MINUTES

CITY OF COCOA
REGULAR MEETING OF THE CITY COUNCIL

January 9, 2019

A Regular City Council Meeting was held on Wednesday, January 9, 2019, in Cocoa City Hall, in City Council Chambers, located at 65 Stone Street, in Cocoa, Florida, 32922, as publicly noticed.

I. OPENING MATTERS:

Mayor Williams called the meeting to order at 6:00 p.m.

Pastor Tom Unrath provided the invocation and Councilmember Boisvert led the assembly in the Pledge of Allegiance to the Flag of the United States of America.

The City Clerk took the roll.

PRESENT:	Jake Williams, Jr.	Mayor
	Brenda Warner	Deputy Mayor
	Don Boisvert	Councilmember
	Alex Goins	Councilmember
	Lorraine Koss	Councilmember
	Anthony Garganese	City Attorney
	John Titkanich, Jr.	City Manager
	Carie Shealy	City Clerk
ABSENT:	Matt Fuhrer	Assistant City Manager

OTHER STAFF MEMBERS PRESENT:

Tammy Gemmati, Administrative Services Director; Jack Walsh, Utilities Director; Nancy Bunt, Community Services Director; Mike Cantaloupe, Chief of Police, Gene Prince, Fire Chief; Ed Wegerif, Public Works Director; Rebecca Bowman, Finance Director; Lora Howell, Deputy Finance Director; Jason McCuen, Helpdesk Support Technician; Samantha Senger, Assistant to the City Manager/ Public Relations Specialist; Lt. Ondo, Cocoa Police Department; Russel Sengel, Cocoa Fire Department; and Brian Ackerman, Cocoa Fire Department.

II. APPROVAL OF AGENDA AND MINUTES:

1. Agenda: Regular Meeting of January 9, 2019 (18-653)
2. Minutes: (a) Regular Meeting of November 28, 2018 (18-654)
   (b) Regular Meeting of December 12, 2018 (18-655)

* **MOTION by Councilmember Koss; Seconded by Deputy Mayor Warner, to approve the Agenda as presented for the Regular meeting of January 9, 2019.**

AYES: Williams, Warner, Boisvert, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

* **MOTION by Councilmember Goins; Seconded by Councilmember Koss, to approve the Minutes for the Regular meeting of November 28, 2018 and the Regular meeting of December 12, 2018.**

AYES: Williams, Warner, Boisvert, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

III. AWARDS AND PRESENTATIONS:

1. Housing Authority presentation regarding the progress being made in housing around District 1. (18-644). (Councilmember Goins)

Councilmember Goins introduced Mr. Herb Hernandez with the Cocoa Housing Authority.

Mr. Hernandez thanked Council for having him and provided a presentation[1], and explained in detail current needs of residents, updates and renovations to units, and upcoming projects. He advised that the average income of housing residents is between $8,000 and $15,000 per year.

He spoke about the housing choice vouchers and stated that a strong preference is given for those who live in Cocoa. Other things such as criminal backgrounds, homelessness, etc. are also taken in to consideration.

[1] EXHIBIT A: Cocoa Housing Authority Presentation

Resident services are a key factor especially with the seniors and youth. They are converting all of the public housing into a different funding program which he explained in furtherance. He advised that the Pineda Project will be about $11 million and he pointed out that their focus is on energy efficiency and they are looking into solar to see if that would be allowable. They have powered some security cameras that are monitoring a construction site with solar.

Mayor Williams thanked him and stated it was nice to see that some of the units are no longer the traditional project style homes. He believes that it makes a big difference and he appreciates all that they have done. Additionally, he stated that he hopes that residents are being educated so they understand that just because they live in the projects does not mean you can leave trash around the City. He wants everyone to help in keeping the City clean.

Mr. Hernandez stated they have a lease with all residents and it is very strong and if they violate the lease enough they can evict them from housing.

Council thanked him again.

IV. DELEGATIONS:

Warren McKee, 2142 Michigan Avenue, Cocoa, showed a sign that he made which said "Slow Down or Speed Bumps, Up to You". He stated that he is not here because his neighbor was killed but because nothing has been done to stop the speeding and it led to him being killed. He stressed the need for something to be done. He spoke about the petition process and noted that there was an overwhelming response from the neighbors who agreed on a petition, but they are also willing to work with the City for solutions. He spoke about several instances throughout the last few days of speeding in the area. He knows there are pros and cons to speed bumps but they are willing to do whatever they can to slow people down.

Mr. McKee met the victim's daughter and she stated that as a little girl her father would warn her about Michigan Avenue. This has been going on for 30-40 years and nothing has been done. It seems that all trucks, semis, dump trucks, wreckers, school buses, etc. use this street as a short cut and it is a residential street. The police department does not have the man power to patrol it all of the time. He reiterated that he is not sure of the solution, but there sure is a problem. He believed that the two and half ton weight limit could be enforced and a sign posted "Slow Down or Speed Bumps".

Councilmember Koss mentioned that when she spoke with Mr. McKee at the location about forty percent of the traffic was above the speed limit. She thought that he was in favor of stop signs and asked if now he preferred speed bumps.

In response, Mr. McKee stated that he thought the stop signs would work and he will try anything, but he is convinced that in the next few years they will be seeing speedbumps.

Mr. McKee thanked Councilmember Boisvert, Councilmember Koss and other City employees for their graciousness

Councilmember Koss stated she was affected by this and the victims obituary was in the paper. She provided the information and thanked Mr. McKee for being here tonight.

Mayor Williams assured Mr. McKee that they were in the process of collecting data and this would come back before Council. At that time they will determine the best solution. He agreed with him on the issues and is aware of what is happening there.

Councilmember Goins asked if the speed limit could be changed along with adding stop signs and/or speed bumps. In response, Mayor Williams spoke about the speed limit in the little bend right before the residential area, which is 15 mph.

Mr. McKee asked if they cannot enforce the speed limit then why have it. He requested to be kept apprised of the process so that he could keep his neighbors informed. He asked how to get the paperwork for a petition, and City Manager Titkanich advised he would get it to him.

Mr. Rusty Sengel, Cocoa Fire Department, 5683 Saratoga Lane, and Cocoa Firefighters Local President, provided an update on the turkey dinner giveaway at Thanksgiving, noting that this program started in the mid-90's and continued to grow. They average around one hundred meals per year. This year there were 122 requests, and all are from Cocoa citizens. There were about 118 passed out and 4 no shows. Each had a frozen turkey with all of the fixings. This was all made possible by the following donations: Larry Sinclair, who donated 40 turkeys; Dave Lightholder, who donated 40 turkeys; the Cocoa Village Playhouse

donated half of the proceeds from a raffle; and an anonymous citizen donated $500.

He provided kudos to Joann Soper, Fire's Administrative Assistant, as she really does a lot for this venture. They had excess money which will be moved to next year. He hopes to be back in February with the results of the 911 Stair Climb. Lastly, he provided a donation to the PALS program, which Deputy Mayor Warner accepted to give to them.

Amy Thompson, 928 Peachtree Street, congratulated the new Mayor and Councilmember Goins. She explained where she lived and where it is located on Peachtree. She stressed the importance of action being taken in order to clean up the area. She has a young child who she cannot take to the playground due to litter, drugs, prostitution, people sleeping, etc. They want their neighborhood back. She is not bashing Cocoa Police Department, this is just a safety concern. She supports all first responders.

Councilmember Goins is just as disturbed as she and he has had conversations with the Chief. He is going to work on this. She thanked Councilmember Goins.

Johnnie Dennis, 3017 Catalina Drive, spoke about ineffective leadership in the black community. They are requesting to see the police and canines patrolling about twice a day and feel that this would get the drug dealers out of the parks. He stated that the police abuse in the City of Cocoa is a problem and they have a long history of abuse. Lastly, he spoke about the recent shooting in Cocoa.

Candace Rogers, 93 Delannoy Avenue, Cocoa, wished everyone a happy new year. She noted that on April 10th Mayor Parrish asked City Attorney Garganese to help determine the easement of the boardwalk connecting the Cocoa Marina to Lee Wenner Park and then reconnecting with the rest of the River Walk.

In response, Attorney Garganese mentioned that he spoke with the Assistant City Manager and confirmed that the easement runs down SR 520 and the small driveway along the riverfront. He believed it was received by the prior developer.

Ms. Rogers pointed out that on July 17th the city permitted Cocoa Marina to put up a fence and a gate, which leaves no access to the north or south of the marina.

City Manager Titkanich provided a brief history in regards to Ms. Roger's questions about the easement. Ms. Rogers just felt that they needed a better definition of the easement, and also felt that the settlement agreement needed to be revisited, as history is getting lost on who owns what.

City Manager Titkanich spoke in furtherance about the settlement agreement.

Ms. Rogers stated that the marina owes the City money and there are other requirements that they have to fulfill according to the agreement and this needs to be resolved.

Mayor Williams advised that he was a part of the original team who went to the governor about this and assured her this would be revisited.

Councilmember Koss mentioned that her point was that a gate has been put up and it is a problem. City Manager Titkanich advised that the City does not have legal access across Mariner's Square property. The former redevelopment manager had reached out to Mariner's Square but they were not interested. He spoke about the original plan.

Lastly, Ms. Rogers asked if there was an ordinance about sleeping and camping in City parks. Chief Cantaloupe did not believe so and she stated she has heard many complaints. People are sleeping in the gazebo and at Riverfront Park. She requested that an ordinance be created so that signs could be posted regarding the laws against it.

Demetrius Waters, 911 School Street, Cocoa, a community activist and a retired and disabled veteran, mentioned he was deeply anguished about coming before Council tonight. He provided a handout[2] regarding the Diamond Square CRA, requests, and Chapter 760 of the Florida Civil Rights Act. Additionally, he was asking that Council re-evaluate the Diamond Square CRA and suspend all board members. He believed that they should not be retained under term limits. He stated that he would trust that those sitting on boards have ethics and he would like to sit with his Councilmember to discuss these points.

V. CONSENT AGENDA:

1. Approval of a Third Amendment to License Agreement with T-Mobile South, LLC, Successor in Interest to APT Tampa/Orlando, Inc. (18-649). (Utilities Director)

[2] EXHIBIT B: Handout provided by D. Waters

* **MOTION by Councilmember Boisvert; Seconded by Deputy Mayor Warner, to approve the Consent Agenda.**

AYES: Williams, Warner, Boisvert, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

VI. PUBLIC HEARINGS:

1. Postpone until the regular City Council meeting of January 23, 2019 consideration of the Lakeside Palms West Preliminary Subdivision. (18-661). (Community Services Director)

* **Item POSTPONED until the Regular City Council Meeting of January 23, 2019.**

2. Postpone until the regular City Council Meeting of January 23, 2019 consideration of the London Cove preliminary subdivision. (18-662). (Community Services Director)

* **Item POSTPONED until the Regular City Council Meeting of January 23, 2019.**

VII. COUNCIL BUSINESS:

1. Confirm the Mayor's Reappointment of Mr. Thomas Cole to the Housing Authority of the City of Cocoa through December 31, 2022. (18-657). (Administrative Services Director)

* **MOTION by Councilmember Boisvert; Seconded by Councilmember Goins, to approve the Mayor's Reappointment of Mr. Thomas Cole to the Housing Authority of the City of Cocoa through December 31, 2022.**

AYES: Williams, Warner, Boisvert, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

VIII. CITY BUSINESS:

1. Approve a Budget Resolution amending the 2019 Budget and a Budget Transfer for the purchase of an Unbudgeted Capital Item - One 2019 Nissan Frontier Crew Cab for the Community Services Department, Utilizing the Sourcewell

vehicle purchasing contract formally NJPA #2019-120716-NAF. (18-650). (Public Works Director)

Mr. Wegerif explained that this item would approve a replacement vehicle for one that broke after the budget was approved. This was an unbudgeted item.

* **MOTION by Councilmember Goins; Seconded by Deputy Mayor Warner, to approve the item.**

AYES: Williams, Warner, Boisvert, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

2. Approve a Resolution Amending the FY 2019 Budget, Reclassifying Capital Accounts which no longer meet the Capital Threshold into Operating Accounts, to shore up Project Budgets due to the Purchase Order Roll-over and Under Budgeted Funds through the use of Water/Sewer Utilities and General Fund Contingency/Reserves. (18-656). (Finance Director)

Ms. Bowman advised that this item addresses an accounting re-classification, and reminded Council that they had previously approved a resolution defining the definition of a capital asset. She explained in furtherance other areas being addressed in this item as well.

* **MOTION by Deputy Mayor Warner; Seconded by Councilmember Boisvert, to approve the item.**

AYES: Williams, Warner, Boisvert, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

3. Approve a Resolution Amending the FY2019 Budget to Reallocate Funds from the Water and Sewer System Revenue Bonds "Series 2018B New Money Bonds" from a Reclassified R&M Project WS19BB to a New Capital Project WS19SS in the amount of $130,000. (18-666). (Utilities Director)

Mr. Walsh provided a brief summary in regards to the item and explained that the bond resolution includes a clause that allows the City to adjust as needed. He pointed out that this project ended up costing less than was anticipated and it can be covered with revenues. Therefore, they are changing the name of the project.

* **MOTION by Councilmember Koss; Seconded by Deputy Mayor Warner, to approve the item.**

AYES: Williams, Warner, Boisvert, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

MULTI-YEAR CONTRACTS:

4. Staff Requests City Council to: (1) Approve the design-build ranking recommended by the Selection Committee and authorize negotiations of a multi-year, Design Build Contract. for the Dr. Joe Lee Smith Community Center with the top-ranked Design-Build Team of W&J Construction Corporation, Tsark Architecture, and Construction Engineering Group based on response to RFQ 19-07-COC; (2) Authorize the City Manager or his designee to negotiate a Guaranteed Maximum Price (GMP) and construction schedule. Authorize the City Manager to enter into a Guaranteed Maximum Price Design-Build Contract with the Design- Build Team of W&J Construction Corporation, Tsark Architecture, and Construction Engineering Group in an amount not to exceed $3,295,839, for the Multi-Year Multi-Phase design and construction of the Dr. Joe Lee Smith Community Center in Diamond Square. In addition, an amount of $150,000 will be reserved for construction contingency items over the negotiated GMP. The contingency amount may be increased if the final negotiated GMP is less than $3,295,839. Authorize the City Manager to approve change orders and additional service contracts up to the contingency amount authorized by the City Council; (3) Approve the attached Resolution memorializing that the City Manager has been authorized to negotiate and enter into a Design-Build Contract with W & J Construction Corporation (and their design team) and authorizing the City Manager to issue purchase and change orders and additional service contracts related to the project consistent with the terms and conditions set forth in the Resolution. (18-659). (Public Works Director)

Mr. Wegerif advised that this item was in reference to the new Joe Lee Smith Center. He pointed out that staff has been busy with the design build and mentioned that it is a two part process. Vendors provided presentations, and staff met and ranked each one. He reiterated the requested actions and mentioned that the building is designed at approximately 40% completion. He showed Phase 1 of the project and advised the building is about 15,000 square feet. He further showed related site work and stated that this will get them started.

Mayor Williams requested that in the future that the names of those on the selection committee be included so that Council can see how they ranked the different companies.

Mr. Wegerif agreed to include that information.

Deputy Mayor Warner confirmed that W & J also built the new fire stations. Mr. Wegerif responded in the affirmative.

Ms. Bowman clarified that Council would like the names and scores for all contract awards in the future. Mayor Williams responded in the affirmative.

Councilmember Goins questioned the contingency amount and clarified that no change orders would be above that amount. Mr. Wegerif explained that currently they are looking at how they can increase the square footage due to anticipated changes so it is probable that they will be back with a revised site plan.

City Manager Titkanich explained that the County is willing to relocate the Brevard Action Team and so additional square footage will be needed. Ms. Bunt is working with the County to see what they are willing to do as far as participation.

* **MOTION by Councilmember Goins; Seconded by Deputy Mayor Warner, to approve the item.**

AYES: Williams, Warner, Boisvert, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

Councilmember Goins asked for an approximate completion date. Mr. Wegerif stated it would be approximately one year.

IX. INFORMATIONAL AGENDA:

1. Review the cumulative purchase approvals over $35,000 and under $50,000 for period 10/01/2018 to 11/30/2018. (18-629). (Finance Director)

2. FY 2019 Budget Adjustment Report. (18-641). (Finance Director)

3. Data showing the relation between the estimated and actual income and expenses to date. (18-652). (Finance Director)

X. REPORTS:

Mr. Wegerif advised that milling started on Derby street and will be moving their way through the Village.

Ms. Bowman provided an update on a FEMA Claim related to Hurricane's Irma and Matthew. She shared the amounts to date that the City has incurred and mentioned that about 65% of the claim has been received for Hurricane Matthew. She noted that for Hurricane Irma, the cost was about $3.6 million, with about $2 million being reimbursable.

Chief Cantaloupe thanked everyone from citizens to staff who helped the Police Department with all of their events throughout the month of December.

Ms. Bunt reminded all of the Annual Economic Development Breakfast being held this Friday, January 11, 2019 at the Cocoa Civic Center.

City Manager Titkanich advised that the Brevard County Delegation would be holding their meeting on Tuesday, January 16, 2019 in Palm Bay City Council Chambers. He spoke about the City's priorities in details and explained the background on some of the issues.

Additionally, he spoke about the Police Advisory Committee and the resolution that was adopted in regards to it. He mentioned that per the resolution, each Councilmember would appointment one member and then there would be a member from the PBA and a civic organization. He further explained that they are looking into some of the stipulations that were mentioned in the resolution to ensure that they conform with FDLE and dispatch requirements. The dispatch requirement may pose problems.

It was noted that appointed members do not have to reside in the district of the Councilmember appointing them but must reside in the City.

City Manager Titkanich assured Council that the City Clerk and Chief of Police would work out a meeting date. He asked that all applications for membership be submitted by the first meeting of February. Additionally, other items such as board orientations will be coordinated by all necessary offices.

Mayor Williams stressed that the purpose of this committee needed to be made very clear.

The City Clerk will send out the Resolution to all Councilmembers.

He further mentioned that some Councilmembers have requested to receive the Police Department daily reports. He asked that they let the City Clerk know exactly what they want, as some just want text reports, all news reports, etc.

Lastly, he spoke of the interest in relocating the City Council office from the first floor to the third floor. He provided a brief history noting that the office on the third floor was so infrequently used that it was moved to the Clerk's office. With the current need for more Finance office space, they, along with Human Resources rearranged offices. He advised that they could rearrange in order to make the necessary accommodations.

Mayor Williams stated his preference was for it to be back in its same location. He has spent hours within the last few weeks in meetings and feels that it is a privacy matter. He was here when the City Hall was built and stated that the original intent was for the office to be in a secure location. He is aware that some members of Council want it downstairs and they are more than welcome to use that office. He likes having a secure area and having privacy.

Councilmember Koss sent out a letter to all of her constituents announcing office hours on Tuesdays and Thursdays. She feels that appropriate office space is needed and has put 40-80 hours per week into this also. She would like people to know where they can find her.

Deputy Mayor Warner mentioned that she has been on Council six years and has used the office one time which was to meet with an organization who was under privacy constraints. Her feeling is that anytime she meets with someone she wants to ensure transparency, so she meets with them in public. Her job is in the City and her job here is to set policy. Her job is not on the third floor, that is staff's area. She spoke in furtherance about an incident that happened years ago and staff felt intimidated by Council, which ultimately led them to do things that were illegal and inappropriate. She never wants a staff member to feel that way and she is nobody when she is not sitting in this seat at the dias.

She works for her constituents and her job is to take their issues to the City Manager. She might ask a Director a question, but it is not her place to make an employee feel like they need to do something for her. The City Manager has been gracious and has let Council speak to Directors and staff but at any point

that can be taken away. Many times the intimidation is not intended it just happens because they are elected officials.

She personally chooses to meet in the City Clerk's office due to public records and to meet in public because then the City Clerk is not required to keep a public record of that meeting.

Councilmember Boisvert agreed with Deputy Mayor Warner and stated in the nine years of being on Council he typically meets in the Clerk's office. Staff has work to do and feels that the public has the right to know who or when you are meeting with someone. He, along with former Councilmembers Blanco and Whipple requested the office be moved.

Mayor Williams disagrees with 80% of what he just heard and that for eight years it has never been an issue and has never intimidated anyone. There are a lot of issues and concerns that he deals with and if he wants to meet in private, he should be able to. He is not fearful of what people say or think. It is transparent and they would walk down and meet the person they are meeting with. A big deal is being made out of nothing. This is a simple request, and this is new makeup of Council. Former members Blanco and Whipple are no longer on council.

Deputy Mayor Warner stated the City Manager was looking for a consensus, she is a no and Councilmember Boisvert was no.

Councilmember Goins asked if the first floor office would still be accessible. Mayor Williams stated yes, as there are multiple offices that can be used. They work for the citizens.

City Manager Titkanich advised that the former office location is problematic with the way that they rearranged. Their office will be on the side where the Assistant City Manager and City Manager are located.

Mayor Williams reiterated that there was never an issue with previous administration.

CONSENUS:

Mayor Williams, Councilmember Goins, Councilmember Koss are for moving to third floor.

Deputy Mayor Warner and Councilmember Boisvert are not for it.

Mayor Williams stated that he is sick of all that he has heard and is frustrated. They need to get things done. Things going on are not acceptable and they need to be changed. There is a reason for everything, and time for change. He wants equality and everyone deserves the same level of service. We have great staff, police, and fire service and have to show people that we care.

City Manager Titkanich addressed an issue that came up under Delegations regarding the Diamond Square CRA and pointed out that there are no term limits of memberships on City boards and they are included in the City's audit.

Councilmember Goins asked if any board had term limits. Mayor Williams noted these are volunteers and he does not want to see term limits on those who volunteer their time.

Councilmember Goins spoke about a project revitalizing the Diamond Square area headed by Victoria Mitchner. Mayor Williams and Councilmember Koss are also helping out. They are going to move around the City to help revitalize the community. There was about $5,000 worth of trees donated to beautify the area.

Linda Sills with Brevard Extension Services met with him and would like to assist with more plants and to teach them how to properly plant. He noticed that many of the neighbors and citizens started to clean up their yards, paint their houses, etc. because they saw them beautifying the area.

Councilmember Goins also spoke about the Cocoa Village Neighborhood Coalition, along with Nancy Elliott, PAL, and others who helped to paint the planters in Myrt Tharpe Square. He is trying to bring those from the other side of US 1 to the Village.

Lastly, he spoke of several issues this week regarding some of the shootings in the area. He assured his constituents that he has spoken with the Chief and they have a few ideas. This is his district and something needs to be done. He wants everyone to understand that this is a new year and they are trying to move the City forward. He will listen and is there for his community.

Councilmember Boisvert agreed that they are all here to work together and they are going to move the City forward. He feels a three way stop sign could be put in on Michigan Avenue and it would help out a lot.

Councilmember Koss stated there were good results from the Homeless Coalition and the meals will be held at the old Durango Steakhouse property from now on. They will also be offering office space to Miriam Moore. They have decided not to do the ad hoc committee as previously discussed. There are a lot of efforts in regards to the homeless situation.

She spoke of her attendance at the Jerry Sellers Water Plant's Christmas dinner and was told she was the only Councilmember to ever attend the dinner. She does not feel that those employees get a lot of recognition.

Councilmember Koss also mentioned her attendance at the Space Coast Realtors Association meeting and Senator Tom Wright was in attendance. He did not realize that Cocoa was the water supplier for this region.

She advised of her attendance at the IRL Oversight Committee meeting and they met on projects for 2019/2010. Abby Diaz, the City's Assistant Engineer will be attending those meetings as well, which is good because they are very informative.

Councilmember Koss, along with Mayor Williams attended the CBD Store ribbon cutting.

In closing, she advised that she took a few day trips over the holidays and went to Fort Pierce and Bradenton. She stated some of the features they have on their water front. Fort Pierce has really good signage and she would like Cocoa to be as noticed as they are. They also have a lot of great landscaping and walkways.

Deputy Mayor Warner thought that Councilmember Goin's idea to bridge the gap between the Village and the other side of Cocoa was great. She knows that there are some that feel they are not welcome and all should feel welcome in downtown.

She pointed out that former officer Doug Monda has formed an organization called Survive First, which works to help prevent suicide among first responders. He hosted his first event which was a 5K in the Village and had a tremendous turnout. It is nice to know that you can depend on the businesses downtown to support efforts also. It will be on January 4th next year.

She congratulated Assistant City Manager Fuhrer on the birth of their baby.

Lastly, she agreed with Councilmember Boisvert and stated that the only chance they have legally as a council to speak with each other is at these meetings. There will always be difference of opinions. She, like the Mayor, has sat on Council before and when they walk out the door their issues are all over and done with. She spoke of her time with former Mayor Judy Parrish and once the meeting was over, they all understood they were there for the same reason. She does not agree with the office but it is a consensus for it to be moved. She did not like being called whiney.

Mayor Williams apologized for anything that he might have said. He is very passionate about the City. He told the Chief that he felt like the Police Department was being picked on but he has great officers and does not want the Chief to feel as though he is doing wrong. He knows as a community we can do better. He has personally warned some businesses to clean up as he is sick of the City being used as a dumping ground.

Additionally, there should be people in the Village at all times, not just seasonal, and they should go to the stores not just restaurants.

In closing, he spoke about the Swearing In Ceremony of the new Booking Officer at the Police Department and recognized all employees as they are all important.

He thanked all for coming out to the meeting.

XI. ADJOURNMENT.

* **MOTION by Councilmember Boisvert; Seconded by Councilmember Koss, to adjourn the Regular meeting of January 9, 2019.**

AYES: Williams, Warner, Boisvert, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

The meeting adjourned at 8:20 p.m.

Jake Williams, Jr., Mayor

ATTEST:

Carie E. Shealy, MMC, City Clerk

EXHIBIT B: Handout provided by D. Waters

9 January 2019
Cocoa City Hall
65 Stone Street
Cocoa, FL 32922

I, Demetrius D. Waters is coming before the City Council as a private citizen under delegation. My address is 911 School Street, Cocoa, FL 32922. As a taxpayer and a veteran, I come under delegation to address:

1. Diamond Square CRA dated 1998 to present date.

2. Diamond Square board membership in their relations to the City of Cocoa Ordinances No. 13-983 in request for the enforcement of mandated term limits and remove board members and retain City Councilman.

3. Independent citizen audit of the Diamond Square Redevelopment Agency. Separate audit of the Diamond Square Area District 1, City of Cocoa request.

Requests

1. Conduct financial audits of the accounts and records of Diamond Square Redevelopment Agency.
2. Conduct operational and performance audits of public programs.
3. Adopt rules in consultation with the accountancy for audits performed by independent certified public accounts of the:
    a. Florida Auditor General §11.42 (Attached) and §11.47 (Attached) Florida Statutes set forth general authority and duties independently, accordance professional standard of the General Auditor
    b. Governmental Entities
    c. Certain non-profit and for-profit organizations.
4. Conduct reviews of audit reports of Diamond Square Redevelopment Agency entities certain non-profit and for-profit organizations
5. Conduct examinations of Diamond Square Redevelopment Agency other entity records to evaluate compliance with Florida Civil Rights Act of 1992 (Attached)
    a. George vs Ray Griffins, Feb. 29, 1996, No. 94.3453
    b. Consent Decree Oct. 31, 2008. Beatrice Houston-v-City of Cocoa, Case No. 689-CR-00082
    c. Redevelopment Act 1969, City of Cocoa Ordinance No 13-98 CRA (Attached) Pursuant to §472.027 Florida Administrative Code (Attached)
6. Conducts quality assessment reviews of the internal audits performed by State Agency Offices of Inspectors General of Diamond Square Redevelopment Agency (Officer)
7. The creating of a citizen Finance Audit Committee to assist the City Councilman in fulfilling its oversight responsibilities Cocoa Ordinance No. 13-98 City Cocoa/Comm Development Act 1969 (Attached)
8. The Mayor to assign a Citizen oversight committee to assist the City Councilman in reviewing government actions. Actions that may be deemed as government misconduct. The members of the group will be citizen residents of District 1 and they will work aggressively with the City Councilman in compiling and developing solutions to improve government accountability, responsibility and transparency.

TITLE XLIV

CIVIL RIGHTS

CHAPTER 760

DISCRIMINATION IN THE TREATMENT OF PERSONS; MINORITY REPRESENTATION

PART I

FLORIDA CIVIL RIGHTS ACT

(ss. 760.01-760.11)

PART II

FAIR HOUSING ACT

(ss. 760.20-760.37)

PART III

MISCELLANEOUS PROVISIONS

(ss. 760.40-760.60)

PART IV

MINORITY REPRESENTATION IN CERTAIN BODIES

(s. 760.80)

PART V

ENVIRONMENTAL EQUITY AND JUSTICE

(s. 760.854)

PART I

FLORIDA CIVIL RIGHTS ACT

760.01 Purposes; construction; title.
760.02 Definitions.
760.021 Enforcement.
760.03 Commission on Human Relations; staff.
760.04 Commission on Human Relations, assigned to Department of Management Services.
760.05 Functions of the commission.
760.06 Powers of the commission.
760.065 Florida Civil Rights Hall of Fame.
760.07 Remedies for unlawful discrimination.
760.08 Discrimination in places of public accommodation.
760.10 Unlawful employment practices.
760.11 Administrative and civil remedies; construction.

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GEORGE v. Ray Griffin, Member of the Cocoa City Council; Fred Galey, Brevard County Supervisor of Elections, Defendants.

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United States Court of Appeals,Eleventh Circuit.

Mary GEORGE; Charles L. Stovall; Martha Ray Bethel; W.O. Wells, Reverend; Joann Stovall; Barbara Jenkins; Sylvester Weaver, Plaintiffs-Appellants, v. CITY OF COCOA, FLORIDA: Cocoa City Council; Lester Campbell, Mayor-Councilmember of the City of Cocoa; Ray Debord, John Lee Blubach, Dave Salisbury, members of the Cocoa City Council, et al., Defendants-Appellees, Ray Griffin, Member of the Cocoa City Council; Fred Galey, Brevard County Supervisor of Elections, Defendants.

No. 94-3453.

Decided: February 29, 1996

Before ANDERSON and BLACK, Circuit Judges, and HENDERSON, Senior Circuit Judge. Cristina Correia,Florida Rural Legal Services, Inc., Tallahassee, FL and Jacqueline A. Berrien, NAACP Legal Defense and Educational Fund, Inc., New York City, for appellants. Bradly Roger Bettin, Amari, Theriac & Eisenmenger, P.A., Cocoa, FL, for appellees. George N. Meros, Jr. and Mary W. Chaisson, Rumberger, Kirk & Caldwell, P.A., Tallahassee, FL, for all amicus.

This case comes to us on appeal from the district court's order denying the parties' joint motion to approve a consent decree and enter judgment. We have jurisdiction and for the reasons set forth in this opinion, we reverse and remand for further proceedings not inconsistent with this opinion.

Factual and Procedural Background

On April 12, 1993, appellants filed a complaint in the United States District Court for the Middle District of Florida; they alleged that the at-large method of electing city council members in Cocoa dilutes minority voting strength in violation of section 2 of the Voting Rights Act of 1965.1 In July 1993, the Cocoa City Council appointed Rudolph Stone, one of the African-American plaintiffs in the voting rights litigation, to fill a vacant council seat. Immediately upon his appointment, Stone withdrew as a plaintiff and was named a defendant. In November 1993, Stone was elected under the at-large system to keep his council seat for another three-year term.

Settlement negotiations in the voting rights litigation ultimately led to an agreement. The Cocoa City Council voted to replace the system of at-large elections for all five of its members with a system under which four members would be elected from single member districts and the fifth council member, who also serves as the mayor, would continue to be elected at-large. African-American voters would constitute a majority of the voters in one of the proposed single member districts. Three members of the city council, including Stone, voted in favor of the proposed consent decree; the remaining two members voted against it.

On July 28, 1994, the parties to the voting rights litigation filed a joint motion in the district court to enter the consent decree. Four Cocoa voters, appearing as amici curiae in opposition to the proposed consent decree, suggested to the district court that Stone should have abstained from the city council's decision whether to adopt the redistricting plan. The district court ordered a hearing on the consent decree, and instructed the parties and amici to limit their arguments to the issue of Stone's participation in the city council's consideration of the redistricting plan. Following this hearing, the district court concluded that Stone's participation in the vote constituted a conflict of interest under Florida's ethics statutes, and that Stone's vote could not be counted. In its October 25, 1994, order, the court explained:

In this case, Mr. Stone was in a unique position to gain from the redistricting decision made by the Cocoa City Council. Mr. Stone had originally filed this suit as a plaintiff seeking to increase the voting power of Cocoa's black community. Though Mr. Stone had been dropped as a plaintiff and had been elected along with the other council members through the at-large process, as an African-American candidate he stood to gain inordinately from the vote. The consent decree's solution to the problem of increasing black voting power would create a district where the black majority was expected to elect a black representative, and Mr. Stone would be a resident of that district. In short, by voting on this decree, Mr. Stone facilitated his own chances for reelection and involved himself in a situation fraught with the potential for conflicting interests.

R2-40-6-7. With the disqualification of Stone's tie-breaking vote, the remaining city council members were deadlocked (two-two) on the redistricting plan. The district court thus held that the consent decree was void and refused to enter judgment.

Discussion

The issue is whether the district court misapplied Florida law in disqualifying Stone's vote on the redistricting plan.2 Neither party argues in support of the district court's decision; both parties agree that Stone's vote should not have been disqualified. We also conclude that the district court erred.

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