

# MISSISSIPPI PORT AUTHORITY

## BOARD OF COMMISSIONERS

### REGULAR MEETING

**April 11, 2013**

---

Minutes of the Mississippi State Port Authority Board of Commissioners Meeting,  
Thursday, April 11, 2013, 2510 14<sup>th</sup> Street, Suite 1500, Gulfport, Mississippi at which the  
following Commissioners and staff were present:

Commissioners: James C. Simpson, Jr., President  
John Rester, Vice-President  
Jack Norris, Secretary  
E.J. Roberts, Treasurer  
Robert J. Knesal, Commissioner

Staff: Matt Wypyski, Interim Executive Director & C.E.O.  
Joe Conn, Director of Port Restoration  
John Webb, Deputy Director - Engineering  
Dale Waltman, Deputy Director - Operations  
Bill McGhee, Deputy Director - Facilities  
Mary Bourdin, Deputy Director - Finance  
Van Grundmann, Chief Commercial Officer  
Kim Purchner, Executive Assistant/HRO  
Kelly Ellison, Administrative Assistant  
Angie Shortt, Contract Administrator  
Nick Foto, Finance Manager  
Sharon Hodge, Compliance Officer  
Robert Wortel, Facilities Manager  
Randy Ladner, Facilities Manager  
Sam Fisher, Grounds Maintenance Tech  
Lisa Conn, Purchasing, Sr. Accounting Specialist

Teri Wyly, Legal Counsel

Others: Lisa Hathorn, The Gibbes Company  
Lon Elledge, CH2MHill  
Todd Stockberger, CH2MHill  
Brian Varnado, T.L. Wallace  
Chuck Graham, Chiquita  
Duane Wilson, DuPont  
Bruce Newton, Digital Engineering  
Shane Imbert, Yates Anderson  
John Oliver, QES  
Christine Brice, Election Committee  
Michael Costelli, Simpkins & Costelli, Inc.  
Christiana Hassin, Watkins & Eager  
Don Lancaster, Neel Schaffer  
Randall Love, T.L. Wallace  
Phillip Carter, MDA  
N. D. McClure, Volkert, Inc.  
Ruth Storey, Port Coalition  
S.P. Mellen, Jr. Coast Compress

S.P. Mellen, Coast Compress  
 Greg Schruff, SSA Marine  
 David Bowman, Neel Schaffer  
 Janis Malpass, CDM Smith  
 Todd Bradford, Yates Anderson  
 Wendell Mears, Anchor QEA  
 Lisa Schlegel, Yates  
 Mike Wren, Michael Wren & Associates  
 Heather Megehee, WG Yates  
 Howard Page, Steps Coalition  
 Glenn Cobb, Port Coalition Campaign  
 Mark Schloegel, Stewart Sneed Hewes  
 Carlos Bell, Waggoner Engineering  
 Bo Etheridge, Shoreline  
 Daron Wilson, MDA  
 Rusty Hilton, MS State Pilots  
 Steve Phillips, WLOX-TV  
 Al Brooken, MDES  
 Kendall Lamb, Ports America  
 Violetta Cisotto, Digital Engineering  
 Wade Foster, Archer Western  
 Sonya Williams Barnes, State Rep. Dist. 119  
 Don Lancaster, Neel-Schaffer  
 Mark McDaniel, Yates Anderson  
 Cathy B. McKenzie, Island View

Commissioner Simpson noted the presence of a quorum and called the meeting to order at approximately 8:30 a.m.

The Pledge of Allegiance was led by Commissioner Simpson.

PUBLIC COMMENTS:

Howard Page of the Steps Coalition expressed his concern over yesterday's ceremony with the Governor. He felt like the job issue wasn't addressed enough. He also felt that the Port does not have legislative oversight nor annual audits. He also asked the Commissioners to reconsider amending the action plan previously submitted to HUD.

\*\*\*\*\*

Commissioner Roberts moved to approve the March 14th and 25th minutes. Commissioner Rester seconded and the motion was unanimously approved.

Commissioner Rester moved to approve travel (Commissioners to Ft. Lauderdale, FL). Commissioner Roberts seconded and the motion was unanimously approved.

Commissioner Rester moved to approve the disbursements listed below. Commissioner Roberts seconded and the motion was unanimously approved.

DISBURSEMENTS THROUGH MARCH 26, 2013  
 BILLS FOR THE MONTHS OF MARCH AND APRIL 2013 APPROVED AND PAID  
 FROM THE GROSS REVENUE FUND OF THE MS STATE PORT AUTHORITY AT GULFPORT

CHK#	VENDOR	DESCRIPTION	CHK AMT
46741	Kentwood Springs	Drinking Water	98.42
46742	AFLAC	Employee Deductions	1,020.46
46743	Bird-X, Inc.	Bird Deterrent	578.08
46744	Mary Bourdin	Reimbursement for TWIC Card	60.00
46745	RJ Young	Copier Maintenance Agreements	1,100.00

46746	Covington Sales & Service	Gutter Brooms for Street Sweeper	718.00
46747	Catherine Cox	Reimbursement for TWIC Card	60.00
46748	C Spire Wireless	Radio/Cell Phone Service	1,126.05
46749	State School Insurance Fund	Employee Deductions	12,343.44
46750	Emerald TC. LLC	Accounting Software Conversion Services	9,846.71
46751	Federal Express Corp	Express Mail Services	71.99
46752	Fuelman	Fuel for MSPA Vehicles	283.53
46753	W.W. Grainger, Inc.	Parts for Roll-Up Doors on Warehouse	763.74
46754	Hancock Bank	Safe Deposit Box Renewal	35.00
46755	Hancock Bank	April Lease 14th Floor	14,432.24
46756	Harbor Square Parking Garage	Quarterly Parking 14th Floor	2,707.46
46757	Hancock Bank	April Lease 8th Floor	5,241.35
46758	Harbor Square Parking Garage	Quarterly Parking 8th Floor	672.90
46759	IFFCBANO	Sponsorship	1,000.00
46760	Jerry's Lawn Mower Sales	Grounds Maintenance Supplies	649.40
46761	Lowe's Home Center, Inc.	Maintenance Supplies	448.25
46762	Mid South Uniform & Supply, Inc.	State of Mississippi Lapel Pins	179.15
46763	MS Dept. of Human Services	Employee Deductions	117.70
46764	MS Pub. Employees Credit Union	Employee Deductions	440.00
46765	MS State Tax Commission	Employee Deductions	5,326.00
46766	Office Depot Card Plan	Office Supplies	23.53
46767	Pine Belt Oil Co., Inc.	Diesel	9,076.20
46768	Legal Shield	Employee Deductions	14.96
46769	Redd Pest Solutions	Pest Control Services	365.00
46770	Southern Admin. and Benefits	Monthly Service Fees	200.00
46771	Swetman Security Services, Inc.	Security Guard Services	22,052.06
46772	United Concordia, Inc.	Employee Deductions	805.37
46773	Matthew Wypyski	Business Expenses	251.50

CHECKS DATED 3/15/13 AND RELEASED PRIOR TO SCHEDULED CHECK RUN

46733	RJ Young	Copier Maintenance Agreement	59.90
46734	Fuelman	Fuel for MSPA Vehicles	188.75
46735	Lowe's Home Center, Inc.	Maintenance Supplies	275.15
46736	IFFCBANO	Registration Fees	425.00
46737	Lockheed Martin	TWIC Card Renewal	60.00
46738	Rick Maldonado & Assoc., Inc.	March Services	8,333.33
46739	Airgas USA, LLC	Oxygen Cylinder Renewal	40.34
46740	Traffic & Transportation Club of N.O.	Registration Fees	43.00

TRANSFERS

3/21/13	Deferred Compensation	Employee Deductions	3,099.67
3/22/13	Federal Tax Deposit	Payroll Tax Deposit	20,063.85
3/25/13	Public Employment Retirement	Retirement Match and Withheld	35,714.18
0326130551	Boyden	Professional Fees	2,582.50

Total	\$ 162,994.16
-------	---------------

FINAL CHECKLIST FOR APRIL 11, 2013

BILLS FOR THE MONTHS OF MARCH AND APRIL 2013 APPROVED AND PAID  
FROM THE GROSS REVENUE FUND OF THE MS STATE PORT AUTHORITY AT GULFPORT

CHK#	VENDOR	DESCRIPTION	CHK AMT
46774	Donald R. Allee	Consulting Services	20,865.00
46775	A T & T Mobility	Cellular Phone Services	99.04
46776	Barefield & Co., Inc.	Office Supplies	238.93
46777	AT&T	Telephone Services	1,810.40
46779	Bonds Services, Inc.	Janitorial Services	1,050.00
46781	City of Gulfport	Water	4,665.92
46782	Delta Sanitation of MS., LLC	Waste Removal/Portable Restroom Services	1,028.00
46783	DLA Printing & Promo's	Office Supplies	292.33
46784	Emerald TC. LLC	Accounting Software Conversion Services	1,942.50
46785	Federal Express Corp	Express Mail Services	71.24
46786	Fuelman	Fuel for MSPA Vehicles	546.18
46787	The Gibbes Company	Professional Services	18,605.51
46788	W.W. Grainger, Inc.	Maintenance Supplies	694.23
46789	Great Southern Club	Monthly Dues and Business Expenses	392.69
46790	Van Grundmann	Business and Travel Expenses	957.74
46791	Gulf Coast Business Supply, Inc.	Office Supplies	172.95
46792	Gulfport Yacht Club	Business Expense	27.46
46793	Hughes Supply	Repair Kits for Back Flow Preventer	1,012.36
46794	Logista	Computer Services	770.70
46795	MS State Treasure Fund 3601	Long Distance Telephone/Internet Services	837.91
46796	Jerry's Lawn Mower Sales	Maintenance Supplies	62.68
46797	UBM Global Trade, Inc.	Marketing Data Subscription	2,705.00
46798	Robert J. Knesal	Per Diem and Travel Expenses	1,854.19
46799	Lowe's Home Center, Inc.	Maintenance Supplies	163.32
46800	Maximum Auto Parts	Automotive Supplies	218.16
46801	William G. McGhee	Reimbursement for TWIC Card	129.75
46802	MS Dept. of Human Services	Employee Deductions	117.70
46803	MS Mgmt. & Reporting System	MMRS Charges	92.50
46804	MS Power Company	Electricity	22,545.18
46805	MS Pub. Employees Credit Union	Employee Deductions	440.00
46806	MSPA Petty Cash Fund	Replenish Petty Cash	74.66
46807	Jack Norris	Per Diem	80.00
46808	Pine Belt Oil Co., Inc.	Diesel	1,355.56
46809	Ports America, Inc.	Maintenance on Cranes	27,707.93
46811	Eluse J. Roberts	Per Diem	80.00
46813	Rose Office Systems, Inc.	Rental for Facilities/Ops./Crowley Trailers	3,830.00
46814	Security Blanket, Inc.	Connect New Phone Lines	252.50
46815	James C. Simpson, Jr.	Per Diem and Travel Expenses	1,716.83
46816	Southern Visuals	Replacement Part for Photo ID Printer	725.00
46817	State Dept. of Audit	Statewide Testwork	6.77
46818	Stewart Sneed Hewes, Inc.	Insurance	13,876.28
46819	The Sun Herald	Legal Advertisements	365.14
46820	Swetman Security Services, Inc.	Security Guard Services	22,052.06
46821	Untangle, Inc.	Software Renewal	1,080.00

TRANSFERS

04/03/13	Federal Tax Deposit	Payroll Tax Deposit	20,455.27
04/04/13	Deferred Compensation	Employee Deductions	3,099.67
04/10/13	MS Department of Revenue	March Sales Tax	3,937.00
Total			<u>\$ 185,104.24</u>

\*\*\*\*\*

Commissioner Knesal moved to approve the Port User Licenses, pending receipt of all fees and insurance documents. Commissioner Roberts seconded and the motion was unanimously approved.

The following items were approved:

RENEWAL LICENSES:

- Vendor: B&R Transport Refrigeration, Inc.; Barbe's Dairy; Hymax Inc. dba Kamil Ship Supply; Waste Management
- Steamship Agents: Ross Maritime, Inc.
- Stevedore: Newman Lumber Company
- Tug Company: E.N. Bisso Mississippi LLC

Commissioner Rester moved to approve the following cash request:

#53 MSPA (\$94,410.09); Archer Western (\$1,582,487.68); Neel Schaffer (\$257,462.05); QES (\$8,349.43); Thompson Engineering (\$24,352.43); CDM (\$12,259.00); Atwell & Gent (\$13,970.00); Atkins (\$43,739.65); Volkert (\$8,957.48); Anchor QEA (\$69,310.92); CH2MHill (\$345,627.39) for a sub-total of \$2,460,926.12. Commissioner Roberts seconded and the motion was unanimously approved.

Commissioner Knesal moved to approve the following progress payments: BMA (\$75,662.07); BMI Environmental (\$4,777.50); QES (\$1,293.00); Rod Cooke Construction (\$533,592.69). Commissioner Roberts seconded and the motion was unanimously approved.

*Commissioner Norris recused himself from the following items and left the meeting:*

Commissioner Rester moved to approve payment of \$126,792.33 to Yates Anderson JV (under Restoration Agreement Request #53), for a total of \$2,587,718.45; Progress Payment to Balch & Bingham of \$37,500.23. Commissioner Knesal seconded and the motion was unanimously approved.

OLD BUSINESS:

Commissioner Knesal moved to approve Amendment No. 5 to Task Order No. 6 under Contract No. 010-HUD-006 with Yates Anderson JV. Amendment No. 5 increases the duration by 30 days and adds \$310,101.75 to the Task Order. Commissioner Roberts seconded and the motion was unanimously approved.

*Commissioner Norris returned to the meeting.*

Commissioner Knesal moved to approve Change Order No. 2 to Contract No. 12-EN-03; Rod Cooke Construction. Change Order No. 2 decreases the contract by \$118,036.00. Commissioner Roberts seconded and the motion was unanimously approved.

Commissioner Rester moved to approve a Notice of Completion to Contract No. 12-EN-03; Rod Cooke Construction, Inc. for the Crowley M& R, Tire Shop and Office Facilities. Commissioner Roberts seconded and the motion was unanimously approved.

Commissioner Knesal moved to approve a Notice of Award for the East Pier Shed 50 Rail Expansion Project to the lowest and best bidder, W.C. Fore Trucking for \$5,020,000.00. Commissioner Norris seconded and the motion was unanimously approved.

Commissioner Roberts moved to approve Amendment No. 9 to Contract No. 011-HUD-014; Atkins (3rd Party EIS). Amendment No. 9 increases costs by \$9,828.00. Commissioner Rester seconded and the motion was unanimously approved.

Commissioner Knesal moved to approve Amendment No. 4 to Task Order No. 2 under Contract No. 010-HUD-011; Anchor QEA (Dredging Design). Amendment No. 4 decreases the contract by \$35,659.78 and closes out Task Order No. 2. Commissioner Roberts seconded and the motion was unanimously approved.

Commissioner Norris moved to approve Amendment No. 2 to Task Order No. 9 under Contract No. 010-HUD-002; Thompson Engineering (Geotechnical Site Investigation). Amendment No. 2 adds 100 days to the schedule. Commissioner Rester seconded and the motion was unanimously approved.

Commissioner Knesal moved to approve Amendment No. 2 to Task Order No. 2 under Contract No. 010-HUD-013; Atwell & Gent (Electrical Engineering). Amendment No. 2 increases the duration by 365 calendar days. Commissioner Roberts seconded and the motion was unanimously approved.

#### NEW BUSINESS:

Commissioner Rester moved to authorize an advertisement for the purchase of a forklift. Commissioner Roberts seconded and the motion was unanimously approved.

Commissioner Rester moved to approve Task Assignment No. 4 under Contract No. 13-EN-02 with Brown, Mitchell & Alexander. This will provide for the construction management, administration and engineering inspection for the East Pier Shed 50 rail expansion project and has a not to exceed amount of \$241,776.00. Commissioner Roberts seconded and the motion was unanimously approved.

Commissioner Rester moved to approve Task Order No. 7 under Contract No. 010-HUD-013 with Atwell & Gent (Electrical Engineering). This task order has a not to exceed amount of \$1,244,580.00 and a duration of 493 calendar days. Commissioner Norris seconded and the motion was unanimously approved.

Commissioner Knesal moved to approve Task Order No. 12 under Contract No. 010-HUD-002 with Thompson Engineering (Geotechnical Site Investigation). This task order has a not to exceed amount of \$33,630.64 with duration of 380 calendar days. Commissioner Rester seconded and the motion was unanimously approved.

Commissioner Knesal moved to approve Task Order No. 5 under Contract No. 010-HUD-012 with CDM Smith (General Utility & Engineering). This task order has a not to exceed amount of \$365,000.00 with duration of 493 calendar days. Commissioner Norris seconded and the motion was unanimously approved.

Commissioner Rester moved to approve Task Order No. 22 under Contract No. 010-HUD-001 with Neel Schaffer (General Engineering & Design). This task order has a not

to exceed amount of \$1,799,238.00 with a duration of 484 calendar days. Commissioner Roberts seconded and the motion was unanimously approved.

Commissioner Rester moved to approve Task Order No. 23 under Contract No. 010-HUD-001 with Neel Schaffer (General Engineering & Design). This task order has a not to exceed amount of \$184,090.00 with a duration of 164 calendar days. Commissioner Roberts seconded and the motion was unanimously approved.

Commissioner Rester moved to approve Task Order No. 13 under Contract No. 010-HUD-002 with Thompson Engineering (Geotechnical Site Investigation). This task order has a not to exceed amount of \$43,989.59 with a duration of 244 calendar days. Commissioner Roberts seconded and the motion was unanimously approved.

*Commissioner Norris recused himself and left the meeting.*

Commissioner Rester moved to approve Task Order No. 9 under Contract No. 010-HUD-006 with Yates Anderson Joint Venture (Construction Management). This task order has a not to exceed amount of \$1,315,560.00 and a duration of 365 calendar days. Commissioner Knesal seconded and the motion was unanimously approved.

*Commissioner Norris returned to the meeting.*

Commissioner Norris moved to authorize an advertisement for bid for the west pier shore protection. Commissioner Roberts seconded and the motion was unanimously approved.

Commissioner Rester moved to authorize an advertisement for bid for wick drains on the west pier. Commissioner Roberts seconded and the motion was unanimously approved.

Commissioner Rester moved to authorize an advertisement for bids for on-call fill and site work IDIQ. Commissioner Roberts seconded and the motion was unanimously approved.

\*\*\*\*\*

#### PORT RESTORATION UPDATE:

Joe Conn reported that we are moving into the final design of the West Pier facilities.

The wharf upgrade is now on the street and a pre-bid meeting will be held this afternoon. We hope to award that project at the next monthly meeting.

The shore protection project should be out within another six weeks.

#### EXECUTIVE DIRECTOR'S COMMENTS:

Interim Director Wypyski recognized the following port employees for their tenure:

Bill McGhee – 33 years  
Bob Wortel – 30 years  
Randy Ladner – 23 years  
Sam Fisher – 20 years  
Lisa Conn – 20 years  
John Webb – 20 years

Director Wypyski reported that close to \$180 million will be contracted out within the next year and he is excited to report such progress.

The next regularly scheduled Board Meeting will take place Thursday, May 9th.

GENERAL COUNSEL'S COMMENTS:

Teri Wyly had no comments.

MDA'S COMMENTS:

Daron Wilson commented that MDA was glad to be a part of the celebration with the Governor yesterday – laying the found on which the port of the future will be built. MDA is confident that the plan that is in place today will produce the opportunities that this project seeks to create.

COMMISSIONERS' COMMENTS:

Commissioner Simpson thanked all port employees that work hard every single day to make the port authority run smoothly. He also wanted to thank Governor Bryant for taking time out of his schedule to help us celebrate yesterday. Commissioner Simpson commented on the inflammatory quotes in today's newspaper article concerning jobs. The job count that we report comes directly from tenants as they are continuously surveyed for that information. We provide the facility and other people hire those employees – that's who we continuously survey.

Commissioner Simpson addressed port audits that were mentioned earlier in public comments. The port is audited every year and the CDBG program is constantly undergoing audit and review. He commended CFO Mary Bourdin for her effort and accuracy. Commissioner Rester added that over 15 years ago, the Commission saw the need for accuracy and required an annual audit be performed and paid for by the Port since the State could not afford to perform annual audits. Commissioner Norris also mentioned the CDBG project is under more scrutiny than any other state project. Furthermore, our budget is also under scrutiny by the State Legislature – the budget we requested this year was actually cut by the Legislature so it is totally inaccurate to say we have no legislative oversight.

COMMUNICATIONS UPDATE:

There were 33,809 visitors to the Port of the Future website last month.

A ceremonial event took place yesterday with Governor Bryant signaling the last load of dirt on the West Pier Project. Many thanks to staff, MDA, Commissioners, Governor Bryant, Bishop Thompson and Monsignor Fullam. We are looking to kicking off the next phase. Thanks also go to local business ABC Rental for their assistance and equipment.

The Gibbes Co. is currently working on an updated shipmspa.com website and hopes to bring that item to Commissioners at the next meeting.

\*\*\*\*\*

Commissioner Rester moved to close the meeting to determine the need for Executive Session. Commissioner Roberts seconded and the motion was unanimously approved.

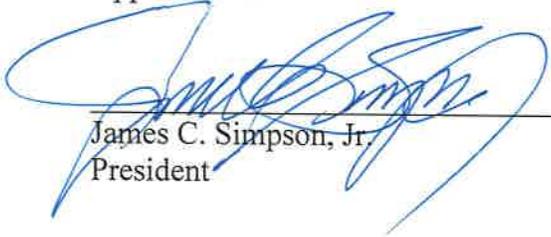
Commissioner Rester moved to enter Executive Session to discuss personnel matters, real estate matters (Island View) and legal matters (DuPont lease). Commissioner Roberts seconded and the motion was unanimously approved.

(THE BOARD OF COMMISSIONERS ENTERED INTO EXECUTIVE SESSION AT APPROXIMATELY 9:10 A.M.)

Commissioner Simpson stated that no action took place during Executive Session

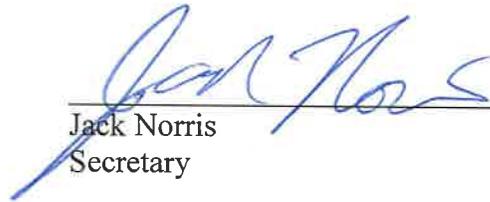
The meeting adjourned at approximately 10:20 a.m.

Approved and Attested



---

James C. Simpson, Jr.  
President



---

Jack Norris  
Secretary