

**CITY OF RIVIERA BEACH
PALM BEACH COUNTY, FLORIDA
CITY COUNCIL WORKSHOP MINUTES
WEDNESDAY, JANUARY 16, 2013 AT 5:30 P.M.
MUNICIPAL COMPLEX CITY COUNCIL CHAMBERS**

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

CHAIRPERSON BROOKS: Good afternoon, everyone. We are now getting ready to start our Special City Council Workshop, and welcome to each and every one. We do ask if you have your cell phones with you that you turn them to silence or vibrate or whatever. Madam Clerk, would you please have the roll call?

CITY CLERK WARD: Councilperson Thomas?

COUNCILPERSON THOMAS: Here.

CITY CLERK WARD: Councilperson Pardo?

COUNCILPERSON PARDO: Present.

CITY CLERK WARD: Councilperson Brooks?

CHAIRPERSON BROOKS: Present.

CITY CLERK WARD: Councilperson Davis?

COUNCILPERSON DAVIS: Here.

CITY CLERK WARD: Councilperson Lowe?

COUNCILPERSON LOWE: Here.

CITY CLERK WARD: City Manager Jones?

CITY MANAGER JONES: Present.

CITY CLERK WARD: City Clerk Carrie Ward is present. City Attorney Pamala Ryan?

CITY ATTORNEY RYAN: Present.

CITY CLERK WARD: You have a quorum, Madam Chair.

CHAIRPERSON BROOKS: Thank you. We will stand now for a moment of silence followed by the Pledge of Allegiance by Councilman Lowe. (Everyone stood for a Moment of Silence with the Pledge of Allegiance being led by Councilman Lowe).

Miss Jones, do we have any approvals, additions, deletions, substitutions? I shouldn't

say approval but additions, deletions. And if anyone has desire to speak on an item, you will need to fill out a pink Public Comment card and it has to be done prior to the agenda item being discussed. Okay.

CITY MANAGER JONES: It's my understanding that there have been conversations that a couple of people wanted to make comments so when we were on the part about additions -- and I didn't know whether we wanted to add them to the agenda or if they were just going to do comment cards.

CHAIRPERSON BROOKS: Well, I know there are two -- we have two different entities here tonight who want to briefly come before us on a matter. So we can allow them the -- at least the three minutes or whatever to give their discussion. And so that would be the gentlemen who have submitted this Jerk and Caribbean Festival. They want to talk with us about that briefly. So we'll give them about three or four minutes to do a presentation. And the same thing for Terri Mitchell. So we will allow them to -- to talk with us.

CITY MANAGER JONES: Those are the only, uh --

CHAIRPERSON BROOKS: Okay.

CITY MANAGER JONES: -- additions.

CHAIRPERSON BROOKS: Okay. All right. So that will follow after our agenda items.

CITY MANAGER JONES: Yes.

CHAIRPERSON BROOKS: Okay. We need a motion now to accept the agenda.

COUNCILPERSON PARDO: Motion to accept agenda.

CHAIRPERSON BROOKS: Need a second.

COUNCILPERSON THOMAS: Second.

CHAIRPERSON BROOKS: Okay. Thank you. Roll call, please.

CITY CLERK WARD: Councilperson Brooks.

CHAIRPERSON BROOKS: Yes.

CITY CLERK WARD: Councilperson Pardo.

COUNCILPERSON PARDO: Yes.

CITY CLERK WARD: Councilperson Davis.

COUNCILPERSON DAVIS: Yes.

CITY CLERK WARD: Councilperson Thomas.

COUNCILPERSON THOMAS: Yes.

CITY CLERK WARD: Councilperson Lowe.

COUNCILPERSON LOWE: Yes.

CITY CLERK WARD: Unanimous vote.

CHAIRPERSON BROOKS: All right, Miss Jones. It is on you, my dear.

CITY MANAGER JONES: Thank you, Madam Chair, members of Council. In the latter part of November, the City received the 65 percent plans from Palm Beach County as it relates to their proposed roadwork for Silver Beach Road.

In looking at the 65 percent plans, I felt it was important that we invite them here tonight to make a presentation on that roadway improvement, to answer any questions that you might have, but also give us an opportunity for our residents that travel that road quite frequently or that live on Silver Beach Road to have some idea as to what is being planned by the County.

And so we asked them and they graciously agreed to come make a presentation on that roadway expansion. So without further ado, I would like to introduce Mr. Emilio Fernandez. He is the director of the Roadway Production Division for Palm Beach County Department of Engineering and Public Works.

CHAIRPERSON BROOKS: All right, sir.

EMILIO FERNANDEZ: Thank you.

CHAIRPERSON BROOKS: You'll have to officially announce yourself again, your department.

EMILIO FERNANDEZ: My name is Emilio Fernandez.

CHAIRPERSON BROOKS: Okay.

EMILIO FERNANDEZ: I'm the director of Roadway Production for Palm Beach County Engineering and Public Works. Also with me here today is Morton Rose, the Assistant Director of Roadway Production and project manager, and William Sears operating the - the electronic equipment --

CHAIRPERSON BROOKS: Okay.

EMILIO FERNANDEZ: -- as a project engineer. Silver Beach Road has been in the planning process for some time. We had a number of submittals through the times of different lanes, lane layouts, until the conclusion came that the capacity of the roadway in the County's opinion had to be a two-lane roadway and not a four-lane roadway as

discussed at a -- at a given time.

Silver Beach Road is a -- is a thoroughfare road in the County Comprehensive Plan extending from Congress Avenue all the way to Broadway as seen in the -- in the thoroughfare right-of-way (inaudible) map --

CHAIRPERSON BROOKS: Uh-huh.

EMILIO FERNANDEZ: -- the County has. This is an aerial view of the area. I know you're very familiar with it. So I'll be presenting some things you are very familiar with because it's your municipality and I'm sure you know it all. But it's a matter of introducing what we're looking at. We have some pictures that we're going to show of existing conditions.

The Palm Beach County Five-Year Road Program includes funds for construction of a segment of this, not the entire Congress Roadway. We have -- from east of Congress Avenue to east of Old Dixie is what's included in the Five-year-Road Program. We have a total of \$3.1 million allocated for this construction.

We're looking at this taking place sometime in 2014, we believe. This is the extent of the project in a very small type of area. We will blow it up a little bit later so you can see what we're talking about. The -- the timing of this, we said 2014 because it would take some time for the right -- well, finalizing plans. As you know, we're 65 percent. But (inaudible) of right-of-way and getting all the permits. So that will take some time.

CHAIRPERSON BROOKS: Uh-huh.

EMILIO FERNANDEZ: And we're saying 2014 right now, hopefully. Hopefully, because of permitting of agencies could take some more time than that. We investigated the existing conditions of this segment of the roadway and looked at the -- at the existing right-of-way in the area.

And looking at the road, we first see as we're going -- looking eastbound -- we're going east, coming out from Congress. I just drove through a few minutes ago to very -- to familiarize myself even more. So this just east of Congress Avenue is -- is curb and gutter, four-lane divided. The homes are not that area.

Later as we approach Avenue S, we see a sidewalk on the one side and now curb-and-gutter section. As you go east of Avenue S on the south side, we start noticing some of the problems that we have as far as safety, noticing that no sidewalks a majority of the way, no curb and gutter, utility poles close to the travel lane.

CHAIRPERSON BROOKS: Uh-huh.

EMILIO FERNANDEZ: And driveways right there, you know, close to the fences. A similar situation is found on the south side, east of Avenue P.

CHAIRPERSON BROOKS: Uh-huh.

EMILIO FERNANDEZ: And also east of Avenue O.

CHAIRPERSON BROOKS: Uh-huh.

EMILIO FERNANDEZ: As we approach Old Dixie Highway, we have some sporadic sidewalks in some areas but there -- there is no paved shoulders that where nowadays is a thing that you like to have three or four foot of paved shoulder between the curb and the -- and the travel lane.

Finally, we have this view east of -- of the railroad crossing and more or less where the project will be ending, tapering down to a -- to a -- to existing.

Looking at an aerial view of the area just starting west of Avenue S, we notice that we had a unique opportunity here having a wider right-of-way than usual.

COUNCILPERSON DAVIS: Uh-huh.

EMILIO FERNANDEZ: Right-of-way line pointing -- with the arrow pointing north right-of-way line is some distance north of the existing road. So we had a unique opportunity to do something different.

That -- that extends all the way to east of Avenue P. So we came up with the idea of providing a road separated from the residential access roads. Since the road we just looked at it in the pictures, we were looking at, we saw the homes were right there.

CHAIRPERSON BROOKS: Uh-huh.

EMILIO FERNANDEZ: The road was very close to the home. And people obviously are backing into the road and very close to it. It is a dangerous situation that you don't always have the opportunity to address. Here we had the beauty of having extra land to the north. So we said, Let's -- let's go and place that road away from the residents as much as we can. And try to make the existing road area as a frontage road, just a local type of road. And that's -- that's what we approached, that way.

And then in looking at it, in moving the roadway -- this is looking a close-up look -- I know this is one of the things that people start (inaudible), don't like it.

COUNCILPERSON DAVIS: (Inaudible).

EMILIO FERNANDEZ: I understand that. It is a common thing. We have something you have seen more and more around the County, is the introduction of roundabouts.

COUNCILPERSON DAVIS: (Inaudible).

EMILIO FERNANDEZ: Roundabouts, people have their objections to them, because you have to slow down, 15 miles an hour, to go around them and then keep going. The reason for the roundabout are two-fold. One is you have a traffic-counting feature. You count the traffic down. You slow the traffic down so people won't be going by at a

higher speed.

And the second thing is -- is you do not need to signalize the intersection. You don't need to have a signal with the whole operation of the signal. So that's -- that's a reason for a roundabout introduced at that location.

Going further east, we looked at keeping that road to the north and continue further east. We had to find the location where to interconnect the -- the frontage road and -- and the -- and the Silver Beach Road. So instead of putting in an intersection which will create more traffic, we put a place in the middle of the block between Avenues R and P.

And that's where they did the connection, yes. A little further east of that you find that Avenue P is not connected to -- to -- to the Silver Beach. It's just a curve going to that intersection we just showed there. So that's -- that's the picture we came up with, that idea.

This -- this is seeing -- what we're looking at building in that area is more seeing a typical section that will now show that has, uh -- well, this would be if you were looking eastbound and looking at the road. The north side is the left side. There you'll see a sidewalk, grass area, curb and gutter.

The four-foot paved shoulder and the through lanes and a center lane where you need it for a left-turning movement. And then the other lane is an eastbound lane. Curb and gutter, a swale area, grass swale area, and then the frontage road, which would be the local road in front of the residences draining to a swale area with curb and gutter and sidewalk on the roadside. So we have sidewalk on both sides of the road.

The section between Avenue P and Reed Way will remain as a two-lane road. We have some right-of-way issues here so it will remain as a two-lane road. We will provide curb and gutter, sidewalks and -- on both sides of the road, and the pavement will be wider to allow that four-foot paved shoulder on both sides.

As we approach Old Dixie Highway and the railroad crossing, the road will be widened to provide three lanes, curb and gutter and the paved shoulders. And west of Old Dixie will have sidewalks on both sides east. Would only be sidewalks on the north -- on the north side. We were unable to get sidewalks on the -- on the south on that side.

This is a typical section for the -- for -- for this area where you have more of a reused right-of-way.

COUNCILPERSON THOMAS: Excuse me, Madam Chair?

CHAIRPERSON BROOKS: Yes.

COUNCILPERSON THOMAS: Sir?

EMILIO FERNANDEZ: Yes.

COUNCILPERSON THOMAS: I'm -- I'm sorry. What's your name, again?

EMILIO FERNANDEZ: Emilio.

COUNCILPERSON THOMAS: Mr. Emilio, can you go back to that -- I just want to make sure that I heard you correctly. This is going to be on the east side of the tracks right there? You said that you can put a sidewalk on the --

EMILIO FERNANDEZ: North side.

COUNCILPERSON THOMAS: -- north side of the road but you can't --

EMILIO FERNANDEZ: Yes.

COUNCILPERSON THOMAS: -- put it on the south side?

EMILIO FERNANDEZ: Correct.

COUNCILPERSON THOMAS: Why is that?

EMILIO FERNANDEZ: Well, we have right-of-way restrictions. The -- the railroad crossing and continuity and the -- the crossings in the roadway as you have today are on the west side and on the north side. It's a -- the actual cross walks.

COUNCILPERSON THOMAS: Okay. I'm -- I'm saying in the area where you're saying that you're going to put the sidewalks --

EMILIO FERNANDEZ: Yes.

COUNCILPERSON THOMAS: -- would you not have the same right-of-way issues on both sides of the road? I'm just trying to figure out why would Lake Park get a sidewalk but we wouldn't?

EMILIO FERNANDEZ: Well, the -- the railroad -- the crossings, the -- the crossing's at the intersections. That's the way they are today. So we just kept, maintained the crosswalks that were today. They're leading to a sidewalk on the north side of the intersection itself.

COUNCILPERSON THOMAS: Yeah. But if you're going to upgrade the road and fix it, why not --

CITY MANAGER JONES: Fix it.

COUNCILPERSON THOMAS: -- make it --

UNIDENTIFIED SPEAKER: (Inaudible).

CHAIRPERSON BROOKS: Uh-huh.

UNIDENTIFIED SPEAKER: (Inaudible) distant sidewalk (inaudible).

COUNCILPERSON THOMAS: Right. I -- I know how it is today.

EMILIO FERNANDEZ: Okay. He knows. He knows.

COUNCILPERSON THOMAS: I mean, and I was trying to let you get to the --

EMILIO FERNANDEZ: Yes.

COUNCILPERSON THOMAS: -- to the end of it. I just didn't -- you know, I heard you come up with that.

EMILIO FERNANDEZ: Okay.

COUNCILPERSON THOMAS: To say the way the road is gonna look after you're completing it. Why would we not put sidewalks on our side of the, uh, road?

EMILIO FERNANDEZ: Okay. We -- we could look into that. We could look into it, see if it's -- see if it's -- if we can do any -- we're looking at right-of-way and the existing conditions and the fact that sidewalk was there. We're looking at a crossing, permit of the railroad crossing be something extra that will have to be extended in the railroad crossing. So we were just keeping -- actually, the -- the work was to Old Dixie. That's where the improvements are. The area east of Old Dixie was just the tapering down of the extension of that.

But we -- I understand your point. And we will -- we will look into that.

COUNCILPERSON THOMAS: Okay. I --

CHAIRPERSON BROOKS: Let me --

COUNCILPERSON THOMAS: -- I'm gonna definitely let you finish. I had some other questions about the other things but I'll let you go ahead. I just heard you say --

EMILIO FERNANDEZ: No. (Inaudible).

COUNCILPERSON THOMAS: -- north and south of the road and I just wanted to make sure I heard you --

EMILIO FERNANDEZ: Yeah. But --

COUNCILPERSON THOMAS: -- say that we wouldn't be getting any sidewalks.

EMILIO FERNANDEZ: -- it's good -- it's good you -- it's good you picked up on that. I'm describing it. That's the way the plans are right now.

COUNCILPERSON THOMAS: Okay.

EMILIO FERNANDEZ: So I was describing the plans as they are. You're correct.

COUNCILPERSON THOMAS: Okay. I'll --

EMILIO FERNANDEZ: We will look at it.

COUNCILPERSON THOMAS: -- I'll come back and revisit with you a little later.

EMILIO FERNANDEZ: No. No, this is perfectly okay.

CHAIRPERSON BROOKS: And sir, I just want to be very clear --

EMILIO FERNANDEZ: Yes.

CHAIRPERSON BROOKS: -- as to what's happening here in this presentation. What you're providing to us are your plans. We do have a right to share with you, you know, our feelings, you know, in -- in this. It's not cut and dry. In other words, you're not just saying, This is it. This is the way it is.

EMILIO FERNANDEZ: No. No. We still have --

CHAIRPERSON BROOKS: Okay. So you will welcome whatever comments that we have and it will be taken under serious consideration?

EMILIO FERNANDEZ: Definitely.

CHAIRPERSON BROOKS: Okay.

EMILIO FERNANDEZ: This is the reason why we provided you with plans.

CHAIRPERSON BROOKS: Okay.

EMILIO FERNANDEZ: We provided you --

CHAIRPERSON BROOKS: Okay.

EMILIO FERNANDEZ: -- we provide you with plans because we respect your feedback.

CHAIRPERSON BROOKS: Okay. All right.

EMILIO FERNANDEZ: And we were trying to accommodate you.

CHAIRPERSON BROOKS: Very good.

EMILIO FERNANDEZ: And then -- in what we can in there unless, you know, there's a reason. We'll provide you the reason why we cannot accomplish what you're requesting.

CHAIRPERSON BROOKS: Okay. Very good.

EMILIO FERNANDEZ: But, yeah, we welcome comments.

COUNCILPERSON THOMAS: Miss Brooks, one more thing.

CHAIRPERSON BROOKS: Yes.

COUNCILPERSON THOMAS: Have you met with our staff already?

EMILIO FERNANDEZ: Yes.

COUNCILPERSON THOMAS: Okay. And when is this set to go to construction?

EMILIO FERNANDEZ: I said --

CHAIRPERSON BROOKS: 2014.

EMILIO FERNANDEZ: -- 2014 we're looking at. It all depends --

COUNCILPERSON THOMAS: Next --

EMILIO FERNANDEZ: -- next year.

COUNCILPERSON THOMAS: -- looking at next year?

EMILIO FERNANDEZ: Yes. We do actually --

COUNCILPERSON THOMAS: So with only having about 11 months of --

EMILIO FERNANDEZ: Well, actually -- actually, we have funding right now, but we don't have permits. We don't have right-of-way.

COUNCILPERSON THOMAS: Right.

EMILIO FERNANDEZ: So the funding is there. But we need to go through the process of getting the plans completed and permitted and part of the process we're going through here right now where you will have some feedback and then we will have to look into it. If I need to add it to the plans, I need to get it permitted with the extra sidewalk, if that's the case.

COUNCILPERSON THOMAS: When you were coming up with the plans, did -- did you all consult with any of the staff at Riviera Beach when you were coming up with this?

EMILIO FERNANDEZ: Well, through the years we had a -- numerous -- and -- and this is before Terrence Bailey was even here. And while -- while -- before we had always -- always, uh, communicated. And that's why we had the thing over the four lanes or two lanes. We were discussing that for -- for a number of years, as -- as far back as 2000, I believe it is.

UNIDENTIFIED SPEAKER: Four lanes.

COUNCILPERSON THOMAS: Okay. Okay. You can finish. I just --

EMILIO FERNANDEZ: No. No.

CHAIRPERSON BROOKS: And you can let us know --

COUNCILPERSON THOMAS: -- I'm sorry.

CHAIRPERSON BROOKS: -- at what point we can begin to ask questions.

EMILIO FERNANDEZ: And --

CHAIRPERSON BROOKS: I know we want you to complete your presentation.

EMILIO FERNANDEZ: -- I -- I will complete it.

CHAIRPERSON BROOKS: And then we will go back and each council member --

EMILIO FERNANDEZ: For I have --

CHAIRPERSON BROOKS: -- will have an opportunity to --

EMILIO FERNANDEZ: Yes. If I complete it, there may be some things that may be answered. But not, you know, we're open to questions any time. If you prefer, I can continue on.

CHAIRPERSON BROOKS: Oh, okay. All right. Good.

EMILIO FERNANDEZ: Okay? So this is the typical section we have in that area, what I already said, is, uh -- is a center lane and -- and for the turn lane at the intersection.

The following pages, I found it interesting that you have it in the attachments of your agenda item you handed out. The following pages are all the designing and pavement marking plans showing the -- the roadway the way it will be. You all saw it, I believe, in the -- in what you had in your handouts what looks that -- what -- what we're looking at far as the pavement markings throughout what I just described. We're just going through it because you do have it in the -- in the exhibits and I would think if you have any questions you can ask me that later.

We bring to your attention, like, the roundabout, which is -- will be, I know, an issue that -- that will be discussed later and people will question. What we looked in there is that in the -- in the west side of Avenue S, the -- you don't have the sequence of driveways continuous one after the other that you have to the -- to the east. So in that area we're only eliminating the pavement and just moving the roadway to the north and building the -- the -- the roundabout north -- in the north part of the right-of-way.

East of that you -- we have the front -- the frontage road that no connect to the

roundabout at that location. So it sort of dead ends. At that point it has a turn -- turn-around point so people to be able to get back -- to go back and go out -- go the other exit that we had at (inaudible).

CHAIRPERSON BROOKS: Would you go back over that again, sir, please?

EMILIO FERNANDEZ: Yes. Yes.

CHAIRPERSON BROOKS: Okay.

EMILIO FERNANDEZ: The -- there -- and this -- this roundabout, this is -- faces -- this is looking north -- northeast up.

CHAIRPERSON BROOKS: Okay.

EMILIO FERNANDEZ: To the west looking to the left you'll see the cross hatch area. That's the existing pavement today.

CHAIRPERSON BROOKS: Uh-huh.

EMILIO FERNANDEZ: We're looking at taking the pavement out or making just that a grass area. No connection there. The -- the church there doesn't have a driveway at that location so there's no need to have a roadway there.

UNIDENTIFIED SPEAKER: You need a sidewalk.

COUNCILPERSON THOMAS: Wait a minute. I'm sorry.

UNIDENTIFIED SPEAKER: You need a sidewalk.

COUNCILPERSON THOMAS: Sir.

COUNCILPERSON DAVIS: Wait a minute. Hold on.

COUNCILPERSON THOMAS: They do have a driveway there. And --

EMILIO FERNANDEZ: In --

COUNCILPERSON THOMAS: -- why would --

EMILIO FERNANDEZ: -- into -- into --

COUNCILPERSON THOMAS: -- why -- why would you not leave it there so that they can utilize it. They --

UNIDENTIFIED SPEAKER: Why (inaudible) take the sidewalk.

COUNCILPERSON THOMAS: -- they -- they do have a driveway that comes there.

EMILIO FERNANDEZ: Into Silver Beach Road?

UNIDENTIFIED SPEAKER: Uh-huh.

UNIDENTIFIED SPEAKER: No. Yes. The first (inaudible).

COUNCILPERSON THOMAS: The -- the -- the church has a driveway that comes off of --

EMILIO FERNANDEZ: Correct.

COUNCILPERSON THOMAS: -- that. I know it very well.

EMILIO FERNANDEZ: Well, yeah. At the west end of the property. I was looking right by the roundabout on the intersection. At this location where we're pointing out --

COUNCILPERSON DAVIS: Where is that?

EMILIO FERNANDEZ: -- all --

UNIDENTIFIED SPEAKER: This -- this --

CHAIRPERSON BROOKS: Is that --

EMILIO FERNANDEZ: -- this -- this is the -- this is the -- the west end of the roundabout.

COUNCILPERSON DAVIS: Uh-huh.

EMILIO FERNANDEZ: On the right-hand side. You're talking about a couple hundred feet is what you're talking, the driveway you're -- you're describing.

COUNCILPERSON THOMAS: The -- the roundabout is gonna be at Avenue S and Silver Beach, correct?

CHAIRPERSON BROOKS: Silver Beach Road.

EMILIO FERNANDEZ: Correct.

COUNCILPERSON THOMAS: All right. Just west of that --

COUNCILPERSON DAVIS: West, uh-huh.

COUNCILPERSON THOMAS: -- road they have a --

CHAIRPERSON BROOKS: Driveway.

COUNCILPERSON THOMAS: -- a driveway.

COUNCILPERSON DAVIS: Driveway.

EMILIO FERNANDEZ: About 200 feet.

COUNCILPERSON DAVIS: Two driveways.

COUNCILPERSON THOMAS: Okay. So my --

EMILIO FERNANDEZ: So those --

COUNCILPERSON THOMAS: -- you're gonna -- you're gonna take it -- you're gonna take it and make it grass?

EMILIO FERNANDEZ: Yeah. Let me -- let me -- let me --

COUNCILPERSON THOMAS: How -- how much is this is to scale, just so we know what we're looking at, of that last picture you had? How much of that is to scale? 'Cause that -- that seems like a -- a good distance from where the existing road is to where that --

EMILIO FERNANDEZ: Well, let's look at -- the proposed pavement is about 40 feet. Look at the point of the proposed pavement at the west approach. Yes. Let me -- let me just get my pointer here.

CITY MANAGER JONES: This would be (inaudible) maybe (inaudible).

EMILIO FERNANDEZ: The -- this doesn't work, the (inaudible). Right. The width of the pavement proposed is about 40 feet so you can look in scale about the same distance down to -- down to where the -- the properties are. The driveway is not -- and this area we're showing here is, like, the first hundred feet west of Avenue S.

COUNCILPERSON THOMAS: Uh-huh.

CITY MANAGER JONES: And so if I'm walking (inaudible) --

EMILIO FERNANDEZ: The driveway is -- that you're describing is not at this location. It's a little further west.

COUNCILPERSON DAVIS: Oh.

COUNCILPERSON THOMAS: Okay.

EMILIO FERNANDEZ: So let's -- let's go further west and see what we're doing further west. Let's loop back to the, uh -- yeah. Here we go. So in the area west of Avenue S, see, the driveways that are -- that are existing there are not as close together as they are to the east. We opted for eliminating the pavement and connecting all those driveways directly into the new Silver Beach Road.

UNIDENTIFIED SPEAKER: Okay.

EMILIO FERNANDEZ: So this is the first driveway. Point to the first driveway, please, William. The first --

COUNCILPERSON THOMAS: But wouldn't we have the same problem that we're having now where they have to back right out onto Silver Beach Road?

EMILIO FERNANDEZ: No. You have -- they will have, like, 40 feet of grass.

COUNCILPERSON THOMAS: Okay. So all -- can we go west to those apartments, to -- to those duplexes or whatever that is? Can -- can we just --

CHAIRPERSON BROOKS: Do you have an actual photo? Could you get back to the actual photo?

EMILIO FERNANDEZ: If I can get it.

CHAIRPERSON BROOKS: Yeah, the color photo --

EMILIO FERNANDEZ: Yeah. Yeah.

CHAIRPERSON BROOKS: -- where we can see the -- as it is now.

EMILIO FERNANDEZ: Do you have that there? (Inaudible).

CHAIRPERSON BROOKS: There was one that had a view --

COUNCILPERSON THOMAS: That's small but, yeah --

CHAIRPERSON BROOKS: -- there was one that had a view going -- looking eastward from Congress.

EMILIO FERNANDEZ: There's (inaudible). (Inaudible).

WILLIAM SEARS: This is the way it is today.

CHAIRPERSON BROOKS: It might have been --

COUNCILPERSON THOMAS: If you got one looking from Congress that would be good.

EMILIO FERNANDEZ: That -- that's the area right there.

CHAIRPERSON BROOKS: -- there was one that was looking from Congress.

COUNCILPERSON THOMAS: Okay.

CITY MANAGER JONES: Okay. Show where the --

WILLIAM SEARS: (Inaudible) it's right in here.

CHAIRPERSON BROOKS: Okay. Well, that's an area on Congress, yeah.

COUNCILPERSON THOMAS: Right. But those -- see, right where you have the cursor --

UNIDENTIFIED SPEAKER: (Inaudible) sidewalk 'cause their people gotta walk.

COUNCILPERSON DAVIS: That's an apartment complex.

COUNCILPERSON THOMAS: Right. That's a little apartment complex. How --

EMILIO FERNANDEZ: Correct.

COUNCILPERSON THOMAS: -- how is that --

UNIDENTIFIED SPEAKER: (Inaudible) walk.

EMILIO FERNANDEZ: All those driveways will be connected directly to Silver Beach Road, into the new road.

COUNCILPERSON LOWE: That's a sidewalk (inaudible).

EMILIO FERNANDEZ: Instead of having a frontage road, they'll will connecting directly into the road because you have over 40 feet of grass area between the right-of-way line and the proposed edge of pavement.

CITY MANAGER JONES: Then they go down and come back (inaudible).

EMILIO FERNANDEZ: Therefore, you have no issues of people turning around and having the ability to get in as you have in the homes that are very close by.

COUNCILPERSON LOWE: (Inaudible).

CITY MANAGER JONES: Uh-huh.

COUNCILPERSON LOWE: Instead of backing out (inaudible).

COUNCILPERSON THOMAS: Okay.

EMILIO FERNANDEZ: So that's -- that's the difference in the two -- it's -- it's a -- it's an area where you have more space between driveways and the road is further out. So there was no need to have a -- an additional frontage road pavement there and they could connect directly into the road.

COUNCILPERSON THOMAS: So -- so are -- are our city limits going to -- are we going to annex that into our city or how is that going to happen? Because you're actually putting that entire part of Silver Beach into the City of Lake Park. So how -- I mean, what -- what happens with that? I mean --

EMILIO FERNANDEZ: The -- we had not look at corporate limits and changing corporate limits. That's not something that -- that we will do in the roadway.

COUNCILPERSON THOMAS: I mean, that definitely has to be looked at. I mean, you -- you're taking a road totally out of our city and it comes in in pieces. So in terms of coverage area for public safety, you know, in terms of everything that we'll have to do to -- for maintenance that we do now, I mean, all those things will have to be addressed in some form.

EMILIO FERNANDEZ: Well, maintenance -- we maintain the road. We maintain Silver Beach Road.

COUNCILPERSON THOMAS: You -- you do?

EMILIO FERNANDEZ: Yes.

UNIDENTIFIED SPEAKER: Yeah.

COUNCILPERSON THOMAS: It hasn't --

COUNCILPERSON PARDO: Well, shame on you.

COUNCILPERSON THOMAS: -- it hasn't been done very well, then. I mean, I -- I just - you know, no pun intended. I mean, but --

EMILIO FERNANDEZ: Okay. But it's -- but if you -- but I --

COUNCILPERSON PARDO: It's an awful road.

CHAIRPERSON BROOKS: It is. It is.

EMILIO FERNANDEZ: -- mean --

COUNCILPERSON THOMAS: Yeah. I didn't know -- I did not know that you maintained it. I thought a part of it was ours, a part of it was Lake Park's.

CHAIRPERSON BROOKS: Lake Park's, yeah.

EMILIO FERNANDEZ: No.

COUNCILPERSON DAVIS: It's a county road, though.

EMILIO FERNANDEZ: County has always maintained that road.

CITY MANAGER JONES: County road.

EMILIO FERNANDEZ: Yes. It's a county road.

CHAIRPERSON BROOKS: They have the responsibility for maintaining it.

COUNCILPERSON THOMAS: No, the County may have always owned the road but they do -- they haven't --

COUNCILPERSON PARDO: Right. They have never maintained it.

COUNCILPERSON THOMAS: -- they -- yeah. But that -- I mean, that's neither here nor there. That's --

CHAIRPERSON BROOKS: That's not his league but, yeah --

COUNCILPERSON THOMAS: -- not why we're here today.

COUNCILPERSON PARDO: Right.

EMILIO FERNANDEZ: I'm trying to fix it.

COUNCILPERSON THOMAS: But I mean, those issues still -- yeah. Well, it definitely needs to be fixed. But those issues still need to be, you know, addressed.

EMILIO FERNANDEZ: Yes. So we -- we at -- in this situation we're looking at getting the traffic away from the residents so that the road won't be on top of them. If we're going to maintain the corporate limit, then we will have to be acquiring all the homes in the south side. That the only way to keep that out and that would not be to the public benefit. Because we do have the right-of-way to the north of that.

COUNCILPERSON DAVIS: Madam Chair?

CHAIRPERSON BROOKS: Okay. Miss Davis next. Miss Davis?

COUNCILPERSON DAVIS: Question. The frontage road, do you plan -- it -- are there plans to repave it?

EMILIO FERNANDEZ: Yes.

COUNCILPERSON DAVIS: Okay.

EMILIO FERNANDEZ: We're reconstructing it, as a matter of fact. The idea is to build a sidewalk --

COUNCILPERSON DAVIS: Uh-huh.

EMILIO FERNANDEZ: -- in the -- on the south side, a curb, and slope that -- make -- make it drain into the swale area in between.

COUNCILPERSON DAVIS: Okay.

EMILIO FERNANDEZ: So it would be reconstructed.

COUNCILPERSON DAVIS: 'Cause I -- you know, you didn't say -- say specifically that

you were going to repave the frontage road so I wanted to make sure that was what was going to be done. And our -- a few year -- well, it's been a quite a while back when, um, I guess it was FDOT who did Congress and they did a portion of --

EMILIO FERNANDEZ: It was -- it was us.

COUNCILPERSON DAVIS: -- you getting there?

EMILIO FERNANDEZ: It was us.

COUNCILPERSON DAVIS: It was you?

EMILIO FERNANDEZ: Yeah.

COUNCILPERSON DAVIS: Okay. 'Cause you -- is it a county road, Congress?

EMILIO FERNANDEZ: Yes. Congress is a county road. Blue Heron is a state road.

COUNCILPERSON DAVIS: Okay.

UNIDENTIFIED SPEAKER: No, Blue Heron is a state --

COUNCILPERSON DAVIS: So Congress is owned by the County so when they did that road, they came into Silver Beach a little bit and did the four lane --

EMILIO FERNANDEZ: Correct.

COUNCILPERSON DAVIS: -- it -- I'm just curious. Why didn't they do the road then or --

EMILIO FERNANDEZ: Well, at -- at that time Congress Avenue was the road we were doing. We just did -- were required to connect into Silver Beach Road.

COUNCILPERSON DAVIS: Okay. So you knew that you --

EMILIO FERNANDEZ: So we were doing a connection.

COUNCILPERSON DAVIS: -- were gonna, eventually, four lanes --

EMILIO FERNANDEZ: One day.

COUNCILPERSON DAVIS: Okay. Um, I'm not in favor of the roundabout. I think it's -- it's -- it just causes more problems than -- than anything and I think that -- that there's probably a -- a need for a traffic signal or a three-way stop sign or something other than a roundabout. Those things are very confusing. I see them in West Palm Beach. Sometimes I don't even know when I wanna make a left turn, I don't know whether I'm supposed to go out this way or turn this way. You know, and -- and -- and miss it. And the other question is, um, at Avenue P, there was a slide --

EMILIO FERNANDEZ: Uh-huh.

COUNCILPERSON DAVIS: -- you said where the frontage road almost meets Silver Beach. So --

EMILIO FERNANDEZ: I --

COUNCILPERSON DAVIS: -- okay. So a person who's coming from Avenue P, would they have to go west and then go east on -- to get on Silver Beach Road?

EMILIO FERNANDEZ: Correct. Correct.

COUNCILPERSON DAVIS: Okay.

EMILIO FERNANDEZ: The idea was to eliminate another connection, minimize the connections into the road so --

COUNCILPERSON DAVIS: Can you go back to the slide that shows exactly where -- that's -- that's it right there?

EMILIO FERNANDEZ: Yes. That's it. That's it right there.

COUNCILPERSON DAVIS: So why -- why couldn't they -- why can't you do a double --

EMILIO FERNANDEZ: A double saying what --

COUNCILPERSON DAVIS: Yeah.

EMILIO FERNANDEZ: -- a connection at the intersection into the road?

COUNCILPERSON DAVIS: Yeah.

EMILIO FERNANDEZ: If you do an intersection to the road, then you have to look at left-turn lanes and -- and more widening to provide a left in. We're able to provide the left in in the -- in the other location because we are away from the curve.

COUNCILPERSON DAVIS: No. Oh, okay.

EMILIO FERNANDEZ: See, we're transitioning back after that.

COUNCILPERSON DAVIS: So what's on the right right there? What's on -- I mean, what --

EMILIO FERNANDEZ: That is -- this --

COUNCILPERSON DAVIS: -- is there a home right there why you couldn't do --

EMILIO FERNANDEZ: Yes.

COUNCILPERSON DAVIS: -- a -- a --

EMILIO FERNANDEZ: That's -- I was -- I was going to get to that. Let me get to that right now and --

COUNCILPERSON DAVIS: Okay.

EMILIO FERNANDEZ: -- and -- and -- no, good. No, you're good. You're good. I just described what we're discussing west of Avenue S.

COUNCILPERSON DAVIS: Uh-huh.

EMILIO FERNANDEZ: Where you had the situation where the driveways were --

COUNCILPERSON DAVIS: Uh-huh. I understand.

EMILIO FERNANDEZ: -- further apart.

COUNCILPERSON DAVIS: Uh-huh.

EMILIO FERNANDEZ: So we have the section that we're able to get a frontage road. When we get to Avenue P, the road had to come back in.

CHAIRPERSON BROOKS: Hmm.

EMILIO FERNANDEZ: Because we don't have the right-of-way.

COUNCILPERSON DAVIS: Uh-huh.

CHAIRPERSON BROOKS: Uh-huh.

EMILIO FERNANDEZ: So in coming back in, we no longer are able to maintain that frontage road.

CHAIRPERSON BROOKS: Uh-huh.

EMILIO FERNANDEZ: We're going -- we will have to address each property going directly into -- into Silver Beach Road. That's what happened to the east.

CHAIRPERSON BROOKS: I want to go back to the roundabout.

EMILIO FERNANDEZ: Okay.

CHAIRPERSON BROOKS: I want you to help me understand the process of thinking here. And I'm serious.

EMILIO FERNANDEZ: Uh-huh.

CHAIRPERSON BROOKS: As to why a roundabout and I tell you why I'm really

curious. You know, Silver Beach Road is a commuter road. A lot of traffic flows at Silver Beach Road. Those of us who are coming from -- going north on Avenue S to Silver Beach Road oftentimes have difficulties getting out into the intersection there, especially during the morning hours and the afternoon hours.

Would it not be a better thought or plan to have a traffic light there that would somehow be controlled that the traffic would flow as on U.S. 1 in West Palm Beach? You know, if you make one green light you make them all.

The same pattern could occur hopefully there that if you get the green signal at Congress and Silver Beach Road, then you -- going east it would just flow until you got to Old Dixie Highway. My concern, if you had a school bus --

EMILIO FERNANDEZ: Uh-huh.

CHAIRPERSON BROOKS: -- and that bus need to make a left-hand turn or going back west, the difficulty, the -- the danger there. Um, and then when you have a roundabout all of a sudden appearing right in the middle of the flow of commuter traffic, I could see it really being a very serious problem. But I'm looking at it as a layperson. So I'm just curious as to how you all thought that it would be a great idea to have a roundabout.

EMILIO FERNANDEZ: Well, when you go to a multi-lane it gets more complicated as with a roundabout. With two lanes they're optimum to keep flow of traffic moving. Slowing down and it keeps them moving in -- in a roundabout better than a signal. You don't have to stop and wait. You have the ability of -- of -- of continuous movement.

As you are in the roundabout, you have the right-of-way when you go in. So it's not like a complete stopped condition. It's like a yield condition and studies have shown that traffic flow is better through an intersection when you're able to do that in a two-lane without stopping traffic. Like, you have a light. The left-turning movement has to wait and let the through movement go on. So we do have roundabouts in other thoroughfares. You have it in Hagen Ranch Road. We have a number of them in Hagen Ranch from Atlantic all the way up to Lantana.

CHAIRPERSON BROOKS: And I've experienced that but it's mostly -- it's residential, though, isn't it? Hagen Ranch Road?

EMILIO FERNANDEZ: Yes.

COUNCILPERSON DAVIS: Uh-huh.

CHAIRPERSON BROOKS: Yeah.

EMILIO FERNANDEZ: Yes.

CHAIRPERSON BROOKS: And that's the difference. This is -- well, you know, you have a -- again, you have a lot of commuter traffic. You don't have a lot of commuter

traffic on Hagen Ranch Road. I mean, I've taken it from the beginning to the end. But I've not experienced -- the only roundabout I can recall in a commercial area is in Hollywood, Florida. There's a little roundabout downtown. But in this -- looking at our situation here with the residential, how, you know -- community there and then you've got the commercial and -- on one side you have commercial, other side residential. I have just concern. I really wouldn't be in favor of a roundabout and I hope y'all think about something else.

EMILIO FERNANDEZ: I drove through a roundabout on the way here. I took the long route because I went to Silver Beach and went through Investment Lane. There's another roundabout over there.

CHAIRPERSON BROOKS: Where is that?

EMILIO FERNANDEZ: Investment Lane.

COUNCILPERSON DAVIS: Well, that's commercial traffic.

CHAIRPERSON BROOKS: But that's commercial.

EMILIO FERNANDEZ: Yeah. Well, you mentioned commercial.

CHAIRPERSON BROOKS: Yeah.

EMILIO FERNANDEZ: We're talking residential/commercial. That's commercial.

CHAIRPERSON BROOKS: Right. Uh-huh.

UNIDENTIFIED SPEAKER: And it doesn't have the traffic (inaudible).

EMILIO FERNANDEZ: And you have a roundabout there.

CHAIRPERSON BROOKS: And it doesn't have the traffic. It really -- sir, have y'all done a traffic count?

EMILIO FERNANDEZ: Sure.

CHAIRPERSON BROOKS: Is there --

EMILIO FERNANDEZ: Sure.

CHAIRPERSON BROOKS: -- how many cars --

EMILIO FERNANDEZ: I don't have the numbers --

CHAIRPERSON BROOKS: Oh. But it's a lot?

EMILIO FERNANDEZ: -- on -- on the traffic.

COUNCILPERSON DAVIS: It's a lot.

EMILIO FERNANDEZ: When they look at the traffic numbers, it didn't require more than two lanes. That's all I can tell you, because that went on and on, like I said, for some time.

CHAIRPERSON BROOKS: Uh-huh.

EMILIO FERNANDEZ: Looking at projections and looking at present traffic volumes, the projection was no more than two-lane capacity.

COUNCILPERSON PARDO: How long ago was that traffic study done?

EMILIO FERNANDEZ: The last one was --

UNIDENTIFIED SPEAKER: (Inaudible) last one.

EMILIO FERNANDEZ: Oh. The last -- the last one had to be a couple of years ago. It had to be updated because, you know, we -- and like I said, we had a number of times and the final decision in -- in going and having everybody in agreement was only less than three years ago. So that had to be the last time. But we count every year. You know, counts -- counts are done every -- every year. So we continuously look at that. And it was --

COUNCILPERSON PARDO: I'm just asking because the shopping along, you know -- the retail stores along Congress Avenue are more and more. And then where also I guess Lake Park is getting ready to develop some of their land along Silver Beach onto Congress Avenue. So that's going to bring more traffic, also. And did you guys --

COUNCILPERSON DAVIS: The Army Corps --

UNIDENTIFIED SPEAKER: Army Reserve --

CHAIRPERSON BROOKS: Army Corps, uh-huh.

COUNCILPERSON PARDO: Right. Did you guys account for all of that, too?

EMILIO FERNANDEZ: Yes. The -- as a matter of fact, the, uh -- the -- there was some projections of traffic with the Walmart coming and all that before that's -- we had the initial numbers. And they were saying --

COUNCILPERSON PARDO: Uh-huh.

EMILIO FERNANDEZ: -- No, you will need four lanes. So actually, it was redone after all -- most of all -- if not all of them were in today. I understand there's more coming. When they look at traffic analysis, they look at projections. They don't look only at what's there today.

COUNCILPERSON PARDO: Right.

EMILIO FERNANDEZ: And that projection would have looked at the density of the areas that are -- that would feed into it and the traffic that it could generate.

COUNCILPERSON PARDO: Uh-huh.

EMILIO FERNANDEZ: That's taking into account when looking at traffic projections.

COUNCILPERSON PARDO: Uh-huh.

EMILIO FERNANDEZ: Even with them, looking out 20 years. (Inaudible).

CHAIRPERSON BROOKS: So given that statement you just made, have they given thought to what if Avenue S -- it might be another name -- but it would go north of Silver Beach Road going into Lake Park -- I don't know what's back there -- but have they given thought that conceivably there might be another road?

EMILIO FERNANDEZ: It could -- it -- we looked at it not necessarily as a road. When we looked at that we looked at it with the roundabout. I will go into the drainage later. And we had to look at that because that property there, property K -- K, I think it said. K Industries.

CHAIRPERSON BROOKS: I'm sorry?

EMILIO FERNANDEZ: K Industries, I believe is the name.

CHAIRPERSON BROOKS: Oh, K Industries.

EMILIO FERNANDEZ: Yeah.

CHAIRPERSON BROOKS: Uh-huh.

EMILIO FERNANDEZ: That property needed to have an access and we could not put - the lake that would block the access to that. So when we located the roundabout, you will see the shape of the lake that we are planning to acquire. Took into account the possibility of a driveway.

CHAIRPERSON BROOKS: Uh-huh.

EMILIO FERNANDEZ: We did not look at it as a road.

CHAIRPERSON BROOKS: Uh-huh.

EMILIO FERNANDEZ: Nobody has talked to us about a road. But we looked at it, and the -- and the -- and -- and that lake, as you can see in the picture, that the -- it could come off the roundabout at that location. We actually did lay it out like a road coming out of it.

CHAIRPERSON BROOKS: Uh-huh.

EMILIO FERNANDEZ: And it's -- it's able to come into the roundabout in -- in an angle like that. Couldn't do that in a signal. So that wasn't part of it but I'm just -- gives me now that if you have a signal, we won't be able to do that. That's something else that would have to be looked at as far as -- as far as the lake to the north.

CHAIRPERSON BROOKS: Well, let me ask you this. Now, you also are really just bound and determined to give us a roundabout even if we don't want a roundabout?

EMILIO FERNANDEZ: I -- I could bring it back to the people above me. I say it was looked through the process and it was the decision made by the -- by the -- the -- the committees that -- that the County has to -- to analyze and determine master plans. After the studies and looking at the numbers, the -- the committee was in agreement of - of this layout. So I can always go back to the committee and say you're opposed to it, no way, no how. So --

COUNCILPERSON DAVIS: Uh-huh.

CHAIRPERSON BROOKS: Well, we want to give you our reasons --

EMILIO FERNANDEZ: So getting feedback.

CHAIRPERSON BROOKS: -- for it, where mine is a concern of the flow of traffic and trying to make a -- that roundabout going -- coming -- going north and then trying to go west. I could just see it. It's horrendous. I mean, I can hardly get out now. You know, with a roundabout --

UNIDENTIFIED SPEAKER: Uh-huh. Really.

COUNCILPERSON DAVIS: Uh-huh.

CHAIRPERSON BROOKS: -- it -- I just foresee it being even a very more challenging kind of thing for our motorists. And I see that as a real safety issue. So it's a safety issue from my point of view here.

COUNCILPERSON PARDO: Right. And, Madam Chair?

CHAIRPERSON BROOKS: Yes.

COUNCILPERSON PARDO: And you stated in the beginning of the meeting that the plans were only 65 percent complete, correct?

EMILIO FERNANDEZ: Correct.

COUNCILPERSON PARDO: Okay. So there's still -- it's not like they're a hundred percent. So there's still some room.

EMILIO FERNANDEZ: Uh, we -- every -- every submittal we -- we share with municipalities and ask for feedback. We did share the 35 percent. We have that, right?

CITY ENGINEER BAILEY: (Nods head).

EMILIO FERNANDEZ: Yeah. We -- the 30 percent level we had -- we shared plans at the time. We didn't have it as detailed as now.

COUNCILPERSON PARDO: Uh-huh.

EMILIO FERNANDEZ: And now we're looking -- we're waiting for the 65 percent comments, which I assume your City in here will take your comments and give us the feedback and -- on that, establishing your point, which is perfectly -- what we're looking for. That's the purpose of giving you the plans.

COUNCILPERSON THOMAS: Share them with? Who? I'm sorry.

CHAIRPERSON BROOKS: Uh-huh.

COUNCILPERSON THOMAS: Madam Chair?

CHAIRPERSON BROOKS: That's okay.

COUNCILPERSON THOMAS: Who do you -- who do you share the plans with?

EMILIO FERNANDEZ: Your City engineer has it. It has been given to your Utilities Department and to your -- and to your -- to your -- to your City engineer both have plans right now.

COUNCILPERSON PARDO: The Planning & Zoning?

EMILIO FERNANDEZ: The 65 percent.

COUNCILPERSON THOMAS: I don't know. Does -- does -- do you walk on our Planning & Zoning?

EMILIO FERNANDEZ: Planning & Zoning?

COUNCILPERSON PARDO: Our --

COUNCILPERSON THOMAS: Yeah. Our Planning & Zoning Board.

EMILIO FERNANDEZ: Well --

COUNCILPERSON THOMAS: Do you go to our Planning & Zoning Board?

CHAIRPERSON BROOKS: Has this been presented to the Planning & Zoning Board?

EMILIO FERNANDEZ: No. We do not normally do that. We share with the City. It's up to the cities how you distribute. We're giving copies to the municipalities, and if you need to do something internally, we expect the cities will do that. When we're getting an answer back from the City, that's the official answer we're getting from the City --

CHAIRPERSON BROOKS: Okay.

EMILIO FERNANDEZ: -- be it all the groups.

CHAIRPERSON BROOKS: Mr. Lowe?

COUNCILPERSON THOMAS: At your 35 percent mark --

COUNCILPERSON DAVIS: No.

COUNCILPERSON THOMAS: -- who did you get an answer back --

CHAIRPERSON BROOKS: Oh, Miss Jones? Okay.

COUNCILPERSON THOMAS: -- from? When you shared them at the 35 percent mark, who did you get an answer back from?

CITY MANAGER JONES: That's what the -- the 35 percent mark --

EMILIO FERNANDEZ: Yes. But I -- the same. We -- we shared -- we share with the -- with the City. We sent it to the City engineer and to the -- but at that point you didn't have as many details as you have now. That's why it was actually the City engineer who said to -- who said -- who said to us, you know, now it's at a point that our city council and our people should see it. And that's why we're here today. As far as I see it. I know you made the request, but the City -- the City engineer approached us with that. He said, "At 35 you didn't have the details that you could have a discussion like we're having now."

COUNCILPERSON THOMAS: Okay.

COUNCILPERSON LOWE: Madam Chair?

EMILIO FERNANDEZ: And now -- now we are at that point.

CHAIRPERSON BROOKS: Excuse me, Mr. Lowe and Miss Jones, did -- after Mr. Lowe -- Miss Jones, you want to have a comment prior to Mr. Lowe's comment or after?

CITY MANAGER JONES: Well, I just wanted to say real quickly -- and we received these 65 percent plans the last of November. And that's why I thought as soon as we could we needed to get the County staff here to hear our reactions to those 65 percent plans. This is the most detailed we've been able to see in order to raise the questions about traffic flow and -- and what it looks like.

COUNCILPERSON LOWE: Okay.

CHAIRPERSON BROOKS: So there -- we have the comments of our engineers or whoever our staff members were that were involved in this?

CITY MANAGER JONES: We will put those comments together after we hear tonight

each one of you so that those can be a part of the comments.

CHAIRPERSON BROOKS: Because I would like for us to have been privileged to the comments --

COUNCILPERSON THOMAS: I would -- I -- yeah. Yeah.

CHAIRPERSON BROOKS: -- of our staff to see how we're all either in agreement or not in agreement. But right now we don't have those comments available to us.

CITY MANAGER JONES: Right. You know, as -- just as staff we looked at it. We had the same concerns. We had the concern about the roundabout.

CHAIRPERSON BROOKS: Uh-huh.

CITY MANAGER JONES: And the safety.

CHAIRPERSON BROOKS: Uh-huh.

CITY MANAGER JONES: And getting the traffic -- we were concerned, although we understood it was because of resources that they were only going to 10th Street east of Old Dixie. It was -- it was going to stop right there. But when we saw these concerns, we talked to staff and then we said, Okay. Let's make sure we're also hearing from Council so it won't just be our concerns. But they're the same concerns that you're raising right now.

CHAIRPERSON BROOKS: Well, and that's what I needed to hear.

CITY MANAGER JONES: They're the same concerns.

CHAIRPERSON BROOKS: Okay. Because I want him to know the strength of where we're coming from, both from the Council, you know, concern about this, as well as the staff. So that you'll see that we are in agreement on most of what we've seen here in terms of what we -- we have some question about, real concern about. And it's safety.

CITY MANAGER JONES: Uh-huh.

CHAIRPERSON BROOKS: That's number one, safety.

COUNCILPERSON PARDO: Yeah.

CHAIRPERSON BROOKS: So any other questions? Mr. Lowe, you're next.

COUNCILPERSON LOWE: Thank you. Um, is there any plans for future extension of Avenue S?

EMILIO FERNANDEZ: No. We have -- we have no plans for extension of Avenue S. Avenue S is -- is a -- is a city road -- uh, street. We do not -- we do not have any -- anything with that. As far as the comment before that Lake Park was looking at

extending, the first I hear of that. All we did in our design, we're accommodating access to the property so that we could not, in the acquisition process, when we go -- try to go buy land for -- for a lake, we don't get the penalty of not having access and -- and then have a lawsuit on that from the property owners.

So when you acquire property, you need to address their access. So that's what we did with the roundabout. We addressed how they could access if they wanted to as far as connection to the roadway.

COUNCILPERSON LOWE: So right now you're just putting a detention pond and -- and --

EMILIO FERNANDEZ: That's correct. That's --

COUNCILPERSON LOWE: -- that's it?

EMILIO FERNANDEZ: -- that's -- that's all we're doing in that parcel. We -- we had the need to -- to address water quality and quantity for the road. And the only way to do that will be a lake. We know there's another lake a little further to the west where the armory is now coming in.

COUNCILPERSON LOWE: Uh-huh.

EMILIO FERNANDEZ: Which is our lake. But due to elevations and some design features, we were unable to make that lake bigger. We had to put -- get a new lake and further up in the -- in the land area that will work.

COUNCILPERSON LOWE: So -- so you guys -- you'll landscape the -- around the lake? It won't look just like a -- you know, just like a detention pond. And also in the center of the roundabout, what's -- what's there? Concrete or --

EMILIO FERNANDEZ: In the -- in the center of the roundabout you will have some -- it has to be low -- it has to be grass area. At first it has an apron around it.

COUNCILPERSON LOWE: Uh-huh.

EMILIO FERNANDEZ: That normally we -- we make it color concrete, different, like -- so you can see the difference from the -- from the curb on that. And that's a -- that's mountable curb. If you have a big tractor trailer or whatever going through there, able to actually go on that if they had to. So -- and the area's center is normally grass. The other thing with roundabouts is they have to be lit so we have to have lights.

COUNCILPERSON LOWE: Uh-huh.

EMILIO FERNANDEZ: Street lights for it.

COUNCILPERSON LOWE: Uh-huh.

EMILIO FERNANDEZ: Where you put a roundabout.

COUNCILPERSON LOWE: Is that in your plans, as well, to put street lights down Silver Beach?

EMILIO FERNANDEZ: That's -- no, sir. Street light I say at the roundabout will be the only location. If we put a roundabout, we have to put street lights at the roundabout. But street lights with the municipalities are done by the municipalities, be the Lake Park side or the Riviera side. We have to go by the municipality. The County does not provide lighting with municipalities.

COUNCILPERSON LOWE: And that area north of the service road, is that concrete or landscaped?

EMILIO FERNANDEZ: Grass.

COUNCILPERSON LOWE: Grass?

EMILIO FERNANDEZ: Grass area.

COUNCILPERSON LOWE: That's gonna be grass?

EMILIO FERNANDEZ: It's a grass swale. It's a swale area.

COUNCILPERSON LOWE: Oh, it's going to be a swale?

EMILIO FERNANDEZ: A swale area, yes. It will be conveying drainage. Will be retaining -- will be conveying the drainage flowing, going in and going into the lake.

COUNCILPERSON LOWE: So you need that drainage?

EMILIO FERNANDEZ: Yes. Yes. It's not for conveyance, yeah. And -- and water quality.

COUNCILPERSON LOWE: All right. Thank you.

COUNCILPERSON PARDO: Madam Chair?

CHAIRPERSON BROOKS: Yes, Miss Pardo?

COUNCILPERSON PARDO: I have a question. So what are the future plans for Silver Beach Road east of the tracks?

EMILIO FERNANDEZ: We had a request -- and Terrence will have the answer to that because he was -- he's been knocking on my back on that, right? The City engineer has been, What are you doing with that? He's, you know -- I know, I'm sure, you have discussed it in Staff and we -- we were -- we went back. I went back to the -- to the -- to the committee and to the -- to the County and we are happy to inform you that we will be able to allocate funds for milling and resurfacing the entire way --

COUNCILPERSON DAVIS: Great.

EMILIO FERNANDEZ: -- from -- from east of Old Dixie to Broadway in 2015.

COUNCILPERSON PARDO: 2015?

EMILIO FERNANDEZ: Yes.

COUNCILPERSON PARDO: Okay. All right. Thank you. Oh, one other thing. What about drainage? Are you going to do the drainage there? We have some --

EMILIO FERNANDEZ: And that --

COUNCILPERSON PARDO: -- serious drainage issues.

EMILIO FERNANDEZ: -- we could look at what we have there. But normally milling and resurfacing is just milling and resurfacing. You're trying to get the pavement quality there. If something is damaged in the pavement we may have to look at that, or something that the road is causing, we will look at that. So I guess it could come up in the comments as something to look at. We could have your feedback on that, the locations that you have of interest and we will look at them.

COUNCILPERSON PARDO: Okay. Thank you.

COUNCILPERSON DAVIS: Will you also install curbs?

COUNCILPERSON PARDO: No.

EMILIO FERNANDEZ: Uh, no. Milling and resurfacing is milling and resurfacing. I'm sorry.

COUNCILPERSON DAVIS: Okay. But -- but wait a minute. The -- the County -- this is a County road.

EMILIO FERNANDEZ: Correct.

COUNCILPERSON DAVIS: And I'm trying to bring up other roads. I serve on the MPO.

EMILIO FERNANDEZ: Uh-huh.

COUNCILPERSON DAVIS: And I'm trying to bring up other roads that I -- that are County owned that look totally different. So, um, what other county roads are there around?

UNIDENTIFIED SPEAKER: Congress.

COUNCILPERSON DAVIS: Congress Avenue.

EMILIO FERNANDEZ: Yeah. Well, the curbing got a section so --

COUNCILPERSON DAVIS: Curbed. Looks beautiful.

EMILIO FERNANDEZ: Yeah. It's a six-lane -- four-, six-lane road, yes.

COUNCILPERSON DAVIS: Okay. Well, I mean, it's a -- it's a two-lane -- it's a four-lane --

EMILIO FERNANDEZ: I also explain it to --

COUNCILPERSON DAVIS: -- highway.

EMILIO FERNANDEZ: Uh-huh.

COUNCILPERSON DAVIS: And, you know, there are beautiful communities there and, you know, we have a community right here on both sides of this road. And it needs curbing. I can understand maybe not putting the lights up. But curbing and -- and drainage, absolutely.

EMILIO FERNANDEZ: Well, if you're talking curbing and drainage, now you're talking about a project -- you're not talking about milling and resurfacing, which is a maintenance type of -- type of activity. Milling and resurfacing is maintaining the road. That's -- so that pavement will be smooth. Now, if you're talking drainage, you're talking curb and gutter, when you put curb and gutter, the road cannot be flat. The road has to go up and down for the water to flow in the gutter. And you have to address drainage so it costs us a lot more. So you're talking a different ballgame than that. We have to need a lot more funds for that.

COUNCILPERSON DAVIS: I'd like -- I'd like to meet with you and -- and -- and find out some other county roads within municipalities that look totally different than Silver Beach Road, because I think, you know, it -- it needs a lot more improvement than just resurfacing. Okay?

COUNCILPERSON LOWE: Madam Chair?

CHAIRPERSON BROOKS: Yes, Mr. Lowe.

COUNCILPERSON LOWE: I guess acquisition was one of your major obstacles that caused you to come up with this design. Am I assuming that or no?

EMILIO FERNANDEZ: No. The -- we thought it was a good thing, the design, you know, that we had extra right-of-way and we were able to offer something to the residents that was not having the road right next to them.

COUNCILPERSON LOWE: Uh-huh.

EMILIO FERNANDEZ: So we thought that was good for this segment that I --

COUNCILPERSON DAVIS: It is good.

EMILIO FERNANDEZ: -- I described before. We do have a problem at the east end where we don't have the right-of-way. Here we had the luxury --

COUNCILPERSON LOWE: Right.

EMILIO FERNANDEZ: -- of having the extra right-of-way which we normally don't have.

COUNCILPERSON LOWE: Right.

EMILIO FERNANDEZ: So as another way of this luxury of that, let's try to do a good thing here for the -- for the -- for the residents and move the road away from them. And that's what we did for this segment.

COUNCILPERSON LOWE: Well, I could see in that segment west of, uh --

COUNCILPERSON DAVIS: Uh-huh.

COUNCILPERSON LOWE: -- Old Dixie Highway --

COUNCILPERSON DAVIS: Uh-huh.

COUNCILPERSON LOWE: -- you're eliminating a very dangerous situation where --

COUNCILPERSON DAVIS: Right.

CHAIRPERSON BROOKS: Uh-huh.

COUNCILPERSON LOWE: -- the current residents have to back out onto Silver Beach.

CHAIRPERSON BROOKS: Uh-huh.

COUNCILPERSON LOWE: So I mean, that's a good thing. I guess what you're hearing is the major objection is the roundabout.

CHAIRPERSON BROOKS: Uh-huh.

COUNCILPERSON LOWE: But you know, I just want it to be efficient and look nice. That's why I questioned about the pond. Is it going to be a pond or a lake? You know?

EMILIO FERNANDEZ: Yeah. We normally -- it's a pond that we were looking at. It will be for drainage. Normally what will be done if we are maintaining that, we will be fencing it.

COUNCILPERSON LOWE: Oh.

EMILIO FERNANDEZ: Because you don't want people going into the -- the liability of somebody going in the water there.

CHAIRPERSON BROOKS: Uh-huh.

EMILIO FERNANDEZ: So it would be a chain-link fence around it. We're having that. Normally in this type of situation, though, where you have a big parcel of land and you are buying a lake, we normally acquire what is called a "relocatable drainage easement," which means that the property owner will have the option to relocate it in the future if the drainage features are maintained.

Because we will not be the fee simple owner. The fee simple owner will remain the property owner. That's normally our offering in a case like this. So looking at it in the future, will the lake -- will it remain there? Will it be moved further in? That will all depend on the property owner. We are looking at the lake to satisfy our needs for water quality and quantity on the road.

COUNCILPERSON LOWE: So that's not County-owned land, then?

EMILIO FERNANDEZ: No. It's not. We're looking at acquiring the land.

COUNCILPERSON DAVIS: Lake Park.

EMILIO FERNANDEZ: So that's acquisition required.

COUNCILPERSON LOWE: I was under -- under the assumption that that was environmentally sensitive land. That's why it never got developed.

EMILIO FERNANDEZ: Yeah. You are correct. It's -- east of this lake, the -- the east property line of the proposed lake there --

COUNCILPERSON LOWE: Uh-huh.

EMILIO FERNANDEZ: -- that is the Lake Park scrub you saw.

COUNCILPERSON LOWE: Right.

COUNCILPERSON DAVIS: Uh-huh.

EMILIO FERNANDEZ: We're not touching that.

COUNCILPERSON LOWE: Okay.

EMILIO FERNANDEZ: Our own people will not let us touch that.

COUNCILPERSON LOWE: Right.

EMILIO FERNANDEZ: Even if we are County and that's County, no. We cannot touch that. We need to stay away from that and meet all the requirements. Everybody has to

meet them all. Because it's -- the City example with us being -- being part of the County. So no, we're not touching the scrub at all. This will be just west of it. And that's something we had to look at in detail in the design because the land there sloping down so we had to really address the slopes and how to come into it. But we're not touching the Lake Park scrub, no. This is the --

COUNCILPERSON LOWE: Yeah, I've never been over in there. I never -- never knew the contour.

EMILIO FERNANDEZ: Yeah. Yeah.

COUNCILPERSON LOWE: But --

EMILIO FERNANDEZ: It is -- it is higher than that. It's that sand ridge. So let me go through the next few slides and we'll not -- so this is -- this is where we are as far as 65 percent. The next will be 96 percent submittal and we look -- waiting for Riviera and also Lake Park comments. And -- and also the utilities. Different utilities also have plans.

Looking at the right-of-way situation -- this is the other issue we were just talking about - - the existing right-of-way from Congress to -- to Avenue O is about 108 to 125 feet, your barriers in that area. But that's how much we had there. There's no need to acquire any additional right-of-way for the road in that area. We do have to acquire for the lake but not for the road in that area.

And we're able to accommodate what we just described. East of that, the right-of-way is only 50. As a matter of fact, it's even 45 in one -- right in front of the parks -- that place there. So we -- yeah, I didn't want to call --

UNIDENTIFIED SPEAKER: (Inaudible).

EMILIO FERNANDEZ: -- that word. The -- the -- so there we have to acquire some right-of-way and that's where the issue came of what you were talking of the driveways so I'm glad you bring that up because it's an interesting thing that we have to look into.

At -- at -- in the beginning portion just west of Avenue O, we're only acquiring on the north side. And we're acquiring about five feet. But now -- now you're going to drive me crazy there -- okay. I guess I started talking off the script. And he -- and I'm driving him crazy now. Sorry about that.

So -- where are you going? Okay. All right. So we have -- in this area where we are east of the frontage road that we're able to provide, we do still have the situation of people backing into the road that you described a few minutes ago.

CHAIRPERSON BROOKS: Uh-huh.

EMILIO FERNANDEZ: And so we have to address that. To address that, we offer the property owners circular driveways, and that's the next slide you had, I guess. Circular

driveways. And for that, that is built inside their property. And that will require us acquiring a temporary construction easement from the property owners.

So they either -- either get a circular driveway or what we call a T turnaround to be able -- so you won't back into the road. So those road -- uh, locations we were unable to have a frontage road, we need to address the people not backing into the road by one of these methods. And we'll be approaching each property owner, presenting them the alternatives on that.

COUNCILPERSON LOWE: And you'll pay for it?

EMILIO FERNANDEZ: Yes. Be part of the construction of the project, the temporary construction easement and also the actual construction.

CHAIRPERSON BROOKS: Sir, has there been a conversation with any of these residents?

EMILIO FERNANDEZ: No.

CHAIRPERSON BROOKS: Okay.

EMILIO FERNANDEZ: Not yet. We are still in the process of preparing the -- the -- the legal documents and making sure exactly how much we need. Because when you approach a resident they want to know exactly up to what point you're going.

CHAIRPERSON BROOKS: Uh-huh.

EMILIO FERNANDEZ: We don't want to go to them and say, We're going to disturb your land. Well, how much? Where?

CHAIRPERSON BROOKS: Uh-huh.

EMILIO FERNANDEZ: We need to have those details.

COUNCILPERSON DAVIS: Excuse me?

COUNCILPERSON PARDO: (Inaudible).

CHAIRPERSON BROOKS: Miss Davis?

COUNCILPERSON DAVIS: You -- you don't call out the street -- I'm sorry.

CHAIRPERSON BROOKS: Go ahead.

COUNCILPERSON DAVIS: Madam Chair?

CHAIRPERSON BROOKS: Yes. Uh-huh.

COUNCILPERSON DAVIS: You didn't call out the street name so I'm still trying to

figure out where it is.

EMILIO FERNANDEZ: This is a -- this is a typical -- typical -- this is not any street. This is a typical --

COUNCILPERSON DAVIS: Oh, this is just -- okay.

EMILIO FERNANDEZ: -- what -- just a typical --

CHAIRPERSON BROOKS: The alternatives that will be presented.

EMILIO FERNANDEZ: -- what's done. Alternatives where you put a circular driveway in front of a property. That's the way it will look with a standard -- standard (inaudible).

COUNCILPERSON DAVIS: But the area that you're talking about, that -- that is still right there where the frontage road is. It's that area west of -- um, east of P?

EMILIO FERNANDEZ: East of P.

COUNCILPERSON DAVIS: Okay. Gotcha.

EMILIO FERNANDEZ: Where the frontage road is --

COUNCILPERSON DAVIS: Yeah. I understand.

EMILIO FERNANDEZ: -- since we are able to provide local road there was no need to do circular driveways.

COUNCILPERSON DAVIS: Uh-huh.

EMILIO FERNANDEZ: Because they're backing into a local road.

COUNCILPERSON DAVIS: Right.

CHAIRPERSON BROOKS: Uh-huh.

EMILIO FERNANDEZ: There's no traffic in there. In this area where they're backing into Silver Beach Road --

COUNCILPERSON DAVIS: Uh-huh.

EMILIO FERNANDEZ: -- there is where we saw the need for circular driveways.

COUNCILPERSON DAVIS: Okay.

CHAIRPERSON BROOKS: Uh-huh.

EMILIO FERNANDEZ: And that's where we're making that offer.

CHAIRPERSON BROOKS: Okay.

EMILIO FERNANDEZ: So further east of that, as you approach the intersection now, we are starting to develop the left-turn lane at the Old Dixie intersection. So we need to acquire land from the south now. It's a little more complicated. So we're buying between five and eight feet in both sides of the road here to be able to accommodate that section that we showed before with the two paved shoulders. And we need to address not only the right-of-way to be acquired, also the driveways as we just described and the connection to parking lots. For example, the church over here has a big differential grade --

COUNCILPERSON DAVIS: Uh-huh.

EMILIO FERNANDEZ: -- that has to be addressed in the -- in the process of that.

COUNCILPERSON DAVIS: Okay.

EMILIO FERNANDEZ: So -- and the final thing that -- that we are -- that we have in the -- and what I'd like to point out to you is that at the intersection of -- of Old Dixie and Silver Beach, it will be a signalized intersection with mast arms, with the new mast arms type of -- type of picture. Not the -- this -- the (inaudible) wire.

CHAIRPERSON BROOKS: Is that similar to what we have now at Blue Heron and, um, Congress?

EMILIO FERNANDEZ: Yes.

CITY MANAGER JONES: Yes.

CHAIRPERSON BROOKS: Okay.

EMILIO FERNANDEZ: Yes. So that -- those -- those -- those lines there, that are the -- are actually the arms of the -- of the mass that will be holding the signals.

CHAIRPERSON BROOKS: Okay. Okay.

EMILIO FERNANDEZ: And that -- and that's -- that's part of the plan and it's included as part of the budget and part of the plan for the intersection.

COUNCILPERSON LOWE: Madam Chair?

CHAIRPERSON BROOKS: Yes, Mr. -- Mr. Lowe?

COUNCILPERSON LOWE: Okay. Now, from Avenue O to Old Dixie, you said you're going to acquire eight feet?

EMILIO FERNANDEZ: From Avenue O to Old Dixie in the initial area --

COUNCILPERSON LOWE: Oh, this is south?

EMILIO FERNANDEZ: In the south side.

COUNCILPERSON LOWE: It's south.

EMILIO FERNANDEZ: This is -- this -- this --

COUNCILPERSON LOWE: Right.

EMILIO FERNANDEZ: -- this -- in the south initial area -- go -- go further west, Bill. The first area which is just west of Avenue O, in that area we do not need to acquire any right-of-way in the south.

COUNCILPERSON LOWE: Okay. Yeah, I understand that.

EMILIO FERNANDEZ: We'll only be acquiring on the north. And why are we acquiring on the north? Well, the sidewalk is actually there but it's not in the right-of-way so we do have to acquire that area up to where the sidewalk is on the north side. Uh, in the -- in the south side we have sufficient right-of-way here. It's not an issue until we try to expand the road to create that left-turn lane at Old Dixie. And that's the next slide where we get into the need to acquire land on the south, also.

COUNCILPERSON DAVIS: Uh-huh. Uh-huh.

EMILIO FERNANDEZ: To be able to accomplish the left-turn lane at Old Dixie.

COUNCILPERSON LOWE: And sidewalk, right?

EMILIO FERNANDEZ: And sidewalk, yeah.

COUNCILPERSON LOWE: 'Cause there's no sidewalk right now.

EMILIO FERNANDEZ: Sidewalk will be provided throughout. The only location in the whole plans that's there today that we do not have sidewalk is on the south side east of Old Dixie as I mentioned before.

COUNCILPERSON DAVIS: Right.

EMILIO FERNANDEZ: Everything else, sidewalk on both sides.

COUNCILPERSON DAVIS: Right.

CHAIRPERSON BROOKS: Any further questions?

COUNCILPERSON DAVIS: And -- uh, yes, ma'am.

CHAIRPERSON BROOKS: Okay. Sure, Miss Davis.

COUNCILPERSON DAVIS: And in that particular area, I believe is Silver Beach, there's a bus stop there. Am I correct?

CITY MANAGER JONES: Uh-huh. Uh-huh.

COUNCILPERSON DAVIS: Will you make some kind of -- somewhere to put a -- put a seat for the bus stop?

EMILIO FERNANDEZ: Well, that's -- that's normally the --

COUNCILPERSON DAVIS: I know. But it's County -- yeah.

EMILIO FERNANDEZ: -- we get them to come -- no, we normally do not -- that's Palm Tran now.

COUNCILPERSON DAVIS: I know. I know.

EMILIO FERNANDEZ: They will come in and they -- they normally go -- that you may request of them and if there is space in the right-of-way, we do allow them. But it's done by Palm Tran.

COUNCILPERSON DAVIS: Yeah. Yeah. Right now there's just -- they're just standing in the bushes.

CHAIRPERSON BROOKS: Just standing at -- uh-huh.

EMILIO FERNANDEZ: There's a stop sign there. I looked at --

COUNCILPERSON DAVIS: Yeah.

EMILIO FERNANDEZ: -- I looked at that as coming --

COUNCILPERSON DAVIS: Yeah.

EMILIO FERNANDEZ: -- just as you turn in Congress on the south side there's a bus stop right there.

COUNCILPERSON DAVIS: Right.

EMILIO FERNANDEZ: I was looking at that today.

COUNCILPERSON DAVIS: Yeah. But at Old Dixie and Silver Beach --

EMILIO FERNANDEZ: On Old Dixie you have the same situation, yes.

COUNCILPERSON DAVIS: -- there's just a -- a -- yeah. Okay. Thank you.

CHAIRPERSON BROOKS: Any other further questions? We do have one comment card. Mr. Ward on item number 1.

EMILIO FERNANDEZ: I have to (inaudible). I think I know this guy.

CHAIRPERSON BROOKS: He's our --

UNIDENTIFIED SPEAKER: I'm sure you do.

GERALD WARD: Good evening.

CHAIRPERSON BROOKS: Good evening, Mr. Ward.

GERALD WARD: Gerald Ward, 2135 Broadway. I would tell you that Silver Beach Road has been a priority on our comprehensive plan since -- for action since 1982 or '89. I know by '89. And it is a routine board discussion item by the Planning & Zoning Board. Mr. Wigham lives up off Avenue S in the near vicinity. And, uh, you don't see any Seadek people here tonight, which is -- is one more case of how we have not planned well since '96.

COUNCILPERSON THOMAS: Oh, just the directors. That's (inaudible).

UNIDENTIFIED SPEAKER: Director, you know.

CHAIRPERSON BROOKS: She doesn't count.

GERALD WARD: Where is she?

UNIDENTIFIED SPEAKER: She's back in the back back. (Inaudible).

GERALD WARD: Oh, she's in the back. Okay. But the -- the whole point is that we need to send this to the Planning & Zoning Board as your action tonight so that a number of people who have been involved in this area get involved further.

I have about a half a dozen issues. The handout didn't have a lot of cross-sections or any cross-sections in it, and the PowerPoint did start to say yes, there are sections with -- with curb and gutter and so forth. But we really knew -- need to go back and -- and see that the -- they are providing in the reconstruction of the frontage road, for instance, and some of the other areas, a better cross-section.

The roundabout is certainly going to be an issue at the Planning Board. It's been discussed. It came out that, uh, people were understanding but never got any plans. You need to have the traffic counts, the crash histories, all for that intersection to see whether one of the suggested alternatives might be better.

It is, you know -- Emilio talked about the bridge to nowhere roundabout on the east side of 95 at Investment Lane. But you need to go try that. And that is, as you said, a commercial industrial area.

Stormwater pond. I -- I am amazed to back it up against the conservation area to the east, and I really -- he -- Emilio talked about that they looked at a joint-use pond. But there's no reason why you can't force the lower-level County government into a joint-use park -- plan with the pond being used by the owner at the corner, the -- I think the

armory's talked about, the private property owner and the -- the County. All three should start to share in, and it will become a much better looking detention [sic] pond.

We went through additional lanes all through the '80s and '90s and all of a sudden it disappears. So you need to -- to ask for the transportation. Go back on the street lights. Congress has some street lights. Again, to close, it needs to go to Planning Board and Emilio, as he exuded, he does know the area. It's not like getting DOT up here where they -- they -- they don't have a response back to you. When he talked about the church at the southwest corner of Silver Beach and Old Dixie, he knew what was there. So he is willing to -- to make some changes. And you understand, though, the County is a bureaucratic operation with a committee that supposedly is the person to point to instead of warm bodies. So we need more effort out of Terrence, our new City engineer. He's no longer working for a lower-level government. He's at the top. So he needs to put his thoughts into it and make sure each of you and the Planning Board comments get back.

CHAIRPERSON BROOKS: Thank you so much, Mr. Ward. Now we'll move on to -- any further discussion? Okay. Well, you've got our comments and --

COUNCILPERSON PARDO: The roundabout.

CHAIRPERSON BROOKS: I'm sorry?

COUNCILPERSON PARDO: Yeah, it's the roundabout.

CHAIRPERSON BROOKS: The roundabout, yes.

COUNCILPERSON PARDO: My issue is that roundabout.

CHAIRPERSON BROOKS: Yes, yes. Yes. Okay. We'll get into Discussion and Deliberation by Council. However, I did ask two persons to come today because they want to bring before the board some proposals. And I'm going to call first Terri Mitchell. Is that okay? Okay. I just want to -- okay. Miss Mitchell, if you would please come forward. And she has provided each one of you with a copy of what it is that she wants us to --

COUNCILPERSON DAVIS: I don't have anything.

CHAIRPERSON BROOKS: -- consider.

COUNCILPERSON DAVIS: I don't have anything.

CHAIRPERSON BROOKS: I -- I just really got my copy today. But I understand that Miss Mitchell did bring in -- it's Life Span of Palm Beach County.

TERRI MITCHELL: Yes. The copies were dropped off yesterday at the front office. I know that I did talk to several people and they just received theirs a few minutes ago. If you didn't get one, I will provide you with another one.

COUNCILPERSON DAVIS: Well, we'll listen. I'll listen. I don't have anything.

TERRI MITCHELL: Okay.

CHAIRPERSON BROOKS: Did you? Well, I had invited her to come so I'm not gonna, you know, not listen. We can always listen. We're not -- it's not here for us to make a decision. So she's asked to be on the agenda for February the 6th. That letter was --

TERRI MITCHELL: Good afternoon, Madam Chair, City Council Members. My name is Terri Mitchell and I am the executive director of Life Span. I have submitted informational packets to all the council members and to the appropriate staff requesting the activation of the organization's second term of our organization's lease agreement.

We're requesting the activation in order that we may continue to serve the children and the families of the community with additional services. We are hoping to provide on our site in addition to the child care, senior services and youth services. Life Span has diligently served the children and families of Riviera Beach for nearly 20 years.

The organization contributes to Riviera Beach's community by providing 20 to 25 full-time jobs each year. In addition, we reinvest almost 65,000 back into the local community and provide scholarships to needy families in the area to a tune of 15,000. Life Span remains committed to the project which it started in 2001. I stand committed to the project which I started in 2001.

Thus, I am respectfully requesting that this matter be placed on the agenda to be heard and voted upon by the members of the City Council of Riviera Beach at the regular scheduled meeting on February 6th, 2013. If you have any additional questions, I will be free to answer them or provide you with any additional information. Thank you.

COUNCILPERSON DAVIS: Madam Chair?

CHAIRPERSON BROOKS: Yes, Miss Davis?

COUNCILPERSON DAVIS: Miss Mitchell, I understand you're -- and I think I had a copy of it a few months ago when you had contacted me. But your lease is five -- for -- per five years?

TERRI MITCHELL: No.

COUNCILPERSON DAVIS: Or it's 10 years?

TERRI MITCHELL: No. Our lease agreement is three blocks of 20.

COUNCILPERSON DAVIS: Three blocks of 20 years?

TERRI MITCHELL: Yes.

COUNCILPERSON DAVIS: So --

TERRI MITCHELL: Sixty total.

COUNCILPERSON DAVIS: -- the two -- okay. Huh? I'm talking about your old east --

TERRI MITCHELL: We -- 60 -- yes.

COUNCILPERSON DAVIS: -- the one that you're in right now?

TERRI MITCHELL: The only one. Yes. The only one we have ever had. It's -- it's 60 years.

CITY MANAGER JONES: It's 20 years with two 20-year --

COUNCILPERSON DAVIS: Remaining?

CITY MANAGER JONES: -- renewal options.

TERRI MITCHELL: We have --

COUNCILPERSON DAVIS: So right now you're in -- you're -- you're in the first 20 years?

TERRI MITCHELL: We're in year -- we're in year 18.

CITY MANAGER JONES: Of the first --

TERRI MITCHELL: Of the first 20.

COUNCILPERSON DAVIS: Okay. So you're 18. Why are you putting -- wanting to put it on the agenda now?

TERRI MITCHELL: Because we would like to move forward with --

COUNCILPERSON DAVIS: Oh, okay.

TERRI MITCHELL: -- with expansion of the project and construction of new facilities on our site.

COUNCILPERSON DAVIS: Okay.

TERRI MITCHELL: And with an expiring lease agreement, we are hindered to -- we are hindered in drawing down dollars and funds. With a new lease agreement, the County would probably open its doors and other funders would welcome us as they did the first time when we built the child care facility. We raised all of the money to build the facility. We wrote grants. We had -- we act -- we solicited dollars from funders and we had the help of Fidelity Federal. We're hoping to go back to those funders and say, We did a beautiful job the first time.

COUNCILPERSON DAVIS: So what -- okay. So what is the lease payment that you

pay to the City?

TERRI MITCHELL: Right now we pay a dollar a year the -- for the 20 years. We also -- we also -- we also provide the children and the families in the community with a large amount of scholarships.

COUNCILPERSON DAVIS: Okay. I -- I get it. Thank you.

CHAIRPERSON BROOKS: So what you're saying, Miss Mitchell, is that -- looking at your expansion --

TERRI MITCHELL: Uh-huh.

CHAIRPERSON BROOKS: -- that persons to whom you are approaching would look at you more favorably if they knew, in fact, that you would be staying where you are --

TERRI MITCHELL: Yes. We've already began to approach --

CHAIRPERSON BROOKS: -- in the City --

TERRI MITCHELL: Pardon me. I'm sorry.

CHAIRPERSON BROOKS: I'm just --

TERRI MITCHELL: We've already began to approach funders. And the first thing out of the funders is, You -- you have an expiring lease agreement. We're not really interested in getting into that. We need the stability of a strong new lease as we had the first time around when we built the child care facility. When we walked in the doors with a lease in hand and -- and we walked in the doors with other vendors such -- I mean, other contributors such as the Children's Services Council --

CHAIRPERSON BROOKS: Uh-huh.

TERRI MITCHELL: -- the Quantum Foundation, when we walk through the doors with that kind of power, we were welcomed, and that's how we built for the children of Riviera Beach the facility that we currently have. We want to simply do nothing but do this again for our youth and for our seniors. That project is not finished. When I started that project, I made a commitment. I made a commitment to bringing certain service to one centralized location. And I want to finish what I started. Unlike other people who have come into the City, I am dedicated to this City. I am a native and I want to finish this project.

CHAIRPERSON BROOKS: Are there any further questions? Miss Jones, your comments?

CITY MANAGER JONES: No, what we, um -- the only thing I wanted to tell Miss Mitchell is that in order for us to put an item on the agenda, we must have a new lease, 'cause it -- Council will not vote without reading a new lease. So your attorney and

Legal -- our City attorney need to be getting together with a proposed lease to place on the agenda for consideration. And our agenda goes out next Friday, a week from Friday.

CHAIRPERSON BROOKS: That's good advice.

TERRI MITCHELL: Okay.

CHAIRPERSON BROOKS: And this is what I -- this is what Miss Mitchell desired to have is she's sharing with us what she desires to do. And she also wants to know what is the next step to get it done or to at least be considered. So this is what we're imparting to you now. This is what must happen. Uh, the letter was just written to Miss Jones on the 15th so I imagine she hadn't had a chance to respond to it. But you've heard what she is saying that would be required?

TERRI MITCHELL: Yes. I have definitely come to you looking for a directive, and I thank you, Miss Jones, for your directive.

CHAIRPERSON BROOKS: Okay. Are there any other questions? All right. Thank you so much, Miss Mitchell. Okay. We have -- yeah. There's another group that's here to speak on the Jerk and Caribbean Festival. And they want to talk with the Council regarding their proposal.

COUNCILPERSON DAVIS: You're busy today, Mr. Lewis, huh?

BRUCE LEWIS: Quite busy. Bruce Lewis, business advisor and consultant to Miss Terri Mitchell and also the gentlemen, the principals and producers of the Jerk Fest. I just wanted to tell you, just to give you a little bit of background briefly. Uh, this festival has been held in the City of West Palm Beach for the last nine years.

And what -- what the -- what the applicants are wishing to do in lieu of not being desirably accepted and really actually penalized for the success, where they hold this festival downtown is in the Meyer Amphitheater. The Meyer Amphitheater can only hold up to 5,000 people.

And so what the City has done here recently in the last month and a half is to impose crowd control types of sanctions on this very successful event, and in essence really has sent the message that if you're -- if your event is too successful, you'll be penalized.

And so I gave them the advice and direction to come to the City of Riviera Beach because I think it's an excellent event. And as chairman of the Downtown Development Authority, in all of this nine years that this festival has taken place, there has not been one citation, one instance of any kind of crime. Every year after the festival is over, they're required to clean up within a 24-hour period of time. It's always been done. There are no compliance issues. I just believe that if you're not wanted someplace, then you don't have to -- to stay.

And I think that the next place of -- of a great festival like this would be the great

City of West Palm Beach. And with that I want to introduce these --

CHAIRPERSON BROOKS: Riviera Beach. Riviera Beach.

COUNCILPERSON PARDO: We're Riviera Beach.

BRUCE LEWIS: Riviera Beach. Sorry.

COUNCILPERSON THOMAS: Madam Chair?

BRUCE LEWIS: So --

CHAIRPERSON BROOKS: Yes, sir?

COUNCILPERSON THOMAS: Um, what -- what was the -- is there an issue? Did you not, like, apply for a permit? Was there something that was going on that you needed to be heard by the board? Is -- is there -- is there an issue going on that we're not familiar? Is there a certain place you wanted to be that you couldn't get a permit or --

BRUCE LEWIS: Yeah.

COUNCILPERSON THOMAS: -- I'm -- I'm just trying to figure out -- 'cause I mean, this is something simple. You can go and apply for the permit and get going.

BRUCE LEWIS: Well, it's --

COUNCILPERSON THOMAS: I'm just try -- I'm trying to just figure out what's the -- what's the board action here, what needs to happen here?

BRUCE LEWIS: Actually -- actually, the real issue, Commissioner, if I will, is that they have outgrown the specified site. And so in the City's infinite wisdom, community events to be particular, the department that issues the permits, as I stated earlier, no issues with compliance. And that means --

COUNCILPERSON THOMAS: I'm saying for us. I'm saying what -- what are you actually requesting from the City of Riviera Beach?

BRUCE LEWIS: We're actually requesting from the City of Riviera Beach to consider this festival in your city.

COUNCILPERSON THOMAS: Okay. And what comes -- I'm -- I'm missing something, because if -- when individuals want to have an event, they apply for a permit and they have their event. I'm -- I'm -- I'm missing what you actually need from the -- this board.

UNIDENTIFIED SPEAKER: From the board.

COUNCILPERSON THOMAS: What do you -- what action do you actually need from this board?

BRUCE LEWIS: Well, we're looking for an expedited kind of situation but we will go through all of the, you know -- the processes and procedures that are required. They have a time-sensitive issue with regards to having some kind of location for them to do their festival within a three-week period of time. So for -- mainly for marketing and promotional purposes -- and I'll turn it over to Mr. Damian to -- to talk to you about it.

CHAIRPERSON BROOKS: And I had asked them to come and just share with us what they would like to do here in our city. Right now we don't really have any great --

COUNCILPERSON DAVIS: Could --

CHAIRPERSON BROOKS: Yes?

COUNCILPERSON DAVIS: Oh, I'm sorry.

CHAIRPERSON BROOKS: -- if we had something like this -- I think about the success of Lake Park and their Seafood Festival.

COUNCILPERSON DAVIS: Uh-huh.

CHAIRPERSON BROOKS: And we really don't have any activity now going on in our city that brings families together, provide entertainment. And if, in fact, where West Palm Beach -- they've outgrown themselves there, you know, come look to the City. So it's just -- really just an announcement. It's an interest, and so I invited them to come.

COUNCILPERSON DAVIS: Madam Chair, I have a question.

CHAIRPERSON BROOKS: Yes.

COUNCILPERSON DAVIS: So where and when are you talking about having this festival?

DAMIAN TAYLOR: Well, good --

BRUCE LEWIS: State your name.

DAMIAN TAYLOR: -- good evening, everyone. My name is Damian Taylor. I'm one of the organizers for the Jerk Festival. Um, this event is held on Memorial Day from the beginning and we basically created this event to, you know, keep people in Palm Beach County.

COUNCILPERSON DAVIS: Okay. But where -- where and when?

DAMIAN TAYLOR: Well --

CHAIRPERSON BROOKS: It's Memorial weekend.

COUNCILPERSON DAVIS: Oh, Memorial Day weekend?

DAMIAN TAYLOR: Yeah. Yeah. Right.

CHAIRPERSON BROOKS: It would be that --

COUNCILPERSON DAVIS: In May? Where -- where -- where would you --

CHAIRPERSON BROOKS: -- Saturday.

COUNCILPERSON DAVIS: -- where are you talking about having it in the City of Riviera?

DAMIAN TAYLOR: Well, my -- our first option, you know, that we would be requesting is to have it on the beach where they had, like, the Jazz Festival. And the second one would be right across from the Tate's Gym at the amphitheater.

CHAIRPERSON BROOKS: Dan Calloway Park is what you mentioned.

DAMIAN TAYLOR: Correct.

CHAIRPERSON BROOKS: Yes.

COUNCILPERSON DAVIS: Uh-huh. And how -- is it a one-day event or --

DAMIAN TAYLOR: Yes, it is. It's a one-day --

COUNCILPERSON DAVIS: A one-day?

CHAIRPERSON BROOKS: It's a one-day.

COUNCILPERSON DAVIS: Okay. And I'll -- I'll just say this out loud. I'm not interested in any cost associated with the City having to pay anything.

CHAIRPERSON BROOKS: Well, that -- that was made clear to them. We don't have no money.

COUNCILPERSON DAVIS: So I -- I have to put that on the record just for me personally. At all.

COUNCILPERSON PARDO: (Inaudible) Public Works (inaudible).

CHAIRPERSON BROOKS: But they would have to come up with --

COUNCILPERSON DAVIS: You know, so --

CHAIRPERSON BROOKS: -- all of the -- the -- the fees.

COUNCILPERSON PARDO: (Inaudible), right.

COUNCILPERSON DAVIS: -- whatever expenses there are that come with it --

COUNCILPERSON PARDO: Police.

CITY MANAGER JONES: Public Works, police -- police.

CHAIRPERSON BROOKS: Uh-huh. But we just wanna let you know that there would be certain costs --

COUNCILPERSON DAVIS: -- police, fire.

CHAIRPERSON BROOKS: -- involved and, you know, folks, we're just having a conversation.

COUNCILPERSON DAVIS: Yeah.

CHAIRPERSON BROOKS: You know, nothing is decided here.

COUNCILPERSON DAVIS: I'm just letting -- uh-huh.

CHAIRPERSON BROOKS: You know, I just feel like our city just -- when people come to us, we say that we're the best city to live, work, learn and do something, play. You know? So when people come, let's listen and encourage.

COUNCILPERSON DAVIS: Uh-huh.

CHAIRPERSON BROOKS: You know, do what we can to make things happen. My God, we're supposed to be a friendly city.

COUNCILPERSON THOMAS: Madam -- Madam Chair? I just wanted to --

CHAIRPERSON BROOKS: So --

COUNCILPERSON THOMAS: -- make sure that, you know -- just the -- the proper chain was followed. And if there was a problem, then I thought that that's maybe why they were here.

CHAIRPERSON BROOKS: Oh, no. No.

COUNCILPERSON THOMAS: If there was something outside of our --

CHAIRPERSON BROOKS: No problem. No problem. No problem.

COUNCILPERSON THOMAS: -- something that needed to be just amended by the board or board action. But if -- you know, if they have applied for, you know, a permit and every -- anybody can apply for a permit, you know, and they can go through the -- if they need something expedited, then fine. I mean, if you -- if you're trying to get that, we have an expedited permitting policy that's in place. I just wanted to know exactly what you wanted, you know, from the board so I can, you know, have my mind (inaudible).

CHAIRPERSON BROOKS: That -- that -- that we would be excited about it. That we would, like, wanna have it.

DAMIAN TAYLOR: Yeah. Just to let you guys know that (inaudible) --

CHAIRPERSON BROOKS: You know, that we would be in favor of it. You know, sure, they could go through the routine of all that but again, we want people to be excited. If you got an idea, you think it'll work in our city, bring it forward. You know? That -- that's my position.

DAMIAN TAYLOR: I mean, again, there's one way I know that the City could benefit in terms of parking, 'cause we're expecting somewhere between 8 to 12,000 people attending the event.

COUNCILPERSON DAVIS: Oh.

DAMIAN TAYLOR: So we could, you know, discuss how we could share, you know, the cost of parking.

CHAIRPERSON BROOKS: (Inaudible).

DAMIAN TAYLOR: So --

CHAIRPERSON BROOKS: Yeah.

DAMIAN TAYLOR: -- it would be beneficial to, you know, both of us.

CHAIRPERSON BROOKS: Well, we would have to look at all the logistics, you know, and sit at the table with whomever you need to sit at the -- the table and just -- just see if we can't make it happen. See if we can't make it happen. All right. Mr. --

BRUCE LEWIS: I appreciate the time and the consideration. They have yet to go through the process of the permit applications, but this is just merely an opportunity to come forward and let you know really as an FYI.

CHAIRPERSON BROOKS: Right.

BRUCE LEWIS: They intend to go through the process and --

CHAIRPERSON BROOKS: Right.

BRUCE LEWIS: -- we can deal with the logistics and the details. But the most important thing is, is that they're interested in doing something in this great city. There are some revenue-generation opportunities for the City. So it wouldn't cost the City anything. As a matter of fact, you could raise some money from this festival. So --

CHAIRPERSON BROOKS: And -- and we would hope that the local vendors here --

BRUCE LEWIS: -- I want to make that clear.

CHAIRPERSON BROOKS: -- would have an opportunity to come out.

BRUCE LEWIS: Absolutely.

CHAIRPERSON BROOKS: You know, it's a thing of -- a little bit of economic benefit here for the --

BRUCE LEWIS: That's right.

CHAIRPERSON BROOKS: -- people in Riviera Beach. So --

BRUCE LEWIS: That's right.

CHAIRPERSON BROOKS: All right. Well, I really thank you guys so much --

BRUCE LEWIS: Thank you.

CHAIRPERSON BROOKS: -- for coming and doing that presentation. All right. We have Miss Brown, Miss Bessie Brown.

COUNCILPERSON DAVIS: She left.

COUNCILPERSON THOMAS: Gentlemen -- I'm sorry, Miss -- Madam Chair, if you can just stay for a second after the meeting, I'd like to talk to you. Yes. Just after.

CHAIRPERSON BROOKS: Okay. Well, that's it under Comments. Now my Legal.

CITY ATTORNEY RYAN: Thank you, Madam Chair. I'm asking the Council to indulge me for a few moments as I discuss a little bit about the Supreme Court case yesterday, Lozman versus City of Riviera Beach.

I, um, e-mailed the Council the decision yesterday without an analysis because we'd just gotten it and I wanted to make sure that you got it yourself. And today -- yesterday and today I started writing a memo to the Council. But there were a lot of interruptions and I've gotten a lot of phone calls and people visiting.

There are all kinds of rumors out there. And as I started writing the memo to the Council, which was more of a generic memo that I like to write, I ended up converting the document into bullet points and some specific facts. And I wanted to share those with the Council. I'm actually going to read them because --

CHAIRPERSON BROOKS: Hold just one minute. Let me just make sure -- because it is for the benefit of our Council Members. Is Mr. Lowe still in the building?

COUNCILPERSON DAVIS: He's gone, I guess.

CHAIRPERSON BROOKS: Okay. I just want to give you the --

CITY ATTORNEY RYAN: I appreciate that.

CHAIRPERSON BROOKS: -- respect of --

CITY ATTORNEY RYAN: Well, I can still do a memorandum, as well --

CHAIRPERSON BROOKS: -- everyone. So --

CITY ATTORNEY RYAN: -- Madam Chair.

CHAIRPERSON BROOKS: Okay.

CITY ATTORNEY RYAN: And of course, if you have any questions, I'm going to try to quickly go through this. I'm free to answer any questions about the case. The -- it is not a cumbersome opinion so the Council shouldn't have any problem getting through it.

Okay. This is what I've written. "I will not reiterate the facts of the case as they are voluminous, but they are well-known by me, you and the public. However, it is important to remember these facts. The City followed the law when it decided to arrest Mr. Lozman's vessel. Mr. Lozman was the only one of two dozen vessels that refused to get insurance, refused to pay outstanding fees, and admitted to violating basic rules such as throwing raw sewage into the marina in violation of state and federal laws.

"The state of the law at the time -- the state of the law at the time about vessels in the 11th Circuit was very clear and well established, which was to put it very generally, that if it floats then it's a boat and thus subject to admiralty jurisdiction. That is the law that the City followed when it decided to arrest Mr. Lozman's vessel.

"The Federal District Court and the 11th Circuit Court of Appeals agreed with everything the City did and ruled in our favor. We had an affirmative ruling from the District Court in one year and another affirmative ruling from the 11th Circuit Court of Appeals. The City offered to give Mr. Lozman his floating home back so long as he did not try to bring it back to the City." That is a fact that I think a lot of people lose. We offered to give the boat back to him.

"Mr. Lozman forced us to bid against our credit." The City never actually paid any money. "The bids never topped \$4,100 for the vessel. The City was faced with a choice: resell the vessel, which we actually tried to do unsuccessfully; or store the vessel indefinitely, which would have cost the City hundreds of thousands of dollars.

"Or we could destroy the vessel. The cheapest and most economical thing for the City to do was to destroy the vessel. Again, Mr. Lozman had an opportunity to take the vessel back. He didn't want it. And it's also important to note that the Court appointed a surveyor to appraise the value of the vessel. The vessel was appraised at between 5,000 and \$7,500." I know that you have read something different. I know that, um, there have been -- I've heard radio interviews in addition to having things in writing. But that vessel was valued at 5,000 to \$7,500. And I have to -- to reiterate that because I have been hearing \$50,000 and \$17,000 and \$350,000. That's a fact. And I have the survey to prove it.

"Mr. Lozman petitioned, as was his right, to the United States Supreme Court to hear his case, because he disagreed with the 11th Circuit's -- Circuit's interpretation of what is a vessel. The City at that point had no choice but to defend. We were not only defending our position, we were defending the 11th Circuit in which we reside. We were defending their position, as well.

"The Supreme Court decided to hear the case and the City was sought out. We were very lucky, very fortunate to have one of the best appellate attorneys in the country volunteer to represent the City on a pro bono basis." Pro bono means for free. "David Frederick --" you can go online, look him up -- "he is absolutely one of the top Washington, D.C. attorneys in the country and we were very lucky to have him. We did continue to pay for representation of our admiralty attorneys who were invaluable and instrumental in framing our arguments. And I know there are some who've asked for fees and we will definitely provide those. But the bulk of our representation came at no cost to the City.

"The Supreme Court has decided that the 11th Circuit's legal -- legal standard is too broad. When you read the case, the Court says that the 11th Circuit's standard --" not the City of Riviera Beach's standard. Not something that we came up with here, but the Court that is directly under the Supreme Court, the -- "the Supreme Court has said that their standard of if it floats is a boat is too broad, and the Supreme Court has moved to a reasonable observer standard." Reasonable observer. I have never heard of that before.

And why? Because it does not exist. The Supreme Court is the first court to come up with this standard. It has never been used anywhere. It was not articulated by Mr. Lozman. It was not articulated by the solicitor general, and it was not articulated by our side. This was the Supreme Court's new creature.

It has not been tested, but I promise you that it will be in the -- in the coming years. "The Supreme Court did not say that the City of Riviera Beach did anything wrong," and we did not. "It has just made a decision that it wants the United States to abide by a different standard." Again, not just Riviera Beach.

"This City Council should be confident that it did the right thing in arresting Mr. Lozman's vessel. And as Justice Kennedy said at oral argument, 'The City was right in mercifully destroying the vessel.' Justice Kennedy stated, 'The City mercifully destroyed the vessel.' Mr. Lozman refused to pay his bills. He refused to abide by marina rules. He refused to abide by federal rules." Everybody knows you don't dump raw sewage. "But he refused to abide by the laws and the City was not only within its right, it had to do what it did." If you didn't do it then, he'd still be here doing the same thing. There might be others here doing the same thing. And we would have, you know -- we would have to make a decision about our marina. I -- I don't believe that we would be spending the money that we're spending to improve our marina right now.

"At this point the City knows that it's liable for the court costs of \$300 and the print -- printing costs at the Supreme Court. The rest remains to be seen. But my experts are

telling me -- and I have no reason not to believe them -- that there is no basis for payment of any attorneys' fees to Mr. Lozman." Mr. Lozman has been all over the media saying that he is going to sue the City for \$350,000, \$50,000. We know that anybody can go to the courthouse and file lawsuits. Mr. Lozman has done it before. I would not be surprised if he does it again.

But what I'm telling you is that there is no case law or statutory, um, basis for Mr. Lozman to receive the monies that he is discussing all over the world. The Supreme Court's opinion does not talk about paying his fees. "As it relates to the City's marina, the Supreme Court case makes it clear that there are some structures that were traditionally considered vessels and they're no longer considered vessels. The City has to revisit its ordinances and it's dockage agreements." We don't discuss that. We wouldn't have discussed it.

There's no marina in this country that would have discussed it. But they are all scrambling. And the admiralty lawyers are going to make a lot of money right now because they have got to figure out who they want to let in and whether or not they want to let them in at all. Because as it stands, you will not be able to remove a derelict vessel in the fashion that we have done throughout the entire history of the United States. This has never happened.

And it's not the City of Riviera Beach's fault. We did what we were supposed to do. We went up to the Supreme Court. We made our case and the -- the justices made a decision in the 7-2 decision. We should be proud of doing what we did. And I hope that you will -- you just stay strong. Because the calls are coming. And people, you know -- rumors get started and you believe what you see.

I'm going to be free to talk to the -- the newspaper, at public events if you need me to. But yesterday I received the opinion five minutes before the news started calling, before the Palm Beach Post called. We had, um, The Wall Street Journal calling.

COUNCILPERSON DAVIS: Yeah, but they don't -- they don't do any reporting here.

CITY MANAGER JONES: No good stuff.

CITY ATTORNEY RYAN: That's correct. Right.

CHAIRPERSON BROOKS: Uh-huh.

CITY ATTORNEY RYAN: Right. And the news stations and we hadn't even read the opinion. We needed an opportunity to digest it. And, um, we're still working on it. And I've -- I've already spoken with Ed Legue about making some changes. We want to make sure that our marina remains safe and clean. That is the most important thing.

CHAIRPERSON BROOKS: Uh-huh. Uh-huh.

CITY ATTORNEY RYAN: So I just wanted to make my statement. And I've hit all of my major points. Thank you, Madam Chair.

CHAIRPERSON BROOKS: Thank you so much.

CITY ATTORNEY RYAN: I appreciate it.

CHAIRPERSON BROOKS: You're quite welcome, Miss Ryan.

COUNCILPERSON DAVIS: Madam Chair?

CHAIRPERSON BROOKS: Yes, Miss Davis.

COUNCILPERSON DAVIS: Can I -- I have a question. So the decision rule -- it's not a vessel so is it just a -- is -- is it a home or a floating structure or -- I mean, does it have to pay taxes or go by building codes or --

CITY ATTORNEY RYAN: I've -- I've had --

COUNCILPERSON DAVIS: -- what?

CITY ATTORNEY RYAN: -- I've had several questions about whether or not he should have paid taxes or, you know, moving forward, if you allow one of these vessels, do they have to pay taxes? We frankly don't know the answer to that. We really don't.

CHAIRPERSON BROOKS: Uh-huh.

CITY ATTORNEY RYAN: This is going to be --

CHAIRPERSON BROOKS: It's all so new right now.

CITY ATTORNEY RYAN: -- one of the things that unfolds. And I think that our legislature --

COUNCILPERSON DAVIS: Well, at one time he did file a homestead.

CITY ATTORNEY RYAN: -- may get involved. He did file homestead. Right.

COUNCILPERSON DAVIS: Yeah. Okay. I --

CITY ATTORNEY RYAN: That is correct.

COUNCILPERSON DAVIS: -- was just curious.

CITY ATTORNEY RYAN: It will be interesting. Anything else?

CHAIRPERSON BROOKS: Anything else from the board? Miss Jones?

CITY MANAGER JONES: And for the benefit of our residents, in order for them to hear what Miss Ryan has just explained, we're going to take her response and her answers and separate it out from the workshop.

COUNCILPERSON DAVIS: Okay.

CITY MANAGER JONES: And just run it over and over and over.

COUNCILPERSON DAVIS: Thank you.

CHAIRPERSON BROOKS: So that --

CITY MANAGER JONES: So people do not have to listen to the whole workshop --

COUNCILPERSON DAVIS: Oh, wow.

CHAIRPERSON BROOKS: Excellent.

CITY MANAGER JONES: -- but they can get the benefit of that answer.

COUNCILPERSON DAVIS: Excellent idea.

CHAIRPERSON BROOKS: Excellent. Excellent.

CITY ATTORNEY RYAN: Thank you.

CHAIRPERSON BROOKS: All right. If there's no further discussion then --

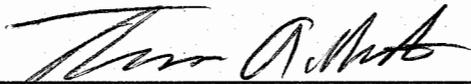
COUNCILPERSON DAVIS: Motion to adjourn.

CHAIRPERSON BROOKS: Got it. Thank you.

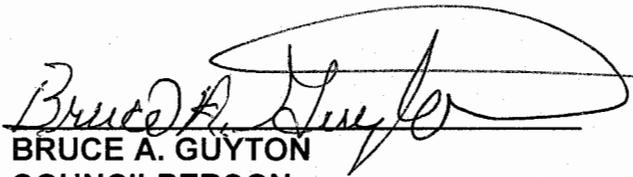
(CONCLUSION OF WORKSHOP)

Transcribed by: slw/alw

APPROVED:



THOMAS A. MASTERS
MAYOR

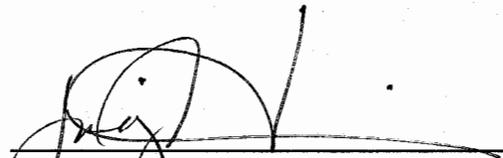


BRUCE A. GUYTON
COUNCILPERSON

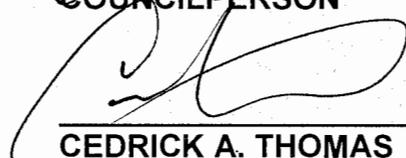
ATTEST:



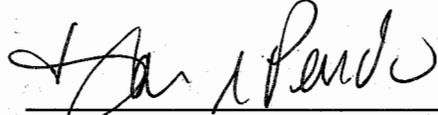
CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK



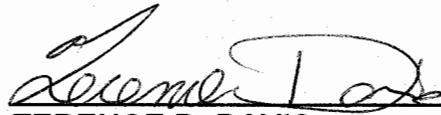
JUDY L. DAVIS
COUNCILPERSON



CEDRICK A. THOMAS
COUNCILPERSON



DAWN S. PARDO
COUNCILPERSON



TERENCE D. DAVIS
COUNCILPERSON

MOTIONED BY: B. Guyton

SECONDED BY: J. Davis

B. GUYTON aye

J. DAVIS aye

C. THOMAS aye

D. PARDO out

T. DAVIS aye

DATE APPROVED: 03/20/2013