

**PORT OF IBERIA DISTRICT
BOARD OF COMMISSIONERS
REGULAR MEETING - TUESDAY, OCTOBER 16, 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 Gene Jefferies, Secretary-Treasurer, at the Port of Iberia Administrative Office, on Tuesday, October 16, 2012, at 5:30 P.M.

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

Commissioners Millie Martinez and Frank Minvielle 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. APPROVAL OF MINUTES

On a motion by Commissioner Mike Resweber, seconded by Commissioner Danny David, Sr., the Commission approved the minutes of the Regular meeting held on Tuesday, September 18, 2012.

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

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

Nays: None.

Absent at Voting: Millie Martinez and Frank Minvielle.

And the motion was therefore passed on this the 16th day of October 2012.

II. DISCUSS AND/OR DISTRIBUTE THE FOLLOWING:

- (a) Budget Summary for Three (3) Months Ending September, 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 Danny David, Sr., seconded by Commissioner Mark Dore', to approve and authorize the payment of bills for October 2012, and ratify those paid during the interim period.

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

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

Nays: None.

Absent at Voting: Millie Martinez and Frank Minvielle.

And the motion was therefore passed on this the 16th day of October 2012.

III. Mr. JERRY FOWLER, CUSTOMER SERVICE MANAGER, LAWCO, TO ADDRESS THE COMMISSION REGARDING A WATERLINE RELOCATION AGREEMENT FOR THE PORT ROAD/COMMERCIAL CANAL BRIDGE REPLACEMENT PROJECT.

Mr. Jerry Fowler, Customer Service Manager w/LAWCO presented a Waterline Relocation Agreement for the Port Road/Commercial Canal Bridge Replacement Project for review and approval. The parties to the Agreement are LAWCO, Port of Iberia District, and Gray Construction Corporation. The Iberia Parish Government has awarded this project to Gray Construction Company. LAWCO has received a payment from Gray Construction Company in the amount of \$33,360.00 in order for LAWCO to relocate the waterline. There is a 8" waterline currently attached to the Commercial Canal Bridge at Port Road. The 8" waterline will be relocated via directional bore, direct bury method and will not attach the new 8" waterline to the new Port Road/Commercial Canal Bridge. The work is scheduled to be performed in the near future.

A motion was made by Commissioner Danny David, Sr., seconded by Commissioner Larry Rader, to approve an authorize the Executive Director to execute the Louisiana Water Company (LAWCO) Waterline Relocation Agreement between LAWCO, Port of Iberia District, and Gray Construction Corporation regarding the Port Road/Commercial Canal Bridge Replacement Project as presented.

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

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

Nays: None.

Absent at Voting: Millie Martinez and Frank Minvielle.

And the motion was therefore passed on this the 16th day of October 2012.

IV. 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.

The Project Architect indicated that the speakers in the ceiling have been installed, the two 80" monitors are currently hanging on the walls; however, there is additional electrical and cable wiring which need to be run before the project is complete. Mr. Gesser explained the various components of the equipment, etcetera. At a later date, the Port Administrative Staff will be trained on how to operate the system. The project is within the budgetary allocated amount.

V. **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.**

Mr. Glenn Ledet, Shaw Coastal, Inc., reported that the Injunction Hearing was conducted on September 19, 2012. The Port Attorney indicated that there has not been a ruling rendered to date.

A motion was made by Commissioner Mark Dore', seconded by Commissioner Larry Rader, to approve an authorize the payment of Invoice Number 8132 in the amount of \$1,450.00 to Allain and Allain, for the period September 4, 2012 thru September 19, 2012, for legal fees 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.).

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

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

Nays: None.

Absent at Voting: Millie Martinez and Frank Minvielle.

And the motion was therefore passed on this the 16th day of October 2012.

- {2} Discuss/Consider Award of Construction Contract.**

Mr. Glenn Ledet, Shaw Coastal, Inc. indicated that a recommendation of the contract award cannot be made until a court decision has been rendered.

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

Mr. Glenn Ledet reported that he delivered the revisions to Port Priority Application for State Project Number 578-23-0018 (\$3.529 Million) on September 4, 2012. The LA DOTD has 60 days to review the application and provide any comments or acceptance. Mr. Ledet anticipates receiving a response from the LA DOTD sometime in November 2012.

- (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. O'Neil Malbrough, Shaw Coastal, Inc., reported that Dr. Bob Gramling, the Executive Director and he met with representatives of the BOEM to discuss the 50 year projections for offshore lease sale platform activity. Mr. Malbrough indicated that the meeting was a

favorable one. BOEM is in the process of reviewing the Port's questions presented to them at said meeting, and will get back with the Port accordingly on exactly what information can be provided and released.

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

Mr. Malbrough and the Executive Director indicated that the Capital Outlay Request in the amount of \$9.1 Million is for the 1st Phase of the Pipeline Relocation (lowering the pipelines). The Executive Director indicated that it may take 2-3 years to receive the funding. Therefore, he feels that the Port should commence to make the request in order to stay on schedule.

Mr. Malbrough reminded the Board that in the original cost estimate, as part of the AGMAC Project, the utilities and pipelines need to be relocated to accommodate a 20ft deep channel. The cost was estimated to be \$22 Million. This includes the Commercial Canal, GIWW, and Freshwater Bayou. The majority of the pipeline relocations are in the Commercial Canal. There are 36 pipelines that will be affected. Of those, nine (9) pipelines are located in the Port area. The question of who is responsible continues to be under legal review for determination.

Mr. Malbrough indicated that the Bulkhead Relocation Project is to be performed first before the utility/pipeline relocations.

A motion was made by Commissioner Mark Dore', seconded by Commissioner Mike Resweber, to approve and authorize Shaw Coastal, Inc. to submit the Port of Iberia District's Application in the amount of \$9.1 Million, for the AGMAC Utility/Pipeline Relocation Project, to the LA Department of Facility Planning & Control for the Port's Capital Outlay Requests for 2013-2014.

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

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

Nays: None.

Absent at Voting: Millie Martinez and Frank Minvielle.

And the motion was therefore passed on this the 16th day of October 2012.

A motion was made by Commissioner Mike Resweber, seconded by Commissioner Mark Dore', to approve and authorize payment of Invoice Number 716356-R8-00501 in the amount of \$5,655.00, to Shaw Coastal, Inc., for the period September 1, 2012 thru September 30, 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: Gene Jefferies, Mark Dore', Mike Resweber, Danny J. David, Sr., and Larry G. Rader.**

Nays: None.

Absent at Voting: Millie Martinez and Frank Minvielle.

And the motion was therefore passed on this the 16th day of October 2012.

**(c) Report on Port Millennium Expansion Phase II Project.
{1} Status of Joint Permit Application (USACE & DNR). Public Notice
Period Expired August 24, 2012.**

Mr. Ledet reported that Shaw Coastal, Inc., has finalized the design of the POI Millennium Expansion Phase II Project. This includes the plans, contract documents and specifications, and engineer's probable construction cost estimate to the POI for review.

Mr. Ledet provided a "recap" to the Board. The current engineer's probable construction cost is \$7.43 Million. This includes the key components as follows: Dredging 710,00 Cubic Yards of material in the proposed channel, Dredging 50,000 Cubic Yards of material in the existing channel, Bankline stabilization along the North bank of Slip C-8, the construction of a cul-de-sac at C. P. Voorhies Road and Road Dead-Ends at Carl Bauer Road, a 50,000-gpd Waste Water Treatment Plant expansion, and Utility relocations.

On September 25, 2012, Shaw Coastal received the final Coastal Use Permit from the LA DNR. However, due to a miscommunication between the LA DNR and the USACE, the Permit went through a Joint Permit Application without the proper approval from the USACE. As a result, the USACE required the Permit to be placed back on Public Notice. The Public Notice Period will end on October 23, 2012. Mr. Ledet expects the permit to be processed shortly thereafter.

A motion was made by Commissioner Danny David, Sr., seconded by Commissioner Mike Resweber, to approve and authorize payment of Invoice Number 1344579-R8-00541 in the amount of \$38,037.40 (\$31,518.40 Basic Services & \$6,519.00 Additional Services - Permitting) to Shaw Coastal, Inc., for the period thru September 28, 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: Gene Jefferies, Mark Dore', Mike Resweber, Danny J. David, Sr., and Larry G. Rader.

Nays: None.

Absent at Voting: Millie Martinez and Frank Minvielle.

And the motion was therefore passed on this the 16th day of October 2012.

{2} Status on Advertisement for Bids.

A motion was made by Commissioner Mark Dore', seconded by Commissioner Mike Resweber, to approve and authorize the Executive Director and Shaw Coastal, Inc., to proceed with the Advertisement for Bids for the Port Millennium Expansion Phase II Project.

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

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

Nays: None.

Absent at Voting: Millie Martinez and Frank Minvielle.

And the motion was therefore passed on this the 16th day of October 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 Cooperative Endeavor Agreement that the Port Attorney was authorized to prepare at the September 2012 regular Board Meeting was presented for review. The Board President has authorization to execute the CEA. Mr. Ledet indicated that in the course of construction of Phase II (Slip C-8 Extension) of the Port Millennium Expansion Project, for the purpose of improving navigation within the Port, the Port could excavate a total of 0.049 acres (as part of the project) of the Miguez Fuel, Inc. property, within the Port's navigation servitude, at the intersection of Commercial Canal and Slip C-8 (at the Port's expense).

{4} Discuss/Consider Authorization for Board President to Execute a Written Consent to Deposit Spoil Between Sterling Sugars, L.L.C. & the Port of Iberia District.

Mr. Ledet reported that the Port Attorney has drafted a Written Consent to Deposit Spoil between Sterling Sugars, L.L.C. and the Port of Iberia District regarding the 210 acres of property (105 acres Port-Owned and 105 acres Sterling Sugars, L.L.C. owned). The Port Attorney has forwarded the Consent to Mr. Bernie Boudreaux, Legal Counsel for Sterling Sugars, L.L.C. for his review and comments. Spoil material shall be placed and compacted as required to reduce erosion, slippage, settlement, subsidence or other related problems and also include grading of spoil material for positive drainage and the construction of drainage ditches and swales to maintain proper drainage of the site.

A motion was made by Commissioner Mark Dore', seconded by Commissioner Larry Rader, to approve and authorize the Board President to execute the Written Consent to Deposit Spoil between Sterling Sugars, L.L.C. and the Port of Iberia District, regarding the Port Millennium Expansion Phase II Project, contingent upon further legal review and approval.

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

Yeas: Gene Jefferies, Mark Dore', Mike Resweber, Danny J. David, Sr., and Larry G.

Rader.

Nays: None.

Absent at Voting: Millie Martinez and Frank Minvielle.

And the motion was therefore passed on this the 16th day of October 2012.

VI. REPORT FROM EXECUTIVE DIRECTOR ON:

- (a) Authorization for Board President & Secretary-Treasurer to Approve & Execute the Louisiana Compliance Questionnaire (for Audit Engagements of Government Agencies).

A motion was made by Commissioner Mike Resweber, seconded by Commissioner Mark Dore', to approve and authorize the Board President and Secretary-Treasurer to execute the Louisiana Compliance Questionnaire (for Audit Engagements of Government Agencies), in connection with the audit of the Port of Iberia District's financial statements as of June 30, 2012, and the Fiscal Year period July 1, 2011 thru June 30, 2012.

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

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

Nays: None.

Absent at Voting: Millie Martinez and Frank Minvielle.

And the motion was therefore passed on this the 16th day of October 2012.

- (b) Discuss/Consider Maintenance Dredging of the Port's Marina Slips due to Siltation Affecting the Water Depths of the Boat Slips.

A motion was made by Commissioner Mark Dore', seconded by Commissioner Larry Rader, to authorize the Executive Director to engage Freyou, Moore and Associates to obtain cost estimates and establish a budgetary amount for hydraulic maintenance dredging of the Port's Marina Slips due to siltation affecting the water depths of the Boat Slips and report back to the full Board his findings.

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

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

Nays: None.

Absent at Voting: Millie Martinez and Frank Minvielle.

And the motion was therefore passed on this the 16th day of October 2012.

- (c) Discuss/Consider Authorizing the Board President to Execute the Second Amendment of Lease Agreement between LeBlanc Marine, L.L.C. & the Port of Iberia District Regarding the POI Millennium Expansion Phase II Project.

A motion was made by Commissioner Mark Dore', seconded by Commissioner Larry Rader, to approve and authorize the Board President to execute the Second Amendment of Lease Agreement between LeBlanc Marine, L.L.C. (relative to Tract

A, Tract B, and Lot No. 7) & the Port of Iberia District regarding the upcoming development of the POI District Millennium Expansion Phase II Project.

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

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

Nays: None.

Absent at Voting: Millie Martinez and Frank Minvielle.

And the motion was therefore passed on this the 16th day of October 2012.

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

The Executive Director presented an email dated October 10, 2012 to Mr. Prescott Marshall, Iberia Parish Government Emergency Management & Homeland Security, which indicated that the POI had one damaged building with an estimated repair cost of \$15,500.00. Engineering and Inspection fees are not included in the \$15,500.00 cost estimate. The Executive Director also stated in the email that the Port's claim will probably not exceed \$18,000.00. In addition, the Port's insurance deductible on the All Points Equipment, L.L.C. Building "G" is \$22,500.00.

(e) Chart Energy & Chemicals, Inc., Facility & Improvements Expansion Located on Tracts B1 & B2 (19.550 acres) @ the Port of Iberia: (Work Slab Addition).

*****Discuss/Consider CLECO Power, L.L.C. Right-of-Way (Underground Servitude Agreement) Regarding a Utility Easement for a new Transformer to Supply Power to Work Slab Addition).**

As a result of the \$5 Million improvements being made to the Port of Iberia's property by Chart Energy & Chemicals, Inc., additional power is required. The Right-of-Way Agreement will allow Cleco Power, LLC to run additional power underground for a new transformer to supply power to a Work Slab Addition.

A motion was made by Commissioner Danny David, Sr., seconded by Commissioner Mike Resweber, to approve and authorize the Board President to execute the CLECO Power LLC Underground Servitude Agreement regarding Chart Energy & Chemicals, Inc., relative to Chart's Facility & Improvements Expansion located on Tracts B1 & B2 (19.550 acres) at the Port of Iberia for a new transformer to supply power to the work slab addition.

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

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

Nays: None.

Absent at Voting: Millie Martinez and Frank Minvielle.

And the motion was therefore passed on this the 16th day of October 2012.

(f) Dr. Jim Richardson, LSU, Economic Report on the Impact the Port of Iberia has on Acadiana and the State of Louisiana.

It was the consensus of the Board to schedule a Special Board Meeting on Friday, November 16, 2012 at 12:00 p.m. in order for Dr. Jim Richardson to make his presentation to the Port on the economic impact the Port of Iberia has on Acadiana and the State of Louisiana.

(g) 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.

An email dated Friday October 5, 2012 to John Palmer w/Frank's Casing Crew & Rental Tools from Mr. Mickey Bellott, and an email dated Tuesday, October 16, 2012 to the Executive Director from Mr. Bellott provided a status report on the project. There has been no work performed to date.

(h) Iberia Parish Government Bridge Replacement Project.

The Executive Director presented an email dated October 8, 2012 from the Iberia Parish Public Works Department which provided a status report on the Iberia Parish Government Bridge Replacement Project.

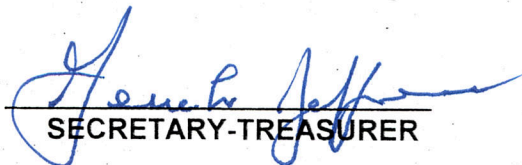
**(i) MAMMOET USA SOUTH, INC.:
{1} Status of First Amendment to Lease Agreement Regarding Lots 8R-13R (6.140 acres) @ the POI.**

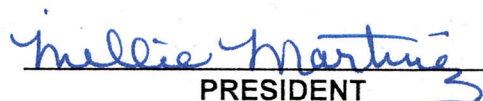
The Executive Director reported that the First Amendment to Lease Agreement regarding Lots 8R-13R at the POI has been fully executed and recorded with the Iberia Parish Clerk of Court's Office.

(j) ANNOUNCEMENTS.

VII. ADJOURNMENT

On a motion made by Commissioner Mark Dore', seconded by Commissioner Mike Resweber, the meeting was adjourned at 6 :22 p.m.


SECRETARY-TREASURER


PRESIDENT