NO. M-12-1
CITY HALL: January 5, 2012
BY: COUNCILMEMBERS HEAD AND GISLESON PALMER
Directing City Planning Commission to conduct a public hearing to consider an amendment to Article 18 of the Comprehensive Zoning Ordinance No. 4264, M.C.S., as amended, to establish a new Interim Zoning District (IZD) to be named the *Canal Street Integrity and Superior Design Interim Zoning District*, prohibiting the issuance of any permits for construction, rehabilitation, or renovation of any structure for commercial or residential use prior to approval from the district Councilmember(s) and HDLC for Canal Street, between North and South Peters Street and Claiborne Avenue, on both sides of the street; thus ensuring appropriate, compatible design for this significant historic corridor, for both interior and exterior renovations. Any applicant shall submit scaled drawings and a work description, including proposed changes and/or improvements to the interior and exterior, proposed materials for the interior and exterior, a timeline, the interior layout, and any other additional information deemed necessary by the Councilmember(s) and/or HDLC. This measure is for the health, safety and welfare of the community.
WITHDRAWN.

NO. M-12-2
CITY HALL: January 5, 2012
BY: COUNCILMEMBER GISLESON PALMER
SECONDED BY: COUNCILMEMBER HEDGE-MORRELL
WHEREAS, the City Council desires to retain the services of an independent consultant to review the current noise abatement program under Chapter 66 of the New Orleans Code of Municipal Ordinances; and
WHEREAS, Oxford Acoustics, Inc. is fully qualified to perform this service; NOW THEREFORE
BE IT MOVED BY THE CITY COUNCIL OF THE CITY OF NEW ORLEANS, That the Council President is authorized and requested to sign a contract with Oxford Acoustics, Inc. to provide professional consulting services relative to the review, creation and implementation of revisions to the Noise Abatement Program in Chapter 66 of the New Orleans Code of Municipal Ordinances, with the total amount of compensation not to exceed $15,000.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 5
NAYS: 0
ABSENT: Clarkson, Granderson - 2
AND THE MOTION WAS ADOPTED.

NO. M-12-3
CITY HALL: January 5, 2012
BY: COUNCILMEMBER HEDGE-MORRELL
SECONDED BY: COUNCILMEMBER GISLESON PALMER
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the unfavorable report and recommendation of “denial” of the City Planning Commission on ZONING DOCKET NO. 105/11 – GEORGE RABB JR - Requesting a Zoning Change from an RS-2 Single-Family Residential District to a RD-2 Two-Family Residential District, on Square A or Capdebosque Tract, Lots 4 thru 5 or E and Pt 56-A, in the Third Municipal District, bounded by Havana Place, Republic Street, Virgil Boulevard and the London Avenue Canal (Municipal Address: 3837 Havana Place), be, and the same is hereby overruled and the Zoning Change is granted.
BE IT FURTHER MOVED, That a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney’s Office for the preparation of an ordinance to effectuate the Amendment.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 6
NAYS: 0
ABSENT: Granderson - 1
AND THE MOTION WAS ADOPTED.

NO. M-12-4

CITY HALL: January 19, 2012
BY: COUNCILMEMBER HEDGE-MORRELL (BY REQUEST)
SECONDED BY: COUNCILMEMBER GUIDRY
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Mayor's appointment of Cheryl Renee Teamer as a member of the New Orleans Aviation Board, fulfilling the unexpired term of Nelita Manego-Ramey, for a term that will expire June 30, 2013 be, and the same is hereby ratified, confirmed and approved.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 6
NAYS: 0
ABSENT: Gisleson Palmer - 1
AND THE MOTION WAS ADOPTED.

NO. M-12-5
CITY HALL: January 19, 2012
BY: COUNCILMEMBERS GISLESON PALMER (BY REQUEST) AND CLARKSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Mayor's appointment of Lourdes E. Moran (vice Woody Koppel), Chairman of the Orleans Parish School Board, to the New Orleans Recreation Development Commission be, and the same is hereby ratified, confirmed and approved.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 6
NAYS: 0
ABSENT: Gisleson Palmer - 1
AND THE MOTION WAS ADOPTED.
NO. R-12-6
CITY HALL: January 19, 2012
BY: COUNCILMEMBER GUIDRY (BY REQUEST)
SECONDED BY: COUNCILMEMBER GRANDERSON
A RESOLUTION accepting federal funds for (1) the restoration of the historic Magnolia Bridge on Bayou St. John in the amount of $844,400 and (2) the enhancement of St. Charles Avenue in the amount of $1,000,000 and providing the required local match.
WHEREAS, the St. Charles Avenue Streetscaping improvements will increase safety for pedestrians using the streetcar line by replacing the lamps and updating the poles to create a more aesthetically pleasing environment for both residents and tourist using the streetcar line; and
WHEREAS, the Magnolia Bridge Rehabilitation project will result in much needed repairs and upgrades to provide a safe pedestrian crossing; and
WHEREAS, the Regional Planning Commission of Jefferson, Orleans, Plaquemines, Orleans, St. Bernard, and St. Tammany Parishes, the Metropolitan Planning Organization for the region, has included both projects in the Transportation Improvement Program (TIP) thereby endorsing it as a project of regional significance; and
WHEREAS, the Transportation Enhancement 95/5 Program requires the City of New Orleans to provide one hundred percent (100%) of the design, engineering, construction inspection, and a local match of five percent (5%) for cost of construction; and
WHEREAS, the City of New Orleans, as project sponsor, certifies that the local match is committed to the project; that the City will assume responsibility to manage and maintain the project; now therefore,
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the City accepts the $1,844,400.00 federal share for the construction of the Magnolia Converted Pedestrian Bridge Rehabilitation project and St. Charles Avenue Streetscaping Improvements, Phase 1.
BE IT FURTHER RESOLVED, that the responsibility for the required local match, maintenance of these facilities and the required legal liability is hereby acknowledged and accepted.
BE IT FURTHER RESOLVED, that local match shall be paid by the City in an amount not to exceed $97,073.69 for design, engineering, and construction inspection, and five percent (5%) for costs of construction.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS;

YEAS: Clarkson, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 6
NAYS: 0
ABSENT: Gisleson Palmer - 1
AND THE RESOLUTION WAS ADOPTED.

NO. M-12-7
CITY HALL: January 19, 2012
BY: COUNCILMEMBERS HEAD AND GISLESON PALMER
Amending Rule 39 of the Rules and Regulations of the Council to read as follows:
"Standing Committees
Rule 39. The following standing committees shall be appointed by the President of the Council, subject to Council confirmation by motion:

Budget, Audit, and Board of Review Committee
Utility Committee
Cable, Telecommunications and Technology Committee
Housing and Human Needs Committee
Economic Development and Special Development Projects Committee
Transportation Committee
Election Code and Reapportionment Committee
Youth and Recreation Committee
Governmental Affairs Committee
Public Works, Sanitation and Environmental Committee
Criminal Justice Committee
Airport Committee
Health, Education, and Social Services Committee

Except as otherwise provided by this rule, each committee shall consist of three members and one alternate. The alternate member shall serve on the committee in the absence of one of the committee members.
The following rules shall apply to the Standing Committees:
*****"
WITHDRAWN.

NO. M-12-8
CITY HALL: January 19, 2012
BY: COUNCILMEMBERHEDGE-MORRELL
SECONDED BY: COUNCILMEMBER CLARKSON
Amending Rule 39 of the Rules and Regulations of the Council to read as follows:
"Standing Committees
Rule 39. The following standing committees shall be appointed by the President of the Council, subject to Council confirmation by motion:
Budget, Audit, and Board of Review Committee

Utility, Cable, Telecommunications and Technology Committee

Housing and Human Needs Committee

Economic Development and Special Projects Committee

Sanitation and Environmental Committee

Transportation Committee

Election Code and Reapportionment Committee

Youth and Recreation Committee

Governmental Affairs Committee

Public Works.

Criminal Justice Committee

Airport Committee

Health, Education, and Social Services Committee

Except as otherwise provided by this rule, each committee shall consist of three members and one alternate. The alternate member shall serve on the committee in the absence of one of the committee members.
The following rules shall apply to the Standing Committees:
*****"
WITHDRAWN.

NO. M-12-9
CITY HALL: January 19, 2012
BY: COUNCILMEMBERHEDGE-MORRELL
SECONDED BY: COUNCILMEMBER CLARKSON
Amending Rule 39 of the Rules and Regulations of the City Council in accordance with Section 3-107 of the Home Rule Charter of the City Council to read as follows:
"ELECTION OF COUNCIL PRESIDENT AND VICE-PRESIDENT
Rule 8. At its organizational meeting, the Council shall elect a President, which shall thereafter be rotated annually between the two Councilmembers-at-Large. The Council shall also elect one of its district members as Vice-President. However, effective March 2012, the term of the Vice President shall be five months and the Council shall elect each of its district members (in alphabetical order by district) to serve said five month term. Effective on the first Monday in May 2014, the term of the Vice-President shall be nine and one-half months. Should a district councilmember decline the vice-presidency, the Council shall proceed alphabetically by district to be elect the next district councilmember to the vice-presidency."
WITHDRAWN.

NO. M-12-10
CITY HALL: January 19, 2012
BY: COUNCILMEMBER HEAD
SECONDED BY: COUNCILMEMBER CLARKSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the request of MEGAN FUSELIER – Requesting to appeal the Historic District Landmarks Commission's decision of "denial" of retention of the removal of windows and wind turbine for property located at 613 Seventh Street, be, and the appeal is hereby overruled in part and upheld in part, overruled, relative to the retention of the windows, and upheld, relative to the retention of the wind turbine.
BE IT FURTHER MOVED, That the builder, Megan Fuselier, shall be responsible for removal of the wind turbine, and proper replacement of an HDLC approved ventilation system.
BE IT FURTHER MOVED, That the Clerk of Council shall forward copies of this motion directly to all affected departments.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 6
NAYS: 0
ABSENT: Gisleson Palmer - 1
AND THE MOTION WAS ADOPTED.

NO. M-12-11
CITY HALL: January 19, 2012
BY: COUNCILMEMBER HEAD

SECONDED BY: COUNCILMEMBER CLARKSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the request of MARY E. LORENZ – Requesting to appeal the Historic District Landmarks Commission's decision of "denial" of retention of the removal of windows and wind turbine for property located at 613 Seventh Street, be, and the appeal is hereby overruled in part and upheld in part, overruled, relative to the retention of the windows, and upheld, relative to the retention of the wind turbine.
BE IT FURTHER MOVED, That the builder, Megan Fuselier, shall be responsible for removal of the wind turbine and proper replacement of an HDLC approved ventilation system.
BE IT FURTHER MOVED, That the Clerk of Council shall forward copies of this motion directly to all affected departments.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 6
NAYS: 0
ABSENT: Gisleson Palmer - 1
AND THE MOTION WAS ADOPTED.

NO. M-12-12
CITY HALL: January 19, 2012
BY: COUNCILMEMBER GUIDRY
SECONDED BY: COUNCILMEMBER GRANDERSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the request of PURA BASCOS, DIRECTOR OF CODE ENFORCEMENT, MAYOR'S OFFICE OF COMMUNITY DEVELOPMENT, CITY OF NEW ORLEANS – To appeal the Neighborhood Conservation District Committee's (NCDC) decision of "denial" of the demolition of the property located at 4218-20 S. Carrollton Avenue, New Orleans, be, and the decision is hereby overruled and the appeal is approved.
BE IT FURTHER MOVED, That the Clerk of Council shall forward copies of this motion directly to all affected departments.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 6
NAYS: 0
ABSENT: Gisleson Palmer - 1
AND THE MOTION WAS ADOPTED.

NO. M-12-13
CITY HALL: January 19, 2012
BY: COUNCILMEMBER GUIDRY
SECONDED BY: COUNCILMEMBER CLARKSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the favorable report and recommendation of the City Planning Commission on NON-CONFORMING USE - OF SANDRA KNIGHT *(DR NO. 186/11*) - Requesting a change in Non-Conforming Use from a fitness center to a retail storefront for property located at 1000 S. Carrollton Avenue be, and the same is hereby approved and the Non-Conforming Use is granted, subject to the following two (2) provisos:
PROVISOS:
1. The applicant shall obtain the approval of the Department of Sanitation to ensure adequate trash service is being provided onsite.
2. The applicant shall submit details of the proposed signage that is consistent with Article 10, Section 10.3A.6(3) of the Comprehensive Zoning Ordinance.
BE IT FURTHER MOVED, That the Clerk of Council shall forward copies of this motion directly to all affected departments.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 6

NAYS: 0
ABSENT: Gisleson Palmer - 1
AND THE MOTION WAS ADOPTED.

NO. M-12-14
CITY HALL: January 19, 2012
BY: COUNCILMEMBER GUIDRY
SECONDED BY: COUNCILMEMBER GRANDERSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and unfavorable recommendation of the City Planning Commission on ZONING DOCKET NO. 112/11 – JOSEPH R. WEIR, REVOCABLE LIVING TRUST - Requesting a Zoning Change from an RD-3 Two-Family Residential District to an RM-2A Multi-Family Residential District, on Square 432, Lot 16, in the Second Municipal District, bounded by Saint Philip, North Rendon, Dumaine and North Lopez Streets (Municipal Address: 3100 Saint Philip Street) be, and the same is hereby upheld and the Zoning Change is denied.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 6
NAYS: 0
ABSENT: Gisleson Palmer - 1
AND THE MOTION WAS ADOPTED.

NO. M-12-15
CITY HALL: January 19, 2012
BY: COUNCILMEMBER HEAD
SECONDED BY: COUNCILMEMBER GUIDRY
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the report and recommendation of the City Planning Commission of "NO LEGAL MAJORITY" on ZONING DOCKET NO. 113/11 – City Council Motion M-11-454 - Requesting a Text Amendment to the Comprehensive Zoning Ordinance, No. 4,264 M.C.S., as amended, to amend Article 13, Section 13.2 Discontinuance of Nonconforming Uses, Land and Buildings, to omit certain exceptions, place the burden of proof on the property owner and a new section entitled, *Nonconforming Use, Strict Construct*ion, be, and the same is hereby upheld, and the following amendments are hereby adopted:
1) Deletion of the Exceptions provided in Sections 13.2.2 "*Exceptions – Actions of Lessee*", 13.2.3 "*Exceptions – Bankruptcy*" and 13.2.4 "*Exceptions – Foreclosure*" in their entirety.
2) Addition of the following additional language to 13.2.1 "*Vacancy as Discontinuance*" - "The burden of proof to establish the existence and retention of a nonconforming use shall be on the property owner of the building or land claiming retention of said nonconforming use by clear and convincing evidence."
3) Add a new Section 13.2.2, titled "*Nonconforming Use, Strict Construction*", which shall provide "Nonconforming uses are inconsistent with the objectives of the Comprehensive Zoning Ordinance, which is to confine certain classes of buildings and uses to certain localities, and thus, it should be viewed narrowly and have all doubts resolved against the continuation or expansion of nonconformity in order to preserve the property rights of adjacent property owners."
BE IT FURTHER MOVED, that a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the text amendment.
BE IT FURTHER MOVED, that the Clerk of Council shall forward copies of this motion directly to all affected departments.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 6
NAYS: 0
ABSENT: Gisleson Palmer - 1
AND THE MOTION WAS ADOPTED.

NO. M-12-16
CITY HALL: January 19, 2012
BY: COUNCILMEMBER HEAD

SECONDED BY: COUNCILMEMBER GRANDERSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and favorable recommendation of the City Planning Commission on ZONING DOCKET NO. 116/11 – CIVIC THEATRE, LLC - Requesting a Conditional Use to permit an amusement place in a CBD-1 Central Business District, on Square 259, on an undesignated Lot, or Lot J, in the First Municipal District, bounded by Baronne, Poydras, O'Keefe and Lafayette Streets (Municipal Address: 533 Baronne Street), be, and the same is hereby upheld, and the Conditional Use is granted, subject to the 21 provisos as stated in the City Planning Commission's report.
BE IT FURTHER MOVED, That a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the Conditional Use Ordinance.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 6
NAYS: 0
ABSENT: Gisleson Palmer - 1
AND THE MOTION WAS ADOPTED.

NO. M-12-17
CITY HALL: January 19, 2012
BY: COUNCILMEMBER HEDGE-MORRELL
SECONDED BY: COUNCILMEMBER CLARKSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and favorable recommendation of the City Planning Commission on ZONING DOCKET NO. 117/11 - HOUSING AUTHORITY OF NEW ORLEANS - Requesting a Conditional Use to permit an early childhood learning center in an RM-3 Multi-Family Residential District, on Squares 2674 and 2675, all lots in the Third Municipal District, bounded by Saint Bernard Avenue, Foy, Milton and Duplessis Streets (Municipal Address: 3801 St. Bernard Avenue), subject to one (1) waivers and nine (9) provisos, be, and the same is hereby upheld and the request is granted.
WAIVERS:
1. The applicant shall be granted a waiver of Article 15, Section 15.3.1. *Table of Requirements* and Table 15.G *Loading Requirements* of the Comprehensive Zoning Ordinance, requiring two (2) off-street loading spaces, to allow one (1) off-street loading space.
PROVISOS:
1. The Department of Safety and Permits shall issue no building permits or licenses for this project until final development plans are approved by the City Planning Commission and recorded with the Office of Conveyances. Failure to complete the conditional use process by properly recording plans within a one year time period or failure to request an administrative extension as provided for in Article 16, Section 16.9.11 of the Comprehensive Zoning Ordinance will void the conditional use approval.
2. The final site plan shall indicate the type of paving or ground cover for the playground areas.
3. The final site plan shall indicate the location of the off-street loading space.
4. The developer shall submit a detailed landscape plan prepared by a licensed Louisiana landscape architect indicating the following:
a. The genus, species, size, location, quantity, and irrigation method of all proposed plant materials within both the site and the street rights-of-way adjacent to the site, with applicable remarks and details;
b. Street trees shall be planted at a maximum interval of thirty (30) feet along the public rights-of-way, subject to the review and approval of the Department of Parks and Parkways.
c. The landscaping of all residual areas on site not used for parking or vehicular access, with a combination of trees, shrubs, and/or groundcover shall be submitted for review and approval by the staff of the City Planning Commission and the Department of Parks and Parkways.
5. A tree preservation plan shall be submitted for review and approval by the Department of Parks and Parkways.
6. The applicant shall provide to the City Planning Commission a litter abatement program letter approved by the Department of Sanitation, which is inclusive of the type and quantity of trash receptacles, the frequency of litter pickup by a contracted trash removal company, and the clearing of all litter from the sidewalks. The name and phone number of the owner or operator of the development shall be included in this letter to be kept on file in case of any violation. In no case shall litter be stored so that it is visible from a public right-of-way.
7. All signage shall be in compliance with the requirements of Article 4, Section 4.11.6 *Permitted Signs* of the

Comprehensive Zoning Ordinance.
8. The lighting plan shall indicate that light standards shall be limited in height to twenty-five (25) feet and shall not be directed toward any adjacent residential uses.
9. The lighting plan shall clearly indicate that lighting shall not be directed towards adjacent residential uses.
10. The applicant shall secure the approval of the Department of Public Works for:
a. the installation of new curbs, all of which shall be vertical curbs;
b. the reinstatement of curbs at the locations of any unused existing curb cuts; and
c. the installation of any traffic control devices within the site, if any are deemed necessary by that Department;
BE IT FURTHER MOVED, That a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the Conditional Use.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 6
NAYS: 0
ABSENT: Gisleson Palmer - 1
AND THE MOTION WAS ADOPTED.

NO. M-12-18
CITY HALL: January 19, 2012
BY: COUNCILMEMBER JOHNSON
SECONDED BY: COUNCILMEMBER HEDGE-MORRELL
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the report and recommendation of "NO LEGAL MAJORITY" of the City Planning Commission on ZONING DOCKET NO. 119/11 - ORLEANS PARISH SCHOOL BOARD - Requesting a Zoning Change from an RS-2 Two-Family Residential District to an RO General Office District to permit a commercial child care facility, on square Section 2, Lakratt Tract, Lot G, in the Third Municipal District, bounded by Shorewood and Hayne Boulevards, Curran Road, and Buffalo Street (Municipal Address: 14441 Curran Road), be, and the same is hereby overruled and the Zoning Change is granted.
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the Zoning Change.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION OF THEREOF AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 6
NAYS: 0
ABSENT: Gisleson Palmer - 1
AND THE MOTION WAS ADOPTED.

NO. M-12-19
CITY HALL: January 19, 2012
BY: COUNCILMEMBER HEAD
SECONDED BY: COUNCILMEMBER GRANDERSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the report and unfavorable recommendation of the City Planning Commission on DESIGN REVIEW NO. 167/11 – TERRY SCHELLHAAS ON BEHALF OF MIA'S BALCONY LLC - Requesting an appeal of the Lower St. Charles Avenue Design Review District (LSCDRD) regulations, Article 10, Section 10.11 of the Comprehensive Zoning Ordinance to permit the after the fact retention of decorative elements installed on the front hand rails, in the First Municipal District, on Square 195, Lot 21, bounded by St. Charles Avenue, Prytania, Euterpe and Terpsichore Streets (Municipal Address: 1622 St. Charles Avenue), be, and the same is hereby upheld, and appeal is denied.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 6
NAYS: 0
ABSENT: Gisleson Palmer - 1
AND THE MOTION WAS ADOPTED.

NO. M-12-20
CITY HALL: February 2, 2012
BY: COUNCILMEMBERS CLARKSON, HEDGE-MORRELL, HEAD, AND JOHNSON
WHEREAS, at its meeting September 19, 2011, the Civil Service Commission adopted the following amendment to the Classified Pay Plan:
Class Code: C8115
Class Title: Emergency Management Services Coordinator
From: Grade: 74
Minimum Annual: $42,980
To: Grade/Step: 74/22
Minimum Annual: $55,791; and
WHEREAS, the Chief Administrative Officer has certified that funds are included in the City's 2012 budget to implement the proposed amendment to the aforementioned classification; now therefore
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That in accordance with Article X, Section 10 of the Constitution of Louisiana, that the amendment to the classified pay plan is approved to be effective as of January 1, 2012.
BE IT FURTHER MOVED, That the Clerk of Council shall forward a copy of this motion to the Director of the Civil Service Commission and the Chief Administrative Officer.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, ND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell - 6
NAYS: 0
ABSENT: Johnson - 1
AND THE MOTION WAS ADOPTED.

NO. R-12-21
CITY HALL: February 2, 2012
BY: COUNCILMEMBER HEAD
SECONDED BY: COUNCILMEMBER GRANDERSON
WHEREAS, Article VI, Section 21(H) of the State Constitution and Act 445 of 1983 provides for payment of ad valorem taxes on certain basis for property owners performing certain improvements in Historic, Economic, Development, and Downtown Development Districts; and
WHEREAS, in accordance with the procedures established by Resolution R-11-517 the following described property has been submitted to the Mayor's Department of Economic Development for review, said property being described as municipal address 821 Perdido Street transferred ownership from Perdido Street Development, LLC to James Thornton and Charlena Thornton; Unit 2B, Ivan M. Sherman; Unit 2D, Travis J. St. Pierre; Unit 2E, Bernard and Barbara Landry, Unit 3B, Michael Kurtz; Unit 3D, Gary J. Mack, Sr. PH2, Daniel Paul Abbott; Unit PH4; and
WHEREAS, the Mayor's Department of Economic Development recommends approval with regard to participation in the transfer of R-06-318; now therefore
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Council after consideration of the recommendation of the Mayor's Department of Economic Development, hereby approves participation of municipal address 821 Perdido Street owned by James Thornton and Charlena Thornton; Unit 2B, Ivan M. Sherman; Unit 2D, Travis J. St. Pierre; Unit 2E, Bernard and Barbara Landry, Unit 3B, Michael Kurtz; Unit 3D, Gary J. Mack, Sr. PH2, Daniel Paul Abbott; Unit PH4 and further identified by the State Board of Commerce and Industry as application number RTA #2004-0151-20 in the Property Tax Abatement Program authorized by Act 445 of 1983 and Article VII Section 21(H) of the Constitution, effective on date of adoption; therefore
BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that a copy of this resolution be forwarded to the State Board of Commerce and Industry.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION OF THEREOF AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0

AND THE RESOLUTION WAS ADOPTED.

NO. R-12-22
CITY HALL: February 2, 2012
BY: COUNCILMEMBER HEAD
SECONDED BY: COUNCILMEMBER GRANDERSON
WHEREAS, Article VI, Section 21(H) of the State Constitution and Act 445 of 1983 provides for payment of ad valorem taxes on certain basis for property owners performing certain improvements in Historic, Economic, Development, and Downtown Development Districts; and
WHEREAS, in accordance with the procedures established by Resolution R-11-517 the following described property has been submitted to the Mayor's Office of Economic Development for review, said property being described as municipal address 339 Carondelet Street owned by 339 Carondelet Holdings, LLC; and
WHEREAS, the Mayor's Office of Economic Development recommends approval with
regard to participation in the aforementioned tax program; now therefore
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Council after consideration of the recommendation of the Mayor's Office of Economic Development, hereby approves participation of municipal address 339 Carondelet Street owned by 339 Carondelet Holdings, LLC and further identified by the State Board of Commerce and Industry as application number RTA #2009-0295 in the Property Tax Abatement Program authorized by Act 445 of 1983 and Article VII Section 21(H) of the Constitution, effective on date of adoption; therefore
BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that a copy of this resolution be forwarded to the State Board of Commerce and Industry.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED.

NO. R-12-23
CITY HALL: February 2, 2012
BY: COUNCILMEMBER HEAD
SECONDED BY: COUNCILMEMBER GRANDERSON
WHEREAS, Article VI, Section 21(H) of the State Constitution and Act 445 of 1983 provides for payment of ad valorem taxes on certain basis for property owners performing certain improvements in Historic, Economic, Development, and Downtown Development Districts; and
WHEREAS, in accordance with the procedures established by Resolution R-11-517 the following described property has been submitted to the Mayor's Office of Economic Development for review, said property being described as municipal address 810 St. Charles Avenue owned by STC Julia, LLC; and
WHEREAS, the Mayor's Office of Economic Development recommends approval with regard to participation in the aforementioned tax program; now therefore
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Council after consideration of the recommendation of the Mayor's Office of Economic Development, hereby approves participation of municipal address 810 St. Charles Avenue owned by STC Julia, LLC and further identified by the State Board of Commerce and Industry as application number RTA #2009-1083 in the Property Tax Abatement Program authorized by Act 445 of 1983 and Article VII Section 21(H) of the Constitution, effective on date of adoption; therefore
BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that a copy of this resolution be forwarded to the State Board of Commerce and Industry.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED.

NO. R-12-24
CITY HALL: February 2, 2012
BY: COUNCILMEMBER HEAD
SECONDED BY: COUNCILMEMBER GUIDRY
WHEREAS, Article VI, Section 21(H) of the State Constitution and Act 445 of 1983 provides for payment of ad valorem taxes on certain basis for property owners performing certain improvements in Historic, Economic, Development, and Downtown Development Districts; and
WHEREAS, in accordance with the procedures established by Resolution R-11-517 the following described property has been submitted to the Mayor's Office of Economic Development for review, said property being described as municipal address 1315 S. Jefferson Davis Parkway owned by Blue Plate Lofts, LLC; and
WHEREAS, the Mayor's Office of Economic Development recommends approval with regard to participation in the aforementioned tax program; now therefore
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Council after consideration of the recommendation of the Mayor's Office of Economic Development, hereby approval participation of municipal address 1315 S. Jefferson Davis Parkway owned by Blue Plate Lofts, LLC and further identified by the State Board of Commerce and Industry as application number RTA #2010-0006 in the Property Tax Abatement Program authorized by Act 445 of 1983 and Article VII Section 21(H) of the Constitution, effective on the date of adoption; therefore
BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that a copy of this resolution be forwarded to the State Board of Commerce and Industry.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED.

NO. R-12-25
CITY HALL: February 2, 2012
BY: COUNCILMEMBER HEAD
SECONDED BY: COUNCILMEMBER GUIDRY
WHEREAS, Article VI, Section 21(H) of the State Constitution and Act 445 of 1983 provides for payment of ad valorem taxes on certain basis for property owners performing certain improvements in Historic, Economic, Development, and Downtown Development Districts; and
WHEREAS, in accordance with the procedures established by Resolution R-11-517 the following described property has been submitted to the Mayor's Office of Economic Development for review, said property being described as municipal address 4500-08 Freret Street owned by Forty Five, LLC; and
WHEREAS, the Mayor's Office of Economic Development recommends approval with regard to participation in the aforementioned tax program; now therefore
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Council after consideration of the recommendation of the Mayor's Office of Economic Development, hereby approves participation of municipal address 4500-08 Freret Street owned by Forty Five, LLC and further identified by the State Board of Commerce and Industry as application number RTA #2010-0838 in the Property Tax Abatement Program authorized by Act 445 of 1983 and Article VII Section 21(H) of the Constitution, effective on the date of adoption; therefore
BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that a copy of this resolution be forwarded to the State Board of Commerce and Industry.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED.

NO. R-12-26
CITY HALL: February 2, 2012

BY: COUNCILMEMBER HEAD
SECONDED BY: COUNCILMEMBER GISLESON PALMER
WHEREAS, Article VI, Section 21(H) of the State Constitution and Act 445 of 1983 provides for payment of ad valorem taxes on certain basis for property owners performing certain improvements in Historic, Economic, Development, and Downtown Development Districts; and
WHEREAS, in accordance with the procedures established by Resolution R-11-517 the following described property has been submitted to the Mayor's Office of Economic Development for review, said property being described as municipal address 4422 S. Liberty Street owned by St. Charles Group, LLC; and
WHEREAS, the Mayor's Office of Economic Development recommends approval with regard to participation in the aforementioned tax program; now therefore
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Council after consideration of the recommendation of the Mayor's Office of Economic Development, hereby approves participation of municipal address 4422 S. Liberty Street owned by St. Charles Group, LLC and further identified by the State Board of Commerce and Industry as application number RTA #2011-0013 in the Property Tax Abatement Program authorized by Act 445 of 1983 and Article VII Section 21(H) of the Constitution, effective on the date of adoption; therefore
BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that a copy of this resolution be forwarded to the State Board of Commerce and Industry.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED.

NO. R-12-27
CITY HALL: February 2, 2012
BY: COUNCILMEMBER HEAD
SECONDED BY: COUNCILMEMBER GRANDERSON
WHEREAS, Article VI, Section 21(H) of the State Constitution and Act 445 of 1983 provides for payment of ad valorem taxes on certain basis for property owners performing certain improvements in Historic, Economic, Development, and Downtown Development Districts; and
WHEREAS, in accordance with the procedures established by Resolution R-11-517 the following described property has been submitted to the Mayor's Office of Economic Development for review, said property being described as municipal address 826 Baronne Street owned by Dotan Bonen; and
WHEREAS, the Mayor's Office of Economic Development recommends approval with regard to participation in the aforementioned tax program; now therefore
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Council after consideration of the recommendation of the Mayor's Office of Economic Development, hereby approves participation of municipal address 826 Baronne Street owned by Dotan Bonen and further identified by the State Board of Commerce and Industry as application number RTA #2011-0046 in the Property Tax Abatement Program authorized by Act 445 of 1983 and Article VII Section 21(H) of the Constitution, effective on the date of adoption; therefore
BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that a copy of this resolution be forwarded to the State Board of Commerce and Industry.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED.

NO. R-12-28
CITY HALL: February 2, 2012
BY: COUNCILMEMBER HEAD
SECONDED BY: COUNCILMEMBER CLARKSON

CITY HALL: February 2, 2012
Disapproving the participation of municipal address 1402 Bordeaux Street owned by Abril B. Sutherland and Tyrone Sutherland, Jr., in the Property Tax Abatement Program. (RTA #20100847)
WITHDRAWN.

NO. R-12-29
CITY HALL: February 2, 2012
BY: COUNCILMEMBERS HEDGE-MORRELL, GUIDRY, HEAD AND GISLESON PALMER
RESOLUTION AND ORDER ACCEPTING OFFER OF SETTLEMENT IN THE MATTER OF THE APPLICATION OF ENTERGY NEW ORLEANS, INC. FOR AUTHORIZATION TO ENTER INTO A CONTRACT FOR THE PURCHASE OF CAPACITY AND ENERGY FROM UNIT 6 AT NINEMILE POINT STATION, FOR COST RECOVERY AND REQUEST FOR TIMELY RELIEF
DOCKET NO. UD-11-03
WHEREAS, pursuant to the Constitution of the State of Louisiana and the Home Rule Charter of the City of New Orleans ("Charter"), the Council of the City of New Orleans ("Council") is the governmental body with the power of supervision, regulation and control over public utilities providing service within the City of New Orleans; and
WHEREAS, pursuant to its powers of supervision, regulation and control over public utilities, the Council is responsible for fixing and changing rates and charges of public utilities and making all necessary rules and regulations to govern applications for the fixing and changing of rates and charges of public utilities; and
WHEREAS, Entergy New Orleans, Inc. ("ENO" or "Company") is a public utility providing electric service to all of New Orleans, except the Fifteenth Ward ("Algiers"), and gas service to all of New Orleans; and
WHEREAS, Entergy Louisiana, LLC ("ELL") provides electric service to the Algiers section of New Orleans; and
WHEREAS, on December 19, 2005, EAI provided written notice to the other Entergy Operating Companies of EAI's intent to withdraw from the System Agreement on December 19, 2013; and
WHEREAS, on November 8, 2007, EMI also provided notice to the other Entergy Operating Companies of EMI's intent to withdraw from the System Agreement on November 8, 2015; and
WHEREAS, with the departure of EAI and EMI from the Entergy System Agreement the four remaining Operating Companies, ENO, ELL, EGSL and ETI will constitute the Entergy System resulting in what has been commonly called the 4-1-1 operating configuration of the Operating Companies; and
WHEREAS, on September 30, 2008, ENO made available for public comment its Integrated Resource Plan Status Report ("Status Report") which presented both the Entergy System's Strategic Supply Resource Plan ("SSRP") and an assessment of the unique needs of ENO; and
WHEREAS, the Status Report indicated, based on ENO's 2008 load profile and resource portfolio, that ENO was short approximately 157 MW of core dispatch resources; and
WHEREAS, the Reference Planning Scenario of the SSRP incorporated an identified self-supply alternative in the Amite South planning region which was intended to meet long-term Entergy System reliability needs, provide flexible capacity for the Entergy System, and support regional reliability; and
WHEREAS, the Status Report indicated that the Entergy System anticipated market testing the self-supply alternative in the Amite South planning region within the coming year; and
WHEREAS, the Amite South planning region is a transmission constrained load pocket within the Entergy System; and
WHEREAS, on April 2, 2009, the Council adopted Resolution R-09-136, which approved the 2009 Agreement in Principle ("2009 AIP") and settled matters attendant to ENO's application for a change in electric and gas rates in Docket No. UD – 08-03; and
WHEREAS, the 2009 AIP provides that ENO has the right of first refusal to own or purchase up to twenty percent of the capacity and associated energy from such resource should the Entergy System pursue a self-build combined-cycle combustion turbine ("CCGT") or repowering a resource located within the Amite South region, or procures a long term/life of unit CCGT resource located within the Amite South region; and
WHEREAS, on September 24, 2009, Entergy Services, Inc. ("ESI") issued its Summer 2009 Request for Proposals for Long-Term Supply-Side Resources ("Summer 2009 RFP") which sought, among other things, a CCGT of up to 550 MW for the Amite South planning region starting no later than June 1, 2015; and
WHEREAS, as part of the Summer 2009 RFP ESI considered a self-build option for a 550 MW CCGT to be located at Ninemile Point Station as a competing alternative to Summer 2009 RFP bidder proposals; and
WHEREAS, according to ENO, the Entergy Operating Committee made its final proposal selections of the Summer 2009 RFP in July 2010 which included Entergy pursuing a self-build 550 MW CCGT to be located at Ninemile Point

Station ("Ninemile Unit 6" or "Project"); and
WHEREAS, on July 8, 2011 ENO filed its "Application of Entergy New Orleans Inc. For Authorization To Enter Into A Contract For The Purchase Of Capacity And Energy From Unit 6 At Ninemile Point Station, For Cost Recovery And Request For Timely Relief" ("Application"); and
WHEREAS, ENO has indicated in its Application that ELL will own Ninemile Unit 6 and ENO will purchase twenty percent of the energy and capacity through a life of unit MSS-4 Purchase Power Agreement ("PPA") and EGSL will purchase twenty-five percent of the energy and capacity through a life of unit PPA; and
WHEREAS, as a result of the proposed allocation ENO would be allocated 110 MW of CCGT capacity from Ninemile Unit 6; and
WHEREAS, ENO's testimony included with the Application provides, in part, the following justifications for the proposed allocation to ENO:
1. ENO currently has no CCGT capacity, and needs CCGT capacity to meet its base load and core load-following resource need, and
2. Additional resources are needed in the Amite South region to provide reliable service to ENO load in the region.
WHEREAS, ENO has estimated the total Project costs to be $721.145 million dollars excluding transmission upgrades based upon a May 31, 2012 authorization to its contractor to proceed with the Project; and
WHEREAS, ENO has estimated that its twenty percent share of the Project and participation via PPA will result in $23.2 million dollars of fixed cost first year revenue requirement, excluding ENO's share of the costs of transmission upgrades and System Agreement service schedule revenue requirements effects; and
WHEREAS, ENO has requested to recover its capacity costs billed through the PPA contemporaneously with the commercial operation of Ninemile Unit 6; and
WHEREAS, ENO has requested that to the extent that rate recovery of the capacity costs billed to ENO through the PPA are not contemporaneous with the commercial operation of Ninemile Unit 6, ENO be allowed to recover such costs through the FAC until such time that rate recovery is available; and
WHEREAS, on August 18, 2011, the Council issued Resolution R-11-356 establishing a docket in order to examine and consider ENO's Ninemile Application and setting a procedural schedule; and
WHEREAS, Resolution R-11-356 provided that the Alliance for Affordable Energy; the Sewerage and Water Board of New Orleans; and Jacobs, Folgers and Gypsum were deemed intervenors in Docket No. UD-11-03; and
WHEREAS, after extensive discovery, on November 29, 2011, the Council's Advisors filed testimony; and
WHEREAS, the evidentiary hearing in this docket was set for January 31, 2012, however prior to the completion of depositions and other discovery, the Company and the Council's Advisors, after negotiations, reached an Agreement in Principle that the Advisors, ENO and all of the Intervenors are recommending as being in the public interest and constituting a reasonable basis upon which to settle the issues in Docket No. UD-11-03; and
WHEREAS, on January 20, 2012, ENO filed the Agreement in Principle ("Agreement") with the Council; and
WHEREAS, a copy of the Agreement in Principle is appended hereto; and
WHEREAS, the Agreement in Principle itself should be consulted for a full and complete understanding of the rights and obligations contained therein; and
WHEREAS, the following are some of the principle terms and conditions of the Agreement in Principle:
1. ENO's Board of Directors approved the Agreement in Principle effective January 19, 2012. The Council's Advisors plan to present and recommend adoption of this Agreement in Principle to the Council. This Agreement in Principle is non-binding, and cannot be implemented without (1) ENO having obtaining approval from its Board of Directors and (2) the Council adopting a Resolution implementing the terms of this Agreement in Principle.
2. Based on ENO's Application, particularly its projections and costs estimates, and the testimony of the Council's Advisors' testimony submitted in this proceeding, the Council shall issue a finding that ENO's exercise of its right of first refusal under the terms of the 2009 AIP and its purchase of 20% of the capacity and associated energy associated with Ninemile 6 for the life of the unit priced pursuant to the Entergy System Agreement Service Schedule MSS-4 is prudent and in the public interest. The Council hereby is not making any findings with reference to the prudence of actions occurring subsequent to the ENO's exercise of its right of first refusal under the terms of the 2009 AIP.
3. To the extent that the LPSC, in its order certifying that construction of Ninemile 6 is in the public interest, imposes terms, conditions or limitations on the construction or operation of Ninemile 6 that are the sole cause of (1) a material adverse effect on the cost or schedule to construct Ninemile 6, or (2) an allocation of costs or discriminatory treatment to ENO that is inconsistent with ENO's participation percentage (i.e., 20%) in the project, the Council of the City of New Orleans may rescind its prior Resolution approving the unit power purchase provided for herein by issuing a Resolution rescinding such approval, or a letter from the Chair of the Council Utility Committee indicating her

recommendation and request to the Council to rescind such approval, by no later than the twentieth (20th) calendar day following the issuance of such LPSC Order. For purposes of this provision, the term "material adverse effect" shall mean an increase in the total project cost of more than twenty percent (20%) from the estimate contained in ELL's certification application to the LPSC in Docket No. U-31971 or an increase in the construction schedule that would result in a delay of the in-service date for the project of six months or more beyond April 2015.

4. During 2014, on or before one-year prior to the then-estimated commercial operation date of Ninemile 6, ENO shall file a Base Rate Case using the twelve months ended December 2013 as the test year. In any event, ENO's Base Rate Case filing shall be made in time for the Council to review the filing and render a determination as to the proper rates to be charged by ENO as prescribed in Section 158-91 of the New Orleans City Code. ENO pledges to work in a good faith manner with the Council's Advisors and any intervenors during the discovery process to facilitate the exchange of discovery in a timely fashion.

5. ENO shall have a continuing obligation to monitor ELL's cost control, continued evaluations of the appropriateness of continued construction of the project, effective administration of the Shaw EPC contract and all other contracts related to the project, including timely completion, and all other aspects of ELL's management and construction of the project.

6. Commencing with the second quarter of 2012 and continuing until the "close out" of the project by ELL and within thirty days of the close of the calendar quarter, ENO is to file with the Council's Advisors quarterly progress reports.

7. If Service Schedule MSS-4 ceases to be applicable to this transaction because ENO or ELL exit the Entergy System Agreement or the Entergy System Agreement is terminated, ENO agrees to use its reasonable best efforts to negotiate a unit contingent PPA with ELL regarding ENO's twenty percent share of the capacity of Ninemile Unit 6 priced using a cost-based formula rate that produces a result that is equal to the price that would be determined by the formula in the then existing Service Schedule MSS-4 using the same billing inputs and containing comparable terms to the then existing Service Schedule MSS-4 of the Entergy System Agreement under which ENO will be entitled to a twenty percent share of generation produced from Ninemile 6 operated as part of a regional commitment and dispatch pool.

WHEREAS, the Council hereby is not making any findings with reference to the prudence of actions occurring subsequent to the ENO's exercise of its right of first refusal under the terms of the 2009 AIP; and

WHEREAS, the Council commends ENO for reaching an agreement on this important issue; however, the Council expresses its extreme displeasure regarding the fact that on June 16, 2011, ENO signed the PPA with ELL without any prior communication with the Council or its Advisors; and

WHEREAS, as noted in Resolution R-11-356, the proposed PPA provides for the termination of the agreement "[i]If the Council of the City of New Orleans has not approved this Agreement in its entirety by the later of November 30, 2011 or thirty (30) days prior to the first day of the scheduled evidentiary hearing on Sellers's application to the Louisiana Public Service Commission" requesting certification that the Ninemile Unit 6 is in the public interest." Consistent with this provision, in its Application, ENO requested Council action by November 30, 2011 or thirty days prior to any Louisiana Public Service Commission ("LPSC") evidentiary hearing on the ELL/EGSL application; and

WHEREAS, for many years the Council has impressed upon ENO the importance of having more efficient generation in the Amite South region, since such regional generation would benefit ratepayers not only in terms of lower generation costs, but it would also reduce transmission costs and contribute to the overall reliability of the System. And with all of unknowns associated with EAI and EMI leaving the System, local generation has become even more important; and

WHEREAS, since it was the Council and its Advisors who negotiated and insisted on the inclusion of an ENO right of first refusal in the 2009 AIP, it is altogether unbelievable that ENO would negotiate the terms of a PPA agreement with ELL without Council knowledge or consultation, and it should not happen again; and

WHEREAS, the Agreement in Principle is expressly contingent on, the Company obtaining approval from its Board of Directors and the Council adopting a Resolution approving the Agreement in Principle; and

WHEREAS, effective January 19, 2012, ENO's Board of Directors approved the Agreement in Principle; and

WHEREAS, on the basis of the record before the Council and the unanimous support of the Intervenors and the reasons set forth below, the Council wishes to approve this Agreement in Principle; now, therefore:

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS THAT:

The Agreement in Principle is supported by the Council's Advisors, the Alliance for Affordable Energy, Air Products and Chemicals, Inc., Sewerage and Water Board of New Orleans, Jacobs Technology, Inc., The Folger Coffee Company (J.M. Smucker) and U.S. Gypsum, and on the basis of the record before us, we find that it is in the public interest. Accordingly, the Agreement in Principle is approved without modification for the following reasons, at a minimum.

This new source of efficient power addresses several critical needs that will benefit New Orleans ratepayers including:
1. Ninemile Unit 6 will provide ENO with a local power source that should reduce fuel costs as compared to the existing Michoud power plant, and as a result will reduce "Fuel Adjustment Clause" costs on ratepayers bills especially during the summer air conditioning season. Ninemile Unit 6 will provide additional transmission reliability to the Amite South region surrounding New Orleans.
2. Ninemile Unit 6 will provide additional Entergy System generation resources which will be needed upon the departure of Entergy Arkansas, Inc. in 2013 and Entergy Mississippi, Inc. in 2015.
3. Ninemile Unit 6 will provide newer CCGT technology which is the most economical and operationally suited technology given current projections of natural gas prices (All of Entergy's fossil fueled generation units in the Amite South region are at least forty years old).
4. Ninemile Unit 6's CCGT technology is well-suited for the needed load-following resources because this technology has the flexibility to ramp up and down quickly.
5. Ninemile Unit 6's CCGT technology is economically suited for baseload operation at current long-term forecasts for natural gas prices and carbon dioxide ("CO2") cost.
BE IT FURTHER RESOLVED with regard to any prudence findings, the Council's approval of this Agreement in Principle is limited to the prudence of ENO's exercise of its right of first refusal.
BE IT FURTHER RESOLVED approval of this Agreement eliminates the costs that would have been associated with the litigation of these proceedings.
For the foregoing reasons, the Agreement in Principle is APPROVED.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED.

NO. M-12-30
CITY HALL: February 2, 2012
BY: COUNCILMEMBER GISLESON PALMER
SECONDED BY: COUNCILMEMBER GRANDERSON
WHEREAS, the Pride of Algiers will hold its annual Lodge Fair and Open House on Saturday, February 18, 2012; and
WHEREAS, the Pride of Algiers has requested a temporary alcoholic beverage permit for the sale of alcoholic beverages on Saturday, February 18, 2012; now therefore
BE IT MOVED BY THE CITY COUNCIL OF THE CITY OF NEW ORLEANS, that the Department of Finance is hereby directed to issue a temporary alcoholic beverage permit to the Pride of Algiers for the sale of alcoholic beverages on Saturday, February 18, 2012 in conjunction with their its annual Lodge Fair and Open House at 922 Teche Street. The fee waiver authorized by this section shall not include any direct costs to the City and shall not be construed to waive the requirements of other applicable city, state, or federal laws which may be applicable.
BE IT FURTHER MOVED, that this Motion shall be provided to the Chief Administrative Officer, Department of Finance, the Department of Safety and Permits, the Department of Public Works, and the New Orleans Police Department.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-31
CITY HALL: February 2, 2012
BY: COUNCILMEMBER HEDGE-MORRELL
SECONDED BY: COUNCILMEMBER GRANDERSON
WHEREAS, The Holy Trinity Greek Orthodox Cathedral is hosting its 39th Annual Greek Festival from May 25-27 2012, and has requested the waiver of fees associated with the closure of blocks 3 through 9 Fortress Street of the cul-

de-sac as well as requesting the waiver of all fees associated with this event from May 19-27, 2012, now therefore
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the fees associated with the temporary closure of the 3-9 blocks of Fortress Street from May 19-27, 2012 for the Holy Trinity Greek Orthodox Cathedral 39th Annual Greek Festival, including any fees associated with the applicable traffic controls and parking controls to be implemented by the New Orleans Police Department, are hereby waived as provided for in Section 146-583 of the City Code, upon the condition that the street closure application process of the Department of Public Works and the New Orleans Police Department are completed and approvals are granted. The fee waiver authorized shall not include any direct costs to the city.
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the fee associated with temporary waiving all permits fees relative to vending including the sale of alcoholic beverage of high and low content, street closure, special event application, New Orleans Police Department, signage, parking meter use, parking meter bagging use, and tent construction permit within and around the 3 through 9 Fortress Street of the cul-de-sac in conjunction with the Holy Trinity Greek Orthodox Cathedral 39th Annual Greek Festival from May 19-27, 2012. The fee waiver authorized shall not include any direct costs to the city.
BE IT FURTHER MOVED, That the Clerk of Council immediately provide a certified copy of this motion to the Chief Administrative Officer, the Department of Public Works, the Department of Safety and Permits, the Department of Sanitation, the Holy Trinity Greek Orthodox Cathedral, and the New Orleans Police Department.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-32
CITY HALL: February 2, 2012
BY: COUNCILMEMBER JOHNSON
SECONDED BY: COUNCILMEMBER CLARKSON
Rescinding Motion No. M-11-583, in conjunction with the proposed site plan for the Sanchez Center project.
WITHDRAWN.

SUBSTITUTE NO. M-12-32
CITY HALL: February 2, 2012
BY: COUNCILMEMBER JOHNSON (BY REQUEST)
SECONDED BY: COUNCILMEMBER CLARKSON
BE IT MOVED BY THE CITY COUNCIL OF THE CITY OF NEW ORLEANS, That M-11-583 is hereby rescinded;
BE IT FURTHER MOVED That the City Planning Commission is hereby directed to conduct a public hearing to consider a request by the City of New Orleans to rescind Ord. No. 5564 MCS (Z.D. 18/74), Ord. No. 13,880 MCS (Z.D. 9/90) and Ord. No. 16,356 M.C.S. (Z.D. 104/93) and to authorize a Conditional Use permit a new Neighborhood Center – Andrew P. Sanchez Center and accessory parking lot for property located on the entirety of Square 706 generally bounded by N. Claiborne Avenue, Flood Street, N. Derbigny Street, and Caffin Avenue, and lots 1, 2 and 3, 4, X, Y, Z, 5 and 6, 7, 8, U, I on Square 815, generally bounded by N. Derbigny Street, Caffin Avenue, N. Roman and Flood Street, in the Third Municipal District. The municipal addresses are 1616 Caffin Avenue, 1700-1740 Caffin Avenue and 5519 N. Derbigny Street, 5514 N. Roman Street. (ZBM E-14)
THE FORGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION OF THEREOF AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-33
(AS CORRECTED)
CITY HALL: February 2, 2012

BY: COUNCILMEMBERS CLARKSON, HEAD AND GISLESON PALMER
WHEREAS, Article 11 "*Supplemental Use Standards*" of the Comprehensive Zoning Ordinance currently provides multiple use and operational standards, which govern the operations of Bed and Breakfast uses, and
WHEREAS, Among these existing standards, the CZO includes language as to the specific types of licenses and/or permits that are required by each Bed and Breakfast classification; and
WHEREAS, this language, while intended to reflect the current practices of the Finance Department's Bureau of Revenue, is overly specific creating challenges when permits and/or licenses names, types, or requirements change; and
WHEREAS, representatives of the Bed and Breakfast Industry have requested a change to more general language that leaves the determination of specific permits and/or licenses requirements to the Department of Finance and/or Department of Safety and Permits (where applicable).
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the City Planning Commission is hereby directed to conduct a public hearing to consider an amendment to Ordinance No. 4264 M.C.S., as amended, the Comprehensive Zoning Ordinance of the City of New Orleans, to amend Article 11, Sections 11.6 thru 11.9 to remove the specific citations of the City Code Sections (specifically Section 26-292 Minimum Floor Area Requirements) and references to Occupational Licenses and Mayoralty Permits and replace them with more general language that requires compliance with the regulations of the Department of Safety & Permits and the Department of Finance, Bureau of Revenue.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson – 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. R-12-34
CITY HALL: February 2, 2012
BY: COUNCILMEMBERS GUIDRY AND HEAD
WHEREAS, Act 298 of the 2007 Regular Session of the Louisiana Legislature authorizes local governing authorities to create Cultural Districts as a mechanism for community revitalization through the creation of hubs of cultural activity; and
WHEREAS, the Louisiana Department of Culture, Recreation and Tourism, Office of Cultural Development is authorized to develop standard criteria for cultural districts and to determine whether or not a proposed Cultural District meets these criteria; and
WHEREAS, the Louisiana Department of Culture, Recreation and Tourism, Office of Cultural Development has promulgated administrative rules which set forth the procedure for local governing authorities to submit applications to designate and certify a specified geographical area as a Cultural District; and
WHEREAS, the following geographical area within the City of New Orleans (hereinafter, the "Uptown-University Cultural District") may meet the criteria for the creation of a Cultural District, which area is generally comprised of the territory within the following boundaries:
The Western Boundary: Short Street, from the Mississippi River to Willow Street; Willow Street, from Short Street to Dublin Street; Dublin Street, from Willow Street to Palmetto Street.
The Northern Boundary: Palmetto Street, from Dublin Street to Broadway Street; Broadway Street, from Palmetto Street to Palm Street; Palm Street, from Broadway Street to Audubon Street; Calliope Street, from South Telemachus Street to South Genois Street; South Genois Street, from Calliope Street to Edinburgh Street; Edinburgh Street, from South Genois Street to South Clark Street; South Clark Street, from Edinburgh Street to Thalia Street; Thalia Street, from South Clark Street to South Rendon Street; South Rendon Street, from Thalia Street to Martin Luther King Boulevard; Martin Luther King Boulevard, from South Rendon Street to South Salcedo Street; South Salcedo Street, from Martin Luther King Boulevard to Eve Street; Eve Street, from South Salcedo Street to South Gayoso Street; South Gayoso Street, from Eve Street to Eden Street; Eden Street, from South Gayoso Street to South Dupre Street.
The Eastern Boundary: South Dupre Street, from Eden Street to South Broad Street; Napoleon Avenue, from South Broad Street to South Derbigny Street; South Derbigny Street, from Napoleon Avenue to Robert Street; Robert Street, from South Derbigny Street to South Prieur Street; South Prieur Street, from Robert Street to Octavia Street; Octavia Street, from South Prieur Street to South Saratoga Street; South Saratoga Street, from Octavia Street to Napoleon Avenue; Napoleon Avenue, from South Saratoga Street to Camp Street; Camp Street, from Napoleon Avenue to Lyons

Street; Lyons Street, from Camp Street to Tchoupitoulas Street; Tchoupitoulas Street from Lyons Street to Napoleon Ave; Napoleon Avenue from Tchoupitoulas Street to the Mississippi River.
The Southern Boundary: the Mississippi River, from Napoleon Avenue to Short Street; and
WHEREAS, within the boundaries of a state-certified Cultural District, several tax incentives may be available, including (1) a sales tax exemption on the sale of certain original works of art, (2) individual income tax credits for eligible expenses incurred during the rehabilitation of certain owner-occupied residential or owner-occupied mixed-use structures, and (3) income and corporate franchise tax credits for eligible expenses incurred during the rehabilitation of certain historic structures; and
WHEREAS, only a local governing authority is authorized to submit an application for the designation and certification of a Cultural District; and
WHEREAS, a "local governing authority" is defined by the Louisiana Administrative Code 25:1101 as "the governing authority of the parish in which the Cultural District is located unless the district is located in a municipality, in which case "local governing authority" shall mean the governing authority of the municipality; and
WHEREAS, the Uptown-University Cultural District is located entirely within the municipality of the City of New Orleans and, therefore, the City Council of New Orleans would be the proper entity to submit an application for the certification and designation of the above-described geographic area as a Cultural District; now therefore,
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS that the Council does support and endorse the submission of an application to designate the Uptown-University Cultural District as a state-certified Cultural District.
BE IT FURTHER RESOLVED that the Council delegates its authority to submit said application and all supporting documents, reports, and other forms required for the creation, administration, and reporting to Tulane University, the Audubon Nature Institute, the Louisiana Recovery School District, and the Orleans Parish School Board.
BE IT FURTHER RESOLVED that the Council directs all city employees to support and cooperate with efforts to compile all necessary information and data required for the application and all subsequent reporting necessary for the administration of the Uptown-University Cultural District.
BE IT FURTHER RESOLVED that the Council requests all affected citizens and businesses to support and promote activities consistent with the purposes of the Uptown-University Cultural District.
BE IT FURTHER RESOLVED that the Council authorizes the Mayor to sign any and all documents required for the creation and administration of the Uptown-University Cultural District.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED.

NO. M-12-35
CITY HALL: February 2, 2012
BY: COUNCILMEMBERS GUIDRY, GRANDERSON, HEAD AND HEDGE-MORRELL
WHEREAS, Council Rule 45 establishes a competitive selection process for the selection of professional services to the City Council; and
WHEREAS, on August 4, 2011, the City Council adopted Motion M-11-340, determining that professional services were required to provide a turn key, comprehensive, scalable and flexible agenda preparation and document management system plus an internet video streaming and meetings management solution for New Orleans and directing its staff to issue a Request for Proposal (RFP) to begin the competitive selection process established by Council Rule 45; and
WHEREAS, a Request for Proposal for the development, implementation and maintenance of a computerized Web Video Streaming and Meetings Management System for the City Council was issued on August 15, 2011; and
WHEREAS, by the deadline for the receipt of responses to the Request for Proposals, responses were received from four (4) companies, namely Granicus, Inc., SIRE, IQM2, and Provox; and
WHEREAS, as required by Council Rule 45, the Staff Selection Review Committee convened and submitted a written evaluation of the aforesaid four (4) responses to the Request for Proposals; and
WHEREAS, the Council Cable, Telecommunications, and Technology Committee, at its January 23, 2012 meeting, considered the evaluations of the Staff Selection Review Committee and recommended to the full Council that it

authorize that a professional services contract be entered into with Granicus, Inc. to provide Computerized Web Video Streaming and Meetings Management; now, therefore
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that in accordance with Council Rule 45, the Council selects Granicus, Inc., to provide Computerized Web Video Streaming and Meetings Management through a professional services contract authorized after competitive selection and the President of the Council is hereby requested and authorized to sign a contract with Granicus, Inc. for an initial annual period from March 1, 2012 until February 28, 2013 in an amount not to exceed $76,364 (including design, configuration, implementation, training, and managed service fees); and
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the contract may be extended at the option of the Council, on an annual basis for no longer than five one-year periods, provided funds are allocated by the New Orleans City Council and the extension of the contract facilitates the continuity of services provided; and
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the contract shall be circulated in accordance with the normal process and the City Council Rules.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTES AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-36
CITY HALL: February 2, 2012
BY: COUNCILMEMBER HEAD
SECONDED BY: COUNCILMEMBER GISLESON PALMER
BE IT MOVED BY THE CITY COUNCIL OF THE CITY OF NEW ORLEANS, That the City Planning Commission is directed to conduct a public hearing to consider an amendment to Article 18 of the Comprehensive Zoning Ordinance No. 4264, M.C.S., as amended, to establish a new Interim Zoning District (IZD) to be named the Xavier University Improvement Interim Zoning District, to downzone square 4, and lot M on square 545, to RM-4, generally bounded by: Pine, Stroelitz, Palm and Broadway Streets (for Square 4), and Short, Edinburgh, Palm, and Lowerline Streets (for Lot M, Square 545), and to allow alternative setback standards for recreational facilities, specifically, tennis courts, from 20 feet to five feet.
BE IT FURTHER MOVED, That in accordance with Article 16, Section 4.4(3) of the Comprehensive Zoning Ordinance, all appropriate agencies of City Government shall not accept any applications for permits or licenses that are in conflict with the intent and provisions of the proposed Interim Zoning District for properties contained within the aforesaid area during the consideration of this matter. The Interim Zoning District is to be in effect for a period of 180 days and is subject to extension as provided by Section 3-126 of the City Code. Any appeals shall be to the City Council in accordance with Article 16, Section 16.4.5(3) of the Comprehensive Zoning Ordinance.
THE FORGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. R-12-37
CITY HALL: February 2, 2012
BY: COUNCILMEMBERS GISLESON PALMER, CLARKSON AND HEDGE-MORRELL
A RESOLUTION in support of an application to the State of Louisiana to amend the boundaries of the “Saint Claude Corridor Cultural District.”
WHEREAS, Act 298 of the Regular Session of the Louisiana Legislature authorizes Local Governing Authorities, including the City of New Orleans, to create Cultural Districts as a mechanism for community revitalization through the creation of hubs of cultural activity; and
WHEREAS, the Council of the City of New Orleans unanimously adopted Resolution No. R-08-318 on June 19, 2008

endorsing the creation of the “Saint Claude Corridor Cultural District”; and
WHEREAS, the Louisiana Department of Culture, Recreation and Tourism, Office of Cultural Development has authorized the “Saint Claude Corridor Cultural District”; and
WHEREAS, the Louisiana Department of Culture, Recreation and Tourism, Office of Cultural Development is authorized to change the boundaries of established Cultural Districts; and
WHEREAS, an application to change any Cultural District boundary shall include a resolution of support by the Local Governing Authority; and
WHEREAS, “Local Governing Authority” is defined by LAC 25:I§1101 as “the governing authority of the Parish in which the Cultural District is located unless the district is located in a municipality, in which case “Local Governing Authority” shall mean the governing authority of the municipality”; and
WHEREAS, the area proposed to be added includes large commercial and residential development already demonstrating considerable investment in the revitalization of the neighborhood for cultural purposes and other commercial entities that can benefit from inclusion in the existing “Saint Claude Corridor Cultural District” and
WHEREAS, all tax incentives available within the aforementioned state-certified Cultural Districts will remain available to all parties within the boundary changes; and
WHEREAS, the original boundaries of the “Saint Claude Corridor Cultural District” approved by the Louisiana Department of Culture, Recreation and Tourism, Office of Cultural Development were:
Northern Boundary: The northern side of North Claiborne, between the western side of Clouet Street and the eastern side of Elysian Fields Ave;
Eastern Boundary: The western side of Clouet Street, from the northern side of North Claiborne to the northern side of Marais Street. The northern side of Marais Street from the western side of Clouet Street to the Western side of Poland Avenue. The western side of Poland Avenue between the northern side of Marais Street and the Mississippi river front;
Southern Boundary: The Mississippi river front between the eastern half of Esplanade and the western half of Poland Avenue;
Western Boundary: The eastern side of Elysian Fields from the northern side of North Claiborne to the southern side of Saint Claude Avenue. The southern side of Saint Claude Avenue between the eastern side of Elysian Fields and the eastern side of Esplanade Avenue. The eastern side of Esplanade Avenue from the southern side of Saint Claude Avenue to the Mississippi river front; now therefore,
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS that the original boundaries of the “Saint Claude Corridor Cultural District” be changed to the following as set forth in the attached map:
Northern Boundary: The northern side of North Claiborne Avenue, between the western side of the Industrial Canal and the eastern side of Elysian Fields Ave;
Eastern Boundary: The western side of the Industrial Canal, between the northern side of North Claiborne Avenue and the Mississippi river front;
Southern Boundary: The Mississippi riverfront between the eastern half of Esplanade and the Industrial Canal;
Western Boundary: The eastern side of Elysian Fields from the northern side of North Claiborne Avenue to the southern side of Saint Claude Avenue. The southern side of Saint Claude Avenue between the eastern side of Elysian Fields and the eastern side of Esplanade Avenue. The eastern side of Esplanade Avenue from the southern side of Saint Claude Avenue to the Mississippi river front.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED.

NO. R-12- 38
CITY HALL: February 2, 2012
BY: COUNCILMEMBERS CLARKSON, GRANDERSON, GUIDRY, HEAD, GISLESON PALMER, HEDGE-MORRELL, AND JOHNSON
WHEREAS, the Council of the City of New Orleans, on March 16, 2006, adopted Ordinance No. 22,163, M.C.S., relative to the “Fourth Amendment to Amended and Restated Lease Agreement” by and between the Rivergate Development Corporation, the City of New Orleans, and Jazz Casino Company L.L.C., successor in interest to Harrah’s Jazz Company, which included the commitment from Jazz Casino Company L.L.C., to provide $225,000 annually to

fund the City Council/ Harrah's Community Support Grants Program; and
WHEREAS, the agreement provides for the total of $225,000 to be funded semi-annually in two payments of $112,500; and
WHEREAS, the purpose of the program is to foster organizations and projects that demonstrably contribute to the economic, cultural, and civic fabric of the City; and
WHEREAS, the guidelines for eligibility, procedures, and monitoring of the grants have been approved by the City Council; and
WHEREAS, the following group has demonstrated its commitment to improving the civic life of the New Orleans community through its activities and programs; now, therefore
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the following grant is approved from grant funds, subject to the organization's eligibility pursuant the aforementioned guidelines:
District D (Hedge-Morrell):
Zulu Social Aid & Pleasure Club, Inc. $2,500
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED.

NO. 12-39 VOIDED

NO. M-12-40
CITY HALL: February 2, 2012
BY: COUNCILMEMBER GUIDRY
SECONDED BY: COUNCILMEMBER HEDGE-MORRELL
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the request of PURA BASCOS, DIRECTOR OF CODE ENFORCEMENT, MAYOR'S OFFICE OF COMMUNITY DEVELOPMENT, CITY OF NEW ORLEANS – To appeal the Neighborhood Conservation District Committee's decision of "denial" of the demolition of property located at 8639 Colapissa Street, New Orleans, be, and the decision is hereby overruled and the appeal is approved.
BE IT FURTHER MOVED, That the Clerk of Council shall forward copies of this motion directly to all affected departments.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson – 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-41
CITY HALL: February 2, 2012
BY: COUNCILMEMBER GISLESON PALMER
SECONDED BY: COUNCILMEMBER GRANDERSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the request of PURA BASCOS, DIRECTOR OF CODE ENFORCEMENT, MAYOR'S OFFICE OF COMMUNITY DEVELOPMENT, CITY OF NEW ORLEANS- to appeal the Neighborhood Conservation District Committee's decision of "denial" of demolition for property located at 1912-1914 St. Roch Avenue, be, and the decision is hereby upheld and the appeal is denied.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson – 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-42
CITY HALL: February 2, 2012
BY: COUNCILMEMBER GISLESON PALMER
SECONDED BY: COUNCILMEMBER GRANDERSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the request of PURA BASCOS, DIRECTOR OF CODE ENFORCEMENT, MAYOR'S OFFICE OF COMMUNITY DEVELOPMENT, CITY OF NEW ORLEANS- to appeal the Neighborhood Conservation District Committee's decision of "denial" of demolition for property located at 1700-02 St. Anthony Street, be, and the decision is hereby overruled and the appeal is granted with the following conditions:
1) That significant architectural elements and building materials are salvaged and donated to a non-profit organization who specializes in rebuilding homes in Orleans Parish.
BE IT FURTHER MOVED, that the Clerk of Council shall forward copies of this motion directly to all affected departments.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson – 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-43
CITY HALL: February 2, 2012
BY: COUNCILMEMBER HEDGE-MORRELL
SECONDED BY: COUNCILMEMBER GRANDERSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the request of PURA BASCOS, DIRECTOR OF CODE ENFORCEMENT, MAYOR'S OFFICE OF COMMUNITY DEVELOPMENT, CITY OF NEW ORLEANS - Requesting to appeal the Neighborhood Conservation District Committee's decision of "denial" of the demolition of the property located at 1707 Congress Street, be, and the decision is hereby overruled and the appeal is granted.
BE IT FURTHER MOVED, That the Clerk of Council shall forward copies of this motion directly to all affected departments.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson – 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-44
CITY HALL: February 2, 2012
BY: COUNCILMEMBER HEDGE-MORRELL
SECONDED BY: COUNCILMEMBER GUIDRY
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the request of WILLIAM JOSEPH, MOORE AND MOORE TRUCKING, LLC — Requesting to appeal the Neighborhood Conservation District Committee's decision of "denial" of the demolition of property located at 2419-21 Allen Street, be, and the decision is hereby overruled and the appeal is granted.
BE IT FURTHER MOVED, That the Clerk of Council shall forward copies of this motion directly to all affected departments.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Clarkson , Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson – 7
NAYS: 0
ABSENT: 0

AND THE MOTION WAS ADOPTED.

NO. M-12-45
CITY HALL: February 2, 2012
BY: COUNCILMEMBER HEDGE-MORRELL
SECONDED BY: COUNCILMEMBER GRANDERSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the request of WINSTON H. REID, DIRECTOR, OFFICE OF HOUSING CODE ENFORCEMENT — Requesting to appeal the Neighborhood Conservation District Committee's decision of "denial" of the demolition of property located at 2625-27 Peace Court (Case #09-004152), be, and the decision is hereby overruled and the appeal is granted.
BE IT FURTHER MOVED, That the Clerk of Council shall forward copies of this motion directly to all affected departments.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson – 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-46
CITY HALL: February 2, 2012
BY: COUNCILMEMBER HEAD
SECONDED BY: COUNCILMEMBER GRANDERSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the report and favorable recommendation of the City Planning Commission on ZONING DOCKET NO. 114/11 - CITY COUNCIL MOTION M-11-469 - Requesting a rescission of Ordinance No. 22,894 M.C.S., (Zoning Docket 79/07, a Conditional Use to permit a mini-warehouse) and a new Conditional Use to permit a commercial development with multiple uses greater than 10,000 square feet in floor area, in a C-1A General Commercial District, and within the Inner-City Urban Corridor Overlay District, on Square 334, Lots 1, 2, and 3, in the Second Municipal District, bounded by Bienville Avenue, Conti, North Broad and North Dorgenois Streets (Municipal Address: 300 North Broad Street), be, and the same is hereby upheld, and the Conditional Use is granted, subject to the waiver and provisos contained in the City Planning report, with the following modification, the deletion of proviso 10, for a total of 13 provisos.
BE IT FURTHER MOVED, that a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the Conditional Use Ordinance.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson – 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-47
CITY HALL: February 2, 2012
BY: COUNCILMEMBER GISLESON PALMER
SECONDED BY: COUNCILMEMBER GRANDERSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the report and recommendation "FOR APPROVAL" of the City Planning Commission on ZONING DOCKET NO. 120/11 – PMAT VILLAGE AURORA LLC - requesting an Amendment to Ordinance No. 23,578 MCS (a Conditional Use to permit a development exceeding 10,000 square feet of floor area and exceeding one acre in site area) to permit the construction of new retail building at the site, in a C-1 General Commercial District and within the UC Urban Corridor District, on Square H-D, Lot 1, in the Fifth Municipal District, bounded by General DeGaulle and Holiday Drives, Mac Arthur Boulevard and Rue Parc Fontaine (Municipal Address: 4100 and 4110 General DeGaulle Drive and 3010 Holiday Drive), subject to five (5) waivers and twenty-two (22) provisos, be, and the same is hereby upheld and the conditional use is granted.
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that a copy of the report of the

City Planning Commission and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the Conditional Use.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson – 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-48
CITY HALL: February 2, 2012
BY: COUNCILMEMBER JOHNSON
SECONDED BY: COUNCILMEMBER GRANDERSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and unfavorable recommendation of the City Planning Commission on ZONING DOCKET NO. 122/11 – CARL WILLIAMS - Requesting a Conditional Use to permit a Single-Family residence in an LI Light Industrial District, in Faubourg Demontluzin, Section A, Parcel 5, Lot 22, in the Third Municipal District, bounded by Chef Menteur Highway, Industrial Parkway, Louisville and Nashville Railroad (Municipal Address: Unassigned), be, and the same is hereby overruled and the Conditional Use is granted.
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the Conditional Use.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-49
CITY HALL: February 2, 2012
BY: COUNCILMEMBER HEAD
SECONDED BY: COUNCILMEMBER GRANDERSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the report and unfavorable recommendation of the City Planning Commission on ZONING DOCKET NO. 123/11 – QUAN VAN NGUYEN AND LUOT THI NGUYEN - Requesting a Zoning Change from an RM-4 Multi-Family Residential District to a B-1A Neighborhood Business District to permit accessory parking, on Square 332, Lots 8, 9, 10 and A, in the Fourth Municipal District, bounded by LaSalle, Washington, Fourth and South Liberty Streets (Municipal Address: 2718 and 2726 LaSalle Street), be, and the same is hereby upheld, and the Zoning Change is denied
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson – 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-50
CITY HALL: February 2, 2012
BY: COUNCILMEMBER GUIDRY
SECONDED BY: COUNCILMEMBER GRANDERSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the favorable report and recommendation of the City Planning Commission on ZONING DOCKET NO. 124/11 – NO BRAINER INVESTMENTS, LLC - requesting a Zoning Change from an RD-3 Two-Family Residential District to a B-1A Neighborhood Business District to permit a grocery store, on Square 311, Lot 10, in the Second Municipal District,

bounded by Orleans Avenue, Saint Ann, North Tonti, and North Rocheblave Streets (Municipal Address: 2441 Orleans Avenue) be, and the same is hereby approved and the Zoning Change is granted.
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the Zoning Change.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson – 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-51
(AS CORRECTED)
CITY HALL: February 2, 2012
BY: COUNCILMEMBER JOHNSON
SECONDED BY: COUNCILMEMBER GRANDERSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and favorable recommendation of the City Planning Commission on DESIGN REVIEW NO. 187/11 – FLICK PROPERTIES (BANNER CHEVROLET DEALERSHIP) - Requesting an appeal of the Eastern New Orleans Renaissance Corridor Interim Zoning District, Article 18, Section 18.51.11 Special Site Design Conditions of the Comprehensive Zoning Ordinance (CZO) to waive the required landscape buffer, screening, perimeter and interior landscaping, and a maximum permitted sign area as a part of the plan for new construction and renovation for the Banner Chevrolet dealership, on "L" shaped site consisting of Lot A-2 and B-2, Denny Tract and multiple lots within Square 4, Jackson Place Subdivision, Third Municipal District, bounded by Chef Menteur Highway, Downman Road/I-10 exit ramp, Carnot Street, and Old Gentilly Road side (Municipal Address: 5950 Chef Menteur Highway), be, and the same is hereby approved, subject to five (5) waivers and seven (7) provisos as stated in the City Planning Commission's report, amending Waiver No. 3, and with the addition of one (1) waiver renumbering the waivers accordingly, deleting Proviso No. 1 in its entirety and inserting new language, amending Proviso No. 2, deleting Proviso No. 4 in its entirety and inserting new language, deleting Proviso No. 5a in its entirety and inserting new language, and deleting Proviso No. 6 in its entirety and renumbering the provisos accordingly to read as follows:
WAIVERS:
Main Dealership Building:
1. The applicant shall be granted a waiver of Article 15, Section 15.6.1 *Fences, Walls and Hedges (In All Districts Except the Vieux Carre Districts)* requiring fences projecting into, or enclosing any of the required front or side yard to have a maximum height of seven (7) feet, to permit a fence of greater height but not to exceed ten (10) feet.
2. The applicant shall be granted a waiver of Article 18, Section 18.51.10 *Permitted Signs* requiring only one detached sign for each business to allow three detached signs for the main dealership building, and to allow one detached sign in excess of the maximum permitted seventy (70) square feet for a main dealership sign containing an area of less than one hundred (100) square feet.

Used Car Building and Lot:

3. The applicant shall be granted a waiver of Article 18, Section 18.51.11 (1) *Landscape Buffer Along Eastern New Orleans Renaissance Interim Zoning District Corridors,* which requires a landscape buffer of twenty (20) feet within the property line and along Chef Menteur Highway and Downman Road, to permit the following, subject to the review and approval of the staff of the City Planning Commission:
Eight (8) to ten (10) trees shall be placed in four by four (4 x 4) foot tree pits, spaced along the street frontage on both Chef Menteur Highway and Downman Road, have minimum trunk sizes of two-inch caliper, and a height of ten (10) to twelve (12) feet upon installation. Interior landscaping shall be a twenty-two by three (22 x 3) foot planting bed with curb along the façade of the right side of the new used car building.
4. The applicant shall be granted a waiver of Article 18, Section 18.51.11 (5) *Required Screening* of the vehicular use area from any public-right-of-way with a minimum of thirty-six (36) inches high continuous hedge or opaque fence, to permit installation of trees and ground cover subject to the review and approval by the City Planning Commission.
5. The applicant shall be granted a waiver of Article 18, Section 18.51.11 (7) *Perimeter Landscape Strip* along Carnot

Street to allow no landscaping strip on that side of the site.
6. The applicant shall be granted a waiver of Article 18, Section 18.51.10, *Permitted Signs,* to allow one detached sign in excess of the maximum permitted seventy (70) square feet, for a dealership sign containing an area of up to eighty-fur (84) square feet.
PROVISOS:
Main Dealership Building:
1. The applicant should consult with the Louisiana Department of Transportation and Development (LaDOTD) regarding the continued use of two parking spaces within the Chef Menteur Highway right-of-way.
2. The two off-center curb cuts leading to the main parking area shall be replaced with a single, centered curb cut having a maximum width of 24 feet. The curbs should be restored and sidewalk repaired. The curb cut shall be in place before the certificate of occupancy is issued.
Used Car Building and Lot:
3. The applicant shall resubdivide the multiple lots under his ownership that will be developed with a used car office building into a single lot of record prior to the issuance of the Certificate of Use and Occupancy.
4. The applicant should consult with the Louisiana Department of Transportation and Development (LaDOTD) regarding the encroachments onto the Chef Menteur Highway right-of-way.
5. The applicant shall submit a detailed landscape plan, stamped and signed by a Louisiana-licensed landscape architect or the Louisiana licensed landscape contractor responsible for installation, indicating the following:
a. Landscaping of the required buffer area and interior landscaping of the vehicular use area with trees, ground cover and other landscaping elements, subject to the review and approval of the staff of the City Planning Commission. Eight (8) to ten (10) trees shall be placed in four by four (4 x 4) foot tree pits, spaced along the street frontage on both Chef Menteur Highway and Downman Road, have minimum trunk sizes of two-inch caliper, and a height of ten (10) to twelve (12) feet upon installation. Interior landscaping shall be a twenty-two by three (22 x 3) foot planting bed with curb along the façade of the right side of the new used car building.
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Clerk of Council shall forward copies of this motion directly to all affected departments.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson – 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. R-12-52
CITY HALL: February 16, 2012
BY: COUNCILMEMBERS CLARKSON, GRANDERSON, GUIDRY, HEAD,
GISLESON PALMER, HEDGE-MORRELL AND JOHNSON
WHEREAS, the Council of the City of New Orleans, on March 16, 2006, adopted Ordinance No. 22,163, M.C.S., relative to the "Fourth Amendment to Amended and Restated Lease Agreement" by and between the Rivergate Development Corporation, the City of New Orleans, and Jazz Casino Company L.L.C., successor in interest to Harrah's Jazz Company, which included the commitment from Jazz Casino Company L.L.C., to provide $225,000 annually to fund the City Council/ Harrah's Community Support Grants Program; and
WHEREAS, the agreement provides for the total of $225,000 to be funded semi-annually in two payments of $112,500; and
WHEREAS, the purpose of the program is to foster organizations and projects that demonstrably contribute to the economic, cultural, and civic fabric of the City; and
WHEREAS, the guidelines for eligibility, procedures, and monitoring of the grants have been approved by the City Council; and
WHEREAS, the following group has demonstrated its commitment to improving the civic life of the New Orleans community through its activities and programs; now, therefore
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the following grant is approved from grant funds, subject to the organization's eligibility pursuant the aforementioned guidelines:
<u>At-Large A (Clarkson):</u>
Zulu Social Aid and Pleasure Club, Inc. $1,100

District D (Hedge-Morrell):
Xavier University Preparatory School – Alumni
Association $2,500
United Negro College Fund $3,000
Louisiana SPCA $2,000
Hike for KaTREEna $1,000
Armstrong Family Services $1,000
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED.

NO. M-12-53
CITY HALL: February 16, 2012
BY: COUNCILMEMBER GISLESON PALMER
SECONDED BY: COUNCILMEMBER GUIDRY
WHEREAS, the Artists International Connection will hold its annual Mardi Gras Ball and Fundraiser for the arts at 527 Elysian Fields on Friday, February 10, Saturday, February 11, and Sunday, February 12, 2012; and
WHEREAS, the Artists International Connection will hold Multimedia Performances at 527 Elysian Fields on February 16, 17, and 18, 2012; and
WHEREAS, the Artists International Connection will hold Mardi Gras Celebrations with performances and local marching krewes' open house at 527 Elysian Fields on February 19, 20, and 21, 2012; and
WHEREAS, the Artists International Connection has requested temporary alcoholic beverage permits for the sale of alcoholic beverages on all the above-mentioned dates; NOW THEREFORE
BE IT MOVED BY THE CITY COUNCIL OF THE CITY OF NEW ORLEANS, That the Department of Finance is hereby directed to issue a temporary alcoholic beverage permit to the Artists International Connection for the sale of alcoholic beverages on February 10, 11, 12, 16, 17, 18, 19, 20, and 21 2012 in conjunction with its Mardi Gras events at 527 Elysian Fields. The fee waiver authorized by this section shall not include any direct costs to the City and shall not be construed to waive the requirements of other applicable city, state, or federal laws which may be applicable.
BE IT FURTHER MOVED, That this Motion shall be provided to the Chief Administrative Officer, Department of Finance, the Department of Safety and Permits, the Department of Public Works, and the New Orleans Police Department.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry,
Hedge-Morrell, Johnson - 6
NAYS: 0
ABSENT: Head - 1
AND THE MOTION WAS ADOPTED.

NO. M-12-54
(AS CORRECTED)
CITY HALL: February 16, 2012
BY: COUNCILMEMBER HEAD (BY REQUEST)
SECONDED BY: COUNCILMEMBER CLARKSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the appointment of Debra Morton (vice Michael L. Haggen) as a member of the Children and Youth Planning Board, fulfilling the position of designee of the Superintendent of Recovery School District, for a term that will expire May 7, 2013 be, and the same is hereby ratified, confirmed and approved.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head,

Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. R-12-55
CITY HALL: February 16, 2012
BY: COUNCILMEMBERS HEDGE-MORRELL, HEAD, GUIDRY AND GISLESON PALMER
RESOLUTION AND ORDER REGARDING JOINT APPLICATION OF ENTERGY NEW ORLEANS, INC. AND ENTERGY LOUISIANA, LLC REGARDING TRANSFER OF FUNCTIONAL CONTROL OF CERTAIN TRANSMISSION ASSETS TO MIDWEST INDEPENDENT TRANSMISSION SYSTEM OPERATOR, INC. REGIONAL TRANSMISSION ORGANIZATION, FOR AN ACCOUNTING ORDER DEFERRING RELATED IMPLEMENTATION COSTS AND REQUEST FOR TIMELY TREATMENT
DOCKET NO. UD-11-01
WHEREAS, pursuant to the Constitution of the State of Louisiana and the Home Rule Charter of the City of New Orleans (Charter), the Council of the City of New Orleans (Council) is the governmental body with the power of supervision, regulation and control over public utilities providing service within the City of New Orleans; and
WHEREAS, pursuant to its powers of supervision, regulation and control over public utilities, the Council is responsible for fixing and changing rates and charges of public utilities and making all necessary rules and regulations to govern applications for the fixing and changing of rates and charges of public utilities; and
WHEREAS, Entergy New Orleans, Inc. ("ENO" or "Company") is a public utility providing electric service to all of New Orleans, except the Fifteenth Ward ("Algiers"), and gas service to all of New Orleans; and
WHEREAS, Entergy Louisiana, LLC ("ELL") provides electric service to the Algiers section of New Orleans; and
WHEREAS, ENO and ELL are wholly-owned subsidiaries of Entergy Corporation ("Entergy") and two of the six operating companies, along with Entergy Services, Inc. ("ESI"), that are parties to the Entergy System Agreement ("System Agreement"). The other four operating companies are Entergy Arkansas, Inc. ("EAI"), Entergy Gulf States, Louisiana, L.L.C., Entergy Texas, Inc., and Entergy Mississippi, Inc. ("EMI") (the six operating companies are referred to collectively as the ("Operating Companies"); and
WHEREAS, for over fifty years, the Entergy Operating Companies have planned, constructed and operated their bulk power supply and related facilities on a coordinated basis in order to take advantage of economies of scale and integrated operations. The Entergy System Agreement has formed the contractual basis for those joint functions, as well as for limited sharing of the costs of ownership and operation of the Operating Companies' facilities; and
WHEREAS, on December 19, 2005, EAI sent written notice to the other Entergy Operating Companies of its intent to withdraw from the System Agreement. On November 7, 2007, EMI sent written notice to the other Entergy Operating Companies of it's intent to withdraw from the System Agreement; and
WHEREAS, EAI and EMI's withdrawals from the System Agreement have the potential to dramatically impact ongoing costs for the remainder of the Operating Companies, including ENO; and
WHEREAS, the Council has actively participated in the creation and operation of the Entergy Regional State Committee ("ERSC"), which is comprised of members of each Entergy retail regulator - the Council, the Louisiana Public Service Commission, the Arkansas Public Service Commission, the Mississippi Public Service Commission and the Public Utility Commission of Texas. The ERSC was established, in part, to improve the widely-acknowledged problems with Entergy's regional transmission system, policies and practices, including limitations on New Orleans' access to lower-cost sources of generation. For many years, there have been serious concerns regarding the significant transmission congestion and the lack of transparency in the way Entergy operates; and
WHEREAS, in response to these concerns, the Federal Energy Regulatory Commission ("FERC") funded a study conducted by an independent consultant, Charles River Associates, to evaluate the costs and benefits of all Entergy Operating Companies and Cleco Power LLC's ("Cleco") participation in the Southwest Power Pool Regional Transmission Organization ("SPP"); and
WHEREAS, on September 30, 2010 and subsequently on October 27, 2010, December 8, 2010, and March 10, 2011, Charles Rivers Associates ("CRA") issued four cost-benefit analyses that studied various Entergy options, including potential membership in Regional Transmission Organizations ("RTO"), including SPP and the Midwest Independent Transmission System Operator ("MISO"); and
WHEREAS, in the CRA cost-benefit analyses the benefits to the Entergy region of joining an RTO are derived

primarily from trade benefits which result from savings associated with the production of electricity (from the combination of electricity produced by the Operating Companies' own generating units and from electricity purchased from third parties), and from savings associated with participating in a larger, more diverse integrated electric "pool"; and

WHEREAS, in the CRA cost-benefit analyses the assumption that Entergy qualifying facilities ("QFs") become firm resources rather than non-firm resources in an RTO is a key driver of trade benefits for the Entergy region; and

WHEREAS, in Council Resolutions R-10-565 and R-11-51, in Docket No. UD-07-03, the Council ordered ENO to file on or before May 12, 2011 certain studies to quantify the impact on New Orleans' ratepayers of various scenarios related to the withdrawal of EAI and EMI from the System Agreement, and the potential for new successor arrangements among either all or a subset of the Operating Companies, including the effects on any alternative transmission arrangements; and

WHEREAS, on April 25, 2011, Entergy, the parent company of the Operating Companies, formally announced its decision that the entire Entergy System would join MISO; and

WHEREAS, on May 12, 2011, ENO and ELL submitted an Evaluation of Alternative Transmission Arrangements Available to the Entergy Operating Companies and Support for Proposal to Join MISO ("Evaluation Report") and supporting testimony to the Council containing information and analyses that they contend forms the basis for Entergy's recommendation to join MISO; and

WHEREAS, according to Entergy, "based on comprehensive review and analysis, it has concluded that joining (MISO) will provide meaningful long-term benefits for the customers of the Entergy operating companies"; and

WHEREAS, on November 14, 2011, ENO and ELL filed their Joint Application of Entergy New Orleans, Inc. and Entergy Louisiana, LLC Regarding Transfer of Functional Control of Certain Transmission Assets to the Midwest Independent Transmission System Operator, Inc. Regional Transmission Organization, for an Accounting Order Deferring Related Implementation Costs and Request for Timely Treatment ("Joint Application"); and

WHEREAS, the Joint Application requests that the Council find that the transfer of functional control of the Companies' electric transmission assets to the MISO RTO to facilitate the Companies' membership therein is in the public interest and in accordance with Council Resolution R-06-88; and

WHEREAS, the Joint Application identifies various issues associated with transfer of functional control of the Companies' electric transmission assets to the MISO RTO which are, as of date of the filing, unresolved; and

WHEREAS, the Joint Application indicates that in the mid-2012 time frame, the Companies propose to make an additional filing – an "Implementation Filing" – to address the manner in which the Companies' membership in MISO will be implemented, including information that may be used by the Council in determining the appropriate ratemaking mechanisms associated with the Companies' membership in the MISO RTO, and other related matters; and

WHEREAS, according to the Companies, there are numerous MISO billing elements to be fully analyzed, with appropriate ratemaking methods to be determined for each of those billing elements. In this connection, the Companies may need to request that specific ratemaking mechanisms be implemented to recover these costs. As the Companies develop more specific information regarding operations within MISO, there could be additional technical matters to be addressed in the Implementation Filing; and

WHEREAS, according to the Companies, it makes sense for the Companies to have sufficient time to develop the detail necessary for the filing of meaningful cost and ratemaking information, while the Council considers the threshold public interest question; and

WHEREAS, the Joint Application indicates that the Company expects to initiate a process with the FERC to address any modifications to the Entergy System Agreement that are anticipated to be necessary, including filing(s) under Section 205 of the Federal Power Act, in order to provide for the treatment of certain costs and benefits associated with MISO by the first quarter of 2012; and

WHEREAS, On January 31, 2012, the Council's Advisors participated in the first of a series of meetings within an alternative dispute resolution process among the parties to the Entergy System Agreement to address modifications to the Entergy System Agreement corresponding to the integration into MISO of Operating Companies participating in the Entergy System Agreement ("ADR Process"); and

WHEREAS, the ADR Process is expected to continue with subsequent meetings tentatively scheduled for March 1-2, 2012 and March 27-28, 2012; and

WHEREAS, the Joint Application indicates that various workgroups, consisting of both Operating Company and Entergy Services, Inc. employees, are working to determine the appropriate boundaries for transmission pricing zones and load settlement zones; and

WHEREAS, with respect to the formula for calculating the avoided cost payment to QFs, the Joint Application indicates

that the Operating Companies will file with the pertinent retail regulators applications seeking such a change in the avoided cost formula for existing QFs before the integration into MISO occurs; and

WHEREAS, the Joint Application fails to provide a specific date upon which the anticipated change in avoided cost applications will be made with the pertinent retail regulators; and

WHEREAS, with respect to QFs, the Joint Application indicates that the Operating Companies intend to request that FERC grant the Operating Companies an exemption from the obligations to purchase energy put to them by new QFs; and

WHEREAS, on January 25, 2012 in FERC Docket No. ER12-480, Counsel for MISO was notified that it's November 28, 2011 Section 205 filing in connection with the transition and integration of Entergy Corporation and its Operating Companies into MISO is deficient and that additional information is required by FERC in order to process the filing; and

WHEREAS, on December 5, 2011, Entergy announced its proposal to divest and merge its electric transmission business into ITC Holdings; and

WHEREAS, the divestiture of the Entergy Operating Companies transmission assets may have an impact on the costs included in MISO transmission pricing zones, the boundaries of transmission pricing zones, the operation of the Entergy System Agreement Service Schedule MSS-2, the overall cost of transmission to the Companies, and ultimately the net benefits that may be anticipated in association with the Entergy Operating Companies transition to MISO; and

WHEREAS, the Joint Application provides estimates of net benefits with joining MISO, in the range of $1.1billion to $1.4 billion on a ten year net present value basis, to the Entergy Operating Companies collectively; and

WHEREAS, the Joint Application also indicates net benefits to both ENO and ELL, individually; and

WHEREAS, the CRA cost-benefit analyses form the basis of the estimates of net benefits to the Operating Companies which benefits are included in the Joint Application; and

WHEREAS, the magnitude of potential net benefits to the individual Operating Companies is dependent in large part on 1) the operation of the Entergy System Agreement and any modifications thereto to incorporate the charges and credits associated with settlement statements in MISO, 2) the boundaries of the transmission pricing zones and load settlement zones established within MISO for the Entergy Operating Companies, 3) the treatment of QFs and potential revisions to the applicable avoided costs calculations which establish the pricing for QFs energy, 4) the outcome of the Federal Energy Regulatory Commission Docket No. ER12-480 regarding the transition of the Entergy Operating Companies into MISO and the extent to which certain transmission costs will be allocated to the Operating Companies, and 5) the potential divestiture of the Entergy transmission assets; and

WHEREAS, the Council believes that the issues yet to be resolved with respect to the transfer of functional control of the Companies' electric transmission assets to the MISO RTO are not immaterial and may weigh heavily on the determination of net benefits that could be expected by the Companies; and

WHEREAS, the Council believes that uncertainties associated with the transfer of functional control of the Companies' electric transmission assets to the MISO RTO, and identified herein, render the Joint Application not sufficiently complete for a public interest determination by the Council at this time; and

WHEREAS, it is the Council's position that the transfer of functional control of transmission to MISO is a major undertaking and the Companies' position to the contrary notwithstanding, the Council should have as much information as possible in its record, including the Implementation Plan and the new System Agreement cost schedules and a forecast of their effect on the Companies, prior to making a final public interest determination; and

WHEREAS, based on the Joint Application, the Council believes many of the unresolved issues identified herein will not be addressed until mid-2012 at the earliest; and

WHEREAS, in consideration of determining a procedural schedule, the Council anticipates that the ADR process with respect to modifications to the System Agreement will have sufficiently progressed such that the anticipated changes to the System Agreement can be discretely identified as well as the relative impacts of the changes on cost transfers among the Operating Companies still participating in the System Agreement; and

WHEREAS, accordingly, the Council's public interest determination shall be considered in two (2) phases, with the initial phase being a threshold determination as to whether ENO and ELL's joining an RTO, particularly MISO, is in the public interest; and

WHEREAS, any Council determination that approves ENO and ELL's joining MISO shall be conditioned on the Council, in phase two (2) of this proceeding, approving the Companies' Implementation Plan complete with a filing with the Council demonstrating the net effects of System Agreement Service Schedule changes demonstrating the treatment of certain costs and benefits associated with MISO under revised Service Schedules to the System Agreement to be approved by FERC; now therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS THAT:
1. The Honorable Jeffrey Gulin shall continue as Hearing Officer to preside over this docket, including scheduling, motions and discovery disputes, as needed.
2. ENO, ELL, the Council's Advisors, and all of the Intervenors in Docket No. UD-11-01 are designated parties to these proceedings. Additionally, a period of 20 days from the adoption of this Resolution is established for interventions in this docket by individuals not herein designated a party. Persons desiring to intervene shall do so by filing an intervention request with the Clerk of Council, with a copy submitted to Director, Council Utilities Regulatory Office, Room 6E07 City Hall, 1300 Perdido Street, New Orleans, LA 70122; and to persons on the Official Service List of this docket, which can be obtained from the Council Utilities Regulatory Office. All fees associated with the filing of interventions are hereby waived, in accordance with Section 158-286 of the City Code. Objections to intervention requests shall be filed within 7 days of such requests. Timely-filed intervention requests not objected to within that time period shall be deemed GRANTED.
3. The discovery period in this docket is extended through 10 days prior to the date of the Hearing (discovery requests must be made in time that responses may be received prior to the close of the discovery period). Responses to data requests shall be made on a rolling basis and shall be due in hand within 12 calendar days of receipt. Parties are encouraged to submit their data requests and responses electronically, where appropriate. Objections to data requests shall be filed within 5 days of receipt. The parties are encouraged to attempt to resolve their discovery disputes amicably prior to seeking the intervention of the Hearing Officer or appealing to the Council.
4. Direct Testimony of Intervenors shall be filed not later than March 23, 2012.
5. Direct Testimony of Advisors shall be filed not later than May 7, 2012.
6. Cross-Answering Testimony of ENO and ELL shall be filed not later than June 7, 2012.
7. Cross-Answering Testimony of Intervenors and Advisors shall be filed not later than August 3, 2012.
8. Rebuttal Testimony of ENO and ELL shall be filed not later than August 22, 2012.
9. The evidentiary hearing shall commence on September 18, 2012.
10. The Hearing Officer is to certify the record of these proceedings to the Council not later than September 28, 2012.
11. To the extent technical conferences are required, they are to be arranged by the parties with the assistance of the Hearing Officer, if necessary.
12. For good cause shown and as required by the circumstances of the proceedings, the Hearing Officer shall have the authority to change or amend the dates established in the schedule set forth above.
13. It is anticipated that during discovery, the parties may be required to produce documents or information that are deemed confidential and/or highly sensitive and, accordingly, the Council adopts for use in this docket its Official Protective Order adopted by Resolution R-07-432, a copy of which can be obtained from the Council Utilities Regulatory Office.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head,
Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED

NO. R-12-56
CITY HALL: February 16, 2012
BY: COUNCILMEMBERS HEDGE-MORRELL, HEAD, GUIDRY AND
GISLESON PALMER
RESOLUTION ESTABLISHING DOCKET AND INITIATING INVESTIGATION OF THE PROPOSED DIVESTITURE OF THE TRANSMISSION ASSETS OF ENTERGY NEW ORLEANS, INC. AND ENTERGY LOUISIANA, LLC TO ITC HOLDINGS CORP. DOCKET NO. UD-12-01
WHEREAS, pursuant to the Constitution of the State of Louisiana and the Home Rule Charter of the City of New Orleans ("Charter"), the Council of the City of New Orleans ("Council") is the governmental body with the power of supervision, regulation and control over public utilities providing service within the City of New Orleans; and
WHEREAS, pursuant to its powers of supervision, regulation and control over public utilities, the Council is responsible for fixing and changing rates and charges of public utilities and making all necessary rules and regulations to govern applications for the fixing and changing of rates and charges of public utilities; and

WHEREAS, Entergy New Orleans, Inc. (“ENO” or “Company”) is a public utility providing electric service to all of New Orleans, except the Fifteenth Ward (“Algiers”), and gas service to all of New Orleans; and
WHEREAS, Entergy Louisiana, LLC (“ELL”) provides electric service to the Algiers section of New Orleans; and
WHEREAS, ENO and ELL are wholly-owned subsidiaries of Entergy Corporation (“Entergy”) and two of the six operating companies, along with Entergy Services, Inc. (“ESI”), that are parties to the Entergy System Agreement (“System Agreement”). The other four operating companies are Entergy Arkansas, Inc. (“EAI”), Entergy Gulf States, Louisiana, L.L.C., Entergy Texas, Inc., and Entergy Mississippi, Inc. (“EMI”) (the six operating companies are referred to collectively as the (“Operating Companies”); and
WHEREAS, for over fifty years, the Entergy Operating Companies have planned, constructed and operated their bulk power supply and related facilities on a coordinated basis in order to take advantage of economies of scale and integrated operations. The Entergy System Agreement has formed the contractual basis for those joint functions, as well as for limited sharing of the costs of ownership and operation of the Operating Companies’ facilities, including transmission facilities; and
WHEREAS, in December 2011, Entergy and ITC Holdings Corp. (“ITC”) announced their planned transaction whereby Entergy will divest and merge its electric transmission business into ITC; and
WHEREAS, Entergy expects to receive gross cash proceeds of $1.775 billion from indebtedness that will be incurred in connection with the transaction, and this indebtedness will be assumed by ITC at the close the merger.; and
WHEREAS, under the proposed transaction, Entergy will divest its electric transmission business to a newly-formed transmission company (“Mid South TransCo LLC”). Each Entergy Operating Company, including ENO and ELL will create its own transmission company subsidiary (“Transco Sub”) and will transfer all of its respective transmission assets to its Transco Sub. Such transmission assets will consist of all transmission lines operated at 69 kV or above, substation assets operated at 69 kV or above, common-use equipment in transmission substations (three-terminal substations), and equipment necessary for the sale and reliable operation of the grid. Each Operating Company will then distribute all of the equity interests of its Transco Sub to Entergy. Entergy will then contribute all of the equity interests of each Transco Sub to Mid South Transco LLC, effectively transferring all of the transmission assets of all of the Operating Companies into Mid South Transco LLC, in exchange for the common units and securities of Mid South Transco, LLC; and
WHEREAS, under the proposed transaction, ITC will create a new subsidiary for the purposes of the merger, “Merger Sub”. The Merger Sub will then be merged with and into Mid South Transco, LLC, the separate corporate existence of the Merger Sub will cease, and the Mid South Transco, LLC (referred to as the “Surviving Company” in the Merger Agreement) will continue as the surviving entity in the merger and will be a wholly-owned direct subsidiary of ITC. The merger will result in shareholders of Entergy receiving 50.1 percent of the shares of the pro forma ITC in exchange for their shares of Mid South Transco, LLC, with existing shareholders of ITC owning the remaining 49.9 percent of the combined company; and
WHEREAS, the initial managers and officers of the Surviving Company shall be the managers and officers of the Merger Sub immediately prior to the effective time of the merger. These managers and officers will hold office from the effective time until their respective successors are duly elected or appointed and qualified in the manner provided for by the limited liability agreement of the Surviving Company. ITC will take all necessary corporate actions to cause, at the effective time of the merger, there to be at least 2 vacancies on ITC’s Board of Directors which will be filled immediately after the Effective Time with 2 directors nominated by ITC’s Nominating/Corporate Governance Committee. ITC shall keep Entergy reasonably informed of such search process, and Entergy shall be entitled to offer any number of candidates to fill such vacancies. Any decision with respect to such candidates shall reside solely with the Nominating/Corporate Governance Committee and the Board
of Directors; and
WHEREAS, for three years from and after the effective time of the merger, Mid South Transco, LLC shall have a regional headquarters in Jackson, Mississippi as well as a regional presence for the Transco Subs within the 4-state region in which the transmission business principally operates. Entergy and ITC agree that the provision of charitable contributions and community support in the communities in which ITC and the Entergy transmission business currently operate is important. ITC intend to provide charitable contributions and community support on a level comparable to the levels ITC currently provides in its other service territories; and
WHEREAS, Entergy and ITC have set a goal of closing this transaction in 2013 subject to the receipt of all necessary approvals from Entergy’s retail regulators, including the Council, the Arkansas Public Service Commission, the Louisiana Public Service Commission, the Mississippi Public Service Commission, and the Public Service Commission of Texas; the Federal Energy Regulatory Commission; the Internal Revenue Service; the Department of Justice and

Federal Trade Commission; and ITC shareholders; and
WHEREAS, the Council believes that this proposed transaction may have a significant impact upon the cost of providing transmission services to ratepayers in the City of New Orleans, the provision of such transmission services, the improvement and expansion of existing transmission facilities, and the Council's jurisdiction over such transmission facilities; and
WHEREAS, the Council also has significant concerns regarding the impact of this proposed transaction upon the proposal of ENO and ELL to join the Midwest Independent Transmission System Operator ("MISO") regional transmission organization ("RTO") currently under investigation by the Council in Council docket number UD-11-01; and
WHEREAS, the Council desires further information regarding this proposed transaction in order to better evaluate its merits; and
WHEREAS, the Council desires to open a new docket to formally investigate the costs and benefits associated with ELL and ENO's proposed divestiture of their transmission assets to ITC, particularly whether said proposal produces maximum benefits for New Orleans' ratepayers and is in the public interest; now therefore:
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS THAT:
1. The Council hereby opens Docket No. UD-12-01 to consider the costs and benefits of ENO and ELL's selection of a transmission arrangement for New Orleans.
2. ENO, ELL, ITC, the Council's Advisors, and all of the Intervenors in Docket No. UD-11-01 are designated parties to these proceedings. Other interested parties are invited to intervene to provide for a more complete record. Additionally, a period of 30 days from the adoption of this Resolution is established for interventions in this docket by individuals not herein designated a party. Persons desiring to intervene shall do so by filing an intervention request with the Clerk of Council, with a copy submitted to Director, Council Utilities Regulatory Office, Room 6E01 City Hall, 1300 Perdido Street, New Orleans, LA 70122; and to persons on the Official Service List of this docket, which can be obtained from the Council Utilities Regulatory Office. All fees associated with the filing of interventions are hereby waived, in accordance with Section 158-286 of the City Code. Objections to intervention requests shall be filed within 7 days of such requests. Timely-filed intervention requests not objected to within that time period shall be deemed GRANTED.
3. Jeffrey Gulin is appointed the Hearing Officer to preside over the discovery in this docket, including scheduling, motions and discovery disputes, as needed.
4. A period of discovery shall commence with the adoption of this Resolution and, unless otherwise changed by the Council, extend through 120 days of ENO and ELL's filing of their formal proposals for transfer of their transmission assets (discovery requests must be made in time that responses may be received prior to the close of the discovery period). Responses to data requests shall be made on a rolling basis and shall be due in hand within 15 calendar days of receipt (All requests received after 3 o'clock p.m. (central) on a Friday shall be deemed received the following business day). Parties are encouraged to submit their data requests and responses electronically, where appropriate. Objections to data requests shall be filed within 5 days of receipt. The parties are encouraged to attempt to resolve their discovery disputes amicably prior to seeking the intervention of the Hearing Officer or appealing to the Council.
5. It is anticipated that during discovery, the parties may be required to produce documents or information that are deemed confidential and/or highly sensitive and, accordingly, the Council adopts for use in this docket its Official Protective Order adopted by Resolution R-07-432, a copy of which can be obtained from the Council Utilities Regulatory Office.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head,
Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED

NO.R-12-57
CITY HALL: February 16, 2012
BY: COUNCILMEMBERS HEDGE-MORRELL, HEAD, GUIDRY AND GISLESON PALMER
RESOLUTION AND ORDER TERMINATING REPORTING REQUIREMENTS FOR ENTERGY NEW ORLEANS, INC. ESTABLISHED IN COUNCIL DOCKET NO. UD-10-03
WHEREAS, pursuant to the Constitution of the State of Louisiana and the Home Rule Charter of the City of New

Orleans (“Charter”), the Council of the City of New Orleans (“Council”) is the governmental body with the power of supervision, regulation and control over public utilities providing service within the City of New Orleans; and
WHEREAS, pursuant to its powers of supervision, regulation and control over public utilities, the Council is responsible for fixing and changing rates and charges of public utilities and making all necessary rules and regulations to govern applications for the fixing and changing of rates and charges of public utilities; and
WHEREAS, Entergy New Orleans, Inc. (“ENO” or “Company”) is a public utility providing electric service to all of New Orleans, except the Fifteenth Ward (“Algiers”), and gas service to all of New Orleans; and
WHEREAS, Entergy Louisiana, LLC (“ELL”) provides electric service to the Algiers section of New Orleans; and
WHEREAS, pursuant to Council Resolution R-10-481, dated November 4, 2011, the Council established Docket No. UD-10-03 for the purpose of investigating outages, reliability issues and customer damage claims in the Bywater area and in Orleans Parish in general; and
WHEREAS, in accordance with ordering paragraph No. 4 of Resolution R-10-481, ENO was directed to provide ongoing bi-weekly reports to the Council concerning Bywater reliability issues until otherwise directed by the Council; and
WHEREAS, the Council directed ENO to provide data regarding Electric Distribution Feeders Nos. 621, 622, and 623 serving the Bywater area, and customer damage claims resulting from electric service issues in this same area; and
WHEREAS, the Company has provided bi-weekly reports to the Council addressing those issues identified in Resolution R-10-481 since December 3, 2010; and
WHEREAS, as part of this process, the Company initiated remediation efforts to improve the reliability performance of Feeders Nos. 621, 622, and 623; and
WHEREAS, ENO has since continued to provide the bi-weekly reports as directed by Resolution R-10-481 and, as documented over the past several months, reported low or no incidents of customer service issues; and
WHEREAS, the Company believes the continued production of these bi-weekly reports is no longer necessary given that all scheduled work in the Bywater area has been completed; and
WHEREAS, ENO has requested that the Council relieve the Company of the obligation to file bi-weekly reports with the Council concerning Bywater reliability issues, effective January 31, 2012; and
WHEREAS, our Advisors have considered ENO’s request and recommend it be GRANTED; now, therefore:
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS THAT:
ENO’s reporting requirement established in R-10-481 is hereby TERMINATED.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head,
Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED

NO. R-12-58
CITY HALL: February 16, 2012
BY: COUNCILMEMBERS HEDGE-MORRELL, HEAD, GUIDRY AND GISLESON PALMER
RESOLUTION AND ORDER APPROVING ENTERGY NEW ORLEANS, INC.’S PROPOSED TREATMENT WITH RESPECT TO UNCLAIMED FUNDS
WHEREAS, pursuant to the Constitution of the State of Louisiana and the Home Rule Charter of the City of New Orleans (“Charter”), the Council of the City of New Orleans (“Council”) is the governmental body with the power of supervision, regulation and control over public utilities providing service within the City of New Orleans; and
WHEREAS, pursuant to its powers of supervision, regulation and control over public utilities, the Council is responsible for fixing and changing rates and charges of public utilities and making all necessary rules and regulations to govern applications for the fixing and changing of rates and charges of public utilities; and
WHEREAS, Entergy New Orleans, Inc. (“ENO” or “Company”) is a public utility providing electric service to all of New Orleans, except the Fifteenth Ward (“Algiers”), and gas service to all of New Orleans; and
WHEREAS, Entergy Louisiana, LLC (“ELL”) provides electric service to the Algiers section of New Orleans; and
WHEREAS, on May 9, 2011, ENO forwarded a letter to the Council Utility Committee indicating that ENO is in possession of approximately $205,000 of unclaimed funds remaining from the refund approved by the Council in 2001 related to System Energy Resources, Inc. (“SERI”); and

WHEREAS, the unclaimed funds have been held by the Company in a non-interest bearing account since 2002, and under normal circumstances the funds together with any unclaimed checks would have escheated to the Louisiana State Department of Revenue; and
WHEREAS, as a result of the bankruptcy proceedings following Hurricane Katrina, ENO was relieved of its obligation to escheat the funds to the state; and
WHEREAS, the Company is requesting Council approval to disburse said funds in order to close the accounting books and bank account; and
WHEREAS, on July 14, 2011, ENO forwarded a letter to the Council Utility Committee seeking approval for the following treatment and disbursement of the SERI unclaimed funds:
1) Where unclaimed funds are in the name of a current ENO customer's account, ENO proposed to credit the unclaimed funds (approximately $64,000 in total) against the current balance of the customer's electric account;
2) Where unclaimed funds are in the name of a customer account that has been closed, but has an outstanding balance due, ENO proposes to credit the unclaimed funds (approximately $50,000 in total) against the remaining balance on the electric account;
3) The remaining unclaimed SERI funds (approximately $90,000 in total) would be applied to reduce the over/under account balance of the electric fuel adjustment charge for the next available month subsequent to Council approval.
WHEREAS, the Advisors have reviewed ENO's request and recommend its approval; now, therefore:
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS THAT:
ENO's proposed treatment for the unclaimed SERI funds is hereby APPROVED.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head,
Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED

NO. M-12-59
CITY HALL: February 16, 2012
BY: COUNCILMEMBERS HEDGE-MORRELL, GUIDRY AND HEAD
WHEREAS, Council Rule 45 establishes a competitive selection process for the selection of professional services consultants to the City Council; and
WHEREAS, on September 1, 2011, the City Council adopted Motion M-11-406, determining that highly qualified and experienced legal, technical, and engineering professional regulatory advisors are needed by the Council and directing the Council staff to issue a Request for Qualifications ("RFQ") to begin the competitive selection process established by Council Rule 45; and
WHEREAS, a Request for Qualifications relative to electric and natural gas regulatory services was issued on September 23, 2011; and
WHEREAS, by the October 27, 2011 deadline six (6) responses to the Request for
Qualifications were received; and
WHEREAS, as required by Council Rule 45, the Staff Selection Review Committee evaluated the six (6) responses and, after review and evaluation, recommended that the Council Utility Committee give further consideration to all respondents; and
WHEREAS, the Council Utility Committee met on December 7, 2011 and interviewed the respondents recommended by the Staff Selection Review Committee; and
WHEREAS, on December 15, 2011 the Council adopted Motion M-11-574, which approved the retaining of the firm of SNR Denton, US, LLP as special counsel to the City Council to provide electric and/or natural gas regulatory consulting services on a month to month basis for a period of up to one year; and
WHEREAS, SNR Denton, US, LLP has recently advised the Council that it will be opening an office in New Orleans on March 1, 2012, staffed by local attorneys Jay Beatmann and Royce Duplessis, with Basile Uddo providing additional counsel; now therefore
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the firm of SNR Denton, US, LLP, be retained as special counsel to the City Council to provide electric and/or natural gas regulatory consulting services for a period of up to one year, renewable annually for a period of up to five (5) years, is hereby approved.

BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the negotiation of a contract in accordance with a scope of work consistent with the Request for Qualifications and the Council's electric and gas utility regulatory needs is hereby authorized with SNR Denton, US, LLP to be retained by the Council.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED
ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head,
Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-60
CITY HALL: February 16, 2012
BY: COUNCILMEMBERS CLARKSON, GRANDERSON, HEDGE-MORRELL, HEAD, GUIDRY, GISELSON-PALMER AND JOHNSON (BY REQUEST)
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the Operating Budget of the Piazza d'Italia Development Corporation for the year 2012, as herein below specified, be, and the same is hereby amended:
PIAZZA D'ITALIA DEVELOPMENT CORPORATION
OPERATING BUDGET FOR THE YEAR 2012
ANTICIPATED REVENUES
Parking Revenues $798,817
Other Revenues 400
TOTAL REVENUES $799,217
ANTICIPATED EXPENDITURES
Other Operating Expenses $195,010
Reserves 604,207
TOTAL EXPENDITURES $799,217
BE IT FURTHER MOVED, that said budget may from time to time, be amended by the Piazza d'Italia Development Corporation, with the approval of the Chief Administrative Officer, provided that such amendment shall not have the effect of increasing or decreasing the total amount budgeted, as herein approved.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION OF SAME, AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry,
Hedge-Morrell, Johnson - 6
NAYS: 0
ABSENT: Head - 1
AND THE MOTION WAS ADOPTED.

NO. R-12-61
CITY HALL: February 16, 2012
BY: COUNCILMEMBERS HEAD AND GUIDRY
WHEREAS, Article VI, Section 21(H) of the State Constitution and Act 445 of 1983 provides for payment of ad valorem taxes on certain basis for property owners performing certain improvements in Historic, Economic, Development, and Downtown Development Districts; and
WHEREAS, in accordance with the procedures established by Resolution R-09-125 the following described property has been submitted to the Mayor's Office of Economic Development for review, said property being described as municipal address 1402 Bordeaux Street owned by Abril B. Sutherland and Tyrone Sutherland, Jr.; and
WHEREAS, the Mayor's Office of Economic Development recommends disapproval with regard to participation in the aforementioned tax program; now therefore
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Council, after consideration of the recommendation of the Mayor's Office of Economic Development, overrules said determination and hereby *approves* participation of municipal address 1402 Bordeaux Street owned by Abril B. Sutherland and Tyrone Sutherland, Jr. and further identified by the State Board of Commerce and Industry as application number RTA #20100847 in the Property Tax Abatement Program authorized by Act 445 of 1983 and Article VII Section 21(H) of the

Constitution, effective on the date of adoption; therefore
BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That a copy of this resolution be forwarded to the State Board of Commerce and Industry.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head,
Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED.

NO. R-12-62
CITY HALL: February 16, 2012
BY: COUNCILMEMBER GUIDRY
SECONDED BY: COUNCILMEMBER CLARKSON
WHEREAS, Article VI, Section 21(H) of the State Constitution and Act 445 of 1983 provides for payment of ad valorem taxes on certain basis for property owners performing certain improvements in Historic, Economic, Development, and Downtown Development Districts; and
WHEREAS, in accordance with the procedures established by Resolution R-09-125 the following described property has been submitted to the Mayor's Office of Economic Development for review, said property being described as municipal address 8241-47 Spruce Street owned by Corinne A. Morrison; and
WHEREAS, the Mayor's Office of Economic Development recommends approval with regard to participation in the aforementioned tax program; NOW, THEREFORE
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Council after consideration of the recommendation of the Mayor's Office of Economic Development, hereby approves participation of municipal address 8241-47 Spruce Street owned by Corinne A. Morrison and further identified by the State Board of Commerce and Industry as application number RTA #2010-0965 in the Property Tax Abatement Program authorized by Act 445 of 1983 and Article VII Section 21(H) of the Constitution, effective February 16, 2012.
BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That a copy of this resolution be forwarded to the State Board of Commerce and Industry.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head,
Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED.

NO. R-12-63
CITY HALL: February 16, 2012
BY: COUNCILMEMBER GUIDRY
Requesting that the New Orleans Police Department and Mardi Gras Indian community continue to meet on a regular basis to resolve issues and share information especially in advance of events such as Mardi Gras, St. Joseph's Day, and Super Sunday, when Indians traditionally parade in public spaces.
WITHDRAWN.

NO. R-12-64
CITY HALL: February 16, 2012
BY: COUNCILMEMBERS GUIDRY, CLARKSON, GRANDERSON, GISLESON PALMER, HEAD, HEDGE-MORRELL AND JOHNSON
WHEREAS, since Hurricanes Katrina and Rita in 2005 and the Gulf oil spill of 2010, the need for quality mental health and substance abuse services in New Orleans has never been greater; and
WHEREAS, there has been a dramatic reduction in the City's mental health and substance abuse treatment resources and facilities during this time, including the closure of the New Orleans Adolescent Hospital and Charity Hospital,

which has substantially exacerbated our present mental health crisis; and
WHEREAS, the State of Louisiana recently announced $29 million in budget cuts to the LSU Hospital System, which includes the LSU Interim Public Hospital in New Orleans; and
WHEREAS, LSU Interim Hospital will absorb up to $15 million of the announced cuts; and
WHEREAS, LSU Interim Hospital recently announced that, as a result of these budget cuts, it will eliminate its 20-bed chemical detox unit, close nine inpatient psychiatric beds on the DePaul campus, close ten mental health beds in the emergency department, close four emergency department beds, close 25 medical/surgical beds, and scale back treatment for state prisoners; and
WHEREAS, these drastic reductions to our city's scarce mental health and substance abuse resources are likely to result in an increase in self-inflicted injuries and suicides, and increased crime and higher incarceration costs for the City, as even more persons with untreated mental illness and/or substance abuse problems will have to be brought to Orleans Parish Prison rather than to an appropriate medical facility; NOW THEREFORE,
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the State of Louisiana and LSU Interim Hospital should immediately identify any and all alternative ways to make the necessary budget cuts that will not result in a reduction of mental health and/or substance abuse services and resources in the City of New Orleans. They should work in conjunction with the New Orleans Health Department and local mental health and substance abuse service providers to achieve this objective.
BE IT FURTHER RESOLVED, That copies of this Resolution should be forwarded to Governor Bobby Jindal; Bruce Greenstein, Secretary of the Louisiana Department of Health and Hospitals; Dr. Roxanne Townsend, CEO of the LSU Interim Public Hospital; Dr. Fred Cerise, Vice President of Health Affairs for the LSU Hospital System; Dr. Karen DeSalvo, Health Commissioner for the City of New Orleans; and Hon. Calvin Johnson, Executive Director of the Metropolitan Human Services District.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head,
Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED.

NO. M-12-65
CITY HALL: February 16, 2012
BY: COUNCILMEMBER GISLESON PALMER
SECONDED BY: COUNCILMEMBER CLARKSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the VEHICLE FOR HIRE TAXICAB BUREAU APPEAL – OF NERON RIVERS - Requesting to appeal the Department of Safety and Permits Ground Transportation Bureau's decision of "denial" of an application for a taxi driver's permit, be, and the decision is hereby upheld.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head,
Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-66
CITY HALL: February 16, 2012
BY: COUNCILMEMBER GISLESON PALMER
SECONDED BY: COUNCILMEMBER GUIDRY
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the VEHICLE FOR HIRE TAXICAB BUREAU APPEAL – OF CHRISTOPHER SALATICH- Requesting to appeal the Department of Safety and Permits Ground Transportation Bureau's decision of "denial" of an application for a taxi driver's permit, be, and the decision is hereby upheld.

THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.
NO. M-12-67
CITY HALL: February 16, 2012
BY: COUNCILMEMBER GISLESON PALMER
SECONDED BY: COUNCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the VEHICLE FOR HIRE TAXICAB BUREAU APPEAL – OF MICHAEL W. TIFFT, LAW OFFICE, ON BEHALF OF ALEX MATA - Requesting to appeal the Department of Safety and Permits Ground Transportation Bureau's decision of "denial" of an application for pedicab permits, be, and the decision is hereby upheld.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head,
Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-68
CITY HALL: February 16, 2012
BY: COUNCILMEMBER GISLESON PALMER
SECONDED BY: COUNCILMEMBER CLARKSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the VEHICLE FOR HIRE TAXICAB BUREAU APPEAL – OF KAMOND MITCHELL - Requesting to appeal the Department of Safety and Permits Ground Transportation Bureau's decision of "denial" of the renewal of a CPNC (Certificate of Public Necessity and Convenience), be, and the decision is hereby upheld.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head,
Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-69
CITY HALL: February 16, 2012
BY: COUNCILMEMBER GISLESON PALMER
SECONDED BY: COUNCILMEMBER GUIDRY
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the request of VCC APPEAL – OF CONRAD SCHIMMEL - Requesting to appeal the Vieux Carré Commission Architectural Committee's decision of "approval" to stucco the rear courtyard wall for property located at 819 Orleans Avenue, be, and the decision is hereby upheld and the appeal is denied.
BE IT FURTHER MOVED, That the Clerk of Council shall forward copies of this motion directly to all affected departments.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head,
Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0

AND THE MOTION WAS ADOPTED.

NO. M-12-70
CITY HALL: February 16, 2012
BY: COUNCILMEMBER GISLESON PALMER
SECONDED BY: COUNCILMEMBER GRANDERSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the City Planning staff's report and recommendation for "APPROVAL" of the request of Design Review No. 7/12 - NON CONFORMING USE – OF ZELLA V. MAY - Requesting a Non-Conforming Use from an Antique Shop to a Veterinary Service for property located at 1000 Royal Street, be, and the same is hereby upheld and the change of Non-Conforming Use is granted, subject one (1) waiver and three (3) provisos as recommended in the City Planning Commission's report (DR #7/12).
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the Clerk of Council shall forward copies of this motion directly to all affected departments.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head,
Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-71
CITY HALL: February 16, 2012
BY: COUNCILMEMBER HEDGE-MORRELL
SECONDED BY: COUNCILMEMBER GRANDERSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and favorable recommendation of approval of the City Planning Commission on DESIGN REVIEW NO. 168/11 – MOHAMMAD CHEEMA – Requesting an appeal of the Eastern New Orleans Renaissance Corridor Interim Zoning District Article 18, Section 18.51.11 *Special Site Design Conditions* of the Comprehensive Zoning Ordinance (CZO) to reduce the size of the required landscaped buffer as a part of the redevelopment plan for a Shell gasoline service station, on the Corner of Downman Road and Chef Menteur Highway Square 5, Lots 5, 6, 7, 8 , 9 and 10, in the Third Municipal District, bounded by Chef Menteur Highway, Downman Road, Stemway Drive and Monrow Street (Municipal Address: 3901 Downman Road). The recommendation of the City Planning Commission being "FOR APPROVAL", subject to one (1) waiver and three (3) provisos, be, and the same is hereby upheld and the request is granted.
Waiver:
1. The applicant shall be granted a waiver of Article 18, Section 18.51.11 (1) *Landscape Buffer Along Eastern New Orleans Renaissance Interim Zoning District Corridors,* which requires a landscape buffer of twenty (20) feet within the property line, to permit twelve (12) feet ten (10) inches along Chef Menteur Highway and fourteen (14) feet four (4) inches along Downman Road.
Provisos:
1. The applicant shall resubdivide all lots associated with the development into one lot of record prior to the issuance of the Certificate of Use and Occupancy.
2. The applicant shall submit a revised landscape plan that has been stamped and signed by a Louisiana licensed landscape architect or the Louisiana licensed landscape contractor responsible for installation subject to the review and approval of the City Planning Commission.
3. The applicant shall secure the approval for all off site improvement including but not limited to, curb cuts and sidewalks modifications from the Department of Public Works and the Louisiana Department of Transportation and Development.
BE IT FURTHER MOVED, that the Clerk of Council shall forward copies of this motion directly to all affected departments.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head,
Hedge-Morrell, Johnson - 7

NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-72
CITY HALL: February 16, 2012
BY: COUNCILMEMBER JOHNSON
SECONDED BY: COUNCILMEMBER HEDGE-MORRELL
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and unfavorable recommendation of "denial" by the City Planning Commission on DESIGN REVIEW NO. 181/11 – BRAD DANNENBAUM (W H CAPITAL LLC) - Requesting an appeal of the Eastern New Orleans Renaissance Corridor Interim Zoning District, Article 18, Section 18.51.10 *Permitted Signs* of the Comprehensive Zoning Ordinance which restricts the permitted height and area of detached signs, in the Third Municipal District, on Square 0, Lots 3D-3A and 3D-3A-1B, bounded by Read and Lake Forest Boulevards, Interstate Highway 10 and the Farrar Canal. (Municipal Address: 5801 Read Boulevard), be, and the same is hereby overruled, subject to one (1) waiver and one (1) proviso, to read as follows:
WAIVER:
1. The applicant shall be granted a waiver of Article 18, Section 18.51.10 *Permitted Signs* which prohibits signs in excess of twelve (12) feet in height, to permit a sign of up to twenty (20) feet in height.
PROVISO:
1. The setback of the sign shall be equivalent to its height.
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Clerk of Council shall forward copies of this motion directly to all affected departments.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. R-12-73
CITY HALL: March 1, 2012
BY: COUNCILMEMBER JOHNSON
SECONDED BY: COUNCILMEMBER GRANDERSON
WHEREAS, Entergy New Orleans currently services the City of New Orleans, including more than seventy thousand (70,000) customers in New Orleans East; and
WHEREAS, it has been customary for Entergy New Orleans to open customer service centers in various parts of the City to ensure that its customers have adequate access to the services it provides ; and
WHEREAS, New Orleans East, prior to Hurricane Katrina, received the benefit of having a full service Entergy New Orleans customer service center; and
WHEREAS, the same necessity and demand that prompted Entergy New Orleans to open a customer service center in New Orleans East prior to Hurricane Katrina, exists today. The opening of an full service Entergy customer service center in this community would be another step forward in its rebuilding effort and greatly add to the quality of life for residents and business owners; and
WHEREAS, the New Orleans City Council stands in support of Entergy New Orleans opening a full service customer service center in New Orleans east for the purpose of better serving the community and making itself more accessible to those who reside east of the Industrial Canal;
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that this Council supports Entergy New Orleans opening a full service customer service center in New Orleans east; and
BE IT FURTHER RESOLVED, that the Clerk of Council is requested to transmit certified copies of this resolution to the President and CEO of Entergy New Orleans.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Gisleson Palmer, Granderson, Guidry, Head, Johnson - 5

NAYS: 0
ABSENT: Clarkson, Hedge-Morrell
AND THE RESOLUTION WAS ADOPTED.

NO. M-12-74
CITY HALL: March 1, 2012
BY: COUNCILMEMBERS GISLESON PALMER, GUIDRY AND HEDGE-MORRELL (BY REQUEST)
Declaring the NCAA Final Four on March 31 and April 2, 2012 to be a special event and authorizing the director of the Department of Safety and Permits to issue temporary CPNC's for this event.
WITHDRAWN.

SUBSTITUTE NO. M-12-74
CITY HALL: March 1, 2012
BY: COUNCILMEMBERS GISLESON PALMER, GUIDRY AND HEDGE-MORRELL (BY REQUEST)
WHEREAS, Chapter 162, Article III, Section 197 of the of the Code of the City of New Orleans authorizes the director of the Department of Safety and Permits to issue temporary CPNC's (certificates of public necessity and convenience) for special events declared by the New Orleans City Council; NOW THEREFORE
BE IT MOVED BY THE CITY COUNCIL OF THE CITY OF NEW ORLEANS, That the New Orleans City Council declares the NCAA Final Four from Friday, March 30, 2012 through Tuesday, April 3, 2012 to be a special event and authorizes the director of the Department of Safety and Permits to issue temporary CPNC's for this event.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Gisleson Palmer, Granderson, Guidry, Head, Johnson - 5
NAYS: 0
ABSENT: Clarkson, Hedge-Morrell
AND THE MOTION WAS ADOPTED.

NO. M-12-75
CITY HALL: March 1, 2012
BY: COUNCILMEMBERS CLARKSON, GRANDERSON, GUIDRY, HEAD, GISLESON PALMER, HEDGE-MORRELL AND JOHNSON
WHEREAS, Regulation 5 of the Council's Rules and Regulations provides relative to Disturbances in Council Chamber; and
WHEREAS, Regulation 10 of the Council's Rules and Regulations provides relative to Standards for Electronic Coverage, which can correlate to a disturbance in Council Chamber; and
WHEREAS, Regulations 5 and 10 should be amended to clarify when the actions of an individual who intends to make a video or sonic recording of or broadcast live the proceedings of the City Council would be considered a disturbance or disorderly conduct in the Council Chamber; now, therefore
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS That Regulation 5 of the Rules and Regulations of the Council is hereby amended to read as follows:
"DISTURBANCES IN COUNCIL CHAMBER
Regulation 5. In case of any disturbance or disorderly conduct, the Presiding Officer of the Council shall have the power to require the Council Chamber to be cleared and/or to issue orders which shall ensure compliance with the aforesaid regulations. *Actions that may be considered a disturbance or disorderly conduct shall include but not be limited to conduct as defined in Sec. 54-408 of the Code of the City of New Orleans.* Any person who fails to comply with the provisions of this regulation may be subject to penalties as per the Code of the City of New Orleans, Sec. 54-408. (M-07, Adopted, As Amended 7/26/07); (M-11-160, Adopted As Amended 5/19/11)"
BE IT FURTHER MOVED that Regulation 10 of the Rules and Regulations of the Council is hereby amended to read as follows:
"STANDARDS FOR ELECTRONIC COVERAGE
Regulation 10. Any individual who intends to make a video or sonic recording of or broadcast live the proceedings of the City Council is required to register his/her identity and affiliation with the Clerk of Council prior to or during the

proceedings intended to be covered for the purpose of being assigned a position or positions within the Council Chamber. No positions will be assigned by the Clerk that will result either in unreasonable obstruction of the view of Councilmembers, staff, other individuals making video or sonic recording or members of the live audience in attendance at the Council proceedings or in an unreasonable intrusion or blockage of any routes of passage throughout the Council Chamber. The provisions of this regulation shall not apply to any individual seated in the audience section of the Council Chamber, possessing a hand-held sonic or video recording device so long as that individual's actions do not interfere with either the orderly conduct of the Council's proceedings or an unreasonable interference with audience members viewing of or participation in the Council's proceedings. *Actions that may be considered unreasonable conduct, obstruction, intrusion, blockage or interference shall include but not be limited to conduct as defined in Section 54-408 of the Code of the City of New Orleans.* Non-compliance with this regulation may result in the non-complying individual being given the choice by the President of the Council to either come into compliance or immediately remove himself/herself and his/her equipment from the Council Chamber. (M-93-75, Adopted, As Amended 3/4/93)"

THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:

YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 7

NAYS: 0

ABSENT: 0

AND THE MOTION WAS ADOPTED.

NO. R-12-76

CITY HALL: March 1, 2012

BY: COUNCILMEMBER CLARKSON

SECONDED BY: COUNCILMEMBER GRANDERSON

Whereas, Hurricane Katrina was one of the five deadliest hurricanes in the history of the United States, and the costliest natural disaster in history, inundating eighty percent of the City of New Orleans, and

Whereas, studies completed after the hurricane estimated that almost half of the residents of New Orleans experienced some type of anxiety mood disorder, and 30% experienced post-traumatic stress disorder, and

Whereas, the capacity for inpatient psychiatric beds remains well below pre-Katrina levels in the New Orleans metropolitan area, and the closure of the New Orleans Adolescent Hospital (NOAH) in 2009, fewer psychiatric beds are currently available in the City, and

Whereas, from pre-Katrina levels, child and adolescent beds decreased by 27.6%, adult beds by 54.7%, geriatric beds by 41.6%, and medical detoxification beds by 2.9%, and

Whereas, all the other comparable cities have considerably more adult inpatient psychiatric beds per 100,000 people — in most of the cases surveyed, more than triple the number of beds, and

Whereas, with the reduction of inpatient beds, the burden has fallen to disparate community-based outpatient services that are not well-equipped to treat individuals with serious mental illnesses, and

Whereas, the State of Louisiana has announced a plan to cut the budget of the LSU Hospital System by 29 million dollars for the upcoming fiscal year, which will force the elimination of 225 positions and the layoff of 100 employees from the LSU Interim Public Hospital in New Orleans, and

Whereas, additional State budget cuts to the LSU Hospital System are anticipated for fiscal year 2013-14,

BE IT RESOLVED, by the City Council for the City of New Orleans that it hereby requests that the State of Louisiana and the Secretary of Louisiana Department of Health and Hospitals study the feasibility of establishing a regional mental health clinic in order to co-locate and augment the services that otherwise will be increasingly provided by the City's overwhelmed outpatient facilities.

BE IT FURTHER RESOLVED, that certified copies of this resolution be sent to Governor Bobby Jindal; Bruce Greenstein, Secretary of the Louisiana Department of Health and Hospitals; and Dr. Karen DeSalvo, Health Commissioner for the City of New Orleans.

THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:

YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 7

NAYS: 0

ABSENT: 0

AND THE RESOLUTION WAS ADOPTED.

MOTIONS/RESOLUTIONS

NO. R-12-77
CITY HALL: March 1, 2012
BY: COUNCILMEMBERS GUIDRY, GISLESON PALMER, GRANDERSON, HEAD AND JOHNSON
WHEREAS, the crowds at Mardi Gras 2012 are estimated to have been among the largest Mardi Gras crowds in New Orleans' history; and

WHEREAS, heavy rains on Saturday, February 18th, forced the rescheduling of three parades, which resulted in six parades, totaling more than twelve hours, following the Uptown route on Sunday; and
WHEREAS, despite the inclement weather on Saturday, the New Orleans Police Department (NOPD) demonstrated flexibility and a willingness to work with the community by waiting until the last minute in rendering its decision to allow the Krewe of Endymion to roll at its scheduled time and on its traditional Mid City route. This decision was greatly appreciated by both the Krewe and the residents and businesses of Mid City, as Endymion was nearly forced to parade on the Uptown route for the second consecutive year and the fourth time since Hurricane Katrina; and
WHEREAS, there were only minimal reports of violent crime in the city during the Mardi Gras weekend; and
WHEREAS, the NOPD continued its policy of issuing summonses for minor violations, rather than making custodial arrests; and
WHEREAS, the NOPD successfully took 33 guns off our streets during the Mardi Gras weekend; and
WHEREAS, the NOPD took positive steps to uphold its pledge to work with the Mardi Gras Indian community, as almost no major incidents between the Indians and NOPD were reported on Mardi Gras day; NOW THEREFORE
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that we applaud the efforts of the New Orleans Police Department, and extend our gratitude, for doing its part to make the 2012 Mardi Gras season a safe and successful event for the City of New Orleans. The NOPD once again demonstrated why it is regarded as one of the most experienced and effective police departments anywhere in the world in the area of crowd control.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Gisleson Palmer, Granderson, Guidry, Head, Johnson - 5
NAYS: 0
ABSENT: Clarkson, Hedge-Morrell
AND THE RESOLUTION WAS ADOPTED.

NO. R-12-78
CITY HALL: March 1, 2012
BY: COUNCILMEMBERS GUIDRY AND GRANDERSON
WHEREAS, New Orleans City Council has certain regulatory authority over cable, telecommunication and technology matters, as well as land use and zoning matters; and
WHEREAS, the City of New Orleans' Comprehensive Zoning Ordinance plays an integral role with respect to the siting of cable and telecommunication facilities; and
WHEREAS, the New Orleans City Council and its Cable, Telecommunications and Technology Committee have a compelling interest in zoning matters, as they relate to the siting of cable and telecommunication facilities; and
WHEREAS, in view of technological advances, deregulation and other matters affecting cable and telecommunications services, the New Orleans City Council and its Cable, Telecommunications and Technology Committee have historically taken an active role in cable and telecommunications proceedings before the Federal Communications Commission, the Louisiana Public Service Commission and the state and federal courts; and
WHEREAS, the New Orleans City Council and its Cable, Telecommunications and Technology Committee has previously intervened in a petition for review before the United States Fifth Circuit Court of Appeals ("Fifth Circuit"), namely *City of Arlington, Texas and City of San Antonio, Texas, et al. v. FCC, et al.,* 2012 WL 171473 (C.A. 5th Cir. 1/23/2012); and
WHEREAS, the Fifth Circuit recently rendered a decision in the aforesaid case regarding the aforementioned petition for review, upholding the Federal Communications Commission ("FCC") ruling clarifying provisions of the Telecommunications Act regarding state and local review of wireless facility siting applications; and
WHEREAS, the Fifth Circuit's decision would significantly change how local zoning authorities such as the New Orleans City Council approve requests for placement of towers and other telecommunication facilities; and

WHEREAS, the New Orleans City Council and its Cable, Telecommunications and Technology Committee have an interest in the aforesaid decision by the Fifth Circuit; and

WHEREAS, under FRAP 40 and 5th Cir. Rule 35, a petition for rehearing en banc may be filed within 45 days after entry of judgment with the Fifth Circuit. In particular, the deadline for filing a petition of rehearing en banc is March 8, 2012; and

WHEREAS, at its meeting on February 27, 2012, the New Orleans City Council's Cable, Telecommunications and Technology Committee recommended that the New Orleans City Council give the necessary authority for filing of a petition for rehearing en banc with the Fifth Circuit, and if necessary the seeking of certiorari to the United States Supreme Court; and

WHEREAS, authority from the New Orleans City Council is necessary for the filing of said petition for rehearing en banc and the seeking of certiorari to the United States Supreme Court; NOW THEREFORE

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Cable, Telecommunications and Technology Committee of the New Orleans City Council, through its Legal Advisors and Special Counsels (Aaron, PLC and Uddo, Beatmann, and Code, LLC), be, and are hereby authorized to file with the Fifth Circuit a petition for rehearing en banc, and if necessary to seek certiorari to the United States Supreme Court to preserve, protect or assert the rights, claims or interests of the New Orleans City Council.

THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS: Gisleson Palmer, Granderson, Guidry, Head, Johnson - 5

NAYS: 0

ABSENT: Clarkson, Hedge-Morrell

NO. M-12-79

CITY HALL: March 1, 2012

BY: COUNCILMEMBER GISLESON PALMER

SECONDED BY: COUNCILMEMBER GRANDERSON

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the VEHICLE FOR HIRE TAXICAB BUREAU APPEAL - OF TRACY BACOTE - Requesting to appeal the Department of Safety and Permits Ground Transportation Bureau's decision of "denial" of an application for a taxi driver's permit, be, and the decision is hereby upheld.

THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Johnson - 6

NAYS: 0

ABSENT: Hedge-Morrell - 1

AND THE MOTION WAS ADOPTED.

NO. M-12-80

CITY HALL: March 1, 2012

BY: COUNCILMEMBER HEAD

SECONDED BY: COUNCILMEMBER GRANDERSON

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the request of PURA BASCOS, DIRECTOR OF CODE ENFORCEMENT, MAYOR'S OFFICE OF COMMUNITY DEVELOPMENT, CITY OF NEW ORLEANS, appealing the Neighborhood Conservation District Committee's decision of "denial" of the demolition of property located at 2220-22 1st Street, be, and the decision is hereby upheld and the appeal is denied.

THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:

YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Johnson - 6

NAYS: 0

ABSENT: Hedge-Morrell - 1

AND THE MOTION WAS ADOPTED.

NO. M-12-81

CITY HALL: March 1, 2012
BY: COUNCILMEMBERS HEDGE-MORRELL AND JOHNSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the request of WINSTON H. REID, DIRECTOR, OFFICE OF HOUSING CODE ENFORCEMENT – Requesting to appeal the Neighborhood Conservation District Committee's decision of "denial" of the demolition of property located at 5115 Music Street be, and the decision is hereby overruled and the appeal is approved.
BE IT FURTHER MOVED, That the Clerk of Council shall forward copies of this motion directly to all affected departments.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Johnson - 6
NAYS: 0
ABSENT: Hedge-Morrell - 1
AND THE MOTION WAS ADOPTED.

NO. M-12-82
CITY HALL: March 1, 2012
BY: COUNCILMEMBER HEAD
SECONDED BY: COUNCILMEMBER GRANDERSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the report and no recommendation of the City Planning Commission on ZONING DOCKET NO. 121/11 - 703 CARONDELET, LLC - Requesting a Conditional Use to permit increases in height in a CBD-7 Central Business District, on Square 234, Lot C, in the First Municipal District, bounded by Julia, Baronne, Girod, and Carondelet Streets (Municipal Address: 820 Girod Street), be, and the request is approved, and the Conditional Use is hereby granted, subject to the one (1) waiver and seven (7) provisos as stated in the City Planning Commission's report.
BE IT FURTHER MOVED, that a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the Conditional Use Ordinance.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Johnson - 6
NAYS: 0
ABSENT: Hedge-Morrell - 1
AND THE MOTION WAS ADOPTED.

NO. M-12-83
CITY HALL: March 1, 2012
BY: COUNCILMEMBER GUIDRY
SECONDED BY: COUNCILMEMBER CLARKSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the report and favorable recommendation of the City Planning Commission on ZONING DOCKET NO. 1/12 – CITY COUNCIL MOTION M-11-550 - Requesting an amendment to the text of the Comprehensive Zoning Ordinance No. 4264 M.C.S., as amended, to amend Article 10, Section 10.3A, Inner-City Urban Corridor District, to expand the area of applicability under Section 10.3A.2(d), to include all lots in the area generally bounded by South Claiborne Avenue, Cleveland Avenue, South Bernadotte Street, Banks Street, Interstate 10, South Hennessey Street and Palmyra Street, currently, the Inner-City Urban Corridor District is applied to several corridors throughout the city. In the Mid-City Neighborhood, it is applied to a geographic area centered on Canal Street between Claiborne Avenue and Pierce Street, a geographic area centered on Tulane Avenue between South Claiborne Avenue and Interstate 10, and to properties fronting on Canal Street between Pierce Street and City Park Avenue. The upriver boundary of the ICUC District centered on Canal Street is separated from the downriver boundary of the ICUC District centered on Tulane Avenue by a narrow, L-shaped portion of land where no overlay district is present. The City Council motion proposes the application of the ICUC District to this L-shaped area, which is generally bounded by South Claiborne Avenue, Cleveland Avenue, South Bernadotte Street, Banks Street, Interstate 10, South Hennessey Street and Palmyra Street. Doing so would eliminate the gap between the Canal Street ICUC District and the Tulane Avenue ICUC District, causing them to essentially merge into one larger ICUC District, be, and the same is hereby upheld, and the amendment is granted with

modified approval as recommended by the City Planning Commission.
BE IT FURTHER MOVED, that a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the amendment.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Johnson - 6
NAYS: 0
ABSENT: Hedge-Morrell - 1
AND THE MOTION WAS ADOPTED.

NO. M-12-84
CITY HALL: March 1, 2012
BY: COUNCILMEMBER HEAD
SECONDED BY: COUNCILMEMBER GUIDRY
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the report and favorable recommendation of the City Planning Commission on ZONING DOCKET NO. 2/12 – CITY COUNCIL MOTION M-11-544 - Requesting an amendment to the text of the Comprehensive Zoning Ordinance No. 4264 M.C.S., as amended, to amend Article 18 to establish the *Central City Multi-Family Minimum Design Standards Interim Zoning District (IZD)*, to prohibit the issuance of any permits within the petitioned IZD for multi-family uses consisting of four or more dwelling units, prior to site plan review and approval by the City Planning Commission staff, with the advice of the Historic District Landmarks Commission, and subject to appeal to the City Council, for compliance with certain Design Review Standards, for areas generally bounded by South Claiborne Avenue, Carondelet Street, Louisiana Avenue and the Pontchartrain Expressway, be, and the same is hereby upheld, and the amendment is granted with modified approval as recommended by the City Planning Commission.
BE IT FURTHER MOVED, that a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the amendment.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Johnson - 6
NAYS: 0
ABSENT: Hedge-Morrell - 1
AND THE MOTION WAS ADOPTED.

NO. M-12-85
CITY HALL: March 1, 2012
BY: COUNCILMEMBER GUIDRY
SECONDED BY: COUNCILMEMBER GISLESON PALMER
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the favorable report and recommendation of the City Planning Commission on ZONING DOCKET 3/12 - CITY COUNCIL MOTION M-11-551 - Requesting a Zoning Change C-1 General Commercial District, C-1A General Commercial District, RD-3 Two-Family Residential District, LI-Light Industrial District, HI-Heavy Industrial District, LB-1 Lake Area Neighborhood Business District, LB-2 Lake Area Neighborhood Business District, LRS-1 Lakeview Single-Family Residential District and LRM-1 Lake Area Low-Rise Multi-Family Residential District to P Park and Recreation District, on all publicly-owned land in the area bounded by Basin Street, Lafitte Avenue, North Jefferson Davis Parkway, and Saint Louis Street, as well as the entirety of the Saint Louis Street right-of-way from North Jefferson Davis Parkway to Canal Boulevard, less and except any lands being used by the City for a fuel station or public works facility as well as any neighborhood or community center, be, and the same is hereby approved and the Zoning Change is granted.
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the Zoning Change.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Johnson - 6
NAYS: 0

ABSENT: Hedge-Morrell - 1
AND THE MOTION WAS ADOPTED.

NO. M-12-86
CITY HALL: March 1, 2012
BY: COUNCILMEMBER GISLESON PALMER
SECONDED BY: COUNCILMEMBER GRANDERSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and unfavorable recommendation of the City Planning Commission on ZONING DOCKET NO. 4/12 - CITY COUNCIL MOTION M-11-558 - Requesting a Zoning Change from a B1-A Neighborhood Business District to a P Park and Recreation District, on all publicly-owned land on Square 380, Lot A-1, in the Third Municipal District, bounded by Esplanade Avenue, Henriette Delille (formerly Saint Claude), Kerlerec and North Rampart Streets, be, and the same is hereby overruled and the Zoning Change is granted.
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the Zoning Change.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Johnson - 6
NAYS: 0
ABSENT: Hedge-Morrell - 1
AND THE MOTION WAS ADOPTED.

NO. R-12-87
CITY HALL: March 15, 2012
BY: COUNCILMEMBERS CLARKSON, GRANDERSON, GUIDRY, HEAD, GISLESON PALMER, HEDGE-MORRELL AND JOHNSON
Approving the following City Council/Harrah's Community Support Grants Program grant from grant funds, subject to the Organization's eligibility:
At-Large B (Granderson):
Armstrong Family Services $1,500
Hope Stone Inc. (Kid's Play NOLA) $1,500
Maculele Cultural Project, Inc. $1,500
River Festivals Foundation, Inc. (Old Algiers RiverFest) $1,500
National Council of Negro Women of Greater New Orleans, Inc. $2,000
Zulu Social Aid and Pleasure Club, Inc. $2,500
Algiers Economic Development Foundation $4,000
District D (Hedge-Morrell):
Divine Foundation, Inc. $2,000
WITHDRAWN.

SUBSTITUTE NO. R-12- 87
CITY HALL: March 15, 2012
BY: COUNCILMEMBERS CLARKSON, GRANDERSON, GUIDRY, HEAD, GISLESON PALMER, HEDGE-MORRELL, AND JOHNSON
WHEREAS, the Council of the City of New Orleans, on March 16, 2006, adopted Ordinance No. 22,163, M.C.S., relative to the "Fourth Amendment to Amended and Restated Lease Agreement" by and between the Rivergate Development Corporation, the City of New Orleans, and Jazz Casino Company L.L.C., successor in interest to Harrah's Jazz Company, which included the commitment from Jazz Casino Company L.L.C., to provide $225,000 annually to fund the City Council/ Harrah's Community Support Grants Program; and
WHEREAS, the agreement provides for the total of $225,000 to be funded semi-annually in two payments of $112,500; and
WHEREAS, the purpose of the program is to foster organizations and projects that demonstrably contribute to the economic, cultural, and civic fabric of the City; and

WHEREAS, the guidelines for eligibility, procedures, and monitoring of the grants have been approved by the City Council; and
WHEREAS, the following group has demonstrated its commitment to improving the civic life of the New Orleans community through its activities and programs; now, therefore
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the following grant is approved from grant funds, subject to the organization's eligibility pursuant the aforementioned guidelines:
At-Large B (Granderson):
Armstrong Family Services $1,500
Hope Stone Inc. (Kid's Play NOLA) $1,500
Maculele Cultural Project, Inc. $1,500
River Festivals Foundation, Inc. (Old Algiers RiverFest) $1,500
National Council of Negro Women of Greater New Orleans, Inc. $2,000
Zulu Social Aid and Pleasure Club, Inc. $2,500
Algiers Economic Development Foundation $4,000
New Orleans Council for Community & Justice (NOCCJ) $1,571
District D (Hedge-Morrell):
Divine Foundation, Inc. $2,000
Liberty's Kitchen, Inc. $1,000
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED.

NO. R-12-88
CITY HALL: March 15, 2012
BY: COUNCILMEMBERS GUIDRY AND CLARKSON (BY REQUEST)
WHEREAS, The Council for the City of New Orleans continues to support ethics reform and believes it is a crucial part of good government to provide more effective and efficient services; and
WHEREAS, the Council believes ethics reform provides the citizens of New Orleans and the metropolitan area a rejuvenated faith in government agencies; and
WHEREAS, the Council unanimously adopted an ordinance to amend Chapter 2 of the Code of the City of New Orleans to add Article XIII, which created the Office of Inspector General (OIG) in November 2006; and
WHEREAS, the Council intended for the OIG to have administrative subpoena power with the explicit and thorough amendments to Section 2-1120 in November 2007; and
WHEREAS, the Council believes that one of the most effective ways of ensuring the integrity of government is through strengthening the independence and increasing protections of Offices of Inspector General; and
WHEREAS, the Council adopted Resolution No. R-08-69, which requested the Governor and Legislature to "[p]rovide state court subpoena power for local OIG's and Ethics Boards" and to "[p]rovide confidentiality protections for those who come under investigation or review so as to protect the innocent from unjust harm"; and
WHEREAS, The Council understands that in order to preserve the integrity of open projects and investigations as well as to protect the individuals involved in providing information to the OIG, work papers and information in the OIG's possession should not only be protected from public records requests, but should also be protected from subpoena from other tribunals; and
WHEREAS, The Council supports providing the OIG with a more efficient subpoena process and protecting sensitive information during the course of an audit, evaluation, inspection, or investigation; NOW, THEREFORE
BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF NEW ORLEANS, Requests that the State Legislature and Governor join the Council and reinforce their desire for ethics reform by supporting House Bill 334, sponsored by Representative Brossett, as well as the companion Senate Bill to be introduced by Senator Appel during this Regular Session 2012.
BE IT FURTHER RESOLVED, That the Orleans and Jefferson Parish Legislative delegations work together to strengthen the Offices of Inspector General in their respective parishes.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION

THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED.

NO. R-12-89
CITY HALL: March 15, 2012
BY: COUNCILMEMBER GISLESON PALMER
SECONDED BY: COUNCILMEMBER HEAD
WHEREAS, Article VI, Section 21(H) of the State Constitution and Act 445 of 1983 provides for payment of ad valorem taxes on certain basis for property owners performing certain improvements in Historic, Economic, Development, and Downtown Development Districts; and
WHEREAS, in accordance with the procedures established by Resolution R-09-125 the following described property has been submitted to the Mayor's Office of Economic Development for review, said property being described as municipal address 3007-3009 Dauphine Street owned by Richard Spangenberg; and
WHEREAS, the Mayor's Office of Economic Development recommends approval with regard to participation in the aforementioned tax program; now therefore
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Council after consideration of the recommendation of the Mayor's Office of Economic Development, hereby approves participation of municipal address 3007-3009 Dauphine Street owned by Richard Spangenberg and further identified by the State Board of Commerce and Industry as application number RTA #2010-0736 in the Property Tax Abatement Program authorized by Act 445 of 1983 and Article VII Section 21(H) of the Constitution, effective on the date of adoption; therefore
BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that a copy of this resolution be forwarded to the State Board of Commerce and Industry.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED.

NO. R-12-90
CITY HALL: March 15, 2012
BY: COUNCILMEMBER GISLESON PALMER
SECONDED BY: COUNCILMEMBER CLARKSON
WHEREAS, Article VI, Section 21(H) of the State Constitution and Act 445 of 1983 provides for payment of ad valorem taxes on certain basis for property owners performing certain improvements in Historic, Economic, Development, and Downtown Development Districts; and
WHEREAS, in accordance with the procedures established by Resolution R-09-125 the following described property has been submitted to the Mayor's Office of Economic Development for review, said property being described as municipal address 2372 St. Claude Avenue owned by St. Claude / St. Roch Revitalization, LLC; and
WHEREAS, the Mayor's Office of Economic Development recommends approval with regard to participation in the aforementioned tax program; now therefore
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Council after consideration of the recommendation of the Mayor's Office of Economic Development, hereby approves participation of municipal address 2372 St. Claude Avenue owned by St. Claude / St. Roch Revitalization, LLC and further identified by the State Board of Commerce and Industry as application number RTA #2008-0649 in the Property Tax Abatement Program authorized by Act 445 of 1983 and Article VII Section 21(H) of the Constitution, effective on the date of adoption; therefore
BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that a copy of this resolution be forwarded to the State Board of Commerce and Industry.

THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED.

NO. R-12-91
CITY HALL: March 15, 2012
BY: COUNCILMEMBER GISLESON PALMER
SECONDED BY: COUNCILMEMBER CLARKSON
WHEREAS, Article VI, Section 21(H) of the State Constitution and Act 445 of 1983 provides for payment of ad valorem taxes on certain basis for property owners performing certain improvements in Historic, Economic, Development, and Downtown Development Districts; and
WHEREAS, in accordance with the procedures established by Resolution R-11-517 the following described property has been submitted to the Mayor's Office of Economic Development for review, said property being described as municipal address 621 Bartholomew Street owned by Bywater Ltd., By Bywater Management, LLC; and
WHEREAS, the Mayor's Office of Economic Development recommends approval with regard to participation in the aforementioned tax program; now therefore
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Council after consideration of the recommendation of the Mayor's Office of Economic Development, hereby approves participation of municipal address 621 Bartholomew Street owned by Bywater Ltd., By Bywater Management, LLC and further identified by the State Board of Commerce and Industry as application number RTA #2011-0673 in the Property Tax Abatement Program authorized by Act 445 of 1983 and Article VII Section 21(H) of the Constitution, effective on the date of adoption; therefore
BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that a copy of this resolution be forwarded to the State Board of Commerce and Industry.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED.

NO. R-12-92
CITY HALL: March 15, 2012
BY: COUNCILMEMBER GISLESON PALMER
SECONDED BY: COUNCILMEMBER GRANDERSON
WHEREAS, Article VI, Section 21(H) of the State Constitution and Act 445 of 1983 provides for payment of ad valorem taxes on certain basis for property owners performing certain improvements in Historic, Economic, Development, and Downtown Development Districts; and
WHEREAS, in accordance with the procedures established by Resolution R-09-125 the following described property has been submitted to the Mayor's Department of Economic Development for review, said property being described as municipal address 825 Dumaine Street owned by Harold Stokes and Leslie S. Stokes; and
WHEREAS, the Mayor's Department of Economic Development recommends with disapproval regard to participation in the renewal of the aforementioned tax program; now therefore
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Council after consideration of the recommendation of the Mayor's Department of Economic Development, hereby disapproves participation of municipal address 825 Dumaine Street owned by Harold Stokes and Leslie S. Stokes and further identified by the State Board of Commerce and Industry as application number RTA #2003-0590-90 in the Property Tax Abatement Program authorized by Act 445 of 1983 and Article VII Section 21(H) of the Constitution, effective on the date of adoption; therefore
BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that a copy of this

resolution be forwarded to the State Board of Commerce and Industry.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 6
NAYS: 0
ABSENT: Clarkson - 1
AND THE RESOLUTION WAS ADOPTED.

NO. M-12-93
CITY HALL: March 15, 2012
BY: COUNCILMEMBERS JOHNSON AND CLARKSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the reappointment of Ellen Hazeur, fulfilling her previous unexpired term, as a member of the Alcoholic Beverage Control Board, for a term that will expire June 30, 2014 be, and the same is hereby ratified, confirmed and approved.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell - 6
NAYS: 0
ABSENT: Johnson - 1
AND THE MOTION WAS ADOPTED.

NO. M-12-94
CITY HALL: March 15, 2012
BY: COUNCILMEMBER HEAD
SECONDED BY: COUNCILMEMBER GRANDERSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the reappointment of Joseph Friend, as a member of the Finance Authority of New Orleans, for a term that will expire June 30, 2014 be, and the same is hereby ratified, confirmed and approved.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell - 6
NAYS: 0
ABSENT: Johnson - 1
AND THE MOTION WAS ADOPTED.

NO. M-12-95
(AS CORRECTED)
CITY HALL: March 15, 2012
BY: COUNCILMEMBERS JOHNSON (BY REQUEST) AND CLARKSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Mayor’s appointment of Chewy Dang Le (vice Vien T. Nguyen) as a member of the New Orleans Redevelopment Authority for a term that will expire November 11, 2016 be, and the same is hereby ratified, confirmed and approved.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell - 6
NAYS: 0
ABSENT: Johnson - 1
AND THE MOTION WAS ADOPTED.

NO. M-12-96
CITY HALL: March 15, 2012
BY: COUNCILMEMBER CLARKSON (BY REQUEST)
SECONDED BY: COUNCILMEMBER GRANDERSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Mayor’s appointment of Rita

Maria Reed (vice Kenya Smith) as a member of the New Orleans Redevelopment Authority for a term that will expire June 30, 2016 be, and the same is hereby ratified, confirmed and approved.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell - 6
NAYS: 0
ABSENT: Johnson - 1
AND THE MOTION WAS ADOPTED.
NO. M-12-97
CITY HALL: March 15, 2012
BY: COUNCILMEMBERS JOHNSON AND HEDGE-MORRELL
WHEREAS, the citizens of Eastern New Orleans have consistently expressed their concerns regarding the poor planning, design, and maintenance of multi-family residential uses in their neighborhoods, and
WHEREAS, the City Council has proposed the permanent establishment of the RM-2E Multiple-Family Residential District in Motion M-12-98 to reinforce the values of the citizens of New Orleans East and to create development standards that create a superior living and working environment;
BE IT MOVED BY THE CITY COUNCIL OF THE CITY OF NEW ORLEANS, That the City Planning Commission is directed to conduct a public hearing to consider amendments to the zoning base maps of the City of New Orleans, to rezone all properties currently located within any RM Multiple-Family Residential Zoning District designation in the entirety of Eastern New Orleans, the area generally bounded by the Industrial Canal, Lake Pontchartrain, the St. Tammany and St. Bernard Parish lines, *to *RM-2E Eastern New Orleans Multiple-Family Residential District*, the regulations for which are proposed in M-12-98.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.
*Copies may be seen in full in the Clerk of Council's office, 1300 Perdido Street, Room 1E09, City Hall.

NO. M-12-98
(AS CORRECTED)
CITY HALL: March 15, 2012
BY: COUNCILMEMBERS JOHNSON AND HEDGE-MORRELL
WHEREAS, the citizens of Eastern New Orleans have consistently expressed their concerns regarding the poor planning, design, and maintenance of multi-family residential uses in their neighborhoods; and
WHEREAS the conditions and operations of many of these facilities have had a continuing negative impact on the quality of life in Eastern New Orleans beginning well before Hurricane Katrina; and
WHEREAS the citizens of Eastern New Orleans initiated a grass roots planning effort that resulted in the production and subsequent adoption in 2004 of the New Orleans East Renaissance Plan, the concepts of which have been reinforced in all subsequent planning efforts including but not limited to the Neighborhood Rebuilding Plan (Lambert Plan) and the Unified New Orleans Plan (UNOP); and
WHEREAS these same desires for appropriate land use planning and design controls have been reviewed and publically discussed in conjunction with adoption of the City's Master Plan – The Plan for the 21st Century and in conjunction with the review process currently underway in the production of a new Comprehensive Zoning Ordinance. And while interim regulations that were established have provided appropriate guidelines for the development of multiple-family residential housing in Eastern New Orleans that will assist in creating a superior living and working environment; and
BE IT MOVED BY THE CITY COUNCIL OF THE CITY OF NEW ORLEANS, That the City Planning Commission is directed to conduct a public hearing to consider an amendment to the text of Article 4 "Residential Districts" of the Comprehensive Zoning Ordinance No. 4264 M.C.S., to establish the *RM-2E Eastern New Orleans Multi-Family Residential District*, to include the regulations attached hereto in "*Attachment A" entitled, "*RM-2E Eastern New Orleans Multiple-Family Residential District*, hereto included in this motion by reference.
BE IT FURTHER MOVED BY THE CITY COUNCIL OF THE CITY OF NEW ORLEANS, That in the process of

reviewing the proposed *RM-2E Eastern New Orleans Multiple-Family Residential District,* the City Planning Commission staff is directed and granted the flexibility to make all appropriate changes to the proposed regulations and any existing corresponding regulations in the Comprehensive Zoning Ordinance No. 4264 M.C.S., as amended, to establish consistency and continuity with the format of the existing zoning code, to add references wherever references are customary, needed and/or appropriate, to make the appropriate adjustments to clarify any ambiguities or mistakes, and to make adjustments deemed necessary in light of public testimony resulting from this review.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.
*Copies may be seen in full in the Clerk of Council's office, 1300 Perdido Street, Room 1E09, City Hall.

NO. M-12-99
(AS AMENDED)
CITY HALL: March 15, 2012
BY: COUNCILMEMBERS JOHNSON AND HEDGE-MORRELL
WHEREAS, The City Council has initiated a text amendment to the Comprehensive Zoning Ordinance No. 4264 MCS to create a permanent zoning classification entitled **RM-2E Eastern New Orleans Multiple Family Residential District* in motion M-12-98; and
WHEREAS, The City Council has also initiated corresponding changes to the zoning base maps of the City of New Orleans to rezone all properties currently located within any RM Multiple-Family Residential District within the entirety of Eastern New Orleans, the area generally bounded by Downman Road, Lake Pontchartrain, the St. Tammany and St. Bernard Parish lines, to **RM-2E Eastern New Orleans Multiple-Family Residential District,* in motion M-12-97;
BE IT MOVED BY THE CITY COUNCIL OF THE CITY OF NEW ORLEANS, That the City Planning Commission is directed to conduct a public hearing to consider an amendment to the text of Article 18 of the Comprehensive Zoning Ordinance No. 4264 M.C.S., as amended, and the designation of such on the corresponding zoning base maps of the City of New Orleans, to consider the establishment of an *Interim Zoning District,* which shall prohibit the issuance of any permits that are inconsistent with the regulations included in Motion Nos. 12-97 and 12-98.
BE IT FURTHER MOVED, That in the process of reviewing the proposed *Interim Zoning District,* the City Planning Commission staff is directed and granted the flexibility to make all appropriate changes to the proposed regulations and any existing corresponding regulations in the Comprehensive Zoning Ordinance No. 4264 M.C.S., as amended, to establish consistency and continuity with the format of the existing zoning code, to add references wherever references are customary, needed and/or appropriate, to make the appropriate adjustments to clarify any ambiguities or mistakes, and to make adjustments deemed necessary in light of public testimony resulting from this review.
BE IT FURTHER MOVED BY THE CITY COUNCIL OF THE CITY OF NEW ORLEANS, That in accordance with Article 16, Section 4.4(3) of the Comprehensive Zoning Ordinance, all appropriate agencies of City Government shall not accept any applications for permits or licenses that are in conflict with the intent and provisions of the proposed *Interim Zoning District* for properties contained within the aforesaid area during the consideration of this matter. The Interim Zoning District is to be in effect for a period of 180 days and is subject to extension as provided by Section 3-126 of the City Code. Any appeals shall be to the City Council in accordance with Article 16, Section 16.4.5(3) of the Comprehensive Zoning Ordinance.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION, AS AMENDED, WAS ADOPTED.
*Copies may be seen in full in the Clerk of Council's office, 1300 Perdido Street, Room 1E09, City Hall.

NO. M-12-100
CITY HALL: March 15, 2012
BY: COUNCILMEMBERS CLARKSON, GRANDERSON, GUIDRY, HEAD, GISLESON PALMER, HEDGE-

MORRELL AND JOHNSON
WHEREAS, this motion is to rescind Motion No. M-11-564 and to identify emergency voting polling place relocations for 6 polling places which have become unavailable for use or recommended for relocation by Clerk of Criminal District Court Arthur Morrell as stated in the attached reports and made a part hereof:
WHEREAS, these changes became necessary as an emergency immediately before the election to be held on Saturday, March 24, 2012 for the Presidential Preference and Municipal Primary Election, and it was not possible for the Council to approve these changes in advance of the election; now, therefore
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the following emergency voting polling place relocations were changed in anticipation of the March 24, 2012 Presidential Preference and Municipal Primary Election. The locations shown on the list below are hereby established as the official polling places for the March 24, 2012 Presidential Preference and Municipal Primary for the precincts specified therein for the City of New Orleans, Parish of Orleans.
Ward/Precinct: 7/28A
Change From: Gentilly Senior Citizens Ctr., 4726 #C Paris Ave.
Change To: Lake Area School, 6026 Paris Ave.
Ward / Precinct: 7/29
Change From: Gentilly Senior Citizens Ctr., 4726 #C Paris Ave.
Change To: Lake Area School, 6026 Paris Ave.
Ward / Precinct: 7/30
Change From: Gentilly Senior Citizens Ctr., 4726 #C Paris Ave.
Change To: Lake Area School, 6026 Paris Ave.
Ward / Precinct: 7/33
Change From: Gentilly Senior Citizens Ctr., 4726 #C Paris Ave.
Change To: Lake Area School, 6026 Paris Ave.
Ward / Precinct: 14/10
Change From: Audubon School, 428 Broadway St.
Change To: Benjamin Banneker School, 421 Burdette St.
Ward / Precinct: 14/11
Change From: Audubon School, 428 Broadway St.
Change To: Benjamin Banneker School, 421 Burdette St.
BE IT FURTHER MOVED, That the Clerk of Council shall immediately forward certified copies of this motion to the Governor of the State of Louisiana, the Louisiana Secretary of State, the Clerk of Criminal District Court of Orleans Parish, the City Attorney and the Registrar of Voters for Orleans Parish for their further handling.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. R-12-101
CITY HALL: March 15, 2012
BY: COUNCILMEMBERS JOHNSON, HEDGE-MORRELL AND GISLESON PALMER (BY REQUEST)
A RESOLUTION approving the issuance of not exceeding One Million Five Hundred Thousand Dollars ($1,500,000) of Taxable Indebtedness, Series 2012, of the Public Belt Railroad Commission for the City of New Orleans; and other matters in connection therewith;
WHEREAS, La. R.S. 39:1430, as amended (the AAct@) authorizes public entities such as the Public Belt Railroad Commission for the City of New Orleans (the "Commission") to issue revenue bonds for any authorized purposes, payable out of any source whatsoever or any other monies which, by law or contract, may be made available to the Commission; and
WHEREAS, pursuant to the provisions of the Act and subject to the approval of the State Bond Commission, the Commission desires to incur debt and issue not exceeding One Million Five Hundred Thousand Dollars ($1,500,000) of its Taxable Indebtedness, Series 2012 (the "Series 2012 Indebtedness"), for the purpose of acquiring, constructing and equipping a rail extension project consisting of a spur rail track connecting with the Commission's main line on and over

a right-of-use and servitude of rail passage granted over land leased by Transportation Consultants, Inc. ("TCI") for expansion capacity, including reimbursing the Commission for any costs incurred for the herein defined Project prior to the issuance of the Series 2012 Indebtedness (the "Project"), and paying costs incurred in connection with the issuance of the Series 2012 Indebtedness; and

WHEREAS, the Series 2012 Indebtedness shall be a limited obligation of the Commission secured by and payable solely from moneys that are available after the payment of contractual and statutory obligations and other required expenses, including specifically amounts payable by TCI under the Cooperative Endeavor Agreement dated December 15, 2011 (the "Cooperative Endeavor Agreement") between TCI and the Issuer, the Promissory Note dated January 25, 2012 of TCI, and the Limited Guaranty Agreement (the "Guaranty") of Jack C. Jensen, Jr., in each of the fiscal years during which the Bonds are outstanding; and

WHEREAS, pursuant to the Act, the Board of Commissioners (the "Board") of the Commission, acting as the governing authority thereof, adopted a resolution on February 23, 2012, granting preliminary approval for the issuance of the Indebtedness, authorizing the public solicitation of a potential bank purchaser of the Indebtedness, making application to the State Bond Commission, and other matters in connection therewith; and

WHEREAS, the Indebtedness shall bear such rate or rates of interest (not to exceed 5.3% per annum), shall mature on or before June 1, 2017, and shall be in such form, terms and denominations, and be redeemable at such time or times and be payable at such times and places, as the Commission may determine in accordance with law; and

WHEREAS, the City desires to grant approval to the issuance of the Indebtedness; NOW, THEREFORE

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Council does hereby approve the issuance of the Indebtedness in the amount of not exceeding $1,500,000 which Bonds shall bear interest at rates not to exceed 5.3% per annum and shall mature not later than June 1, 2017. The Indebtedness shall be sold by the Commission pursuant to a public solicitation of a bank purchaser, which solicitation process is hereby acknowledged and accepted by this Council.

BE IT FURTHER RESOLVED, That the Mayor and/or Director of Finance are hereby authorized to execute any and all documents to implement this resolution. The signature of said Mayor and/or Director of Finance on such documents shall be due evidence of the authority vested in them hereunder.

BE IT FURTHER RESOLVED, That this resolution shall take effect immediately and shall be published one time in the official journal of the City.

THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:

YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 7

NAYS: 0

ABSENT: 0

AND THE RESOLUTION WAS ADOPTED.

NO. M-12-102

CITY HALL: March 15, 2012

BY: COUNCILMEMBER GISLESON PALMER

SECONDED BY: COUNCILMEMBER GRANDERSON

BE IT MOVED BY THE CITY COUNCIL OF THE CITY OF NEW ORLEANS, that the Central Business District Historic District Landmarks Commission (CBDHDLC) designation of property located at 1501 Canal Street, referred to as the Texaco building, be recognized as a local landmark based on its cultural and architectural significance, and the same is hereby ratified, confirmed and approved;

BE IT FURTHER MOVED, that the Clerk of Council shall forward copies of this motion direction to all affected departments.

THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:

YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 7

NAYS: 0

ABSENT: 0

AND THE MOTION WAS ADOPTED.

NO. M-12-103

CITY HALL: March 15, 2012

BY: COUNCILMEMBER GISLESON PALMER (BY REQUEST)
SECONDED BY: COUNCILMEMBER GRANDERSON
WHEREAS, Chapter 162, Article III, Section 197 of the of the Code of the City of New Orleans authorizes the director of the Department of Safety and Permits to issue temporary CPNC's (certificates of public necessity and convenience) for special needs declared by the New Orleans City Council; NOW THEREFORE
BE IT MOVED BY THE CITY COUNCIL OF THE CITY OF NEW ORLEANS, That the New Orleans City Council declares a special need from Thursday, March 15, 2012, to Thursday, May 31, 2012 and authorizes the director of the Department of Safety and Permits to issue temporary CPNC's for this time period.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-104
CITY HALL: March 15, 2012
BY: COUNCILMEMBER GISLESON PALMER
SECONDED BY: COUNCILMEMBER GRANDERSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the VEHICLE FOR HIRE TAXICAB BUREAU APPEAL – OF JOHN MADDOX, JR.- Requesting to appeal the Department of Safety and Permits Ground Transportation Bureau's decision of "denial" of an application for a taxi driver's permit, be, and the decision is hereby upheld.
BE IT FURTHER MOVED, that the Clerk of Council shall forward copies of this motion directly to all affected departments.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Head, Hedge-Morrell, Johnson - 6
NAYS: 0
ABSENT: Guidry - 1
AND THE MOTION WAS ADOPTED.

NO. M-12-105
CITY HALL: March 15, 2012
BY: COUNCILMEMBER HEAD
SECONDED BY: COUNCILMEMBER GUIDRY
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the request of ALEXANDER HUTCHINSON – Requesting to appeal the Historic District Landmarks Commission's decision of "denial" of retention of half-round gutters removed from the front porch for property located at 614-18 Washington Avenue, be, and the appeal is hereby granted and retention is permitted.
BE IT FURTHER MOVED, that the Clerk of Council shall forward copies of this motion directly to all affected departments.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESTULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-106
CITY HALL: March 15, 2012
BY: COUNCILMEMBER GUIDRY
SECONDED BY: COUNCILMEMBER GRANDERSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the favorable report and

recommendation of the City Planning Commission on ZONING DOCKET NO. 7/12 - HARRIET TOLAR JUNG - Requesting a Conditional Use to permit a child care facility in an LI Light Industrial District, on Square 617, Lots 1 thru 10, 11 thru 18 and Lot A or C, in the Second Municipal District, bounded by City Park Avenue, Toulouse, North Bernadotte, Saint Louis and Saint Anthony Streets (Municipal Addresses: 4800 Toulouse Street and 514 City Park Avenue). The recommendation of the City Planning Commission being "FOR APPROVAL", subject to one (1) waiver and ten (10) provisos.
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the Conditional Use.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-107
CITY HALL: March 15, 2012
BY: COUNCILMEMBER HEAD
SECONDED BY: COUNCILMEMBER GRANDERSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the report and favorable recommendation of the City Planning Commission on ZONING DOCKET NO. 11/12 - HIEU PHUONG HOANG, ANH QUANG CAO, AND LINDA R. FORD - Requesting a Conditional Use to permit a car wash in a C-1 General Commercial District and within the Inner-City Urban Corridor District, on Square 4, Lots 4, B or 5 ½ of 6 or 31, A or 30, 8, 9 and 10, in the Sixth Municipal District, bounded by South Claiborne Avenue, Amelia, General Taylor and Willow Streets (Municipal Addresses: 3714, 3718, 3722, 3730, 3736 and 3740 South Claiborne Avenue), be, and the same is hereby upheld, and the Conditional Use is granted, subject to the 2 waivers and 17 provisos contained in the City Planning report, with the following modifications:
Provisos 3 and 16 shall read:
3) The single 30 foot curb cut on South Claiborne Avenue that is indicated on the submitted site plan may be retained. The developer shall restore all sidewalks and six inch vertical curbs to the standards of the Louisiana Department of Transportation and Development.
16) The developer shall install a combination brick and iron fence along the front property line of the South Claiborne Avenue right-of-way, the fence shall have a brick base of at least 24 inches. Such wall shall be constructed out of similar building materials as contained on the proposed structure.
BE IT FURTHER MOVED, that a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the Conditional Use Ordinance.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-108
CITY HALL: March 15, 2012
BY: COUNCILMEMBER GISLESON PALMER
SECONDED BY: COUNCILMEMBER GUIDRY
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the report and recommendation "FOR APPROVAL" of the City Planning Commission on ZONING DOCKET NO. 13/12 – DEMETRIUS J. WILLIAMS AND JOY G. WILLIAMS - Requesting a Conditional Use to permit the sale of alcoholic beverages for consumption on and off premises at a standard restaurant in a B-1A Neighborhood Business District, on Square 623 or 624, Lot 1 or Pt Lot 1, in the Third Municipal District, bounded by St. Bernard Avenue, Laharpe, North Villere, North Robertson and Annette Streets (Municipal Address: 1409 St. Bernard Avenue), be, and the same is hereby upheld and the conditional

use is granted, subject to the fourteen (14) provisos contained in the City Planning report.
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the Conditional Use.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 6
NAYS: 0
ABSENT: Clarkson - 1
AND THE MOTION WAS ADOPTED.

NO. M-12-109
CITY HALL: March 15, 2012
BY: COUNCILMEMBER HEAD
SECONDED BY: COUNCILMEMBER JOHNSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the report and favorable recommendation of the City Planning Commission on DESIGN REVIEW NO. 4/12 - ADRIAN RODRIGUEZ ON BEHALF OF LOUISIANA CANCER RESEARCH CENTER - Requesting an Appeal of Article 10, Section 10.3A6 (3) of the Comprehensive Zoning Ordinance to permit the installation of attached signage in excess of the permitted sign area in the First Municipal District, on Square 432, Lot LCR-C, bounded by Tulane and South Claiborne Avenues and South Derbigny and Gravier Streets (Municipal Address: 1700 Tulane Avenue), be, and the same is hereby upheld, and the appeal is granted, subject to two (2) waivers and one (1) proviso contained in the City Planning report.
BE IT FURTHER MOVED, that the Clerk of Council shall forward copies of this motion directly to all affected departments.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 6
NAYS: 0
ABSENT: Clarkson - 1
AND THE MOTION WAS ADOPTED.

NO. R-12-110
CITY HALL: April 5, 2012
BY: COUNCILMEMBERS JOHNSON, CLARKSON, GISLESON PALMER, GRANDERSON, GUIDRY, HEAD AND HEDGE-MORRELL
WHEREAS, the church, in its varied and numerous expressions, has been a constant since the inception of this nation and serves as the foundation upon which this great country, the United States of America is built; and
WHEREAS, the church, while remaining constant as a beacon for spiritual guidance and the uplifting of the morality of humanity, has also adapted itself to become what our society has needed throughout this country's history. Whether the source of ideals leading to America's declaration of independence or as the backbone of the civil rights movement in the 1950s and 60s, the church has played a pinnacle role in shaping our nation; and
WHEREAS, the membership of the clergy has fought for human rights for all people and throughout our history, these men and women of vision have displayed the dedication and work ethic necessary to proclaim the goodness of God, while serving our communities and providing for our needs. These religious leaders give shelter to the homeless, feed the hungry, visit the sick and the shut-ins, provide outstanding educational facilities for our youth as well as all others seeking enlightenment and uplift our spirits; and
WHEREAS, the men and women of the clergy, who work tirelessly for all our benefit, deserve to be recognized and appreciated and, the New Orleans City Council seeks to acknowledge their good works by honoring them with a special month; and
BE IT THEREFORE RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that this Council declares that the month of April is "Clergy Appreciation Month"; and
BE IT FURTHER RESOLVED, that the Clerk of Council is requested to transmit a certified copy of this resolution to Apostle Leonard Lucus of Light City Church.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION

THEREOF AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED.

NO. M-12-111
CITY HALL: April 5, 2012
BY: COUNCILMEMBERS CLARKSON, GRANDERSON, GUIDRY, HEAD, GISLESON PALMER, HEDGE-MORRELL AND JOHNSON
WHEREAS, the Council desires to ensure continuity in its Fiscal Office, and to maintain staff adequately able to advise it on all budget and fiscal matters; and
WHEREAS, the Council desires to appoint a second Assistant Council Fiscal Officer to facilitate the training necessary for continuity in this office; and
WHEREAS, the Council has determined that David S. Gavlinski is ideally suited to undertake this responsibility; now, therefore
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS That effective April 16, 2012, David S. Gavlinski be and is hereby appointed Assistant Council Fiscal Officer of the City Council with a base salary (exclusive of longevity) of Grade 76, Step 69 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..
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-112
CITY HALL: April 5, 2012
BY: COUNCILMEMBER HEDGE-MORRELL
SECONDED BY: COUNCILMEMBER CLARKSON
WHEREAS, The Seal's Class Act is hosting its Easter Parade on Sunday, April 8, 2012 from 1:00 p.m. to 5:00 p.m., and has requested the waiver of fees associated with the street closure of the 2100 block of Aubry Street as well as requesting the waiver of all fees associated with this event on Sunday, April 8, 2012 from 1:00 p.m. to 5:00 p.m. now therefore
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the fees associated with the temporary closure of the 2100 block of Aubry Street on Sunday, April 8, 2012 from 1:00 p.m. to 5:00 p.m. for the Seal's Class Act Annual Easter Parade, including any fees associated with the applicable traffic controls and parking controls to be implemented by the New Orleans Police Department, are hereby waived as provided for in Section 146-583 of the City Code, upon the condition that the street closure application process of the Department of Public Works and the New Orleans Police Department are completed and approvals are granted. The fee waiver authorized shall not include any direct costs to the city.
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the fee associated with temporary waiving all permits fees relative to vending including the sale of alcoholic beverage of high and low content, street closure, special event application, New Orleans Police Department, signage, parking meter use, parking meter bagging use, and tent construction permit within and around the 2100 block of Aubry Street in conjunction with the Seal's Class Act Annual Easter Parade on Sunday, April 8, 2012 from 1:00 p.m. to 5:00 p.m.. The fee waiver authorized shall not include any direct costs to the city.
BE IT FURTHER MOVED, That the Clerk of Council immediately shall provide a certified copy of this motion to the Chief Administrative Officer, the Department of Public Works, the Department of Safety and Permits, the Department of Sanitation, the Seal's Class Act, and the New Orleans Police Department.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 7

NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. R-12-113
(AS CORRECTED)
CITY HALL: April 5, 2012
BY: COUNCILMEMBERS CLARKSON, GISLESON PALMER, GRANDERSON, GUIDRY, HEAD, HEDGE-MORRELL AND JOHNSON
WHEREAS, In 2012, Louisville, Kentucky, Ohio State, and Kansas will compete at the Superdome in the NCAA Men's Final Four Championship; and
WHEREAS, the event will put the City of New Orleans in the national spotlight as a premier destination for families, fun-seekers, and sports enthusiasts, and
WHEREAS, 100 out-of-town players and coaches (25 from each of the four universities), 914 visiting sponsors, media representatives, and exhibitors, and 76,951 out-of-town fans are expected to visit the City; and
WHEREAS, Spending of visitors to the New Orleans area due to the 2012 NCAA Men's Final Four will generate substantial economic impact for the New Orleans area, expected to be $115.7 million; and
WHEREAS, In addition to the spending by out-of-town visitors, the NCAA spends money in the local economy to support many events throughout the busy Championship schedule, for a total impact of $18.4 million; and
WHEREAS, In total, the 2012 NCAA Men's Final Four will pump a total of $134.1 million new dollars, projected to create $44.2 million of new earnings for the City, and create 1,938 full and part-time jobs in the local economy; NOW THEREFORE
BE IT RESOLVED, By the Council for the City of New Orleans that it hereby welcomes all Final Four visitors and expresses its sincere gratitude for the contributions made by them and the NCAA to the local economy, and
BE IT FURTHER RESOLVED, That certified copies of this resolution be sent to Mark Emmert, President, NCAA, Vince Granito, Jeff Hundley, and Billy Ferrante, Men's College Basketball Final Four Tournament Local Organizing Committee. The Council commends the sponsors of the Final Four, NCAA, Tulane University Sports Department, Sports Foundation, Sugar Bowl, and the City of New Orleans, for a most successful event.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED.

NO. M-12-114
CITY HALL: April 5, 2012
BY: COUNCILMEMBER GUIDRY (BY REQUEST)
Directing the City Planning Commission to conduct a public hearing to consider a request by the City of New Orleans to authorize a Conditional Use to permit the construction of a new public/government use (New Orleans Juvenile Justice Center) for the property located on Lots 17-61 and Tract X, all of the Imperial Drive right-of-way, and a portion of the former Davey Street right-of-way between Imperial Drive and Milton Street, on Squares 2491-2495, 2496, and 2497 in their entirety, in the Third Municipal District, generally bounded by Bayou St. John, Milton, Encampment and Sere Streets. The municipal addresses are 1100 Milton Street and 51 Imperial Drive.
WITHDRAWN.

SUBTITUTE NO. M-12-114
CITY HALL: April 5, 2012
BY: COUNCILMEMBER GUIDRY
SECONDED BY: COUNCILMEMBER CLARKSON
BE IT MOVED BY THE CITY COUNCIL OF THE CITY OF NEW ORLEANS, That the City Planning Commission is hereby directed to conduct a public hearing to consider a request by the City of New Orleans to authorize a Conditional Use to permit the construction of a new public/government use (New Orleans Juvenile Justice Center) in an RD-2 Two-Family Residential District and an RM-3 Multiple-Family Residential District, for the property located on

Lots 17-61 and Tract X, all of the Imperial Drive right-of-way, and a portion of the former Davey Street right-of-way between Imperial Drive and Milton Street, on Squares 2491-2495, 2496, and 2497 in their entirety, in the Third Municipal District, generally bounded by Bayou St. John, Milton, Encampment and Sere Streets. The municipal addresses are 1100 Milton Street and 51 Imperial Drive. (ZBM C-11 & C-12)
THE FORGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION OF THEREOF AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-115
CITY HALL: April 5, 2012
BY: COUNCILMEMBER JOHNSON (BY REQUEST)
SECONDED BY: COUNCILMEMBER CLARKSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That pursuant to Ordinance No. 23,005 M.C.S., as codified in Section 26-12 of the Code of the City of New Orleans, the Council herby approves the requested demolition of a former Housing Authority of New Orleans (HANO) public housing duplex structure located on Lot 7, Square 683 in the 3rd Municipal District, generally bounded by North Claiborne Avenue to the north, North Robertson Street to the south, Caffin Avenue to the west, and Lamanche Street to the east (Municipal Address: 5600 N. Claiborne Ave.).
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Department of Safety and Permits is hereby authorized to immediately issue the necessary permits to allow the demolition of the aforementioned HANO public housing duplex structure.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION OF THEREOF AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-116
CITY HALL: April 5, 2012
BY: COUNCILMEMBER JOHNSON (BY REQUEST)
Directing the City Planning Commission to conduct a public hearing to consider a request by the City of New Orleans to authorize a Conditional Use to permit the construction of a new fire station (NOFD 22-39) for the property located on, lots 7, 8B, 8 or Pt. lot 8, 16 or 16-17, 15 or 15-14, J or 5-6, on Square 682, in the Third Municipal District, generally bounded by N. Claiborne Avenue, Lamanche Street, N. Robertson Street, and Caffin Avenue. The municipal addresses are 5600, 5618 & 5620 N. Claiborne Avenue, 1522 & 1510 Lamanche Street, and 1523 Caffin Avenue.
WITHDRAWN.

SUBTITUTE NO. M-12-116
CITY HALL: April 5, 2012
BY: COUNCILMEMBER JOHNSON (BY REQUEST)
SECONDED BY: COUNCILMEMBER GRANDERSON
BE IT MOVED BY THE CITY COUNCIL OF THE CITY OF NEW ORLEANS, That the City Planning Commission is hereby directed to conduct a public hearing to consider a request by the City of New Orleans to authorize a Conditional Use to permit the construction of a new fire station (NOFD 22/39) in an RD-3 Two-Family Residential District for the property located on, lots 7, 8B, 8 or Pt. lot 8, 16 or 16-17, 15 or 15-14, J or 5-6, on Square 682, in the Third Municipal District, generally bounded by N. Claiborne Avenue, Lamanche Street, N. Robertson Street, and Caffin Avenue. The municipal addresses are 5600, 5618 & 5620 N. Claiborne Avenue, 1522 & 1510 Lamanche Street, and 1523 Caffin Avenue. (ZBM E-14)
THE FORGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION OF THEREOF AND RESULTED AS FOLLOWS:

YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. R-12-117
CITY HALL: April 5, 2012
BY: COUNCILMEMBERS CLARKSON, GISLESON PALMER, GRANDERSON, GUIDRY, HEDGE-MORRELL AND JOHNSON
WHEREAS, in 1783, at the end of the American Revolution, resentment and hostilities increased between Great Britain and America due to British failure to withdraw from American territory along the Great Lakes, support of Native Americans on the frontiers, frustration over British maritime policies, violation of American rights on the seas, and the impressment of Americans into the British naval service; and
WHEREAS, these social and political forces had an adverse economic effect and produced an untenable situation for the fledgling democracy, creating a climate for war; and
WHEREAS, in 1790, Congress established the United States Revenue Cutter Service and commissioned armed ocean-going vessels to enforce tariff and maritime law; the Revenue Cutter Service was the forerunner of the United States Coast Guard, the oldest continuous federal authority engaged in service on the seas; and
WHEREAS, on June 18, 1804, the Treasury Department authorized the Baltimore customs collector to build a cutter for the newly acquired port of New Orleans; a Baltimore shipyard builds the cutter during the summer and fall of 1804 and completes it by December of that year; the Louisiana displaced about seventy-five tons, measured seventy feet in length, had a beam of twenty-two feet, and drew approximately six feet; and
WHEREAS, the cutter set sail for New Orleans on December 16, 1804, and served out of New Orleans until August 19, 1812, when the local newspaper reported it lost with all hands on board during a severe hurricane; and
WHEREAS, President James Madison declared war on Great Britain on June 18, 1812, and the "Second War of American Independence" was fought between the United States and Great Britain from June 18, 1812, through February 18, 1815, in Virginia and Maryland, and along the Canadian border, the western frontier, the Gulf Coast, and through naval engagements on the Great Lakes and the Atlantic and Pacific Oceans; and
WHEREAS, an estimated 12,500 Louisianans served during the American War of 1812; and
WHEREAS, 4,000 American troops defeated a British force of 11,000 men at the January 8, 1815 Battle New Orleans, generally regarded as the greatest American land victory of the war; Afterwards, the British troops and fleet withdrew from America and the hero, Andrew Jackson, was elevated to the national stage; and
WHEREAS, 2012 marks the Bicentennial of the War of 1812, which from April 17th to April 23rd will be celebrated throughout the City with visits from the Navy fleet, tall ships, and the Blue Angels, in conjunction with Navy Week New Orleans; NOW THEREFORE
BE IT RESOLVED, by the Council for the City of New Orleans that it hereby welcomes all visiting Coast Guardsmen, Navy sailors and airmen to the City and expresses its deepest appreciation for the 200 year presence of United States Coast Guard and Navy in the City of New Orleans.
THE FORGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION OF THEREOF AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Hedge-Morrell, Johnson - 6
NAYS: 0
ABSENT: Head - 1
AND THE RESOLUTION WAS ADOPTED.

NO. M-12-118
CITY HALL: April 5, 2012
BY: COUNCILMEMBER GUIDRY
SECONDED BY: COUNCILMEMBER CLARKSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the appointment of Steven Sheffrin, as a member of the Quality Assurance Review Advisory Committee for the Office of Inspector General, for a term that will expire June 30, 2013 be, and the same is hereby ratified, confirmed and approved.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-119
CITY HALL: April 5, 2012
BY: COUNCILMEMBER GISLESON PALMER
Ratifying, confirming and approving the appointment of Allen C. Miller, as a member of the Quality Assurance Review Advisory Committee for the Office of Inspector General, for a term that will expire June 30, 2013.
WITHDRAWN.

NO. M-12-120
CITY HALL: April 5, 2012
BY: COUNCILMEMBER HEDGE-MORRELL
SECONDED BY: COUNCILMEMBER CLARKSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the request of THOMAS ALLEN – Requesting to appeal the Neighborhood Conservation District Committee's decision of "DENIAL" of the demolition of property located at 1117-19 Lesseps Street be, and the same is hereby upheld.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson – 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.
NO. M-12-121
CITY HALL: April 5, 2012
BY: COUNCILMEMBER HEDGE-MORRELL
SECONDED BY: COUNCILMEMBER GUIDRY
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and .
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Hedge-Morrell, Johnson - 6
NAYS: 0
ABSENT: Head - 1
AND THE MOTION WAS ADOPTED.

NO. M-12-122
CITY HALL: April 5, 2012
BY: COUNCILMEMBER HEDGE-MORRELL
SECONDED BY: COUNCILMEMBER GRANDERSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and favorable recommendation of the City Planning Commission request on ZONING DOCKET NO. 6/12 – S. E. CEMETERIES OF LOUISIANA, INC – Requesting an Amendment to Ordinance NO. 23916 MCS (ZD 116/09) to permit the construction of a new mausoleum and a second floor addition at the site, in an RM-4 Multiple-Family Residential District, on an Undesignated square, Tract 6, in the Third Municipal District, bounded by Norman Mayer Avenue, Gentilly Boulevard, Warrington Drive and Caton Street (Municipal Address: 4000 Norman Mayer Avenue). The recommendation of the City Planning Commission being "FOR APPROVAL", subject to following three (3) waivers and eight (8) provisos:
WAIVERS:
1. The developer shall be granted a waiver of Article 11, Section 11.11.1(d) *Cemeteries and Mausoleums,* requiring a twenty (20) foot front yard setback on Norman Mayer Avenue, to allow a setback of ten (10) feet on Norman Mayer Avenue.
2. The developer shall be granted a waiver of Article 11, Section 11.11.1(d) *Cemeteries and Mausoleums,* requiring a twenty (20) foot front yard setback on Warrington Drive, to allow a setback of four (4) feet on Warrington Drive.

3. The developer shall be granted a waiver of Article 11, Section 11.11(i) *Cemeteries and Mausoleums*, requiring a maximum sign area of twenty-five (25) square feet, to permit a sign area of eighty-five (85) feet.
PROVISOS:
1. The developer shall obtain approval from the Department of Public Works for all proposed curb cuts.
2. The developer shall provide the required fencing along the perimeter of the site that is consistent with Article 11, Section 11.1 of the Comprehensive Zoning Ordinance. ~~borders of Phase I and for the remaining phases as they are developed~~.
3. The developer shall submit a final landscaping and maintenance plan subject to the review and approval of City Planning Commission staff and the Department of Parks and Parkways for any planting within the public right-of-way.
4. The developer shall submit a site plan which indicates the location of a six (6) foot high opaque wood fence along the interior lot line of Caton Street in accordance with Article 15, Section 15.2.5 of the Comprehensive Zoning Ordinance.
5. Lighting shall be arranged to eliminate glare on residential properties. If lighting is to be installed, the developer shall identify the location and direction of all light fixtures on the final site plan. Additionally, such light standards shall not be permitted to exceed 25 feet in height.
6. The developer shall revise the site plan to indicate the location of all dumpsters on site and the presence of a six (6) foot high opaque fence with an operational latching gate. Additionally, the developer shall submit to the Department of Sanitation for approval ~~provide with the City Planning Commission~~ a litter abatement program letter, inclusive of the stated location of litter storage, the type and quantity of trash receptacles, the frequency of litter pick-up by the Department of Sanitation or a contracted trash removal company, and the clearing of all litter from the sidewalks and street rights-of-way. The name and phone number of the owner/operator of the development shall be included in this letter to be kept on file in case of any violation.
7. The developer shall submit a signage plan prior to the finalization of the conditional use to ensure compliance with Ordinance NO. 8242 M.C.S. which permits a maximum sign area of eight-five (85) feet.
8. The Department of Safety and Permits shall issue no building permits or licenses for this project until final development plans are approved by the City Planning Commission and recorded with the Office of Conveyances. Failure to complete the conditional use process by properly recording plans within a one year time period or failure to request an administrative extension as provided for in Article 16, Section 16.9.11 of the Comprehensive Zoning Ordinance will void the conditional use approval.
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the appeal.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson – 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-123
CITY HALL: April 5, 2012
BY: COUNCILMEMBER HEDGE-MORRELL
SECONDED BY: COUNCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and recommendation of the City Planning Commission request on ZONING DOCKET NO. 10/12 – HERMAN B. REVADER – Requesting a Zoning Change from an RD-3 Two-Family Residential District to an RM-2A Multi-Family Residential District, on Square 1031 or 50 or 51, Lot E-4 or 4, in the Third Municipal District, bounded by Old Prieur, North Galvez, Allen and O'Reilly Streets (Municipal Address 1914 Old Prieur Street. The recommendation of the City Planning Commission being "FOR DENIAL," be and the same is hereby upheld.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-124
CITY HALL: April 5, 2012
BY: COUNCILMEMBER GISLESON PALMER
SECONDED BY: COUNCILMEMBER GRANDERSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the report and recommendation "FOR APPROVAL" of the City Planning Commission on ZONING DOCKET NO. 14/12 - NATIONAL RICE MILL, LLC, SEAN B. CUMMINGS AND JOHN J. CUMMINGS, III- Requesting an Amendment to Ordinance 23773 M.C.S. (Z.D. 77/09, 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), to modify provisos relative to right-of-way landscaping and refuse screening and to permit site plan amendments relative to parking, on Square 20, Lot R, and Square 21, Lot CC-1, in the Third Municipal District, bounded by Chartres, Press, Clouet, and North Peters Streets (Municipal Addresses: 2900 and 3036 Chartres Street), subject to six (6) waivers and sixteen (16) provisos, be, and the same is hereby upheld and the conditional use is granted with the following change to Proviso 3:
3.) (a) The developer shall submit a detailed landscape plan drafted by a licensed landscape architect, including the type, size and quantity of the trees, shrubs and ground covers within the common areas. The landscape plan shall be subject to final approval by City Planning Commission staff and by the Departments of Parks and parkways for planning within the street rights-of-way.
(b) The developer shall improve the adjacent parking lot across Montegut Street with a continuous hedge planted at a minimum height of three (3) feet and trees planted at thirty (30) foot intervals along the Chartres and Montegut Streets rights-of-way subject to final approval by City Planning Commission staff and by the Department of Parks and Parkways for planting within the street rights-of-way.
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the Conditional Use.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Hedge-Morrell, Johnson - 6
NAYS: 0
ABSENT: Head - 1
AND THE MOTION WAS ADOPTED.

NO. M-12-125
CITY HALL: April 5, 2012
BY: COUNCILMEMBER JOHNSON
SECONDED BY: COUNCILMEMBER CLARKSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and favorable recommendation of the City Planning Commission on DESIGN REVIEW NO. 133/11 – 10920 East I-10 Service Road LLC - Requesting an appeal of the Eastern New Orleans Renaissance Corridor Interim Zoning District, Article 18, Section 18.51.12 C-1 and C-2 Base District Design Standards of the Comprehensive Zoning Ordinance (CZO) which prohibits metal wall panels as part of the expansion of and existing warehouse, on a site consisting of Lot 6RB1 within Square 0, in the Third Municipal District, bounded by I-10 Service Road, Wright Road, North Hardy Street and the Farrar Canal (Municipal Address: 10940 I-10 Service Road), be, and the same is hereby approved, subject to one (1) waiver and two (2) provisos as stated in the City Planning Commission's report, with one (1) additional proviso, numbered accordingly, to read as follows:
WAIVERS*:*
1. The applicant shall be granted a waiver of Article 18, Section 18.51.12.6 *Building Materials* to permit the installation of metal wall panels.
PROVISOS*:*
1. The applicant shall submit a signage plan for all proposed signage which shall meet the requirements of Article 18, Section 18.51.10 *Permitted Signs* and shall be subject to review and approval by the City Planning Commission staff.
2. The applicant shall indicate the location of a dumpster on the final plans. At no time other than during trash pickup shall the dumpster be visible from the public right-of-way.
3. The applicant shall submit a landscape plan that provides for a 10 foot landscape buffer along the front of the

building, a 5 foot landscape buffer along the side of the building, and a fence around the property, which plan shall include but not be limited to the genus, species, size, location, quantity and irrigation of all proposed plant materials, with all applicable remarks and details, and shall be subject to the review and approval of the City Planning Commission staff prior to the issuance of building permits by the Department of Safety and Permits. The applicant shall also enter into a Good Neighbor Agreement with the Mark Subdivision and the Lake Forest Estates Subdivision, which shall be signed and recorded in the Conveyance Office before the issuance of any building permits by the Department of Safety and Permits.
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Clerk of Council shall forward copies of this motion directly to all affected departments.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Hedge-Morrell, Johnson - 6
NAYS: 0
ABSENT: Head - 1
AND THE MOTION WAS ADOPTED.

NO. M-12-126
CITY HALL: April 5, 2012
BY: COUNCILMEMBER JOHNSON
SECONDED BY: COUNCILMEMBER GRANDERSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and recommendation for modified approval of the City Planning Commission on DESIGN REVIEW NO. 175/11 – BOB PENCE on BEHALF OF WH CAPITAL LLC - Requesting a an appeal of the Eastern New Orleans Renaissance Corridor Interim Zoning District, Article 18, Section 18.51.10 Permitted Signs of the Comprehensive Zoning Ordinance which restricts the permitted area of detached signs (Municipal Address: Unassigned), be, and the same is hereby overruled and the Conditional Use is denied.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Plamer, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-127
CITY HALL: April 19, 2012
BY: COUNCILMEMBER HEDGE-MORRELL
SECONDED BY: COUNCILMEMBER GRANDERSON
WHEREAS, The Tulane Memorial Baptist Church located at 3601 Paris Avenue, New Orleans, Louisiana is hosting Louisiana Baptist Youth Encampment on Saturday, April 28, 2012 from 9:00 a.m. to 3:00 p.m., and has requested the waiver of fees associated with the use of the St. Bernard Gymnasium located at 1500 Lafreniere Street, New Orleans, Louisiana 70122 as well as requesting the waiver of all fees associated with this event on Saturday, April 28, 2012 from 9:00 a.m. to 3:00 p.m. now therefore
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the fees associated with the use of the St. Bernard Gymnasium located at 1500 Lafreniere Street, New Orleans, Louisiana 70122 as well as requesting the waiver of all fee associated with this event on Saturday, April 28, 2012 from 9:00 a.m. to 3:00 p.m. for the Tulane Memorial Baptist Church's Louisiana Baptist Youth Encampment, including any fees associated with the applicable traffic controls and parking controls to be implemented by the New Orleans Police Department, are hereby waived as provided for in Section 146-583 of the City Code, upon the condition that the street closure application process of the Department of Public Works and the New Orleans Police Department are completed and approvals are granted. The fee waiver authorized shall not include any direct costs to the city.
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the fee associated with temporary waiving all permits fees relative to gym rental fee, special events application, New Orleans Police Department, signage, clean up fee, parking meter use and vending in conjunction with the Tulane Memorial Baptist Church's Louisiana Baptist Youth Encampment on Saturday, April 28, 2012 from 9:00 a.m. to 3:00 p.m. The fee waiver authorized shall not

include any direct costs to the city.
BE IT FURTHER MOVED, That the Clerk of Council immediately shall provide a certified copy of this motion to the Chief Administrative Officer, the Department of Public Works, the Department of Safety and Permits, the Department of Sanitation, the Tulane Memorial Baptist Church, and the New Orleans Police Department.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-128
CITY HALL: April 19, 2012
BY: COUNCILMEMBER HEDGE-MORRELL
SECONDED BY: COUNCILMEMBER CLARKSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the request of HENRY CONSULTING LLC (OWNER AND SOLE MANAGING MEMBER OF INFINITY FUELS LLC) - To appeal the Alcoholic Beverages Moratorium in Council District "D" Ordinance No. 24,729 M.C.S. to permit the sale of alcoholic beverages for consumption off-premises at a gasoline service station and a convenience store, on Square 1957, Lots A, B, C, D and E, in the Third Municipal District, bounded by Gentilly Boulevard, Florida and Paris Avenues, in an LI Light Industrial District, located at 2035 Gentilly Boulevard be, and the decision is hereby upheld and the appeal is granted, subject to five (5) provisos as stated in the City Planning Commission's report to read as follows:
PROVISOS:
1. The applicant shall submit to the City Planning Commission a request for resubdivision of multiple lots on the site into a single lot of record.
2. The applicant shall provide a litter abatement letter approved by the Department of Sanitation inclusive of the location and method of trash storage out of the public right-of-way, the frequency of trash pickup, the clearing of all litter from the front sidewalks, parking area, and the periodic hosing of the front sidewalks. The name of phone number of the owner/operator of the gas station shall be kept on file in case of any violations. Trash dumpsters shall be screened with a six (6) foot high opaque fence with a latching gate.
3. The consumption of alcoholic beverages and loitering in front of the structure or in the adjacent parking lot shall be prohibited.
4. Exterior signage or signage affixed to or mounted directly in a window that can be seen from the public right-of-way indicating the sale of alcoholic beverages shall be prohibited.
5. The applicant shall install a minimum one tree for every thirty (30) feet along the right-of-way with a minimum caliper of three (3) inches, subject to the review and approval of the Department of Parks and Parkways.
BE IT FURTHER MOVED, That the Clerk of Council shall forward copies of this motion directly to all affected departments.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. R-12-129
CITY HALL: April 19, 2012
BY: COUNCILMEMBER GUIDRY
SECONDED BY: COUNCILMEMBER CLARKSON
WHEREAS, Article VI, Section 21(H) of the State Constitution and Act 445 of 1983 provides for payment of ad valorem taxes on certain basis for property owners performing certain improvements in Historic, Economic, Development, and Downtown Development Districts; and
WHEREAS, in accordance with the procedures established by Resolution R-11-
517 the following described property has been submitted to the Mayor's Office of

Economic Development for review, said property being described as municipal address
4400 S. Carrollton Avenue owned by TJ Real Estate Holdings, LLC; and
WHEREAS, the Mayor's Office of Economic Development recommends approval with regard to participation in the aforementioned tax program; now therefore
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Council after consideration of the recommendation of the Mayor's Office of Economic Development, hereby approves participation of municipal address 4400 S. Carrollton Avenue owned by TJ Real Estate Holdings, LLC and further identified by the State Board of Commerce and Industry as application number RTA #2009-1137 in the Property Tax Abatement Program authorized by Act 445 of 1983 and Article VII Section 21(H) of the Constitution, effective April 19, 2012; therefore
BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That a copy of this resolution be forwarded to the State Board of Commerce and Industry.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED.

NO. R-12-130
CITY HALL: April 19, 2012
BY: COUNCILMEMBER GISLESON PALMER
SECONDED BY: COUNCILMEMBER CLARKSON
WHEREAS, Article VI, Section 21(H) of the State Constitution and Act 445 of 1983 provides for payment of ad valorem taxes on certain basis for property owners performing certain improvements in Historic, Economic, Development, and Downtown Development Districts; and
WHEREAS, in accordance with the procedures established by Resolution R-11-517
the following described property has been submitted to the Mayor's Office of
Economic Development for review, said property being described as municipal address
837 Dumaine Street owned by Deborah A. West and Gary S. Brown; and
WHEREAS, the Mayor's Office of Economic Development recommends approval with regard to participation in the aforementioned tax program; now therefore
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Council after consideration of the recommendation of the Mayor's Office of Economic Development, hereby *approves* participation of municipal address 837 Dumaine Street owned by Deborah A. West and Gary S. Brown and further identified by the State Board of Commerce and Industry as application number RTA #20100008 in the Property Tax Abatement Program authorized by Act 445 of 1983 and Article VII Section 21(H) of the Constitution, effective on the date of adoption; therefore
BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that a copy of this resolution be forwarded to the State Board of Commerce and Industry.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED.
NO. R-12-131
CITY HALL: April 19, 2012
BY: COUNCILMEMBER GISLESON PALMER
SECONDED BY: COUNCILMEMBER CLARKSON
WHEREAS, Article VI, Section 21(H) of the State Constitution and Act 445 of 1983 provides for payment of ad valorem taxes on certain basis for property owners performing certain improvements in Historic, Economic, Development, and Downtown Development Districts; and
WHEREAS, in accordance with the procedures established by Resolution R-11-517 the following described property has been submitted to the Mayor's Office of Economic Development for review, said property being described as municipal address 1026 Conti Street owned by Robert L. O'Brien; and

WHEREAS, the Mayor's Office of Economic Development recommends approval with regard to participation in the aforementioned tax program; now therefore
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Council after consideration of the recommendation of the Mayor's Office of Economic Development, hereby *approves* participation of municipal address 1026 Conti Street owned by Robert L. O'Brien and further identified by the State Board of Commerce and Industry as application number RTA #2010-0895 in the Property Tax Abatement Program authorized by Act 445 of 1983 and Article VII Section 21(H) of the Constitution, effective on the date of adoption; therefore
BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that a copy of this resolution be forwarded to the State Board of Commerce and Industry.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED.

NO. R-12-132
CITY HALL: April 19, 2012
BY: COUNCILMEMBER GISLESON PALMER
SECONDED BY: COUNCILMEMBER CLARKSON
WHEREAS, Article VI, Section 21(H) of the State Constitution and Act 445 of 1983 provides for payment of ad valorem taxes on certain basis for property owners performing certain improvements in Historic, Economic, Development, and Downtown Development Districts; and
WHEREAS, in accordance with the procedures established by Resolution R-11-
517 the following described property has been submitted to the Mayor's Department of Economic Development for review, said property being described as municipal address
1301 N. Rampart Street transferred ownership from 1301 N. Rampart, LLC to Catherine D'emic and Michael Russell (Unit 201), Jennifer Carr (Unit 204), Debro Mora and August Mora (Unit 208), Edwin Titsworth (Unit 209), Joaquin Garcia (Unit 301), Judy Anderson (Unit 302), Arroyo Investments, LLC (Unit 304), Keith Thibodeaux (Unit 303), Edward Rantz (Unit 305), Constance Phebus and Raymond Phebus (Unit 306), Elliot Lasky (Unit 309), Edward Lee (Unit 400), Stephen Mondi (Unit 407); and
WHEREAS, the Mayor's Department of Economic Development recommends approval with regard to participation in the transfer of R-06-183; now therefore
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Council after consideration of the recommendation of the Mayor's Department of Economic Development, hereby *approves* participation of municipal address 1301 N. Rampart Street owned by Catherine D'emic and Michael Russell (Unit 201), Jennifer Carr (Unit 204), Debro Mora and August Mora (Unit 208), Edwin Titsworth (Unit 209), Joaquin Garcia (Unit 301), Judy Anderson (Unit 302), Arroyo Investments, LLC (Unit 304), Keith Thibodeaux (Unit 303), Edward Rantz (Unit 305), Constance Phebus and Raymond Phebus (Unit 306), Elliot Lasky (Unit 309), Edward Lee (Unit 400), Stephen Mondi (Unit 407) and further identified by the State Board of Commerce and Industry as application number RTA # RTA #050116 (Transfer) in the Property Tax Abatement Program authorized by Act 445 of 1983 and Article VII Section 21(H) of the Constitution, effective on the date of adoption; therefore
BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that a copy of this resolution be forwarded to the State Board of Commerce and Industry.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED.

NO. R-12-133
CITY HALL: April 19, 2012
BY: COUNCILMEMBERS HEDGE-MORRELL, GUIDRY, HEAD AND GISLESON PALMER

RESOLUTION AND ORDER AMENDING RESOLUTION R-12-29 TO REFLECT LPSC'S NINEMILE 6 APPROVAL DOCKET NO. UD-11-03

WHEREAS, pursuant to the Constitution of the State of Louisiana and the Home Rule Charter of the City of New Orleans ("Charter"), the Council of the City of New Orleans ("Council") is the governmental body with the power of supervision, regulation and control over public utilities providing service within the City of New Orleans; and

WHEREAS, pursuant to its powers of supervision, regulation and control over public utilities, the Council is responsible for fixing and changing rates and charges of public utilities and making all necessary rules and regulations to govern applications for the fixing and changing of rates and charges of public utilities; and

WHEREAS, Entergy New Orleans, Inc. ("ENO" or "Company") is a public utility providing electric service to all of New Orleans, except the Fifteenth Ward ("Algiers"), and gas service to all of New Orleans; and

WHEREAS, Entergy Louisiana, LLC ("ELL") provides electric service to the Algiers section of New Orleans; and

WHEREAS, on July 8, 2011 ENO filed its "Application of Entergy New Orleans Inc. For Authorization To Enter Into A Contract For The Purchase Of Capacity And Energy From Unit 6 at Ninemile Point Station, For Cost Recovery And Request For Timely Relief" ("Application"); and

WHEREAS, ENO indicated in its Application that ELL would own Ninemile Unit 6 and ENO would purchase twenty percent of the energy and capacity through a life of unit MSS-4 Purchase Power Agreement ("PPA") and EGSL would purchase twenty-five percent of the energy and capacity through a life of unit PPA; and

WHEREAS, as a result of the allocation, ENO would be allocated 110MW of CCGT capacity from Ninemile Unit 6; and

WHEREAS, the evidentiary hearing relative to the Ninemile 6 project was set for January 31, 2012, however prior to the completion of depositions and other discovery, the Company and the Council's Advisors reached an Agreement in Principle that the Advisors, ENO and all of the intervenors recommended as being in the public interest and constituted a reasonable basis upon which to settle the issues related to the Ninemile 6 Application; and

WHEREAS, in Resolution R-12-29, the Council adopted the Agreement in Principle, which included various terms and conditions; and

WHEREAS, one of the conditions set forth in Resolution R-12-29 related to the filing of progress reports, where the Council directed that:

6. Commencing with the second quarter of 2012 and continuing until the "close out" of the project by ELL and within thirty days of the close of the calendar quarter, ENO is to file with the Council's Advisors quarterly progress reports.

WHEREAS, since the Council's approval of ENO's Ninemile 6 Application, the Louisiana Public Service Commission ("LPSC") has authorized ELL to go forward with the Ninemile 6 project and issued similar progress reporting requirements; and

WHEREAS, in order to avoid duplication and added costs, the Council desires to have the timing for ENO's filing of its progress reports in satisfaction of the Council's order coincide with ELL's filing of its progress reports in satisfaction of the LPSC's order, which will require the Council to allow ENO a slightly longer period within which to submit its progress reports; and

WHEREAS, the need for a second change stems from the parties' agreement that:

2b. Should the LPSC in Docket No. U-31971 issue an order finding that its approval of Ninemile 6 is not dependent on whether the FERC determines the costs associated with this transaction are eligible to be included in the determination of bus bar production costs pursuant to FERC Opinion Nos. 480 and 480-A, and that the LPSC's ruling that the costs of the Ninemile 6 Service Schedule MSS-4 are eligible for recovery shall not be affected if the FERC were to determine that the costs associated therewith are not eligible to be included in the determination of bus bar production costs pursuant to the FERC Opinion Nos. 480 and 480-A, the Council in any final rate making order on Ninemile 6 shall include in its order a similar finding.

WHEREAS, the LPSC in its Order of April 5, 2012 authorizing ELL's construction of the Ninemile 6 project, did in fact issue an order finding that its approval of Ninemile 6 is not dependent on whether the FERC determines the costs associated with this transaction are eligible to be included in the determination of bus bar production costs pursuant to FERC Opinion Nos. 480 and 480-A; now, therefore:

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS THAT: Commencing with the second quarter of 2012 and continuing until the "close out" of the project by ELL and within forty-five days after the close of the calendar quarter, ENO is to file with the Council's Advisors quarterly progress reports.

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS THAT: In accordance with provision 2.b. of the Ninemile 6 Agreement in Principle, the Council adopts the following provision: Any Council findings that ENO's exercise of its right of first refusal under the terms of the 2009 Agreement in Principle and its

purchase of 20% of the capacity and associated energy associated with Ninemile 6 for the life of the unit priced pursuant to the Entergy System Agreement Service Schedule MSS-4 is prudent and in the public interest are not dependent on whether the FERC determines the costs associated with these transactions are eligible to be included in the determination of bus bar production costs once Ninemile 6 is placed in service pursuant to FERC Opinion Nos. 480 and 480-A, and the Council's ruling allowing ENO to recover the costs of the Ninemile 6 MSS-4 PPA shall not be affected if the FERC were to determine that the costs associated therewith are not eligible to be included in the determination of bus bar production costs pursuant to FERC Opinion Nos. 480 and 480-A. ENO agrees to timely make a Federal Power Act § 205 filing if necessary to include Ninemile 6 costs or Ninemile 6 cancellation costs into the Opinion Nos. 480 and 480-A bandwidth calculations. If, following the commercial operation of Ninemile 6, or, if following a Resolution of the Council approving the cancellation of Ninemile 6, ENO's bandwidth calculation made pursuant to FERC Opinion Nos. 480 and 480-A does not include the costs or cancellation costs of Ninemile 6 in the test year applicable to such bandwidth calculation (i.e., the twelve months ended December 31st of the year in which Ninemile 6 began commercial operation or was cancelled) and the Council files a complaint pursuant to Section 206 of the Federal Power Act to accomplish such inclusion, ENO commits to submit comments in support of the inclusion of Ninemile 6 in the bandwidth calculation and, in the event such complaint is set for hearing, testimony in support of such inclusion, provided that nothing herein shall obligate ENO to support other modifications to the bandwidth that are unrelated to Ninemile 6.

THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 7

NAYS: 0

ABSENT: 0

AND THE RESOLUTION WAS ADOPTED.

NO. R-12-134

CITY HALL: April 19, 2012

BY: COUNCILMEMBERS HEDGE-MORRELL, GUIDRY, HEAD AND GISLESON PALMER

RESOLUTION AND ORDER AUTHORIZING REVIEW OF ENTERGY NEW ORLEANS, INC.'S STORM RESERVE FUND ESCROW ACCOUNT

WHEREAS, pursuant to the Constitution of the State of Louisiana and the Home Rule Charter of the City of New Orleans ("Charter"), the Council of the City of New Orleans ("Council") is the governmental body with the power of supervision, regulation and control over public utilities providing service within the City of New Orleans; and

WHEREAS, pursuant to its powers of supervision, regulation and control over public utilities, the Council is responsible for fixing and changing rates and charges of public utilities and making all necessary rules and regulations to govern applications for the fixing and changing of rates and charges of public utilities; and

WHEREAS, Entergy New Orleans, Inc. ("ENO" or "Company") is a public utility providing electric service to all of New Orleans, except the Fifteenth Ward ("Algiers"), and gas service to all of New Orleans; and

WHEREAS, Entergy Louisiana, LLC ("ELL") provides electric service to the Algiers section of New Orleans; and

WHEREAS, recognizing the 2006 Agreement in Principle ("AIP") approved by the Council in Resolution R-06-459 authorized ENO to implement a Storm Reserve Rider, effective with the first billing cycle of March 2007, designed to accumulate a Storm Reserve principal amount of $75 million (including accumulated interest); and

WHEREAS, recognizing the 2006 AIP authorized that Storm Reserve principal amount be accumulated by the collection over a ten year period of a levelized amount (including a three tenths of one percent (.3%) gross up for bad debts) allocated to ENO's gas and electric retail jurisdictions; and

WHEREAS, recognizing the 2006 AIP authorized ENO to use the Storm Reserve Fund Escrow Account only for the purpose of restoration of service in ENO's service territory attributable to a Triggering Weather Event that occurs with respect to the ENO utility system, and

WHEREAS, recognizing the 2006 AIP defined Triggering Weather Event(s) as consisting of:

a. A storm or weather event the occurrence or prospective occurrence of which prompted the issuance by the National Weather Service (or successor agency) of a "watch," "warning," or "advisory" covering at least a portion of ENO's service territory; or

b. A "named" hurricane or tropical storm named by the National Weather Service (or successor agency); or

c. A storm or weather event in any portion of ENO's service territory for which either 1) the President declares a

"Federal Disaster Area" or makes a similar declaration and/or 2) the Governor of Louisiana declares a "State of Emergency" or makes a similar declaration; and

d. A storm or weather/weather-related event, or series of such events, the occurrence of which causes ENO to incur at least $500,000 of costs in aggregate (such costs as would be accounted for as deferred O&M in Account 228 or as capital expenditures in Accounts 107 or 108 consistent with the Company's Storm Damage Policy) to repair damage caused by that event and/or otherwise to restore electric and/or gas service and/or replace or remove tangible assets in ENO's service territory in the aftermath of such an event(s); or

e. Other triggering events as may be defined in the Escrow Agreement; and

WHEREAS, recognizing the 2006 AIP authorized ENO to make annual filings with the Council commencing on March 1, 2008 regarding the balance in the Storm Reserve Fund Escrow Account, which annual filings were to report:

(a) collections, principal and interest and disbursements made in accordance with Paragraph 18 of the 2006 AIP approved by the Council in Resolution R-06-459; and

(b) the aggregate amount of costs that have been incurred by the Company for restoration of service in ENO's service territory as a result of Triggering Weather Event(s) and deferred in accordance with Paragraph 18(d) of the 2006 AIP. To the extent that the aggregate amount of costs (including amounts deferred in accordance with Paragraph 18(d) equals or exceeds $500,000, the Company is permitted to withdraw Storm Reserve funds from the Storm Reserve Fund Escrow Account to apply to the appropriate regulatory accounts to offset these costs in accordance with sound regulatory principles; and

WHEREAS, recognizing the 2006 AIP provided that within 90 days of the fifth annual filing (March 1, 2012), ENO shall submit to the Council a report recommending the appropriate future level of funding of the Storm Reserve Fund Escrow Account and that upon considering ENO's filing, the Council may adjust prospectively the level of future funding upon notice and a full and fair hearing with respect to this issue; and

WHEREAS, recognizing the 2009 AIP approved by the Council in Resolution R-06-459, Docket No. 08-03, contained the following provisions regarding the treatment of Hurricanes Gustav and Ike storm-related costs:

"Paragraph 38: The Council's Advisors shall conduct an audit of ENO's Hurricane Gustav/Ike storm costs. In connection with this audit, ENO shall furnish such cost data as required, including all supporting data, to the Council's Advisors on or before May 31, 2009. Preliminary audit findings shall be presented to the Company and the Council by October 31, 2009 as follows:

a. ENO shall include the capital costs incurred as a result of Hurricanes Gustav/Ike in Account 186 as of the date when base rates set forth herein become effective. These capital costs, including carrying costs, shall be transferred to ENO's rate base as Plant in Service at 12/31/2009, included in ENO's initial annual FRP Evaluation Period filings and shall be recovered through base rates set in that proceeding. While these costs are in Account 186, ENO shall accrue carrying charges on these costs until ENO begins recovering such costs through base rates. Such carrying costs shall be computed using ENO's 2009 weighted average cost of capital or "WACC" as authorized in this Docket.

b. ENO shall exclude the non-capital direct labor including associated labor loading from the actual amount of Gustav/Ike costs being sought from cost recovery. The Company's continued use of Storm Reserve Accounting will be approved by the Council in any final order approving this settlement for use during the three year FRP period.

c. to the extent that it is determined that any costs included in the audit findings are not storm-related costs, but rather are costs of normal ongoing operations, ENO shall be entitled to seek recovery of any prudent costs as normal capital in the 2010 FRP filing.

d. No carrying charges will be allowed on Deferred Operating and Maintenance ("O&M") costs associated with the amounts of Gustav/Ike O&M costs being sought for cost recovery by ENO; and

WHEREAS, recognizing the 2009 AIP directed that ENO continue the draw down of the Storm Reserve Account in 2009 until the total Gustav/Ike Deferred O&M actual costs were recovered. Upon completion of the draw down, ENO was to file with the Council a certification, complete with a detailed schedule, of the draw down amounts; now therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS THAT:

In anticipation of ENO's filing with the Council a report addressing the appropriate future level of funding of the Storm Reserve Fund Escrow Account within 90 days of March 1, 2012, and in preparation for such filing, the Accounting Advisors shall perform a comprehensive review of the Storm Reserve Fund Escrow Account.

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS THAT:

The review performed by the Accounting Advisors shall:

- review the period beginning with the implementation of the Electric and Gas Storm Reserve Riders in March 2007 to the current month, April 2012;
- analyze ENO's accounting transaction trail beginning with the collection of Electric and Gas Storm

Reserve Escrow Riders revenue through the various accounts to the transactions recording collections into the Storm Reserve Fund Escrow Account;

- confirm that collections, principal, interest, and disbursements contained in ENO's annual filings are consistent with the transactions recorded in the gas and electric Storm Reserve Fund Escrow Account;
- for both gas and electric, reconcile any discrepancies regarding differences between ENO's cash collection additions to the Storm Reserve Fund Escrow Account and the reported Storm Reserve revenues as identified in ENO's response to Advisors' discovery question CNO 6-6 from the 2011 FRP discovery period;
- reconcile the difference in annual collections and the "levelized" amount to be collected over the ten year period to achieve the goal of $75 million in principal in the Storm Reserve Fund Escrow Account, as established by the 2006 AIP;
- confirm that all disbursements since the implementation of the Storm Reserve Fund Escrow Account fulfill the classification of a Triggering Weather Event contained in paragraph 18 of the 2006 AIP;
- confirm that the recorded withdrawals from the Storm Reserve Fund Escrow Account are in accordance with the results of the Advisors' audit of Hurricanes Gustav and Ike and the 2009 AIP , paragraph 38;
- confirm that the amount disbursed for all withdrawals since Hurricanes Gustav and Ike was for deferred O&M expenses, less direct labor and associated loaders for ENO and ESI related to the storm event; and
- confirm the methodology used by ENO in classifying storm costs as capital costs or deferred O&M costs.

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS THAT:
In connection with this review, ENO will provide such data as required, including all supporting data to the Accounting Advisors. A preliminary report of findings will be submitted to the Council by June 15, 2012.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED.

NO. M-12-135
CITY HALL: April 19, 2012
BY: COUNCILMEMBERS HEDGE-MORRELL, GUIDRY, HEAD AND GISLESON PALMER
WHEREAS, pursuant to Section 3-130 of the Home Rule Charter of the City of New Orleans, the New Orleans City Council exercises powers of supervision, regulation, and control over electric and gas utilities providing service in the City; and
WHEREAS, to address the complex legal and technical issues necessary to properly meet its responsibility, the Council requires the services of a hearing officer to supervise ongoing proceedings in the Council's Utility Dockets; and
WHEREAS, the City Council requires the continued services of Jeffrey Gulin, who has supervised ongoing proceedings, including the recently concluded Entergy New Orleans, Inc. ("ENO") rate case; and
WHEREAS, the need for ongoing interim services can be addressed with a contract in an amount below the competitive selection threshold established by the City Code and Council Rule 45; and
WHEREAS, given the immediate needs of this Council relative to its regulatory responsibility the Council desires to authorize an appropriate contract with Jeffrey Gulin to assist in meeting the Council's regulatory responsibility to the City and its ratepayers; now, therefore
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the President of the Council is hereby authorized to sign a contract with Jeffrey S. Gulin to provide for his services in 2012 in an amount not to exceed $15,000.
BE IT FURTHER MOVED, that such contract shall be properly routed in accordance with normal process and the City Council Rules.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0

AND THE MOTION WAS ADOPTED.

NO. R-12-136
CITY HALL: April 19, 2012
BY: COUNCILMEMBERS CLARKSON AND GISLESON PALMER
Affirming the Council's support for continued collection of tolls on the Crescent City Connection.
WITHDRAWN.

NO. M-12-137
BY: COUNCILMEMBER HEDGE-MORRELL
SECONDED BY: COUNCILMEMBER GISLESON PALMER
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and unfavorable recommendation of the City Planning Commission request on ZONING DOCKET NO. 19/12 – ERNEST HAMMOND – Requesting a Zoning Change from an RD-3 Two-Family Residential District to an RM-2A Multi-Family Residential District, on Square 1372, Lot 5 (center of square), in the Third Municipal District, bounded by Annette, Allen, Law and North Dorgenois Streets (Municipal Address: Unassigned) be and same is hereby upheld and the Zoning Change is denied.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-138
CITY HALL: April 19, 2012
BY: COUNCILMEMBER GISLESON PALMER
SECONDED BY: COUNCILMEMBER CLARKSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the report and recommendation "FOR MODIFIED APPROVAL" of the City Planning Commission on ZONING DOCKET NO. 25/12 - THE NEW ORLEANS JAZZ AND HERITAGE FESTIVAL AND FOUNDATION, INC. - Requesting a Zoning Change from an HMR-1 Historic Marigny/Tremé Residential District to an HMC-2 Historic Marigny/Tremé Commercial District on Square 110, Pt. Lots A-2, A, 4 and E and a Conditional Use to permit a professional office (Jazz and Heritage Center) greater than 10,000 square feet in floor area in an HMC-2 Historic Marigny/Tremé Commercial District, on Square 110, Lots C, 4, E, Pt. Lots A and A-2 (Proposed Lot E-1), bounded by North Rampart, Henriette Delille, Barracks and Governor Nicholls Streets (Municipal Addresses: 1221, 1225 and 1227 North Rampart Street and 1119 and 1123 Governor Nicholls Street), be, and the same is hereby upheld and the Zoning Change and Conditional Use is granted, subject to one (1) waiver and ten (10) provisos, as stated in the City Planning Commission's report
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the Zoning Change and Conditional Use.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-139
CITY HALL: April 19, 2012
BY: COUNCILMEMBER HEAD
SECONDED BY: COUNCILMEMBER CLARKSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the report and favorable recommendation of the City Planning Commission on ZONING DOCKET NO. 26/12 - 132 CARONDELET, LLC -

Requesting a Conditional Use to permit a fast food restaurant in a CBD-1 Central Business District, on Square 225, Lot 7, in the First Municipal District, bounded by Carondelet and Common Street, St. Charles Avenue and Canal Street (Municipal Address: 132 Carondelet Street), be, and the same is hereby upheld, and the Conditional Use is granted, subject to the five (5) provisos as stated in the City Planning Commission's report.
BE IT FURTHER MOVED, that a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the Conditional Use.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-140
CITY HALL: April 19, 2012
BY: COUNCILMEMBER HEDGE-MORRELL
SECONDED BY: COUNCILMEMBER CLARKSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and favorable recommendation of the City Planning Commission request on ZONING DOCKET NO. 27/12 - RICHARD P. GLORY - Requesting a Zoning Change from an RS-2 Single-Family Residential District to an RD-3 Two-Family Residential District, on Square 3653, Lot X, in the Third Municipal District, bounded by Mirabeau Avenue, St. Anthony, Timoleon, and Pauger Streets (Municipal Address: 4917 St. Anthony Street), be, and the same is hereby upheld and the Zoning Change is denied.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-141
CITY HALL: April 19, 2012
BY: COUNCILMEMBER JOHNSON
SECONDED BY: COUNCILMEMBER CLARKSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and favorable recommendation of the City Planning Commission on ZONING DOCKET NO. 29/12 - CITY COUNCIL MOTION M-12-32 - Requesting a rescission of Ordinance No. 5,564 M.C.S. (ZD 18/74), Ordinance No. 13,880 M.C.S. (ZD 9/90) and Ordinance No. 16,356 M.C.S. (ZD 104/93) and to permit a new Conditional Use for a community center and accessory parking lot, on Square 706, all lots, generally bounded by N. Claiborne Avenue, Flood Street, N. Derbigny Street, and Caffin Avenue, and on Square 815, Lots 1, 2, and 3, 4, X, Y, Z, 5 and 6, 7, 8, U, I Generally bounded by N. Derbigny Street, Caffin Avenue, N. Roman and Flood Street, in the Third Municipal District (Municipal Addresses: 1616 Caffin Avenue, 1700-1740 Caffin Avenue, 5519 N. Derbigny Street and 5514 N. Roman Street) be, and the same is hereby upheld and the Conditional Use is granted, subject to four (4) waivers deleting Waiver No. 2 in its entirety and ten (10) provisos, deleting Proviso No. 5 in its entirety, amending Proviso 6, adding an additional proviso to read as follows and waiver and provisos renumbering accordingly:
PROVISOS:
"6. The City of New Orleans shall ensure that trash and dumpsters are positioned out of view from all rights-of-ways and shall be screened from view with an opaque masonry fence wall that is no less than six feet (6) tall.
10. The City of New Orleans shall close the North Derbigny Street right of way between flood Street and Caffin Avenue, for the purpose of creating a park, subject to the review and approval of the Department of Public Works."
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the Conditional Use.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF,

AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-142
CITY HALL: April 19, 2012
90BY: COUNCILMEMBER HEDGE-MORRELL
SECONDED BY: COUNCILMEMBER GRANDERSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and unfavorable recommendation of the City Planning Commission request on ZONING DOCKET NO. 34/12 – LABERTHA MCCORMICK – Requesting a Zoning Change from an RD-2 Two-Family Residential District to an C-2 General Commercial District to permit a billboard, on Square 3, Lots, 6, 7, and 8, in the Third Municipal District, bounded by Sage and Bay Street, Franklin Avenue, and Dahlia Walk (Municipal Address: Unassigned), be and same is hereby upheld as a Modified Approval granting the change to a B-1 Neighborhood Business District for a snowball stand.
BE IT FURTHER MOVED, That a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney's Office for preparation of the an ordinance to effectuate the change.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Granderson, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. R-12- 143
CITY HALL: May 3, 2012
BY: COUNCILMEMBERS CLARKSON, BAJOIE, GUIDRY, HEAD, GISLESON PALMER, HEDGE-MORRELL AND JOHNSON
WHEREAS, the Council of the City of New Orleans, on March 16, 2006, adopted Ordinance No. 22,163, M.C.S., relative to the "Fourth Amendment to Amended and Restated Lease Agreement" by and between the Rivergate Development Corporation, the City of New Orleans, and Jazz Casino Company L.L.C., successor in interest to Harrah's Jazz Company, which included the commitment from Jazz Casino Company L.L.C., to provide $225,000 annually to fund the City Council/ Harrah's Community Support Grants Program; and
WHEREAS, the agreement provides for the total of $225,000 to be funded semi-annually in two payments of $112,500; and
WHEREAS, the purpose of the program is to foster organizations and projects that demonstrably contribute to the economic, cultural, and civic fabric of the City; and
WHEREAS, the guidelines for eligibility, procedures, and monitoring of the grants have been approved by the City Council; and
WHEREAS, the following group has demonstrated its commitment to improving the civic life of the New Orleans community through its activities and programs; now, therefore
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the following grant is approved from grant funds, subject to the organization's eligibility pursuant the aforementioned guidelines:
At-Large A (Clarkson):
Symphony Chorus of New Orleans $500
Hike for Katreena $500
Birdfoot Chamber Music Festival $500
Bridge House Corporation $1,000
Friends of A Studio in the Woods $1,000
Preservation Alliance of New Orleans, Inc. $1,500
The National World War II Museum, Inc. $1,500
Louisiana Philharmonic Orchestra $2,500
District D (Hedge-Morrell):

The People's Institute for Survival and Beyond $1,000
Preservation Alliance of New Orleans, Inc. $1,000
Crimestoppers Inc. $1,000
Youth Empowerment Project $2,000
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED.

NO. R-12-144
CITY HALL: May 3, 2012
BY: COUNCILMEMBERS CLARKSON, HEAD, GUIDRY, GISLESON PALMER, HEDGE-MORRELL AND JOHNSON
Proclaiming, calling and ordering a special election to be held on Tuesday, November 6, 2012, to fill the unexpired term of the office of Councilmember, District "B" for the City of New Orleans, with a run-off, if needed, to be held on Saturday, December 1, 2012, and with qualifying beginning on August 15, 2012 and ending on August 17, 2012.
WITHDRAWN.

NO. M-12-145
CITY HALL: May 3, 2012
BY: COUNCILMEMBERS CLARKSON, HEAD, GUIDRY AND GISLESON PALMER
CITY HALL: May 3, 2012
Appointing Errol George to fill the vacancy in the Office of Councilmember, District "B" during the interim period, reckoning from this date to the filling of the vacancy by special election, which election has been called by virtue of Resolution R-12-144, adopted May 3, 2012.
WITHDRAWN.

NO. M-12-146
CITY HALL: May 3, 2012
BY: COUNCILMEMBERS HEAD, CLARKSON, GUIDRY, GISLESON PALMER, HEDGE-MORRELL, AND JOHNSON
WHEREAS, Rule 8 of the Rules and Regulations of the Council provides that one of the Councilmembers-at-Large be elected President of the Council for a one year term; and
WHEREAS, Councilmember-at-Large Stacy Head has only this week taken office; and
WHEREAS, it is the desire of Councilmember-at-Large Head to postpone her taking office as President of the Council temporarily; now, therefore
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That Rule 8 of the Council's Rules and Regulations is hereby suspended.
BE IT FURTHER MOVED that Councilmember-at-Large Jacquelyn Brechtel Clarkson be and she is hereby re-elected to serve as President of the Council, until such time as the Council brings this matter back for reconsideration.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 6
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-147
CITY HALL: May 3, 2012
BY: COUNCILMEMBERS CLARKSON, HEAD, GUIDRY, GISLESON PALMER, HEDGE-MORRELL, AND JOHNSON
WHEREAS, Rule 8 of the Rules and Regulations of the Council provides that one of the Councilmembers-at-Large be

elected President of the Council for a one year term; and
WHEREAS, Councilmember-at-Large Stacy Head has only this week taken office; and
WHEREAS, it is the desire of Councilmember-at-Large Head to postpone her taking office as President of the Council temporarily; now, therefore
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That Rule 8 of the Council's Rules and Regulations is hereby suspended.
BE IT FURTHER MOVED that Councilmember-at-Large Stacy Head be and she is hereby elected to serve as Vice-President of the Council, until such time as the Council brings this matter back for reconsideration.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 6
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-148
CITY HALL: May 3, 2012
BY: COUNCILMEMBER JOHNSON
SECONDED BY: COUNCILMEMBER HEDGE-MORRELL
BE IT MOVED BY THE CITY COUNCIL OF THE CITY OF NEW ORLEANS, That the City Planning Commission is directed to conduct a public hearing to consider amendments to the text of the Comprehensive Zoning Ordinance No. 4264 M.C.S., as amended, to amend Article 18, Section 18.51.10, *"Permitted Signs"* of the Comprehensive Zoning Ordinance *"Eastern New Orleans Renaissance Corridor Interim Zoning District (ENORC IZD)*, to state that only monument signs are permitted signs for commercial property within the District and to further prohibit pole signs.
BE IT FURTHER MOVED BY THE CITY COUNCIL OF THE CITY OF NEW ORLEANS, That in the process of reviewing the proposed amendments to the ENORC IZD the City Planning Commission staff is directed and granted the flexibility to make all appropriate changes to the ENORC IZD regulations to establish consistency and continuity with the format of the existing zoning code and the equal application of all relevant design regulations now applied in the C-1 and C-2 General Commercial Districts and the B-1 and B-2 Neighborhood Business Districts, and to add references wherever references are customary, needed and/or appropriate, to make the appropriate adjustments to clarify any ambiguities or mistakes, and to make adjustments deemed necessary in light of public testimony resulting from this review.
BE IT FURTHER MOVED, That in accordance with Article 16, Section 4.4(3) of the Comprehensive Zoning Ordinance of the City of New Orleans, all appropriate agencies of City Government shall not accept any new application for permits that are in conflict with the intent and provision of this proposed Interim Zoning District amendment for any property contained within the aforesaid boundaries during consideration of this matter. This amended Interim Zoning District shall be in effect for a period of twelve (12) months; that designation may be extended pursuant to Section 16.4.3(3) of the Comprehensive Zoning Ordinance for no more than two (2) additional periods of 180 days each.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION OF THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-149
CITY HALL: May 3, 2012
BY: COUNCILMEMBER JOHNSON
SECONDED BY: COUNCILMEMBER HEDGE-MORRELL
BE IT MOVED BY THE CITY COUNCIL OF THE CITY OF NEW ORLEANS, That the City Planning Commission is directed to conduct a public hearing to consider amendments to the text of the Comprehensive Zoning Ordinance No. 4264 M.C.S., as amended, to amend Article 18, Section 18.51 *"Eastern New Orleans Renaissance Corridor Interim Zoning District (ENORC IZD)*, to classify all retail uses within C-1 and C-2 General Commercial Districts and B-1 and

B-2 Neighborhood Business Districts with a gross floor area equal to or greater than 7,500 square feet as conditional uses. This shall include new construction as well as the renovation of any existing structures or tenant spaces equal to or greater than 7,500 square feet in gross floor area.
BE IT FURTHER MOVED BY THE CITY COUNCIL OF THE CITY OF NEW ORLEANS, That in the process of reviewing the proposed amendments to the ENORC IZD the City Planning Commission staff is directed and granted the flexibility to make all appropriate changes to the ENORC IZD regulations to establish consistency and continuity with the format of the existing zoning code and the equal application of all relevant design regulations now applied in the C-1 and C-2 General Commercial Districts and the B-1 and B-2 Neighborhood Business Districts, and to add references wherever references are customary, needed and/or appropriate, to make the appropriate adjustments to clarify any ambiguities or mistakes, and to make adjustments deemed necessary in light of public testimony resulting from this review.
BE IT FURTHER MOVED, That in accordance with Article 16, Section 4.4(3) of the Comprehensive Zoning Ordinance of the City of New Orleans, all appropriate agencies of City Government shall not accept any new application for permits that are in conflict with the intent and provision of this proposed Interim Zoning District amendment for any property contained within the aforesaid boundaries during consideration of this matter. This amended Interim Zoning District shall be in effect for a period of twelve (12) months; that designation may be extended pursuant to Section 16.4.3(3) of the Comprehensive Zoning Ordinance for no more than two (2) additional periods of 180 days each.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION OF THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-150
(AS AMENDED)
CITY HALL: May 3, 2012
BY: COUNCILMEMBER GUIDRY
SECONDED BY: COUNCILMEMBER HEAD
WHEREAS, the City of New Orleans adopted a Master Plan – The Plan for the 21st Century: New Orleans 2030 -- in August 2010, which reflects community consensus regarding the policies necessary to enhance the character and livability of all neighborhoods; and
WHEREAS, the Master Plan recognizes the contributions made by local colleges and universities to the culture and economy of the City of New Orleans and its neighborhoods; and
WHEREAS, the Master Plan also acknowledges the challenges of growing colleges and universities within the context of historically residential urban neighborhoods; and
WHEREAS, suburban college and university campuses typically have more land to expand upon and are not located as close to residential property lines as urban college and university campuses; and
WHEREAS, in the fall of 2011, the City Planning Commission released a Draft Comprehensive Zoning Ordinance (CZO) that, when finalized, will serve as the primary tool to implement the goals and policies of the Master Plan; and
WHEREAS, this document attempts to manage the challenges of growing colleges and universities within neighborhoods by proposing zoning controls that increase technical review and public participation in the development of college and university campuses in an effort to balance the needs of the institutions with those of the surrounding residential areas; and
WHEREAS, the City is in the process of developing a formalized mechanism for public participation in land use matters, but has yet to finalize this process; and
WHEREAS, until such time as the new provisions of the CZO that attempt to manage the acknowledged challenges of growing colleges and universities within dense urban neighborhoods have been fully reviewed and ultimately adopted, there is a risk that developments at colleges and universities may have an adverse impact on surrounding neighborhoods; and
WHEREAS, to avoid such conflicts and provide for an orderly review of large developments on college and university campuses until such time as permanent amendments to the CZO have been adopted, it is advisable to implement an Interim Zoning District; NOW THEREFORE

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the City Planning Commission is directed to conduct a public hearing to consider an amendment to the text of Article 18 of the Comprehensive Zoning Ordinance No. 4264 M.C.S., as amended, and the designation of such on the corresponding zoning base maps of the City of New Orleans, to consider the establishment of an Interim Zoning District, to prohibit the construction or expansion to existing structures of any building or facility within college and university campuses that will result in a building or facility in excess of 250,000 square feet of gross floor area and will cover a footprint of more than 50,000 square feet within any residential zoning district, in the area generally bounded by: the east bank of the Mississippi River, the Orleans/Jefferson Parish line, Metairie Road, Interstate 10, Norfolk-Southern Railroad track, Orleans Avenue, City Park Avenue, Wisner Boulevard, Interstate 610, Florida Boulevard, the Orleans/St. Bernard Parish line, and the Mississippi River.

BE IT FURTHER MOVED, that in the process of reviewing the proposed Interim Zoning District, the City Planning Commission staff is directed and granted the flexibility to make all appropriate changes to the proposed regulations and any existing corresponding regulations in the Comprehensive Zoning Ordinance No. 4264 M.C.S., as amended, to establish consistency and continuity with the format of the existing zoning code, to add references wherever references are customary, needed and/or appropriate, to make the appropriate adjustments to clarify any ambiguities or mistakes, and to make adjustments deemed necessary in light of public testimony resulting from this review.

BE IT FURTHER MOVED, that in accordance with Article 16, Section 4.4(3) of the Comprehensive Zoning Ordinance, all appropriate agencies of City Government shall not accept any applications for permits or licenses that are in conflict with the intent and provisions of the proposed Interim Zoning District for properties contained within the aforesaid area during the consideration of this matter. The Interim Zoning District is to be in effect for a period of one (1) year and is subject to extension as provided by Section 3-126 of the City Code. Any appeals shall be to the City Council in accordance with Article 16, Section 16.4.5(3) of the Comprehensive Zoning Ordinance.

THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION OF THEREOF AND RESULTED AS FOLLOWS:

YEAS: Clarkson, Gisleson Palmer, Guidry, Head - 4

NAYS: Hedge-Morrell, Johnson - 2

ABSENT: 0

AND THE MOTION, AS AMENDED, WAS ADOPTED.

NO. R-12-151

CITY HALL: May 3, 2012

BY: COUNCILMEMBERS CLARKSON AND GISLESON PALMER

WHEREAS, the Crescent City Connection Division is responsible for maintenance of thirteen miles of roadway linking the Greater New Orleans Region, including the Crescent City Connection, the fifth most traveled toll bridge in the United States, with daily traffic of approximately 180,000 vehicles, and

WHEREAS, currently the Crescent City Connection's toll for east-bound motorists, one dollar cash or forty cents for those with electronic toll tags, generates 80% of the Crescent City Connection's annual budget of 27 million dollars, and

WHEREAS, these funds are used for frequent street sweeping, trash pickup, grass cutting, landscape maintenance, bridge and roadway maintenance, lighting, motorist assistance, HOV lane operation, and ferry operations and maintenance, and

WHEREAS, there is significant concern for public safety in the proposed reduction of services in that there will be a substantial decline in the police patrols of the roadways, the bridge and the ferry terminals, and

WHEREAS, the Louisiana Department of Transportation and local jurisdictions would be asked to assume these responsibilities upon the sunset of the CCCD's toll-collecting authority, or in the words of the Task Force on the Crescent City Connection, "The Bridges will simply be one of more than 13,000 bridges in the Louisiana system and of approximately 1,500 in the region vying for limited state funds," and

WHEREAS, with the expiration of tolls, the Department of Transportation intends to provide substantially reduced services in some areas, including once-monthly street sweeping, trash pickup, grass-cutting, bridge and roadway maintenance, and

WHEREAS, under this plan, landscaping services around the Bridge will be removed; the Bridge's decorative lighting will go dark, though an icon of the City's skyline, because the Department of Transportation further refuses to provide the funds necessary for this service, and

WHEREAS, the Ferry System Service funded by the Crescent City Connection Revenue serves 2.2 million riders annually; if the ferries were discontinued, in addition to these riders having to find alternative routes, Algiers, Gretna,

St. Bernard and Plaquemines businesses that thrive on ferry traffic will also be negatively impacted, and
WHEREAS, efficient transportation systems are integral to economic development of a region, and
WHEREAS, the City of New Orleans and adjacent local governments are unable to bear the substantial expenses that will come with the expiration of tolls and the CCCD's budget being slashed to nothing, and
WHEREAS, the Crescent City Connection Task Force's recommendations have been formally endorsed by the New Orleans Chamber of Commerce, the Jefferson Business Council, Transport for NOLA, the Harvey Canal Industrial Association, the Jefferson Parish Chamber of Commerce, the Algiers Neighborhood Presidents Council, the Algiers Economic Development Foundation, the Plaquemines Association of Business and Industry, the St. Bernard Chamber of Commerce, the Algiers Point Association, the Crescent City Connection Oversight Authority and Friends of the Ferry; NOW THEREFORE
BE IT RESOLVED, by the Council for the City of New Orleans that it hereby affirms its support for the findings of the Crescent City Connection Task Force, and
BE IT FURTHER RESOLVED, that certified copies of this resolution be sent to Rep. Karen St. Germain and Rep. Austin Badon, Jr., Chairman and Vice-Chairman, respectively, of the Transportation of the Highways and Public Works Committee, Louisiana House of Representatives and Sen. Robert Adley and Sen. Sherri Smith Buffington, Chairman and Vice-Chairman, respectively, of the Transportation, Highways & Public Works Committee, Louisiana Senate.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED.

NO. M-12-152
CITY HALL: May 3, 2012
BY: COUNCILMEMBER HEDGE-MORRELL
SECONDED BY: COUNCILMEMBER JOHNSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the NCDC APPEAL – OF PURA BASCOS, DIRECTOR OF CODE ENFORCEMENT, MAYOR'S OFFICE OF COMMUNITY DEVELOPMENT, CITY OF NEW ORLEANS, requesting to appeal the Neighborhood Conservation District Committee's decision of "DENIAL" of the demolition of property located at 3124 N. Johnson Street is hereby overruled and the demolition is hereby approved.
BE IT FUTHER MOVED, That the Clerk of Council shall forward copies of this motion directly to all affected departments.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 6
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. R-12-153
CITY HALL: May 3, 2012
BY: COUNCILMEMBERS JOHNSON, GISLESON PALMER, CLARKSON, HEAD, GUIDRY AND HEDGE-MORRELL
WHEREAS, on the first two days of May 2012, nine shootings left three dead and six others injured; and
WHEREAS, crime, killings and bloodshed in the city of New Orleans continue to escalate in all areas. So far this year, the reported murder count is sixty-five; and
WHEREAS, on May 2, 2012, a Benjamin Banneker Charter School youth was shot in the back after exiting a bus with other students; and
WHEREAS, last week, two eighth grade KIPP Believe College Prep students were murdered. Brandon Adams, a 15 year old honor student and Christine Marcelin, a 15 year old student who always cared about others, had their futures tragically taken away; and
WHEREAS, on May 1, 2012, Jarmon Hollerman Smith, a 20 year old who was leaving his mother's house and walking

to his job at a restaurant on General DeGaulle Drive in Algiers, was shot several times and found dead at the intersection of Herschel Street and Westbend Parkway; and
WHEREAS, crime detrimentally affects citizens' safety and security, tourism, businesses and the financial stability of the city; and
WHEREAS, countless lives continue to be lost; now therefore
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that this Council requests that Superintendent Ronal Serpas, Criminal Justice Commissioner James Carter and Deputy Mayor of Public Safety Colonel Jerry Sneed appear before the City Council to discuss the city's murders, escalating crime wave, and plans to address and mitigate the senseless violence and loss of life.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED

NO. M-12-154
CITY HALL: May 3, 2012
BY: COUNCILMEMBER HEDGE-MORRELL
SECONDED BY: COUNCILMEMBER JOHNSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the NCDC APPEAL – OF PURA BASCOS, DIRECTOR OF CODE ENFORCEMENT, MAYOR'S OFFICE OF COMMUNITY DEVELOPMENT, CITY OF NEW ORLEANS, requesting to appeal the Neighborhood Conservation District Committee's decision of "DENIAL" of the demolition of property located at 2216-18 St. Roch Street is hereby overruled and the demolition is hereby approved.
BE IT FUTHER MOVED, That the Clerk of Council shall forward copies of this motion directly to all affected departments.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 6
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-155
CITY HALL: May 3, 2012
BY: COUNCILMEMBER GISLESON PALMER
SECONDED BY: COUNCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the request of VCC APPEAL – OF ROBERT T. KENNY - Requesting to appeal the Vieux Carré Commission Architectural Committee's decision of "denial" to construct a CMU wall (19'-10") for property located at 524 Esplanade Avenue, be, and the decision is hereby overruled and the appeal is granted.
BE IT FURTHER MOVED, that the Clerk of Council shall forward copies of this motion directly to all affected departments.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 6
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-156
CITY HALL: May 3, 2012
BY: COUNCILMEMBER GISLESON PALMER

SECONDED BY: COUNCILMEMBER CLARKSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the report and recommendation "FOR APPROVAL" of the City Planning Commission on ZONING DOCKET NO. 15/12 – ODYSSEY HOUSE LOUISIANA, INC. - Requesting an Amendment to Ordinance No. 23,217 M.C.S. (ZD 44/09, a request for a Zoning Map change from an RD-3 Two-Family Residential District to a B-1 Neighborhood Business District and a Conditional Use to permit a substance abuse treatment center under 5,000 square feet in an existing structure) to permit a new structure at the site, on Square 315, Lot 4A, in the Second Municipal District, bounded by Governor Nicholls, North Tonti, North Rocheblave Streets and Ursulines Avenue (Municipal Address: 2438 Governor Nicholls Street), be, and the same is hereby upheld subject to one (1) waiver and twelve (12) provisos, with the addition of 3 provisos and renumbering accordingly:
PROVISOS:
The final provisos will include, but not limited to,
13.) Exterior security cameras and access to recorded footage.
14.) A security officer on the site.
15.) Transportation for clients of the rehab facility to and from the facility.
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the changes.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 6
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-157
CITY HALL: May 3, 2012
BY: COUNCILMEMBER GUIDRY
SECONDED BY: COUNCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the favorable report and recommendation of the City Planning Commission on ZONING DOCKET NO. 16/12 – ORLEANS PARISH SCHOOL BOARD - Requesting a Conditional Use to permit a public elementary school in an RD-3 Two-Family Residential District, on Square 295, all lots, in the Second Municipal District, bounded by North Tonti, Dumaine, North Miro, and St. Ann Streets (Municipal Address: 2300 Dumaine Street) be, and the Conditional Use is approved as modified, and granted, subject to four (4) waivers and thirteen (13) provisos as follows:
Waivers
1. The applicant shall be granted a waiver of Article 11, Section 11.37.1 (b) of the Comprehensive Zoning Ordinance, which requires twenty-five (25) feet building setbacks from all lot lines abutting public streets to allow the 10'-10" setback on the N. Miro Street side, 8'-7" setback on the N. Tonti Street side, and 6'-0" on the St. Ann Street side.
2. The applicant shall be granted a waiver of Article 11, Section 11.37.2(b), allowing the proposed school to be located on a site that is bounded by two, two-lane streets with traffic in one direction, a single-lane street with traffic in one direction, and one street with a traffic lane in each direction.
3. The applicant shall be granted a waiver of Article 15, Section 15.2.1 Table 15.A of the *Comprehensive Zoning Ordinance*, which requires the provision of one hundred fifty-five (155) off-street parking spaces, to permit the provision of seventeen (17) off-street parking spaces.
4. The applicant shall be granted a waiver of Article 15, Section 15.3.1. *Table of Requirements* and Table 15.G. *Loading Requirements* of the Comprehensive Zoning Ordinance, which requires the provision of two (2) off-street loading spaces, to permit the provision of one (1) off-street loading space.
Provisos
1. The Department of Safety and Permits shall issue no building permits or licenses for this project until final development plans are approved by the City Planning Commission and recorded with the Office of Conveyances. Failure to complete the conditional use process by properly recording plans within a one year time period or failure to request an administrative extension as provided for in Article 16, Section 16.9.11 of the Comprehensive Zoning Ordinance will void the conditional use approval.

2. The applicant shall resubdivide all lots within Square 295 into one lot of record prior to the issuance of the Certificate of Occupancy by the Department of Safety and Permits.
3. The applicant shall restore all sidewalks and curbs, where necessary, to the standards of the Department of Public Works.
4. The applicant shall secure the approval of the Department of Public Works for the installation of any curb cuts and drop-off zones. All curb-cuts shall be no greater than twenty-four (24) feet for two-way access and twelve (12) feet for one-way access unless otherwise approved by the Department of Public Works and the City Planning Commission.
5. The proposed health clinic shall operate as an accessory use for the school and shall serve the students, faculty, and staff only. The health clinic shall not operate as a community health clinic to serve the public unless the zoning of the site is changed or the text of the Comprehensive Zoning Ordinance is amended to permit such a use.
6. The applicant shall submit a lighting plan for the campus, including but not limited to all parking and service areas and play grounds located on the site. Lighting shall not be directed towards adjacent residential uses.
7. The developer shall submit a revised landscape plan prepared by a licensed Louisiana landscape architect, subject to final approval by City Planning Commission staff and by the Department of Parks and Parkways indicating the following:
a. The genus, species, size, location, quantity, and irrigation of all proposed plant materials on the site and within the street rights-of-way, with applicable remarks and details.
b. Trees shall be planted at a maximum thirty (30) foot interval along the rights-of-way adjacent to the site. Live oak trees shall have a caliper of minimum 6inches.
c. All parking areas facing the rights-of-way shall have a continuous line of shrubs at a minimum of two (2) feet in height when planted.
d. All play areas abutting the rights-of-way shall have trees planted at a maximum thirty (30) foot interval.
8. The applicant shall submit a litter abatement program letter to the Department of Sanitation for approval. The letter shall be inclusive of the stated location of litter storage out of the public right-of-way, the type and quantity of trash receptacles, the frequency of litter pickup, the clearing all litter from the adjacent right-of-way, and the periodic hosing of the adjacent street rights-of-way, as necessary. The name and phone number of the school administrator shall be included in this letter to be kept on file in case of any violation.
9. The applicant shall not exceed the maximum permitted signage area of twenty-five (25) square feet, in accordance with Article 4, Section 4.6.6 *Permitted Signs* of the Comprehensive Zoning Ordinance.
10. The revised site plan shall indicate the location of bicycle parking for twenty-four (24) bicycles near the gymnasium entrance on Saint Ann Street.
11. The applicant shall provide personnel to manage traffic within the passenger drop-off areas during the morning drop-off and afternoon pick up time periods.
12. The proposed sidewalk along the North Miro Street block face shall be at least eight feet (8') in width in order to meet ADA standards.
13. The applicant shall secure approval from the Department of Public Works for designated passenger drop-off zones, re-establishing the school zone, and other necessary traffic safety signage.
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the request.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 6
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-158
CITY HALL: May 3, 2012
BY: COUNCILMEMBER GUIDRY
SECONDED BY: COUNCILMEMBER CLARKSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the report and recommendation of the City Planning Commission on ZONING DOCKET NO. 17/12 – JAWAD K. GHARIB - 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, on Square 338, Lots 1, 9, and 10, in the Seventh Municipal District, bounded by South Claiborne Avenue, Eagle, Monroe and Nelson Streets (Municipal Addresses: 8729-8737 South Claiborne Avenue), be, and the Conditional Use is hereby approved as modified, and granted, subject to fifteen (15) provisos:

1. The Department of Safety and Permits shall issue no building permits or licenses for this project until final development plans are approved by the City Planning Commission and recorded with the Office of Conveyances. Failure to complete the conditional use process by properly recording plans within a one year time period or failure to request an administrative extension as provided for in Article 16, Section 16.9.11 of the Comprehensive Zoning Ordinance will void the conditional use approval.

2. The developer shall submit a resubdivision application to consolidate all lots associated with the development into one lot of record prior to the final approval of the conditional use. Additionally, prior to the issuance of the Certificate of Use and Occupancy by the Department of Safety and Permits, such said resubdivision shall be finalized as determined by the City Planning Commission. 3. The developer shall submit a revised floor plan indicating the location and dimensions of all areas within the convenience store dedicated towards the sale of alcoholic beverages.

4. The developer shall provide a litter abatement program letter acceptable to the Department of Sanitation. The litter abatement plan shall be inclusive of the location of litter storage, the frequency of litter pickup, and the clearing of all litter from the sidewalks, parking areas, and street rights-of-way, including periodic hosing of the site and rights-of-way, where necessary. The program description, including the name and phone number of the operator shall be kept on file in case of any violation. Additionally, the applicant shall screen all dumpster and trash storage areas from view with an opaque fence of not less than seven (7) feet in height.

5. The applicant shall reorient all exterior lighting inward towards the center of the site, and shall provide a detailed exterior lighting plan included in the revised site plan which includes the location, orientation, and manufacture's schematics of all exterior lighting to the staff of the City Planning Commission for their review and approval.

6. The applicant shall submit sign plans which show compliance with Article 5, Section 5.4.4.4(b) *Ice Storage Signage* and Article 5, Section 5.4.6 *Permitted Signs* of the Comprehensive Zoning Ordinance.

7. The developer shall submit a detailed landscape plan prepared by a licensed Louisiana landscape architect, subject to final approval by the City Planning Commission and the Department of Parks and Parkways, which shall include but not be limited to: the genus, species, size, location, quantity, and irrigation of all proposed plant materials within the site and adjacent to the South Claiborne Avenue and Eagle Street rights-of-way, with applicable remarks and details.

8. The applicant shall replace the extended curb cut along Eagle Street with one (1) or two (2) curb cuts each measuring no more than twenty-four (24) feet in width which provide access to off-street parking along Eagle Street and one (1) or two (2) curb cuts each measuring no more than twenty-four (24) feet in width which provide access to the gas pumps. The remaining curb area along
Eagle Street adjacent to the site shall be reconstituted with a six (6) inch vertical curb.

9. The applicant shall submit documents indicating approval of the curb cuts adjacent to the South Claiborne Avenue side of the subject site by the Louisiana Department of Transportation and Development or restore those curb cuts in accordance with the requirements of the Louisiana Department of Transportation and Development.

10. The sale of alcoholic beverages shall be limited to between 10:00 a.m. and 10:00 p.m. only.

11. No pay phones shall be installed or operable on the building's exterior.

12. Consumption of alcohol shall not be permitted at the subject site nor the owner's other property located at 8807 S. Claiborne Avenue.
The applicant shall post signs at 8729-8737 S. Claiborne and 8807 S. Claiborne stating that alcohol shall not be consumed on the premises.

13. The store's owner or manager shall remain on the premises at all times alcohol is sold.

14. The conditional use approval is limited to the existing owner, Mr. Jawad K. Gharib and Ariyan, Inc.

BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the request.

THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:

YEAS: Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 6

NAYS: 0

ABSENT: 0

AND THE MOTION WAS ADOPTED.

NO. M-12-159
CITY HALL: May 3, 2012
BY: COUNCILMEMBER HEAD
SECONDED BY: COUNCILMEMBER CLARKSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the report and favorable recommendation of the City Planning Commission on ZONING DOCKET NO. 18/12 – SCOTT T. PETERSON - Requesting a Conditional Use to permit cocktail lounge with live entertainment in an existing structure in a B-1A Neighborhood Business District and within the Freret Street AC Arts and Cultural Overlay District, on Square 580, Lot 19, in the Sixth Municipal District, bounded by Freret, LaSalle, Upperline, and Robert Streets (Municipal Address: 4920 Freret Street), be, and the same is hereby upheld, subject to the 16 provisos contained in the City Planning Report, with the following additions, for a total of 20 provisos:
PROVISOS:
17. No one under the age of twenty-one (21) shall be permitted on the premises as customers, patrons, or staff.
18. No video poker or pay phones shall be permitted on the premises.
19. Owner/Operator shall install no less than four security cameras and four security lights around the exterior of the building. Lighting placement is subject to the approval of City Planning Staff.
20. At a minimum, litter “sweeps” shall be conducted every operating business day in front of the premises on Freret Street and 20 yards on either side of the property.
BE IT FURTHER MOVED, that a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney’s Office for the preparation of an ordinance to effectuate the Conditional Use.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 6
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-160
CITY HALL: May 3, 2012
BY: COUNCILMEMBERS CLARKSON, HEAD, GISLESON PALMER, GUIDRY, HEDGE-MORRELL AND JOHNSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the report and favorable recommendation of the City Planning Commission on ZONING DOCKET NO. 31/12 – CITY COUNCIL MOTION M-12-33 - Requesting an amendment to the text of the Comprehensive Zoning Ordinance No. 4264 M.C.S., as amended, to amend Article 11, Section 11.6 thru 11.9, to remove the specific citations of the City Code Sections (specifically Section 26-292 Minimum Floor area Requirements) and references to Occupational and Mayorality Permits and to replace them with more general language that requires compliance with the regulations of the Department of Safety and Permits and the Department of Finance, Bureau of Revenue, be, and the same is hereby upheld and the change is approve.
BE IT FURTHER MOVED, that a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney’s Office for the preparation of an ordinance to effectuate the change.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 6
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-161
CITY HALL: May 3, 2012
BY: COUNCILMEMBER HEAD
SECONDED BY: COUNCILMEMBER CLARKSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the report and favorable recommendation of the City Planning Commission on ZONING DOCKET NO. 36/12 – 4206 MAGAZINE STREET, LLC - Requesting a Conditional Use to permit the sale of alcoholic beverages for consumption on-premises at a

standard restaurant in a B-1A Neighborhood Business District, on Square 204, Lot 16, in the Sixth Municipal District, bounded by Magazine, General Pershing, Constance and Milan Streets (Municipal Address: 4206-08 Magazine Street), be, and the same is hereby upheld, subject to the eight provisos contained in the City Planning report, with the following modification to proviso 2:
PROVISO:
2) The applicant shall not operate the business between the hours of 11:00 p.m. and 6:00 a.m.
BE IT FURTHER MOVED, that a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the Conditional Use.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 6
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-162
CITY HALL: May 3, 2012
BY: COUNCILMEMBER HEAD
SECONDED BY: COUNCILMEMBER HEDGE-MORRELL
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the report and favorable recommendation of the City Planning Commission on ZONING DOCKET NO. 39/12 – EAST SKELLY, LLC - Requesting a Conditional Use to permit the sale of alcoholic beverages for consumption on-premises at a coffee shop in a CBD-2 Central Business District, on Square 365, on an undesignated lot, in the First Municipal District, bounded by Freret, Lasalle, Poydras and Perdido Streets. (Municipal Address: 1515 Poydras Street), be, and the same is hereby upheld, subject to the 7 provisos contained in the City Planning report, with the addition of two provisos, for a total of 9 provisos:
PROVISOS:
8) The presence of video poker machines shall be prohibited.
9) The owner/operator shall only serve beer and wine for consumption on-premises.
BE IT FURTHER MOVED, that a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the Conditional Use.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 6
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-163
CITY HALL: May 3, 2012
BY: COUNCILMEMBER HEAD
SECONDED BY: COUNCILMEMBER CLARKSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the report and favorable recommendation of the City Planning Commission on ZONING DOCKET NO. 40/12 – RUTH YOUNG, EASTER LYNN MERRIMAN AND RED ROOSTER TOO PROPERTY MANAGEMENT, LLC - Requesting a Conditional Use to permit the expansion of a fast food restaurant in a B-2 Neighborhood Business District, on Square 387, Lots 2 and 3, in the Fourth Municipal District, bounded by Washington Avenue, Clara, Fourth and Willow Streets (Municipal Address: 2719 Clara Street and 2803 Washington Avenue), be, and the same is hereby upheld, subject to the 1 waiver & 12 provisos contained in the City Planning report.
BE IT FURTHER MOVED, that a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the Conditional Use.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 6

NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-164
CITY HALL: June 7, 2012
BY: COUNCILMEMBER CLARKSON
SECOND BY: COUNCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That all matters approved by the Council at its May 3, 2012 Regular Meeting in the absence of a quorum that can be considered at a special meeting shall be referred to the next regular or special Council meeting and placed on the Consent Agenda for ratification; and
BE IT FUTHER MOVED, That all matters approved by the Council at its May 3, 2012 Regular Meeting in the absence of a quorum that can only be considered at a Regular Meeting shall be referred to the next regular meeting of the Council and placed on the Consent Agenda for ratifications; and
BE IT FURTHER MOVED, That all matters that were deferred or withdrawn by the Council at its May 3, 2012 Regular Meeting in the absence of a quorum shall be placed on the Regular Agenda of the next regular or special Council meeting for ratification of the deferral or withdrawal; and
BE IT FURTHER MOVED, That all matters that were deferred or withdrawn by the Council at its May 3, 2012 Regular Meeting in the absence of a quorum shall be placed on the Regular Agenda of the next regular or special Council meeting for ratification of the deferral or withdrawal; and
BE IT FURTHER MOVED, That all ordinances introduced by the Council at its May 3, 2012 regular meeting in the absence of a quorum shall be referred to the next regular or special Council meeting in order that their introduction may be ratified.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. R-12-165
CITY HALL: June 7, 2012
BY: COUNCILMEMBERS CLARKSON, HEAD, HEDGE-MORRELL, JOHNSON, GUIDRY AND GISLESON-PALMER (BY REQUEST)
A RESOLUTION authorizing and approving the issuance of not exceeding $6,000,000 of City of New Orleans, Louisiana Downtown Development District Limited Tax Refunding Bonds, Series 2012, to be issued by the Board of Liquidation, City Debt.
WHEREAS, pursuant to the provisions of Section 2740.3 of Title 33 of the Louisiana Revised Statutes of 1950, as amended (the "Act"), and other constitutional and statutory authority, the City of New Orleans, Louisiana (the "City"), acting through the Board of Liquidation, City Debt (the "Board of Liquidation"), issued $7,375,000 of Downtown Development District Limited Tax Bonds, Series 2001 of the City, $5,450,000 of which remains outstanding (the "Prior Bonds"); and
WHEREAS, the Downtown Development District (the "District") and the Board of Liquidation have determined that the refunding of the Prior Bonds will result in debt service savings to the Downtown Development District (the "District"), and the District, by resolution adopted on March 6, 2012, requested preliminary approval for the issuance of not exceeding $6,000,000 City of New Orleans Downtown Development District Limited Tax Refunding Bonds, Series 2012 (the "Refunding Bonds") for the purpose of refunding the Prior Bonds; and
WHEREAS, such preliminary approval was granted by the Board of Liquidation by resolution adopted on April 18, 2012; and
WHEREAS, the Refunding Bonds will be special and limited obligations of the City payable from and secured by the Tax (defined below); and
WHEREAS, the City desires to grant approval to the issuance of the Bonds;
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, THAT the Council does hereby approve the issuance of the Refunding Bonds in the amount of not exceeding $6,000,000 to be

issued under the authority of the Act and Chapter 14-A of Title 39 of the Louisiana Revised Statutes of 1950, as amended, for the purposes of refunding the Prior Bonds and paying costs of issuance of the Refunding Bonds. The Refunding Bonds will be special and limited obligations of the City payable from and secured solely by the proceeds of the not exceeding 22.97 mills *ad valorem* tax (subject to adjustment from time to time due to reassessment) authorized by the voters at elections held on April 7, 2001 and December 8, 1979, upon all taxable real property situated within the boundaries of the District, and which is currently being levied at a rate of 14.76 mills (the "Tax"). The Refunding Bonds shall bear interest at a rate or rates not to exceed five and one-half percent (5.5%) per annum, to be determined by subsequent resolution of the Board of Liquidation at the time of the sale of the Refunding Bonds, and shall mature not later than December 1, 2026. The Refunding Bonds shall be sold by negotiated sale or by a solicitation of bids, as determined by the Board of Liquidation, at a price of not less than 90% of par plus accrued interest, if any, and shall have such additional terms and provisions as may be determined at the time of the issuance and sale of the Refunding Bonds. The sale of the Refunding Bonds by negotiated sale or by a solicitation of bids for a bank purchaser, as determined by the Board of Liquidation, which process is hereby acknowledged and accepted by this Council.

BE IT FURTHER RESOLVED that in approving the issuance of the Refunding Bonds, the Council represents that the City has a legal right to levy and collect the Tax, to issue the Refunding Bonds through the Board, and to permit the Tax revenues to be pledged to the payment of the Refunding Bonds as provided in the bond resolution; the Council further obligates the City and is bound under the terms and provisions of the Act to levy, impose, enforce and collect the Tax and to provide for all reasonable and necessary rules and regulations, procedures and penalties in connection therewith, for the full term of its authorization and until all of the Refunding Bonds have been retired as to both principal and interest or are no longer considered outstanding under the resolution providing for their issuance.

BE IT FURTHER RESOLVED that the Mayor and Director of Finance are authorized to execute the Refunding Bonds, either by manual or facsimile signature, and said Mayor and/or Director of Finance are hereby further authorized to execute any and all other documents, instruments or certificates necessary to accomplish the issuance of the Refunding Bonds.

BE IT FURTHER RESOLVED that by virtue of the application by the City, through the Board of Liquidation, for, acceptance of and utilization of the benefits of the State Bond Commission's approval, the City understands and agrees that such approval is expressly conditioned upon, and further understands, agrees and binds itself, its successors and assigns to, full and continuing compliance with the "State Bond Commission Policy on Approval of Proposed Use of Swaps, or other forms of Derivative Products, Hedges, Etc.," adopted by the Commission on July 20, 2006, as to the borrowing and other matters subject to the approval, including subsequent application and approval under said Policy of the implementation or use of any swaps or other products or enhancements covered thereby.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately and shall be published one time in the official journal of the City.

THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:

YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7

NAYS: 0

ABSENT: 0

AND THE RESOLUTION WAS ADOPTED.

NO. R-12-166

CITY HALL: June 7, 2012

BY: COUNCILMEMBERS HEAD, BAJOIE, CLARKSON, GISLESON PALMER, GUIDRY, HEDGE-MORRELL AND JOHNSON

WHEREAS, after the fall of Saigon on April 30th, 1975, in order to escape the incoming Communist regime, many Vietnamese people fled by boat to refugee camps in Thailand, Singapore, Malaysia, Hong Kong, Guam, and Wake Island, ultimately arriving in the United States; and

WHEREAS, the majority of those who escaped by boat, commonly referred to as “boat people,” upon arriving in the United States came to New Orleans from 1975 until the 1980s, sponsored by the Archdiocese of New Orleans under the leadership of the late Archbishop Philip Hannan; and

WHEREAS, today, there are approximately 28,000 Vietnamese Americans living in Louisiana, the majority of which live throughout the New Orleans Metro area; and

WHEREAS, the relationship between the United States and the Socialist Republic of Vietnam has grown substantially since the end of the trade embargo in 1994, with annual trade between the two countries reaching over $15,300,000,000

in 2009; and
WHEREAS, the Government of Vietnam's transition towards greater economic freedom and trade has unfortunately not translated to greater political freedom and substantial improvements in basic human rights for Vietnamese citizens, including the freedom of religion, expression, association, and assembly; and
WHEREAS, the United States Congress agreed to Vietnam becoming an official member of the World Trade Organization in 2006, amidst assurances that the Government of Vietnam would improve their human rights record; and
WHEREAS, Vietnam remains a one-party state, ruled and controlled by the Communist Party of Vietnam (CPV), which continues to deny the rights of citizens to change their Government; and
WHEREAS, although in recent years the National Assembly of Vietnam has played an increasingly active role as a forum for highlighting local concerns, corruption, and inefficiency, the National Assembly remains subject to the direction of the CPV and the CPV maintains control over the selection of candidates in national and local elections; and
WHEREAS, the Government of Vietnam forbids public challenge to the legitimacy of the one-party state, restricting freedom of opinion, the press, association, and tightly limiting access to the Internet and telecommunication; NOW THEREFORE
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the New Orleans City Council believes the current human rights standards in Vietnam are contrary to the beliefs and standards espoused by the United States, and therefore urges city leaders to stop business trading between the City of New Orleans and the government of Vietnam unless human rights are improved.
BE IT FURTHER RESOLVED, That the New Orleans City Council urges the Louisiana delegation of the US House of Representatives to support House Bill 1410, introduced by Representative Chris Smith (R-NJ), which promotes freedom and democracy in Vietnam.
BE IT FURTHER RESOLVED, That the New Orleans City Council urges President Obama to support all initiatives, including House Bill 1410, that improve human rights in Vietnam.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED.

NO. R-12- 167
CITY HALL: June 7, 2012
BY: COUNCILMEMBERS CLARKSON, HEAD, GUIDRY, BAJOIE, GISLESON PALMER, HEDGE-MORRELL AND JOHNSON
WHEREAS, the Council of the City of New Orleans, on March 16, 2006, adopted Ordinance No. 22,163, M.C.S., relative to the “Fourth Amendment to Amended and Restated Lease Agreement” by and between the Rivergate Development Corporation, the City of New Orleans, and Jazz Casino Company L.L.C., successor in interest to Harrah’s Jazz Company, which included the commitment from Jazz Casino Company L.L.C., to provide $225,000 annually to fund the City Council/ Harrah’s Community Support Grants Program; and
WHEREAS, the agreement provides for the total of $225,000 to be funded semi-annually in two payments of $112,500; and
WHEREAS, the purpose of the program is to foster organizations and projects that demonstrably contribute to the economic, cultural, and civic fabric of the City; and
WHEREAS, the guidelines for eligibility, procedures, and monitoring of the grants have been approved by the City Council; and
WHEREAS, the following group has demonstrated its commitment to improving the civic life of the New Orleans community through its activities and programs; now, therefore
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the following grant is approved from grant funds, subject to the organization’s eligibility pursuant the aforementioned guidelines:
At-Large A:
New Orleans Recreation Development Foundation (NORD Foundation) $1,000
River Festivals Foundation, Inc. $500
Audubon Nature Institute, Inc. $1,500
District B:

Liberty City Community Development Corp. (Summer Camp) $4,000
Crimestoppers Inc. (Teen Peace Summit) $2,000
Zulu Social Aid and Pleasure Club, Inc. (Junior Zulu) $1,000
Young Men Olympian Junior Benevolent Association $3,000
Hike for Katreena $5,000
Professional Services Industry, Inc. $2,500
Central City Partnership (Youth Skills Bank/Think Tank) $2,000
New Era Track Club (Girls Team) $2,000
Youth in Action (Summer Camp) $2,000
Greater New Orleans Foundation (Claiborne Corridor Study) $1,000
District A:
Divine Foundation, Inc. (Young Urban Professionals Academy) $1,500
Armstrong Family Services (Emergency Housing) $1,500
Zulu Social Aid and Pleasure Club, Inc. (Cultural Activities) $2,000
Hike for Katreena (Tree Planting) $1,000
Louisiana Philharmonic Orchestra (City Park Concert) $2,000
Covenant House New Orleans (Youth Shelter) $2,000
APEX Community Advancement, Inc. (Mentoring Teens) $4,000
Youth Empowerment Project (Acquire Youth Center) $2,000
District C:
Preservation Alliance of New Orleans (Rebuilding Together New Orleans) $5,000
Algiers Economic Development Foundation (Algiers Retail Study) $5,000
Greater New Orleans Foundation (Claiborne Corridor Study) $2,500
Covenant House New Orleans $2,000
Global Green USA $1,000
Teaching Responsible Earth Education (T.R.E.E - Earthkeepers) $500
Hike for Katreena $500
Preservation Alliance of New Orleans, Inc. (Education & Outreach) $500
Ashe' Cultural Arts Center/Efforts of Grace, Inc. (Juneteenth Festival) $500
The People's Institute for Survival and Beyond (UMOJA Village) $500
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED.

NO. R-12-168
(AS CORRECTED)
CITY HALL: June 7, 2012
BY: COUNCILMEMBERS CLARKSON, HEAD, HEDGE-MORRELL, JOHNSON, GUIDRY AND GISLESON PALMER (BY REQUEST)
A RESOLUTION granting preliminary approval for the issuance of not exceeding two hundred million dollars ($200,000,000) of Taxable Limited Tax Refunding Bonds, Series 2012 of the City of New Orleans, Louisiana (the "City"), in one or more series (the "Refunding Bonds"); making application to the State Bond Commission for approval of the Refunding Bonds; and providing for other matters in connection therewith, including the employment of bond counsel.
WHEREAS, Chapter 14-A of Title 39 of the Louisiana Revised Statutes of 1950, as amended (the "Refunding Act"), authorizes the City to issue Refunding Bonds for the purpose of refunding, readjusting, restructuring, refinancing, extending or unifying the whole or any part of its outstanding securities; and
WHEREAS, the City has outstanding the following indebtedness:
$115,760,000 of Taxable Pension Revenue Bonds, Series 2000 (the "Pension Bonds"), issued on December 19, 2000 pursuant to resolutions adopted by this Council on September 21, 2000, November 16, 2000 and December 1, 2000, maturing September 1, 2030, callable at par on any interest payment date upon termination of the swap agreement, and

bearing interest at variable rates not to exceed 18% per annum;

$15,995,000 of Taxable Bonds, Series 2011 (the "2011 Bonds"), issued on November 30, 2011, pursuant to a resolution adopted by this Council on November 17, 2011, and a Certificate of Determination executed on November 30, 2011, maturing on March 1, 2013, prepayable at par at any time after June 1, 2012, and bearing interest at 5.95% per annum; and

$25,605,000 of Taxable Limited Tax Certificates of Indebtedness, Series 2004B (the "2004 Certificates"), issued on December 23, 2004, pursuant to resolutions adopted by this Council on November 17, 2004 and December 16, 2004, maturing March 1, 2013 and 2014 on a non-callable basis, and bearing interest at 4.60% and 4.75%, respectively; and

WHEREAS, the City desires to (i) refund restructure and/or extend (a) all of the Pension Bonds and the 2011 Bonds and (b) all or a portion of the 2004 Certificates, (ii) pay the termination payment under the swap agreement for the Pension Bonds, (iii) pay capitalized interest on the Refunding bonds, and (iv) pay costs of issuance for the Refunding Bonds by the issuance of not exceeding $200,000,000 of Taxable Limited Tax Refunding Bonds, Series 2012 (the "Refunding Bonds"); and

WHEREAS, the Refunding Bonds will be issued on a *pari passu* basis with the unrefunded portion of the 2004 Certificates, if any (the "Outstanding Parity Obligations"); and

WHEREAS, the Refunding Bonds, equally with the Outstanding Parity Certificates, will be secured by and payable from the proceeds of the Tax (defined below); and

WHEREAS, pursuant to the Louisiana Constitution of 1974, as amended (the "Constitution"), the City is authorized to levy a special tax of thirteen and ninety-one hundredths (13.91) mills (such rate being subject to adjustment from time to time due to reassessment) (the "Tax"), which Tax has been authorized to be levied on all the property subject to taxation within the corporate boundaries of the City pursuant to the provisions of the Constitution and which Tax is authorized to be levied for general purposes, and which Tax the City is authorized to impose and collect; and

WHEREAS, the Bonds will be structured such that the principal and interest due in any year on the limited tax obligations issued in anticipation of the revenue to be received from the Tax shall not exceed 75% of the revenues (estimated at not less than $27,000,000) which are estimated to be received from the Tax in the year in which the limited tax obligations are to be issued; and

WHEREAS, the resolution providing for the issuance of the 2004B Certificates provides that additional indebtedness may be issued on and enjoy a full and complete parity with any unrefunded 2004B Certificates with respect to the revenues of the Tax, provided that the anticipated Tax revenues in the year in which the additional indebtedness is to be issued, as reflected in the budget adopted by the City, must be at least 1.35 times the combined principal and interest requirements for any calendar year on the unrefunded 2004B Certificates, and the indebtedness to be issued; and

WHEREAS, pursuant to the provisions of the Refunding Act and subject to the approval of the State Bond Commission, the City desires to issue the Refunding Bonds for the purposes set forth above; and

WHEREAS, the City desires to make formal application to the State Bond Commission for approval of the issuance of the Refunding Bonds and further to employ bond counsel in connection therewith; NOW, THEREFORE

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That pursuant to and in compliance with the terms and provisions of the Refunding Act and other constitutional and statutory authority, preliminary approval is given to the issuance of not exceeding Two Hundred Million Dollars ($200,000,000) of Taxable Limited Tax Refunding Bonds, Series 2012 (the "Refunding Bonds") of the City, to be issued for the purpose of (i) refunding, restructuring and/or extending (a) all of the Pension Bonds and the 2011 Bonds and (b) all or a portion of the 2004 Certificates, (ii) paying the termination payment under the swap agreement for the Pension Bonds, (iii) paying capitalized interest on the Refunding Bonds, and (iv) paying costs of issuance for the Refunding Bonds. The Refunding Bonds shall be in fully registered form, shall be sold to the purchasers thereof at a price of not less than 93% of the principal amount thereof, plus accrued interest, if any, shall be dated the date of delivery thereof, shall bear interest from the date thereof at a fixed rate not to exceed 8% per annum or at a variable rate not to exceed 12% per annum, shall mature not later than September 1, 2032, and shall have such additional terms and provisions as may be determined by subsequent resolution of this Council. The Refunding Bonds shall be issued on a *pari passu* basis with any Outstanding Parity Obligations.

The Refunding Bonds shall be sold through a negotiated sale to underwriters to be selected by a competitive process, which process is hereby accepted and acknowledged, at a price of not less than 93% of the principal amount thereof, plus accrued interest, if any. The details of the Refunding Bonds shall be established by a subsequent resolution adopted by this Council.

BE IT FURTHER RESOLVED, by this Council that the Refunding Bonds, equally with any Outstanding Parity Obligations, shall be secured by and payable from an irrevocable pledge and dedication of the avails or proceeds of the

Tax. This Council does hereby obligate itself and its successors in office to impose and collect the Tax annually in each year while the Refunding Bonds are outstanding, as provided in the Constitution, and does hereby irrevocably and irrepealably dedicate, appropriate and pledge the annual income to be derived from the assessment, levy and collection of the Tax in each year while the Refunding Bonds and any Outstanding Parity Obligations are outstanding, to the payment of the Refunding Bonds and any Outstanding Parity Obligations.

BE IT FURTHER RESOLVED, That this Council finds and determines that a real necessity exists for the employment of co-bond counsel in connection with the issuance of the Refunding Bonds, and accordingly, Foley & Judell, L.L.P. and Auzenne & Associates, LLC, are hereby employed as co-bond counsel to do and perform legal work with respect to the issuance and sale of the Refunding Bonds. Said co-bond counsel shall prepare and submit to this Council for adoption all of the proceedings incidental to the authorization, issuance, sale and delivery of the Refunding Bonds, shall counsel and advise this Council as to the issuance and sale thereof and shall furnish their opinion covering the legality of the issuance of the Refunding Bonds. The fee of co-bond counsel shall be fixed at a sum not exceeding the maximum fee allowed by the Attorney General's fee schedule for comprehensive, legal and coordinate professional work in the issuance of revenue bonds and based on the amount of certificates actually issued, sold, delivered and paid for, plus "out-of-pocket" expenses, said fees to be contingent upon the issuance, sale and delivery of the Refunding Bonds. A certified copy of this resolution shall be submitted to the Attorney General of the State of Louisiana for his written approval of said employment and of the fees herein designated, and the Director of Finance is hereby empowered and directed to issue vouchers in payment for the work herein provided for upon completion of the work herein specified and under the conditions herein enumerated.

BE IT FURTHER RESOLVED, That application is hereby made to the State Bond Commission, Baton Rouge, Louisiana, for approval of the issuance and sale of the Refunding Bonds and for consent and authority to proceed with the issuance and sale of the Refunding Bonds as provided above, and Bond Counsel is directed to make application to the State Bond Commission in accordance with the foregoing on behalf of the Council.

BE IT FURTHER RESOLVED, That by virtue of the City's application for, acceptance of and utilization of the benefits of the State Bond Commission's approval requested herein, the City understands and agrees that such approval is expressly conditioned upon, and further understands, agrees and binds itself, its successors and assigns to, full and continuing compliance with the "State Bond Commission Policy on Approval of Proposed Use of Swaps, or other forms of Derivative Products, Hedges, Etc.," adopted by the Commission on July 20, 2006, as to the borrowing and other matters subject to the approval, including subsequent application and approval under said Policy of the implementation or use of any swaps or other products or enhancements covered thereby.

BE IT FURTHER RESOLVED, That the Mayor, the Chief Administrative Officer and the Director of Finance of the City be and they are hereby authorized and directed to take all further action as may be necessary and appropriate to accomplish the transaction approved by this Resolution.

THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:

YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7

NAYS: 0

ABSENT: 0

AND THE RESOLUTION WAS ADOPTED.

NO. R-12-169

(AS CORRECTED)

CITY HALL: June 7, 2012

BY: COUNCILMEMBERS CLARKSON, HEAD, HEDGE-MORRELL, JOHNSON, GUIDRY AND GISLESON PALMER (BY REQUEST)

A RESOLUTION approving the issuance of not exceeding One Hundred Seventy Million Dollars ($170,000,000) of General Obligation Refunding Bonds of the City of New Orleans, Louisiana, in multiple series; and other matters in connection therewith;

WHEREAS, the City of New Orleans, Louisiana (the "City"), acting through the Council of the City of New Orleans, Louisiana, and through the Board of Liquidation, City Debt (the "Board"), has heretofore issued various issues of general obligation bonds for the purpose of financing and refinancing capital improvements in and for the City of New Orleans; and

WHEREAS, the City has previously issued its General Obligation Refunding Bonds, Series 1998; Public Improvement Bonds, Issue of 2001; General Obligation Refunding Bonds, Series 2002; Public Improvement Bonds, Issue of 2002;

Public Improvement Bonds, Issue of 2003 and Public Improvement Bonds, Issue of 2004 (collectively, the "Prior Bonds"); and

WHEREAS, pursuant to the provisions of Chapter 4, Part XIV of the Louisiana Revised Statutes of 1950 (the "Act"), and Chapter 14-A of Title 39 of the Louisiana Revised Statutes of 1950 (the "Refunding Act"), and subject to the approval of the State Bond Commission, the Commission desires to incur debt and issue not exceeding One Hundred Seventy Million Dollars ($170,000,000) of General Obligation Refunding Bonds (the "General Obligation Refunding Bonds"), for the purpose of refunding all or a portion of the Prior Bonds to achieve interest cost savings to the City and paying costs of issuance of the General Obligation Refunding Bonds; and

WHEREAS, the General Obligation Refunding Bonds shall be general obligations of the City payable from and secured by unlimited *ad valorem* taxes now being levied and collected annually in excess of all other taxes on all the property subject to taxation within the territorial limits of the City; and

WHEREAS, pursuant to the Act and the Refunding Act, the Board of Liquidation, City Debt (the "Board of Liquidation"), acting on behalf of the City, adopted a resolution on April 18, 2012, as supplemented on May 16, 2012, granting preliminary approval for the issuance of the General Obligation Refunding Bonds, providing certain terms of said bonds, making application to the State Bond Commission, and providing for other matters in connection therewith; and

WHEREAS, on May 16, 2012, the Board of Liquidation, acting on behalf of the City, adopted a resolution appointing the underwriters to handle the negotiated sale of the General Obligation Refunding Bonds; and

WHEREAS, the General Obligation Refunding Bonds shall bear such rate or rates of interest (not to exceed 6.0% per annum), shall mature on or before December 1, 2033, and shall be in such form, terms and denominations, and be redeemable at such time or times and be payable at such times and places, as the Board of Liquidation may determine in accordance with law; and

WHEREAS, the City desires to grant approval to the issuance of the General Obligation Refunding Bonds; NOW, THEREFORE

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Council does hereby approve the issuance of the General Obligation Refunding Bonds, in multiple series, in the amount of not exceeding $170,000,000 which Bonds shall bear interest at rates not to exceed 6.0% per annum and shall mature not later than December 1, 2033.

BE IT FURTHER RESOLVED, That the Mayor and/or Director of Finance are hereby authorized to execute any and all documents to implement this resolution. The signature of said Mayor and/or Director of Finance on such documents shall be due evidence of the authority vested in them hereunder.

BE IT FURTHER RESOLVED, That this resolution shall take effect immediately and shall be published one time in the official journal of the City.

THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:

YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7

NAYS: 0

ABSENT: 0

AND THE RESOLUTION WAS ADOPTED.

NO. R-12-170

(AS CORRECTED)

CITY HALL: June 7, 2012

BY: COUNCILMEMBERS CLARKSON, HEAD, HEDGE-MORRELL, JOHNSON, GUIDRY AND GISLESON PALMER (BY REQUEST)

WHEREAS, the City Council retained the audit firm Postlethwaite & Netterville (P&N) to conduct the city’s 2011 annual financial audit; and

WHEREAS, the Louisiana Legislative Auditor requires the City to submit a completed Louisiana Compliance Questionnaire that must be adopted by resolution of the governing authority; and

WHEREAS, the Department of Finance has completed the Louisiana Compliance Questionnaire which is signed by the Mayor and has submitted the completed Questionnaire to the City Council; now therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the City Council approves the completed Louisiana Compliance Questionnaire prepared by the Department Finance as part of the 2011 annual audit.

BE IT FURTHER RESOLVED, That the Clerk of Council shall forward a certified copy of this resolution to the

Louisiana Legislative Auditor, Postlethwaite & Netterville, Director of Finance and the Council Fiscal Office.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED.

NO. M-12-171
CITY HALL: June 7, 2012
BY: COUNCILMEMBER GISLESON PALMER
SECONDED BY: COUNCILMEMBER CLARKSON
WHEREAS the citizens of Algiers have consistently expressed their concerns regarding the poor planning, design, and maintenance of multi-family residential uses in their neighborhoods, and
WHEREAS the conditions and operations of many of these facilities have had a continuing negative impact on the quality of life in Algiers beginning well before Hurricane Katrina; and
WHEREAS the citizens of Algiers, the Algiers Development District (ADD), the Algiers Economic Development Foundation (AEDF), and the Algiers Neighborhood Presidents Council (ANPC) have initiated planning efforts to create ideas and policies to address commercial and residential blight and vacancy;
BE IT MOVED BY THE CITY COUNCIL OF THE CITY OF NEW ORLEANS, that the City Planning Commission is directed to conduct a public hearing to consider an amendment to the text of Article 18 of the Comprehensive Zoning Ordinance No. 4264 M.C.S., as amended, and the designation of such on the corresponding zoning base maps of the City of New Orleans, to consider the establishment of the *RM-2E Algiers Multi-Family Residential Interim Zoning District*, which shall supersede all existing RM Multi-Family Residential District zoning classifications in the entirety of Algiers, New Orleans, the area generally bounded by the Mississippi River, the Plaquemines and Jefferson Parish lines, and to prohibit the issuance of any permits in the existing RM Multi-Family Residential Districts that are inconsistent with the regulations provided for in the current *RM-2E Eastern New Orleans Multi-Family Residential Interim Zoning District*, as set forth in Section 18.50 of the Comprehensive Zoning Ordinance.
BE IT FURTHER MOVED BY THE CITY COUNCIL OF THE CITY OF NEW ORLEANS, that in the process of reviewing the proposed *RM-2E Algiers Multiple-Family Residential Interim Zoning District*, the City Planning Commission staff is directed and granted the flexibility to make all appropriate changes to the proposed regulations and any existing corresponding regulations in the Comprehensive Zoning Ordinance No. 4264 M.C.S., as amended, to establish consistency and continuity with the format of the existing zoning code, to add references wherever references are customary, needed and/or appropriate, to make the appropriate adjustments to clarify any ambiguities or mistakes, and to make adjustments deemed necessary in light of public testimony resulting from this review.
BE IT FURTHER MOVED, that in accordance with Article 16, Section 4.4(3) of the Comprehensive Zoning Ordinance, all appropriate agencies of City Government shall not accept any applications for permits or licenses that are in conflict with the intent and provisions of the proposed *RM-2E Algiers Multiple-Family Residential Interim Zoning District* for properties contained within the aforesaid area during the consideration of this matter. The Interim Zoning District is to be in effect for a period of 180 days and is subject to extension as provided by Section 3-126 of the City Code. Any appeals shall be to the City Council in accordance with Article 16, Section 16.4.5(3) of the Comprehensive Zoning Ordinance.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. R-12-172
CITY HALL: June 7, 2012
BY: COUNCILMEMBER JOHNSON
SECONDED BY: COUNCILMEMBER CLARKSON
WHEREAS, The City of New Orleans has made great strides toward full recovery in the aftermath of Hurricane

Katrina. The goal of making this City better than ever before, is within reach, and the potential for growth and advancement is without limit; and

WHEREAS, It is important that the City take every measure and precaution to protect its investment in the future, especially in the area of public safety; and

WHEREAS, The murder rate in this City is alarmingly high and seems to be the one major factor that could impede the progress that is currently being made; and

WEHREAS, In its attempt to protect its progress, the City of New Orleans is requesting that the Louisiana State Troopers patrol the interstate and all State roadways in the City of New Orleans in order to allow the officers of the New Orleans Police Department to direct greater numbers of its manpower toward fighting crime; and

WHEREAS, The New Orleans City Council concurs with the administration and supports its endeavor to enlist the service of the Louisiana State Troopers in patrolling the interstate and State roadways within the City of New Orleans.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Council stands with the administration in requesting that the Louisiana State Police Department patrol all state roadways within the City of New Orleans.

THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7

NAYS: 0

ABSENT: 0

AND THE RESOLUTION WAS ADOPTED.

NO. R-12-173

CITY HALL: June 7, 2012

BY: COUNCILMEMBER JOHNSON

SECONDED BY: COUNCILMEMBER CLARKSON

WHEREAS, The New Orleans Police Department is charged with the daunting task of fighting crime in the City of New Orleans and reforming the City's reputation as America's murder capital; and

WHEREAS, It is obvious that violence and bloodshed on our streets is the number one issue that we face. No matter what achievements are reached or milestones made, if this City is not a safe place to live, we will have all failed; and

WHEREAS, The New Orleans Police Department is the first line of defense in this battle against crime, it is not the only line of defense. The participation of all branches of government and every individual is necessary to curb violent crime in this City, especially those crimes involving fire arms; and

WHEREAS, The criminal court system must also work with the NOPD to ensure that violent criminals are kept off our streets; and

WEHREAS, Repeat offenders involving violent crimes should no longer be allowed to walk through a judicial revolving door which allows them back on the streets after being charged with violent crimes involving firearms; and

WHEREAS, One way to close the revolving door, which has existed for too long, to the detriment of all, is to set bonds higher for repeat offenders charged with violent crimes involving firearms or to deny bail in the case of capital offenders.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Council asks the judges of Criminal District Court to put an end to the legal leniency which allows criminal offenders back on the street after committing violent crimes by substantially increasing bond amounts and in some cases, denying bail completely when the charge is a capital offense.

THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7

NAYS: 0

ABSENT: 0

AND THE RESOLUTION WAS ADOPTED.

NO. M-12-174

CITY HALL: June 7, 2012

BY: COUNCILMEMBERS CLARKSON AND HEAD

WHEREAS, it is in the public interest that the Council give as much advance notification of its regular meetings as is

possible;
WHEREAS, it is now necessary to reschedule the Council's June 21, July 5, July 19, August 2 and August 16 Regular Meetings to June 28, July 12, July 26, August 9, and August 23 respectively; now, therefore
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS That Motion M-11-543 is hereby amended to read as follows:
"WHEREAS, it is in the public interest that the Council give as much advance notification of its regular meetings as is possible; now therefore now therefore
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That Rule 1 of the Rules and Regulations of the City Council is hereby suspended, and that the Regular Council Meeting schedule for the year 2012 shall be as follows:
REGULAR MEETINGS
THURSDAY, JANUARY 5, 2012 - 10:00 A.M.
THURSDAY, JANUARY 19, 2012 - 10:00 A.M.
THURSDAY, FEBRUARY 2, 2012 - 10:00 A.M.
THURSDAY, FEBRUARY 16, 2012 - 10:00 A.M.
THURSDAY, MARCH 1, 2012 - 10:00 A.M.
THURSDAY, MARCH 15, 2012 - 10:00 A.M.
THURSDAY, APRIL 5, 2012 - 10:00 A.M.
THURSDAY, APRIL 19, 2012 - 10:00 A.M.
THURSDAY, MAY 3, 2012 - 10:00 A.M.
THURSDAY, MAY 17, 2012 - 10:00 A.M.
THURSDAY, JUNE 7, 2012 - 10:00 A.M.
THURSDAY, JUNE 28, 2012 - 10:00 A.M.
THURSDAY, JULY 12, 2012 - 10:00 A.M.
THURSDAY, JULY 26, 2012 - 10:00 A.M.
THURSDAY, AUGUST 9, 2012 - 10:00 A.M.
THURSDAY, AUGUST 23, 2012 - 10:00 A.M.
THURSDAY, SEPTEMBER 6, 2012 - 10:00 A.M.
THURSDAY, SEPTEMBER 20, 2012 - 10:00 A.M.
THURSDAY, OCTOBER 4, 2012 - 10:00 A.M.
THURSDAY, OCTOBER 18, 2012 - 10:00 A.M.
THURSDAY, NOVEMBER 1, 2012 - 10:00 A.M.
THURSDAY, NOVEMBER 15, 2012 - 10:00 A.M.
FRIDAY, NOVEMBER 30, 2012 - 10:00 A.M.
THURSDAY, DECEMBER 6, 2012 - 10:00 A.M.
THURSDAY, DECEMBER 20, 2012 - 10:00 A.M.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-175
CITY HALL: June 7, 2012
BY: COUNCILMEMBERS CLARKSON, HEAD, GUIDRY, GISLESON PALMER, HEDGE-MORRELL, AND JOHNSON
WHEREAS, the Council of the City of New Orleans has been named as a defendant in litigation recently initiated by Tulane University, captioned *The Administrators of the Tulane Educational Fund v. The City of New Orleans and the New Orleans City Council*, CDC #12-4882; and
WHEREAS, the Council has a contract with Herman, Herman, Katz and Cotlar to serve as special counsel when it is determined that there are conflicts or potential conflicts that would cause the Council to have separate counsel from the executive branch; and
WHEREAS, Herman, Herman, Katz and Cotlar have notified the Council that they have a conflict that prevents them

from representing the Council in the above-referenced litigation; and
WHEREAS, Hamilton and Brown, LLC is fully qualified to provide the Council with legal representation in this matter; now therefore
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the Council President is authorized and requested to sign a contract with Hamilton and Brown LLC to provide legal services relative to *The Administrators of the Tulane Educational Fund v. The City of New Orleans and the New Orleans City Council*, CDC #12-4882, with the total amount of compensation not to exceed $15,000.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-176
CITY HALL: June 7, 2012
BY: COUNCILMEMBER GUIDRY
SECONDED BY: COUNCILMEMBER HEAD
WHEREAS, the New Orleans City Council was unable to establish a quorum on May 17, 2012; and
WHEREAS, certain land use matters were scheduled to be heard by the Council by said date, but were unable to be heard due to the inability to establish a quorum; and
WHEREAS, given these specific set of circumstances, it would be unfair to require applicants to re-apply to City Planning and re-pay application fees to have the Council re-consider matters properly before them that were unable to proceed due to the Council's lack of quorum; now therefore
BE IT MOVED BY THE CITY COUNCIL OF THE CITY OF NEW ORLEANS, That the City Planning Commission is directed to conduct a public hearing to consider a request for a conditional use and moratorium appeal to permit the sale of alcoholic beverages for consumption on premises at a standard restaurant in a B-1 Neighborhood Business District, for Michael R. Laughlin, located on square 81, Lots 15 and 16, in the Seventh Municipal District, bounded by Maple, Hampson, Burdette and Adams Streets. Municipal Address is 7708-10 and 7712 Maple Street.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION OF THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-177
CITY HALL: June 7, 2012
BY: COUNCILMEMBERS CLARKSON AND HEAD
WHEREAS, due to the lack of a quorum at the meeting of May 3, 2012, several matters that were due to be received and scheduled for hearing at the May 17, 2012 meeting, and those matters were approved and scheduled pending ratification; and
WHEREAS, due to the lack of a quorum at the meeting of May 17, 2012, those matters were not ratified; and
WHEREAS, public notice must be provided relative to those matters before they can be heard by the Council, and because of the lack of formal scheduling, no notice has been provided; now therefore
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That those agenda items appearing on the Unfinished Business Consent Agenda that scheduled a hearing on May 3, 2012 or May 17, 2012, which scheduling was pending ratification from the meeting of May 3, 2012, shall be rescheduled for hearing at the meeting of June 28, 2012.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. R-12-178
CITY HALL: June 7, 2012
BY: COUNCILMEMBER CLARKSON (BY REQUEST)
A Resolution granting preliminary approval for the issuance of not exceeding $200,000,000 of Taxable Limited Tax Refunding Bonds, Series 2012 of the City of New Orleans, Louisiana (the "City"), in one or more series (the "Refunding Bonds"); making application to the State Bond Commission for approval of the Refunding Bonds; and providing for other matters in connection therewith, including the employment of bond counsel.
WITHDRAWN.

NO. M-12-179
CITY HALL: June 7, 2012
BY: COUNCILMEMBERS HEAD AND BAJOIE
WHEREAS, the New Orleans City Council was unable to establish a quorum on May 17, 2012; and
WHEREAS, certain land use matters were scheduled to be heard by the Council by said date, but were unable to be heard due to the inability to establish a quorum; and
WHEREAS, given these specific set of circumstances, it would be unfair to require applicants to re-apply to City Planning and re-pay application fees to have the Council re-consider matters properly before them that were unable to proceed due to the Council's lack of quorum;
BE IT MOVED BY THE CITY COUNCIL OF THE CITY OF NEW ORLEANS, That the City Planning Commission is directed to conduct a public hearing to consider an amendment to Ordinance No. 23,674 MCS (ZD 23/09, a Conditional Use to permit the redevelopment of a gasoline service station) to consider an amendment to permit a fast food restaurant, in a C-1 General Commercial District and within the Inner-City Urban Corridor Overlay District, for LISAN SHELL, L.L.C, located on square 398, Lot 15-A and 17-A, in the Fourth Municipal District, bounded by South Claiborne and Jackson Avenues, Josephine and Willow Streets (Municipal Address: 2124 thru 2150 South Claiborne Avenue).
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION OF THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-180
CITY HALL: June 7, 2012
BY: COUNCILMEMBERS HEAD AND BAJOIE
BE IT MOVED BY THE CITY COUNCIL OF THE CITY OF NEW ORLEANS, That the City Planning Commission is directed to conduct a public hearing to consider an amendment to the text of Article 18 of the Comprehensive Zoning Ordinance No. 4264 M.C.S., as amended, and the designation of such on the corresponding zoning base maps of the City of New Orleans, to consider the establishment of the *Lafayette Square/Warehouse District Refined Height Plan Interim Zoning District*, to prohibit the issuance of any permits within the above referenced Interim Zoning District, prior to design review and approval by City Planning Commission Staff, with the advice of the Historic District Landmarks Commission, subject to appeal to the City Council, that are in conflict with the height limitations attached hereto and incorporated by reference, for the area generally bounded by Loyola Avenue, the Pontchartrain Expressway, Convention Center Boulevard, and Poydras Street.
BE IT FURTHER MOVED BY THE CITY COUNCIL OF THE CITY OF NEW ORLEANS, That in the process of studying and reviewing the *Lafayette Square/Warehouse District Refined Height Plan Interim Zoning District*, the City Planning Commission staff is directed and granted the flexibility to make all appropriate changes to the proposed regulations and any existing corresponding regulations in the Comprehensive Zoning Ordinance No. 4264 M.C.S., as amended, to establish consistency and continuity with the format of the existing zoning code, to add references wherever references are customary, needed and/or appropriate, to make the appropriate adjustments to clarify any ambiguities or mistakes, and to make adjustments deemed necessary in light of public testimony resulting from this study and review.
BE IT FURTHER MOVED, that in accordance with Article 16, Section 4.4(3) of the Comprehensive Zoning

Ordinance, all appropriate agencies of City Government shall not accept any applications for permits or licenses that are in conflict with the intent and provisions of the proposed *Lafayette Square/Warehouse District Refined Height Plan Interim Zoning District* for properties contained within the aforesaid area during the consideration of this matter. The Interim Zoning District is to be in effect for a period of one year and is subject to extension as provided by Section 3-126 of the City Code. Any appeals shall be to the City Council in accordance with Article 16, Section 16.4.5(3) of the Comprehensive Zoning Ordinance.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION OF THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-181
CITY HALL: June 7, 2012
BY: COUNCILMEMBER HEDGE-MORRELL (BY REQUEST)
SECONDED BY: COUNCILMEMBER GUIDRY
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Mayor's appointment of Royce Duplessis, filling the unexpired term of Sandra Duckworth as a member of the City Planning Commission for a term that will expire June 30, 2016 be, and the same is hereby ratified, conformed and approved.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-182
CITY HALL: June 7, 2012
BY: COUNCILMEMBER HEDGE-MORRELL (BY REQUEST)
SECONDED BY: COUNCILMEMBER GISLESON PALMER
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Mayor's appointment of Candice Richards, filling the unexpired the term of Robert M. Steeg as a member of the Board of Zoning Adjustments for a term that will expire June 30, 2013 be, and the same is hereby ratified, conformed and approved.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-183
CITY HALL: June 7, 2012
BY: COUNCILMEMBER GUIDRY (BY REQUEST)
SECONDED BY: COUNCILMEMBER HEDGE-MORRELL
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Mayor's appointment of Robert M. Steeg (vice Poco Sloss) as a member of the City Planning Commission for a term that will expire June 30, 2020, be and the same is hereby ratified, confirmed and approved.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-184
CITY HALL: June 7, 2012
BY: COUNCILMEMBER GISLESON PALMER
SECONDED BY: COUNCILMEMBER CLARKSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the request of GREGGORY MORRIS, MANAGING PARTNER, 800 LLC - Requesting to appeal the Historic District Landmarks Commission's decision of "denial" of the retention of the metal garage doors and 6'8" opening for property located at 800 Louisa Street, be, and the appeal to retain the metal garage doors is approved, but retention of the 6'8" opening/header for the doorway is denied. The header must match the other openings.
BE IT FURTHER MOVED, That the Clerk of Council shall forward copies of this motion directly to all affected departments.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-185
CITY HALL: June 7, 2012
BY: COUNCILMEMBER BAJOIE
SECONDED BY: COUNCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the request of JASMINE J. HARALSON, INTERGOVERNMENTAL AND COMMUNITY RELATIONS MANAGER, NEW ORLEANS REDEVELOPMENT AUTHORITY - Requesting to appeal the Neighborhood Conservation District Committee's decision of "denial" of the demolition of property located at 2529-31 Marengo Street, be, and the decision is hereby upheld, and the appeal is hereby denied.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-186
CITY HALL: June 7, 2012
BY: COUNCILMEMBER GISLESON PALMER
SECONDED BY: COUNCILMEMBER GUIDRY
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the request of JASMINE J. HARALSON, INTERGOVERNMENTAL AND COMMUNITY RELATIONS MANAGER, NEW ORLEANS REDEVELOPMENT AUTHORITY - Requesting to appeal the Neighborhood Conservation District Committee's decision of "denial" of the demolition of property located at 2367 N. Villere Street, be, and the decision is hereby overruled and the appeal is granted with the following conditions:
1) That this is a Lot Next Door property. There is a purchase agreement and the property owner has a Growing Home agreement. Also, Rebuilding Together is doing the deconstruction plan for the house.
BE IT FURTHER MOVED, that the Clerk of Council shall forward copies of this motion directly to all affected departments.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-187
CITY HALL: June 7, 2012
BY: COUNCILMEMBER BAJOIE
SECONDED BY: COUNCILMEMBER CLARKSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the request of MARGARET BROWN MORAZAN (DR. #58/12) – Requesting to appeal the Alcoholic Beverage Moratorium Ordinance No. 24,674 M.C.S., to permit the sale of alcoholic beverages for consumption on-premises at a reception hall, on Square 154, Lot 2, in the Sixth Municipal District, bounded by Washington Avenue and South Salcedo, Eve and South Gayoso Streets in an LI Light Industrial District, located at 4300 Washington Avenue, be, and the same is hereby upheld and the appeal is granted, subject to four (4) provisos as stated in the City Planning Commission's report to read as follows:
PROVISOS:
1. The applicant shall provide a litter abatement letter approved by the Department of Sanitation inclusive of the location and method of trash storage out of the public right-of-way, the frequency of trash pickup, the clearing of all litter from sidewalks, parking area, and the periodic hosing of the front sidewalks. The name and phone number of the owner/operator of the restaurant shall be kept on file in case of any violations. Trash dumpsters shall be screened with a six (6) foot high opaque fence with a latching gate.
2. The consumption of alcoholic beverages and loitering in front of the structure or in the adjacent parking lot shall be prohibited.
3. Exterior signage or signage affixed to or mounted directly in a window that can be seen from the public right-of-way indicating the sale of beverages shall be prohibited.
4. The applicant shall install trees at a minimum of every thirty (30) feet along the right-of-way with a minimum caliper of three (3) inches, subject to the review and approval of the Department of Parks and Parkways.
BE IT FURTHER MOVED, That the Clerk of Council's Office shall forward copies of this motion directly to all affected departments.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.
NO. M-12-188
CITY HALL: June 7, 2012
BY: COUNCILMEMBER HEDGE-MORRELL
SECONDED BY: COUNCILMEMBER JOHNSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the request of SCOTT SCHENCK, RANDOM WALK, LLC *(DR #73/12)* – Requesting to appeal the Alcoholic Beverage Moratorium in Councilmanic District "D" (Ordinance No. 24,730) to permit the sale of alcoholic beverages for consumption on-premises at a marina and RV park, on an undesignated Tract, in the Third Municipal District, bounded by France Road, Hayne Boulevard, the Industrial Canal and Chef Menteur Highway, in a HI-Heavy Industrial District located at 6001 France Road, be, and the decision is hereby and the appeal is approved, subject to two (2) provisos as stated in the City Planning Commission's report with an addition proviso to read as follows:
PROVISOS:
1. The applicant shall provide a litter abatement letter approved by the Department of Sanitation inclusive of the location and method of trash storage out of the public right-of-way, the frequency of trash pickup, the clearing of all litter from the front sidewalks, parking area, and the periodic hosing of the front sidewalks. The name and phone number of the owner/operator of the bar shall be kept on file in case of any violations, Trash dumpsters shall be screened with a six (6) foot high opaque fence with a latching gate.
2. The consumption of alcoholic beverages and loitering in front of the structure or in the adjacent parking lot shall be prohibited.
3. Only limited to beer.
BE IT FURTHER MOVED, That the Clerk of Council shall forward copies of this motion directly to all affected departments.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-189
CITY HALL: June 7, 2012
BY: COUNCILMEMBER GUIDRY
SECONDED BY: COUNCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the favorable report and recommendation of the City Planning Commission on ZONING DOCKET NO. 35/12 - LASALLE SCHOOL, LLC - Requesting a Residential Planned Community (RPC) District overlay to permit a multi-family development in an existing structure in an RD-2 Two-Family Residential District, on Square 41, lots 1, 2, 3, 4, 5, 16, 17, 18, and Pt. W (Proposed Lot Z-1), in the Sixth Municipal District, bounded by Webster, State, Coliseum and Perrier Streets (Municipal Address: 6048 Perrier Street) be, and the RPC District overlay is approved as modified, and granted, subject to one (1) waiver and twelve (12) provisos as follows:
WAIVER:
1. The applicant shall be granted a waiver of Article 10, Section 10.7.4 of the Comprehensive Zoning Ordinance, which requires that the minimum area for a residential planned community district shall be one (1) acre or one-half (1/2) of a City square, whichever is greater, to permit an RPC District on a site containing 0.84 acres.
PROVISOS:
1. The Department of Safety and Permits shall issue no building permits or licenses for this project until final development plans are approved by the City Planning Commission and recorded with the Office of Conveyances. Failure to complete the conditional use process by properly recording plans within a one year time period or failure to request an administrative extension as provided for in Article 16, Section 16.9.11 of the Comprehensive Zoning Ordinance will void the conditional use approval.
2. The applicant shall complete the consolidation of all lots comprising the site into one lot of record prior to the issuance of a Certificate of Use and Occupancy for the conditional use.
3. The applicant shall revise the plans to include the following:
a) A proposed fence concealing A/C units on the roof facing the patio shall be modified to better blend with the adjacent building elements;
b) The proposed balcony additions shall provide details regarding columns and railing material.

- 4. The site plan shall be modified to:

a) The first two parking spaces on the Perrier Street side of the site shall be screened from view from the adjacent properties and the street right-of-way by a continuous evergreen hedge having a minimum height of 36 inches. The garage wall fronting the street shall be brick veneer and/or covered with decorative ivy.

- b) Reduce the curb cuts for the circular drive on the Perrier Street side of the property to twelve (12) feet in width and screen visitor parking spaces from view from the adjacent street right-of-way by a continuous evergreen hedge having a minimum height of 36 inches.

5. The applicants shall submit a detailed landscape plan prepared by a licensed Louisiana landscape architect indicating the following:
a) The genus, species, size, location, quantity, and irrigation of all proposed plant materials within both the site and the street rights-of-way adjacent to the site, with applicable remarks and details;
b) The landscaping of all residual areas on site not used for parking or vehicular access, including the front yards and patio area with a combination of trees, shrubs, and groundcover, all subject to the review and approval of the City Planning Commission staff.
c) The installation of street trees at a maximum interval of thirty (30) feet along the public rights-of-way, subject to the review and approval of the staff of the Department of Parks and Parkways.
6. The site plans shall indicate the type and size of security fencing surrounding the property and provide the related details.
7. The applicant shall submit a litter abatement program letter to the Department of Sanitation for review and approval. The letter shall be inclusive of the stated location of litter storage out of the public right-of-way, the type and quantity of trash receptacles, the frequency of litter pickup, the clearing of litter from the adjacent right-of-way, and the periodic hosing of the adjacent street rights-of-way, as necessary. The name and phone number of the on-site manager shall be

included in this letter to be kept on file in case of any violation.
8. The applicant shall submit a revised site plan illustrating the location and height of all light standards and any other lighting fixtures within the site, subject to the approval of the staff of the City Planning Commission. Light standards shall be limited in height to fifteen (15) feet and shall be directed away from any adjacent residential use.
9. The applicant shall submit a detailed signage plan, indicating the type, size, and location of all signage to be installed within the site. All proposed signage shall comply with Article 4, Section 4.5.6 *Permitted Signs* of the Comprehensive Zoning Ordinance.
10. The applicant shall repave the sidewalk adjacent to the site in accordance with the standards of the Department of Public Works. The applicant shall secure the approval of the Department of Public Works for all curb cuts.
11. The applicant shall revise the floor plans to reduce the size of the ground floor guest suite and eliminate its kitchen.
12. The applicant shall secure approval from the staff of the Historic District Landmarks Commission for site plans and elevations.
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the request.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-190
CITY HALL: June 7, 2012
BY: COUNCILMEMBER GISLESON PALMER
SECONDED BY: COUNCILMEMBER GUIDRY
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and recommendation "FOR MODIFIED APPROVAL" of the City Planning Commission on ZONING DOCKET NO. 43/12 - DOBY PROPERTIES, LLC - Requesting a Zoning Change from an HMR-1 Historic Marigny/Treme' Residential District to an HMC-2 Historic Marigny/Treme' Commercial District and a Conditional Use to permit an amusement place, on Square 199, Lot 1 or A, and B or B-1, in the Second Municipal District, bounded by North Claiborne and Ursulines Avenue, North Robertson and Governor Nicholls Streets (Municipal Addresses: 1601 Ursulines Avenue and 1113 North Robertson Street), be, and the same is hereby upheld and the Zoning Change is granted.
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the Zoning Change.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-191
CITY HALL: June 7, 2012
BY: COUNCILMEMBER GUIDRY
SECONDED BY: COUNCILMEMBER GISLESON PALMER
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and recommendation of the City Planning Commission staff on ZONING DOCKET NO. 47/12 - VILMA NORTON - Requesting a Conditional Use to permit a fast food restaurant in a B-1 Neighborhood Business District, on Square 98, Lot 5, in the Seventh Municipal District, bounded by Maple, Burthe, Adams and Hillary Streets (Municipal address: 7621 Maple Street), be, and the Conditional Use is hereby approved as modified, and granted, subject to one (1) waiver and nine (9) provisos:
WAIVERS:
1. The developer shall be granted a waiver of Article 15, Section 15.2.*1 Off-Street Parking Regulations* and Table 15.A,

which requires three (3) off-street parking spaces to be provided, to allow one (1) off-street parking spaces to be provided.
PROVISOS:
1. The Department of Safety and Permits shall issue no building permits or licenses for this project until final development plans are approved by the City Planning Commission and recorded with the Office of Conveyances. Failure to complete the conditional use process by properly recording plans within a one year time period or failure to request an administrative extension as provided for in Article 16, Section 16.9.11 of the Comprehensive Zoning Ordinance will void the conditional use approval.
2. The applicant shall submit revised plans indicating an alternative handicapped ramp design that maintains the symmetry and proportions of the façade porch, subject to further review by the City Planning Commission staff.
3. The applicant shall submit revised plans indicating either the retention of the existing porch railings or replacement wood railings with simple square pickets.
4. The applicant shall submit a revised signage plan that shows compliance with Article 5, Section 5.4.6 *Permitted Signs* of the Comprehensive Zoning Ordinance.
5. The applicant shall submit a detailed lighting plan, indicating the location, dimensions and directions of all proposed lighting, to the staff of the City Planning Commission. Fixtures shall be arranged to eliminate glare on residential properties.
6. The applicant shall submit a revised site plan, indicating a designated dumpster/trash storage area, appropriately screened with a six foot high opaque fence. The applicant shall also provide a litter abatement program letter, inclusive of the stated location of litter storage, the type and quantity of trash receptacles, the frequency of litter pickup by the Department of Sanitation or a contracted trash removal company, and the periodic clearing of all litter from the sidewalks and street rights-of-way. The name and phone number of the owner/operator of the development shall be included in this letter to be kept on file in case of any violation. The dumpster location and litter abatement letter shall be subject to the review and approval of the Department of Sanitation.
7. The applicant shall plant one (1) shade tree within the adjacent Maple Street right-of-way, subject to the review and approval of City Planning Commission staff and the Department of Parks & Parkways.
8. The applicant shall revise the submitted site plan to indicate a designated area for secure bicycle parking toward the rear of the site.
9. The applicant shall not operate the business between the hours of 10:00 p.m. and 6:00 a.m. Delivery hours, only, on Friday and Saturday shall be permitted between the hours of 10:00 p.m. and 12:00 a.m.
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the Conditional Use.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-192
CITY HALL: June 7, 2012
BY: COUNCILMEMBER GISLESON PALMER
SECONDED BY: COUNCILMEMBER CLARKSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and favorable recommendation of the City Planning Commission on ZONING DOCKET NO. 53/12 - 800 LLC - Requesting a Conditional Use to permit the sale of alcoholic beverages for consumption on-premises at a standard restaurant in a B-2 Neighborhood Business District, on Square 250, Lot 1, in the Third Municipal District, bounded by Louisa, Dauphine, Burgundy and Clouet Streets (Municipal Address: 800 Louisa Street), be, and the same is hereby upheld and the Conditional Use is granted, subject to one (1) waiver and eleven (11) provisos as stated in the City Planning Commission report.
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the Conditional Use.

THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-193
CITY HALL: June 28, 2012
BY: COUNCILMEMBERS CLARKSON AND HEAD
WHEREAS, the Times-Picayune has been published continually in the city of New Orleans for 175 years, during which time the citizens have come to rely on the Times-Picayune for its daily news; and
WHEREAS, on May 25, 2012, the Times-Picayune made public its plans for the future, which included the announcement that beginning in October 2012, the Times-Picayune will cease daily publication, and reduce its printing and delivery frequency to three days a week; and
WHEREAS, the reduction in print editions of the Times-Picayune has caused great concern across the City, and made news across the country; and
WHEREAS, the elimination of a daily newspaper in the City of New Orleans, and the reduction of printing and delivery to three days a week, may reduce the accessibility of timely news to some portions of the community; and
WHEREAS, the City of New Orleans has contracted with the Times-Picayune to serve as its Official Journal for many years; and
WHEREAS, state law requires that each year in June the City, along with all police juries, city and parish councils, municipal corporations and school boards in all the parishes, must select a newspaper as official journal; and
WHEREAS, while the City is required at this time to renew the printing contract with the Times-Picayune for the coming year on a month-to-month basis, cancellable on 30 days notice, in order to satisfy the requirements of state law, the Council intends to appoint a Special Committee on Official Journal and New Orleans Register Ordinances that will review all of the Council's options with regard to the selection of the Official Journal for the City of New Orleans; and
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the printing contract with the Times-Picayune Corporation currently on a month-to-month basis, authorized to begin October 30, 2004 by Motion M-04-737 at a rate of .80 (eighty cents) per column inch, for publication in Orleans Parish, A.M. home delivery and street sales including Algiers A.M. home delivery is hereby extended from June 1, 2012 to May 31, 2013 or until such time as the official journal is let out to bid.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. R-12-194
CITY HALL: June 28, 2012
BY: COUNCILMEMBER GUIDRY
SECONDED BY: COUNCILMEMBER CLARKSON
WHEREAS, Article VI, Section 21(H) of the State Constitution and Act 445 of 1983 provides for payment of ad valorem taxes on certain basis for property owners performing certain improvements in Historic, Economic, Development, and Downtown Development Districts; and
WHEREAS, in accordance with the procedures established by Resolution R-11-517 the following described property has been submitted to the Mayor's Office of Economic Development for review, said property being described as municipal address 713-15 S. Solomon Street owned by Sara J. Fanelli; and
WHEREAS, the Mayor's Office of Economic Development recommends approval with regard to participation in the aforementioned tax program; NOW THEREFORE
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the Council after consideration of the recommendation of the Mayor's Office of Economic Development, hereby approves participation of municipal address 713-15 S. Solomon Street owned by Sara J. Fanelli and further identified by the State Board of Commerce and

Industry as application number RTA #2012-0203 in the Property Tax Abatement Program authorized by Act 445 of 1983 and Article VII Section 21(H) of the Constitution, effective June 28, 2012; therefore
BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that a copy of this resolution be forwarded to the State Board of Commerce and Industry.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED.

NO. R-12-195
CITY HALL: June 28, 2012
BY: COUNCILMEMBER BAJOIE
SECONDED BY: COUNCILMEMBER GUIDRY
WHEREAS, Article VI, Section 21(H) of the State Constitution and Act 445 of 1983 provides for payment of ad valorem taxes on certain basis for property owners performing certain improvements in Historic, Economic, Development, and Downtown Development Districts; and
WHEREAS, in accordance with the procedures established by Resolution R-11-517 the following described property has been submitted to the Mayor's Office of Economic Development for review, said property being described as municipal address 5130 Freret Street owned by ZBJP Freret, LLC; and
WHEREAS, the Mayor's Office of Economic Development recommends approval with regard to participation in the aforementioned tax program; now therefore
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Council after consideration of the recommendation of the Mayor's Office of Economic Development, hereby approves participation of municipal address 5130 Freret Street owned by ZBJP Freret, LLC and further identified by the State Board of Commerce and Industry as application number RTA #2011-0751 in the Property Tax Abatement Program authorized by Act 445 of 1983 and Article VII Section 21(H) of the Constitution, effective on the date of adoption; therefore
BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That a copy of this resolution be forwarded to the State Board of Commerce and Industry.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED.

NO. R-12-196
CITY HALL: June 28, 2012
BY: COUNCILMEMBER BAJOIE
SECONDED BY: COUNCILMEMBER CLARKSON
WHEREAS, Article VI, Section 21(H) of the State Constitution and Act 445 of 1983 provides for payment of ad valorem taxes on certain basis for property owners performing certain improvements in Historic, Economic, Development, and Downtown Development Districts; and
WHEREAS, in accordance with the procedures established by Resolution R-11-517 the following described property has been submitted to the Mayor's Office of Economic Development for review, said property being described as municipal address 402 Felicity Street owned by Mary McCroskey and Yong Bong Kim; and
WHEREAS, the Mayor's Office of Economic Development recommends approval with regard to participation in the aforementioned tax program; now therefore
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Council after consideration of the recommendation of the Mayor's Office of Economic Development, hereby approves participation of municipal address 402 Felicity Street owned by Mary McCroskey and Yong Bong Kim and further identified by the State Board of Commerce and Industry as application number RTA #2011-0253 in the Property Tax Abatement Program authorized by Act 445 of 1983 and Article VII Section 21(H) of the Constitution, effective on the date of adoption; therefore

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That a copy of this resolution be forwarded to the State Board of Commerce and Industry.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED.

NO. R-12-197
CITY HALL: June 28, 2012
BY: COUNCILMEMBER BAJOIE
SECONDED BY: COUNCILMEMBER CLARKSON
WHEREAS, Article VI, Section 21(H) of the State Constitution and Act 445 of 1983 provides for payment of ad valorem taxes on certain basis for property owners performing certain improvements in Historic, Economic, Development, and Downtown Development Districts; and
WHEREAS, in accordance with the procedures established by Resolution R-11-517 the following described property has been submitted to the Mayor's Office of Economic Development for review, said property being described as municipal address 1746-1770 Tchoupitoulas Street owned by 1770 Tchoupitoulas, Inc. and
WHEREAS, the Mayor's Office of Economic Development recommends approval with regard to participation in the aforementioned tax program; now therefore
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Council after consideration of the recommendation of the Mayor's Office of Economic Development, hereby approves participation of municipal address 1746-1770 Tchoupitoulas Street owned by 1770 Tchoupitoulas, Inc. and further identified by the State Board of Commerce and Industry as application number RTA #2007-1275 in the Property Tax Abatement Program authorized by Act 445 of 1983 and Article VII Section 21(H) of the Constitution, effective on the date of adoption; therefore
BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That a copy of this resolution be forwarded to the State Board of Commerce and Industry.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED.

NO. R-12-198
CITY HALL: June 28, 2012
BY: COUNCILMEMBER GISLESON PALMER
SECONDED BY: COUNCILMEMBER CLARKSON
WHEREAS, Article VI, Section 21(H) of the State Constitution and Act 445 of 1983 provides for payment of ad valorem taxes on certain basis for property owners performing certain improvements in Historic, Economic, Development, and Downtown Development Districts; and
WHEREAS, in accordance with the procedures established by Resolution R-11-517 the following described property has been submitted to the Mayor's Office of Economic Development for review, said property being described as municipal address 153 Pelican Avenue owned by Robert J. Berthelot, Jr. and Melissa L. Berthelot; and
WHEREAS, the Mayor's Office of Economic Development recommends approval with regard to participation in the aforementioned tax program; now therefore
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Council after consideration of the recommendation of the Mayor's Office of Economic Development, hereby *approves* participation of municipal address153 Pelican Avenue owned by Robert J. Berthelot, Jr. and Melissa L. Berthelot and further identified by the State Board of Commerce and Industry as application number RTA #2011-0064 in the Property Tax Abatement Program authorized by Act 445 of 1983 and Article VII Section 21(H) of the Constitution, effective on the date of adoption; therefore
BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that a copy of this

resolution is forwarded to the State Board of Commerce and Industry.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED.

NO. M-12-199
CITY HALL: June 28, 2012
BY: COUNCILMEMBER GUIDRY
SECONDED BY: COUNCILMEMBER GISLESON PALMER
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and recommendation of the City Planning Commission on DESIGN REVIEW NO. 85/12 – COSTCO WHOLESALE –requesting an appeal of Article 11, Section 11.61 *Retail Uses Greater than 25,000 Square Feet in Floor Area* and of Article 10, Section 10.3A *Inner-City Urban Corridor* of the Comprehensive Zoning Ordinance to permit a large scale retail development on Squares 616, 618, 619, 642-643 all Lots, in the Seventh Municipal District, bounded by South Carrollton Avenue, Palmetto and Cambronne Streets and the Pontchartrain Expressway (the Municipal addresses are unassigned), be, and the appeal is hereby approved as modified, and granted, subject to seven (7) waivers and thirteen (13) provisos:
Waivers
1. The applicant shall be granted a waiver of Article 11, Section 11.61.1.A.(3) which requires shade trees, thirty (30) inch high evergreen hedges, landscaped pedestrian walkways and a decorative fence around the perimeter of the site to permit no fencing along Dublin Street.
2. The applicant shall be granted a waiver of Article 11, Section 11.61.1.4.(3) which requires a landscaped pedestrian walkway from Palmetto Street to the building entrance to permit only one pedestrian walkway from Dublin Street to the building entrance.
3. The applicant shall be granted a waiver of Article 11, Section 61.1.C.(1) of the Comprehensive Zoning Ordinance which requires two (2) entrances to permit only one (1) entrance.
4. The applicant shall be granted a waiver Article 11, Section 61.2.A.(1) which permits a parking rate of one (1) parking space per 500 square feet of floor area for an inner-city site to permit a maximum of 670 spaces, subject to meeting landscaping and pedestrian walkway requirements.
5. The applicant shall be granted a waiver of Article 11, Section 61.1.D.(2) which requires a six (6) foot high opaque screening with gate to permit no six (6) foot high opaque screening.
6. The applicant shall be granted a waiver of Article 11, Section 11.61.3.A.(5) which requires that sidewalk, not less than eight (8) feet in width, shall be provided along the full length of the building along any facade abutting parking areas and such sidewalks be located six (6) feet away from the façade to permit no plant beds along the east and south elevation.
7. The applicant shall be granted a waiver of Article 11, Section 61.1.D.(4) which requires all service and loading areas to provide a setback of twenty (20) feet to permit a setback of zero (0) feet.
Provisos
1. The applicant shall secure site control of the property and finalize Property Disposition 03-12 prior to the issuance of the Certificate of Use and Occupancy by the Department of Safety and Permits.
2. The applicant shall secure the approval for all curb cuts on Dixon, Palmetto and Cambronne Streets from the Department of Public Works prior to final approval by the City Planning Commission. Additionally, all curb cuts off of Dublin Street shall secure approval from the State's Department of Transportation and Development. The width of each curb cut shall be subject to the discretion of the noted entities, based on review and approval of the Traffic Impact Analysis.
3. The applicant shall obtain the approval of the Department of Parks and Parkways prior to obtaining final approval from the City Planning Commission.
4. The applicant shall retain the proposed fencing along Palmetto Street along the gasoline service station and along South Carrollton Avenue in front of the employee parking lot and gasoline service station.
5. The applicant shall submit a landscape plan prepared by a licensed Louisiana landscape architect subject to the review and approval of the staff of the City Planning Commission. Additionally, all trees and shrubs shall be rated either a 1 or a 2 in accordance with the LSU AgCenter Tree and Shrub rating guide bulletin.

6. The applicant shall submit an updated site plan and landscape plan which indicate the material and location of all required scored concrete as required by Article 11, Section 61.1.B.(4) of the Comprehensive Zoning Ordinance.
7. The applicant shall revise the site plan to incorporate planters around the perimeter of the food service area.
8. The applicant shall submit a revised site plan indicating the provision of six hundred and seventy (670) spaces.
9. The applicant shall provide one (1) additional interior pedestrian pathway through the parking lot to the main entrance of the building with the pathway's landscaping subject to City Planning Commission staff approval.
10. The applicant shall comply with Article 11, Section 11.61.4.A (2) of the CZO, which requires that display windows, entry areas, awnings, arcades, or other such features shall total at least forty (40) percent of the horizontal length of the South and East ground floor elevations.
11. The applicant shall install a combination brick wall and metal picket fence with a minimum of 50% opacity built to a minimum height of thirty (30) inches, screening the vehicular use areas of the gasoline service station and accessory surface level parking lot fronting South Carrollton Avenue, subject to the review and approval of the staff of the City Planning Commission.
12. The applicant shall comply with any requirements put forth by the Department of Public Works and the Louisiana Department of Transportation and Development resulting from the review of the TIA.
13. The applicant shall provide to the City Planning Commission staff a letter outlining a litter abatement program, acceptable to the Department of Sanitation, inclusive of the location of litter storage out of the public right-of-way, the frequency of litter pickup, the clearing all litter from the adjacent right-of-way, and the periodic hosing of the adjacent street rights-of-way, as necessary. The name and phone number of the owner/operator of the establishment shall be kept on file in case of any violation.
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Clerk of Council shall forward copies of this motion directly to all affected departments.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. R-12-200
CITY HALL: June 28, 2012
BY: COUNCILMEMBER GUIDRY
SECONDED BY: COUNCILMEMBER HEAD
WHEREAS, Part II, Chapter 27, Title 33 of the Louisiana Revised Statutes of 1950, as amended (La. R.S. 33:9038.31, *et seq*.) (the "EDD Act") authorizes municipalities, parishes and certain other local governmental subdivisions to create economic development districts to carry out the purposes of the Act, which economic development districts are political subdivisions of the State of Louisiana and possess such power and authority and have such duties as provided by the EDD Act and other law; and
WHEREAS, the City of New Orleans, Louisiana (the "City"), acting through this City Council as its governing authority, desires to avail itself of the EDD Act to create an economic development district to be called the "Carrollton-Palmetto Economic Development District of the City of New Orleans, Louisiana" (the "District"), in accordance with La. R.S. 33:9038.32, from which District local and potentially state sales tax increments are expected to be determined and used to fund the Carrollton-Palmetto Economic Development District Trust Fund; and
WHEREAS, in accordance with the EDD Act, particularly La. R.S. 33:9038.32 and La. R.S. 33:9038.39, the City now desires to give notice of its intention and to hold a public hearing relative to the proposed creation of the District, which notice shall be published in the City's official journal two (2) times prior to the public hearing, the first publication to appear at least fourteen (14) days before the date of the public hearing;
NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS:
SECTION 1. Intention to Create Economic Development District. In accordance with the EDD Act, and particularly La. R.S. 33:9038.32 and La. R.S. 33:9038.39, this Council does hereby give notice of its intention to create an economic development district to be called the "Carrollton-Palmetto Economic Development District of the City of New Orleans, Louisiana." The boundaries and a map of the proposed District are attached hereto as *Exhibit A.
SECTION 2. Notice of Intention. The City Clerk is authorized and directed to publish a notice of intention, in substantially the following form, which notice shall be published in the City's official journal two (2) times prior to the

public hearing, the first publication to appear at least fourteen (14) days before the date of the public hearing:

* * * * *

NOTICE OF INTENTION TO CREATE AN
ECONOMIC DEVELOPMENT DISTRICT
IN THE CITY OF NEW ORLEANS, LOUISIANA

NOTICE IS HEREBY GIVEN that the Council of the City of New Orleans, Louisiana (the "Governing Authority), acting as the governing authority of the City of New Orleans, Louisiana (the "City") proposes to consider the adoption of an ordinance, pursuant to La. R.S. 33:9038.32, creating an economic development district within the City to be called the "Carrollton-Palmetto Economic Development District of the City of New Orleans, Louisiana" (the "District").

NOTICE IS HEREBY FURTHER GIVEN that upon the creation of the District, the Council, in its capacity as the governing authority of the newly created District, further proposes to consider the adoption of an ordinance, pursuant to La. R.S. 33:9038.34(O), approving a cooperative endeavor agreement between the City, the District and Costco Wholesale Corporation, providing for the creation of a special trust fund for the furtherance of economic development projects, into which special trust fund all or a portion of the incremental increases in existing City and State of Louisiana sales taxes collected in the District shall be deposited and loaned, granted, donated, or pledged in furtherance of economic development projects in the manner provided by Part II, Chapter 27, Title 33 of the Louisiana Revised Statutes of 1950, as amended (La. R.S. 33:9038.31, *et seq.*).

NOTICE IS HEREBY FURTHER GIVEN that the Governing Authority, acting as the governing authority of both the City and the District, will meet in open and public session on Thursday, July 26, 2012, at ten o'clock (10:00) a.m., in City Council Chambers, City Hall, 1300 Perdido St., New Orleans, Louisiana 70112, to hear any objections to the creation of the District and/or the proposed use of incremental increases in existing City and State of Louisiana sales taxes for the furtherance of economic development projects as described above, and to hold a public hearing on the adoption of an ordinance creating the District.

A description of the boundaries of the proposed District, and a map of the proposed District, are attached to this notice.

[LEGAL DESCRIPTION & MAP TO BE ATTACHED IN PUBLICATION]

* * * * *

SECTION 3. Public Hearing. At the date, time and place mentioned in the aforesaid Notice of Intention, or at such other date, time and place as may be determined by the Council President and included in the published notice, this Council will meet in open and public session, to hear any objections to the proposed creation of the District and the proposed use of incremental increases in existing City and State of Louisiana sales taxes for the furtherance of economic development projects, and may consider the adoption of an ordinance creating the District.

SECTION 4. Authorization of Officers. The Mayor, President of the Council and Clerk of Council are hereby authorized, empowered and directed to do any and all things necessary and incidental to carry out the provisions of this resolution.

THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:

YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7

NAYS: 0

ABSENT: 0

AND THE RESOLUTION WAS ADOPTED.

Copies may be seen in full in the Clerk of Council’s office, 1300 Perdido Street, Room 1E09, City Hall.

NO. M-12-201

CITY HALL: June 28, 2012

BY: COUNCILMEMBERS GUIDRY, HEAD AND HEDGE-MORRELL

WHEREAS, Council Rule 45 establishes a competitive selection process for the selection of professional services to the City Council; and

WHEREAS, on August 4, 2011, the City Council adopted Motion M-11-340, determining that professional services were required to provide a turn key, comprehensive, scalable and flexible agenda preparation and document management system plus an internet video streaming and meetings management solution for New Orleans and directing its staff to issue a Request for Proposal (RFP) to begin the competitive selection process established by Council Rule 45; and

WHEREAS, a Request for Proposal for Agenda Preparation, Document Management, Meetings Management, Streaming Video and Archiving for the City of New Orleans was issued on August 15, 2011; and

WHEREAS, by the deadline for the receipt of responses to the Request for Proposals, responses were received from four (4) companies, namely Granicus, Inc., SIRE, IQM2, and Provox; and
WHEREAS, as required by Council Rule 45, the Staff Selection Review Committee convened and submitted a written evaluation of the aforesaid four (4) responses to the Request for Proposals; and
WHEREAS, the Council Cable, Telecommunications, and Technology Committee, at its January 23, 2012 meeting, considered the evaluations of the Staff Selection Review Committee and recommended to the full Council that it authorize that a professional services contract be entered into with Granicus, Inc. to provide Agenda Preparation, Document Management, Meetings Management, Streaming Video and Archiving for the City of New Orleans; and
WHEREAS, Council Staff, Council Advisors and Representatives of Granicus, Inc. have clarified the details of the Granicus, Inc. proposal relative to Agenda Preparation, Document Management, Meetings Management, Streaming Video and Archiving for the City Council of New Orleans and have negotiated terms for a contract to be given further consideration by the members of the Cable, Telecommunications and Technology Committee, and the City Council; and
WHEREAS, that process has culminated with a finalized contract for Agenda Preparation, Document Management, Meetings Management, Streaming Video and Archiving for the City of New Orleans prepared by The Media Revolution, Inc. and Aaron, PLC after negotiations relative to terms and pricing in the amount of $110,725.00; and
WHEREAS, in connection with the implementation of the Agenda Preparation, Document Management, Meetings Management, Streaming Video and Archiving for the City of New Orleans it is necessary to purchase through state contract twenty-five (25) iPads in the amount of $15,725.00; and
WHEREAS, funding is in place in the City Council's budget to purchase through state contracts twenty-five (25) iPads, and for a contract with Granicus, Inc. consistent with the final negotiated term of the contract; and
WHEREAS, the City Council would like to move forward with Granicus, Inc.'s agreement for Agenda Preparation, Document Management, Meetings Management, Streaming Video and Archiving for the City of New Orleans, and the purchase of twenty-five (25) iPads through state contract; now, therefore
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That in accordance with Council Rule 45, the Council selects Granicus, Inc., to provide Agenda Preparation, Document Management, Meetings Management, Streaming Video and Archiving for the City of New Orleans through a professional services contract authorized after competitive selection, and the President of the Council is authorized to sign a contract with Granicus, Inc. for an initial period from June 30, 2012 until December 31, 2012 in an amount not to exceed $110,725.00 (including design, configuration, implementation, training, and managed service fees); and
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the contract may be extended at the option of the Council, on an annual basis for no longer than five one-year periods, provided funds are allocated by the New Orleans City Council and the extension of the contract facilitates the continuity of services provided; and
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the contract shall be circulated in accordance with the normal process and the City Council Rules.
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Director of Finance is hereby authorized to disperse to the Clerk of Council an amount not to exceed $15,725.00 upon presentation of its invoice in proper form and amounts for the purchase of twenty-five (25) iPads in connection with the implementation of the contract with Granicus, Inc.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTES AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. R-12-202
CITY HALL: June 28, 2012
BY: COUNCILMEMBERS CLARKSON, HEAD, GUIDRY, BAJOIE, GISLESON PALMER, HEDGE-MORRELL AND JOHNSON
Approving the following City Council/Harrah's Community Support Grants Program grant from grant funds, subject to the Organization's eligibility:
District D (Hedge-Morrell):
Louisiana Children's Research Center For Development and Learning $2,500

WITHDRAWN.

SUBSTITUTE NO. R-12- 202
CITY HALL: June 28, 2012
BY: COUNCILMEMBERS CLARKSON, HEAD, GUIDRY, BAJOIE, GISLESON PALMER, HEDGE-MORRELL AND JOHNSON
WHEREAS, the Council of the City of New Orleans, on March 16, 2006, adopted Ordinance No. 22,163, M.C.S., relative to the "Fourth Amendment to Amended and Restated Lease Agreement" by and between the Rivergate Development Corporation, the City of New Orleans, and Jazz Casino Company L.L.C., successor in interest to Harrah's Jazz Company, which included the commitment from Jazz Casino Company L.L.C., to provide $225,000 annually to fund the City Council/ Harrah's Community Support Grants Program; and
WHEREAS, the agreement provides for the total of $225,000 to be funded semi-annually in two payments of $112,500; and
WHEREAS, the purpose of the program is to foster organizations and projects that demonstrably contribute to the economic, cultural, and civic fabric of the City; and
WHEREAS, the guidelines for eligibility, procedures, and monitoring of the grants have been approved by the City Council; and
WHEREAS, the following group has demonstrated its commitment to improving the civic life of the New Orleans community through its activities and programs; now, therefore
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the following grant is approved from grant funds, subject to the organization's eligibility pursuant the aforementioned guidelines:
District D (Hedge-Morrell):
Louisiana Children's Research Center for Development and Learning $5,000
Armstrong Family Services Inc. $1,000
New Orleans Afrikan Film and Arts Festival Project (NOAFEST) $1,000
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED.

NO. M-12-203
(AS CORRECTED)
CITY HALL: June 28, 2012
BY: COUNCILMEMBER CLARKSON
SECONDED BY: COUNCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS That the Council hereby confirms the following appointments made by the Council President to the Council's
Standing Committees:
1. Budget, Audit, and Board of Review Committee:
Councilmember Jacquelyn Brechtel Clarkson, Chairperson
Councilmember Stacy Head
Councilmember Cynthia Hedge-Morrell
Councilmember Jon Johnson, Alternate
2. Utility Committee:
Councilmember Cynthia Hedge-Morrell, Chairperson
Councilmember Stacy Head
Councilmember Susan G. Guidry
Councilmember Kristin Gisleson Palmer, Alternate
3. Cable, Telecommunications and Technology Committee:
Councilmember Susan G. Guidry, Chairperson
Councilmember Diana E. Bajoie
Councilmember Stacy Head

Councilmember Cynthia Hedge-Morrell, Alternate
4. Housing and Human Needs Committee:
Councilmember Stacy Head, Chairperson
Councilmember Jon D. Johnson
Councilmember Kristin Gisleson Palmer
Councilmember Jacquelyn Brechtel Clarkson, Alternate
5. Economic Development and Special Development Projects Committee:
Councilmember Jon D. Johnson, Chairperson
Councilmember Jacquelyn Brechtel Clarkson
Councilmember Diana E. Bajoie
Councilmember Stacy Head, Alternate
6. Transportation Committee:
Councilmember Kristin Gisleson Palmer, Chairperson
Councilmember Susan G. Guidry
Councilmember Cynthia Hedge-Morrell
Councilmember Stacy Head, Alternate
7. Election Code and Reapportionment Committee:
Councilmember Jacquelyn Brechtel Clarkson, Chairperson
Councilmember Cynthia Hedge-Morrell
Councilmember Stacy Head
Councilmember Susan G. Guidry, Alternate
8. Youth and Recreation Committee:
Councilmember Jacquelyn Brechtel Clarkson, Chairperson
Councilmember Diana E. Bajoie
Councilmember Jon D. Johnson
Councilmember Kristin Gisleson Palmer, Alternate
9. Governmental Affairs Committee:
Councilmember Susan G. Guidry, Chairperson
Councilmember Kristin Gisleson Palmer
Councilmember Diana E. Bajoie
Councilmember Cynthia Hedge-Morrell, Alternate
10. Public Works Committee:
Councilmember Stacy Head, Chairperson
Councilmember Jacquelyn Brechtel Clarkson
Councilmember Kristin Gisleson Palmer
Councilmember Jon D. Johnson, Alternate
11. Criminal Justice Committee:
Councilmember Jacquelyn Brechtel Clarkson, Co-Chairperson
Councilmember Susan G. Guidry, Co-Chairperson
Councilmember Jon D. Johnson
Councilmember Stacy Head, Alternate
12. Airport Committee
Councilmember Cynthia Hedge-Morrell, Chairperson
Councilmember Diana E. Bajoie
Councilmember Kristin Gisleson Palmer
Councilmember Jacquelyn Brechtel Clarkson, Alternate
13. Sanitation and Environmental Committee
Councilmember Kristin Gisleson Palmer, Chairperson
Councilmember Susan G. Guidry
Councilmember Jon D. Johnson
Councilmember Cynthia Hedge-Morrell, Alternate
14. Health, Education and Social Services Committee
Councilmember Jon D. Johnson, Chairperson
Councilmember Cynthia Hedge-Morrell

Councilmember Susan G. Guidry
Councilmember Diana E. Bajoie, Alternate
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-204
CITY HALL: June 28, 2012
BY: COUNCILMEMBER CLARKSON
SECONDED BY: COUNCILMEMBER HEDGE-MORRELL
BE IT MOVED BY THE COUNCIL OF THE CITY OF NE W ORLEANS, That Motion M-10-255, as amended by M-10-443 and M-11- 493, relative to Council appointment of Councilmembers to various boards, commissions and agencies, is hereby amended to read as follows:
1. In accordance with Section 4-2101 of the Home Rule Charter, Councilmember Cynthia Hedge-Morrell is appointed to the New Orleans Mosquito and Termite Control Board.
2. In accordance with the Articles of Incorporation of the New Orleans Museum of Art, Councilmember Susan G. Guidry is appointed to the Board of the New Orleans Museum of Art.
3. In accordance with the Articles of Incorporation of the City Park Improvement Association, Councilmembers Jacquelyn Brechtel Clarkson and Susan G. Guidry are appointed to the Board of the City Park Improvement Association.
4. In accordance with the Articles of Incorporation of the Municipal Yacht Harbor Corporation, Councilmembers Susan G. Guidry and Cynthia Hedge-Morrell are appointed to the Board of the Municipal Yacht Harbor Corporation.
5. In accordance with Ordinance Number 15,344 M.C.S., Jr., Councilmember Jacquelyn Brechtel Clarkson, Councilmember Stacy Head, and Councilmember Susan G. Guidry are hereby appointed to the Criminal Justice Coordinating Council.
6. Councilmember Cynthia Hedge-Morrell is appointed as the Council's representative to the Louisiana Police Jury Association.
7. In accordance with the Articles of Incorporation of the New Orleans Tourism Marketing Corporation, Councilmembers Diana E. Bajoie and Kristin Gisleson Palmer are appointed to the Board of Directors. Councilmember-at-Large Jacquelyn Brechtel Clarkson is appointed to the Board for the years 2010 and 2012 and Councilmember-at-Large Stacy S. Head is appointed to the Board for the years 2011 and 2013.
8. In accordance with the Articles of Incorporation, Councilmembers Stacy S. Head, Diana E. Bajoie, and Kristin Gisleson Palmer are hereby appointed to the Rivergate Development Corporation.
9. In accordance with City Code Section 2-269, Councilmember Cynthia Hedge-Morrell is hereby appointed to the Children's Youth Planning Board.
10. In accordance with Home Rule Charter Section 6-101, Councilmember Jacquelyn Brechtel Clarkson is hereby appointed as the Council's representative on the Revenue Estimating Conference.
11. In accordance with the Articles of Incorporation, Councilmember Kristin Gisleson Palmer is hereby appointed to the New Orleans Building Corporation.
BE IT FURTHER MOVED, That for the information of the public, members of the Council
serve ex-officio on various boards and commissions as follows:
1. The two Councilmembers-at-Large serve ex-officio on the Board of Liquidation, City Debt.
2. The President of the Council serves ex-officio on the Board of City Trusts.
3. The two Councilmembers-at-Large serve ex-officio on the Regional Planning Commission.
4. The Councilmembers from Districts "B" and "C" serve ex-officio on the Board of the Greater New Orleans Tourist and Convention Commission.
5. The two Councilmembers-at-large serve ex-officio on the New Orleans Building Corporation.
6. The Councilmember from District "C" serves ex-officio on the Algiers Development District Board.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7

NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-205
CITY HALL: June 28, 2012
BY: COUNCILMEMBER GUIDRY
SECONDED BY: COUNCILMEMBER HEDGE-MORRELL
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the appointment of Laura Hobson Brown (vice John Koch) as a member of the Industrial Development Board for a term that will expire January 1, 2016 be, and the same is hereby ratified, confirmed and approved.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-206
CITY HALL: June 28, 2012
BY: COUNCILMEMBER JOHNSON
SECONDED BY: COUNCILMEMBER HEDGE-MORRELL
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the appointment of George Perez, Jr., fulfilling the unexpired term of Glenda Jones-Harris, as a member of the Industrial Development Board for a term that will expire January 1, 2013 be, and the same is hereby ratified, confirmed and approved.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-207
CITY HALL: June 28, 2012
BY: COUNCILMEMBER GUIDRY
SECONDED BY: COUNCILMEMBER HEDGE-MORRELL
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the appointment of Stephen Picou (vice Lake Douglas) as a member of the Lafitte Greenway Steering Advisory Committee for a term that will expire June 30, 2013 be, and the same is hereby ratified, confirmed and approved.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-208
CITY HALL: June 28, 2012
BY: COUNCILMEMBER GUIDRY (BY REQUEST)
SECONDED BY: COUNCILMEMBER CLARKSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Mayor’s appointment of Woody Koppel (vice Lourdes Moran), as the designee of the Chairman of the Orleans Parish School Board, to the New Orleans Recreation Development Commission be, and the same is hereby ratified, confirmed and approved.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF

AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-209
CITY HALL: June 28, 2012
BY: COUNCILMEMBER JOHNSON (BY REQUEST)
SECONDED BY: COUNCILMEMBER CLARKSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Mayor's appointment of Westley Bayas III (vice Dr. Victor Ukpolo) as a member of the Board of City Trusts for a term that will expire June 30, 2019 be, and the same is hereby ratified, confirmed and approved.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-210
CITY HALL: June 28, 2012
BY: COUNCILMEMBER GUIDRY
SECONDED BY: COUNCILMEMBER HEDGE-MORRELL
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the reappointment of Charles David Thompson as a member of the Industrial Development Board for a term that will expire January 1, 2017 be, and the same is hereby ratified, confirmed and approved.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-211
CITY HALL: June 28, 2012
BY: COUNCILMEMBER GUIDRY (BY REQUEST)
SECONDED BY: COUNCILMEMBER CLARKSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Mayor's appointment of Beau Camel, (vice Renee Smith), as a member of the Board of City Trusts for a term beginning July 1, 2012 that will expire June 30, 2020 be, and the same is hereby ratified, confirmed and approved.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-212
CITY HALL: June 28, 2012
BY: COUNCILMEMBER GUIDRY (BY REQUEST)
SECONDED BY: COUNCILMEMBER CLARKSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Mayor's reappointment of Mimi Robinson Bowen as a member of the Audubon Commission for a term that will expire June 30, 2017 be, and the same is

hereby ratified, confirmed and approved.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-213
CITY HALL: June 28, 2012
BY: COUNCILMEMBER GUIDRY (BY REQUEST)
SECONDED BY: COUNCILMEMBER HEDGE-MORRELL
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Mayor's reappointment of Pastor Tom Watson as a member of the Audubon Commission for a term that will expire June 30, 2017 be, and the same is hereby ratified, confirmed and approved.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-214
CITY HALL: June 28, 2012
BY: COUNCILMEMBER GUIDRY (BY REQUEST)
SECONDED BY: COUNCILMEMBERHEDGE-MORRELL
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Mayor's appointment of J. Kelly Duncan (vice Louis Charbonnet, III) as a member of the Audubon Commission for a term that will expire June 30, 2017 be, and the same is hereby ratified, confirmed and approved.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-215
CITY HALL: June 28, 2012
BY: COUNCILMEMBER GUIDRY (BY REQUEST)
SECONDED BY: COUNCILMEMBER HEDGE-MORRELL
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Mayor's appointment of Kenneth Allen Polite, Jr. as a member of the New Orleans Public Belt Railroad Commission for a term not to exceed May 17, 2016 be, and the same is hereby ratified, confirmed and approved.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-216
CITY HALL: June 28, 2012
BY: COUNCILMEMBER JOHNSON (BY REQUEST)
SECONDED BY: COUNCILMEMBER HEDGE-MORRELL

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Mayor's appointment of Ronald G. Baptiste, Jr., nominee of the New Orleans Regional Black Chamber of Commerce, as a member of the New Orleans Public Belt Railroad Commission for a term not to exceed May 17, 2016, and the same is hereby ratified, confirmed and approved.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-217
CITY HALL: June 28, 2012
BY: COUNCILMEMBER GISLESON PALMER (BY REQUEST)
SECONDED BY: COUNCILMEMBER HEDGE-MORRELL
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Mayor's appointment of David P. Schulingkamp nominee of the Port of New Orleans, as a member of the New Orleans Public Belt Railroad Commission for a term not to exceed May 17, 2016 be, and the same is hereby ratified, confirmed and approved.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-218
CITY HALL: June 28, 2012
BY: COUNCILMEMBER HEDGE MORRELL (BY REQUEST)
SECONDED BY: COUNCILMEMBER JOHNSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Mayor's appointment of Eneid Francis, as a member of the New Orleans Public Belt Railroad Commission for a term not to exceed May 17, 2016 be, and the same is hereby ratified, confirmed and approved.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-219
CITY HALL: June 28, 2012
BY: COUNCILMEMBER GUIDRY (BY REQUEST)
SECONDED BY: COUNCILMEMBER CLARKSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Mayor's appointment of Ruthie Frierson, nominee of the Business Council of New Orleans, as a member of the New Orleans Public Belt Railroad for a term not to exceed May 17, 2016 be, and the same is hereby ratified, confirmed and approved.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-220

CITY HALL: June 28, 2012
BY: COUNCILMEMBER GUIDRY (BY REQUEST)
SECONDED BY: COUNCILMEMBER HEDGE-MORRELL
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Mayor's appointment of Lynes R. Sloss, nominee of the New Orleans Board of Trade, as a member of the New Orleans Public Belt Railroad for a term not to exceed May 17, 2016 be, and the same is hereby ratified, confirmed and approved.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-221
CITY HALL: June 28, 2012
BY: COUNCILMEMBER HEDGE-MORRELL (BY REQUEST)
SECONDED BY: COUNCILMEMBER JOHNSON
Ratifying, confirming and approving the Mayor's appointment of Sidney Barthelemy, nominee of the New Orleans Chamber of Commerce, as a member of the New Orleans Public Belt Railroad Commission for a term not to exceed May 17, 2016.
WITHDRAWN.

NO. M-12-222
CITY HALL: June 28, 2012
BY: COUNCILMEMBER HEDGE-MORRELL (BY REQUEST)
SECONDED BY: COUNCILMEMBER JOHNSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Mayor's appointment of Dr. Edgar Chase, nominee of the presidents of Xavier, Dillard, Loyola, and Tulane Universities, as a member of the New Orleans Public Belt Railroad Commission for a term not to exceed May 17, 2016 be, and the same is hereby ratified, confirmed and approved.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-223
CITY HALL: June 28, 2012
BY: COUNCILMEMBER GISLESON PALMER (BY REQUEST)
SECONDED BY: COUCNILMEMBER HEDGE-MORRELL
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Mayor's appointment of Kyle Wedberg as a member of the New Orleans Public Belt Railroad Commission for a term not to exceed May 17, 2016 be, and the same is hereby ratified, confirmed and approved.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-224
CITY HALL: June 28, 2012
BY: COUNCILMEMBER HEAD

SECONDED BY: COUNCILMEMBER CLARKSON
WHEREAS, Motion M-12-149, authored by Cm Johnson, requests consideration of amendments to the Eastern New Orleans Renaissance Corridor Interim Zoning District; and
WHEREAS, these amendments will require a Conditional Use for all retail uses greater than 7,500 Square Feet in all C-1, C-2, B-1 & B-2 zoning districts; and
WHEREAS, while this amendment is under review, no new applications for permits can be considered that are in conflict with the motion; and
WHEREAS, the national retailer Big Lots desires to open a location in New Orleans East, providing economic development, improved quality of life and employment in New Orleans East, but said Motion creates timing concerns relative to this development; therefore,
BE IT MOVED BY THE CITY COUNCIL OF THE CITY OF NEW ORLEANS, That the City Planning Commission is directed to conduct a public hearing to consider an application for a Conditional Use for a retail development greater than 7,500 Square Feet, in a C-1 and C-2 General Commercial District, within the Eastern New Orleans Renaissance Corridor Interim Zoning District, on behalf of The Schwegmann Family Trust No. 2, for consideration of a Big Lots, located on Square SEC 26, Lot 3D-4-2, in the Third Municipal District, bounded by Bullard Avenue, 1-10 East, Levy Drive, and the Canal (Municipal Address: 6011 Bullard Avenue).
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION OF THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-225
CITY HALL: June 28, 2012
BY: COUNCILMEMBERS CLARKSON, HEAD, GUIDRY, BAJOIE, GISLESON PALMER, HEDGE-MORRELL AND JOHNSON
WHEREAS, this motion identifies voting polling place relocations for 16 polling places which have become unavailable for use or recommended for relocation by Clerk of Criminal District Court Arthur Morrell as stated in the attached *reports and made a part hereof, now, therefore
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the following voting polling place relocations are recommended to the City Council for immediate action in preparation for the November 6, 2012 Presidential and Congressional Election. The locations shown on the list below are hereby established as the official polling places for the November 6, 2012 Presidential and Congressional Election for the precincts specified therein for the City of
New Orleans, Parish of Orleans
Ward/Precinct: 5//4
Change From: Holy Faith Temple Baptist Church, 1325 Gov. Nicholls St.
Change To: Craig Elementary School, 1423 St. Philip St.
Ward/Precinct: 7/23
Change From: Dillard University, 2601 Gentilly Blvd.
Change To: New Orleans Public Library, 3001 Gentilly Blvd.
Ward/Precinct: 7/24
Change From: Dillard University, 2601 Gentilly Blvd.
Change To: New Orleans Public Library, 3001 Gentilly Blvd.
Ward/Precinct: 7/26
Change From: Dillard University, 2601 Gentilly Blvd.
Change To: New Orleans Public Library, 3001 Gentilly Blvd.
Ward/Precinct: 9/1
Change From: Frederick Douglas High School, 3820 St. Claude Ave.
Change To: All Souls Episcopal Church, 5500 St. Claude Ave.
Ward/Precinct: 9/3
Change From: Frederick Douglas High School, 3820 St. Claude Ave.
Change To: Dr. Martin Luther King Charter School, 1617 Caffin Ave.

Ward/Precinct: 9/4
Change From: Frederick Douglas High School, 3820 St. Claude Ave.
Change To: All Souls Episcopal Church, 5500 St. Claude Ave.
Ward/Precinct: 9/5
Change From: Frederick Douglas High School, 3820 St. Claude Ave.
Change To: Dr. Martin Luther King Charter School, 1617 Caffin Ave.
Ward/Precinct: 9/5A
Change From: Frederick Douglas High School, 3820 St. Claude Ave.
Change To: Dr. Martin Luther King Charter School, 1617 Caffin Ave.
Ward/Precinct: 9/7
Change From: Frederick Douglas High School, 3820 St. Claude Ave.
Change To: All Souls Episcopal Church, 5500 St. Claude Ave.
Ward/Precinct: 9/8
Change From: Frederick Douglas High School, 3820 St. Claude Ave.
Change To: All Souls Episcopal Church, 5500 St. Claude Ave.
Ward/Precinct: 9/23
Change From: Blessed Seelos (Parish Hall), 3024 Burgundy St.
Change To: Private Residence, 2036 Louisa St.
Ward/Precinct: 9/25
Change From: Blessed Seelos (Parish Hall), 3024 Burgundy St.
Change To: Greater Evergreen Baptist Church, 2243 Clouet St.
Ward/Precinct: 9/44O
Change From: Mary Queen of Vietnam Church, 5069 Willowbrook Dr.
Change To: New Home Family Worship Ctr., 13800 Hayne Blvd.
Ward/Precinct: 12/4
Change From: Crocker Arts & Technology School, 1111 Milan St.
Change To: St. Georges Episcopal School, 923 Napoleon Ave.
Ward/Precinct: 12/6
Change From: Crocker Arts & Technology School, 1111 Milan St.
Change To: St. Georges Episcopal School, 923 Napoleon Ave.
BE IT FURTHER MOVED, that the Clerk of Council shall immediately forward certified copies of this motion to the Governor of the State of Louisiana, the Louisiana Secretary of State, the Clerk of Criminal District Court of Orleans Parish, the City Attorney and the Registrar of Voters for Orleans Parish for their further handling.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.
*Copies may be seen in full in the Clerk of Council's office, 1300 Perdido Street, Room 1E09, City Hall.

NO. M-12-226
CITY HALL: June 28, 2012
BY: COUNCILMEMBER GISLESON PALMER
SECONDED BY: COUNCILMEMBER GUIDRY
BE IT MOVED BY THE CITY COUNCIL OF THE CITY OF NEW ORLEANS, that the City Planning Commission is directed to conduct a public hearing to consider an amendment to the text of Article 2 and 9 of the Comprehensive Zoning Ordinance No. 4264 M.C.S., as amended, to consider the establishment of a conditional use in the sub-district of the Marigny neighborhood for the area bounded by Esplanade Avenue, St. Claude Avenue, Press Street, and the Mississippi River to create designation for a wine bar with permitted wine sales for on-site and off-site consumption applicable only to current and licensed cocktail lounges and liquor stores in the Historic Marigny Commercial and Industrial Districts.
BE IT FURTHER MOVED BY THE CITY COUNCIL OF THE CITY OF NEW ORLEANS, that in the process of reviewing the proposed *wine bar and wine sales,* the City Planning Commission staff is directed and granted the

flexibility to make all appropriate changes to the proposed regulations and any existing corresponding regulations in the Comprehensive Zoning Ordinance No. 4264 M.C.S., as amended, to establish consistency and continuity with the format of the existing zoning code, to add references wherever references are customary, needed and/or appropriate, to make the appropriate adjustments to clarify any ambiguities or mistakes, and to make adjustments deemed necessary in light of public testimony resulting from this review.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION OF THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. R-12-227
CITY HALL: June 28, 2012
BY: COUNCILMEMBER HEDGE-MORRELL
SECONDED BY: COUNCILMEMBER CLARKSON
Supporting Stand with Unity's request to require a Community Workforce Agreement for all construction projects within the Iberville/Treme Neighborhoods initiative.
WITHDRAWN.

NO. M-12-228
CITY HALL: June 28, 2012
BY: COUNCILMEMBERS CLARKSON, HEAD, BAJOIE, GUIDRY, GISLESON PALMER, HEDGE-MORRELL AND JOHNSON
WHEREAS, Section 5-404(4) of the Home Rule Charter relative to the Master Plan provides that in the event the Council proposes any modifications to the City Planning Commission's (CPC's) recommended revisions to the Master Plan, said modifications be referred to the Planning Commission for public hearing and comment; and
WHEREAS, there are a few of such CPC recommended revisions that the Council would like to refer to the CPC for public hearing and comment; NOW, THEREFORE,
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the City Planning Commission's recommended revisions to the Master Plan attached hereto as *Exhibit "A" be and the same are hereby referred to the City Planning Commission for public hearing and comment pursuant to Section 5-404 (4) of the Home Rule Charter.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.
*Copies may be seen in full in the Clerk of Council's office, 1300 Perdido Street, Room 1E09, City Hall.

NO. M-12-229
CITY HALL: June 28, 2012
BY: COUNCILMEMBERS CLARKSON AND HEAD
WHEREAS, Council Rule 38 provides for appointment of Special Council Committees by the President of the Council; and
WHEREAS, the Council wishes to review all of its options with regard to the selection of the Official Journal for the City of New Orleans; and
WHEREAS, a special committee is needed to coordinate that review and make recommendations to the full Council regarding those options; NOW THEREFORE
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the membership of the Council's Special Committee of Official Journal and New Orleans Register Ordinances Committee will be as follows:
1. Councilmember Stacy Head, Chair
2. Councilmember Jacquelyn Brechtel Clarkson, Member
3. Councilmember Jon D. Johnson, Member

4. Councilmember Diana E. Bajoie, Alternate
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-230
CITY HALL: June 28, 2012
BY: COUNCILMEMBER GISLESON PALMER (BY REQUEST)
SECONDED BY: COUNCILMEMBER CLARKSON
WHEREAS, Chapter 162, Article III, Section 197 of the of the Code of the City of New Orleans authorizes the director of the Department of Safety and Permits to issue temporary CPNC's (certificates of public necessity and convenience) for special events declared by the New Orleans City Council; NOW THEREFORE
BE IT MOVED BY THE CITY COUNCIL OF THE CITY OF NEW ORLEANS, That the New Orleans City Council declares the 2012 Essence Music Festival from Sunday, July 1, 2012 to Monday, July 9, 2012 to be a special event and authorizes the director of the Department of Safety and Permits to issue temporary CPNC's for these events.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-231
CITY HALL: June 28, 2012
BY: COUNCILMEMBER HEDGE-MORRELL
SECONDED BY: COUNCILMEMBER CLARKSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and favorable recommendation of the City Planning Commission on ALCOHOLIC BEVERAGES MORATORIUM – APPEAL OF JACLYN DUVIEILH, MANAGING MEMBER, FLEUR DE LA IMPORTS) – recommending "approval" of the appeal of the Alcoholic Beverages Moratorium in Council District "D" (Ordinance No. 24,730) to permit the sale of alcoholic beverages for consumption off-premises at Fleur de LA Imports, wholesale liquor distributor, on an undesignated lot in the Third Municipal District, bounded by Chief Menteur Highway, the Industrial Canal, Hayne Boulevard and Jourdan Road, in a HI Heavy Industrial District, located at 4300 Jourdan Road. (DR. NO. 94/12) be, and the decision is hereby approved.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-232
CITY HALL: June 28, 2012
BY: COUNCILMEMBER BAJOIE
SECONDED BY: COUNCILMEMBER GISLESON PALMER
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the report and unfavorable recommendation of the City Planning Commission on ZONING DOCKET NO. 44/12 – JOSEPH J. PACIERA, JOSEPH C. PACIERA and TONI ANN PACIERA - Requesting a Conditional Use to permit the sale of alcoholic beverages for consumption on-premises at a standard restaurant in a B-1A Neighborhood Business District, on Square 73, Lots 9, or Band 1, in the Fourth Municipal District, bounded by Jackson Avenue, Annunciation, Chippewa, and Josephine Streets (Municipal Address: 739 Jackson Avenue), be, and the same is hereby upheld, and the Zoning Change

is denied.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-233
CITY HALL: June 28, 2012
BY: COUNCILMEMBER BAJOIE
SECONDED BY: COUNCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the report and favorable recommendation of the City Planning Commission on ZONING DOCKET NO. 45/12 – ATKINS NOLA, LLC - Requesting a Residential Planned Community (RPC) District overlay to permit a multi-family development in an existing structure in an RD-2 Two-Family Residential District, on Square 232, Lots 7, 8, and ½ 9, in the Six Municipal District, bounded by Napoleon Avenue, Camp, Magazine and Jena Streets (Municipal Address: 912 Napoleon Avenue), be, and the same is hereby upheld, and the request is granted, subject to the 5 waiver and 12 provisos contained in the City Planning report.
BE IT FURTHER MOVED, that a copy of the report of the City Planning and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the request.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-234
CITY HALL: June 28, 2012
BY: COUNCILMEMBER BAJOIE
SECONDED BY: COUNCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the report and favorable recommendation of the City Planning Commission on ZONING DOCKET NO. 46/12 – 4 Z'S VENTURES, LLC - Requesting a Conditional Use to permit a retail establishment greater than 10,000 square feet in floor area in a C-1A General Commercial District, on Square 238, Lot 1 or X, or Lots Pt. 32A, 2; 1, 6, 5 and Pt. of an undesignated lot, in the First Municipal District, bounded by the Pontchartrain Expressway, Carondelet, Clio, and Baronne Streets (Municipal Address: 1117 Carondelet Street), be, and the same is hereby upheld, and the Conditional Use is granted, subject to the 1 waiver and 12 provisos contained in the City Planning report.
BE IT FURTHER MOVED, that a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the Conditional Use.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-235
CITY HALL: June 28, 2012
BY: COUNCILMEMBER JOHNSON
SECONDED BY: COUNCILMEMBER HEDGE-MORRELL
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and favorable recommendation of the City Planning Commission on ZONING DOCKET NO. 48/12 – CITY COUNCIL MOTION M-

12-97 - Requesting a Zoning Change for all properties currently located within any RM Multi-Family Residential Zoning District designation in the entirety of New Orleans East, the area bounded by the Industrial Canal, Lake Pontchartrain, the St. Tammany and St. Bernard Parish lines, to RM-2E Eastern New Orleans Multi-Family Residential District, the regulations for which are proposed in City Council Motion M-12-98, in all existing RM Districts in the area bounded by the Industrial Canal, Lake Pontchartrain, the St. Tammany and St. Bernard Parish lines, which is commonly known as New Orleans East, be, and the same is hereby upheld, and the request is granted.
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that a copy of the report of the City Planning and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the request.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-236
CITY HALL: June 28, 2012
BY: COUNCILMEMBER JOHNSON
SECONDED BY: COUNCILMEMBER HEDGE-MORRELL
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and favorable recommendation of the City Planning Commission on ZONING DOCKET NO. 49/12 – CITY COUNCIL MOTION M-12-98 - Requesting an Amendment to the text of the Comprehensive Zoning Ordinance, No. 4264 MCS, as amended, to amend Article 4 Residential Districts, to establish the RM-2E Eastern New Orleans Multi-Family Residential District, be, and the same is hereby upheld, and the request is granted, subject to the modifications, stated in the City Planning Commission's report.
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that a copy of the report of the City Planning and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the request.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-237
CITY HALL: June 28, 2012
BY: COUNCILMEMBER JOHNSON
SECONDED BY: COUNCILMEMBER HEDGE-MORRELL
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and favorable recommendation of the City Planning Commission on ZONING DOCKET NO. 50/12 – CITY COUNCIL MOTION M-12-99 - Requesting an Amendment to the text of the Comprehensive Zoning Ordinance, No. 4264 MCS, as amended, to amend Article 18 Interim Zoning Districts to establish a new Interim Zoning District, which shall prohibit the issuance of any permits that are inconsistent with the regulations included in Motion Nos. M-12-97 and M-12-98, in all existing RM Districts in the area bounded by the Industrial Canal, Lake Pontchartrain, the St. Tammany and St. Bernard Parish lines, which is commonly known as New Orleans East, be, and the same is hereby upheld, and the request is granted.
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that a copy of the report of the City Planning and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the request.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0

ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-238
CITY HALL: June 28, 2012
BY: COUNCILMEMBER HEDGE-MORRELL
SECONDED BY: COUNCILMEMBER JOHNSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and favorable recommendation of the City Planning Commission request on ZONING DOCKET NO. 52/12 – HEBREW REST CEMETERY ASSOCIATION, INC. – Requesting a Conditional Use to permit the expansion of an existing cemetery in a RM-2 Multi-Family Residential District, on Square 3038, Lots 1, 2, and 4A or 3 and 4, in the Third Municipal District, bounded by Touro, Frenchmen, Mandolin and Pelopidas Street. (Municipal Address: 4228 Frenchmen Street), be, and the appeal is granted subject to one (1) waiver and nine (9) provisos to read as follows:
WAIVER
1. The applicant shall be granted a waiver of Article 11, Section 11.11.1.k (1) of the *Comprehensive Zoning Ordinance* which requires the provision of one (1) off –street parking space to permit zero (0) off-Street parking spaces on the petitioned site.
PROVISOS
1. The Department of Safety and Permits shall issue no building permits or licenses for this project until final development plans are approved by the City Planning Commission and recorded with the Office of Conveyances. Failure to complete the conditional use pr4ocess by properly recording plans within a one year time period or failure to request an administrative extension as provided for in Article 16, Section 16.9.11 of the Comprehensive Zoning Ordinance will void the conditional use approval.
2. The applicant shall submit a resubdivision application to the City Planning Commission prior to the finalization of the conditional use.
3. The applicant shall submit a final landscaping and maintenance plan which shall indicate tree plantings within the public right-of-way along the Mandolin Street frontage or along the Mandolin Street property line, subject to the review and approval of City Planning Commission staff and the Department of Parks & Parkways for plantings within the public right-of-way.
4. The applicant shall provide the required fencing along the perimeter of the Mandolin and Frenchman Streets rights-of-way in compliance with Article 11, Section 11.11 *Cemeteries and Mausoleums* of the Comprehensive Zoning Ordinance.
5. The applicant shall submit a site plan which indicates the location of a six (6) foot high opaque wood fence along the interior lot line on the Touro Street-side in accordance with Article 15, Section 15.5 of the Comprehensive Zoning Ordinance.
6. The applicant shall submit a signage plan prior to the finalization of the conditional use to ensure compliance with Article 11, Section 11.11 of the Comprehensive Zoning Ordinance.
7. Lighting shall be arranged to eliminate glare on residential properties. If lighting is to be installed, the applicant shall identify the location and direction of all light fixtures on the final site plan. Additionally, such light standards shall not be permitted to exceed 25 feet in height.
8. The applicant shall revise the site plan to indicate the location of all dum0psters on site and the presence of a six (6) foot high opaque fence with an operational latching gate. Additionally, the applicant shall provide to the City Planning Commission a litter abatement program letter, approved by the Department of Sanitation, inclusive of the stated location of litter storage, the type and quantity of trash receptacles, the frequency of litter pickup by the Department of Sanitation or a contracted trash removal company, and the clearing of all litter from the sidewalks and street rights-of-way. The name and phone number of the owner/operator of the development shall be included in this letter to be kept on file in case of any violation.
9. The applicant shall indicate the materials for the proposed pavilion on the revised plans.
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the request.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7

NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-239
CITY HALL: June 28, 2012
BY: COUNCILMEMBER GUIDRY
SECONDED BY: COUNCILMEMBER CLARKSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and recommendation of the City Planning Commission on ZONING DOCKET NO. 54/12 – DRAGON FIYO, LLC –requesting a Zoning Change from an RD-3 Two-Family Residential District to a B-1A Neighborhood Business District on Square 358, Lot S or 5 Pts. 14 and 15, in the Second Municipal District, bounded by Orleans Avenue, North White, St. Peter and N. Broad Streets. The municipal address is 2764 ORLEANS AVENUE, be, and the request is hereby approved.
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the request.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLEDON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-240
CITY HALL: June 28, 2012
BY: COUNCILMEMBER GUIDRY
SECONDED BY: COUNCILMEMBER GISLESON PALMER
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and recommendation of the City Planning Commission on ZONING DOKET NO. 55/12 – CITY COUNCIL MOTION M-12-114 –requesting a Conditional Use to permit a new public/government building (New Orleans Juvenile Justice Center) in an RD-2 Two-Family Residential District and an RM-3 Multi-Family Residential District on Lots 17-61 and Tract X, all of Imperial Drive right-of-way, and a portion of the former Davey Street right-of-way, and a portion of the former Davey Street right-of-way between Imperial Drive and Milton Street on Squares 2491-2495, 2496, and 2497 in their entirety, in the Third Municipal District, generally bounded by Bayou St. John, Milton, Encampment, and Sere Streets (the municipal addresses are 100 Milton Street and 51 Imperial Drive), be, and the request is hereby approved, and granted, subject to one (1) waiver and eighteen (18) provisos:
Waiver:
1. The City of New Orleans (Capital Projects Administration and Juvenile Justice Center) shall be granted a waiver of Article 15, Section 15.3.1. *Table of Requirements* and Table 15.G *Loading Requirements* of the Comprehensive Zoning Ordinance, requiring three (3) off-street loading spaces, to permit two (2) off-street loading spaces for the site.
Provisos:
1. The Department of Safety and Permits shall issue no building permits or licenses for this project until final development plans are approved by the City Planning Commission and recorded with the Office of Conveyances. Failure to complete the conditional use process by properly recording plans within a one year time period or failure to request an administrative extension as provided for in Article 16, Section 16.9.11 of the Comprehensive Zoning Ordinance will void the conditional use approval.
2. The City of New Orleans (Capital Projects Administration and Juvenile Justice Center) shall submit the request to the City Planning Commission for a resubdivision of property and revocation of Imperial Drive right-of-way as no longer needed for access purposes. Utilities within Imperial Drive and a portion of Davey Street right-of-way shall be relocated or servitudes established as per recommendation of the appropriate city agencies.
3. The City of New Orleans (Capital Projects Administration and Juvenile Justice Center) shall conduct the appropriate environmental reviews and remediation actions required to repurpose the existing, once vacant, Youth Study Center site for its future use.
4. The City of New Orleans (Capital Projects Administration and Juvenile Justice Center) shall submit a detailed

landscape plan prepared by a licensed Louisiana landscape architect, subject to the review and approval of the Department of Parks and Parkways, indicating the following:
a. The genus, species, size, location, quantity, and irrigation method of all proposed plant materials within both the site and the street rights-of-way adjacent to the site, with applicable remarks and details;
b. Street trees shall be planted at a maximum interval of thirty (30) feet along the public rights-of-way;
c. The landscaping of all residual areas on site not used for parking or vehicular access, with a combination of trees, shrubs, and/or groundcover.
5. Canopies shall be added to the façades of the Juvenile Justice Court building to match ones applied to the Youth Study Center part of the building.
6. All signage shall be in compliance with the requirements of Article 4, Section 4.5.5 and Article 4. Section 4.11.6 *Permitted Signs* of the Comprehensive Zoning Ordinance for RD-2 and RM-3 zoning districts.
7. The lighting and fencing plan(s) shall be submitted for review and approval by the City Planning Commission staff. The plan shall indicate that light standards shall be limited in height to twenty-five (25) feet and shall not be directed toward any adjacent residential uses. Fencing or site plan shall include the location of fences, fencing material and height. Chain link fence visible from the public right-of-way shall not be permitted.
8. The trash dumpster area shall be enclosed by a seven (7) foot high opaque fence in conjunction with landscaping around the perimeter of such structure.
9. Litter abatement program and overall trash removal responsibilities shall be determined in consultation with the Sanitation Department and made a part of this Conditional Use application.
10. The Department of Public Works shall be consulted to coordinate timing and funding of the needed improvements.
11. The City of New Orleans (Capital Projects Administration and Juvenile Justice Center) shall coordinate and/or secure the approval of the Department of Public Works for:
a. the repairs and/or reconstruction of existing public streets providing access to the site;
b. the installation of new curbs within the site, all of which shall be vertical curbs;
c. the reinstatement of curbs at the locations of any unused existing curb cuts; and
d. the installation of any traffic control devices within and outside of the site, if deemed necessary by the Department of Public Works;
12. The development shall provide a minimum of nine (9) handicapped accessible off-street parking spaces on the site.
13. The development shall provide a minimum of five (5) bicycle parking spaces in front of each building entry subject to review and approval of CPC staff.
14. The City of New Orleans (Capital Projects Administration and Juvenile Justice Center) shall submit a revised site plan which includes but is not limited to proposed access to the site, sidewalks, and curb cuts subject to review and approval by the Department of Public Works and the City Planning Commission staff prior to issuance of a Building Permit by the Department of Safety and Permits.
15. The City of New Orleans (Capital Projects Administration and Juvenile Justice Center) shall submit utility excavation/installation and drainage plans subject to review and approval by the Department of Public Works and the Sewerage and Water Board staff prior to issuance of a Building Permit by the Department of Safety and Permits.
16. The City of New Orleans (Capital Projects Administration and Juvenile Justice Center) shall consult the Office of Real Estate and Records to determine rights-of-ways issues pertaining to Imperial Drive, prior to final approval.
17. The City of New Orleans (Capital Projects Administration and Juvenile Justice Center) shall submit a prescribed ingress/egress trucking route, including alternative routes, to the City Planning Commission, prior to final approval.
18. The City of New Orleans (Capital Projects Administration and Juvenile Justice Center) shall submit a landscaping plan and grounds maintenance schedule to the Department of Parks and Parkways prior to final approval.
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the request
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-241

CITY HALL: June 28, 2012
BY: COUNCILMEMBER JOHNSON
SECONDED BY: COUNCILMEMBER HEDGE-MORRELL
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and favorable recommendation of the City Planning Commission on ZONING DOCKET NO. 48/12 – CITY COUNCIL MOTION M-12-97 - Requesting a Conditional Use to permit a new fire station (NOFD 22/39) in an RD-3 Two-Family Residential District on Lots 7, 8B, 8 or Pt. 8, 16 or 16-17, 15 or 15-14, J or 5-6, on Square 682, in the Third Municipal District, generally bounded by North Claiborne and Caffin Avenues, Lamanche and North Robertson Streets. (Municipal Addresses: 5600, 5618 and 5620 North Claiborne Avenue, 1522 and 1510 Lamanche Street and 1523 Caffin Avenue), be, and the same is hereby upheld, and the request is granted, subject to two (2) waivers and twelve (12) provisos as stated in the City Planning Commission's report.
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that a copy of the report of the City Planning and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the request.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-242
CITY HALL: June 28, 2012
BY: COUNCILMEMBER GISLESON PALMER
SECONDED BY: COUNCILMEMBER HEDGE-MORRELL
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the report and recommendation "FOR MODIFIED APPROVAL" of the City Planning Commission on ZONING DOCKET NO. 57/12 – 1815 ST. CLAUDE SPE, LLC- Requesting a Zoning Change from an HMR-3 Historic Marigny/Treme Residential District to a C-1A General Commercial District and a Conditional Use to permit a multi-family development over 10,000 square feet in floor area, on Square 386, Lots 15 thru 22, B, Pt. 1 or A, 2, 4 or B, 9 and 10 or B, A2 or 14 or C and Pt. B, in the Third Municipal District, bounded by Henriette Delille, Marais, Pauger, and St. Anthony Streets (Municipal Addresses: 1815 Henriette Delille, 1812 and 1822 Pauger and 1211 St. Anthony Streets), be, and the recommendation is hereby upheld and the conditional use and zoning change is granted subject to an additional waiver and modifications to proviso numbers 10 and 12 as follows:
Waivers
2. The applicant shall be granted a waiver of Article 15, Section 15.3.1, Table 16.G *Loading Requirements* which requires two (2) off-street loading spaces to be provided, to allow one (1) off-street loading space to be provided.
Provisos
[Omit Proviso # 10 and submit in lieu thereof:
10. The applicant shall revise the site plan to indicate the presence of one (1) loading space as set forth in Waiver #2. In accordance with Article 15, Section 15.3.4 of the Comprehensive Zoning Ordinance, the loading spaces shall have a minimum width of twelve (12) feet, a minimum depth of thirty-five (35) feet, a minimum area of 540 square feet, and a vertical clearance of at least fourteen and one-half (14.5) feet.
[Omit Proviso # 12 and submit in lieu thereof:]
12. The applicant shall title restrict the property, in line with the regulatory and recording requirements of the Louisiana Housing Finance Agency, and its successor, the Louisiana Housing Corporation, such that no one under the age of 55 is permitted as a resident, and the applicant shall record same with the Office of Conveyances and provide staff of the City Planning Commission and staff of Safety and Permits with the restrictions prior to permitting.
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the zoning map change and conditional use.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7

NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-243
CITY HALL: June 28, 2012
BY: COUNCILMEMBER JOHNSON
SECONDED BY: COUNCILMEMBER HEDGE-MORRELL
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and favorable recommendation of the City Planning Commission on DESIGN REVIEW NO. 74/12 – 6601 CHEF LLC - Requesting an appeal of the Eastern New Orleans Renaissance Corridor Interim Zoning District, Article 18, Section 18.51.11 Special Site Design Conditions of the Comprehensive Zoning Ordinance (CZO) to reduce the size of the required landscaped buffer as a part of the redevelopment plan for a Chevron gasoline service station, in Haydel Heights Square 1, Lots 1 and 2, in the Third Municipal District, bounded by Chef Menteur Highway, Ray Avenue, Warfield and Reynes Streets. (Municipal Address: 6601 Chef Menteur Highway), be, and the same is hereby approved, subject to one (1) waiver and seven (7) provisos as stated in the City Planning Commission's report.
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Clerk of Council shall forward copies of this motion directly to all affected departments.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. R-12-244
CITY HALL: July 12, 2012
BY: COUNCILMEMBERS HEDGE-MORRELL, GUIDRY, HEAD, AND GISLESON PALMER
IN THE MATTER OF Application of Entergy New Orleans, Inc. Requesting Authorization to Implement an Advanced Metering Infrastructure Pilot and Requesting Related Approvals DOCKET NO. UD-10-01
RESOLUTION AND ORDER APPROVING THE REVISED RATE SCHEDULE EXPERIMENTAL PEAK TIME REBATE FOR THE EXTENSION OF THE PEAK TIME REBATE PROGRAM THROUGH THE SUMMER OF 2012
WHEREAS, pursuant to the Constitution of the State of Louisiana and the Home Rule Charter of the City of New Orleans ("Charter"), the Council of the City of New Orleans ("Council") is the governmental body with the power of supervision, regulation and control over public utilities providing service within the City of New Orleans; and
WHEREAS, pursuant to its powers of supervision, regulation and control over public utilities, the Council is responsible for fixing and changing rates and charges of public utilities and making all necessary rules and regulations to govern applications for the fixing and changing of rates and charges of public utilities; and
WHEREAS, Entergy New Orleans, Inc. ("ENO" or "Company") is a public utility providing electric service to all of New Orleans, except the Fifteenth Ward ("Algiers"), and gas service to all of New Orleans; and
WHEREAS, Entergy Louisiana, LLC ("ELL") provides electric service to the Algiers section of New Orleans; and
WHEREAS, at the April 12, 2012 Council Utility Committee Meeting, ENO committed, at the request of the Council and its utility Advisors, to pursue approval from the Department of Energy ("DOE") for a change in the scope of the Advanced Meter Infrastructure ("AMI") Low Income Pilot to allow for a second summer measurement period for the Peak Time Rebate ("PTR") Program during the summer of 2012; and
WHEREAS, ENO has since received approval from DOE to move forward with a second PTR program for the summer of 2012 (July 2012 – September 2012); and
WHEREAS, The Company and the Council's utility Advisors have worked together to develop a Revised Rate Schedule Experimental Peak Time Rebate ("EPTR") for the extension of the PTR Program through the summer of 2012; and
WHEREAS, the Company requests approval of the attached Revised Rate Schedule EPTR, which will supersede the existing EPTR tariff approved in this docket; and
WHEREAS, the Company further requests that the Council approve Revised Rate Schedule EPTR on or before the first

billing cycle of July 2012 in order to allow it to implement these rates in a timely manner; now, therefore:
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS THAT the Revised Rate Schedule Experimental Peak Time Rebate for the extension of the PTR Program through the summer of 2012 is APPROVED.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED.

NO. R-12-245
(AS AMENDED)
CITY HALL: July 12, 2012
BY: COUNCILMEMBER JOHNSON (BY REQUEST)
SECONDED BY: COUNCILMEMBER HEDGE-MORRELL
A RESOLUTION to call a special election for Tuesday, November 06, 2012 in the City of New Orleans;
WHEREAS, the Eastern New Orleans Neighborhood Advisory Commission ("ENONAC") is a body politic and a political subdivision of the State of Louisiana (the "State") created pursuant to the authority of Act 884 (R.S. 33:9100) of the Louisiana State Legislature (the "Acts") and other constitutional and statutory authority for the object and purpose of promoting community participation in the development of New Orleans East and is governed by the Board of Commissioners of the ENONAC (the "Board"); and
WHEREAS, Acts 394 and 426 provided revisions to the original Act, the latter creating a special taxing district (R.S. 33:9100.10) in the Eastern New Orleans area of the City of New Orleans, authorizing the levying and collection of a special tax (the "Tax") at a rate of not less than FIVE dollars ($5.00) and not to exceed TEN dollars ($10.00), for a term not to exceed four (4) years; and
WHEREAS, Act 426 mandates that the levying and collecting of such special taxes or fees shall occur only after the question of their imposition has been submitted to and approved by the majority of the registered voters of the area voting on the proposition at an election held for that purpose in accordance with the Louisiana Election Code; and
WHEREAS, Act 426 stipulates that the tax or fee to be levied and collected shall be a special tax levied shall not be less than five dollars ($5) nor more than ten dollars ($10) per parcel per year, situated within the ENONAC's boundaries on each residential parcel located in ENONAC's boundaries per year; and
WHEREAS, Act That the fee shall be levied and collected in the same manner and at the same time as ad valorem taxes on property are levied and collected by the city. Any unpaid fee shall be added to the tax rolls of the city and shall be enforced with the same authority and subject to the same penalties and procedures as are unpaid ad valorem taxes.
WHEREAS, the Commission Advisory Board of ENONAC met on June 26, 2012 and adopted Resolution No. R-12-7, which resolution requests the City Council of New Orleans to levy and collect an annual fee in the amount of five dollars ($5.00) for four (4) years, beginning in 2013 and ending in 2017, improved or unimproved parcel located within the boundaries of ENONAC which are the Industrial Canal to the west, the Intracoastal Canal to the south, the St. Tammany Parish Line to the east, and Lake Pontchartrain to the north, with an estimated $371,000 expected annually to be collected from the levy of the parcel fee for the entire year, subject to the question of the imposition of such fee being approved by a majority of the registered voters of the District voting on the question at the Tuesday, November 6, 2011 election; now, therefore,
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that:
SECTION 1. Election Call. Subject to the approval of the State Bond Commission and under the authority conferred by Act 426 of the Regular Session of the Louisiana Legislature of 2012 (R.S. 33:9100.10) and by Article VI of the Constitution of the State of Louisiana of 1974, the applicable provisions of Title 18 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority supplemental thereto, an election is hereby called for Tuesday, November 6, 2012 between the hours of six o'clock (6:00) a.m. and eight o'clock (8:00) p.m. and at said election the electorate of ENONAC's Boundaries may approve or disapprove the levy of a special annual fee in the amount of amount of five dollars ($5.00) for four (4) years, beginning in 2013 and ending in 2017, improved or unimproved parcel located within the boundaries of ENONAC with an estimated $371,000 expected annually to be collected from the levy of the parcel fee for the entire year, in accordance with Title 18 of the Louisiana Revised Statutes of 1950. Any fee levied upon a parcel in the District shall be in addition to any ad valorem tax affecting real property, or any charge, (including, but not limited to, a sanitation charge), fee, license, permit or rate imposed or levied

pursuant to the regulatory authority of the City of New Orleans in the operation of the City, its departments, agencies, and commissions, whether attached or unattached, including, but not limited to, the Sewerage & Water Board. The proceeds of any tax or fee collected shall be used solely and exclusively for the purposes and benefit of the East New Orleans Advisory Commission Area. The affairs of the Commission shall be managed by the Executive Board of ENONAC, (hereinafter, the Board). The Board shall adopt an annual budget in accordance with the Local Government Budget Act, R. S. 39:1301, et seq. The members of the Board shall serve without compensation.

The official ballot to be used for said election shall be printed and worded in the voting machines as follows:

PROPOSITION

SUMMARY: A SPECIAL ONCE A YEAR (ANNUAL FEE) IN THE AMOUNT OF FIVE DOLLARS ($5) NOT TO EXCEED TEN DOLLARS ($10) FOR FOUR (4) YEARS, BEGINNING IN 2013 AND ENDING IN 2017, IMPROVED OR UNIMPROVED RESIDENTIAL PARCELS LOCATED WITHIN THE BOUNDARIES OF EAST NEW ORLEANS FOR THE PRIMARY OBJECT AND PURPOSE OF PROMOTING AND ENCOURAGING THE BEAUTIFICATION, ECONOMIC GROWTH AND OVERALL BETTERMENT OF EAST NEW ORLEANS.

Shall the City of New Orleans levy a special once a year (annual fee), to be called the East New Orleans Residential Parcel fee, on each residential parcel of real property situated within the boundaries of ENONAC (which District is comprised of that area of the Parish of Orleans whose boundaries are coterminous with the boundaries of East New Orleans) as specified by Resolution of the City Council of New Orleans a special annual fee in the amount of five dollars ($5) not to exceed ten dollars ($10) for four (4) years, beginning in 2013 and ending in 2017, improved or unimproved parcel located within the boundaries of ENONAC for the primary object and purpose of promoting and encouraging the beautification, economic growth and overall betterment of east New Orleans.

SECTION 2. Boundaries. The boundaries of ENONAC are the Industrial Canal to the west, the Intracoastal Canal to the south, the St. Tammany Parish Line to the east, and Lake Pontchartrain to the north.

SECTION 3. Publication of Notice of Election. Notice of said election shall be published in the Official Journal of the City of New Orleans once a week for four (4) consecutive weeks, with the first publication being not less than forty-five (45) days nor more than ninety (90) days prior to the date fixed for the election, which notice shall be substantially in the form attached hereto as A Exhibit A and incorporated herein by reference as if the same were set forth herein in full.

SECTION 4. Canvass. The Council, acting under the powers granted to it by the City Charter and state statutes, shall meet at its regular meeting place, the Council Chamber, City Hall, 1300 Perdido Street, New Orleans, Louisiana on December 6, 2012, beginning at ten o'clock (10:00) a. m. and shall then and there in open and public session proceed to examine and canvass the returns and declare the result of said election.

SECTION 5. Polling Place. The polling place set forth in the aforesaid notice of election is hereby designated as the polling place at which to hold the said election, and the commissioner-in-charge and commissioners will be the same persons as those designated in accordance with law.

SECTION 6. Election Commissioners: Voting Machines. The officers designated to serve as commissioner-in-charge and commissioners pursuant to Section 5 hereof, or such substitutes therefor, as may be selected and designated in accordance with La. R.S. 18:1287, shall hold the said election as herein provided, and shall make due returns of said election to the City Council. All registered voters in the boundaries of ENONAC are entitled to vote at said election and voting machines shall be used thereat.

SECTION 7. Authorization of Officers. The Clerk of Criminal District Court is hereby empowered, authorized and directed to arrange for and to furnish to said election officers in ample time for the holding of said election, the necessary equipment, forms and other paraphernalia essential to the proper holding of said election and the President and/or Clerk of the City Council are further authorized, empowered and directed to take any and all further action required by State and/or Federal law to arrange for the election, including but not limited to appropriate submission to the United States Department of Justice under Section 5 of the Federal Voting Rights Act of 1965, as amended.

SECTION 8. Furnishing Election Call to Election Officials. Certified copies of this resolution shall be forwarded to the Secretary of State, the Commissioner of Elections, the Clerk of Court and Ex-Officio parish Custodian of Voting Machines in and for the Parish of Orleans, State of Louisiana, and the Registrar of Voters in and for said parish, as notification of the election herein called, in order that each may prepare for said election and perform their respective functions as required by law.

SECTION 9. Application to State Bond Commission. Application is made to the State Bond Commission for consent and authority to hold the aforesaid election as herein provided, and in the event said election results in approval of the proposition, for further consent and authority to levy and collect the special fee provided for therein, and a certified copy of this resolution shall be forwarded to the State Bond Commission on behalf of the City Council requesting prompt

consideration and approval of the application.
SECTION 10. Two public hearings shall be held by ENONAC before the vote on November 6, 2012.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION, AS AMENDED, WAS ADOPTED.

NO. R-12-246
(AS AMENDED)
CITY HALL: July 12, 2012
BY: COUNCILMEMBER JOHNSON (BY REQUEST)
SECONDED BY: COUNCILMEMBER HEDGE-MORRELL
A RESOLUTION calling a special election for Tuesday, November 06, 2012 in the City of New Orleans;
WHEREAS, the New Orleans Regional Business Park (the "NORBP") is a body politic and a political subdivision of the State of Louisiana (the "State") created pursuant to the authority of Chapter 12-A of Title 33, Sections 4701 through 4708 of the Louisiana Revised Statutes of 1950, as amended (the "Act"), and other constitutional and statutory authority for the object and purpose of stimulating industrial and commercial development in Orleans Parish and the parishes adjacent to Orleans Parish by developing stable and more extensive employment opportunities, promoting economic development, especially in disadvantaged communities, improving infrastructure, and promoting the overall welfare of the citizens of Orleans Parish and is governed by the Board of Commissioners of the NORBP (the "Board"); and
WHEREAS, the NORBP, in addition to all other taxes which it is now or hereafter may be authorized by law to levy and collect, is authorized under the Act to levy and collect a special ad valorem millage (the "Tax") at the rate of 20 mills, for a term not to exceed fifty (50) years from and after the date the first tax is levied pursuant to the provisions of the Act, in the same manner and at the same time as all other ad valorem taxes on property subject to taxation by the City of New Orleans are levied and collected upon all taxable real property situated within the boundaries of the NORBP, except property occupied in whole or in part as a residence by an owner thereof; and
WHEREAS, the Board adopted Resolution 2012-04-01 requesting the Council of the City of New Orleans set, order and call an election to be held in the City of New Orleans on October 22, 2011 to continue its authorization to levy the ad valorem tax currently being levied by NORBP on Real Property located within the boundaries of NORBP, except property occupied in whole or in part as a residence by an owner thereof, at 20 mills for a period of twenty (20) years; now therefore
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS
SECTION 1. Election Call. Subject to the approval of the State Bond Commission, and under the authority of Chapter 12-A of Title 33, Sections 4701 through 4708 of the Louisiana Revised Statutes of 1950, as amended, and by Article VI of the Constitution of the State of Louisiana of 1974, and the applicable provisions of Title 18 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority supplemental thereto, an election is hereby called in the City of New Orleans on Tuesday, November 6, 2012, between the hours of six o'clock (6:00) a.m. and eight o'clock (8:00) p.m., to determine whether the New Orleans Regional Business Park will continue its authorization to levy the ad valorem tax currently being levied by NORBP on Real Property located within the boundaries of NORBP, except property occupied in whole or in part as a residence by an owner thereof, at 20 mills for a period of twenty (20) years. Any tax levied upon a parcel in the NORBP boundaries shall be in addition to any other ad valorem tax affecting real property, or any charge, (including, but not limited to, a sanitation charge), fee, license, permit or rate imposed or levied pursuant to the regulatory authority of the city of New Orleans in the operation of the City, its departments, agencies, commissions, whether attached or unattached, including, but not limited to the Sewerage and Water Board. The proceeds of any tax collected shall be used solely and exclusively for the purposes and benefit of the New Orleans Regional Business Park. The affairs of the District shall be managed by the Board of Commissioners of the New Orleans Regional Business Park,. The Board shall adopt an annual budget in accordance with the Local Government Budget Act, R.S. 39:1301, et seq.
The official ballot to be used for said election shall be printed and worded in the voting machines as follows:
NEW ORLEANS REGIONAL BUSINESS PARK PROPOSITION
SUMMARY: RENEWAL OF A SPECIAL AD VALOREM TAX IN THE AMOUNT OF 20 MILLS, ON ALL TAXABLE REAL PROPERTY, EXCEPT PROPERTY OCCUPIED IN WHOLE OR IN PART AS A RESIDENCE

BY AN OWNER THEREOF, FOR A PERIOD OF TWENTY (20) YEARS, IN THE NEW ORLEANS REGIONAL BUSINESS PARK, FOR THE PURPOSE OF STIMULATING INDUSTRIAL AND COMMERCIAL DEVELOPMENT IN ORLEANS PARISH AND THE PARISHES ADJACENT TO ORLEANS PARISH.

Shall the City of New Orleans levy a special annual ad valorem tax, to be called the New Orleans Regional Business Park Tax, on taxable property situated within the boundaries of the New Orleans Regional Business Park, except for any property occupied in whole or in part as a residence by an owner thereof, as specified by Resolution R-11-315 of the City Council of New Orleans in the amount of 20 mills, having an estimated annual collection amount of $300,000.00, for twenty (20) years, beginning in 2012 and ending in 2031, to be used solely and exclusively to stimulate industrial and commercial development in Orleans Parish and the Parishes adjacent to Orleans Parish by developing stable and more extensive employment opportunities, promoting economic development, especially in disadvantaged communities, improving infrastructure, and promoting the overall welfare of the citizens of Orleans Parish?

SECTION 2. District Boundaries. The District is comprised of that area of the city of New Orleans within and including the following perimeter streets and avenues:

Begin on center line of Industrial Canal and intersection with the Northerly Line of L & N Railroad right of way. Thence Easterly to a point of intersection with the lot line of Section A, Parcel 5, said point of intersection lying plus or minus 200′ Easterly of East line of Industrial Parkway and plus or minus 400′ South of center line of Chef Menteur Highway; thence Easterly along said line of Section A, Parcel 5 to the intersection with the East line of the Maxent Canal; thence Southerly along East line of Maxent Canal; thence Southerly along East line of Maxent Canal extended to center line of Intracoastal Waterway; thence Westerly along center line of the Intracoastal Waterway to the intersection with the center line of the Mississippi River Gulf Outlet to the intersection with the center line of the Industrial Canal; thence Northerly along the center line of the Industrial Canal to the point of beginning, less and except that portion thereof bounded by the northern boundary of the district; thence along a line plus or minus 400′ southerly of Gentilly Road from its western intersection with the northern boundary of the district to a point plus or minus 400′ south of the intersection of Kernard Avenue as projected with Gentilly Road; thence Northerly along Kernard Avenue as projected to its intersection with Gentilly Road; thence Westerly along Gentilly Road to its intersection of the center line of Wright Road right of way as extended; thence Northerly along Wright Road right of way as extended to its intersection with the Northern boundary of the said taxing district.

SECTION 3. Publication of Notice of Election. Notice of said election shall be published in the Official Journal of the City of New Orleans once a week for four (4) consecutive weeks, with the first publication being not less than forty-five days nor more than ninety (90) days prior to the date fixed for the election, which notice shall be substantially in the form attached hereto as “Exhibit A” and incorporated herein by reference as if the same were set forth herein in full.

SECTION 4. Canvass. The Council, acting under the powers granted to it by the City Charter and state statutes, shall meet at its regular meeting place, the Council Chamber, City Hall, 1300 Perdido Street, New Orleans, Louisiana, Thursday, December 6, 2012, beginning at ten o’clock (10:00) a.m. and shall then and there in open and public session proceed to examine and canvass the returns and declare the results of said election.

SECTION 5. Polling Places. The polling places set forth in the aforesaid notice of election are hereby designated as the polling places at which to hold the said election, and the commissioners-in-charge will be the same persons as those designated in accordance with Law.

SECTION 6. Election Commissioners: Voting Machines. The officers designated to serve as commissioners-in-charge and commissioners pursuant to Section 5 hereof, or such substitutes therefore, as may be selected and designated in accordance with La. R.S. 18:1287, shall hold the said election as herein provided, and shall make due returns of said election to the City Council. All registered voters in the District are entitled to vote at said election and voting machines shall be used thereat.

SECTION 7. Authorization of Officers. The clerk of Criminal District Court is hereby empowered, authorized and directed to arrange for and to furnish to said election officers in ample time for the holding of said election, the necessary equipment, forms and other paraphernalia essential to the proper holding of said election and the president and/or clerk of the City Council and the city attorney are authorized, empowered and directed to take any and all further action required by state and and/or federal law to arrange for the election, including but not limited to, appropriate submission to the United States Department of Justice under Section 5 of the Federal Voting Rights Act of 1965, as amended.

SECTION 8. Furnishing Election Call to Election Officials. Certified copies of this resolution shall be forwarded to the secretary of state, the clerk of court and ex-officio parish custodian of voting machines in and for the parish of Orleans, state of Louisiana, and the registrar of voters in and for said parish, as notification of the election herein called, in order that each may prepare for said election and perform their respective functions as required by Law.

SECTION 9. Application to State Bond Commission. Application is made to the State Bond Commission for consent and authority to hold the aforesaid election herein provided, and in the event said election results in approval of the proposition, for further consent and authority to levy and collect the special fee provided for therein, and a certified copy of this resolution shall be forwarded to the State Bond Commission on behalf of the City Council requesting prompt consideration and approval of the application.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Hedge-Morrell, Johnson - 5
NAYS: Guidry, Head - 2
ABSENT: 0
AND THE RESOLUTION, AS AMENDED, WAS ADOPTED.

NO. M-12-247
CITY HALL: July 12, 2012
BY: COUNCILMEMBER GUIDRY (BY REQUEST)
SECONDED BY: COUNCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Mayor's appointment of Deborah D. Harkins (vice Cedric Smith) as a member of the Audubon Commission for a term that will expire June 30, 2018 be, and the same is hereby ratified, confirmed and approved.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Guidry, Head, Hedge-Morrell, Johnson - 6
NAYS: 0
ABSENT: Gisleson Palmer - 1
AND THE MOTION WAS ADOPTED.

NO. M-12-248
CITY HALL: July 12, 2012
BY: COUNCILMEMBER JOHNSON (BY REQUEST)
SECONDED BY: COUNCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Mayor's appointment of Rashida Ferdinand (vice Terrel Clayton) as a member of the Audubon Commission for a term that will expire June 30, 2018 be, and the same is hereby ratified, confirmed and approved.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Guidry, Head, Hedge-Morrell, Johnson - 6
NAYS: 0
ABSENT: Gisleson Palmer - 1
AND THE MOTION WAS ADOPTED.

NO. M-12-249
CITY HALL: July 12, 2012
BY: COUNCILMEMBER GUIDRY (BY REQUEST)
SECONDED BY: COUNCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Mayor's reappointment of Toni Hackett Antrum as a member of the Board of City Trusts for a term that will expire June 30, 2020, and the same is hereby ratified, confirmed and approved.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Guidry, Head, Hedge-Morrell, Johnson - 6
NAYS: 0
ABSENT: Gisleson Palmer - 1
AND THE MOTION WAS ADOPTED.

NO. M-12-250
CITY HALL: July 12, 2012
BY: COUNCILMEMBER HEDGE MORRELL (BY REQUEST)
SECONDED BY: COUNCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Mayor's appointment of Jean Celestin (vice Theodore Sanders) as a member of the Board of City Trusts for a term that will expire June 30, 2020 be, and the same is hereby ratified, confirmed and approved.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Guidry, Head, Hedge-Morrell, Johnson - 6
NAYS: 0
ABSENT: Gisleson Palmer - 1
AND THE MOTION WAS ADOPTED.

NO. M-12-251
CITY HALL: July 12, 2012
BY: COUNCILMEMBER GUIDRY (BY REQUEST)
SECONDED BY: COUNCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Mayor's reappointment of Nolan Rollins as a member of the Lafitte Greenway Steering Advisory Commission for a term that will expire June 30, 2013 be, and the same is hereby ratified, confirmed and approved.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Guidry, Head, Hedge-Morrell, Johnson - 6
NAYS: 0
ABSENT: Gisleson Palmer - 1
AND THE MOTION WAS ADOPTED.

NO. M-12-252
CITY HALL: July 12, 2012
BY: COUNCILMEMBER HEDGE MORRELL (BY REQUEST)
SECONDED BY: COUNCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Mayor's reappointment of Edgar Lawrence Chase III as a member of the Board of Trustees of the New Orleans Municipal Employees' Retirement System for a term that will expire June 30, 2015 be, and the same is hereby ratified, confirmed and approved.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Guidry, Head, Hedge-Morrell, Johnson - 6
NAYS: 0
ABSENT: Gisleson Palmer - 1
AND THE MOTION WAS ADOPTED.

NO. M-12-253
(AS CORRECTED)
CITY HALL: July 12, 2012
BY: COUNCILMEMBERS GISLESON PALMER (BY REQUEST) AND CLARKSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Mayor's appointment of Kerri T. Kane (vice Tommy Vassel) as a member of the Sewerage and Water Board for a term that will expire October 17, 2020 be, and the same is hereby ratified, confirmed and approved.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Guidry, Head, Hedge-Morrell, Johnson - 6
NAYS: 0
ABSENT: Gisleson Palmer - 1

AND THE MOTION WAS ADOPTED.

NO. R-12-254
CITY HALL: July 12, 2012
BY: COUNCILMEMBERS HEDGE-MORRELL, JOHNSON, BAJOIE, CLARKSON, HEAD, GISLESON PALMER AND GUIDRY
Whereas, in 1994 voters of the City of New Orleans elected Justice Bernette J. Johnson to fill a seat on the state appeals court; and
Whereas, a lawsuit that claimed the system for electing justices diluted black voting strength and violated the Voting Rights Act of 1965 resulted in a settlement which created an eighth Supreme Court District and Justice Johnson was then assigned, in 1994, to serve on the Supreme Court on a full time basis under the terms of a federal consent decree; and
Whereas, Justice Johnson filled the eighth seat until the court reverted back to seven districts in 2000, when she was elected again; and
Whereas, the Eighth Justice was entitled to be treated in exactly the same way as the other seven and was a full justice of the Louisiana Supreme Court “in all ways”; and
Whereas, Justice Johnson is suing to block her colleagues from debating and voting on whether she is legally entitled to become the court’s next chief justice and is arguing that she is next in line for the job under the state constitution; and
Whereas, Justice Jeffrey Victory of Shreveport joined the court in 1995, one year after Justice Johnson; and
WHEREAS, the date set to argue which justice has the “oldest point of service” under the state constitution is July 31, 2012; and
WHEREAS, if she prevails, Justice Johnson will be considered the first African American Chief Justice; and
Whereas, civil rights leaders across the country has been rallying support for Justice Johnson, considering her as the longest serving justice, beginning in 1994; now therefore
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that this Council is in support of Justice Bernette J. Johnson’s official service beginning in 1994 while seated in the Eighth Supreme Court District seat; that Justice Johnson’s service is proven to be the longest serving justice, thereby making a debate and vote moot; and that Justice Johnson is entitled to succeed Chief Justice Catherine Kimball, who retires next year.
BE IT FURTHER RESOLVED, That certified copies of this document be sent to the Louisiana Supreme Court.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED

NO. M-12-255
CITY HALL: July 12, 2012
BY: COUNCILMEMBER GUIDRY
SECONDED BY: COUNCILMEMBER HEAD
WHEREAS, the City Council adopted Motion No. M-12-150 on May 3rd, 2012 directing the City Planning Commission to consider the establishment of an Interim Zoning District to prohibit the construction of any building or facility with greater than 250,000 square feet of gross floor area and covering a footprint of more than 50,000 square feet on the campus of any college or university within any residential zoning district in a large area that generally covers all neighborhoods initially developed prior to WWII on the east bank of the Mississippi River; and
WHEREAS, the City Planning Commission made a recommendation to the City Council of denial, based on the specific language in the Motion; and
WHEREAS, Tulane University Administrators have held community meetings and have agreed that they will work with their neighbors and the City toward an enforceable agreement on issues regarding the proposed football stadium that will affect the quality of life of nearby residents; NOW THEREFORE
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that Motion No. M-12-150, as amended, directing the City Planning Commission to conduct a public hearing to consider an amendment to the text of Article 18 of the Comprehensive Zoning Ordinance No. 4264 M.C.S., as amended, and the designation of such on the corresponding zoning base maps of the City of New Orleans to consider the establishment of an Interim Zoning District,

to prohibit the construction of any building or facility within college and university campuses that will result in a building or facility in excess of 250,000 square feet of gross floor area and will cover a footprint of more than 50,000 square feet within any residential zoning district, in the area generally bounded by: the east bank of the Mississippi River, the Orleans/Jefferson Parish line, Metairie Road, Interstate 10, Norfolk-Southern Railroad track, Orleans Avenue, City Park Avenue, Wisner Boulevard, Interstate 610, Florida Boulevard, the Orleans/St. Bernard Parish line, and the Mississippi River, is hereby repealed.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. R-12-256
CITY HALL: July 12, 2012
BY: COUNCILMEMBER BAJOIE
SECONDED BY: COUNCILMEMBER CLARKSON
WHEREAS, Article VI, Section 21(H) of the State Constitution and Act 445 of 1983 provides for payment of ad valorem taxes on certain basis for property owners performing certain improvements in Historic, Economic, Development, and Downtown Development Districts; and
WHEREAS, in accordance with the procedures established by Resolution R-11-517 the following described property has been submitted to the Mayor's Office of Economic Development for review, said property being described as municipal address 2600 Gravier Street owned by Falstaff Associates I, LLC; and
WHEREAS, the Mayor's Office of Economic Development recommends approval with regard to participation in the aforementioned tax program; now therefore
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Council after consideration of the recommendation of the Mayor's Office of Economic Development, hereby approves participation of municipal address 2600 Gravier Street owned by Falstaff Associates I, LLC and further identified by the State Board of Commerce and Industry as application number RTA #062191 in the Property Tax Abatement Program authorized by Act 445 of 1983 and Article VII Section 21(H) of the Constitution, effective on the date of adoption; therefore
BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That a copy of this resolution be forwarded to the State Board of Commerce and Industry.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED.

NO. R-12-257
CITY HALL: July 12, 2012
BY: COUNCILMEMBERS CLARKSON, HEAD, GUIDRY, BAJOIE, GISLESON PALMER, HEDGE-MORRELL AND JOHNSON
Approving the following City Council/Harrah's Community Support Grants Program grant from grant funds, subject to the Organization's eligibility:
District E (Johnson):
New Era Track Club $5,000
Vietnamese Initiatives in Economic Training (VIET) $5,000
Armstrong Family Services $2,500
New Orleans Afrikan Film & Arts Festival Project $3,000
Eastern New Orleans Neighborhood Advisory Commission $5,000
Friends of Harriette Dellile $5,000
The Village $3,000
Community Awareness Revitalization & Enhancement Corp. $5,000

Mothers Helpers $6,500
Fort Pike Volunteer Fire Department $5,000
Zulu Social Aid and Pleasure Club $2,000
NORD Metro Track Club $2,500
City Church of New Orleans, Inc. $3,000
Lower 9th Ward Home ownership Association $3,000
Fountain of Youth Foundational $2,500
WITHDRAWN.

SUBSTITUTE NO. R-12- 257
(AS CORRECTED)
CITY HALL: July 12, 2012
BY: COUNCILMEMBERS CLARKSON, HEAD, GUIDRY, BAJOIE, GISLESON PALMER, HEDGE-MORRELL AND JOHNSON
WHEREAS, the Council of the City of New Orleans, on March 16, 2006, adopted Ordinance No. 22,163, M.C.S., relative to the "Fourth Amendment to Amended and Restated Lease Agreement" by and between the Rivergate Development Corporation, the City of New Orleans, and Jazz Casino Company L.L.C., successor in interest to Harrah's Jazz Company, which included the commitment from Jazz Casino Company L.L.C., to provide $225,000 annually to fund the City Council/ Harrah's Community Support Grants Program; and
WHEREAS, the agreement provides for the total of $225,000 to be funded semi-annually in two payments of $112,500; and
WHEREAS, the purpose of the program is to foster organizations and projects that demonstrably contribute to the economic, cultural, and civic fabric of the City; and
WHEREAS, the guidelines for eligibility, procedures, and monitoring of the grants have been approved by the City Council; and
WHEREAS, the following group has demonstrated its commitment to improving the civic life of the New Orleans community through its activities and programs; now, therefore
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the following grant is approved from grant funds, subject to the organization's eligibility pursuant the aforementioned guidelines:
District E:
New Era Track Club $5,000
Vietnamese Initiatives in Economic Training (VIET) $5,000
Armstrong Family Services $2,500
New Orleans Afrikan Film & Arts Festival Project $3,000
Eastern New Orleans Neighborhood Advisory Commission $6,500
Friends of Henriette Delille $5,000
The Village $3,000
Community Awareness Revitalization & Enhancement Corp. $5,000
Mothers Helpers $5,000
Fort Pike Volunteer Fire Department $5,000
Zulu Social Aid and Pleasure Club $2,000
NORD Metro Track Club $2,500
City Church of New Orleans, Inc. $3,000
Lower 9th Ward Home ownership Association $3,000
Fountain of Youth Foundations $2,500
District B:
Youth in Action (YIA Dew Drop Inn Youth Initiative) $1,000
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED.

NO. R-12-258
(AS AMENDED)
CITY HALL: July 12, 2012
BY: COUNCILMEMBER GUIDRY
SECONDED BY: COUNCILMEMBER GISLESON PALMER
A RESOLUTION calling a special election in the Lake Vista Crime Prevention District for November 6, 2012.
WHEREAS, the Legislature of Louisiana adopted Act 417 during the Regular Session of 2012; and
WHEREAS, Act 417 amends and reenacts the provisions of Section 33:9091.5 of the Louisiana Revised Statutes, relative to the Lake Vista Crime Prevention District (hereinafter, District), and authorizes the City Council of New Orleans to levy and collect a parcel fee upon each improved or unimproved single- and two-family residential parcel and each multiple-dwelling or apartment parcel located within the District, which is comprised of that area of the City of New Orleans within and including the following perimeter: Robert E. Lee Boulevard (interior side), Marconi Drive (interior side), Beauregard Avenue (interior side), and Lakeshore Drive (interior side), for a period not to exceed four years from its initial imposition; and
WHEREAS, Act 417 stipulates that the fee to be levied and collected shall not exceed two hundred twenty dollars ($220) per parcel per year; and
WHEREAS, Act 417 mandates that the levying and collecting of such parcel fee shall occur only after the question of its imposition has been submitted to and approved by a majority of the registered voters of the district voting on the proposition at an election held for that purpose in accordance with the Louisiana Election Code; and
WHEREAS, the Board of Commissioners of the Lake Vista Crime Prevention District met on July 17, 2012 and adopted a resolution requesting the City Council of New Orleans to levy and collect an annual fee in an amount not to exceed two hundred twenty dollars ($220) per parcel per year located within the Lake Vista Crime Prevention District, subject to the question of the imposition of such fees being approved by a majority of the registered voters of the district voting on the question at the November 6, 2012 general election; now therefore
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That
SECTION 1. Election Call. Subject to the approval of the State Bond Commission, and under the authority conferred by Act 417 of the Regular Session of the Louisiana Legislature of 2012, and by Article VI of the Constitution of the State of Louisiana of 1974, and the applicable provisions of Title 18 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority supplemental thereto, an election is hereby called for Tuesday, November 6, 2012 between the hours of six o'clock (6:00) a.m. and eight o'clock (8:00) p.m., and at said election the electorate of the Lake Vista Crime Prevention District may approve or disapprove the levy of a special fee in an amount not to exceed two hundred twenty dollars ($220) per year for each improved or unimproved single- and two-family residential parcel and each multiple-dwelling or apartment parcel located within the Lake Vista Crime Prevention District for the years 2013 through 2016, in accordance with Title 18 of the Louisiana Revised Statutes of 1950. The fee is estimated to generate approximately one hundred forty-one thousand nine hundred dollars ($141,900) per year. Any fee levied upon a parcel in the district shall be in addition to any ad valorem tax affecting real property, or any charge, (including, but not limited to, a sanitation charge), fee, license, permit or rate imposed or levied pursuant to the regulatory authority of the city of New Orleans in the operation of the city, its departments, agencies, and commissions, whether attached or unattached, including, but not limited to the Sewerage & Water Board. The proceeds of any fee collected shall be used solely and exclusively for the purposes and benefit of the Lake Vista Crime Prevention District. The affairs of the district shall be managed by the Board of Commissioners of the Lake Vista Crime Prevention District, (hereinafter, the Board). The Board shall adopt an annual budget in accordance with the Local Government Budget Act, R. S. 39:1301, et seq.
The official ballot to be used for said election shall be printed and worded in the voting machines as follows:

LAKE VISTA CRIME PREVENTION DISTRICT PROPOSITION

SUMMARY: THE LEVY OF A SPECIAL ANNUAL FEE FOR FOUR (4) YEARS UPON EACH IMPROVED OR UNIMPROVED SINGLE- AND TWO-FAMILY RESIDENTIAL PARCEL AND EACH MULTIPLE-DWELLING OR APARTMENT PARCEL LOCATED IN THE LAKE VISTA CRIME PREVENTION DISTRICT TO PROMOTE AND ENCOURAGE THE SECURITY OF THE LAKE VISTA CRIME PREVENTION DISTRICT.
Shall the City of New Orleans levy a special annual fee, to be called the "Lake Vista Crime Prevention District Fee," on each improved or unimproved single- and two-family residential parcel and each multiple-dwelling or apartment parcel located within the Lake Vista Crime Prevention District (which district is comprised of that area of the City of New Orleans located within and including the following perimeter: Robert E. Lee Boulevard (interior side), Marconi Drive

(interior side), Beauregard Avenue (interior side), and Lakeshore Drive (interior side)), as specified by Resolution R-12-258 of the City Council of New Orleans, in an amount not to exceed two hundred twenty dollars ($220) per parcel for each year from 2013 through 2016, which fee is estimated to generate approximately one hundred forty-one thousand nine hundred dollars ($141,900) annually, to be used solely and exclusively to promote and encourage the security of the Lake Vista Crime Prevention District as determined and managed by the Board of Commissioners of the Lake Vista Crime Prevention District, which additional security patrols (public or private) or any other security or other services or betterments provided by the district shall be supplemental to and not in lieu of personnel and services provided in the district by the state of Louisiana or the City of New Orleans or their departments or agencies or by other political subdivisions?

SECTION 2. District Boundaries. The district is comprised of that area of the City of New Orleans within the following perimeter: Robert E. Lee Boulevard (interior side), Marconi Drive (interior side), Beauregard Avenue (interior side), and Lakeshore Drive (interior side).

SECTION 3. Publication of Notice of Election. Notice of said election shall be published in the official journal of the City of New Orleans once a week for four (4) consecutive weeks, with the first publication being not less than forty-five (45) days nor more than ninety (90) days prior to the date fixed for the election, which notice shall be substantially in the form attached hereto as "Exhibit A" and incorporated herein by reference as if the same were set forth herein in full.

SECTION 4. Canvass. The Council, acting under the powers granted to it by the City Charter and state statutes, shall meet at its regular meeting place, the Council Chamber, City Hall, 1300 Perdido Street, New Orleans, Louisiana on Thursday, November 15, 2012 beginning at ten o'clock (10:00) a.m. and shall then and there in open and public session proceed to examine and canvass the returns and declare the result of said election.

SECTION 5. Polling Places. The polling places set forth in the aforesaid notice of election are hereby designated as the polling places at which to hold the said election, and the commissioners-in-charge and commissioners will be the same persons as those designated in accordance with law.

SECTION 6. Election Commissioners: Voting Machines. The officers designated to serve as commissioners-in-charge and commissioners pursuant to Section 5 hereof, or such substitutes therefore, as may be selected and designated in accordance with La. R.S. 18:1287, shall hold the said election as herein provided, and shall make due returns of said election to the City Council. All registered voters in the District are entitled to vote at said election and voting machines shall be used thereat.

SECTION 7. Authorization of Officers. The clerk of Criminal District Court is hereby empowered, authorized and directed to arrange for and to furnish to said election officers in ample time for the holding of said election, the necessary equipment, forms and other paraphernalia essential to the proper holding of said election and the president and/or clerk of the City Council and the city attorney are authorized, empowered and directed to take any and all further action required by state and/or federal law to arrange for the election, including but not limited to, appropriate submission to the United States Department of Justice under Section 5 of the Federal Voting Rights Act of 1965, as amended.

SECTION 8. Furnishing Election Call to Election Officials. Certified copies of this resolution shall be forwarded to the secretary of state, the clerk of court and ex-officio parish custodian of voting machines in and for the parish of Orleans, state of Louisiana, and the registrar of voters in and for said parish, as notification of the election herein called, in order that each may prepare for said election and perform their respective functions as required by law.

SECTION 9. Application to State Bond Commission. Application is made to the State Bond Commission for consent and authority to hold the aforesaid election as herein provided, and in the event said election results in approval of the proposition, for further consent and authority to levy and collect the special fee provided for therein, and a certified copy of this resolution shall be forwarded to the State Bond Commission on behalf of the City Council requesting prompt consideration and approval of the application.

THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 6

NAYS: 0

ABSENT: 0

AND THE RESOLUTION, AS AMENDED, WAS ADOPTED.

***Copies of the atttachment may be seen in full in the Clerk of Council's Office, 1300 Perdido Street, Room 1E09, City Hall.*

MOTIONS/RESOLUTIONS

NO. R-12-259
CITY HALL: July 12, 2012
BY: COUNCILMEMBER GISLESON PALMER
SECONDED BY: COUNCILMEMBER HEAD
WHEREAS, Article VI, Section 21(H) of the State Constitution and Act 445 of 1983 provides for payment of ad valorem taxes on certain basis for property owners performing certain improvements in Historic, Economic, Development, and Downtown Development Districts; and
WHEREAS, in accordance with the procedures established by Resolution R-11-517 the following described property has been submitted to the Mayor's Office of Economic Development for review, said property being described as municipal address 534-536 Bienville Street (Unit 4) owned by William Scott Griffies; and
WHEREAS, the Mayor's Office of Economic Development recommends approval with regard to participation in the aforementioned tax program; now therefore
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Council after consideration of the recommendation of the Mayor's Office of Economic Development, hereby *approves* participation of municipal address 534-536 Bienville Street (Unit 4) owned by William Scott Griffies and further identified by the State Board of Commerce and Industry as application number RTA Transfer Application # 980289-47 in the Property Tax Abatement Program authorized by Act 445 of 1983 and Article VII Section 21(H) of the Constitution, effective on the date of adoption; therefore
BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that a copy of this resolution be forwarded to the State Board of Commerce and Industry.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED.

NO. R-12-260
CITY HALL: July 12, 2012
BY: COUNCILMEMBER GISLESON PALMER
SECONDED BY: COUNCILMEMBER CLARKSON
WHEREAS, Article VI, Section 21(H) of the State Constitution and Act 445 of 1983 provides for payment of ad valorem taxes on certain basis for property owners performing certain improvements in Historic, Economic, Development, and Downtown Development Districts; and
WHEREAS, in accordance with the procedures established by Resolution R-11-517 the following described property has been submitted to the Mayor's Office of Economic Development for review, said property being described as municipal address 3317 Chartres Street owned by 3300 Chartres Street, LLC; and
WHEREAS, the Mayor's Office of Economic Development recommends approval with regard to participation in the aforementioned tax program; now therefore
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Council after consideration of the recommendation of the Mayor's Office of Economic Development, hereby *approves* participation of municipal address 3317 Chartres Street owned by 3300 Chartres Street, LLC and further identified by the State Board of Commerce and Industry as application number RTA #2011-0947 in the Property Tax Abatement Program authorized by Act 445 of 1983 and Article VII Section 21(H) of the Constitution, effective on the date of adoption; therefore
BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that a copy of this resolution be forwarded to the State Board of Commerce and Industry.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED.

NO. R-12-261

CITY HALL: July 12, 2012
BY: COUNCILMEMBER GISLESON PALMER
SECONDED BY: COUNCILMEMBER HEAD
WHEREAS, Article VI, Section 21(H) of the State Constitution and Act 445 of 1983 provides for payment of ad valorem taxes on certain basis for property owners performing certain improvements in Historic, Economic, Development, and Downtown Development Districts; and
WHEREAS, in accordance with the procedures established by Resolution R-11-517 the following described property has been submitted to the Mayor's Office of Economic Development for review, said property being described as municipal address 800 Iberville Street owned by CWI-HRI French Quarter Hotel; and
WHEREAS, the Mayor's Office of Economic Development recommends approval with regard to participation in the aforementioned tax program; now therefore
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Council after consideration of the recommendation of the Mayor's Office of Economic Development, hereby *approves* participation of municipal address 800 Iberville Street owned by CWI-HRI French Quarter Hotel and further identified by the State Board of Commerce and Industry as application number RTA #2008-1166 in the Property Tax Abatement Program authorized by Act 445 of 1983 and Article VII Section 21(H) of the Constitution, effective on the date of adoption; therefore
BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that a copy of this resolution be forwarded to the State Board of Commerce and Industry.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED.

NO. M-12-262
CITY HALL: July 12, 2012
BY: COUNCILMEMBER GISLESON PALMER
SECONDED BY: COUNCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the request of WESLEY R. EUSTIS, P.E. LINFIELD, HUNTER AND JUNIUS, INC., PROFESSIONAL ENGINEERS, ARCHITECTS AND SURVEYORS — Requesting to appeal the Historic District Landmarks Commission's decision of "denial" of demolition and the (ARC) Architectural Review Committee's recommendation to allow construction on properties located at 2600, 2612, 2634 St. Claude Avenue and 1030 Port Street, be, and the decision is hereby upheld and the appeal is denied.
BE IT FURTHER MOVED, that the Clerk of Council shall forward copies of this motion directly to all affected departments.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-263
CITY HALL: July 12, 2012
BY: COUNCILMEMBER BAJOIE
SECONDED BY: COUNCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the request of PURA BASCOS, DIRECTOR OF CODE ENFORCEMENT, MAYOR'S OFFICE OF COMMUNITY DEVELOPMENT, CITY OF NEW ORLEANS - Requesting to appeal the Neighborhood Conservation District Committee's decision of "denial" of demolition for property located at 2435 Valmont Street, be, and the decision is hereby upheld and the appeal is denied.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-264
CITY HALL: July 12, 2012
BY: COUNCILMEMBER BAJOIE
SECONDED BY: COUNCILMEMBER GISLESON PALMER
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That
the request of JAMAL ESMAIL (DR. #81/12) – To appeal the Alcoholic Beverage Moratorium Ordinance No. 24,348 M.C.S., to permit the sale of alcoholic beverages for consumption off-premises at Central City Market, a standard grocery store, on Square 352, on an undesignated lot in the First Municipal District, bounded by Martin Luther King Boulevard, LaSalle, Terpsichore and S. Liberty Streets,(Municipal Address 2338 Martin Luther King Boulevard), in a B-1 Neighborhood Business District; be, and the same is hereby upheld and the appeal is granted, subject to eight (8) provisos as stated in the City Planning Commission's report to read as follows:
PROVISOS:
1. The consumption of alcoholic beverages and loitering in front of the structure or in the adjacent lot shall be prohibited.
2. The developer shall revise the site plan to indicate the location of all dumpsters on site and the presence of a six (6) foot high opaque fence with an operational latching gate. Additionally, the developer shall submit to the City Planning Commission a litter abatement program letter approved by the Department of Sanitation, inclusive of the stated location of litter storage, the type and quantity of trash receptacles, the frequency of litter pick-up by a contracted trash removal company, and the cleaning of all litter from the sidewalks and street rights-of-way. The name and phone number of the owner/operator of the development shall be shall be included in this letter to be kept on file in case of any violation.
3. The applicant shall submit a landscape plan prepared by a licensed Landscape Architect, subject to the review and approval of City Planning Commission staff and the Department of Parks and Parkways for planting within the public right-of-way.
4. The applicant shall submit a signage plan which shows compliance with Article 5, Section 5.4.6 Permitted Signs of the Comprehensive Zoning Ordinance. Exterior signage or signage affixed to or mounted directly in a window that can be seen from the public right-of-way indicating the sale of alcoholic beverages shall be prohibited.
5. The applicant shall remove all parking within the front yard and re-establish the six (6) inch vertical curb along Martin Luther King Jr. Boulevard and LaSalle Street along with the appropriate plant strip, subject to the review and approval of the Department of Public Works, the Department of Parks and Parkways and the City Planning Commission.
6. The developer shall submit a site plan which indicates the location of a six (6) foot high opaque wood fence along the interior lot line of Terpsichore Street in accordance with Article 15, Section 15.2.5 of the Comprehensive Zoning Ordinance.
7. The applicant shall submit a revised floor plan indicating the location and size of the alcoholic beverage display area. The display of package alcoholic beverages must not exceed ten (10) percent of all display area. The wholesale cost of package alcoholic beverages stocked and displayed at the site shall not exceed fifteen (15) percent of the wholesale cost of other merchandise stocked and displayed at the site. No signage advertising the sale of alcoholic beverages at the site shall be visible from the public right-of-way.
8. The hours of operation shall be limited to between 6:00a.m. and 10:00 p.m.
BE IT FURTHER MOVED, That the Clerk of Council's Office shall forward copies of this motion directly to all affected departments.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-265

CITY HALL: July 12, 2012
BY: COUNCILMEMBER HEDGE-MORRELL
SECONDED BY: COUNCILMEMBER JOHNSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and favorable recommendation of the City Planning Commission on (ALCOHOLIC BEVERAGES MORATORIUM - APPEAL OF LAKESHA FAVIS) – *(DR NO. 115/12)* - Recommending "approval" of the appeal of the Alcoholic Beverages Moratorium in Council District "D" (Ordinance No. 24,729) to permit the sale of alcoholic beverages for consumption on-premises at Wine's Café, a standard restaurant, on Section 18, Lot 2-D-3 in the Third Municipal District, bounded by Morrison, Downman, Louis, and Jourdan Roads, in a C-1 General Commercial District, located at 7118 Downman Road, be, and the same is hereby upheld and the appeal is granted, subject to (8) provisos as stated in the City Planning Commission's report and one (1) additional proviso to read as follows and renumbered accordingly:
PROVISOS
1. The applicant shall submit revised plans that comply with Article 16, Section 16.7.2 *Submittal Requirements for Site Plans* of the Comprehensive Zoning Ordinance.
2. The applicant shall submit a landscape plan prepared by a licensed Landscape Architect that complies with Article 10, Section 10.1 *Urban Corridor* and Article 18, Section 18.51 *Eastern New Orleans Renaissance Corridor Interim Zoning.*
3. Exterior Signage or signage affixed to or mounted directly on or near a window that can be seen from the public right-of-way indicating the sale of alcoholic beverages shall be prohibited. All proposed signage shall comply with Article 18, Section 18.51.10 *Permitted Signs* of the Comprehensive Zoning Ordinance.
4. The consumption of alcoholic beverages and loitering in front of the structure or in the adjacent right-of-ways shall be prohibited.
5. The use of "to-go" cups for alcoholic beverages shall be prohibited.
6. The restaurant shall operate between the hours of 6:00 a.m. and 12:00 a.m. Monday through Sunday.
7. A full-service menu shall be provided at all times alcoholic beverages are sold.
8. The applicant shall submit a revised site plan, indicating a designated dumpster/trash storage area enclosed with a minimum six (6) foot high opaque masonry or wood fence with latching gate. Trash shall be put on the street on the scheduled pick-up days. Additionally, the developer shall submit a litter abatement program letter to the Department of Sanitation for review and approval. The letter shall be inclusive of the stated location of litter storage, the type and quantity of trash receptacles, the frequency of litter pick-up by a contracted trash removal company, and the clearing of all litter from the sidewalks and street rights-of-way. The name and phone number of the owner/operator of the restaurant shall be included in this letter to be kept on file in case of any violation.
9. All of the above provisos must be complied with prior to issuance of the permit.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-266
CITY HALL: July 12, 2012
BY: COUNCILMEMBER CLARKSON
SECONDED BY: COUNCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the City Planning Commission's report and favorable recommendation "FOR APPROVAL," subject to one (1) waiver and ten (10) provisos, on ZONING DOCKET NO. 51/12 – JESSE L. ROSE - Requesting a Conditional Use to permit a Bed and Breakfast Historic Home in an RD-3 Two-Family Residential District, on Square 17, Lots Pt. B, A, and Pt. 12, in the Fifth Municipal District, bounded by Pelican Avenue, Verret, Alix and Bermuda Streets (Municipal Address: 339-41 Verret Street), be, and the same is hereby overruled and the Conditional Use is denied.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Guidry, Head, Hedge-Morrell, Johnson - 6
NAYS: 0

ABSENT: 0
RECUSED: Gisleson Palmer - 1
AND THE MOTION WAS ADOPTED.

NO. M-12-267
(AS CORRECTED)
CITY HALL: July 12, 2012
BY: COUNCILMEMBER GUIDRY
SECONDED BY: COUNCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the report and unfavorable recommendation of the City Planning Commission on ZONING DOCKET NO. 59/12 – REGINALD CASTON, SR – Requesting a Zoning Change from an RD-2 Two-Family Residential District to a RM-2A Multi-Family Residential District on Square 484, Lot 19, in the Seventh Municipal District, bounded by Hamilton, Oleander, Mistletoe and Forshey Streets (Municipal Address: 3212 Hamilton Street), be, and the same is hereby overruled and the Zoning Change is granted.
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the request.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLEDON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-268
CITY HALL: July 12, 2012
BY: COUNCILMEMBER GUIDRY
SECONDED BY: COUCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the report and favorable recommendation of the City Planning Commission on ZONING DOKET NO. 61/12 – ORLEANS LEVEE DISTRICT – Requesting a Conditional Use to permit the sale of alcoholic beverages for consumption on-premises at a standard restaurant in a B-2 Neighborhood Business District on an undesignated square, Lot 2E, in the Second Municipal District, bounded by Lakeshore Drive and the New Basin Canal (Municipal Address: 7842 Lakeshore Drive), be, and the request is hereby approved with modifications, and granted, subject to ten (10) provisos:
Provisos*:*
1. The Department of Safety and Permits shall issue no building permits or licenses for this project until final development plans are approved by the City Planning Commission and recorded with the Office of Conveyances. Failure to complete the conditional use process by properly recording plans within a one year time period or failure to request an administrative extension as provided for in Article 16, Section 16.9.11 of the Comprehensive Zoning Ordinance will void the conditional use approval.
2. The applicant shall install a six foot (6') high wood or masonry fence on the north and south boundary of the site.
3. The applicant shall provide to the City Planning Commission a litter abatement program letter approved by the Department of Sanitation, inclusive of the stated location of refuse storage, the type and quantity of trash receptacles, the frequency of litter pickup by a contracted trash removal company, and the clearing of all litter from the sidewalks and the street right-of-way. The name and phone number of the owner/operator of the restaurant shall be included in this letter to be kept on file in case of any violation. In no case shall refuse be stored so that it is visible from the public right-of-way.
4. The applicant shall submit a final landscaping plan prepared by a licensed Louisiana landscape architect, indicating the size, quantity, and species of all plant materials, subject to the review and approval of City Planning Commission staff incorporating the following:
a. The installation of shrubs, trees and ground cover within the required twenty foot (20') setback along Lakeshore Drive.
b. The installation of trees and shrubs within landscaped islands within the parking area.

5. All signage shall conform to Article 5, Section 5.6.6 and Article 12 General Sign Regulations of the Comprehensive Zoning Ordinance.
6. No signage promoting alcoholic beverages or video poker shall be permitted on the exterior of the building or be visible from the exterior of the building.
7. The applicant shall not operate the business between the hours of 10:00 p.m. and 6:00 a.m. from Monday through Thursday. The applicant shall not operate the business between the hours of 12:00 a.m. (midnight) and 6:00 a.m. from Friday through Sunday.
8. Alcoholic beverage service for consumption on premises shall be served only in combination with food service. Food service shall comprise at least fifty percent (50%) of the revenue for the restaurant and a full food menu shall be available at all times that the restaurant is open.
9. The use of disposable or "go" cups shall be prohibited unless the "go" cup includes the name, logo, or other insignia of the business.
10. The applicant shall locate the handicapped-accessible off-street parking spaces in close proximity to the guest elevator. The proposed off-street parking and off-street loading spaces shall meet the standards in Article 15, Section 15.2 *Off-street Parking Regulations* and Article 15, Section 15.3 *Off-street Loading Regulations* of the *Comprehensive Zoning Ordinance*.
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the request.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-269
CITY HALL: July 12, 2012
BY: COUNCILMEMBER HEDGE-MORRELL
SECONDED BY: COUNCILMEMBER JOHNSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and favorable recommendation of the City Planning Commission request on ZONING DOCKET NO. 64/12 – HOUSING AUTHORITY OF NEW ORLEANS – Requesting a Zoning Change from an RM-3 Multi-Family Residential District to a B-2 Neighborhood Business District, on Squares 2687, 2864, 2863, 2688, 2674 and 2675, all lots, in the Third Municipal District, bounded by St. Bernard Avenue, Senate, Jumonville, Canton, Duplessis, and Milton Street (Municipal Addresses: Multiple). The recommendation of the City Planning Commission being "FOR APPROVAL" be, and the same is hereby upheld.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell, Johnson - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. R-12-270
CITY HALL: July 12, 2012
BY: COUNCILMEMBERS CLARKSON, HEAD, BAJOIE, GUIDRY, GISLESON PALMER AND HEDGE-MORRELL
WHEREAS, the Council has been informed that District "E" Councilmember Jon Johnson has resigned as District "E" Councilmember, effective July 18, 2012 (Affidavit of Resignation attached hereto); and
WHEREAS, since the unexpired term of the vacated office of Council District "E" exceeds one year, pursuant to Home Rule Charter Section 3-105(2)(b)(i), the City Council, within ten days after the vacancy is deemed to have occurred, must order a special election to fill it; and
WHEREAS, pursuant to the Home Rule Charter Section 3-105(2)(b)(i) and Louisiana Revised Statutes 18:402, the

primary and general elections to fill the aforesaid vacancy should be scheduled for Tuesday, November 6, 2012, and Saturday, December 8, 2012, respectively; and
WHEREAS, qualifying for the primary election to fill the aforesaid vacancy should be set for Wednesday, August 15, 2012 through Friday, August 17, 2012; NOW, THEREFORE
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Council, as governing authority of the City of New Orleans, does hereby proclaim, call, and order a special election to be held on Tuesday, November 6, 2012, to fill the unexpired term of the Office of Councilmember, District "E" for the City of New Orleans, with a run-off, if needed, to be held on Saturday, December 8, 2012, and with qualifying beginning on August 15, 2012 and ending on August 17, 2012.
BE IT FURTHER RESOLVED, That this resolution calling the aforesaid special election be published once in full in the official journal of the City of New Orleans.
BE IT FURTHER RESOLVED, That within twenty-four hours of adoption of this resolution, a certified copy of same be forwarded by the Clerk of Council, by certified or registered mail, to the Clerk of Criminal District Court in and for the Parish of Orleans.
BE IT FURTHER RESOLVED, That a certified copy of this resolution be immediately forwarded, either electronically or via facsimile, to the Louisiana Secretary of State for his immediate attention.
BE IT FURTHER RESOLVED, That the Council, acting under the powers granted to it by the City Charter and State Statutes, shall meet its regular meeting place, the Council Chamber, City Hall, 1300 Perdido Street, New Orleans, Louisiana, Thursday, November 15, 2012, and if necessary, Thursday, December 20, 2012, beginning at 10:00 a.m., and shall then and there in open and public session proceed to examine and canvass the returns and declare the result of said election.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 6
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED.

NO. M-12-271
CITY HALL: July 26, 2012
BY: COUNCILMEMBERS CLARKSON, HEAD, GUIDRY, BAJOIE, GISLESON PALMER AND HEDGE-MORRELL
Motion appointing Rashida Ferdinand to fill the vacancy in the Office of Councilmember, District "E" during the interim period, reckoning from this date to the filling of the vacancy by special election, which election has been called by virtue of Resolution R-12-270, adopted July 18, 2012.
WITHDRAWN.

NO. M-12-272
(AS CORRECTED)
CITY HALL: July 26, 2012
BY: COUNCILMEMBERS CLARKSON, HEAD, GUIDRY, BAJOIE, GISLESON PALMER AND HEDGE-MORRELL
WHEREAS, on July 18, 2012, Councilmember Jon Johnson submitted his resignation, thereby creating a vacancy in the office of Council District "E"; and
WHEREAS, pursuant to Section 3-105(2)(b)(ii) of the Home Rule Charter, during the period between the time of the vacancy in the office of Councilmember, District "E", and the filling of such vacancy by special election, the Council shall select a citizen with the requisite qualifications to fill the vacancy; and
WHEREAS, Ernest F. Charbonnet is qualified to execute the duties of the Office of Councilmember, District "E" and possesses the requisite qualifications dictated by Section 3-104 of the Home Rule Charter; now, therefore
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That Ernest F. Charbonnet be and he is hereby appointed to fill the vacancy in the office of Councilmember, District "E", during the interim period, reckoning from this date to the filling of the vacancy by special election, which election has been called by virtue of Resolution R-12-270, adopted July 18, 2012.
BE IT FURTHER MOVED, That a certified copy of this motion be forwarded by the Clerk of Council to the Secretary

of State in order that a commission for Councilmember-Select Ernest F. Charbonnet may be issued forthrightly.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Clarkson, Gisleson Palmer, Guidry, Head - 4
NAYS: Bajoie, Hedge-Morrell - 2
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-273
CITY HALL: July 26, 2012
BY: COUNCILMEMBERS CLARKSON, HEAD, GUIDRY, BAJOIE, GISLESON PALMER AND HEDGE-MORRELL
Motion appointing Ronald Carrere to fill the vacancy in the Office of Councilmember, District "E" during the interim period, reckoning from this date to the filling of the vacancy by special election, which election has been called by virtue of Resolution R-12-270, adopted July 18, 2012.
WITHDRAWN.

NO. M-12-274
CITY HALL: July 26, 2012
BY: COUNCILMEMBERS CLARKSON, HEAD, GUIDRY, BAJOIE, GISLESON PALMER AND HEDGE-MORRELL
Motion appointing Michael Darnell to fill the vacancy in the Office of Councilmember, District "E" during the interim period, reckoning from this date to the filling of the vacancy by special election, which election has been called by virtue of Resolution R-12-270, adopted July 18, 2012.
WITHDRAWN.

NO. 12-275 VOIDED

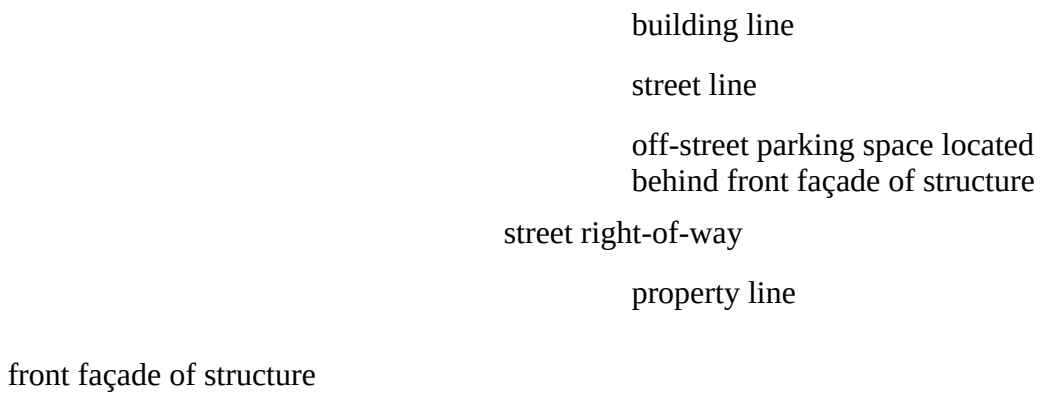
NO. 12-276 VOIDED

NO. M-12-277
CITY HALL: July 26, 2012
BY: COUNCILMEMBER HEDGE-MORRELL
SECONDED BY: COUNCILMEMBER GISLESON PALMER
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the City Planning Commission is hereby directed to conduct a public hearing to consider a zoning map change from a B-1 Neighborhood Business District to a RS-2 Single-Family Residential District for the property located at 4321 Paris Avenue.
BE IT FURTHER MOVED, that a copy of this motion be provided to the City Planning Commission and other directly affected departments.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 6
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-278
(AS AMENDED)
CITY HALL: July 26, 2012
BY: COUNCILMEMBER CLARKSON
SECONDED BY: COUNCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NE W ORLEANS, That the Council of the City of New Orleans hereby appoints to the Sewerage and Water Board Councilmember Kristin Gisleson Palmer (vice Jacquelyn Brechtel Clarkson), who shall serve ex-officio with Vice-President Stacy Head.

THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 6
NAYS: 0
ABSENT: 0
AND THE MOTION, AS AMENDED, WAS ADOPTED.

NO. M-12-279
CITY HALL: July 26, 2012
BY: COUNCILMEMBER GISLESON PALMER
SECONDED BY: COUNCILMEMBER CLARKSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the City Planning Commission is directed to conduct a public hearing to consider amendments to the text of the Comprehensive Zoning Ordinance of the City of New Orleans Ordinance No. 4264 M.C.S., as amended, to clarify and strengthen language as it pertains to the prohibition of off-street parking in front yards, and, with regard to front yard averaging, to amend language to clearly establish a maximum front yard setback to reinforce the prohibition of off-street parking spaces on front yards as set forth herein; and otherwise to provide with respect thereto.
BE IT FURTHER MOVED BY THE CITY COUNCIL OF THE CITY OF NEW ORLEANS, That Article 15, Section 15.2.3 “Parking In Front Yards” be amended to modify the existing language which prohibits off-street parking in “a required front yard” so that it prohibits off-street parking spaces “between the street line and the nearest point of a front façade of any building, except as otherwise specified in this section”; and
BE IT FURTHER MOVED, That with respect to Article 15, Section 15.2.3.5 the City Planning Commission shall consider whether Article 15, Section 15.2.3.5 - needs to be retained or can be omitted because the language would be duplicative due to the aforementioned amendment;
BE IT FURTHER MOVED, That with respect to Article 15, Section 15.5.8.5 the City Planning Commission shall clarify that the front yard averaging provisions in this section do not allow for the reduction of the required front yard setback as to permit parking in front of the façade of a structure which is prohibited.
BE IT FURTHER MOVED, That the following graphic shall be included in Article 15, Section 15.2.3 in order to illustrate and clarify the regulation:



BE IT FURTHER MOVED, that in the process of reviewing the foregoing proposed amendments**,** the City Planning Commission staff is directed and granted the flexibility to make all appropriate changes to the proposed regulations and any existing corresponding regulations in the Comprehensive Zoning Ordinance No. 4264 M.C.S., as amended, to establish consistency and continuity with the format of the existing zoning code, to add references wherever references are customary, needed and/or appropriate, to make the appropriate adjustments to clarify any ambiguities or mistakes, and to make adjustments deemed necessary in light of public testimony resulting from this review.

THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 6
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. R-12-280
CITY HALL: July 26, 2012
BY: COUNCILMEMBERS HEDGE-MORRELL, GUIDRY, HEAD AND GISLESON PALMER
IN THE MATTER OF ENTERGY NEW ORLEANS, INC.'S APPLICATION OF ENTERGY NEW ORLEANS, INC. FOR A CHANGE IN ELECTRIC AND GAS RATES PURSUANT TO COUNCIL RESOLUTION R·06-459
DOCKET NO. UD·08·03
RESOLUTION INITIATING A PUBLIC COMMENT PERIOD TO CONSIDER ENERGY SMART ANNUAL REPORT FOR THE FIRST PROGRAM YEAR
WHEREAS, pursuant to the Constitution of the State of Louisiana and the Home Rule Charter of the City of New Orleans, the Council of the City of New Orleans ("Council") is the governmental body authorized to exercise regulatory control over the rates, charges, and general conditions under which electric and gas services are provided in New Orleans; and
WHEREAS, Entergy New Orleans, Inc. ("ENO" or "Company") provides electric service to all of New Orleans, except the Fifteenth Ward ("Algiers"), and gas service to all of New Orleans; and
WHEREAS, Entergy Louisiana, LLC ("ELL") provides electric service to the Algiers section of New Orleans; and
WHEREAS, on December 6, 2007, the Council through Resolution R-07-600 demonstrated its commitment to energy efficiency and the development of a viable, cost-effective energy efficiency program in Orleans Parish; and
WHEREAS, the Council adopted Resolution R-08-601 on November 6, 2008, which directed ENO to set aside approximately $1,855,000 for future use in the residential programs of the Energy Smart Plan; and
WHEREAS, the Council adopted Resolution R-08-366 on July 10, 2008, which found that the consensus-based Energy Smart program concepts were an appropriate basis for developing an Energy Smart Plan for Council future consideration and;
WHEREAS, in 2008, the Advisors, on behalf of the Council, participated in a broad-based facilitated stakeholder process to develop a highly progressive and diverse energy efficiency program that would benefit all New Orleans rate payers which laid the ground work for many of the components in today's Energy Smart energy efficiency program; and
WHEREAS, in Docket UD-08-03, the Advisors, the Alliance for Affordable Energy, the Sewerage and Water Board, the New Orleans Business Energy Council, Air Products and Entergy New Orleans executed the 2009 Agreement in Principle ("2009 AIP") which, among other issues, provides for the establishment and implementation of an energy efficiency program based upon significant input from and involvement of many community stakeholders, and
WHEREAS, on April, 2, 2009, Resolution R-09-136, the Council approved the 2009 AIP and the establishment and implementation of appropriate demand-side management programs to be known as Energy Smart; and
WHEREAS, in addition to the $1,855,000 seed money for residential energy efficiency programs set aside pursuant to Resolution R-08-601, the 2009 AIP established that the Energy Smart Plan will be funded at a level of $3.1 million per year from rates; and
WHEREAS, the 2009 AIP directed the Advisors to the Council to "collaborate with the Company and further evaluate the general program concepts identified by the Council in Resolutions R-07-600 and R-08-366 for consideration and integration into the Energy Smart Plan"; and
WHEREAS, the 2009 AIP provides that "the Company will design, select and implement either itself or through contractors, and with the approval of the Council, demand side programs which are to benefit all customer classes that support such programs through their electric rates;" and
WHEREAS, the 2009 AIP further provides that "the Company will be held to the achievement of specific DSM and energy conservation goals and targets for any programs approved by the Council in Council Docket UD-08-02;" and
WHEREAS, the 2009 AIP provides for an annual review by the Council to assess "whether the Company has attained the targets/goals established by the Council within the 12-month review period;" and
WHEREAS, the 2009 AIP also provides that the Council's annual review will include an "evaluation of the appropriateness of goals/targets for the prospective 12-month review period and, if necessary, adjustment of the stated goals/targets, shall be accomplished through a sub-docket of the Council in Docket UD-08-02;" and

WHEREAS, the 2009 AIP provides that "the Company shall utilize deemed savings as verified appropriate by the Council (with appropriate monitoring and verification in support thereof) to measure the effects of the Energy Smart Plan's programs and in determining whether it has met or exceeded its goals/targets;" and

WHEREAS, the 2009 AIP provides that "[demand-side measures/energy efficiency] targets should be set based on approved funding levels and based on a set of specific approved programs with calculated deemed savings and estimated market participants for those designed programs," and "such targets shall be established by the Council in its order in Council Docket UD-08-02 and will be reviewed annually to account for changes in funding, program design and market conditions;" and

WHEREAS, Resolution R-09-267, issued on June 4, 2009 in Docket UD-08-02, set forth a procedural schedule to implement the Energy Smart Plan pursuant to Resolution R-09-136 and the 2009 AIP; and

WHEREAS, ENO filed on July 2, 2009 in Docket UD-08-02 its Application for Approval of Programs to be Included in the Energy Smart New Orleans Plan and Related Approvals Pursuant to Resolution R-09-136 and the 2009 AIP, which included a Report in support of its Application and supporting affidavits; and

WHEREAS, in Resolution R-09-483 ("Approval Resolution"), the Council found that: (i) the design and selection of the proposed Energy Smart Programs were reasonable and based on supporting studies and analysis; (ii) no adjustments were required to ENO's proposed programs until the Council had an opportunity to conduct its 12-month review of the Energy Smart program pursuant to paragraph 46.a of the 2009 AIP, which review would include an evaluation of the results of the Tier 1 and Tier 2 audit programs; and

WHEREAS, with respect to concerns regarding the proper reallocation of resources from under-performing energy efficiency programs to programs that are succeeding in the Approval Resolution, the Council found that the Energy Smart Application addressed the concern of determining which programs are under-performing and which are performing well by providing that ENO monitor and assess the programs on an on-going basis in addition to the Council's oversight. The Council further found that the annual evaluation and cost-effectiveness provisions required by Resolution R-09-136 and the 2009 AIP will provide a backstop to ensure funds are not wasted; and

WHEREAS, with respect to the concern of how to reallocate the funds, the Council directed ENO to take such action as may be necessary to ensure the reallocation of any funds is prudent and appropriate, complete with supporting documentation and rationale for such reallocation, for including in its subsequent filing with the Council at the end of the 12-month period and the Council would review the fund reallocations and supporting reports in its annual evaluation of the Energy Smart Plan; and

WHEREAS, the 2009 AIP stated that the New Orleans specific experience in implementing the Energy Smart Plan would be utilized in the evaluation of the appropriateness of goals/targets for the prospective annual periods. The initial target authorized in the Approval Resolution was effective for the calendar years of 2010 and 2011 to provide for a delayed start of the first program year. Accordingly, the 2011 targets set by the Council were revised to accommodate the revised program implementation schedule; and

WHEREAS, the Council would evaluate whether the Company had attained the targets/goals established by the Council when ENO had submitted its annual electric Formula Rate Plan ("EFRP") filing following the completion of the first Energy Smart program year. Further, the Council elected not to set goals for the second Energy Smart program year until its review of the first year of Energy Smart; and

WHEREAS, with the goal of improving the initial estimates used in the proposed Energy Smart program design, the Company was directed in the Approval Resolution to prepare a set of

evaluation, measurement, and verification ("EM&V") metrics for each program, based on the "International Performance Measurement & Verification Protocol" standards and to provide definitions regarding how such data will be used in the annual evaluation of each program; and

WHEREAS, the Approval Resolution addressed the concerns that more transparency and stakeholder participation is required in the evaluation of the Energy Smart Plan by noting that the evaluation of appropriateness of the targets and any needed adjustments for the next twelve (12) months will occur in the annual review of the Energy Smart Plan; and

WHEREAS, on June 12, 2012, pursuant to the 2009 AIP, ENO submitted its Annual Report for the Energy Smart Plan for the period April 2011 to March 2012, including several recommendations which apply to the second program year; and

WHEREAS, a copy of the Annual Report was provided to all parties in Docket UD-08-02; and

WHEREAS, a copy of the Annual Report is available at the Council Clerk's office for public review; and

WHEREAS, in its Energy Smart Annual Report Filing, ENO also requested that the Council establish a comment period of 30 days for parties to respond to the annual report, and to take any other related actions that may be appropriate; now therefore:

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS THAT:
1. The Council hereby establishes a public comment period for the consideration of the issues set forth above regarding changes to the Energy Smart Program to create the best result for the City of New Orleans.
2. Within thirty (30) days of the adoption of this Resolution, parties wishing to comment on the issues set forth above shall submit written comments to the Council by making a filing with the Clerk of the Council, including one copy to the Director of the Council Utilities Regulatory Office.
3. Within sixty (60) days of the adoption of this Resolution, the Council's Advisors shall submit recommendations to the Council regarding potential changes to the Energy Smart Program.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Gudiry, Head, Hedge-Morrell - 6
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED.

NO. R-12-281
CITY HALL: July 26, 2012
BY: COUNCILMEMBERS HEDGE-MORRELL, HEAD, GUIDRY AND GISLESON PALMER
RESOLUTION AND ORDER APPROVING REQUEST OF ENTERGY NEW ORLEANS TO ENTER INTO CONTRACTS FOR NATURAL GAS SALES FOR USE IN COMPRESSED NATURAL GAS VEHICLES
WHEREAS, pursuant to the Constitution of the State of Louisiana and the Home Rule Charter of the City of New Orleans ("Charter"), the Council of the City of New Orleans ("Council") is the governmental body with the power of supervision, regulation and control over public utilities providing service within the City of New Orleans; and
WHEREAS, pursuant to its powers of supervision, regulation and control over public utilities, the Council is responsible for fixing and changing rates and charges of public utilities and making all necessary rules and regulations to govern applications for the fixing and changing of rates and charges of public utilities; and
WHEREAS, Entergy New Orleans, Inc. ("ENO" or "Company") is a public utility providing electric service to all of New Orleans, except the Fifteenth Ward ("Algiers"), and gas service to all of New Orleans; and
WHEREAS, Entergy Louisiana, LLC ("ELL") provides electric service to the Algiers section of New Orleans; and
WHEREAS, on July 2, 2012 ENO filed its "Request of Entergy New Orleans, Inc. to Enter into Contracts for Natural Gas Sales for Use in Compressed Natural Gas Vehicles" ("Request"); and
WHEREAS, in its filing, ENO represented that in order to promote the sales of natural gas and foster economic development in Orleans Parish, it needed approval from the Council to enter into negotiated-rate, non-tariff contracts for the sale of natural gas for use in compressed natural gas ("CNG") vehicles; and
WHEREAS, ENO further requested that the Council decline to exercise any such jurisdiction that it may have over such sale, or alternatively, that the Council decline to exercise any such jurisdiction on a temporary basis until the Council renders a final ruling on this matter; and
WHEREAS, according to ENO, currently all other non-New Orleans gas utilities in the State are permitted by La. Rev. Stat. § 45:1163 to enter into contracts for the direct sale of natural gas for use in CNG vehicles outside the regulatory purview of the LPSC, and ENO accordingly seeks similar treatment with respect to the Council's regulatory purview here; and
WHEREAS, according to ENO, this would eliminate any competitive disadvantage that may arise for ENO when compared to gas utilities in the rest of the State, which in turn may cause purchasers of natural gas for CNG vehicle use to locate in other parts of the State or other metropolitan regions; and
WHEREAS, according to ENO, the approval of its Request would mean that natural gas service to persons for use in CNG vehicles would be handled in a manner that is consistent with the way such gas service is provided in each of the other 63 parishes in the State of Louisiana. The effect, at least in part, of La. Rev. Stat. § 45:1163 is to allow gas utilities to provide service to CNG vehicle users under terms and conditions that are market responsive and without regulatory lag; and
WHEREAS, according to ENO, because the pricing of these types of natural gas sales elsewhere in the State are conducted on a negotiated basis, a competitive advantage in the conduct of this business would inure to the benefit of users of CNG vehicles that are located outside of New Orleans, and may cause new entities to locate outside the City where natural gas prices for this use are market responsive; and
WHEREAS, in order to provide an incentive for ENO to provide negotiated natural gas pricing to users of CNG

vehicles, ENO is also requesting that it be permitted to retain any "margin," or the difference between the price paid by a customer and the cost of providing gas to that customer; and

WHEREAS, on July 11, 2012, our Advisors submitted their assessment of ENO's Request and expressed certain concerns and made recommendations; and

WHEREAS, according to our Advisors, they recognize the need for Orleans Parish to remain competitive in attracting new gas customers, but nevertheless have concerns regarding ENO's Request, namely:

1. the provision of natural gas services that are not cost-based and that are being subsidized by all of the remaining retail gas distribution system customers who are supporting in their rates all of the costs of the natural gas distribution system; and

2. ENO's request that the Council decline to exercise its jurisdiction over the sales at issue in ENO's request; and

WHEREAS, our Advisors reported that in the 2008 ENO gas rate filing our cost-based evaluation of interruptible gas service to industrial customers with market-based gas contracts indicated that the 50-50 margin split between ENO and the retail gas customers provided insufficient revenue relative to the costs of service related to service to the NJ customers (The interruptible gas customers of ENO are generally large industrial customers commonly referred to as the "NJ" or non-jurisdictional customers, although the Council maintains jurisdiction, it allows ENO to charge such customers its cost of gas from specific designated supplier plus a margin.); and

WHEREAS, as a result, in the 2009 AIP approved by the Council in Docket UD-08-03 and all subsequent FRP evaluations ENO is required to credit 100% of the margins it receives from its NJ customers to revenue requirements of all gas system customers in recognition of the costs incurred in the service to the NJ customers; and

WHEREAS, ENO is currently authorized to earn a 10.4% return on its equity from its investment in the gas distribution assets in New Orleans and is assured of such return from its gas distribution system customers by virtue of the Council approved Gas Formula Rate Plan and, accordingly, ENO should not be allowed to retain any margin associated with the proposed CNG service since the proposed CNG services will be provided throughout the gas distribution system and will use existing facilities being paid for by the retail customers in their base rates; and

WHEREAS, according to our Advisors, there will also be additional out-of pocket costs, such as administrative and general expenses related to the additional sales for which the other retail customers will be responsible, and it would be patently unfair to other retail gas customers to be allocated the total costs of gas service without any recognition of the use of the system and cost responsibility related to the proposed CNG sales; and

WHEREAS, our Advisors recommend that the Council should retain jurisdiction over the contracts for natural gas sales for use in compressed natural gas vehicles; now, therefore:

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS THAT: The Request of Entergy New Orleans, Inc to Enter into Contracts for Natural Gas Sales for Use in Compressed Natural Gas Vehicles is GRANTED on the following basis:

1. The Council will not surrender its jurisdiction with respect to the regulation of contracts for natural gas sales for use in compressed natural gas vehicles; however, and pursuant to its jurisdiction, the Council is granting ENO's request on an interim basis, reserving to the Council its right to monitor developments in the CNG market in New Orleans, particularly the impact on ratepayers generally, and will revisit the issue in the future, as appropriate.

2. ENO is required to credit 100% of all margins received in connection with its sales of natural gas for use in compressed natural gas vehicles to the revenue requirements of all gas system customers in recognition of the costs incurred in the service to the CNG sales customers. Provided, however, ENO may re-urge its position with respect to the margins at a future date if it determines circumstances justify it.

THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 6

NAYS: 0

ABSENT: 0

AND THE RESOLUTION WAS ADOPTED.

NO. R-12-282

CITY HALL: July 26, 2012

BY: COUNCILMEMBERS HEDGE-MORRELL, HEAD, GUIDRY AND GISLESON PALMER

ENTERGY NEW ORLEANS, INC.'S 2012 ELECTRIC AND GAS FORMULA RATE PLAN FILINGS PURSUANT TO COUNCIL RESOLUTION R-09-136 AND THE 2009 AGREEMENT IN PRINCIPLE DOCKET NO. UD-08-03

RESOLUTION AND ORDER ESTABLISHING PROCEDURAL SCHEDULE

WHEREAS, pursuant to the Constitution of the State of Louisiana and the Home Rule Charter of the City of New Orleans ("Charter"), the Council of the City of New Orleans ("Council") is the governmental body with the power of supervision, regulation and control over public utilities providing service within the City of New Orleans; and

WHEREAS, pursuant to its powers of supervision, regulation and control over public utilities, the Council is responsible for fixing and changing rates and charges of public utilities and making all necessary rules and regulations to govern applications for the fixing and changing of rates and charges of public utilities; and

WHEREAS, Entergy New Orleans, Inc. ("ENO" or "Company") is a public utility providing electric service to all of New Orleans, except the Fifteenth Ward ("Algiers"), and gas service to all of New Orleans; and

WHEREAS, Entergy Louisiana, LLC ("ELL") provides electric service to the Algiers section of New Orleans; and

Formula Rate Plans

WHEREAS, on April 2, 2009, the Council adopted Resolution R-09-136, which approved the 2009 Agreement in Principle ("'09 AIP") and resolved ENO's application for a change in electric and gas rates; and

WHEREAS, pursuant to the '09 AIP, beginning with the year 2010, ENO is to be subject to Formula Rate Plans ("FRPs") for both Electric ("EFRP") and Gas ("GFRP") operations; and

WHEREAS, the '09 AIP established a term of three (3) years for both the EFRP and GFRP, with the first filing due by ENO on or before May 31, 2010; and

WHEREAS, with respect to the specific terms of the EFRP, the '09 AIP ordered that the midpoint Return on Equity ("ROE") for the EFRP shall be set at 11.10% with a +/- bandwidth of 0.40%, and ENO has the ability to earn within the bandwidth of 10.70% to 11.50% for electric operations without any change in rates; and

WHEREAS, electric earnings above the 11.50% upper bandwidth will result in prospective rate decreases using the EFRP rider schedule based upon the midpoint ROE of 11.10% (reset to midpoint); and

WHEREAS, electric earnings below the 10.70% lower bandwidth will result in prospective rate increases using the EFRP rider schedule based upon the midpoint ROE of 11.10% (i.e., reset to midpoint); and

WHEREAS, with respect to the specific terms of the GFRP, the midpoint ROE was set at 10.75% with a +/- bandwidth of 0.50%, and ENO has the ability to earn within the bandwidth of 10.25% to 11.25% for Gas operations without any change in rates; and

WHEREAS, gas earnings above the 11.25% upper bandwidth will result in rate decreases using the GFRP rider schedule based upon the midpoint target ROE of 10.75% (i.e., reset to midpoint); and

WHEREAS, gas earnings below the 10.25% lower bandwidth will result in rate increase using the GFRP rider based upon the midpoint target ROE of 10.75% (i.e., reset to midpoint); and

WHEREAS, the evaluation period for each of the FRPs is to be the immediately prior calendar year (e.g., the evaluation period for the 2011 filing was the period January 1, 2010—December 31, 2010); and

WHEREAS, on May 27, 2010, ENO submitted its 2010 Electric and Gas Formula Rate Plan Filings pursuant to Council Resolution R-09-136 and the '09 AIP; and

WHEREAS, on November 4, 2010, the Council adopted Resolution R-10-479. Therein, the Council accepted and approved an Agreement in Principle ("2010 AIP") resolving the Company's 2010 Electric FRP Filing and 2010 Gas FRP Filing. The 2010 AIP provided, inter alia, for an $18.0 million reduction in electric base rates and for no change in gas base rates; and

WHEREAS, on May 26, 2011, ENO made its 2011 Formula Rate Plan ("FRP") Filings for Electric and Gas operations for the Evaluation Period ended December 31, 2010, together with its Application for Waiver of Requirements and for a Change in Storm Reserve Rider Rates; and

WHEREAS, on September 22, 2011, the Council adopted Resolution R-11-457. Therein, the Council adopted the Advisors' recommendation that that ENO's request for approval for an increase in its Storm Reserve Rider accrual rate from customers should be considered separately and independently of other matters accepted, and also approved an Agreement in Principle ("2011 AIP") resolving the Company's 2011 Electric FRP Filing and 2011 Gas FRP Filing. The 2011 AIP provided, inter alia, for a $13.084 million reduction in electric base rates and for a $1.566 million reduction in gas base rates; and

WHEREAS, on May 31, 2012, ENO made its 2012 Formula Rate Plan ("FRP") Filings for Electric and Gas operations for the Evaluation Period ended December 31, 2011, together with its Application for Waiver of Requirements and for a Change in Storm Reserve Rider Rates; and

WHEREAS, under the 2012 EFRP Evaluation Report, ENO requests a cumulative decrease in EFRP revenue of $23.383 million; this amount reflects (1) a $3.043 million increase in rider EFRP revenue due to test year 2011 results, (2) a $23.368 million reduction in rider EFRP revenue due to the annualization of the inside-the-bandwidth portion of the EFRP Revenue change agreed upon in the 2011 Agreement in Principle, and (3) a $2.788 million reduction in rider

EFRP revenue due to outside-the-bandwidth items in test year 2011; and
WHEREAS, under the GFRP Evaluation Report, ENO requests a cumulative decrease in GFRP revenue of $0.530 million; this amount reflects (1) a $0.984 million increase in rider GFRP revenue due to test year 2011 results, (2) a $2.598 million reduction in rider GFRP revenue due to the annualization of the inside-the-bandwidth portion of the GFRP Revenue change agreed upon in the 2011 Agreement in Principle, and (3) a $1.084 million increase in rider GFRP revenue due to outside-the-bandwidth items in test year 2011; and
WHEREAS, the estimated net effect of the FRP Rate Adjustments on typical monthly electric and gas bills are as follows: the typical summer electric residential bill for 1,000 kWh will increase from $89.98 to $91.16, a net increase of $1.18. A typical electric commercial bill for 10 kW and 1,825 kWh will increase from $183.86 to $186.38, a net increase of $2.52. A typical electric industrial bill for 250 kW and 91,250 kWh will increase from $6,702.40 to $6,783.44, a net increase of $81.04; and
WHEREAS, A typical gas residential bill for 50 ccf will increase from $47.41 to $48.07, a net increase of $0.66. A typical gas commercial bill for 20 mcf will increase from $183.29 to $185.80, a net increase of $2.51; and
WHEREAS, according to ENO, both the Electric FRP Rider Schedule and the Gas FRP Rider Schedule, which were approved by the Council in Resolution R-09-136, established fixed requirements for adjusting the electric and gas base rates of Entergy New Orleans and have been on file with the Council since May 2009; and
WHEREAS, ENO submits the requirements set forth in Chapter 158 of the Code of the City of New Orleans ("City Code) applicable to applications to change rates or service are inapplicable to the Company's 2011 Electric FRP Filing and the 2011 Gas FRP Filing, however, out of an abundance of caution, the Company requests that the Council expressly waive said requirements; and
Storm Reserve Rider
WHEREAS, the 2006 AIP approved by the Council in Resolution R-06-459 provided that, effective with the first billing cycle of March 2007, ENO would implement Electric and Gas Storm Reserve Riders designed to accumulate a Storm Reserve principal amount of $75 million (including accumulated interest) by the collection over a ten-year period of a levelized amount (grossed up for bad debts and less all applicable taxes and administration fees); and
WHEREAS, on October 9, 2008, ENO withdrew $10.000 million from the Storm Reserve Account, on March 18, 2010, withdrew $9.925 million from the Storm Reserve Account, and in December 2011, withdrew $0.252 million from the Storm Reserve Account. As of March 31, 2012, the Storm Reserve Account had a balance of $13.4 million; and
WHEREAS, ENO proposes to increase the Electric Storm Reserve Rider Rate by $5.140 million on an annual basis. ENO proposes to increase the Gas Storm Reserve Rider Rate by $0.567 million on an annual basis. The estimated net effect of the FRP Rate Adjustments inclusive of the modifications to the Electric and Gas Storm Reserve Rider on typical monthly electric and gas bills are as follows: the typical summer electric residential bill for 1,000 kWh will increase from $89.98 to $92.49, a net increase of $2.51. A typical electric commercial bill for 10 kW and 1,825 kWh will increase from $183.86 to $189.20, a net increase of $5.34. A typical electric industrial bill for 250 kW and 91,250 kWh will increase from $6,702.40 to $6,874.37, a net increase of $171.97. A typical gas residential bill for 50 ccf will increase from $47.41 to $48.47, a net increase of $1.06. A typical gas commercial bill for 20 mcf will increase from $183.29 to $187.28, a net increase of $3.99.
WHEREAS, it is the Council's desire to grant "deemed intervenor" status to all parties who have participated previously in Docket No. UD-08-03; now therefore:
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS THAT:
1. These proceedings shall continue to be conducted in Docket No. UD-08-03.
2. The Honorable Jeffrey Gulin is appointed the Hearing Officer to preside over the proceedings in this docket.
3. ENO, the Council's Advisors, and all of the original intervenors in this docket, are designated parties to these proceedings. They include: Alliance for Affordable Energy, Air Products and Chemicals, Inc., Sewerage and Water Board of New Orleans, Jacobs Technology, Inc., The Folger Coffee Company (J.M. Smucker) and U.S. Gypsum. Additionally, a period of 15 days from the adoption of this Resolution is established for interventions in this docket by individuals not herein designated as a party. Persons desiring to intervene shall do so by filing an intervention request with the Clerk of Council, with a copy submitted to Director, Council Utilities Regulatory Office, Room 6E07 City Hall, 1300 Perdido Street, New Orleans, LA 70122; and to persons on the Official Service List of Docket UD-08-03 available from the Council Utilities Regulatory Office. All fees associated with the filing of interventions are hereby waived, in accordance with Section 158-286 of the City Code. Objections to intervention requests shall be filed within 7 days of such requests. Timely-filed intervention requests not objected to within that time period shall be deemed GRANTED.
4. With respect to the review of ENO's FRP Electric and Gas Evaluation Reports, it shall proceed in accordance with

the terms of the ‘09 AIP, particularly the procedures established in the Electric and Gas Formula Rate Plan Rider Schedules. Accordingly, to the extent the requirements set forth in Chapter 158 of the Code of the City of New Orleans applicable to applications to change rates or service are inconsistent with the provisions of the ‘09 AIP, particularly procedures established in the Electric and Gas Rate Plan Rider Schedules [Exhibits 7 & 8], said requirements are hereby waived.

5. It is anticipated that during discovery, the parties may be required to produce documents or information that is deemed confidential and/or highly sensitive and, accordingly, the Council adopts for use in this docket its Official Protective Order adopted by Resolution R-07-432, a copy of which can be obtained from the Council Utilities Regulatory Office.

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS THAT THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 6

NAYS: 0

ABSENT: 0

AND THE RESOLUTION WAS ADOPTED.

NO. R-12-283

CITY HALL: July 26, 2012

BY: COUNCIL MEMBERS HEDGE-MORRELL, HEAD, GUIDRY AND GISLESON PALMER

IN THE MATTER OF EX PARTE APPLICATION OF ENTERGY NEW ORLEANS, INC. (ENO) TO THE COUNCIL OF THE CITY OF NEW ORLEANS (COUNCIL) FOR APPROVAL OF THE FINANCING PLAN TO ISSUE NEW FIRST MORTGAGE BONDS (NEW BONDS) (AND OTHER DEBT SECURITIES) AND NEW PREFERRED STOCK (NEW PREFERRED)

WHEREAS, pursuant to the Constitution of the State of Louisiana and the Home Rule Charter of the City of New Orleans (Charter), the Council of the City of New Orleans (Council) is the governmental body authorized to exercise regulatory control over the rates, charges, and the general conditions under which electric and gas services are provided in New Orleans; and

WHEREAS, Entergy New Orleans, Inc. (ENO) provides electric and gas service to customers in Orleans Parish except for the Fifteenth (15th) Ward of the City of Algiers; and

WHEREAS, ENO has filed an application dated April 30, 2012 (Application) for approval pursuant to Section 9(g) of Ordinance No. 6822, C.C.S. (1922), as amended (Settlement Ordinance), at one time or from time to time during the two-year period beginning August 1, 2012 and ending July 31, 2014, to issue New Bonds in one or more new series under and in accordance with ENO’s May 1, 1987 Mortgage and Deed of Trust, as amended (Mortgage); other debt securities, either unsecured or secured by New Bonds, in one or more new series, and/or other forms of financing instruments utilized under a second mortgage if created and implemented by ENO (Debt Securities), such that, after giving effect to the issuance of such New Bonds and Debt Securities (and, in the case of debt issued to refinance existing debt, the application of the proceeds thereof), the aggregate principal amount of ENO’s long-term debt outstanding shall not exceed $400 million; and New Preferred in one or more new series, such that, after giving effect to the issuance of such New Preferred (and, in the case of preferred stock issued to refinance existing preferred stock, the application of the proceeds thereof), the aggregate amount of ENO’s preferred stock outstanding shall not exceed $40 million; and where the amount of outstanding debt shall be calculated without duplication to avoid double-counting; and

WHEREAS, the entire Application reads as follows:

April 30, 2012

President and Other Members of the
Council of the City of New Orleans
City Hall
1300 Perdido Street
New Orleans, Louisiana 70112

Re: Entergy New Orleans, Inc. (ENO) Application (Application) to the Council of the City of New Orleans (Council) for Approval of the Financing Plan to Issue New First Mortgage Bonds (New Bonds) (and other debt securities) and New Preferred Stock (New Preferred) (and other preferred securities)

Ladies and Gentlemen:

Synopsis

The Council has authority to approve ENO's long-term financings pursuant to Ordinance No. 6822 (1922), as amended (Settlement Ordinance).

ENO is asking for authority to issue long-term debt, including any financing instruments utilized under a second mortgage if created and implemented by ENO, such that, after giving effect to the issuance of such long-term debt (and, in the case of debt issued to refinance existing debt, the application of the proceeds thereof), the aggregate principal amount of ENO's long-term debt outstanding shall not exceed $400 million, and/or preferred securities, such that, after giving effect to the issuance of such preferred securities (and, in the case of preferred securities issued to refinance existing preferred securities, the application of the proceeds thereof), the aggregate amount of ENO's preferred securities outstanding shall not exceed $40 million.

ENO would sell such securities in one or more offerings at any time and from time to time during the two-year period beginning August 1, 2012 and ending July 31, 2014.

The authorization from the Council for ENO's current financing plan (Council Resolution R-10-326) will expire on August 12, 2012.

The funds from sales of securities under the new financing plan would be used to pay off and/or refinance existing debt and preferred securities, to acquire property and/or construct and/or improve ENO's facilities, and/or for other corporate purposes permitted by law.

There are $166,569,000 aggregate principal amount of ENO first mortgage bonds (Outstanding Bonds) and $19,779,800 aggregate par value of ENO's preferred stock (Outstanding Preferred) currently outstanding.

ENO is not required to obtain approval for its financing plan from the Federal Energy Regulatory Commission (FERC) under the Federal Power Act (FPA). However, in order to sell securities, it may be necessary for ENO to file one or more registration statements with the Securities and Exchange Commission (SEC) under the Securities Act of 1933, as amended ('33 Act). A copy of each such registration statement, including ENO's currently effective registration statement on Form S-3 (File No. 333-169315-06) enclosed herewith, have been or will be filed with the Council for informational purposes.

The sale of securities under the new financing plan will not cause the total par value of ENO's outstanding securities in the form of capital stock, funded debt and other evidences of debt having greater than twelve months' maturity, including underlying bonds (less deduction for unamortized discount on said securities, sold with the approval of the Council) to exceed the limitation imposed by Section 9(a) of the Settlement Ordinance. Depending on the terms of the issuance of securities, such issuance could result in a change in rates charged to electric and/or gas customers, as reflected in the annual electric and gas evaluation reports under ENO's formula rate plan filings. Pursuant to the 2009 Agreement in Principle approved by Council Resolution R-09-136 and pursuant to Rate Schedules E-FRP3 and G-FRP, ENO anticipates filing on or before May 31, 2012 its annual electric and gas evaluation reports for the test year ended December 31, 2011.

Introduction

This Application describes the proposed issuance of certain securities by ENO, and requests that a resolution of the Council (pursuant to Section 9(g), as amended, of the 1922 Settlement Ordinance), authorizing and approving such issuance at any time, and from time to time during the two-year period beginning August 1, 2012 and ending July 31, 2014. This application further requests that such resolution be authorized not later than June 30, 2012. The proceeds of the issuance and sale of such securities will be used for, among other things:

(A) the repayment, at maturity, and the acquisition (and retirement and cancellation), from time to time during the two-year period beginning August 1, 2012 and ending July 31, 2014, in whole or in part, by redemption (subject to any applicable refunding limitations on redemption), sinking fund provision, tender offer, open market or negotiated purchases or otherwise (subject to any applicable limitations and conditions), of all or a portion of one or more series of:

(1) the Outstanding Bonds listed in the following table:

Security Type	Coupon	Principal Amount Outstanding	Maturity Date	First Call Date	Current Call Price	Total Cost to Redeem
FMB	5.100%	25,000,000	12/1/20	Now	MW (T+.35)	*(a)*
FMB	5.250%	70,000,000	8/1/13	Now	MW (T+.25%)	*(a)*
FMB	5.600%	33,424,000	9/1/24	Now	100.00%	$33,424,000
FMB	5.650%	38,145,000	9/1/29	Now	100.00%	$38,145,000
Total Amount Outstanding:		166,569,000				

(a) cost to redeem depends on the make-whole premium, which can vary with fluctuations in the Treasury rates.

and (2) the Outstanding Preferred, which is listed in the following table:

Security Type	Dividend Rate	Principal Amount Outstanding	Par Value Per Share	First Call Date	Current Call Price	Total Cost to Redeem
Preferred Securities	5.56%	6,000,000	$100	Now	102.59%	$6,155,400
Preferred Securities	4.75%	7,779,800	$100	Now	105.00%	$8,168,790
Preferred Securities	4.36%	6,000,000	$100	Now	104.58%	$6,274,800
Total Amount Outstanding:		19,779,800				

(B) the acquisition of property, the construction, completion, extension or improvement of ENO's facilities, the maintenance or improvement of ENO's service, the discharge and/or re-funding of ENO's lawful obligations (including, without limitation, those obligations referenced above); and

(C) any other general corporate purposes permitted by law.

In order to satisfy such requirements, ENO proposes, at any time, and from time to time, during the two-year period beginning August 1, 2012 and ending July 31, 2014, to issue (a) New Bonds in one or more new series; and (b) other ENO debt securities, either unsecured or secured by New Bonds, in one or more new series, and/or other forms of financing instruments utilized under a second mortgage if created and implemented by ENO (Debt Securities), such that, after giving effect to the issuance of such New Bonds and Debt Securities (and, in the case of debt issued to refinance existing debt, the application of the proceeds thereof), the aggregate principal amount of ENO's long-term debt outstanding shall not exceed $400 million; and (c) New Preferred, in one or more new series (issuance of which will require amendment of ENO's Amended and Restated Articles of Incorporation (Charter)), and, indirectly through one or more financing subsidiaries, other forms of preferred or equity-linked securities, including, without limitation, monthly or quarterly income preferred securities (Preferred Securities) (including related unsecured debt instruments to be issued by ENO to such financing subsidiaries), such that, after giving effect to the issuance of such New Preferred and Preferred Securities (and, in the case of preferred securities issued to refinance existing preferred securities, the application of the proceeds thereof), the aggregate amount of ENO's preferred securities outstanding shall not exceed $40 million. The issuance(s) of New Bonds, Debt Securities, New Preferred and/or Preferred Securities are separate transactions and are not contingent upon one another. These proposed transactions are discussed in greater detail below. ENO's projected capital expenditures for 2012 and 2013 are approximately $63 million and $74 million, respectively. ENO's capital expenditures for 2009, 2010 and 2011 totaled $62 million, $80.2 million, and $56.6 million, respectively. The projected capital expenditures will be for assets that will have an economic life of more than one year.

As with the previous Council-authorized issuances of Outstanding Bonds in 1987, 1988, 1993, 1995, 1996, 1998, 2000, 2001, 2002, 2003, 2004, 2005 and 2010 (totaling $630 million, of which $463.431 million have been redeemed to date), the issuance of securities under the new financing plan will not cause the total par value of ENO's outstanding securities in the form of capital stock, funded debt and other evidences of debt having greater than twelve months' maturity, including underlying bonds (less deduction for unamortized discount on said securities, sold with the approval of the Council), to exceed the limitation imposed by Section 9(a) of the 1922 Settlement Ordinance, as amended. Depending on the terms of the issuance of securities, such issuance could result in a change in rates charged to electric and/or gas customers, as reflected in the annual electric and gas evaluation reports under ENO's formula rate plan filings. Pursuant to the 2009 Agreement in Principle approved by Council Resolution R-09-136 and pursuant to Rate Schedules E-FRP3 and G-FRP, ENO anticipates filing on or before May 31, 2012 its annual electric and gas evaluation reports for the test year ended December 31, 2011.

It is not necessary to file with the FERC an application under Section 204(a) of the FPA for approval of the proposed issuances of the New Bonds, Debt Securities, New Preferred and Preferred Securities. Such issuances will qualify for exemption from such approval requirements as set forth in Section 204(f) of the FPA. Furthermore, it is not necessary for ENO to obtain approval of the FERC to: (a) form one or more financing subsidiaries in connection with the issuance of the Preferred Securities; (b) acquire the common securities issued by any such financing subsidiaries; and/or (c) guarantee certain of the obligations of such financing subsidiaries with respect to such Preferred Securities (provided

that any such guarantees are authorized by the Council). ENO has an effective registration statement under the ’33 Act (Registration No. 333-169315-06) on file with the SEC relating to an unlimited aggregate principal amount of New Bonds. It will be necessary for ENO to file with the SEC one or more registration statements under the ’33 Act and any amendments and exhibits thereto prior to a public offering of any New Bonds after September 10, 2013 (the three year anniversary of the effective date of Registration No. 333-169315-06), or at any time with respect to a public offering of any Debt Securities, New Preferred and Preferred Securities. A copy of Registration No. 333-169315-06 is being filed herewith and a copy of each such other ’33 Act filings will be filed with the Council for informational purposes, pursuant to Section 158-181 *et seq*. of Chapter 158, Article II, Division 4 of the Code of the City of New Orleans, 1995.

Issuance of the New Bonds

The New Bonds will be issued only under ENO’s Mortgage and Deed of Trust, dated as of May 1, 1987, to The Bank of New York Mellon, as Trustee, as heretofore supplemented (1987 Mortgage), and as proposed to be further supplemented by additional supplemental indenture(s), each relating to one or more series of New Bonds. Each series of New Bonds will be sold at such prices, will bear interest at such rate(s) and will mature on such date(s) as will be determined at the time of sale, and will mature not later than sixty years from the day of issuance. The New Bonds will rank *pari passu* with all other Outstanding Bonds of ENO. As of the date of this Application, ENO has outstanding $166,569,000 aggregate principal amount of Outstanding Bonds.

Each series of New Bonds may include provisions for optional and/or mandatory redemption prior to maturity at various redemption prices (percentages of the principal amount or structured to include a make-whole premium) and may include restrictions on redemption for a given number of years. In addition, each series of New Bonds may include provisions for the retirement of all or varying percentages of such series prior to maturity. In each supplemental indenture relating to one or more series of New Bonds, ENO may include covenants that, so long as any New Bonds of such series remain outstanding, ENO will not pay any cash dividends on common stock subsequent to the date of such series of New Bonds (other than certain dividends declared prior to the original issuance of such series) except from credits to retained earnings after such date plus a specified amount, or ENO may determine not to include any such provisions or covenants.

Issuance of the Debt Securities

ENO may also issue other Debt Securities that will be unsecured or will be secured by a New Bond or New Bonds or other collateral and may include securities in the form of remarketed secured notes (Notes). The Notes may be issued under an indenture (to be periodically supplemented) between ENO and a trust company as trustee under such indenture (Note Trustee). The Notes of each series may be limited to a stated aggregate principal amount although the indenture need not limit the amount of securities that can be issued thereunder and may provide that additional securities of any series may be issued thereunder up to the principal amount that may be authorized from time to time by ENO.

Notes may be secured as to payment of principal, interest and premium, if any, by a New Bond or New Bonds of ENO issued under and secured by the Mortgage, as amended and supplemented by various supplemental indentures and pledged to the Note Trustee for the benefit of the holders of the secured Notes (Secured Notes), and, in such a case, the amount of outstanding debt shall be calculated without duplication to avoid double-counting.

In order to provide additional financing flexibility for ENO, a second mortgage may be created, executed and implemented by ENO with collateral to be specified at that time. In 1987, ENO created and implemented the 1987 Mortgage while ENO’s Mortgage and Deed of Trust, dated as of July 1, 1944, as supplemented (1944 Mortgage), was still in effect. The 1944 Mortgage was subsequently satisfied and discharged, and its lien upon the property of ENO was released and canceled. The 1987 Mortgage is the only such mortgage currently in effect.

Issuance of the New Preferred

Each series of the New Preferred will be issued and sold pursuant to an amendment to ENO’s Charter. As of the date of this Application, ENO has outstanding $19,779,800 aggregate par value of Outstanding Preferred.

The price, exclusive of accumulated dividends, to be paid to ENO for each series of New Preferred will be determined at the time of sale and will not be less than par value (on a per share basis) before payment of underwriting fees and commissions.

ENO currently has two classes of Outstanding Preferred, each with a par value of $100 per share, with a total between the two classes of three series currently issued and outstanding. In order to be able to better respond to market conditions, ENO may determine, upon taking appropriate corporate action and with the consent of its common stockholder, Entergy Corporation, to create one or more new classes of its preferred stock with a par value other than $100, which class or classes will have the same rank as, and be similar to, the existing classes of Outstanding Preferred, with possible exceptions as to par value, certain variations between the series of such new class or classes and the series of the classes of Outstanding Preferred, and the voting entitlement per share of such new class or classes of preferred

stock with a par value other than $100 in certain circumstances.

The terms of one or more series of New Preferred may include provisions for redemption at various redemption prices and may include restrictions on optional redemption for a given number of years. For any series of New Preferred, ENO may include provisions for a sinking fund designed to retire or redeem annually, commencing a specified number of years after the first day of the calendar month in which such series is issued, at a price per share equal to the par value per share of such series, plus accumulated dividends, a number of shares equal to a given percentage of the total number of shares of such series, with ENO possibly having an option to redeem (or to make purchases in lieu of redemption) annually an additional number of shares, up to a given percentage of the total number of shares of such series. Any such sinking fund provisions would be designed to redeem all outstanding shares of such series not later than 30 years after the date of original issuance thereof. It is expected that each series of New Preferred would rank *pari passu* with ENO's Outstanding Preferred.

Issuance of the Preferred Securities

In July 1996, Entergy Louisiana, Inc. (ELI) (predecessor to the business now conducted by Entergy Louisiana, LLC) participated in a financing involving a combination of ELI junior subordinated deferrable interest debentures (debentures) and preferred securities offered by an entity created under the laws of the State of Delaware. Specifically, 2,800,000 Preferred Securities of Entergy Louisiana Capital I were offered in the form of 9% Cumulative Quarterly Income Preferred Securities, Series A (liquidation preference $25 per preferred security). Such offering was fully and unconditionally guaranteed by ELI. Because this type of financing has been utilized by utilities and by other corporate issuers in lieu of typical preferred stock offerings, ENO wishes to have the financial flexibility offered by this type of financing. Favorable features of such Preferred Securities financing include a tax deduction for interest under current Internal Revenue Service interpretation, as well as an interest deferral option.

ENO may issue at any time, or from time to time, in one or more series, unsecured junior subordinated debentures, unsecured promissory notes, or other unsecured debt instruments (individually an Unsecured Debt Instrument and collectively the Unsecured Debt Instruments). Any debentures will be issued under an indenture qualified under and subject to the Trust Indenture Act of 1939, as amended. Such debentures will be unsecured, subordinate and junior in right of payment to senior debt (as will be defined in the financing documentation) of ENO. The statutory business trust, or other legal entity to be created under the laws of the State of Delaware, or another state (Entity), will offer its preferred securities (Preferred Securities) that represent preferred undivided beneficial interests in the Entity and/or in its assets. ENO will be the owner of the common securities that represent undivided interests in the Entity and/or in its assets.

Concurrently with the issuance of any series of Preferred Securities, the Entity will invest the proceeds thereof in a corresponding series of ENO Unsecured Debt Instruments, which will be the sole asset of such Entity, and payments under the Unsecured Debt Instruments (and under the financing documentation) will be the only revenue of the Entity. The payment of periodic cash distributions with respect to the Preferred Securities of the Entity, and payments on liquidation or redemption with respect to the Preferred Securities, in each case out of funds held by the Entity, will be guaranteed by ENO in accordance with the financing structure. ENO's guarantee obligations will be subordinate and junior to the senior debt of ENO. In such a case, to avoid double-counting, neither the Unsecured Debt Instruments nor the guarantees will be included in calculations of the amount of outstanding debt, as the Preferred Securities will be included in the calculations of the amount of outstanding preferred securities.

The holders of the Preferred Securities will be entitled to receive periodically preferential cumulative distributions. If set forth in the financing documentation, ENO may retain the right to defer payments of interest on the Unsecured Debt Instruments by extending (with interest continuing to accrue) the interest payment period. Where interest on Unsecured Debt Instruments is deferred, periodic cash distributions with respect to the related Preferred Securities will also be deferred.

Council Approval Requested

Utilities must continue to maintain financial flexibility and versatility in addition to the traditional and historical methods of utility finance, *i.e.*, the issuance of stocks and bonds. Depending upon the financial needs of a utility, and the market conditions that may exist from time to time, the ability to rapidly issue long-term debt and preferred securities or other financial instruments will benefit utilities, their stockholders and their ratepayers because of the beneficial aspects of responding to changes in financial markets and having more financial options from which to choose.

ENO requests that the Council adopt an approving resolution not later than June 30, 2012, authorizing ENO to issue long-term debt and preferred securities, at any time, and from time to time during the two-year period beginning August 1, 2012 and ending July 31, 2014 on the bases (and subject to the informational filing requirements) set forth above. ENO proposes to use the proceeds of the sale of such securities: (i) in the conduct of its electric and/or gas utility

business; (ii) to pay off and/or to refinance its outstanding securities at their stated maturities or due dates; and/or (iii) to repay or to redeem its outstanding securities prior to their stated maturity or due dates. In the event that ENO proposes to construct or otherwise acquire any new generation capacity, repower any existing generation, or undertake transmission unbundling as a result of FERC requirements during the authorization period, and to the extent that ENO would require additional financing that exceeds the authorization requested herein, ENO will file a new application to request authorization to undertake such financing, if necessary.

For the consideration of the Council, a draft resolution authorizing the financing is attached; also attached for convenience is a copy of Council Resolution R-10-326, the most recent financing authorization resolution adopted by the Council, which will expire on August 12, 2012.

Very truly yours,

Charles Rice

President and Chief Executive Officer

Enclosures

cc: (w/enclosures)

Hon. Jacquelyn Clarkson

Hon. Eric Granderson

Hon. Susan Guidry

Hon. Stacy Head

Hon. Kristin Palmer

Hon. Cynthia Hedge-Morrell

Hon. Jon Johnson

Mrs. Peggy Lewis

Richard F. Cortizas, Esq.

Ms. Linda Blackburn

Ms. Evelyn F. Pugh

Clint Vince, Esq.

Walter J. Wilkerson, Esq.

Mr. Joseph Vumbaco, PE

Mr. Errol Smith, CPA

Mr. Kenneth Pailet, CPA

and;

WHEREAS, the Company has withdrawn its request to the Council for authority to issue Trust Preferred Securities; and

WHEREAS, the Council's Technical and Legal Advisors have reviewed this Application and have transmitted to the Council the results of such review; and

WHEREAS, it appears that it is beneficial and in the public interest for ENO to have authority, in accordance with the terms of its Application in this matter, to issue New Bonds, Debt Securities and/or New Preferred (all of the foregoing being herein individually and collectively referred to as the (Securities), such that, after giving effect to the issuance of such New Bonds and Debt Securities (and, in the case of debt or preferred stock issued to refinance existing debt or preferred stock, respectively, the application of the proceeds thereof), the aggregate principal amount of ENO's long-term debt outstanding shall not exceed $400 million and the aggregate amount of ENO's preferred stock outstanding shall not exceed $40 million; where the amount of outstanding debt shall be calculated without duplication to avoid double-counting, with such issuances being at market rates and for the following purposes:

(i) to repay or redeem outstanding securities of ENO upon their stated maturity or due dates;

(ii) to effect the redemption or acquisition of outstanding securities of ENO prior to their stated maturity or due dates under circumstances in which a reduction in the cost of capital to ENO will result from such redemption or acquisition;

(iii) to pay the costs and expenses associated with the issuance of the Securities;

(iv) to conduct the electric and gas utility business of ENO; and/or

(v) to carry out ENO's other lawful general corporate purposes; and

WHEREAS, the matters contained in ENO's Application are within the utility regulatory jurisdiction and franchise authority of the Council; now therefore:

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS that all capitalized terms not otherwise defined herein shall have the respective meanings given them in ENO's Application as set forth in the first preamble to this Resolution, and that the Application, as filed with this Council on April 30, 2012, is hereby approved subject to and consistent with the terms and conditions set out therein and the additional conditions set forth in this Resolution; and

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS that, within thirty days after each issuance and sale by ENO of any New Bonds, Debt Securities or New Preferred under this authorization, ENO shall submit an informational filing to the Council with copies to its Utility Regulatory Advisors containing: a copy of the supplemental indenture, supplemental prospectus, offering memorandum, underwriting agreement, purchase agreement, or other comparable document pursuant to which the Securities that are part of such information filing were issued setting forth details of the issuance and sale, including the fees and expenses associated therewith; and

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS that, within thirty days after each issuance and sale of any Securities under this authorization, ENO shall submit to the Council with copies to its Utility Regulatory Advisors, as part of an informational filing, a certificate of an officer or an assistant officer of ENO that certifies one of the following with respect to the issuance and sale of such Securities: (i) proceeds of the sale of Securities issued under this authorization were or are to be used to pay off or refinance outstanding securities of ENO and their stated maturity or due dates; or (ii) the proceeds of the sale of Securities issued under this authorization were or are to be used to repay or to redeem existing securities of ENO prior to their stated maturity or due dates and such repayment and/or redemption under this authorization were to result in cost savings or other specified benefits to ENO and, ultimately, its ratepayers, or (iii) the proceeds of the sale of Securities under this authorization were or are to be used to conduct the electric and gas utility business of ENO,; and

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS that, within thirty days following each issuance and retirement of any Securities under this authorization, ENO shall submit to the Council with copies to its utility Regulatory Advisors, as part of an informational filing, for reporting purposes only, one or more statements and schedules, including supporting calculations, setting forth with respect to the issuance and sale of such Securities (i) the total estimated impact of such financial securities activity on the revenue requirements of ENO, with assumptions delineated, especially as to rate base, and the result of the calculated impact of such financial securities activity under the delineated assumptions on the ratepayers of ENO; (ii) a schedule setting forth the benefits of ENO's refinancing activities to ENO and its ratepayers, and any and all workpapers necessary to support such schedule of benefits; and (iii) the impact of such financial securities activity on the actual per books capital structure of ENO before and after such financial securities activity using, for comparison purposes, recent cost-of-capital data (including a comparison of the debt-to-equity ratio of ENO and the impact on the weighted cost of capital of ENO), including any and all workpapers supportive thereof; and, in connection with any base rate or Formula Rate Plan proceeding, the applicable test year for which occurs during the two-year authorization period granted hereby, ENO shall likewise reflect the effect of such financial securities activity in the appropriate test period through its original filing or subsequent *pro forma* adjustment; and

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS that the Securities to be issued and sold will not, absent a rate proceeding (including any Formula Rate Plan Proceeding) before the Council, cause any increase or decrease in the rates charged to electric and/or gas customers and that the effects of any change in the level or cost of debt resulting from the requested authorization will be reflected in ENO's filings of its electric or gas base rate cases and formula rate plans for the test years 2012, 2013, and 2014; and

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS that ENO shall file with the Council with copies to its Utility Regulatory Advisors a copy of any Registration Statement filed with the Securities and Exchange Commission pursuant to the Securities Act of 1933 with respect to the offer and sale of Securities; and

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS that this Resolution does not authorize ENO to issue any Securities to offset potential rate base that may be stranded as a result of any competition in the electric and gas utility market, nor does it constitute a determination by the Council in any way whatsoever as to the recovery or non-recovery in rates of any investment in utility rate base assets financed by the proceeds of the issuance of such Securities; and

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS that this Resolution does not authorize ENO to issue any Securities for the purposes of mergers and divestitures unless authorized by the Council pursuant to the Charter, specifically Chapter 158 of the New Orleans, La. Code of Ordinances.

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS that the Council will provide for expedited treatment of a request from ENO for additional authorization to issue and sell securities occasioned by the occurrence of a catastrophic event such as a hurricane or a national or an economic emergency; and

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS that the Council, recognizing the need for assurance as to the use of the proceeds from the sale of Securities authorized herein, may deem it necessary, within the context of the Council's ratemaking jurisdiction over ENO, to timely examine, review and make any necessary adjustments, allowances or disallowances reflecting any such financing activities authorized herein.

THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 6
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED.

NO. R-12-284
CITY HALL: July 26, 2012
BY: COUNILMEMBERS CLARKSON, GISLESON PALMER, GUIDRY, HEAD AND HEDGE-MORRELL
A RESOLUTION urging the Times-Picayune to take any and all necessary actions to ensure the uninterrupted continuation of seven-day-week print publication of its newspaper for the benefit of its loyal readers in New Orleans the Gulf Coast region, and throughout the country.
WHEREAS, the Picayune newspaper began printing in New Orleans on January 25, 1937, and provided an inexpensive (6 ¼ cents) alternative to a dozen French and English Language competitors; and
WHEREAS, the S.I. Newhouse publishing company purchased the city's last two remaining daily papers in 1962, and 1980 merged them into today's Times-Picayune, which has remained the only daily newspaper in the New Orleans metropolitan area for more than thirty years: and
WHEREAS, the Times Picayune has built a loyal following of readers, both in the New Orleans and around the country, through reliable, thoughtful and even heroic journalism, as demonstrated by the paper's effort to publish in print just three days after Hurricane Katrina struck the gulf Coast region in 2005; and
WHEREAS, the Times Picayune's recent efforts to move our community into an "era of innovation and entrepreneurship" includes an unfortunate decision to discontinue publication of printed newspaper on Mondays, Tuesday, Thursday and Saturdays; and
WHEREAS, this decision to publish only three times per week has ignited a forestorm of negative feedback from the Times-Picayune's faithful readers; and
WHEREAS, there are many people, including the members of New Orleans City Council, who feel that the Times-Picayune's efforts to modernize could and should include offering additional online features without replacing or weakening the power of daily print; and
WHEREAS, the Times-Picayune Citizens' Group is a group of more than 70 business and community groups that has come together "to ensure the continuation of the delivery of a high-quality newspaper, with access to the entire community," and
WHEREAS, a spokeperson for the Times-Picayune Citizens' Group reports that it has identified a "willing buyer" for the paper; NOW THEREFORE
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That we strongly urge the Times-Picayune to take any and all necessary actions, including sale of the newspaper, to ensure the uninterrupted continuation of seven-day-a-week print publication of its newspaper for the benefit of its loyal readers in New Orleans, the Gulf Coast region, and throughout the country.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLLWAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 6
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED.

NO. M-12-285
CITY HALL: July 26, 2012
BY: COUNCILMEMBER HEAD
SECONDED BY: COUNCILMEMBER CLARKSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS That the Council hereby confirms the following appointments made by the Council President to the Council's Budget Committee:
Budget, Audit, and Board of Review Committee:
Councilmember Jacquelyn Brechtel Clarkson, Chairperson
Councilmember Stacy Head

Councilmember Cynthia Hedge-Morrell
Councilmember Susan Guidry, Alternate
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 6
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-286
CITY HALL: July 26, 2012
BY: COUNCILMEMBER HEAD
SECONDED BY: COUNCILMEMBER GUIDRY
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS That the Council hereby confirms the following appointments made by the Council President to the
Council's Criminal Justice Committee:
Criminal Justice Committee:
Councilmember Susan G. Guidry, Chairperson
Councilmember Jacquelyn Brechtel Clarkson
Councilmember Stacy Head, Alternate
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 6
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-287
CITY HALL: July 26, 2012
BY: COUNCILMEMBER HEAD
SECONDED BY: COUNCILMEMBER CLARKSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS That the Council hereby confirms the following appointments made by the Council President to the Council's Economic Development and Special Development Projects Committee:
Economic Development and Special Development Projects Committee:
Councilmember Jacquelyn Brechtel Clarkson, Chairperson
Councilmember Diana E. Bajoie
Councilmember Stacy Head, Alternate
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 6
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-288
CITY HALL: July 26, 2012
BY: COUNCILMEMBER GISLESON PALMER
SECONDED BY: COUNCILMEMBER CLARKSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the request of SHARON L. STANWICK - Requesting to appeal the Historic District Landmarks Commission's decision of "denial" of the retention of Bermuda shutters for property located at 1040-42 Desire Street, be, and the decision is hereby upheld and the appeal is denied.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF

AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head Hedge-Morrell - 6
NAYS: Hedge-Morrell – 1
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-289
CITY HALL: July 26, 2012
BY: COUNCILMEMBER BAJOIE
SECONDED BY: COUNCILMEMBER GISLESON PALMER
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and unfavorable recommendation of the City Planning Commission on ZONING DOCKET NO. 67/12 - LEBORNE, LLC - Requesting a Zoning Change from an RD-2 Two-Family Residential District to a B-1A Neighborhood Business District, on Square 186 or 186A, Lot A, in the Sixth Municipal District, bounded by Fontainebleau Drive, South Gayoso, General Pershing, South Dupre, and South Broad Streets (Municipal Address: 4401 South Broad Street), be, and the decision is hereby upheld and the request is denied.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 6
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-290
CITY HALL: July 26, 2012
BY: COUNCILMEMBER GISLESON PALMER
SECONDED BY: COUNCILMEMBER HEDGE-MORRELL
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and favorable recommendation of the City Planning Commission on ZONING DOCKET NO. 71/12 - LAKEWOOD RESTORATION PARTNERS, LTD - Requesting an Amendment to Ordinance No. 22,242 M.C.S., (ZD 17/06, a Conditional Use to permit a mixed use development over 10,000 square feet and ZD 71/11, an administrative amendment), to permit the expansion of buildings and associated parking at the site, in a C-1 General Commercial District and within the UC Urban Corridor District, on Square 142-A, Lots 11, 12, 13 through 21, U, T, Z, and Pt. 44W, in the Fifth Municipal District, bounded by General De Gaulle Drive, Nolan Canal, Tullis Drive and Lennox Boulevard (Municipal Address: 4801 General De Gaulle Drive), be, and the same is upheld and the Conditional Use is granted, subject to one (1) waiver and eleven (11) provisos as stated in the City Planning's Commission report.
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the Conditional Use.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 6
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-291
CITY HALL: July 26, 2012
BY: COUNCILMEMBER GISLESON PALMER
SECONDED BY: COUNCILMEMBER CLARKSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and favorable recommendation of the City Planning Commission on ZONING DOCKET NO. 72/12 - PROVIDENCE COMMUNITY HOUSING - Requesting a Conditional Use to permit a four-family development in an HMR-3 Historic Marigny/Tremé Residential District, on Square 382, Lot 11-A, in the Third Municipal District, bounded by Columbus, Marais, Kerlerec

and Henriette Delille Streets (Municipal Addresses: 1459 and 1463 Henriette Delille Street and 1212 Columbus Street), be, and the same is hereby upheld and the Conditional Use us granted, subject to one (1) waiver and five (5) provisos as stated in the City Planning Commission's report.
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the Conditional Use.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 6
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-292
CITY HALL: July 26, 2012
BY: COUNCILMEMBER CLARKSON
SECONDED BY: COUNCILMEMBER HEDGE-MORRELL
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Council of the City of New Orleans hereby authorizes the removal of Councilmember Jon D. Johnson (District "E") from all legislation on the agenda for Thursday, July 26, 2012 and all outstanding legislation where Councilmember Johnson's name appears.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 6
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-293
CITY HALL: August 9, 2012
BY: COUNCILMEMBER CHARBONNET
SECONDED BY: COUNCILMEMBER HEAD
WHEREAS, the national pharmacy, CVS, desires to open a location in New Orleans East, providing quality services, economic development, and employment in the community, but has timing concerns relative to this development; therefore,
BE IT MOVED BY THE CITY COUNCIL OF THE CITY OF NEW ORLEANS, That the City Planning Commission is directed to conduct a public hearing to consider the applications of CVS, including, but not limited to an applications for a Design Review and a Conditional Use for a retail development greater than 7,500 Square Feet, in a C-1 and C-2 General Commercial District, within the Eastern New Orleans Renaissance Corridor Interim Zoning District, on behalf of Lake Forest Plaza, LLC, for consideration of a CVS pharmacy, located on Square T12S-R12E, sections 2 & 3, Lot 7F-2B-1, in the Third Municipal District, bounded by the I-10 Service Road, Read Boulevard, Plaza Drive and Lake Forest Boulevard (Municipal Address: 5902 Read Boulevard).
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION OF THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Guidry, Head, Hedge-Morrell - 6
NAYS: 0
ABSENT: Gisleson Palmer - 1
AND THE MOTION WAS ADOPTED.

NO. M-12-294
CITY HALL: August 9, 2012
BY: COUNCILMEMBER CHARBONNET
SECONDED BY: COUNCILMEMBER HEAD
WHEREAS, the former Lakeland Hospital site is now being used for retail purposes; NOW THEREFORE

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the City Planning Commission is directed to conduct a public hearing to consider the rescission of conditional use ordinances 10,384 M.C.S., 12,751 M.C.S. and 12,686 M.C.S, with any subsequent administrative amendments, all of which are no longer required or applicable for the site of a proposed Wal-Mart, located on Lots 4-A-4-1-C-2, 4-A-4-2, 4-A-4-1-C-1, 4-A-4-1-A, 4-A-4-1-B, and 4-A-4-3, on an undesignated square, in the Third Municipal District, in an SC Shopping Center District, generally bounded by Bullard Avenue, the Berg Canal, Interstate 10 Service Road and Lake Forest Boulevard. As to Lots 4-A-4-1-C-2, 4-A-4-2, 4-A-4-1-C-1, 4-A-4-1-A, 4-A-4-1-B, and 4-A-4-3 the conditional use ordinances will be rescinded.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION OF THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Guidry, Head, Hedge-Morrell - 6
NAYS: 0
ABSENT: Gisleson Palmer - 1
AND THE MOTION WAS ADOPTED.

NO. R-12-295
CITY HALL: August 9, 2012
BY: COUNCILMEMBER CHARBONNET (BY REQUEST)
SECONDED BY: COUNCILMEMBER HEAD
Rescinding Resolution No. R-12-246 and calling a special election for the New Orleans Regional Business Park for Tuesday, November 6, 2012 in the City of New Orleans.
WITHDRAWN.

SUBSTITUTE NO. R-12-295
CITY HALL: August 9, 2012
BY: COUNCILMEMBER CHARBONNET (BY REQUEST)
SECONDED BY: COUNCILMEMBER GUIDRY
A RESOLUTION to rescind Resolution No. R-12-246 and to call a special election for the New Orleans Regional Business Park, for Tuesday, November 6, 2012 in the City of New Orleans;
WHEREAS, the New Orleans Regional Business Park (the "NORBP") is a body politic and a political subdivision of the State of Louisiana (the "State") created pursuant to the authority of Chapter 12-A of Title 33, Sections 4701 through 4708 of the Louisiana Revised Statutes of 1950, as amended (the "Act"), and other constitutional and statutory authority for the object and purpose of stimulating industrial and commercial development in Orleans Parish and the parishes adjacent to Orleans Parish by developing stable and more extensive employment opportunities, promoting economic development, especially in disadvantaged communities, improving infrastructure, and promoting the overall welfare of the citizens of Orleans Parish and is governed by the Board of Commissioners of the NORBP (the "Board"); and
WHEREAS, the NORBP, in addition to all other taxes which it is now or hereafter may be authorized by law to levy and collect, is authorized under the Act to levy and collect a special ad valorem millage (the "Tax") at the rate of 20.00 mills, for a term not to exceed fifty (50) years from and after the date the first tax is levied pursuant to the provisions of the Act, in the same manner and at the same time as all other ad valorem taxes on property subject to taxation by the City of New Orleans are levied and collected upon all taxable real property situated within the boundaries of the NORBP, except property occupied in whole or in part as a residence by an owner thereof; and
WHEREAS, the Board adopted Resolution 2012-04-01 requesting the Council of the City of New Orleans (the "Council") set, order and call an election to be held in the City of New Orleans on November 6, 2012 to grant approval to the New Orleans Regional Business Park to levy and collect the ad valorem tax it is authorized to levy and collect pursuant to the Act, for a period of twenty (20) years; now therefore;
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS
SECTION 1. Election Call. Subject to the approval of the State Bond Commission, and under the authority of Chapter 12-A of Title 33, Sections 4701 through 4708 of the Louisiana Revised Statutes of 1950, as amended, and by Article VI of the Constitution of the State of Louisiana of 1974, and the applicable provisions of Title 18 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority supplemental thereto, an election is hereby called in the City of New Orleans on Tuesday, November 6, 2012, between the hours of six o'clock (6:00) a.m. and eight o'clock (8:00) p.m., to determine whether the New Orleans Regional Business Park will be approved to levy and collect the ad valorem tax it is authorized to levy and collect pursuant to the Act, for a period of twenty (20) years. Any

tax levied upon a parcel in the NORBP boundaries shall be in addition to any other ad valorem tax affecting real property, or any charge, (including, but not limited to, a sanitation charge), fee, license, permit or rate imposed or levied pursuant to the regulatory authority of the city of New Orleans in the operation of the City, its departments, agencies, commissions, whether attached or unattached, including, but not limited to the Sewerage and Water Board. The proceeds of any tax collected shall be used solely and exclusively for the purposes and benefit of the New Orleans Regional Business Park. The affairs of the NORBP shall be managed by the Board of Commissioners (the "Board") of the New Orleans Regional Business Park. The Board shall adopt an annual budget in accordance with the Local Government Budget Act, R.S. 39:1301, et seq.

The official ballot to be used for said election shall be printed and worded in the voting machines as follows:

NEW ORLEANS REGIONAL BUSINESS PARK PROPOSITION

SUMMARY: APPROVAL OF A SPECIAL AD VALOREM TAX IN THE AMOUNT OF 20.00 MILLS, ON ALL TAXABLE REAL PROPERTY SITUATED WITHIN THE BOUNDARIES OF THE NEW ORLEANS REGIONAL BUSINESS PARK, EXCEPT PROPERTY OCCUPIED IN WHOLE OR IN PART AS A RESIDENCE BY AN OWNER THEREOF, FOR A PERIOD OF TWENTY (20) YEARS, SOLELY AND EXCLUSIVELY FOR THE PURPOSES AND BENEFIT OF THE NEW ORLEANS REGIONAL BUSINESS PARK.

Shall the City of New Orleans levy a special annual ad valorem tax, to be called the New Orleans Regional Business Park Tax, on all taxable real property situated within the boundaries of the New Orleans Regional Business Park, except for any property occupied in whole or in part as a residence by an owner thereof, as specified by Resolution R-12-295 of the City Council of New Orleans, in the amount of 20.00 mills, having an estimated annual collection amount of $218,500.00, for twenty (20) years, beginning in 2013 and ending in 2032, to be used solely and exclusively for the purposes and benefit of the New Orleans Regional Business Park?

SECTION 2. NORBP Boundaries. The NORBP is a political subdivision of the State of Louisiana comprised of that area in the city of New Orleans within and including the following perimeter streets and avenues:

Begin on center line of Industrial Canal and intersection with the Northerly Line of L & N Railroad right of way. Thence Easterly to a point of intersection with the lot line of Section A, Parcel 5, said point of intersection lying plus or minus 200' Easterly of East line of Industrial Parkway and plus or minus 400' South of center line of Chef Menteur Highway; thence Easterly along said line of Section A, Parcel 5 to the intersection with the East line of the Maxent Canal; thence Southerly along East line of Maxent Canal; thence Southerly along East line of Maxent Canal extended to center line of Intracoastal Waterway; thence Westerly along center line of the Intracoastal Waterway to the intersection with the center line of the Mississippi River Gulf Outlet to the intersection with the center line of the Industrial Canal; thence Northerly along the center line of the Industrial Canal to the point of beginning, less and except that portion thereof bounded by the northern boundary of the district; thence along a line plus or minus 400' southerly of Gentilly Road from its western intersection with the northern boundary of the district to a point plus or minus 400' south of the intersection of Kernard Avenue as projected with Gentilly Road; thence Northerly along Kernard Avenue as projected to its intersection with Gentilly Road; thence Westerly along Gentilly Road to its intersection of the center line of Wright Road right of way as extended; thence Northerly along Wright Road right of way as extended to its intersection with the Northern boundary of the said taxing district.

SECTION 3. Publication of Notice of Election. Notice of said election shall be published in the Official Journal of the City of New Orleans once a week for four (4) consecutive weeks, with the first publication being not less than forty-five days nor more than ninety (90) days prior to the date fixed for the election, which notice shall be substantially in the form attached hereto as *"Exhibit A" and incorporated herein by reference as if the same were set forth herein in full.

SECTION 4. Canvass. The Council, acting under the powers granted to it by the City Charter and state statutes, shall meet at its regular meeting place, the Council Chamber, City Hall, 1300 Perdido Street, New Orleans, Louisiana, Thursday, December 6, 2012, beginning at ten o'clock (10:00) a.m. and shall then and there in open and public session proceed to examine and canvass the returns and declare the results of said election.

SECTION 5. Polling Places. The polling places set forth in the aforesaid notice of election are hereby designated as the polling places at which to hold the said election, and the commissioners-in-charge will be the same persons as those designated in accordance with the laws of the City of New Orleans and the State of Louisiana (the "State").

SECTION 6. Election Commissioners: Voting Machines. The officers designated to serve as commissioners-in-charge and commissioners pursuant to Section 5 hereof, or such substitutes therefore, as may be selected and designated in accordance with La. R.S. 18:1287, shall hold the said election as herein provided, and shall make due returns of said election to the Council. All registered voters in the City of New Orleans are entitled to vote at said election and voting machines shall be used at all precincts therein.

SECTION 7. Authorization of Officers. The clerk of Criminal District Court is hereby empowered, authorized and

directed to arrange for and to furnish to said election officers in ample time for the holding of said election, the necessary equipment, forms and other paraphernalia essential to the proper holding of said election and the president and/or clerk of the Council and the City Attorney of New Orleans are authorized, empowered and directed to take any and all further action required by State and and/or federal law to arrange for the election, including but not limited to, appropriate submission to the United States Department of Justice under Section 5 of the Federal Voting Rights Act of 1965, as amended.

SECTION 8. Furnishing Election Call to Election Officials. Certified copies of this Resolution R-12-295 shall be forwarded to the Secretary of State of Louisiana, the Clerk of Criminal Court and ex-officio parish custodian of voting machines in and for the Parish of Orleans, State of Louisiana, and the registrar of voters in and for said Parish, as notification of the election herein called, in order that each may prepare for said election and perform their respective functions as required by the laws of the State and the City of New Orleans.

SECTION 9. Application to State Bond Commission. Application is made to the State Bond Commission for consent and authority to hold the aforesaid election herein provided, and in the event said election results in approval of the proposition, for further consent and authority to levy and collect the special fee provided for therein, and a certified copy of this resolution shall be forwarded to the State Bond Commission on behalf of the Council requesting prompt consideration and approval of the application.

THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS: Bajoie, Charbonnet, Clarkson, Guidry, Head, Hedge-Morrell - 6

NAYS: 0

ABSENT: Gisleson Palmer - 1

AND THE RESOLUTION WAS ADOPTED.

*Copies may be seen in full in the Clerk of Council’s office, 1300 Perdido Street, Room 1E09, City Hall.

NO. 12-296 VOIDED

NO. R-12-297

CITY HALL: August 9, 2012

BY: COUNCILMEMBER HEDGE-MORRELL

SECONDED BY: COUNCILMEMBER GUIDRY

A RESOLUTION calling a special election in the Gentilly Terrace and Gardens Security District for November 6, 2012.

WHEREAS, the Legislature of Louisiana adopted Act 182 during the Regular Session of 2012; and

WHEREAS, Act 182 enacts the provisions of Section 33:9091.19 of the Louisiana Revised Statutes, relative to the Gentilly Terrace and Gardens Security District (hereinafter, District), and authorizes the City Council of New Orleans to levy and collect a fee for each parcel zoned for residential or commercial use located within the District, which is comprised of areas in the City of New Orleans within and including the following perimeter: the east side of Elysian Fields Avenue, the south side of Filmore Avenue, the west side of Peoples Avenue, and the north side of Gentilly Boulevard, for each calendar year from 2013 through 2015; and

WHEREAS, Act 182 stipulates that the fee to be levied and collected shall not exceed two hundred sixty dollars ($260) per parcel per year for lots zoned for residential use and three hundred sixty dollars ($360) per parcel per year for lots zoned for commercial use; and

WHEREAS, Act 182 mandates that the levying and collecting of such parcel fee shall occur only after the question of its imposition has been submitted to and approved by a majority of the registered voters of the district voting on the proposition at an election held for that purpose in accordance with the Louisiana Election Code; and

WHEREAS, the Board of Commissioners of the Gentilly Terrace and Gardens Security District met on July 13, 2012 and adopted a resolution requesting the City Council of New Orleans to levy and collect an annual fee in an amount not to exceed two hundred sixty dollars ($260) per parcel per year for lots zoned for residential use and three hundred sixty dollars ($360) per parcel per year for lots zoned for commercial use located within the Gentilly Terrace and Gardens Security District, subject to the question of the imposition of such fees being approved by a majority of the registered voters of the district voting on the question at the November 6, 2012 general election; now therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that

SECTION 1. Election Call. Subject to the approval of the State Bond Commission, and under the authority conferred by Act 182 of the Regular Session of the Louisiana Legislature of 2012, and by Article VI of the Constitution of the State of Louisiana of 1974, and the applicable provisions of Title 18 of the Louisiana Revised Statutes of 1950, as amended,

and other constitutional and statutory authority supplemental thereto, an election is hereby called for Tuesday, November 6, 2012 between the hours of six o'clock (6:00) a.m. and eight o'clock (8:00) p.m., and at said election the electorate of the Gentilly Terrace and Gardens Security District may approve or disapprove the levy of a special fee in an amount not to exceed two hundred sixty dollars ($260) per parcel per year for lots zoned for residential use and three hundred sixty dollars ($360) per parcel per year for lots zoned for commercial use located in the Gentilly Terrace and Gardens Security District for the years 2013 through 2015, in accordance with Title 18 of the Louisiana Revised Statutes of 1950. The fee is estimated to generate approximately three hundred forty-three thousand and nine hundred sixty-seven dollars ($343,967.00) per year. Any fee levied upon a parcel in the district shall be in addition to any ad valorem tax affecting real property, or any charge, (including, but not limited to, a sanitation charge), fee, license, permit or rate imposed or levied pursuant to the regulatory authority of the City of New Orleans in the operation of the city, its departments, agencies, and commissions,
whether attached or unattached, including, but not limited to the Sewerage & Water Board. The proceeds of any fee collected shall be used solely and exclusively for the purposes and benefit of the Gentilly Terrace and Gardens Security District; however, the city may retain one percent (1%) of the amount collected as a collection fee. The affairs of the district shall be managed by the Board of Commissioners of the Gentilly Terrace and Gardens Security District, (hereinafter, the Board). The Board shall adopt an annual budget in accordance with the Local Government Budget Act, R. S. 39:1301, et seq.
The official ballot to be used for said election shall be printed and worded in the voting machines as follows:
GENTILLY TERRACE AND GARDENS SECURITY DISTRICT PROPOSITION
SUMMARY: THE LEVY OF A SPECIAL ANNUAL FEE FOR THREE (3) YEARS UPON EACH PARCEL ZONED FOR RESIDENTIAL OR COMMERICAL USE LOCATED IN THE GENTILLY TERRACE AND GARDENS SECURITY DISTRICT TO PROMOTE AND ENCOURAGE SECURITY WITHIN THE GENTILLY TERRACE AND GARDENS SECURITY DISTRICT.
Shall the City of New Orleans levy a special annual fee, to be called the "Gentilly Terrace and Gardens Security District Fee," on each parcel zoned for residential or commercial use located within the Gentilly Terrace and Gardens Security District (which district is comprised of that area of the City of New Orleans located within and including the following perimeter: the east side of Elysian Fields Avenue, the south side of Filmore Avenue, the west side of Peoples Avenue, and the north side of Gentilly Boulevard), as specified by Resolution R-12-297 of the City Council of New Orleans, in an amount not to exceed two hundred sixty dollars ($260) per parcel zoned for residential use and three-hundred sixty dollars ($360) per parcel zoned for commercial use for each calendar year from 2013 through 2015, which fee is estimated to generate approximately three hundred forty-three thousand and nine hundred sixty-seven dollars ($343,967.00) annually, to be used solely and exclusively (except 1% city collection fee) to promote and encourage the security of the Gentilly Terrace and Gardens Security District as determined and managed by the Board of Commissioners of the Gentilly Terrace and Gardens Security District, which additional security patrols (public or private) or any other security or other services or betterments provided by the district shall be supplemental to and not in lieu of personnel and services provided in the district by the state of Louisiana or the City of New Orleans or their departments or agencies or by other political subdivisions?
SECTION 2. District Boundaries. The district boundaries are comprised of property in the City of New Orleans within the following perimeter: the east side of Elysian Fields Avenue, the south side of Filmore Avenue, the west side of Peoples Avenue, and the north side of Gentilly Boulevard.
SECTION 3. Publication of Notice of Election. Notice of said election shall be published in the official journal of the City of New Orleans once a week for four (4) consecutive weeks, with the first publication being not less than forty-five (45) days nor more than ninety (90) days prior to the date fixed for the election, which notice shall be substantially in the form attached hereto as *"Exhibit A" and incorporated herein by reference as if the same were set forth herein in full.
SECTION 4. Canvass. The Council, acting under the powers granted to it by the City Charter and state statutes, shall meet at its regular meeting place, the Council Chamber, City Hall, 1300 Perdido Street, New Orleans, Louisiana on Thursday, November 15, 2012 beginning at ten o'clock (10:00) a.m. and shall then and there in open and public session proceed to examine and canvass the returns and declare the result of said election.
SECTION 5. Polling Places. The polling places set forth in the aforesaid notice of election are hereby designated as the polling places at which to hold the said election, and the commissioners-in-charge and commissioners will be the same persons as those designated in accordance with law.
SECTION 6. Election Commissioners: Voting Machines. The officers designated to serve as commissioners-in-charge and commissioners pursuant to Section 5 hereof, or such substitutes therefore, as may be selected and designated in

accordance with La. R.S. 18:1287, shall hold the said election as herein provided, and shall make due returns of said election to the City Council. All registered voters in the District are entitled to vote at said election and voting machines shall be used thereat.
SECTION 7. Authorization of Officers. The clerk of Criminal District Court is hereby empowered, authorized and directed to arrange for and to furnish to said election officers in ample time for the holding of said election, the necessary equipment, forms and other paraphernalia essential to the proper holding of said election and the president and/or clerk of the City Council and the city attorney are authorized, empowered and directed to take any and all further action required by state and/or federal law to arrange for the election, including but not limited to, appropriate submission to the United States Department of Justice under Section 5 of the Federal Voting Rights Act of 1965, as amended.
SECTION 8. Furnishing Election Call to Election Officials. Certified copies of this resolution shall be forwarded to the secretary of state, the clerk of court and ex-officio parish custodian of voting machines in and for the parish of Orleans, state of Louisiana, and the registrar of voters in and for said parish, as notification of the election herein called, in order that each may prepare for said election and perform their respective functions as required by law.
SECTION 9. Application to State Bond Commission. Application is made to the State Bond Commission for consent and authority to hold the aforesaid election as herein provided, and in the event said election results in approval of the proposition, for further consent and authority to levy and collect the special fee provided for therein, and a certified copy of this resolution shall be forwarded to the State Bond Commission on behalf of the City Council requesting prompt consideration and approval of the application.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Guidry, Head, Hedge-Morrell - 6
NAYS: 0
ABSENT: Gisleson Palmer - 1
AND THE RESOLUTION WAS ADOPTED.
*Copies may be seen in full in the Clerk of Council’s office, 1300 Perdido Street, Room 1E09, City Hall.

NO. R-12-298
CITY HALL: August 9, 2012
BY: COUNCILMEMBER HEDGE-MORRELL
SECONDED BY: COUNCILMEMBER GUIDRY
A RESOLUTION calling a special election in the North Kenilworth Improvement and Security District for Tuesday, November 6, 2012.
WHEREAS, the Legislature of Louisiana adopted Act 575 during the Regular Session of 2012; and
WHEREAS, Act 575 enacts the provisions of Section 33:9091.19 of the Louisiana Revised Statutes, relative to the North Kenilworth Improvement and Security District (hereinafter, District), and authorizes the City Council of New Orleans to levy and collect a fee for each parcel of land (except those owned by individuals who qualify for “special assessment” as provided in Article VII, Section 18(G)(1) of the Constitution of Louisiana) located within the District, which is comprised of areas in the City of New Orleans within the following perimeter: beginning at the intersection of Morrison Road and Malvern Drive, north along Malvern Drive to its intersection with south side of Curran Boulevard, then east along the south side of Curran Boulevard to its intersection with Afton Drive, then south along Afton Drive to its intersection with Aberdeen Road, then west along Aberdeen Road to its intersection with Dartmoor Drive, then south along Dartmoor Drive to its intersection with Morrison Road, then west along Morrison Road to the point of the beginning, not to exceed eight (8) years from its initial imposition; and
WHEREAS, Act 575 stipulates that the fee to be levied and collected shall not exceed five hundred dollars ($500) per parcel of land per year.
WHEREAS, Act 575 mandates that the levying and collecting of such parcel fee shall occur only after the question of its imposition has been submitted to and approved by a majority of the registered voters of the district voting on the proposition at an election held for that purpose in accordance with the Louisiana Election Code; and
WHEREAS, the Board of Commissioners of the North Kenilworth Improvement and Security District met on July 17, 2012 and adopted a resolution requesting the City Council of New Orleans to levy and collect an annual fee in an amount not to exceed three hundred dollars ($300) per parcel of land per year for parcels within the North Kenilworth Improvement and Security District (except parcels owned by individuals who qualify for “special assessment” as provided in Article VII, Section 18(G)(1) of the Constitution of Louisiana), subject to the question of the imposition of

such fees being approved by a majority of the registered voters of the district voting on the question at the November 6, 2012 general election; now therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that

SECTION 1. Election Call. Subject to the approval of the State Bond Commission, and under the authority conferred by Act 575 of the Regular Session of the Louisiana Legislature of 2012, and by Article VI of the Constitution of the State of Louisiana of 1974, and the applicable provisions of Title 18 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority supplemental thereto, an election is hereby called for Tuesday, November 6, 2012 between the hours of six o'clock (6:00) a.m. and eight o'clock (8:00) p.m., and at said election the electorate of the North Kenilworth Improvement and Security District may approve or disapprove the levy of a special fee in an amount not to exceed three hundred dollars ($300) per parcel of land (except those owned by individuals who qualify for "special assessment" as provided in Article VII, Section 18(G)(1) of the Constitution of Louisiana) per year for parcels located in North Kenilworth Improvement and Security District for eight (8) years commencing on January 1, 2013, in accordance with Title 18 of the Louisiana Revised Statutes of 1950. The fee is estimated to generate approximately sixty-four thousand two hundred dollars ($64,200.00) per year. Any fee levied upon a parcel in the district shall be in addition to any ad valorem tax affecting real property, or any charge, (including, but not limited to, a sanitation charge), fee, license, permit or rate imposed or levied pursuant to the regulatory authority of the City of New Orleans in the operation of the city, its departments, agencies, and commissions, whether attached or unattached, including, but not limited to the Sewerage & Water Board. The proceeds of any fee collected shall be used solely and exclusively for the purposes and benefit of the North Kenilworth Improvement and Security District; however, the city may retain one percent (1%) of the amount collected as a collection fee. The affairs of the district shall be managed by the Board of Commissioners of the North Kenilworth Improvement and Security District, (hereinafter, the Board). The Board shall adopt an annual budget in accordance with the Local Government Budget Act, R. S. 39:1301, et seq.

The official ballot to be used for said election shall be printed and worded in the voting machines as follows:

NORTH KENILWORTH IMPROVEMENT AND SECURITY DISTRICT PROPOSITION

SUMMARY: THE LEVY OF A SPECIAL ANNUAL FEE FOR EIGHT (8) YEARS UPON EACH PARCEL OF LAND (EXCEPT "SPECIAL ASSESSMENT" PARCELS) IN THE NORTH KENILWORTH IMPROVEMENT AND SECURITY DISTRICT TO PROMOTE AND ENCOURAGE THE BEAUTIFICATION, SECURITY, AND OVERALL BETTERMENT OF THE NORTH KENILWORTH IMPROVEMENT AND SECURITY DISTRICT.

Shall the City of New Orleans levy a special annual fee, to be called the "North Kenilworth Improvement and Security District Fee," on each parcel of land (except those owned by individuals who qualify for "special assessment" as provided in Article VII, Section 18(G)(1) of the Constitution of Louisiana) located in the North Kenilworth Improvement and Security District (which district is comprised of that area of the City of New Orleans located within the following perimeter: beginning at the intersection of Morrison Road and Malvern Drive, north along Malvern Drive to its intersection with south side of Curran Boulevard, then east along the south side of Curran Boulevard to its intersection with Afton Drive, then south along Afton Drive to its intersection with Aberdeen Road, then west along Aberdeen Road to its intersection with Dartmoor Drive, then south along Dartmoor Drive to its intersection with Morrison Road, then west along Morrison Road to the point of the beginning), as specified by Resolution R-12-298 of the City Council of New Orleans, in an amount not to exceed three hundred dollars ($300) per parcel of land for eight (8) years commencing January 1, 2013, which fee is estimated to generate approximately sixty-four thousand two hundred dollars ($64,200.00) annually, to be used solely and exclusively (except 1% city collection fee) to promote and encourage the beautification, security, and overall betterment of the North Kenilworth Improvement and Security District as determined and managed by the Board of Commissioners of the North Kenilworth Improvement and Security District, which additional security patrols (public or private) or any other security or other services or betterments provided by the district shall be supplemental to and not in lieu of personnel and services provided in the district by the state of Louisiana or the City of New Orleans or their departments or agencies or by other political subdivisions?

SECTION 2. District Boundaries. The district boundaries are comprised of property in the City of New Orleans within the following perimeter: beginning at the intersection of Morrison Road and Malvern Drive, north along Malvern Drive to its intersection with south side of Curran Boulevard, then east along the south side of Curran Boulevard to its intersection with Afton Drive, then south along Afton Drive to its intersection with Aberdeen Road, then west along Aberdeen Road to its intersection with Dartmoor Drive, then south along Dartmoor Drive to its intersection with Morrison Road, then west along Morrison Road to the point of the beginning

SECTION 3. Publication of Notice of Election. Notice of said election shall be published in the official journal of the City of New Orleans once a week for four (4) consecutive weeks, with the first publication being not less than forty-five (45) days nor more than ninety (90) days prior to the date fixed for the election, which notice shall be substantially in

the form attached hereto as *“Exhibit A” and incorporated herein by reference as if the same were set forth herein in full.
SECTION 4. Canvass. The Council, acting under the powers granted to it by the City Charter and state statutes, shall meet at its regular meeting place, the Council Chamber, City Hall, 1300 Perdido Street, New Orleans, Louisiana on Thursday, November 15, 2012 beginning at ten o’clock (10:00) a.m. and shall then and there in open and public session proceed to examine and canvass the returns and declare the result of said election.
SECTION 5. Polling Places. The polling places set forth in the aforesaid notice of election are hereby designated as the polling places at which to hold the said election, and the commissioners-in-charge and commissioners will be the same persons as those designated in accordance with law.
SECTION 6. Election Commissioners: Voting Machines. The officers designated to serve as commissioners-in-charge and commissioners pursuant to Section 5 hereof, or such substitutes therefore, as may be selected and designated in accordance with La. R.S. 18:1287, shall hold the said election as herein provided, and shall make due returns of said election to the City Council. All registered voters in the District are entitled to vote at said election and voting machines shall be used thereat.
SECTION 7. Authorization of Officers. The clerk of Criminal District Court is hereby empowered, authorized and directed to arrange for and to furnish to said election officers in ample time for the holding of said election, the necessary equipment, forms and other paraphernalia essential to the proper holding of said election and the president and/or clerk of the City Council and the city attorney are authorized, empowered and directed to take any and all further action required by state and/or federal law to arrange for the election, including but not limited to, appropriate submission to the United States Department of Justice under Section 5 of the Federal Voting Rights Act of 1965, as amended.
SECTION 8. Furnishing Election Call to Election Officials. Certified copies of this resolution shall be forwarded to the secretary of state, the clerk of court and ex-officio parish custodian of voting machines in and for the parish of Orleans, state of Louisiana, and the registrar of voters in and for said parish, as notification of the election herein called, in order that each may prepare for said election and perform their respective functions as required by law.
SECTION 9. Application to State Bond Commission. Application is made to the State Bond Commission for consent and authority to hold the aforesaid election as herein provided, and in the event said election results in approval of the proposition, for further consent and authority to levy and collect the special fee provided for therein, and a certified copy of this resolution shall be forwarded to the State Bond Commission on behalf of the City Council requesting prompt consideration and approval of the application.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Guidry, Head, Hedge-Morrell - 6
NAYS: 0
ABSENT: Gisleson Palmer - 1
AND THE RESOLUTION WAS ADOPTED.
*Copies may be seen in full in the Clerk of Council’s office, 1300 Perdido Street, Room 1E09, City Hall.

NO. R-12-299
CITY HALL: August 9, 2012
BY: COUNCILMEMBER CHARBONNET (BY REQUEST)
SECONDED BY: COUNCILMEMBER HEAD
Rescinding Resolution No. R-12-245 and calling a special election for Tuesday, November 6, 2012 in the City of New Orleans.
WITHDRAWN.

NO. M-12-300
CITY HALL: August 9, 2012
BY: COUNCILMEMBER GUIDRY
SECONDED BY: COUNCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That Motion No. M-12-199 is hereby rescinded.
BE IT FURTHER MOVED, That the report and recommendation of the City Planning Commission on DESIGN REVIEW NO. 85/12 – COSTCO WHOLESALE – Requesting an appeal of Article 11, Section 11.61 Retail Uses

Greater Than 25,000 Square Feet in Floor Area and of Article 10, Section 10.3A Inner-City Urban Corridor of the Comprehensive Zoning Ordinance to permit a large scale retail development on Squares 616, 618, 619, 642-643 all Lots, in the Seventh Municipal District, bounded by South Carrollton Avenue, Palmetto and Cambronne Streets and the Pontchartrain Expressway (the Municipal addresses are unassigned), be, and the appeal is hereby approved as modified, and granted, subject to ten (10) waivers and thirteen (13) provisos:

WAIVERS:

1. The applicant shall be granted a waiver of Article 11, Section 11.61.1.A.(3), which requires shade trees, thirty (30) inch high evergreen hedges, landscaped pedestrian walkways and a decorative fence around the perimeter of the site, to permit no fencing along Dublin Street.
2. The applicant shall be granted a waiver of Article 11, Section 11.61.1.A.(3), which requires a landscaped pedestrian walkway from Palmetto Street to the building entrance, to permit only one pedestrian walkway from Dublin Street to the building entrance.
3. The applicant shall be granted a waiver of Article 11, Section 11.61.1.C.(1), which requires two (2) entrances, to permit only one (1) entrance.
4. The applicant shall be granted a waiver of Article 11, Section 11.61.2.A.(1), which permits a parking rate of one (1) parking space per 500 square feet of floor area for an inner-city site, to permit a maximum of 670 spaces, subject to meeting landscaping and pedestrian walkway requirements.
5. The applicant shall be granted a waiver of Article 11, Section 11.61.1.D.(2), which requires a six (6) foot high opaque screening with gate, to permit no six (6) foot high opaque screening. Landscaping shall be used to create the required opacity.
6. The applicant shall be granted a waiver of Article 11, Section 11.61.3.A.(5), which requires that a sidewalk, not less than eight (8) feet in width, shall be provided along the full length of the building along any facade abutting parking areas and such sidewalks shall be located six (6) feet away from the façade, to permit no plant beds along the east and south elevation.
7. The applicant shall be granted a waiver of Article 11, Section 61.1.D.(4), which requires all service and loading areas to provide a setback of twenty (20) feet, to permit a setback of zero (0) feet.
8. The applicant shall be granted a waiver of Article 11, Section 11.61.4. A (1), which requires that building facades greater than 100 feet in length incorporate recesses and projections for at least twenty (20) percent of the façade length, to permit recesses and projections less than twenty (20) percent of the façade length as indicated in elevation drawings prepared by Mulvanny G2 Architecture on May 30, 2012 on page number DD3. 1-08.
9. The applicant shall be granted a waiver of Article 11, Section 11.61.4. B (2), which prohibits the use of pre-fabricated steel panels as a predominant building material, to permit the use of pre-fabricated steel panels as a predominant building material as indicated in elevation drawings prepared by Mulvanny G2 Architecture on May 30, 2012 on page number DD3. 1-08.
10. The applicant shall be granted a waiver of Article 11, Section 11. 61.4.A (2), which requires that display windows, entry areas, awnings, arcades, or other such features shall total at least sixty (60) percent of the horizontal length, to permit forty (40) percent on the East ground floor elevations.

PROVISOS:

1. The applicant shall secure site control of the property and finalize all Property Dispositions prior to the issuance of the Certificate of Use and Occupancy by the Department of Safety and Permits.
2. The applicant shall secure the approval for all curb cuts on Dixon, Palmetto and Cambronne Streets from the Department of Public Works prior to final approval by the City Planning Commission. Additionally, all curb cuts off of Dublin Street shall secure approval from the State's Department of Transportation and Development. The width of each curb cut shall be subject to the discretion of the noted entities, based on review and approval of the Traffic Impact Analysis.
3. The applicant shall obtain the approval of the Department of Parks and Parkways for all landscaping in the public rights of way prior to obtaining final approval from the City Planning Commission.
4. The applicant shall install the proposed fencing along Palmetto Street along the gasoline service station and along South Carrollton Avenue in front of the employee parking lot and gasoline service station as indicated in the site plan drawings prepared by Mulvanny G2 Architecture on May 22, 2012 on page number DD1. 1-14.
5. The applicant shall submit a landscape plan prepared by a licensed Louisiana landscape architect subject to the review and approval of the staff of the City Planning Commission. Additionally, all trees and shrubs shall be rated either a 1 or a 2 in accordance with the LSU AgCenter Tree and Shrub rating guide bulletin.
6. The applicant shall submit an updated site plan and landscape plan which indicates the material and location of all

required scored concrete as required by Article 11, Section 11.61.1.B.(4) of the Comprehensive Zoning Ordinance.
7. The applicant shall revise the site plan to incorporate planters around the perimeter of the food service area.
8. The applicant shall submit a revised site plan indicating the provision of six hundred and seventy (670) parking spaces.
9. The applicant shall provide one (1) additional interior pedestrian pathway through the parking lot to the main entrance of the building with the pathway's landscaping subject to City Planning Commission staff approval.
10. The applicant shall comply with Article 11, Section 11.61.4.A (2), which requires that display windows, entry areas, awnings, arcades, or other such features shall total at least sixty (60) percent of the horizontal length of the South ground floor elevations.
11. The applicant shall install a combination brick pillars and metal picket fence with a minimum of fifty (50) percent opacity built to a minimum height of thirty (30) inches, screening the vehicular use areas of the gasoline service station and accessory surface level parking lot fronting South Carrollton Avenue, subject to the review and approval of the staff of the City Planning Commission. Landscaping shall be installed to create a minimum of fifty (50) percent opacity.
12. The applicant shall comply with any requirements put forth by the Department of Public Works and the Louisiana Department of Transportation and Development resulting from the review of the Traffic Impact Analysis.
13. The applicant shall provide to the City Planning Commission staff a letter outlining a litter abatement program, acceptable to the Department of Sanitation, inclusive of the location of litter storage out of the public right-of-way, the frequency of litter pickup, the clearing all litter from the adjacent right-of-way, and the periodic hosing of the adjacent street rights-of-way, as necessary. The name and phone number of the owner/operator of the establishment shall be kept on file in case of any violation.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Guidry, Head, Hedge-Morrell - 6
NAYS: 0
ABSENT: Gisleson Palmer - 1
AND THE MOTION WAS ADOPTED.

NO. M-12-301
CITY HALL: August 9, 2012
BY: COUNCILMEMBERS CLARKSON, HEAD, GUIDRY, GISLESON PALMER, HEDGE-MORRELL AND CHARBONNET
WHEREAS, Rule 8 of the Rules and Regulations of the Council provides that one of the Councilmembers-at-Large be elected President of the Council for a one year term; and
WHEREAS, in May 2012 the Council adopted Motion M-12-146, re-electing Councilmember Jacquelyn Brechtel Clarkson to the presidency until further action was taken; and
WHEREAS, it is now the desire of Councilmembers Head and Clarkson that Councilmember Stacy Head now become President; now, therefore
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That Councilmember-at-Large Stacy Head be and she is hereby elected to serve as President of the Council, until May 2, 2013.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Guidry, Head, Hedge-Morrell - 6
NAYS: 0
ABSENT: Gisleson Palmer - 1
AND THE MOTION WAS ADOPTED.

NO. M-12-302
CITY HALL: August 9, 2012
BY: COUNCILMEMBERS CLARKSON, HEAD, GUIDRY, GISLESON PALMER, HEDGE-MORRELL, AND CHARBONNET
WHEREAS, Rule 8 of the Rules and Regulations of the Council provides that one of the Councilmembers-at-Large be elected President of the Council for a one year term; and
WHEREAS, in May 2012 the Council adopted Motion M-12-147, electing Councilmember Stacy Head to the Vice-Presidency until further action was taken; and

WHEREAS, it is now the desire of Councilmembers Head and Clarkson that Councilmember Stacy Head now become President; now, therefore
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That Councilmember-at-Large Jacquelyn Brechtel Clarkson be and she is hereby elected to serve as Vice-President of the Council, until May 2, 2013.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Guidry, Head, Hedge-Morrell - 6
NAYS: 0
ABSENT: Gisleson Palmer – 1
AND THE MOTION WAS ADOPTED.

NO. M-12-303
CITY HALL: August 9, 2012
BY: COUNCILMEMBER CHARBONNET
SECONDED BY: COUNCILMEMBER HEDGE-MORRELL
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the request of TERRY A. FRIEDMAN, GENERAL CONTRACTOR, BUDGET REALTY INC. - To appeal the Historic District Landmarks Commission's decision of "denial" of the demolition of property located at 813-815 Tupelo Street, be, and the decision is hereby overruled and the appeal is granted.
BE IT FURTHER MOVED, That the Clerk of Council shall forward copies of this motion directly to all affected departments.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Guidry, Head, Hedge-Morrell - 6
NAYS: 0
ABSENT: Gisleson Palmer - 1
AND THE MOTION WAS ADOPTED.

NO. M-12-304
CITY HALL: August 9, 2012
BY: COUNCILMEMBER BAJOIE
SECONDED BY: COUNCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the request of ERIC J. IGLESIAS - To appeal the Historic District Landmarks Commission's decision of "denial" of the extension of the second floor gallery and enclosing it with wood, louvered shutter (begun without the required Certificate of Appropriateness), expansion of the historic roof and addition of three dormers on the front façade and one large dormer on the rear façade of property located at 1015 Melpomene Street, be, and the decision is hereby upheld and the appeal is denied.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Guidry, Head, Hedge-Morrell - 6
NAYS: 0
ABSENT: Gisleson Palmer - 1
AND THE MOTION WAS ADOPTED.

NO. M-12-305
CITY HALL: August 9, 2012
BY: COUNCILMEMBER BAJOIE
SECONDED BY: COUNCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the request of STACY ROGERS, SECRETARY, INTEGRAL PROPERTIES, INC. - To appeal the Neighborhood Conservation District Committee's decision of "denial" of demolition for property located at 519 South Rocheblave Street, be, and the decision is hereby overruled and the appeal is granted.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS: Bajoie, Charbonnet, Clarkson, Guidry, Head, Hedge-Morrell - 6
NAYS: 0
ABSENT: Gisleson Palmer - 1
AND THE MOTION WAS ADOPTED.

NO. M-12-306
CITY HALL: August 9, 2012
BY: COUNCILMEMBER GUIDRY
SECONDED BY: COUNCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and favorable recommendation of the City Planning Commission staff on the ALCOHOLIC BEVERAGE MORATORIUM – APPEAL OF JAMES T. VU, MEMBER KAKKOII JAPANESE BISTREAUX – (DR NO. 120/12) –Requesting to appeal the Alcoholic Beverages Moratorium in City Council District "A" (Calendar Ordinance No. 28,800) to permit the sale of alcoholic beverages for consumption on-premises at Kakkoii Japanese Bistreaux, a standard restaurant, in a B-1 Neighborhood Business District, on Square 99, Lot 9, in the Seventh Municipal District, bounded by Adams, Burthe, Hillary and Maple Streets (Municipal Address: 7537 Maple Street), be, and the request is hereby approved as modified, and granted, subject to nine (9) provisos.
PROVISOS:
1. The applicant shall secure a lease of servitude from the Department of Property Management, Division of Real Estate and records, for all encroachments into the public right-of-way adjacent to the site prior to the issuance of the Alcoholic Beverage Outlet permit by the Department of Finance.
2. The applicant shall consult with the Department of Public Works to determine the most appropriate parking configuration along Hillary Street adjacent to the structure.
3. The applicant shall obtain approval from the Department of Safety and Permits and Property Management Division of Real Estate and Records for the two (2) proposed signs. Exterior signage or signage affixed to or mounted directly on or near a window that can be seen from the public right-of-way indicating the sale of alcoholic beverages shall be prohibited.
4. The consumption of alcoholic beverages and loitering in front of the structure or in the adjacent right-of-ways shall be prohibited.
5. The use of "to-go" cups for alcoholic beverages shall be prohibited.
6. The restaurant shall operate between the hours of 6:00 a.m. and 10:00 p.m. Sunday through Thursday and between 6:00 a.m. and 12:00 a.m. Friday and Saturday.
7. A full-service menu shall be provided at all times alcoholic beverages are sold.
8. The applicant shall submit a revised site plan, indicating a designated dumpster/trash storage area enclosed with a minimum six (6) foot high opaque masonry or wood fence with latching gate. Trash shall be put on the street on the scheduled pick-up days. Additionally, the developer shall submit a litter abatement program letter to the Department of Sanitation for review and approval. The letter shall be inclusive of the stated location of litter storage, the type and quantity of trash receptacles, the frequency of litter pick-up by a contracted trash removal company, and the clearing of all litter from the sidewalks and street rights-of-way. The name and phone number of the owner/operator of the restaurant shall be included in this letter to be kept on file in case of any violation.
9. Video poker shall not be permitted.
BE IT FURTHER MOVED, That the Clerk of Council shall forward copies of this motion directly to all affected departments.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Guidry, Head, Hedge-Morrell - 6
NAYS: 0
ABSENT: Gisleson Palmer - 1
AND THE MOTION WAS ADOPTED.

NO. M-12-307
CITY HALL: August 9, 2012
BY: COUNCILMEMBER GUIDRY
SECONDED BY: COUNCILMEMBER HEAD

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and favorable recommendation of the City Planning Commission on ZONING DOCKET NO. 68/12 – DRR VENTURES, LLC – Requesting a Conditional Use to permit the sale of alcoholic beverages for consumption on-premises at a standard restaurant in a B-2 Neighborhood Business District on Square 16, Lots A and B, in the Sixth Municipal District, bounded by Camp, State, Magazine and Eleonore Streets. (Municipal Addresses: 5955 and 5961 Magazine Street), be, and the request is hereby approved as modified, and granted, subject to thirteen (13) provisos:

PROVISOS:

1. The Department of Safety and Permits shall issue no building permits or licenses for this project until final development plans are approved by the City Planning Commission and recorded with the Office of Conveyances. Failure to complete the conditional use process by properly recording plans within a one year time period or failure to request an administrative extension as provided for in Article 16, Section 16.9.11 of the Comprehensive Zoning Ordinance will void the conditional use approval.
2. The applicant shall complete the consolidation of all lots comprising the site into one lot of record prior to the issuance of a Certificate of Use and Occupancy for the conditional use.
3. The applicant shall secure a lease or grant of servitude from the Department of Property Management Division of Real Estate and Records for all encroachments within the public-right-of-way, prior to the finalization of the conditional use by the City Planning Commission.
4. The restaurant shall operate between the hours of 6:00 a.m. and 11:00 p.m. Sunday through Thursday and between 6:00 a.m. and 12:00 a.m. Friday and Saturday.
5. Alcoholic beverage service for consumption on premises shall be served only in combination with food service. Food service shall comprise at least fifty percent (50%) of the revenue for the restaurant and a full food menu shall be available at all times that the restaurant is open.
6. The use of disposable or “go” cups shall be prohibited.
7. The applicant shall indicate the location of dumpsters or trash storage containers on the site plan for final approval. At no time other than during trash pick-up shall trash be visible from the public right-of-way.
8. The applicant shall submit a litter abatement program letter to the Department of Sanitation for review and approval. The letter shall be inclusive of the stated location of litter storage out of the public right-of-way, the type and quantity of trash receptacles, the frequency of litter pickup, the clearing of litter from the adjacent right-of-way, and the periodic hosing of the adjacent street rights-of-way, as necessary. The name and phone number of the on-site manager shall be included in this letter to be kept on file in case of any violation.
9. The applicant shall submit a final landscaping and maintenance plan subject to the review and approval of City Planning Commission staff and the Department of Parks and Parkways for any planting within the public right-of-way.
10. The applicant shall submit all proposed exterior signage in accordance with the requirements of Article 5, Section 5.6.6 Permitted Signs of the Comprehensive Zoning Ordinance, subject to the review and approval of the staff of the City Planning Commission. In addition, the applicant shall remove all existing noncompliant signage from the exterior of the structure. No signage promoting alcoholic beverages or video poker shall be permitted on the exterior of the building or visible from the exterior of the building.
11. The applicant shall secure approval from the Department of Public Works for the repair of the sidewalks and curbs adjacent to the petitioned site.
12. The applicant shall secure a sidewalk café franchise license from the Department of Public Works for the proposed sidewalk seating.
13. Video poker shall not be permitted.

BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney’s Office for the preparation of an ordinance to effectuate the request.

THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:

YEAS: Bajoie, Charbonnet, Clarkson, Guidry, Head, Hedge-Morrell - 6
NAYS: 0
ABSENT: Gisleson Palmer - 1
AND THE MOTION WAS ADOPTED.

NO. M-12-308
CITY HALL: August 9, 2012

BY: COUNCILMEMBER BAJOIE
SECONDED BY: COUNCILMEMBER CLARKSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the report and favorable recommendation of the City Planning Commission on ZONING DOCKET NO. 75/12 – 445 SOUTH RAMPART, LLC - Requesting a Conditional Use to permit an amusement place in a CBD-1 Central Business District, on Square 297, Lots C or Pts. 1 thru 4, B or Pts. 1 thru 4, and A or Pts. 1 thru 4, in the First Municipal District, bounded by Loyola Avenue, Perdido, South Rampart, and Poydras Streets (Municipal Addresses: 445, 447, 449 South Rampart Street), be, and the same is hereby upheld, subject to the 15 provisos contained in the City Planning Commission's report.
BE IT FURTHER MOVED, that a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the Conditional Use.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Guidry, Head, Hedge-Morrell - 6
NAYS: 0
ABSENT: Gisleson Palmer - 1
AND THE MOTION WAS ADOPTED.

NO. M-12-309
CITY HALL: August 9, 2012
BY: COUNCILMEMBER GUIDRY
SECONDED BY: COUNCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and unfavorable recommendation of the City Planning Commission on ZONING DOCKET NO. 76/12 – TOM K. VO –Requesting a Zoning Change from an RD-3 Two-Family Residential District to an RM-2A Multi-Family Residential District, on Square 322, Lot 95, in the Second Municipal District, bounded by St. Phillip, North Dorgenois, Dumaine and North Rocheblave Streets (Municipal Address: 2534 St. Philip Street), be, and the same is hereby upheld and the Zoning Change is denied.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Guidry, Head, Hedge-Morrell - 6
NAYS: 0
ABSENT: Gisleson Palmer - 1
AND THE MOTION WAS ADOPTED.

NO. M-12-310
CITY HALL: August 9, 2012
BY: COUNCILMEMBER BAJOIE
SECONDED BY: COUNCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the report and favorable recommendation of the City Planning Commission on ZONING DOCKET NO. 77/12 – SOUTH MARKET DISRTICT, LLC - Requesting the Rescission of Ordinance No. 23,651 MCS and a new Conditional Use to permit a non-accessory parking garage in a CBD-5 Central Business District, on Square 258, Lot B, in the First Municipal District, bounded by O'Keefe Avenue, Girod, Lafayette and Baronne Streets (Municipal Address: 939 Girod Street), be, and the same is hereby upheld, subject to two (2) waivers and 10 provisos contained in the City Planning Commission's report.
BE IT FURTHER MOVED, that a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the request.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Guidry, Head, Hedge-Morrell - 6
NAYS: 0
ABSENT: Gisleson Palmer - 1
AND THE MOTION WAS ADOPTED.

NO. M-12-311

CITY HALL: August 9, 2012
BY: COUNCILMEMBER BAJOIE
SECONDED BY: COUNCILMEMBER CLARKSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and favorable recommendation of the City Planning Commission on DESIGN REVIEW NO. 117/12 – CHRISTOPHER SYLVAIN on Behalf of GILBERT COPELAND – Requesting an appeal of the Inner-City Urban Corridor (I.C.U.C.) District Regulations, Article 10, Section 10.3A of the Comprehensive Zoning Ordinance to permit a pharmacy and restaurant within an existing vacant commercial building in a C-1A General Commercial District, in the First Municipal District, on Square 584, Lots V, W, X or part of lots 23, 24, and 25, bounded by Tulane Avenue, South Broad, Banks and South Dorgenois Streets (the Municipal address 2657 Tulane Avenue), be, and the appeal is hereby approved and granted, subject to two (2) waivers and seven (7) provisos:
Waivers
1. The applicant shall be granted a variance from the provisions of Article 10, Section 10.3A.6.2.a for front yard setbacks and landscaping to permit no landscaping in the front yard setback for the subject redevelopment along Tulane Ave.
2. The applicant shall be granted a variance from the provisions of Article 10, Section 10.3A.6.2.b landscaping and screening of parking area from the public right-of-way to permit no screening of parking area from the Tulane Ave. public right-of-way on the site for the subject redevelopment.
Provisos
1. The applicant shall repair the existing wooden fence along the Banks Street side of the property subject to review and approval by the CPC staff prior to final approval.
2. The applicant shall remove the exterior pay phone from the site.
3. The applicant shall submit a landscaping plan for the South Broad Street side of the site which has been reviewed and approved by the Department of Parks and Parkways and the City Planning Staff prior to final approval. Additionally, a minimum four (4) foot wide front pedestrian walk shall be created facing Tulane Ave. with landscaping on either side of the walk subject to the approval of City Planning staff.
4. The applicant shall relocate the dumpster and proposed enclosure behind the building so that neither the dumpster nor the wooden enclosure is visible from the Tulane Avenue right-of-way.
5. The applicant shall provide to the City Planning Commission a litter abatement program letter approved by the Department of Sanitation, inclusive of the stated location of refuse storage, the type and quantity of trash receptacles, the frequency of litter pickup by a contracted trash removal company, and the cleaning of all litter from the sidewalks and the street right-of-way. The name and phone number of the owner/operator of the pharmacy/restaurant shall be included in this letter to be kept on file in case of any violation. In no case shall refuse be stored so that it is visible from the public right-of-way.
6. The applicant shall restore the curb along South Broad Street side of the site except for the existing curb cut accessing the dumpster, making the side of the building inaccessible to vehicles. The landscaped bed within the South Broad Street right-of-way shall be extended to include this area.
7. The applicant shall submit a revised signage plan which complies with the requirements of Article 10, Section 10.3A.6.3 Signage, of the Comprehensive Zoning Ordinance.
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Clerk of Council shall forward copies of this motion directly to all affected departments.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Guidry, Head, Hedge-Morrell - 6
NAYS: 0
ABSENT: Gisleson Palmer - 1
AND THE MOTION WAS ADOPTED.

NO. R-12-312
CITY HALL: August 23, 2012
BY: COUNCILMEMBER CHARBONNET (BY REQUEST)
SECONDED BY: COUNCILMEMBER HEAD
A RESOLUTION to rescind Resolution No. R-12-245 and call a special election for East New Orleans Neighborhood Advisory Commission (“ENONAC”) on Saturday, December 8, 2012 in the City of New Orleans.

WHEREAS, the East New Orleans Neighborhood Advisory Commission ("ENONAC") is a body politic and a political subdivision of the State of Louisiana (the "State") created pursuant to the authority of Act 884 (R.S. 33:9100) of the Louisiana State Legislature (the "Acts") and other constitutional and statutory authority for the object and purpose of promoting community participation in the development of New Orleans East and is governed by the Board of Commissioners of the ENONAC (the "Board"); and

WHEREAS, Acts 394 and 426 provided revisions to the original Act, the latter creating a special taxing district (R.S. 33:9100.10) in the East New Orleans area of the City of New Orleans, authorizing the levying and collection of a special tax (the "Tax") at a rate of not less than FIVE dollars ($5.00) and not to exceed TEN dollars ($10.00), for a term not to exceed four (4) years; and

WHEREAS, Act 426 mandates that the levying and collecting of such special taxes or fees shall occur only after the question of their imposition has been submitted to and approved by the majority of the registered voters of the area voting on the proposition at an election held for that purpose in accordance with the Louisiana Election Code; and

WHEREAS, Act 426 stipulates that the tax or fee to be levied and collected shall be a special tax levied shall not be less than five dollars ($5) nor more than ten dollars ($10) per parcel per year, situated within the ENONAC's boundaries on each residential parcel located in ENONAC's boundaries per year; and

WHEREAS, Act 426 That the fee shall be levied and collected in the same manner and at the same time as ad valorem taxes on property are levied and collected by the city. Any unpaid fee shall be added to the tax rolls of the city and shall be enforced with the same authority and subject to the same penalties and procedures as are unpaid ad valorem taxes.

WHEREAS, the Commission Advisory Board of ENONAC met on June 26, 2012 and adopted Resolution No. R-12-7, which resolution requests the City Council of New Orleans to levy and collect an annual fee in the amount of five dollars ($5.00) for four (4) years, beginning in 2013 and ending in 2016, improved or unimproved parcel located within the boundaries of ENONAC which are the Industrial Canal to the west, the Intracoastal Canal to the south, the St. Tammany Parish Line to the east, and Lake Pontchartrain to the north, with an estimated $371,000 expected annually to be collected from the levy of the parcel fee for the entire year, subject to the question of the imposition of such fee being approved by a majority of the registered voters of the District voting on the question at the Saturday, December 8, 2012 election; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that:

SECTION 1. Election Call. Subject to the approval of the State Bond Commission and under the authority conferred by Act 426 of the Regular Session of the Louisiana Legislature of 2012 (R.S. 33:9100.10) and by Article VI of the Constitution of the State of Louisiana of 1974, the applicable provisions of Title 18 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority supplemental thereto, an election is hereby called for Saturday, December 8, 2012 between the hours of six o'clock (6:00) a.m. and eight o'clock (8:00) p.m. and at said election the electorate of ENONAC's Boundaries may approve or disapprove the levy of a special annual fee in the amount of amount of five dollars ($5.00) for four (4) years, beginning in 2013 and ending in 2016, improved or unimproved parcel located within the boundaries of ENONAC with an estimated $371,000 expected annually to be collected from the levy of the parcel fee for the entire year, in accordance with Title 18 of the Louisiana Revised Statutes of 1950. Any fee levied upon a parcel in the District shall be in addition to any ad valorem tax affecting real property, or any charge, (including, but not limited to, a sanitation charge), fee, license, permit or rate imposed or levied pursuant to the regulatory authority of the City of New Orleans in the operation of the City, its departments, agencies, and commissions, whether attached or unattached, including, but not limited to, the Sewerage & Water Board. The proceeds of any tax or fee collected shall be used solely and exclusively for the purposes and benefit of the East New Orleans Advisory Commission Area. The affairs of the Commission shall be managed by the Executive Board of ENONAC, (hereinafter, the Board). The Board shall adopt an annual budget in accordance with the Local Government Budget Act, R. S. 39:1301, et seq. The members of the Board shall serve without compensation.

The official ballot to be used for said election shall be printed and worded in the voting machines as follows:

EAST NEW ORLEANS NEIGHBORHOOD ADVISORY COMMISSION PROPOSITION

SUMMARY: A SPECIAL ONCE A YEAR (ANNUAL FEE) IN THE AMOUNT OF FIVE DOLLARS ($5) NOT TO EXCEED TEN DOLLARS ($10) FOR FOUR (4) YEARS, BEGINNING IN 2013 AND ENDING IN 2016, IMPROVED OR UNIMPROVED RESIDENTIAL PARCELS LOCATED WITHIN THE BOUNDARIES OF EAST NEW ORLEANS FOR THE PRIMARY OBJECT AND PURPOSE OF PROMOTING AND ENCOURAGING THE BEAUTIFICATION, ECONOMIC GROWTH AND OVERALL BETTERMENT OF EAST NEW ORLEANS.

Shall the City of New Orleans levy a special once a year (annual fee), to be called the East New Orleans Residential Parcel fee, on each residential parcel of real property situated within the boundaries of ENONAC (which District is comprised of that area of the Parish of Orleans whose boundaries are coterminous with the boundaries of East New

Orleans) as specified by Resolution of the City Council of New Orleans a special annual fee in the amount of five dollars ($5) not to exceed ten dollars ($10) for four (4) years, beginning in 2013 and ending in 2016, improved or unimproved residential parcel located within the boundaries of ENONAC for the primary object and purpose of promoting and encouraging the beautification, economic growth and overall betterment of East New Orleans. With an estimated $371,000 expected annually to be collected from the levy of the parcel fee for the entire year.
SECTION 2. Boundaries. The boundaries of ENONAC are the Industrial Canal to the west, the Intracoastal Canal to the south, the St. Tammany Parish Line to the east, and Lake Pontchartrain to the north.
SECTION 3. Publication of Notice of Election. Notice of said election shall be published in the Official Journal of the City of New Orleans once a week for four (4) consecutive weeks, with the first publication being not less than forty-five (45) days nor more than ninety (90) days prior to the date fixed for the election, which notice shall be substantially in the form attached hereto as Exhibit A and incorporated herein by reference as if the same were set forth herein in full.
SECTION 4. Canvass. The Council, acting under the powers granted to it by the City Charter and state statutes, shall meet at its regular meeting place, the Council Chamber, City Hall, 1300 Perdido Street, New Orleans, Louisiana on December 20, 2012, beginning at ten o'clock (10:00) a. m. and shall then and there in open and public session proceed to examine and canvass the returns and declare the result of said election.
SECTION 5. Polling Place. The polling place set forth in the aforesaid notice of election is hereby designated as the polling place at which to hold the said election, and the commissioner-in-charge and commissioners will be the same persons as those designated in accordance with law.
SECTION 6. Election Commissioners: Voting Machines. The officers designated to serve as commissioner-in-charge and commissioners pursuant to Section 5 hereof, or such substitutes therefor, as may be selected and designated in accordance with La. R.S. 18:1287, shall hold the said election as herein provided, and shall make due returns of said election to the City Council. All registered voters in the boundaries of ENONAC are entitled to vote at said election and voting machines shall be used thereat.
SECTION 7. Authorization of Officers. The Clerk of Criminal District Court is hereby empowered, authorized and directed to arrange for and to furnish to said election officers in ample time for the holding of said election, the necessary equipment, forms and other paraphernalia essential to the proper holding of said election and the President and/or Clerk of the City Council are further authorized, empowered and directed to take any and all further action required by State and/or Federal law to arrange for the election, including but not limited to appropriate submission to the United States Department of Justice under Section 5 of the Federal Voting Rights Act of 1965, as amended.
SECTION 8. Furnishing Election Call to Election Officials. Certified copies of this resolution shall be forwarded to the Secretary of State, the Commissioner of Elections, the Clerk of Court and Ex-Officio parish Custodian of Voting Machines in and for the Parish of Orleans, State of Louisiana, and the Registrar of Voters in and for said parish, as notification of the election herein called, in order that each may prepare for said election and perform their respective functions as required by law.
SECTION 9. Application to State Bond Commission. Application is made to the State Bond Commission for consent and authority to hold the aforesaid election as herein provided, and in the event said election results in approval of the proposition, for further consent and authority to levy and collect the special fee provided for therein, and a certified copy of this resolution shall be forwarded to the State Bond Commission on behalf of the City Council requesting prompt consideration and approval of the application.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Charbonnet, Bajoie, Clarkson, Gisleson Palmer, Guidry, Head - 6
NAYS: 0
ABSENT: Hedge-Morrell - 1
AND THE RESOLUTION WAS ADOPTED.
*Copies of the attachment may be seen in full in the Clerk of Council Office, 1300 Perdido Street, Room 1E09, City Hall.

NO. M-12- 313
CITY HALL: August 23, 2012
BY: COUNCILMEMBERS CLARKSON, HEDGE-MORRELL, HEAD AND GUIDRY
WHEREAS, at its meeting July 30, 2012, the Civil Service Commission adopted the following amendment to the Classified Pay Plan:
Class Code: C0373

Class Title: Police Secondary Employment Administrator, Assistant
Grade/Step: 99/01
Minimum Annual: $79,987
Maximum Annual: $131,468
Class Code: C0372
Class Title: Police Secondary Employment Management Supervisor
Grade/Step: 90/01
Minimum Annual: $63,960
Maximum Annual: $105,126
Class Code: C0370
Class Title: Police Secondary Employment Coordinator Analyst I
Grade/Step: 62/01
Minimum Annual: $31,899
Maximum Annual: $52,431
Class Code: C0371
Class Title: Police Secondary Employment Coordinator Analyst II
Grade/Step: 69/01
Minimum Annual: $37,959
Maximum Annual: $62,390; and
WHEREAS, the Chief Administrative Officer has certified that funds are included in the City's 2012 budget to implement the proposed amendment to the aforementioned classification; now therefore
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That in accordance with Article X, Section 10 of the Constitution of Louisiana, that the amendment to the classified pay plan is approved to be effective as of July 30, 2012.
BE IT FURTHER MOVED, That the Clerk of Council shall forward a copy of this motion to the Director of the Civil Service Commission and the Chief Administrative Officer.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Charbonnet, Bajoie, Clarkson, Gisleson Palmer, Guidry, Head - 6
NAYS: 0
ABSENT: Hedge-Morrell - 1
AND THE MOTION WAS ADOPTED.

NO. M-12- 314
CITY HALL: August 23, 2012
BY: COUNCILMEMBERS CLARKSON, HEDGE-MORRELL, HEAD AND GUIDRY
WHEREAS, at its meeting July 30, 2012, the Civil Service Commission adopted the following amendment to the Classified Pay Plan:
Class Code: C0601
Class Title: City Economist
From: Range: 90
Minimum Annual: $63,960
Maximum Annual: $105,126
To: Range: 96
Minimum Annual: $74,242
Maximum Annual: $122,025; and
WHEREAS, the Chief Administrative Officer has certified that funds are included in the City's 2012 budget to implement the proposed amendment to the aforementioned classification; now therefore
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That in accordance with Article X, Section 10 of the Constitution of Louisiana, that the amendment to the classified pay plan is approved to be effective as of July 1, 2012.
BE IT FURTHER MOVED, That the Clerk of Council shall forward a copy of this motion to the Director of the Civil Service Commission and the Chief Administrative Officer.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF

AND RESULTED AS FOLLOWS:
YEAS: Charbonnet, Bajoie, Clarkson, Gisleson Palmer, Guidry, Head - 6
NAYS: 0
ABSENT: Hedge-Morrell - 1
AND THE MOTION WAS ADOPTED.

NO. M-12-315
CITY HALL: August 23, 2012
BY: COUNCILMEMBER CHARBONNET (BY REQUEST)
SECONDED BY: COUNCILMEMBER GUIDRY
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Mayor's reappointment of Naaman C. Stewart as a member of the Audubon Commission for a term that will expire June 30, 2017 be, and the same is hereby ratified, confirmed and approved.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Charbonnet, Bajoie, Clarkson, Gisleson Palmer, Guidry, Head - 6
NAYS: 0
ABSENT: Hedge-Morrell - 1
AND THE MOTION WAS ADOPTED.

NO. M-12-316
CITY HALL: August 23, 2012
BY: COUNCILMEMBER GUIDRY (BY REQUEST)
SECONDED BY: COUNCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Mayor's appointment of Carol B. Wise (vice Nicole Hardin) as a member of the Audubon Commission for a term that will expire June 30, 2018 be, and the same is hereby ratified, confirmed and approved.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Charbonnet, Bajoie, Clarkson, Gisleson Palmer, Guidry, Head - 6
NAYS: 0
ABSENT: Hedge-Morrell - 1
AND THE MOTION WAS ADOPTED.

NO. M-12-317
CITY HALL: August 23, 2012
BY: COUNCILMEMBER BAJOIE (BY REQUEST)
SECONDED BY: COUNCILMEMBER GUIDRY
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Mayor's appointment of Thomas D. Forbes (vice Jennifer Medley) as a member of the Municipal Yacht Harbor Corporation for a term that will expire June 30, 2014 be, and the same is hereby ratified, confirmed and approved.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Charbonnet, Bajoie, Clarkson, Gisleson Palmer, Guidry, Head - 6
NAYS: 0
ABSENT: Hedge-Morrell - 1
AND THE MOTION WAS ADOPTED.

NO. M-12-318
CITY HALL: August 23, 2012
BY: COUNCILMEMBER GUIDRY (BY REQUEST)
SECONDED BY: COUNCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Mayor's appointment of Deputy Mayor of Operations Michelle Thomas (vice Deputy Mayor Judy Reese Morse) as a member of the New Orleans

Recreation Development Commission for a term concurrent with her tenure as Deputy Mayor of Operations be, and the same is hereby ratified, confirmed and approved.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Charbonnet, Bajoie, Clarkson, Gisleson Palmer, Guidry, Head - 6
NAYS: 0
ABSENT: Hedge-Morrell - 1
AND THE MOTION WAS ADOPTED.

NO. M-12-319
CITY HALL: August 23, 2012
BY: COUNCILMEMBER BAJOIE (BY REQUEST)
SECONDED BY: COUNCILMEMBER GUIDRY
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Mayor's appointment of John N. Casbon, to fill the unexpired term of Sidney Barthelemy as a member of the New Orleans Public Belt Railroad Commission upon the nomination of the New Orleans Chamber of Commerce for a term that will expire May 17, 2016 be, and the same is hereby ratified, confirmed and approved.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Charbonnet, Bajoie, Clarkson, Gisleson Palmer, Guidry, Head - 6
NAYS: 0
ABSENT: Hedge-Morrell - 1
AND THE MOTION WAS ADOPTED.

NO. M-12-320
CITY HALL: August 23, 2012
BY: COUNCILMEMBERS HEDGE-MORRELL, BAJOIE AND GISLESON PALMER (BY REQUEST)
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Mayor's appointment of Neal Clulee, (vice Henry Smith), as a member of the Aviation Board, upon the nomination of the St. Charles Parish Council for a term beginning July 1, 2012 that will expire June 30, 2017 be, and the same is hereby ratified, confirmed and approved.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Charbonnet, Guidry, Head - 3
NAYS: Bajoie, Clarkson, Gisleson Palmer - 3
ABSENT: Hedge-Morrell - 1
AND THE MOTION FAILED.

NO. R-12-321
CITY HALL: August 23, 2012
BY: COUNCILMEMBER GISLESON PALMER
SECONDED BY: COUNCILMEMBER HEAD
A RESOLUTION in support of the expansion of the *Sunset Limited* a passenger train that for most of its history has run between Los Angeles, California, and New Orleans, Louisiana and that from early 1993 through late August 2005 also ran east of New Orleans to Jacksonville, Florida,
WHEREAS, the *Sunset Limited* is a passenger train that for most of its history has run between Los Angeles, California, and New Orleans, Louisiana and that from early 1993 through late August 2005 also ran east of New Orleans to Jacksonville, Florida; and
WHEREAS, the *Sunset Limited* was the only true transcontinental passenger train in American history; and
WHEREAS, from late August 2005 to the present, the train has remained officially a Florida-to-Los Angeles train, with the service between New Orleans and Orlando considered temporarily truncated due to the lingering effects of Hurricane Katrina; and
WHEREAS, the Passenger Rail Investment and Improvement Act of 2008 required Amtrak to submit a plan to restore passenger rail service between New Orleans, Louisiana and Jacksonville/Sanford, Florida; and

WHEREAS, the train tracks have all been repaired and are once again in operation serving freight train traffic; and
WHEREAS, cities and towns east of New Orleans currently have no passenger train service, and is therefore isolated from the nation's train system; and
WHEREAS, there are significant economic benefits in the provision of alternative modes of transportation; and
WHEREAS, restoration of the Amtrak train service of the *Sunset Limited* is very important to the economic development of our community, our state, and our country, and is an essential component of Hurricane Katrina restoration; now therefore,
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That requests that Amtrak restore service of the *Sunset Limited* as soon as possible.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Charbonnet, Bajoie, Clarkson, Gisleson Palmer, Guidry, Head - 6
NAYS: 0
ABSENT: Hedge-Morrell - 1
AND THE RESOLUTION WAS ADOPTED.

NO. M-12-322
CITY HALL: August 23, 2012
BY: COUNCILMEMBER CHARBONNET
SECONDED BY: COUNCILMEMBER GUIDRY
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That Motion No. M-12-125 is hereby rescinded.
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and favorable recommendation of the City Planning Commission on DESIGN REVIEW NO. 133/11 – 10920 East I-10 Service Road LLC - Requesting an appeal of the Eastern New Orleans Renaissance Corridor Interim Zoning District, Article 18, Section 18.51.12 C-1 and C-2 Base District Design Standards of the Comprehensive Zoning Ordinance (CZO) which prohibits metal wall panels as part of the expansion of and existing warehouse, on a site consisting of Lot 6RB1 within Square 0, in the Third Municipal District, bounded by I-10 Service Road, Wright Road, North Hardy Street and the Farrar Canal (Municipal Address: 10940 I-10 Service Road), be, and the same is hereby approved, subject to one (1) waiver and two (2) provisos as stated in the City Planning Commission's report, with one (1) additional proviso, numbered accordingly, to read as follows:
WAIVER:
1. The applicant shall be granted a waiver of Article 18, Section 18.51.12.6 *Building Materials* to permit the installation of metal wall panels.
PROVISOS:
1. The applicant shall submit a signage plan for all proposed signage which shall meet the requirements of Article 18, Section 18.51.10 *Permitted Signs* and shall be subject to review and approval by the City Planning Commission staff.
2. The applicant shall indicate the location of a dumpster on the final plans. At no time other than during trash pickup shall the dumpster be visible from the public right-of-way.
3. The applicant shall submit a landscape plan that provides for a 10 foot landscape buffer along the front of the building and a fence around the property, which plan shall include but not be limited to the genus, species, size, location, quantity and irrigation of all proposed plant materials, with all applicable remarks and details, and shall be subject to the review and approval of the City Planning Commission staff prior to the issuance of building permits by the Department of Safety and Permits. The applicant shall also enter into a Good Neighbor Agreement with the Mark Subdivision and the Lake Forest Estates Subdivision, which shall be signed and recorded in the Conveyance Office before the issuance of any building permits by the Department of Safety and Permits.
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Clerk of Council shall forward copies of this motion directly to all affected departments.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Charbonnet, Bajoie, Clarkson, Gisleson Palmer, Guidry, Head - 6
NAYS: 0
ABSENT: Hedge-Morrell - 1
AND THE MOTION WAS ADOPTED.

NO. R-12-323
CITY HALL: August 23, 2012
BY: COUNCILMEMBER BAJOIE
SECONDED BY: COUNCILMEMBER GISLESON PALMER
WHEREAS, Article VI, Section 21(H) of the State Constitution and Act 445 of 1983 provides for payment of ad valorem taxes on certain basis for property owners performing certain improvements in Historic, Economic, Development, and Downtown Development Districts; and
WHEREAS, in accordance with the procedures established by Resolution R-11-517 the following described property has been submitted to the Mayor's Office of Economic Development for review, said property being described as municipal address 2203 St. Charles Avenue owned by RLJ III – St. Charles Ave. Hotel, LLC and/or RLJ-III – St. Charles Ave. Hotel Lessee, LLC; and
WHEREAS, the Mayor's Office of Economic Development recommends *approval* with regard to participation in the aforementioned tax program; now therefore
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Council after consideration of the recommendation of the Mayor's Office of Economic Development, hereby *approves* participation of municipal address 2203 St. Charles Avenue owned by RLJ III – St. Charles Ave. Hotel, LLC and/or RLJ-III – St. Charles Ave. Hotel Lessee, LLC and further identified by the State Board of Commerce and Industry as application number RTA #2009-1157 in the Property Tax Abatement Program authorized by Act 445 of 1983 and Article VII Section 21(H) of the Constitution, effective August 23, 2012; therefore
BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That a copy of this resolution be forwarded to the State Board of Commerce and Industry.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Charbonnet, Bajoie, Clarkson, Gisleson Palmer, Guidry, Head - 6
NAYS: 0
ABSENT: Hedge-Morrell - 1
AND THE RESOLUTION WAS ADOPTED.

NO. R-12-324
CITY HALL: August 23, 2012
BY: COUNCILMEMBER BAJOIE
SECONDED BY: COUNCILMEMBER HEAD
WHEREAS, Article VI, Section 21(H) of the State Constitution and Act 445 of 1983 provides for payment of ad valorem taxes on certain basis for property owners performing certain improvements in Historic, Economic, Development, and Downtown Development Districts; and
WHEREAS, in accordance with the procedures established by Resolution R-11-517 the following described property has been submitted to the Mayor's Department of Economic Development for review, said property being described as municipal address 920 St. Charles Avenue transferred ownership from Imperial Partners, LLC to 2 Lee Circle Associates, LLC; and
WHEREAS, the Mayor's Department of Economic Development recommends *approval* with regard to participation in the transfer of R-09-196; NOW THEREFORE
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Council after consideration of the recommendation of the Mayor's Department of Economic Development, hereby *approves* participation of municipal address 920 St. Charles Avenue owned by 2 Lee Circle Associates, LLC and further identified by the State Board of Commerce and Industry as application number RTA Transfer #2001-0282-52 in the Property Tax Abatement Program authorized by Act 445 of 1983 and Article VII Section 21(H) of the Constitution, effective August 23, 2012; therefore
BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That a copy of this resolution be forwarded to the State Board of Commerce and Industry.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Charbonnet, Bajoie, Clarkson, Gisleson Palmer, Guidry, Head - 6
NAYS: 0
ABSENT: Hedge-Morrell - 1

AND THE RESOLUTION WAS ADOPTED.

NO. M-12-325
CITY HALL: August 23, 2012
BY: COUNCILMEMBER HEAD
SECONDED BY: COUNCILMEMBER CLARKSON
BE IT MOVED BY THE CITY COUNCIL OF THE CITY OF NEW ORLEANS that the Council hereby confirms the following appointments made by the Council President to the Council's Standing Committees:
***
4. Housing and Human Needs:
Councilmember Stacy Head, Chairperson
Councilmember Ernest Charbonnet
Councilmember Kristen Gisleson Palmer
Councilmember Jacquelyn Brechtel Clarkson, Alternate
***
5. Economic Development and Special Development Projects Committee:
Councilmember Jacquelyn Brechtel Clarkson, Chairperson
Councilmember Ernest Charbonnet
Councilmember Diana E. Bajoie
Councilmember Stacy Head, Alternate
***
8. Youth and Recreation Committee:
Councilmember Jacquelyn Brechtel Clarkson, Chairperson
Councilmember Diana E. Bajoie
Councilmember Ernest Charbonnet
Councilmember Kristen Gisleson Palmer, Alternate
***
11. Criminal Justice Committee:
Councilmember Susan Guidry, Chairperson
Councilmember Jacquelyn Brechtel Clarkson
Councilmember Stacy Head
Councilmember Ernest Charbonnet, Alternate
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION OF THEREOF AND RESULTED AS FOLLOWS:
YEAS: Charbonnet, Bajoie, Clarkson, Gisleson Palmer, Guidry, Head - 6
NAYS: 0
ABSENT: Hedge-Morrell - 1
AND THE MOTION WAS ADOPTED.

NO. M-12-326
CITY HALL: August 23, 2012
BY: COUNCILMEMBERS HEDGE-MORRELL AND HEAD
WHEREAS, Deep South Audio and St. John #5 Camp A nonprofit 501c (3) organizations are sponsoring their 6th Annual Stop the Violence Rally and Car Show on Sunday, September 16, 2012 from 11:00 a.m. to 7:00 p.m., and has requested the waiver of fees associated with the street closure of the 3700 block of Downman Road, as well as requesting the waiver of all fees associated with this event on Sunday, September 16, 2012, from 11:00 a.m. to 7:00 p.m.; now therefore
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the fees associated with the temporary closure of the 3700 block of Downman Road on Sunday, September 16, 2012 from 11:00 a.m. to 7:00 p.m. for the 6th Annual Stop the Violence Rally and Car Show, including any fees associated with the applicable traffic controls and parking controls to be implemented by the New Orleans Police Department, are hereby waived as provided for in Section 146-583 of the City Code, upon the condition that the street closure application process of the Department of Public Works and the New Orleans Police Department is completed and approvals are granted. The fee waiver

authorized shall not include any direct costs to the city.
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the fee associated with temporary waiving all permits fees relative to vending, including the sale of alcoholic beverage of high and low content, street closure, special event application, New Orleans Police Department, signage, parking meter use, parking meter bagging use, and tent construction permit within and around the 3700 block of Downman Road, in conjunction with the 6th Annual Stop the Violence Rally and Car Show on Sunday, September 16, 2012 from 11:00 a.m. to 7:00 p.m..is hereby waived. The fee waiver authorized shall not include any direct costs to the city.
BE IT FURTHER MOVED, That the Clerk of Council immediately shall provide a certified copy of this motion to the Chief Administrative Officer, the Department of Public Works, the Department of Safety and Permits, the Department of Sanitation, Deep South Audio, St. John #5 Camp A nonprofit 501c (3) organizations and the New Orleans Police Department.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Charbonnet, Bajoie, Clarkson, Gisleson Palmer, Guidry, Head - 6
NAYS: 0
ABSENT: Hedge-Morrell - 1
AND THE MOTION WAS ADOPTED.

NO. M-12-327
CITY HALL: August 23, 2012
BY: COUNCILMEMBER CHARBONNET
SECONDED BY: COUNCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and favorable recommendation of the City Planning Commission on ZONING DOCKET NO. 65/12 – FELIX A. WERNER AND ANNE K. WERNER - Requesting a Conditional Use to permit a tire collection, reduction and transfer facility in an LI Light Industrial District, on undesignated square, Lots 70-A and 68-B, in the Third Municipal District, bounded by Old Gentilly Road, Sage, Almonaster, and Rose Avenues (Municipal Address: 9300 Gentilly Road), be, and the same is hereby approved and the Conditional Use is granted subject to the one (1) waiver and eleven (11) provisos, modifying Waiver No. 1, deleting Proviso No. 2 and amending Proviso No. 6, to read as follows and to be renumbered accordingly:
“Waiver:
1. A waiver of Article 11, Section 11.49.a of the Comprehensive Zoning Ordinance, which requires that a ten foot (10’) high wood fence surround the site to permit an eight foot (8’) high chain link fence with screen around the subject site. The property owner shall be given a period of three years to complete the replacement of the fence. That portion of the fence which fronts Gentilly Road, however, shall be replaced immediately.
Proviso:
6. The facility shall not store un-shredded tires on the site for a period greater than seventy-two (72) hours.”
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney’s Office for the preparation of an ordinance to effectuate the Conditional Use.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Charbonnet, Bajoie, Clarkson, Gisleson Palmer, Guidry, Head - 6
NAYS: 0
ABSENT: Hedge-Morrell - 1
AND THE MOTION WAS ADOPTED.

NO. M-12-328
CITY HALL: August 23, 2012
BY: COUNCILMEMBER GUIDRY
SECONDED BY: COUNCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and favorable recommendation of the City Planning Commission on ZONING DOCKET NO. 69/12 – LAKEVIEW HEALTH, LLC –

Requesting a Zoning Change from an LRS-1 Lakeview Single-Family Residential District to an LB-2 Lake Area Neighborhood Business District and a Conditional Use to permit commercial uses in an existing building greater than 5,000 square feet in floor area, on Square 48-B, Lots X, 10-A and 9, in the Second Municipal District, bounded by Canal Boulevard, Walker, Conrad and Louis XIV Streets. (Municipal Addresses: 7030 Canal Boulevard and 7011 Louis XIV Street), be, and the request is hereby approved as modified, and granted, subject to one (1) waiver and twelve (12) provisos:

WAIVER:

1. The applicant shall be granted a waiver of Article 9A, Section 9A.9.7, which requires a twenty foot (20') front yard on all streets bounding the site, to permit a three foot (3') front yard on Walker and Louis XIV Streets adjacent to the rear parking area and the handicap-accessible parking space, and to permit an eight foot, six inch (8'-6") front yard on Conrad Street.

PROVISOS:

1. The Department of Safety and Permits shall issue no building permits or licenses for this project until final development plans are approved by the City Planning Commission and recorded with the Office of Conveyances. Failure to complete the conditional use process by properly recording plans within a one year time period or failure to request an administrative extension, as provided for in Article 16, Section 16.9.11 of the Comprehensive Zoning Ordinance, will void the conditional use approval.
2. The applicant shall submit a request for subdivision of Lots X, 10-A and 9 into one lot of record.
3. The applicant shall submit a revised site plan which complies with the required twenty foot (20') front yard setbacks on the site void of concrete (other than access or curb cuts) or off-street parking, except as where otherwise provided. The applicant shall relocate required off-street loading spaces and relocate or eliminate off-street parking spaces as may be necessary to meet this requirement. The applicant shall reduce the number of curb cuts accessing the rear parking lot, providing no more than one (1) curb cut on Louis XIV Street and no more than one curb cut accessing the rear lot on Walker Street. The Louis XIV Street curb cut shall not exceed twelve (12) feet in width and the Walker Street curb cut shall not exceed twenty-four (24) feet in width. The curb cuts shall be subject to review and approval by the Department of Public Works and the CPC staff prior to final approval.
4. The applicant shall submit plans for sidewalk repairs along Walker, Louis 14th, and Conrad Streets, to the Department of Public Works for review and approval and the Department of Parks and Parkways for review, tree preservation recommendations and approval, prior to final approval by CPC.
5. One (1) loading space, meeting the design standards of Article 15, Section 15.3.4 of the Comprehensive Zoning Ordinance, shall be provided in the rear parking area.
6. The applicant shall submit a landscaping plan, which includes landscaping in the required front yard setback as well as landscaping on the remainder of the site, which shall meet the requirements of the LADC Overlay District with details such as location, size and species of existing trees, proposed landscaping for the site prepared by a Louisiana licensed landscape architect, subject to review and approval by the CPC staff.
7. The applicant shall plant street trees in the right-of-ways of Walker, Louis 14th, and Conrad Streets, subject to the review and approval of the Department of Parks and Parkways and final approval by the CPC staff.
8. The applicant shall construct a six foot (6') high opaque wooden or masonry fence along all abutting residential properties. The applicant shall construct a minimum six foot (6') high opaque wooden or masonry fence or a minimum six foot (6') high metal fence with landscaping to create opacity to six feet (6') around all parking areas, subject to review and approval by the CPC staff.
9. Lighting fixtures shall be limited to twenty-five (25) feet in height and shall not be directed toward any adjacent residential uses.
10. The applicant shall submit a revised site plan, which indicates the location of the dumpster area, which shall be screened from view by an opaque wooden or masonry fence that is at least six (6) feet tall.
11. The applicant shall provide to the City Planning Commission a litter abatement program letter approved by the Department of Sanitation, inclusive of the stated location of litter storage, the type and quantity of trash receptacles, the frequency of litter pickup by a contracted trash removal company and the clearing of all litter from the sidewalks and the street rights-of-way. The name and phone number of the owner/operator of the facility shall be included in this letter to be kept on file in case of any violation. In no case shall litter be stored so that it is visible from the public right-of-way.
12. All attached and monument signage for the site shall conform to Article 9A, Section 9A.13.6.3 *Design Review Standards* of the Comprehensive Zoning Ordinance.

BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the request.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Charbonnet, Bajoie, Clarkson, Gisleson Palmer, Guidry, Head - 6
NAYS: 0
ABSENT: Hedge-Morrell - 1
AND THE MOTION WAS ADOPTED.

NO. M-12-329
CITY HALL: August 23, 2012
BY: COUNCILMEMBER GISLESON PALMER
SECONDED BY: COUNCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the report and favorable recommendation "FOR APPROVAL" of the City Planning Commission on ZONING DOCKET NO. 79/12 – TSM VENTURES, LLC - Requesting a Conditional Use to permit a cocktail lounge in an HMC-2 Historic Marigny/Treme' Commercial District, on Square 398, Lot 4 or 2, in the Third Municipal District, bounded by St. Claude Avenue, St. Ferdinand, Marais, and Press Streets (Municipal Address: 2805 St. Claude), be, and the recommendation is hereby upheld and the Conditional Use is granted, subject to the twelve (12) provisos as stated in the City Planning Commission report, and adding one (1) additional proviso which shall read as follows:
Proviso:
13.) *This location shall convert to a wine bar and shop as defined in the text amendment under Zoning Docket 99/12 once the text amendment is approved.*
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the Conditional Use.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Charbonnet, Bajoie, Clarkson, Gisleson Palmer, Guidry, Head - 6
NAYS: 0
ABSENT: Hedge-Morrell - 1
AND THE MOTION WAS ADOPTED.

NO. M-12-330
CITY HALL: August 23, 2012
BY: COUNCILMEMBER CHARBONNET
SECONDED BY: COUNCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and favorable recommendation of the City Planning Commission on ZONING DOCKET NO. 80/12 – CITY COUNCIL MOTION M-12-148 - Requesting an Amendment to the text of the Comprehensive Zoning Ordinance, No. 4,264 MCS, as amended, to amend Article 18, Section 18.51.10, Eastern New Orleans Renaissance Corridor Interim Zoning District (ENORC IZD), *Permitted Signs*, to state that only monument signs are permitted signs for commercial property within the District and to further prohibit pole signs, all sites governed by the Eastern New Orleans Renaissance Corridor Interim Zoning District (ENORC IZD) be, and the same is hereby moved for modified approval as follows:
Amendment to Item No. 6:
1. Detached Signs. Each development shall be allowed one (1) monument sign subject to the content and area restrictions listed below. Pole signs are prohibited within the ENORC IZD except for those properties within the Highway Urban Corridor District.
a. Permitted Contents. The contents of a detached sign for a development containing a single use is limited to identification by letter, numeral, symbol or design of the use, its name and/or address unless otherwise noted in paragraph 7. below. The contents of a detached sign for a development containing two (2) or more businesses on the premises is limited to the overall name of the development and address; uses containing over fifty thousand (50,000) square feet may have a separate detached identification sign.

b. Permitted Sign Area. The allowable sign area shall be computed at one (1) square foot per lineal foot street frontage. In a development containing less than two (2) acres the maximum allowable sign area is seventy (70) square feet. The maximum allowable sign area for development containing two (2) acres or more shall be limited to one hundred (100) square feet.
c. Permitted Setback. Any detached sign shall be set back from all adjacent public rights-of-way a distance at least equal to the height of the sign.
d. Permitted Sign Height. The maximum height permitted for a monument sign or a pole sign shall be thirty-five (35) feet.
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the change.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Charbonnet, Bajoie, Clarkson, Gisleson Palmer, Guidry, Head - 6
NAYS: 0
ABSENT: Hedge-Morrell - 1
AND THE MOTION WAS ADOPTED.

NO. M-12-331
CITY HALL: August 23, 2012
BY: COUNCILMEMBER GISLESON PALMER
SECONDED BY: COUNCILMEMER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the report and recommendation "FOR MODIFIED APPROVAL" of the City Planning Commission on DOCKET NO. 82/12 – CITY COUNCIL MOTION M-12-171 - Requesting an Amendment to the text of Article 18 of the Comprehensive Zoning Ordinance, No. 4,264 MCS, as amended, and the designation of such on the corresponding zoning base maps of the City of New Orleans, to establish the RM-2E Algiers Multi-Family Residential Interim Zoning District, which shall supersede all existing RM Multi-Family Residential District zoning classifications in the area generally bounded by the Mississippi River, the Plaquemines and Jefferson Parish lines, on all existing RM Multi-Family Residential District in the area generally known as Algiers or the West Bank, bounded by the Mississippi River, the Plaquemines and Jefferson Parish lines, and the recommendation is hereby upheld.
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the text amendment.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Charbonnet, Bajoie, Clarkson, Gisleson Palmer, Guidry, Head - 6
NAYS: 0
ABSENT: Hedge-Morrell - 1
AND THE MOTION WAS ADOPTED.

NO. R-12-332
CITY HALL: September 6, 2012
BY: COUNCILMEMBERS HEDGE-MORRELL, HEAD, GUIDRY AND GISELSON PALMER

RESOLUTION AND ORDER
INITIATING AN INQUIRY AND FACT FINDING INTO ENTERGY NEW ORLEANS, INC. AND ENTERGY LOUISIANA, LLC'S POST-HURRICANE ISAAC RESPONSE AND STORM RECOVERY MATTERS
AND
ESTABLISHING A DOCKET

WHEREAS, pursuant to the Constitution of the State of Louisiana and the Home Rule Charter of the City of New Orleans, the Council of the City of New Orleans (Council) is the governmental body with the power of supervision, regulation and control over public utilities providing service within the City of New Orleans; and
WHEREAS, pursuant to its powers of supervision, regulation and control over public utilities, the Council is responsible for fixing and changing rates and charges of public utilities and making all necessary rules and regulations to govern

applications for the fixing and changing of rates and charges of public utilities and ensuring the provision of safe and reliable electric service in Orleans Parish; and

WHEREAS, Entergy New Orleans, Inc. (ENO) is a public utility providing electric service to all of New Orleans, except the Fifteenth Ward (Algiers), and gas service to all of New Orleans; and

WHEREAS, Entergy Louisiana, LLC (ELL) provides electric service to the Algiers section of New Orleans; and

WHEREAS, ENO and ELL (collectively "the Companies") are wholly-owned subsidiaries of Entergy Corporation (Entergy). The other four operating companies are Entergy Arkansas, Inc. (EAI), Entergy Gulf States, Louisiana, L.L.C. (EGSL), Entergy Texas, Inc. (ETI), and Entergy Mississippi, Inc. (EMI), the six operating companies are referred to collectively as the (Operating Companies); and

WHEREAS, in the early hours of August 29, 2012 Hurricane Isaac struck Orleans Parish causing massive loss of electrical service over the prior and ensuing twenty-four hour period; and

WHEREAS, the Companies commenced storm restoration assessment activities during the morning of August 30, 2012; and

WHEREAS, the Companies are required to maintain safe and reliable electric service in Orleans Parish and to restore service in the event of loss of electrical service, such as has occurred by virtue of Hurricane Isaac, in a manner as expeditiously as possible consistent with maintaining safe work practices; and

WHEREAS, the Council has been besieged by complaints from citizens regarding the lack of progress in the restoration of electrical service in Orleans Parish and the apparent lack of visible activities of the Companies' personnel and contractors; and

WHEREAS, on September 2, 2012, four days after the Isaac event, Entergy reported 14,874 EGSL customers without service and 90 percent of customers restored, 199,509 ELL customers without service with 54 percent of customers restored, 57,755 ENO customers without service and 54 percent of customers restored, and 2,672 EMI customers without service and 96 percent of the customers restored; and

WHEREAS, in its exercise of its retail regulatory responsibility the Council has the obligation to assure that the Companies are providing safe and reliable service in Orleans Parish and that the costs that are incurred for recovery in rates from New Orleans' ratepayers are the result of prudent actions; and

WHEREAS, the Council desires to initiate a fact finding and investigation into the Companies' preparation and restoration activities associated with the Isaac event in Orleans Parish, now therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS THAT:

The Council hereby establishes Docket No. UD-12-04 to conduct an inquiry and fact finding examination of the Companies' Post-Hurricane Isaac response and attendant storm recovery matters. The investigation will be conducted in accordance with the following procedures:

1. Jeffrey S. Gulin is appointed the Hearing Officer to preside over the inquiry.

2. The Council's Utility Advisors shall be parties in the Docket.

3. The deadline for intervention in these proceedings is fifteen (15) days from the date of the adoption of this resolution. All parties desiring to intervene shall do so by filing an intervention request with the Clerk of the Council, with a copy submitted to Director, Council Utilities Regulatory Office, Room 6E07 City Hall, 1300 Perdido Street, New Orleans, Louisiana 70112. Objections to intervention requests shall be filed within five (5) days of such requests. Interventions not objected to within that time period shall be deemed granted and their filing fee waived.

4. A period of discovery shall commence with the adoption of this resolution. Responses to data requests shall be made on a rolling basis and shall be due in hand within ten (10) days of receipt. Data requests received after 3:00 p.m. central time on a Friday shall be deemed received the following business day. Objections to data requests shall be filed within three (3) business days of receipt. The parties are encouraged to attempt to resolve their discovery disputes amicably prior to seeking the intervention of the Hearing Officer or an appeal to the Council. During discovery the parties may be required to produce documents or information that are deemed confidential and/or highly sensitive and, accordingly, the Council adopts for use in this proceeding its Official Protective Order adopted by Resolution R-07-432, a copy of which can be obtained from the Council Utilities Regulatory Office.

5. Copies of all correspondence, pleadings and other documents, except for discovery, pertaining to this docket shall be filed with the Clerk of the Council and served on all parties on the Official Service List of this proceeding.

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS THAT:

1. Within one hundred and twenty days of the adoption of this resolution, the Companies shall file into the Docket a report including and detailing, at a minimum:

a. A timeline, complete with a narrative explanatory description of all activities included in the timeline, that details the Companies preparation for Hurricane Isaac.

1. Please include in the narrative copies (including date and time received) of all forecasts on the pending Isaac event that were produced and used in preparation for the Isaac event by ENO, ELL, ESI, Entergy Corporation, or any of its affiliates and subsidiaries.
b. A timeline, complete with a narrative explanatory description of all activities included in the timeline, of its storm recovery activities complete with:
1. Total number of personnel by day commencing on August 29, 2012 to the date the last customer has his/her service restored, that were/are actively engaged in storm recovery for Orleans Parish, including a description of the role and title of all such personnel,
2. Number of Entergy personnel by day directly involved in Orleans Parish storm restoration, including a description of the individual's job title, responsibility, and role in the storm restoration,
3. Number of contract or mutual aid support personnel, by day, directly assigned to and directly involved in Orleans Parish storm restoration.
4. Detailed daily schedule and timeline of when mutual aid support personnel arrived and were actively assigned to Orleans Parish storm restoration.
5. The date and time and details of any request by the Companies for additional resources (i.e., other than those initially contemplated for storm duty) to Entergy Operating Companies, Entergy Corporation, ESI, contractors, and mutual aid utilities.
6. The date and time and details of any request by Entergy Corporation, ESI, and the Entergy Operating Companies for additional resources (i.e., other than those initially contemplated for storm duty) to contractors, and mutual aid utilities.
c. A description explaining how third party contractors and mutual aid personnel were managed, directed and coordinated by ENO personnel for the accomplishment of storm restoration work.
d. A description of when each transmission line, substation, and distribution feeder was placed out of service by virtue of the Isaac event, the number of customers affected and, as of the date of the adoption of this resolution, the specific nature of damage to each transmission line, substation and distribution feeder, the status of repairs, complete with number of customers still remaining out of service and identified by primary distribution feeder number.
e. A detailed explanation of all steps ENO has taken to harden its transmission lines, substations and distribution feeders since the occurrence of Hurricane Katrina, identifying projects which have not yet been accomplished and the reasons therefore.
f. The staging locations the Companies employed prior to the Isaac event and subsequent thereto in the restoration of service in Orleans Parish.
g. The amount of costs as of the date of the report expended for the Isaac event in the Orleans Parish jurisdiction, separated by operating and maintenance expenses and capital, and further segregated by costs incurred by Entergy Services, Inc. (ESI) and the Companies. Said costs should be further detailed as to those that are costs incurred by ESI and the Companies for their own personnel and the amounts for mutual assistance personnel and equipment.
h. A complete copy of the Companies' storm preparation manual (or such other document(s) as appropriate that relates to their policies, processes and emergency procedures in place related to storm preparation and restoration of damage resulting from Hurricane and Tropical Storms).
i. A listing of each Company staff member assigned to Entergy's Storm Center for the storm indicating title and specific work responsibilities.
j. Number of customers without power in Orleans Parish at the start and end of the work day commencing on August 30, 2012 and continuing through the date the last customer is restored to service.
k. A listing of ENO's critical loads by name and address, indicating the priority of restoring service to each such load.
l. The status of restoration of service to each customer identified in subparagraph k above, and continuing until the date the last customer is restored to service as of the date of this resolution, and a full explanation as to why service has not been restored to any such customers as of the date of this resolution, as applicable.
m. Copies of the actual daily storm damage assessments made by field personnel commencing on August 30, 2012 through the date of the adoption of this resolution.
n. For the years 2007 through 2011, and year to date, the Companies' historical transmission and distribution system capital and operating and maintenance expense corporate budgets, and the actual amounts booked per FERC account segregated by each activity.
o. For the years 2007 through 2011, and this year to date, the Companies' historical amounts for vegetation management included in transmission and distribution system operating and maintenance expense corporate budgets and the actual amounts booked per FERC account.
BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS THAT:

Upon receipt of the report as herein ordered, the Council will take such further action in the matter as it deems appropriate.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head - 6
NAYS: 0
ABSENT: Hedge-Morrell - 1
AND THE RESOLUTION WAS ADOPTED.

NO. R-12-333
CITY HALL: September 6, 2012
BY: COUNCILMEMBERS HEDGE-MORRELL, HEAD, GUIDRY AND GISLESON PALMER
RESOLUTION AND ORDER TO SUSPEND THE EVIDENTIARY HEARINGS IN COUNCIL DOCKET NO. UD-11-01
AND
INITIATING DISCOVERY ON INTERNATIONAL TRANSMISSION COMPANY'S ACQUISITION OF ENTERGY NEW ORLEANS, INC. AND ENTERGY LOUISIANA, LLC'S TRANSMISSION ASSETS PRIOR TO THE COMPANIES BECOMING MARKET PARTICIPANTS IN THE MIDWEST INDEPENDENT SYSTEM OPERATOR
DOCKET NO. UD-11-01
DOCKET NO. UD-12-01

WHEREAS, pursuant to the Constitution of the State of Louisiana and the Home Rule Charter of the City of New Orleans ("Charter"), the Council of the City of New Orleans ("Council") is the governmental body with the power of supervision, regulation and control over public utilities providing service within the City of New Orleans; and
WHEREAS, pursuant to its powers of supervision, regulation and control over public utilities, the Council is responsible for fixing and changing rates and charges of public utilities and making all necessary rules and regulations to govern applications for the fixing and changing of rates and charges of public utilities; and
WHEREAS, Entergy New Orleans, Inc. ("ENO" or "Company") is a public utility providing electric service to all of New Orleans, except the Fifteenth Ward ("Algiers"), and gas service to all of New Orleans; and
WHEREAS, Entergy Louisiana, LLC ("ELL") provides electric service to the Algiers section of New Orleans; and
WHEREAS, ENO and ELL are wholly-owned subsidiaries of Entergy Corporation ("Entergy") and two of the six operating companies, along with Entergy Services, Inc. ("ESI"), that are parties to the Entergy System Agreement ("System Agreement"). The other four operating companies are Entergy Arkansas, Inc. ("EAI"), Entergy Gulf States, Louisiana, L.L.C. "EGSL"), Entergy Texas, Inc. ("ETI"), and Entergy Mississippi, Inc. ("EMI"), (the six operating companies are referred to collectively as the ("Operating Companies"); and
WHEREAS, on April 25, 2011, Entergy, the parent company of the Operating Companies, formally announced its decision that the entire Entergy System would join Midwest Independent Transmission System Operator Regional Transmission Organization ("MISO");
WHEREAS, on May 12, 2011, ENO and ELL submitted an Evaluation of Alternative Transmission Arrangements Available to the Entergy Operating Companies and Support for Proposal to Join MISO ("Evaluation Report") and supporting testimony to the Council containing information and analyses that they contend forms the basis for Entergy's recommendation to join MISO; and
WHEREAS, according to Entergy, "based on comprehensive review and analysis, it has concluded that joining (MISO) will provide meaningful long-term benefits for the customers of the Entergy operating companies"; and
WHEREAS, on July 7, 2011, in Resolution R-11-303, the Council opened Docket No. UD-11-01 to formally investigate the costs and benefits associated with of ENO's and ELL's plans to join MISO; and
WHEREAS, on November 14, 2011, ENO and ELL filed their Joint Application of Entergy New Orleans, Inc. and Entergy Louisiana, LLC Regarding Transfer of Functional Control of Certain Transmission Assets to the Midwest Independent Transmission System Operator, Inc. Regional Transmission Organization, for an Accounting Order Deferring Related Implementation Costs and Request for Timely Treatment ("Joint MISO Application"); and
WHEREAS, the Joint Application requests that the Council find that the transfer of functional control of the Companies' electric transmission assets to MISO to facilitate the Companies' membership therein is in the public interest and in accordance with Council Resolution R-06-88; and
WHEREAS, the Joint MISO Application provides estimates of net benefits with joining MISO, in the range of

$1.1billion to $1.4 billion on a ten year net present value basis, to the Entergy Operating Companies collectively; and
WHEREAS, the Joint MISO Application also indicates net benefits to both ENO and ELL, individually; and
WHEREAS, the magnitude of potential net benefits to the individual Operating Companies is dependent in large part on 1) the operation of the Entergy System Agreement and any modifications thereto to incorporate the charges and credits associated with settlement statements in MISO, 2) the boundaries of the transmission pricing zones and load settlement zones established within MISO for the Entergy Operating Companies, 3) the treatment of certain independent generators referred to as "Qualifying Facilities" ("QFs") and the relief at the Federal Energy Regulatory Commission ("FERC") from the QFs "puts' to the Operating Companies and potential revisions to the applicable avoided costs calculations which establish the pricing for QFs energy, and 4) the outcome of a required filing at the Federal Energy Regulatory Commission regarding the transition of the Entergy Operating Companies into MISO and the extent to which certain transmission costs will be allocated to the Operating Companies; and
WHEREAS, the Joint MISO Application indicates that the Company expects to initiate a process with the FERC to address any modifications to the Entergy System Agreement that are anticipated to be necessary, including filing(s) under Section 205 of the Federal Power Act, in order to provide for the treatment of certain costs and benefits associated with MISO by the first quarter of 2012; and
WHEREAS, on December 5, 2011, Entergy announced its proposal to divest and merge its electric transmission business into ITC Holdings; and
WHEREAS, under the proposed transaction, Entergy will divest its electric transmission business to a newly-formed transmission company ("Mid South TransCo LLC"). Each Entergy Operating Company, including ENO and ELL will create its own transmission company subsidiary ("Transco Sub") and will transfer all of its respective transmission assets to its Transco Sub. Such transmission assets will consist of all transmission lines operated at 69 kV or above, substation assets operated at 69 kV or above, common-use equipment in transmission substations (three-terminal substations), and equipment necessary for the sale and reliable operation of the grid. Each Operating Company will then distribute all of the equity interests of its Transco Sub to Entergy. Entergy will then contribute all of the equity interests of each Transco Sub to Mid South Transco LLC, effectively transferring all of the transmission assets of all of the Operating Companies into Mid South Transco LLC, in exchange for the common units and securities of Mid South Transco, LLC; and
WHEREAS, under the proposed transaction, ITC will create a new subsidiary for the purposes of the merger, "Merger Sub". The Merger Sub will then be merged with and into Mid South Transco, LLC, the separate corporate existence of the Merger Sub will cease, and the Mid South Transco, LLC (referred to as the "Surviving Company" in the Merger Agreement) will continue as the surviving entity in the merger and will be a wholly-owned direct subsidiary of ITC. The merger will result in shareholders of Entergy receiving 50.1 percent of the shares of the pro forma ITC in exchange for their shares of Mid South Transco, LLC, with existing shareholders of ITC owning the remaining 49.9 percent of the combined company; and
WHEREAS, on February 16, 2012, the Council established Docket No. UD-12-01 to formally investigate the costs and benefits associated with ELL and ENO's proposed divestiture of their transmission assets to ITC, particularly whether said proposal produces maximum benefits for New Orleans' ratepayers and is in the public interest; and
WHEREAS, Entergy and ITC have set a goal of closing this transaction in 2013 subject to the receipt of all necessary approvals from Entergy's retail regulators, including the Council, the Arkansas Public Service Commission, the Louisiana Public Service Commission, the Mississippi Public Service Commission, and the Public Service Commission of Texas; the Federal Energy Regulatory Commission; the Internal Revenue Service; the Department of Justice and Federal Trade Commission; and ITC shareholders; and
WHEREAS, since January 31, 2012, the Council's Advisors have participated in a series of confidential settlement negotiation meetings within an alternative dispute resolution process among the parties to the Entergy System Agreement to address proposed modifications to the Entergy System Agreement designed corresponding to the various MISO billing elements ("ADR Process"); and
WHEREAS, in their Joint MISO Application, the Companies noted that numerous MISO billing elements need to be fully analyzed, with appropriate ratemaking methods to be determined for each of those billing elements. In addition, the Companies noted that at the conclusion of the ADR Process, they would be making an Implementation Filing to request that specific ratemaking mechanisms be implemented to recover these costs; and
WHEREAS, on February 16, 2012, in Resolution R-12-55, the Council established a two-phase proceeding in this docket. The initial phase being a threshold determination as to whether ENO and ELL's joining an RTO, particularly MISO, is in the public interest; and the second phase being a consideration of the Companies' Implementation Filing. In addition, the Council established a specific procedural schedule for phase one of the proceeding culminating in an

evidentiary hearing to commence on September 18, 2012. The Council also extended the discovery period in this docket until 10 days prior to the date of the hearing; and

WHEREAS, the Companies in their Joint MISO Application, in discovery and at various ERSC and other meetings have represented that the ITC transaction would be completed shortly after Entergy's transition to MISO assuming that all relevant regulatory bodies approved Entergy joining MISO; and

WHEREAS, the Companies have objected to any discovery requests and have provided very limited information regarding the impact of the proposed ITC transaction on their Joint MISO Application, on the grounds that the ITC transaction is a separate transaction and is outside the scope of Docket UD-11-01; and

WHEREAS, on August 24, 2012, our Advisors' met with representatives of ENO and ITC wherein the Advisors were informed that ITC intends to acquire Entergy's transmission system assets prior to the Entergy Operating Companies becoming Midwest ISO market participants and Transmission Owners on or about June of 2013. This is an unprecedented and dramatic change in the representations of the Companies to the Council and in conflict with the material presented in the Companies' Joint MISO Application and testimony before the Council in Docket UD-11-01. Moreover, this change in timing of the ITC acquisition will likely have a significant impact on many of the assumptions regarding ENO and ELL's operations in MISO and the costs and benefits that will accrue to the Entergy Operating Companies in general, and on ENO and ELL and New Orleans ratepayers, specifically; and

WHEREAS, the Companies' objections and very limited responses to discovery addressing the possible ramifications associated with the ITC proposal leaves the Council with no substantive information regarding the transaction, other than Entergy and ITC presentation material, which now appears to conflict with the Companies' pending application in UD-11-01; and

WHEREAS, we are informed by our Advisors, that the ITC transaction may result in a material change in the operations and estimated net benefits associated with ENO and ELL joining MISO as compared to the operations and net benefits represented in the Joint MISO Application and may result in: 1) the Council loss of jurisdictional authority to regulate retail transmission costs; 2) an increase in the return on equity component of transmission rates; 3) the inability to establish an "ENO-only" transmission pricing zone, instead relying on a Louisiana-wide transmission zone; 4) and the pass through of other Operating Company transmission costs to ENO among other things; and

WHEREAS, we note that there appears to be an increasing uncertainty regarding Entergy's plans to joins MISO. For example, 1) the Arkansas Public Service Commission has indicated that it will not approve EAI's request to join MISO as filed, which is a prerequisite for all the Entergy Operating Companies to join MISO; 2) although the ADR Process was initially anticipated to completed in mid-2012, as of today, there are numerous unresolved issues and ESI has indicated it will not be making its Section 205 filing at FERC until the fourth quarter of 2012; and 3) the Implementation Filing has been delayed as well; and

WHEREAS, the Council believes that the proposed ITC transaction may have a significant impact upon the cost of providing transmission services to ratepayers in the City of New Orleans, the provision of such transmission services, the improvement and expansion of existing transmission facilities, and the Council's jurisdiction over such transmission facilities; and

WHEREAS, the Council believes that numerous unanswered questions on the proposed ITC transaction remain and the lack of a formal filing requesting approval of the ITC transaction complete with all details of the transaction and its effects on ENO and ELL are not ripe for investigation of the net benefits that can be expected to accrue to New Orleans ratepayers; and

WHEREAS, the Council is concerned regarding the impact of this proposed ITC transaction upon the proposal of ENO and ELL to join the MISO currently under investigation by the Council in Council docket number UD-11-01; and

WHEREAS, it is the Council's position that the transfer of functional control of transmission assets to ITC and the proposal to join MISO are intertwined, and the Council should have as much information as possible in its record prior to making a final public interest determination regarding the Joint MISO Application; now therefore:

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS THAT:

1. The evidentiary hearing in Docket No. UD-11-01 is suspended until further order of this Council.

2. A period of discovery shall commence with the adoption of this Resolution and shall continue until the date of any subsequent administrative hearing is established or by further action of the Council. Responses to data requests shall be made on a rolling basis and shall be due in hand within 15 calendar days of receipt (All requests received after 3 o'clock p.m. (central) on a Friday shall be deemed received the following business day). Parties are encouraged to submit their data requests and responses electronically, where appropriate. Objections to data requests shall be filed within 5 days of receipt. The parties are encouraged to attempt to resolve their discovery disputes amicably prior to seeking the intervention of the Hearing Officer or appealing to the Council.

3. The Companies and ITC are hereby ordered to respond to all discovery regarding the proposed ITC transaction including any discovery regarding the impact of the proposed ITC transaction on the costs and benefits of the Joint MISO Application.
4. It is anticipated that during discovery, the parties may be required to produce documents or information that are deemed confidential and/or highly sensitive and, accordingly, the Council adopts for use in this docket its Official Protective Order adopted by Resolution R-07-432, a copy of which can be obtained from the Council Utilities Regulatory Office.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head - 6
NAYS: 0
ABSENT: Hedge-Morrell - 1
AND THE RESOLUTION WAS ADOPTED

NO. R-12-334
CITY HALL: September 6, 2012
BY: COUNCILMEMBER CLARKSON
SECONDED BY: COUNCILEMBER HEAD
WHEREAS, the American Revolution secured the independence of the United States of America and made possible the vibrant system of self-government of the United States;
WHEREAS, the supporters of the American Revolution, through their vision and determination, enhanced the lives of countless individuals and made possible the system of equal justice, limited government, and the rule of law that exists in the United States;
WHEREAS, the people who fought in the American Revolution made great sacrifices for their fledgling country;
WHEREAS, the 55 delegates who attended the Constitutional Convention in Philadelphia, Pennsylvania, 225 years ago, and the 39 delegates who signed the Constitution of the United States at the Constitutional Convention, irrevocably changed the course of history;
WHEREAS, the Constitution of the United States, a revered and living document—
(1) provides important rights to every citizen of the United States;
(2) secures ‘‘the Blessings of Liberty to ourselves and our Posterity’’; and
(3) sets the standard of democracy for the world;
WHEREAS, the delegates to the Constitutional Convention in 1787 established the imperative precedent of compromise;
WHEREAS, the Constitution and the subsequent 27 amendments to the Constitution outline the freedoms and the principles of representative government that are as strong today as they were on that momentous occasion in 1787;
WHEREAS, September 17, 2012, marks the 225th anniversary of the signing of the Constitution of the United States, which is the supreme law of the land and the document by which the people of the United States govern their great country;
WHEREAS, to venerate the immeasurable importance of the Constitution and the day on which the Constitution was signed, it is essential to continually educate people about, and celebrate, the principles and legacy of the Founding Fathers; and
WHEREAS, the Louisiana Society of the Order of Founders and Patriots of America will lead a commemoration of the 225th Anniversary of the Signing of the Constitution of the United States with a wreath-laying ceremony at the statue of Benjamin Franklin, a prominent delegate of the Constitutional Convention of 1787 and signer of the Constitution, NOW THEREFORE BE IT RESOLVED, by the City Council for the City of New Orleans that it hereby:
(1) commemorates the 225th anniversary of the signing of the Constitution of the United States on September 17, 2012, and remembers the sacrifices made by the people who made the signing possible; and
(2) applauds the continuing contributions made by the members, volunteers, and staff of historical, educational, and patriotic societies in New Orleans, such as the Order of Founders and Patriots of America, in promoting patriotism and the values embodied in the Constitution of the United States.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head - 6
NAYS: 0
ABSENT: Hedge-Morrell - 1
AND THE RESOLUTION WAS ADOPTED.

NO. M-12-335

CITY HALL: September 6, 2012
BY: COUNCILMEMBER GISLESON PALMER
SECONDED BY: COUNCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the request of SEAN CUMMINGS, MERCATO ELISIO, LLC - Requesting to appeal the Historic District Landmarks Commission's decision of **"no action"** for construction of a six-story mixed use building on property located at **501 Elysian Fields Avenue**, be, and the appeal is hereby granted through Modified Approval that any demolition or construction shall be in accordance with the Conditional Use ordinance for Zoning Docket No. 70/12.
BE IT FURTHER MOVED, That the Clerk of Council shall forward copies of this motion directly to all affected departments.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head - 6
NAYS: 0
ABSENT: Hedge-Morrell - 1
AND THE MOTION WAS ADOPTED.

NO. M-12-336
CITY HALL: September 6, 2012
BY: COUNCILMEMBER GUIDRY
SECONDED BY: COUNCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and favorable recommendation of the City Planning Commission staff on DESIGN REVIEW NO. 133/12 - AMK Properties L.L.C., d.b.a. Mellow Mushroom - Requesting to appeal the Alcoholic Beverages Moratorium in City Council District "A" (Ordinance No. 24,723 M.C.S.) to permit the sale of alcoholic beverages for consumption on-premises at Mellow Mushroom, a standard restaurant, on Square 150, Pt Lots F & G in the Seventh Municipal District, bounded by Oak, Plum, Dante and Dublin Streets (Municipal Address: 8227 Oak Street), be, and the same is hereby upheld and the appeal is granted, subject to seven (7) provisos as stated in the City Planning Commission's report, adding two additional provisos renumbering accordingly to read as follows:
PROVISOS:
1. The applicant shall secure a lease or grant of servitude from the Department of Property Management, Division of Real Estate and Records, for all encroachments into the public right-of-way adjacent to the site prior to the issuance of the Alcoholic Beverage Outlet permit by the Department of Safety and Permits.
2. Exterior signage or signage affixed to or mounted directly on or near a window that can be seen from the public right-of-way indicating the sale of alcoholic beverages shall be prohibited.
3. The consumption of alcoholic beverages and loitering in front of the structure or in the adjacent right-of-ways shall be prohibited.
4. The use of "to-go" cups for alcoholic beverages shall be prohibited.
5. The restaurant shall operate between the hours of 6:00 a.m. and 12:00 a.m. Monday through Sunday.
6. A full-service menu shall be provided at all times alcoholic beverages are sold.
7. The applicant shall provide a litter abatement letter approved by the Department of Sanitation inclusive of the location and method of trash storage out of the public right-of-way, the frequency of trash pickup, the clearing of all litter from the sidewalks, parking area, and the periodic hosing of the front sidewalks. The name and phone number of the owner/operator of the restaurant shall be kept on file in case of any violations. Trash dumpsters shall be screened with a six (6) foot high opaque fence with a latching gate.
8. Video poker shall be prohibited.
9. Live music and outdoor speakers shall be prohibited.
BE IT FURTHER MOVED, That the Clerk of Council shall forward copies of this motion directly to all affected departments.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head - 6
NAYS: 0
ABSENT: Hedge-Morrell - 1
AND THE MOTION WAS ADOPTED.

NO. M-12-337
CITY HALL: September 6, 2012
BY: COUNCILMEMBER BAJOIE

SECONDED BY: COUNCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the request of David Mantilla D/B/A Mais Arepas (DR. #124/12) – To appeal the Alcoholic Beverage Moratorium Ordinance No. 29,035 M.C.S., to permit the sale of alcoholic beverages for consumption on-premises at Mais Arepas, a standard restaurant, on Square 213, Lot 19 in the First Municipal District, bounded by Carondelet, Clio, and Erato Streets, and St. Charles Avenue,(Municipal Address 1200 Carondelet Street), in a C-1A General Commercial District; be, and the same is hereby upheld and the appeal is granted, subject to seven (7) provisos as stated in the City Planning Commission's report to read as follows:
PROVISOS:
1. The applicant shall secure a lease of servitude or grant from the Department of Property Management, Division of Real Estate and Records, for all encroachments into the public right-of-way adjacent to the site prior to the issuance of the Alcoholic Beverage Outlet permit by the Department of Safety and Permits.
2. The applicant shall obtain the approval from the Historic Landmarks Commission from all proposed signage. Additionally, exterior signage or signage affixed to or mounted directly on or near a window that can be seen from the public right-of-way indicating the sale of alcohol beverages shall be prohibited.
3. The consumption of alcoholic beverages and loitering in front of the structure or in the adjacent lot shall be prohibited.
4. The use of "to-go" cups for alcoholic beverages shall be prohibited.
5. The restaurant shall operate between the hours of 6:00a.m. and 12:00 midnight Monday through Sunday.
6. A full-service menu shall be provided at all times alcoholic beverages are sold.
7. The applicant shall submit a revised site plan which shall include a designated dumpster/trash storage area. Additionally, the applicant shall submit a litter abatement program letter approved by the Department of Sanitation indicating the method of litter storage, the frequency of litter pickup, the cleaning of all litter from the adjacent right-of-way, and the periodic hosing of the adjacent street
right-of-way, as necessary. The name and phone number of the owner/operator of the restaurant shall be kept on file in case of any violation.
BE IT FURTHER MOVED, That the Clerk of Council's Office shall forward copies of this motion directly to all affected departments.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head - 6
NAYS: 0
ABSENT: Hedge-Morrell - 1
AND THE MOTION WAS ADOPTED.

NO. M-12-338
CITY HALL: September 6, 2012
BY: COUNCILMEMBER GISLESON PALMER
SECONDED BY: COUNCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and favorable recommendation of the City Planning Commission on ZONING DOCKET NO. 70/12 - MERCATO ELISIO, LLC - Requesting a Conditional Use to permit a Mixed-Use Residential/Commercial Development in an HMLI Historic Marigny/Tremé Light Industrial District, on Square 7, Lots 1 and X-Y, in the Third Municipal District, bounded by Elysian Fields Avenue, Marigny, Chartres, and Decatur Streets (Municipal Address: 501 Elysian Fields Avenue), be, and the same is hereby approved, subject to two (2) waivers, deleting Waiver Numbers 1, 2 and 3 in their entirety, sixteen (16) provisos amending Proviso No. 14 with two (2) additional provisos to read as follows and renumbering the waivers and provisos accordingly:
PROVISOS:
"14. The developer shall provide a minimum of twenty-three (23) bicycle parking spaces onsite, with a minimum of eighteen (18) being long-term spaces. Long-term bicycle parking spaces must be located in a covered area that is easily accessible from the public-right-of-way and building entrances. In addition, the developer shall work with Transport for NOLA to develop additional bicycle and scooter spaces.
* * *
17. The developer shall maintain an active use on the ground floor of the building at Marigny Street and Decatur Street.
18. The minimum square footage per dwelling unit shall be 800 square feet."
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the Conditional Use.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head - 6
NAYS: 0
ABSENT: Hedge-Morrell - 1
AND THE MOTION WAS ADOPTED.

NO. R-12-339
CITY HALL: September 20, 2012
BY: COUNCILMEMBER CLARKSON (BY REQUEST)
SECONDED BY: COUNCILMEMBER HEAD
A RESOLUTION calling a special election for Orleans Parish Communication District on Saturday, December 8, 2012 in the City of New Orleans.
WHEREAS, the Legislature of Louisiana adopted Act 649 during the Regular Session of 2012; and
WHEREAS, Act 649 authorizes the Orleans Parish Communication District to establish/increase a fixed rate emergency telephone service charge for 9-1-1 services, to be levied in perpetuity, but only after the question of such has been submitted to and approved by a majority of the registered voters of the city voting on the proposition at an election held for that purpose in accordance with the Louisiana Election Code; and
WHEREAS, Act 649 stipulates that the fixed rate emergency telephone service charge for 9-1-1 services, if approved by the voters, shall be:
(A) Increased from the current fixed rate of one dollar per month to two dollars per month per exchange access line serving residential service users.
(B) Increased from the current fixed rate of two dollars per month to three dollars per month per exchange access line serving commercial service users (not to exceed one hundred lines per user).
(C) Established at one dollar and twenty-six cents per month per wireless commercial mobile radio service connection.
(D) Established at two dollars per month per residential interconnected voice over Internet protocol service access line equivalent.
(E) Established at three dollars per month per commercial interconnected voice over Internet protocol service access line equivalent.
For purposes of this paragraph:
“Interconnected voice over Internet protocol service” shall have the meaning provided in CFR Title 47, Section 9.3; and
“Access line equivalent” shall mean each telephone number issued to a voice over Internet protocol customer. However, if the telephone numbers issued to a customer exceed the available capacity for simultaneous outward calls to be connected to the public switched telephone network, the access line equivalent shall be equal to the capacity for simultaneous outward calls to the public switched telephone network; NOW, THEREFORE
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS THAT:
SECTION 1. Election Call. Subject to the approval of the State Bond Commission, and under the authority conferred by Act 649 of the Regular Session of the Louisiana Legislature of 2012, and by Article VI of the Constitution of the State of Louisiana of 1974, and the applicable provisions of Title 18 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority supplemental thereto, an election is hereby called for Saturday, December 8, 2012 between the hours of six o’clock (6:00) a.m. and eight o’clock (8:00) p.m. and at said election the electorate of the City of New Orleans may approve or disapprove the establishment/increase in the fixed rate emergency telephone service charge for 9-1-1 services to be levied in perpetuity. The proceeds of any such service charges collected by the Orleans Parish Communication District shall not be diverted for use by any other entity or for any purposes other than those served by such District. The increased fixed rates per access line serving residential and commercial service users and the new fixed rates per wireless commercial mobile radio service connections, as well as new fixed rates for residential and commercial interconnected voice over internet protocol service access line equivalents is estimated to generate approximately seven million four-hundred forty nine thousand one hundred ten dollars ($7,449,110) per year.
The official ballot to be used for said election shall be printed and worded in the voting machines as follows:
“ORLEANS PARISH COMMUNICATION DISTRICT PROPOSITION
SUMMARY: ESTABLISH/INCREASE THE FIXED RATE EMERGENCY TELEPHONE SERVICE CHARGE FOR 9-1-1 SERVICES FOR ALL ORLEANS PARISH RESIDENTIAL
AND COMMERCIAL SERVICE USERS, WIRELESS COMMERCIAL MOBILE RADIO SERVICE CONNECTIONS, AND RESIDENTIAL AND COMMERCIAL INTERCONNECTED VOICE OVER INTERNET PROTOCOL SERVICE ACCESS LINE EQUIVALENTS,

TO BE LEVIED IN PERPETUITY.

Shall the Orleans Parish Communication District establish/increase the fixed rate emergency telephone service charge for 9-1-1 services, to be levied in perpetuity, as follows:

(A) Increase from current fixed rate of one dollar per month to two dollars per month per exchange access line serving residential service users.

(B) Increase from current fixed rate of two dollars per month to three dollars per month per exchange access line serving commercial service users (not to exceed one hundred lines per user).

(C) Establish fixed rate of one dollar and twenty-six cents per month per wireless commercial mobile radio service connection.

(D) Establish fixed rate of two dollars per month per residential interconnected voice over internet protocol service access line equivalent.

(E) Establish fixed rate of three dollars per month per commercial interconnected voice over internet protocol service access line equivalent.

Such service charges are estimated to generate approximately seven million four-hundred forty nine thousand one hundred ten dollars ($ 7,449,110) per year, are to be used solely by the Orleans Parish Communication District and shall not be diverted for use by any other entity or for any purposes other than those served by such District?"

SECTION 2. Boundaries. The affected area is comprised of the entirety of the Parish of Orleans.

SECTION 3. Publication of Notice of Election. Notice of said election shall be published in the Official Journal of the City of New Orleans once a week for four (4) consecutive weeks, with the first publication being not less than forty-five days nor more than ninety (90) days prior to the date fixed for the election, which notice shall be substantially in the form attached hereto as "Exhibit A" and incorporated herein by reference as if the same were set forth herein in full.

SECTION 4. Canvass. The Council, acting under the powers granted to it by the City Charter and state statutes, shall meet at its regular meeting place, the Council Chamber, City Hall, 1300 Perdido Street, New Orleans, Louisiana on Thursday, December 20, 2012, beginning at ten o'clock (10:00) a.m. and shall then and there in open and public session proceed to examine and canvass the returns and declare the result of said election.

SECTION 5. Polling Places. The polling places set forth in the aforesaid notice of election are hereby designated as the polling places at which to hold the said election, and the commissioners-in-charge will be the same persons as those designated in accordance with law.

SECTION 6. Election Commissioners; Voting Machines. The officers designated to serve as commissioners-in-charge and commissioners pursuant to Section 5 hereof, or such substitutes therefor, as may be selected and designated in accordance with La. R.S. 18:1287, shall hold the said election as herein provided, and shall make due returns of said election to the City Council. All registered voters in Orleans Parish are entitled to vote at said election and voting machines shall be used thereat.

SECTION 7. Authorization of Officers. The Clerk of Criminal District Court is hereby empowered, authorized and directed to arrange for and to furnish to said election officers in ample time for the holding of said election, the necessary equipment, forms and other paraphernalia essential to the proper holding of said election and the president and/or clerk of the City Council and the city attorney are authorized, empowered and directed to take any and all further action required by state and/or federal law to arrange for the election, including but not limited to appropriate submission to the United States Department of Justice under Section 5 of the Federal Voting Rights Act of 1965, as amended.

SECTION 8. Furnishing Election Call to Election Officials. Certified copies of this resolution shall be forwarded to the Secretary of State, the Clerk of Court and ex-officio parish custodian of voting machines in and for the Parish of Orleans, State of Louisiana, and the Registrar of Voters in and for said parish, as notification of the election herein called, in order that each may prepare for said election and perform their respective functions as required by law.

SECTION 9. Application to State Bond Commission. Application is made to the state Bond Commission for consent and authority to hold the aforesaid election as herein provided, and in the event said election results in approval of the proposition, for further consent and authority to establish/increase the service charges provided for therein, and a certified copy of this resolution shall be forwarded to the state Bond Commission on behalf of the City Council and the Orleans Parish Communication District requesting prompt consideration and approval of the application.

THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 6

NAYS: 0

ABSENT: Charbonnet - 1

AND THE RESOLUTION WAS ADOPTED.

NO. M-12-340
CITY HALL: September 20, 2012
BY: COUNCILMEMBER HEDGE-MORRELL
SECONDED BY: COUNCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the appointment of Gwendolyn Bordenave, fulfilling the unexpired term of Kelder Summers, as a member of the Neighborhood Conservation District Committee for a term that will expire April 23, 2013, be, and the same is hereby ratified, confirmed and approved.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-341
CITY HALL: September 20, 2012
BY: COUNCILMEMBER GUIDRY (BY REQUEST)
SECONDED BY: COUNCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Mayor's reappointment of Collette Creppell, as a member of the New Orleans Building Corporation for a term that will expire June 30, 2015, be, and the same is hereby ratified, confirmed and approved.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-342
CITY HALL: September 20, 2012
BY: COUNCILMEMBER BAJOIE (BY REQUEST)
SECONDED BY: COUNCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Mayor's reappointment of Don C. Hubbard, nominee of the New Orleans Chamber of Commerce, as a member of the Ernest N. Morial Exhibition Hall Authority for a term that will expire July 16, 2016, be, and the same is hereby ratified, confirmed and approved.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-343
CITY HALL: September 20, 2012
BY: COUNCILMEMBER HEDGE-MORRELL
SECONDED BY: COUNCILMEMBER HEAD
WHEREAS, Deep South Audio and St. John #5 Camp A nonprofit 501c (3) organizations are sponsoring their 6th Annual Stop the Violence Rally and Car Show on Sunday, October 21, 2012 from 11:00 a.m. to 7:00 p.m., and has requested the waiver of fees associated with the street closure of the 3700 block of Downman Road, as well as requesting the waiver of all fees associated with this event on Sunday, September 16, 2012, from 11:00 a.m. to 7:00 p.m.; now therefore

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That motion M-12-326 adopted by the city council at the August 23, 2012 city council meeting be rescinded and replaced with Motion M-12-343.That the fees associated with the temporary closure of the 3700 block of Downman Road on Sunday, October 21, 2012 from 11:00 a.m. to 7:00 p.m. for the 6th Annual Stop the Violence Rally and Car Show, including any fees associated with the applicable traffic controls and parking controls to be implemented by the New Orleans Police Department, are hereby waived as provided for in Section 146-583 of the City Code, upon the condition that the street closure application process of the Department of Public Works and the New Orleans Police Department is completed and approvals are granted. The fee waiver authorized shall not include any direct costs to the city.
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS,
That the fee associated with temporary waiving all permits fees relative to vending, including the sale of alcoholic beverage of high and low content, street closure, special event application, New Orleans Police Department, signage, parking meter use, parking meter bagging use, and tent construction permit within and around the 3700 block of Downman Road, in conjunction with the 6th Annual Stop the Violence Rally and Car Show on Sunday, October 21, 2012 from 11:00 a.m. to 7:00 p.m. is hereby waived. The fee waiver authorized shall not include any direct costs to the city.
BE IT FURTHER MOVED, That the Clerk of Council immediately shall provide a certified copy of this motion to the Chief Administrative Officer, the Department of Public Works, the Department of Safety and Permits, the Department of Sanitation, Deep South Audio, St. John #5 Camp A nonprofit 501c (3) organizations and the New Orleans Police Department.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 6
NAYS: 0
ABSENT: Charbonnet - 1
AND THE MOTION WAS ADOPTED.

NO. R-12-344
CITY HALL: September 20, 2012
BY: COUNCILMEMBERS HEDGE-MORRELL, GISLESON PALMER, BAJOIE, CLARKSON, GUIDRY AND HEAD
WHEREAS, with the onset of an impending weather emergency or critical weather conditions, many seniors and disabled citizens simply choose to remain in their homes and/or familiar surroundings until its conclusion; and
WHEREAS, in other situations, seniors and disabled citizens are housed in nursing homes, residential buildings and other facilities without the capability of travel and/or relocating even temporarily; and
WHEREAS, generators on location of the premises of nursing homes, residential buildings and other facilities will eliminate the decline of the senior and disabled citizens' health conditions and possible death due to adverse weather conditions such as extreme heat or cold; and
WHEREAS, tax credits are afforded to the owners of buildings housing seniors and disabled citizens including nursing homes, residential buildings and other facilities; and
WHEREAS, it is the sense of this Council that the responsibility of providing working back-up generators on site at all times is the owners and should be another condition of receipt of tax credits; now therefore
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that this Council is requiring owners of all facilities used by senior and disabled citizens to have on site back-up generators which will immediately begin to operate once electrical power to these facilities is lost.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 6
NAYS: 0
ABSENT: Charbonnet - 1
AND THE RESOLUTION WAS ADOPTED.

NO. R-12-345
CITY HALL: September 20, 2012

BY: COUNCILMEMBER CLARKSON
SECONDED BY: COUNCILMEMBER HEAD
Resolution providing for the incurring of debt and the issuance of not exceeding Two Hundred Million Dollars ($200,000,000) of Taxable Limited Tax Refunding Bonds, Series 2012, of the City of New Orleans, Louisiana (the "2012 Refunding Bonds"); prescribing the form, terms and conditions of said Bonds; designating the date, denomination and place of payment of said Bonds; providing for the payment thereof in principal and interest; appointing a Trustee for the 2012 Refunding Bonds; awarding the 2012 Refunding Bonds to the Underwriters named herein; authorizing the execution of a Certificate of Determination; and providing for other matters in connection therewith.
WITHDRAWN.

SUBSTITUTE NO. R-12-345
CITY HALL: September 20, 2012
BY: COUNCILMEMBER CLARKSON
SECONDED BY: COUNCILMEMBER HEAD
A RESOLUTION providing for the incurring of debt and the issuance of not exceeding Two Hundred Million Dollars ($200,000,000) of Taxable Limited Tax Refunding Bonds, Series 2012, of the City of New Orleans, Louisiana (the "2012 Refunding Bonds"); prescribing the form, terms and conditions of said Bonds; designating the date, denomination and place of payment of said Bonds; providing for the payment thereof in principal and interest; appointing a Trustee for the 2012 Refunding Bonds; awarding the 2012 Refunding Bonds to the Underwriters named herein; authorizing the execution of a Certificate of Determination; and providing for other matters in connection therewith.
WHEREAS, pursuant to the Louisiana Constitution of 1974, as amended (the "Constitution"), the City of New Orleans (the "City") is authorized to levy a special tax of thirteen and ninety-one hundredths (13.91) mills (such rate being subject to adjustment from time to time due to reassessment) (the "Tax"), which Tax has been authorized to be levied on all the property subject to taxation within the corporate boundaries of the City pursuant to the provisions of the Constitution and which Tax is authorized to be levied for general purposes, and which Tax the City is authorized to impose and collect; and
WHEREAS, Section 1430 of Title 39 of the Louisiana Revised Statutes of 1950, as amended (the "Act") authorizes the City to issue revenue bonds for any authorized purpose, payable out of any source whatsoever or any other monies which, by law or contract, may be made available to the City; and
WHEREAS, Chapter 14-A of Title 39 of the Louisiana Revised Statutes of 1950, as amended (the "Refunding Act"), authorizes the City to issue refunding bonds for the purpose of refunding, readjusting, restructuring, refinancing, extending or unifying the whole or any part of its outstanding securities; and
WHEREAS, the City has outstanding the following indebtedness:
$109,160,000 of Taxable Pension Revenue Bonds, Series 2000 (the "Pension Bonds"), issued on December 19, 2000, pursuant to resolutions adopted by this Council on September 21, 2000, November 16, 2000 and December 1, 2000, maturing September 1, 2030, callable at par on any interest payment date upon termination of the Swap Agreement (defined herein), and bearing interest at variable rates not to exceed 18% per annum; and
$15,995,000 of Taxable Bonds, Series 2011 (the "2011 Bonds"), issued on November 30, 2011, pursuant to a resolution adopted by this Council on November 17, 2011, and a Certificate of Determination executed on December 30, 2011, maturing on March 1, 2013, prepayable at par in whole or in part, without premium or penalty, at any time, and bearing interest at 5.95% per annum; and
WHEREAS, the Pension Bonds and the 2011 Bonds are herein sometimes herein collectively referred to as the "Refunded Bonds"; and
WHEREAS, pursuant to Resolution No. R-12-168 adopted by this Council on June 7, 2012 (the "Preliminary Resolution"), the City granted preliminary authorization to, among other things, the issuance of not exceeding $200,000,000 of its Taxable Limited Tax Refunding Bonds, Series 2012 (the "2012 Refunding Bonds"), and authorized the sale thereof through a negotiated sale; and
WHEREAS, the City has found and determined that the refunding and/or extension of the Refunded Bonds would be financially advantageous to the City; and
WHEREAS, pursuant to and in accordance with the foregoing statutory authority and the Preliminary Resolution, the City now desires to incur debt and issue the 2012 Refunding Bonds in the principal amount of not exceeding Two Hundred Million Dollars ($200,000,000) for the purpose of (i) refunding, restructuring and/or extending all of the Pension Bonds and the 2011 Bonds, (ii) paying the termination payment under the Swap Agreement for the Pension Bonds, (iii) paying capitalized interest on the 2012 Refunding Bonds, (iv) funding a deposit to a debt service reserve

fund, and (v) paying costs of issuance of the 2012 Refunding Bonds, all as set forth herein; and

WHEREAS, the City currently has outstanding $25,605,000 of Taxable Limited Tax Certificates of Indebtedness, Series 2004B (the "Outstanding Parity Obligations"), which Outstanding Parity Obligations are the only bonds or other obligations currently outstanding that are payable from a pledge or dedication of the avails or proceeds of the Tax; and

WHEREAS, it is the intention of the City that the 2012 Refunding Bonds herein authorized be issued on a *pari passu* basis with the Outstanding Parity Obligations, except for the Reserve Fund (herein defined), which shall only secure the 2012 Refunding Bonds; and

WHEREAS, the estimated income to be realized from the levy of the Tax in 2012 is approximately $36,900,000, and such amount is at least 1.35 times the combined principal and interest due in any year on the 2012 Refunding Bonds and the Outstanding Parity Obligations; and

WHEREAS, it is necessary that provision be made for the payment of the principal of and interest on the Refunded Bonds described in *Exhibit A hereto; and

WHEREAS, it is necessary that the City execute a Bond Purchase Agreement dated the date hereof awarding the 2012 Refunding Bonds to the Underwriters named therein; and

WHEREAS, it is the desire of the City to fix the details necessary with respect to the issuance of the Bonds and to provide for the authorization and issuance thereof, and to authorize the execution of a Certificate of Determination setting the principal amount of the Bonds based on market conditions, and further setting forth certain other details in connection therewith, including, if it is determined to be in the best economic interest of the City, obtaining a bond insurance policy with an insurer to be set forth in said Certificate of Determination; now therefore:

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that:

SECTION 1. Definitions. As used herein, the following terms shall have the following meanings, unless the context otherwise requires:

"Act" means Section 1430 of Title 39 of the Louisiana Revised Statutes of 1950, as amended.

"Bond" or "2012 Refunding Bond" means the City's Taxable Limited Tax Refunding Bonds, Series 2012, authorized by this Resolution, in the total aggregate principal amount of not exceeding Two Hundred Million Dollars ($200,000,000), which amount shall be fixed in the Certificate of Determination, whether initially delivered or issued in exchange for, upon transfer of, or in lieu of any bond previously issued.

"Bond Register" means the records kept by the Trustee at its principal corporate trust office in which registration of the Bonds and transfers of the Bonds shall be made as provided herein.

"Business Day" shall mean a day of the year other than a day on which banks located in New York, New York and the city in which the principal office of the Trustee is located are required or authorized to remain closed and on which the New York Stock Exchange is closed.

"Capitalized Interest Fund" means the fund created by Section 11 of this resolution.

"Certificate of Determination" means the Certificate of Determination authorized by Section 15 hereof, setting forth certain details of the Bonds, in substantially the form attached hereto as Exhibit C.

"City" or "Issuer" means City of New Orleans, Louisiana.

"DTC" means the Depository Trust Company.

"Executive Officers" means, collectively, the Mayor of the City and the Clerk of Council of the Governing Authority.

"Fiscal Year" means the one-year accounting period ending December 31st of each year, or such other period as may be designated by the Governing Authority as the fiscal year of the City.

"Governing Authority" or "City Council" means the City Council of the City of New Orleans.

"Government Securities" means direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by the United States of America, which are non-callable prior to their maturity, and which may be United States Treasury obligations such as the State and Local Government Series and may be in book-entry form.

"Interest Payment Date" means March 1 and September 1 of each year in which the Bonds are outstanding, commencing March 1, 2013.

"Outstanding" when used with respect to 2012 Refunding Bonds means, as of the date of determination, all 2012 Refunding Bonds theretofore issued and delivered under this Resolution, except:

1. 2012 Refunding Bonds theretofore canceled by the Trustee or delivered to the Trustee for cancellation;

2. 2012 Refunding Bonds in exchange for or in lieu of which other 2012 Refunding Bonds have been registered and delivered pursuant to this Resolution;

3. 2012 Refunding Bonds alleged to have been mutilated, destroyed, lost or stolen which have been paid as provided in this Resolution or by law; and

4. 2012 Refunding Bonds, the payment of the principal of and interest on which money or Government Securities or both are held in trust for the owners thereof with the effect specified in this Resolution.

"Outstanding Parity Obligations" means (except with respect to the Reserve Fund) the City's $25,605,000 of Taxable Limited Tax Certificates of Indebtedness, Series 2004B, and any additional indebtedness issued in accordance with Section 9 hereof.

"Owner" or "Owners" or "Holders" when used with respect to any 2012 Refunding Bond means the Person in whose name such 2012 Refunding Bond is registered in the Bond Register or the Owner of any 2012 Refunding Bond.

"Participant" means any broker-dealer, bank and other financial institution from time to time for which DTC holds 2012 Refunding Bonds as securities depository.

"Pension Bonds" means the City's outstanding $109,160,000 of Taxable Pension Revenue Bonds, Series 2000, maturing September 1, 2030.

"Person" means any individual, corporation, partnership, joint venture, association, joint-stock company, trust, unincorporated organization or government or any agency or political subdivision thereof.

"Record Date" for the interest payable on any Interest Payment Date means the 15th calendar day of the month next preceding such Interest Payment Date.

"Refunded Bonds" means, collectively, the City's outstanding Pension Bonds and 2011 Bonds, which are being refunded with a portion of the proceeds of the 2012 Refunding Bonds, as described in Exhibit A hereto.

"Refunding Act" means Chapter 14-A of Title 39 of the Louisiana Revised Statutes of 1950, as amended.

"Reserve Fund" means the Debt Service Reserve Fund created by Section 12 hereof as security for the 2012 Refunding Bonds.

"Reserve Fund Requirement" means, in connection with the 2012 Refunding Bonds only, 50% of the maximum principal and interest requirements occurring in any future Fiscal Year on the 2012 Refunding Bonds.

"Resolution" means this resolution authorizing the issuance of the 2012 Refunding Bonds, as it may be supplemented and amended.

"Sinking Fund" means the sinking fund created under Section 10 of this Resolution.

"State" means the State of Louisiana.

"Swap Agreement" means the swap agreement entered into with PaineWebber Capital Services Inc. on the date of issuance of the City's outstanding Pension Bonds.

"Tax" means the special ad valorem tax of thirteen and ninety-one hundredths (13.91) mills (such rate being subject to adjustment from time to time due to reassessment), and authorized by Article VI, Section 26(A) and (E) of the Louisiana State Constitution of 1974, as amended, to be levied and collected annually in each year in perpetuity, inclusive.

"2011 Bonds" means the City's outstanding $15,995,000 of Taxable Bonds, Series 2011, maturing March 1, 2013.

"Trustee" means U.S. Bank National Association, until a successor Trustee shall have been appointed pursuant to the applicable provisions of this Resolution, and thereafter "Trustee" shall mean such successor Trustee.

"Underwriters" means, collectively, Morgan Keegan & Company, Inc., acting on behalf of itself and as representative of Raymond James & Associates, Inc.; J.P. Morgan Securities LLC; Goldman, Sachs & Co., Loop Capital Markets, LLC and Dorsey & Company, Inc.

SECTION 2. Authorization of Bonds; Maturities. In compliance with the terms and provisions of the Act and the Refunding Act, and other constitutional and statutory authority, there is hereby authorized the incurring of an indebtedness of not exceeding Two Hundred Million Dollars ($200,000,000) for, on behalf of, and in the name of the City, for the purpose of (i) refunding, restructuring and/or extending all of the Pension Bonds and the 2011 Bonds, (ii) paying the termination payment under the Swap Agreement for the Pension Bonds, (iii) paying capitalized interest on the 2012 Refunding Bonds, (iv) funding a deposit to the Reserve Fund, and (v) paying costs of issuance of the 2012 Refunding Bonds, all as provided for in this Resolution. To represent said indebtedness, this Governing Authority does hereby authorize the issuance of not exceeding Two Hundred Million Dollars ($200,000,000) of Taxable Limited Tax Refunding Bonds, Series 2012 of the City. The 2012 Refunding Bonds shall be in fully registered form, shall be dated the date of delivery thereof, shall be issued in the denomination of Five Thousand Dollars ($5,000) or any integral multiple thereof within a single maturity and shall be numbered from R-1 upward. The 2012 Refunding Bonds shall bear interest from the date thereof or from the most recent Interest Payment Date to which interest has been paid or duly provided for, payable on each Interest Payment Date, commencing March 1, 2013. The principal amount of the 2012 Refunding Bonds shall be fixed in the Certificate of Determination based on market conditions. The 2012 Refunding Bonds shall mature serially on September 1 of each year, in the amounts and at the rates of interest per annum as set forth in the Certificate of Determination, subject to the limitations set forth in Resolution R-12-168 of this Council.

The principal of the 2012 Refunding Bonds, upon maturity, shall be payable at the principal office of the Trustee, upon

presentation and surrender thereof, and interest on the Bonds shall be payable by check of the Trustee mailed by the Trustee to the Owner (determined as of the close of business on the Record Date) at the address shown on the Bond Register. Each 2012 Refunding Bond delivered under this Resolution upon transfer of, in exchange for or in lieu of any other 2012 Refunding Bond shall carry all the rights to interest accrued and unpaid, and to accrue, which were carried by such other 2012 Refunding Bond, and each such 2012 Refunding Bond shall bear interest (as herein set forth) so neither gain nor loss in interest shall result from such transfer, exchange or substitution.

The 2012 Refunding Bonds are hereby issued on a parity with the Outstanding Parity Obligations (except as to the Reserve Fund, which secures only the 2012 Refunding Bonds), and the Bonds shall rank equally with and enjoy complete parity of lien with the Outstanding Parity Obligations on the avails or proceeds of the Tax. The Issuer hereby represents that it has complied with, or will comply with prior to the issuance of the 2012 Refunding Bonds, all terms and conditions for the issuance of *pari passu* obligations as set forth in the resolution, as amended to the date hereof, authorizing the issuance of the Outstanding Parity Obligations.

No 2012 Refunding Bond shall be entitled to any right or benefit under this Resolution, or be valid or obligatory for any purpose, unless there appears on such 2012 Refunding Bond a certificate of registration, substantially in the form provided in this Resolution, executed by the Trustee by manual signature.

SECTION 3. Redemption Provisions. The 2012 Refunding Bonds are subject to redemption prior to maturity as set forth in the Certificate of Determination.

SECTION 4. Registration and Transfer. The City shall cause the Bond Register to be kept by the Trustee. The 2012 Refunding Bonds may be transferred, registered and assigned only on the Bond Register, and such registration shall be at the expense of the City. A 2012 Refunding Bond may be assigned by the execution of an assignment form on the 2012 Refunding Bond or by other instruments of transfer and assignment acceptable to the Trustee. A new 2012 Refunding Bond or 2012 Refunding Bonds will be delivered by the Trustee to the last assignee (the new Owner) in exchange for such transferred and assigned Bonds after receipt of the Bonds to be transferred in proper form. Such new Bond or Bonds shall be in the denomination of $5,000 or any integral multiple thereof within a single maturity. Neither the City nor the Trustee shall be required to issue, register, transfer or exchange any Bond during a period beginning (i) at the opening of business on a Record Date and ending at the close of business on the Interest Payment Date, or (ii) with respect to Bonds to be redeemed, at the opening of business on the date of the mailing of a notice of redemption of such Bonds and ending on the date of such redemption.

SECTION 5. Book Entry Form. (1) The 2012 Refunding Bonds shall be initially issued in the form of a separate single fully registered certificate for each of the maturities set forth in the Certificate of Determination, each in the aggregate principal amount of such maturity. Upon initial issuance, the ownership of each 2012 Refunding Bond shall be registered in the registration books kept by the Trustee in the name of CEDE & CO., as nominee of DTC, the securities depository for the 2012 Refunding Bonds. Except as provided in subsection (3) of this Section, all of the outstanding 2012 Refunding Bonds shall be registered in the registration books kept by the Trustee in the name of CEDE & CO., as nominee of DTC.

(2) With respect to 2012 Refunding Bonds registered in the registration books kept by the Trustee in the name of CEDE & CO., as nominee of DTC, the Issuer and the Trustee shall have no responsibility or obligation to any Participant or to any person on behalf of which a Participant holds an interest in the 2012 Refunding Bonds. Without limiting the immediately preceding sentence, the Issuer and the Trustee shall have no responsibility or obligation with respect to (i) the accuracy of the records of DTC, CEDE & CO. or any Participant with respect to any ownership interest in the 2012 Refunding Bonds, (ii) the delivery to any Participant or any other person, other than a Holder, as shown in the registration books kept by the Trustee, of any notice with respect to the 2012 Refunding Bonds, or (iii) the payment to any Participant or any other person, other than a Holder, as shown in the registration books kept by the Trustee, of any amount with respect to principal of or interest on the 2012 Refunding Bonds. The Issuer and the Trustee may treat and consider the person in whose name each 2012 Refunding Bond is registered in the registration books kept by the Trustee as the Holder and absolute Owner of such 2012 Refunding Bond for the purpose of payment of principal of and interest with respect to such 2012 Refunding Bond, for the purpose of giving any notices with respect to such 2012 Refunding Bond, for the purpose of registering transfers with respect to such 2012 Refunding Bond, and for all other purposes whatsoever. The Trustee shall pay all principal of and interest on the 2012 Refunding Bonds only to or upon the order of the respective Holders of the 2012 Refunding Bonds, as shown on the registration books kept by the Trustee, and all such payments shall be valid and effective to fully satisfy and discharge the Issuer's certificates with respect to payment of principal of and interest on the 2012 Refunding Bonds to the extent of the sum or sums so paid. No person other than a Holder as shown on the registration books kept by the Trustee shall receive a certified 2012 Refunding Bond evidencing the certificate of the Issuer to make payments of principal of and interest pursuant to this Resolution. Upon

delivery by DTC to the Trustee of written notice to the effect that DTC has determined to substitute a new nominee in place of CEDE & CO., and subject to the provisions herein with respect to record dates, the word "CEDE & CO." in this Resolution shall refer to such new nominee of DTC.

(3) (i) DTC may determine to discontinue providing its services with respect to the 2012 Refunding Bonds at any time by giving notice to the Issuer and the Trustee and discharging its responsibilities with respect thereto under applicable law.

(ii) The Issuer, in its sole discretion and without the consent of any other person, may terminate the services of DTC with respect to the 2012 Refunding Bonds if the Issuer determines that: (A) DTC is unable to discharge its responsibilities with respect to the 2012 Refunding Bonds, or (B) a continuation of the requirement that all of the outstanding 2012 Refunding Bonds be registered on the registration books kept by the Trustee in the name of CEDE & CO., or any other nominee of DTC, is not in the best interest of the beneficial owners of the 2012 Refunding Bonds.

(iii) Upon the termination of the services of DTC with respect to the 2012 Refunding Bonds pursuant to subsection (3)(ii)(B) of this Section, or upon the discontinuance or termination of the services of DTC with respect to the 2012 Refunding Bonds pursuant to either subsection (3)(i) or (3)(ii)(A) above, after which no substitute securities depository willing to undertake the functions of DTC hereunder can be found which, in the opinion of the Issuer is willing and able to undertake such functions upon reasonable and customary terms, the Issuer is obligated to deliver 2012 Refunding Bonds to the Owner, at the expense of the said Owner as described in this Resolution, and the 2012 Refunding Bonds shall no longer be restricted to being registered in the registration books kept by the Trustee in the name of CEDE & CO., as nominee of DTC, but may be registered in whatever name or names Holders transferring or exchanging 2012 Refunding Bonds shall designate in accordance with the provisions of this Resolution.

Notwithstanding any other provision of this Resolution to the contrary, so long as any 2012 Refunding Bond is registered in the name of CEDE & CO., as nominee of DTC, all payments with respect to principal of and interest on such 2012 Refunding Bond and all notices with respect to such 2012 Refunding Bond shall be made and given, respectively, in the manner provided in the Blanket Issuer Letter of Representations dated September 26, 1995 and delivered to DTC.

SECTION 6. Form of 2012 Refunding Bonds. The 2012 Refunding Bonds and the endorsements to appear thereon shall be in substantially the following forms, respectively, to-wit:

(FORM OF BOND)

No. R-_____

Principal Amount $_____

Unless this 2012 Refunding Bond is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to the City or its agent for registration of transfer, exchange, or payment, and any 2012 Refunding Bond issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

As provided in the Resolution referred to herein, until the termination of the system of book-entry-only transfers through DTC, and notwithstanding any other provision of the Resolution to the contrary, this 2012 Refunding Bond may be transferred, in whole but not in part, only to a nominee of DTC, or by a nominee of DTC to DTC or a nominee of DTC, or by DTC or a nominee of DTC to any successor securities depository or any nominee thereof.

United States of America

State of Louisiana

Parish of Orleans

City of New Orleans, Louisiana

Taxable Limited Tax Refunding Bonds,

Series 2012

Bond Date: _____

Maturity Date: September 1, ____

Interest Rate: ___%

The City of New Orleans, Louisiana (the "City"), promises to pay, but only from the source and as hereinafter provided, to:

_____

or registered assigns, on the Maturity Date set forth above, the Principal Amount set forth above, together with interest

thereon from the Bond Date set forth above or the most recent interest payment date to which interest has been paid or duly provided for, payable on March 1 and September 1 of each year, commencing _____ (each an "Interest Payment Date"), at the Interest Rate per annum set forth above until said Principal Amount is paid. The principal of this Bond, upon maturity, is payable in lawful money of the United States of America at the _____, _____ corporate trust office of U.S. Bank National Association, or successor thereto (the "Trustee"), upon presentation and surrender hereof. Interest on this Bond is payable by check mailed by the Trustee to the registered owner (determined as of the close of business on the 15th calendar day of the month next preceding each Interest Payment Date) at the address as shown on the registration books of the Trustee.

This Bond is one of an authorized issue aggregating in principal the sum of _____ Dollars ($_____) of Taxable Limited Tax Refunding Bonds, Series 2012, of the City (the "Bonds") all of like tenor and effect except as to number, denomination, interest rate and maturity, said Bonds having been issued by the City pursuant to Resolution No. R-12-168 adopted by the governing authority of the City on June 7, 2012, and Resolution No. R-12-345, adopted by the governing authority of the City on September 20, 2012 (collectively, the "Resolution"), for the purpose of (i) refunding, restructuring and/or extending all of the City's outstanding Taxable Pension Revenue Bonds, Series 2000 (the "Pension Bonds") and Taxable Bonds, Series 2011, (ii) paying the termination payment under the swap agreement for the Pension Bonds, (iii) paying capitalized interest on the Bonds, (iv) funding a deposit to a debt service reserve fund, and (v) paying costs of issuance for the Bonds, under the authority conferred by R.S. 39:1430, and Chapter 14-A of Title 39 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority. Capitalized terms used herein and not specifically defined shall have the meanings assigned to them in the Resolution.

The Bonds are subject to redemption as follows: (to be fixed at the time of execution of the Certificate of Determination).

FOR SO LONG AS THIS BOND IS HELD IN BOOK-ENTRY FORM REGISTERED IN THE NAME OF CEDE & CO. ON THE REGISTRATION BOOKS OF THE CITY KEPT BY THE TRUSTEE, AS BOND REGISTRAR, THIS BOND, IF CALLED FOR PARTIAL REDEMPTION IN ACCORDANCE WITH THE RESOLUTION, SHALL BECOME DUE AND PAYABLE ON THE REDEMPTION DATE DESIGNATED IN THE NOTICE OF REDEMPTION GIVEN IN ACCORDANCE WITH THE RESOLUTION AT, AND ONLY TO THE EXTENT OF, THE REDEMPTION PRICE, PLUS ACCRUED INTEREST TO THE SPECIFIED REDEMPTION DATE; AND THIS BOND SHALL BE PAID, TO THE EXTENT SO REDEEMED, (i) UPON PRESENTATION AND SURRENDER THEREOF AT THE OFFICE SPECIFIED IN SUCH NOTICE OR (ii) AT THE WRITTEN REQUEST OF CEDE & CO., BY CHECK MAILED TO CEDE & CO. BY THE TRUSTEE OR BY WIRE TRANSFER TO CEDE & CO. BY THE TRUSTEE IF CEDE & CO. AS BONDOWNER SO ELECTS. IF, ON THE REDEMPTION DATE, MONEYS FOR THE REDEMPTION OF BONDS OF SUCH MATURITY TO BE REDEEMED, TOGETHER WITH INTEREST TO THE REDEMPTION DATE, SHALL BE HELD BY THE TRUSTEE SO AS TO BE AVAILABLE THEREFOR ON SUCH DATE, AND AFTER NOTICE OF REDEMPTION SHALL HAVE BEEN GIVEN IN ACCORDANCE WITH THE BOND RESOLUTION, THEN, FROM AND AFTER THE REDEMPTION DATE, THE AGGREGATE PRINCIPAL AMOUNT OF THIS BOND SHALL BE IMMEDIATELY REDUCED BY AN AMOUNT EQUAL TO THE AGGREGATE PRINCIPAL AMOUNT THEREOF SO REDEEMED, NOTWITHSTANDING WHETHER THIS BOND HAS BEEN SURRENDERED TO THE TRUSTEE FOR CANCELLATION.

The City shall cause to be kept at the principal office of the Trustee a register (the "Bond Register") in which registration of the Bonds and of transfers of the Bonds shall be made as provided in the Resolution. This Bond may be transferred, registered and assigned only on the Bond Register, and such registration shall be at the expense of the City. This Bond may be assigned by the execution of the assignment form hereon or by other instrument of transfer and assignment acceptable to the Trustee. A new Bond or Bonds will be delivered by the Trustee to the last assignee (the new registered owner) in exchange for this transferred and assigned Bond after receipt of this Bond to be transferred in proper form. Such new Bond or Bonds shall be in the denomination of $5,000 or any integral multiple thereof within a single maturity. Neither the City nor the Trustee shall be required to issue, register, transfer or exchange any Bond during a period beginning (i) at the opening of business on the 15th calendar day of the month next preceding an Interest Payment Date and ending at the close of business on the Interest Payment Date, or (ii) with respect to Bonds to be redeemed, at the opening of business on the date of the mailing of a notice of redemption of such Bonds and ending on the date of such redemption.

This Bond and the issue of which it forms a part are issued on a *pari passu* basis with the City's outstanding Taxable Limited Tax Certificates of Indebtedness, Series 2004B (the "Outstanding Parity Obligations") except as to the Reserve Fund, which secures only the Bonds.

This Bond and the issue of which it forms a part, equally with the Outstanding Parity Obligations, are secured by and payable from an irrevocable pledge and dedication of the funds to be derived by the City from the levy and collection of a special tax of thirteen and ninety-one hundredths (13.91) mills (such rate being subject to adjustment from time to time due to reassessment) (the "Tax"), which the City is authorized to impose and collect in each year while the Bonds are outstanding. Said Tax has been authorized to be levied on all the property subject to taxation within the corporate boundaries of the City pursuant to Article VI, Section 26(A) and (E) of the Louisiana Constitution of 1974, as amended (the "Constitution"). For a more complete statement of the Tax revenues from which and conditions under which this Bond is issued, reference is hereby made to the Resolution. The City, in the Resolution, has also entered into certain other covenants and agreements with the registered owner of this Bond, including provisions for the issuance of additional indebtedness payable from the proceeds of the Tax on a parity with this Bond and the Outstanding Parity Obligations, for the terms of which reference is made to the Resolution.

This Bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Resolution until the certificate of registration hereon shall have been signed by the Trustee.

It is certified that this Bond is authorized by and is issued in conformity with the requirements of the Constitution and statutes of this State. It is further certified, recited and declared that all acts, conditions and things required to exist, to happen and to be performed precedent to and in the issuance of this Bond and the issue of which it forms a part to constitute the same legal, binding and valid Bonds of the City have existed, have happened and have been performed in due time, form and manner as required by law, and that the indebtedness of the City, including this Bond and the issue of which it forms a part, does not exceed the limitations prescribed by the Constitution and statutes of the State of Louisiana.

IN WITNESS WHEREOF, the City, acting through its governing authority, the City Council of the City of New Orleans, has caused this Bond to be executed in its name by the facsimile signatures of the Mayor and the Clerk of Council of the City and a facsimile of the corporate seal of the City to be imprinted hereon.

CITY OF NEW ORLEANS, LOUISIANA

_____

Clerk of Council

_____

Mayor

(SEAL)

* * * * * *

TRUSTEE'S CERTIFICATE OF REGISTRATION

This Bond is one of the Bonds referred to in the within-mentioned Resolution.

_____,

as Trustee

Date of Registration:

BY: _____

Authorized Officer

* * * * * *

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto _____

Please Insert Social Security or other Identifying Number of Assignee

the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints _____ _____ attorney or agent to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

NOTICE: The signature to this assignment must correspond with the name as it appears upon the face of the within

Bond in every particular, without alteration or enlargement or any change whatever.
* * * * * *
LEGAL OPINION CERTIFICATE
I, the undersigned Clerk of Council, do hereby certify that the following is a true copy of the complete joint legal opinion of Foley & Judell, L.L.P. and Auzenne & Associates, LLC, the original of which was manually executed, dated and issued as of the date of payment for and delivery of the original Bonds of the issue described therein and was delivered to Morgan Keegan & Company, Inc., acting on behalf of itself and as representative of Raymond James & Associates, Inc., representing the original purchasers hereof:
(Insert Legal Opinion)
I further certify that an executed copy of the above legal opinion is on file in my office, and that an executed copy thereof has been furnished to the Trustee for this Bond.
(Facsimile)
Clerk of Council
SECTION 7. Execution of 2012 Refunding Bonds. The 2012 Refunding Bonds shall be signed by the Executive Officers for, on behalf of, in the name of and under the corporate seal of the City, and the Legal Opinion Certificate shall be signed by the Clerk of the Governing Authority, which signatures and corporate seal may be either manual or facsimile.
SECTION 8. Pledge and Dedication of Revenues. Pursuant to the Act and the Refunding Act, the 2012 Refunding Bonds, equally with the Outstanding Parity Obligations, shall be secured by and payable from an irrevocable pledge and dedication of the avails or proceeds of the Tax. This Governing Authority does hereby obligate itself and its successors in office to impose and collect the Tax annually in each year while the 2012 Refunding Bonds are outstanding, and does hereby irrevocably and irrepealably dedicate, appropriate and pledge the annual income to be derived from the assessment, levy and collection of the Tax in each year while the 2012 Refunding Bonds are outstanding, to the payment of the 2012 Refunding Bonds and the Outstanding Parity Obligations.
SECTION 9. Parity Bonds. The City covenants that it shall issue no other bonds, certificates of indebtedness or obligations of any kind or nature payable from or enjoying a lien on the revenues of the Tax having priority over or parity with the 2012 Refunding Bonds and the Outstanding Parity Obligations, except that additional indebtedness may hereafter be issued on a parity with the 2012 Refunding Bonds and the Outstanding Parity Obligations under the following conditions:
(1) The 2012 Refunding Bonds herein authorized or any part thereof, including the interest thereon, may be refunded, and the refunding bonds so issued shall enjoy complete equality of lien with the portion of the 2012 Refunding Bonds which is not refunded, if there be any, and the refunding bonds shall continue to enjoy whatever priority of lien over subsequent issues may have been enjoyed by the 2012 Refunding Bonds refunded; provided, however, that if only a portion of the 2012 Refunding Bonds outstanding is so refunded and the refunding bonds require total principal and interest payments during any year in excess 10% of the principal and interest which would have been required in such year to pay the 2012 Refunding Bonds refunded thereby, then such 2012 Refunding Bonds may not be refunded without the consent of the Owner of the unrefunded portion of the 2012 Refunding Bonds issued hereunder (provided such consent shall not be required if such refunding bonds meet the requirements set forth in clause 2 of this Section).
(2) Additional indebtedness may be issued on and enjoy a full and complete parity with the 2012 Refunding Bonds and the Outstanding Parity Obligations with respect to the revenues of the Tax, provided that the anticipated Tax revenues in the year in which the additional indebtedness is to be issued, as reflected in the budget adopted by the City, must be at least *1.35* times the combined principal and interest requirements for any calendar year on the 2012 Refunding Bonds, the Outstanding Parity Obligations, any *pari passu* indebtedness hereafter issued, and the said additional indebtedness.
(3) Junior and subordinate indebtedness may be issued without restriction.
(4) The City must be in full compliance with all covenants and undertakings in connection with the 2012 Refunding Bonds and there must be no delinquencies in payments required to be made in connection therewith.
(5) The additional indebtedness must be payable as to principal on September 1st of each year, commencing not more than 2 years from the date thereof, and payable as to interest on March 1 and September 1 of each year.
SECTION 10. Sinking Fund. For the payment of the principal of and the interest on the 2012 Refunding Bonds, the Outstanding Parity Obligations, and any additional parity obligations, there shall be maintained with the Trustee a special fund known as " Limited Tax Bonds Sinking Fund" (the "Sinking Fund"). No later than February 15th of each year, the City shall deposit in the Sinking Fund the amount necessary to pay the total amount of principal and interest coming due in that calendar year on the 2012 Refunding Bonds, the Outstanding Parity Obligations and any additional parity obligations issued pursuant to Section 9 hereof, after taking into account the amount on deposit in the Capitalized

Interest Fund and available to pay interest on the 2012 Refunding Bonds, and shall deposit the amount of any insufficiency in the Reserve Fund as required by Section 12 hereof. If funds are insufficient to make the required deposits in full, the City shall continue to deposit revenues of the Tax into (i) said Sinking Fund on a weekly basis until the amount on deposit in the Sinking Fund is sufficient to promptly pay the maturing principal and/or interest so falling due in such calendar year and (ii) said Reserve Fund until the Reserve Fund is funded as required by Section 12 hereof. The Trustee shall apply monies in the Sinking Fund to pay promptly the principal and interest falling due on each such due date on the Bonds and additional parity obligations, and, with respect to the Outstanding Parity Obligations, the Trustee shall transfer from the Sinking Fund to the paying agent for the Outstanding Parity Obligations at least three (3) days in advance of the date on which each payment of principal and/or interest on the Outstanding Parity Obligations becomes due, funds fully sufficient to pay promptly the maturing principal and/or interest so falling due on such date. Notwithstanding the foregoing, funds deposited in the Sinking Fund from the Reserve Fund shall be used only to make payments with respect to the 2012 Refunding Bonds in accordance with Section 12 hereof.

It shall be specifically understood and agreed, however, and this provision shall be a part of this contract, that after the funds have been set aside out of the revenues of the Tax with the Trustee for any year sufficient to pay the principal and interest on the 2012 Refunding Bonds, the Outstanding Parity Obligations and any additional parity obligations for that year, and all required amounts for that year have been deposited in the aforesaid Sinking Fund and the Reserve Fund, then any annual revenues of the Tax remaining in that year shall be free for expenditure by the City for the purposes for which the Tax is authorized pursuant to the Constitution.

All moneys deposited with the Trustee under the terms of this Resolution shall constitute sacred funds for the benefit of the Owners of the 2012 Refunding Bonds, the Outstanding Parity Obligations and any additional parity obligations (with the exception of the Reserve Fund, which secures only the 2012 Refunding Bonds), shall be secured by the Trustee at all times to the full extent thereof in the manner required by law for the securing of deposits of public funds, and shall be subject to investment in each fund as set forth herein.

All or any part of the moneys in the Sinking Fund shall, at the written request of the City, be invested in accordance with the provisions of the laws of the State of Louisiana in investments which mature on or before the Interest Payment Date on which such funds will be needed.

SECTION 11. Capitalized Interest Fund. There is hereby created with the Trustee a special fund entitled "2012 Refunding Bonds Capitalized Interest Fund" (the "Capitalized Interest Fund") Moneys deposited into the Capitalized Interest Fund shall be applied by the Trustee and used solely for the purpose of paying interest on the 2012 Refunding Bonds in the years 2013 and 2014 in the amounts and on the dates set forth in the Certificate of Determination. Monies in the Capitalized Interest Fund shall, at the written request of the City, be invested in accordance with the provisions of the laws of the State of Louisiana in investments which mature on or before the Interest Payment Date on which such funds will be needed.

SECTION 12. Reserve Fund. *(a) Creation of Reserve Fund.* There is hereby created with the Trustee a special fund entitled "2012 Refunding Bonds Debt Service Reserve Fund" (the "Reserve Fund"). The money in the Reserve Fund shall be retained solely for the purpose of paying the principal of and interest on the 2012 Refunding Bonds as to which there would otherwise be default, as set forth in subparagraph (c) below.

All or any part of the moneys in the Reserve Fund shall, at the written request of the City, be invested in accordance with the provisions of the laws of the State of Louisiana. In no event shall any such investments have an average weighted term in excess of seven years. Investments in the Reserve Fund shall be valued on January 1 of each year.

The Reserve Fund does not secure the Outstanding Parity Obligations.

(b) Payments Into the Reserve Fund. On the date of delivery of the Bonds, there shall be deposited into the Reserve Fund the Reserve Fund Requirement.

There shall also be retained in the Reserve Fund interest and other income received on investment of Reserve Fund moneys; provided, however, in no event shall moneys on deposit in the Reserve Fund exceed the Reserve Fund Requirement, and in such event such excess moneys shall be transferred to the Sinking Fund.

If amounts on deposit in the Reserve Fund shall be on any January 1 less than the Reserve Fund Requirement because of a decrease in the market value of investments in the Reserve Fund, the Issuer shall make up such deficiency in two consecutive equal annual installments, beginning in the calendar year in which it is determined that there is an insufficiency.

c) Use of Moneys in the Reserve Fund. Moneys in the Reserve Fund shall be used solely for the payment of principal of and interest on the 2012 Refunding Bonds in the event moneys in the Sinking Fund are insufficient to make such payments when due, whether on an interest payment date, redemption date, sinking fund redemption date, maturity date or otherwise. The Trustee shall, on the fifth day prior to any Interest Payment Date on the 2012 Refunding Bonds,

determine if sufficient funds are available in the Sinking Fund to make such payments of principal and interest on the 2012 Refunding Bonds when due and, if sufficient funds are not available in such funds, shall make the required transfers, if any, to the Sinking Fund to cure such deficiency. On the final maturity date of the 2012 Refunding Bonds, any moneys in the Reserve Fund may be used to pay the principal of and interest on the 2012 Refunding Bonds on such final maturity date. In the event of the redemption of any Bond as a whole, any moneys in the Reserve Fund in excess of the Reserve Fund Requirement following such redemption shall be transferred to the Sinking Fund and applied to the payment of the principal of and premium, if any, on the 2012 Refunding Bonds being redeemed. Upon the occurrence of an Event of Default, moneys in the Reserve Fund shall be transferred to the Sinking Fund, but used only to make payments that are due or are to become due on the 2012 Refunding Bonds.

At such times as moneys are to be transferred out of the Reserve Fund for deposit into the Sinking Fund pursuant to this subparagraph (c), the Trustee shall use cash or investments in such order of priority as the Issuer shall direct or as otherwise set forth herein. If no Issuer direction has been received, the Trustee shall apply cash and then the shortest maturing investments in the Reserve Fund.

(d) Custody of the Reserve Fund. The Reserve Fund shall be in the custody of the Trustee but in the name of the Issuer, and the Issuer hereby authorizes and directs the Trustee to withdraw sufficient funds from the Reserve Fund to pay the principal of and interest on the 2012 Refunding Bonds as set forth herein.

SECTION 13. Budget. As long as any of the 2012 Refunding Bonds are outstanding and unpaid in principal or interest, the City shall prepare and adopt a budget prior to the beginning of each Fiscal Year and shall furnish a copy of such budget to the Trustee within thirty (30) days after its adoption.

SECTION 14. Application of Proceeds. The Executive Officers and the Chief Administrative Officer and/or the Director of Finance of the City are hereby empowered, authorized and directed to do any and all things necessary and incidental to carry out all of the provisions of this Resolution, to cause the necessary 2012 Refunding Bonds to be printed, to issue, execute and seal the 2012 Refunding Bonds, and to effect delivery thereof as hereinafter provided. The proceeds derived from the sale of the 2012 Refunding Bonds shall be used only for the purposes for which the 2012 Refunding Bonds are issued.

SECTION 15. Certificate of Determination. The Chief Administrative Officer and the Director of Finance of the Issuer are hereby authorized to sign a Certificate of Determination in substantially the form attached hereto as Exhibit C. The Certificate of Determination shall include the following:

(a) the principal amount of the 2012 Refunding Bonds;

(b) the maturity schedule of the 2012 Refunding Bonds;

(c) the interest rate of the 2012 Refunding Bonds;

(d) the use of proceeds of the 2012 Refunding Bonds;

(e) the purchase price of the 2012 Refunding Bonds;

(f) the redemption provisions of the 2012 Refunding Bonds, including notice of redemption provisions and method of selection of bonds for redemption;

(g) the capitalized interest payments to be made from the Capitalized Interest Fund and the dates of such payments;

(h) the amount of the Reserve Fund Requirement;

(i) if it is decided that it would be in the best economic interest of the City to insure all or a portion of the 2012 Refunding Bonds, the name of the bond insurer and description of the 2012 Refunding Bonds being insured; and

(j) details relating to the redemption of the Refunded Bonds and the termination of the Swap Agreement.

In addition, the Chief Administrative Officer and/or the Director of Finance and/or the Executive Officers of the Issuer are hereby authorized to take all action and execute any documents as may be necessary to effect the purpose of this resolution with respect to obtaining insurance on all or a part of the 2012 Refunding Bonds.

SECTION 16. 2012 Refunding Bonds Legal Bonds. The 2012 Refunding Bonds shall constitute legal, binding and valid bonds of the City and shall be the only representations of the indebtedness as herein authorized and created.

SECTION 17. Events of Default. The following shall constitute an "Event of Default" hereunder:

(a) the City fails to pay principal of any 2012 Refunding Bond when and as the same shall become due and payable, whether at maturity or otherwise;

(b) the City fails to pay any installment of interest on any 2012 Refunding Bond when and as the same shall become due and payable, whether at maturity or otherwise;

(c) the City fails to observe any other covenant or condition of this Resolution and such failure continues for 30 days after written notice thereof to the Issuer or by the Trustee; or

(d) the City files a petition or otherwise seeks relief under any federal or State bankruptcy law or similar law.

Upon the happening and continuance of any Event of Default, the Trustee shall act on behalf of the Owners of the 2012

Refunding Bonds in accordance with Section 27 of this Resolution and shall be entitled to exercise all rights and powers for which provision is made under Louisiana law.

SECTION 18. Resolution a Contract. The provisions of this Resolution shall constitute a contract between the City, or its successor, and the Owner or Owners from time to time of the 2012 Refunding Bonds, and any such Owner or Owners may at law or in equity, by suit, action, mandamus or other proceedings, enforce and compel the performance of all duties required to be performed by this Governing Authority or the City as a result of issuing the 2012 Refunding Bonds.

No material modification or amendment of this Resolution, or of any Resolution amendatory hereof or supplemental hereto, may be made without the consent in writing of the Owners of two-thirds (2/3) of the aggregate principal amount of the 2012 Refunding Bonds then outstanding; provided, however, that no modification or amendment shall permit a change in the maturity or redemption provisions of the 2012 Refunding Bonds, or a reduction in the rate of interest thereon, or in the amount of the principal 2012 Refunding Bond thereof, or affecting the obligation of the City to pay the principal of and the interest on the 2012 Refunding Bonds as the same shall come due from the revenues appropriated, pledged and dedicated to the payment thereof by this Resolution, or reduce the percentage of the Owners required to consent to any material modification or amendment of this Resolution, without the consent of all the Owners of the 2012 Refunding Bonds.

SECTION 19. Severability; Application of Subsequently Enacted Laws. In case any one or more of the provisions of this Resolution or of the 2012 Refunding Bonds shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions of this Resolution or of the 2012 Refunding Bonds, but this Resolution and the 2012 Refunding Bonds shall be construed and enforced as if such illegal or invalid provisions had not been contained therein. Any constitutional or statutory provisions enacted after the date of this Resolution which validate or make legal any provision of this Resolution and/or the 2012 Refunding Bonds which would not otherwise be valid or legal, shall be deemed to apply to this Resolution and to the 2012 Refunding Bonds.

SECTION 20. Recital of Regularity. This Governing Authority having investigated the regularity of the proceedings had in connection with the 2012 Refunding Bonds and having determined the same to be regular, the 2012 Refunding Bonds shall contain the following recital, to-wit:

"It is certified that this Bond is authorized by and is issued in conformity with the requirements of the Constitution and statutes of this State."

SECTION 21. Effect of Registration. The City, the Trustee, and any agent of either of them may treat the Owner in whose name any 2012 Refunding Bond is registered as the Owner of such 2012 Refunding Bond for the purpose of receiving payment of the principal of and interest on such 2012 Refunding Bond and for all other purposes whatsoever, and to the extent permitted by law, neither the City, the Trustee, nor any agent of either of them shall be affected by notice to the contrary.

SECTION 22. Notices to Owners. Wherever this Resolution provides for notice to Owners of 2012 Refunding Bonds of any event, such notice shall be sufficiently given (unless otherwise herein expressly provided) if in writing and mailed, first-class postage prepaid, to each Owner of such 2012 Refunding Bonds, at the address of such Owner as it appears in the Bond Register. In any case where notice to Owners of 2012 Refunding Bonds is given by mail, neither the failure to mail such notice to any particular Owner of 2012 Refunding Bonds, nor any defect in any notice so mailed, shall affect the sufficiency of such notice with respect to all other 2012 Refunding Bonds. Where this Resolution provides for notice in any manner, such notice may be waived in writing by the Owner or Owners entitled to receive such notice, either before or after the event, and such waiver shall be the equivalent of such notice. Waivers of notice by Owners shall be filed with the Trustee, but such filing shall not be a condition precedent to the validity of any action taken in reliance upon such waiver.

SECTION 23. Cancellation of 2012 Refunding Bonds. All 2012 Refunding Bonds surrendered for payment, transfer, exchange or replacement, if surrendered to the Trustee, shall be promptly canceled by it and, if surrendered to the City, shall be delivered to the Trustee and, if not already canceled, shall be promptly canceled by the Trustee. The City may at any time deliver to the Trustee for cancellation any 2012 Refunding Bonds previously registered and delivered which the City may have acquired in any manner whatsoever, and all 2012 Refunding Bonds so delivered shall be promptly canceled by the Trustee. All canceled 2012 Refunding Bonds held by the Trustee shall be disposed of as directed in writing by the City.

SECTION 24. Mutilated, Destroyed, Lost or Stolen 2012 Refunding Bonds. If (1) any mutilated 2012 Refunding Bond is surrendered to the Trustee, or the City and the Trustee receive evidence to their satisfaction of the destruction, loss or theft of any 2012 Refunding Bond, and (2) there is delivered to the City and the Trustee such security or indemnity as may be required by them to save each of them harmless, then, in the absence of notice to the City or the Trustee that

such 2012 Refunding Bond has been acquired by a bona fide purchaser, the City shall execute, and upon its request the Trustee shall register and deliver, in exchange for or in lieu of any such mutilated, destroyed, lost, or stolen 2012 Refunding Bond, a new 2012 Refunding Bond of the same maturity and of like tenor, interest rate and principal amount, bearing a number not contemporaneously outstanding. In case any such mutilated, destroyed, lost or stolen 2012 Refunding Bond has become or is about to become due and payable, the City in its discretion may, instead of issuing a new 2012 Refunding Bond, pay such 2012 Refunding Bond. Upon the issuance of any new 2012 Refunding Bond under this Section, the City may require the payment by the Owner of a sum sufficient to cover any tax or other governmental charge that may be imposed in relation thereto and any other expenses (including the fees and expenses of the Trustee) connected therewith. Every new 2012 Refunding Bond issued pursuant to this Section in lieu of any mutilated, destroyed, lost or stolen certificate shall constitute a replacement of the prior certificate of the City, whether or not the mutilated, destroyed, lost or stolen 2012 Refunding Bond shall be at any time enforceable by anyone and shall be entitled to all the benefits of this Resolution equally and ratably with all other Outstanding 2012 Refunding Bonds. Any additional procedures authorized in this Resolution, shall also be available with respect to mutilated, destroyed, lost or stolen 2012 Refunding Bonds. The provisions of this Section are exclusive and shall preclude (to the extent lawful) all other rights and remedies with respect to the replacement and payment of mutilated, destroyed, lost or stolen 2012 Refunding Bonds.

SECTION 25. Discharge of Resolution; Defeasance. If the City shall pay or cause to be paid, or there shall otherwise be paid to the Owner, the principal of and interest on the 2012 Refunding Bonds, at the times and in the manner stipulated in this Resolution, then the pledge of the money, securities, and funds pledged under this Resolution and all covenants, agreements, and other obligations of the City to the Owner shall thereupon cease, terminate, and become void and be discharged and satisfied, and the Trustee shall pay over or deliver all money held by it under this Resolution to the City.

2012 Refunding Bonds or interest installments for the payment of which money shall have been set aside and shall be held in trust (through deposit by the City of funds for such payment or otherwise) at the maturity or redemption date thereof shall be deemed to have been paid within the meaning and with the effect expressed above in this Section if they are defeased in the manner provided by Chapter 14 of Title 39 of the Louisiana Revised Statutes of 1950, as amended.

SECTION 26. Successor Trustee. The City shall at all times maintain a Trustee meeting the qualifications hereinafter described for the performance of the duties hereunder for the 2012 Refunding Bonds. The designation of the initial Trustee in this Resolution, U.S. Bank National Association is hereby confirmed and approved. The City reserves the right to appoint a successor Trustee by (a) filing with the Person then performing such function a certified copy of a resolution giving notice of the termination of the Trustee and appointing a successor and (b) causing notice to be given to each Owner. Every Trustee appointed hereunder shall at all times be a bank or trust company organized and doing business under the laws of the United States of America or of any state, authorized under such laws to exercise trust powers, having capital of at least $50,000,000 and subject to supervision or examination by Federal or State authority.

SECTION 27. Concerning the Trustee. The Trustee shall fulfill the trusts imposed upon it by this Resolution, but only upon the terms and conditions set forth in this Section and subject to the provisions of this Resolution, to all of which the Issuer and the respective Holders of the 2012 Refunding Bonds agree. The Trustee shall, prior to the occurrence of any Event of Default and after the curing of all such Events of Default which may have occurred, perform such duties and only such duties of the Trustee as are specifically set forth in this Resolution. The Trustee shall, during the existence of any such Event of Default (which has not been cured) exercise such of the rights and powers vested in it by this Resolution, and use the same degree of care and skill in their exercise, as a prudent man would exercise or use under the circumstances in the conduct of his own affairs.

No provision of this Resolution shall be construed to relieve the Trustee from liability for its own negligent action, its own negligent failure to act, or its own willful misconduct, except that:

(a) prior to any such Event of Default hereunder, and after the curing of any other Events of Default which may have occurred:

(1) the duties and obligations of the Trustee shall be determined solely by the express provisions of this Resolution and the Trustee shall not be liable except for the performance of such duties and obligations of the Trustee as are specifically set forth in this Resolution, an no implied covenants or obligations shall be read into this Resolution against the Trustee, and

(2) in the absence of bad faith on its part, the Trustee may conclusively rely, as to the accuracy of the statements and the correctness of the opinions expressed therein, upon any certificate or opinion furnished to it conforming to the requirements of this Resolution, but in the case of any such certificate or opinion by which any provision hereof is specifically required to be furnished to the Trustee, the Trustee shall be under a duty to determine whether or not it conforms to the requirements of this Resolution; and

(b) at all times, regardless of whether or not any such Event of Default shall exist:

(1) the Trustee shall not be liable for any error of judgment made in good faith by a responsible officer or officers of the Trustee unless it shall be proved that the Trustee was negligent in ascertaining the pertinent facts, and

(2) the Trustee shall not be liable with respect to any action taken or omitted to be taken by it in good faith in accordance with the direction of the holders of not less than ten percent (10%) in aggregate principal amount of the 2012 Refunding Bonds then outstanding, relating to the time, method and place of conducting any proceeding for any remedy available to the Trustee, or exercising any power conferred upon the Trustee under this Resolution.

None of the provisions contained in this Resolution shall require the Trustee to expend or risk its own funds or otherwise incur individual financial liability in the performance of any of its duties or in the exercise of any of its rights or powers.

The Trustee shall be under no obligation to institute any suit or to take any remedial proceeding (including, but not limited to, the appointment of a receiver or the acceleration of the maturity date of any or all the 2012 Refunding Bonds) under this Resolution or to enter any appearance or in any way defend in any suit in which it may be made defendant, or to take any steps in the execution of any of the trusts hereby created or in the enforcement of any rights and powers hereunder, until it shall be indemnified to its satisfaction against any and all costs and expenses, outlays and counsel fees and other reasonable disbursements, and against all liability; the Trustee may, nevertheless, begin suit, or appear in and defend suit, or do anything else in its judgment proper to be done by it as such Trustee, without indemnity, and in such case the City shall, at the request of the Trustee, reimburse the Trustee from the revenues of the Issuer for all costs and expenses, outlays and counsel fees and other reasonable disbursements properly incurred in connection therewith. If the City shall fail to make such reimbursement, the Trustee may reimburse itself from any money in its possession under the provisions of this Resolution and shall be entitled to a preference therefor over any 2012 Refunding Bonds outstanding hereunder.

The Trustee shall not be liable or responsible because of the failure of the Issuer or of any of its employees or agents to make any collections or deposits or to perform any act herein required of the Issuer or because of the loss of any money arising through the insolvency or the act or default or omission of any depositary in which such money shall have been deposited under the provisions of this Resolution. The Trustee shall not be responsible for the application of any of the proceeds of the 2012 Refunding Bonds or any other money deposited with it and paid out, withdrawn or transferred hereunder if such application, payment, withdrawal or transfer shall be made in accordance with the provisions of this Resolution. The immunities and exemptions from liability of the Trustee hereunder shall extend to its directors, officers, employees and agents.

Subject to the provisions of any contract between the Issuer and the Trustee, and provided sufficient funds are available to pay all costs and expenses, if any, reasonably incurred by the Issuer in connection therewith, the Issuer shall pay to the Trustee for all services performed by it hereunder and also all its reasonable expenses, charges and other disbursements and those of its attorneys, agents and employees incurred in and about the administration and the performance of its powers and duties hereunder and shall indemnify and save the Trustee harmless against any liabilities which it may incur in the proper exercise and performance of its powers and duties hereunder. If the Issuer shall fail to cause any payment required by this Section to be made, the Trustee shall make such payment from any money in its possession under the provisions of this Resolution and shall be entitled to a preference therefor over any 2012 Refunding Bonds outstanding hereunder. The Issuer covenants that it shall promptly deposit to the credit of the respective fund or account the amount withdrawn therefrom by the Trustee to make any such payment, provided sufficient funds are available to pay all costs and expenses, if any, reasonably incurred by the Issuer in connection therewith.

All records and files pertaining to the 2012 Refunding Bonds and the Issuer in the custody of the Trustee shall be open at all reasonable times to the inspection of the Issuer and its respective agents and representatives.

If at any time it shall be necessary or desirable for the Trustee to make any investigation respecting any fact preparatory to taking or not taking any action or doing or not doing anything as such Trustee, and in any case in which this Resolution provides for permitting or taking any action, the Trustee may rely upon any certificate required or permitted to be filed with it under the provisions of this Resolution, and any such certificate shall be evidence of such fact or protect the Trustee in any action that it may or may not take or in respect of anything it may or may not do, in good faith, by reason of the supposed existence of such fact. Except as otherwise provided in this Resolution, any request, notice, certificate or other instrument from the Issuer to the Trustee shall be deemed to have been signed by the proper party or parties if signed by an Executive Officer, the Chief Administrative Officer and/or the Director of Finance of the Issuer, and the Trustee may accept and rely upon a certificate signed by such Chief Administrative Officer and/or Director of Finance as to any action taken by the Issuer.

Except for the Events of Default mentioned in clauses (a) and (b) of Section 17 of this Resolution, the Trustee shall not be obliged to take notice or be deemed to have notice of any Event of Default under this Resolution, unless specifically notified in writing of such Event of Default by the Issuer or by the Holders of not less than twenty-five percent (25%) in aggregate principal amount of 2012 Refunding Bonds then outstanding.

SECTION 28. Resignation of Trustee. The Trustee may at any time resign and be discharged of the duties created by this Resolution by giving not less than 120 days' written notice to the City and mailing notice thereof to the registered owners of the 2012 Refunding Bonds then Outstanding, specifying the date when such resignation shall take effect, and such resignation shall take effect upon the later of the date specified in such notice or on such date as a successor shall have been appointed by the City and shall have accepted the duties of Trustee hereunder.

SECTION 29. Sale of the 2012 Refunding Bonds. The 2012 Refunding Bonds are hereby awarded to the Underwriters and shall be sold to the Underwriters at the price set forth in the Certificate of Determination executed at the time of execution of the Bond Purchase Agreement with the Underwriters (the "Bond Purchase Agreement"), and under the terms and conditions set forth in the Bond Purchase Agreement. After execution and authentication of the 2012 Refunding Bonds by the Trustee, the 2012 Refunding Bonds shall be delivered to the Underwriter or their agents or assigns, upon receipt by the Issuer of the agreed purchase price. The Bond Purchase Agreement to be dated as of the date of sale of the 2012 Refunding Bonds in substantially the form attached as Exhibit B, is hereby approved, and the authorization of the Mayor and/or Chief Administrative Officer of the Issuer to execute the Bond Purchase Agreement on behalf of the Issuer and to deliver or cause to be executed and delivered all documents required to be executed on behalf of the Issuer or deemed by them necessary or advisable to implement this Resolution or to facilitate the sale of the 2012 Refunding Bonds is hereby further confirmed. There is hereby further authorized to be obtained a bond insurance policy on all or a portion of the 2012 Refunding Bonds if it shall be deemed economically advantageous to the City. In the event said bond insurance is deemed economically advisable, the name of the insurer and the details of said insurance shall be set forth in the Certificate of Determination. Additionally, the Mayor and the Chief Administrative Officer of the City are hereby authorized to execute a commitment and/or insurance agreement in the form approved by Co-Bond Counsel and the City Attorney, setting forth the agreement with the Bond Insurer. The signatures of said officers on the commitment and/or insurance agreement are deemed to be conclusive evidence of their due exercise of the authority vested in them hereunder.

SECTION 30. Official Statement. The Issuer hereby approves the distribution of the Preliminary Official Statement pertaining to the 2012 Refunding Bonds, as submitted to the Issuer. The Issuer further approves the form and content of the final Official Statement and hereby authorizes and directs the execution by the Mayor and Director of Finance and delivery of such final Official Statement to the Underwriters for use in connection with the public offering of the 2012 Refunding Bonds.

SECTION 31. Call for Redemption. Subject only to the actual delivery of the 2012 Refunding Bonds, the Refunded Bonds, as more fully described in Exhibit A hereto, are hereby called for redemption as set forth in the Certificate of Determination, at the principal amount of each bond so redeemed, together with accrued interest to the call date, in compliance with the resolution authorizing their issuance.

SECTION 32. Payments Due or Actions to be Taken on Non-Business Days. If the date for making any payment or the last day for performance of any act or the exercise of any right, as provided herein, shall not be a Business Day, such payment may be made or act performed or right exercised on the next succeeding Business Day with the same force and effect as if done on the nominal date provided herein.

SECTION 33. Continuing Disclosure. The Director of Finance of the City is hereby empowered and directed to execute an appropriate Continuing Disclosure Certificate (substantially in the form set forth as an Appendix to the Official Statement issued in connection with the sale and issuance of 2012 Refunding Bonds) pursuant to S.E.C. Rule 15c2-12(b)(5).

SECTION 34. Evidence of Signatures of Owners and Ownership of 2012 Refunding Bonds. Any request, consent, revocation of consent or other instrument which this Resolution may require or permit to be signed and executed by the Owners may be in one or more instruments of similar tenor, and shall be signed or executed by such Owners in person or by their attorneys-in-fact appointed in writing. Proof of the execution of any such instrument, or of an instrument appointing any such attorney, or the ownership by any person of 2012 Refunding Bonds shall be sufficient for any purpose of this Resolution (except as otherwise therein expressly provided) if made in the following manner, or in any other manner satisfactory to the Trustee, which may nevertheless in its discretion require further or other proof in cases where it deems the same desirable:

(1) the fact and date of the execution by any Owner or his attorney-in-fact of such instrument may be proved by the certificate, which need not be acknowledged or verified, of an officer of a bank or trust company or of any notary public

or other officer authorized to take acknowledgments of deeds, that the person signing such request or other instrument acknowledged to him the execution thereof, or by an affidavit of a witness of such execution, duly sworn to before such notary public or other officer. Where such execution is by an officer of a corporation or association or a member of a partnership, on behalf of such corporation, association or partnership, such certificate or affidavit shall also constitute sufficient proof of his authority;

(2) the ownership of 2012 Refunding Bonds and the amount, numbers and other identification, and date of owning the same shall be proved by the registration books of the Trustee; and

(3) any request or consent by the Owner of any 2012 Refunding Bond shall bind all future Owners of such 2012 Refunding Bond in respect of anything done or suffered to be done by the Issuer or the Trustee in accordance therewith.

SECTION 35. Moneys Held for Particular 2012 Refunding Bonds. The amounts held by the Trustee for the payment due on any date with respect to particular 2012 Refunding Bonds shall, on and after such date and pending such payment, be set aside on its books and held in trust by it, without liability for interest, for the Owners of 2012 Refunding Bonds entitled thereto.

SECTION 36. Parties Interested Herein. Nothing in this Resolution expressed or implied is intended or shall be construed to confer upon, or to give to, any person or entity, other than the Issuer, the Trustee and the Owners of 2012 Refunding Bonds any right, remedy or claim under or by reason of this Resolution or any covenant, condition or stipulation thereof; and all the covenants, stipulations, promises and agreements in this Resolution contained by and on behalf of the Issuer shall be for the sole and exclusive benefit of the Issuer, the Trustee and the Owners of 2012 Refunding Bonds.

SECTION 37. No Recourse on 2012 Refunding Bonds. No recourse shall be had for the payment of the principal of or interest on 2012 Refunding Bonds or for any claim based thereon or on this Resolution against any Executive Officer, member of the Governing Authority or officer of the Issuer or any person executing 2012 Refunding Bonds.

SECTION 38. Successors and Assigns. Whenever in this Resolution the Issuer is named or referred to, it shall be deemed to include its successors and assigns and all the covenants and agreements in this Resolution contained by or on behalf of the Issuer shall bind and enure to the benefit of its successors and assigns whether so expressed or not.

SECTION 39. Publication of Resolution. This Resolution shall be published one time in the official journal of the Issuer; however, it shall not be necessary to publish any exhibits hereto if the same are available for public inspection and such fact is stated in the publication.

SECTION 40. Execution of Documents. In connection with the issuance and sale of 2012 Refunding Bonds, the Executive Officers, the Chief Administrative Officer and the Director of Finance (or the President of the Council if the Mayor is unavailable) are each authorized, empowered and directed to execute on behalf of the Issuer such documents, including, without limitation, certificates and instruments as they may deem necessary, upon the advice of Co-Bond Counsel, to effect the transactions contemplated by this Resolution, the signatures of the Executive Officers, the Chief Administrative Officer and the Director of Finance (or the President of the Council) on such documents, certificates and instruments to be conclusive evidence of the due exercise of the authority granted hereunder.

SECTION 41. Post-Issuance Compliance. The Chief Administrative Officer and the Director of Finance of the City and/or their designees are directed to establish written procedures to assist the City in complying with various State and Federal statutes, rules and regulations applicable to the 2012 Refunding Bonds and are further authorized to take any and all actions as may be required by said written procedures to ensure continued compliance with such statutes, rules and regulations throughout the term of the 2012 Refunding Bonds.

SECTION 42. Headings. The headings of the various sections hereof are inserted for convenience of reference only and shall not control or affect the meaning or construction of any of the provisions hereof.

SECTION 43. Effective Date. This Resolution shall become effective immediately.

THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:

YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 6

NAYS: 0

ABSENT: Charbonnet - 1

AND THE RESOLUTION WAS ADOPTED.

*Copies may be seen in full in the Clerk of Council’s office, 1300 Perdido Street, Room 1E09, City Hall.

NO. M-12-346
(AS CORRECTED)
CITY HALL: September 20, 2012

BY: COUNCILMEMBER HEDGE-MORRELL
SECONDED BY: COUNCILMEMBER HEAD
WHEREAS, the Upper Ninth Ward Bunny Friend Neighborhood Association is sponsoring a health fair at Bunny Friend Playground on Saturday, October 13, 2012 from 10:00 a.m. to 2:00 p.m. has requested the waiver of fees associated with the closure of the 1800 block of Gallier Street between North Bunny Friend and South Bunny Friend on Saturday, October 13, 2012, now therefore
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the fees associated with the temporary closure of the 1800 block of Gallier Street between North Bunny Friend and South Bunny Friend on Saturday, October 13, 2012 for a health fair at Bunny Friend Playground from 10:00 a.m. to 2:00 p.m. including any fees associated with the applicable traffic controls and parking controls to be implemented by the New Orleans Police Department are hereby waived as provided for in Section 146-583 of the City Code upon the condition that the street closure application process of the Department of Public Works and the New Orleans Police Department are completed and approvals are granted.
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the fee associated with temporary waiving all permits fees relative to vending, including street closure, special event application, New Orleans Police Department, signage, parking meter use, parking meter bagging use, and tent construction permit within and around the 1800 block of Gallier Street, in conjunction with the Upper Ninth Ward Bunny Friend Neighborhood Association health fair on Saturday, October 13, 2012 from 10:00 a.m. to 2:00 p.m. is hereby waived. The fee waiver authorized shall not include any direct costs to the city.
BE IT FURTHER MOVED, That the Clerk of Council immediately shall provide a certified copy of this motion to the Chief Administrative Officer, the Department of Public Works, the New Orleans Police Department, the Department of Safety and Permits, and the Upper Ninth Ward Bunny Friend Neighborhood Association.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 6
NAYS: 0
ABSENT: Charbonnet - 1
AND THE MOTION WAS ADOPTED.

NO. R-12-347
CITY HALL: September 20, 2012
BY: COUNCILMEMBERS CLARKSON AND GISLESON PALMER
WHEREAS, Fay Faron has created and led “Friends of the Ferry” since 2006, mounting the first private citizen’s grassroots organization to effectively bring public and political awareness to the necessity of our ferries; and
WHEREAS, for many years, while local and State elected officials of Orleans, Jefferson, Plaquemines and St. Bernard parishes have mounted support for our ferries, Fay Faron has led the citizen movement to significance; and
WHEREAS, Fay Faron’s group has worked diligently to support and pass House Bill 1212, which will allow the extension of tolls on the Crescent City Connection to go to the vote of the people on November 6, 2012; and
WHEREAS, although toll revenue has been to support upgrading, maintenance, lighting, and policing of the bridge, some of this revenue in necessary to fund the operation of our ferries; and
WHEREAS, Fay Faron has said that a new ferry system is being created by our most visionary local leaders, however until then, she remains unsure how the transition from old to new boats will be funded; and
WHEREAS, without ferries, 2.9 million users will have no other way to cross the river except by bridge, which will peak as 8,000 additional cars per day; now therefore
BE IT RESOLVED, by the Council for the City of New Orleans, that it commends the leadership and commitment of Fay Faron, President of “FRIENDS OF THE FERRY” and officially proclaim her “FERRY GODMOTHER”.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED.

NO. M-12-348

CITY HALL: September 20, 2012
BY: COUNCILMEMBER CLARKSON
SECONDED BY: COUNCILMEMBER HEAD
Ratifying, confirming and approving the appointment of Mark Romig to the Battle of New Orleans Bicentennial Commission.
WITHDRAWN.

NO. M-12-349
CITY HALL: September 20, 2012
BY: COUNCILMEMBER BAJOIE
SECONDED BY: COUNCILMEMBER GUIDRY
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the request of BRETT BELFIELD - to appeal the Historic District Landmarks Commission's decision of "denial" of the removal of existing chimneys from property located at 3014 St. Thomas Street, be, and the decision is hereby upheld and the appeal is denied.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-350
CITY HALL: September 20, 2012
BY: COUNCILMEMBER GISLESON PALMER
SECONDED BY: COUNCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the request of KERRI MAHAN, LL BOND & COMPANY, INC.- Requesting to appeal the Historic District Landmarks Commission's decision of "denial" of the demolition of property located at 1222 Bartholomew Street, be, and the decision is hereby upheld and the appeal is denied.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-351
CITY HALL: September 20, 2012
BY: COUNCILMEMBERS HEDGE-MORRELL AND CHARBONNET
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS that the report and recommendation for "MODIFIED APPROVAL" of the City Planning Commission on ZONING DOCKET NO. 81/12 – CITY COUNCIL MOTION M-12-149 – Requesting an Amendment to the text of the Comprehensive Zoning Ordinance, No. 4,264 MCS, as amended, to amend Article 18, Section 18.51, Eastern New Orleans Renaissance Corridor Interim Zoning District (ENORC IZD), to classify all retail uses within C-1 and C-2 General Commercial Districts and B-1 and B-2 Neighborhood Business Districts with a gross floor area equal to or greater than 7,500 square feet as conditional uses, to include new construction as well as the renovation of existing structures or tenant spaces equal to or greater than 7,500 square feet in floor area, on all sites governed by the Eastern New Orleans Renaissance Corridor Interim Zoning District (ENORC IZD) be, and the same is hereby approved without the recommended modifications and the request is granted without modification.
BE IT FURTHER MOVED, that a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the request.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7

NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-352
CITY HALL: September 20, 2012
BY: COUNCILMEMBER GUIDRY
SECONDED BY: COUNCILMEMBER GISLESON PALMER
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and favorable recommendation of the City Planning Commission on ZONING DOCKET NO. 83/12 – CITY COUNCIL MOTION M-12-176 – Requesting a Conditional Use and Moratorium Appeal to permit the sale of alcoholic beverages for consumption on-premises at a standard restaurant in a B-1 Neighborhood Business District on Square 81, Lots 15 and 16, in the Seventh Municipal District, bounded by Maple, Hampson, Burdette and Adams Streets. (Municipal Address: 7708-10 Maple Street), be, and the request is hereby approved as modified, and granted, subject to ten (10) provisos:
PROVISOS:
1. The Department of Safety and Permits shall issue no building permits or licenses for this project until final development plans are approved by the City Planning Commission and recorded with the Office of Conveyances. Failure to complete the conditional use process by properly recording plans within a one-year time period or failure to request an administrative extension as provided for in Article 16, Section 16.9.11 of the Comprehensive Zoning Ordinance will void the conditional use approval.
2. The developer shall revise the floor plan to show compliance with holding bar standards of Article 11, Section 11.51 *Restaurants* and remove reference to the bar area labeled “Bar 2”.
3. The operating hours shall be limited to 6:00 a.m. to 9:00 p.m. Sunday through Thursday and 6:00 a.m. to 10:00 p.m. on Friday and Saturday.
4. The sale of alcoholic beverages shall be limited to wine and beer only, which shall be served only in combination with food service. Food service shall comprise at least fifty percent (50%) of the revenue for the restaurant and a full food menu shall be available at all times that the restaurant is open.
5. The use of disposable or “go” cups shall be prohibited.
6. The developer shall indicate the location of dumpsters or trash storage containers on the site plan for final approval. At no time other than during trash pick-up shall trash be visible from the public right-of-way.
7. The developer shall submit a revised site plan denoting the type and size of trees in the public right-of-way. Additionally, the developer shall submit a letter from the Department of Public Works approving the condition of the curbing and sidewalks within the public right-of-way prior to final approval of the conditional use.
8. The developer shall submit a litter abatement program letter to the Department of Sanitation for review and approval. The letter shall include the stated location of litter storage, the type and quantity of trash receptacles, the frequency of litter pickup by a contracted trash removal company, and the clearing of all litter from the sidewalks and street rights-of-way. The name and phone number of the owner/operator of the development shall be included in this letter to be kept on file in case of any violation. In no case shall litter be stored so that it is visible from the public right-of-way.
9. Exterior signage or signage affixed to or mounted directly in a window that can be seen from the public right-of-way indicating the sale of alcoholic beverages or the presence of video poker machines shall be prohibited.
10. Video poker shall be prohibited.
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney’s Office for the preparation of an ordinance to effectuate the request.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-353
CITY HALL: September 20, 2012
BY: COUNCILMEMBER BAJOIE

SECONDED BY: COUNCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the report and recommendation for "MODIFIED APPROVAL" of the City Planning Commission on ZONING DOCKET NO. 86/12 – CITY COUNCIL MOTION M-12-180 - Requesting an amendment to the text of Article 18 of the Comprehensive Zoning Ordinance, No. 4,264 M.C.S., as amended, and the designation of such on the corresponding Zoning Base Maps of the City of New Orleans, to establish the Lafayette Square/Warehouse District Refined Height Plan Interim Zoning District (IZD), in the area bounded by Loyola Avenue, the Pontchartrain Expressway, Convention Center Boulevard and Poydras Street, be and the same is hereby approved and the request is granted.
BE IT FURTHER MOVED, that a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the request.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-354
CITY HALL: September 20, 2012
BY: COUNCILMEMBER HEDGE-MORRELL
SECONDED BY: COUNCILMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and favorable recommendation of the City Planning Commission on ZONING DOCKET NO. 87/12 – ORLEANS PARISH SCHOOL BOARD - Requesting a Conditional Use to permit an elementary school in an RS-2 Single-Family Residential District, on Square N, Lot 1, in the Third Municipal District, bounded by Curran and Aberdeen Roads, Benson and Meyn Streets (Municipal Address: 8500 Curran Road) be, and the same is hereby upheld and the request is granted subject to two (2) waivers and eleven (11) provisos to read as follows:
Waivers
1. The applicant shall be granted a waiver of Article 11, Section 11.37.1 of the *Comprehensive Zoning Ordinance* which requires a twenty-five foot (25') setback from all lot lines abutting streets, to permit a twenty-one foot (21') setback from Aberdeen Road.
2. The applicant shall be granted a waiver of Article 15, Section 15.2.1 Table 15.A of the *Comprehensive Zoning Ordinance*, which requires the provision of sixty-nine (69) off-street parking spaces, to permit the provision of fifty-four (54) off-street parking spaces
Provisos
1. The Department of Safety and Permits shall issue no building permits or licenses for this project until final development plans are approved by the City Planning Commission and recorded with the Office of Conveyances. Failure to complete the conditional use process by properly recording plans within a one year time period or failure to request an administrative extension as provided for in Article 16, Section 16.9.11 of the Comprehensive Zoning Ordinance will void the conditional use approval.
2. The applicant shall restore all sidewalks and curbs, where necessary, to the standards of the Department of Public Works. Additionally, the applicant shall secure the approval of the Department of Public Works for the installation of any new curb cuts. All curb-cuts shall be no greater than twenty-four (24) feet for two-way access and twelve (12) feet for one-way access, unless otherwise approved by the Department of Public Works.
3. The developer shall submit a revision of the landscape plan date April 27, 2012 to indicate the items listed below. The landscape plan shall be prepared by a licensed Louisiana landscape architect, subject to final approval by City Planning Commission staff and by the Department of Parks and Parkways. An updated tree protection plan detailing the location of existing trees, denoting which trees are to be retained and which are to be removed, and procedures for the protection during the construction period of any existing trees that are to be retained.
a. The genus, species, size, location, quantity, and irrigation of all proposed plant materials within both the common areas and the street rights-of-way within the site, with applicable remarks and details.
b. Trees shall be planted at a minimum of every thirty (30) feet or such equivalent along the rights-of-way adjacent to the site and at a minimum of a three (3) inch caliper with a minimum height of twelve (12) feet at the time of planting.
c. The parking and play areas facing the rights-of-way shall have a continuous uninterrupted line of shrubs at a

minimum of two (2) feet in height when planted.
d. All play areas shall contain large shade trees at a minimum of three (3) inch calipers and a minimum height of twelve (12) feet at the time of planting.
4. The applicant shall secure the approval of a site drainage plan from the Department of Public Works and approval of sub-surface sewer and water facilities from the Sewerage and Water Board.
5. All refuse areas shall be screened with a minimum of a six (6) foot high opaque fence with latching gate. In no case shall refuse be stored so that it is visible from the public right-of-way. Additionally, the applicant shall provide a litter abatement program letter approved by the Department of Sanitation inclusive of the location of litter storage, the frequency of litter pickup, and the clearing of all refuse from the sidewalks, parking areas, and street rights-of-way, including periodic hosing of the site and rights-of-way, where necessary. The program description, including the name and phone number of the principal of the school or his/her grounds maintenance designee, shall be kept on file in case of any violation.
6. The applicant shall install a six (6) foot high metal picket fence along the interior lot line along the Benson Street side.
7. The applicant shall not exceed the maximum permitted signage area of twenty-five (25) square feet, in accordance with Article 4, Section 4.3.6 *Permitted Signs* of the Comprehensive Zoning Ordinance.
8. The applicant shall provide personnel to manage traffic around the school during the morning drop-off and afternoon pick up time periods.
9. Prior to the finalization of the conditional use, the applicant shall submit a Vehicular Circulation Plan to the Department of Public Works for review and approval.
10. The site plans shall indicate the location of bicycle parking on the Aberdeen Road side of the site, in addition to other designated locations on the site.
11. The applicant shall indicate the foot print of the off-street loading space in compliance with the requirements in Article 15, Section 15.3.4. *Design Standards*.
BE IT FURTHER MOVED, that a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the request.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-355
CITY HALL: September 20, 2012
BY: COUNCILMEMBER GISLESON PALMER
SECONDED BY: COUNCILMEMBER CLARKSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the report and recommendation "FOR MODIFIED APPROVAL" of the City Planning Commission on ZONING DOCKET NO. 91/12 – VIRGINIA S. REAGLE - Requesting a Zoning Change from a B1-A Neighborhood Business District to a C-1A General Commercial District and a Conditional Use to permit an amusement place, on Square 631, Lot 4 or A, in the Third Municipal District, bounded by North Claiborne Avenue, Columbus, North Robertson, and Laharpe Streets (Municipal Address: 1500 North Claiborne Avenue), be, and the same is hereby approved and the Zoning Change and Conditional Use is granted, subject to thirteen (13) provisos as stated in the City Planning Commission's report.
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that a copy of the report of the City Planning Commission and of this motion shall be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the Zoning Map change and Conditional Use.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-356
CITY HALL: September 20, 2012
BY: COUNCILMEMBER CHARBONNET
SECONDED BY: COUNCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and favorable recommendation of the City Planning Commission on DESIGN REVIEW NO. 105/12 – Requesting an appeal of the Eastern New Orleans Renaissance Corridor Interim Zoning District Article 18, Section 18.51.11 *Special Site Design Conditions* of the Comprehensive Zoning Ordinance (CZO) to omit a required, landscaped area and a request for a waiver of Article 11, Section 11.42 *Utility, Sewerage Lift or Pumping Stations – Aboveground* to permit a six point seventy-five (6.75) foot side yard, in an RS-2 Single Family Residential District and the ENORC Eastern New Orleans Renaissance Corridor Interim Zoning District, on Square Number C, an unidentified lot, in the Third Municipal District, bounded by Shorewood and Avon Park Boulevards and Morrison and Curran Roads (Municipal Address: 14441 Morrison Road), be and the same is hereby upheld and the request is granted, subject to the following (2) waivers and two (2) provisos:
Waivers:
1. The applicant shall be granted a waiver of Article 18, Section 18.51.11 *Special Site Design Conditions*, which requires a landscaped buffer of twenty (20) feet and screening of the vehicular use area, and prohibits pavement within the front yard setback, to permit no landscaping or screening of the vehicular use area and allow pavement within the front yard setback.
2. The applicant shall be granted a waiver of Article 11, Section 11.42 *Utility, Sewerage Lift or Pumping Stations – Aboveground*, which requires a twelve (12) foot side yard, to permit a six point seventy-five (6.75) foot side yard on the Avon Park Blvd side.
Provisos:
1. The applicant shall remove all chain-link fencing at the site and replace it with a seven (7) foot tall metal picket fence on the Morrison Road side and Shorewood Blvd sides and a seven (7) foot tall opaque wooden fence on the remaining two residential side property lines.
2. The applicant shall restore the sidewalks along the front of the property to the specifications of the Department of Public Works.
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the Clerk of Council shall forward copies of this motion directly to all affected departments.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-357
CITY HALL: September 20, 2012
BY: COUNCILMEMBER HEDGE-MORRELL
SECONDED BY: COUNCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and favorable recommendation of the City Planning Commission on DESIGN REVIEW NO. 106/12 – SEWERAGE AND WATER BOARD OF NEW ORLEANS Requesting an appeal of the Eastern New Orleans Renaissance Corridor Interim Zoning District to request a waiver of Article 11, Section 11.42 *Utility, Sewerage Lift or Pumping Stations-Above Ground to* permit a two (2) foot eight (8) inches side yard, in an RS-2 Single Family Residential District and the ENORC Eastern New Orleans Renaissance Corridor Interim Zoning District, on Square 29, Lots 13 and Pt. 14, in the Third Municipal District, bounded by Morrison Road, Burke Road, Adele and Devine Avenues (Municipal Address: 9001 Morrison Road) be, and the same is hereby upheld and the request is granted subject to two (2) waivers and one (1) proviso to read as follows:
Waivers
1. The applicant shall be granted a waiver of Article 18, Section 18.51.11 *Special Site Design Conditions*, which requires a landscape buffer of twenty (20) feet and screening of the vehicular use area, and prohibits pavement within the front yard setback, to permit no landscaping or screening of the vehicular use area and allow pavement within the

front yard setback.
2. The applicant shall be granted a waiver of Article 11, Section 11.42 *Utility, Sewerage Lift or Pumping Stations—Aboveground*, which requires a twelve (12) foot side yard, to permit a six (6) foot side yard on the Devine Avenue side.
Proviso
1. The applicant shall remove all chain link fencing at the site and replace it with a seven (7) foot tall metal picket fence on the Morrison Road and Burke Avenue sides and a seven (7) foot tall opaque wooden fence on the Adele and Devine Avenue property lines. If the existing wood fence on the Adele Street property line and concrete masonry unit wall on the Devine Avenue property line are retained, they should be retrofitted, if necessary, to meet the seven (7) foot tall opaque fence requirement.
BE IT FURTHER MOVED, That the Clerk of Council shall forward copies of this motion directly to all affected departments.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-358
CITY HALL: September 20, 2012
BY: COUNCILMEMBER CHARBONNET
SECONDED BY: COUNCILMEMBER GISLESON PALMER
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and favorable recommendation of the City Planning Commission on DESIGN REVIEW NO. 109/12 – Requesting an appeal of the Eastern New Orleans Renaissance Corridor Interim Zoning District Article 18, Section 18.51.11 *Special Site Design Conditions* of the Comprehensive Zoning Ordinance (CZO) to omit a required landscape area and a request for a waiver of Article 11, Section 11.42 *Utility, Sewerage Lift or Pumping Stations-Aboveground* to permit a three (3) foot six (6) inch side yard, in an RS-2 Single Family Residential District and the ENORC Eastern New Orleans Renaissance Corridor Interim Zoning District, on Square Number C, Lots unassigned, in the Third Municipal District, bounded by Morrison Road, Scottwood Drive, Curran Road, and Briarwood Drive (Municipal Address: 13701 Morrison Road), be and the same is hereby upheld and the request is granted, subject to the following (2) waivers and two (2) provisos:
Waivers:
1. The applicant shall be granted a waiver of Article 18, Section 18.51.11 *Special Site Design Conditions*, which requires a landscaped buffer of twenty (20) feet and screening of the vehicular use area, and prohibits pavement within the front yard setback, to permit no landscaping or screening of the vehicular use area and allow pavement within the front yard setback.
2. The applicant shall be granted a waiver of Article 11, Section 11.42 *Utility, Sewerage Lift or Pumping Stations – Aboveground*, which requires a twelve (12) foot side yard, to permit a three (3) foot six (6) inches side yard on the Briarwood Drive side.
Provisos:
1. The applicant shall remove all chain-link fencing at the site and replace it with a seven (7) foot tall metal picket fence on the Morrison Road side and a seven (7) foot tall opaque wooden fence on the remaining three residential interior property lines.
2. The applicant shall restore the sidewalks along the front of the property to the specifications of the Department of Public Works.
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the Clerk of Council shall forward copies of this motion directly to all affected departments.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-359
CITY HALL: September 20, 2012
BY: COUNCILMEMBER BAJOIE
SECONDED BY: COUNCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and recommendation of the City Planning Commission on DESIGN REVIEW NO. 134/12 – ALEMBIC MYRTLE BANKS, LLC –requesting an appeal of Article 11, Section 11.61 *Retail Uses Greater Than 25,000 Square Feet in Floor Area,* Article 15, Section 15.2 *Off-Street Parking Regulations,* and Article 15, Section 15.3 *Off-Street Loading Regulations* of the Comprehensive Zoning Ordinance to permit a large scale retail development, in a C-1 General Commercial District, in the First Municipal District, on Square 279, all lots bounded by Oretha Castle Haley Boulevard, Thalia, South Rampart and Erato Streets (the Municipal address 1307 Oretha Castle Haley Boulevard), be, and the appeal is hereby approved and granted, subject to three (3) waivers and nine (9) provisos:

Waivers:

1. The applicant shall be granted a waiver of Article 11, Section 11.61.4(B)(2) *Building Design,* which prohibits the use of pre-fabricated steel panels as a predominant building material, to permit mental panels as the predominant building material on the addition.
2. The applicant shall be granted a waiver of Article 11, Section 11.61.3.B(2) *Vehicular Use Areas* of the Comprehensive Zoning Ordinance, which requires that at least ten (10) percent of the interior vehicular use area contain landscaped areas, to permit the same area of landscaping elsewhere on the site.
3. The applicant shall be granted a waiver of Article 11, Section 11.61.2(A) *Parking Lot Design* and Article 15, Section 15.2 *Off-Street Parking Regulations,* which requires a total of sixty-six (66) off-street parking spaces, to permit the provision of fifty-four (54) off-street parking spaces.

Provisos:

1. The applicant shall secure the approval of the Department of Public Works for new or modified curb cuts at the site.
2. If required, the applicant shall submit an application to resubdivide the site into one lot of record prior to finalization of the design review. Additionally, the subdivision shall be finalized prior to the issuance of the Certificate of Use and Occupancy by the Department of Safety and Permits.
3. The applicant shall secure the approval of the State Historic Preservation Office for all qualifying work at the site.
4. The applicant shall provide a minimum of fifteen (15) bicycle parking spaces onsite, with a minimum of two (2) being long-term spaces. Long-term bicycle parking spaces must be located in a covered area that is easily accessible from the public-right-of-way and building entrances.
5. The applicant shall revise the site plan to indicate the provision of two (2) off-street loading spaces that comply with Article 15, Section 15.3.4 *Design Standards* and Article 11, Section 11.61.1 (D) *Service Operations* of the Comprehensive Zoning Ordinance.
6. The applicant shall submit a detailed landscape plan prepared by a licensed Louisiana landscape architect indicating the following:

a) The location of any existing and proposed trees within the public rights-of-way adjacent to the site, denoting which are to be retained and which are to be removed, and procedures for the protection during the construction period of any existing trees that are to be retained, subject to the approval of the Department of Parks and Parkways;
b) The genus, species, size, location, quantity, and irrigation of all proposed plant materials within both the site and the street rights-of-way adjacent to the site, with applicable remarks and details; and
c) The landscaping of all other residual areas not essential for parking or drive aisles with trees, shrubs, and groundcover, subject to the review and approval of the staff of the City Planning Commission.

7. The applicant shall comply with any requirements put forth by the Department of Public Works and the City Planning Commission resulting from the review of the TIA.
8. The applicant shall submit a signage and lighting plan that complies with Article 11, Section 11.61.4 (C) and Article 11, Section 11.61.3.A (6) of the Comprehensive Zoning Ordinance.
9. The applicant shall provide to the City Palling Commission Staff a letter outlining a litter abatement program, acceptable to the Department of Sanitation, inclusive of the location of trash storage out of public right-of-way, the frequency of litter pickup, the clearing all liter from adjacent right-of-way, and the periodic hosing of the adjacent street rights-of-way, as necessary. The name and phone number of the owner/operator of the establishment shall be kept on file in case of any violation. Additionally, the trash storage area shall be screen from public view with a six (6) foot high opaque enclosure.

BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Clerk of Council shall

forward copies of this motion directly to all affected departments.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. R-12-360
CITY HALL: October 4, 2012
BY: COUNCILMEMBER BAJOIE
SECONDED BY: COUNCILMEMBER HEAD
WHEREAS, Article VI, Section 21(H) of the State Constitution and Act 445 of 1983 provides for payment of ad valorem taxes on certain basis for property owners performing certain improvements in Historic, Economic, Development, and Downtown Development Districts; and
WHEREAS, in accordance with the procedures established by Resolution R-11-517 the following described property has been submitted to the Mayor's Office of Economic Development for review, said property being described as municipal address 881 Convention Center Boulevard owned by Hotel New Orleans Holding, LLC; and
WHEREAS, the Mayor's Office of Economic Development recommends approval with regard to participation in the aforementioned tax program; now therefore
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Council after consideration of the recommendation of the Mayor's Office of Economic Development, hereby approves participation of municipal address 881 Convention Center Boulevard owned by Hotel New Orleans Holding, LLC and further identified by the State Board of Commerce and Industry as application number RTA #2011-0715 in the Property Tax Abatement Program authorized by Act 445 of 1983 and Article VII Section 21(H) of the Constitution, effective October 4, 2012 therefore
BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that a copy of this resolution be forwarded to the State Board of Commerce and Industry.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED.

NO. R-12-361
CITY HALL: October 4, 2012
BY: COUNCILMEMBERS CLARKSON AND BAJOIE
WHEREAS, born in 1941, Mary Catherine Zengel Pelias was a life-long resident of New Orleans; and
WHEREAS, "Mary Kay" received a Bachelors of Science and a PhD in Genetics from Tulane University, and a Law degree from Loyola University; and
WHEREAS, she later taught Human and Medical Genetics and Bioethics at LSU Health Science Center from 1976 until her retirement in 2002; and
WHEREAS, from 1996 to 1997, Mary Kay served as a Congressional Fellow for Senator Peter V. Domenici, during which time she drafted and promoted legislation on genetic confidentiality and non-discrimination, which was passed and used in many states, including Louisiana, as the beginning of non-discrimination in DNA's; and
WHEREAS, on June 29, 2012, Mary Kay passed away, being survived by her two sons, Gus M. Pelias, III and F. Andrew Pelias, her daughter-in-law Shyra Latiolais, her step-grandson Alec Fatherree, her sister Jane Scharber, and her brother Fred Zengel; now, therefore
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that this Council recognizes and honors the life of Mary Catherine Zengel Pelias – a life centered around education – both her own and that of her many students over the years.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED.

NO. R-12-362
CITY HALL: October 4, 2012
BY: COUNCILMEMBERS CLARKSON, HEAD, AND HEDGE-MORRELL (BY REQUEST
A RESOLUTION providing for the amendment of Resolution (Substitute) R-04-854 adopted by this Council on December 16, 2004 in connection with the issuance of $40,415,000 of Taxable Limited Tax Certificates of Indebtedness, Series 2004B, of the City of New Orleans, Louisiana, to change the dates on which principal and interest on parity indebtedness may be payable; and providing for other matters in connection therewith.
WHEREAS, the City of New Orleans, Louisiana (the "City") adopted Resolution (Substitute) R-04-854 on December 16, 2004 (the "Prior Resolution") in connection with the issuance of its $40,415,000 original principal amount of Taxable Limited Tax Certificates of Indebtedness, Series 2004B (the "2004B Certificates"); and
WHEREAS, the 2004B Certificates are payable as to interest on March 1 and September 1 of each year; and
WHEREAS, the City is issuing its not exceeding $200,000,000 of Taxable Limited Tax Refunding Bonds, Series 2012 (the "2012 Refunding Bonds") in order to, among other things, refund certain of its outstanding indebtedness, which 2012 Refunding Bonds are being issued on a parity with the 2004B Certificates except as to the reserve fund that secures only the 2012 Refunding Bonds; and
WHEREAS, Section 10(5) of the Prior Resolution pertaining to the issuance of parity indebtedness provides that any additional indebtedness must be payable as to principal on March 1 and as to interest on March 1 and December 1, of each year; and
WHEREAS, the interest payment date of December 1 in Section 10(5) of the Prior Resolution is clearly a mistake and should be September 1 of each year; and
WHEREAS, the City desires to have the principal on the 2012 Refunding Bonds mature on September 1 of each year in order to match the original principal date for the bonds being refunded by the 2012 Refunding Bonds, and therefore it is necessary to amend the Prior Resolution to permit such September 1 principal payment date and to provide that interest shall be payable on March 1 and September 1 of each year; and
WHEREAS, Section 17 of the Prior Resolution provides that no material modification or amendment of the Prior Resolution may be made without the consent in writing of the Owners of 2/3 of the aggregate principal amount of the 2004B Certificates outstanding; and
WHEREAS, it has been determined that the aforesaid amendment to Section 10(5) is not considered material to the Owners of the 2004B Bonds inasmuch as (a) the resolution for the 2012 Refunding Bonds provides for the creation of a sinking fund held with a trustee bank, into which the City shall deposit on February 15 of each year the amount necessary to pay principal and interest on all bonds payable therefrom, including the 2004B Certificates and the 2012 Refunding Bonds, and, in the event of any insufficiency in said fund, the City is required to deposit revenues of the Tax on a weekly basis until the amount on deposit in the Sinking Fund is sufficient to promptly pay the maturing principal and/or interest so falling due in such calendar year, and such Sinking Fund is designed to enhance the security for the 2004B Certificates, (b) the payments on the 2012 Refunding Bonds will be paid through and including March 1, 2014 from funds on deposit in the capitalized interest fund created for the 2012 Refunding Bonds, and (c) the first principal payment of September 1, 2014 will occur after the 2004B Certificates mature and are paid by the City from the Tax Revenues; now therefore:
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That:
SECTION 1. Definitions. All capitalized terms used in this resolution, unless otherwise specifically defined, shall have the meanings assigned to them in the Prior Resolution.
SECTION 2. Amendment to Prior Resolution. In compliance with the terms and provisions of Section 17 of the Prior Resolution, Section 10(5) of the Prior Resolution is hereby amended in its entirety to read as follows:

"(5) The additional certificates must be payable as to principal on September 1st of each year, commencing not more than 2 years from the date thereof, and payable as to interest on March 1 and September 1 of each year."
SECTION 3. Intent of this Resolution. The sole intent and purpose of this resolution is to amend the Prior Resolution so as to clarify the principal and interest payment dates for parity indebtedness. All other provisions of the Prior Resolution shall remain in full force and effect.

SECTION 4. Effective Date. This Resolution shall become effective immediately.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED.

NO. M-12-363
CITY HALL: October 4, 2012
BY: COUNCILMEMBERS HEDGE-MORRELL, GUIDRY, HEAD AND GISLESON PALMER
Appointing W. Thomas Stratton, Jr. Council Utilities Regulatory Officer (U0905).
WITHDRAWN.

SUBSTITUTE NO. M-12-363
CITY HALL: October 4, 2012
BY: COUNCILMEMBERS HEDGE-MORRELL, GUIDRY, HEAD AND GISLESON PALMER
WHEREAS, the City Council have conducted a nationwide search to fill the position of Director of the Council Utilities Regulatory Office; and
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That W. Thomas Stratton, Jr. be and he is hereby appointed Council Utilities Regulatory Officer (U0905) with a base salary of Grade 89, Step 46 annually.
BE IT FURTHER MOVED, That this appointment shall be effective November 11, 2012.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. R-12-364
(AS AMENDED)
CITY HALL: October 4, 2012
BY: COUNCILMEMBERS CLARKSON, HEAD AND HEDGE-MORRELL (BY REQUEST)
A RESOLUTION to amend Resolution R-12-339, adopted by the Council on September 20, 2012, which resolution called a special election in the City of New Orleans for Saturday, December 8, 2012, to include an effective date of January 1, 2013 for the Orleans Parish Communication District fixed rate emergency telephone service charge for 9-1-1 services in the event a majority of voters approve same at the December 8, 2012 election.
BE IT RESOLVED BY THE BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That Resolution R-12-339, adopted by the Council on September 20, 2012, be and the same is hereby amended to read as follows:
WHEREAS, the Legislature of Louisiana adopted Act 649 during the Regular Session of 2012; and
WHEREAS, Act 649 authorizes the Orleans Parish Communication District to establish/increase a fixed rate emergency telephone service charge for 9-1-1 services, to be levied in perpetuity, but only after the question of such has been submitted to and approved by a majority of the registered voters of the city voting on the proposition at an election held for that purpose in accordance with the Louisiana Election Code; and
WHEREAS, Act 649 stipulates that the fixed rate emergency telephone service charge for 9-1-1 services, if approved by the voters, shall be:
(A) Increased from the current fixed rate of one dollar per month to two dollars per month per exchange access line serving residential service users.
(B) Increased from the current fixed rate of two dollars per month to three dollars per month per exchange access line serving commercial service users (not to exceed one hundred lines per user).
(C) Established at one dollar and twenty-six cents per month per wireless commercial mobile radio service connection.
(D) Established at two dollars per month per residential interconnected voice over Internet protocol service access line equivalent.
(E) Established at three dollars per month per commercial interconnected voice over Internet protocol service access

line equivalent.
For purposes of this paragraph:
"Interconnected voice over Internet protocol service" shall have the meaning provided in CFR Title 47, Section 9.3; and
"Access line equivalent" shall mean each telephone number issued to a voice over Internet protocol customer. However, if the telephone numbers issued to a customer exceed the available capacity for simultaneous outward calls to be connected to the public switched telephone network, the access line equivalent shall be equal to the capacity for simultaneous outward calls to the public switched telephone network; NOW, THEREFORE
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS THAT:
SECTION 1. Election Call. Subject to the approval of the State Bond Commission, and under the authority conferred by Act 649 of the Regular Session of the Louisiana Legislature of 2012, and by Article VI of the Constitution of the State of Louisiana of 1974, and the applicable provisions of Title 18 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority supplemental thereto, an election is hereby called for Saturday, December 8, 2012 between the hours of six o'clock (6:00) a.m. and eight o'clock (8:00) p.m. and at said election the electorate of the City of New Orleans may approve or disapprove the establishment/increase in the fixed rate emergency telephone service charge for 9-1-1 services to be levied, effective January 1, 2013, in perpetuity. The proceeds of any such service charges collected by the Orleans Parish Communication District shall not be diverted for use by any other entity or for any purposes other than those served by such District. The increased fixed rates per access line serving residential and commercial service users and the new fixed rates per wireless commercial mobile radio service connections, as well as new fixed rates for residential and commercial interconnected voice over internet protocol service access line equivalents is estimated to generate approximately seven million four-hundred forty nine thousand one hundred ten dollars ($ 7,449,110) per year.
The official ballot to be used for said election shall be printed and worded in the voting machines as follows:
"ORLEANS PARISH COMMUNICATION DISTRICT PROPOSITION
SUMMARY: ESTABLISH/INCREASE THE FIXED RATE EMERGENCY TELEPHONE SERVICE CHARGE FOR 9-1-1 SERVICES FOR ALL ORLEANS PARISH RESIDENTIAL AND COMMERCIAL SERVICE USERS, WIRELESS COMMERCIAL MOBILE RADIO SERVICE CONNECTIONS, AND RESIDENTIAL AND COMMERCIAL INTERCONNECTED VOICE OVER INTERNET PROTOCOL SERVICE ACCESS LINE EQUIVALENTS,
TO BE LEVIED IN PERPETUITY.
Shall the Orleans Parish Communication District establish/increase the fixed rate emergency telephone service charge for 9-1-1 services, to be levied, effective January 1, 2013, in perpetuity, as follows:
(A) Increase from current fixed rate of one dollar per month to two dollars per month per exchange access line serving residential service users.
(B) Increase from current fixed rate of two dollars per month to three dollars per month per exchange access line serving commercial service users (not to exceed one hundred lines per user).
(C) Establish fixed rate of one dollar and twenty-six cents per month per wireless commercial mobile radio service connection.
(D) Establish fixed rate of two dollars per month per residential interconnected voice over internet protocol service access line equivalent.
(E) Establish fixed rate of three dollars per month per commercial interconnected voice over internet protocol service access line equivalent.
Such service charges are estimated to generate approximately seven million four-hundred forty nine thousand one hundred ten dollars ($ 7,449,110) per year, are to be used solely by the Orleans Parish Communication District and shall not be diverted for use by any other entity or for any purposes other than those served by such District?"
SECTION 2. Boundaries. The affected area is comprised of the entirety of the Parish of Orleans.
SECTION 3. Publication of Notice of Election. Notice of said election shall be published in the Official Journal of the City of New Orleans once a week for four (4) consecutive weeks, with the first publication being not less than forty-five days nor more than ninety (90) days prior to the date fixed for the election, which notice shall be substantially in the form attached hereto as "Exhibit A" and incorporated herein by reference as if the same were set forth herein in full.
SECTION 4. Canvass. The Council, acting under the powers granted to it by the City Charter and state statutes, shall meet at its regular meeting place, the Council Chamber, City Hall, 1300 Perdido Street, New Orleans, Louisiana on Thursday, December 20, 2012, beginning at ten o'clock (10:00) a.m. and shall then and there in open and public session proceed to examine and canvass the returns and declare the result of said election.
SECTION 5. Polling Places. The polling places set forth in the aforesaid notice of election are hereby designated as the

polling places at which to hold the said election, and the commissioners-in-charge will be the same persons as those designated in accordance with law.
SECTION 6. Election Commissioners; Voting Machines. The officers designated to serve as commissioners-in-charge and commissioners pursuant to Section 5 hereof, or such substitutes therefor, as may be selected and designated in accordance with La. R.S. 18:1287, shall hold the said election as herein provided, and shall make due returns of said election to the City Council. All registered voters in Orleans Parish are entitled to vote at said election and voting machines shall be used thereat.
SECTION 7. Authorization of Officers. The Clerk of Criminal District Court is hereby empowered, authorized and directed to arrange for and to furnish to said election officers in ample time for the holding of said election, the necessary equipment, forms and other paraphernalia essential to the proper holding of said election and the president and/or clerk of the City Council and the city attorney are authorized, empowered and directed to take any and all further action required by state and/or federal law to arrange for the election, including but not limited to appropriate submission to the United States Department of Justice under Section 5 of the Federal Voting Rights Act of 1965, as amended.
SECTION 8. Furnishing Election Call to Election Officials. Certified copies of this resolution shall be forwarded to the Secretary of State, the Clerk of Court and ex-officio parish custodian of voting machines in and for the Parish of Orleans, State of Louisiana, and the Registrar of Voters in and for said parish, as notification of the election herein called, in order that each may prepare for said election and perform their respective functions as required by law.
SECTION 9. Application to State Bond Commission. Application is made to the state Bond Commission for consent and authority to hold the aforesaid election as herein provided, and in the event said election results in approval of the proposition, for further consent and authority to establish/increase the service charges provided for therein, and a certified copy of this resolution shall be forwarded to the state Bond Commission on behalf of the City Council and the Orleans Parish Communication District requesting prompt consideration and approval of the application.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION, AS AMENDED, WAS ADOPTED.
*Copies of the attachment may be seen in full in the Clerk of Council Office, 1300 Perdido Street, Room 1E09, City Hall.

NO. M-12-365
CITY HALL: October 4, 2012
BY: COUNCILMEMBER HEAD
SECONDED BY: COUNCILMEMBER CLARKSON
BE IT MOVED BY THE CITY COUNCIL OF THE CITY OF NEW ORLEANS, That M-12-224, requesting the City Planning Commission hold a public hearing to consider an application for a Conditional Use for a retail development greater than 7,500 Square Feet, in a C-1 and C-2 General Commercial District, within the Eastern New Orleans Renaissance Corridor Interim Zoning District, for Big Lots, located on Square SEC 26, Lot 3D-4-2, in the Third Municipal District, bounded by Bullard Avenue, 1-10 East, Levy Drive, and the Canal (Municipal Address: 6011 Bullard Avenue), is hereby rescinded.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION OF THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. R-12-366
CITY HALL: October 4, 2012
BY: COUNCILMEMBERS HEAD, BAJOIE, CLARKSON, GUIDRY, GISLESON
PALMER, HEDGE-MORRELL AND CHARBONNET
WHEREAS voting is one of the most important and powerful rights possessed by each American citizen; and

WHEREAS it is critical that every eligible voter exercise this important right; and
WHEREAS there may be confusion as to what the State of Louisiana's voting requirements are; and
WHEREAS the New Orleans City Council wants to make every effort to educate the public; and
WHEREAS, in the State of Louisiana, residents that meet voter eligibility requirements yet do not have a picture I.D. may still vote if they sign an affidavit verifying their identity; and
WHEREAS, in the last Presidential election, less than fifty-four percent of registered voters in Orleans Parish actually voted; and
WHEREAS, on November 6, 2012, New Orleanians will vote in national and local elections; and
WHEREAS, all eligible citizens may still register to vote by October 9, 2012; now, therefore,
BE IT RESOVLED that the New Orleans City Council urges all registered voters to exercise their right to vote in the November 6, 2012, election.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED.

NO. M-12-367
(AS CORRECTED)
CITY HALL: October 4, 2012
BY: COUNCILMEMBER HEDGE-MORRELL
SECONDED BY: COUNCILMEMBER HEAD
WHEREAS, the Holy Cross School located at 5500 Paris Avenue New Orleans, Louisiana is hosting the Holy Cross School's Family Day Picnic Event on Sunday, October 14, 2012 and has requested the waiver of fees associated with the closure of the 5500 block of Paris Avenue on Sunday, October 14, 2012; now therefore
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the fees associated with the temporary closure of the 5500 block of Paris Avenue on Sunday, October 14, 2012 for the Holy Cross School's Family Day Picnic Event, including any fees associated with the applicable traffic controls and parking controls to be implemented by the New Orleans Police Department, are hereby waived as provided for in Section 146-583 of the City Code, upon the condition that the street closure application process of the Department of Public Works and the New Orleans Police Department are completed and approvals are granted.
BE IT FURTHER MOVED, That the fees associated with temporarily waiving all permits fees relative to vending, including street closure, special event application, New Orleans Police Department, signage, parking meter use, parking meter bagging use, and tent construction permit within and around the 5500 block of Paris Avenue, in conjunction with the Holy Cross School's Family Day Picnic Event on Sunday, October 14, 2012 are hereby waived. The fee waiver authorized shall not include any direct costs to the city.
BE IT FURTHER MOVED, That the Clerk of Council immediately shall provide a certified copy of this motion to the Chief Administrative Officer, the Department of Public Works, the New Orleans Police Department, the Department of Safety and Permits, and Holy Cross School.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-368
CITY HALL: October 4, 2012
BY: COUNCILMEMBERS HEAD, CLARKSON, GUIDRY, BAJOIE, GISLESON PALMER, HEDGE-MORRELL AND CHARBONNET
WHEREAS, this motion identifies voting polling place relocations for 4 polling places which have become unavailable for use or recommended for relocation by Clerk of Criminal District Court Arthur Morrell as stated in the attached reports and made a part hereof, now, therefore

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the following voting polling place relocations are recommended to the City Council for immediate action in preparation for the November 6, 2012 Presidential and Congressional Election. The locations shown on the list below are hereby established as the official polling places for the November 6, 2012 Presidential and Congressional Election for the precincts specified therein for the City of New Orleans, Parish of Orleans.
Ward: 3
Precinct: 12
Change From: Grace Episcopal Church, 3700 Canal Street
Change To: Engine House #26, 436 S. Jefferson Davis Pkwy.
Ward: 3
Precinct: 14
Change From: Grace Episcopal Church, 3700 Canal Street
Change To: Engine House #26, 436 S. Jefferson Davis Pkwy.
Ward: 3
Precinct: 15
Change From: Grace Episcopal Church, 3700 Canal Street
Change To: Engine House #26, 436 S. Jefferson Davis Pkwy.
Ward: 15
Precinct: 14G
Change From: The Landing at Behrman Place, 3601 Behrman Place
Change To: Woldenberg Village, 3663 Behrman Place
BE IT FURTHER MOVED, That the Clerk of Council shall immediately forward certified copies of this motion to the Governor of the State of Louisiana, the Louisiana Secretary of State, the Clerk of Criminal District Court of Orleans Parish, the City Attorney and the Registrar of Voters for Orleans Parish for their further handling.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Charkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-369
CITY HALL: October 4, 2012
BY: COUNCILMEMBERS HEAD, CLARKSON, FIELKOW, GUIDRY, HEAD, GISLESON PALMER, HEDGE-MORRELL AND CHARBONNET
WHEREAS, this motion identifies a voting poll technical change for 1 polling place as recommended by Clerk of Criminal District Court Arthur Morrell as stated in the attached reports and made a part hereof; now therefore
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the following polling place technical change is recommended regarding a name change only (the location remains the same) to the City Council for immediate action in preparation for the November 6, 2012 Presidential and Congressional Election. The locations shown on the list below are hereby established as the official polling places for the November 6, 2012 Presidential and Congressional Elections for the precincts specified therein for the City of New Orleans, Parish of Orleans.
Ward: 15
Precinct: 2
Change From: Holy Name of Mary School, 502 Olivier Street
Change To: International School of Louisiana, 502 Olivier Street
BE IT FURTHER MOVED, that the Clerk of Council shall immediately forward certified copies of this motion to the Governor of the State of Louisiana, the Louisiana Secretary of State, the Clerk of Criminal District Court of Orleans Parish, the City Attorney and the Registrar of Voters for Orleans Parish for their further handling.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0

AND THE MOTION WAS ADOPTED.

NO. R-12-370
(AS CORRECTED)
CITY HALL: October 4, 2012
BY: COUNCILMEMBERS HEAD, CLARKSON, GUIDRY, BAJOIE, GISLESON PALMER, HEDGE-MORRELL AND CHARBONNET
WHEREAS, the Office of the Governor and the State Department of Health and Hospitals (DHH) recently announced the intent to close Southeast Louisiana Hospital (SELH), a psychiatric treatment facility serving adults, adolescents, and children; and
WHEREAS, SELH, currently has about 200 patients who will be moved to other inpatient facilities in Jackson and Pineville, making it harder for family members to participate in their proper treatment; and
WHEREAS, no direction has been determined for outpatient services provided by outside organizations for patients at SELH and the rest of the community, effectively terminating treatment for mental illness and depression in an area serving about 250,000 residents. Programs operating on the grounds of the hospital that will be impacted include:
- an Alcohol and Drug Unit
- Fontainebleau Treatment Center
- Mental Health Advocacy Service
- Methodist Home for Children
- National Alliance on Mental Health, St. Tammany
- Operation Jumpstart
- Special School District #1
- Central water and sewer services for Monteleone Jr. High
- Florida Parishes Human Services Authority; and

WHEREAS, a 2009 review of the hospital by The Joint Commission, a non-profit healthcare accreditation organization, described SELH as “a pocket of excellence in an otherwise troubled mental health system”; and
WHEREAS, the impact of the closure of New Orleans Adolescent Hospital in 2009 was partially mitigated by promises from Governor Jindal and the DHH that beds at SELH would be available to handle New Orleans residents who required inpatient mental health services; and
WHEREAS, last year SELH, which is located in Mandeville and has served the Greater New Orleans area for 60 years, treated 163 residents of Orleans Parish, which accounted for 21% of all the facility’s patients; and
WHEREAS, in its Summer 2012 Report, the New Orleans Health Department stated that the Greater New Orleans mental health services system “has failed to function as a comprehensive system” and that “the population has experienced a history of risk factors that may increase the likelihood of developing a mental illness or substance use disorder.” Furthermore, the Report states that as much as 45% of the population in Orleans Parish Prison has some form of mental illness. Law enforcement officials agree that untreated mental health illnesses can and do lead to higher rates of violent crime; and
WHEREAS, the proposed October 2012 closure appears to be inconsistent with the laws, policies and procedures established in Title 28 of the Louisiana Revised Statutes on Mental Health; and
WHEREAS, the State recently negotiated the sale of undeveloped state-owned land adjacent to the hospital to St. Tammany Parish for area drainage improvements and wetlands preservation; the $6.5 Million purchase price was to be dedicated to SELH operation and maintenance for several years. It is now unknown where the State intends to use those funds;
NOW THEREFORE
BE IT RESOLVED BY THE CITY COUNCIL OF NEW ORLEANS, That the City Council opposes the closure of Southeast Louisiana Hospital by Governor Bobby Jindal and the Department of Health and Hospitals, and respectfully requests that this plan be rescinded in the interest of the health, safety and general welfare of all of the citizens of Orleans Parish, the Greater New Orleans Region, and the entire State of Louisiana.
BE IT FURTHER RESOLVED, That this Council strongly urges the Department of Health and Hospitals to hold a public hearing in New Orleans to allow residents and elected officials to speak out on so vital and important an issue as the closure of Southeast Louisiana Hospital.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7

NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED.

NO. M-12-371
CITY HALL: October 4, 2012
BY: COUNCILMEMBER BAJOIE
SECONDED BY: COUNCILMEMBER GUIDRY
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the request of DUKE MORGAN - to appeal the Historic District Landmarks Commission's decision of "no-action" of the Retention of a newly constructed fence (constructed in deviation of the Certificate of Appropriateness). The new fence was to be constructed at 7'0" high, capped, wood, vertical board fence and should not come any closer to the front property line that the front wall of the property located at 3607 Magazine Street, be, and the decision is hereby over-rule and the appeal is granted.
BE IT FURTHER MOVED, that the Clerk of Council shall forward copies of this motion directly to all affected departments.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-372
CITY HALL: October 4, 2012
BY: COUNCILMEMBER BAJOIE
SECONDED BY: COUNCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the request of J. MICHAEL BROWN, PRESIDENT & CEO, PRONTO MONEY SERVICES - to appeal the Central Business District Historic District Landmarks Commission's decision of "denial" of the retention of a storefront ATM machine and tiles installed at the front elevation without a Certificate of Appropriateness on property located at 710 Canal Street, be, and the decision is hereby over-rule and the appeal is granted subject to two (2) provisos:
Provisos:
1. The applicant has 9 (nine) months to remove and replace blue back ground tile and put in a back ground more suitable; one that would fit in with the Historic nature of the building.
2. The penalty provisions for filing fees relative to Safety and Permits building permit fees associated with for knowingly violating HDLC rules will apply in this instance based on the testimony of HDLC.
BE IT FURTHER MOVED, that the Clerk of Council shall forward copies of this motion directly to all affected departments.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-373
CITY HALL: October 4, 2012
BY: COUNCILMEMBER HEDGE-MORRELL
SECONDED BY: COUNCILMEMBER CLARKSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the NCDC APPEAL – OF WINSTON H. REID, DIRECTOR, OFFICE OF HOUSING CODE ENFORCEMENT, SDER PROGRAM - Requesting to appeal the Neighborhood Conservation District Committee's decision of "denial" of demolition for property located at 2127-29 Congress Street, be, and the decision is hereby overruled and the appeal is granted.
BE IT FURTHER MOVED, That the Clerk of Council shall forward copies of this motion directly to all affected

departments.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry,
Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-374
CITY HALL: October 4, 2012
BY: COUNCILMEMBER GUIDRY
SECONDED BY: COUNCILMEMBER CLARKSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and favorable recommendation of the City Planning Commission staff on DESIGN REVIEW NO. 153/12 – Toulouse Gourmet, LLC – Requesting to appeal the Alcoholic Beverages Moratorium in City Council District "A" (Ordinance No. 24,607 M.C.S.) to permit the sale of alcoholic beverages for consumption on premises at an existing reception facility, d.b.a. The Cannery, on Square 510, Lot A1, in the Second Municipal District, bounded by Toulouse, North Scott, St. Peter and North Cortez Streets (Municipal Address: 3803 Toulouse Street), be, and the request is hereby approved as modified, and granted, subject to seven (7) provisos.
PROVISOS:
1. The consumption of alcoholic beverages and loitering in front of the structure or in the adjacent right-of-ways shall be prohibited.
2. The use of "to-go" cups for alcoholic beverages shall be prohibited.
3. The event hall shall operate between the hours of 6:00 a.m. and 2:00 a.m. Monday through Sunday.
4. Food service shall be provided at all times alcoholic beverages are sold.
5. The applicant shall submit a revised site plan, which shall include a designated dumpster/trash storage area, subject to further review and approval by the staff of the City Planning Commission.
6. The applicant shall provide a to the City Planning Commission staff a letter outlining a litter abatement program, inclusive of the location of trash storage out of the public right-of-way, the frequency of litter pickup, the clearing of all litter from the adjacent right-of-way, and the periodic hosing of the adjacent street right-of-way, as necessary. The name and phone number of the owner/operator of the facility shall be kept on file in case of any violation.
7. Video poker shall be prohibited.
BE IT FURTHER MOVED, That the Clerk of Council shall forward copies of this motion directly to all affected departments.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-375
CITY HALL: October 4, 2012
BY: COUNCILMEMBER BAJOIE
SECONDED BY: COUNCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and unfavorable recommendation of the City Planning Commission on ZONING DOCKET NO. 84/12 – CITY COUNCIL MOTION M-12-179 – Requesting an Amendment to Ordinance, No. 23,674 MCS, (ZD 23/09, a Conditional Use to permit the redevelopment of a gasoline service station to modify provisos relative to the consolidation of lots, canopy design, landscaping, right-of-way planting and curbing, and a new Conditional Use to permit a fast food restaurant, in a C-1 General Commercial District and within the Inner-City Urban Corridor Overlay District, on Square 398, Lots 15-A and 17-A, in the Fourth Municipal District, bounded by South Claiborne and Jackson Avenues, Josephine and Willow Streets (Municipal Addresses: 2124 thru 2150 South Claiborne Avenue). The recommendation of the City Planning

Commission being “FOR DENIAL,” be, and the same is hereby overruled, and the Amendment is granted with Modified Approval, permitting the redevelopment of a gas service station and approving the Conditional Use to permit a fast food restaurant subject to the provisos contained in the City Planning report, with the following modification, deleting Proviso Number 3 in its entirety, and revising Proviso Numbers 5 and 16 to read as follows and renumbered accordingly for a total of (15) provisos:
Provisos:
5. The developer shall submit revised, color elevations of the proposed structure retail structure to City Planning Commission staff for review and approval indicating façade articulation and design that is in continuity with the façade design of the structure located on the immediate downriver side of the petitioned site compliance with the requirements of the conditional use ordinance.
15. The gas pumps and convenience store shall be permitted to operate 24 hours per day. All other uses at the site shall operate only between the hours of 6:00 a.m. and 12:00 a.m.
BE IT FURTHER MOVED, that a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney’s Office for the preparation of an ordinance to effectuate the change.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell – 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-376
CITY HALL: October 4, 2012
BY: COUNCILMEMBER BAJOIE
SECONDED BY: COUNCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the report and favorable recommendation of the City Planning Commission on ZONING DOCKET NO. 88/12 – CONFLUENCE PROPERTIES, LTD. AND CLAMCALL 25, LLC - Requesting a Zoning Change from an RM-2 Multi-Family Residential District to a B-1A Neighborhood Business District and a Conditional Use to permit the sale of alcoholic beverages for consumption off-premises, on Square 197, Lots 15 and 16, in the Sixth Municipal District, bounded by Upperline, Constance, Lyons and Magazine Streets (Municipal Address: 4846 Magazine Street), be, and the same is hereby upheld, subject to 8 (eight) provisos contained in the City Planning report.
BE IT FURTHER MOVED, that a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney’s Office for the preparation of an ordinance to effectuate the Conditional Use.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-377
CITY HALL: October 4, 2012
BY: COUNCILMEMBER BAJOIE
SECONDED BY: COUNCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the report and favorable recommendation of the City Planning Commission on ZONING DOCKET NO. 90/12 – DAT DOG PROPERTIES, LLC - Requesting a Conditional Use to permit the sale of alcoholic beverages for consumption on-premises at a standard restaurant in a B-1A Neighborhood Business District, on Square 216, Lots Y and C, in the Sixth Municipal District, bounded by Louisiana Avenue, Magazine, Toledano and Constance Streets (Municipal Address: 3336 Magazine Street), be, and the same is hereby upheld, and the Conditional Use is granted, subject to 13 (thirteen) provisos contained in the City Planning report.
BE IT FURTHER MOVED, that a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney’s Office for the preparation of an ordinance to effectuate the Conditional Use.

THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-378
CITY HALL: October 4, 2012
BY: COUNCILMEMBER HEDGE-MORRELL
SECONDED BY: COUNCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and favorable recommendation of the City Planning Commission on ZONING DOCKET NO. 98/12 – ORLEANS PARISH SCHOOL BOARD - Requesting a Conditional Use to permit an elementary school in an RD-2 Two-Family Residential District, on Squares 2149 and 2158, Lot 1 Pt. 2149 and Lot 1 Pt. 2158, in the Third Municipal District, bounded by Humanity Street, West St. Roch Avenue, and Clermont Drive (Municipal Address: 2401 Humanity Street) be, and the decision is hereby approved subject to seven (7) waivers and eleven (11) provisos.
Waivers:
1. The applicant shall be granted a waiver of Article 11, Section 11.37.2 (b) *Schools, Public/Private Elementary Schools (Including Kindergarten),* which requires that all elementary schools provide street access via a minimum of a street with two (2) or more clearly marked lanes for traffic in each direction and a street with a single lane for traffic in each direction or three (3) streets with a single lane for traffic in each direction.
2. The applicant shall be granted a waiver of Article 11, Section 11.37.1 *Schools, Public/Private Elementary Schools (Including Kindergarten),* which requires a fifty (50) foot setback on the lakeside property line (abutting Union Park) to permit a eleven foot, ten inch (11'-10") setback, and which requires a twenty-five (25) foot setback from the West Saint Roch Avenue property line to permit an eighteen foot, five inch (18'-5") setback.
3. The applicant shall be granted a waiver of Article 15, Section 15.2.3 *Parking in Front Yards* to permit fourteen (14) parking spaces within the required front yard on the West St. Roch Avenue side of the property.
4. The applicant shall be granted a waiver of Article 15, Section 15.3.1. *Table of Requirements* and Table 15.G. *Loading Requirements* of the Comprehensive Zoning Ordinance, which require the provision of three (3) off-street loading spaces, to permit the provision of one (1) off-street loading space.
5. The applicant shall be granted a waiver of Article 15, Section 15.2.1 *Off-Street Parking Regulations* of the Comprehensive Zoning Ordinance, which requires fifty-nine (59) off-street parking spaces, to allow fourteen (14) off-street parking spaces to be provided.
6. The applicant shall be granted a waiver of Article 15, Section 15.2.5.8, which requires a continuous visual screen measuring six (6) feet in height along the West Saint Roch Avenue lot line, to permit a continuous visual screen measuring at least three (3) feet in height. Such screen may consist of a compact evergreen hedge or foliage screening or a louvered wall or fence, or other material of equal opacity.
7. The applicant shall be granted a waiver of Article 4, Section 4.5.6 *Permitted Signs* of the Comprehensive Zoning Ordinance, which limits signs to twenty-five (25) square feet in area, to allow only one detached sign, which shall be permitted to have an area of up to fifty (50) square feet.
Provisos:
1. The Department of Safety and Permits shall issue no building permits or licenses for this project until final development plans are approved by the City Planning Commission and recorded with the Office of Conveyances. Failure to complete the conditional use process by properly recording plans within a one year time period or failure to request an administrative extension as provided for in Article 16, Section 16.9.11 of the Comprehensive Zoning Ordinance will void the conditional use approval.
2. The applicant shall re-subdivide all lots forming the site into one lot of record.
3. The applicant shall restore all sidewalks and curbs, where necessary, to the standards of the Department of Public Works.
4. The applicant shall secure the approval of the Department of Public Works for the installation of any new curb cuts and a Traffic Impact Analysis (TIA) and traffic circulation plan for the site, as well as student drop-off, pick up and bus queuing, to include consideration of:
a. Signage at intersections indicating preferred traffic flow

b. Notification to parents at the beginning of the school year to reinforce the desired traffic patterns
5. The developer shall submit a detailed landscape plan prepared by a licensed Louisiana landscape architect, subject to final approval by City Planning Commission staff and by the Department of Parks and Parkways indicating the following:
a. An updated tree protection plan detailing the location of existing trees, denoting which trees are to be retained and which are to be removed, and procedures for the protection during the construction period of any existing trees that are to be retained.
b. The genus, species, size, location, quantity, and irrigation of all proposed plant materials within both the common areas and the street rights-of-way within the site, with applicable remarks and details.
c. Trees shall be planted at a maximum thirty (30) foot interval along the rights-of-way adjacent to the site.
d. All play areas shall contain large shade trees, typical of those that are found in the neighborhood.
6. The applicant shall secure the approval of a site drainage plan from the Department of Public Works and approval of sub-surface sewer and water facilities from the Sewerage and Water Board.
7. All refuse areas shall be screened with a minimum of a six (6) foot high opaque fence when visible from the right-of-way. In no case shall litter be stored so that it is visible from the public right-of-way.
8. The developer shall provide a litter abatement program inclusive of the location of litter storage, the frequency of litter pickup, and the clearing of all litter from the sidewalks, parking areas, and street rights-of-way, including periodic hosing of the site and rights-of-way, where necessary. The program description, including the name and phone number of the principal of the school or his/her grounds maintenance designee, shall be kept on file in case of any violation.
9. The applicant shall submit a lighting plan for the campus, including but not limited to all parking areas and play areas located on the campus. Lighting shall not be directed towards adjacent residential uses.
10. Three percent (3%) of the off-street parking spaces shall be handicap accessible, in accordance with Article 15, Section 15.2.5 *Design Standards* of the Comprehensive Zoning Ordinance.
11. If the applicant elects to expand the school site beyond the boundaries of the previous Bradley School site, the applicant will be required to return to the City Planning Commission and City Council to amend the Conditional Use Ordinance.
BE IT FURTHER MOVED, That a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the Conditional Use.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-379
CITY HALL: October 4, 2012
BY: COUNCILMEMBER GISLESON PALMER
SECONDED BY: COUNCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the report and recommendation "FOR MODIFIED APPROVAL" of the City Planning Commission on ZONING DOCKET NO. 99/12 – CITY COUNCIL MOTION M-12-226 - Requesting an Amendment to the text of the Comprehensive Zoning Ordinance, No. 4,264 MCS as amended, to amend *Article 2 Definitions*, to create a designation for a wine bar with permitted wine sales for on-site and off-site consumption, applicable only to current and licensed cocktail lounges and liquor stores in the Historic Marigny Commercial and Industrial Districts and to amend Article 9, *Historic Marigny/Tremé Districts*, to add said wine bars with permitted wine sales as Conditional Uses, in the subdistrict of the Marigny neighborhood bounded by Esplanade Avenue, St. Claude Avenue, Press Street and the Mississippi River, be, and the zoning text change is granted as follows:
"[…]
Article 2, Section 2.2 *Definitions* of the *Comprehensive Zoning Ordinance*
[…]
194. *Welfare Agency*. An organization, public or private, which offers professional social work services to individuals or groups.
195. *Wine Bar and Wine Shop.* An establishment whose principal business is the sale of wine made from grapes, and

where the sales of wine made from grapes (for on or off-premise consumption) produces seventy-five (75) percent or more of the gross revenue for said establishment, where alcoholic beverages and/or food products are sold or served for consumption on or off premises, where 50% or more of the usable space of the establishment is used to display wines for retail sale, but where neither live entertainment nor gambling are provided, where package liquor products are not advertised outside or off the premises or in any place visible from the exterior of the premises, and where smoking is prohibited in all indoor areas.

195A. *Wine School*. An establishment that maintains courses of instruction or study in enology and/or viticulture, taught by an instructor certified by a recognized professional body in said field(s), on specific days of the week during specified times consistent with the normal business hours of other educational institutions, and that maintains a place of business at which such courses are available through classroom instruction, where alcoholic beverages and/or food products associated with such courses may be sold or served for consumption on or off premises, but where neither live entertainment or gambling are provided.

195B. *Winery*. A farm at least ten (10) acres in size which includes the cultivation, processing and fer-mentation of grapes, berries or fruits relative to the products raised on the premises.

[…]

Article 9, Section *9.5.5 Conditional Uses*.

The following uses of land are authorized as conditional uses within the HMC-2 Historic Marigny/Tremé Commercial District upon approval of a conditional use permit under the standards and procedures contained in Section 16.6 of these zoning regulations:

[…]

7. Theaters with alcoholic beverages and amusement places, limited to one (1) per block face.

8. Wine bar and wine shop.

[…]

Article 9, Section9.6.5 *Conditional Uses*

The following uses of land are authorized as conditional uses within the HMLI Historic District, upon approval of a conditional use permit under the standards and procedures contained in Section 16.6 of these zoning regulations:

[…]

5. Adult cabarets.

6. Wine bar and wine shop."

BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that a copy of the report of the City Planning Commission and of this motion shall be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the zoning text change.

THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7

NAYS: 0

ABSENT: 0

AND THE MOTION WAS ADOPTED.

NO. M-12-380

CITY HALL: October 4, 2012

BY: COUNCILMEMBER HEDGE-MORRELL

SECONDED BY: COUNCILMEMBER CLARKSON

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and unfavorable recommendation of the City Planning Commission request on ZONING DOCKET NO. 101/12 – CITY COUNCIL MOTION M-12-277 – Requesting a Zoning Change from a B-1 Neighborhood Business District to an RS-2 Single-Family Residential District, on Square 1 Paris Park, Lots 1 and 3, in the Third Municipal District, bounded by Paris and Van Avenues, Pratt, Rayne and Churchill Drives (Municipal Address: 4321 Paris Avenue). The recommendation of the City Planning Commission being "FOR DENIAL" is hereby overruled and the appeal is granted.

BE IT FURTHER MOVED, That a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the Zoning Change.

THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:

YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7

NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. R-12-381
CITY HALL: October 18, 2012
BY: COUNCILMEMBER GISLESON PALMER
SECONDED BY: COUNCILMEMBER HEAD
WHEREAS, Article VI, Section 21(H) of the State Constitution and Act 445 of 1983 provides for payment of ad valorem taxes on certain basis for property owners performing certain improvements in Historic, Economic, Development, and Downtown Development Districts; and
WHEREAS, in accordance with the procedures established by Resolution R-11-517 the following described property has been submitted to the Mayor's Office of Economic Development for review, said property being described as municipal address 1301 N. Rampart Street, Unit 202 owned by Gregory and Patricia Kahn; and
WHEREAS, the Mayor's Office of Economic Development recommends approval with regard to participation in the aforementioned tax program; now therefore
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Council after consideration of the recommendation of the Mayor's Office of Economic Development, hereby *approves* participation of municipal address 1301 N. Rampart Street, Unit 202 owned by Gregory and Patricia Kahn and further identified by the State Board of Commerce and Industry as application number RTA Transfer #050116 in the Property Tax Abatement Program authorized by Act 445 of 1983 and Article VII Section 21(H) of the Constitution, effective on the date of adoption; therefore
BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that a copy of this resolution shall be forwarded to the State Board of Commerce and Industry.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED.

NO. R-12-382
CITY HALL: October 18, 2012
BY: COUNCILMEMBER GISLESON PALMER
SECONDED BY: COUNCILMEMBER HEAD
WHEREAS, Article VI, Section 21(H) of the State Constitution and Act 445 of 1983 provides for payment of ad valorem taxes on certain basis for property owners performing certain improvements in Historic, Economic, Development, and Downtown Development Districts; and
WHEREAS, in accordance with the procedures established by Resolution R-11-517 the following described property has been submitted to the Mayor's Office of Economic Development for review, said property being described as municipal address 1301 N. Rampart Street, Unit 308 owned by Alexis De Bram; and
WHEREAS, the Mayor's Office of Economic Development recommends approval with regard to participation in the aforementioned tax program; now therefore
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Council after consideration of the recommendation of the Mayor's Office of Economic Development, hereby *approves* participation of municipal address 1301 N. Rampart Street, Unit 308 owned by Alexis De Bram and further identified by the State Board of Commerce and Industry as application number RTA Transfer #050116 in the Property Tax Abatement Program authorized by Act 445 of 1983 and Article VII Section 21(H) of the Constitution, effective on the date of adoption; therefore
BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that a copy of this resolution shall be forwarded to the State Board of Commerce and Industry.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7

NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED.

NO. R-12-383
CITY HALL: October 18, 2012
BY: COUNCILMEMBER GISLESON PALMER
SECONDED BY: COUNCILMEMBER CLARKSON
WHEREAS, Article VI, Section 21(H) of the State Constitution and Act 445 of 1983 provides for payment of ad valorem taxes on certain basis for property owners performing certain improvements in Historic, Economic, Development, and Downtown Development Districts; and
WHEREAS, in accordance with the procedures established by Resolution R-11-517 the following described property has been submitted to the Mayor's Office of Economic Development for review, said property being described as municipal address 3726 Dauphine Street owned by Bywater Arts Lofts II, LLC; and
WHEREAS, the Mayor's Office of Economic Development recommends approval with regard to participation in the aforementioned tax program; now therefore
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Council after consideration of the recommendation of the Mayor's Office of Economic Development, hereby *approves* participation of municipal address 3726 Dauphine Street owned by Bywater Arts Lofts II, LLC and further identified by the State Board of Commerce and Industry as application number RTA #2010-0660 in the Property Tax Abatement Program authorized by Act 445 of 1983 and Article VII Section 21(H) of the Constitution, effective on the date of adoption; therefore
BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that a copy of this resolution shall be forwarded to the State Board of Commerce and Industry.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED.

NO. R-12- 384
CITY HALL: October 18, 2012
BY: COUNCILMEMBERS CLARKSON, HEAD, GUIDRY, BAJOIE, GISLESON PALMER, HEDGE-MORRELL AND CHARBONNET
Rescinding the following grants previously approved by City Council Resolution R-12-257 (As Corrected); The Village - $3,000, Community Awareness Revitalization & Enhancement - $5,000 and approving City Council/Harrah's Community Support Grants Program grant from grant funds, subject to the Organization's eligibility as outlined in the resolution for:
Councilmanics At Large A, B, Councilmanic Districts A, C, D and E.
WITHDRAWN.

SUBSTITUTE NO. R-12-384
CITY HALL: October 18, 2012
BY: COUNCILMEMBERS CLARKSON, HEAD, GUIDRY, BAJOIE, GISLESON PALMER, HEDGE-MORRELL AND CHARBONNET
WHEREAS, the Council of the City of New Orleans, on March 16, 2006, adopted Ordinance No. 22,163, M.C.S., relative to the "Fourth Amendment to Amended and Restated Lease Agreement" by and between the Rivergate Development Corporation, the City of New Orleans, and Jazz Casino Company L.L.C., successor in interest to Harrah's Jazz Company, which included the commitment from Jazz Casino Company L.L.C., to provide $225,000 annually to fund the City Council/ Harrah's Community Support Grants Program; and
WHEREAS, the agreement provides for the total of $225,000 to be funded semi-annually in two payments of $112,500; and
WHEREAS, the purpose of the program is to foster organizations and projects that demonstrably contribute to the economic, cultural, and civic fabric of the City; and

WHEREAS, the guidelines for eligibility, procedures, and monitoring of the grants have been approved by the City Council; and
WHEREAS, it is necessary to revise allocations for District E approved in R-12-257 (as corrected) adopted on July 12, 2012; now, therefore
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the following grants, previously approved by the City Council in R-12-257 (as corrected), is hereby rescinded:
The Village $3,000
Community Awareness Revitalization & Enhancement $5,000
BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the following grants are approved from grant funds, subject to the organizations' eligibility pursuant the aforementioned guidelines:
At-Large A:
Woodlands Conservancy $500
Parkway Partners Program $1,000
Algiers Economic Development Foundation, Inc. $1,000
Friends of City Park $2,500
New Orleans Museum of Art $2,500
New Orleans Opera Association $2,500
French Quarter Festival, Inc. $2,500
At-Large B:
Algiers Economic Development Foundation, Inc.- (Friends of the Ferry/the Ferry Foundation) $1,000
Vieux Carre Property Owners, Residents, and Associates, Inc. $1,500
Southern United Neighborhoods $2,000
New Orleans South African Connection NOSACONN) - (People United for Armstrong Park) $2,500
Mercy Endeavors $5,000
District A:
Crimestoppers Inc. $1,500
Global Green USA $1,500
French Quarter Festival, Inc. $1,500
New Orleans Afrikan Film and Arts Festival $1,500
Southern University Foundation - (New Orleans Convention Company, Inc.) $2,000
The Louisiana Cultural Economy Foundation, Inc. $2,000
Mothers Helpers $2,000
Volunteers of America of Greater New Orleans, Inc. (Mentoring Children of Promise Program) $4,000
District C:
Southern University Foundation - (New Orleans Convention Company, Inc.) $500
New Orleans South African Connection NOSACONN (People United for Armstrong Park) $1,000
Professional Services Industry, Inc. (Serving Up) $1,000
French Quarter Festival, Inc. $1,000
Volunteers of America of Greater New Orleans, Inc. - (Mentoring Children of Promise Program) $2,000
Faubourg St. Roch Project $2,000
Algiers Economic Development Foundation - (Friends of the Ferry/the Ferry Foundation) $2,000
Youth Empowerment Project $2,500
District D:
New Orleans Afrikan Film and Arts Festival Project $1,000
Anthony Bean Community Theater and Acting School $1,000
Southern University Foundation - (New Orleans Convention Company, Inc.) $2,500
District E:
Southern United Neighborhoods $2,500
Vietnamese American Young Leaders Association of New Orleans $2,500
Parkway Partners Program – (Friends of Joe W. Brown Memorial Park & Louisiana Nature Center) $3,000
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0

ABSENT: 0
AND THE RESOLUTION WAS ADOPTED.

NO. M-12-385
CITY HALL: October 18, 2012
BY: COUNCILMEMBER GUIDRY (BY REQUEST)
SECONDED BY: COUNCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Mayor's appointment of Dottie Belletto (vice Cynthia Butler-McIntyre) as a member of the Ernest N. Morial New Orleans Exhibition Hall Authority for a term that will expire July 16, 2016, be, and the same is hereby ratified, confirmed and approved.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-386
CITY HALL: October 18, 2012
BY: COUNCILMEMBER CHARBONNET (BY REQUEST)
SECONDED BY: COUNCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Mayor's appointment of Karen Coaxum (vice Elizabeth Shane French) as a member of the Historic District Landmarks Commission for a term that will expire March 26, 2016 be, and the same is hereby ratified, confirmed and approved.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-387
CITY HALL: October 18, 2012
BY: COUNCILMEMBER GUIDRY (BY REQUEST)
SECONDED BY: COUNCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Mayor's reappointment of Kathleen Turner, as a member of the New Orleans Building Corporation for a term that will expire June 30, 2014, be, and the same is hereby ratified, confirmed and approved.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. R-12-388
CITY HALL: October 18, 2012
BY: COUNCILMEMBERS HEDGE-MORRELL, HEAD, GUIDRY AND GISLESON PALMER

ENTERGY NEW ORLEANS, INC.'S 2012 ELECTRIC AND GAS
FORMULA RATE PLAN FILINGS PURSUANT TO COUNCIL RESOLUTION
R-09-136 AND THE 2009 AGREEMENT IN PRINCIPLE
DOCKET NO. UD-08-03
RESOLUTION AND ORDER ESTABLISHING
PROCEDURAL SCHEDULE FOR RESOLUTION OF DISPUTED ISSUES

WHEREAS, pursuant to the Constitution of the State of Louisiana and the Home Rule Charter of the City of New Orleans ("Charter"), the Council of the City of New Orleans ("Council") is the governmental body with the power of supervision, regulation and control over public utilities providing service within the City of New Orleans; and

WHEREAS, pursuant to its powers of supervision, regulation and control over public utilities, the Council is responsible for fixing and changing rates and charges of public utilities and making all necessary rules and regulations to govern applications for the fixing and changing of rates and charges of public utilities; and

WHEREAS, Entergy New Orleans, Inc. ("ENO" or "Company") is a public utility providing electric service to all of New Orleans, except the Fifteenth Ward ("Algiers"), and gas service to all of New Orleans; and

WHEREAS, Entergy Louisiana, LLC ("ELL") provides electric service to the Algiers section of New Orleans; and

Formula Rate Plans

WHEREAS, on April 2, 2009, the Council adopted Resolution R-09-136, which approved the 2009 Agreement in Principle ("'09 AIP") and resolved ENO's application for a change in electric and gas rates; and

WHEREAS, pursuant to the '09 AIP, beginning with the year 2010, ENO is to be subject to Formula Rate Plans ("FRPs") for both Electric ("EFRP") and Gas ("GFRP") operations; and

WHEREAS, the '09 AIP established a term of three (3) years for both the EFRP and GFRP, with the first filing due by ENO on or before May 31, 2010; and

WHEREAS, with respect to the specific terms of the EFRP, the '09 AIP ordered that the midpoint Return on Equity ("ROE") for the EFRP shall be set at 11.10% with a +/- bandwidth of 0.40%, and ENO has the ability to earn within the bandwidth of 10.70% to 11.50% for electric operations without any change in rates; and

WHEREAS, electric earnings above the 11.50% upper bandwidth will result in prospective rate decreases using the EFRP rider schedule based upon the midpoint ROE of 11.10% (reset to midpoint); and

WHEREAS, electric earnings below the 10.70% lower bandwidth will result in prospective rate increases using the EFRP rider schedule based upon the midpoint ROE of 11.10% (i.e., reset to midpoint); and

WHEREAS, with respect to the specific terms of the GFRP, the midpoint ROE was set at 10.75% with a +/- bandwidth of 0.50%, and ENO has the ability to earn within the bandwidth of 10.25% to 11.25% for Gas operations without any change in rates; and

WHEREAS, gas earnings above the 11.25% upper bandwidth will result in rate decreases using the GFRP rider schedule based upon the midpoint target ROE of 10.75% (i.e., reset to midpoint); and

WHEREAS, gas earnings below the 10.25% lower bandwidth will result in rate increase using the GFRP rider based upon the midpoint target ROE of 10.75% (i.e., reset to midpoint); and

WHEREAS, the evaluation period for each of the FRPs is to be the immediately prior calendar year (e.g., the evaluation period for the 2011 filing was the period January 1, 2010—December 31, 2010); and

WHEREAS, on May 27, 2010, ENO submitted its 2010 Electric and Gas Formula Rate Plan Filings pursuant to Council Resolution R-09-136 and the '09 AIP; and

WHEREAS, on November 4, 2010, the Council adopted Resolution R-10-479. Therein, the Council accepted and approved an Agreement in Principle ("2010 AIP") resolving the Company's 2010 Electric FRP Filing and 2010 Gas FRP Filing. The 2010 AIP provided, inter alia, for an $18.0 million reduction in electric base rates and for no change in gas base rates; and

WHEREAS, on May 26, 2011, ENO made its 2011 Formula Rate Plan ("FRP") Filings for Electric and Gas operations for the Evaluation Period ended December 31, 2010, together with its Application for Waiver of Requirements and for a Change in Storm Reserve Rider Rates; and

WHEREAS, on September 22, 2011, the Council adopted Resolution R-11-457. Therein, the Council adopted the Advisors' recommendation that that ENO's request for approval for an increase in its Storm Reserve Rider accrual rate from customers should be considered separately and independently of other matters accepted, and also approved an Agreement in Principle ("2011 AIP") resolving the Company's 2011 Electric FRP Filing and 2011 Gas FRP Filing. The 2011 AIP provided, inter alia, for a $13.084 million reduction in electric base rates and for a $1.566 million reduction in gas base rates; and

2012 Formula Rate Plans

WHEREAS, on May 31, 2012, ENO made its 2012 Formula Rate Plan ("FRP") Filings for Electric and Gas operations for the Evaluation Period ended December 31, 2011, together with its Application for Waiver of Requirements and for a Change in Storm Reserve Rider Rates; and

WHEREAS, under the 2012 EFRP Evaluation Report, ENO requested a cumulative decrease in EFRP revenue of $23.383 million; this amount reflects (1) a $3.043 million increase in rider EFRP revenue due to test year 2011 results, (2) a $23.368 million reduction in rider EFRP revenue due to the annualization of the inside-the-bandwidth portion of

the EFRP Revenue change agreed upon in the 2011 Agreement in Principle, and (3) a $2.788 million reduction in rider EFRP revenue due to outside-the-bandwidth items in test year 2011; and

WHEREAS, under the GFRP Evaluation Report, ENO requested a cumulative decrease in GFRP revenue of $0.530 million; this amount reflects (1) a $0.984 million increase in rider GFRP revenue due to test year 2011 results, (2) a $2.598 million reduction in rider GFRP revenue due to the annualization of the inside-the-bandwidth portion of the GFRP Revenue change agreed upon in the 2011 Agreement in Principle, and (3) a $1.084 million increase in rider GFRP revenue due to outside-the-bandwidth items in test year 2011; and

WHEREAS, pursuant to Council Resolution R-09-136, the EFRP and GFRP Rider Schedules define the procedure by which rates may be periodically adjusted; and

WHEREAS, the adopted procedure requires ENO to file on or before May 31 of each year a report containing an evaluation of the Company's earnings for the immediately preceding calendar year ("Evaluation Report"); and

WHEREAS, Advisors and other Parties, shall then have the opportunity to review the Evaluation Report to ensure that there are no errors in the report; and

WHEREAS, in the event there are disputes regarding the Evaluation Report, the Parties shall work together in good faith to resolve such disputes; and

WHEREAS, in the event the Parties are not able to resolve the disputes, the Company is required to file revised Rate Adjustments reflecting all revisions to the initially filed Rate Adjustments on which the Parties agree; and

WHEREAS, any disputed issues shall be submitted to the Council for setting of an Administrative Hearing; and

WHEREAS, in its August 15, 2012 Filing, pursuant to the provisions of Section II.B.2 of Entergy New Orleans, Inc.'s E-FRP-3 and G-FRP-3 ("Supplemental Filing"), ENO determined that certain corrections and/or refinements discovered in the course of preparing a book accounting entry to reflect the effects of the Gas Rebuild ADIT Adjustments on ENO's books of account should be made to the EFRP and GFRP Filings of May 31, 2012 related to accumulated deferred income taxes ("ADIT"), such corrections increasing Electric rate base by $3.606 million and decreasing Gas rate base by $3.606 million; and

WHEREAS, on August 20, 2012, the Council's Technical Advisors submitted their *Investigation and Review of Entergy New Orleans, Inc.'s 2012 Electric and Gas Formula Rate Plans Filing*, which examined both the May 31, 2012 FRP Filings and the August 15, 2012 Supplemental Filing, and identified $2,063,000 in revenue adjustments ($1,540,000 electric and $523,000 gas) attributable to the Company's accounting treatment of deferred income taxes and ADIT adjustments in the Filings, noting that the ADIT adjustments may be modified to increase or decrease their effect since ENO had not fully responded to several data requests for monthly account activity and balances related to the ADIT adjustments; and

WHEREAS, the Technical Advisors discovered through ENO's responses to Advisors 5-10(b) and Advisors 5-12(b) that ADIT associated with re-organization costs were recorded in multiple ADIT accounts, and through ENO's response to Advisors 8-1(b) that deferred income taxes other than those for re-organization costs are also recorded in the same accounts, with the result that it was not possible to confirm that timing differences and ADIT balances and adjustments were correct in the Filings; and

WHEREAS, the Rate Adjustments of ENO's September 26, 2012 Filing were the same as the Rate Adjustments in the August 15, 2012 Supplemental Filing, indicating to us that the accounting errors related to the treatment of ADIT adjustments that were discovered by the Council Advisors in the analysis of several discovery responses remain at issue in the docket; and

WHEREAS, it will be beneficial and in the public interest for the Council to order a comprehensive regulatory audit of ENO's historic accounting records and all related sub accounts that gave rise to the ADIT errors in its filings, including an examination of the following: (1) the propriety of ENO's accounting treatment for current and deferred income tax expense for ratemaking purposes; (2) the related ADIT assets and liabilities recorded pursuant to the timing difference between when revenues and expenses are recognized for determining current income tax expense and when such revenues and expenses are recognized in determining income tax expense for financial reporting purposes in order to validate the synchronization between the ADIT balances and the current and deferred income tax expense recorded for ratemaking purposes; and (3) that such examination shall cover all ADIT balances recorded in the 2008 Test Year, which is the base year for all subsequent FRP adjustments, and all subsequent FRP Test Years; now therefore:

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS THAT:

1. The Council hereby orders a regulatory audit of ENO's ADIT and all related sub-accounts by our Advisors to be completed by December 21, 2012 and prior to the commencement of the Administrative Hearings ordered herein. Specifically, such an audit shall include an examination of (i) the propriety of ENO's accounting treatment for current and deferred income tax expense for ratemaking purposes, (ii) the supporting accounting records of the related ADIT

assets and liabilities which show the timing differences and provide a means to validate the synchronization between the ADIT balances and the current and deferred income tax expense, and (iii) the time period associated with the ADIT assets and liabilities in ENO's financial statements as of January 1, 2008 through December 30, 2011, and beginning with the date such ADIT balances were first recorded.

2. ENO is ordered to comply with all requests of the Advisors so as to afford them immediate access to its books and records of accounts with respect to the audit ordered herein.

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS THAT:

1. The Honorable Jeffrey Gulin shall continue as Hearing Officer in this proceeding and shall rule on procedural disputes, including motions and discovery, and shall certify the record of the proceeding to the Council without recommendation.

2. The discovery period in this proceeding shall commence immediately upon the adoption of this resolution and shall extend through 7 days prior to the date of the Hearing (discovery requests must be made in time that responses may be received prior to the close of the discovery period). Responses to data requests shall be made on a rolling basis and shall be due in hand within 12 calendar days of receipt. Parties are encouraged to submit their data requests and responses electronically, where appropriate. Objections to data requests shall be filed within 5 days of receipt. The parties are encouraged to attempt to resolve their discovery disputes amicably prior to seeking the intervention of the Hearing Officer or appealing to the Council.

3. Direct Testimony of ENO shall be filed not later than January 18, 2013.

4. Direct Testimony of Advisors/Intervenors shall be filed not later than March 1, 2013.

5. Rebuttal Testimony of ENO shall be filed not later than April 1, 2013.

6. The evidentiary hearing shall commence on April 9, 2013.

7. The Hearing Officer is to certify the record of these proceedings to the Council not later than April 16, 2013.

8. For good cause shown and as required by the circumstances of the proceedings, the Hearing Officer shall have the authority to change or amend the dates established in the schedule set forth above.

9. It is anticipated that during discovery, the parties may be required to produce documents or information that are deemed confidential and/or highly sensitive and, accordingly, the Council adopts for use in this docket its Official Protective Order adopted by Resolution R-07-432, a copy of which can be obtained from the Council Utilities Regulatory Office.

THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7

NAYS: 0

ABSENT: 0

AND THE RESOLUTION WAS ADOPTED.

NO. R-12-389

CITY HALL: October 18, 2012

BY: COUNCILMEMBERS HEDGE-MORRELL, HEAD, GUIDRY AND GISLESON PALMER

RESOLUTION AND ORDER TO SUSPEND THE EVIDENTIARY HEARINGS IN COUNCIL DOCKET NO. UD-11-01

DOCKET NO. UD-11-01

WHEREAS, pursuant to the Constitution of the State of Louisiana and the Home Rule Charter of the City of New Orleans ("Charter"), the Council of the City of New Orleans ("Council") is the governmental body with the power of supervision, regulation and control over public utilities providing service within the City of New Orleans; and

WHEREAS, pursuant to its powers of supervision, regulation and control over public utilities, the Council is responsible for fixing and changing rates and charges of public utilities and making all necessary rules and regulations to govern applications for the fixing and changing of rates and charges of public utilities; and

WHEREAS, Entergy New Orleans, Inc. ("ENO" or "Company") is a public utility providing electric service to all of New Orleans, except the Fifteenth Ward ("Algiers"), and gas service to all of New Orleans; and

WHEREAS, Entergy Louisiana, LLC ("ELL") provides electric service to the Algiers section of New Orleans; and

WHEREAS, ENO and ELL are wholly-owned subsidiaries of Entergy Corporation ("Entergy") and two of the six operating companies, along with Entergy Services, Inc. ("ESI"), that are parties to the Entergy System Agreement ("System Agreement"). The other four operating companies are Entergy Arkansas, Inc. ("EAI"), Entergy Gulf States, Louisiana, L.L.C. "EGSL"), Entergy Texas, Inc. ("ETI"), and Entergy Mississippi, Inc. ("EMI"), (the six operating

companies are referred to collectively as the ("Operating Companies"); and

WHEREAS, on April 25, 2011, Entergy, the parent company of the Operating Companies, formally announced its decision that the entire Entergy System would join Midwest Independent Transmission System Operator Regional Transmission Organization ("MISO");

WHEREAS, on May 12, 2011, ENO and ELL submitted an Evaluation of Alternative Transmission Arrangements Available to the Entergy Operating Companies and Support for Proposal to Join MISO ("Evaluation Report") and supporting testimony to the Council containing information and analyses that they contend forms the basis for Entergy's recommendation to join MISO; and

WHEREAS, according to Entergy, "based on comprehensive review and analysis, it has concluded that joining (MISO) will provide meaningful long-term benefits for the customers of the Entergy operating companies"; and

WHEREAS, on July 7, 2011, in Resolution R-11-303, the Council opened Docket No. UD-11-01 to formally investigate the costs and benefits associated with of ENO's and ELL's plans to join MISO; and

WHEREAS, on November 14, 2011, ENO and ELL filed their Joint Application of Entergy New Orleans, Inc. and Entergy Louisiana, LLC Regarding Transfer of Functional Control of Certain Transmission Assets to the Midwest Independent Transmission System Operator, Inc. Regional Transmission Organization, for an Accounting Order Deferring Related Implementation Costs and Request for Timely Treatment ("Joint MISO Application"); and

WHEREAS, the Joint MISO Application requests that the Council find that the transfer of functional control of the Companies' electric transmission assets to MISO to facilitate the Companies' membership therein is in the public interest; and

WHEREAS, the Joint MISO Application provides estimates an approximate total of $1.1 billion to $1.4 billion in net System benefits on a ten year net present value basis with the Entergy Operating Companies collectively joining MISO; and

WHEREAS, the Joint MISO Application also indicates net benefits of approximately $6 million per year to ENO; and

WHEREAS, on February 16, 2012, in Resolution R-12-55, the Council established Docket No. UD-11-01 to formally investigate the costs and benefits associated with ELL and ENO's proposal to join the MISO. Resolution R-12-55 provides for a two-phase proceeding with the first phase to focus on discovery intended to result in a threshold determination as to whether ENO and ELL's joining an RTO, particularly MISO, is in the public interest. In addition, the Council established a procedural schedule including a discovery period for phase one culminating in an evidentiary hearing to commence on September 18, 2012. The second phase of the proceeding would involve the Council's intervention in Companies' filing at FERC ("Implementation Filing") requesting approval of specific revisions to the System Agreement to implement the proposed ratemaking revisions intended to recover new MISO costs; and

WHEREAS, as the Council's Advisors conducted extensive discovery, they confirmed that the magnitude of potential net benefits to the individual Operating Companies is dependent in large part on 1) the operation of the Entergy System Agreement and any modifications thereto to incorporate the charges and credits associated with settlement statements in MISO, 2) the boundaries of the transmission pricing zones and load settlement zones established within MISO for the Entergy Operating Companies, 3) the treatment of certain independent generators referred to as "Qualifying Facilities" ("QFs") and the relief at the Federal Energy Regulatory Commission ("FERC") from the QFs "puts' to the Operating Companies and potential revisions to the applicable avoided costs calculations which establish the pricing for QFs energy, and 4) the outcome of a required filing at FERC regarding the transition of the Entergy Operating Companies into MISO and the extent to which certain transmission costs will be allocated to the Operating Companies; and

WHEREAS, in their Joint MISO Application, the Companies note that numerous MISO billing elements and ratemaking methods for each of those billing elements would need to be fully analyzed and incorporated in a revised Entergy System Agreement. To this end, the Companies expect to initiate a FERC process to address any such modifications to the Entergy System Agreement, including filing(s) under Section 205 of the Federal Power Act, in order to provide for the treatment of certain costs and benefits associated with MISO by the first quarter of 2012; and

WHEREAS, since January 31, 2012, the Council's Advisors have participated in a series of confidential meetings characterized by Entergy as a facilitated alternative dispute resolution process (so-called "ADR Process"). Parties to the ADR Process include Entergy and the representatives of each of the Entergy retail regulators except the Arkansas Public Service Commission, with is leaving the System Agreement in December of 2013. The goal of the ADR Process is to consider and refine proposed modifications to the Entergy System Agreement designed to incorporate the various MISO billing elements; and

In addition, the Companies noted that at the conclusion of the ADR Process, they would make the Implementation Filing at FERC to request that specific revisions to the System Agreement be approved to implement the proposed ratemaking revisions intended to recover new MISO costs; and

WHEREAS, on December 5, 2011, Entergy announced its proposal to divest and merge its electric transmission assets into ITC Holdings; and

WHEREAS, under the proposed transaction, Entergy will divest its electric transmission assets that are 69 kV or above and other related equipment necessary for the sale and reliable operation of the transmission grid to a newly-formed transmission company ("Mid South TransCo LLC".; and

WHEREAS, under the proposed transaction, ITC will create a new subsidiary for the purposes of the merger, referred to as the "Merger Sub". The Merger Sub will then be merged with and into Mid South Transco, LLC, the separate corporate existence of the Merger Sub will cease, and the Mid South Transco, LLC will continue as the surviving entity in the merger and will be a wholly-owned direct subsidiary of ITC. The merger will result in shareholders of Entergy receiving 50.1 percent of the shares of the pro forma ITC in exchange for their shares of Mid South Transco, LLC, with existing shareholders of ITC owning the remaining 49.9 percent of the combined company; and

WHEREAS, on February 16, 2012, in Resolution R-12-56, the Council established Docket No. UD-12-01 to formally investigate the costs and benefits associated with ELL and ENO's proposed divestiture of their transmission assets to ITC and particularly whether the proposal produces maximum benefits for New Orleans' ratepayers and is in the public interest; and

WHEREAS, Entergy and ITC have set a goal of closing this transaction in 2013. The proposed transaction is subject to the receipt of all necessary regulatory approvals, including the Council and the other Entergy's retail regulator, the Federal Energy Regulatory Commission; the Internal Revenue Service; the Department of Justice and Federal Trade Commission; and ITC shareholders; and

WHEREAS, in the course of the Council's investigation of the Joint MISO Application, the Companies have represented in discovery and at various ERSC and other meetings that the ITC transaction would be completed shortly after Entergy's transition to MISO assuming that all relevant regulatory bodies approved Entergy joining MISO. The assertion was a key assumption in the Council's understanding of the potential benefits that would accrue to Entergy New Orleans and New Orleans ratepayers; and

WHEREAS, the Companies have objected to discovery requests and have provided very limited information regarding the impact of the proposed ITC transaction on their Joint MISO Application, on the grounds that the ITC transaction is a separate transaction and is outside the scope of Docket UD-11-01; and

WHEREAS, the Companies' objections and very limited responses to discovery addressing the possible ramifications associated with the ITC proposal leaves that the Council with no substantive information regarding the transaction, other than Entergy and ITC presentation material, which now appears to conflict with the Companies' pending application in UD-11-01; and

WHEREAS, on August 24, 2012, our Advisors' met with representatives of ENO and ITC wherein the Advisors were informed that ITC intends to acquire Entergy's transmission system assets prior to the Entergy Operating Companies becoming Midwest ISO market participants and Transmission Owners on or about June of 2013. This is an unprecedented and dramatic change in the representations of the Companies to the Council.. Moreover, this change in timing of the ITC acquisition will likely have a significant impact on many of the assumptions regarding ENO and ELL's operations in MISO and the costs and benefits that will accrue to the Entergy Operating Companies in general and on ENO and ELL and New Orleans ratepayers, specifically; and

WHEREAS, we are informed by our Advisors, that the ITC transaction may result in a material change in the operations and estimated net benefits associated with ENO and ELL joining MISO as compared to the operations and net benefits represented in the Joint MISO Application and may result in: 1) the Council's loss of jurisdictional authority to regulate retail transmission costs; 2) an increase in the return on equity component of transmission rates; 3) the inability to establish an "ENO-only" transmission pricing zone, instead relying on a Louisiana-wide transmission zone; and 4) the pass through of other Operating Company transmission costs to ENO among other things; and

WHEREAS, the Companies have not provided any analysis of the benefits and costs that would result as a consequence of the transfer of transmission assets to ITC in conjunction with Entergy's membership in Midwest ISO, and the Companies have failed to provide any study demonstrating that the Companies will receive an adequate allocation (versus ability to nominate) of Auction Revenue Rights sufficient to hedge congestion costs; and

WHEREAS, on September 6, 2012, in Resolution R-12-333, the Council noted that the transfer of functional control of transmission assets to ITC and the proposal to join MISO are intertwined. Thus, noting the numerous questions on the proposed ITC transaction that remain unanswered and the lack of a formal filing requesting approval of the ITC transaction, the Council postponed the evidentiary hearing in Docket No. UD-11-01 from September 18, 2012 until October 23, 2012; and

WHEREAS, as we noted in Resolution R-12-333, there appears to be an increasing uncertainty regarding Entergy's

plans to join MISO. For example, 1) the Arkansas Public Service Commission has indicated that it will not approve EAI's request to join MISO as filed, which is a prerequisite for all the Entergy Operating Companies to join MISO; 2) although the ADR Process was initially anticipated to completed in mid-2012, as of today, there are numerous unresolved issues and ESI has indicated it will not be making its Section 205 filing at FERC until the fourth quarter of 2012; and 3) the Implementation Filing has been delayed as well; and

WHEREAS, the Council repeats its concern that the proposed ITC transaction may have a significant impact upon the cost of providing transmission services to ratepayers in the City of New Orleans, the provision of such transmission services, the improvement and expansion of existing transmission facilities, and the Council's jurisdiction over such transmission facilities; and

WHEREAS, on September 24 and 25, 2012, three related filings were made at FERC designed to facilitate the transfer of Entergy's transmission assets to ITC and Entergy's integration into MISO. First, ITC and Entergy filed for FERC approval to transfer Entergy's transmission assets to ITC.

Second, MISO filed at FERC to change to its open access transmission tariff to provide for transmission service over Entergy's transmission system after Entergy's transmission system is transferred to ITC assuming the ITC transaction is approved. If FERC approves MISO's proposed tariff changes Entergy will be obligated to take transmission service under these provisions the same as any other wholesale transmission customer. If Entergy ultimately joins the Midwest ISO as a "Market Participant" (rather than as a Transmission Owner), these revisions will terminate and Entergy will be subject to MISO's usual tariff provisions.

Third, Entergy filed changes to provide for the provision of ancillary services (which support transmission service) and to terminate Entergy's open access transmission tariff. This filing enables Entergy to sell ancillary services into the MISO energy markets and will terminate the Entergy tariff, after which all transmissions service (including to Entergy) will be provided by an RTO tariff; and

WHEREAS, the Council takes note that on September 12, 2012, the Joint Application of ENO, ELL, ITC, Mid South TransCo LLC, Transmission Company New Orleans, LLC, Transmission Company Louisiana II, LLC and ITC Midsouth LLC for Approval of Change of Ownership of Electric Transmission Businesses, for Certain Cost-Recovery Adjustments, and for Related Relief was filed with the Council requesting Council approval of the proposed ITC transaction and other relief set out in the filing. We also note that ITC has promptly responded to the Advisors discovery having provided its first set of responses October 5, 2012; and

WHEREAS, as noted in Resolution R-12-333, the Council should have as much information as possible in its record regarding the impact of this proposed ITC transaction upon the proposal to join MISO prior to making a final public interest determination regarding the Joint MISO Application which will rely on the record of the hearing in Docket No. UD-11-01, with less than two weeks to conduct discovery before the evidentiary hearing which is now scheduled to commence on October 23, 2012; now therefore:

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS THAT:

1. The evidentiary hearing in Docket No. UD-11-1 scheduled to begin on October 23, 2012 is suspended until further notice and those dates previously reserved for hearings will be used to continue settlement discussions between the Companies and the Council Advisors.

THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7

NAYS: 0

ABSENT: 0

AND THE RESOLUTION WAS ADOPTED.

NO. R-12-390

CITY HALL: October 18, 2012

BY: COUNCILMEMBERS HEDGE-MORRELL, HEAD, GUIDRY AND GISLESON PALMER

IN RE: JOINT APPLICATION OF ENTERGY NEW ORLEANS, INC. ENTERGY LOUISIANA, LLC, MID SOUTH TRANSCO, LLC, TRANSMISSION COMPANY NEW ORLEANS, LLC, TRANSMISSION COMPANY LOUISIANA II, LLC, ITC HOLDINGS CORP. AND ITC MIDSOUTH, LLC, FOR APPROVAL OF CHANGE OF OWNERSHIP OF ELECTRIC TRANSMISSION BUSINESSES, FOR CERTAIN COST-RECOVERY ADJUSTMENTS, AND FOR RELATED RELIEF

DOCKET NO. UD-12-01

RESOLUTION AND ORDER ESTABLISHING A PROCEDURAL SCHEDULE

WHEREAS, pursuant to the Constitution of the State of Louisiana and the Home Rule Charter of the City of New Orleans ("Charter"), the Council of the City of New Orleans ("Council") is the governmental body with the power of supervision, regulation and control over public utilities providing service within the City of New Orleans; and

WHEREAS, pursuant to its powers of supervision, regulation and control over public utilities, the Council is responsible for fixing and changing rates and charges of public utilities and making all necessary rules and regulations to govern applications for the fixing and changing of rates and charges of public utilities; and

WHEREAS, Entergy New Orleans, Inc. ("ENO" or "Company") is a public utility providing electric service to all of New Orleans, except the Fifteenth Ward ("Algiers"), and gas service to all of New Orleans; and

WHEREAS, Entergy Louisiana, LLC ("ELL") provides electric service to the Algiers section of New Orleans; and

WHEREAS, ENO and ELL are wholly-owned subsidiaries of Entergy Corporation ("Entergy") and two of the six operating companies, along with Entergy Services, Inc. ("ESI"), that are parties to the Entergy System Agreement ("System Agreement"). The other four operating companies are Entergy Arkansas, Inc. ("EAI"), Entergy Gulf States, Louisiana, L.L.C. "EGSL"), Entergy Texas, Inc. ("ETI"), and Entergy Mississippi, Inc. ("EMI"), (the six operating companies are referred to collectively as the ("Operating Companies"); and

WHEREAS, on April 25, 2011, Entergy, the parent company of the Operating Companies, formally announced its decision that the entire Entergy System would join Midwest Independent Transmission System Operator Regional Transmission Organization ("MISO");

WHEREAS, on May 12, 2011, ENO and ELL submitted an Evaluation of Alternative Transmission Arrangements Available to the Entergy Operating Companies and Support for Proposal to Join MISO ("Evaluation Report") and supporting testimony to the Council containing information and analyses that they contend forms the basis for Entergy's recommendation to join MISO; and

WHEREAS, according to Entergy, "based on comprehensive review and analysis, it has concluded that joining MISO will provide meaningful long-term benefits for the customers of the Entergy operating companies"; and

WHEREAS, on July 7, 2011, in Resolution R-11-303, the Council opened Docket No. UD-11-01 to formally investigate the costs and benefits associated with ENO's and ELL's plans to join MISO; and

WHEREAS, on November 14, 2011, ENO and ELL filed their Joint Application of Entergy New Orleans, Inc. and Entergy Louisiana, LLC Regarding Transfer of Functional Control of Certain Transmission Assets to the Midwest Independent Transmission System Operator, Inc. Regional Transmission Organization, for an Accounting Order Deferring Related Implementation Costs and Request for Timely Treatment ("Joint MISO Application"); and

WHEREAS, the Joint MISO Application requested the Council find the transfer of functional control of the Companies' electric transmission assets to MISO to facilitate the Companies' membership therein is in the public interest and in accordance with Council Resolution R-06-88; and

WHEREAS, on December 5, 2011, Entergy announced its proposal to divest and merge its electric transmission business into ITC Holdings; and

WHEREAS, on February 16, 2012, the Council established Docket No. UD-12-01 to formally investigate the costs and benefits associated with ELL and ENO's proposed divestiture of their transmission assets to ITC, particularly whether said proposal produces maximum benefits for New Orleans' ratepayers and is in the public interest; and

WHEREAS, on February 16, 2012, in Resolution R-12-55, the Council established a two-phased proceeding to consider the Joint MISO Application, since the Council and its Advisors had been led to believe that Entergy Corporation intended to effectuate the functional transfer of the Companies' transmission assets to MISO prior to any merger or divestiture; and

WHEREAS, the Companies in discovery and at various Entergy regional state committee ("ERSC") and other meetings have represented that the ITC transaction would be completed shortly after Entergy's transition to MISO, assuming that all relevant regulatory bodies approved Entergy joining MISO; and

WHEREAS, on August 24, 2012, our Advisors met with representatives of ENO and ITC, and the Advisors were informed that ITC intended to acquire Entergy's transmission system assets prior to the Entergy Operating Companies becoming MISO market participants and Transmission Owners. This represented a dramatic change from the Companies' earlier position, and conflicted with the material presented in the Companies' Joint MISO Application and testimony before the Council in Docket UD-11-01. Moreover, this change in timing of the ITC acquisition will likely have a significant impact on many of the assumptions regarding ENO and ELL's operations in MISO and the costs and benefits that will accrue to the Entergy Operating Companies in general, and on ENO and ELL and New Orleans ratepayers, specifically; and

WHEREAS, on September 12, 2012, ENO and ELL, together with Mid South TransCo LLC ("Mid South TransCo"), Transmission Company New Orleans, LLC, Transmission Company Louisiana II, LLC (collectively, the "Wires

Subsidiaries"), ITC Holdings Corp. ("ITC"), and ITC Midsouth LLC ("ITC MidSouth") (together with the Companies, Mid South TransCo, the Wires Subsidiaries, and ITC, the "Applicants"), submitted a Joint Application ["Joint Merger Application"] for, among other things, the Council of the City of New Orleans' (the "Council") approval of or express non-opposition to the transfer of ENO's and ELL's respective transmission businesses into separate transmission companies owned by Mid South TransCo, the spin-off of Mid South TransCo to Entergy Corporation shareholders, and the merger of Mid South TransCo with ITC Midsouth LLC, a subsidiary of ITC (hereinafter sometimes referred to as the "ITC Transaction"); and

WHEREAS, according to the Joint Merger Application, significant advances in technology and shifts in public policy have put the industry at a crossroads where the infrastructure in place that has served customers well for decades must be augmented and modernized to meet customers' needs in the future. To meet those needs, utilities are facing levels of capital spending that have been seen since the era of nuclear-plant construction in the 1970s and 1980s. Central to this transformation is an emphasis on the modernization of the transmission grid that is the backbone of the nation's utility infrastructure. Utilities and their regulators are faced with the question of how best to manage the increasing and evolving requirements that will be imposed to modernize the transmission grid, particularly in the light of transformation requirements also facing the generation and distribution functions. The proposed ITC Transaction, for which approval is being sought in this Joint Merger Application, is part of the Companies' solution to address these escalating requirements for new capital investment; and

WHEREAS, according to the Joint Merger Application, the purposes served by the proposed ITC Transaction – independence, financial flexibility, singular focus on transmission, and building on the benefits of the Day 2 wholesale market – will provide value in the form of short-term and longer-term benefits for the Companies' customers over and above those that are expected from the move to MISO; and

WHEREAS, ITC and its operating subsidiaries are in the business of owning, operating, maintaining, and investing in electric transmission infrastructure, and ITC is the nation's first, largest, and only publicly-traded independent transmission company; and

WHEREAS, the Joint Merger Application seeks a public interest finding from the Council in accordance with Council Resolution R-06-88 with respect to their proposal to transfer ownership

of the Companies' respective transmission systems to ITC; and

WHEREAS, on December 4, 2011, Entergy Corporation and ITC entered into an agreement to transfer ownership and control of the transmission businesses of the EOCs to a subsidiary of ITC. In particular, the EOCs' transmission businesses will be transferred to separate transmission companies owned by Mid South TransCo, which will then be spun-off to Entergy Corporation shareholders and merged with ITC Midsouth; and

WHEREAS, according to the Joint Merger Application, the transmission assets and liabilities that will be transferred to ITC generally include:

1. transmission lines (69kV and above) and other related equipment;
2. transmission substation facilities;
3. transmission/distribution common use facilities (*i.e.*, structures, equipment, facilities and other assets that are located at a substation where three or more transmission lines are interconnected within such facility and are used in support of both transmission and distribution functions in substations);
4. transmission land rights;
5. transmission control facilities and transmission control facility rights;
6. transmission control system;
7. certain real property and leased premises related to the transmission business; and
8. other equipment, tools, vehicles and machinery used in the operation of the transmission business; and

WHEREAS, we are informed by our Advisors that the ITC Transaction may result in a material change in the operations and estimated net benefits associated with ENO and ELL joining MISO as compared to the operations and net benefits represented in the Joint MISO Application and may result in: 1) the Council loss of jurisdictional authority to regulate retail transmission costs; 2) an increase in the return on equity component of transmission rates; 3) the inability to establish an "ENO-only" transmission pricing zone, instead relying on a Louisiana-wide transmission zone; 4) and the pass through of other Operating Company transmission costs to ENO among other things; and

WHEREAS, according to the Joint Merger Application, the plan is to close the ITC Transaction in June, 2013, and the Joint Merger Application proposes a procedural schedule that would have Council approval not later than May, 2013; and

WHEREAS, considering the nature of this proceeding, together with the fact that the Joint Merger Application is so intertwined with the MISO proceeding, and further considering the Joint Application's potential impact on ratepayers, it

is the Council's view that the procedural schedule proposed in the Joint Merger Application is too compressed and would not allow for the development of a record sufficiently complete that the Council could make an informed decision with respect to whether the ITC Transaction is in the public interest; and

WHEREAS, accordingly, the Council adopts the procedural schedule set forth below; now therefore;

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS THAT:

1. The Honorable Jeffrey Gulin shall continue as Hearing Officer in this proceeding and shall rule on procedural disputes, including motions and discovery, and shall certify the record of the proceeding to the Council without recommendation.

2. ENO, ELL, together with the other Applicants (Mid South TransCo LLC, Transmission Company New Orleans, LLC, Transmission Louisiana II, LLC, ITC Holdings Corp. and ITC Midsouth LLC), the Council's Advisors, and all of the Intervenors in Docket No. UD-11-01 are designated or deemed parties to these proceedings. Additionally, a period of 20 days from the adoption of this Resolution is established for interventions in this docket by individuals not herein designated a party. Persons desiring to intervene shall do so by filing an intervention request with the Clerk of Council, with a copy submitted to Director, Council Utilities Regulatory Office, Room 6E01 City Hall, 1300 Perdido Street, New Orleans, LA 70122; and to persons on the Official Service List of this docket, which can be obtained from the Council Utilities Regulatory Office. All fees associated with the filing of interventions are hereby waived, in accordance with Section 158-286 of the City Code. Objections to intervention requests shall be filed within 7 days of such requests. Timely-filed intervention requests not objected to within that time period shall be deemed GRANTED.

3. The discovery period in this docket is extended through 10 days prior to the date of the Hearing (discovery requests must be made in time that responses may be received prior to the close of the discovery period). Responses to data requests shall be made on a rolling basis and shall be due in hand within 15 calendar days of receipt. Parties are encouraged to submit their data requests and responses electronically, where appropriate. Objections to data requests shall be filed within 5 days of receipt. The parties are encouraged to attempt to resolve their discovery disputes amicably prior to seeking the intervention of the Hearing Officer or appealing to the Council.

4. Direct Testimony of Intervenors shall be filed not later than January 25, 2013.

5. Direct Testimony of Advisors shall be filed not later than April 3, 2013.

6. Cross-Answering Testimony of Intervenors and Advisors shall be filed not later than April 19, 2013.

7. Rebuttal Testimony of Applicants shall be filed not later than May 13, 2013.

8. Surrebuttal Testimony of Intervenors and Advisors shall be filed not later than May 30, 2013.

9. Rejoinder Testimony of Applicants shall be filed not later than June 14, 2013.

10. The evidentiary hearing shall commence on July 23, 2013.

11. The Hearing Officer is to certify the record of these proceedings to the Council not later than August 6, 2013.

12. To the extent technical conferences are required, they are to be arranged by the parties with the assistance of the Hearing Officer.

13. For good cause shown and as required by the circumstances of the proceedings, the Hearing Officer shall have the authority to change or amend the dates established in the schedule set forth above.

14. It is anticipated that during discovery, the parties may be required to produce documents or information that are deemed confidential and/or highly sensitive and, accordingly, the Council adopts for use in this docket its Official Protective Order adopted by Resolution R-07-432, a copy of which can be obtained from the Council Utilities Regulatory Office.

THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7

NAYS: 0

ABSENT: 0

AND THE RESOLUTION WAS ADOPTED

NO. R-12-391

CITY HALL: October 18, 2012

BY: COUNCIL MEMBERS HEDGE-MORRELL, HEAD, GUIDRY AND PALMER

RESOLUTION AND ORDER TO APPROVE ENTERGY LOUISIANA, LLC'S APPLICATION TO OFFER ENERGY EFFICIENCY PROGRAMS TO ITS ELECTRIC CUSTOMERS IN THE FIFTEENTH WARD OF ORLEANS PARISH (ALGIERS)

WHEREAS, pursuant to the Constitution of the State of Louisiana and the Home Rule Charter of the City of New

Orleans, the Council of the City of New Orleans ("Council") is the governmental body authorized to exercise regulatory control over the rates, charges, and general conditions under which electric and gas services are provided in New Orleans; and

WHEREAS, Entergy New Orleans, Inc. ("ENO") provides electric service to all of New Orleans, except the Fifteenth Ward ("Algiers"), and gas service to all of New Orleans; and

WHEREAS, Entergy Louisiana, LLC ("ELL") provides electric service to the Algiers section of New Orleans; and

WHEREAS, on December 6, 2007, the Council through Resolution R-07-600 asserted its commitment to energy efficiency and the development of a viable, cost-effective energy efficiency program in Orleans Parish; and

WHEREAS, on July 31, 2008, Entergy New Orleans, Inc. ("ENO") filed an application for a change in electric and gas rates ("2008 Rate Case"). In the context of the 2008 Rate Case, the parties, including the Council Advisors and several intervenors, explored alternatives for the funding of specific programs for the Energy Smart Plan; and

WHEREAS, in Docket UD-08-03, the Advisors, the Alliance for Affordable Energy, the Sewerage and Water Board, the New Orleans Business Energy Council, Air Products and ENO executed the 2009 Agreement in Principle ("2009 AIP") which, among other issues, provides for the establishment and implementation of a Council energy efficiency program to be known as Energy Smart New Orleans Plan ("Energy Smart"); and

WHEREAS, on April, 2, 2009, in Resolution R-09-136, the Council approved the 2009 AIP which provided for $3.1 million in annual funding through ENO rates to fund the implementation of the Energy Smart Plan in ENO's service territory; and

WHEREAS, in April 2011, ENO and CLEAResult, the Third-Party Administrator jointly selected by the Council and ENO, began the rollout of the Energy Smart Plan programs and began offering programs to ENO electric customers. In order to the keep the Council and the public up to date on the progress of the Energy Smart implementation, ENO filed bi-monthly status reports as outlined and required by Council Resolution R-11-52. On June 1, 2012, ENO submitted a written report summarizing the first year results of the programs; and

WHEREAS, during the course of the first year of Energy Smart, the Council and Entergy received numerous comments and inquiries requesting that a similar energy efficiency program be implemented for ELL's customers that live and work on the Westbank of the Mississippi River in Algiers; and

WHEREAS, based on the expression of need for an energy efficiency program in Algiers and the apparent success of ENO's Energy Smart Plan, on July 27, 2012, ELL requested Council approval to offer energy efficiency programs in Algiers based on ENO's Energy Smart Plan; and

WHEREAS, ELL proposes to implement the following Energy Smart Plan programs in Algiers:

Residential Solutions: The Residential Solutions program will encourage homeowners to use a whole-house approach, using measures including a review of entire building envelope affecting everyday needs for reducing energy consumption and establishing and training a network of skilled and qualified home energy analysts and contractors.

Energy Efficient New Homes: The Energy Efficient New Homes program will offer cash incentives to, recognition for, and promotion of, New Orleans-area residential building contractors who take steps to implement specific energy efficiency building practices that meet the program criteria for energy efficient new homes;

Residential Air Conditioner ("AC") Tune Up: The Air Conditioning ("AC") Tune-up program will recruit and train AC contractors to perform proper air conditioning tune-ups on existing, working residential air conditioners in New Orleans and provide incentives to customers towards the cost of tune-ups;

ENERGY STAR Air Conditioning: The ENERGY STAR Air Conditioning program is designed to increase the market penetration of ENERGY STAR central and window air conditioning units in New Orleans through incentives;

Low Income Weatherization Program: The Low Income program improves the energy efficiency, comfort, and affordability of homes for New Orleans residents by offering weatherization, providing replacement window air conditioners, providing A/C tune-ups on central air conditioning units, and offering energy efficiency education;

Residential Direct Install CFL: The objective of the Residential Direct Install CFL program is to increase the market penetration of ENERGY STAR-qualified compact fluorescent lamps ("CFL") in the New Orleans area through direct home installation of CFLs and customer energy efficiency education through partnership with Green Light New Orleans.

Small Commercial Solutions: The Small Commercial Solutions program will provide incentives to commercial customers with peak demand of less than 100kw to implement cost- effective energy efficiency measures;

Large C&I Solutions: The Large Commercial and Industrial ("C&I") program will provide incentives to commercial, industrial, and government customers with peak demand of 100 kw or greater to implement site-specific and unique, cost-effective energy efficiency opportunities (custom projects) through measures not addressed by prescriptive (deemed) offerings, in addition to prescriptive projects, where appropriate; and,

Solar Hot Water Pilot: The Solar Hot Water Pilot promotes the use of solar technology by providing incentives for solar water heaters in New Orleans; and

WHEREAS, ELL proposes to initially fund the implementation of the proposed programs using the ELL-Algiers 2012 jurisdictional portion of the Rough Production Cost Equalization ("RPCE") payment of approximately $939,000 received pursuant to FERC Opinion Nos. 480 and 480A and the provisions of Council Resolution R-08-39 regarding the crediting of the Rough Production Cost Equalization Adjustment ("Bandwidth Remedy Payment") ; and

WHEREAS, according to ELL, the $939,000 Bandwidth Remedy Payment would permit implementation of Energy Smart Algiers for approximately 18 months, commencing on or about October 1, 2012, and concluding either when the current ENO Energy Smart programs end on March 31, 2014, or when the Bandwidth Remedy Payment funding is depleted, whichever occurs first; and

WHEREAS, ELL's request included a proposal for the allocation of the $939,000 among the proposed energy efficiency programs it plans to offer and its proposed Lost Contribution to Fixed Costs recovery ("LCFC"); and

WHEREAS, our Advisors completed a comparison of the ENO Energy Smart verified first year kWh savings with ELL's request for an Energy Smart Algiers program. Specifically, the Advisors compared individual program costs and kWh savings, and the analysis indicated an inconsistency in the amount of savings that would likely be generated in Algiers for the proposed

program budget, based on the actual ENO Energy Smart first year results. Since the kWh savings goal directly impacts the LCFC, program budget and potential performance incentive, our Advisors conferred with ELL and reached an agreement that revised the budget and savings goals for each Algiers Energy Smart program as follows:

Revised Program Funding Allocation			
Program	Program Funding	Percent of Budget	kWh Savings Goal
Residential Programs			
Residential Solutions	$215,385	27%	593,539
Low Income Weatherization	$80,833	10%	94,273
Energy Star AC	$39,424	5%	105,302
AC Tune Up	$39,424	5%	120,441
New Homes Program	$9,999	1%	26,653
CFL Program	$121,951	15%	1,102,303
Solar Water Heating	$8,064	1%	14,712
Small Commercial	$121,995	15%	409,158
Large Commercial and Industrial	$156,616	20%	646,897
Program Funding Total	$793,691	100%	3,113,279
Lost Contribution to Fixed Costs	$145,309	-	-
Total	$939,000	-	3,113,279

WHEREAS, ELL asserts that the funding for Energy Smart Algiers shall be used to allow: (i) ELL monthly recovery of all direct program costs associated with the Energy Smart Algiers programs, and (ii) forward-looking reimbursement of estimated Lost Contributions to Fixed Costs ("LCFC") for reductions in sales anticipated from the Energy Smart Plan programs for ELL-Algiers; and

WHEREAS, ELL proposes that the Energy Smart Algiers programs will be identical in scope and eligibility to the current Energy Smart Programs offered by ENO with spending allocations modified to account for ELL's customer mix in Algiers; and

WHEREAS, ELL proposes that CLEAResult would be an appropriate choice to serve as the Third Party Administrator of the Energy Smart Algiers programs as that firm was selected as the current administrator of the Energy Smart programs after a rigorous, open, and transparent process monitored by an independent monitor as required by Resolution R-09-136. ELL proposed to engage CLEAResult through a request to modify or expand the existing contractual arrangement between ENO and CLEAResult; and

WHEREAS, ELL proposes to account for the funding and expenses of the programs on its books in a manner similar to

that employed by ENO for the current Energy Smart programs; and

WHEREAS, after the conclusion of the Energy Smart Algiers programs in March 2014 (or when the Bandwidth Remedy Payment funding is depleted), ELL will perform a true-up calculation to determine the actual LCFC based on deemed kWh savings and actual program participation. The LCFC calculation will be performed using the formula currently found in Attachment "G" to ENO's Rider Schedule EFRP-3; and

WHEREAS, recognizing the need for the calculated LCFC to be properly reflected in retail rates, ELL proposes to file a request for a change in rates on or before March 29, 2013, based on the test year ended June 30, 2012 ("2013 Rate Case"). In this regard, ELL requests that the Council waive the requirement of providing a Period II evaluation with its rate application; and

WHEREAS, in connection with its proposed rate case, ELL expects to propose sufficient funding mechanisms to continue Algiers Energy Smart beyond March, 31, 2014. Further, ELL suggests that, as a part of its 2013 rate case, it will request Council approval of a Formula Rate Plan ("FRP") as a means of seeking future rate changes. ELL also argues that an FRP should be used as the means to (1) address any future LCFC balances, and (2) recover any regulatory costs attributable to the Council Advisors' role in the development, implementation, and monitoring of Energy Smart Algiers. If an FRP is in place for ELL at the expected conclusion of the program on March 31, 2014, it would be used to true-up any LCFC balance; and

WHEREAS, alternatively, if no FRP is then in place, ELL requests that the Council adopt a resolution allowing recovery of any LCFC true-up balance and Council Advisors' costs through the ELL-Algiers Fuel Adjustment Clause ("FAC") until such time as base rates are reset; and

WHEREAS, ELL further proposes that it be allowed to recover performance-based incentives comparable to those available to ENO through its Energy Smart program. At the conclusion of the Energy Smart Algiers program, ELL will perform a calculation to determine whether it has earned any performance-based incentives through the achievement of kWh saving goals in the same manner as set out in the ENO tariff, or if no FRP is authorized, ELL proposes that these costs be recovered through the ELL Algiers FAC; now therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS THAT:

1. The Council approves ELL's proposal to initiate an Algiers Energy Smart plan, subject to the following directives and conditions. Accordingly, ELL's proposal to offer energy efficiency programs to its electric customers in Algiers is GRANTED.

BE IT FURTHER RESOLVED that ELL's revised program budget, targeted program goals and total savings goal of 3,113,279 kWh as agreed to by ELL.

BE IT FURTHER RESOLVED that the use of Rough Production Cost Equalization payments for program funding Energy Smart Algiers shall include the following treatments:

(i) funds are maintained in an interest bearing account; (ii) funds are allocated equitably to each customer class as shown in the Revised Program Funding Allocation; (iii) ELL receives a monthly reimbursement of direct program costs; and (iv) the LCFC is calculated based on ENO's Energy Smart methodology and is trued-up after 18 months; and

BE IT FURTHER RESOLVED that the Council denies ELL's request to the waive the Period II evaluation requirement at this time as the request is not directly related to ELL's request to initiate an energy efficiency program. ELL is directed to submit its request for such waiver at the time that it files its rate case; and

BE IT FURTHER RESOLVED that the LCFC true-up shall be included in the Fuel Adjustment Clause so as to allow contemporaneous cost recovery; and

BE IT FURTHER RESOLVED that the Council denies ELL's request to recover an incentive mechanism and Council Advisors' costs through the ELL-Algiers FAC. An FAC should not be complicated with costs related to an energy efficiency incentive. Moreover, while we are not opposed to providing incentives for achieving well-demonstrated energy efficiency goals, such matters are more suited to the Council's examination of cost recovery mechanisms for a symmetrical incentive in the forthcoming Integrated Resource Plan filing or such other appropriate Council Utility docket; and

BE IT FURTHER RESOLVED that the recovery of any approved costs incurred by the Council's Advisors shall be examined in a rate proceeding as Regulatory Commission expenses under the FERC Uniform System of Accounts.

BE IT FURTHER RESOLVED that in the interest of administrative efficiency and to optimize the use of limited program funds, and based on CLEAResult's experience with the ENO Energy Smart programs and the extensive and transparent Council-directed screening process used in the selection of the ENO Energy Smart third-party administrator, the Council approves ELL's request to have CLEAResult implement the proposed energy efficiency programs in Algiers.

THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION

THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED.

NO. R-12-392
CITY HALL: October 18, 2012
BY: COUNCILMEMBERS HEDGE-MORRELL, HEAD, GUIDRY AND GISLESON PALMER
IN RE: AN INQUIRY AND FACT FINDING INTO ENTERGY NEW ORLEANS, INC. AND ENTERGY LOUISIANA, LLC'S POST-HURRICANE ISAAC RESPONSE AND STORM RECOVERY MATTERS
DOCKET NO. UD-12-04
RESOLUTION AND ORDER DIRECTING REVIEW OF UTILITY COMPANIES' DISTRIBUTION MAINTEANCE PROGRAMS, INCLUDING PRUNING AND
TREE-TRIMMING POLICIES FOR OVERHEAD UTILITY LINES

WHEREAS, pursuant to the Constitution of the State of Louisiana and the Home Rule Charter of the City of New Orleans ("Charter"), the Council of the City of New Orleans ("Council") is the governmental body with the power of supervision, regulation and control over public utilities providing service within the City of New Orleans; and

WHEREAS, pursuant to its powers of supervision, regulation and control over public utilities, the Council is responsible for fixing and changing rates and charges of public utilities and making all necessary rules and regulations to govern applications for the fixing and changing of rates and charges of public utilities; and

WHEREAS, Entergy New Orleans, Inc. ("ENO" or "Company") is a public utility providing electric service to all of New Orleans, except the Fifteenth Ward ("Algiers"), and gas service to all of New Orleans; and

WHEREAS, Entergy Louisiana, LLC ("ELL") provides electric service to the Algiers section of New Orleans; and

WHEREAS, ENO and ELL are wholly-owned subsidiaries of Entergy Corporation ("Entergy") and two of the six operating companies, along with Entergy Services, Inc. ("ESI"), that are parties to the Entergy System Agreement ("System Agreement"). The other four operating companies are Entergy Arkansas, Inc. ("EAI"), Entergy Gulf States, Louisiana, L.L.C. "EGSL"), Entergy Texas, Inc. ("ETI"), and Entergy Mississippi, Inc. ("EMI"), (the six operating companies are referred to collectively as the ("Operating Companies"); and

WHEREAS, on August 29, 2012 Hurricane Isaac made landfall as a Category 1 storm; and

WHEREAS, its designation as a Category 1 storm notwithstanding, the storm's slow movement and intense winds caused substantial damage, leaving more than 160,000 households without power, many for very long periods, and ENO's early estimate of the storm's cost to ratepayers exceeds $50 million; and

WHEREAS, the outages were so numerous that they provoked public questions with respect to the overall adequacy of the Companies' distribution maintenance program; and

WHEREAS, many of the outages were caused by snapped utility poles and blown transformers; and

WHEREAS, many of the power outages and much of the damage to the utilities' distribution systems, according to the Companies, was attributable to wind blowing trees and vegetation on to overhead utility lines; and

WHEREAS, the Companies represent that many of the power outages could have been avoided if the Companies had been allowed to trim trees farther back from power lines; and

WHEREAS, currently the Companies trim trees in accordance with The City of New Orleans Parkway and Park Commission's specifications for pruning and maintenance of City Trees for Overhead utility lines; and

WHEREAS, the Parkway and Park specifications require that pruning or trimming for all city owned trees allow for a 4-foot clearance from all overhead utility lines; and

WHEREAS, according to the Companies, the Operating Companies providing services in other parts of the Entergy system are allowed greater clearance between the trees and overhead power lines; and

WHEREAS, it is the Council's responsibility to assure ratepayers the Companies are doing everything reasonably possible to protect public safety, to minimize injury, power outages and damage to property; and

WHEREAS, a comprehensive review of the Companies' distribution maintenance programs, including policies with respect to pruning and tree-trimming, is appropriate; now therefore;

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS THAT: The Council's utility Advisors are directed to perform a comprehensive review of the Companies' distribution maintenance programs, including their pruning and tree-trimming policies, and they are directed to report their findings to the Council, with all appropriate recommendations, within ninety (90) days of the adoption of this resolution.

THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED

NO. R-12-393
CITY HALL: October 18, 2012
BY: COUNCILMEMBERS HEDGE-MORRELL, HEAD, GUIDRY AND GISLESON PALMER

IN THE MATTER OF ENTERGY NEW ORLEANS, INC.'S APPLICATION OF
ENTERGY NEW ORLEANS, INC. FOR A CHANGE IN ELECTRIC AND GAS RATES
PURSUANT TO COUNCIL RESOLUTION R·06-459
DOCKET NO. UD·08·03
RESOLUTION AND ORDER DIRECTING REVISIONS TO ENERGY SMART

WHEREAS, pursuant to the Constitution of the State of Louisiana and the Home Rule Charter of the City of New Orleans, the Council of the City of New Orleans ("Council") is the governmental body authorized to exercise regulatory control over the rates, charges, and general conditions under which electric and gas services are provided in New Orleans; and

WHEREAS, Entergy New Orleans, Inc. ("ENO" or "Company") provides electric service to all of New Orleans, except the Fifteenth Ward ("Algiers"), and gas service to all of New Orleans; and

WHEREAS, Entergy Louisiana, LLC ("ELL") provides electric service to the Algiers section of New Orleans; and

WHEREAS, on November 6, 2008, the Council adopted Resolution R-08-601, which directed ENO to set aside approximately $1,855,000 for future use to fund the residential programs of a Council energy efficiency program approved by the Council in Resolution R-08-366 (As Amended); and

WHEREAS, in Docket UD-08-03, the Advisors, the Alliance for Affordable Energy, the Sewerage and Water Board, the New Orleans Business Energy Council, Air Products and ENO executed the 2009 Agreement in Principle ("2009 AIP") which, among other issues, provides for the establishment and implementation of a Council energy efficiency program to be known as Energy Smart New Orleans Plan ("Energy Smart"); and

WHEREAS, on April, 2, 2009, in Resolution R-09-136, the Council approved the 2009 AIP which provided for $3.1 million in annual funding through rates to fund the implementation of the Energy Smart Plan in ENO's service territory. Thus, Energy Smart was initiated with a total funding of $11.15 million for three years; and

WHEREAS, the 2009 AIP provides for an annual review by the Council to assess whether the Company has attained the goals/targets established by the Council, an evaluation of the appropriateness of goals/targets for the prospective 12-month review period and, if necessary, adjustment of the stated goals/targets. In addition, paragraph 47 of the 2009 AIP provides that: DSM/EE targets should be set based on approved funding levels and based on a set of specific approved programs with calculated deemed savings and estimated market participants for those designed programs; and

WHEREAS, in Resolution R-09-483 the Council approved the final design and implementation plans for Energy Smart and established initial kWh savings goals with an annual evaluation of program results by the Council; and

WHEREAS, the Company also was directed to prepare a set of evaluation, measurement, and verification ("EM&V") submittals for each program, based on the "International Performance Measurement & Verification Protocol" standards and to provide definitions regarding how such data will be used in the annual evaluation of each program.; and

WHEREAS, pursuant to Resolution R-11-2, CLEAResult was selected and confirmed by the Council as the Third Party Administrator ("TPA") of the Energy Smart Plan, and on April 21, 2011, Energy Smart began its first year of operation; and

WHEREAS, As discussed in more detail below, ENO and CLEAResult rolled out residential, small commercial, and large commercial energy efficiency and conservation programs designed to assist ratepayers in every customer class in New Orleans; and

WHEREAS, the residential Energy Smart programs include: (i) Residential Solutions; (ii) Energy Efficient New Homes; (iii) Residential Air Conditioner Tune-up; (iv) Energy Star Air Conditioning; (v) Low Income Weatherization Program; and (vi) Residential Direct Install Compact Fluorescent Lights (CFL). In addition; two pilot programs, the In-home Display ("IHD") Pilot and the Solar Monitoring Pilot, were initiated that are administered by the ENO alone, and

WHEREAS, ENO and CLEAResult submitted bi-monthly reports detailing the progress of Energy Smart; and

WHEREAS, on June 12, 2012, pursuant to the 2009 AIP, ENO submitted its Annual Report for the Energy Smart Plan

for the period April 2011 to March 2012, including several recommendations which apply to the second program year; and

WHEREAS, in Resolution R-12-280, the Council established a comment period of 30 days for parties to submit written public comments on the issues set forth in the Energy Smart Annual Report. The Resolution also directed the Council's Advisors to submit recommendations to the Council regarding potential prospective changes to the Energy Smart Program; and

WHEREAS, no public comments were received from interested parties;, notwithstanding, on September 298, 2012, the Council's Advisors submitted Report On The Filing Of The Energy Smart Annual Report For The First Program Year Pursuant To Resolution R-12-280, a report summarizing ENO's Annual Energy Smart Report and presenting recommendations for the second program year of Energy Smart, which began on April 1, 2012; and

Summary of Findings

WHEREAS, according to ENO and CLEAResult, during the first program year, Energy Smart provided incentives to more than 8,500 customers and saved 15,812,954 kWh. These kWh savings achieved 111% of the initial program goals at a cost of $3,740,000, which was within the Year 1 budget of $3,920,000.

WHEREAS, further ENO and CLEAResult reports state that the residential solutions program and the large commercial program are currently exceeding the established kWh reduction goals.. The following table summarizes the savings and results of the first year of Energy Smart:

Energy Smart Savings Program Year One			
Program	Savings Goal (kWh)	Achieved Savings (kWh)	% of Goal
Residential	7,878,010	8,003,144	102%
Small Commercial	2,230,328	2,231,265	100%
Large Commercial	4,130,464	5,578,546	135%
Total Energy Smart	14,238,802	15,812,955	111%

WHEREAS, ENO and CLEAResult note that deemed savings estimates were used to calculate the energy reduction in all cases except for certain non-lighting commercial and industrial projects, where a custom approach was used; and

WHEREAS, the Advisors note that in achieving these savings, ENO and CLEAResult relied heavily on efficient lighting measures to accomplish a significant level of the Year 1 program kWh savings. Program records show that an average of 20 bulbs were replaced with CFL bulbs in each of 4,617 participating homes or approximately 3.7 million kWh. savings. A similar pattern is seen with regard to the small commercial programs – 74 of the 78 projects were efficient lighting measures. Similarly for the large commercial and industrial solutions programs, 37 of the 42 projects were lighting; and

Measurement of Success

WHEREAS, the Council notes program participants have expressed positive views regarding Energy Smart's Year 1 performance. GCR, Inc. conducted a customer satisfaction survey of participants which showed that both residential and commercial customers rated the program at 98% good or excellent. The detailed surveys were conducted within each program and should be valuable for future energy efficiency programs requiring customer interaction and acceptance; and

WHEREAS, Energy Smart was successful in terms of its use of trade allies. As Year 1 progressed, Energy Smart incorporated an increasing the number of contractors, particularly minority-owned contractors, that participated in program implementation and an increasing number of rebates submitted per contractor. At the end of Year 1, over 60 licensed, insured, and experienced contractors participated in Energy Smart, approximately 33% were minority-owned contractors, and there were 1,333 contractor rebates; and

WHEREAS, Energy Smart utilized numerous marketing channels to promote its programs and customer awareness, including approximately 5,500 phone calls to the Energy Smart information center, and over 15,300 website hits in the first program year; and

Program Initiatives in Year 1

WHEREAS, Energy Smart instituted several initiatives in Year 1 that were designed to improve Energy Smart by adjusting the original program design for unforeseen developments and challenges, which would otherwise have negatively impacted the Energy Smart program results; and

WHEREAS, in the Residential Solutions program, Energy Smart made changes to the Department of Energy (DOE) recommended insulation levels which increased program participation, and made changes to the audit incentive structure which allowed for more measures to be completed relative to the number of assessments conducted; and

WHEREAS, the New Homes Program faced unexpected challenges due to a reduction in the construction of new homes in New Orleans and the end of the $2000 rebate for new homes built to high energy efficiency standards offered by the Louisiana Department of Natural Resources' New Home Energy Rating Option ("HERO") program. According to ENO and CLEAResult, without the HERO incentive, the $375 Energy Smart incentive was insufficient to motivate home builders to include energy efficient designs in their home. To address this challenge, Energy Smart developed a new option to increase the interest in energy efficient design which allowed builders the choice of submitting a New Home Energy Rating rebate or receiving incentives for installing energy efficiency measures such as ESTAR windows or Energy Star advanced lighting packages in new homes; and

WHEREAS, in response to the elimination of the federal tax credit for energy efficient central heating and air conditioning ("HVAC") system, Energy Smart revised the Energy Star A/C program by doubling the amount of the rebate paid for each installed system in an effort to increase participation and energy savings; and

WHEREAS, the Weatherization Ready program was initially designed to use Energy Smart funds to make homes of low income residents "weatherization ready" and thus be able to qualify for federal LIHEAP Weatherization Assistance Program ("WAP"). Due to cuts in the federal WAP funding, Energy Smart changed the focus of the Weatherization Ready program to provide direct weatherization through other income-qualifying non-profit organizations in the city; and

WHEREAS, in response to the shortage of qualified technicians during peak summer season for the A/C Tune-up program, a training program was established to produce newly-trained technicians to help fill the void; and

WHEREAS, after finding that many participants that have central air conditioning cannot afford to have their central air conditioning systems serviced or repaired, the program is working with participating contractors to provide up to $300 to repair and/or service central HVAC systems for income qualified customers; and .

WHEREAS, Energy Smart has applied for the Residential Solutions program to become a Home Performance with Energy Star ("HPwES") program in Year 2 that will allow the program to utilize the well-known ENERGY STAR label and align itself with the Home Performance Energy Star whole house approach; and

Energy Smart IHD Program

WHEREAS, the In-Home Device ("IHD") program is a behavioral pilot designed to assess whether having real-time access to energy usage information and the corresponding estimate of the customer's electric bill will affect the customer's use of electricity. The IHD program is one of two ENO-administered pilot programs. The other pilot program is the Solar Monitoring program. No cash incentives are a component of either of the pilots. Further, because these programs were initiated so late in Year 1, program results will not be known until Year 2 and the savings that accrue from the IHD program are not included in the Year 1 savings program results; and

WHEREAS, the programmatic insight gained from the Year 1 IHD program is that using social media for customer outreach wasn't as successful as originally anticipated. The program's target enrollment was achieved only by expanding the customer outreach to civic and community organizations and to applicants that were not eligible to participate in the Smartview Advanced Metering Initiative pilot ; and .

WHEREAS, we are informed by our Advisors that the delivery mechanism of the IHD program in-home devices appears to be more successful than that experienced in the Smartview Advanced Metering Initiative ("Smartview AMI") pilot. Two methods were used to deliver the device to participants – hand-delivery and if a program participant was not at home to take delivery, the device was mailed *via* UPS. Both delivery methods included "welcome package" information; and

WHEREAS, unlike the AMI Smartview pilot, as of the end of Year 1, the IHD program is almost fully-subscribed with 296 of 300 participants. However, similar to the Smartview AMI pilot, 28 devices delivered to participants were not fully upgraded and compatible to the new smart meter technology. Encouragingly, IHD program participants reported a minimal number of issues in using the IHD device; and

WHEREAS, the current success of the IHD program may be attributed to lessons learned during the design, integration and deployment of the AMI Smartview Program. It will be important to compare the survey results of the customers with IHDs in both the Energy Smart and the Smartview AMI Pilot; and

Evaluation, Measurement and Verification

WHEREAS, the Evaluation Measurement and Verification ("EM&V") of the Energy Smart program is a requirement established in the 2009 AIP. An Independent Evaluator, Optimal Energy, Inc. ("Optimal") was retained to perform an energy savings impact evaluation on the Year 1 energy saving results for the Energy Smart programs. This independent

evaluation provided verification of the gross savings and an engineering review of the TPA's Energy Smart data and information files; and

WHEREAS, Optimal examined the deemed savings baseline efficiency levels and the methodologies used for each efficiency measure and confirmed the input assumptions were consistent with industry standards and best practices; and

WHEREAS, in performing its review, Optimal: 1) confirmed the deemed savings based on residential energy modeling tools and weather-adjusted to New Orleans using heating and cooling degree days; and 2) calculated and verified the kWh savings for each program. The results of Optimal's engineering review indicated that the data verification and quality control procedures used by CLEAResult are very good: and

WHEREAS, we are informed by our Advisors that Optimal found that Year 1 project information was split between two separate databases which made it significantly more difficult to access and manipulate the data. Optimal recommends a new database to address this concern. CLEAResult states that it has adopted Optimal's recommendation and is capturing all 2012 projects in a new database; and

WHEREAS, our Advisors also examined Optimal's independent evaluation of the deemed savings used in Energy Smart and concurs with the findings, including improvements to the accuracy of deemed savings measurements and recommendations for additional measures to be added to the Energy Smart programs; and

WHEREAS, our Advisors note that Optimal recommended several changes that should be made to the deemed savings calculations for specific measures, including several input assumptions that were unclear as to how the assumptions were used and how the savings are derived. For example, 1) all assumptions should be recorded in CLEAResult's deemed savings document in order to ensure greater transparency and enhance future changes in processes; 2) using more clearly defined procedures would smooth adaptation to early retirement retrofits and building code changes which are anticipated to be more stringent in the future; and 3) specific new measures offered in similar programs around the country should have been designated as new Year 2 programs with the goal of increasing savings achieved by commercial customers; and

Advisors' Year 2 Recommendations

WHEREAS, based on their review of the Energy Smart Annual Report for Year 1, our Advisors have made the following recommendations for implementation in Year 2 of Energy Smart:

1. ENO should identify in its next bi-monthly report more non-lighting projects with the goal of significantly increasing savings for the small and large commercial classes. Such specific measures should include variable speed drives, dual enthalpy economizer controls, and refrigeration measures.

2. In all future bi-monthly reports, ENO should include documentation verifying that the recommendations of the Independent Evaluator have been implemented. The documentation should include details on the appropriate actions related to capturing all 2012 projects in a new database, and confirmation of specific changes to deemed savings calculations related to specific measures: solar screens, variable speed pool pumps, commercial HVAC measures, commercial chillers, room air conditioners, residential HVAC, and lighting measures. The documentation should also include all assumptions and calculations that are recorded in the TPA's deemed savings document to increase transparency and ease future updating processes, as well as systematic approaches that have been developed for dealing with early retirement retrofits and code changes.

3. The Council should adopt ENO's recommended Year 2 kWh saving goal of 16,581,090 kWh. Because this savings level was initially established for calendar year 2011 and derived in 2009 based on estimated data available at that time, ENO should submit updated supporting documentation for the second year program goal, based on analyses of available energy efficiency kWh reductions from GCR, Inc. and other more current appliance loads and customer demographic information. Such supporting documentation should be provided to the Council in ENO's next bi-monthly report.

4. ENO should provide a detailed presentation of the marketing strategies to increase participation in programs that failed to meet initial program goals, and which continue to under perform after the first four months of Year 2, specifically the A/C Tune-up, Energy Smart New Homes, Small Commercial Solutions, and Energy Star Air Conditioning programs. Such marketing strategies should be delineated in the subsequent bi-monthly reports of the Company.

5. In all future Annual Energy Smart Reports, ENO should focus less on its review of its project files and instead focus more on specific areas which represent significant savings, but involve some uncertainty, such as: (i) evaluation of net savings, as opposed to gross savings; (ii) on-site verification to ensure that projects are being installed to the correct specification; (iii) on-site light logging to ensure that the hours of operation used in the deemed savings approach reflect actual hours of operation; (iv) an evaluation looking at how to improve program processes and procedures, as opposed to impacts; and (v) a review of specific parameters in the deemed savings document that have a high perceived

uncertainty.
6. ENO should provide in its next bi-monthly report projections showing the use of Energy Smart funds by program and anticipated expenditures through the end of the Year 3 (presently estimated as March 31, 2014).
7. ENO should provide the Council with documentation that shows the specific activities and resources of the TPA and ENO that will be used to coordinate the ENO-administered Energy Smart programs with the proposed ELL-Algiers Energy Smart program and the SmartviewAMI Low Income pilot program, which is scheduled for post-operational analysis in 2012 and into 2013; and

Energy Smart Funding

WHEREAS, the Company will be filing its proposed Integrated Resource Plan ("IRP") for New Orleans later this October which will contain its recommendations for optimal levels of demand-side and energy conservation programs to be used as a guide for the development of DSM and energy conservation programs in the future; and
WHEREAS, the Council is desirous of continuing the progress and momentum that energy efficiency measures have achieved in Orleans Parish; and
WHEREAS, in order to continue such momentum it will be necessary for the Council to evaluate the integration of DSM and energy efficiency in the IRP; and
WHEREAS, to assure the continuity in the funding and implementation of the demand-Side and energy conservation programs contained in the IRP, such funding and implementation will be considered in the IRP or such appropriate Council Utility docket as determined by the Council; and
WHEREAS, in order to assure such continuity it will be beneficial for both ENO and ELL-Algiers to file, with the Council, implementation and cost recovery plans for future energy efficiency and DSM programs to be based on the optimal levels contained in its IRP filing or such other programs as determined by the Council by March 31, 2013; now therefore:
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS THAT:
1. The Company is directed to implement the recommendations set out herein.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED.

NO. M-12-394
CITY HALL: October 18, 2012
BY: COUNCILMEMBERS HEDGE-MORRELL, GUIDRY, HEAD AND GISLESON PALMER
WHEREAS, pursuant to Section 3-130 of the Home Rule Charter of the City of New Orleans, the New Orleans City Council exercises powers of supervision, regulation, and control over electric and gas utilities providing service in the City; and
WHEREAS, to address the complex legal and technical issues necessary to properly meet its responsibility, the Council requires the services of a hearing officer to supervise ongoing proceedings in the Council's Utility Dockets; and
WHEREAS, the City Council requires the continued services of Jeffrey Gulin, who has supervised ongoing proceedings, including the recently concluded Entergy New Orleans, Inc. ("ENO") rate case; and
WHEREAS, the Council desires to authorize appropriate contract amendment with Jeffrey S. Gulin to assist in meeting Council's regulatory responsibility to the City and its ratepayers; now, therefore
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the President of the Council is hereby authorized to sign a contract amendment with Jeffrey S. Gulin to increase the maximum compensation by $15,000.00.
BE IT FURTHER MOVED, that such contract shall be properly routed in accordance with normal process and the City Council Rules.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-395
CITY HALL: October 18, 2012
BY: COUNCILMEMBERS HEDGE-MORRELL, GUIDRY, HEAD AND GISLESON PALMER
WHEREAS, Section 158-432 (b) of the Code of the City of New Orleans provides that the Council may appoint a hearing officer to preside over utility regulatory proceedings in accordance with the City Charter and Chapter 158 of the City Code; and
WHEREAS, to assure that a hearing officer is available to conduct and preside over City Council regulatory proceedings, one or more qualified individuals must be selected pursuant to the City Charter and the Council's Rule 45; and
WHEREAS, at its meeting on October 11, 2012, the Council's Utility Committee voted to approve the issuance of an RFP of the competition selection process; and
WHEREAS, the City Council desires to assure the availability of one or more highly qualified individuals to preside over its regulatory proceedings, now therefore
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that in accordance with paragraph 1 of Rule 45, the Council determines that highly qualified and experienced individuals are required to preside over Council regulatory proceedings and directs its staff to prepare and issue a Request for Qualifications to begin the competitive selection process established by Council Rule 45.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED
ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-396
CITY HALL: October 18, 2012
BY: COUNCILMEMBERS HEAD AND CHARBONNET
WHEREAS, Ordinance Cal. No. 29,231 has been introduced to amend the Eastern New Orleans Renaissance Corridor Interim Zoning District to require a Conditional Use for all retail uses greater than 7,500 Square Feet in all C-1, C-2, B-1 & B-2 zoning districts; and
WHEREAS, the national retailer Big Lots desires to open a location in New Orleans East, providing economic development and employment in the East, and would like to move forward in an expedited manner; NOW, THEREFORE,
BE IT MOVED BY THE CITY COUNCIL OF THE CITY OF NEW ORLEANS, That the City Planning Commission is directed to conduct a public hearing to consider an application for a Conditional Use for a retail development greater than 7,500 Square Feet, in a C-1 and C-2 General Commercial District, within the Eastern New Orleans Renaissance Corridor Interim Zoning District, for Big Lots, located on Square SEC 26, Lot 3D-4-2, in the Third Municipal District, bounded by Bullard Avenue, 1-10 East, Levy Drive, and the Canal (Municipal Address: 6011 Bullard Avenue).
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION OF THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. R-12-397
CITY HALL: October 18, 2012
BY: COUNCILMEMBER HEAD
SECONDED BY: COUNCILMEMBER GUIDRY
WHEREAS, on April 28, 2011, after public hearings and committee review, the New Orleans City Council adopted the Central Business District Historic District Landmarks Commission and New Orleans Historic District Landmarks Commission's approved guidelines via Resolution R-11-177; and
WHEREAS, the New Orleans Historic District Landmarks Commission approved amendments to said adopted guidelines on July 13, 2012, and the Central Business District Historic District Landmarks Commission approved

amendments to said adopted guidelines on August 8, 2012; and
WHEREAS, the Council of the City of New Orleans recognizes the importance of providing the citizens of the City with the guidelines to aide in the preservation of the City's historic assets and regularly updating these guidelines ensures inclusion of necessitous omissions and correction of inconsistencies; NOW, THEREFORE
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That in accordance with Section 2-1000 of the Code of the City of New Orleans, the revisions to the Design Guidelines adopted by both the New Orleans Historic District Landmarks Commission and the Central Business District Historic District Landmarks Commission, attached hereto and incorporated by reference, are hereby ratified and approved.
BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That pursuant to section 4-107(3)(c) of the Home Rule Charter, a summary of the contents of the revised Design Guidelines and notice of their availability to the public shall be published once in the official journal.
BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That in accordance with section 4-107(3)(d) of the Home Rule Charter, the revised Design Guidelines shall become effective and shall become legally enforceable at 12:01 a.m. on the twenty-second day beginning on the day following adoption of this resolution.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED.

NO. M-12-398
CITY HALL: October 18, 2012
BY: COUNCILMEMBER BAJOIE
SECONDED BY: COUNCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the request of JAMES M. HOLMES - To appeal the Neighborhood Conservation District Committee's decision of "denial" of demolition of property located at 2721-23 3rd Street, be, and the decision is hereby over rule and the appeal is granted.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-399
CITY HALL: October 18, 2012
BY: COUNCILMEMBER GISLESON PALMER
SECONDED BY: COUNCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the request of VCC APPEAL - OF AMY BOYLE COLLINS, EXECUTIVE DIRECTOR, YOUNG LEADERSHIP COUNCIL - Requesting to appeal the Vieux Carré Commission's decision of "denial" to install bicycle racks in the French Quarter, be, and the decision is hereby overruled in part and upheld in part as follows:
Approve the installation of bicycle racks along the sidewalk perimeter of the Old U.S. Mint at 400 Esplanade Avenue only and as a pilot program. YLC is to work with French Quarter Management District (FQMD) and the Department of Public Works (DPW) to look at the installation of bike corrals in the streets. DPW, YLC, and FQMD are to come back in four (4) months to present a plan for bike corrals in the streets.
BE IT FURTHER MOVED, that the Clerk of Council shall forward copies of this motion directly to the Vieux Carré Commission, the Department of Public Works and the Young Leadership Council.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0

ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-400
CITY HALL: October 18, 2012
BY: COUNCILMEMBER GUIDRY
SECONDED BY: COUNCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and favorable recommendation of the City Planning Commission staff on DESIGN REVIEW NO. 162/12 – JESSICA SPARROW – Requesting to appeal the Alcoholic Beverages Moratorium in City Council District "A" (Ordinance No. 24,607 M.C.S.) to permit the sale of alcoholic beverages for consumption on premises at a standard restaurant, d.b.a. Serendipity, on Squares 484, 485, 498 and 499, on an undesignated Lot, in the Second Municipal District, bounded by North Cortez and Toulouse Streets, Jefferson Davis Parkway and Orleans Avenue (Municipal Address: 3700 Orleans Avenue, Suite 3A), be, and the same is hereby upheld and the appeal is granted, subject to six (6) provisos as stated in the City Planning Commission report, adding two (2) additional provisos numbering accordingly to read as follows:
PROVISOS:
1. The applicant shall provide a litter abatement letter inclusive of the location and
method of trash storage out of the public right-of-way, the frequency of trash pickup, the clearing of all litter from the front sidewalks, parking area and the periodic hosing of the front sidewalks. The name and phone number of the owner/operator of the restaurant shall be kept on file in case of any violation. Trash dumpsters shall be screened with a seven (7) foot high opaque fence with a latching gate.
2. Exterior signage or signage affixed to or mounted directly in a window that can be
seen from the public right-of-way indicating the sale of alcoholic beverages shall be prohibited.
3. The restaurant shall use non-disposable tableware, with the exception that only take-out orders may be served in disposable containers.
4. Alcoholic beverage service for consumption on premises shall be served in
combination with food service at all times. Food and non-alcoholic beverage service shall comprise at least fifty percent (50%) of the revenue for the restaurant.
5. The restaurant shall operate between the hours of 6:00 a.m. and 12:00 a.m. Monday through Sunday.
6. The use of "to-go" cups shall be prohibited.
7. Loitering in front of the business or in the adjacent right-of-ways shall be prohibited.
8. Video poker shall be prohibited.
BE IT FURTHER MOVED, That the Clerk of Council shall forward copies of this motion directly to all affected departments.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-401
CITY HALL: October 18, 2012
BY: COUNCILMEMBER GUIDRY
SECONDED BY: COUNCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and favorable recommendation of the City Planning Commission staff on DESIGN REVIEW NO. 150/12 – CATHOLIC CENTER AT TULANE UNIVERSITY – Requesting to construct a new religious student activity center, with chapel, to replace an existing religious student activity center, with chapel, currently on the site on Square 4, Lots 13 and 14 in the Sixth Municipal District bounded by Audubon, Zimpel and Freret Streets and Newcomb Place (Municipal Address: 1037 Audubon Street), be, and the same is hereby upheld and the appeal is granted, subject to six (6) waivers and nine (9) provisos as stated in the City Planning Commission report to read as follows:
WAIVERS:
1. The applicant shall be granted a waiver of Article 4, Section 4.8, which requires 20,000 square feet in minimum lot

area for a nonresidential use, to permit 7,820 square feet in lot area.
2. The applicant shall be granted a waiver of Article 4, Section 4.8, which requires a 100 feet minimum lot width, to permit a lot width of sixty five (65) feet, two (2) inches for the site.
3. The applicant shall be granted a waiver of Article 4, Section 4.8, which requires a maximum 0.60 floor area ratio (FAR), to permit a 1.0741 FAR for the site.
4. The applicant shall be granted a waiver of Article 4, Section 4.8, which requires a front yard depth of twenty (20) feet, to permit a front yard depth of seven (7) feet, eight (8) inches.
5. The applicant shall be granted a waiver of Article 4, Section 4.8, which requires a corner lot side yard setback of ten (10) feet, to permit a corner lot side yard of six (6) feet two (2) inches.
6. The applicant shall be granted a waiver of Article 15, Section 15.2.1, which requires thirty-one (31) parking spaces, to permit two (2) parking spaces.
PROVISOS:
1. The applicant shall submit a site plan which complies with Article 4, Section 4.8 *RM-1 Multiple-Family Residential District* open space requirement of 0.40.
2. The applicant shall submit a detailed landscape plan prepared by a licensed Louisiana landscape architect indicating the genus, species, size, location, quantity, and irrigation of all proposed plant materials within the site as well as the adjacent street rights-of-way, with applicable remarks and details. The landscape plan shall be subject to the final approval of the staff of the City Planning Commission for all plantings within the site and of the Department of Parks and Parkways for any proposed planting within the public rights-of-way adjacent to the site. At a minimum, the applicant shall restore all eight (8) on site trees and three (3) street trees lost to Katrina or removed subsequent to the January 2005 survey.
3. The applicant shall install an opaque wood or masonry fence, with a minimum height of six (6) feet, enclosing all side and rear yard areas. The rear yard fence shall not extend into the Zimpel Street side yard.
4. The applicant shall submit a detailed signage plan, indicating the type, size, and location of all signage to be installed within the site. All proposed signage shall comply with Article 4, Section 4.8.6 of the Comprehensive Zoning Ordinance.
5. The applicant shall restore a six (6) inch vertical curb along the Zimpel Street right-of-way adjacent to the site with one curb cut (limited to 12 feet) for vehicular access to parking in the rear, subject to review and approval of the Department of Public Works.
6. The applicant shall install a minimum of three (3) “inverted-U” type bicycle racks, at least thirty (30) inches apart on center, on site. The racks shall not be located in the front or side yard setbacks and must be securely and permanently anchored.
7. The applicant shall secure the approval of the Neighborhood Conservation District Committee prior to securing a demolition permit from the Department of Safety and Permits.
8. The building is limited to the size (total building area) of the current design (see attached) and the “use” as a church is assigned to the Catholic Center at Tulane University only. Future or similar use and/or expansion of the building are not transferable with the sale of the property without reapplication and approval by the City Council.
9. The developer shall provide a litter abatement program letter acceptable to the Department of Sanitation. The litter abatement plan shall be inclusive of the location of litter storage, the frequency of litter pickup, and the clearing of all litter from the sidewalks, parking areas, and street rights-of-way, including periodic hosing of the site and rights-of-way, where necessary. The program description, including the name and phone number of the operator shall be kept on file in case of any violation. Additionally, the applicant shall screen all dumpster and trash storage areas from view with an opaque fence of not less than seven (7) feet in height.
BE IT FURTHER MOVED, That the Clerk of Council shall forward copies of this motion directly to all affected departments.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-402
CITY HALL: October 18, 2012

BY: COUNCILMEMBER BAJOIE
SECONDED BY: COUNCILMBER HEDGE-MORRELL
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and recommendation of "NO LEGAL MAJORITY" of the City Planning Commission on ZONING DOCKET NO. 89/12 – MUSKEGET, LLC - Requesting a rescission of Ordinance No. 20,606 M.C.S. (ZD 3/00, a Conditional Use to permit a parking garage) and a new Conditional Use to permit a non-accessory parking lot in a CBD-1 Central Business District, on Square 267, Lots 19, 20, 21 or 77, and 22 or 76, in the First Municipal District, bounded by University Place, Common, South Rampart and Canal Streets (Municipal Addresses: 150 and 162 South Rampart Street and 1015 Tulane Avenue) be, and the same is hereby approved and the request is granted subject to the following provisos:
PROVISOS:
1. The applicant shall subdivide the lots that comprise the site into one (1) lot of record prior to the issuance of a Certificate of Occupancy by the Department of Safety and Permits.
2. The applicant shall reapply for approval of the parking lot after three (3) years or build a permanent structure.
3. The applicant shall install a blacktop paving system or a stormwater detention system at the site, subject to the review and approval of the staff of the City Planning Commission and the Department of Public Works.
4. The applicant shall be allowed to install a seven (7) foot high metal picket fence along the perimeter of the site. Jasmine vines and Liriope ground cover are also proposed for additional screening subject to the review and approval of the staff of the City Planning Commission.
5. The applicant shall plant a minimum of eighteen (18) approved trees at the site at a minimum height of twelve (12) feet and two (2) inches caliper upon installation. The required trees may be planted within the lot and within the rights-of-way.
6. Any landscaping within the public rights-of-way shall be planted in conformance with the DDD Street Tree Program and subject to the approval of the Department of Parks and Parkways.
7. Any residual area within the site not used for parking or vehicular movement shall be landscaped with trees, shrubs, and groundcover.
8. A landscape plan must be submitted for review and approval by the Department of Parks and Parkways and the City Planning Commission staff indicating species, location, size, and any other specifications related to landscaping.
9. All landscaping, including plant materials, screen, and any other improvements shall be maintained in a healthy and orderly appearance. Such maintenance is the responsibility of the owner/agent/lessee, together or separately. If no permanent irrigation system is used, there shall be a hose-bibb (faucet) installed within 200 feet of any landscape area to allow for hand watering.
10. The applicant shall obtain the approval of the Department of Public Works for the proposed curb cuts along South Rampart and Common Streets providing access to the site.
11. The applicant shall obtain the approval of the Department of Public Works and the Downtown Development District for sidewalk improvements within the public rights-of-way. The applicant shall modify the sidewalks to the design specifications of the respective department and/or agency.
12. The applicant shall indicate the location of a minimum of two (2) litter receptacles on the site plan. Receptacles shall be located adjacent to the pedestrian egress points. Further, the applicant shall provide to the City Planning Commission a litter abatement program letter, approved by the Department of Sanitation, inclusive of the stated location of litter storage, the type and quantity of trash receptacles, the frequency of litter pickup by a contracted trash removal company, and the cleaning of all litter from the sidewalks and the street rights-of-way. The name and phone number of the owner/operator of the development shall be included in this letter to be kept on file in case of any violation.
13. The applicant shall submit a lighting plan indicating details, including the fixture types and dimensions, and in accordance with Article 15, Section 15.2.5 (7) *Lighting* of the CZO, subject to the review and approval of the City Planning Commission staff.
14. The applicant shall return no later than nine (9) months of the final ordinance with a proposal to commemorate on the site, the historic nature of the occupants and events related to the history of the site. The proposal is to be reviewed and approved by the District Councilmember and consultation with the relative neighborhood associations. If the applicant develops a Parking Garage the original Conditional Use shall be reinforced.
BE IT FURTHER MOVED, that a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the request.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7

NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-403
CITY HALL: October 29, 2012
BY: COUNCILMEMBERS CLARKSON, HEAD, GUIDRY, BAJOIE, GISLESON PALMER, HEDGE-MORRELL AND CHARBONNET (BY REQUEST)
WHEREAS, SECTION 6-104 (3) of the City Charter requires that a Five Year Capital Program be prepared and submitted to the Council; and
WHEREAS, Ordinance Calendar No. 29,259 sets forth a Capital Budget for 2013, the first year program; and
WHEREAS, the remaining four years 2014-2017 of the Five Year Capital Program should also be identified.
THEREFORE, BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the following shall constitute the recommended projects to be funded for the remaining four years of the Five Year Capital Program:

2014

AUDUBON COMMISSION

2014 General Obligation Bonds
Infrastructure Improvements to Riverview ("the Fly") $400,000
2014 General Obligation Bonds Total $400,000

CITY PARK IMPROVEMENT ASSOCIATION

2014 General Obligation Bonds
Botanical Garden Conservatory/Plaza Expansion $700,000
2014 General Obligation Bonds Total $700,000

DEPARTMENT OF PARKS AND PARKWAYS

2014 General Obligation Bonds
Brechtel Park Center Building $1,000,000
Brechtel Park Phases One and Two $1,167,916
2014 General Obligation Bonds Total $2,167,916

DEPARTMENT OF PROPERTY MANAGEMENT

2014 General Obligation Bonds
Citywide Building Repairs $1,000,000
New Facilities Maintenance Warehouse $3,000,000
Replacement of Gallier Hall Elevators $450,000
2014 General Obligation Bonds Total $4,450,000

DEPARTMENT OF PUBLIC WORKS

2014 General Obligation Bonds
Arterials - Urban Systems $7,100,000
Enhancements $750,000
Major Streets $3,569,943
Minor Streets $9,986,300
2014 General Obligation Bonds Total $21,406,243
Federal Roadway Funds
Arterials - Urban Systems $12,500,000
Enhancements $2,500,000
Federal Roadway Funds Total $15,000,000
FEMA Reimbursements
Recovery Road Program $68,107,903
FEMA Reimbursements Total $ 68,107,903

DEPARTMENT OF SANITATION

Miscellaneous Capital Funds
Public Litter Can Purchase $75,000
Recovery One Landfill Testing, Monitoring, and Main $60,000
Miscellaneous Capital Funds Total $135,000

FRENCH MARKET CORPORATION

Self-Generated Funds
Annual Allowance for Beautification $108,000
Computer Equipment and Software Upgrade $25,000
Cooling Tower Replacement $150,000
Major Building Repairs $190,000
Major Electrical Repair/Modernization $200,000
Painting French Market Buildings $50,000
Public Restroom Renovations $50,000
Trash Receptacle Replacement $10,000
Vehicle Replacement Program $25,000
Self-Generated Funds Total $808,000

NEW ORLEANS AVIATION BOARD

Self-Generated Funds
Airfield Pavement Program - Phase I $10,000,000
Facility Imp. Prog. III $5,000,000
LTD Project Management Phase II $5,000,000
New Terminal Final Design - Phase II $36,000,000
Self-Generated Funds Total $56,000,000

NEW ORLEANS FIRE DEPARTMENT

2014 General Obligation Bonds
Roof Repairs at Various Stations $ 500,000
2014 General Obligation Bonds Total $500,000
FEMA Reimbursements
Renovation of Station 14 $185,108
Renovation of Stations 38, 3, and 11 $711,530
FEMA Reimbursements Total $896,638

NEW ORLEANS MUSEUM OF ART

2014 General Obligation Bonds
Interior Repairs $300,000
Repairs to HVAC System $900,000
2014 General Obligation Bonds Total $1,200,000
Miscellaneous Capital Funds
CCTV/Security Upgrades - Phase I $65,000
Miscellaneous Capital Funds Total $65,000

NEW ORLEANS POLICE DEPARTMENT

2014 General Obligation Bonds
New 2nd District Station $550,000
2014 General Obligation Bonds Total $550,000

NEW ORLEANS PUBLIC LIBRARY BOARD

2014 General Obligation Bonds
Main Library Roof Repairs $1,100,000
2014 General Obligation Bonds Total $1,100,000

NEW ORLEANS RECREATION DEVELOPMENT COMMISSION

2014 General Obligation Bonds
Citywide Playground Equipment Replacement $300,000
Citywide Recreation Site and Facility Improvements $1,725,841
Digby Playground $200,000
Pradat Pool and Playground $300,000
2014 General Obligation Bonds Total $2,525,841
State Capital Outlay Funds
Donsereaux/Harrison Playground $360,000
George W. Carver Playground $405,000
Samuel Square $225,000
Taylor Playground $225,000

State Capital Outlay Funds Total $1,215,000

UPPER PONTALBA BUILDING RESTORATION CORPORATION

Self-Generated Funds
Common Hallway Painting/Repairs $60,000
Courtyard Windows/Gutters Replacement $250,000
Deferred Maint. (Paint, Millwork, Building Systems) $75,000
Deferred Roof Repair $100,000
Flagstone Repairs $15,000
HVAC Replacement $80,000
Wilkinson Façade Wall Repairs $50,000
Self-Generated Funds Total $630,000
TOTAL 2014 $177,857,541

2015

DEPARTMENT OF PARKS AND PARKWAYS

2015 General Obligation Bonds
Citywide Parks Infrastructure Maintenance $100,000
Palmer Park Restoration $300,000
2015 General Obligation Bonds Total $400,000

DEPARTMENT OF PROPERTY MANAGEMENT

2015 General Obligation Bonds
Citywide Building Repairs $1,525,667
2015 General Obligation Bonds Total $1,525,667
Miscellaneous Capital Funds
Citywide Building Repairs $40,000
Miscellaneous Capital Funds Total $40,000

DEPARTMENT OF PUBLIC WORKS

2015 General Obligation Bonds
Minor Streets $21,118,911
2015 General Obligation Bonds Total $21,118,911
FEMA Reimbursements
Recovery Road Program $52,135,315
FEMA Reimbursements Total $52,135,315

DEPARTMENT OF SANITATION

Miscellaneous Capital Funds
Recovery One Landfill Testing, Monitoring, and Main $60,000
Miscellaneous Capital Funds Total $60,000

FRENCH MARKET CORPORATION

Self-Generated Funds
Annual Allowance for Beautification $108,000
Computer Equipment and Software Upgrade $15,000
Major Building Repairs $200,000
Painting French Market Buildings $50,000
Public Restroom Renovations $50,000
Trash Receptacle Replacement $10,000
Vehicle Replacement Program $25,000
Self-Generated Funds Total $458,000

MUNICIPAL YACHT HARBOR MANAGEMENT CORPORATION

Miscellaneous Capital Funds
Boat Launch $100,000
Miscellaneous Capital Funds Total $100,000

NEW ORLEANS AVIATION BOARD

Self-Generated Funds
Airfield Pavement Program - Phase II $10,000,000
Self-Generated Funds Total $10,000,000

NEW ORLEANS FIRE DEPARTMENT

FEMA Reimbursements
Renovation of Station 7 $134,526
FEMA Reimbursements Total $134,526

NEW ORLEANS POLICE DEPARTMENT

2015 General Obligation Bonds
New 2nd District Station $4,950,000
2015 General Obligation Bonds Total $4,950,000

NEW ORLEANS PUBLIC LIBRARY BOARD

2015 General Obligation Bonds
Main Library Renovations $557,206
2015 General Obligation Bonds Total $557,206

NEW ORLEANS RECREATION DEVELOPMENT COMMISSION

2015 General Obligation Bonds
Bunny Friend Playground $200,000
Citywide Recreation Site and Facility Improvements $748,216
Conrad Playground $200,000
Kerry Curley Playground $300,000
2015 General Obligation Bonds Total $1,448,216

UPPER PONTALBA BUILDING RESTORATION CORPORATION

Self-Generated Funds
Common Hallway Painting/Repairs $60,000
Courtyard Windows/Gutters Replacement $250,000
Deferred Maint. (Paint, Millwork, Building Systems) $75,000
Flagstone Repairs $15,000
HVAC Replacement $80,000
Wilkinson Façade Wall Repairs $50,000
Self-Generated Funds Total $530,000
TOTAL 2015 $93,457,841

2016

DEPARTMENT OF PROPERTY MANAGEMENT

Miscellaneous Capital Funds
Citywide Building Repairs $140,000
Miscellaneous Capital Funds Total $140,000

DEPARTMENT OF PUBLIC WORKS

FEMA Reimbursements
Recovery Road Program $36,849,903
FEMA Reimbursements Total $36,849,903

DEPARTMENT OF SANITATION

Miscellaneous Capital Funds
Recovery One Landfill Testing, Monitoring, and Main $60,000
Miscellaneous Capital Funds Total $60,000

FRENCH MARKET CORPORATION

Self-Generated Funds
Annual Allowance for Beautification $108,000
Computer Equipment and Software Upgrade $50,000
Major Building Repairs $100,000
Painting French Market Buildings $50,000
Public Restroom Renovations $50,000
Trash Receptacle Replacement $25,000
Vehicle Replacement Program $25,000
Self-Generated Funds Total $408,000

NEW ORLEANS AVIATION BOARD

Self-Generated Funds

Airfield Pavement Program - Phase III $10,000,000
Self-Generated Funds Total $10,000,000

NEW ORLEANS FIRE DEPARTMENT

FEMA Reimbursements
Renovation of Rosedale Station $426,274
Renovation of Station 21 $463,849
Renovation of Station 4 $27,313
Renovation of the Supply Shop $246,327
FEMA Reimbursements Total $1,163,763

UPPER PONTALBA BUILDING RESTORATION CORPORATION

Self-Generated Funds
Common Hallway Painting/Repairs $60,000
Courtyard Windows/Gutters Replacement $250,000
Deferred Maint. (Paint, Millwork, Building Systems) $75,000
Flagstone Repairs $15,000
HVAC Replacement $80,000
Wilkinson Façade Wall Repairs $50,000
Self-Generated Funds Total $530,000
TOTAL 2016 $49,151,666

2017

DEPARTMENT OF PROPERTY MANAGEMENT

Miscellaneous Capital Funds
Citywide Building Repairs $140,000
Miscellaneous Capital Funds Total $140,000

DEPARTMENT OF PUBLIC WORKS

FEMA Reimbursements
Recovery Road Program $22,498,613
FEMA Reimbursements Total $22,498,613

DEPARTMENT OF SANITATION

Miscellaneous Capital Funds
Recovery One Landfill Testing, Monitoring, and Main $60,000
Miscellaneous Capital Funds Total $60,000

FRENCH MARKET CORPORATION

Self-Generated Funds
Annual Allowance for Beautification $108,000
Computer Equipment and Software Upgrade $50,000
Major Building Repairs $100,000
Painting French Market Buildings $50,000
Public Restroom Renovations $50,000
Trash Receptacle Replacement $25,000
Vehicle Replacement Program $25,000
Self-Generated Funds Total $408,000

NEW ORLEANS FIRE DEPARTMENT

FEMA Reimbursements
Renovation of Station 12 $61,694
Renovation of Station 18 $99,397
FEMA Reimbursements Total $161,091

UPPER PONTALBA BUILDING RESTORATION CORPORATION

Self-Generated Funds
Common Hallway Painting/Repairs $60,000
Deferred Maint. (Paint, Millwork, Building Systems) $75,000
Flagstone Repairs $15,000
HVAC Replacement $80,000
Self-Generated Funds Total $230,000

TOTAL 2017 $23,497,704
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.
NO. M-12-404
CITY HALL: October 29, 2012
BY: COUNCILMEMBERS HEAD, CLARKSON, GUIDRY, BAJOIE, GISLESON PALMER, HEDGE-MORRELL AND CHARBONNET (BY REQUEST)
Approving the Operating Budget of the New Orleans Aviation Board for the Year 2013.
WITHDRAWN.

SUBSTITUTE NO. M-12-404
CITY HALL: November 30, 2012
BY: COUNCILMEMBERS HEAD, CLARKSON, GUIDRY, BAJOIE, GISLESON PALMER, HEDGE-MORRELL, AND CHARBONNET (BY REQUEST)
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Operating Budget of the New Orleans Aviation Board for the year 2013, as herein below specified, be, and the same is hereby approved:
NEW ORLEANS AVIATION BOARD
OPERATING BUDGET FOR THE YEAR 2013
ANTICIPATED REVENUES
Airline Terminal Rental and Use Fees $30,857,000
Landing Fees 10,313,000
Non-Airline Revenue 33,216,278
Non-Operating Income 480,754
TOTAL REVENUES $74,867,032
ANTICIPATED EXPENDITURES
Personal Services $13,180,173
Operating and Maintenance 33,701,793
Non-Operating Expenses 14,895,328
Capital Contributions 13,089,738
TOTAL EXPENDITURES $74,867,032
BE IT FURTHER MOVED, That said budget may from time to time, be amended by the Board of Directors of the New Orleans Aviation Board, with the approval of the Chief Administrative Officer, provided that such amendment shall not have the effect of increasing or decreasing the total amount budgeted, as herein approved.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION OF SAME, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-405
CITY HALL: October 29, 2012
BY: COUNCILMEMBERS HEAD, CLARKSON, GUIDRY, BAJOIE, GISLESON PALMER, HEDGE-MORRELL, AND CHARBONNET (BY REQUEST)
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Operating Budget of the Delgado-Albania Plantation Commission for the year 2013, as herein below specified, be, and the same is hereby approved:
DELGADO-ALBANIA PLANTATION COMMISSION
OPERATING BUDGET FOR THE YEAR 2013
ANTICIPATED REVENUES
Interest Income $37,000

TOTAL REVENUES $37,000
ANTICIPATED EXPENDITURES
Other Operating $37,000
TOTAL EXPENDITURES $37,000
BE IT FURTHER MOVED, That said budget may from time to time, be amended by the Delgado-Albania Plantation Commission, with the approval of the Chief Administrative Officer, provided that such amendment shall not have the effect of increasing or decreasing the total amount budgeted, as herein approved.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION OF SAME, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-406
CITY HALL: October 29, 2012
BY: COUNCILMEMBERS HEAD, CLARKSON, GUIDRY, BAJOIE, GISLESON PALMER, HEDGE-MORRELL, AND CHARBONNET (BY REQUEST)
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Operating Budget of the French Market Corporation for the year 2013, as herein below specified, be, and the same is hereby approved:
FRENCH MARKET CORPORATION
OPERATING BUDGET FOR THE YEAR 2013
ANTICIPATED REVENUES
Rental Income $2,800,000
Tenant Advertising 275,000
Parking Lots 2,919,831
Farmers' Market and Flea Market 1,975,169
Administrative 130,000
TOTAL REVENUES $8,100,000
ANTICIPATED EXPENDITURES
Personal Services $2,705,979
Other Operating 4,584,021
Provisions for Reserves 810,000
TOTAL EXPENDITURES $8,100,000
BE IT FURTHER MOVED, That said budget may from time to time, be amended by the French Market Corporation Board of Directors, with the approval of the Chief Administrative Officer, provided that such amendment shall not have the effect of increasing or decreasing the total amount budgeted, as herein approved.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION OF SAME, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-407
CITY HALL: October 29, 2012
BY: COUNCILMEMBERS HEAD, CLARKSON, GUIDRY, BAJOIE, GISLESON PALMER, HEDGE-MORRELL, AND CHARBONNET (BY REQUEST)
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Operating Budget of the Upper Pontalba Building Restoration Corporation for the year 2013, as herein below specified, be, and the same is hereby approved:
UPPER PONTALBA BUILDING RESTORATION CORPORATION
OPERATING BUDGET FOR THE YEAR 2013
ANTICIPATED REVENUES

Rental and Leases 1,862,842
Interest Income 3,500
TOTAL REVENUES $1,866,342
ANTICIPATED EXPENDITURES
Other Operating $909,342
Debt Service 542,000
Reserves 415,000
TOTAL EXPENDITURES $1,866,342
BE IT FURTHER MOVED, That said budget may from time to time, be amended by the Upper Pontalba Building Restoration Corporation, with the approval of the Chief Administrative Officer, provided that such amendment shall not have the effect of increasing or decreasing the total amount budgeted, as herein approved.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION OF SAME, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-408
CITY HALL: October 29, 2012
BY: COUNCILMEMBERS HEAD, CLARKSON, GUIDRY, BAJOIE, GISLESON PALMER, HEDGE-MORRELL, AND CHARBONNET (BY REQUEST)
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Operating Budget of the New Orleans Municipal Yacht Harbor Management Corporation for the year 2013, as herein below specified, be, and the same is hereby approved:
NEW ORLEANS MUNICIPAL YACHT HARBOR MANAGEMENT CORPORATION
OPERATING BUDGET FOR THE YEAR 2013
ANTICIPATED REVENUES
Rental, Leases and Assessments $563,300
Miscellaneous Cash Reserves $1,489,200
TOTAL REVENUES $2,052,500
ANTICIPATED EXPENDITURES
Personal Services $312,300
Other Operating 808,800
Contingency 75,000
Special Expense Repair Escrow 856,400
TOTAL EXPENDITURES $2,052,500
BE IT FURTHER MOVED, That said budget may from time to time, be amended by the New Orleans Municipal Yacht Harbor Management Corporation, with the approval of the Chief Administrative Officer, provided that such amendment shall not have the effect of increasing or decreasing the total amount budgeted, as herein approved.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION OF SAME, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-409
CITY HALL: October 29, 2012
BY: COUNCILMEMBERS HEAD, CLARKSON, GUIDRY, BAJOIE, GISLESON PALMER, HEDGE-MORRELL, AND CHARBONNET (BY REQUEST)
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Operating Budget of the Orleans Parish Communication District for the year 2013, as herein below specified, be, and the same is hereby approved:
ORLEANS PARISH COMMUNICATION DISTRICT

OPERATING BUDGET FOR THE YEAR 2013
ANTICIPATED REVENUES
911 Emergency Telephone
Tax and Interest 4,842,500
Capital Project Fund Savings 1,996,475
TOTAL REVENUES $6,838,975
ANTICIPATED EXPENDITURES
Personal Services $1,321,235
Other Operating 3,521,265
Capital Projects 1,996,475
TOTAL EXPENDITURES $6,838,975
BE IT FURTHER MOVED, That said budget may from time to time, be amended by the Board of Directors of the Orleans Parish Communication District, with the approval of the Chief Administrative Officer, provided that such amendment shall not have the effect of increasing or decreasing the total amount budgeted, as herein approved.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION OF SAME, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-410
CITY HALL: October 29, 2012
BY: COUNCILMEMBERS HEAD, CLARKSON, GUIDRY, BAJOIE, GISLESON PALMER, HEDGE-MORRELL AND CHARBONNET (BY REQUEST)
Approving the Operating Budget of the New Orleans Building Corporation for the Year 2013.
WITHDRAWN.

SUBSTITUTE NO. M-12-410
CITY HALL: November 30, 2012
BY: COUNCILMEMBERS HEAD, CLARKSON, GUIDRY, BAJOIE, GISLESON PALMER, HEDGE-MORRELL, AND CHARBONNET (BY REQUEST)
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Operating Budget of the New Orleans Building Corporation for the year 2013, as herein below specified, be, and the same is hereby approved:
NEW ORLEANS BUILDING CORPORATION
OPERATING BUDGET FOR THE YEAR 2013
ANTICIPATED REVENUES
Grant Revenue $8,717,245.00
Other Revenue 2,337,968.00
TOTAL REVENUES $11,055,213.00
ANTICIPATED EXPENDITURES
Grant Expenses $8,717,245.00
Operating Expenses 2,136,483.00
Debt Service 201,485.00
TOTAL EXPENDITURES $11,055,213.00
BE IT FURTHER MOVED, That said budget may from time to time, be amended by the New Orleans Building Corporation, with the approval of the Chief Administrative Officer, provided that such amendment shall not have the effect of increasing or decreasing the total amount budgeted, as herein approved.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION OF SAME, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-411
CITY HALL: October 29, 2012
BY: COUNCILMEMBERS HEAD, CLARKSON, GUIDRY, BAJOIE, GISLESON PALMER, HEDGE-MORRELL, AND CHARBONNET (BY REQUEST)
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Operating Budget of the Rivergate Development Corporation for the year 2013, as herein below specified, be, and the same is hereby approved:

RIVERGATE DEVELOPMENT CORPORATION
OPERATING BUDGET FOR THE YEAR 2013

ANTICIPATED REVENUES
Rent $12,500,000
Other Revenue 4,780,852
TOTAL REVENUES 17,280,852
ANTICIPATED EXPENDITURES
Personal Services $249,122
Other Operating 68,418
Provisions for Reserves 16,963,312
TOTAL EXPENDITURES $17,280,852

BE IT FURTHER MOVED, That said budget may from time to time, be amended by the Rivergate Development Corporation, with the approval of the Chief Administrative Officer, and provided that such amendment shall not have the effect of increasing or decreasing the total amount budgeted, as herein approved.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION OF SAME, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

M-12-412
CITY HALL: October 29, 2012
BY: COUNCILMEMBERS HEAD, CLARKSON, GUIDRY, BAJOIE, GISLESON PALMER, HEDGE-MORRELL, AND CHARBONNET (BY REQUEST)
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Operating Budget of the Canal Street Development Corporation for the year 2013, as herein below specified, be, and the same is hereby approved:
CANAL STREET DEVELOPMENT CORPORATION
OPERATING BUDGET FOR THE YEAR 2013

ANTICIPATED REVENUES
Rents $855,869
Parking and Garage Rental 371,131
Miscellaneous Revenues 62,441
TOTAL REVENUES $1,289,441
ANTICIPATED EXPENDITURES
Personal Services $180,698
Other Operating Expenses 317,597
Debt Service 642,921
Reserves 148,225
TOTAL EXPENDITURES $1,289,441

BE IT FURTHER MOVED, That said budget may from time to time, be amended by the Canal Street Development Corporation, with the approval of the Chief Administrative Officer. The budget may include an allocation for expenses, if any, which may be incurred by the Corporation in fulfillment of its responsibilities, provided that the total estimated administrative cost of such allocations shall not exceed $200,000.00 and provided that such amendment shall not have the effect of increasing or decreasing the total amount budgeted, as herein approved.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION OF SAME, AND RESULTED AS FOLLOWS:

YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-413
CITY HALL: October 29, 2012
BY: COUNCILMEMBERS HEAD, CLARKSON, GUIDRY, BAJOIE, GISLESON PALMER, HEDGE-MORRELL, AND CHARBONNET (BY REQUEST)
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Operating Budget of the Piazza d'Italia Development Corporation for the year 2013, as herein below specified, be, and the same is hereby approved:
PIAZZA D'ITALIA DEVELOPMENT CORPORATION
OPERATING BUDGET FOR THE YEAR 2013
ANTICIPATED REVENUES
Parking Revenues $800,000
Other Revenues 400
TOTAL REVENUES $800,400
ANTICIPATED EXPENDITURES
Other Operating Expenses $179,578
Reserves for Capital Improvements 620,822
TOTAL EXPENDITURES $800,400
BE IT FURTHER MOVED, That said budget may from time to time, be amended by the Piazza d'Italia Development Corporation, with the approval of the Chief Administrative Officer, provided that such amendment shall not have the effect of increasing or decreasing the total amount budgeted, as herein approved.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION OF SAME, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. R-12-414
(AS AMENDED)
CITY HALL: November 1, 2012
BY: COUNCILMEMBER GISLESON PALMER (BY REQUEST)
SECONDED BY: COUNCILMEMBER GUIDRY
WHEREAS, the New Orleans City Council has adopted several ordinances amending sections of Chapter 162 of the New Orleans City Code for the improvement of taxicab operations and standards in the City of New Orleans; and
WHEREAS, the Louis Armstrong New Orleans International Airport ("LANOIA") is a vital national and international transportation hub, and serves as the first and last impression for many visitors to the Greater New Orleans Region and the State of Louisiana; and
WHEREAS, a friendly, safe, clean and efficient ground transportation system, including taxicab service, is an integral part of the services provided to the traveling public by LANOIA; and
WHEREAS, the New Orleans Aviation Board shares the interests of the Council and the Administration in ensuring the viability of travel and tourism in the Greater New Orleans area by improving customer service, maintaining a safe operating environment for travelers and operators, enhancing the image of taxicab operations at LANOIA, and improving operational efficiency; and
WHEREAS, on July 12, 2012, the Operations Committee of the New Orleans Aviation Board recommended adoption of certain proposed rules and regulations applicable to on-demand taxicab services at LANOIA to the New Orleans Aviation Board; and
WHEREAS, on July 19, 2012, the New Orleans Aviation Board held a public meeting, properly advertised and noticed according to law, on those certain rules and regulations recommended for consideration by the Operations Committee, and, after seeking public comment, adopted, by resolution, new rules and regulations set forth in Exhibit "A" attached hereto and hereby made a part of this Resolution; and

WHEREAS, a copy of July 19, 2012 resolution of the New Orleans Aviation Board is attached hereto as Exhibit "B" and hereby made a part of this Resolution; and
WHEREAS, the new rules and regulations attached as *Exhibit "A" have been promulgated in accordance with Section 2-1000 of the Code of the City of New Orleans; NOW THEREFORE;
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the Council herby adopts the attached rules and regulations governing the taxicab operations at Louis Armstrong New Orleans International Airport.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION, AS AMENDED, WAS ADOPTED.
*Copies may be seen in full in the Clerk of Council's office, 1300 Perdido Street, Room 1E09, City Hall.

NO. M-12-415
CITY HALL: November 1, 2012
BY: COUNCILMEMBER GUIDRY
SECONDED BY: COUNCILMEMBER GISLESON PALMER
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and favorable recommendation of the City Planning Commission on ZONING DOCKET NO. 93/12 – RUSSELL A. CIVELLO – Requesting a Conditional Use to permit the sale of alcoholic beverages for consumption on-premises at a standard restaurant in an LB-1 Lake Area Business District and within the LADC Lake Area Design Corridor Overlay District on Square 231, Lots 25 and 26, in the Second Municipal District, bounded by Harrison Avenue, Canal Boulevard, Bragg and Louis XIV Streets (Municipal Addresses: 607 Harrison Avenue), be, and the request is hereby approved as modified, and granted, subject to twelve (12) provisos:
PROVISOS:
1. The applicant shall resubdivide all lots associated with the development into one lot of record prior to the issuance of the Certificate of Use and Occupancy.
2. The applicant shall submit a detailed landscape plan indicating the following:
a) The genus, species, size, location, quantity, and irrigation of all proposed plant materials within both the site and the street rights-of-way adjacent to the site, with applicable remarks and details;
b) A continuous landscape hedge at a minimum height of thirty (30) inches along the perimeter of the vehicular use area adjacent to the Harrison Avenue right-of-way; and
c) Screening of the building and parking area along the lakeside of the property with a combination of opaque fencing and landscaping, subject to the approval of the City Planning Commission staff.
3. The applicant shall secure a lease of servitude for any encroachments into the public rights-of-way from the Department of Property Management's Real Estate and Records Division.
4. The applicant shall provide to the City Planning Commission staff a letter outlining a litter abatement program, approved by the Department of Sanitation, inclusive of the location of trash storage out of the public right-of-way, the frequency of litter pickup, the clearing all litter from the adjacent right-of-way, and the periodic hosing of the adjacent street rights-of-way, as necessary. The name and phone number of the owner/operator of the restaurant shall be kept on file in case of any violation.
5. The restaurant shall operate only between the hours of 6:00 a.m. and 6:00 p.m., Monday through Sunday.
6. Alcoholic beverage service for consumption on premises shall be served only in combination with food service. Food service shall comprise at least fifty percent (50%) of the revenue for the restaurant and a full food menu shall be available at all times that the restaurant is operated.
7. The use of disposable or "go" cups shall be prohibited.
8. The Department of Safety and Permits shall issue no building permits or licenses for this project until final development plans are approved by the City Planning Commission and recorded with the Office of Conveyances. Failure to complete the conditional use process by properly recording plans within a one year time period or failure to request an administrative extension as provided for in Article 16, Section 16.9.11 of the Comprehensive Zoning Ordinance will void the conditional use approval.
9. The applicant shall consult the Department of Public Works to determine if any improvements to the service alley will be required as the condition of its use for delivery purposes. In no instance shall the rear alley be used for customer

ingress/egress to the site.
10. The applicant shall secure the approval of the Department of Public Works for the curb cut proposed all Harrison Avenue, as well as for any sidewalk improvements and ADA ramps within the public right-of-way.
11. Video poker shall be prohibited on the premises.
12. Deliveries shall be made using the site's parking lot. At no time shall the adjacent alley be blocked with delivery or service vehicles.
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the request.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-416
CITY HALL: November 1, 2012
BY: COUNCILMEMBER GUIDRY
SECONDED BY: COUNCILMEMBER GISLESON PALMER
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and favorable recommendation of the City Planning Commission on ZONING DOCKET NO. 96/12 – ORLEANS LEVEE DISTRICT – Requesting a Conditional Use to permit the sale of alcoholic beverages for consumption on-premises at a standard restaurant in an B-2 Neighborhood Business District on an undesignated square, Parcels 7E., 8E and 9E, in the Second Municipal District, bounded by Lakeshore and Lake Marina Drives, New Basin Canal and Lake Pontchartrain (Municipal Addresses: 7400 Lakeshore Drive), be, and the request is hereby approved and granted, subject to three (3) waivers and ten (10) provisos:
WAIVERS:
1. The applicant shall be granted a waiver of Article 5, Section 5.6.7 (Table 5.F) of the Comprehensive Zoning Ordinance, which requires a twenty (20) foot front yard setback, to permit a twelve (12) foot three (3) inch front yard setback.
2. The applicant shall be granted a waiver of Article 15, Section 15.2.3 of the Comprehensive Zoning Ordinance, which requires parking to be located beyond the twenty (20) foot front yard setback area, to permit two (2) parking spaces within the front yard.
3. The applicant shall be granted a waiver of Article 15, Section 15.2.1 of the *Comprehensive Zoning Ordinance*, which requires the provision of thirty (30) off-street parking spaces, to permit eighteen (18) parking spaces.
PROVISOS:
1. No City department or agency shall issue building permits or alcoholic beverage outlet licenses for this project until final development plans are approved by the City Planning Commission and recorded with the Office of Conveyances. Failure to complete the conditional use process by properly recording plans within a one year time period or failure to request an administrative extension as provided for in Article 16, Section 16.9.11 of the Comprehensive Zoning Ordinance will void the conditional use approval.
2. The applicant shall finalize the resubdivision of all lots associated with the development into one (1) lot of record prior to the issuance of a Certificate of Use and Occupancy.
3. The applicant shall secure the approval of the Non-Flood Protection Asset Management Authority for the installation and/or removal of any curb cuts and the restoration of sidewalks and curbs adjacent to the petitioned site along Lakeshore Drive prior to the finalization of the conditional use.
4. The bar area shall provide food service at all times during operation.
5. The applicant shall not operate the business between the hours of 12:00 a.m. and 6:00 a.m.
6. Alcoholic beverage service for consumption on premises shall be served only in combination with food service. Food service shall comprise at least fifty percent (50%) of the revenue for the restaurant and a full food menu shall be available at all times that the restaurant is open.
7. The use of disposable or "go" cups shall be prohibited.
8. The applicant shall submit a litter abatement program letter to the Department of Sanitation for review and approval.

The letter shall include the stated location of litter storage, the type and quantity of trash receptacles, the frequency of litter pickup by a contracted trash removal company, and the clearing of all litter from the sidewalks and street rights-of-way. The name and phone number of the owner/operator shall be included in this letter to be kept on file in case of any violation. At no time other than during trash pick-up shall trash be visible from the public right-of-way.
9. The applicant shall submit a landscape plan prepared by a licensed landscape architect to be approved by the staff of the City Planning Commission, which shall include landscaping within the public right-of-way and the parking lot.
10. The applicant shall submit the approved, recorded conditional use plans to the Board of Zoning Adjustments staff for their records.
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the request.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-417
CITY HALL: November 1, 2012
BY: COUNCILMEMBER CHARBONNET
SECONDED BY: COUNCILMEMBER CLARKSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and favorable recommendation of the City Planning Commission on ZONING DOCKET NO. 105/12 – City Council Motion M-12-293 – Requesting a Conditional Use to permit a retail development greater than 7,500 square feet in floor area, in a C-2 General Commercial District, and within the Eastern New Orleans Renaissance Corridor Interim Zoning District, for consideration of a CVS, on Square Section 24, Lot 7F-2B-1, in the Third Municipal District, bounded by I-10 Service Road, Read and Lake Forest Boulevards and Plaza Drive (Municipal Address: 5902 Read Boulevard), be, and the same is hereby upheld and the request granted, permitting the development of a CVS Drugstore, subject to the waiver and provisos stated in the City Planning Commission's report, with the following modifications, adding two (2) waivers, modifying Proviso Numbers 3 and 4, deleting Waiver Numbers 5 and 6 in their entirety to read as follows and renumbered accordingly for a total of three (3) waivers and four (4) provisos:
WAIVERS:

* * *

2. The applicant shall be granted a waiver of Article 18, Section 18.51.12 of the Comprehensive Zoning Ordinance which requires an overall ground floor transparency of sixty (60) percent, to allow an overall ground floor transparency of nine (9) percent.
3. The applicant shall be granted a waiver of Article 18, Section 18.51.12 of the Comprehensive Zoning Ordinance which requires the use of only certain permitted building materials to allow the use of exterior insulation finishing system (EFIS) and concrete masonry unit (CMU) on the exterior of the building.
PROVISOS:

* * *

3. The applicant shall submit a revised landscape plan which indicates the presence of four (4) additional trees, for a total of sixty-three (63) trees and complies with the size and type of tree, as outlined in Article 18.51 of the Comprehensive Zoning Ordinance.
4. The applicant shall submit a revised elevation which complies with Article 18, Section 18.51.12 *B-1 and B-2 and C-1 and C-2 Base District Design Standards* which requires the use of shutters or awnings.
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the request.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0

ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-418
CITY HALL: November 1, 2012
BY: COUNCILMEMBER CHARBONNET
SECONDED BY: COUNCILMEMBER CLARKSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and favorable recommendation of the City Planning Commission on ZONING DOCKET NO. 106/12 – City Council Motion M-12-294 - Requesting a Recession of Conditional Use Ordinances 10,384 MCS, 12,751 MCS and 12,686 MCS, with any subsequent administrative amendments, all of which are no longer required or applicable for the site of the proposed Wal-Mart, in an SC Shopping Center District, on an Undesignated square, Lots 4-A-4-1-C-2, 4-A-4-2, 4-A-4-1-C-1, 4-A-4-1-A, 4-A-4-1-B, 4-A-4-3, in the Third Municipal District, bounded by Bullard Avenue, the Berg Canal, I-10 Service Road, and Lake Forest Boulevard, be, and the same is hereby upheld and the request is granted.
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the request.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-419
CITY HALL: November 1, 2012
BY: COUNCILMEMBERS CLARKSON, HEAD, HEDGE-MORRELL AND GUIDRY
WHEREAS, the City Charter requires that the City Council secure an annual external audit of the City's financial statements; and
WHEREAS, Postlethwaite & Netterville (P&N) was retained under a previous Request for Proposals to serve as lead auditor; and
WHEREAS, the Council desires to extend the audit contract with Postlethwaite & Netterville (P&N) to serve as lead auditor and the Council Budget/Audit/BoR Committee recommended approval; now therefore
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the Council President is authorized and requested to execute a contract extension with Postlethwaite & Netterville (P&N), to perform the audit of the City for FY 2012.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION OF THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-420
CITY HALL: November 1, 2012
BY: COUNCILMEMBER HEDGE-MORRELL
SECONDED BY: COUNCILMEMBER HEAD
Ratifying, confirming and approving the appointment of Madaline Trepanier (vice Gina Warner) as a member of the Children and Youth Planning Board, representing a non-profit providing services for out of school time, for a term that will expire May 7, 2013.
WITHDRAWN.

NO. M-12-421
CITY HALL: November 1, 2012

BY: COUNCILMEMBER GUIDRY
SECONDED BY: COUNCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the appointment of Lauren Bierbaum (vice Gina Warner) as a member of the Children and Youth Planning Board, representing a non-profit providing services for out of school time, for a term that will expire May 7, 2013 be, and the same is hereby ratified, confirmed and approved.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Guidry, Head, Hedge-Morrell - 6
NAYS: 0
ABSENT: Gisleson Palmer - 1
AND THE MOTION WAS ADOPTED.

NO. M-12-422
CITY HALL: November 1, 2012
BY: COUNCILMEMBER GUIDRY (BY REQUEST)
SECONDED BY: COUNCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Mayor's appointment of Henry O'Connor, Jr. (vice Wanda Brooks) as a member of the Board of Liquidation, City Debt for a term that will expire December 31, 2023 be, and the same is hereby ratified, confirmed and approved.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION OF THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-423
CITY HALL: November 1, 2012
BY: COUNCILMEMBER BAJOIE (BY REQUEST)
SECONDED BY: COUNCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Mayor's reappointment of Jesse LeBlanc as a member of the New Orleans Historic District Landmarks Commission for a term that will expire March 25, 2016, be, and the same is hereby ratified, confirmed and approved.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION OF THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. R-12- 424
CITY HALL: November 1, 2012
BY: COUNCILMEMBERS HEAD, CLARKSON, GUIDRY, BAJOIE, GISLESON PALMER, HEDGE-MORRELL AND CHARBONNET
WHEREAS, the Council of the City of New Orleans, on March 16, 2006, adopted Ordinance No. 22,163, M.C.S., relative to the "Fourth Amendment to Amended and Restated Lease Agreement" by and between the Rivergate Development Corporation, the City of New Orleans, and Jazz Casino Company L.L.C., successor in interest to Harrah's Jazz Company, which included the commitment from Jazz Casino Company L.L.C., to provide $225,000 annually to fund the City Council/ Harrah's Community Support Grants Program; and
WHEREAS, the agreement provides for the total of $225,000 to be funded semi-annually in two payments of $112,500; and
WHEREAS, the purpose of the program is to foster organizations and projects that demonstrably contribute to the economic, cultural, and civic fabric of the City; and

WHEREAS, the guidelines for eligibility, procedures, and monitoring of the grants have been approved by the City Council; and
WHEREAS, the following group has demonstrated its commitment to improving the civic life of the New Orleans community through its activities and programs; now, therefore
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the following grant is approved from grant funds, subject to the organization's eligibility pursuant the aforementioned guidelines:
District D:
Parkway Partners Program (ReLeaf New Orleans - Tree Planting) $1,000
Covenant House New Orleans $1,500
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION OF THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED.

NO. R-12-425
CITY HALL: November 1, 2012
BY: COUNCILMEMBER CLARKSON
SECONDED BY: COUNCILMEMBER HEDGE-MORRELL
Urging the members of the Louisiana House of Representatives and Senate to convene in order to work with Governor Jindal to make the necessary budget cuts while mitigating their impact on the uninsured and the LSU School of Medicine, which supplies our state with 70% of its physicians.
WITHDRAWN.

SUBSTITUTE NO. R-12-425
CITY HALL: November 15, 2012
BY: COUNCILMEMBERS CLARKSON, BAJOIE, CHARBONNET, GISLESON PALMER, GUIDRY AND HEDGE-MORRELL
WHEREAS, the Affordable Care Act would expand Medicaid coverage to an estimated 508,000 low-income, Louisiana residents, with 93% of the cost covered by the federal government over the first decade, yet Governor Jindal has refused to implement it; and
WHEREAS, because so many more residents could be covered by Medicare, the Affordable Care Act will reduce available federal disproportionate share dollars for the uninsured of Louisiana, a projected reduction from $11.3 billion currently to $6 billion by 2018; and
WHEREAS, in addition to anticipating these "double" cuts, Louisiana healthcare providers must now absorb $860 million dollars in Medicaid cuts in the upcoming fiscal year; for LSU in 2013, this means $130 million in reductions system-wide, and in New Orleans, a $49 million reduction at the Interim LSU Public Hospital, where 432 workers will lose their jobs, the number of patient beds will shrink from 201 to 155, and the women's health, pain management, endocrine, and sickle cell clinics will close; and
WHEREAS, while the current hospital system does need reform, the speed at which it is changing, before (1) the new University Medical Center hospital is built and (2) the terms of the public-private partnerships are finalized, leaves little doubt that patient care for the City's most vulnerable will suffer; and
WHEREAS, since beds at University Hospital, the primary teaching hospital for both Tulane and LSU medical students, will be drastically cut, local medical students will not have sufficient exposure to patient care to continue the high quality of instruction they have enjoyed for many years. And, since other LSU hospitals around the state will also be drastically downsized, these students will not have the opportunity to learn at these sites or be exposed to health care in these regions, and will thus be less likely to consider practicing in these areas upon completing their training; and
WHEREAS, according to the opinion of many medical students polled, it is feared that the quality of medical education will be negatively affected due to the cuts; historically about 60% of the graduating medical students remain in Louisiana for their residency training, and after residency, most stay within Louisiana to treat our citizens; due to the cuts, more students would be open to accepting out-of-state positions, meaning that residency spots in Louisiana will be filled by out-of-state and international medical graduates, individuals with less incentive to remain once their education is complete; and

WHEREAS, our medical students are the greatest investment for the future of healthcare in Louisiana, and we cannot afford to lose them; NOW THEREFORE
BE IT RESOLVED, by the City Council for the City of New Orleans that it hereby urges the members of the Louisiana House of Representatives and Senate to convene in order to work with Governor Jindal to make the necessary budget cuts while mitigating their impact on the uninsured and the LSU School of Medicine, which supplies our state with 70% of its physicians.
BE IT FURTHER RESOLVED, that certified copies of this resolution be sent to Governor Jindal, the President of the Louisiana Senate, John Alario, the Speaker of the Louisiana House of Representatives, Charles Edward Kleckley, United States Senators Mary Landrieu and David Vitter, and United States Representatives Cedric Richmond and Steve Scalise.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Hedge-Morrell - 6
NAYS: 0
ABSENT: Head - 1
AND THE RESOLUTION WAS ADOPTED.

NO. R-12-426
CITY HALL: November 1, 2012
BY: COUNCILMEMBER CLARKSON
SECONDED BY: COUNCILMEMBER HEAD
IN RE: AN INQUIRY AND FACT FINDING INTO ENTERGY NEW ORLEANS, INC. AND ENTERGY LOUISIANA, LLC'S POST-HURRICANE ISAAC RESPONSE AND STORM RECOVERY MATTERS
DOCKET NO. UD-12-04
RESOLUTION AND ORDER DIRECTING INVESTIGATION OF ENO AND ELL'S ELECTRIC TRANSMISSION AND DISTRIBUTION SYSTEM INFRASTRUTURE
WHEREAS, pursuant to the Constitution of the State of Louisiana and the Home Rule Charter of the City of New Orleans ("Charter"), the Council of the City of New Orleans ("Council") is the governmental body with the power of supervision, regulation and control over public utilities providing service within the City of New Orleans; and
WHEREAS, pursuant to its powers of supervision, regulation and control over public utilities, the Council is responsible for fixing and changing rates and charges of public utilities and making all necessary rules and regulations to govern applications for the fixing and changing of rates and charges of public utilities; and
WHEREAS, Entergy New Orleans, Inc. ("ENO" or "Company") is a public utility providing electric service to all of New Orleans, except the Fifteenth Ward ("Algiers"), and gas service to all of New Orleans; and
WHEREAS, Entergy Louisiana, LLC ("ELL") provides electric service to the Algiers section of New Orleans; and
WHEREAS, ENO and ELL are wholly-owned subsidiaries of Entergy Corporation ("Entergy") and two of the six operating companies, along with Entergy Services, Inc. ("ESI"), that are parties to the Entergy System Agreement ("System Agreement"). The other four operating companies are Entergy Arkansas, Inc. ("EAI"), Entergy Gulf States, Louisiana, L.L.C. "EGSL"), Entergy Texas, Inc. ("ETI"), and Entergy Mississippi, Inc. ("EMI"), (the six operating companies are referred to collectively as the ("Operating Companies"); and
WHEREAS, Hurricane Isaac made landfall on August 28, 2012, as a Category 1 storm; and
WHEREAS, its Category 1 level notwithstanding, the storm lingered in the New Orleans area, causing substantial property damage, and more than 160,000 households were left without power; and
WHEREAS, even when a substantial majority of ratepayers had their power restored, a large number of ratepayers remained without power because of what the Companies called "individual customer issues", which included problems such as meters being pulled away from homes; and
WHEREAS, even the Companies' own damage assessments established that there was a large number of downed spans of wire, damaged transformers and hundreds of damaged cross-arms; and
WHEREAS, an investigation into the Companies' electric transmission and distribution system infrastructure, investment and planning is appropriate; now therefore;
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS THAT: An investigation into ENO's and ELL's electric transmission and distribution systems' infrastructure, investment and plans is hereby ordered.
BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That ENO and ELL are hereby directed to file with the Clerk of the Council within 120 days of this resolution, with copies to all parties in the

docket: 1) their respective transmission and distribution system net plant year end balances, additions and retirements, by FERC account and sub-account for each of the years 2007 – 2011; 2) ENO's and ELL's current transmission and distribution design and construction standards, 3) a one line diagram identifying each ENO and ELL distribution feeder; 4) copies of ENO's and ELL's transmission and distribution planning standards; 5) copies of all ENO and ELL distribution capital improvement plans for the past five years for service in Orleans Parish including detailed budget and schedule information including the present status of each planned project and dates of completion, or if planned projects were not completed provide a detailed explanation for such non-completion; 6) a listing of all transmission and distribution capital improvement projects completed by ENO and ELL during the past five years referenced to specific transmission circuits and distribution feeders detailing the specific reason for nature of each project, detailed project status and capital cost information segregated by equipment type; 7) such other information, evaluations, analyses as ENO believes will be of assistance to the Council in its investigation into the facts, circumstances surrounding the status of ENO's and ELL's investment in transmission and distribution system in or for service to Orleans Parish.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION OF THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED.

NO. M-12-427
CITY HALL: November 1, 2012
BY: COUNCILMEMBER GISLESON PALMER
SECONDED BY: COUNCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the report and recommendation "FOR MODIFIED APPROVAL" of the City Planning Commission on ZONING DOCKET NO. 107/12 – CITY COUNCIL MOTION M-12-279 - Requesting an Amendment to the text of the Comprehensive Zoning Ordinance, No. 4,264 MCS, as amended, to amend Article 15, Section 15.2.3, *Parking in Front Yards,* to prohibit off-street parking spaces "between the street line and the nearest point of a front façade of any building, except as otherwise specified in this section," and Article 15, Section 15.5.8.5, to clarify that the front yard averaging provisions in this section do not allow for the reduction of the required front yard setback as to permit parking in front of the façade of a structure, which is prohibited, on properties in all zoning districts, be, and the same is hereby upheld and the zoning change is granted. This shall not apply to any property located in the Lake Vista subdivision due to the unique nature of the lots' layouts.
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that a copy of the report of the City Planning Commission and of this motion shall be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the request.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-428
CITY HALL: November 1, 2012
BY: COUNCILMEMBER GISLESON PALMER
SECONDED BY: COUNCILMEMBER GUIDRY
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the report and recommendation "FOR APPROVAL" of the City Planning Commission on ZONING DOCKET NO. 108/12 – TIMOTHY ALLEN - Requesting a Zoning Change from an RD-3 Two-Family Residential District to a B-1A Neighborhood Business District, on Square 471, Lot 2, in the Third Municipal District, bounded by Mazant, Marias, Urquhart, and France Streets (Municipal Address: 1201 Mazant Street), be, and the same is hereby upheld and the zoning change is granted.
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that a copy of the report of the City Planning Commission and of this motion shall be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the request.

THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-429
CITY HALL: November 1, 2012
BY: COUNCILMEMBER CHARBONNET
SECONDED BY: COUNCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and recommendation of "MODIFIED APPROVAL" of the City Planning Commission on DESIGN REVIEW NO. 116/12 – Wal-Mart Stores, Inc - Requesting an appeal of Article 11, Section 11.61 *Retail uses Greater Than 25,000 Square Feet in Floor Area* and of Article 18, Section 18.51 *Eastern New Orleans Renaissance Corridor Interim Zoning District* of the Comprehensive Zoning Ordinance to permit a large scale retail development (Municipal Addresses: 6000 Bullard Avenue), be, and the same is hereby approved, subject to six (6) waivers and five (5) provisos as stated in the City Planning Commission's report as follows:
Waivers
1. The applicant shall be granted a waiver of Article 11, Section 11.61 *Retail Uses Greater Than 25,000 Square Feet In Floor Area* which restricts detached sign to an overall height of twelve (12) feet to permit a pole sign with an overall height of thirty (30) feet.
2. The applicant shall be granted a waiver of Article 18, Section 18.51 *Eastern New Orleans Renaissance Corridor Interim Zoning District* which permits two (2) attached signs to allow four (4) attached signs.
3. The applicant shall be granted a waiver of Article 18, Section 18.51 which permits four hundred (400) square feet of attached signage to permit five hundred and one (501) square feet.
4. The applicant shall be granted a waiver of Article 11, Section 11.61.2 *Parking Lot Design* which permits only 626 parking spaces to permit 727 parking spaces.
5. The applicant shall be granted a waiver of Article 15, Section 15.6.1 *Fences, Walls, and Hedges* which permits a fence height of no greater than seven (7) feet to permit a fence height of eight (8) feet.
6. The applicant shall be granted a waiver of Article 11, Section 11.61.3.A.(5) which requires that sidewalk, not less than eight (8) feet in width, shall be provided along the full length of the building along any facade abutting parking areas and such sidewalks be located six (6) feet away from the façade to permit no plant beds along the front and right elevations.
Provisos
1. The applicant shall submit a revised site plan indicating that the proposed monument and pole sign be set back from the public right-of-way a distance equal to or greater than to the height of the sign.
2. The applicant shall secure the approval for all curb cuts on Bullard Avenue from the Department of Public Works prior to final approval by the City Planning Commission. Additionally, the applicant shall secure approval from the Louisiana Department of Transportation and Development for all curb cuts off of I-10 East Service Road. The width of each curb cut shall be subject to the discretion of the noted entities, based on review and approval of the Traffic Impact Analysis.
3. The applicant shall submit a landscape plan prepared by a licensed Louisiana landscape architect subject to the review and approval of the staff of the City Planning Commission. Additionally, all trees and shrubs shall be rated either a 1 or a 2 in accordance with the LSU AgCenter Tree and Shrub rating guide bulletin.
1. The applicant shall comply with any requirements put forth by the Department of Public Works and the Louisiana Department of Transportation and Development resulting from the review of the TIA.
2. The applicant shall provide to the City Planning Commission staff a letter outlining a litter abatement program, acceptable to the Department of Sanitation, inclusive of the location of litter storage out of the public right-of-way, the frequency of litter pickup, the clearing all litter from the adjacent right-of-way, and the periodic hosing of the adjacent street rights-of-way, as necessary. The name and phone number of the owner/operator of the establishment shall be kept on file in case of any violation.
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Clerk of Council shall forward copies of this motion directly to all affected departments.

THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-430
CITY HALL: November 15, 2012
BY: COUNCILMEMBERS HEAD AND CLARKSON
WHEREAS, it is in the public interest that City Government announce its holiday schedule for 2013; now, therefore
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the holiday schedule for City Government for the year 2013 shall be as follows:
HOLIDAYS: New Year's Day
DATE OF OBSERVANCE: January 1, 2013
DAY: Tuesday
HOLIDAYS: Martin Luther King, Jr. Day
DATE OF OBSERVANCE: January 21, 2013
DAY: Monday
HOLIDAYS: Mardi Gras
DATE OF OBSERVANCE: February 12, 2013
DAY: Tuesday
HOLIDAYS: Good Friday
DATE OF OBSERVANCE: March 29, 2013
DAY: Friday
HOLIDAYS: Memorial Day
DATE OF OBSERVANCE: May 27, 2013
DAY: Monday
HOLIDAYS: Independence Day
DATE OF OBSERVANCE: July 4, 2013
DAY: Thursday
HOLIDAYS: Labor Day
DATE OF OBSERVANCE: September 2, 2013
DAY: Monday
HOLIDAYS: Thanksgiving Day
DATE OF OBSERVANCE: November 28, 2013
DAY: Thursday
HOLIDAYS: Veterans Day
DATE OF OBSERVANCE: November 29, 2013
DAY: Friday
HOLIDAYS: Christmas
DATE OF OBSERVANCE: December 25, 2013
DAY: Wednesday
BE IT FURTHER MOVED That the Administration may rearrange the aforesaid holiday schedule for any City department or agency deemed necessary for ensuring continued municipal operations, provided that ten (10) holidays are granted to employees and that the cost of the rearrangement of the holidays does not exceed the amount of money allocated for the observance of the originally scheduled holidays.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Hedge-Morrell - 6
NAYS: 0
ABSENT: Head - 1
AND THE MOTION WAS ADOPTED.

NO. M-12-431
CITY HALL: November 15, 2012
BY: COUNCILMEMBERS HEAD AND CLARKSON
WHEREAS, it is in the public interest that the Council give as much advance notification of its regular meetings as is possible; now therefore
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That Rule 1 of the Rules and Regulations of the City Council is hereby suspended, and that the Regular Council Meeting schedule for the year 2012 shall be as follows:
REGULAR MEETINGS
THURSDAY, JANUARY 10, 2013 - 10:00 A.M.
THURSDAY, JANUARY 24, 2013 - 10:00 A.M.
THURSDAY, FEBRUARY 7, 2013 - 10:00 A.M.
THURSDAY, FEBRUARY 21, 2013 - 10:00 A.M.
THURSDAY, MARCH 7, 2013 - 10:00 A.M.
THURSDAY, MARCH 21, 2013 - 10:00 A.M.
THURSDAY, APRIL 4, 2013 - 10:00 A.M.
THURSDAY, APRIL 18, 2013 - 10:00 A.M.
THURSDAY, MAY 2, 2013 - 10:00 A.M.
THURSDAY, MAY 16, 2013 - 10:00 A.M.
THURSDAY, JUNE 6, 2013 - 10:00 A.M.
THURSDAY, JUNE 20, 2013 - 10:00 A.M.
THURSDAY, JULY 11, 2013 - 10:00 A.M.
THURSDAY, JULY 25, 2013 - 10:00 A.M.
THURSDAY, AUGUST 8, 2013 - 10:00 A.M.
THURSDAY, AUGUST 22, 2013 - 10:00 A.M.
THURSDAY, SEPTEMBER12, 2013 - 10:00 A.M.
THURSDAY, SEPTEMBER 26, 2013 - 10:00 A.M.
THURSDAY, OCTOBER 10, 2013 - 10:00 A.M.
THURSDAY, OCTOBER 24, 2013 - 10:00 A.M.
THURSDAY, NOVEMBER 7, 2013 - 10:00 A.M.
THURSDAY, NOVEMBER 21, 2013 - 10:00 A.M.
THURSDAY, DECEMBER 5, 2013 - 10:00 A.M.
THURSDAY, DECEMBER 19, 2013 - 10:00 A.M.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Hedge-Morrell - 6
NAYS: 0
ABSENT: Head - 1
AND THE MOTION WAS ADOPTED.

NO. R-12-432
CITY HALL: November 15, 2012
BY: COUNCILMEMBER BAJOIE
SECONDED BY: COUNCILMEMBER HEAD
WHEREAS, Article VI, Section 21(H) of the State Constitution and Act 445 of 1983 provides for payment of ad valorem taxes on certain basis for property owners performing certain improvements in Historic, Economic, Development, and Downtown Development Districts; and
WHEREAS, in accordance with the procedures established by Resolution R-11-517 the following described property has been submitted to the Mayor’s Office of Economic Development for review, said property being described as municipal address 301 Tchoupitoulas Street transferred ownership from Tchoupitoulas Properties, LLC; to Domenica Properties, LLC; and
WHEREAS, the Mayor’s Office of Economic Development recommends approval with regard to participation in the transfer of R-10-78; NOW THEREFORE
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Council after consideration of

the recommendation of the Mayor's Office of Economic Development, hereby approves participation of municipal address 301 Tchoupitoulas Street owned by Domenica Properties, LLC and further identified by the State Board of Commerce and Industry as application number RTA Transfer #2000-0169-29 in the Property Tax Abatement Program authorized by Act 445 of 1983 and Article VII Section 21(H) of the Constitution, effective November 15, 2012; therefore
BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That a copy of this resolution be forwarded to the State Board of Commerce and Industry.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED.

NO. R-12-433
CITY HALL: November 15, 2012
BY: COUNCILMEMBER BAJOIE
SECONDED BY: COUNCILMEMBER GUIDRY
WHEREAS, Article VI, Section 21(H) of the State Constitution and Act 445 of 1983 provides for payment of ad valorem taxes on certain basis for property owners performing certain improvements in Historic, Economic, Development, and Downtown Development Districts; and
WHEREAS, in accordance with the procedures established by Resolution R-11-517 the following described property has been submitted to the Mayor's Office of Economic Development for review, said property being described as municipal address 2016-2030 Oretha Castle Haley Boulevard owned by Franz Building, LLC; and
WHEREAS, the Mayor's Office of Economic Development recommends approval with regard to participation in the aforementioned tax program; NOW THEREFORE
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Council after consideration of the recommendation of the Mayor's Office of Economic Development, hereby approves participation of municipal address 2016-2030 Oretha Castle Haley Boulevard owned by Franz Building, LLC and further identified by the State Board of Commerce and Industry as application number RTA #2011-0625, in the Property Tax Abatement Program authorized by Act 445 of 1983 and Article VII Section 21(H) of the Constitution, effective November 15, 2012 therefore
BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That a copy of this resolution be forwarded to the State Board of Commerce and Industry.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED.

NO. R-12-434
CITY HALL: November 15, 2012
BY: COUNCILMEMBER BAJOIE
SECONDED BY: COUNCILMEMBER HEAD
WHEREAS, Article VI, Section 21(H) of the State Constitution and Act 445 of 1983 provides for payment of ad valorem taxes on certain basis for property owners performing certain improvements in Historic, Economic, Development, and Downtown Development Districts; and
WHEREAS, in accordance with the procedures established by Resolution R-11-517 the following described property has been submitted to the Mayor's Office of Economic Development for review, said property being described as municipal address 3253 Annunciation Street owned by Alex Bruno; and
WHEREAS, the Mayor's Office of Economic Development recommends approval with regard to participation in the aforementioned tax program; NOW THEREFORE
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Council after consideration of

the recommendation of the Mayor's Office of Economic Development, hereby approves participation of municipal address 3253 Annunciation Street owned by Alex Bruno and further identified by the State Board of Commerce and Industry as application number RTA #2011-0999, in the Property Tax Abatement Program authorized by Act 445 of 1983 and Article VII Section 21(H) of the Constitution, effective November 15, 2012 therefore
BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That a copy of this resolution be forwarded to the State Board of Commerce and Industry.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED.

NO. M-12-435
CITY HALL: November 15, 2012
BY: COUNCILMEMBER GUIDRY (BY REQUEST)
SECONDED BY: COUNCILMEMBER HEDGE-MORRELL
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Mayor's reappointment of Alfred Groos, nominee of the New Orleans Convention & Visitors Bureau, as a member of the Ernest N. Morial Exhibition Hall Authority for a term that will expire July 16, 2016, be, and the same is hereby ratified, confirmed and approved.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-436
CITY HALL: November 15, 2012
BY: COUNCILMEMBER BAJOIE (BY REQUEST)
SECONDED BY: COUNCILMEMBER HEDGE-MORRELL
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Mayor's appointment of Gary Balsamo (vice Rodney Jung), as a member of the New Orleans Mosquito, Termite, and Rodent Control Board for a term that will expire June 30, 2018, be, and the same is hereby ratified, confirmed and approved.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. R-12- 437
CITY HALL: November 15, 2012
BY: COUNCILMEMBERS HEAD, CLARKSON, GUIDRY, BAJOIE, GISLESON PALMER, HEDGE-MORRELL AND CHARBONNET
WHEREAS, the Council of the City of New Orleans, on March 16, 2006, adopted Ordinance No. 22,163, M.C.S., relative to the "Fourth Amendment to Amended and Restated Lease Agreement" by and between the Rivergate Development Corporation, the City of New Orleans, and Jazz Casino Company L.L.C., successor in interest to Harrah's Jazz Company, which included the commitment from Jazz Casino Company L.L.C., to provide $225,000 annually to fund the City Council/ Harrah's Community Support Grants Program; and
WHEREAS, the agreement provides for the total of $225,000 to be funded semi-annually in two payments of $112,500; and
WHEREAS, the purpose of the program is to foster organizations and projects that demonstrably contribute to the economic, cultural, and civic fabric of the City; and

WHEREAS, the guidelines for eligibility, procedures, and monitoring of the grants have been approved by the City Council; and
WHEREAS, the following group has demonstrated its commitment to improving the civic life of the New Orleans community through its activities and programs; now, therefore
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the following grant is approved from grant funds, subject to the organization's eligibility pursuant the aforementioned guidelines:
At-Large A:
New Orleans Jazz Orchestra, Inc. $2,500
District B:
Associated Neighborhood Development $500
Anthony Bean Community Theater and Acting School $1,000
New Orleans Convention Company, Inc. $1,000
Louisiana Cultural Economy Foundation $1,000
Shalom Zone Community, Inc. $1,000
Parkway Partners Program $1,000
Southern Food and Beverage Museum Foundation $1,000
Delta Sigma Theta Sorority, Inc. (New Orleans Alumnae Foundation) $1,500
District D:
Southern Food and Beverage Museum Foundation $1,000
French Quarter Festival, Inc. $1,000
Children's Defense Fund $1,000
Gentilly Festival, Inc. $2,500
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Hedge-Morrell - 6
NAYS: 0
ABSENT: Head - 1
AND THE RESOLUTION WAS ADOPTED.

NO. M-12-438
(AS AMENDED)
CITY HALL: November 15, 2012
BY: COUNCILMEMBERS HEAD, CLARKSON, GUIDRY, BAJOIE, GISLESON PALMER, HEDGE-MORRELL AND CHARBONNET
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the amendments to the Master Plan of the City of New Orleans attached hereto as Exhibits "A" and "B", as provided for in Section 5-404(4) of the Home Rule Charter, are hereby approved.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION OF THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION, AS AMENDED, WAS ADOPTED.
*Copies of the attachment may be seen in full in the Clerk of Council Office, 1300 Perdido Street, Room 1E09, City Hall.

NO. R-12-439
CITY HALL: November 15, 2012
BY: COUNCILMEMBERS HEDGE-MORRELL, HEAD, GUIDRY AND GISLESON PALMER
JOINT APPLICATION TO TRANSFER FUNCTIONAL CONTROL OF CERTAIN TRANSMISSION ASSETS TO MIDWEST INDEPENDENT TRANSMISSION SYSTEM OPERATOR, INC. REGIONAL TRANSMISSION ORGANIZATION, FOR ACCOUNTING ORDER DEFERRING RELATED IMPLEMENTATION COSTS AND REQUEST FOR TIMELY TREATMENT
DOCKET NO. UD-11-01

RESOLUTION AND ORDER CONDITIONALLY APPROVING ENO AND ELL'S JOINT APPLICATION TO TRANSFER FUNCTIONAL CONTROL OF CERTAIN TRANSMISSION ASSETS TO MIDWEST INDEPENDENT TRANSMISSION SYSTEM OPERATOR, INC. RTO

WHEREAS, pursuant to the Constitution of the State of Louisiana and the Home Rule Charter of the City of New Orleans ("Charter"), the Council of the City of New Orleans ("Council") is the governmental body with the power of supervision, regulation and control over public utilities providing service within the City of New Orleans; and

WHEREAS, pursuant to its powers of supervision, regulation and control over public utilities, the Council is responsible for fixing and changing rates and charges of public utilities and making all necessary rules and regulations to govern applications for the fixing and changing of rates and charges of public utilities; and

WHEREAS, Entergy New Orleans, Inc. ("ENO" or "Company") is a public utility providing electric service to all of New Orleans, except the Fifteenth Ward ("Algiers"), and gas service to all of New Orleans; and

WHEREAS, Entergy Louisiana, LLC ("ELL") provides electric service to the Algiers section of New Orleans; and

WHEREAS, ENO and ELL ("the Companies") are wholly-owned subsidiaries of Entergy Corporation ("Entergy") and two of the six operating companies, along with Entergy Services, Inc. ("ESI"), that are parties to the Entergy System Agreement ("System Agreement"). The other four operating companies are Entergy Arkansas, Inc. ("EAI"), Entergy Gulf States, Louisiana, L.L.C. "EGSL"), Entergy Texas, Inc. ("ETI"), and Entergy Mississippi, Inc. ("EMI"), (the six operating companies are referred to collectively as the ("Operating Companies"); and

Background

WHEREAS, on April 25, 2011, Entergy, the parent company of the Operating Companies, formally announced its decision that the entire Entergy System would join Midwest Independent Transmission System Operator Regional Transmission Organization ("MISO");

WHEREAS, on May 12, 2011, ENO and ELL submitted an Evaluation of Alternative Transmission Arrangements Available to the Entergy Operating Companies and Support for Proposal to Join MISO ("Evaluation Report") and supporting testimony to the Council containing information and analyses that they contend forms the basis for Entergy's recommendation to join MISO; and

WHEREAS, according to Entergy, "based on comprehensive review and analysis, it has concluded that joining MISO will provide meaningful long-term benefits for the customers of the Entergy operating companies"; and

WHEREAS, on July 7, 2011, in Resolution R-11-303, the Council opened Docket No. UD-11-01 to formally investigate the costs and benefits associated with ENO's and ELL's plans to join MISO; and

WHEREAS, on November 14, 2011, ENO and ELL filed their *Joint Application of Entergy New Orleans, Inc. and Entergy Louisiana, LLC Regarding Transfer of Functional Control of Certain Transmission Assets to the Midwest Independent Transmission System Operator, Inc. Regional Transmission Organization, for an Accounting Order Deferring Related Implementation Costs and Request for Timely Treatment* ("Joint MISO Application"); and

WHEREAS, the Joint MISO Application requests that the Council find that the transfer of functional control of the Companies' electric transmission assets to MISO to facilitate the Companies' membership therein is in the public interest; and

WHEREAS, the Joint MISO Application estimates an approximate total of $1.1 billion to $1.4 billion in net benefits on a ten year net present value basis with the Entergy Operating Companies (collectively) and CLECO joining the MISO RTO;" and

WHEREAS, the Joint MISO Application estimates that, with Entergy and CLECO joining the MISO RTO, ENO will have an approximate total of $32 million to $46 million in net benefits, in terms of net present value, over a ten-year period: and

WHEREAS, the Joint MISO Application estimates ten-year present value benefits to ELL of $311 million to $397 million if Entergy and CLECO join the MISO RTO; and

WHEREAS, the Joint MISO Application estimates ELL-Algiers' portion of ELL's estimated net benefits would be approximately $7 million to $9 million; and

WHEREAS, the Council notes that on September 24, 2012, the *Joint Application for Authorization of Acquisition and Disposition of Jurisdictional Transmission Facilities, Approval of Transmission Service Formula Rate and Certain Jurisdictional Agreements, and Petition for Declaratory Order on Application of Section 305(a) of the Federal Power Act* was filed at the Federal Energy Regulatory Commission by ITC Holdings Corp. ("ITC") and certain of its subsidiaries, and Entergy Corporation and certain of its subsidiaries; and

WHEREAS, the Council notes that the Companies, in their Joint MISO Application, seek a public interest finding from the Council with respect to the Companies' joining the MISO RTO as Transmission Owner members with an established target of no later than December 2013, while they have also requested with filings at the Council on

September 12, 2012 and the FERC at September 24, 2012, a schedule to effectuate the divestiture of transmission assets to ITC in June 2013; and

WHEREAS, on February 16, 2012, in Resolution R-12-55, the Council established a procedural schedule for Docket No. UD-11-01 to formally investigate the costs and benefits associated with ELL and ENO's proposal to join the MISO. Resolution R-12-55 provides for a two-phase proceeding with the first phase to focus on discovery intended to result in a threshold determination as to whether ENO and ELL's joining an RTO, particularly MISO, is in the public interest. In addition, the Council established a procedural schedule including a discovery period for phase one culminating in an evidentiary hearing to commence on September 18, 2012. The second phase of the proceeding would involve the Council's intervention in Companies' filing at FERC ("Implementation Filing") requesting approval of specific revisions to the System Agreement to implement the proposed ratemaking revisions intended to recover new MISO costs and new methods to allocate existing costs; and

WHEREAS, to date, no such Implementation Filing has been made with the Council; and

WHEREAS, the Council adopted Resolution R-12–389 on October 18, 2012, which suspended the date for the evidentiary hearing with respect to the Joint MISO Application to allow for the negotiations that have now culminated in the Stipulation and Settlement Agreement ("Agreement") Between Entergy New Orleans, Inc., Entergy Louisiana, LLC, Midwest Independent Transmission System Operator ("Applicants") and the Advisors to the Council of New Orleans dated November 8, 2012 and currently being considered by the Council; and

WHEREAS, on December 5, 2011, Entergy announced its proposal to divest and merge its Operating Company electric transmission assets into ITC Holdings; and

WHEREAS, under the proposed transaction, Entergy will divest its Operating Company electric transmission assets that are 69 kV or above and other related equipment necessary for the sale and reliable operation of the transmission grid to a newly-formed transmission company ("Mid South TransCo LLC"); and

WHEREAS, the Council notes that on September 12, 2012, the *Joint Application of ENO, ELL, ITC, Mid South TransCo LLC, Transmission Company New Orleans, LLC, Transmission Company Louisiana II, LLC and ITC Midsouth LLC for Approval of Change of Ownership of Electric Transmission Businesses, for Certain Cost-Recovery Adjustments, and for Related Relief* was filed with the Council requesting Council approval of the proposed ITC transaction an

other relief set out in the filing in Council Docket UD-12-01; and

Other Jurisdictions

WHEREAS, on June 28, 2012, the Louisiana Public Service Commission ("LPSC") conditionally approved ELL's and EGSL's request to join MISO; and

WHEREAS, on October 26, 2012, the Arkansas Public Service Commission ("APSC") conditionally approved EAI's request to join MISO, which was a dramatic change of course considering some of its earlier orders; and

WHEREAS, on October 26, 2012, the Public Utility Commission of Texas ("PUCT") conditionally approved ETI's request to join MISO; and

WHEREAS, the Mississippi Public Service Commission ("MPSC") is scheduled to consider its staff's Joint Stipulation with EMI concerning its membership in MISO on November 15, 2012; and

WHEREAS, considering the decisions of the other jurisdictions on the Entergy System, together with the fact that our Advisors have been able to achieve an agreement with the Applicants (some of the principal terms of which will be discussed below) that will provide benefits and protections for New Orleans ratepayers to the extent practicable in relation to the terms and conditions approved in other jurisdictions, now make consideration of the Joint MISO Application appropriate; and

WHEREAS, though the Joint MISO Application indicates net benefits to ENO of approximately $6 million per year, our Advisors have expressed to the Council their grave concerns that those savings, as represented by the Companies in the testimony in this Docket, will not actually materialize for several reasons:

1. the significant decrease in expected natural gas costs for use as generating fuel and the potential for large retirements of coal fired generation in MISO which could dramatically change the potential savings;
2. whether or not Qualified Facilities ("QF") in the Entergy footprint under the Public Utility Regulatory Policies Act ("PURPA") will become market participants in MISO which can demonstrably affect Entergy's forecast of benefits as shown by the early Charles Rivers Associates ("CRA") cost-benefit studies conducted for FERC and the Entergy Regional State Committee ("ERSC");
3. the Companies' ability to provide transmission in the MISO market that is adequately hedged against congestion costs and the lack of the establishment of an ENO only transmission pricing zone;
4. the pass through of MISO market costs and the future structure of ESI's proposed amendments to the Entergy System

Agreement and its Service Schedules;
5. the proposed divestiture of Entergy's transmission assets;
6. the enactment of new environmental regulations;
7. the future allocation of transmission expansion costs; and
8. the implementation of the new proposed capacity market in MISO.
WHEREAS, our Advisors' concerns are supported by studies conducted on behalf of the PUCT and MPSC in their evaluation of their respective Operating Companies' membership in MISO, which show:
1. a reduction in net benefits for EMI of anywhere from 24.4 to 40.0% accounting for changes in trade benefits (i.e., production cost savings), load diversity, and regulation and contingency costs in comparison to Entergy's projections, and
2. a reduction in trade benefits for ETI of as much as 68% in trade benefits in comparison to Entergy's projections.
WHEREAS, as the result of recent negotiations with ENO, our Advisors are recommending the Council's approval of the Agreement; and
WHEREAS, our Advisors represent that approval of said Agreement will have the effect of ameliorating some of the Advisors' concerns by adding transparency to the Companies' integration into MISO and a modicum of protections for ratepayers that increase the potential for the benefits of the Companies joining MISO exceeding the costs to New Orleans ratepayers; and
Discussion
WHEREAS, while the Agreement itself constitutes the best source of its terms and conditions, the following discussion highlights several of the principal conditions that support the Council's determination that approval of the Companies' Joint MISO Application is in the public interest:
1. ENO-only Transmission Pricing Zone ("TPZ"). The Council Advisors have throughout these proceedings sought an ENO-only TPZ, so as to ensure that ENO ratepayers only incur transmission costs commensurate with the benefits they receive as opposed to the single Louisiana TPZ (ELL, EGSL, and ENO) proposed by the Companies. And though ENO will not get its own TPZ in this MISO proceeding, the Advisors have been able to gain certain concessions from ENO, particularly its support for an ENO -only TPZ in the ITC proceeding as reflected in Paragraph 22 of the Agreement:
22. The Council Advisors have asserted that, it will be in the best interest of Council-jurisdictional ratepayers for ENO to have its own transmission pricing zone ("TPZ").
a) In order to attempt to comply with the position of the Council and its Advisors with regard to the TPZ issue, ENO agrees to use its reasonable best efforts to:
i. Secure the support and agreement from ELL that ENO have its own TPZ.
ii. Engage ELL to join with ENO in seeking support from ITC and the LPSC that ENO have its own TPZ.
b) In response to TPZ-related comments that may be filed by the Council in response to the ESI/ITC section 203 filing at the FERC, the Companies represent that ESI will file responsive comments stating that, assuming the ITC Transaction closes, they will not oppose ENO having its own TPZ if the LPSC and ITC agree to ENO having its own TPZ. As part of such responsive comments, ESI will acknowledge that an issue relating to the appropriate number of TPZs in Louisiana has been raised by the Council and express to the FERC the Companies' collective desire to attempt to reach agreement among the affected parties on the appropriate number of TPZs in Louisiana prior to the FERC ruling on that issue.
c) ENO will keep the Council and its Advisors reasonably informed of the status of its efforts.
2. Congestion—Auction Revenue Rights.
Each Regional Transmission Operator ("RTO") offers hedging devices to help (but not eliminate) the costs of congestion associated with energy purchases in the RTO market. Auction revenue rights ("ARRs") are the financial devices used in MISO to provide funds to market participants to hedge the cost of transmission congestion. MISO is still in the process of developing modified rules to accommodate the Operating Companies' integration into MISO with respect to allocating ARRs to market participants. The Advisors have continually expressed reservations that ENO's (i.e., for the benefit of New Orleans ratepayers) actual allocation of ARRs might be insufficient to hedge its congestion costs, especially in the heavily congested transmission area Down Stream of Little Gypsy on the ELL and ENO transmission system. Because the transmission system between ENO and the rest of Entergy is constrained (or congested), ENO can be subject to significant congestion costs in the real time markets of MISO. Furthermore, ENO relies on purchased power agreements from generating facilities located in Arkansas, the basis of which formed the foundation for the Council's 2003 Agreement in Principle as embodied in Council Resolution R-03-272. Paragraph 14 of the Agreement is designed to provide the basis for determining if the Companies' assertions in their testimony in this Docket come to fruition for future reexamination by the Council of the Application should they not prove to be

achievable:

14. The Companies and MISO agree that MISO will work with the Council's Advisors, and receive stakeholder input, to examine proposed MISO rule changes regarding ARRs to determine whether the proposed revisions to the rules for ARR allocations are expected to provide a reasonable allocation of ARRs, consistent with FERC standards. The Companies and MISO further agree that the Council's determination that the transfer of control to MISO is in the public interest shall be conditioned on the potential impact to the Companies' ratepayers considering the outcome of the proceedings for the establishment of MISO tariff and/or business practices, and/or FERC orders, addressing the manner in which ARRs can be nominated by and allocated to the Companies, the other OPCOs, and other Load Serving Entities ("LSEs") in the Entergy Operating Companies' footprint. In addition, the Companies and MISO agree that the Council's public interest determination shall be conditioned on the potential impact to the Companies' ratepayers of the projected ARR allocations to the Companies. Further, the Companies and MISO agree that the Council may take further action as it deems appropriate, including determining whether changed circumstances justify reconsideration of its public interest determination. The Companies additionally agree to undertake the study pertaining to ARR allocations, to work cooperatively with the Advisors on such study and receive stakeholder input, as described in the Rebuttal Testimony of Mr. Schnitzer at page 33, line 18 – page 34, line 4 in LPSC Docket No. U-32148 and will share the results of their analyses of projected ARR allocations to the OPCOs with the Council's Advisors, as highly sensitive information subject to the Docket No. UD-11- 01 protective order, after MISO files its proposed ARR tariff provisions with the FERC. The Companies and MISO agree that they will consult with Council's Advisors on an ongoing basis, during the MISO stakeholder process and when the new tariff changes are filed for FERC review, to analyze the MISO ARR tariff and business practice changes to determine whether the proposed revisions are expected to provide a reasonable allocation of ARRs to the Companies, consistent with FERC standards. As part of the Companies' commitment to study projected ARR allocation as set forth in this Paragraph, by the end of the first quarter 2013, unless such deadline is extended by the Council Advisors or the Council, the Companies shall provide to the Council, as Highly Sensitive Protected Materials, the results of an analysis of the projected ARR allocation to the OPCOs in Stage 1A of the ARR allocation process, which conveys Long Term Transmission Rights to the OPCOS. This includes projections of (i) the Stage 1A entitlements available to the OPCOs; (ii) the Stage 1A ARRs allocated to the OPCOs; and (iii) the High Utilization Factor Unit capacity assigned to the OPCOs.

3. Qualified Facilities ("QFs").

According to the Advisors, the Entergy region has over 3,000 MW of QF capacity, the vast majority of which is in ELL, EGSL, and ETI service territories. In the CRA Analyses, it is assumed that the Entergy QFs may become firm resources in MISO (i.e., become Market Participants in MISO in the active day ahead and real-time markets). As modeled by CRA, Entergy would effectively be relieved of its obligation to purchase power from QFs at its avoided cost and represent trade benefits (i.e., savings in production costs). This assumption is recognized by CRA as a key driver of the trade benefits with Entergy's membership in MISO. The Advisors are concerned that the Companies may not be taking full advantage of the relief from QF purchase obligations that may be available. Assuming the Operating Companies do not seek relief from FERC with respect to existing QFs, the only mechanism by which the Operating Companies can fully realize the magnitude of benefits represented by the CRA report is through revising the avoided cost calculation with each of the retail regulators and having such revision be accepted by FERC in any challenge by a QF. Each of these retail proceedings will take time and may be opposed by QF owners who believe the revised avoided cost pricing may be detrimental. If the Operating Companies join MISO prior to the completion of the retail proceedings, the Operating Companies and their ratepayers may not realize the full benefits which may be available through joining MISO. Paragraph 21 of the Agreement is consistent with the Advisors' recommendation.

21. ESI shall (i) submit an application to FERC requesting relief from the QF put obligation to the maximum extent permitted by law, to be effective the date the first Entergy OPCO becomes a MISO member unless another date is ordered or agreed to by the retail regulator having jurisdiction over the service area in which the majority of the Companies' QF capacity is located, and (ii) file with the Louisiana Public Service Commission and the Public Utility Commission of Texas, and to the extent reasonably necessary and applicable with other retail regulators, an alternative avoided cost methodology consistent with MISO market design.

4. Governance.

The Council, as well as the Operating Companies' other retail regulators, currently have significant authority with their participation in the Entergy Regional State Committee ("E-RSC"), such as Section 205 rights, the direct ability to add projects to Entergy's Transmission Construction Plan, and the direct ability to change Entergy's transmission planning horizon. The Advisors have sought to obtain similar rights under the Companies' membership in MISO, and Paragraphs 12 and 13 of the Agreement reflect that.

12. The Companies agree that as a condition of joining MISO they will support retention of the Entergy Regional State Committee's ("E-RSC's") current level of authority during the five-year transition period (as defined in Attachment FF of the MISO tariff) in MISO to direct the OPCOs, upon unanimous vote, to exercise their rights as transmission owners in MISO to add projects to the MISO transmission expansion plan; and to direct the OPCOs, upon unanimous vote, as transmission owners in MISO to propose to modify the relevant MISO cost allocation methodology (subject to FERC approval) among the transmission pricing zones with respect to new transmission projects, other than multi-value projects, that are situated entirely within MISO South, and which are approved during the five-year transition period for cost allocation that MISO proposed to FERC and that FERC has conditionally approved. The Companies agree to use reasonable efforts in working with the other OPCOs (whom the Companies expect will work with their respective retail regulators) and the Council in considering an extension of such authority beyond the five-year transition period.
13. The signatories agree that nothing in this Agreement shall limit MISO's ability to expand upon or modify the implementation of the governance provisions herein as a result of the ongoing governance discussions in the MISO stakeholder process and among the Organization of MISO States ("OMS") and E-RSC. MISO agrees that prior to the expiration of the five-year transition period, it will file with FERC to provide the OMS with rights as follows:
a) MISO will include alternative tariff sheets and justification proposed by the OMS in any cost allocation filing in which MISO seeks to amend or otherwise modify the regional transmission cost allocation methodologies or formulae, where OMS has an alternative proposal to a major element or elements of the MISO proposal. Inclusion of the alternative tariff sheets and justification proposed by the OMS will be contingent upon the alternative proposal meeting the qualifying circumstances set forth below:
i. MISO is filing a new proposal seeking to amend the existing cost allocation methodology accepted by FERC for any of its regional transmission cost allocation methodologies.
ii. At the conclusion of MISO's stakeholder process developing a proposal seeking to amend the existing cost allocation methodology if a) OMS disagrees with one or more components of the proposed MISO filing; b) OMS provides an alternative approach to such component memorialized in the form of alternative tariff provisions; and c) the required majority of OMS members requests MISO to include the OMS's alternate tariff sheets in MISO's filing seeking FERC acceptance of MISO's proposal referenced above.
iii. If the qualifying circumstances are met, MISO will include the OMS's alternative proposal in MISO's section 205 filing to modify the cost allocation methodology. The OMS's alternative proposal will be included along with MISO's proposal in the MISO filing in the following manner: a) the OMS's alternative proposal will be included in the filing in addition to, not in lieu of, the MISO proposal and will be identified as being requested by the OMS; b) OMS is responsible for supporting the justness and reasonableness of their alternative proposal; c) MISO will include such justification as well as any testimony or other supporting documentation provided by OMS in MISO's filing as so requested by OMS, contingent upon OMS providing any supporting language in a time frame that is consistent with MISO's schedule for the filing.
iv. The inclusion of the OMS alternative proposal in MISO's filing is intended to ensure the OMS alternative proposal receives the same presumption as the MISO proposal and is subject to the same legal standard of review as the MISO proposal.
b) MISO agrees that, upon the integration of all OPCOs, MISO will file with FERC to:
i. Expand the retail representation on the Advisory Committee to include a retail regulator from the E-RSC;
ii. Create a new retail regulator committee that reports directly to the Board of Directors of MISO ("Board") in the same way that the Advisory Committee and Transmission Owner's Committee reports to the Board today; and
iii. Codify the advisory role of the OMS regarding transmission planning.
5. Bundled Load Exemption ("BLE").
Under the bundled load exemption, a Transmission Owner serving bundled retail load does not pay certain charges pursuant to the MISO Tariff. Instead, those costs are recovered by the Transmission Owner through its bundled retail rates, and the regulator (Council) has jurisdiction over the ratemaking of the transmission component of bundled retail electric rates, which Paragraph 6 of the Agreement seeks to protect.
6. The Companies shall not unbundle transmission or seek to make basic changes to transmission service for retail ratemaking without prior Council approval. The Companies, if they are transmission owners in MISO, commit to take all reasonable steps to qualify for the exemption for bundled retail load from MISO Schedule 9 transmission charges under the MISO Open Access Transmission, Energy & Operating Reserve Markets Tariff. ENO and ELL also commit, if they are transmission owners in MISO, to oppose any efforts by MISO transmission owners or others to modify the MISO Open Access Transmission, Energy and Operating Reserve Markets Tariff and/or the MISO Transmission Owners Agreement in a manner that would subject ENO and ELL to MISO Schedule 9 transmission charges for

bundled retail load.
The bundled load exemption would not apply to ENO and ELL if the divestiture of transmission assets to ITC occurs prior to ENO and ELL joining MISO. Subsequent to the divestiture of transmission assets to ITC, the Council would no longer have jurisdiction over the ratemaking of the transmission component of retail electric rates. This is an issue that will be of the utmost importance to the Council as it considers the ITC divestiture application in Docket UD-12-01.
6. Costs.
The recovery of costs associated with ELL and ENO's MISO integration will be considered in subsequent proceedings as reflected in Paragraph 9 of the Agreement.
9. The prudence and recovery of all ELL MISO integration costs will be considered in a later proceeding of the Council at such time when ELL files an application with the Council for a general rate proceeding. The prudence and recovery of all ENO MISO integration costs will be considered in a later proceeding of the Council, when the balance of such costs not included in ENO's 2011 Test Year of the FRP may be incorporated into rates.
7. Books and Records.
The Council shall continue to have access to the books and records of the Companies as reflected in Paragraph 7 of the Agreement.
7. The Council shall have complete access to information and full rights to conduct audits of costs incurred by or credited to the Companies, and to conduct prudence reviews, as needed, in connection with these and related activities within ENO's and ELL's control, including activities associated with transitioning to and operating within membership in MISO. These audits and prudence review rights are not intended to make the Companies responsible for activities required by a valid FERC tariff and which are undertaken by MISO that are therefore beyond the Companies' control. MISO shall grant the Council access to personnel, books, and records pertaining to the transmission service and costs charged to the Companies, comparable to the Council's current access for the Companies. This condition is not intended to alter Council or FERC jurisdiction. Ensuring that MISO charges and credits to the Companies (and/or ESI) are correct and accurate, however, will be the explicit responsibility of the Companies to the extent that it is reasonably possible for the Companies to do so consistent with the information that is available to them. The Companies must undertake all reasonable effort to verify the correctness and accuracy of these charges and credits which will include all reasonable efforts to obtain the information necessary to verify the accuracy of these charges and credits. The Companies must also validate that the charges and credits they receive are being assessed pursuant to the MISO tariff.
8. Jurisdiction.
Notwithstanding the transfer of the functional control of their transmission assets to MISO, the Companies shall continue to be subject to Council jurisdiction as reflected by Paragraph 26 of the Agreement.
26. The Companies shall remain under the Council's jurisdiction upon membership in MISO, to the extent not otherwise preempted by FERC, with respect to retail electric rates and all related electric facility operations, facility siting, financing, and reliability. The Council and all Intervenors shall retain all rights, state and federal, to respond to all arguments that may be raised by the Companies with regard to preemption.
9. Most Favored Nation's Clause.
In order to ensure that New Orleans ratepayers receive the same benefits as other ratepayers on the Entergy System, a most favored nation's clause is included in Paragraph 23 of the Agreement.
23. The Companies agree upon issuance of any final and non-appealable order by FERC or any retail regulator addressing the transfer of control of the OPCOs' transmission assets to MISO, through stipulation or otherwise, which provides benefits to OPCO ratepayers in any jurisdiction or imposes conditions on the OPCOs that would benefit the OPCO ratepayers in any jurisdiction, such net benefits and conditions will be extended to the Companies' ratepayers and or the Council to the extent necessary to achieve equivalent net benefits and conditions to New Orleans ratepayers and or the Council (the favored benefit or condition). This "most favored nations clause" is conditioned on ENO and ELL receiving any contingencies, conditions or benefits that were exchanged by the other retail regulator for the more favored benefit or condition received by the other Operating Companies' ratepayers (the contingent benefit or condition). In the event that any such quid pro quo conditions are required by any other retail regulator, for the Companies to receive this quid pro quo they must promptly file with the Council providing a detailed explanation of the favored condition or benefit and the contingent benefit or condition identified in the other retail regulator docket. The Council shall determine whether such conditions or benefits are reasonable and in the public interest. The Companies shall bear the burden of demonstrating the contingent condition or benefit exchanged for the favored benefit or condition. This "most favored nations" provision does not apply to any provision in any other retail regulator Order relating to whether an OPCO will have its own TPZ.
Public Interest Standard

WHEREAS, Council Resolution R-06-88 sets forth the process and requirements for seeking approval of corporate restructurings and asset transfers. Under this resolution, in determining whether to approve any such transfer of ownership or control, the Council shall take into account the following factors:
1. Whether the transfer is in the public interest.
2. Whether the purchaser is ready, willing and able to continue providing safe, reliable and adequate service to the utility's ratepayers.
3. Whether the transfer will maintain or improve the financial condition of the resulting public utility or common carrier.
4. Whether the proposed transfer will maintain or improve the quality of service to public utility or common carrier ratepayers.
5. Whether the transfer will provide net benefits to ratepayers in both the short term and the long term and provide a ratemaking method that will ensure, to the fullest extent possible, that ratepayers will receive the forecasted short and long term benefit.
6. Whether the transfer will adversely affect competition.
7. Whether the transfer will maintain or improve the quality of management of the resulting public utility or common carrier doing business in the City.
8. Whether the transfer will be fair and reasonable to the affected public utility or common carrier employees.
9. Whether the transfer would be fair and reasonable to the majority of all affected public utility or common carrier shareholders.
10. Whether the transfer will be beneficial on an overall basis to City and local economies and to the communities in the area served by the public utility or common carrier.
11. Whether the transfer will preserve the jurisdiction of the Council and the ability of the Council to effectively regulate and audit the public utility's or common carrier's operations in the City.
12. Whether conditions are necessary to prevent adverse consequences which may result from the transfer.
13. The history of compliance or noncompliance that the proposed acquiring entity or principals or affiliates have had with regulatory authorities in this City or other jurisdictions.
14. Whether the acquiring entity, persons, or corporations have the financial ability to operate the public utility or common carrier system and maintain or upgrade the quality of the physical system.
15. Whether any repairs and/or improvements are required and the ability of the acquiring entity to make those repairs and/or improvements.
16. The ability of the acquiring entity to obtain all necessary health, safety and other permits.
17. The manner of financing the transfer and any impact that it may have on encumbering the assets of the entity and the potential impact on rates.
18. Whether there are any conditions which should be attached to the proposed acquisition.
The first factor is whether the transfer is in the public interest, and since it is the ultimate question in these proceedings, it should be answered last.
The second factor is whether the purchaser is ready, willing and able to continue providing safe, reliable and adequate service to the utility's ratepayers. In this docket, the Companies do not propose a sale of their respective transmission assets. Rather, their Joint Application requests a transfer of control of the Companies' transmission assets and operations to MISO. As such, there is no "purchaser." MISO has demonstrated a long history of successfully providing for the planning, operation and management of its members' transmission systems in support of maintaining safe, reliable and adequate service in conformance with applicable North American Electric Reliability Corporation ("NERC") standards. There is no reason to believe that MISO will plan, operate and manage the Companies' transmission systems any differently than it does for its existing MISO members. Accordingly, the transfer of control to MISO meets the requirements of the second factor.
The third factor is whether the transfer will maintain or improve the financial condition of the resulting public utility. Witnesses have testified that if the Companies are allowed to recover prudently incurred costs resulting from joining MISO and net benefits are reflected in rates, there will not be any adverse impact on the financial condition of the Companies and, accordingly, the third factor is satisfied.
The fourth factor is whether the transfer will maintain or improve the quality of service to the utilities or ratepayers. The fourth factor can be interpreted to mean "reliability". It is essentially duplicative of the second factor, and the transfer meets the requirements of the fourth factor.
The fifth factor is whether the transfer will provide net benefits to ratepayers in both the short term and the long term and provide a ratemaking method that will ensure to the fullest extent possible, that ratepayers will receive the

forecasted short and long term benefits. The Joint MISO Application indicates that joining MISO will provide net benefits to the Companies' customers, as supported by the May 12, 2011 Evaluation Report and the Supplemental Direct Testimony of Messrs. Hurstell, Schnitzer and Riley. And as Advisors' witness Rogers testified, though the Joint MISO Application protects net benefits to the Companies' customers, in reality the level of such net benefits may be significantly affected by factors outside the control of the Companies, and the Advisors have provided conditions to guard against that possibility. Thus, the transfer meets the requirements of the fifth factor.

The sixth factor is whether the transfer will adversely affect competition. The Joint MISO Application indicates that joining MISO will enhance competition without adversely affecting it and, moreover, joining an RTO is in line with FERC's promotion of RTOs to enhance competition and greater transparency in electric markets. Accordingly, the requirements of the sixth factor are met.

The seventh factor is whether the transfer will maintain or improve the quality of management of the resulting public utility. The Joint MISO Application indicates that joining MISO will have no effect on the quality of management of ENO or ELL-Algiers and will not result in any change in management. Accordingly, the Joint MISO Application meets the requirements of the seventh factor.

The eighth factor is whether the transfer will be fair and reasonable to the affected public utility employees. The Joint MISO Application indicates that the Companies will continue to have the responsibility for maintaining the reliability of service to retail customers. Additionally, the Companies have indicated that joining MISO will not result in any significant changes to the number of the Companies' staff. Further, Companies' witnesses Riley and Hurstell indicate that though the responsibilities of certain employees may change with membership in MISO, it is not expected that there will be any material change in the overall number of staff. Accordingly, the transfer meets the requirements of the eighth factor.

The ninth factor is whether the transfer would be fair and reasonable to the majority of all affected public utility shareholders. The Joint MISO Application indicates that as long as the Companies are allowed to timely recover in rates their prudently incurred costs as a result of joining MISO and no diminution in their ability to earn a fair return, the transaction will be fair and reasonable to Entergy shareholders. Accordingly, the transfer meets the requirements of the ninth factor.

The tenth factor is whether the transfer will be beneficial on an overall basis to City and local economies and to the communities in the area served by the public utility. Companies' witness Gallagher indicates in his Supplemental Direct Testimony that both the May 12, 2011 Evaluation Report, and testimony of Messrs. Schnitzer, Hurstell and Riley state that significant net costs savings are projected from joining MISO, as the transaction is projected to result in lower energy costs than would otherwise occur, and would allow the Operating Companies to avoid certain capacity related costs. Further, they indicate this change of control should have a beneficial effect on the New Orleans economy, the State of Louisiana and its subdivisions (to the extent they are customers of the Operating Companies) in the form of enhanced economic activity, employment and tax revenues. As discussed in the Pre-Filed Direct Testimony of Advisors' witness Rogers, the projected level of net benefits to the Companies is subject to significant question. To the extent that net benefits are actually achieved by the Companies as forecast by Companies' witness Gallagher, they will have a beneficial effect on the State of Louisiana's and New Orleans' economies. In furtherance of this finding, the Council intends to conduct periodic assessments of the benefits received by the Companies to assure this condition continues to be met. As such, the requirements of the tenth factor should be met.

The eleventh factor is whether the transfer will preserve the jurisdiction of the Council and the ability of the Council to effectively regulate and audit the public utility's operations in the City. This factor includes two (2) elements: the jurisdictional authority of the Council and its ability to audit and regulate the operations of the utility. The first element of the eleventh factor relates to the Council's jurisdictional authority. The Council will not have any loss of jurisdictional authority over the Companies as a result of the transfer (also, see Paragraph 26 of the Agreement). However, the rights afforded the Council by its participation in the E-RSC could be at risk, and thus Paragraphs 12 and 13 of the Agreement are intended to enforce the Council's existing rights. The second element of the eleventh factor relates to the Council's audit rights. On this point, Companies' witness Gallagher's Supplemental Direct Testimony indicates that the Council's audit rights concerning the financial records, jurisdictional tariffs, and approved cost recovery mechanisms (i.e. base rates, fuel adjustment clause, etc.) of the Companies will remain unchanged after the MISO transaction. Accordingly, the requirements of the eleventh factor are met.

The twelfth factor is whether conditions are necessary to prevent adverse consequences which may result from the transfer. The answer is yes, and the Advisors have made such recommendations as reflected in the Agreement itself. Thus, the requirements of the twelfth factor are met.

The thirteenth factor relates to the history of compliance or noncompliance that the proposed acquiring entity or

principals or affiliates have had with regulatory authorities in the City or other jurisdictions. There are no significant compliance issues associated with Applicants. Therefore, factor thirteen is satisfied.
The fourteenth factor is whether the acquiring entity has the financial ability to operate the public utility and maintain or upgrade the quality of the physical system. MISO is one of the largest RTOs in the country, and there is no issue with respect to its financial ability to perform the operations contemplated by this transfer. Accordingly, the fourteenth factor is satisfied.
The fifteenth factor is whether any repairs and/or improvements are required and the ability of the acquiring entity to make those repairs and/or improvements. This factor is not applicable to the proposed transaction, as MISO will not be responsible for making repairs and/or improvements to the Companies' transmission systems. MISO is not an "acquiring entity" as the proposed transaction does not include the transfer of any of the Companies' transmission assets.
The sixteenth factor relates to the ability of the acquiring entity to obtain all necessary health, safety and other permits. This factor is not really applicable to the proposed transaction, as shifting functional control of the Companies' transmission assets to MISO will not shift any obligations to MISO to obtain or maintain in force any permits required for the Companies to support their operations.
The seventeenth factor relates to the manner of financing the transfer and any impact that it may have on encumbering the assets of the entity and the potential impact on rates. The Joint MISO Application states that this factor is not directly applicable, as there is no sale of assets as a result of joining MISO, and there is no financing associated with the transfer of functional control. Further, the Companies do not propose to encumber any of their assets as a result of joining MISO. To the extent transition costs are recovered through rates, the impact is projected to be small relative to the Companies' total revenue requirements.
The eighteenth factor is whether there are any conditions which should be attached to the proposed acquisition. This factor is similar to factor 12, and the answer is yes, and the recommended conditions are reflected in the Agreement. Thus, the requirements of the eighteenth factor are met.
In summary, all of the factors discussed above and required by Resolution R-06-88 are satisfied.
Parties
WHEREAS, in addition to ENO and ELL, intervenors included MISO, Southwest Power Pool Regional Transmission Organization("SPP"), Air Products and Chemicals, Inc., Jacobs Technology, Inc., The Folger Coffee Company (J.M. Smucker), U.S. Gypsum, Alliance for Affordable Energy and East Texas Cooperatives; and
Advisors Statement of Concerns
WHEREAS, the Council takes administrative notice of the provisions in the PUCT's October 26, 2012 Order in Docket NO. 40346 related to ETI's Withdrawal from System Agreement, and Entergy Corporation and ESI's support for ETI's withdrawal. It is the Advisors' position that in any subsequent withdrawal from the Entergy System Agreement by ETI, such withdrawal is governed by the terms of the System Agreement, which provides for eight prior years notice pursuant to previous FERC Opinions and it would not be prudent for ENO to be in support of any early exit of ETI, without a demonstrable showing, at a minimum, of no harm to New Orleans' ratepayers; and
WHEREAS, it is the Advisors' position that the ITC divestiture application, as presently constituted in Docket No. UD-12-01, does not make a showing that the divestiture of the Companies' transmission assets to ITC clearly benefits the ratepayers of New Orleans; and
WHEREAS, the APSC's EAI-only Local Resource Pricing Zone requirement, as set forth in APSC Order No. 72, in Docket No. 10-011-U, could have a materially adverse effect on the delivered cost of the Purchased Power Agreements ("PPAs") ENO received from Arkansas pursuant to the 2003 AIP if, in response to FERC's resource adequacy requirements, MISO imposes an "LMP-like" pricing mechanism to deliver the PPAs.
WHEREAS, to ensure that all of the conditions imposed by this Agreement will continue to be effective, the Advisor's recommend that all of ENO's and ELL's successors in interest should be bound by the terms of this Agreement, and such obligations should be considered in the subsequent proceedings in Docket No. UD-12-01 initiating the investigation of the proposed divestiture of ENO and ELL's transmission assets to ITC Holdings Corp.; and
WHEREAS, the Advisors have expressed concern that the benefits to the Entergy Operating Companies joining MISO may not materialize as estimated by the Companies, and while there may be potential economic benefits to the Entergy Operating Companies collectively by joining MISO, there is no assurance that ENO will benefit individually; and
Recommendations
WHEREAS, based on the Advisors' review of the Joint MISO Application and in consideration of the eighteen factors contained in Council Resolution R-06-88, the Advisors recommended that any public interest determination by the Council with respect to the Joint MISO Application contain certain conditions of approval to protect the Companies'

ratepayers from effects of unknowns and the risks of costs and benefits to ratepayers being materially different from those estimated by the Companies in their Joint MISO Application; and
WHEREAS, the conditions of approval recommended by the Advisors were utilized in the negotiation of the Agreement; and
WHEREAS, the Advisors represent that the Council's approval of a public interest determination with regards to the Joint MISO Application conditioned upon the conditions contained in the Agreement will partially mitigate the Advisors concerns by providing protection for ratepayers in the form and contingencies upon which the Council can reconsider its public interest determination and opportunities for the Council to reconsider its public interest determination if the Companies fail to comply with the conditions; and
WHEREAS, except for the Southwest Power Pool ("SPP"), which asserts that Entergy's membership in the SPP RTO would provide greater benefits than Entergy's membership in MISO, all of the parties in these proceedings either support approval by the Council of the Agreement or do not oppose Council approval; now, therefore:
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS THAT:
The Agreement is supported or not opposed by the Council's Advisors, MISO, Air Products and Chemicals, Inc., Jacobs Technology, Inc., The Folger Coffee Company (J.M. Smucker), U.S. Gypsum, Alliance for Affordable Energy and East Texas Cooperatives, and based on the record before us, we approve the Agreement without modification. Consistent with the Agreement:
1. We find the transfer of functional control of the Companies' electric transmission assets to the MISO RTO to facilitate the Companies' membership therein is in the public interest, and in accordance with Council Resolution R-06-88;
2. We find the Council's public interest determination is conditional, and subject to further reconsideration by the Council based upon the conditions and contingencies contained in the Agreement;
BE IT FURTHER RESOLVED, that the Council takes administrative notice of the provisions in the PUCT's October 26, 2012 Order in Docket NO. 40346 related to ETI's Withdrawal from System Agreement, and Entergy Corporation and ESI's support for ETI's withdrawal. It is the Councils' position that in any subsequent withdrawal from the Entergy System Agreement by ETI, such withdrawal is governed by the terms of the System Agreement, which provides for eight prior years notice pursuant to previous FERC Opinions and it would not be prudent for ENO to be in support of any early exit of ETI, without a demonstrable showing, at a minimum, of no harm to New Orleans' ratepayers; and
BE IT FURTHER RESOLVED, that the Council recognizes the benefits that have resulted from the long-term Power Purchase Agreements secured as part of the 2003 Agreement in Principal, and considers any action by the Companies which results in the erosion of the benefits upon which the Council's approval of the 2003 Agreement in Principal was justified to be a basis for reconsideration of its public interest determination in this docket.
BE IT FURTHER RESOLVED, that to the extent the TPZ issue for New Orleans is not favorably resolved, the Council will seriously consider not approving the ITC transaction seeking to divest the Companies' transmission assets. Such non-approval would be essential to avoid cross-subsidization of other jurisdictions on the part of New Orleans ratepayers. And without this protection, it is not clear that the benefits of the Companies' joining MISO will exceed the costs.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED

NO. M-12-440
CITY HALL: November 15, 2012
BY: COUNCILMEMBERS CLARKSON, HEAD, HEDGE-MORRELL AND GUIDRY (BY REQUEST)
Approving the Operating Budget of the Police Secondary Employment Corporation for the year 2013.
WITHDRAWN.

NO. M-12-441
CITY HALL: November 15, 2012
BY: COUNCILMEMBER GISLESON PALMER
SECONDED BY: COUNCILMEMBER HEAD

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the request of ERNESTO R. CESPEDES — Requesting to appeal the Historic District Landmarks Commission's decision of "denial" of the request to enclose the side porch for property located at 204 Delaronde Street, be, and the decision is hereby upheld and the appeal is denied.
BE IT FURTHER MOVED, that the Clerk of Council shall forward copies of this motion directly to all affected departments.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-442
CITY HALL: November 15, 2012
BY: COUNCILMEMBER GUIDRY
SECONDED BY: COUNCILMEMBER GISLESON PALMER
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and favorable recommendation of the City Planning Commission on ZONING DOCKET NO. 92/12 – ORLEANS PARISH SCHOOL BOARD - Requesting a Conditional Use to permit a public elementary school in an RD-2 Two-Family Residential District, on Square 482, all lots and Pt. Square 479, and a portion of the former Oleander Street right-of-way, in the Seventh Municipal District, bounded by Live Oak, Forshey, Cherry and Colapissa Streets (Municipal Addresses: 3201 Live Oak Street and 9330 Forshey Street) be, and the same is hereby approved and the Conditional Use is granted, subject to four (4) waivers and eleven (11) provisos.
Waivers:
1. The proposed school shall be granted a waiver of standards of Article 15, Section 15.2.3 prohibiting parking in the required front yard to allow parking within the required setback but subject to screening requirements of Article 15, Section 15.2.5(8).
2. The proposed school shall be granted a waiver of Article 11, Section 11.37.1 requiring a twenty-five (25) feet minimum building setback from all property lines to allow a setback of twelve (12) feet two (2) inches from the Live Oak Street side property line.
3. The applicant shall be granted a waiver of Article 15, Section 15.3.1. *Table of Requirements* and Table 15.G. *Loading Requirements* of the Comprehensive Zoning Ordinance, which require the provision of two (2) off-street loading spaces, to permit the provision of one (1) off-street loading spaces.
4. The applicant shall be granted a waiver of the maximum permitted signage area of twenty-five (25) square feet, in accordance with Article 4, Section 4.3.6 Permitted Signs of the Comprehensive Zoning Ordinance to allow one attached sign not to exceed one hundred (100) square feet, and one monument sign not to exceed thirty (30) square feet. All signs shall be subject to the review and approval of the City Planning Commission staff.
Provisos:
1. The Department of Safety and Permits shall issue no building permits or licenses for this project until final development plans are approved by the City Planning Commission and recorded with the Office of Conveyances. Failure to complete the conditional use process by properly recording plans within a one year time period or failure to request an administrative extension as provided for in Article 16, Section 16.9.11 of the Comprehensive Zoning Ordinance will void the conditional use approval.
2. The proposed use of a former Oleander Street as a bus drop-off area and an interior service drive shall be predicated upon the approval of an amendment to Ordinance No. 18,644 MCS authorizing such use in lieu of the originally approved use for recreation purposes.
3. The applicant shall restore all sidewalks and curbs, where necessary, to the standards of the Department of Public Works. Additionally, the applicant shall secure the approval of the Department of Public Works for the proposed on-street spaces and the installation of any new curb cuts. All curb-cuts shall be no greater than twenty-four (24) feet for two-way access and twelve (12) feet for one-way access, unless otherwise approved by the Department of Public Works.
4. The developer shall submit a revised landscape plan prepared by a licensed Louisiana landscape architect, subject to final approval by City Planning Commission staff and by the Department of Parks and Parkways indicating the

following:
i. The location of all existing trees to be removed and retained and all the protection measures for existing trees during construction; an arborist shall be retained throughout the construction.
ii. The genus, species, size, location, quantity, and irrigation of all proposed plant materials on the site and within the street rights-of-way, with applicable remarks and details. Trees sizing shall be a minimum of 12' in height and 2.5' in dbh.
iii. Trees shall be planted at an interval of 30' or the equivalent number of trees along the public rights-of-way or shall be clustered at the approved areas such as for providing canopy coverage in the assigned staff parking area.
iv. All parking areas facing the rights-of-way shall have a continuous line of shrubs at a minimum of two (2) feet in height when planted.
v. The applicant shall consider a potential relocation of the walkway in the court yard area if that will result in a reduced stress on the adjacent Live Oak tree.
vi. The applicant shall depict on the landscape plan all construction activities, including piling for ramps, within a 25' radius of the trunk (critical root zone (CRZ)) of existing Live Oak trees, including all canopy raising and trimming activities, subject to review by the Department of Parks and Parkways.
5. The applicant shall secure the approval of a site drainage plan from the Department of Public Works and approval of sub-surface sewer and water facilities from the Sewerage and Water Board.
6. The applicant shall revise the site plan to clearly indicate the height and type of fencing material used along the perimeter of the site and in other areas subject to the review and approval of CPC staff. The use of chain link fence shall be prohibited.
7. All refuse areas shall be screened with a minimum of a six (6) foot high opaque fence with latching gate. In no case shall refuse be stored so that it is visible from the public right-of-way. The appearance of the blank wall around the garbage area should be improved by the extension of the fencing/grill material into the base of the wall.
8. The applicant shall provide a litter abatement program letter approved by the Department of Sanitation inclusive of the location of trash storage, the frequency of litter pickup, and the clearing of all refuse from the sidewalks, parking areas, and street rights-of-way, including periodic hosing of the site and rights-of-way, where necessary. The program description, including the name and phone number of the principal of the school or his/her grounds maintenance designee, shall be kept on file in case of any violation.
9. The applicant shall submit a lighting plan for the campus, including but not limited to all parking and service areas and play grounds located on the site. Lighting shall not be directed towards adjacent residential uses.
10. Prior to the finalization of the Conditional Use, the applicant shall submit a Vehicular Circulation Plan to the Department of Public Works for review and approval.
11. The applicant shall provide for a New Orleans Police Department Officer or other traffic security personnel to be present during the morning drop-off and afternoon pick up time periods during all school days, as well as during all gatherings at the school, whether sponsored by the school or not, during non-school hours.
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the request.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-443
CITY HALL: November 15, 2012
BY: COUNCILMEMBER GUIDRY
SECONDED BY: COUNCILMEMBER GISLESON PALMER
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and favorable recommendation of the City Planning Commission staff on ZONING DOCKET NO. 97/12 – CHIU, LLC – Requesting a Conditional Use to permit the sale of alcoholic beverages for consumption on-premises at a standard restaurant in an LB-1 Lake Area Business District and within the LADC Lake Area Design Corridor Overlay District, on Square 231,

Lot 28-A, in the Second Municipal District, bounded by Canal Boulevard, Harrison Avenue, Bragg and Louis XIV Streets (Municipal Address: 6300 Canal Boulevard), be, and the request is hereby approved as modified, and granted, subject to eight (8) provisos:

PROVISOS:

1. The Department of Safety and Permits shall issue no building permits or licenses for this project until final development plans are approved by the City Planning Commission and recorded with the Office of Conveyances. Failure to complete the conditional use process by properly recording plans within a one year time period or failure to request an administrative extension as provided for in Article 16, Section 16.9.11 of the Comprehensive Zoning Ordinance will void the conditional use approval.
2. The applicant shall submit a litter abatement program letter to the Department of Sanitation for review and approval. The letter shall be inclusive of the stated location of trash storage out of the public right-of-way, the type and quantity of trash receptacles, the frequency of litter pickup, the clearing all litter from the adjacent right-of-way, and the periodic hosing of the adjacent street rights-of-way, as necessary. The name and phone number of the owner/operator of the restaurant shall be included in this letter to be kept on file in case of any violation.
3. Prior to the issuance of a Certificate of Use and Occupancy, the applicant shall submit a detailed signage plan, indicating the type, size, and location of all signage to be installed within the site. All proposed signage shall comply with Article 9A, Section 9A.13.6 (3) *Signage* of the Comprehensive Zoning Ordinance. No signage promoting alcoholic beverages shall be visible from the exterior of the building.
4. The restaurant shall operate only between the hours of 10:00 a.m. and 10:00 p.m., Sunday through Thursday and between the hours of 10:00 a.m. and 11:00 p.m., Friday and Saturday.
5. Alcoholic beverage service for consumption on premises shall be served only in combination with food service. Food service shall comprise at least fifty percent (50%) of the revenue for the restaurant and a full food menu shall be available at all times that the restaurant is operated.
6. The use of disposable or “go” cups shall be prohibited.
7. The applicant shall consult the Department of Public Works to determine if any improvements to the service alley will be required as the condition of its use for delivery purposes. In no instance shall the rear alley be used for customer ingress/egress to the site.
8. Video Poker shall be prohibited.

BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney’s Office for the preparation of an ordinance to effectuate the request.

THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:

YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-444
CITY HALL: November 15, 2012
BY: COUNCILMEMBER GISLESON PALMER
SECONDED BY: COUNCILMEMBER HEDGE-MORRELL

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the report and favorable recommendation “FOR APPROVAL” of the City Planning Commission on ZONING DOCKET NO. 110/12 – 2227 ST. CLAUDE ST. PROPERTY LLC - Requesting a Conditional Use to permit an amusement place at an existing cocktail lounge in an HMC-2 Historic Marigny/Treme Commercial District, on Square 390, Lot 17, in the Third Municipal District, bounded by St. Claude and Elysian Fields Avenues, Marigny and Marias Streets (Municipal Address: 2227 St. Claude Avenue), subject to fourteen (14) provisos and the conditional use is granted.

BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney’s Office for the preparation of an ordinance to effectuate the Conditional Use.

THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7

NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-445
CITY HALL: November 15, 2012
BY: COUNCILMEMBER BAJOIE
SECONDED BY: COUNCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the report and favorable recommendation of the City Planning Commission on ZONING DOCKET NO. 113/12 – ALVIN A. SMITH - Requesting an Exceptional Use to permit the expansion of an existing recycling facility in a C-1 Commercial District, on Square 450, Lots 3-6, 9-14, C, A or Pt. 8, B, D or 7, in the First Municipal District, bounded by South Claiborne Avenue, Thalia, Willow, and Erato Streets (Municipal Address: 1320 South Claiborne Avenue), be, and the same is hereby upheld, subject to two (2) waivers and seventeen (17) provisos contained in the City Planning report.
BE IT FURTHER MOVED, that a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the Exceptional Use.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-446
CITY HALL: November 15, 2012
BY: COUNCILMEMBER BAJOIE
SECONDED BY: COUNCILMEMBER HEDGE-MORRELL
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the report and "NO LEGAL MAJORITY", recommendation of the City Planning Commission on ZONING DOCKET NO. 114/12 – INFINITY FUELS, LLC – Requesting a "Text Amendment," to the Comprehensive Zoning Ordinance, No. 4,264 M.C.S., as amended, to amend Article 7, Section 7.4A.3, *MU-A Mixed-Use District Conditional Uses*, to add gasoline service stations as Conditional Uses, on Square 85, on an undesignated lot, in the First Municipal District, bounded by Tchoupitoulas, Saint James, Religious, and Market Streets (Municipal Address: 1667 Tchopitoulas Street), be, and the decision is hereby "APPROVE" the request as contained in the City Planning report.
BE IT FURTHER MOVED, that a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the Text Amendment, to the Comprehensive Zoning Ordinance, No. 4,264 M.C.S., as amended, to amend Article 7, section 7.4A.3, *MU-A Mixed-Use District Conditional Uses*.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-447
CITY HALL: November 15, 2012
BY: COUNCILMEMBER BAJOIE
SECONDED BY: COUNCILMEMBER CHARBONNET
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the report and "NO LEGAL MAJORITY" recommendation of the City Planning Commission on ZONING DOCKET NO. 115/12 – INFINITY FUELS, LLC. - Requesting a Conditional Use to permit a gasoline service station in an MU-A Mixed Use District, on Square 85, on an undesignated lot, in the First Municipal District, bounded by Tchoupitoulas, Saint James, Religious and Market Streets (Municipal Address: 1667 Tchoupitoulas Street), be, and the decision is hereby "APPROVED",

subject to the ten (10) provisos contained in the City Planning Report, modifying Proviso Number 3 and adding one (1) additional proviso to read as follows:
Provisos:
#3. The canopy roof design shall be varied with permission to allow a flat roof.
#11. The facility shall not function as a "TRUCK STOP."
BE IT FURTHER MOVED, that a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the Conditional Use.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. R-12-448
CITY HALL: November 30, 2012
BY: COUNCILMEMBER BAJOIE
SECONDED BY: COUNCILMENBER HEAD
WHEREAS, Article VI, Section 21(H) of the State Constitution and Act 445 of 1983 provides for payment of ad valorem taxes on certain basis for property owners performing certain improvements in Historic, Economic, Development, and Downtown Development Districts; and
WHEREAS, in accordance with the procedures established by Resolution R-11-517 the following described property has been submitted to the Mayor's Office of Economic Development for review, said property being described as municipal address **614 Canal Street** transferred ownership from **CSH Partners, LLC** to **Sunstone Canal, LLC;** and
WHEREAS, the Mayor's Office of Economic Development recommends approval with regard to participation in the transfer of R-09-196; now therefore
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Council after consideration of the recommendation of the Mayor's Office of Economic Development, hereby approves participation of municipal address **614 Canal Street** owned by **Sunstone Canal, LLC** and further identified by the State Board of Commerce and Industry as application number **RTA #2003-0227-33 (Transfer)** in the Property Tax Abatement Program authorized by Act 445 of 1983 and Article VII Section 21(H) of the Constitution, effective December 06, 2012; therefore
BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that a copy of this resolution be forwarded to the State Board of Commerce and Industry.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED.

NO. R-12-449
CITY HALL: November 30, 2012
BY: COUNCILMEMBER GISLESON PALMER
SECONDED BY: COUNCILMEMBER HEAD
WHEREAS, Article VI, Section 21(H) of the State Constitution and Act 445 of 1983 provides for payment of ad valorem taxes on certain basis for property owners performing certain improvements in . Historic, Economic, Development, and Downtown Development Districts; and
WHEREAS, in accordance with the procedures established by Resolution R-11-517 the following described property has been submitted to the Mayor's Office of Economic Development for review, said property being described as municipal address 2217 Lapeyrouse Street owned by Elderly Housing of America; and
WHEREAS, the Mayor's Office of Economic Development recommends approval with regard to participation in the aforementioned tax program; now therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Council after consideration of the recommendation of the Mayor's Office of Economic Development, hereby *approves* participation of municipal address 2217 Lapeyrouse Street owned by Elderly Housing of America and further identified by the State Board of Commerce and Industry as application number RTA #2011-1120 in the Property Tax Abatement Program authorized by Act 445 of 1983 and Article VII Section 21(H) of the Constitution, effective on the date of adoption; therefore
BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that a copy of this resolution shall be forwarded to the State Board of Commerce and Industry.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED.

NO. M-12-450
CITY HALL: November 30, 2012
BY: COUNCILMEMBER CANTRELL
SECONDED BY: COUNCILMEMBER HEAD
Directing the City Planning Commission to conduct a public hearing to consider the application of Joseph J. Paciera, Joseph C. Paciera and Toni Ann Paciera, including, but not limited to applications for a Conditional Use to permit the sale of beer and wine alcoholic beverages for consumption on-premises at a standard restaurant in a B1-A Neighborhood Business District (Municipal Address: 739 Jackson Avenue).
WTIHDRAWN.

NO. M-12-451
CITY HALL: November 30, 2012
BY: COUNCILMEMBERS CHARBONNET, HEAD, CLARKSON, GUIDRY, BAJOIE, GISLESON PALMER, AND HEDGE-MORRELL (BY REQUEST)
WHEREAS, Act 23, of the 2012 Regular Session of the Louisiana Legislature awarded capital outlay funds to the City of New Orleans for the planning, design, and construction of a hospital in Eastern New Orleans; and
WHEREAS, pursuant to the authority contained in Article 7, Section 14(C) of the Louisiana Constitution of 1974, and statutory authority supplemental thereto, the State of Louisiana and its political subdivisions, including the City, may enter into cooperative endeavors with each other, or with any public or private corporation or individual; and further pursuant to Section 9-314 of the Home Rule Charter of the City of New Orleans, the City may enter into cooperative endeavors with any public or private associations, corporation or individual for activities in support of economic growth and other public purposes; and
WHEREAS, The State will contribute funding in the amount of FIFTEEN MILLION ONE HUNDRED THIRTY THOUSAND AND NO/100 DOLLARS ($15,130,000) for the project; NOW, THEREFORE
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS THAT the Mayor, on behalf of the City of New Orleans, is hereby authorized to enter into the attached Cooperative Endeavor Agreement with the State of Louisiana, for a term greater than one year, for the public purpose of funding the planning, design, and construction of the Eastern New Orleans Hospital. Said Cooperative Endeavor Agreement is attached to this Motion as *Exhibit “1” and incorporated herein and made a part hereof.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Guidry, Head, Hedge-Morrell - 6
NAYS: 0
ABSENT: Gisleson Palmer - 1
AND THE MOTION WAS ADOPTED.
*Copies may be seen in full in the Clerk of Council’s office, 1300 Perdido Street, Room 1E09, City Hall.

NO. M-12-452
CITY HALL: November 30, 2012

BY: COUNCILMEMBERS HEDGE-MORRELL
SECONDED BY: COUNCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the request of MALONEY SEPT LLC, d/b/a BIG EASY TRUCK PLAZA *(DR. NO. 183/12)* – Requesting an appeal of the Alcoholic Beverages Moratorium in Council District "D" (Ordinance No. 24,927) to permit the sale of alcoholic beverages for consumption off-premises at the convenience store, within the truck plaza, on Lot 2A in Tract 2, in the Third Municipal District, bounded by Old Gentilly Road, Interstate 10, France Rd. and Louisa St., in a C-1 District (Municipal Address: 5000 Old Gentilly Road), be, and the request is hereby granted subject to five (5) provisos, as stated in the City Planning Commission's report.
PROVISOS:
1. The consumption of alcoholic beverages and loitering in front of the structure or in the adjacent parking lot shall be prohibited.
2. The applicant shall submit a revised floor plan indicating the location and size of the alcoholic beverage display area. The display of packaged beverages must not exceed ten (10) percent of all display area. The wholesale cost of package alcoholic beverages stocked and displayed at the site shall not exceed fifteen (15) percent of the wholesale cost of other merchandise stocked and displayed at the site. No signage advertising the sale of alcoholic beverages at the site shall be visible from the public right-of-way.
BE IT FURTHER MOVED, That the Clerk of Council shall forward copies of this motion directly to all affected departments.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-453
CITY HALL: November 30, 2012
BY: COUNCILMEMBER GUIDRY
SECONDED BY: COUNCILMEMBER GISLESON PALMER
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the request of DAVID HAVRYLKOFF, OWNER, CLEVER WINE BAR *(DR NO. 164/12)* - Requesting to appeal the live entertainment Moratorium in City Council District "A" Ordinance No. 25,028 M.C.S. to permit live entertainment at an existing cocktail lounge, on Squares 484, 485, 498 and 499, on an undesignated Lot, in the Second Municipal District, bounded by North Cortez and Toulouse Streets, Jefferson Davis Parkway and Orleans Avenue for property located at 3700 Orleans Avenue, Suite R2, be, and the request is hereby granted, subject to five (5) provisos, as stated in the City Planning Commission's report to read as follows:
PROVISOS:
1. No music of any kind shall be projected to the exterior of the amusement place.
2. The hours of operation shall be restricted to between 10:00 a.m. and 12:00 Midnight, Sunday thru Thursday, and between 10:00 a.m. and 2:00 a.m., Friday and Saturday.
3. The applicant shall comply with the provisions of Section 66-202, *Maximum permissible sound levels by receiving land use of the Code of the City of New Orleans.* No doors shall remain open during musical performances.
4. The operator of the amusement place shall not distribute or cause to be distributed for purposes of commerce, any menus, flyers or promotional materials from any public right-of-way and shall also require all performers, on behalf of themselves and any of their agents, to execute a legally binding document attesting to their agreement to comply with conditions set forth in this proviso. The City Attorney shall approve the form and content of a standard legal document to be used.
5. The operator of the amusement place shall not affix or cause to be affixed to any public property or to any private property in a manner prohibited by law, any menus, flyers or promotional materials, and shall also require all performers, on behalf of themselves and any of their agents, to execute a legally binding document attesting to their agreement to comply with conditions set forth in this proviso. The City Attorney shall approve the form and content of a standard legal document to be used.
BE IT FURTHER MOVED, That the Clerk of Council shall forward copies of this motion directly to all affected

departments.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-454
CITY HALL: November 30, 2012
BY: COUNCILMEMBER CLARKSON
SECONDED BY: COUNCILMEMBER GISLESON PALMER
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Council authorizes the Clerk of Council staff to make any necessary technical, typographical, mathematical and or structural adjustments to any Ordinance, Motions and amendments related to the adoption of the 2013 budget.
This motion allows for the assurance of accuracy and the elimination of errors.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-455
CITY HALL: December 6, 2012
BY: COUNCILMEMBERS HEDGE-MORRELL, GUIDRY, HEAD AND GISLESON PALMER
WHEREAS, pursuant to Section 3-130 of the Home Rule Charter of the City of New Orleans, the New Orleans City Council exercises powers of supervision, regulation, and control over electric and gas utilities providing service in the City; and
WHEREAS, to address the complex legal and technical issues necessary to properly meet its responsibility, the Council has selected consulting firms as advisors, in accordance with the competitive selection process required by the Home Rule Charter and established by Council Rule 45; and
WHEREAS, by Motion M-11-578, after competitive selection, the City Council authorized retention of the Accounting Firm of Bruno & Tervalon, L.L.P., CPAs to continue to provide consulting services to the City Council in electric and gas utility regulatory matters; and
WHEREAS, by Motion M-11-578 and the terms of the Request For Qualifications issued on September 23, 2011, the Council is authorized to enter into a contract with the Accounting Firm of Bruno & Tervalon, L.L.P., CPAs to provide consulting services to the City Council in electric and gas utility regulatory matters renewable on an annual basis for a total period of up to five years; and
WHEREAS, by Motion M-11-578 the Council further authorized negotiation of contracts with a scope of work consistent with the request for qualifications and the Council's electric and gas utility regulatory needs with each of the firms to be retained by the Council; and
WHEREAS, during calendar year 2012, the Accounting Firm of Bruno & Tervalon, L.L.P., CPAs planned and executed a comprehensive review of Entergy New Orleans, Inc.'s ("ENO") Storm Reserve Fund Escrow Account authorized by the Council in Resolution 12-134. The final audit report was issued on August 10, 2012. The Accounting Advisors report discussed: 1) the 2006 resolution and Agreement in Principle ("AIP") establishing the Storm Reserve Riders; 2) the historical and current status of the Storm Reserve Fund Escrow Account, including the methodology and accounting associated with amounts collected and withdrawn from the fund; and 3) ENO's compliance with various provisions of the 2006 AIP, as well as provisions relating to the classification and recovery of storm costs. The report presented and analyzed ENO's collection of $33.7 million during the review period, ENO's withdrawal of approximately $20.2 million associated with Hurricanes Gustav and Ike and Tropical Storm Lee, and the likelihood of ENO's meeting the targeted $75 million reserve level within the originally established ten year period. The report presented conclusions and recommendations regarding ENO's compliance with the authorizing resolution and AIP and classification and storm cost recovery provisions, including a finding addressing ineligible costs withdrawn from the Reserve Fund; and

WHEREAS, during calendar year 2012, the Accounting Firm of Bruno & Tervalon, L.L.P., CPAs, (the "Accounting Advisors") performed a comprehensive review and analysis and submitted a final report on ENO's Affiliate Transactions Report of December 31, 2011, filed with the New Orleans City Council pursuant to CNO Code Section 158. During calendar year 2011, ENO charged New Orleans ratepayers approximately $50 million in costs charged to ENO that were incurred by seven other Entergy affiliates, including the other operating companies, Entergy Services, Inc. and Entergy Operations, Inc. The purpose of the Accounting Advisors' review was to ensure that 1) the ENO Affiliate Cost Report was filed in compliance with applicable provisions of City Code Section 158; 2) ENO's affiliated transactions did not result in any cost shifting, profit sharing, risk shifting and anti-competitive behavior; 3) ENO and its affiliates' methods for accumulating and allocating costs were reasonable; and 4) all costs billed by affiliates to ENO were allowable for rate relief. As a result of the Accounting Advisors analysis and review, we identified potential adjustments of approximately $7.5 million of the $50 million in affiliate costs. The Affiliate Transactions Review performed by the Accounting Advisors was performed in conjunction with the Advisors' evaluation of ENO's Formula Rate Plan ("FRP") Filing. ENO's Affiliate costs were included in the FRP costs. As a result, the Accounting Advisors' Affiliate Transaction Review proposed adjustments were incorporated with the Advisors FRP Evaluation Report and adjustments; and

WHEREAS, during calendar year 2012, the Accounting Firm of Bruno & Tervalon, L.L.P., CPAs provided financial analyses and input regarding the ENO Formula Rate Filing, which included: analyzing several accounting/financial issues related to ENO's rate filing; independently examining filings and responses to data requests and submitting suggested findings. The Accounting Advisors worked with the other Advisors and Company personnel in attempting to reach resolution on unresolved FRP issues. As negotiations continue they are planning to timely prepare and file necessary testimony if it appears a hearing will occur; and

WHEREAS, during calendar year 2012, the Accounting Firm of Bruno & Tervalon, L.L.P., CPAs analyzed and recommended improvements regarding ENO's Purchased Gas Adjustment ("PGA") filings process. They reviewed monthly electronic PGA filings and a 12-month summary schedule. They provided review and an audit follow-up related to ENO's development of additional internal control procedures aimed at addressing and preventing the recurrence of problems associated with the PGA Corrections; and

WHEREAS, during calendar year 2012, the Accounting Firm of Bruno & Tervalon, L.L.P., CPAs analyzed filings, developed data requests, and participated with other Advisors to address Entergy's Transfer of Transmission Assets to ITC Holdings. As part of the divestiture, they analyzed and continue to analyze accounting issues; and

WHEREAS, during calendar year 2012, the Accounting Firm of Bruno & Tervalon, L.L.P., CPAs reviewed and reported to the Utility Committee Chairman and Council Members on Entergy Corporation's Quarterly earnings and significant events discussed with the investment banking community; and

WHEREAS, during calendar year 2012, the Accounting Firm of Bruno & Tervalon, L.L.P., CPAs reviewed and reported to the Utility Committee Chairman and Council Members on Entergy Corporation's Securities and Exchange Commission ("SEC") and Federal Energy Regulatory Commission ("FERC") quarterly and annual financial reports and filings; and

WHEREAS, during calendar year 2012, the Accounting Firm of Bruno & Tervalon, L.L.P., CPAs reviewed and analyzed data and participated in meetings of the Integrated Resource Planning ("IRP") Stakeholders Group and the Demand Side Management ("DSM) Working Sub-Group aimed at developing ENO's Integrated Resource Plan for 2012 – 2013; and

WHEREAS, during calendar year 2012, the Accounting Firm of Bruno & Tervalon, L.L.P., CPAs provided financial analysis and review of ENO's Application to the Council for Approval of Financing Plan to Sell Mortgage Bonds and Preferred Stock; and

WHEREAS, during calendar year 2012, the Accounting Firm of Bruno & Tervalon, L.L.P., CPAs provided accounting policy, technical advice, and made audit inquiries on various regulatory matters including:

a. Issues regarding the planned withdrawal of Entergy Arkansas and Entergy Mississippi from Entergy's System Agreement and the resultant impacts on ENO ratepayers;

b. Joint Application of ELL and ENO Regarding transfer of control of certain transmission assets to MISO and an accounting order deferring related costs;

c. Joint Application of ELL for approval to construct Unit 6 at Ninemile Point Station and of ENO for approval to participate in a related contract for the purchase of capacity and electric energy;

d. ENO storm damage cost claims and storm reserve fund issues, including the ongoing Hurricane Isaac inquiry and possible future funding mechanisms;

e. Financing mechanisms and the Accounting Resolution regarding the Energy Smart Program;

f. ENO's Quarterly Non-regulated Investment Report;
g. ENO Application and Filing for Approval of Deployment of Advanced Metering Infrastructure (AMI) Program, particularly review of reimbursement requests to DOE; and
h. ENO's response to the Bywater Outage Inquiry.
WHEREAS, in 2013 the Accounting Firm of Bruno & Tervalon, L.L.P., CPAs will continue audit responsibilities and analyses regarding the internal controls procedures developed and utilized by ENO to improve and correct the process associated with filing the monthly PGA filings; and
WHEREAS, in 2013 the Accounting Firm of Bruno & Tervalon, L.L.P., CPAs will continue analyses and input regarding the ENO Formula Rate Plan to include: development and evaluation of discovery and resultant responses; assistance in preparation for and conduct of depositions of ENO witnesses; and the assessment of the reasonableness of costs assigned ratepayers; and
WHEREAS, in 2013 the Accounting Firm of Bruno & Tervalon, L.L.P., CPAs will provide: accounting policy, technical advice, and audit inquiries regarding: ENO tax filings and issues affecting ENO ratepayers; continued financial analyses regarding SEC and FERC financial reporting; review of costs allocation and expense sharing methodologies employed by ENO, ESI, and other Operating Companies; review of ENO accounting practices associated with FERC and local regulatory matters; review of ENO ratepayer impacts associated with the planned withdrawal of Entergy Arkansas and Entergy Mississippi from the Entergy System Agreement; review of ENO's establishment of Energy Smart policies and procedures related to the Third Party Administrator, and Energy Efficiency Financing Alternatives; review of ENO's Smart Grid Grant from DOE; ENO's Integrated Resource Planning; review of the assessment of cost impacts associated with ENO's gas system rebuild; and review other regulatory matters that may emerge, and
WHEREAS, in approving this contract, the New Orleans City Council is conscious of its responsibility to pursue its regulatory responsibility over gas and electric utilities in a cost-effective manner which nonetheless does not compromise the interests of ratepayers in the high stakes proceedings and other matters which the Council must address on behalf of the City and its ratepayers; and
WHEREAS, given the continuing needs of this Council relative to its regulatory responsibility the Council desires to authorize an appropriate contract with the Firm of Bruno & Tervalon, L.L.P., CPAs to assist in meeting the Council's regulatory responsibility to the City and its ratepayers; now, therefore
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS that the President is requested and authorized to sign a new contract with the Accounting Firm of Bruno & Tervalon, L.L.P., CPAs to provide consulting services to the City Council for a maximum compensation under such contract up to Two Hundred Thousand Dollars ($200,000.00).
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the contract shall add a statement that pursuant to Chapter 2, Article XVIII of the City Code relative to the office of Inspector General that the contractor understands and will abide by all provisions of that Chapter.
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that such contract may include provisions allowing the option of direct payment of invoices by utilities regulated by the Council pursuant to Section 3-130 of the Home Rule Charter, provided such payments have been approved by the City, after the City's review and forwarding of such invoices for payment, and further that such invoices, if paid the by the City, would be reimbursable by such utility pursuant to Section 3-130 (5) of the Home Rule charter. Such payments shall be recoverable as a regulatory expense by such utility in the same manner as reimbursements to the City for such payments.
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the contract shall be circulated in accordance with normal process and the City Council Rules.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-456
CITY HALL: December 6, 2012
BY: COUNCILMEMBERS HEDGE-MORRELL, GUIDRY, HEAD AND GISLESON PALMER
WHEREAS, pursuant to Section 3-130 of the Home Rule Charter of the City of New Orleans, the New Orleans City

Council exercises powers of supervision, regulation, and control over electric and gas utilities providing service in the City; and

WHEREAS, to address the complex legal and technical issues necessary to properly meet its responsibility, the Council has selected consulting firms as advisors, in accordance with the competitive selection process required by the Home Rule Charter and established by Council Rule 45; and

WHEREAS, by Motion M-11-578, after competitive selection, the City Council authorized retention of the Accounting Firm of Pailet, Meunier and LeBlanc, L.L.P, CPAs to continue to provide consulting services to the City Council in electric and gas utility regulatory matters; and

WHEREAS, by Motion M-11-578 and the terms of the Request For Qualifications issued on September 23, 2011, the Council is authorized to enter into a contract with the Accounting Firm of Pailet, Meunier and LeBlanc, L.L.P, CPAs to provide consulting services to the City Council in electric and gas utility regulatory matters renewable on an annual basis for a total period of up to five years; and

WHEREAS, by Motion M-11-578 the Council further authorized negotiation of contracts with a scope of work consistent with the request for qualifications and the Council's electric and gas utility regulatory needs with each of the firms to be retained by the Council; and

WHEREAS, during calendar year 2012, the Accounting Firm of Pailet, Meunier and LeBlanc, L.L.P, CPAs planned and executed a comprehensive review of Entergy New Orleans, Inc.'s ("ENO") Storm Reserve Fund Escrow Account authorized by the Council in Resolution 12-134. The final audit report was issued on August 10, 2012. The Accounting Advisors report discussed: 1) the 2006 resolution and Agreement in Principle ("AIP") establishing the Storm Reserve Riders; 2) the historical and current status of the Storm Reserve Fund Escrow Account, including the methodology and accounting associated with amounts collected and withdrawn from the fund; and 3) ENO's compliance with various provisions of the 2006 AIP, as well as provisions relating to the classification and recovery of storm costs. The report presented and analyzed ENO's collection of $33.7 million during the review period, ENO's withdrawal of approximately $20.2 million associated with Hurricanes Gustav and Ike and Tropical Storm Lee, and the likelihood of ENO's meeting the targeted $75 million reserve level within the originally established ten year period. The report presented conclusions and recommendations regarding ENO's compliance with the authorizing resolution and AIP and classification and storm cost recovery provisions, including a finding addressing ineligible costs withdrawn from the Reserve Fund; and

WHEREAS, during calendar year 2012, the Accounting Firm of Pailet, Meunier and LeBlanc, L.L.P, CPAs, (the "Accounting Advisors") performed a comprehensive review and analysis and submitted a final report on ENO's Affiliate Transactions Report of December 31, 2011, filed with the New Orleans City Council pursuant to CNO Code Section 158. During calendar year 2011, ENO charged New Orleans ratepayers approximately $50 million in costs charged to ENO that were incurred by seven other Entergy affiliates, including the other operating companies, Entergy Services, Inc. and Entergy Operations, Inc. The purpose of the Accounting Advisors' review was to ensure that 1) the ENO Affiliate Cost Report was filed in compliance with applicable provisions of City Code Section 158; 2) ENO's affiliated transactions did not result in any cost shifting, profit sharing, risk shifting and anti-competitive behavior; 3) ENO and its affiliates' methods for accumulating and allocating costs were reasonable; and 4) all costs billed by affiliates to ENO were allowable for rate relief. As a result of the Accounting Advisors analysis and review, we identified potential adjustments of approximately $7.5 million of the $50 million in affiliate costs. The Affiliate Transactions Review performed by the Accounting Advisors was performed in conjunction with the Advisors' evaluation of ENO's Formula Rate Plan ("FRP") Filing. ENO's Affiliate costs were included in the FRP costs. As a result, the Accounting Advisors' Affiliate Transaction Review proposed adjustments were incorporated with the Advisors FRP Evaluation Report and adjustments; and

WHEREAS, during calendar year 2012, the Accounting Firm of Pailet, Meunier and LeBlanc, L.L.P, CPAs provided financial analyses and input regarding the ENO Formula Rate Filing, which included: analyzing several accounting/financial issues related to ENO's rate filing; independently examining filings and responses to data requests and submitting suggested findings. The Accounting Advisors worked with the other Advisors and Company personnel in attempting to reach resolution on unresolved FRP issues. As negotiations continue they are planning to timely prepare and file necessary testimony if it appears a hearing will occur; and

WHEREAS, during calendar year 2012, the Accounting Firm of Pailet, Meunier and LeBlanc, L.L.P, CPAs analyzed and recommended improvements regarding ENO's Purchased Gas Adjustment ("PGA") filings process. They reviewed monthly electronic PGA filings and a 12-month summary schedule. They provided review and an audit follow-up related to ENO's development of additional internal control procedures aimed at addressing and preventing the recurrence of problems associated with the PGA Corrections; and

WHEREAS, during calendar year 2012, the Accounting Firm of Pailet, Meunier and LeBlanc, L.L.P, CPAs analyzed filings, developed data requests, and participated with other Advisors to address Entergy's Transfer of Transmission Assets to ITC Holdings. As part of the divestiture, they analyzed and continue to analyze accounting issues; and

WHEREAS, during calendar year 2012, the Accounting Firm of Pailet, Meunier and LeBlanc, L.L.P, CPAs reviewed and reported to the Utility Committee Chairman and Council Members on Entergy Corporation's Quarterly earnings and significant events discussed with the investment banking community; and

WHEREAS, during calendar year 2012, the Accounting Firm of Pailet, Meunier and LeBlanc, L.L.P, CPAs reviewed and reported to the Utility Committee Chairman and Council Members on Entergy Corporation's Securities and Exchange Commission ("SEC") and Federal Energy Regulatory Commission ("FERC") quarterly and annual financial reports and filings; and

WHEREAS, during calendar year 2012, the Accounting Firm of Pailet, Meunier and LeBlanc, L.L.P, CPAs reviewed and analyzed data and participated in meetings of the Integrated Resource Planning ("IRP") Stakeholders Group and the Demand Side Management ("DSM) Working Sub-Group aimed at developing ENO's Integrated Resource Plan for 2012 – 2013; and

WHEREAS, during calendar year 2012, the Accounting Firm of Pailet, Meunier and LeBlanc, L.L.P, CPAs provided financial analysis and review of ENO's Application to the Council for Approval of Financing Plan to Sell Mortgage Bonds and Preferred Stock; and

WHEREAS, during calendar year 2012, the Accounting Firm of Pailet, Meunier and LeBlanc, L.L.P, CPAs provided accounting policy, technical advice, and made audit inquiries on various regulatory matters including:

a. Issues regarding the planned withdrawal of Entergy Arkansas and Entergy Mississippi from Entergy's System Agreement and the resultant impacts on ENO ratepayers;

b. Joint Application of ELL and ENO Regarding transfer of control of certain transmission assets to MISO and an accounting order deferring related costs;

c. Joint Application of ELL for approval to construct Unit 6 at Ninemile Point Station and of ENO for approval to participate in a related contract for the purchase of capacity and electric energy;

d. ENO storm damage cost claims and storm reserve fund issues, including the ongoing Hurricane Isaac inquiry and possible future funding mechanisms;

e. Financing mechanisms and the Accounting Resolution regarding the Energy Smart Program;

f. ENO's Quarterly Non-regulated Investment Report;

g. ENO Application and Filing for Approval of Deployment of Advanced Metering Infrastructure (AMI) Program, particularly review of reimbursement requests to DOE; and

h. ENO's response to the Bywater Outage Inquiry.

WHEREAS, in 2013 the Accounting Firm of Pailet, Meunier and LeBlanc, L.L.P, CPAs will continue audit responsibilities and analyses regarding the internal controls procedures developed and utilized by ENO to improve and correct the process associated with filing the monthly PGA filings; and

WHEREAS, in 2013 the Accounting Firm of Pailet, Meunier and LeBlanc, L.L.P, CPAs will continue analyses and input regarding the ENO Formula Rate Plan to include: development and evaluation of discovery and resultant responses; assistance in preparation for and conduct of depositions of ENO witnesses; and the assessment of the reasonableness of costs assigned ratepayers; and

WHEREAS, in 2013 the Accounting Firm of Pailet, Meunier and LeBlanc, L.L.P, CPAs will provide: accounting policy, technical advice, and audit inquiries regarding: ENO tax filings and issues affecting ENO ratepayers; continued financial analyses regarding SEC and FERC financial reporting; review of costs allocation and expense sharing methodologies employed by ENO, ESI, and other Operating Companies; review of ENO accounting practices associated with FERC and local regulatory matters; review of ENO ratepayer impacts associated with the planned withdrawal of Entergy Arkansas and Entergy Mississippi from the Entergy System Agreement; review of ENO's establishment of Energy Smart policies and procedures related to the Third Party Administrator, and Energy Efficiency Financing Alternatives; review of ENO's Smart Grid Grant from DOE; ENO's Integrated Resource Planning; review of the assessment of cost impacts associated with ENO's gas system rebuild; and review other regulatory matters that may emerge, and

WHEREAS, in approving this contract, the New Orleans City Council is conscious of its responsibility to pursue its regulatory responsibility over gas and electric utilities in a cost-effective manner which nonetheless does not compromise the interests of ratepayers in the high stakes proceedings and other matters which the Council must address on behalf of the City and its ratepayers; and

WHEREAS, given the continuing needs of this Council relative to its regulatory responsibility the Council desires to

authorize an appropriate contract with the Firm of Pailet, Meunier and LeBlanc, L.L.P, CPAs to assist in meeting the Council's regulatory responsibility to the City and its ratepayers; now, therefore

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS that the President is requested and authorized to sign a new contract with the Accounting Firm of Pailet, Meunier and LeBlanc, L.L.P, CPAs to provide consulting services to the City Council for a maximum compensation under such contract up to Two Hundred Thousand Dollars ($200,000.00).

BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the contract shall add a statement that pursuant to Chapter 2, Article XVIII of the City Code relative to the office of Inspector General that the contractor understands and will abide by all provisions of that Chapter.

BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that such contract may include provisions allowing the option of direct payment of invoices by utilities regulated by the Council pursuant to Section 3-130 of the Home Rule Charter, provided such payments have been approved by the City, after the City's review and forwarding of such invoices for payment, and further that such invoices, if paid the by the City, would be reimbursable by such utility pursuant to Section 3-130 (5) of the Home Rule charter. Such payments shall be recoverable as a regulatory expense by such utility in the same manner as reimbursements to the City for such payments.

BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the contract shall be circulated in accordance with normal process and the City Council Rules.

THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:

YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7

NAYS: 0

ABSENT: 0

AND THE MOTION WAS ADOPTED.

NO. M-12-457

CITY HALL: December 6, 2012

BY: COUNCILMEMBERS HEDGE-MORRELL, HEAD, GUIDRY, GISLESON PALMER

WHEREAS, pursuant to Section 3-130 of the Home Rule Charter of the City of New Orleans, the New Orleans City Council exercises powers of supervision, regulation, and control over electric and gas utilities providing service in the City; and

WHEREAS, to address the complex legal and technical issues necessary to properly meet its regulatory responsibility, the Council has selected consulting firms as advisors, in accordance with the competitive selection process required by the Home Rule Charter and established by Council Rule 45; and

WHEREAS, by Motion M-11-577, after competitive selection, the City Council authorized retention of Legend Consulting Group Limited ("Legend") to continue to provide consulting engineering services to the City Council in the highly technical and complex areas of electric and gas utility regulatory matters; and

WHEREAS, by Motion M-11-577 the Council is authorized to enter into a contract with Legend to provide consulting services to the City Council in electric and gas utility regulatory matters renewable on an annual basis for a total period of up to five years; and

WHEREAS, by Motion M-11-577 the Council further authorized negotiation of contracts with a scope of work consistent with the request for qualifications and the Council's electric and gas utility regulatory needs with each of the firms to be retained by the Council; and

WHEREAS, in 2013, the Council will be facing unprecedented regulatory activity at both the Federal Energy Regulatory Commission ("FERC") and in its own regulatory dockets that will require an inordinate amount of time and effort in economic, engineering, financial and regulatory accounting matters which the highly experienced regulatory professionals of Legend have historically provided, and can provide to the Council; and

WHEREAS, on November 20, 2012, Entergy Services, Inc.'s ("ESI") submitted on behalf of the Entergy Operating Companies its filing amendments to the Entergy System Agreement ("System Agreement") in FERC Docket No. ER13-432. The filing primarily consists of revisions needed to the System Agreement to: (i) allocate certain charges and credits from the Midwest Independent Transmission System Operator, Inc. ("MISO") regional transmission organization ("RTO") settlement statements to the participating Operating Companies; and (ii) address Entergy Arkansas, Inc.'s ("EAI") withdrawal from the System Agreement effective December 19, 2013 and will require extensive discovery, engineering-economic studies, review and preparation of expert testimony, analyses of direct testimony, preparation of deposition questions and attendance at same, preparation of rebuttal testimony and surrebuttal

testimony by senior experienced regulatory experts to assure the ratepayers in New Orleans are protected against any form of subsidizing the customers of the other Entergy Operating Companies by virtue of the System Agreement service schedules; and

WHEREAS, in 2013 ESI will file several required Section 205 filings at FERC on behalf of the Operating Companies through the first three quarters of 2013 addressing transmission rate, contract and MISO integration issues for the Entergy Operating Companies in MISO which can affect the costs of electric service for New Orleans ratepayers. Legend will be responsible for the evaluation of each filing and its impact on New Orleans ratepayers, the preparation of discovery, development of analyses (economic, financial, engineering and complex tax issues), assistance to counsel in the preparation of deposition questions and attendance at same, preparation of expert testimony, and review and analyses of direct testimony, rebuttal testimony and surrebuttal testimony, as required for each respective filing; and

WHEREAS, the Entergy Operating Companies and ITC Holdings Corporation requested FERC approval and authorization for the divestiture of the Entergy Operating Companies' transmission assets to a subsidiary that will be merged into ITC Holdings Corporation ("ITC Transaction") in FERC Docket Nos. EC12-145, ER12-2681, EL12-107, ER12-2682, ER12-2683, and ER12-2693 which raise significant issues of vital interest to protect the ratepayers in New Orleans; and

WHEREAS, Entergy New Orleans, Inc. ("ENO") and Entergy Louisiana, LLC ("ELL") have recently filed in Council Docket No. UD-12-01 (precipitated by ESI/ITC Holdings Corp.'s filings in FERC Docket Nos. EC12-145, ER12-2681, EL12-107, ER12-2682, ER12-2683, and ER12-2693) regarding their proposed divestiture of ELL and ENO's transmission assets to ITC Holdings Corp.; and

WHEREAS, the Louisiana Public Service Commission ("LPSC") on October 24, 2012 in its Open Session retained an outside technical consultant for its local proceedings regarding the proposed divestiture of ELL and Entergy Gulf States Louisiana, L.L.C.'s ("EGSL") transmission assets to ITC Holdings Corp. in LPSC Docket No. U-32538 in the amount of $476,000 for this matter alone in its docket; and

WHEREAS, on October 24, 2012 the LPSC indicated it also plans to retain the same technical consultant to intervene and provide technical assistance to it in FERC Docket Nos. ER12-2683, ER12-2682, ER12-2693, EC12-145, ER12-2681, and EL12-107 with the expectation that the technical consultants' combined budgets for the FERC and LPSC dockets will exceed $1 million; and

WHEREAS, both Council Docket No. UD-12-01 and the six FERC ITC Corp./ESI dockets will require the preparation of extensive discovery, development of analyses (economic, financial, engineering and complex tax issues), assistance to counsel in preparation of deposition questions and attendance at same, preparation of expert testimony, and review and analyses of direct testimony, rebuttal testimony and surrebuttal testimony, all of which are labor and time intensive on matters of great significance to New Orleans ratepayers in the Council and FERC's consideration of the applications; and

WHEREAS, the unresolved issue of the 2012 Electric and Gas Formula Rate Plans – Accumulated Deferred Income Tax ("ADIT"), the associated audit, and litigation of the unresolved FRP issues could result in up to $7,700,000 in reductions to New Orleans ratepayers in Council Docket No. UD-08-03 and will require evaluation and analyses of highly complex regulatory tax issues, preparation of discovery, development of complex analyses, preparation of expert testimony, and review and analyses of direct testimony, rebuttal testimony and surrebuttal testimony, all of which require experienced regulatory professionals; and

WHEREAS, ELL has not filed for a general base rate change for its Algiers service area since 2000; and

WHEREAS, ELL has indicated to the Council that it will be filing a general rate increase request for its Algiers service area on or about April 1, 2013 which could result in a request for a 30% or more increase in base rates and will require the preparation of extensive discovery, development of analyses (economic, financial, engineering and complex tax issues), assistance to counsel in preparation of deposition questions and attendance at same, preparation of expert testimony, and review and analyses of direct testimony, rebuttal testimony and surrebuttal testimony, so as to assure any rate increase sought by ELL for Algiers ratepayers is just and reasonable; and

WHEREAS, after approximately a year of technical conferences led by experts at Legend with the Integrated Resource Plan ("IRP") stakeholder group and personnel from ENO, ELL and ESI, on October 30, 2012 ENO and ELL filed their IRPs in Council Docket No. UD-08-02 which will require technical evaluation for compliance with Council Resolutions R-10-142, and R-11-301, development of detailed implementation plans in 2013 for the continuation of the Council's landmark Energy Smart Programs as augmented by additional Demand Side Management ("DSM") programs contained in the IRP, evaluation of both the DSM potential and supply-side options, and the development and implementation of the appropriate rate recovery and incentive mechanisms for increased DSM in New Orleans; and

WHEREAS, Legend is a highly specialized regulatory consulting engineering firm that retains and recruits

knowledgeable and talented engineers, economists and financial and regulatory accounting expert personnel who are highly experienced professionals and qualified to assist the Council in all regulatory matters; and

WHEREAS, despite ever increasing costs (which have increased by approximately 19.5% since 2008) in the recruiting and retention of highly specialized and experienced regulatory personnel, Legend has not had an increase in its Council authorized budget since 2008; and

WHEREAS, for the past 3 years, due primarily to unanticipated filings by the ENO and ELL before the Council and FERC and by the other Entergy regulators before FERC, Legend's budget has been expended on or about the first of November which required Legend to cease and defer professional services on numerous non-critical, yet important regulatory matters before the Council, while continuing to provide professional services on matters of significant importance to the Council because of its long term affiliation with the Council; and

WHEREAS, for budget year 2012 Legend, the City Council's Consulting Engineer and Chief Technical Advisor to the Council on all regulatory matters, was instrumental in numerous accomplishments of the Council and the lead consultant on numerous matters in the Council's regulation of ENO and ELL both in the Council's local regulatory jurisdiction and in the Council's activities before FERC including, among other things:

1. Review, evaluation and preparation of discovery and expert testimony on ENO's application to purchase 20% of the energy and capacity (110 MW of CCGT capacity of Ninemile Unit 6) through a life of unit MSS-4 Purchase Power Agreement and the final development and negotiation of the Agreement in Principle to settle issues in Docket No. UD-11-03 that will provide New Orleans ratepayers a new source of efficient power that should reduce fuel costs while providing additional Entergy System generation in the highly constrained transmission import area of "Downstream of Little Gypsy."

2. Review, evaluation, and analysis of ENO's FRPs in Council Docket No. UD-08-03 in which Legend identified $7,352,203 in revenue reductions and errors in ENO's filing [($7,712,316) for electric and $360,114 for gas], including the inclusion of inappropriate accounting treatment of $1,718,651 by ENO for deferred income taxes and ADIT adjustments in the filings, all of which reductions should inure to the benefit of ENO ratepayers. Legend's professional services included: (i) development of discovery requests; (ii) analyses and evaluation of regulatory issues and errors in the filing; (iii) development of an evaluation report and recommendations to the Council; (iv) the conduct of settlement negotiations; and (v) development of a resolution establishing a procedural schedule for resolution of disputed issues.

3. Legend conducted eight DSM Working Group meetings and four IRP Quarterly Technical Conferences between IRP stakeholders, ENO, ELL and ESI representatives which led up to the filing by ENO and ELL of their respective IRP's in October 2012. As part of that effort, Legend examined and developed analyses of ENO's IRP and DSM filing components, guided the Working Group process, and assisted the IRP stakeholders in their submittals and positions at DSM Working Group meetings as well as preparing the required subsequent reports for filing by counsel in Docket No. UD-08-02.

4. Development of strategic policies and the participation in meetings concerning the ongoing activities of the Entergy Regional State Committee ("ERSC"), including: (i) the development of policy positions and recommendations for the Council concerning ERSC voting matters; (ii) development of policy provisions for an enhanced Entergy Independent Coordinator of Transmission ("ICT") with Entergy's membership in MISO; (iii) evaluation of Entergy's enhanced ICT proposal; (iv) participation by one of Legend's professionals as the Chairman of the Reliability Must Run Task Force for Development of Policy and Evaluation of the Minimizing Bulk Power Costs Study ("MBPC") for reporting to the ERSC and Council; (v) participation in MBPC Task Force meetings; (vi) development of a scope of work for the establishment of an Entergy Independent System Monitor ("IMM") to perform ongoing review of Entergy's performance during its integration and transition into the Midwest Independent Transmission System Operator ("MISO"); (vii) development of an enhanced governance authorities proposal for MISO's Organization of MISO States ("OMS") to provide authorities equivalent to those enjoyed by the ERSC and ongoing coordination with OMS and MISO concerning same; (viii) ongoing review of the design and operation of MISO markets for reporting to the ERSC; (ix) review of Entergy's proposal to transfer the ICT responsibilities from SPP to MISO for reporting to the ERSC; (x) reporting to the Council on MISO's development of supplemental Auction Revenue Rights ("ARR") rules to insure that Entergy is adequately hedged from MISO congestion costs; and (xi) participation in ERSC Working Group meetings.

5. Review, evaluation and the development of analyses and resolution of ENO and ELL's Joint Filing for the transfer of functional control of its electric transmission assets to MISO RTO, as well as the development of the final settlement agreement and its negotiation as approved in Resolution R-12-439 on November 15, 2012 (Docket No. UD-11-01).

6. Initial development of discovery, evaluation and analyses of the proposed divestiture of ENO's and ELL's transmission assets to ITC Holdings Corp. in Docket No. UD-12-01.

7. Review, analysis and evaluation of ENO's proposed treatment with respect to unclaimed funds in the amount of

approximately $205,000 to ratepayers and the reduction of the over/under account electric fuel adjustment charge.
8. Review and analysis of ENO's opening of a full service customer service center in New Orleans East to serve 70,000 customers residing east of the Industrial Canal and the rate effects associated with same.
9. Initiation, review, analysis, and evaluation of the ENO's request and subsequent approval from the U.S. Department of Energy for a change in scope of the Advanced Metering Infrastructure ("AMI") Low Income Pilot to allow for a second summer measurement period for the Peak Time Rebate ("PTR") Program during the summer of 2012, associated rate schedules, including the development of Council resolution on same.
10. Review, evaluation, analysis and development of a report (including Second Year recommendations for implementation) and resolution regarding ENO's first year Annual Report for the Energy Smart Plan for the period April 2011 to March 2012.
11. Preparation and submittal to the Council of monthly Residential Bill Comparisons for ENO, ELL and various cities throughout Louisiana and the United States as a measure of competitiveness of ENO and ELL electric and gas retail rates.
12. Provision of the necessary technical analyses and litigation support in numerous matters before the FERC in FERC Docket Nos. ER08-1056, ER09-636, EL08-51, ER08-1057, ER09-833, EL09-50, ER09-1224, EL09-61, EL09-43, EL00-66, ER10-48, and ER10-1350.
13. The conduct of analysis, recommendations and reporting to the Council monthly on ENO's Fuel Adjustment Clause ("FAC") and Purchased Gas Adjustment Clause related to: (i) consumer complaints, (ii) level of charge, (iii) causal factors associated with the monthly charge, (iv) amounts in over/under accounts associated with capping of the FAC, and (v) examination and recommendations to the Council on alternative capping methodologies whenever the FAC increases by more than 25% as provided for in the FAC tariff.
14. Review, analysis, evaluation and reporting to the Council on ENO's quarterly gas storage physical hedge program pursuant to Council Resolution R-91-102, as well as presentation of recommendations at Council Utility Committee meetings.
15. Review, analysis, evaluation and recommendation regarding ENO's Environmental Adjustment Clause ("EAC") filings for recovery of emission allowance expenses.
16. Conceptual development, review, evaluation, and recommendation to the Council regarding ELL's request for approval to offer energy efficiency programs to Algiers' ratepayers and development of Council resolution of same.
17. Review, analysis, and evaluation on ESI 2012 Filings before the FERC on the 2012 remedy payments and receipts among the Entergy Operating Companies (as required by FERC Opinion Nos. 480 and 480-A) and the effects on ENO and ELL-Algiers' ratepayers.
18. Review, analysis, evaluation and development of a report and recommendations and resolution for the Council on ENO's April 30, 2012 Financing Plan Application filed pursuant to Resolution R-10-326 for approval of the Financing Plan to sell not more than $400 million new First Mortgage Bonds and not more than $40 million of new Preferred Stock.
19. Attendance, monitoring, and analysis of Entergy's quarterly earnings teleconferences and quarterly filings with the Security Exchange Commission and evaluation of impacts on the future rates, charges and reliability of service in Orleans Parish.
20. Development of strategic positions, attendance at and participation in meetings, and reporting to the Council on numerous matters relating to Entergy's ICT including ongoing review and evaluation of: (i) ICT Quarterly and Annual Performance Reports, and other ICT Staff Reports; (ii) Stakeholder Policy Committee Meetings; (iii) ongoing activities of the ICT Working Groups and Task Forces; (iv) evaluation of the ICT's Strategic Transmission Expansion Plan; (v) review and evaluation of the ICT's annual Base Plan and Entergy's Annual Transmission Construction Plan; and (vi) participation in the ICT's annual Transmission Summit meeting.
21. The attendance at and participation in meetings with the FERC staff on the status of Entergy's ICT performance.
22. Review and evaluation of Entergy's FERC filings in FERC Docket No. ER05-1065 and participation in related FERC proceedings concerning ICT matters including development of recommendations of Council positions for filing with the FERC.
23. Days after Hurricane Isaac, Legend was requested to develop resolutions regarding creating an investigation into ENO's and ELL's electric transmission and distribution system storm response, infrastructure, investment and planning, tree trimming, and related storm recovery matters and attendance at an emergency Council Utility Committee meeting on same.
24. Initial review of ENO and ELL Isaac storm response and development of a resolution to establish Docket No. UD-12-04 to conduct an inquiry and fact finding examination of ENO and ELL's response and attendant storm recovery

matters requiring ENO and ELL to file a report by January 4, 2013;
WHEREAS, for budget year 2013, in addition to the aforesaid 2013 regulatory matters, Legend will be required in the Council's local jurisdiction and in the Council's activities before FERC to, among other things:
1. Attend and participate in meetings and reporting to the Council on numerous matters relating to Entergy's Independent Coordinator of Transmission including ongoing review and evaluation of: (i) ICT Quarterly and Annual Performance Reports, and other ICT Staff Reports; (ii) Stakeholder Policy Committee Meetings; (iii) ongoing activities of the ICT Working Groups and Task Forces; (iv) evaluation of the ICT's Strategic Transmission Expansion Plan; (v) review and evaluation of the ICT's Annual Base Plan and Entergy's Annual Transmission Construction Plan; and (vi) participation in the ICT's Annual Transmission Summit meeting.
2. Evaluate, provide litigation support to the Council's legal counsel, and sponsor expert testimony, as appropriate, to assure the proper amount of refunds are appropriately allocated to New Orleans ratepayers regarding ESI's compliance filing in FERC Docket No. EL09-61 regarding the calculation of estimated refunds (upwards of $20,000,000 for ENO alone) as a result of EAI sales of excess electric energy to third-party power marketers and others that were not members of the System Agreement during the period 2000 through 2009.
3. Provide assistance to the Council's legal counsel in numerous matters before the FERC, including the potential sponsorship of expert testimony, as appropriate, in FERC Docket Nos. ER07-956, ER08-1056, ER09-1224, ER09-636, EL09-50, ER05-1065, ER10-1350, EL11-65, ER11-3658, ER12-1881 through ER12-1886, ER12-1888, ER12-1890 through ER12-1894, ER12-1920, ER07-682 and related appeals in the federal jurisdiction.
4. Attend and participate in meetings with the FERC staff on the status of Entergy's ICT performance.
5. Develop a comprehensive report mandated by the Council, complete with an evaluation and analyses from a total economic basis assessing ENO and ELL's Isaac response, pruning and tree-trimming policies for overhead utility lines, investment in storm hardening of the system, economic impact associated with the long duration of power outages attributable to Isaac, and an evaluation on the potential for undergrounding of critical ENO and ELL infrastructure throughout the City.
6. Review and evaluate ENO's modified gas system rebuild plans and a continuation of the monitoring of the ENO gas system rebuild and its incremental effects on New Orleans ratepayers.
7. Provide assistance to the Council in the evaluation and remedying of customer service complaints.
8. Review, evaluation and analyses of Entergy Thermal, LLC's annual report and potential for expansion of facilities in the Central Business District and the potential adverse impact on New Orleans consumers.
9. Continue to lead the evaluation, examination, and analysis of any 2013 Remedy Receipts for ENO and ELL-Algiers due to the 2012 production cost equalization of FERC Opinion Nos. 480 and 480-A, FERC Docket No. EL01-88-000 and ESI's Filing with FERC in 2013.
10. Continue to assist the Council's legal counsel in any requests for rehearing in Docket No. ER09-636 and participation in any such rehearing regarding EAI and EMI's cancellation of participation in Entergy's System Agreement.
11. Review and evaluation of ELL-Algiers bi-monthly reports regarding its implementation of Energy Smart energy efficiency programs pursuant to Resolution R-12-391, and evaluation of the ENO Energy Smart Program revisions and recommendations directed by Resolution R-12-393.
12. Review, evaluation and issuance of discovery, and reporting on ENO's filing increasing rates associated with the costs of the Grand Gulf Uprate Project presently included in the FAC and the resultant effects on New Orleans ratepayers.
13. Pursuant to Resolution R-08-452, ENO is to file an informational filing within thirty days of each issuance and sale by ENO of any New Bonds, Debt Securities, New Preferred or Preferred Securities. Legend will be required to review, examine, and evaluate ENO's informational filing and report its findings to Council.
14. Attend and participate in meetings concerning the ongoing activities of the Entergy Regional State Committee, including: (i) Entergy's integration and transition into MISO and Entergy's divestiture of its transmission assets to the ITC for reporting to the Council; (ii) participation in the ERSC Working Group for development of policy positions and recommendations for the Council concerning ERSC voting matters; (iii) evaluation of reports issued by Entergy's IMM for reporting to the ERSC and Council; (iv) evaluation of the development of MISO's supplemental ARR rules; and (v) participation in MISO Working Groups to gain insights into the operations of MISO for reporting to the ERSC and Council.
15. Continue to review and evaluate ENO's required second year AMI Filing including the technical details, education and marketing program components, penetration, associated rate schedules, and cost recovery related to ENO's implementation of its AMI Pilot project, and the application of the AMI Pilot results in the projections of DSM potential

for the residents of New Orleans.
16. Legend will provide assistance to the Council's legal counsel, including engineering-economic evaluation, preparation of discovery, and expert testimony, as necessary, in the LPSC complaint filed in EL11-57 and ER12-1384, supporting a permanent allocation of the cancellation costs to all Operating Companies at the time the resource was planned and the associated changes filed to service schedule MSS-3 to include the securitized cancellation costs of an ELL project to repower Little Gypsy Facility generating unit for economic reasons.
17. Legend will review, and provide analysis and evaluation of ENO and ELL's Reporting Requirements Compliance Filings related to the U.S. Department of Justice's Investigation of Entergy concerning competitive issues pursuant to Resolution R-10-480. Attend and participate in the U.S. Department of Justice meetings and report to Council on numerous matters relating to the Investigation. Review and evaluate the U.S. Department of Justice filings for potential impacts on the City on New Orleans ratepayers.
18. Prepare and submit to the Council monthly Residential Bill Comparisons for ENO, ELL and various cities throughout Louisiana and the United States as a measure of competitiveness of ENO and ELL electric and gas retail rates.
19. The conduct of analysis, recommendations and monthly reporting to the Council on ENO's Fuel Adjustment and Purchased Gas Adjustment Clauses related to: (i) consumer complaints; (ii) level of charge; (iii) causal factors associated with the monthly charge; (iv) amounts in over/under accounts associated with capping of the FAC; and (v) alternative capping methodologies as required.
20. Attend, monitor and report to the Council on Entergy's quarterly earnings teleconferences and quarterly Filings before the Securities and Exchange Commission and evaluation of impacts on the future rates, charges and reliability of service in Orleans Parish.
21. Evaluation, analysis and development of a report to the Council on ENO's bi-annual 2012-2013 Design Day Peak Demand Report and its attendant cost impact on New Orleans gas ratepayers.
22. Review, analysis, evaluation and development of a report to the Council on ENO's compliance filing relating to its Annual Gas System Report pursuant to Resolutions R-05-518 and R-06-401.
23. Provide analyses, litigation support and expert testimony at FERC as required related to the 2012 production cost equalization requirements of FERC Opinion Nos. 480 and 480-A in FERC Docket No. EL01-88-000 and ESI's Filing with FERC in 2013.
24. Attend all Council Utility Committee meetings, prepare necessary briefing materials and presentations before the Committee.
WHEREAS, in approving this contract, the New Orleans City Council is conscious of its responsibility to pursue its regulatory responsibility over gas and electric utilities in a cost-effective manner which nonetheless does not compromise the interests of ratepayers in the high stakes proceedings and others matters which the Council must address on behalf of the City and its ratepayers; and
WHEREAS, given the continuing needs of this Council relative to its regulatory responsibility the Council desires to authorize an appropriate contract with the firm of Legend Consulting Group Limited to assist in meeting the Council's regulatory responsibility to the City and its ratepayers; now, therefore:
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the President of the Council is hereby requested and authorized to sign a contract with Legend Consulting Group Limited for 2013.
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the President of the Council is hereby requested and authorized to sign a new contract with Legend Consulting Group Limited to provide consulting services to the City Council for a maximum compensation under such contract up to $2,300,000.
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the contract shall contain a statement that pursuant to Chapter 2, Article XVIII of the City Code relative to the office of Inspector General that the contract understands and will abide by all provisions of that Chapter.
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the contract shall reflect firm hourly billing rates as follows:
Managing Partners $325 - $375
Executive Consultants $275 - $340
Senior Consultants $225 - $275
Supervising Engineer/Analyst/Economist $200 - $250
Senior Engineer/Analyst/Economist $175 - $225
Engineer/Analyst/Economist $150 - $175
Executive Administrative Assistant $ 95 - $125

BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that such contract may include provisions allowing the option of direct payment of invoices by utilities regulated by the Council pursuant to Section 3-130 of the Home Rule Charter, provided such payments have been approved by the City, after the City's review and forwarding of such invoices for payment, and further that such invoices, if paid by the City, would be reimbursable by such utility pursuant to Section 3-130 (5) of the Home Rule Charter. Such payments shall be recoverable as a regulatory expense by such utility in the same manner as reimbursements to the City for such payments.
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the contract shall be circulated in accordance with normal process and the City Council Rules.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-458
CITY HALL: December 6, 2012
BY: COUNCILMEMBERS HEDGE-MORRELL, HEAD, GUIDRY AND GISLESON PALMER
WHEREAS, pursuant to Section 3-130 of the Home Rule Charter of the City of New Orleans, the New Orleans City Council ("the Council") exercises powers of supervision, regulation, and control over electric and gas utilities providing service in the City of New Orleans ("City" or "New Orleans"); and
WHEREAS, to address the complex legal and technical issues necessary to properly meet its responsibility, the Council has selected consulting firms as advisors, in accordance with the competitive selection process required by the Home Rule Charter and established by Council Rule 45; and
WHEREAS, by Motion M-12-59, after competitive selection, the Council authorized retention of the law firm of SNR Denton US LLP ("SNR Denton") to continue to act as special counsel to the Council in electric and gas utility regulatory matters; and
WHEREAS, by Motion M-12-59 and the terms of the Request For Qualifications issued on September 1, 2011, the Council is authorized to renew and extend its existing contract with SNR Denton to act as special counsel to the Council in electric and gas utility regulatory matters; and
WHEREAS, by Motion M-12-59, the Council further authorized negotiation of contracts with a scope of work consistent with the request for qualifications and the Council's electric and gas utility regulatory needs with each of the firms to be retained by the Council; and
WHEREAS, SNR Denton has continued to provide the Council and New Orleans ratepayers with excellent regulatory advice, legal counsel, and ratepayer protection in matters before the Council, the Federal Energy Regulatory Commission ("FERC") and local, state and federal courts as evidenced by the many successful and often landmark results achieved throughout 2012; and
WHEREAS, SNR Denton assisted the Council in its investigation of Entergy's decision to join the Midwest Independent Transmission System Operator, Inc. ("MISO"). Entergy's proposal to join the MISO arose in the context of Entergy Arkansas, Inc.'s and Entergy Mississippi, Inc.'s impending withdrawal from the Entergy System Agreement in 2013 and 2015 respectively. Due to significant changes that these withdrawals would have on the System Agreement and the initial estimates of MISO membership that showed only small benefits to New Orleans ratepayers, ENO's and ELL's request to join the MISO proved to be one of the greatest threats to New Orleans ratepayers since Hurricane Katrina and the failure of the levees; and
WHEREAS, the Council's investigation culminated with SNR Denton taking a lead role in negotiating a hard-fought settlement agreement that protects New Orleans rate payers through a means to establish an ENO-only transmission pricing zone that will insulate New Orleans ratepayers from paying for transmission costs that do not directly benefit them and provides the Council with the opportunity to revisit its public interest determination if the costs to New Orleans exceed the benefits of MISO membership; and
WHEREAS, SNR Denton has had a lead role in the Alternative Dispute Resolution ("ADR") process established by Entergy and intended to reach agreement regarding any modifications to the Entergy System Agreement that are anticipated to be necessary in allocating new MISO costs to the Entergy Operating Companies that will remain in the System Agreement after Entergy joins MISO. The last meeting of the ADR Process was held on September 13-14, 2012. None of the retail regulators reached any substantive agreement regarding proposed changes to the System

Agreement. On November 20, 2012, Entergy filed its proposed System Agreement revisions at FERC. SNR Denton successfully convinced the legal counsel for the Texas Public Utilities Commission and the Louisianan Public Service Commission to file joint comment s asking FERC to set this matter for hearing in 2013; and

WHEREAS, on December 5, 2011, Entergy announced its proposal to divest its transmission assets to ITC Holdings (the "ITC Transaction"). The proposed transaction will have a significant impact upon how transmission services are provided to New Orleans ratepayers. It will require significant alterations to the System Agreement. In February 2012, SNR Denton and the Council's other advisors (together with SNR Denton, the "Advisors") presented a proposed resolution establishing Docket UD-12-01 to investigate Entergy plans to divest its electric transmission business; and

WHEREAS, on September 12, 2012, the Joint Application of ENO, ELL, ITC, Mid South TransCo LLC, Transmission Company New Orleans, LLC, Transmission Company Louisiana II, LLC and ITC Midsouth LLC for Approval of Change of Ownership of Electric Transmission Businesses, for Certain Cost-Recovery Adjustments, and for Related Relief was filed with the Council requesting Council approval of the proposed ITC Transaction and other relief set out in the filing. Based on the Advisors' investigation to date, the divestiture of Entergy's transmission assets will likely have a significant impact on the net benefits that may ultimately be anticipated in association with the Entergy Operating Companies' transition to MISO; and

WHEREAS, on September 29, 2012, three related applications were filed at the FERC designed to move forward with the ITC Transaction and to facilitate Entergy's membership in MISO. These three proceedings are: 1) ITC and Entergy's request to transfer Entergy's transmission facilities to ITC (separate from the ITC proceeding pending before the Council in Docket No. UD-12-01 and similar proceedings pending before the other Entergy retail jurisdictions); 2) MISO's request for approval of interim changes to its FERC open access transmission tariff to provide for transmission service over Entergy's transmission system after Entergy's transmission system is transferred to ITC (assuming the ITC Transaction is approved) but before Entergy joins MISO; and 3) Entergy's proposed changes to its ancillary services tariffs (which support transmission service) and request for approval to terminate Entergy's current open access transmission tariff (since all transmission service will operate under either ITC's or MISO's open access transmission tariffs). Thus, the ITC Transaction and the various ongoing cases case will likely be among the most significant issues to be addressed by the Council in 2013; and

WHEREAS, SNR Denton in conjunction with the Council's other advisors reviewed ENO's 2012 gas and electric Formula Rate starting in May 2012. Consistent with the past four years, the Advisors identified sufficient regulatory issues which, upon completion of an evidentiary hearing to resolve certain disputed regulatory issues that could not be resolved through negotiations, should result in a fifth consecutive rate decrease for New Orleans ratepayers. The regulatory hearing is scheduled to commence in early 2013 and SNR Denton anticipates that at the conclusion of the hearing and upon issuance of the Council's decision, New Orleans ratepayers will continue to have some of lowest electric bills on the Entergy system and among the lowest rates in the country. SNR Denton US LLP is very proud of this Council success, which was highlighted in the March 12, 2012 Times-Picayune article by Richard Thompson; and

WHEREAS, on October 18, 2012, the Council issued Resolution R-12-393 directing Revisions to the Council's Energy Smart Plan administered by ENO and a third-party administrator, CLEAResult. This resolution marks the successful culmination of the first year of operation of Energy Smart, which resulted from a 2009 rate case settlement in which the Council approved a plan wherein ENO would establish an energy efficiency program developed based on the significant input of many community stakeholders and would benefit all New Orleans rate payers. During the first program year, Energy Smart provided incentives to more than 8,500 customers and saved 15,812,954 kWh. These kWh savings achieved 111% of the initial program goals at a cost of $3,740,000, and achieved this success within the Year 1 budget of $3,920,000. The success of the Energy Smart program was noted by the American Council on Energy Efficiency in the Economy in its recent report noting that Energy Smart is the only program of its kind in Louisiana; and

WHEREAS, on October 18, 2012, the Council, based on the success of the ENO Energy Smart Plan, approved ELL's requests to implement energy efficiency programs in the Algiers section of Orleans Parish. The program would be administered in the same manner as the existing Energy Smart programs, would be funded by the 2012 Rough Production Cost Equalization payment of approximately $939,000, and would run for 18 months and conclude concurrently with the ENO Energy Smart program in March 2014. In its application, ELL noted that it intends to file a rate case for Algiers by March 29, 2013 for the test year ended June 30, 2012. Any future funding mechanism and continuation of any energy efficiency program in Algiers would be considered in ELL's proposed rate case. This will be the first Council base rate case for Algiers in more than a decade and will require careful analysis to establish just and reasonable rates while ensuring sufficient ratepayer protections that will avoid any rate shock to ratepayers; and

WHEREAS, during 2012, SNR Denton and the Council's other advisors have worked cooperatively with ENO, the Alliance for Affordable Energy and other stakeholders in assisting ENO and ELL in the development of a new

Integrated Response Plan ("IRP"). This process used by electric utilities is intended to ensure that the utility meets forecasted demand for power in the future. The process is referred to as an "integrated" plan because it requires that the costs of traditional supply-side resources (new power plants or contracts) are evaluated and compared to the cost of demand-side resources (conservation, energy efficiency, demand response) to ensure that future demand for energy is met at the lowest reasonable costs and the highest level of reliability; and

WHEREAS, the Advisors have moderated eight Demand Side Management ("DSM") Working Group meetings since the creation of the group in October 2011. These meetings were held in connection with four Quarterly Technical Conferences and included the participation of several stakeholders. The technical conferences were designed to ensure the Company's plans for compliance with Council Resolution R-11-301, develop working assumptions and data sets for use in the October 2012 IRP filing, and to provide updates and status reports to the Council of the progress of the Company's efforts. Summary reports of each technical conference have been filed in Docket No. UD-08-02. Entergy filed its final IRP and DSM Potential Study Report on October 30, 2012. Subsequent to the Company's filing, the Council and the Advisors will evaluate the IRP and the DSM Potential Study Report, consider all input from the various stakeholders, and make certain determinations regarding the size and scope of the proposed plan's implementation. This evaluation will begin in earnest in early 2013; and

WHEREAS, SNR Denton and the Council's other advisors drafted three resolutions initiating investigations into ENO's and ELL's response to Hurricane Isaac, their maintenance of the electric distribution system, and the Companies' future plans for investment in the electric distribution and transmission infrastructure. Each of the resolutions requested information from Entergy which is scheduled to be submitted in early 2013. At that time the Advisors will review the Entergy filings and make recommendations to the Council for further action;

WHEREAS, SNR Denton has assisted the Council in taking a leading role in the Entergy Regional State Committee's ("ERSC") activities regarding Entergy's transmission system in general and particularly with regard to the investigation and evaluation of Entergy's plans to join MISO and MISO's new role as the Entergy Independent Coordinator of Transmission until Entergy joins MISO in late 2013; and

WHEREAS, while working diligently to protect ratepayers, SNR Denton continued to address the many traditional regulatory issues that are necessary to protect ratepayers and to ensure quality utility service at just and reasonable rates. Among the regulatory successes in 2012 that SNR Denton helped deliver on the Council's behalf were:

1. Successful settlement of all issues that ensure ENO's participation in the Ninemile 6 generation plant which is scheduled to begin service in 2015 and will provide a new, more efficient generation capacity for New Orleans and its ratepayers;
2. Successful conclusion of the Council's investigation and on-going monitoring of distribution system outages in the Bywater neighborhood;
3. Achievement of a refund of $205,000 to ratepayers from a FERC proceeding;
4. Approval of ENO's sales of compressed natural gas with the profits to benefit New Orleans ratepayers;
5. Evaluation of and advice with respect to response to any cost recovery request from ENO regarding its Smart View demonstration project that furnished smart metering equipment in homes of low income ratepayers to provide them with greater control over their electricity use and, in turn, greater control over their bills, which was partially funded by a 2009 U.S. Department of Energy grant that will reimburse ENO 50 % of its costs up to $5 million;
6. Ensuring that ENO's Annual Natural Gas Hedging Program meets the goal of mitigating natural gas price volatility during the winter months and protects ratepayers' interests;
7. Continued monitoring of the implementation of ENO's plans to refurbish its damaged natural gas infrastructure and evaluate the rate impact that rebuilding the natural gas system will have on ratepayers;
8. Monitoring of ENO's Quarterly Reports filed on its gas storage program to ensure that ENO's gas storage program inures to the benefit of New Orleans ratepayers;
9. Continued monitoring of ENO's progress and evaluation of ENO's filings with regulators to ensure that the scope and cost of rebuilding ENO's gas system are reasonable in future years;
10. Commenced litigation of the 2012 and 2013 Bandwidth Remedy proceedings as determined by FERC;
11. Continued investigation regarding the impact of ENO's long-term and short-term power supply and power planning process on New Orleans ratepayers;
12. Evaluation of ENO's long term financings to ensure that ENO is in compliance with the 1922 Settlement Ordinance which requires ENO to file a report with the Council within 30 days following each issuance and sale of new bonds, debt securities, new preferred or preferred securities; and

WHEREAS, in addition to the very full set of local issues and matters, SNR Denton continues to be an active litigant on behalf of the Council in an increasing number of proceedings before the FERC. The proceedings include 25 cases

involving complex issues that could potentially have significant impacts on the Council's ability to exercise its Home Rule Charter obligations to ensure just and reasonable rates without encroachment from FERC, as well as major cost issues that could increase or lower rates for New Orleans ratepayers. Of these cases, seven proceedings are in active litigation; and

WHEREAS, in approving contract extensions and amendments, the Council is conscious of its responsibility to exercise its regulatory oversight of gas and electric utilities in a cost-effective manner which nonetheless does not compromise the interests of ratepayers in the high-stakes proceedings and other matters that the Council must address on behalf of New Orleans and its ratepayers; and

WHEREAS, given the continuing needs of this Council relative to its regulatory responsibility the Council desires to authorize an appropriate contract and/or contract amendment(s) with the Law Firm of SNR Denton US LLP to assist in meeting the Council's regulatory responsibility to New Orleans and its ratepayers; now, therefore

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the President of the Council is hereby requested and authorized to sign a new contract with the Law Firm of SNR Denton US LLP to serve as special counsel to the City Council for a maximum compensation under such contract up to $3,300,000.00.

BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the contract amendment shall add a statement that pursuant to Chapter 2, Article XVIII, of the City Code relative to the office of Inspector General that the contractor understands and will abide by all provisions of that Chapter.

BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the contract amendment shall reflect revised increase of 3% (rounded down) in firm hourly billing rates effective as of 2013, as follows:

Partners and Senior Managing Directors up to $565.00 per hour

Counsel and Of Counsel up to $460.00 per hour

Associates and Managing Directors up to $400.00 per hour

Other Professionals up to $220.00 per hour

BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that such contract may include provisions allowing the option of direct payment of invoices by utilities regulated by the Council pursuant to Section 3-130 of the Home Rule Charter, provided such payments have been approved by the City, after the City's review and forwarding of such invoices for payment, and further that such invoices, if paid the by the City, would be reimbursable by such utility pursuant to Section 3-130 (5) of the Home Rule charter. Such payments shall be recoverable as a regulatory expense by such utility in the same manner as reimbursements to the City for such payments.

BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the contract and/or contract amendment(s) shall be circulated in accordance with normal process and the City Council Rules.

THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:

YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7

NAYS: 0

ABSENT: 0

AND THE MOTION WAS ADOPTED.

NO. M-12-459

CITY HALL: December 6, 2012

BY: COUNCILMEMBERS HEDGE-MORRELL, GUIDRY, HEAD AND GISLESON PALMER

WHEREAS, Wilkerson & Associates has been a member of the Council's legal team of advisors for more than 20 years, and over that period has represented the Council on all of the regulatory matters that have come before the Council; and

WHEREAS, Wilkerson & Associates has exercised a significant role in all of the proceedings before the Council, but has had the lead role with respect to state and local issues; and

WHEREAS, Wilkerson & Associates has had a lead role in the preparation of the Council's various Resolutions and Orders associated with the proceedings that have come before the Council; and

WHEREAS, Wilkerson & Associates had a lead role in the litigation and negotiations that culminated in the Resolution and Order Conditionally Approving ENO and ELL's Joint Application to Transfer Functional Control of Certain Transmission Assets to Midwest Independent Transmission System Operator, Inc. RTO; and

WHEREAS, Wilkerson & Associates has been intimately involved in the litigation associated with the Council's consideration of Joint Application of Entergy New Orleans, Inc., Entergy Louisiana, LLC, Mid South Transco, LLC, Transmission Company New Orleans, LLC, Transmission Company Louisiana II, LLC, ITC Holdings Corp. and ITC Midsouth, LLC, for Approval of Change of Ownership of Electric Transmission Business, for Certain Cost-Recovery

Adjustments, and for Related Relief; and
WHEREAS, Wilkerson & Associates is currently assisting the Council with its review of ENO's 2012 Integrated Resource Plan, filed October 30, 2012; and
WHEREAS, Wilkerson & Associates is currently litigating the FRP proceeding in Entergy New Orleans, Inc.'s 2012 Electric and Gas Formula Rate Plan Filings Pursuant to Council Resolution R-09-136 and the 2009 Agreement in Principle; and
WHEREAS, Wilkerson & Associates is currently participating in the investigation relative to ENO/ELL's performance connected to Hurricane Isaac; and
WHEREAS, Wilkerson is currently monitoring Ninemile construction stemming from the Council's Order re Application of Entergy New Orleans, Inc. for Authorization to Enter into a Contract for the Purchase of Capacity and Energy from Unit 6 at Ninemile Point Station; and
WHEREAS, Wilkerson & Associates is currently monitoring ENO's Plan for Gas Infrastructure Rebuild in compliance with Resolution R-06-459; and
WHEREAS, Wilkerson & Associates is currently participating in the FERC alternative dispute resolution ("ADR") proceedings relative to modifications of the Entergy System Agreement brought about because of the Arkansas and Mississippi withdrawals; and
WHEREAS, Wilkerson & Associates is coordinating discovery in all of the litigated matters before the Council; and
WHEREAS, in the absence of a director, Wilkerson & Associates has provided administrative support to the Council Utilities Regulatory Office for the past two years;
WHEREAS, Wilkerson & Associates has been local legal counsel for the Council for many years, and part of its role is to monitor regulatory issues generally as they develop; and
WHEREAS, in approving a contract the New Orleans City Council is conscious of its responsibility to pursue its regulatory responsibility over gas and electric utilities in a cost-effective manner which nonetheless does not compromise the interests of ratepayers in the high stakes proceedings and others matters which the Council must address on behalf of the City and its ratepayers; and
WHEREAS, given the continuing needs of this Council relative to its regulatory responsibility the Council desires to authorize an appropriate contract with the Law Firm of Wilkerson & Associates to assist in meeting the Council's regulatory responsibility to the City and its ratepayers; now therefore
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the President is requested and authorized to sign a new contract with the Law Firm of Wilkerson & Associates to serve as special counsel to the City Council for a maximum compensation under such contract up to Eight Hundred Seventy-Five Thousand Dollars (875,000.00).
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the contract shall add a statement that pursuant to Chapter 2, Article XVIII of the City Code relative to the office of Inspector General that the contractor understands and will abide by all provisions of that Chapter.
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that such contract may include provisions allowing the option of direct payment of invoices by utilities regulated by the Council pursuant to Section 3-130 of the Home Rule Charter, provided such payments have been approved by the City, after the City's review and forwarding of such invoices for payment, and further that such invoices, if paid the by the City, would be reimbursable by such utility pursuant to Section 3-130 (5) of the Home Rule charter. Such payments shall be recoverable as a regulatory expense by such utility in the same manner as reimbursements to the City for such payments.
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the contract shall be circulated in accordance with normal procedures and the City Council Rules.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. R-12-460
CITY HALL: December 6, 2012
BY: COUNCILMEMBERS HEAD AND GISLESON PALMER (BY REQUEST)
WHEREAS, the Surface Transportation Assistance Act of 1978, as enacted by the Congress of the United States,

mandates that all structures defined as bridges which are located on all public roads shall be inspected, rated for safe load capacity, and so posted in accordance with the National Bridge Inspection Standards; and, further that an inventory of these bridges will be maintained by each state; and

WHEREAS, the Louisiana Department of Transportation and Development (hereinafter referred to as "LADOTD") initially satisfied all of these requirements for all public bridges, including those on roadways not part of the State route system as defined in Louisiana Revised Statutes Title 48, Section 191 et seq, but rather owned by municipalities or other local governing bodies (so-called "off-system" bridges); and

WHEREAS, the Department of Public Works (formerly the Department of Streets) of the City of New Orleans, did receive correspondence dated October 20, 1987, from the LADOTD indicating that this agency would not require the active participation of off-system bridge owners in the aforementioned process; and

WHEREAS, the LADOTD has now delegated to the Parish of Orleans (hereinafter referred to as "the Parish") the responsibility to inspect, rate, and load post those bridges under its authority, this action in accordance with the National Bridge Inspection Standards; and

WHEREAS, compliance with these regulations is required for our continued participation in the Off-System Bridge Replacement Program to receive federal and/or other non-local funds, as they might become available for these same structures; now, therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY NEW ORLEANS, that the following information is certified to the LADOTD for the period October 1, 2011 through December 30, 2012.

1. That the Parish has performed all interim inspection on all Parish-owned or maintained bridges in accordance with the National Bridge Inspection Standards.
2. That all bridges owned or maintained by Parish have been structurally analyzed and rated by the Parish to determine compliance with the safe load capacity requirements in accordance with the American Association of State Highway and Transportation Officials (AASHTO) Manual for Maintenance Inspection of Bridges.
3. That the Parish has critically reviewed load posting information for all bridges where it has been determined by the LADOTD that the maximum legal load under Louisiana State Law exceeds the load permitted under the ASSHTO operating ratings.
4. That the Parish has updated load posting information to reflect all structural changes, any obsolete ratings, or any missing structural ratings.
5. That all Parish-owned or maintained bridges which require load posting or closing are load posted or closed in accordance with the table in the LADOTD Engineer Directives and Standards Manual directive No. 1.1.1.8.; and further, that all LADOTD-supplied load posting information concerning a bridge that has been critically reviewed by the Parish Engineer prior to load posting.
6. When the current list of off-system bridge information is presented to the Parish by the LADOTD and has been reviewed and corrected as necessary, it will be transmitted to the LADOTD within thirty (30) days.

THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS: Bajoie, Charbonnet, Clarkson, Guidry, Head, Hedge-Morrell - 6
NAYS: 0
ABSENT: Gisleson Palmer - 1
AND THE RESOLUTION AS ADOPTED.

NO. M-12-461
(AS CORRECTED)
CITY HALL: December 6, 2012
BY: COUNCILMEMBER HEDGE-MORRELL
SECONDED BY: COUNCILMEMBER CHARBONNET

WHEREAS, the Pontchartrain Park Home Improvement Association is hosting a Tree Lighting Ceremony on Saturday, December 8, 2012 from 5:30 p.m. to 7:30 p.m. and has requested the waiver of fees, permit fees, and requirements within and around Pontchartrain Park located on Press Drive at Prentiss Avenue, New Orleans, Louisiana 70126; now therefore

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the fees, permit fees and requirements within and around Pontchartrain Park located on Press Drive at Prentiss Avenue, New Orleans, Louisiana 70126, for the Pontchartrain Park Home Improvement Association's Tree Lighting Ceremony, including any fees associated with the applicable traffic controls and parking controls to be implemented by the New Orleans Police Department, are hereby

waived as provided for in Section 146-583 of the City Code, upon the condition that the street closure application process of the Department of Public Works and the New Orleans Police Department are completed and approvals are granted.
BE IT FURTHER MOVED, That the fees associated with temporarily waiving all permits fees relative to vending, including street closure, special event application, New Orleans Police Department, signage, parking meter use, parking meter bagging use, and tent construction permit within and around the Pontchartrain Park located on Press Drive at Prentiss Avenue, New Orleans, Louisiana 70126, in conjunction with the Pontchartrain Park Home Improvement Association's Tree Lighting Ceremony on Saturday, December 8, 2012 from 5:30 p.m. to 7:30 p.m., are hereby waived. The fee waiver authorized shall not include any direct costs to the city.
BE IT FURTHER MOVED, That the Clerk of Council immediately shall provide a certified copy of this motion to the Chief Administrative Officer, the Department of Public Works, the New Orleans Police Department, the Department of Safety and Permits, and Pontchartrain Park Home Improvement Association.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Guidry, Head, Hedge-Morrell - 6
NAYS: 0
ABSENT: Gisleson Palmer - 1
AND THE MOTION AS ADOPTED.

NO, M-12-462
CITY HALL: December 6, 2012
BY: COUNCILMEMBER GUIDRY (BY REQUEST)
SECONDED BY: COUNCILMEMBER CLARKSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Mayor's appointment of Pamela Ryan (vice Kim Glazer Goldberg) as a member of the Audubon Commission for a term that will expire June 30, 2018 be, and the same is hereby ratified, confirmed and approved.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-463
CITY HALL: December 6, 2012
BY: COUNCILMEMBER BAJOIE (BY REQUEST)
SECONDED BY: COUNCILMEMBER CLARKSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Mayor's appointment of Shannon Sims (vice Kiana Mitchell**)** as a member of the Municipal Yacht Harbor Management Corporation for a term that will expire March 31, 2013 be, and the same is hereby ratified, confirmed and approved.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-464
CITY HALL: December 6, 2012
BY: COUNCILMEMBER PALMER (BY REQUEST)
SECONDED BY: COUNCILMEMBER CLARKSON
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Mayor's reappointment of Warner Tureaud, as a member of the Municipal Yacht Harbor Management Corporation for a term that will expire March 15, 2014, be, and the same is hereby ratified, confirmed and approved.

THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. R-12- 465
CITY HALL: December 6, 2012
BY: COUNCILMEMBERS HEAD, CLARKSON, GUIDRY, BAJOIE, GISLESON PALMER, HEDGE-MORRELL AND CHARBONNET
WHEREAS, the Council of the City of New Orleans, on March 16, 2006, adopted Ordinance No. 22,163, M.C.S., relative to the "Fourth Amendment to Amended and Restated Lease Agreement" by and between the Rivergate Development Corporation, the City of New Orleans, and Jazz Casino Company L.L.C., successor in interest to Harrah's Jazz Company, which included the commitment from Jazz Casino Company L.L.C., to provide $225,000 annually to fund the City Council/ Harrah's Community Support Grants Program; and
WHEREAS, the agreement provides for the total of $225,000 to be funded semi-annually in two payments of $112,500; and
WHEREAS, the purpose of the program is to foster organizations and projects that demonstrably contribute to the economic, cultural, and civic fabric of the City; and
WHEREAS, the guidelines for eligibility, procedures, and monitoring of the grants have been approved by the City Council; and
WHEREAS, the following group has demonstrated its commitment to improving the civic life of the New Orleans community through its activities and programs; now, therefore
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the following grant is approved from grant funds, subject to the organization's eligibility pursuant the aforementioned guidelines:
District D:
Pentecost Baptist Church $1,500
Planned Parenthood Gulf Coast Inc. $1,500
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Guidry, Head, Hedge-Morrell - 6
NAYS: 0
ABSENT: Gisleson Palmer - 1
AND THE RESOLUTION WAS ADOPTED.

NO. R-12-466
(AS AMENDED)
CITY HALL: December 6, 2012
BY: COUNCILMEMBERS CLARKSON, BAJOIE, CHARBONNET, GUIDRY, HEAD AND HEDGE-MORRELL
WHEREAS, The University of New Orleans opened as the first racially-integrated, public university in the South, the first public university in the City of New Orleans, and has strived to provide exceptional, affordable instruction to all qualified residents of this City; and
WHEREAS, The University of New Orleans has conferred over 70,000 degrees since the first graduating class of 118 in 1962 and has grown to become a major urban research university, one categorized as a SREB Four-Year 2 institution, a Carnegie Doctoral/Research University-Intensive, and as a COC/SACS Level VI institution; and
WHEREAS, on November 12, 2012, Dr. Peter J. Fos, a New Orleans native and UNO graduate, was invested as the President of the University sixth president of the university; and
WHEREAS, Dr. Fos has a long and proven record of conducting research, fundraising, building relationships with other academic institutions, and instituting institutional effectiveness and student success programs; and
WHEREAS, under the new leadership of Dr. Fos and his Athletic Director Derek Morel, UNO was accepted into the Southland Conference, guaranteeing that the university's decades long participation in NCAA Division I athletics will continue for years to come, NOW THEREFORE
BE IT RESOLVED, by the Council for the City of New Orleans that it hereby congratulates Dr. Peter J. Fos upon his

investiture as President of the University of New Orleans and recognizes his commitment to improving the quality of the university's athletics academic program, while keeping it accessible to all people.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Guidry, Head, Hedge-Morrell - 6
NAYS: 0
ABSENT: Gisleson Palmer - 1
AND THE RESOLUTION, AS AMENDED, WAS ADOPTED.

NO. M-12-467
CITY HALL: December 6, 2012
BY: COUNCILMEMBER BAJOIE
SECONDED BY: COUNCILMEMBER GUIDRY
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the request of Leland Van Deventer - to appeal the Historic District Landmarks Commission's decision of "denial" of the request to convert the façade of an Italianate Double shotgun into a center hall single for property located at 719First Street, be, and the decision is hereby upheld and the appeal is denied.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Gisleson Palmer, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-468
CITY HALL: December 6, 2012
BY: COUNCILMEMBER BAJOIE
SECONDED BY: COUNCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the report and favorable recommendation of the City Planning Commission on ZONING DOCKET NO. 94/12 – MAGAZINE STREET PROPERTIES, LLC - Requesting a Conditional Use to permit the sale of alcoholic beverages for consumption on-premises at a standard restaurant in an existing building over 5,000 square feet in floor area, in a B-1A Neighborhood Business District, on Square 229, Lots 22-A, in the Sixth Municipal District, bounded by Magazine, General Pershing, Camp and Milan Streets (Municipal Address: 4213-15 Magazine Street), be, and the same is hereby upheld and the appeal granted, subject to the 11 (eleven) provisos contained in the City Planning report.
BE IT FURTHER MOVED, that a copy of the report of the City Planning Commission
and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the Conditional Use.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Guidry, Head, Hedge-Morrell - 6
NAYS: 0
ABSENT: Gisleson Palmer - 1
AND THE MOTION WAS ADOPTED.

NO. M-12-469
CITY HALL: December 6, 2012
BY: COUNCILMEMBER BAJOIE
SECONDED BY: COUNCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the report and favorable recommendation of the City Planning Commission on ZONING DOCKET NO. 95/12 – JANE J. WOLFE - Requesting a Zoning Change from an RM-4 Multi-Family Residential District to a B-1A Neighborhood Business District, on Square 290, Lot 8, in the Fourth Municipal District, bounded by Jackson Avenue, Oretha Castle Haley Boulevard, Danneel and Josephine Streets (Municipal Address: 1929 Jackson Avenue), be, and the same is hereby upheld and the

appeal granted, subject to the reasons for recommendation contained in the City Planning report.
BE IT FURTHER MOVED, that a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the Zoning Change.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Bajoie, Charbonnet, Clarkson, Guidry, Head, Hedge-Morrell - 6
NAYS: 0
ABSENT: Gisleson Palmer - 1
AND THE MOTION WAS ADOPTED.

NO. M-12-470
CITY HALL: December 20, 2012
BY: COUNCILMEMBERS CLARKSON, HEAD, HEDGE-MORRELL AND GUIDRY (BY REQUEST)
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Operating Budget of the Algiers Economic Development District for the year 2013, as herein below specified, and as contained in Attachments A & B, which are attached hereto and made a part hereof, is hereby approved:
ALGIERS ECONOMIC DEVELOPMENT DISTRICT
OPERATING BUDGET FOR THE YEAR 2013
REVENUES AND SUPPORT
TIF Income $1,400,000
State Appropriations – Capital Outlay 3,125,000
Interest Income 1,000
TOTAL REVENUES AND SUPPORT $4,526,000
EXPENSES
Capital Outlay Projects $3,125,000
Program related costs
ADD Projects (Keep Algiers Clean) 30,000
Levee Bike/Walk Path 417,000
Federal City – Professional Fees – Contingencies 645,000
Legal Fees 300,000
Total Program Costs $1,392,000
General and administrative costs
Administrative and Operating Costs 107,000
Professional Fees 20,000
Total administrative costs $127,000
(Total Expenses, excluding Capital Outlay) $1,519,000
Total Expenses $4,644,000
NET INCOME $(118,000)
BE IT FURTHER MOVED, that said budget may from time to time, be amended by the Board of Directors of the Algiers Economic Development District, provided that such amendment shall not have the effect of increasing or decreasing the total amount budgeted, as herein approved.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION OF SAME, AND RESULTED AS FOLLOWS:
YEAS: Cantrell, Clarkson, Gisleson Palmer, Gray, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-471
CITY HALL: December 20, 2012
BY: COUNCILMEMBERS GUIDRY, HEAD AND HEDGE-MORRELL
WHEREAS, pursuant to the City Charter the City Council has franchise authority with respect to Cable and Telecommunications providers; and
WHEREAS, the Council has an ongoing interest in the development of the cable and telecommunications infrastructure

which serves the City of New Orleans, as well as cable access television, and related legislative and regulatory cable and telecommunications issues; and
WHEREAS, to address important Cable/Telecommunications matters, the Council has selected Cable/Telecommunications consultant persons and firms to assist and advise the Council in accordance with the competitive selection process required by the Home Rule Charter and established by Council Rule 45; and
WHEREAS, by Motion M-09-621, after competitive selection, the City Council authorized retention of the Firm of Goins Aaron, PLC to continue to act as special counsel to the City Council in connection with Cable and Telecommunications matters; and
WHEREAS, the Firm of Goins Aaron, PLC has changed its name to Aaron, PLC; and
WHEREAS, by Motion M-09-621 and the terms of the Request For Qualifications issued on August 20, 2009, the Council has authorized a new contract amendment with the Firm of Aaron, PLC to act as special counsel to the City Council in connection with Cable and Telecommunications matters; and
WHEREAS, the Council desires to authorize a contract amendment with the Firm of Aaron, PLC. to assist in meeting the Council's responsibility to the City and its citizens; now, therefore
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the President is requested and authorized to sign a new contract amendment with the Firm of Aaron, PLC to provide consulting services to the City Council for a maximum compensation under such contract up to Three Hundred Thousand Dollars ($300,000.00).
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the contract and/or contract amendment shall add a statement that pursuant to Chapter 2, Article XVIII of the City Code relative to the office of Inspector General that the contractor understands and will abide by all provisions of that Chapter.
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the contract shall be circulated in accordance with normal process and the City Council Rules.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Cantrell, Clarkson, Gisleson Palmer, Gray, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-472
CITY HALL: December 20, 2012
BY: COUNCILMEMBERS GUIDRY, HEAD AND HEDGE-MORRELL
WHEREAS, pursuant to the City Charter the City Council has franchise authority with respect to Cable and Telecommunications providers; and
WHEREAS, the Council has an ongoing interest in the development of the cable and telecommunications infrastructure which serves the City of New Orleans, as well as cable access television, and related legislative and regulatory cable and telecommunications issues; and
WHEREAS, to address important Cable/Telecommunications matters, the Council has selected Cable/Telecommunications consultant persons and firms to assist and advise the Council in accordance with the competitive selection process required by the Home Rule Charter and established by Council Rule 45.
WHEREAS, by Motion M-09-621, after competitive selection, the City Council authorized retention of Basile J. Uddo/Uddo Beatman and Code to continue to act as special counsel to the City Council in connection with Cable and Telecommunications matters; and
WHEREAS, by Motion M-09-621 and the terms of the Request For Qualifications issued on August 20, 2009, the Council has authorized a new contract amendment with Basile J. Uddo/Uddo Beatman and Code to act as special counsel to the City Council in connection with Cable and Telecommunications matters; and
WHEREAS, the Council desires to authorize a contract amendment with Basile J. Uddo/Uddo Beatman and Code to assist in meeting the Council's responsibility to the City and its citizens; now, therefore
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the President is requested and authorized to sign a new contract amendment with the firm of Basile J. Uddo/Uddo Beatman to provide consulting services to the City Council for a maximum compensation under such contract up to One Hundred Sixty Thousand Dollars ($160,000.00).
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the contract and/or contract amendment shall add a statement that pursuant to Chapter 2, Article XVIII of the City Code relative to the office of

Inspector General that the contractor understands and will abide by all provisions of that Chapter.
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the contract shall be circulated in accordance with normal process and the City Council Rules.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Cantrell, Clarkson, Gisleson Palmer, Gray, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-473
CITY HALL: December 20, 2012
BY: COUNCILMEMBERS GUIDRY, HEAD AND HEDGE-MORRELL
WHEREAS, pursuant to the City Charter the City Council has franchise authority with respect to Cable and Telecommunications providers; and
WHEREAS, the Council has an ongoing interest in the development of the cable and telecommunications infrastructure which serves the City of New Orleans, communications technologies that support the Council in its work, cable access television, legislative, regulatory and compliance issues for cable and telecommunications franchises; and
WHEREAS, to address important Cable/Telecommunications/Technology matters, the Council has selected Cable/Telecommunications/Technology consultant persons and firms and any required subcontractors to assist and advise the Council in accordance with the competitive selection process required by the Home Rule Charter and established by Council Rule 45.
WHEREAS, by Motion M-09-621, after competitive selection, the City Council authorized retention of The Media Revolution, Inc to continue to provide consulting services to the City Council in connection with Technology, Cable and Telecommunications matters; and
WHEREAS, by Motion M-09-621 and the terms of the Request For Qualifications issued on August 20, 2009, the Council has authorized a new contract with The Media Revolution, Inc. to provide consulting services to the City Council in connection with Technology, Cable and Telecommunications matters; and
WHEREAS, the Council desires to authorize a contract amendment with The Media Revolution, Inc. to assist in meeting the Council's responsibility to the City and its citizens; now, therefore
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the President is requested and authorized to sign a new contract amendment with The Media Revolution, Inc to provide consulting services to the City Council for a maximum compensation under such contract up to One Hundred Thirty-Five Thousand Dollars ($135,000.00).
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the contract and/or contract amendment shall add a statement that pursuant to Chapter 2, Article XVIII of the City Code relative to the office of Inspector General that the contractor understands and will abide by all provisions of that Chapter.
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the contract shall be circulated in accordance with normal process and the City Council Rules.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Cantrell, Clarkson, Gisleson Palmer, Gray, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-474
CITY HALL: December 20, 2012
BY: COUNCILMEMBERS CLARKSON AND HEAD
WHEREAS, Council Rule 45 establishes a competitive selection process for the selection of professional services consultants to the City Council; and
WHEREAS, the Council's Competitive Selection Committee was appointed to oversee the selection of professional consultants in those cases when there is not an existing Council committee under whose purview the proposed contract already falls; and

WHEREAS, on October 20, 2011, the City Council adopted Motion M-11-495, directing Council staff to reissue a Request for Proposals (RFP) relative to the competitive selection process established by Council Rule 45 relative to the services of a communications consultant for the City Council; and
WHEREAS, by the advertised deadline, two (2) response to the RFP were received; and
WHEREAS, as directed, the staff Selection Review Committee evaluated the proposals and forwarded evaluations relative thereto to the Council's Competitive Selection Committee for its analysis; and
WHEREAS, the Council's Competitive Selection Committee met on December 7, 2011 to consider the proposals submitted and to interview the principals involved; and
WHEREAS, on December 7, 2011, the Council's Competitive Selection Committee made a formal recommendation to forward both proposals to the full Council for its consideration relative to this matter and believes that the City's interests will now be best served by entering into a contract with one of the qualified respondents to the RFP, The Estopinal Group, to provide communications consultant services to the Council; and
WHEREAS, on December 15, 2011, the Council adopted Motion M-11-580, authorizing a contract with The Estopinal Group to provide communications services to the New Orleans City Council in an amount not to exceed $125,000.00 for one year; and
WHEREAS, in accordance with the Request for Proposals, the Council is authorized to extend this contract for additional years, up to an additional three years; and
WHERERAS, the Council has budgeted the sum of $125,000.00 for a one year contract for such communications consultant; now, therefore
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS That the President of the Council is hereby requested and authorized to sign a professional services contract to retain The Estopinal Group, as Council Communications Consultant, in an amount not to exceed one hundred twenty—five thousand dollars ($125,000.00) per year for 2013.
BE IT FURTHER MOVED that the contract shall contain a statement that pursuant to Chapter 2, Article XVIII of the City Code relative to the Office of Inspector General that the contractor understands and will abide by all provisions of that Chapter.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Cantrell, Gisleson Palmer, Gray, Guidry, Head, Hedge-Morrell - 6
NAYS: 0
ABSENT: Clarkson - 1
AND THE MOTION WAS ADOPTED.

NO. M-12-475
CITY HALL: December 20, 2012
BY: COUNCILMEMBERS CLARKSON AND HEAD
WHEREAS, by Motion M-08-186, after competitive selection, the City Council authorized retention of Herman, Herman, Katz & Cotlar as Special Counsel to the City Council; and
WHEREAS, pursuant to Motion M-07-586, terms of the Request for Proposals issued April 17, 2008, and the July 21, 2008 contract with Herman, Herman, Katz & Cotlar, the Council is authorized to renew and extend its existing contract with Herman, Herman, Katz & Cotlar to provide Special Counsel services to the City Council;
WHEREAS, pursuant to Motion M-11-563, the contract with Herman, Herman & Katz was renewed for 2012; now, therefore
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the President of the Council is hereby requested and authorized to sign a contract amendment with Herman, Herman, & Katz extending and renewing the July 21, 2008 contract as amended by the agreements dated January 1, 2009, November 5, 2009, January 1, 2010, January 1, 2011, and January 1, 2012, and setting the maximum compensation under such contract to up to One Hundred Thousand Dollars ($100,000.00).
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That contract amendment (s) shall be circulated in accordance with normal process and the City Council Rules.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Cantrell, Gray, Guidry, Head, Hedge-Morrell - 5
NAYS: 0

ABSENT: Clarkson – 1
RECUSED: Gisleson Palmer - 1
AND THE MOTION WAS ADOPTED.

NO. M-12-476
CITY HALL: December 20, 2012
BY: COUNCILMEMBERS GUIDRY AND GISLESON PALMER
BE IT MOVED BY THE CITY COUNCIL OF THE CITY OF NEW ORLEANS, That the City Planning Commission is directed to conduct a public hearing to consider an amendment to Article 18 of the Comprehensive Zoning Ordinance No. 4264, M.C.S., as amended, to establish a new Interim Zoning District (IZD) to be named the Lafitte Greenway Revitalization Corridor Interim Zoning District, prohibiting the establishment of any uses other than those authorized in the C-1A General Commercial District as permitted by right (main or accessory) or those classified as conditional (only after having obtained conditional use approval from the City Council) on all properties currently zoned LI Light Industrial District and to further classify the sale of packaged alcoholic beverages as conditional for all properties currently zoned LI Light Industrial in the areas generally bounded by: Orleans Avenue/Basin Street, Lafitte Avenue and North Claiborne Avenue, as well as the area bounded by North Claiborne Avenue, Bienville Street, Jefferson Davis Parkway and Orleans Avenue and also prohibiting the establishment of any uses other than those authorized in the MU-A Mixed Use District as permitted by right (main or accessory) or those classified as conditional (only after having obtained conditional use approval from the City Council) on all properties currently zoned HI Heavy Industrial or LI Light Industrial in the areas generally bounded by: Jefferson Davis Parkway, Bienville Street, North Alexander and Orleans Avenue.
BE IT FURTHER MOVED, That in accordance with Article 16, Section 4.4 (3) of the Comprehensive Zoning Ordinance, all appropriate agencies of City Government shall not accept any applications for permits or licenses that are in conflict with the intent and provisions of the proposed Interim Zoning District for properties contained within the aforesaid area during consideration of this matter. The Interim Zoning District is to be in effect for a period of one year and is subject to extension as provided by Section 3-126 of the City Code. Any appeals shall be to the City Council in accordance with Article 16, Section 16.4.5(3) of the Comprehensive Zoning Ordinance.
THE FOREGOING MOTION WAS READ IN FULL, ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Cantrell, Gisleson Palmer, Gray, Guidry, Head, Hedge-Morrell - 6
NAYS: 0
ABSENT: Clarkson - 1
AND THE MOTION WAS ADOPTED.

NO. R-12-477
CITY HALL: December 20, 2012
BY: COUNCILMEMBER GISLESON PALMER
SECONDED BY: COUNCILMEMBER HEAD
WHEREAS, in accordance with Part III-G, Title 19 of the Louisiana Revised Statutes of 1950, as amended, (La. R.S. 19:136 through 19:136.13, inclusive) (the “Expropriation Statutes”), the City of New Orleans (the “City”) may acquire property by expropriation when the City cannot amicably acquire property needed by the City for the rehabilitation of abandoned or blighted property in order to return it to commerce; and
WHEREAS, in accordance with the Expropriation Statutes, the City may designate an assignee which is authorized by the municipality to carry out the purposes of the Expropriation Statutes; and
WHEREAS, the Algiers Development District (the “District”) is a special taxing district whose jurisdictional limits comprise all of the territory within the Fifteenth Ward of the Parish of Orleans, and which was created by Acts 1992, No. 242, § 1 of the Louisiana Legislature, codified as La. R.S. 33:2740.27, as amended (the “ADD Statute”), in order to provide for the orderly planning, development, acquisition, construction, and effectuation of the services, improvements, and facilities to be furnished within the jurisdictional limits of the District, and to provide for the representation in the affairs of the District of those persons and interests immediately concerned with and affected by the purposes and development of the District; and
WHEREAS, the ADD Statute allows the District to exercise all of the powers granted to a community development district as provided in La. R.S. 33:9039.19, 9039.20, and 9039.32; and
WHEREAS, La. R.S. 33:9039.19(10) authorizes community development districts to exercise the power of

expropriation in accordance with the provisions of La. R.S. 19:1, et seq., subject to the approval of the governing body of the parish which enacted the Ordinance establishing the district; and
WHEREAS, the Council of the City of New Orleans (the “City Council”) is the applicable governing body in this instance since the District was not created by a parish and the ADD Statute provides that the City Council has power and control over, and responsibility for, the functions, affairs, and administration of the District; and
WHEREAS, the District desires to expropriate certain abandoned property within the jurisdictional limits of the District owned by the Orleans Parish School Board, described in detail on Exhibit “B-1” attached hereto (the “Property”); and
WHEREAS, the City Council desires to designate the District as the City’s assignee in relation to the Expropriation Statutes to allow the District to acquire the Property by expropriation for the purposes of rehabilitating economically depressed property in order to return it to commerce; NOW THEREFORE
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the City Council hereby designates the District as its assignee under the Expropriation Statutes in order to allow the District to expropriate the Property, for the purpose of rehabilitating abandoned and economically depressed property by placing it back into the stream of commerce in compliance with the provisions of Part III - G, Title 19 of the Louisiana Revised Statutes of 1950, as amended (La. R.S. 19:136 through 19:136.13, inclusive).
BE IT FURTHER RESOLVED, That this Resolution shall take effect immediately and a certified copy hereof shall be forwarded to the offices of the District. The City specifically revokes any prior acts of the City Council which may be inconsistent with the intentions of this Resolution.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Cantrell, Clarkson, Gisleson Palmer, Gray, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED.
*Copies of the attachment may be seen in full in the Clerk of Council Office, 1300 Perdido Street, Room 1E09, City Hall.

NO. R-12-478
CITY HALL: December 20, 2012
BY: COUNCILMEMBER GISLESON PALMER (BY REQUEST)
SECONDED BY: COUNCILMEMBER HEAD
A RESOLUTION approving the issuance of not exceeding Six Million Dollars ($6,000,000) of Taxable Indebtedness of the Upper Pontalba Building Restoration Corporation, and other matters in connection therewith;
WHEREAS, La. R.S. 39:1430, as amended (the "Act"), authorizes public entities such as the Upper Pontalba Building Restoration Corporation (the "Corporation") to issue revenue bonds for any authorized purposes, payable out of any source whatsoever or any other moneys which, by law or contract, may be made available to the Corporation; and
WHEREAS, pursuant to the provisions of the Act and subject to the approval of the State Bond Commission, the Corporation desires to incur debt and issue not exceeding Six Million Dollars ($6,000,000) of its Taxable Indebtedness (the "Indebtedness"), for the purpose of providing funds for capital improvements, including renovations and roofing, and providing a capital reserve, including reimbursing the Corporation for any capital improvement costs incurred prior to the issuance of the Indebtedness (the "Project"), and paying costs incurred in connection with the issuance of the Indebtedness; and
WHEREAS, the Indebtedness shall be a limited obligation of the Corporation secured by and payable solely from moneys that are available after the payment of contractual and statutory obligations and other required expenses in each of the fiscal years during which the Indebtedness is outstanding; and
WHEREAS, pursuant to the Act, the Board of Directors (the "Board") of the Corporation, acting as the governing authority thereof, adopted a resolution on October 10, 2012, granting preliminary approval for the issuance of the Indebtedness, authorizing the public solicitation of a potential bank purchaser of the Indebtedness, making application to the State Bond Commission, and other matters in connection therewith; and
WHEREAS, the Indebtedness shall bear such rate or rates of interest (not to exceed six percent (6%) per annum), shall mature not to exceed fifteen (15) years from the date of issuance, and shall be in such form, terms and denominations, and be redeemable at such time or times and be payable at such times and places, as the Corporation may determine in accordance with law; and
WHEREAS, the City of New Orleans (the "City") desires to grant approval to the issuance of the Indebtedness; NOW,

THEREFORE
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, THAT this Council does hereby approve the issuance of the Indebtedness in the amount of not exceeding $6,000,000 which Indebtedness shall bear interest at rates not to exceed six percent (6%) per
annum and shall mature not later than fifteen (15) years from the date of issuance. The Indebtedness shall be sold by the Corporation pursuant to a public solicitation of a bank purchaser, which solicitation process is hereby acknowledged and accepted by this Council.
BE IT FURTHER RESOLVED, That the Mayor and/or Director of Finance are hereby authorized to execute any and all documents to implement this resolution. The signature of said Mayor and/or Director of Finance on such documents shall be due evidence of the authority vested in them hereunder.
BE IT FURTHER RESOLVED, That this resolution shall take effect immediately and shall be published one time in the official journal of the City.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Cantrell, Clarkson, Gisleson Palmer, Gray, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE RESOLUTION WAS ADOPTED.

NO. M-12-479
CITY HALL: December 20, 2012
BY: COUNCILMEMBERS HEDGE-MORRELL, CANTRELL, CLARKSON, HEAD, GISLESON PALMER AND GUIDRY (BY REQUEST)
WHEREAS, In the Election held on Tuesday, November 6, 2012, pursuant to Cal. No. 29,053 – Ord. No. 24912 M.C.S., adopted on June 28, 2012, as to the number of Votes cast FOR and AGAINST PROPOSITION – CITY CHARTER AMENDMENT – NUMBER AND TERMS OF COUNCILMEMBERS have been canvassed and compiled and the results thereof transferred to the compilation sheets attached hereto and made a part hereof; NOW THEREFORE,
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the election results compilation sheet attached hereto and made a part hereof is hereby declared to be the official results of the Election of November 6, 2012 relative to the CITY CHARTER AMENDMENT – NUMBER AND TERMS OF COUNCILMEMBERS, held pursuant to Cal. No. 29,053 – Ord. No. 24912 M.C.S., as reflected by the actual returns made by the various commissioners who conducted said election and it is hereby proclaimed that the Proposition, submitted at said Election and the votes cast by the qualified electors voting at said Election held in the City of New Orleans on Tuesday, November 6, 2012, resulted as follows:
PROPOSITION
CITY CHARTER AMENDMENT – NUMBER AND TERMS OF COUNCILMEMBERS:
VOTES FOR: 64,066
ABSENTEE (ABS) FOR: 17,984
TOTAL VOTES: 82,050
VOTES AGAINST: 30,176
ABSENTEE (ABS) AGAINST: 8,265
TOTAL VOTES: 38,441
MAJORITY OF VOTES: F0R: 82,050
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That a certified copy of this motion, which shall serve as a Proces Verbal of the canvass of the returns of said Election, shall be forwarded to the Secretary of State, Baton Rouge, Louisiana, who shall record the same in his office; that another certified copy thereof shall be forwarded to the Clerk of Civil District Court and Ex-Officio Recorder of Mortgages in and for the Parish of Orleans who shall record the same in the Mortgage Records of said Parish; that another certified copy shall be retained in the archives of this City Council; and that the results of said Election shall be promulgated by publication in the manner provided by law.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Cantrell, Gisleson Palmer, Gray, Guidry, Head, Hedge-Morrell - 6
NAYS: 0

ABSENT: Clarkson - 1
AND THE MOTION WAS ADOPTED.
*Copies of the attachment may be seen in full in the Clerk of Council Office, 1300 Perdido Street, Room 1E09, City Hall.

NO. M-12-480
CITY HALL: December 20, 2012
BY: COUNCILMEMBERS HEDGE-MORRELL, CANTRELL, CLARKSON, HEAD, GISLESON PALMER AND GUIDRY (BY REQUEST)
WHEREAS, In the Election held on Tuesday, November 6, 2012, held pursuant to Resolution No. R-12-258, adopted on July 26, 2012, as to the number of Votes cast FOR and AGAINST PROPOSITION – LAKE VISTA CRIME PREVENTION DISTRICT PROPOSITION, have been canvassed and compiled and the results thereof transferred to the compilation sheets attached hereto and made a part hereof; NOW THEREFORE,
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the election results compilation sheet attached hereto and made a part hereof is hereby declared to be the official results of the Election of November 6, 2012 relative to the LAKE VISTA CRIME PREVENTION DISTRICT PROPOSITION, held pursuant to Resolution No. R-12-258, as reflected by the actual returns made by the various commissioners who conducted said election and it is hereby proclaimed that the Proposition, submitted at said Election and the votes cast by the qualified electors voting at said Election held in the City of New Orleans on Tuesday, November 6, 2012, resulted as follows:
PROPOSITION
LAKE VISTA CRIME PREVENTION DISTRICT:
VOTES FOR: 661
ABSENTEE (ABS) FOR: 51
TOTAL VOTES: 712
VOTES AGAINST: 353
ABSENTEE (ABS) AGAINST: 33
TOTAL VOTES: 386
MAJORITY OF VOTES: F0R: 712
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That a certified copy of this motion, which shall serve as a Proces Verbal of the canvass of the returns of said Election, shall be forwarded to the Secretary of State, Baton Rouge, Louisiana, who shall record the same in his office; that another certified copy thereof shall be forwarded to the Clerk of Civil District Court and Ex-Officio Recorder of Mortgages in and for the Parish of Orleans who shall record the same in the Mortgage Records of said Parish; that another certified copy shall be retained in the archives of this City Council; and that the results of said Election shall be promulgated by publication in the manner provided by law.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Cantrell, Gisleson Palmer, Gray, Guidry, Head, Hedge-Morrell - 6
NAYS: 0
ABSENT: Clarkson - 1
AND THE MOTION WAS ADOPTED.
*Copies of the attachment may be seen in full in the Clerk of Council Office, 1300 Perdido Street, Room 1E09, City Hall.

NO. M-12-481
CITY HALL: December 20, 2012
BY: COUNCILMEMBER GRAY (BY REQUEST)
SECONDED BY: COUNCILMEMBER HEAD
WHEREAS, In the Election held on Tuesday, November 6, 2012, pursuant to Resolution No. R-12-295, adopted on August 9, 2012, as to the number of Votes cast FOR and AGAINST PROPOSITION – NEW ORLEANS REGIONAL BUSINESS PARK PROPOSITION, have been canvassed and compiled and the results thereof transferred to the compilation sheets attached hereto and made a part hereof; NOW THEREFORE,
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the election results compilation sheet attached hereto and made a part hereof is hereby declared to be the official results of the Election of November 6, 2012

relative to the NEW ORLEANS REGIONAL BUSINESS PARK PROPOSITION, held pursuant to Resolution No. R-12-295, as reflected by the actual returns made by the various commissioners who conducted said election and it is hereby proclaimed that the Proposition, submitted at said Election and the votes cast by the qualified electors voting at said Election held in the City of New Orleans on Tuesday, November 6, 2012, resulted as follows:
PROPOSITION
NEW ORLEANS REGIONAL BUSINESS PARK:
VOTES FOR: 47,839
ABSENTEE (ABS) FOR: 10,798
TOTAL VOTES: 58,637
VOTES AGAINST: 46,798
ABSENTEE (ABS) AGAINST: 15,492
TOTAL VOTES: 62,290
MAJORITY OF VOTES: AGAINST: 62,290
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That a certified copy of this motion, which shall serve as a Proces Verbal of the canvass of the returns of said Election, shall be forwarded to the Secretary of State, Baton Rouge, Louisiana, who shall record the same in his office; that another certified copy thereof shall be forwarded to the Clerk of Civil District Court and Ex-Officio Recorder of Mortgages in and for the Parish of Orleans who shall record the same in the Mortgage Records of said Parish; that another certified copy shall be retained in the archives of this City Council; and that the results of said Election shall be promulgated by publication in the manner provided by law.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Cantrell, Gisleson Palmer, Gray, Guidry, Head, Hedge-Morrell - 6
NAYS: 0
ABSENT: Clarkson - 1
AND THE MOTION WAS ADOPTED.
*Copies of the attachment may be seen in full in the Clerk of Council Office, 1300 Perdido Street, Room 1E09, City Hall.

NO. M-12-482
CITY HALL: December 20, 2012
BY: COUNCILMEMBER HEDGE-MORRELL (BY REQUEST)
SECONDED BY: COUNCILMEMBER GUIDRY
WHEREAS, In the Election held on Tuesday, November 6, 2012, pursuant to Resolution No. R-12-297, adopted on August 9, 2012, as to the number of Votes cast FOR and AGAINST PROPOSITION – GENTILLY TERRACE AND GARDENS SECURITY DISTRICT PROPOSITION, have been canvassed and compiled and the results thereof transferred to the compilation sheets attached hereto and made a part hereof; NOW THEREFORE,
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the election results compilation sheet attached hereto and made a part hereof is hereby declared to be the official results of the Election of November 6, 2012 relative to the GENTILLY TERRACE AND GARDENS SECURITY DISTRICT PROPOSITION, held pursuant to Resolution No. R-12-297, as reflected by the actual returns made by the various commissioners who conducted said election and it is hereby proclaimed that the Proposition, submitted at said Election and the votes cast by the qualified electors voting at said Election held in the City of New Orleans on Tuesday, November 6, 2012, resulted as follows:
PROPOSITION
GENTILLY TERRACE AND GARDENS SECURITY DISTRICT:
VOTES FOR: 744
ABSENTEE (ABS) FOR: 171
TOTAL VOTES: 915
VOTES AGAINST: 775
ABSENTEE (ABS) AGAINST: 226
TOTAL VOTES: 1001
MAJORITY OF VOTES: AGAINST: 1001
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That a certified copy of this motion, which shall serve as a Proces Verbal of the canvass of the returns of said Election, shall be forwarded to the

Secretary of State, Baton Rouge, Louisiana, who shall record the same in his office; that another certified copy thereof shall be forwarded to the Clerk of Civil District Court and Ex-Officio Recorder of Mortgages in and for the Parish of Orleans who shall record the same in the Mortgage Records of said Parish; that another certified copy shall be retained in the archives of this City Council; and that the results of said Election shall be promulgated by publication in the manner provided by law.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Cantrell, Gisleson Palmer, Gray, Guidry, Head, Hedge-Morrell - 6
NAYS: 0
ABSENT: Clarkson - 1
AND THE MOTION WAS ADOPTED.
*Copies of the attachment may be seen in full in the Clerk of Council Office, 1300 Perdido Street, Room 1E09, City Hall.

NO. M-12-483
CITY HALL: December 20, 2012
BY: COUNCILMEMBER HEDGE-MORRELL (BY REQUEST)
SECONDED BY: COUNCILMEMBER GRAY
WHEREAS, In the Election held on Tuesday, November 6, 2012, pursuant to Resolution No. R-12-298, adopted on August 9, 2012, as to the number of Votes cast FOR and AGAINST PROPOSITION – NORTH KENILWORTH IMPROVEMENT AND SECURITY DISTRICT PROPOSITION, have been canvassed and compiled and the results thereof transferred to the compilation sheets attached hereto and made a part hereof; NOW THEREFORE,
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the election results compilation sheet attached hereto and made a part hereof is hereby declared to be the official results of the Election of November 6, 2012 relative to the NORTH KENILWORTH IMPROVEMENT AND SECURITY DISTRICT PROPOSITION, held pursuant to Resolution No. R-12-298, as reflected by the actual returns made by the various commissioners who conducted said election and it is hereby proclaimed that the Proposition, submitted at said Election and the votes cast by the qualified electors voting at said Election held in the City of New Orleans on Tuesday, November 6, 2012, resulted as follows:
PROPOSITION
NORTH KENILWORTH IMPROVEMENT AND SECURITY DISTRICT:
VOTES FOR: 164
ABSENTEE (ABS) FOR: 50
TOTAL VOTES: 214
VOTES AGAINST: 100
ABSENTEE (ABS) AGAINST: 70
TOTAL VOTES: 170
MAJORITY OF VOTES: F0R: 214
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That a certified copy of this motion, which shall serve as a Proces Verbal of the canvass of the returns of said Election, shall be forwarded to the Secretary of State, Baton Rouge, Louisiana, who shall record the same in his office; that another certified copy thereof shall be forwarded to the Clerk of Civil District Court and Ex-Officio Recorder of Mortgages in and for the Parish of Orleans who shall record the same in the Mortgage Records of said Parish; that another certified copy shall be retained in the archives of this City Council; and that the results of said Election shall be promulgated by publication in the manner provided by law.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Cantrell, Gisleson Palmer, Gray, Guidry, Head, Hedge-Morrell - 6
NAYS: 0
ABSENT: Clarkson - 1
AND THE MOTION WAS ADOPTED.
*Copies of the attachment may be seen in full in the Clerk of Council Office, 1300 Perdido Street, Room 1E09, City Hall.

NO. M-12-484
CITY HALL: December 20, 2012
BY: COUNCILMEMBER GRAY (BY REQUEST)
SECONDED BY: COUNCILMEMBER HEDGE-MORRELL
WHEREAS, In the Election held on Saturday, December 8, 2012, pursuant to Resolution No. R-12-312, adopted on August 23, 2012, as to the number of Votes cast FOR and AGAINST PROPOSITION – EAST NEW ORLEANS NEIGHBORHOOD ADVISORY COMMISSION PROPOSITION, have been canvassed and compiled and the results thereof transferred to the compilation sheets attached hereto and made a part hereof; NOW THEREFORE,
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the election results compilation sheet attached hereto and made a part hereof is hereby declared to be the official results of the Election of December 8, 2012 relative to the EAST NEW ORLEANS NEIGHBORHOOD ADVISORY COMMISSION PROPOSITION, held pursuant to Resolution No. R-12-312, as reflected by the actual returns made by the various commissioners who conducted said election and it is hereby proclaimed that the Proposition, submitted at said Election and the votes cast by the qualified electors voting at said Election held in the City of New Orleans on Saturday, December 8, 2012, resulted as follows:
PROPOSITION
EAST NEW ORLEANS NEIGHBORHOOD ADVISORY COMMISSION:
VOTES FOR: 2,390
ABSENTEE (ABS) FOR: 634
TOTAL VOTES: 3,024
VOTES AGAINST: 2,987
ABSENTEE (ABS) AGAINST: 997
TOTAL VOTES: 3,984
MAJORITY OF VOTES: AGAINST: 3,984
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That a certified copy of this motion, which shall serve as a Proces Verbal of the canvass of the returns of said Election, shall be forwarded to the Secretary of State, Baton Rouge, Louisiana, who shall record the same in his office; that another certified copy thereof shall be forwarded to the Clerk of Civil District Court and Ex-Officio Recorder of Mortgages in and for the Parish of Orleans who shall record the same in the Mortgage Records of said Parish; that another certified copy shall be retained in the archives of this City Council; and that the results of said Election shall be promulgated by publication in the manner provided by law.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Cantrell, Giselson Palmer, Gray, Guidry, Head, Hedge-Morrell - 6
NAYS: 0
ABSENT: Clarkson - 1
AND THE MOTION WAS ADOPTED.
*Copies of the attachment may be seen in full in the Clerk of Council Office, 1300 Perdido Street, Room 1E09, City Hall.

NO. M-12-485
CITY HALL: December 20, 2012
BY: COUNCILMEMBERS CLARKSON, HEAD AND HEDGE-MORRELL (BY REQUEST)
WHEREAS, In the Election held on Saturday, December 8, 2012, pursuant to Resolution No. R-12-364, adopted on October 4, 2012, as to the number of Votes cast FOR and AGAINST PROPOSITION – ORLEANS PARISH COMMUNICATION DISTRICT PROPOSITION, have been canvassed and compiled and the results thereof transferred to the compilation sheets attached hereto and made a part hereof; NOW THEREFORE,
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the election results compilation sheet attached hereto and made a part hereof is hereby declared to be the official results of the Election of December 8, 2012 relative to the ORLEANS PARISH COMMUNICATION DISTRICT PROPOSITION, held pursuant to Resolution No. R-12-364, as reflected by the actual returns made by the various commissioners who conducted said election and it is hereby proclaimed that the Proposition, submitted at said Election and the votes cast by the qualified electors voting at said Election held in the City of New Orleans on Saturday, December 8, 2012, resulted as follows:
PROPOSITION

ORLEANS PARISH COMMUNICATION DISTRICT:
VOTES FOR: 7,874
ABSENTEE (ABS) FOR: 1,175
TOTAL VOTES: 9,049
VOTES AGAINST: 12,881
ABSENTEE (ABS) AGAINST: 2,916
TOTAL VOTES: 15,797
MAJORITY OF VOTES: AGAINST: 15,797
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That a certified copy of this motion, which shall serve as a Proces Verbal of the canvass of the returns of said Election, shall be forwarded to the Secretary of State, Baton Rouge, Louisiana, who shall record the same in his office; that another certified copy thereof shall be forwarded to the Clerk of Civil District Court and Ex-Officio Recorder of Mortgages in and for the Parish of Orleans who shall record the same in the Mortgage Records of said Parish; that another certified copy shall be retained in the archives of this City Council; and that the results of said Election shall be promulgated by publication in the manner provided by law.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Cantrell, Gisleson Palmer, Gray, Guidry, Head, Hedge-Morrell - 6
NAYS: 0
ABSENT: Clarkson - 1
AND THE MOTION WAS ADOPTED.
*Copies of the attachment may be seen in full in the Clerk of Council Office, 1300 Perdido Street, Room 1E09, City Hall.

NO. R-12- 486
CITY HALL: December 20, 2012
BY: COUNCILMEMBERS HEAD, CLARKSON, GUIDRY, CANTRELL, GISLESON PALMER, HEDGE-MORRELL AND GRAY
WHEREAS, the Council of the City of New Orleans, on March 16, 2006, adopted Ordinance No. 22,163, M.C.S., relative to the “Fourth Amendment to Amended and Restated Lease Agreement” by and between the Rivergate Development Corporation, the City of New Orleans, and Jazz Casino Company L.L.C., successor in interest to Harrah’s Jazz Company, which included the commitment from Jazz Casino Company L.L.C., to provide $225,000 annually to fund the City Council/ Harrah’s Community Support Grants Program; and
WHEREAS, the agreement provides for the total of $225,000 to be funded semi-annually in two payments of $112,500; and
WHEREAS, the purpose of the program is to foster organizations and projects that demonstrably contribute to the economic, cultural, and civic fabric of the City; and
WHEREAS, the guidelines for eligibility, procedures, and monitoring of the grants have been approved by the City Council; and
WHEREAS, the following group has demonstrated its commitment to improving the civic life of the New Orleans community through its activities and programs; now, therefore
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the following grant is approved from grant funds, subject to the organization’s eligibility pursuant the aforementioned guidelines:
District B:
Central City Partnership (Think Tank/Skills Bank) $1,500
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Cantrell, Gisleson Palmer, Gray, Guidry, Head, Hedge-Morrell - 6
NAYS: 0
ABSENT: Clarkson - 1
AND THE RESOLUTION WAS ADOPTED.

NO. R-12-487
CITY HALL: December 20, 2012

BY: COUNCILMEMBERS CANTRELL, GISLESON PALMER, GUIDRY, HEAD AND HEDGE-MORRELL
WHEREAS, the shooting at Sandy Hook Elementary in Newtown, Connecticut on December 14, 2012 tragically cut short the lives of 20 young children and 5 of their teachers and their principal; and
WHEREAS, this Council condemns this heinous act of violence and sends prayers of comfort and solace to the families of the victims; and
WHEREAS, the entire nation mourns this tragic event, which has brought the issues of gun control legislation and mental health care into focus; and
WHEREAS, this is only the latest of many violent and tragic incidents in recent years; now therefore
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That this Council calls on the state and federal government for renewed scrutiny of gun control laws and to review their approach to mental health care.
BE IT FURTHER RESOLVED, That a copy of this resolution should be sent to the state and federal legislators representing New Orleans, the Governor of Louisiana, and the President of the United States.
THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Cantrell, Gisleson Palmer, Gray, Guidry, Head, Hedge-Morrell - 6
NAYS: 0
ABSENT: Clarkson - 1
AND THE RESOLUTION WAS ADOPTED.

NO. M-12-488
CITY HALL: December 20, 2012
BY: COUNCILMEMBER HEAD
SECONDED BY: COUNCILMEMBER HEDGE-MORRELL
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That this Council hereby authorizes the Clerk of Council staff to remove the names of former Councilmembers Bajoie and Charbonnet from all outstanding legislation where their names appear and to replace those names with Councilmembers Cantrell and Gray respectively.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Cantrell, Gisleson Palmer, Gray, Guidry, Head, Hedge-Morrell - 6
NAYS: 0
ABSENT: Clarkson - 1
AND THE MOTION WAS ADOPTED.

NO. M-12-489
CITY HALL: December 20, 2012
BY: COUNCILMEMBER GISLESON PALMER
SECONDED BY: COUNCILMEMBER GRAY
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the City Planning Commission is directed to conduct a public hearing to consider a conditional use for an amusement place limited to a theatre under the C-1A General Commercial District, on Square 406, Lot D-2 or D and 2, in the Third Municipal District, bounded by St. Claude Avenue, Congress, Gallier, and Marais Streets (Municipal Address: 3519 St Claude Avenue); and otherwise to provide with respect thereto.
BE IT FURTHER MOVED BY THE CITY COUNCIL OF THE CITY OF NEW ORLEANS, That the City Planning Commission shall consider a conditional use for an amusement place limited to a theatre under the C-1A General Commercial District, on Square 406, Lot D-2 or D and 2, in the Third Municipal District, bounded by St. Claude Avenue, Congress, Gallier, and Marais Streets (Municipal Address: 3519 St Claude Avenue).
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Cantrell, Gisleson Palmer, Gray, Guidry, Head, Hedge-Morrell - 6
NAYS: 0
ABSENT: Clarkson - 1
AND THE MOTION WAS ADOPTED.

NO. M-12-490

CITY HALL: December 20, 2012
BY: COUNCILMEMBER GRAY
SECONDED BY: COUNCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the request of LEE BOND, PRESIDENT, L.L. BOND & COMPANY, INC. - Requesting to appeal the Neighborhood Conservation District Committee's decision of "denial" of demolition for property located at 5404 N. Villere Street, be, and the decision is hereby upheld and the appeal is denied.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Cantrell, Clarkson, Gisleson Palmer, Gray, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-491
CITY HALL: December 20, 2012
BY: COUNCILMEMBER GUIDRY
SECONDED BY: COUNCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the request of 4633 BAUDIN LLC AND 440 SOUTH SAINT PATRICK LLC, OWNERS, MID CITY YACHT CLUB (ZD NO. 103/12) - Requesting a Zoning Change from an RD-3 Two-Family Residential District to a B-1A Neighborhood Business District, and a Conditional Use to permit the expansion of an existing cocktail lounge, on Square 822, Lots Pt. 19 and 19, in the First Municipal District, bounded by Banks, South Olympia, Baudin, and South Saint Patrick Streets for the property located at 438-40 SOUTH SAINT PATRICK STREET and 4631-33 BAUDIN STREET, be, and the request is hereby granted, subject to twenty (20) provisos to read as follows:
PROVISOS:
1. The applicant shall submit an application to resubdivide all lots associated with the petitioned site into one lot of record prior to the finalization of the conditional use. Additionally, the subdivision shall be finalized prior to the issue of a Certificate of Use and Occupancy by the Department of Safety and Permits.
2. The Department of Safety and Permits shall issue no building permits or licenses for this project until final development plans are approved by the City Planning Commission and recorded with the Office of Conveyances. Failure to complete the conditional use process by properly recording plans within a one year time period or failure to request an administrative extension as provided for in Article 16, Section 16.9.11 of the Comprehensive Zoning Ordinance will void the conditional use approval.
3. The applicant shall secure a lease or grant of servitude for all encroachments within the public right-of-way from the Department of Property Management, Division of Real Estate and Records.
4. The applicant shall obtain authorization from the Department of Public Works for any seating located on the public sidewalk.
5. The applicant shall secure the approval of the Neighborhood Conservation District Committee for the demolition of any structures. Upon receiving approval for demolition for the structure located furthest from the main building, the applicant shall demolish the property.
6. Signage shall be limited to that which is permitted by Article 5, Section 5.5.6 Permitted Signs of the B-1A Neighborhood Business District. No Signage indicating any alcoholic beverage shall be placed so that it is visible from the public right-of-way in the rear yard area. The existing cocktail lounge shall be permitted to retain one sign only in each existing window.
7. The applicant shall secure the approval of the Department of Parks and Parkways, to include trees screening the rear yard fenced in area, for all landscaping proposed within the rights-of-way adjacent to the site.
8. Live entertainment shall be prohibited. No music, speakers or amplified sound of any kind shall be permitted in the rear yard area or structure, with the exception of the following, two (2) television sets, without separate speakers or sound amplification, shall be permitted to operate inside the rear yard structure. At no time shall the volume be set to exceed the maximum volume permitted in the City's noise ordinance.
9. The use of "to go" cups shall be prohibited unless the "to go" cup includes the name, logo or other insignia of the business.
10. The applicant shall submit a revised site plan, which shall include a designated dumpster/trash storage area, subject

to further review and approval by the staff of the City Planning Commission. Additionally, the applicant shall provide to the City Planning Commission staff a letter outlining a litter abatement program, approved by the Department of Sanitation, inclusive of the location of trash storage out of the public right-of-way, the frequency of litter pickup, the clearing of all litter from the adjacent right-of-way, and the periodic hosing of the adjacent street rights-of-way, as necessary. The name and phone number of the owner/operator of the cocktail lounge shall be kept on file in case of any violation.
11. The 2nd floor space shall only be permitted to operate as storage space. At no time shall the 2nd floor space be used by patrons of the cocktail lounge.
12. The applicant shall construct an opaque wooden or masonry fence along the Baudin Street side of the property and along all abutting residential properties. Openings in the fence shall be for emergency exit only. At no time shall the fence openings be used as entry into the cocktail lounge or rear yard area.
13. Lighting shall not be directed toward any adjacent residential uses.
14. The applicant shall install standard doors and windows in the proposed rear yard structure. Garage roll up or lift up doors or windows shall not be permitted. The structure shall have no more than two exterior doors, and French or other double doors shall not be permitted.
15. The rear yard structure shall be open only between the hours of 10:00 a.m. and 10:30 p.m., Sunday through Thursday and 10:00 a.m. through 12:00 Midnight, Friday and Saturday.
16. No tables shall be placed in the rear yard area.
17. The rear door of the cocktail lounge shall remain closed except when being used for ingress and egress.
18. At no time shall alcoholic beverages be served in the rear yard area or structure. A service bar shall not be permitted in the rear yard area or structure.
19. Upon completion of the renovation of the rear yard structure, the existing cocktail lounge shall become a non-smoking lounge, and signs to that effect shall be posted on the front door and inside the lounge.
20. No more than three video poker machines shall be permitted in the cocktail lounge, and no machines shall be placed in the rear yard structure.
BE IT FURTHER MOVED, That a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the Zoning Change.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Cantrell, Clarkson, Gisleson Palmer, Gray, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-492
CITY HALL: December 20, 2012
BY: COUNCILMEMBER GUIDRY
SECONDED BY: COUNCILMEMBER GRAY
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the request of CHARLESTINE HARDY, OWNER, (ZD NO. 111/12) - Requesting a Zoning Change from an RD-2 Two-Family Residential District to a B-1A Neighborhood Business District, on Square 177, Lots 9 and 10, in the Seventh Municipal District, bounded by Leonidas, Jeannette, Joliet and Willow Streets (Municipal Addresses: 8539 WILLOW STREET and 1401 LEONIDAS STREET), be, and the request is hereby granted and the Zoning Change is approved.
BE IT FURTHER MOVED, That a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the Zoning Change.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:
YEAS: Cantrell, Clarkson, Gisleson Palmer, Gray, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-493
CITY HALL: December 20, 2012

BY: COUNCILMEMBER GISLESON PALMER
SECONDED BY: COUNCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the report and recommendation "FOR MODIFIED APPROVAL" of the City Planning Commission on ZONING DOCKET NO. 112/12 – LAURA M. CAMPBELL - Requesting a Zoning Change from a B-1A Neighborhood Business District to a C-1 General Commercial District, on Square 406, Lot D-2 or D and 2, in the Third Municipal District, bounded by St. Claude Avenue, Congress, Gallier, and Marais Streets (Municipal Address: 3519 St. Claude Avenue), be, and the same is hereby upheld and the City Planning's recommendation for a Zoning Change to C1-A General Commercial District is granted.
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that a copy of the report of the City Planning Commission and of this motion shall be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the Zoning Map Change.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Cantrell, Clarkson, Gisleson Palmer, Gray, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-494
CITY HALL: December 20, 2012
BY: COUNCILMEMBER GISLESON PALMER
SECONDED BY: COUNCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the report and favorable recommendation "FOR APPROVAL" of the City Planning Commission on ZONING DOCKET NO. 119/12 – TDI TATE DISTRIBUTING, INC. - Requesting a Conditional Use to permit a fast food restaurant in a B-1 Neighborhood Business District, on Square 167, Lot 3A, in the Fifth Municipal District, bounded by Newton, Homer, Sumner, and Hendee Streets (Municipal Addresses: 1820 and 1832-34 Newton Street), subject to one (1) waiver and twelve (12) provisos and the Conditional Use is granted.
BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the Conditional Use.
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:
YEAS: Cantrell, Clarkson, Gisleson Palmer, Gray, Guidry, Head, Hedge-Morrell - 7
NAYS: 0
ABSENT: 0
AND THE MOTION WAS ADOPTED.

NO. M-12-495
CITY HALL: December 20, 2012
BY: COUNCILMEMBER GISLESON PALMER
SECONDED BY: COUNCILMEMBER HEAD
BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the report and recommendation "FOR MODIFIED APPROVAL" of the City Planning Commission on ZONING DOCKET NO. 122/12 – 2121 PARTNERS, LLC - Requesting an amendment to the text of the Comprehensive Zoning Ordinance, No. 4,264 MCS, as amended, to amend Article 2, Definitions, to add "outdoor art markets" and Article 10, AC Arts and Cultural Overlay District, Section 10.13.4, Permitted Uses, to add "outdoor art markets" as permitted uses, on all properties located within the AC Arts & Cultural Overlay District, be, and the same is hereby upheld and the City Planning's recommendation is granted with the following additional language to Section 2.2 Definitions under "outdoor art markets":
"Section 2.2. Definitions.
2.2.139A. Outdoor Art Market.
[***]
Food and beverage sales shall be prohibited. The use shall be limited to the hours of 10:00 a.m. to 1:00 a.m. There shall

be no more than two (2) permanent outdoor art markets along Frenchmen Street from Esplanade Avenue to Royal Street. Any future outdoor art markets that were not permitted prior to March 2013 shall be required to apply for a Conditional Use."

BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that a copy of the report of the City Planning Commission and of this motion shall be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the zoning text change.

THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS: Cantrell, Clarkson, Gisleson Palmer, Gray, Guidry, Head, Hedge-Morrell - 7

NAYS: 0

ABSENT: 0

AND THE MOTION WAS ADOPTED.