

**MINUTES OF
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY-EAST
OPERATIONS COMMITTEE MEETING
HELD ON NOVEMBER 4, 2010**

PRESENT: Louis Wittie, Chair
David Barnes, Committee Member
Timothy Doody, Committee Member
Stephen Estopinal, Committee Member

The Operations Committee met on October 7, 2010 in the Second Floor Hall of the Lake Vista Community Center, 6500 Spanish Fort Blvd., New Orleans, LA. Mr. Wittie called the meeting to order at 10:00 a.m.

Opening Comments: None.

Adoption of Agenda: The agenda was amended by a unanimous roll call vote to discuss the item listed under Executive Session as the first item of business. The amended agenda was adopted.

Approval of Minutes: The minutes of the October 7, 2010 Operations Committee meeting were approved.

Public Comments: None.

New Business:

A. Presentation of legal opinion on the status of the contract between Design Engineering, Inc. and the Orleans Levee District relative to the Seawall Stabilization Project

Jerry Melchrodie, representing Design Engineering, Inc., commented on the validity of the 1987 contract between Design Engineering, Inc. (DEI) and the Orleans Levee District (O.L.D.). He stated that the contract has been the basis for a number of projects constructed, including projects as recently as 2005 with work continuing into 2006 and later, along Lakeshore Drive. He stated that the contract has never been canceled nor has it expired by its own terms. He stated that concern was expressed by the Board because of the age of the contract; however, it is not DEI's desire to fight with the Board over a contract issue. He pointed out that DEI's institutional knowledge and experience, particularly on Lakeshore Drive flood and erosion control issues, gives DEI a competitive advantage. He advised that DEI is comfortable with its experience with work on Lakeshore Drive for the Board to proceed with a Request for Qualifications (RFQ) process. He reiterated that it is not DEI's desire to create any friction in fighting over existence of the 1987 contract.

Mr. Estopinal asked for a clarification on DEI's position on whether or not a valid contract exists. Mr. Melchrodie clarified that at this point DEI's position is that it is not going to force the issue with respect to the contract between DEI and the O.L.D. Mr. Estopinal indicated that DEI's position is that it will not force the issue of a valid contract

for this particular project, but he asked, what about the future? Mr. Melchrodie stated that there is a contract, but the issue of its applicability to this particular project can be left unopened and addressed on another day. Mr. Estopinal stated that he did not want the question of whether or not the contract is valid or have an unending contract continue. Mr. Melchrodie requested the opportunity to submit a position paper on the validity of the contract on behalf of DEI. Mr. Estopinal offered a motion, which was seconded by Mr. Barnes and unanimously adopted, to discuss this matter in executive session. Walter Baudier, President of DEI, stated that DEI is not trying to enforce the contract and that he understood the Board's position and need for an RFQ process. He stated that part of the issue is that DEI has prepared plans for sections of the Lakefront dealing with the seawall. He stated that to the extent that the Board is going to proceed with this particular job, DEI will not enforce the contract.

B. Presentation/demonstration on the Levee Information Management System (LIMS) Floodgates emergency module.

Robert Turner, SLFPA-E Regional Director, advised that the SLFPA-E recently commissioned Royal Haskoning to develop a module of the Levee Information Management System (LIMS) dealing with the emergency management function, particularly with regards to floodgates.

Ries Kluskens, Royal Haskoning Project Manager, advised that the levee districts' Emergency Operations Procedures Manuals were the source for the majority of the information included in the module database. He reviewed the components of the Emergency Management Module for Floodgates and explained the key objectives, which included:

- Tracking gate/structure status (open or closed) during emergency events
- Storage of technical and contact information for each gate/structure
- Storage of maintenance logs
- A tool to plan and schedule the opening and closing of gates/structures
- The ability to export gate/structure status to various other formats in order to support the efficient communication of information.

Mr. Turner advised that Royal Haskoning will have the emergency module completed shortly and a copy will be provided to each of the levee districts for their computer systems. Training will be required. The software requirement is Microsoft Access. Information will be collected and input at each of the levee districts and the information forwarded to the Authority level for compilation. Protocols must be drafted internally.

Mr. Turner explained that the LIMS originated with a demonstration project funded by the Dutch government. The Authority is continuing the development of the LIMS starting with the Emergency Management Module. The types of information expected to be included in the LIMS were reviewed. Mr. Turner advised that the SLFPA-E should begin the development of the Permitting and Inspection Modules in the near future.

Mr. Turner discussed the potential future development of the LIMS which would assist the SLFPA-E with some of its future challenges, including:

- The SLFPA-E will need the capability to store and access the tremendous amount of information that will be turned over by the U.S. Army Corps of Engineers (USACE)

on the Hurricane and Storm Damage Risk Reduction System (HDSRRS) currently under construction in order to properly operate and maintain the system.

- The LIMS can assist with the communication of information to the public in a more transparent manner.
- The SLFPA-E will be responsible for the levee certification to maintain accreditation for the National Flood Insurance Program (NFIP) in 2021.

Mr. Turner advised that the SLFPA-E anticipates hiring a program manager salaried by grant funding over a two year period. Additional costs will be incurred associated with hardware/software for the LIMS. An individual would be needed at each levee district to input data into the database screens for modules, such as permit and inspection, and an information verification process will be required.

Mr. Kluskens addressed the FloodControl 2015 Project “Hurricane Risk and Safety Module” (FC2015). He explained that the Dutch are looking for ways to develop expertise and knowledge about smart flood control. FC2015 is an innovation program focused on solutions for smart flood control. Projects in this program are funded 50 percent by the Dutch government. Royal Haskoning is a member of a consortium of nine organizations formed in association with this program. He addressed the cornerstones of the program, which include monitoring, improved forecasting capabilities, action and mitigation, and the integration of these elements by using smart modular systems. Program partners will submit ideas for projects. A committee has been set up to select the projects that will be funded. He proposed that the Hurricane Risk & Safety Module for the New Orleans Levee System be submitted for program funding. The objective of this project is to integrate the forecasting of hydraulic conditions during an approaching storm with levee strength and performance. This would help the levee operator to better plan action and mitigation measures. The FC2015 program presents an opportunity to develop the concept.

Mr. Turner explained that the opportunity has been presented to the SLFPA-E to submit an application for this project through Royal Haskoning to the Dutch government. If selected, the project would be 50/50 cost share. The total estimated cost to complete the project is \$200,000 to \$300,000, half of which would be borne by the SLFPA-E. He recommended that strong consideration be given by the Committee to providing the authority to proceed with the application process for the project. Other efforts, in addition to the FY2015 project, will be required to develop the modules recommended at the initial scoping meeting that are not yet developed and for the efficient extraction of information. Grant funding has been secured for some necessary additional GIS work.

Mr. Estopinal offered a motion, which was seconded by Mr. Doody and unanimously adopted by the Committee, to support the FC2015 effort.

C. Update by NOLA Rising on IHNC floodwall mural proposals. (O.L.D)

Gerry Gillen, O.L.D. Executive Director, advised that NOLA Rising appeared before the Committee some time ago and was given direction about clearing some of the hurdles with the City prior to its return.

Avi Ben Basat, Vice President of the board of NOLA Rising United Artist Front, Inc. and head of the Committee for the Lower Ninth Ward levee mural project, updated the Committee on the progress of the proposed mural project for the Lower Ninth Ward Industrial Canal levee floodwall. NOLA Rising has become a Louisiana non-profit corporation and was awarded tax exempt status by the IRS. Over the past few months NOLA Rising has been evaluating the mechanics of organizing and executing the mural project, as well as consulting with the Arts Council of New Orleans and Lower Ninth Ward community members. The goal remains the same; however, NOLA Rising now realizes that a project of this magnitude must be completed in manageable phases. The original goal was to paint a continuous mural on the section of the Industrial Canal floodwall facing east towards the neighborhood and running from North Derbigny Street to Florida Avenue. The project would showcase the work of 65 to 260 artists, each of whom would paint his/her interpretation of a home. Requests for proposals for designs will be distributed to local and international artists and art groups. NOLA Rising has also been working with the art director of the MLK (Dr. Martin Luther King, Jr.) charter school to coordinate the production of a student mural. NOLA Rising requested the designation of a section of the floodwall approximately 120 ft. in length and 4-ft. in height that runs perpendicular to the section of floodwall starting around North Derbigny Street for the student mural. The students are in the process of developing a scaled mockup and will be working throughout the school year on the project.

Mr. Ben Basat explained that NOLA Rising's immediate focus is on the production of the mural centerpiece that will be painted by members of NOLA Rising, the Lower Ninth Ward community and other local community members. He discussed the "Where is Your Neighbor Project", which is a database listing members of the community who have been displaced by Hurricane Katrina. The database project creator, Mac McClendon, has also been painting small murals that depict a map of the United States displaying the location of displaced community members in an effort to bring back the residents who wish to return. NOLA Rising proposed the submittal of a large version of Mr. McClendon's mural as the centerpiece of its project. The centerpiece mural will visually enhance the community, rally the community around the first concrete manifestation of the project, assist in securing sponsorships, donations and the participation of artists in subsequent phases of the project. It will also inform local community members concerning the location of their former neighbors and could potentially generate support and resources for bringing people home. The mural centerpiece is intended to be a historical snapshot of the status of the community five years after Katrina and will not be updated. The web site address for the database will be provided at the bottom of the mural for people to view periodic database updates. NOLA Rising requested the designation of a 12-ft. high by 30-ft. long section at the approximate center of the project for the centerpiece mural.

Mr. Ben Basat explained that NOLA Rising contacted various specialists, muralists and paint suppliers who have suggested that the wall be prepped and treated, which included sanding down any previous paints, power washing and rinsing with a solution of tri-sodium phosphate, before painting. Paint contractors have been contacted for the prep work; however, NOLA Rising would compensate the O.L.D. should it wish to use its maintenance personnel or have a consultant supervise or provide advice on the prep work. After the prep work is completed, a top coat primer will be applied, high quality outdoor acrylic mural paints used to paint the mural and a clear coat UV protection varnish applied. The clear coat varnish will allow the removal of graffiti without

damaging the mural itself. NOLA Rising will have an insurance policy evidencing the coverages required by the O.L.D. in place before beginning work. After receiving approval from the SLFPA-E, NOLA Rising will apply for a mural permit from the City of New Orleans. A letter will be required from the O.L.D. stating that as the owner of the property, it is allowing NOLA Rising to proceed with the project provided that all of the City's mural permit specifications are met.

Mr. Gillen advised that it will be necessary to ensure that all of the floodwall remediation work has been completed before the mural project commences.

Mr. Estopinal offered a motion, which was seconded by Mr. Doody and unanimously adopted, to present this matter to the Board with a recommendation to allow the painting of the murals.

Mr. Ben Basat further advised that members of NOLA Rising have gone door-to-door obtaining the opinions of neighborhood residents on the project. NOLA Rising has held preliminary community meetings and will hold a town hall meeting. A community advisory committee will be developed to work with NOLA Rising as far selecting the final mural designs, which will be shown to the SLFPA-E and the City.

John Koeffler, a member of the Holy Cross Neighborhood Association, commented that he did not know if the project came up formally, however, he believed that the neighborhood would support the project.

Mr. Gillen advised that levee district personnel walk within two or three feet of the floodwall when conducting inspections; therefore, he did not see the paint as a problem.

Mr. Doody clarified that the recommendation is limited to the section of floodwall between North Derbigny Street and Florida Avenue for a specific period of time, perhaps a year, in order to provide an opportunity to review how the relationship is working out. He wanted the O.L.D. to be satisfied that the painting of the murals did not interfere with the inspection of the floodwall and so that any difficulties that may arise could be worked out. Mr. Ben Baset explained that the reason NOLA Rising wanted to begin with a small section (the centerpiece) was because it would be chaotic, both logistically and financially, to attempt to do the entire project at the same time. Mr. Doody pointed out that the Committee is supportive of the project; however, its primary objective must be safety.

Executive Session:

A. Presentation of legal opinion on the status of the contract between Design Engineering, Inc. and the Orleans Levee District relative to the Seawall Stabilization Project.

A motion was offered by Mr. Doody and unanimously adopted to move the Executive Session to the next item of business and for the Committee to convene in Executive Session to consider the item listed on the agenda. The Committee convened in Executive Session at 11:07 a.m.

The Committee reconvened in regular session at 11:45 a.m. Mr. Doody reported that Robert Lacour, SLFPA-E Counsel, will contact DEI's attorney to limit the terms of the contract. Mr. Estopinal added that there would be a clarification and understanding reached of the situation as far as where the contract stands.

New Business: (continued)

C. Discussion of selection of Ben C. Gerwick, Inc. as the contractor for the New Orleans East Land Bridge (Chef to Rigolets) Project.

Stevan Spencer, SLFPA-E Regional Director, explained that one of the projects listed in the application for the Grant funding that was obtained was the New Orleans East Land Bridge (Chef to Rigolets) Project. Consultants for the Grant projects are selected from the SLFPA-E's ID-IQ contract consultants. The staff recommended the selection of Ben C. Gerwick, Inc. for the subject project. The project will be coordinated with other efforts by the State in the land bridge area. It was suggested that the project be discussed with the SLFPA-E's Coastal Advisory Committee.

Mr. Estopinal offered a motion, which was approved by the Committee, to recommend approval of the selection of Ben C. Gerwick, Inc. for the New Orleans East Land Bridge (Chef to Rigolets) Project.

D. Discussion of responsibilities regarding the operation of the permanent pump stations and accompanying floodgates at the mouth of the London Avenue, Orleans Avenue and 17th Street Outfall Canals and the operating parameters that must be specified for water surface elevations.

Mr. Spencer advised that the current understanding is that the Sewerage & Water Board (S&WB) will operate the new pump stations at the mouth of the outfall canals, as well as the interior pump stations. The Project Partnering Agreement (PPA) is between the USACE and the State. The S&WB is not a signatory of the PPA. Mr. Jackson pointed out that the USACE clearly stated that it did not have the authority to operate the permanent pump stations, which is a local responsibility. An agreement must be worked out between the parties (USACE, State, S&WB and SLFPA-E) on the operation of the permanent pump stations and the parameters for closing the gates at the pump stations. He suggested that this item remain on the Operations Committee agenda. Mr. Wittie noted that the Committee would encourage the preparation of a written agreement covering these issues.

Levee District Reports: (copies attached)

Due to a scheduling issue, Mr. Estopinal offered a motion that the Committee forego the oral presentations and accept the written monthly status reports from the levee districts. Stuart Williamson, LBBLD Executive Director, advised that a corrected report would be sent out. Fran Campbell, EJLD Executive Director, commented on the grass problems on USACE projects. Gerry Gillen, O.L.D. Executive Director, advised that the rock jetty has been completed across the IHNC in the location of the Seabrook Structure and scour holes on the project site are being filled.

There was no further business; therefore, the meeting was adjourned at 12:00 p.m.