

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.

- - -

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 BE IT REMEMBERED that the following Regular  
2 Board Meeting was had at Port of Palm Beach, One East  
3 11th Street, Riviera Beach, Florida, on Thursday,  
4 June 14, 2018, beginning at 4:00 p.m., with attendees  
5 as hereinabove noted, to wit:

6 - - -

7 CHAIR ENRIGHT: Good afternoon. The regular  
8 Board meeting of the Port of Palm Beach Commissioners  
9 will now be called to order.

10 Would you please do the roll for me, Clerk.  
11 Thank you.

12 MS. HOWARD: Chair Jean Enright.

13 CHAIR ENRIGHT: Present.

14 MS. HOWARD: Vice Chair Peyton McArthur.

15 VICE CHAIR McARTHUR: Present.

16 MS. HOWARD: Secretary/Treasurer Katherine  
17 Waldron.

18 MS. WALDRON: Present.

19 MS. HOWARD: Commissioner Wayne Richards.

20 (No response.)

21 MS. HOWARD: Commissioner Blair Ciklin.

22 COMMISSIONER CIKLIN: Here.

23 MS. HOWARD: Executive Director Manuel  
24 Almira.

25 EXECUTIVE DIRECTOR ALMIRA: I'm here.

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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C E R T I F I C A T E

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4 THE STATE OF FLORIDA )  
5 )  
6 COUNTY OF PALM BEACH )

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8 I, Susan S. Kruger, do hereby certify that  
9 I was authorized to and did report the foregoing  
10 proceedings at the time and place herein stated, and  
11 that the foregoing pages comprise a true and correct  
12 transcription of my stenotype notes taken during the  
13 proceedings.

14 IN WITNESS WHEREOF, I have hereunto set my  
15 hand this 23rd day of June, 2018.

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*Susan S. Kruger*  
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Susan S. Kruger