MINUTES
City of Cocoa
Regular Meeting of The City Council

April 26, 2022

A Regular City Council Meeting was held on Tuesday, April 26, 2022, 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 6:03 p.m.

Pastor Scott Billue provided the invocation and the Williams family led the assembly in the Pledge of Allegiance to the Flag of the United States of America.

The Assistant City Clerk took the roll.

PRESENT:	Michael C. Blake	Mayor
	Lavander Hearn	Deputy Mayor
	Rip Dyal	Councilmember
	Alex Goins	Councilmember
	Lorraine Koss	Councilmember
	Anthony Garganese	City Attorney
	Stockton Whitten	City Manager
	Monica Arsenault	Assistant City Clerk

OTHER STAFF MEMBERS PRESENT:

Tammy Gemmati, Administrative Services Director; Jack Walsh, Utilities Director; Charlene Neuterman, Community Services Director; Jonathan Lamm, Fire Chief; Evander Collier, Police Commander; Lora Howell, Deputy Finance Director; Rob Beach, Chief Technology Officer; Angela Essing, Growth and Economic Development Director; Bryant Smith, Public Works Director; Samantha Senger, Assistant to the City Manager/PIO; and Erik Montgomery, Helpdesk Support Tech.

II. Approval of Agenda and Minutes:

1. **Agenda:** Regular Meeting of April 26, 2022. (22-224)

2. **Minutes:** (a) Budget Priorities & Goal Setting Workshop, March 15, 2022 (22-225)

   (b) Regular Meeting of March 22, 2022 (22-226)

* **MOTION by Councilmember Dyal; Seconded by Mayor Blake, to approve the Agenda for the Regular meeting of April 26, 2022 with discussion requested by Councilmember Koss to move Item V.2 off of Consent.**

* **MOTION by Councilmember Dyal; Seconded by Councilmember Koss to amend the motion to move Consent Item V.2 to VIII.1, City Business.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

* **MOTION by Deputy Mayor Hearn; Seconded by Councilmember Dyal, to approve the Minutes for the meetings of March 15, 2022 and March 22, 2022 as written.**

Discussion was called for by Councilmember Koss. She explained that an email was received by Kristin Lortie and she asked for clarification as to what should and should not be attached to the minutes. In response, City Attorney Garganese explained it is at the discretion of the Council and the Clerk's office as to what should be attached to the minutes. He further noted that he does not know the context of the email that was received by the City today. Additionally, he reiterated that this is a discretionary decision and can be approved or denied by the Council.

Councilmember Goins asked Deputy Mayor Hearn if he would consider retracting his motion and tabling the minutes to give the Clerk time to review what is being asked.

* **MOTION by Deputy Mayor Hearn; Seconded by Councilmember Dyal, to retract his motion and table the minutes to the next meeting.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

III. Awards and Presentations:

1. Presentation of a Certificate of Completion to Councilmember Goins for the completion of the Florida League of Cities Leadership Academy I, that was attended March 11-12, 2022. (22-227). (Deputy Mayor Hearn)

   Deputy Mayor Hearn presented Councilmember Goins with a Certificate of Completion for the completion of the Florida League of Cities Leadership Academy I.

2. Proclamation: Presentation for "K-9 Bear's Official Retirement". (22-228). (Chief of Police)

   Chief Collier read the proclamation into the record.

3. Proclamation: Presentation to "Augusta Williams, Jr. for his contributions during National Poetry Month". (22-229). (Councilmember Goins)

   Councilmember Goins read a proclamation into the record. Family members spoke on behalf of Mr. Williams. Additionally, his wife shared that a poetry workshop will be held this Thursday in Melbourne from 5:30-7:30pm at the King Library on University Boulevard which is open and free to the public.

4. Proclamation: Proclaiming the Week of May 1-7, 2022 as "Drinking Water Week." (22-240). (Utilities Director)

   Mr. Walsh read a proclamation into the record.

5. Presentation: Winning photos from the Tree Photo Contest and promote Arbor Day. (22-243). (Asst. to the CM/PIO)

   Councilmember Koss provided information about trees. She shared that they provide storm protection, they break wind energy, clean air, provide shade and can reduce the temperature outside by ten degrees. They also provide habitats for animals and lastly, they are beautiful and welcoming. She shared that the City held an Arbor Day event where the community planted a tree in honor of the day.

   A video was shown by Ms. Senger.

   Councilmember Koss called up the judges of the contest. She called up John Maryland, a local photographer; Linda Gombert, citizen and landscape expert; Aleck Greenwood, property owner and member of the City's Tree Board and Planning and Zoning Board; Sally Scalera, Urban Horticulture Agent; and Bryan Bobbitt and Kristina Fannin who are representing Keep Brevard Beautiful.

The following winners were announced:

- Jacqueline Lind – Anyone Home category – Tree: Oak with Spanish Moss
- Douglas Sphar – Parts of a Tree category – Tree: Pine Bark
- Shari Yeomans – Close-ups category – Tree: Tabebuia
- Douglas Sphar – Canopy of Trees category – Tree: Longleaf Pine
- Susan Fricker – What Do Trees Do for Us category – Tree: Tabebuia
- Richard Fuller – Photographer's Choice – Tree: Cabbage Palms
- Lisa Haberlan – Judge's Choice – Tree: Bald Cypress
- Kelly Stallone – People's Choice – Tree: Oak

IV. Delegations:

Anita Gibson, 451 Stone St., Cocoa, requested that there be more police officers at the Police Department. There are only two detectives working on the case regarding the murder of her son in December, 2016. She added that Cocoa is about to expand immensely with all of the development going on. She is supportive of the Police Chief and supports the need for more officers. She specifically requested a Cold Case unit. She commended the Chief and his collaboration with the Rockledge Police Department.

Deputy Mayor Hearn commended Ms. Gibson and promised that we are working to get to where we need to be.

Robert Weiss, 115 Indian River Dr., Apt. 201, moved to Cocoa two years ago and the Village was the reason why. Cocoa Village is unique and special and is cherished by those who visit. A proposal was made to extend bar hours and he feels that this will become a drunken mess and will only benefit bar owners. He is questioning whether this will ruin the Village's quaintness. He understands that development is happening, and he welcomes it, however there are concerns. He hopes that we can preserve the uniqueness of the Village and hopes to present a petition at the next meeting.

Shetina Brown, 1028 Pompano Dr., Rockledge, personally thanked Councilman Goins for his commitment to Trash Bash. She mentioned Easter in the Park and thanked Councilman Goins, City Manager Whitten and Chief Collier along with Rockledge Police Department to help them come up with a plan to make the event successful. She further thanked Leisure Services and the Fire Department as well as Brevard Parks and Rec.

Wilbert Rivera, 910 Avon Pl., Cocoa, explained that he is having issues with his stormwater. In response, City Manager Whitten noted that Ms. Howell would take his information.

Scott Billue, Matthew's Hope Ministries, shared that they are closing on the property at 825 Forrest Avenue on May 5, 2022. He thanked Council and expressed that they are very excited to invest in the property and it will be a showcase in this community. This project will help the homeless.

Kristin Lortie, District 3, Cocoa, read a statement[1] on behalf of Meredith Lidstone regarding parks.

Additionally, Ms. Lortie noted that she appreciated the fact that the Council decided to table the minutes item to consider including the documents she submitted to the Clerk's office. These documents include citizen input regarding strategic planning and discussions about priorities, as well as comments she made on March 22, 2022 at the public hearing that was held regarding housing. She also wished to add that citizens should be given the opportunity to speak on an item prior to a vote being made by Council.

At last week's workshop she felt unsettled as a participant due to the fact that City policy says the workshops are set up for discussion and yet the agenda notes that action may be taken so as an attendee you may not know what is going to be decided or what could come next. Furthermore, she has commented on and provided feedback on protocol issues.

Lastly, she reviewed the consent agenda and stated that there is over $1.4 million dollars in allocations that are being decided on. She explained that in her opinion more items need to be put on the regular agenda as this does not allow for citizen input. She shared that she has been going to other city council meetings and they allow citizens to speak on consent agenda items.

Ryan Brown, 2600 Clearlake Rd., Unit 13, addressed the Council two weeks ago to make them aware of a pending sale of the apartment complex he lives in and although he does not know the exact details, which will not be released until Thursday, he has done some research on Sunbiz to see how many properties are owned by the new landlord. It appears he owns eighteen apartment complexes across central Brevard and a few in Titusville and Palm Bay. He is concerned that there has been no notice of the sale and this is concerning for the people who live

[1] Exhibit A: Email from Meredith Lidstone

there as they may have to find new housing. He provided a document to show the list of apartment complexes in Brevard County that are owned by Wells Boys LLC.

Councilmember Goins clarified information stated earlier regarding the proposal for extending bar hours. He pointed out that this is not something that the Council is currently considering and that it was asked that they look into it but they are not at this time.

V. Consent Agenda:

(A) General Consent Items:

1. Approval to Accept the Donation of K-9 Vests with the Value of $1,423.52, from Space Coast Police K-9 Foundation. Approve a Resolution Amending the FY 2022 Budget, BAF#22-068-A to Account for the Donated K-9 Vests. (22-144). (Chief of Police)

2. ~~Request Council to award ITB 22-09-COC to ALGAT Enterprises, Inc. in the amount of $57,777 to rehabilitate the Property at 1219 Duke Way, Cocoa, FL 32922. Approve a Budget Resolution, Amending the FY2022 Budget, BAF# 22-077-A, in the amount of $3,000. Approve a Resolution to allow for the rehab project to exceed the maximum assistance of $49,999 as per the City's Housing Policy; and authorize the City Manager to sign the construction agreement, issue the purchase order and approve any change orders with project contingency, not to exceed $3,000. (22-168). (Community Services Director)~~

   - **Moved to VIII.1, City Business.**

3. Approve the Second and Final Amendment to Purchase Agreement to RFQ-18-10-COC, Continuing Services Agreement with Carollo Engineers, Inc., for Engineering Services for Wastewater Collection, Treatment, and Disposal Systems. (22-188). (Utilities Director)

4. Approve a Resolution Amending the Fiscal Year 2022 Budget, BAF# 22-075-A, in the amount of $42,920 for the purchase of a Ford F-150 Truck and three Tough Book Computers for the Building Division. (22-222). (Community Services Director)

5. Approve Task Order in the amount of $66,860.00 to Mead & Hunt for Engineer of Record (EOR) support services for the construction of the Fiske Blvd. and

Broadmoor Acres Drainage Improvements Project. Approve a Resolution Amending the FY22 Budget, BAF# 22-076-T. (22-223). (Public Works Director)

(B) Multi-Year Contracts:

6. Approve Participation in a Multi-Year Cooperative Purchase Agreement with VacVision Environmental LLC (A Vortex Company) for Manhole Rehabilitation Services Utilizing the HGAC (Houston-Galveston Area Council) National Cooperative Purchasing Contract No. TP07-18 Effective July 1, 2018 through June 29, 2021, Renewed Through June 30, 2022; To Authorize the City Manager to Execute Any Annual Renewal Amendments Under the Original Contract. (22-191). (Utilities Director)

7. Approve Participation in a Multi-Year Cooperative Purchase Agreement with Insituform Technologies, LLC for Cured in Place Pipe (CIPP) Rehabilitation Services and Sanitary Sewer Mid-Term Cleaning & CCTV Inspections of Main Line Sewers Utilizing the City of Daytona Beach Contract No. 0118-2600 effective February 6, 2019 through February 5, 2020, Renewal February 6, 2022 through February 5, 2023; To Authorize the City Manager to Execute Any Annual Renewal Amendments Under the Original Contract; To Approve a Resolution Amending the FY2022 Budget, BAF# 22-069-A. (22-200). (Utilities Director)

8. Approve Task Order 2022-05 with Atlantic Development of Cocoa, Inc. for the Cocoa Water Plant Road Culvert Replacement Project, WS22DC, in the amount of $502,547.50; 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 $100,509.50 (20% of the Contract Amount) for a Total Project Cost of $603,057; To Approve Resolution Amending the FY2022 Budget, BAF # 22-074-T. (22-207). (Utilities Director)

* **MOTION by Councilman Dyal; Seconded by Deputy Mayor Hearn, to approve the Consent agenda.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

VI. Public Hearings:

None.

VII. Council Business:

1. Approve the modifications to the City of Cocoa Memorial Tree Planting Policy and Agreement. (22-238). (Public Works Director)

* **MOTION by Mayor Blake; Seconded by Deputy Mayor Hearn, to approve the modifications to the City of Cocoa Memorial Tree Planting Policy and Agreement, with discussion.**

Mr. Smith clarified the changes in the policy. Deputy Mayor Hearn asked if the City could post this on social media so citizens are aware.

Councilmember Koss asked if there is a reason there is a limit of five trees. In response, Mr. Smith explained that it is not necessarily limited to five trees and that this was the number that was written into the original policy from 2006.

She also asked who will water the trees. In response, Mr. Smith explained that as part of the policy, whoever plants the tree is responsible for paying for the irrigation to get the water to the tree but Public Works will help to maintain it. Public Works staff is working on locations so that a lot of maintenance won't be required.

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

2. Staff is seeking direction related to the Gilmore Community Park and Carl Anderson Park Restroom Facilities. (22-246). (Public Works Director)

Mr. Smith provided an update on the project and funding. Staff has provided three options for Council to consider and he elaborated on each of the options. Additionally, he spoke with the contractors and their prices have gone up within the last few months. Options 2 and 3 will need to go back out to bid regardless.

Councilmember Goins shared that he made a phone call to Mr. Smith and to the City Manager about this item and he would like to allow Mr. Walsh and his staff to do the tie ins for water and sewer on both projects and then use the ARPA funds to fund the restrooms[2]. He asked if this would help us lower the cost and if it could be done. In response, Mr. Walsh explained that this has been done with smaller projects in the past, although this was only done on the sewer side, where Public Works funded the materials. This has never been done on the water side because

[2] Mayor Blake left the room at 7:20pm & returned at 7:22pm

when you make water decisions as a board, you have to consider all the other jurisdictions that Cocoa serves.

Additionally, if Cocoa was to enjoy the benefits of having water crews dig and make connections, which we currently don't, then we would have to entertain the same request from Cape Canaveral, Cocoa Beach, Brevard County and the other areas we serve. Since the city has complete jurisdiction over the sewer lines, this could be a possibility on that side.

Councilmember Koss asked if this amount includes the impact fees and if impact fees cover all the costs of water and sewer. In response, Mr. Walsh clarified that impact fees really have nothing to do with construction. Additionally, Mr. Smith explained that this is just the cost for the city's project to come in and be a new customer on the utility. He stated that just like when someone builds a new home, and they connect to the water system, they pay an impact fee just to become a customer however, it does not cover the cost of constructing the lines.

She asked about ARPA and asked if it is available funding for other park projects. In response, City Manager Whitten explained that this will also be used for other projects and noted he would send her the power point presentation from the discussion that was held in regard to reallocating funds.

Councilmember Koss pointed out that one of her concerns is that there is a perception due to the fact that the city is putting a lot of money into a restroom. She talked about the recreational activities and equipment that some of the other parks in other districts have and would like to see all of them treated equally.

Her concern in voting for this item is that the Council is doing it at the expense of ignoring areas that are in fact park deserts.

Councilmember Dyal mentioned Larry Gilmore Park and noted that there were concerns about a restroom facility going in there. He pointed out that both he and Councilmember Goins both work construction and he also understands why a restroom is needed. If the funds are there to build at least one restroom than he feels it should be done.

Mayor Blake shared that if the funding is there and one bathroom can be built it should be done and as things develop the city can move forward. Prioritizing is very important.

Deputy Mayor Hearn appreciates Councilmember Koss for mentioning the park deserts and he plans on keeping this issue on his radar. Cocoa Hills is now in District 2 and he has noticed the park desert there. He shared that at the next

budget meeting he plans on directing staff to start looking into potential locations for a park, but at the same time, it's a bit of an insult if the city is building new parks and not getting all of the pre-existing parks up to par.

Furthermore, he feels it is a point of equality for children and parents to have a restroom to use while they visit a park. This does not mean that they should take looking at potential locations for parks in Districts 2 and 4 off of the table, however he feels that if the opportunity is there to bring one park up to standard than they should do it.

Councilmember Koss expressed that spending $272,000 is a lot of money to spend on a bathroom in a neighborhood park. This used to be enough money to buy a house.

* **MOTION by Councilmember Goins; Seconded by Councilmember Dyal, to approve Option 3, funding the shortfall of $115,284.00 dollars using ARPA funds and looking into the option of the City doing the tie ins.**

Ms. Lortie, District 3, Cocoa, shared that she is in support of Option 1, to reconsider the restroom expense once the market stabilizes. She also supports the comments made by Councilmember Koss about balancing expenses and that there are park deserts in some areas and an expense that is almost $300,000 dollars.

She pointed out that Councilmember Koss brought up the $2.7 million dollars in ARPA funding and there was a slide that was presented by staff about the $2.7 million dollars and it was presented as if it were already decided. It included a $900,000-dollar overage for parks that was not further broken out. She feels that the entire $2.7 million dollars should be considered by Council one-by-one to make sure it is understood how the money is being spent.

As far as not having the money later and needing to do it now, even if it was put on hold and tabled for two weeks, not even a dime would have been spent just to make sure that this is the right thing. There has been some pushback on parks and even in the draft parks plan it states that neighborhood parks do not always have restrooms. That being said, she is not opposed to restrooms at the parks but she does like the idea of being more deliberative when we're spending these kinds of dollars.

Additionally, she does support the review of the $2.7 million dollars in ARPA funding and a full break down of the $900,000-dollar overage as well as a line by line breakdown of all the expenses.

AYES: Blake, Hearn, Dyal, Goins
NAYES: Koss

THE MOTION CARRIED UNANIMOUSLY (4-1)

VIII. City Business:

1. Request Council to award ITB 22-09-COC to ALGAT Enterprises, Inc. in the amount of $57,777 to rehabilitate the Property at 1219 Duke Way, Cocoa, FL 32922. Approve a Budget Resolution, Amending the FY2022 Budget, BAF# 22-077-A, in the amount of $3,000. Approve a Resolution to allow for the rehab project to exceed the maximum assistance of $49,999 as per the City's Housing Policy; and authorize the City Manager to sign the construction agreement, issue the purchase order and approve any change orders with project contingency, not to exceed $3,000. (22-168). (Community Services Director)

Ms. Neuterman provided the background of the item as well as the timeline. The project was put out to bid and ALGAT came in with the lowest bid. Bids are coming in very high due to the increase in material costs due to COVID. She also provided information on the low-income housing program. There are currently around one hundred people on the waiting list and the waiting list is currently closed as staff works diligently to dwindle down the list.

Ms. Neuterman pointed out that Mary Scott, who is the owner of the home, is eligible for the program and has been on the waiting list for almost nine years.

Councilmember Koss shared that she spent time in that neighborhood this weekend and noticed some really great improvements going on. She feels this will be a great investment.

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

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

Ms. Lortie, District 3, Cocoa, had turned in a card to speak on item VII.1 and the Mayor allotted her the time to speak. Ms. Lortie pointed out the primary changes and noted that she had some questions. She noted that Councilwoman Koss had already asked one of them, which was about the limitation of five trees per park.

Many people in the community are thinking of, for example, Bracco park which has plenty of space for trees.

Ms. Lortie asked about the two-year warranty period and she wondered what happens if a donor donates a tree and the tree dies. She asked if they will be expected to come back and warranty that tree.

She added that she has visited parks in District 4 and they seem very vigilant about what they permit in parks they maintain even though the City owns them. She further shared that she thinks this is a great opportunity to talk about trees and discuss proposals. She is very supportive of trees in Cocoa and planting more trees.

Multi-Year Contracts:

None.

IX. Informational Agenda:

1. Cumulative purchase approvals over $35,000 and under $50,000 for period 10/01/2021 to 3/31/2022. (22-193). (Finance Director)

2. FY 2022 Budget Adjustment Report. (22-234). (Finance Director)

3. Data showing the relation between the estimated and actual income and expenses to date. (22-235). (Finance Director)

4. 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. (22-236). (Finance Director)

X. Reports:

Ms. Senger shared several upcoming events, beginning with the Gilmore Community Park unveiling which will be this Saturday at 9am. The Hurricane Preparedness Expo will be held on May 10th from 4-6pm in the City Hall lobby. The City will be participating with Historic Cocoa Village Main Street Association and the Chamber of Commerce for Wednesday Friendsday which will be at 5:30pm next Wednesday, May 4th at the Cocoa Civic Center. Additionally, there was a luncheon last week and the City received a Superstar award for our campaign for

United Way. The goal was set for $11,000 dollars this year and the City raised $15,000.

Ms. Neuterman mentioned the Habitat for Humanity Veterans Home donation event at 450 Whaley Street. On Friday, April 29th at 9am there will be a home donation for a female veteran, Veronica. She will be the third resident to move into the Female Veteran's Village that Habitat for Humanity is constructing on Whaley Street, which is a combined project between the City of Cocoa, the Diamond Square CRA and Habitat for Humanity. Additionally, Ms. Neuterman shared that the Female Veteran's Village project is the only one like this in the United States and is very unique. There will be a total of six homes.

Mr. Smith announced that Highland Drive will be closed beginning April 30th through May 14th due to the Brightline project. He cautioned that the timeline may be extended just as the other road closures were.

City Attorney Garganese gave an update on the Villas vs. the City of Cocoa and announced that the City prevailed in that case before the Fifth District Court of Appeal. The Fifth District Court of Appeal reversed the trial court's injunction decision made against the City of Cocoa. The case is not final; however, the City will continue to vigorously continue to defend its position against this action.

Mayor Blake announced that on May 5th at 10am the City is having the National Day of Prayer in Council Chambers. Also, he congratulated Cocoa High School track teams, boys and girls, as they won the districts. Lastly, he suggested the idea of having an outlet mall in Cocoa, as there is one in Daytona and one in Vero but there is nothing in the middle.

Councilmember Goins commended Delores McLaughlin and Commander Dovale for their help at the event this past Saturday. He also attended a tiny home revealing on Tucker Ln. this past weekend. This home was only 500 sq ft. but it was surprisingly comfortable on the inside and he provided pictures.

He also showed pictures of Ms. Aida in front of the sign at Fern and Prospect Park. He explained that her son died at the park a few years ago. He reached out to Ms. Anita Gibson who spoke with her and convinced her to move off of the corner where she has been living for the last three months. He thanked several other individuals for helping Ms. Aida and taking her in and giving her supplies.

Lastly, he also spoke about the Easter in the Park event. It was a successful event and he commended Chief Collier and Chief LaSata for staying eight hours at the event.

Councilmember Dyal thanked staff for their hard work at the event as well. He loves the City and has been here his entire life and is very passionate about it. Additionally, he thanked staff for running the City and all of the hard work they do daily because a lot of people don't know what it takes to run a city.

Councilmember Koss feels we are headed in the right direction and we are making progress. She will be here for the Arbor Day celebration and thanked Ms. Senger for her hard work.

Deputy Mayor Hearn attended the tree planting ceremony at Bracco Pond and it was a great event. He hopes this is one of many tree plantings. He also had a chance to take his kids to Cocoa High School to see the progress of the new rubber track. He thanked the people who helped contribute to that project as this is a big deal and will make Cocoa High a destination track in the county.

Additionally, he has questions and concerns regarding a property at 927 Dixon Blvd., and he would like Police Chief to check it out. This is a commercial property and there is overgrowth. This is becoming a troubled area and recently there was a shooting there and overdoses are happening there as well. He wished to bring it to Council's attention as well as the Chief's to be proactive.

Also, on North Carolina Avenue, Georgia Avenue, and Bristol Drive there are speeding concerns. Many of the residents there rent and the property owners don't care if the City addresses the issue, but he would like to ask for Council's permission to direct staff to see if we can put speed humps on those streets. There are students that walk those streets daily and as a matter of fact, he received a text message this evening that a vehicle hit a parked car in that area.

* **MOTION by Deputy Mayor Hearn; Seconded by Councilmember Goins, to approve looking into installing speed humps on those three streets.**

Mayor Blake shared his concerns regarding emergency vehicles traveling those streets and also opening the door to other requests for speed humps all over the city. He feels more police presence could decrease the number of speeders.

Deputy Mayor Hearn shared he has done his due diligence on this and pointed out that they rarely speed in the fire trucks and if they do they only go 10mph over the speed limit and the trucks are minimally impacted by the speed humps. He also has pictures from the accident this evening that he would like to share with Council.

Mayor Blake asked if people speed over speed humps. He knows Deputy Mayor Hearn has his heart in the right place but feels there are other options.

Councilmember Koss shared she received calls from Duke Way about speeders and spoke with Chief Collier about this. Speeding has always been such a big issue and she has received a lot of inquiries for speed humps. If each request was approved the City would be covered in speed humps. Instead, stop signs and pedestrian crosswalks were installed which helped. She would like to support his request but feels they may not like the end result.

Deputy Mayor Hearn noted that there are temporary speed humps that can be installed and removed if the conditions improve.

Councilmember Dyal expressed that if they are portable than he would be in favor of conducting an experiment in certain areas to see if it works. Councilmember Koss is also in favor of this idea.

AYES: Hearn, Dyal, Goins, Koss
NAYES: Blake

THE MOTION CARRIED (4-1)

Mayor Blake asked City Attorney Garganese to give him a brief summary of McFarland Park because he has received inquiries about it. In response, City Attorney Garganese explained that McFarland Park is a private park that was platted roughly around 1920. Somewhere along the line, decades later, the City of Cocoa took on a caretaker roll of the park and it was brought to the City's attention about four years ago that the City likely does not own the park. After an enormous amount of research was conducted it was found that the park is a private park and the City Council relinquished whatever rights they may have to the park, which were none other than a reserved easement for drainage.

XI. Adjournment:

* **MOTION by Councilmember Dyal; Seconded by Councilmember Goins, to adjourn the Regular meeting of April 26, 2022.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

The meeting adjourned at 8:30 p.m.

Michael C. Blake, Mayor

ATTEST:

Monica Arsenault, Assistant City Clerk

Gmail

Kristin Lortie <kristin.lortie@gmail.com>

Exhibit A

Meredith Lidstone - Public Comment

1 message

Meredith Lidstone <meredithlidstone@gmail.com> Tue, Apr 26, 2022 at 7:54 AM
To: "Kristin.Lortie@gmail.com" <Kristin.Lortie@gmail.com>

Meredith Lidstone Public Comment for April 26th, 2022 Council Meeting

Due to my work schedule, I am unable to attend this meeting in person. I appreciate the opportunity and right to have my comments read into the record by a fellow citizen.

I want to talk about parks.

Parks provide many positives for the communities in which they are placed. They provide a place of respite. They provide an environment for children to play safely, and for families to relax. They provide a sense of community. They provide a rare thing in an ever increasing digital world: a place to get to know your neighbors face to face. Having a park or playground in one's neighborhood--or close by--helps to improve property values.

Cocoa Hills is one of the older neighborhoods within city limits. Many of the homes have been renovated recently. I like living here, and I am proud of my neighborhood.

And in it's nearly 70 years of existence, Cocoa Hills has never had a park.

Many of my neighbors have kids. If the kids in Cocoa Hills want to go to a playground, they must walk or ride their bikes quite a long way to the playground much further south on N Fiske Blvd. There have been many shootings in that part of the city in recent years, some of them occurring directly on N Fiske Blvd. It requires crossing the very large, very busy intersection at Dixon and N Fiske.

It requires walking past the 7-11 store on the corner, which is frequently the site of incidents requiring a response by the Cocoa Police Department. Most recently, someone fired a gun through the windows of that store. Random incidents of gun violence make it unsafe for anyone's children to walk past that store, simply to get to the closest playground.

That being said, I fail to understand how this council would approve an unnecessary expenditure of 710 thousand dollars for a splash pad and a pavilion at a city park which already has amenities that vastly outnumber those of the majority of other parks located within city limits.

I am at a loss in comprehending how this city council would follow that 710K budget allocation with a vote to impose a millage increase in the same year--doing this despite hearing the pleas from fellow residents who are on fixed income and pensions, or otherwise struggling financially. It is insulting, given that the 2021 millage increase equates to roughly the cost of the amenities approved for District 3.

Residents of Cocoa deserve responsible stewardship guiding the spending decisions made in this chamber, including the city parks spending. District 4 residents deserve the same amenities as those in other districts. There is no viable excuse for continuously ignoring our needs.

Council members, please redirect the 2021 Junny Rios Parks Luxury Spending toward a more worthy expense, avert a 2022 millage increase through your stewardship, and work with local residents to create a park for the residents of Cocoa Hills.

Meredith Lidstone
1313 N Fiske Blvd
Cocoa, FL 32922
321-750-7094

Gmail

Kristin Lortie <kristin.lortie@gmail.com>

Email from and referenced by Kristin Lortie

April 26th City of Cocoa - Council Meeting Citizen Comments

1 message

Kristin Lortie <kristin.lortie@gmail.com> Tue, Apr 26, 2022 at 10:10 AM
To: meetings@cocoafl.org, Carie Shealy <cshealy@cocoafl.org>, City Council <citycouncil@cocoafl.org>, Stockton Whitten <swhitten@cocoafl.org>
Cc: "Anthony Garganese (OrlandoLaw)" <agarganese@orlandolaw.net>, Directors <Directors@cocoafl.org>

Mayor Blake, Council Members, and City Manager Whitten,

I am writing to submit the following comments prior to tonight's council meeting:

A. Consent Agenda (Section V):

- In a review of the agenda, **80%** of the agenda items (8 of the 10 action items) will be approved by Council under the Consent Agenda;
- City Council is about to approve **in excess of $1.452M**, without discussion, and without staff announcing the items or presenting on the items in advance of the vote;
  - Definition of Consent Agenda by the Florida Attorney General is *"routine matters that are typically non-controversial and do not deviate from past Board direction or policy."*
  - *How does the allocating/spending over **over $1.452M in public funds** fall under this definition?*
- **Unlike multiple other Brevard meetings I have attended,** Cocoa Citizens are denied the right to adequate comment on the Consent Agenda items, and are only permitted 3-minute delegations time to comment on all 8 consent agenda items plus a non-agenda comment (9 topics total), and which delegations time was unilaterally reduced by Mayor Blake from 5-minutes to 3-minutes (ie. no council vote or deliberation occurred as required by city resolution 2013-99);
- Per Atty Garganese comment, public comment on Consent Agenda Items are "at the discretion of **council**". In practice, Consent Agenda item public comments are being denied "at the discretion of the **Mayor**."
  - ***The city practice should be immediately changed to permit individual public comment on Consent Agenda items per topic.***

A1. Objections on Consent Agenda;

- **I object to the spending of over $1.452M in public funds by Consent Agenda as an inappropriate use of the Consent Agenda;**
- **I object to the public not having 3-minutes per Consent Agenda item should the public wish to comment on Consent Agenda items as an inadequate right to be heard;**
- **I object to Mayor Blake deciding council policy and practices without discussion and vote of the council;**
- **The city's Consent Agenda practices show a lack of visibility and transparency for city business, and lack of consideration for public input that could benefit the City of Cocoa.**

B. Comments on the (2) Council Action Items (Section VII):

B1. Tree Memorial Policy

- The Memorial Tree Policy change does not appear to include revisions to update and improve the actual policy;
- Staff has recommended to approve, rather than to receive council input to the policy to receive suggestions to adjust/improve it;
- Items to consider are:
  - What happens if a tree dies during the 2-year warranty period,
  - Why is there a limit of 5-trees per park
  - Has the policy been coordinated with the District 4 Parks who stated that they coordinate tree plantings at city parks?

Citizen Recommendations:
1) Object to approving the policy change vote without council discussion.
2) Suggest Council discuss the policy tonight, receive comments, and vote for the item at a future meeting.

B2. Restroom Decision to Construct 1-2 bathrooms:

- **Support** the first option to reconsider restroom expense once the market stabilizes;
- **Support** community meeting to review the need for these expensive improvements;
- **Objection** to lack of transparency in the engineer change for all parks.
    - I am not sure where the agenda item occurred to authorize the change in design engineers costing additional funding?
    - Is this invisible because of a contingency "allowance"? Why can't I find the info in city back-up documents?

B3. Action Item Comments: It is notable that the Action item agenda is sparse, with only 2 items, one of which (as presented) is as minor as a department change on a policy.

C. Info Items (Section XI)

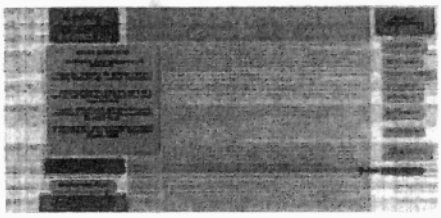
- **Over $209K is being pulled from Contingency**
    - Will the contingency usage discussed, or was it previously approved under the contract, so the use of contingency won't be discussed at the meeting?
    - On today's agenda there is $100K in contingency included for just one contract. This is too much leeway to go undiscussed by council.
    - Contingency usage should require council discussion.
- **27 Purchase Orders between $35K and $50K have been approved by City Manager Whitten between 10/1/2021 and 3/31/2022.**
    - Are these large dollar Purchase Orders discussed at council meetings? Do Council members know what is in them, or are council members instructed to ask individually (only) if they have any questions, rather than to inform all of council?

In closing:
Council Members, your actions tonight reflect your values. Changes are needed for a participatory transparent deliberative meeting to occur.

- **Please speak up to insist on improvements to the Consent Agenda, and to require that more items be placed on the Action Agenda that is discussed by Council, including public having 3-minutes to comment on Consent Agenda items;**
- **A spending threshold for the Consent Agenda is advisable to end the practice of large approvals getting authorized without council discussion;**
- **Please add citizen-friendly agenda items to the agenda to demonstrate your leadership.**
- **The agenda should contain more discussion/action items from last week's Budget and Goal setting Workshop, and more items put onto the Action/Discussion items, and that are currently being placed on the Consent Agenda.**

I request to have this comment included in the meeting minutes for the 4/26 meeting, and to be corrected if I have any mis-statement of facts. Attached is a visual breakdown of tonight's agenda.

Regards,
Kristin Lortie, District 3
5524 Brilliance Circle,
Cocoa FL 32926



2022.04.26 City of Cocoa Agenda - Illuminated.png
241K

From:	Kristin Lortie
To:	Carie Shealy; City Council; Stockton Whitten
Cc:	Carie Shealy; Anthony Garganese (OrlandoLaw); Directors
Subject:	Citizen Feedback for 4/19 Budget Priorities & Goal Setting Workshop
Date:	Tuesday, April 26, 2022 9:17:17 AM
Attachments:	2020 Police Per Capita Brevard County.png

EXTERNAL MESSAGE - USE CAUTION WITH LINKS AND ATTACHMENTS!

Mayor Blake, Council Members and City Manager Whitten,

I am writing to provide the following **supports** and **objections** to the **4/19/22 Budget Priorities and Planning Workshop:**

- **Support** for the restroom topic being re-presented to council members at the 4/26 meeting and is on the agenda;
- **Support** for the option of placing a hold on both restroom projects until the market stabilizes;
- **Support** for keeping parks under county maintenance, and working to address items that are not getting done through accountability measures;
- **Support** for staff pursuing FCT grants to enhance the Cocoa Conservation Area trailhead at SR524;
- **Support** for the workshop being Livestreamed;
- **Support** for park in Cocoa Hills, as introduced by Deputy Mayor Hearn;
    - Can allocated but unused parks funding and/or parks contingency funding be redirected to this effort?
    - Can a community meeting be coordinated to discuss this idea and obtain resident input?
- **Support** for 10-minuteWalk to a park, as advocated by Councilwoman Koss.

- **Objection** to the meeting announcement stating "Action May be Taken", and yet the agenda does not specify what action, denying the public adequate notice as to what action may be decided at the meeting, and that could affect their meeting attendance.
    - The lack of agenda specificity allows "unannounced agenda items" to be voted on, and which the Attorney General has opined should wait until a future meeting for a vote;
    - City resolution 2013-99 states p. 19 states "Council workshops are typically scheduled to consider certain items which are not ready for final official action."
    - Items discussed at workshops should be moved to a scheduled council meeting to obtain a vote, and where non-attendees have the right to comment.
- **Objection** to Mayor Blake unfair administration of the meeting, and favoring some voices in the room over others;
- **Objection** to Mayor Blake having undue influence of the council discussion due to being the chair, and curtailing deliberation from all members;
- **Objection** to Mayor Blake not asking for consensus prior to moving on, and receiving expressed consent for items not voted on;
- **Objection** to Mayor Blake protesting something as minor as a wording change to the city vision by Councilwoman Koss, which had been drafted by City Manager Whitten, and reflecting that city staff and Mayor Blake take precedence over council members,

and members of the public who protested the new vision;

- **Objection** to the pushback Councilwoman Koss received to advocate for "City Image" being included in the Strategic Plan update;
- **Objection** to the Parks Infrastructure Plan being presented to council, and without any plan or consideration to request public input;
- **Objection** to any inference that the Parks Infrastructure Plan has been accepted based on it being presented prior to the meeting;
- **Objection** to Civic Engagement Priority not including 2-way options for citizens to engage with the city outside of volunteer boards, or *including any of the numerous suggestions provided by citizens* that are trying to engage with the city;
- **Objection** to flimsiness of Strategic Planning content, including the lack of holding staff accountable for objectives and goal-setting and getting input on Priorities;
    - Posting projects on a website is NOT the same as setting goals and objectives in advance, and as occurred during the prior Strategic Plan Update.
- **Objection** to the Strategic Planning being undefined, and occurring without a vote or seeing the draft product (is it really just 10 Powerpoint slides?)
- **Objection** to the City Vision being changed at behest of the City Manager, and without public input;
-
- **Objection** to the lack of clarification on what exactly <u>is</u> the revised 2022-27 Strategic Plan, and based on loose information in 10-pages of a presentation with brief council comments being made;
- **Objection** to the Strategic Plan Priorities decided by City Manager, and with unspecified goals;
- **Objection** to the $640K in District 4 Parks allocations being voted on at the workshop, and <u>without a formal vote at a scheduled council meeting;</u>
- **Objection** to the $640K in District 4 Parks allocations being voted on by council <u>without input from the public that was not at the meeting</u>;
- **Objection** to Mayor Blake strong arm tactics exhorting council members to "have faith", to influence council members to vote for an unnecessary and costly $80K shade structure expenditure at a city park;
    - These behaviors showed Mayor Blake exerting an undue power advantage over city council members, and abuse of the chairmanship privilege that is the only additional expressed responsibility/authority that comes with the Mayor position;
- **Objection** to Mayor Blake's obsequious behavior toward staff and Mr. Whitten, and constant defensive response toward any perceived criticism;
- **Objection** to Mayor Blake and City Manager Whitten attending the April 7th District 4 Parks meeting where spending allocations were discussed, not inviting other Council members to attend the meeting (as evidenced by meeting discussion and parks minutes), nor setting up a community meeting to discuss 2022 District 4 Parks spending with Cocoa residents, and after the many complaints the city received in 2021;
- **Objection** to the continued and ongoing lack of community participation in the revised Strategic Plan;
- **Objection** to the $2,726,611 in SLFRF (ARPA) funding being allocated to projects, and without a council vote;
- **Objection** to the $2,726,611 in SLFRF (ARPA) funding being allocated, and without council discussion and input on each line item expense;
    - *Each expense should be discussed with council members and support requested from council members;*
- **Objection** to staff continuing to petition council for the $545K "shortfall", and while

there is additional unspent funding that has been set aside for contingency and could be routed to operating fund;

- **Objection** to staff narrative that funds cannot be used from elsewhere to make up the "shortfall", and not presenting a no-millage increase options for council consideration as requested by a citizen at the 3/15 workshop;
- **Objection** to lack of clarification on the $900K Parks Cost Overruns in the $2,726,611 in SLFRF (ARPA) and which is not broken out for public review;
- **Objection** to the $95K in design fees allocated to Junny Rios Park unnecessary luxury amenities, and the extraordinary design cost;
- **Objection** to the $710K expense for Junny Rios Martinez spending which could be redirected to a higher priority project including the CCA Mgt plan which is in District 3;
- **Objection** to the lack of transparency in the changing of the engineer for the parks projects as stated on 3/15/22, and which has not been discussed at any city meeting;
- **Objection** to the $38K in Bracco Pond fitness stations, and which were presented by city staff, and without community support obtained prior to the 8/24/2021 vote;
- **Objection** to Mayor Blake unilaterally instructing the city attorney to create barriers to public participation through a representative reading a public statement;
    - Just yesterday I unexpectedly **met a loca Brevard mayor,** and who shared with me that ***because of his commitment to public participation, he personally offers to read residents comments into the record, they accept public comment thru LiveStream, and anyone in the world is welcome to comment;***
    - ***These practices provide a stark local contrast to Cocoa's highly restrictive participation practices.***
- **Objection** to Council Priorities being relegated at the very end of the city presentation slide 44-45 (out of 47 slides);
- **Objection** to all Staff Priorities being quantified with budget dollar amounts, and Council priorities not having any dollar amounts or descriptions;
    - No definition is given to council priorities they are simply pasted into 2 slides:
- **Objection** to the meeting duration being too short to accomplish the information needed to cover, and the Mayor attempting to rush the process due to his pre-scheduled appointment;
- **Objection** to Mayor Blake not allowing Councilwoman Koss to ask a question for several minutes, and showing bias against her input throughout the mtg;
- **Objection** to Mayor Blake scolding Councilwoman Koss citizen advocacy, and admonishing Councilwoman Koss to "not give oxygen" to citizens;
- **Objection** to Mayor Blake scolding the female advocate/speaker for Stradley Park, who expressed concern about serious restroom issues;
- **Objection** to Mr. Murphy being called non-factual after he made public comment by Mr. Whitten, and without opportunity to speak to Mr. Whitten's allegation of non-factual while he was at the podium;
- **Objection** to Council only having a balance of $928,343 to spend on their numerous priorities, and after city staff allocated the rest of the city funding to their preferred priorities;
- **Objection** to the non-specificity of what will be discussed at the upcoming May 26th workshop, and it being equally unsettling and precarious to attend, and with Mayor Blake's agenda to move forward with anything city staff wishes, and curtailing council input and deliberation;
- **Objection** to scarcity of budget and planning discussion at scheduled council meetings on budget topics, and pushing all updates to the "free for all" workshop format;
- **Objection** to assumed 3% increases in utilities, stormwater, and fire assessment;

Objection to an assumed 3% across the board staff increase of $652K just for this cycle, and potentially triggering a new millage to pay staff increases;

- **Objection** to "Enhanced Law Enforcement" priority, when Cocoa has the 3rd highest per capita police officers in Brevard (see attached);
- **Objection** to staff insistence that a millage is needed, after spending no observable effort averting the millage by increasing their fiscal stewardship;
    - Need back-up for health care increases - what is the 10% about?
- **Objection** to citizen priorities and suggestions submitted to council on March 8th and March 15th not being included in the presentation, and ***demonstrating through omission*** that citizen input is not considered in city planning;

Based on last week's workshop, I am concerned about the same items reoccurring at the May 26th Workshop, and the lack of relevant discussion on the noted topics occurring during scheduled city meetings. I suggest my feedback be considered by the city in the administration of City meetings, City workshops, the 2022 budget process, the 2022 strategic plan update, Parks planning, and Overall citizen inclusion.

If there is any information that could assist me in my objections, I welcome this being provided by any party. I request that these comments be added to the April 19th Council Workshop, as they expressly pertain to this workshop, and request that my comments be added as an eComment for tonight's April 26th meeting as a follow-up to the April 19th workshop.

Regards,

Kristin Lortie, Cocoa District 3 Resident that Cares About Effective, Transparent, and Participatory Local Governance