Minutes
City of Cocoa
Regular Meeting of The City Council

October 26, 2021

A Regular City Council Meeting was held on Tuesday, October 26, 2021, in Cocoa City Hall, in City Council Chambers, located at 65 Stone Street, in Cocoa, Florida, 32922, as publicly noticed.

I. Opening Matters:

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

Councilmember Hearn provided the invocation and Deputy Fire Chief Byrd led the assembly in the Pledge of Allegiance to the Flag of the United States of America.

The City Clerk took the roll.

PRESENT:	Michael C. Blake	Mayor
	James Goins	Deputy Mayor
	Rip Dyal	Councilmember
	Lavander Hearn	Councilmember
	Lorraine Koss	Councilmember
	Kristin Eick	Assistant City Attorney
	Stockton Whitten	City Manager
	Carie Shealy	City Clerk

OTHER STAFF MEMBERS PRESENT:

Tammy Gemmati, Administrative Services Director; Jack Walsh, Utilities Director; Evander Collier, Chief of Police; Samuel Byrd, Deputy Fire Chief; Bryant Smith, Public Works Director; Rebecca Bowman, Finance Director; Samantha Senger, Assistant to the City Manager/PIO; Cynthia Thurman, Planning & Zoning Manager; and Trevor Roth, Helpdesk Support Tech.

II. Approval of Agenda and Minutes:

1. **Agenda:** Regular Meeting of October 26, 2021. (21-699)

2. **Minutes:** n/a

* **MOTION by Mayor Blake; Seconded by Councilmember Hearn, to approve the Agenda with the following amendment: to add Item VIII.3 (File ID 21-412) to City Business, Multi-Year Contracts.**

* **MOTION by Councilmember Koss to request a second amendment which was to postpone Item VII.4 regarding the Sustainability Advisory Board as there are members who are not aware that this item was taking place tonight. There was not anything sent out by staff or Council so she was requesting to postpone this item until the next meeting.**

THE MOTION DIED FOR A LACK OF A SECOND.

THE VOTE ON THE FIRST MOTION WAS:

AYES: Blake, Goins, Dyal, Hearn

NAYES: Koss

THE MOTION CARRIED (4-1)

III. Awards and Presentations:

1. Proclamation: Declaring the week of November 1st - November 5th, 2021 as "Veteran's Small Business Week". (21-649). (Mayor Blake)

   Mayor Blake read the proclamation into the record and acknowledged all Veterans in the assembly who own a business.

2. Proclamation: Proclaiming the Week of October 18-22, 2021 as "National School Bus Safety Week". (21-689). (Deputy Mayor Goins)

   Deputy Mayor Goins read the proclamation into the record. Mr. Ford, a bus driver accepted the proclamation and noted they are doing the best they can and that they love the children.

IV. Delegations:

Allan Chapman, 434 Delannoy Avenue, Cocoa, and with HCVMS, spoke and introduced their new Executive Director Amanda to Council. Mr. Chapman was

the Executive Director for about eight years. The Mayor acknowledged him as well. She goes by Amanda M. and stated she was excited for this opportunity.

John Niland, 121 Island Place, Orchid, Florida, thanked Council for their time and efforts in the community and for their concern for their health. He spoke about fluoridation programs. He mentioned that the chemicals being used are toxic and noted that the Utilities department had provided information on the City's fluoridation efforts.

LJ Coddins, 1696 Friday Road, Cocoa, asked about the new housing subdivision being planned at James/Friday Road. He asked about septic tank systems and if it would be mandated that they will be hooked to City or would they stay on sewer. In response, Mr. Walsh noted that the utilities that will be provided to that area are being done as they are annexed into the City. Everyone else outside of the area is not annexed and is not part of the system. It is undeveloped and the City does not have jurisdiction and do not provide services. Mr. Coddins asked if once the development is done if that would change and Mr. Walsh reiterated that he cannot serve anyone outside of the City.

Pam Shaia, 308 Brevard Avenue, Cocoa, felt it was nice to see other districts have the same resources as in District 1, such as the splash pad in District 3. She thanked Council for recognizing the growing population of Cocoa.

Terrence Thomas, 704 Rosa L. Jones, Cocoa, mentioned that Ms. Anita was not able to get flowers put in her yard for the death of her son. He felt bad for her and does not know how the City can turn her away. He stated that there is a person on a Board from Rockledge who is telling people in Cocoa how they can or cannot put plants in their yard. He does not feel it is right. In response, Deputy Mayor Goins pointed out that at the last Diamond Square CRA meeting there is a paint and landscaping program. Some of the applications got denied and Mr. Thomas feels they should not be denied. Deputy Mayor Goins further pointed out that Mr. Brown on the board was appointed by Commissioner Lober. Mr. Thomas voiced further concerns regarding Mr. Brown.

Pamella Buckner,1812 Rosetine St., Cocoa, represented by Marlene Weiss, who read Ms. Buckner's statement. Ms. Buckner spoke about the use of the college path that she uses daily and explained that she uses that path due to health reasons. Anxiety also triggers seizures and that is why she cannot be at the meeting tonight. She has seen the college go from a place of comfort and peace

to a place of concern. This is the only activity she has in her life and what some take for granted she treasures, such as the path that she is able to walk on.

Larry Koss, 2115 N. Indian River Drive, Cocoa, spoke about the Low Impact Development Conference that he attended in Rockledge last week. He thanked the City Manager for having Mr. Smith and Ms. Morgan attend. He feels it is important for staff and council to recognize the flooding issues in the City can be addressed by changing the way things are done. Status quo will not fix the problems. He pointed out a wide variety of individuals attended the conference and a wealth of information presented. Education and collaboration were the two main points he took away from the conference. He requested for a place on an upcoming agenda to provide a presentation on the conference.

Albert Wartell, 3803 Parapet Drive, Cocoa, gave kudos to the police and fire departments for all that they do in protecting the City. He spoke about the splashpad being put in District 3. He asked why the money was being taken away so that the project is not done. It was confirmed it was not and the project was being done. He further mentioned that there are no restaurants in the City. He has to go to other cities to go to dinner. He felt the city needed to quit making it so difficult for businesses to come in. Mayor Blake noted the city has to reach a certain population threshold but assured him that things would be happening and asked for patience.

Kevin Beuer, 3809 Parapet Drive, Cocoa, felt that the splash pad has to happen and it is the most used park in the City. Additionally, he mentioned drainage and as a surveyor he stated maintenance is the key. He believes that Stradley Park is a disaster and that the volunteers do all of the work there, yet the County does all of the others. He felt it was time for something to do be done. Lastly, the apartments on the south side of SR 524 asked if they would be HUD. It was stated no.

William Gade, 2216 Westminster Drive, Cocoa, agreed parks, drainage and all needs done.

Vicky Formess, 2219 Westminster Drive, agreed with everything Mr. Beuer stated.

Judy Gade, 2216 Westminster Drive, Cocoa, agreed that a splash pad was needed in the area and the park was busy every weekend. There are a lot of kids in the area and the splash pad belongs there.

* **MOTION by Mayor Blake; Seconded by Councilman Dyal, to extend Delegations for fifteen more minutes.**

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

Allen Cowart, 2560 Hooper Road, Cocoa, has seen the City grow and there is very little activity area in District 3. He feels that the splash pad is a great addition but basketball hoops need fixed. Mr. Cowart believes that everyone in the Friday Road area should have more equal lot sizes and does not want to overbuild or change those areas too much. He agreed more restaurants were needed.

Bernice Cox, 701 Aurora Street, Cocoa, saw where the Orange County Sheriffs Dept. has launched an Autism mission and they have stickers and bracelets for non-verbal people so that first responders know if they have contact with them. She further spoke of an incident involving an autistic person. Mr. Terrence Thomas walked him to his home and about two weeks later the young man was let go from the hospital and was hit by a car and killed.

Dennis Childs, 2100 N. Indian River Drive, Cocoa, had a statement read by Kristin Lortie. His request was to take the time to honor Jennifer Riggs at the next meeting for her volunteer efforts for the city of Cocoa and Sustainability Advisory Committee. Chief Financial Officer Jimmy Petronis also acknowledged Ms. Riggs and his letter was read into the record.[1]

Winfred Strickland, 5879 Kennedy Circle, has been a Coach with Cocoa Youth for many years. He mentioned there is a list of things that is needed at the park. He views Stradley Park as a home for the kids. You want the best for them and if you do not have that it makes it difficult for them to thrive. Mayor Blake assured Mr. Strickland that he has their word that nothing is going to happen to Stradley Park. Mr. Strickland asked that the needs be looked at for both the kids and the community.

Deputy Mayor Goins acknowledged Mr. Strickland and that he is one of the most dedicated coaches around. The tears you see is the dedication and love he has for the children. He appreciates him and is willing to risk his own life to be out there for the children.

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1 EXHIBIT A: Letter read into the record to J. Riggs from CFO Jimmy Petronis

Brenda Fox, 1110 Abington Street, Cocoa, noted we all want the best use of resources. Children are playing on fields and facilities that are not kept up and are deplorable. She knows because her son played at Stradley Park over twenty five years ago and not much has changed except for the paving of the one way road and parking. She asked to start with the children and was appalled when she heard that $700,000 is being spent on a splash pad when you have almost three hundred children at Stradley in organized sports with no funding. She thought that all council should work as one and be a team. Monies should be allocated by need first. She asked that they be there for the children.

V. Consent Agenda:

(A) General Consent Items:

1. Approve and authorize the City Manager to issue a Blanket Purchase Order up to $600,000 to NAPA IBS, Space Coast Auto Supply and approve a Purchase Order for budgeted Operating expenses related to Napa IBS utilizing the Sourcewell Contract #110520-GPC and authorize the City Manager to execute any change orders that may be needed, not to exceed his signing authority. (21-629). (Public Works Director)

2. Approve and authorize the City Manager to issue a Purchase Order for meter reading software related expenditures within the FY-2022 budget and issue a Purchase Order for meter reading device related expenditures in the FY-2023 budget, pending approval, both to Sunstate Meter and Supply Inc., utilizing the Master Agreement for Water Meter and Meter Reading Equipment Purchases Contract. (21-662). (Finance Director)

3. Approve participation in a Cooperative Purchasing Contract with National Cooperative Purchasing Alliance (NCPA) Contract Number 05-57 for the purchase of Wireless, Battery-Powered Mobile Column Lifts in the amount of $68,094.59 from ARI Phoenix, Inc. Authorize the City Manager to sign and execute the Standard Form for New Piggyback Contract and authorize any change orders not to exceed 10% of the contract value for a total spending authorization of $74,904.05. (21-690). (Public Works Director)

4. Approve the Fifth Amendment to Agreement Providing Water Service to Duda Lands, Inc. Property between the City of Cocoa and The Viera Company (TVC) fka Duda Lands, Inc.; To Approve a Resolution Amending the Connection Charges

within the Viera Property DRI and Provide Adequate Funding for Future Capital Improvements. (21-698). (Utilities Director)

5. Authorize the City Manager to Approve Change Order No. 2 to FY21 P.O. 77652 with Trane, Maitland, FL for HVAC repair at the Dyal Water Treatment Plant. (21-704). (Utilities Director)

(B) Multi-Year Contracts:

6. Approve entering into a co-operative purchasing agreement with V.A. Paving Inc. in the amount of $292,556.60, plus a contingency of $7,443.40 for a total of $300,000, using Brevard County contract B-6-20-57 extension approved from August 22, 2021, through August 21, 2022, to resurface various stretches of roads throughout the City and Authorize the City Manager to sign the contract(s) and renewal(s) for each subsequent fiscal year pending the approval of that year's budget. (21-675). (Public Works Director)

7. Approve Task Order 2022-03 with Atlantic Development of Cocoa, Inc. for the Pluckebaum Road and Marlin Manor Water Main and Force Main Improvements Project (Joint Project), Project No. WS16MM, in the amount of $3,207,834.31; To Approve as a Multi-Year Contract from FY2022 through FY2023; To Approve a Resolution Authorizing the City Manager to Approve and Execute Change Orders in an Amount Not To Exceed $320,783.43 (10% of the Contract Amount) for a Total Project Cost of $3,528,617.74; To Approve a Resolution Amending the FY2022 Budget, BAF 22-010-A; To Authorize the City Manager to Approve the Attached Shared Cost Memo. (21-681). (Utilities Director)

8. Approve Task Order 2022-22 with Mead & Hunt, Inc. for Engineering Services During Construction (SDC) for the Pluckebaum Road and Marlin Manor Water Main and Force Main Improvements Project (Joint Project), Project No. WS16MM, in the amount of $130,339.00; To Approve as a Multi-Year Contract from FY2022 through FY2023. (21-682). (Utilities Director)

* **MOTION by Councilmember Dyal; Seconded by Councilmember Koss, to approve the Consent agenda.**

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

VI. Public Hearings:

None.

VII. Council Business:

1. Consider the appointment of Mr. Robert Dyar to fulfill a Regular member vacancy on the Board of Adjustment. (21-664). (Administrative Services Director)

* **MOTION by Mayor Blake; Seconded by Deputy Mayor Goins, to appoint Mr. Robert Dyar to fulfill a Regular member vacancy on the Board of Adjustment.**

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

2. Consider the appointment of Jocelyn Scott as a second Alternate member on the Code Enforcement Board. (21-688). (Administrative Services Director)

* **MOTION by Deputy Mayor Goins; Seconded by Councilmember Dyal, to appoint Jocelyn Scott as a second Alternate member on the Code Enforcement Board.**

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

3. Consider appeal of the City Manager's final decision regarding 10 Months of Utility Back Billing, for Water/Sewer, due to a Stuck Compound Register for the Three Fountains of Viera, 250 Units Complex. (21-703). (Finance Director)

Ms. Bowman explained the item and noted it was in reference to a back billing on a meter with a customer in the name of Three Fountains of Viera. The city has the Utility Handbook that directs what customer service can do with utility accounts. In this instance the meter (compound meter) was stuck and the low flow meter was not registering water for at least three years. In the Utilities Handbook it states that the City can go back at least twelve months to bill for that. Ms. Bowman noted the city went back ten months as they were waiting to establish a new average for the customer as they were installing a new meter. The consumption has gotten back to what is a normal consumption and the customer is disputing the City Manager's decision. The policy indicates the City Manager can make that final decision.

Assistant City Attorney Eick noted that she had spoken with the customers attorney and she would keep her comments to under ten minutes per the City Council Rules of Procedures.

Kim Rezanka, 1290 US Hwy 1, in Rockledge, was the attorney representing the customer. She advised that this was an appeal of a denial of a reduction of an estimated billing. The agenda report states and does not state a few things. It was not the attorney who believed that the amount should be reduced, it was the Homeowners Association. It was not a stuck meter, it was a defective meter. The meter was solely the city's responsibility. The Association is willing to share the costs but not in the amount estimated by the City. The staff analysis in the agenda item was never given to them. She provided a packet[2] with a summary of what she intends to state, photos of the meter, letters sent to Ms. Sampson, the bill, and pages from the Utilities Handbook. This is about fairness and responsibility. The customer had no knowledge of defectiveness of the meter. The meters are supposed to be read monthly and this was not. It is also mentioned in the Handbook that the City tries to detect stuck meters, but four years is not reasonable.

She further spoke about the billing. They consulted with someone in the Utilities Department and it was noted that the system can create work orders or reports to show meters with zero flow. They are asking that they forgive part of this billing and the Association has agreed to pay $8,125 within sixty days or they are requesting a payment plan of three years, not the one year that was offered.

Sudy Shew, 6411 Borasco Drive, Melbourne, is a consultant with the Association and an owner in the complex. Attorney Rezanka summarized this and agreed that they should pay. He feels other elements were left out regarding the meter. In four years' they did not know they should ask if the meter was working properly. This large bill showed up and the report from Neptune regarding the meter was that the meter was defective. The City tried to repair it multiple times and it was broken. A City's technician was the one who said it should be replaced. Their technical argument was that the city should have software and procedures in place to know that in four years they have billed zero on the low flow chamber. He reiterated that the City's own people and meter company stated it was defective.

Melissa Hawn, 6421 Borasco Drive, Apt. 1204, Melbourne, stated that the water department was negligent in maintaining the water meter. There was no question

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2 EXHIBIT B: Handout provided by Attorney Rezanka regarding the item for Three Fountains of Viera

in that they probably used more water than registered. She spoke about the months of billing which included snow birds, empty homes, and those being stuck at home due to Covid. Since the bill backpay to today there have been forty-one new owners in the complex with seven up for sale. All of these new owners were not living in the complex at the time. She is worried as to how costs would be recouped. She also felt that putting it on owners would create a financial hardship and during this time they do not need this.

Deputy Mayor Goins asked Mr. Walsh if he agreed with the Neptune analysis. Mr. Walsh agreed and said they found that one of the two meters was not working. He believed that customer service used averages that is still less than what is moving through the meters now. All information that he reviewed from finance, Neptune, and customer service and it is all accurate. Deputy Mayor Goins noted we are charging them less than what has been in the last seven or eight years. He feels we are doing a service by only going back ten months. Mr. Walsh added we have over 85,000 hook ups to manage and do our best to keep up with all of them.

Deputy Mayor Goins asked how tenants were billed. Mr. Shew was noted there is a separate metering system that bills each unit on invoice every month. Mr. Shew clarified they are not asking for free water but the City has a duty to maintain the equipment. He feels the software needs an upgrade and that work orders should be pulled in order to see how many times the City came out.

Deputy Mayor Goins inquired about the three-year payment plan and asked if it was for the $32,000 or the reduced amount of $8,125 would be paid within sixty days. Attorney Rezanka pointed out the unfairness of people paying for this who did not live there when it happened.

Councilmember Hearn clarified that they were not disputing the use of the water it was the payment plan being offered which is a one-year plan.

Councilmember Koss asked if there is a way to make the meters more sensitive in order to avoid this problem in the future. Mr. Walsh noted there is a meter changeout program and maintenance program; however, they do not get to every meter every year as that would be impossible. They do calibrate the meters and do replace them when they hit twenty to twenty-five years. Many that they pull after that long of service have nothing wrong with them. They cannot forecast every single problem that could happen and place those in a handbook. They have also been replacing registers with updated ones.

Deputy Mayor Goins asked Ms. Bowman if they agree to a three-year payment plan if that goes against the policy. She stated no, and that they work with customers; however, that is an extensive amount of time. She noted staff's recommendation.

* **MOTION by Deputy Mayor Goins; Seconded by Councilmember Dyal, for a three- year payment plan for the amount of $32,494.35.**

Mayor Blake requested they do the ten months and let the City Manager have the discretion to give them a payment plan for up to thirty-six months.

City Manager Whitten clarified with Ms. Bowman that the City was billing back ten months and giving them a twelve-month plan. She concurred. City Manager Whitten then clarified Council's direction which was to approve staff's recommendation in the amount of $32,494.35 but to give him the authority to determine the payment timeline.

Deputy Mayor Goins rescinded his previous motion.

* **MOTION by Deputy Mayor Goins; Seconded by Councilmember Dyal, to authorize the City Manager to determine the timelines for payback of ten months of billing in the amount of $32,494.35.**

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

4. Council direction on restructuring the Sustainability Advisory Board. (21-705). (Interim Community Services Director)

Mayor Blake advised he has seven cards on this item and that he requested that this item be brought forward, as he feels that the board should be represented by the community. He believes that each member of council should appoint someone from their own district.

Mayor Blake further pointed out that you could see diversions of the meetings throughout the years and there have been many meetings throughout the years where they did not have a quorum.

City Manager Whitten advised that there have been a lot of comments in regards to this and it is not a surprise item, as it was requested by the Mayor at the October 12th meeting. It was published with the rest of the agenda packet as well. Staff

has presented facts and some have been accused the item of being presented with context and he would argue that it was without context. His request is captured in the last paragraph which is to go from eleven members to five members and he provided staff recommendations.

Mayor Blake further pointed out that there have been fourteen resignations from this Board and one councilmember spearheaded the Board. He wants it reflective of the entire community.

Councilmember Koss agreed that they should be reflective of the community and this Board is as reflective as the others that are volunteer driven. She noted that she has been there since the beginning and feels that volunteer leaders are not being respected by those on the dias. She wanted to acknowledge that and does not agree with the implications and felt that staff tried to write this item in an objective way.

Councilmember Koss noted that this came up in January and she spoke about quorum calls. It was clarified that staff calls for a quorum the day of a meeting. If the call is not answered it is assumed that the person will not be attending the meeting. The last meeting was cancelled and two of the volunteers were on their way as they received the message that the meeting was cancelled. Rather than to get into deficiencies of staff and volunteers, this is a Board that has a unique nature, characteristics, and is different than any other board there is. All boards operate by staff bringing them issues and then they advise. The Sustainability Advisory Board operates completely different because the Board is assigned to go out, research, and identify items to bring back to staff. It is frustrating as there has been hesitancy from the start. Every meeting staff has felt over-burdened and that there was too much on their plate. It was not until after she was elected that the Board received support.

Another stark example on how this Board was different is that they wrote the Sustainability Advisory Plan. It is a quality product with over one hundred hours put into it. There is a whole spectrum of Sustainability Advisory Boards in the County.

Sustainability is all about change and it needs to be reflective of Cocoa, as its essence lies in equity. She would love to have a more reflective committee and stated there are currently two vacancies, and a volunteer had come forward today.

Councilmember Koss further noted that citizen participation should not be limited to who you know. This is a pathway to engagement and citizen participation. Her proposal is for the Board to remain the same and for it to remain a pathway for citizen participation and engagement. Additionally, for the City Manager to look

for new hires and to incorporate the sustainability lense into every day work. The Sustainability Advisory Board by resolution reports to Community Services.

Moreover, she wants all committees to be reflective of the population, as they are all like the Sustainability Advisory Board and are diverse.

This has to be applied to all boards with a liaison willing to work and a board that is reflective and everyone needs to look at a more sustainable Cocoa. She is against disbanding the Board and surprised that this was the agenda they had plans to leave for the FRA Conference earlier. The Board members were not officially noticed of this item. The Board needs to be kept in place and treated the same and have supportive staff. She felt it would be a real shame after five years of work and time invested. Other places have paid high money for plans to be done and they did the plan themselves.

Councilmember Dyal spoke in regards to the Plan and that it has always been done as a presentation. He further pointed out that the plan states that in 2025 all homes have to have solar in the City. There are a lack of Roberts Rules of Order at the two meetings he has attended and he also heard the Council Liaison nominate Ms. Riggs as Chairperson which is not allowed. As a Liaison you job is to bring concerns to Council and cannot influence a voting body when Ms. Riggs was not in attendance. He believed at that point the Board was contaminated and the Board is out of control.

Councilmember Koss mentioned that in terms of nominating Ms. Riggs, she was not at the meeting but willing to serve and in terms of solar they had signed "Ready for 100" but had nothing to do with panels being on everyone's roofs.

Marlene Weiss, 2415 Tulane Drive, Cocoa, has met with Council members and was on the Mayor's Walk which was one of the initiatives of the Sustainability Advisory Board. There have been many other items promoted by the SAB, including speakers being brought in to their monthly meetings. She spoke about her business and what it does and feels her quality of life has gone down due to public areas being closed. The reason she serves is that she can give back positive energy.

Jennifer Riggs,1629 N. Indian River Drive, Cocoa, advised that she was told she could have ten minutes. Assistant City Attorney Eick noted that the provision in Council's Rules of Procedure was referencing public hearing items and this was not a public hearing. Council can vote by majority to allow a greater or lessor time.

It was decided to let Ms. Riggs have ten minutes. She discussed the Sustainability Advisory Board and provided a presentation[3] which included a background of the Sustainability Advisory Board, their accomplishments, issues with staff, quorum calls, and recommendations for Council.

Diana Robinson, 1213 Alamanda Lane, Cocoa, advised she has been a resident since 1998 and is employed with Cocoa youth programs since 2001 and provided further information as to why she is involved with the Board.

Linda Gombert, 2323 Elon Drive, Cocoa, has been a member of the Sustainability Advisory Board since the beginning. She has concerns about the restructuring of the board. She mentioned the five members and if the issue is diversity than cutting the number of members is not going to fix that issue. There are also two vacancies so reducing the size reduces what the board can do. Lastly, if Council appoints the members the pool is limited to those who know a council member and eliminates the chance to get good volunteers. She believed restructuring was not the answer.

Larry Koss, 2115 N. Indian River Drive, Cocoa, agreed with Councilmember Koss and Ms. Riggs and views this as the City trying to do away with this board. He views sustainability as protecting the environment and natural resources for future generations and social and economic equality in the community as well. If the city was for sustainability, then their budget would not be down to $150,000. He felt there should be a sustainability department who can teach other departments how to be sustainable. He felt that they could do better and changing the board was a bad idea.

Kristin Lorti, 5524 Brilliance Circle, Cocoa, mentioned the Cocoa Cares Citizen Group on Facebook and is a member of the Citizens Academy. She felt that the City was fortunately to have these people who serve on this board and that it is wrong to do what they are doing. She noted it was a late, announced agenda item, but agreed the Mayor did mention it at a prior meeting[4].

Councilmember Koss asked who cared about this committee and felt that it should be supported and felt that the restructuring was unnecessary. She further mentioned the late notice of the agenda item and thought it was disrespectful.[5]

Ms. Lorti felt that this Board should be given an award and provided the assistance it needs to be successful.

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3 EXHIBIT C: Presentation given by J. Riggs

4 Mayor Blake left the meeting at 8:16 p.m.

5 Mayor Blake returned to the meeting at 8:19 p.m.

Kimberly Newton, a resident of Brevard County and lives in Satellite Beach was representing herself and spoke of collaboratives with the County. She spoke about the various Boards and committees that she serves on. She was not familiar with the logistics of how this item came to be or of the board make up but wanted to show her support for keeping the Board the way it is. She further discussed benefits of the Board and encouraged them to address the board of an educational event after hearing the issues addressed by Councilmember Dyal.

Jennifer Kenney, 1917 Quail Ridge Court, Apt. 1901, Cocoa, was a member of the Sustainability Advisory Board and was happy to be appointed. However, due to an aging parent she had to resign. She wrote a resignation letter with her reasonings to the Mayor, Councilmember Dyal, Ms. Riggs, and Ms. Shealy.

City Manager pointed out that it was said or implied that the calls from staff are made on the day of the meeting. He read the last email that went out in regards to the October 7th Board meeting. He has told staff and has been consistent with them and will tell them when they are wrong, but will defend them when they are right. Staff is making a call as backup to an email that was sent the week before. The email went out on September 30th. The agenda was included and a "please reply to this email". Staff has been consistent in sending that out close to a week before the meeting and on the day of the meeting they call members that they have not heard back from to double check if they are attending the meeting.

Deputy Mayor Goins responded to Mr. Koss and advised that they did reduce the sustainability budget but every item was sustainability items that were approved. Secondly, it is an assumption to say that council members only appoint their friends. He spoke about his appointment to the Districting Commission and that he does not know him personally but believed in him for that position. Lastly, he provided the following recommendation. He noted there are eleven seats with two vacancies. Three of the members are not City of Cocoa residents and his recommendation was to remove those three and replace with five appointees from Council and let the rest remain on the Board.

Councilmember Dyal noted most of the Boards have seven members and asked why this has eleven.

Councilmember Koss clarified the assigned funds for sustainability and pointed out the discussion that had gone on before the new City Manager came on. The amount was for recognition that the funds would be used to leverage grants to double for equity and resiliency.

Secondly, she stated that it was an interesting proposition to take away three positions that were county residents when two of them have businesses in Cocoa and to replace with appointees.

Councilmember Koss felt that this was draining and regrets the disrespect to the Board for the hours they have put into this, as well as the lack of appreciation for it. She asked how doing this to this committee and not others could be justified.

Deputy Mayor Goins stated he was trying to help the item. He believed if he did not than it would die completely and he clarified that they have five to eleven members because it was approved that way.

* **MOTION by Mayor Blake, to establish the maximum number of board members to five, each councilmember will appoint one person, a registered voter, and residing in their district and will be confirmed by the majority of Council and the board will refrain from meeting until all members are approved by Council and they will refrain from meeting with no quorum.**

Councilmember Dyal Seconded the Motion.

Councilmember Koss reminded everyone that they did not originally ask for eleven members when the resolution was brought forward. She stated her concern in that that Deputy Mayor Goins mentioned he knew how people were going to vote and if he has spoken with people outside of here. He noted he did not say that and that he was trying to help it.

Mayor Blake called a point of order.

She knows that there are two members who will vote against this. She does not know how the others will vote. She advised that Deputy Mayor Goins is saying that the only way to get a third vote was if they did what he mentioned and she was concerned. She realizes the value of Sunshine Laws and this has been political and there was a direct attack on her and hoped this was not the case.

Deputy Mayor Goins felt that a curveball had been thrown and does not do anything illegal or immoral. He noted he was the only one at this time who has attempted to make a plea to the Mayor and the only one who was trying to help, but gets accused of committing Sunshine violations. He has not spoken with anyone and he was not aware that this item was going to be on the agenda. He has had conversations with many lobbying him about the item. He reiterated that he was trying to help the item and he did not speak with anyone outside of the dias.

Councilmember Koss apologized to the Deputy Mayor.

Assistant City Attorney Eick clarified the call of the question.

THE MAYOR CALLED THE QUESTION.

AYES: BLAKE, DYAL, GOINS

NAYES: HEARN, KOSS

THE MOTION CARRIED (3-2)

* **MAYOR BLAKE CALLED THE QUESTION FOR THE RECOMMENDED MOTION.**

AYES: BLAKE, DYAL

NAYES: GOINS, HEARN, KOSS

THE MOTION DIED.

* **MOTION by Deputy Mayor Goins to allow seven members to be appointed to the Sustainability Advisory Board instead of five and to give three weeks from today for Council to provide their appointees. The City Manager as well as the Community Services Director will each appoint one for a total of seven members.**

Councilmember Koss Seconded the Motion for Discussion.

She asked why this was different from any other board and asked if staff had previously appointed committee members. She asked the Assistant City Attorney if this was unprecedented.

Assistant City Attorney Eick stated it should be noted that the appointees would have to be confirmed by the majority of Council.

Councilmember Koss confirmed that the current committee is no longer and the new committee will be council and staff controlled. Deputy Mayor Goins stated that council is not saying that council cannot select the same members that are on there now.

Assistant City Attorney Eick clarified that the appointees would be living or have property or a business in the district with the exception of the Mayor as he is at large.

City Manager Whitten recommended that if two staff appointments are made than they both be by the City Manager.

* **Deputy Mayor Goins amended his Motion to have two appointees by the City Manager. Councilmember Koss Seconded the Amended Motion for discussion.**

She asked why this was different from any other board.

AYES: BLAKE, GOINS, DYAL

NAYES: HEARN, KOSS

THE MOTION CARRIED (3-2)

VIII. City Business:

1. Approve a resolution amending the FY2022 Budget to reallocate funds to Don "Mo" Stradley Park for needed Capital Improvements, BAF #22-017-A. (21-712). (City Manager/Public Works Director)

Mayor Blake supports staff's recommendation. He clarified that this was a reallocation of dollars and an amount of $575,000 would be reallocated to the Mo Stradley Park fund and he listed the items that he felt were a priority.

* **MOTION by Mayor Blake; Seconded by Councilmember Dyal, to approve staff's recommendation. The motion was opened for discussion.**

Alicia Phillips, 1075 Sangria Circle, Rockledge, is the secretary for Cocoa Youth Athletic League and they appreciate Council approving the allocation. She knows that the County has put out money for baseball and softball leagues, however, they have had to put football registration on hold because they have so many kids and there can only be so many kids per team. If the appropriate allocations were done to re-establish that as a central park it could all be done right there. She feels it is going to take a lot more money. They have raised $100,000 in three years and it has all gone right back to the kids. She asked Council to consider Stradley again if there are any other monies left.

Kristin Lortie, 5524 Brilliance Circle, Cocoa, supports the needs at Stradley Park. She added that she is for "Team Cocoa" not just District 3 for which she resides. She petitioned that everyone get behind this and that money be spent according to the plan. She would like a presentation on the bigger picture of how monies will be spent. Furthermore, she believed that they could be addressed by having a comprehensive plan and that she is anxious to hear that plan.

Steve Murphy, 3733 N. Sherwood Circle, Cocoa, thanked the Utilities Department because within the last two years they detected leaks and they alerted him ahead of time. He spoke of two issues he has with Stradley Park. The first is that District

4 was left out of the budget and Stradley is located in that district. He was assured that they were looking at the whole picture and now two weeks into the new fiscal year there is a $500,000 modification. He asked how this occurred and wanted to ensure it would not happen again. This is not an emergency but a lack of planning.

City Manager Whitten stated that he failed to mention that this is a part of the special taxing district and there are budget modifications that happen all of the time. This is readdressing that. He assured Mr. Murphy that he has heard his comments and that this is a reallocation of dollars as children need to play on safe surfaces.

The County is resurfacing and irrigating the softball and baseball fields as well as putting about $325,000 into septic to sewer conversions. Conversations will be held with the County and Cocoa Little League.

Deputy Mayor Goins believed that this was a no brainer and they are trying their best to do the best they can. Staff and the City Manager have done their best to locate funds for Stradley Park. He agreed a process can be worked on but believed that Council is committed to keep parks equipped and this process should begin before the season starts.

Councilmember Dyal advised that his neighbor spoke earlier about the fields falling apart.

Councilmember Hearn felt that this was sad and it comes up every meeting. There is an assumption that three members of Council looked at the parks and overlooked Stradley. He spoke about the problems with the parks in his districts and feels that to a certain extent they have to hold councilmembers accountable for what is happening in their districts. He has parks in his district in need of bathrooms and advocated for it. Council cares about what happens in all of the Cocoa parks and to say that they do not is wrong.

Councilmember Koss stated that with all do respect it is hard to advocate when you are on your back in a trauma center and during the two hours that these decisions were made she was still being treated for her injuries. She acknowledged Ms. Phillips' passion and stated she had presented a spreadsheet to the City Manager and advocated for projects. It is hard to not be in the room when decisions are being made. She assured Ms. Phillips' that she would try to meet with her and Commissioner Lober.

Mayor Blake advised that he was called on a Saturday to attend a game and he assured the league that the City would get to a point where they could provide aid. He cannot help what has happened in the past but this was a start. There is more

to come but they have to work and have an understanding heart to get to where they want to be.

Councilmember Hearn pointed out that Stradley Park has been around longer than he has. He has seen what needs to be done and has listened to citizens and heard their complaints. He follows up on something if he submits it.

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

2. Approve entry into Piggyback Agreement with Sutphen Corporation, 6450 Elterman Rd., Dublin, OH 40316; Authorized Sutphen Dealer with the State of Florida-South Florida Emergency Vehicles, for the purchase of a Fire Rescue \ Pumper Apparatus in the amount of $634,500, to replace aging reserve Fire Rescue \ Pumper Apparatus. Authorizes the City Manager to sign all documents and contacts associated with Piggyback Agreement. The FY21 Budget Amendment was Approved at the Budget Workshop on April 16th 2021, in the Amount of $605,000, Resolution 2021-043, however the Funds are insufficient. Approve a Resolution Amending the FY22 Budget, BAF# 22- 006-A. (21-412). (Deputy Fire Chief)

* **MOTION by Councilmember Dyal; Seconded by Councilmember Hearn, to approve the item.**

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

Multi-Year Contracts:

None.

IX. Informational Agenda:

1. Inform City Council that Task Order 2022-22 approved by Council on September 28, 2021, previously titled SCADA Design has been retitled SCADA Maintenance. (21-668). (Utilities Director)

2. Cumulative purchase approvals over $35,000 and under $50,000 for period 10/01/2020 to 9/30/2021. (21-671). (Finance Director)

3. FY 2021 Budget Adjustment Report. (21-691). (Finance Director)

4. Data showing the relation between the estimated and actual income and expenses to date. (21-692). (Finance Director)

5. Approved change orders to construction contracts that the City Council has authorized the City Manager, by resolution, to approve in excess of the City Manager's spending authority. (21-693). (Finance Director)

X. Reports:

Deputy Chief Byrd provided a brief report on COVID-19 statistics. He stated that the latest trend in Brevard County is that we are seeing a downward trend in positive cases. Currently, 68% of Brevard County is fully vaccinated. In the past several days, there have been three hundred new cases in Brevard County and an additional 1,400 were vaccinated.

City Manager Whitten announced that Mr. Smith and Ms. Morgan attended the Low Impact Conference and would be looking for ways to implement those ideas into future projects.

Ms. Senger pointed out that Saturday, November 6, 2021 is the Food Drive Kick Off at Erdman Nissan/Toyota from 8 a.m. until 5 p.m.

She further announced that the Housing Manager was hosting two community events. They will be held on November 3, 2021 at 4:30 p.m. at Endeavor Elementary School and the other will be on November 4, 2021 at 5:30 p.m. at the Dr. Joe Lee Smith Center. They will be in regards to the Consolidated Plan. There is a survey available online as well if one cannot make it to the meetings.

Lastly, she stated they just received information that Michigan Avenue was re-opened.

Councilmember Dyal thanked all for coming out as well as staff for all of their hard work. He further stated that when he was growing up Travis Park was called the Tiger Den and he would like to see that brought back so that kids could enjoy it.

Lastly, he mentioned his attendance at the K9 Competition and that it was a fabulous event. There were over twenty-four teams and four thousand people in the crowd.

Chief Collier added that they exceeded their fundraising goals.

City Manager Whitten advised that the new Planning & Zoning Manager Cynthia Thurman was sitting in for Ms. Neuterman tonight.

Deputy Mayor Goins advised that regardless of the debate and disagreements they may have on the dias this is how things get done. He also agreed that the K9 Competition was good and appreciated all that the first responders do.

He has a busy weekend coming up as his daughter is on Homecoming Court and it was an exciting time for them.

Deputy Chief Byrd added that beginning November 1st the Annual Turkey Drive would begin. People can apply in person or online at Fire Station 1 on Dixon. Turkeys will be given out on November 22nd.

Mayor Blake stated that there was a great turnout at the Craft Fair and a large volume of vendors. There were over 250 vendors there.

On October 28th there will be a Community Celebration at Dr. Joe Lee Smith Center for Cocoa PAL.

Mayor Blake attended an event for the National Veterans Homeless Coalition with Representative Tyler Sirois.

Mayor Blake requested that updated information such as EMS and Fire calls be placed on the Fire Department's website. He would like it to start with January 2021 information.

Councilmember Hearn agreed that the craft fair was a huge success.

Councilmember Hearn stated that he will be traveling to the Florida League of Cities IEMO II Conference beginning on Friday, November 12th through Sunday, November 14th. He will be staying at the Embassy Suites by Hilton Tampa Westshore in Tampa and the estimated cost of the trip including registration, hotel reservations, mileage, parking and per diem will be around $800.00 dollars. This is budgeted under Council's travel and per diem account.

Councilmember Koss thanked all for attending the District 4 Town Hall meeting. She felt it was well attended. She announced that she would be holding a Community Meeting on Saturday, November 13th at 1 p.m. She thanked her husband for all of his support.

Councilmember Hearn requested that council and staff meet before the end of the year for a Council retreat or to receive direction on what they could expect in the upcoming year.

City Manager Whitten agreed to look into his request.

Mayor Blake asked about the Painting and Landscaping program and if one applies online or through Community Services.

Deputy Mayor Goins announced that he, along with Councilmember Koss will be traveling to the Florida League of Cities 2021 Legislative Conference beginning on Wednesday, November 3rd through Friday, November 5th. At this time there are no hotel rooms available so we will be driving to and from the conference. The estimated cost of the trip including registration, mileage and parking will be around $325 per person. Per diem reimbursement may also be available for no more than $51 dollars per day. This is budgeted under Council's travel and per diem account.

In closing, it was pointed out that the Fall Festival is October 30th from 3-7 p.m. in Riverfront Park.

XI. Adjournment:

* **MOTION by Councilmember Dyal; Seconded by Deputy Mayor Goins, to adjourn the Regular meeting of October 26, 2021.**

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

The meeting adjourned at 9:32 p.m.

Michael C. Blake, Mayor

ATTEST:

City of Cocoa CORPORATE SEAL FLORIDA

Carie Shealy, MMC, City Clerk

EXHIBIT A: Letter read into the record to J. Riggs from CFO Jimmy Petronis

CHIEF FINANCIAL OFFICER
JIMMY PATRONIS
STATE OF FLORIDA

April 28, 2021

Mrs. Jennifer Riggs
1629 N. Indian River Dr.
Cocoa, FL 32922

Dear Mrs. Riggs:

Please accept my congratulations on your recognition in honor of National Volunteer Week.

As Florida's Chief Financial Officer and a former small business owner, I know it doesn't take long to identify those who have the skills and leadership to achieve their goals and accomplish great things. This recognition is truly a special honor and is the culmination of years of hard work to rise to the top of your profession. I join with your family and friends in celebrating this tremendous honor.

Congratulations again on this exceptional achievement. My door is always open, and please let me know if I can be of assistance to you in your future endeavors.

Sincerely,

Jimmy Patronis
Chief Financial Officer

JP/ce

DEPARTMENT OF FINANCIAL SERVICES
THE CAPITOL, TALLAHASSEE, FLORIDA 32399-0301 • (850)413-2850 FAX (850)413-2950

TO: city clerk for meeting records

EXHIBIT B: Handout provided by Attorney Rezanka regarding the Item for Three Fountains of Viera

LACEY LYONS REZANKA
ATTORNEYS AT LAW

Stephen J. Lacey
Managing Member

Aaron D. Lyons
Managing Member

Kimberly B. Rezanka
Partner

Robyn W. Hattaway
Partner

Ethan B. Babb
Associate Attorney

Audrey S. Wanich
Associate Attorney

Cocoa City Council
October 26, 2021
Three Fountains of Viera, Inc. Appeal (VII.3)

I. Condominium Association of 250 members, 40 new owners since Jan. 2020
Sudy Shen, Property Manager; Melissa Haun, President

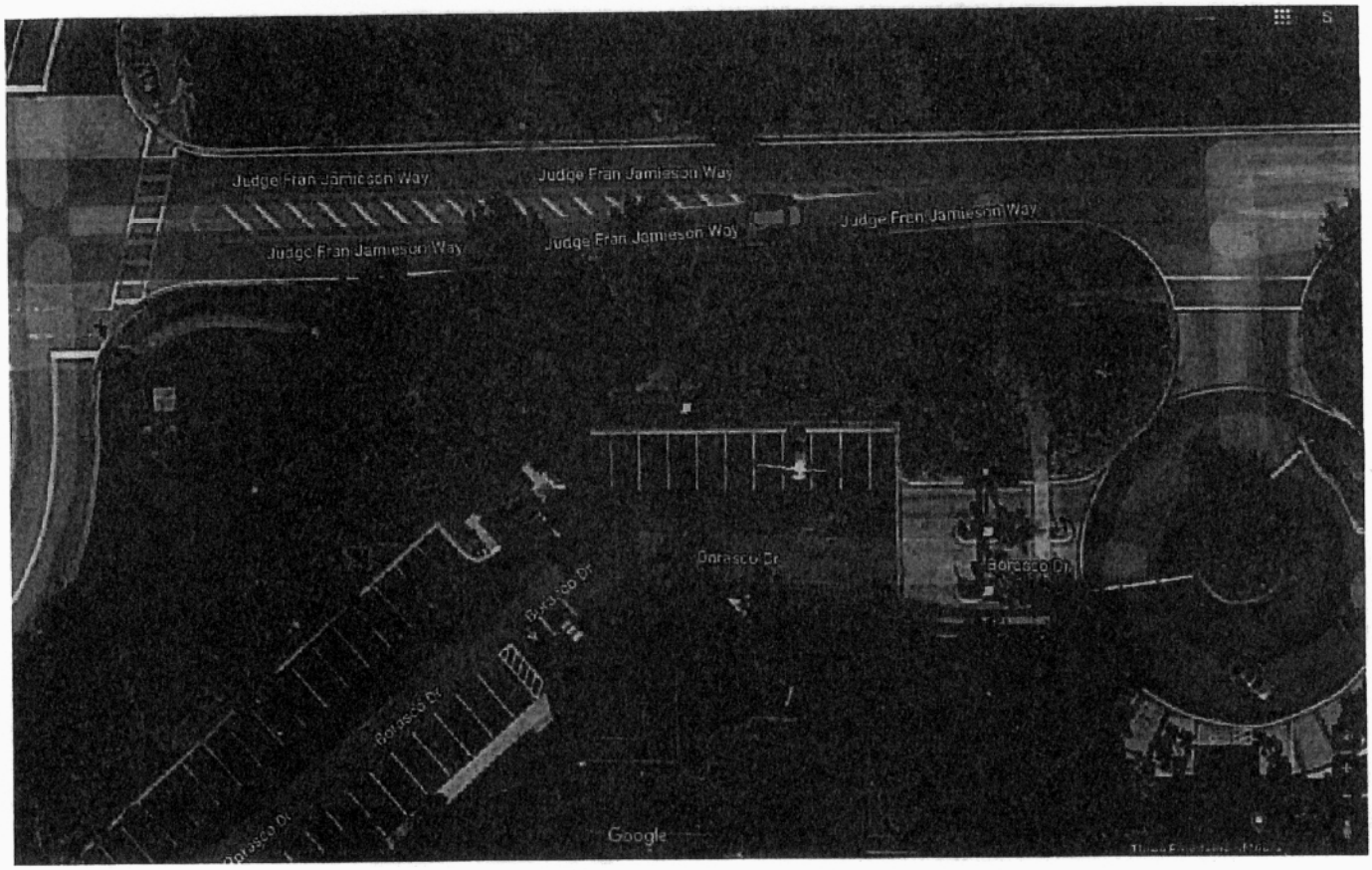
II. Fairness & Responsibility
- A. Meter belongs to City Utilities. Customer had no knowledge of billing errors.
- B. Utilities Handbook §3.D. Customer responsible only for piping and water leaks.
- C. Utilities Handbook §7.D. Every meter is read once a month. Staff…will note any meters that appear to have stopped working.
- D. Utilities Handbook §8.G. Utility Billing Adjustments: To be billed their "average monthly consumption" for… preceding months they were previously billed zero consumption".
  1. **Never billed for zero consumption.**
  2. Estimate based upon 2 months consumption AFTER "zero consumption".
  3. Not proper average – should have been prior usage.
  4. Months used are typically high usage months:
     November & December 2020; seasonal owners; holidays; pandemic
- E. "THE CITY MAKES EVERY REASONABLE ATTEMPT TO DETECT A STUCK METER AS SOON AS POSSIBLE." Oct. 2017 – Oct. 2020 not reasonable.
  City had repaired meter several times in that time frame.
- F. Utilities Handbook §8.G. Utility Billing Adjustments. "Stuck Meter" maybe

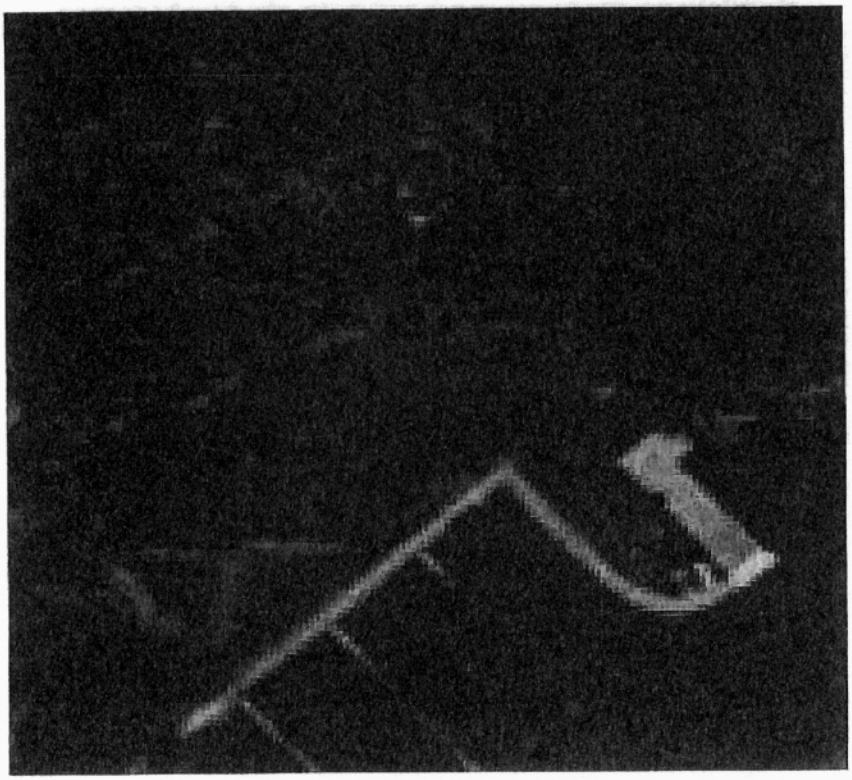
Cocoa's billing system had the ability to create work orders or reports for meters with zero flow.

- G. County Sewer Charges: Improper estimate doubles sewer charges. **$111.071.98**

III. Failure of City's contract duties. Maintenance is obligation of the City.
Forgive, Reduce, Payment Plan.

X MARKS METER LOCATION
THREE FOUNTAINS OF VIERA









LACEY · LYONS
REZANKA
ATTORNEYS AT LAW

Stephen J. Lacey
Attorney, Managing Member

Aaron D. Lyons
Attorney, Managing Member

Kimberly B. Rezanka
Partner

Robyn W. Hattaway
Partner

Ethan B. Babb
Associate Attorney

March 19, 2021

Via Hand Delivery and Email: LSampson@cocoafl.org

Ms. Lisa Sampson
Utility Customer Service Manager, City of Cocoa
65 Stone Street
Cocoa, FL 32922

Re: Our Client/Account Name: Three Fountains of Viera
Account Number: 294855-156868
Service Address: 6401 Borasco Drive 250 Units

Dear Ms. Sampson:

This Firm represents Three Fountains of Viera Condominium Association, Inc. ("Association") regarding the Association's dispute with the City of Cocoa's estimated billing due to the City's "stuck meter". In accordance with the Cocoa Florida Utilities Handbook adopted by the City of Cocoa Counsel – updated 8/26/19, this letter should serve as Formal Notice of our Client's Appeal on behalf of the Association. Previously, the Association has had extension communication with Jeremy Vazquez, Customer Service Supervisor, to dispute this back-billed fees of $32,494.35.

On or about February 1 and 2, 2021, the Association received five (5) invoices reflecting a change in billing for water and sewer charges from January 2020 through October 2020. Those invoices are enclosed as Exhibit "A". The invoices are incredibly confusing, lacking in clarity, and included no explanation. As the Association must collect funds from current members of the Association, these invoices indicated that current members could be liable for water and sewer charges incurred by past due owners in the Association.

To summarize, the Association has been charged for an "estimated" amount of water consumption for billing cycles beginning January 2020 through October 2020, which totals $32,494.35. That is the total back-billed amount. The City is basing these back charges on a "stuck meter" provision in the Utilities Handbook, which allows for 12 months of estimated back charges. However, the "stuck meter" assertion is inappropriate here, as the "meter" did indeed read water consumption, just a lower amount than it perhaps should have read. One chamber of the meter may have been registering improperly, or maybe it was registering correctly. It is unclear how the City – or even when the City – determined that the low-flow meter was not working properly, when it was repaired or what repairs were necessary. Moreover, the Association did not select this type of meter and should bear no responsibility to prove it worked or did not work. In fact, it is doubtful that the City retained the "broken" low-flow meter to allow inspection by the Association.

3

It is the Association's contention that is does not owe for the back-billed estimated amounts because the City breached its Agreement to maintain the meter and any "damages" are to be borne by the City; the maintenance of the meter and "low-flow" chamber is solely the responsibility of the City of Cocoa not the Association. Moreover, the City should have inspected the low-flow chamber long ago. It appears the meter was changed prior to the 12/14/15 – 1/14/16 billing period. Looking through the old invoices, the usage fluctuated greatly. The invoice with a billing date of 12/19/17 appears to reflect no change in the low-flow chamber. However, five (5) invoices in 2018 reveal low-flow usage, albeit nominal. All the 2019 invoices, and most all of 2020 invoices, show -0- readings for one of the meter readings – but there is no way the Association would have understood there might have been an issue with the meter. But the City certainly should have been on notice.

Second, the Association believes that as to the estimated amount, the estimate is grossly overstated for the ten months as the members' usage of water and sewer is clearly seasonable, upon review of the preceding five (5) years of utility bills. We suggest an estimate of 75 would be much more reasonable, based upon the average of usage from the change of the meter sometime in December of 2015. We expect this would result in a three-fourths decrease in the estimated amount owed, and the Association is willing to pay one-quarter of the back-billed invoices, in the amount of $8,125.58.

Should this be acceptable to the City, the Association will pay the full amount in 60 days. If this is not acceptable, we ask that this be send directly to the City Council for an expedited appeal.

Please confirm that water and sewer service to this account will not be shut-off due to the appeal of the back-billed amount. The Association received a delinquency notice today, Exhibit "B", demanding payment and threating to discontinue service if the back due amount is not paid by March 25, 2021 at 4:30.

Thank you for your prompt attention to this matter.

Sincerely,

Kim Rezanka

Kimberly B. Rezanka

KBR/bms
Enclosures

cc: Scott Whitten (via email: swhitten@cocoafl.org)
Anthony Garganese, Esq. (Via email: agarganese@orlandolaw.net)
Client

City of Cocoa

65 Stone Street
Cocoa, Florida 32922

FEB 0 2 20

Office Hours: Mon - Fri 8:00 a.m. - 4:30 p.m.
Phone: (321) 433-8400 **Website:** www.cocoafl.org
Fax: (321) 433-8408 **Email:** customerservice@cocoafl.org

Account Number:	294855-156868
Account Name:	THREE FOUNTAINS OF VIERA
Service Address:	6401 BORASCO DR 250 UNITS
Due Date:	02/16/2021
Amount Due:	**$10,508.08**

Service Period	Meter Type	Meter Number	Meter Size	Previous Read	Current Read	Usage this Period (in 1,000 Gallons)
Meter Infomation located on the second page of the bill.						

Regional Utility Services and Charges

Regional Utility Services and Charges located on the second page of the bill.

11/25- 9,726.85
11/30- 10,903.96
12/28- 11,082.31
2/01 - 10,508.08

Total Current Charges	111,071.96

Billing Summary

Billing Date	01/25/2021
Due Date	02/16/2021
Deposit Held	$1,354.00
Previous Balance	6,973.84
Payments	-107,537.72
Previous Adjustments	0.00
Balance Forward	-100,563.88
Total Current Charges	111,071.96 *
TOTAL AMOUNT DUE	**$10,508.08**

Due ↗

Your account is enrolled in Auto Pay and will draft on the 7th day after the bill date. We'll automatically debit the bank account you've chosen for the total amount due for your utility services. **Please do not pay this bill.** Ple[illegible] and pay with any changes to your [illegible] info[illegible]

They deducted from our bank ACH 2/01/21

SEE REVERSE - DETACH AND RETURN THIS PORTION WITH YOUR PAYMENT

Service Address: 6401 BORASCO DR 250 UNITS

City of Cocoa
65 Stone Street
Cocoa, Florida 32922

Account Number:	294855-156868
Due Date:	02/16/2021
Amount Due:	**$10,508.08**
If Paid After Due Date:	$10,665.70
Payment Amount:	Amount to be drafted

PLEASE MAKE CHECKS PAYABLE TO CITY OF COCOA

3855 - 0 5

THREE FOUNTAINS OF VIERA
6401 BORASCO DR
MELBOURNE FL 32940-6120

City of Cocoa
P.O. Box 1270
Cocoa, FL 32923-1270

00029485500015686800010508085

5

City of Cocoa

65 Stone Street
Cocoa, Florida 32922

Office Hours: Mon - Fri 8:00 a.m. - 4:30 p.m.
Phone: (321) 433-8400 **Website:** www.cocoafl.org
Fax: (321) 433-8408 **Email:** customerservice@cocoafl.org

Account Number: 294855-156868
Account Name: THREE FOUNTAINS OF VIERA
Service Address: 6401 BORASCO DR 250 UNITS
Due Date: 02/16/2021
Amount Due: $10,508.08

Service Period	Meter Type	Meter Number	Meter Size	Current Read	Previous Read	Usage this Period (in 1,000 Gallons)
12/10/2019 TO 1/13/2020	Water	070229348	3 inch	4964	5276	312
12/10/2019 TO 1/13/2020	Water	070229348	3 inch	12038	12305	267
1/13/2020 TO 2/12/2020	Water	070229348	3 inch	5276	5588	312
1/13/2020 TO 2/12/2020	Water	070229348	3 inch	12305	12559	254
2/12/2020 TO 3/10/2020	Water	070229348	3 inch	5588	5900	312
2/12/2020 TO 3/10/2020	Water	070229348	3 inch	12559	12783	224
3/10/2020 TO 4/09/2020	Water	070229348	3 inch	5900	6212	312
3/10/2020 TO 4/09/2020	Water	070229348	3 inch	12783	13076	293
4/09/2020 TO 5/12/2020	Water	070229348	3 inch	6212	6524	312
4/09/2020 TO 5/12/2020	Water	070229348	3 inch	13076	13394	318
5/12/2020 TO 6/09/2020	Water	070229348	3 inch	6524	6836	312
5/12/2020 TO 6/09/2020	Water	070229348	3 inch	13394	13652	258
6/09/2020 TO 7/15/2020	Water	070229348	3 inch	6836	7148	312
6/09/2020 TO 7/15/2020	Water	070229348	3 inch	13652	13955	303
7/15/2020 TO 8/12/2020	Water	070229348	3 inch	7148	7460	312
7/15/2020 TO 8/12/2020	Water	070229348	3 inch	13955	14224	269
8/12/2020 TO 9/10/2020	Water	070229348	3 inch	7460	7772	312
8/12/2020 TO 9/10/2020	Water	070229348	3 inch	14224	14493	269
9/10/2020 TO 10/14/2020	Water	070229348	3 inch	7772	8084	312
9/10/2020 TO 10/14/2020	Water	070229348	3 inch	14493	14982	489
12/10/2019 TO 1/13/2020	Sewer					579
1/13/2020 TO 2/12/2020	Sewer					566
2/12/2020 TO 3/10/2020	Sewer					536
3/10/2020 TO 4/09/2020	Sewer					605
4/09/2020 TO 5/12/2020	Sewer					630
5/12/2020 TO 6/09/2020	Sewer					570
6/09/2020 TO 7/15/2020	Sewer					615
7/15/2020 TO 8/12/2020	Sewer					581
8/12/2020 TO 9/10/2020	Sewer					581
9/10/2020 TO 10/14/2020	Sewer					801

Regional Utility Services and Charges

Cocoa Backflow on 2.5" to 10" Meter	14.60
Cocoa Water - Base & Consumption/Outside Rate	3,202.57
Brevard County Sewer - Residential Multi Family	7,311.82
Cocoa Hydrant	2.56
Brevard County Reclaimed Water - Commercial	110.00
Cocoa Backflow on 2.5" to 10" Meter	14.60
Cocoa Water - Base & Consumption/Outside Rate	3,108.84
Brevard County Sewer - Residential Multi Family	7,406.38
Cocoa Hydrant	2.56
Brevard County Reclaimed Water - Commercial	110.00
Total Current Charges	**111,071.96**

City of Cocoa
65 Stone Street
Cocoa, Florida 32922

Office Hours: Mon - Fri 8:00 a.m. - 4:30 p.m.
Phone: (321) 433-8400 **Website:** www.cocoafl.org
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Regional Utility Services and Charges	
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Brevard County Sewer - Residential Multi Family	7,265.98
Cocoa Hydrant	2.56
Brevard County Reclaimed Water - Commercial	110.00
Cocoa Backflow on 2.5" to 10" Meter	14.60
Cocoa Water - Base & Consumption/Outside Rate	3,390.03
Brevard County Sewer - Residential Multi Family	7,588.90
Cocoa Hydrant	2.56
Brevard County Reclaimed Water - Commercial	110.00
Cocoa Backflow on 2.5" to 10" Meter	14.60
Cocoa Water - Base & Consumption/Outside Rate	3,570.28
Brevard County Sewer - Residential Multi Family	7,705.90
Cocoa Hydrant	2.56
Brevard County Reclaimed Water - Commercial	110.00
Cocoa Backflow on 2.5" to 10" Meter	14.60
Cocoa Water - Base & Consumption/Outside Rate	3,137.68
Brevard County Sewer - Residential Multi Family	7,425.10
Cocoa Hydrant	2.56
Brevard County Reclaimed Water - Commercial	110.00
Cocoa Backflow on 2.5" to 10" Meter	14.60
Cocoa Water - Base & Consumption/Outside Rate	3,462.13
Brevard County Sewer - Residential Multi Family	7,635.70
Cocoa Hydrant	2.56
Brevard County Reclaimed Water - Commercial	110.00
Cocoa Backflow on 2.5" to 10" Meter	14.60
Cocoa Water - Base & Consumption/Outside Rate	3,216.99
Brevard County Sewer - Residential Multi Family	7,476.58
Cocoa Hydrant	2.56
Brevard County Reclaimed Water - Commercial	110.00
Cocoa Backflow on 2.5" to 10" Meter	14.60
Cocoa Water - Base & Consumption/Outside Rate	3,216.99
Brevard County Sewer - Residential Multi Family	7,476.58
Cocoa Hydrant	2.56
Brevard County Reclaimed Water - Commercial	110.00
Cocoa Backflow on 2.5" to 10" Meter	14.60
Cocoa Water - Base & Consumption/Outside Rate	4,803.19
Brevard County Sewer - Residential Multi Family	8,506.18
Cocoa Hydrant	2.56
Brevard County Reclaimed Water - Commercial	110.00
Total Current Charges	**111,071.96**

City of Cocoa
65 Stone Street
Cocoa, Florida 32922

Office Hours: Mon - Fri 8:00 a.m. - 4:30 p.m.
Phone: (321) 433-8400 Website: www.cocoafl.org
Fax: (321) 433-8408 Email: customerservice@cocoafl.org

Account Number:	294855-156868
Account Name:	THREE FOUNTAINS OF VIERA
Service Address:	6401 BORASCO DR 250 UNITS
Due Date:	02/16/2021
Amount Due:	**$10,508.08**

Regional Utility Services and Charges	
Cocoa Backflow on 2.5" to 10" Meter	14.60
Cocoa Water - Base & Consumption/Outside Rate	2,892.54
Brevard County Sewer - Residential Multi Family	7,265.98
Cocoa Hydrant	2.56
Brevard County Reclaimed Water - Commercial	110.00
Cocoa Backflow on 2.5" to 10" Meter	14.60
Cocoa Water - Base & Consumption/Outside Rate	3,390.03
Brevard County Sewer - Residential Multi Family	7,588.90
Cocoa Hydrant	2.56
Brevard County Reclaimed Water - Commercial	110.00
Cocoa Backflow on 2.5" to 10" Meter	14.60
Cocoa Water - Base & Consumption/Outside Rate	3,570.28
Brevard County Sewer - Residential Multi Family	7,705.90
Cocoa Hydrant	2.56
Brevard County Reclaimed Water - Commercial	110.00
Cocoa Backflow on 2.5" to 10" Meter	14.60
Cocoa Water - Base & Consumption/Outside Rate	3,137.68
Brevard County Sewer - Residential Multi Family	7,425.10
Cocoa Hydrant	2.56
Brevard County Reclaimed Water - Commercial	110.00
Cocoa Backflow on 2.5" to 10" Meter	14.60
Cocoa Water - Base & Consumption/Outside Rate	3,462.13
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Cocoa Hydrant	2.56
Brevard County Reclaimed Water - Commercial	110.00
Total Current Charges	**$10,508.08**

COCOA
FLORIDA

Utilities Handbook

Adopted by the City of Cocoa Council

Updated as of 8/26/19

Policy #1000 Rev. 1

City of Cocoa
65 Stone St.
Cocoa, FL 32922
Phone 321-433-8400 | Fax 321-433-8408
customerservice@cocoafl.org

Introduction

The policies and procedures contained in this document are intended to define the relationship between the account holder of utility services including water (potable and reclaimed), wastewater, and solid waste collection and the City of Cocoa. These policies are, by notification of and availability to all customers, made part of the contract for service entered into by the account holder. By contracting for service, the account holder acknowledges the applicability of these policies and procedures listed in this document as well as those either expressly written or not written in the City of Cocoa Utility Service Policies and Procedures Handbook and the City of Cocoa Utilities Technical Provisions and Standard Details and agrees to abide by them.

The polices and procedures included in this handbook were adopted by the Cocoa City Council at their regular meeting held on August 14, 2019.

D. Account Holder Responsibility for Piping and Leakage

The account holder shall be defined as the person contracting service until or unless the contracted service is voluntarily or involuntarily discontinued. In the absence of any active contract for service, the property owner shall be the account holder. See section *Revert to Property Owner* for details.

The City is only responsible for correcting leaks on the main water system and up to and including the water meter.

The City is not responsible or liable for the account holder's utility system beyond the following points of service:

- Water: the meter and/or backflow prevention assembly
- Reclaimed Water: the meter and/or curb stop
- Waste water: the City's sewer cleanout or the property line
- Fire Protection/Suppression Systems: the meter, backflow prevention assembly, and the bottom fitting in the ground downstream of the double detector check valve.

The City does not assume any responsibility for, or liability arising because of, the condition of water and/or sewer piping, plumbing or any apparatus on the premises of the account holder and/or property owner. Water pulled across any of the points of service listed above immediately becomes metered water. Metered water that is knowingly or unknowingly either used, lost, leaked, or stolen is considered consumption and is the property and responsibility of the account holder.

The City does not assume any responsibility for, or liability arising because of, any loss or damage to any person or property whatsoever resulting directly or indirectly from the use or misuse or presence of metered water on the account holder's premises.

The account holder is responsible for leakage in the piping on his/her property on his/her side of the water meter at the point of connection to the meter and/or backflow prevention assembly, if applicable, and will be charged for water and/or sewer based on water use as indicated on the meter.

The account holder is responsible for monitoring and safeguarding any intentional or unintentional consumption of water, regardless of any conditions or circumstances known or unknown to the account holder and/or property owner, that may contribute to water loss, leak, or theft of water.

The City is not responsible for investigating, informing, or prosecuting due to water leaks, loss, or thefts on the customer's side of the water meter. As a courtesy the City makes a reasonable effort to inform the customer of excessive or active water usage, if noticed, during routine meter reads or maintenance. It is the customers responsibility to regularly monitor their water meter usage/flow rate indicator for symptoms of water loss. ✳

When a customer requests the water meter to be turned on it is the responsibility of the customer to make sure all valves, faucets, hoses, and any other appliances that demand water are turned off prior to the City representative turning the meter on. If the City representative notices the meter flow rate indicates active water use when turning on the water meter, the meter will be immediately turned back off and a reasonable attempt to leave a notice that the meter was turned off will be made. In the event the City does not detect any active water flow, the City is not responsible for any water loss or damage.

For details regarding system operations for the City of Cocoa, please refer to the City of Cocoa Utility Service Policies and Procedures Handbook, the City of Cocoa Utilities Technical Provisions and Standard Details and/or City of Cocoa Code of Ordinances.

Section 7 – Utility Billing for Service

A. Monthly Utility Bill

Account holders will receive a monthly utility bill for services rendered. The bill can be presented on paper and mailed through the United States Post Office, or it can be presented electronic through e-billing, but not both. To subscribe for e-billing the account holder can visit https://cocoafl.firstbilling.com

Copies of current and historical bills and delinquency notices can be obtained by registering the account at https://cocoafl.firstbilling.com.

B. Failure to Receive Utility Bill

Once a paper utility bill has been placed in the mail or dropped off at the US Post Office. or an e-bill is sent to the various internet service providers, the City is no longer responsible for that utility bill. Payment for that utility bill is due to the City even if the account holder does not receive it in the mail or through e-billing e-mail. All account holders who receive utility service with the City, regardless of receiving a bill, are required to remit payment for services received. Failure to receive a utility bill does not exclude any account from penalty or disconnection.

C. Billing Cycle

Account holders are billed on a cyclical basis twelve times per year at approximately monthly intervals. The length of a billing cycle shall often vary month to month depending on variables that influence the ability to read the meter on the same day each month. The service period dates are determined by the date the meter was read the previous month to the date the meter is read the current month.

The initial and final utility bill for a new account holder will be prorated based on the number of days the account is active in the billing cycle and will include charges for all consumption billed at the applicable rate.

Bills are due 20 (twenty) days from the date of issuance. Failure to receive a bill will not avoid the necessity of payment. The bill is past due if payment is not received and posted to the account by the close of business on the due date. Due dates are not adjustable. Should the bill not be paid in time a late fee shall be assessed and billed on the next billing cycle.

The bill is considered past-due if payment is not received and applied to the account on the forty-fifth (45th) day from the billing date of issuance. A courtesy delinquency notice may be mailed, providing the account holder seven (7) additional days to remit immediate payment, for a total of fifty-two (52) days including weekends, holidays, and City closures. Delinquent accounts shall be scheduled for interruption of service as early as the fifty-second (52nd) day and subject to penalties if full payment is not received and posted to the account by the close of business. on the 52nd day from the billing date of the oldest, delinquent bill.

The account balance must be paid in full before service is reconnected. No second notice will be mailed for disconnection due to nonpayment.

The City may attempt a call using an automated notification system to a phone number provided by the account holder alerting the customer as to the planned date of disconnection. It is the responsibility of the account holder to ensure that all information on the account, including telephone numbers and e-mail address, is accurate and current.

D. Meter Reading

Every meter is read once a month unless conditions prevent an actual reading from being obtained and require the bill to be estimated. The bill shall reflect if it has been estimated. Some meters are read by visually inspecting them while others are read through radio frequency. All locations containing a meter will be read on a monthly basis regardless of the status of an account. Staff conducting meter readings will note any meter where readings are questionable or meters that appear to have stopped working. The account holder should maintain the area of the meter box serving the property in a manner that keeps it unobstructed by shrubs, grass, weeds, mulch, dirt, or other similar materials. Similarly, vehicles may not be parked over the water meter. The City of Cocoa will take all measures necessary to ensure reading of the meter including towing of vehicles. If a failure to retrieve a reading is due to account holder (or their agent) obstruction or due to damage caused by an account holder (or agent), notice will be

scanned into the City;s records system for attachment to the applicant's account for identification purposes). In the unfortunate case of death see section *Deceased Account Holder and Estate Account* for details.

Existing accounts shall not be transferred into the name of another person that has not contracted service on the exception that the current account holder is deceased. See section *Deceased Account Holder and Estate Account* for details.

F. Deceased Account Holder and Estate Account

Property titled with joint ownership: Upon death of an account holder who is the property owner, a surviving co-owner of the property, as filed with the Brevard County Property Appraiser's Office, must request to transfer the service into their name.

If the City of Cocoa receives notice or determines that an account holder is deceased, notification of account transfer to the surviving co-owner of the property will be mailed to the service address on record.

Property titled with one owner: Upon death of an account holder, the sole property owner, a surviving family member may request to transfer the account into the ownership of an estate for the decedent, if probate has been filed. The City may request legal documentation from the executor or the person responsible for administering an estate. The account will then be established in the estate's name. It is the responsibility of the executor or other person administering the estate to notify the City of any changes in account status. As a courtesy, the City of Cocoa may allow an account to remain in the name of the estate for a period up to six (6) months from the date of transfer. It is the responsibility of the executor or administer of the estate to either disconnect the account or service must be contracted by an authorized person prior to this date.

If the City of Cocoa receives notice or determines that an account holder (property owner) is deceased, notification of account closure will be mailed to the address on record. The letter will set forth a date, a minimum of two (2) weeks from the date of notification or a maximum of six (6) months from the date of death, whichever is greater in time, in which an Application for Utility Service must be completed and received in accordance with this policy in order to continue services at the location of the deceased account holder.

The estate account shall automatically terminate after six (6) months, or the surviving family member may elect to pre-pay a deposit in the amount equivalent of four (4) months of average bills to maintain an active account in the name of the estate as well as contract service as a responsible person for the account. In either case of an estate account being established, if an Application for Utility Service has not been processed to transfer ownership of the account by the advertised time, services may be disconnected without further notice.

Rental property with tenant: If the City of Cocoa receives notice or determines that a account holder (tenant) of a rental property is deceased, notification of account termination will be sent to the service address. The letter will set forth a date, a minimum of two (2) weeks from the date of notification in which an Application for Utility Service must be completed by and received in accordance with this policy in order to continue service at the location of the deceased tenant account holder. Once the account is terminated, any unauthorized consumption will be billed to the property owner. See section *Unauthorized Consumption on Inactive Location.*

G. Utility Billing Adjustments

At any time a billing adjustment is requested, the balance of the account must be paid in accordance with this policy in order to avoid penalty. If an adjustment request is approved, the adjustment will be made to the account and may show as a credit on the next regular monthly bill.

Overcharge or Undercharge Error*:* If the City has overcharged or undercharged an active account holder for service, the City will correct this error subject to the following procedures:

1. If the City has overcharged an active account holder for a service, the City will credit the account holder's account, without interest, the excess amount on the next monthly bill. When the overcharge is more than $1,000 a reasonable attempt to notify the account holder will be made in addition to the monthly bill. Account holders may request a refund if the account balance was previously paid in full. Credit to an account holder's account is subject to the following limitations:

be limited to a maximum; however, each instance shall be reviewed by City staff to determine the validity of the request as excessive, repetitive leaks or plumbing that isn't corrected will not be eligible for excessive use adjustments.

6. In the event the City of Cocoa declares a state of emergency due to a natural disaster event, such as a hurricane, the eligibility criteria for a high consumption water credit shall be amended for the billing cycle that includes the date(s) of the event and one additional billing cycle post event for a maximum of two billing cycles. All other conditions and eligibility criteria shall remain in effect with the exceptions as follows:
    a. The calculated credit does not have to exceed $50.00.
    b. An approved high consumption adjustment will not count towards the lifetime maximum for any account holder, regardless of account type.
    c. The High Consumption Credit Processing Fee shall be waived.

Any deviation from current City policies and/or procedures by City staff that causes an unnecessary, prolonged, or excessive water leak, resulting in high metered consumption, may be considered for an additional adjustment authorized by City management reviewed on a case by case basis. The adjustment will only be applicable to the amount of water lost within the timeframe the City deviated from policy/procedure.

* Stuck Meter*:* Often the symptom of a stuck meter is a few months of no water consumption recorded on an active account. In the event the City believes a meter may be malfunctioning or stuck and under registering water consumption a maintenance crew may be sent to test and/or evaluate the meter and the customer contacted for a status on occupancy. If the meter is determined by City staff to be stuck it will be replaced and the account holder will be billed their average monthly consumption charges for any or all the 12 preceding months they were previously billed zero consumption. The City makes every reasonable attempt to detect a stuck meter as soon as possible; however, it can be difficult for the City to determine if the zero consumption is due to vacancy or meter malfunction. Therefore, the City depends on the customer to inform the Customer Service Division if he/she is billed zero consumption on an active account when they believe they should be billed otherwise for water use.

H. Utility Debt Collection

The City is authorized to collect delinquent utility fees as promulgated in the City of Cocoa Code of Ordinances Section 22-18.

Utility Collections*:* In the event an account holder has an outstanding balance on another account, the outstanding balance will be transferred to the current account. All delinquency procedures and service charges will apply. Per City of Cocoa Ordinance Section 22-18, the City shall be entitled to recover all costs, including but not limited to, reasonable attorney's fees and/or collection service charges, incurred in collecting delinquent utility fees and charges.

Any fee or charge due to the City which is not paid may be recovered by referring the account to a third-party collection agency and/or bringing an action at law. In addition to any other remedies or penalties provided in this section, failure of any user of the City's utility system to pay said charges promptly when due shall subject such user to discontinuance of such service. The City Manager or the City Manager's designee is hereby empowered and directed to enforce this provision as to any and all delinquent users.

In accordance with the Telephone Consumer Protection Act (TCPA), the account holder agrees, in order for the City to service a utility account or to collect any amounts you may owe, the City may contact the customer by telephone at any telephone number associated with your account, including wireless telephone numbers, which could result in charges. We may also contact the customer by sending text messages or emails, using any email address provided to the City. Methods of contact may include using pre-recorded or artificial voice messages and/or the use of an automatic dialing device, as applicable. By contracting service, the account holder agrees that the City of Cocoa may contact him/her as described above.

Utility Liens*:* All past due and outstanding utilities rates, fees, and charges assessed shall be a lien upon the property with which such rates, fees, and charges are associated, in accordance with Florida Statute Chapter 153.67. The owner of every building, premise, lot, or house shall be obligated to pay the fee for all services provided for his/her premises, which obligation may be enforced by the City by action of law or suit to enforce the lien in the same manner

Year	FY2012 Consumption	FY2013 Consumption	FY2014 Consumption	FY2015 Consumption	FY2016 Consumption	FY2017 Consumption	FY2018 Consumption	FY2019 Consumption	FY2020 Consumption	Additional Consumption	New Bill
October	480	599	486	672	471	576	298	217	171		171
November	544	573	588	582	695	602	326	291	264		264
December	537	549	566	538	505	529	198	232	205		205
January	597	624	582	690	599	552	173	209	267	312	579
February	750	511	543	582	567	641	263	288	254	312	566
March	719	560	566	591	641	494	284	213	224	312	536
April	849	592	523	646	643	453	237	210	293	312	605
May	591	586	733	525	569	389	245	219	318	312	630
June	684	657	509	532	576	316	241	229	258	312	570
July	570	565	695	605	720	257	280	196	303	312	615
August	599	622	592	600	610	220	275	205	269	312	581
September	584	563	658	589	369	302	250	206	269	312	581
									177	312	489
Annual Consumption	7,504	7,001	7,041	7,152	6,965	5,331	3,070	2,715	3,272	(Ten Months)	5,752
Average Consumption	625	583	587	596	580	444	256	226	273		575

New Register	Consumption High and Low Flow
Nov-20	588
Dec-20	603
Jan-21	668
Feb-21	593
Mar-21	597
Apr-21	625
May-21	605
Jun-21	496
Jul-21	635
	5,410
Average Cons	601

*May/June-21 Register became Stuck 2nd time. New type of Compound Meter set.

5 Year Average 2,972/5Yrs= 594 Annual Average Cons (5YR)

Stuck Meter (Three (full years) Average Cons 252)

10 Months Back Billing (575 Cons)

November Low Flow 268
+ December Low Flow 356
624/2 Months = 312 Back Billing for Low Flow Consumption
Based Off New Registers Average Consumption

Register before it became stuck
Register became stuck
Back Billing for ten months
New register

Account 294855-156868
Three Fountains of Viera
250 Units

Year	Ave Consumption	
2012	625	Before Register Became Stuck
2013	583	
2014	587	
2015	596	
2016	580	
2017	444	When the Register Was Stuck
2018	256	
2019	226	
2020	273	
2021	601	New Register - New Meter

(Back Billed and Additional 312 Cons for an Average of 575 Cons. Ten Months)
(Policy is to back bill up to 12 months, however the City waited two months to see the consumption with new register)

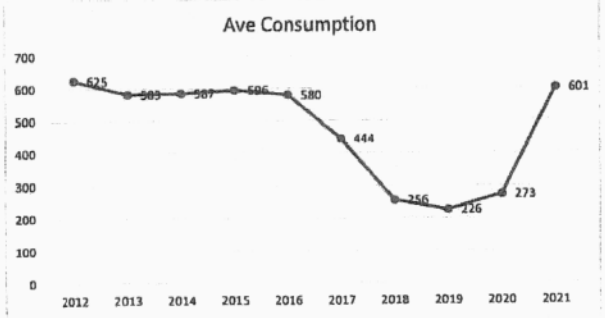


EXHIBIT C: Presentation given by J. Riggs

Restructure Cocoa's Sustainability Advisory Board?

Let's talk!

October 24, 2021

Jennifer Riggs
Chair, Sustainability Advisory Board

Hang on, we need to talk!

- Important facts in the agenda item are incorrect or used without context; they tell a mis-leading story and that may incite faulty conclusions. I emailed this information ahead.
  - Resignations, Quorum, Working Group
  - SAB Successes! Recommendations and completed projects.
- The Mayor is 100% right. It is high time for some change!
- Instead of the proposed changes, we need:
  1. A bridge to bring the ideas and recommendations into action items that benefit Cocoa
  2. Acceptance of the legal, productive working group format to augment regular meetings while saving staff time
  3. A consistently assigned staff liaison who wants to collaborate and get along and implement administrative fixes

Without changing anything, Council can already increase SAB diversity

- As things are, Council can recruit new volunteer and ask them to apply. There are spaces. New members will be welcome!!!
- We already have an array of representation
  - Jennifer, D2
  - Linda, D4
  - Marlene, D3
  - Jonathan, County business D1
  - Diana, D2
  - Joy, County business D1
  - Paige, D3
  - Ronald, County, business D1
  - Kate Rooney, D4
- It should not require knowing a Council member to volunteer on a city board.
- **With a volunteer board you get the best of both: Council can recruit AND new residents can join independently.**
- **SAB needs to remain a volunteer board as an entry ramp for citizen engagement. It ensures new people, fresh ideas, and independent people. People who self-select can be the best source of ideas and civic energy!**

SAB *does* need a bridge, a way to transform recommendations into Action Items!!!!

And $$$$ for funding them.

You might not realize it, but the SAB has already been very successful!!!

"Safe, Clean, and Green: Cocoa's Path to Prosperity" showcases Cocoa's civic energy, and makes Cocoa look more attractive to investors and employers. This plan shines. It will be a cornerstone in Cocoa's history and become THE turning point for Cocoa's revitalization.

- SAB already helped Cocoa win grants; positioned Cocoa for more grants.
- Many city accomplishments and ongoing projects came directly from SAB ideas, planning, and work:

  - Mayor's Fitness Challenge
  - Stormwater Planning
  - Duke Energy Agreement with Water Enterprise
  - Citizen's Academy
  - Community Gardens
  - Living Shorelines Installation in Waterfront Park
  - Beemats Installations
  - Stormwater Pond Cleanup in Cocoa Village and Cocoa Hills
  - Tree Canopy Grant
  - ICLE Survey
  - Parks Masterplan -- and the entire conversation around parks renewal
  - John Gilbert History Grant
  - Opening the Clearlake Loop
  - The Natural History Museum
  - Food Truck Court in Provost Park

You might not realize it, but the SAB has already brought forward multiple recommendations

- 20+ Recommendations in the Executive Summary
- 150+ Recommendations in the Plan itself
- 6 Highly Prioritized Projects for the near term (I personally brought them to a budget meeting)

- We have not heard back from Council or staff on these

- Again, we need a bridge – a way to transform recommendations into ACTION ITEMS – and then track their progress. And then fund them!

The agenda item implies that resignations are a nuisance and that the SAB cannot maintain continuity

- This is false!
- Most were due to moving, health, or family/job issues. Resignations are a part of real life.
- Most previous members of the board are still active, in contact, and supportive.

SAB Resignations

- Dennis Childs – did not join after receiving initial city requirements
- Susan Hushla – sister got cancer; rental property upkeep
- Giselle Niemann – moved to Jax
- Trina Gilliam – work conflict (Rockledge meeting time)
- Rafael Costas – never showed
- Paul Johnson – moved to TN
- Melissa Martin – moved OR
- Jo Shim – moved to Lakeland
- Angelique Rindaldi – said job too demanding (Tallahassee)
- Kayln Palmer – death of family member, job change
- Jennifer Kenney – ageing father
- Robert Musser – bad faith with staff and his boss (discuss Charlene's role in this?)
- Is there anyone else . . .who? Where are their numbers coming from?

Quorum Call October 7, 2021

- Staff made day-of calls for quorum without advance notice. They did not facilitate making quorum in advance.
- Four members responded positively; staff assumed a non-response was a no.
- Staff cancelled the meeting;
- Two members who were planning to come received the cancelation notice and changed their plans.
- I asked that the meeting become working group so we would not be rude and cancel on our speaker presentation.
- Related Details Does this sound familiar? Like PAB?
  - Diana Robison did not receive an initial email request for quorum.
  - She did not see the quorum call the day of and did not reply.
  - She was notified at 4:12pm the meeting was canceled.
  - When she checked her phone at 5:44, she replied to staff and got no answer.
  - She decided not to come to the 6:00 meeting.
  - She would have made quorum.
  - Paige Horr was also planning to come to the meeting until the cancelation was announced and she changed her plans. She also would have made quorum.

Quorum

Staff has been using last minute quorum calls to cancel or disrupt SAB meetings since May 2019.

- Without notice in May 2019 staff began **making quorum calls *the day of* the meeting**. When members did not reply, staff **assumed "no show" and canceled the meetings**.
- I met with John T; he agreed calling members the day of was unreasonable. During we established that quorum call would be taken a week in advance, by email, when the agenda and minutes were sent out. If staff did not get an answer they would inquire ahead.
- During covid, staff reverted; in June 2020 I met with Matt Fuhrer who was acting City Manager; he agreed to re-established the advance process.
- For October 7, 2021 staff reverted again.

In the absence of staff disruption, SAB does NOT have a problem with quorum.

We need a new, dedicated liaison/recording secretary who wants to collaborate and work with us

- SAB Chair met with senior staff four times to attempt to iron out unproductive staff behaviors (May 2019, May/June 2020, October 2020, October 2021); agreement at the time but it hasn't really fixed the problem
- Landon Morely was great! Karen Hamilton was great! Kristine Khun was very good too.
- We need good rapport, non-defensive personality, writing skills, good hearing, interest in collaborating

Staff liaison has consistently worked to Sabotage the SAB

- Actively disrupting quorum as described before
- Insistence on bureaucratic, time-consuming, and ineffective committee proceedings (format, floorplan, transcripts vs. minutes, lack of action item tracking)
- Threatening with incorrect sunshine law compliance information re working groups and communication
- Refusal to provide basic IT support and use common collaboration tools
- Seeming to want to control rather than collaboration

The statement "beginning in 2020 due to a lack of quorum, the SAB began meeting as a working group" is **false!**

Working Groups began:

1. Because the floorplan and format of regular SAB meetings was not conducive to creative brainstorming and discussion intended to inform and explore issues, or refine language and find common ground
2. To get more work done: finish the plan, adopt projects
3. To have more meeting time without burdening staff

The first time SAB chose to have a working group instead of a regular meeting was October 7, 2021.

- We had a high-value speaker scheduled and wanted to make sure to hear his presentation and ask questions
- We would have made quorum if not for active disruption by staff; staff deliberately scuttled the meeting
  - last minute quorum call; if there was concern, staff could have called Monday or Tuesday, as previously agreed
  - canceling the meeting at 4:15 and sending all the members cancelation notice
  - seeking to convince the City Manager to support their decision to cancel the meeting when I asked them to rescind it
  - staff did not rescind the "meeting canceled" announcement
  - staff did not seek to notice the committee after the City Attorney advised there could be a working group as the meeting had been noticed and as long as there were not votes, and minutes were kept
  - staff went home after doing their best to tank the meeting (they did not reply to Diana Robinson at 5:44); the City Manager stayed late to support

Working Group Meetings

- Since the first SAB meeting, May 2018, members asked to sit face to face around a table, for better conversation. These requests were repeated, with explanation that a working group floorplan would be more productive. These requests were denied by staff.
- A working group floorplan was encouraged by community leaders: Satellite Beach, FIT, Brevard Sustainability Working Group,
- In December 2019 SAB received confirmation from the First Amendment Foundation and two attorneys that working groups are possible and in full Sunshine Law compliance if they have:
    1. Advance public notice
    2. Adequate room for anticipated participants
    3. Minutes
- Since January 2020, working groups have been a very effective and productive way of communicating publicly, preparing for meetings and accomplishing work. We have delivered clear minutes and met all our obligations for Sunshine compliance.

Detailed Administrative Recommendations

- Simplify minutes: focus on high level summary, motions and action items, not a verbatim transcript
- Post all working group and regular meetings in a single annual schedule (done once, but needs to continue)
- Board uses working groups for discussion and preparation; regular meetings for motions, voting, action item tracking, and speakers. This was ironed out previously (April/May 2021 meeting).
- Take quorum count ***a week ahead*** in same email that disseminates minutes and agenda (as previously agreed), not same day calls.
- Assign/support website for shared articles and notices (as previously agreed but never followed through on)
- Develop process for formally introduce recommendations to Council, updates to Council, and track decision/action on the recommendation
- Assign a dedicated staff person with good hearing, writing, summarization, and IT skills (Landon Morley, Karen Hamilton)

As written, the structural recommendations in the agenda item look like a death sentence for SAB

- Death by non-appointment or delay: "The board will refrain from meeting until all members are approved by Council."
- Death by stacking the decks: appointing people with no true interest in sustainability or who may want to work against it
- Death by quorum: similar to above, appoint people who will not show up to the meetings

The Ask: Requested Actions to Council

- Do not
  - limit the board size, or change it
  - limit the Council's ability to recruit members for the SAB; or limit volunteers' ability to apply/join on their own
  - interrupt scheduled board meeting

- Do
  - Request a bridge – a process to translate more of the plan from ideas and recommendations into action items
  - Assign a staff liaison who WANTS to work with the SAB and behaves collaboratively
  - Actively recruit new members to the SAB

In Conclusion, thank you for listening

- Important facts in the agenda item are incorrect or used without context; they tell a mis-leading story and that may incite faulty conclusions
  - Resignations, Quorum, Working Group
  - SAB Successes! And pending recommendations to Council
- The Mayor is 100% right. It is high time for change!
- Instead of the proposed structural changes, we need:
  1. A bridge to bring the ideas and recommendations into action items that benefit Cocoa
  2. Acceptance of an alternate, legal, productive working group format to augment regular meetings while saving staff time
  3. A consistently assigned staff member who wants to collaborate and get along and implement detailed Administrative fixes

Agenda Item 21-705:

- Was prepared by Charlene Neuterman who has been an intermittent but primary staff liaison for the Sustainability Advisory Board.
- Has false and misleading premises.
- Makes flawed structural recommendations that will compromise Cocoa's democratic and civic vitality.
- Misses administrative fixes.

- This briefing proposes a set of administrative and structural recommendations.
- This briefing addresses misleading storytelling and incorrect facts.

From: Chelsea Partridge
To: James Goins; City Council; Lavander Hearn; Herbert Dyal; Lorraine Koss; Michael Blake
Subject: Support for SAB/Comment on Agenda VII.4
Date: Tuesday, October 26, 2021 5:25:38 PM

EXTERNAL MESSAGE - USE CAUTION WITH LINKS AND ATTACHMENTS!

Hello, my name is Chelsea Partridge, and I am a Supervisor for Brevard Soil & Water Conservation District. My address is 6731 Opal Ave, Cocoa FL 32927.

I am writing today on behalf of the Cocoa Sustainability Advisory Board. When I was elected in 2020, the first meeting I attended as an elected official was the Cocoa Sustainability Advisory Board. I was so incredibly impressed with this board and everything they have done for the city of Cocoa. The Cocoa Sustainability Advisory Board is an example to other municipalities and entities on what is possible in sustainability and what can be accomplished by extraordinary, dedicated citizens. They have done many projects that align with the principles of our soil & water conservation district and with conservation districts across the state such as building community gardens, surveying tree canopy, preventing water pollution with beemat installations for nutrient load reductions & stormwater planning, conserving soil by planting living shorelines, and getting citizens involved with sustainability and conservation efforts.

I highly encourage allowing the Sustainability Advisory Board to continue to do their work and to not proceed with any restructuring if it will slow down or inhibit any of the incredible progress they have made in the past three and a half years. It is becoming more and more clear that sustainability is absolutely imperative for progress and boards such as this should be commended and empowered so that our municipalities can thrive for generations to come.

Thanks,

Chelsea Partridge
Supervisor
Brevard Soil & Water Conservation District