

**CITY OF RIVIERA BEACH
PALM BEACH COUNTY, FLORIDA
CITY COUNCIL MEETING MINUTES
WEDNESDAY, AUGUST 20, 2014 AT 5:30 P.M.**

(The following may contain inaudible or misunderstood words due to the recording quality.)

ANY PERSON WHO WOULD LIKE TO SPEAK ON AN AGENDA ITEM; PLEASE FILL OUT A PINK PUBLIC COMMENT CARD LOCATED IN THE BACK OF THE COUNCIL CHAMBERS AND GIVE IT TO THE STAFF PRIOR TO THE BEGINNING OF THE MEETING. MEMBERS OF THE PUBLIC SHALL BE GIVEN A TOTAL OF THREE (3) MINUTES FOR ALL ITEMS LISTED ON THE CONSENT AGENDA. MEMBERS OF THE PUBLIC WILL BE GIVEN THREE (3) MINUTES TO SPEAK ON EACH REGULAR AGENDA ITEM. IN NO EVENT WILL ANYONE BE ALLOWED TO SPEAK ON AN AGENDA ITEM AFTER THE RESOLUTION IS READ OR ITEM CONSIDERED.

CITY CLERK CALL TO ORDER

CHAIRPERSON DAVIS: good evening, everyone. Welcome to our regularly scheduled City Council meeting. Would you please turn your phones to the silent or vibrate position. At this time also if you would like -- if anyone would like to speak on a consent agenda item, please turn in your cards now 'cause that will be coming up pretty quickly. Okay. Madam Clerk?

ROLL CALL

DEPUTY CITY CLERK ANTHONY: Mayor Thomas Masters?

MAYOR MASTERS: Present.

DEPUTY CITY CLERK ANTHONY: Chairperson Judy Davis?

CHAIRPERSON DAVIS: Here.

DEPUTY CITY CLERK ANTHONY: Chair Pro Tem Dawn Pardo?

CHAIR PRO TEM PARDO: Present.

DEPUTY CITY CLERK ANTHONY: Councilperson Bruce Guyton? Councilperson Cedrick Thomas?

COUNCILPERSON THOMAS: Here.

DEPUTY CITY CLERK ANTHONY: Councilperson Terence Davis?

COUNCILPERSON DAVIS: Here.

DEPUTY CITY CLERK ANTHONY: City Manager Ruth Jones?

CITY MANAGER JONES: Present.

DEPUTY CITY CLERK ANTHONY: Deputy City Clerk Claudene Anthony is present. City Attorney Pamala Ryan?

CITY ATTORNEY RYAN: Present.

CHAIRPERSON DAVIS: Okay. Let's all stand for a moment of silence and the pledge.

INVOCATION

PLEDGE OF ALLEGIANCE

(Everyone stood for a moment of silence followed by the Pledge of Allegiance).

CHAIRPERSON DAVIS: Okay, Miss Jones. Do we have any additions, deletions or substitutions?

AGENDA APPROVAL: ADDITIONS, DELETIONS, SUBSTITUTIONS

CITY MANAGER JONES: Yes, Madam Chair. Today for your consideration as it relates to item number 7A, we would like to add on the consent agenda ratification of the contract for Service Employees International Union. They voted on -- last week after the agenda was out and that contract was approved. And so we're bringing this forward for approval. Also under item number 9, Public Hearing --

CHAIRPERSON DAVIS: Uh-huh.

CITY MANAGER JONES: -- you had received a revised resolution. The content is basically the same but there were some minor revisions in that resolution. Also for your consideration, we need to reorder items number 10 and 11. So I need those items reversed in order to hear number 11 first and then number 10.

CHAIRPERSON DAVIS: Eleven first?

CITY MANAGER JONES: Yes. There is the addition of a Community Benefit request to John F. Kennedy Middle School for \$500 from Councilman Terence Davis.

CHAIRPERSON DAVIS: Okay.

CITY MANAGER JONES: Those are all of the additions, deletions, substitutions and revisions.

CHAIRPERSON DAVIS: Okay. And as for the Public Hearing, I think -- 8, 11, 10 -- okay. I see what you're doing. Okay. So we'll be taking that after?

CITY ATTORNEY RYAN: You didn't say that.

CHAIRPERSON DAVIS: Okay. Great.

CITY ATTORNEY RYAN: No, you didn't say that.

CHAIRPERSON DAVIS: No.

CITY MANAGER JONES: Okay. So --

CITY ATTORNEY RYAN: You didn't say --

CITY MANAGER JONES: -- for your consideration, in order to allow everyone opportunity to get here to respond, if you could hear number 9 after items 10 and 11 --

CHAIRPERSON DAVIS: Yes.

CITY MANAGER JONES: -- that way time wise at least we'll know everyone has an opportunity to get here.

CHAIRPERSON DAVIS: Right. Okay. All right. Are there any disclosures by council? Okay. Is there a motion to adopt the agenda?

DISCLOSURE BY COUNCIL

ADOPTION OF AGENDA

CHAIR PRO TEM PARDO: So moved.

COUNCILPERSON DAVIS: Second.

CHAIRPERSON DAVIS: Okay. Madam Clerk?

DEPUTY CITY CLERK ANTHONY: Councilperson T. Davis?

COUNCILPERSON DAVIS: Yes.

DEPUTY CITY CLERK ANTHONY: Councilperson Thomas?

COUNCILPERSON THOMAS: Yes.

DEPUTY CITY CLERK ANTHONY: Pro Tem Pardo?

CHAIR PRO TEM PARDO: Yes.

DEPUTY CITY CLERK ANTHONY: Chair Davis?

CHAIRPERSON DAVIS: Yes.

DEPUTY CITY CLERK ANTHONY: Unanimous vote.

CHAIRPERSON DAVIS: Okay. And we do not have any public comment cards on the consent agenda. Is there a motion to adopt the consent agenda?

COMMENTS FROM THE PUBLIC ON CONSENT AGENDA (THREE MINUTES LIMITATION)

CONSENT AGENDA

CHAIR PRO TEM PARDO: Madam Chair?

CHAIRPERSON DAVIS: Yes, Miss Pardo?

CHAIR PRO TEM PARDO: All right. I'd like to pull 7A, please.

CHAIRPERSON DAVIS: Okay. Anybody else? Okay. Is there a motion to adopt the consent agenda with 7A pulled?

COUNCILPERSON DAVIS: So moved.

COUNCILPERSON THOMAS: Second.

CHAIRPERSON DAVIS: Okay. Madam Clerk?

DEPUTY CITY CLERK ANTHONY: Councilperson Thomas?

COUNCILPERSON THOMAS: Yes.

DEPUTY CITY CLERK ANTHONY: Councilperson T. Davis?

COUNCILPERSON DAVIS: Yes.

DEPUTY CITY CLERK ANTHONY: Pro Tem Pardo?

CHAIR PRO TEM PARDO: Yes.

DEPUTY CITY CLERK ANTHONY: Chair J. Davis?

CHAIRPERSON DAVIS: Yes.

DEPUTY CITY CLERK ANTHONY: Unanimous vote.

CHAIRPERSON DAVIS: Okay. Item 7A.

ALL MATTERS LISTED UNDER THIS ITEM ARE CONSIDERED TO BE ROUTINE AND ACTION WILL BE TAKEN BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS A COUNCILPERSON SO REQUESTS, IN WHICH EVENT, THE ITEM WILL BE REMOVED FROM THE GENERAL ORDER OF BUSINESS AND CONSIDERED IN ITS NORMAL SEQUENCE ON THE AGENDA.

MINUTES

- 1. MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD, JULY 2, 2014.**

2. MINUTES OF THE CITY COUNCIL BUDGET WORKSHOP HELD, JULY 14, 2014.

3. MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD, JULY 16, 2014.

RESOLUTIONS

4. RESOLUTION NO. 74-14, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE DIRECTOR OF FINANCE AND ADMINISTRATIVE SERVICES TO APPROPRIATE \$2,000.00 FROM THE LAW ENFORCEMENT TRUST FUND FOR DONATION TO THE RIVIERA BEACH EDUCATION SCHOLARSHIP PROGRAM; AND PROVIDING AN EFFECTIVE DATE.

5. RESOLUTION NO. 75-14, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE REALLOCATION OF FUNDS IN THE FIVE YEAR CAPITAL PLAN IN THE AMOUNT OF \$158,000 FROM CAPITAL ACQUISITION WATER PROOFING PROJECT IN THE AMOUNT OF \$158,000 TO COUNCIL CHAMBERS RENOVATIONS; AND PROVIDING AN EFFECTIVE DATE.

6. RESOLUTION NO. 76-14, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE PURCHASE OF ONE (1) FIXED LICENSE PLATE RECOGNITION SYSTEM AND ONE (1) PORTABLE LICENSE PLATE RECOGNITION SYSTEM FOR DEPLOYMENT WITHIN THE CRA; AUTHORIZING THE DIRECTOR OF FINANCE AND ADMINISTRATIVE SERVICES TO PAY \$44,175 TO NDI RECOGNITION SYSTEMS FROM ACCOUNT NUMBER 001-0817-521-0-6405; AND PROVIDING AN EFFECTIVE DATE.

7. RESOLUTION NO. 77-14, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING SETTLEMENT IN THE MATTER OF MICHAEL A. HUDSON V. CITY OF RIVIERA BEACH, GLORIA SHUTTLESWORTH, DORETHA PERRY AND PAUL WHITE, CASE NO. 9:12-CV-80870-ALTONAGA IN THE TOTAL AMOUNT OF \$40,000; AUTHORIZING GALLAGHER BASSETT TO MAKE PAYMENT ON BEHALF OF THE CITY AFTER RECEIVING A GENERAL RELEASE; AND PROVIDING AN EFFECTIVE DATE.

7A. RESOLUTION NO. 78-14, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE AN AGREEMENT COMMENCING OCTOBER 1, 2014, TO SEPTEMBER 30, 2017, BETWEEN THE CITY OF RIVIERA BEACH AND THE SERVICE EMPLOYEE INTERNATIONAL UNION (SEIU), AN ORGANIZATION REPRESENTING THE GENERAL

EMPLOYEES OF THE CITY OF RIVIERA BEACH; PROVIDING FOR AN EFFECTIVE DATE.

CHAIRPERSON DAVIS: Is there a motion?

COUNCILPERSON THOMAS: So moved.

COUNCILPERSON DAVIS: So moved.

CHAIRPERSON DAVIS: Is there a second?

COUNCILPERSON DAVIS: Second.

CHAIRPERSON DAVIS: Okay. Miss Pardo?

CHAIR PRO TEM PARDO: Okay. Madam Manager, we received this several hours ago so I haven't had a chance to go through their contract. Could someone give us the, you know -- the high points of the contract, please? And I just, you know --

CITY MANAGER JONES: Okay.

CHAIR PRO TEM PARDO: -- this is especially sensitive because, as everyone knows, we've had problems with this union and I just want to make sure that everyone is aware of what we are doing with the union. So you know, they can't go back and say anything to the contrary.

CITY MANAGER JONES: Okay.

CHAIRPERSON DAVIS: Okay. Go ahead, Miss Jones.

CITY MANAGER JONES: Okay. The -- one of the first areas where you see some changes in the document, and that basically consisted of some major deletions in the items as it related to sick leave incentives that is not being provided here. As it relates to wages, the wage agreement in this particular contract calls for 6 percent in 2014/'15, and then 3 percent -- and another 3 percent for '16/'17. They did not get the 3 percent raise in -- in this current year so that's why you see a 6 percent for the first year and then you see 3 percent in the subsequent years as it relates to the particular areas in the contract for wages. Also in there you will see that there are provisions and wording as it relates to FRS. And as approval of this, understanding that the City may go forward with some consideration for movement to FRS. As it relates to that particular situation, what has been approved in this contract is that if that is the case, then those employees and individuals that choose -- that move in that -- to the new plan or to the employees in the current plan will receive a one-time payment of \$250. If they elect not -- if we elect not to join, they will not receive that as a part of the wage sections.

CHAIR PRO TEM PARDO: Madam Chair?

CHAIRPERSON DAVIS: Miss Pardo.

CHAIR PRO TEM PARDO: Okay. Are we requiring all new hires go into FRS if we decide to move forward with that, with FRS?

CITY MANAGER JONES: If we decide, yes, ma'am.

CHAIR PRO TEM PARDO: Okay.

CITY MANAGER JONES: If we decide there'll be a date that will be established. All new hires would go into FRS as of that date, as well as we're considering making provisions for employees that may not be vested. Let's say they've only been here less than five years. They may opt also to go to FRS. But it will be voluntary on their part.

CHAIR PRO TEM PARDO: Okay.

CITY MANAGER JONES: It will be required for employees after we establish whatever that date is.

CHAIR PRO TEM PARDO: Okay.

CITY MANAGER JONES: For going into FRS.

CHAIR PRO TEM PARDO: Okay.

CITY MANAGER JONES: One of the things that the union was wanting that we did not agree to that you won't see here, and that is that part-time employees would be included in the labor agreement. And so we did not agree with that particular point in the --

CHAIR PRO TEM PARDO: Yeah.

CITY MANAGER JONES: -- ratification of the contracts. The other areas as far as group insurance, you've got some changes in some wording and some dates but nothing that's really very substantive in that. One of the other areas where there were some major considerations given and the union agreed and that dealt with longevity. Right now longevity, you get 2 percent for every four years that you've been here as a part of your salary in the increase. However, in this agreement, instead of getting a 2 percent --

CHAIR PRO TEM PARDO: I'm getting lost here.

CITY MANAGER JONES: -- every four years that you constantly get every year here, at the fifth -- at the fifth year they'll get just \$250. Ten years, \$500. So it won't be something that they'll get every year as a part of a salary consideration as it relates to that. And those are the major areas that you will see where there were changes in the labor agreement from the previous agreement.

CHAIR PRO TEM PARDO: Okay. Thank you, ma'am.

COUNCILPERSON THOMAS: Madam Chair?

CHAIRPERSON DAVIS: Mr. Thomas?

COUNCILPERSON THOMAS: Miss Jones, what was the -- what was the final tally? What was the --

CHAIRPERSON DAVIS: I'm sorry. Excuse me. Let the record reflect that Mr. Guyton's here. Go ahead, Mr. Thomas.

COUNCILPERSON THOMAS: What -- thank you. What was the final tally for that vote?

CITY MANAGER JONES: I want to say, and I'm trying to find --

CHAIR PRO TEM PARDO: It's on the back of your (inaudible).

CITY MANAGER JONES: -- the note real quick. I want to say it was --

CHAIR PRO TEM PARDO: Seventy --

CHAIRPERSON DAVIS: 75 /15.

CITY MANAGER JONES: -- like, either 78 to 15 or 75 to 15.

CHAIR PRO TEM PARDO: Seventy-five.

COUNCILPERSON THOMAS: So it was an overwhelming amount of --

CITY MANAGER JONES: Overwhelming acceptance of this contract.

CHAIR PRO TEM PARDO: And there's --

COUNCILPERSON THOMAS: Okay. So that means that -- yeah, I didn't get -- I didn't actually get that one. Okay. So that means that -- that the -- the general employees was pretty much satisfied with what took place?

CITY MANAGER JONES: What was presented, yes.

COUNCILPERSON THOMAS: Okay. That's good for me.

CHAIRPERSON DAVIS: Last question, Miss Jones. I noticed in Section 3 of Article 21 that the City is going to provide direct deposit to all employees. I'm assuming we have banks that are working with us for those employees who may have difficulty?

CITY MANAGER JONES: Yes. And we realize that there are individuals that may be in that particular position and that is one of the considerations that, as we go out for new banking services --

CHAIRPERSON DAVIS: Uh-huh.

CITY MANAGER JONES: -- with a new bank, that that's a part of that.

CHAIRPERSON DAVIS: Okay. Any other questions, comments?

COUNCILPERSON DAVIS: Madam Chair?

CHAIRPERSON DAVIS: Mr. Davis?

COUNCILPERSON DAVIS: I see in the first page it talk about the total amount -- number of votes, 91. Is that the total number of members?

CITY MANAGER JONES: No. The membership includes all of your employees. So I would say there's probably a good 150 or so employees within this particular unit.

COUNCILPERSON DAVIS: All right. So we have about 65 that didn't vote?

CITY MANAGER JONES: That did not vote.

COUNCILPERSON DAVIS: Okay.

COUNCILPERSON THOMAS: Madam Chair?

CHAIRPERSON DAVIS: Are you -- are you done, Mr. Davis?

COUNCILPERSON DAVIS: I'm done.

COUNCILPERSON THOMAS: Did -- Madam -- Madam Chair?

CHAIRPERSON DAVIS: Mr. Thomas.

COUNCILPERSON THOMAS: Did they have adequate -- enough notice and a -- an opportunity to vote?

CITY MANAGER JONES: Yes, they did. And we held it downstairs in this building, central to a lot of our employees in order to provide them with that accessibility.

COUNCILPERSON THOMAS: Okay. And the -- the one voided vote, I'm -- I'm assuming it wouldn't matter either way. But why would we void a vote?

CITY MANAGER JONES: They actually conduct the election. We do not. The union does.

COUNCILPERSON THOMAS: Okay.

CITY MANAGER JONES: And I'm not sure why they voided one of the votes.

COUNCILPERSON THOMAS: Okay.

CHAIRPERSON DAVIS: Any other questions or comments? Madam Clerk?

DEPUTY CITY CLERK ANTHONY: Councilperson Thomas?

COUNCILPERSON THOMAS: Yes.

DEPUTY CITY CLERK ANTHONY: Councilperson T. Davis?

COUNCILPERSON DAVIS: Yes.

DEPUTY CITY CLERK ANTHONY: Councilperson Guyton?

COUNCILPERSON GUYTON: Yes.

DEPUTY CITY CLERK ANTHONY: Pro Tem Pardo?

CHAIR PRO TEM PARDO: Yes.

DEPUTY CITY CLERK ANTHONY: Chair Davis?

CHAIRPERSON DAVIS: Yes.

DEPUTY CITY CLERK ANTHONY: Unanimous vote.

CHAIRPERSON DAVIS: Okay. We're now at Awards and Presentations, item 8. Mr. - that is a presentation from the Office of Councilman Bruce Guyton.

END OF CONSENT AGENDA

PETITIONS AND COMMUNICATIONS FOR FILING

AWARDS AND PRESENTATIONS

8. PRESENTATION FROM THE OFFICE OF COUNCILMAN BRUCE A. GUYTON - CERTIFICATE OF APPRECIATION TO MR. BEETHOVEN FRANCOIS, FOUNDER AND CEO OF MAKING TODAY BETTER PR & MARKETING FIRM.

COUNCILPERSON GUYTON: Thank you, Madam Chair.

CHAIRPERSON DAVIS: Yes, sir.

COUNCILPERSON GUYTON: Let me say that it is indeed an honor for me to have this opportunity to award someone who lives and works in our community, and with him is his team and family. I wanted to take this opportunity because I've been doing it for a long time, recognizing people that I feel are making a positive contribution in our community.

Mr. Francois lives and works in our community. He has been one that has a positive vibe and he's been one who's been very diligent about distributing /PROZ infrastructure about our community. And I felt that he was deserving of an award of -- of appreciation. So I'm going to have my legislative aide to come up and read a little bit about Mr.

Francois. And after then, Madam Chair, we have, like, a two-minute little clip to show what he does.

SYLVIA BLUE: Good evening.

CHAIRPERSON DAVIS: Good evening.

COUNCILPERSON DAVIS: Good evening.

CITY ATTORNEY RYAN: Good evening.

SYLVIA BLUE: Beethoven Francois is a marketing expert who has been branding businesses for more than a decade. As founder of Making Today Better public relations and marketing firm, he drew on his diverse experience in marketing and branding to create a platform for industry professionals to promote their work, hear their expertise, seize business opportunities and interact with consumers. His innovative ability to harness the power of digital marketing to increase professional brands has made him a clever marketing specialist. Before launching Making Today Better PR and marketing firm, Beethoven focused on developing and marketing special events and concerts where he cultivated partnerships with leading entertainment management companies, liquor ambassadors, A and R and artists.

Eager to share his talents and resources with others, Beethoven has collaborated with various nonprofit and for-profit organizations to strengthen the awareness of sustainability. Beethoven is a member of the Committee for a Better Riviera Beach, a Singer Island Civic Association, Executive Board of Directors member, a member of the North Palm Beach Chamber, and a former Salvation Army and Eckerd Advisory Board member. Recognizing the need for positive publicity in Riviera Beach to counteract the negative attention that the media reports, Beethoven has created two media outlets: Good News Riviera Beach and the Taste of Singer Island magazine to bring to the forefront the positive things that go unnoticed by the general public.

Through his career in marketing, his real passion lies in working with youth. For the past 12 years he has devoted his time to empowering the next generation of leaders. In 2010 he founded Creative Entrepreneur, Incorporated, an organization that encourages entrepreneurship and leadership skills. Through his organization, students ages 12 through 21 are mentored through entrepreneurship training while learning much valuable life skills. Mr. Beethoven Francois, congratulations.

COUNCILPERSON GUYTON: And right now we have a short clip of what he does. (Video shown). As you can see Mr. Francois and his team puts out quality work. And he has been covering us for a minute now. And it's always positive. He has not, to my knowledge, ever, ever disseminated anything negative about Riviera Beach. And for that, I and I'm sure my council members agree, that we are very appreciative to the positive news. Now, Mr. Francois, everyone knows behind every good man there's a good woman. And I see Mrs. Francois, please raise your hand so everybody know who's behind the scenes there. And both of you come on up and say a word or two.

BEETHOVEN FRANCOIS: Good afternoon.

CHAIRPERSON DAVIS: Good evening.

BEETHOVEN FRANCOIS: Evening. Sorry.

CHAIRPERSON DAVIS: Good evening.

BEETHOVEN FRANCOIS: I may not always be politically correct or grammatically correct but I am dead serious about my community. On behalf of my team, myself and my team, thank you for this recognition. Our mission is simple: We -- we just would like to promote positive energy -- I mean, positive quality video content, print magazine in this community. Thank you. God bless you. Good night.

CHAIRPERSON DAVIS: Excuse me. You want to take a moment and introduce your staff?

BEETHOVEN FRANCOIS: Yes, please. This is my son Michael.

COUNCILPERSON GUYTON: And come to the mike there and tell us who they are.

BEETHOVEN FRANCOIS: This is my son Michael. He's the boss in the office. This is Jason Wallace. He is --

COUNCILPERSON GUYTON: Step up so the camera can catch you.

BEETHOVEN FRANCOIS: Jason Wallace, he takes the event pictures, cover magazine shots. We have, of course, my love lie wife. She's the other boss in the office. She's -- controls and manage me and the business. We have Kamor Saldana [phonetic]. He's one of our account managers for the Taste of Singer Island and Good News Riviera Beach. We have Jenise [phonetic] Starling -- Sterling -- sorry Jenise. She also have a private business in this community as a event coordinator so she's my backbone when we're creating events. So we realize that it was important for her business and our business to partner up together and create events together. We have one of the youngest guys other than my son on my team which our visual director. Oliver came in from the beginning and we worked extremely hard together, long nights, long everything. And we have Maggie in the background. Maggie, a lot of the covers you see in the magazine and any of the content of the magazine, Maggie -- Maggie's a model in this and Maggie's from Australia. And she helps us out with a lot of things in this company, just visually creating content. And that is my team. That's my family.

CHAIRPERSON DAVIS: That's great.

COUNCILPERSON GUYTON: And for those of you who have not seen the Taste of Singer Island or Good News Riviera -- Good News Riviera --

BEETHOVEN FRANCOIS: -- Beach.

COUNCILPERSON GUYTON: -- Beach website, please tell them how they might be able to either --

BEETHOVEN FRANCOIS: Well, they could log on to www.TasteOfSingerIsland.com. And right now with Good News Riviera Beach, we'll be launching a website in October. But our -- most of our content is through social media where we're reaching over 5 to 10,000 people weekly across Palm Beach County.

CHAIRPERSON DAVIS: Great.

COUNCILPERSON GUYTON: Thank you.

BEETHOVEN FRANCOIS: So thank you for this honor.

CHAIRPERSON DAVIS: Wonderful.

COUNCILPERSON DAVIS: Madam Chair?

COUNCILPERSON GUYTON: Oh, wait. Could I read my certificate? Thank you.

COUNCILPERSON DAVIS: You -- yes, you can.

COUNCILPERSON GUYTON: One second. Certificate of Appreciation. This certificate is presented to Beethoven Francois, Making Today Better PR and marketing team in appreciate to you for lending your marketing expertise to shine a positive light on the entire Riviera Beach community. Bruce A. Guyton, but I'm sure all of my colleagues agree.

BEETHOVEN FRANCOIS: Thank you.

COUNCILPERSON GUYTON: Thank you.

CHAIRPERSON DAVIS: Ditto. Mr. Davis?

COUNCILPERSON DAVIS: Really quick. Mr. Francois, you said something about Miss Starlings, that she has a business, as well. What's the name of that company?

BEETHOVEN FRANCOIS: Styles by Starling.

COUNCILPERSON DAVIS: Styles by Starlings. Okay. Another thing. I just wanted to congratulate you all on what you do. It's really good to see those who are living here really putting in an effort to get the word -- the word out of Riviera Beach, the good news and a better place. I commend you on what you're doing, your effort. You seem to come here with a strong passion. Come on your own, as you are, which is really good. So many times people come to our community and ask for a handout. And it seems to me that you came out with your heart out and the right vision in what you're doing. So I commend you and I ask you to continue to strive and continue to doing what you're doing in our community of Riviera Beach. Okay?

BEETHOVEN FRANCOIS: Thank you.

COUNCILPERSON DAVIS: All right.

COUNCILPERSON GUYTON: Thank you.

COUNCILPERSON THOMAS: Madam Chair?

CHAIRPERSON DAVIS: Mr. Thomas?

COUNCILPERSON THOMAS: Mr. Francois, I, too, would like to congratulate you along with Councilman Bruce Guyton and the remaining part of the board. We think that you put out a good quality -- good body of work. I've seen it. I've been very impressed by it. I appreciate you coming here, moving here, living here in the city, moving your office here, working here, marrying a woman from Riviera Beach. I mean, it's kind of hard for you to go wrong when you, you know, have all of that going behind you. But we appreciate it. We thank you for investing in the City. And I do believe that the City will be investing in you, as well.

BEETHOVEN FRANCOIS: Thank you very much.

COUNCILPERSON THOMAS: Thank you.

CHAIRPERSON DAVIS: Absolutely. Thank you.

CHAIR PRO TEM PARDO: Great. Thank you.

COUNCILPERSON GUYTON: Thank you, my friend.

CHAIRPERSON DAVIS: Okay. We're going to be moving to item 11.

PUBLIC HEARINGS

- 9. RESOLUTION NO. 79-14 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING AN APPLICATION FROM 7-ELEVEN INC., FOR SITE PLAN AND SPECIAL EXCEPTION APPROVAL TO DEVELOP AND OPERATE A 3,115 SQUARE FOOT CONVENIENCE STORE WITH 12 FUEL PUMPING STATIONS, AT 2600 BROADWAY, WITHIN THE DOWNTOWN CORE ZONING DISTRICT ON ROUGHLY 0.88 ACRES; AND PROVIDING FOR AN EFFECTIVE DATE.**

CHAIRPERSON DAVIS: Is there a motion?

COUNCILPERSON DAVIS: So moved.

CHAIR PRO TEM PARDO: So moved.

CHAIRPERSON DAVIS: Is there a second?

COUNCILPERSON THOMAS: Second.

CHAIRPERSON DAVIS: Okay. It's been moved and second. Miss Jones?

CITY MANAGER JONES: The item that we're bring forward tonight is following our guidelines as well as our codes as it relates to special exceptions, which this particular request is identified as one of those entities where that has to occur. Right now I'd like to ask Mary McKinney to give you an overview of the project and all of the steps that have taken place. And I do believe at that point the applicant gets a chance also to present information, and then we will hear from the public, as well as from the council.

CHAIRPERSON DAVIS: Go ahead.

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: Okay. Good evening.

CHAIRPERSON DAVIS: Good evening.

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: This property, it's known as 2600 Broadway, is located within the City's community redevelopment area. It's at the intersection of Blue Heron Boulevard and U.S. 1 at the northeast corner. It's approximately .8 acres in size. The existing structure at this site was built in 1961 and has functioned as a community bank for many years but is currently vacant. 7-Eleven, Inc., desires to demolish the existing structure at 2600 Broadway and develop and operate a 3,115-square-foot convenience store with 12 fueling pump stations. Development of the convenience store with fueling pump stations requires a special exception approval by the City Council. It's located within the downtown core zoning district.

The Planning & Zoning Board, which is an advisory board to the City Council, reviewed the 7-Eleven development proposal on April 24th, 2014, and May 8th, 2014, denying a motion of approval on May 8th, 2014, expressing concerns about potential traffic impacts, noise, possible crime and sufficient buffering from adjacent properties. 7-Eleven has since then demonstrated compliance with all of these concerns and provided the City with the plans and narrative to support their claim that they have supported it and City staff does agree with that. Staff determined that the development proposal from 7-Eleven is consistent with the City's comprehensive plan, the community redevelopment plan and the City's land development regulations. Additionally, City staff has found that the development proposal from 7-Eleven has met or exceeded the standards required for granting a special exception which include the following: property ingress and egress, off-street parking and loading, refuse and service areas, utilities, screening, buffering and landscaping, signage and exterior lighting and required yards and open space.

The Community Redevelopment Agency Board reviewed the 7-Eleven development proposal on June 11, 2014, and found it to be consistent with the community redevelopment plan and recommended approval to the City Council by CRA resolution 2014-30. Additionally, public notices indicating that this item would be reviewed at the August 20th, 2014 City Council meeting were mailed out to all property owners within a

thousand feet of 2600 Broadway. City staff recommends approval of the special exception and the site plan with the following conditions: construct -- construction must be initiated within 18 months of the effective date of the resolution in accordance with the City code of ordinances, Section 31-60.

All future advertising must adhere to City code of ordinances, Section 31-554, advertising within the City of Riviera Beach. Fees and penalties in accordance with this section will be levied against the property owner and/or business for violation of this condition. A two-year landscaping performance bond for 110 percent of the value of landscaping and irrigation is required and shall be submitted before a certificate of occupancy is issued. Prior to the issuance of a certificate of occupancy, 7-Eleven shall be responsible for insuring that a bus shelter and trash receptacle is installed and operated at Palm Tran bus stop number 448.

Condition number 5: The fueling canopy shall include a decorative roof line design architecturally compatible with the primary structure. And condition number 6, which is about security. In the memo that you have it says a private armed security detail is visibly required on the site whenever the convenience store fuel pumps are open for the initial 90 days of operation. The aforementioned private armed security may be reduced after 90 days pending consultation and approval by City law enforcement officials.

7-Eleven has suggested and agrees with they would provide security for nine months from 10 p.m. to 6 a.m. and they wanted the approval to be by 7-Eleven in conjunction with City law enforcement officials. Condition seven, a traffic triangle shall be installed at the southern property entrance in order to deter eastbound traffic on Blue Heron Boulevard from turning into the 7-Eleven development. The fuel tanks must be removed by the property owner within 180 days of the date the property is no longer used as a fueling tank. And in addition to these conditions, 7-Eleven has agreed to stop sale of alcohol at 11 p.m. The -- oh, I guess I went the wrong way with this. This is an aerial on the board showing the location right now of the property at the northeast corner of U.S. 1 and Blue Heron Boulevard.

This is a diagram of the site plan showing 7-Eleven in the southwest corner of the property with the driveway on Blue Heron being right in, right out only. Driveway on Broadway being right in only, and then access through a driveway on 27th Avenue, which the fuel trucks will come down U.S. 1. They will turn east on to 27th Street and they will turn into 7-Eleven on the 27th Street driveway. An issue was raised that the delivery trucks, the large fuel trucks, will be in the north side of the 27th Street right-of-way when they make the turn from Broadway.

But we wanted to also inform the board and the public that all delivery trucks that make deliveries to businesses east of U.S. 1, large tractor-trailers, especially those carrying large boats, all have the same situation. All the streets leading down to the water are about 50-feet wide with about 22 feet of pavement. So that exists throughout the entire city. The next diagram shows the elevations of 7-Eleven. There's a large entrance door on Blue Heron Boulevard and on the side for where the fuel tanks are located.

And this slide here shows a little better if you were standing in the middle of the intersection of Broadway and Blue Heron Boulevard and looking at the property, the property -- front of the property faces there with transparent glass and the -- the doorway, large doorway on Blue Heron Boulevard. There's a sidewalk around the entire property. There is landscaping on both sides of Blue Heron Boulevard and Broadway. The landscaping on Broadway's side will act as a screen for the fuel tanks so it would buffer any visual impacts from the fuel tanks which are located to the rear of the building. Um, 7-Eleven has met all of the City's code when it come -- for the new CRA code which has been very challenging 'cause it's a new code. And staff recommends approval of it. Thank you.

CHAIRPERSON DAVIS: Okay. We have public comments.

CHAIR PRO TEM PARDO: (Inaudible).

CHAIRPERSON DAVIS: Oh, okay. Is the applicant going -- have a presentation to make?

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: Oh, I'm sorry. I'm sorry. All the representatives from 7-Eleven are here. They're available for questions.

CHAIRPERSON DAVIS: Do they have a presentation?

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: They don't -- they are going with the presentation that we made because they have -- it would be totally duplicate.

CHAIRPERSON DAVIS: Okay.

COUNCILPERSON DAVIS: (Inaudible).

CHAIRPERSON DAVIS: All right.

MAYOR MASTERS: Madam Chair, I have a question.

CHAIRPERSON DAVIS: Is he here?

CITY ATTORNEY RYAN: (Inaudible). I'm sorry.

MAYOR MASTERS: That was me.

CITY ATTORNEY RYAN: Um --

MAYOR MASTERS: No, to the Chair.

CITY ATTORNEY RYAN: -- Madam --

MAYOR MASTERS: I just had a question to the Chair.

CITY ATTORNEY RYAN: For the Chair?

MAYOR MASTERS: For the Chair.

CITY ATTORNEY RYAN: Okay.

MAYOR MASTERS: Yeah.

CHAIRPERSON DAVIS: Yes, sir.

MAYOR MASTERS: If we have a question of Miss McKinney on her report, at what appropriate time can I ask that, of something she said?

CHAIRPERSON DAVIS: All right, Miss Ryan?

CITY ATTORNEY RYAN: Sure. This, as a quasi-judicial proceeding, we're going to allow everyone to make their presentations. I would recommend that Council write down your questions and after you've heard from staff, from the applicant and from the public, you're going to close public comment and you're going to deliberate. You can ask some questions of them during that time. And -- and then you're going to make your decision. Council would make its decision.

MAYOR MASTERS: Question. Question, Madam Attorney. If the -- one of us have a question of someone that makes observation from the public, we -- we don't have the right to ask then or we should wait until we come back and call that person back up?

CITY ATTORNEY RYAN: You're going to ask a member of the public?

MAYOR MASTERS: Yes.

CHAIRPERSON DAVIS: Uh-uh.

MAYOR MASTERS: If -- if there's a statement that's made by someone from the public and --

CHAIRPERSON DAVIS: (Inaudible).

MAYOR MASTERS: -- I'm interested in -- in asking a question to the public --

CITY ATTORNEY RYAN: It's up to you. It's up to you.

MAYOR MASTERS: -- do I have that right to do it?

CHAIRPERSON DAVIS: Mr. Mayor, we have a lot of public comment cards and I know in the -- in the past I've kind of allowed, you know, people to be called back up who are speakers. You know, and I really don't want to do that tonight. I mean, you know, under your comments under Discussion and Deliberation of the Mayor and Council at the end, you can make your comments then, sir.

MAYOR MASTERS: If there is a question that I may have of a citizen, are you saying I should wait until there --

CHAIRPERSON DAVIS: Yes.

MAYOR MASTERS: -- it's all over, then I can call that citizen --

CHAIRPERSON DAVIS: Yeah. So we've had this -- we've had this --

MAYOR MASTERS: -- back up? No, I'm okay with it. I just didn't know at what appropriate time I can call the citizen back up and ask them what I want.

CHAIRPERSON DAVIS: Yeah. If they're still here, you know, when we get to our --

MAYOR MASTERS: Okay.

CHAIRPERSON DAVIS: -- comments. Okay?

CITY ATTORNEY RYAN: Right. And at one --

MAYOR MASTERS: I just need to know.

CITY ATTORNEY RYAN: -- at some point you're going to close -- you're going to close any questions. And then once you start deliberating, you're not going to be able to ask - ask any more questions. So after everyone's done, you should -- if you want to ask questions of different parties, you should go ahead and do it at that time.

MAYOR MASTERS: Well, that's what I --

CITY ATTORNEY RYAN: Because once you close, then you're not going to be able to do so.

MAYOR MASTERS: Well, that's why I wanted to be clear.

CITY ATTORNEY RYAN: Okay.

MAYOR MASTERS: So --

CITY ATTORNEY RYAN: Well, I -- it would not be appropriate to ask individuals questions as the presentations are --

MAYOR MASTERS: Correct. But before --

CITY ATTORNEY RYAN: -- going through.

MAYOR MASTERS: -- before it's closed --

CITY ATTORNEY RYAN: Okay.

MAYOR MASTERS: -- then I can say that to that individual or either let the individual I have a question so just don't leave. Thank you.

CHAIRPERSON DAVIS: Okay. So the 7-Eleven people, they do not have a presentation. Okay. We're going to move on to Public Comments, then. Miss Juanita Nalls. After Miss Nalls is Miss Mary Brabham. Good evening, ma'am.

JUANITA NALLS: Good afternoon.

CHAIRPERSON DAVIS: Please state your name and address for the record.

JUANITA NALLS: Okay. Good afternoon, Madam Chair, council members, Mayor and neighbors. I'm Juanita Nalls, 2011 Avenue H East, Riviera Beach, Florida. I'm here from the Park Manor Neighborhood Association and we are still very, very upset that we're still trying to move forward with a 7-Eleven store coming into Riviera Beach. We're not against a 7-Eleven store. It's a very wonderful company. It's been around a long time. And I think it's one of the oldest companies that first started having convenience stores. My problem is here in Riviera Beach, we feel, especially on this side of Riviera Beach, we want something better on that corner. The aisle of Riviera Beach coming in from I-95, the whole corridor, okay, is full of service stations, convenience stores. We want something better for our citizens. And we feel that this is something that should not be a hard task, because of the fact that we have people here that are qualified to be able to go out, search for better things to come into Riviera Beach.

Our citizens do not have a decent restaurant here in Riviera Beach to go to. We have to leave our city to go to a restaurant. This is not fair. And it doesn't make any sense. To ask our council to go back to the drawing board to determine if they can find something else better, talk with the citizens to find out what it is that we could recommend. If nothing else, have a meeting of the citizens and ask them what do we want. This piece of property, they're saying that it's not big enough for a restaurant. I'm looking at this building every day. I make that circle every day and a lot of the other citizens do, also. It is big enough for a restaurant to be there. Even if we have -- we -- the building -- the Publix at the foot of the bridge -- foot of the -- the -- the street there going across the bridge, you know, is not as -- you know, I'm quite sure it may be a little bit larger, but this is a grocery store but it's still right there on that corner. We can do a lot with that corner.

MAYOR MASTERS: That's right.

JUANITA NALLS: And this should be the beginning of something here for our citizens here in Riviera Beach. And I do ask the citizen -- the council to please, please go back to the drawing board. Come up with something better so that our citizens can feel good about our city. We're very, very disgruntled. We're upset. Citizens are talking about we have nothing here. When I came to this city we had a bowling alley. We had grocery stores here. You know, we had a lot of different things here. But at this point we have nothing. What is this city going to -- what are we going to be -- come to if we do not

start from something? We -- and I will finish with this, but thank you so very much for your time.

CHAIRPERSON DAVIS: Thank you, ma'am. Miss Mary Brabham.

MAYOR MASTERS: Don't leave 'cause I'm going to call you later on. Thank you.

CHAIRPERSON DAVIS: Miss Mary Brabham? Mr. Michael Brown is after Miss Brabham.

MARY BRABHAM: Good evening. I see what's being played out here.

MAYOR MASTERS: I do, too.

MARY BRABHAM: But we still have a voice. Mary Brabham, Riviera Beach. Special exception is just -- is just what it is. Something in that special exception dictates that something is not normally -- is applicable of being there. So it's worked. I have nothing against 7-Eleven. For the last couple days I've been away myself. I've been away touring. And I've been away touring some of the 7-Elevens. And also, too, we have a 7-Eleven about three blocks down.

MAYOR MASTERS: That's right.

MARY BRABHAM: Right below where Winn-Dixie sits. How much junk food or how much Slurps can you drink? Over on Singer Island, you have a 7-Eleven also over there, too. How much Slurps can you drink? How much food can we eat? In the paper here, Riviera Beach had an oil spill here. You're anticipating 12 pumps in there. Twelve pumps. Not only that, the traffic. Week before last, car went through Broadway there. It could have been us. It could have been one of our residents or it could have been somewhere on these corners here. A 24-hour store or gas station, that's not smart planning. Whoever say that they're planning, I'm not going to dictate away from that. But that's not being smart. It is enough havoc that's going on in this city now.

MAYOR MASTERS: That's right.

MARY BRABHAM: Let's not impede our -- our police department.

MAYOR MASTERS: That's right.

MARY BRABHAM: And our fire department with extra work.

MAYOR MASTERS: That's right.

MARY BRABHAM: You as a governing board, you should be better than this. You're always saying that you want this city to rise and you want the things to make this city rise. Well, we -- you know, we're not saying that we do not want it built. Yes, we do want it built. But we want it built with positive things.

MAYOR MASTERS: That's right.

MARY BRABHAM: We want it built with positive things. We're tired of getting so much flak about we're crazy peoples and all of you all need to go.

MAYOR MASTERS: That's right.

MARY BRABHAM: We're -- we're tired of hearing that. Because I know that we're better than that and we can plan better, because this is not planning. This is not -- I don't know the cookie jars that's going around, but Miss Brabham doesn't have a cookie jar. And I hope that y'all do not have a cookie jar, neither. I hope that you all do the right thing. The man up above says, If you're faithful over a few things, I'll make you ruler over many. That means doing what's right for your city, for your residents, for your community and for you as a governing board. It's time for us to get out of this mentality here. Just having something just to have it? No, no, no. That's not smart leadership. I'm quite sure each one of you all will set a course of running for something else. Stop doing this to yourselves. Thank you.

CHAIRPERSON DAVIS: Thank you, Miss Brabham.

MAYOR MASTERS: Thank you, Miss Brabham.

CHAIRPERSON DAVIS: Mr. Michael Brown?

MAYOR MASTERS: Don't leave, Miss Brabham. I'll talk to you later.

CHAIRPERSON DAVIS: Mr. Mayor, can you please --

MAYOR MASTERS: Well, how do I let them know not to leave if I have comments?

CHAIRPERSON DAVIS: Okay.

MAYOR MASTERS: How do I know?

CHAIRPERSON DAVIS: But what I'm saying is your comments all through the conversation.

MAYOR MASTERS: Okay. I -- I won't say a word.

CHAIRPERSON DAVIS: Okay.

MAYOR MASTERS: I just -- I just want them to know I'm calling them back.

CHAIRPERSON DAVIS: Mr. Brown, go ahead.

MICHAEL BROWN: Good evening, Madam Chair. For the record, I know Miss Ryan pointed out this is a quasi-judicial matter. I am here as a citizen but I'm here as an attorney for the owners of property at 100 W. Blue Heron, B Marks B. It's the owner of the property that's within the thousand feet of this district. So I don't know what that

means as far as my time to present here. But I'm here to oppose this special exception for several reasons: One, if you grant this exception, it violates the legal existing development code for the City of Riviera Beach. The legal current existing code prohibits gas stations at intersections. And that has been a prohibition for some time, particularly at two main -- at a main intersection. Now, interestingly enough, that prohibition was in the records for a long time and then I've reviewed documents that I've gotten from the P & Z Board and from the City which magically, in October of 2013, that language magically disappeared from the code.

And in order to make changes to that code, there's a process that the City has where you're supposed to go before the Planning & Zoning Board. There's supposed to be hearings, people comment on it. If the board's going to make a change, they put it in the record. It comes before the city commission. The city commission makes the change. Apparently none of that occurred. So the existing code says you can't have a gas station at that intersection. Magically the language eliminating that prohibition appeared in about October of 2013. Now, I'm going to guess at some point I'm going to have a chance to look at the records from when this applicant submitted their application to the CRA for a gas station. Somehow that changed and eventually we'll get to the bottom of that. There's no record of any lawful city or CR -- or Planning & Zoning Board meetings in which that prohibition was eliminated. Although it appears now in the records just in time for 7-Eleven to get their gas station. So if you approve this, you are violating your existing code.

Also this approval would be -- make this intersection more unsafe. The police department registered several complaints and told you you shouldn't approve it for various reasons. You all have kind of ignored that. There are already traffic jams there right now. When the bus comes through there now, the intersection backs up. It's a dangerous situation and this gas station would make it even worse. Mr. Brown mentioned earlier about investing in the west. The best way to invest in the west from a development standpoint is to create good jobs in the east. Not four jobs but 30 jobs and to create a place so that as the former major used to say, people will come to Riviera Beach and not through Riviera Beach. And I urge you all to turn this down because it's in violation of your code. If you approve it, you'll be violating the law. And I assure you that my client and myself will address this matter in the proper legal forum if you approve it, because I think it's unlawful. Thank you very much.

CHAIRPERSON DAVIS: Thank you, Mr. Brown. Bessie Brown?

CHAIR PRO TEM PARDO: (Inaudible)?

CITY ATTORNEY RYAN: Of course not.

CHAIRPERSON DAVIS: After Miss Brown is Margaret Shepherd.

CITY ATTORNEY RYAN: I don't remember that. But I know (inaudible).

BESSIE BROWN: Good evening, Bessie Brown. I just -- I'm here opposing this 12 fuel pumping station. We already have about 10 service stations from Military to across the

bridge. Why are we -- why is this council or our council don't think that this could possibly be some kind of environmental impact? We're -- we're -- we're loaded with gasoline that if one explosion may trigger one to the next to the next, because most of them, we have two across from each other. You know, it's about time for us to get something better than service stations. That building can be used for a lot of things because it's a very nice building, well-built building, if you all would allow the citizens to be included.

My -- the other question is that this is being presented as a resolution. I -- I would think if you had any conscience about whether this is a good move or not, you would have asked -- actually presented this as an ordinance where you could at least listen to the citizens and have them -- some input and you would have a second reading on it as to whether you would -- you know, would want to do it or not. You know, we aren't -- you know, we're here, but it's not that we don't know procedure. You know, and -- and we always feel anything -- nothing is being done west of Broadway pertaining to the west side of -- of the city, anyway. And I -- I heard Miss Pardo say we're against -- you all were against improving Singer Island. That shovel-ready project over there is not any -- anybody excluding you, because you got the first dollars when the shovel-ready came across. Singer Island did.

And -- and -- and the only other thing that I have is that -- ask is that what about the \$39 million that the CRA has the loan for that the City -- the taxpayers have to pay back? Why don't you at least acknowledge your citizens and ask them what they want. And if -- and since we have to pay it back, shouldn't we get something from it?

CHAIRPERSON DAVIS: Thank you, Miss Brabham [sic]. Miss Shepherd? After Miss Shepherd is Mr. Lozman.

MARGARET SHEPHERD: Margaret Shepherd, Riviera Beach. Miss Davis, first let me thank you for getting ahold to the dais and getting some -- some leverage now. You are the chair. You are the chair. This is a quasi -- whatever whatever.

CHAIRPERSON DAVIS: Judicial.

MARGARET SHEPHERD: Whatever. Judicial whatever. You all know what I'm talking about. I love Riviera Beach. And I want to say I -- I keep hearing you -- if Mrs. Mary McKinney was not qualified, why is Miss McKinney saying it's okay, and her staff? This is a qualified woman. And you keep saying 7-Eleven. It's like 7-Eleven. Okay. If you put a Ruby Tuesday there or a whatever there, if it's a shooting it's going to be the same shooting. The parking places are the same. I understand 7-Eleven. If I hear it one more time I'm gonna scream. We are here not to vote with our hearts but with what has been set before us as rules and regulation. When did they come in? I have no clue.

But I understand Miss Mary McKinney been here all along. And her staff. If this is not a good project, I have enough confidence in that particular part, if I have no confidence in nobody else. I don't think this lady will put us in risk. Is it a good project? Right there, it's there. It's there on the board. If they were shootings, they were going to shoot at

the 7-Eleven, Ruby Tuesday or any place else. So when we get here and we're trying to sell this or trying to make people feel bad, this is a business arrangement. This is business. And we need to stop this foolishness. I don't know what's going on. I care less what's going on. This is business of the City of Riviera Beach. And that don't look like a shack. If you put a Ruby Tuesday there, it's not going to look like a shack. So why are we getting here playing with people minds and their emotions? Whatever you put there, I'm going to go to it. I'm going to eat how many times I want to eat 'cause it's none of your business. And if I like shakes or whatever, I'm going to drink as many as I want. It's none of your business. You're gonna need to get a life. This is business of the City and we don't stop with this going up in here, I tell you, it's going to be a mess from this day forward. We can't agree on anything, not even a dogcatcher. Put a dog house there. The bullets are coming there. What are you going to do? Thank you.

CHAIRPERSON DAVIS: Thank you, Miss Shepherd. Mr. Lozman? After Mr. Lozman is Miss Larson.

FANE LOZMAN: Fane Lozman, folio number 56434222000010200. Singer Island resident who still doesn't have an address even though the property appraiser sent the letter to all of you and also had his attorney contact Miss Ryan who blew him off. As a Singer Island resident -- well, first of all, let's start with quasi-judicial hearing. In a quasi-judicial hearing, you're supposed to have the swearing in of all witnesses. All witnesses, parties, the applicant, citizen participants and the representatives and city staff who plan to speak at the hearing should be sworn in. That's why it's quasi-judicial. So Miss Ryan doesn't know the rules for quasi-judicial hearings in Florida. And I've been in many quasi-judicial hearings at municipalities around South Florida and you always get sworn in before you --

CITY ATTORNEY RYAN: Oh, God.

FANE LOZMAN: -- make your presentation. That's why it's judicial. That's the judicial part. So I don't even know if this is legal and maybe Mr. Brown can throw this whole meeting out because the witnesses were not sworn in and the applicant. I have an issue with this for a number of reasons. A, the building size is increased since it's been at the CRA. So there was a smaller building at the CRA. Now it's a bigger building. That brings an issue. You guys approved a building less than 3,000 square feet. Now it's over 3,000 square feet. Why didn't this, A, go back to the Planning & Zoning Board, 'cause it's a different building? Why didn't it go back to the CRA Board again?

And I was talking to a gentleman who's very familiar with zoning issues in the city, and he brought up an interesting comment. Back in 2008 the plan for that intersection was when that building came down was to put a third lane, a right-hand turn lane to go to Broadway and have two lanes going due west based on the traffic coming across the bridge from Singer Island. Now you're not going to have the third lane but you're going to have cars going in and coming back on to Blue Heron. So you're going to increase the amount of traffic coming in and out of there because the ingress and egress is going to come right back on to that road. You know, the -- the number one priority for that corner should be traffic flow coming from the Island.

I mean, those residents on the Island pay over -- I think it's 50 or 60 percent of the funds that go into the general fund. They need to have access to get off of that Island. And if that involved the CRA having to buy that property to add that third lane and then use that upland property for a police station or a fountain or something else, that would be the best use to maximize the exit from the east to the west. So my issue is where is the traffic analysis? You know, people -- if you go to dinner, you don't have a hundred people coming up and, you know, in and out every five minutes as you do in a gas station. So the density of cars coming in and out there, we don't believe can be digested fully on Blue Heron. So that's why I oppose the project 'cause it's going to increase the difficulty, the frustration factor of -- of a ton of residents getting off of that Island.

CHAIRPERSON DAVIS: Thank you, sir. Miss Larson?

BONNIE LARSON: Good evening. I thought it was interesting tonight that you were informed that the size, shape and location of the proposed 7-Eleven has changed. I went last week to do my due diligence. I blew up this map so here was the 7-Eleven. It was a little square right there. I came back this week and it's a totally different shape, totally different size, totally different placement. So you should have been made aware of that and who agreed to that? There are a lot of things. I'm going to tell you tonight why you should not approve this and I'm going to give you some very logical and realistic reasons.

I went over there to look through the files. I did not find one piece of paperwork from BB&T saying they were going to sell this property to this investment group if this was approved. Didn't see one thing from BB&T, not one letterhead from them. No confirmation at all. Not one piece of letterhead from 7-Eleven saying they had received an application even to be a franchisee from these investors. Not even an application. So who knows if they'll get to be a franchisee. You don't know that. We can't -- we can't go by he said/she said. This is not the 1800s when people did things by a handshake. This is 2014. You're missing a lot of very important information which the P & Z requested and which citizens have requested. You don't have an environmental study. You don't have a drainage survey. And -- a drainage survey and mitigation plan. You don't have the two -- 2014 Palm Beach County traffic study. The traffic study that you had was done by a consultant for P & Z and the figures are from 2011. That was before even Publix went in.

You asked a department head for comments. Police department really didn't say how it was going to make the place safe for us, and 7-Eleven now, they've been really weaseling on this security issue. Now they're saying they want to do it for 90 days and then they'll talk to the police department, and they want the police department to determine if we need the security there. Yeah, we need security there. This is Broadway and Blue Heron that we're talking about. We have a letter here from the -- oh, clean and safe, no. Crime analysis. Blue Heron corridor from Avenue F, the worst crimes -- the most crimes are committed from Blue Heron corridor from Avenue F eastward to Lake Shore Drive with highest concentration up there on Broadway and 27th.

MAYOR MASTERS: Huh.

BONNIE LARSON: "With this specific corridor, the predominant crimes are larceny theft, drug abuse violation, the burglaries, robberies, motor vehicles, vandalism, aggravated assault and other assaults." Yeah, we need 24/7 security at any kind of facility such as this. They want to put in small plants 'cause they say it was going to interfere with the overhead utilities. We're going to have underground utilities at this facility. So everything they're cutting back on, they're cutting back on what they're going to do. They're telling us that they're going to prevent light from going into other people's properties. That's not going to happen. If you look at the -- if you look at the site plan, Dumpsters cannot even get in there. There's no loading zone. You notice there's no loading zone because there's no room for it. They're going to use the area where you fill your tires with gas [sic]. That's what they're saying is the loading zone. No. No double usage. No room for a loading zone and Waste Management will not be able to get their Dumpsters in there.

CHAIRPERSON DAVIS: Okay.

BONNIE LARSON: To -- in there and back out. I have all the statistics.

CHAIRPERSON DAVIS: Thank you very much. Mr. Kunuty. After Mr. Kunuty is Terry -- Tyler Alton, Alter. Good evening, sir. State your name and record -- and address for the record, please.

EDWARD KUNUTY: Thank you. My name's Ed Kunuty. I live on Singer Island and -- in Riviera Beach. I've been a resident here for over 30 years. Also, I'm vice chair of the Planning & Zoning Board, which we did review this a month or so ago. And the vote on the Planning & Zoning Board was three-two against the project. Part of the reason was there were a lot of conditions that some of the board members felt had to be met. I looked at the revisions that staff had recommended to -- to you. And it seems like all of the conditions that were met with one exception, and that exception is kind of a nebulous one that everyone seems to want that corner to have some sort of a trophy business. And I agree with that; however, in my research -- and this started quite a while ago because this first came before the Planning & Zoning Board a while ago. I looked at the property and it does have some serious limitations in size and what could be there. You know, and I -- so I went through just a kind of laundry list of businesses that you might want to entice to go there. First would be to get another bank to go there. Well, as you all know, banks really aren't interested in brick and mortar anymore. They're interested in you doing your business on the Internet. So banks probably are out. And even if a bank went in there, the amount -- the upgrade in technology probably doesn't pay for them.

Somebody mentioned restaurants. There really isn't enough room for restaurants there. So that -- that really eliminates it. Now, there may be some restaurants that would -- would accept that but I -- I did not find any. Office buildings. Well, within a quarter of a mile we've got two vacant office buildings. And if you go over to Singer Island, we've got a third one. So the market for having an office building there is pretty slim. As far

as retail, well, it's surrounded by retail and I'm not sure what kind of retail you can put in there. My only final comments are that we have a company, you know, Fortune 500 company, 7-Eleven, that's willing to invest some serious money into the City, create some jobs.

Just coincidentally, I happened to be in another 7-Eleven and there were a number of suits in there doing their work. So I kind of cornered them and asked them how it works. And what they -- they explained, their whole objective is to take over the store, get a good running pattern, get some real revenue and then look for a franchisee. And just finally, the franchisees that they have are usually local businessmen. And they have almost none that are like McDonald's where you have -- where they have hundreds. So my final comment is, is this the highest and best use for this corner? Probably not. But is it a much higher and better use than what's there, a vacant building? I -- my vote is that this is a better use. Thank you.

CHAIRPERSON DAVIS: Okay. Thank you, sir.

UNIDENTIFIED SPEAKER: 7-Eleven (inaudible).

MARGARET SHEPHERD: Thank you, Mr. Kunuty.

CHAIRPERSON DAVIS: Mr. Patrick Connick [phonetic]?

TYLER ALTON: I'm sorry.

CHAIR PRO TEM PARDO: Tyler --

CHAIRPERSON DAVIS: Oh, Tyler Alton. I'm sorry. Right. After him is Patrick Connick.

TYLER ALTON: Hi. Thank you. Tyler Alton with Viking Developers. We at Viking are in full support of approving the application for the 7-Eleven. We do not bear any direct financial gain from 7-Eleven going in there. However, I stated before, and we've -- we've also analyzed the site. It would be not practical for a restaurant. Just not large enough for a formal space. Office space is also not advisable. It is overly abundant in the area as was stated before and that is accurate. Bringing in any businesses to the corridor is imperative. Getting vacant lots occupied is imperative. Thus, I would like the council to know -- note that Viking Developers is in support of this application. Thank you.

CHAIRPERSON DAVIS: Thank you, sir. Mr. Connick. After Mr. Connick is Michael Sloser.

PATRICK KOENIG: Good evening. Patrick Koenig, Flagler Realty.

CHAIRPERSON DAVIS: Thanks.

PATRICK KOENIG: I think you've heard the positives and -- and there are some negatives. And I wish I could bring a different use. I assure you that this property has been properly marketed. I think your P & Z member hit the nail on the head. We have serious constraints. I urge this board to look at all of the positives: job creation, tax base, cleaning up a dilapidated corner now and getting rid of a building that needs to go. I also assure you that BB&T is completely on board, and Miss McKinney and her staff have done an incredible job of making sure that all the proper authorizations were executed and turned in. And there are no issues there. I'd also like to say that through the meetings that I've had, there's probably more personal issues against this project than the merits of the project itself. And I urge City of Riviera Beach to move forward and approve this. Thank you.

CHAIRPERSON DAVIS: Thank you, sir. Mr. Sloser? After Mr. Sloser is Mr. DeRita.

MICHAEL SLOSER: Good evening, Chair Davis.

CHAIRPERSON DAVIS: Evening, sir.

MICHAEL SLOSER: Chair Pro Tem Pardo. I'll make it brief.

CHAIRPERSON DAVIS: State your name and address for the record, sir.

MICHAEL SLOSER: Oh, that's right. Yes. I'm Michael Sloser. I live at 4100 N. Ocean Drive. I do some things here, there and everywhere. I just -- I've said -- I've been here before and we've talked about it. And I've been thinking I had notes. And I said, What is it really? Is it the heart or the head that's going to rule here today? The heart says, Let's get a great restaurant there. Let's get some good shopping. Could you put an Apple store in there? I mean, something really cool? It would be good to have something good at that corner. But the reality is, that's not the space that's going to drag it -- that's going to bring it forward.

I heard a comment by the former Mayor that astounds me, who claims it's illegal to have gas stations, multiple gas stations at a corner. And I've driven all around and every -- I can't list the number of corners that have gas stations on them. So I'm -- I'm just -- I'm really curious about that. What I do believe is we have a piece of property that right now is a great place for people to make their homes, do their -- whatever they're going to do. Is 7-Eleven my first choice? And by the way, I was asked to also express the same concerns and interests from Bill Contole and from Bob Gonstead. We are all in favor of it. And yes, there are people we know who are opposed to it. It's easy to oppose something but in my heart, it's time to build in Riviera Beach.

It's time to move forward. And sometimes you don't get to pick the vehicle that you want to move forward. 7-Eleven, with that plan and the way it's constructed, could be an asset at that corner. Will it tie up traffic? I don't know. I come down Blue Heron two, three times a day, running around in that notorious little car of mine. I've never had more than one traffic light, maybe two traffic lights on a really bad day. So I'll not seeing a traffic problem there. I'm as concerned as anyone is about that. The one thing I will leave you with is my concern for security. We must -- and the agreement I heard Miss

McKinney talking about said a nine-month window. I would question that as -- and I would hope that the Chief would have the final say over whether that's to be extended or not. I know when Publix was built, I was a part of that. We sat down with the head of security from Publix and we told him that without that, they might as well not even bother building, because one incident and they'd lose half their business. In this case, one incident will cause people to come back and say, See, I told you so. As for Miss Shepherd, she's absolutely right. We're not in the business of picking businesses. We're in the businesses of governing. Thank you.

CHAIRPERSON DAVIS: Okay. Thank you, sir. Mr. DeRita?

TOM DeRITA: Good evening, Madam Chair. Tom DeRita, Resource Group. I want to take you back a little memory lane, if I may. August of 1999. And it just so happens that I've kept a scrapbook of everything that's happened from '99 to today about Riviera Beach. Our company was hired back in 1999 to represent you in Tallahassee. It was the first time that Riviera Beach had ever been to Tallahassee. Since that time we've brought back millions of dollars and our contract was for about nine years. You have an additional contract now and it's on track and doing a very, very good job.

The dollars that have been brought back to this community, which amount to hundreds of millions of dollars throughout Riviera Beach and the county, we have cleaned up Solitron with a federal grant that I received from Clay Shore's office. We have brought back to the area companies like Viking and like Rybovich. We brought in Chrysler Corporation, a major corporation, along with a local dealer to bring in \$100,000 to develop a park across the street from here. This project needs to be approved because you are the leading edge and you are developing a community that will be a leading community. I have felt all these years and -- and have loved what Riviera Beach is trying to accomplish. This is your opportunity to build something on this corner while the rest of the community starts to grow. The only thing that fits on this corner is the 7-Eleven. And as Mr. Sloser said wasn't his first choice, no. But they have done such a phenomenal job on developing this building. They have done such a job to make sure that it mimics the Publix that is up the street. It is a main corner. There are no traffic issues from the County. There are no traffic issues from your staff. Your staff has really made this company jump through hoops and I congratulate them for that. But it's your job as leaders of this community to make sure we move forward and not go in reverse. Thank you very much.

CHAIRPERSON DAVIS: Thank you, sir. Brian O'Brien. Is he here? Oh, there you are.

BRIAN O'BRIEN: Good evening.

CHAIRPERSON DAVIS: Good evening, sir.

BRIAN O'BRIEN: Brian O'Brien, 2701 Broadway. Thank you for the opportunity to speak to the council tonight. I want to talk about the 7-Eleven. First I wanted to give

you the good news and the bad news. Bad news comes first. Two weeks ago we had a gunman pull up to our property, fire four shots through the front door of our building.

CHAIRPERSON DAVIS: Ooh.

BRIAN O'BRIEN: Good news, Riviera Beach Police apprehended the suspect and has them in jail. You're making progress. You're doing the right thing. I'm -- I -- I can't tell you how concerned I am when you put a moratorium on the oceanfront property and then these people come with a nice project to develop a piece of property that has a vacant building on it which is no longer used. And -- and they have to go through a meat grinder to get it approved. You'd think all these people didn't drive automobiles and fill their cars up with gas. Where did these hypocrites come from?

UNIDENTIFIED SPEAKER: That's right.

BRIAN O'BRIEN: I'm concerned about the traffic. I'm sure there's things about the project that are not perfect. But the good news is that Chili's is coming to Riviera Beach. Chipotle is coming to Riviera Beach. You have the ball rolling the right way. I'm a neighbor to these folks and I think it's a -- it's a great thing to have a project that moves this City forward. I implore you all to remember, you do not own that property. You might own the property across the street. And I would love to know what you're going to do with that. You want to put up a statue of Michael Brown and make it a beautiful corner, do that. But these people want to buy that property. Let them develop it. That's what the -- that's what the people out there need to hear so that this town can move forward. You're doing a great job. Keep it up.

CHAIRPERSON DAVIS: Thank you, sir. That is the end of the public comments. Miss Ryan, do you have comments to make?

CITY ATTORNEY RYAN: Okay. Before -- I know the Mayor wants to ask some questions and we're going to do that before you all close off and deliberate. But I wanted to make a couple of comments as it relates to -- as it relates to the process. This is a quasi-judicial proceeding which means that it is not a court proceeding. It is like a court proceeding. And under the City's -- the City has its own ordinances as it relates to quasi-judicial proceedings, which it is allowed to have.

CHAIRPERSON DAVIS: Okay. Hold on just a moment.

CHAIR PRO TEM PARDO: Seriously.

CHAIRPERSON DAVIS: Okay. As you exit, please keep it down a little bit. We're trying to go on with our meeting. Okay? Go ahead, Miss Ryan.

CITY ATTORNEY RYAN: Okay. And under the quasi-judicial proceedings which are found in Chapter 2 of the City's code, the -- anyone who is a party intervener -- and I'm going to read the definition for a party intervener. It is a person who -- well, I'm just gonna -- stating it. "An affected person who has filed a notice of intent to participate in the proceedings with the director of community development at least six, seven days

prior to the quasi-judicial hearing. All party interveners may present evidence, may cross-examine witnesses, and shall be subject to cross-examination." We've had quasi-judicial proceedings in the past and when a -- an affected person, party, or party intervener files this notice, we give them all the rights to -- to have evidence.

And the ordinance also states that upon request by another party or party intervener -- intervener, a party or any of the people who testified shall be sworn in as a witness, shall be subject to cross-examination and shall be qualified as an expert witness as appropriate upon request, which means that if any of the parties had requested that people be sworn in, we -- we would have had that happen as we have had in the past. However, when I spoke with Miss McKinney, she informed me that we did not have any affected parties or party interveners file with her seven days in advance or, to my knowledge, even to this point, to state that they wanted to put on evidence.

Therefore, we did not invoke the swearing-in portion of our ordinance. So we are proceeding with the quasi-judicial proceeding as we normally would and at this time, if you all want to ask questions of the -- of the city staff, if you want to ask questions of the party, which is 7-Eleven, you may do so. And although our rules don't speak about asking questions of the public, I think this will be the appropriate time to do that, as well. Once you're done with that, under the ordinance, this board has to deliberate. You are the judge and you have all of the evidence in front of you. Miss McKinney read everything that she needed to read. You've had an opportunity to review all of the backup. The site plan is here. The landscape plan. Staff comments. The location maps. The traffic report. The analysis from the City's traffic consultant is here. I believe that -- I don't know if the traffic -- the traffic consultant is here. Miss McKinney is nodding her head. Our traffic consultant is here. So if you have any questions before you start deliberating, now is the time to ask those questions because once you're done with that, we're going to close it and you all can deliberate.

COUNCILPERSON DAVIS: Madam Chair?

CHAIRPERSON DAVIS: Mr. Davis?

COUNCILPERSON DAVIS: I have a question for Miss -- Attorney Ryan. How do we get -- who selects this particular procedure as we go through -- through this quasi procedure? Is this something that was recommended by staff or just is something that we -- is -- we're obligated?

CITY ATTORNEY RYAN: The -- the quasi-judicial procedure?

COUNCILPERSON DAVIS: Yeah.

CITY ATTORNEY RYAN: This is a part of our code of ordinances. And you -- you know, it's not -- you don't have to follow strict -- strict rules of --

COUNCILPERSON DAVIS: Uh-huh.

CITY ATTORNEY RYAN: -- civil procedure, but you have to make a decision that is based on competent substantial evidence.

COUNCILPERSON DAVIS: Uh-huh.

CITY ATTORNEY RYAN: So your decision tonight, whether it is to approve it or not to approve it, you need to state on the record.

COUNCILPERSON DAVIS: Uh-huh.

CITY ATTORNEY RYAN: And I see that the applicant actually has a court reporter here. You need to state on the record as the board your reasons for approving or not approving the -- the recommendation. And keep in mind, quasi-judicial proceedings, the whole notion of it is --

COUNCILPERSON DAVIS: Uh-huh.

CITY ATTORNEY RYAN: -- one that is statutory and supported by case law. So what we've done, what staff has done is create an ordinance that follows it.

COUNCILPERSON DAVIS: Uh-huh.

CITY ATTORNEY RYAN: And your staff -- and that's why Miss Davis gave 7-Eleven an opportunity to make a presentation, because as the applicant, they have the right to do so. They just decided to waive it and support what they -- they were kind of piggybacking off of what staff recommended.

COUNCILPERSON DAVIS: So really quick. So my question is -- I'm trying to be very clear here. So this is something we must go through or could we have took another option?

CITY ATTORNEY RYAN: No. You have to go through this.

COUNCILPERSON DAVIS: Okay. Thank you.

CITY ATTORNEY RYAN: Yes. And also let me point out that because -- the reason why you're in a special exception process for this project is because it is listed as a special exception in our code. So you're following your code in doing this.

COUNCILPERSON DAVIS: Okay.

MAYOR MASTERS: Madam Attorney or whoever? Madam Chair?

CHAIRPERSON DAVIS: Mayor -- Mayor Masters.

MAYOR MASTERS: Yes. I have a few questions of some of the people who have spoken. First will be Mayor Michael Brown. I would like to -- I would like to ask you a question if you don't mind, based upon --

CITY ATTORNEY RYAN: The Mayor's calling you.

MAYOR MASTERS: -- something that you've said earlier.

MICHAEL BROWN: (Inaudible).

CITY ATTORNEY RYAN: Yeah.

MAYOR MASTERS: Yes.

CITY ATTORNEY RYAN: Mr. Brown, you -- you -- are you indicating that that's your court reporter?

MICHAEL BROWN: Yes, it is.

CITY ATTORNEY RYAN: Oh, okay. I apologize. I saw her sitting next to the applicant's attorney.

MICHAEL BROWN: Front row. Thank you.

MAYOR MASTERS: Hello, Mr. Mayor. How are you?

MICHAEL BROWN: Yes. Fine, Mr. Mayor. How are you?

MAYOR MASTERS: Good to have you back in the chambers with great respect. You mentioned that the police department had made several inquiries or several statements in opposition because of traffic concerns. Can you elaborate on that a little bit, because

--

MICHAEL BROWN: I became aware at -- when I went to the P & Z meeting. I'd been to -- I'd been to a CRA meeting. I've heard Mr. Tony Brown speak about this issue. I've heard various comments about this process for a number of time when it was put on the agenda, taken off the agenda. And I know that at those meetings it was expressed, and I overheard the conversations between staff and -- and different departments about the traffic issues and the safety concerns that the police department and other portions of the City had with that site, turn lanes and access, egress, turning radiuses, those types of things. So that's what I was referring to. I have not had any specific conversations with anyone. All of my knowledge is based upon what I've heard in attending these meetings and overheard in conversations and issues that were discussed and my knowledge as -- as an attorney, as a former mayor who's obviously very familiar with this process.

MAYOR MASTERS: Thank you.

MICHAEL BROWN: And also as -- as a person who, unlike some of the people here who encounter traffic at -- on Blue Heron backed up every day. My office is right -- right down the street. Traffic backs up on Blue Heron Boulevard. It doesn't have to even be a major issue. If you drive over there, unless you take another route, I don't know how

you miss the traffic. And I'm not even talking about on any extra use day. I'm just talking about almost daily at certain times, that traffic backs up and it's a real issue there.

MAYOR MASTERS: Thank you, sir. Madam Manager, are you around? Are you here? Or the police chief? I'd like to pursue this line of questioning with the --

COUNCILPERSON GUYTON: Madam Chair?

MAYOR MASTERS: I have the floor.

CHAIRPERSON DAVIS: No, he has the floor.

COUNCILPERSON GUYTON: Well, I have a question about --

MAYOR MASTERS: Thank you.

COUNCILPERSON GUYTON: -- procedure.

MAYOR MASTERS: Okay. I yield to your --

CHAIRPERSON DAVIS: It's -- this is correct.

MAYOR MASTERS: -- question.

COUNCILPERSON GUYTON: Huh?

MAYOR MASTERS: Okay. Madam Manager, I've -- we saw the chief there -- out there today and I've been out there several times and looked at the traffic situation, which is a great concern of mine, in addition to some of the other concerns that we -- we have heard. What is the recommendation or what is the report? What is the concern or our concern, how -- whatever you want to call it, of the police department as it relates to traffic?

CITY MANAGER JONES: I --

COUNCILPERSON THOMAS: Madam Chair?

CHAIRPERSON DAVIS: Yes, Mr. --

COUNCILPERSON THOMAS: I just need to -- to make sure the Mayor saw me out there today. I conducted my own experiment. So the chief was just out there for safety.

CHAIRPERSON DAVIS: But he -- okay. But he has a right to ask and --

COUNCILPERSON THOMAS: I -- I understand. I'm just basically saying that --

CHAIRPERSON DAVIS: Uh-huh.

COUNCILPERSON THOMAS: -- in terms of what the Mayor saw out there today, that was my own investigation. The chief was independent of that.

CHAIRPERSON DAVIS: Uh-huh.

COUNCILPERSON THOMAS: I didn't want any --

CHAIRPERSON DAVIS: Uh-huh.

COUNCILPERSON THOMAS: -- information from staff. And I would appreciate if he does not discuss some of the things that he may have seen me with. Now, whatever he wants to discuss in terms of him being the police chief initially, that's -- that's perfectly fine. But I'm just going to ask that what he saw me participating in today not be discussed, and I'll discuss it when it's my time.

CHAIRPERSON DAVIS: Okay.

MAYOR MASTERS: And Madam Chair, my purpose of asking the chief, because of what Attorney -- Mayor Brown had stated on the --

CHAIRPERSON DAVIS: Okay.

MAYOR MASTERS: -- record. And I want to pursue that line of questioning. We had a town hall meeting several weeks ago. The chief was present. The chief expressed some concerns then. The chief expressed concerns as it relates to traffic, crime connected to traffic. And I would like to -- like to speak to the chief.

CHAIRPERSON DAVIS: Chief Williams?

CITY MANAGER JONES: Chief Williams?

CHIEF WILLIAMS: Madam Chair, Mr. Mayor.

MAYOR MASTERS: Yes.

CHIEF WILLIAMS: Madam Manager, Clarence Williams, Police Chief.

MAYOR MASTERS: Excuse me, Chief. I was just coughing. You were at the town hall meeting. You expressed some concerns that the police department had then, but in my recollection and my old age, I think you mentioned some traffic concerns. And whenever there's traffic concerns in a major intersection, that could also lead to crime; also lead to all kinds of things, public safety. I heard the statements of the former mayor, Mayor Brown, who travels that area all the time. Said he has an office down the street. He mentioned overhearing some conversations as it relates to the police department and I need clarification from the chief as to are there any traffic concerns that the police department has?

CHIEF WILLIAMS: Mr. Mayor, yes. The police -- the police department has -- has ongoing traffic concerns from the inception of -- of our involvement with the project. When the site plan was vetted, as are all site plans, the various departments are asked to comment on the particular impacts on their service deliveries that may be imposed by the new business. As a part of that, the police department suggested and put forth its recommendations in connection with the site plan review that address the areas of security, areas of -- of control, of vehicles, crowds, egress, ingress to the proposed site. Those were put forth. I must say that in our list of things to be addressed to minimize the impact on service delivery, most of those items were agreed upon by the business.

We met with representatives from the proposed business at that meeting. We suggested that we were not happy with the pattern of traffic flow. We identified two particular sites of -- of egress and ingress. One of those sites was the one that was proposed for how fuel trucks and delivery trucks would gain access to the business.

MAYOR MASTERS: Okay.

CHIEF WILLIAMS: During that meeting the plan that we were reviewing had a turning radius by delivery trucks that was unacceptable. During the meeting the representatives agreed that it was unacceptable and said that they would present us then with alternatives. We did receive an alternative but the alternative plan was just as confusing and just as unacceptable to us as the initial plan.

MAYOR MASTERS: Okay.

CHIEF WILLIAMS: Since then we have not had a revised plan, although we've asked for one. And since then we've received the traffic study that was done by the consultant, and since then we've made some additional requests for control and regulation of traffic. The police department's problem and issues are that we're pushing into a small envelope an increased volume of traffic. Although the turning radiuses for the businesses that may be located on the east side of Broadway have the same short streets, we're talking about a service station by its very nature is going to have an increase in the number of cars.

In addition to that, this is also going to be a convenience store. So we're going to have shoppers. We're going to have people who are trying to buy gas. We're going to have mixed use, persons wanting access to that. It's going to impact the traffic flow in that area tremendously. If we put on top of that the existing problem from the plans that I've seen of how trucks are going to get in and get out, it raises concerns for us. And so that has been the last issue from the police department's standpoint that is going to be problematic.

Now, the access from the business back on to Blue Heron. There was initially, in the first drawing, no triangle for coming in and out that kind of controls traffic. It was an open turn-in off of Blue Heron into the business. We were concerned because folks traveling east on Blue Heron would --

CHAIRPERSON DAVIS: Try to make a --

CHIEF WILLIAMS: -- want to make that turn and --

MAYOR MASTERS: Okay.

CHIEF WILLIAMS: -- as -- as much as it is not illegal, given the fact that it's there, people will try to make the turn. So then it becomes an enforcement issue for us and why create a problem when we can fix it on the -- on the front-end? Since then there's been a triangle added to that. Now, what that means is that traffic will only be able to come into the station traveling west from one way and going out, you have to come out and go west. That problem of now having to cross those three lanes of travel if you -- if you're coming out and you want to go in one direction or the other. So if you want to continue north, then you have to come out of the gas station, cross three lanes of traffic to get into the proper lane to make your turn.

MAYOR MASTERS: All right. So -- so either way -- either way the cookie crumbles, north, south, east or west, does it mean there's a problem as far as the traffic in the position of the police department? I know they've got the triangle but is there -- is there any complications with that? Problems to the north, east, west? I just need you to tell me in a -- in a -- in a very simple way. You referred to some of the previous discussions, they were not acceptable. And you referred to the revisions. And you -- you basically said they were not acceptable. I don't want to put words in your mouth but as of whatever time it is now, is it what you have seen and given all of your years of law enforcement in traffic, is it acceptable now?

CHIEF WILLIAMS: The plans that I have are not acceptable and -- and -- and would not be something that I would recommend as a -- as a plan for egress and ingress, particularly on the 27th Street, from Broadway on to 27th Street. What the initial plan showed was delivery trucks having to travel on the opposite side of the roadway on to 27th Street on the opposite side of the double yellow lines for about a tractor-trailer and a half length and then make the right turn into the business. That was the initial plan that we had issues with.

CHAIRPERSON DAVIS: Uh-huh.

CHIEF WILLIAMS: The revised plan that I saw seemed to indicate that now the tractor-trailer, in order to get it on the proper side of the roadway, bumps up on the existing median to make the turn -- to make the right turn on to 27th Street so that it now has -- can be on the proper side of the road and make access into the business.

MAYOR MASTERS: One -- one final question and maybe another statement. With the area right across the street where the police officer allege -- allegedly was shot at -- and I call it the Wild, Wild West or whatever you want to call it, right across the street, there is crime in that area, as you know. You've done a great job in trying to minimize it. But when there is crime that's consistently going on in the area, doesn't that compound or complicate traffic issues? Is there a connection?

CHIEF WILLIAMS: Mr. Mayor, I'm not -- I'm not prepared to make -- make that kind of leap in terms of -- of impact on traffic. The -- the business had taken -- has taken, you

know, the steps that we suggested to minimize the criminal activity in and around the business. You know, the security is a step in the right direction. Having police officers as the security details is something that we've resisted and don't think is a good idea.

MAYOR MASTERS: I guess what I'm saying is that -- that when there's traffic concerns, people -- if there's -- if they're concerned about traffic, number one, then they're concerned about what possibly could happen in that location. They're trying to rush in and rush out and could create some problems. But -- but basically I -- I understand what you're saying. I accept what you're saying. I represent it highly and I don't understand something, and this is what I need to understand. What you've just said here of the -- the -- in speaking for the police department, were those that -- that concern transferred or related to -- to Miss McKinney or to the manager that you were not satisfied with the traffic?

CHIEF WILLIAMS: The traffic concerns from the police department were communicated.

MAYOR MASTERS: Yes.

CHIEF WILLIAMS: Along with our review of --

MAYOR MASTERS: Thank you.

CHIEF WILLIAMS: -- of -- of the plan, and they were communicated to the representatives from the business.

MAYOR MASTERS: Thank you. Thank you, Mr. Chief. I have a question for Mr. Naudy [phonetic]. Is that the correct -- are you -- are you still present?

CHAIRPERSON DAVIS: Who? Mr. who?

CITY MANAGER JONES: Who?

MAYOR MASTERS: Denaud [phonetic] -- from the Planning & Zoning.

CITY MANAGER JONES: Kunuty.

MAYOR MASTERS: Kunuty. I'm sorry. Mr. Kunuty, you reported earlier tonight that there was a three-to-two vote on the Planning Zoning Board or whatever you call it. Is that correct?

EDWARD KUNUTY: Correct.

MAYOR MASTERS: Two people voted against it; that's correct?

EDWARD KUNUTY: Two people voted for it, three against.

MAYOR MASTERS: Okay. The two people voted for, who were they? Public record.

EDWARD KUNUTY: It is public record. I believe it was -- it was me. In fact, I made the motion. And I'm going from memory. I believe it was Mr. Coulton.

MAYOR MASTERS: So you voted for it? Okay. Thank you.

EDWARD KUNUTY: That voted for it, yeah. And --

MAYOR MASTERS: Thank you.

EDWARD KUNUTY: -- I just want to clarify one thing. You know, I'm not here as a representative of the Planning & Zoning.

MAYOR MASTERS: I just wanted to know who voted. That's all.

EDWARD KUNUTY: I'm here as a private citizen expressing my views. I just happened to be --

MAYOR MASTERS: Okay. I understand. I just wanted to know how you voted, which --

EDWARD KUNUTY: -- Planning & Zoning Board.

MAYOR MASTERS: -- was in the affirmative for it. Thank you. Mr. Sloser, I need -- I need to ask you a question. Are you -- done great work on the Island, represent great organization.

MICHAEL SLOSER: Thank you, Mayor.

MAYOR MASTERS: Are you familiar with the location of the 7-Eleven on Singer Island?

MICHAEL SLOSER: I am.

MAYOR MASTERS: Are you familiar with the number of police calls to the 7-Eleven?

MICHAEL SLOSER: No, I am not.

MAYOR MASTERS: Thank you. One final -- that's it from you. Miss Nalls? And this is the final person. I don't know what's funny. It's not funny to me. This is a serious issue. The people have spoken loud and clear that live in that area. It is not funny to me. And I didn't sit up here and laugh at anything anybody else said, and I'm going to respect my colleagues for whatever position you have. My position is going to be right with the Chief. Okay. Miss Nalls, you are the elected president -- I'll wait till they get through laughing. I'm gonna -- I -- I demand respect.

COUNCILPERSON GUYTON: Madam Chair, I have --

MAYOR MASTERS: Well, no, wait a minute. I have the floor.

CHAIRPERSON DAVIS: Well --

COUNCILPERSON GUYTON: -- but we're not just going to sit here and not talk until you get ready --

CHAIRPERSON DAVIS: -- hold on. Hold on. Hold on. Hold on. Hold on one second.

MAYOR MASTERS: I don't talk when you talk.

CHAIRPERSON DAVIS: Mr. Mayor.

MAYOR MASTERS: Yes.

COUNCILPERSON GUYTON: Okay. If you're going to back up, I'm going to speak.

CHAIRPERSON DAVIS: I'm -- I --

MAYOR MASTERS: I -- well, you're going to back up. I'm talking.

CHAIRPERSON DAVIS: Hold on, Mr. Guyton. Hold on, Mr. Guyton.

COUNCILPERSON GUYTON: Well, talk.

MAYOR MASTERS: Okay. Well, don't interrupt me.

CHAIRPERSON DAVIS: Mr. Guyton, please. Okay? Mr. Mayor?

MAYOR MASTERS: Yes, ma'am.

CHAIRPERSON DAVIS: Respect deserves respect.

MAYOR MASTERS: Thank you.

CHAIRPERSON DAVIS: And I've been disrespected by you many times.

MAYOR MASTERS: Well, I hope not.

CHAIRPERSON DAVIS: So I -- I mean, you know, let's -- let's be real here. All right?

MAYOR MASTERS: Okay.

CHAIRPERSON DAVIS: So, you know, I mean, we --

MAYOR MASTERS: I try not to disrespect anybody.

CHAIRPERSON DAVIS: -- we have conversations; you know, even when you're talking, you have conversations when other people are talking so --

MAYOR MASTERS: Well, you're not the issue right now.

CHAIRPERSON DAVIS: -- let's -- I know.

MAYOR MASTERS: I was trying to talk and you --

CHAIRPERSON DAVIS: I know. I -- I -- I -- I'm just --

MAYOR MASTERS: -- and somebody was laughing and that was disturbing. That was very disrespectful. Two wrongs don't make a right.

CHAIRPERSON DAVIS: -- I'm just -- I'm just calling it like I see it. Go ahead.

MAYOR MASTERS: Okay. Well, I don't see it that way. Miss Nalls, you're the president, elected president of the Park Manor Association; is that correct?

JUANITA NALLS: That's correct.

MAYOR MASTERS: Is it also correct that that's the largest neighborhood group association on record in Riviera Beach?

JUANITA NALLS: That's correct.

MAYOR MASTERS: Is it also correct that that is the neighborhood group that the Chair resides in?

JUANITA NALLS: Correct.

MAYOR MASTERS: Okay. Can you tell me for the record approximately how many members -- well, before you ask [sic] that, that is also the neighborhood group association that's closest on the -- from the mainland to 7-Eleven other than Marina Grande of homeowners; is that correct?

JUANITA NALLS: That's correct.

MAYOR MASTERS: Can you tell me for the record approximately how many members are residents that are members of your organization, of your association? I'm sorry.

JUANITA NALLS: How many members that we have?

MAYOR MASTERS: Yes.

JUANITA NALLS: On record --

MAYOR MASTERS: On record.

JUANITA NALLS: -- we have about 40.

MAYOR MASTERS: Okay.

JUANITA NALLS: Okay. Forty to 50.

MAYOR MASTERS: And when you came up tonight you were speaking for the group?

JUANITA NALLS: Correct.

MAYOR MASTERS: Overwhelming majority said no?

JUANITA NALLS: That's correct. Absolutely.

MAYOR MASTERS: Thank you. Madam Chair, Madam Attorney, whoever I'm supposed to be addressing, I have no -- I don't have any further questions of the residents. I do have one for Miss McKinney. Miss McKinney, good evening. How are you, ma'am?

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: I'm fine.

MAYOR MASTERS: Thank you. You were talking and I think I'm -- I -- I missed something or it was a little fast. Security. I want to go back to that issue. Did you say that 7-Eleven had agreed to provide private security for so many hours for 90 days? Well, I guess my question is, have they agreed to provide 24-hour security?

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: They've agreed to provide three months, 24-hour security, and I believe they had a meeting with our police chief where they agreed to that. And I had an extensive conversation with our police chief yesterday where he agreed to that. And he actually gave me the language to add to the condition about, at one point it being reviewed by City law enforcement officials.

MAYOR MASTERS: Okay. That's not my question. I thought I heard you say they had agreed -- other than 90 days. Let's -- I got that. Other than 90 days, did they agree to have 24-hour security?

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: They agreed to have 24-hour security for 90 days and then after that, to be evaluated by them and City's law enforcement officials.

MAYOR MASTERS: So they haven't agreed. Thank you. I don't have any more questions of anyone. I'll wait until it comes back here like everyone else. Thank you, Madam Chair.

CHAIRPERSON DAVIS: Okay.

MAYOR MASTERS: And Madam Attorney.

CHAIRPERSON DAVIS: Miss Pardo?

CHAIR PRO TEM PARDO: Okay. Thank you. I have a question for someone at 7-Eleven, a decision maker at 7-Eleven. Who is that person?

CHARLES CARPENTER: Dawn, my name's Charles Carpenter of Creighton Development, consultant project manager for 7-Eleven. Our team is here to answer any questions whatsoever. I can be the lead and pull people up as necessary but --

CHAIR PRO TEM PARDO: Okay. Okay. My question is about security.

CHARLES CARPENTER: Okay.

CHAIR PRO TEM PARDO: All right. So we just went through that you guys agreed that you will go along with 24-hour security for 90 days and then it would be re-evaluated by law enforcement and yourselves. I would be much more comfortable if you would allow us to decide if the -- if the security should continue and, you know, at what extent it should continue. If we feel it should continue in the evening instead of 24 hours, I would feel much better if you would -- if you guys would give us that. Let law -- you know, our law enforcement decide what to do, what they're going to recommend to you. How do you feel about that?

CHARLES CARPENTER: Well, going to that statement in condition number 6 about security, we've discussed it all day today. We have come to a point where we'd actually -- we'd like to propose to council the possibility of using the 24/7 man hours over the first 90 days spread out to possibly night hours over a six- or nine-month period which could give us better utilization of the man time versus having someone there at 9:30 on a Monday morning. But also provide better statistics over a long-time time period so that we have better data to have that discussion.

CHAIR PRO TEM PARDO: Okay.

CHARLES CARPENTER: We -- our -- our stance there is Chief -- or police and 7-Eleven collectively making that decision together. I don't know that necessarily want to come back to the board after the store is open. You have to understand, we're making a significant investment. Should we --

CHAIR PRO TEM PARDO: Okay. And with that --

CHARLES CARPENTER: Sure. Sure.

CHAIR PRO TEM PARDO: -- and I understand that. All right? And you know, the -- the board will decide whether or not, you know -- in this process, whether or not the -- the security will come back to us. But like I said in the beginning, I would feel more comfortable having our law enforcement decide whether or not you guys continue. And if you want to go with the six to nine months, I think it makes much more sense.

CHARLES CARPENTER: Uh-huh.

CHAIR PRO TEM PARDO: You know, doing it in the evening, you know, dusk to dawn or something like that. But if we keep you in, if you decide and the Chief, then what happens if you decide not to go forward with security and we think there's still a need?

CHARLES CARPENTER: That's a very good question. We as a private business owner have to have a part of that decision. I think it's fair to any business at that corner that would be requested to provide the security. You've gotta think of the financial commitments on any business. In this particular case, a franchisee who is a small business owner, essentially, not under the corporation of 7-Eleven, Inc. It's hard to absorb that cost in the long term. As we said, we're committed to these man hours over a certain time period, but we've got to be able to discuss this and have a say in what moves forward beyond whatever time limit we set today. We have to as a business.

CHAIR PRO TEM PARDO: Okay. So you're not set with the six to nine months? We could say a year?

CHARLES CARPENTER: We can say -- well, let's say we can move the man hours of 24/7 for 90 days, which is equivalent to a 10 p.m. to 6 a.m. security detail for nine months.

CHAIR PRO TEM PARDO: Uh-huh.

CHARLES CARPENTER: We can move those hours however you'd like to do. That -- that budgeted time is available for us in a fiscal year. But beyond that, we have to be part of that decision.

CHAIR PRO TEM PARDO: Okay. So then you're aware, if your property becomes a nuisance property, then the City can go in and pull your licenses?

CHARLES CARPENTER: Absolutely.

CHAIR PRO TEM PARDO: The certificate of use and your business license?

CHARLES CARPENTER: If we are not following these conditions, we understand that. That's why we've asked for the amendment of allowing our input at the end of the trial period.

CHAIR PRO TEM PARDO: And Miss McKinney, what was the discussion with staff? Was staff okay with that? Can you just, you know --

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: Right. Actually, we also thought that was a better idea to use those resources during the dark hours.

CHAIR PRO TEM PARDO: Instead of --

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: When there's more likelihood for something like that to occur and then spread that out. And it'd be -- I think it'd be much more effective.

CHAIR PRO TEM PARDO: Okay. Okay. All right. That's all I have for you. And, you know, I just want to make a statement. When this issue came in front of us, in front of the CRA, I raised issues regarding traffic. And I was seriously leaning toward not

supporting this project. However, when we had a shooting a couple weeks ago when 40 bullets went flying at 9:00 in the morning when people were going to work, that had a -- a real impact on me, because my child had just left to go to work. Okay? And you know, I -- I really started thinking about that corner, but about the entire Broadway corridor.

And I believe there's so much crime around there, because the buildings, first of all, are blighted. And when you have blight, that is opening the door to the criminals. And that particular young man who was there, he was there because he felt comfortable in that environment. And I truly believe we need -- the only way we are going to change the city is by redeveloping our city. I've been through the old bank building and I'm sure the chief knows what goes on there at night and I'm sure some other people here know what goes on at night. There's prostitution going on. There's homeless people. And there's drug dealing going on. And that's just behind that bank building.

And you know what? And some of that was happening when the bank was there. During the day we didn't have the problem because we had police officers there. And I don't -- and I believe the crime on 27th Street during the day wasn't as bad as it is now, because of the police presence. But now across the street --

CITY ATTORNEY RYAN: Miss Pardo?

CHAIR PRO TEM PARDO: Yes.

CITY ATTORNEY RYAN: I'm sorry. I hate to interrupt you.

CHAIR PRO TEM PARDO: Uh-huh.

CITY ATTORNEY RYAN: Do you have another question? Because your statement is more of a deliberation statement.

CHAIR PRO TEM PARDO: Okay.

CITY ATTORNEY RYAN: We're just asking --

CHAIR PRO TEM PARDO: So we're just doing questions right now?

CITY ATTORNEY RYAN: We're just doing questions. Save that.

CHAIR PRO TEM PARDO: Oh, I'm sorry. I thought it was --

CITY ATTORNEY RYAN: I -- no, this is just questions.

CHAIR PRO TEM PARDO: -- I said my questions and --

CITY ATTORNEY RYAN: We're going to close it and then we're going to move to deliberations. That's more for the board.

CHAIR PRO TEM PARDO: All right. Let me just look at my list and just make sure I don't have anything else. No. That's it.

CITY ATTORNEY RYAN: Okay.

CHAIR PRO TEM PARDO: Thank you. All right. I apologize for that.

CHAIRPERSON DAVIS: Any other questions? Okay.

CITY ATTORNEY RYAN: I'm sorry.

CHAIRPERSON DAVIS: Any other questions? Mr. Guyton?

COUNCILPERSON GUYTON: Madam Chair?

CHAIR PRO TEM PARDO: But I'll come back to it.

COUNCILPERSON GUYTON: Actually not for -- 7-Eleven has answered the question I had regarding security. And I'm going to address that in my deliberations.

UNIDENTIFIED SPEAKER: (Inaudible) microphone.

UNIDENTIFIED SPEAKER: Can't hear you.

CHAIRPERSON DAVIS: (Inaudible).

COUNCILPERSON GUYTON: Testing. What -- can you hear me? I do have a question for the chief. But I will address the security issue because I feel very strongly about that. And what I've heard, quite frankly, is not sufficient for me as it relates to security. But, Chief --

CHIEF WILLIAMS: Yes, sir.

COUNCILPERSON GUYTON: -- you -- you expressed concerns about the traffic. And I would -- my question is, did you make any recommendations of how to address the traffic concerns that you have?

CHIEF WILLIAMS: Yes, sir.

COUNCILPERSON GUYTON: Okay. Could you share them with the public?

CHIEF WILLIAMS: The traffic concern on the Blue Heron side was addressed in the memo. And that's to create a triangle. I don't know what the technical name would be for the device. But if you can think of a driveway entrance point and you've seen in the middle there's a triangle that directs traffic in and out. So in the initial plans that wasn't there. We were concerned about traffic traveling east on Blue Heron.

COUNCILPERSON GUYTON: Okay. Are you talking about a roundabout?

CHIEF WILLIAMS: No, no, no, no.

COUNCILPERSON GUYTON: Okay. A -- huh?

CHIEF WILLIAMS: It -- it -- it's a drive -- driveway triangle.

COUNCILPERSON GUYTON: Oh, in their driveway?

CHIEF WILLIAMS: And it -- and it's use -- yes, and it's -- and it's used to funnel traffic.

COUNCILPERSON GUYTON: Okay.

CHIEF WILLIAMS: In -- in a particular direction. In the initial plans that was not there. Our concern was traffic east on Blue Heron. Once coming through the light, coming to a -- coming to a sudden stop at the crown of the intersection, trying to make the left turn into the business. The triangle will deter that. On the 27th Street turn for delivery trucks, we didn't have a recommendation. When we met with the business, the initial plan that we looked at, we -- we objected to because it required the tractor-trailers to travel --

COUNCILPERSON GUYTON: Uh-huh.

CHIEF WILLIAMS: -- on the opposite side of the road and then turn in. And the -- the representatives agreed with us that that was not acceptable. The new plan that they presented to us that was talked about at the meeting shows now a -- a turn that maybe bumps up on to the median in order to make the turn to get them on the proper side of the road. So I haven't had a -- an opportunity to address, you know, that. I don't know what we do, you know, at this point to -- to address that --

COUNCILPERSON GUYTON: Do -- do you have any ideas about --

CHIEF WILLIAMS: -- to address that concern.

COUNCILPERSON GUYTON: -- about how to address that particular concern?

CHIEF WILLIAMS: Well, I -- you know, obviously if 27th Street ended and that was not a two-lane -- well, first of all, if it was one way, then that precludes the problem. So if 27th Street was --

COUNCILPERSON GUYTON: If 27th Street was one way?

CHIEF WILLIAMS: -- was one way --

COUNCILPERSON GUYTON: It would address that turning problem?

CHIEF WILLIAMS: -- it would address the right turn off of Broadway on to 27th. So if 27th was one way that could be a way that it could get done. Another option is if the -- if 27th was closed at a point past the service station, that, of course, would free up that portion of 27th Street from where it's closed to Broadway for trucks to make their -- their turn. I don't know what it would do for traffic trying to come out of the gas station.

COUNCILPERSON GUYTON: Uh-huh.

CHIEF WILLIAMS: On to 27th Street, if -- if -- if -- if it will impact that. So no, I just hadn't -- I hadn't talked about and had an opportunity to talk about alternatives to that. So --

COUNCILPERSON GUYTON: Okay. All right. Thank you, Chief. 7-Eleven, just one question, then I'm done.

CHARLES CARPENTER: Yes, sir.

COUNCILPERSON GUYTON: Did you entertain the -- the triangle option within your designs?

CHARLES CARPENTER: Absolutely, sir. About a week and a half ago we received a new list of comments from staff.

COUNCILPERSON GUYTON: Uh-huh.

CHARLES CARPENTER: That's what's generated the most recent renderings you're seeing here today as far as the building, the architecture and the site. Now, the triangle was actually told to us yesterday so there wasn't any drawing revision, but it was accepted and is a condition in this list for approval.

COUNCILPERSON GUYTON: So you are going to incorporate the triangle within your design?

CHARLES CARPENTER: Yes, sir. At the -- at the Blue Heron driveway, yes, sir.

COUNCILPERSON GUYTON: Okay. And Chief, would -- would that meet your part of your issue not -- with the traffic? It probably won't satisfy all of your concerns. I know it won't address that turn off of Broadway.

CHIEF WILLIAMS: You know, Mr. Guyton, it's a -- it -- it addresses -- it addresses the deterrent ability of cars making that left on there. But as part of the plan, it's an egress point now for their tractor-trailers coming out. So I don't -- I don't know how we're going to get that. I don't know if it's going to be wide enough for a tractor-trailer to make its delivery, its -- its fuel delivery or whatever delivery, and as is proposed, then to exit out on to -- on to Broadway.

COUNCILPERSON GUYTON: That's good.

CHIEF WILLIAMS: So I haven't had a chance -- on to Blue Heron, I mean.

COUNCILPERSON GUYTON: Oh, have you seen the design?

CHIEF WILLIAMS: I haven't had a chance to -- I -- I haven't seen that. I haven't had a chance to digest that. I don't know if it's -- if it's -- if it's doable, what the impact of that's

going to be because it's going to now -- it's forcing -- clearly forcing -- and it's proposed that they come out and only go one way anyway, because you can't cross all those lanes of traffic. So what the impact of that is, you know -- or will be, you know, I don't know. So --

COUNCILPERSON GUYTON: So -- okay.

CHIEF WILLIAMS: -- I was -- in terms of addressing the left turn issue, you know, yes. Does it create now another issue for us? You know, I -- I don't know.

COUNCILPERSON GUYTON: Okay. Okay.

CHIEF WILLIAMS: Because I haven't had an opportunity to evaluate that thoroughly. So --

COUNCILPERSON GUYTON: Right.

CHIEF WILLIAMS: -- to answer your question, it addresses the left turn issue.

COUNCILPERSON GUYTON: Okay.

CHIEF WILLIAMS: But does it create other concerns? It may.

COUNCILPERSON GUYTON: Okay. And -- and I guess did it emanate from you, that suggestion, that triangle design?

CHIEF WILLIAMS: Mrs. McKinney and I had some discussions and I don't know if I --

COUNCILPERSON GUYTON: And did -- did --

CHIEF WILLIAMS: -- call -- I don't know if I called it a triangle or not.

COUNCILPERSON GUYTON: Okay.

CHIEF WILLIAMS: I just -- I just --

COUNCILPERSON GUYTON: Well -- well, I was wondering did -- did you all explore the ramifications of your suggestion by considering would it address the trucks coming in and egressing. And so I -- I'm --

CHIEF WILLIAMS: To answer your question --

COUNCILPERSON GUYTON: -- because it -- go ahead. I'm sorry.

CHIEF WILLIAMS: To answer your question, not the full ramifications.

COUNCILPERSON GUYTON: Okay.

CHIEF WILLIAMS: So I was focused on the left turn and that consideration across three lanes of traffic at the crown of an intersection.

COUNCILPERSON GUYTON: Okay. All right.

CHIEF WILLIAMS: And it would impact that.

COUNCILPERSON GUYTON: Okay. All right. Okay. Thank you, Chief. Just one -- one more question. I know I said that was the last one. I want to get clarification on security.

CHARLES CARPENTER: Can I, just real quick, just to go back to the traffic one more time? I just wanted to reiterate to everyone that outside of the City proceedings, this project has been reviewed by the County for overall traffic study, sort of a big window looking down and we'll still go forward with FDOT driveway permitting for both the Broadway and Blue Heron driveways. DOT is committed to, you know, restricting right in, right out on Blue Heron and right in only on Broadway. I just want to make sure everyone knows.

COUNCILPERSON GUYTON: Okay.

CHARLES CARPENTER: There is another entity involved there with that decision, which, of course, we'll keep the City staff --

COUNCILPERSON GUYTON: That's considered. Okay.

CHARLES CARPENTER: -- in the loop on that, yeah.

COUNCILPERSON GUYTON: Okay.

CHARLES CARPENTER: Uh-huh.

COUNCILPERSON GUYTON: My last question is regarding security.

CHARLES CARPENTER: Uh-huh.

COUNCILPERSON GUYTON: We're going to deliberate on that. Is your position hard and fast on only having nine months of security?

CHARLES CARPENTER: Our initial position would be to provide that trial period. Our hard position is we would like to be a part of the conversation and decision-making process after whatever set time period we all decide on.

COUNCILPERSON GUYTON: Okay.

CHARLES CARPENTER: We want a say.

COUNCILPERSON GUYTON: Good. Okay.

CHARLES CARPENTER: Yeah. Uh-huh.

COUNCILPERSON GUYTON: I did -- I don't know if it was shared with you. It probably was. I did convey to your counsel what my position was on security.

CHARLES CARPENTER: Uh-huh. Yeah.

COUNCILPERSON GUYTON: And that --

CHARLES CARPENTER: yes, sir.

COUNCILPERSON GUYTON: Okay. And I'll share that when we deliberate. That's all I have.

CHAIRPERSON DAVIS: Any other questions?

COUNCILPERSON THOMAS: Madam -- yes, Madam Chair?

CHAIRPERSON DAVIS: Mr. Thomas?

COUNCILPERSON THOMAS: Because I want the ability to still be able to ask some questions, I want to go ahead and share with you my experiment before we actually close it out, because I want to be able to still ask our staff some questions. But Mr. -- what was your name, sir?

CHARLES CARPENTER: Charles Carpenter.

COUNCILPERSON THOMAS: Mr. Carpenter, you can have a seat at this time.

CHARLES CARPENTER: Okay.

COUNCILPERSON THOMAS: And we'll call you back if we need you.

CHARLES CARPENTER: Thank you.

COUNCILPERSON THOMAS: Okay. While TV 18 is queuing up the video, I took some time on today, because I was really -- I was really torn -- can -- can you hold on just one second, Mr. -- yeah, Mr. -- yeah, I like that picture. They're laughing at the picture. Okay. I took some time to go out today to -- to look at it. I was, you know -- I'm -- I'm -- I was torn and I'm still torn, to be honest with you. I talked to Mr. Sloser before the meeting and, you know, he's being as pleasant as he is. And I'm like, Mr. Sloser, can you please just give me a moment? I'm still trying to -- to wrap my -- my mind around this and -- and my decision. Because it is that serious to me. So I'll -- I'll show you a few slides first and then I'd like to ask a few questions of -- of the 7-Eleven and -- and the police chief. Mr. -- Mr. Walter, can you make sure that the -- the viewing public can see that, as well? Thank you. (Video shown). Now, this -- this is the majority of the problem that I've been having. So I wanted to see it myself. If you can see, this truck is -- is making that -- that right turn there. We -- we got something on the -- on the

screen, Mr. -- Mr. Walter. We got something on -- thank you. That's E. 27th. But those -- those vehicles there that -- that was kind of an issue for me. And I'm looking at this from that particular turn and -- and let me be mindful that Cheney Brothers was nice enough to send their supervisor of transportation, and this is about the size of what a -- a -- a gas tanker would be about the size, give or take a few. So we -- we were looking at how this would actually -- how it would actually go, how they would actually turn in. And I was a little nervous with this. Now, the reason being is just because I don't want them, first of all, tearing up whatever knew curves will be there. And I -- I -- I don't want a problem with it. See how the tires are --

CHAIRPERSON DAVIS: Uh-huh.

COUNCILPERSON THOMAS: -- are -- are rolling over the curves? Those are the issues. And -- and I'm not sure whether that issue can be fixed or not. But we -- we did go from -- from just about every angle you could or that a truck would come in. Can you rewind that just a little bit, Walter, that -- that slide right there? Can you rewind that just a little bit? Okay. Rewind it one more time. Not quite that far. Okay. That -- it has to come into the opposite lane of travel. And of course, there were police officers and other individuals out there making sure that no one got hit. We were doing it with -- without any real traffic. We did do some with the traffic. But that really -- that really bothers me. I'm -- I'm standing there. I'm watching, you know, every aspect of it. I'm a commercial driver's license holder myself. But I -- I -- I did ask the opinion and -- and brought the opinion around. That right there really, really bothers me. If you can see a car is actually, you know, going to turn right in front here. And from what I understand, that's about the distance. This is another aerial view of it turning that corner. Look how close it's going to come. This car is actually -- if it was up any further -- which it should have been behind that line -- it could have -- it could have hit that. I'm -- I'm showing you this because this is what my issue is with it. And I want to know if we're able to really address that.

This lane right here is -- is -- is -- is kind of open. I'm trying to give it to you from the aerial. That car just passed by. But this truck still has to turn all the way in the opposite lane in order to do that, still tearing up that curve. And we don't get a lot of traffic coming through right now, but you -- this was at approximately, I think, around 3:00. This is the one that mostly concerns me, the next one. This is headed east on Blue Heron. This is headed east on Blue Heron. It's going to make that left on to Broadway and then the right on to E. 27th Street. Let's see how that one looks for a second. WUBS again, those considers are still up a little too far. But this -- this turn here, this turn really -- it really bothers me because it's -- it's nothing you can do with that median right there. It still has to take up that lane of travel and turn down this street. Then we got one more aerial here. One more aerial after -- after this one. Okay. This is the one that really got me.

This is where traffic was involved. This right here, he's waiting now to try to get over into the left lane to make this turn. But you see, traffic is not allowing him to -- to do it. He really has to kind of, like, bogart his way right there. The bus is behind it. He still has to go over into that lane of travel. That right there really -- and he's still hitting that

curve. But this -- this -- all this traffic here. And there were several times -- and we did this probably about 10 or 12 times where cars were trying to cut him off. This is a car here that's trying to -- to stop. And of course, while he's waiting to go in there you see right here what's happening?

UNIDENTIFIED SPEAKER: Wow.

COUNCILPERSON THOMAS: See, that -- that right there is a -- is -- is an -- is an issue to me. So what I'm trying to figure out -- and this can be addressed to either -- we -- do we have a traffic consultant here? We -- did we say we had the traffic consultant here? You're -- you're the traffic consultant?

UNIDENTIFIED SPEAKER: (Inaudible).

COUNCILPERSON THOMAS: Who -- who is the traffic consultant?

UNIDENTIFIED SPEAKER: (Inaudible).

CHAIRPERSON DAVIS: (Inaudible) County, I think.

COUNCILPERSON THOMAS: He's a -- he's a traffic -- you're the -- can you just state your name for the record so I know?

JOHN KIM: Sure, sir. My name is John Kim. I'm a registered Florida professional engineer and a certified professional traffic operations engineer.

COUNCILPERSON THOMAS: Who -- who -- who are you here with? Mr. Walter, can you put that last slide back up? Who are you -- who -- are you a consultant for the County or --

JOHN KIM: I work for a traffic engineering and transportation planning consultant firm.

COUNCILPERSON THOMAS: So who --

JOHN KIM: Hired by 7-Eleven.

COUNCILPERSON THOMAS: You're hired by 7-Eleven?

JOHN KIM: Yes, sir.

COUNCILPERSON THOMAS: Okay. Do we have a -- another -- I want to hear from you but do we have another traffic consultant here that's maybe from a government --

UNIDENTIFIED SPEAKER: (Inaudible).

COUNCILPERSON THOMAS: You're from --

CHRIS DEVASTY: I'm Chris Devasty [phonetic] from Calvin, Giordano & Associates. I'm the traffic consultant for the City.

COUNCILPERSON THOMAS: For the City?

CHRIS DEVASTY: Yes, sir.

COUNCILPERSON THOMAS: Okay. Let me ask you a question. I want to -- I want you to put that last -- not that guy. I want I -- I want you to -- that last slide. That last slide that we -- we looked at. Can -- can you, while he's settling that up -- can you explain to me how we avoid what you saw just happened? How do we do that? How do we -- how can we avoid that? My issue right now is the -- is the traffic.

CHRIS DEVASTY: Uh-huh.

COUNCILPERSON THOMAS: So how do we avoid that right there? This right here from happening and the backup that was there? I know they can't see the corner but he's doing the cursor. How do we -- can you -- can you -- can you back that up just a little bit so we can see exactly what I'm saying? Okay. That's good. That's good. That's good. As this very skilled driver is doing -- and I do mean he was skilled to do this -- how -- how do we -- how do we stop this -- this issue right here? How do we stop this issue? Because this is -- this is a very legitimate situation that could happen. Right here. They're going to be waiting to come in or out of there, the egress off of that. That issue right there, what can we do to alleviate this?

CHRIS DEVASTY: Unfortunately there's nothing we can do from a traffic standpoint. That's enforcement. There's nothing you can do for somebody passing in the wrong lane.

COUNCILPERSON THOMAS: Okay. So it's -- are you saying there's nothing that we can do to make this safer? Because that --

CHRIS DEVASTY: No, that's not what I'm saying, sir.

COUNCILPERSON THOMAS: Okay.

CHRIS DEVASTY: What I'm saying for that -- that particular car passing the truck into the opposing lane, that's not a -- a traffic engineering standpoint. That's enforcement.

COUNCILPERSON THOMAS: I -- I get you. I -- I -- I do have a background in law enforcement and I know it's a double line. I get that. What I'm saying is, it's very legitimate that somebody's not going to want to be patient and go around that truck like that if they're waiting to turn in. What is a safer solution to be able to remedy that from happening?

CHRIS DEVASTY: I don't think I have an answer for that, sir.

COUNCILPERSON THOMAS: Okay. Does -- does the other consultant?

JOHN KIM: I -- I don't have a better answer. What I will tell you is that we -- you -- you don't -- you don't design or engineer for illegal movements. I mean, you're showing a

very effective photo to sort of not support the project. But that's a very -- that's a very unique case there.

COUNCILPERSON THOMAS: Hold on. Hold on. Hold -- hold on -- hold on.

JOHN KIM: That -- that person --

COUNCILPERSON THOMAS: Excuse me, sir. Sir, don't --

JOHN KIM: Yes, sir.

COUNCILPERSON THOMAS: -- don't say that I'm not trying to support the project. I'm asking a legitimate question that I've seen. And I'm asking for your professional opinion.

JOHN KIM: And I'm giving you my professional opinion. I will tell you that --

COUNCILPERSON THOMAS: Okay.

JOHN KIM: -- you were asking can you -- can you design it to make it safer? You cannot. We don't design --

COUNCILPERSON THOMAS: So --

JOHN KIM: -- for people who break the law or who violate pavement markings. I mean, that -- that's a fair -- that's -- that's the only response I can give you, sir. I can't prevent what -- aside from putting a median down that road to prevent that --

COUNCILPERSON THOMAS: Okay. Well, maybe that's something. That is something. That's what I'm looking for, ideas. That's something.

JOHN KIM: (Inaudible) do that.

COUNCILPERSON THOMAS: I'm -- I'm not happy what you're saying, there's nothing that you can do to do that. I mean, can that street be redone? Can it become a cul-de-sac? Can it -- I mean, what are the options, is what I'm trying to figure out.

JOHN KIM: Sir, there are lots of things you can do but, for example, making it one way or making it a dead end or making a cul-de-sac has very significant implications to traffic flow of the area. You're trying to -- you -- I mean, these are major -- these -- there's lots of things. You could shut the road if you want. I mean, there are a number of things you can do but you have to think about the implications. What impact will it have on the traffic circulation of the area? You understand? So --

COUNCILPERSON THOMAS: You're our -- you're our -- you're our consultant? You're -- you're --

JOHN KIM: No. No, sir. I'm -- I'm with 7-Eleven.

COUNCILPERSON THOMAS: Okay. Can you excuse me for a second, sir?

JOHN KIM: Yes, sir.

COUNCILPERSON THOMAS: I apologize. Okay. You're the guy that we pay?

CHRIS DEVASTY: Yes, sir.

COUNCILPERSON THOMAS: All right. We paid you to tell us these things. That's why we're asking these questions.

CHRIS DEVASTY: Yes, sir.

COUNCILPERSON THOMAS: What are some other option that we could have so that that does not happen?

CHRIS DEVASTY: Now, for -- for the car passing, I don't have a solution for that, sir. One of the -- the options you might have as far as the -- the truck turning is you can pull that radius back for the curb, which would give it more of a -- a vehicle --

COUNCILPERSON THOMAS: The -- the raid youse, you mean right here?

CHRIS DEVASTY: Yes, sir.

COUNCILPERSON THOMAS: So you mean you can pull that in some --

CHRIS DEVASTY: In a little bit more to give it a -- a better turning radius for the truck.

COUNCILPERSON THOMAS: Okay.

CHRIS DEVASTY: That -- that is a solution just for the turning radius. Now --

COUNCILPERSON THOMAS: So you're saying this area right here can be brought in some more. What about the drainage right here?

CHRIS DEVASTY: Now, sir, I'm not -- I'm -- I'm not a designer. But I know there are ways of -- of getting that accomplished. Not as far as the drainage but at the radius right where the crosswalk is, there are ways of make -- getting that done. And --

COUNCILPERSON THOMAS: Okay.

CHRIS DEVASTY: -- I mean, I -- I don't want to speculate and say how it's going to be done, but it can be done.

COUNCILPERSON THOMAS: So we can do something to make that --

CHRIS DEVASTY: For the radius, yes.

COUNCILPERSON THOMAS: -- safer? Okay. Okay. I --

JOHN KIM: Sir, if I -- if I may. I'm -- I'm sorry to interrupt.

COUNCILPERSON THOMAS: Uh-oh.

JOHN KIM: But I'm being told by the -- by 7-Eleven representatives, they're -- they're actually adding another five feet to that radii. So --

COUNCILPERSON THOMAS: They're adding another feet -- five feet to what?

JOHN KIM: No, they're going to make it five feet larger. The turning radius that you see there that the -- that the truck was making that movement --

COUNCILPERSON THOMAS: Uh-huh.

JOHN KIM: -- they've donated more property so you can have a five-foot larger turning radius.

COUNCILPERSON THOMAS: Okay. So let me --

JOHN KIM: So that should eliminate it.

COUNCILPERSON THOMAS: -- let me -- so you're saying it's going to be five feet from here to there?

JOHN KIM: Go -- in other words, yes. You're gonna -- they're gonna make it larger.

COUNCILPERSON THOMAS: Okay. So let me ask you this question. Is where the -- the front of this truck is -- is, is that where the trucks are going to be turning in to deliver?

JOHN KIM: I believe so. And I'm sorry. I didn't design the site plan. I did the traffic study part. I believe that is the movement, yes, sir. They're going to make a right right there.

COUNCILPERSON THOMAS: Okay. Let me ask you a question.

JOHN KIM: Yes, sir.

COUNCILPERSON THOMAS: Who designed the site plan? Yeah. Can -- can we talk to you, please, for a minute? Just --

BILL PFEFFER: Bill Pfeffer with Bowman Consulting. I'm the civil engineering consultant who did the site plan.

COUNCILPERSON THOMAS: Okay. Is the front of this truck where they're going to actually turn in to deliver whatever goods they need, whether it's gasoline or food or whatever?

BILL PFEFFER: We are going to utilize the driveway on 27th approximately where that truck is to come on to the property, yes.

COUNCILPERSON THOMAS: Okay. So answer me this. How does this truck turn in there without utilizing this particular lane? How does it turn?

BILL PFEFFER: When it makes the maneuver it does cross the -- the double line. But the -- one of the things I would like to point out is deliveries are made between 11 p.m. and -- and 1 a.m. when there's anticipated very little traffic. And the other thing is these -- these are public right-of-ways. It's -- it's very little the applicant has that we can do to address, you know, federal highways' right-of-way with, 27th's right-of-way with. So we're using public right-of-way to get the truck in and out of this site. We've done things on site to accommodate circulation of that delivery vehicle through it.

COUNCILPERSON THOMAS: I -- I get it. What I'm trying to understand and please help me, because I'm trying to be open-minded as I possibly can. I'm trying to alleviate what might be the problem. It's no mandate that they deliver this between 11 and 1 or is it?

BILL PFEFFER: It's -- yes.

COUNCILPERSON THOMAS: It's a mandate?

BILL PFEFFER: Is it?

COUNCILPERSON THOMAS: Can truck --

BILL PFEFFER: No. No, I'm sorry.

COUNCILPERSON THOMAS: Yeah, I didn't -- I didn't think it was but it -- you -- you'd like to say something?

CHARLES BANTOS: Hi. Charles Bantos, I'm the senior real estate rep.

COUNCILPERSON THOMAS: But -- but can you -- can you do me a favor? Can you just allow us to call you up when we -- when we want?

CHARLES BANTOS: Okay.

COUNCILPERSON THOMAS: I'm -- I'm just -- just trying to understand what's going on. If -- if -- if he can't answer the questions, I really just want somebody who -- you can answer all the questions? Okay. No problem.

CHARLES BANTOS: I can answer those questions.

COUNCILPERSON THOMAS: Yes, sir. Come on.

CHARLES BANTOS: As -- as it relates to our deliveries, I can answer your questions.

COUNCILPERSON THOMAS: Okay.

CHARLES BANTOS: I have the operational background for that. The -- our trucks are that size.

COUNCILPERSON THOMAS: Okay. Who -- who -- who are you and what do you --

CHARLES BANTOS: I am the senior real estate representative for 7-Eleven for Palm Beach County and -- and up North.

COUNCILPERSON THOMAS: Okay.

CHARLES BANTOS: The -- the truck that we have for that size, those deliveries come between 11 and 1, maybe sometimes at 2. That's when they come. That's our general large delivery. It only comes about twice a week. And then we have another truck that's almost that size that comes once a size, usually at 11. We don't like to get our deliveries during the day when it's so busy. It disrupts the flow. The only other deliveries we would be getting would be our vendors which would be Frito-Lay-size trucks and, you know, Coca-Cola and Pepsi might have a truck, depending on -- on what they're delivering to. But sometimes they have trucks that are smaller than that. So generally the deliveries that 7-Eleven gets are going to be from 11 to 1.

COUNCILPERSON THOMAS: And that's just when you require your deliveries to come, is what you're saying?

CHARLES BANTOS: Yes.

COUNCILPERSON THOMAS: So it's never outside of that?

CHARLES BANTOS: It may come at 10, depending on the delivery. But we -- we require them overnight, because it's -- it's -- it's better operationally for the store to get those deliveries at night. Then we will stock everything and put it up. It's not going to be -- that way it's not disruptive to our customers, not disruptive to the parking lot and to have, you know, that much stuff going on.

COUNCILPERSON THOMAS: So you can guarantee contractual wise that we'll never have a problem like this during the day, is what you're saying?

CHARLES BANTOS: Well, I -- I can't answer to it. That's a -- you're asking contractual. That's a legal question. I can't answer that. I can tell you that right now our deliveries that we get from McLane and our CDC, they come overnight.

COUNCILPERSON THOMAS: Okay.

CHARLES BANTOS: That's when they come. And other --

COUNCILPERSON THOMAS: Well -- well --

CHARLES BANTOS: -- over deliveries from Coke and Pepsi and things of that nature, we don't -- we can't -- we don't really have a say in them. They have their own route deliveries. But these trucks generally -- I'm -- I'm sure you've seen the size of a Frito-Lay truck being maneuvered a lot better than the one semi truck that we have come once or twice a night -- a week.

COUNCILPERSON THOMAS: Okay. What about the -- the -- the truck that you have that will deliver the gasoline?

CHARLES BANTOS: That comes -- those trucks are -- I'm probably going to have to let my colleague speak to those 'cause he's more technical.

COUNCILPERSON THOMAS: Oh, he has to answer that one?

CHARLES BANTOS: He could talk to how the maneuverability -- they typically come about two or three times a week, and again, that's on availability. And it's -- it's not something -- you know, we're buying gas out there. I can't really predict when they're going to deliver and when they can't. They deliver when we need it so we can keep the -- the -- the pumps --

COUNCILPERSON THOMAS: So it's very -- it's very possible that they'll deliver at 1:00 in the afternoon.

CHARLES BANTOS: Could be.

COUNCILPERSON THOMAS: 2:00 in the afternoon.

CHARLES BANTOS: Yes, sir.

COUNCILPERSON THOMAS: 5:00, 10 a.m. So you really can't utilize that all the deliveries will be at night?

CHARLES BANTOS: You -- yes, sir. I can -- I can utilize the ones that I know they're going to be at night, which are the ones I explained to you. The fuel deliveries, no. You're -- you're correct. They could come -- they could come at 2 in the afternoon. They could come at night. They don't come as frequently as the other trucks.

COUNCILPERSON THOMAS: Most of the fuel deliveries that I've seen around come during the day.

CHARLES BANTOS: Uh-huh.

COUNCILPERSON THOMAS: So I mean, they -- they have a --

CHARLES BANTOS: Well, I've run stores, too. I -- I've had them come at night.

COUNCILPERSON THOMAS: I -- I get it. I get it. Okay. Thank you. Miss -- Miss McKinney, I just want to make sure that I understand this correct. Do -- do we have

some type of ordinance or something in the City that says trucks can't come in or work or something can't start until a certain time? I'm -- I'm -- I need to make sure that I'm --

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: We have construction times when you can start construction. And that's between 8 a.m. and 6 p.m.

COUNCILPERSON THOMAS: Do we have anything like what -- I know, like, Waste Management. Like, they couldn't be in the City before a -- a certain time or something. I couldn't -- I can't remember.

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: Right. I think that's the -- in the Waste Management agreement.

COUNCILPERSON THOMAS: Okay. So something like this wouldn't apply to that particular same --

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: I'm not sure how you could mandate that they get deliveries only between certain hours because retail businesses get deliveries at -- a lot of it depends on who they're getting the delivery from. It's difficult for the recipient to control when the delivery institution is going to make the delivery. So it's -- I think that would be difficult to do.

COUNCILPERSON THOMAS: Well, my -- my only -- my only issue is this right here is going to cause some traffic backup. There are going to be cars that are trying to come out. That truck is not going to always be able to make that turn inside of there. And you know, right now I know that they've bent over backwards to do everything that we've asked. That's fine. You -- normally when a marriage starts it starts off pretty good. I'm talking about two, three years, the seven-year itch or however you want to call it. What's going to happen then? How are we going to be able to say, You can't do this? And I'm glad that somebody just did say Walgreens. Walgreens have the same issue. They -- they had an officer there. They got rid of it. That's fine. We've had much problems. The -- the place looks filthy. It looks horrible. It's gum, it's dirty. I mean, we really can't really --

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: No, actually, you can. You have Code Enforcement and you have nuisance abatement.

CHAIR PRO TEM PARDO: Right.

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: Those are two very strong realities for the City to use to control that kind of, you know, decline in the -- whatever business it is. You have many codes --

COUNCILPERSON THOMAS: So --

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: -- in the book that can be enforced that would correct those situations.

COUNCILPERSON THOMAS: Okay. Well, since we're not dealing with them in this particular -- I -- I -- believe me, after we close this out, I'm going to be right back asking why we haven't done that. But, okay, my issue is that, you know, your professional opinion, you don't think we can do anything to make this safer?

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: Right. Well, they're giving a five-foot corner clip so that's going to smooth the corner out for the truck to make the turn.

COUNCILPERSON THOMAS: Okay. And what about the -- the other side? Because they're going to come back through the south side or can they come out of the north side, as well?

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: They can come out on the north through the 27th Street driveway and go north. They could also go out the driveway on Blue Heron.

COUNCILPERSON THOMAS: Right. So that -- that means that trucks and cars could be coming in and out the same --

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: Right. Just --

COUNCILPERSON THOMAS: -- direction?

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: -- and -- and actually, the only reason that it doesn't happen there right now is because there's nothing there. There's no business activity now. If -- any business activity that's there, whether it's a 7-Eleven or a Checker's or Chili's, somebody said, which won't fit there. It's going to be -- have to be over an acre for anything like that. About an acre and a half for those type of stores.

COUNCILPERSON THOMAS: That -- that was my next -- that was any next question. How big is this property?

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: This property is .88 acres. It's less than an acre.

COUNCILPERSON THOMAS: Okay. So are there any other things that can be put there on .088 [sic] acres?

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: Well, there's not going to be anything they can put there that's not going to need deliveries. Any business --

COUNCILPERSON THOMAS: I --

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: -- is going to need deliveries.

COUNCILPERSON THOMAS: -- I understand.

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: The -- some other businesses that could possibly fit there are things like a Checker's. Not even a full-size McDonald's. It would be tough to fit a full-size McDonald's in there. It's a very small piece of property.

COUNCILPERSON THOMAS: Okay. So the -- the thought process behind -- because I've heard several people ask, is -- I mean, are the properties behind it, can they be acquired? Have we tried to look into it? Have we tried to acquire any properties on -- like, the Sub King or whatever? Have we tried to do any of that?

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: Well, the City has not because the City doesn't have the revenue to do that. We did talk to the CRA. The CRA director says that he's not in a financial position right now to acquire any properties like that barbecue place on the other side of the street. But -- and then we talked to -- I think it's who -- Lou Ganess' [phonetic] partner. I can't remember his name right now.

COUNCILPERSON THOMAS: Cromwell?

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: Cromwell. I'm sorry. That owns the strip to the east of it.

COUNCILPERSON THOMAS: Uh-huh.

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: And he's told us he wasn't interested in selling any of that property.

COUNCILPERSON THOMAS: Okay.

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: But I'll also tell you that every single maritime business on the waterfront that gets deliveries -- and some of them get some big boats come down there and they plan on getting more -- have the exact same situation. Every one of those east/west streets is about 50-foot right-of-way with about 22 feet of pavement.

COUNCILPERSON THOMAS: Okay. And for the County, I -- I heard that the -- the gentleman right here -- I forget his name. He was saying that the County was -- and the DOT was conducting some type of --

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: The County approved their traffic study and said that they are in compliance with the County performance standards, which is standard for every development in the county, has to have that review. If they're not in compliance the County rejects it and says, You're not in compliance, and says the reasons you're not. And then when they're talking about DOT they're talking about doing things like putting the triangle in the driveway. They have to get a DOT permit for that because that's in DOT right-of-way, the driveway.

COUNCILPERSON THOMAS: Okay. Thank you. Miss Ryan, let -- let me ask you a question so that I'm sure. 'Cause you can't be a part of our deliberation at all?

CITY ATTORNEY RYAN: Well, I'm here to help --

COUNCILPERSON THOMAS: Let me ask you a question.

CITY ATTORNEY RYAN: -- facilitate it.

COUNCILPERSON THOMAS: Let -- let me -- right now, what we're faced with doing, we have to make a decision based on the evidence that's presented to us.

CITY ATTORNEY RYAN: That is correct.

COUNCILPERSON THOMAS: So are -- is -- is this not like a -- a -- any other decision that we would make as a council saying, Okay. I just don't feel like this is --

CITY ATTORNEY RYAN: Correct.

COUNCILPERSON THOMAS: -- a good thing here. Am I allowed to say, You know, I just don't feel like it's a good thing and -- and -- and I don't want to vote for it?

CITY ATTORNEY RYAN: Well, you can say that, but your decision has to be based on -- on substantial competent evidence. And you know, we've heard from a lot of people so far. Unless they are an expert in their field, you have to -- you know, it's mostly hearsay.

COUNCILPERSON THOMAS: Uh-huh.

CITY ATTORNEY RYAN: Even your beautiful video is hearsay, because you -- you --

COUNCILPERSON THOMAS: No, it's my say. That's just what I see. That's just -- that's just me. That's just what I -- what I've -- what I've done.

CITY ATTORNEY RYAN: Right. Right.

COUNCILPERSON THOMAS: Well, let me ask you this right here. A couple of questions. The first question is our former mayor, Mayor Michael Brown, said that this is -- I want to say -- and I'll call him back if I need to. That this may be illegal because it's not in our code or something to that effect? Do you remember him saying that?

CITY ATTORNEY RYAN: I do. And I would have to call the Community Development Department because he was making a statement not about the CRA code. I think perhaps he was referring to -- oh, there he is. He's referring to the City's code. But staff has reviewed those codes and, you know, I -- and maybe we should have Community Development address it.

COUNCILPERSON THOMAS: Let -- let me -- let me ask him just one more time just so I know. Mr. Brown, do you feel like coming back? 'Cause I'm not going to make you.

UNIDENTIFIED SPEAKER: (Inaudible).

COUNCILPERSON THOMAS: It's the -- okay.

UNIDENTIFIED SPEAKER: (Inaudible).

COUNCILPERSON THOMAS: Okay.

CITY ATTORNEY RYAN: Right. But I think he's saying that it doesn't --

COUNCILPERSON THOMAS: Can -- can you -- can --

CITY ATTORNEY RYAN: -- list it as --

CHAIRPERSON DAVIS: Well --

COUNCILPERSON THOMAS: -- you restate what you said, please?

CHAIRPERSON DAVIS: -- (inaudible).

MICHAEL BROWN: Yes. For a long period of time in the City's development code, even when I was here, it precluded the development of gas stations at major intersections. And one of the reasons why it did that was as one of the gentlemen said earlier, because there's so many gas stations that are already in the city. I remember this was discussed even when I was here. So there was a prohibition at the major intersections for a gas station. The City and the Charrette, they went through it even --

CITY ATTORNEY RYAN: (Inaudible) address that.

MICHAEL BROWN: -- after I left. They did not want any more gas stations. It was a part of the code. Now, and if you look back -- and I've looked at your document. I have them back here. That prohibition was in place. And you flip through the code, even though you all were considering amending it and whatever, but that prohibition was in place. And then you flip through and miraculously, around October of 2013, when you saw the version of the code that was in place before October 2013, it clearly said gas stations are not allowed at intersections. And then you flip over to October of 2013. The draft of the code now eliminated the prohibition against gas stations. And when you look at how it's written it's kind of weird, because the way they cut and posted it, it looks out of place the way it's put in there.

CHAIR PRO TEM PARDO: Here.

MICHAEL BROWN: There's no record before the Planning & Zoning Board. I've been before them a couple of times. They've asked this question again and again. They asked for staff to -- to point out to them. By the way, if there were changes that were going to be made it had to come before P & Z. The P & Z Board has asked the staff on numerous times, Hey, please tell us where's the records of any information where you, staff, or we the P & Z Board approved the change to eliminate the prohibition for gas

stations at intersections? And each time the P & Z Board asked that question, the staff either doesn't answer it or they canceled the meeting and said, We'll get back next time. The last time that issue was brought up, they said, We'll get back to you necks time. And in the meantime, this now has been brought before the City again and they still didn't answer that question before the P & Z Board.

COUNCILPERSON THOMAS: Okay. Thank you. Thank you, Mayor Brown. So Miss Ryan, let me ask you this. First off, is any of what Mr. Brown just stated, Mayor Michael Brown just stated, is any validity or any truth to that or is it any --

CITY ATTORNEY RYAN: Well, again, I would have to have Community Development address that. But let me say this. This is what I do want to address. I don't know what occurred with all of that, but any recommendations that came from P and -- the Planning & Zoning Board or did not come from the Planning & Zoning Board would have come to this council in its final form. They are an advisory board and you have the ability to -- to amend anything that they put in. You have the ability to reject, accept, modify in any manner. So even though P & Z may have recommended certain things, the final decision maker is this city council. And if the final document came to this board and you accepted it on first and second reading, having reviewed the entire thing, and if it was -- if -- if the document stated that we now allow convenience stores with gas stations at those intersections, the public had an opportunity to review that document and come out and speak against that document. But if this council voted on that, that is the law of the land. It's not --

COUNCILPERSON THOMAS: But do we know if that was voted upon, is what I'm saying?

CITY ATTORNEY RYAN: Oh, you definitely voted on it. That --

COUNCILPERSON THOMAS: So that means that this change was already made --

CHAIRPERSON DAVIS: Uh-huh.

COUNCILPERSON THOMAS: -- and it came to this board. It -- it didn't just --

CITY ATTORNEY RYAN: That is the document that I have reviewed. I've reviewed the final document which has the change in it. I don't know what P & Z reviewed. I have not been made privy to Treasure Coast and all of those other things. But to -- to their reports. But I do know that this council approved a document that had those changes in it. And that's --

COUNCILPERSON THOMAS: Oh, okay.

CITY ATTORNEY RYAN: -- that's the law.

COUNCILPERSON THOMAS: Okay.

CITY ATTORNEY RYAN: At this time.

COUNCILPERSON THOMAS: No problem. Please state that -- please state what our position is in -- in terms of we do not own this property. It's owned by somebody private. And our powers cannot -- I mean, we just can't -- we can't make somebody -- well, actually, I guess we can if we eminent-domained it. But we can't do it for a private use. So what limitations do we have in terms of -- I mean, it's a private owner.

CITY ATTORNEY RYAN: Right.

COUNCILPERSON THOMAS: If -- if they meet all of the codes, I mean, can we legally say that they can't operate a business? What is the purpose of the special exception if - if they -- as long as they meet everything, they get it? Why are we having a -- a quasi-judicial proceeding?

CITY ATTORNEY RYAN: Right.

COUNCILPERSON THOMAS: Why do we -- why do they need a special exception? If they meet all the codes it should be cut and dry.

CITY ATTORNEY RYAN: Well, the --

COUNCILPERSON THOMAS: They should be able to get it. Why are we doing --

CITY ATTORNEY RYAN: Right.

COUNCILPERSON THOMAS: -- this?

CITY ATTORNEY RYAN: Because under our code we have stated that there are certain things that require a special meeting of this sort. And you all have to make a decision that is in the best interest of the City. You have to give a -- it's an individual --

COUNCILPERSON THOMAS: Right. But what triggers that for this particular case? What triggers them needing a special exception?

CITY ATTORNEY RYAN: Right. The --

COUNCILPERSON THOMAS: What triggers that?

CITY ATTORNEY RYAN: -- they were listed. We have a -- I don't -- they -- we have a section in the code that says Special Exception Uses. I don't think I have it here.

UNIDENTIFIED SPEAKER: (Inaudible).

CITY ATTORNEY RYAN: And listed --

COUNCILPERSON THOMAS: I didn't -- I didn't hear -- I didn't hear him.

CITY ATTORNEY RYAN: -- listed in the code under Special Exception -- it just says Special Exceptions.

COUNCILPERSON THOMAS: Uh-huh.

CITY ATTORNEY RYAN: And there's a whole list of -- churches are there, the large day care centers are in there.

COUNCILPERSON THOMAS: Uh-huh.

CITY ATTORNEY RYAN: All of those different types of uses require a special exception. You could have taken them out. It can be taken out. You can modify your list at any time. But currently a gas station that's, I guess, attached to a convenience station -- I'm sorry, a convenience store, is one of those things that is in the list.

COUNCILPERSON THOMAS: So if this was a -- just a regular convenience store would they need a special exception?

UNIDENTIFIED SPEAKER: Yeah, I think they (inaudible).

CITY ATTORNEY RYAN: I don't -- I need to see the list. I don't have the list.

UNIDENTIFIED SPEAKER: (Inaudible).

COUNCILPERSON THOMAS: No. I'm -- I'm -- I'm asking.

UNIDENTIFIED SPEAKER: Right.

COUNCILPERSON THOMAS: If this was just a convenience store, because I -- I heard Miss Ryan say a gas station with a convenience store.

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: (Inaudible). Okay. No. It has to be a gas station/convenience store. That's what makes it a special exception. If it was just convenience store, it's not a special exception.

COUNCILPERSON THOMAS: It wouldn't need a special exception. What if it was just a gas station?

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: I don't know. I'd have to look at that section of the code. But I'd have to verify it but I think it would. It's each section of the code lists what's permitted use and what's list -- what's permitted by special exception.

COUNCILPERSON THOMAS: So what are we trying to do with this special exception? What are we trying to -- to accomplish by doing this process? What -- what are we trying to accomplish?

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: You give more attention to the detail of traffic, noise, glare. I have to look at my list again, but ingress and egress. Those types of things.

COUNCILPERSON THOMAS: Okay. Can we -- and maybe this is a question for Miss Ryan. If we deny this business --

CITY ATTORNEY RYAN: Correct.

COUNCILPERSON THOMAS: -- are we -- do -- can we face any type of -- I know you can sue anybody for anything.

CITY ATTORNEY RYAN: Right. Right.

COUNCILPERSON THOMAS: But do we face any type of negligence in, you know, doing our job with that? Will we face that? Is it --

CITY ATTORNEY RYAN: Right.

COUNCILPERSON THOMAS: -- is it to that point, is what I'm trying to -- to get.

CITY ATTORNEY RYAN: Well, yes. I mean, they always -- we -- I always say anybody can sue.

COUNCILPERSON THOMAS: Right.

CITY ATTORNEY RYAN: But in this situation, if -- because you have a standard that you have to go by in granting or denying a special exception, if your decision is arbitrary and capricious, meaning that you just said, I don't like your project. I just don't want it there, and you don't have any evidence to back it up, they can go to court and feel an action. It's a -- one of your favorite terms, it's a writ of certiorari. And they would ask --

COUNCILPERSON THOMAS: Can you explain what a writ of certiorari is?

CITY ATTORNEY RYAN: It's just an appeal. It's an appeal to the Circuit Court, asking them to look -- and it's a panel. Asking the Court to look at what you did. What did -- what did the city council do? Court, we believe that they acted arbitrarily and capriciously. There were -- all the evidence -- and as much as, you know, I -- we -- we do appreciate our residents, residents, their comments, carry some weight but it can't be the only thing that you rely upon. So they would argue, of course, that whatever they put in the record was competent substantial evidence. And all of the things that the -- the other things that were heard were not competent substantial evidence.

COUNCILPERSON THOMAS: So my -- me being a councilperson, an elected person like we do most decisions, if a majority of the residents say, This is not what we want, then we normally say, Okay. This is not what the residents want. In this particular case, I want to make sure that I understand this.

CITY ATTORNEY RYAN: Sure.

COUNCILPERSON THOMAS: I cannot just do it like that. I have to go by the evidence, the documents --

CITY ATTORNEY RYAN: That --

COUNCILPERSON THOMAS: -- that they present and make the decision off of that or I'll be putting the City at risk for --

UNIDENTIFIED SPEAKER: No.

COUNCILPERSON THOMAS: -- a -- a loss -- excuse me. Let me make sure I hear this from the attorney. Is -- is that the case?

CITY ATTORNEY RYAN: Yes. And the flip side of that is, you know, Mr. Brown is here with his court reporter so he has the right to -- to file an action, as well. So either way, you may be in a lawsuit. But if you -- if you make your decision -- it's true. If you make your decision based upon the evidence -- I mean, that's what you're here for. You have to make the hard decisions. And you know, this -- all of this evidence is here to help you, and your rules are here to help you make the decision that is in the best interest of the City. That's the overarching theme. It has to be in the best interest of the City. And that's why Miss McKinney --

COUNCILPERSON THOMAS: Okay.

CITY ATTORNEY RYAN: -- went through all of those factors which are here to assist you in making the decision.

COUNCILPERSON THOMAS: Okay. Madam Chair, that's --

CITY ATTORNEY RYAN: And -- and -- and the traffic stuff that you talked about, that is very important. And I think it was very important for the public to hear from 7-Eleven's traffic person and our own independent person who reviewed their very extensive traffic study. We all got copies of the traffic study. It's very extensive and very, I guess, detailed, which is the same as extensive. We all reviewed it and it was helpful for me to have -- and, you know, to have our own person review it, as well, and to know that, as you said, that that person was paid by the City.

COUNCILPERSON THOMAS: Okay. All right. Well, I just want to make sure that, you know, we understand exactly what we're doing and some people feel like we went and found 7-Eleven or we went to -- to do this and it was nothing, you know, of the sort. It's -- it's a privately owned piece of land. It's being developed privately and --

CITY ATTORNEY RYAN: Do you have any other questions? That's for deliberations.

COUNCILPERSON THOMAS: Okay. Well, I guess, no, I'm not asking any more questions. I'll wait for deliberation.

MAYOR MASTERS: Madam Chair, I have a question.

CHAIRPERSON DAVIS: I have -- I have some questions.

MAYOR MASTERS: Okay.

CHAIRPERSON DAVIS: And I haven't spoken.

MAYOR MASTERS: Yes. By all means.

CHAIRPERSON DAVIS: The -- the bus stop is -- issue that's right there on Broadway as you make the right turn going north from Blue Heron. I read somewhere in the documents that this is -- was I understanding that this was going to be -- the bus stop was going to be moved further north or that they were just going to redo it with a covered canopy and --

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: right now they've agreed to work with Palm Tran to get a bus shelter there.

CHAIRPERSON DAVIS: Okay.

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: We've been talking about the possibility of it being more safe, to move the bus stop further north because right now, even with nothing there, no business or anything, the bus stops right after the intersection of Blue Heron and U.S. 1.

CHAIRPERSON DAVIS: Right.

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: People come around, make the curve -- turn, the buses stop there. So they're there. And they're stuck and then people get -- and then people coming through. So it -- it's kind of a tough spot for a bus stop right now.

CHAIRPERSON DAVIS: So -- so is that something that you have on the radar to have, you know --

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: Yes.

CHAIRPERSON DAVIS: -- have it moved at some point?

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: Yes.

CHAIRPERSON DAVIS: Okay. The -- yeah, I also saw on the drawings that -- in the drawings before there was not an entry door from either the Blue Heron or Broadway --

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: Right.

CHAIRPERSON DAVIS: -- entrance. I notice now there is an entry door.

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: Yes.

CHAIRPERSON DAVIS: On the Blue Heron side.

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: There is. A full-entry door on the Blue Heron side.

CHAIRPERSON DAVIS: And that was done why?

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: That was done to meet the compliance -- to be in compliance with the code.

CHAIRPERSON DAVIS: Okay.

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: And to have another entry door.

CHAIRPERSON DAVIS: Okay.

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: Which the code requires.

CHAIRPERSON DAVIS: Okay. And I also read from the County's traffic performance standards review that they're suggesting a -- an exclusive northbound right-turn lane on U.S. 1. So how --

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: Right.

CHAIRPERSON DAVIS: -- is --

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: And -- and to be honest with you, that's a ludicrous suggestion, because trying to put a right-turn lane right there on U.S. 1 would be -- I mean, DOT would not allow a turn lane like that right there at the intersection. So we can have our traffic person --

CHAIRPERSON DAVIS: And you're talking about -- well, wait a minute -- a right turn into 27th Street?

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: It's -- it's a --

CHAIRPERSON DAVIS: Is that what I'm understanding?

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: -- a right-turn lane from the U.S. 1/Blue Heron intersection into the convenience store/gas station.

CHAIRPERSON DAVIS: At 27th Street?

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: Right.

CHAIRPERSON DAVIS: Okay.

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: And they're not gonna -- they wouldn't -- DOT would not allow that be --

CHAIRPERSON DAVIS: Because really it would -- it would create just a one-laner, I mean, unless they gave up some property or something, you know, for that to happen.

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: Right. But -- and DOT still would not allow it because of the proximity to the intersection.

CHAIRPERSON DAVIS: Okay. All right.

CHAIR PRO TEM PARDO: This is really interesting, a special exception (inaudible).

CHAIRPERSON DAVIS: And I think in Mr. Thomas's questions, my question of how often were the fuel deliveries to be made, and you said two or three times a week? I heard somebody say. And that would be correct?

CHARLES BANTOS: Yes, ma'am, that would be correct.

CHAIRPERSON DAVIS: And in looking -- I'm glad Mr. Thomas did the -- the video there because one of my questions was the entrance, the turn radius into 27th Street, I felt was going to be very problematic unless somehow or another the turn radius could be widened or -- or increased, rather. And with five -- you said five feet?

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: Yes. Five feet (inaudible).

CHAIRPERSON DAVIS: Okay. And you know, I -- I don't know this stuff in my head. I -- I couldn't even tell you what it would look like. But I know based on what we did over -- what FDOT did at Walgreens, that was more or less like a, what, 15 --

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: That was probably more like 15. They were putting that big -- the traffic signal in there.

CHAIRPERSON DAVIS: Okay. So I think five feet probably would make a difference. But you know, when I really take a look at the tractor-trailers coming in and out of our city, it happens on every street corner.

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: It happens on every street.

CHAIRPERSON DAVIS: And it's just unavoidable. Our streets are just not like other big intersections in other cities.

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: Right. We're -- we are in urban area, right.

CHAIRPERSON DAVIS: Yeah. And I noticed in the -- the documents, the additional information that was given to us, number 8, you say the fuel tanks must be removed by the property owning -- owner within 180 days if it's no longer used as a fueling facility. But if they don't, what are the ramifications?

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: If they don't move them --

CHAIRPERSON DAVIS: Yes.

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: -- within 180 days afterwards?

CHAIRPERSON DAVIS: Yes. 'Cause there's nothing here that --

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: Well, we could -- right.

CHAIRPERSON DAVIS: -- says anything.

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: Right. We could sue them.

CHAIRPERSON DAVIS: Well, here -- here's my thing. With the Schooner Inn, you know, we had all of those things in place. And, you know, they did not comply. So we're ending up taking -- you know, talking about foreclosing. But I -- you know, I would just rather us say something that lists some kind of ramifications or penalties or -- or something. If it's 180 days past, on the 181st, this happens. If it gets to 190, then this happens, you know? I mean, I don't think people should be able to just keep putting off stuff, you know, when we've -- you know, if we're -- if this passes, then, you know, we -- we've given this opportunity for them to be there. So if they should leave, you know, they should uphold --

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: Right.

CHAIRPERSON DAVIS: -- something at the end of it.

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: The only mechanism we typically use for guaranteeing that things are installed and kept us such as landscaping or to make sure water -- roads are installed is a performance bond. And this might be unusual because it's -- could be a 20-year performance bond.

CHAIRPERSON DAVIS: Hmm. Okay. And my last question is -- well, I think the -- that question has been answered, also. So those are my questions.

MAYOR MASTERS: Madam Chair?

COUNCILPERSON DAVIS: Madam Chair?

CHAIRPERSON DAVIS: Mr. Mayor?

MAYOR MASTERS: Thank you. I have some questions. To the --

UNIDENTIFIED SPEAKER: (Inaudible).

COUNCILPERSON THOMAS: Yeah, he's already --

UNIDENTIFIED SPEAKER: He (inaudible).

MAYOR MASTERS: Oh, (inaudible) wait?

CHAIRPERSON DAVIS: Oh, I -- yeah, let Mr. Davis speak first.

MAYOR MASTERS: Okay. That's fine.

COUNCILPERSON DAVIS: Thank you. Can staff get the microphone working?

CHAIRPERSON DAVIS: You have to speak up.

COUNCILPERSON DAVIS: I don't want to say anything about the microphone working. Thank you. One of the things I want to focus and harp on is the very beginning of our relationship with 7-Eleven. I just want to thank you all for showing interest in Riviera Beach. But when -- what was the first time that y'all made interest in that property? Who reached out to you? How were you notified? 7-Eleven.

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: Right. I can't remember that but I --

COUNCILPERSON DAVIS: No, no. I was asking 7-Eleven.

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: Oh, oh, oh.

COUNCILPERSON DAVIS: Not -- not to Miss McKinney. Thank you.

CHAIRPERSON DAVIS: It was last year.

COUNCILPERSON DAVIS: What month and year?

CHARLES BANTOS: It -- you know, it's been a pretty good while now. It's been about 18 months. We've been through --

COUNCILPERSON DAVIS: What month? And --

CHARLES BANTOS: -- the hearings. It was -- I know it was early 2013 and it wasn't really with the City. It was with the -- the person that was out there looking for a user, which was Patrick Koenig of Flagler Realty. He was looking for a user.

COUNCILPERSON DAVIS: Uh-huh.

CHARLES BANTOS: That's how, you know -- like, I introduced it through him to another broker. That's typically how it happens in the private sector.

COUNCILPERSON DAVIS: Did -- did you meet with Mr. Brown at that time?

CHARLES BANTOS: No, I did not.

COUNCILPERSON DAVIS: Because you know, he sits on that advisory board for BB&T.

CHARLES BANTOS: No. The first time I met Mr. Brown actually is when I actually sat down in Miss McKinney's office, which I -- I'm sure was some -- sometime later. I had not met Mr. Brown until I had -- I had heard of Mr. Brown but had not physically met him until we had -- we had come aboard. So the -- the -- the work that was being done with the CRA was actually with Flagler Realty and them. That's --

COUNCILPERSON DAVIS: Can you give me an idea of what month and year of 2013?

CHARLES BANTOS: It'll probably be -- January, February, March -- around April.

COUNCILPERSON DAVIS: Around April 2013. Thank you. I appreciate it. Now I'm going to ask staff some questions. All right. I'm going to move very slow. I just want to get -- respectively. I'm not going to be harm -- be mean. I just really want to get some yes or no answers here today. So we can protect the interests of which way we decide to vote. It was dated April 2013. Estimated contact with the City. Miss McKinney, when I looked into these documents a while back, we had a meeting and when this land development plan came before the Planning & Zoning in May of 2013, at that particular time it said the fuel station shall not be located at that intersection of two primary streets. And that was May 2013. Then after May of 2013, Treasure Coast Regional Planning Council sent a letter to our city manager as of July. So between May and July, a letter was sent and they said that they had -- was meeting with our staff to edit the resulting from the board members -- board member comments during the Planning & Zoning. What edits occurred and what was the exact date?

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: Oh, I couldn't tell you what edits occurred. I'd have to look at the draft to see all of the red-line version they had.

COUNCILPERSON DAVIS: Okay. So you do recall meeting with the Planning & Zoning -- I mean, Treasure Coast and CRA staff to do these edits?

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: We met with Treasure Coast and CRA staff numerous times from the time they started working on the Charrette right through the time they did the land development code for the City. And I wasn't at all the meetings. Some of the meetings was other -- were other Community Development staff meeting and CRA meetings. So there were just a -- numerous meetings.

COUNCILPERSON DAVIS: Okay.

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: It wasn't just one or two meetings.

COUNCILPERSON DAVIS: But do you recall any of it? Is -- is that stuff recorded, when you make edits?

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: No. No. We don't record staff meetings.

COUNCILPERSON DAVIS: So once you make edits, do -- aren't you -- aren't we supposed to take this back before Planning & Zoning?

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: Well, the edits that were made by Treasure Coast and I think she explained that to you at one of the meetings and then she also provided a letter. Anthea Gianniotis from Treasure Coast was that -- all the edits that she made to the document, which they had; we didn't have -- did not have the document until, I think it was December of 2013. They had the document and they had to make all the edits.

COUNCILPERSON DAVIS: Okay.

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: So all of the edits that they made, they believed were done through the Planning & Zoning Board meetings.

COUNCILPERSON DAVIS: But what I do recall in the CRA meeting when this issue came up and there was some people spoke, you know -- in the CRA meeting the CRA staff spoke and they spoke with her and even in this letter that she submitted, that she met with staff, which is the City Council -- well, City of Riviera Beach staff and as well as CRA, which she admitted at that time. So when she met with them -- getting back to the date. In -- well, the letter came in July, which mean -- July 22nd -- which mean she met with them before July 22nd. And she said it was edited before July 22nd. So at that time, whatever the first initial editing, after the Planning & Zoning meeting in May 2013, that was the very, very first one. When that happened, someone -- and I would like to know who -- who were all in that editing meeting and what date did that occur as of June or July?

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: I -- I mean, I couldn't tell you because she had many meetings with City staff.

COUNCILPERSON DAVIS: See, my question is are they allowed -- here's the thing. That's -- staff is making recommendations through the advisory -- I mean, through the advisory board, Planning & Zoning. Once they vote on what needs to happen, which they did in May. They voted knowing that this primary use for the two intersections for a fuel station was not permitted. The minutes in the June 13th meeting -- meeting reflected May's meeting in Planning & Zoning. The Treasure Coast Council stated, "Oh, we made some edits but no one know -- came -- it never came back before Planning & Zoning." Then in October 21, the CRA, Mr. Tony Brown, and his staff -- here's this document, and in -- and then in the land -- downtown district development, it's on page 19. But in May it's on page 17. So there were some changes made. And I'm -- it went from, "Fuel station shall not be located in an intersection of primary two streets," to, "Fuel stations require approval of a special exemption [sic]." So when this went before the CRA and this great significant change and staff knew about it, there's a lot of inconsistencies that are going on here. Staff did not aware -- make the board aware of

what was happening. And my issue is how can staff make -- is staff -- let me ask the City Attorney. Is staff allowed to make a change on a zoning code and don't take it back before Planning & Zoning, yes or no?

CITY ATTORNEY RYAN: Well, it would depend on --

COUNCILPERSON DAVIS: Let me -- let's --

CITY ATTORNEY RYAN: -- how significant --

COUNCILPERSON DAVIS: -- with -- with all due respect --

CITY ATTORNEY RYAN: You know attorneys can't give yes or no answers.

COUNCILPERSON DAVIS: -- I just -- listen. I -- I -- I understand that.

CITY ATTORNEY RYAN: Right. It would depend --

COUNCILPERSON DAVIS: You're -- you're our city attorney.

CITY ATTORNEY RYAN: Yes. It would depend on the complexity of -- if it's --

COUNCILPERSON DAVIS: The significance of the project?

CITY ATTORNEY RYAN: -- of the -- of the change.

COUNCILPERSON DAVIS: Of the change.

CITY ATTORNEY RYAN: It would -- it would --

COUNCILPERSON DAVIS: This is a very great significant change. So you mean people can walk around and change our codes that we're paying money to and don't have to bring it back before Planning & Zoning?

CHAIR PRO TEM PARDO: They can't do that.

COUNCILPERSON DAVIS: They can't do it. I mean, help me out.

CITY ATTORNEY RYAN: Well --

COUNCILPERSON DAVIS: Yes or no? Miss -- Miss Ryan, hold on. You're not obligated to nobody but the citizens of Riviera Beach.

CITY ATTORNEY RYAN: Of course.

COUNCILPERSON DAVIS: And your job is based on --

CITY ATTORNEY RYAN: No, no, no.

COUNCILPERSON DAVIS: -- how you do your job.

CITY ATTORNEY RYAN: No. No. No.

COUNCILPERSON DAVIS: Your job is not threatened or nothing like that. It's just yes or no.

CITY ATTORNEY RYAN: Right.

COUNCILPERSON DAVIS: And I will protect you as long as you say yes or no.

CITY ATTORNEY RYAN: No. That's not the issue. I'm -- I'm -- I just want to -- I want to be careful because, you know, I -- I think that it's significant enough that it should have gone back to P & Z.

COUNCILPERSON DAVIS: Okay.

CITY ATTORNEY RYAN: It -- it should have gone back.

COUNCILPERSON DAVIS: Okay.

CITY ATTORNEY RYAN: That's -- that's my opinion.

COUNCILPERSON DAVIS: So that's --

CITY ATTORNEY RYAN: That is my opinion.

COUNCILPERSON DAVIS: -- that -- so -- so they can't do that?

CITY ATTORNEY RYAN: However -- however, I was under the impression that the Planning & Zoning Board --

COUNCILPERSON DAVIS: Uh-huh.

CITY ATTORNEY RYAN: -- discussed this change and that there was somebody from the public who recommended the change at the Planning & Zoning Board.

COUNCILPERSON DAVIS: There were no meetings -- there was no meetings given back to the Planning & Zoning or reflected in their meetings or any minute -- any minutes coming to us --

CITY ATTORNEY RYAN: Right.

COUNCILPERSON DAVIS: -- stating when that happened.

CITY ATTORNEY RYAN: Right.

COUNCILPERSON DAVIS: But I want to stick to the timeline. And let me get back to the very beginning.

CITY ATTORNEY RYAN: So did I answer your question?

COUNCILPERSON DAVIS: Thank you so much.

CITY ATTORNEY RYAN: Yeah.

COUNCILPERSON DAVIS: In April --

CITY ATTORNEY RYAN: I can't lawyer it up today myself.

COUNCILPERSON DAVIS: -- 7-Eleven came to the City of Riviera Beach aware of Planning & Zoning did not allow this to happen in April. This came before the CRA -- I mean, the -- the Planning & Zoning Board in May, which means 7-Eleven knew at that time -- see, we have to protect ourselves legally. You knew at that time that it wasn't permitted. But you hung around till October. And it got plan -- brought before the CRA Board and CRA staff was aware of it. And they had us -- and this -- once again, always sending stuff -- submitting stuff at the last minute -- deep down in those documents had this little page that was changed from page 17 to page 19 and had us approve this without knowing that Planning & Zoning wasn't even aware and didn't even vote on this significant change or didn't even comment. So legally -- so I'm going to stick on the legal stuff. Like, 7-Eleven, I love you. I spend a lot of times getting the Slurpees like I said before. But -- but when they came to the City as of April or even March, May's Planning & Zoning meeting it says, "Fueling stations shall not be located at the intersection of two primary intersections, page 17." But in October -- I'm going to go back -- on page 19 -- I don't know how it goes from page 17 to page 19 without going through Planning & Zoning. That's more than just significant. So the documentation, it just change. I mean, it really changed.

CITY ATTORNEY RYAN: Are you saying there were three pages of changes?

COUNCILPERSON DAVIS: No. What I'm saying is --

CITY ATTORNEY RYAN: So --

COUNCILPERSON DAVIS: -- in the very initial page when you look at the document, it was on page 17.

CITY ATTORNEY RYAN: Oh.

COUNCILPERSON DAVIS: When the change happened in -- before July of 2000 -- of July, and they sent us a letter stating the change, what happened here, then they came back before in October for us to approve and the CRA and they -- and staff knew about it. As you recall, some people brought up questions and attacked me for going to Planning & Zoning when I seen staff champion this issue in Planning & Zoning, our CRA director. Okay? His primary sole purpose is to make recommendations for the redevelopment through the CRA board, not to be going nowhere to Planning & Zoning, showing its concerns. When I saw that happen, that's when I got up as a concerned citizen. This is why, you know, I'm -- I'm not gonna -- I -- I think I was very clear on this,

but we have a lot of inconsistencies with the zoning codes and when they change and how they change. I think it's best -- and -- 'cause that's for staff to consider and I think you need to strongly consider, this board, to maybe sending this back to Planning & Zoning so they can look at all these changes.

CITY ATTORNEY RYAN: Mr. -- Mr. --

COUNCILPERSON DAVIS: And -- hold on. Hold on. Let me -- let me say what I gotta say.

CITY ATTORNEY RYAN: -- I -- you're -- you're deliberating. I -- I'm -- I've stopped every single person.

COUNCILPERSON DAVIS: Oh, so I can address this in deliberate?

CITY ATTORNEY RYAN: Yes. Absolutely.

COUNCILPERSON DAVIS: I'll do it then. Thank you.

CITY ATTORNEY RYAN: Because that's for you all to decide.

COUNCILPERSON DAVIS: Thank you.

CITY ATTORNEY RYAN: Unless you have any more questions, we're moving on.

COUNCILPERSON DAVIS: No, I don't -- I don't have no other questions for staff at this time.

CITY ATTORNEY RYAN: Okay. Save it.

COUNCILPERSON DAVIS: Because I just want to stick to this timeline.

CITY ATTORNEY RYAN: Yes, please.

CHAIR PRO TEM PARDO: Madam Chair?

CHAIRPERSON DAVIS: Miss Pardo?

CHAIR PRO TEM PARDO: Okay. I have a question for staff. And I guess I'll address it to Miss McKinney. Okay. So Miss McKinney, the -- the item that Councilman Davis just brought up, all right, please tell us whether or not the City Council approved that change.

DIRECTOR OF COMMUNITY DEVELOPMENT MCKINNEY: The -- the City Council approved exactly what's in the code now, exact -- it's the exact code that 7-Eleven followed to produce their development.

CHAIR PRO TEM PARDO: Right. So --

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: the City Council adopted by ordinance two readings.

CHAIR PRO TEM PARDO: Correct.

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: Advertised for both readings.

CHAIR PRO TEM PARDO: Right. And it was in the backup. It was clear. I -- I just want to make that point. And, you know, it's just another reason why everyone needs to go through the backup line by line. It's very, very important.

COUNCILPERSON DAVIS: Madam Chair?

CHAIR PRO TEM PARDO: And, you know, that's -- that's all I'm going to say.

COUNCILPERSON DAVIS: I just want to -- go ahead.

CHAIRPERSON DAVIS: Mr. Davis?

COUNCILPERSON DAVIS: Thank you for chiming in on that. In that last meeting when I recall before we voted on that, because I knew what was happening on the CRA side --

CHAIRPERSON DAVIS: Okay. But you got -- you're deliberating.

CITY ATTORNEY RYAN: Hold on to that.

COUNCILPERSON DAVIS: No. I -- I have my question. But let me get to it, please.

CHAIRPERSON DAVIS: Hold on until we get back -- okay.

COUNCILPERSON DAVIS: Thank you so much.

CITY ATTORNEY RYAN: Oh.

COUNCILPERSON DAVIS: In that last meeting when that came up, before we move any further, I brought up these documents. And it's -- people made some questions about them being a draft. But any draft is a legal binding document, no matter what it says on the bottom. It says Draft and it's in red. So I just want people to understand that it's something that I brought to the board. It was aware to everybody's attention. Staff made their move. Staff was aware of it. Staff was in on it. I got the documentation to prove it. Treasure Coast came to this podium and stated about CRA, about what staff was doing. And they stated that. And they just happened to be hanging around at the meeting that night. Okay? So we have a -- listen.

CHAIRPERSON DAVIS: (Inaudible).

COUNCILPERSON DAVIS: We just have a job to do and we're going to get to deliberation.

CHAIRPERSON DAVIS: Okay.

MAYOR MASTERS: I have a question. I have questions. Madam Chair?

CHAIRPERSON DAVIS: Mr. Mayor?

MAYOR MASTERS: Thank you, Madam Chair. Madam Attorney, my question is for you. As diplomatic as you are, Councilman Cedrick Thomas asked the question as to whether we could vote -- well, I'm just going to paraphrase -- yea or nay, and you made it clear that a vote has to be predicated in what's the best interest of the City. And then you also said that the traffic is what you could hang your hat on, basically. So if you vote yea you can hang your hat on traffic. If you vote nay, you could, likewise, hang your hat on traffic and then the judge decides. Is that -- am I missing something? That a person can vote either way on this and still -- and use traffic as their -- as their denominator?

CITY ATTORNEY RYAN: Right.

MAYOR MASTERS: And I'm not going to say yes -- yes or no. I'm just asking.

CITY ATTORNEY RYAN: Well, I -- right. Well, I appreciate you trying to paraphrase my statement but that's not exactly what I said.

MAYOR MASTERS: Well, help me out.

CITY ATTORNEY RYAN: Well, there are factors. It's not just traffic. There are -- traffic is -- I did make a statement about traffic because that's been one of the big issues that has come up tonight. But as a part of that -- and -- and I'm going to go through the factors again.

MAYOR MASTERS: Go ahead. Please do.

CITY ATTORNEY RYAN: You know, again, you're -- the special exception should be granted only after a decision has been made that it will not adversely affect the public interest. That's what's in your ordinance. That's the exact language.

MAYOR MASTERS: Okay.

CITY ATTORNEY RYAN: That it will not adversely affect the public interest. The -- the factors to assist you in making that decision, the specific factors that you should address are, one, ingress; two, an egress from the property and the proposed structures thereon, if any, including such considerations as automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe.

MAYOR MASTERS: Thank you.

CITY ATTORNEY RYAN: So that's one of those issues. Do you want me to go through the rest or is that --

MAYOR MASTERS: No, I'm -- I'm good.

CITY ATTORNEY RYAN: Okay.

MAYOR MASTERS: Because I've heard enough for -- you know, for me.

CITY ATTORNEY RYAN: So that's one of the factors --

MAYOR MASTERS: I -- I don't -- I don't have a problem with that. I -- I think that's -- that's enough. We have not heard -- is there anyone here from the fire department?

CITY ATTORNEY RYAN: Wait a minute. Okay. I was going to say you don't --

MAYOR MASTERS: I have a question. Oh, I'm not deliberating.

CITY ATTORNEY RYAN: Okay.

MAYOR MASTERS: Is there a representative here from the fire department? And I need --

UNIDENTIFIED SPEAKER: He's here. He's here.

MAYOR MASTERS: -- will he please come to the mike? I have a question for him.

CHAIRPERSON DAVIS: He's outside so he can --

CITY ATTORNEY RYAN: Oh, Lord. Oh.

MAYOR MASTERS: Okay. Well, take your time. Mr. Fire Chief, good evening. How are you, sir?

FIRE CHIEF DUREN: Very well, sir. Reggie Duren, fire chief.

MAYOR MASTERS: You've had a chance -- you -- thank you. You've had an opportunity to -- to look at the traffic, the ingress and all the other kind of gress, correct?

FIRE CHIEF DUREN: Yes, sir.

MAYOR MASTERS: Okay. As it relates to the fire trucks having access of getting to someone in that area that may be requiring a fire truck, are there any -- and you saw the video that was produced earlier by my colleague. Do you have any concerns?

FIRE CHIEF DUREN: No, sir. Our units work in traffic all the times. Keep in mind, it's an emergency situation so we often take up several streets or as much as necessary to make necessary turns. Excuse me. The advantage, of course, of having lights and sirens. So typically people are moving out of our way.

MAYOR MASTERS: Okay. I just wanted that on the record. Thank you.

FIRE CHIEF DUREN: Yes, sir.

MAYOR MASTERS: Chief, chief of the police department. I have a question. You saw the video that was produced by Mr. Thomas and you had some comments prior to seeing the -- the video. I'd like to call you back. Has it -- has anything changed your mind?

CHIEF WILLIAMS: No, Mr. Mayor. Our concerns still exist. All the documents that have been provided to the police department to review create the same concerns about traffic. And it is fortuitous if I might be able to -- to suggest that the traffic engineer, of course, who designs these things, wants to fix it on the back end as opposed to fixing it on the front end.

UNIDENTIFIED SPEAKER: Yes.

CHIEF WILLIAMS: And so their solution as they push these development envelopes is that it becomes an enforcement concern. Now, if that's the direction, if that's one of the increased responsibilities and increased service demands that you want to place on the police department, it's my job to make certain that it's happened. But as your professional law enforcement representative, I have and will continue to have serious concerns about the traffic egress and ingress that is proposed for this building as it relates to law enforcement. There are things that can be done. We need to fix it on the front end and not on the back end. It should not become an enforcement issue as suggested by the designers who build it and then walk away and we're stuck with it.

UNIDENTIFIED SPEAKER: Whoo, whoo. You got it.

MAYOR MASTERS: Well, I'm glad I asked that question.

CHAIR PRO TEM PARDO: Well --

MAYOR MASTERS: No, I still have the floor.

CHAIR PRO TEM PARDO: -- (inaudible).

MAYOR MASTERS: I'd like to ask the attorney, does this board have the authority at -- at this point to make that recommendation, fix it on the front end before we vote on it or table it or whatever? Do we have that -- do the board has --

CITY ATTORNEY RYAN: You can ask for anything. I mean, if -- if --

MAYOR MASTERS: I just have a question. I'm sorry.

CITY ATTORNEY RYAN: -- you can -- you can certainly ask them. I mean, it doesn't mean that they're -- they will agree to it.

MAYOR MASTERS: Okay. Chief, would you come back, please? Another question. Final question. There's a 7-Eleven on Singer Island. And I've seen police officers there many times. Day and night. It's been problems that I'm personally aware of. Do you have any information to share with us as it relates to some of the -- some of those calls that stand out in my -- in your mind as it relates to 7-Eleven on the Island?

CHIEF WILLIAMS: Mr. Mayor, you know, not -- nothing jumps out at me in -- in terms of the -- the calls for service. You know, the bottom line is any time you introduce a new customer into the service pool it's going to have an impact. My job is to evaluate that impact or the impact that it's going to have on existing city services. And as its -- its impact as it relates to the particular city service that I'm responsible for delivering. Now, any business on that corner is going to increase and have a -- the potential to increase demands on city services. Crime concerns were -- are among those. The business took the steps, took the recommendations that we suggested. The remaining issue for me is the traffic concern, and I've expressed that, I think, more than once. So yes, it's going to be an increase demand in service. Will we and are we obligated to respond? Yes. And we will respond. Have we suggested steps to mitigate, to lessen that impact? Yes, we have. And most of them, the business has acquiesced to.

MAYOR MASTERS: Thank you, Chief. I don't -- I have no further questions. He's answered them very well. I'm -- take Stevie Wonder can -- could see that. Thank you.

CHAIRPERSON DAVIS: Okay. We're going to end the questions and start our deliberation. All --

COUNCILPERSON THOMAS: Madam Chair?

CHAIRPERSON DAVIS: Yes, Mr. Thomas.

COUNCILPERSON THOMAS: Before we end that, I'm -- I -- I just want to ask the chief, Chief, what -- what are some of the things that you think could be done on the front end?

CHIEF WILLIAMS: I think we need to press the traffic engineers to come up with -- with those kinds of solutions. I heard tonight that there's going to be a cut of five foot that should impact the radius. The consent drawings that I have seem to show that. But in the concept drawings it still shows and creates turning patterns that are not acceptable. I think that those engineers who said that it's okay and that we have to assume the risk because it's now an enforcement issue need to help us out. Case in point: On Blue Heron, when we were building Suncoast High School and we were creating that triplex educational center right here in our city, the -- the school zone was going to be from Congress to about halfway to JFK. And we fought that and we said, No, we need a broader school zone. So now that school zone stretches from Congress past S Avenue to accommodate all our children that's serviced and that were going to be drawn to that complex, that educational complex. We thought very hard because FDOT and every other DOT said that we couldn't do it. But we said, No, it's going to happen. They said, It can't happen because you can't have one that long. I said, I don't

care. There's no other situation, no other community that has three educational facilities in that proximity. That -- no other community that has an educational complex. So I need that to stretch all the way past S Avenue. And as you know, it's there.

Same kind of creativeness can go here to make certain that we don't have an accident waiting to happen. My people will go. We'll investigate it. We'll write the tickets. We'll take -- the fire chief will respond. He'll take people to the hospital. We'll do that if that's what the decision is. But you have to know as part of your deliberations that it is not a condition that your professional law enforcement representative is -- is suggesting at -- at this point. But we'll do our jobs.

COUNCILPERSON THOMAS: No, and -- and I'm -- everybody knows that you definitely will do that. What I'm trying to figure out is is it something that can be done that you think that will make you a little bit more okay with the actual traffic issue?

CHIEF WILLIAMS: The -- the turning radius on -- the -- the turning condition on to 27th seems to be the last situation that we're addressing. I haven't seen any alternatives and I can't think of any to design that so that it doesn't create the kind of situation that -- that causes motorists to want to cross the double yellow lines and go into the other side of traffic, that prevents a tractor-trailer from traveling on the opposite side of the road for an extended period of time to make a -- to make a delivery. Now, if -- if -- if there are, I haven't seen them. I'm just going on the documents that I've been provided that show the renderings. And so I could get comfortable with something if it's already been designed that -- that addresses that. I haven't seen it.

COUNCILPERSON THOMAS: Okay.

CHAIRPERSON DAVIS: Okay. We're ending questions and we're now going to deliberate. Who's first? Anyone?

COUNCILPERSON GUYTON: Madam Chair?

CHAIRPERSON DAVIS: Mr. Guyton?

COUNCILPERSON GUYTON: There -- there are a few issues that I would like to address up front. There were a few statements made that I would just like to clarify through -- throughout our questioning of comments of residents and questioning. Before I say that, let me say this. I've been in government a long time, as most know, and some say I say that too much. But it's my experience that I have. My experience is that there is no perfect project. You can pick any project in this city and I can show you something that they probably didn't comply with. When there's a controversial project, it's given a lot more scrutiny at that time.

As we grow as a city, something else I am -- I'm a -- I went to school to be a planner, as well. As we grow, the challenges are going to be much greater to accommodate what we need to grow our economy. That's business. We look at how many jobs are going to be created by one entity. I look at more of the total picture of how it complements the total picture of what we're trying to do. One business may not create as many jobs as

we would like. But it may complement our tax base and give -- give us the eyes as Jane Jacobs said as our staff referred to in one of their memos. Jane Jacobs is an author who writes a lot about urban development. And she talks about having eyes on the community by having active businesses. Not vacant establishments that create problems because those elements that we don't want in our community seem to gravitate there. So when there's activity in a place, those type of people try to find somewhere else to go.

So we're trying to now look at 7-Eleven and say, They're not going to create jobs or they're not going to do this or it's going to be that. And I'm looking at more of what we're trying to do totally in our community. But I'm saying that we cannot expect everything to be perfect. Now, having said that, I've been one who said from the beginning that I don't make decisions based on emotions. And the attorney has confirmed that we quite legally can't do that. We can't say arbitrarily that, I don't like this project. So we're just going to vote against it. That's never how I've made decisions. Most of my colleagues and most of staff know that I have three things that I make my decisions on: data, documents and evidence. All the emotions and all the threats, politically, all that, I don't get fazed by that. This is not going to be my life. I have no desire to be a long-term elected official. This is just something that I feel that I'm going to give back to my community because I went and got an education in planning communities and I have experience in government. This is my give-back to my home. Born and raised right here. Some people have different ways of giving back.

So I don't get excited about the politics of the issue. And that's what is involving here. You know, the -- the politics and the emotions. But it is my hope that we would base our decisions on the data, documents and evidence. Now, having said that, let me quickly address the few issues. It was said that the public has not had an opportunity or the degree that some think to give input. This has come before the CRA. It has come before council meetings. The Mayor has had a town meeting and there have been neighborhood meetings. All of these meetings to get input from the public.

Granted, if the response is not what someone wants, then they push for more. That's just human nature. The other thing that I would like to address is that as we sit here and deliberate now, there is no prohibition of gas stations in our code at major intersections. What we have to deliberate from today, the document that we have here, there's nothing that prohibits that. There are suggestions about how it became that way. That's another discussion. But what I have in front of me, the document says that it's legal and that's what I'm -- I feel I'm obligated to go by.

The other thing I would like to address is that there was a suggestion about we were not made aware of the change of the building, the design of it. We were. At least I was, and I recall the information being distributed to all of the council members that there were going to be more stringent requirements to make sure that they comply even more with the code and that was one of the things that happened. Some said that the size of the business had changed and, you know, when did that happen and -- I'm not sure how it was disseminated to the public, but I know that it was dispersed and it was to make

them comply with our code and have a door facing the major thoroughfare. So this wasn't something that was snuck in and nobody knew about it.

The other thing that I would like to address and then I'm done -- well, there'll be one last comment -- there was a comment made about the nuisance issue. And now this leads into my concern. I have been prepared, quite frankly, as long as they met the codes to support this. 'Cause I don't make my decisions on emotions. It's been made very clear that the City doesn't own this property. We don't have the authority to tell a private investor or private property owner what to do with their property like some people think. They think that this body, if we don't like it, even if it's private property, we can tell them what to do. That is absolutely not true. They do have to comply with our codes, though. That, they do. If they do that, our authority is limited to arbitrarily say that, I don't like that project so I'm not going to support it. We can do that. But it would expose taxpayers to litigation.

No matter which way the decision goes in controversial issues, we're subjected to litigation. We'll let the courts work it out. One thing that I don't get is intimidated by somebody saying that they're gonna sue. I mean, this is America. And it's a litigious country. Everyone sues. That doesn't frighten me. But what I am concerned about with this project now is security. I was born and raised here. I served on a council back in the early '90s. This is my third term. And my concern has always been one that protects the community and assures that businesses that come in provides the type of security that would allow our residents to feel safe upon approaching or patronizing their business.

It's my position that 7-Eleven -- and I've expressed this to them -- have armed security from sunset to sunup. It would be my preference to have 24/7. This is not a new precedent. It was indicated tonight that Publix right down the street, that was part of the condition. Armed security. They agreed. There was a lot of opposition. But it worked out because they have armed security. We had an issue with Walgreens. Walgreens came in and had armed security. And why they had that armed security, the problems that we had with that establishment were fewer than what we have now. When they decided that they don't need it anymore, we didn't require them when it came in to have that. I told 7-Eleven and I'll tell the public, if you do not have armed security at a minimum from sundown to sunup, you will lose my support. And I say what I mean and I mean what I say. I was one of the most vocal advocates in support of this based on the codes. I grew up here. I understand the challenges. We have the data to support that there has been issues in that area to justify having armed security.

And I think it's a necessity. I don't think it should be an option to anybody coming into an area where we have data to support that we've been having problems. So it is my position that if they choose not to have armed -- and -- and let me say this. I also told 7-Eleven that my position is not for you to have it six or nine months. As long as you're in this city, it's my position you should have armed security. From sundown to sunup. And that should be our standard now for areas where we can document that there has been problems. That's only my position. My position is not going to change. I think it's best for our citizens -- citizenry to have armed security at this establishment as they have it

at the Publix. And I'm not talking about for nine months or 12 months. I'm talking about if you're in this town for 20 years, you have armed security. We need to set a new standard. We can't allow, in my humble opinion, for them to tell us what we need in our city.

CHAIR PRO TEM PARDO: Madam Chair?

COUNCILPERSON GUYTON: As most people know, I grew up in this city and I know how these mean streets are. And I also know, as I experienced, that kids get hands on firearms at an early age. It -- it's a bad thing. But what I know, that they stay away from places with armed security or where they think that they may have a challenge or get caught. It's a deterrent. And I would hope that the chief have -- if it's passed, the police department going through there using the chaos. But they would not get my support if they do not agree to armed security from sundown to sunup for the life of their existence here in Riviera Beach. Thank you, Madam Chair.

CHAIRPERSON DAVIS: Okay. Miss Pardo?

CHAIR PRO TEM PARDO: Okay. Well, I'll start with the security since I started with it when I wasn't supposed to.

CITY ATTORNEY RYAN: Sorry.

CHAIR PRO TEM PARDO: No. No problem. Like I was saying, there is definitely a lot of crime around that building right now. It's very dark. Go by there when you leave tonight and you'll be able to see. Guaranteed, you'll see a prostitute or two with her john.

CITY ATTORNEY RYAN: Hmm.

CHAIR PRO TEM PARDO: You may see a guy on the corner selling drugs. And there's -- there's riffraff there. And it's because it's dark. There's no one back there but that bad element. There's no lighting. It's -- you know, it's the perfect opportunity for crime. There's homeless people back there, also. I did ask the question about the security and I would like security there from the evening from, you know, sunset to sunrise or do it from, you know, 7:00 at night until 8:00 in the morning. My feeling about having armed security there or requiring armed security in perpetuity is this: I believe we're sending the wrong message. My hope is we move forward with the project. We add lighting. You have, you know -- there will be some security there in the evening. And in time we'll get rid of that bad element. And we'll get rid of that bad element one good project at a time. There are other things going along -- on on Broadway and hopefully, you know, people will be able to come in here and report some really good things that are possibly going to happen on Broadway.

And I think with -- if we redevelop that old bank building, the crime on 27th Street will eventually be moved out, also. And we have a lot of crime there because, you know, it's -- it's -- it's a dark street. And you have that building that is very dark. You know, I -- I can't support having a developer handcuffed to private security for as long as they're

going to be in that -- or as long as they're going to have their business. I think that is definitely an undue burden. And remember, if we find if, after six months, nine months we decide, Okay. The crime has, you know, more or less subsided, and they decide not to move forward with it and if crime starts up again, if they don't do something about it, we can pull their license. And you know, we have the tools to do that. And unfortunately, we don't do it enough. There are some businesses where we should definitely go in and pull their certificate of use and that'll be the end of them. Either clean it up or you're done. And you know, I think that's something that we should really be focusing on and reminding the businesses that they have two licenses that they need to secure from the City. And you know, every year they need to come back and get those licenses.

The turning radius, if I'm to support this, 7-Eleven needs to come forward and agree to increase the turning radius on 27th Street. And I don't think that is, you know, a -- a big task for them. That's something that they definitely have to do. Let me just see what else. You know, like I -- like I said earlier, hey, I would like to see something better on that corner, too. But you know, reality is it's less than an acre. There's very few things you're going to be able to get there. And you know, 7-Eleven is going to bring more competition for gasoline, which probably means your gas is going to be a little cheaper, because now the gas -- the gasoline companies are competing and that's -- that's the reality.

You know, I don't know. I'm just -- like I said in the beginning, I was torn but after the shooting there, you know, Broadway is -- is prime for those kinds of -- that kind of activity. And we need to start cleaning up Broadway one building at a time. One good redevelopment project at a time. And I believe this is a start. And when you bring in a new investor with new money, other investors are going to follow. So 7-Eleven, you know, I'd like to hear before we vote whether or not you agree to increase the turning radius on 27th Street.

CHAIRPERSON DAVIS: More than five feet?

COUNCILPERSON THOMAS: We can ask questions?

COUNCILPERSON DAVIS: No, we can't ask them.

CHAIR PRO TEM PARDO: Excuse me?

CHAIRPERSON DAVIS: You mean --

COUNCILPERSON THOMAS: We can still ask questions?

CHAIR PRO TEM PARDO: Right. Increase it.

CHAIRPERSON DAVIS: No. So we can't ask --

CITY ATTORNEY RYAN: (Inaudible).

CHAIR PRO TEM PARDO: No. I know. But -- but before we vote on it someone's going to have to, you know -- that's a condition that I'm putting on it. So -- right?

COUNCILPERSON DAVIS: It's (inaudible).

CHAIR PRO TEM PARDO: Well --

CITY ATTORNEY RYAN: Well, we'll wait and see what the ultimate motion is and --

CHAIR PRO TEM PARDO: Okay.

CITY ATTORNEY RYAN: -- and we'll go from there.

CHAIR PRO TEM PARDO: Okay.

CITY ATTORNEY RYAN: But just because one person wants it, we're not going to engage in that.

CHAIR PRO TEM PARDO: Okay. Fine. So at the end of the day, right now, I think I can support the project because I believe we will be reducing the crime. And for me, who lives east and who travels back and forth on Blue Heron and Broadway, I would rather have, you know -- have to wait two lights than to have to dodge bullets on Broadway.

CITY ATTORNEY RYAN: Hmm.

CHAIR PRO TEM PARDO: So that's my statement. Thank you, ma'am.

COUNCILPERSON THOMAS: Madam Chair?

CHAIRPERSON DAVIS: Mr. Thomas?

COUNCILPERSON THOMAS: As I was sitting here pondering, still torn, I -- a question came to my mind that I just want to see if I can get the answer to from staff or whoever.

CHAIRPERSON DAVIS: You can't ask any more questions.

COUNCILPERSON DAVIS: No more questions.

CHAIRPERSON DAVIS: That is --

COUNCILPERSON THOMAS: Well, I mean, I gotta be able to ask a question of staff or even you if you know. Well, I'm going to ask the question.

CITY ATTORNEY RYAN: Let him just ask the question.

COUNCILPERSON THOMAS: Maybe you know it.

CHAIRPERSON DAVIS: Okay.

COUNCILPERSON THOMAS: What -- what time does our ambassadors work until out of this Clean and Safe Program? Now, somebody should be able to answer that question.

CITY MANAGER JONES: Scott (inaudible).

CITY ATTORNEY RYAN: Can the manager answer?

CITY MANAGER JONES: Can I ask Mr. Evans to answer that question?

CHAIRPERSON DAVIS: Sure.

CITY MANAGER JONES: 'Cause I'm not sure how long an ambassador (inaudible).

CITY ATTORNEY RYAN: You know, I -- we've closed --

COUNCILPERSON DAVIS: Well, no, he -- he can't --

CITY ATTORNEY RYAN: -- we've closed --

CHAIRPERSON DAVIS: Wait a minute. Hold on.

CITY MANAGER JONES: Oh, no. This isn't (inaudible).

COUNCILPERSON DAVIS: We closed. He can't say anything.

CITY ATTORNEY RYAN: No.

CITY MANAGER JONES: (Inaudible).

CITY ATTORNEY RYAN: We're just not -- we're not -- that's -- it's a slippery slope.

CITY MANAGER JONES: (Inaudible).

COUNCILPERSON THOMAS: Okay. But no -- nobody on this board -- who -- who can we --

CHAIRPERSON DAVIS: I don't know.

COUNCILPERSON THOMAS: -- talk to? Who can we --

CITY ATTORNEY RYAN: You can talk to the people on this dais.

COUNCILPERSON DAVIS: Just us.

CHAIRPERSON DAVIS: I don't -- I don't know what time the --

COUNCILPERSON THOMAS: So does -- does anybody on this board know --

COUNCILPERSON DAVIS: Madam Chair?

COUNCILPERSON THOMAS: -- when --

CHAIR PRO TEM PARDO: Yes.

CHAIRPERSON DAVIS: Hold on, please, sir.

COUNCILPERSON DAVIS: Yeah.

COUNCILPERSON THOMAS: -- when --

CITY MANAGER JONES: (Inaudible).

COUNCILPERSON THOMAS: -- our ambassadors work?

CHAIRPERSON DAVIS: I don't know the exact hours yet. I know that they were in training and they just started --

COUNCILPERSON DAVIS: Yeah. I was just going to say that.

CHAIRPERSON DAVIS: -- this past Monday. So I'm not sure of the exact hours.

CHAIR PRO TEM PARDO: And I believe Mr. Brown had said that they were going to have staggered hours.

COUNCILPERSON DAVIS: Uh-huh.

CHAIR PRO TEM PARDO: And part of that was, you know, the concerns over at the Ocean Mall at dark. You know, people --

CHAIRPERSON DAVIS: Is that what you were going to say?

COUNCILPERSON DAVIS: Yeah. I was going to try and answer that or answer --

CHAIR PRO TEM PARDO: -- are a little hesitant to walk to their cars. So he said the hours were going to be staggered.

CHAIRPERSON DAVIS: Okay.

COUNCILPERSON DAVIS: I seen them there as late as 6, 7:00.

COUNCILPERSON THOMAS: So when he said the hours were going to be staggered, did he give an end time or -- now, are -- are -- they're going to be working more than just at the Ocean Mall, though. They're going to be --

CHAIRPERSON DAVIS: Yes.

CHAIR PRO TEM PARDO: Oh, they're all --

CHAIRPERSON DAVIS: Along the Broadway corridor.

CHAIR PRO TEM PARDO: -- around the CRA.

COUNCILPERSON THOMAS: All the CRA?

CHAIR PRO TEM PARDO: Absolutely.

CHAIRPERSON DAVIS: And -- and the --

COUNCILPERSON THOMAS: Okay. That's all.

CHAIRPERSON DAVIS: All right. Any other questions or comments? And I'll go ahead and make mine. The security and the turn radius were my two biggest --

COUNCILPERSON THOMAS: What is he doing?

CHAIRPERSON DAVIS: -- concerns. Mayor Masters? Are --

MAYOR MASTERS: I'm waiting.

CITY ATTORNEY RYAN: What are you waiting for?

MAYOR MASTERS: I'm -- I'm just waiting till y'all get through.

CHAIRPERSON DAVIS: Are you --

MAYOR MASTERS: I'm going to be down here to say what I have to say. 'Cause I have it on the computer.

CHAIRPERSON DAVIS: And I, too, have really struggled with this item. Because, you know, most times -- sometimes when the decisions coincide with what the residents want, everybody's happy. I said but -- but, you know -- but during those times when the decisions don't coincide, then somebody's unhappy. A prime example of that was the car wash. Another example of that was --

CHAIR PRO TEM PARDO: Publix.

CHAIRPERSON DAVIS: -- the April 10th referendum question. But, you know -- but as Mayor Brown said earlier, he's representing an entity that could possibly sue if the answer goes one way or if the vote goes one way. And our own Attorney Ryan has indicated that we cannot base the vote on what is perceived to be. It has to be competent substantial evidence. So, you know, that's the difficulty that we're facing here tonight. And, you know, I -- I -- I've always tried to base my vote on what I thought was the best for the entire city. Not any particular interest group. I faced the IAFF at one time because I didn't agree with, you know, what was brought forth for them. And, you know, I mean, it's just part of the job. And as my colleague down here always says, you know, I'm not here based -- and my vote is never going to be cast based on whether I am re-elected or not. You know, I -- I think I do a pretty good job but, you

know, there are those times when my vote is going to make somebody unhappy. And as I sit here right now, I'm still deliberating on what to do. But it will be a vote that I can go to sleep with at night. So with that said, anybody else have any questions or comments?

COUNCILPERSON DAVIS: Real briefly, Madam Chair.

CHAIRPERSON DAVIS: Mr. Davis?

COUNCILPERSON DAVIS: Thank you. I'll be very clear. I'm not an anti-7-Eleven, once again. 'Cause if I was I would have made some comments and really stroke up a roar about the application that was submitted on the corner of Blue Heron and Military Trail at the old Texaco station which is 7-Eleven -- 7-Eleven's put in an application to purchase that property. And I'm sure residents are not aware of that. Thank you for coming to that location, 7-Eleven. But this situation is very unique. I support that location but this situation is very unique. That's why I asked the question about when did it come to the City, when did they start talking with staff, because when they came to the -- to the City, they knew at that time that certain things, certain requirements was necessary and certain guidelines that they didn't meet at that time. But there were some documents and some zone codes that mysteriously changed there's no record of who made the changes and -- well, we know who changed it. But when and why didn't it come before Planning & Zoning. My concern is to 7-Eleven is when you came to this city, you worked really great with our staff. Thank you so much. But you knew at that time -- at that time legally, you knew that there was going to be some very tough issues with getting this approved because the zone codes did not allow you to do it at that time.

So I'm going to make sure legally I stand behind what our zoning codes did back in May 2013 of not having two fueling stations at a primary intersection on the corner of Blue Heron and Broadway. And I'm going to stick to that, because once you get back to also the Treasure Coast Regional Planning, if you go to that website right now, you click on it, and when you click on it back then and you go to our downtown district and start to pull the information up, they refer you right back to our CRA website. And on that website at that time, it had the -- the May 2013 document, which is very specific about what you can and what you can't do with two fuel stations at a primary intersection.

So that's -- that's evidence. Okay? Documentations. Look at the Planning & Zoning meetings from October, from -- from May 2013 to October 2013 and ask yourself when did that change happen? It's very funny that it happened around the same time 7-Eleven put in an application for that property. Now, there's some things with staff that we can address later, but I think that's some things I will leave up to our city manager to address. But at this time thank you for coming to the corner of Military Trail and Blue Heron, 7-Eleven. But at the corner of Blue Heron and Broadway, because of those items and understanding of what's going on in the zoning codes and my curiosity on how this change happened after you came to the City, I cannot support that at that time based on that. Thank you.

CHAIRPERSON DAVIS: Okay. At this time --

MAYOR MASTERS: Madam Chair? I haven't spoken.

CHAIRPERSON DAVIS: -- hold on one second, Mr. Mayor.

MAYOR MASTERS: Okay. Yes.

CHAIRPERSON DAVIS: We're going to have to vote to continue or otherwise we are going to have to -- I mean, extend the -- this meeting or we're going to have to continue it at another meeting. So what's it going to be?

COUNCILPERSON THOMAS: I don't want to continue it. Let's do it now and get it done.

CHAIRPERSON DAVIS: So you want to extend for another half-hour or so?

COUNCILPERSON THOMAS: How about another 10 minutes?

CHAIRPERSON DAVIS: I mean, specify a time.

CHAIRPERSON DAVIS: Well --

CHAIR PRO TEM PARDO: I would say --

CHAIRPERSON DAVIS: -- you have Public Comments, also.

COUNCILPERSON THOMAS: Oh.

COUNCILPERSON GUYTON: I move to extend for an hour.

CHAIR PRO TEM PARDO: Another 45 minutes?

COUNCILPERSON DAVIS: Second.

CHAIRPERSON DAVIS: Okay. There's a motion on the floor to extend for an hour and it's been seconded. Madam Clerk?

DEPUTY CITY CLERK ANTHONY: Councilperson Thomas?

COUNCILPERSON THOMAS: Yes.

DEPUTY CITY CLERK ANTHONY: Councilperson Guyton?

COUNCILPERSON GUYTON: Yes.

DEPUTY CITY CLERK ANTHONY: Councilperson T. Davis?

COUNCILPERSON DAVIS: Yes.

DEPUTY CITY CLERK ANTHONY: Pro Tem Pardo?

CHAIR PRO TEM PARDO: Yes.

DEPUTY CITY CLERK ANTHONY: Chair Davis?

CHAIRPERSON DAVIS: Yes.

DEPUTY CITY CLERK ANTHONY: Unanimous vote.

CHAIRPERSON DAVIS: Mayor Masters.

MAYOR MASTERS: Thank you, Madam Chair. Mr. Stevens, Walter, if you would put up what I have on my computer. I'm very concerned that the issues that have been raised here tonight are of the similar issues that have been raised as it relates to 7-Eleven across this country. Neighborhoods with protests and boycott against 7-Eleven. And my research has been from California to New York to other places. The people have opposed 7-Eleven coming in the neighborhood based on public safety concerns. Several have opposed it based on traffic concerns. East Village, New York, 7-Eleven did not listen to the people and 18 months, because of a massive protest and boycott, they were forced to leave.

I -- I -- I just wish that 7-Eleven would even withdraw their motion for this location because certainly it doesn't have the will of the people. The people have spoken loud and clear. They've raised issues about public safety, as you see, all over this country. And I'm sure that the voice of the people will be heard. Government at its best for me. I think, Walter -- I think that's good enough. You can just leave it there. There's been questions about discrimination right there. Now, you can Google this by just saying protest against 7-Eleven and read it for yourself. But because of the national climate, it's -- it's obvious from California to New York. I think in Colorado, all over. There has not -- I cannot find a neighborhood that has welcomed 7-Eleven into their neighborhood. And most of the protests across this country has been because of public safety issues, traffic issues, other issues that people have brought about contributing to certain negative conditions in their neighborhood that was directly or indirectly related to public safety.

Now, we can say what we want to. But at the end of the day, I still stand with Abraham Lincoln who says, Government by the people for the people and of the people, however he said it. It may be a little wrong. It's been a long time since I had history and government. But the bottom line is the will of the people and the voices of the people, particularly as it relates to public safety, should not be denied. As relates to traffic, it's a big concern. I'm satisfied with the Chief's comments. I support the Chief's recommendations. I don't know how it got denied or overlooked or whatever the situation may be. But you know, here's a man that's been in -- in public safety, I think he said over 35 years, 40 years, whatever he said. And for me, he's a -- a legal expert for me on this issue.

So I do not want to see what we see across this country come into this neighborhood because of the voices of the people not being heard. So for me and my house, I rest my case on the fact of public safety as well as traffic, pedestrians and all of those

factors that Attorney Pamala Ryan stated wasn't enough for me. Hopefully 7-Eleven will see the picture here and -- and see what's happening over this country and I hope maybe they can find a better location where the people may welcome them. You got Park Manor, the largest neighborhood group, public safety concerns. You got Marina Grande, public safety concerns. You got people living all around the neighborhood. I haven't heard anyone that live there that say, I want it. I haven't heard anyone that said -- in that neighborhood, I don't have a public safety concern or a traffic concern or a concern for the pedestrians. Bus stops. It's all kinds of problems. So that's where I am. The public safety and traffic, I hope that this council will vote this down. Thank you.

CHAIRPERSON DAVIS: Okay.

CHAIR PRO TEM PARDO: Madam Chair?

CHAIRPERSON DAVIS: Miss Pardo?

CHAIR PRO TEM PARDO: All right. I just have one comment.

MAYOR MASTERS: You can take that off now, Walter.

CHAIR PRO TEM PARDO: All right. I just have one comment. Dawn Pardo, Councilwoman, resident, taxpayer. I am grateful that 7-Eleven decided to come into my community again. I am grateful every time a business decides to come into my community. Because it's going to take investors like 7-Eleven to build up our community. So I personally am very grateful. And, you know, I just want people to know I have a -- a condo over in Captiva that my family and I go to twice a year. And before you get over the bridge to go to Captiva, there's a 7-Eleven there. And I think everyone knows Captiva and Sanibel, you know, very nice island. And once you get on to Sanibel, there are several 7-Elevens and making your way north to Captiva, there's two 7-Elevens there. And every tourist that visits the island is very grateful because there's not much else there. But there's 7-Eleven. And you know you can always pick up the little things you forgot to take from home.

The other thing is before I moved here, I lived on Long Island, very close to West Hampton. And we know how exclusive the Hamptons are. And 7-Elevens are scattered throughout the Hamptons. There's never been a problem with it. No protests. No nothing. So here we are. I just wanted to put that on the record. 7-Eleven is a great corporation. If we are going to go out and say that we're looking for redevelopment, we're looking for businesses to come in to employ our people, we need to make these businesses and investors feel welcomed. Instead of, you know, when you have someone come in here -- we had Rybovich come in. They were going to make a multi-million dollar investment. The City would have had several million dollars already in their pocket but Rybovich wasn't good enough for us. Okay? So meanwhile, you know, really, I -- I -- I have to tell you guys this. I went through the port's budget. The port has a budget meeting tomorrow. The port is making so much money off of Rybovich, their income has increased, okay, almost \$150,000 more than they anticipated to date. So it'll probably increase a little more, because of the -- the space that they rent Rybovich.

So Rybovich can, you know, do repairs on yachts that they can't get into West Palm Beach. Very similar to what they were going to try to do here.

Okay? So we need to -- that's just one instance of money that we lost. When investors come in here, we don't have to approve every project. But we don't have to drag them through the mud because the majority of these investors are not little fly-by-nights. They're here. They see the potential in the community. They want to be the -- part of the community. So 7-Eleven, Dawn Pardo, Councilwoman, resident, taxpayer, mother. I am grateful that you considered coming into my community. Thank you. Thank you, Madam Chair.

COUNCILPERSON GUYTON: Madam Chair?

CHAIRPERSON DAVIS: Mr. Guyton?

COUNCILPERSON GUYTON: I wanted to clarify one thing. When I originally spoke to 7-Eleven, my major issue was security. I spoke to them about armed security. This is not a new issue. This is not something that I threw at them at the last minute. They knew my issues from the beginning. Everybody that I deal with, I'm up front. I don't mix words. I don't play the ambush game. I don't play the got you. I told them I wanted armed security. And at that time they agreed. I don't know what happened. But things have changed. And that's fine. Because I understand business. You go back and you do the numbers. And -- and I'm not angry. I mean, they're doing what they have to do to insure that their business is successful.

CHAIRPERSON DAVIS: That's right.

COUNCILPERSON GUYTON: And I'm doing what I have to do to insure that I provide a project that I feel will benefit our community and they'll feel protected. We allowed -- I'll say it again -- Walgreens. They had security for a long time. And as soon as that security left, we had problems. So to me, to say that, you know, well, they'll -- they'll have it for five years and then maybe they won't have it, and things will remain the same. We have evidence through Walgreens that that is not the case. When that security left, you had problems. They can have it for 10 years, 20 years. But when that security left, people saw opportunities. So this is not a fly-by-night decision for me. I'm going off something that I have experienced here in my community. So this is not something that I'm trying to put more burden on the business. To me, in my humble opinion, it's the cost of doing business now in Riviera Beach. These type of establishments, I think, need armed security. That's just my humble opinion. And there has been no one as strong of an advocate for development and business and investment than Bruce Guyton. I proudly wear the banner of being pro-business, pro-investment. I speak out when other people are opposing me. So this is not something that I'm doing, one, for politics, or, two, because I'm trying to kill the project. In my heart this is what I feel. Because we've been through this. It does not matter that things are okay for five years or 10 years. And then we think, okay. They're going to be okay for the rest of the time. That's not the case.

So that is why I'm where I am. It's nothing new to 7-Eleven. From day one I told them. Their position has changed. Mine has changed. There's evidence to support why I'm requiring what I'm requiring. Data statistics and, you know, it's just -- it is what it is. I -- that's just how I feel. And I'm not going to go through the Walgreens again where you have security and when it leave, the problem arise. That's not me. Thank you.

COUNCILPERSON THOMAS: Madam Chair?

CHAIRPERSON DAVIS: Mr. Thomas?

COUNCILPERSON THOMAS: Miss Ryan, there's been several comments from my colleagues. How do we know if we can't ask any other questions whether they will be accepting what we're asking for? How do we -- how -- how are we forced to make a decision when we don't know if they will be asking -- or agreeing to the -- the additional things that we're asking for?

CITY ATTORNEY RYAN: Right. Right. Well, number one, there -- the motion that's on the floor, I mean, to be honest with you, you all need to articulate what your motion is going to be. I've heard several things and so I -- we can't get into a dialogue. The motion that's on the floor is what's in your --

CHAIRPERSON DAVIS: Uh-huh.

CITY ATTORNEY RYAN: -- what's in your packet. So --

COUNCILPERSON THOMAS: Well, my -- my issue is that --

CHAIRPERSON DAVIS: (Inaudible).

COUNCILPERSON THOMAS: -- there are -- there are tipping points based on these questions. The -- the position could change based on the answer to these questions. So how do we clear that up? How do -- how do we -- we -- you -- you can't say that we gotta make a decision not knowing -- because that could be -- that could tip the project either way. How -- how do we know? I know Councilman Guyton had some -- some issues. I heard Miss Pardo --

CITY ATTORNEY RYAN: Right.

COUNCILPERSON THOMAS: -- have some issues. You know, I -- if -- if we're dialoguing, I'm listening to my colleagues --

CITY ATTORNEY RYAN: Right. Right.

COUNCILPERSON THOMAS: -- trying to see which way that we're going to go. Those questions --

CITY ATTORNEY RYAN: Right.

COUNCILPERSON THOMAS: -- are important to -- to answer.

CITY ATTORNEY RYAN: Mr. -- Madam Chair?

CHAIRPERSON DAVIS: Yes, Miss Ryan.

CITY ATTORNEY RYAN: The -- the same issues that are being articulated in your deliberations were also articulated when you had an opportunity to ask questions. And 7-Eleven responded and -- and you can correct me if I'm wrong. But I think they said they were willing to do the nine -- right now they have the 24 hours suppressed or into a three-month time period. They have stated on the record and I guess they could nod if they disagree with this, that they would be willing to go to nine months and --

COUNCILPERSON THOMAS: I -- I heard that.

CITY ATTORNEY RYAN: Right.

COUNCILPERSON THOMAS: But Mr. Guyton is saying, Look, I'm going to support the project if it's -- if you're going to have security there. I didn't hear them say that they wouldn't go for that. I just heard them say that they would, at the end of nine months -- that they would -- our staff, their staff and our police department would get together and see if they needed to continue it. That's something that needs to be clear. I -- I need to make sure that I -- I heard that clearly and that is exactly what they're saying. You know? If not, you know, I don't know how this is going to end up.

CITY ATTORNEY RYAN: I think that's exactly what they're saying. I haven't heard anything to the contrary and they're not -- nobody's suggesting anything further.

COUNCILPERSON THOMAS: Mr. Guyton, are you okay with that response?

CITY ATTORNEY RYAN: You need to make a motion.

COUNCILPERSON GUYTON: I'm not. And I don't want to influence any of my colleagues.

COUNCILPERSON THOMAS: That's what we're here to do tonight.

COUNCILPERSON GUYTON: Right. And -- and -- and I'm -- I'm not okay because we've been there, done that with Walgreens. Right? And I'm not going back down that road to think that somehow we're going to do the same thing and have a different result. That's just my humble opinion. That's just me. And I've always been open and honest. But we've been there, done that, tried that. It did not work. So at some point we have to start establishing different parameters of what we're going to work with in our community. That's just me.

COUNCILPERSON THOMAS: No. I'm -- I'm --

COUNCILPERSON GUYTON: And -- and if it's in the community where we have evidence that there's a problem, this is what I'll be requiring while I sit here. So -- but I'm just one vote. And --

COUNCILPERSON THOMAS: No. I'm -- I'm saying were you okay with the -- the idea that --

COUNCILPERSON GUYTON: The nine months and them going back and -- no. 'Cause what if they decide that, you know -- both decide, the Chief and 7-Eleven, Everything look okay right now. So let's just eliminate security. And then two, three months down the road, we have another Walgreens. I'm not willing to take that chance. That's just me. That -- that's -- that's only my position. And like I say, I say what I mean and I mean what I say. And I'm not changing that. We need to start establishing some more strict parameters in areas where we have evidence there is a problem.

COUNCILPERSON THOMAS: Miss Ryan, I think that in good conscience, it's kind of hard for me to say one way or the other if I can't ask --

CITY ATTORNEY RYAN: Okay. Oh, I -- yeah.

COUNCILPERSON THOMAS: -- and listen, we're --

CITY ATTORNEY RYAN: I'm going to read the rule to you.

COUNCILPERSON THOMAS: Okay.

CITY ATTORNEY RYAN: So that it's not Miss Ryan. It's the rule.

COUNCILPERSON THOMAS: Okay.

CITY ATTORNEY RYAN: "After public comment, all parties and party interveners shall be provided with an opportunity for brief rebuttal and summary." But they didn't -- that's a -- assuming that you made a statement. "The decision-making body will then make a motion and proceed to discuss the matter and vote on the motion."

CHAIRPERSON DAVIS: So are you saying that the motion can't be amended?

CITY ATTORNEY RYAN: The motion can certainly be amended.

CHAIRPERSON DAVIS: Okay.

CITY ATTORNEY RYAN: Yes.

CHAIRPERSON DAVIS: Well, if someone is going to amend the motion with the things that they want in it, then, you know, that's one way of moving forward.

COUNCILPERSON THOMAS: But we -- Madam Chair, but if we amended a motion or did a motion with the things that we want in it and then they don't agree to it, then --

CHAIRPERSON DAVIS: Then --

COUNCILPERSON DAVIS: Motion (inaudible) --

CHAIRPERSON DAVIS: -- can it --

CHAIR PRO TEM PARDO: This is back to the Council.

MAYOR MASTERS: Then it's void.

CHAIRPERSON DAVIS: -- the -- the -- then they can -- they have an opportunity to bring something back with --

CITY ATTORNEY RYAN: If you deny it?

CHAIRPERSON DAVIS: -- what the Council wants, I guess. Am I correct?

CITY ATTORNEY RYAN: You're going to approve or deny.

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: I don't think that would happen.

CITY MANAGER JONES: Whether it happens or not, could they do it (inaudible)?

CHAIRPERSON DAVIS: They could do it. I'm saying --

CITY ATTORNEY RYAN: (Inaudible).

CHAIRPERSON DAVIS: -- that -- that's what -- my question was can they do it.

COUNCILPERSON THOMAS: Say -- can you repeat it, though? Can you repeat the question that you were saying?

CHAIRPERSON DAVIS: I'm saying that if you want to make an amended motion with what you want, okay, it's voted on. If it -- it -- if -- if that moves forward, then they will have the choice of coming back with your recommendations. Now, whether they will or not, I don't know.

COUNCILPERSON THOMAS: So if we vote it down then they don't get a -- they don't get a chance to come back. But if we vote it up with our -- our motions, our points in the motion, then they get to come back?

CITY ATTORNEY RYAN: Well, the -- after -- this is what your code says, "If an ordinance or resolution is prepared upon approval of an action by the decision-making body with or without conditions, requirements or limitations, a final order will not be prepared unless the petition or application is denied. All necessary final orders will be prepared by the City Attorney's Office and shall include at a minimum findings of fact and conclusions of law. The final determination of the decision-making body is subject

to judicial review by a court of competent jurisdiction as provided by law." So you all need to -- that's why you're at a deliberation point.

COUNCILPERSON DAVIS: Uh-huh.

CITY ATTORNEY RYAN: You have heard the evidence and you've talked it among yourselves. A motion should definitely be made and the -- the council should discuss why you're making your decision and then you should vote on it.

COUNCILPERSON DAVIS: Madam Chair?

CHAIRPERSON DAVIS: Ten, 11. Uh, Mr. Davis?

COUNCILPERSON DAVIS: Miss Ryan, I brought up earlier before we got to deliberation about the concerns of zone -- zoning codes being changed and the editing that was put into the documentation.

CITY ATTORNEY RYAN: Correct.

COUNCILPERSON DAVIS: And I wanted to ask this board at that time to -- but you told me to wait -- to bring this back and let's send this back to Planning & Zoning so they can look at the new language that that did not approve and then they can workshop it and then bring it back to this board.

CITY ATTORNEY RYAN: Right. I think that issue came up before. The -- the problem -- and I -- I've been very open about this. The problem is that the city council voted on a document.

COUNCILPERSON DAVIS: Uh-huh.

CITY ATTORNEY RYAN: You all -- it was on first and second reading. And you approved the document.

COUNCILPERSON DAVIS: Okay.

CITY ATTORNEY RYAN: So irrespective of what the Planning & Zoning Board did or did not do, this board made the final decision to adopt that plan. Because of that and because 7-Eleven is -- was already in the system --

COUNCILPERSON DAVIS: Uh-huh.

CITY ATTORNEY RYAN: -- they had an expectation that we would follow our code. And you know, they met with staff. They met with CRA, you know, staff, and --

COUNCILPERSON DAVIS: But --

CITY ATTORNEY RYAN: -- they made -- and they made a decision --

COUNCILPERSON DAVIS: You're right where I want to be.

CITY ATTORNEY RYAN: Okay.

COUNCILPERSON DAVIS: You said they met and worked with staff. I really want to find out, as they were working with our CRA staff and whoever they was working with, as those zoning codes changed, were they a part of it in those meetings as those changes happened? Because there's no minutes of any meetings.

CHAIRPERSON DAVIS: (Inaudible).

COUNCILPERSON DAVIS: Hold on. There's no minutes of -- recorded of any meetings saying who was in this meeting, who made the recommendation of the change and who made that change. All we know is that some of our staff was there, Treasure Coast was there and -- and it's possible 7-Eleven was even there. So let's be -- let's -- no, let's not play with it. We got a job to do. It's possible. I didn't say they were. I say it's possible. Because they -- like they said, they've been working with staff. It's been said in many meetings, and Planning & Zoning, you check the minutes. CRA, it was said. And -- and in the city council meetings it was said. So if it was said three times I'd like to know to what degree they're working with staff.

CITY ATTORNEY RYAN: Well --

COUNCILPERSON DAVIS: we've got to protect our interests because if there's going to be a potential suit coming down --

CITY ATTORNEY RYAN: Right.

COUNCILPERSON DAVIS: -- the line --

CITY ATTORNEY RYAN: Right.

COUNCILPERSON DAVIS: -- we need to see, Hey, did we do our job and what were they doing?

CITY ATTORNEY RYAN: Right.

COUNCILPERSON DAVIS: What -- what role did they play?

CITY ATTORNEY RYAN: Well, it -- it is my understanding that there was an investigation on that. I mean, perhaps you should be asking your city manager if she has any information about whether or not 7-Eleven was a part of those meetings. I mean, that's a strong suggestion that you're making.

COUNCILPERSON DAVIS: Well, I'm asking -- I just only said it's -- it's possible. I didn't say they -- they were.

CITY ATTORNEY RYAN: Okay. Okay.

COUNCILPERSON DAVIS: I say it's possible because if you -- with -- I'm pretty sure you -- you was in the same meetings we were -- I were in except for the CRA. And it was stated that, "We've been working with staff." You recall what I mean?

CITY ATTORNEY RYAN: Right.

COUNCILPERSON DAVIS: I can go back and pull those minutes.

CITY ATTORNEY RYAN: Right. But --

COUNCILPERSON DAVIS: I can highlight them.

CITY ATTORNEY RYAN: -- I -- right.

COUNCILPERSON DAVIS: And who was speaking and who representing who. Who was representing 7-Eleven, who was representing staff. So people working with staff through this process, we need to know to what degree.

CITY ATTORNEY RYAN: But Mr. Davis, I thought that the evidence that you got out of 7-Eleven was that they came in in April 2013?

COUNCILPERSON DAVIS: March.

CITY ATTORNEY RYAN: March 2013?

COUNCILPERSON DAVIS: March.

CITY ATTORNEY RYAN: And --

COUNCILPERSON DAVIS: It changed in May. In May, Planning & Zoning meeting. They approved the --

CITY ATTORNEY RYAN: In March 2000 --

COUNCILPERSON DAVIS: May 2013.

CITY ATTORNEY RYAN: -- May 2013?

COUNCILPERSON DAVIS: May 2013. After they came to the city. This is afterward they came.

CITY ATTORNEY RYAN: Okay.

COUNCILPERSON DAVIS: After they came to the city, they approved the zoning code that specified that there would be new -- no --

MAYOR MASTERS: Changes.

COUNCILPERSON DAVIS: -- fuel station at -- at the primary -- two fueling stations at the primary intersection of Blue Heron and Broadway. Then between May and July 22nd it changed.

CITY ATTORNEY RYAN: Okay.

COUNCILPERSON DAVIS: Treasure Coast sent the document over.

CITY MANAGER JONES: Yeah, let me --

CITY ATTORNEY RYAN: Right.

CITY MANAGER JONES: -- so let me make one correction.

COUNCILPERSON DAVIS: Hold on. Hold on. Hold on. Hold on. Let me -- hold on. Hold on.

CITY MANAGER JONES: July --

CHAIRPERSON DAVIS: Mr. -- Miss -- Miss Manager, hold on. Let him finish his comments.

CITY MANAGER JONES: The years are off. That's all I want you to know. The July one is a '14, not a '13.

COUNCILPERSON DAVIS: July was '14?

CITY MANAGER JONES: Was '14.

COUNCILPERSON DAVIS: Okay.

CITY MANAGER JONES: I just want you to get your numbers right.

COUNCILPERSON DAVIS: Well, let's -- let's -- let's not -- let's -- let's focus on what was said in the document. The document said that there was some editing involved. And when that editing happened, we need to know who did the editing, who suggested it and why didn't it go before Planning & Zoning. 'Cause this is how we're going to practice, I need to know now before I vote on anything else that come before the development in this city. Because we don't know what, prior to this meeting, had potentially been changed, if we're going to have that kind of practice. We -- we don't know but there -- there need to be an investigation. Because I don't think no one should put this whole entire board at risk or the residents' money or life.

CHAIR PRO TEM PARDO: Madam Chair?

COUNCILPERSON DAVIS: I mean, moving forward. We -- we gotta set precedent in Riviera Beach.

CHAIRPERSON DAVIS: Hold on, Miss Pardo.

COUNCILPERSON DAVIS: If we're going to talk about being the best waterfront city, our practices have to really be consistent with doing the right thing. Like Mr. Guyton said, we're not going to be up here forever, but while we're here we got a job to do.

CHAIRPERSON DAVIS: Are you done, Mr. Davis?

COUNCILPERSON DAVIS: I'm done. I just want to hear what Miss -- Miss Ryan -- I'm going to get back to what I stated. That's why I made this recommendation about sending this back to the Planning & Zoning. Let them look at the language. It's not saying that we're saying no. But I'm just saying that Planning & Zoning need to look at it. That's it. And then you look at the new language and have their input on it and then if it comes back this way, then we go from there. And if the process is done right then we -- then we have no issue then.

CHAIRPERSON DAVIS: Okay.

COUNCILPERSON DAVIS: I'm just focused on the process here. That's -- that's it.

CHAIRPERSON DAVIS: Okay. Miss Pardo?

CHAIR PRO TEM PARDO: Okay.

COUNCILPERSON DAVIS: Because I -- and like I said before, if I was anti-7-Eleven I'd be fighting against the -- the new purchase of Texaco on Broadway -- I mean, on Blue Heron and Military Trail, which I'm not. And I'm -- I'm -- thank them for being here. If they're the same applicants. I'm not too sure but I know a 7-Eleven put in an application for that property. I don't know if this board knew that but they did.

CHAIRPERSON DAVIS: Okay. Thank you. Miss Pardo?

CHAIR PRO TEM PARDO: Okay. Madam Chair, knowing that the City can always pull a license or a certificate of use -- and we -- I had mentioned that several meetings ago with the -- with Walgreens, because of that, I'd like to make a motion to approve the 7-Eleven project with two conditions. I would like to see an increased turn radius on 27th Street and Broadway. And I would like to see the security come back before the police chief in nine months. And that's my motion.

CHAIRPERSON DAVIS: Is there a second? Okay. It fails --

MAYOR MASTERS: What does that mean?

CHAIRPERSON DAVIS: -- it fails --

CITY ATTORNEY RYAN: Okay. There was already a motion on the floor so that was an amendment to the motion.

CHAIRPERSON DAVIS: That was an amendment to motion.

COUNCILPERSON GUYTON: That was an amendment. I was going to say that.

CITY ATTORNEY RYAN: So you -- you may want to --

CHAIRPERSON DAVIS: Okay. You want to --

CITY ATTORNEY RYAN: -- go ahead and just get to the motion.

CHAIRPERSON DAVIS: Okay. That was an amended motion that failed --

CITY ATTORNEY RYAN: There's a motion that needs to be disposed of.

CHAIRPERSON DAVIS: -- for a lack of a second. So now we're back to the main motion.

COUNCILPERSON THOMAS: Okay. Can we -- Madam Chair?

CHAIRPERSON DAVIS: Yes, Mr. Thomas?

COUNCILPERSON THOMAS: Can we hear the actual parent motion again so we know what's actually in it?

CHAIRPERSON DAVIS: You mean the -- the main motion?

COUNCILPERSON THOMAS: Yes.

CHAIRPERSON DAVIS: Would you read it again? It's -- it's the --

DEPUTY CITY CLERK ANTHONY: The motion that --

CHAIRPERSON DAVIS: -- yeah, go ahead and read it. Read --

DEPUTY CITY CLERK ANTHONY: -- previous motion -- the main motion that's on the floor is to approve the resolution as written.

COUNCILPERSON THOMAS: I'd like to hear it again.

DEPUTY CITY CLERK ANTHONY: A resolution of the City Council of the City of Riviera Beach, Palm Beach County, Florida, approving an application from 7-eleven, Inc., for a site plan and special-exception approval to develop and operate a 3,115 square-foot convenience store with 12 fuel pumping stations at 2600 Broadway, within the downtown core zoning district on roughly .88 acres and provide an effective date.

CITY ATTORNEY RYAN: And this is not a part of the title. The reading of the title of the resolution. But it's approving it with conditions --

COUNCILPERSON THOMAS: That's what I wanted to hear.

CITY ATTORNEY RYAN: -- and I'm -- right.

CHAIRPERSON DAVIS: (Inaudible).

CITY ATTORNEY RYAN: I'm going to go ahead and just state what those conditions are unless the --

CHAIRPERSON DAVIS: Okay.

CITY ATTORNEY RYAN: -- clerk wants to do so.

CHAIRPERSON DAVIS: And I just want to make a notation here that we still have the Community Benefits to go and Public Comments in the next 27 minutes.

MAYOR MASTERS: What about another motion?

CHAIRPERSON DAVIS: Unless we extend again.

CITY ATTORNEY RYAN: Okay. The conditions -- there are -- there were eight conditions. And the first one was that, "Construction be initiated within 18 months. Advertising has to be with a -- with the City of Riviera Beach. Two-year landscaping bond for 110 percent. Prior to issuance of a certificate of occupancy, 7-Eleven shall be responsible for insuring that a bus shelter and trash receptacle is installed and operable at Palm Tran bus stop number 448 located adjacent to the property on Broadway. Long-term maintenance of the bus shelter and trash receptacle --" I'm having a problem with that word.

CHAIRPERSON DAVIS: Receptacle.

CITY ATTORNEY RYAN: There you go. "-- shall be the responsibility of 7-Eleven or a third-party vendor as agreed upon by the City and Palm Beach County Palm Tran." The fifth condition is that, "The fueling canopy shall include a decorative roof line design architecturally compatible with the primary structure. Number six, a private armed security detail is physically required on site whenever the convenience store or fuel pumps are open for the initial 90 days of operation. The aforementioned private armed security may be reduced after 90 days pending consultation and approval --"

CHAIRPERSON DAVIS: By the City law enforcement.

CITY ATTORNEY RYAN: "-- by City law enforcement officials. Number seven, a traffic triangle shall be installed at the southern property entrance in order to deter eastbound traffic on Blue Heron Boulevard from turning into the 7-Eleven development. And number eight, the fuel tanks must be removed by the property owner within 180 days of the date the property is no longer used as a fueling facility."

COUNCILPERSON THOMAS: Number six that you read, can you read that one more time?

CITY ATTORNEY RYAN: I sure can. As long as it doesn't have receptacle in it. do need glasses. I'm getting to that point.

CHAIRPERSON DAVIS: You want my reading glasses?

CITY ATTORNEY RYAN: No. I've never used them but I could probably use them. It's night -- it's 10:30 at night. "A private armed security detail is physically required on site whenever the convenience store or fuel pumps are open for the initial 90 days of operation. The aforementioned private armed security may be reduced after 90 days pending consultation and approval by City law enforcement officials."

COUNCILPERSON THOMAS: So that's saying that we get to approve it?

CHAIRPERSON DAVIS: We're not City law enforcement.

CITY ATTORNEY RYAN: Well --

COUNCILPERSON THOMAS: I'm saying the City.

CITY ATTORNEY RYAN: -- we get to approve reducing the security after 90 days. After -- after consulting with the --

CHAIRPERSON DAVIS: We're not City law enforcement.

CITY ATTORNEY RYAN: No.

COUNCILPERSON THOMAS: I'm saying our law enforcement --

CHAIRPERSON DAVIS: Yeah.

CITY ATTORNEY RYAN: Yeah.

COUNCILPERSON THOMAS: -- department.

CITY ATTORNEY RYAN: What this is saying is that after 90 days you can reduce -- they can reduce the private security if law enforcement officials approve of it after consulting with 7-Eleven officials.

COUNCILPERSON THOMAS: Okay. So if the chief consults with 7-Eleven and the chief decides, Well, we need to keep them, then they have to stay. Is that what that's saying?

UNIDENTIFIED SPEAKER: No.

COUNCILPERSON GUYTON: Uh-uh.

CHAIRPERSON DAVIS: Uh-uh.

CITY ATTORNEY RYAN: It doesn't say it well enough. It -- it -- that language would need to be tightened up a little bit or a lot bit.

COUNCILPERSON THOMAS: Are you saying that that is not what -- how I'm understanding it, that's not what's that -- that's the way --

CITY ATTORNEY RYAN: Well, it's -- it's ambiguous, I think, on purpose because they want to have a say in it. They want -- if they say no and --

COUNCILPERSON THOMAS: But it says "pending consultation and the approval of --"

CHAIRPERSON DAVIS: "And approval," yeah.

COUNCILPERSON THOMAS: "-- of the law enforcement."

CHAIRPERSON DAVIS: Nothing says they can't just do it.

COUNCILPERSON THOMAS: That -- that's how I'm reading it.

CITY ATTORNEY RYAN: Right.

CHAIRPERSON DAVIS: And it says "may."

CITY ATTORNEY RYAN: I think the language should be a little tighter. Maybe after, you know, "pending consultation --"

COUNCILPERSON THOMAS: Okay. Well --

CITY ATTORNEY RYAN: "-- how --" and it should say --

COUNCILPERSON THOMAS: -- well, hold on a minute. Did they write that or did we write that?

CHAIRPERSON DAVIS: Ruth Jones wrote it.

CITY ATTORNEY RYAN: I have no idea.

COUNCILPERSON THOMAS: Who -- who -- did --

CITY MANAGER JONES: Yeah, who wrote the --

COUNCILPERSON THOMAS: -- somebody gotta know who wrote it.

CITY MANAGER JONES: -- who wrote it?

MAYOR MASTERS: (Inaudible) she come (inaudible).

CHAIRPERSON DAVIS: But it says, "From City Manager."

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: Which -- what are you referring to?

CITY ATTORNEY RYAN: Number six. We're trying to understand number six.

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: Number six. Community Development Department drafted it in conjunction with the police chief provided us information. And then when we consulted with 7-Eleven, they said that they would prefer that where it says "pending consultation and approval by --" it should say "by 7-Eleven and City law enforcement officials." They want to be included in the consultation and approval.

CHAIRPERSON DAVIS: Oh, (inaudible).

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: With the local law enforcement.

COUNCILPERSON THOMAS: So that -- that's not what this motion's saying.

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: Right.

COUNCILPERSON THOMAS: Somebody might want to decide whether this is a problem or it's not, because I feel that --

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: Well, you can change some -- the condition right now to include that if you want. But that's what they want in the condition.

CITY ATTORNEY RYAN: Could you say that again?

COUNCILPERSON THOMAS: And --

CITY ATTORNEY RYAN: I'm not really sure what -- what the conditions --

CHAIRPERSON DAVIS: (Inaudible).

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: Where it says, "The aforementioned private armed security may be reduced after 90 days pending consultation and approval by --" it needs to include 7-Eleven and City law enforcement officials.

CHAIRPERSON DAVIS: And City law enforcement.

CITY ATTORNEY RYAN: Oh. Okay. Right. So that means that they both have to agree to it. And if they don't then that sounds better. Makes better sense.

CHAIR PRO TEM PARDO: (Inaudible) my motion.

CHAIRPERSON DAVIS: Is that your motion?

CITY ATTORNEY RYAN: And if they don't agree to it, they -- it goes away. It will go away if they don't agree because it has to be both --

MAYOR MASTERS: Does that mean, like, it's an impasse within --

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: And I -- and I think you want to add the condition of increasing the turning radius on 27th Street.

CHAIRPERSON DAVIS: She did.

MAYOR MASTERS: That -- that -- that one already failed, didn't it?

COUNCILPERSON THOMAS: Yeah.

CITY ATTORNEY RYAN: Yeah. That's not in here.

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: No, it's not. We just talked about it this evening, increasing the turning radius on 27th Street.

MAYOR MASTERS: But it failed.

CHAIRPERSON DAVIS: Well, she can re-word it.

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: Council Member Pardo meant -- brought it up.

CITY ATTORNEY RYAN: And the motion --

UNIDENTIFIED SPEAKER: It died.

CITY ATTORNEY RYAN: -- did die for lack of a second.

DIRECTOR OF COMMUNITY DEVELOPMENT McKINNEY: Okay. But if you're going to approve this with these conditions, I think you should add the 27th Street turning radius in with that.

CHAIR PRO TEM PARDO: (Inaudible).

CITY ATTORNEY RYAN: Okay.

CHAIRPERSON DAVIS: (Inaudible).

COUNCILPERSON GUYTON: Madam Chair?

CHAIRPERSON DAVIS: Mr. Guyton?

COUNCILPERSON GUYTON: While our attorney is contemplating that issue, I have another issue I wanted to quickly address. There -- there's been some inferences and references to possibly staff being in some conspiracy and -- and I know my colleague just wanted to get the information. But I want to put on the record, I have seen no evidence of any underhanded wrongdoing or any collusion with anybody. There has been dates said that this happened on this date so it didn't take place on that date so

something had to have gone on. But you know, that could be inferred that staff is doing thing wrong. And my point is I have not seen anything where staff is doing anything wrong. And -- and that isn't to say that my colleagues shouldn't get the information requested. But I don't want to leave this lingering impression that somehow, you know, staff was doing wrong in collusion with 7-Eleven and they came together and eliminated this. I have seen no evidence of that, just inferences based on what some dates were. So I want to put that on the record. And the last thing -- and -- and like I said, staff should -- I mean, my colleague should get any information he requested. So -- but I don't want to leave the impression that somehow there is some concrete evidence of some wrongdoing. I haven't seen it. The other thing about pulling the license, I just have never seen a city do that.

CHAIR PRO TEM PARDO: But we can.

COUNCILPERSON GUYTON: I -- we can. I know. But -- but my point is, I have never seen a city do it. We can and if we can, we should have done it with Walgreens. But we haven't done it so --

COUNCILPERSON THOMAS: That'll be coming up.

CHAIRPERSON DAVIS: Okay. It may be coming.

CHAIR PRO TEM PARDO: I (inaudible).

COUNCILPERSON GUYTON: -- so -- so I mean, but -- I mean, we -- we need to have some evidence of we're actually going to do it or have done it or -- but my position is not going to change tonight but I'm just saying, yeah, we -- we -- we -- we -- we need a mechanism by which, you know, we're enforcing these things. But -- but tonight my -- my position is what it is. So that's all I have.

MAYOR MASTERS: Madam Chair, I have a question of the Manager.

CHAIRPERSON DAVIS: Mr. Mayor?

MAYOR MASTERS: Yes. My -- my colleague mentioned earlier -- and this is for the City Manager and I'll wait till she gets through. Hi.

CITY MANAGER JONES: Yes, sir.

MAYOR MASTERS: My colleague mentioned earlier that there may be another application. Is -- do you have knowledge of another application by 7-Eleven on Blue Heron and Military?

CITY MANAGER JONES: I don't have knowledge but I don't look at real estate transactions and when somebody's buying a piece of property. I don't think he was saying they have been in to the City to do site plan.

MAYOR MASTERS: Just to --

CITY MANAGER JONES: I think it's they've done a contract to purchase the property. And so I never know when someone's trying to purchase a piece of property.

MAYOR MASTERS: Mr. -- Councilman Davis, can you help me understand what -- what's happening out there on Blue -- it look like it's all over the place but go ahead.

COUNCILPERSON DAVIS: Madam Chair?

CHAIRPERSON DAVIS: Mr. Davis?

COUNCILPERSON DAVIS: Thank you. No, it was an application that was submitted for purchase of the property.

MAYOR MASTERS: For another property?

COUNCILPERSON DAVIS: For another property which is the old Texaco gas station on the corner --

MAYOR MASTERS: Blue Heron and Military Trail?

COUNCILPERSON DAVIS: -- on Blue Heron and Military Trail.

MAYOR MASTERS: So when that -- so that may come up later. Now you got this here all over. Okay.

COUNCILPERSON DAVIS: Yeah. But that's -- that's something that's not --

MAYOR MASTERS: Thank you. I -- I just wanted to know.

COUNCILPERSON DAVIS: Yeah. I -- that's a case -- that's not a issue for me.

MAYOR MASTERS: I understand. I just -- you mentioned it and I wanted to get it clear in my mind.

CHAIRPERSON DAVIS: Was it to purchase property or is it an application to the City?

COUNCILPERSON DAVIS: Application for 7-Eleven, because as you know, Texaco already have the fuel tanks in the ground at that particular location. So that's why it would be very, you know, amenable.

CHAIRPERSON DAVIS: Okay.

MAYOR MASTERS: Thank you for sharing that information, Madam -- Madam Chair.

CHAIRPERSON DAVIS: Okay. Anything else?

COUNCILPERSON THOMAS: Yeah. I just would like to say that I think that by us not being able to find out from the actual applicant whether they will be agreeing to the

additional things, I think that that is a -- a -- an issue that I don't think is fair and that we -
- I know that you said that was the rules.

CITY ATTORNEY RYAN: But that -- not only that, Mr. Thomas, I don't think that their position has changed. They are on the record saying that they will take this 90-day time -- and they're nodding. Just so -- for the record. They will --

COUNCILPERSON THOMAS: Was somebody nodding?

CITY ATTORNEY RYAN: Yes. 7-Eleven.

COUNCILPERSON THOMAS: That their position hasn't changed?

MAYOR MASTERS: Has not changed.

COUNCILPERSON THOMAS: They don't want to have security after 90 days?

CITY ATTORNEY RYAN: The -- no.

COUNCILPERSON THOMAS: That's why they're nodding?

CITY ATTORNEY RYAN: Their -- their position was they are more than happy to stretch out the time, the 90-day period, to evening hours so that -- so that it's not 24 hours a day but maybe eight or nine hours a day over a period of nine -- of nine months. That's what they --

CHAIRPERSON DAVIS: The same way that Publix started.

CITY ATTORNEY RYAN: -- which is exactly what they said.

MAYOR MASTERS: On the record.

CITY ATTORNEY RYAN: On the record.

CHAIRPERSON DAVIS: Okay.

COUNCILPERSON THOMAS: I get it 'cause I -- I --

CHAIRPERSON DAVIS: And Publix does the same thing.

COUNCILPERSON THOMAS: -- have a colleague that --

CITY ATTORNEY RYAN: And the -- the -- right.

COUNCILPERSON THOMAS: I have a colleague that --

CITY ATTORNEY RYAN: And he -- and the -- that says he wanted something different. And Mr. Guyton -- and I'm speaking for Mr. Guyton -- made those same comments when he could ask them questions. He just reiterated that, that he will not --

COUNCILPERSON THOMAS: Oh, he -- he made that comment when he could ask questions?

CHAIRPERSON DAVIS: Uh-huh.

CITY ATTORNEY RYAN: Yes. He did.

COUNCILPERSON GUYTON: No, no, I didn't.

COUNCILPERSON THOMAS: I don't remember you --

COUNCILPERSON GUYTON: No, I didn't make that comment. I asked them if they are hard and fast in their position about the nine months. But I didn't say what my position was at that time.

CITY ATTORNEY RYAN: Okay. And they said that they were or were not? Do we know?

CHAIRPERSON DAVIS: (Inaudible).

COUNCILPERSON GUYTON: I really don't recall but it wasn't the answer that I was looking for.

CITY ATTORNEY RYAN: The point is, is that I think that to engage in a dialogue at this point is trying to fashion something that I think that the board has had an opportunity to dialogue with 7-Eleven on. And the only thing that I will suggest if the Council were so inclined to approve the resolution that you have -- and you can approve anything. You can change it. Miss Pardo already attempted to add the term radius and that motion died. But I think that the section 6 needs to clearly state that it can be reduced to a number to be agreed upon between 7-Eleven and the police chief, but my biggest problem is what happens after 90 days if they don't agree. And --

COUNCILPERSON THOMAS: That's -- that's how -- that's -- that's the problem everybody have.

CHAIRPERSON DAVIS: Exactly.

CITY ATTORNEY RYAN: Right. So you could make a motion with these -- this -- with these conditions and they can say, Thank you very much, City, and walk away or they can appeal to court or they can do what you -- what you --

CHAIRPERSON DAVIS: Uh-huh.

CITY ATTORNEY RYAN: -- have asked them to do. If that's the -- the motion that you want to make. Because the motion that's on the floor has to be disposed of in some fashion.

CHAIRPERSON DAVIS: Right. Okay. So are we ready to call the question?

COUNCILPERSON THOMAS: Not really but --

CHAIRPERSON DAVIS: When can you? You've gotta -- we've gotta move on. Madam Clerk?

CITY ATTORNEY RYAN: Well, hold -- hold on.

CHAIRPERSON DAVIS: Wait a minute.

CITY ATTORNEY RYAN: Can I get an amendment, though, if we're going to call the question on that just to make it clearer? Because I would not want number six to stand even as our final order. That it would say, "The aforementioned private armed security hours may be reduced to a number agreed to by 7-Eleven and the police chief," not just City law enforcement officials. You heard from your police chief tonight.

MAYOR MASTERS: That's right.

CITY ATTORNEY RYAN: So that should be the person who makes the decision. "A number agreed to by 7-Eleven and the police chief and if no agreement is made --" perhaps you can say that the issue -- that it has to come back to Council for -- for review.

UNIDENTIFIED SPEAKER: (Inaudible).

CITY ATTORNEY RYAN: That'll force them to make a decision.

COUNCILPERSON THOMAS: You waiting for somebody to make that amendment to the motion?

CHAIRPERSON DAVIS: Is there --

CITY ATTORNEY RYAN: Yes. I'm waiting for somebody to make that amendment.

CHAIR PRO TEM PARDO: I made the motion. I -- right? I --

CITY ATTORNEY RYAN: Yeah.

CHAIR PRO TEM PARDO: Who -- right?

CHAIRPERSON DAVIS: Go ahead.

CHAIR PRO TEM PARDO: Okay. So I amend the original motion to include --

CITY ATTORNEY RYAN: Oh, Lord. Can I just read it?

CHAIR PRO TEM PARDO: Yeah. What Miss Ryan is going to read.

CHAIRPERSON DAVIS: Yeah.

CITY ATTORNEY RYAN: Okay. Number six, "A private armed security detail is physically required on site whenever the convenience store or fuel -- fuel pumps are open for the initial 90 days of operation. The aforementioned private armed security hours may be reduced to a number agreed upon by 7-Eleven and the police chief after -- I'm sorry -- after 90 --"

CHAIR PRO TEM PARDO: (Inaudible).

CITY ATTORNEY RYAN: -- yeah, "After 90 days. If no agreement is reached, the matter -- that matter alone -- that matter shall come back to the City Council for final disposition."

CHAIRPERSON DAVIS: Okay. That is the amended motion. Is there a second?

COUNCILPERSON GUYTON: I'll second it to dispose of this issue finally.

CHAIRPERSON DAVIS: Okay. All right. Madam Clerk?

DEPUTY CITY CLERK ANTHONY: Councilperson T. Davis?

COUNCILPERSON DAVIS: No.

DEPUTY CITY CLERK ANTHONY: Councilperson Guyton?

COUNCILPERSON GUYTON: No.

DEPUTY CITY CLERK ANTHONY: Councilperson Thomas?

COUNCILPERSON THOMAS: (No audible response).

CHAIRPERSON DAVIS: Mr. Thomas?

COUNCILPERSON THOMAS: I'm thinking.

CITY ATTORNEY RYAN: What -- I'm sorry. How (inaudible) --

CHAIR PRO TEM PARDO: They could come back (inaudible).

CHAIRPERSON DAVIS: Mr. Thomas, we're waiting.

COUNCILPERSON THOMAS: I'm -- I'm -- I'm thinking. I really didn't -- I'm thinking.

DEPUTY CITY CLERK ANTHONY: Would you like me to move on?

COUNCILPERSON THOMAS: Yeah, you can move on and come back.

DEPUTY CITY CLERK ANTHONY: No?

CHAIRPERSON DAVIS: No. We're going to wait for you to vote.

DEPUTY CITY CLERK ANTHONY: Pro Tem -- oh.

COUNCILPERSON THOMAS: Well, then, don't -- don't rush me. I'm thinking.

COUNCILPERSON GUYTON: I'm -- if you want to borrow mine --

COUNCILPERSON THOMAS: No.

DEPUTY CITY CLERK ANTHONY: Pro Tem Pardo?

CHAIR PRO TEM PARDO: Yes.

DEPUTY CITY CLERK ANTHONY: Chair Davis?

CHAIRPERSON DAVIS: I'm going to have to vote no, also.

DEPUTY CITY CLERK ANTHONY: That motion failed with Councilpersons Guyton, T. Davis, J. Davis and Thomas dissenting.

CHAIRPERSON DAVIS: All right. So now we're back to the main motion.

CITY ATTORNEY RYAN: No, that was it.

CHAIRPERSON DAVIS: Oh, that was it?

CITY MANAGER JONES: That was it.

CHAIRPERSON DAVIS: Okay.

CITY ATTORNEY RYAN: That was it.

CHAIRPERSON DAVIS: All right. So now we are down --

CITY MANAGER JONES: Community Benefits.

CHAIRPERSON DAVIS: -- Community Benefits, yes.

COMMENTS FROM THE PUBLIC -7:00 PM Non-Agenda Item Speakers (Three Minute Limitation)

Please be reminded that the City Council has adopted a set of "Rules of Decorum Governing Public Conduct during Official Meetings", which had been posted at the entrance of the Council Chambers. In an effort to preserve order, if any of the rules are not adhered to, the Council Chair may have any disruptive speaker removed from the podium, from the meeting and/or the building, if necessary. Please govern yourselves accordingly.

Public Comments shall begin at 7:00 PM unless there is no further business of the City Council, which in that event, it shall begin sooner. In addition; however, if an item is

being considered at 7:00 PM, then comments from the public shall begin immediately after the item has been concluded.

CHAIRPERSON DAVIS: Okay, Bonnie Larson. After Miss Larson, Miss Mary Brabham.

COUNCILPERSON GUYTON: Madam Chair, do we need to make another motion to extend this?

CHAIRPERSON DAVIS: Yes, we do.

COUNCILPERSON GUYTON: I move that we extend it a half an hour, 30 minutes.

CHAIRPERSON DAVIS: Okay. Is there a second?

COUNCILPERSON DAVIS: Second.

CHAIRPERSON DAVIS: Okay. Madam Clerk?

DEPUTY CITY CLERK ANTHONY: Councilperson T. Davis?

COUNCILPERSON DAVIS: Yes.

DEPUTY CITY CLERK ANTHONY: Councilperson Guyton?

COUNCILPERSON GUYTON: Yes.

DEPUTY CITY CLERK ANTHONY: Councilperson Thomas?

COUNCILPERSON THOMAS: No.

DEPUTY CITY CLERK ANTHONY: Pro Tem Pardo?

CHAIR PRO TEM PARDO: No.

DEPUTY CITY CLERK ANTHONY: Chair Davis?

CHAIRPERSON DAVIS: Yes.

DEPUTY CITY CLERK ANTHONY: That motion is approved with Councilpersons Thomas and Pardo dissenting.

CHAIRPERSON DAVIS: Okay. Go ahead, Miss --

CHAIR PRO TEM PARDO: (Inaudible) if I get fricking carjacked on my way home.

CHAIRPERSON DAVIS: -- Miss Larson.

BONNIE LARSON: Could you please, just for the record, tell us what happened just then? I was about to fall asleep here. I'm not sure I quite got that and I think there's some other people that don't know, either. So when I get done, could you please, like, just explain what just happened there? Something you weren't taking into consideration on that plan was the bus shelter. The bus shelter would stick out. That would be another traffic concern right there on that corner. When you were talking about that corner clip, there was an FPL easement right there where you're talking about that corner clip. Also, if a truck goes down, goes east on 27th --

CHAIRPERSON DAVIS: (Inaudible).

CHAIR PRO TEM PARDO: I can't believe I'm sitting here (inaudible).

BONNIE LARSON: -- they gotta make a right-hand turn into that. And that --

UNIDENTIFIED SPEAKER: (Inaudible).

BONNIE LARSON: So you voted no, it's not going to happen; is that correct?

COUNCILPERSON GUYTON: No. That's correct.

CITY MANAGER JONES: That's what happened.

BONNIE LARSON: That's correct? So we're not going to talk about this anymore?

UNIDENTIFIED SPEAKER: No.

BONNIE LARSON: Thank you. All right. Okay. Let's talk about some other things. Boy. Okay. Well, I have to cross off half my stuff, then. Can we please clean up some of our city properties? There's a -- we have that model block. It's about 22nd Street. It's full of sand. The weeds are knee high. It -- it's just a mess. And that's our model block. That's what we want residents to look at and say, This is how the City keeps our property. Residents aren't going to keep their property in good condition if they see that's the way the City keeps their property. There's also a property on Blue Heron and Avenue F that's owned by the CRA, same thing there. They finally cut the grass, but still, all those dead branches and everything, it just looks bad. And I think Code Enforcement needs to have a little lesson or be informed about what can and cannot be stored in the City. Near us there's, like, 18-wheelers being stored, a lot of old rusted barbecue grills. We have old cars. We have rooftop campers, just all kinds of things littering the property there. It's visible from Broadway so we really need to clean up our City and the City needs to be leading -- leading the way.

I was at Bicentennial Park recently and that's -- has been closed forever. We spent a lot of money landscaping that property and the weeds are everywhere. It's a mess. The grass is this long. The grass is never cut and weeds everywhere. Let's not throw away all that money that we spent. Now we're talking about allocating more money for Bicentennial. It's just like we don't take care of our things. We spend so much and then we just let it go. It just goes -- goes to weed.

Oh, we talked about streets now. You were talking about streets and our drainage and stuff, we all have water standing on our streets and they tell us to empty our containers so we don't get mosquitoes and get a disease from mosquitoes. The water's standing in our streets. So, you know, what are we supposed to do? We need to do something about our drainage and it just -- that also doesn't get done. On the good side -- here we go -- I went down. I saw there was a restaurant, floating restaurant at the marina. So I checked that out. What it is, it's a cruise ship and they're going to be having dinners there Wednesday through Sunday, lunch and dinner. Wednesday through Sunday. It's on a cruise ship.

COUNCILPERSON GUYTON: Yeah, (inaudible) that.

BONNIE LARSON: It's just going to be stationary. It's not going to move anywhere. It -- it said Tiki but there is no Tiki down there. All right. Thank you for explaining we are done with 7-Eleven.

CHAIRPERSON DAVIS: Okay. Thank you.

BONNIE LARSON: Thank you.

CHAIRPERSON DAVIS: Miss Brabham? After Miss Brabham is Dan Taylor.

FANE LOZMAN: He left.

CHAIRPERSON DAVIS: He left?

FANE LOZMAN: Yes.

MARY BRABHAM: Good evening. It's awful late here tonight but I think it was well worth it. I would like to say to the governing board here, you were right to question the things that needed to be questioned. And if anybody come in your city that want to do business, if they cannot meet your terms, I don't care if it is private property. Anything that resides in Riviera Beach, it belongs to Riviera Beach. And as a governing board the board should -- should set the standards. Also, too, you know, some things that was said, Council Representative Terence Davis, I asked the same question, because I have those papers, too. When we did the town hall meeting, I asked, "Who changed it? Who changed that? Who changed it?" No one could say who changed it. But I know for a fact, too, that it was changed. What previous Mayor Michael Brown had told you all, he was telling you all the truth. Whether or not you want to believe it or not, anything over on this side here -- see, we don't live over there on Singer Island. Everything is hunky-dory, peaches and cream.

CHAIR PRO TEM PARDO: No.

MARY BRABHAM: But -- but when it comes over here, the lobbies [sic] brings in everything that impacts over here. Oh, it's okay. It's okay. We gonna make it work. Or we're going to push you. I don't care whatever means necessary, we're going to do it. We have to get out of that mentality. Yes, something viable can go on that corner. And

you and you and you and everyone of you all know. This CRA, this some of the CRA stuff. I made reference to Tony Brown about it. Yeah. It was part of the plan, too. But if we're going to incorporate it, build up that corridor and make that corridor what it should be, it's a lot of things that could -- could be utilized with that corridor there. Sure, you have peoples in here. Your lobbies live on Singer Island and everywhere else. But they don't live where everything totally impacts them at. They don't -- they don't have to endure it. Only just passing through and coming through. Total strangers. But they have a stake here, as well as I'm a taxpayer, too. See, I don't live in no apartment. I live in a home. Not just one. And I owns and I -- I owns what I have. So I have the right and privilege to stand up here and say whatever I want to say. Whether or not you agree with it or not, but as residents, we're tired of this. We -- we voted for that referendum down at the marina because we felt as if that that's the -- that's the building block of this city here and not just everybody that comes along and say, Well, then this here -- this'll work for me here. We don't -- we're -- we're better than that. So thank you all.

CHAIRPERSON DAVIS: Thank you, Miss Brabham. Larry Barron. After Mr. Barron is Mr. Ryan, James Ryan.

LARRY BARRON: Hi, Madam Chair, Council.

CHAIRPERSON DAVIS: Good evening, sir.

LARRY BARRON: I'm Larry Barron. I -- I run the Rechten International Truck dealership on Interstate Park Road right off of Garden Road. We're a commercial truck dealership. We sell, repair, work on the fire department's trucks. People like Cisco and Cheney Brothers, we work on their trailers, thus my issue. And I don't know where to go and some of my customers said, You need to go to the town council and air your concerns.

And the -- the situation is, it's a commercial district and there's no traffic in there really except people doing what we do. They're either using trucks or repairing trucks. There's no civilians, per se, going through there very much. From time to time, because all of our businesses have grown over the past 30 years, occasionally we have to park trailers and trucks either in the street or on the easement. And we've done that for long before I was there. Sometimes it gets out of hand and you've probably all seen it get out of hand on Garden Road. It -- it got out of hand on our place, and I don't have a problem with enforcement enforcing that. Whatever that rule really is. It's something says about abandoned vehicles.

A lot of times we deal with people that have broken-down trucks that get towed to us with trailers on them with perishable goods on it, whether it be fish, corn or cheese or whatever. It's refrigerated. And if we're full, his -- his tractor's either broken or his reefer needs to be fixed. So if his reefer needs to be fixed and a lot's full, we gotta work on it on the easement or in the street. Well, in the last 30 days, the police department, with somebody that's not really a policeman because they always -- the police have always kind of let us do what we gotta do. But they started enforcing that and so now I gotta

pull everything off the street and pull it into the lot or tell them to go somewhere else. And there's -- if they got 40,000 pounds of fish, they can't go anywhere else or they're going to lose their load. So I guess I'm looking for not leniency but some guidance about what we can do to help solve our problem. I don't know if it's going to be Garden Road, that the City controls the access to maybe temporary parking, or how do we establish temporary parking? But sometimes we just -- it's going to put me out of the refrigeration business if -- if we can't figure out something to do.

DEPUTY CITY MANAGER JONES: (Inaudible).

LARRY BARRON: Okay.

DEPUTY CITY MANAGER JONES: No, I'll give you my card. You can call me tomorrow.

CHAIRPERSON DAVIS: Mr. --

LARRY BARRON: Thank you.

CHAIRPERSON DAVIS: -- Mr. Barrone [phonetic]?

LARRY BARRON: Yes.

CHAIRPERSON DAVIS: I think you did contact me about this and I spoke to the Chief. I don't know if he has anything that he wants to say at this time but he is aware of the situation. And --

LARRY BARRON: Now, we don't want to create any safety issues or anything like that, you know?

CHAIRPERSON DAVIS: I -- I -- I understand. I understand. Okay. So talk to the Chief Williams right there and -- and he may be able to help you out. James Ryan?

FANE LOZMAN: He left.

CHAIRPERSON DAVIS: Okay. Fane Lozman? After Mr. Lozman is Sylvia Blue.

FANE LOZMAN: Fane Lozman.

CHAIRPERSON DAVIS: Let's keep it down, please.

FANE LOZMAN: Miss -- I'm sorry?

CHAIRPERSON DAVIS: I was talking to the people in the audience.

FANE LOZMAN: Fane Lozman. I forwarded on to you guys the letter from the property appraiser that was addressed to Mayor Masters regarding his concerns that I still don't have a property address for my Singer Island property. I mean, I have to be given an address. You don't have the discretion not to give me an address, and the fact that

you're not giving me one is -- is just -- it's petty and it's ridiculous. You know, Miss Jones knows what her statutory mandate is. You have to give me an address. You know? The property appraiser shouldn't have to take the city to -- to court to get an address for a property that's paying property taxes. And the property appraiser also shouldn't have to explain to you, Miss Jones, that a floating home is considered a residence in Florida and that address, therefore, needs an address.

Now, you -- they can't, he has an address over on his lot with a dock that has no house on it. So to say you have to have a house on every lot, that's not true, 'cause there's a dock on Pine Point Road on an empty lot. So he has a dock. So the point -- you can't have a double standard. You're going to lose that battle, and to butt heads with the property appraiser when he went out of his way to send a number of letters -- he reached out to your City Attorney. She blew him off. It's just dumb. You're going to lose that battle.

Yesterday, you lost a tremendous battle. Six and a half years ago a civil rights case was filed -- filed by me against the City for actions that the City took to violate my First Amendment Rights regarding my right to make public comments at meetings, regarding my right to live on my floating home at the marina. That's been through the court process. There's been two appeals. I won the two appeals. Yesterday the Court ruled in my favor. There's going to be a trial in October. Everyone of you is going to be called as a witness that's sitting up there today at that trial. The trial's going to take two or three weeks. Okay? That trial may not have been necessary if you've been given competent legal advice back in 2006, 2007, 2008, going back to right now.

Every major case so far I've won. When the City sued me on my floating home -- floating home in state court, I won that case. When the City arrested my floating home, ultimately I won that case at the U.S. Supreme Court. You don't count the losses in between. Who won the case at the end of the day? I did. Yesterday I took a very big step. When you read this opinion, you're going to lose that civil rights case to a jury. They're going to laugh when they look at the videos how I've been treated, how Miss Davis treated me last month. Matter of fact, that's grounds for a whole new civil rights case. You guys don't understand constitutional law. You don't understand the First Amendment. And now you've put the City in a position where you're going to have a pretty embarrassing month of October when all this comes out in the open for the people in Palm Beach County to see what's going on.

CHAIRPERSON DAVIS: Okay. Thank you, Mr. Lozman.

COUNCILPERSON GUYTON: Madam Chair?

CHAIRPERSON DAVIS: And as long as you conduct yourself accordingly to our rules, you will not have any issues with me. But when you start calling --

FANE LOZMAN: (Inaudible) constitution (inaudible).

CHAIRPERSON DAVIS: -- thief as you are doing right now, but, you know, we ask that you --

CITY ATTORNEY RYAN: Oh, he left.

CHAIRPERSON DAVIS: -- conduct yourself according to our rules.

COUNCILPERSON GUYTON: Madam Chair?

CHAIRPERSON DAVIS: Mr. Guyton?

COUNCILPERSON GUYTON: Very quickly. Let me just tell the people that we have won more cases against Fane Lozman than we've lost. Let me also say when he won the Supreme Court case, he went into another court to try to get a few hundred thousand dollars. The judge told him essentially, Get out of my court. Not just figuratively. That, You're in the wrong court. He doesn't tell you about all of that. And -- and also about the property appraiser's office. First of all, the property appraiser has no authority over this city.

CHAIRPERSON DAVIS: (Inaudible).

COUNCILPERSON GUYTON: He has not gotten an address because he hasn't complied with our policy. He's not saying that. Mr. Gary Nikolitis [phonetic] -- matter of fact, I'm writing a letter to him 'cause I was offended that he would even write a letter to us requesting an address, knowing that, one, there's nothing in the statute that -- that says that the -- that the tax notice has to go to the property that's being assessed. You can send it anywhere. And I'm going to tell Gary Nikolits you can send it to Siberia for all I care. He doesn't live here. So all of this about Gary Nikolits gonna do something to us and -- we got home rule, dude. We -- Gary Nikolits has no authority over us. So I don't want people to think that somehow we're just not giving him an address. He has not complied with our policy. That's why he has not received an address. Thank you.

CHAIRPERSON DAVIS: Okay. Sylvia Blue?

SYLVIA BLUE: Madam Chair.

CHAIRPERSON DAVIS: Good evening, ma'am.

SYLVIA BLUE: Good evening, Madam Chair, members of the board. I've waited for four hours to speak.

CITY ATTORNEY RYAN: Longer than that.

SYLVIA BLUE: Public Comment. It's well worth it. That's why I stayed. I've been up since 5:00 this morning, but it is worth it to me. Sylvia Blue, 748 W. First Street. I come before you this evening as Chair of the Committee for a Better Riviera Beach. Our Vice Chair is Mr. Bob Gonstead. The committee would like for the board to consider placing an issue before the electorate that would save the taxpayers \$100,000 per year. Not just this year. Every year. We ask that you please be open to having a discussion of merging the Mayor's position and the at-large position; thereby creating a five-member elected board. With the five-member elected board, one of those positions can be

chosen Mayor. And that would be by the majority of the five. We're saving or we could potentially save \$100,000 per year. The -- and let me -- let me stop right here and -- and make you understand that we're not -- the Committee for a Better Riviera Beach is not seeking to eliminate the position of Mayor. We're merging. We're asking that you look at merging two positions to have a five-member board. The position of Mayor and the at-large seat. The Mayor's position, which has no voting power, is strictly ceremonial. It's no longer needed. It has served its purpose. And it saves the taxpayers \$100,000 per year. I think that is a conversation that warrants discussion from this board. It's not about any individual in a seat. You don't own the seats. We're not looking to eliminate the position of Mayor. We're looking to -- to merge two positions and save the taxpayers \$100,000 every year. Thank you very much.

CHAIRPERSON DAVIS: Thank you, ma'am. Margaret Shepherd. After Miss Shepherd is Tradrick McCoy.

MARGARET SHEPHERD: Margaret Shepherd. I also sit on that committee that Mrs. Blue is talking about, and I thank her. Margaret Shepherd, Riviera Beach. I thank her for explaining it tonight very good. I heard it last week but she did it very well and I thank her for that. With that, I want to say to each one of you all, excellent job. I have -- this is the first time, Madam City Manager and our -- our -- our Attorney Ryan on to our Mayor, I tell you, you guys did an excellent job.

MAYOR MASTERS: Thank you.

MARGARET SHEPHERD: The conversation was great. You engaged wonderfully. And I -- I just enjoyed it. I enjoyed you, Terence. You -- you -- you know, I was looking at magic the other day, you know, where you crumble up the hat and stick it on and this paper appear? And I mean, you sold me on an idea. I'm looking over my shoulder like, When did this happen? And it was great that you brought it to the board. I was enthused that you were, you know -- to -- to your -- you know, colleague to the right, Oh, no, I ain't seen none of that. You know, he probably didn't. But engage the public. I -- I -- I enjoyed it. I -- I -- I enjoyed it, Terence. Keep it up. Keep it up. Keep it up. Because after a while you might engage me to come over to the other side. I mean, it was good.

So I must -- I commend you, Mr. Thomas. Of course, may I say this is -- and -- and I shouldn't because, you know, I've been engaged all week. I'm kind of tired. But Mr. Thomas, I want to go on record, whatever happened at the CRA? People want to tell me -- tell you one thing, and I should have done it a long time ago. But I thought it would cause the chaos. But they said you are one of the -- let me clear my throat like the Mayor -- said you were one of the best chairpersons that there are in this city. I want you to know that, now. You still engage so keep being professional as you are. Because you're going to vote on whatever happen, whatever they're keeping in the box. Sooner or later you're going to find out, there again, what's in the box.

You are great, as well as Miss Pardo. Miss Pardo's going to fight for the Island. I don't care what you say and what you do, how you do it. I -- I commend that lady. I don't

care what you say. Stay engaged. And of course we got our Mayor, who's going to fight for whatever and he's going to bring it to us. So the Mayor, he's going to do his job. So you all might as well get -- get ready. I think this thing with the Better Committee or whoever, he's gonna fight for it. Are we going to do the right thing? This is a new beginning for us. I'm excited about it. I want to hear how you all are going to bring this out, because I think what you're doing, you're cutting off our city manager. I'd like to hear the city manager. What did she say? "It wasn't '13; it was '14." The city manager should be engaged in all the conversations. Bill Wilkins did. Why do we stop now? Once again, I want to say thank you and well worth it. And I want to say school is open; I gotta go to bed. But I stayed here to see you. Thank you very much.

CHAIRPERSON DAVIS: Thank you, Miss Shepherd.

MAYOR MASTERS: Bless you, Miss Shepherd.

CHAIRPERSON DAVIS: Tradrick McCoy. After Tradrick is Sherron [phonetic] Williams.

TRADRICK McCOY: Good evening -- or good night. Tradrick McCoy, 1465 W. 30th, and -- and please excuse or pardon my dress code. I was not prepared to be here. In fact, I didn't even know we were taking up the 7-Eleven tonight. And I hate that Community Development has left because one of my issues -- actually a lot of my issues is with Community Development and Planning & Zoning Department. You know, we're the planning agency, and you said just now, Councilman Davis, that the property appraiser does not have any authority. There's no statute for the property appraiser to have any --

COUNCILPERSON GUYTON: (Inaudible).

TRADRICK McCOY: -- authority over the City of Riviera Beach.

COUNCILPERSON GUYTON: I (inaudible).

TRADRICK McCOY: But what is these --

UNIDENTIFIED SPEAKER: Guyton.

CITY MANAGER JONES: Guyton.

TRADRICK McCOY: I'm sorry. Guyton.

CITY ATTORNEY RYAN: Tired. He's tired.

CITY MANAGER JONES: It's late. It's late.

TRADRICK McCOY: But what is in the statute is that chapter 163 governs local planning agencies, not community development. Local planning agencies. But the problem is this. As the planning board -- and I'll tell you something. Councilman Davis,

congratulations, 'cause you were dead on. We had no knowledge that in May and April of 2013 when we first discussed and we hashed out the land development regulations, when we had that site plan application from 7-Eleven to come -- I think it was in April, we had no idea that council had adopted it. It wasn't until we actually -- and I'm reading the packet and I'm thinking to myself, well, clearly, you know, we still must be in the proposal phase because there is no communication. Once the item leaves the Planning & Zoning Board, we have no knowledge. I had no knowledge until I was at home and I heard the agenda being explained. And I'm like, 7-Eleven? How do we -- I mean, where's the transparency in this process?

COUNCILPERSON DAVIS: Uh-huh.

TRADRICK McCOY: And the question that I have -- I mean, there was a lot of things that came up today. I heard the \$100,000 a year. That was a very nice rendering, Councilman Thomas, of the whole turn radius and that truck and the different demonstrations. But you know, we fought and we made motions asking council to consider placing the P & Z board meetings on channel 18. But I can bet you this. It'll cost you way less than \$100,000. Furthermore, you know, I sent in a letter well over a year ago. Didn't even get a response. I had to follow back up several times with our deputy city manager and, you know, he obliged. He brung me in. He talked about it. There were some budgetary constraints. That was the end of it. I'll tell you what happened. Last month -- and I was just observing just to see how it would work. There was a letter that was dated in the month of June from a resident in Monroe Heights to abandon the 26th Street Court. Statute -- or actually, the ordinance of the City of Riviera Beach, 2736: Any changes to public streets should go through Planning & Zoning Board.

COUNCILPERSON DAVIS: That's right.

TRADRICK McCOY: Back when we did the abandonment of Avenue N, guess what? It came to Planning & Zoning. This didn't even come to us. So --

COUNCILPERSON DAVIS: Wow.

TRADRICK McCOY: -- there's a lot of things that we're missing here.

CITY ATTORNEY RYAN: (Inaudible).

COUNCILPERSON DAVIS: It's a what?

TRADRICK McCOY: It -- there's a change -- they wanted to --

CHAIRPERSON DAVIS: (Inaudible).

TRADRICK McCOY: -- it's --

CITY ATTORNEY RYAN: It was to close --

TRADRICK McCOY: -- oh, y'all just took about 45 seconds from me so I'll just --

CHAIRPERSON DAVIS: It wasn't that long.

TRADRICK McCOY: -- go past the --

CHAIRPERSON DAVIS: Okay. Keep talking. (Inaudible).

TRADRICK McCOY: Well, you know, this is the thing. What we did today and what I've seen over the last two months kind of undermines the whole purpose of having a Planning & Zoning Board. Because if you do all of these things outside of the Planning Board -- now, if you decide Mr. Brooks' letter, we don't need to take that Planning & Zoning Board, but 2736 says, No street park or other public ground -- and I'm going to just summarize it -- it says the city council --

CHAIRPERSON DAVIS: Okay. You need to wrap it up, Mr. McCoy.

TRADRICK McCOY: -- any vacation or change in street or use of the street -- and it goes on and says, Should be brought before the Planning & Zoning Board for its information. And that didn't happen.

CHAIRPERSON DAVIS: Okay.

TRADRICK McCOY: And then one last thing --

CHAIRPERSON DAVIS: All right.

TRADRICK McCOY: -- I'll share with you. You know, this whole process --

CHAIRPERSON DAVIS: Mr. -- Mr. McCoy, I'm sorry. You need to -- you need to wrap it up.

TRADRICK McCOY: -- well --

CHAIRPERSON DAVIS: And let me just clarify one thing for you. It -- it -- that -- that was brought before us was to close it, not to abandon it.

TRADRICK McCOY: But statute says --

CHAIRPERSON DAVIS: Okay.

TRADRICK McCOY: -- any change.

CHAIRPERSON DAVIS: Okay. That's fine.

COUNCILPERSON DAVIS: Any change. (Inaudible).

TRADRICK McCOY: And, you know --

CHAIRPERSON DAVIS: All right. We need to move on. It's very late and we've been here for a very long time. Okay?

TRADRICK McCOY: Thank you. And I -- and I think I've patiently waited and I also serve on the Planning & Zoning Board.

CHAIRPERSON DAVIS: I understand.

TRADRICK McCOY: But there is no communication with the board.

CHAIRPERSON DAVIS: I understand.

TRADRICK McCOY: And with the council.

CHAIRPERSON DAVIS: Okay.

TRADRICK McCOY: And a lot of things are changed in between and I -- you know, I really question this whole process.

CHAIRPERSON DAVIS: Okay. Thank you so much.

TRADRICK McCOY: So thank you.

CHAIRPERSON DAVIS: Okay. Sherron Williams? After Miss Williams is Oliver Paige.

SHERRON WILLIAMS: Hello, everybody.

CHAIRPERSON DAVIS: Hi, Mr. Williams. Please state your name and address for the record --

SHERRON WILLIAMS: My name is --

CHAIRPERSON DAVIS: -- please.

SHERRON WILLIAMS: Yeah. My name is Sherron Williams. I live at 920 W. Sixth Street, Riviera Beach, Florida, 33404. I'm here to address a couple things. I'm here to talk about Riviera Beach coming together. On the board, me seeing everyone here today, this is one of my probably, like, third council meetings I ever been to. Just seeing everyone just bicker back and forth, you can see the attitudes on everyone's face. That's something you don't want to show in front of everybody here in the audience and plus on TV. There's young people watching this on channel 18 almost every -- every time it comes on with their parents. They're going to see this and then they're going to react to this. And it's going to just show in front of everybody. That's something you don't want to do in front of everybody. You do that on your own time. If -- if you want to bicker, do it professionally. I'm not saying that you guys are not professional, but we just want to see -- see more professionalism.

Another thing is the youth in Riviera -- in Riviera Beach. We just had a peace rally at St. James Missionary Baptist Church. That's the church that I -- that I attend. That was a

very positive thing that we did in Riviera Beach. We need to see more of that every -- every time. Like, to get violence and stuff off the streets, we need to do something for our youth to do every day. We already have the Youth Council -- I mean, not the Youth Council, but the Youth Empowerment Program. I -- I was with the Youth Empowerment Program when it first started with Miss Valerie Grimsley. And we kept it going and kept going over the years.

We want to see more stuff in the community just happen more and more, 'cause the more stuff in the community will take more of the youth off the streets. You know, stop - - have them stop doing drugs, have them stop selling drugs, have them stop killing one another. We are all human. We all make mistakes but we all need things to keep ourself occupied. Like, we just need something to better ourselves. All of us have school to go to, but after school what is -- where else can we go? There's no summer camps. There's no programs. There's no -- there's nothing for us to do after school or after any programs. We have, like, different dance groups that's out there that's trying to do as much as they can. And then there's other programs out there but there's no -- there's nobody really trying to help. We need someone to help these groups and these programs to basically draw more kids in. When we can do that, then we'll have a better chance of fighting this violence and discrimination, all this nonsense that's going on. We need to all better ourselves, youth, adults, young adults. It doesn't matter who. We're all human. We all need someone to help us in this community. Thank you.

CHAIRPERSON DAVIS: Thank you, sir. Mr. Oliver Paige? Is he still here? No. Okay. We're now down to Discussions by the City Manager.

REGULAR

- 10. RESOLUTION NO. 80-14 A RESOLUTION OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA (THE "CITY"); AUTHORIZING THE ISSUANCE OF THE CITY'S PUBLIC IMPROVEMENT REVENUE BONDS, SERIES 2014 (THE "SERIES 2014 BONDS"), IN THE INITIAL AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$22,000,000 FOR THE PURPOSE OF FINANCING THE SERIES 2014 PROJECT; DESCRIBING THE SERIES 2014 PROJECT; DETERMINING CERTAIN DETAILS OF THE SERIES 2014 BONDS; APPROVING THE FORM OF A SUMMARY NOTICE OF SALE AND A NOTICE OF SALE AND AUTHORIZING THE PUBLIC SALE OF THE SERIES 2014 BONDS; PROVIDING FOR THE APPLICATION OF THE PROCEEDS OF THE SERIES 2014 BONDS; DELEGATING AUTHORITY TO PROPER OFFICIALS OF THE CITY, IN CONSULTATION WITH THE CITY'S FINANCIAL ADVISOR, TO ACCEPT, PURSUANT TO A COMPETITIVE PUBLIC SALE PROCESS, THE BID OR BIDS OF THE LOWEST QUALIFIED BIDDER OR BIDDERS FOR THE PURCHASE OF THE SERIES 2014 BONDS, SUBJECT TO CERTAIN PARAMETERS AND OTHER MATTERS SET FORTH IN THIS RESOLUTION; APPROVING THE FORM AND AUTHORIZING THE EXECUTION OF AN OFFICIAL STATEMENT IN CONNECTION WITH THE OFFERING AND SALE OF THE SERIES 2014 BONDS AND AUTHORIZING THE DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT AND THE OFFICIAL STATEMENT;**

APPOINTING A PAYING AGENT AND REGISTRAR; AUTHORIZING THE EXECUTION AND DELIVERY OF A PAYING AGENT/REGISTRAR AGREEMENT; PROVIDING FOR THE FINANCIAL ADVISOR TO MAKE RECOMMENDATIONS REGARDING WHETHER TO FUND A SERIES 2014 RESERVE SUBACCOUNT, AND WHETHER TO OBTAIN A BOND INSURANCE POLICY AND/OR RESERVE ACCOUNT CREDIT FACILITY FOR THE SERIES 2014 BONDS AND AUTHORIZING THE CITY TO FOLLOW SUCH RECOMMENDATIONS; AUTHORIZING THE SERIES 2014 BONDS TO BE REGISTERED UNDER A BOOKENTRY ONLY SYSTEM OF REGISTRATION; AUTHORIZING THE PROPER OFFICERS OF THE CITY TO DO ALL OTHER THINGS DEEMED NECESSARY OR ADVISABLE IN CONNECTION WITH THE SALE AND DELIVERY OF THE SERIES 2014 BONDS; AND PROVIDING FOR AN EFFECTIVE DATE.

11. RESOLUTION NO. 81-14 A RESOLUTION OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA (THE "CITY"); AUTHORIZING THE ISSUANCE OF PUBLIC IMPROVEMENT REVENUE BONDS IN ONE OR MORE SERIES FOR THE PURPOSE OF FINANCING THE COSTS OF (A) ACQUIRING, CONSTRUCTING AND INSTALLING CAPITAL AND NON-CAPITAL PROJECTS FOR THE BENEFIT OF THE CITY AND MAKING LOANS TO THE CITY OF RIVIERA BEACH COMMUNITY REDEVELOPMENT AGENCY, AND (B) REFUNDING PRIOR OBLIGATIONS ISSUED BY OR ON BEHALF OF THE CITY, AND ALL OTHER COSTS NECESSARY OR INCIDENTAL THERETO; PROVIDING FOR THE TERMS AND PAYMENT OF SUCH BONDS; PROVIDING FOR THE RIGHTS, SECURITY AND REMEDIES OF THE HOLDERS THEREOF; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AUTHORIZING THE PROPER OFFICIALS OF THE CITY TO DO ALL OTHER THINGS DEEMED NECESSARY OR ADVISABLE IN CONNECTION WITH THE ISSUANCE OF SUCH BONDS; PROVIDING FOR CERTAIN OTHER MATTERS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

CHAIRPERSON DAVIS: Is there --

COUNCILPERSON GUYTON: So moved.

CHAIRPERSON DAVIS: Is there a second?

COUNCILPERSON GUYTON: Second.

CHAIRPERSON DAVIS: Well, wait a minute.

COUNCILPERSON THOMAS: You can't move and second.

COUNCILPERSON GUYTON: Oh, did I move and second? I thought I heard someone move down there.

COUNCILPERSON THOMAS: That's against the Robert's Rules of Order.

COUNCILPERSON GUYTON: I didn't hear another from --

DEPUTY CITY CLERK ANTHONY: You moved.

CHAIRPERSON DAVIS: So you moved.

COUNCILPERSON GUYTON: Okay.

CHAIRPERSON DAVIS: Is there a second?

COUNCILPERSON DAVIS: Second.

CHAIRPERSON DAVIS: Okay. Thank you. Mrs. Jones?

CITY MANAGER JONES: Yes. We have two related items before you as relates to bonding for our unfunded -- some of our unfunded capital projects. We realize that our need greatly outweighs the money that we have available. But by using the lease money that will be provided by the City from the CRA for the uplands of the marina -- of the marina, we were able to go out and to determine how much money we were able to secure. And the two items that are before you tonight are the strategies, how we're going to go about doing that and other information. So I would like to ask Randy Sherman, Director of Finance and Administration, and other members of his team -- I believe the financial advisor is also present as well as bond counsel -- in order to be able to answer any questions that you might have about this item.

COUNCILPERSON THOMAS: Madam Chair?

CHAIRPERSON DAVIS: Mr. Thomas?

COUNCILPERSON THOMAS: Okay. I'll attempt to be brief. I have a few questions here. The -- the first --

CHAIRPERSON DAVIS: Do you want to do the presentation first or ask your questions first?

COUNCILPERSON THOMAS: Oh, we've had so many presentations on this. I'm sorry. I thought we were just going to discuss it first. You could definitely do it.

DIRECTOR OF FINANCE & ADMINISTRATIVE SERVICES SHERMAN: Well, that's fine, either way. That's up to you.

CHAIRPERSON DAVIS: Well, you can go ahead and ask your questions if you want.

DIRECTOR OF FINANCE & ADMINISTRATIVE SERVICES SHERMAN: Just ask your questions.

COUNCILPERSON THOMAS: Okay. All right. I just want to understand this particular line in B where it says, "Refunding prior obligations issued by or on behalf of the City and all other costs necessary or incidental thereto." What exactly does that mean?

DIRECTOR OF FINANCE & ADMINISTRATIVE SERVICES SHERMAN: Yeah. It -- the -- you have the ability under the -- under the bond documents to pay yourself back if we've already incurred costs for the projects. We'd have to stipulate what those costs are, and we could get paid back those. We haven't spent any money on these projects but the bond resolution would allow you to do that if you had.

COUNCILPERSON THOMAS: Okay. So where would that money -- I'm sure we're going to incur some expense.

DIRECTOR OF FINANCE & ADMINISTRATIVE SERVICES SHERMAN: Correct.

COUNCILPERSON THOMAS: What is the -- where would that money go back to and what is the estimated amount of expense that we would spend?

DIRECTOR OF FINANCE & ADMINISTRATIVE SERVICES SHERMAN: Well, we haven't spent anything so there is no estimate.

COUNCILPERSON THOMAS: Right.

DIRECTOR OF FINANCE & ADMINISTRATIVE SERVICES SHERMAN: And where it would go back to, it would just go back into the project, if you had spent it out of the project. So if you had come through and appropriated -- put together a budget and then when the -- you know, started spending on it before the sale actually took place, what this is saying is that you could actually recoup those dollars and the City wouldn't have to find another source to pay for it.

COUNCILPERSON THOMAS: So for the bond counsel -- 'cause I'm sure that they aren't doing this out of the kindness of their heart.

DIRECTOR OF FINANCE & ADMINISTRATIVE SERVICES SHERMAN: Right.

COUNCILPERSON THOMAS: Where did we -- I mean, that's not an expense to we get to recoup, the expense for the bond counsel?

DIRECTOR OF FINANCE & ADMINISTRATIVE SERVICES SHERMAN: Yeah. The -- that -- their -- their fees, bond counsel's fees will come from the bond proceeds. But they don't get paid if the sale doesn't go through. So we have not paid them -- they've done the work up front.

COUNCILPERSON THOMAS: Uh-huh.

DIRECTOR OF FINANCE & ADMINISTRATIVE SERVICES SHERMAN: But they haven't received any payments yet.

COUNCILPERSON THOMAS: Okay. What is the estimated amount that they will be paid if this goes through?

DIRECTOR OF FINANCE & ADMINISTRATIVE SERVICES SHERMAN: Their fee is capped at 25,000. So it -- it'll be 25 or less, depending on where the ultimate sale ends up.

COUNCILPERSON THOMAS: Okay. And what is the purpose of taking item 11 before item 10?

DIRECTOR OF FINANCE & ADMINISTRATIVE SERVICES SHERMAN: I'm 11, it really builds the foundation to -- it defines terms. It defines, you know, how you'll actually do your transactions. And it's a foundation not only for this sale that you're doing but all future sales. So again, that -- that built -- and then what the second resolution does is it deals with this sale specifically. And because this -- the second resolution refers back to the first resolution, you have to adopt them in the right order.

COUNCILPERSON THOMAS: Okay. Well, the -- it was just me but that really didn't strike me as me understanding it in a proper manner that I should.

DIRECTOR OF FINANCE & ADMINISTRATIVE SERVICES SHERMAN: Yeah.

COUNCILPERSON THOMAS: Didn't make very much sense to me. But my problem is I don't understand why we would need to agree, because I do have some problems with the \$10 million that's going to the CRA. Why would we -- why would we approve that before we actually approve the actual bond?

DIRECTOR OF FINANCE & ADMINISTRATIVE SERVICES SHERMAN: Yeah. Well, we haven't actually approved the loan going to the CRA yet. That would be an interlocal agreement between the City and the CRA.

COUNCILPERSON THOMAS: I'm sorry.

DIRECTOR OF FINANCE & ADMINISTRATIVE SERVICES SHERMAN: What this resolution does is it allows you to do that if you so choose to do that. But it -- attached to the actual resolution is a list of projects, one of which is the marina district. If you choose not to use the money for that project, that's okay. If -- if we decide that we want to remove a project and add a different project, we just have to go back through the process of doing that because there is a specific list. But there's no requirement that you actually do any one of those specific projects.

COUNCILPERSON THOMAS: And that's supported by what type of document or -- 'cause to me, if I'm approving, saying that I want to do this for this particular reason --

DIRECTOR OF FINANCE & ADMINISTRATIVE SERVICES SHERMAN: Uh-huh.

COUNCILPERSON THOMAS: -- then why would I -- why would I just -- because that -- that's actually where I'm going with the --

DIRECTOR OF FINANCE & ADMINISTRATIVE SERVICES SHERMAN: Yeah.

COUNCILPERSON THOMAS: -- with the issues so how do we know that any of this stuff will get done?

DIRECTOR OF FINANCE & ADMINISTRATIVE SERVICES SHERMAN: Well, you can't spend it on anything that's not listed.

COUNCILPERSON THOMAS: Keep going.

DIRECTOR OF FINANCE & ADMINISTRATIVE SERVICES SHERMAN: Okay?

COUNCILPERSON THOMAS: That's -- that's -- that's part of it.

DIRECTOR OF FINANCE & ADMINISTRATIVE SERVICES SHERMAN: Okay. And we have a certain amount of time in which to spend these dollars. Okay?

COUNCILPERSON THOMAS: Right. So my issue is --

DIRECTOR OF FINANCE & ADMINISTRATIVE SERVICES SHERMAN: So you're putting them in your CIP plan.

COUNCILPERSON THOMAS: Uh-huh.

DIRECTOR OF FINANCE & ADMINISTRATIVE SERVICES SHERMAN: And then we're funding it through the bond resolution and then it -- it turns over to Public Work --

COUNCILPERSON THOMAS: Can you -- can you tell us what CIP mean? Capital Improvement Project?

DIRECTOR OF FINANCE & ADMINISTRATIVE SERVICES SHERMAN: Oh, I'm sorry. The Capital Improvement --

COUNCILPERSON THOMAS: Right. Just for the people who don't really understand.

DIRECTOR OF FINANCE & ADMINISTRATIVE SERVICES SHERMAN: -- five year capital improvement.

COUNCILPERSON THOMAS: No, I did --

DIRECTOR OF FINANCE & ADMINISTRATIVE SERVICES SHERMAN: Sorry.

COUNCILPERSON THOMAS: -- I did know what CIP meant, but for everybody else.

DIRECTOR OF FINANCE & ADMINISTRATIVE SERVICES SHERMAN: Okay.

COUNCILPERSON THOMAS: That -- that gives me the issue that I have here.

DIRECTOR OF FINANCE & ADMINISTRATIVE SERVICES SHERMAN: Okay.

COUNCILPERSON THOMAS: Because if we approve this, you just said that we can't do anything else if it's not put on this list. So why would we be approving this if we're not real comfortable with what's on this list?

DIRECTOR OF FINANCE & ADMINISTRATIVE SERVICES SHERMAN: If -- if you want to amend the list, that certainly is -- is your choice.

COUNCILPERSON THOMAS: Is that something that needs to be done tonight?

DIRECTOR OF FINANCE & ADMINISTRATIVE SERVICES SHERMAN: No. No. You can do it at a later date. We'll just have to go back and take out -- we'll have to go back and amend it and take off a project and find a -- a similar type of project to put on. So if you wanted to take off a specific street and add a new street, we would be okay.

COUNCILPERSON THOMAS: Okay. I'm just trying to make sure I understand this.

DIRECTOR OF FINANCE & ADMINISTRATIVE SERVICES SHERMAN: Uh-huh.

COUNCILPERSON THOMAS: Because originally you said that you could not do anything if it's not on this list.

DIRECTOR OF FINANCE & ADMINISTRATIVE SERVICES SHERMAN: Well --

COUNCILPERSON THOMAS: Now you're saying that we can do something.

DIRECTOR OF FINANCE & ADMINISTRATIVE SERVICES SHERMAN: -- well, I -- I didn't want you to just think that, you know, once you adopt the \$22 million, you have it in hand, that we can just go off and spend it without coming back to the council and getting approval.

COUNCILPERSON THOMAS: Well, I want to make sure that we're clear.

DIRECTOR OF FINANCE & ADMINISTRATIVE SERVICES SHERMAN: Yeah.

COUNCILPERSON THOMAS: I want to make sure that I'm clear on this.

DIRECTOR OF FINANCE & ADMINISTRATIVE SERVICES SHERMAN: Okay.

COUNCILPERSON THOMAS: These projects can be amended if they're the same type of projects, is what you were saying?

DIRECTOR OF FINANCE & ADMINISTRATIVE SERVICES SHERMAN: Yes. Yeah.

COUNCILPERSON THOMAS: Really? Can you give me an example of something that would be the same type of project?

DIRECTOR OF FINANCE & ADMINISTRATIVE SERVICES SHERMAN: Well, again, if you wanted to replace it with a different street -- 'cause we actually identify the streets.

COUNCILPERSON THOMAS: Right. Something -- something a little bit more -- yeah, something a little bit more --

DIRECTOR OF FINANCE & ADMINISTRATIVE SERVICES SHERMAN: Right. Right.

COUNCILPERSON THOMAS: -- a little bit more --

DIRECTOR OF FINANCE & ADMINISTRATIVE SERVICES SHERMAN: Right. But if all of a sudden you decided that, Okay. Well, we're going to use \$2 million and go buy computers, that's not a similar type project.

COUNCILPERSON THOMAS: Okay. So I guess at this point what I'm asking the board is I know that it's been discussed to spend \$10 million as a loan to the CRA for infrastructure or whatever else that it's going to be used for. My issue is that we have already loaned the CRA \$10 million. This will be an additional \$10 million which would make the CRA owe the City \$20 million. And we have so many things that we need to do. Is -- there's -- I mean, we got a lot of streets in there. But there's still a whole lot of streets that need to be done, sidewalks, just maintenance stuff. Pipes for our utility, underground utility. There's a lot of different things that we can do. Is it prudent or should we be spending \$10 million over there? Is it -- is it -- is it a way that we can maybe reduce the amount that we would give to the CRA for that and put more money into the capital projects, is what I would like to see done.

CHAIR PRO TEM PARDO: Madam Chair?

CHAIRPERSON DAVIS: Miss Pardo?

CHAIR PRO TEM PARDO: Okay. That's fine. We had this discussion at our Capital Budget meeting. But just remember, if we do that, if we reduce the loan to the CRA, then we are going to have to reduce the marina project. All right? So just --

COUNCILPERSON THOMAS: Yeah. Be more specific.

CHAIR PRO TEM PARDO: Right.

COUNCILPERSON THOMAS: What would we have to reduce at the marina project?

CHAIR PRO TEM PARDO: Well -- well, just looking at the list --

COUNCILPERSON THOMAS: As the marina --

CHAIR PRO TEM PARDO: -- I believe we were giving almost \$2 million to Bicentennial Park, correct?

DIRECTOR OF FINANCE & ADMINISTRATIVE SERVICES SHERMAN: Yeah. Yeah. Actually out of this money. It would actually be \$6 million to Bicentennial.

CHAIR PRO TEM PARDO: \$6 million to Bicentennial Park. And then we also have 12th Street, 13th Street/Avenue C and 14th Street/Avenue C to the water. Those are the projects for the CRA. And I believe those are infrastructure projects. So --

DIRECTOR OF FINANCE & ADMINISTRATIVE SERVICES SHERMAN: Correct.

CHAIR PRO TEM PARDO: -- you know, right?

DIRECTOR OF FINANCE & ADMINISTRATIVE SERVICES SHERMAN: Correct.

CHAIR PRO TEM PARDO: Okay. So if we don't approve the loan, then the -- you know, the first phase of the marina project is going to be scaled back. And you know, perhaps we could do part of it and maybe, you know, cutback on Bicentennial Park. I don't know. Is Mr. Brown in the audience?

COUNCILPERSON THOMAS: Not that Mr. Brown.

CHAIRPERSON DAVIS: Not that Mr. Brown.

CHAIR PRO TEM PARDO: Not that Mr. Brown. Or anyone from the CRA?

COUNCILPERSON DAVIS: (Inaudible).

CHAIR PRO TEM PARDO: Okay.

COUNCILPERSON THOMAS: Well -- well --

DIRECTOR OF FINANCE & ADMINISTRATIVE SERVICES SHERMAN: now, if -- if I could add to that, 'cause you're -- you're -- you're right on with that. What's really happening is the City is giving the CRA money to build city assets. They're putting it into streets, into sidewalks, into Bicentennial Park. Those are all City assets.

CHAIR PRO TEM PARDO: And then it's coming --

DIRECTOR OF FINANCE & ADMINISTRATIVE SERVICES SHERMAN: The issue that turns into it a loan is that they've agreed to actually pay us back for the assets that they're building on our behalf. Uh-huh.

A. Because again, as -- as a -- as a master developer, which is kind of the role that they're playing there, that's what a developer normally would do. They'd build the infrastructure. But we're just building -- you know, giving him the money and then he's paying us back. So it's all City assets at the end of the day.

COUNCILPERSON THOMAS: I get it but what -- what I'm saying is it doesn't have to be scaled back. They can be -- we can redo our capital plan or the money that's over there. We can -- there's ways that we can do it so we don't have to give them almost half of the -- the money. That's my -- that's my only concern about it. We need that in Bicentennial Park but in case, you know, people haven't seen, the west side of this

community streets are awful. They're bad. You know? Very bad. As they are in most parts of the city. But I'm looking in the general area that encompasses most of District 3.

And I've gone over this list with most of staff already, that there are being streets done in just about every area of the city with the exception of this particular area in District 3. I'm speaking of Blue Heron to Congress, you know, down to Eighth Street. And if you want to go even further down, there's -- if you go from First to maybe Seventh Street, I think there's only been maybe one street that's been done in the past six or seven years. It -- it's -- it's just been neglected.

So all I'm asking is -- I'm not trying to scale back any of the marina project. I'm saying let's put some more money into giving some of the -- the areas that have not had any attention in a very long time some attention. That -- that's all I'm asking for the board. If the board sees that, you know, that's not what we can do, then it's fine. But before I approve to definitely spend that kind of money over there or send that kind of money, I just would like for us to discuss it.

DIRECTOR OF FINANCE & ADMINISTRATIVE SERVICES SHERMAN: Yeah.

CHAIR PRO TEM PARDO: Madam Chair?

CHAIRPERSON DAVIS: And I -- I just want to make one clarification.

CHAIR PRO TEM PARDO: Yeah.

CHAIRPERSON DAVIS: The previous loan that was indicated that we gave to the CRA, that was not a loan to the CRA. That was money we gave to Catalfumo to do the infrastructure. But the CRA was going to pay it back, but it was through administrative fees. We came up with a plan for the administrative fees to be paid to the City. And so I just wanted to make that clear.

DIRECTOR OF FINANCE & ADMINISTRATIVE SERVICES SHERMAN: Yeah.

COUNCILPERSON THOMAS: It's still a loan. If they -- if they're paying it back, it's a loan. So --

CHAIRPERSON DAVIS: Well, it's -- it was the City's property, is what I'm saying. It was the City's property. We gave the money to the -- to Catalfumo to do the infrastructure improvements there and by way of administrative fees, you know? And -- and the board agreed that we were going to allow them to pay interest only for the first five years. So you know, that's what I meant the other night when I was talking to you to -- to, you know, try to clear that up.

COUNCILPERSON THOMAS: Well, I'm -- I'm basically saying that what -- however you want to look at it, however you want to say it, it's \$10 million that need to be paid back and it's another \$10 million going over there. So whatever the framework of it is or was, that's still \$20 million. That's all I'm trying to say.

CHAIR PRO TEM PARDO: Madam Chair?

CHAIRPERSON DAVIS: Miss Pardo?

CHAIR PRO TEM PARDO: Okay. I have one thing for Miss Ryan. The agreement -- I believe we signed it already, right? The -- the lease agreement with the CRA?

CHAIRPERSON DAVIS: (Inaudible) possible.

CHAIR PRO TEM PARDO: Okay? For the uplands.

CITY ATTORNEY RYAN: Correct.

CHAIR PRO TEM PARDO: We're going to lease -- okay. So what happens if we do not move forward with -- with providing the CRA with some of these funds? Can the CRA turn around and say the contract is now null and void? And then because of that, then we will not be able to go out, right? We're using --

CHAIRPERSON DAVIS: Right.

CITY ATTORNEY RYAN: Right. I don't have the contract. I'm sorry.

CHAIR PRO TEM PARDO: Uh-huh.

CITY ATTORNEY RYAN: But I don't believe that we tied the lease agreement to the payment of these funds. I believe that it was a consideration in entering into the lease, but we decided to make it a separate interlocal agreement to handle that aspect of it. So under the lease itself, the CRA would not have an action against the City. But that is not to say that there was not a good-faith reliance upon the City entering into an interlocal agreement to share in the -- the payment of the infrastructure.

CHAIR PRO TEM PARDO: Okay. So we've -- so we could scale back on Bicentennial Park. If we're going to lay out \$6 million for Bicentennial Park --

CITY ATTORNEY RYAN: Uh-huh.

CHAIR PRO TEM PARDO: -- we could say right now we don't have the money for Bicentennial Park. We're going to take that money and put it into streets. And then just give the CRA the money for the four streets that they're looking to repair. Correct? We would be able to do that?

DIRECTOR OF FINANCE & ADMINISTRATIVE SERVICES SHERMAN: Yes.

CITY ATTORNEY RYAN: You could do that legally. Yes.

CHAIR PRO TEM PARDO: Right? Without -- all right.

DIRECTOR OF FINANCE & ADMINISTRATIVE SERVICES SHERMAN: You would be able to do that. You would be able to do that.

CITY ATTORNEY RYAN: Now, don't --

CHAIR PRO TEM PARDO: Okay. And the lease payment will not be in jeopardy at all? That has -- the lease payment has nothing to do really with us giving them --

DIRECTOR OF FINANCE & ADMINISTRATIVE SERVICES SHERMAN: Right. I -- I concur with -- with Miss Ryan. It --

CHAIR PRO TEM PARDO: Okay.

DIRECTOR OF FINANCE & ADMINISTRATIVE SERVICES SHERMAN: -- there was no, again, direct relationship.

CHAIR PRO TEM PARDO: Sure. Okay. And then the other thing I'd like to mention, you know, this list has been in front of us twice. And if you look at the top of the list --

DIRECTOR OF FINANCE & ADMINISTRATIVE SERVICES SHERMAN: Did I get it wrong?

CHAIR PRO TEM PARDO: -- we do have Singer Island streets on there and like I have said all along, you know, we need to forget about A1A. A1A is a state road. We have not repaired streets on Singer Island in I don't know how long. I've lived on Singer Drive for 20 years. All right? I complain all the time about the lack of drainage, that there's a lake in front of my house every time it rains. It has, you know -- the water has destroyed my driveway. And the -- the roads or the streets over on Singer Island are so bad that residents go out and they buy their own blacktop and they do the repairs in front of their homes. So you know, I want to make sure -- and I said this at the capital meeting.

DIRECTOR OF FINANCE & ADMINISTRATIVE SERVICES SHERMAN: Uh-huh.

CHAIR PRO TEM PARDO: If we move forward with this, I want to make sure that we, other on the east side, who have the same problems with our roads as the west side does, that we participate in this. And I want to make sure -- you made a comment about if we wanted to modify it we could modify it with a similar project. That's not good enough for me. Because Dolphin Road might be the same as another street and then, you know, you could take Dolphin Road out. So, you know, that part --

DIRECTOR OF FINANCE & ADMINISTRATIVE SERVICES SHERMAN: No. My -- my point was it --

CHAIR PRO TEM PARDO: -- I'm not comfortable with.

DIRECTOR OF FINANCE & ADMINISTRATIVE SERVICES SHERMAN: Yeah. Sorry.

CHAIR PRO TEM PARDO: And like I said, I want to make sure that the constituents over on Singer Island who are doing their own road repairs, all right, and have no sewage -- no drainage, that, you know, we participate in this, too. So I need some level

of comfort from staff that, you know, this list is more or less going to stay together or you're going to lose me on it.

CITY MANAGER JONES: As a part --

COUNCILPERSON DAVIS: Madam --

CITY MANAGER JONES: May I respond?

COUNCILPERSON DAVIS: Sorry. Go ahead.

CHAIRPERSON DAVIS: Miss Jones.

CITY MANAGER JONES: As a part of our capital plan, we cannot modify any of these items without bringing it back to counsel. So I assure you, if there's any changes, it would be back -- brought back to here, back to counsel for your consideration prior to any action being taken to remove a prior project.

COUNCILPERSON THOMAS: Madam Chair?

CHAIRPERSON DAVIS: I heard Mr. Davis first and then you, Mr. Thomas.

COUNCILPERSON THOMAS: Okay.

COUNCILPERSON DAVIS: Thank you. If -- if you all can recall, when we had our meeting in the CRA a couple -- couple weeks ago addressing approving the funding for the development project, I brought up then about the \$6.5 million and talking about Bicentennial Park. I have no problem supporting what Councilman Thomas is talking about, but I addressed it then because the CRA at that time had brought a contract before us and didn't give us ample amount of time to review this. I thought we could have used the \$6.5 million to reinvest in the library or infrastructure on S Avenue on the north end and the south end.

CHAIR PRO TEM PARDO: This is the (inaudible).

COUNCILPERSON DAVIS: It was a very -- I didn't get enough response then. But I tell you what, if you want to do that now, I'll respond to you now. Hello?

COUNCILPERSON THOMAS: Say that again?

COUNCILPERSON DAVIS: I said at that last meeting, I didn't get much response when I addressed the same issue about the \$6.5 million for Bicentennial Park. I said but this time it's coming back up. But I assure to you that I will respond to you if we can find some projects that would be better suited. I brought up about a library. I brought up about S Avenue, which is Council Guyton's district, on the north end and the south end of those roads, the infrastructure. About the 6.5 million. So if we can identify some specific projects and then -- and then address that then -- 'cause as you know, we have -- the budget workshop's coming up on the CRA's side. So if you're going to do any

modifications with what -- which projects we want to choose, do you have any -- any that you identified already?

COUNCILPERSON THOMAS: Well --

CITY ATTORNEY RYAN: Which ones are --

COUNCILPERSON THOMAS: Madam Chair?

CITY ATTORNEY RYAN: -- CRA?

CHAIRPERSON DAVIS: Go ahead, Mr. --

COUNCILPERSON THOMAS: Well, basically not all that I've -- what I'm trying to do is alleviate this being a political, everybody is saying, Hey, my district deserves it. All of the streets in the city have been neglected. So it's -- it's no street that is better than any other street. I'm basically saying there hasn't been a whole lot of attention, if any at all, in the area that I was speaking of.

COUNCILPERSON DAVIS: Yeah.

COUNCILPERSON THOMAS: So I feel just as strongly as any other member on this board about those areas that I'm speaking of, making sure that they don't come out. So that's the purpose of me saying, Let's not -- let's not give all of the 10 million. I don't know. Maybe it's 5 million right now. Maybe it's 6 or let's reallocate some of the other stuff on the CRA's side. But let's try to do more with this bonding.

COUNCILPERSON DAVIS: Okay.

COUNCILPERSON THOMAS: My issue is a while ago when we got the -- the bond money from the Utility District, there was very little money put into the actual needs of the Utility District.

COUNCILPERSON DAVIS: Okay.

COUNCILPERSON THOMAS: And for me, I just don't see us doing that again. There's -- there's money that is coming over there that can be reallocated, especially in 2016, so that we can do some of that -- some of that stuff, especially Bicentennial Park. So I'm just trying to get the board to look at some of the things that we can get a person that's been living on 12th Street for 68 years who just wants their broken sidewalks fixed, you know? Those are the type of things that I think that we should look at. That's all. I'm not saying stall the project at the marina. I'm -- excuse me one second. I'm just trying to look at Mr. Davis.

CHAIR PRO TEM PARDO: Go right ahead.

CITY ATTORNEY RYAN: Sit back.

COUNCILPERSON THOMAS: I'm -- yeah, I'm just trying to see him. I'm not trying to say stall the project. I'm just saying we need to really put some over into that western community. Not neglect Singer Island, but we're definitely not going to neglect the west side of the community, either. That's all I'm saying.

COUNCILPERSON DAVIS: Madam Chair?

CHAIR PRO TEM PARDO: Madam Chair?

COUNCILPERSON GUYTON: Madam Chair?

COUNCILPERSON DAVIS: I just want to finish.

CHAIR PRO TEM PARDO: I have a --

CHAIRPERSON DAVIS: Mr. Davis and --

COUNCILPERSON DAVIS: I'm just going to finish up real briefly. I just want to make sure when we do the -- do this, that we have a plan to find out which part of the community in this entire city has a more dire need based on an assessment. Because there's certain areas that have a -- more of a need that are more critical than others. And as we come together as a board, as we know we have our retreat coming up, these would be some of the things that we can discuss on what areas are we going to target and draw a lot of our resources to help lift those communities so the other communities can see that, Hey, the funding that we're doing, we're being fiscally sound with our funding to help everybody so it shows that this whole entire city's moving aboard. Just like -- that's something that Beethoven Francois would be promoting in the community, showing across the City of Riviera Beach how -- when you look at S -- I -- I have to really focus on S Avenue.

I look at Monroe Heights and I look at those sidewalks. Those are areas -- those are areas that really have been neglected for -- for many years. And I've seen some areas in Councilman Thomas' district. I've seen some areas in District 2 but District 2 has been doing really well. And I've seen some area in Singer Island that's been doing well, as well. But I think we need to come together as a board to find a plan, to focus on a specific area. And each year we can do this as we come up with this budget versus --

CHAIR PRO TEM PARDO: This is the plan.

COUNCILPERSON DAVIS: -- doing a few streets here, a few sidewalks there. Let's be very -- let's hone our resources to one area so it shows that our money, whether -- whether it's 5 million or the 5 million plus the money that we got from the Governor, which would be about 6.5 that we can really do something, whatever that we choose to address. But that's all.

CHAIR PRO TEM PARDO: Madam Chair?

CHAIRPERSON DAVIS: Okay. I heard --

COUNCILPERSON GUYTON: I haven't --

CHAIRPERSON DAVIS: -- I heard Mr. Guyton first. He hasn't spoken. And then you, Miss Pardo.

COUNCILPERSON GUYTON: Thank you, Madam Chair. I would like for my colleagues to be mindful of that we just had a referendum and we sold a project based on certain components. We told them, This is what is going to happen should you vote for this project. We're going to have Bicentennial Park. We're going to have a new event center. We're going to have the promenade. We -- this is it. We're giving you our word. This is what is going to happen if you vote for this. And now we're sitting here -- and I personally think it's late in the game, because we had a lot of workshops. We had a lot of meetings to discuss the financing and how we want to finance it.

CHAIRPERSON DAVIS: Uh-huh.

COUNCILPERSON GUYTON: To make our determination whether we want to give them 10 million or not. We had an opportunity to decide that. Everybody voted, Let's move forward. Let's do this. Good plan. Now we're sitting here and saying, Well, now the referendum has passed and people are expecting a certain quality of project, let's scale it back a little bit now. I think that's very disingenuous and this is not an attack on anybody changing their minds. But for me personally, I cannot even consider that.

CHAIRPERSON DAVIS: Me, neither.

COUNCILPERSON GUYTON: I think that if we want to do what we're doing with the streets, we need to identify funds that we have not allocated somewhere else. That's just my humble opinion. The other thing that is concerning to me that the bond that we're going to get, it's been leveraged with the lease that we have with the CRA.

CHAIRPERSON DAVIS: That's right.

COUNCILPERSON GUYTON: We cannot get \$22 million if we don't have that lease with the CRA.

CHAIRPERSON DAVIS: That's right.

CHAIR PRO TEM PARDO: But they (inaudible).

COUNCILPERSON GUYTON: And if they back out of that lease --

CHAIR PRO TEM PARDO: (Inaudible) can't.

COUNCILPERSON GUYTON: -- there's no two -- there's no \$22 million. I -- I -- am I correct, Mr. Sherman?

DIRECTOR OF FINANCE & ADMINISTRATIVE SERVICES SHERMAN: You're correct.

COUNCILPERSON GUYTON: Okay. So keeping everything in context, I think that we meet -- need to be mindful of the total picture that could have very serious ramifications and what we are planning for, allocating other -- other portions of that \$22 million, it may be allocating zero. And -- and I think for the people, that would be very, very unfortunate. We have a plan on the table. We went through the financing. We had battles about the new market's tax money. We fought about this. We fought about that, and we had our opportunity to say whether we want to pull up on that 10 million or not.

So I'm not even considering reallocating anything because I've given the people my word about a certain level of quality in the projects that we have approved. And right now I think that this is really disturbing to me that we would even consider it. I'm not saying that it's wrong or right. I'm saying my personal opinion is that it's disingenuous that we went out there and sold a project based on certain components and now we're saying, Well, let's just pinch here and let's scale back there and let's -- I -- I'm -- I'm not ready for that one. So if you all choose to do that, you would do it without my support. Thank you, Madam Chair.

COUNCILPERSON THOMAS: Madam Chair?

CHAIR PRO TEM PARDO: Madam Chair?

CHAIRPERSON DAVIS: Miss Pardo?

CHAIR PRO TEM PARDO: Okay. Well, I'll tell you what's disturbing to me. We went through this list several times.

CHAIRPERSON DAVIS: Uh-huh.

CHAIR PRO TEM PARDO: And I thought we all agreed that each district was going to get something. And now there's talk about taking all the money and putting it in one district.

COUNCILPERSON DAVIS: Uh-huh.

CHAIR PRO TEM PARDO: And then, you know, one district is more needy than the other district. And like I've been saying all along, if -- I need a guarantee that my district is going to get something.

CHAIRPERSON DAVIS: Mine, too.

CHAIR PRO TEM PARDO: And I would challenge all of you to take a ride over there and go up and down the streets that are listed when it's raining. Okay? And hopefully you have a high car because if not, you're going to get stuck. At times the water is so high -- and Miss McKinney can tell you because a lot of water gathers in front of her home. There is a need, a dire need for street repairs and for drainage over on Singer Island. And unfortunately, we can't even put all of the streets in. But the streets that are listed are the -- the streets that are in most dire need. So there is no way that I would

support approving this with the money going into one district. If anything, split it. But -- between the districts.

CHAIRPERSON DAVIS: Absolutely.

CHAIR PRO TEM PARDO: And you know, when it comes to everyone's district, when it comes to supporting money for parks and -- and drainage projects and all of that, I am always very supportive. Very rarely is there a project on Singer Island that comes in front of you where we're requesting money. And like I said, we had the A1A project but the City didn't put any money into it. That was a State-run and -funded project. So if you want my support on it, I need a guarantee that I am getting something out of it. If not, you guys lost me.

COUNCILPERSON THOMAS: Madam Chair?

CHAIRPERSON DAVIS: Mr. Thomas?

COUNCILPERSON THOMAS: Okay. For my two colleagues and I guess I'm speaking directly to Mr. Guyton on this. Maybe you didn't understand what I said. I am not telling anybody that we're going to scale back anything. I just said reallocate different monies that are in the CRA to cover the project. This is not going -- because just as strong as Miss Pardo is about the Island, which she should be, I'm just as strong about the west side, too. So I'm not telling Miss Pardo that we don't want to do anything on the Island so stop saying that. Stop saying that all the money, I'm trying to put it in one district.

What I'm most upset about is the rest of the members on this board is not outraged that we even got to go through this, period. The west side needs it, too. So Mr. Guyton, don't even say anything about I'm trying to move stuff or I'm not -- I'm being disingenuous. Don't even say that type of stuff 'cause that's not it. There's money that's coming into the CRA in 2016. I didn't say that we need to scale back the project. I said reallocate money to do it and let's take some more of this money. Not even all of the \$10 million. And do some more projects on that. Let's stop trying to fight each other and fight for the people we're trying to serve. That's all I'm trying to do is get an equal distribution of the money. And I can discuss this type of stuff. I can bring up my ideas. Now, it's a board decision. If you don't like it then we move past that. But throwing out these innuendos, We don't want to do anything for Singer Island and I'm -- it's being disingenuous 'cause we went out and got a referendum for that.

Of course I supported all of that. I support Singer Island 'cause they're a part of this city. I support the -- the mainland. They're a part of this city. That's all I'm trying to get out. I'm tired of this bickering back and forth about it. Let's come up with a -- an opportunity and a way to do more on the west side. That is all I'm saying. That is all I'm saying. And if we gotta come up here and show a list of how much is being done, you will see that that area has had zero done. Zero done. That's all I'm saying. Not taking anything away.

Now I feel the same way. If you -- if you want to give Miss Pardo a guarantee, I want that same guarantee. That the west side is going to get some, too. Let's -- let's stop

doing this, because you can turn it as political as you want. Everybody know we need more and there is money in the CRA that you can reallocate. We're just not looking at that because we don't want to touch that. And the CRA can't tell us that. We're the same board. How -- how -- what -- how is the CRA gone that say no if we say yeah? We are the CRA. We're the same board. So let's stop this. Now, you can say what you want. I'm not fighting about it anymore. I've said how I feel about it. And it's up to you.

COUNCILPERSON GUYTON: Madam Chair?

CHAIRPERSON DAVIS: Okay. If -- if -- can we not do the back and forth between the two?

COUNCILPERSON GUYTON: Well, this is not a back and forth.

CHAIRPERSON DAVIS: 'Cause really, actually, the comments are supposed to be directed to the board, not to individuals. Okay? So if that's what we're about to do here, I'm going to say let's move on and call for the vote. Okay?

COUNCILPERSON GUYTON: Madam Chair, I have a --

CHAIRPERSON DAVIS: Mr. Guyton?

COUNCILPERSON GUYTON: -- thank you. I need to clarify. I never called anybody a name. I talked about what we sold to the people. Apparently it touched a nerve. And it's not about getting personal. It's about me staying true to a commitment and the dollars that we've allocated. That's all I was saying. Now, nobody feels as passionate as I do about my district. We all feel that. And that is not an issue. I have no problem with splitting the money evenly. The revenues with -- with Miss Pardo and everybody else. But for someone to suggest that I'm not supposed to remind the people that we told you we were going to do something certain and if there's a suggestion about let's make it a little smaller or take a little bit from here, I think I have the right to remind my colleagues that we've made a commitment on this project. And that's all I was saying.

CHAIRPERSON DAVIS: You're absolutely right.

COUNCILPERSON GUYTON: Thank you, Madam Chair.

CHAIRPERSON DAVIS: Everybody has a right to their opinion. Okay. And I -- I just want to make one clarification. District 2 hasn't had any residential streets done since I think before I even --

COUNCILPERSON THOMAS: Last week.

CHAIRPERSON DAVIS: Last week?

COUNCILPERSON THOMAS: You got 37th Street and they're getting ready to do 36th Street.

CHAIRPERSON DAVIS: Okay.

COUNCILPERSON THOMAS: Now, somebody from staff clarify that. When you hear things going wrong you know we're doing streets over there.

CHAIRPERSON DAVIS: 37th Street in District 2? Or is it in District 1?

COUNCILPERSON THOMAS: It's on this side of the tracks.

CITY MANAGER JONES: They're in District 1.

CHAIRPERSON DAVIS: Okay. It's in District 1. That's what I was thinking.

CITY MANAGER JONES: Yes. Up in the Monroe Heights area.

COUNCILPERSON THOMAS: Okay.

CHAIRPERSON DAVIS: Yes. It's not in District 2.

COUNCILPERSON THOMAS: Okay.

CHAIRPERSON DAVIS: And I worked with the County when I was on the council in '05 and after serving the two-year commitment to pick up the trash and all of that, got 22nd Court and 22nd Street done. I think it was in '07 or '08. So there have not been streets done with City dollars in District 2.

COUNCILPERSON DAVIS: Madam Chair?

CHAIRPERSON DAVIS: So it -- you have other comments?

COUNCILPERSON DAVIS: I just have a question.

CHAIRPERSON DAVIS: Okay.

COUNCILPERSON DAVIS: For staff.

CHAIRPERSON DAVIS: Go ahead.

COUNCILPERSON DAVIS: When is the expected payment plan to be complete for this 10 million -- this extra \$10 million? What year would we complete -- or the CRA would be paying us back?

DIRECTOR OF FINANCE & ADMINISTRATIVE SERVICES SHERMAN: That has not been decided yet.

COUNCILPERSON DAVIS: It's undecided? I see Mr. Brown's behind you. Maybe he might want to elaborate on --

DIRECTOR OF FINANCE & ADMINISTRATIVE SERVICES SHERMAN: Yeah, I don't know if you have a --

EXECUTIVE DIRECTOR OF CRA BROWN: Tony Brown, Executive Director of the Riviera Beach CRA. And Miss Pardo asked if I was in the audience so I -- I dashed over from the office. As you know, next week we will be discussing our budget. And I think a number of these items will -- will provide clarity. First of all the CRA has no money. We do not have the \$10 million to cover the City's share of the streets. If you reallocate that money, you will be required to amend the guaranteed maximum price contract with Gill Bay [phonetic] -- I'm sorry, with White. That would be very catastrophic. I also think -- and I need to reference the lease, that if the City does not make its contribution in the infrastructure, that is a grounds of default in the master ground lease. And obviously you are that board but that is a default in the master ground lease and we are thus not obligated to lease the upland properties. I would like to eliminate the impression that the CRA is living or leveraging the City's capacity at the City's expense.

Mr. Sherman and I very thoughtfully came up with this mechanism because as you've shared, in 2016, our budget will more than double. By leasing the uplands property, we are removing an operating deficit from the City's budget to the CRA's budget that until Viking delivers a private development plan, you, your taxpayers, your CRA, will subsidize the marina to the tune of \$2 million plus each year. Just by leasing the uplands property of the marina. Add maintenance, then we're talking close to \$3 million subsidy. That \$2 million subsidy in real-time value is what is allowing the City to borrow its 22 million.

Mr. Sherman negotiated very well that in borrowing the 22 and still contributing 10 million to the City was a net 12 million. So the CRA has also agreed to repay the \$10 million that the City's investment in the streets and the infrastructure. So not only are we leasing the marina for 50 years at a 2 million plus loss annually, we're also repaying the \$10 million. In my budget presentation to you and in my budget presentation that I gave you several months ago, I said that your net operating income will equal the amount of your current gross. You will have the decision to direct me to repay debt early or to fund some portion of our capital project plan. And -- and in consultation with Mr. Sherman, any early repayment of debt, he would prefer that it go towards the Ocean Mall. In addition to that, because you know our revenue will double, namely because of the Florida Power & Light modernization, you have also authorized us to study expansion of our boundaries westward into your neighborhoods. Depending on the outcome of that study it gives the City the option to put CRA resources into your western neighborhoods where there is no possibility of any significant TIF at all.

CHAIR PRO TEM PARDO: And what about me?

EXECUTIVE DIRECTOR OF CRA BROWN: That by investing in the west, it allows the City to reallocate its scarce resources to other areas, Miss Pardo, outside of the CRA which could allow it to double down far west and it could allow it to double down far east.

CHAIRPERSON DAVIS: Uh-huh.

EXECUTIVE DIRECTOR OF CRA BROWN: So I think that -- and I commend Mr. Sherman, your City Manager, that at the direction of this board, you have asked us to find ways to create real-time value to work in partnership with the City. We think we've done that in good faith. I think if you unwind any part of this transaction, it is going to be catastrophic to the plans at the marina and that you'll be facing other business decisions that will impact the number of jobs that we had anticipated as a result of our first-phase development. So thank you.

COUNCILPERSON THOMAS: Madam Chair?

CHAIRPERSON DAVIS: Mr. Thomas?

COUNCILPERSON THOMAS: So if I heard Mr. Brown correctly, we don't have a date to repay this \$10 million?

EXECUTIVE DIRECTOR OF CRA BROWN: Well, we are -- we've prepared an interlocal agreement that you'll see. We were -- we had the interlocal agreement prepared so you'll see it next week and we're waiting the City's review. In the -- in the -- in the interlocal agreement, the CRA will pay its pro rata share of whatever the debt service is to the City. So whatever the City's requirement is for debt service, we're going to pay nearly 50 percent of that, 10 million out of 22. So whatever the City's requirements are, they'll be our requirements.

COUNCILPERSON THOMAS: Right. Okay. I -- I understand that. And that's fine. My issue is don't anybody think that we should know what all of that is -- you just said, We will see it -- before we approve this? I mean, you know, look.

EXECUTIVE DIRECTOR OF CRA BROWN: I believe our --

COUNCILPERSON THOMAS: I'm -- I'm just saying, now. Look, Mr. Brown. Listen. I -- I really need somebody to -- to hear me. I -- I really do. Because if I'm not on the right track, then I'm just not. But I just feel like we should know all of that before we approve this tonight. I -- I don't think that that's prudent to say, We're going to approve this and whatever happen with that agreement that we have not seen yet, then you just -- you're stuck into it. So then maybe we shouldn't be discussing this tonight. Maybe we ought to wait to see what the CRA staff is going to bring forth and then -- and then deal with this. But this is definitely out of order for me. And that's my only issue with it.

I'm not trying to derail anything that's going on. I do know that the revenues will double in the CRA in 2016. And if we don't have to do \$10 million worth of work right now, I'm not saying don't do it. I'm just saying that we can reallocate it and do it at the time that we need to do it, then that's fine. I'm not saying stop that. All -- all I'm saying is let's think outside of the box. Let's use some more of this money to do some more work on the west side. But that -- that's it. I -- I don't think we should be discussing this if we don't at least know where the \$10 million is going to be.

CHAIR PRO TEM PARDO: This is fricking mind-blowing.

COUNCILPERSON DAVIS: Madam Chair?

EXECUTIVE DIRECTOR OF CRA BROWN: And -- and, Mr. Thomas --

CHAIR PRO TEM PARDO: Madam Chair?

COUNCILPERSON DAVIS: Madam Chair?

COUNCILPERSON THOMAS: Yes. Yes, sir?

CHAIR PRO TEM PARDO: Madam Chair?

CHAIRPERSON DAVIS: Hold -- hold on. Hold on --

COUNCILPERSON THOMAS: Yes, sir.

EXECUTIVE DIRECTOR OF CRA BROWN: And -- and --

CHAIRPERSON DAVIS: -- one second, Miss Pardo.

EXECUTIVE DIRECTOR OF CRA BROWN: -- and I do believe when I did our -- our first amendment to our budget, I believe I teed much of this up to show the CRA's ability to repay the marina lease at a subsidy, as well as having -- sharing with you that you'll have anywhere from 5 to \$7 million after we pay all of our bills and do all the other things to -- to direct me to repay the City's debt early or to fund some portion of the capital project. So you'll have a great deal of flexibility in 2016 to direct me how you deem the priorities should be.

COUNCILPERSON THOMAS: That's fair.

CHAIRPERSON DAVIS: Okay. Miss Pardo?

CHAIR PRO TEM PARDO: Okay. Well, I'm just going to say for the last time, Mr. Brown, you know, said it. It's like everyone up here. You are totally disrespecting my district. And let me tell you, I don't appreciate it. Take a ride down every street on this list. Okay? And you'll see some of these streets are worse than some of the streets over on the mainland. And I know that most of these streets on the mainland are bad. This entire city -- this entire city needs new streets and new underground utilities. All right? But I'm -- I'm really fed up tonight about, you know, everyone just trying to disrespect the west side of Singer Island. It's not fair. It's not fair. Madam Chair, I'd like to make a motion to table this item until the next council meeting. At that time we'll know better where the -- when the CRA will be paying the funds back.

COUNCILPERSON DAVIS: Second.

CHAIRPERSON DAVIS: Okay. It's been moved and seconded. Madam Clerk?

DEPUTY CITY CLERK ANTHONY: Councilperson Guyton?

COUNCILPERSON GUYTON: No.

DEPUTY CITY CLERK ANTHONY: Councilperson Thomas?

COUNCILPERSON THOMAS: Yes.

DEPUTY CITY CLERK ANTHONY: Councilperson T. Davis?

COUNCILPERSON DAVIS: Yes.

DEPUTY CITY CLERK ANTHONY: Pro Tem Pardo?

CHAIR PRO TEM PARDO: Yes.

DEPUTY CITY CLERK ANTHONY: Chair Davis?

CHAIRPERSON DAVIS: No.

DEPUTY CITY CLERK ANTHONY: Motion is approved with Councilpersons Guyton and J. Davis dissenting.

CHAIRPERSON DAVIS: Okay. We are now going to go to item --

CHAIR PRO TEM PARDO: -- 10.

CHAIRPERSON DAVIS: -- 10.

CITY MANAGER JONES: Well, you don't -- we can't do 10 without doing -- you can't do --

CHAIRPERSON DAVIS: Oh, that's right.

CITY MANAGER JONES: -- one without the other.

CHAIRPERSON DAVIS: So we can skip 10, too.

DIRECTOR OF FINANCE & ADMINISTRATIVE SERVICES SHERMAN: We can skip 10.

CHAIRPERSON DAVIS: Okay.

DIRECTOR OF FINANCE & ADMINISTRATIVE SERVICES SHERMAN: Correct.

CHAIR PRO TEM PARDO: Right.

CITY MANAGER JONES: So make a motion to --

CHAIRPERSON DAVIS: So make -- is there a motion?

CHAIR PRO TEM PARDO: Madam Chair, I'd like to make a motion to table item 10 until the next City Council meeting.

CHAIRPERSON DAVIS: Okay.

COUNCILPERSON DAVIS: Second.

CHAIRPERSON DAVIS: Okay. It's been moved and seconded. Is there -- Madam Clerk. I'm sorry.

DEPUTY CITY CLERK ANTHONY: Councilperson Thomas?

COUNCILPERSON THOMAS: Yes.

DEPUTY CITY CLERK ANTHONY: Councilperson Guyton?

COUNCILPERSON GUYTON: No.

DEPUTY CITY CLERK ANTHONY: Councilperson T. Davis?

COUNCILPERSON DAVIS: Yes.

DEPUTY CITY CLERK ANTHONY: Pro Tem Pardo?

CHAIR PRO TEM PARDO: Yes.

DEPUTY CITY CLERK ANTHONY: Chair Davis?

CHAIRPERSON DAVIS: Yeah -- uh, no. Sorry.

DEPUTY CITY CLERK ANTHONY: That motion is approved with Councilperson Guyton and Councilperson J. Davis dissenting.

CHAIRPERSON DAVIS: Okay. We're now down to item 9. And we are going -- I think we have a presentation on that? Go ahead, Madam Clerk.

DISCUSSION AND DELIBERATION

COMMUNITY BENEFITS REQUEST

12. CITY OF RIVIERA BEACH - \$700 - CHAIRWOMAN JUDY L. DAVIS - IN RECOGNITION OF THE VARIOUS CITY'S DEPARTMENTS.

CHAIRPERSON DAVIS: Is there a motion?

COUNCILPERSON GUYTON: So moved.

CHAIRPERSON DAVIS: Is there a second?

COUNCILPERSON DAVIS: Second.

CHAIRPERSON DAVIS: Okay. Madam Clerk?

DEPUTY CITY CLERK ANTHONY: Councilperson Guyton?

COUNCILPERSON GUYTON: Yes.

DEPUTY CITY CLERK ANTHONY: Councilperson T. Davis?

COUNCILPERSON DAVIS: Yes.

DEPUTY CITY CLERK ANTHONY: Councilperson Thomas?

COUNCILPERSON THOMAS: Yes.

DEPUTY CITY CLERK ANTHONY: Pro Tem Pardo?

CHAIR PRO TEM PARDO: Yes.

DEPUTY CITY CLERK ANTHONY: Chair Davis?

CHAIRPERSON DAVIS: Yes.

DEPUTY CITY CLERK ANTHONY: Unanimous vote.

CHAIRPERSON DAVIS: And this is a Community Benefit from Councilman Terence Davis for \$500 for uniforms.

COUNCILPERSON DAVIS: Uniforms for John F. --

COUNCILPERSON GUYTON: So moved.

COUNCILPERSON DAVIS: -- well --

CHAIRPERSON DAVIS: Okay. Is there a second?

COUNCILPERSON DAVIS: Second.

CHAIRPERSON DAVIS: Okay. Madam Clerk?

DEPUTY CITY CLERK ANTHONY: Councilperson Thomas?

COUNCILPERSON THOMAS: Yes.

DEPUTY CITY CLERK ANTHONY: Councilperson Guyton?

COUNCILPERSON GUYTON: Yes.

DEPUTY CITY CLERK ANTHONY: Councilperson T. -- T. Davis?

COUNCILPERSON DAVIS: Yes.

DEPUTY CITY CLERK ANTHONY: Pro Tem Pardo?

CHAIR PRO TEM PARDO: Yes.

DEPUTY CITY CLERK ANTHONY: Chair Davis?

CHAIRPERSON DAVIS: Yes.

DEPUTY CITY CLERK ANTHONY: Unanimous vote.

CHAIRPERSON DAVIS: Okay. Is there -- we're going to go to Public Comments. Terence, here's yours.

CHAIR PRO TEM PARDO: Hurry up. We have 10 minutes.

DISCUSSION BY CITY MANAGER

CITY MANAGER JONES: Nothing, Madam Chair.

CHAIRPERSON DAVIS: Legal?

LEGAL DISCUSSION/REQUEST

CITY ATTORNEY RYAN: Madam Chair, I will give you a thorough report on this Lozman case at the next council meeting. I'm just too tired right now to -- I just can't -- I can't muster up the energy to do it. Also I will be having my staff contact your staff for a closed executive session on a litigation case. So please try to give us some dates for -- I'm hoping first week in September, please. And that's it.

CHAIRPERSON DAVIS: Okay. Any Committee Reports? Okay. Statements by the Mayor and Council. We're going to start with you, Mr. Guyton.

CITY COUNCIL COMMITTEE REPORTS

NONE

STATEMENTS BY THE MAYOR AND CITY COUNCIL

COUNCILPERSON GUYTON: I have nothing.

CHAIRPERSON DAVIS: Mr. Davis?

COUNCILPERSON DAVIS: Real -- really quick. I just want to re-encourage and encourage our voters -- our community to remember that early voting ends this Sunday so please take the opportunity to go out to Wells Recreation Community Center to cast

your vote for whoever you cast it for. But I just want to make sure people remember. The numbers are very low at this time. But I want you to really understand that you do know, we're reminding you now, this board, to go out and vote for this -- during this primary election.

Another thing is I want to thank my colleagues for keeping everything focused on the issues tonight. That's been a very common goal that I've extremely been trying to focus on, is focus on the issues, 'cause our issues are never permanent. But our residents are. I want everybody to drive home safe and see you at the next meeting. Thank you.

CHAIRPERSON DAVIS: Okay. Miss Pardo?

CHAIR PRO TEM PARDO: I have nothing, thank you.

CHAIRPERSON DAVIS: Mr. Thomas?

COUNCILPERSON THOMAS: Nothing.

CHAIRPERSON DAVIS: I have nothing. Mr. Mayor?

MAYOR MASTERS: Yes, very briefly. I do want to make one comment. A couple of comments but briefly as results to Ferguson, Missouri, what's going on there. I think that I -- I do want to comment. It's shameful of what happened to Michael Brown there. And I'm hoping that these issues can be resolved peacefully with nonviolent protests. I spoke to Reverend Jackson the other day and he's there. Reverend Sharpton is there and the funeral will be Monday and several others will be going to the funeral service. So we are supporting the NAACP and others who are calling for peaceful demonstrations as relates to the situation in Missouri.

I want to remind our citizens as it relates to jobs and jobs opportunities, that they can go to the Mayor's app, which is on all markets free. And it's Mayor Masters with no spaces at all. And last but not least I just want to tell the citizens, Don't get worried and don't get weary in due time. Don't worry about people who come up and come up with plans to eliminate this seat that's elected by the people, for the people and of the people. Certainly I'm sure the Riviera Beach residents are not going to allow three people to decide who their mayor is going to be. This is the same group that supported George Carter against the mayor. So they'll never select me for mayor. So see you at the ballot. Thank you.

CHAIRPERSON DAVIS: Miss Jones, you had something?

CITY MANAGER JONES: Yes, Madam Chair, very briefly. I just wanted to announce that the City Council will be in a retreat this weekend starting Friday morning at 9 a.m. until 5 at the Hilton at Singer Island. I wanted to publicly state that. We will be back in session on Saturday from 9 to 5 and then the department heads will be joining us. That's Friday and Saturday from 9 to 5 at the Hilton on Singer Island. Thank you.

MAYOR MASTERS: Madam Chair, quickly. Pepe Hendricks [phonetic] was here earlier tonight and he wanted me to announce that he is supporting putting metal detectors in the schools of Palm Beach County. Thank you.

CHAIRPERSON DAVIS: Okay. Is there a motion for adjournment?

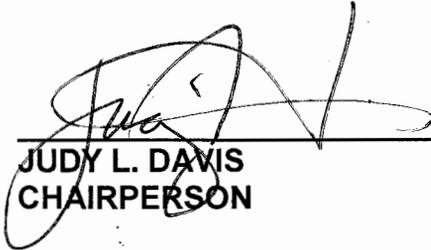
ADJOURNMENT

COUNCILPERSON GUYTON: So moved.

APPROVED:

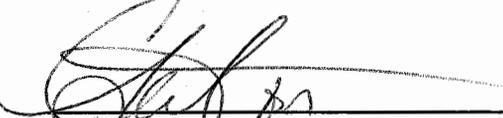


THOMAS A. MASTERS
MAYOR

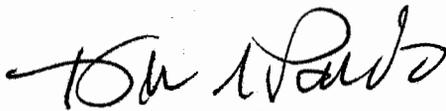


JUDY L. DAVIS
CHAIRPERSON

ATTEST:



CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK



DAWN S. PARDO
CHAIR PRO TEM



BRUCE A. GUYTON
COUNCILPERSON



CEDRICK A. THOMAS
COUNCILPERSON



TERENCE D. DAVIS
COUNCILPERSON

MOTIONED BY: D. PARDO

SECONDED BY: B. GUYTON

B. GUYTON AYE

J. DAVIS AYE

C. THOMAS AYE

D. PARDO AYE

T. DAVIS AYE

DATE APPROVED: 11/05/2014