

**PORT OF IBERIA DISTRICT
BOARD OF COMMISSIONERS
REGULAR MEETING - TUESDAY, JULY 15, 2014
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, July 15, 2014, at 5:30 P.M.

In attendance were Commissioners Mark Dore', Board President, Danny J. David, Sr., Secretary-Treasurer, Larry G. Rader, Frank Minvielle and Gene L. Jefferies.

Commissioners Mike Resweber, Vice-President and Millie Martinez were absent.

Also present were Roy Pontiff, Executive Director, Joanna Durke, Administrative Assistant, Holly Breaux, Secretary-Bookkeeper, and Ray Allain, Port Attorney.

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

I. EXPANSION OF AGENDA.

A motion was made by Commissioner Larry Rader, and seconded by Commissioner Frank Minvielle, to expand the Port of Iberia District Board of Commissioners regular monthly meeting of July 15, 2014 to discuss pending litigation in suit filed by Premiere Tugs, LLC, in Iberia Docket No. 124704 against the Port and others claiming damages caused by channel blockage.

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

Yeas: Mark Dore', Danny J. David, Sr., Larry G. Rader, Frank Minvielle and Gene L. Jefferies.

Nays: None.

Absent at Voting: Mike Resweber and Millie Martinez.

And the motion was therefore passed on this the 15th day of July 2014.

A motion was made by Commissioner Frank Minvielle, and seconded by Commissioner Danny J. David, Sr., for the Port of Iberia District Board of Commissioners to enter into Executive Session at 6:17 p.m., to discuss pending litigation in suit filed by Premiere Tugs, LLC, in Iberia Docket No. 124704 against the Port and others claiming damages caused by channel blockage.

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

Yeas: Mark Dore', Danny J. David, Sr., Larry G. Rader, Frank Minvielle and Gene L. Jefferies.

Nays: None.

Absent at Voting: Mike Resweber and Millie Martinez.

And the motion was therefore passed on this the 15th day of July 2014.

A motion was made by Commissioner Gene Jefferies, and seconded by Commissioner Larry Rader, for the Port of Iberia District Board of Commissioners to enter back into Regular Session at 6:30 p.m., to discuss pending litigation in suit filed by Premiere Tugs, LLC, in Iberia Docket No. 124704 against the Port and others claiming damages caused by channel blockage.

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

Yeas: Mark Dore', Danny J. David, Sr., Larry G. Rader, Frank Minvielle and Gene L. Jefferies.

Nays: None.

Absent at Voting: Mike Resweber and Millie Martinez.

And the motion was therefore passed on this the 15th day of July 2014.

The Port Attorney reported that discussion was held in Executive Session regarding pending litigation in suit filed by Premiere Tugs, LLC, in Iberia Docket No. 124704 against the Port and others claiming damages caused by channel blockage, and there was no action taken in Executive Session.

A motion was made by Commissioner Larry Rader, and seconded by Commissioner Danny J. David, Sr., to authorize the Port Attorney to defend the pending litigation in suit filed by Premiere Tugs, LLC, in Iberia Docket No. 124704 against the Port of Iberia District claiming damages caused by channel blockage.

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

Yeas: Mark Dore', Danny J. David, Sr., Larry G. Rader, Frank Minvielle and Gene L. Jefferies.

Nays: None.

Absent at Voting: Mike Resweber and Millie Martinez.

And the motion was therefore passed on this the 15th day of July 2014.

II. APPROVAL OF MINUTES.

On a motion by Commissioner Gene Jefferies, seconded by Commissioner Danny J. David, Sr., the Commission approved the minutes of the Regular meeting held on Tuesday, June 17, 2014.

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

Yeas: Mark Dore', Danny J. David, Sr., Larry G. Rader, Frank Minvielle and Gene L. Jefferies.

Nays: None.

Absent at Voting: Mike Resweber and Millie Martinez.

And the motion was therefore passed on this the 15th day of July 2014.

III. DISCUSS AND/OR DISTRIBUTE THE FOLLOWING:

- (a) Budget Summary for Twelve (12) Months Ending June 2014.**
- (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.**

The Executive Director presented the Budget Summary for the Port's fiscal year ending June 30, 2014. The Port's revenues for the period July 1, 2013 thru June 30, 2014 totaled \$3.861 Million, expenditures totaled \$896,598.74, with revenues over expenses totaling \$2,965 Million.

A motion was made by Commissioner Danny J. David, Sr., seconded by Commissioner Frank Minvielle, to approve and authorize the payment of bills for July, 2014, 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., Larry G. Rader, Frank Minvielle and Gene L. Jefferies.

Nays: None.

Absent at Voting: Mike Resweber and Millie Martinez.

And the motion was therefore passed on this the 15th day of July 2014.

IV. RATIFICATION OF RENEWAL OF CERTIFICATE OF DEPOSIT.

A motion was made by Commissioner Frank Minvielle, seconded by Commissioner Larry Rader, to approve and ratify the renewal of Certificate of Deposit Number 1140611 (Dynamic Industries Security Deposit), which matured on June 20, 2014 with Iberia Bank, for twelve (12) months at the rate of 0.50% and 0.50% A.P.Y.

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

Yeas: Mark Dore', Danny J. David, Sr., Larry G. Rader, Frank Minvielle and Gene L. Jefferies.

Nays: None.

Absent at Voting: Mike Resweber and Millie Martinez.

And the motion was therefore passed on this the 15th day of July 2014.

V. UPDATE ON DIAMOND OFFSHORE MANAGEMENT COMPANY REGARDING DIAMOND OFFSHORE MANAGEMENT COMPANY(TENANT) TO DEMOLISH AN EXISTING PORT-OWNED BUILDING ON LOT 9 AND REBUILDING IN ACCORDANCE WITH THE DESIGN PLANS FOR DIAMOND OFFSHORE DATED OCTOBER 2013 PREPARED BY PAUL TESSIER & ASSOCIATES.

The Executive Director presented an email dated July 10, 2014 from Mr. Larry Minchew, Manager Sub Sea Shop for Diamond Offshore Drilling, Inc. Sonny Greer has provided a

firm quote for the new building, and Mr. Minchew will commence the process of obtaining the necessary approvals.

VI. REPORT FROM MR. MARC BERARD, P.E., BERARD, HABETZ AND ASSOCIATES, INC., ON:

(a) EXTENDING THE EXISTING BULKHEAD AT SLIP 1A IN THE PORT'S MARINA DUE TO THE DEPLORABLE CONDITION OF THE EXISTING BULKHEAD.

{1} Status of Professional Services Engineering Contract.

The Executive Director reported that he received a "draft" Professional Services Engineering Contract regarding the extension of the existing bulkhead at Slip 1A in the Port's Marina due to the deplorable condition of the existing bulkhead. There are a few modifications which need to be included in the Agreement with regards to insurance. Mr. Marc Berard, P.E., Berard, Habetz and Associates, Inc., will make the revisions accordingly. The Board authorized the Board President to execute the Agreement at their June 17, 2014 regular monthly Board meeting, as well as the design and bidding of the project. Mr. Marc Berard anticipates the design of the project to be completed in approximately 30 days. Mr. Berard also indicated that he is in the process of determining if the Port's permit will be able to be used for this project or if another permit will need to be applied for.

VII. REPORT FROM MR. RAY ALLAIN, PORT ATTORNEY ON:

(a) Lease Agreement Between LBC Port, LLC & the Port of Iberia District Regarding Tract "K" (15.61 acres), Tract "L" (14.37 acres), and Tract "M" (18.77 acres) Located on the POI Millennium Expansion Phase II Property Site.

{1} Update on "Demand Letter" to LBC Port, LLC Regarding Non-Payment for Tracts "K", "L", and "M" (30 days expired July 2, 2014).

{2} Update on the Preparation and Submission of an Application to the LA DOTD Port Construction & Development Priority Program for Assistance in the Implementation of a Port Improvement Project; for the Construction of a Fabrication Building, Bulkhead, Fencing, Concrete Apron and Access Roads.

The Port Attorney presented a copy of the "Demand Letter" to LBC Port, LLC dated June 2, 2014, regarding non-payment for Tracts "K", "L", and "M" in the amount of \$71,909.10. This includes the balance of rental due for the period February 1, 2014 through December 31, 2014, after deducting LBC Port, LLC initial deposit of \$8,528.40. In addition, LBC Port, LLC has not provided the POI with the required evidence of insurance as well as a security deposit despite several requests from the Port administrative staff. As a result, the letter depicts that the tenant is in "breach" of the

terms of the Lease Agreement for non-payment of rent and failure to comply with the other noted requirements of the lease. The "Demand Letter" also states that the tenant has thirty (30) days from the date of the notice (June 2, 2014) to comply with the terms of the lease.

If the tenant fails to comply, the Port has the right to cancel the lease (Section 11 of the General Conditions of Lease), and recover all rentals due thereunder plus interest and attorney's fees in the amount of 25% of the rentals due (Section 18 of the 2nd Amendment to General Conditions of Lease). Lengthy discussion ensued.

As of this meeting date, there has been no response from the tenant. The Port Attorney plans on preparing the necessary paperwork to file a lawsuit against LBC Port, LLC for breach of the Lease Agreement between LBC Port, LLC & the Port of Iberia District for Tracts "K", "L", and "M" (totaling 48.75 acres), for non-payment of the rental due and to collect the rent owed to the Port of Iberia District and further cancel the Lease Agreement.

VIII. REPORT FROM MR. O'NEIL MALBROUGH & MR. GLENN LEDET, CB&I, ON:

- (a) LA DOTD Port Construction & Development Priority Program:
Phase I of State Project Number 578-23-0018/H.009021(321) Port-Site Bulkhead Relocation Phase II A-(for the AGMAC Bulkhead Relocation & Design Project (Public Property).
{1} Status of Dynamic Site Bulkheads 3, 4, and 4A and Chart Energy & Chemical Bulkhead 2.**

Mr. Glenn Ledet, CB&I, gave a Power Point Presentation on the construction status of the project. Coastal Bridge Company LLC is 99% complete with Bulkheads 2 (Chart Energy & Chemical) and Bulkhead 4A (Dynamic Industries). The "Punch List" inspection on Bulkhead 2 and Bulkhead 4a was performed on June 12, 2014 and the work is ongoing by the contractor to complete the "Punch List" items. In addition, Bulkheads 3 and 4 (Dynamic Industries) are approximately 45% complete. To date, all of the anchor cut out holes have been cut in Bulkheads 3 and 4; 19 helical anchors have been installed on Bulkhead 4, and approximately all 182 of the anchors have been installed on Bulkhead 3. Moreover, anchor testing was completed on Bulkhead 3 and sheet pile installation has been ongoing on Bulkhead 4 (a broken crane has slowed the sheet pile installation). Mr. Ledet indicated that the new substantial completion date is scheduled for September 16, 2014. He will speak with Dynamic to inform them of the new date and make sure there is no conflict with Dynamic's work schedule regarding same.

- {2} Discuss/Consider Change Order Number 4 (Bulkhead 4).**

A motion was made by Commissioner Frank Minvielle, seconded by Commissioner Gene Jefferies, to approve and authorize the Board President to execute Change Order Number 4 regarding unforeseen obstructions underwater

while driving sheet pile on Bulkhead Number 4 (Coastal Bridge Company removed the obstructions from the water following LA DOTD Standard Specs. Section 202); and motion further acknowledges that Change Order Number 4 depicts an increase of \$2,347.36 for the stated work, with the revised Contract amount being \$4,839,261.78; in accordance with the Contract dated February 6, 2013, regarding the LA DOTD Port Construction & Development Priority Program: State Project Number 578-23-0018/h.009021(321) Port-Site Bulkhead Relocation Phase II A- Bulkheads 2 thru 4a(for the AGMAC Bulkhead Relocation & Design Project (Public Property)); and motion further stipulates that the Change Order request be forwarded to the LA Department of Transportation & Development for review and approval.

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

Yeas: Mark Dore', Danny J. David, Sr., Larry G. Rader, Frank Minvielle and Gene L. Jefferies.

Nays: None.

Absent at Voting: Mike Resweber and Millie Martinez.

And the motion was therefore passed on this the 15th day of July 2014.

{3} Discuss/Approve Contractor's Application for Pmt. No. 13.

Mr. Ledet reported that RFP #13 includes the majority of the installation of the steel sheet piles, installation of the helical anchors and an additional 5% of mobilization. Mr. Ledet also reported that RFP #13 brings the gross earned to date \$3.959 Million of the \$4.836 Million (approximately 82% complete).

A motion was made by Commissioner Danny J. David, Sr., seconded by Commissioner Larry Rader, to approve and authorize Contractor's Application for Payment Number 13 in the amount of \$366,473.57, to Coastal Bridge Company, LLC for the period June 1, 2014 thru June 30, 2014 in accordance with the Contract dated February 6, 2013, regarding the LA DOTD Port Construction & Development Priority Program: Phase I of State Project Number 578-23-0018/h.009021(321) Port-Site Bulkhead Relocation Phase II A- Bulkheads 2 thru 4a(for the AGMAC Bulkhead Relocation & Design Project (Public Property)); and motion further stipulates that the Payment Request be forwarded to the LA Department of Transportation & Development for review and approval.

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

Yeas: Mark Dore', Danny J. David, Sr., Larry G. Rader, Frank Minvielle and Gene L. Jefferies.

Nays: None.

Absent at Voting: Mike Resweber and Millie Martinez.

And the motion was therefore passed on this the 15th day of July 2014.

{4} Report from Port Attorney on:

- ❖ **Update on Mr. Murphy Foster, Breazeale Sachse and Wilson, "Co-Counsel" for the POI District.**

The Port Attorney reported that there has been no further communication in connection with the mediation regarding Mr. Murphy Foster, Attorney representing the Port of Iberia District as "Co-Counsel" for the Port-Site Bulkhead Relocation Phase II A Project {578-23-0018/H.009021(321)}. The mediation will continue once substantial completion of the project has been approved.

A motion was made by Commissioner Frank Minvielle, seconded by Commissioner Gene Jefferies, to approve and authorize the payment of Invoice Number 290217 in the amount of \$67.50, to Breazeale Sachse and Wilson, L.L.P. for the period May 2014, regarding Mr. Murphy Foster, Attorney representing the Port of Iberia District as "Co-Counsel" for the Port-Site Bulkhead Relocation Phase II A Project {578-23-0018/H.009021(321)}.

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

Yeas: Mark Dore', Danny J. David, Sr., Larry G. Rader, Frank Minvielle and Gene L. Jefferies.

Nays: None.

Absent at Voting: Mike Resweber and Millie Martinez.

And the motion was therefore passed on this the 15th day of July 2014.

{5} Discuss/Approve Amendment #20 Regarding CB&I Coastal, Inc. f/k/a Shaw Coastal, Inc., Contract as it Relates to Continued Resident Project Representation & Inspections in the Event the Construction Contract Continues to or Exceeds the Anticipated Term Period (July 18, 2014).

Mr. Glenn Ledet presented Amendment #20 to the CB&I Coastal, Inc., f/k/a Shaw Coastal, Inc. Contract relating to continued Resident Project Representation & Inspections in the event the construction contract continues to or exceeds the anticipated term period (July 18, 2014). It is noted that the construction of the project has continued beyond the original 180 days of construction time.

Amendment #20 provides the POI with full time resident project representation and engineering during construction for Phase II-A (Bulkheads 2 thru 4a) to September 16, 2014 (current projected Substantial Completion), as well as the 45-day lien period. CB&I proposes to provide the additional services on a Time & Materials basis for an amount not to exceed \$58,033.00 based on an additional 43 days of construction time.

A motion was made by Commissioner Larry Rader, seconded by Commissioner Danny J. David, Sr., to approve and authorize the Board President to execute Amendment Number 20 to the Contract dated September 3, 2002, between the

Port of Iberia District and CB&I Coastal, Inc., f/k/a Shaw Coastal, Inc., regarding CB&I Coastal, Inc. continuing to assist the Port of Iberia District in supplying a Resident Project Representative during the construction of the Port-Site Bulkhead Relocations for the AGMAC Project, due to the construction of the project continuing beyond the original 180 days of construction time, with the scope of the Amendment as identified in "Exhibit 1", and further includes for Resident Project Representation on Phase II-A of the Bulkhead Relocation Project (Phase I of State Project Number 578-23-0018/H.009021) not included in CB&I's original Contract Amendment No. 13 dated April 2, 2007; and motion further acknowledges that CB&I Coastal Inc., proposes to provide services for the construction phase of Phase II-A (Bulkhead 2 thru 4a) as outlined on a Time and Materials basis as depicted in their current Rate Schedule identified in "Exhibit 2" (as per Amendment 18 and 19); and motion further stipulates that for Phase II-A (Bulkheads 2 thru 4a), CB&I proposes to provide the Additional Services on a Time & Material basis in an amount not to exceed \$58,033.00 based on an additional 43 days of construction time as identified in "Exhibit 3".

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

Yeas: Mark Dore', Danny J. David, Sr., Larry G. Rader, Frank Minvielle and Gene L. Jefferies.

Nays: None.

Absent at Voting: Mike Resweber and Millie Martinez.

And the motion was therefore passed on this the 15th day of July 2014.

{6} Discuss CB&I Invoice.

A motion was made by Commissioner Gene Jefferies, seconded by Commissioner Frank Minvielle, to approve and authorize payment of Invoice Number 1806627-R8-00541 in the amount of \$21,974.50, to Shaw Coastal, Inc., for the period June 1, 2014 thru June 27, 2014 (reimbursable to POI by DOTD), regarding the AGMAC Bulkhead Relocation Project Phase IIA (for engineering during construction and resident project representation on Bulkheads 2,3,4,&4A) in accordance with the contract between the POI and Shaw Coastal, Inc., dated September 3, 2002 and Amendment Number 19 dated March 18, 2014.

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

Yeas: Mark Dore', Danny J. David, Sr., Larry G. Rader, Frank Minvielle and Gene L. Jefferies.

Nays: None.

Absent at Voting: Mike Resweber and Millie Martinez.

And the motion was therefore passed on this the 15th day of July 2014.

(b) **LA DOTD Port Construction & Development Priority Program:
Phase II of State Project Number 578-23-0018/H.009021(322) Port-Site
Bulkhead Relocation Phase II A-(for the AGMAC Bulkhead Relocation
& Design Project (Public Property).**

**{1} Update on the Advertisement for Bids for the Public Bulkheads
(#12A POI Public Dock – Commercial Canal) and the
Engineer’s Certificate Project is Ready to Advertise.**

***** Discuss/Consider Resolution Requesting Authority to
Advertise (Port Responsible for Engineering) and
Authorize the Board President to Execute the Necessary
Documentation Regarding Same.**

An approval letter dated July 3, 2014 from the LA DOTD was presented for review. The Plans and Specifications have been received by the Department as required by the 2009 Port Priority Procedures Manual and are in compliance with Louisiana Port Construction & Development Priority Program Procedures. The LA DOTD is requesting a Resolution Requesting Authority to Advertise adopted by the POI District Board of Commissioners.

**A motion was made by Commissioner Frank Minvielle, and seconded by
Commissioner Danny J. David, Sr., to adopt the following:**

**RESOLUTION REQUESTING AUTHORITY TO ADVERTISE
Port responsible for Engineering**

STATE PROJECT NO 578-23-0018/H.009021(322)
PARISH OF _____ IBERIA

RESOLUTION

PORT OF IBERIA DISTRICT BOARD OF COMMISSIONERS

WHEREAS, the Port of Iberia District Board of Commissioners has submitted an application for funding of the Port – Site Bulkhead Relocations Phase II-A, Bulkhead 12A (Phase II of SPN 578-23-0018/H.009021), Port Improvement Project under the Port Construction and Development Priority Program; and

WHEREAS, the State’s share of the project funds have been made available and the Port of Iberia District Board of Commissioners has available its local matching share of the project funds in an amount of not less than ten (10%) percent; and

WHEREAS, at the request of the Port of Iberia District Board of Commissioners, CB&I Coastal Inc., has prepared plans and specifications for said project, which plans

and specifications are designated by State Project Number 578-23-0018/H.009021(322) Port Improvements Port – Site Bulkhead Relocations Phase II-A Bulkhead 12A (Phase II of SPN 578-23-0018/H.009021); and

WHEREAS, the Port of Iberia District Board of Commissioners has reviewed the final plans, specifications and cost estimate and accepts them as submitted and the Department of Transportation and Development has reviewed the final plans, specifications, and cost estimate and has approved them inasmuch as they comply with the requirements of the Port Construction and Development Priority Program; and

WHEREAS, all necessary servitudes, rights-of-way, spoil disposal areas, rights of ingress and egress and the means thereof have been acquired by the Port of Iberia District Board of Commissioners , and the titles thereto are valid and indefeasible; and

WHEREAS, the Port of Iberia District Board of Commissioners has obtained all necessary permits required for the construction of this project; and

WHEREAS, the Port of Iberia District Board of Commissioners has agreed to accomplish all necessary utilities, fence and other facilities relocations and alterations made necessary by this project; and

WHEREAS, the Port of Iberia District Board of Commissioners desires to receive competitive bids and for the award of a contract in the name of the Port of Iberia District Board of Commissioners, and furnish engineering services during the progress of the work.

NOW, THEREFORE, BE IT RESOLVED by the Port of Iberia District Board of Commissioners, in Regular session assembled on this 15th day of July, 2014, that the Department of Transportation and Development be and hereby is requested to authorize the Port of Iberia District Board of Commissioners to receive competitive bids and for the award of a contract in the name of the Port of Iberia District Board of Commissioners, covering the aforesaid improvements.

BE IT RESOLVED that the Department of Transportation and Development be and hereby is assured that all necessary servitudes, rights-of-way, rights of ingress and egress and the means thereof have been obtained by the Port of Iberia District Board of Commissioners, and the titles thereto are valid and indefeasible and the Port of Iberia District Board of Commissioners expressly agrees to defend any action for the failure of any servitude, right-of-way, right of ingress or egress, and the Port of Iberia District Board of Commissioners does hereby assume complete responsibility for providing engineering services during construction and the maintenance and upkeep of the project after construction.

BE IT RESOLVED that the Department of Transportation and Development be and hereby is assured that all required permits have been obtained by the Port of Iberia District Board of Commissioners.

BE IT RESOLVED that the Department of Transportation and Development be and hereby is assured that the Port of Iberia District Board of Commissioners has available its local matching funds in an amount not less than ten (10%) percent of the total project cost to insure construction of this project.

BE IT RESOLVED that the Port of Iberia District Board of Commissioners will and hereby does assume complete responsibility for all utilities, fence, and other facilities relocations and alterations made necessary by this project.

BE IT RESOLVED that the Port of Iberia District Board of Commissioners does hereby save and hold harmless the Department of Transportation and Development against any loss or damage of any kind incident to or occasioned by Activities undertaken in pursuance of this agreement and expressly agrees to defend any suit brought against the Department of Transportation & Development, and pay any judgment which may result from said suit as it relates to this project.

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

Yeas: Mark Dore', Danny J. David, Sr., Larry G. Rader, Frank Minvielle and Gene L. Jefferies.

Nays: None.

Absent at Voting: Mike Resweber and Millie Martinez.

And the Resolution was therefore adopted on this the 15th day of July 2014.

**{2} Consent to Construction and Right-of-Way Entry Form
(Authorize the Board President to Execute):**

*****All Points Oilfield Services, LLC**

A motion was made by Commissioner Larry Rader, seconded by Commissioner Gene L. Jefferies, to approve and authorize the Board President to execute the Consent to Construction and Right of Entry between the Port of Iberia District and All Points Oilfield Services, L.L.C. regarding the LA DOTD Port Construction & Development Priority Program, State Project Number 578-23-0018/H.009021(322) Port-Site Bulkhead Relocation Phase II A-(for the AGMAC Bulkhead Relocation & Design Project (Public Property) – (Blkhd #12 POI Public Dock).

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

Yeas: Mark Dore', Danny J. David, Sr., Larry G. Rader, Frank Minvielle and Gene L. Jefferies.

Nays: None.

Absent at Voting: Mike Resweber and Millie Martinez.

And the motion was therefore passed on this the 15th day of July 2014.

{3} Discuss/Approve CB&I Invoice.

A motion was made by Commissioner Gene Jefferies, seconded by Commissioner Frank Minvielle, to approve and authorize payment of Invoice Number 821481-R8-00501 in the amount of \$3,686.00, to Shaw Coastal, Inc., for the period June 1, 2014 thru June 27, 2014 (Design of Bulkhead 12 - Public Dock)(100% 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 12 (Project Management) dated December 17, 2013.

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

Yeas: Mark Dore', Danny J. David, Sr., Larry G. Rader, Frank Minvielle and Gene L. Jefferies.

Nays: None.

Absent at Voting: Mike Resweber and Millie Martinez.

And the motion was therefore passed on this the 15th day of July 2014.

- (c) **LA DOTD Port Construction & Development Priority Program:
Phase III of State Project Number 578-23-0018/H.009021(322) Port-
Site Bulkhead Relocation Phase II A- Bulkhead 12B (for the AGMAC
Bulkhead Relocation & Design Project (Public Property).**

Mr. Ledet reported that Bulkhead 12B has been placed "on hold" until additional Port Priority funding has been acquired.

- (d) **Report on Port Millennium Expansion Phase II Project.
{1} Discuss/Consider Change Order Number 8.**

Mr. Ledet presented Change Order Number 8 for the Port Millennium Expansion Phase II Project for review. Change Order Number 8 is a deductive change order to withhold the final payment of retainage (\$6,432.50) for work that was unsatisfactorily completed in accordance with the contract specifications. The reason for Change Order Number 8 is to withhold the retainage for seeding and vegetation for areas that are not suitable and do not meet the contract documents and specifications for this item. According to Mr. Ledet, there has been a substantial amount of growth; however, a large percentage of the grass on the site does not meet the specifications and therefore unacceptable. Mr. Ledet presented a few photographs depicting the areas of grass in which the growth is acceptable and unacceptable. Beverly Construction has accepted Change Order Number 8. Lengthy discussion ensued.

A motion was made by Commissioner Larry Rader, seconded by Commissioner Frank Minvielle, to approve and authorize the Board President to execute Change Order Number 8 for the Port of Iberia Millennium Expansion Phase II Project in which said Change Order deducts \$6,432.50 to withhold the final payment of retainage for work that was unsatisfactorily completed in accordance with the contract specifications (for seeding and vegetation areas); and furthermore

motion further acknowledges that the final adjusted Contact Price with all approved Change Orders is \$5,180,266.35; and the adjusted Contract Time with all approved Change Orders is 222 Calendar days, and with the 45 day lien period the final completion is 267 calendar days.

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

Yeas: Mark Dore', Danny J. David, Sr., Larry G. Rader, Frank Minvielle and Gene L. Jefferies.

Nays: None.

Absent at Voting: Mike Resweber and Millie Martinez.

And the motion was therefore passed on this the 15th day of July 2014.

**{2} Discuss/Consider Contractor's Application for Payment
Number 11 (Partial Retainage) & Final Acceptance of Project.**

A motion was made by Commissioner Danny J. David, Sr., seconded by Commissioner Frank Minvielle, to approve and authorize Contractor's Application for Payment Number 11 (REVISED PARTIAL RETAINAGE) in the amount of \$0.00 (as a result of Change Order #8 deduct of \$6,432.50), to Beverly Construction Company, L.L.C., regarding the Port Millennium Expansion Phase II Project, in accordance with the Construction Contract dated March 1, 2013; and motion further authorizes final acceptance of the Project, and that the adjusted Contract Price with all approved Change Orders is \$5,180,266.35; and the adjusted Contract Time with all approved Change Orders is 222 Calendar days and with the 45 day lien period the final completion is 267 calendar days.

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

Yeas: Mark Dore', Danny J. David, Sr., Larry G. Rader, Frank Minvielle and Gene L. Jefferies.

Nays: None.

Absent at Voting: Mike Resweber and Millie Martinez.

And the motion was therefore passed on this the 15th day of July 2014.

(e) Status of the AGMAC Project.

The Executive Director reported that Colonel Richard "Rick" Hansen, with the USACE District Headquarters in New Orleans, Louisiana visited the Port of Iberia on July 1, 2014 and met with representatives of various Port businesses and local elected officials. In addition, Commissioners David and Rader were also in attendance at the meeting held at the Port Administrative Office. Discussion ensued and the Executive Director reported that Colonel Hansen indicated that the USACE's or budget is approximately \$1.5 Million for the economic and engineering process to "unsuspend" the AGMAC Project. Once an appropriation has been made, the USACE can commence accordingly.

{1} Discuss/Approve CB&I Invoice.

A motion was made by Commissioner Frank Minvielle, seconded by Commissioner Gene Jefferies, to approve and authorize payment of Invoice Number 821482-R8-00501 in the amount of \$374.00, to Shaw Coastal, Inc., for the period June 1, 2014 thru June 27, 2014 (prepared maps & presentation for the meeting with Colonel Hansen, USACE) (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 12 (Project Management) dated December 17, 2013.

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

Yeas: Mark Dore', Danny J. David, Sr., Larry G. Rader, Frank Minvielle and Gene L. Jefferies.

Nays: None.

Absent at Voting: Mike Resweber and Millie Martinez.

And the motion was therefore passed on this the 15th day of July 2014.

IX. REPORT FROM EXECUTIVE DIRECTOR ON:

- (a) Status of Negotiations with National Oilwell Varco, L.P. for a Lease Agreement ("raw land" only, excluding improvements at this particular time) Regarding Tract "R" (2.88 acres) and Tract "S" (10.92 acres) Located on the POI Millennium Expansion Phase II Property Site.

{1} Authorization for Board President to Execute Lease Agreement.

The Executive Director reported that National Oilwell Varco, L.P. has made a verbal request to enter into a Lease Agreement with the Port of Iberia District for Tract "R" (2.88 acres) and Tract "S" (10.92 acres) located on the POI Millennium Expansion Phase II Property Site for raw land only, excluding improvements. NOV is now considering phasing-in the improvements at a later date. A "rough draft" Lease Agreement was forwarded to NOV and their legal department has approved said Lease Agreement.

A motion was made by Commissioner Larry Rader, seconded by Commissioner Frank Minvielle, to approve and authorize the Board President to execute a Lease Agreement between National Oilwell Varco, L.P. and the Port of Iberia District for Tract "R" (2.88 acres) and Tract "S" (10.92 acres) located on the POI Millennium Expansion Phase II Property Site for raw land only, excluding improvements at this particular time.

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

Yeas: Mark Dore', Danny J. David, Sr., Larry G. Rader, Frank Minvielle and Gene L. Jefferies.

Nays: None.

Absent at Voting: Mike Resweber and Millie Martinez.

And the motion was therefore passed on this the 15th day of July 2014.

- (b) **Discuss/Consider Approval of a Sublease Third Amendment Agreement Between Advanced Welding Services, Inc., National Oilwell Varco, LP, and the Port of Iberia District Regarding 2.5 Stabilized Acres Located on Tract "H", and a 17,500 Sq. Ft. (One Bay) of the Existing 35,000 Sq. Ft. Fabrication Building all Located on the Port Expansion Phase I Property Site.**

A motion was made by Commissioner Danny J. David, Sr., and seconded by Commissioner Gene Jefferies, to approve and authorize the Board President to execute the Sublease Third Amendment Agreement between Advanced Welding Services Inc., National Oilwell Varco LP, and the Port of Iberia District, regarding AWS subleasing to National Oilwell Varco 2.5 acres of raw land, 2.5 stabilized acres, and a 17,500 Sq. Ft. (One Bay) of the existing 35,000 Sq. Ft. Fabrication Building all located on Tract "H" of the Port Expansion Phase I Property Site; and motion further acknowledges that the Sublease Third Amendment extends the period of July 1, 2014 through December 31, 2014.

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

Yeas: Mark Dore', Danny J. David, Sr., Larry G. Rader, Frank Minvielle and Gene L. Jefferies.

Nays: None.

Absent at Voting: Mike Resweber and Millie Martinez.

And the motion was therefore passed on this the 15th day of July 2014.

- (c) **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 presented an email dated June 24, 2014 from Royal Security informing the Port of Iberia that all security cameras are back up and operating properly at the Frank's location as of June 23, 2014.

- (d) **Announcements.**

*****Discuss/Consider Rescheduling the Tuesday, September 16, 2014 Regular Monthly Board Meeting to Tuesday, September 23, 2014.**

A motion was made by Commissioner Larry Rader, and seconded by Commissioner Gene Jefferies, to reschedule the Tuesday, September 16, 2014 regular monthly Board meeting of the POI District Board of Commissioners to Tuesday, September 23, 2014 in order for the Port Commissioners to be able to have their "Oath of Office" administered (effective with the new six (6) year term that commences on September 20, 2014).

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

Yeas: Mark Dore', Danny J. David, Sr., Larry G. Rader, Frank Minvielle and Gene L. Jefferies.

Nays: None.

Absent at Voting: Mike Resweber and Millie Martinez.


And the motion was therefore passed on this the 15th day of July 2014.

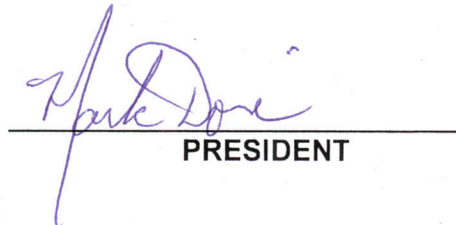
*****City of New Iberia Commission Appointment effective September 20, 2014.**

The Executive Director reported that Commissioner Mark Dore' was reappointed to another six (6) year term by the City of New Iberia effective September 20, 2014.

X. ADJOURNMENT.

On a motion made by Commissioner Danny J. David, Sr., and unanimously seconded by the POI District Board of Commissioners, the meeting was adjourned at 6:31 p.m.


SECRETARY-TREASURER


PRESIDENT