

If you would like to speak before the Canaveral Port Authority Board of Commissioners during Public Comments on a topic relevant to the Canaveral Port Authority Commission Agenda for this meeting, please complete a Public Comment Request card and give the card to the recording secretary. Public Comment Request cards are located near the outside entry doors next to the agenda for this meeting.

1. Please proceed to the podium when your name is called by the Commission Chairman and re-state your name for the recording secretary.
2. You will have **THREE MINUTES** to speak before the Board of Commissioners.
3. All statements are to be directed to the Commission Chairman; you may not address or question Board members or Port staff individually unless specifically directed to.

No Board action will be taken on requests during Public Comments unless determined by the Commission Chairman to be an emergency. Any other requests for Board action may be placed on the agenda for a subsequent meeting.

CANAVERAL PORT DISTRICT BOARD OF COMMISSIONERS

October 28, 2015

**Port Commission Room
Port Canaveral, Florida 32920**

AGENDA

This meeting is open to the public

9:00 a.m.

- A. Meeting called to order and Pledge of Allegiance
- B. Approval of Agenda for this Meeting
- C. Personal Appearances and Presentations
 1. Service Awards (Walsh)
 2. Space Coast Seafarer's Ministry (Mark Wodka)
 3. Rail & EUL Update (Dubea)
- D. Commission Discussion Items
 1. Status Update Milliken Lease Extension with Scott Widerman (Allender)
- E. Reports
 - (1) Accounting and Finance
 - a. Presentation of Current Debt Position (Rees)
 - b. Consideration of approving the Financial Reports for September 2015 (Poston)
 1. Statistical Report
 2. Aging Report
 3. List of Bills
 4. List of Disposals
 5. Attorney Fees
 6. Commissioner Expenses
 - c. Financing Options (Rees)
 - d. Benefits Program 2016 (Kane/Rees)
 - (2) Chief Executive Officer
 - a. Status of on-going business (Walsh)
 - b. Public Comment for Consent Agenda Items
 - c. Consent Agenda

- (1) Consideration of approving the Minutes of the September 18, 2015 Workshop and Commission Meeting (Walsh)
- (2) Consideration of approving the Minutes of the September 23, 2015 Commission Meeting. (Walsh)
- (3) Consideration of approving the Minutes of the October 13, 2015 Special Commission Meeting. (Walsh)
- (4) Consideration of approving the IT Social Media Use Policy, POL-2015-002-ITO-3. This policy has been reviewed by General Counsel. (Lorusso/Dubea)
- (5) Consideration of approving a purchase order to Venable LLP to provide guidance, legal services, and support to CPA as part of the STB EIS and related action including right of way negotiations and agreements with NASA and other various agency approvals and work on a potential rail route through Cape Canaveral Air Force Station in the amount NTE \$500,000. (Dubea)
- (6) Consideration of approving an increase to P16487 for Clockwork Marketing for additional communications services that have been necessary for the KSC/CPA Rail Extension project in an amount not to exceed \$20,000. This is for the completion of their initial contract which expires November 9, 2015. (Dubea)
- (7) Consideration of approving 12 month services agreement for Clockwork Marketing to provide Public Relations Services to assist with communication of the KSC/CPA Rail Extension project. Clockwork will author press releases to ensure timely and accurate information is shared through multiple media outlets. Not to exceed \$96,200. (Dubea)
- (8) Consideration of approving various project contract change orders including:
 - a. Change Order #1 to Ivey's Construction P16924 for a net decrease for unused funds in general conditions in the amount of (\$12.03) for the Reclaim Automation Upgrade Phase II Work, project CN15-004.
 - b. Change Order #5 to Kalmar USA P16475 for a net decrease for unused funds in contingency in the amount of (\$14,563.70) for the Crane Electrical Refurbishment, project CN14-008B.
 - c. Change Order #2 to Heard Construction P16137 for a net decrease for unused funds in bond and allowance in the amount of (\$2,501.49) for the Cruise Terminal 1 Port Plaza Buildings project CN 14-021
- (9) Consideration of authorizing staff to increase purchase order P14993 to Premier Engineering Group in the amount of \$4,473.51 due to inspection and site visits required as part of the telecommunications design in the Cruise Terminal 1 Parking Garage and Gangway. Total purchase order NTE \$80,343.51. (Perley/Hicks)
- (10) Consideration of authorizing staff to issue a formal solicitation for the CT10 Terminal Renovation Project and associated sitework at the North Cruise Terminals. (Perley/Hicks)
- (11) Consideration of approving changes to the Project Management continuing services contract to Jacobs, reviewed by general counsel. No value change at this time. (Perley/Hicks)
- (12) Consideration of approving a purchase order to Consolidated Electrical Distributors for the purchase of 224 replacement LED light fixtures with automated dimming function for the Marine Terminal in an amount up to but not to exceed \$308,580.96. (Crowe/Hicks)
- (13) Consideration of approving a purchase order to W&J Construction Corporation under their continuing services construction management contract for the removal of an obsolete stormwater system and repair of two large sink holes along Dave Nisbet Drive between Mullet and Glen Cheek in an amount not to exceed \$210,730.00. (Crowe/Hicks)

- (14) Consideration of authorizing confirmation of an increase to purchase order P15636 to CH2M Hill in the amount of \$9,981.00 due to additional review of documents prepared for scour mat replacement. Total purchase order amount will now be \$17,417.00. This agenda item replaces and supersedes previously approved agenda item E.1.c(6) from August 2015 which contained typographical and mathematical errors. (Perley/Hicks)
- (15) Consideration of approving the selection committee recommendation for Professional Railroad Design and Permitting Services (PUR-RFQ-15-8) for Continuing Contract and authorizing negotiation and execution of the standard continuing contract. (Crowe/Hicks)
- (16) Consideration of approving an increase to purchase order P13011 to ATM (Applied Technology & Management, Inc.) under their continuing service contract for survey work on SR401 River Bank for erosion documentation in an amount not to exceed \$3,285. (Crowe/Hicks)
- (17) Consideration of approving an increase to purchase order P13010 to Atkins North America Inc. under their continuing service contract for additional design work to correct river bank erosion at the north curve on the NW side of SR401 on the Banana River for a total cost of up to \$79,800. (Crowe/Hicks)
- (18) Consideration of approving a purchase order to InoMedic (IHA) in the amount of \$51,200 for Canaveral Harbor Expansion post construction shoreline revetment environmental surveys, as required by regulatory permit (Noble/Hicks)
- (19) Consideration of approving a purchase order to TLC Engineering for Architecture (TLC) in the amount of \$9,427 for electrical engineering support services relating to the Exterior Light Management. (Noble/Hicks)
- (20) Consideration of approving an increase to purchase order P17558 to Wagner, Hohns & Inglis for additional support and forensic schedule analysis in support of ongoing claims negotiation with the Contractor for the Channel Widening project on the CCAFS property in an amount not to exceed \$79,200.00. (Crowe/Hicks)
- (21) A. Consideration of approving a new five year office lease in the Maritime Center second floor with Land and Sea Surveying for approximately 3,083 sf of class A office fit out to spec based on allowance for an annual initial payment of \$73,992 based on \$24 a sf. Commission also approves a fit-out lease with a continuing service CM firm, Heard Construction in an amount NTE \$242,500 for the project, contingent upon review and approval of the lease document by General Counsel and the Port Attorney (Denig/Shepard)

B. Consideration of approving the build-out of the remaining ±1000 sf second floor space with a continuing service CM firm, Heard Construction in an amount NTE \$77,500 for the project. (Denig/Shepard)
- (22) A. Consideration of approving negotiating and entering a buyout/termination agreement of the remaining term of the Bianca and Marvin Totsch 30 Year Lease dated September 1, 1988, expiring August 31, 2018 located at 510 Challenger Rd at a purchase price of \$5,000 and approval of forgiving the back taxes for 2012 – 2015 in the amount of \$11,244 and the lease rent for June – Oct 2015 in the amount of \$4,916.26, subject to the review and approval by General Counsel and the Port Attorney. (Denig/Shepard)

B. of approving the demolition of the 510 Challenger Rd building at a NTE cost of \$36,900.00 which includes environmental testing, rodent removal, and interior clean up/haul away and contingency for any unforeseen costs associated with the demolition. (Denig/Shepard)
- (23) Consideration of approving the demolition of 520, 530 & 540 Challenger Road building at a NTE cost of \$35,000, which includes environmental testing, asbestos and lead paint removal. (Denig/Shepard)
- (24) Item Pulled

- (25) Consideration of approving a five year extension to Porter World Trade's 3 Year Commercial Lease Agreement dated February 1, 2013, expiring January 31, 2016, contingent upon approval of the document by General Counsel and the Port Attorney. (Denig/Shepard)
- (26) Consideration of approving an extension and modification to GOV CBP Cape Canaveral, LLC. 30 Year Lease dated December 8, 2010, contingent upon the approval of the lease documents by General Counsel and Port Attorney. (Denig/Shepard)
- (27) Consideration of approving a 6 month extension of The Lloyd and Agnes DeSouza 1993 Revocable Trust u/a/d 12-3-93 Thirty Year Lease dated May 1, 1995, expiring October 31, 2015 located at 750 Mullet Road, contingent upon the approval of the lease documents by General Counsel and Port Attorney. (Denig/Shepard)
- (28) Item Pulled
- (29) Item Pulled
- (30) Consideration of approving the Canaveral Port Authority's support and participation in the East Coast Greenway Trail Designation Project. (Macy/Walsh)
- (31) Consideration of approving Addendum to the Interlocal Agreement with the Brevard County Sheriff's Office for Seaport Security and Law Enforcement Service (Walsh)
- (32) Consideration of authorizing staff to coordinate an event in Jetty Park and approval of contributing campground revenues collected on that day to the United Way as part of the Port's fall campaign. GT USA has agreed to co-sponsor the event. (Dubea)
- (33) Consideration of approving an increase to the per fiscal year NTE purchase order threshold for American Maintenance to provide port-wide cleaning services. Staff requests increase from \$1.1 million to the amount not to exceed \$1.25 million. (Blanchard)
- (34) Consideration of approving staff to withdraw up to \$38,595,291 from the PNC Line of Credit ("LOC") for the purpose of providing interim construction funds for the Commission approved renovation of Cruise Terminals 5, 8 and 10. These funds will be used to bridge construction draws prior to closing of the permanent financing. It is anticipated that long term permanent financing will be a combination of bank loans and bonds placed through a capital markets transaction. (Rees)
- (35) Consideration of authorizing a TEFRA hearing for the purpose of receiving comments and hearing discussion of a plan of financing relating to renovation of Canaveral Port Authority Cruise Terminals 5, 8 and 10 as well as various Commission approved capital expenditures relating to warehousing and distribution projects, on-port car processing facilities and pipeline construction as well as a refunding and extending the maturity of its outstanding Port Revenue Refunding Bonds, Series 2006A and 2006B. The financing shall not exceed \$11.4 Million in refunding and approximately \$93 Million new money proceeds through issuing Port Improvement Revenue Bonds, Series 2016A and Series 2016B and proceeds from direct bank loans. In addition, this action also authorizes CFO or designee to act as Hearing Officer for the same. (Rees)
- (36) Consideration of approving Canaveral Port Authority's (CPA) Staff and its financial advisor to appoint Greenberg Traurig, P.A. as its disclosure counsel and to negotiate terms and execute an engagement letter for the capital markets transaction anticipated to close in first quarter 2016. (Rees)
- (37) Item Pulled
- (38) Consideration of authorizing staff to ask the Surface Transportation Board Office of Environmental Analysis for a temporary pause in the ongoing environmental review process while staff works with the Renuart/Larkin Group and the U.S. Air Force to study the feasibility of a preferred rail route through the Cape Canaveral Air Force Station. (Dubea)
- (39) Consideration of authorizing staff to enter Letter of Intent for "Project Roll On-Roll Off" for a proposed 16 acre lease and approximately 20,000 SF warehouse at 9001 Marlin for an Auto Terminal Facility

under terms outlined in separate packages provided to Commission. This deal will be subject to EDC and State of Florida incentive programs that are still in early process. (Walsh)

- (40) Consideration of authorizing staff to negotiate and enter into an agreement with GT USA for a two year lease for 40,000 SF of the 9001 Marlin Street warehouse with a two year renewal option. CPA will fund up to \$75,000 in capital improvements for required office, toilet room and paving. Final lease format will be subject to approval of CPA General Counsel and Port Attorney. (Walsh)
- (41) Item Pulled
- (42) Consideration of approving employee health plan benefit program insurance carriers and plan design changes for 2016. (Kane)
- (43) Consideration of fee structure clarification for the two-year agreement with Tsamoutales Strategies for Logistics Business Development. Document has been approved by Port Counsel. (Dubea)
- (44) Consideration of authorizing staff to enter into joint endeavor with Renuart/Larkin Group to pursue an U.S. Air Force Enhanced Use Lease (EUL) for portions of the Middle Basin, including possible uplands and rail connection through the Cape Canaveral Air Force Station. (Dubea)

F. Staff Discussion Items

a. Jetty Park Update (Macy/Shepard)

G. Public Comments – three minutes per person

H. Commissioner Reports

I. Attorney Client Session – In Re: Skanska USA Building, Inc. v. Canaveral Port Authority. Case No.:2015-CA-027586

J. Adjournment until next scheduled meeting to be held 9:00 a.m. Wednesday, November 18, 2015

