

**PORT OF IBERIA DISTRICT
BOARD OF COMMISSIONERS
REGULAR MEETING - TUESDAY, MARCH 27, 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 the Board President, Raymond Bernard, Jr., at the Port of Iberia Administrative Office, on Tuesday, ~~February 28~~, 2012, at 5:30 P.M.
March 27

In attendance were Commissioners Raymond Bernard, Jr., President, Millie Martinez, Vice-President, Gene Jefferies, Mike Resweber, and Danny J. David, Sr.

Commissioners Frank Minvielle and Mark Dore' were absent.

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

Thus, with a quorum being acknowledged, Commissioner Gene Jefferies recited the opening prayer and the Pledge of Allegiance.

I. APPROVAL OF MINUTES

On a motion by Commissioner Millie Martinez, seconded by Commissioner Gene Jefferies, the Commission approved the minutes of the Regular meeting held on Tuesday, February 28, 2012.

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

Yeas: Raymond Bernard, Jr., Millie Martinez, Gene Jefferies, Mike Resweber and Danny J. David, Sr.

Nays: None.

Absent at Voting: Frank Minvielle and Mark Dore'.

And the motion was therefore passed on this the 27th day of March 2012.

II. DISCUSS AND/OR DISTRIBUTE THE FOLLOWING:

- (a) Budget Summary For Eight (8) Months Ending February, 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.

The Executive Director presented the Budget Summary for Eight (8) months ending February, 2012. A listing of bills to be paid for the month of March 2012 was presented, and discussions were held with regards to the Budget Summary, Tenant Lease Billings, Boat Stall Lease Billings, Bills to Be Paid, Checks Issued During Interim, Lease Activity

Sheet, and Status of Invoices.

A motion was made by Commissioner Mike Resweber, seconded by Commissioner Danny David, Sr., to approve and authorize the payment of bills for March 2012, and ratify those paid during the interim period.

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

Yeas: Raymond Bernard, Jr., Millie Martinez, Gene Jefferies, Mike Resweber and Danny J. David, Sr.

Nays: None.

Absent at Voting: Frank Minvielle and Mark Dore'.

And the motion was therefore passed on this the 27th day of March 2012.

III. RATIFICATION OF RENEWAL OF CERTIFICATE OF DEPOSIT.

A motion was made by Commissioner Mike Resweber, seconded by Commissioner Gene Jefferies, to approve and ratify the renewal of Certificate of Deposit Number 40000326801 which matured on March 25, 2012, with Iberia Bank, for twelve (12) months at the rate of 0.50% and 0.50% A.P.Y., for the Louisiana Machinery/WPS Security Deposit, in accordance with the Lease Agreement with the Port of Iberia District.

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

Yeas: Raymond Bernard, Jr., Millie Martinez, Gene Jefferies, Mike Resweber and Danny J. David, Sr.

Nays: None.

Absent at Voting: Frank Minvielle and Mark Dore'.

And the motion was therefore passed on this the 27th day of March 2012.

IV. Report from Project Engineer Mr. David Bourque, PENSICO on:

- (a) Louisiana Port Construction & Development Priority Program, Port Improvements Project - State Project Number 578-23-0019 for the Construction of a 75'x240' Building, Utilities, & Site Stabilization @ Lots 77-82 (All Points Equipment Company)**
 - {1} Overhead Crane Operation: Change Order Number 5 Work Being Performed.**

The Project Engineer reported that the cranes were delivered on March 17, 2012. The contractor and All Points Equipment have scheduled to remove the cranes on March 30, 2012, perform the necessary work and replace the cranes. The replacement is scheduled to take place on April 2, 2012. The final inspection has been scheduled with the LA DOTD for April 16, 2012.

A motion was made by Commissioner Millie Martinez, seconded by Commissioner Gene Jefferies, to approve and authorize the payment of Invoice Number 36-19352 in the amount of \$200.00 to Louisiana Testing & Inspection Inc, for services rendered on February 13, 2012, regarding State Project Number 578-23-0019 Port Improvements - Site Stabilization, Buildings and Utilities @ Lots 77-82 (All Points Equipment Company).

**This motion having been submitted to a vote, the vote thereon was as follows:
Yeas: Raymond Bernard, Jr., Millie Martinez, Gene Jefferies, Mike Resweber and
Danny J. David, Sr.**

Nays: None.

Absent at Voting: Frank Minvielle and Mark Dore'.

And the motion was therefore passed on this the 27th day of March 2012.

{2} Discuss/Consider Change Order Number 6.

The Project Engineer reported that the Contractor is planning on making another claim which will require being placed on Change Order Number 6. The Project Engineer anticipates presenting Change Order Number 6 to the Board at the April 17, 2012 regular meeting.

{3} Discuss/Adopt Resolution Regarding Project Acceptance.

It was the consensus of the Board to wait and adopt the Resolution regarding Project Acceptance once the LA DOTD performs the final inspection on April 16, 2012.

(b) Update on Potential Construction of a Rail Spur to Excalibar Minerals.

The Project Engineer had nothing to report on this Agenda item.

V. Report from Project Architect Mr. Gerald Gesser, Gesser Group, APC, On:

**(a) Update on Obtaining Cost Estimates Regarding Upgrading the Port's
Technology on Port Video & Power Point Presentation.**

The Project Architect reported that he provided the Executive Director with a copy of the Request for Proposal (RFP) this meeting date for review.

**(b) Update on Research of Elevating the POI Administrative Office Building
for Flood Mitigation Measures.**

A letter dated March 26, 2012 from Mr. Gesser was presented to the Board for review, regarding his research on elevating the POI Administrative Office Building for flood mitigation measures. It was the consensus of the Board to bring this topic to the appropriate Committee for further review and discussion.

VI. Report from Mr. O'Neil Malbrough, Shaw Coastal, Inc., on:

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

{1} Update on the Advertisement for Bid.

Mr. Malbrough reported that Shaw Coastal representatives and the Executive Director met with the LA DOTD on February 7, 2012, and it was decided that the bid opening for Part 1 of the Port Priority Program portion of the Bulkhead Relocation be scheduled for Wednesday, May 16, 2012.

A motion was made by Commissioner Millie Martinez, seconded by Commissioner Mike Resweber, to approve and authorize payment of Invoice Number 674346-R8-00501 in the amount of \$3,461.25, to Shaw Coastal, Inc., for the period January 28, 2012 thru February 29, 2012 (100% reimb to POI by DOTD), regarding the AGMAC Bulkhead Relocation & Design Phase IIA Project, 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: Raymond Bernard, Jr., Millie Martinez, Gene Jefferies, Mike Resweber and Danny J. David, Sr.

Nays: None.

Absent at Voting: Frank Minvielle and Mark Dore'.

And the motion was therefore passed on this the 27th day of March 2012.

{2} LA DOTD Fiscal Year 2012/2013 Recommended Construction Program Priority Listing.

Mr. Malbrough presented the LA DOTD Port Construction & Development Priority Program Fiscal Year 2012/2013 Recommended Construction Program Listing for review. The Port of Iberia District is second on the priority list. The Port should receive the balance of the funding (approximately \$3.5 Million) for Part II of the Port Site Bulkhead Relocation Phase 2A. The notice should be provided to the Port by July 2012, with funding available in September 2012. Mr. Malbrough indicated that the plans and specifications for Part II are being devised that this time.

**{3} Consent to Construction and Right-of-Way Entry Form:
***Chart Energy & Chemicals, Inc.
***Dynamic Industries, Inc.**

Mr. Malbrough reported that Shaw representatives have met with Chart and Dynamic to discuss construction of the bulkheads and obtain approval of the "Consent to Construct & Right of Entry Form". Both tenants have provided comments on the agreement. The Port has accepted comments from Dynamic and the agreement was revised. The Port is waiting for Dynamic to execute the agreement; however, the Port is still reviewing the comments from Chart.

(b) Status of the AGMAC Project.

**{1} LA CPRA Request for "Stand-Alone" Opinions of Probable Cost of the Environmental Component (portion of Project that is repairing the existing channels) of AGMAC, Incidental Storm Surge Protection of AGMAC, and General Navigation Features of AGMAC.
***Stand Alone Cost Analysis of Select Components of the General Navigational Features.**

Mr. Malbrough presented the "Stand Alone" Cost Estimate Analysis of Selected Components to

the Board for review. The Executive Director indicated that in addition to a Briefing Document he recently presented to our U.S. Legislation in Washington, D.C., he also presented the "Stand Alone" Cost Estimate Analysis. Senator Vitter has requested that the "Stand Alone" Cost Estimate Analysis be broken down to provide a schedule with costs to phase in each one of the components to complete the project within a specific period of time. The Executive Director and Mr. Malbrough will comply with Senator Vitter's request and submit accordingly to our State Delegation as well as our U.S. Delegation. The Executive Director noted that the completion of the channel is scheduled for sometime in 2017 or 2018. Discussion ensued.

Commissioner Mike Resweber commended the Executive Director and Mr. O'Neil Malbrough for their continuous ongoing efforts as it relates to the AGMAC Project. Commissioner Resweber feels that this is definitely a "positive" Cost Estimate Analysis, and brings along with it an optimistic outlook for the future.

A motion was made by Commissioner Gene Jefferies, seconded by Commissioner Danny David, Sr., to approve and authorize payment of Invoice Number 674347-R8-00501 in the amount of \$906.00, to Shaw Coastal, Inc., for the period January 28, 2012 thru February 29, 2012 (Not 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: Raymond Bernard, Jr., Millie Martinez, Gene Jefferies, Mike Resweber and Danny J. David, Sr.

Nays: None.

Absent at Voting: Frank Minvielle and Mark Dore'

And the motion was therefore passed on this the 27th day of March 2012.

(c) Maintenance Dredging of Slip C-8:

Mr. Malbrough reported that the Containment Dike has been completed. The dredging pipe was fused and laid from the disposal site to the slip. The dredging has commenced and more than 30% of the channel has been dredged. Construction is scheduled to be completed no later than May 6, 2012.

The Executive Director presented a letter received on March 16, 2012 (for informational purposes) from Neff Rental regarding a notice to the Port that the State Statutes requires for the Lessor of movable equipment to give notice to the property owner within 10 days, that the movable equipment has been placed on the property job site. This process is a formality which assures the vendor that they can file a lien if they are not paid for their services. The notice reflects that the equipment located on the property site is a 375 cubic feet per minute (CFM) diesel compressor.

A motion was made by Commissioner Danny David, Sr., seconded by Commissioner Mike Resweber, to approve and authorize payment of Invoice Number 1224628-R8-

00511 in the amount of \$9,000.00 (for Basic Services), to Shaw Environmental, Inc., for the period August 11, 2011 thru March 15, 2012 regarding the Maintenance Dredging of Slip C-8 Project located at the POI, in accordance with the contract between the POI and Shaw Environmental & Infrastructure dated April 19, 2011.

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

Yeas: Raymond Bernard, Jr., Millie Martinez, Gene Jefferies, Mike Resweber and Danny J. David, Sr.

Nays: None.

Absent at Voting: Frank Minvielle and Mark Dore'.

And the motion was therefore passed on this the 27th day of March 2012.

VII. Report From Executive Director On:

- (a) **Discuss/Consider Engaging Dr. Jim Richardson, LSU, to Produce an Economic Report on the Impact the Port of Iberia has on Acadiana and the State of Louisiana at an Estimated Cost of \$2,500.00.**

The Executive Director presented a memorandum to the Board dated March 20, 2012 regarding an Economic Impact Analysis Report for the Port of Iberia District. The Executive Director is a member of the Maritime Focus Group participating in the development of the LA 2012 Coastal Master Plan. He pushed an initiative to include the economic impact of Coastal Oil/Gas Ports in the plan. The loss of Coastal Ports along with the loss of the coast would have a significant impact on the economy of Louisiana. As a result, at the same time the State was developing the Coastal Plan, PAL had engaged Dr. Jim Richardson to perform an economic analysis of the impact of all of the Ports in Louisiana. To accomplish the economic impact of Coastal Ports, Dr. Richardson just had to do a carve out to identify the impact of Coastal Ports. The Executive Director is suggesting that another carve out be performed and identify the economic impact the Port of Iberia has on Acadiana and the State. The estimated cost is \$2,500.00. Discussion ensued.

A motion was made by Commissioner Danny David, Sr., seconded by Commissioner Millie Martinez, to authorize the Executive Director to engage Dr. Jim Richardson, LSU, to Produce an Economic Report on the Impact the Port of Iberia has on Acadiana and the State of Louisiana at a cost not to exceed \$3,000.00.

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

Yeas: Raymond Bernard, Jr., Millie Martinez, Gene Jefferies, Mike Resweber and Danny J. David, Sr.

Nays: None.

Absent at Voting: Frank Minvielle and Mark Dore'.

And the motion was therefore passed on this the 27th day of March 2012.

- (b) **Discuss/Consider Approval of a Servitude Agreement from AT&T Louisiana Regarding an Area (5' x 350' Strip of Land) to Bury AT&T Cables at 5314 C. P. Voorhies Road Along Ted Miguez Road (All Points Equipment).**

The Port Attorney has reviewed the aforementioned Servitude Agreement and requested that certain language be deleted from "The following rights are also granted:" from the Agreement before the Board President were to execute. Discussion ensued.

A motion was made by Commissioner Mike Resweber, seconded by Commissioner Gene Jefferies, to approve and authorize the Board President to execute the Servitude Agreement from AT&T Louisiana Regarding an Area (5' x 350' Strip of Land) to Bury AT&T Cables at 5314 C. P. Voorhies Road Along Ted Miguez Road (All Points Equipment), contingent upon AT&T's acceptance and compliance of the Port Attorney's request to remove certain language stipulated in the Agreement.

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

Yeas: Raymond Bernard, Jr., Millie Martinez, Gene Jefferies, Mike Resweber and Danny J. David, Sr.

Nays: None.

Absent at Voting: Frank Minvielle and Mark Dore'.

And the motion was therefore passed on this the 27th day of March 2012.

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

The Executive Director reported that the Amendment to the Security Easement has been executed and recorded accordingly. The Executive Director will notify Frank's Casing Crew & Royal Security Solutions that the repairs may now be performed.

- (d) Discuss/Authorize the Board President to Execute the Lease Agreement Between LeBlanc Marine, LLC., & the Port of Iberia District Regarding Tract "N" (11.36 acres) Located on the Newly Acquired Property to be Developed for the POI Millennium Expansion Phase II Project.**

The Executive Director reported that a ten percent (10%) "Good Faith" Deposit Invoice will be forwarded to the tenant to secure Tract "N" (11.36 acres) located on the newly acquired property to be developed for the POI Millennium Expansion Phase II Project. It is anticipated that occupancy will be on or about January 2013.

A motion was made by Commissioner Danny David, Sr., seconded by Commissioner Mike Resweber, to approve and authorize the Board President to execute the Lease Agreement between LeBlanc Marine, LLC., & the Port of Iberia District Regarding Tract "N" (11.36 acres) Located on the Newly Acquired Property to be Developed for the POI Millennium Expansion Phase II Project.

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

Yeas: Raymond Bernard, Jr., Millie Martinez, Gene Jefferies, Mike Resweber and Danny J. David, Sr.

Nays: None.

Absent at Voting: Frank Minvielle and Mark Dore'.

And the motion was therefore passed on this the 27th day of March 2012.

(e) Purchase of Two (2) Additional Port Surveillance Cameras for the Port's Security Surveillance System.

The Executive Director reported that the two (2) additional Port Surveillance Cameras recently purchased have been successfully installed and operating accordingly.

(f) Iberia Parish Government Bridge Replacement Project.

The Executive Director presented an email status report dated March 27, 2012 from the Iberia Parish Government regarding the Iberia Parish Government Bridge Replacement Project. The construction of the Port Road Bridge (next to LA Machinery) at Rodere Lateral is approximately 90% complete and should be opened in the near future.

(g) Report on Port Millennium Expansion Phase II Project.

{1} Discuss/Approve Navigation Servitude, Drainage Easement, & Right-of-Way from the Shea Family with Regards to a Barricade Placement between the end of the Road and Slip C-8.

The Executive Director reported that negotiations are still ongoing with the Shea Family with regards to a barricade placement between the end of the Road and Slip C-8.

{2} Discuss Status of Iberia Parish Government's Drainage Easement & Right-of-Way from Sterling Sugar with Regards to the Construction of a Cul-de-Sac.

The Executive Director reported that a meeting has been scheduled with the Iberia Parish Public Works Director, Iberia Parish Planning & Zoning Director, Mr. O'Neil Malbrough, and himself on Thursday March 29, 2012 to discuss the Port's responsibility as it relates to the cul-de-sac and barricade. The Port Attorney will then draft the Cul-de-Sac Right-of-Way to present to the Iberia Parish Government for the necessary action to be taken.

**{3} Update on the Tax Incremental Finance District (TIF) Revenues.
***Authorization for Board President to Execute a Cooperative Endeavor Agreement Between the Iberia Parish Government & the Port of Iberia District.**

The Executive Director presented an email dated March 15, 2012 from Mr. Jason Akers, Bonding Attorney for the Iberia Parish Government, which indicates that the bonds have been delivered for EDD No. 1, and the District now has the \$10 Million. The Executive Director indicated that \$2.5 Million will be available ten (10) days after the Cooperative Endeavor Agreement has been executed, and another \$2.5 Million will be available once a Construction Contract has been executed (late Summer 2012). The Port Attorney and Executive Director have reviewed the CEA and it is acceptable as presented.

A motion was made by Commissioner Danny David, Sr., seconded by Commissioner Millie Martinez, to approve and authorize the Board President to execute the Cooperative Endeavor Agreement Between the Iberia Parish Government Economic

Development District No. 1 & the Port of Iberia District regarding the Tax Incremental Finance District (TIF) Revenues.

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

Yeas: Raymond Bernard, Jr., Millie Martinez, Gene Jefferies, Mike Resweber and Danny J. David, Sr.

Nays: None.

Absent at Voting: Frank Minvielle and Mark Dore'.

And the motion was therefore passed on this the 27th day of March 2012.

- (h) Update on Environmental Compliance Solutions, LLC, Operations:**
 - {1} EDI Environmental Services Phase II Analysis Report.**
 - {2} Status of Tract "I-2": Clean Environmental Phase I; Evidence ECS Compliance w/LA DEQ Compliance Order Issued; Property Site Clean & Acceptable.**
 - {3} Board President Execution of a Cancellation of Lease Agreement between Environmental Compliance Solutions, LLC & the POI Regarding Tract "I-2" (2.0 Acres), Located @ Port Expansion Property Site.**
 - {4} Board President Execution of a Lease Agreement between the POI & Iberia Aggregates & Construction Materials L.L.C. Regarding Tract "I-2" (2.0 Acres), Located @ Port Expansion Property Site.**

The Executive Director reported that he is waiting on the LA DEQ to prepare a "Memo of no Further Action" as it relates to the Compliance Order which was previously issued.

- (i) Update on Revised Statute 42:1170 Governmental Ethics Education & Training.**

Commissioner Frank Minvielle has successfully completed the one hour training course for the 2012 Ethics Training for Public Servants. A copy Commissioner Minvielle's Louisiana Board of Ethics Certificate was presented for review.

- (j) Authorize the Executive Director to Engage a Temporary Employment Agency for Temporary Assistance During the Leave of Absence of the Secretary/Bookkeeper.**

A motion was made by Commissioner Mike Resweber, seconded by Commissioner Gene Jefferies, to approve and authorize the Executive Director to engage a Temporary Employment Agency for assistance during the Leave of Absence of the Secretary/Bookkeeper.

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

Yeas: Raymond Bernard, Jr., Millie Martinez, Gene Jefferies, Mike Resweber and Danny J. David, Sr.

Nays: None.

Absent at Voting: Frank Minvielle and Mark Dore'.

And the motion was therefore passed on this the 27th day of March 2012.

(k) **Announcements.**


***Ms. Marti Harrel, Director of Sales with Candlewood Suites introduced herself & briefed the Board of the services provided by the Candlewood Suites, New Iberia, Louisiana.

VIII. ADJOURNMENT

On a motion made by Commissioner Mike Resweber, and unanimously seconded, the meeting was adjourned at 6:35 p.m.



SECRETARY-TREASURER



PRESIDENT