**New Orleans Municipal Yacht Harbor Management Corporation**

**Regular Board Meeting**

**Tuesday, March 14, 2023 6:30pm**

**Municipal Yacht Harbor Administration Building**

**1st Floor – West Meeting Room**

**401 North Roadway Street**

**New Orleans, LA 70124**

PRELIMINARIES

1. Meeting called to order at: 6:30 by Tim McConnell.

Attendance was taken by Tim McConnell. Board members present:

Tim McConnell

Keith Amacker

Jessica Addison

Monya Criddle

Akeisha Tircuit

Roger Watkins

Mark Heck

1. Presentation of agenda by T. McConnell
	1. Motion by R. Watkins, seconded by M. Heck. Agenda adopted unanimously.
2. Approval of February 14, 2023 meeting minutes. Motion by Watkins, seconded by A. Tircuit. Motion carried unanimously.

ACTION ITEMS

1. Election of Officers, (T. McConnel)

Current Nominations:

* 1. President – Tim McConnell
	2. Vice President – Christopher Hammond
	3. Secretary – Monya Criddle
	4. Treasurer – Roger Watkins

This is a motion from the nominating committee. Second is not needed. Motion accepted unanimously.

1. MYHMC RPF 1000 Legal Services Selection Committee Report Presentation

 **Committee Members (all attended):**

Bryan Whited – Executive Director MYHMC

Ariane Robinson – Deputy Director MYHMC

Wayne Bloom – Staff Accountant MYHMC

**Public Attendees:**

Debra J. Fishmen – Sher Garner

Ethan Zubic - Gordon Arata

**Proposals Submitted:**

Burglass Tankersley Gaudin Phayer (Burglass)

Gordon Arata and Caraway LeBlanc (Gordon Arata)

Sher Garner Cahill Richter Klein & Hilbert, LLC (Sher Garner)

Stone Pigman Walther Whittmann LLC (Stone Pigman)

The Selection Committee each graded the proposals using the point scale provided in the RFP. Because the points are assigned subjectively by each committee member, the proposals were ranked by each committee member and their recommendation was recorded. In the case of a tie, it was decided that a short list would be created, and additional evaluation would take place.

The result of the committee recommendation follows:

Stone Pigman – 2 votes

Gordon Arata – 1 vote

**Selection Criteria:**

The selection criteria were completed using a scoring system as described in the RFP and included but was not limited to: Price Proposal; Specialized Experience, Work Capacity, and the Ability to Deliver Project; Performance Track Record, Submission Responsiveness and References; Qualifications and Technical Competence; and DBE Requirements.

**Submission Grading Synopsis:**

Burglass received no votes from our committee members. The grading criteria showed lower scores than the other submittals primarily with a lack of real estate development history and examples; and failure to provide a DBE report, although the firm did relay a past history of DBE support.

Sher Garner, Gordon Arata, and Stone Pigman all scored closely in each of the members grading criteria. Gordon Arata received one vote from one committee member due to high scores in the price proposal, similar work experience, and references. Stone Pigman received two votes from our committee members due to high scores in similar work experience, submission of numerous examples matching our needs for this development project, and strong references. Sher Garner scored well within each of the grading criteria but did achieve a top score for any of the committee members.

All proposals were thorough, and the selection committee members independently graded the submissions.

**Recommendation:**

Based on the results of the grading process, the selection committee recommends Stone Pigman to engage in the contract with respect to MYHMC RFP1000.

3.

resolution
*(Authorizing the Execution of a Contract with Stone Pigman Walther Whittmann LLC)*

WHEREAS,the New Orleans Municipal Yacht Harbor Management Corporation

(“MYHMC”) is a public benefit corporation of the City of New Orleans, which leases from the City of New Orleans its property rights at West End; and

 WHEREAS, it had previously been proposed to MYHMC by the Law Department of the City of New Orleans that there may be occasions when outside counsel is needed to provide legal services to MYHMC; and

 WHEREAS, the MYHMC released RFP1000 for legal services up to $100,000 and received four respondents; and

WHEREAS, the MYHMC selection committee reviewed and graded the proposals and recommended the firm Stone Pigman Walther Whittmann, LLC; and

 WHEREAS, the firm of Stone Pigman Walther Whittmann, LLC has agreed to provide legal services to MYHMC based on the fees and services provided in the proposal; and

 NOW, THEREFORE BE IT RESOLVED that the Board of Directors of MYHMC hereby authorizes its President or its Executive Director to enter into a contract with the firm of Stone Pigman Walther Whittmann, LLC (for general legal services not to exceed $100,000.)

**March 14th, 2023**

Motion by J. Addison, seconded by M. Heck. Motion carried unanimously.

Discussion Items:

1. Discussion of Marina Electric Billing Rates and Policies.
	1. Scott (slip tenant) at the last meeting had questions about our utility rates and policies. We had discussed this at a previous meeting but Scott was not present and wanted to talk about it at the last meeting but it was not on the agenda. We promised that it would be put on this meeting’s agenda for further discussion.

Bryan Whited: Since this was a FEMA project, they did build a floating dock marina instead of the fixed piers as an improved project. However, they declined to install metered power pedestals because it was not there pre-Katrina. The Board did ask Entergy to provide meters as in Southshore Harbor & Orleans Marina but they declined. The calculation to upgrade to metered pedestals is between $400K-$500K. Each meter is approximately $900 and we have over 400 slips plus installation. This would also require additional staff for audits, billing and maintenance. There would also be the issue of tenants requesting to not use power and then during heat waves or cold fronts and needing to put heaters or a/c on their boat and plugging in to their neighbor’s pedestal. That would be extremely difficult to bill and sort through. There is also the issue of standard boat maintenance with the use of 20amp household outlets which costs money. If tenants are not paying for utilities, that could pose a problem. There is major concern of the potential theft of power from neighbors. The marina’s cost for electricity is cheaper than retail. We pay city government prices which are discounted. We do not mark up electricity. Rates are based on overall usage of the previous year and then averaged based on slip size. A 40’ slip is billed $67/qtr. which we believe if fair. Unfortunately, some people are not going to use all of it and some people are going to go over that amount. It is a fair price to pay to have access to electricity whenever you need it. Liveaboards are charged double the standard rates because it is assumed that they are using more power. Transients pay for power per day.

T. McConnell: We could increase the overall slip rates but that would require a City ordinance. We just renovated the marina after Katrina. At some point we are going to have to start upgrading certain components and that may be the time to put additional efforts into upgrading the pedestals. Right now, we believe this is a fair methodology for all tenants.

Public Comment by Rick Paulk: There are gadgets out there that would bypass Entergy and allow you to do what you’re trying to accomplish.

T. McConnell: I would appreciate you sending that information to Bryan and we will vet it. We are willing to do whatever will make this a better process. If the gadget is up to code, approved by Safety and Permits and certified for marina use, we can definitely look into it.

1. Discussion of Individual Emails for Board Members (T. McConnell)
	1. I looked into this last year and with feedback from Board members, we now have the ability to obtain City emails (nola.gov). As a former City employee, I can tell you that all Board related emails are subject to the Freedom Information Act (FOIA). If you receive a request, you are required by law to fulfill that request within 3 days. You would need to be sure you’re not sending any person’s personal information (medical, ssn, etc.) By opting into a City issued email address, there would be no reason for you or anyone to search your personal email account. The City Attorney’s office will have the ability to obtain requested records on your behalf. I would like to poll the Board on your thoughts. You could always have your City issued emails forwarded to your personal so that you don’t have to continuously check two separate accounts. You will have to log in every three days or the system will lock you out. It is very secure and managed by the City. I am in favor of this idea. It is at no cost to the Board and no costs to fulfill any FOIA requests. Is anyone opposed to it?

R. Watkins: Will we be responsible to any additional security training?

T. McConnell: I spoke with the City’s ITI Deputy Director and they didn’t mention it.

B. Whited: As City employees, we have to complete training at least annually, so I would assume such.

T. McConnell: Okay, we will move forward on getting emails issued.

Public Comment by Charles Marsala: I’ve emailed several of you privately but with so much going on, I think it would be better to have this City email. When other meetings in the city is going on, I can easily share details. I am in support of this idea.

J. Addison: I would like to request to Mr. Marsala to stop sending me emails until the new city email has been issued. I don’t want to have my personal email go through any information act.

1. FINANCIAL REPORT (R. Watkins) 1.19

As of February 28th, MYHMC has total assets of $4,772,800 with current assets of $3,501,900 and the bulk of which is in the form of cash of $3,335,000 in two accounts at JP Morgan Chase Bank. Of this amount, $2,450,600 is in committed reserves.
 On the liability side, MYHMC had total liabilities of $402,600 of which all are current liabilities (and that consists primarily of unearned revenue of $201,400 and accrued annual and sick time of $129,900). That leaves MYHMC with total equity of $4,370,200 of which $3,546,500 is unrestricted net assets. For the month of February, MYHMC had revenues of $170,400 and operating expenses of $138,400 which resulted in Net Income of $32,000. Year to date revenues are $334,900 with total expenses of $269,000 resulting in a year to date profit of $66,000. Slip Occupancy is currently at 94%. Committed Reserves include amounts for insurance reserves, operating expenses, (18 months personnel expenses, and 6 months other operating expenses), dredging, dock replacement and other capital improvements.

Motion to accept the financial report by M. Heck seconded by M. Criddle.

Motion carried unanimously.

Public Comment by Charles Marsala: If we received money from Parks & Parkways and matched it with the 3:1 federal grant money, we would be looking at $600,000 per year coming in. While we’re waiting to see what’s going to happen with the development, we should be trying to get the money from the Park’s budget. They are looking to expand their parks because of the extra money they have received from the millage. They are also looking for parks to acquire. The revenue seems like it would be strong if we were able to obtain money from the City.

Public Comment by Bridget Neal: What is the conflict-of-interest policy and how much does it expand as it relates to the development and elected officials? I am concerned about how them and their immediate families could benefit from the potential real estate transactions. How involved does the Board plan to be in investigating any conflicts of interest?

T. McConnell: State law is clear on conflicts of interest and Ethics laws are in place. If an elected official chooses to violate the laws and it comes to light, we’ll take the necessary steps to alter our decisions. I don’t know that there’s much to do to stop it but that’s why the laws are in place. If I become aware of any conflicts, I will make sure the Board is aware and we’ll make the necessary decisions. Whenever the City spends $1, the same rules apply. If someone decides to break the law, hopefully they get caught and pays the price for it.

K. Amacker: We are required to complete a survey and list any potential conflicts of interest.

I have taken the 1.5 hours of state ethics training and it addresses all of your concerns in extreme detail. Throughout the training, there are questions to make sure we understand completely. Then, my results are sent to the State. All City officials must complete this same training. We are all honor bounded to do the best we can.

1. DIRECTOR’S REPORT (Mr. Whited)
2. Staff Hiring: Our second Grounds patrol officer has a start date of April 2. We will continue to interview for a third officer.
3. West Lot: Sewerage and water board have completed repairs to the area. The point contractor is destroying and removing the concrete pilings from the marina construction.
4. The Point: Waiting for Entergy to install lights. Install date of 4/10 provided by Entergy. Cameras to follow.
5. Sale of Boathouses: Will develop a plan as soon as RFP for legal work is completed.
6. West End Park: Capital projects department has gone out to bid for damages regarding the Hurricane Zeta FEMA claim. MYHMC staff will continue to work with them to complete minor repairs to park amenities.
7. Marina: Wifi is currently being installed. Cox contractor is installing cabling and having poles fabricated. Cox will install antennas and hardware. Front door parts have arrived and repair is scheduled for next week.
8. Big Green Easy Parks Initiative – I met with the consultant for the City and provided information about our parks. We will be included in planning and recommendations, but we will not be receiving money from the millage. We will look for alternative sources of funding based on the recommendations we get from the project.

M. Criddle: Is there a timeline on the Big Green Easy Park?

B. Whited: There are holding public meetings right now. You can look up “Big Green Easy”. They are looking for public input. There’s a survey that everyone can complete online and give feedback on how they feel the parks are being used. I’ve done it, I think everyone should do it as well. They are going to take all of that information and make recommendations. We have been invited to attend a few meetings. Any meetings that I am able to attend, I will. We are looking for recommendations on how we can improve our park.

M. Criddle: Do you think they are able to meet with us and our constituents?

B. Whited: They are based out of state. When they are in town, their meeting have already been planned.

T. McConnell: Has any meeting been scheduled?

B. Whited: I don’t have a specific meeting. They are going to reach out after the first phase of community involvement.

T. McConnell: Can you send out the meeting dates to the board when you get them?

B. Whited: Sure.

Public Comment by Charles Marsala: I did attend one of those meetings. I believe the first round is done. I emailed the director and suggested we hold a meeting out here, New Orleans East, Algiers, Treme. The survey talks about recreation needs. Pickleball was something big that came up at the meeting I attended. Next thing, Jefferson Parish requires a listing on their agenda on who’s being donated to as Councilman. For example, if Jennifer Van Vranken is receiving money from an architect that designed the Regional Planning Commission study, it would have to show up as an agenda item as how much was donated to her campaign. We know that Representative Hilferty is in the commercial real estate business.

Lee Henderson: We should get trash receptacles around the park and that would encourage people to use them. There’s lots of clippings of trees and bushes pushed to the side; the lawn guy needs to pick them up. The Pond was cleaned last year which was great. It needs to happen at least once or twice a year.

T. McConnell: Is it in the contract for grass cutting for them to clean up any debris?

B. Whited: It’s separate.

T. McConnell: Maybe we can talk to them about it. I know it’s an added fee but they’ll have the equipment to do it and we do not.

Bridget Neal: I have witnessed the upgrading of poles in the French Quarter. As they were upgrading the poles for lights, they were putting in fiberoptic cables for Wi-Fi and adding tubing for future use. If you’re talking about Entergy digging holes for poles, we should talk about making it a proper project with tubing. We should try to get our wiring underground and upgrade our services. I have two different internet providers to try to get sufficient coverage. There is already a ton of information at the City level about the work they are doing in the French Quarter.

T. McConnell: Do you know who paid for that infrastructure? Usually, it’s paid for by the provider.

B. Neal: I think they were sharing a pole with Verizon.

T. McConnell: Please send all relevant information you have to Bryan. I think it’s worth looking in to. Hopefully they see enough business out here to want to pay for the installation.

B. Whited: I’ve engaged Entergy to add security lighting to the Point. We’re renting two poles and 4 lights for approx. $100/month. We are using the existing lines of power overhead. We are using our own cameras that are on wifi.

J. Addison: What you are talking about is a much bigger project. It is not something that [Bryan] can stop in the moment and redo. This has need to be done separately. People have been asking for wifi for a long time so lets work to get this finished. At the same time, we can look at a separate program.

What you’re talking about takes a bit more planning and coordination. It’s something that can be looked into but we can’t stop this project right now.

T. McConnell: AT&T has the fiberoptics, but Cox is installing the wifi right now. Are you saying that you don’t have the speed you need?

B. Neal: I would like to be consistently connected and not drop calls. This is about the master planning of it all. I thought you guys were putting in new poles and infrastructure. I was suggesting that if you’re going to dig into the ground, we should bury tubes that can have additional things added in them later on instead of continually digging into the sidewalk. If that’s not what this is, then I understand.

1. UNFINISHED BUSINESS
	1. No unfinished business
2. ECONOMIC REDEVELOPMENT COMMITTEE

We just met before this meeting. Hilferty has a draft legislation that is being worked on. We gave some feedback on the subject. CM Giarusso, JP CM Van Vranken and Hilferty’s office is working on this. Nothing has been introduced or pre-filed that I’m aware of. I thought the CEA was expired but Mr. Marsala has informed us that it has not. I will have Bryan find out for sure. The CEA in 2019 allowed for the State, the Parish and City of New Orleans to develop the land here. As of now, nothing has been done to complete what the CEA allows (taxing and management). We also talked about the Right-of-ways where the old parking lot was located as to if that was actually a street. Our surveyor and DPW has no knowledge of that ever being a street. Google Maps labels it as Breakwater Dr. This is the path coming from West Roadway where you would have driven to park your car. Lastly, we discussed a lease between Jefferson Parish and the City to allow this to happen. Nothing has happened on that front. There has been discussion on whether the development is legal. I am not an attorney and I encourage everyone to read Acts 1910 and 1906. It reads “for the granting of rights and privileges for the establishment, operation and conduct of amusement institutions or attractions or devices or other private businesses be operating of it in said park”. Everyone has their own opinions of what this means. If Hilferty deems it fit to codify the draft and introduce it, we’ll have the legislation. Included in the draft is the approval of development with the restriction of no residential. The legislation would provide some comfort to a developer that will invest a ton of money.

M. Heck: I hope we made it clear that we intend to make this an open process and engage the community and we are going to require it of the developers as well. The NPP process was mentioned and we are going to require above NPP base level community engagement. While everyone may not be happy about a development, we are going to continue to be as transparent as possible. We allow people to come in, we listen and take that into account. We are going to expect the same of developers submitting proposals.

Public comment by Charles Marsala: I emailed the Governor’s Office to inquire if Acts 1906 and 1910 are still in play. They turned it over to their attorney and he said that it was. I did find documents that the CEA was renewed and I send these to you guys with the expectation that you would like to see them. When we have certain discussions, I think they would be helpful. Should you guys vote to say you don’t want it to be a park and that you want to develop it? That way money isn’t being spent on pursuing the development and we’re not spending money to go out and make sure that we can build something there when we haven’t officially decided that’s what we want. I think we need to define what we mean by “responsible development”. The CEA says whatever generates the most revenue. That is not going to be a short building but the biggest structure possible. I am concerned about the boats playing loud vulgar music that I could hear from the Point. At the December meeting, we heard the places with the outdoor music and that’s not going to be a good quality of life our here. We’re not going to have Fitzgerald’s but 4 Felix’s with the music. I would encourage everyone to read the minutes when they come out.

Bridget Neal: Any board can ask for an opinion from the Attorney General on this question. I’m not sure why we are still debating it instead of asking the AG. The City or State can go against them but I’m 100% sure that only commissions and boards can ask for an opinion and they will assign someone to do nothing but research this matter. I can help you with that process. Next item: can we talk about using that space for a dog park? It wouldn’t have any infrastructure requirements. I believe that this is the most beautiful and underutilized area in New Orleans. I don’t complain about paying taxes because I believe it is a privilege to live out here. I want more people out here but I don’t want the construction to occur without a master plan. Why not wait until our leases are up and create a 10-year plan? That is when we could upgrade the lighting and infrastructure. You’re going to have to tear up most of the land for the 3 acres. Why not just tear it all up and re-do the entire area at the same time? I don’t understand why this has to happen now; which brings me back to my conflict of interest question. They cannot piece mail this project without disrupting the quality of life.

T. McConnell: I want to respond to Mr. Marsala about taking a vote on the development. I’ve said this before but until I have more information and bring a consultant on board, I don’t know if a park is what I want. I don’t live out here, so I don’t understand all the push back. I am in favor of green space and am not in favor of treen being torn down. At the last meeting, a comment was made that we plan to tear down all 26 oak trees, which is not true. Making comments like that is not helpful to the process. I will not ask this Board to vote until we have more information. We have talked about bringing people on board to help us drive this process as opposed to waiting for the City’s economic development office to do it. I’ve been around for a long time and haven’t seen much progress.

C. Marsala: Stephanie is pushing forward so that it can be developed.

T. McConnell: There is a difference between “can be” and “will be”. She’s pushing legislation because we were told it cannot happen.

1. QUALITY OF LIFE COMMITTEE (Monya Criddle)

We have not met. Many of the things on our list are still in progress and I’m hearing that more items are being added. I am proposing that we schedule a meeting before the next board meeting, maybe April 2nd. Hopefully, we can discuss these items in more detail and come up with some solutions.

Public Comment by Rick Paulk: I am concerned about light pollution at the Point. There are places that have ordinances about how lights should be handled. You don’t want to go outside for a lake view and get blinded by spotlights in the parking lot.

B. Whited: They are standard Cobra head streetlights pointing down to the ground. There are no spot lights or flood lights. They are the same lights that’s on every road.

T. McConnell: Have they been installed already?

B. Whited: No.

T. McConnell: Is there something we can do to prevent this from happening? Does anything need to be added?

B. Whited: These lights the lowest possible pollution.

R. Paulk: Will the lights at the Point be on from dark until dusk?

T. McConnell: I’m assuming we can determine that.

B. Whited: Yes, we can. They will be on from dark until dusk.

T. McConnell: As long as we know we have the power to turn them on and off, maybe we can invest in some kind of shade. We need to make sure that if security gets called out by residents they are able to see what’s going on, on the ground.

J. Addison: The specific light that Bryan’s talking about already does it on its own. It already shines down to the ground.

T. McConnell: Somebody from their boathouse shouldn’t be blinded by it?

J. Addison: Ideally, no. It’s just enough light to be able to drive and not run into anything which is important on a public road.

Patty Favalora: This is a beautiful park. This past weekend, three of us cleaned up a ton of the park. We had three trailers full and didn’t make a dent. It has been forever since anything has been picked up. There’s mildew on the branches. Somebody else needs to get out there and keep it up on a regular basis. I don’t know what we are paying for as far as the upkeep of the park. It doesn't seem like it’s getting mowed very often. It used to be about every two weeks. Now he seems to be once a month. Is there someone we can hire for the upkeep? Hurricane season is coming and all that debris is going to end up on our front doors.

Charles Marsala: Dog parks is a great idea. When I went to the Parks meeting, dog parks was one of the main things that people were looking for. I thought pickleball was a joke but many people like pickleball. The schematics showed the trees gone in that area because of where they want to build. If we’re going to save the trees we have to figure out how many acres are available. It has been listed at 5 acres, which is not true especially if we are going to save the trees. Environmental education vs. bars is something we should think about because the youth needs activities and there is already a lot of environmental concerns. We can use this to teach about all of the toxins that need to be cleaned out of the lake that are causing problems with algae blooms. The Regional Planning Commission has already said that we are saturated with restaurants. The loud base noise that Joe said he can’t stop is a concern if they are going to put 4 bars there. We won’t be able to sleep at night with the pounding base.

J. Addison: Badger is very experienced with saving trees. They have worked with Dana Brown on many projects. They are very clear on how far out they need to go to save the trees. I will reach out to Badger.

 T. McConnell: Bryan, take a look at our contract to see what needs to happen to get it cleaned up out there. We pay a set price per acre for cutting. When we want to have additional work done such as cutting trees there’s an additional fee. We want them to cut the grass every week but they are not available. Should we switch to Parks and Parkways; they are not available either. P&P hired the same people we did. We’ve been having this problem since covid. There are just not enough people for the job.

P. Favalora: The issue is more of the palm trees than anything. They never get picked up.

T. McConnell: We are going to take care of it.

1. SECURITY AND SAFEY COMMITTEE (T. McConnell)

At the last meeting we discussed the duties of the Grounds Patrol Officers. We have policies in place and are working to see if they need any amendments. We are also working with Homeland Security to determine if our policies align with what they are doing.

Public Comment by Kerry Cuccia: My understanding is that the lights at the Point are going to be on when it’s open for public use. There is no need to have the lights on after 9pm when the point is closed. We can use cones, but they need to work. Just like the boat launch lights turn off and on during hours. We still don’t have striping on the road. The amount of trailers are increasing and they are not moving. There is a trailer that has been parked on the first part of Breakwater Dr. where the curbing is and a safety hazard. There is a trailer in the parking bed in front of 29 that has been there since day one. We need to do whatever it takes to get the City to come move them. They came out and striped but they need to be moved.

M. Criddle: I saw the signage and I know you (Bryan) sent letters to those people you could identify as owners of the trailers. Can we not get them towed?

B. Whited: It’s a city ordinance. I have reported many trailers and every tenant has the right to report them as well. Someone recently reported a vehicle without a wheel on it and used my information on it. If you all want me to report something, please let me know but do not use my information to report anything. The City has been better about responding but they have been out of the stickers for months and cannot legally remove the trailers without the stickers having been on for the required number of days. They did say they should be getting some in this month.

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Motion for adjournment by Mr. McConnell Seconded by Watkins. Motion carried unanimously.

Time: 7:54 PM

**Date & Time of Next Meeting :** Tuesday, April 11, 2023| 6:30 PM

 MYHMC Admin Building