

FEBRUARY 21, 2013

The Board of County Commissioners, Manatee County, Florida, convened as the MANATEE COUNTY PORT AUTHORITY at Port Manatee in the Third Floor Meeting Room of the Port Manatee Intermodal Center, 1905 Intermodal Circle, Palmetto, Florida, at 9:00 a.m.

Present were members:

Carol Whitmore, Chairman
John Chappie, First Vice-Chairman
Michael Gallen, Second Vice-Chairman
Vanessa Baugh, Third Vice-Chairman
Betsy Benac
Lawrence E. Bustle, Jr.
Robin DiSabatino

Also present were:

Carlos Buqueras, Executive Director
Jennifer R. Cowan, Port Authority Attorney
Vicki Tessmer, Board Records Supervisor,
representing R. B. Shore, Clerk of Circuit Court

Invocation by Tim Huppert, Anchor House Chaplain

AGENDA

Agenda of February 21, 2013, and update agenda memorandum.

[PA20130221DOC001](#)

CONSENT AGENDA

Motion was made by Mrs. DiSabatino, seconded by Mrs. Baugh, and carried 7 to 0, to approve the Consent Agenda incorporating the language as stated in the recommended motions on the cover sheets for the Consent Agenda. Items APPROVED:

[PA20130221DOC002](#)

WARRANT LIST

January 10, 2013 to February 13, 2013

[PA20130221DOC003](#)

MINUTES

January 17, 2013

[PA20130221DOC004](#)

2012 REVENUE BONDS

Accept Manatee County Port Authority Revenue Refunding Bonds, Series 2012A, \$6,605,000; Manatee County Port Authority Revenue Refunding Bonds Series 2012B, \$33,730,000; and November 7, 2012 Index of Closing Documents.

[PA20130221DOC005](#)

LAWSUIT

Approve Settlement Agreement with the law firm of **Banker Lopez Glassler** in the matter of Mims v. Spectrum Underground, Inc., CH2M Hill, Inc., and Manatee County Port Authority, Case 11-CA-06448.

[PA20130221DOC006](#)

(End Consent Agenda)

ANCHOR HOUSE ANNIVERSARY

Chaplain Huppert stated Anchor House will celebrate 20 years of ministry at a banquet on March 21, 2013. Tables are \$300, half tables are \$150, and individuals are \$35.

RETIREMENT RECOGNITION

Carlos Buqueras, Executive Director, presented a Bell Plaque Award to **Michael Alligood**, Maintenance Superintendent/Special Projects Coordinator, honoring 39 years of service.

[PA20130221DOC007](#)

LEGISLATIVE UPDATE

Doug Wheeler, Florida Ports Council President, discussed the history of the Florida Ports Council (FPC), seaport systems, data, current Florida investments, and state and federal legislative advocacy issues. The Council also administers the Florida Seaport Transportation Economic Development (FSTED) Program and legislative bonding administration. Florida ports are being marketed as one entity via all media. Sixty percent of consumer goods come into the United States through the West Coast or Savannah. The goal of FPC is to capture consumer goods in Florida ports. The Panama Canal expansion will offer transshipment opportunities. The State will be infusing \$288 million into Florida ports and infrastructure. Specifically, the Port will be getting another \$20 million in 50/50 matched dollars. He suggested recruiting manufacturing companies to the International Gateway as Governor Rick Scott has placed a priority on reducing the sales tax on manufacturing and equipment.

Mr. Wheeler attended a meeting with Mr. Buqueras and the Congressional delegation last week in Washington D.C., regarding the Army Corps of Engineers. There is approximately \$7 billion in the Harbor Maintenance Trust Fund. The Water Resource Development Act (WRDA) is stuck in the earmark ban.

Discussion: State funding designations; Representative Bill Shuster to visit Manatee County; Realize America's Maritime Promise (RAMP) Act; ports dredging to 50 feet; Port of Savannah is a container port; how Florida ports are viewed; available acreage surrounding Port Manatee; port secondary asset; tax credits; etc. [PA20130221DOC008](#)

U.S. CUSTOMS AND BORDER PROTECTION

Andrew Alexander, Port Manatee U.S. Customs and Border Protection Director, utilized a slide presentation to provide a history of the U.S. Customs and Border Protection (CBP) and the services. He explained the CBP inspection process for incoming ships to Port Manatee.

Discussion: International security programs; CBP ship/crew/cargo inspections; paperless shipments; scanning cargo; federal sequestration; etc. [PA20130221DOC009](#)

KINDER MORGAN CARGO VOLUME AGREEMENT

Motion was made by Mr. Chappie, seconded by Mr. Gallen, and carried 7 to 0, to execute the Port Manatee Cargo Volume Agreement with Kinder Morgan Port Manatee Terminal LLC, for **change in wharfage rate**, (1/1/13-12/31/13). [PA20130221DOC010](#)

BERTH 12 - WHARF EXTENSION AND CONTAINER TERMINAL PROJECT

Motion was made by Mr. Chappie, seconded by Mrs. Baugh, and carried 7 to 0, to approve Change Order 7 to Contract with American Bridge Company, sales tax savings of \$7,260; decrease of \$255,975; adjusted total \$8,161,348.84; **and** approve the issuance of purchase orders to Florida Dirt Source LLC, \$248,715. [PA20130221DOC011](#)

PORT AUTHORITY LEGAL COUNSEL

Mitchell O. Palmer, Manatee County Attorney, presented the Proposal for the Provision of General Counsel Services as previously presented to the Authority on October 30, 2013.

Steven Lewis, Port Attorney, utilized a slide presentation to review Lewis, Longman and Walker's credentials and addressed lowering/capping their fees. Lewis, Longman, and Walker, P.A., do not work with the Port of Tampa.

Recess/Reconvene. All members present.

Mr. Buqueras stated he would like to continue the Port's association with Lewis, Longman, and Walker, P.A. A draft fee proposal will be sent to an outside counsel for review and brought back to the Authority for approval.

Discussion: Previous vote to seek different counsel; when will extra costs be triggered; etc.

Kevin Hennessey, Port Authority Attorney, explained an evaluation will need to be made regarding the risk to the Port in complex litigation.

Discussion: County Attorney's Office utilizes outside counsel less than 10 percent of the time; environmental permitting; cannot sue the County Attorney's Office; define complex litigation in agreement; etc.

Motion was made by Mr. Bustle and seconded by Mr. Chappie, to authorize the Port Director to develop and bring back a proposed contract for approval by this Port Authority with Lewis, Longman, and Walker, P.A., including an appropriate review as he sees fit with outside counsel.

Discussion: Lewis, Longman, and Walker, P.A. local office; previous fees; etc.

The motion carried 7 to 0.

[PA20130221DOC012](#)

ALL ABOARD FLORIDA

Mr. Lewis noted that Lewis, Longman, and Walker, P.A., was selected to work with All Aboard Florida to develop high speed rail from Miami to the Orlando Airport.

LEGISLATION

Mr. Buqueras recently traveled to Washington D.C., and lobbied for harbor maintenance, and infrastructure.

AUTHORITY MEMBERS' COMMENTS

Air Products

Ms. Whitmore commented on the construction progress.

BP Station

Ms. Whitmore noted the sign at the BP Station on 69th Street is not visible.

Representative Bill Shuster

Ms. Whitmore noted that Representative Shuster will visit Manatee County and the Port on March 1, 2013.

Railroad Crossing

Mr. Bustle commented on the unevenness of the railroad crossing coming into the Port.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Adj: 11:51 a.m.
/pk

Minutes Approved: March 21, 2013