MINUTES
City of Cocoa
Regular Meeting of The City Council

March 14, 2023

A Regular City Council Meeting was held on Tuesday, March 14, 2023, 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.

A Boy Scout provided the invocation and Ms. Ford 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
	Lavander Hearn	Deputy Mayor
	Rip Dyal	Councilmember
	Alex Goins	Councilmember
	Lorraine Koss	Councilmember
	Anthony Garganese	City Attorney
	Stockton Whitten	City Manager
	Carie Shealy	City Clerk

OTHER STAFF MEMBERS PRESENT:

Jack Walsh, Utilities Director; Charlene Neuterman, Community Services Director; Tammy Gemmati, Administrative Services Director; Evander Collier, Chief of Police; Lora Howell, Deputy Finance Director; Jonathan Lamm, Fire Chief; Rob Beach, Chief Technology Officer; Bryant Smith, Public Works Director; and Eric Montgomery, Helpdesk Support Tech.

II. Approval of Agenda and Minutes:

1. **Agenda:** Regular Meeting of March 14, 2023. (23-170)

2. **Minutes:** (a) Regular Meeting of January 10, 2023 (23-174)
(b) Regular Meeting of February 14, 2023 (23-185)

* **MOTION by Mayor Blake; Seconded by Councilmember Goins, to approve the Agenda as Amended, to add Item III.2 under Awards & Presentations.**

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 as written for the Regular meeting of January 10, 2023 and the Minutes as written for the Regular meeting of February 14, 2023.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

III. Awards and Presentations:

1. Presentation of a Key to the City to Neely J. Dunn. (23-171). (Mayor Blake)

Mayor Blake provided a brief background on Mr. Neely J. Dunn and presented him with a Key to the City. Mayor Blake read the plaque into the record.

Mr. Dunn spoke and thanked the Mayor and the City for making this possible. He noted that he had many great people help him along the way. Both he and his wife taught at Cocoa High School. He thanked Dick Blake who talked him into getting his Master's Degree as well as coaching football. He served twenty-five years in the Brevard County School System and then moved to the NFL. He acknowledged his late wife who passed this last October, as she was with him every step of the way and they lived a great life.

Mayor Blake announced that alumnae with South Carolina State are watching this meeting as well.

Tra Blake spoke of his appreciation of Neely Dunn. He is both a trailblazer and a pillar in the community and someone everyone looks up to. He is thankful to have him in his life.

Mayor Blake reiterated how deserving he is of this honor.

2. Proclamation: Proclaiming the Week of March 20-24, 2023 as: "Government Finance Professionals Week." (Finance Director)

Ms. Bowman read the proclamation into the record.

IV. Delegations:

Silvio Marino, Cocoa resident, lives in District 3 and stated that he rides a bicycle to work. He explained his route and also voiced his concerns about the traffic in that area. Each way he has an eight to twelve-minute ride. He suggested that signs be placed or a bike path be installed.

Mayor Blake assured him that his concerns have been noted and staff is aware.

Brad Whitmore, Cocoa resident, HCVMS, wanted to share an observation he made while rowing recently in the river. There is obnoxious graffiti on the front wall of the promenade at Riverfront Park. He wanted to make Council and staff aware.

John Verdi, Hey, Blue! Founder, provided an update on their accomplishments over the last few weeks. He, along with officers and K9 Copper visited Pre-K classes at Endeavor Elementary and had a positive impact on the children. He further mentioned that they had a design thinking session and there were over thirty people from the community as well as councilmembers in attendance. There will be another event at Endeavor Elementary but they are awaiting a finalized date. He invited all Councilmembers and asked them to invite people as well.

Mayor Blake thought the workshop was very informative and valuable information was given.

Councilmember Goins thanked Mr. Verdi for continuing to make these positive connections with the police department. He added that the Chairman of the Police Community Relations Advisory Committee did a "Do's and Don'ts in Police Stops". It was very positive for him to come and teach the community on how and how not to act in the police community.

Deputy Mayor Hearn thanked him for creating this avenue for the community and officers to come together and hear each other's points of view. He believes the event was helpful and there was a lot of positive feedback.

Councilmember Koss apologized for not being able to attend but applauds him on possible solutions.

V. Consent Agenda:

(A) General Consent Items:

1. Approve a resolution amending the FY23 budget, BAF 23-041-A to true-up the necessary capital budget and PO roll amounts. Capital projects were completed and PO's liquidated so we would like to decrease the dependency of fund balance for completed projects and assign budget for promotional activity for the City Manager's department. (23-126). (Finance Director)

2. Award Bid No. B-23-14-COC, Groundwater Filter #3 IMS Cap and Media Replacement, Project No. WS23DF to Elenis Contracting LLC of Poland, Ohio, in the Amount of $424,120.37; To Approve a Resolution Authorizing the City Manager to Approve Change Orders in an amount not to exceed $42,413 (10% of the contract amount), for a total cost of $466,533.37; To Approve a Resolution Amending the FY2023 Budget, BAF# 23-046-T; To Authorize the City Manager to execute the Contract. (23-135). (Utilities Director)

3. Approve Change Order #3 to Purchase Order 77494 with Kirwin Norris, PA, for on-going legal and related expert services regarding two pending lawsuits against Brandes Design-Build for Issues with the Jerry Sellers Tank Coating Failure/Repairs and Industrial Park Interior Coating Failure/Repairs. (23-136). (Utilities Director)

4. Approve a Resolution Waiving the Competitive Bidding Process for the Purpose of Making an Exemption to Competitive Purchase through Ferguson Waterworks, Melbourne, Florida for Neptune Water Meter Registers (Warranty). (23-147). (Utilities Director)

5. Approval of Resolution No. 2023-018, Amending the FY23 Budget BAF 23-050-T Amending Fiscal Year 2023 Budget, using General Fund Contingency for additional budget needed for related legal fees. (23-165). (Administrative Services Director)

6. To provide approval for the City to apply for the Victims of Crime Act (VOCA) Grant Cycle 2023-2024 for partial salaries and benefits for both Victim Advocates, in order to provide victim advocate services to crime victims. (23-177). (Chief of Police)

Cost to the City changed to $25,566.07 which is a difference of $4,797.

7. Authorize the City Manager to execute the attached pre-agreement materials for the Department of Environmental Protection's Resilient Florida Program grant for stormwater quality enhancements and resiliency at Dixon Blvd. and Indian River Drive. (23-180). (Public Works Director)

8. Approve a Resolution Amending the FY23 Budget, BAF 23-054-A to roll the Grant Budget into the current fiscal year for each grant fund. (23-188). (Finance Director)

9. Approval to increase headcount and add the Assistant Fire Marshal position to the Pay Plan for Fiscal Year 2023. (23-189). (Administrative Services Director)

(B) Multi-Year Contracts:

10. Approval to Enter into a multi-year contract with NEOGOV a parent company of POWERDMS in the amount of $7,020 for POWERFTO subscription. (23-150). (Chief of Police)

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

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

VI. Public Hearings:

1. Consideration on First Reading of Ordinance No. 01-2023 a Zoning Map Amendment consistent with Appendix A, Zoning, Article XXII, changing the Official Zoning Map designation of two (2) parcels totaling ±.64 acres from County Single-Family Residential (RU-1-9) to City Single-Family Residential (RU-1-7). (23-161). (Public Works Director)

Attorney Garganese read Ordinance No. 01-2023 into the record, by title only, as follows. He noted this was the first reading and quasi-judicial action of the ordinance.

ORDINANCE NO. 01-2023

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING THE OFFICIAL ZONING MAP DESIGNATION OF TWO (2) PARCELS OF REAL PROPERTY, TOTALING 0.64 ACRES, MORE OR LESS, AND GENERALLY LOCATED ON THE SOUTHEAST CORNER OF AURORA STREET AND JACKSON STREET, MORE PARTICULARLY DEPICTED AND LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM BREVARD COUNTY RU-1-9 (SINGLE FAMILY RESIDENTIAL) TO RU-1-7 (SINGLE-FAMILY RESIDENTIAL DISTRICT); PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

Mr. Smith noted these properties were annexed in 2004. Future Land Use was changed but zoning was not. Once zoning passes they will have to come in for a special exception.

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

Councilmember Goins asked about the parking requirements on both properties. Mr. Smith noted parking would depend on the size of the church.

* **MOTION by Councilmember Goins; Seconded by Mayor Blake, to approve Ordinance No. 01-2023 on First Reading.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

VII. Council Business:

1. Approve the current Code Enforcement Lien for the property located at 714 Johnson St., be reduced to $2,000.00 as recommended by the Code Enforcement Board (23-132). (Chief of Police)

* **MOTION by Mayor Blake; Seconded by Councilmember Koss, to approve the Code Enforcement Board's recommendation and reduce the lien to $2,000.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

2. Request Council to award Bid # B 23-15-COC to the lowest bidder Sapphire Elevator for the Elevator Upgrade at the Historic Cocoa Village Playhouse in the amount of $67,083 and execute the agreement. Approve a Resolution Amending the FY 2023 Budget, BAF # 23-047-A. Approve a Project Contingency Resolution for approval of any Change Orders not to exceed $7,060. Authorize the City Manager to execute amendments and extensions to the agreement within approved contingency. (23-133). (Public Works Director)

Mr. Smith provided a background on the agreement with the Playhouse and that it was entered into in 2010 and amended in 2014. There are a lot of conditions included within the amendment and he provided a brief synopsis on what is spent on the Playhouse annually. The City is responsible for any capital replacements or repairs.

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

Councilmember Goins asked for clarification on the amount of the lease. It was noted there is no amount and all monies that are brought in stay with the Playhouse. The City owns the building but the Playhouse operates it.

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

THE MOTION CARRIED (4-1)

3. Council approval to join with the State of Florida and other Local Governmental Units as a Participant in the Walmart Florida Settlement Agreement and Release Formal Agreements Implementing a Unified Plan for the Allocation and Use of Prospective Settlement Dollars from Opioid Related Litigation. (23-164). (Chief of Police)

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

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

VIII. City Business:

1. Council approval to apply for a Phase 1 - Design and Permitting grant through the Florida Inland Navigation District (FIND) for the design a new docking system and breakwater to replace and protect the day slips that were destroyed by Hurricanes

Ian and Nicole located at the Cocoa Waterfront. Approve the Resolution. Authorize the City Manager to Execute the Grant Application. (23-166). (Public Works Director)

Mr. Smith advised this was for the replacement of the damaged day slips as well as a design for a breakwater system which could take a little longer.

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

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

2. Staff recommends approval to remove an oak tree at 2514 Suwannee Drive and provide a replacement oak tree at Bracco Stormwater Park and to remove an oak tree at 307 Blake Avenue and provide a replacement magnolia tree at Bracco Stormwater Park. (23-168). (Public Works Director)

Mr. Smith spoke about the item and noted that the removal of the tree on Suwannee Drive was denied by the Planning & Zoning Board. The other tree at the Harry T. Moore Center needs removed as the sidewalk was built around the tree. The Planning & Zoning Board recommended a magnolia tree be planted at Bracco.

Councilmember Koss spoke about a grant the City received and that fifty-one trees had been identified that were in poor condition. She asked if the inventory was being used and if these trees were on that list. In response, Mr. Smith stated that they are trying to move through the list and not all of those identified are oak trees.

Further discussion was held on the replacement and removal of trees and Mr. Smith pointed out that the City has a licensed arborist and explained that when they look at trees that need removed, they also have to take into account other issues like utilities, etc.

Kristy Rose, Cocoa resident, stated that she reported the tree and that it needed to come down. She is worried that during the next hurricane season it will come down on her house.

Aleck Greenwood, Cocoa resident, requested that because the majority of the Planning & Zoning Board did not receive the information and hear from the arborist as to why this needed to be removed, that it be postponed as a courtesy to the Board.

Mayor Blake pointed out that this tree was near her back bedroom and it was a safety issue. Ms. Rose provided additional information and stated that the tree was rotting about six feet up and everywhere there is a branch there was rot as well. Mr. Smith confirmed that the tree was dying.

Mr. Smith explained the percentages of different trees and how that information is known. He further pointed out that the Planning & Zoning Board was provided with the report for the tree on Suwannee but not the one at the museum.[1]

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

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

Multi-Year Contracts:

None.

IX. Informational Agenda:

1. This is an informational agenda item regarding an Emergency Purchase being declared on December 21, 2022 for Crom, LLC to Perform Emergency Repairs on the Dyal WTP Clarifier #3 in accordance with the Financial Operations Manual (FOM) Chapter 12.2-B. "Exceptions to Competitive Sealed Bidding" for Emergency Purchases. (23-63). (Utilities Director)

2. City Council Bi-Weekly Report for February 24-March 9, 2023. (23-181). (City Manager)

X. Reports:

Mr. Gregg Stoll provided an update on the Space Coast TAC/TPO Board and provided a copy of the annual report to all members of Council. He spoke on information that was included in the report and noted that safety around crossings needs to be addressed.

Aleck Greenwood, representing the Planning & Zoning Board, suggested that when a tree is presented for removal that the arborist make a presentation and explain why it needs to be removed. He stated that the tree on Suwannee is not

[1] Councilmember Dyal left the meeting at 7:09 p.m. and returned at 7:11 p.m.

near the bedroom and it is on public property and the City was trimming trees incorrectly.

Councilmember Koss agreed with Mr. Greenwood and feels that the arborist should go to the tree board if they are going to make an informed decision. Mr. Smith noted that his certification was included in the agenda packet, as well as the report.

City Manager Whitten advised that they could do a staff summary to be included in addition to the report.

Ms. Gemmati provided an update on the Summer Youth Program recruitment process. There are fourteen positions budgeted and they have been working with both Cocoa and Rockledge High Schools. Cocoa residents will get first priority. Applications are open and the due date is April 28th through the City's website.

There will be an employee recruitment event on March 30th at the Rockledge Career Center on Barnes Boulevard. She mentioned some of the positions they were recruiting for. This is a new program and they would be interviewing on the spot. She thanked Career Source for their help as they are a good resource for the City.

Ms. Senger advised that tomorrow, March 15th was the deadline for the Upstart Cocoa Program. She further reminded Council that the Arbor Day event is April 22nd at Riverfront Park. She mentioned the rain barrel event as well as other events planned that day. It will be from 10 a.m. until 2 p.m.

Ms. Neuterman announced that the Orchid Lakes groundbreaking ceremony would be on March 16th at 10 a.m. and provided a brief update on the project.

Mayor Blake mentioned the Trash Bash on April 1st and stated it was from 8 a.m. until Noon. He wanted all to be aware. Lunch will be served at Riverfront Park and there are opportunities for volunteer hours. All cities compete to see who can pick up the most trash. Contact Leisure Services to sign up or for more information. There will be a ribbon cutting at Family Promise of Brevard earlier that day in order to accommodate council to be at both events.

Ms. Bowman informed Council that the Finance Department has once again received the GFOA Certificate of Excellence and Financial Reporting.

City Manager Whitten congratulated Ms. Bowman and staff for the award.

City Manager Whitten provided Council with the latest update of Legislative Priorities and spoke about #10, HB 1331. He walked Council through the bill and explained why the City was opposed to it. It would be detrimental to the City.

Mayor Blake further noted that this was discussed at the Space Coast League of Cities dinner and you can see the economic impact it could have on every city. It is imperative that they reach out to the state legislators when they travel to Tallahassee. He asked that citizens look at bills and be mindful as well.

Councilmember Goins asked for a consensus from Council for Friday Night Teen Nights hosted by Pastor Jarvis Wash at the Joe Lee Smith Center. He explained that the County charges him $1200-$1600 every Friday and require him to get police as well. He asked if the City would like to partner with him in order to lower some of his costs.

It was requested that the City Manager bring an item back on this.

Councilmember Goins provided photos of an event at McNair Magnet School, the Hey, Blue! Event, and the FBC-LEO Annual Conference he attended along with the Mayor and Deputy Mayor.

He voiced his appreciation for all and reiterated the importance of the Trash Bash on April 1st.

Councilmember Dyal showed photos of the new Integra Trails apartments.

Councilmember Koss provided information on the Intelligent Transportation Replacement Project and what it entails. It is currently under design and the anticipated start for construction is the spring of 2024. She further mentioned the Ride the Wave to Resiliency grant and provided stats for the City which show where Cocoa stands with risk factors.

Lastly, Councilmember Koss gave a schedule of events for the Simpkins Fine Arts Center at Eastern Florida State Collage and announced that the events are free to attend.

Mayor Blake showed photos of the FBC-LEO Annual Conference and pointed out that a recipient from Brevard County won an award for being active in her community.

He gave a shout out to two Cocoa football players who play for the Buccaneers and the Chiefs.

Deputy Mayor Hearn also attended the events mentioned by other members of Council and noted there are a lot of great things going on. He asked all to be careful as it is dry outside.

Mayor Blake congratulated Neely Dunn and thanked the City Manager for the information on the house bills.

XI. Adjournment:

* **MOTION by Councilmember Dyal; Seconded by Mayor Blake, to adjourn the Regular meeting of March 14, 2023.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

The meeting adjourned at 7:59 p.m.

Michael C. Blake, Mayor

ATTEST:

Carie Shealy, MMC, City Clerk

CITY OF COCOA CORPORATE SEAL FLORIDA