

THE COUNCIL
City of New Orleans

JASON ROGERS WILLIAMS
Councilmember-At-Large

HELENA MORENO
Councilmember-At-Large

JOSEPH I. GIARRUSSO III
Councilmember District "A"

JAY H. BANKS
Councilmember District "B"

KRISTIN GISLESON PALMER
Councilmember District "C"

JARED C. BROSSETT
Councilmember District "D"

CYNDI NGUYEN
Councilmember District "E"

COMPLETED AGENDA

Regular Meeting of the City Council
held in City Hall Council Chamber
on Thursday, September 19, 2019 at 10:00 A.M.

PRESIDENT
HELENA MORENO
Councilmember-At-Large



VICE PRESIDENT
JASON ROGERS WILLIAMS
Councilmember-At-Large

ROLL CALL
LORA W. JOHNSON
CLERK OF COUNCIL

INVOCATION
REV. DR. EMANUEL SMITH, JR., PASTOR
ISRAELITE BAPTIST CHURCH

PLEDGE OF ALLEGIANCE TO THE FLAG
JARED C. BROSSETT
COUNCILMEMBER DISTRICT "D"

NATIONAL ANTHEM

REV. DR. EMANUEL SMITH, JR., PASTOR

CITY COUNCIL CHAPLAIN

PLEASE TURN ALL CELL PHONES AND BEEPERS EITHER OFF OR ON VIBRATE
DURING COUNCIL PROCEEDINGS.

SPECIAL ORDERS OF BUSINESS

- 1. FIRST ORDER OF BUSINESS - PRESENTATION - COACH SCOTT FRAZIER
AND PLAYERS, EASTBANK LITTLE LEAGUE - NEW ORLEANS
METROPOLITAN AREA**

Brief:

Celebrating the 2019 World Champion Little League Baseball
Winners.

Annotation:

(Cm. Brossett).
APPEARED.

- 2. SECOND ORDER OF BUSINESS**

- 3. THIRD ORDER OF BUSINESS**

CONSENT AGENDA

1. COMMUNICATION - FROM BRIAN L. GUILLOT, VICE PRESIDENT, REGULATORY AFFAIRS, ENTERGY NEW ORLEANS, LLC

Brief:

Submitting an original and two copies of Entergy New Orleans, LLC's ("ENO") Annual Gas Report for 2019, **Re: Filing of Entergy New Orleans, LLC, 2019 Annual Gas Report, pursuant to Council Resolutions R-05-518 and R-06-401.**

Annotation:

RECEIVED.

2. COMMUNICATION - FROM ERIN SPEARS, CHIEF OF STAFF, CITY OF NEW ORLEANS, CITY COUNCIL UTILITY REGULATORY OFFICE

Brief:

Submitting an original and three (3) copies of the Joint Report of the Council Utilities Regulatory Office ("CURO") and the Council's Utility Advisors Regarding the Proposed Enforcement Provisions of the Community Solar Rules.

Annotation:

RECEIVED.

3. COMMUNICATION - FROM JAY BEATMANN, COUNSEL, DENTONS US LLP

Brief:

Submitting an original and three (3) copies of the City Council of New Orleans *Advisors' Report on Renewable Portfolio Standards, In Re: Establishing a Docket and Opening a Rulemaking Proceeding to Establish a Renewable Portfolio Standard*, CNO Docket UD-19-01.

Annotation:

RECEIVED.

4. COMMUNICATION - FROM BASILE J. UDDO, COUNSEL, DENTONS US LLP

Brief:

Submitting an original and three (3) copies of the *Consensus List of Relevant Issues Submitted by the Utility Advisors to the Council for the City of New Orleans, In Re: Smart & Sustainable Cities Initiative for the City of New Orleans - Electric Vehicle Charging and Related Matters*, CNO Docket UD-18-01.

Annotation:

RECEIVED.

5. COMMUNICATION - FROM HEATHER ALEXANDER, ENVIRONMENTAL PROJECT SPECIALIST, PUBLIC PARTICIPATION GROUP, LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY (LDEQ)

Brief:

Requesting public comments regarding a permitting action for the Colt Inc., 9300 Old Gentilly Rd., New Orleans, LA., **RE: Request for Public Comments on a Technically Complete Solid Waste Permit Renewal Application Colt Inc., A169367, PER20190001, Permit Number P-0434-R1, New Orleans, Orleans Parish, Louisiana.**

Annotation:

RECEIVED.

6. COMMUNICATION - FROM HARRY M. BARTON, SENIOR COUNSEL, LEGAL DEPARTMENT - REGULATORY, ENTERGY SERVICES, LLC

Brief:

Submitting an original and two copies of Entergy New Orleans, LLC's ("ENO") Unopposed Motion to Modify the Procedural Schedule, **Re: Resolution & Order Establishing a Docket and Opening Rulemaking Proceeding to Establish Renewable Portfolio Standard**, Council Docket No. UD-19-01.

Annotation:

RECEIVED.

7. **COMMUNICATION - FROM JUSTIN B. SCHMIDT, PARTNER, BREAZEALE, SACHSE & WILSON, L.L.P., ATTORNEYS AT LAW**

Brief:

Requesting on behalf of Elder Gwin's (the successive owner), to appeal the New Orleans Historic District Landmarks Commission's decision of "**denial**" of the demolition of a two-story, two-family residential structure for property located at **4436 Perrier Street**.

Annotation:

RECEIVED. (Hearing Date Set For 10/3/19).

8. **COMMUNICATION - FROM DEVON SWEENEY, PRESIDENT, SWEENEY RESTORATION, LLC**

Brief:

Requesting to appeal the New Orleans Historic District Landmarks Commission's decision of "**denial**" of the demolition for property located at **7508-10 Freret Street**.

Annotation:

RECEIVED. (Hearing Date Set For 10/3/19).

9. **COMMUNICATION - FROM ANGIE THOMAS**

Brief:

Requesting to appeal the Historic District Landmarks Commission's decision of "**denial**" of the demolition (moving the house) for property located at **2916 Cadiz Street**.

Annotation:

RECEIVED. (Hearing Date Set For 10/3/19).

10. **COMMUNICATION - FROM JENNIFER AVEGNO, MD, DIRECTOR OF HEALTH, CITY OF NEW ORLEANS, SARAH BABCOCK, MPH, DIRECTOR OF HEALTHY ENVIRONMENTS AND COMMUNICATIONS, NEW ORLEANS HEALTH DEPARTMENT**

Brief:

Submitting in compliance with the City of New Orleans Code Section 2-1000, City of New Orleans Health Department submits the following information concerning the adoption of the proposed obstruction of public place/right-of-way and unauthorized encampment regulations.

- 1) Proposed obstruction of public place/right-of-way and unauthorized encampment regulations
- 2) Legal notice of public hearing published in The Times-Picayune | The New Orleans Advocate newspaper
- 3) Summary of the public hearing held concerning the proposed obstruction of public place/right-of-way and unauthorized encampment regulations
- 4) Resolution regarding obstruction of public place/right-of-way and unauthorized encampment regulations

Annotation:

RECEIVED.

11. **COMMUNICATION - FROM COLLIN ARNOLD, NOHSEP DIRECTOR, OFFICE OF HOMELAND SECURITY & EMERGENCY PREPAREDNESS, CITY OF NEW ORLEANS**

Brief:

Submitting in complaint with City of New Orleans Code Section 2-1000, the Mayor's Office of Homeland Security and Emergency Preparedness and Department of Safety and Permits submits the following information concerning the adoption of nursing home emergency preparedness regulations.

- 1) Proposed nursing home emergency preparedness regulations
- 2) Legal notice of public hearing published in The Times-Picayune | The New Orleans Advocate newspaper

3) Summary of the public hearing held concerning the proposed nursing home emergency preparedness regulations

4) Resolution regarding the nursing home emergency preparedness regulations

Annotation:
RECEIVED.

12. REPORT - OF THE EXECUTIVE DIRECTOR OF THE CITY PLANNING COMMISSION

Brief:

Transmitting Zoning Docket Numbers 62/19 - All Cms., 65/19 - Cm. Banks, 71/19 - Cm. Giarrusso, 73/19 - Cm. Banks, 74/19 - Cm. Gisleson Palmer, 84/19 - Cm. Gisleson Palmer, 88/19 - Cm. Banks, 90/19 - Cm. Banks, 91/19 - Cm. Nguyen, 92/19 - Cm. Brossett, 93/19 - Cm. Banks, 94/19 - Cm. Nguyen, 95/19 - Cm. Gisleson Palmer and 96/19 - Cm. Nguyen, Cn. Deadline 11/18/19.

Annotation:
RECEIVED. (Hearing Date Set For 10/3/19).

13. REPORT - OF THE EXECUTIVE DIRECTOR OF THE NEW ORLEANS HISTORIC DISTRICT LANDMARKS COMMISSION CENTRAL BUSINESS DISTRICT HISTORIC DISTRICT LANDMARKS COMMISSION

Brief:

Submitting a report detailing an appeal of the New Orleans Historic District Landmarks Commission's decision of "**denial**" of an application to demolish property located at **4436 Perrier Street.**

Annotation:
RECEIVED.

14. CAL. NO. 32,758 - BY: COUNCILMEMBER BANKS

Brief:

An Ordinance to effect a zoning change from a CBD-5 Urban Core Neighborhood Lower Intensity Mixed-Use District to a CBD-1 Core Central Business District, for the entireties of Squares 273 and 274 bounded by South Rampart Street, Lafayette Street, Julia Street, and O'Keefe Avenue, and for Lots 1 or 25, 2 or 24, 3 or 23, 4 or 22, 5 or 21, 6 or 20, A and B or Pt. 19, B or 18, A or 17, 1, 2, 3, 4, 5, 6, 7, 8, 1.2, and 11, and an alley, on Square 272, bounded by South Rampart Street, Lafayette Street, Poydras Street, and O'Keefe Avenue, in the First Municipal District (Municipal Addresses: **1001 Julia Street; 549, 611-627, and 709-747 O'Keefe Avenue; 1000 Girod Street; 1006 Lafayette Street; and 522-548, 618-624 and 700-760 South Rampart Street**); and otherwise to provide with respect thereto. (**ZONING DOCKET NO. 067/19**)

Annotation:

(90 Days, Cn. Deadline 11/20/19).

(Cn. Deadline 11/7/19).

ADOPTED. ORD. NO. 28189 M.C.S.

MOTION TO ADOPT CONSENT AGENDA AND REFER OTHER MATTERS TO THE PROPER AGENCY.

YEAS: Banks, Brossett, Giarrusso, Gisleson Palmer, Moreno, Nguyen, Williams - 7

NAYS: 0

ABSENT: 0

AND THE CONSENT AGENDA WAS ADOPTED.

REGULAR AGENDA

1. COMMUNICATION - FROM DAVID W. GERNHAUSER, SECRETARY, BOARD OF LIQUIDATION, CITY DEBT

Brief:

Informing the Council that on September 17, 2019, the Board of Liquidation, City Debt, received the following bids for the purchase of \$50,000,000.00 Taxable Public Improvement Bonds, Issue of 2019:

J.P. Morgan Securities, LLC	TIC	2.381626%
Raymond James & Associates, Inc.	TIC	2.451525%
Robert W. Baird & Co. Inc.	TIC	2.458106%
Wells Fargo Bank, National Assn.	TIC	2.485869%

The Taxable Public Improvement Bonds, Issue of 2019 were awarded to J. P. Morgan Securities, LLC, which offered the bid with the lowest True Interest Cost of 2.381626%. A copy of the final Official Statement will be forthcoming.

Annotation:

RECEIVED.

ALL LAND USE MATTERS ARE SCHEDULED TO COMMENCE AT 11:00 A.M.
OR THEREAFTER

1. **CBDHDLIC APPEAL – OF KIRK P. FABACHER, NCARB, TERRELL-FABACHER ARCHITECTS, LLC**

Brief:

Requesting to appeal the Central Business District Historic District Landmarks Commission's decision of "**denial**" of the renovation of a two-story warehouse building, including addition of four stories facing Baronne Street and new construction of six story infill structure on Girod Street side for property located at **710 Baronne Street**.

Annotation:

(Cm. Banks, Cn. Deadline 10/20/19).
(Report received at the meeting of 8/22/19).
CONTINUED TO THE MEETING OF 10/3/19.

2. **NON-CONFORMING USE APPEAL – OF MICHAEL VALENTINO, MEMBER, iNEWORLEANS, LLC DBA NEW ORLEANS CITY SIGHTSEEING, LLC**

Brief:

Requesting a change of Non-Conforming Use for property located at **414 N. Roman Street**.

Annotation:

(Cm. Banks, Cn. Deadline 10/20/19).
CONTINUED TO THE MEETING OF 10/3/19.

3. **ZONING DOCKET NO. 63/19 - REZA MOVAHED AND SHERRY SCHOLL MOVAHED**

Brief:

Requesting a zoning change from an HU-RD2 Historic Urban Two-Family Residential District to an HU-B1A Historic Urban Neighborhood Business District and a conditional use to permit a standard restaurant with alcoholic beverage sales in an HU-B1A Historic Urban Neighborhood Business District and the HU-B1A Use Restriction Overlay District, on Square 133, Lot B, in the Fourth Municipal District, bounded by Magazine Street, First Street, Constance Street, and Philip Street (Municipal Addresses: **2366-2368 Magazine Street and 1035-1041 First Street**). The recommendation of the City Planning Commission being **"FOR APPROVAL"**, subject to six (6) provisos.

Annotation:

(Cm. Banks, Cn. Deadline 10/7/19).
CONTINUED TO THE MEETING OF 10/3/19.

4. **ZONING DOCKET NO. 64/19 - 919 JULIA STREET, LLC**

Brief:

Requesting a conditional use to permit a hotel in a CBD-5 Urban Core Neighborhood Lower Intensity Mixed-Use District, on Square 259, Lots 6 and 7 or Pt. 41, in the First Municipal District, bounded by Julia Street, Baronne Street, O'Keefe Avenue, and Girod Street (Municipal Address: **923 Julia Street**). The recommendation of the City Planning commission being **"NO LEGAL MAJORITY"**.

YEAS: Flick, Steeg, Stewart, Witry - 4
NAYS: Lunn - 1
ABSENT: Brown, Wedberg - 2

Annotation:

(Cm. Banks, Cn. Deadline 11/4/19).
CONTINUED TO THE MEETING OF 10/3/19.

5. ZONING DOCKET NO. 66/19 - ORLEANS PARISH SCHOOL BOARD

Brief:

Requesting a conditional use to permit a cultural facility in an HU-MU Historic Urban Mixed-Use District, an HUC Historic Urban Corridor Use Restriction Overlay District, and an EC Enhancement Corridor Design Overlay District, on Square 433, in the Third Municipal District, bounded by Saint Claude Avenue, Alabo Street, Gordon Street, and Marais Street (Municipal Address: **5909 Saint Claude Avenue**). The recommendation of the City Planning Commission being "**FOR APPROVAL**", subject to two (2) waivers and ten (10) provisos.

Annotation:

(Cm. Nguyen, Cn. Deadline 11/4/19).
APPROVED. See Motion No. M-19-371.

6. ZONING DOCKET NO. 70/19 - NICOLE WEBRE

Brief:

Requesting a text amendment to Articles 15, 20, and 26 of the Comprehensive Zoning Ordinance to define outdoor live entertainment, provide use standards, to amend Section 20.3.JJ, to amend Table 15-1 under Section 15.2.A, and to provide any modifications as deemed appropriate by the staff of the City Planning Commission.

The specific amendments to the text are as follows:

1. Define outdoor live entertainment - secondary use under Article 26 as follows:

"Outdoor Live Entertainment - Secondary Use. Any one (1) or more of the following live performances, performed live by one (1) or more persons, whether or not done for compensation and whether or not admission is charged: musical act, theatrical play or act, including stand-up comedy, magic, and disc jockey performances using vinyl records, compact discs, computers, or digital music players when the disc jockey is in verbal communication with the clientele of the establishment. Outdoor Live Entertainment - secondary use shall be part of a standard restaurant, indoor amusement facility, or outdoor amusement facility, and shall be approved separately. Outdoor Live Entertainment may be approved as a secondary use only when the zoning district indicates that it is a

permitted use or conditional use for the zoning district, otherwise it is not permitted. A standard restaurant, indoor amusement facility, or outdoor amusement facility may be open to the public when no live performances are scheduled. Outdoor Live Entertainment - Secondary Use does not include:

- A. Any such activity performed for the practice or private enjoyment of the residents of a dwelling and their guests.
 - B. Any adult uses.
 - C. Periodic entertainment at educational facilities or places of worship, performances at cultural facilities, performances at reception facilities, performances that would otherwise require a special event permit, the playing of recorded music over speakers without a disc jockey, poetry readings, or spoken word performances.
2. To provide use standards and amend Section 20.3.JJ as follows:

~~"2. Live entertainment - secondary use and live performances venues shall submit a noise abatement plan, to be reviewed by the Director of Safety and Permits, and all other appropriate City agencies, which shall address the intended use of amplification, noise levels, and need for soundproofing. Outdoor live entertainment areas located within thirty (30) feet of a residential district shall be a conditional use.~~

9. The standards set forth in this section apply for outdoor live entertainment - secondary use except outdoor live entertainment may only be established when allowed within a zoning district and in conjunction with a standard restaurant, indoor amusement facility, or outdoor amusement facility."

3. To amend Table 15-1 under Section 15.2.A to add "Outdoor Live Entertainment - Secondary Use" as a permitted use under Commercial Uses in the MU-2 High Intensity Mixed-Use District.

To provide any modifications as deemed appropriate by the staff of City Planning Commission.

The request would affect the regulations for all MU-2 High Intensity Mixed-Use Districts. The recommendation of the City Planning Commission being **"FOR DENIAL"**.

Annotation:

(All Cms., Cn. Deadline 10/7/19).

CONTINUED TO THE MEETING OF 10/3/19.

7. ZONING DOCKET NO. 78/19 - CITY COUNCIL MOTION NO. M-19-237

Brief:

Requesting a Text amendments to the Comprehensive Zoning Ordinance that will incorporate recommendations and initiatives contained in the 2018 "Small Box Retail Diversity Study" including but not limited to:

- Establish and/or revise definitions of Small Box Variety Store, Fresh or Fresh Frozen Food, and Grocery Store.
- Define and or update applicable use standards for Small Box Variety Store. Small Box Variety Store standards should include area restrictions and spacing requirements between such stores, as well as trash, litter cleanup, and storage requirements.
- On use tables found in Articles 7 to 17, indicate zoning districts where the following uses are permitted or conditional: Small Box Variety Store, Grocery Store, and Retail Goods Establishment.
- Establish and/or update maximum total floor area for qualifying grocery stores in food desert areas.
- Establish and/or strengthen site design standards applicable to Small Box Variety Store, Grocery Store, and Retail Goods Establishment, to promote neighborhood compatibility.

Location, Citywide. The recommendation of the City Planning Commission being **"FOR MODIFIED APPROVAL"**.

Annotation:

(All Cms., Cn. Deadline 11/4/19).

CONTINUED TO THE MEETING OF 10/3/19.

8. ZONING DOCKET NO. 80/19 - CITY COUNCIL MOTION NO. M-19-238

Brief:

Requesting a Text amendment to the Comprehensive Zoning Ordinance to restrict outdoor dining and live entertainment in the HMC-1 Historic Marigny/Tremé/Bywater Commercial District, HMC-2 Historic Marigny/Tremé/Bywater Commercial District, and HM-MU Historic Marigny/Tremé/Bywater Mixed-Use District as follows: Neither outdoor dining nor live entertainment is permitted in any rear yard, front yard, or side yard that abuts a residential district. The proposed text amendment would apply to the HMC-1, HMC-2, and HM-MU Districts and have the potential to impact properties adjacent to these districts. The recommendation of the City Planning Commission being **"NO LEGAL MAJORITY"**.

YEAS: Flick, Lunn, Steeg - 3
NAYS: Stewart, Witry - 2
ABSENT: Brown, Wedberg - 2

Annotation:

(All Cms., Cn. Deadline 11/4/19).
CONTINUED TO THE MEETING OF 10/3/19.

9. ZONING DOCKET NO. 81/19 - CITY COUNCIL MOTION NO. M-19-243

Brief:

Requesting a Text amendment to the Comprehensive Zoning Ordinance to provide recommendations for the establishment of a Public Market in certain CBD open space zoning districts, specifically considering Duncan Plaza; to provide desired CZO text and map amendments along the following parameters:

- The establishment of a new open space zoning district, OS-CBD; for this district to include Public Market as a conditional use.
- The addition of Public Market as a conditional use in certain open space zoning districts; also considering an overlay to specify certain open space zoning districts within the CBD.

The proposed text change could affect Open-Space Districts in the Central Business District (CBD). The recommendation of the City Planning Commission being **"FOR MODIFIED APPROVAL"**.

Annotation:

(All Cms., Cn. Deadline 11/4/19).

CONTINUED TO THE MEETING OF 10/3/19.

10. ZONING DOCKET NO. 82/19 - NOLA FRENCHMEN, LLC AND DOWNTOWN TATTOOS, LLC

Brief:

Requesting a Conditional use to permit a bar in an HMC-2 Historic Marigny/Tremé/Bywater Commercial District and an AC-1 Arts and Culture Diversity Overlay District, on Square 6, Pt. Lot 1 or 24, in the Third Municipal District, bounded by Frenchmen Street, Decatur Street, Chartres Street, and Elysian Fields Avenue (Municipal Addresses: **501-507 Frenchmen Street and 2101 Decatur Street**). The recommendation of the City Planning Commission being **"FOR APPROVAL"**, subject to seven (7) provisos.

Annotation:

(Cm. Gisleson Palmer, Cn. Deadline 11/4/19).

CONTINUED TO THE MEETING OF 10/3/19.

11. ZONING DOCKET NO. 83/19 - LIVING WATER BAPTIST CHURCH

Brief:

Requesting a Zoning change from an HU-RD2 Historic Urban Two-Family Residential District to an HU-B1A Historic Urban Neighborhood Business District, on Square 1058, Lot A or Pt. 12-13, in the Third Municipal District, bounded by Elysian Fields Avenue, North Galvez Street, Frenchmen Street, North Miro Street, and Interstate 10 (Municipal Addresses: **2112-2114 Elysian Fields Avenue**). The recommendation of the City Planning Commission being **"FOR APPROVAL"**.

Annotation:

(Cm. Brossett, Cn. Deadline 11/4/19).

APPROVED. See Motion No. M-19-372.

12. ZONING DOCKET NO. 86/19 - NEW ORLEANS BK, LLC

Brief:

Requesting an Amendment to conditional use Ordinance No. 25,946 MCS (Zoning Docket 034/14) to permit the modification of an existing fast food restaurant with drive-thru facilities, including the expansion of the drive-thru lane, in a C-2 Auto-Oriented Commercial District, an HUC Historic Urban Corridor Use Restriction Overlay District, and an EC Enhancement Corridor Design Overlay District, on Square 408, Lot A1, in the Fourth Municipal District, bounded by South Claiborne Avenue, Fourth Street, Washington Avenue, and South Derbigny Street (Municipal Addresses: **2713-2715 South Claiborne Avenue**). The recommendation of the City Planning Commission being **"FOR DENIAL"**.

Annotation:

(Cm. Banks, Cn. Deadline 11/4/19).
CONTINUED TO THE MEETING OF 10/3/19.

13. ZONING DOCKET NO. 87/19 - 5243 CANAL, LLC

Brief:

Requesting a Rescission of Ordinance No. 26,941 MCS (Zoning Docket 027/16, which granted a conditional use to permit a commercial development over 5,000 square feet in floor area) and a new conditional use to permit a different commercial (office) development over 5,000 square feet in floor area in an S-LB2 Suburban Lake Area Neighborhood Business District and a GC Greenway Corridor Design Overlay District, on Square 240, Lot 12A, in the Second Municipal District, bounded by Canal Boulevard, Rosedale Drive, Conti Street, and the New Orleans Terminal Railroad Company right-of-way (Municipal Addresses: **5243-5245 Canal Boulevard and 5206 Conti Street**). The recommendation of the City Planning Commission being **"FOR APPROVAL"**, subject to one (1) waiver and fourteen (14) provisos.

Annotation:

(Cm. Giarrusso, Cn. Deadline 11/4/19).
APPROVED. See Motion No. M-19-373.

14. CAL. NO. 32,593 - BY: COUNCILMEMBER MORENO

Brief:

An Ordinance to ordain Article IX of Chapter 158 of the Code of the City of New Orleans, relative to energy conservation, to require owners of nonresidential and multi-family buildings to measure and disclose energy efficiency performance; and to provide otherwise with respect thereto.

Annotation:

(Council Rule 34. Postponement: 7/12/19 - Postponement continued until 9/19/19).

CONTINUED TO THE MEETING OF 10/3/19.

15. CAL. NO. 32,681 - BY: COUNCILMEMBERS BROSSETT, GIARRUSSO, MORENO, NGUYEN, AND GISLESON PALMER (BY REQUEST)

Brief:

An Ordinance to amend Ordinance No. 27,931 M.C.S., as amended entitled "An Ordinance Providing an Operating Budget of Revenues for the City of New Orleans for the Year 2019" to appropriate Federal grant funds from Intergovernmental Transfers to the Office of the Mayor, Office of Homeland Security and Emergency Preparedness for Federal Emergency Management Agency reimbursable related costs; and otherwise to provide with respect thereto.

Annotation:

(Fiscal Note received).

(Referred to the Budget Committee).

(Council Rule 34. Postponement: 10/4/19).

CONTINUED TO THE MEETING OF 10/3/19.

16. CAL. NO. 32,682 - BY: COUNCILMEMBERS BROSSETT, GIARRUSSO, MORENO, NGUYEN AND GISLESON PALMER (BY REQUEST)

Brief:

An Ordinance to amend Ordinance No. 27,932 M.C.S., as amended entitled "An Ordinance Providing an Operating Budget of Expenditures for the City of New Orleans for the Year 2019" to appropriate Federal grant funds from Intergovernmental Transfers to the Office of the Mayor, Office of Homeland Security and Emergency Preparedness for Federal Emergency Management Agency reimbursable related costs; and otherwise to provide with respect thereto.

Annotation:

(Fiscal Note received).

(Referred to the Budget Committee).

(Council Rule 34. Postponement: 10/4/19).

CONTINUED TO THE MEETING OF 10/3/19.

17. CAL. NO. 32,693 - BY: COUNCILMEMBERS GISLESON PALMER AND NGUYEN

Brief:

An Ordinance to amend and reordain Sections 10-1, 10-4, 10-5, 10-6, 10-11, 10-12, 10-46, 10-50, 10-53, 10-78, 10-101, 10-123, 10-124, 10-125, 10-128, 10-131, 10-136, 10-157, 10-160, 10-161, 10-236, 10-237, 10-238, 10-261, 10-262, 10-263, 10-286, 10-401, 10-403, 10-429, and 10-430 of the Code of the City of New Orleans, to create, clarify, and augment regulations pursuant to the City's police powers regarding the application and issuance of alcoholic beverage permits, enforcement and applicable penalties for alcoholic beverage outlets, ensuring consistency with the Comprehensive Zoning; to reserve certain provisions; and to provide otherwise with respect thereto.

Annotation:

(Council Rule 34. Postponement: 10/4/19).

CONTINUED TO THE MEETING OF 10/3/19.

18. CAL. NO. 32,702 - BY: COUNCILMEMBER BANKS (BY REQUEST)

Brief:

An Ordinance to authorize the City of New Orleans to enter into a contract of lease with **JESUIT HIGH SCHOOL OF NEW ORLEANS ("JESUIT HIGH SCHOOL")** for a volume of airspace over Banks Street Right of Way between Squares 780 and 781, located in the First Municipal District, for an initial period of fifty (50) years, with four (4) consecutive renewal options of ten (10) years each, to fix the annual rent and terms of said lease of airspace; to fix the terms for said lease of airspace to be used to construct and maintain an overhead pedestrian bridge crossing; to declare that such airspace to be leased is not needed for public purposes; and to set forth the reasons for said lease of airspace, which is attached and shall be part of this ordinance; and otherwise to provide with respect thereto.

Annotation:

(Council Rule 34. Postponement: 10/18/19).
CONTINUED TO THE MEETING OF 10/3/19.

19. CAL. NO. 32,724 - BY: COUNCILMEMBER BROSSETT

Brief:

An Ordinance to amend and reordain Section 70-498 of the Code of the City of New Orleans; relative to HireNola and definition relative thereto, to amend the definition of "covered project" to clarify applicability parameters; and otherwise to provide with respect thereto.

Annotation:

(Council Rule 34. Postponement 11/22/19).
(Referred to the Economic Development Committee).
(Economic Development Committee recommended approval, and deferred to October 3, 2019 full Council meeting on the Regular Agenda).
CONTINUED TO THE MEETING OF 10/3/19.

20. CAL. NO. 32,725 - BY: COUNCILMEMBER BROSSETT

Brief:

An Ordinance to ordain Section 2-8.1 of the Code of the City of New Orleans, relative to City contracts, to require a provision in all City contracts that if City funds are awarded to a third party, and that third party fails to fulfill its contractual obligations, that reimbursement or disgorgement of funds to the City is required; and to provide otherwise with respect thereto.

Annotation:

*(Council Rule 34. Postponement 11/22/19).
(Referred to the Economic Development Committee).
(Economic Development Committee recommended approval, and deferred to October 3, 2019 full Council meeting on the Regular Agenda).*

CONTINUED TO THE MEETING OF 10/3/19.

21. CAL. NO. 32,745 - BY: COUNCILMEMBERS BROSSETT AND NGUYEN

Brief:

An Ordinance to ordain Section 2-14 of the Code of the City of New Orleans; to prohibit the City of New Orleans from inquiring into the salary history from any person applying for a classified or unclassified position with the City of New Orleans; to prohibit the City of New Orleans from relying upon the salary histories of applicants for City positions to determine starting salaries; to provide for limited exceptions from these prohibitions; to provide for enforcement of these prohibitions; and to otherwise provide with respect thereto.

Annotation:

*(Council Rule 34. Postponement 12/6/19).
(Referred to the Economic Development Committee).
(Economic Development Committee recommended approval, and deferred to October 3, 2019 full Council meeting on the Regular Agenda).*

CONTINUED TO THE MEETING OF 10/3/19.

22. CAL. NO. 32,752 - BY: COUNCILMEMBER GISLESON PALMER (BY REQUEST)

Brief:

An Ordinance authorizing the sale by the New Orleans Aviation Board ("NOAB") at public auction for a minimum price to be set by appraisal of 13 properties located in the City of Kenner, Jefferson Parish and 9 Properties in the South Kenner Subdivision located in Waggaman, Louisiana ("the Parcels"), and described more fully in attached "Exhibit A", which are no longer needed for public purposes; and otherwise to provide with respect thereto.

Annotation:

**(Council Rule 34. Postponement: 12/20/19).
ADOPTED. ORD. NO. 28188 M.C.S.**

23. CAL. NO. 32,763 - BY: COUNCILMEMBER NGUYEN (BY REQUEST)

Brief:

An Ordinance to authorize the Mayor of the City of New Orleans to enter into a third amendment to a previously executed Cooperative Endeavor Agreement (CEA) between the City of New Orleans (the "City") and the State of Louisiana (Division of Administration, Office of Facility Planning and Control) relative to the continued planning and construction of the Eastern New Orleans Hospital to add new State-required language to the CEA regarding auditing, the funding allocation summary, and project closeout, as more fully set forth in the 3rd Amended Cooperative Endeavor Agreement form attached hereto and made a part hereof; and otherwise to provide with respect thereto.

Annotation:

**(Council Rule 34. Postponement: 1/3/20).
ADOPTED. ORD. NO. 28190 M.C.S.**

24. MOTION - NO. M-19-360 - BY: COUNCILMEMBERS NGUYEN AND WILLIAMS

Brief:

Directing the City Planning Commission to conduct a public hearing to consider amendments to Ordinance No. 4264 M.C.S., amended by Ordinance No. 26,413 M.C.S., as amended, the Comprehensive Zoning Ordinance of the City of New Orleans, to incorporate certain recommendations and initiatives contained in the 2019 "Billboard Study", authorized by Council Motion M-18-319, to specifically provide desired CZO text amendments as follows:

To implement recommendation "Option 2: [To] provide 'trade' incentives allowing nonconforming billboards to digitize in exchange for removal", along with the following, additional considerations:

- Conversion of billboards with two sides/faces;
- Conversion of billboards out of residential and historic districts;
- Protections to ensure that there will not be a concentration of digitized billboards in one location/area of the City;
- Illumination standards; and
- Density standards.

Annotation:

**(Council Rule 34. Postponement: 1/17/20).
CONTINUED TO THE MEETING OF 10/3/19.**

25. MOTION - NO. M-19-361 - BY: COUNCILMEMBERS MORENO, WILLIAMS, GIARRUSSO, BANKS, GISLESON PALMER, BROSSETT AND NGUYEN

Brief:

Suspending Rule 1 of the Rules and Regulations of the City Council to establish the Regular Council Meeting schedule for the Year 2020.

Annotation:

**(Council Rule 34. Postponement: 1/17/20).
ADOPTED.**

26. **MOTION - NO. M-19-362 - BY: COUNCILMEMBERS MORENO, WILLIAMS, GIARRUSSO, BANKS, GISLESON PALMER, BROSSETT AND NGUYEN**

Brief:

Establishing the City Government holiday schedule for the Year 2020.

Annotation:

**(Council Rule 34. Postponement: 1/17/20).
ADOPTED.**

27. **RESOLUTION - NO. R-19-363 - BY: COUNCILMEMBERS MORENO AND WILLIAMS**

Brief:

Requesting the New Orleans Assessor's Office execute a comprehensive review of all current and former entities receiving property tax exemptions as a result of the ITE program and to provide results to the city council. All documentation and a final report shall be formally provided to the Clerk of Council by March 31, 2020.

Annotation:

**(Council Rule 34. Postponement: 1/17/20).
ADOPTED.**

28. MOTION - NO. M-19-364 - BY: COUNCILMEMBERS MORENO AND WILLIAMS

Brief:

Directing the City Planning Commission to conduct a public hearing to consider amendments to Ordinance No. 4264 M.C.S., amended by Ordinance No. 26,413 M.C.S., as amended, the Comprehensive Zoning Ordinance of the City of New Orleans, to create a new use definition in Article 26, for a "Veterans Wellness Facility", which is further defined as follows:

A facility, which is owned or controlled by a governmental or charitable institution dedicated to veterans affairs, that provides holistic wellness services, including outpatient medical treatment, targeted primarily to military veterans and secondarily to members of the surrounding community.

Annotation:

(Council Rule 34. Postponement: 1/17/20).

ADOPTED.

Cm. Brossett voting "NAY".

29. MOTION - NO. M-19-365 - BY: COUNCILMEMBERS MORENO AND WILLIAMS

Brief:

Directing the City Planning Commission to conduct a public hearing to consider a Conditional Use for a "Veterans Wellness Facility" in an S-RM1 suburban multi-family residential district, on Square 3, Section C, Mirabeau Gardens, Lots 30, 29, 28, 27, 26, 25, 24, 23, 22, and 21-A, in the Third Municipal District, bounded by Mirabeau Avenue, Warrington Drive, Wilton Drive, Windsor Drive, and Haik Drive (Municipal Addresses: **1801-1839 Mirabeau Avenue**).

Annotation:

(Council Rule 34. Postponement: 1/17/20).

ADOPTED.

Cm. Brossett voting "NAY".

30. MOTION - NO. M-19-366 - BY: COUNCILMEMBER NGUYEN

Brief:

Waiving all permit fees relative to the "NORDC Facility Rental Fee" for events and activities that are officially sponsored and sanctioned by Sistsasistas "Eastshore Festival" event, on Saturday, September 21, 2019 at Eastshore Playground, located at 14600 Curran Road, New Orleans, Louisiana 70128, as provided by the City Code, upon the condition that the application processes of the City of New Orleans are completed and approvals are granted. The fee waiver authorized by this section shall not include any direct costs to the city.

Annotation:

**(Council Rule 34. Postponement: 1/17/20).
ADOPTED.**

31. MOTION - NO. M-19-367 - BY: COUNCILMEMBER NGUYEN

Brief:

Waiving all permit fees relative to the "NORDC Facility Rental Fee" for events and activities that are officially sponsored and sanctioned by Richard Bell for its "A Community Voice - Lower 9th Ward Meeting" event, on Thursday, September 12, 2019 at the Sanchez Multi Service Center located at 1616 Caffin Avenue, New Orleans, Louisiana 70117 as provided by the City Code, upon the condition that the application processes of the City of New Orleans are completed and approvals are granted. The fee waiver authorized by this section shall not include any direct costs to the city.

Annotation:

**(Council Rule 34. Postponement: 1/17/20).
ADOPTED.**

32. MOTION - NO. M-19-368 - BY: COUNCILMEMBER BANKS

Brief:

Directing the City Planning Commission to conduct a public hearing to consider amending and re-ordaining Ordinance No. M.C.S 4264, as amended by Ordinance No. 26,413 M.C.S., as amended, the Comprehensive Zoning Ordinance of the City of New Orleans, to provide desired CZO text amendments to Article 17 as follows:

- **Remove Hotels as a conditional use in CBD-5 Urban Core Neighborhood Lower Intensity Mixed-Use District;**
- **Consider making Hotels a conditional use in CBD-6 Urban Core Neighborhood Mixed-Use District, or provide specific use standards such as blockface or square footage limitations that would promote appropriately scaled development in a Neighborhood Mixed Use District;**
- **Consider amendments to Article 17, Section 17.3.B.4, which limits restaurants per blockface in CBD-5 Urban Core Neighborhood Lower Intensity Mixed-Use District, including but not limited to allowing more than one type of restaurant per blockface or two of any type of restaurant; and**
- **Because City Planning Commission, in the 2018 Short Term Rental Study, recommended that Commercial Short Term Rentals be permitted and conditional uses in the same zoning districts as Hotels, consider reconciling any changes to use tables that result from the above considerations in order to maintain consistency.**

Annotation:

**(Council Rule 34. Postponement: 1/17/20).
WITHDRAWN.**

33. MOTION - NO. M-19-369 - BY: COUNCILMEMBER BANKS

Brief:

Directing the City Planning Commission to conduct a public hearing to amend and re-ordain Ordinance No. M.C.S 4264, as amended by Ordinance No. 26,413 M.C.S., as amended, the Comprehensive Zoning Ordinance of the City of New Orleans, to amend Article 19 to establish a new Interim Zoning District (IZD) to be named the *CBD Urban Core Mixed-Use*

Neighborhoods District, the intent of which is to prohibit certain uses, as provided herein, for all lots that are located within the CBD-5 Urban Core Neighborhood Lower Intensity Mixed-Use District and CBD-6 Urban Core Neighborhood Mixed-Use District zoning districts as indicated in the official zoning maps of the City. The prohibited uses are:

- a. Any issuance of a hotel permit or license;
- b. Any issuance of new Commercial Short Term permits or licenses when application exceeds twenty-five percent (25%) of all units, on the number of units that could be permitted for STR use on any lot or single building constructed across lot lines.

Annotation:
(Council Rule 34. Postponement: 1/17/20).
WITHDRAWN.

34. RESOLUTION - NO. R-19-370 - BY: COUNCILMEMBER WILLIAMS

Brief:
A RESOLUTION urging municipal and traffic court judges to forgive unconstitutionally assessed criminal justice debt and quash outstanding warrants.

Annotation:
(Council Rule 34. Postponement: 1/17/20).
(Referred to the Criminal Justice Committee).
CONTINUED TO THE MEETING OF 10/3/19.

35. ORDINANCES ON FIRST READING

CALENDAR NUMBERS 32,766 THRU 32,780.

INTRODUCED AND LAID OVER AS REQUIRED BY LAW.