

Minutes of a meeting of the Plaquemines Parish Council, as the Sole Governing Authority of the Plaquemines Port, Harbor & Terminal District, held in the Pointe-a-la-Hache Council Chambers, 18055 Hwy. 15, Pointe-a-la-Hache, Louisiana on Thursday, August 24, 2023, at 3:00 p.m., pursuant to notice to all members with a quorum present as follows:

PRESENT: Commissioner Stuart J. Guey, Chairman
Commissioner Tyrone Edwards
Commissioner Brian Champagne
Commissioner Chris Schulz
Commissioner Patricia McCarty
Commissioner Ronnie Newsom
Commissioner Carlton M. LaFrance, Sr.
Commissioner Mitch Jurisich
Commissioner Mark Cognevich

Kim M. Toups, Secretary

Melissa Folse, Christie Nielsen and Angelina Vicknair were present representing the Port.

The Prayer was said and the Pledge was recited.

The following items were deferred:

- 6a(3), “An Ordinance authorizing and directing Charles D. Tillotson, Executive Director of the Plaquemines Port Harbor & Terminal District (the “Port”) to have the Port’s Legal counsel file a petition pursuant to the Louisiana Constitution, La. R.S. 19:2.1, et seq., as well as all other applicable laws, and to expropriate via a “taking”, that certain land, owned by Celeste D. Ancar, or their successor(s) in title, which property is commonly referred to as LOT 7, totaling 4.0 acres and with a legal description of LOT 7, POINTE CELESTE FARMS, PHASE II - 200' X 880.0' X 890.0' X 200', with the more formal legal description of said property attached hereto as Exhibit “A”; and otherwise to provide with respect thereto”; and
- 6a(4), “An Ordinance authorizing Charles Tillotson, Executive Director of Plaquemines Port, Harbor and Terminal District to purchase land owned by Tuan Nguyen; and otherwise to provide with respect thereto”;
- 6b, A Resolution authorizing Charles D. Tillotson, Executive Director of the Plaquemines Port, Harbor & Terminal District to enter into a Water Resources Development Act (WRRDA) Section 214 agreement with US Army Corp of Engineers (USACE); and otherwise to provide with respect thereto.

The following items were deferred for a fourth time and fell off the agenda:

- 6a(1), “An Ordinance authorizing and directing Charles D. Tillotson, Executive Director of the Plaquemines Port Harbor & Terminal District (the “Port”) to have the Port’s Legal counsel file a petition pursuant to the Louisiana Constitution, La. R.S. 19:2.1, et seq., as well as all other applicable laws, and to expropriate via a “taking”, that certain land, owned by Kyle A. Fleming., or their successor(s) in title, which property is commonly referred to as LOT 58A, totaling 7.51 acres and with a legal description of LOT 58A, POINT CELESTE FARM S/D - 190' FRONT ON HWY 23 X 1,720.01' X 189.97' X 1,724.91', with the more formal legal description of said property attached hereto as Exhibit “A”; and otherwise to provide with respect thereto”; and
- 6a(2), “An Ordinance authorizing and directing Charles D. Tillotson, Executive Director of the Plaquemines Port Harbor & Terminal District (the “Port”) to have the Port’s Legal counsel file a petition pursuant to the Louisiana Constitution, La. R.S. 19:2.1, et seq., as well as all other applicable laws, and to expropriate via a “taking”, that certain land, owned by Norman C. Rouse., or their successor(s) in title, which property is commonly referred to as LOT 53, totaling 13.28 acres and with a legal description of FARM LOT 53, POINT CELESTE FARMS S/D, PH II - 340' FRONT ON R/DESC R/W OF HWY 23 X 1,701.27' X 339.94' X 1,697.11', with the more formal legal description of said property attached hereto as Exhibit “A”; and otherwise to provide with respect thereto”.

Commissioner Guey moved to Agenda Item 3, "Status Report by the Executive Director". Without objection, so ordered.

The following was reported by Melissa Folsie:

- **Andalusian:** The Port received a letter from Andalusian Energy disengaging in developing a public container terminal but instead developing a private facility. The reason given was "The plans as proposed by port staff to date do not meet the timeline nor operational requirements for Andalusian's containerized cargo operations nor those of its commercial partners and affiliates." The Port is committed to building a publicly owned container terminal on a timeline fitting the existing port and related expansion construction, engineering, and funding constraints, including the 11-mile rail extension and supporting the Peter's Road bypass development.
- **Peter's Road Rail By-Pass Project:** The CEA execution between the Port, Jefferson Parish President and the Mayor of Gretna is progressing and should be within the next week. This approval facilitates the start of the 30 percent design of the rail bypass project. This milestone also triggers faster movement on finalizing the Plaquemines' 11-mile extension.
- **Rail Infrastructure:** We will be working closer with Union Pacific and New Orleans Gulf Coast Rail to prioritize our next steps, followed by the best options for any obstacles facing us. This planned rail optimization enhances intermodal connectivity to the Port while increasing the strategic capability of Joint Base Belle Chasse. We ask for public patience as we work on the priorities of these two separate rail transformation projects.
- **Piano Keys Acquisitions:** The acquisition of land in the Piano Keys area is currently a high priority for continued Port Expansion. We plan to defer the vote on four parcels to allow for the completion of a third appraisal to be coordinated by the property owners. Two of these parcels will be re-introduced. We recognize the sensitive nature of the process and we committed to working with the residents towards an amicable agreement.
- **Capital Outlay:** We received a Purchase Sale Agreement from the Red Star Yeast Plant's owners and will complete our first review by the end of this week. With the growth facing the port over the next five years, additional space will be essential. PPHTD is working closely with the Parish to seek grants for asbestos mitigation and historic preservation. In addition, we are working with other Parish entities interested in preserving this historic site.

The following was reported on behalf of Jalen Brown:

- **Pointe-A-La-Hache Ferry Ramp Replacement:** Over the past few weeks, a collaborative effort has been underway involving LADOTD, and our chosen engineering firm, Hardesty & Hanover, to define the scope of the Pointe A La Hache ferry landing project. Our primary objective is to expedite the timeline of the project, which currently entails approximately 15-18 months for the engineering phase and around 18-24 months for the subsequent construction phase. This acceleration is essential to swiftly establish the crucial ferry service that the area requires. Our dedicated Port Engineer, Infinity, is actively engaged in evaluating diverse engineering delivery methods with the aim of streamlining the entire process without compromising the quality of the final product. The goal is to find the most effective approach that not only minimizes the timeline, but also ensures the production of a superior outcome. An additional significant development is the submission of the PROTECT grant application for the construction of the ferry landings. This pivotal step was taken on the 18th of August, marking a noteworthy milestone in our efforts to secure the necessary funding for the project.
- **Water Booster Station (Port Priority Fund):** Today, we are casting our votes on the State's legislation concerning the Alliance Booster Station Phase II Reimbursement agreement. This pivotal decision will grant the Port the ability to advance with the project seamlessly, without any funding-related hindrances. Having received approval for Phase II from LADOTD, we are anticipating the allocation of funds in the early months of the upcoming year. In recent developments this week, our selection process culminated in choosing the Lemoine Company to spearhead the construction of Phase I Part A for the Alliance Booster Station. Given the circumstances of a lone bidder, escalating inflation rates, and the urgent need posed by the Plaquemines Parish water crisis, the Port has determined that moving ahead with Lemoine is the most prudent course of action. To ensure transparency and accessibility, the project was diligently advertised across

multiple platforms, including the Port's official website, bidsync.com, and the Gazette. During the pre-bid conference, the entities that expressed interest and participation were Lemoine, Tomahawk, and the M.R. Pittman Group. Recognizing the importance of adhering to the project timeline, any potential delays in the selection process could potentially set the entire project back by a span of 2-3 months. Anticipating the next steps, Kyle Associates will launch the advertising campaign for Phase I Part B within the upcoming 2-3 weeks. For any inquiries or clarifications, we encourage you to reach out to Kyle Associates.

The following was Reported by Christie Neilsen: In staffing news, we are pleased to share that we have successfully filled four of the nine vacant Ferry Deckhand positions. However, we acknowledge the ongoing challenge in attracting qualified Ferry Captains who hold a 1600-ton license, particularly within our current Pay Scale framework. We continue to seek a Comptroller. Interested parties can apply at plaqueminesparish.com/jobs. We recently had a productive meeting with Civil Service to address these staffing needs and further bolster our team. We successfully reallocated the Ferry captain position due to the Archer Study.

The following was reported by Angelina Vicknair: We have created two new email addresses for streamlined communications; For contractors and the community to notify the Port of construction related traffic, trafficupdates@pphtd.com. For business inquiries, leasing@pphtd.com. It is our goal to stay abreast of any lane closures, traffic slowing, etc. to keep the public informed. We continue to post ongoing updates to social media, please follow us on FB, LinkedIn and Twitter @plaqueminesport.

Melissa Folve then provided the following closing comments stating that the Port remain committed to diligently moving our efforts forward, and we sincerely appreciate your continued support and cooperation as we endeavor to enhance the Port and our community.

There was no report provided under Agenda Item 3a, "Financial Report/Budget to Actual" and there were no matters under Agenda Item 4, "Bids and Advertisements". Therefore, Commissioner Guey moved to Agenda Item 5, "Introduction of Ordinances and Resolutions". Without objection, so ordered. The following legislation was introduced:

1. A Resolution authorizing the Plaquemines Port Harbor & Terminal District to enter into a Replacement Agreement with the State of Louisiana, Department of Transportation and Development under the Louisiana Port Construction and Development Priority Program for assistance in the implementation of a port improvement project; providing for the necessary documentation of the need for the port improvement; and otherwise to provide with respect thereto. COMMISSIONER GUEY
2. An Ordinance authorizing and directing Charles D. Tillotson, Executive Director of the Plaquemines Port Harbor & Terminal District (the "Port") to have the Port's Legal counsel file a petition pursuant to the Louisiana Constitution, La. R.S. 19:2.1, et seq., as well as all other applicable laws, and to expropriate via a "taking", that certain land, owned by Norman C. Rouse., or their successor(s) in title, which property is commonly referred to as LOT 53, totaling 13.28 acres and with a legal description of FARM LOT 53, POINT CELESTE FARMS S/D, PH II - 340' FRONT ON R/DESC R/W OF HWY 23 X 1,701.27' X 339.94' X 1,697.11', with the more formal legal description of said property attached hereto as Exhibit "A"; and otherwise to provide with respect thereto. COMMISSIONER GUEY
3. A Resolution authorizing the Plaquemines Port, Harbor & Terminal District to enter into a reimbursement agreement with the State of Louisiana, Department of Transportation and Development under the Louisiana Port Construction and Development Priority Program for assistance in the implementation of a port improvement project; providing for the necessary documentation of the need for the port improvement; and otherwise to provide with respect thereto. COMMISSIONER GUEY

4. An Ordinance authorizing and directing Charles D. Tillotson, Executive Director of the Plaquemines Port Harbor & Terminal District (the “Port”) to have the Port’s Legal counsel file a petition pursuant to the Louisiana Constitution, La. R.S. 19:2.1, et seq., as well as all other applicable laws, and to expropriate via a “taking”, that certain land, owned by Kyle A. Fleming., or their successor(s) in title, which property is commonly referred to as LOT 58A, totaling 7.51 acres and with a legal description of LOT 58A, POINT CELESTE FARM S/D - 190' FRONT ON HWY 23 X 1,720.01' X 189.97' X 1,724.91', with the more formal legal description of said property attached hereto as Exhibit “A”; and otherwise to provide with respect thereto. COMMISSIONER GUEY

Commissioner Guey moved to Agenda Item 6, “Ordinances and Resolutions on Second Reading and Final Passage”. Without objection, so ordered.

RESOLUTION NO. 23-220

On motion of Commissioner Guey, seconded by Commissioner Newsom and on roll call all members present and voting “YES”, the following Resolution was adopted:

A Resolution requesting authority to advertise with Contingency Port responsible for engineering; and otherwise to provide with respect thereto.

Digest: The Port seek permission to advertise bids for the initial feedlines for the Alliance Booster Station project through Kyle Associates LLC and commit to handling all aspects, including engineering services. The initial feedline stretches from Alliance to Deer Range. This will allow the project to progress simultaneously with its other phases. *The digest is for informational purposes only and is superseded by the language of the actual ordinance or resolution.*

WHEREAS, Plaquemines Port Harbor & Terminal District has submitted an application for funding of the Alliance Water Booster Station and Feed Lines Upgrades – Feed Line Upgrades port improvement project under the Port Construction and Development Priority Program; and

WHEREAS, the State’s share of the project funds have been made available and the Plaquemines Port Harbor & Terminal District has available its local matching share of the project funds in an amount of not less than ten (10%) percent; and

WHEREAS, at the request of this Plaquemines Port Harbor & Terminal District, Kyle & Associates, LLC has prepared plans and specifications for said project, which plans and specifications are designated by State Project No. H.014966 (322); and

WHEREAS, this Plaquemines Port Harbor & Terminal District has reviewed the plans, specifications and cost estimate and has submitted them to the Department of Transportation and Development. The Plaquemines Port Harbor & Terminal District will accept the final plans and specifications contingent on the Department of Transportation and Development’s final approval inasmuch as they comply with the requirements of the Port Construction and Development Priority Program; and

WHEREAS, all necessary servitudes, rights-of-way, spoil disposal areas, rights of ingress and egress and the means thereof have been acquired by this Plaquemines Port Harbor & Terminal District, and the titles thereto are valid and indefeasible; and

WHEREAS, this Plaquemines Port Harbor & Terminal District has obtained all necessary permits required for the construction of this project; and

WHEREAS, Plaquemines Port Harbor & Terminal District has agreed to accomplish all necessary utilities, fence and other facilities relocations and alterations made necessary by this project; and

WHEREAS, the Official Journal for the Plaquemines Port Harbor & Terminal District is The Plaquemines Gazette, whose mailing address is PO Box 700, Belle Chasse, LA 70037, and whose telephone number is (504) 392-1619; and

WHEREAS, this Plaquemines Port Harbor & Terminal District desires to advertise for competitive bids, in accordance with LRS 38:2212, et seq., for the award of a contract in the name of the Plaquemines Port Harbor & Terminal District, and furnish engineering services during the progress of the work;

NOW, THEREFORE:

BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL AS THE SOLE GOVERNING AUTHORITY OF THE PLAQUEMINES PORT, HARBOR & TERMINAL DISTRICT THAT in Regular session assembled on this 24th day of August, 2023, that the Department of Transportation and Development be and hereby is requested to authorize the Plaquemines Port Harbor & Terminal District to advertise for competitive bids in accordance with LRS 38:2212, et seq., for the award of a contract in the name of Plaquemines Port Harbor & Terminal District, covering the aforesaid improvements.

BE IT FURTHER RESOLVED BY THE PLAQUEMINES PARISH COUNCIL AS THE SOLE GOVERNING AUTHORITY OF THE PLAQUEMINES PORT, HARBOR & TERMINAL DISTRICT THAT the Department of Transportation and Development be and hereby is assured that all necessary servitudes, rights-of-way, rights of ingress and egress and the means thereof have been obtained by Plaquemines Port Harbor & Terminal District, and the titles thereto are valid and indefeasible and Plaquemines Port Harbor & Terminal District expressly agrees to defend any action for the failure of any servitude, right-of-way, right of ingress or egress, and Plaquemines Port Harbor & Terminal District does hereby assume complete responsibility for providing engineering services during construction and the maintenance and upkeep of the project after construction.

BE IT FURTHER RESOLVED BY THE PLAQUEMINES PARISH COUNCIL AS THE SOLE GOVERNING AUTHORITY OF THE PLAQUEMINES PORT, HARBOR & TERMINAL DISTRICT THAT the Department of Transportation and Development be and hereby is assured that all required permits have been obtained by Plaquemines Port Harbor & Terminal District.

BE IT FURTHER RESOLVED BY THE PLAQUEMINES PARISH COUNCIL AS THE SOLE GOVERNING AUTHORITY OF THE PLAQUEMINES PORT, HARBOR & TERMINAL DISTRICT THAT the Department of Transportation and Development be and hereby is assured that Plaquemines Port Harbor & Terminal District has available its local matching funds in an amount not less than ten (10%) percent of the total project cost to insure construction of this project.

BE IT FURTHER RESOLVED BY THE PLAQUEMINES PARISH COUNCIL AS THE SOLE GOVERNING AUTHORITY OF THE PLAQUEMINES PORT, HARBOR & TERMINAL DISTRICT THAT Plaquemines Port Harbor & Terminal District will and hereby does assume complete responsibility for all utilities, fence, and other facilities relocations and alterations made necessary by this project.

BE IT FURTHER RESOLVED BY THE PLAQUEMINES PARISH COUNCIL AS THE SOLE GOVERNING AUTHORITY OF THE PLAQUEMINES PORT, HARBOR & TERMINAL DISTRICT THAT Plaquemines Port Harbor & Terminal District does hereby save and hold harmless the Department of Transportation and Development against any loss or damage of any kind incident to or occasioned by Activities undertaken in pursuance of this agreement and expressly agrees to defend any suit brought against the Department of Transportation & Development, and pay any judgment which may result from said suit as it relates to this project.

BE IT FURTHER RESOLVED BY THE PLAQUEMINES PARISH COUNCIL AS THE SOLE GOVERNING AUTHORITY OF THE PLAQUEMINES PORT, HARBOR AND TERMINAL DISTRICT THAT the Secretary of this Council is hereby authorized and directed to immediately certify and release this Resolution and that Port officials and employees are authorized to carry out the purposes of this Resolution, both without further reading and approval by the Plaquemines Parish Council.

There being no matters to address under Agenda Item 7, "New Business", Commissioner Guey moved to Agenda Item 8, "Approval of Minutes". Without objection, so ordered.

RESOLUTION NO. 23-221

On motion of Commissioner Guey, seconded by Commissioner Cognevich and on roll call all members present and voting “YES”, the following Resolution was adopted:

BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL AS THE SOLE GOVERNING AUTHORITY OF THE PLAQUEMINES PORT, HARBOR & TERMINAL DISTRICT THAT it hereby approves the minutes of the August 10, 2023, regular Port Meeting, as recorded by the Secretary of this Council.

BE IT FURTHER RESOLVED BY THE PLAQUEMINES PARISH COUNCIL AS THE SOLE GOVERNING AUTHORITY OF THE PLAQUEMINES PORT, HARBOR & TERMINAL DISTRICT THAT the Secretary of this Council is hereby authorized and directed to immediately certify and release this Resolution and that Parish employees and officials are authorized to carry out the purposes of this Resolution.

There being no further business to come before this Council, on motion Commissioner Schulz seconded by Commissioner Cognevich, and on roll call all members present voting “YES” the meeting adjourned at 3:18 p.m.

Chairman

Secretary

For a full transcript of discussions and presentations a video of this meeting is available for viewing on the Parish website www.plaqueminesparish.com or on YouTube.