# MINUTES

**City of Cocoa**
**Regular Meeting of The City Council**

**December 11, 2019**

A Regular City Council Meeting was held on Wednesday, December 11, 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.

Chief Lamm provided the invocation and Councilmember Koss led the assembly in the Pledge of Allegiance to the Flag of the United States of America.

The City Clerk took the roll.

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| PRESENT: | Jake Williams, Jr. | Mayor |
| | James Goins | Deputy Mayor |
| | Don Boisvert | Councilmember |
| | Lorraine Koss | Councilmember |
| | Brenda Warner | Councilmember (attended via phone) |
| | Anthony Garganese | City Attorney |
| | John A. Titkanich, Jr. | City Manager |
| | Matt Fuhrer | Assistant City Manager |
| | Carie Shealy | City Clerk |

OTHER STAFF MEMBERS PRESENT:

Tammy Gemmati, Administrative Services Director; Jack Walsh, Utilities Director; Nancy Bunt, Community Services Director; Michael Cantaloupe, Chief of Police; Jonathan Lamm, Fire Chief; Bryant Smith, Public Works Director; Rebecca Bowman, Finance Director; Samantha Senger, Assistant to the City Manager/ Public Relations Specialist; Dodie Selig, Planning Manager; Charlene Neuterman, Deputy Community Services Director; and LeShawn Hinton, Helpdesk Support Tech.

## II. Approval Of Agenda And Minutes:

1. **Agenda:** Regular Meeting of December 11, 2019 (19-609)

2. **Minutes:** N/A

City Manager Titkanich requested that Item VII.9 be added regarding the Integra Agreement, and Ms. Bunt requested that under Item VII.3, Ms. Marilyn Soto Lanza's name be removed for consideration as Second Alternate to the Board of Adjustment.

* **MOTION by Councilmember Boisvert; Seconded by Deputy Mayor Goins, to approve the Agenda for the Regular meeting of December 11, 2019 as amended.**

**AYES: Williams, Goins, Boisvert, Koss, Warner**

**THE MOTION CARRIED UNANIMOUSLY (5-0)**

## III. Awards and Presentations:

1. Presentation to Councilmember Koss for the completion of the FHWA Bikeway Selection Guide Workshop on November 6, 2019. (19-612). (Mayor Williams)

   Deputy Mayor Goins presented a certificate to Councilmember Koss regarding the completion of the workshop.

   Councilmember Koss provided information about bikeways and mentioned that she did not realize that there was so much law behind bicycles and pedestrians on the streets. The key is to have an integrated system and she advised that Michigan Avenue was currently being looked at to see if it could be made more accessible.

2. Proclamation: Presented to Shane Austin Layman, who completed his Eagle Project at the Community Garden in Cocoa. (19-613). (Mayor Williams)

   Councilmember Boisvert read the proclamation into the record. Councilmembers thanked Mr. Layman for all of his hard work on the project.

3. Recognition of the Cocoa Youth Athletics Flag Football Super Bowl Champions, ages 5 & 6. (19-648). (Deputy Mayor Goins)

   Deputy Mayor Goins presented certificates to the players, coaches, and cheerleaders who were in attendance and he pointed out that this was their first year playing.

He pointed out that sports are more than just playing the game. It is about teamwork, commitment, and adults taking time out to commit to these children's future. These kids are in kindergarten and first grade and to be undefeated is a huge accomplishment.

**IV. Delegations:**

Rev. Johnnie Dennis, 3710 Catalina Drive, Cocoa, requested the removal of attorney Kevin McCann, Michael Klug, and Jarvis Wash from the Police Advisory Committee. He stated that the board is pro-cop and that the board has become a cheerleading committee for the Chief and whomever put those members on the board was unethical. He read from the resolution the purpose of the committee. Voters wanted a committee that would be fair and partially independent. Additionally, there have only been two council members at the meetings so he respectfully requested again, that those three board members be removed. In closing, Rev. Dennis noted that he had been a victim of fraud and took the officer to the place where he was a victim at.

Deputy Mayor Goins mentioned that he nominated Pastor Wash and understood Rev. Dennis's argument, however his nomination had nothing to do with that. He asked for clarification on Rev. Dennis's main concern. In response, Rev. Dennis stated that someone that he wanted removed from the board was someone who wanted to praise the police when they do good.

Mayor Williams advised that some of his statements made were not true and when the police do good they want to reward the officers. This was not intended as a hate board.

Deputy Mayor Goins believes that if this is not addressed it will continue to go on and on. Mayor Williams does not like the fact that we do not praise the police department.

Mr. John Benton, Rose L. Jones Drive, Cocoa, had an issue with Cocoa and was waiting for the FBI and Judge Crawford to deal with the issue. He further mentioned that he has a problem with Attorney Garganese. Mr. Benton advised that he, himself, had held a sign out in front of Cape Canaveral City Hall and provided a background of an incident that happened there. He further noted that he had been trespassed in Cape Canaveral.

Marisol Soto-Lanza, 436 Satsuma Street, Cocoa, Florida, voiced her concerns about a neighbor. She has called Code Enforcement but cannot get anything

done. She has filed two police reports and the next step would be to get an injunction. Her husband had been threatened twice. The neighbor has a one family home and he is renting rooms. Additionally, there is a car that has been parked there and nothing was being done about it. She was not sure of the neighbors' name.

## V. Consent Agenda:

1. Approve a letter of support committing to a Municipal Services Capital Contribution Agreement between the City of Cocoa and Brevard Public Schools, subject to, and for the purposes of obtaining a grant from the Florida Department of Economic Opportunity (DEO) Florida Job Growth Grant Fund for the Brevard Adult Education Career and Technical Education Center. Should the Grant be Awarded, Staff will return to City Council to Accept the Revenue and prepare the appropriate FY2020 Budget Adjustments. (19-391). (Community Services Director)

2. Approval of new agreement between the City of Cocoa and Nationwide Retirement Solutions for the 457(b) Plan to add new ProAccount Program for employees. (19-511). (Administrative Services Director)

3. Award Bid No. B-20-05-COC Transfer Pump #3 VFD Replacement to CE Power Solutions, LLC, Tampa, FL. (19-552). (Utilities Director)

4. Approve Participation in a Cooperative Purchasing Agreement with Goodson Paving, Inc., Cocoa, Florida, utilizing Brevard County Bid No. B-4-19-07, Concrete Sidewalk, Curb and Gutter, effective January 14, 2019 through January 13, 2022; Approve Participation in a Cooperative Purchasing Agreement with Goodson Paving, Inc., Cocoa, Florida, utilizing Brevard County Bid No. B-4-18-50, Asphaltic Concrete, effective June 21, 2019 through June 20, 2020 (19-575). (Public Works Director)

5. Approve Fiscal Year 2020 Funds to Cover Remaining Costs Associated with Fiscal Year 2019 Purchase Order 74422 and Authorize City Manager to Approve Related Purchase Order for $77,355. (19-576). (Utilities Director)

6. Approval to submit costs associated with the named storm event Hurricane Dorian to the Florida Division of Emergency Management for potential reimbursement, and to approve a resolution authorizing the City Manager or Finance Director to sign any contracts and amendments related to these reimbursements. (19-590). (Finance Director)

7. Authorize Change Order #1 to C&D Construction for the Day Slips and T-Dock Project #ES17HI in the amount of $53,981.71 and approve the Resolution amending the total construction budget and authorizing the City Manager to approve additional change orders or additional service contracts related to the project in an amount not to exceed $40,000. (19-594). (Public Works Director)

8. Approve Amendment No. 1 to Task Order 2019-09 with Carollo Engineers Inc., Orlando, Florida, for the Influent Pump Station and Transfer Pump Rehabilitation Project (portions of the Flow Improvements Project) at the Jerry Sellers Water Reclamation Facility, Project No.WS16SF. (19-607). (Utilities Director)

9. Approve a Budget Resolution Amending the Fiscal Year 2020 budget using General Fund Contingency, to replenish account 001-1600-513.49-00 Other Charges and Obligations. (19-611). (Administrative Services Director)

10. Approve entering into a co-operative purchasing agreement with Granite Inliner (formally Layne In-Liner LLC) in the amount of $106,739.00, plus a 10% contingency of $10,673.90 for a total of $117,412.90, using Polk County Bid 17-326 approved April 21, 2017 through February 28, 2020 to reline various sized pipes on Barbara Jenkins Street and approve City Manager authority to approve the related purchase order. (19-622). (Public Works Director)

11. Approve the donation of four ballistic canine vests by Streamlight, Inc. to the City of Cocoa for use at the Cocoa Police Department. (19-623). (Chief of Police)

* **MOTION by Councilmember Boisvert; Seconded by Deputy Mayor Goins, to approve Consent agenda.**

**AYES: Williams, Goins, Boisvert, Koss, Warner**

**THE MOTION CARRIED UNANIMOUSLY (5-0)**

## VI. Public Hearings:

Deputy Mayor Goins asked the correct procedure on public hearings. Attorney Garganese noted by law the title of ordinances has to be read into the record.

1. Ordinance No. 14-2019/ 2nd Reading: Approval of a ZONING MAP AMENDMENT consistent with Appendix A, Zoning, Article XXI, to change the Zoning Map designation of twenty (20) parcels totaling 118.66 acres from Brevard County IU (Light Industrial) to City of Cocoa M-1 (Light Industrial and Warehouse District). (19-599). (Community Services Director)

Attorney Garganese read Ordinance No. 14-2019 into the record, by title only as follows. He advised that this was the second and final reading.

**ORDINANCE NO. 14-2019**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; CHANGING THE ZONING MAP DESIGNATION OF TWENTY (20) PARCELS OF REAL PROPERTY, TOTALING 118.66 ACRES, MORE OR LESS, AND GENERALLY LOCATED ON THE WEST SIDE OF COX ROAD, SOUTH OF PINE CONE PLACE AND NORTH OF SR520, IN COCOA, FLORIDA, MORE PARTICULARLY DEPICTED AND LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM BREVARD COUNTY I-U (LIGHT INDUSTRIAL) TO CITY OF COCOA M-1 (LIGHT INDUSTRIAL AND WAREHOUSE DISTRICT); PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.**

Mayor Williams opened the hearing to the public. There being no response, the public portion of the hearing was closed.

* **MOTION by Councilmember Boisvert; Seconded by Councilmember Koss, to approve Ordinance No. 14-2019 on second and final reading.**

**AYES: Williams, Goins, Boisvert, Koss, Warner**

**THE MOTION CARRIED UNANIMOUSLY (5-0)**

2. Ordinance No. 15-2019/ 2nd Reading: Approval of a ZONING MAP AMENDMENT consistent with Appendix A, Zoning, Article XXI, to change the Zoning Map designation of four (4) parcels totaling 19.73 acres from Brevard County IU (Light Industrial) to City of Cocoa M-1 (Light Industrial and Warehouse District). (19-600). (Community Services Director)

Attorney Garganese read Ordinance No. 15-2019 into the record, by title only as follows. He advised that this was the second and final reading.

**ORDINANCE NO. 15-2019**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; CHANGING THE ZONING MAP DESIGNATION OF FOUR (4) PARCELS OF REAL PROPERTY, TOTALING 19.73 ACRES, MORE OR LESS, AND GENERALLY LOCATED ON THE WEST SIDE OF COX ROAD, SOUTH OF RIGHT STREET AND NORTH OF SR520, IN COCOA, FLORIDA, MORE PARTICULARLY DEPICTED AND LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM BREVARD COUNTY I-U (LIGHT INDUSTRIAL) TO CITY OF COCOA M-1 (LIGHT INDUSTRIAL AND WAREHOUSE DISTRICT); PROVIDING FOR THE**

**REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.**

Mayor Williams opened the hearing to the public. There being no response, the public portion of the hearing was closed.

* **MOTION by Councilmember Koss; Seconded by Councilmember Boisvert, to approve Ordinance No. 15-2019 on second and final reading.**

**AYES: Williams, Goins, Boisvert, Koss, Warner**

**THE MOTION CARRIED UNANIMOUSLY (5-0)**

3. Ordinance No. 16-2019/ 2nd Reading: Approval of a ZONING MAP AMENDMENT consistent with Appendix A, Zoning, Article XXI, to change the Zoning Map designation of six (6) parcels totaling 16.67 acres from Brevard County IU (Light Industrial) to City of Cocoa M-1 (Light Industrial and Warehouse District). (19-601). (Community Services Director)

Attorney Garganese read Ordinance No. 16-2019 into the record, by title only as follows. He advised that this was the second and final reading.

**ORDINANCE NO. 16-2019**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; CHANGING THE ZONING MAP DESIGNATION OF SIX (6) PARCELS OF REAL PROPERTY, TOTALING 16.67 ACRES, MORE OR LESS, AND GENERALLY LOCATED ON THE WEST SIDE OF COX ROAD, SOUTH OF RIGHT STREET AND NORTH OF SR520, IN COCOA, FLORIDA, MORE PARTICULARLY DEPICTED AND LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM BREVARD COUNTY I-U (LIGHT INDUSTRIAL) TO CITY OF COCOA M-1 (LIGHT INDUSTRIAL AND WAREHOUSE DISTRICT); PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.**

Mayor Williams opened the hearing to the public. There being no response, the public portion of the hearing was closed.

* **MOTION by Councilmember Boisvert; Seconded by Councilmember Koss, to approve Ordinance No. 16-2019 on second and final reading.**

**AYES: Williams, Goins, Boisvert, Koss, Warner**

**THE MOTION CARRIED UNANIMOUSLY (5-0)**

4. Ordinance No. 18-2019/ 2nd Reading: Approval of a ZONING MAP AMENDMENT consistent with Appendix A, Zoning, Article XXI, to change the Zoning Map designation of two (2) parcels totaling 2.06 acres from Brevard County IU (Light Industrial) to City of Cocoa C-G (General Commercial District). (19-602). (Community Services Director)

Attorney Garganese read Ordinance No. 18-2019 into the record, by title only as follows. He advised that this was the second and final reading.

**ORDINANCE NO. 18-2019**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; CHANGING THE ZONING MAP DESIGNATION OF TWO (2) PARCELS OF REAL PROPERTY, TOTALING 2.06 ACRES, MORE OR LESS, AND GENERALLY LOCATED ON THE NORTH SIDE OF SR520, EAST OF TOWNSEND ROAD AND WEST OF COX ROAD, IN COCOA, FLORIDA, MORE PARTICULARLY DEPICTED AND LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM BREVARD COUNTY I-U (LIGHT INDUSTRIAL) TO CITY OF COCOA C-G (GENERAL COMMERCIAL DISTRICT); PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.**

Mayor Williams opened the hearing to the public. There being no response, the public portion of the hearing was closed.

* **MOTION by Councilmember Koss; Seconded by Deputy Mayor Goins, to approve Ordinance No. 18-2019 on second and final reading.**

**AYES: Williams, Goins, Boisvert, Koss, Warner**

**THE MOTION CARRIED UNANIMOUSLY (5-0)**

5. Ordinance No. 19-2019/ 2nd Reading: Approval of a ZONING MAP AMENDMENT consistent with Appendix A, Zoning, Article XXI, to change the Zoning Map designation of a single parcel totaling 1.24 acres from Brevard County BU-2 (Retail, Warehousing and Wholesale Commercial) to City of Cocoa C-G (General Commercial District). (19-603). (Community Services Director)

Attorney Garganese read Ordinance No. 19-2019 into the record, by title only as follows. He advised that this was the second and final reading.

**ORDINANCE NO. 19-2019**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; CHANGING THE ZONING MAP DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY, TOTALING 1.24 ACRES, MORE OR LESS, AND GENERALLY LOCATED ON THE NORTH SIDE OF SR520, EAST OF TOWNSEND ROAD AND WEST OF COX ROAD, IN COCOA, FLORIDA, MORE PARTICULARLY DEPICTED AND LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM BREVARD COUNTY BU-2 (RETAIL, WAREHOUSING AND WHOLESALE COMMERCIAL) TO CITY OF COCOA C-G (GENERAL COMMERCIAL DISTRICT); PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.**

Mayor Williams opened the hearing to the public. There being no response, the public portion of the hearing was closed.

* **MOTION by Councilmember Boisvert; Seconded by Councilmember Koss, to approve Ordinance No. 19-2019 on second and final reading.**

**AYES: Williams, Goins, Boisvert, Koss, Warner**

**THE MOTION CARRIED UNANIMOUSLY (5-0)**

6. Ordinance No. 20-2019/ 2nd Reading: Approval of a ZONING MAP AMENDMENT consistent with Appendix A, Zoning, Article XXI, to change the Zoning Map designation of a single parcel totaling 0.75 acres from Brevard County PIP (Planned Industrial Park) to City of Cocoa C-G (General Commercial District). (19- 604). (Community Services Director)

Attorney Garganese read Ordinance No. 20-2019 into the record, by title only as follows. He advised that this was the second and final reading.

**ORDINANCE NO. 20-2019**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; CHANGING THE ZONING MAP DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY, TOTALING 0.75 ACRES, MORE OR LESS, AND GENERALLY LOCATED ON THE SOUTH SIDE OF TOWNSEND RD, AND IMMEDIATELY EAST OF I-95, IN COCOA, FLORIDA, MORE PARTICULARLY DEPICTED AND LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM BREVARD COUNTY PIP (PLANNED INDUSTRIAL PARK) TO CITY OF COCOA C-G (GENERAL COMMERCIAL DISTRICT); PROVIDING FOR THE REPEAL OF PRIOR**

**INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.**

Mayor Williams opened the hearing to the public. There being no response, the public portion of the hearing was closed.

* **MOTION by Deputy Mayor Goins; Seconded by Councilmember Koss, to approve Ordinance No. 20-2019 on second and final reading.**

**AYES: Williams, Goins, Boisvert, Koss, Warner**

**THE MOTION CARRIED UNANIMOUSLY (5-0)**

7. Ordinance No. 21-2019/ 2nd Reading: Approval of a ZONING MAP AMENDMENT consistent with Appendix A, Zoning, Article XXI, to change the Zoning Map designation of a single parcel totaling 0.03 acres from Brevard County PIP (Planned Industrial Park) to City of Cocoa INST (Institutional District). (19-605). (Community Services Director)

Attorney Garganese read Ordinance No. 21-2019 into the record, by title only as follows. He advised that this was the second and final reading.

**ORDINANCE NO. 21-2019**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; CHANGING THE ZONING MAP DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY, TOTALING 0.03 ACRES, MORE OR LESS, AND GENERALLY LOCATED ON THE SOUTH SIDE OF TOWNSEND RD, AND IMMEDIATELY EAST OF I-95, IN COCOA, FLORIDA, MORE PARTICULARLY DEPICTED AND LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM BREVARD COUNTY PIP (PLANNED INDUSTRIAL PARK) TO CITY OF COCOA INST (INSTITUTIONAL DISTRICT); PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.**

Mayor Williams opened the hearing to the public. There being no response, the public portion of the hearing was closed.

* **MOTION by Councilmember Boisvert; Seconded by Deputy Mayor Goins, to approve Ordinance No. 21-2019 on second and final reading.**

**AYES: Williams, Goins, Boisvert, Koss, Warner**

**THE MOTION CARRIED UNANIMOUSLY (5-0)**

8. Ordinance No. 22-2019/ 2nd Reading: Approval of a ZONING MAP AMENDMENT consistent with Appendix A, Zoning, Article XXI, to change the Zoning Map designation of a single parcel totaling 1.08 acres from Brevard County IU (Light Industrial) to City of Cocoa M-2 (Manufacturing and Industrial District). (19-606). (Community Services Director)

Attorney Garganese read Ordinance No. 22-2019 into the record, by title only as follows. He advised that this was the second and final reading.

**ORDINANCE NO. 22-2019**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; CHANGING THE ZONING MAP DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY, TOTALING 1.08 ACRES, MORE OR LESS, AND GENERALLY LOCATED ON THE SOUTH SIDE OF TOWNSEND ROAD AND EAST OF I-95, IN COCOA, FLORIDA, MORE PARTICULARLY DEPICTED AND LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM BREVARD COUNTY I-U (LIGHT INDUSTRIAL) TO CITY OF COCOA M-2 (MANUFACTURING AND INDUSTRIAL DISTRICT); PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.**

Mayor Williams opened the hearing to the public. There being no response, the public portion of the hearing was closed.

* **MOTION by Councilmember Koss; Seconded by Councilmember Boisvert, to approve Ordinance No. 22-2019 on second and final reading.**

**AYES: Williams, Goins, Boisvert, Koss, Warner**

**THE MOTION CARRIED UNANIMOUSLY (5-0)**

9. Ordinance No. 24-2019/ 1st Reading: Annexing approximately 139.23 acres of real property located in unincorporated Brevard County (as shown in Exhibit "A") into the City of Cocoa in accordance with Chapter 171 of the Florida Statutes and Appendix A, Article VI of the City of Cocoa Code. (19-631). (Community Services Director)

Attorney Garganese read Ordinance No. 24-2019 into the record, by title only as follows. He mentioned this was the first reading of an annexation ordinance. The pre-annexation agreement was approved on November 13, 2019.

**ORDINANCE NO. 24-2019**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; ANNEXING APPROXIMATELY 139.23 ACRES OF REAL PROPERTY GENERALLY LOCATED AT THE INTERSECTION OF STATE ROAD 524 AND STATE ROADS 520, AND MORE SPECIFICALLY WEST OF ADAMSON ROAD AND NORTH OF STATE ROADS 520 AND 524; PROVIDING FOR THE AMENDMENT OF COCOA CHARTER, ARTICLE 1, CITY BOUNDARIES, TO INCORPORATE THE REAL PROPERTY INTO THE CITY BOUNDARIES; PROVIDIN FOR THE FILING OF THE REVISED COCOA CHARTER WITH THE DEPARTMENT OF STATE AND AS ALSO REQUIRED BY LAW; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.**

Ms. Selig provided a presentation[1] and background on the item. She gave a detailed project summary. She explained that prior to commencing the annexation process, staff prepared an Annexation Report. The Annexation Report established that the subject area for this annexation met the requirements for annexation as outlined in Chapter 171 of the Florida Statutes.

The Annexation Report was approved by City Council on October 9, 2019. A copy of the Annexation Report was transmitted to the Brevard County Board of County Commissioners on October 11, 2019 and signed for on October 15, 2019.

The City will conduct annexations in accordance with Section 171.0413 (6), Florida Statutes. This section provides that consent of property owners representing at least 50% of the land area and at least 50% of the parcels to be annexed is required and will be obtained by the City prior to final adoption of the annexation ordinance.

Related to this requirement, the City Council approved a Pre-Annexation Agreement with the applicant and accepted three Petitions of Annexation on November 13, 2019.

Staff notified property owners within the annexation area of the City's intent to annex their property along with the date and location of the two public hearings at which this item will be considered.

[1] EXHIBIT A: Ordinance No. 24-2019 Annexation Cape Canaveral Heights Properties, Inc. Presentation

Staff confirmed with the Brevard County Supervisor of Elections that no registered electors currently reside in the proposed annexation area. Pursuant to Florida Statutes, staff will verify that no registered electors reside in the proposed area on the date of the 2nd reading and adoption of the ordinance.

The proposed annexation area is located at the intersection of SR 524 and SR 520, more specifically west of Adamson Road and north of SR's 520 and 524.

Current and proposed future land use designation and zoning classification have not been determined and are not required at this time. The adequate public facilities report was done and the budgetary impact is difficult to fully assess at this time due to the largely undeveloped nature of the land.

Lastly, City Council approved an Annexation Report entitled "Cape Canaveral Heights State Road 520 and State Road 524 Annexation Report" at its October 9, 2019 regular city council meeting.

City Council approved a Pre-Annexation Agreement and accepted three (3) Irrevocable Petitions to Annex Real Property at its November 13, 2019 regular city council meeting.

Mayor Williams opened the hearing to the public.

Mr. Jay Thacker, Esq. noted he represented the developers and was in attendance to answer questions if needed.

There being no further response, the public portion of the hearing was close

* **MOTION by Councilmember Boisvert; Seconded by Deputy Mayor Goins, to approve Ordinance No. 24-2019 on First Reading.**

**AYES: Williams, Goins, Boisvert, Koss, Warner**

**THE MOTION CARRIED UNANIMOUSLY (5-0)**

10. Ordinance No. 25-2019/ 1st Reading: Approval of a ZONING TEXT AMENDMENT consistent with Appendix A, Zoning, Article XXI, amending Appendix A, Article XI, Section 22 of the zoning ordinance of the City of Cocoa to allow the Single Story Commercial building type on a certain property within the Waterfront Sub-district of the Cocoa Waterfront Overlay District and amending the maximum lot depth from 300 feet to 400 feet for properties eligible for the Single Story Commercial building type. (19-634). (Community Services Director)

Attorney Garganese read Ordinance No. 25-2019 into the record, by title only as follows. He advised that this was the first reading of the ordinance.

**ORDINANCE NO. 25-2019**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING APPENDIX A, ARTICLE XI, SECTION 22 OF THE CODE OF THE CITY OF COCOA TO ALLOW SINGLE STORY COMMERCIAL BUILDINGS ON A CERTAIN PROPERTY WITHIN THE COCOA WATERFRONT OVERLAY DISTRICT, WATERFRONT SUBDISTRICT, AS MORE PARTICULARLY DEPICTED ON EXHIBIT "A" ATTACHED HERETO; AMENDING THE COCOA WATERFRONT OVERLAY REGULATING PLAN TO ALLOW FOR THE SAME; AMENDING THE MAXIMUM LOT DEPTH FOR LOTS ELIGIBLE FOR SINGLE STORY COMMERCIAL BUILDINGS; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.**

Ms. Selig provided a presentation[2] on this ordinance which includes changes to the code. There are two changes being proposed.

1- The first would allow the Single-Story Commercial Mixed-use building type for the parcel located at 100 Delannoy Ave.

2-The second change would allow an increase in the maximum lot depth for the Single Story Commercial building type from 300 feet to 400 feet.

A detailed project summary was provided and a location map was shown. The location is between King and Willard Street.

Ms. Selig further pointed out the relationship and consistency with the Comprehensive Plan.

The Planning & Zoning Board recommended approval of this item at its regular meeting on December 4, 2019.

Deputy Mayor Goins asked if there has been conversation with FDOT regarding traffic in this area. Ms. Selig stated they have an upcoming conference call with them and there are three right of ways. She agreed that it was complex and dialogue was needed with FDOT on this, as they were concerned as well. They do have plans to slow some of the traffic coming down the hill.

[2] EXHIBIT B: Ordinance No. 25-2019 Zoning Text Amendment Cocoa Waterfront Overlay District Presentation

Mayor Williams opened the hearing to the public. There being no response, the public portion of the hearing was closed.

* **MOTION by Deputy Mayor Goins; Seconded by Councilmember Boisvert, to approve Ordinance No. 25-2019 on First reading.**

**AYES: Williams, Goins, Boisvert, Koss, Warner**

**THE MOTION CARRIED UNANIMOUSLY (5-0)**

11. Ordinance No. 23-2019/2nd and Final Reading: Regarding Amending Chapter 14 of The Code of The City of Cocoa to Establish Civil Penalties for the Possession of Cannabis (Marijuana) for Amounts under Twenty (20) Grams and Possession of Drug Paraphernalia; Setting Forth Penalties and Enforcement Responsibilities for a Violation of this Code. (19-643). (City Attorney)

Attorney Garganese read Ordinance No. 23-2019 into the record, by title only as follows. He advised that this was the second and final reading.

**ORDINANCE NO. 23-2019**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING CHAPTER 14 OF THE CODE OF THE CITY OF COCOA TO ESTABLISH CIVIL PENALTIES FOR THE POSSESSION OF CANNABIS (MARIJUANA) FOR AMOUNTS UNDER TWENTY (20) GRAMS AND POSSESSION OF DRUG PARAPHERNALIA; SETTING FORTH PENALITIES AND ENFORCEMENT RESPONSIBILITIES FOR A VIOLATION OF THIS CODE; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.**

Mayor Williams opened the hearing to the public. There being no response, the public portion of the hearing was closed.

City Attorney Garganese explained this was an ordinance establishing a civil penalty for the possession of marijuana and provides an alternative to an arrest for police officers when dealing with those in possession of 20 grams or less. He further noted that it calls for community service and states other offenses and what would happen if a person was found with possession of the substance.

Chief Cantaloupe pointed out that currently there were not test kits or labs doing percentage testing, so they are not making arrests.

* **MOTION by Councilmember Koss; Seconded by Councilmember Boisvert, to approve Ordinance No. 23-2019 on second and final reading.**

**AYES: Williams, Goins, Boisvert, Koss, Warner**

**THE MOTION CARRIED UNANIMOUSLY (5-0)**

**VII. Council Business:**

1. Approve the requested 2020 street closures in association with the proposed Special Events. (19-578). (Assistant to the City Manager/Public Relations Specialist)

Ms. Senger explained per the ordinance there are twenty-four (24) street closures allotted in a year and this item provides for twenty-three (23) of those closures.

Mayor Williams spoke in regards to the last Mardi Gras event and stated that he bought several VIP tickets. He voiced his disappointment with the event and pointed out that the same person would be hosting the event again this year. In the past, companies would come in and one would be selected. This is an event that represents the City and the last event was not Mardi Gras to him. He hoped that after this event it would be brought back to Council so that someone would be selected who would do the event right.

Councilmember Koss would like to see a marching band at Mardi Gras. She also asked if HCVMS would have shows that were juried. In response, Ms. Kirkpatrick with HCVMS stated that the March show was an art show where one could enter their pieces; however, all shows were juried. She pointed out that the holiday show was different, as merchants can come in and sell merchandise. Merchandise such as knives cannot be sold at the show.

Ms. Senger spoke about the band and the difficulty of securing a high school marching band due to the event having alcohol. Additionally, it was very costly to pay for a marching-style band.

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

**AYES: Williams, Goins, Boisvert, Koss, Warner**

**THE MOTION CARRIED UNANIMOUSLY (5-0)**

2. Consider the appointment of one of the following applicants as a member of the Sustainability Advisory Committee: Ms. Kaylyn Palmer, Ms. Cynthia Castro, or

Mr. Jeffrey Myron. (Administrative Services Director). (19-595). (Administrative Services Director)

Councilmember Koss felt that all of the three applicants were very qualified. Ms. Castro has a business background, Ms. Palmer is with Keep Brevard Beautiful and Mr. Myron with the Solar Energy Center.

Councilmember Koss invited Ms. Riggs, Chairperson of the Sustainability Advisory Committee, to the podium to speak about the applicants. Ms. Riggs suggested that the residency requirements be changed for this board. She mentioned that her choice would be Ms. Kaylyn Palmer due to her expertise with Keep Brevard Beautiful.

* **Councilmember Koss nominated Ms. Palmer.**

Councilmember Koss asked what it would take to add an alternate position to this board. In response, Attorney Garganese stated that the enabling resolution would need to be changed.

Councilmember Koss asked the rest of Council how they felt about adding an Alternate position and City Attorney Garganese agreed that a resolution could be brought back to Council.

* **MOTION by Councilmember Koss; Seconded by Deputy Mayor Goins, to appoint Ms. Kaylyn Palmer as a member on the Sustainability Advisory Committee.**

**AYES: Williams, Goins, Boisvert, Koss, Warner**

**THE MOTION CARRIED UNANIMOUSLY (5-0)**

3. Consider the appointment of Mr. Dan Quattrocchi as a Regular member of the Board of Adjustment, through May 2022, Ms. Patricia Weeks as 1st Alternate, ~~and Ms. Marisol Soto-Lanza as 2nd Alternate~~. (19-596). (Administrative Services Director)

* **MOTION by Councilmember Boisvert; Seconded by Deputy Mayor Goins, to appoint of Mr. Dan Quattrocchi as a Regular member of the Board of Adjustment, through May 2022, and Ms. Patricia Weeks as 1st Alternate.**

**AYES: Williams, Goins, Boisvert, Koss, Warner**

**THE MOTION CARRIED UNANIMOUSLY (5-0)**

4. Consider the Appointment of Ms. Kimberly Curtis and Mr. Vinnie Richardson as 1st and 2nd Alternates to the Code Enforcement Board. (19-597). (Administrative Services Director)

* **MOTION by Councilmember Warner; Seconded by Councilmember Boisvert, to appoint Ms. Kimberly Curtis and Mr. Vinnie Richardson as 1st and 2nd Alternates to the Code Enforcement Board.**

**AYES: Williams, Goins, Boisvert, Koss, Warner**

**THE MOTION CARRIED UNANIMOUSLY (5-0)**

5. City Council Liaison Appointments and Appointment of the Florida League of Cities Voting Delegate and Alternate for 2020. (19-608). (Administrative Services Director)

Mayor Williams would like to remain on the same boards.

Councilmember Koss would like to serve on the Florida League of Cities as the Alternate Voting Delegate.

Councilmember Warner was in agreement with her serving as alternate as she was not sure if she would be attending the Florida League of Cities event this year.

All other members would also like to keep the same boards.

* **MOTION by Deputy Mayor Goins; Seconded by Councilmember Warner, to keep the same City Council Liaison appointments as 2019 and for Mayor Williams to be the primary voting delegate and Councilmember Koss to be the alternate voting delegate for the Florida League of Cities.**

**AYES: Williams, Goins, Boisvert, Koss, Warner**

**THE MOTION CARRIED UNANIMOUSLY (5-0)**

6. Seek Council direction for extension request from Broadmoor Acres Community Restoration and Preservation, Inc. (BACRAP) on the Code Enforcement Lien Reduction Agreement between the City of Cocoa and BACRAP executed December 15, 2017. This agreement conditionally provides a reduction of the code enforcement liens associated with 408 Kentucky Ave., 1115 Broadmoor Dr., 1057 Mitchell St., 401 N Carolina Ave., 1102 Broadmoor Dr., and 300 N. Varr Ave., to $0 providing BACRAP complies with the conditions set forth in the agreement. (19-665). (Community Services Director)

Ms. Bunt pointed out that on the six lots there are currently fifty nine (59) code liens related to the above mentioned properties totaling $541,309.72. All of the code liens happened prior to BACRAP acquiring the properties. BACRAP agreed to construct a single family affordable home on each property and obtain a certificate of occupancy on each home within the two years. In the event that BACRAP does not perform this condition or any other condition of the agreement, the lien reduction request would be automatically retroactively denied. The order reducing the fine shall be null and void and the code liens remain on the properties. The agreement allows the City to extend the time frame annually for good cause at the request of BACRAP. This request was submitted by BACRAP to the City Manager on November 24, 2019.

Ms. Bunt announced that staff was seeking direction from Council as to the request to extend the time frame of this agreement for good cause. Regarding Section 6 of the agreement, conditions of release of liens, BACRAP was issued two permits for 1102 and 1115 Broadmoor Drive on September 9, 2019. According to their November 24, 2019 letter, they anticipate obtaining certificate of occupancies prior to the expiration of this agreement. Subsequently, she noted that staff was advised on December 4, 2019 that due to supplier and FPL schedules those two homes will not be completed by the December 15th deadline. BACRAP anticipates that these homes will be completed and ready for final inspection for the purposes of obtaining a Certificate of Occupancy by early January.

Staff recommends that City Council provide a thirty (30) day time frame extension in order to permit these two homes to be completed. The four remaining lots remain undeveloped. Regarding Section 6d, BACRAP has maintained its status of a Not-for-Profit Florida Corporation during the entire effective date of the agreement. In regards to Section 6e, no new code violations exist on any of the six properties. Sections 6b, c, and f, cannot be evaluated at this time.

As previously noted, BACRAP is requesting an extension for the four remaining lots. Pursuant to the November 24, 2019 letter from BACRAP, the current timeline plans for construction to begin early next year on the next two homes, and the last two later in the year as funding permits.

If City Council extends the time frame to develop the four remaining lots, then staff recommends that Council extends the time frame by one year and evaluate the progress consistent with the existing provisions of the Code Enforcement Lien Reduction Agreement, which will be annually evaluated per Section 6a of the agreement.

Stephanie Morretto, 501 N. Georgia Avenue, stated that she has lived in Broadmoor Acres for over ten years. When she first moved there it was awful. There was trash in the streets and people in the streets all hours of the night. They could not even get pizza delivered to the neighborhood. Criminals would even hide in yards. Today, the crime rate is down, neighbors check on each other, there are neighborhood parties, Thanksgiving food is provided, and toys are provided at Christmas. Progress is messy and did not happen overnight. She urged Council to grant the extension. She did not understand why the City would want to stop the progress. She further asked how Mayor Williams and Councilmember Koss could vote when there is a civil lawsuit against them and a representative of this non-profit. The neighborhood is not perfect but it is working hard to get there.

Mayor Williams spoke about the statement made regarding stopping the process and asked who that came from. In response, Ms. Moretto stated that there was a lot of gossip all over town. Mayor Williams stated it was just gossip, and stated he just wanted to know.

Councilmember Koss pointed out that the lawsuit was against the City too.

Derek Miglian, 1051 Mitchell Street, Cocoa, mentioned that he does not get involved in the political aspects of things. He moved here in 2016 and was in a house with a bad landlord. He thanked BACRAP because they were able to get the landlord out and him in as a homeowner. He would hear shots and cop cars throughout the nights and his kids were scared. All of this has stopped with BACRAP intervening. He believes that there has been a change. He has lived in the area for three years and urged them to grant the extension.

Candace Rogers, 93 Delannoy Avenue, Cocoa, advised that Broadmoor Acres was not her neighborhood but admired what BACRAP and the residents have done to make it what it is today. Others have been given the opportunity to build homes and have declined. She believed that the issue of stopping the progress was odd when these were the first new homes to be built in fifty years. BACRAP was fighting for their neighbors and she applauded that. The agreement stated it could be extended for good cause and this was a good cause.

Mayor Williams asked how long she has lived in Cocoa.

Patricia Weeks, 1351 Tartan Way, Cocoa, was in attendance on behalf of the Space Coast Association of Realtors. Affordable housing is something that all cities need. These new homes are being offered on MLS for under $142,000 which is very affordable for first time homebuyer. This is an area where people could afford these very easily. They support this action for this reason.

Mayor Williams spoke about Broadmoor Acres and Pineridge subdivision. He mentioned that he has lived in Cocoa his whole life and was on Council from 2004-2012. Broadmoor Acres was not a war zone, it was a lot of criminal activity going on in that area. He knows as he has family members that live there as well as friends.

In 2006 a home maintenance plan had come up and renters regulation, and Broadmoor Acres was an area that the City was going after because there were some slumlords there. There was also Sunrise Village and Pineridge Subdivision. They saw the transformation from what was referred to as "Little Vietnam" moving northward and Council started addressing this heavily when he was on council for eight years. There were a number of meetings during this time addressing these issues. He mentioned the Davenports who were slumlords during that time who owned several properties in that area. It was not due to BACRAP coming in and cleaning it up. It was due to the Home Maintenance Plan, pro-active code enforcement and policing at that time. BACRAP just happened to come in at a time where all of those liens and things were coming to an end. He applauds anyone who goes in and rakes and cleans things up.

Pineridge subdivision, just north of Broadmoor Acres, have residents who cut neighbors yards every day. They have been doing it for years, an award was even given for the work they did. This is not just happening in Broadmoor Acres but everywhere in the City. He applauds those helping to clean up. He is not against it, but he does not like people coming and saying what they hear in the streets. Litigation has nothing to do with this. He wants those to get their facts right.

An agreement was made between the City and BACRAP and the agreement has not been fulfilled. He is not going to make a mockery out of this Council and he asked to speak to Bob Harvey because he sent letters that he thought were very disrespectful, something that he would never do to him, and he is with the Port. He asked them to not come in and accuse them of stuff when they are just trying to conduct their business and do their job.

Mr. Bob Harvey stated he was just attacked publicly (from the audience) and he wanted to respond.

Deputy Mayor Goins stated that if Mr. Bob Harvey would like to respond than that would be good for him.

Mayor Williams stated that Mr. Harvey could come up and speak and fill the delegation card out when he is done so they could move the item forward.

Mr. Bob Harvey, mentioned that no one needed to attack the Mayor and no one needed to attack him. He has not attacked the Mayor personally and the Mayor has not asked him to come and speak with him personally. He would be happy to meet with him any time he wanted to talk. Conversation was held amongst the Mayor and Mr. Harvey about meeting with each other.

Mr. Harvey asked Deputy Mayor Goins if he asked him last week if he would sit down with the Mayor and talk with him. Deputy Mayor Goins responded in the affirmative and stated that Mr. Harvey said he would.

Mr. Harvey made two points. The residents of Broadmoor Acres have said this is a good thing and that it was a war zone. He wanted to take those residents word, who were here tonight, and not call them liars. Secondly, what is being done is building brand new houses. That is good for the City of Cocoa. What is not good would be to terminate this agreement. It would be unprecedented for this Council to say no to this extension.

Mayor Williams stated that there is a number of organizations to bring affordable housing to Cocoa. He stated that this is nothing personal and he is hearing these rumors while him and Councilmember Koss are sitting up there making decisions.

Councilmember Koss stated anyone can file a lawsuit. In response, Mr. Harvey stated that he was not here to talk about the lawsuit. Councilmember Koss stated that he was the Executive Director. Mr. Harvey stated that Mr. Sinclair was not there anymore and he did not care about the lawsuit, that is not the issue tonight.

Mayor Williams stated that this was nothing personal but they were all making it seem like it was personal. Council has a job to do.

Mr. Harvey stated that there was nothing personal in his letter or his words to the Mayor and he has repeated it several times. He mentioned that the Mayor made another point about others who want to buy those lots. No one has reached out him as he is Chairman of the Board.

Mayor Williams clarified that he did not say they wanted to build in Broadmoor Acres, they are trying to come in to the City to bring more affordable housing.

Mr. Harvey advised that they are actually building. Two of the six houses are already built.

Deputy Mayor Goins noted that he had a conversation with Ms. Blanco and Mr. Harvey. He does not have an issue with extending the contract, but from what

he is hearing was that it was an assumption that the City was trying to stop the progress that they are making. The contract was awesome at one time, but during construction things happen. He understands the issue with BACRAP not fulfilling the contract.

He understands the issue and the problem he has is the manipulation. This Council was not here when the contract was signed. It can be extended, it is not personal. There have been a lot of issues this last year that are very troubling. This Council is professional and adult enough to make sound decisions and not make it personal. He would not sit up there and let someone stop progress on something that is positive. He appreciates BACRAP and what they are doing.

Mayor Williams added that we have been all over the city trying to move the City forward in all aspects and it is sad that we are here for this, because with all of the activity in trying to do things for the kids and all, the support is not there. This is sad when you have to hear the garbage behind the scenes. He knows what he is doing and that he is doing the job that he was elected to do. He does not have anything against BACRAP. He urged everyone to let Council do their job.

Councilmember Boisvert knows that this is a heated discussion and he noted that Mr. Sinclair is no longer involved and has moved out of state. The Board of Directors have taken over the organization and are running it and will be building these homes. If they do not complete them there will be overgrown grass again, garbage in the lots, and no one will pay attention to the lots. They should be given the chance now that the organization is moving forward with the work they have been doing.

Mayor Williams corrected Councilmember Boisvert regarding overgrown lots. Mayor Williams stated that those were overgrown lots owned by the City and if they are overgrown than that means the City is not doing their job. The City had the homes demolished and if they are vacant lots and not being taken care of then that was the City's responsibility.

Ms. Bunt mentioned that these lots were not owned by the City. The City had them demolished but the City never owned the properties.

City Manager Titkanich pointed out that in the agenda item you can see the liens and repeated abatement liens where the City maintained the property and the ultimately demoed the homes. 2007 was the earliest code action and latest was 2012 in terms of initiation of Code Enforcement action.

Councilmember Koss stated that everyone here wants Broadmoor Acres to thrive. That is why money has been invested in the stormwater infrastructure

there. The question that she had was about BACRAP's business model. She was confused about that but would vote now to extend the contract for the two homes. She wanted more clarity and transparency on the business model and mentioned that Council received two letters today. One of them was from Lionel Cuggia. She asked if he bought all of the properties and if that was correct. She did not understand if he owned the properties or made a donation to BACRAP.

Mr. Harvey mentioned Lionel did not buy the lots and he does not own the lots, the 501C3 owns the lots. Councilmember Koss clarified that Mr. Cuggia made a donation to the 501C3 because it says in the letter that he had some involvement with these properties. Mr. Harvey stated that it was none of these six properties. She asked if Mr. Harvey had read the letter and he stated he did not know what letter she was referring to. She advised they received it around 2 p.m. today.

Mr. Harvey again stated that Mr. Cuggia did not purchase any of those lots or donate them to BACRAP. He has done other properties in BACRAP but not these six lots. She asked if the purchase of these lots was done with monies donated to BACRAP. Mr. Harvey responded in the affirmative.

Councilmember Koss stated she has not been able to find anything on the 990's and felt that there was no transparency on the financials. Her concern was that through different court proceedings, although separate, there are depositions. The depositions revealed one case where at least one resident was harassed out of their home and would lead her to believe that potentially people are being harassed out of their homes so that properties could be turned around quickly.

Councilmember Koss mentioned that there are good things happening in Broadmoor Acres and gave Mr. Harvey all of the credit.

Mr. Harvey asked to defend what she just said. No one was forced out of their home and he does not know what she was talking about. She stated it was in the deposition and in response, Mr. Harvey stated he was not privy to the lawsuit, but that does not make it so just because someone went in and said that. That is a deposition to be resolved in court. Councilmember Koss added that there was evidence that would make one wonder.

Councilmember Koss stated that there have been references to and in Mr. Sinclair's last threatening letter to them, because in addition to the lawsuit, at least two other letters have been received that threaten lawsuits. In one of those he says that there were thirty properties that he owned or had part ownership to and in Mr. Harvey's letter he mentioned sixteen properties.

Mr. Harvey explained that the six lots were purchased with private money as in effort to rebuild. Councilmember Koss then confirmed with donations to BACRAP. Mr. Harvey stated yes. Councilmember Koss stated then they should be on the 990's, the financial forms. Mr. Harvey stated again, he did not know that information but if she says so, he was not going to debate that with her.

Mr. Harvey stated the idea was to build new homes on these six lots and get owners in them instead of renters. They were vacant lots. They are the only organization in thirty years to try to step up and build homes on these lots. They are just trying to do something good for this neighborhood.

Councilmember Koss mentioned there was an instance where they tried to kick someone out of their home. Mr. Harvey stated that was an alleged event. Councilmember Koss added that it was a court case that was won.

She then asked if the mortgage agreement was a standard mortgage agreement. He asked which agreement she was talking about and advised that two homes are up for sale just like any other house and these would hopefully carry a traditional mortgage from a traditional financing company. They are brand new homes so they qualify for that. The six lots in this agreement are all to be built on and sold in that manner.

Councilmember Koss spoke in regards to the Diamond case and that Mr. Sinclair and BACRAP were involved early in that case, but there was actually a provision in the agreement that they could change the terms of the agreement with just a thirty (30) day notice.

Mr. Harvey stated that agreement has nothing to do with this extension or these six lots. Councilmember Koss confirmed that there would be standard agreements for these lots. Mr. Harvey reiterated that these would be traditional mortgages sold through traditional finance companies and traditional real estate agents, who they heard stand up today and say this was good for the City. He further reiterated that Mr. Sinclair was gone so that was not an issue.

Councilmember Koss asked who would be signing this agreement. He noted it did not require a signature but he would sign it if needed.

Mr. Harvey stated he was the Chairman of the Board for the 501C3 and pointed out that they have been in deep conversations with the City Manager. It is not that they did not come and speak with the City. They have been working this for two years and working with the City for three years since he got involved.

Councilmember Warner mentioned that someone questioned the ethics of her and voting on this issue because she sits on the board for Broadmoor Acres. This was also brought up when the initial agreement was approved. Even though the City Attorney felt that her voting was not a conflict, she contacted the Division of Ethics. They assured her that she could vote on this issue because there was no potential financial gain or loss to her as to what is going on in Broadmoor Acres. She has no financial interest, she is simply a volunteer who bakes turkeys, wraps presents, tries to find financing and people interested in investing in this neighborhood. etc.

**Because she has no conflict of interest, Councilmember Warner made a Motion to approve staff's recommendation.**

Mayor Williams asked that even though she has no financial gains she is part of an organization with a financial gain. He asked that if she is a volunteer or not, it would benefit an organization that will have a gain. He just does not want this to come back later as an issue.

Attorney Garganese felt that was an excellent point and that in this particular case and the way the law is written, if Councilmember Warner is working as a board of director on a non-profit organization and if she is uncompensated, then the law does not recognize that in the category of the voting conflicts law. It would not enur to special private gain. It is a carveout like if this was a private organization and she was a principal it would be a different conversation. The law treats it differently as not presenting a voting conflict. Mayor Williams confirmed that because they have not seen any financial records they just assume.

Attorney Garganese advised that Councilmember Warner has advised him that she is an uncompensated director. He takes that as her word and does the analysis based on what she presented to him.

Deputy Mayor Goins asked if this was approved and someone brings up the ethics question could the contract be null and void if there was an ethics violation.

In response, City Attorney Garganese stated that potentially when there is a voting conflict it is presented and if the person has a voting conflict and they voted anyway, the vote would not have prevailed. But for that person to vote potentially you could void the contract due to the improper vote of tone of the members.

Deputy Mayor Goins spoke of an issue that the City of Melbourne just went through regarding a voting conflict.

He wants this to pass but does not want this to be an issue down the line for BACRAP either.

Councilmember Warner advised that she did not want any issues either and in the Ethics opinion she was well within her rights to vote. She reiterated that she had made a motion and asked if anyone seconded her motion.

**Councilmember Boisvert seconded the motion.**

**Mayor Williams called the question:**

**AYES: Goins, Boisvert, Koss**

**NAYS: Williams, Koss**

**THE MOTION CARRIED (3-2)**

Deputy Mayor Goins asked if the extension was for the thirty days or one year.

City Manager Titkanich noted that the staff's recommendation was thirty days for the two houses and one year for the remaining four houses.

Deputy Mayor Goins clarified Councilmember Warner's motion.

**She noted that her motion was to follow staff's recommendation to extend the agreement for thirty days on the completion of two homes currently under construction and for one year on the four remaining lots.**

Deputy Mayor Goins asked if this would be revisited or if it would continue on for the rest of the year.

City Manager Titkanich stated that the agreement provides for an annual review.

7. Confirm the Mayor's Reappointment of Ms. Marian Jackson as a Regular member of the Housing Authority of the City of Cocoa through December 31, 2023. (19-624). (Administrative Services Director)

* **MOTION by Deputy Mayor Goins; Seconded by Councilmember Koss, to approve the Reappointment of Ms. Marian Jackson as a Regular member of the Housing Authority of the City of Cocoa through December 31, 2023.**

**AYES: Williams, Goins, Boisvert, Koss, Warner**

**THE MOTION CARRIED UNANIMOUSLY (5-0)**

8. Consideration of a donation application for the Sister City's Sharing Space Together Program. (19-629). (Administrative Services Director)

Ms. Mardirosian provided a presentation[3] regarding the Sharing Space Together program.

She explained what this program entailed and explained that Israeli children would be coming to the states in order to attend the Kennedy Space Center's Space Camp, December 23-27, 2019. Tuition is $695 per student.

The last few months have been spent raising funds and local students have also been selected to attend.

Ms. Mardirosian invited Council to attend the Chanukah Music Festival, which will be held on December 22, 2019 at 4:30 pm at Riverfront Park. The kids will be introduced on stage at that event.

Councilmember Koss asked if any of the local kids were from Cocoa and in response, Ms. Mardirosian stated there was one and others from closely surrounding cities.

Councilmember Koss believes it is a wonderful program.

Councilmember Koss further voiced her concerns that each member of Council only has $750 and asked how Council felt about increasing next year's budget to $1,000 each. Further discussion was held on the donation budget.

Mayor Williams sponsored one student as well.

She clarified what this money would be used for and it was pointed out that it would be the one Cocoa student and some of their Israeli counterparts.

* **MOTION by Councilmember Boisvert; Seconded by Councilmember Koss, for discussion.**

Councilmember Koss asked if there was a consensus to increase the amount next year. Council agreed.

Councilmember Warner agreed to the $200.

**AYES: Williams, Goins, Boisvert, Koss, Warner**

**THE MOTION CARRIED UNANIMOUSLY (5-0)**

[3] EXHIBIT C: Sister City Presentation: Sharing Space Together Program

9. Integra Binding Development Agreement

City Manager Titkanich recalled that Council approved a binding development agreement between the City and Integra Land Company for the development of Integra Luxury Apartments on SR 524. He explained what the agreement entailed and that staff and the Assistant City Attorney have been in discussion since the meeting and earlier today there was a teleconference with the developer. They are currently awaiting clarification from SJWMD related to the City modifying an existing conservation easement and what impact financially this would have on the City. Both parties have been in consultation with St. Johns and he pointed out what the agreement entailed. A letter and copy of the deed to the conservation easement was provided today.

Staff was requesting that Council provide an additional thirty days in order to provide time to revise the agreement accordingly. If they do not have an extension it could affect the closing.

City Manager Titkanich reiterated that if they wait until the next Council meeting on January 8, 2020, it could affect the closing and that they were requesting an additional thirty days in order provide time to iron out the issues to ensure that the development agreement was clear. The teleconference was held today, which is why the item was last minute. He further advised that this be opened up for public comment since it was initially a public hearing.

Mayor closed discussion to Council and opened to public for comments.

Mayor Williams asked that when a developer is coming to us and one of the boards give up something, it should not look like the City was always getting something out of the development. He does not want it to always seem like "we get this because we gave you this."

City Manager Titkanich advised that the City provided variances which will increase the number of units and part of the component was with the conservation and trail head. If you build the trail head and no access you have a trail head to nowhere, so the public benefited.

He assured Council they are working with them and the engineer was supposed to provide a conceptual plan so that St. John's could review it. A copy of the St. John's letter was provided as well as a copy of the deed of the conservation easement.

* **MOTION by Councilmember Boisvert; Seconded by Deputy Mayor Goins, to approve a thirty-day extension.**

**AYES: Williams, Goins, Boisvert, Koss, Warner**

**THE MOTION CARRIED UNANIMOUSLY (5-0)**

**VIII. City Business:**

1. Approve Resolution No. 2019-106 authorizing the execution of a Section 108 Contract for Loan Guarantee Assistance under Section 108 of the Housing and Community Development Act of 1974, as amended, pledging appropriate Non-Ad Valorem Revenues for payment of principal and interest, and authorizing the Mayor, City Manager, and City Attorney to execute the Contract, Note, and any related documents pertaining to the Section 108 Loan Guarantee Assistance. Approve Budget Resolution 2020- recognizing the $894,000 in debt proceeds that will be utilized to fund the Dr. Joe Lee Smith Community Center. (19-561). (Community Services Director)

Ms. Bunt noted that attached to this item was a draft contract which outlines the terms and conditions of the Section 108 loan.

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

**AYES: Williams, Goins, Boisvert, Koss, Warner**

**THE MOTION CARRIED UNANIMOUSLY (5-0)**

2. Award Bid #20-08-COC Cocoa Riverfront Park Promenade Improvements to the lowest most responsible and responsive bidder Canaveral Construction Co. for $958,709 as the lowest most responsible and responsive bidder and Authorize the City Manager to negotiate the related contract. Authorize the City Manager to issue a Purchase Order in the amount of $958,709 to Canaveral Construction Co. Approve a Resolution authorizing the City Manager to issue Change Orders up to $74,200 related to the Project Contingency. Approve BAF #20-018-A and a Budget Resolution Amending the FY20 Budget to re-budget the revenue for the previously awarded FIND Grants. (19-615). (Public Works Director)

Mr. Smith provided a brief timeline on this project and explained that the redesign was approved in May and then they went out to bid on November 1, 2019, which provided a tight timeline to come to Council with the item. Bids were reviewed on Thursday for completeness and costs, which was why the item was delayed.[4]

Tony Landry with Rush Marine, LLC, Titusville, mentioned that his intention was not to speak because earlier in the week the agenda stated that the most responsible and lowest bidder was Rush Marine. It has been changed and the

[4] Councilmember Warner left the meeting at 8:27 pm.

contract that was quoted on the document was not responsive and responsible. He was low, but not responsive and responsible. There were three documents not submitted, so they are asking their consideration to award the contract to Rush Marine.

Deputy Mayor Goins asked for comment on what he said.

Mr. Smith noted that staff reviewed all of the submittals with the city attorneys and that even with the documents that were left out by Canaveral, it was sufficient enough to award the contract to Canaveral.

Mr. Landry reiterated that the bid package states that you shall submit the items as part of the package. There were other contractors that were non-conforming because they did not submit or sign something, but this is a consideration to award a non-conforming contractor a contract, so Rush was asking for Council to do the right thing and award the contract to Rush Marine.

City Attorney Garganese noted that the bid documents also allow the City to waive minor irregularities regarding the bid, which is just a standard paragraph. It was his understanding that the irregularities were the non-submittal of documents which do not really go with the material aspect of the bid. In fact, some of the documents that were required to be submitted could not be submitted in final form, such as the final agreement and the final bond that is required under the law and bid requirements. Staff's review of it and minor irregularities waivers permitted, and his understanding was that yes, initially Rush was listed as the lowest and most responsive bidder in some of the draft agenda items but when staff took a closer look at the issue with his office it was deemed that the items that Canaveral Construction, who was the lowest financial bidder, and who did not submit those documents, it could be waived and viewed as a minor irregularity.

Deputy Mayor Goins asked if Rush challenged the bid award or if this was his first time hearing about this.

Mr. Landry stated he drove here tonight thinking that they were being awarded. In response, City Manager Titkanich stated that he believes that they were notified before. Mr. Landry stated they were not.

City Manager Titkanich advised that in accordance with the Financial Operations Manual there is a procedure that once a decision is made, a company would provide a notice that they are intending to protest within seventy-two (72) hours and within ten (10) days of filing the intent they would file a written protest to the purchasing manager. There would also be some requirements related to that in terms of posting a bond, etc.

Deputy Mayor Goins asked if there was an email or letter in the timeframe that he got sent the letter.

City Manager Titkanich explained that what Mr. Landry has is the short agenda. We try to get out the short agenda and the initial staff report as the City Attorney indicated did include Rush Marine and then after a lengthy discussion and a discussion with staff and the City Attorney's office, it was determined that the items that were not submitted were considered non-material to the overall bid package.

Mr. Landry submitted an email on Friday to purchasing requesting the status and in response, City Manager Titkanich stated it was still being discussed. Mr. Landry stated they realized that but they did not want to miss their window of opportunity. City Manager Titkanich stated their window of opportunity begins once they make a decision, so the windows not even open yet.

Mr. Landry stated that if the opportunity opens and they do choose to select Canaveral Construction, then Rush Marine will file a formal protest.

Deputy Mayor Goins clarified that the only way he could protest was if Council approves it now.

Attorney Garganese advised it was called a post award protest. He stated what the City Manager stated was correct in that the Financial Operations Manual requires that the protest be submitted in writing no later that seventy-two (72) hours after a final decision is made by the City Council. It can be submitted to the purchasing manager, if Council was to go with the lowest bidder than we can provide them with a copy of the City's policy so they can see the written procedure.

Mr. Landry again asked them to award the contract to Rush Marine, as they feel that is the correct thing to do.

Mayor Williams hears all of this and was wondering how we even got here.

Deputy Mayor Goins asked about the time sensitivity on this. City Manager Titkanich advised that this was a time sensitive project as it is supposed to be completed by June. We got the bids on Thursday at 3 p.m., staff reviewed, there were meetings on Friday regarding the bid as well as the financial component and what the CRA approved previously. Staff worked with the City Attorney's office over the weekend.

Mr. Landry felt that all of the documents are important, as they require them to sign the documents.

Assistant City Manager Fuhrer noted that in addition to the procedure outlined in the Financial Operations Manual, should a protest be submitted, the project is on hold until the issue is resolved.

City Manager Titkanich pointed out that this could jeopardize the City being reimbursed federal dollars.

Councilmember Koss asked for clarification on the bond, and in response, City Manager Titkanich explained why this was deemed not material to the bid submittal.

Mr. Landry advised that this particular contract had three missing items, and reiterated they asked for their consideration.

Deputy Mayor Goins felt that they needed more information. He will file a protest no matter what.

City Manager Titkanich felt they needed to make a decision because either will protest.

Mayor Williams stated that when there are guidelines they should be submitted. He understood Mr. Landry's frustration.

Ms. Bowman noted the forms are part of a list and the form is basically an acknowledgement that they know they have to complete forms if awarded bids. If it is awarded to Rush they would have to rewrite, because the budget was written specifically for the lowest bidder.

* **MOTION by Councilmember Boisvert to go with staff's recommendation. Deputy Mayor Goins seconded the motion for discussion.**

Deputy Mayor Goins asked which was legally binding. In response, Attorney Garganese stated that the City awards to the lowest and most responsive bidder. The City awards based on the RFP and/or RFQ that goes out on the street. The bidders submit bid packages and sometimes there are hiccups with paperwork submitted, but the City's bid package allows the City to waive minor irregularities. These are really not material to the bid amount.

His understanding was that there were three irregularities regarding the lowest bidder: in the bid documents there is a Form Agreement and Form Payment and Performance Bond and in the instructions you are supposed to submit them executed. The lowest bidder did not execute those and did not submit back in package when submitted to the City. They are form agreements and form bonds, they are not final. Regardless if they are signed you are going to have to sign again, as there could be changes to contract or changes to bond. Staff determined those two irregularities were minor in nature and should not go

against that bidder. The purpose of the bid process is to try to get the best deal for the City. The other irregularity was that under the bid documents, there is an "Instructions to Bidder". It requires you to submit the whole "Instructions of Bidder" back with your bid, executed because you are acknowledging your instructions. The lowest bidder submitted the signature page but not all of the pages of instructions.

Those are the three irregularities and under those circumstances staff was recommending going with the lowest bidder and waive those irregularities in the submittal so that the City can get the most competitive price that was submitted.

Mr. Smith confirmed that was correct.

Mayor Williams reiterated the motion.

* **MOTION by Councilmember Boisvert; Seconded by Deputy Mayor Goins, to go with staff's recommendation.**

**AYES: Goins, Boisvert, Koss**
**NAYS: Williams**

**The Record reflects that Councilmember Warner was not present for the vote.**

**THE MOTION CARRIED (3-1)**

Deputy Mayor Goins clarified the statement that was made that this was the lowest bidder only. Mr. Smith explained it is the lowest responsive and responsible bidder.

Mayor Williams did not like the fact that this person came here thinking he won the bid.

3. Approve the removal of an oak tree in the right-of-way adjacent to 4034 Pinyon Drive with a replacement oak tree to be planted at Bracco Pond. (19-632). (Community Services Director)

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

**AYES: Williams, Goins, Boisvert, Koss, Warner**

**THE MOTION CARRIED UNANIMOUSLY (5-0)**

5. Approve the removal of an oak tree in the right-of-way adjacent to 2340 W. Sherwood Circle with a replacement oak tree to be planted at Bracco Pond. (19-633). (Community Services Director)

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

**AYES: Williams, Goins, Boisvert, Koss, Warner**

**THE MOTION CARRIED UNANIMOUSLY (5-0)**

6. Approve Ordinance No. 26-2019 regarding Local Vendor Preference on First Reading. (19-642). (Finance Director)

Attorney Garganese read Ordinance No. 26-2019 into the record by title only as follows and noted this was the first reading of the ordinance.

**ORDINANCE NO. 26-2019**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING SECTION 2-4 OF THE CITY CODE TO ALLOW PREFERENCES FOR LOCAL VENDORS AS TO CITY PURCHASES; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.**

Attorney Garganese explained the background of this item and mentioned the changes that were included in this ordinance.

* **MOTION by Deputy Mayor Goins; Seconded by Councilmember Koss, to approve Ordinance No. 26-2019 on first reading.**

**AYES: Williams, Goins, Boisvert, Koss, Warner**

**THE MOTION CARRIED UNANIMOUSLY (5-0)**

**Multi-Year Contracts:**

None.

## IX. Informational Agenda:

1. Cumulative purchase approvals over $35,000 and under $50,000 for period 10/01/2019 to 10/31/2019. (19-554). (Finance Director)

2. General and Police Pension Board Annual Reports for Informational purposes only. (19-630). (Administrative Services Director)

## X. Reports:

Mr. Smith mentioned that a few bills would be coming up next year regarding railroad safety and he provided a brief overview of what might be changing.

Chief Cantaloupe mentioned the Toy Train this past weekend and Holiday in the Park. He thanked Ms. Debra Dukes for the work that they do every year with the Holiday in the Park event.

Lastly, he advised that the Toy Drive toys would be handed out soon.

Ms. Bunt reminded all to rsvp for the January 10, 2020 Annual Economic Development Update breakfast.

She mentioned the Planning & Zoning Board asked that the Council add a design- based code and would also like to have an Arbor Day Celebration at Bracco Pond. They would like to have the oaks replaced and would like the City to consider a tree bank program.

Assistant City Manager Fuhrer mentioned that on Monday, December 16, 2019 at 6:30 p.m. there would be a community based strategic planning session facilitated by UCF at Emma Jewel Charter Academy and on December 18, 2019 at 6:30 p.m. at Fire Station #1. This is the publics opportunity to participate and provide their input on what they would like to see in the future of the police department.

City Manager Titkanich wished all a Merry Christmas and happy holidays.

Mayor Williams apologized to Chief Cantaloupe for what was stated during delegations. He knows that the intent of the Police Advisory Committee was to resolve issues and concerns, not to bash the police department.

Mayor Williams announced that it had been a very busy couple of weeks. He spoke of his attendance at the FEC Toy Train, the Holiday in the Park, and the First Baptist Church of Cocoa's Christmas program. It was a really nice event.

He mentioned mobile vendors and if there was any information on them that it be given to Council.

Mayor Williams further mentioned the Leon and Jewel Collins museum and that the ribbon cutting was three or four years ago. Also, nothing had been done with the community garden. The eagle scout who received a proclamation tonight

spent a lot of time on beautifying the garden and he felt it was embarrassing that nothing had been done with it. He further spoke about a lien forgiveness program for Code for some of the homes in compliance. He felt that needed to be moved on as well and that there was no reason why these liens should not be forgiven.

Lastly, he pointed out the signage for the December 16th and December 18th workshops. He noted that the way the meetings were described does not explain what the meetings were about.

He wished all a Merry Christmas.

Councilmember Boisvert wished all a Merry Christmas and happy New Year.

Deputy Mayor Goins asked about volunteer applications for things such as the community garden. There was someone that he knows who wanted to volunteer but the process to be screened was taking a long time.

Diamond Square CRA was the agency responsible for the garden and Ms. Bunt advised that there were requirements that must be met to volunteer through the Human Resources department. Deputy Mayor Goins asked if the same process applied for boy scouts and others who want to go out and fix things.

Deputy Mayor Goins would like this to be expedited as the volunteer was a teacher who would like to bring in students to help. Ms. Bunt assured him that she would look into it.

Deputy Mayor Goins apologized to Council for all of the events that he has missed. He coaches youth football and it has been very busy. They have a national championship game in Kissimmee this Friday.

He wished all a Merry Christmas and thanked everyone for listening. There are things that have to be discussed sometimes that they do not like, but it is their job.

Mayor Williams thanked the City Clerk's office for the Space Coast League of Cities Dinner and thanked Chef Kenya for the food and Jacobs for providing the donation. He further thanked Rob at Time Out for the donation of food for the Cocoa High School Chorus. He thanked the merchants in the Village who donated to the First Baptist Church of Cocoa as well.

Councilmember Koss thanked everyone for their condolences on the passing of her mother. She has been gone most of the last six weeks.

She mentioned that she and the Mayor were at Cocoa High School where Dr. Martinez was awarded the National Music Teacher of the Year award. It was a tear jerker and they found out last minute that representatives were coming from Washington D.C. They surprised her and it was great.

Mayor Williams added that it was not even a close race, as she had more nominations than they had ever seen.

Councilmember Koss stated that Dr. Martinez made Cocoa and the Space Coast proud. She wished all happy holidays.

**XI. Adjournment:**

* **MOTION by Councilmember Boisvert; Seconded by Deputy Mayor Goins, to adjourn the Regular meeting of December 11, 2020.**

**AYES: Williams, Goins, Boisvert, Koss,**

**THE MOTION CARRIED UNANIMOUSLY (4-0)**

**The meeting adjourned at 9:08 p.m.**

**Jake Williams, Jr., Mayor**

**ATTEST:**

**Carie Shealy, MMC, City Clerk**

SEAL

FLORIDA

COCOA
FLORIDA

# Ordinance 24-2019

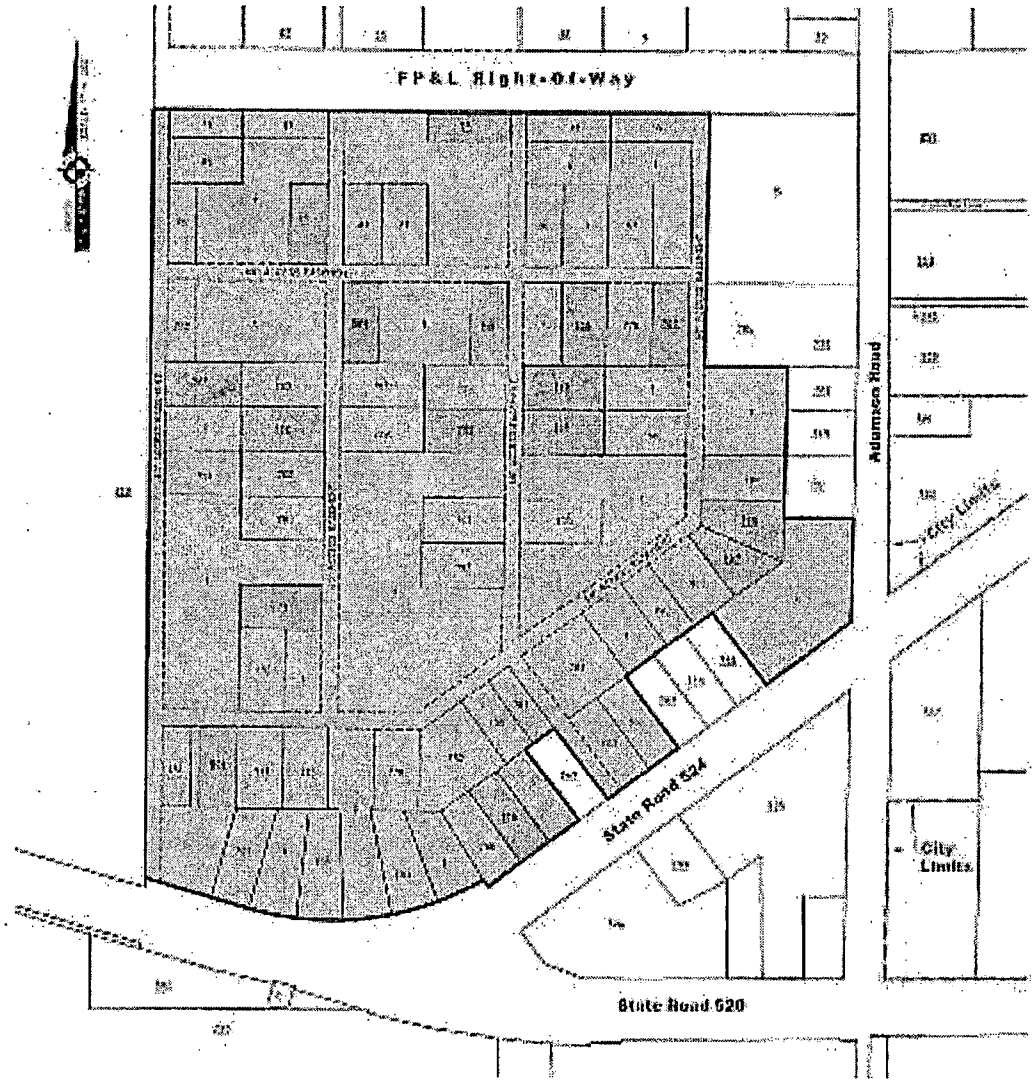
## Annexation
## Cape Canaveral Heights Properties Inc.

EXHIBIT A: Ordinance No. 24-2019
Annexation Cape Canaveral
Heights Properties, Inc. Presentation

# Project Summary

Requested Action: Ordinance No. 24-2019 / 1st Reading: Annexing approximately 139.23 acres of real property located in unincorporated Brevard County (as shown in Exhibit "A") into the City of Cocoa in accordance with Chapter 171 of the Florida Statutes and Appendix A, Article VI of the City of Cocoa Code.

# Location Map



# Project Summary

- Prior to commencing the annexation process, staff prepared an Annexation Report. The Annexation Report established that the subject area for this annexation met the requirements for annexation as outlined in Chapter 171 of the Florida Statutes.

- The Annexation Report was approved by City Council on October 9, 2019. A copy of the Annexation Report was transmitted to the Brevard County Board of County Commissioners on October 11, 2019 and signed for on October 15, 2019.

# Project Summary

- The City will conduct annexations in accordance with Section 171.0413 (6), Florida Statutes. This section provides that consent of property owners representing at least 50% of the land area and at least 50% of the parcels to be annexed is required and will be obtained by the City prior to final adoption of the annexation ordinance.

- Related to this requirement, the City Council approved a Pre-Annexation Agreement with the applicant and accepted three Petitions of Annexation on November 13, 2019.

# Project Summary Continued

- Staff notified property owners within the annexation area of the City's intent to annex their property along with the date and location of the two public hearings at which this item will be considered.

- Staff confirmed with the Brevard County Supervisor of Elections that no registered electors currently reside in the proposed annexation area. Pursuant to Florida Statutes, staff will verify that no registered electors reside in the proposed area on the date of the 2nd reading and adoption of the ordinance.

# Project Summary Continued

Proposed Annexation Area:

- The proposed annexation area is generally located at the intersection of State Road 524 and State Road 520, and more specifically west of Adamson Road and north of State Roads 520 and 524.

- The proposed annexation comprises 59 parcels and ±139.23 acres of real property, of which 43 parcels (122.58 acres) are consenting and 16 parcels (16.65 acres) are non-consenting. This annexation is therefore consistent with the aforementioned requirements of the Florida Statutes.

# Project Summary Continued

Current and Proposed Future Land Use and Zoning:

- City of Cocoa future land use designation and zoning classification have not been determined and are not required at this time. However, a preliminary land use analysis was performed during the preparation of the Annexation Report.

Adequate Public Facilities:

- The Annexation Report provided an analysis of facilities available to serve the annexation study area. The Report determined that the City of Cocoa has, and can provide, the necessary public facilities and services to serve the Annexation study area in the same manner as such services are provided within the rest of the City of Cocoa.

# Project Summary Continued

Budgetary Impact:

- The future budgetary impact is difficult to fully assess due to the largely undeveloped nature of the land. The total taxable value for the proposed annexation area will be increased by future development, in this case with a proposed Planned Unit Development containing an unknown number of single-family residences and related community amenities.

# Previous Action

Previous Action:

- City Council approved an Annexation Report entitled "Cape Canaveral Heights State Road 520 and State Road 524 Annexation Report" at its October 9, 2019 regular city council meeting.

- City Council approved a Pre-Annexation Agreement and accepted three (3) Irrevocable Petitions to Annex Real Property at it November 13, 2019 regular city council meeting.

# Recommendation

Recommended Motion:

Ordinance No. 24-2019 / 1st Reading: Annexing approximately 139.23 acres of real property located in unincorporated Brevard County (as shown in Exhibit "A") into the City of Cocoa in accordance with Chapter 171 of the Florida Statutes and Appendix A, Article VI of the City of Cocoa Code.

COCOA
FLORIDA

Ordinance 25-2019

# Zoning Text Amendment
# Cocoa Waterfront Overlay District

EXHIBIT B: Ordinance No. 25-2019
Zoning Text Amendment Cocoa
Waterfront Overlay District Proposed

# Project Summary

*Applicant:*
City of Cocoa

Requested Action: CONSIDERATION OF AN ORDINANCE of the City Council of the City of Cocoa, Brevard County, Florida, amending Appendix A Zoning, Article XI, Section 22 of the City Code to allow the Single-Story Commercial/Mixed-use building type on a certain property within the Waterfront Sub-district of the Cocoa Waterfront Overlay District and amending the maximum lot depth for lots eligible for the Single-Story Commercial building type.

# Project Summary

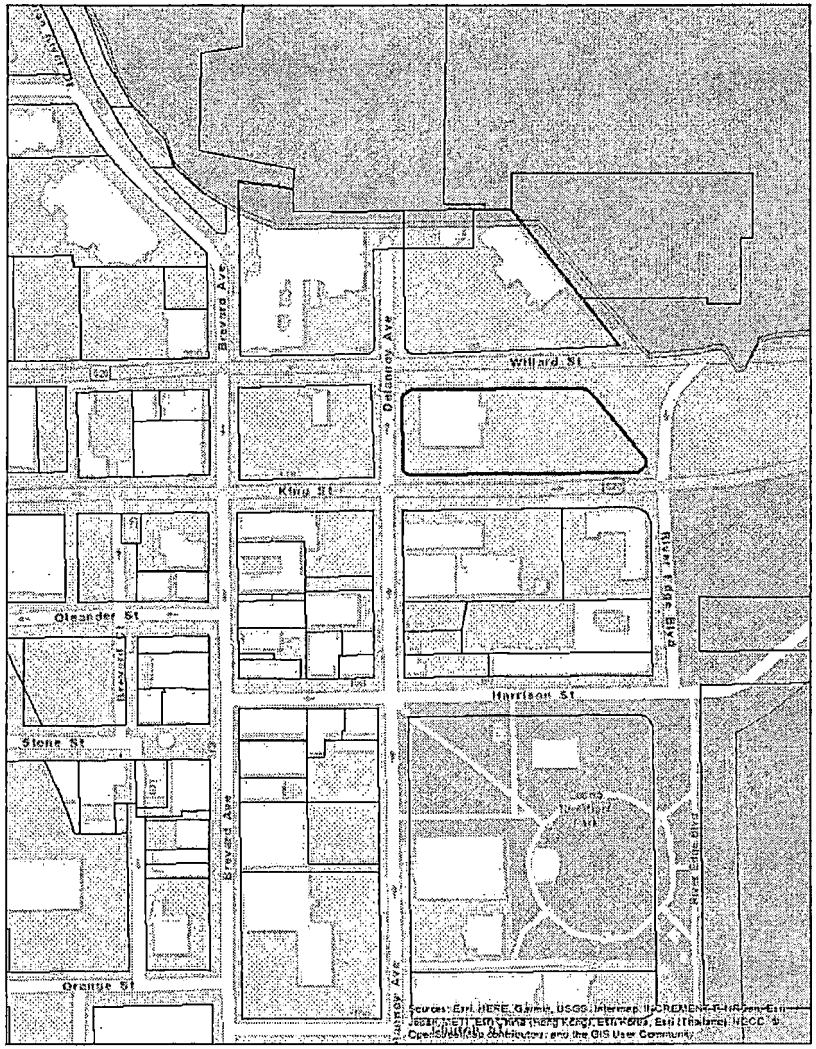
The proposed amendment contains two (2) changes to the code:

1. The first would allow the Single-Story Commercial Mixed-use building type for the parcel located at 100 Delannoy Ave.

The "Single-Story Commercial/Mixed-Use" designation is described in the Regulating Plan as: "A building lot located and designed to accommodate single use office and retail."

2. The second change would allow an increase in the maximum lot depth for the Single Story Commercial building type from 300 feet to 400 feet.

# Location Map




COCOA FLORIDA

# Project Summary Continued

**Need and justification for change:**

- In May of 2013, the City Council adopted the Cocoa Waterfront Overlay District (CWOD).

- The CWOD assists in the implementation of the Cocoa Waterfront Master Plan which requires regulations by sub district that address design, scale and appearance of development within the Cocoa Redevelopment Area.

- The current owner of the subject property has requested that the City examine the rationale behind a prior change to the Regulating Plan and its applicability to his parcel.

- In response to this request, staff have reviewed the prior ordinance enacting the change and the reasons and analysis offered.

# Project Summary Continued

- In 2016, the City amended the Regulating Plan of the CWOD to allow the Single Story Commercial building type on all parcels in the Cocoa Village Sub-district of the CWOD lying between eastbound SR520 and westbound SR520.

- The principle reason given for the change was that the existing development pattern consisted of numerous single story buildings and the existing prohibition of this building type was inconsistent with the surrounding built environment.

- The subject parcel was the only parcel located between eastbound SR520 and westbound SR520 lying between Florida Ave. and the Indian River that was not included in that action as the subject parcel is in a different sub-district of the CWOD.

# Project Summary Continued

- The same physical constraints to development posed by the SR520 traffic lanes apply to this parcel as applied to the other parcels between the east and westbound traffic lanes

- In addition, the Cocoa Village historic character is largely influenced by the pedestrian scale of the older buildings, which are between one and three stories in height.

- To prohibit single story building height on the subject parcel is not consistent with the surrounding built environment.

- Furthermore, permitting single story commercial buildings on the property would allow the option of redevelopment of the parcel that would not impede views from westbound SR 520 into the historic Cocoa Village.

# Project Summary Continued

- It should be noted that while the proposed change would allow a single story commercial building to be built on the subject property, the property could still be developed under the other building types presently allowed under the Regulating Plan, which include Apartment Building, Courtyard Apartment, Small Scale Commercial/Mixed Use, Medium Commercial/Mixed Use, Large Commercial/Mixed Use, and Institutional.

# Project Summary Continued

## Maximum Lot Depth:

- The second change to the CWOD would allow an increase in the maximum lot depth for the Single Story Commercial building type from 300 feet to 400 feet.

- This change stems from staff's analysis of the suitability of allowing the Single Story Commercial building type on the subject parcel.

- The parcel has a lot depth of 300 feet on the north property line and a lot depth of 410 feet on the south property line. The average lot depth for this parcel is roughly 370 feet.

# Project Summary Continued

**Relationship and consistency with Comprehensive Plan:**

**GOAL 1.1:** Future Land Use Element Goal 1.1: Create and maintain a broad range of land use activities that maximize the City's potential as a growth center while protecting the public health, safety, welfare, and appearance through the thoughtful planned use and development of the land and public facilities.

**Policy 1.1.1.1:** The City shall continue to promote vitality and redevelopment of the three community redevelopment areas established pursuant to Chapter 163, Florida Statutes: Cocoa (Downtown) Redevelopment Area, Diamond Square Redevelopment Area and U.S. 1 Corridor Redevelopment Area.

# Recommendation

Previous Action:

The Planning & Zoning Board recommenced approval of this item at its regular meeting on December 4, 2019.

Recommended Motion:

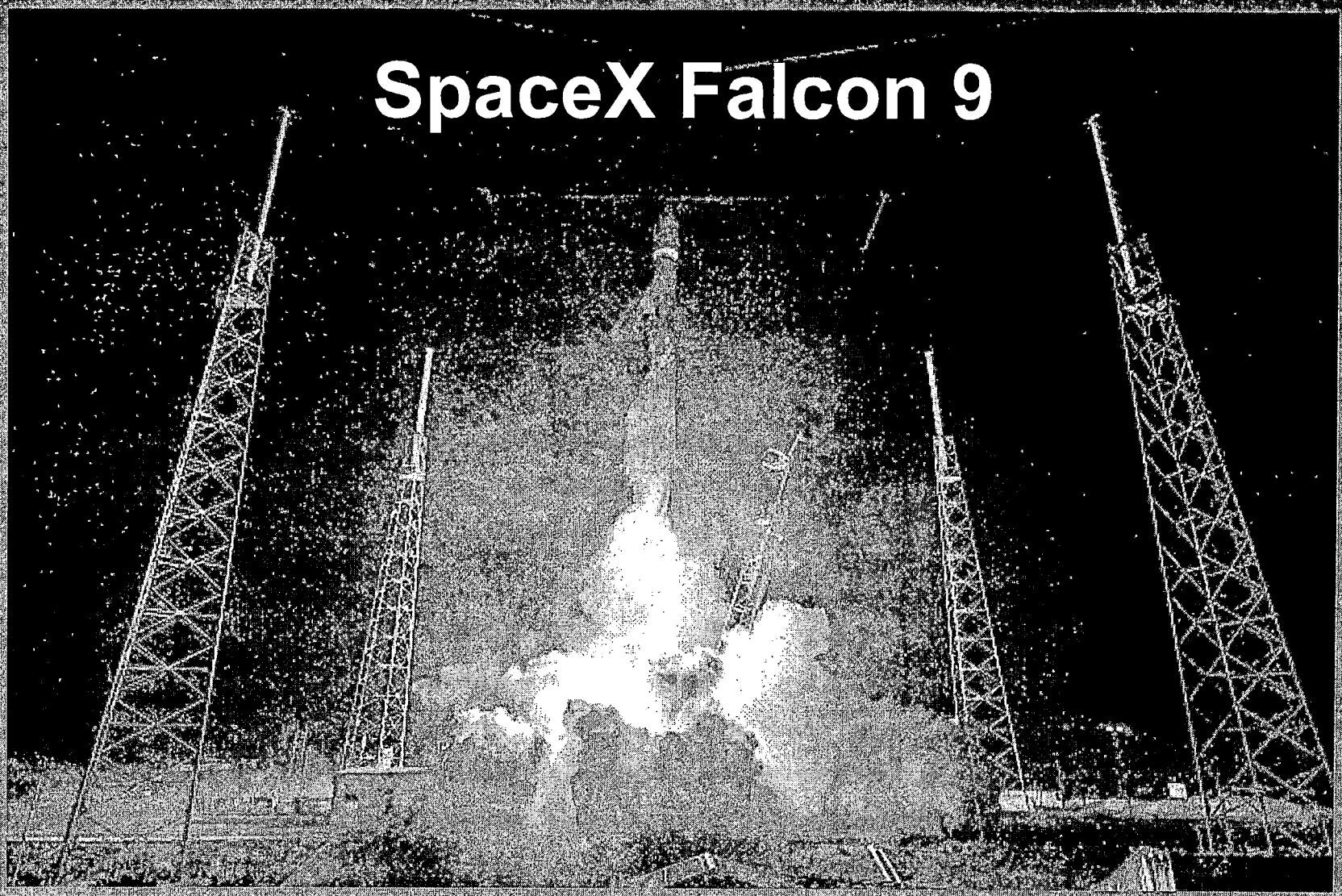
Ordinance No. 25-2019/ 1st Reading: Approval of a ZONING TEXT AMENDMENT consistent with Appendix A, Zoning, Article XXI, amending Appendix A, Article XI, Section 22 of the zoning ordinance of the City of Cocoa to allow the Single Story Commercial building type on a certain property within the Waterfront Sub-district of the Cocoa Waterfront Overlay District and amending the maximum lot depth from 300 feet to 400 feet for properties eligible for the Single Story Commercial building type.

EXHIBIT C: Sister City Presentation: Sharing Space Together Program



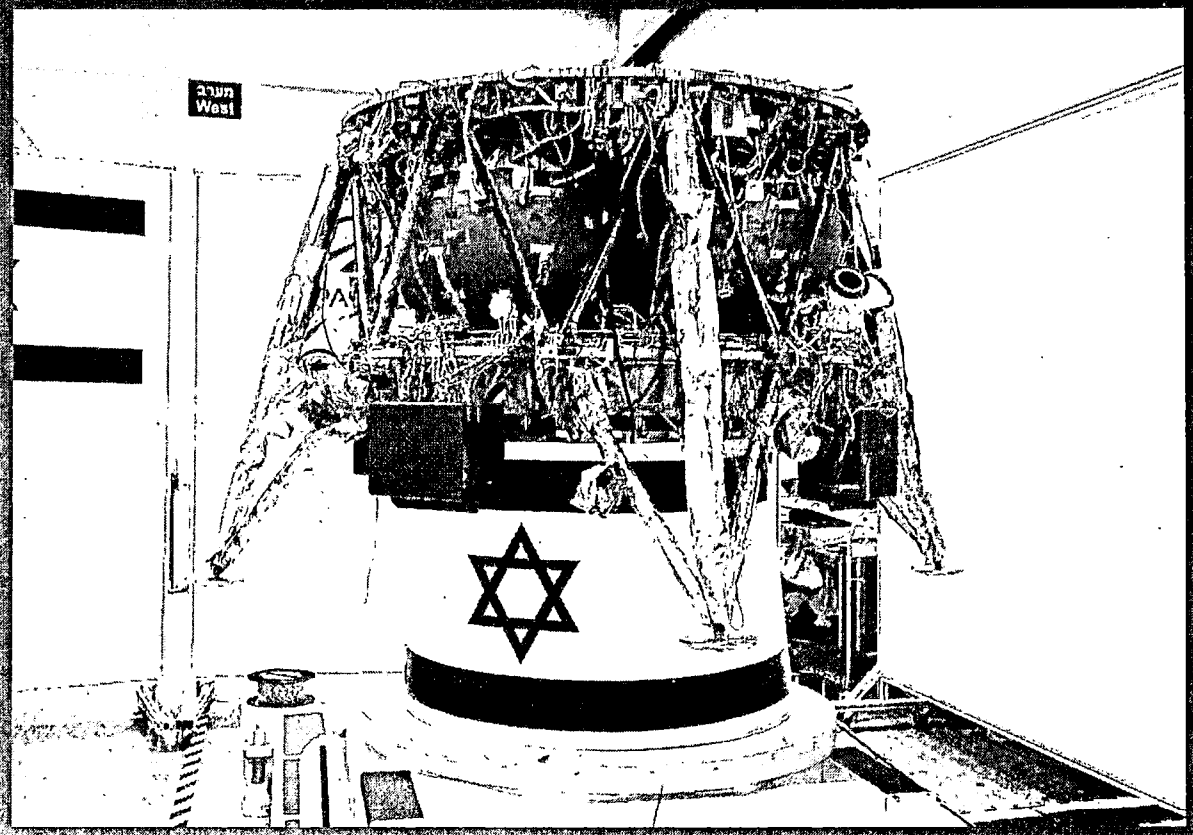

# LOCAL ACCESS
# INTERNATIONAL OPPORTUNITY

# February 21, 2019: Kennedy Space Center




**Israel's 1st spacecraft and the 1st ever privately funded moon mission.**

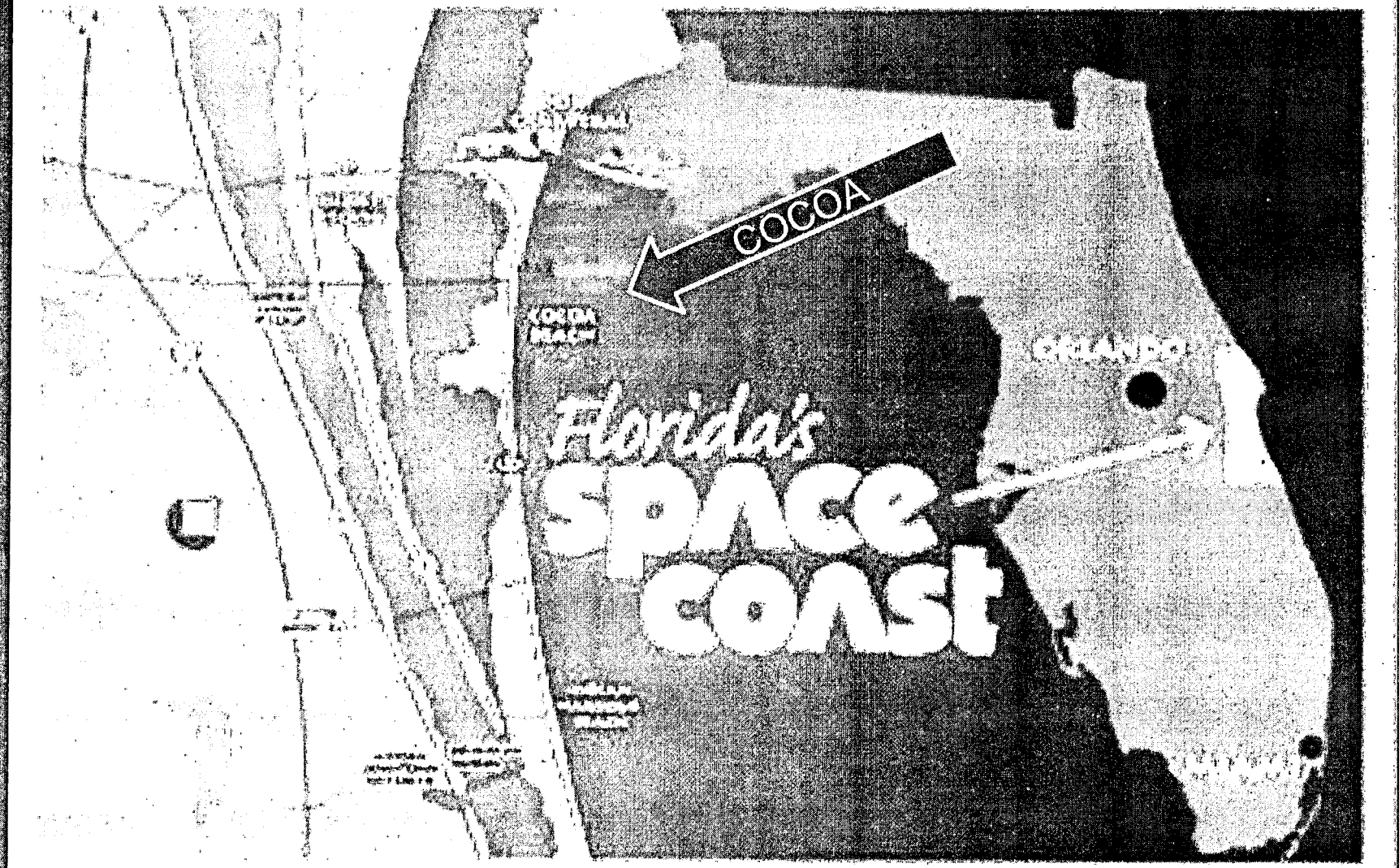
# Beresheet (In the Beginning)




## SpaceIL- Israel Aerospace Industries




# *Space Fever* In Israel


COCOA
Florida's
SPACE
COAST

# An Out-of-This-World Cultural Educational Opportunity

# Sharing Space Together

Join us to support local and international students studying together for a bright future in space.



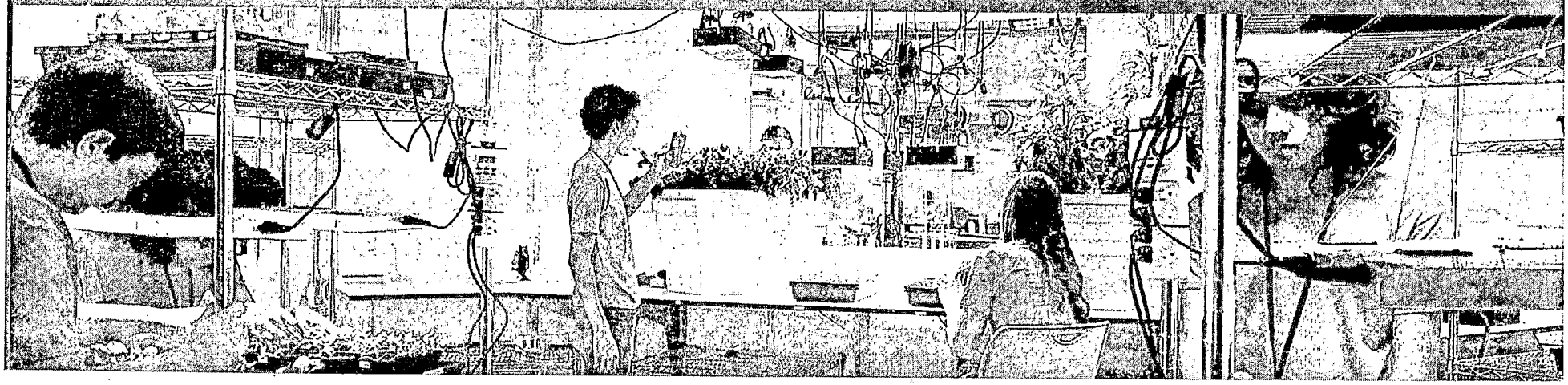

For details, please visit
www.sistercityprogram.org

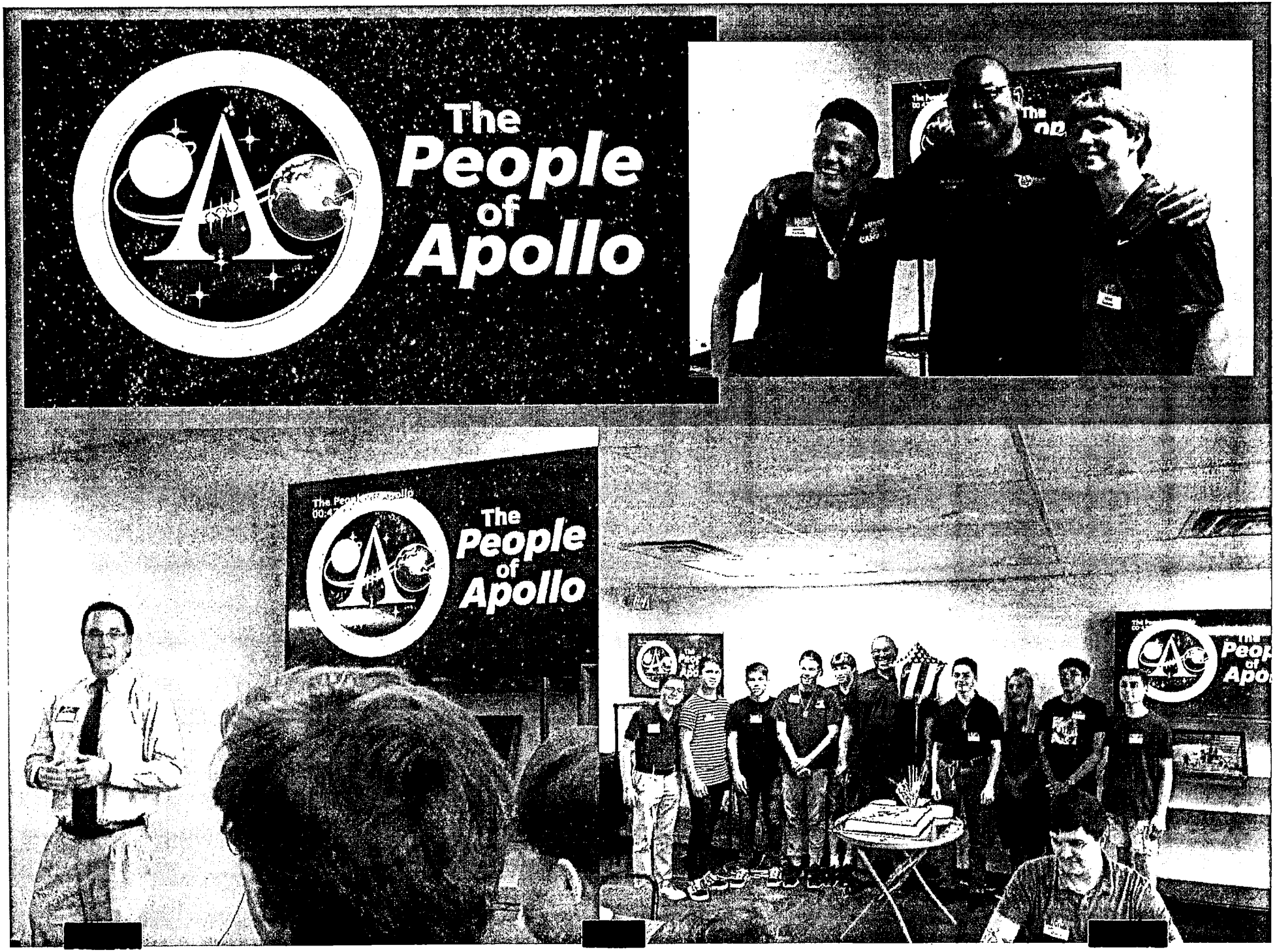
# December 23- 27

- 9 16-17 year- old students from Beit Shemesh
- 11 16-17 year-old students from Brevard and Central Florida

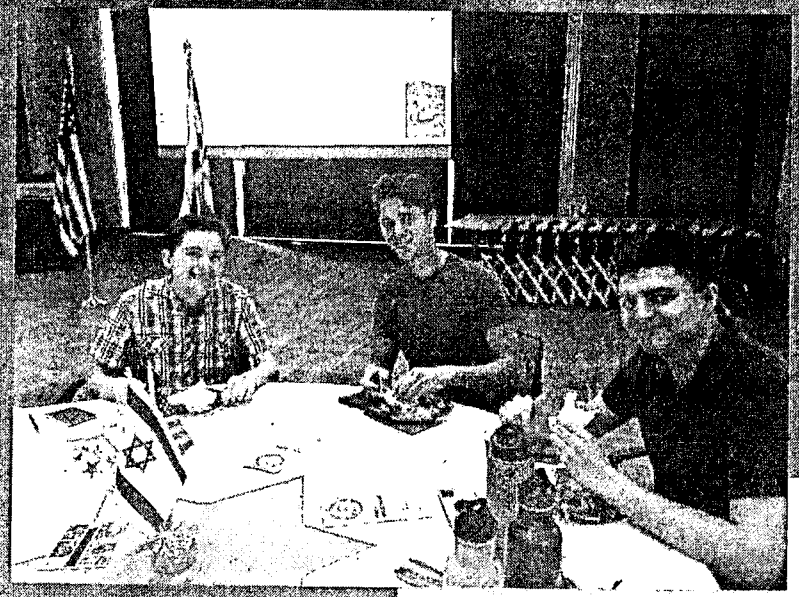
Tuition: $695.00

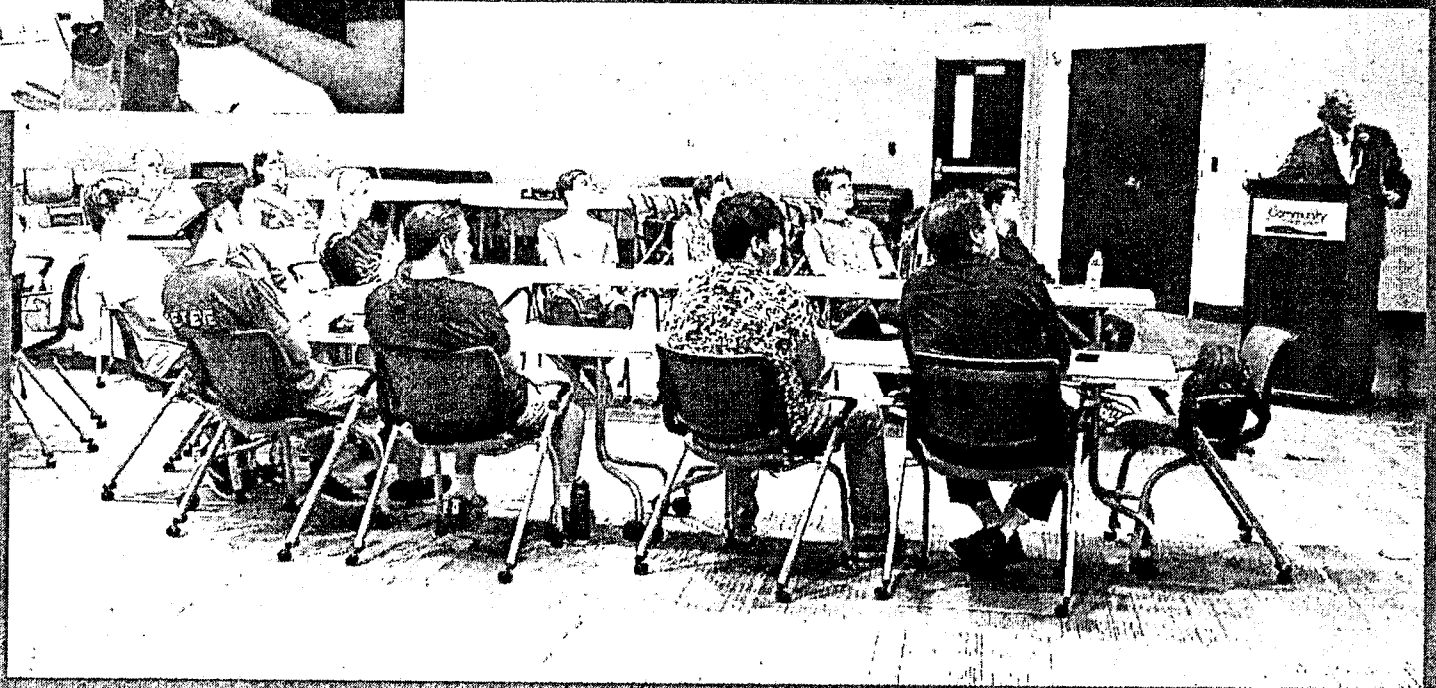
## CAMP KSC® INTERNATIONAL 5-DAY PROGRAM




The People of Apollo
The People of Apollo

# 3 One-Hour Space History Classes





# You're Invited!!

## December 22
## 4:30 PM
## Cocoa Riverfront Park

Sister City Program
COCOA, FLORIDA
BEIT SHEMESH, ISRAEL

## Local Access
## International Opportunity

# CHANUKAH MUSIC FESTIVAL

Featuring: HASSIDIC RAPPER
NISSIM BLACK



**COCOA RIVERFRONT PARK**
**COCOA VILLAGE AMPHITHEATER**
401 RIVEREDGE BLVD.

**SUNDAY**
**DECEMBER 22**
4:30 PM



**Helicopter Gelt Drop**

- GRAND MENORAH LIGHTING
- DELICIOUS FOOD
- STILT WALKER
- FACE PAINTING
- ENTERTAINMENT
- FUN FOR THE WHOLE FAMILY

**WWW.JEWISHBREVARD.COM**

First 100 RSVP's will get a free entry into the Split the Pot Raffle (up to $1000)



**Sign up by Dec. 17** for a chance to win a giant 11ft inflatable Menorah, VIP seating and other awesome prizes.

**FREE ADMISSION**
Concession stands with Chanukah delicacies & BBQ
(Food will be sold for a nominal fee)