the Board to uphold its high standards or should the Board bite the bullet and save \$75,000?

There was no further discussion on the motion. Mr. Hassinger called the question on the motion as amended. The motion failed with Mr. Englande, Mr. Luettich, Mr. Miller and Mr. Weysham voting yea and Mr. Dastugue, Mr. Morgan, Mr. Cosse and Mr. Hassinger voting nay.

Mr. Morgan offered a motion for the FPA to rebid the project, which was seconded by Mr. Dastugue.

Mr. Miller asked how much of the \$350,000 of additional fill had already been put in place. Mr. Suthon explained that the contractor invoiced for nearly the entire amount of the original contract and the contractor had not performed any hydro mulching. Approximately 3,000 additional cubic yards of fill must be placed. The contractor can invoice based on the fact that there would be no hydro mulching should the FPA stop the work. About two-thirds of the approximately 10,000 cubic yards of fill have been placed. Mr. Boese added that should the FPA stop work at this time, it would not be paying for the hydro mulching or any other work in the original scope.

The motion offered by Mr. Morgan and seconded by Mr. Dastugue for the FPA to rebid the project was unanimously adopted

On the motion of Mr. Morgan,  
Seconded by Mr. Dastugue, the following resolution was offered:

#### **RESOLUTION NO. 10-18-18-04 - RE-BID OF NASA LEVEE REPAIR PROJECT**

**WHEREAS**, the Southeast Louisiana Flood Protection Authority-East (FPA) by Resolution No 04-19-18-04 authorized the execution of a contract with Southern Delta Construction, LLC in the amount of \$354,140.00 for the NASA Levee Repair Project; and

**WHEREAS**, additional work is required to add gypsum to the hydromulch (\$63,271.00); add extra stripping to ensure good bond between backfill and existing levee (\$9,744.00); additional fill required (\$319,800.00); and a credit for decrease in hydro mulching (-\$77,210); and

**WHEREAS**, the total cost of the additional contract work is \$315,605.00; and

**WHEREAS**, funding for the project is available from the approved FY 2019 Special Levee Improvement Fund Budget; and

**WHEREAS**, the FPA Board elected in lieu of approving the aforementioned additional work by Change Order to the Southern Delta Construction, LCC Contract to instead rebid the work remaining on the NASA Levee Repair Project; and

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority–East approves closing out the existing contract with Southern Delta Construction, LCC and authorizes the FPA staff to rebid the additional work on the NASA Levee Repair Project, as described herein.

**BE IT FURTHER RESOLVED**, that the FPA Chief Administrative Officer 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: Mr. Cosse, Mr. Dastugue, Mr. Englande, Mr. Luettich, Mr. Miller,  
Mr. Morgan and Mr. Weysham

NAYS: None

ABSENT: Mr. Latiolais

Mr. Hassinger left the meeting at 12:50 p.m. The remainder of the meeting was chaired by Mr. Luettich.

**RESOLUTION NO. 10-18-18-05 - AMENDMENT OF TASK ORDER #15-01-02 FOR VIDEOTAPING OF ORLEANS LEVEE DISTRICT CULVERTS**

Mr. Miller advised that the Operations Committee considered the amendment of the task order issued to C.H. Fenstermaker & Associates, LLC and recommended that the Board approve the amendment.

Mr. Morgan explained that during the course of the work additional culverts were discovered that required videotaping and that the consultant encountered a few obstacles. Mr. Suthon added that some of the valves remain wet all of the time and require sonar inspection, which is more costly. When staff prepared the scope of work, they did not know how to access some of the culverts and how they went under the floodwall. For example, some of the valves along the river were intended for drainage for buildings with the entry being perhaps 100-ft. away. Mr. Boese noted that the work would provide a baseline for the valves and culverts within the Orleans Levee District and is in adherence with the USACE's requirements. The work is being done under an Indefinite Delivery-Indefinite Quantity (ID-IQ) contract with C.H. Fenstermaker & Associates, LLC. Mr. Suthon commented that the additional cost of \$124,683 was negotiated down from approximately \$140,000.

On the motion of Mr. Morgan,  
Seconded by Mr. Miller, the following resolution was offered:

**WHEREAS**, the Southeast Louisiana Flood Protection Authority-East by Resolution No. 03-15-18-14 authorized the issuance of Task Order No. 15-01-02 in the not to exceed amount of \$659,408.00 to C.H. Fenstermaker & Associates, LLC under an Indefinite-Delivery Indefinite Quantity Contract with said firm for Video/Sonar Explorations of culverts and valves located in the flood protection system within the

Orleans Levee District (O.L.D.) and an engineering report with recommendations for repairs/replacements; and

**WHEREAS**, additional work is required beyond the original scope of work for Task Order No. 15-01-02; and

**WHEREAS**, a proposed not to exceed cost of \$124,683.00 was negotiated between the O.L.D. and C.H. Fenstermaker & Associates, LLC for the additional work beyond the original scope.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority–East approves the amendment of Task Order No. 15-01-02 issued to C.H. Fenstermaker & Associates, LLC, to increase the not to exceed amount to \$784,091.00, an increase of \$124,683.00, for the additional work required beyond the initial scope of work of the task order.

**BE IT FURTHER RESOLVED**, that the FPA Chief Administrative Officer is hereby authorized to execute said amendment to Task Order No. 15-01-02 with C.H. Fenstermaker & Associates, LLC, and any and all documents needed to accomplish the above.

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

YEAS: Mr. Cosse, Mr. Dastugue, Mr. Englande, Mr. Miller, Mr. Morgan and Mr. Weysham

NAYS: None

ABSENT: Mr. Hassinger and Mr. Latiolais

**Update by FPA Engineers Ryan Foster and Darren Austin on participation in I-STORM annual conference.**

The update was presented under the Chief Administrative Officer's Report.

**RESOLUTION NO. 10-18-18-06 - COOPERATIVE ENDEAVOR AGREEMENT WITH CPRA FOR EXTENSION OF PCCP TRAINING SERVICES**

Mr. Boese explained that Burk-Kleinpeter, Inc. (BKI) has been under contract with the CPRA for about four years providing technical support for the construction of the Permanent Canal Closures and Pumps (PCCP). BKI is still under contract with the CPRA for some additional work. The FPA also issued a task order to BKI under its ID-IQ contract with the firm for providing expertise during as much of the hurricane season as possible. The end of the hurricane season is about a month and a half away. The ID-IQ contract between the FPA and BKI is out of monetary capacity. In lieu of requesting additional capacity for the FPA's ID-IQ contract or executing a separate contract with BKI, staff determined it would be more prudent and transparent to request that the Board authorize the FPA to enter into a Cooperative Endeavor Agreement with the CPRA to allow BKI to provide approximately two months of additional technical expertise under the CPRA's contract with the cost of said services to be reimbursed by the FPA. He stated that the technical expertise provided by Danny Caluda with BKI has proved invaluable since the FPA accepted the responsibility for the PCCP in May.

On the motion of Mr. Morgan,  
Seconded by Mr. Miller, the following resolution was offered:

**WHEREAS**, the Southeast Louisiana Flood Protection Authority-East (FPA) proposes to enter into a Cooperative Endeavor Agreement (CEA) with the Coastal Protection and Restoration Authority (CPRA) for the extension of Training Services for the Permanent Canal Closures and Pumps (PCCP) through December 31, 2019 with a not to exceed amount of \$30,000; and

**WHEREAS**, the Training Services will be provided by Burk Kleinpeter, Inc. under the CPRA's current Indefinite Delivery-Indefinite Quantity Contract with said firm; and

**WHEREAS**, the FPA will reimburse the CPRA for 100 percent of the cost of the training services by Burk Kleinpeter, Inc.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East approves a Cooperative Endeavor Agreement with the Coastal Protection and Restoration Authority for the extension of Training Services for the PCCP through December 31, 2019 with a not to exceed amount of \$30,000 and with said services to be provided by Burk Kleinpeter, Inc.

**BE IT FURTHER RESOLVED**, that the FPA Chief Administrative Officer is hereby authorized to sign the aforementioned CEA, and any and all other documents necessary to accomplish the above.

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

YEAS: Mr. Cosse, Mr. Dastugue, Mr. Englande, Mr. Miller, Mr. Morgan and  
Mr. Weysham

NAYS: None

ABSENT: Mr. Hassinger and Mr. Latiolais

There was no further business; therefore, the meeting was adjourned at 1:00 p.m.