

**MINUTES OF THE
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY–EAST
BOARD MEETING
THURSDAY, FEBRUARY 21, 2019**

The regular monthly Board Meeting of the Southeast Louisiana Flood Protection Authority-East (Authority or FPA) was held on February 21, 2019, 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
Mark L. Morgan, Treasurer
Clay A. Cosse, Secretary
Quentin D. Dastugue
Andrew J. Englande, Jr.
Jason P. Latiolais
Herbert I. Miller
Herbert T. Weysham, III

ABSENT:

Richard A. Luettich, Jr., Vice President

ADOPTION OF AGENDA:

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

**RESOLUTION NO. 02-21-19-01 –
APPROVAL OF JANUARY 17, 2019 BOARD MEETING MINUTES**

On the motion of Mr. Morgan,
Seconded by Mr. Miller, 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 January 17, 2019.

The foregoing was submitted to a vote, the vote thereon was as follows:
YEAS: Mr. Cosse, Mr. Dastugue, Mr. Miller, Mr. Morgan and Mr. Weysham
NAYS: None
ABSENT: Mr. Luettich
ABSTAINED: Mr. Englande and Mr. Latiolais

EMPLOYEE RECOGNITION AND APPRECIATION:

Mr. Hassinger explained that the Board recognizes that the success of the FPA depends on people who are fully committed and care about the FPA accomplishing its mission. Therefore, the Board takes the opportunity each month to recognize and thank individuals who are nominated by their peers and selected as the Employee of the Month and the Police Employee of the Month.

Mr. Hassinger advised that two members of the Information Technology (IT) Department staff are being recognized as Co-Employees of the Month for their professionalism and team effort in providing support and assistance to all members of the organization. The Board recognized Kevin Kazmierczak, IT Tech Support Specialist 3, and Calvin Williams, IT Tech Support Specialist I, as Co-Employees of the Month.

Mr. Kazmierczak and Mr. Williams are always cheerful, polite and responsive. They quickly respond to requests for help and assist in any way possible. The implementation of the Help Desk has proved to be an effective method for providing quick response to requests for assistance and for managing and recording IT problems and needs. A FPA Director reported receiving assistance from Kevin or Calvin after hours and on weekends when needing to finish a work product.

In addition, the IT team has been extremely busy in the past few months with the additional workload brought about by the recent completion of the Orleans Levee District (O.L.D.) Police Station, the nearly completed East Jefferson Levee District (EJLD) Safehouse and Consolidated Facility, and the on-going renovations at the Franklin Facility. The IT team has had to do all the necessary work to ensure that all IT/communication technologies are up and running smoothly as the renovations at the Franklin Facility progress and as the newly constructed facilities are completed. These additional duties have had to be accomplished while keeping up with their day-to-day responsibilities.

Mr. Kazmierczak and Mr. Williams have exemplified the FPA values and are a valuable asset by keeping IT functions and communications up and running, and providing support to team members to ensure their technology needs are met, so that the organization can accomplish its flood protection mission.

Mr. Hassinger presented Certificates of Commendation to Mr. Kazmierczak and Mr. Williams.

The Board recognized Scott Meunier, Police Officer 2A with the EJLD Police Department, as the Police Officer of the Month.

Officer Meunier has proven himself to be a valued part of the EJLD team. He shows up to work on time, every day. He is knowledgeable and readily shares that knowledge with his fellow officers. He is quick to take on any task asked of him and offers assistance to other officers without hesitation. He regularly assists other agencies as needed. With regards to statistics he is routinely the highest producing officer on D-

Shift. His proactive productivity is unmatched by anyone on the shift. He meets and exceeds all expectations of an officer. Officer Meunier is quick to act when assisting fellow EJLD Officers and other agencies.

On Saturday, January 26, 2019, Officer Meunier was quick to respond to a vehicle pursuit in progress on two separate occasions. The first was initiated by the Louisiana State Police, which resulted in a vehicle crash in the 1500 block of David Drive. Three suspects fled on foot into the neighborhood. With the assistance of Officer Meunier two suspects were quickly apprehended and the third was apprehended a short time later. A large amount of narcotics and two hand guns were also located in the vehicle.

The second pursuit was initiated by the Harahan Police Department (HPD) and began on Jefferson Highway. HPD officers were chasing the vehicle after it fled from a traffic stop. During the pursuit, HPD officers reported shots being fired from the vehicle. The vehicle became blocked in by traffic on Jefferson Highway at Little Farms where Officers tactically approached the vehicle and the driver began physically fighting with the officers. Officer Meunier, being the first back up unit on scene, proceeded to the passenger side of the vehicle and deployed his Taser, which was only partially effective. After a brief struggle the subject was taken into custody. It is due to Officer Meunier's quick response and actions that no serious injuries were sustained by either of the Officers or the suspect.

Officer Meunier is mission focused and exhibits the FPA's values in his daily activities. He is a tremendous asset to the FPA, the law enforcement community and the public.

Mr. Hassinger presented a Certificate of Commendation to Officer Meunier.

OPENING COMMENTS BY PRESIDENT AND COMMISSIONERS:

Mr. Hassinger explained that the FPA is in the process of leasing, in lieu of purchasing and replacing, IT network hardware. The FPA's Regional Finance Director, Kelli Chandler, has been conferring with the vendor and by utilizing innovation and creativity will save the FPA several hundred thousands of dollars. He pointed out that this is the result of asking "why" and "what if" and is the type of creativity, innovation and critical thinking that is being seen though out every department.

PUBLIC COMMENTS:

Louis Capo, Executive Director of the Non-Flood Protection Asset Management Authority (NFPA), explained that the FPA and NFPA executed a Memorandum of Understanding (MOU) on October 1, 2018. One of the items addressed in the MOU was the Inter-Fund Receivables and Payables (Due from/Due to), which recognized an outstanding balance of approximately \$1.3 million that is owed by the NFPA to the O.L.D. Flood Division. The parties to the MOU agreed that the NFPA would provide quarterly payments of \$100,000 until the debt is fully paid. The MOU also stipulates that the NFPA would provide monthly payments of \$3,750 for the services of one dedicated full-time O.L.D. Police Officer who would be stationed at the Lakefront Airport and would be responsible for evaluating and managing the security requirements for

properties managed by the NFPA. He presented checks totaling \$132,000, which included the first quarterly payment of \$100,000, payment for the services of the dedicated O.L.D. Police Officer and reimbursement of payroll costs during his assignment by the FPA to the NFPA.

PRESENTATIONS:

Presentation by Marc Walraven, M.Sc., on Storm Surge Barriers in the Netherlands and on I-STORM

Mr. Hassinger introduced Marc Walraven, M.Sc., one of the most recognized experts in the world on storm surge barriers, who was at the meeting to share information with the FPA. He explained that he met Mr. Walraven while participating in I-STORM and that the FPA has come to know Mr. Walraven as a colleague and a good friend. Mr. Walraven resides in the Netherlands and is currently consulting with representatives in Galveston, Texas, to assist with their flood protection needs.

Marc Walraven, M.Sc., is the Senior Advisor on storm surge barriers for the Ministry of Infrastructure and Environment, the Netherlands. He was formerly the District Manager responsible for the management and operations of the Rotterdam Storm Surge Barriers and the Leader of the Operations Team for the Maeslant Barrier. Mr. Walraven is a co-founder of I-STORM and a Member of the network's Delivery Board.

Mr. Walraven provided a presentation on storm surge barriers (SSBs) in the Netherlands and on I-STORM.

Mr. Walraven thanked the Board for the opportunity to share knowledge and expertise with the FPA. He noted that Galveston, New Orleans, London and the Netherlands share common storm surge issues.

Mr. Walraven first provided a brief history of the Netherlands as it pertained to storm surge solutions implemented by the Dutch and pointed out that the implemented solutions will need to change over time as worldwide conditions change:

Approximately 45 percent of the Dutch borders are coastal and over 55 percent of the country is in a floodplain (sea and river) with three European rivers discharging into the North Sea. Approximately half of the Netherlands is below sea level. The Dutch have had to learn to live with water and defend itself against water. Three major floods occurred in the Netherlands during the Twentieth Century (1916, 1953 and 1993-1995) that presented challenges, as well as opportunities, for the Dutch. The 1916 floods in the North resulted in the Dutch implementing structural solutions with dams. The Afsluitdijk Dam was constructed due to flooding from the South Sea resulting in the creation of IJssel Lake and an opportunity to create new lands within the lake. The 1953 flood in the South-West, in which 1,836 people died and 100,000 people lost their homes, resulted in the implementation of structural solutions with dams and SSBs (Delta Works). River flooding in 1993 and 1995 in the middle of the Netherlands caused the evacuation of 200,000 people and

brought the start of spatial solutions (“Room for the River” principle / Meuse Projects). Significant future challenges include soil subsidence and sea level rise.

Mr. Walraven explained the role of Rijkswaterstaat and provided information on the SSBs located in the Netherlands:

Rijkswaterstaat (RWS), which is the executive organization of the Ministry of Infrastructure and Environment, was founded over 200 years ago to control and deal with public works and water management in a centralized way. RWS is responsible for water management/flood protection and national highways. Approximately 200 to 250 of RWS’s 8,800 employees work on flood risk management.

The Netherlands has six SSBs: Maeslant Barrier (1997), Haringvliet Sluices / Barrier (1970), Eastern Scheldt Barrier (1985), Ramspol Barrier (2002), Hollandse IJssel Barrier (1958) and Hartel Barrier (1996). All six of the barriers are completely different and provide different solutions; therefore, staff working at one barrier is unable to work at another barrier without training. However, knowledge and expertise can be shared by all workers at the barriers.

A temporary information center was built during the construction of the Maeslant Barrier with the intent of serving the thousands of visitors wanting to view the structure while under construction. The information center, which was intended to exist for three to five years, is still in operation after 25 years with 50,000 to 60,000 visitors per year. Visitors include governmental officials and representatives, members of various organizations and university students from around the world who are interested in the Dutch expertise and knowledge in SSBs and water management.

Mr. Walraven pointed out that a significant lesson learned was that although the life time of a barrier may be 100 years or more, regulations, policy and organizations change frequently with mostly unpredictable, but significant influence. However, despite whatever changes or reorganizations take place, the knowledge and expertise must be there to maintain and operate a SSB. RWS is faced with the challenge of having the appropriate knowledge and expertise available within the organization for six different SSBs. He commented on the need to develop maintenance programs specific to a storm surge structure to ensure that the structure is reliable when needed.

Mr. Walraven provided a background on I-STORM (The International Network of Storm Surge Barriers). He explained that when he and Andy Batchelor, Manager of the Thames Barrier in London, met they shared experiences and discovered that they could learn more from each other on SSBs than from other members of their respective organizations. In 2006 I-STORM was established as an international knowledge sharing network for SSB managers. I-STORM grew to include all storm surge barrier professionals with an expanded mission of sharing knowledge and experience to improve management, maintenance and operation of SSBs, and to better protect people, places and property from flooding. I-STORM implemented peer reviews as an

instrument not only to improve management of a barrier, but to share knowledge and expertise.

Mr. Walraven explained I-STORM's structure and purpose:

I-STORM has four core members: the Environmental Agency (EA), England; Rijkswaterstaat (RWS), the Netherlands; Venice Water Authority (VWA) and Consorzio Venezia Nuova (CVN), Italy; and the U.S. Army Corps of Engineers (USACE), United States. The core members determine how I-STORM evolves.

An increasing number of questions are being received by I-STORM from entities from around the world who are interested in the construction of new SSBs. I-STORM members share their knowledge, expertise and experiences on SSBs, which is a sparse commodity, to assist with the decision making process.

Governance of I-STORM is provided through its Strategic and Delivery Boards. The Strategic Board provides governance of the network, sets strategic direction and objectives, and reviews the effectiveness of I-STORM's work. The Delivery Board maintains the technical focus of I-STORM's work and develops future work programs and proposals for the Strategic Board.

I-STORM has three membership categories: 1) Core for organizations with large publicly owned SSBs that help run the network; 2) Barrier for individual publicly owned SSBs; and 3) Associate for entities involved in SSB management, maintenance and design. The FPA is a Barrier Member of I-STORM. Associate Members include companies, universities and organizations interested in joining I-STORM and who are capable of delivering knowledge and expertise to the network.

I-STORM's agenda for upcoming events includes a workshop in March, which will be held Galveston. Galveston is faced with the challenge of building SSBs for Galveston Bay. All members will be invited to the workshop to share expertise and knowledge in order to define the type of SSBs that are potentially valid for Galveston's situation. A Peer Review Session is scheduled to be held in May in London. Mr. Walraven inquired about the possibility of Darren Austin, FPA Engineer for Operation and Maintenance of Complex Structures, attending the Peer Review Session. I-STORM's Annual Meeting is planned for June.

I-STORM currently has five ongoing work streams/projects:

- **Risk Based Assessment Management:** sharing methodologies, experiences and developing new practical methods in maintenance and operations
- **Knowledge Management:** facilitating all types of interaction and information sharing, site visits, developing KM Strategy, development of I-STORM Product Menu, characteristic table, and translation on demand
- **Peer Reviews:** facilitating, further development, transfer methodology to other organizations, and capturing lessons learned

- **Climate Change Adaptation:** impact research on maintenance, operations in short and mid term, adapting long term developments in planning for midterm decisions and strategic choices
- **Innovation:** learning from new techniques worldwide

Mr. Walraven commented on the importance and value of the FPA's knowledge and expertise on SSBs and requested that the Board advise I-STORM about ideas and ways that would allow the FPA's membership to be even more effective and meaningful.

Mr. Miller inquired about the potential effects of climate change and sea level rise on SSBs in the Netherlands. Mr. Walraven responded that the studies are currently ongoing and that RWS is awaiting the expectations of meteorological institutes in the Netherlands, which are anticipated to be available in two years. Most of the barriers in the Netherlands are built for a life expectancy of 100 to 200 years and are anticipated to be in place for a long time; however, RWS is aware that the barriers may need to be modified or potentially replaced with a new structure. RWS will consider long term and short term solutions to make the structures more reliable. He anticipated that RWS will be able to learn from London's solutions implemented in the Thames Estuary 2100 Plan (EA's plan for managing tidal flood risk in the Thames estuary until the year 2100), as well as about the points in time at which decisions must be made and the solutions implemented.

Mr. Dastugue asked what was the largest surge experienced in the Netherlands. Mr. Walraven replied that the largest surge was about five and one-half meters (18 feet). He noted that hurricanes are a totally different phenomenon from storm surges experienced in the Netherlands.

Mr. Englande stated that he was very impressed with the presentation and RWS. He commented on the importance of the information center and the RWS's presentation of knowledge and information to the public. He inquired about I-STORM's innovation work stream and the environmental impacts resulting from the Netherlands' SSBs. Mr. Walraven explained that the RWS was surprised at the success of the information center. The information center continues to provide valuable information to the public not only about flood protection and current conditions, but it also makes the public aware of the potential impacts of climate change, explains the responsibilities of government, and provides information about future plans. RWS is considering improving the information center in order to make it a center to support expertise and the development of technical job opportunities.

Mr. Walraven advised that the innovation work stream (e.g., Japan's use of alternate, but longer lasting materials for structure parts) was just recently started by I-STORM. Relative to environmental impacts, he explained that he spoke to a specialist last week who was still monitoring the influence of the construction of SSBs on the environment. Modifications were made to the SSBs at the time of their construction to alleviate environmental impacts (e.g., water quality). However, ecological changes have been noticed around the barriers and are being monitored.

Mr. Hassinger thanked Mr. Walraven for his excellent presentation and advised that the information provided would be very helpful to the FPA.

COMMITTEE REPORTS:

Finance Committee: Mr. Morgan reported that the Finance Committee held an informational meeting on February 12th primarily centered on budgets [i.e., Fiscal Year (FY) 2019 Budgets to actuals and the draft FY 2020 Budgets]. The Board must approve the FY 2020 Budgets at its March meeting. The draft FY 2020 Budgets were reviewed in detail and the budgets are currently being refined. A major issue is the FPA being understaffed. The levees currently being armored by the USACE (four reaches of the East Jefferson lakefront levee and two reaches of levee in New Orleans East) will be returned to the levee districts next year. Therefore, the FPA must increase staff or subcontract the levee maintenance. The Committee and staff are attempting to find a balance for budgeting personnel costs versus the cost of contracted services in the FY 2020 Budgets. The FY 2019 Budget is under budget due to the number of vacancies. Information was also provided to the Committee on the auction of surplus equipment.

Mr. Hassinger commented that a similar situation was experienced in the Netherlands. Services were contracted out and a small internal group remained. Over time the Dutch discovered that that important expertise was being lost in house; therefore, they are now attempting to bring more people in house with the desired capabilities. The FPA over the past few years has been attempting to enhance its capabilities and beef up the number of people in house.

Mr. Morgan noted that the FPA's intent is to hire staff to provide levee maintenance; however, the Finance Committee and staff recognize that time will be needed to hire people to fill 45 positions and to provide the required training. Therefore, there may be a transitional period during which levee maintenance is contracted until the FPA is able to increase staff.

Operations Committee: Mr. Miller reported that the Operations Committee met prior to the Board meeting. The Committee discussed the following items:

- Permit Fees – Proposed fees were discussed. Staff was asked to prepare a draft resolution with the proposed fees for next month's Board meeting.
- Levee Survey Plan – The development of a proposed plan for routine surveys and surveys requirements for the recertification of the levee system were discussed.
- Change Orders - Proposed change orders were discussed for contracts with Kostmayer Construction, Inc. and Cycle Construction Company, LLC. Additional information will be provided at the time each item is brought up for discussion by the Board.
- Update on USACE Issues –

- The sloughing of material in two locations along LPV 108 in New Orleans East was discussed. Extensive survey work, analysis and geotechnical work are being done in the two areas and the surrounding areas to determine whether conditions exist that need to be addressed. The levee is secure; however, the cause of the sloughing must be determined.
- The seepage issue at a certain point along the 17th Street Canal (Bellaire Drive) was discussed. The FPA recommended that the USACE install subsurface drainage at the site. The USACE's proposal was received yesterday and includes subsurface drainage, but not at the specific location recommended by the FPA's consultants. The FPA's consultants and staff will review the USACE's proposal.

CHIEF ADMINISTRATIVE OFFICER'S REPORT: Derek Boese, Chief Administrative Officer (CAO), reviewed the highlights of the CAO's report:

- High River – The Mississippi River at the Carrollton gage is approximately 14-ft. and anticipated to go back up to 15-ft. in two weeks triggering daily inspections. The River has been consistently high since late November - early December. No significant issues have been found. The Mississippi River Levee (MRL) is being monitored by Police Officers on a daily basis and by technical staff as the elevation at the gage dictates.
- Annual USACE Inspections – Inspections have been delayed due to inclement weather and are anticipated to resume in late March.
- Permanent Canal Closures and Pumps (PCCP) – A briefing was provided on the PCCP to the Coastal Protection and Restoration Authority (CPRA) Board at its February 20th meeting. An exercise was conducted at the 17th Street Canal PCCP during the February 20th rainfall event. No issues were encountered. An exercise will be conducted at the London Avenue Canal PCCP prior to hurricane season. An exercise in which all three PCCP's will be operated simultaneously will also be conducted. The warranty period ends on May 1st. Meetings are being held weekly with the USACE and CPRA relative to some technical items.
- Repairs to Floodgates W-33 and E-07 – The construction estimate for the repair of Floodgate W-33, which was damaged last month as a result of a train derailment under the I-10 High Rise, is \$550,000. The construction estimate for the repair of Floodgate E-07, which was damaged in December, 2018, is \$220,000. The repair costs for both floodgates are to be reimbursed by the railroad(s) liable for the damages.
- Primavera – The software will be used to track all capital projects and will be implemented by July 1st.
- Metrics – All departments have been directed to establish metrics to track progress, provide accountability and implement best practices.
- Public Information – The FPA is preparing to implement Public Service Announcements for the upcoming hurricane season.

- Tours – Six tours, ranging from 6 to 60 attendees, were held over the past 30 days. Interest in the tours is anticipated to grow. A tour for the CPRA Board and key legislative members is currently scheduled to be held on March 15th.

Mr. Englande emphasized the importance of public education. He mentioned a recent media comment concerning 19 seepage locations along the MRL, explaining that the comment could send a false message to the public who may not understand the situation.

Mr. Boese explained that public education is part of the FPA’s mission and provides transparency. He noted that the historic seepage sites are tracked by the USACE and are inspected by FPA and CPRA personnel. There are no erosion issues or other concerns associated with the sites.

RESOLUTION NO. 02-21-19-02 - AUCTION OF SURPLUS ITEMS

Mr. Morgan advised that the auction of surplus items was reviewed by the Finance Committee. Minimum values have been assigned to all equipment items. The auction will be held at the O.L.D. in about a month and will include items from all three levee districts. The equipment and funding received will be tracked for each levee district and the funding will be placed in the appropriate levee district’s account.

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

WHEREAS, the East Jefferson Levee District (EJLD), Orleans Levee District (O.L.D.) and Lake Borgne Basin Levee District (LBBLD) intend to sell certain items by auction that have been determined to be surplus; and

WHEREAS, a notarized affidavit shall be executed by the Southeast Louisiana Flood Protection Authority-East (FPA) Chief Administrative Officer on behalf of the EJLD, O.L.D. and LBBLD listing the items to be sold by auction, an estimated value of each item and certifying that the items listed are surplus.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East authorizes the sale of surplus items by the EJLD, O.L.D. and LBBLD by an auction and authorizes the FPA Chief Administrative Officer to execute any and all 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. Latiolais, Mr. Miller,
 Mr. Morgan and Mr. Weysham

NAYS: None

ABSENT: Mr. Luettich

RESOLUTION NO. 02-21-19-03 - LEGAL SERVICES OF BURGLASS & TANKESLEY, LLC – JOSEPH ROBERT V. STATE OF LA

Michelle White, Executive Counsel, explained that the lawsuit was filed by property owners along the London Avenue Canal. The resolution authorizing the retention of Burglass and Tankersley, LLC, adopted in November, 2018, stipulated that once fees reached \$50,000, any request to increase the not-to-exceed amount would be brought to the Board for approval. Most of the fees incurred over the past four months have been for bringing the firm up to speed with what has been going on in the litigation over the past two years, as well as covering the hearings and depositions that have taken place. The rate at which the firm's fees accumulate going forward will slow; however, the FPA is at a critical phase of the litigation at this point with depositions and hearings, including one tomorrow. She requested that the Board allow the retention of the services of Burglass and Tankersley, LLC to go forward and allow the firm to try to bring the litigation to a resolution within the next six to nine months.

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

WHEREAS, the Southeast Louisiana Flood Protection Authority-East (FPA) adopted Resolution No. 11-29-18-08 on November 29, 2018, which was restated and amended by Resolution No. 01-17-19-02, adopted on January 19, 2019, authorizing the retention and employment of Burglass & Tankersley, LLC as special counsel, effective November 19, 2018, for representation in the litigation entitled, "Joseph Robert v State of Louisiana, Orleans Parish, No. 2016-9374"; and

WHEREAS, the aforementioned resolutions stipulate that the services provided under the agreement with Burglass & Tankersley, LLC for the aforementioned litigation shall not exceed \$50,000 without further Board approval; and

WHEREAS, there exists a need to increase the authorized not-to-exceed amount by \$50,000 for said legal representation; and

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East approves an increase of \$50,000 to the authorized not-to-exceed amount, thereby increasing the initial not-to-exceed amount from \$50,000 to \$100,000, for the legal services of Burglass and Tankersley, LLC for representation in the litigation entitled, "Joseph Robert v State of Louisiana, Orleans Parish, No. 2016-9374".

BE IT FURTHER RESOLVED, that the services provided under the agreement with Burglass & Tankersley, LLC for the aforementioned litigation shall not exceed \$100,000 without further Board approval.

BE IT FURTHER RESOLVED, that the FPA Chief Administrative Officer is hereby authorized to execute any and all 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. Latiolais, Mr. Miller,
Mr. Morgan and Mr. Weysham

NAYS: None

ABSENT: Mr. Luettich

RESOLUTION NO. 02-21-19-04 - CHANGE ORDER NO. 1 TO IHNC AND MICHLOUD FLOODGATE PAINTING PROJECT

Mr. Miller advised that the proposed change order to the contract with Kostmayer Construction, LLC was reviewed by the Operations Committee and recommended for Board approval. The change order represents an increase of about six percent to the contract amount.

Ryan Foster, Engineer, explained that the change order includes approximately \$50,000 for additional scope work in the form of floodgate repairs (e.g., repair of corroded parts discovered after paint was blasted off a gate) and approximately \$95,000 for services required due to three tropical storm events. The contractor was required to reinstall six floodgates, which had been removed and taken to the contractor's yard, within 24 hours during each of the tropical events (18 floodgates total). The costs included mobilization, overtime and weekend work. Two additional floodgates, which were too large to move, are being painted in place; therefore, he did not anticipate any additional change orders.

Mr. Dastugue asked shouldn't the contract have included an allowance for reinstallation of floodgates during a tropical event. Mr. Foster explained that a bid item was included for additional mobilization to remove and reinstall floodgates; however, the item applied to normal working conditions and a best case scenario. The contractor was required to mobilize on weekends. There was no methodology for costing out mobilization required over a weekend for inclusion as a bid item.

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

WHEREAS, the Southeast Louisiana Flood Protection Authority-East (FPA) by Resolution No 10-19-17-04 authorized the execution of a contract with Kostmayer Construction, LLC in the amount of \$2,364,518.55 for the IHNC and Michoud Floodgate Painting Project; and

WHEREAS, increased costs were incurred in the amount of \$145,767.34 for additional work items and additional work to prepare for tropical events (Tropical Storms Alberto, Gordon and Michael); and

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

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority–East approves the issuance of a Change Order to the contract with Kostmayer Construction, LLC for the IHNC and Michoud Floodgate Painting Project to increase the contract amount from \$2,364,518.55 to \$2,510,285.89 in order to pay for additional work items and additional work to prepare for tropical events.

BE IT FURTHER RESOLVED, that the FPA Chief Administrative Officer is hereby authorized to execute said Change Order, 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. Latiolais, Mr. Miller,
Mr. Morgan and Mr. Weysham

NAYS: None

ABSENT: Mr. Luettich

RESOLUTION NO. 02-21-19-05 - VIOLET CANAL NORTH REALIGNMENT PROJECT – CHANGE ORDER NO. 1

Mr. Latiolais abstained from the discussion and vote on the proposed change order for the Violet Canal North Realignment Project.

Mr. Miller advised that the proposed change order was reviewed by the Operations Committee. A second and final change order, anticipated to be about the same dollar amount as Change Order No. 1, is still under negotiation and will be forthcoming. Many of the problems for which costs were incurred resulted from inaccuracies on as-built drawings received from St. Bernard Parish. Change Order No. 1 was negotiated between the FPA's consultant and the contractor.

Mr. Foster explained that the costs incurred in Change Order No. 1 were due to unforeseen circumstances during the course of the project. One of the items is a scope change and related to an updated USACE detail design. The costs included in Change Order No. 1 are undisputed. Funding for the project is being provided under a grant. The project is anticipated to be completed by the end of March or mid-April. About six to seven months have been added to the construction period due to utility issues and utility relocation delays.

Mr. Foster advised that the Violet Canal North Realignment Project was designed and funded about three years ago. The work under contract to Cycle Construction Company, LLC, is the second phase of the project. The first phase of the project, which is not funded by a grant, will be accomplished after the second phase is completed. An attempt is being made to transfer any grant funding remaining after the completion of the second phase to phase one. Phase one was initially contemplated to be accomplished under a Cooperative Endeavor Agreement between the FPA and St. Bernard Parish Government.

Mr. Dastugue inquired about the costs associated with two broken water lines. Mr. Foster explained that the two water lines were pitted due to age and leaking. The contractor had to locate the water lines in order to stop the water from flowing onto the construction site. Discussions are being held with St. Bernard Parish regarding reimbursement for the cost of one of the water lines, which was not broken by the contractor, but had to be repaired in order for the contractor to pour concrete and proceed.

Mr. Cosse commented that the project had been delayed due to realignment issues at the location of the shrimp factory. Mr. Foster added that another factor was the acquisition of properties required for the project.

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

WHEREAS, the Southeast Louisiana Flood Protection Authority-East (FPA) adopted Resolution 02-15-18-03 on February 15, 2018, approving the award of a contract in the amount of \$2,176,690.00 to Cycle Construction Company, LLC for the Violet Canal North Realignment Project (Phase II); and

WHEREAS, the Contractor was required to perform additional work and incur additional costs during the course of construction due the following:

- Demobilization/remobilization of crane and associated equipment used for pile driving operations on the West Stop Log Structure necessitated by delayed utility relocations (\$51,421.10);
- Licensed arborist required to trim several historic oak trees for overhead construction access and prune roots for sewer line installation (unforeseen field conditions caused the sewer line alignment to be revised and placed line in close proximity to trees) (\$12,760.00);
- Additional work caused by water intrusion in the inspection trench from a broken water line (\$18,488.08);
- Repair of an aged 8-inch water line leaking onto the work site (\$8,184.51);
- Update of Corps of Engineers' design of End Seal Fronting Protection for sewer/drainage/water utilities at six locations required additional materials (\$107,311.60).

WHEREAS, Change Order No. 1 in the amount of \$198,165.29 is required to address the aforementioned additional work and costs; and

WHEREAS, negotiations are continuing with the Contractor relative to the remaining contract issues and an additional change order will be developed in order to close out the contract.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East authorizes the issuance of Change Order No. 1 to the contract with Cycle Construction Company, LLC, in the amount of \$198,165.29, thereby increasing the contract amount from \$2,176,690.00 to \$2,374,855.29, for the Violet Canal North Realignment Project (Phase II).

BE IT FURTHER RESOLVED, that the FPA Chief Administrative Officer is hereby authorized to execute Change Order No. 1 to the contract with Cycle Construction Company, LLC, and any and all 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. Luettich

ABSTAINED: Mr. Latiolais

Mr. Foster introduced two new Engineering Department staff members, Jacinta Gisclair, Engineer 4, and Ryan Hathaway, Engineer 4. Ms. Gisclair transferred to the FPA from the CPRA. Mr. Hathaway was formerly employed in the private sector.

The next regular monthly Board meeting will be held on March 21, 2019 in the 2nd Floor Council Chambers of the Joseph Yenni Building.

There was no further business; therefore, the meeting was adjourned at 12:30 p.m.