

**PORT OF IBERIA DISTRICT
BOARD OF COMMISSIONERS
REGULAR MEETING – TUESDAY, SEPTEMBER 18, 2018
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 Roy A. Pontiff, Board President, at the Port of Iberia Administrative Office, on Tuesday, September 18, 2018, at 5:39 P.M.

In attendance were Commissioners Roy A. Pontiff, President, Simieon d. Theodile, Secretary-Treasurer, Mark Dore', and Danny J. David, Sr.,

Commissioners Elbridge "Smitty" Smith, III, Vice-President, Larry G. Rader and Gene L. Jefferies were absent.

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

Thus, with a quorum being acknowledged, Commissioner Simieon d. Theodile recited the opening prayer and the Pledge of Allegiance.

**I. APPROVAL OF MINUTES – Special Meeting, August 3, 2018.
Regular Meeting, August 21, 2018.**

On a motion by Commissioner Danny J. David, Sr., and seconded by Commissioner Mark Dore', the Commission approved the minutes of the Special Meeting held on Friday, August 3, 2018.

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

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

Nays: None.

Absent at Voting: Elbridge "Smitty" Smith, III, Larry G. Rader, and Gene L. Jefferies

And the motion was therefore passed on this the 18th day of September, 2018.

On a motion by Commissioner Mark Dore', and seconded by Commissioner Danny J. David, Sr., the Commission approved the minutes of the Regular Meeting held on Tuesday, August 21, 2018.

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

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

Nays: None.

Absent at Voting: Elbridge "Smitty" Smith, III, Larry G. Rader, and Gene L. Jefferies

And the motion was therefore passed on this the 18th day of September, 2018.

II. DISCUSS AND/OR DISTRIBUTE THE FOLLOWING:

(a) Budget Summary for Two (2) Months Ending August 2018.

(b) Listing of Tenant Lease Billings.

Executive Director Craig Romero reported that he received a call from Mr. Rocky Bishop with Baldwin Redi-Mix. Mr. Bishop is interested in the Vermilion Shell & Limestone Company, Inc. Lease of Lots 59A, 60 & 61 (2.560 acres) at the Port of Iberia.

(c) Listing of Boat Stall Tenant Lease Billings.

{1} Update on Port Attorney's Procedures Regarding the Removal of the Abandoned Vessel in Slip #3.

*****Publication of Notice Abandoned Vessel at Port of Iberia – Thursday, September 6, 2018.**

{2} Discuss/Consider Proposal from LeBlanc Marine, LLC for the Removal of Sunken Vessel.

Port Attorney Ray Allain stated that he suggested speaking to the Port's insurance agent to see if there is a way the Port could get some of its money back for the removal of the sunken vessel.

A motion was made by Commissioner Danny J. David, Sr., seconded by Commissioner Simieon d. Theodile, to approve and authorize LeBlanc Marine, LLC, to remove and dispose of the submerged concrete Sailboat from Slip #3 in the Port's Marina in the amount of \$15,000.00 as per proposal dated September 13, 2018.

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

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

Nays: None.

Absent at Voting: Elbridge "Smitty" Smith, III, Larry G. Rader, and Gene L. Jefferies

And the motion was therefore passed on this the 18th day of September, 2018.

(d) Approve Payment of Bills & Checks Issued During Interim Period.

A motion was made by Commissioner Mark Dore', seconded by Commissioner Simieon d. Theodile, to approve and authorize the payment of bills for September 2018, and ratify those paid during the interim period.

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

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

Nays: None.

Absent at Voting: Elbridge "Smitty" Smith, III, Larry G. Rader, and Gene L. Jefferies

And the motion was therefore passed on this the 18th day of September, 2018.

(e) Computer Summary of Lease Agreement Activity Sheet.

There was no activity to report on the above Agenda item.

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

(a) Port-Site Bulkhead Relocation Project Phase II B – (Phase II) – Private Bulkhead 11B (Private Property).

Ms. Leah Selcer, GIS Engineering, LLC, reported that the construction on Bulkhead 11B was completed in August 2018. Contractor Pay Application Number 6 is the final Pay App. (Retainage) for this project. Mr. Oneil Malbrough stated that this completes all of the Bulkhead Relocation Projects that is part of the AGMAC Project.

{1} Discuss/Approve Contractor Pay Application #5.

A motion was made by Commissioner Simieon d. Theodile, and seconded by Commissioner Mark Dore', to approve and authorize the payment of Contractor Pay Application No. 5 in the amount of \$234,815.68 to Coastal Construction and Engineering, LLC for the Port-Site Bulkhead Relocation Project Phase II B (Phase II) – Private Bulkhead 11B (Private Property) for July 1, 2018 thru July 31, 2018 regarding Bulkhead 11B which includes quantities relocation of existing power pole, geotextile fabric, aggregate surface course, granular material, and steel pipe fenders, in accordance with contract dated December 19, 2017; 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: Roy A. Pontiff, Simieon d. Theodile, Mark Dore', and Danny J. David, Sr.

Nays: None.

Absent at Voting: Elbridge "Smitty" Smith, III, Larry G. Rader, and Gene L. Jefferies

And the motion was therefore passed on this the 18th day of September, 2018.

{2} Discuss/Approve Contractor Pay Application #6 (Retainage Payment).

A motion was made by Commissioner Danny J. David, Sr., and seconded by Commissioner Simieon d. Theodile, to approve and authorize the payment of Contractor Pay Application No. 6 (Retainage Payment) in the amount of \$41,808.22 to Coastal Construction and Engineering, LLC for the Port-Site Bulkhead Relocation Project Phase II B (Phase II) – Private Bulkhead 11B (Private Property) for August 1, 2018 thru August 31, 2018 regarding Bulkhead 11B which includes retainage for the project, in accordance with contract dated December 19, 2017; 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: Roy A. Pontiff, Simieon d. Theodile, Mark Dore', and Danny J. David, Sr.
Nays: None.

Absent at Voting: Elbridge "Smitty" Smith, III, Larry G. Rader, and Gene L. Jefferies

And the motion was therefore passed on this the 18th day of September, 2018.

{3} Discuss/Approve GIS Engineering, LLC Invoice.

A motion was made by Commissioner Simieon d. Theodile, and seconded by Commissioner Mark Dore', to approve and authorize the payment of Invoice Number 70001381 in the amount of \$996.00 to GIS Engineering, LLC for the period August 1, 2018 thru August 31, 2018 which includes August activities for Bulkhead 11B including processing of submittals and RFIs, engineering QA/QC project site visits, tenant coordination, construction oversight, processing of contractor requests for partial payment, and substantial completion; in accordance with contract dated February 16, 2016 and Amendment #3 dated November 15, 2016.

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

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

Nays: None.

Absent at Voting: Elbridge "Smitty" Smith, III, Larry G. Rader, and Gene L. Jefferies

And the motion was therefore passed on this the 18th day of September, 2018.

(b) Status of the Louisiana Port Construction & Development Priority Program SPN H.011928 "East & West Yard Expansion & Site Improvements Project."

{1} Mr. Gerald Gesser, Gesser Group APC, to Provide an Update on the Port of Iberia West Yard (formerly Dynamic West Yard).

Mr. Gerald Gesser, Gesser Group, APC, presented the Board with a report showing the various tasks that have been performed over the past Three (3) months. Commissioner Roy Pontiff questioned if the report predates the contract with GIS Engineering, LLC that was approved at the August 2018 Board Meeting. Mr. Craig Romero stated that he requested that Mr. Gerald Gesser make a list of everything that was done until the middle of August, then the rest would be sent to GIS Engineering, LLC to process under their agreement with the Port.

A motion was made by Commissioner Mark Dore', seconded by Commissioner Simieon d. Theodile to approve and authorize the payment of Invoice Number 100 to Gesser Group, APC in the amount of \$24,435.00 for the period June 1, 2018 thru August 21, 2018 for architectural services performed at the Port of Iberia West Yard (formerly Dynamic West Yard).

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

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

Nays: None.

Absent at Voting: Elbridge "Smitty" Smith, III, Larry G. Rader, and Gene L. Jefferies

And the motion was therefore passed on this the 18th day of September, 2018.

{2} Update on GIS Engineering, LLC Professional Services Contract Regarding the "West Yard" Expansion & Site Improvements Project.

It is noted that the Port Attorney has approved the GIS Engineering, LLC Professional Services Contract pertaining to the "West Yard" Expansion & Site Improvements Project and the Board President will execute this meeting date.

Mr. Oneil Malbrough stated that one of the things they wanted to look at was the drainage on the facility. There is one big pump station that is on the site that is not working. There is also an electric pump that is not functioning. Everything drains underground to a number of different spots which GIS Engineering, LLC is not familiar exactly where it goes to. Ms. Leah Selcer and other engineers got together and prepared a Task Order regarding the drainage on the property.

Mr. Oneil Malbrough stated one of the things that can be done regarding the drainage is to replace the pump that is there but they are not sure if will work. He is not recommending doing this since the pump is old. He requested Mr. Francis Fortier to do a site study of the entire yard. The second option the Port has is to analyze and design a new pumping station for the entire facility. The first Task Order is just a cost estimate to do a drainage study for the entire facility to make sure that all the underground drainage is operating and functioning in bringing the water to the pump. GIS Engineering, LLC thinks it will cost about \$27,000 to design the drainage system and survey work to find out the height, shapes, and sizes of all the catch basins that are in there. This task order is only to design a drainage system that would work on the site. If the Board decides to repair and replace the existing drainage system, Mr. Oneil Malbrough suggests replacing it with a larger one.

Mr. Oneil Malbrough stated that in speaking with Mr. Gerald Gesser, there are some existing slabs in Building "B" that are old. One of the quotes the prospective tenant is looking for is to pave part of Building "B". Mr. Oneil Malbrough stated there are places in the building that holds water right now so they are cautious in coming up with an elevation of the slab so that it stays dry. If a new slab is poured, a catch basin in the building would be put in so that the cement could be tapered so the water could drain to the catch basin.

Mr. Craig Romero questioned how long would it take GIS Engineering, LLC to do the drainage assessment. Ms. Leah Selcer stated it would take about a week or so to do the survey and about a month to do the design. Once this is done then GIS Engineering, LLC would have a cost estimate to add to the cost of the repairs.

Mr. Roy Pontiff stated that the Board would like to hold off on making any repairs until they are ready to do the construction, so that the Port would get 90% back from the State. Mr. Oneil Malbrough stated that at this meeting, he is just asking for the Board to approve a task order for GIS Engineering, LLC to put together a cost estimate on what it would cost to get the drainage system functioning again.

Commissioner Mark Dore' questioned what would the Board be giving GIS Engineering, LLC approval for. Commissioner Roy Pontiff stated that it would be for GIS Engineering, LLC to do a comprehensive drainage study of the whole property (approximately 106 acres) with the design to adequately drain the property for future potential tenants. Mr. Oneil Malbrough stated that he would get Mr. Francis Fortier to survey the ground and pumps.

Mr. Craig Romero stated that in Building "B" there is oil that needs to be removed. This cost will be taken off the purchase price of the property.

The second Task Order is for the physical survey work for the elevation of the grounds and the location of the sumps. The cost of the survey is \$13,500. In order to do the drainage assessment, a survey of the property has to be done.

Port Attorney Ray Allain requested that none of the work be done until the closing date of October 5, 2018 or before.

{3} Discuss/Consider GIS Engineering, LLC Task Order Number 1 for Drainage Assessment/Study.

Mr. Malbrough presented Task Order 1 Proposal to provide Professional Engineering Services to the Port of Iberia (POI) for services required for an existing conditions drainage analysis for drainage and site stormwater runoff and preparing recommendations for required improvements at the West Yard Expansion Project site.

The Scope of Work will include the existing conditions drainage analysis, meetings and coordination, existing drainage analysis, recommendations and improvements, and proposed cost. Discussion ensued.

A motion was made by Commissioner Simieon d. Theodile, seconded by Commissioner Mark Dore' to approve and authorize Task Order Number 1 for GIS Engineering, LLC regarding Professional Engineering Services to the Port of Iberia

for engineering services required for an existing conditions drainage analysis for drainage and site storm water runoff and preparing recommendations for required improvements at the West Yard Expansion Project Site for drainage assessment and evaluation, at an estimated fee of \$28,850.00 plus reimbursable expenses and additional time and materials charges for coordination, file sharing and meetings (if applicable).

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

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

Nays: None.

Absent at Voting: Elbridge "Smitty" Smith, III, Larry G. Rader, and Gene L. Jefferies

And the motion was therefore passed on this the 18th day of September, 2018.

{4} Discuss/Consider GIS Engineering, LLC Task Order for Topographic Survey.

Mr. Malbrough presented Task Order 2 Proposal to provide Professional Engineering Services to the Port of Iberia (POI) for services required for an existing conditions drainage analysis for drainage and site stormwater runoff and preparing recommendations for required improvements at the West Yard Expansion Project site. The Scope of Work will include the existing conditions drainage analysis as well as a Topographic Survey and the deliverable will include topographic data of entire project area and an updated map of the entire project area. Discussion ensued.

A motion was made by Commissioner Mark Dore', seconded by Commissioner Simieon d. Theodile to approve and authorize Task Order Number 2 for GIS Engineering, LLC regarding Professional Engineering Services to the Port of Iberia for services required for an existing conditions drainage analysis as well as a Topographical Survey with the deliverable including topographic data of the entire project area and an updated map of the entire project area, at a cost not to exceed \$13,500 unless specifically amended in writing.

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

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

Nays: None.

Absent at Voting: Elbridge "Smitty" Smith, III, Larry G. Rader, and Gene L. Jefferies

And the motion was therefore passed on this the 18th day of September, 2018.

{5} Discuss/Approve GIS Engineering, LLC Invoice(s).

There were no invoices presented pertaining to this Agenda item.

(c) Port Millennium Expansion Phase III Project – Site Excavations & Dredging.

{1} Update on the Status of the Port Millennium Expansion Phase III Project.

Mr. Oneil Malbrough reported that the plat has been finished with the revision of including going from the small bulkhead on the North side of the slip and keeping the 120ft . Mr. Francis Fortier has revised the plat and the descriptions of the property to include the wishes of the Board. Port Attorney Ray Allain stated the last time Mr. Francis Fortier and himself spoke, he stated that each landowner needed to be identified and Mr. James L. Grey needed to be taken off of the plat. Mr. Ray Allain is currently waiting for this to be done.

{2} Discuss/Approve GIS Engineering, LLC Invoice.

A motion was made by Commissioner Danny J. David, Sr., and seconded by Commissioner Simieon d. Theodile, to approve and authorize the payment of Invoice Number 70001383 in the amount of \$6,543.14 to GIS Engineering, LLC for the period August 1, 2018 thru August 31, 2018 which includes August activities for Millennium Expansion Phase III Project including drone footage of Bulkhead; in accordance with contract effective date of February 1, 2018.

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

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

Nays: None.

Absent at Voting: Elbridge "Smitty" Smith, III, Larry G. Rader, and Gene L. Jefferies

And the motion was therefore passed on this the 18th day of September, 2018.

(d) AGMAC Project General Engineering and Consulting Services:

{1} Update on Status of AGMAC Project.

Mr. Oneil Malbrough reported that on July 19, 2018 approved in the Legislature was \$1.5M in Priority 1, \$3.5M in Priority 2, and \$5M in Priority 5. During the Legislative Session last year, the State Capital Outlay approved \$10M for the AGMAC Project (\$5M to be issued in cash and bond sales that could be used this year and \$5M in a non-cash line of credit that could be used the following year.) There are ways you could use the non-cash line of credit if the Port has a project that goes over the \$5M depending on the wishes of the Division Administration and the State. In July 2018 \$1.5 was approved in Priority 1 and \$3.5M was approved in Priority 2. This was done because it was lingering from the year before. On Thursday, September 20, 2018 there is another bond sale scheduled. There will be \$3.5M in Priority 2 and \$1.5 in Priority 5. The \$1.5M in Priority 1 is cash, which means it doesn't have to be sold. The \$3.5M in Priority 2, the State will sell bonds and borrow money and give to the Port. The \$5M in Priority 5 is for next year or a non-cash line of credit which under special conditions could be used.

Mr. Craig Romero stated that the money wasn't postured correctly coming out of the session. He spoke with Senator Fred Mills and Senator Fred Mills worked with Representative Taylor Barras to put in the bond commission meeting schedule for September 20, 2018 exactly how Mr. Oneil Malbrough described so that theoretically getting special approval to allow the Port of Iberia to access the \$10M to do a dredging project. Commissioner Danny David, Sr. questioned what level of dredging is the Port looking to have done. Mr. Craig Romero stated that it would be maintenance dredging to get to the authorize depth, hoping for 15' to 16'. Lengthy discussion ensued.

{2} Discuss/Approve GIS Engineering, LLC Invoice.

A motion was made by Commissioner Simieon d. Theodile, seconded by Commissioner Mark Dore', to approve and authorize the payment of Invoice Number 70001382 in the amount of \$4,892.50 to GIS Engineering for the period August 1, 2018 thru August 31, 2018 which includes July activities for GIS General Engineering Services Contract, including process of survey data, dredge cross sections, plan and profiles, and quantity calculations, as well as Oneil's USACE Low Water Inspection Trip meeting, in accordance w/contract effective date of January 20, 2016, Amendment #1 August 16, 2016, Amendment #2 dated December 20, 2016, and Amendment #3 effective December 20, 2017.

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

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

Nays: None.

Absent at Voting: Elbridge "Smitty" Smith, III, Larry G. Rader, and Gene L. Jefferies

And the motion was therefore passed on this the 18th day of September, 2018.

(e) Discuss/Consider Authorizing GIS Engineering, LLC to Prepare and Submit the 2019-2020 Capital Outlay Request on Behalf of the Port of Iberia District.

Mr. Oneil Malbrough stated November 1, 2018 is the deadline to get the Capital Outlay request in for 2019-2020.

A motion was made by Commissioner Danny J. David, Sr., seconded by Commissioner Simieon d. Theodile, to approve and authorize GIS Engineering, LLC to prepare and submit on behalf of the Port of Iberia District Capital Outlay Requests for Fiscal Year 2019-2020.

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

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

Nays: None.

Absent at Voting: Elbridge "Smitty" Smith, III, Larry G. Rader, and Gene L. Jefferies

And the motion was therefore passed on this the 18th day of September, 2018.

IV. REPORT FROM PORT ATTORNEY ON:

(a) AWS Lease Agreement & Collection of Unpaid Rental.

{1} Enter Into Executive Session to Discuss Litigation Regarding a Settlement Agreement.

Port Attorney Ray Allain stated that the AWS debt has been trying to be collected and a potential Settlement Agreement has been reached. AWS owed the Port approximately \$203,000 before adding interest and attorneys' fees. The company shut down and moved to Texas. Mr. Ray Allain stated that Mr. Kreig Breaux did an excellent job in locating and tracking them down in Texas. A long arm search was done and they were sued in Texas. The negotiations have been ongoing for a couple of months. The Settlement Agreement states AWS will pay the Port \$120,000.00, of which \$60,000 will be given to the Port once the Settlement Agreement is signed, and another \$35,000 in six (6) months, and another \$25,000 in another six (6) months. Within a year \$120,000 will be collected.

A motion was made by Commissioner Mark Dore', seconded by Commissioner Simieon d. Theodile to approve and authorize the Board President to execute the Settlement Agreement between Advanced Welding Services and the Port of Iberia regarding the recovery of sums due from AWS in the Lease Agreement recorded April 24, 2007; and motion further states that \$60,000 will be paid to the Port of Iberia once the Settlement Agreement is signed, \$35,000 will be paid to the Port of Iberia in Six (6) months, and another \$25,000 will be paid to the Port of Iberia Six (6) months after that, with the total amount being paid to the Port of Iberia after One (1) year being \$120,000.00.

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

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

Nays: None.

Absent at Voting: Elbridge "Smitty" Smith, III, Larry G. Rader, and Gene L. Jefferies

And the motion was therefore passed on this the 18th day of September, 2018.

A motion was made by Commissioner Mark Dore', seconded by Commissioner Danny J. David, Sr. to reconsider the motion to approve and authorize the Board President Board President to execute the Settlement Agreement between Advanced Welding Services and the Port of Iberia regarding the recovery of sums due from AWS in the Lease Agreement recorded April 24, 2007; and motion further states \$60,000 will be paid to the Port of Iberia once the Settlement Agreement is signed, \$35,000 will be paid to the Port of Iberia in Six (6) months, and another \$25,000 will be paid to the Port of Iberia Six (6) months after that and revised to approve the Administrative Assistant to execute the Settlement Agreement.

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

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

Nays: None.

Absent at Voting: Elbridge "Smitty" Smith, III, Larry G. Rader, and Gene L. Jefferies

And the motion was therefore passed on this the 18th day of September, 2018.

A motion was made by Commissioner Simieon d. Theodile, seconded by Commissioner Danny J. David, Sr., to approve and authorize the Administrative Assistant to execute the Settlement Agreement between Advanced Welding Services and the Port of Iberia regarding the recovery of sums due from AWS in the Lease Agreement recorded April 24, 2007; and motion further states \$60,000 will be paid to the Port of Iberia once the Settlement Agreement is signed, \$35,000 will be paid to the Port of Iberia in Six (6) months, and another \$25,000 will be paid to the Port of Iberia Six (6) months after with the total amount paid to the Port of Iberia after One (1) year being \$120,000.00.

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

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

Nays: None.

Absent at Voting: Elbridge "Smitty" Smith, III, Larry G. Rader, and Gene L. Jefferies

And the motion was therefore passed on this the 18th day of September, 2018.

(b) LBC Port Judgment/Collection of Money due the Port of Iberia.

There was no update on the above Agenda item.

(c) Status/Update on POI West Yard.

{1} Purchase & Sale Agreement Effective Date July 25, 2018.

{2} Update on 45-Day Due Diligence Period.

Port Attorney Ray Allain stated that the Purchase & Sale Agreement was signed on July 25, 2018. The due diligence period expired on September 8, 2018. Before the period expired, Goldman Sachs was confronted with a report for the Environmental Phase I that required \$39,870.00 to clean out the pit in Building "B".

Mr. Ray Allain stated that he reported to Goldman Sachs that he did not have the authority to pay more than \$5.5M and he couldn't pay the \$39,870; and if the Port of Iberia had to pay the \$39,870 then the Cash Sale would not occur. Goldman Sachs offered to allow the Port of Iberia to reduce the purchase price by \$39,870. The Port of Iberia now has Thirty (30) days to close from the due diligence which makes a deadline of October 8, 2018. At the beginning of October everything will be ready to close the sale. The closing procedure is outlined in the Purchase Agreement which provides the Port of Iberia has to prepare the documents, execute them, then send them to Texas for review and they will execute them and send them back. The money will be placed in the Port's Escrow Agent's account (Mr. Jeff Simon, Simon & Simon) and will be transferred

by wire or however Goldman Sachs decides to do it. Mr. Ray Allain stated that hopefully by October 5, 2018 the Port of Iberia will be able to close and the property will belong to the Port Commission.

{3} Discuss/Consider the Purchase of Title Insurance.

Port Attorney Ray Allain stated that in the beginning Goldman Sachs offered for their title company to do the title policy for the Port of Iberia. The Board hired Mr. Jeff Simon to do the title work. The Title Commitment was provided to the Board. There were 75 exceptions. Mr. Jeff Simon has presented the Board with a Title Commitment which would be the basis of a Title Policy for \$16,595.20. Mr. Ray Allain recommended to the Board to purchase the Title Insurance and pay the fees associated with Mr. Jeff Simon. Executive Director Craig Romero expressed his concerns regarding the purchase of title insurance.

A motion was made by Commissioner Mark Dore', seconded by Commissioner Danny J. David, Sr. to approve and authorize the purchase of Title Insurance, in the amount of \$16,595.20 (based on \$5.5M purchase), from First American Title Insurance Company and also includes additional charges for abstract on property with copy charges, UCC search, and recordation of cash sale and attachments in the total amount of \$1,084.00 regarding the purchase from Goldman Sachs Bank USA for the "West Yard" Expansion Property Site; with the total amount being \$17,679.20.

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

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

Nays: None.

Absent at Voting: Elbridge "Smitty" Smith, III, Larry G. Rader, and Gene L. Jefferies

And the motion was therefore passed on this the 18th day of September, 2018.

{4} Discuss/Adopt Resolution Regarding Authorization for Board President to Execute Cash Sale.

A motion was made by Commissioner Danny J. David, Sr., seconded by Commissioner Mark Dore' to adopt the following:

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

WHEREAS, the Board of Commissioners of the PORT OF IBERIA DISTRICT, voted unanimously, at its meeting on September 18, 2018, to authorize ROY A. PONTIFF as President of the Board to purchase several tracts comprising 106.718

acres, and related rights, from GOLDMAN SACHS BANK USA (hereinafter "GOLDMAN") for the sum of FIVE MILLION FIVE HUNDRED THOUSAND AND NO/100 (\$5,500,000.00) DOLLARS, less a deduction for certain environmental clean up costs, namely THIRTY-NINE THOUSAND EIGHT HUNDRED AND SEVENTY AND NO/100 (\$39,870.00) DOLLARS;

NOW THEREFORE, BE IT RESOLVED that the Board President, be and he is hereby authorized to execute and sign on behalf of the PORT OF IBERIA DISTRICT, a Cash Sale and any other documents which may he deems necessary to complete the transfer of title from GOLDMAN SACHS BANK USA to the PORT OF IBERIA DISTRICT, for the sum of FIVE MILLION FIVE HUNDRED THOUSAND AND NO/100 (\$5,500,000.00) DOLLARS, less the sum of THIRTY-NINE THOUSAND EIGHT HUNDRED AND SEVENTY AND NO/100 (\$39,870.00) DOLLARS, for a net purchase price of FIVE MILLION FOUR HUNDRED SIXTY THOUSAND ONE HUNDRED THIRTY AND NO/100 (\$5,460,130.00) DOLLARS to the following described property:

Tract I

A certain tract of land, containing 9.96 Acres, more or less, together with all the buildings and improvements thereon, and all rights, ways, privileges, servitudes and appurtenances thereunto belonging or in anywise appertaining, situated in the parish of Iberia, State of Louisiana, being located in Section 34, Township 12 South, Range 6 East.

Iberia Parish Assessor Parcel ID No. 0105264000

Tract II

A certain tract of land, containing 5.00 Acres, more or less, together with all the buildings and improvements thereon, and all rights, ways, privileges, servitudes and appurtenances thereunto belonging or in anywise appertaining, situated in the parish of Iberia, State of Louisiana, being located in Section 4, Township 13 South, Range 6 East.

Iberia Parish Assessor Parcel ID No. 0105261990

and,

A certain tract of land, containing 12.67 Acres, more or less, together with all the buildings and improvements thereon, and all rights, ways, privileges, servitudes and appurtenances thereunto belonging or in anywise appertaining, situated in the parish of Iberia, State of Louisiana, being located in Section 4, Township 13 South, Range 6

East.

Iberia Parish Assessor Parcel ID No. 0105261990A

Tract III

A certain tract of land, containing 79.088 Acres, more or less, together with all the buildings and improvements thereon, and all the rights, ways, privileges, servitudes and appurtenances thereunto belonging or in anywise appertaining, situated in the parish of Iberia, State of Louisiana, being located in Sections 3 & 4, Township 13 South, Range 6 East

Iberia Parish Assessor Parcel ID No. 0105262000

All of the foregoing tracts being more particularly described in that Marshal Deed filed for record November 15, 2016 at Conveyance Book 1615, at Page 289, under File No. 2016-00010880, Iberia Parish public records.

Together with associated personal property, contracts and agreements referred to in the Marshal Deed referenced above.

**This motion having been submitted to a vote, the vote thereon was as follows:
Yeas: Roy A. Pontiff, Simieon d. Theodile, Mark Dore', and Danny J. David, Sr.
Nays: None.**

Absent at Voting: Elbridge "Smitty" Smith, III, Larry G. Rader, and Gene L. Jefferies

And the resolution was therefore adopted on this the 18th day of September, 2018.

{5} Discuss/Approve Title Attorney Fees/Invoice through Closing.

A motion was made by Commissioner Mark Dore', seconded by Commissioner Simieon d. Theodile to approve and authorize the payment to Simon & Simon for a dollar amount not to exceed \$4,000.00 for the contract work, excluding title charges, regarding the purchase of the "West Yard" from Goldman Sachs Bank USA.

**This motion having been submitted to a vote, the vote thereon was as follows:
Yeas: Roy A. Pontiff, Simieon d. Theodile, Mark Dore', and Danny J. David, Sr.
Nays: None.**

Absent at Voting: Elbridge "Smitty" Smith, III, Larry G. Rader, and Gene L. Jefferies

And the motion was therefore passed on this the 18th day of September, 2018.

V. REPORT FROM EXECUTIVE DIRECTOR ON:

- (a) Update on the Port of Iberia District and Goldman Sachs Regarding the Purchase of 106.718 Acres of Available Property located at 6005 Port Road (former Dynamic Industries West Yard Site).**

{1} Discuss/Consider Mr. John Koury, Jr., Kourco Environmental Services, Inc. Cost Estimate to Perform Additional Services as it Relates to the Phase I Environmental Site Assessment Report Dated September 4, 2018.

Port Attorney Ray Allain stated that there is a pit in Building "B" at the West Yard that has oil and grease in it. Mr. John Koury, Jr., Kourco Environmental Services, Inc. stated that this has to be disposed of by a special method. An estimate of \$39,870.00 was provided to clean it up. Goldman Sachs has agreed to reduce the purchase price by \$39,870.00. In the Environmental Phase I, Mr. John Koury, Jr. stated that he found no REC's (Recognized Environmental Conditions).

A motion was made by Commissioner Mark Dore', seconded by Commissioner Simieon d. Theodile to approve and authorize the payment of the Cost Estimate dated September 5, 2018 to Kourco Environmental Services, Inc. in the amount of \$39,870.00 for services as it relates to the removal of the oil and water from the containment basin below the metal bending unit at the facility and also the removal of the 55 gallon drum that was found on site, as well as pressure washing of the concrete around the metal bending unit and in the containment sump; and motion further acknowledges that Goldman Sachs has agreed to deduct said amount from the Cash Sale between the Port of Iberia District and Goldman Sachs Bank USA.

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

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

Nays: None.

Absent at Voting: Elbridge "Smitty" Smith, III, Larry G. Rader, and Gene L. Jefferies

And the motion was therefore passed on this the 18th day of September, 2018.

{2} Discuss/Approve Kourco Invoice Relating to the Phase I Environmental Site Assessment In Accordance with the Letter Agreement Dated August 21, 2018.

A motion was made by Commissioner Mark Dore', seconded by Commissioner Simieon d. Theodile to approve and authorize the payment of Invoice Number 25373 to Kourco Environmental Services, Inc. in the amount of \$4,650.00 for the period of August 15, 2018 thru September 4, 2018 for an Environmental Phase I site assessment in accordance with Letter Agreement dated August 21, 2018.

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

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

Nays: None.

Absent at Voting: Elbridge "Smitty" Smith, III, Larry G. Rader, and Gene L. Jefferies

And the motion was therefore passed on this the 18th day of September, 2018.

- (b) Discuss/Consider Revisions to the Approved Work to be Performed as Outlined in the Proposal Dated July 9, 2018 from CASE International for the Evaluation of Bridge Crane Rails and the Concrete Foundation Within the Large "Building B" Located at the Port of Iberia West Yard (formerly Dynamic West Yard).**

Ms. Leah Selcer, GIS Engineering LLC, stated that there was an additional cost of \$3,600.00 than the original cost. GIS Engineering, LLC added more borings in different places and add \$3,000 to supply the manlift.

A motion was made by Commissioner Mark Dore', seconded by Commissioner Danny J. David, Sr., to approve and authorize an Amendment to the approved work to be performed as outlined in the Proposal dated July 9, 2018 from Case International as it relates to an increase of \$3,600.00 from the original Proposal for the evaluation of Bridge Crane Rails and the concrete foundation with the Large "Building B" located at the Port of Iberia West Yard (formerly Dynamic West Yard).

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

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

Nays: None.

Absent at Voting: Elbridge "Smitty" Smith, III, Larry G. Rader, and Gene L. Jefferies

And the motion was therefore passed on this the 18th day of September, 2018.

- (c) Update on the Economic Development Project at the Port of Iberia regarding the installation of an 8" gas line at Louisiana CAT.**

Administrative Assistant Joanna Durke reported that Ms. Leslie Miller, Atmos Energy, contacted her and stated that they will invoice the Port of Iberia on October 1, 2018. This will not delay any of the project.

- (d) Update on Request from The Bayou Companies, LLC Regarding Assignment and Assumption of Lease to Bayou Holdco, Inc.**

There was no update on the above Agenda item.

- (e) Update on Henry Bernard Property Located Behind the POI Administrative Office.**

The Port Attorney stated that he has requested Mr. Francis Fortier to redo the plat identifying each one of the owners along the canal. They are still working to resolve the legal issue. Mr. Ray Allain stated that he has contracted an abstractor to work on the Bernard Property parcels (34 acres) that the Port of Iberia will purchase if we were to

obtain a Clear Navigation Servitude. He is making arrangements to get the abstract done and the Port Attorney will do the title opinion work. Lengthy Discussion ensued.

- (f) **Update on Executive Director's Negotiations Regarding a Lease Agreement between LeBlanc Marine, LLC and the Port of Iberia District on Lots 8R, 9R, 10R, 11R, 12R, and 13R (5.441 acres) (formerly leased by Mammoet, USA) Located at the Port of Iberia and Tract N-1 (6.11 acres @ Danos) Located on the POI Millennium Expansion Phase II Property Site.**

There was no update on the above Agenda item.

- (g) **Executive Director's Monthly Report.**

- Administrative Assistant Joanna Durke reported that she spoke to the tenant in Boat Slip #8 and he is in the process of having the sunken vessel pumped back up out of the water.
- Three (3) companies at the Port of Iberia have been awarded contracts to build explosion proof containers, Omega, Cornerstone Fabricators, and Crosby.
- Custom Compression wants the other two buildings at the West Yard but they need to pass on the side of the big building to get into them.
- Dynamic East Yard is full of materials since they are starting the Shell Franklin project.

- (i) **Announcements:**

VI. ADJOURNMENT.

On a motion made by Commissioner Mark Dore', and seconded by Commissioner Simieon d. Theodile, the meeting was adjourned at 7:33 p.m.



SECRETARY-TREASURER



PRESIDENT