

**PORT OF IBERIA DISTRICT  
BOARD OF COMMISSIONERS  
REGULAR MEETING - TUESDAY, JUNE 18, 2013  
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, Board President, at the Port of Iberia Administrative Office, on Tuesday, June 18, 2013, at 5:30 P.M.

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

Commissioners Mike Resweber 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. APPROVAL OF MINUTES**

On a motion by Commissioner Larry Rader, seconded by Commissioner Danny David, Sr., the Commission approved the minutes of the Regular meeting held on Tuesday, May 21, 2013.

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

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

Nays: None.

Absent at Voting: Mike Resweber and Millie Martinez.

And the motion was therefore passed on this the 18th day of June 2013.

**II. DISCUSS AND/OR DISTRIBUTE THE FOLLOWING:**

- (a) Budget Summary for Eleven (11) Months Ending May, 2013.
- (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 (Authorize Silveti Marine Services L.L.C. Public Dock Lease Agreement Renewal).
- (f) Status of Invoices Report.

A motion was made by Commissioner Mark Dore', seconded by Commissioner Frank Minvielle, to approve and authorize the payment of bills for June, 2013, 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', Danny J. David, Sr., Larry G. Rader, and Frank Minvielle.

Nays: None.

Absent at Voting: Mike Resweber and Millie Martinez.

And the motion was therefore passed on this the 18th day of June 2013.

**III. MR. RONALD GONSOLIN, CHAIRMAN OF THE IBERIA PARISH LEVEE, HURRICANE, AND CONSERVATION DISTRICT TO ADDRESS THE BOARD REGARDING A REQUEST FOR A YEARLY DEDICATED ALLOWANCE IN THE AMOUNT OF \$25,000, FOR OPERATIONAL FUNDS TO CONTINUE THE DISTRICT'S EFFORTS FOR THE BETTERMENT OF IBERIA PARISH REGARDING THE CONSTRUCTION OF A 26 MILE EARTHEN LEVEE.**

Mr. Ronald Gonsoulin, Chairman of the Iberia Parish Levee, Hurricane, and Conservation District, presented a letter dated May 30, 2013 from the District, requesting a yearly dedicated allowance of \$25,000 for operational funds to continue the District's efforts for the betterment of Iberia Parish regarding the construction of a 26 mile Earthen Levee.

Mr. Gonsoulin indicated that the recent April 2013 election regarding a 5-Mill Property Tax Increase and a ½ -Cent Sales Tax Increase failed by twelve (12) votes. The District is currently operating with funds provided by the Iberia Parish Council.

The request for funding is due to the recent failure of the two tax propositions. The District is requesting the yearly allowance from each appointing entity (Iberia Parish Council, Twin Parish Port Commission, Iberia Parish Port Commission, City of Jeanerette, City of New Iberia, Town of Delcambre, and Village of Loreauville) until a tax base is established. The District believes that the future of Iberia Parish depends on the construction of the levee and flood protection, and they would like to continue to educate, dedicate, elevate, and protect. The District feels that the funds provided by each participating entity would assist them with the continuation of their operations until a permanent funding source is available.

Commissioner Danny David, Sr., asked Mr. Gonsoulin how much the Iberia Parish Government has contributed to date. Mr. Gonsoulin indicated that approximately \$78,000 has been contributed, of which \$51,000 went towards the cost of the April 2013 election. Other costs include engineering fees to Shaw Coastal, Inc. & Berard, Habetz & Associates.

Commissioner Mark Dore' expressed that he wholeheartedly supports the District's efforts, as well as the allowance of \$25,000 for this year to the District for operational costs. He also feels that this allowance could be revisited each year for review, discussion, and/or approval.

Commissioner Danny David, Sr., expressed that he feels that the need for the levee is obvious and he certainly would like to see a levee constructed; however, he cannot support the \$25,000 funding request. Commissioner David feels uncomfortable using public funds to support the construction of the 26 mile Earthen Levee when the public failed to support it as a result of the April 2013 election. He also indicated that the Port currently has two (2) large projects which need to be funded.

Mr. Ray Allain, Port Attorney clarified that the Port of Iberia District cannot legally donate funds to anyone; however, the Port can enter into Intergovernmental Agreements or Cooperative Endeavor Agreements provided that the use of the funds is of benefit to the function that the Board performs. The Port Attorney feels that if the Port were to enter into an Agreement, it would be protecting Port property and Port businesses. An example he used was prior occasions of flooding that the Port experienced and the substantial damages sustained as a result.

Lengthy discussion ensued.

**A motion was made by Commissioner Mark Dore' to approve and authorize the Executive Director to enter into an Intergovernmental Agreement or Cooperative Endeavor Agreement with the Iberia Parish Levee, Hurricane, and Conservation District regarding providing the District with a \$25,000 funding allocation for 2013, for operational costs to continue the District's efforts for the betterment of Iberia Parish regarding the construction of a 26 mile Earthen Levee; and motion further acknowledges that the funding allocation be revisited in 2014 for further review, discussion, and/or approval.**

**The motion failed for lack of a second.**

It is noted that Commissioner Frank Minvielle did not participate in any discussion regarding this matter and abstained from any vote due to him currently serving as a Board member of the Iberia Parish Levee, Hurricane, and Conservation District.

**A motion was made by Commissioner Larry Rader, seconded by Commissioner Danny David, Sr., that the request made to the Port of Iberia District Board of Commissioners by the Iberia Parish Levee, Hurricane, and Conservation District , regarding funding in the amount of \$25,000, for operational funds to continue the District's efforts for the betterment of Iberia Parish regarding the construction of a 26 mile earthen levee be taken under advisement, and revisited at a later date.**

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

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

**Nays: None.**

**Abstaining at Voting: Frank Minvielle.**

**Absent at Voting: Mike Resweber and Millie Martinez.**

**And the motion was therefore passed on this the 18th day of June 2013.**

**IV. REPORT FROM MR. DAVID MOORE, FREYOU, MOORE AND ASSOCIATES, INC. ON:**

- (a) Maintenance Dredging of the Port's Marina Slips Due to Siltation Affecting the Water Depths of the Boat Slips.**

**\*\*\*Status of USACE Permit.**

Mr. David Moore, Freyou, Moore and Associates, reported that the USACE Permit has been received. LeBlanc Marine plans on commencing the maintenance dredging on Monday, July 8, 2013. Mr. Moore will coordinate with the Administrative Assistant the removal of the vessels, etcetera.

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

- (a) All Points Oilfield Services, L.L.C. 4,174 Sq. Ft. Wooden Office Building (Lots 77-82) as it Relates to the Construction of an Exterior Stairwell to be Constructed by All Points Oilfield Services, L.L.C.**

An email dated June 10, 2013 from Mr. Gerald Gesser, Project Architect, was presented for review. The Project Architect met with a representative of All Points to discuss the State Fire Marshal's approval of the construction of the exterior stairwell to be constructed by All Points. All Points has procured the necessary materials for the project and has commenced with the fabrication. Mr. Gesser reported that the project is approximately 50% complete. It is anticipated that it will take approximately 2-3 weeks to complete, weather permitting.

- (b) Update on POI Property Insurance Analysis and Assessment of Port-Owned Facilities.**

An email dated June 18, 2013 from Mr. Gesser was presented for review. Mr. Gesser reported that he has been working with the Administrative Assistant on the POI Property Insurance Analysis and Assessment of Port-Owned Facilities Project. Mr. Gesser has also been working with Mr. Mark Romero, Brown & Brown of Louisiana, regarding property and flood insurance coverages for each building based on replacement values. The requirement for the revisions are based on FEMA's notification that all properties be insured for full replacement value. It is noted that the last adjustment in replacement construction values was performed in June of 2007. This is when the initial POI Property Insurance Analysis and Assessment of Port-Owned Facilities was completed.

**VI. 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} Status of Dynamic Site Bulkheads 3, 4, and 4A.**

Mr. Glenn Ledet, Shaw Coastal, Inc., reported that Coastal Bridge has proceeded with the construction submittals on the helical anchor system and mobilization to the Dynamic Industries property site. Coastal Bridge had planned to work on Bulkheads 3, 4, and 4A initially, and then commence Chart Energy & Chemical's Bulkhead 2.

On May 20, 2013, Coastal Bridge broke ground and also started with the silt fencing and other miscellaneous items. On May 21, 2013, the removal of obstructions phase of the project commenced. That same day the tide began to rise and the water level peaked above the area of work. After reviewing the tidal charts, Coastal Bridge discovered that this was going to be a regular occurrence over the next several months. As a result, after several days of trying to work around the tides, Coastal Bridge issued an RFI, requesting a resolution to the issue.

Mr. Ledet met with representatives of Coastal Bridge, Dynamic Industries, and Chart Energy & Chemicals in an effort to determine the most effective path to move forward. The work schedule was revised, and Coastal Bridge has relocated to the Chart Energy & Chemical's property site to perform the necessary work on Bulkhead 2. It is noted that the Dynamic Bulkheads are being constructed using helical anchors and the Chart Bulkhead uses a more traditional concrete dead man. In addition, Chart Energy & Chemical's Bulkhead 2 does not contain the removal phase that is dependent upon a low water level.

Discussion ensued. Mr. Ledet indicated that Coastal Bridge is requesting additional compensation in a Change Order for the down time due to the high water levels. Shaw Coastal will review to determine if the compensation is justified and make a recommendation to the Board in the near future.

**{2} Status of Chart Energy & Chemical Bulkhead 2.**

Mr. Ledet reported that Coastal Bridge has revised their schedule of work. Coastal Bridge mobilized their equipment to the Chart Energy & Chemical Bulkhead 2 property site on June 17, 2013. As of this meeting date, Coastal Bridge started with the removal of obstructions phase of work and is scheduled to commence some of the necessary excavation in the area of the proposed dead man. Coastal Bridge anticipates the work schedule for this site to be from June 17, 2013 through August 23, 2013.

**{3} Status of the Completion of the Design of the Remaining Public Bulkheads (#12 POI Public Dock) and the Preparation of the Bid Specifications.**

Mr. Ledet reported that the Preliminary Design Package has been submitted to the LA DOTD for their review this meeting date (It is noted that the preliminary design package is similar to a 95% submittal). This is the design of the remaining public bulkhead (Bulkhead 12 - Public Dock) for the Port-Site Bulkhead Relocation Project. It is noted that the design of Bulkhead 12 is a helical anchor system.

A motion was made by Commissioner Frank Minvielle, seconded by Commissioner Danny David, Sr., to approve and authorize payment of Invoice Number 1492444-R8-00541 in the amount of \$464.00, to Shaw Coastal, Inc., for the period May 1, 2013 thru May 31, 2013 (reimbursable to POI by DOTD), regarding the AGMAC Bulkhead Relocation Project Phase IIA (for 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 18 dated December 20, 2011.

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

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

Nays: None.

Absent at Voting: Mike Resweber and Millie Martinez.

And the motion was therefore passed on this the 18th day of June 2013.

A motion was made by Commissioner Mark Dore', seconded by Commissioner Frank Minvielle, to approve and authorize payment of Invoice Number 735392-R8-00501 in the amount of \$2,346.00, to Shaw Coastal, Inc., for the period May 1, 2013 thru May 31, 2013 (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 11 (Project Management) dated December 18, 2012.

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

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

Nays: None.

Absent at Voting: Mike Resweber and Millie Martinez.

And the motion was therefore passed on this the 18th day of June 2013.

(b) Status of the AGMAC Project.

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

\*\*\*\*Status of Add'l Information Requested by Executive Director to BOEM Regarding Water Depths of 400 Meters, Floating Production Storage Offloading (FPSO) Systems, and the Price of Oil Used to Make the Projections.

Mr. Glenn Ledet reported that the additional information the Executive Director requested from the Bureau of Ocean Energy Management (BOEM) was received this meeting date. The information entails the amount of platforms projected to be built in the Gulf of Mexico (GOM) from 2012 to 2017 in waters approximately 1,000 feet or deeper. The information also includes GOM platform installation projections for the number of production systems anticipated to be Floating Production Storage and Offloading (FPSO) systems at 330 meters. In addition, the oil prices used by BOEM to develop the full suite of oil and gas

exploration and development activity forecasts for the Five Year OCS Oil and Gas Leasing program for 2012-2017 were \$60/barrel for the low case and \$160/barrel for the high case.

The Executive Director indicated that with this information Dr. Bob Gramling, ULL Economist, will now be able to make a comparison of BOEM's Platform Projections with the USACE Platform Projections, identified in the Economic Update prepared in 2010. The Economic Update from the USACE in 2010 played an integral part of the suspension of the project. The Executive Director feels that within the next 30 days the Port should have a report from Dr. Gramling. The information will then be submitted to our U.S. Delegation to support the Port's argument that the USACE economics is conservative. It is noted that the argument has already been made on the cost of construction.

**A motion was made by Commissioner Danny David, Sr., seconded by Commissioner Larry Rader, to approve and authorize payment of Invoice Number 735393-R8-00501 in the amount of \$1,560.00, to Shaw Coastal, Inc., for the period May 1, 2013 thru May 31, 2013 (economic re-evaluation using new BOEM info.)(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 11 (Project Management) dated December 18, 2012.**

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

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

**Nays: None.**

**Absent at Voting: Mike Resweber and Millie Martinez.**

**And the motion was therefore passed on this the 18th day of June 2013.**

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

Mr. Glenn Ledet gave a Powerpoint Presentation on the construction status of the Port Millennium Expansion Phase II Project. Included in the presentation was a Phasing Plan schematic drawing which depicted six (6) phases.

The contractor has completed Phases 1, 2, 3, and 4 and is currently working on Phases 5 & 6. In addition, the excavation of Slips C-8-B; C-8-C; and C-8-D; have been completed. A new electrical box has been installed for the Waste Water Treatment Plant, as well as the boring for the new sewer line. The contractor has also commenced work on the 2" water line relocation.

Mr. Ledet reported that a total of 313,858 cubic yards has been excavated and graded on the POI Millennium Expansion Phase II Property Site (south of the main slip). During the last month, the contractor has continued to focus on the excavation and embankment of the three (3) side slips and the main slip for the expansion.

The Executive Director indicated that C.P. Voorhies Road is a major thoroughfare in the Port, and he requested that Mr. Ledet provide ample notices to Port Businesses that the road will be closing in the near future and to plan alternative routes in an effort to meet their

transportation needs, etcetera.

**{1} Discuss/Approve Contractor's Application for Payment No. 3.**

Mr. Ledet indicated that Contractor's Application for Payment Number 3 is in the amount of \$545,959.62. This payment request includes the construction layout, clearing and grubbing, and general excavation and embankment (164,145 cubic yards). In addition, there has been eight (8) rain days for a total of 18. There has been 59 days of work completed with 141 remaining.

**A motion was made by Commissioner Larry Rader, seconded by Commissioner Mark Dore', to approve and authorize Contractor's Application for Payment No. 3 in the amount of \$545,959.62 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.**

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

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

**Nays: None.**

**Absent at Voting: Mike Resweber and Millie Martinez**

**And the motion was therefore passed on this the 18th day of June 2013.**

**A motion was made by Commissioner Frank Minvielle, seconded by Commissioner Mark Dore', to approve and authorize payment of Invoice Number 1492443-R8-00541 in the amount of \$15,536.00 to Shaw Coastal, Inc., for the period April 26, 2013 thru May 31, 2013 regarding the Port of Iberia District Port Millennium Expansion Phase II Project, (Additional Services: Construction Management & Resident Project Representation) 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', Danny J. David, Sr., Larry G. Rader, and Frank Minvielle.**

**Nays: None.**

**Absent at Voting: Mike Resweber and Millie Martinez.**

**And the motion was therefore passed on this the 18th day of June 2013.**

The Executive Director expressed his concern over the fact that the contractor has not only been performing the work on the Port's expansion project, but also performing expansion work on the Sterling Sugars property site as well. The Executive Director was under the impression that the Port's expansion project would be completed before the contractor would commence another project.

Mr. Ledet has spoken with the contractor. The contractor is ahead of schedule on the Port's project. Mr. Ledet indicated that Sterling Sugars expansion project mirrors the Port's expansion project. Mr. Ledet also indicated that in the process of excavating the second

half of the main channel, the subcontractor would dig Sterling Sugars three side slips. It is noted that Patriot Construction is the contractor solely for the Sterling Sugars project, and the subcontractor for the Port's project. Discussion ensued.

Commissioner Frank Minvielle asked for a moment of silence for recognition of Mr. Carl Bauer due to his recent passing. Mr. Bauer has done a lot for the Port and Carl Bauer Road at the Port is named after Mr. Bauer.

## **VII. REPORT FROM EXECUTIVE DIRECTOR ON:**

### **(a) Status of Lease Agreement Between Southern Recycling, L.L.C. & the POI Regarding Tract "M" (18.08 acres) Located on the Newly Acquired Port Millennium Expansion Phase II Property Site.**

The Executive Director reported that Southern Recycling, L.L.C. has decided not to expand their operations at this particular time. Southern Recycling, L.L.C. has also notified the Executive Director that the Port may retain its "Good Faith" deposit in the amount of \$4,068.00 for administrative costs, etcetera on Tract "M" (18.08 acres) on the newly acquired Port Millennium Expansion Phase II Property Site.

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

The Executive Director is waiting for a status report on the above referenced project.

### **(c) Status of Danos Lease Negotiations Regarding Tracts "P" and "Q" Consisting of a Total of 22.37 Acres, Located on the POI Millennium Expansion Phase II Property Site.**

**\*\*\*Request for an Extension to Reserve Tracts "P" and "Q" for an Additional 60 days to Perform Due Diligence for the Site Selection Process.**

The Executive Director reported that there was not enough sufficient information received to be able to submit a Port Priority Application by June 1, 2013. Danos is in the process of refining their plans and they will contact the Port for a more specific proposal to be submitted. Danos is also asking for an additional 60 day hold on Tracts "P" and "Q" consisting of a total of 22.37 acres. The Executive Director indicated that Danos is considering other sites besides the Port of Iberia to locate.

**A motion was made by Commissioner Larry Rader, seconded by Commissioner Danny David, Sr., to approve and authorize the Executive Director to continue negotiations with Danos, and Jones Walker Consulting, L.L.C. (a site selection company), and motion further authorizes the Executive Director to continue to reserve Tracts "P" and "Q" consisting of a total of 22.37 acres, located on the POI Millennium Expansion Phase II Property Site, for an additional 60 days to perform due diligence for the site selection process.**

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

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

**Nays: None.**

**Absent at Voting: Mike Resweber and Millie Martinez.**

**And the motion was therefore passed on this the 18th day of June 2013.**

- (d) Discuss/Consider Authorizing the Executive Director to Request a "Functionally Dependent Use" Flood Zone Designation (VE) Variance on New Construction, Substantial Improvements and other Development on the POI Millennium Expansion Phase II Project Site.**

The Executive Director presented a schematic FEMA drawing depicting the flood zone designations on the POI Millennium Expansion Phase II Property Site. Recently, it was discovered that a portion of the expansion property site is located in a Zone VE. This is the most restrictive flood zone. As a result, there are many restrictive construction requirements for the construction of buildings in a Flood Zone VE. Since the Port is an "industrial park" located on channels (specifically a Port), the Port can request a variance. The request would be for a "Functionally Dependent Use" Variance regarding new construction, substantial improvements and other development on the POI Millennium Expansion Phase II Project Site.

The Executive Director met with Mr. John Raines, Iberia Parish Director of Permitting, Planning and Zoning and has spoken with FEMA personnel regarding this matter. The Executive Director acquired an application to apply for the variance. The application is submitted to the Iberia Parish Board of Zoning Adjustments.

Discussion ensued on how this would affect the Port's Flood Insurance Premiums in the future.

**A motion was made by Commissioner Danny David, Sr., seconded by Commissioner Frank Minvielle, to approve and authorize the Executive Director to submit an application to the Iberia Parish Board of Zoning Adjustments regarding requesting a "Functionally Dependent Use" Variance on new construction, substantial improvements and other development on the POI Millennium Expansion Phase II Project Site.**

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

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

**Nays: None.**

**Absent at Voting: Mike Resweber and Millie Martinez.**

**And the motion was therefore passed on this the 18th day of June 2013.**

- (e) **Announcements:**  
\*\*\*Senate Bill No. 223 by Senators Mills and Johns Regarding the  
Creation of the Coastal Port Advisory Authority.

VIII. **ADJOURNMENT.**

On a motion made by Commissioner Larry Rader, seconded by Commissioner Frank Minvielle, the meeting was adjourned at 6:50 p.m.

x Michael Reswiler  
SECRETARY-TREASURER

x Gene L. Johnson  
PRESIDENT