

SPECIAL JOINT WORKSHOP

Port of Palm Beach District
Board of Commissioners

and

City of Riviera Beach City Council

- - -

Tuesday, June 12, 2018
Riviera Beach, Florida
6:00 p.m. - 7:34 p.m.

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IN ATTENDANCE:

Michael J. Busha, Facilitator

Jean L. Enright, Port Chair
Peyton W. McArthur, Port Vice Chair
Blair J. Ciklin, Port Commissioner
Wayne M. Richards, Port Commissioner
Katherine M. Waldron, Port Commissioner

Lynne Hubbard, City Chair Pro Tem
Julia Botel, City Councilperson
Terence Davis, City Councilperson
KaShamba Miller-Anderson, City Councilperson

1 Riviera Beach.

2 First I would like to introduce my fellow
3 Commissioners: Commissioner Katherine Waldron,
4 Commissioner Wayne Richards, Commissioner Blair Ciklin,
5 Commissioner Peyton McArthur, our Executive Director,
6 Mr. Almira.

7 I'll go to the next row. We have our
8 attorney, Mr. Picken. Also -- you're going to kill
9 me -- Larry Smith. We have our CH2M Hill, Casey Long.
10 We have Mr. Hern, who is over our security. We have
11 our engineer, José. We have our financial person, over
12 finance, Mr. Paul Zielinski. We have Jarra Kaczwarra,
13 who is over our development, marketing. And we have
14 Mr. Carl Baker, who's Mr. Port of Palm Beach, I call
15 him. He knows everything. Also, we have our reporter,
16 Ms. Kruger.

17 I think I missed out our Clerk. Venice is
18 here, Venice Howard. She joined us after Peggy decided
19 to go up north. We have our Beatrice; I was not going
20 to forget her. She takes care of public relations --
21 no, our --

22 EXECUTIVE DIRECTOR ALMIRA: H.R.

23 CHAIR ENRIGHT: -- H.R. Heidi, who takes
24 care of public relations. And then we have Tacaria,
25 who's been here for years. And we also have our IT

1 person, Mr. Richard.

2 Any others I missed?

3 And on behalf of the Port of Palm Beach
4 Commissioners, welcome to the Port.

5 Now we have Mrs. Hubbard, who will introduce
6 the Council.

7 I received a letter -- before she comes --
8 from the Chair, Tonya Davis Johnson, and she sent a
9 letter expressing her absence. She could not be here
10 because she has a County meeting. And so we're just
11 going to tell her next time don't forget us. She's
12 going to have to switch it around.

13 CHAIR PRO TEM HUBBARD: Thank you. Good
14 evening. Lynne Hubbard, Chair Pro Tem for the City of
15 Riviera Beach Council.

16 We are indeed glad and honored to be here
17 with you tonight in order to continue our conversation
18 so that we might address these two issues to expand our
19 possibilities.

20 And at this time I would like to go ahead and
21 introduce the rest of the Council and some of our staff
22 that are here. We have Terence Davis here on the end,
23 KaShamba Miller-Anderson, Dr. Botel. And as
24 Dr. Enright stated, our Honorable Chairwoman is at
25 another County meeting.

Page 5

1 And on the back row, we'll start here with
2 our City Manager, Karen Hoskins. We have Mr. Willie
3 Horton, our Assistant City Manager/Utility Director.
4 We have our Chief of Police, Mr. Madden, our Interim
5 City Community Development Services, Jeff Gagnon, our
6 Fire Chief, Mr. Reginald Duren, and we have Terrence
7 Bailey, our Interim Public Works Director. CRA
8 Director on the end, we have Scott Evans.

9 And in the audience there is our illustrious
10 attorney, Mr. Andrew DeGraffenreidt. And we have the
11 Mayor's Chief of Staff, Mrs. Debie Isaacs.
12 Mrs. Pascale, that is the Chairwoman's Chief of Staff.
13 And we have my Legislative Aide, Hope Jeanty, and
14 Regina Williams, Mr. Davis' Legislative Aide. And we
15 have Walter somewhere in the building; that's our TV
16 director. So, and we have our Building Official, Ladi
17 March-Goldwire in the back there.

18 Okay, so again, we want to thank you for the
19 opportunity to come here tonight to continue this
20 discussion. We always look forward to the
21 possibilities that we have here with the Port. And
22 again, thank you.

23 CHAIR ENRIGHT: Thank you. It's always a
24 pleasure.

25 Before we get started, because we have a

1 total new Council since 2005 -- maybe one or two are
2 here, and on the Port, Commissioner Richards was here
3 and Blair Ciklin -- I would like to just go over a
4 couple points in how, over the years, the Port of Palm
5 Beach has worked hand in hand with the City.

6 In most areas when you have ports, the port
7 operate alone, and they're not really involved in the
8 things with the City. No police. I mean nothing. But
9 the Port of Palm Beach, over the years we have worked
10 hand in hand to be partners with the City, and also the
11 residents. And in 2003 and before that -- let's take
12 the first thing I want to talk about just for a second.

13 13th Street. The City wanted to construct
14 13th Street, and when they started, they started way
15 out west, and they constructed 13th Street until they
16 arrived to what? To Dixie Highway, which is Barack
17 Obama Highway. The City did not have the funds to
18 continue, but the citizens and residents wanted 13th
19 Street to continue all the way to the Tiki. The Tiki
20 was there at that time, which -- to the marina, the old
21 marina.

22 The Port of Palm Beach, along with the
23 Department of Transportation, FDOT, we contributed. We
24 came up with \$11,200,000 to complete the project
25 because the citizens wanted it to occur. And that's

1 just one way how we work with the City.

2 In addition to that, over the years, in
3 addition to that, we were asked to do the
4 beautification of the street. And the Port of Palm
5 Beach did not shake their head and say no. We went on
6 because we wanted to be good partners to the City, and
7 we also thought it was important that 13th Street did
8 not stop at Old Dixie and it continued, because if
9 residents wanted to go to the marina, that was a
10 straight shot into the marina, right down 13th. And so
11 we did it and we made it happen for our residents and
12 for the City. That's just one thing that we've done
13 over the years.

14 Since then, let's update and let's go to the
15 Police Department. The police contract services, we go
16 through the City. And we're the only Port in the state
17 of Florida who uses the City they're located in to
18 service the Port. Most of the ports -- we can also use
19 the Florida Fish and Wildlife, we can use the Florida
20 Marine Patrol at half the price. But no, we want to
21 work with the City because we're concerned with what?
22 The safety. So that's very important.

23 So the Port, for the services from the Police
24 Department, we spend \$219,000 a year, which now there
25 are many other things that we've given to the City.

Page 8

1 And I want Mr. Hern just to go over some of the, two or
2 three of the items.

3 Okay, okay, you don't have to come up. We
4 can just note.

5 Since 2001 to 2011, you see the handheld
6 fingerprint readers, the software connection to Falcon
7 (phonetic), the warehouse, the hardware installation.
8 Then in '13 we have two fixed license plate readers.
9 We have five mobile license plate readers. Then in
10 '14 -- these are things, items we purchased for the
11 City of Riviera Beach for the Police Department.

12 Now, because we're a port, we don't have to
13 really do this. We can be like the other ports. We
14 can give to any entity. We can give these items to the
15 City of West Palm Beach or any of the other entities.
16 But we work with the City to ensure the safety at the
17 Port and around our area. But we really want to
18 continue to do this.

19 And just recently the City asked us for --
20 how much did you ask?

21 Chief of Police, you can say -- you can
22 contest this.

23 The City currently just asked us for \$288,330
24 for these items. And what the Port would normally do,
25 we would write a grant, then receive the funds and then

Page 9

1 give them to the City. We don't have to, but because
2 we want to continue to be good partners with the City,
3 we do.

4 Now, I know that not one of you can find one
5 port in the state of Florida who does this. They don't
6 do it. But because we're concerned -- or we can even
7 give it to another. We can give it to any of the other
8 people I named. We can give it to Florida Fish and
9 Wildlife, we can give it to the Marine Patrol, we can
10 give it to the Sheriff, City of West Palm Beach. But
11 we don't have to give anything away. But I want you to
12 see what we've been doing continuously over the years
13 to improve the City, to help our neighbors and to be a
14 good neighbor, because there's no other port who does
15 this in the state of Florida.

16 And the last little thing I just want to just
17 tip on is the storm water runoff. We currently pay the
18 City about \$68,000. And if you can see where the red
19 is, and if you can see the blue lines, the pipes go
20 right through the Port of Palm Beach. And over the
21 years -- now, there's something that's very important
22 about this, because if we did not -- if the City pipes
23 did not connect to the Port of Palm Beach pipes, then
24 what would happen? It would be flooded all in those
25 areas.

1 So we assist with that. And what's so
2 significant is that we don't use the pipes. The runoff
3 is only from the City. So the Port today, we're not
4 draining any water through the City storm system, only
5 the City. So we just want you to know that we're doing
6 something to ensure that, what? The City does not
7 flood. In addition to that, you look at that lagoon,
8 you look at the lake, that goes through the Port.
9 Everything is filtered, and it goes through the Port.

10 So these are just some of the things I want
11 you to think about and let you really, really take a
12 good look at the Port and what we've done and what we
13 continue to do to assist the City in any way.

14 Are there any comments from any of my
15 Commissioners? You want to add anything?
16 Mr. Richards?

17 COMMISSIONER RICHARDS: At this point, no.

18 CHAIR ENRIGHT: Thank you.

19 I just wanted to give you an overview of what
20 and how we've worked with the City over the years.
21 Thank you.

22 Mr. Busha.

23 COUNCILPERSON DAVIS: Madam Chair.

24 Mr. Busha.

25 MR. BUSHA: I'm good, I can -- is this okay?

1 Can people hear me?

2 CHAIR ENRIGHT: I don't even know if -- is
3 this on?

4 MR. BUSHA: That's yours. Just put it over
5 there.

6 COUNCILPERSON DAVIS: Mr. Busha.

7 MR. BUSHA: So thank you. I -- oh, I'm
8 sorry.

9 COUNCILPERSON DAVIS: City Council would like
10 maybe -- I know at least myself, I'd like to respond to
11 the great opening statement that was just made.

12 Over the last few years it's been very clear,
13 as Commissioner McArthur and your staff has been the
14 liaison for the City, myself, for the Port, we're doing
15 a wonderful job of just keeping the line of
16 communications and controlling the temperature, how we
17 would work together.

18 One thing I must add to that slide is that at
19 all the ports in the state of Florida, there's no port
20 that has a neighboring city that have the Police
21 Department that provides the level of service like
22 Riviera Beach does. That shows great senior staff of
23 Chief Madden, former Chief Williams and many others to
24 come. Those Shot Spotters, as you can see, the City of
25 West Palm Beach is now moving in that right direction

Page 12

1 because they're seeing what Riviera Beach is doing. We
2 are producing, number one.

3 So we're doing this together. I think we
4 would like to move forward to show that we continue to
5 work together.

6 And one of the things I'd like to see added
7 to that slide is -- and we had this discussion with me
8 and Manny, Mr. McArthur, Commissioner McArthur, as it
9 relates to jobs. You guys are tenants. You're in the
10 City of Riviera Beach. How do we create a system in
11 place of communication so we can have a flow of jobs
12 where Rivera Beach residents have real opportunities,
13 because we have a lot of skill and trades that are
14 here, but we need to make sure that they know they have
15 a chance to get these jobs. So as we move forward
16 about us working together, it's about all of us working
17 together.

18 CHAIR ENRIGHT: That's right. Thank you.

19 MR. BUSHA: Anybody else? Ms. Hubbard.

20 CHAIR PRO TEM HUBBARD: Thank you.

21 MR. BUSHA: Is it on?

22 COUNCILPERSON DAVIS: That wasn't on.

23 CHAIR PRO TEM HUBBARD: Thank you.

24 Dr. Enright, indeed the Port has done great
25 things that have benefited the City as well, and I

1 think that with all the -- from the law enforcement
2 side especially, I know that you and your colleagues
3 see and saw the benefit of making those legal
4 contributions, because it, in turn, provides security
5 for the Port so that there are the necessary tools in
6 place to protect both yourselves and the entire City of
7 Riviera Beach.

8 Because you guys have worked well and have
9 done things, I think we've patiently worked well, you
10 know, with you, and I know that you can attest to that.
11 There has been a long time with the -- you know, for us
12 to get to this point, because, you know, in all good
13 conscience, we gave up MLK and closed it off because,
14 you know, we were expecting to have the other access.

15 So we have, indeed, you know, appreciated,
16 recognized, you know, everything that the Port has
17 done, and that's, you know, exactly why we are here
18 today, because we continue to express the patience of
19 getting another access to U.S. Highway 1. And we do
20 thank you for all the things that we have been able to
21 collaborate on here in the City as well.

22 CHAIR ENRIGHT: Thank you; thank you very
23 much.

24 MR. BUSHA: That's nice of you to say,
25 Ms. Hubbard.

1 COUNCILPERSON MILLER-ANDERSON: I'd like to
2 say something.

3 MR. BUSHA: Oh, I'm sorry. Forgive me.

4 COUNCILPERSON MILLER-ANDERSON: That's okay.

5 I want to thank Dr. Enright for coming up and
6 pointing out those things. And as neighbors, it is my
7 hope that we're able to work together and come to some
8 sort of resolution that we have not been able to come
9 to in the last few years. I probably won't say a whole
10 lot, but I do know that, you know, my whole purpose in
11 being here tonight is to make sure that we're able to
12 work together. And I do recognize the things that the
13 Port have done for us over the last few years, so I
14 thank you all for that. Thank you.

15 MR. BUSHA: Thank you.

16 All right, forgive me for not introducing
17 myself earlier. My name is Michael Busha, and I will
18 be your facilitator for the short time for the evening.
19 And I don't have a referee shirt on. I mean
20 facilitator.

21 And everything you've said I was going to add
22 in here on the purpose of the meeting, but you've said
23 it all. I mean you guys are neighbors, you have a long
24 history of growing together, you owe it to yourselves
25 to understand what your issues are. You need to come

Page 15

1 back and chat with each other once in a while just to
2 get up to speed at what your issues are and try and
3 resolve them.

4 The only ground rules I have are everything
5 that's in the civility and decorum part of the agenda.
6 There's four bullets there. And I would add that all
7 beepers and cell phones, if you could, put them on
8 simmer. I'd ask that you each listen to each other
9 till everybody finishes, if anybody's talking.

10 And the last thing I would just ask you, can
11 we please agree to just -- we've got a short time here.
12 If we can just stick to the 105 Broadway piece, the
13 land use change and the Interlocal Agreement
14 discussion, if we can just stick to those two things, I
15 think by 7:00 we'll have something that we can walk out
16 of here with and be happy to come back and see each
17 other again. So looking forward to that.

18 So with that, unless there's any other
19 questions about how this is going to go, I'm happy to
20 introduce Larry Smith, one of the Port's attorneys.
21 He's going to take a minute and sort of walk you
22 through a chronology of the annex property, the 105
23 Broadway property, and sort of give you some context
24 for that, and hopefully we can have some resolution.

25 MR. SMITH: Thank you, Mike. For those of

Page 16

1 you who don't know me, I'm Larry Smith. I'm with Gary,
2 Dytrych & Ryan, Port attorney. We're Port attorneys.
3 Greg Picken does the Port's work, but I'm helping out
4 with this annex property.

5 And the last time I did this, addressed this
6 annex property in public was at the City Council
7 meeting, Riviera Beach, and we had first reading. And
8 then there was some discussion about, you know, the
9 road that was supposed to go through there and so forth
10 and so on.

11 So I've -- Greg and Mr. Almira and I took the
12 liberty of doing a timeline, and we tried to make it as
13 succinct as possible. It's in your package, I think,
14 that was passed, that was given out. But I'm just
15 going to go through it real quick because we don't have
16 much time here. And stop me if you have questions.
17 You know, don't wait for me to finish. You can stop me
18 and ask anything you want.

19 But generally speaking, what we call the
20 annex property, which is the property right next to
21 West Palm Beach, just south of the power lines, was
22 intended to be the 710 connector between what's now
23 Barack Obama Highway and U.S. 1. And that's going back
24 to, you know, even the nineties, I think.

25 At a point in time, DOT -- well, DOT

Page 17

1 condemned that property. That property was a trailer
2 court and a pretty good Chinese restaurant up on U.S.
3 1. I've been around a long time, so I remember that.
4 And I remember the Bazaar International, which is now
5 part of the Port. So I've been around that long.

6 So the DOT spent a lot of money -- I can't
7 tell you how much, but I'm sure it was in the millions
8 of dollars to condemn the property. And then they
9 decided -- then they decided to do a Notice of Intent
10 that they're to go across the FEC railroad tracks. And
11 the FEC, Florida East Coast Railway, had a different
12 opinion, and they, FEC, instituted a lawsuit, an
13 administrative lawsuit, but a lawsuit nonetheless.
14 That was 2002.

15 And so the Port joined in that lawsuit. The
16 City was requested to join in by Greg Picken at the
17 request of the DOT attorney, and the City chose not to
18 join in the lawsuit. But we were in the lawsuit on the
19 side of DOT to try and get the crossing.

20 At a point in time, I mean the litigation
21 went on for probably a year, a year and a half, and at
22 a point in time -- and Greg actually handled the
23 lawsuit on behalf of the Port.

24 At a point in time, DOT basically threw in
25 the towel, said we're not going to win this case

1 against the FEC. And so they did what is called a
2 Notice of Intent to -- let's see here -- Relinquish
3 Jurisdiction. And basically, that's a dismissal of the
4 case. So DOT dismissed, actually asked that the case
5 be dismissed, and the hearing officer who is the judge
6 in the administrative case, dismissed the case. So
7 that was the end of the lawsuit.

8 Then there were some other activities that
9 happened, and it really languished, the whole thing
10 kind of languished between 2003 and 2011. You know,
11 after the case got closed in 2003 and 2011, there
12 was -- you know, that's when the DOT ultimately
13 conveyed the property to the Port.

14 But in between, a lot happened which isn't
15 really on the list, but I know that the MPO had a study
16 going on. There were some discussions about whether we
17 could do -- whether DOT could do a flyover over the
18 tracks over here or a tunnel under the trucks. And
19 that was met with resistance from both the City of
20 Riviera Beach, is my recollection, and the City of West
21 Palm Beach. The flyover, my recollection is it was
22 going to ruin the neighbors to the west. I mean there
23 would be so much property that would have to be taken,
24 that didn't fly.

25 And so at a certain point in 2011, about,

1 maybe 2010 it might have been, DOT declared that this
2 was going to be surplus property because they figured
3 they aren't going to get an at-grade crossing for the
4 road. And that's kind of what drove the nail into the
5 heart of the whole road project at that point.

6 When they declared it surplus property, they
7 leased it to the Port. So the Port's had it under
8 lease since July of 2011, or had it under lease at that
9 time. And then a few other things happened.

10 The MPO, which had been discussing it and
11 doing a study to decide the alternatives, abandoned
12 that and decided they were going to terminate the
13 study. And that happened in mid 2011. And the City of
14 Rivera Beach's representative was in that unanimous
15 decision to terminate the study.

16 So the Port and the City have kind of been
17 alongside each other, and you know, some of the opening
18 remarks, this was -- the Port and the City kind of
19 agreed on the whole thing with regard to the road all
20 the way along. And at a point, DOT, in November of
21 2011, DOT conveyed the property to the Port for public
22 purpose.

23 And the next thing that -- that's when I kind
24 of got familiar with this piece of annex property,
25 because the contractor that was going to build the FPL

Page 20

1 plant wanted to use it for staging and so forth. So we
2 took it. I handled it on behalf of the Port to get the
3 zoning and the proper use approvals for that to happen.

4 And in the process of that, we were
5 successful in getting West Palm, Rivera Beach and the
6 Port to execute a Tri-Party Agreement basically
7 outlining how you would use the property, you know,
8 certain lighting restrictions, certain drainage
9 restrictions, certain landscaping restrictions. And so
10 that Tri-Party Agreement got done in February of 2012,
11 and then the contractor used it for, I think three
12 years, if I'm not mistaken.

13 And that brings us to 2015. And so the Port
14 decided they needed to, you know, get busy and try to
15 figure out what to do with the property. And so we've
16 been before the City Council. Casey Long has basically
17 been carrying the water on this project. But we've
18 been in front of the City of Riviera Beach, not just
19 the Council, but Planning and Zoning and staff and so
20 forth.

21 And I think we got started on that about a
22 year ago, Casey? Little more, maybe?

23 MR. LONG: Back in 2012, but it got tabled
24 for a very long time.

25 MR. SMITH: So we've been at it for a while.

1 But we're really back in earnest, and that's when we
2 came to the City of Riviera Beach for that first
3 reading. Up to that point, we'd been to Planning and
4 Zoning, and that was -- we got an unanimous approval on
5 recommending it to you guys at City Council.

6 And so anyway, we're -- we'd like to get back
7 on track with this. We were kind of waiting for this
8 meeting. When we had the first reading, it was pretty
9 much directed to staff, let's see if we can get this
10 meeting together. And so here we are, and we're going
11 to be, as a result of this meeting, we're going to be
12 coming back in to try to finalize the use approval.

13 And basically, let me say this: Basically,
14 the use that is being requested here is substantially
15 similar, almost identical to the Tri-Party Agreement.
16 I've had the opportunity in the last few days to kind
17 of look at that old Tri-Party Agreement.

18 And Casey and I have been over this when he
19 was, you know, doing the application for the zoning,
20 and it's pretty much the same thing. I mean if
21 anything, I think there are probably a little more
22 restrictive use controls in what's being currently
23 requested.

24 So I'm happy to answer any questions. I'll
25 be happy to come back up. I'm at your pleasure.

Page 22

1 EXECUTIVE DIRECTOR ALMIRA: At your mercy.

2 MR. SMITH: At your mercy; at your mercy.

3 Yes, ma'am.

4 COUNCILPERSON BOTEL: I know there was some
5 concern on the part of at least one of our constituents
6 about the fact that the Port had maybe made a promise
7 or maybe some conversations had about -- I'm sorry,
8 thank you -- about either another overpass or another
9 tunnel. And I did have a -- I have to, in full
10 disclosure, I did have a conversation and a
11 presentation by Carl and Manny a couple weeks ago, and
12 it opened my eyes about the cost involved and the
13 dangers involved in doing that kind of thing.

14 I wonder if you would speak a little bit to
15 that issue and whether -- and why Rivera Beach rejected
16 that as an idea.

17 MR. SMITH: Well, I don't know --

18 COMMISSIONER BOTEL: Or if we didn't, then
19 why might have we.

20 MR. SMITH: I don't have any firsthand
21 knowledge of that exactly, because I wasn't involved in
22 it. When the at-grade crossing failed back in 2003,
23 let's call it, that's when the DOT decided they were
24 going to not pursue the at-grade crossing and they
25 abandoned the litigation, my understanding is there

1 were some studies done. And the MPO had a study going
2 on. And part of that, my recollection is that there
3 was a flyover proposed to come from west of Barack
4 Obama Highway -- oh, that's it. Well, there you go. I
5 don't know who can address that more specifically,
6 but --

7 MR. MURPHY: That's not the one; that's not
8 the one. You had one going out 11th Street, West 11th,
9 just south of 13th.

10 MR. SMITH: That I don't know.

11 MR. MURPHY: Well, these guys know that.

12 MR. SMITH: That I don't know.

13 MR. MURPHY: I know it. These guys know
14 that.

15 MR. SMITH: So let me tell you what I do know
16 in response to Dr. Botel's question. What I understand
17 is part of the study was to do a flyover on the annex
18 property, you know, from west of the annex property to
19 U.S. 1, get over the tracks on top. I don't think the
20 tunnel was ever really seriously considered, but there
21 was a lot of discussion about the flyover.

22 And as I said before, my understanding is
23 Rivera Beach didn't support that because it was going
24 to ruin a lot of neighborhoods to the west. My
25 understanding also is that West Palm Beach didn't like

1 that so much because all of that property just south of
2 the annex property is residential property. So that's
3 what I know about it.

4 And I don't know what these gentlemen are
5 talking about on the 11th Street.

6 MR. MURPHY: Well, I can tell you.

7 MR. BUSHA: No, no, no, no, no, let's hold
8 on.

9 CHAIR PRO TEM HUBBARD: One of the things
10 that --

11 MR. MURPHY: No, I can tell you.

12 CHAIR PRO TEM HUBBARD: Excuse me.

13 MR. BUSHA: The only thing we're talking
14 about is the annex property, so -- and I think Larry
15 answered the question. Big impacts to the
16 neighborhoods. Regional Planning Council objected;
17 everybody objected to it. And they didn't want to see
18 that happen, so everybody abandoned the plans for it.
19 It was too expensive, it wasn't going to work. It
20 didn't matter, because FEC wasn't going to give
21 access --

22 CHAIR ENRIGHT: FEC sued, so that they could
23 not go on those tracks. And when they sued, the only
24 alternative they could come up with was something going
25 over and under. Then FEC, because they sued the State

1 of Florida, they just stopped, and so --

2 CHAIR PRO TEM HUBBARD: Once the -- the
3 statement/question I want to ask is once they gave up
4 the lawsuit and turned the property back over to the
5 Port, at that point did it allow the Port an
6 opportunity to go ahead and construct the road to U.S.
7 1?

8 MR. BUSHA: Well, there's no way to get to
9 U.S. 1 because FEC wouldn't allow access across it.
10 You can't get across FEC. That's why they were doing
11 these huge plans to fly over and go under, so --

12 CHAIR PRO TEM HUBBARD: Exactly.

13 MR. BUSHA: So they couldn't do it.

14 CHAIR PRO TEM HUBBARD: Okay, my question was
15 once they gave up the lawsuit, that did not come with
16 the permission or authority to access the FEC --

17 MR. BUSHA: No, that wasn't going anywhere.

18 CHAIR PRO TEM HUBBARD: -- the FEC railroad.

19 Okay, while we're here and on this point, the
20 recommendation was made that we go back to MLK and come
21 and push the security back further into the Port, and
22 we would go left to 11th Street to give an access for
23 the City trucks and to the Barack Obama Highway.

24 MR. BUSHA: That's something totally
25 different than this.

1 CHAIR PRO TEM HUBBARD: No.

2 MR. BUSHA: This is the piece that's south,
3 all the way down by the annex property.

4 CHAIR PRO TEM HUBBARD: I know exactly where
5 it is, but --

6 MR. BUSHA: My understanding was this was a
7 land use change that the Port has asked for to go to
8 general industrial on this piece, kind of what the
9 Tri-Party Agreement had asked, was allowing the use
10 for.

11 CHAIR PRO TEM HUBBARD: Okay.

12 MR. BUSHA: There was nothing to do with any
13 of that. I don't -- that's a distraction. I know that
14 piece though.

15 CHAIR PRO TEM HUBBARD: Okay, that's not
16 my -- and my intent is not for it to be a distraction,
17 so let me try to clarify.

18 MR. BUSHA: Help me out with this thing.

19 CHAIR PRO TEM HUBBARD: Yes, let me try to
20 help you out with this.

21 MR. BUSHA: Yes.

22 CHAIR PRO TEM HUBBARD: Okay, two things are
23 going on here. We're talking about Interlocal
24 Agreement, right?

25 MR. BUSHA: Not yet; not yet. That's coming.

1 CHAIR PRO TEM HUBBARD: Okay, there's two
2 things on the agenda, okay, the Interlocal Agreement as
3 well as this piece of --

4 MR. BUSHA: The annex property.

5 CHAIR PRO TEM HUBBARD: -- the annex piece of
6 property. And the reason that I bring up the items and
7 the issues that I bring up in conjunction with the
8 annex property is because -- follow me on this now --

9 MR. BUSHA: Okay.

10 CHAIR PRO TEM HUBBARD: -- is because we did
11 close off MLK so that -- because we thought we were
12 going to have access where we -- at the same annex
13 property that we no longer can have access to. Now, be
14 that as it may, it's FEC, FDOT, you know, is the bottom
15 line why we can't get there. But be that as it may, we
16 can't get there.

17 So what I'm saying to you is that before we
18 annex this piece, we still need access. And one of the
19 things that was brought up was a way that we might have
20 access, and that was to push the entryway, the security
21 or the entryway to the MLK back further, given -- once
22 you cross the track, mind you, turning left to 11th
23 Street --

24 MR. BUSHA: Up to the left.

25 CHAIR PRO TEM HUBBARD: -- allowing the

1 trucks to access eastward. So it's not that I don't
2 understand the topic that we're on --

3 MR. BUSHA: I'm not saying that.

4 CHAIR PRO TEM HUBBARD: -- it's the reason
5 that I -- and that's the reason I brought it up.

6 MR. BUSHA: So that's a piece that maybe the
7 City would like to see as part of this. They'd like to
8 maybe see that explored as part of this --

9 CHAIR PRO TEM HUBBARD: Yes.

10 MR. BUSHA: -- as part of the land use.

11 Sorry, I didn't understand. Now I do.

12 So, all right, so that's something on the
13 table, I mean for the Port and the City to consider if
14 that's a condition maybe of something you'd like to see
15 as a condition of approval to get this done, because my
16 understanding was with this, I know that's an important
17 issue for you --

18 COUNCILPERSON DAVIS: Mr. Busha.

19 MR. BUSHA: That access piece is an important
20 issue, but also the Port, the idea, my understanding
21 what was really on the table was the land use
22 amendment. And I'm just trying to understand --

23 COUNCILPERSON BOTEL: We've never had that
24 conversation as a Council, so I'm not enough well
25 versed in what you're proposing to make a comment about

1 it. So I think we need to have a conversation
2 internally about that before we even suggest that it
3 might be --

4 MR. BUSHA: I wrote that down as one of the
5 issues, you know, that's been brought up, you know,
6 that the Port and the City need to consider if they're
7 going to process this land use amendment. I mean I
8 think that's fair, so --

9 CHAIR PRO TEM HUBBARD: And that's fine.

10 MR. BUSHA: -- it's down.

11 COUNCILPERSON DAVIS: Mr. Busha.

12 MR. BUSHA: Yes.

13 COUNCILPERSON DAVIS: As you move forward, is
14 the intent of this meeting to prepare for another
15 meeting so that -- or are you asking us to make a
16 decision today with one hour?

17 MR. BUSHA: No, no decisions today.

18 COUNCILPERSON DAVIS: Okay.

19 MR. BUSHA: What I hopefully --

20 COUNCILPERSON DAVIS: -- won't feel like
21 we're rushing --

22 MR. BUSHA: -- there'll be some mutual
23 understanding about whether or not this land use
24 amendment is something that the City can live with. I
25 thought you were real close to getting there. I mean

Page 30

1 there's covenants on this from West Palm, there's
2 restrictions that are going to be on it for your own
3 zoning code. You have land use on this. If you change
4 it, there's use restrictions on the land use. So my
5 only hope was to have some mutual understanding between
6 the two that this really shouldn't be that hard.

7 Now, Ms. Hubbard brought an issue up that, in
8 fact, I think is something that needs to be talked
9 about and discussed.

10 COUNCILPERSON DAVIS: Right.

11 MR. BUSHA: We don't fix that today, but when
12 it comes back to the City, the Port will know that
13 that's one of the issues you've got to --

14 COUNCILPERSON DAVIS: But what I do
15 believe --

16 MR. BUSHA: Go ahead.

17 COUNCILPERSON DAVIS: -- as I finish, what I
18 do believe is only proper is that we do a presentation
19 on what was the intent. This was, my understanding it
20 was in 2002, this presentation that was supposed to
21 happen?

22 MR. BUSHA: Yes, they're just trying to give
23 it some context of where the property was.

24 COUNCILPERSON DAVIS: But is that the 2002
25 presentation?

1 MR. BUSHA: That actually is --

2 EXECUTIVE DIRECTOR ALMIRA: '06 or '07.

3 COUNCILPERSON DAVIS: Right. So when we're
4 going to televise this and have a public meeting, I
5 think it's only proper, if we're going to do a
6 presentation, that we give all information from 2002 on
7 how we got to 2006, because my colleagues -- we have a
8 new colleague here. She need to have a -- understand
9 historically, truthfully about what's happening,
10 because we're going to be held responsible.

11 What I'm saying, hey, in 2006 this was
12 presented. But what happened in 2002? Why wasn't that
13 presented before both governing bodies so we can
14 move -- all move in one accord? While we do want to
15 support the land use, we've got to make sure that we
16 have all the information.

17 I'm not against it. I've been stating that.
18 But I've been here for five years. But with respect to
19 my colleagues, it's only proper they understand what
20 happened in 2002.

21 MR. BUSHA: Okay.

22 EXECUTIVE DIRECTOR ALMIRA: If I can, I'd
23 just like to take two minutes to answer Ms. Hubbard's
24 statement.

25 The idea that you mentioned -- not sure if

1 this is on.

2 UNIDENTIFIED SPEAKER: It's not on.

3 EXECUTIVE DIRECTOR ALMIRA: The idea that you
4 mentioned has been discussed with a friend of the Port
5 and a very limited number of Port employees. We have
6 yet to really fully analyze it. I can tell you that
7 that's just not going to happen next week. We have
8 contractual obligations.

9 So the idea -- I'll make it short. It's just
10 cut across 11th, go all the way out west and use one of
11 the streets to come down to 10th, and then have a road
12 that parallels the track, and therefore, you can make a
13 right-hand turn onto MLK or coming back the other way.

14 But again, that has not been vetted, we have
15 not talked about it at length, and if it were to
16 happen, there's a lot of work that needs to be done,
17 starting with a traffic light at 11th. So, but again,
18 please, what we're here for is, as Mr. Busha mentioned,
19 it's the annex.

20 COMMISSIONER McARTHUR: Could you explain the
21 annex property we're talking about is at the southern
22 end of the Port next to the wall that divides West Palm
23 Beach from the Port?

24 COUNCILPERSON BOTEL: Yes.

25 COMMISSIONER McARTHUR: None of that

1 property -- it's all contiguous within the Port. So
2 you're talking about changing land use for land that's
3 in the Port so that we can make use of it. It doesn't
4 affect neighborhoods, it doesn't affect -- there are no
5 residents. The only adjacent property is the wall on
6 one side and the Port on the other.

7 So I guess one of the things I would like to
8 know is this has taken a very long time, so there must
9 be concerns. What are they? I don't understand what
10 the concerns could be. I mean if it was next to a
11 neighborhood, if it was next to a school, you know, all
12 these things I would understand. But it's not. It's
13 within the southern end of the Port, and it's not -- I
14 just don't understand what the concern is.

15 It seems like of all the things we have had
16 to process, it seems like this should have been one of
17 the easiest. I wish something like this would come --
18 my boss is a County Commissioner. I would love this to
19 come before our Zoning Department. This would be easy.

20 MR. BUSHA: I think this whole thing was to
21 share what the issues were. I know what you're saying.
22 I think Ms. Hubbard brought up a point about access
23 through 11th Street, which is a fair issue to bring up.
24 So that you understand, while it may be kind of related
25 to this, there's the core issue of the land use, and

1 that's something I think the City needs to consider
2 at -- was it the first reading you had already?

3 MR. SMITH: Yes.

4 MR. BUSHA: And you came back here to see if
5 there was anything else that was bothering either of
6 you, you know, the Port or the City. And so I think
7 that issue Ms. Hubbard brought up is something to be
8 continued --

9 COUNCILPERSON MILLER-ANDERSON: Mr. Busha.

10 MR. BUSHA: -- because it's important.

11 Yes.

12 COUNCILPERSON MILLER-ANDERSON: So I would
13 like to hear what are the issues. If there's anyone
14 from Planning and Zoning, City Manager, what are our
15 issues on the City side?

16 MR. BUSHA: That'd be good. Yes, are we
17 close? Are we --

18 MR. GAGNON: Sure, I'll go up there.

19 MR. BUSHA: It's 6:39, so --

20 MR. GAGNON: I'll be very quick. My name is
21 Jeff Gagnon. I'm the Acting Director of Development
22 Services for the City. First of all, thank you all for
23 hosting us tonight. It's appreciated.

24 This item, from our technical standpoint, we
25 really don't have any outstanding issues. The project

1 itself is associated with a land use amendment, a
2 zoning amendment, a site plan approval and a plat. We
3 did spend a lot of time, and there was
4 intergovernmental meetings with the City of West Palm
5 Beach, the Port staff and Riviera Beach, especially
6 being that the adjacent neighborhood to the south is
7 single family residential in West Palm Beach.

8 So there are restrictions on the deed itself,
9 there are restrictions on the site plan as far as how
10 that property can be used in the future. So a lot of
11 those comments and concerns have been satisfied.

12 And just if I may, I think what Councilwoman
13 Hubbard was saying is just the promise that was made a
14 long, long time ago that I think was by a different
15 group of individuals that is no longer present, I think
16 it just needs to be contemplated, but it doesn't
17 directly impact this project moving forward at this
18 time.

19 COMMISSIONER RICHARDS: May I comment?

20 MR. BUSHA: Yes.

21 COMMISSIONER RICHARDS: Wayne Richards.

22 I was on the Commission back in '02. And I
23 love real estate land use work. And I recall the Port
24 aggressively joined FDOT in the attempt to get the
25 at-grade crossing. FEC understandably fights against

1 additional at-grade crossings because we know what
2 happens at at-grade crossings.

3 FDOT gave up, we gave up, and at one point we
4 were looking -- I remember Councilwoman, then
5 Councilwoman Liz Wade was very active in this. And
6 when we looked at what could be done, the amount of
7 homes that it would take to fly over was unreasonable.
8 She said: Heck, no. It didn't make sense.

9 So the Port wanted an at-grade crossing. We
10 could not get it. It's been dead for 16 years. We
11 simply want to use the property to the south. And to
12 hold that hostage may not be fair. I said it. I'm
13 old, okay? But we want to work with the City on all
14 issues. And there are quite a few issues we can work
15 together. That's all, thank you.

16 MR. BUSHA: Ms. Hubbard.

17 CHAIR PRO TEM HUBBARD: Thank you.

18 One, my intent was not to say that we were
19 holding it hostage. What my intent is, was and still,
20 it's this: While we change Council and Commissions
21 every two to three years throughout the City, we don't
22 go back and change everything that one person has done,
23 but sometimes we have to.

24 While we're talking about something that is
25 monumental and substantial to the City and to the

1 residents of the City, we know that it was no direct
2 cause of the Port, and I know that the Port did
3 everything within their power to help us get that
4 access.

5 But what we need still is the access. And
6 for us to have the access, you know, we -- I think we
7 were very patient. We waited. We knew that we were
8 going to and that we needed the access, and we know
9 that we, like we do need the light there. But what we
10 have to come up with, and as he said, it was going to
11 take a long time for us to get the road.

12 But the time that we have been waiting, as
13 has been pointed out so many times, that's the time
14 that we should have been making other means for us to
15 access the road. So this is what I'm saying. It's
16 been dead for 16 years. No, it shouldn't have been
17 dead for 16 years. We should have been active. Since
18 you could not provide us with the 105 --

19 MR. BUSHA: Yes, the access through 105, yes.

20 CHAIR PRO TEM HUBBARD: -- crossing that we
21 should have -- we have to. And it's not something to
22 be petty or just holding it hostage. What I'm saying
23 is we need to genuinely and seriously understand what
24 it means to the City of Riviera Beach that we have
25 access to that, and we can't just give up and give it

1 up without, you know, talking about it.

2 MR. BUSHA: No, I think that's fair --

3 MR. SMITH: If I may --

4 MR. BUSHA: -- because I haven't heard
5 anybody say no, Ms. Hubbard, not to talk about it.

6 CHAIR PRO TEM HUBBARD: No, no.

7 MR. SMITH: So I think the answer lies with
8 the MPO, really. And back -- I got one of the
9 things -- I'm not sure this is in your package, but I
10 can provide this later. But the MPO did this study.

11 Now, the question is really do you need the
12 access? That's really the question. I mean I
13 understand what you're saying; I really do. It almost
14 has nothing to do with the annex property, because we
15 know we can't get across at grade on the annex
16 property. But your point, Ms. Hubbard, is where else
17 can we do it.

18 CHAIR PRO TEM HUBBARD: Right.

19 MR. SMITH: Right. And the MPO, if I can put
20 my hands on it -- here it is. So the MPO, back in
21 2013, I guess, 2011, actually, I believe it was,
22 they -- when they had these studies going on between
23 2003 and 2011, before the DOT decided they were going
24 to surplus the property, the MPO did the studies, and I
25 think we've talked about that, the flyover and so

1 forth.

2 But the MPO, this is the staff I'm looking
3 at. It says: The MPO Central East Palm Beach Mobility
4 Study -- and that was the study we're talking about --
5 indicated that the connector did not provide much
6 relief to the other congested roadway links in the
7 area. So that's really why the MPO saw fit to take it
8 off.

9 And, you know, I think that if there's any
10 thought of doing anything else, it really settles with
11 the MPO, because the MPO, I'm sure you know, they're
12 kind of the -- they're the agency that decides what
13 roads are going to get built in Palm Beach County. And
14 Mike knows better than I, because he worked with
15 Treasure Coast.

16 MR. BUSHA: I would suggest to you though
17 that the City's on the MPO, and they could actually --
18 you know, there's no reason why the City can't work
19 with the Port on this issue. And that's what I'm going
20 to chalk this up to.

21 CHAIR PRO TEM HUBBARD: Absolutely not.

22 MR. BUSHA: If that's an issue that has to be
23 worked on --

24 CHAIR PRO TEM HUBBARD: Absolutely.

25 MR. BUSHA: -- it should be looked at --

Page 40

1 Pardon? I got to finish; we've got to finish
2 this.

3 EXECUTIVE DIRECTOR ALMIRA: Yes, but I just
4 want to answer --

5 CHAIR ENRIGHT: He's going to answer that
6 question.

7 MR. SMITH: And there's one other thing that
8 I didn't mention, is we did 13th Street after all this
9 kind of fell apart. You know, the Port, we actually
10 did the condemnation on 13th Street, didn't we?

11 EXECUTIVE DIRECTOR ALMIRA: We did.

12 MR. SMITH: Yes, so I mean the Port has, you
13 know, tried to improve the access from west to east and
14 east to west in light of that. So I mean let's put
15 that in the mix too. That's what I would say.

16 MR. BUSHA: That's fair.

17 CHAIR PRO TEM HUBBARD: Okay, fair; that's
18 fair.

19 MR. BUSHA: All right, so what I have -- I
20 haven't heard anybody say anything that would preclude
21 the City from positively looking at the annexation and
22 the land use change. I mean can we at least agree that
23 we've heard nothing, no fatal flaws, none of that?

24 Ms. Hubbard came up with an issue that I
25 think the Port and the City can work on, you know,

1 local access between 11th and President Barack -- I
2 know you have 13th, but you've got to be fair.
3 Ms. Hubbard, I think, is bringing up an issue she wants
4 to work with you on. So -- and that's how I'm going
5 leave it if there isn't anything more on that, I mean
6 because I think, like you said, this should be easy.

7 MS. WALDRON: Can I just add something too?

8 MR. BUSHA: Okay.

9 MS. WALDRON: The Port has a presence on
10 the -- it's the TPA now, by the way.

11 MR. BUSHA: Yes. Yes, they keep changing
12 their name.

13 MS. WALDRON: Right. So now it's TPA.
14 Anyway, I don't think the Port -- and I'm not speaking
15 for all the Commissioners, but I represent the Port on
16 the TPA. I mean we would be probably more than happy
17 to support the City if they want to push this issue
18 with the TPA --

19 MR. BUSHA: That's good.

20 MS. WALDRON: -- you know, for your -- you
21 know, if that would help.

22 MR. BUSHA: Yes, they're your staff, you
23 know, and that's the Board you work with, so you can
24 work with them.

25 I'm going to quickly move into Interlocal

1 Agreement unless there's any more questions.

2 Thank you, Commissioner Waldron.

3 MR. WARD: Public cards?

4 MR. BUSHA: At the end.

5 CHAIR ENRIGHT: At the end.

6 MR. BUSHA: I'm going to give a very brief
7 presentation again, and thank you for the opportunity
8 to reintroduce this idea, the Interlocal Agreement,
9 reintroduce an idea that I guess to update the old 1996
10 Interlocal Agreement.

11 I mean the last time these two Boards met,
12 they spent probably three or four hours on this issue.
13 And that was on June 9th, and the subject was the
14 Interlocal.

15 It was prompted by -- the meeting was
16 actually prompted by some legal and regulatory
17 wrangling between the Port and the City related to some
18 zoning issues, business licensing, uses at the Port,
19 permitting, site plan approvals, building inspection,
20 storm water issues. All of these issues were discussed
21 at length on June 9th, 2015.

22 And there were two conclusions that came out
23 of that meeting, and I think they were pretty
24 important. The general notion was for both sides that
25 to keep the IRA -- to keep the IRA, yes -- to keep the

1 Interlocal Agreement, but they wanted it updated, you
2 know. I mean everybody at the meeting wanted to
3 facilitate redevelopment of the Port for economic
4 reasons and for all the reasons that you're neighbors.

5 A lot's changed in the last 20 years. Some
6 topics were no longer valid. Some folks added topics
7 at that meeting. But it was time to sort of reset this
8 relationship between the Port and the City.

9 And the Interlocal Agreement wasn't to usurp
10 anybody's policies, anybody's land use, anybody's plans
11 or anything like that, but what it really was is to
12 establish a framework of how you guys are going to
13 behave, basically, on all those issues.

14 There was a lot of staff that's come and
15 gone, a lot of elected officials have come and gone
16 since 2015. But the second big thing that it
17 established was a framework for the revised Interlocal
18 Agreement.

19 It would look similar to the old one, but
20 there were some big, big things that were discussed
21 related to the update of the new agreement. Land use
22 and zoning, I mean there was a suggestion, and it's in
23 the Interlocal, that a special Port zoning district be
24 established so that the Port would be treated as a
25 port, not just another industrial park out west.

1 There are special uses. It clarified, and I
2 think it needed some real clarification, site plan
3 approvals, permitting and business licensing and fees,
4 because all of those were very contentious issues back
5 in 2015, and they still may be, about who's doing, who
6 has the authority to do that. Again, a reset was
7 needed.

8 Employment, goods and services, that would
9 just be restated because it's a local first preference.

10 It clarified storm water utilities fees and
11 liability. I mean that was just a subject that was
12 added to the agreement. Provision of municipal
13 services, water, sewer, police, fire.

14 Port expansion. I mean this caused a lot of
15 contention during the meeting, but it recognized the
16 Port annex property to the south, the thing we just
17 talked about, the piece of property we just talked
18 about. Recognizes potential for Port parking in
19 southwest corner of 11th Street and U.S. 1.

20 It examined Port expansion north to 11th
21 Street and west of U.S. 1. I mean there were
22 provisions for that under consent of the City and under
23 the new Port overlay zoning district and consistent
24 with the City's land use and zoning code which they had
25 just adopted recently, but frankly, would, whether it's

1 the Port or any other industrial user, would control
2 the form and function of those land uses without
3 discriminating it being the Port or some other
4 industrial user.

5 There's mutual and regular communication,
6 sort of representation that we do this at least once a
7 year -- like I said, that was three years ago, but it's
8 okay, we're back -- and notification of City land use
9 and zoning changes south of 13th so the Port would know
10 what was going on and things that would affect it.

11 There as a landscaping plan for the Port that
12 was suggested as part of the Interlocal that would have
13 to be done, and there was a sunset provision that was
14 added, so every ten years we'd go back and revisit the
15 Interlocal, not wait 20 years next time.

16 So all of these things happened over the last
17 three years. And the report was drafted, actually the
18 new Interlocal was drafted shortly after the June 9th,
19 and it was provided to the City and the Port.

20 In September we had one meeting with City
21 staff, the City Administrator, the City Planning and
22 Zoning Director, and we had one meeting with -- and the
23 City's attorney, and one meeting with Manny and his
24 staff. And then everything stopped. We got busy on
25 doing other things, and the work stopped.

1 Now, I know some of you folks believe that
2 updating and challenging ourselves to update an
3 agreement is a good idea, and memorializing how we
4 behave with one another, how we treat each other on
5 these issues is very important to some. But I need to
6 know what all of you think.

7 And before we even think about moving forward
8 with the process, and again, I'm not talking about
9 redoing everything, but restarting the process so that
10 the two staffs, Greg, Larry, Manny and everybody else
11 on staff and everybody on the Rivera Beach side has a
12 chance at least to review the revised Interlocal
13 Agreement, because I've got to tell you, I don't think
14 anybody's really paid any attention to it or looked at
15 it, because we got one meeting out of the way and then
16 we stopped.

17 So I'll ask you this question: Does
18 everybody believe that updating the Interlocal
19 Agreement is a good idea? And I think that's a
20 conversation you need to have, so before you do
21 anything else.

22 COMMISSIONER CIKLIN: I don't know if this is
23 on.

24 MR. BUSHA: You've got to push that top
25 button.

1 COMMISSIONER CIKLIN: Yes, I think before we
2 decide whether or not an Interlocal Agreement is a good
3 thing, you know, the first one -- times have changed
4 immensely. There's a lot of regulations coming out of
5 Tallahassee now that weren't involved when we did the
6 first one, so that's the first thing we have to look
7 at.

8 When we first did the first Interlocal
9 Agreement, it basically came up because we were having
10 a lot of trouble getting a lot of our, you know,
11 Planning and Zoning approved. And so we went to the
12 City and we said, well, let's have this Interlocal
13 Agreement. And it was fair to both sides at the time.
14 But that's because we had a lot of construction going
15 on at the time, and I think that was one of the main
16 reasons why we did it.

17 I'm not against it, but I think we need to
18 have like meetings with staff to see if we can do
19 another one and see what benefits would come about from
20 it.

21 MR. BUSHA: Okay, that's fair.

22 Anybody else like to comment?

23 COMMISSIONER BOTEL: Well, it seems to me
24 that it's always a good idea to have conversation and
25 to have that dialogue about why it's important. I hear

1 what you're saying. Maybe Tallahassee has made it a
2 moot point, but on the other hand, we don't know that
3 until we have the dialogue about it. So I'm in favor
4 of having the dialogue.

5 CHAIR PRO TEM HUBBARD: I think that each
6 side, we both can look at the Interlocal Agreement,
7 see -- we should each look, see what changes we want to
8 make, and maybe when we come back together, we can
9 discuss those. And if we find that we're in agreement
10 with doing so, then we can discuss, you know, possibly
11 going forward.

12 But maybe you guys can workshop it section by
13 section and see what the changes -- how the changes
14 would benefit, and then we can do the same, and then we
15 could come back together to discuss those changes.

16 MR. BUSHA: Okay. Let's go to this side and
17 then back to this side. Was it Wayne or Katherine?

18 COMMISSIONER RICHARDS: This is Katherine,
19 yes.

20 MR. BUSHA: No, I know. I thought you were
21 reaching for the mike. I know, Wayne.

22 MS. WALDRON: There's no expiration date on
23 this agreement, or is there?

24 MR. BUSHA: No expiration on the current
25 agreement. It's still in force. The 1996 agreement is

1 still there.

2 MS. WALDRON: So my only suggestion then
3 is --

4 COMMISSIONER CIKLIN: It's not really.

5 MR. BUSHA: Well --

6 COMMISSIONER CIKLIN: Yes, the 1996 is long
7 dead. So when you say it's still there, I mean it's
8 still -- but no one follows --

9 MR. BUSHA: If no one's following it --

10 COMMISSIONER CIKLIN: Exactly.

11 MR. BUSHA: -- that's one thing. But the
12 agreement is still in -- it hasn't terminated --

13 CHAIR PRO TEM HUBBARD: The agreement is
14 still there, and it hasn't terminated.

15 COMMISSIONER CIKLIN: Well, that might be
16 true, but no one has been following it. The City
17 hasn't, we haven't, so we need a new one or update.

18 MS. WALDRON: We need some type of baseline
19 at least to work from. And I would just suggest that
20 we do have a conversation, decide to have meetings,
21 that we, at this meeting, if possible, set a timeline
22 on that so we don't go through another three years.

23 COUNCILPERSON BOTTEL: I agree.

24 MR. BUSHA: Okay. Let me just explain where
25 the update came from. I took the old agreement as the

1 baseline, subtracted everything out at the workshop
2 that everybody didn't think was needed and added
3 everything in that people wanted to be in there. So
4 that's, that was the baseline.

5 CHAIR ENRIGHT: May I?

6 MR. BUSHA: Well, okay, Chair.

7 CHAIR ENRIGHT: The only thing I want to
8 interject is just that I cannot foresee that we can
9 just have another meeting and go through all this. I
10 think it's going to take section by section, meeting by
11 meeting to discuss a lot of these issues. I don't
12 think it's just going to be, hey, we just have one
13 meeting, discuss, and come up with some ideas. I think
14 it's going to take several meetings, through maybe a
15 year or so.

16 I mean it's going to be at least a year
17 before we can come up with a document. That's if we're
18 going to do it right. And then our attorneys need to
19 go back and research, because we place something in the
20 document, it might not even be relevant or even used
21 anymore in Tallahassee. So it's going to take time to
22 do this, and we have to work together diligently and
23 over months and periods of time. That's all I want to
24 say.

25 MR. BUSHA: One more comment, and then we

1 need to close and take public comment. So --

2 COUNCILPERSON DAVIS: I'm just going to be
3 extremely brief. I support what everyone stated, more
4 specifically, Commissioner Waldron. We have to make a
5 commitment now, after public comment, on some dates
6 when we're going to meet. I mean that's the biggest
7 issue we have.

8 We sat down, we had comments, we discussed
9 it, we never got a hard date and went back and forth
10 with staff. Well, we all in the room today to say we
11 are committed to meeting and start put some dates,
12 potential dates, and staff can bring them back later.

13 But we in this room, before we leave today,
14 we need to say we're committed to actually meeting so
15 when these meetings come, we must commit to finding a
16 way to make it work and move forward with just looking
17 at what's been changed, what's been modified from the
18 staff level on our end, so when we come back, we all
19 better prepared to have a discussion on how we want to
20 work together.

21 MR. BUSHA: If what I heard -- and I heard
22 Ms. Hubbard. If what I heard her say correctly, I
23 listened properly, is that an opportunity -- there
24 needs to be an opportunity to take the draft, share it
25 with the Port staff and their legal counsel and

Page 52

1 everybody else, and get them -- get some feedback from
2 them on it, share it with City staff, get some feedback
3 from the City on it, go through it line by line, and
4 then maybe the staffs get back together and just chat
5 with each other about it.

6 Before you guys come back as a group, I mean
7 I think your staffs need to be satisfied that we've
8 done everything we could to recreate an updated
9 agreement that's going to be meaningful. You know,
10 it's a ten year sunset thing.

11 So I just would ask, with your permission,
12 I'd be happy just to do that. I'd love the opportunity
13 to go through, with each of your staffs, what's in that
14 draft, and then they can take it and work together on
15 it. So I don't know if I can get an amen to that or
16 not, but I'm happy to do it. I just -- all right, so
17 and then the staffs, if you'd like them to work on it
18 until they say uncle, you know, and they'll report back
19 to you on it. So can we just -- can we try that?

20 COMMISSIONER CIKLIN: Yes, that's good.

21 MR. BUSHA: And then you guys, we'll get you
22 all back together again when they feel comfortable that
23 they've got something you can, you know, sink your
24 teeth into.

25 COMMISSIONER RICHARDS: Michael, that makes

Page 53

1 sense to me, and I see many of us on both sides shaking
2 in affirmation. I suggest you put some rough timing on
3 it. In other words, are you suggesting four, eight or
4 12 or 16 weeks for this first draft of something?
5 Let's not leave it wide open, and then it's three
6 years.

7 MR. BUSHA: Thank you.

8 COMMISSIONER RICHARDS: So I'd suggest we
9 have that today as a goal.

10 MR. BUSHA: Do you want to take public
11 comment and think about that?

12 COMMISSIONER RICHARDS: I'm going to always
13 say yes to public comment.

14 MR. BUSHA: Well, I know, but don't leave,
15 because we can -- I'd like a chance to talk with both
16 the staffs and see what a reasonable time -- because
17 everybody's busy, and I just want to make sure that
18 they can -- I could give you a date, but they're all
19 going to --

20 COMMISSIONER RICHARDS: Sure.

21 MR. BUSHA: -- look at me and shoot me.

22 So I don't have the cards. Who has the
23 cards? So all right. Well, we're not -- it's 7:02.
24 Forgive me.

25 CHAIR ENRIGHT: Mr. Ward, you gave us

1 several. We have two items that we discussed today,
2 and so I will take the first one, the annex one. You
3 have three minutes to discuss the annex property. Then
4 you will have three minutes to discuss the Interlocal
5 Agreement. Thank you, sir. Three minutes.

6 MR. WARD: Mr. Cleary would like to go first.
7 Would you take him first?

8 MR. CLEARY: Ward's got a long mouth.

9 CHAIR ENRIGHT: Oh, I didn't even see your
10 card. Oh, I'm sorry, sir. And you are going to talk
11 on the annex.

12 MR. CLEARY: Yes. My name's John Cleary.
13 I'm president of Palmwood Corporation, and I own 301
14 10th Street & Associates, located at 301 West 11th
15 Street.

16 And Larry Smith, that's good what you said.
17 I've been here probably as long as you then maybe,
18 because I remember the Chinese restaurant and the
19 trailer park too.

20 But there's three sides to every story. And
21 what is it, M equals E something squared or whatever?
22 I'm not against the annexation, but there's going to be
23 a reaction equal and opposite to that annexation.

24 And everybody's talking about 2008, 2015,
25 2000 whatever. We've got to go back to 2002, 1990

Page 55

1 something, to where the overpass was going over 11th
2 Street and hooking up on the north side of U.S. 1. The
3 annex section was the second pick.

4 I was getting eminent domain by the DOT for
5 that property. It didn't go through. Then the School
6 Board came in, and they were going to eminent domain me
7 on that same property.

8 And I went ahead and bought a piece on 831
9 West 13th Court. And Mayor Masters went to the DOT and
10 gave my property to the DOT because they bought all the
11 property on the south side of Martin Luther King for
12 drainage ponds, and they couldn't have it, which I'll
13 agree with them, children, neighborhood and everything
14 and maybe a drowning thing. But they went ahead and
15 eminent domain'd me.

16 Now, I don't know if any of you ever been
17 through eminent domain. It's not very fair. And they
18 did it in 2005 when the values were worse than the
19 depression.

20 Now, my problem is I'm 65 years old now. And
21 I worked through all this, and I think this is going to
22 happen to me again, because if you don't -- you can't
23 use that, you're going to have to get some road through
24 like Ms. Hubbard wants through, and you're going to
25 come right through 10th and 11th Street. And I own

1 from 10th to 11th Street.

2 So my problem is, you know, I'd like an exit
3 plan. One day I'd like to retire. I don't work for
4 the government. I don't have a pension program. I
5 work for myself. And I don't want to wait for the
6 government to tell me what the value of my property is
7 based on what somebody else's is. And then to make
8 things worse, when they took all the property over
9 there, I got \$250,000 less than everybody else. Same
10 size property, wrong year.

11 So I just know there's going to be a reaction
12 from this decision, which the decision is fine. It
13 only makes sense. The land is no good to anybody but
14 the Port right now. But you do anything, and you do
15 your interlogical agreement with the City or whatever,
16 the City can turn around and say, well, go ahead and
17 take all the way to 13th Street, and nobody cares about
18 me.

19 But I know that I've worked my whole life to
20 try to have something when I retire, and I don't want
21 to lose that. And that's my only problem with what you
22 guys are doing, is, you know, I don't want to get
23 into -- Manny knows a lot about it, but I don't want to
24 get into the whole thing. But you know, people
25 anticipate what you have and where you're going, and

1 you make decisions. And then somebody changes it to
2 where, oh, we're not going to do that. But in the
3 whole time, what are you supposed to do?

4 And they did have a plan, and Ward will show
5 you the drawings and everything and --

6 MR. BUSHA: 11th Street --

7 MR. CLEARY: -- it was coming right across my
8 property. And that came when they did the Skypass and
9 everything. And I've been here my whole life. So if
10 you want to know something about West Palm, Riviera
11 Beach, Key West, Ft. Myers or Jacksonville, I can tell
12 you -- and the Port of Palm Beach.

13 CHAIR ENRIGHT: Thank you very much, sir.

14 MAYOR MASTERS: Commissioner Enright, let me
15 just correct the previous speaker. That was Mayor
16 Brown he was talking about, the eminent domain matter,
17 not Mayor Masters.

18 MR. CLEARY: Oh, it wasn't you? Wait a
19 minute, wait a minute, I want to apologize on record to
20 Mayor Masters. That was Mr. Brown then.

21 MAYOR MASTERS: Yes.

22 MR. CLEARY: Okay, I'm sorry. All right, I'm
23 getting old, you know.

24 MR. WARD: Gerald Ward, 2135 Broadway.

25 Obviously, your most important property owner

1 could not be here tonight. Your neighbor to the north
2 and to the west of this property is in British Columbia
3 playing games with a boat or something. So he has
4 implored me to come to at least speak on the issue.
5 That's Martin E. Murphy of Cracker Boy and Jamco and
6 the Murphy Companies.

7 Number two, I did have a handout for each of
8 the Councils and the Port Board so that you can see
9 there's particular information. And I will tell you
10 that Chair Enright started it off with 13th Street
11 co-op, and she talked about the Port in Riviera Beach.
12 But Palm Beach County was a one-third player and
13 financing partner of that agreement for 13th Street.
14 So it is important that other governments need to be
15 involved in any decision to be made.

16 The Port started out in the nineties with a
17 slip three expansion. They were starting to move and
18 go. Actually Sunny Duran produced a great plan for
19 going forward. The Skypass came in, and out of that
20 came the 13th Street agreement for improvements there.
21 Opel's office building followed.

22 But guess what? The agreement, the
23 Interlocal Agreement facilitated cooperation between
24 the Port and the City of Riviera Beach, and in this
25 document in 1997 -- '95, excuse me, the Port put that

Page 59

1 into their Comprehensive Plan. And although Mr. Ciklin
2 gets excited about the time it takes, it took until
3 March of 1997 to get adopted, a year and a half or so.
4 So that was great.

5 Seven years later in your package you'll see
6 a Motion to Intervene where Mr. Picken nicely says that
7 the Port did agree that the reconnection of U.S. 1 to
8 State Road 710 west of Old Dixie was an important issue
9 and was one of the prime parts of the Comprehensive
10 Plan even at that time.

11 So the City was represented in 1995-96 that
12 if we gave up the only four-lane section of State Road
13 710 from U.S. 1, State Road 5, west to Old Dixie, now
14 President Obama, that you would have a replacement.

15 Now, my packet goes on -- and by the way,
16 it's not a distraction by Ms. Hubbard, Michael,
17 because --

18 MR. BUSHA: Yes, I apologized for that
19 remark.

20 CHAIR ENRIGHT: Mr. Ward, can you wrap it up,
21 because you're over your minutes.

22 MR. WARD: No, I had three minutes twice,
23 remember?

24 CHAIR ENRIGHT: I know, but now you can talk
25 on the other subject.

1 MR. WARD: I'm going through the two subjects
2 so that we --

3 CHAIR ENRIGHT: Together?

4 MR. WARD: Together, so you have six.

5 CHAIR ENRIGHT: Okay, thank you. Continue.

6 MR. WARD: But Ms. Hubbard is absolutely
7 correct, and there is a motion, second without
8 objection, of this Board of the City of Riviera Beach
9 that you do not get approval of the second reading
10 until we come back with an Interlocal Agreement
11 discussion.

12 And there's nothing wrong with that, because
13 you can say that the Port proceeded well with a number
14 of major projects, a \$31 million Skypass, that could
15 never be done for that money today; the office building
16 and cruise terminal you're standing in. All of these
17 things were cooperatively worked under an Interlocal
18 Agreement, and you need to get some physical document
19 back together.

20 So I would also comment that the Interlocal
21 Agreement needs to produce usage of the 80 plus million
22 dollar federal appropriations, which is going to run
23 out in 2022.

24 I have given you two color enclosures. The
25 first is that the Port is the 11th out of the 14 deep

1 water ports in spending capital projects. You're not
2 budgeting. Your next agenda on Thursday has a
3 manager's report that he has five projects that he
4 considers to be the important projects. None of those
5 give lots of progress to the Port.

6 There is the Slip Number 2 expansion, which
7 would then improve navigation westward of the Skypass.
8 We designed the Skypass so that we can have the water
9 channel go west, and that's in your packet, a depiction
10 of that in a first phase.

11 That's not all that can be done to give this
12 Port much more room for berthing a shallower drafted
13 vessel, 15 feet, say, 18 feet. The current usage of
14 Berth 1 is certainly not what you want to have in a
15 Port. That's a 25 foot basin extension of 1975, and it
16 needs to be used for ships, not for just mega yachts.

17 You can put the smaller drafted ships and
18 vessels to the west and be much more accommodating to
19 the biggest production of dollars here, which is
20 Tropical. You need to have them with readily available
21 berthing, because they produce more economy for the
22 overall area probably than the two ferries are to
23 Freeport right now in terms of area-wide economy. It
24 may be great for the Port.

25 We need to get the parking garage, which I

1 have the parking garage study of 2014. You've got
2 options of 800 to 1,000 numbers of ships -- I mean of
3 parking spaces. All this has been sort of planned and
4 put on the shelf here.

5 It's time to put it into the Interlocal
6 Agreement, set a date within four weeks, or maybe up to
7 six weeks, certainly nothing like three or four months.
8 That's what caused the three year delay.

9 EXECUTIVE DIRECTOR ALMIRA: Some of you may
10 know that Mr. Ward and us -- me -- don't agree about 99
11 percent of the things that he's always planning and
12 expanding. I have heard his ideas --

13 You can give me three minutes.

14 I have heard his idea of putting a -- going
15 way out west and dredging, and you're talking about
16 plans that are not practical. He's a great engineer,
17 believe me, he's very smart. I really respect Ward.
18 But sometimes he gets under my skin, and the reason for
19 that is he is not practical.

20 With all due respect to him, he has no clue
21 of what it is to run a Port. He has a lot of plans,
22 and that's fine, that's great. We need planners. We
23 have a planner. But for him to walk into a room like
24 this and have our friends walk out with a certain idea
25 that we're not doing what we're supposed to, that we're

1 the 11th out of 14? Guess what? We're the third
2 highest producing revenue per acre in all the 14 ports
3 in Florida. But that doesn't get mentioned. That's an
4 inconvenient truth.

5 So what you're hearing from me is frustration
6 more than anything else. But I promise you, I still
7 say hello to Mr. Ward. Sometimes he doesn't shake my
8 hand; sometimes he does. I'll give him that. And one
9 day we'll probably, I hope, we'll go out there and have
10 some lunch. But those ideas of his are not practical
11 for this Port. Thank you, folks.

12 CHAIR ENRIGHT: I just want to make a
13 comment. You want go to the next person --

14 MR. BUSHA: Are there other public comments,
15 or is that --

16 CHAIR ENRIGHT: I have one more by -- did you
17 have another comment, sir? Do you have another
18 comment, or are you --

19 MR. CLEARY: My only one, I kind of --

20 CHAIR ENRIGHT: Okay.

21 MR. CLEARY: Yes, I think I addressed most
22 everything. But my big issue is the City can do
23 whatever it wants. I mean I was here when the main
24 road came through and they took Avenue E from us and
25 they took 9th Street from us.

1 CHAIR ENRIGHT: They're not going to take
2 another street from you, don't worry.

3 MR. CLEARY: All right.

4 CHAIR ENRIGHT: We're not going to --

5 MR. CLEARY: No, but I've even talked to
6 Manny way back in the days about can't take any more
7 streets, and we got a curve, we got to go up, and it's
8 hard to get in and out and everything now.

9 And we just don't want to -- you know, if you
10 come through, that's fine, just buy me out and give me
11 a lot of money, that's all. Let me go away. Maybe
12 I'll go take a vacation, you know. But what I'm saying
13 is I don't want to be surprised.

14 You know, Ward is a pain. And he's a pain to
15 me, and that's how I ended up here. It was just, you
16 know, he got me here. And I'm glad I came. And you
17 know, everybody's nice, you know. But you can work
18 these things out.

19 It just -- it's the surprises that hurt the
20 common person that's out there. You don't want to just
21 all of a sudden find out from a letter from a judge,
22 from an attorney that says okay, you're done, you know.
23 And you go, well, wait a minute. Oh, no, you ran out
24 of time. You didn't respond in a timely fashion. And
25 you find out they're sending the letter to someplace

1 you haven't lived for ten years, you know.

2 And then, you know, then it's all just what
3 it is, you know. It's two or three people arguing and
4 a judge sitting there, going to make up his mind on
5 what's going on, or five people that you don't even
6 know that never worked a day in their life in the field
7 you're doing in are going to go ahead and make a
8 judgment on what you're supposed to get. And
9 basically, that's all I want to say. Thank you.

10 MR. BUSHA: Forgive me, there's one letter I
11 need to read into the record.

12 CHAIR ENRIGHT: Read it.

13 MR. BUSHA: If you don't mind, I'll quick --

14 CHAIR ENRIGHT: Read it.

15 MR. BUSHA: This letter is from Marty Murphy,
16 1071 Grand Bahama Lane, Riviera Beach, Florida. I'm
17 unable to attend. The letter is dated June 6th, 2018.
18 I'm unable to attend the subject meeting as scheduled.
19 Thank you for presenting my comments pertaining to item
20 number one, 105 Broadway.

21 The City closed Port Road to traffic and gave
22 it to the Port of Palm Beach in order to build the new
23 Skypass. For this closure, the Port of Palm Beach and
24 FDOT agreed to build a new east/west connector road at
25 105 Broadway, which was condemned and purchased by DOT

1 for this purpose, as exhibited.

2 Attached are exhibits, including copies of my
3 prior statements concerning this item as follows: A
4 4-18-18 memo to file objecting to agenda item 19, 20
5 and 22 presented at the City Council meeting; a 1-28-13
6 objection letter to Palm Beach County Master Plan
7 Update; and an 8-23-12 objection letter to Port of Palm
8 Beach, plus exhibits.

9 In conclusion, I ask that you table this
10 agenda item until arrangements can be made to reopen
11 Port Road or construct a connector road as it was
12 planned in 1995.

13 Item four, Interlocal Agreement between the
14 Port and the City. I am the north adjoining property
15 owner to the Port, Cracker Boy Marine. I have always
16 attended and participated in many public workshops for
17 these Interlocal Agreements, and I'm concerned about
18 what change will be discussed. Please read into the
19 record my current concerns and attach previous
20 objection letters and notes.

21 I'll turn this in to the Chair.

22 CHAIR ENRIGHT: Thank you. I have a copy,
23 so thank you.

24 Commissioner McArthur.

25 COMMISSIONER McARTHUR: Can you hear me?

1 MR. BUSHA: Yes.

2 COMMISSIONER McARTHUR: One, Gerry, I just
3 wanted to thank you. We need visionaries, and you're a
4 visionary. You frequently come all the way from Key
5 West to these meetings. I appreciate it immensely.
6 You know, Manuel is a 'Nole, so you know, you've got to
7 take that with a grain of salt.

8 I also just wanted to say if North Korea and
9 the United States could reach an agreement in short
10 order -- hopefully it will be meaningful -- I'm sure
11 Rivera Beach and the Port of Palm Beach can resolve all
12 these differences, and I look forward to helping any
13 way I can. Thank you.

14 MR. BUSHA: Well, I had a chance to talk to
15 each of your staffs, and let me tell you, please give
16 me an opportunity to chat with Karen and Jeff. They
17 have not even seen the -- they're all new faces. They
18 haven't even seen the draft. So please, just give me a
19 minute.

20 I mean Greg's probably seen it ten times and
21 wants to tear it up and redo it, but -- so he's a
22 little more prepared. But they have not had a chance
23 to look at it. So just give me -- before we give you a
24 date certain, just please give me a chance to be fair
25 to the City staff on that one.

Page 68

1 Trying to think, I had something -- oh, so I
2 want to walk away from here with two things. I want to
3 understand that the second reading on the 105 annex, is
4 that on or off? You guys, is that something you can
5 agree to go with?

6 CHAIR PRO TEM HUBBARD: What do you mean?

7 MR. BUSHA: Well, there's a second reading
8 that has to happen of the 105 Broadway property. And
9 so the point of all this, part of the point of all this
10 was to get some understanding that that's something
11 that at least the City would consider, the second
12 reading.

13 CHAIR PRO TEM HUBBARD: Okay, so with the
14 second reading --

15 MR. BUSHA: Not approving it, just a second
16 reading.

17 CHAIR PRO TEM HUBBARD: The second reading
18 approves it; the second reading approves it.

19 MR. BUSHA: Okay.

20 CHAIR PRO TEM HUBBARD: So in there, there
21 has to be a discussion or consideration about the
22 things that we talked about today, and as you said,
23 they're worth considering. And, but, you know, prior
24 to the second reading, I don't know if we're going to
25 get together, or before then or what, but we have to

Page 69

1 discuss the issues that are going to affect us. So I
2 know everybody was nodding yes, yes, yes. Second
3 reading approves the document.

4 CHAIR ENRIGHT: May I say something?
5 Commissioner, is it on?

6 Councilwoman Hubbard, we're only talking
7 about the annex property --

8 CHAIR PRO TEM HUBBARD: I know what we're
9 talking --

10 CHAIR ENRIGHT: -- that's in the jurisdiction
11 of the Port. And it belongs -- now it is deeded, it is
12 to the Port. The only thing we're asking you, asking
13 the City Council is to change the land use, because no
14 matter if you decide to take a street up 11th Street or
15 whatever, whatever you do, it has nothing to do with
16 that little strip of land. That is a totally -- I'm
17 with Commissioner Peyton MacArthur. That's something
18 totally different.

19 So it's within the boundary of the Port of
20 Palm Beach. We're not able to use that parcel at all
21 until the land use is changed. That's the only thing
22 we're asking. You can put roads everywhere you want,
23 take millions of dollars and do how many streets you
24 want. You have to receive money and grants. We're
25 only asking to use that property that's just out there.

1 We can be receiving revenue from it, other things.

2 So we're not -- this has nothing to do with
3 the Interlocal Agreement. We would then take how long
4 it's going to take, how many months and work together
5 on the agreement. This is something we're only asking
6 to change the land use, and your own City has said it
7 has gone through all the channels, and they have no
8 problem with it in the department, the gentleman said.
9 So I don't understand. I'm beginning to think, hey,
10 are we being held hostage? I hate to say it like
11 that --

12 CHAIR PRO TEM HUBBARD: I don't care that you
13 say it like that.

14 CHAIR ENRIGHT: This is not right. This is
15 wrong.

16 CHAIR PRO TEM HUBBARD: Mr. Busha, may I?

17 MR. BUSHA: Yes.

18 CHAIR PRO TEM HUBBARD: I'm not offended by
19 the -- that you say that you're beginning to feel that
20 we -- that that statement means that you're being held
21 hostage. I stated earlier that that is definitely not
22 my intention. And I'm sorry that for the hour and a
23 half that we sat here you still laboring under the
24 assumption that I don't understand that we're talking
25 about the annexation of the property at the south end

Page 71

1 of the bridge next to West Palm Beach and the fact that
2 it is Port property and you're talking about the land
3 use changes. I understand that clearly, and I think
4 everybody in here understands that I get that.

5 But my point was still my point. And you
6 know, with no disrespect, I thought that we had come to
7 an understanding that -- well, maybe not an
8 understanding and not even an agreement, but at least
9 an acknowledgment of the fact that the discussion needs
10 to be had about access.

11 We also -- and I also acknowledge the fact
12 that the 13th Street improvement that you did provided
13 some access. So I thought we were at least there. But
14 it seems that the last hour and a half have left you
15 baffled to the fact that I understand exactly what
16 we're talking about, but I'm not asking you to change
17 your position, but I'm asking you to hear my point.
18 That's all that I'm saying.

19 COMMISSIONER McARTHUR: Ms. Hubbard, I think
20 you made that point, and I think we all agreed on that.
21 But the issue, as Ms. Enright and others said, is
22 holding one to the other. That would be like us saying
23 we're not going to give any more grants on, you know,
24 Fire-Rescue or public safety to the City until you
25 approve the -- I mean that's not right. We're not

1 going to do that. They shouldn't be tied together.

2 You made your point. We're going to address
3 that. It has to be addressed, hopefully in both comp
4 plans and in, you know, our Interlocal Agreement. But
5 I have to agree with Chairwoman Enright that the two
6 should not be tied together. You should not say I'm
7 not going to do a second reading -- I mean doing what
8 you're proposing on the access, that's going to take a
9 long time. How long are we going to hold up the change
10 in land use?

11 MR. BUSHA: T.D.

12 COMMISSIONER McARTHUR: Anyway, I'm sorry.

13 MR. BUSHA: No, I --

14 COUNCILPERSON DAVIS: With all due respect to
15 the comments, the temperature is not about getting what
16 you want. As we read the agenda, it just said
17 presentations on both items. It didn't say present and
18 make a decision, all respect.

19 Now, we do want to work well together, but
20 when you make those comments because you didn't get
21 what you came prepared to do, that's not fair to the
22 entire meeting. We all came prepared with information,
23 with the understanding that we going to expedite the
24 next meeting to make a series of decisions, all right?
25 Now, if you came to this meeting with just -- to make a

1 decision on this item, then that should have been said
2 in the very beginning.

3 My intent -- now, I support the annexation
4 with the understanding that staff reviews it with all
5 the historical things that happened since 1996 all the
6 way up until now and the impact on the changes moving
7 forward. If it says what you all have stated, then I
8 support it. If there are some changes, some
9 modifications that we're not aware of that hasn't been
10 presented in this meeting, then we have another issue
11 to address.

12 But I just want to make sure our staff can
13 sit down and convey, get together and get with our
14 entire Council and make sure everybody understand
15 what's been said is what it is. But if it's not, we
16 need to be in a position to say, hey, no, that's not
17 necessarily true, or hey, we can move forward. What
18 they're stating is correct. And that's all I'm
19 stating, that's all.

20 MR. BUSHA: Let me try this; let me just try
21 this so I understand that what I heard was that --
22 related to Ms. Hubbard's comment -- Ms. Waldron's
23 comment related to commitments on both sides, that they
24 would go ahead and take this issue seriously. They
25 came up with additional Port access. They would also,

Page 74

1 you guys together, would work with the TPA and try and
2 get this done. So I can't speak for anybody else on
3 the Board, and that will just happen. Whatever
4 happens, happens. You'll have to decide as a Board
5 what you want to do.

6 COMMISSIONER RICHARDS: Mike, I do have a
7 question.

8 MR. BUSHA: But that's my understanding of
9 how we left this, and that the second reading, the next
10 hearing wouldn't be held up because of this. So I'm --
11 that was my understanding, so --

12 COMMISSIONER RICHARDS: May I? You know,
13 Mr. Ward's been consistent, Marty Murphy's been
14 consistent in bringing this up.

15 At the Port, we have our five year and our
16 ten year plans, and I can't ask your staff, it's not
17 appropriate, but is this something that the City has in
18 your Master Plan? Are you actively pushing this at the
19 TPA? Is this something you've voted on and you're
20 pushing and we don't know about it? Because if it is,
21 we want to get behind it. But if you're not talking,
22 you're not voting on it on your side, then we don't
23 know about it. You don't have to answer. It's
24 rhetorical. But if it's something you're pushing,
25 you're working on and you're asking the TPA to do, let

1 us know. We'll assist you.

2 MR. BUSHA: Well, I already heard a
3 commitment to do that from both --

4 COMMISSIONER RICHARDS: I'm saying I don't
5 know that the Council wants it. And I don't have to
6 know, but I'm not sure they've voted, I'm not sure they
7 talked about it. If they are, let's get behind them.

8 MR. BUSHA: Well, I heard that commitment
9 from you, and that, I thought, was fine, so --

10 COMMISSIONER RICHARDS: I guess he decided.

11 MR. BUSHA: So let's stop there and
12 understand that I think we -- I believe there's some
13 understanding here about how we're going to move
14 forward with this. No one's going to try and burn
15 anybody else on this deal, and we're going to seriously
16 consider that together. Through the TPA, you're going
17 to seriously consider the additional Port access. So
18 that was my understanding. Let's just leave it like
19 that.

20 The Interlocal Agreement I will -- forgive
21 me, I'll have to get back to you, because I don't think
22 it's fair to the City staff. They haven't seen the
23 document yet, they haven't commented on it, they
24 haven't tried to edit it yet. Everybody who did is
25 gone, so --

1 COUNCILPERSON DAVIS: Excuse me, Mr. Busha.

2 MR. BUSHA: Sure.

3 COUNCILPERSON DAVIS: I do believe we have
4 time to workshop this item before it comes before us so
5 we can hash a lot of those issues out. So the way
6 things looking now, it's going to be another month or
7 two before you even get before us anyway, because, you
8 know, the next meeting is next week, so you're not
9 making that meeting. So I guess there's time to put
10 together a workshop before we even -- so we have time
11 to get to where we need to be.

12 So just understand that as we leave this
13 meeting, it's been very clear. Ms. Waldron has set the
14 tone, as she has been listening very openly to
15 Councilperson Hubbard, and they both agree to be open
16 to everyone's issues, not stop anything. So if you
17 look at the time, the way the meetings are structured
18 with the City and you guys' schedules, everything is
19 kind of lying in place for us to have our workshop and
20 be prepared for whenever it comes before us anyway,
21 which won't be, potentially, until -- to sometime in
22 July, so --

23 COUNCILPERSON MILLER-ANDERSON: So what is
24 the timeline we're going to set? I know you wanted to
25 do something before we left.

1 MR. BUSHA: Just for the Interlocal
2 Agreement?

3 COUNCILPERSON MILLER-ANDERSON: We're talking
4 about for the Interlocal Agreement, yes.

5 MR. BUSHA: Yes, it's something different.
6 So I don't want to speak for the City staff because
7 they have not had a chance to review it. I just don't
8 think it was fair. I mean Greg's had a lot of chances
9 to look at it. So I want to talk with Karen, I want to
10 talk with Jeff and others about what they think they
11 physically can do to get through that.

12 And then the point is once they figure out
13 what they would like to see in the draft, I need the
14 both staffs to get together -- and that's going to take
15 a little bit of time -- and basically hash stuff out
16 and see if they can't come up with an agreement that
17 they can bring back to you together and say, hey, we're
18 happy with this, what do you think, as Board members,
19 of the agreement, so --

20 COUNCILPERSON MILLER-ANDERSON: Well, I think
21 as a Board, we do need to try to come up with a
22 conversation and a timeline for our staff, because I
23 don't want it to linger. We have a lot of things going
24 on, so I can just see that kind of falling by the
25 wayside. So at some point, we do need to address that

1 issue and make sure that it happens.

2 COUNCILPERSON BOTEL: I agree. I'd like to
3 see it put on the agenda so we can know that we're
4 going to move forward.

5 MR. BUSHA: That's something your staff can
6 do once they --

7 CHAIR PRO TEM HUBBARD: Review the document.

8 MR. BUSHA: Pardon?

9 CHAIR PRO TEM HUBBARD: Yes, like you said --

10 MR. BUSHA: Yes, once they get through the
11 document, I mean you can agenda it for your Board and
12 say, hey, here's the timeline for us.

13 CHAIR PRO TEM HUBBARD: Set up a workshop.

14 MR. BUSHA: Yes. But we need to work with
15 the Port on it and get together with them and bring
16 back a draft that all of you would, you know, be proud
17 of, so --

18 CHAIR PRO TEM HUBBARD: Absolutely.

19 MR. BUSHA: So, okay? I mean are we --

20 CHAIR PRO TEM HUBBARD: Thank you for having
21 us.

22 COMMISSIONER BOTEL: Thank you again for
23 having us. Appreciate the opportunity.

24 COUNCILPERSON MILLER-ANDERSON: Thank you.

25 MR. BUSHA: Thank you for hanging in there.

1 COUNCILPERSON BOTEL: Thank you.

2 CHAIR ENRIGHT: I would like to thank
3 everyone for coming, and we look forward to doing it
4 again. Thank you.

5 (Whereupon, at 7:34 p.m., the proceedings
6 were concluded.)

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| A | | | | |
|--|---|---|--|---|
| abandoned 19:11 22:25 24:18 | 73:11 77:25 addressed 16:5 63:21 72:3 | 58:22,23 60:10 60:18,21 62:6 66:13 67:9 | answer 21:24 31:23 38:7 40:4,5 74:23 | arrangements 66:10 |
| able 13:20 14:7 14:8,11 69:20 | adjacent 33:5 35:6 | 70:3,5 71:8 72:4 75:20 77:2,4,16,19 | answered 24:15 anticipate 56:25 | arrived 6:16 asked 7:3 8:19 8:23 18:4 26:7 26:9 |
| absence 4:9 | adjoining 66:14 | Agreements 66:17 | anybody 12:19 38:5 40:20 47:22 56:13 74:2 75:15 | asking 29:15 69:12,12,22,25 70:5 71:16,17 74:25 |
| absolutely 39:21 39:24 60:6 78:18 | administrative 17:13 18:6 | ahead 4:20 25:6 30:16 55:8,14 56:16 65:7 73:24 | anybody's 15:9 43:10,10,10 46:14 | assist 10:1,13 75:1 |
| access 13:14,19 24:21 25:9,16 25:22 27:12,13 27:18,20 28:1 28:19 33:22 37:4,5,6,8,15 37:19,25 38:12 40:13 41:1 71:10,13 72:8 73:25 75:17 | Administrator 45:21 | Aide 5:13,14 allow 25:5,9 allowing 26:9 27:25 | apart 40:9 apologize 57:19 apologized 59:18 | Assistant 5:3 associated 35:1 Associates 54:14 |
| accommodating 61:18 | adopted 44:25 59:3 | Almira 3:6,22 16:11 22:1 31:2,22 32:3 40:3,11 62:9 | apologized 59:18 | assumption 70:24 |
| accord 31:14 | affect 33:4,4 45:10 69:1 | alongside 19:17 | application 21:19 | at-grade 19:3 22:22,24 35:25 36:1,2,9 |
| acknowledge 71:11 | affirmation 53:2 | alternative 24:24 | appreciate 67:5 78:23 | attach 66:19 Attached 66:2 |
| acknowledgm... 71:9 | agency 39:12 | alternatives 19:11 | appreciated 13:15 34:23 | attempt 35:24 attend 65:17,18 |
| acre 63:2 | agenda 2:18 15:5 27:2 61:2 66:4,10 72:16 78:3,11 | amen 52:15 | appropriate 74:17 | ATTENDAN... 1:18 |
| Acting 34:21 | aggressively 35:24 | amendment 28:22 29:7,24 35:1,2 | appropriations 60:22 | attended 66:16 attendees 2:6 |
| active 36:5 37:17 | ago 20:22 22:11 35:14 45:7 | amount 36:6 | approval 21:4 21:12 28:15 35:2 60:9 | attention 46:14 attest 13:10 |
| actively 74:18 | agree 15:11 40:22 49:23 55:13 59:7 62:10 68:5 72:5 76:15 78:2 | analyze 32:6 | approved 21:4 21:12 28:15 35:2 60:9 | attorney 3:8 5:10 16:2 17:17 45:23 64:22 |
| activities 18:8 | agreement 2:19 15:13 20:6,10 21:15,17 26:9 26:24 27:2 42:1,8,10 43:1 43:9,18,21 44:12 46:3,13 46:19 47:2,9 47:13 48:6,9 48:23,25,25 49:12,13,25 52:9 54:5 56:15 58:13,20 | Andrew 5:10 | approvals 20:3 42:19 44:3 | attorneys 15:20 16:2 50:18 |
| add 10:15 11:18 14:21 15:6 41:7 | | annex 2:18 15:22 16:4,6 16:20 19:24 23:17,18 24:2 24:14 26:3 27:4,5,8,12,18 32:19,21 38:14 38:15 44:16 54:2,3,11 55:3 68:3 69:7 | approve 71:25 approved 47:11 approves 68:18 68:18 69:3 | authority 25:16 44:6 |
| added 12:6 43:6 44:12 45:14 50:2 | | annexation 40:21 54:22,23 70:25 73:3 | approving 68:15 area 8:17 39:7 61:22 | authorized 80:9 available 61:20 Avenue 63:24 |
| addition 7:2,3 10:7 | | | areas 6:6 9:25 arguing 65:3 | aware 73:9 |
| additional 36:1 73:25 75:17 | | | | B |
| address 4:18 23:5 72:2 | | | | |

| | | | | |
|---|--|--|---|---|
| <p>back 5:1,17 15:1 15:16 16:23 20:23 21:1,6 21:12,25 22:22 25:4,20,21 27:21 30:12 32:13 34:4 35:22 36:22 38:8,20 44:4 45:8,14 48:8 48:15,17 50:19 51:9,12,18 52:4,6,18,22 54:25 60:10,19 64:6 75:21 77:17 78:16 baffled 71:15 Bahama 65:16 Bailey 5:7 Baker 3:14 Barack 6:16 16:23 23:3 25:23 41:1 based 56:7 baseline 49:18 50:1,4 basically 17:24 18:3 20:6,16 21:13,13 43:13 47:9 65:9 77:15 basin 61:15 Bazaar 17:4 Beach 1:3,5,12 2:2,3,4,5,24 3:1,14 4:3,15 6:5,9,22 7:5 8:11,15 9:10 9:20,23 11:22 11:25 12:1,10 12:12 13:7 16:7,21 18:20 18:21 20:5,18 21:2 22:15 23:23,25 32:23</p> | <p>35:5,5,7 37:24 39:3,13 46:11 57:11,12 58:11 58:12,24 60:8 65:16,22,23 66:6,8 67:11 67:11 69:20 71:1 80:5 Beach's 19:14 Beatrice 3:19 beautification 7:4 beepers 15:7 beginning 2:6 70:9,19 73:2 behalf 4:3 17:23 20:2 behave 43:13 46:4 believe 30:15,18 38:21 46:1,18 62:17 75:12 76:3 belongs 69:11 benefit 13:3 48:14 benefited 12:25 benefits 47:19 Berth 61:14 berthing 61:12 61:21 better 39:14 51:19 big 24:15 43:16 43:20,20 63:22 biggest 51:6 61:19 bit 22:14 77:15 Blair 1:21 3:4 6:3 blue 9:19 Board 1:3 2:2 41:23 55:6 58:8 60:8 74:3 74:4 77:18,21</p> | <p>78:11 Boards 42:11 boat 58:3 bodies 31:13 boss 33:18 Botel 1:24 4:23 22:4,18 28:23 32:24 47:23 49:23 78:2,22 79:1 Botel's 23:16 bothering 34:5 bottom 27:14 bought 55:8,10 boundary 69:19 Boy 58:5 66:15 bridge 71:1 brief 42:6 51:3 bring 27:6,7 33:23 51:12 77:17 78:15 bringing 41:3 74:14 brings 20:13 British 58:2 Broadway 2:18 15:12,23 57:24 65:20,25 68:8 brought 27:19 28:5 29:5 30:7 33:22 34:7 Brown 57:16,20 budgeting 61:2 build 19:25 65:22,24 building 5:15,16 42:19 58:21 60:15 built 39:13 bullets 15:6 burn 75:14 Busha 1:19 2:9 10:22,24,25 11:4,6,7 12:19 12:21 13:24</p> | <p>14:3,15,17 24:7,13 25:8 25:13,17,24 26:2,6,12,18 26:21,25 27:4 27:9,24 28:3,6 28:10,18,19 29:4,10,11,12 29:17,19,22 30:11,16,22 31:1,21 32:18 33:20 34:4,9 34:10,16,19 35:20 36:16 37:19 38:2,4 39:16,22,25 40:16,19 41:8 41:11,19,22 42:4,6 46:24 47:21 48:16,20 48:24 49:5,9 49:11,24 50:6 50:25 51:21 52:21 53:7,10 53:14,21 57:6 59:18 63:14 65:10,13,15 67:1,14 68:7 68:15,19 70:16 70:17 72:11,13 73:20 74:8 75:2,8,11 76:1 76:2 77:1,5 78:5,8,10,14 78:19,25 business 42:18 44:3 busy 20:14 45:24 53:17 button 46:25 buy 64:10 <hr/>C<hr/>C 80:1,1 call 3:14 16:19</p> | <p>22:23 called 18:1 capital 61:1 card 54:10 cards 42:3 53:22 53:23 care 3:20,24 70:12 cares 56:17 Carl 3:14 22:11 carrying 20:17 case 17:25 18:4 18:4,6,6,11 Casey 3:9 20:16 20:22 21:18 cause 37:2 caused 44:14 62:8 cell 15:7 Central 39:3 certain 18:25 20:8,8,9 62:24 67:24 certainly 61:14 62:7 certify 80:8 CH2M 3:9 Chair 1:20,21 1:23 2:21,23 3:23 4:8,13,14 5:23 10:18,23 11:2 12:18,20 12:23 13:22 24:9,12,22 25:2,12,14,18 26:1,4,11,15 26:19,22 27:1 27:5,10,25 28:4,9 29:9 36:17 37:20 38:6,18 39:21 39:24 40:5,17 42:5 48:5 49:13 50:5,6,7 53:25 54:9</p> |
|---|--|--|---|---|

| | | | | |
|---|--|--|---|--|
| 57:13 58:10 59:20,24 60:3 60:5 63:12,16 63:20 64:1,4 65:12,14 66:21 66:22 68:6,13 68:17,20 69:4 69:8,10 70:12 70:14,16,18 78:7,9,13,18 78:20 79:2 Chairwoman 4:24 72:5 Chairwoman's 5:12 chalk 39:20 challenging 46:2 chance 12:15 46:12 53:15 67:14,22,24 77:7 chances 77:8 change 15:13 26:7 30:3 36:20,22 40:22 66:18 69:13 70:6 71:16 72:9 changed 43:5 47:3 51:17 69:21 changes 45:9 48:7,13,13,15 57:1 71:3 73:6 73:8 changing 33:2 41:11 channel 61:9 channels 70:7 chat 15:1 52:4 67:16 Chief 5:4,6,11 5:12 8:21 11:23,23 children 55:13 | Chinese 17:2 54:18 chose 17:17 chronology 15:22 Ciklin 1:21 3:4 6:3 46:22 47:1 49:4,6,10,15 52:20 59:1 citizens 6:18,25 city 1:5,5,23,24 1:24,25 2:3,3 2:25 4:14 5:2,3 5:5 6:5,8,10,13 6:17 7:1,6,12 7:16,17,21,25 8:11,15,16,19 8:23 9:1,2,10 9:13,18,22 10:3,4,5,6,13 10:20 11:9,14 11:20,24 12:10 12:25 13:6,21 16:6 17:16,17 18:19,20 19:13 19:16,18 20:16 20:18 21:2,5 25:23 28:7,13 29:6,24 30:12 34:1,6,14,15 34:22 35:4 36:13,21,25 37:1,24 39:18 40:21,25 41:17 42:17 43:8 44:22 45:8,19 45:20,21,21 47:12 49:16 52:2,3 56:15 56:16 58:24 59:11 60:8 63:22 65:21 66:5,14 67:25 68:11 69:13 70:6 71:24 | 74:17 75:22 76:18 77:6 City's 39:17 44:24 45:23 civility 15:5 clarification 44:2 clarified 44:1,10 clarify 26:17 clear 11:12 76:13 clearly 71:3 Cleary 54:6,8,12 54:12 57:7,18 57:22 63:19,21 64:3,5 Clerk 3:17 close 27:11 29:25 34:17 51:1 closed 13:13 18:11 65:21 closure 65:23 clue 62:20 co-op 58:11 Coast 17:11 39:15 code 30:3 44:24 collaborate 13:21 colleague 31:8 colleagues 13:2 31:7,19 color 60:24 Columbia 58:2 come 5:19 8:3 11:24 14:7,8 14:25 15:16 21:25 23:3 24:24 25:15,20 32:11 33:17,19 37:10 43:14,15 47:19 48:8,15 50:13,17 51:15 51:18 52:6 | 55:25 58:4 60:10 64:10 67:4 71:6 77:16,21 comes 4:7 30:12 76:4,20 comfortable 52:22 coming 14:5 21:12 26:25 32:13 47:4 57:7 79:3 comment 28:25 35:19 47:22 50:25 51:1,5 53:11,13 60:20 63:13,17,18 73:22,23 commented 75:23 comments 10:14 35:11 51:8 63:14 65:19 72:15,20 Commission 35:22 Commissioner 1:21,22,22 2:20,21 3:3,4,4 3:5 6:2 10:17 11:13 12:8 22:18 32:20,25 33:18 35:19,21 42:2 46:22 47:1,23 48:18 49:4,6,10,15 51:4 52:20,25 53:8,12,20 57:14 66:24,25 67:2 69:5,17 71:19 72:12 74:6,12 75:4 75:10 78:22 Commissioners 1:3 2:3 3:3 4:4 | 10:15 41:15 Commissions 36:20 commit 51:15 commitment 51:5 75:3,8 commitments 73:23 committed 51:11,14 common 64:20 communication 12:11 45:5 communicatio... 11:16 Community 5:5 comp 72:3 Companies 58:6 complete 6:24 Comprehensive 59:1,9 comprise 80:11 concern 22:5 33:14 concerned 7:21 9:6 66:17 concerning 66:3 concerns 33:9 33:10 35:11 66:19 concluded 79:6 conclusion 66:9 conclusions 42:22 condemn 17:8 condemnation 40:10 condemned 17:1 65:25 condition 28:14 28:15 congested 39:6 conjunction 27:7 connect 9:23 |
|---|--|--|---|--|

| | | | | |
|--|--|---|---|---|
| <p>connection 8:6 connector 16:22 39:5 65:24 66:11 conscience 13:13 consent 44:22 consider 28:13 29:6 34:1 68:11 75:16,17 consideration 68:21 considered 23:20 considering 68:23 considers 61:4 consistent 44:23 74:13,14 constituents 22:5 construct 6:13 25:6 66:11 constructed 6:15 construction 47:14 contemplated 35:16 contention 44:15 contentious 44:4 contest 8:22 context 15:23 30:23 contiguous 33:1 continue 2:25 4:17 5:19 6:18 6:19 8:18 9:2 10:13 12:4 13:18 60:5 continued 7:8 34:8 continuously 9:12</p> | <p>contract 7:15 contractor 19:25 20:11 contractual 32:8 contributed 6:23 contributions 13:4 control 45:1 controlling 11:16 controls 21:22 conversation 4:17 22:10 28:24 29:1 46:20 47:24 49:20 77:22 conversations 22:7 convey 73:13 conveyed 18:13 19:21 cooperation 58:23 cooperatively 60:17 copies 66:2 copy 66:22 core 33:25 corner 44:19 Corporation 54:13 correct 57:15 60:7 73:18 80:11 correctly 51:22 cost 22:12 Council 1:5 2:4 4:6,15,21 6:1 11:9 16:6 20:16,19 21:5 24:16 28:24 36:20 66:5 69:13 73:14 75:5</p> | <p>Councilperson 1:24,24,25 10:23 11:6,9 12:22 14:1,4 22:4 28:18,23 29:11,13,18,20 30:10,14,17,24 31:3 32:24 34:9,12 49:23 51:2 72:14 76:1,3,15,23 77:3,20 78:2 78:24 79:1 Councils 58:8 Councilwoman 35:12 36:4,5 69:6 counsel 51:25 County 4:10,25 33:18 39:13 58:12 66:6 80:5 couple 6:4 22:11 court 17:2 55:9 covenants 30:1 CRA 5:7 Cracker 58:5 66:15 create 12:10 cross 27:22 crossing 17:19 19:3 22:22,24 35:25 36:9 37:20 crossings 36:1,2 cruise 60:16 current 48:24 61:13 66:19 currently 8:23 9:17 21:22 curve 64:7 cut 32:10</p> <hr/> <p style="text-align: center;">D</p> <hr/> <p>dangers 22:13</p> | <p>date 48:22 51:9 53:18 62:6 67:24 dated 65:17 dates 51:5,11,12 Davis 1:24 4:8 4:22 10:23 11:6,9 12:22 28:18 29:11,13 29:18,20 30:10 30:14,17,24 31:3 51:2 72:14 76:1,3 Davis' 5:14 day 56:3 63:9 65:6 80:15 days 21:16 64:6 dead 36:10 37:16,17 49:7 deal 75:15 Debie 5:11 decide 19:11 47:2 49:20 69:14 74:4 decided 3:18 17:9,9 19:12 20:14 22:23 38:23 75:10 decides 39:12 decision 19:15 29:16 56:12,12 58:15 72:18 73:1 decisions 29:17 57:1 72:24 declared 19:1,6 decorum 15:5 deed 35:8 deeded 69:11 deep 60:25 definitely 70:21 DeGraffenreidt 5:10 delay 62:8 department</p> | <p>6:23 7:15,24 8:11 11:21 33:19 70:8 depiction 61:9 depression 55:19 designed 61:8 development 3:13 5:5 34:21 dialogue 47:25 48:3,4 differences 67:12 different 17:11 25:25 35:14 69:18 77:5 diligently 50:22 direct 37:1 directed 21:9 direction 11:25 directly 35:17 director 3:5,22 5:3,7,8,16 22:1 31:2,22 32:3 34:21 40:3,11 45:22 62:9 disclosure 22:10 discriminating 45:3 discuss 48:9,10 48:15 50:11,13 54:3,4 69:1 discussed 30:9 32:4 42:20 43:20 51:8 54:1 66:18 discussing 19:10 discussion 5:20 12:7 15:14 16:8 23:21 51:19 60:11 68:21 71:9 discussions 18:16 dismissal 18:3</p> |
|--|--|---|---|---|

| | | | | |
|---|---|---|--|---|
| <p>dismissed 18:4,5 18:6 disrespect 71:6 distraction 26:13,16 59:16 district 1:3 43:23 44:23 divides 32:22 Dixie 6:16 7:8 59:8,13 document 50:17 50:20 58:25 60:18 69:3 75:23 78:7,11 doing 9:12 10:5 11:14 12:1,3 16:12 19:11 21:19 22:13 25:10 39:10 44:5 45:25 48:10 56:22 62:25 65:7 72:7 79:3 dollar 60:22 dollars 17:8 61:19 69:23 domain 55:4,6 55:17 57:16 domain'd 55:15 DOT 16:25,25 17:6,17,19,24 18:4,12,17 19:1,20,21 22:23 38:23 55:4,9,10 65:25 Dr 4:23,24 12:24 14:5 23:16 draft 51:24 52:14 53:4 67:18 77:13 78:16 drafted 45:17,18 61:12,17</p> | <p>drainage 20:8 55:12 draining 10:4 drawings 57:5 dredging 62:15 drove 19:4 drowning 55:14 due 62:20 72:14 Duran 58:18 Duren 5:6 Dytrych 16:2</p> <hr/> <p style="text-align: center;">E</p> <p>E 54:21 58:5 63:24 80:1,1 earlier 14:17 70:21 earnest 21:1 easiest 33:17 east 2:4 17:11 39:3 40:13,14 east/west 65:24 eastward 28:1 easy 33:19 41:6 economic 43:3 economy 61:21 61:23 edit 75:24 eight 53:3 either 22:8 34:5 elected 43:15 else's 56:7 eminent 55:4,6 55:15,17 57:16 employees 32:5 Employment 44:8 enclosures 60:24 ended 64:15 enforcement 13:1 engineer 3:11 62:16 Enright 1:20</p> | <p>2:21,23 3:23 4:24 5:23 10:18 11:2 12:18,24 13:22 14:5 24:22 40:5 42:5 50:5 50:7 53:25 54:9 57:13,14 58:10 59:20,24 60:3,5 63:12 63:16,20 64:1 64:4 65:12,14 66:22 69:4,10 70:14 71:21 72:5 79:2 ensure 8:16 10:6 entire 13:6 72:22 73:14 entities 8:15 entity 8:14 entryway 27:20 27:21 equal 54:23 equals 54:21 especially 13:2 35:5 establish 43:12 established 43:17,24 estate 35:23 Evans 5:8 evening 4:14 14:18 everybody 2:9 15:9 24:17,18 43:2 46:10,11 46:18 50:2 52:1 56:9 69:2 71:4 73:14 75:24 everybody's 53:17 54:24 64:17 everyone's 76:16</p> | <p>exactly 13:17 22:21 25:12 26:4 49:10 71:15 examined 44:20 excited 59:2 excuse 24:12 58:25 76:1 execute 20:6 Executive 3:5,22 22:1 31:2,22 32:3 40:3,11 62:9 exhibited 66:1 exhibits 66:2,8 exit 56:2 expand 4:18 expanding 62:12 expansion 44:14 44:20 58:17 61:6 expecting 13:14 expedite 72:23 expensive 24:19 expiration 48:22 48:24 explain 32:20 49:24 explored 28:8 express 13:18 expressing 4:9 extension 61:15 extremely 51:3 eyes 22:12</p> <hr/> <p style="text-align: center;">F</p> <p>F 80:1 faces 67:17 facilitate 43:3 facilitated 58:23 facilitator 1:19 14:18,20 fact 22:6 30:8 71:1,9,11,15</p> | <p>failed 22:22 fair 29:8 33:23 36:12 38:2 40:16,17,18 41:2 47:13,21 55:17 67:24 72:21 75:22 77:8 Falcon 8:6 falling 77:24 familiar 19:24 family 35:7 far 35:9 fashion 64:24 fatal 40:23 favor 48:3 FDOT 6:23 27:14 35:24 36:3 65:24 February 20:10 FEC 17:10,11 17:12 18:1 24:20,22,25 25:9,10,16,18 27:14 35:25 federal 60:22 feedback 52:1,2 feel 29:20 52:22 70:19 fees 44:3,10 feet 61:13,13 fell 40:9 fellow 3:2 ferries 61:22 field 65:6 fighths 35:25 figure 20:15 77:12 figured 19:2 file 66:4 filtered 10:9 finalize 21:12 finance 3:12 financial 3:11 financing 58:13</p> |
|---|---|---|--|---|

| | | | | | |
|---|---|--|---|---|-----------------------------|
| find 9:4 48:9 64:21,25 | follow 27:8 | function 45:2 | 26:7 30:16 | 72:8,9,23 | |
| finding 51:15 | followed 58:21 | funds 6:17 8:25 | 32:10 34:18 | 75:13,14,15,16 | |
| fine 29:9 56:12 62:22 64:10 75:9 | following 2:1 49:9,16 | further 25:21 27:21 | 36:22 45:14 | 76:6,24 77:14 | |
| fingerprint 8:6 | follows 49:8 66:3 | future 35:10 | 48:16 49:22 | 77:23 78:4 | |
| finish 16:17 30:17 40:1,1 | foot 61:15 | G | 50:9,19 52:3 | good 4:13 7:6 9:2,14 10:12 10:25 13:12 17:2 34:16 41:19 46:3,19 47:2,24 52:20 54:16 56:13 | |
| finishes 15:9 | force 48:25 | Gagnon 5:5 34:18,20,21 | 52:13 54:6,25 | | |
| fire 5:6 44:13 | foregoing 80:9 80:11 | games 58:3 | 55:5 56:16 | | |
| Fire-Rescue 71:24 | foresee 50:8 | garage 61:25 62:1 | 58:18 61:9 | | |
| first 2:23 3:2 6:12 16:7 21:2 21:8 34:2,22 44:9 47:3,6,6,8 47:8 53:4 54:2 54:6,7 60:25 61:10 | forget 3:20 4:11 | Gary 16:1 | 63:9,13 64:7 | | |
| firsthand 22:20 | forgive 14:3,16 53:24 65:10 75:20 | general 26:8 42:24 | 64:11,12,23 | | |
| Fish 7:19 9:8 | form 45:2 | generally 16:19 | 65:7 68:5 73:24 | goal 53:9 | |
| fit 39:7 | former 11:23 | gentleman 70:8 | goes 10:8,9 59:15 | going 3:8,19 4:11,12 14:21 15:19,21 16:15 16:23 17:25 18:16,22 19:2 19:3,12,25 21:10,11 22:24 23:1,8,23 24:19,20,24 25:17 26:23 27:12 29:7 30:2 31:4,5,10 32:7 37:8,10 38:22,23 39:13 39:19 40:5 41:4,25 42:6 43:12 45:10 47:14 48:11 50:10,12,14,16 50:18,21 51:2 51:6 52:9 53:12,19 54:10 54:22 55:1,6 55:21,23,24 56:11,25 57:2 58:19 60:1,22 62:14 64:1,4 65:4,5,7 68:24 69:1 70:4 71:23 72:1,2,7 | government 56:4,6 |
| five 8:9 31:18 61:3 65:5 74:15 | forth 16:9 20:1 20:20 39:1 51:9 | gentlemen 24:4 | goals 10:8,9 59:15 | governments 58:14 | |
| fix 30:11 | forward 2:13,14 5:20 12:4,15 15:17 29:13 35:17 46:7 48:11 51:16 58:19 67:12 73:7,17 75:14 78:4 79:3 | Gerald 57:24 | going 3:8,19 4:11,12 14:21 15:19,21 16:15 16:23 17:25 18:16,22 19:2 19:3,12,25 21:10,11 22:24 23:1,8,23 24:19,20,24 25:17 26:23 27:12 29:7 30:2 31:4,5,10 32:7 37:8,10 38:22,23 39:13 39:19 40:5 41:4,25 42:6 43:12 45:10 47:14 48:11 50:10,12,14,16 50:18,21 51:2 51:6 52:9 53:12,19 54:10 54:22 55:1,6 55:21,23,24 56:11,25 57:2 58:19 60:1,22 62:14 64:1,4 65:4,5,7 68:24 69:1 70:4 71:23 72:1,2,7 | grade 38:15 | |
| fixed 8:8 | four 15:6 42:12 53:3 62:6,7 66:13 | Gerry 67:2 | going 3:8,19 4:11,12 14:21 15:19,21 16:15 16:23 17:25 18:16,22 19:2 19:3,12,25 21:10,11 22:24 23:1,8,23 24:19,20,24 25:17 26:23 27:12 29:7 30:2 31:4,5,10 32:7 37:8,10 38:22,23 39:13 39:19 40:5 41:4,25 42:6 43:12 45:10 47:14 48:11 50:10,12,14,16 50:18,21 51:2 51:6 52:9 53:12,19 54:10 54:22 55:1,6 55:21,23,24 56:11,25 57:2 58:19 60:1,22 62:14 64:1,4 65:4,5,7 68:24 69:1 70:4 71:23 72:1,2,7 | grain 67:7 | |
| flaws 40:23 | four-lane 59:12 | getting 13:19 20:5 29:25 47:10 55:4 57:23 72:15 | going 3:8,19 4:11,12 14:21 15:19,21 16:15 16:23 17:25 18:16,22 19:2 19:3,12,25 21:10,11 22:24 23:1,8,23 24:19,20,24 25:17 26:23 27:12 29:7 30:2 31:4,5,10 32:7 37:8,10 38:22,23 39:13 39:19 40:5 41:4,25 42:6 43:12 45:10 47:14 48:11 50:10,12,14,16 50:18,21 51:2 51:6 52:9 53:12,19 54:10 54:22 55:1,6 55:21,23,24 56:11,25 57:2 58:19 60:1,22 62:14 64:1,4 65:4,5,7 68:24 69:1 70:4 71:23 72:1,2,7 | Grand 65:16 | |
| flood 10:7 | FPL 19:25 | give 8:14,14 9:1 9:7,7,8,9,10,11 10:19 15:23 24:20 25:22 30:22 31:6 37:25,25 42:6 53:18 61:5,11 62:13 63:8 64:10 67:15,18 67:23,23,24 71:23 | going 3:8,19 4:11,12 14:21 15:19,21 16:15 16:23 17:25 18:16,22 19:2 19:3,12,25 21:10,11 22:24 23:1,8,23 24:19,20,24 25:17 26:23 27:12 29:7 30:2 31:4,5,10 32:7 37:8,10 38:22,23 39:13 39:19 40:5 41:4,25 42:6 43:12 45:10 47:14 48:11 50:10,12,14,16 50:18,21 51:2 51:6 52:9 53:12,19 54:10 54:22 55:1,6 55:21,23,24 56:11,25 57:2 58:19 60:1,22 62:14 64:1,4 65:4,5,7 68:24 69:1 70:4 71:23 72:1,2,7 | grant 8:25 | |
| flooded 9:24 | framework 43:12,17 | given 7:25 16:14 27:21 60:24 | going 3:8,19 4:11,12 14:21 15:19,21 16:15 16:23 17:25 18:16,22 19:2 19:3,12,25 21:10,11 22:24 23:1,8,23 24:19,20,24 25:17 26:23 27:12 29:7 30:2 31:4,5,10 32:7 37:8,10 38:22,23 39:13 39:19 40:5 41:4,25 42:6 43:12 45:10 47:14 48:11 50:10,12,14,16 50:18,21 51:2 51:6 52:9 53:12,19 54:10 54:22 55:1,6 55:21,23,24 56:11,25 57:2 58:19 60:1,22 62:14 64:1,4 65:4,5,7 68:24 69:1 70:4 71:23 72:1,2,7 | grants 69:24 71:23 | |
| Florida 1:12 2:5 7:17,19,19 9:5 9:8,15 11:19 17:11 25:1 63:3 65:16 80:4 | frankly 44:25 | glad 4:16 64:16 | going 3:8,19 4:11,12 14:21 15:19,21 16:15 16:23 17:25 18:16,22 19:2 19:3,12,25 21:10,11 22:24 23:1,8,23 24:19,20,24 25:17 26:23 27:12 29:7 30:2 31:4,5,10 32:7 37:8,10 38:22,23 39:13 39:19 40:5 41:4,25 42:6 43:12 45:10 47:14 48:11 50:10,12,14,16 50:18,21 51:2 51:6 52:9 53:12,19 54:10 54:22 55:1,6 55:21,23,24 56:11,25 57:2 58:19 60:1,22 62:14 64:1,4 65:4,5,7 68:24 69:1 70:4 71:23 72:1,2,7 | great 11:11,22 12:24 58:18 59:4 61:24 62:16,22 | |
| flow 12:11 | Freeport 61:23 | go 3:7,19 4:20 6:3 7:9,14,15 8:1 9:19 15:19 16:9,15 17:10 23:4 24:23 25:6,11,20,22 | going 3:8,19 4:11,12 14:21 15:19,21 16:15 16:23 17:25 18:16,22 19:2 19:3,12,25 21:10,11 22:24 23:1,8,23 24:19,20,24 25:17 26:23 27:12 29:7 30:2 31:4,5,10 32:7 37:8,10 38:22,23 39:13 39:19 40:5 41:4,25 42:6 43:12 45:10 47:14 48:11 50:10,12,14,16 50:18,21 51:2 51:6 52:9 53:12,19 54:10 54:22 55:1,6 55:21,23,24 56:11,25 57:2 58:19 60:1,22 62:14 64:1,4 65:4,5,7 68:24 69:1 70:4 71:23 72:1,2,7 | Greg 16:3,11 17:16,22 46:10 | |
| fly 18:24 25:11 36:7 | frequently 67:4 | given 7:25 16:14 27:21 60:24 | going 3:8,19 4:11,12 14:21 15:19,21 16:15 16:23 17:25 18:16,22 19:2 19:3,12,25 21:10,11 22:24 23:1,8,23 24:19,20,24 25:17 26:23 27:12 29:7 30:2 31:4,5,10 32:7 37:8,10 38:22,23 39:13 39:19 40:5 41:4,25 42:6 43:12 45:10 47:14 48:11 50:10,12,14,16 50:18,21 51:2 51:6 52:9 53:12,19 54:10 54:22 55:1,6 55:21,23,24 56:11,25 57:2 58:19 60:1,22 62:14 64:1,4 65:4,5,7 68:24 69:1 70:4 71:23 72:1,2,7 | Greg's 67:20 77:8 | |
| flyover 18:17,21 23:3,17,21 38:25 | friend 32:4 | glad 4:16 64:16 | going 3:8,19 4:11,12 14:21 15:19,21 16:15 16:23 17:25 18:16,22 19:2 19:3,12,25 21:10,11 22:24 23:1,8,23 24:19,20,24 25:17 26:23 27:12 29:7 30:2 31:4,5,10 32:7 37:8,10 38:22,23 39:13 39:19 40:5 41:4,25 42:6 43:12 45:10 47:14 48:11 50:10,12,14,16 50:18,21 51:2 51:6 52:9 53:12,19 54:10 54:22 55:1,6 55:21,23,24 56:11,25 57:2 58:19 60:1,22 62:14 64:1,4 65:4,5,7 68:24 69:1 70:4 71:23 72:1,2,7 | ground 15:4 | |
| folks 43:6 46:1 63:11 | friends 62:24 | go 3:7,19 4:20 6:3 7:9,14,15 8:1 9:19 15:19 16:9,15 17:10 23:4 24:23 25:6,11,20,22 | going 3:8,19 4:11,12 14:21 15:19,21 16:15 16:23 17:25 18:16,22 19:2 19:3,12,25 21:10,11 22:24 23:1,8,23 24:19,20,24 25:17 26:23 27:12 29:7 30:2 31:4,5,10 32:7 37:8,10 38:22,23 39:13 39:19 40:5 41:4,25 42:6 43:12 45:10 47:14 48:11 50:10,12,14,16 50:18,21 51:2 51:6 52:9 53:12,19 54:10 54:22 55:1,6 55:21,23,24 56:11,25 57:2 58:19 60:1,22 62:14 64:1,4 65:4,5,7 68:24 69:1 70:4 71:23 72:1,2,7 | group 35:15 52:6 | |
| | front 20:18 | given 7:25 16:14 27:21 60:24 | going 3:8,19 4:11,12 14:21 15:19,21 16:15 16:23 17:25 18:16,22 19:2 19:3,12,25 21:10,11 22:24 23:1,8,23 24:19,20,24 25:17 26:23 27:12 29:7 30:2 31:4,5,10 32:7 37:8,10 38:22,23 39:13 39:19 40:5 41:4,25 42:6 43:12 45:10 47:14 48:11 50:10,12,14,16 50:18,21 51:2 51:6 52:9 53:12,19 54:10 54:22 55:1,6 55:21,23,24 56:11,25 57:2 58:19 60:1,22 62:14 64:1,4 65:4,5,7 68:24 69:1 70:4 71:23 72:1,2,7 | growing 14:24 | |
| | frustration 63:5 | glad 4:16 64:16 | going 3:8,19 4:11,12 14:21 15:19,21 16:15 16:23 17:25 18:16,22 19:2 19:3,12,25 21:10,11 22:24 23:1,8,23 24:19,20,24 25:17 26:23 27:12 29:7 30:2 31:4,5,10 32:7 37:8,10 38:22,23 39:13 39:19 40:5 41:4,25 42:6 43:12 45:10 47:14 48:11 50:10,12,14,16 50:18,21 51:2 51:6 52:9 53:12,19 54:10 54:22 55:1,6 55:21,23,24 56:11,25 57:2 58:19 60:1,22 62:14 64:1,4 65:4,5,7 68:24 69:1 70:4 71:23 72:1,2,7 | guess 33:7 38:21 42:9 58:22 63:1 75:10 76:9 | |
| | Ft 57:11 | go 3:7,19 4:20 6:3 7:9,14,15 8:1 9:19 15:19 16:9,15 17:10 23:4 24:23 25:6,11,20,22 | going 3:8,19 4:11,12 14:21 15:19,21 16:15 16:23 17:25 18:16,22 19:2 19:3,12,25 21:10,11 22:24 23:1,8,23 24:19,20,24 25:17 26:23 27:12 29:7 30:2 31:4,5,10 32:7 37:8,10 38:22,23 39:13 39:19 40:5 41:4,25 42:6 43:12 45:10 47:14 48:11 50:10,12,14,16 50:18,21 51:2 51:6 52:9 53:12,19 54:10 54:22 55:1,6 55:21,23,24 56:11,25 57:2 58:19 60:1,22 62:14 64:1,4 65:4,5,7 68:24 69:1 70:4 71:23 72:1,2,7 | guys 2:13 12:9 13:8 14:23 21:5 23:11,13 43:12 48:12 52:6,21 56:22 68:4 74:1 | |
| | full 22:9 | given 7:25 16:14 27:21 60:24 | going 3:8,19 4:11,12 14:21 15:19,21 16:15 16:23 17:25 18:16,22 19:2 19:3,12,25 21:10,11 22:24 23:1,8,23 24:19,20,24 25:17 26:23 27:12 29:7 30:2 31:4,5,10 32:7 37:8,10 38:22,23 39:13 39:19 40:5 41:4,25 42:6 43:12 45:10 47:14 48:11 50:10,12,14,16 50:18,21 51:2 51:6 52:9 53:12,19 54:10 54:22 55:1,6 55:21,23,24 56:11,25 57:2 58:19 60:1,22 62:14 64:1,4 65:4,5,7 68:24 69:1 70:4 71:23 72:1,2,7 | | |
| | fully 32:6 | glad 4:16 64:16 | going 3:8,19 4:11,12 14:21 15:19,21 16:15 16:23 17:25 18:16,22 19:2 19:3,12,25 21:10,11 22:24 23:1,8,23 24:19,20,24 25:17 26:23 27:12 29:7 30:2 31:4,5,10 32:7 37:8,10 38:22,23 39:13 39:19 40:5 41:4,25 42:6 43:12 45:10 47:14 48:11 50:10,12,14,16 50:18,21 51:2 51:6 52:9 53:12,19 54:10 54:22 55:1,6 55:21,23,24 56:11,25 57:2 58:19 60:1,22 62:14 64:1,4 65:4,5,7 68:24 69:1 70:4 71:23 72:1,2,7 | | |

| | | | | |
|--|---|---|--|---------------------------------------|
| guys' 76:18 | hearing 18:5 63:5 74:10 | 36:19 37:22 70:10,21 | immensely 47:4 67:5 | interject 50:8 |
| <hr/> H <hr/> | heart 19:5 | hosting 34:23 | impact 35:17 73:6 | Interlocal 2:18 |
| H.R 3:22,23 | Heck 36:8 | hour 29:16 70:22 71:14 | impacts 24:15 | 15:13 26:23 |
| half 7:20 17:21 59:3 70:23 71:14 | Heidi 3:23 | hours 42:12 | implored 58:4 | 27:2 41:25 |
| hand 6:5,5,10,10 48:2 63:8 80:15 | held 31:10 70:10 70:20 74:10 | Howard 3:18 | important 7:7 7:22 9:21 | 42:8,10,14 |
| handheld 8:5 | hello 63:7 | Hubbard 1:23 2:21,21 4:5,13 | 28:16,19 34:10 | 43:1,9,17,23 |
| handled 17:22 20:2 | help 9:13 26:18 26:20 37:3 41:21 | 4:14 12:19,20 12:23 13:25 | 42:24 46:5 | 45:12,15,18 |
| handout 58:7 | helping 16:3 67:12 | 24:9,12 25:2 25:12,14,18 | 47:25 57:25 | 46:12,18 47:2 |
| hands 38:20 | hereinabove 2:7 | 26:1,4,11,15 | 58:14 59:8 | 47:8,12 48:6 |
| hanging 78:25 | hereunto 80:14 | 26:19,22 27:1 | 61:4 | 54:4 58:23 |
| happen 7:11 9:24 20:3 | Hern 3:10 8:1 | 27:5,10,25 | improve 9:13 40:13 61:7 | 60:10,17,20 |
| 24:18 30:21 | hey 31:11 50:12 70:9 73:16,17 | 28:4,9 29:9 | improvement 71:12 | 62:5 66:13,17 |
| 32:7,16 55:22 | 77:17 78:12 | 30:7 33:22 | improvements 58:20 | 70:3 72:4 |
| 68:8 74:3 | highest 63:2 | 34:7 35:13 | inaudible 2:14 | 75:20 77:1,4 |
| happened 18:9 18:14 19:9,13 | Highway 6:16 6:17 13:19 | 36:16,17 37:20 | including 66:2 | interlogical 56:15 |
| 31:12,20 45:16 73:5 | 16:23 23:4 25:23 | 38:5,6,16,18 | inconvenient 63:4 | internally 29:2 |
| happening 31:9 | Hill 3:9 | 39:21,24 40:17 | indicated 39:5 | International 17:4 |
| happens 36:2 74:4,4 78:1 | historical 73:5 | 40:24 41:3 | individuals 35:15 | Intervene 59:6 |
| happy 15:16,19 | historically 31:9 | 48:5 49:13 | industrial 26:8 43:25 45:1,4 | introduce 3:2 4:5,21 15:20 |
| 21:24,25 41:16 | history 14:24 | 51:22 55:24 | information 31:6,16 58:9 | introducing 14:16 |
| 52:12,16 77:18 | hold 24:7 36:12 72:9 | 59:16 60:6 | 72:22 | involved 6:7 22:12,13,21 |
| hard 30:6 51:9 64:8 | holding 36:19 37:22 71:22 | 68:6,13,17,20 | inspection 42:19 | 47:5 58:15 |
| hardware 8:7 | homes 36:7 | 69:6,8 70:12 | installation 8:7 | IRA 42:25,25 |
| hash 76:5 77:15 | Honorable 4:24 | 70:16,18 71:19 | instituted 17:12 | Isaacs 5:11 |
| hate 70:10 | honored 2:24 4:16 | 76:15 78:7,9 | instructions 2:15 | issue 22:15 28:17,20 30:7 |
| head 7:5 | hooking 55:2 | 78:13,18,20 | intended 16:22 | 33:23,25 34:7 |
| hear 11:1 34:13 47:25 66:25 71:17 | hope 5:13 14:7 30:5 63:9 | Hubbard's 31:23 73:22 | intent 17:9 18:2 26:16 29:14 | 39:19,22 40:24 |
| heard 38:4 40:20,23 51:21 | hopefully 2:17 15:24 29:19 | huge 25:11 | 30:19 36:18,19 | 41:3,17 42:12 |
| 51:21,22 62:12 | 67:10 72:3 | hurt 64:19 | 73:3 | 51:7 58:4 59:8 |
| 62:14 73:21 | Horton 5:3 | <hr/> I <hr/> | intention 70:22 | 63:22 71:21 |
| 75:2,8 | Hoskins 5:2 | idea 22:16 28:20 31:25 32:3,9 | intergovernm... 35:4 | 73:10,24 78:1 |
| | hostage 36:12 | 42:8,9 46:3,19 | Interim 5:4,7 | issues 2:17 4:18 14:25 15:2 |
| | | 47:24 62:14,24 | | 27:7 29:5 |
| | | ideas 50:13 62:12 63:10 | | 30:13 33:21 |
| | | identical 21:15 | | 34:13,15,25 |
| | | illustrious 5:9 | | 36:14,14 42:18 |
| | | | | 42:20,20 43:13 |
| | | | | 44:4 46:5 |

| | | | | |
|---|---|---|--|---|
| 50:11 69:1 76:5,16 item 34:24 65:19 66:3,4,10,13 73:1 76:4 items 8:2,10,14 8:24 27:6 54:1 72:17 | 3:3 48:17,18 keep 41:11 42:25,25,25 keeping 11:15 Key 57:11 67:4 kill 3:8 kind 18:10 19:4 19:16,18,23 21:7,16 22:13 26:8 33:24 39:12 40:9 63:19 76:19 77:24 King 55:11 knew 37:7 know 2:11 9:4 10:5 11:2,10 12:14 13:2,10 13:10,11,12,14 13:15,16,17 14:10,10 16:1 16:8,17,24 18:10,12,15 19:17 20:7,14 21:19 22:4,17 23:5,10,11,12 23:13,13,15,18 24:3,4 26:4,13 27:14 28:16 29:5,5 30:12 33:8,11,21 34:6 36:1 37:1 37:2,6,8 38:1 38:15 39:9,11 39:18 40:9,13 40:25 41:2,20 41:21,23 43:2 45:9 46:1,6,22 47:3,10 48:2 48:10,20,21 52:9,15,18,23 53:14 55:16 56:2,11,19,22 56:24 57:10,23 59:24 62:10 | 64:9,12,14,16 64:17,17,22 65:1,2,3,6 67:6 67:6 68:23,24 69:2,8 71:6,23 72:4 74:12,20 74:23 75:1,5,6 76:8,24 78:3 78:16 knowledge 22:21 knows 3:15 39:14 56:23 Korea 67:8 Kruger 3:16 80:8,21 | 25:4,15 lease 19:8,8 leased 19:7 leave 41:5 51:13 53:5,14 75:18 76:12 left 25:22 27:22 27:24 71:14 74:9 76:25 legal 13:3 42:16 51:25 Legislative 5:13 5:14 length 32:15 42:21 let's 6:11 7:14 7:14 18:2 21:9 22:23 24:7 40:14 47:12 48:16 53:5 75:7,11,18 letter 4:7,9 64:21,25 65:10 65:15,17 66:6 66:7 letters 66:20 level 11:21 51:18 liability 44:11 liaison 11:14 liberty 16:12 license 8:8,9 licensing 42:18 44:3 lies 38:7 life 56:19 57:9 65:6 light 32:17 37:9 40:14 lighting 20:8 limited 32:5 line 11:15 27:15 52:3,3 lines 9:19 16:21 linger 77:23 | links 39:6 list 18:15 listen 15:8 listened 51:23 listening 76:14 litigation 17:20 22:25 little 9:16 20:22 21:21 22:14 67:22 69:16 77:15 live 29:24 lived 65:1 Liz 36:5 local 41:1 44:9 located 7:17 54:14 long 3:9 13:11 14:23 17:3,5 20:16,23,24 33:8 35:14,14 37:11 49:6 54:8,17 70:3 72:9,9 longer 27:13 35:15 43:6 look 5:20 10:7,8 10:12 21:17 43:19 47:6 48:6,7 53:21 67:12,23 76:17 77:9 79:3 looked 36:6 39:25 46:14 looking 2:13,14 15:17 36:4 39:2 40:21 51:16 76:6 lose 56:21 lot 12:13 14:10 17:6 18:14 23:21,24 32:16 35:3,10 43:14 43:15 44:14 47:4,10,10,14 |
| J | | | | |
| J 1:19,21 Jacksonville 57:11 Jamco 58:5 Jarra 3:12 Jean 1:20 Jeanty 5:13 Jeff 5:5 34:21 67:16 77:10 job 11:15 jobs 12:9,11,15 John 54:12 Johnson 4:8 join 17:16,18 joined 3:18 17:15 35:24 Joint 1:1 2:2 José 3:11 judge 18:5 64:21 65:4 judgment 65:8 Julia 1:24 July 19:8 76:22 June 1:11 2:5,11 42:13,21 45:18 65:17 80:15 jurisdiction 18:3 69:10 | | | | |
| K | | | | |
| Kaczwarra 3:12 Karen 5:2 67:16 77:9 KaShamba 1:25 4:23 Katherine 1:22 | | L 1:20 laboring 70:23 Ladi 5:16 lagoon 10:7 lake 10:8 land 15:13 26:7 28:10,21 29:7 29:23 30:3,4 31:15 33:2,2 33:25 35:1,23 40:22 43:10,21 44:24 45:2,8 56:13 69:13,16 69:21 70:6 71:2 72:10 landscaping 20:9 45:11 Lane 65:16 languished 18:9 18:10 Larry 3:9 15:20 16:1 24:14 46:10 54:16 law 13:1 lawsuit 17:12,13 17:13,15,18,18 17:23 18:7 | | |

| | | | | |
|--|--|---|---|--|
| 50:11 56:23 62:21 64:11 76:5 77:8,23 lot's 43:5 lots 61:5 love 33:18 35:23 52:12 lunch 63:10 Luther 55:11 lying 76:19 Lynne 1:23 4:14 | Marty 65:15 74:13 Master 66:6 74:18 Masters 55:9 57:14,17,20,21 matter 24:20 57:16 69:14 Mayor 55:9 57:14,15,17,20 57:21 Mayor's 5:11 McArthur 1:21 3:5 11:13 12:8 12:8 32:20,25 66:24,25 67:2 71:19 72:12 mean 6:8 14:19 14:23 17:20 18:22 21:20 28:13 29:7,25 33:10 38:12 40:12,14,22 41:5,16 42:11 43:2,22 44:11 44:14,21 49:7 50:16 51:6 52:6 62:2 63:23 67:20 68:6 71:25 72:7 77:8 78:11,19 meaningful 52:9 67:10 means 2:15 37:14,24 70:20 meet 51:6 meeting 2:11 4:10,25 14:22 16:7 21:8,10 21:11 29:14,15 31:4 42:15,23 43:2,7 44:15 45:20,22,23 46:15 49:21 | 50:9,10,11,13 51:11,14 65:18 66:5 72:22,24 72:25 73:10 76:8,9,13 meetings 35:4 47:18 49:20 50:14 51:15 67:5 76:17 mega 61:16 members 77:18 memo 66:4 memorializing 46:3 mention 40:8 mentioned 31:25 32:4,18 63:3 mercy 22:1,2,2 met 18:19 42:11 Michael 1:19 14:17 52:25 59:16 mid 19:13 mike 15:25 39:14 48:21 74:6 Miller-Anders... 1:25 4:23 14:1 14:4 34:9,12 76:23 77:3,20 78:24 million 60:14,21 millions 17:7 69:23 mind 27:22 65:4 65:13 minute 15:21 57:19,19 64:23 67:19 minutes 31:23 54:3,4,5 59:21 59:22 62:13 missed 3:17 4:2 mistaken 20:12 | mix 40:15 MLK 13:13 25:20 27:11,21 32:13 mobile 8:9 Mobility 39:3 modifications 73:9 modified 51:17 money 17:6 60:15 64:11 69:24 month 76:6 months 50:23 62:7 70:4 monumental 36:25 moot 48:2 motion 59:6 60:7 mouth 54:8 move 12:4,15 29:13 31:14,14 41:25 51:16 58:17 73:17 75:13 78:4 moving 11:25 35:17 46:7 73:6 MPO 18:15 19:10 23:1 38:8,10,19,20 38:24 39:2,3,7 39:11,11,17 municipal 44:12 Murphy 23:7,11 23:13 24:6,11 58:5,6 65:15 Murphy's 74:13 mutual 29:22 30:5 45:5 Myers 57:11 | name 14:17 34:20 41:12 name's 54:12 named 9:8 navigation 61:7 necessarily 73:17 necessary 13:5 need 12:14 14:25 27:18 29:1,6 31:8 37:5,9,23 38:11 46:5,20 47:17 49:17,18 50:18 51:1,14 52:7 58:14 60:18 61:20,25 62:22 65:11 67:3 73:16 76:11 77:13,21 77:25 78:14 needed 20:14 37:8 44:2,7 50:2 needs 30:8 32:16 34:1 35:16 51:24 60:21 61:16 71:9 neighbor 9:14 58:1 neighborhood 33:11 35:6 55:13 neighborhoods 23:24 24:16 33:4 neighboring 11:20 neighbors 9:13 14:6,23 18:22 43:4 never 28:23 51:9 60:15 65:6 new 6:1 31:8 43:21 44:23 |
| <hr/> M <hr/> | | | | |
| M 1:22,22 54:21 ma'am 22:3 MacArthur 69:17 Madam 10:23 Madden 5:4 11:23 main 47:15 63:23 major 60:14 making 13:3 37:14 76:9 Manager 5:2 34:14 manager's 61:3 Manager/Utility 5:3 Manny 12:8 22:11 45:23 46:10 56:23 64:6 Manuel 67:6 March 59:3 March-Goldw... 5:17 marina 6:20,21 7:9,10 Marine 7:20 9:9 66:15 marketing 3:13 Martin 55:11 58:5 | | | | |
| <hr/> N <hr/> | | | | |
| | | | nail 19:4 | |

| | | | | |
|--|---|--|---|--|
| 45:18 49:17 65:22,24 67:17 nice 13:24 64:17 nicely 59:6 nineties 16:24 58:16 nodding 69:2 Nole 67:6 normally 8:24 north 3:19 44:20 55:2 58:1 66:14 67:8 note 8:4 noted 2:7 notes 66:20 80:12 Notice 17:9 18:2 notification 45:8 notion 42:24 November 19:20 number 12:2 32:5 58:7 60:13 61:6 65:20 numbers 62:2 | oh 11:7 14:3 23:4 54:9,10 57:2,18 64:23 68:1 okay 5:18 8:3,3 10:25 14:4 25:14,19 26:11 26:15,22 27:1 27:2,9 29:18 31:21 36:13 40:17 41:8 45:8 47:21 48:16 49:24 50:6 57:22 60:5 63:20 64:22 68:13,19 78:19 old 6:20 7:8 21:17 36:13 42:9 43:19 49:25 55:20 57:23 59:8,13 once 15:1 25:2,3 25:15 27:21 45:6 77:12 78:6,10 one's 49:9 75:14 one-third 58:12 Opel's 58:21 open 53:5 76:15 opened 22:12 opening 11:11 19:17 openly 76:14 operate 6:7 opinion 17:12 opportunities 12:12 opportunity 5:19 21:16 25:6 42:7 51:23,24 52:12 67:16 78:23 opposite 54:23 options 62:2 | order 4:17 65:22 67:10 outlining 20:7 outstanding 34:25 overall 61:22 overlay 44:23 overpass 22:8 55:1 overview 10:19 owe 14:24 owner 57:25 66:15 | 54:19 parking 44:18 61:25 62:1,3 part 15:5 17:5 22:5 23:2,17 28:7,8,10 45:12 68:9 participated 66:16 particular 58:9 partner 58:13 partners 6:10 7:6 9:2 parts 59:9 Pascale 5:12 passed 16:14 patience 13:18 patient 37:7 patiently 13:9 Patrol 7:20 9:9 Paul 3:12 pay 9:17 Peggy 3:18 pension 56:4 people 9:8 11:1 50:3 56:24 65:3,5 percent 62:11 periods 50:23 permission 25:16 52:11 permitting 42:19 44:3 person 3:11 4:1 36:22 63:13 64:20 pertaining 65:19 petty 37:22 Peyton 1:21 3:5 69:17 phase 61:10 phones 15:7 phonetic 8:7 physical 60:18 | physically 77:11 pick 55:3 Picken 3:8 16:3 17:16 59:6 piece 15:12 19:24 26:2,8 26:14 27:3,5 27:18 28:6,19 44:17 55:8 pipes 9:19,22,23 10:2 place 12:11 13:6 50:19 76:19 80:10 plan 35:2,9 42:19 44:2 45:11 56:3 57:4 58:18 59:1,10 66:6 74:18 planned 62:3 66:12 planner 62:23 planners 62:22 planning 20:19 21:3 24:16 34:14 45:21 47:11 62:11 plans 24:18 25:11 43:10 62:16,21 72:4 74:16 plant 20:1 plat 35:2 plate 8:8,9 player 58:12 playing 58:3 please 15:11 32:18 66:18 67:15,18,24 pleasure 5:24 21:25 plus 60:21 66:8 point 10:17 13:12 16:25 |
| <hr/> O <hr/> Obama 6:17 16:23 23:4 25:23 59:14 objected 24:16 24:17 objecting 66:4 objection 60:8 66:6,7,20 obligations 32:8 Obviously 57:25 occur 6:25 offended 70:18 office 58:21 60:15 officer 18:5 Official 5:16 officials 43:15 | <hr/> P <hr/> p.m 1:12,12 2:6 79:5 package 16:13 38:9 59:5 packet 59:15 61:9 pages 80:11 paid 46:14 pain 64:14,14 Palm 1:3 2:2,4 2:24 3:14 4:3 6:4,9,22 7:4 8:15 9:10,20 9:23 11:25 16:21 18:21 20:5 23:25 30:1 32:22 35:4,7 39:3,13 57:10,12 58:12 65:22,23 66:6 66:7 67:11 69:20 71:1 80:5 Palmwood 54:13 parallels 32:12 parcel 69:20 Pardon 40:1 78:8 park 43:25 | | | |

| | | | | |
|-----------------------|-------------------------|-------------------------|------------------------|-------------------------|
| 17:20,22,24 | 45:11,19 51:25 | 30:25 31:6 | 29:7 33:16 | 72:8 |
| 18:25 19:5,20 | 56:14 57:12 | 42:7 | 46:8,9 | protect 13:6 |
| 21:3 25:5,19 | 58:8,11,16,24 | presentations | produce 60:21 | proud 78:16 |
| 33:22 36:3 | 58:25 59:7 | 72:17 | 61:21 | provide 37:18 |
| 38:16 48:2 | 60:13,25 61:5 | presented 31:12 | produced 58:18 | 38:10 39:5 |
| 68:9,9 71:5,5 | 61:12,15,24 | 31:13 66:5 | producing 12:2 | provided 45:19 |
| 71:17,20 72:2 | 62:21 63:11 | 73:10 | 63:2 | 71:12 |
| 77:12,25 | 65:21,22,23 | presenting | production | provides 11:21 |
| pointed 37:13 | 66:7,11,14,15 | 65:19 | 61:19 | 13:4 |
| pointing 14:6 | 67:11 69:11,12 | president 41:1 | program 56:4 | provision 44:12 |
| points 6:4 | 69:19 71:2 | 54:13 59:14 | progress 61:5 | 45:13 |
| police 5:4 6:8 | 73:25 74:15 | pretty 17:2 21:8 | project 6:24 | provisions 44:22 |
| 7:15,15,23 | 75:17 78:15 | 21:20 42:23 | 19:5 20:17 | public 3:20,24 |
| 8:11,21 11:20 | Port's 15:20 | previous 57:15 | 34:25 35:17 | 5:7 16:6 19:21 |
| 44:13 | 16:3 19:7 | 66:19 | projects 60:14 | 31:4 42:3 51:1 |
| policies 43:10 | ports 6:6 7:18 | price 7:20 | 61:1,3,4 | 51:5 53:10,13 |
| ponds 55:12 | 8:13 11:19 | prime 59:9 | promise 22:6 | 63:14 66:16 |
| port 1:3,20,21 | 61:1 63:2 | prior 66:3 68:23 | 35:13 63:6 | 71:24 |
| 1:21,22,22 2:2 | position 71:17 | Pro 1:23 4:13,14 | prompted 42:15 | purchased 8:10 |
| 2:4,23 3:14 4:3 | 73:16 | 12:20,23 24:9 | 42:16 | 65:25 |
| 4:4 5:21 6:2,4 | positively 40:21 | 24:12 25:2,12 | proper 20:3 | purpose 14:10 |
| 6:6,9,22 7:4,16 | possibilities | 25:14,18 26:1 | 30:18 31:5,19 | 14:22 19:22 |
| 7:18,23 8:12 | 4:19 5:21 | 26:4,11,15,19 | properly 51:23 | 66:1 |
| 8:17,24 9:5,14 | possible 16:13 | 26:22 27:1,5 | property 15:22 | pursue 22:24 |
| 9:20,23 10:3,8 | 49:21 | 27:10,25 28:4 | 15:23 16:4,6 | push 25:21 |
| 10:9,12 11:14 | possibly 48:10 | 28:9 29:9 | 16:20,20 17:1 | 27:20 41:17 |
| 11:19 12:24 | potential 44:18 | 36:17 37:20 | 17:1,8 18:13 | 46:24 |
| 13:5,16 14:13 | 51:12 | 38:6,18 39:21 | 18:23 19:2,6 | pushing 74:18 |
| 16:2,2 17:5,15 | potentially | 39:24 40:17 | 19:21,24 20:7 | 74:20,24 |
| 17:23 18:13 | 76:21 | 48:5 49:13 | 20:15 23:18,18 | put 11:4 15:7 |
| 19:7,16,18,21 | power 16:21 | 68:6,13,17,20 | 24:1,2,2,14 | 38:19 40:14 |
| 20:2,6,13 22:6 | 37:3 | 69:8 70:12,16 | 25:4 26:3 27:4 | 51:11 53:2 |
| 25:5,5,21 26:7 | practical 62:16 | 70:18 78:7,9 | 27:6,8,13 | 58:25 61:17 |
| 28:13,20 29:6 | 62:19 63:10 | 78:13,18,20 | 30:23 32:21 | 62:4,5 69:22 |
| 30:12 32:4,5 | preclude 40:20 | probably 14:9 | 33:1,5 35:10 | 76:9 78:3 |
| 32:22,23 33:1 | preference 44:9 | 17:21 21:21 | 36:11 38:14,16 | putting 62:14 |
| 33:3,6,13 34:6 | prepare 29:14 | 41:16 42:12 | 38:24 44:16,17 | |
| 35:5,23 36:9 | prepared 51:19 | 54:17 61:22 | 54:3 55:5,7,10 | Q |
| 37:2,2 39:19 | 67:22 72:21,22 | 63:9 67:20 | 55:11 56:6,8 | question 23:16 |
| 40:9,12,25 | 76:20 | problem 55:20 | 56:10 57:8,25 | 24:15 25:14 |
| 41:9,14,15 | presence 41:9 | 56:2,21 70:8 | 58:2 66:14 | 38:11,12 40:6 |
| 42:17,18 43:3 | present 35:15 | proceeded 60:13 | 68:8 69:7,25 | 46:17 74:7 |
| 43:8,23,24,25 | 72:17 | proceedings | 70:25 71:2 | questions 15:19 |
| 44:14,16,18,20 | presentation | 79:5 80:10,13 | proposed 23:3 | 16:16 21:24 |
| 44:23 45:1,3,9 | 22:11 30:18,20 | process 20:4 | proposing 28:25 | 42:1 |

| | | | | |
|-----------------------------------|------------------------------|-------------------------|--------------------------|-------------------------|
| quick 16:15 34:20 65:13 | 47:16 | relationship | respond 11:10 | 72:24 |
| quickly 41:25 | recall 35:23 | 43:8 | 64:24 | right-hand |
| quite 36:14 | receive 8:25 69:24 | relevant 50:20 | response 23:16 | 32:13 |
| <hr/> | received 4:7 | relief 39:6 | responsible | Rivera 12:12 |
| R | receiving 70:1 | Relinquish 18:2 | 31:10 | 19:14 20:5 |
| R 80:1 | recognize 14:12 | remark 59:19 | rest 4:21 | 22:15 23:23 |
| railroad 17:10 | recognized | remarks 19:18 | restarting 46:9 | 46:11 67:11 |
| 25:18 | 13:16 44:15 | remember 17:3 | restated 44:9 | Riviera 1:5,12 |
| Railway 17:11 | Recognizes | 17:4 36:4 | restaurant 17:2 | 2:3,5 3:1 4:15 |
| ran 64:23 | 44:18 | 54:18 59:23 | 54:18 | 8:11 11:22 |
| reach 67:9 | recollection | REMEMBER... | restrictions 20:8 | 12:1,10 13:7 |
| reaching 48:21 | 18:20,21 23:2 | 2:1 | 20:9,9 30:2,4 | 16:7 18:20 |
| reaction 54:23 | recommenda... | reopen 66:10 | 35:8,9 | 20:18 21:2 |
| 56:11 | 25:20 | replacement | restrictive 21:22 | 35:5 37:24 |
| read 65:11,12 | recommending | 59:14 | result 21:11 | 57:10 58:11,24 |
| 65:14 66:18 | 21:5 | report 45:17 | retire 56:3,20 | 60:8 65:16 |
| 72:16 | reconnection | 52:18 61:3 | revenue 63:2 | road 16:9 19:4,5 |
| readers 8:6,8,9 | 59:7 | 80:9 | 70:1 | 19:19 25:6 |
| readily 61:20 | record 57:19 | reporter 3:15 | review 46:12 | 32:11 37:11,15 |
| reading 16:7 | 65:11 66:19 | represent 41:15 | 77:7 78:7 | 55:23 59:8,12 |
| 21:3,8 34:2 | recreate 52:8 | representation | reviews 73:4 | 59:13 63:24 |
| 60:9 68:3,7,12 | red 9:18 | 45:6 | revised 43:17 | 65:21,24 66:11 |
| 68:14,16,17,18 | redevelopment | representative | 46:12 | 66:11 |
| 68:24 69:3 | 43:3 | 19:14 | revisit 45:14 | roads 39:13 |
| 72:7 74:9 | redo 67:21 | represented | rhetorical 74:24 | 69:22 |
| real 12:12 16:15 | redoing 46:9 | 59:11 | Richard 4:1 | roadway 39:6 |
| 29:25 35:23 | referee 14:19 | request 17:17 | Richards 1:22 | room 51:10,13 |
| 44:2 | regard 19:19 | requested 17:16 | 3:4 6:2 10:16 | 61:12 62:23 |
| really 6:7 8:13 | Regina 5:14 | 21:14,23 | 10:17 35:19,21 | rough 53:2 |
| 8:17 10:11,11 | Reginald 5:6 | research 50:19 | 35:21 48:18 | row 3:7 5:1 |
| 18:9,15 21:1 | Regional 24:16 | reset 43:7 44:6 | 52:25 53:8,12 | ruin 18:22 23:24 |
| 23:20 28:21 | regular 45:5 | residential 24:2 | 53:20 74:6,12 | rules 15:4 |
| 30:6 32:6 | regulations 47:4 | 35:7 | 75:4,10 | run 60:22 62:21 |
| 34:25 38:8,11 | regulatory | residents 6:11 | right 2:22 7:10 | runoff 9:17 10:2 |
| 38:12,13 39:7 | 42:16 | 6:18 7:9,11 | 9:20 11:25 | rushing 29:21 |
| 39:10 43:11 | reintroduce | 12:12 33:5 | 12:18 14:16 | Ryan 16:2 |
| 46:14 49:4 | 42:8,9 | 37:1 | 16:20 26:24 | <hr/> |
| 62:17 | rejected 22:15 | resistance 18:19 | 28:12 30:10 | S |
| reason 27:6 28:4 | related 33:24 | resolution 14:8 | 31:3 38:18,19 | S 80:8,21 |
| 28:5 39:18 | 42:17 43:21 | 15:24 | 40:19 41:13 | safety 7:22 8:16 |
| 62:18 | 73:22,23 | resolve 15:3 | 50:18 52:16 | 71:24 |
| reasonable | relates 12:9 | 67:11 | 53:23 55:25 | salt 67:7 |
| 53:16 | relations 3:20 | respect 31:18 | 56:14 57:7,22 | sat 51:8 70:23 |
| reasons 43:4,4 | 3:24 | 62:17,20 72:14 | 61:23 64:3 | satisfied 35:11 |
| | | 72:18 | 70:14 71:25 | 52:7 |

| | | | | |
|---|--|---|--|--|
| <p>saw 13:3 39:7 saying 27:17 28:3 31:11 33:21 35:13 37:15,22 38:13 48:1 64:12 71:18,22 75:4 says 39:3 59:6 64:22 73:7 scheduled 65:18 schedules 76:18 school 33:11 55:5 Scott 5:8 second 6:12 43:16 55:3 60:7,9 68:3,7 68:11,14,15,17 68:18,24 69:2 72:7 74:9 section 48:12,13 50:10,10 55:3 59:12 security 3:10 13:4 25:21 27:20 see 8:5 9:12,18 9:19 11:24 12:6 13:3 15:16 18:2 21:9 24:17 28:7,8,14 34:4 47:18,19 48:7 48:7,13 53:1 53:16 54:9 58:8 59:5 77:13,16,24 78:3 seeing 12:1 seen 67:17,18,20 75:22 sending 64:25 senior 11:22 sense 36:8 53:1 56:13</p> | <p>sent 4:8 September 45:20 series 72:24 seriously 23:20 37:23 73:24 75:15,17 service 7:18 11:21 services 5:5 7:15 7:23 34:22 44:8,13 set 49:21 62:6 76:13,24 78:13 80:14 settles 39:10 Seven 59:5 sewer 44:13 shake 7:5 63:7 shaking 53:1 shallower 61:12 share 33:21 51:24 52:2 shelf 62:4 Sheriff 9:10 ships 61:16,17 62:2 shirt 14:19 shoot 53:21 short 14:18 15:11 32:9 67:9 shortly 45:18 shot 7:10 11:24 show 12:4 57:4 shows 11:22 side 13:2 17:19 33:6 34:15 46:11 48:6,16 48:17 55:2,11 74:22 sides 42:24 47:13 53:1 54:20 73:23 significant 10:2</p> | <p>similar 21:15 43:19 simmer 15:8 simply 36:11 single 35:7 sink 52:23 sir 54:5,10 57:13 63:17 sit 73:13 site 35:2,9 42:19 44:2 sitting 65:4 six 60:4 62:7 size 56:10 skill 12:13 skin 62:18 Skypass 57:8 58:19 60:14 61:7,8 65:23 slide 11:18 12:7 slip 58:17 61:6 smaller 61:17 smart 62:17 Smith 3:9 15:20 15:25 16:1 20:25 22:2,17 22:20 23:10,12 23:15 34:3 38:3,7,19 40:7 40:12 54:16 software 8:6 somebody 56:7 57:1 someplace 64:25 sorry 11:8 14:3 22:7 28:11 54:10 57:22 70:22 72:12 sort 14:8 15:21 15:23 43:7 45:6 62:3 south 16:21 23:9 24:1 26:2 35:6 36:11 44:16 45:9 55:11</p> | <p>70:25 southern 32:21 33:13 southwest 44:19 spaces 62:3 speak 22:14 58:4 74:2 77:6 speaker 32:2 57:15 speaking 16:19 41:14 special 1:1 2:1 43:23 44:1 specifically 23:5 51:4 speed 15:2 spend 7:24 35:3 spending 61:1 spent 17:6 42:12 Spotters 11:24 squared 54:21 staff 4:21 5:11 5:12 11:13,22 20:19 21:9 35:5 39:2 41:22 43:14 45:21,24 46:11 47:18 51:10,12 51:18,25 52:2 67:25 73:4,12 74:16 75:22 77:6,22 78:5 staffs 46:10 52:4 52:7,13,17 53:16 67:15 77:14 staging 20:1 standing 60:16 standpoint 34:24 start 5:1 51:11 started 5:25 6:14,14 20:21 58:10,16 starting 32:17</p> | <p>58:17 state 7:16 9:5,15 11:19 24:25 59:8,12,13 80:4 stated 4:24 51:3 70:21 73:7 80:10 statement 11:11 31:24 70:20 statement/que... 25:3 statements 66:3 States 67:9 stating 31:17 73:18,19 stereotype 80:12 stick 2:17 15:12 15:14 stop 7:8 16:16 16:17 75:11 76:16 stopped 25:1 45:24,25 46:16 storm 9:17 10:4 42:20 44:10 story 54:20 straight 7:10 street 2:5 6:13 6:14,15,19 7:4 7:7 23:8 24:5 25:22 27:23 33:23 40:8,10 44:19,21 54:14 54:15 55:2,25 56:1,17 57:6 58:10,13,20 63:25 64:2 69:14,14 71:12 streets 32:11 64:7 69:23 strict 2:15 strip 69:16 structured 76:17</p> |
|---|--|---|--|--|

| | | | | |
|-----------------------------------|-------------------------|------------------------|------------------------|-----------------------|
| studies 23:1 38:22,24 | 38:24 | 62:15 69:6,9 | Terrence 5:6 | 10:11 12:3 |
| study 18:15 19:11,13,15 | surprised 64:13 | 70:24 71:2,16 | thank 2:22 4:13 | 13:1,9 15:15 |
| 23:1,17 38:10 | surprises 64:19 | 74:21 77:3 | 5:18,22,23 | 16:13,24 20:11 |
| 39:4,4 62:1 | Susan 80:8,21 | Tallahassee | 10:18,21 11:7 | 20:21 21:21 |
| stuff 77:15 | switch 4:12 | 47:5 48:1 | 12:18,20,23 | 23:19 24:14 |
| subject 42:13 | system 10:4 | 50:21 | 13:20,22,22 | 29:1,8 30:8 |
| 44:11 59:25 | 12:10 | tear 67:21 | 14:5,14,14,15 | 31:5 33:20,22 |
| 65:18 | T | technical 34:24 | 15:25 22:8 | 34:1,6 35:12 |
| subjects 60:1 | T 80:1,1 | teeth 52:24 | 34:22 36:15,17 | 35:14,15 37:6 |
| substantial | T.D 72:11 | televised 31:4 | 42:2,7 53:7 | 38:2,7,25 39:9 |
| 36:25 | table 28:13,21 | tell 4:11 17:7 | 54:5 57:13 | 40:25 41:3,6 |
| substantially | 66:9 | 23:15 24:6,11 | 60:5 63:11 | 41:14 42:23 |
| 21:14 | tabled 20:23 | 32:6 46:13 | 65:9,19 66:22 | 44:2 46:6,7,13 |
| subtracted 50:1 | Tacaria 3:24 | 56:6 57:11 | 66:23 67:3,13 | 46:19 47:1,15 |
| successful 20:5 | take 6:11 10:11 | 58:9 67:15 | 78:20,22,24,25 | 47:17 48:5 |
| succinct 16:13 | 15:21 31:23 | Tem 1:23 4:13 | 79:1,2,4 | 50:2,10,12,13 |
| sudden 64:21 | 36:7 37:11 | 4:14 12:20,23 | That'd 34:16 | 52:7 53:11 |
| sued 24:22,23 | 39:7 50:10,14 | 24:9,12 25:2 | They'd 28:7 | 55:21 63:21 |
| 24:25 | 50:21 51:1,24 | 25:12,14,18 | thing 6:12 7:12 | 68:1 70:9 71:3 |
| suggest 29:2 | 52:14 53:10 | 26:1,4,11,15 | 9:16 11:18 | 71:19,20 75:12 |
| 39:16 49:19 | 54:2,7 56:17 | 26:19,22 27:1 | 15:10 18:9 | 75:21 77:8,10 |
| 53:2,8 | 64:1,6,12 67:7 | 27:5,10,25 | 19:19,23 21:20 | 77:18,20 |
| suggested 45:12 | 69:14,23 70:3 | 28:4,9 29:9 | 22:13 24:13 | third 63:1 |
| suggesting 53:3 | 70:4 72:8 | 36:17 37:20 | 26:18 33:20 | thought 7:7 |
| suggestion | 73:24 77:14 | 38:6,18 39:21 | 40:7 43:16 | 27:11 29:25 |
| 43:22 49:2 | taken 18:23 33:8 | 39:24 40:17 | 44:16 47:3,6 | 39:10 48:20 |
| Sunny 58:18 | 80:12 | 48:5 49:13 | 49:11 50:7 | 71:6,13 75:9 |
| sunset 45:13 | takes 3:20,23 | 68:6,13,17,20 | 52:10 55:14 | three 2:12 8:2 |
| 52:10 | 59:2 | 69:8 70:12,16 | 56:24 69:12,21 | 20:11 36:21 |
| support 23:23 | talk 6:12 38:5 | 70:18 78:7,9 | things 2:22 6:8 | 42:12 45:7,17 |
| 31:15 41:17 | 53:15 54:10 | 78:13,18,20 | 7:25 8:10 | 49:22 53:5 |
| 51:3 73:3,8 | 59:24 67:14 | temperature | 10:10 12:6,25 | 54:3,4,5,20 |
| supposed 16:9 | 77:9,10 | 11:16 72:15 | 13:9,20 14:6 | 58:17 59:22 |
| 30:20 57:3 | talked 30:8 | ten 45:14 52:10 | 14:12 15:14 | 62:7,8,13 65:3 |
| 62:25 65:8 | 32:15 38:25 | 65:1 67:20 | 19:9 24:9 | threw 17:24 |
| sure 12:14 14:11 | 44:17,17 58:11 | 74:16 | 26:22 27:2,19 | Thursday 61:2 |
| 17:7 31:15,25 | 64:5 68:22 | tenants 12:9 | 33:7,12,15 | tied 72:1,6 |
| 34:18 38:9 | 75:7 | Terence 1:24 | 38:9 43:20 | Tiki 6:19,19 |
| 39:11 53:17,20 | talking 15:9 | 4:22 | 45:10,16,25 | till 15:9 |
| 67:10 73:12,14 | 24:5,13 26:23 | terminal 60:16 | 56:8 60:17 | time 2:10 4:11 |
| 75:6,6 76:2 | 32:21 33:2 | terminate 19:12 | 62:11 64:18 | 4:20 6:20 |
| 78:1 | 36:24 38:1 | 19:15 | 68:2,22 70:1 | 13:11 14:18 |
| surplus 19:2,6 | 39:4 46:8 | terminated | 73:5 76:6 | 15:11 16:5,16 |
| | 54:24 57:16 | 49:12,14 | 77:23 | 16:25 17:3,20 |
| | | terms 61:23 | think 2:20 3:17 | 17:22,24 19:9 |

| | | | | |
|---|---|--|---|---|
| 20:24 33:8 35:3,14,18 37:11,12,13 42:11 43:7 45:15 47:13,15 50:21,23 53:16 57:3 59:2,10 62:5 64:24 72:9 76:4,9,10 76:17 77:15 80:10 timeline 16:12 49:21 76:24 77:22 78:12 timely 64:24 times 37:13 47:3 67:20 timing 53:2 tip 9:17 today 2:24 10:3 13:18 29:16,17 30:11 51:10,13 53:9 54:1 60:15 68:22 tone 76:14 tonight 4:17 5:19 14:11 34:23 58:1 Tonya 4:8 tools 13:5 top 23:19 46:24 topic 28:2 topics 43:6,6 total 6:1 totally 25:24 69:16,18 towel 17:25 TPA 41:10,13 41:16,18 74:1 74:19,25 75:16 track 21:7 27:22 32:12 tracks 17:10 18:18 23:19 24:23 | trades 12:13 traffic 32:17 65:21 trailer 17:1 54:19 transcription 80:12 Transportation 6:23 Treasure 39:15 treat 46:4 treated 43:24 Tri-Party 20:6 20:10 21:15,17 26:9 tried 16:12 40:13 75:24 Tropical 61:20 trouble 47:10 trucks 18:18 25:23 28:1 true 49:16 73:17 80:11 truth 63:4 truthfully 31:9 try 2:16 15:2 17:19 20:14 21:12 26:17,19 52:19 56:20 73:20,20 74:1 75:14 77:21 trying 28:22 30:22 68:1 Tuesday 1:11 2:5 tunnel 18:18 22:9 23:20 turn 13:4 32:13 56:16 66:21 turned 25:4 turning 27:22 TV 5:15 twice 59:22 two 2:17 4:18 6:1 8:1,8 15:14 | 26:22 27:1 30:6 31:23 36:21 42:11,22 46:10 54:1 58:7 60:1,24 61:22 65:3 68:2 72:5 76:7 type 49:18 <hr/> U U.S 13:19 16:23 17:2 23:19 25:6,9 44:19 44:21 55:2 59:7,13 ultimately 18:12 unable 65:17,18 unanimous 19:14 21:4 uncle 52:18 understand 14:25 23:16 28:2,11,22 31:8,19 33:9 33:12,14,24 37:23 38:13 68:3 70:9,24 71:3,15 73:14 73:21 75:12 76:12 understandably 35:25 understanding 22:25 23:22,25 26:6 28:16,20 29:23 30:5,19 68:10 71:7,8 72:23 73:4 74:8,11 75:13 75:18 understands 71:4 UNIDENTIFI... 32:2 United 67:9 | unreasonable 36:7 update 7:14 42:9 43:21 46:2 49:17,25 66:7 updated 43:1 52:8 updating 46:2 46:18 usage 60:21 61:13 use 7:18,19 10:2 15:13 20:1,3,7 21:12,14,22 26:7,9 28:10 28:21 29:7,23 30:3,4,4 31:15 32:10 33:2,3 33:25 35:1,23 36:11 40:22 43:10,21 44:24 45:8 55:23 69:13,20,21,25 70:6 71:3 72:10 user 45:1,4 uses 7:17 42:18 44:1 45:2 usurp 43:9 utilities 44:10 <hr/> V vacation 64:12 valid 43:6 value 56:6 values 55:18 Venice 3:17,18 versed 28:25 vessel 61:13 vessels 61:18 vetted 32:14 Vice 1:21 2:21 visionaries 67:3 visionary 67:4 | voted 74:19 75:6 voting 74:22 <hr/> W W 1:21 Wade 36:5 wait 16:17 45:15 56:5 57:18,19 64:23 waited 37:7 waiting 21:7 37:12 Waldron 1:22 3:3 41:7,9,13 41:20 42:2 48:22 49:2,18 51:4 76:13 Waldron's 73:22 walk 15:15,21 62:23,24 68:2 wall 32:22 33:5 Walter 5:15 want 5:18 6:12 7:20 8:1,17 9:2 9:11,16 10:5 10:10,15 14:5 16:18 24:17 25:3 31:14 36:11,13 40:4 41:17 48:7 50:7,23 51:19 53:10,17 56:5 56:20,22,23 57:10,19 61:14 63:12,13 64:9 64:13,20 65:9 68:2,2 69:22 69:24 72:16,19 73:12 74:5,21 77:6,9,9,23 wanted 6:13,18 6:25 7:6,9 10:19 20:1 36:9 43:1,2 |
|---|---|--|---|---|

| | | | | |
|--|--|---|--|--|
| 50:3 67:3,8 76:24 wants 41:3 55:24 63:23 67:21 75:5 Ward 42:3 53:25 54:6 57:4,24,24 59:20,22 60:1 60:4,6 62:10 62:17 63:7 64:14 Ward's 54:8 74:13 warehouse 8:7 wasn't 12:22 22:21 24:19,20 25:17 31:12 43:9 57:18 water 9:17 10:4 20:17 42:20 44:10,13 61:1 61:8 way 6:14,19 7:1 10:13 19:20 25:8 26:3 27:19 32:10,13 41:10 46:15 51:16 56:17 59:15 62:15 64:6 67:4,13 73:6 76:5,17 Wayne 1:22 3:4 35:21 48:17,21 wayside 77:25 we'll 2:16 5:1 15:15 52:21 63:9,9 75:1 we're 4:10 7:16 7:21 8:12 9:6 10:3,5 11:14 12:3 14:7,11 16:2 17:25 21:1,6,10,11 24:13 25:19 | 26:23 28:2 29:21 31:3,5 31:10 32:18,21 36:24 39:4 45:8 48:9 50:17 51:6,14 53:23 57:2 62:25,25,25 63:1 64:4 68:24 69:6,8 69:12,20,22,24 70:2,5,24 71:16,23,25 72:2 73:9 75:13,15 76:24 77:3,17 78:3 we've 7:12,25 9:12 10:12,20 13:9 15:11 20:15,17,25 28:23 31:15 38:25 40:1,23 52:7 54:25 week 32:7 76:8 weeks 22:11 53:4 62:6,7 welcome 2:9,23 4:4 went 7:5 17:21 47:11 51:9 55:8,9,14 weren't 47:5 west 6:15 8:15 9:10 11:25 16:21 18:20,22 20:5 23:3,8,18 23:24,25 30:1 32:10,22 35:4 35:7 40:13,14 43:25 44:21 54:14 55:9 57:10,11 58:2 59:8,13 61:9 61:18 62:15 67:5 71:1 | westward 61:7 WHEREOF 80:14 wide 53:5 Wildlife 7:19 9:9 Williams 5:14 11:23 Willie 5:2 win 17:25 wish 33:17 wit 2:7 WITNESS 80:14 wonder 22:14 wonderful 11:15 words 53:3 work 7:1,21 8:16 11:17 12:5 14:7,12 16:3 24:19 32:16 35:23 36:13,14 39:18 40:25 41:4,23 41:24 45:25 49:19 50:22 51:16,20 52:14 52:17 56:3,5 64:17 70:4 72:19 74:1 78:14 worked 6:5,9 10:20 13:8,9 39:14,23 55:21 56:19 60:17 65:6 working 12:16 12:16 74:25 Works 5:7 workshop 1:1 2:2,10,25 48:12 50:1 76:4,10,19 78:13 workshops | 66:16 worry 64:2 worse 55:18 56:8 worth 68:23 wouldn't 25:9 74:10 wrangling 42:17 wrap 59:20 write 8:25 wrong 56:10 60:12 70:15 wrote 29:4 <hr/> X <hr/> Y <hr/> yachts 61:16 year 2:12 7:24 17:21,21 20:22 45:7 50:15,16 52:10 56:10 59:3 62:8 74:15,16 years 2:13 3:25 6:4,9 7:2,13 9:12,21 10:20 11:12 14:9,13 20:12 31:18 36:10,21 37:16 37:17 43:5 45:7,14,15,17 49:22 53:6 55:20 59:5 65:1 <hr/> Z <hr/> Zielinski 3:12 zoning 20:3,19 21:4,19 30:3 33:19 34:14 35:2 42:18 43:22,23 44:23 44:24 45:9,22 47:11 | <hr/> 0 <hr/> 02 35:22 06 31:2 07 31:2 <hr/> 1 <hr/> 1 13:19 16:23 17:3 23:19 25:7,9 44:19 44:21 55:2 59:7,13 61:14 1-28-13 66:5 1,000 62:2 105 2:18 15:12 15:22 37:18,19 65:20,25 68:3 68:8 1071 65:16 10th 32:11 54:14 55:25 56:1 11,200,000 6:24 11th 2:4 23:8,8 24:5 25:22 27:22 32:10,17 33:23 41:1 44:19,20 54:14 55:1,25 56:1 57:6 60:25 63:1 69:14 12 1:11 2:5 53:4 13 8:8 13th 6:13,14,15 6:18 7:7,10 23:9 40:8,10 41:2 45:9 55:9 56:17 58:10,13 58:20 71:12 14 8:10 60:25 63:1,2 15 61:13 16 36:10 37:16 37:17 53:4 18 61:13 19 66:4 1975 61:15 |
|--|--|---|--|--|

| | | | | |
|------------------------|-----------------------|--|--|--|
| 1990 54:25 | 301 54:13,14 | | | |
| 1995 66:12 | 31 60:14 | | | |
| 1995-96 59:11 | | | | |
| 1996 42:9 48:25 | <hr/> 4 <hr/> | | | |
| 49:6 73:5 | 4-18-18 66:4 | | | |
| 1997 58:25 59:3 | <hr/> 5 <hr/> | | | |
| <hr/> 2 <hr/> | 5 59:13 | | | |
| 2 61:6 | <hr/> 6 <hr/> | | | |
| 20 43:5 45:15 | 6:00 1:12 2:6 | | | |
| 66:4 | 6:39 34:19 | | | |
| 2000 54:25 | 65 55:20 | | | |
| 2001 8:5 | 68,000 9:18 | | | |
| 2002 17:14 | 6th 65:17 | | | |
| 30:20,24 31:6 | <hr/> 7 <hr/> | | | |
| 31:12,20 54:25 | 7:00 2:15,16 | | | |
| 2003 6:11 18:10 | 15:15 | | | |
| 18:11 22:22 | 7:02 53:23 | | | |
| 38:23 | 7:34 1:12 79:5 | | | |
| 2005 6:1 55:18 | 710 16:22 59:8 | | | |
| 2006 31:7,11 | 59:13 | | | |
| 2008 54:24 | <hr/> 8 <hr/> | | | |
| 2010 19:1 | 8-23-12 66:7 | | | |
| 2011 8:5 18:10 | 80 60:21 | | | |
| 18:11,25 19:8 | 800 62:2 | | | |
| 19:13,21 38:21 | 831 55:8 | | | |
| 38:23 | <hr/> 9 <hr/> | | | |
| 2012 20:10,23 | 95 58:25 | | | |
| 2013 38:21 | 99 62:10 | | | |
| 2014 62:1 | 9th 2:11 42:13 | | | |
| 2015 2:11,25 | 42:21 45:18 | | | |
| 20:13 42:21 | 63:25 | | | |
| 43:16 44:5 | | | | |
| 54:24 | | | | |
| 2018 1:11 2:6 | | | | |
| 65:17 80:15 | | | | |
| 2022 60:23 | | | | |
| 2135 57:24 | | | | |
| 219,000 7:24 | | | | |
| 22 66:5 | | | | |
| 25 61:15 | | | | |
| 250,000 56:9 | | | | |
| 27th 80:15 | | | | |
| 288,330 8:23 | | | | |
| <hr/> 3 <hr/> | | | | |