

BOARD OF COMMISSIONERS
PORT OF PALM BEACH DISTRICT
Regular Board Meeting

- - -

Thursday, June 14, 2018

Port of Palm Beach
One East 11th Street
Riviera Beach, Florida

4:00 p.m. - 6:17 p.m.

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ATTENDING:

Jean L. Enright, Chair
Peyton W. McArthur, Vice Chair
Katherine M. Waldron, Secretary/Treasurer
Blair J. Ciklin, Commissioner
Wayne M. Richards, Commissioner
Manuel Almira, Executive Director
Paul Zielinski, Deputy Director/CFO
José R. Soler, Port Engineer
Carl Baker, Director of Planning
Ken Hern, Sr. Director, Operations, Security,
Facilities, Railroad
Jarra Kaczvara, Sr. Director, Business Development
Gregory Picken, Port Attorney
Donald R. Bicknell, Jr., Port Attorney
Venice Howard, Deputy Clerk
Aidy Alonzo, Public Relations/Media Specialist

1 MS. HOWARD: Port Counsel Gregory Picken.

2 MR. PICKEN: Here.

3 MS. HOWARD: Port Counsel -- I'm sorry.

4 We have a quorum.

5 CHAIR ENRIGHT: Thank you.

6 Please stand for the Pledge of Allegiance.

7 (Pledge of Allegiance recited.)

8 CHAIR ENRIGHT: You may be seated. Thank
9 you.

10 May I have approval of the minutes, please,
11 from the last meeting?

12 MS. WALDRON: I'll motion to approve the
13 minutes.

14 CHAIR ENRIGHT: Second?

15 COMMISSIONER CIKLIN: Second.

16 CHAIR ENRIGHT: Thank you. Properly moved
17 and seconded. All in favor.

18 (A chorus of ayes.)

19 CHAIR ENRIGHT: Motion carries, four/zero,
20 with Commissioner Richards absent.

21 Let's continue. Mr. Almira, are there any
22 additions, deletions, presentations?

23 EXECUTIVE DIRECTOR ALMIRA: And
24 announcements. Yes, Commissioners, we'd like to add,
25 under old business, G.7 --

1 CHAIR ENRIGHT: Wait a minute. Okay.

2 EXECUTIVE DIRECTOR ALMIRA: That would be LMH
3 amendment number one, looking for clarification.

4 And also, there is a presentation for
5 Certificate of Recognition for Customs and Border
6 Protection Officers, Federal Employee of the Year
7 Awards, Mr. Marco Cruz-Velez and Deirdre Leigh. If
8 that's approved, I would like to have Ken Hern come up
9 and make the presentation.

10 CHAIR ENRIGHT: I need to have it approved.
11 Commissioner Ciklin.

12 COMMISSIONER CIKLIN: So moved.

13 MS. WALDRON: Second.

14 CHAIR ENRIGHT: All in favor, please say aye.
15 (A chorus of ayes.)

16 CHAIR ENRIGHT: Motion carries, four/zero,
17 with Commissioner Richards absent.

18 Now, Mr. Almira, will you want to proceed
19 with -- let's start with the first presentation,
20 Certificate of Recognition to the Customs and Border
21 Patrol Officers. And I would like for all the
22 Commissioners too to go down and meet --

23 COMMISSIONER CIKLIN: Well, let him talk
24 first.

25 CHAIR ENRIGHT: I'll let him talk; I will.

1 Don't worry about it. He'll get his chance.

2 Go on, sir.

3 MR. HERN: Good afternoon, Commissioners.

4 It's my pleasure to be here to help present these
5 awards to these officers.

6 The South Florida Federal Executive Board
7 recognizes federal employees in Miami-Dade, Broward,
8 Monroe and Palm Beach Counties. Two Customs and Border
9 Protection Officers at the Port of Palm Beach were
10 recognized as Federal Officers of the Year, Marco
11 Cruz-Velez, law enforcement, and Deirdre Leigh in
12 service to community.

13 Officer Cruz continuously demonstrates his
14 commitment to represent the law enforcement community
15 in a professional manner. His participation in
16 multiple active shooter training exercises, table top
17 exercises and the SRT headquarters active shooter
18 threat planning training has made him hold an integral
19 role in active shooter threat planning at the Port of
20 Palm Beach.

21 Officer Cruz has conducted surveillance with
22 HSI, as well as participated in multiagency
23 intelligence sharing meetings that have resulted in
24 arrest of crew members.

25 His participation in recovery efforts in

1 Puerto Rico and the U.S. Virgin Islands under grueling
2 conditions was nothing short of heroic. His
3 selflessness in building up the community that was
4 broken and giving them hope is a true character of a
5 civil servant. Officer Cruz continues to give back to
6 the community at home by participating in beach
7 cleanups, toy drives and staying active in his
8 children's school.

9 Officer Deirdre Leigh demonstrates her
10 commitment for service to the community by battling
11 human trafficking -- it's amazing -- in her
12 professional and personal life. Officer Leigh
13 volunteers for Hope of Freedom, rescuing, protecting
14 providing life skills and mentoring to survivors of
15 human trafficking.

16 She volunteers at a safe house, a secure
17 location which protects girls up to 17 years of age who
18 are victims of domestic minor sex trafficking. Officer
19 Leigh has used her professional -- her personal time,
20 annual leave to attend numerous courses, meetings,
21 training seminars, achieving a certification of DMST
22 and Commercial Sexual Exploitation of Children.
23 Officer Leigh apprehended an individual, leading to a
24 successful federal criminal prosecution for child
25 pornography.

1 She has been invited to join the Human
2 Trafficking Coalition of Palm Beach and the Joint
3 Agency Human Trafficking Task Force. Officer Leigh
4 raises awareness in the community, speaking up for
5 those who have no voice, providing, safety, hope and
6 diligence.

7 Please accept our Certificate of Recognition
8 for a job well done.

9 COMMISSIONER CIKLIN: Picture.

10 CHAIR ENRIGHT: Picture, smile. Show your
11 teeth; show your teeth.

12 MR. HERN: Congratulations. We appreciate
13 your efforts.

14 OFFICER CRUZ-VELEZ: Thanks a lot.

15 EXECUTIVE DIRECTOR ALMIRA: Thank you very
16 much.

17 MR. HERN: Thank you, guys.

18 CHAIR ENRIGHT: Thank you very much. Without
19 them, we couldn't survive. Thank you very much.

20 The next presentation, Mr. Almira.

21 EXECUTIVE DIRECTOR ALMIRA: No, no
22 presentation. We just wanted to add G.7, LMH.

23 CHAIR ENRIGHT: Okay.

24 EXECUTIVE DIRECTOR ALMIRA: There's only one
25 presentation.

1 COMMISSIONER McARTHUR: So moved.

2 CHAIR ENRIGHT: We already did that.

3 VICE CHAIR McARTHUR: Oh, we did?

4 COMMISSIONER CIKLIN: We just did that.

5 CHAIR ENRIGHT: Okay, so let's go on now to
6 the consent agenda. Do we have anyone who wants to
7 pull any items on the consent agenda?

8 COMMISSIONER WALDRON: Yes. I wanted to pull
9 E.7, Business Development.

10 CHAIR ENRIGHT: Thank you. Any more? Okay,
11 I need to have a motion.

12 COMMISSIONER WALDRON: I'll make a motion to
13 approve the consent agenda, minus E.7.

14 CHAIR ENRIGHT: Thank you. Do I have a
15 second?

16 VICE CHAIR McARTHUR: Second.

17 CHAIR ENRIGHT: All in favor, please say aye.

18 (A chorus of ayes.)

19 CHAIR ENRIGHT: Motion carries, four/zero,
20 with Commissioner Richards absent.

21 Now let's go down to E.7. Your concerns --

22 COMMISSIONER WALDRON: Yes, that concerns --
23 the reason I pulled this, I wanted to get the
24 Commission to approve my attending the Compass event on
25 June 30th.

1 CHAIR ENRIGHT: Okay, hold on.

2 MS. WALDRON: The Stonewall Ball.

3 CHAIR ENRIGHT: That is not a partisan
4 organization, right?

5 VICE CHAIR McARTHUR: No.

6 CHAIR ENRIGHT: It's not partisan, okay. I
7 have no problem with this since it is not a partisan
8 organization, and so therefore, they're not Democrat or
9 Republicans or whoever. So I don't have a problem,
10 unless another Commissioner has a problem.

11 VICE CHAIR McARTHUR: How much are the
12 tickets?

13 MS. HOWARD: I believe it's \$75.

14 MS. WALDRON: Yes.

15 CHAIR ENRIGHT: \$75. And then we still have
16 moneys for that, because I remember when Commissioner
17 Richards added \$1,000 because he wanted to attend the
18 event. So that's no problem.

19 MS. WALDRON: Okay, great.

20 CHAIR ENRIGHT: And if any other Commissioner
21 would like to attend, all they need to do is just
22 inform you.

23 VICE CHAIR McARTHUR: Motion to approve.

24 COMMISSIONER WALDRON: Second.

25 CHAIR ENRIGHT: All in favor, please say aye.

1 (A chorus of ayes.)

2 CHAIR ENRIGHT: Motion carries. Thank you
3 very much.

4 COMMISSIONER WALDRON: Thank you.

5 CHAIR ENRIGHT: Now, let's go on to
6 Mr. Almira. District Report, Executive Director. Go
7 on.

8 EXECUTIVE DIRECTOR ALMIRA: Thank you,
9 Commissioners.

10 We're going to start, Commissioners, with a
11 summary of capital programs. With that said, there's
12 five capital programs that we'd like to bring you up to
13 date on so that we're all pretty much on the same music
14 sheet. With that, Commissioners, what I'd like to do
15 is I'd like ask Carl Baker --

16 CHAIR ENRIGHT: Please let the minutes
17 reflect Commissioner Richards walked in the room.

18 COMMISSIONER RICHARDS: Good afternoon.

19 EXECUTIVE DIRECTOR ALMIRA: With that,
20 Commissioners, I'd like to ask for Carl Baker to come
21 up so he can make a presentation on this capital
22 projects overview.

23 MR. BAKER: Commissioners, good afternoon. I
24 know a lot of this has been talked about over time, but
25 I'd like just to give you a quick update on where we

1 are for capital projects overall. We've got a number
2 of projects in the hopper right now.

3 Of course, we've got the Berth 1
4 reconstruction going on. We've had several JPAs issued
5 for the environmental permitting and design, which
6 total out to \$769,000. Plus what we've spent on that,
7 we've got a remainder of about 652,000. Most of that
8 will go into the actual design of the berth once we get
9 to that point.

10 We have a -- the major JPA that will be used
11 for construction is \$6 million. This has been
12 approved. Mr. Zielinski has our portion of the money,
13 and we'll be coming back to you, probably next month,
14 asking for that JPA to be approved.

15 The construction on this project is scheduled
16 to begin in April of 2019. The reason we're waiting
17 that long is that there are contractual agreements with
18 Berth One International, and it's the mutual
19 understanding that this is the best time to do the
20 project.

21 Since the grant application was written and
22 approved, the project has kind of been scaled back.
23 There was a lot of environmental and permitting issues
24 that would have taken years to get past, so right now
25 what we're looking to do, it's probably not going to be

1 a \$6 million project, even though that's what the JPA
2 is for, and in the end, it will be about two and a half
3 million dollars to get the berth fixed. This is the
4 oldest berth in the Port, so it's time.

5 Again, the MOB teardown and the refrigerated
6 container yard, we've had several JPAs issued for
7 design and permitting. We've got some money left over
8 from those initial JPAs. We had a JPA issued last year
9 for \$4 million. This is what's actually going to be
10 used to build the project. And again, Mr. Zielinski
11 has the funds for our side of the match for this.

12 There's an additional JPA that will be issued
13 about six months after the project begins for \$550,000.
14 This is going to do the electrical cabling work to make
15 the reefer yard an actual reefer yard. And those bids
16 arrived on June 1, and José will be talking about that
17 as one of his agenda items.

18 For on-port rail, we're doing quite nicely on
19 that. Again, we've had various JPAs issued in the
20 amount of just a little over \$2 million. Currently
21 we've invoiced out, you can see, about 4.3. We've got
22 a remainder of 1.6. Most of that is going into the big
23 curve project that's under construction right now, and
24 then once we request it, we will have an additional
25 \$6,600,000 coming in from FDOT.

1 This is not the traditional FSTED grant.
2 This is coming out of the FDOT's Strategic Intermodal
3 System Grants. This was -- most of this money was
4 originally allocated to another project at another
5 port, and they were unable to do the project, so we
6 were the beneficiaries of this.

7 And finally, we've got a JPA that was
8 available upon request for two and a half million
9 dollars for a new passenger loading bridge. We just
10 received this a couple of months ago. We haven't spent
11 any money yet, but we're currently talking to the
12 cruise line so we can determine exactly what their
13 needs and requirements are towards a new bridge.

14 And finally, for the annex, the southern
15 property, we will be submitting a grant request to the
16 Florida Ports Council so we can bring the property up
17 to code. And that concludes this portion.

18 A little editorial comment here. In the
19 past, the staff has been chastised for not having the
20 vision to submit major projects, you know, like a
21 \$30 million project like other ports do which would
22 move the Port forward. But I would submit to you the
23 Port is doing just fine as it is.

24 And the way our grants are submitted and our
25 projects are run, we have an extraordinarily good

1 relationship with FDOT on how we manage our projects.
2 You can see from this, one of the reasons that we don't
3 submit a \$30 million project is we don't have the kind
4 of funds and revenue that other ports have. You can
5 see Port of Miami is working off of \$166 million
6 revenue per year. We're working off of approximately
7 \$18 million revenue a year. So a \$30 million project
8 for us is almost two years, and for them, it's a
9 rounding error.

10 So additionally, the ports of Miami,
11 Everglades, Jacksonville, Tampa and Manatee all have
12 access to their counties' multibillion dollar tax
13 bases. We do not. So again, there's another reason
14 why we can't go out and spend 30, \$40 million on a
15 project.

16 Another thing to consider, we don't have the
17 size that the other ports have. Miami, even though
18 it's an island, it's 520 acres. Everglades, over
19 2,000. Tampa, over 5,000 acres. We're 165, and that's
20 all there's ever going to be.

21 So again, it's hard to compare, make an
22 apples and apples comparison of a 5,000 acre port to a
23 165 acre port, yet here is that comparison. And that
24 is the amount of revenue you generate per acre per
25 year. You can see we're doing quite well, and

1 especially if you look at a place like Port of Tampa
2 that gets an annual tax bump from the county, plus they
3 get 5,000 acres. And they're making \$11,000 an acre,
4 and we're doing \$109,000 an acre.

5 Plus Miami, Canaveral and Everglades are the
6 largest, three largest cruise ports on the east coast
7 of the United States, and cruise ports take in
8 significantly more money per acre than any container
9 operation possibly could. So again, we have nothing to
10 be ashamed of.

11 Do you have any questions?

12 VICE CHAIR McARTHUR: Excuse me.

13 CHAIR ENRIGHT: Yes, Commissioner.

14 VICE CHAIR McARTHUR: Yes, two things. One,
15 it's undeniable that we're doing fantastic on the per
16 acre. The only criticism I've ever heard of the Port
17 of Palm Beach is not the amount of money, is not the
18 amount of land, it's been that we don't plan for 10, 15
19 years from now. That's the only criticism I've ever
20 heard about the Port of Palm Beach. Nobody can argue
21 with the figures.

22 The other thing, if you would in the
23 future -- I'm not going to ask you to do it now, but
24 when you bring back figures for JPA, it might be nice
25 if you told us what our match was so we can see what

1 that --

2 MR. BAKER: It's every -- I'm sorry, I should
3 have done that at the beginning. Everything up there
4 is 50/50.

5 VICE CHAIR McARTHUR: Every one of them?

6 MR. BAKER: The days of the 75/25 or the
7 80/20 --

8 VICE CHAIR McARTHUR: Yes.

9 MR. BAKER: -- are historical.

10 VICE CHAIR McARTHUR: I like those.

11 MR. BAKER: We'll never see their like again.

12 VICE CHAIR McARTHUR: Well, you might want to
13 just include that next time.

14 MR. BAKER: Yes, sir. And one comment on
15 your -- there is a five year CIP that is published.
16 It's in the -- every year. Right now we have
17 \$174 million in that five year program. We've got --
18 there's a list in computers around here on what we need
19 to do, not just five years out, but 10 and 15 years
20 out. It's like at some point, somebody may be here
21 when we come back to talk to you about rebuilding this
22 portion of Slip 2. Again, that's not a five year
23 project, but that's coming down the road, and we're
24 already talking about it.

25 VICE CHAIR McARTHUR: Thank you.

1 MR. BAKER: It's out there.

2 CHAIR ENRIGHT: Commissioner Ciklin.

3 COMMISSIONER CIKLIN: Yes, thank you, Carl.
4 That was a very good report. But I think most of the
5 Commissioners are well aware that we can't do a 30 or
6 40 or \$50 million project because of the 50 percent
7 match, so --

8 MR. BAKER: Exactly.

9 COMMISSIONER CIKLIN: Yes, so I think what
10 we've been doing over the last X amount of years has
11 been very prudent and hasn't put us in a financial
12 bind, and I think through our lobbying efforts and
13 through our own, you know, going to Florida Ports and
14 FDOT, so I think we've done a pretty good job. And,
15 you know, questions about doing a 30, 40 million -- I
16 think the Skypass would be the last project we'd ever
17 do, you know, and --

18 MR. BAKER: And we're still paying for it.

19 COMMISSIONER CIKLIN: Exactly, so anyway,
20 thank you.

21 CHAIR ENRIGHT: Any other comments? Thank
22 you very much.

23 COMMISSIONER RICHARDS: Thank you. Ditto. I
24 fully agree. And I spoke to the Director about that
25 after the last meeting a couple days ago. When

1 uninformed people make comments at a meeting, I don't
2 think we have to respond. And if we do respond, brief
3 courtesies. We're doing very well. We work very hard.
4 You guys are doing a great job.

5 CHAIR ENRIGHT: Thank you.

6 Mr. Almira, continue.

7 EXECUTIVE DIRECTOR ALMIRA: Sure. Something
8 that he also inadvertently left out, most of those
9 ports do not make any profit at the end of the year.
10 In fact, a good majority of them do not. We do. But
11 that's just another editorial.

12 All right, if we can move on, okay, there's a
13 reason why I'm bringing this up, Commissioners, because
14 up to year to date, we have held 20 presentations at
15 the Port, which equals to the same amount of last year.

16 What you're looking at is on May 15th a
17 presentation and tour was provided to approximately 25
18 students from Austria who are attending the Rinker
19 School of Business at Palm Beach Atlantic University.
20 These attendees were grads and postgrad students. And
21 as usual, Carl Baker gets the nod to show them
22 everything there is to be shown about the Port of Palm
23 Beach.

24 We move on. Yes, Customs, Borders and
25 Protection. I just want to bring you up to date,

1 Commissioners. And since we met last, I had an
2 opportunity to discuss our current CBP operations with
3 Jennifer Connors, CBP Director, Port of Palm Beach, and
4 also visiting, Diana Sabatino, who is the Director of
5 Field Operations, CBP, South Florida. They mentioned
6 that the operation at Port of Palm Beach is going very
7 well, even with the additional passenger vessel.

8 One noticeable change has been, if you
9 remember when you travel abroad and came back to the
10 United States, you had to fill out a declaration form.
11 You know, do you have fruit, and how many did you buy
12 and so on and so forth. Well, that's been eliminated.
13 And as a result, according to Jennifer Connors, that
14 has shaved off or eliminated at least one hour of the
15 processing time here at the Port. We have not -- and I
16 can tell you that we have not had any complaints of any
17 delays, so obviously, that is a plus and it's working
18 here at the Port.

19 Now, there's more. CBP is also working on a
20 face recognition, and it's going to be or it has been
21 installed at the Miami International Airport. This is
22 a pilot program that will ultimately be placed in all
23 airports and seaports, simply meaning as you come off
24 the ramp, you can just walk right straight through.
25 There will be a camera on you. You won't be able to

1 recognize it, but it will recognize you.

2 And this, it's not 100 percent yet, but it's
3 up to at least 99 percent accuracy, with two minor
4 exceptions. Anybody want to guess? Twins and those
5 who have had facial surgeries, facelifts and things of
6 that nature. You have an old picture, and now you have
7 a new one, and you may be smiling too tight. Well, we
8 all know.

9 What they said was: Stay tuned. We are
10 obviously in that list, and we eventually will be
11 getting the same program installed here.

12 What else do we have? Yes, Ken mentioned
13 we're happy to announce that we won three awards for
14 the AAPA, one under Social Media Award of Excellence,
15 Website Award of Distinction, and last, but not least,
16 Advertisements Award of Distinction.

17 These awards will not, unfortunately, be
18 given out in Chile. Instead, they will be given out in
19 Norfolk, Virginia, not this year, but the following
20 year. The reason behind that is not everybody is going
21 to be going to Chile, and therefore, they felt that
22 some ports like ourselves may not be represented, even
23 though we are. So not all ports will be going, and
24 therefore, that's the reason why it's going to Norfolk.

25 CHAIR ENRIGHT: Excuse me, sir.

1 Commissioner.

2 VICE CHAIR McARTHUR: I understand the first
3 two. What is the advertisements?

4 EXECUTIVE DIRECTOR ALMIRA: Aidy.

5 MS. ALONZO: The award was for advertisements
6 that we publish in print publications, such as Chamber
7 periodicals, the U.S. Coast Guard, alumni association
8 periodicals, so various monthly and annual
9 publications.

10 VICE CHAIR McARTHUR: Thank you.

11 EXECUTIVE DIRECTOR ALMIRA: Particularly as
12 it relates to the ships, the passenger cruise line.

13 COMMISSIONER RICHARDS: Congratulations to
14 our staff.

15 CHAIR ENRIGHT: Yes.

16 MS. WALDRON: Good job.

17 CHAIR ENRIGHT: Excellent job.

18 EXECUTIVE DIRECTOR ALMIRA: All right, with
19 that, while she has the phone in her hand, Aidy --

20 MS. ALONZO: Thank you.

21 EXECUTIVE DIRECTOR ALMIRA: -- can you please
22 explain this?

23 MS. ALONZO: Last Thursday, on June 7th, the
24 Central Palm Beach County Chamber of Commerce held an
25 economic luncheon at the Marriott in West Palm Beach.

1 Rick Morrell, the Chairman of Tropical Shipping, was
2 the keynote speaker, and the luncheon focused on
3 hurricane preparedness. Ken Hern and I attended the
4 lunch.

5 EXECUTIVE DIRECTOR ALMIRA: Thank you.

6 All right, moving on, events. This coming
7 Wednesday, we have the tenant breakfast here at the
8 Port starting at 8:30.

9 8:30 or 9? 9:00?

10 MS. ALONZO: (Nods head.)

11 EXECUTIVE DIRECTOR ALMIRA: Great. We also
12 have the AAPA Commissioners Seminar up in Montreal, if
13 we're still talking to that country, or if they're
14 talking to us.

15 Florida Ports Council coming up on September
16 5th and 6th, and of course, the aforementioned AAPA
17 107th Annual Convention of Valparaiso.

18 Incidentally, Commissioners, I have invited
19 Ms. Maldonado to join us for the breakfast. That way,
20 she gets to know the tenants, all the tenants who we
21 have here.

22 Are there any questions, Commissioners?

23 MS. WALDRON: On the passenger processing,
24 didn't Congresswoman Frankel send a letter? Is that --

25 EXECUTIVE DIRECTOR ALMIRA: Yes, she did, as

1 a matter of fact. Thank you.

2 COMMISSIONER WALDRON: And did Congressman
3 Mast also?

4 EXECUTIVE DIRECTOR ALMIRA: Congressman Mast,
5 Alcee Hastings and --

6 MS. WALDRON: Frankel.

7 EXECUTIVE DIRECTOR ALMIRA: -- Frankel has.
8 Frankel has really taken a real huge step on our
9 behalf, not only us, but obviously all the other
10 seaports. It's to maintain a budget for CBP. As we
11 all know, every year the expenses go up, and she just
12 wants to make sure that the department budget up in
13 Washington D.C. allocates the appropriate amount.
14 Otherwise, we're going to be short on inspectors.

15 Now, to that end, what CBP is saying is
16 that's fine, that's great, however, the problem is not
17 keeping the inspectors. The problem seems to be having
18 people apply for these jobs. And there's a whole
19 series of information and challenges that are
20 associated. So we --

21 COMMISSIONER WALDRON: So if enough people
22 applied, we'd have enough here, we have money for --

23 EXECUTIVE DIRECTOR ALMIRA: Right.

24 MS. WALDRON: Okay.

25 EXECUTIVE DIRECTOR ALMIRA: And what they've

1 done is they've actually gone into the technology
2 sector, and this face recognition is something that's
3 going to help out immensely. Imagine, just walking
4 out, right out of a -- if you come in on Lufthansa in
5 Miami, you just walk right through and nobody will be
6 asking you for your passport or anything like that.
7 It's almost a panacea.

8 CHAIR ENRIGHT: And just to add to that, you
9 mentioned the problem is not with the funds, it's with
10 the individuals passing the exams to be able to get the
11 jobs. And you might not believe it, they cannot
12 pass -- guess what -- the lie detector test. That's
13 the part that they cannot pass. They go through
14 everything else with flying colors, but the lie
15 detector test eliminates nearly all the candidates.
16 Then they have to wait for a year, year and a half or
17 something -- I think it's a year --

18 EXECUTIVE DIRECTOR ALMIRA: To reapply.

19 CHAIR ENRIGHT: -- or something to reapply
20 again. But the lie detector test is the one they
21 cannot pass.

22 COMMISSIONER WALDRON: What kind of questions
23 are they asking?

24 CHAIR ENRIGHT: But that's the one.

25 EXECUTIVE DIRECTOR ALMIRA: All right.

1 CHAIR ENRIGHT: Thank you very much.

2 EXECUTIVE DIRECTOR ALMIRA: Thank you.

3 CHAIR ENRIGHT: Our engineer, José.

4 MR. SOLER: Good afternoon, Commissioners. I
5 will present my engineering report for the construction
6 projects taking place at the Port.

7 I will start off with the Berth 17 update.
8 This actually is a photo taken today by our pilot, Carl
9 Baker. You can see most of the water work on the
10 bulkhead area has been completed and the contractor is
11 working on the upland site.

12 During the last Board meeting, the Board
13 approved an amendment to the contract with LMH which
14 included a new construction completion date. It was
15 included as Exhibit Number C, Exhibit C. The new
16 schedule included a substantial completion date of
17 September 15 and a final completion date of October the
18 2nd. So those are the dates that the contractor is
19 working towards.

20 The most critical activities related to the
21 schedule, meaning what is left of the construction on
22 the project site, will be the repairs of the inner and
23 middle dolphin structure and the actual construction of
24 the east dolphin structure, which required two
25 additional piles to be driven.

1 In relation to the repair for the middle
2 dolphin structure, I mean to the recast of the middle
3 dolphin structure and the repair of the inner dolphin
4 structure, the contractor is working on the final
5 revised plan to be submitted. They already submitted
6 one by the end of last week, which was delivered back
7 by AECOM with some comments, which are minor. We
8 should be able to receive it and to be approved so they
9 can do the repair work starting next week.

10 And on the middle dolphin structure, they
11 already completed the installation of the forms, and
12 they're working on installation of the rebar. One of
13 the things that they're going to do different than the
14 first time is that they're going to do a dry pour.
15 They're going to try to seal up the form instead of
16 doing the pour with water in it, in the forms. So as
17 of to date, they have already started the installation
18 of the rebar. They're expecting to do the final cast
19 probably by next week.

20 MR. CAPASSO: Tuesday.

21 MR. SOLER: Sir?

22 MR. CAPASSO: Tuesday.

23 MR. SOLER: So Tuesday is the next.

24 Related to the east dolphin structure, the
25 piles are already ordered. They are expecting delivery

1 to start tomorrow. So once the piles are here, they're
2 going to do the final welding. The piles are going to
3 be delivered in sections of 65 feet, so they have to
4 finish up the welding so they can have the complete
5 pile length of 130 feet.

6 After those piles are welded, they will start
7 the installation process. As of the original schedule,
8 they were expecting the piles to arrive by June 19. So
9 if they start delivery tomorrow, they're ahead of time.

10 Another activity that was scheduled to take
11 place in this month was the upland activity of the
12 surface pavement, asphalt pavement and subbase. This
13 activity has been a little slow by the subcontractor,
14 but it's not part of the critical activity in terms of
15 delaying the final delivery of the project. It can be
16 performed while they're still working on the water
17 side.

18 This is a photo of the north side of the
19 slip.

20 COMMISSIONER RICHARDS: Before we leave
21 that --

22 MR. SOLER: Yes.

23 CHAIR ENRIGHT: Yes.

24 COMMISSIONER RICHARDS: -- may we have our
25 friend from LMH come forward?

1 CHAIR ENRIGHT: Yes.

2 COMMISSIONER RICHARDS: How are you today?

3 MR. CAPASSO: I'm fine. How are you?

4 COMMISSIONER RICHARDS: Good. I recall our
5 meeting of two and a half weeks ago, that Monday, and
6 we all were pleased that we were able to reach an
7 agreement, and we would be -- we got you the check, and
8 you ordered the pilings, you ordered the rebar, it's
9 galvanized. How are you doing?

10 MR. CAPASSO: Doing well. So as they said,
11 our activities are in line with the schedule. The
12 piles are arriving early from the schedule, so we'll be
13 able to get a little jump on that. We have dolphin
14 two, be ready to place concrete on Tuesday. I will say
15 that our method has changed, how we're doing it.

16 COMMISSIONER RICHARDS: That would be a dry
17 pour, I guess, the --

18 MR. CAPASSO: Yes.

19 COMMISSIONER RICHARDS: -- of the dry pour.

20 MR. CAPASSO: We have the repair procedure
21 for dolphin one essentially approved. There's just a
22 couple of administrative things as far as the submittal
23 goes. We plan on doing that next week as well, so --

24 COMMISSIONER RICHARDS: When you say you plan
25 on doing that, you plan on having that completed or

1 commencing the repair?

2 MR. CAPASSO: It's only a two day repair.

3 COMMISSIONER RICHARDS: Okay, okay.

4 MR. CAPASSO: So we'll get that done next
5 week, and we'll be installing the falsework for --

6 COMMISSIONER RICHARDS: East.

7 MR. CAPASSO: -- dolphin three, which is the
8 template to drive the two piles. So while they're
9 working on the piles, getting them ready, we'll be
10 concurrently doing work in the water, so when the piles
11 are ready, we bring them out and we'll get into the
12 driving.

13 We did submit the wave equation analysis,
14 which is required. Just a couple minor comments on it,
15 and that has -- that should support the actual
16 installation of the piles. That's a submittal to the
17 engineer of record. So everything is lined up and
18 ready to go, and I think we're ahead; right now we're
19 ahead of schedule regarding the water work.

20 So as they said, the upland work, we've had a
21 couple things. The subcontractor is a little slow.
22 We've had a couple things that were obstructing us too,
23 the FPL fuel line, which we've overcome, and we have a
24 little change along the property line that we're
25 working with AECOM and José to get squared away.

1 COMMISSIONER RICHARDS: We're definitely glad
2 things are moving along, and keep it going.

3 CHAIR ENRIGHT: Thank you.

4 VICE CHAIR McARTHUR: Madam Chair.

5 CHAIR ENRIGHT: Mr. McArthur.

6 VICE CHAIR McARTHUR: Might we also have a
7 comment from AECOM, as they're the supervising
8 engineer?

9 MR. SOLER: Commissioner, one thing I would
10 like to add related to the amendment number one is that
11 Exhibit A and the amendment require us to provide 16
12 joint checks for vendors to be paid. There's one check
13 that was returned to the Port. So in order for us to
14 move forward, we're going to bring agenda item G.7, in
15 which Don Bicknell will discuss it so we can approve
16 for the Port to --

17 COMMISSIONER RICHARDS: I'll wait.

18 CHAIR ENRIGHT: Okay. Or else we can just
19 take it now, since they are already -- we can just take
20 it now. After you finish, I think it would be
21 appropriate, so then we can just go through everything
22 now.

23 EXECUTIVE DIRECTOR ALMIRA: She was called
24 first. AECOM was called first.

25 CHAIR ENRIGHT: Right, but after AECOM, and

1 then we'll do everything, okay? Thank you.

2 MS. BRANDON: Good afternoon. Karen Brandon,
3 with AECOM.

4 Commissioner McArthur, you just wanted an
5 update from AECOM?

6 VICE CHAIR McARTHUR: I just wanted to see if
7 you concurred with everything that has been said so
8 that we're all on the same --

9 MS. BRANDON: Yes.

10 VICE CHAIR McARTHUR: -- wavelength.

11 MS. BRANDON: Yes, do concur. Everything is
12 moving along. And we're working together on this
13 submittal process and the RFIs, trying to keep things
14 moving as quickly as we can.

15 CHAIR ENRIGHT: And I guess my question is in
16 management inspection, you're management.
17 Everything -- management inspection, everything looks
18 okay?

19 MS. BRANDON: Yes.

20 CHAIR ENRIGHT: And you're pleased --

21 MS. BRANDON: Yes.

22 CHAIR ENRIGHT: -- AECOM is pleased with all
23 the steps so far?

24 MS. BRANDON: The one thing that we're trying
25 to keep on top of with LMH is there are certain items

1 that are being tracked now on a time and materials
2 basis based on the amendment, so our contractor is
3 keeping -- I mean our inspector is keeping up with
4 that, and we're getting reports from the contractor and
5 trying to make sure we're all in agreement.

6 CHAIR ENRIGHT: And your reports, you're
7 making sure that Mr. Almira receives them also?

8 MS. BRANDON: Yes.

9 CHAIR ENRIGHT: Okay.

10 MS. BRANDON: Mr. Almira has been receiving
11 reports weekly from Diana Lopez.

12 CHAIR ENRIGHT: On inspection, okay. Thank
13 you.

14 VICE CHAIR McARTHUR: Thank you.

15 CHAIR ENRIGHT: We can go on.

16 MR. BICKNELL: Good afternoon, Commissioners.
17 Don Bicknell, Gary, Dytrych and Ryan.

18 Regarding the issues which has been added --

19 CHAIR ENRIGHT: G.7.

20 MR. BICKNELL: -- as to Berth 17, as you're
21 aware, we entered into amendment number one to the
22 contract. It had very certain requirements. A couple
23 issues have -- actually, three issues have come up that
24 I tried to get ahold of the attorney today, but was
25 unable to do so, and possibly the representative can

1 answer the questions that I intended to ask the lawyer,
2 because I can't talk to them directly, as they have
3 counsel.

4 The first one is under the amendment, if you
5 recall, we agreed that we would issue joint checks for
6 the November payables, which totaled \$370,928.56,
7 which, as I recall, are 16 joint checks. The checks
8 were issued and delivered to LMH, as called for under
9 the contract on our part. They have returned waivers.
10 They were to return waivers for all the 16 claimants
11 within ten days of us -- ten business days of us giving
12 them the checks.

13 We gave them the checks, they have brought
14 back waivers on 15 of the 16. There's one claimant,
15 which is Trekker Tractor, of 23,301.74. So of the
16 370,000 and change claimants that we've issued joint
17 checks for, they brought us all the waivers for every
18 one except for 23,000 and change, which check has been
19 returned to us. It wasn't cashed or whatever. They
20 returned it to us, so we're not out the \$23,000. But
21 that subcontractor has not agreed to provide the waiver
22 in exchange for that.

23 So the reason that's important is under
24 amendment one that the Board has approved, once they
25 give us all the waivers -- which we don't have all the

1 waivers, we've got all but one and the check back from
2 one claimant -- they're entitled to be paid the balance
3 of their November payment of \$171,000 and change. So
4 the Board, that would be a decision that the Board
5 would have to authorize or make.

6 And there's two other issues in regard to
7 amendment one that, again, I tried to get ahold of the
8 counsel. One is in addition, they were to
9 expeditiously apply for a joint check payment for the
10 paving contractor, E & N, for \$41,000, approximately.
11 And the amendment called for them to expeditiously
12 apply for that so we would issue a joint check and we
13 would have the paving guy working.

14 They have not applied for that, it's my
15 understanding, as of yet. And the paving guy, as I
16 understand it, is not there, and in fact, wrote an
17 e-mail that José received today saying they haven't
18 gotten paid, and until they do, they're not going to be
19 back out there. So that's the second issue under
20 the -- and in fact, in the e-mail it said that they
21 want to get paid because they're going to have to order
22 substantial materials to finish the paving aspect of
23 it.

24 So that's the second area that they have
25 not -- they're not in full compliance with. One is we

1 haven't got all the waivers, which we can insist that
2 they give us all before we pay the \$171,000. They were
3 to expeditiously apply for the 41,000 price for the
4 paving person, which they have not done.

5 And our engineer has requested -- the third
6 area is the schedule that we agreed on in the amendment
7 was to be provided in the same form, in a computer form
8 that the original scheduling was submitted so that our
9 engineer could have it in the computer and see how the
10 schedule was being complied with or not complied with.

11 So those are questions I have as to why we
12 don't have the waiver from the last person, but that's
13 \$23,000 out of the 370. So the vast bulk of the
14 waivers they have gotten, and we have the \$23,000.

15 So the question is they've requested the
16 \$171,000. Is the Board comfortable with giving them
17 that when they have that one waiver out? And the other
18 two issues relate to why haven't they applied as
19 expeditiously as called for for the paving contractor's
20 joint check to keep the paving contractor out there,
21 and why aren't they providing us a schedule in the
22 computer form that it was agreed to in the amendment.

23 That being said, I understand that the
24 Board's overall desire here is to keep this project
25 going as best as possible and keep on track, but those

1 are the issues that we have.

2 CHAIR ENRIGHT: Thank you. Now, didn't you
3 say that LMH cannot respond because --

4 MR. BICKNELL: No, they can. You can
5 question --

6 CHAIR ENRIGHT: Okay, I would like to hear, I
7 would like for to hear his comment; then I'll go to the
8 Board.

9 MR. BICKNELL: Yes, you're welcome to talk to
10 them. I just can't without their counsel.

11 CHAIR ENRIGHT: If you can come up, sir, and
12 if you can assist in those three areas, and then I'll
13 go to the Board with the rest of it.

14 MR. CAPASSO: Yes, on the return of check --
15 we actually returned two checks, Trinity Steel, because
16 we paid for that ahead of time out of our own pocket.
17 Trekker gave their account to a collection agency, who
18 refused to sign the Port lien waiver, the wording in
19 the Port lien waiver. So we had our attorney work with
20 their attorney. We made every effort to do it. They
21 will be owed some money in December, so what we're
22 hoping to do is by returning that check, if you can
23 hold that money, we could give them the full amount in
24 December, and then we could get that lien waiver.

25 CHAIR ENRIGHT: Okay.

1 MR. CAPASSO: But we made every effort to do
2 that.

3 CHAIR ENRIGHT: Okay.

4 MR. CAPASSO: And as far as the schedule
5 goes, the schedule you saw on the screen is in the,
6 what's known as a P-6 format. José's asked for it in
7 the electronic files, and we will provide that.

8 CHAIR ENRIGHT: All right, and the one on the
9 apply for the --

10 VICE CHAIR McARTHUR: Paving.

11 CHAIR ENRIGHT: -- the paving --

12 MR. CAPASSO: Oh, as far as E & N goes, our
13 intention was to make that a smoother process. We're
14 going to pay them out of that \$171,000. I told the
15 owner of E & N that as soon as we get paid, we would
16 pay him. We thought it would be more expeditious than
17 waiting more time, so that's our plan. We're going to
18 pay them that way.

19 CHAIR ENRIGHT: Commissioners, I will start
20 at the end with Commissioner Ciklin.

21 COMMISSIONER CIKLIN: Okay, Don, to me it
22 doesn't seem like a major problem. I can understand,
23 especially with collection agencies involved. So what
24 do we have to do to just go ahead and keep the ball
25 moving, unless you've got some major problem with this?

1 MR. BICKNELL: I don't have a major problem.
2 However, because this has come up here, it's kind of --
3 it came up right before the meeting, and there's a
4 couple of legal issues that need to be addressed before
5 I would recommend that the Board just approve paying
6 the \$171,000.

7 And I think the way -- if the Board is
8 inclined to go ahead with that payment with these three
9 issues out there that he has addressed, one issue I'd
10 want to confirm with their lawyer, that is amendment
11 one calls for them to do these things, which,
12 technically, they haven't done completely.

13 I want a confirmation that by doing this,
14 paying the 171, that we're not waiving any other -- you
15 know, it's without prejudice for them to claim, well,
16 we've waived this, you know, we don't have to be timely
17 in any other aspects of this, because parts of this
18 agreement, time is of the essence, and we don't want to
19 waive that. So I want confirmation from their lawyer
20 that this is without prejudice and without a claim of
21 any other waiver of any of the requirements of LMH
22 under the contract.

23 And the other issue is consent of surety,
24 again, because the surety has approved amendment one,
25 and technically, under amendment one we're supposed to

1 have all waivers before we pay this \$171,000. I can't
2 imagine that the surety would have any problem with
3 that at all.

4 So I would say subject to those issues and
5 potentially -- again, this just came up -- as we sit
6 here, I don't see any other legal issue. But assuming
7 legal is comfortable that we've got what we need to do
8 that, that you're okay with those, paying the 171,000,
9 if legal and the Port Director don't -- nothing comes
10 up in the interim, if the surety says we want one other
11 thing and we can get it to them, then we could go ahead
12 and implement this with that concept, I guess, is what
13 I --

14 CHAIR ENRIGHT: Okay, comments from the --

15 MR. BICKNELL: -- if the Board's inclined to
16 do that.

17 CHAIR ENRIGHT: Commissioner McArthur.

18 VICE CHAIR McARTHUR: And Mr. Bicknell, we're
19 still going to write joint checks on the paving and
20 everything else, right?

21 MR. BICKNELL: Nothing else would be changed
22 under the amendment. The paving, once they apply for
23 it, it would be joint -- a joint check to E & N.

24 VICE CHAIR McARTHUR: Okay, so we're not
25 really taking a risk in that way. And could we make a

1 motion this afternoon, could you tell us how to make
2 one to authorize the Executive Director --

3 MR. BICKNELL: Yes.

4 VICE CHAIR McARTHUR: -- providing those
5 three things are met, to move forward?

6 MR. BICKNELL: Yes, if the Board is --

7 MS. WALDRON: Those two caveats.

8 MR. BICKNELL: If the Board is inclined to do
9 that, I would suggest that the Board consider a motion
10 that authorizes the Port Director to issue the check
11 for the \$171,000 that was contemplated under amendment
12 one, assuming that we get the --

13 COMMISSIONER WALDRON: It's without prejudice
14 and --

15 MR. BICKNELL: -- confirmation from LMH's
16 counsel that it's without prejudice and without waiving
17 any other of the requirements of the amendment number
18 one, consent of surety to the extent that legal is
19 comfortable with that, and that no other issue arises
20 that would change the picture that we have today.

21 CHAIR ENRIGHT: Okay, any other questions or
22 comments?

23 COMMISSIONER RICHARDS: Do you have a card on
24 this item?

25 CHAIR ENRIGHT: Yes, I do, and I'm going to

1 call --

2 COMMISSIONER RICHARDS: Before you vote --

3 CHAIR ENRIGHT: We're going to do all of
4 them. That's for Mr. Ward.

5 COMMISSIONER CIKLIN: Are we taking this up
6 under G.7, or are we going to do it now?

7 CHAIR ENRIGHT: Oh, we're doing it now; we're
8 doing it now.

9 COMMISSIONER RICHARDS: I want to make a
10 motion to reorder. I move that we reorder the agenda
11 and consider G.7 at this time.

12 MS. WALDRON: I second.

13 CHAIR ENRIGHT: Right. All in favor, please
14 say aye.

15 (A chorus of ayes.)

16 CHAIR ENRIGHT: Motion carries --

17 MR. BICKNELL: Commissioners,
18 Commissioners --

19 CHAIR ENRIGHT: -- five/zero.

20 MR. BICKNELL: I'm sorry, just -- and I said
21 171. It's going to be 176,000, because what LMH's
22 representative said, they paid the 5,000, and we
23 received the check back. So it will be the 171 plus
24 the 5,000 that they paid the sub directly, that we
25 didn't have to issue -- we got the joint check back

1 or -- yes, we got the joint check back.

2 CHAIR ENRIGHT: Okay.

3 MR. BICKNELL: So it's the same motion, but
4 without -- the 176 would be the actual number.

5 CHAIR ENRIGHT: Thank you. Are there any
6 more comments from the Commissioners?

7 COMMISSIONER RICHARDS: I want to hear
8 from --

9 CHAIR ENRIGHT: Okay, comments from the
10 public. I have one card, Mr. Ward, on G.7.

11 MR. BICKNELL: Thank you.

12 MR. WARD: Gerald Ward, 2135 Broadway.

13 I came late, unfortunately, by a quarter of
14 an hour for a higher priority project of more import
15 today. And I looked at the agenda and saw G.7 on
16 there, and so I put a card in saying there was
17 absolutely no backup, no written material.

18 Tuesday night you guys didn't get as far down
19 the road because both sides didn't have enough written
20 backup.

21 And Mr. Bicknell has raised some of my issues
22 and proposed to you, but he put the burden back on the
23 five of you absolutely that in your discretion, what
24 you want to do.

25 But I've been doing this for 48 years of

1 construction observation and contract administration,
2 and the written word is what produces the results. So
3 sometimes haste makes waste, and I would suggest that
4 you be very careful. Obviously, at the last minute,
5 what's a difference of \$5,000? Okay, 5,000 in five
6 minutes, ten minutes. Things like that are really not
7 the way to do business.

8 CHAIR ENRIGHT: Thank you, Mr. Ward. And I
9 just want to make a comment that the Commissioners up
10 here, they're really concerned about our revenue, and
11 we just -- haste makes waste is not for this group up
12 here, because they work very hard and they look at
13 every dime and nickle. And \$5,000, I know with two of
14 my Commissioners would be significant.

15 Any more discussion? I need to have a
16 motion. I need to have a motion --

17 VICE CHAIR McARTHUR: Jean --

18 CHAIR ENRIGHT: I guess we need to go back
19 with Mr. Bicknell.

20 VICE CHAIR McARTHUR: I'd like to make a
21 motion to direct the Executive Director to proceed with
22 issuing the check with the two requirements that we get
23 consent of surety and that their attorney agrees that
24 it's done without prejudice.

25 COMMISSIONER WALDRON: I would like to

1 suggest we add another one that says that we make sure
2 that there's no other issues on top of that, just in
3 case.

4 CHAIR ENRIGHT: Okay. Mr. Bicknell, you want
5 to add anything else to the motion?

6 MR. BICKNELL: Just, yes, that there's no
7 material change in the circumstances before the
8 Executive Director signs off on that check.

9 VICE CHAIR McARTHUR: Of course.

10 MR. BICKNELL: And it's \$176,000 and change.
11 And I don't want to interrupt the motion --

12 VICE CHAIR McARTHUR: That's --

13 MR. BICKNELL: -- but what was just
14 mentioned, the \$5,000 is not additional moneys that
15 this Board is paying. It was in the agreement, and the
16 agreement is what we're following. It's just instead
17 of us writing the \$5,000 check to the sub, the
18 contractor has already paid the \$5,000. So the Board
19 isn't paying anything else, and it's not rushed or just
20 5,000 doesn't mean anything. It's we're following the
21 agreement.

22 COMMISSIONER CIKLIN: Second.

23 CHAIR ENRIGHT: All in favor? Any more -- go
24 on. Discussion.

25 COMMISSIONER RICHARDS: No, I'll vote first.

1 Go ahead.

2 COMMISSIONER CIKLIN: Okay, go ahead.

3 CHAIR ENRIGHT: Second? Who seconded?

4 COMMISSIONER CIKLIN: I did.

5 CHAIR ENRIGHT: Commissioner Ciklin.

6 For the motion, for the vote, all in favor,
7 please say aye.

8 (A chorus of ayes.)

9 CHAIR ENRIGHT: Motion carries, five/zero.

10 Thank you.

11 COMMISSIONER RICHARDS: Quick comment.

12 CHAIR ENRIGHT: Comments.

13 COMMISSIONER RICHARDS: Mr. Bicknell, as
14 always, I know you're very thorough and you'll be
15 thorough on this as well. Let's do it with expediency
16 as well. So let's -- they want their money, they want
17 to pay their subs, they want to keep them moving, so
18 let's be thorough in a quick fashion, please.

19 MR. BICKNELL: Yes. And we understand that's
20 the direction of the Board.

21 COMMISSIONER RICHARDS: Thank you.

22 CHAIR ENRIGHT: And thank you, sir, from LMH,
23 thank you very much.

24 Mr. José.

25 MR. SOLER: Okay, continuing on, better news.

1 Another project taking place at the Port is the rail
2 improvement project, what we call the curve. The
3 contractor, which is González & Sons, already completed
4 the replacement of the old tracks to new tracks on the
5 spur number one. They have performed the same work on
6 spur number two, and they're working on the changing of
7 one turnout on spur number two. That's the only item
8 that is left to be completed. The Port is already
9 using both of the spurs through our rail operations on
10 a daily basis. So the project is almost 90 percent
11 completed. They should be completed by the end of this
12 month.

13 So there's some photos. This is the
14 connection between the Port rail and the FEC rails by
15 the Port. One only item that is left is we are waiting
16 on the final approval of the electrical certification
17 of the subcontractor from the City of Rivera Beach so
18 the signaling at the crossing between the rail and the
19 Avenue E can be connected by FP&L. So we hope that
20 that also happens by the end of this month so the
21 project can be completed by the end of June.

22 Other great news by the -- as you might
23 remember, we requested an emergency dredge from the --
24 to the Army Corps of Engineers. We have shoaling in
25 the channel entrance of the harbor. The Army Corps of

1 Engineers released an award of contract to Cashman
2 Dredging for \$580,000.

3 The contractor is mobilizing to the Port this
4 Sunday. They will start right away, the same night,
5 and the dredging will take place between Sunday and
6 Monday, so the shoaling will be removed by the end of
7 the day.

8 On Tuesday the Army will do a survey of the
9 area to make sure that the material that is going to be
10 removed is completely out of the way. They're
11 expecting the estimated volume is 16,000 yards.
12 Hopefully this is completed and the weather permits it
13 to happen this weekend.

14 CHAIR ENRIGHT: Thank you. Hold on.
15 Commissioner Ciklin has a question.

16 COMMISSIONER CIKLIN: Yes. One thing that
17 I'm always concerned on dredging, I mean this one is
18 only going to take one day, so --

19 MR. SOLER: Two days.

20 COMMISSIONER CIKLIN: -- in the past the
21 dredgers have come in and leave. And they don't do any
22 soundings, and then we find out that it's not done. So
23 what is our game plan to make sure in 24 hours they're
24 going to get all this 16,000 cubic yards of sand?

25 MR. SOLER: We had the same concern, so I

1 contacted the Army today, and they have scheduled a
2 survey to happen on Tuesday. The dredge is going to be
3 here the next day, so they're going to do a dredge -- I
4 mean they're going to do a survey and --

5 COMMISSIONER CIKLIN: They'll still be here,
6 in other words?

7 MR. SOLER: Yes.

8 COMMISSIONER CIKLIN: Good.

9 MR. SOLER: So they're going to confirm the
10 next day that the work has been completed.

11 COMMISSIONER CIKLIN: Right. Because once
12 they leave, they're not coming back.

13 MR. SOLER: Thank you.

14 CHAIR ENRIGHT: Thank you very much.
15 Excellent job; good job; well done.

16 Now let's go back. Let's go to our public --
17 wait a minute, hold on -- our Government Affairs
18 Report. Mr. Pinsky.

19 MR. PINSKY: Chairman, Commissioners.
20 Richard Pinsky.

21 And you have the report in your book. I do
22 want to make a couple of comments about a new old
23 project that came up under the capital projects. You
24 may note that -- I'm not sure if everyone was aware
25 that the Port of Fort Pierce has gone out for an RFP

1 for port management. The responses, I think, were due
2 today. They're looking for less intense uses, but they
3 are looking to actually start expanded port operations.

4 I do want to make some comments, but first, I
5 would like to take this opportunity to introduce to you
6 Rebecca De La Rosa, who is the Governmental Affairs
7 Director for Palm Beach County.

8 And Rebecca, you may want to come up here and
9 just say hello and a few words.

10 And Rebecca has been in Tallahassee both for
11 state government, private sector, local governments.
12 And as you know, Todd Bonlarron at the County is now a
13 Deputy County Administrator, and Rebecca De La Rosa, I
14 don't want to say is the new Todd Bonlarron, but
15 Rebecca knows her -- well aware of all the things of
16 Tallahassee and how to get things done. Very fortunate
17 to have her on behalf of Palm Beach County.

18 So Rebecca, for the Commission, you may want
19 to say hello.

20 MS. DE LA ROSA: Thank you, Chair, Vice
21 Chair, Board members, as well as staff and attendees.
22 Thank you so much.

23 Rebecca De La Rosa, as Legislative Affairs
24 Director for Palm Beach County, certainly welcomes any
25 questions, any support that I can provide from my

1 perspective.

2 And my boss, Peyton up there, we certainly
3 extend --

4 MR. PINSKY: That's scary.

5 MS. DE LA ROSA: -- certainly extend our
6 continued support for the Port.

7 In addition to that, I would be remiss if I
8 did not mention the great work of Jennifer Connors.
9 When we are in the midst of a hurricane, she is my
10 partner. We sit next to each other as liaisons in the
11 EOC until the hurricane is over.

12 So thanks to Richard Pinsky, the Executive
13 Director, as well as Jennifer, we have a great working
14 relationship. So thank you again, and if I can ever be
15 of assistance, I'm happy to help.

16 In addition, I do want to make one other
17 mention, that not only Legislative Affairs, but also
18 grants fall within Legislative Affairs for the County,
19 so we are continuing to ramp up our grant process. We
20 have 30 grant writers within the County, and we'll
21 continue to work closely with all of our departments
22 and determine how we can best assist our neighbors.

23 CHAIR ENRIGHT: Thank you for joining us, and
24 we will take you up on the grant writers and all the
25 offers. So you'll be hearing from us, right? Yes.

1 Thank you.

2 MS. DE LA ROSA: Most of all, thank you,
3 Richard Pinsky. And you have an amazing representation
4 in Tallahassee. We've worked together for years, so,
5 and thank you. Thank you, Richard.

6 MR. PINSKY: Absolutely.

7 CHAIR ENRIGHT: Thank you.

8 MR. PINSKY: And Ken Hern is going to want to
9 know all about those grant writers, I'm sure.

10 And so just a couple comments. On the rail,
11 you know, last week we spent a couple hours going over
12 the capital projects with your team. In this monthly
13 report, of course, was the, sort of the closing out of
14 the Governor Scott's Economic Job Growth Fund, which
15 was \$85 million. July 1 the new fund, as I have in the
16 report, kicks in, so there's a new \$85 million.

17 Twenty-five percent of that goes to projects
18 like rail projects that we are contemplating to finish
19 at the Port of Palm Beach. But in addition to that --
20 and some of these moneys, as Carl pointed out, came
21 from the SIS fund. FDOT has a separate rail fund. So
22 we're going to be exploring the possibility of
23 accessing the rail fund pot of money that FDOT has as
24 well.

25 I did not speak at Tuesday's meeting. I

1 enjoyed watching the joint Commission workshop. I
2 offer my services to the Port of Palm Beach.

3 As many of you know, I was involved in the
4 original acquisition of the land with House Bill 777 in
5 2011, which was a lot of the genesis of how we ended up
6 with that piece of property that's in question. Happy
7 to talk to any Commissioners in Riviera Beach.

8 Also, I worked with the Port and Riviera
9 Beach when we drafted the first Interlocal Agreement,
10 which I think at that time was Chairman Richards, so
11 I'm pretty familiar with the genesis of a lot of the
12 stuff. And so not looking for more work to do, but I
13 have made myself available to Manny, and I'll say the
14 same thing directly to you, Commissioners. So thank
15 you very much.

16 CHAIR ENRIGHT: Thank you.

17 COMMISSIONER CIKLIN: Question.

18 CHAIR ENRIGHT: Yes.

19 COMMISSIONER CIKLIN: Richard, I think, as
20 one Commissioner, I think it's important and we should
21 be using you on the -- with the City, because I think
22 after Tuesday's meeting, I'm a little bit more confused
23 than ever. So I think maybe if you could work with our
24 staff and maybe set something up, just to see where we
25 are and whether or not this Interlocal would be

1 worthwhile to pursue. I still think times have changed
2 and it's not as important, and maybe something of an
3 understanding we could have with them.

4 But I think I'd feel comfortable if you got
5 involved with our staff and maybe set up some meetings,
6 and then it could come back to us. It might be, you
7 know, months away, but I think that would be prudent on
8 our part.

9 MR. PINSKY: Happy to do so.

10 CHAIR ENRIGHT: I understand that, but I
11 think that we just need to just let Mr. Almira set
12 everything up at first to make sure that they agree to
13 what the staff and what we want up here. So if we can
14 just continue to let Mr. Almira, and then he can work
15 with our liaison, Peyton, and then they can call you in
16 if, you know, if they need to. But I think the City
17 needs to also be comfortable with you coming in,
18 assisting. But I think we need to go through
19 Mr. Almira first, and then --

20 MR. PINSKY: Absolutely. And Director Almira
21 knows that, and we spent some time on the phone
22 yesterday.

23 CHAIR ENRIGHT: Right.

24 MR. PINSKY: He's never shy about calling me
25 on the phone. I will say that.

1 CHAIR ENRIGHT: And we can -- thank you very
2 much.

3 Let's go forward to Commission Reports from
4 our Commissioners. First we'll start with Commissioner
5 Waldron. Do you have anything to --

6 COMMISSIONER WALDRON: Just two things.
7 Pertaining to Tuesday's meeting, one of the action
8 items that I took away was to work with Commissioner --
9 Councilwoman Hubbard about her east/west connection
10 concerns.

11 So I reached out to the TPA Director, Nick
12 Uhren, and he's contacting Lynne, Councilwoman Hubbard
13 directly to set up a meeting, since he gently reminded
14 me that I couldn't be in that meeting since it's an
15 issue that might come up in front of the TPA. So
16 they're going to work -- they're going to have a
17 meeting, and he's going to let me know how it goes.

18 The second thing is on the Commerce Park.
19 There was a South Bay Commission meeting to discuss the
20 contract between Florida Crystals and South Bay, which
21 is kind of once that contract gets done, things can
22 start moving forward.

23 The issue that Florida Crystals has is on the
24 timeframe they're given to create a -- you know, put
25 something in there. And they had five years, and their

1 concern is that with FEMA and the Corps of Engineers,
2 they won't be able to meet that timeline. The
3 Commission meeting did not resolve that issue, so
4 there's another meeting coming up. So it's kind of
5 jammed up at that part right now. And I've reached out
6 to the -- some of the mayors out there to see if they
7 can kind of help push that along.

8 CHAIR ENRIGHT: Thank you.

9 Mr. McArthur, do you have anything from the
10 City?

11 VICE CHAIR McARTHUR: No.

12 CHAIR ENRIGHT: Mr. Almira, continue, please.
13 Thank you.

14 EXECUTIVE DIRECTOR ALMIRA: Sure. I'm on
15 G.1, Commissioners. This is an update on Peanut
16 Island, and I can honestly say that I'm happy that the
17 vacationer is back. This is Eric Call. He's finally
18 back home.

19 We have decided and have scheduled a first
20 steering committee meeting for next Friday. Not this
21 Friday, but the following Friday. He is in the process
22 of coordinating with the other steering committee
23 members, and just as a reminder, Karen Marcus is our
24 Chairperson for that committee.

25 Also, Commissioners, we're still working with

1 Beale & Company so that the appropriate equipment from
2 Nozzle Nolen can be transported to Peanut Island and
3 the house can be, finally can be -- what would be the
4 word? Tented, correct. So stay tuned. I'm hoping
5 that by next month we'll have much more accurate and
6 much more updated information on this subject.

7 Any questions?

8 CHAIR ENRIGHT: Commissioner.

9 VICE CHAIR McARTHUR: I just wanted to
10 compliment you on the composition of the steering
11 committee. I thought it was very well balanced and
12 will meet everyone's needs. And don't forget that
13 Ms. De La Rosa volunteered our grant writer, and I know
14 they have one in Parks and Rec. And I harass Eric Call
15 every time I see him, so I'm looking forward to more
16 progress.

17 EXECUTIVE DIRECTOR ALMIRA: Sure.

18 VICE CHAIR McARTHUR: But thank you. I think
19 the steering committee is excellent.

20 EXECUTIVE DIRECTOR ALMIRA: Thank you.

21 CHAIR ENRIGHT: Commissioner Waldron.

22 COMMISSIONER WALDRON: Was there, on the
23 committee, was there a reason that we didn't want to --
24 and maybe you already thought about this, but include
25 just a member of the public in the meeting? I mean I

1 don't want to cause problems, but --

2 EXECUTIVE DIRECTOR ALMIRA: No, no, not at
3 all. I tell you what led to the steering committee,
4 just as a gentle reminder. The last meeting we had
5 here, it was just overwhelming. We just had absolutely
6 too many people and too many different interests.

7 COMMISSIONER WALDRON: No, I agree it should
8 be small, I just, you know --

9 EXECUTIVE DIRECTOR ALMIRA: Yes. So we
10 decided to narrow it down. I don't recall if there's
11 someone from the public, but if there isn't, I think we
12 should, and I'll come back to you during the week.

13 MS. WALDRON: Okay.

14 CHAIR ENRIGHT: Any other comments? Thank
15 you very much. I'm going to go to that. I will not
16 forget Mr. Ward. We're on G.1 now.

17 MR. WARD: Good afternoon again. Gerald
18 Ward, 2135 Broadway.

19 I handed out at the joint meeting of the City
20 Council of Rivera Beach and this Governing Board
21 Tuesday night a copy of this backup, one sheet, and had
22 discussed it with at least the Florida Inland
23 Navigation District, who had not been advised they were
24 being appointed.

25 But I seriously think that you, with the

1 federal 80 million plus project appropriation or
2 authorization have to have input about the material
3 management disposal area, the spoil area, and also
4 future Port uses. This has long been planned for some
5 part of the commerce and industry part of this Port.

6 It is important that the task committee, as
7 it's characterized, have representations from the four
8 municipalities who are adjacent, Town of Palm Beach
9 Shores, Town of Palm Beach, City of West Palm Beach and
10 Rivera Beach City. So that's one element. I think the
11 tenants are also equal.

12 Now, obviously, as the Executive Director of
13 the Inland Navigation District said, there was some
14 massive number of people here at the last, the second
15 of two meetings. You can't have a big crowd,
16 particularly without documentation to point to and get
17 them focused on particular issues. So I do think that
18 the addition of maybe three or more representatives
19 would add to that.

20 And second, everybody needs an alternate. If
21 you only had four people there, half the meetings in
22 the summer will never get off. So everybody needs to
23 always put an alternate in their membership. Thank
24 you.

25 CHAIR ENRIGHT: Thank you, Mr. Ward.

1 Mr. Almira, next, G.2, request to award
2 construction related contracts.

3 EXECUTIVE DIRECTOR ALMIRA: Sure. That will
4 be José, the engineer.

5 CHAIR ENRIGHT: Thank you.

6 EXECUTIVE DIRECTOR ALMIRA: Thank you.

7 MR. SOLER: Good afternoon, Commissioners.

8 The next item is G-2, request to award
9 construction related contracts to the MOB demolition
10 and improvement project.

11 First, I've held two pre-bid conference
12 meetings related to the MOB project. Of the present,
13 seven contractors were actually capable of doing the
14 work by having a certified general or building
15 contract. The bids were due on June 1st. Two
16 contractors out of the seven provided proposals to the
17 Port, West Construction and Russo Site Development.
18 Port's review committee have already qualified both
19 companies, and we tabulated the bid proposals with the
20 following results.

21 West Construction, total bid amount was
22 \$3,232,808. Russo Site, \$3,286,600.45. The difference
23 in \$3.2 million was only \$53,000, so we're confident
24 that the contractors were similar in terms of the -- of
25 their estimates.

1 In terms of the budget for the Port for this
2 bid, we had a budget of \$4,340,000. Adding up
3 additional costs related to the project, which
4 includes, other works than the construction contractor
5 bid amount, we have existing utility relocations where
6 we're going to be paying directly, as the owner, to
7 third party companies like FP&L, Comcast, Crown Castle
8 and a network, which is relocation of fibernet.

9 We also have construction engineering
10 services, for which we have already incurred through
11 the design and permitting services and the bidding
12 support services. We also have a quote for additional
13 costs related to construction engineering services
14 through construction by CH2M Hill, the original design
15 contractor, for \$421,000. All the amounts presented
16 here are the actual cost for the project, including the
17 contractor bid amount of \$3.2 million. We're still
18 under budget by \$84,000.

19 So the Port staff is requesting the Board to
20 approve two items here. First of all, to approve West
21 Construction to be awarded the construction contract
22 for the project for \$3,232,808, and also to approve
23 CH2M Hill, which was the original designer of the
24 project. It was the firm that submitted and received
25 all the permit process. We want them to continue to be

1 the construction engineering services through
2 construction. So we're requesting for the Board to
3 approve both contracts, to a total financial impact to
4 the Port of \$3,654,000.

5 CHAIR ENRIGHT: Commissioner Richards has a
6 question.

7 COMMISSIONER RICHARDS: I'm confused. Is
8 West Construction present?

9 MR. SOLER: Yes. I believe we have here --

10 MR. WEST: Matthew.

11 MR. SOLER: -- Matthew West, Vice President
12 of West Construction.

13 COMMISSIONER RICHARDS: Mr. West, good
14 afternoon. Wayne Richards. How are you?

15 MR. WEST: Good, Commissioner.

16 COMMISSIONER RICHARDS: Good. Would you -- I
17 spoke to staff, and they indicated they believe your
18 company is capable of doing the work. What can you
19 tell me about the local companies that you will utilize
20 as part of this project?

21 MR. WEST: One of the firms that we're using
22 is an SBE/DBE firm. They're the ones doing the utility
23 work. They're about 14 percent of the contract value.

24 COMMISSIONER RICHARDS: And which firm is
25 this?

1 MR. WEST: Falcon Contracting.

2 COMMISSIONER RICHARDS: And it's a small
3 business?

4 MR. WEST: It's an SBE, certified Palm Beach
5 County Small Business, and they're also state certified
6 DBE.

7 COMMISSIONER RICHARDS: And where are they
8 located?

9 MR. WEST: They're located in Palm Beach
10 County. I'm not sure what municipality or if they're
11 in the County pocket.

12 COMMISSIONER RICHARDS: Have you used them
13 before?

14 MR. WEST: Yes.

15 COMMISSIONER RICHARDS: You have a
16 relationship with them?

17 MR. WEST: Yes.

18 COMMISSIONER RICHARDS: But you don't know
19 where they're located?

20 MR. WEST: I don't recall their address.

21 COMMISSIONER RICHARDS: All right. And
22 they're a small and disadvantaged business?

23 MR. WEST: Correct.

24 COMMISSIONER RICHARDS: Are they here with
25 you, by chance?

1 MR. WEST: No.

2 COMMISSIONER RICHARDS: I'm just curious.

3 All right, that's it for now. I may come back. Thank
4 you.

5 MR. WEST: Okay.

6 CHAIR ENRIGHT: I have a question, Mr. West.
7 Do you have any minority businesses as subcontractors
8 you're going to be using in the shop?

9 MR. WEST: A list of subs?

10 CHAIR ENRIGHT: Minority contractors.

11 MR. WEST: I didn't get that.

12 CHAIR ENRIGHT: Minority subs.

13 COMMISSIONER RICHARDS: Minority.

14 MR. WEST: Oh, I'm sorry.

15 CHAIR ENRIGHT: Minority subs. Do you have
16 any?

17 MR. WEST: Yes. So Falcon is a minority
18 contractor.

19 CHAIR ENRIGHT: Okay.

20 MR. WEST: Let me just -- give me a minute
21 here and I'll -- I know Siboney is not considered
22 minority because they're a larger trucking firm, but
23 they're going to be doing our trucking and hauling,
24 Siboney. And then the other two firms are not
25 minority, the electrical and the paving.

1 CHAIR ENRIGHT: So you have one
2 subcontractor, Falcon, you said is minority, right?

3 MR. WEST: That's correct.

4 COMMISSIONER RICHARDS: What's the amount of
5 that work?

6 MR. WEST: \$455,745.

7 CHAIR ENRIGHT: And they're located locally
8 here in West Palm Beach?

9 MR. WEST: They're in West Palm Beach, yes.
10 It's 4225 Chukker Drive, West Palm Beach, Florida, is
11 where their address is.

12 COMMISSIONER CIKLIN: I have a question.

13 CHAIR ENRIGHT: Thank you.

14 Commissioner Ciklin.

15 COMMISSIONER CIKLIN: Yes, could you tell me,
16 have you done similar projects -- that's where I'm
17 mostly concerned on -- like this, you know, in the last
18 few years and --

19 MR. WEST: Yes, we've done -- we do large
20 projects for -- we do up to \$60 million projects.
21 We're bondable in excess of \$200 million aggregate. We
22 work throughout Florida, the Caribbean, West Africa.
23 We have about 300 employees locally in Florida. We
24 actually, years ago, did the Southgate cargo expansion
25 for the Port, so we've been doing this work for a long

1 time. We've been in business 50 years here in Palm
2 Beach County.

3 COMMISSIONER CIKLIN: So we can feel
4 comfortable you'll be coming in on time and on budget?

5 MR. WEST: Absolutely.

6 COMMISSIONER CIKLIN: Great. Thank you.

7 CHAIR ENRIGHT: Thank you. One other
8 question.

9 COMMISSIONER RICHARDS: Well, one or more.

10 I understand when you have a business of this
11 size, people like to sue. But you have a -- your
12 company is involved and has been involved in many
13 lawsuits. What can you tell us about that?

14 MR. WEST: We have had some lawsuits in the
15 past. You know, I think that the majority of the
16 lawsuits that are listed are close to five years old or
17 older. Occasionally in this business you get into a
18 dispute with a subcontractor who's nonperforming. You
19 have to take action. They don't necessarily agree with
20 the action, they sue you, and then you have to resolve
21 the claim. That's the majority of what the litigation
22 we've been involved in has been.

23 COMMISSIONER RICHARDS: So prime versus sub,
24 not the owner versus West?

25 MR. WEST: There's been very few where the

1 owner -- in the thousands of projects we've done, I
2 think there's been three instances where we've had to
3 take adverse -- you know, file a complaint against a
4 client.

5 COMMISSIONER RICHARDS: Okay, thanks. Now,
6 you mentioned most of the suits are five years and
7 previous. Are you suggesting there's been a change in
8 your company in the last five years that brought about
9 the change? Why do you mention the five years?

10 MR. WEST: No, I think that it really was a
11 function of a lot of these claims that were made were
12 made during the last recession period where
13 subcontractors got in trouble and they were not able to
14 finish and we had to come in and supplement. We had a
15 couple projects where that occurred during the, you
16 know, economic distressful period of time, and you
17 know, we have not seen that same pressure on
18 subcontractors since the economy has gotten better.

19 COMMISSIONER RICHARDS: All right. You know,
20 I started my questions about your local contracting.
21 That's very important to me and it's very important to
22 many of us. Did you take efforts, and if so, what
23 efforts did you take, what steps did you take, if any,
24 to find local minority based contractors?

25 MR. WEST: So our estimating department uses

1 multiple avenues for solicitation. We use the SBE
2 certified vendor list, we use the DBE list. We also
3 utilize a blue book, iSquareFoot, many other
4 solicitation services to put out there and advertise
5 for subcontractor pricing.

6 COMMISSIONER RICHARDS: Did you answer my
7 question? I don't know if you did. Did you take
8 actual steps to look for local minority contractors? I
9 don't mean just what you do every day. I mean we're
10 located in an area with a high minority population,
11 probably majority minority, and this Board is comprised
12 of -- the whole area, we have many minorities here. So
13 the question is: Did you take affirmative, did you
14 take actual steps? And you may not have. I just want
15 to know. Did you take actual steps to try to find
16 local minority companies?

17 MR. WEST: By utilizing the certified vendors
18 list that are SBE and DBE vendors that have gone
19 through a process of --

20 COMMISSIONER RICHARDS: So you sent something
21 out to everybody on that list?

22 MR. WEST: We sent something out to the
23 people on the list that had scope of work related to
24 this project. Not everybody on the list --

25 COMMISSIONER RICHARDS: Understand.

1 MR. WEST: -- is applicable to this contract.

2 COMMISSIONER RICHARDS: So you did send out
3 actual letters or communiques --

4 MR. WEST: Invitations to bid.

5 COMMISSIONER RICHARDS: Okay. All right,
6 thank you.

7 CHAIR ENRIGHT: Any other Board questions?

8 I have another question. You mentioned
9 litigations. How many are still open? Just I know you
10 might be in court or whatever, but how many are still
11 open that you have not solved?

12 MR. WEST: There might be one or two pending.

13 CHAIR ENRIGHT: One or two?

14 MR. WEST: Yes.

15 CHAIR ENRIGHT: And you can just share with
16 us, if it's -- is it over a million, or what's the
17 price range of the one or two that are out there? Just
18 give me some kind of idea. I just want to know.

19 MR. WEST: I think the only -- we probably
20 included it in here. Let me see. We have just one,
21 which is with a company, Construction Contract
22 Services, Inc. It's related to labor services they
23 provided on a cancer treatment facility we're building
24 in Tampa, and they provided labor. And they've
25 overcharged us on the hourly rate, and so we're in

1 dispute on resolving that.

2 CHAIR ENRIGHT: That's the only one?

3 MR. WEST: Yes, it's actually two with the
4 same.

5 CHAIR ENRIGHT: Right, same situation.

6 MR. WEST: Yes.

7 CHAIR ENRIGHT: Okay.

8 COMMISSIONER RICHARDS: I do have one more.
9 Sorry. Well, I'm not sorry.

10 CHAIR ENRIGHT: No, just say how many we need
11 to ask all your questions.

12 COMMISSIONER RICHARDS: So Mr. Picken, I
13 spoke to Manny about these contracts, these bids, and
14 it was suggested \$50,000 on a \$3.2 million project is
15 like one and a half percent. And my question to
16 Mr. Almira was having just gone -- having currently
17 being involved in a major construction project with
18 ongoing litigation, it raises our concerns.

19 So my question is 3.23 versus 3.38, are we
20 always bound to the 3.2 if staff determines that both
21 are responsive, or is that back on our shoulders?
22 Please explain that.

23 MR. PICKEN: It's Statute 255 refers to
24 first, if they're qualified, then it's low bidder. And
25 that's kind of the end of the discussion.

1 COMMISSIONER RICHARDS: But this Board
2 determines if they're qualified?

3 MR. PICKEN: Well --

4 VICE CHAIR McARTHUR: No.

5 COMMISSIONER RICHARDS: Is somebody up here
6 answering? Sorry, I was talking to the lawyer.

7 MR. PICKEN: I don't know --

8 CHAIR ENRIGHT: Mr. --

9 MR. PICKEN: I don't know that you would be
10 able to determine that they were unqualified. They've
11 done a lot of this kind of work. They've been in
12 business a long time.

13 COMMISSIONER RICHARDS: So when is that --
14 I'm just curious. When is that determination made that
15 a company is qualified? Is it before they get here,
16 because they've done many projects, or is it because --
17 and I'm -- just generally speaking, when is that made,
18 that determination?

19 MR. PICKEN: I can't give you a definition
20 from the cases. But I did review, in connection with
21 this particular matter because of the litigation, I did
22 take a look at -- made sure I was familiar with the
23 statutes, read the cases that dealt with qualification,
24 and although there is not a bright line test of what is
25 qualified, I think it would be difficult to say that

1 West was unqualified.

2 COMMISSIONER RICHARDS: I'm not talking about
3 West.

4 MR. PICKEN: Okay.

5 COMMISSIONER RICHARDS: We have ongoing
6 litigation --

7 MR. PICKEN: The initial evaluation was made
8 by staff, and I think they opened with saying that they
9 determined that both of the firms were qualified.

10 COMMISSIONER RICHARDS: So going forward, if
11 staff makes the determination that both -- that
12 numerous entities are qualified, I'm not trying to put
13 you in a box, but -- so I apologize. But if staff
14 determines they're qualified, it comes to us, it's
15 automatic that they're qualified. And the reason I
16 ask --

17 MR. PICKEN: Well --

18 COMMISSIONER RICHARDS: -- if we could go
19 back in time, we may or may not want to do something
20 differently on some other project.

21 MR. PICKEN: You can't -- I'm not sure if I
22 understood that last part, but it has to -- but I mean
23 the statute says qualified, responsive and low. And
24 once, if the bid is responsive and if they are
25 qualified, you have to go with the low bidder. So you

1 can't -- the Port can't say, well, we want to do it
2 differently next time. Now, you could decide that they
3 were not qualified --

4 COMMISSIONER RICHARDS: Even after staff has
5 typed up they're qualified?

6 MR. PICKEN: Well, that would make it harder.
7 But ultimately, a court would be the one deciding
8 whether -- or if there was a challenge, it would be a
9 court deciding whether or not they were qualified.

10 COMMISSIONER RICHARDS: A year or two ago --

11 MR. PICKEN: And it's not most qualified.

12 COMMISSIONER RICHARDS: No, I understand.

13 MR. PICKEN: There's specifically cases on
14 that. It's not most qualified or more qualified, it's
15 qualified.

16 COMMISSIONER RICHARDS: A year or two ago I
17 wouldn't have this conversation. It's just that we're
18 actively involved in a suit, and I wanted to understand
19 what our rights are. I know what our responsibilities
20 are, but what are our rights. So I'm not -- I'll say
21 thank you. I'm not sure --

22 COMMISSIONER WALDRON: So there is some
23 flexibility though?

24 MR. PICKEN: Well, the only flexibility would
25 make the determination that West was not qualified, and

1 I think you would be defending that in court.

2 CHAIR ENRIGHT: Mr. McArthur.

3 VICE CHAIR McARTHUR: Yes, thank you,
4 Chairwoman.

5 In our backup under current situation, it
6 says: Of the two companies that responded to the
7 request for proposal, both companies were deemed to be
8 qualified by the Port review committee. So I assume
9 staff actually did that.

10 But I wanted to follow up something that
11 Commissioner Richards said earlier. Everyone should
12 know the Port of Palm Beach is kind of a unique entity.
13 We're in the City of Riviera Beach, a minority
14 community with a large unemployment problem. The
15 questions you had from Commissioner Richards will be
16 repeated to every vendor that comes before us, because
17 that's an ongoing concern to the Commissioners on the
18 Port of Palm Beach.

19 We have a responsibility to the community in
20 which we reside to do as much as we can to assist. And
21 I just wanted to point out that that's not aimed at you
22 or anyone else. That's going to be a recurring thing
23 at anybody that comes before the Port of Palm Beach.
24 Thank you.

25 COMMISSIONER RICHARDS: But Peyton, we're on

1 the same page, but it's all lip service. And I just
2 don't know at what point --

3 VICE CHAIR McARTHUR: Right.

4 COMMISSIONER RICHARDS: -- we can help make a
5 change such that we see a result. So your words are
6 strong, they're valid, they're appreciated. There
7 needs to be something that brings about a changed
8 result.

9 CHAIR ENRIGHT: Go on, Commissioner Waldron.

10 COMMISSIONER WALDRON: When you talk about
11 the qualifications, is their local presence included in
12 that?

13 MR. PICKEN: I'm sorry?

14 MS. WALDRON: Do you include local presence
15 in that, like they're headquartered here, they have,
16 you know --

17 MR. PICKEN: In terms of --

18 MS. WALDRON: Just in terms of general
19 qualifications, I mean --

20 MR. PICKEN: Determination of whether they're
21 qualified? No, that -- it's just whether they can do
22 the work or not, whether they're qualified to do the
23 work.

24 COMMISSIONER WALDRON: Well, that's
25 unfortunate.

1 CHAIR ENRIGHT: I have a question for you,
2 Mr. West. You mentioned this Falcon company, and you
3 said -- you gave me their address, and you have -- you
4 worked with them before. I guess my real question is:
5 Is it a minority firm? It consists of -- the firm is
6 owned by a female or a Hispanic or black or --

7 MR. WEST: Hispanic male.

8 CHAIR ENRIGHT: Hispanic male. Okay, and my
9 other question is: What percentage of the whole job
10 this minority participant will be receiving?

11 MR. WEST: 14.1 percent.

12 CHAIR ENRIGHT: Okay. Any other questions,
13 Commissioners?

14 COMMISSIONER CIKLIN: Let's call the
15 question.

16 CHAIR ENRIGHT: Call the question. All in
17 favor? Oh, I'm sorry. Mr. Ward there in front of you,
18 and I couldn't see you. I'm sorry. Go on.

19 COMMISSIONER CIKLIN: We can still vote. We
20 can talk after.

21 COMMISSIONER RICHARDS: Well, no --

22 MR. WARD: Good afternoon again.

23 CHAIR ENRIGHT: Let's let him speak, and then
24 we'll vote afterwards. I think that's the appropriate
25 way to do it, so if we have a change of heart --

1 MR. WARD: Good afternoon. Gerald Ward --

2 CHAIR ENRIGHT: -- thank you.

3 MR. WARD: -- 2135 Broadway.

4 This item is another in a long series of
5 items where after I got here, I heard Riviera Beach was
6 presented a permit application and we don't have
7 anything so far. It is imperative, if you go back in
8 the testimony -- and I thought it was appropriate that
9 you had the LM Heavy Construction Company in on the 2nd
10 of May, and page seven, line six and seven of that
11 testimony, which also delayed the issuance of the City
12 of Riviera Beach permit.

13 Everybody tends to point, Tuesday night,
14 Rivera Beach is the problem. The purpose of the
15 Interlocal Agreement is to solve those problems. And
16 if you go back in history for the decade closing in the
17 turn of the century and the first decade of this
18 century, the Port did some major projects without a
19 whole lot of overruns, time overruns, and got things
20 done. So having good relations with the City is
21 important.

22 In this case, the impetus for this project is
23 the Tropical negotiations of the first half, at least,
24 of 2017, consummated somewhere circa June. And in that
25 was a schedule which said we're not going to give the

1 City the permit application till this month. And there
2 are numerous things about this project that relate to a
3 four story building, parking and issues that need to be
4 addressed, and Rivera Beach may very well still be a
5 problem. So you need to be sure that it doesn't become
6 a problem.

7 The parking you have addressed with a
8 February 2014 study, not that it's called parking, but
9 Intermodal Cargo Transfer Passenger Service Study
10 doesn't really deal in parking. It's a bad name for
11 the report.

12 But I hope that you, in processing this
13 contract, are assuring that we don't have the same
14 allegation that came up on the 2nd of May, that Rivera
15 Beach is another problem because of its system, at
16 which you have long agreed to.

17 CHAIR ENRIGHT: Commissioner Richards.

18 COMMISSIONER RICHARDS: No.

19 CHAIR ENRIGHT: You have a --

20 COMMISSIONER CIKLIN: Call the question.

21 CHAIR ENRIGHT: Call the question --

22 MS. WALDRON: Did somebody make a motion?

23 CHAIR ENRIGHT: -- I need a motion; we need a
24 motion.

25 VICE CHAIR McARTHUR: Commissioner --

1 CHAIR ENRIGHT: No, we don't. We need a
2 motion.

3 VICE CHAIR McARTHUR: Like to make a motion
4 that, let's see, that we authorize the Executive
5 Director to enter into a construction contract with
6 West Construction, Inc. for \$3,232,808, and a work
7 order with CH2M Hill for construction engineering
8 services in the amount of \$421,680 for the MOB project.

9 COMMISSIONER CIKLIN: Second.

10 CHAIR ENRIGHT: All in favor of the motion,
11 please say aye.

12 (A chorus of ayes.)

13 CHAIR ENRIGHT: Motion carries, five -- did
14 you say aye, Mr. Richards?

15 COMMISSIONER RICHARDS: I did not, but it's
16 five/0.

17 CHAIR ENRIGHT: Five/0. Thank you.

18 I just want to say something, Mr. West.
19 Thank you for coming. And we've had a little
20 reservation because of past experiences. So it has
21 nothing to reflect on you and your company. And I
22 would just like to say welcome to the Port of Palm
23 Beach, and we'll look forward to doing good business
24 with you, okay? Thank you.

25 MR. WEST: Thank you very much.

1 CHAIR ENRIGHT: Thank you for coming.

2 G.4, Mr. --

3 EXECUTIVE DIRECTOR ALMIRA: G.3.

4 CHAIR ENRIGHT: G.3, Mr. Zielinski. Budget
5 reforecast. At least we're going to hear something
6 good.

7 MR. ZIELINSKI: Good afternoon.

8 At the September 2017 Board meeting, the
9 Board of Commissioners adopted the 2018 operating
10 budget, the renewal and replacement budget and the
11 capital improvement budget. Since that time, there
12 have been several material events that have impacted
13 the 2018 operation.

14 The reforecast that I'm going to be
15 presenting reflects net income before capital
16 contributions of \$1.9 million. This is compared to the
17 original budget amount of 2.6 million. This is a net
18 increase of about \$800,000.

19 Operating revenue. The reforecast is
20 18,446,000. That would be a \$145,000 increase.
21 Operating expenses are at \$9,460,000. That's a
22 \$155,000 increase. Depreciation and amortization has
23 been reduced by 365, and non-operating expense shows
24 unfavorability of 1,125,000, and that explains the
25 \$770,000 decline in our net income.

1 The first thing I'd like to talk about is the
2 effect of the cruise moratorium. Passenger fees in
3 that period were budgeted at 1,590,000. That was
4 approximately 100,000 passengers were supposed to cross
5 the Port.

6 The marketing contribution, they were in
7 their third tier, which is the last part of their
8 agreement year, which is the highest marketing
9 contribution, and we would have paid out 1,485,000. So
10 actually, because of where it was in the first year of
11 the agreement, we lost \$105,000 in revenue. We did
12 lose 13,000 cars, which cost us \$290,000. And if you
13 remember, we negotiated a moratorium fee for the three
14 months of 105,000 each month, so we collected 315,000.
15 Overall, we lost revenue of about \$80,000 by their not
16 being here.

17 However, there was security savings of 125,
18 reduced contract services were needed, and reduced
19 maintenance costs, basically overtime and janitorial.
20 So the absolute net effect of the moratorium for all
21 intents and purposes was a breakeven. We actually made
22 \$85,000.

23 On the rest of the variances, with the
24 approval of the MOB coming down, there's a write-off of
25 \$988,000. That building had an original cost of

1 4.3 million. Unfortunately, it's got 20 years left on
2 the life. We need to write off the \$988,000.

3 Also, this budget reforecast is extremely
4 conservative. There's included in there a write-off of
5 the computer systems we have for \$227,000. That will
6 not occur. We are working diligently to see if we can
7 turn the system back on. It had some issues.
8 Mr. Hern's addressing those. We're very confident that
9 we're going to be able to turn that system back on and
10 that will not happen, but I wanted to present worst
11 case in case we can't.

12 Depreciation. On the positive side of Berth
13 17, if you can find one, is the fact that we did not
14 have to start depreciating it since it's not being
15 used, so this year's budget at \$365,000 of depreciation
16 for Berth 17, which will be delayed until next year.

17 We did pick up \$175,000 worth of rental
18 income. The cruise line rented was 45,000. There was
19 a hay distributor brought into South Gate that brought
20 in 60,000, Johnson Brothers extended their lease here
21 at 30,000, and Tropical rented additional space in the
22 building for 40,000.

23 The renewal and expense, renewal and
24 replacement expense went up significantly, about
25 250,000 in the cruise terminal where the escalators

1 needed to be completely refurbished, the elevators need
2 to be refurbished, and there were repairs and painting
3 done in the terminal building. Again, all of this is
4 anticipation of the cruise terminal being used each and
5 every day.

6 Legal costs. We've increased the budget by
7 about 60,000. Berth 17.

8 We've had additional interest income in the
9 reforecast of about \$90,000. That's in anticipation of
10 the Board approving the item after this. So all other
11 changes up and down are about 40,000.

12 So right now we're looking at a \$770,000
13 reduction. These are all non-cash items. If we are
14 able to find a way around the CommandBridge System's
15 problem, which I'm sure we will, that will be roughly
16 about a \$500,000 decline, so we'll still get a
17 \$2.1 million reforecast.

18 Are there any questions?

19 CHAIR ENRIGHT: Commissioner Ciklin.

20 COMMISSIONER CIKLIN: So the majority of this
21 problem is in the CommandBridge System?

22 MR. ZIELINSKI: No. The majority of the
23 problem is basically the Marine Office Building. If
24 you remember when we were presented the MOB project, I
25 had mentioned at that time it had about a million one

1 book value that would have had to have been written
2 off. The Board just approved a contract to demolish
3 the building. The building is now obsolete. I need to
4 write it off. So it's a non-cash item, but the bottom
5 line will show that we're writing off the MOB. I did
6 not put it in the original budget. It would have been
7 presumptuous.

8 COMMISSIONER RICHARDS: I wasn't going to ask
9 you. I'll give you a pass on that. Yes, give you a
10 pass.

11 MR. ZIELINSKI: If I would have put it in the
12 original budget, again, at that point we were still
13 evaluating where the bids would come in. Based upon
14 where the bids came in and the contract we wrote with
15 Tropical and your expectations, the project came well
16 within the ability to demolish the building.

17 CHAIR ENRIGHT: Any other comments?

18 COMMISSIONER RICHARDS: Move approval of the
19 reforecast.

20 VICE CHAIR McARTHUR: Second.

21 CHAIR ENRIGHT: All in favor, please say aye.

22 (A chorus of ayes.)

23 CHAIR ENRIGHT: Motion carries, five/zero.

24 Mr. Paul, you're doing an outstanding job.

25 MR. ZIELINSKI: Thank you very much. Thank

1 you.

2 Item G.4 has to do with banking services.
3 Wells Fargo has been providing the Port of Palm Beach
4 with banking services for over a decade. They provide
5 all of our cash needs, with one exception, a bond
6 sinking fund up in the Bank of New York that has been
7 there since the bonds were issued.

8 On September 21st, 2018 the Commissioners
9 authorized staff go into a trial period with Wells
10 Fargo. We wanted to get them to enhance their support,
11 increase their service, and if we were successful,
12 enter into contract negotiations.

13 COMMISSIONER CIKLIN: Did you say '18 or '17?

14 MR. ZIELINSKI: I said '18; I meant '17. My
15 apologies.

16 COMMISSIONER CIKLIN: Thank you.

17 MR. ZIELINSKI: My apologies.

18 I am pleased to say Wells Fargo greatly
19 improved both their customer service and their
20 accessibility. We now have immediate access to them,
21 we now have quarterly -- monthly meetings, monthly
22 phone meetings, quarterly on-site meetings. As a
23 matter of fact, Mr. Kevin Hopkins, who is a Senior Vice
24 President, came in from Philadelphia the last time, sat
25 down with us, showed us everything they're doing. I've

1 provided you some information in there about what their
2 services are offered.

3 And Wells Fargo, considering our controls
4 that we put in place, the team interaction we now have
5 and the internal procedures, uses us a benchmark by
6 which they market to and evaluate other customers.

7 Because the service improved so
8 significantly, we entered into negotiations for fees.
9 They are proposing a fee structure which would increase
10 our interest earnings substantially. In essence, what
11 it does is we determine how much liquidity we need to
12 meet a month's worth of operating expenses, they sweep
13 the balance out, put it into money markets, which now
14 fluctuate and are moving up. There's complete
15 liquidity.

16 A question I asked is: If I need the money,
17 how quickly can I get to it? They said: A phone call.
18 I said: If I need it now, is there a penalty? There's
19 no penalty to move it. Can I change the amount?
20 Absolutely. And the money market accounts are approved
21 by the state. They meet our investment criteria.
22 They're basically government securities.

23 So if you approve this new contract with
24 Wells Fargo, our interest earnings, which now are about
25 65 to 70, would jump up to about \$150,000 a year. So

1 with your approval, we'll enter into negotiations with
2 Wells Fargo and ensure that this fee structure is part
3 of it.

4 CHAIR ENRIGHT: Outstanding job.

5 COMMISSIONER WALDRON: I make a motion to
6 approve it.

7 CHAIR ENRIGHT: Second? Do I have a second?

8 COMMISSIONER CIKLIN: Second, under
9 discussion though. So we haven't decided on any term
10 or anything yet, so that's what you're going to do in
11 the next 30 days?

12 MR. ZIELINSKI: Yes. This is an aggressive
13 program on their part. Again, I'm repeating what
14 they're saying. What they will want in order to
15 maintain it becomes part of the negotiations.

16 COMMISSIONER CIKLIN: Okay. Well, that's
17 what I'd be interested in, just not locking anything in
18 for a very long time. But it's -- I think it's a vast
19 improvement on what they were doing, and I think one of
20 the reasons that they did this was that other banks
21 were contacting us, saying, you know, you're getting
22 ripped off and you should be getting a lot more. And
23 Paul did a good job negotiating, and I feel pretty
24 comfortable now that at least we're getting a fair
25 shake. So good job.

1 MR. ZIELINSKI: Appreciate your support.

2 VICE CHAIR McARTHUR: Madam Chair.

3 CHAIR ENRIGHT: Mr. McArthur.

4 VICE CHAIR McARTHUR: Congratulations, and
5 much appreciation for the effort you made. I've got to
6 express one concern. I mean Wells Fargo has been a bad
7 corporate player the last few years. This is
8 wonderful, it's good for the Port. I hope it goes
9 through. But should Wells Fargo fall back into its old
10 habits, I would like the Port of Palm Beach to send a
11 message that we're not going to do business with
12 somebody that doesn't have the highest standards, not
13 just for us, but all of their clients. Thank you.

14 MR. ZIELINSKI: To your point, sir, when I
15 was meeting with them, that was something that I
16 raised, that their reputation out there is not without
17 tarnish and they need to continue to give us stellar
18 service.

19 COMMISSIONER RICHARDS: Peyton, they're being
20 so good, they've already opened up the account for us
21 without us knowing it.

22 VICE CHAIR McARTHUR: Oh, that's nice.

23 COMMISSIONER RICHARDS: That's a joke.

24 VICE CHAIR McARTHUR: Like that.

25 CHAIR ENRIGHT: Question. I need a vote.

1 All in favor, please say aye.

2 (A chorus of ayes.)

3 CHAIR ENRIGHT: Vote carries, five/zero.

4 Thank you.

5 MR. ZIELINSKI: Thank you.

6 Now let's go on to G.5, Ken Hern.

7 MR. HERN: Commissioners, since our last --
8 since the May 10th Commission meeting, Southern
9 National Track has pulled their proposal from
10 consideration in writing. At this time we'd like to
11 provide it to the second submission, which was González
12 & Sons. Port staff is respectfully requesting the
13 Board of Commissioners to approve González & Sons as
14 our provider --

15 COMMISSIONER RICHARDS: Move approval.

16 VICE CHAIR McARTHUR: Second.

17 MR. HERN: -- authorizing the Executive
18 Director --

19 CHAIR ENRIGHT: Any discussion?

20 COMMISSIONER CIKLIN: Under discussion, is
21 there a difference of price on the two?

22 MR. HERN: Southern National Track was more
23 affordable, with González & Son being a little bit more
24 pricey. So, you know, it kind of --

25 COMMISSIONER CIKLIN: Why did they -- why

1 couldn't they do it?

2 MR. HERN: They decided they didn't want to.
3 They did get a job in Tampa that requires a lot of
4 their attention, and --

5 COMMISSIONER RICHARDS: Isn't González doing
6 the work now --

7 MR. HERN: González & Sons --

8 COMMISSIONER RICHARDS: -- and we're excited
9 about their work?

10 MR. HERN: We're ecstatic about their work.

11 CHAIR ENRIGHT: Right.

12 COMMISSIONER RICHARDS: Yes.

13 MR. HERN: It's on --

14 VICE CHAIR McARTHUR: What's the difference?
15 You said pricey and -- but you didn't --

16 MR. HERN: It's a little bit more per hour
17 for the construction.

18 VICE CHAIR McARTHUR: But what's the bottom
19 line?

20 MR. HERN: I would have to get back with you
21 with the exact number, Commissioner. I don't have that
22 with me.

23 EXECUTIVE DIRECTOR ALMIRA: A million two
24 hundred.

25 CHAIR ENRIGHT: No, it's not; no, it's not.

1 EXECUTIVE DIRECTOR ALMIRA: I'm only kidding;
2 I'm only kidding. Come on, some levity here.

3 MR. HERN: But they do excellent work.

4 CHAIR ENRIGHT: Right. All in favor?

5 (A chorus of ayes.)

6 CHAIR ENRIGHT: Motion carries, five/zero.

7 Thank you very much, Mr. Hern.

8 G.6, authorization to advertise for request
9 for qualifications.

10 MR. SOLER: Commissioners this is agenda item
11 G.6. It's for authorization to advertise for request
12 for qualifications for Berth 1 bulkhead replacement.

13 In 2015 the Port began the process of a
14 concept study and permitting process for the
15 redevelopment of Berth 1. Berth 1 is the oldest
16 remaining bulkhead structure in the Port of Palm Beach.
17 It was originally built in the 1970s. It's 427 linear
18 feet on the west side of the Port.

19 In order to continue with the improvement of
20 the Berth 1, the Port is requesting authorization to go
21 through the request for qualification process. The
22 original process included a design concept study, and
23 go through all the permitting process with the FDEP and
24 the Army Corps of Engineers. That process has been
25 completed, with both permits already received by the

1 Port.

2 One thing I want to mention, that the permit
3 for the Army Corps of Engineers has a requirement of an
4 execution of the coral mitigation plan for all the
5 impacted coral that are on the wall of the existing
6 berth.

7 VICE CHAIR McARTHUR: Madam Chair.

8 MR. SOLER: Port staff is actually working in
9 conjunction with the Town of Palm Beach --

10 VICE CHAIR McARTHUR: José, I'm sorry to
11 interrupt, but I'd just like to go ahead and make a
12 motion to authorize staff to advertise for a request
13 for qualifications --

14 COMMISSIONER CIKLIN: Second.

15 VICE CHAIR McARTHUR: -- for the final design
16 and construction documents, bidding services and
17 construction management for the Berth 1 bulkhead
18 replacement.

19 MR. SOLER: Perfect. Thank you.

20 COMMISSIONER CIKLIN: Thank you.

21 CHAIR ENRIGHT: Second?

22 MS. WALDRON: I think Blair seconded.

23 COMMISSIONER CIKLIN: I seconded it already.

24 CHAIR ENRIGHT: All in favor, please say aye.

25 (A chorus of ayes.)

1 CHAIR ENRIGHT: Motion carries, four/zero,
2 with Commissioner Richards out of the room.

3 Let's go to the next item, which was G.7, and
4 we've already taken care of that.

5 Now we have H.1, which is consideration of
6 2008 tax resolution. Mr. Zielinski.

7 MR. ZIELINSKI: This is probably one of the
8 more difficult items I have to present. But the Port
9 again is asking you, we're asking you to sign a
10 resolution stating that you find it not necessary to
11 tax in fiscal year 2018. And I don't have the --

12 VICE CHAIR McARTHUR: Can we show five makers
13 of the motion?

14 COMMISSIONER CIKLIN: Yes.

15 CHAIR ENRIGHT: Motion has -- I need a second
16 now.

17 COMMISSIONER WALDRON: I'll second.

18 CHAIR ENRIGHT: Commissioner Waldron seconded
19 the motion to Blair Ciklin. Any discussion? All in
20 favor, please say aye.

21 (A chorus of ayes.)

22 CHAIR ENRIGHT: Motion carries, five/zero.
23 Let's go on to H.2.

24 MR. ZIELINSKI: If you look at the screen
25 now, you will see some excellent work by Mr. Baker.

1 Kind of puts it all into perspective. And if you think
2 about it, for all of the years since '75, we have run
3 this Port as a business, and we didn't spend it unless
4 we earned it.

5 CHAIR ENRIGHT: Can you attest to that,
6 Commissioner Ciklin, since you've been here?

7 COMMISSIONER CIKLIN: Right when I got
8 elected, see what happens? No taxes.

9 COMMISSIONER RICHARDS: Wow. There were some
10 people that weren't born --

11 COMMISSIONER CIKLIN: Exactly.

12 COMMISSIONER RICHARDS: -- that year, I
13 think, in this room.

14 VICE CHAIR McARTHUR: A lot of people weren't
15 born.

16 COMMISSIONER CIKLIN: Exactly.

17 CHAIR ENRIGHT: H.2.

18 MS. KACZWARA: Item H.2 is a lease in the
19 Maritime Office Complex for SSI Lubricants. They are
20 the parent company to SSI Petroleum, who is a tenant
21 here at the Port. They have truck parking here. They
22 provide a lot of bunkers to our vessels and our yachts
23 here at the Port, and they would like to continue
24 growing their relationship with Port tenants, Port
25 staff and those in our maritime community.

1 By doing so, they'd like to establish a
2 corporate office here. They are currently located in
3 West Palm Beach. We would like the agreement to be
4 effective in June, right after this meeting, so that
5 they can start working on tenant improvements in the
6 space. That way, they could have access, as well as
7 contractors could have access to the space.

8 They would commence their operation on
9 September 1st. Your term sheet does say August 1st,
10 but they've changed that to September because they now
11 have better timelines from their contractors and
12 they're able now to determine that they're going to
13 need a little more time.

14 This is a three year initial term, with three
15 three-year options. The base rent is \$18.45. They
16 will be responsible for taxes and insurance as a
17 pass-through, as all of our tenants are. Due to the
18 tenant improvements that they're doing in the space, we
19 are offering them a three month credit towards those
20 tenant improvements versus us putting our money towards
21 those improvements ourselves.

22 The only thing that we will be doing is
23 putting up a very small wall in a doorway to separate
24 their space from the other Suite 400 space. And then
25 Suite 400 will remain the old, original Port reception

1 area -- most of you may remember that -- and two
2 offices. And we're talking to the cruise line now
3 about taking that space.

4 SSI has requested the right to provide
5 temporary space within their offices to others in the
6 maritime industry. We would like to provide them in
7 this lease the opportunity to do that, not to sublet,
8 but just to offer perhaps an office within their suite
9 for someone in the maritime industry here that works
10 either with or for the Port, such as someone like a
11 Berth One International, who doesn't have an office
12 right now, and maybe they would want to lease one
13 office within their suite.

14 We have given them the right of first option
15 for Suite 400, which I just shared with you was the two
16 offices plus reception area.

17 The standard provisions of our lease will
18 apply in terms of insurance, janitorial, solid waste.
19 Parking, we will be providing them up to 12 parking
20 spaces, as needed. The utilities, the electricity and
21 water will be included in their base rent because that
22 space is not metered separately.

23 As I mentioned, the tenant improvements they
24 will be doing at their cost. They will also be going
25 to get permitting for such with any authorities,

1 whether they're local or County. They will be
2 providing us a timeline for those tenant improvements.
3 And again, they will be doing those prior to the actual
4 commencement of the lease when they do move in.

5 And I'm happy to answer any questions.

6 COMMISSIONER RICHARDS: I have a question.

7 CHAIR ENRIGHT: Commissioner Richards.

8 COMMISSIONER RICHARDS: Thank you, Jarra.

9 So the two questions I have are the sublet
10 without subletting for a fee, why? Why are we inclined
11 to do that?

12 MS. KACZWARA: The reason for that is because
13 originally they were going to take one area, and they
14 were going to make part of that area -- in part of that
15 area they were going to create a kitchenette. And
16 because of their inability to do so, we asked them to
17 take a little more space. So they're taking more space
18 than they need right off the bat. They believe they'll
19 grow into it, as well as the other space in Suite 400,
20 but they needed a small kitchenette area to create a
21 break room or a lunch room for their employees.

22 COMMISSIONER RICHARDS: But if they need the
23 room for a break room, why would we say they can allow
24 other non-employees to use the space?

25 MS. KACZWARA: So initially the space will be

1 too big for them; it will be too large for them. Down
2 the road, they have other offices throughout the state
3 of Florida, and they would like to consolidate those
4 offices here in their corporate office. So they plan
5 to grow this office.

6 COMMISSIONER RICHARDS: So they would bring,
7 possibly bring other divisions or within -- under their
8 corporate umbrella?

9 MS. KACZWARA: Yes, that's correct.

10 COMMISSIONER RICHARDS: Okay, it sounds a
11 little different then.

12 MS. KACZWARA: So I don't want to mislead
13 you. Initially what they're asking for is because
14 they'll have more space than they need, the right to
15 offer temporary offices to other companies. So as an
16 example, Berth One International needs an office. For
17 a fee, month to month, they provide them an office.

18 COMMISSIONER RICHARDS: That's a sublet.

19 MS. KACZWARA: They're not allowed though to
20 sublet. They're not allowed to actually have a lease
21 with this other person or company. It has to be
22 approved by the Port, but it's not a lease. It's no
23 different than us doing a space assignment. We're
24 assigning someone a space on a month-to-month basis and
25 we're --

1 COMMISSIONER RICHARDS: Let me just say Manny
2 may have to speak up in a moment. But the second thing
3 is the 12 spaces, I'm always concerned about -- are
4 these spaces just to our north and west, or where will
5 those spaces be?

6 MS. KACZWARA: In the agreement it's written
7 that we can move them from time to time based on our
8 needs, but initially, yes, they would be north of our
9 building.

10 COMMISSIONER RICHARDS: But we do have the
11 full right to move them away if we need that for
12 whatever reason, that space?

13 MS. KACZWARA: Yes, sir.

14 COMMISSIONER RICHARDS: All right. I'm a
15 little uneasy, but I'm not sure it's going to stop me
16 from voting for it. But I'm a little uneasy about the
17 subletting, not subletting, but for a fee.

18 MS. KACZWARA: We don't have the lease
19 drafted yet. I'm happy to bring the lease back for
20 ratification once it is drafted.

21 VICE CHAIR McARTHUR: Madam Chair.

22 CHAIR ENRIGHT: Yes, go on.

23 VICE CHAIR McARTHUR: Do we have any other
24 entities at the Port now or in the past that have had
25 this type of arrangement?

1 MS. KACZWARA: To provide space to others?

2 VICE CHAIR McARTHUR: Yes.

3 MS. KACZWARA: I think mostly we've had those
4 arrangements when it comes to terminal space or
5 warehouse space, but yes, we have had those
6 arrangements with other tenants.

7 VICE CHAIR McARTHUR: Thank you.

8 CHAIR ENRIGHT: Commissioner Waldron.

9 COMMISSIONER WALDRON: So under that
10 scenario, they assume all the liability?

11 MS. KACZWARA: Yes. It's written that they
12 do, yes, ma'am.

13 COMMISSIONER WALDRON: How many employees are
14 they going to have there?

15 MS. KACZWARA: Initially they said probably
16 eight to ten, but they would like to have the
17 opportunity to have up to 12.

18 COMMISSIONER RICHARDS: And they need our
19 prior written approval? Is that correct?

20 MS. KACZWARA: What I'd like to do is get
21 your approval of this term sheet for inclusion into
22 their lease.

23 COMMISSIONER RICHARDS: I guess I would think
24 they would need our prior written approval, which
25 probably should not be unreasonably withheld.

1 COMMISSIONER WALDRON: For any month-to-month
2 people.

3 MS. KACZWARA: I don't mind bringing the
4 lease back in July.

5 CHAIR ENRIGHT: Yes, I think you should bring
6 it back because we have so many questions and we would
7 like to see more in detail of procedures, how things
8 will occur. If they decide to bring someone else in,
9 what are the procedures, what contract would they have
10 to sign, and then liability to them and the Port and
11 everyone, and then how much -- I'm curious how much
12 they're going to be paying them.

13 So if, like Commissioner Richards said, if it
14 was part of their corporation and them just moving some
15 people from Tampa, but then if I can bring in a whole
16 new entity, a whole new business, that's another whole
17 story.

18 MS. KACZWARA: Right, we --

19 EXECUTIVE DIRECTOR ALMIRA: Madam Chair, what
20 I think will help also is if we provide you with a
21 schematic drawing, and you'll see why if we don't do it
22 this way, it just leaves us with essentially room for
23 not being able to lease out. So please stay tuned.
24 We'll be back to you in July.

25 COMMISSIONER RICHARDS: Okay.

1 CHAIR ENRIGHT: Okay, any other questions?

2 VICE CHAIR McARTHUR: Do we need a motion on
3 this or --

4 MS. WALDRON: No, it was just --

5 COMMISSIONER CIKLIN: One last question. I
6 just, I think some of the Commissioners, their concern
7 is we just don't want to get involved with any lawsuits
8 or something. They bring somebody in and there's a
9 problem, then they're going to come down and start
10 complaining to us. We just want to make sure, look, we
11 didn't even know you were in there. So we need to kind
12 of clean this up.

13 MS. KACZWARA: We can certainly address that
14 in the agreement to make sure that the Port is covered
15 and that we're leaving this open-ended for them to
16 bring in anyone they want, absolutely.

17 CHAIR ENRIGHT: So I guess we need a motion
18 for you to be able to do the negotiation and bring it
19 back.

20 COMMISSIONER CIKLIN: So moved.

21 COMMISSIONER RICHARDS: Second.

22 CHAIR ENRIGHT: Okay, all in favor?

23 (A chorus of ayes.)

24 CHAIR ENRIGHT: Motion carries, five/zero.

25 Thank you.

1 MS. KACZWARA: Thank you.

2 CHAIR ENRIGHT: Next we have H.4. No, H.3,
3 I'm sorry, H.3.

4 MR. HERN: Good afternoon again,
5 Commissioners.

6 Currently the Maritime Office Complex
7 continues to have leaks not associated with the roof
8 project. These leaks are being caused by seal caulking
9 degrading around the windows, cracked windows and gaps
10 between these and the siding. Some of these leaks have
11 intruded into the building, causing external siding to
12 fail.

13 Port staff is seeking to obtain a structural
14 engineer's engineering assistance in the creation of a
15 scope of work for a service provider to seal the
16 building to prevent future damage. Based on current
17 CCNA approved providers, the following companies
18 qualify for the job: E. C. Fennel, CH2M Hill and
19 Kimley-Horn. Port staff is respectfully requesting the
20 Board to select which provider we are to use and
21 authorize the Executive Director to execute that
22 contract.

23 CHAIR ENRIGHT: Commissioner Waldron.

24 COMMISSIONER WALDRON: So would you say that
25 the reason for all these leaks is due to poor

1 engineering, construction or whatever?

2 MR. HERN: Do I want to be --

3 COMMISSIONER WALDRON: So is that a qualified
4 construction company that was the lowest price? Was
5 that what it was?

6 EXECUTIVE DIRECTOR ALMIRA: Let's just say it
7 was, what we gather, is a lot of design flaws and
8 construction challenges.

9 COMMISSIONER WALDRON: From a qualified
10 bidder --

11 MR. HERN: Very well said.

12 MS. WALDRON: -- that was the lowest price.

13 COMMISSIONER CIKLIN: I have a question.

14 CHAIR ENRIGHT: Commissioner Ciklin.

15 COMMISSIONER CIKLIN: How would we know -- at
16 least this one Commissioner, I wouldn't have the
17 faintest idea which of those engineering companies are
18 the best to do something like that. Are you bringing
19 them in to speak, the three of them, and see what
20 they've done? I mean how would we have any idea on --

21 MR. HERN: Well, they've already processed
22 through the CCNA process and been determined to be
23 qualified engineering service companies for this type
24 of project. All three of them are equally qualified.

25 CHAIR ENRIGHT: Go on.

1 COMMISSIONER CIKLIN: And how much money do
2 you think something like this -- do we have any
3 guesstimates on what the charge is? I mean I'd like to
4 know something.

5 MR. HERN: That we would have to determine
6 upon the selection and discussion with them.

7 CHAIR ENRIGHT: Commissioner Richards.

8 COMMISSIONER RICHARDS: Ready to make a
9 motion.

10 EXECUTIVE DIRECTOR ALMIRA: Wait just one --
11 for clarification. I hope it is for clarification.
12 This is just a scope of work.

13 CHAIR ENRIGHT: Right.

14 EXECUTIVE DIRECTOR ALMIRA: We'll bring
15 somebody in just to help us create a scope of work.
16 That's all we're doing.

17 COMMISSIONER CIKLIN: Oh, okay.

18 MR. HERN: Correct, correct.

19 CHAIR ENRIGHT: Commissioners, we went
20 through the CCNA process, and we took hours and days
21 going through this. And they're ranked in the order in
22 which we selected them. This is a no-brainer, and I
23 think we need to go on and -- because if we don't do
24 the right thing now, we wasted all those hours and days
25 going through the process. So we have them ranked in

1 the order which we selected them in, and I would like
2 to see us follow through. That's my opinion and my --

3 Yes, Commissioner Richards.

4 COMMISSIONER RICHARDS: Move we award E. C.
5 Fennel.

6 VICE CHAIR McARTHUR: Second.

7 CHAIR ENRIGHT: Any discussion?

8 MS. WALDRON: I guess I want to ask a stupid
9 question, but do we --

10 CHAIR ENRIGHT: It's not stupid. Do ask your
11 question.

12 MS. WALDRON: Do we need to know what their
13 price points are or --

14 CHAIR ENRIGHT: Oh, he just addressed that.
15 They're going to negotiate.

16 MR. HERN: The Executive Director will
17 negotiate that contract.

18 MS. WALDRON: Okay. Sorry, okay.

19 VICE CHAIR McARTHUR: Madam Chair.

20 CHAIR ENRIGHT: Commissioner.

21 VICE CHAIR McARTHUR: In a related, but not
22 directly, you know, we've had more problems with this
23 building than anyone should have, whether it was poor
24 design or whether it was poor construction or whatever
25 it was. We just need to, going forward, we just need

1 to make sure we try to write the contracts in such a
2 way that we're protected and that we have a warranty
3 that is actionable and dependable. No governmental
4 entity should be in the position that we have been in
5 in this building. Thank you.

6 CHAIR ENRIGHT: Call the question. All in
7 favor of the motion to award --

8 MS. WALDRON: Did somebody second it?

9 CHAIR ENRIGHT: -- contract to -- who
10 seconded?

11 VICE CHAIR McARTHUR: I did.

12 CHAIR ENRIGHT: Mr. McArthur.

13 Please say aye.

14 (A chorus of ayes.)

15 CHAIR ENRIGHT: Motion carries, five/zero.

16 MR. HERN: Thank you.

17 CHAIR ENRIGHT: Mr. Almira.

18 EXECUTIVE DIRECTOR ALMIRA: Thank you.

19 And Commissioners, in front of you is H.4.

20 This is the legal service agreement. Just as a kindly
21 reminder, we have used the services of Gary, Dytrych &
22 Ryan since September of 1998.

23 COMMISSIONER RICHARDS: Wow.

24 EXECUTIVE DIRECTOR ALMIRA: The contract
25 right now expires, or will expire July 31st, 2018.

1 Port staff is seeking direction from the Board whether
2 to enter into a negotiation to extend the agreement
3 with Gary, Dytrych & Ryan or to prepare, issue and
4 evaluate an RFP for this service, for their service.

5 COMMISSIONER WALDRON: I make a motion to go
6 forward with Gary, Dytrych negotiation.

7 CHAIR ENRIGHT: Any discussion?

8 COMMISSIONER RICHARDS: Second.

9 CHAIR ENRIGHT: No discussion? All in favor,
10 please say aye.

11 (A chorus of ayes.)

12 CHAIR ENRIGHT: Motion carries, five/zero.

13 EXECUTIVE DIRECTOR ALMIRA: And
14 Commissioners, if you don't mind --

15 CHAIR ENRIGHT: Congratulations. Oh, I'm
16 sorry. You were blocking him. I'm just sorry,
17 Mr. Almira.

18 EXECUTIVE DIRECTOR ALMIRA: That's okay.

19 CHAIR ENRIGHT: My eyes just went the other
20 way, but I'm sorry.

21 EXECUTIVE DIRECTOR ALMIRA: Mr. Greg Picken
22 would like to also come up and just say a few words.

23 CHAIR ENRIGHT: Yes, but I'm sorry. If we
24 can have Mr. Ward come up first and then Mr. Picken
25 second.

1 Mr. Ward, please forgive me.

2 MR. WARD: Good afternoon again. Gerald
3 Ward, 2135 Broadway, Rivera Beach.

4 Legal services. Thirty years. Your
5 procurement policy does not really address this, but
6 I've been involved in CCNA, which is a state statute
7 that promotes consultant competitive negotiation,
8 principally engineers, architects, professional survey
9 and mappers.

10 This solicitation needs to occur at a regular
11 basis. Three decades is not a regular basis. Once you
12 do this type of work, you get sometimes to be in the
13 same mold. And you get new ideas by having the staff
14 sit down and -- well, we didn't do a very good job,
15 because you spent more of your time than you should
16 have in the last CCNA process for engineering
17 consultants.

18 But legal consultants need to be the same
19 way, such that you come up with new ideas because you
20 have the staff sit there and listen to new people. And
21 the old people, in this case, Gary, Dytrych & Ryan, can
22 also say: Well, why have we been doing it this way for
23 three decades?

24 So consider going out for solicitation. I
25 think you already made the motion and second. I'm not

1 sure whether you voted or not.

2 CHAIR ENRIGHT: No, we have not voted.

3 Mr. Picken.

4 MR. PICKEN: Commissioners, first of all, I'd
5 like to thank you for the last 20 years. I would also
6 point out that the CCNA does not govern legal services.

7 We feel, first of all, we've really enjoyed
8 the representation and we've enjoyed the relationships.
9 We feel as though we've served the Port well overall
10 during that time. We'll continue our current rate of
11 \$200 an hour. And our agreement has always been
12 terminable by either party on 30 days' notice, and we
13 would continue that. So thank you.

14 CHAIR ENRIGHT: Thank you, Mr. Picken.

15 I need to have a vote. All in favor?

16 (A chorus of ayes.)

17 CHAIR ENRIGHT: Motion carries, five/zero.

18 Thank you.

19 Mr. Almira.

20 EXECUTIVE DIRECTOR ALMIRA: Yes,
21 Commissioners, similar to H.4, we're now looking at
22 H.5, public policy consulting services. We have been
23 using the services of Akerman Senterfitt since August
24 of 2011. Again, similar to the legal, that contract
25 expires on July 31st, 2018. Hence, Port staff is

1 seeking direction from the Board whether to enter into
2 negotiation to extend the agreement or to prepare an
3 RFQ for this type of service. Who we're referring to,
4 of course, is Mr. Pinsky.

5 CHAIR ENRIGHT: Mr. Commissioner --

6 COMMISSIONER WALDRON: I'll make a motion to
7 enter into negotiations to extend the contract.

8 COMMISSIONER CIKLIN: Second.

9 COMMISSIONER RICHARDS: Third.

10 CHAIR ENRIGHT: Any discussion?

11 I just have a question before I get to
12 Mr. Ward. How much do we pay? We pay him \$3,000 a
13 month?

14 EXECUTIVE DIRECTOR ALMIRA: A month, correct.

15 CHAIR ENRIGHT: And then we pay for his
16 expenses or what --

17 EXECUTIVE DIRECTOR ALMIRA: Sorry?

18 CHAIR ENRIGHT: His travel up and down?

19 EXECUTIVE DIRECTOR ALMIRA: No.

20 CHAIR ENRIGHT: Or his hotel or what?

21 EXECUTIVE DIRECTOR ALMIRA: No, no, no, no.

22 It's 3,000 flat, unless he goes up to Washington, as an
23 example.

24 CHAIR ENRIGHT: Well, we're not sending you
25 there, so -- just a joke.

1 COMMISSIONER CIKLIN: Well, he does lobby for
2 us in Washington.

3 EXECUTIVE DIRECTOR ALMIRA: Yes, he does.

4 COMMISSIONER WALDRON: He does federal and
5 state.

6 CHAIR ENRIGHT: Okay, Mr. Ward, thank you
7 very much.

8 MR. WARD: Gerald Ward, 2135 Broadway, Rivera
9 Beach.

10 I would tell you that the same comments I had
11 on H.4 basically apply to H.5, as the E.D. said that it
12 was similar. You have had -- and I just looked in 2015
13 when we started to talk about project modification of
14 the federal authorization. That's two years ago, and
15 we have not done anything to start to spend the 80 plus
16 million dollar authorization that was amazingly
17 obtained for a small Port. So I would tell you that
18 you need further involvement in the federal process.

19 You just had a comment under the Governmental
20 Affairs Report about rail grants. And the state has
21 had for some time a state rail element of the Florida
22 Department of Transportation. Most of those funds are
23 federal funds that are passed through the state
24 process.

25 You need to get some new ideas. And the

1 solicitation for governmental affairs consultant
2 services is no different than legal consultant
3 services. And although Mr. Picken's offended because
4 he doesn't think it's like an engineer, it is
5 consultant services.

6 So somewhere along the line the Port needs
7 some new ideas to proceed with potential moneys and
8 projects that are not the garden variety to spend a
9 small amount of money that's shown in the E.D.'s report
10 today that I didn't get to hear.

11 But I would suggest that you start to look at
12 going out for other ideas. Certainly Akerman
13 Senterfitt can come in, and all of a sudden they may
14 have lots more new ideas that they would like to
15 pursue.

16 COMMISSIONER RICHARDS: Comment.

17 CHAIR ENRIGHT: Yes, comment from the
18 Commissioners, and then we'll allow you to speak, okay?

19 COMMISSIONER RICHARDS: I cannot disagree
20 with some of those comments. Depending on the nature
21 of the contract, it does make -- it can make sense to
22 bring in new people with new ideas. And going forward,
23 I would like us to supplement our activities and
24 support in looking for additional funds. So that
25 cannot hurt.

1 CHAIR ENRIGHT: Okay, Mr. Pinsky.

2 MR. PINSKY: Thank you very much for all your
3 support. Greg echoed -- probably articulated a lot of
4 comments that I would echo. We also are on a 30 day
5 cancellation at any time.

6 I personally love the Port of Palm Beach; I
7 bleed the Port of Palm Beach. As far as creative
8 ideas, I've been involved in a lot of projects, from
9 trying to get this piece of property, which not to
10 boast, but it was my idea to get that annex property.

11 I've got ideas. Manny knows and the staff
12 knows that I'm always suggesting new ways to go and
13 find money. So whatever the project is, whatever the
14 opportunity is, I'm always looking for it. I have a
15 couple of ideas that I would love to share with the
16 staff.

17 But there are opportunities for some Port
18 expansion, and there's also opportunities to help
19 tenants like Stonerock. I mean there are things that
20 we can do, and if you want ideas, give me an hour and
21 let me just run them all off to you.

22 But again, thank you for your vote of
23 confidence, and I look forward to --

24 CHAIR ENRIGHT: We haven't voted yet.

25 MR. PINSKY: What?

1 CHAIR ENRIGHT: We haven't voted yet; we have
2 not voted yet. They might change their mind. It's not
3 in stone yet.

4 MR. PINSKY: Well, that was a commercial.

5 CHAIR ENRIGHT: But the only thing that I
6 would like to say is we want you to bring the bacon
7 home, bring the money home. That's the most important
8 thing, bring the money home. You know, we have a lot
9 of ideas, but we need you to work, actively work every
10 day to bring us the money home.

11 Now I'm going to call the vote. See, too
12 fast; going too fast. All in favor, please say aye.

13 (A chorus of ayes.)

14 CHAIR ENRIGHT: Motion carries, four/one.
15 Thank you very much. Motion carries, four/one. And
16 we're expecting money, okay? Thank you.

17 Let's go now to -- oh, we're done. Okay,
18 public comments. I have two public comment cards. One
19 is from Mr. Ward. Public comments.

20 MR. WARD: Did you call me? Mr. Pinsky was
21 talking to me, and I'm sorry, I missed you. But Gerald
22 Ward, 2135 Broadway.

23 I think there's basically two issues to
24 follow up, although I have several others. The first
25 goes to the fact that we're proceeding fast towards the

1 2022 deadline for expiry of the federal authorization.
2 And you can't move Washington, who works for you. The
3 Corps in this project is your contractor. And there is
4 certainly issues.

5 We didn't process the EIS in a proper manner
6 when they were working for you to do that. They
7 thought two years. I thought it should have been a one
8 year EIS. They took five years. Now, that's the feds
9 for you. You have to be actively managing the Corps of
10 Engineers.

11 Four Congressmen were implored to write a
12 letter saying that the authorization did not meet the
13 smell test that they thought. And I think that there
14 is no end of concurrence with a lot of people in the
15 environmental field that that EIS authorization of
16 descriptive projects is not appropriate. So it needs
17 to be modified. There is a process. I've got a whole
18 notebook here on that. So I would suggest you find a
19 way to start getting on that issue.

20 Number two is the issue of the Port annex.
21 The motion/second without objection at the City of
22 Riviera Beach is first reading is approved, second
23 reading doesn't come until there's an Interlocal
24 Agreement. The concept was conceived by peanut butter
25 and strawberry jam. That's the nickname for Post

1 Buckley Schuh & Jernigan in 1975 -- 1995, excuse me.

2 And one of the good alternatives was to take
3 and put a light here; use 11th Street and a new rail
4 crossing here; eliminate the crossing here. That then,
5 if the City provides you the ability to jump one more
6 block to the north, gives you a new Port access gate
7 that doesn't back up to the railroad with the current
8 guard gate here filling up and conflicting with rail
9 traffic. It gives much more room for switching for the
10 Port rail. That's one of three rails that exist in
11 Riviera Beach. We've got six state roads and three
12 railroads. So it gives more ability to let the Port
13 train move boxes back and forth in the different spurs
14 of the interior Port.

15 CHAIR ENRIGHT: Thank you, Mr. Ward.

16 MR. WARD: There's a lot of things to be
17 done, but that needs to be processed such that the Port
18 gets something, and then you can go forward with your
19 southern expansion with an Interlocal Agreement.

20 CHAIR ENRIGHT: Thank you, Mr. Ward.

21 Now we have Ms. Pam Maldonado.

22 MS. MALDONADO: Thank you, Commissioners.

23 Good afternoon. I'm Pam, Pamela Maldonado, 3608
24 Miramontes Circle in Wellington. And it's very nice to
25 be in the Port of Palm Beach for the first time.

1 I am here in representation today of the
2 League of Women Voters of Palm Beach County. For those
3 of you who don't know, we're a 98 year old nonpartisan
4 political organization dedicated to promoting good
5 government through promoting voting among the public,
6 and not only voting, but having educated voters.

7 And I am the Chairperson of the voter
8 services committee. We are the committee involved in
9 doing the voter registration activities. And we have
10 an initiative at this point. We are trying to reach
11 out to underserved communities, such as Rivera Beach
12 and the Port of Palm Beach and others around town, to
13 get people involved, get people registered to vote.
14 And I am here to ask your help and the help of your
15 tenants.

16 And thank you very much, Mr. Almira, for the
17 invitation on Wednesday. I will very happily be here.

18 We need to have access to your tenants, and
19 we would like to help -- ask your assistance in getting
20 a buy-in from your tenants so that we can come in and
21 do voter registration activities at their businesses.
22 And we will try and match their schedules so that
23 there's no loss of production or anything. We can come
24 during break times or lunch times or before or after
25 work or whenever.

1 But, so I would just like to ask for your
2 assistance. And you have my cards, so we look forward
3 very much to working with the folks here in the Port of
4 Palm Beach.

5 CHAIR ENRIGHT: Thank you for being here this
6 afternoon. But I think maybe it might be better if you
7 work with Mr. Almira, and he can give you the list of
8 all our tenants. And then you will probably need to
9 contact them individually to see -- you know, to get
10 with their personnel or whoever to accomplish what you
11 need to accomplish.

12 MS. MALDONADO: Okay, we will do it.

13 CHAIR ENRIGHT: I think that might be the
14 route to go.

15 MS. MALDONADO: We'll do it.

16 COMMISSIONER WALDRON: Does it help if the
17 staff kind of backs you up when you do call the
18 tenants? I mean is there a way to --

19 EXECUTIVE DIRECTOR ALMIRA: Let's -- if I
20 can, this coming Wednesday, that's next week, we are
21 having our tenants breakfast coffee. And I have
22 invited her. I will introduce her to all those present
23 and take it from there. If she needs additional, we'll
24 definitely provide additional assistance.

25 MS. MALDONADO: We do appreciate that. Thank

1 you so much.

2 MS. WALDRON: That's great. Thanks.

3 CHAIR ENRIGHT: Thank you.

4 MS. MALDONADO: Okay, thank you.

5 CHAIR ENRIGHT: Thank you.

6 Comments from our Commissioners. I'll start
7 at the bottom with that. Commissioner Ciklin.

8 COMMISSIONER CIKLIN: The what?

9 CHAIR ENRIGHT: I'll start at the end, the
10 end. Commissioner Ciklin.

11 COMMISSIONER CIKLIN: Nothing.

12 CHAIR ENRIGHT: Commissioner McArthur.

13 VICE CHAIR McARTHUR: Nothing. I just hope
14 everybody enjoys the 4th of July, and I'll see you next
15 month.

16 CHAIR ENRIGHT: Commissioner Richards.

17 COMMISSIONER RICHARDS: Nothing additional,
18 thank you.

19 CHAIR ENRIGHT: Commissioner Waldron.

20 COMMISSIONER WALDRON: Nothing.

21 CHAIR ENRIGHT: I just want to comment. And
22 I guess we can send a little thank you note, and I'm
23 very pleased that our Congressmen, Congressman
24 Hastings, Congresswoman Frankel and Congressman Brian
25 Mast has been working with us on these projects. And

1 I'm really, really excited with that relationship, and
2 I hope that things continue along that line. Thank
3 you.

4 Our next meeting will be -- oh, after the 4th
5 of July. You did say it right. Oh, wow.

6 COMMISSIONER WALDRON: The 19th.

7 CHAIR ENRIGHT: Our next meeting will be
8 Thursday, July 19th at 4 p.m. Meeting adjourned.

9 (Whereupon, at 6:17 p.m., the proceedings
10 were concluded.)

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