MINUTES
City of Cocoa
Special Meeting of The City Council

January 30, 2020

A Special City Council Meeting was held on Thursday, January 30, 2020 in Cocoa City Hall, in City Council Chambers, located at 65 Stone Street, in Cocoa, Florida, 32922, as publicly noticed.

I. Opening Matters:

Mayor Williams called the meeting to order at 3:05 p.m.

Deputy Mayor Goins provided the invocation and Councilmember Koss led the assembly in the Pledge of Allegiance to the Flag of the United States of America.

The City Clerk took the roll.

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

OTHER STAFF MEMBERS PRESENT:

Tammy Gemmati, Administrative Services Director; Jack Walsh, Utilities Director; Nancy Bunt, Community Services Director; Michael Cantaloupe, Chief of Police; Bryant Smith, Public Works Director; Rebecca Bowman, Finance Director; Heath Hancher, Purchasing Manager; Gary Palmer, Public Works Project Manager; and Charlene Neuterman, Community Services Deputy Director.

II. Approval Of Agenda And Minutes:

1. **Agenda:** Special Meeting of January 30, 2020 (20-71)

2. **Minutes:** NA

* **MOTION by Councilmember Boisvert; Seconded by Councilmember Koss, to approve the Agenda with the following amendment for the Special Meeting of January 30, 2020, which was to add Council Business VIII.2, regarding the Teacher of the Year, Kathy Hamilton-Brown.**

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

III. Awards and Presentations:

None.

IV. Delegations:

None.

V. Reports:

No Reports.

VI. Consent Agenda:

None.

VII. Public Hearings:

None.

VIII. Council Business:

1. Reconstituting the Diamond Square Community Redevelopment Agency by making six (6) appointments to the Agency Board. Appoint the Chairperson and Vice-Chairperson for the Agency. (20-55). (Administrative Services Director)

Ms. Gemmati presented the item and explained the requested action. Discussion was held on the appointment of the Chair and Vice-Chairperson. City Manager Titkanich stated that historically, the Agency selected the Chair and Vice-Chairperson.

A question arose as to whether or not Commissioner Lober would be serving on the board. Attorney Garganese explained that it would be someone from Commissioner Lober's district or an appointment made by the County Commission, which was stated in the Interlocal agreement.

Mr. Demetrius Waters, 911 School Street, advised that he has been a community advocate for twenty three years. He was excited to see the board being revamped after all of this time. He reminded all of how it got to this point and urged Council to think hard before special treatment was given to those who have had their time on the board.

City Manager Titkanich clarified the information that the information that Mr. Waters was referring to was the Consent Decree which was outside of the Diamond Square CRA. The creation of the Diamond Square CRA goes back to 1996 and 1997 when the City sought creation through the County. Every year, the Diamond Square CRA along with other CRA budgets are audited and there has never been a comment related to this agency. The only comment he was aware of was for the Cocoa CRA and the fund balance.

Councilmember Warner felt that the Chair and Vice Chair deserve four-year terms and that Tracy Moore has done an outstanding job as Chair and has been very dedicated. She nominated Ms. Moore for Seat #6.

Deputy Mayor Goins stated there were new applicants and he would like to see Ms. Isom and Ms. Smith in Seat 5 and 6.

Councilmember Warner voiced her concern with a new person receiving a four-year term, as they may decide that this position was not for them. She would rather see the new members take less terms. She further noted that she put Ms. Collins down for the one-year term and explained her reason for that.

Councilmember Koss pointed out that Mr. Jones was Volunteer of the Year but had no preference on the other seats. She agreed with Councilmember Warner about the one-year term for Ms. Collins.

Councilmember Warner agreed about Mr. Jones as well and agreed with Councilmember Koss that she does not know everyone on the board.

Deputy Mayor Goins added that he picked up Ms. Collins and has spoken with her regarding this issue. He struggled with his decision but for Seat 1 he chose Ms. Thomas, who has three years' experience on the board. He further pointed out that the County was going to be represented on the board which will bring a different atmosphere to the board.

Deputy Mayor Goins reviewed his list and felt it was a good balance. Councilmember Warner had no problems with the listing.

Mayo Williams nominated Ms. Moore as Chair and Ms. Martin as Vice Chairperson.

Councilmember Warner believed that this was a great set of appointments but would vote "No" because Ms. Collins was not on the list.

* **MOTION by Deputy Mayor Goins; Seconded by Councilmember Boisvert, to approve the following appointments to the Diamond Square CRA: Seat #1: Sylvia Thomas; Seat #2: Ed Jones; Seat #3: Delores Martin; Seat #4: Tracy Moore; Seat #5: Marilyn Ross-Smith; and Seat #6: Jackie Isom.**

AYES: Williams, Goins, Boisvert, Koss

NAYS: Warner

THE MOTION CARRIED (4-1)

* **MOTION by Councilmember Warner; Seconded by Councilmember Boisvert, to appoint Ms. Tracy Moore as Chairperson and Ms. Delores Martin as Vice Chairperson.**

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

2. Discussion regarding the Teacher of the Year

Mayor Williams mentioned that Ms. Kathy Hamilton-Brown won Teacher of the Year last night at the King Center for Performing Arts. It was a very nice event and he pointed out that the Cocoa High Chorus sung as well.

Councilmember Koss believes that this is another significant accomplishment for our Cocoa schools and asked what could be done to promote her throughout the City.

Councilmember Warner thought a proclamation could be done or make her a special guest at a event. Mayor Williams added that the principal should be included as well.

Councilmember Koss asked how we could get the word out and it was mentioned that it could be placed in the FYI and shared on all social media sites.

She further announced that Bianca Drawdy from Cambridge Elementary won Rookie of the Year.

Councilmember Koss asked if flowers could be sent from Council and in response, City Manager Titkanich explained that the policy states that flowers are for funerals, etc.

Mayor Williams felt that there was a lot going on right now and if she was brought to a Council meeting that would be good and everyone could pitch in and give her flowers then.

Councilmember Koss believes that this could turn around the reputation of the Cocoa schools.

Assistant City Manager Fuhrer advised that the Florida Teacher of the Year has not been decided yet.

It was determined to invite her and her principal, along with the teacher from Cambridge and her principal to an upcoming Council meeting.

IX. City Business:

1. Requesting settlement authority for the tentative settlement agreement between City of Cocoa Police Officer Jacob Anzani and the City of Cocoa authorizing the payment of the Workers' Compensation settlement. (20-68). (Administrative Services Director)

Ms. Gemmati presented the item and noted that this agreement has been tentatively agreed upon between the employee's attorney and our attorney, however, it was required to be brought to Council.

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

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

2. Pursuant to Section 2-4 of the City Code, Approve a Construction Contingency Resolution related to the Riverfront Front Promenade Project (ITB Bid No. B-20-08-COC) and establishing a revised total construction budget of $1,052,909 and authorizing the City Manager to issue Change Orders to the primary construction contract with Rush Marine, LLC. and any additional service contracts related to the project up to the $94,200 Project Contingency. Approve Budget Adjustment Form (BAF) # 20-031 and a Budget Resolution Amending the FY20 Adopted

Budget to provide additional funding for the above project due to the change in contract amount for the above project. (20-70). (Finance Director)

Ms. Bowman pointed out a correction to the total construction budget and advised that the revised total is $1,089,758.00.

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

AYES: Williams, Goins, Koss

NAYS: Boisvert, Warner

Multi-Year Contracts:

X. Informational Agenda:

None.

XI. Adjournment:

* **MOTION by Councilmember Boisvert; Seconded by Deputy Mayor Goins, to adjourn the Special meeting of January 30, 2020.**

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

The Special meeting adjourned at 3:45 pm

Jake Williams, Jr., Mayor

ATTEST:

Carie Shealy, MMC, City Clerk

CITY OF CLEARWATER CORPORATE SEAL FLORIDA

RESOLUTION NO. 2020-008

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COCOA, FLORIDA; AUTHORIZING THE CITY MANAGER TO APPROVE AND EXECUTE CHANGE ORDERS TO THE PRIMARY CONSTRUCTION CONTRACT AND ANY ADDITIONAL SERVICE CONTRACTS RELATED TO THE COMPLETION OF THE PROJECT REGARDING THE RIVERFRONT PARK PROMENADE ITB BID NO. B-20-08-COC IN AN AMOUNT NOT TO EXCEED THE TOTAL AMOUNT BUDGETED FOR THE CONSTRUCTION PROJECT BY THE CITY COUNCIL INCLUSIVE OF $94,200 CONTINGENCY SET ASIDE FOR THE PROJECT; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, section 2-4 of the City Code provides that with respect to construction contracts approved by the City Council, the City Council may authorize by resolution the City Manager to approve change orders to the primary construction contract and any additional service contracts related to the completion of the construction project authorized by the City Council in excess of the spending authority limits under this section provided the amount is within the unexpended construction budget approved by the City Council for the project including any contingency funds approved by the City Council for said contract; and

WHEREAS, on January 22, 2020, the City Council upheld a bid protest and awarded Riverfront Park Promenade ITB Bid No. B-20-08-COC to Rush Marine LLC, subject to certain terms and conditions and budget adjustments approved by the City Council; and

WHEREAS, in conjunction with this authorization, the City Council desires to revise the total construction budget and streamline the approval of change orders and any additional service contracts to the extent necessary in order to expedite the construction of the project; and

WHEREAS, the City Council deems it to be in the best interest of the City of Cocoa to authorize the City Manager to approve the aforementioned change orders and any additional service contracts consistent with the terms of this Resolution and Section 2-4 of the City Code even if said amounts exceed the City Manager's general spending authority approved by the City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COCOA, as follows:

SECTION 1.

(A) Pursuant to section 2-4 of the City Code, the City Manager is hereby authorized to approve any change orders to the primary construction contract and any additional service contracts related to the Riverfront Park Promenade Project, provided the total amount of approved change orders and any additional service contracts do not cause the total construction budget to exceed the $1,052,909 budgeted by the City Council for the Project inclusive of the $94,200 contingency amount set aside for the project. This grant of spending authority shall be interpreted and construed in accordance with the provisions of Section 2-4 of the City Code.

(B) Pursuant to section 2-4 of the City Code, the City Manager shall also provide notice of any such approved change orders and any additional service contracts to the City Council in the form of an agenda item at the next scheduled City Council meeting or as soon as practicable thereafter.

SECTION 2. All prior resolutions or prior resolutions inconsistent with this resolution are hereby repealed to the extent of the conflict.

SECTION 3. This resolution shall become effective immediately upon its adoption by the City Council of the City of Cocoa, Florida.

ADOPTED by the City Council of the City of Cocoa, Florida, in a regular meeting assembled on January 30, 2020.

Jake Williams, Jr., Mayor

ATTEST:

Carie Shealy, City Clerk

CITY OF COCOA FLORIDA SEAL