Minutes of the Regular Meeting of the Board of Commissioners of the Lake Charles Harbor and Terminal District held at 5:00 P.M., Monday, February 21, 2022 in the Boardroom of the Port of Lake Charles located at 1611 West Sallier St., Lake Charles, Louisiana.

In attendance and constituting a quorum, were:

Carl J. Krielow, President

Thomas L. Lorenzi, Vice President

M. Keith Prudhomme, Secretary/Treasurer

Judy A. McCleary, Assistant Secretary/Treasurer

David J. Darbone, Commissioner

Kevin D. Guidry, Commissioner

Absent:

Dudley R. Dixon, Commissioner

Also Present:

Richert Self, Executive Director

Jon Ringo, General Counsel

Cameron Landry, Director of Administration and Finance

Todd Henderson, Director of Operations

Channing Hayden, Director of Navigation

Therrance Chretien, Director of Cargo and Trade Development

Michelle Bolen, Executive Administrative Assistant

Mr. Krielow called the meeting to order at 5:03 P.M. and gave the invocation. Mr. Guidry led the Board and audience in the Pledge of Allegiance.

Mr. Krielow made a statement reminding the public of the Port’s procedure for the public to address an agenda item to the Board.

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1. Approval of the January 24, 2022 Regular Meeting Minutes.

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Mr. Lorenzi offered a motion to approve the January 24, 2022 Regular Meeting Minutes. Mr. Prudhomme seconded the motion and it carried unanimously.

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2. Submission 2022 – 004 accepting the only responsive bid of Lard Oil Company to supply motor fuel.

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Mr. Self stated staff requests the Board of Commissioners to accept the bid of Lard Oil to supply motor fuel for vehicle and equipment use and further authorize Executive Director Richert Self to execute all documents therewith. The Port requested bids for fuel. Lard was the only respondent. They quoted a rate of .0875 over index for unleaded fuel. For off-road diesel they quoted 0.072 and for diesel they quoted 0.20. Those rates above the index were unchanged from 2021. The bid is for the supply fuel for a one-year period.

Ms. McCleary offered a motion to adopt Resolution 2022 – 004 to accept the only responsive bid of Lard Oil Company to supply motor fuel. Mr. Lorenzi seconded the motion and it carried unanimously.

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3. Submission 2022 – 005 authorizing the Executive Director to enter into a Cooperative Endeavor Agreement between the Port and the Diocese of Lake Charles.

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Mr. Self said Board approval is sought to enter into a Cooperative Endeavor Agreement with the Diocese of Lake Charles regarding the provision of vessel services at the Port of Lake Charles.

The Port purchased a Ford Expedition last year. The Port’s van has been sitting idle. The Seafarer Center, who provides great services to not only vessels that call on the Port, but on vessels throughout the channel, also brings them to doctors appointments. They have even brought some of the seafarers to get vaccinated. They bring them to Walmart, Best Buy, Target and places like that. They are very interested in utilizing the van for those services. Because of the benefit they provide, the Seafarers and the Port are interested in entering into the CEA.

Mr. Darbone offered a motion to adopt Resolution 2022 – 005 to authorize the Executive Director to enter into a Cooperative Endeavor Agreement between the Port and the Diocese of Lake Charles. Mr. Guidry seconded the motion and it carried unanimously.

Mr. Lorenzi asked if this affects in any way the insurance coverage on this. Mr. Ringo said it did not. They will be required to have insurance on it. The Port will transfer titles. Through the CEA, they will contract to use that van for the services of the Port of Lake Charles. Mr. Lorenzi asked if the Port will be an additional insurer. The CEA requires the Seafarer Center to indemnify the Port.

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4. Submission 2022 – 006 authorizing the District to enter into a Professional services Agreement with Lanier & Associates Consulting Engineers, Inc. for design services to rehab the calcine dust collectors and feeders at BT-1.

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Mr. Self stated staff request the Board of Commissioners to authorize the Executive Director to enter to a Professional Services Agreement with Lanier and Associates for design services to rehab the calcine dust collectors and feeders at BT-1. The Port requested SOQs for the design services to rehab the calcine dust collectors and the feeders of BT-1.

The calcine coke the Port handled for Phillips 66 with the existing system is beyond its useful life and needs to be replaced. Lanier was the only engineer that responded to the SOQ after advertising at a cost of $240,000 plus a $10,000 contingency.

Mr. Lorenzi offered a motion to adopt Resolution 2022 – 006 to authorize the District to enter into a Professional services Agreement with Lanier & Associates Consulting Engineers, Inc. for design services to rehab the calcine dust collectors and feeders at BT-1. Ms. McCleary seconded the motion and it carried unanimously.

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5. Submission 2022 – 007 accepting the lowest responsive bid of Keiland Construction, LLC. for the purchase and installation of a tension fabric structure for City Docks.

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Mr. Self said staff requests the Board of Commissioners to authorize Executive Director to accept the lowest responsible bid from Keiland Construction, LLC for the purchase and installation of a sixty thousand square foot tension fabric building to be located in City Docks subject to approval of the Executive Director and General Counsel that all appropriate conditions have been met and all requirements of the proposal documents have been met and further authorizing the Executive Director to execute all documents therewith. The Port lost a third of its linear feet of dock space and about 25% of coverage storage when it lost Transit Sheds 4, 5 and 6. This tension fabric building will be located on the container pad. It will be an interim solution for coverage stores to handle cargo at City Docks. The estimated cost is $1.4 million almost $1.5 million plus a $300,000 contingency for a total of $1,799,000.

Mr. Lorenzi offered a motion to adopt Resolution 2022 – 007 to accept the lowest responsive bid of Keiland Construction, LLC for the purchase and installation of a tension fabric structure for City Docks. Mr. Prudhomme seconded the motion.

Ms. McCleary asked if there was more than one bid on this. Mr. Pestello replied there were. Ms. McCleary said the basis for the decision was strictly based on low bid. Mr. Pestello said it was because this was a public bid so they had to go with the low bid.

Mr. Krielow asked regarding the contingency part of it. Is that contingency a little greater than typically put in other contracts? Mr. Pestello stated it was and that was purely because it came in lower than expected. Staff had budgeted two million dollars. Staff discussed and thought maybe they could go for some additional protection such as forklift protection for the walls and everything. Since they had the extra funds in there they would build in a little bit more contingency in case they wanted to pursue change orders to provide for concrete protection.

Ms. McCleary asked what was the next bid. Mr. Pestello said it was about $400,000 more than that - $1.8 million. He did not have that in front of him. It was around $1.8million, which was about $400,000 more. The next two were much higher than that.

He stated just to clarify, he did speak to the contractor and is confident in their number. They are confident in their number more importantly. Ms. McCleary said without the contingency. Mr. Pestello agreed.

The motion passed unanimously.

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6. Submission 2022 – 008 accepting the lowest responsive bid of Scott Equipment for the procurement of a new Tadano GR-800 XL-4 80 Ton Capacity Crane for BT-1.

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Mr. Self said staff requests the Board of Commissioners to accept the lowest responsive bid and enter into a contract with Scott Equipment for the procurement of a Tadano GR-800 xl-4 80-ton capacity crane for BT-1 subject to approval of the Executive Director of the General counsel that all appropriate conditions have been met and all requirements of the proposal documents have been met and further authorizing the Executive Director to execute all documents therewith. In January, staff issued bids for two cranes. Scott Equipment was the only respondent. They responded on the 80-ton crane at a cost of $718,000. They also responded on the smaller crane, but it had a 22-month lead time and for that reason they chose not to go with the smaller crane. This larger crane is going to be used to BT-1 primarily for maintenance purposes, but also to remove lids as they are working barges at BT-1. The existing 60-ton crane that is at BT-1 will be moved to City Docks and utilized there. Mr. Prudhomme asked if there was any lead time on this crane. Mr. Self stated it was available. Mr. Pestello said it is available. It is on site. They were able to send Port personnel over to look at it.

Mr. Darbone offered a motion to adopt Resolution 2022 – 008 to accept the lowest responsive bid of Scott Equipment for the procurement of a new Tadano GR-800 XL-4 80 Ton Capacity Crane for BT-1. Mr. Lorenzi seconded the motion and it carried unanimously.

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7. January 2022 Financials Briefing Note.

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The January 2022 Financials Briefing Note was rendered to the Board and is on file in the Executive Offices.

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8. Monthly Staff report from Director of Administration and Finance.

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Mr. Landry said there were more FEMA hurricane related things. He passed out a handout. He stated he would go over it. There is a kind of breakdown on the right side towards the bottom. In total, projects that have gone fully through the FEMA process total about approximately $32.3 million. Insurance deductions from that is around $18.9 million leaving our eligible obligated amount, which is the amount they will see in GOSHEP is about $13.4 million. The Port’s 90% share of that would be $12.1 million. They have submitted to receive roughly $6.8 million of that. The Port is only able to request reimbursement on projects that are obligated and that they have spent money on. Relating to the obligated projects, they have spent $8.9 million. They have submitted $6.8 million to be reimbursed on $8.9 million. They have submitted for over 75% of that.

Ms. McCleary asked regarding the federal cost share number of $12.1 million, that is what we assume FEMA owes the Port. Mr. Landry said that was correct. She said of that amount…Mr. Landry said the Port has spent $8.9 million. She said the Port has submitted requests for six… Mr. Landry said eight. Ms. McCleary asked where the $2 million difference between the six eight and the eight nine. Mr. Landry said they are working on the requests for reimbursement for the rest of that. The $6.8 million is based on some of the larger projects that they were trying to get submitted first and then they are working on the smaller projects. They are working from larger to smaller. As they get those reimbursements submitted that two million will reduce. Ms. McCleary said of the $8.9 million that they have spent, how much has the Port received from FEMA. Mr. Landry said the $1.3 million. It is not listed on the handout, but they have received $1.3 million.

Mr. Pestello said most of the $1.3 million that was received, the smaller projects, the GOSHEP review process is much quicker so they almost auto pay those. It is anything over $130,000 goes to the more formal review and then anything over $1 million actually goes beyond GOSHEP. It goes back up to DC for an additional review before it is paid. Ms. McCleary said of the $6.8 million that staff submitted minus the $1.3 million is there an average length of time for getting… Mr. Landry said on one of the larger projects that was submitted well earlier in September, it was for $1.1 million and the Port received…They signed up for this fast pass thing where you receive 80% of your 90%, so within two months of submitting that one, they actually received the 80% portion and then the rest has to be a full review and then will get the other 10% of that. He is hoping that these go just as fast and start seeing portions of those within two months. Some of those were submitted in early or mid- January so next month maybe.

Mr. Lorenzi asked if they are dealing with the same people at FEMA on all these projects or are they cut up. Mr. Landry replied that they do not. Mr. Pestello said that was something they had hoped for especially for the loaders because that is a very specialty piece of equipment. They were hoping that after they taught them everything for the first two loaders that they would also review the unloaders and that has not been the case. The GOSHEP representative is the same. The FEMA representative is the same as well.

Ms. McCleary said that so of the of this total estimate of $117 million, the Port has received $1.3 million. Is that a true statement?

Mr. Pestello said it was, but you have to subtract out the $46 million in insurance proceeds from that right off the bat. Ms. McCleary said if you take the $117 million minus roughly $46 million then so out of basically about $60 million roughly 90% of 60 million. Mr. Self said that one thing that is important to point out also is that they Port is only going to get reimbursed once they expend the funds. So, like the cranes that were ordered that had the 12-month delivery and the 24-month delivery time, the Port will not get reimbursed until staff submit those invoices to GOSHEP.

Mr. Prudhomme asked if there is any time limit on when to initiate those projects before the Port gets reimbursed. Mr. Pestello said yes and CSRS is helping to stay on top of those time extension requests. GOSHEP is submitting some as a state for the entire state for all these disasters.. They will submit some requests to FEMA requesting these extensions and then staff is also handling some.

Ms. McCleary said if the Port did not have cash available to make these hurricane-related expenditures, then we could not access the FEMA money. Mr. Landry agreed. She said that unless the Port pays for them up front and then submit an invoice and says pay us back, the Port does not receive that money. Mr. Pestello agreed and said that is where the Port’s insurance proceeds come in and helped. She stated after that obviously that was not sufficient. Mr. Landry agreed.

The Director of Administration and Finance Monthly Staff Report was rendered to the Board and is on file in the Executive Offices.

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9. Monthly Staff report from Director of Navigation.

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Mr. Hayden said that in addition to his written report he wanted to point out two things. First of all, the geodetic survey from the National Oceanic Atmospheric Administration(NOAA) is going to be re-surveying the area of the gulf in and around the outer bar. The Port, along with the Harbor Safety Committee, the Pilots and the Coast Guard are going to be making recommendations to them as to what they need and the Corps of E\engineers also. These are not navigation charts. but they give an idea what is out there. It will show where the general shoals are and that sort of thing.

Secondly, Port staff will be part of a group of emergency responders meeting with the National Hurricane Center director to talk with him about improving responses for hurricanes and other emergencies.

Mr. Lorenzi said there was a lot in the news of last week about NOAA issuing this report about sea level rise by 2050 where they moved up the date about this one to two-foot sea level rise. Will there be some effort with navigation regarding how that affects disposal sites and everything else? Mr. Hayden said they have been arguing for a long time, unsuccessfully, that when you build marsh or you build a disposal site, you have to take into consideration what not only sea level rise is going to do, but what subsidence is going to do. You should build your marsh platform not for a marsh when the material settles today, but what it is going to be like 50 years from now. So far nobody listens to them, but he is trying to make that point.

The Director of Navigation and Security’s Monthly Staff Report was rendered to the Board and is on file in the Executive Offices.

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10. Monthly Staff report from Director of Operations.

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Mr. Henderson said at City Docks, FMT unloaded two lumber shipments totaling about forty-five thousand cubic meters of lumber. There are two more shipments scheduled in the next couple of weeks. They will bring a total of about $90,000 cubic meters in about six weeks. They unloaded five hydrate barges. IFG loaded two bulk rough rice vessels about forty metric tons.

They did three cargo transfers about 8,000 tons and a liquid ship about 4,600 tons. Coming up they have more cargo transfers, and then the lumber for City Docks.

At BT-1, they loaded a calcine ship, calcine barge and unloaded about 74, 000 tons of barite. Coming up they have another calcine vessel and barge about ten thousand tons.

They are in the process of unloading thirty thousand tons of raw coke for ALCOA. They have two pet coke ships that will be here about the same time. It is going to be about 100,000 tons with one for Phillips66 and one for CITGO. They will have three rutile vessels totaling about 13 – 14,000 tons of rutile for Louisiana Pigment.

The Director of Operations’ Monthly Staff Report was rendered to the Board and is on file in the Executive Offices.

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11. Monthly Staff report from Director of Cargo and Trade Development.

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Mr. Chretien said they recently hosted a company looking to operate an offshore wind terminal here at the Industrial Canal property. They have had two site visits since November. This company sent the director of all operations from Rhode Island to come visit. They do have an established agreement to do this on the East coast and are looking to do the same thing here in the Gulf coast.

The Port is going to be on the next issue of the Trade Industry and Development magazine, which is a site selection and facility planning magazine. They are going to get an article, four- page ad and a one-year listing on their new website opening March first.

There is a USDA bid invitation for this week. It is only 8,000 tons, but there are about 2,500 tons of rice on it and it will be April or May delivery. Mr. Darbone asked if they have enough people to meet their demand labor to meet the demand. Mr. Chretien said they hope. If they get all 8,000 they will have issues on the rail side, because they only have 2,500 tons of rice, so will have about a couple hundred rail cars unloaded from this cargo. He hopes they can meet the demand if they get it.

Ms. McCleary asked regarding the four projects. Those are LED projects. Mr. Chretien said the four listed in his report are, but the offshore wind is not.

He stated they also have another project with the alliance. They are not looking for Port property, but the property they are offering has to have a large operation within five miles. BT-1 fits that mode. He is waiting on the cargo and what they need to handle before making a competitive offer.

The Director of Cargo and Trade Development’s Monthly Staff Report was rendered to the Board and is on file in the Executive Offices.

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12. Monthly Staff report from Director of Engineering, Maintenance, and Development.

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Mr. Pestello said staying on the FEMA conversation, he wanted to speak a little bit more on the email that Mr. Self sent out a little earlier today. There are some issues they have been having, this means CSRS, himself and Mr. Landry, through the review process on a few of the projects.

The first one is the ship unloader #2, which is the old Koni ship unloader. He is just having difficulty about the different reviewers. He thought he had kind of gained some knowledge working with the ones that reviewed our ship loaders and then when we moved to the ship unloaders, of course they assigned it to someone different. Everything was going great. It passed the first two review steps and when it got to the final review point, they basically went back to the engineers report from Boos Navarre, who said numerous times that the Port should decommission and just start all over, but they found one part in there where he had basically put a range of a repair cost just to try to help staff make the financial decision and now they are honed in on that and they say well if there is a possibility of repair, why did you not repair it.

They are trying to push staff into doing this 50% cost where they basically repair versus replacement value. Staff totally disagrees with it. Staff has the engineer of record saying that he disagrees with it, but they're just they are sticking on that. Staff is working through that one. The fear there is that if they hold us to that decision on this one unloader, then they will do it on the second unloader. The Port still has the spiralveyor at City Docks that has yet to be submitted. They want to make sure to get this decision correct on this one before moving on to those other two. The next step is they have elevated that to higher up in FEMA review. They will have a call and have Boos Navarre on the call as well and try to push them past that point.

The other big one is Transit Shed 7. This one was well above the 50% calculation on this one. They had an engineer go through and do this analysis for us. They did a structural assessment. They did a repair cost estimate. Well above the first delay was FEMA wanted them to identify all the codes that they would have to follow to repair the building even though they were not going to repair it. They actually got past that and then now FEMA is trying to hold them to putting a new foundation into this building that they are going to just put back in its place, which already has a foundation. He thinks FEMA’s goal there is if by including a foundation of course you are going to drive the repair costs up and throw off their calculations. So, they are battling that one.

They have already had the meeting with higher supervisors in FEMA and think we have him passed that point. They are just waiting on him to kind of make his ruling. This is another project where he has asked Congressman Higgins and other staff to help try to get them to be reasonable.

They have a very similar situation on Sheds 16 and17. They are doing re-roofs on both of those, which are over 100,000 square feet each. Those made it past the virtual inspection because of course they still haven't been on site. Their on-site virtual inspectors agreed that the roof should be replaced because of the type of material it is. He has two engineers reports – one from the manufacturer and one from our local engineer – stating that full roof replacement should happen. Then, when it got to one step in the FEMA review process, the inspector said, “Wait. No.” and they pulled up Google Earth and said well only this portion is damaged and that is all they want to pay. So, they are Google Earth engineering us and we are battling that. He has had numerous calls on that one with their higher ups.

He just wanted to kind of give the Board an update on what they are dealing with on a daily basis, especially CSRS. They are fighting these battles every day and those are three big projects that they are finally just asking for help from our Congressman to see what they can do to help kind of push these through,

On another point, speaking of Shed 7, the Board awarded that contract to Keiland to demolish the whole building so that we could start handling open birth cargo there. Before they could tear down the building, they had to do an asbestos survey of course for the DEQ requirements and found asbestos, which none of them expected to happen. Now they are moving on to asbestos remediation. They have been working with subcontractors and Keiland Construction to try to quantify that. They think they are to a point where they have a fairly decent number that he can bring back to the Board next month and get authorization to move forward with the asbestos remediation. It is going to have to work hand in hand with the demo contractor because it is nothing that they can just pull out ahead of the total demolition. They will have to do it piece by piece.

Ms. McCleary asked if he has a cost estimate of what the Port has spent on engineering consulting analysis for those three projects that you submitted. Mr. Pestello replied that he does not have it, but could definitely get it. She stated she would like to see that.

Mr. Krielow asked what was the rationale nick on wanting to include the foundation on a slab concrete slab that's not damaged. Mr. Pestello said he thinks it is buried somewhere deep in their guidelines that they think that since you are doing this calculation, you have to assume that that building can be placed anywhere. So they are saying if you were to build this building somewhere else like an alternative project, you have to include a foundation for it. He thinks that's what their rationale is that very deep in their regulation somewhere there is this little requirement that it has to be all the total building. What would this cost if the Port totally built it somewhere else or repaired it somewhere else. Mr. Krielow said well the flip side of that is if you meet still meet the above 50 threshold including that which you did now are they going to allow the money to do a new foundation into the cost estimate. Mr. Pestello said that is exactly the point that came up from their supervisor that said that that does not make any sense because then FEMA would owe the Port more money. They saw that rationale and that is why he is hoping that this will go away at this point because he made that exact point. He said if you were to do this as an alternative project, FEMA would have to give you that foundation cost. He did not submit it as an alternative project because they were doing that the correct way. But, that was definitely been brought up.

Mr. Guidry said that was a tough fight Mr. Pestello is fighting with FEMA. He has had a lot of dealings with FEMA and the thing is sometimes when you deal with them you need to go in with your guns loaded. He asked if Mr. Pestello has anybody on the line with you and you speak with them such as a Senator or Congressman, somebody can add a little bit more leverage to your argument with them. Mr. Pestello replied that they do not have a Senator or a Congressman. They have not done that. He is usually the backup to the CSRS guys. He is more of the engineer and owners rep. Mr. Self stated they did reached out to Congressman Higgins today.

Mr. Guidry said that was good because it is going to be tough. He asked if they place these bids on these jobs based on the importance of the economics of that position or what it does to that area. Mr. Pestello said they do not. Mr. Guidry responded that that it has no bearing on that at all? Mr. Pestello said not that they have noticed. On that same note, from past experience they have always been told that state agencies have a little more preference because they are also a state agency. However, it does not appear to be that at all.

The Director of Engineering, Maintenance, and Development’s Monthly Staff Report was rendered to the Board and is on file in the Executive Offices.

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13. Monthly Staff Report from the State Port Lobbyist.

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The State Port Lobbyist’s Monthly Staff Report was rendered to the Board and is on file in the Executive Offices.

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14. Monthly Staff report from the Federal Port Lobbyist.

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The Federal Port Lobbyist’s Monthly Staff Report was rendered to the Board and is on file in the Executive Offices.

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15. Other Matters which may properly come before the Board.

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There were no other matters to be discussed.

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16. Executive Session and appropriate action in any of the following matters:

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Mr. Krielow asked for a motion to enter into Executive Session. Mr. Lorenzi offered a motion to enter into Executive Session. Mr. Guidry seconded the motion and it carried unanimously. The Board entered in to Executive Session at 5:40 p.m.

* Stacey A. Ryan, et al, vs no. 2014-004268 Calcasieu Parish Police Jury, LCHTD, et al-14th JDC, State of LA.
* IFG Port Holding, LLC vs LCHTD – Case: 2:16-cv-00146 U S District Court, Western District of Louisiana, Lake Charles Division.
* LCHTD vs IFG Port Holding, LLC – Case: 2:16-cv-00785 U S District Court, Western District of Louisiana, Lake Charles Division.
* LCHTD vs Reynolds Metals Company – Case 2:17-cv-01114 US District Court, Western District of Louisiana, Lake Charles Division.

The Board returned from Executive Session at 7:02 p.m. No action was taken in Executive Session.

There being no further business to come before the Board, Mr. Krielow asked for a motion to adjourn. Mr. Guidry offered a motion to adjourn. Mr. Lorenzi seconded the motion and it carried unanimously.

All discussions held on the above items were recorded using the FTR Gold recording program.

Please note that when the votes are shown as unanimous, it is the policy of the Board that the President does not vote except in the event of a tie vote by the rest of the Board and/or unless otherwise indicated.

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CARL KRIELOW, President

ATTEST:

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M. KEITH PRUDHOMME, Secretary/ Treasurer