



A meeting was held on Friday, January 22, 2010 of the Board of Trustees of Community Maritime Park Associates, Inc. Trustees Lacey Collier, Councilwoman Megan Pratt, Mr. Dick Baker, Dr. Jimmy Jones, Mr. Eddie Todd, Mr. Collier Merrill, Mrs. Bentina Terry, Rev. LuTimothy May, Mrs. Grace McCaffrey and Mrs. Katie White were present. Edward Spears from the City of Pensacola was also present. The meeting was properly noticed and open to the public. These minutes are a synopsis of the actions taken at that meeting and are not intended as verbatim minutes.

The meeting was called to order at 1:05 p.m. by Chairman Collier. The agenda was followed as presented:

- I. Chairman Collier welcomed the Board.
- II. Dr. Jones made a motion to approve the minutes from the December 11, 2009 regular meeting. Mrs. Terry seconded the motion. The motion passed unanimously.
- III. The Chairman opened the floor for public input. The following individual addressed the Board: Mr. Quint Studer, 24 Calle Hermosa, Pensacola Beach; Mr. Norman Ricks, 1404 E. Lakeview, Pensacola; Mr. Skip Hunter, 115 Seamarge Circle, Pensacola; Rev. Nathan Monk, 423 E. Intendencia, Pensacola; Mr. Fred Gunther, 213 S. Baylen Street, Pensacola; Ms. Peg Sheridan, 1100 E. Lee Street.
- IV. Chairman Collier called on Dr. Judy Bense, President of the University of West Florida to make a presentation of the university's final offer to build the Adm. Fetterman Maritime Museum. Dr. Bense gave the presentation and discussion

followed. Chairman Collier called on Mr. Ed Gray to discuss the ownership requirements that come with the New Market Tax Credits (NMTC). Mr. Gray advised that UWF cannot own any improvements built with NMTC. He also advised that his estimate of the value of the NMTC are \$13.1 million. Discussion continued.

Chairman Collier opined that he believed the narrow question for today is the UWF lease. Mrs. Terry asked Dr. Bense if that was correct or if UWF wanted an answer on all aspects. Dr. Bense advised that UWF is looking for more than the lease. They wanted to know the Board's position on all issues before going forward.

Chairman Collier called on Mr. Mort O'Sullivan to comment on his mediation efforts. Mr. O'Sullivan commended the University and the master developer team on their willingness to compromise and their level of participation over the holiday season. He stated they both kept the overall goals in mind and worked toward a meaningful solution. Mr. O'Sullivan asked the Board to approve the site plan and other aspects involving the property and then work toward the other goals, including the \$13.4 million needed by the University.

Chairman Collier called on Scott Davison, VP of Maritime Park Development Partners (MPDP) to comment. Mr. Davison provided a written response. He stated that MPDP agreed with the site plan. He advised that there are elements of the UWF Final Offer that would require extra costs and the Board should consider them. They are: 1. Acceleration costs of \$450,000; 2. Dredging of \$1.2 million; 3. Retaining wall at \$350,000 - \$450,000. Overall he felt the trade-off's in the plan are worth having the museum.

Mr. Merrill made a motion to approve the UWF Final Offer site plan as presented and all other elements in concept with all parties committed to making the other aspects successful. Mrs. Terry seconded the motion. Discussion followed. An amendment was offered by Mr. Merrill to support the UWF request to the City for approval of aspects under the City's purview. Mrs. Terry accepted the amendment and maintained her second. Discussion followed.

Mr. Todd requested that the extreme south-east boundary of the museum/research center parcel relocate the parking to the center median and square off the parcel. This would allow the building to be moved 10 feet to the east and take the parcel out of the DeVilliers Wharf. All parties agreed to that minor change. Mrs. White called the question. The motion passed unanimously.

- V. Chairman Collier called on Mr. Scott Davison from MPDP for the Master Developer report. Mr. Davison called on Mark White to give update on construction/design and engineering. Mr. White advised that the stadium architect process had been completed. MPDP chose Populus, formerly HOK to design the stadium. He advised that the design team, along with MPDP representatives and Quint Studer will be touring stadiums next week to generate design ideas. He advised the bulkhead is at 95% design. With the final site plan, approved earlier, it can be finalized.

Mr. White made a formal request to the Board to be deemed the design-build contractor for all aspects of the construction. He reviewed the reasons that he felt, in their opinion, they should be selected as the General Contractor. Discussion followed

Mr. Todd asked when the Board would see the final site plans and more detailed documents. Mr. White answered, "immediately". He specifically referenced the bulkhead detail would be ready by the next meeting. When asked about the activity of the Contractor's Academy, activity, MPDP responded that it would depend on who is selected as the General Contractor.

Chairman Collier called upon Mr. Ed Fleming and the Construction Owner's Representative Team to present their opinion and recommendation for MPDP as the General Contractor (GC). Mr. Fleming gave the opinion. He advised that with the exception of proof of bonding, which is not due until 2/21, MPDP meets all the requirements to be the GC. However, the COR and Mr. Fleming are of the opinion that for the horizontal work (bulkheading, site prep, utilities and stormwater), a GC is not required. The recommendation would be not to have a GC and save the 7% cost

of a GC for those elements. Mr. Finley Skocdopole, representing the COR team concurred with Mr. Fleming.

Mr. Jeff Gault, president of MPDP advised that the bonding letter will be submitted by the deadline. They are asking approval subject to bonding. He feels the COR and Legal recommendation is contrary to the intent of the negotiations that created the current contract. He stated that it seems like CMPA is attempting to get MPDP to provide the services of a GC without compensation. He didn't feel that we can separate the horizontal from the vertical improvements.

Mr. Gault introduced Mr. Fred Springer, attorney for MPDP. He stated that he has advised his client not to act as a GC without a contract in place to be the GC.

Discussion followed.

Mr. Fleming returned and advised that the language in the current signed contract can result in the remainder of the project being completed with no further agreements or contracts. He referenced aspects of the contract that detailed the roles and responsibilities.

MPDP responded that the role of the project coordinator, as stated in the agreement is not as detailed as the services a GC would provide.

Mrs. Terry made a motion to approve MPDP on all aspects pending proof of bonding and negotiation of a design build contract. Mr. Todd seconded the motion.

Discussion followed. Dr. Jones made a motion to table until the next meeting. Rev. May seconded. The motion passed by a vote of 5-4.

VI. Mr. Spears advised that the financial report was at their places.

VII. The meeting was adjourned at 5:50 p.m.

Respectfully submitted, Ms. Juanita Scott, Secretary