

**MINUTES OF THE  
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY – EAST  
BOARD MEETING  
THURSDAY, OCTOBER 16, 2014**

The regular monthly Board Meeting of the Southeast Louisiana Flood Protection Authority-East (Authority or SLFPA-E) was held on Thursday, October 16, 2014, in the Second Floor Council Chambers, Joseph Yenni Building, 1221 Elmwood Park Blvd., Harahan, Louisiana, after due legal notice of the meeting was sent to each Board member and the news media and posted.

Mr. Estopinal called the meeting to order at 9:30 a.m. and led in the pledge of allegiance.

The roll was called by Mr. Wittie and a quorum was present:

**PRESENT:**

Stephen V. Estopinal, President  
Lambert J. Hassinger, Jr., Vice President  
Louis E. Wittie, Secretary  
Wilton P. Tilly, III, Treasurer  
Tyrone Ben  
G. Paul Kemp  
Richard A. Luettich, Jr.

**ABSENT:**

Jefferson M. Angers  
Kelly J. McHugh

**ANNOUNCEMENTS AND OPENING COMMENTS:**

Mr. Estopinal read aloud the following announcement:

The Southeast Louisiana Flood Protection Authority-East will hold its regular monthly Board Meeting on November 20, 2014 at 9:30 a.m. at the Orleans Levee District Franklin Administrative Complex, 6920 Franklin Avenue, Meeting Room 201, New Orleans, La, during which the Southeast Louisiana Flood Protection Authority-East Board on behalf of the Orleans Levee District will adopt millage rates for the year 2015 and certify the levy of the three millage rates (General Tax, Special Levee Improvement Tax and Maintenance Tax) to the City Of New Orleans for the purpose of assessing and collection of the three taxes.

**ADOPTION OF AGENDA:**

The agenda was amended to add the following item under Executive Session:  
Discussion of Borgnemouth Realty Company, Ltd. v. Parish of St. Bernard, Lake Borgne Levee District and St. Paul Fire and Marine Insurance Company, 34<sup>th</sup> JDC No. 112-833,

St. Bernard Parish. A motion was offered by Mr. Hassinger, seconded by Mr. Ben and unanimously adopted by a roll call vote, to adopt the agenda as amended.

**RESOLUTION NO. 10-16-14-01 – APPROVAL OF SEPTEMBER 18, 2014  
BOARD MEETING MINUTES**

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On the motion of Mr. Hassinger,  
Seconded by Mr. Wittie, 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 18, 2014.

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

YEAS: Mr. Ben, Mr. Hassinger, Mr. Kemp, Mr. Luettich, Mr. Tilly and Mr. Wittie

NAYS: None

ABSENT: Mr. Angers and Mr. McHugh

**PRESENTATIONS:** None.

**PUBLIC COMMENTS:**

Roy Arrigo commented that a Board member at the February, 2011, meeting used the word “unjustly” to describe the taking of private properties along the 17<sup>th</sup> Street Canal. The belief that private property is being taken unjustly by the Board is widely held in the community and is a matter of public interest and concern. When the Board’s attorney was called upon to address this concern and how the Orleans Levee District acquired St. Julien servitudes on the disputed private properties, he responded by describing the acquisition of land through a donation and the acquisition of St. Julien servitudes on the donated property. He stated that the response given by Mr. Anzelmo was misleading and falsely gave the impression that the land he described was the disputed properties; however, it is not the land under dispute. He requested that the Board’s Legal Committee readdress this public concern by having its attorneys explain how and when the St. Julien servitudes were acquired on the disputed private properties along the 17<sup>th</sup> Street Canal and provide specific dates and actions.

Mr. Hassinger explained that the requested discussion recently took place at a Legal Committee meeting. He asked that he be allowed to think specifically about today’s request.

Craig Berthold explained that he had been asking for years for the date that the servitude was established and documentation on the establishment of the servitude. The response provided at the Legal Committee meeting concerned Ordinances Nos. 3129 and 3130 of 1916. He stated that he requested a surveyor (Richard Dading of Dading, Marques) to research the ordinances and that based on the information provided the surveyor responded that the ordinances do not affect or apply to any of the properties fronting on Bellaire Drive.

Carol Byram commented on the misinformation provided by the Board's attorneys at the recent Legal Committee meeting. She commented on the unnecessary taking of property in Lakewood South and on the residents' challenge of this action.

### **COMMITTEE REPORTS:**

**Finance Committee:** Mr. Tilly reported that the Finance Committee met on October 2<sup>nd</sup> and several of the items discussed have been forwarded to the Board for approval.

**Operations Committee:** Mr. Wittie reported that the Operations Committee met on October 2<sup>nd</sup>. The Committee discussed and recommended the approval of the following items:

- Issuance of a Task Order to C. H. Fenstermaker for design and bidding assistance for the Citrus Levee Slope Paving Project at the Crowder, Read and Bullard Intersections.
- Bid results for the Seawall Erosion Control Reach 2B Project – the bid results have been verified and the Committee recommended that the contract be awarded to the low bidder.
- Selection of an architect for the construction of a new Orleans Levee District Police Building
- Issuance of a task order for the development of a Bayou St John Adaptive Management Plan

**Legal Committee:** Mr. Hassinger reported that the Legal Committee met on October 2<sup>nd</sup>. The Committee continued its work on the position of SLFPA-E Executive Counsel. The position was advertised and responses were received from qualified individuals. A motion has been placed on the Board agenda relative to the position. Outside counsel on the oil and gas industry lawsuit appeared before the Committee and advised that over 14,000 hours have been accrued on the case dating back to September, 2012. In addition, over \$600,000 in costs and \$1.2 million in “political costs” during the past legislative session have been incurred.

**CPRA:** Mr. Hassinger reported that the Coastal Protection and Restoration Authority (CPRA) Board met on October 15<sup>th</sup> in Baton Rouge. He distributed a copy of the CPRA agenda and the materials presented at the meeting to the Commissioners. He advised that the CPRA Board discussed the following issues:

- Western Closure Complex – A determination is needed as to which entity (SLFPA-W, CPRA or parish government) should pay the cost to operate and maintain the complex as it serves both flood protection and drainage purposes. An Attorney General opinion has been requested.
- CPRA Implemental Update – The CPRA currently has \$378 million of projects in progress. The CPRA is adding an interactive map to its website that will provide information on projects in progress or planned.
- Status and plans for RESTORE Act monies.

**Coastal Advisory Committee:** Mr. Kemp advised that the Coastal Advisory Committee did not meet during the month of October. The Committee will hold its next meeting on Friday, November 21st.

**REGIONAL DIRECTOR'S REPORT:**

Robert Turner, SLFPA-E Regional Director, reviewed the highlights of the Regional Director's Report (copy appended to minutes). A list was distributed of the projects constructed by the U.S. Army Corps of Engineers (USACE) as part of the Hurricane and Storm Damage Risk Reduction System (HSDRRS) and the status of the turnover of the projects to the local sponsor. Mr. Turner provided the following additional comments:

- The vast majority of the HSDRRS projects have been turned over to the local non-federal sponsor for operation and maintenance. Several new, smaller projects are in progress adjacent to existing alignments, such as the modification of access roads.
- The IHNC Surge Barrier and Seabrook complex structures are operational. The issue with one of the valve actuators in the Barge Gate has been resolved and the gate is operational. The USACE's report concerning minor paint issues on the IHNC Surge Barrier Sector Gate is being reviewed by SLFPA-E staff.
- LPV-144 Bayou Dupre Sector Gate – The vibration in the gate leafs reoccurred during the testing of the gate this week. The SLFPA-E is awaiting a determination from the USACE on a plan of action to correct the problem.
- LPV 149 Caernarvon Structure – The USACE will contract the dewatering and repainting of the gate. The work will take about six weeks and must be coordinated with the two marine businesses located behind the gate structure.
- The Mississippi River forecast has been revised and the river is currently expected to rise to elevation +9-ft. in the next several days before falling primarily due to the significant rain event that took place over the past week.
- Coordination of Levee Lifts and Armoring – A meeting has been scheduled with CPRA staff member Rickey Brouillette concerning this issue. The USACE has been provided with a list of projects that, based upon information received from the USACE, do not appear to require a levee lift prior to armoring. An estimated \$40 million to \$50 million of work will be required in order to raise certain levees in the Orleans Levee District and East Jefferson Levee District to an elevation that is estimated would not have to be raised again until 2028. The planning process for the levee raising work has commenced. A plan for moving forward with the engineering work will be presented to the Operations Committee in the near future. Funding sources will be sought for the work. The East Jefferson Levee District (EJLD) Levee Improvement Fund will provide some of the funding and a request will be made for funding through the Louisiana Capital Outlay Program for the work on the east bank of Jefferson Parish. Funding is available in the Orleans Levee District (O.L.D.) Special Levee Improvement Fund for the work required on the east bank of Orleans Parish.

Mr. Estopinal requested that the Executive Session be taken after New Business. There was no objection.

## **NEW BUSINESS:**

### **1. Report on the financial audit for the fiscal year ending June 30, 2014.**

Jim Durbin with Gurtner, Zuniga and Abney advised that the audit report findings were presented to the Finance Committee at its meeting on October 2<sup>nd</sup>. Board members were presented with copies of the management discussion and the audit report. Mr. Durbin advised that the financial statements fairly presented the financial position of the SLFPA-E. There was no adoption of any new accounting practices or significant or unusual transactions other than those in the normal course of business. There was no discussion with management of alternative treatments or anything that could have gone either way and left the SLFPA-E with exposure. The financial statement disclosures were clear and concise and there were no gray areas. There were no audited adjustments or any uncorrected misstatements. The auditor at no time consulted with outside accountants other than the accountants employed by the Lake Borgne Basin Levee District and East Jefferson Levee District. The only significant accounting estimates related to reserves for some legal litigation, depreciation and post employment retirement benefits.

### **RESOLUTION NO. 10-16-14-02 – NON-FEDERAL LEVEE CERTIFICATION**

Mr. Turner explained that two task orders are required in connection with the non-federal levee certification effort. The first task order is for design work required for the relocation of flood protection around the Shrimp and Soap Factories. The second task order is for work required on an existing gate in the levee in the Lower Ninth Ward that accommodates the railroad tracks going to the waste water treatment plant.

On the motion of Mr. Hassinger,  
Seconded by Mr. Ben, the following resolution was offered:

**WHEREAS**, the Forty Arpent Levee in the Lower Ninth Ward and St. Bernard Parish must be certified 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 (SLFPA-E) approved the selection of Tetra Tech 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, dated February 8, 2013, to provide the aforementioned services, with a not-to-exceed contract value of \$5 million; and

**WHEREAS**, the Phase 2 Design Scope of Work for the certification of the levee must be modified in order to include additional work in certain tasks; and

**WHEREAS**, the SLFPA-E proposes to issue two task orders for the modification of the Phase 2 Design Scope of Work, as follows:

- Task Order No. 5 for an amount not to exceed \$134,193 for additional work required in connection with the new protection alignment in the area of the Shrimp and Soap Factory on the Violet Canal.
- Task Order No. 6 in an amount not to exceed \$58,856 for additional work required in connection with the closure gate at the Sewerage and Water Board treatment facility.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East approves the issuance of Task Order No. 5 for an amount not to exceed \$134,193 and Task Order No. 6 for an amount not to exceed \$58,856 under the contract with Tetra Tech, Inc., and authorizes the SLFPA-E Regional Director to sign said task orders 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. Ben, Mr. Hassinger, Mr. Kemp, Mr. Luettich, Mr. Tilly and Mr. Wittie  
 NAYS: None  
 ABSENT: Mr. Angers and Mr. McHugh

**RESOLUTION NO. 10-16-14-03 –  
 AUTHORITY TO SELECT AND EMPLOY EXECUTIVE COUNSEL**

Mr. Hassinger offered a motion, which was seconded by Mr. Luettich, to allow the Legal Committee to make the decision relative to the filling of the position of Executive Counsel. Mr. Hassinger explained that several months ago the Legal Committee began a discussion on whether an in-house counsel, as opposed to the contracting of legal services, would bring monetary savings and efficiencies to the SLFPA-E. Civil Service approved the creation of the position of Executive Counsel. The position was advertised in order to determine interest and applications were received. The Legal Committee is requesting authority from the Board to select one of the candidates to fill the position. The position would provide the Board and levee districts with an in-house resource who will be working with staff on a day-to-day basis.

Mr. Estopinal clarified that the motion being offered would authorize the Legal Committee to hire an individual to fill the position of Executive Counsel.

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

**WHEREAS**, the Southeast Louisiana Flood Protection Authority-East created and advertised the position of Executive Counsel; and

**WHEREAS**, applications were received for the position.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East authorizes the Legal Committee to select and employ an individual to fill the position of Executive Counsel.

The foregoing was submitted to a vote, the vote thereon was as follows:  
 YEAS: Mr. Ben, Mr. Hassinger, Mr. Kemp, Mr. Luettich, Mr. Tilly and Mr. Wittie

NAYS: None

ABSENT: Mr. Angers and Mr. McHugh

**RESOLUTION NO. 10-16-14-04 – EAST JEFFERSON LEVEE DISTRICT-  
CAPITAL OUTLAY PROGRAM FUNDING REQUEST**

Fran Campbell, East Jefferson Levee District (EJLD) Executive Director, commented that Mr. Turner previously described the need for levee lifts prior to the placement of armoring. Funding in the amount of \$29,636,400, which is the current estimate for the levee lifts in the EJLD, is being requested from the Louisiana Capital Outlay Program.

On the motion of Mr. Tilly,

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

**WHEREAS**, the State of Louisiana COP funding applications are required to be submitted by November 1, 2014, with a Resolution requesting sponsor funding; and

**WHEREAS**, the East Jefferson Levee District (EJLD) has projects that require funding from the COP in order to initiate planning, design, land acquisition and construction phases of said projects.

**BE IT HEREBY RESOLVED**, the Southeast Louisiana Flood Protection Authority-East on behalf of the EJLD by this Resolution formally requests the State of Louisiana COP to fund the following EJLD projects for Fiscal Year 2015-2016 in the amounts shown:

**DESIGN AND CONSTRUCTION OF LEVEE LIFTS PRIOR TO ARMORING -  
\$29,636,400**

**BE IT FURTHER RESOLVED**, that the EJLD does hereby certify, in accordance with the State Capital Outlay Act, the following:

1. There is no bond funding, other than State general obligation bond funding, sufficient to fund the above Capital Outlay request.
2. All local options for funding for this Capital Outlay request through taxation, special assessments, loans, bonds, or other resources have been considered and rejected as not being feasible or readily acceptable at this time.
3. There is no revenue source for these non-recurring project appropriations.
4. No surplus and/or unobligated funds are available.

**BE IT FURTHER RESOLVED**, that the EJLD is committed to providing a local project match to the extent it is economically able for the amounts required/ recommended and necessary by the State.

**BE IT FURTHER RESOLVED**, that the EJLD Executive Director be authorized to sign any and all documents necessary to accomplish the above.

**BE IT FURTHER RESOLVED**, that the EJLD Executive Director is hereby authorized and designated to act on behalf of EJLD in all matters pertaining to each of the aforementioned Projects for which Capital Outlay funds are being requested including requests for State disbursements.

The foregoing was submitted to a vote, the vote thereon was as follows:  
YEAS: Mr. Ben, Mr. Hassinger, Mr. Kemp, Mr. Luettich, Mr. Tilly and Mr. Wittie  
NAYS: None  
ABSENT: Mr. Angers and Mr. McHugh

**Discussion of the proposed acquisition of public streets in connection with the construction of the EJLD Consolidated Facilities and Safehouse.**

Ms. Campbell explained that the EJLD purchased 19 acres of land for the construction of the EJLD Consolidated Facilities and Safehouse. The EJLD initially proposed the purchase of seven streets and the Food Bank from the City of Kenner. Objections were voiced to the purchase of the streets due to safety, traffic and parking concerns. The EJLD withdrew its request to purchase three of the contentious streets and proceeded with the request to purchase the other four uncontested streets and the Food Bank, which was approved by the City of Kenner. At that time the District 1 Councilman and cemetery association leaders agreed that they would work with the EJLD to arrive at a safe solution that would work for everyone. The EJLD hired a traffic engineer for a traffic study. Working with the City and the cemetery association leaders, the EJLD developed a solution that would best address all concerns. The EJLD addressed the issues of safety and parking with the current design, which will be presented to the City of Kenner for approval of the Planned Unit Development. Fourth Street was removed from the request. The EJLD is still asking to purchase Alton and Warren Streets.

Mr. Estopinal commented that the current plan is considerably different than the last version he reviewed and includes changes in response to input from the community. Ms. Campbell advised that after the public meeting the EJLD essentially doubled the available parking (EJLD overflow parking), which will be open to the public at all times. Mr. Estopinal pointed out that Fourth Street will allow circular traffic from Decatur to Warren Streets. Ms. Campbell noted that Decatur Street is also a two-way street. A traffic flow plan is being recommended for funeral events. The only street upon which parking will not be allowed is Alton Street; however, the number of spaces available in the two parking lots (55) is greater than the estimated parking spaces along Alton Street (38).

**Report from Councilman Gregory W. Carroll, Kenner Councilman - District 1 on EJLD Consolidated Facilities and Safehouse.**

Councilman Carroll thanked the Board for the opportunity to address the community's concerns and the safety issues. He commented on his involvement in the community from a young age and that he would always have an association having family members buried in the Belle Grove, Love and Charity and St. Rosalie Cemeteries. He explained that the information provided to Ms. Campbell by the traffic consultant comes from one assessment of one funeral. However, business and community leaders and people who have lived their entire lives in the community and have firsthand knowledge of the situation still do not agree that the plan is correct. He stated that it is insulting to suggest that the information provided by one traffic control study of one funeral and by providing parking spaces would preclude the safety issues that the community knows



will occur. He added that the community did not ask for parking spaces. The community's concerns are safety, the ambiance of the neighborhood and reverence for the deceased. He stated that his understanding from a meeting held earlier with Robert Lacour, SLFPA-E General Counsel, is that it is illegal for the levee district to use funding to build something that does not support the EJLD's flood protection mission. He asked how is the building of parking lots, street modifications and turnarounds relevant to the business of the EJLD? Councilman Carroll requested that everyone present at the meeting from District 1 rise in order to show the Board that the community is concerned. He stated that the problem is that the EJLD and other individuals have dehumanized the issue. The issue is not about streets and a parking lot; it is about people in a community. Funerals have been held in the area for years without any traffic concerns. Changing the situation and merely offering parking spaces will not provide the sense of security that is needed. He commented that the individuals attending today's meeting were present to express their displeasure with the plan not only because they believe it is unsafe, but because it is illegal to spend public funds on parking lots and street modifications that are unwanted by the community.

Judge Marc E. Johnson, Belle Grove Cemetery President and Love & Charity Cemetery Society Marshall, explained that the cemeteries have a long cherished history in the City of Kenner. The land was purchased about the time of the Civil War and used as cemeteries for the community. He addressed the Belle Grove and Love & Charity Cemetery Societies' concerns relative to the EJLD's plan. The first concern is zoning. The site for the proposed EJLD facilities is zoned R2, which is two family residential. The EJLD's proposed Plan Unit Development (PUD) is an incompatible land use with the surrounding neighborhood. A review of the proposed site plan includes storage, stockpiling and manufacturing of particle materials, such as sand, dirt and aggregate materials. The particle pollution from the EJLD's operations will detrimentally impact the neighborhood. Nearby residences, businesses and a preschool will be exposed to additional air pollution. The second concern is noise. Noise generated by heavy equipment with safety warning devices, such as alarms, bells or whistles, will detrimentally impact the surrounding neighborhood. The third concern is traffic. The safety of motorists and pedestrians will be compromised by the purchase of streets used for ingress and egress of the neighborhood. The streets are also needed for public use. The proposed traffic circulation plan eliminates public streets and replaces the streets with EJLD parking lots. Public access to the proposed parking lots and travel lane could be restricted or even eliminated by the levee district. The purchase of the public streets (Alton and Warren) would result in a detrimental impact to the neighborhood. The fourth concern is historic preservation. Belle Grove and Love & Charity Cemeteries are a source of pride for the entire City of Kenner and were declared historic landmarks. Many of the earlier settlers of Kenner are buried at the site. The proposed land use is incompatible with the tranquility and the landscape of the cemeteries. The proposal to build a sand pit next to the cemeteries is upsetting to many people who see it as a disrespect to their loved ones. The historical and cultural values of the cemeteries will be negatively impacted by the proposed land use plan.

James Evans explained that he is a life-long resident of the City of Kenner and was speaking on behalf of residents of the community and individuals with deceased loved ones in the Belle Grove, Love & Charity and St. Rosalie Cemeteries. He commented on

the disrespect and disregard shown by the levee district to the residents of the community. He pointed out that from day one the residents adamantly opposed the closing of the streets. Levee district officials said, "We hear you. We will pull back on the purchase of streets", only to come back with a counter proposal of something that the residents do not want. He agreed with the comments offered by Judge Johnson and added that the residents are not opposed to the project. The residents are opposed to the safety issues that will arise. He stated that one funeral was used to gage the number of vehicles visiting the cemeteries. He also noted that fuel and other materials of environmental concern will be placed on the site; however, no one took the time to evaluate the impact on the surrounding residences and preschool (Head Start Center). He noted that a statement was made at a recent meeting that the trees will be preserved. He commented that something is wrong when there appears to be more concern about tree preservation than human life and when there is total disregard and disrespect of the wishes, views and values of a community. He stressed that the community opposes the purchase or closing of any of the streets and reiterated that parking spaces are not the issue. The community has made a way to accommodate parking without accidents. In addition, Third Street (Rev. Richard Wilson Drive) is a two lane highway. He asked why create a situation that will knowingly create risks due to congestion. He commented that it is never too late to do the right thing. The citizens ask that they be heard and that the Board favorably approve their request.

Rev. Robert Tanner explained that he a financial advisor and a local pastor and that there are 30 other pastors, colleagues and churches in the area. Generally, funerals are held on Saturday with lines of cars moving through the area for one funeral after another. He explained the current route that is utilized for ingress and egress to the cemeteries. Currently, two groups of vehicles can leave the area utilizing Warren and Alton Streets and return to the highway. He stressed that the new traffic pattern will not work since vehicles from one funeral will not be able to egress the area before another funeral procession attempts ingress.

Earl Smith, a Kenner resident, advised that the previous speakers have spoken to some of his concerns. He commented that an environmental impact study should be done.

Brenda F. Jones explained that she resides in Metairie; however, she interacts with the Kenner community. She commented that the levee protection could potentially be compromised by the placement of bulldozers and other heavy lift equipment in the proposed area. The community would also be greatly impacted because the streets are not constructed to handle heavy equipment traffic. She agreed with the comments offered by Councilman Carroll, Judge Johnson and community residents because she has relatives buried in the cemeteries. She reminded the Board that the two most important things in this country should be land and people.

Dorothy Lewis Carter commented that she is 84 years old and a lifelong resident of this community. She stated that to be told now that the levee district will be placing its equipment right beside her residence is appalling. She requested that the Board reconsider what it is attempting to do.

Mr. Estopinal asked if the levee district does not purchase Alton to Warren Streets or Warren Street from Alton Street to Fourth Streets, which would leave these streets open, would this satisfy the community? Councilman Carroll responded that this has been the community's position from the beginning. Everyone agrees that these streets must be left open for ingress and egress. Mr. Estopinal asked if the levee district could relocate the stock pile areas to a different location, would the community be pleased with that action? Councilman Carroll replied that the community would be pleased.

Mr. Estopinal asked that Mr. Tilly form a committee that would include Robert Turner, Fran Campbell and himself. He stated that he would like to leave Alton and Warren Streets open and do the redesign to satisfy community concerns. Councilman Carroll asked would this mean that the levee district would not purchase the streets. Mr. Estopinal responded, absolutely. He clarified that when he stated leave the streets open, he meant not purchase the streets. Mr. Tilly commented that he would not go that far yet. He recommended that the situation be studied and that the best solution be developed. Mr. Estopinal stated that Mr. Tilly would be chairing the committee; however, his suggestion is very strong. Mr. Tilly added that a study has been done, the situation has been looked at and discussions held with numerous people. He asked that the committee be allowed to restudy the situation.

Councilman Carroll requested that Mr. Estopinal clarify his position prior to Mr. Tilly's comments. Mr. Estopinal stated that he directed that a committee be formed to study the situation and that he would be a member of the committee. He stated that he is going to urge very strongly that the levee district not purchase the streets. He added that beyond this, he could not make any promises.

Mr. Kemp suggested that representatives of the community be included on the committee. Mr. Estopinal asked for volunteers and Rev. Tanner volunteered to serve on the committee.

Councilman Carroll commented that the community looks forward to hearing from the committee on the proposal. Mr. Estopinal stated that a serious review of what has occurred will take place. Mr. Ben volunteered to serve on the committee. Mr. Estopinal advised that Mr. Ben would be accepted as a committee member.

Mr. Estopinal called for a brief recess so that those individuals wishing to leave the meeting could vacate the room. The Board reconvened in regular session.

### **RESOLUTION NO. 10-16-14-05 - AUCTION OF SURPLUS ITEMS**

On the motion of Mr. Tilly,  
Seconded by Mr. Hassinger, the following resolution was offered:

**WHEREAS**, the Orleans Levee District (O.L.D.) intends to sell certain items by auction that have been determined to be surplus; and

**WHEREAS**, a notarized affidavit shall be executed by the O.L.D. Executive Director listing the items to be sold by auction, an estimated value of each item and certifying that the items listed are surplus; and

**WHEREAS**, the affidavit shall stipulate that the surplus items to be sold by auction are from the inventory of the Flood Protection Division of the O.L.D.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East authorizes the sale of surplus items by the O.L.D. by an auction and authorizes the O.L.D. Executive Director to execute any and all documents necessary to accomplish the above.

**BE IT FURTHER RESOLVED**, that the O.L.D. be allowed to supplement the list of surplus items provided to the Board this date with additional items as they are identified, subject to the approval of the Regional Director.

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

YEAS: Mr. Ben, Mr. Hassinger, Mr. Kemp, Mr. Luettich, Mr. Tilly and Mr. Wittie

NAYS: None

ABSENT: Mr. Angers and Mr. McHugh

Mr. Estopinal requested that Stradford Goins, a former Board member, be allowed to address the Board. There was no objection.

Mr. Goins stated that he wanted to check the status of his public records request regarding Commissioners comments on storm surge modeling and levee designs. Mr. Estopinal advised that the public records request was forwarded to staff. Mr. Goins stated that he was asking for any and all comments made by Commissioners from the creation of the SLFPA-E to the present on any review of the storm surge modeling or levee designs. He clarified that he was not asking for comments made at any Board or committee meeting. He was asking for the Commissioners' comments on their physical reviews that were submitted either to the USACE or for the record. Mr. Estopinal advised that the Commissioners' reviews are not in writing and that he did not prepare a written report or comments when he reviewed information. Mr. Kemp pointed out that extensive discussions have taken place at the Coastal Advisory Committee meetings. Mr. Goins requested copies of minutes where Commissioners reviewed the storm surge modeling and assumptions. He commented that a particular concern is the location of the coastline. The storm surge modeling must parallel with the assumptions of the coastline in order to work. Mr. Estopinal advised that documents that were not generated cannot be produced; however, a review could take place.

Mr. Goins asked did any of the Commissioners present review the 152 storms. Mr. Luettich explained that the storms are representative of the conditions that are likely to occur. Mr. Goins disagreed stating that the spacing of the storms are too far apart and do not accurately reflect the vulnerability of the area. Mr. Estopinal pointed out that the Board has made plain its disagreement with the USACE's assessment and commissioned a storm surge analysis. Mr. Goins commented that the Jacobsen report fell short of telling the entire story. The report on the surface told what the study did, but not what it did not do. He added that calling the HSDRRS a one-hundred year system in his opinion is irresponsible. Mr. Estopinal explained that the Board's opinion is that the USACE's assessment is unacceptable and that it is working on this situation. Mr. Goins commented on the misinformation in the public. Mr. Kemp invited Mr. Goins to attend the November 21<sup>st</sup> Coastal Advisory Committee meeting. He added that Mr.

Jacobsen's study was a good step, along with the Gerwick study on the New Orleans East land bridge. He explained that the SLFPA-E is moving forward with its State colleagues because no one is satisfied with the USACE's analysis. He suggested that many of the Board members share and have strongly expressed the same concerns. The fact that the Board does not have the joint probability analysis that it wants does not mean that it does not see the need. He added that this is not something that the Board should address alone, but together with the State, and that there are new efforts moving forward that will address the issue. He stated that he would like to make sure that Mr. Goins' concerns are covered in discussions with the State and that he would like to have Mr. Goins' input rather than just a critique on what the Board has not done. He suggested that Mr. Goins join the Coastal Advisory Committee, which is the route through which these issues are being addressed. Mr. Goins stated that he cannot make a commitment and that he could attend the Committee meetings when he is available.

**RESOLUTION NO. 10-16-14-06 – RENEWAL OF O.L.D. AUTOMOBILE LIABILITY INSURANCE COVERAGE**

Gerry Gillen, Orleans Levee District (O.L.D.) Executive Director, advised that the renewal premium for Automobile Liability Insurance coverage is about \$6,000 less than last year's premium; therefore, he recommended renewal of the coverage.

On the motion of Mr. Tilly,  
Seconded by Mr. Hassinger, the following resolution was offered:

**WHEREAS**, the Orleans Levee District's (O.L.D.) Automobile Liability Insurance coverage will expire on November 1, 2014 at 12:01 am; and

**WHEREAS**, the aforementioned insurance includes Limited Physical Damage coverage on nine scheduled vehicles; and

**WHEREAS**, AIG Insurance Company, a company admitted to do business in the State of Louisiana, offered the most cost effective Automobile Liability Insurance Policy through the Morrison Insurance Agency for a one-year term, commencing on November 1, 2014 at 12:01 am and expiring on November 1, 2015 at 12:01 am, at an annual estimated cost of \$217,339.00; and

**WHEREAS**, the quote from AIG Insurance Company includes Limited Physical Damage coverage on the nine scheduled vehicles with a \$2,500.00 deductible.

**BE IT HEREBY RESOLVED**, the Southeast Louisiana Flood Protection Authority-East authorizes the procurement of Automobile Liability Insurance coverage as stated above from AIG Insurance Company through the Morrison Insurance Agency for a one-year period commencing on November 1, 2014.

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

YEAS: Mr. Ben, Mr. Hassinger, Mr. Kemp, Mr. Luettich, Mr. Tilly and Mr. Wittie

NAYS: None

ABSENT: Mr. Angers and Mr. McHugh

**RESOLUTION NO. 10-16-14-07 – ORLEANS LEVEE DISTRICT CAPITAL OUTLAY PROGRAM FUNDING REQUEST**

Mr. Gillen advised that funds have not been budgeted for the projects for which Capital Outlay Program monies are being requested: Phase 4 of the Seawall Flood Protection Modification, Phase 2 of the Bayou St. John Water Management Plan, and a portion of a New Police Building that goes beyond what has been budgeted.

On the motion of Mr. Hassinger,  
Seconded by Mr. Wittie, the following resolution was offered:

**WHEREAS**, the Orleans Levee District (O.L.D) has successfully obtained funding from the State of Louisiana Capital Outlay Program (COP) for the design and construction of several vital projects over the past years; and

**WHEREAS**, the State of Louisiana COP funding applications are required to be submitted by November 1, 2014, with a Resolution requesting sponsor funding; and

**WHEREAS**, the O.L.D. has projects that require funding from the COP in order to initiate design and/or construction phases of said projects; and

**WHEREAS**, the Southeast Louisiana Flood Protection Authority-East adopted Resolution No. 09-18-14-04 to formally request the State of Louisiana Capital Outlay Program to fund certain Orleans Levee District projects for Fiscal Year 2015-2016; and

**WHEREAS**, there is a need to revise the projects listed in said resolution; therefore, the SLFPA-E wishes to rescind Resolution No. 09-18-14-04 and formally request the State of Louisiana Capital Outlay Program to fund certain Orleans Levee District projects for Fiscal Year 2015-2016 as stated herein.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East on behalf of the O.L.D. by this Resolution formally requests the State of Louisiana COP to fund the following O.L.D. projects for Fiscal Year 2015-2016 in the amounts shown:

<b>A. Seawall Flood Protection Modification, Phase 4 (at Lakeshore Drive)</b>	<b>\$ 7,000,000</b>
<b>B. Bayou St. John Water Management Improvements</b>	<b>\$ 875,000</b>
<b>C. New Police Building</b>	<b>\$ 1,300,000</b>

**BE IT FURTHER RESOLVED**, that the O.L.D. does hereby certify, in accordance with the State Capital Outlay Act, the following:

1. There is no bond funding, other than State general obligation bond funding, sufficient to fund the above Capital Outlay request.
2. All local options for funding for this Capital Outlay request through taxation, special assessments, loans, bonds, or other resources have been considered and rejected as not being feasible or readily acceptable at this time.
3. There is no revenue source for these non-recurring project appropriations.

4. No surplus and/or unobligated funds are available.

**BE IT FURTHER RESOLVED**, that the O.L.D. is committed to providing a local project match to the extent it is economically able to for the amounts required/recommended and necessary by the State.

**BE IT FURTHER RESOLVED**, that the O.L.D. Executive Director be authorized to sign any and all documents necessary to accomplish the above.

**BE IT FURTHER RESOLVED**, that the O.L.D. Executive Director is hereby authorized and designated to act on behalf of O.L.D. in all matters pertaining to each of the aforementioned projects for which Capital Outlay funds are being requested including requests for State disbursements.

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

YEAS: Mr. Ben, Mr. Hassinger, Mr. Kemp, Mr. Luettich, Mr. Tilly and Mr. Wittie

NAYS: None

ABSENT: Mr. Angers and Mr. McHugh

#### **RESOLUTION NO. 10-16-14-08 - CITRUS LEVEE SLOPE PAVING**

Mr. Gillen advised that the Operations Committee reviewed the request for a task order for the design of slope paving. The right-of-way is expanded in three sections along Hayne Boulevard to provide a turning lane making the levee very steep in these sections. The installation of concrete slope paving in these sections is recommended.

On the motion of Mr. Wittie,

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

**WHEREAS**, portions of the Citrus Lakefront Levee in the vicinity of Read Boulevard, Crowder Boulevard and Bullard Avenue are too steep for the utilization of grass maintenance equipment; and

**WHEREAS**, the Orleans Levee District (O.L.D.) has negotiated a task order in a total amount of \$70,460.00 with C.H. Fenstermaker for the preparation of plans and specifications and to provide bidding assistance for the installation of concrete slope paving in the aforementioned locations under an Indefinite Delivery-Indefinite Quantity (ID-IQ) contract with the Southeast Flood Protection Authority-East (SLFPA-E).

**BE IT HEREBY RESOLVED**, that the SLFPA-E authorizes the issuance of Task Order No. 07-03-04 to C.H. Fenstermaker in the amount of \$70,460.00 for the aforementioned services in connection with the installation of the slope pavement along the Citrus Lakefront Levee.

**BE IT FURTHER RESOLVED**, that the O.L.D. Executive Director is hereby authorized to execute Task Order No. 07-03-04 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. Ben, Mr. Hassinger, Mr. Kemp, Mr. Luettich, Mr. Tilly and Mr. Wittie

NAYS: None  
ABSENT: Mr. Angers and Mr. McHugh

**RESOLUTION NO. 10-16-14-09 – LAKE PONTCHARTRAIN SEAWALL EROSION CONTROL REACH 2 PROJECT – AWARD OF CONSTRUCTION CONTRACT**

Mr. Gillen advised that bids were received on September 30<sup>th</sup>. The lowest bid was submitted by TKTMJ, Inc. He recommended the award of the contract to TKTMJ, Inc.

On the motion of Mr. Wittie,  
Seconded by Mr. Ben, the following resolution was offered:

**WHEREAS**, areas between the Lake Pontchartrain Seawall and Lakeshore Drive are experiencing erosion, which is frequently causing Lakeshore Drive between the Orleans Avenue Canal and Rail Street to be impassable for days after a winter storm; and

**WHEREAS**, the Lake Pontchartrain Seawall Erosion Control Reach 2 Project was advertised and four bids were received, as follows:

<b>Bidding Contractors</b>	<b>Total Base Bid Price</b>
TKTMJ, Inc.	\$1,413,596.00
Fleming Construction Company LLC	\$1,502,119.80
Cycle Construction Company LLC	\$1,583,946.00
Command Construction Industries LLC	\$1,666,666.00

**WHEREAS**, funds for the aforementioned project are available in the approved FY 2015 Special Levee Improvement Fund Budget.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority–East authorizes the award of a contract in the amount of \$1,413,596.00 to TKTMJ, Inc., and the establishment of a budget in the amount of \$1,600,000 to include contingencies, for the Lake Pontchartrain Seawall Erosion Control Reach 2 Project.

**BE IT FURTHER RESOLVED**, that the Orleans Levee District Executive Director is hereby authorized to execute the aforementioned contract 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. Ben, Mr. Hassinger, Mr. Kemp, Mr. Luettich, Mr. Tilly and Mr. Wittie  
NAYS: None  
ABSENT: Mr. Angers and Mr. McHugh

**RESOLUTION NO. 10-16-14-10 – LAKE PONTCHARTRAIN SEAWALL EROSION CONTROL REACH 2 PROJECT**

Mr. Gillen advised that the proposed task order is for consulting engineering services to provide construction administration, testing and on-site inspection for the construction project awarded to TKTMJ, Inc.



On the motion of Mr. Hassinger,  
Seconded by Mr. Tilly, the following resolution was offered:

**WHEREAS**, bids were received for the construction of the Lake Pontchartrain Seawall Erosion Control Reach 2 Project; and

**WHEREAS**, a proposal has been received from URS Corporation to provide Construction Administration, Resident Inspection Services and Testing Services under an Indefinite Delivery-Indefinite Quantity (ID-IQ) Contract with the Southeast Louisiana Flood Protection Authority-East in a total amount not to exceed \$154,930.86 (\$34,322.88 for Construction Administration, \$80,607.98 for Resident Inspection Services and \$40,000 for Testing); and

**WHEREAS**, funds for aforementioned services are available in the approved FY 2015 Special Levee Improvement Fund Budget.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East authorizes the issuance of Task Order No. 08-03-08 to URS Corporation in the amount not to exceed \$154,930.86 for the aforementioned services.

**BE IT FURTHER RESOLVED**, that the O.L.D. Executive Director is hereby authorized to execute Task Order No. 08-03-08 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. Ben, Mr. Hassinger, Mr. Kemp, Mr. Luettich, Mr. Tilly and Mr. Wittie

NAYS: None

ABSENT: Mr. Angers and Mr. McHugh

#### **RESOLUTION NO. 10-16-14-11 – SELECTION OF ARCHITECTURAL/ ENGINEERING FIRM FOR NEW O.L.D. POLICE BUILDING**

Mr. Gillen explained that a Request for Qualifications process was followed. A short list of respondents was developed and interviews were conducted with two candidates. The selection team recommended that RCL Architecture, LLC be selected for the project. A study will first be conducted to determine the appropriate location for a new police facility. The study will be brought to the Board along with recommendations on a path forward.

On the motion of Mr. Hassinger,  
Seconded by Mr. Wittie, the following resolution was offered:

**WHEREAS**, the Orleans Levee District (O.L.D.) advertised and issued a Request for Qualifications (RFQ) for Professional Architectural and Engineering Services associated with the demolition of the existing Police Building and the construction of a new Police Building; and

**WHEREAS**, the nine Statements of Qualifications (SOQs) were reviewed and competitively rated by a selection team consisting of Gerry Gillen, O.L.D. Executive

Director, Craig Boudreaux, O.L.D. Police Captain, and Felton Suthon, O.L.D. Engineering Manager; and

**WHEREAS**, the two shortlisted firms were interviewed by Mr. Gillen, Capt. Boudreaux and Mr. Suthon and competitively rated; and

**WHEREAS**, the selection team recommended that RCL Architecture, LLC be selected to provide the aforementioned Professional Architectural and Engineering Services; and

**WHEREAS**, after a final contract has been negotiated, the Board will be requested to approve the contract with the selected consultant.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority–East approves the selection of RCL Architecture, LLC to provide Professional Architectural and Engineering Services associated with the demolition of the existing Police Building and construction of a new Police Building.

**BE IT FURTHER RESOLVED**, that the O.L.D. Executive Director is authorized to negotiate a contract with RCL Architecture, LLC for the aforementioned services.

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

YEAS: Mr. Ben, Mr. Hassinger, Mr. Kemp, Mr. Luettich, Mr. Tilly and Mr. Wittie

NAYS: None

ABSENT: Mr. Angers and Mr. McHugh

**RESOLUTION NO. 10-16-14-12 –  
O.L.D. BAYOU ST. JOHN ADAPTIVE MANAGEMENT PLAN**

Mr. Gillen explained that certain improvements have been done to Bayou St. John through funding provided in the Capital Outlay Program and the Sea Grant Program. The Lake Pontchartrain Basin Foundation recently constructed a marshland grass project at the mouth of the Bayou. The task order will allow the O.L.D.'s consultant to meet with various agencies and entities (e.g., Lake Pontchartrain Basin Foundation, Wildlife and Fisheries and the University of New Orleans) to obtain input and determine the most beneficial time to open the Sector Gate and how long the gate should be opened. The plan will be brought to the Board prior to implementation.

Mr. Wittie asked the reason Special Levee Improvement Project (SLIP) funding is being used to fund the task order. Mr. Gillen explained that there is no way to bring water into the Bayou other than through the operation and management of the flood control structure. SLIP funding can be used for operation and maintenance functions. The only monies spent thus far by the O.L.D. on the Bayou St. John projects have been the local sponsor match. Information must be compiled and reviewed on water quality, water gage data, hydrology, lunar and solar tides and wildlife recruitment. A schedule will be developed for a one-year period. Mr. Tilly suggested that a grad student be used to compile the information and do the analysis. Mr. Gillen advised that a one-year commitment would be required. It was also pointed out that a grad study would not be a hydraulic engineer.

On the motion of Mr. Wittie,

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

**WHEREAS**, the Orleans Levee District (O.L.D.) has removed the Bayou St John obsolete waterfall and dredged the channel from Lake Pontchartrain to the Sector Gate; and

**WHEREAS**, the flow of Bayou St John is now continuous from Lake Pontchartrain to the Sector Gate and beyond to the southern part of the bayou; and

**WHEREAS**, the O.L.D. has negotiated a task order in a total amount of \$96,593.50 with Burk-Kleinpeter, Inc. under an Indefinite Delivery-Indefinite Quantity Contract with the Southeast Louisiana Flood Protection Authority-East for the development of an Adaptive Management Plan for the Opening of the Bayou St. John Sector Gate; and

**WHEREAS**, said plan will provide for the receipt of data and advice from a team of agencies and consultants in order to determine the most beneficial times for the O.L.D. to open the sector gate; and

**WHEREAS**, funds for the aforementioned services are available in the approved FY 2015 Special Levee Improvement Fund Budget.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East authorizes the issuance of Task Order No. 08-02-15 to Burk-Kleinpeter, Inc. (OLD project number 20131) in the amount of \$96,593.50 for the development of an Adaptive Management Plan for the Opening of the Bayou St. John Sector Gate.

**BE IT FURTHER RESOLVED**, that the O.L.D. Executive Director is hereby authorized to execute Task Order No. 08-02-15 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. Ben, Mr. Hassinger, Mr. Kemp, Mr. Luettich and Mr. Wittie

NAYS: Mr. Tilly

ABSENT: Mr. Angers and Mr. McHugh

#### **RESOLUTION NO. 10-16-14-13 – LAKE BORGNE BASIN LEVEE DISTRICT CAPITAL OUTLAY PROGRAM FUNDING REQUEST**

Nick Cali, Lake Borgne Basin Levee District (LBBLD) Executive Director, explained that a number of projects for which Capital Outlay Program funding was requested in the past have been funded through other means. The construction of safe rooms and certain drainage improvements have been funded through the Hazard Mitigation Grant Program. Two legacy projects remain (drainage improvements along St. Bernard Highway between Webster and Parish Roads and canal and pump station improvements). A new request has been included for the replacement or rehabilitation of the trash rigs at Pump Station No. 4.

On the motion of Mr. Tilly,

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

**WHEREAS**, the State of Louisiana COP funding applications are required to be submitted by November 1, 2014, with a Resolution requesting sponsor funding; and

**WHEREAS**, the Lake Borgne Basin Levee District (LBBLD) has projects that require funding from the COP in order to initiate planning, design, land acquisition and construction phases of said projects.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East on behalf of the LBBLD by this Resolution formally requests the State of Louisiana COP to fund the following LBBLD projects for Fiscal Year 2015-2016 in the amounts shown:

- A. DRAINAGE PUMP STATIONS AND CHANNEL IMPROVEMENTS, LAND ACQUISITION, PLANNING AND CONSTRUCTION** **\$36,150,000**
- B. DRAINAGE IMPROVEMENTS TO LA 46 ROADWAY IMPROVEMENT PROJECT BETWEEN PARISH ROAD AND WEBSTER ROAD, PLANNING AND CONSTRUCTION** **\$3,840,000**
- C. REPLACEMENT OF CATENARY RAKES AT DRAINAGE PUMP STATION 4** **\$1,500,000**

**BE IT FURTHER RESOLVED**, that the LBBLD does hereby certify, in accordance with the State Capital Outlay Act, the following:

1. There is no bond funding, other than State general obligation bond funding, sufficient to fund the above Capital Outlay request.
2. All local options for funding for this Capital Outlay request through taxation, special assessments, loans, bonds, or other resources have been considered and rejected as not being feasible or readily acceptable at this time.
3. There is no revenue source for these non-recurring project appropriations.
4. No surplus and/or unobligated funds are available.

**BE IT FURTHER RESOLVED**, that the LBBLD is committed to providing a local project match to the extent it is economically able for the amounts required/recommended and necessary by the State.

**BE IT FURTHER RESOLVED**, that the LBBLD Executive Director be authorized to sign any and all documents necessary to accomplish the above.

**BE IT FURTHER RESOLVED**, that the LBBLD Executive Director is hereby authorized and designated to act on behalf of LBBLD in all matters pertaining to each of the aforementioned Projects for which Capital Outlay funds are being requested including requests for State disbursements.

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

YEAS: Mr. Ben, Mr. Hassinger, Mr. Kemp, Mr. Luettich, Mr. Tilly and Mr. Wittie

NAYS: None

ABSENT: Mr. Angers and Mr. McHugh

### **EXECUTIVE SESSION:**

1. Southeast Louisiana Flood Protection Authority-East, et al. v. Tennessee Gas Pipeline Co., LLC, et al., E.D. La. No. 13-5410.
2. Yacht Homes of Gabriel, LLC and The Succession of Marie G. Krantz v. The Board of Commissioners of the East Jefferson Levee District 24<sup>th</sup> JDC No. 626-181, Division "P".
3. Borgnemouth Realty Company, Ltd. v. Parish of St. Bernard, Lake Borgne Levee District and St. Paul Fire and Marine Insurance Company, 34<sup>th</sup> JDC No. 112-833, St. Bernard Parish.

The Board voted unanimously to go into Executive Session to consider the items listed on the agenda. The Board convened in Executive Session at 11:43 a.m.

A motion was offered by Mr. Wittie, seconded by Mr. Luettich and unanimously adopted, for the Board to reconvene in regular session. The Board reconvened in regular session at 12:49 p.m.

### **RESOLUTION NO. 10-16-14-14 – LEGAL ACTION**

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

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East authorizes counsel to proceed as recommended in the matter of Borgnemouth Realty Company, Ltd. v. Parish of St. Bernard, Lake Borgne Levee District and St. Paul Fire and Marine Insurance Company, 34<sup>th</sup> JDC No. 112-833, St. Bernard Parish.

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

YEAS: Mr. Ben, Mr. Kemp, Mr. Luettich, Mr. Tilly and Mr. Wittie

NAYS: None

ABSENT: Mr. Angers, Mr. Hassinger and Mr. McHugh

### **RESOLUTION NO. 10-16-14-15 – LEGAL ACTION**

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

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East authorizes counsel to proceed as recommended in the matter of Yacht Homes of Gabriel, LLC and The Succession of Marie G. Krantz v. The Board of Commissioners of the East Jefferson Levee District 24<sup>th</sup> JDC No. 626-181, Division "P".

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

YEAS: Mr. Ben, Mr. Kemp, Mr. Luettich, Mr. Tilly and Mr. Wittie

NAYS: None

ABSENT: Mr. Angers, Mr. Hassinger and Mr. McHugh

**RESOLUTION NO. 10-16-14-16 – LEGAL ACTION**

On the motion of Mr. Luetlich,  
Seconded by Mr. Wittie, the following resolution was offered:

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East authorizes counsel to proceed as recommended in the matter of Southeast Louisiana Flood Protection Authority-East, et al. v. Tennessee Gas Pipeline Co., LLC, et al., E.D. La. No. 13-5410.

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

YEAS: Mr. Ben, Mr. Kemp, Mr. Luetlich, Mr. Tilly and Mr. Wittie

NAYS: None

ABSENT: Mr. Angers, Mr. Hassinger and Mr. McHugh

Mr. Estopinal announced that the next regular monthly meeting will be held on November 20, 2014 and hosted by the Orleans Levee District.

There was no further business; therefore, the meeting was adjourned at 12:50 p.m.

# SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY – EAST

## REGIONAL DIRECTOR’S REPORT

Oct. 16, 2014

### HSDRRS Project Status Update

**IHNC-02 – Lake Borgne Surge Barrier Complex** The Orleans Levee District (OLD) and its Complex Structures crew continue to exercise gate components in the Surge Barrier Complex. The maintenance is current, the structure is adequately staffed and all gate systems are fully operational. Divers under contract to the OLD are available if needed during the remaining 2014 Hurricane Season.

All three current meters at the Sector Gate have been damaged, but the Corps of Engineers hasn't yet disclosed to us the source of that damage. One meter has been repaired and the Corps is seeking funding for extensive repairs to the other two. They will be reinstalled when all three are repaired.

The Army Corps of Engineers is scheduled to install tripping dolphins, for navigational purposes, on the inside and outside of the GIWW Sector Gate in February of 2015. The Southeast Louisiana Flood Protection Authority-East (SLFPA-E) asked that the Corps maintain the dolphins, since navigation is a Corps responsibility. However, Corps leadership declared that the dolphins are part of the Surge Barrier Complex project and, as such, must be operated, maintained and inspected by OLD.

We continue to await a final Corps response to OLD concerns regarding Sector Gate paint problems, but the issue does not affect operation of the Barrier gates.

**IHNC-01 – Seabrook Complex** The OLD continues to regularly exercise and maintain this structure. It, too, is adequately staffed, well-maintained and fully operational. Divers are under contract to perform underwater checks before closure of this structure, as well, if needed before the storm season ends Nov. 30.

We also continue to await a Corps response to the state Coastal Protection and Restoration Authority (CPRA) report on Vertical Lift Gate paint problems, but that issue does not affect operation of the Seabrook gates.

**LPV-01.2 – Foreshore Protection Reaches 1&2** Repairs of substantial erosion along the landward interface between the rock and the soil embankments are complete, and the Corps hopes to finish seeding this month. The Notification of Contract Completion (NCC) was received on Sept. 16, 2014.

**LPV-03.2b.1- Landside Runoff** The pre-final inspection was held Oct. 2, 2014. Turf establishment and erosion must still be addressed by the contractor, while final site grading and construction of a lip levee will be done by Corps Hired Labor Forces.

**LPV-109.02a – Levee Enlargement for South Point to CXS Railroad and US 11 and US 90 Floodgates** The Corps continues to address vegetation encroachments, turf establishment issues, low spots in the crown at the monitoring stations, and excessive ruts and rills. The NCC was issued on July 31, 2014, but the Corps continues to address punch list items. A final exercising of the sluice gates at four drainage structures still remains to be done.

**LPV-111 – CSX RR to Michoud Canal** About 10,400 linear feet of levee found to be deficient in design grade have now been raised by the Corps Hired Labor Forces. Most of the work was done between Pump Station #15 and the Surge Barrier; a much shorter stretch was also raised at the project's east end on the GIWW. Turf must still be established on the raised sections. The NCC is expected by month's end.

**LPV-144 – Bayou Dupre** The recent replacement of hinge and pintle assemblies has not fully corrected an issue in the west leaf, which emits grinding sounds when moving. The Corps will continue to exercise the gates weekly throughout hurricane season and monitor any reoccurrence of grinding. Until October 15, 2014 the scheduled exercises had not resulted in any grinding noises. On this date, both the east and west leafs had grinding noises. The investigation continues and, at present, the path forward considers a combination of shaving the plates that hold the top bearing to increase clearances, placing shims against the abutment walls and using greased bearings.

**.LPV-145,146 & 148.02** These three projects were inspected by the Non-Federal Sponsor (NFS) and the Corps in August, resulting in a Corps-issued Task Order to repair hog damage, address settlement around access ramps and to mow LPV-145. The removal and replacement of timber mats over pipelines crossing the access road, and the repair of lightning strikes to floodwalls, will be done under a new LPV-150 contract that is not yet developed. A follow-up site inspection was held Sept.30, 2014. The NCCs for 146 and 148.02 were received on Sept. 16, 2014.

**LPV-145A – Bayou Bienvenue Bridge** Bridge approach “bent” pilings are being driven. . A two-day, over-the-shoulder review of the current plans with the contractor and designer of record was held on Sept. 23, and the ensuing report is being reviewed. The entire project won't be complete until the 2015 hurricane season

**LPV-148.02A Safe house at St. Mary's Pump Station** A pre-construction meeting was held on Sept. 4, 2014, and the contractor plans to mobilize to the



site within the next two weeks. Site surveys are complete. Project completion is scheduled for April of 2015

**LPV-149 – Caernarvon Structure** Although the issue does not interfere with gate operations, the Corps has determined that there will be corrective action taken to counter paint peeling off the flood side skin plate of the Sector Gates. In order to repaint, the Sector gates will be dewatered at some point after the 2014 Hurricane season. The dewatering will temporarily impact navigation in the area, but dates and other details of the closure aren't yet available.

**LPV-149A – Floodwall Tie-In to the MRL at Caernarvon** Construction is complete, a final inspection was held and the NCC was received on Sept. 24, 2014.

**Outfall Canals** The installation of sheet pile along the London Ave Canal (OFC-07) is finished, but the entire project is not scheduled for completion until early November. The tie-ins still require jet grouting. All sheet piling has been driven along the 17<sup>th</sup> Street Canal, and the safe water elevation has been raised to Elevation +8'; however, it will remain at Elevation +6' on London Canal until all back fill is added.

The contractor for the 17<sup>th</sup> Street Canal bank protection project (OFC-08) has established a lay-down yard and is preparing to receive stone. A hardened, flood-side bulkhead has been established to protect the wall while loading and moving barges in canal. The contractor will begin placing stone along the canal by the end of October, and completion is expected in January of 2015.

**Permanent Canal Closures and Pumps (PCCP)** Please check the New Orleans District web site [www.mvn.usace.army.mil/missions/hsdrrs/pccp.aspx](http://www.mvn.usace.army.mil/missions/hsdrrs/pccp.aspx) for details and regular updates on this last major HSDRRS perimeter project.

**Armoring** The first system-wide armoring installation contracts are scheduled to be awarded in December 2014. The two initial contracts will armor levees in St. Charles Parish. The SLFPA-E, SLFPA-W and CPRA continue to pursue raising some levees at local cost before they are armored in order to save millions of dollars in future armoring replacement costs. The Corps has submitted to the OLD two Right-of-Entry requests in preparation for armoring the lakefront levees in Orleans Parish.

**SBPS-07 – Repairs to LBBLD Pump Stations #2 and # 3** Site work has started at Pump Station #3 with the installation of a coffer dam.

## Mississippi River Projects

**Jefferson Heights** Work on the first half of this levee-raising project in East Jefferson should be complete in December. About 90% of the levee in this first phase of this project, which includes 4.2 miles of river levee between the Orleans

Parish line to Orchard Road, has been raised and seeded with Bermuda grass. The all-weather access path is also 90% complete, and tree removal is finished. The permanent ramps at Monticello and the S&WB are also complete.

The second half of the levee project is 4.5 miles long, running from Orchard Road in River Ridge to the St. Charles Parish line. This downriver phase of work won't start until the contractor completes the first phase.

**Carrollton Project** All levee enlargement work in Orleans Parish is complete, and only site cleaning remains. A final inspection was held July 16, 2014, and the Corps is preparing a response letter to address some remaining OLD concerns. The Corps is scheduled to provide its response next week.

## Internal Affairs

### Non-Federal Levee Certification

Geotechnical field investigations, lab tests and land surveying are complete in St. Bernard and Orleans parishes, and the geotechnical report for the 40-Arpent Levee should be completed this month. The O&M Manual for the 40-Arpent Levee is already complete and is being reviewed by the Levee Districts. Alternative designs for a new closure at the Shrimp Factory in St. Bernard are estimated at about \$3 million. LBBLD's request for \$2 million in state capital outlay funds to help finance this work was unsuccessful and funds are now being sought from the state's Interim Emergency Board. Meetings have been held with both Orleans and St. Bernard government officials concerning the urgency of this project, and both parties are looking for funding sources. Detailed topographic and property surveys in the Shrimp Factory area are underway.

Both SLFPA-E and the City of New Orleans signed the final certification report for the Maxent/Paris Road levee on Sept. 12, and it was promptly submitted to FEMA. A response is expected in 4 to 6 weeks.

The draft certification report for the 40-Arpent Levee, which will also be submitted to FEMA, should be ready for review by SLFPAE and St. Bernard Parish this month, but a final document cannot be submitted to FEMA until the Shrimp Factory work is done. We continue bi-monthly meetings with our consultant to discuss progress of these critical repairs and alternate closures.

**Semi Annual Report (SAR)** The first SLFPAE Semi Annual Report (SAR) is to be submitted to the CPRA this month. It will confirm operation and maintenance information for the HSDRRS components that are the responsibility of the EJLD, LBBLD and OLD. The CPRA will then combine our SAR with similar reports filed by other entities, such as Jefferson Parish, Orleans Sewerage & Water Board and Pontchartrain Levee District, which have O&M responsibilities for other parts

of the HSDRRS that are not under the SLFP AE umbrella. The CPRA is to submit a single report to the Corps on or before Oct. 31, 2014.

**Risk Assessment RFP** The RFP for the CDBG-funded Risk Assessment project received two submissions, and a review committee is being appointed to conduct interviews within the next month.

**Training** The OLD's Complex Structure Team continues to evolve its training program, becoming ever more familiar with the operation and maintenance of HSDRRS complex gated navigational structures. Development of an overall asset management program was awarded to ID-IQ consultant Moffat & Nichols, and employees from OLD and LBBLD have held preliminary meetings with the firm.

**Emergency Preparedness** The Mississippi River, now around elev. 4.0', is expected to rise to elev. 6.0' in the next several days before falling.

**Hurricane Season Preparation** SLFP AE staff continues to accompany the Coast Guard on regular boat rides to inventory barges in the IHNC that must be evacuated in advance of certain tropical storms and hurricanes. The tours will continue throughout the 2014 season. At present, there are no tropical storm systems that pose a threat to our region.

**Complex Structures** Both bearings in the leafs of the Bayou Bienvenue structure have been repaired and reinstalled. The structure is in full working order.

An actuator rod connection on one of the three main pumps in the Barge Gate fell out of adjustment following repairs to the valve on the pump.

Personnel from the OLD were able to recalibrate the equipment after securing additional information from the manufacturer, and the Corps will add that new calibration data to O&M manuals for future use. The two working valves and pumps would have allowed full operation of Barge Gate had there been an emergency before the adjustments were made.

#### **New Contracts:**

Vali Cooper International, Inc. (VCI) – Provide Project Management Services to LBBLD for planning, engineering and design of Shrimp Factory Levee Alternative Project. The Sept. 16, 2014, agreement is not to exceed \$49,500

#### **Meetings and Items of Note:**

The next CPRA Board meeting will be held Nov. 12 at 9:30am at the Galvez Building in Baton Rouge.

### Levee District Construction Projects:

Project	District	Status	Comments
Seawall Steps Erosion – Phase 1B	OLD	Complete	NC
Floodgate & Floodwall Repairs	OLD	93% complete	
MRT and IHNC Vegetation Removal	OLD		Work begins in October
Seawall Steps Erosion Phase 4&5	OLD	40% complete	
Lakeshore Seawall Street Lights – Reach 2	OLD	Complete	Waiting for Entergy to install meters to power up lights
Florida Avenue Levee Repairs	OLD	90% Complete	
Seawall Steps Erosion Phase 2B	OLD		Bids received on September 30; contract award pending

### Levee District Project Designs and Studies

Project	District	Comments
Outfall Canals Erosion	OLD	Study complete; design pending Board approval
Lakefront Seawall Area Reach , 4&5	OLD	Design complete; construction administration 40%
Lakefront Seawall Area Reach 2B	OLD	Design complete; construction administration pending Board approval
Floodgate Seal Repairs	OLD	Design complete; construction administration 93% complete
IHNC St. Claude Bridge Drainage	OLD	Design 75% complete
Lakefront Levee Slope Drainage Reach 4	OLD	Survey complete; design 60% complete
Citrus Lakefront Levee Survey at Intersections	OLD	Survey complete; design pending Board approval
Phase 1 for engine upgrades at Pump Stations	LBBLD	95% designs due in mid-Oct
Phase 1 for Safe Room Design HMGP approved by FEMA	LBBLD	Phase 2 approval received from FEMA Region 6 & GOHSEP; anticipate Phase 2 funds for construction by 10/31/14
Pump Station #6 pump repair and hangers at P.S. #7	LBBLD	P&S complete; advertise when erosion control project is complete
Pump Station #6 Erosion Repair	LBBLD	P&S complete; preparing to advertise
Safe house & Consolidated Facility	EJLD	Working with the City of Kenner on revisions to the PUD/Resub/Alienation of Streets submittal; architect also working to complete the design document to be used for the cost estimate