COMPLETED AGENDA
Regular Meeting of the City Council
held in City Hall Council Chamber
on Thursday, September 17, 2009 at 10:20 A.M.

ROLL CALL
PEGGY LEWIS
CLERK OF COUNCIL

INVOCATION
REV. DR. LEON TILTON, JR., PASTOR
TEMPLE OF DIVINE LIGHT BAPTIST CHURCH

PRESENTATION OF COLORS

PLEDGE OF ALLEGIANCE TO THE FLAG
CYNTHIA WILLARD-LEWIS
COUNCILMEMBER DISTRICT “E”

NATIONAL ANTHEM
REV. DR. NORWOOD THOMPSON, JR.  CITY COUNCIL CHAPLAIN
A. **ROLL CALL**

1. PEGGY LEWIS, CLERK OF COUNCIL

B. **INVOCATION**

1. REV. DR. LEON TILTON, JR., PASTOR
   TEMPLE OF DIVINE LIGHT BAPTIST CHURCH

C. **PRESENTATION OF COLORS**

D. **PLEDGE OF ALLEGIANCE TO THE FLAG**

1. CYNTHIA WILLARD-LEWIS, COUNCILMEMBER DISTRICT “E”

E. **NATIONAL ANTHEM**

F. **COUNCIL CHAPLAIN**

1. REV. DR. NORWOOD THOMPSON
SPECIAL ORDERS OF BUSINESS

A. FIRST ORDER – PRESENTATION

1. HONORING HERBERT SIMPSON

Brief:
A Member of the Negro Leagues and a resident of Algiers.

Annotation:
APPEARED. (Cn. Clarkson).

B. SECOND ORDER – PRESENTATION

1. SARAH M. STACK, UNO CENTER FOR HAZARDS ASSESSMENT, RESPONSE AND TECHNOLOGY (CHART), DR. NORMA JEAN MATTEI, CHAIR OF THE UNO CIVIL AND ENVIRONMENTAL ENGINEERING DEPARTMENT AND JOSEPH SHERMAN, HOLLYGROVE RESIDENT

Brief:
Discussing the Drainage Issues Affecting the Monticello Canal and Nearby Areas in Orleans Parish.

Annotation:
APPEARED. (Cn. Midura).
CONSENT AGENDA

A. COMMUNICATIONS

1. FROM TRACIE L. BOUTTE, VICE PRESIDENT, REGULATORY AND GOVERNMENTAL AFFAIRS, ENTERGY NEW ORLEANS, INC.

   Brief:
   Submitting a CD containing the files that represent the 2009 reporting requirements as outlined in Attachment A ("Agreement in Principle") to Council Resolution R-05-518, dated October 12, 2005. The filing requirements were originally suspended as a result of Hurricane Katrina and later reinstated by Council Resolution R-06-401, dated September 21, 2006.

   Annotation:
   RECEIVED.

2. FROM TRACIE L. BOUTTE, VICE PRESIDENT, REGULATORY AND GOVERNMENTAL AFFAIRS, ENTERGY NEW ORLEANS, INC.

   Brief:
   In accordance with the Rule 53 Settlement Agreement applicable to Entergy's Non-Regulated Investments, dated April 10, 1998, and filed with the Securities and Exchange Commission, submitting a report detailing the Regulated Utilities' proportionate share of the consolidated total Entergy's assets, operating and maintenance expenses for quarter ended June 30, 2009.

   Annotation:
   RECEIVED.

3. FROM RUBEN J. LEITE

   Brief:
   Requesting to address the Council regarding Section 110-191(5) (Rules and Regulations for Vendors) of the City Code to solicit the Council’s support for a change to this section of the Code.

   Annotation:
   RECEIVED AND REFERRED TO THE GOVERNMENTAL AFFAIRS COMMITTEE.
4. FROM W. L. ARGUS, JR., AIA, CSI, NCARB, PRINCIPAL, ARGUS ARCHITECTURE ENGINEERING, LLC

Brief:
Requesting a waiver for lot area and off-street parking for property located at 1037 Audubon Street.

Annotation:
RECEIVED. (Hearing Date Set for 10/1/09).

B. REPORT

1. OF THE EXECUTIVE DIRECTOR OF THE CITY PLANNING COMMISSION

Brief:

Annotation:
RECEIVED. (Hearing Date Set For 10/01/09).

C. ORDINANCES ON FINAL PASSAGE
1. CAL. NO. 27,641 - BY: COUNCILMEMBER WILLARD-LEWIS

Brief:
An Ordinance to provide for the establishment of a Conditional Use to permit a Fire Station in an RS-2 Single Family Residential District, on Sub 3, Lot 1-B of Square 25-A, in the Third Municipal District, bounded by Old Spanish Trail (U. S. Highway 90), Alba, Lucrino, and Murano Roads (Municipal Address: 4300 Alba Road); and otherwise to provide with respect thereto. (Zoning Docket Number 44/09)

ADOPTED. ORD. NO. 23,712 M.C.S.

2. CAL. NO. 27,642 - BY: COUNCILMEMBER WILLARD-LEWIS

Brief:
An Ordinance to effect a Zoning Change from an RM-2 Multiple-Family Residential District to a B-2 Neighborhood Business District, on Square 18, Lot A, in the Third Municipal District, bounded by Desire Parkway, Agriculture, Industry and Piety Streets (Municipal Address: unassigned); and otherwise to provide with respect thereto. (Zoning Docket Number 48/09)

ADOPTED. ORD. NO. 23,713 M.C.S.

3. CAL. NO. 27,647 - BY: COUNCILMEMBERS CARTER AND FIELKOW

Brief:
An Ordinance to provide for a Zoning Change from a B-2 Neighborhood Business District to an MS Medical Service District and for a Conditional Use to permit a clinic on a site occupying more than one acre in the UC Urban Corridor District, on Square 195A, Lot WW-1, in the Fifth Municipal District, bounded by Behrman Place, Behrman Highway, Memorial Park Drive and Ara Street (Municipal Addresses: Unassigned), and otherwise to provide with respect thereto. (Zoning Docket Number 58/09)

ADOPTED. ORD. NO. 23,715 M.C.S.

4. CAL. NO. 27,648 - BY: COUNCILMEMBERS HEDGE-MORRELL AND WILLARD-LEWIS

Brief:
An Ordinance to provide for the establishment of a Conditional Use to permit a large childcare center in an RD-3 Two-Family Residential District, on Square 1009, Lots 5-A, 6-A and/or Pt. 41-A, in the Third
Municipal District, bounded by Louisa, North Galvez, North Johnson, and Clouet Streets (Municipal Address: 2018 Louisa Street); and otherwise to provide with respect thereto. (Zoning Docket Number 59/09)

ADOPTED. ORD. NO. 23,716 M.C.S.

5. CAL. NO. 27,649 - BY: COUNCILMEMBERS FIELKOW, CLARKSON, MIDURA, HEAD, CARTER, HEDGE-MORRELL AND WILLARD-LEWIS

Brief:
An Ordinance to amend and reordain Ordinance No. 4264 M.C.S., as amended by Ordinance No. 16,976 M.C.S. (as amended), the Comprehensive Zoning Ordinance of the City of New Orleans, to amend Article 7, Section 7.3.6 Permitted Signs, to add historic signs as accessory uses to allow for the retention or restoration of historic signs, subject to appropriate supplementary standards, in all LI-Light Industrial Districts; and otherwise to provide with respect thereto. (Zoning Docket Number 63/09)

ADOPTED. ORD. NO. 23,717 M.C.S.

D. MOTIONS/RESOLUTIONS

1. NO. M-09-482 – BY: COUNCILMEMBERS MIDURA, HEDGE-MORRELL, CARTER AND WILLARD-LEWIS

Brief:
In accordance with paragraph 1 of Council Rule 45, determining that the services of a professional firm to perform Independent Monitor services in overseeing all aspects of ENO’s Third Party Administrator RFP development implementation, selection and recommendation to the Council of a TPA for its concurrence is desired and directing the staff to issue a Request for Qualifications to begin the competitive selection process established by Rule 45.

Annotation:
(Council Utilities Regulatory Committee recommended approval).

ADOPTED.

2. NO. R-09-483 – BY: COUNCILMEMBERS MIDURA, CARTER, HEDGE-MORRELL AND WILLARD-LEWIS

Brief:
IN RE: RESOLUTION REGARDING PROPOSED RULEMAKING TO ESTABLISH INTEGRATED RESOURCE PLANNING COMPONENTS AND REPORTING REQUIREMENTS FOR ENERGTY NEW ORLEANS, INC.

RESOLUTION AND ORDER TO APPROVE ENERGTY NEW ORLEANS, INC.’S APPLICATION FOR APPROVAL OF PROGRAMS TO BE INCLUDED IN THE ENERGY
SMART PLAN PURSUANT TO COUNCIL RESOLUTION R-09-136 AND THE 2009 AGREEMENT IN PRINCIPLE (DOCKET NO. UD-08-02)

Annotation:
(Council Utilities Regulatory Committee recommended approval).

ADOPTED.

3. NO. R-09-484 – BY: COUNCILMEMBERS MIDURA, CARTER, HEDGE-MORRELL AND WILLARD-LEWIS

Brief:
RESOLUTION REvising NET energy metering rules for New Orleans AND Directing Entergy New Orleans, INC. AND Entergy Louisiana, LLC TO REVISE TARIFF SCHEDULES NM-1 AND NM-1A

Annotation:
(Council Utilities Regulatory Committee recommended approval).

ADOPTED.

4. NO. R-09-485 – BY: COUNCILMEMBERS MIDURA, CARTER, HEDGE-MORRELL AND WILLARD-LEWIS

Brief:
RESOLUTION REGARDING PARTICIPATION BY THE COUNCIL OF THE CITY OF NEW ORLEANS IN THE ENTERGY REGIONAL STATE COMMITTEE (“E-RSC”)

Annotation:
(Council Utilities Regulatory Committee recommended approval).

ADOPTED.

5. NO. M-09-487 – BY: COUNCILMEMBERS MIDURA, HEDGE-MORRELL AND WILLARD-LEWIS

Brief:
Designating Councilmembers Cynthia Hedge-Morrell and Cynthia
Willard-Lewis to represent the Council on the Entergy Regional State Committee.

Annotation:
(Council Utilities Regulatory Committee recommended approval).

ADOPTED.

MOTION TO ADOPT CONSENT AGENDA AND REFER OTHER MATTERS TO THE PROPER AGENCY.
YEAS: Clarkson, Fielkow, Head, Hedge-Morrell, Willard-Lewis - 5
NAYS: 0
ABSENT: Carter, Midura - 2
AND THE CONSENT AGENDA WAS ADOPTED.

A. EXECUTIVE SESSION

1) For the purpose of discussing the professional competence of principals of firms under consideration relative to the Request for Proposals (RFP) for Executive Search Services for the Director of City Council Utilities position (pursuant to R.S. 42:6.1) The firms under consideration are: Bob Murray and Associates, Tallahassee, FL., GEM Resourcing, Englewood, CO., Korn/Ferry International, Houston, TX., Management Recruiters of Bonita Springs, Bonita Springs, FL. and Scope Services, Inc., St. Joseph, MI.

SESSION HELD.

2) For the purpose of discussing the professional competence of applicants under consideration for the position of Interim Council Chief of Staff (pursuant to R.S. 42:6.1).

SESSION HELD.
A. REPORT

1. CYNTHIA SYLVAIN-LEAR, DEPUTY CHIEF ADMINISTRATIVE OFFICER, PAMELA SIMS-SMITH, PROPERTY MANAGEMENT DIRECTOR AND BILL CHRISMAN, CAPITAL PROJECTS DIRECTOR

Brief:
Updating the Council on the Cut-Off Community Center.

Annotation:
APPEARED. (Cn. Carter).

B. SPECIAL REPORT

C. GENERAL REPORT

1. COUNCIL DISTRICT “E”

Brief:
Giving a district report to the full Council.

Annotation:
APPEARED.
1. Brief:
Recommending approval of the Restoration Tax Abatement request for:

a. RTA #062140 - 2609-11 S. Galvez Street (Cn. Head).

b. RTA #062141 - 3309-11 Second Street (Cn. Head).

c. RTA #062143 - 3705-07 Clara Street (Cn. Head).

d. RTA #062144 - 3709 Clara Street (Cn. Head).

e. RTA #062145 - 3313-15 Second Street (Cn. Head).

f. RTA #062146 - 3317 Second Street (Cn. Head).

g. RTA #062147 - 3321-23 Second Street (Cn. Head).

h. RTA #062148 - 3327-29 Second Street (Cn. Head).

i. RTA #062209 - 3125 Gravier Street (Cn. Head).

j. RTA #062259 - 2516-18 S. Galvez Street (Cn. Head).

k. RTA #062261 - 2512-14 S. Galvez Street (Cn. Head).

Annotation:
(Report received at the meeting of 9/3/09).
HEARING HELD.

a. RESOLUTIONS

1. NO. R-09-471 - BY: COUNCILMEMBER HEAD

Brief:
Approving the participation of municipal address 2609-11 S. Galvez Street owned by NORA Group, LLC, in the Property Tax Abatement Program. (RTA #062140)
ADOPTED.

2. NO. R-09-472 – BY: COUNCILMEMBER HEAD

Brief:
Approving the participation of municipal address 3309-11 Second Street owned by NORA Group, LLC, in the Property Tax Abatement Program. (RTA #062141)

ADOPTED.

3. NO. R-09-473 – BY: COUNCILMEMBER HEAD

Brief:
Approving the participation of municipal address 3705-07 Clara Street owned by NORA Group, LLC, in the Property Tax Abatement Program. (RTA #062143)

ADOPTED.

4. NO. R-09-474 – BY: COUNCILMEMBER HEAD

Brief:
Approving the participation of municipal address 3709 Clara Street owned by NORA Group, LLC, in the Property Tax Abatement Program. (RTA #062144)

ADOPTED.

5. NO. R-09-475 – BY: COUNCILMEMBER HEAD

Brief:
Approving the participation of municipal address 3313-15 Second Street owned by NORA Group, LLC, in the Property Tax Abatement Program. (RTA #062145)

ADOPTED.

6. NO. R-09-476 – BY: COUNCILMEMBER HEAD

Brief:
Approving the participation of municipal address 3317 Second Street owned by NORA Group, LLC, in the Property Tax Abatement Program. (RTA #062146)
7. NO. R-09-477 – BY: COUNCILMEMBER HEAD

Brief:
Approving the participation of municipal address 3321-23 Second Street owned by NORA Group, LLC, in the Property Tax Abatement Program. (RTA #062147)

ADOPTED.

8. NO. R-09-478 – BY: COUNCILMEMBER HEAD

Brief:
Approving the participation of municipal address 3327-29 Second Street owned by NORA Group, LLC, in the Property Tax Abatement Program. (RTA #062148)

ADOPTED.

9. NO. R-09-479 – BY: COUNCILMEMBER HEAD

Brief:
Approving the participation of municipal address 3125 Gravier Street owned by NORA Group, LLC, in the Property Tax Abatement Program. (RTA #062209)

ADOPTED.

10. NO. R-09-480 – BY: COUNCILMEMBER HEAD

Brief:
Approving the participation of municipal address 2516-18 S. Galvez Street owned by NORA Group, LLC, in the Property Tax Abatement Program. (RTA #062259)

ADOPTED.
11. NO. R-09-481 – BY: COUNCILMEMBER HEAD

Brief:
Approving the participation of municipal address 2512-14 S. Galvez Street owned by NORA Group, LLC, in the Property Tax Abatement Program. (RTA #062261)

ADOPTED.
E.   **HISTORIC DISTRICT LANDMARKS COMMISSION APPEALS**

1. **OF DUDLEY AND SANDRA DANFORTH**

   **Brief:**
   Requesting to appeal the Historic District Landmarks Commission’s decision of “denial” of the retention of an R-panel metal roof and proposal to install R-panel metal roofing at rear additions for property located at **632-634 Gallier Street**.

   **Annotation:**
   **APPEAL GRANTED.** See Motion No. M-09-489.

2. **OF TERESA M. LAMAN**

   **Brief:**
   Requesting to appeal the Historic District Landmarks Commission’s decision of “denial” for the retention of decorative security doors for property located at **818-22 Touro Street**.

   **Annotation:**
   **APPEAL GRANTED.** See Motion No. M-09-495.

F. **NEIGHBORHOOD CONSERVATION DISTRICT COMMITTEE APPEALS**

1. **OF LONA HANKINS, DIRECTOR OF CAPITAL IMPROVEMENTS, RECOVERY SCHOOL DISTRICT**

   **Brief:**
   Requesting to appeal the Neighborhood Conservation District Committee’s decision of “denial” of the demolition of property located at **2622 S. Prieur Street**. (Hoffman Elementary)
2. OF JASMIN J. HARALSON, COMMUNITY OUTREACH MANAGER, NEW ORLEANS REDEVELOPMENT AUTHORITY (NORA), REPRESENTING LOUISIANA LAND TRUST

Brief:
Requesting to appeal the Neighborhood Conservation District Committee’s decision of “denial” of the demolition of property located at 1412 Lizardi Street.

Annotation:
APPEAL GRANTED. See Motion No. M-09-500.

3. OF LAUREN M. WOMACK, ADMINISTRATIVE ASSISTANT, THE DEMO DIVA DEMOLITION

Brief:
Requesting to appeal the Neighborhood Conservation District Committee’s decision of “denial” of the demolition of property located at 2014 Port Street.

Annotation:

G. LEGISLATIVE GROUPING - NON-CONFORMING USE APPEAL

1. OF AL EDWARDS, OF ELY EDWARDS ENTERPRISE

Brief:
Requesting a change of Non-Conforming Use from a laundromat to an office and loan company for property located at 4238 and 4240 South Carrollton Avenue.

Annotation:
(Cn. Midura).
APPEAL GRANTED. See Motion No. M-09-501.

a. REPORT

OF THE EXECUTIVE DIRECTOR OF THE CITY PLANNING COMMISSION
Brief:
Recommending approval of a change in Non-Conforming Use from a laundromat to an office space for property located at 4238-40-42 South Carrollton Avenue, subject to one (1) waiver and three (3) provisos. (DR NO. 88-09)

Annotation:
(Report received at the meeting of 9/3/09).
HEARING HELD.

H. VIEUX CARRE’ COMMISSION APPEALS

1. OF MICHAEL W. TIFFT, MCGLINCHEY STAFFORD, PLLC, ATTORNEYS AT LAW

Brief:
Requesting to appeal the Vieux Carré Commission’s decision of “denial” for the retention of alterations to rear of main building, courtyard and service wing for property located at 735 Bourbon Street.

Annotation:
(Cn. Carter).
CONTINUED TO THE MEETING OF 10/15/09.

2. OF MICHAEL D. ALLDAY, ATTORNEY, REPRESENTING GEORGE BUCK AND GHB BROADCASTING GROUP

Brief:
Requesting to appeal the Vieux Carré Commission’s decision of “denial” for the retention of a satellite dish for property located at 1208 Decatur Street.

Annotation:
(Cn. Carter).
CONTINUED TO THE MEETING OF 10/15/09.
3. OF BRIAN J. GILLE, AIA, BRIAN J. GILLE ARCHITECTS, LIMITED, REPRESENTING CHARLIE SPANSEL

Brief:
Requesting to appeal the Vieux Carré Commission’s decision of “denial” of the proposed construction of a gallery for property located at 223 N. Peters Street.

Annotation:
(Cn. Carter).
CONTINUED TO THE MEETING OF 10/15/09.

I. ZONING PETITIONS

1. ZONING DOCKET NO. 66/09 – MONTE C. SHALETT, FIDELITY HOMESTEAD SAVINGS BANK, INC., JAMES C. SMITH, HOWARD W. SMITH, ZEN-PROP, L.L.C. AND RICHARD JUGE

Brief:
Requesting a Zoning Change from a B-1 Neighborhood Business District to a C-1 General Commercial District within the UC Urban Corridor District Overlay, on Square 23, Lots N-1, N-2, N-3 and X, and Square 1, Lot A-2-B, in the Fifth Municipal District, bounded by General De Gaulle and Sandra Drives (Municipal Addresses: 2828-2932 General De Gaulle Drive and Unassigned). The recommendation of the City Planning Commission being "FOR APPROVAL".

Annotation:

2. ZONING DOCKET NO. 73/09 – WEICHERT CAPITAL HOLDINGS I, L.P.

Brief:
Requesting a Conditional Use to permit a fast food restaurant in a B-1 Neighborhood Business District within a UC Urban Corridor District overlay, on Square 1, Lot D-3, in the Fifth Municipal District, bounded by Lennox Boulevard, General De Gaulle Drive, and the Norman Canal (Municipal Address: 5163 General De Gaulle Drive). The recommendation of the City Planning Commission being “FOR APPROVAL”, subject to four (4) provisos.

Annotation:
3. ZONING DOCKET NO. 74/09 - SHELTON BARNES

Brief:
Requesting a Conditional Use to permit a reception hall with the sale of alcoholic beverages for consumption on-premises in a C-2 General Commercial District, on Square 23, Lot B, in the Third Municipal District, bounded by Lake Forest and Read Boulevards, Citrus Canal and Dwyer Road (Municipal Address: 9800 Lake Forest Boulevard). The recommendation of the City Planning Commission being "FOR APPROVAL", subject to one (1) waiver and eleven (11) provisos.

Annotation:
APPROVED. See Motion No. M-09-504.

4. ZONING DOCKET NO. 76/09 – HINDI PARTNERS, L.L.C.

Brief:
Requesting a Conditional Use to permit the sale of alcoholic beverages for consumption off-premises at a gasoline service station in a B-1 Neighborhood Business District, on Square 357, Lots 15, 16, and 17, in the Second Municipal District, bounded by Orleans Avenue, North Broad, North White, and Saint Ann Streets (Municipal Addresses: 2707-2725 Orleans Avenue and 727 North Broad Street). The recommendation of the City Planning Commission being "FOR NO LEGAL MAJORITY".

Annotation:
YEAS: Amedee, Johnson, Robinson, Sloss - 4
NAYS: Brown, Carlos-Lawrence, Volz - 3
ABSENT: Duckworth, Williams - 2
WITHDRAWN. (At applicant’s request).

5. ZONING DOCKET NO. 77/09 - SEAN B. CUMMINGS

Brief:
Requesting an Amendment to Ordinance 22,638 M.C.S. (ZD 71/06, for a Conditional Use to permit the redevelopment of a vacant industrial structure into a mixed-use residential/commercial complex in an LI Light Industrial District), on Square 20, Lots 14, 15 and 16 and Square 21, all lots, in the Third Municipal District, bounded by Chartres, Montegut, Clouet and North Peters Streets (Municipal Address: 2900 and 3036 Chartres Street). The recommendation of the City Planning Commission being "FOR APPROVAL", subject to six (6)
waivers and seventeen (17) provisos.

**Annotation:**
**APPROVED.** See Motion No. M-09-505.

6. **ZONING DOCKET NO. 79/09 - CITY COUNCIL MOTION M-09-318**

**Brief:**
Requesting a Zoning Change from an LI Light Industrial District to an RD-3 Two-Family Residential District, on Squares 55, 54, 75, 100, 111, 131, 142, 163, 174 and 195 in the Fifth Municipal District, bounded by Thayer, LeBoeuf, Lamarque and Pelican Streets (Municipal Addresses: Multiple Municipal Addresses). The recommendation of the City Planning Commission being "FOR MODIFIED APPROVAL".

**Annotation:**
(Cn. Carter, Cn. Deadline 10/30/09).
**MODIFIED APPROVAL.** See Motion No. M-09-506.

7. **ZONING DOCKET NO. 80/09 - CITY COUNCIL MOTION M-09-319**

**Brief:**
Requesting an Amendment to Ordinance 21,751 M.C.S. (ZD 49/04, for a Conditional Use to permit the renovation of an existing building into a senior citizen center in an RM-2 Multiple-Family Residential District, on Square 289, Lot 8, in the Second Municipal District, bounded by Milne Road, Barracks, North Galvez Streets and Bayou Road (Municipal Address: 2201 Barracks Street). The recommendation of the City Planning Commission being "FOR APPROVAL", subject to eleven (11) provisos.

**Annotation:**
(Cn. Carter, Cn. Deadline 10/30/09).
**APPROVED.** See Motion No. M-09-507.
8. ZONING DOCKET NO. 82/09 - BLUE GROUP, L.L.C.

Brief:
Requesting a Conditional Use to permit the sale of alcoholic beverages for consumption off-premises at a retail store in a B-1A Neighborhood Business District, on Square 606, Lot 11 or J, in the Sixth Municipal District, bounded by Freret, South Robertson, Upperline and Valence Streets (Municipal Addresses: 4715-4725 Freret Street and 2503 Upperline Street). The recommendation of the City Planning Commission being "FOR APPROVAL", subject to seven (7) provisos.

Annotation:
APPROVED. See Motion No. M-09-508.

9. ZONING DOCKET NO. 83/09 - BROTHERS PROPERTY I INC

Brief:
Requesting a Conditional Use to permit a fast food restaurant in a C-1 General Commercial District within the Inner-City Urban Corridor District overlay, on Square 398, Lots 19, 20, 21, 22, 23 and 24, in the Fourth Municipal District, bounded by South Claiborne and Jackson Avenues, Josephine and Willow Streets (Municipal Addresses: 2100-2122 South Claiborne Avenue and 2928 Josephine Street). The recommendation of the City Planning Commission being "FOR DENIAL".

Annotation:
CONTINUED TO THE MEETING OF 10/1/09.

10. ZONING DOCKET NO. 84/09 - HENRIETTA BROOKS

Brief:
Requesting a Zoning Change from an RD-2 Two-Family Residential District to an RM-4 Multiple-Family Residential District, on Square 703, Lot 18, in the Sixth Municipal District, bounded by General Taylor, Milan, South Derbigny and South Roman Streets (Municipal Addresses: 3100-3102 General Taylor Street). The recommendation of the City Planning Commission being "FOR APPROVAL".

Annotation:
CONTINUED TO THE MEETING OF 10/1/09.
11. ZONING DOCKET NO. 85/09 - INETT AND PATRICIA BRANCH

Brief:
Requesting a Zoning Change from an RD_2 Two-Family Residential District to a B-1A Neighborhood Business District, on Square 12, Lots 17B, 18B and 19B in the Third Municipal District, bounded by Selma and Ransom Streets, Ray Avenue and Interstate 10 (Municipal Address: 6504-6508 Selma Street). The recommendation of the City Planning Commission being "FOR DENIAL".

Annotation:
CONTINUED TO THE MEETING OF 10/1/09.

J. ORDINANCES ON FINAL PASSAGE

1. CAL. NO. 27,502 – BY: COUNCILMEMBERS FIELKOW AND CLARKSON

Brief:
An Ordinance to amend Chapter 70 Article IV Division 1 of the Code of the City of New Orleans and to add Section 417.1 Stipulation to include as standard in language listed in contracts; requiring the submission of a sworn affidavit listing all persons with an ownership interest in a contract and all persons natural or artificial retained by the contractor as a subcontractor in connection with the contract; providing that the listing shall be a public record; to provide for suspension of payments of invoices for contracts not in compliance with this section and to otherwise provide with respect thereto.

ANNOTATION:
(Should be Acted Upon, Withdrawn or Continued Indefinitely).
CONTINUED INDEFINITELY.

2. CAL. NO. 27,623 – BY: COUNCILMEMBERS WILLARD-LEWIS, CARTER, HEDGE-MORRELL AND CLARKSON

Brief:
An Ordinance to amend Chapter 162 of the Code of the City Orleans by amending Section 162-842. Airport limousine. Change the title of Chapter 162-842 from “Airport limousine” to “Airport shuttle”. Increase rates for Airport shuttle fare from $13.00 to $20.00 including federal tax and airport tolls except that the fare between Louis Armstrong
International Airport and hotels east of Elysian Fields Avenue, or vice-versa, shall be a maximum of $20.00 including federal tax and airport tolls; provided however, that no provision of this article shall impair the obligation of any contract between the city and any airport lessee, which contract reserves to such lessees; and otherwise to respect thereto.

ADOPTED. ORD. NO. 23,708 M.C.S.

3. CAL. NO. 27,624 - BY: COUNCILMEMBER HEDGE-MORRELL (BY REQUEST)

Brief:
An Ordinance approving the form, terms and conditions of an amendment to a certain parking garage ground lease dated January 1, 2001 (the “Original Parking Garage Ground Lease”) between the New Orleans Aviation Board (the “NOAB”) as the unattached board of the City of New Orleans (the “City”) which operates and administers the Louis Armstrong New Orleans International Airport (the “Airport”), and Parking Facilities Corporation (“PFC”), a private, not for profit Louisiana Corporation which constitutes a 501(c)(3) entity for federal tax purposes, and which was caused to be organized by the Council of the City of New Orleans (the “Council”) in the year 2000 for the purpose of assisting local government through the planning, designing, financing, acquiring, constructing, equipping and operating of a second vehicle parking garage commonly referred to as the “long term parking garage” at the Airport (the “PFC Garage”).

ADOPTED. ORD. NO. 23,709 M.C.S.

4. CAL. NO. 27,625 - BY: COUNCILMEMBER HEDGE-MORRELL (BY REQUEST)

Brief:
An Ordinance To authorize the Mayor to sign an Act of Dedication and Acceptance of portions of Bartholomew Street and N. Prieur Street within the Third Municipal District of the City of New Orleans, in an area known as “Musician’s Village”, all as delineated on a plan of “Street Dedication Plan # 1” by Mandle-Edwards Surveying, Inc. dated July 16, 2009.

ADOPTED. ORD. NO. 23,710 M.C.S.

5. CAL. NO. 27,628 - BY: COUNCILMEMBER WILLARD-LEWIS (BY REQUEST)

Brief:
An Ordinance To authorize the sale at public auction of those portions of land in Square 2, Lots 8-11 Orangedale Subdivision, with all improvements and appurtenances thereon designated as 4415 and 4435 Wilson Avenue all in the Third Municipal District, no longer needed for public purposes.

CONTINUED TO THE MEETING OF 10/1/09.
6. CAL. NO. 27,630 - BY: COUNCILMEMBER HEAD (BY REQUEST)

Brief:
An Ordinance granting a Franchise to Link Restaurant Partners, LLC, DBA Cochon Restaurant, to construct, maintain and operate a sidewalk café at 930 Tchoupitoulas Street; to fix the fee for the privilege of using public property, and to otherwise provide with respect thereto.

ADOPTED. ORD. NO. 23,711 M.C.S.

7. CAL. NO. 27,631 - BY: COUNCILMEMBERS WILLARD-LEWIS AND HEDGE-MORRELL (BY REQUEST)

Brief:
An Ordinance authorizing the execution of a Cooperative Endeavor Agreement (the “Agreement”) by and between the Lake Forest Plaza District (the “District”) and the City of New Orleans (the “City”); authorizing the District to receive undedicated City Sales and Use Tax of two percent (2%) (the “Tax”) generated within the District and designating and pledging and/or consenting to the pledging of the full amount of such undedicated City Sales and Use Tax as the sales and use tax increment to be dedicated to reimburse economic development costs; and otherwise providing with respect thereto.

CONTINUED TO THE MEETING OF 10/1/09.

8. CAL. NO. 27,644 - BY: COUNCILMEMBER MIDURA (BY REQUEST)

Brief:
An Ordinance to repeal Ordinance No 23,652 M.C.S. (Calendar No. 27,579) and to authorize an Act of Revocation of Dedication and Act of Exchange and Dedication of rights of way by and between the City of New Orleans (hereinafter referred to as the “City”), and the Housing Authority of New Orleans, (hereinafter referred to as “HANO”), wherein HANO agrees to exchange property owned by HANO and situated in the State of Louisiana, Parish of Orleans, for property owned by the City of New Orleans consisting of various lots and parcels of ground in Squares 210, 211, 222, 223, 239, 240, 251, 252, 269, 270, 281, 282, 297, 298, 309, and 310, all in the Second Municipal District, City of New Orleans, no longer needed for public purposes and to authorize a revocation of dedication of the property to be transferred by the City of New Orleans to HANO; and to authorize the Mayor of the City of New Orleans to execute an Act of Revocation of Dedication and Act of Exchange and Dedication.

ADOPTED. ORD. NO. 23,714 M.C.S.

9. CAL. NO. 27,652 - BY: COUNCILMEMBER HEDGE-MORRELL

Brief:
An Ordinance to amend and reordain Ordinance No. 23356 M.C.S., the pay plan for officers and employees in the unclassified service of the City of New Orleans in accordance with Sections 3-118 and 4-206(g) of the Home Rule Charter of the City of New Orleans, to provide for establishment of salary levels for the positions of Council Fiscal Officer (U-0900), Assistant Council Fiscal Officer (U-0901), and Council Utilities Regulatory Officer (U-0905); and otherwise to provide with respect thereto.

ADOPTED. ORD. NO. 23,718 M.C.S.

10. CAL. NO. 27,653 – BY: COUNCILMEMBERS HEDGE-MORRELL, FIELKOW, HEAD AND CLARKSON (BY REQUEST)

Brief:
An Ordinance to amend Ordinance No. 23,334 M.C.S., as amended entitled "An Ordinance Providing an Operating Budget of Expenditures for the City of New Orleans for the Year 2009" to transfer Housing & Urban Development funds from the Department of Miscellaneous, Division of Neighborhood 1 to Department of Public Works for various Street resurfacing projects.

ANNOTATION:
(Fiscal Note received).

ADOPTED. ORD. NO. 23,719 M.C.S.

11. CAL. NO. 27,654 – BY: COUNCILMEMBERS HEDGE-MORRELL, FIELKOW, HEAD AND CLARKSON (BY REQUEST)

Brief:
An Ordinance to amend Ordinance No. 23,333 M.C.S., as amended entitled "An Ordinance Providing an Operating Budget of Revenues for the City of New Orleans for the Year 2009" to appropriate funds from Intergovernmental transfers to the Department of Finance for delinquent sales tax program.

ANNOTATION:
(Fiscal Note received).

ADOPTED. ORD. NO. 23,720 M.C.S.
12. CAL. NO. 27,655 - BY: COUNCILMEMBERS HEDGE-MORRELL, FIELKOW, HEAD AND CLARKSON (BY REQUEST)

Brief:
An Ordinance to amend Ordinance No. 23,334 M.C.S., as amended entitled "An Ordinance Providing an Operating Budget of Expenditures for the City of New Orleans for the Year 2009" to appropriate funds from Intergovernmental transfers to the Department of Finance for delinquent sales tax program.

ANNOTATION:
(Fiscal Note received).

ADOPTED. ORD. NO. 23,721 M.C.S.

13. CAL. NO. 27,656 - BY: COUNCILMEMBER CLARKSON

Brief:
An Ordinance to name New Orleans’s only designated trauma center as “The Spirit of Charity Trauma Center”, which is currently located in the LSU Interim Hospital; and to provide otherwise with respect thereto.

WITHDRAWN.

14. CAL. NO. 27,657 - BY: COUNCILMEMBERS HEDGE-MORRELL, FIELKOW, HEAD AND CLARKSON (BY REQUEST)

Brief:
An Ordinance to amend Ordinance No. 23,332 M.C.S., as amended, entitled "An Ordinance Providing a Capital Budget for the year 2009", to effect the following changes to the 2009 Capital Budget. The changes appropriate federal funds from the Hurricane Katrina disaster to the Chief Administrative Office, New Orleans Fire Department, New Orleans Police Department, Department of Health, Department of Property Management, Department of Public Works, New Orleans Recreation Department, and New Orleans Library for multiple rebuilding projects.

ADOPTED. ORD. NO. 23,722 M.C.S.

15. CAL. NO. 27,658 - BY: COUNCILMEMBERS HEDGE-MORRELL, FIELKOW, HEAD AND CLARKSON (BY REQUEST)

Brief:
An Ordinance to amend Ordinance No. 23,332 M.C.S., as amended,
entitled "An Ordinance Providing a Capital Budget for the year 2009", to effect the following changes to the 2009 Capital Budget. The changes appropriate federal funds from the American Recovery and Reinvestment Act Fund and Participant Funds to the Department of Public Works for multiple projects.

ADOPTED. ORD. NO. 23,723 M.C.S.

16. CAL. NO. 27,659 - BY: COUNCILMEMBERS HEDGE-MORRELL AND WILLARD-LEWIS (BY REQUEST)

Brief:
An Ordinance to amend Ordinance No. 23,332 M.C.S., as amended, entitled "An Ordinance Providing a Capital Budget for the Year 2009", to effect the following changes to the 2009 Capital Budget. The changes reflect the return of Limited Tax Bond Funds used to initiate repairs to Criminal Justice Buildings in 2006 due to damages from Hurricane Katrina. The transfer of Limited Tax Bond Funds from Criminal Justice Buildings repairs to the New Orleans Recreation Department, the Department of Parks and Parkways, and the New Orleans Public Library for multiple projects closes this process.

ADOPTED. ORD. NO. 23,724 M.C.S.

17. CAL. NO. 27,662 - BY: COUNCILMEMBERS CARTER AND FIELKOW

Brief:
An Ordinance to temporarily waive certain fees and requirements and permit street closure within and around the 1000 block of North Roman Street, in conjunction with the St. Edmond Celebration, on Sunday, September 13, 2009; to specify the duration and boundaries of said waiver; and to provide otherwise with respect thereto.

ADOPTED. ORD. NO. 23,725 M.C.S.

18. CAL. NO. 27,663 - BY: COUNCILMEMBERS CARTER AND FIELKOW

Brief:
An Ordinance to temporarily waive certain fees and requirements and permit street closure within and around the 700 block of Bourbon
Street, in conjunction with the Southern Decadence Bourbon Street
Extravaganza, on Saturday, September 5, 2009; to specify the duration
and boundaries of said waiver; and to provide otherwise with respect
thereto.

ADOPTED.  ORD. NO. 23,726 M.C.S.

19.  CAL. NO. 27,667 - BY:  COUNCILMEMBERS FIELKOW AND
HEDGE-MORRELL (BY REQUEST)

Brief:
An Ordinance authorizing the execution of a Cooperative Endeavor
Agreement (the “Agreement”) by and between Canseco’s Holdings, LLC
(the “Contractor”) and the City of New Orleans (the “City); authorizing
the use of UDAG funds as a loan to stimulate economic
development; all as more fully set forth in the Cooperative Endeavor
Agreement attached hereto and made a part hereof; and otherwise to
provide with respect thereto.

Referred to the Budget and Special Development
Projects/Economic Development Committees.

CONTINUED TO THE MEETING OF 10/1/09.

20.  CAL. NO. 27,668 - BY:  COUNCILMEMBERS FIELKOW AND
HEDGE-MORRELL (BY REQUEST)

Brief:
An Ordinance authorizing the execution of a Cooperative Endeavor
Agreement (the “Agreement”) by and between Mrs. Wheat’s Fabulous
Foods, Inc. (the “Contractor”) and the City of New Orleans (the
“City); authorizing the use of UDAG funds as a loan to stimulate
economic development; all as more fully set forth in the Cooperative
Endeavor Agreement attached hereto and made a part hereof; and
otherwise to provide with respect thereto.

Referred to the Budget and Special Development
Projects/Economic Development Committees.

CONTINUED TO THE MEETING OF 10/1/09.
21. CAL. NO. 27,669 - BY: COUNCILMEMBERS FIELKOW AND HEDGE-MORRELL (BY REQUEST)

Brief:
An Ordinance authorizing the execution of a Cooperative Endeavor Agreement (the “Agreement”) by and between CJC Resources LLC (the “Contractor”) and the City of New Orleans (the “City); authorizing the use of UDAG funds as a loan to stimulate economic development; all as more fully set forth in the Cooperative Endeavor Agreement attached hereto and made a part hereof; and otherwise to provide with respect thereto.

Referred to the Budget and Special Development Projects/Economic Development Committees.

CONTINUED TO THE MEETING OF 10/1/09.

22. CAL. NO. 27,670 - BY: COUNCILMEMBERS FIELKOW AND HEDGE-MORRELL (BY REQUEST)

Brief:
An Ordinance authorizing the execution of a Cooperative Endeavor Agreement (the “Agreement”) by and between Advanced Steel Homes, LLC (the “Contractor”) and the City of New Orleans (the “City); authorizing the use of UDAG funds as a loan to stimulate economic development; all as more fully set forth in the Cooperative Endeavor Agreement attached hereto and made a part hereof; and otherwise to provide with respect thereto.

Referred to the Budget and Special Development Projects/Economic Development Committees.

CONTINUED TO THE MEETING OF 10/1/09.

K. UNFINISHED BUSINESS

L. NEW BUSINESS
M. MOTION/RESOLUTION (LYING OVER)

1. NO. R-09-429 – BY: COUNCILMEMBERS FIELKOW, HEDGE-MORRELL, WILLARD-LEWIS, CLARKSON AND HEAD (BY REQUEST)

Brief:
Stating that the Council of the City of New Orleans will endeavor to support City-Initiated TIF Districts and will take all necessary steps to approve Tax Increment Financing in geographically defined TIDs that are dormant, blighted, and in which revitalization would not occur within the foreseeable future but-for the use of TIF which will further strengthen the citizens’ confidence in the City’s recovery by enhancing economic development.

Annotation:
(Budget Committee and Special Development Projects & Economic Development Committee recommended approval).

ADOPTED.

N. MOTIONS/RESOLUTIONS

1. NO. R-09-470– BY: COUNCILMEMBER MIDURA

Brief:
Calling upon the New Orleans Sewerage and Water Board to work with Jefferson Parish and the State of Louisiana to replace the undersized culvert under Airline Highway in the Monticello Canal with appropriately sized bridges that will not cause constrictions in the canal.

ADOPTED.

2. NO. R-09-486 – BY: COUNCILMEMBER HEDGE-MORRELL (BY REQUEST)

Brief:
Urging the City’s Director of Finance, in accordance with the provisions of Section 4-1302 of the Home Rule Charter, to waive half of the interest and all penalties during the tax amnesty period of October 1, 2009 through December 4, 2009 for delinquent sales taxes
owed to the City of New Orleans.

ADOPTED.

3. NO. R-09-488 – BY: COUNCILMEMBER HEDGE-MORRELL (BY REQUEST)

Brief:
Authorizing and instructing the forwarding of any Interest Subsidy Payments on any Build America Bonds issued by the Board of Liquidation on behalf of the City to the paying agent for said bonds and further authorizing and directing the completion and filing of Form 8038-CP on the dates and in the manner required by the Federal Stimulus Act and Internal Revenue Service Notice 2009-26 to ensure that such Interest Rate Subsidy Payments are obtained and such Interest Subsidy Payments are paid directly to the Paying Agent.

ADOPTED.

4. NO. R-09-490 – BY: COUNCILMEMBERS FIELKOW, CLARKSON, HEDGE-MORRELL, MIDURA AND WILLARD-LEWIS

Brief:
Urging the United States Congress to consider amending Federal Medicaid rules to account for the aberration in personal income statistics that is directly linked to Hurricanes Katrina and Rita.

ADOPTED.

5. NO. M-09-491 – BY: COUNCILMEMBER HEDGE-MORRELL

Brief:
Authorizing the Council President to sign a contract amendment with the Estopinal Group, increasing the maximum amount of the contract from one hundred seventy-five thousand ($175,000.00) to two hundred sixteen thousand, five hundred twenty-five dollars ($216,525.00) for calendar year 2009.

WITHDRAWN.

6. SUBSTITUTE NO. M-09-491 – BY: COUNCILMEMBERS HEDGE-MORRELL, HEAD, WILLARD-LEWIS AND MIDURA

Brief:
Authorizing the Council President to sign a contract amendment with the Estopinal Group, increasing the maximum amount of the contract
from one hundred seventy-five thousand ($175,000.00) to two hundred fourteen thousand, four hundred forty-eight dollars and 75/100 ($214,448.75) for calendar year 2009.

ADOPTED.

7. NO. M-09-492 – BY: COUNCILMEMBER MIDURA

Brief:
Increasing the 2009 expense budget of the New Orleans Municipal Yacht Harbor Management Corporation in the amount set forth in Exhibit “A” hereto, namely in the amount of $928,104.00.

ADOPTED.

8. NO. M-09-493 – BY: COUNCILMEMBER CARTER AND FIELKOW

Brief:
Ratifying, confirming and approving the appointment of Edwin M. Shorty, Jr. (vice James Paul Johnson), as a member of the Industrial Development Board for a term that will expire January 1, 2011.

ADOPTED.

9. NO. M-09-494 – BY: COUNCILMEMBER HEAD

Brief:
Ratifying, confirming and approving the appointment of Alan H. Philipson (vice Raley Alford, II), as a member of the Industrial Development Board for a term that will expire January 1, 2011.

ADOPTED.

10. NO. M-09-496 – BY: COUNCILMEMBERS FIELKOW, CLARKSON, CARTER, HEAD, HEDGE-MORRELL, MIDURA AND WILLARD-LEWIS

Brief:
Appointing Evelyn F. Pugh as Interim Chief of Staff of the City Council effective September 21, 2009, with a base salary (exclusive of longevity) of Grade 78, Step 84 or the equivalent thereof as
contained in the unclassified pay plan adopted by the Council on December 1, 2008 in Ordinance Number 23,356, M.C.S.

ADOPTED.

11. NO. R-09-497 – BY: COUNCILMEMBERS FIELKOW, CLARKSON, MIDURA, HEAD, CARTER, HEDGE-MORRELL AND WILLARD-LEWIS

Brief:
Expressing the Council’s full support for the Baton Rouge to New Orleans Intercity Rail Project and pledging to work together with the Louisiana Department of Transportation and Development, government and business communities of the corridor, the Louisiana Recovery Authority, and the State Legislature to secure a plan of action for the annual operational shortfall and calling upon Governor Jindal and the Louisiana Department of Transportation and Development to sign the High-Speed Rail Corridor Application for the Baton Rouge to New Orleans Intercity Rail Project and submit it to the Federal Railroad Administration on or before October 2, 2009.

ADOPTED.

12. NO. M-09-498 – BY: COUNCILMEMBERS FIELKOW, CLARKSON, CARTER, HEAD, HEDGE-MORRELL, MIDURA AND WILLARD-LEWIS

Brief:
Authorizing and requesting the President of the City Council to sign a professional services contract to retain Scope Services, Inc. to perform recruitment services relative to the Council Utilities Regulatory Officer position.

ADOPTED.

O. ORDINANCES ON FIRST READING

CALENDAR NUMBERS 27,671 THRU 27,693.

INTRODUCED AND LAID OVER AS REQUIRED BY LAW.