

**GREATER BATON ROUGE PORT COMMISSION**  
**Commission Meeting**  
**5:00 p.m. Thursday, August 25, 2016**

The Greater Baton Rouge Port Commission met in regular session at 5:00 p.m. on Thursday, August 25, 2016 at the Maritime Security Operations Center meeting room in West Baton Rouge Parish, Louisiana.

Following the Call to Order and the Pledge of Allegiance, the roll was called.

PRESENT

Mr. Chabert  
Ms. Cunard  
Mr. Davis  
Ms. Hurst  
Mr. Johnson  
Mr. Juneau  
Mr. Kelly  
Mr. LeBoeuf  
Ms. Machen  
Mr. Medine  
Mr. Seneca  
Mr. Sheets  
Mr. Stevens  
Mr. Watts

ABSENT

Ms. Robertson

Agenda Item 4 - Approval of minutes of a Commission meeting held on Thursday, July 28, 2016.

On a motion by Mr. Juneau, seconded by Mr. Davis, the Board voted unanimously to approve the minutes from the Joint Executive Committee and Engineering/Finance Committee meeting held on July 21, 2016 and the minutes from the Commission meeting held on July 28, 2016.

Agenda Item 5 - Public Comments: Comments from the public regarding any/all of the agenda items listed below will be accepted at this point in the meeting. The meeting chairperson may also allow further comments from the public as and when each agenda item is considered during the meeting process.

There were no public comments.

Agenda Item 6 - Monthly Engineering Report

Mr. White presented the monthly engineering report by reporting that: (1) Rail Improvements – (a) Chambering Yard (Inland Rivers Marine Terminal) - The port continues to work through the Union Pacific Railroad process. The 30% submittal has been approved by Union Pacific Railroad contingent upon a few minor changes. Port staff is working with a rail consultant to develop a final scope of work, timeline and estimated cost for the production of construction plans and specification, which was originally anticipated to present for Board approval during the August meetings. However, the

portion of funding (approximately \$2.2M) for the project through State Capital Outlay appears to have been rescinded by the State Bond Commission. Port staff is currently working with the Division of Administration regarding potential reinstatement and will update as the situation develops. Mr. Hardman stated that the port was not successful in getting the TIGER 2016 Grant from the U.S. Department of Transportation to aid in the funding for the Chambering Yard and related rail improvements. (b) K-Track Addition and Track 114 Improvements (Deep Water Complex) – This project is also referred to as the Interchange Tracks or Receiving Tracks. This project has been turned over to Union Pacific Railroad. (2) Deepwater Dock Fender System Evaluation and Rehabilitation – The contractor continues working on timber replacement and mooring equipment installation. Fender panels are being fabricated off-site. This project was initiated as a project to be partially funded through the Louisiana Department of Transportation and Development’s (DOTD) Port Construction and Development Priority Program. It was approved but unfunded by DOTD. The Commission moved the project forward under the Program’s reimbursement provisions that allow it to be constructed using port funds and to be reimbursed by DOTD upon availability of funding. The port received a funding letter from DOTD for its full share of the project (approximately \$4.4M). Port staff is seeking permission for the executive director to execute an agreement with DOTD to receive the funding, which is listed under a separate item on the agenda. (3) Water System Protection and Monitoring Upgrades – The initial phase of work is complete. Port staff anticipates moving forward with Supervisory Control and Data Acquisition (SCADA) system towards the end of the month. (4) Old Westway Feeds Building – The contractor is working on punch-list items. (5) Rail Yard Storm Sewer Drainage Repairs – The contractor is on site and working on the project. (6) Re-establishment of the Northern Petroleum Terminal as a Deep Draft Berth – Due to the increase in deep-draft ships calling on the Port, port staff is researching the feasibility and cost of re-establishing the Northern Petroleum Terminal as a deep-draft berth. A cost proposal has been requested from the engineering firm of Ragland Aderman & Associates on conducting a structural evaluation of the existing infrastructure and port staff will provide an update once the cost proposal is complete. (7) Inland Rivers Marine Terminal Container Yard and Dock Expansion – The Seacor container business located at the Inland Rivers Marine Terminal is exhibiting strong acceptance from local shippers so in order to accommodate expected growth over the next 12 to 18 months, port staff is investigating the feasibility of a container yard and dock expansion and will provide updates as they proceed.

- A. Discussion and appropriate action regarding a resolution authorizing the Executive Director to execute a replacement agreement with the Louisiana Department of Transportation and Development for State Project No. H.011086 Dock Fender Improvements.

Following a discussion, on a motion by Mr. Medine, seconded by Ms. Hurst, the Commission unanimously approved a resolution authorizing the Executive Director to execute a replacement agreement with the Louisiana Department of Transportation and Development for State Project No. H.011086 Dock Fender Improvements.

- B. Consideration and appropriate action regarding contracting to have the Mississippi River dredged in front of Dock No. 1.

Mr. Hardman addressed the Commission by stating that the port has for a number of years been seeking Harbor Maintenance Trust Fund money to supplement dredging. This has been a dual effort by the Port as well as by the American Association of Port Authorities which has pushed for trust fund money to maintain harbors in public port authorities in the United States. In December 2015, the port was appropriated \$438,000 in a federal appropriation for dredging. It has taken until August 2016 to get a memorandum of agreement in place to be able to utilize the funds. The funds must only be used for

dredging and the port must provide an annual report concerning the disbursement of the dredging funds. The port is currently in discussions with two dredging contractors for dredging of Dock No. 1 along with hydrographic surveys and permitting support.

On a motion by Mr. Chabert, seconded by Mr. Juneau, the Commission unanimously authorized the executive director and staff to enter into a dredging contract prior to the September Board meeting in an amount not to exceed \$200,000.00 and return to the Board with an update on what has been accomplished pertaining to the dredging project.

Agenda Item 7 - Consideration and appropriate action regarding granting a 20-foot wide servitude / right-of-way to Entergy Louisiana, LLC to relocate a pole and line required to be moved in connection with the construction of the K-Track Addition and Track 114 Improvements (Deep Water Complex) – This project is also referred to as the Interchange Tracks or Receiving Tracks.

Mr. Glusman addressed the Board by stating that Entergy requests to move an existing pole and line. The draft agreement was forwarded to Entergy and the port currently has not had a response from Entergy. Mr. Glusman and port staff request approval subject to further approval by staff of any changes requested by Entergy. The Servitude Agreement was outlined and presented to all Board members for their approval.

Following a discussion, on a motion by Ms. Cunard, seconded by Mr. Medine, the Commission unanimously approved granting a 20-foot wide servitude / right-of-way to Entergy Louisiana, LLC to relocate a pole and line required to be moved in connection with the construction of the K-Track Addition and Track 114 Improvements (Deep Water Complex), subject to further approval by port staff of any changes to the Servitude Agreement requested by Entergy, as outlined in documentation presented to all Board members.

Agenda Item 8 - Consideration and appropriate action regarding granting a 20-foot wide servitude / right-of-way to Entergy Louisiana, LLC to install a new pole and extend existing service to the Genesis pipeline metering station.

Mr. Glusman addressed the Board by stating that Entergy requests to install a new pole and extend existing service to the Genesis pipeline metering station. The draft agreement was forwarded to Entergy and the port currently has not had a response from Entergy. Mr. Glusman and port staff request approval subject to further approval by staff of any changes requested by Entergy. The Servitude Agreement was outlined and presented to all Board members for their approval.

Following a discussion, on a motion by Mr. Davis, seconded by Mr. Kelly, the Commission unanimously approved granting a 20-foot wide servitude / right-of-way to Entergy Louisiana, LLC to install a new pole and extend existing service to the Genesis pipeline metering station, as outlined in documentation presented to all Board members, subject to further approval by port staff of any changes to the Servitude Agreement requested by Entergy.

Agenda Item 9 - Consideration and appropriate action regarding granting a 5-foot wide servitude / right-of-way to BellSouth Telecommunications d/b/a AT&T Louisiana, LLC to install a buried fiber optic cable under the railroad tracks at the Barge Terminal to service Agway Systems.

Following a discussion, on a motion by Ms. Hurst, seconded by Mr. Kelly, the Commission unanimously approved granting a 5-foot wide servitude / right-of-way to

BellSouth Telecommunications d/b/a AT&T Louisiana, LLC to install a buried fiber optic cable under the railroad tracks at the Barge Terminal to service Agway Systems, subject to final staff approval of any changes to the Servitude Agreement submitted to BellSouth Telecommunications d/b/a AT&T Louisiana, LLC.

Agenda Item 10 - Consideration and appropriate action regarding amending the lease with Louis Dreyfus Commodities, LLC and add to the property under lease the warehouse just west of the leased office building located on Elevator Road (a/k/a “The Ramsay Scarlett Warehouse”).

Mr. Johnson addressed the Commission by stating that in anticipation of building the rail yard, Louis Dreyfus Commodities must relocate their maintenance building. LDC would like to add an addendum to the lease for the warehouse to run concurrent with the lease of the grain elevator.

Mr. Glusman addressed the Commission by stating that currently their current office building is under a lease separate from the facility. The port would terminate that lease and add to the facility lease both the office and the warehouse formerly known as the Ramsay Scarlett Warehouse. The rent for the warehouse would be \$3.00 sq. ft. for the 75,000 sq. ft. warehouse. An amendment to the facility lease has been prepared and sent to LDC, which incorporates the office and warehouse and modifies the terms and conditions as appropriate for the office and warehouse.

Following a discussion, on a motion by Mr. Stevens, seconded by Ms. Machen, the Commission unanimously approved the lease with Louis Dreyfus Commodities, LLC and add to the property under lease the warehouse just west of the leased office building located on Elevator Road (a/k/a “The Ramsay Scarlett Warehouse”), subject to any final approval by port staff of any changes Louis Dreyfus Commodities, LLC may request of the document.

Agenda Item 11 - Financial Report

Ms. LeBlanc presented the monthly financial report. No action was required.

Agenda Item 12 - Report by Attorney

Update and appropriate action, if any, regarding the status and settlement demands in connection with pending litigation. These matters are recommended for discussion in executive session pursuant to LA. R.S. 42:17(A)(2).

A. *Hayward J. Theriot v. Ports America Baton Rouge, Inc., et al.*, No. 38,990, Div. C, 18<sup>th</sup> Judicial District Court, Parish of West Baton Rouge.

B. *Victor Stewart v. Asbestos Corp., Ltd., et al*, No. 41891, Div. C, 18<sup>th</sup> Judicial District Court, Parish of West Baton Rouge.

Mr. Glusman, port legal counsel, explained that there will be a discussion in which executive session is appropriate and recommended due to the existence of ongoing litigation and settlement discussions. Mr. Glusman stated the specific basis for the executive session is LA. R.S. 42:17(A)(2).

Mr. Chabert recused himself from either voting on any motion to go into executive session, participating in the executive session or participating in any vote and/or action the Commission may choose to take after coming out of executive session.

Thereafter, Mr. Juneau moved to go into executive session, seconded by Mr. Sheets, and the roll was called.

<u>YES</u>	<u>NO</u>	<u>ABSENT</u>
Ms. Cunard		Ms. Robertson
Mr. Davis		
Ms. Hurst		
Mr. Johnson		
Mr. Juneau		
Mr. Kelly		
Mr. LeBoeuf		
Ms. Machen		
Mr. Medine		
Mr. Seneca		
Mr. Sheets		
Mr. Stevens		
Mr. Watts		

The motion to go into executive session passed with a unanimous vote of 13 to 0.

Thereafter, the Commission met in executive session.

Thereafter, the Commission reconvened in open session.

Mr. Juneau moved to authorize legal counsel to proceed with settlement negotiations in accordance with the discussions in executive session, seconded by Mr. Seneca. The motion passed unanimously by a vote of 13 to 0 (with Mr. Chabert having recused himself).

#### Agenda Item 13 - Other matters

Mr. Hardman and Mr. Marionneaux addressed the Commission, for informational purposes only, on the following items: (1) The port was not successful in obtaining the \$10M TIGER grant for the Railroad Chambering Yard (2) Possible success on obtaining the MARAD grant to purchase to purchase equipment for Seacor's container-on-barge operation at the Port's Inland Rivers Marine Terminal (3) AAPA Annual Convention to be held in New Orleans on October 23-26, 2016.

Mr. Hardman addressed the Commission by stating that the Governor's Office through the Department of Economic Development requested that the port have representation on the trade development mission in October 2016 to Cuba. Mr. Hardman requests the approval of the Commission for him and Mr. Marionneaux to represent the port on the trade development mission to Cuba.

On a motion by Mr. LeBoeuf, seconded by Ms. Cunard, the Commission unanimously approved Mr. Hardman and Mr. Marionneaux attending the trade development mission to Cuba.

Mr. Seneca addressed the Commission, for informational purposes only, by stating that the port and their tenants assisted and should continue to assist the people affected by the recent historical flooding in the area. Mr. Hardman stated that the Louisiana Department of Civil Service, at the discretion of the agency head, implemented a leave due to an act of God where employees affected by the flood can be off work to take care of their flood issues and not utilize their annual vacation or sick leave.

#### Agenda Item 14 - Adjournment

On a motion by Mr. Juneau, seconded by Mr. Kelly, the meeting adjourned at 5:42 p.m.

Secretary: Brenda Hurst

President: Bobby Watts

Date approved: September 22, 2016