

# MISSISSIPPI PORT AUTHORITY

## BOARD OF COMMISSIONERS

### SPECIAL MEETING

**August 6, 2015**

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Minutes of the Mississippi State Port Authority Board of Commissioners Meeting,  
Thursday, August 6, 2015, 2510 14<sup>th</sup> Street, Suite 1500, Gulfport, Mississippi at which  
the following Commissioners and staff were present:

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

Staff: Jonathan Daniels, Executive Director/CEO  
Matthew Wypyski, Chief Operating Officer  
John Webb, Director of Engineering  
Kim Purchner, Executive Assistant/HRO  
Mary Bourdin, Director of Finance  
Nick Foto, Deputy Program Manager

Teri Wyly, Legal Counsel

Others: Phillip Carter, MDA (via telephone)  
Kym Davis, YAJV  
Todd Bradford, YAJV  
Casey Sanders, YAJV  
Maurice Manuel, YAJV  
Casey McConnell, YAJV  
Richie Ashley, Neel Schaffer, Inc.  
Kim Herndon, YAJV  
Damon Torricelli, Neel Schaffer, Inc.  
Lillian Jenkins, Horne LLP  
Randall Love, T.L. Wallace  
Bob Burns, CH2MHill  
Michael Sheely, CH2MHill  
James Necaie, Necaie Brothers

Commissioner Norris noted the presence of a quorum and called the meeting to order at approximately 4:00 p.m.

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Commissioner Simpson moved to approve the following progress payments: BMA (\$188,390.40); Continental Construction (\$13,025,548.56); G.A. West & Company (\$16,451.02); Prism Systems, Inc. (\$20,610.00) and QES (\$38,318.50). Commissioner Knesal seconded and the motion was unanimously approved.

Commissioner Knesal moved to approve Cash Request #87 - L&A (\$703,105.82); CDM (\$72,841.67); Thompson Engineering (\$4,789.03); Neel-Schaffer (\$278,244.25); Atwell & Gent (\$66,517.00); Anchor QEA (\$54,246.97); QES (\$23,772.23); MSPA (\$3,166.35); Michael Baker (\$421.25) and RFB, Inc. (\$1,637.50) for a subtotal of \$ 1,208,742.07. Commissioner Rester seconded and the motion was unanimously approved.

Commissioner Rester moved to approve Cash Request #88 - L&A (\$784,921.90; QES (\$ 21,060.54); MSPA (\$35,200.18); and RFB, Inc. (\$2,082.50) for a subtotal of \$ 843,265.12. Commissioner Simpson seconded and the motion was unanimously approved.

From RFC #87:

Commissioner Rester moved to approve payment of \$264,135.53 to CH2MHill. Commissioner Simpson seconded and the motion was approved with the Commission voting as follows:

Commissioner Rester	Affirmative
Commissioner Knesal	Negative
Commissioner Norris	Affirmative

Commissioner Rester moved to approve payment of \$1,086,249.96 to Necaize Brothers. Commissioner Simpson seconded and the motion was approved. Voting in the affirmative were Commissioners Rester, Roberts and Simpson. Commissioner Knesal recused himself from the discussion and voting.

Commissioner Rester moved to approve payment of \$ 261,222.50 to Yates Anderson JV. Commissioner Knesal seconded and the motion was unanimously approved with Commissioners Rester, Simpson, and Knesal voting in the affirmative. Commissioner Norris recused himself from the discussion and voting.

From RFC #88

Commissioner Rester moved to approve payment of \$1,803,196.07 to Necaize Brothers. Commissioner Simpson seconded and the motion was approved. Voting in the affirmative were Commissioners Rester, Norris and Simpson. Commissioner Knesal recused himself from the discussion and voting.

Commissioner Rester moved to approve payment of \$ 134,760.00 to Yates Anderson JV. Commissioner Knesal seconded and the motion was unanimously approved with Commissioners Rester, Simpson, and Knesal voting in the affirmative. Commissioners Norris recused himself from the discussion and voting.

From Progress Payments:

Commissioner Rester moved to approve payment of \$ 654,799.80 to Yates Anderson JV. Commissioner Knesal seconded and the motion was unanimously approved with Commissioners Rester, Simpson, and Knesal voting in the affirmative. Commissioners Norris recused himself from the discussion and voting.

Commissioner Roberts entered the meeting.

From RFC #87:

Commissioner Simpson moved to approve payment of \$29,292.30 to Dan Hensarling. Commissioner Roberts seconded and the motion was unanimously approved with Commissioners Norris, Roberts and Simpson voting in the affirmative. Commissioners Knesal and Rester recused themselves from the discussion and voting.

The total of RFC #87 was \$ 2,849,642.36.

From RFC #88

Commissioner Simpson moved to approve payment of \$140,077.50 to Dan Hensarling. Commissioner Roberts seconded and the motion was unanimously approved with Commissioners Norris, Roberts and Simpson voting in the affirmative. Commissioners Knesal and Rester recused themselves from the discussion and voting.

The total of RFC #88 was \$ 2,921,298.69.

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

FINAL CHECKLIST FOR AUGUST 6, 2015			
BILLS FOR THE MONTHS OF JULY AND AUGUST 2015 APPROVED AND PAID			
FROM THE GROSS REVENUE FUND OF THE MS STATE PORT AUTHORITY AT GULFPORT			
CHK#	VENDOR	DESCRIPTION	CHK AMT
49788	Kentwood Springs	Drinking Water	199.82
49789	Kim Aguiard	Staff Development Luncheon	227.50
49790	Battery Sales & Service	Battery for Unit # 17	79.96
49791	AT&T	Telephone Services	1,850.87
49792	Blue Skies Gallery	Frame for Crane Drawing	75.68
49793	Bonds Services, Inc.	July Janitorial Services	1,450.00
49794	Mary Bourdin	Leadership Gulf Coast Meeting	30.00
49796	Sun Coast Business Supply	Office Supplies	208.28
49798	Jonathan Daniels	Business and Travel Expenses	316.92
49799	DFA - Office of Insurance	FY16 Unemployment Insurance	3,459.00
49800	Eagle Energy, Inc.	Diesel	5,686.53
49801	Federal Express Corp.	Express Mail Services	48.82
49802	Fuelman	Fuel for MSPA Vehicles	483.80
49804	Grainger, Inc.	Maintenance Supplies	394.14
49805	Gulf Coast Business Supply, Inc.	Toner Cartridges	1,569.88
49806	Gulfport Yacht Club	Business Expenses	75.08
49807	HRdirect	Employment Posters	69.99
49808	Logista	Computer Services	4,125.00
49809	MS State Treasurer Fund 3601	Long Distance Telephone/Internet Services	1,956.59
49810	Jackson County Chamber of Comm.	Membership Dues	150.00
49811	Lowe's Home Center, Inc.	Maintenance/Plumbing Supplies	363.19
49812	Maximum Auto Parts	Crane Repair Supplies	200.85
49813	Mayer Electric Supply Co., Inc.	Lighting Fixture for Crane Repair	1,120.42
49814	MS Development Authority	2015 South America Business Dev. Mission	600.00
49815	MSPA Petty Cash Fund	Replenish Petty Cash	37.82
49816	MS Water Resources	Membership Dues	600.00
49817	Office Furniture Solutions, Inc.	Office Furniture	873.74
49818	Phillips Building Supply	Materials for Ops. Offices/Breakroom	2,730.05
49819	Ports America, Inc.	Maintenance on Cranes and Parts Inventory	116,425.18
49822	Rose Office Systems, Inc.	Construction Trailer Rentals	3,730.00
49823	Seal Electrical, Inc.	Install Panel in Ops. Tool/Breakroom	547.00
49824	Shred It - USA	Shredding Services	31.95
49825	Specialty Hose & Fabrication	Parts to Repair Street Sweeper	66.40
49826	Swetman Security Services, Inc.	Security Guard Services	45,871.73
49827	Terex Global GmbH	Lubricant Distributor for Crane	660.96
49828	WalMart Community	Supplies for Staff Development Luncheon	36.26
49829	Dale Waltman	Business Expense	34.42
49830	Matthew Wypyski	Business Expense	55.06
CHECKS DATED 7/30/15 AND RELEASED PRIOR TO THE MEETING			
49784	The Global Event Team, LLC	AAPA Registrations	3,750.00
49785	MS Dept. of Human Services CRDU	Employee Deductions	304.45
49786	MS Pub. Employees Credit Union	Employee Deductions	400.00
49787	MS State Tax Commission	Employee Deductions	6,568.00

TRANSFERS			
7/10/15	Federal Tax Deposit	Payroll Tax Deposit	24,121.85
7/23/15	Deferred Compensation	Employee Deductions	2,211.67
7/24/15	Federal Tax Deposit	Payroll Tax Deposit	23,728.39
7/27/15	Public Employment Retirement	Retirement Match and Withheld	46,076.80
			46,076.80
Total			\$ 303,604.05

OLD BUSINESS:

Commissioner Rester moved to approve Change Order No. 1 under Contract No. 015-HUD-025 with Southern Industrial Contractors. The estimated, not-to-exceed amount of Change Order No. 1 is \$4,328,272.41. Commissioner Simpson seconded and the motion was approved with Commissioners Rester, Simpson and Norris voting in the affirmative and Commissioners Roberts and Knesal in the negative.

Commissioner Rester moved to approve Change Order No. 3 under Contract No. 015-HUD-026 with Necaise Brothers Construction. Change Order No. 3 increases costs by \$2,958,970.44. 38 days is added to Milestone #2 and 30 days is added to the overall contract completion date. Commissioner Simpson seconded and the motion was unanimously approved. Voting in the affirmative were Commissioners Rester, Roberts and Simpson. Commissioner Knesal recused himself from the discussion and voting.

Commissioner Rester moved to rescind the February 26th Modification No. 1 under Contract No. 14-EN-07 with Yates Anderson Joint Venture. Commissioner Knesal seconded and the motion was approved with Commissioners Rester, Roberts and Knesal voting in the affirmative. Commissioner Norris recused himself from the discussion and voting.

Commissioner Rester moved to approve Modification No. 2 under Contract No. 14-EN-07 with Yates Anderson Joint Venture. The Guaranteed Maximum Price is \$82,985,670.00 and includes a 4% contingency. Commissioning is scheduled to be complete by November 16, 2016. Commissioner Roberts seconded and the motion was approved with Commissioners Rester, Roberts and Knesal voting in the affirmative and Commissioner Simpson voting in the negative. Commissioner Norris recused himself from the discussion and voting.

Commissioner Rester moved to approve Change Order No. 4 under Contract No. 015-HUD-026 with Necaise Brothers Construction. Change Order No. 3 increases costs by \$1,196,791.44 and mandates a completion date of February 15, 2016. Commissioner Roberts seconded and the motion was unanimously approved. Voting in the affirmative were Commissioners Rester, Roberts and Simpson. Commissioner Knesal recused himself from the discussion and voting.

Commissioner Rester moved to approve Change Order No. 8 under Contract No. 013-HUD-018 with L&A Construction. Change Order No. 8 decreases costs by \$399,351.03. Commissioner Roberts seconded and the motion was unanimously approved.

NEW BUSINESS:

Commissioner Roberts moved to authorize the advertisement for bid the East Pier Wall Project. Commissioner Simpson seconded and the motion was unanimously approved.

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

*Commissioner Knesal left the meeting.*

Commissioner Roberts moved to enter Executive Session to discuss a Lease Negotiation. Commissioner Simpson seconded and the motion was unanimously approved.

(THE BOARD OF COMMISSIONERS ENTERED INTO EXECUTIVE SESSION AT APPROXIMATELY 5:15 P.M.)

Commissioner Simpson moved to come out of Executive Session. Commissioner Rester seconded and the motion was unanimously approved.

Commissioner Norris stated that no action took place during Executive Session

Commissioner Simpson moved to amend the agenda to add the consideration of a Memorandum of Understanding between the Mississippi State Port Authority, the Mississippi Development Authority and Gulf Coast Freezer & Storage. Commissioner Roberts seconded and the motion was unanimously approved.

Commissioner Simpson moved to approve a Memorandum of Understanding between the Mississippi State Port Authority, the Mississippi Development Authority and Gulf Coast Freezer & Storage. Commissioner Roberts seconded and the motion was unanimously approved.

The meeting adjourned at approximately 5:35 p.m.

Approved and Attested

  
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Jack Norris  
President

  
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Robert J. Knesal  
Secretary