

**PORT OF IBERIA DISTRICT BOARD OF COMMISSIONERS
REGULAR MONTHLY MEETING AGENDA
TUESDAY, SEPTEMBER 15, 2020
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 Mark Dore', Board President, at the Port of Iberia Administrative Office, on Tuesday, September 15, 2020, at 5:30 P.M.

In attendance were Commissioners, Mark Dore', President, Danny J. David, Sr., Vice-President, Roy A. Pontiff, Secretary – Treasurer, Shane Walet, Simieon d. Theodile, and Elbridge "Smitty" Smith, III.

Commissioner Larry Rader was absent.

Also present were Craig Romero, Executive Director, Joanna Durke, Administrative Assistant, Tracy Boudreaux, Bookkeeper-Secretary, Ray Allain, Port Attorney, Ashley Philen, Allain and Allain, and Shari Landry.

Thus, with a quorum being acknowledged, Commissioner Shane Walet recited the opening prayer and the Pledge of Allegiance.

I. APPROVAL OF MINUTES – Regular Meeting Thursday, July 23, 2020.

Regular Meeting Tuesday, August 18, 2020.

On a motion by Commissioner Danny J. David Sr., and seconded by Commissioner, Elbridge "Smitty" Smith, the Commission approved the minutes of the Regular Meeting held on Thursday, July 23, 2020.

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

Yeas: Mark Dore', Danny J. David, Sr., Roy A. Pontiff, Shane Walet, Elbridge "Smitty" Smith, III.

Nays: None.

Absent at Voting: Simieon d. Theodile and Larry G. Rader.

And the motion was therefore passed on this the 15th day of September, 2020.

On a motion by Commissioner Elbridge "Smitty" Smith, III, and seconded by Commissioner Shane Walet, the Commission approved the minutes of the Regular Meeting held on Tuesday, August 18, 2020.

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

Yeas: Mark Dore', Danny J. David, Sr., Roy A. Pontiff, Shane Walet, and Elbridge "Smitty" Smith, III.

Nays: None.

Absent at Voting: Simieon d. Theodile and Larry G. Rader.

And the motion was therefore passed on this the 15th day of September, 2020.

II. DISCUSS AND/OR DISTRIBUTE THE FOLLOWING:

- (a) Budget Summary for Two (2) Months Ending August 2020.**
- (b) Listing of Tenant Lease Billings for 2020.**
- (c) Listing of Boat Stall Tenant Lease Billings for 2020.**
- (d) Approve Payment of Bills & Checks Issued During Interim Period.**

Commissioner Roy A. Pontiff discussed the Utilities & Street Lights budgetary line item. Spreadsheets were presented to the Board members regarding tenant reimbursements to the Port of Iberia for electricity and water usage (Perforadora, Sheriff's Office, and Seamar). In addition, a spreadsheet was presented regarding electricity and water usage that the Port of Iberia incurs and pays monthly that does not qualify for tenant reimbursements.

It was the consensus of the Board for the staff to include an update of this spreadsheet for every monthly Board Meeting.

A motion was made by Commissioner Roy A. Pontiff, seconded by Commissioner Shane Walet, to approve and authorize the payment of bills for August 2020, and ratify those paid during the interim period.

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

Yeas: Mark Dore', Danny J. David, Sr., Roy A. Pontiff, Shane Walet, Simieon d. Theodile, and Elbridge "Smitty" Smith, III.

Nays: None.

Absent at Voting: Larry G. Rader.

And the motion was therefore passed on this the 15th day of September, 2020.

III. EXPANSION OF AGENDA.

A motion was made by Commissioner Danny J. David, Sr. and seconded by Commissioner Elbridge "Smitty" Smith, III. to expand the Port of Iberia District Board of Commissioners Regular Monthly Board Meeting of Tuesday, September 15, 2020 to Discuss/Consider the Board President to sign an Agreement to Amend the Buy/Sell Agreements with the Bernard Port Properties, LLC, and Bernard Holdings, LLC to Extend the date of the closing of the Bernard Property until such time as the title defects have been cured.

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

Yeas: Mark Dore', Danny J. David, Sr., Roy A. Pontiff, Shane Walet, Simieon d. Theodile, and Elbridge "Smitty" Smith, III.

Nays: None.

Absent at Voting: Larry G. Rader.

And the motion was therefore passed on this the 15th day of September, 2020.

Port Attorney, Ray Allain, stated that Mr. Jeff Simon, Simon and Simon, is examining the title to the Bernard Property and discovered several title defects which will need to be cured before the Port can close the sale with the Bernard Family. The title defects are all curable & Mr. Henry Bernard has agreed to cooperate and is willing to extend the time of the Buy/Sell Agreement.

The Port Attorney also stated that Mr. Jeff Simon is working on a title insurance commitment that will outline all the issues that were identified and describe what needs to be cured. Mr. Allain said he will have that at the end of the week and will be able to show the Executive Director & the Board as well.

A motion was made by Commissioner Simieon d. Theodile and seconded by Commissioner Elbridge “Smitty” Smith, III. to approve and authorize the Board President to execute an agreement to amend the Buy/Sell Agreements with Bernard Port Properties, LLC and Bernard Holdings, LLC to extend the date of the closing of the Bernard Property until all the title defects have been cured.

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

Yeas: Mark Dore’, Danny J. David, Sr., Roy A. Pontiff, Shane Walet, Simieon d. Theodile, and Elbridge “Smitty” Smith, III.

Nays: None.

Absent at Voting: Larry G. Rader.

And the motion was therefore passed on this the 15th day of September, 2020.

IV. MR. HAPPY DAVIS, COMMERCIAL REAL ESTATE WITH MAX J. DERBES, INC. AND MR. BRYCE FRENCH, COMMERCIAL REAL ESTATE WITH MAX J. DERBES, INC. TO ADDRESS THE BOARD REGARDING MARKETING VACANT PORT PROPERTIES.

Due to unforeseen circumstances, the above Agenda item will be taken up at the October Regular Monthly Board Meeting.

V. MR. ONEIL MALBROUGH, GIS ENGINEERING, LLC AND MR. ED LANDGRAF, SME PIPELINE CONSULTANT, GIS ENGINEERING, LLC, TO MAKE A POWER POINT PRESENTATION TO THE BOARD REGARDING AN UPDATE ON THE PIPELINE RELOCATION PROJECT SCHEDULE.

(a) Discuss/Consider Approval and Authorization for the Board President to Execute the Reimbursement Agreement b/t Tennessee Gas

Pipeline Company, LLC. (Kinder-Morgan) and the POI.

Mr. Oneil Malbrough, GIS Engineering, LLC, introduced Mr. Ed Landgraf, SME Pipeline Consultant to the Board. Mr. Landgraf is working for GIS Engineering.

Mr. Ed Landgraf presented a PowerPoint presentation to the Board regarding the Pipeline Relocation Status Update Project Schedule on Boardwalk, Shell, and Kinder-Morgan. Mr. Landgraf discussed all of the pipelines and any underground utilities that may come into obstruction with the lowering of the pipelines and he will monitor them.

Boardwalk:

- 26" Port Reimbursement Agreement Signed July 10, 2020.
- USACE Permit Received.
- LDNR has sent Boardwalk justification questions- no issues anticipated.
- Pipe has been ordered and construction could start as soon as November 15, 2020.
- Estimated construction days is approximately 70-90 days depending on weather and other factors.

Shell:

- USACE and State LDNR Permit received.
- Reimbursement agreement is very close to being finalized.
- Pipe is to be purchased by November 15, 2020.
- Project construction is anticipated to commence between April-June 2021; however, perhaps the end of March 2021.

Kinder-Morgan:

- 24" pipeline is in question which crosses both Commercial Canal & Port Canal.
- Survey and evaluation are underway.
- Reimbursement Agreement needs to be signed in order to commence the permit process and moving forward with the project.

Energy Transfer:

- Survey and Company Data received.
- Plans are being sent to the company for evaluation.
- No need for relocation, there is a possibility it is going to be matting over the line.

TransCanada:

- Survey and Company Data Received.
- Plans are being sent to the company for evaluation.

Additional Evaluation:

- Will occur on Two (2) Parish Sewer Lines.
- Initial contact has been made with the Parish to verify depths.

Remaining Lines Acceptable:

- DOW, Enlink, Crimson, and Enterprise.
- Profiles have been received and there is no action to be taken.

A copy of the Reimbursement Agreement b/t Tennessee Gas Pipeline Company and the POI District was presented for review. The Port Attorney has reviewed and approved the Reimbursement Agreement. The total estimated cost is \$4,482,925.00. The Port Attorney pointed out that the Port of Iberia District will only reimburse Kinder-Morgan's total actual cost and the Agreement contains the important language that will accomplish that. Discussion ensued.

A motion was made by Commissioner Danny J. David, Sr., seconded by Commissioner Roy A. Pontiff to approve and authorize the Board President to Execute the Reimbursement Agreement b/t Tennessee Gas Pipeline Company, LLC. (Kinder-Morgan) and the POI to accommodate the POI's dredging activities to deepen the Commercial Canal associated with Phase 1 of the Port of Iberia District's AGMAC Project, with the total estimated cost at \$4,482,925.00.

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

Yeas: Mark Dore', Danny J. David, Sr., Roy A. Pontiff, Shane Walet, Simieon d. Theodile, and Elbridge "Smitty" Smith, III.

Nays: None.

Absent at Voting: Larry G. Rader

And the motion was therefore passed on this the 15th day of September, 2020.

- (b) Discuss/Consider Approval and Authorization for Board President to Execute the Reimbursement Agreement b/t Shell Pipeline Company, LP and the POI.**

Mr. Ed Landgraf stated that they were able to negotiate with Shell Pipeline. Originally, Shell Pipeline had a total cost of around \$7.7M which included a 20% overhead and \$778,000 in downtime. Through negotiations with Shell Pipeline (Confirmed by an email from Ms. Usha Desai, this meeting date), the POI was able to cut prices down to 10% overhead and also cut in half their lost revenue. Mr. Landgraf stated that the total cost savings over the last 48 hours is \$966,000. Shell Pipeline will send POI an updated Reimbursement Agreement reflecting the stated revisions. The Agreement also includes a 30-Day termination clause and any non-payment has to exceed \$250,000 in value before Shell Pipeline can terminate. The total estimated cost is \$6,740,770.00.

Port Attorney, Ray Allain, advised the Board of Commissioners for the record, that the proposed Shell Agreement contains a termination provision that gives them the right to terminate the work in the middle of the work & the Port of Iberia remains responsible for everything that may happen as a result of this. Ray negotiated very hard with Boardwalk to remove the termination agreement from their reimbursement agreement & there is no termination agreement in either Boardwalk or Kinder-Morgan's Reimbursement Agreement. Ray Allain told Boardwalk that the Port of Iberia would not accept under any conditions. The Port Attorney wanted to make it known to the Commission that he opposes a Reimbursement Agreement with a Termination Provision. He stated that this gives the Port of Iberia absolutely no bargaining power in issues of whether or not the reimbursements are reasonable or equivalent. In addition, he would like to review the final language before he renders an opinion.

A motion was made by Commissioner Roy A. Pontiff, seconded by Commissioner Shane Walet to approve and authorize the Board President to Execute the Reimbursement Agreement b/t Shell Pipeline Company LP and the POI District to accommodate the POI's dredging activities to deepen the Commercial Canal associated with Phase 1 of The Port of Iberia's AGMAC Project, with the total estimated cost at \$6,740,770.00.

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

Yeas: Mark Dore', Danny J. David, Sr., Roy A. Pontiff, Shane Walet, Simieon d. Theodile, and Elbridge "Smitty" Smith, III.

Nays: None.

Absent at Voting: Larry G. Rader.

And the motion was therefore passed on this the 15th day of September, 2020.

VI. UPDATE ON EXECUTIVE BOARD OFFICERS NEGOTIATIONS FOR EXECUTIVE DIRECTOR'S EMPLOYMENT AGREEMENT WITH THE PORT OF IBERIA REGARDING THE CURRENT TERM ENDING SEPTEMBER 19, 2020.

Commissioner Roy A. Pontiff, reported that the current Port Commissioners' terms expires on September 19, 2020.

A motion was made by Commissioner Roy A. Pontiff, and seconded by Commissioner Danny J. David, Sr. to recommend to the newly appointed POI Board of Commissioners, whose term commences on September 20, 2020 through September 19, 2026, that the Executive Director's Employment Contract Agreement be approved for a Three (3) year period commencing on September 20, 2020 and expiring September 19, 2023, with the same terms and conditions of the Executive Director's current contract; and the motion further authorizes that the Executive Director is to continue to work between September 19, 2020 and the date that the newly appointed Board members ratify the current Boards

recommendation.

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

Yeas: Mark Dore', Danny J. David, Sr., Roy A. Pontiff, Shane Walet, Simieon d. Theodile, and Elbridge "Smitty" Smith, III.

Nays: None.

Absent at Voting: Larry G. Rader.

And the motion was therefore passed on this the 15th day of September, 2020.

VII. UPDATE ON TENANT REQUESTS & RESPONSES TO THE POI REGARDING LEASE PAYMENTS.

(a) **Report from Port Attorney and Executive Director – Possible Lease Payment Options to Pursue regarding Ram Design, LLC (Tract "L" 18.13 acres) Located at POI Millennium Expansion Phase II Property Site.**

{1} **Joulon (Ram Design, LLC) Lease Agreement (Tract "L" 18.130 acres located on the POI Millennium Expansion Phase II Property Site).**

The Administrative Assistant presented the Board with an update on Ram Design, LLC Lease Agreement and Tenant Annual Lease Payment for review and discussion.

The POI's Proposal to Ram was that the Lease Payment of Raw Land only be deferred for Six (6) Months commencing on July 1, 2020 thru December 31, 2020. The deferral being paid back to the POI with 50% of the amount due in 2021 and the remaining 50% being paid back to the POI in 2022.

{1} After numerous attempts to collect, RAM did not pay by June 30, 2020.

- It is noted that Ram Design, LLC, as of this meeting date, has not paid anything to the POI on their annual Lease Payment that was due on January 1, 2020 for the period January 1, 2020 thru December 31, 2020.
- Ram Design, LLC currently owes the POI \$40,793.00 (Property), \$181,086.26 (improvements), and \$20,782.55 (insurance premium) for an annual lease amount due of \$242,661.81 (POI Invoice #4779); furthermore,
- Ram Design, LLC owes delinquent fees for January 1, 2020 thru August 31, 2020 in the amount of \$20,106.19.
- Therefore, as of August 31, 2020 the total amount due to the POI is \$262,768.00.

The Executive Director reported that he recently spoke with Mr. Harinder Singh Arya, President & Division CEO, Joulon about Ram's lease payment, and Mr. Arya indicated that he did not have anything to do with this. The Executive Director stated to Mr. Arya that the owner of the risers would be notified that Ram Design, LLC has vacated the property and the riser owners would have to remove the risers from the property site (Tract "L" 18.130 acres), or the Port would take possession of the risers and sell them.

The Port Attorney reported that the Port would have to sue for "breach" of the lease for non-payment of the rent. There are several options that the Port can pursue. One option is to get a Judgement against the tenant for the unpaid rent and have them dispossess of possession of the property. The Port would not be able to recover for the term that they don't occupy the property because the Port would regain possession. The Port Attorney feels that this would be the better option for the POI in order for the Port to be able to lease to another tenant.

Commissioner Roy Pontiff asked the Port Attorney if there was any way that the POI could seize the assets on the property (pipe). The Port Attorney indicated that there are provisions that would allow the POI to seize property that belongs to the tenant; however, if it belongs to a third party the Port may not be able to seize. The ownership would have to be determined. The Port Attorney can research that option as well. The Executive Director noted that he thinks that the pipe belongs to Noble Drilling.

Commissioner Roy Pontiff asked the Port Attorney to perform all of the research and report back his recommendation at the October Regular Monthly Board Meeting in order to move forward with this matter and have it resolved. There was also a consensus of the other Board Members present as well regarding same.

VIII. REPORT FROM MR. GERALD GESSER, GESSER GROUP, APC ON:

**(a) Proposed Facility Inspection
{1} Discuss/Consider Gesser Group's Proposal.**

Mr. Gerald Gesser reported the report is not completed yet.

**(b) Port of Iberia Small Repairs Projects
{1} Status Report for Dry Hydrant Protection Frames.**

Mr. Gerald Gesser reported that Crosby Construction has completed the frames as far as construction and are waiting on 811 to identify all utilities which will be done on Monday, September 14, 2020. The frame should be installed within the next week and then the project will be complete.

{2} Status Report for All Points Electric & Water Meter Transfer.

Mr. Gerald Gesser reported that the electric and water meters have been transferred into the Port of Iberia's name.

{3} Status Report for All Points End of Lease Items.

Mr. Gerald Gesser reported that the tenant is still in the clean-up phase. Mr. Gerald Gesser stated that the tenant believes they have performed all their responsibilities but he doesn't agree with them. He will be picking up the keys from the secretary to make a total evaluation of what is still on the site. An invoice was submitted to Mr. Craig Romero by All Points for equipment rental. Mr. Gerald Gesser stated that he is not sure where the equipment was used. He will meet with Mr. Craig Romero within the next few days to solve the issues and also to bring the flood claim to the insurance company. Mr. Gerald Gesser stated that as soon as this has been completed, he would like to turn off the power to a couple of the lights on the building that is running all day and all night. Mr. Gerald Gesser stated that he will come back to the board to let them know what was done and what was not done in regards to the assessment that was made a couple months ago.

{4} Status Report for Diamond Offshore Electric & Water Meter Transfer.

Mr. Gerald Gesser reported that the electric and water meters have been transferred into the Port of Iberia's name.

{5} Discuss/Consider Kerne Construction's Invoice No. 1403 for Diamond Offshore Canopy Removal.

A motion was made by Commissioner Elbridge "Smitty" Smith, III, seconded by Commissioner Simieon d. Theodile to approve and authorize the payment of Invoice Number 1403 to Kerne Construction, Inc. in the amount of \$230.00 for labor only to remove five aluminum canopies at old Diamond Industries building and stored in rear of facility.

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

Yeas: Mark Dore', Danny J. David, Sr., Roy A. Pontiff, Shane Walet, Simieon d. Theodile, and Elbridge "Smitty" Smith, III.

Nays: None.

Absent at Voting: Larry Rader.

And the motion was therefore passed on this the 15th day of September, 2020.

{6} Discuss/Consider Kerne Construction's Invoice No. 1405 for Removal of Wooden Sign at POI Administrative Office.

A motion was made by Commissioner Elbridge "Smitty" Smith, III, seconded by Commissioner Simieon d. Theodile to approve and authorize the payment of Invoice Number 1405 to Kerne Construction, Inc. in the amount of \$265.00 for labor to remove existing wooden sign at POI Administrative Office for Aqua Dam installation due to Hurricane Laura.

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

Yeas: Mark Dore', Danny J. David, Sr., Roy A. Pontiff, Shane Walet, Simieon d. Theodile, and Elbridge "Smitty" Smith, III.

Nays: None.

Absent at Voting: Larry Rader.

And the motion was therefore passed on this the 15th day of September, 2020.

{7} Discuss/Consider Modular Construction's Inv # 4364-20 for Superior Debris Removal.

Mr. Gerald Gesser reported there was a lot of tin that was blown off of the former Superior building that was scattered around the yard so this was picked up and disposed of to prevent damage to any property.

Commissioner Roy Pontiff questioned if the Port is anticipating having a FEMA claim. Mr. Gerald Gesser stated that everything has to go through GOHSEP and the only claim that the Port would have is a flood claim. He stated that the wind insurance has a deductible of \$150,000 on a named storm and there is not enough damage to cover that. He reported that there was some damage at the former Superior yard, some damage at the All Points Yard, and some damage at the West Yard.

Mr. Oneil Malbrough stated that he spoke to LA DOTD and they approved including the damage repairs to Building B from Hurricane Laura as a Change Order.

Administrative Assistant Joanna Durke asked Mr. Gerald Gesser if the invoice from Modular Construction Co. was considered a Hurricane Laura expense and Mr. Gerald Gesser stated that the expense was not related to Hurricane Laura.

A motion was made by Commissioner Elbridge "Smitty" Smith, III, seconded by Commissioner Shane Walet to approve and authorize the payment of Invoice Number 4364-20 to Modular Construction Co., Inc. in the amount of \$1,500.00 to pick up trash at former Superior Derrick building.

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

Yeas: Mark Dore', Danny J. David, Sr., Roy A. Pontiff, Shane Walet, Simieon d. Theodile, and Elbridge "Smitty" Smith, III.

Nays: None.

Absent at Voting: Larry Rader.

And the motion was therefore passed on this the 15th day of September, 2020.

{8} Discuss/Consider Gesser Group's Inv # 03-POI-SRP.

A motion was made by Commissioner Simieon d. Theodile, seconded by Commissioner Danny J. David, Sr. to approve and authorize the payment of Invoice 03-POI-SRP to Gesser Group, APC in the amount of \$2,402.00 for small repairs projects including work at Administrative Office, former Diamond Offshore property, former All Points property, former Central Gulf property, and former Superior property.

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

Yeas: Mark Dore', Danny J. David, Sr., Roy A. Pontiff, Shane Walet, Simieon d. Theodile, and Elbridge "Smitty" Smith, III.

Nays: None.

Absent at Voting: Larry Rader.

And the motion was therefore passed on this the 15th day of September, 2020.

{9} Discuss/Consider Recommendation for Port Sign Installation from Crosby Construction Services.

Mr. Gerald Gesser reported that a You Are Here sign was installed on David Berard Road by Crosby Construction Services.

A motion was made by Commissioner Elbridge "Smitty" Smith, III, seconded by Commissioner Simieon d. Theodile to approve and authorize the recommendation presented from Crosby Construction Services in the amount of \$2,150.00 for material and labor to hydrovac holes, pickup canopy at fabricator and bring to install location, concrete canopy legs into ground, support canopy for concrete curing, remove supports once concrete is cured, and cleanup work site.

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

Yeas: Mark Dore', Danny J. David, Sr., Roy A. Pontiff, Shane Walet, Simieon d. Theodile, and Elbridge "Smitty" Smith, III.

Nays: None.

Absent at Voting: Larry Rader.

And the motion was therefore passed on this the 15th day of September, 2020.

- (c) Hurricane Laura Storm Damages
{1} Discuss/Consider Gesser Group's Inv # 01-POI-HLSD.

A motion was made by Commissioner Roy Pontiff, seconded by Commissioner Simieon d. Theodile to approve and authorize the payment of Invoice Number 01-POI-HLSD to Gesser Group, APC in the amount of \$5,550.00 for architectural services provided from Hurricane Laura Storm Damages.

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

Yeas: Mark Dore', Danny J. David, Sr., Roy A. Pontiff, Shane Walet, Simieon d. Theodile, and Elbridge "Smitty" Smith, III.

Nays: None.

Absent at Voting: Larry Rader.

And the motion was therefore passed on this the 15th day of September, 2020.

**IX. LOUISIANA PORT CONSTRUCTION & DEVELOPMENT PRIORITY PROGRAM
SPN H.011928 "EAST & WEST YARD" EXPANSION & SITE IMPROVEMENTS
PROJECT:**

- (a) Report from Mr. Oneil Malbrough of GIS Engineering, LLC. on:
{1} Drainage Update SPN H.011928(324)
(Phase IV of SPN H.011928).
(a) Discuss/Approve Change Order No. 3 for Coastal
Construction & Engineering, LLC.

Mr. Austin Hebert reported that the contractor has continued with the electrical work, installed the panels and gear on the generator platform, all underground cables and conduit has been ran from the existing platform in the yard to the controllers on the generator platform and from the controller to the pump. The contractor is scheduled to complete their electrical work within the next couple of weeks. The contractor has installed the pump, they are almost finished with the generator platform, and has installed the discharge pipe. Mr. Austin Hebert reported the tentative completion date is scheduled for September 29, 2020 (120 working days).

Mr. Austin Hebert presented the board with an amended Change Order Number 3. He stated that minor adjustments had to be made. A 13% markup was put on the Atmos total to do the gas line. Mr. Oneil Malbrough stated that Atmos Energy is telling the contractor that it will take them Two (2) to Three (3) months to run the gas line.

A motion was made by Commissioner Simieon d. Theodile, seconded by Commissioner Shane Walet to approve and authorize Change Order No. 3 for Coastal Construction & Engineering, LLC for an addition of \$77,597.75 for Atmos Energy to install their main gas line extension, Two (2) new service lines, and Two (2) gas meters on site; the revised contract amount is \$460,322.75; motion further

approves the addition of 19 contract days with a revised completion date of October 26, 2020.

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

Yeas: Mark Dore', Danny J. David, Sr., Roy A. Pontiff, Shane Walet, Simieon d. Theodile, and Elbridge "Smitty" Smith, III.

Nays: None.

Absent at Voting: Larry Rader.

And the motion was therefore passed on this the 15th day of September, 2020.

(b) Discuss/Consider Coastal Construction & Engineering, LLC Application for Payment No. 5.

A motion was made by Commissioner Danny J. David, Sr., seconded by Commissioner Simieon d. Theodile to approve and authorize Application for Payment Number 5 to Coastal Construction & Engineering, LLC in the amount of \$51,243.75 for East & West Yard expansion & site improvements drainage project Phase IV of SPN H.011928 for the period August 6, 2020 thru September 7, 2020; in accordance with contract dated March 31, 2020.

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

Yeas: Mark Dore', Danny J. David, Sr., Roy A. Pontiff, Shane Walet, Simieon d. Theodile, and Elbridge "Smitty" Smith, III.

Nays: None.

Absent at Voting: Larry Rader.

And the motion was therefore passed on this the 15th day of September, 2020.

**{2} Building B – POI West Yard SPN H.011928(325d)
Crane & Ventilation Purchase & Installation
(Phase Vd of SPN H.011928).**

(a) Update on Status of Project.

- ❖ Louisiana Crane is currently fabricating the overhead cranes and will begin running bus bars.
- ❖ Acadiane' Renovations has ordered the ventilation fans and is awaiting delivery.

**{3} Building B – POI West Yard SPN H.011928(325a)
Electrical Construction
(Phase Va of SPN H.011928).**

(a) Update on Status of Project.

- ❖ Preferred Electric is installing high-level conduit throughout the building (includes Bay's 1 – 4 and Bay 5).
- ❖ Generator and electrical platforms are currently in fabrication and will be delivered

to the project site in the upcoming weeks to be installed.

**{4} Building B – POI West Yard SPN H.011928(325g)
Bay 5 Repairs and Renovations
(Phase Vg of SPN H.011928).
(a) Update on Status of Project.**

- ❖ Acadiane' Renovations has completed pressure washing of the exterior walls in Bay 5 and the interior walls in Bay's 1 – 4.
- ❖ Contractor is planning on pressure washing the concrete in the next couple of weeks in the Main Building.
- ❖ Contractor is currently repairing the columns in Bay 5 and applying primer to the building exterior.
- ❖ Concrete was poured in the Two (2) existing pits recently.

(b) Discuss/Consider Acadiane' Renovations Payment Application No. 2.

A motion was made by Commissioner Roy Pontiff, seconded by Commissioner Elbridge "Smitty" Smith, III to approve and authorize Application for Payment Number 2 to Acadiane' Renovations in the amount of \$159,650.19 for East & West Yard expansion & site improvements Building B Bay 5 Repairs and Renovations Project Phase Vg of SPN H.011928 for the period August 6, 2020 thru September 5, 2020; in accordance with contract dated June 5, 2020.

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

Yeas: Mark Dore', Danny J. David, Sr., Roy A. Pontiff, Shane Walet, Simieon d. Theodile, and Elbridge "Smitty" Smith, III.

Nays: None.

Absent at Voting: Larry Rader.

And the motion was therefore passed on this the 15th day of September, 2020.

**{5} Building B – POI West Yard SPN H.011928(325e)
Building B Multipurpose Facilities & Small Warehouse
(Phase Ve of SPN H.011928).
(a) Update on Status of Project.**

- ❖ Due to revised change in scope, the Multipurpose Facilities & Small Warehouse project is scheduled to be re-advertised on Friday, September 18, 2020, Friday, September 25, 2020, and Friday, October 2, 2020.
- ❖ The main revision was the removal of the Four (4) modular trailers and the addition of a pre-engineered metal building.
- ❖ The metal building will be elevated on support structures and parking will be

created underneath of workers.

**{6} Building B – POI West Yard SPN H.011928(325b)
Concrete Construction
(a) Update on Status of Project.**

- ❖ A Pre-Construction meeting will be held with Southern Constructors, LLC.
- ❖ Notice to Proceed is anticipated to be issued soon.

**{7} Building B – POI West Yard SPN H.011928(325f)
Site Improvements
(Phase Vf of SPN H.011928).
(a) Update on Status of Project.**

- ❖ Bid opening was held Friday, September 4, 2020.
- ❖ Four (4) bids were received
 - Garden City Construction Co., Inc. - \$278,838.37
 - Acadiane' Renovations - \$318,582.22
 - Southern Constructors, LLC - \$380,430.15
 - Cuzan Services - \$385,000.00
- ❖ Construction budget was set at \$285,000.00.
- ❖ Garden City Construction Co., Inc. was the Responsive Low Bidder.
- ❖ Site Improvements include fence, security gates, and bulkhead repairs.

(b) Discuss/Adopt Resolution to Award Site Improvements Project.

A motion was made by Commissioner Simieon d. Theodile, seconded by Commissioner Elbridge “Smitty” Smith, III, to adopt the following:

RESOLUTION – AWARD PROJECT

**STATE PROJECT NO. H.011928(325f)
PARISH OF IBERIA**

**RESOLUTION
PORT OF IBERIA DISTRICT BOARD OF COMMISSIONERS**

WHEREAS, the Port of Iberia District Board of Commissioners has received bids on Tuesday, September 4, 2020 at 11:30 a.m. on the Port Improvements East and West Yard Expansion & Site Improvements Building B Site Improvements (Phase Vf of SPN

H.011928) a Port Improvements Project under the Louisiana Port Construction & Development Priority Program; and

WHEREAS, GIS Engineering, LLC has recommended that the Award of Contract be made to the lowest qualified bidder; Garden City Construction Co., Inc.

NOW, THEREFORE, BE IT RESOLVED by the Port of Iberia District Board of Commissioners, in Regular session, assembled on this 15th day of September, 2020, acting pursuant to the recommendation of GIS Engineering, LLC that the Base Bid in the Amount of \$278,838.37 by Garden City Construction Co., Inc. be accepted and a contract be awarded to them.

This Resolution having been submitted to a vote, the vote thereon was as follows:
Yeas: Mark Dore', Danny J. David, Sr., Roy A. Pontiff, Shane Walet, Simieon d. Theodile, and Elbridge "Smitty" Smith, III.

Nays: None.

Absent at Voting: Larry Rader.

And the Resolution was therefore adopted on this the 15th day of September, 2020.

(c) **Discuss/Adopt Resolution to Certify Compliance with Public Bid Law.**

A motion was made by Commissioner Danny J. David, Sr., seconded by Commissioner Elbridge "Smitty" Smith, III, to adopt the following:

RESOLUTION CERTIFYING COMPLIANCE WITH THE PUBLIC BID LAWS

STATE PROJECT NO. H. 011928(325f)
PARISH OF IBERIA

RESOLUTION

PORT OF IBERIA DISTRICT BOARD OF COMMISSIONERS

WHEREAS, the Port of Iberia District Board of Commissioners has solicited bids for State Project No. H.011928(325f) Port Improvements East and West Yard Expansion & Site Improvements Building B Site Improvements (Phase Vf of SPN H.011928) in accordance with the current bid laws of the State of Louisiana, including, but not limited to R.S. 38:2211 et. seq; and

WHEREAS, the Port of Iberia District Board of Commissioners has submitted to the LA DOTD Certification of Proof of Publication, One (1) copy of the bid proposals and bid bonds as submitted by each of the Three (3) lowest bidders, a legible copy of the bid tabulation of all bids received, and certified to be correct by the Engineer and an authorized official of the Sponsor, a copy of the engineer's recommendation, contract documents, Notice of Award of Contract, and a copy of the recordation data in the Iberia Parish Clerk of Court's Office.

NOW, THEREFORE, BE IT RESOLVED by the Port of Iberia District Board of Commissioners, in Regular session, assembled on this 15th day of September, 2020, does hereby certify that the bidding procedures comply with Louisiana Revised Statutes 38:2211, et. seq.

This Resolution having been submitted to a vote, the vote thereon was as follows:
Yeas: Mark Dore', Danny J. David, Sr., Roy A. Pontiff, Shane Walet, Simieon d. Theodile, and Elbridge "Smitty" Smith, III.

Nays: None.

Absent at Voting: Larry Rader.

And the Resolution was therefore adopted on this the 15th day of September, 2020.

**{8} Building B – POI West Yard SPN H.011928(325c)
Steel Repairs & Installation
(Phase Vc of SPN H.011928).
(a) Update on Status of Project.**

- ❖ Pre-Construction meeting was held with Frisco Industrial Contractors on Friday, September 11, 2020.
- ❖ Notice to Proceed was issued Tuesday, September 15, 2020.
- ❖ Frisco Industrial Contractors will begin work on interior columns.

{9} Discuss/Approve GIS Engineering, LLC August Invoice Number 70004604 POI West Yard Expansion.

A motion was made by Commissioner Shane Walet, seconded by Commissioner Danny J. David, Sr. to approve and authorize the payment of Invoice Number 70004604 to GIS Engineering, LLC in the amount of \$114,834.75 for the period August 1, 2020 thru August 31, 2020 which includes August activities including final design and preparation of plans and specs, bidding and negotiations, construction administration, resident project representation, and reimbursable; in accordance with contract dated August 21, 2018.

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

Yeas: Mark Dore', Danny J. David, Sr., Roy A. Pontiff, Shane Walet, Simieon d.

Theodile, and Elbridge “Smitty” Smith, III.

Nays: None.

Absent at Voting: Larry Rader.

And the motion was therefore passed on this the 15th day of September, 2020.

- (b) Report from Port Attorney on:
{1} Status/Update on POI West Yard.**

There was no update on the above agenda item.

- (c) Report from Executive Director on:
{1} Status/Update on POI West Yard.**

There was no update on the above agenda item.

X. REPORT FROM MR. ONEIL MALBROUGH OF GIS ENGINEERING, LLC ON:

- (a) Port Millennium Expansion Phase III Project – Site Excavations & Dredging.
{1} Update on the Status of the Port Millennium Expansion Phase III Project.**

There was no update on the above agenda item.

- {2} Discuss/Approve GIS Engineering August Invoice # 70004606.**

Mr. Oneil Malbrough withdrew GIS Invoice Number 70004606 from the Agenda.

- (b) Bank Stabilization Project (Slip P-2).
{1} Project Update (Chart, All Points, Dynamic).
{1} Discuss/Approve Patriot Construction and Industrial, LLC Pay App Number 1.**

Mr. Austin Hebert reported that GIS Engineering continues to have daily coordination meetings with Patriot Construction and they have reviewed Patriot Construction’s submittals and RFI’s, and provided on site field representation. Patriot Construction completed clearing and grubbing on all three project sites and they anticipate rock will be delivered by the end of next week.

A motion was made by Commissioner Elbridge “Smitty” Smith, III, seconded by Commissioner Simieon d. Theodile to approve and authorize the payment of Payment Application Number 1 to Patriot Construction and Industrial, LLC in the

amount of \$53,437.50 for AGMAC Port – Site Bank Stabilization Slip P2 (Chart, Dynamic, and All Points) Phase IV of SPN H.006846 (324) for the period June 1, 2020 thru September 3, 2020; in accordance with contract dated May 13, 2020.

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

Yeas: Mark Dore', Danny J. David, Sr., Roy A. Pontiff, Shane Walet, Simieon d. Theodile, and Elbridge "Smitty" Smith, III.

Nays: None.

Absent at Voting: Larry Rader.

And the motion was therefore passed on this the 15th day of September, 2020.

Mr. Oneil Malbrough stated the total Site Bank Stabilization P2 project is around \$993,000 with construction and engineering.

{2} Discuss/Approve GIS Engineering August Invoice Number 70004607.

A motion was made by Commissioner Roy Pontiff, seconded by Commissioner Shane Walet to approve and authorize the payment of Invoice Number 70004607 to GIS Engineering, LLC in the amount of \$8,330.00 for the period August 1, 2020 thru August 31, 2020 which includes August activities for construction oversight activities; in accordance with proposal dated October 10, 2019.

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

Yeas: Mark Dore', Danny J. David, Sr., Roy A. Pontiff, Shane Walet, Simieon d. Theodile, and Elbridge "Smitty" Smith, III.

Nays: None.

Absent at Voting: Larry Rader.

And the motion was therefore passed on this the 15th day of September, 2020.

(c) Change of Scope Request Regarding SPN H.011756 Port Priority Port Improvements – Site Improvements at Tracts "K", "L", and "M" (POI Millennium Expansion Phase II Property Site).

{1} Expand SPN H.011756 to Include Improvements of Steel Bulkhead and Bankline Stabilization at Tracts "O" and "P" in the Vicinity of Tracts "K", "L", and "M".

Mr. Austin Hebert reported they received questions from LA DOTD regarding the scope change and they have since finalized their Responses to the questions and delivered to the Port on August 21, 2020 for delivery to LA DOTD.

(d) AGMAC Project General Engineering and Consulting Services:

{1} Update on Status of AGMAC Project.

There was no update on the above agenda item

- {2} Discuss/Approve GIS Engineering, LLC to submit 2021 – 2022 Capital Outlay Application on behalf of the Port of Iberia.**

A motion was made by Commissioner Elbridge “Smitty” Smith, III, seconded by Commissioner Shane Walet to approve and authorize GIS Engineering, LLC prepare and submit the Port of Iberia District’s Capital Outlay Requests for Fiscal Year 2021 – 2022.

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

Yeas: Mark Dore’, Danny J. David, Sr., Roy A. Pontiff, Shane Walet, Simieon d. Theodile, and Elbridge “Smitty” Smith, III.

Nays: None.

Absent at Voting: Larry Rader.

And the motion was therefore passed on this the 15th day of September, 2020.

- {3} AGMAC Port’s Maintenance Dredging Permit Update.**

There was no update on the above agenda item.

- {4} Discuss/Approve GIS Engineering, LLC July - August Invoice Number 70004603.**

A motion was made by Commissioner Shane Walet, seconded by Commissioner Danny J. David, Sr. to approve and authorize the payment of Invoice Number 70004445 to GIS Engineering, LLC in the amount of \$1,650.00 for the period June 30, 2020 thru August 2, 2020 which includes activities for the General Engineering Services Contract in the month of July and August in accordance w/proposal dated October 10, 2019.

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

Yeas: Mark Dore’, Danny J. David, Sr., Roy A. Pontiff, Shane Walet, Simieon d. Theodile, and Elbridge “Smitty” Smith, III.

Nays: None.

Absent at Voting: Larry Rader.

And the motion was therefore passed on this the 15th day of September, 2020.

- (e) AGMAC Phase I Dredging Project:**

- {1} AGMAC Dredging Project – Update on Permit.**

Mr. Austin Hebert reported that GIS Engineering and LDNR is working together to finalize the mitigation plan. Once this plan is approved, LDNR will move to issue the draft

permit. Mr. Austin Hebert stated the 408 review was completed by the USACE and GIS Engineering has received comments and have submitted the responses on September 9, 2020. The 408 review needs to be completed on the basis of the Port's responses.

Mr. Austin Hebert stated that LDEQ has issued the Water Quality Certification. The USACE is waiting for the LDNR draft permit to finalize the permit.

{2} AGMAC Dredging Project – Pipeline Coordination.

Mr. Austin Hebert reported this agenda item was previously covered by Mr. Ed Landgraf and Mr. Oneil Malbrough earlier in the meeting.

{3} Landowner Coordination.

There was no update on the above agenda item.

{4} Survey Update.

There was no update on the above agenda item.

{5} Discuss/Approve GIS Engineering, LLC August Invoice Number 70004605.

A motion was made by Commissioner Roy Pontiff, seconded by Commissioner Danny J. David, Sr. to approve and authorize the payment of Invoice Number 70004605 to GIS Engineering, LLC in the amount of \$33,000.00 for the period of August 1, 2020 thru August 31, 2020 which includes activities performed in the month of August.

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

Yeas: Mark Dore', Danny J. David, Sr., Roy A. Pontiff, Shane Walet, Simieon d. Theodile, and Elbridge "Smitty" Smith, III.

Nays: None.

Absent at Voting: Larry Rader.

And the motion was therefore passed on this the 15th day of September, 2020.

Mr. Oneil Malbrough stated that at the last month's Board Meeting Prairie Construction presented a drawing of a bulkhead to the Board. He stated that he would like to have a meeting with Mr. Craig Romero to discuss how they will dredge the canal since he doesn't know exactly how deep it will be where the bulkhead is at.

XI. REPORT FROM PORT ATTORNEY ON:

(a) Update on Waterway Obstruction Channel P-2-B Per Crosby Construction Services, Inc. Request for the Removal of Obstruction on the POI Millennium Expansion Phase I Property Site.

Port Attorney Ray Allain stated he had done the research and was prepared to take action to force the removal of the sunken barges but then he learned that Mr. Matt Durand wanted to renew his lease with the Port and has made arrangements for the barges to be moved. So, no further action has been taken on his part.

Mr. Craig Romero stated Mr. Ben LeBlanc, Patriot Construction, made a deal with Mr. Matt Durand. Mr. Ben LeBlanc would like one of the spud barges so he will do the work in terms of removing the barges in exchange for the value of the spud barge. Mr. Craig Romero stated he would get with Mr. Ben LeBlanc to see what is the timeline for removal of the barges.

Mr. Ray Allain stated he is prepared to give the notice to initiate any action.

(b) Update on Henry Bernard Property Located Behind the POI Administrative Office.

{1} Update Buy/Sell Agreement Bernard Port Properties, LLC.

{2} Update Buy/Sell Agreement Bernard Holdings, LLC.

{3} Status of Jeff Simon, Simon and Simon, Performing the Title Work for the Port of Iberia and Purchasing and Issuing the Title Insurance Policy and Closing Documents Regarding Items {1} & {2}.

Mr. Ray Allain stated that he mentioned something regarding this agenda item in the Expansion but to give more detail, Mr. Jeff Simon has called Mr. Ray Allain multiple times to discuss problems with the title work. Mr. Jeff Simon is cooperating with Mr. Henry Bernard to cure some of the problems but it is taking a lot of work. Mr. Ray Allain stated that there is a pipeline across the front of the property. The pipeline was an Exxon Mobil pipeline. Mr. Jeff Simon called Mr. Ray Allain and stated that the pipeline will affect the title so he needs to find out what is going on with the pipeline. Mr. Ray Allain stated that he spoke to multiple people at Exxon Mobil and they determined that was not their pipeline but it was for Crimson Gulf who owns the pipeline. He sent Ms. Sandra Hill all the information. Ms. Sandra Hill stated to Mr. Ray Allain that the pipeline is not in use and they are prepared to abandon it if the Port needs it abandoned. Mr. Ray Allain stated he does not think it will impact the use of the property. Mr. Ray Allain stated that Mr. Francis Fortier will plot the exact location of the pipeline on his plat so the Port can know exactly where it is located. There were some errors in previous surveys. One of the surveys done by Simon Freyou was wrong so some of the documents transferring title

are messed up. Mr. Jeff Simon is taking care of these issues. Mr. Ray Allain stated he will have Mr. Jeff Simon come to the next Board Meeting so he can address the Board personally.

(c) Update on AGMAC Dredging Project – Pipeline Coordination (Legal Counsel).

There was no update on the above agenda item.

(d) AGMAC – Utility Relocation Work (Legal Counsel).

A motion was made by Commissioner Danny J. David, Sr., seconded by Commissioner Simieon d. Theodile to approve and authorize the payment of Invoice Number 9191 to Allain and Allain in the amount of \$4,315.00 for professional services July 2020 regarding AGMAC.

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

Yeas: Mark Dore', Danny J. David, Sr., Roy A. Pontiff, Shane Walet, Simieon d. Theodile, and Elbridge "Smitty" Smith, III.

Nays: None.

Absent at Voting: Larry Rader.

And the motion was therefore passed on this the 15th day of September, 2020.

XII. REPORT FROM EXECUTIVE DIRECTOR ON:

(a) Status Report Relative to Re-Negotiating the POI Aqua Dam Contract Between Moscamp, Inc. d/b/a Gulf Coast Aquadams.

Mr. Craig Romero stated that he needs to speak to Mr. Campisi again. Hurricane Laura came and there was no other option so he had them up the Aqua Dam up. He stated that he will come back to the next Board Meeting with a final contract price.

(b) Discuss/Approve Invoices from Redfish Rentals, Inc.

Mr. Craig Romero stated that he rented a pump from Redfish Rentals, Inc. to pump the water into the Aqua Dam. The pump was rotated from the POI Admin Office to the West Yard to pump out the water on the site.

Mr. Oneil Malbrough stated the agreement with the contractor at the West Yard was that he had to maintain the drainage that was there before. There was water in the building so a pump was needed to get the water out.

A motion was made by Commissioner Shane Walet, seconded by Commissioner Simieon d. Theodile, to approve and authorize the payment of Invoice Number 41965-6 to Redfish Rentals, Inc. in the amount of \$2,734.50 for the rental of a 6x6 Vac/Asst pump (4 weeks) and 6"x50' discharge hose (4 weeks).

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

Yeas: Mark Dore', Danny J. David, Sr., Roy A. Pontiff, Shane Walet, Simieon d. Theodile, and Elbridge "Smitty" Smith, III.

Nays: None.

Absent at Voting: Larry Rader.

And the motion was therefore passed on this the 15th day of September, 2020.

A motion was made by Commissioner Elbridge "Smitty" Smith, III, seconded by Commissioner Simieon d. Theodile, to approve and authorize the payment of Invoice Number 41966-6 to Redfish Rentals, Inc. in the amount of \$583.15 for the rental of a 6x6 Vac/Asst pump (3 days) and 6"x50' discharge hose (3 days); motion further states this charge is from Hurricane Laura.

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

Yeas: Mark Dore', Danny J. David, Sr., Roy A. Pontiff, Shane Walet, Simieon d. Theodile, and Elbridge "Smitty" Smith, III.

Nays: None.

Absent at Voting: Larry Rader.

And the motion was therefore passed on this the 15th day of September, 2020.

A motion was made by Commissioner Roy A. Pontiff, seconded by Commissioner Simieon d. Theodile, to approve and authorize the payment of Invoice Number 41967-6 to Redfish Rentals, Inc. in the amount of \$583.15 for the rental of a 6x6 Vac/Asst pump (3 days) and 6"x50' discharge hose (3 days); motion further states this charge is from Hurricane Laura.

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

Yeas: Mark Dore', Danny J. David, Sr., Roy A. Pontiff, Shane Walet, Simieon d. Theodile, and Elbridge "Smitty" Smith, III.

Nays: None.

Absent at Voting: Larry Rader.

And the motion was therefore passed on this the 15th day of September, 2020.

(c) Executive Director's Monthly Report.

Mr. Craig Romero stated that he would like to propose to the Commission to let Mr. Oneil Malbrough, GIS Engineering, do a road survey of all the interior roads at the Port to grab a couple of Million dollars through Capital Outlay to fix the roads. Mr. Oneil Malbrough

stated that Mr. Craig Romero and himself would ride around the Port and come up with something.

(d) Announcements:

XIII. ADJOURNMENT.

On a motion made by Commissioner Shane Walet, and seconded by Commissioner Simieon d. Theodile the meeting was adjourned at 8:16 p.m.

**DANNY J. DAVID, SR.
SECRETARY/TREASURER**

**MARK DORE'
PRESIDENT**