

**PORT OF PALM BEACH DISTRICT
REQUEST FOR DISCUSSION AND
COMMISSION ACTION**

**OLD BUSINESS
ITEM J-3**

September 20, 2018

PREPARED BY: Venice Howard District Clerk/Records Administrator

SUBJECT: Status of MOB Project – City Issued Building Permit

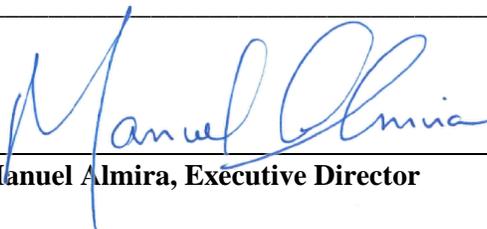
BACKGROUND INFORMATION: Staff will provide an oral presentation with an update.

ADDITIONAL INFORMATION ATTACHED: No _____ Yes X

FINANCIAL IMPACT: N/A

RECOMMENDATION: Informational only.

Respectfully Submitted By:



Manuel Almira, Executive Director

DATE ACTION TAKEN: _____
Approved: _____
Disapproved: _____
Deferred To: _____
Incorporated into Minutes: _____

Motion By: _____
Seconded By: _____
Unanimous: Yes _____ No _____
By: _____



PORT OF PALM BEACH DISTRICT

MARITIME OFFICE BUILDING DEMOLITION AND CARGO YARD CONVERSION PROJECT

Timeline

Building Permit Application with City of Riviera Beach

West Construction Inc. filed for an application and permit with CRB-	June 28, 2018.
<p>CRB email to West Construction Inc. with letter dated June 29 disapproving Permit.</p> <ul style="list-style-type: none"> ➤ Letter from CRB Planning and Zoning Division dated June 6, indicating the Container yard construction is considered a new use and must go through site plan review. 	July 2, 2018.
Port staff and counselors met at the CRB with City Manager Karen Hoskins, Jeff Gagnon Acting Director of Development Services and City counselor. Port indicated the importance of obtaining the permit by the CRB. The CRB concluded that the Port shall submit a site plan application for review and approval.	July 24, 2018.
<p>Letter from CRB City Manager, Karen Hoskins, request the Port to submit a site plan application, which if submitted on or before the July 27th:</p> <ul style="list-style-type: none"> ➤ City Staff will present to the Planning and Zoning Board on August 9th. ➤ City Staff will present a resolution for site plan approval to the City Council on August 15th City Council Meeting. ➤ City staff will continue review of the City Building permit application submitted on June 28th, with the goal of a Building Permit issuance following the August 15th City Council Meeting. 	July 24, 2018.
Port Board of Commissioners held an Emergency Meeting to discuss the MOB permitting status and issues. CRB City Council Chair-Tonya Davis Johnson (by phone); City Manager- Karen Hoskins; Acting Dir. Of Community Development-Jeff Gagnon and Assistant City Attorney-Lina Busby attended the meeting.	July 26, 2018.
Port staff submit a complete site plan application to the CRB.	July 27, 2018.
Port Executive Director receives an email from Jeff Gagnon, CRB Acting Director of Development Services, indicating that the permit fees have not been paid. The total amount due is \$44,520.01.	August 30, 2018.
West Construction issued payment for the associated building permit fees to the CRB in the amount of \$44,520.01.	September 7, 2018.
CRB Interim Public Works Director, Terrence Bailey, issued letter to the CRB Building Division indicating that the Permit have been denied by the Engineering Division. The letter requests the Port to submit information prior to permit issuance.	September 13, 2018.

BOARD OF COMMISSIONERS
PORT OF PALM BEACH DISTRICT
Emergency Meeting

- - -

Thursday, July 26, 2018

Port of Palm Beach
One East 11th Street
Riviera Beach, Florida

4:00 p.m. - 4:19 p.m.

- - -

ATTENDING:

Jean L. Enright, Chair
Peyton W. McArthur, Vice Chair
Katherine M. Waldron, Secretary/Treasurer
Blair J. Ciklin, Commissioner
Wayne M. Richards, Commissioner
Manuel Almira, Executive Director
José R. Soler, Port Engineer
Carl Baker, Director of Planning
Ken Hern, Sr. Director, Seaport Operations and Security
Jarra Kaczwarra, Sr. Director, Business Development
Daniel Kirchman, Port Comptroller
Gregory Picken, Port Attorney
Beatrice Greffin, Director of HR and Administration
Tonya Davis Johnson, City Council Chair (by telephone)
Karen Hoskins, City Manager
Jeff Gagnon, Acting Director of Community Development
Lina Busby, Assistant City Attorney

1 BE IT REMEMBERED that the following Emergency
2 Board Meeting was had at Port of Palm Beach, One East
3 11th Street, Riviera Beach, Florida, on Thursday, July
4 26, 2018, beginning at 4:00 p.m., with attendees as
5 hereinabove noted, to wit:

6 - - -

7 CHAIR ENRIGHT: The Board of Commissioners'
8 Emergency Meeting will now come to order.

9 Please call the roll.

10 MS. GREFFIN: Chair Jean Enright.

11 CHAIR ENRIGHT: Present.

12 MS. GREFFIN: Vice Chair Peyton McArthur.

13 VICE CHAIR McARTHUR: Present.

14 MS. GREFFIN: Secretary/Treasurer Katherine
15 Waldron.

16 COMMISSIONER WALDRON: Here.

17 MS. GREFFIN: Commissioner Wayne Richards.

18 COMMISSIONER RICHARDS: Here.

19 MS. GREFFIN: Commissioner Blair Ciklin.

20 COMMISSIONER CIKLIN: Here.

21 MS. GREFFIN: Executive Director Manual
22 Almira.

23 EXECUTIVE DIRECTOR ALMIRA: I'm here.

24 MS. GREFFIN: Port Counsel Gregory Picken.

25 MR. PICKEN: Here.

1 EXECUTIVE DIRECTOR ALMIRA: We have a quorum.

2 MS. GREFFIN: We have a quorum.

3 CHAIR ENRIGHT: Thank you. Please, let's
4 stand for the Pledge of Allegiance.

5 (Pledge of Allegiance recited.)

6 CHAIR ENRIGHT: You may be seated. Thank you
7 very much.

8 Today we have an emergency meeting, as
9 called, and Mr. Almira, will you please come forward to
10 discuss C.1, which is new business.

11 EXECUTIVE DIRECTOR ALMIRA: Thank you,
12 Commissioners. Good afternoon.

13 You recall, Commissioners, during our last
14 Board meeting you requested a special meeting to be
15 held today to discuss the permit on the MOB project.

16 Since the last meeting, José Soler, Larry
17 Smith, Greg Picken and myself met with staff members of
18 the City of Riviera Beach, which included Karen
19 Hoskins, City Manager; Jeff Gagnon, Planning and
20 Zoning; Andrew DeGraffenreidt -- I hope I pronounced
21 that correctly -- City Attorney; and by phone, Tonya
22 Davis Johnson, Chair, City Councilwoman.

23 After an extensive discussion, the City has
24 offered, which you will see in the letter that's in
25 front of you, that they will expedite review and

1 approve a site plan associated with the demolition and
2 construction of the new cargo yard area. We are
3 required to submit a site plan by tomorrow. Then the
4 City will present the site plan to the Planning and
5 Zoning Board on August the 9th and a resolution for the
6 site plan approval to the City Council on August 15th.
7 Concurrently, City staff will work towards the issuance
8 of a building permit.

9 As you see, we have our guests, which include
10 Jeff Gagnon, Karen Hoskins, Mr. Willie Horton I believe
11 is making his way in, as well as Lina Busby, Assistant
12 City Attorney.

13 Commissioners, we are at a junction right now
14 that we are, as the City staff is also here, to answer
15 any questions, any concerns that you may have.

16 And by the way, my apologies. By phone we
17 have Councilwoman Tonya Davis Johnson, who is the
18 Chairperson of the City.

19 So again, if there are any questions, City
20 staff is here. We welcome them. Thank you for being
21 here; thank you for participating with us.

22 The Council Chair, Madam Chair, thank you
23 very much. I hope you can hear me. With that in
24 mind --

25 CHAIR DAVIS JOHNSON: Thank you, I can.

1 EXECUTIVE DIRECTOR ALMIRA: -- if you have
2 questions.

3 CHAIR ENRIGHT: Thank you.

4 First, I would just like to thank the City of
5 Riviera Beach for coming today to resolve this issue
6 and problem. Now, first I would really like to just
7 say thank you to your Chairperson, Tonya Davis Johnson,
8 for working with me and working with our staff to make
9 this happen; also, the City Manager, Karen Hoskins and
10 the other staff members of the City of Riviera Beach.

11 Commissioners, are there any questions? I'm
12 going to start -- I guess I'll start to my right and
13 work my way all the way down.

14 Commissioner Waldron.

15 COMMISSIONER WALDRON: I see the letter here
16 that was sent by Karen Hoskins, so I think this
17 advances the ball quite a bit. So I think -- I don't
18 know how the other Commissioners feel, but I feel that
19 this is very doable, the way they've presented it to
20 us.

21 CHAIR ENRIGHT: Commissioner Richards. Thank
22 you.

23 COMMISSIONER RICHARDS: I fully agree. It's
24 nice when two governmental entities can work together.
25 My question for our staff is by when do we need the

1 actual permit to be issued?

2 EXECUTIVE DIRECTOR ALMIRA: The actual permit
3 to be issued? I'll give you a general answer: As soon
4 as possible.

5 I did have a meeting with Tropical Shipping
6 yesterday. They are closely monitoring the situation,
7 and they would like to see this permit, obviously, in
8 our hands as soon as possible. We do have a deadline,
9 Commissioner, a benchmark of December of this year that
10 we must have it. Otherwise, they will, or they can
11 pull out of the deal.

12 COMMISSIONER RICHARDS: Okay, thank you.

13 CHAIR ENRIGHT: Commissioner McArthur.

14 VICE CHAIR McARTHUR: Now, I would just like
15 to thank City officials for working with us, and
16 Ms. Tonya Davis Johnson, who tried diligently to get me
17 on the phone. It's much appreciated, and we look
18 forward to moving forward and working with you.

19 CHAIR ENRIGHT: Commissioner.

20 COMMISSIONER CIKLIN: I just didn't know if
21 there's anything from our attorney that we need to add.
22 And the only question that I want to make sure is that
23 this covers, Greg, the demolition and the -- the two.

24 MR. PICKEN: It's my understanding that the
25 demolition -- now, here is hearsay. It was my

1 understanding that the demolition permit was not an
2 issue, that the demolition permit was not related --
3 that the site plan issue was not related to the
4 demolition permit, and that that was going to issue
5 regardless of the site plan issue. The building
6 permit, as I understand it, is what is hanging on the
7 site plan issue.

8 COMMISSIONER CIKLIN: Okay. Well, as long as
9 I can hear from somebody with the City --

10 CHAIR ENRIGHT: The City.

11 COMMISSIONER CIKLIN: -- that on the 15th
12 we're going to have both, then I'm fine.

13 CHAIR ENRIGHT: Mrs. Hoskins, can you address
14 that issue for us, please?

15 MS. HOSKINS: Madam Chair, thank you for
16 inviting us. And Interim Director Jeff Gagnon will be
17 able to address that question.

18 MR. GAGNON: See if my microphone is on.
19 I'll just go up there.

20 Thank you, Port Commissioners. Thank you for
21 having us.

22 The question to answer in short is there's no
23 issue with the demolition permit. What happened was
24 both were submitted simultaneously, and that's why the
25 demolition permit was questioned concurrently.

1 However, there's no issue with moving forward with the
2 demolition permit, potentially even sooner than the
3 15th.

4 COMMISSIONER CIKLIN: Perfect.

5 CHAIR ENRIGHT: Any other questions?

6 VICE CHAIR McARTHUR: Madam Chair.

7 CHAIR ENRIGHT: Go ahead.

8 VICE CHAIR McARTHUR: Do we need to authorize
9 our attorney to do anything? Greg, do we need to
10 authorize you to do anything, or we're just going to --

11 MR. PICKEN: Well, the Board -- no, not at
12 this time. The City Council meeting will be the 15th,
13 as I understand it, and our next Board meeting is the
14 16th. So if there's something that we need to address,
15 we can address it at that time.

16 I also wanted to say that it was my
17 understanding that there was an understanding at the
18 meeting that this was being done without waiver of
19 rights of either party to argue about the Interlocal
20 Agreement or whether City code controls over the
21 Interlocal Agreement, the Interlocal Agreement controls
22 over City code, any of that. We're all reserving our
23 rights on that issue.

24 VICE CHAIR McARTHUR: Very good.

25 CHAIR DAVIS JOHNSON: Can he speak up just a

1 little bit, please?

2 CHAIR ENRIGHT: Can you speak up in the mike
3 so the Chair can hear you by phone?

4 MR. PICKEN: I'm sorry. I think -- okay, I
5 thought there may have been a question from one of our
6 engineers, but apparently his issue has been resolved.

7 COMMISSIONER CIKLIN: All right.

8 CHAIR ENRIGHT: Any other questions?

9 Okay, so Chairperson Davis Johnson, it
10 appears that this issue has been resolved and it is on
11 the way to just being stamped by your Commissioners, so
12 thank you very much.

13 C.2.

14 UNIDENTIFIED SPEAKER: Gerald Ward.

15 CHAIR ENRIGHT: Oh, Gerald Ward.

16 CHAIR DAVIS JOHNSON: If I may --

17 CHAIR ENRIGHT: Yes.

18 CHAIR DAVIS JOHNSON: -- I would just like to
19 thank our staff, as well as the Port staff, for
20 spending the time that we did in order to reach
21 resolve, you know, because as community partners, we
22 want to make sure that we are working together in
23 support of each other's initiatives. So thank you so
24 much for allowing me to participate today by phone, and
25 I wish you all well.

1 CHAIR ENRIGHT: Thank you very much; thank
2 you.

3 I have comments by the public. Mr. Ward.

4 MR. WARD: Good afternoon. Gerald Ward, 2135
5 Broadway, the great City of Riviera Beach.

6 This issue actually dates back to 1995, 1996
7 with the adoption of the first Interlocal Agreement.
8 At that point in time, we had the crazy Skypass
9 underway, and design, and we ended up with using that
10 to accomplish several other joint participations of the
11 County, the City and the Port.

12 We go back to this issue specifically to
13 circa March 2017. Last year you were getting very
14 close to having a major revision of the Tropical lease,
15 of which the demolition of the MOB was a major issue,
16 which has substantial parking, a conversion to a money
17 making cooling container station, and certainly it's
18 probably warranted.

19 If you look at the schedule that came out in
20 approximately June of last year, you see that they
21 wanted to not to submit to the City until June of 2018.
22 And I made comments at the point in time then to
23 various people here that that was suckering the City,
24 looking to pick a fight. And so you did.

25 But the point is the Interlocal Agreement is

1 absolutely the key to the solution of these problems.

2 And I would like to make two -- three
3 exhibits and talk about a fourth item.

4 But you are part of the County's
5 Comprehensive Plan. When you decided to change the
6 statutes to get into the County system versus the
7 original system was the City of Riviera Beach's Comp
8 Plan, you ended up participating in that. Now, certain
9 of you have tried to get you to actually pay for part
10 of this, and IPARC is a particular area.

11 So I've given to the Clerk the three exhibits
12 which demonstrate that you need to get with the joint
13 cooperation program, and your staff needs to be ordered
14 to be there and participate with the higher level
15 government, the City of Rivera Beach.

16 So here's the exhibits for the court
17 reporter, and the Clerk has hers already.

18 CHAIR ENRIGHT: Thank you.

19 Mr. Almira, C.2.

20 EXECUTIVE DIRECTOR ALMIRA: C.2, yes. Jarra
21 will be discussing this one.

22 CHAIR ENRIGHT: Thank you.

23 EXECUTIVE DIRECTOR ALMIRA: Thank you.

24 MS. KACZWARA: Jarra Kaczwarra, Senior
25 Director, Business Development.

1 We're not prepared, Madam Chair and
2 Commissioners, to present this item before you this
3 evening. However, if I could provide an update, Gary,
4 Dytrych & Ryan will be preparing a petition for this
5 tax assessment for Berth 1, and we will be providing an
6 update at the next Board meeting.

7 COMMISSIONER WALDRON: Great. Thanks.

8 CHAIR ENRIGHT: Any questions?

9 MS. KACZWARA: Thank you.

10 CHAIR ENRIGHT: Thank you very much.

11 I have another card from -- I'm sorry.

12 Commissioner McArthur.

13 VICE CHAIR MCARTHUR: Do we need to authorize
14 Mr. Picken to do anything, or is that enough?

15 MR. PICKEN: Not at this time. Under our
16 agreement with the Port, we hire, from time to time,
17 subcontractors.

18 VICE CHAIR MCARTHUR: Thank you.

19 CHAIR ENRIGHT: And there's no time limit on
20 this item?

21 MR. PICKEN: Well, the tax protests need to
22 be filed by the 29th, so that's going to be done
23 tomorrow. As far as hiring consultants, we have time
24 for that.

25 CHAIR ENRIGHT: Okay. Thank you very much.

1 I have Mr. Ward with comments. Mr. -- let me
2 let Commissioner Richards --

3 COMMISSIONER RICHARDS: No. I'm sorry, I
4 thought he spoke.

5 CHAIR ENRIGHT: He has this card also.

6 COMMISSIONER RICHARDS: Oh, yes.

7 CHAIR ENRIGHT: He has something on every
8 card.

9 So Mr. Ward, C.2.

10 MR. WARD: Gerald Ward, 2135 Broadway.

11 This issue is something that goes back to the
12 original formation of the deepwater Port Authorities in
13 the state of Florida, not your Charter, but we're
14 talking about Ports Council and the deepwater ports.

15 This particular Berth 1 is fully accessible
16 to what we would call deep water. Even though basin --
17 the turning basin extension is only a 25 foot
18 authorized project at one time, it is deep water.

19 Now, when you finally get around to doing
20 your visionary for expansion of the Port going west of
21 U.S. 1, the use of shallow drafted mega yachts
22 certainly ought to go west of U.S. 1, underneath the
23 Skypass, and keep out of what is much more profitable
24 revenue for deepwater ships.

25 So you have a contract backup that's with

1 this item that is now, I guess, somewhat withdrawn for
2 an amendment, which again cites that you want to have a
3 three year term, which is now two and a half years, and
4 that the extensions are two three-year periods. So you
5 need to continue to see that we have the ability to
6 convert this back to the deepwater facility that it was
7 designed for.

8 CHAIR ENRIGHT: Thank you.

9 Now we will have any comments from our
10 Commissioners.

11 Commissioner.

12 MS. WALDRON: I'm fine, thanks.

13 COMMISSIONER RICHARDS: Nothing further.

14 COMMISSIONER CIKLIN: No.

15 VICE CHAIR McARTHUR: Nothing today.

16 CHAIR ENRIGHT: Nothing.

17 Mr. Almira, Mr. Picken, any comments?

18 MR. PICKEN: No, thank you.

19 CHAIR ENRIGHT: Okay, let's go on. Now I
20 will -- we will now set the next meeting, which will be
21 Board of Commissioners meeting on August 16th at 4 p.m.
22 Before the meeting, at 3 p.m., we will have a budget
23 workshop. Then after the budget workshop, right before
24 the 4:00 meeting, we will have an executive session.

25 Any other comments?

1 MR. WARD: You skipped item D, delta.

2 CHAIR ENRIGHT: Oh, you want to --

3 COMMISSIONER WALDRON: Did you want to speak
4 again?

5 CHAIR ENRIGHT: You're going to speak --

6 MR. WARD: I have a card in on that also.

7 CHAIR ENRIGHT: Thank you.

8 I'm sorry, Commissioners. Please forgive me.
9 Go on, Mr. Ward.

10 MR. WARD: Well, it just is a great example
11 today. You've had an emergency meeting that really
12 should have been handled by staff in discussions back
13 in March of 2017, certainly discussions prior to the
14 June Board meeting when you adopted the Tropical
15 schedule.

16 The communication with the City of Riviera
17 Beach, they are not difficult people to deal with. I
18 had some discussion with somebody within the day or two
19 that they've got 400 plus employees, and I have never
20 found that I can't go to the City staff. You don't
21 have to go to the managers, and certainly not the five,
22 the electeds. They're supposed to be like you, dealing
23 in budgets and plans; particularly plans is the second
24 highest priority. So a little more focus on that, with
25 the staff doing the work, would certainly keep you from

1 having to work so hard.

2 CHAIR ENRIGHT: I just want to make a
3 comment. Mr. Ward, I really appreciate your comments,
4 but I'm offended by some of the things you say about
5 our staff and our Executive Director. I just have to
6 tell you this. Just hold on a second. And we have
7 professionals here at the Port of Palm Beach. Our
8 staff, they know how to run this Port. And our
9 Commissioners, they're here because they make the
10 decisions. They're policymakers.

11 So you don't have to come here and continue
12 to preach to us about what we need to do and how to run
13 this Port. I appreciate your comments, but I just want
14 you to know we have professionals that are here, and
15 they do an outstanding job. Thank you very much.

16 MR. WARD: I'm glad you think that, but I
17 happen to be the citizen and have a different
18 opinion --

19 CHAIR ENRIGHT: Thank you very much.

20 MR. WARD: -- so my opinion trumps in
21 America.

22 CHAIR ENRIGHT: Thank you very much for
23 speaking.

24 Meeting adjourned.

25 UNIDENTIFIED SPEAKER: Madam Chair. Someone

1 just walked in.

2 CHAIR ENRIGHT: Another one?

3 (Discussion held off the record.)

4 CHAIR ENRIGHT: Ms. Brabham, I know we just
5 adjourned the meeting, but you have one minute; I'll
6 give you one minute. I gave you one minute.

7 MS. BRABHAM: Thank you.

8 CHAIR ENRIGHT: I had just hit the gavel
9 button.

10 MS. BRABHAM: Thank you to the Board and --

11 CHAIR ENRIGHT: Just one minute.

12 MS. BRABHAM: To the Board and Dr. Almira,
13 good to see everybody. I would like to thank everyone
14 that participated with me in the grieving of my beloved
15 husband, Mr. Angus Brabham, on February the 17th. And
16 some of the staff came out, and I would just like to
17 say thank you for the support.

18 Also, I would also like to encourage the
19 Board, I know you're into your sessions, your budget
20 and everything, and it was on that, keeping in your
21 agenda. Ms. Brabham is still advocating for Carter,
22 the beautification, you know, the landscaping and all
23 of that stuff there to unify State Road coming into the
24 Port. So I'm hoping that all of that is included.

25 You're giving me your word?

1 EXECUTIVE DIRECTOR ALMIRA: Well, I have in
2 the past, yes.

3 MS. BRABHAM: Okay.

4 EXECUTIVE DIRECTOR ALMIRA: Yes.

5 MS. BRABHAM: So that's what I wanted to say.
6 And thank you for allowing me that one minute.

7 CHAIR ENRIGHT: Thank you.

8 (Whereupon, at 4:19 p.m., the proceedings
9 were concluded.)

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<p style="text-align: center;">A</p> <p>ability 14:5 able 7:17 absolutely 11:1 accessible 13:15 accomplish 10:10 Acting 1:24 actual 6:1,2 add 6:21 address 7:13,17 8:14,15 adjourned 16:24 17:5 Administration 1:23 adopted 15:14 adoption 10:7 advances 5:17 advocating 17:21 afternoon 3:12 10:4 agenda 17:21 agree 5:23 agreement 8:20 8:21,21 10:7,25 12:16 ahead 8:7 Allegiance 3:4,5 allowing 9:24 18:6 Almira 1:19 2:22 2:23 3:1,9,11 5:1 6:2 11:19,20 11:23 14:17 17:12 18:1,4 amendment 14:2 America 16:21 Andrew 3:20 Angus 17:15 answer 4:14 6:3 7:22 apologies 4:16 apparently 9:6 appears 9:10 appreciate 16:3 16:13</p>	<p>appreciated 6:17 approval 4:6 approve 4:1 approximately 10:20 area 4:2 11:10 argue 8:19 assessment 12:5 Assistant 1:25 4:11 associated 4:1 attendees 2:4 ATTENDING 1:15 attorney 1:22,25 3:21 4:12 6:21 8:9 August 4:5,6 14:21 19:15 Authorities 13:12 authorize 8:8,10 12:13 authorized 13:18 19:9</p> <hr/> <p style="text-align: center;">B</p> <p>back 10:6,12 13:11 14:6 15:12 backup 13:25 Baker 1:20 ball 5:17 basin 13:16,17 Beach 1:2,9,10 2:2,3 3:18 5:5 5:10 10:5 11:15 15:17 16:7 19:5 Beach's 11:7 Beatrice 1:23 beautification 17:22 beginning 2:4 believe 4:10 beloved 17:14 benchmark 6:9 Berth 12:5 13:15</p>	<p>bit 5:17 9:1 Blair 1:18 2:19 Board 1:1 2:2,7 3:14 4:5 8:11,13 12:6 14:21 15:14 17:10,12 17:19 Brabham 17:4,7 17:10,12,15,21 18:3,5 Broadway 10:5 13:10 budget 14:22,23 17:19 budgets 15:23 building 4:8 7:5 Busby 1:25 4:11 business 1:21 3:10 11:25 button 17:9</p> <hr/> <p style="text-align: center;">C</p> <p>C 19:1,1 C.1 3:10 C.2 9:13 11:19,20 13:9 call 2:9 13:16 called 3:9 card 12:11 13:5,8 15:6 cargo 4:2 Carl 1:20 Carter 17:21 certain 11:8 certainly 10:17 13:22 15:13,21 15:25 certify 19:8 Chair 1:17,17,23 2:7,10,11,12,13 3:3,6,22 4:22,22 4:25 5:3,21 6:13 6:14,19 7:10,13 7:15 8:5,6,6,7,8 8:24,25 9:2,3,8 9:15,16,17,18</p>	<p>10:1 11:18,22 12:1,8,10,13,18 12:19,25 13:5,7 14:8,15,16,19 15:2,5,7 16:2,19 16:22,25 17:2,4 17:8,11 18:7 Chairperson 4:18 5:7 9:9 change 11:5 Charter 13:13 Ciklin 1:18 2:19 2:20 6:20 7:8,11 8:4 9:7 14:14 circa 10:13 cites 14:2 citizen 16:17 City 1:23,24,25 3:18,19,21,22,23 4:4,6,7,12,14,18 4:19 5:4,9,10 6:15 7:9,10 8:12 8:20,22 10:5,11 10:21,23 11:7 11:15 15:16,20 Clerk 11:11,17 close 10:14 closely 6:6 code 8:20,22 come 2:8 3:9 16:11 coming 5:5 17:23 comment 16:3 comments 10:3 10:22 13:1 14:9 14:17,25 16:3 16:13 Commissioner 1:18,19 2:16,17 2:18,19,20 5:14 5:15,21,23 6:9 6:12,13,19,20 7:8,11 8:4 9:7 12:7,12 13:2,3,6 14:11,13,14 15:3</p>	<p>Commissioners 1:1 3:12,13 4:13 5:11,18 7:20 9:11 12:2 14:10 14:21 15:8 16:9 Commissioners' 2:7 communication 15:16 community 1:24 9:21 Comp 11:7 Comprehensive 11:5 comprise 19:11 Comptroller 1:22 concerns 4:15 concluded 18:9 concurrently 4:7 7:25 construction 4:2 consultants 12:23 container 10:17 continue 14:5 16:11 contract 13:25 controls 8:20,21 conversion 10:16 convert 14:6 cooling 10:17 cooperation 11:13 correct 19:11 correctly 3:21 Council 1:23 4:6 4:22 8:12 13:14 Councilwoman 3:22 4:17 Counsel 2:24 County 10:11 11:6 19:5 County's 11:4 court 11:16 covers 6:23 crazy 10:8</p> <hr/> <p style="text-align: center;">D</p>
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<p>D 15:1 Daniel 1:22 dates 10:6 Davis 1:23 3:22 4:17,25 5:7 6:16 8:25 9:9,16,18 day 15:18 19:15 deadline 6:8 deal 6:11 15:17 dealing 15:22 December 6:9 decided 11:5 decisions 16:10 deep 13:16,18 deepwater 13:12 13:14,24 14:6 DeGraffenreidt 3:20 delta 15:1 demolition 4:1 6:23,25 7:1,2,4 7:23,25 8:2 10:15 demonstrate 11:12 design 10:9 designed 14:7 Development 1:21,24 11:25 different 16:17 difficult 15:17 diligently 6:16 Director 1:19,20 1:21,21,23,24 2:21,23 3:1,11 5:1 6:2 7:16 11:20,23,25 16:5 18:1,4 discuss 3:10,15 discussing 11:21 discussion 3:23 15:18 17:3 discussions 15:12 15:13 DISTRICT 1:2 doable 5:19</p>	<p>doing 13:19 15:25 Dr 17:12 drafted 13:21 Dytrych 12:4</p> <hr/> <p style="text-align: center;">E</p> <hr/> <p>E 19:1,1 East 1:10 2:2 either 8:19 electeds 15:22 emergency 1:3 2:1,8 3:8 15:11 employees 15:19 encourage 17:18 ended 10:9 11:8 Engineer 1:20 engineers 9:6 Enright 1:17 2:7 2:10,11 3:3,6 5:3,21 6:13,19 7:10,13 8:5,7 9:2,8,15,17 10:1 11:18,22 12:8 12:10,19,25 13:5,7 14:8,16 14:19 15:2,5,7 16:2,19,22 17:2 17:4,8,11 18:7 entities 5:24 evening 12:3 everybody 17:13 example 15:10 executive 1:19 2:21,23 3:1,11 5:1 6:2 11:20,23 14:24 16:5 18:1 18:4 exhibits 11:3,11 11:16 expansion 13:20 expedite 3:25 extension 13:17 extensions 14:4 extensive 3:23</p> <hr/> <p style="text-align: center;">F</p> <hr/>	<p>F 19:1 facility 14:6 far 12:23 February 17:15 feel 5:18,18 fight 10:24 filed 12:22 finally 13:19 fine 7:12 14:12 first 5:4,6 10:7 five 15:21 Florida 1:10 2:3 13:13 19:4 focus 15:24 following 2:1 foot 13:17 foregoing 19:9,11 forgive 15:8 formation 13:12 forward 3:9 6:18 6:18 8:1 found 15:20 fourth 11:3 front 3:25 fully 5:23 13:15</p> <hr/> <p style="text-align: center;">G</p> <hr/> <p>Gagnon 1:24 3:19 4:10 7:16,18 Gary 12:3 gavel 17:8 general 6:3 Gerald 9:14,15 10:4 13:10 getting 10:13 give 6:3 17:6 given 11:11 giving 17:25 glad 16:16 go 7:19 8:7 10:12 13:22 14:19 15:9,20,21 goes 13:11 going 5:12 7:4,12 8:10 12:22</p>	<p>13:20 15:5 good 3:12 8:24 10:4 17:13 government 11:15 governmental 5:24 great 10:5 12:7 15:10 Greffin 1:23 2:10 2:12,14,17,19,21 2:24 3:2 Greg 3:17 6:23 8:9 Gregory 1:22 2:24 grieving 17:14 guess 5:12 14:1 guests 4:9</p> <hr/> <p style="text-align: center;">H</p> <hr/> <p>half 14:3 hand 19:15 handled 15:12 hands 6:8 hanging 7:6 happen 5:9 16:17 happened 7:23 hard 16:1 hear 4:23 7:9 9:3 hearsay 6:25 held 3:15 17:3 hereinabove 2:5 hereunto 19:14 Hern 1:21 higher 11:14 highest 15:24 hire 12:16 hiring 12:23 hit 17:8 hold 16:6 hope 3:20 4:23 hoping 17:24 Horton 4:10 Hoskins 1:24 3:19 4:10 5:9,16 7:13</p>	<p>7:15 HR 1:23 husband 17:15</p> <hr/> <p style="text-align: center;">I</p> <hr/> <p>include 4:9 included 3:18 17:24 initiatives 9:23 Interim 7:16 Interlocal 8:19,21 8:21 10:7,25 inviting 7:16 IPARC 11:10 issuance 4:7 issue 5:5 7:2,3,4,5 7:7,14,23 8:1,2,3 9:6,10 10:6,12 10:15 13:11 issued 6:1,3 item 11:3 12:2,20 14:1 15:1</p> <hr/> <p style="text-align: center;">J</p> <hr/> <p>J 1:18 Jarra 1:21 11:20 11:24 Jean 1:17 2:10 Jeff 1:24 3:19 4:10 7:16 job 16:15 Johnson 1:23 3:22 4:17,25 5:7 6:16 8:25 9:9,16,18 joint 10:10 11:12 José 1:20 3:16 July 1:8 2:3 junction 4:13 June 10:20,21 15:14</p> <hr/> <p style="text-align: center;">K</p> <hr/> <p>Kaczvara 1:21 11:24,24 12:9 Karen 1:24 3:18 4:10 5:9,16</p>
--	--	---	--	---

<p>Katherine 1:18 2:14 keep 13:23 15:25 keeping 17:20 Ken 1:21 key 11:1 Kirchman 1:22 know 5:18 6:20 9:21 16:8,14 17:4,19,22 Kruger 19:8,21</p> <hr/> <p style="text-align: center;">L</p> <hr/> <p>L 1:17 landscaping 17:22 Larry 3:16 lease 10:14 let's 3:3 14:19 letter 3:24 5:15 level 11:14 limit 12:19 Lina 1:25 4:11 little 9:1 15:24 long 7:8 look 6:17 10:19 looking 10:24</p> <hr/> <p style="text-align: center;">M</p> <hr/> <p>M 1:18,19 Madam 4:22 7:15 8:6 12:1 16:25 major 10:14,15 making 4:11 10:17 Manager 1:24 3:19 5:9 managers 15:21 Manual 2:21 Manuel 1:19 March 10:13 15:13 McArthur 1:17 2:12,13 6:13,14 8:6,8,24 12:12 12:13,18 14:15</p>	<p>meeting 1:3 2:2,8 3:8,14,14,16 6:5 8:12,13,18 12:6 14:20,21,22,24 15:11,14 16:24 17:5 mega 13:21 members 3:17 5:10 met 3:17 microphone 7:18 mike 9:2 mind 4:24 minute 17:5,6,6 17:11 18:6 MOB 3:15 10:15 money 10:16 monitoring 6:6 moving 6:18 8:1</p> <hr/> <p style="text-align: center;">N</p> <hr/> <p>need 5:25 6:21 8:8 8:9,14 11:12 12:13,21 14:5 16:12 needs 11:13 never 15:19 new 3:10 4:2 nice 5:24 noted 2:5 notes 19:12</p> <hr/> <p style="text-align: center;">O</p> <hr/> <p>obviously 6:7 offended 16:4 offered 3:24 officials 6:15 Oh 9:15 13:6 15:2 okay 6:12 7:8 9:4 9:9 12:25 14:19 18:3 Operations 1:21 opinion 16:18,20 order 2:8 9:20 ordered 11:13 original 11:7</p>	<p>13:12 other's 9:23 ought 13:22 outstanding 16:15</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>p.m 1:11,11 2:4 14:21,22 18:8 pages 19:11 Palm 1:2,9 2:2 16:7 19:5 parking 10:16 part 11:4,9 participate 9:24 11:14 participated 17:14 participating 4:21 11:8 participations 10:10 particular 11:10 13:15 particularly 15:23 partners 9:21 party 8:19 pay 11:9 people 10:23 15:17 Perfect 8:4 periods 14:4 permit 3:15 4:8 6:1,2,7 7:1,2,4,6 7:23,25 8:2 petition 12:4 Peyton 1:17 2:12 phone 3:21 4:16 6:17 9:3,24 pick 10:24 Picken 1:22 2:24 2:25 3:17 6:24 8:11 9:4 12:14 12:15,21 14:17 14:18 place 19:10</p>	<p>plan 4:1,3,4,6 7:3 7:5,7 11:5,8 Planning 1:20 3:19 4:4 plans 15:23,23 please 2:9 3:3,9 7:14 9:1 15:8 Pledge 3:4,5 plus 15:19 point 10:8,22,25 policymakers 16:10 Port 1:2,9,20,22 1:22 2:2,24 7:20 9:19 10:11 12:16 13:12,20 16:7,8,13 17:24 ports 13:14,14 possible 6:4,8 potentially 8:2 preach 16:12 prepared 12:1 preparing 12:4 present 2:11,13 4:4 12:2 presented 5:19 prior 15:13 priority 15:24 probably 10:18 problem 5:6 problems 11:1 proceedings 18:8 19:10,13 professionals 16:7 16:14 profitable 13:23 program 11:13 project 3:15 13:18 pronounced 3:20 protests 12:21 provide 12:3 providing 12:5 public 10:3 pull 6:11</p>	<hr/> <p style="text-align: center;">Q</p> <hr/> <p>question 5:25 6:22 7:17,22 9:5 questioned 7:25 questions 4:15,19 5:2,11 8:5 9:8 12:8 quite 5:17 quorum 3:1,2</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p>R 1:20 19:1 reach 9:20 really 5:6 15:11 16:3 recall 3:13 recited 3:5 record 17:3 regardless 7:5 related 7:2,3 REMEMBERED 2:1 report 19:9 reporter 11:17 requested 3:14 required 4:3 reserving 8:22 resolution 4:5 resolve 5:5 9:21 resolved 9:6,10 revenue 13:24 review 3:25 revision 10:14 Richards 1:19 2:17,18 5:21,23 6:12 13:2,3,6 14:13 right 4:13 5:12 9:7 14:23 rights 8:19,23 Rivera 11:15 Riviera 1:10 2:3 3:18 5:5,10 10:5 11:7 15:16 Road 17:23 roll 2:9</p>
---	--	---	--	---

<p>run 16:8,12 Ryan 12:4</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>S 19:8,21 schedule 10:19 15:15 Seaport 1:21 seated 3:6 second 15:23 16:6 Secretary/Trea... 1:18 2:14 Security 1:21 see 3:24 4:9 5:15 6:7 7:18 10:20 14:5 17:13 Senior 11:24 sent 5:16 session 14:24 sessions 17:19 set 14:20 19:14 shallow 13:21 Shipping 6:5 ships 13:24 short 7:22 simultaneously 7:24 site 4:1,3,4,6 7:3,5 7:7 situation 6:6 skipped 15:1 Skypass 10:8 13:23 Smith 3:17 Soler 1:20 3:16 solution 11:1 somebody 7:9 15:18 somewhat 14:1 soon 6:3,8 sooner 8:2 sorry 9:4 12:11 13:3 15:8 speak 8:25 9:2 15:3,5 SPEAKER 9:14</p>	<p>16:25 speaking 16:23 special 3:14 specifically 10:12 spending 9:20 spoke 13:4 Sr 1:21,21 staff 3:17 4:7,14 4:20 5:8,10,25 9:19,19 11:13 15:12,20,25 16:5,8 17:16 stamped 9:11 stand 3:4 start 5:12,12 state 13:13 17:23 19:4 stated 19:10 station 10:17 statutes 11:6 stenotype 19:12 Street 1:10 2:3 stuff 17:23 subcontractors 12:17 submit 4:3 10:21 submitted 7:24 substantial 10:16 suckering 10:23 support 9:23 17:17 supposed 15:22 sure 6:22 9:22 Susan 19:8,21 system 11:6,7</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>T 19:1,1 taken 19:12 talk 11:3 talking 13:14 tax 12:5,21 telephone 1:23 tell 16:6 term 14:3 thank 3:3,6,11</p>	<p>4:20,21,22,25 5:3,4,7,21 6:12 6:15 7:15,20,20 9:12,19,23 10:1 10:1 11:18,22 11:23 12:9,10 12:18,25 14:8 14:18 15:7 16:15,19,22 17:7,10,13,17 18:6,7 thanks 12:7 14:12 things 16:4 think 5:16,17 9:4 16:16 thought 9:5 13:4 three 11:2,11 14:3 three-year 14:4 Thursday 1:8 2:3 time 8:12,15 9:20 10:8,22 12:15 12:16,16,19,23 13:18 19:10 today 3:8,15 5:5 9:24 14:15 15:11 tomorrow 4:3 12:23 Tonya 1:23 3:21 4:17 5:7 6:16 transcription 19:12 tried 6:16 11:9 Tropical 6:5 10:14 15:14 true 19:11 trumps 16:20 turning 13:17 two 5:24 6:23 11:2 14:3,4 15:18</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>U.S 13:21,22 underneath 13:22 understand 7:6</p>	<p>8:13 understanding 6:24 7:1 8:17,17 underway 10:9 UNIDENTIFIED 9:14 16:25 unify 17:23 update 12:3,6 use 13:21</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p>various 10:23 versus 11:6 Vice 1:17 2:12,13 6:14 8:6,8,24 12:13,18 14:15 visionary 13:20</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>W 1:17 waiver 8:18 Waldron 1:18 2:15,16 5:14,15 12:7 14:12 15:3 walked 17:1 want 6:22 9:22 14:2 15:2,3 16:2 16:13 wanted 8:16 10:21 18:5 Ward 9:14,15 10:3,4,4 13:1,9 13:10,10 15:1,6 15:9,10 16:3,16 16:20 warranted 10:18 water 13:16,18 way 4:11,16 5:13 5:13,19 9:11 Wayne 1:19 2:17 we're 7:12 8:10 8:22 12:1 13:13 welcome 4:20 west 13:20,22 WHEREOF 19:14</p>	<p>Willie 4:10 wish 9:25 wit 2:5 withdrawn 14:1 WITNESS 19:14 word 17:25 work 4:7 5:13,24 15:25 16:1 working 5:8,8 6:15,18 9:22 workshop 14:23 14:23</p> <hr/> <p style="text-align: center;">X</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p>yachts 13:21 yard 4:2 year 6:9 10:13,20 14:3 years 14:3 yesterday 6:6</p> <hr/> <p style="text-align: center;">Z</p> <hr/> <p>Zoning 3:20 4:5</p> <hr/> <p style="text-align: center;">0</p> <hr/> <p style="text-align: center;">1</p> <hr/> <p>1 12:5 13:15,21,22 11th 1:10 2:3 15th 4:6 7:11 8:3 8:12 16th 8:14 14:21 17th 17:15 1995 10:6 1996 10:6 1st 19:15</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>2017 10:13 15:13 2018 1:8 2:4 10:21 19:15 2135 10:4 13:10 25 13:17 26 1:8 2:4 29th 12:22</p>
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3				
3 14:22				
4				
4 14:21				
4:00 1:11 2:4 14:24				
4:19 1:11 18:8				
400 15:19				
5				
6				
7				
8				
9				
9th 4:5				