

**PORT OF IBERIA DISTRICT
BOARD OF COMMISSIONERS
REGULAR MEETING - TUESDAY, NOVEMBER 20, 2012
PORT ADMINISTRATIVE OFFICE - 5:30 P.M.
MINUTES**

The regular meeting of the Port of Iberia District Board of Commissioners was called to order by Commissioner Millie Martinez, Board President, at the Port of Iberia Administrative Office, on Tuesday, November 20, 2012, at 5:30 P.M.

In attendance were Commissioners Millie Martinez, President, Frank Minvielle, Vice-President, Gene Jefferies, Secretary-Treasurer, Mark Dore', Mike Resweber, Danny J. David Sr., and Larry G. Rader.

There were no Commissioners absent.

Also present were Roy Pontiff, Executive Director, Joanna Durke, Administrative Assistant, and Holly Breaux, Secretary/Bookkeeper.

Thus, with a quorum being acknowledged, Commissioner Mark Dore', recited the opening prayer and the Pledge of Allegiance.

I. APPROVAL OF MINUTES

On a motion by Commissioner Mike Resweber, seconded by Commissioner Mark Dore', the Commission approved the minutes of the Regular meeting held on Tuesday, October 16, 2012.

This motion having been submitted to a vote, the vote thereon was as follows:

Yeas: Millie Martinez, Frank Minvielle, Gene Jefferies, Mark Dore', Mike Resweber, Danny J. David, Sr., and Larry G. Rader.

Nays: None.

Absent at Voting: None.

And the motion was therefore passed on this the 20th day of November 2012.

II. DISCUSS AND/OR DISTRIBUTE THE FOLLOWING:

- (a) Budget Summary for Four (4) Months Ending October, 2012.**
- (b) Listing of Tenant Lease Billings.**
- (c) Listing of Boat Stall Lease Billings.**
- (d) Approve Payment of Bills & Checks Issued During Interim Period.**
- (e) Computer Summary of Lease Agreement Activity Sheet.**
- (f) Status of Invoices Report.**

A motion was made by Commissioner Mark Dore', seconded by Commissioner Gene Jefferies, to approve and authorize the payment of bills for November 2012,

and ratify those paid during the interim period.

This motion having been submitted to a vote, the vote thereon was as follows:

Yeas: Millie Martinez, Frank Minvielle, Gene Jefferies, Mark Dore', Mike Resweber,
Danny J. David, Sr., and Larry G. Rader.

Nays: None.

Absent at Voting: None.

And the motion was therefore passed on this the 20th day of November 2012.

III. RATIFICATION OF RENEWAL OF CERTIFICATES OF DEPOSITS.

A motion was made by Commissioner Mike Resweber, seconded by Commissioner Larry Rader, to approve and ratify the renewal of Certificates of Deposit Number 20493, 20494, and 20495 which matured on October 10, 2012, with First National Bank of Jeanerette, for Six (6) months at the rate of 0.45% and 0.45% A.P.Y.

This motion having been submitted to a vote, the vote thereon was as follows:

Yeas: Millie Martinez, Frank Minvielle, Gene Jefferies, Mark Dore', Mike Resweber,
Danny J. David, Sr., and Larry G. Rader.

Nays: None.

Absent at Voting: None.

And the motion was therefore passed on this the 20th day of November 2012.

A motion was made by Commissioner Larry Rader, seconded by Commissioner Frank Minvielle, to approve and ratify the renewal of Certificate of Deposit Number 40001232516 which matured on October 14, 2012 with Iberia Bank, for Six (6) months at the rate of 0.35% and 0.35% A.P.Y.

This motion having been submitted to a vote, the vote thereon was as follows:

Yeas: Millie Martinez, Frank Minvielle, Gene Jefferies, Mark Dore', Mike Resweber,
Danny J. David, Sr., and Larry G. Rader.

Nays: None.

Absent at Voting: None.

And the motion was therefore passed on this the 20th day of November 2012.

A motion was made by Commissioner Frank Minvielle, seconded by Commissioner Gene Jefferies, to approve and ratify the renewal of Certificates of Deposit Numbers 40001378619, 40001378627, and 40001378635 which matured on October 26, 2012 with Iberia Bank, for Six (6) months at the rate of 0.35% and 0.35% A.P.Y.

This motion having been submitted to a vote, the vote thereon was as follows:

Yeas: Millie Martinez, Frank Minvielle, Gene Jefferies, Mark Dore', Mike Resweber,
Danny J. David, Sr., and Larry G. Rader.

Nays: None.

Absent at Voting: None.

And the motion was therefore passed on this the 20th day of November 2012.

IV. MR. RANDAL LAVERGNE, EASTERN U.S. GULF COAST REGIONAL MANAGER, AND MR. CRAIG DUHON, GULF COAST PLANT MANAGER, NATIONAL OILWELL VARCO, L.P. TO ADDRESS THE COMMISSION REGARDING A FIRST RIGHT OF REFUSAL AGREEMENT ON TRACTS "R" (2.88 ACRES) AND "S" (10.92 ACRES) OF THE POI MILLENNIUM EXPANSION PHASE II PROPERTY SITE.

The Executive Director reported to the Board that for the past two (2) months, Mr. Mike Tarantino, IDF and he have been speaking to National Oilwell Varco, L.P., and a formal proposal was made to the company regarding the Port's Millennium Expansion Phase II Property Site. A First Right of Refusal Agreement has been prepared and reviewed by the Port Attorney regarding same.

Mr. Randal Lavergne, Eastern U.S. Gulf Coast Regional Manager with National Oilwell Varco, L.P. addressed the Board regarding a request to obtain a First Right of Refusal Agreement on Tract "R" (2.88 acres) and Tract "S" (10.92 acres) located on the newly acquired Port Millennium Expansion Phase II Property Site. Mr. Lavergne presented the Board with a synopsis of their company and its operations. He indicated that the company deals with fluid controls, which encompasses the drilling fluid business and portable power type distribution business. He would like to utilize the Port's convenient accessibility to rail, water, and the future I-49. His vision is to combine three (3) existing facilities which are currently operating in Houma, Breaux Bridge, and Port of West St. Mary to the Port of Iberia. Those facilities include a Barite Grinding Facility, Total Distribution Center of Pilot & Liquid Type Materials for the fluid business, and a Trucking/Mechanic type shop that would handle all of their trucking needs. The traffic on the Port's waterways would be by barge transporting barite. Mr. Lavergne anticipates that there will be 25-40 employees, with the possibility of hiring additional employees to accommodate any future growth or expansion. The company has provided a "good faith" deposit to the POI in the amount of \$3,105.00. Discussion ensued.

A motion was made by Commissioner Mark Dore', seconded by Commissioner Larry Rader, to authorize the Board President to execute a First Right of Refusal Agreement between National Oilwell Varco, LP and the Port of Iberia District on Tracts "R" (2.88 acres) and "S" (10.92 acres) of the POI Millennium Expansion Phase II Property Site.

This motion having been submitted to a vote, the vote thereon was as follows:

Yeas: Millie Martinez, Frank Minvielle, Gene Jefferies, Mark Dore', Mike Resweber, Danny J. David, Sr., and Larry G. Rader.

Nays: None.

Absent at Voting: None.

And the motion was therefore passed on this the 20th day of November 2012.

V. MR. DAVID MOORE, FREYOU, MOORE AND ASSOCIATES, INC., TO ADDRESS THE COMMISSION REGARDING THE MAINTENANCE DREDGING OF THE PORT'S MARINA SLIPS DUE TO SILTATION AFFECTING THE WATER

DEPTHS OF THE BOAT SLIPS.

Mr. David Moore, Freyou, Moore and Associates, Inc., addressed the Board with regards to the construction of the Port's Marina in 2000-2001, and the subsequent POI Marina Maintenance Dredging Project a few years thereafter. Due to additional siltation since the last maintenance dredging, there is a need for further maintenance dredging. Mr. Moore has been in contact with a few contractors who may be interested in providing the POI with a proposal to perform the work. The preferred type of dredging would be hydraulic; however, dragline equipment could be utilized. Mr. Moore presented a Cost Estimate in the total amount of \$51,520.00 which includes \$46,000.00 for construction and \$5,520.00 for engineering fees. The project would consist of removing approximately 3ft of soil (2,000 cubic yards). The dredged material would be placed in the center of the channel. The Port's existing General Maintenance Dredging Permit will be used. The time of completion is approximately eight (8) days. Mr. Moore presented a Short Form of Agreement Between Owner and Engineer for Professional Services. Discussion ensued. **A motion was made by Commissioner Gene Jefferies, seconded by Commissioner Larry Rader, to authorize the Board President to execute the Short Form of Agreement Between the Port of Iberia District and Freyou, Moore and Associates, Inc., regarding the Maintenance Dredging of the Port of Iberia District's Marina Slips due to siltation affecting the water depths of the boat slips; and motion further authorizes the Executive Director and Freyou, Moore and Associates, Inc., to seek proposals for the project and bring back to the full Board for review and approval. This motion having been submitted to a vote, the vote thereon was as follows:**

Yeas: Millie Martinez, Frank Minvielle, Gene Jefferies, Mark Dore', Mike Resweber, Danny J. David, Sr., and Larry G. Rader.

Nays: None.

Absent at Voting: None.

And the motion was therefore passed on this the 20th day of November 2012.

VI. REPORT FROM PROJECT ARCHITECT MR. GERALD GESSER, GESSER GROUP, APC, ON:

(a) Status of Project Regarding the Upgrade of Port's Technology on Port Video & Power Point Presentation.

****Approval of Intermedia Technologies, Inc. Request for Payment.**

****Approval of Statewide Electrical Services Request for Payment.**

****Approval of Gesser Group, Request for Payment.**

A motion was made by Commissioner Mark Dore', seconded by Commissioner Frank Minvielle, to approve and authorize the payment of Invoice Number 4286 in the amount of \$24,579.82 to Intermedia Technologies, Inc., for the Port of Iberia Administrative Office Technology System Upgrade Project relative to Video and Power Point Presentations, etcetera, in accordance with the contract dated August 29, 2012.

This motion having been submitted to a vote, the vote thereon was as follows:

Yeas: Millie Martinez, Frank Minvielle, Gene Jefferies, Mark Dore', Mike Resweber,

Danny J. David, Sr., and Larry G. Rader.

Nays: None.

Absent at Voting: None.

And the motion was therefore passed on this the 20th day of November 2012.

A motion was made by Commissioner Frank Minvielle, seconded by Commissioner Larry Rader, to approve and authorize the payment of Invoice Number 3133 in the amount of \$1,200.00 to Statewide Electrical Services, LLC, for services rendered for the labor and material relative to the installation of the equipment for the Port of Iberia Administrative Office Technology System Upgrade Project.

This motion having been submitted to a vote, the vote thereon was as follows:

Yeas: Millie Martinez, Frank Minvielle, Gene Jefferies, Mark Dore', Mike Resweber, Danny J. David, Sr., and Larry G. Rader.

Nays: None.

Absent at Voting: None.

And the motion was therefore passed on this the 20th day of November 2012.

A motion was made by Commissioner Mark Dore', seconded by Commissioner Mike Resweber, to approve and authorize the payment of the invoice dated October 30, 2012, in the amount of \$1,500.00, to Gesser Group, APC, for architectural services provided relative to the Port of Iberia Administrative Office Technology System Upgrade Project.

This motion having been submitted to a vote, the vote thereon was as follows:

Yeas: Millie Martinez, Frank Minvielle, Gene Jefferies, Mark Dore', Mike Resweber, Danny J. David, Sr., and Larry G. Rader.

Nays: None.

Absent at Voting: None.

And the motion was therefore passed on this the 20th day of November 2012.

VII. REPORT FROM MR. O'NEIL MALBROUGH & MR. GLENN LEDET, SHAW COASTAL, INC., ON:

(a) LA DOTD Port Construction & Development Priority Program:

State Project Number 578-23-0018/H.009021 Port-Site Bulkhead Relocation Phase II A-(for the AGMAC Bulkhead Relocation & Design Project (Public Property).

{1} Port Attorney Report - Pending Litigation (Executive Session).

*****James Construction Group, L.L.C. ET AL versus POI Board of Commissioners.**

{2} Discuss/Consider Award of Construction Contract.

The Executive Director reported that Judge Charles Porter has ruled in favor of the Port of Iberia District and dissolved the Temporary Restraining Order filed by James Construction Group, L.L.C.; however, there is a 15 day appeal process in which James Construction has to decide if they want to pursue this matter further. The 15 day appeal

process commences when the Iberia Parish Clerk of Court notifies all the parties involved that the judgment was signed. Judge Porter signed the Judgment on November 14, 2012. **A motion was made by Commissioner Mike Resweber, seconded by Commissioner Danny David, Sr., to approve and authorize the payment of the invoice dated November 7, 2012 in the amount of \$630.00 to Biggs, Supple, Cremaldi & Curet, L.L.P., for the period October 3, 2012 thru October 31, 2012, for legal fees (incurred by James B. Supple) regarding the AGMAC Port-Site Bulkhead Relocations Phase II-A, Bulkheads 2 thru 4a (Phase I of State Project No. 578-23-0018/h.009021) Project (bid protest filed by James Construction Group, L.L.C.), in accordance with the Resolution adopted by the POI Board of Commissioners on September 18, 2012. This motion having been submitted to a vote, the vote thereon was as follows: Yeas: Millie Martinez, Frank Minvielle, Gene Jefferies, Mark Dore', Mike Resweber, Danny J. David, Sr., and Larry G. Rader.**

Nays: None.

Absent at Voting: None.

And the motion was therefore passed on this the 20th day of November 2012.

{3} Update on "Revised" LA DOTD Port Priority Application for State Project #578-23-0018 (\$3.529 Million).

****LA DOTD Fiscal Year 2013/2014 Recommended Construction Program - 3rd Quarter Applications Received thru September 1, 2012 - Port Construction & Development Priority Program.**

The Executive Director presented a spreadsheet reflecting the LA DOTD Fiscal Year 2013/2014 Recommended Construction Program - 3rd Quarter Applications Received thru September 1, 2012 - Port Construction & Development Priority Program for review. The Executive Director attended the November 19, 2012 meeting of the Joint Transportation Committee of the House and Senate and received a verbal approval in the amount of \$3.529 Million (of which \$3.176 Million is State's Share) regarding same. The funding won't be available until the Legislature adopts the annual budget in 2013.

(b) Status of the AGMAC Project.

{1} Dr. Bob Gramling, ULL Economist, Comparison of BOEM-EIS 2012-2017 Offshore Lease Sale Platform Activity to GEC's 2010 Economic Report.

Mr. Glenn Ledet, Shaw Coastal, Inc., reiterated that BOEM is in the process of reviewing the Port's questions presented to them at a recent meeting, and will get back with the Port accordingly on exactly what information can be provided and released. The Executive Director indicated that it may not be until the end of the year before a response is received.

{2} POI FY2013-2014 Capital Outlay Application Request in the Amount of \$9.1 Million for AGMAC Utility/Pipeline Relocation.

Mr. Ledet reported that the Port's FY 2013-2014 Capital Outlay Application was submitted

on November 1, 2012.

A motion was made by Commissioner Danny David, Sr., seconded by Commissioner Gene Jefferies, to approve and authorize payment of Invoice Number 718772-R8-00501 in the amount of \$2,296.52, to Shaw Coastal, Inc., for the period October 1, 2012 thru October 31, 2012 (100% reimb to POI by DOTD), regarding AGMAC Project Management in accordance with the contract between the POI and Shaw Coastal, Inc., dated September 3, 2002 and Amendment Number 10 (Project Management) dated December 20, 2011.

This motion having been submitted to a vote, the vote thereon was as follows:

Yeas: Millie Martinez, Frank Minvielle, Gene Jefferies, Mark Dore', Mike Resweber, Danny J. David, Sr., and Larry G. Rader.

Nays: None.

Absent at Voting: None.

And the motion was therefore passed on this the 20th day of November 2012.

A motion was made by Commissioner Gene Jefferies, seconded by Commissioner Mark Dore', to approve and authorize payment of Invoice Number 718769-R8-00501 in the amount of \$2,087.50, to Shaw Coastal, Inc., for the period October 1, 2012 thru October 31, 2012 (not reimbursable to POI by DOTD), regarding AGMAC Project Management in accordance with the contract between the POI and Shaw Coastal, Inc., dated September 3, 2002 and Amendment Number 10 (Project Management) dated December 20, 2011.

This motion having been submitted to a vote, the vote thereon was as follows:

Yeas: Millie Martinez, Frank Minvielle, Gene Jefferies, Mark Dore', Mike Resweber, Danny J. David, Sr., and Larry G. Rader.

Nays: None.

Absent at Voting: None.

And the motion was therefore passed on this the 20th day of November 2012.

(c) Report on Port Millennium Expansion Phase II Project.

{1} Status of Joint Permit Application (USACE & DNR). Public Notice Period Expired October 23, 2012.

Mr. Ledet indicated that the LA DNR Coastal Use Permit was received on September 25, 2012. The USACE Permit was received on November 8, 2012.

A motion was made by Commissioner Mark Dore', seconded by Commissioner Larry Rader, to approve and authorize payment of Invoice Number 1362558-R8-00541 in the amount of \$51,176.50 (\$50,000.00 Basic Services & \$1,176.50 Additional Services - Permitting) to Shaw Coastal, Inc., for the period thru November 8, 2012 regarding the Port of Iberia District Port Millennium Expansion Phase II Project, in accordance with the contract between the POI and Shaw Coastal, Inc. dated January 17, 2012. This motion having been submitted to a vote, the vote thereon was as follows:
Yeas: Millie Martinez, Frank Minvielle, Gene Jefferies, Mark Dore', Mike Resweber,

Danny J. David, Sr., and Larry G. Rader.

Nays: None.

Absent at Voting: None.

And the motion was therefore passed on this the 20th day of November 2012.

{2} Status on Advertisement for Bids.

****Bid Opening November 15, 2012.**

****Discuss/Consider Award of Construction Contract.**

Mr. Glenn Ledet, Shaw Coastal, Inc., presented a letter dated November 19, 2012 to the Board regarding the bid evaluation, bid tabulation summary, and award recommendation for the POI Millennium Expansion Phase II Project. There were three (3) sealed bids received (Patriot Construction and Equipment, L.L.C., Beverly Construction Company, L.L.C., and Affolter Contracting Company, Inc.). Based on Shaw Coastal's evaluation and contingent upon concurrence by the Port of Iberia District Board of Commissioners and its legal counsel, Shaw Coastal, Inc. recommends the award of the Port of Iberia District Millennium Expansion Phase II Project contract to the responsive low bidder, Patriot Construction and Equipment, L.L.C. in the amount of \$3,839,900.00. The Executive Director indicated that the project is being funded partially with TIF monies. The first allocation was received when the Agreement between the POI District and the Economic Development District #1 was executed. The second allocation will be received once the construction contract has been executed. Discussion ensued.

A motion was made by Commissioner Frank Minvielle, seconded by Commissioner Larry Rader, to accept and award the Port of Iberia District Millennium Expansion Phase II Project to the lowest responsible bidder Patriot Construction and Equipment, L.L.C. in the amount of \$3,839,900.00, and motion further authorizes the Board President to execute the Construction Contract documents regarding same; and motion further acknowledges that the motion is contingent upon legal review and approval of the Port Attorney.

This motion having been submitted to a vote, the vote thereon was as follows:

Yeas: Millie Martinez, Frank Minvielle, Gene Jefferies, Mark Dore', Mike Resweber, Danny J. David, Sr., and Larry G. Rader.

Nays: None.

Absent at Voting: None.

And the motion was therefore passed on this the 20th day of November 2012.

{3} Status of Cooperative Endeavor Agreement Between Miguez Fuel & the POI District Relative to Dredging Within the Navigation Servitude on Miguez Property at the Intersection of Commercial Canal and Slip C-8.

The CEA between Miguez Fuel & the POI District has been fully executed. Shaw Coastal will continue to move forwards accordingly with the project.

{4} Status of Board President to Executing a Written Consent to Deposit Spoil Between Sterling Sugars, L.L.C. & the Port of Iberia District.

The Written Consent to Deposit Spoil between Sterling Sugars, L.L.C. & the Port of Iberia District has been fully executed. Shaw Coastal will continue to move forwards accordingly with the project.

VIII. REPORT FROM EXECUTIVE DIRECTOR ON:

(a) Update on All Points Equipment, L.L.C. Building "G" Repairs as a Result of Hurricane Isaac.

The Executive Director presented an email dated November 15, 2012 from PENSCO which informed the Port that the replacement fan hood is in; however, the contractor is waiting on an additional shipment of parts to perform the repair work.

(b) Status of the Repairs being Performed by Frank's Casing Crew & Rental Tools, Inc. Regarding the Damaged Power & Fiber Lines of the Port's Security Camera's Located at Frank's Casing Crew & Rental Tools, Inc.

The Executive Director reported that the trenching work has commenced for the replacement of the fiber lines. In addition, an email dated November 19, 2012 from Mr. Mickey Bellott was presented regarding same.

(c) Iberia Parish Government Bridge Replacement Project.


The Executive Director presented an email dated November 20, 2012 from the Iberia Parish Public Works Department which provided a status report on the Iberia Parish Government Bridge Replacement Project. The project is running on schedule at Lewis/David Duboin Road. The project is scheduled to be complete at the end of November 2012. Port Road will not be shut down for construction until the Duboin bridge is complete and open for traffic.

(d) Announcements.

The Executive Director reported that the Port Administrative Office will be closed on Thursday, November 22, 2012 and Friday, November 23, 2012 in observance of the Thanksgiving Holiday.

IX. ADJOURNMENT

On a motion made by Commissioner Frank Minvielle, seconded by Commissioner Gene Jefferies, the meeting was adjourned at 6:15 p.m.


SECRETARY-TREASURER


PRESIDENT