

**PORT OF IBERIA DISTRICT
BOARD OF COMMISSIONERS
REGULAR MEETING - TUESDAY, DECEMBER 17, 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 L. Jefferies, Board President, at the Port of Iberia Administrative Office, on Tuesday, December 17, 2013, at 5:30 P.M.

In attendance were Commissioners Gene L. Jefferies, Board President, Mark Dore', Vice-President, Mike Resweber, Secretary-Treasurer, Larry G. Rader, Millie Martinez and Frank Minvielle.

Commissioner Danny J. David, Sr. was 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 Mike Resweber recited the opening prayer and the Pledge of Allegiance.

I. APPROVAL OF MINUTES

On a motion by Commissioner Mark Dore', seconded by Commissioner Frank Minvielle, the Commission approved the minutes of the Regular meeting held on Tuesday, November 19, 2013.

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

Yeas: Gene Jefferies, Mark Dore', Mike Resweber, Larry G. Rader, Millie Martinez and Frank Minvielle.

Nays: None.

Absent at Voting: Danny J. David, Sr.

And the motion was therefore passed on this the 17th day of December 2013.

II. DISCUSS AND/OR DISTRIBUTE THE FOLLOWING:

- (a) Budget Summary for Five (5) Months Ending November, 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
- (f) Status of Invoices Report.

A motion was made by Commissioner Millie Martinez, seconded by Commissioner Larry Rader, to approve and authorize the payment of bills for December, 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', Mike Resweber, Larry G. Rader, Millie Martinez and Frank Minvielle.

Nays: None.

Absent at Voting: Danny J. David, Sr.

And the motion was therefore passed on this the 17th day of December 2013.

A motion was made by Commissioner Mark Dore', seconded by Commissioner Mike Resweber, to approve and authorize the Board President to execute the Lease Agreement between Vermilion Shell & Limestone, Inc. and the Port of Iberia District, regarding Lots 59A, 60, & 61 containing 2.560 acres, with a Two (2) year primary term beginning on 01/01/14 and ending on 12/31/2015, and a renewal option of Two (2) additional periods of Two (2) years beginning on 01/01/2016 and ending 12/31/2019.

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

Yeas: Gene Jefferies, Mark Dore', Mike Resweber, Larry G. Rader, Millie Martinez and Frank Minvielle.

Nays: None.

Absent at Voting: Danny J. David, Sr.

And the motion was therefore passed on this the 17th day of December 2013.

III. ELECTION OF 2014 OFFICERS – PRESIDENT, VICE PRESIDENT, SECRETARY-TREASURER.

A motion was made by Commissioner Mike Resweber, seconded by Commissioner Frank Minvielle, and unanimously carried, to open the nominations for Board President of the Port of Iberia District Board of Commissioners for the year 2014.

A motion was made by Commissioner Millie Martinez, to nominate Commissioner Mark Dore', to serve as President of the Port of Iberia District Board of Commissioners for the year 2014.

There being no further nominations for President, a motion was made by Commissioner Millie Martinez, seconded by Commissioner Frank Minvielle, and unanimously carried, that the nominations for President be closed, and further that Commissioner Mark Dore', be elected President of the Port of Iberia District Board of Commissioners for the year 2014 by acclamation.

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

Yeas: Gene Jefferies, Mark Dore', Mike Resweber, Larry G. Rader, Millie Martinez, and Frank Minvielle.

Nays: None.

Absent at Voting: Danny J. David, Sr.

And the motion was therefore passed on this the 17th day of December 2013.

A motion was made by Commissioner Frank Minvielle, seconded by Commissioner Mark Dore', and unanimously carried, to open the nominations for Vice-President of the Port of Iberia District Board of Commissioners for the year 2014.

A motion was made by Commissioner Frank Minvielle, to nominate Commissioner Mike Resweber, to serve as Vice-President of the Port of Iberia District Board of Commissioners for the year 2014.

There being no further nominations for Vice-President, a motion was made by Commissioner Frank Minvielle, seconded by Commissioner Mark Dore', and unanimously carried, that the nominations for Vice-President be closed, and further that Commissioner Mike Resweber, be elected Vice-President of the Port of Iberia District Board of Commissioners for the year 2014 by acclamation.

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

Yeas: Gene Jefferies, Mark Dore', Mike Resweber, Larry G. Rader, Millie Martinez, and Frank Minvielle.

Nays: None.

Absent at Voting: Danny J. David, Sr.

And the motion was therefore passed on this the 17th day of December 2013.

A motion was made by Commissioner Mike Resweber, seconded by Commissioner Millie Martinez, and unanimously carried, to open the nominations for Secretary-Treasurer of the Port of Iberia District Board of Commissioners for the year 2014.

A motion was made by Commissioner Mark Dore', to nominate Commissioner Danny J. David, Sr., to serve as Secretary-Treasurer of the Port of Iberia District Board of Commissioners for the year 2014.

There being no further nominations for Secretary-Treasurer, a motion was made by Commissioner Mark Dore', seconded by Commissioner Millie Martinez, and unanimously carried, that the nominations for Secretary-Treasurer be closed, and further that Commissioner Danny J. David, Sr., be elected Secretary-Treasurer of the Port of Iberia District Board of Commissioners for the year 2014 by acclamation.

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

Yeas: Gene Jefferies, Mark Dore', Mike Resweber, Larry G. Rader, Millie Martinez, and Frank Minvielle.

Nays: None.

Absent at Voting: Danny J. David, Sr.

And the motion was therefore passed on this the 17th day of December 2013.

IV. MR. JOHN ISTRE WITH BROUSSARD, POCHE, LEWIS & BREAUX, L.L.P., TO ADDRESS THE COMMISSION – PRESENTATION OF 2012-2013 AUDIT.

Mr. John Istre, Broussard, Poche', Lewis & BreauX, L.L.P., presented the Port of Iberia District's Financial Audit Report for the fiscal year 2012-2013. There were no management findings cited.

V. DISCUSS PORT DEVELOPMENT & MAINTENANCE COMMITTEE RECOMMENDATIONS & FINDINGS FROM FRIDAY, DECEMBER 13, 2013 COMMITTEE MEETING:

- (a) Discuss/Consider the Port of Iberia District Board of Commissioners Creating an Economic Development Corporation (EDC) that Additionally Qualifies as a Public Benefit Corporation (PBC).

A motion was made by Commissioner Larry Rader, seconded by Commissioner Mike Resweber, to approve and authorize the creation of an Economic Development Corporation (EDC) that additionally qualifies as a Public Benefit Corporation (PBC) by the Port of Iberia District, and motion further authorizes the Board President to execute any and all documents necessary for the creation of the Economic Development Corporation.

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

Yeas: Gene Jefferies, Mark Dore', Mike Resweber, Larry G. Rader, Millie Martinez, and Frank Minvielle.

Nays: None.

Absent at Voting: Danny J. David, Sr.

And the motion was therefore passed on this the 17th day of December 2013.

A motion was made by Commissioner Frank Minvielle, seconded by Commissioner Millie Martinez, to approve and appoint the following three (3) individuals to serve as the members of the Economic Development Corporation: {1} Roy A. Pontiff, Executive Director of the Port of Iberia District; {2} Mike Tarantino, President/CEO of the Iberia Industrial Development Foundation; and {3} Larry Hensgens, Sr., Vice-President of Community First Bank.

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

Yeas: Gene Jefferies, Mark Dore', Mike Resweber, Larry G. Rader, Millie Martinez, and Frank Minvielle.

Nays: None.

Absent at Voting: Danny J. David, Sr.

And the motion was therefore passed on this the 17th day of December 2013.

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(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, Shaw Coastal, Inc. presented a Power Point Presentation on the construction status of the project.

- {2} Discuss/Approve Contractor's Application for Pmt. No. 6.

A motion was made by Commissioner Mark Dore', seconded by Commissioner Millie Martinez, to approve and authorize Contractor's Application for Payment Number

6 in the amount of \$105,394.87, to Coastal Bridge Company, LLC for the period November 1, 2013 thru November 30, 2013 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 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: Gene Jefferies, Mark Dore', Mike Resweber, Larry G. Rader, Millie Martinez, and Frank Minvielle.

Nays: None.

Absent at Voting: Danny J. David, Sr.

And the motion was therefore passed on this the 17th day of December 2013.

{3} Discuss/Consider a Resolution Authorizing the Engagement of Special "Co-Counsel" (law firm which has knowledge and experience in construction law) on Behalf of the POI District to Assist and Represent the Port, if Necessary, Specifically Murphy Foster with Breazele Sachse and Wilson at a Rate per hour to be Approved by the Attorney General as Provided by Law.

A motion was made by Commissioner Frank Minvielle, seconded by Commissioner Mike Resweber, that the following be adopted:

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

A meeting of the Board of Commissioners of the **PORT OF IBERIA DISTRICT** was held on the 17th day of December, 2013 at New Iberia, Louisiana.

Upon motion duly made by Commissioner Frank Minvielle, seconded by Commissioner Mike Resweber, and approved unanimously by the Board, the following resolution was adopted:

WHEREAS, the PORT OF IBERIA ("PORT") has contracted with COASTAL BRIDGE CO. L.L.C. for the construction of: PORT-SITE BULKHEAD RELOCATIONS PHASE II-A, BULKHEADS 2 THRU 4a (PHASE I OF STATE PROJECT NO. 578-23-0018/H.009021) ("The PROJECT") on July 11, 2012; and,

WHEREAS, in the course of the construction of the project, a dispute has arisen concerning the ability of the contractor to perform certain portions of the work due to high water, leading the contractor to submit requests for additional payments, however,

the PORT's engineer maintains that the requests for additional payment are not justified or appropriate; and,

WHEREAS, the contractor has advised that it intends to pursue its claims for additional compensation if the PORT does not approve its requested change orders, and the PORT believes that it may result in litigation concerning such claims; and,

WHEREAS, the Port of Iberia District's Port Attorney, Raymond E. Allain, had recommended that the PORT retain an attorney and law firm which have knowledge and experience in construction law to represent the PORT in the case;

NOW THEREFORE, be it resolved that the Port of Iberia District Board of Commissioners does hereby authorize the engagement of special "Co-Counsel" on behalf of the Port of Iberia District Board of Commissioners to assist and represent the PORT in the matter and specifically, Murphy Foster of the firm of Breazeale Sachse and Wilson at a rate per hour to be approved by the Attorney General, as provided by law. This motion having been submitted to a vote, the vote thereon was as follows:

Yeas: Gene Jefferies, Mark Dore', Mike Resweber, Larry G. Rader, Millie Martinez, and Frank Minvielle.

Nays: None.

Absent at Voting: Danny J. David, Sr.

And the Resolution was therefore adopted on this the 17th day of December 2013.

{4} Discuss/Approve Authorization for Board President to Execute a Contract Extension to Amendment #18 to Allow for Shaw Coastal, Inc. Additional Compensation for Continued Project Representation due to Additional Design Work Performed (Field Order #1 & #2).

A motion was made by Commissioner Larry Rader, seconded by Commissioner Mark Dore', to approve and authorize the Board President to execute a Contract Extension to Amendment Number 18 to the Contract dated September 3, 2002, between the Port of Iberia District and Shaw Coastal, Inc., to allow for Shaw Coastal, Inc., additional compensation in the amount of \$20,664.00 (Attachment 1) for continued Project Representation due to the additional design work performed (Field Order #1 and #2) regarding Port Improvements Port Site Bulkhead Relocations Phase IIA – Bulkheads 2 thru 4a (Phase I of SPN 578-23-0018/H.009021); and motion further acknowledges that the cost for the additional services to provide full time Resident Project Representative services on a Time and Material basis is in an amount not to exceed \$180,142.00.

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

Yeas: Gene Jefferies, Mark Dore', Mike Resweber, Larry G. Rader, Millie Martinez, and Frank Minvielle.

Nays: None.

Absent at Voting: Danny J. David, Sr.

And the motion was therefore passed on this the 17th day of December 2013.

{5} Discuss/Approve CB&I Invoice.

A motion was made by Commissioner Frank Minvielle, seconded by Commissioner Millie Martinez, to approve and authorize payment of Invoice Number 1621634-R8-00541 in the amount of \$10,708.00, to Shaw Coastal, Inc., for the period November 1, 2013 thru November 29, 2013 (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 18 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, Larry G. Rader, Millie Martinez, and Frank Minvielle.

Nays: None.

Absent at Voting: Danny J. David, Sr.

And the motion was therefore passed on this the 17th day of December 2013.

- (b) 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).

{1} Update on the Advertisement for Bids for the Public Bulkheads (#12 POI Public Dock) and the Engineer's Certificate Project is Ready to Advertise.

{2} Discuss/Approve CB&I Invoice.

A motion was made by Commissioner Millie Martinez, seconded by Commissioner Frank Minvielle, to approve and authorize payment of Invoice Number 776928-R8-00501 in the amount of \$7,750.50, to Shaw Coastal, Inc., for the period November 1, 2013 thru November 29, 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', Mike Resweber, Larry G. Rader, Millie Martinez, and Frank Minvielle.

Nays: None.

Absent at Voting: Danny J. David, Sr.

And the motion was therefore passed on this the 17th day of December 2013.

- (c) Report on Port Millennium Expansion Phase II Project.
{1} Status of Project: Punch List Items and Clear Lien Certificate (Project Currently in 45-Day Lien Period – Recorded 11/20/13).
{2} Discuss/Consider Change Order Number 7.

A motion was made by Commissioner Mark Dore', seconded by Commissioner Larry Rader, to approve and authorize the Board President to execute Change Order Number 7 for the Port of Iberia Millennium Expansion Phase II Project in which said Change Order adjusts the final quantities for the entire project, with an increase of \$56,772.65 of which there were (4) decrease items and (12) increase items; and Furthermore, the final adjusted Contact Price with all approved Change Orders is \$5,186,698.85; and the adjusted Contract Time with all approved Change Orders is 222 Calendar days.

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

Yeas: Gene Jefferies, Mark Dore', Mike Resweber, Larry G. Rader, Millie Martinez, and Frank Minvielle.

Nays: None.

Absent at Voting: Danny J. David, Sr.

And the motion was therefore passed on this the 17th day of December 2013.

{3} Discuss/Approve Contractor's Application for Pmt. No. 9.

A motion was made by Commissioner Mike Resweber, seconded by Commissioner Mark Dore', to approve and authorize Contractor's Application for Payment No. 9 in the amount of \$265,676.08 for the period November 1, 2013 thru November 30, 2013, 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', Mike Resweber, Larry G. Rader, Millie Martinez, and Frank Minvielle.

Nays: None.

Absent at Voting: Danny J. David, Sr.

And the motion was therefore passed on this the 17th day of December 2013.

{4} Update on "Letter of No Objection" Regarding Sterling Sugars L.L.C. Request to Iberia Parish Government & Iberia Parish Council Requesting the Abandonment of Carl Bauer Road (North Side of Slip C-8 Expansion).

{5} Update on Port of Iberia District Making a Request to the Iberia Parish Government & Iberia Parish Council to Abandon Carl Bauer Road (South Side of Slip C-8 Expansion).

Discussion ensued on the above Agenda items {4} and {5}, and there was no action taken.

{6} Discuss/Approve CB&I Invoice.

A motion was made by Commissioner Frank Minvielle, seconded by Commissioner Larry Rader, to approve and authorize payment of Invoice Number 1625188-R8-00541 in the amount of \$9,554.00 to Shaw Coastal, Inc., for the period September 27, 2013 thru November 1, 2013 regarding the Port of Iberia District Port Millennium Expansion Phase II Project, (Engineering During Construction & 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', Mike Resweber, Larry G. Rader, Millie Martinez, and Frank Minvielle.

Nays: None.

Absent at Voting: Danny J. David, Sr.

And the motion was therefore passed on this the 17th day of December 2013.

(d) Status of the AGMAC Project.

{1} Discuss/Approve Authorization for Board President to Execute Amendment #12 to Allow an Extension to Shaw Coastal, Inc. Project Management Contract.

A motion was made by Commissioner Larry Rader, seconded by Commissioner Mike Resweber, to approve and authorize the Board President, to execute Amendment Number 12 to Shaw Coastal, Inc., Project Management Contract dated September 3, 2002, for the Acadiana Gulf of Mexico Access Channel Project (AGMAC), to extend the original contract period of service from January 1, 2014 through December 31, 2014; and motion further acknowledges that there are no adjustment of fees associated with Amendment Number 12.

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

Yeas: Gene Jefferies, Mark Dore', Mike Resweber, Larry G. Rader, Millie Martinez, and Frank Minvielle.

Nays: None.

Absent at Voting: Danny J. David, Sr.

And the motion was therefore passed on this the 17th day of December 2013.

VII. REPORT FROM EXECUTIVE DIRECTOR ON:

(a) Discuss/Consider Approval of a Sublease Amendment Agreement Between Advanced Welding Services, Inc. and National Oilwell Varco, LP, 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 Property Site.

A motion was made by Commissioner Frank Minvielle, seconded by Commissioner Mark Dore', to approve the Sublease Amendment Agreement between Advanced Welding Services, 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 Property Site; and motion further authorizes the Board President to execute the Sublease Amendment Agreement .

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

Yeas: Gene Jefferies, Mark Dore', Mike Resweber, Larry G. Rader, Millie Martinez, and Frank Minvielle.

Nays: None.

Absent at Voting: Danny J. David, Sr.

And the motion was therefore passed on this the 17th day of December 2013.

- (b) Lease Agreement Between LBC Port, LLC & the Port of Iberia District Regarding Tract "K" (15.61 acres), Tract "L" (13.69 acres), and Tract "M" (18.08 acres) Located on the POI Millennium Expansion Phase II Property Site.
 - {1} 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.
- (c) Update on National Oilwell Varco, L.P. First Refusal Agreement Regarding Tract "R" (2.88 acres) and Tract "S" (10.92 acres) Located on the POI Millennium Expansion Phase II Property Site
***Facility Manager's Assessment (Environmental & Financial Analysis), and Capital Appropriation Process.
- (d) 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.
- (e) 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.
- (f) Announcements.
***POI Christmas/New Year Holiday Schedule.

Discussion ensued on the above Agenda items (b) thru (f), and there was no action taken.

VIII. ADJOURNMENT.

On a motion made by Commissioner Larry Rader, seconded by Commissioner Frank Minvielle, the meeting was adjourned at 6:52 p.m.


SECRETARY-TREASURER


PRESIDENT