MINUTES
City of Cocoa
Regular Meeting of The City Council

January 23, 2024

A Regular City Council Meeting was held on Tuesday, January 23, 2024, 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 6:04 p.m.

Councilman Goins provided the invocation and Cooper Barringer led the assembly in the Pledge of Allegiance.

The Interim City Clerk took the roll.

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

OTHER STAFF MEMBERS PRESENT:

Abby Morgan, Public Works Director; Rebecca Bowman, Finance Director; Jonathan Lamm, Fire Chief; Charlene Neuterman, Community Services Director; Evander Collier, Police Chief; Jack Walsh, Utilities Director; Tammy Gemmati, Administrative Services Director; Samantha Senger, Communications & Economic Development Director; Robert Beach, Chief Technology Officer; and Lisa Richardson, Help Desk Support Tech.

II. Approval of Agenda and Minutes:

1. **Agenda:** Regular Meeting of January 23, 2024. (24-46).

* ~~**MOTION by Councilmember Koss; Seconded by Councilmember Goins to approve the agenda for the Regular meeting of January 23, 2024 with an amendment to move Consent item V.1(a) to City Business item VIII.1.**~~

Discussion was held on tabling Council Business item VII.3 in order to wait for Thad Altman to provide further information prior to moving forward. It was clarified that the deadline is in October, 2024.

Mr. Walsh provided further clarification on the project and what it entails. He briefly discussed funding and grants as well.

Mr. Walsh and City Manager Whitten pointed out that regardless, by 2030 citizens will either have to hook up to sewer or advanced septic. The major issue is funding.

Councilmember Koss explained that the City needs to be competitive as Palm Bay has been and to get skin in the game. She added that she feels that fortifying the City's infrastructure is in the best interest of the citizens.

Additionally, she feels this could be better discussed in a workshop.

* **MOTION by Mayor Blake; Seconded by Councilmember Goins to table Council Business item VII.3.**

THE VOTE ON THE MOTION WAS:

AYES: Blake, Barringer, Goins

NAYES: Hearn, Koss

THE MOTION CARRIED (3-2)

* **MOTION by Mayor Blake; Seconded by Councilmember Goins to approve the agenda for the Regular meeting of January 23, 2024 with an amendment to move Consent item V.1(a) to City Business item VIII.1.**

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

III. Awards and Presentations:

1. Presentation of the City's 65 Year Council-Manager Form of Government Certification. (24-44). (John Coffey, FCCMA Communications Committee Member)

Mr. John Coffey, City Manager of Indian Harbor Beach, and committee member of FCCMA, presented the City of Cocoa with a certificate celebrating its 65th Anniversary of Council-Manager form of government.

IV. Delegations:

Debra Agostino and associates, from Orangekik Scooters, asked the Council to consider permitting low speed vehicles. She explained what their business does and shared she has been in Cocoa Beach for over a year. She provided Council with a portfolio with their business details, explaining that they take safety very seriously.

She would love to have their scooters in the Village and has submitted an application for a Business Tax Receipt but it has been in limbo awaiting approval. She reiterated that she would like Council to allow low speed vehicles in the City so they can have their application approved.

V. Consent Agenda:

(A) General Consent Items:

~~1. To Approve the Guaranteed Maximum Price (GMP) Proposal #2 from Wharton-Smith, Inc. (WSI) for the Construction Phase Services for the Internal Recycle Pump, Influent Pump Station, and Transfer Pump Station Replacement and Rehabilitation Project (WS22IR) at the Jerry Sellers Water Reclamation Facility; To Authorize the City Manager to Execute Amendment #1 to Task Order 2024-04 and to Execute GMP Amendment #5 to the Master Service Agreement with WSI for Construction Manager at Risk (CMAR) Services; To Authorize the City Manager to Execute Change Orders Resulting from use of Continency; To Approve as a Multi-Year Contract from FY2024 through FY2025; To Approve a Contingency Resolution; To Approve a BAF # 24-043-A and related Budget Resolution #2024-xxx Amending the FY2024 Budget. (23-649). (Utilities Director)~~

1. To Authorize the City Manager to Execute the Agreement and Forms, Including Contract Modifications, for the Department of Environmental Protection's Indian River Lagoon Water Quality Improvement Grant Program for a Portion of the Sellers Water Reclamation Facility Advanced Treatment Improvement Project (Internal Recycle Pump Replacement and the Supplemental Carbon) at the Jerry Sellers Water Reclamation Facility. (24-16). (Utilities Director)

2. To Approve Change Order #2 to FY2023 P.O. 80892 with Integrated Fire & Security Solutions, Inc. (IFSS) for Additional Equipment Determined to be Required for the Completion of the Fire Alarm System Replacement at the Cocoa Village Playhouse; To Approve a Resolution for the Contingency of $10,000; To Approve a Resolution Amending the FY2024 Budget to Reallocate Funds for Additional Equipment Determined to be Required for the Completion of the Fire Alarm System Replacement at the Cocoa Village Playhouse. BAF #24-042-T. (24-24). (Public Works Director)

3. Approval of a revised Investment Policy via Resolution No. 2024-XXX. (24-35). (Finance Director)

(B) Multi-Year Contracts:

4. To Approve Task Order 2024-41 with Jacobs Engineering Group Inc. (Jacobs) to Update the Water System Capital Plan, Project WS24CP; To Approve as a Multi-year Contract from FY2024 through FY2025. (23-782). (Utilities Director)

5. To Approve Task Order 2024-40 with Jacobs Engineering Group Inc. (Jacobs) for the Cocoa Lead and Copper Rule Revisions Compliance Phase 3B Support Services, To Approve as a Multi-Year Contract from FY2024 through FY2025. (23-783). (Utilities Director)

6. To approve Task Order #2024-39 with Jacobs Engineering Group, Inc. (Jacobs) for the Design, Permitting, and Bidding Services for the Banana River Tank Improvements Project (WS18BR), To Approve as a Multi-Year Contract from FY2024 through FY2025. (24-005). (Utilities Director)

7. To Approve Participation in a Cooperative Purchase Agreement Utilizing the Racine County, Wisconsin, OMNIA Partners/Trane Contract #3341 effective September 1, 2022 through August 31, 2027 to Purchase One (1) 10-Ton HVAC Air Handling Unit, One (1) 5-Ton HVAC Air Handling Unit, and Three (3) 5-Ton HVAC Condensing Units from Trane U.S. Inc., Maitland, Florida, for the Dyal Water Treatment Plant; To Approve a Resolution Amending the FY2024 Budget, BAF# 24-038-T, to Reallocate Funds to Purchase Replacement HVAC Equipment from Trane®. To Approve a Contingency Resolution for any unforeseen costs related to this project. (24-006). (Utilities Director)

* **MOTION by Councilmember Goins; Seconded by Mayor Blake to approve the Consent agenda.**

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

VI. Public Hearings:

1. Adopt on second and final reading and hold public hearing on Ordinance 01-2024, creating a community development district pursuant to Chapter 190, Florida Statutes, known as the Windward Preserve Community Development District, pursuant to Petition filed by The Taylor Morrison of Florida, Inc. (24-39). (City Attorney)

City Attorney Garganese shared that this is the Second and Final Reading of the Ordinance and read the title into the record as follows:

Ordinance No. 01-2024

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY 3 OF COCOA, FLORIDA, ESTABLISHING THE WINDWARD 4 PRESERVE COMMUNITY DEVELOPMENT DISTRICT 5 PURSUANT TO CHAPTER 190, FLORIDA STATUTES; 6 NAMING THE DISTRICT; DESCRIBING THE EXTERNAL 7 BOUNDARIES OF THE DISTRICT; DESCRIBING THE 8 FUNCTIONS AND POWERS OF THE DISTRICT; 9 GRANTING SPECIAL POWERS; DESIGNATING FIVE 10 PERSONS TO SERVE AS THE INITIAL MEMBERS OF THE 11 DISTRICT'S BOARD OF SUPERVISORS; PROVIDING A 12 SEVERABILITY CLAUSE; AND PROVIDING AN 13 EFFECTIVE DATE.

City Attorney Garganese added that nothing has changed since the First Reading.

Mayor Blake opened the hearing to the public.

Richard Heffelfinger, 2000 Juniper Dr., Cocoa, stated that he realizes he lives in unincorporated Cocoa, however he lives down the street from this development. He stated that the residents have concerns. There is only one central exit point at this time but he feels he has a solution.

He asked that the City revise its PUD to be more in line with the intent. He added that the City could cut its own road which would remain on its own property so the City could maintain control over its own road.

City Attorney Garganese and Councilmember Koss clarified that the Council is only considering approval of the CDD this evening and the site plan has already been approved.

Tami Hoisington, 2610 Pinto Circle, Cocoa, spoke with the St. Johns Water Management and was told no permits have been issued yet, however there have been excavators out there and she'd like to know what's going on if no permits have been issued.

Lillian Leber, 5150 Dalehurst Dr., Cocoa, feels that Council is jeopardizing the safety of the pre-existing residents out on Friday Road and in the surrounding area and feels they are not taking this seriously.

Susan Rollins, 2770 Pine Lily Ln., Cocoa, has similar concerns and asked Council to consider creating a board and allowing someone from the Friday Road area to have a seat at the table and be part of the discussion.

Alan Cowart, 2560 Hooper Rd., Cocoa, shared that he has concerns about the increase in traffic. He knows Council is doing the best they can with what they have but he wants Council to consider the people that live out there and do what they can to help them.

Jere Earlywine, Kutak Rock (Petitioner), on behalf of Taylor Morrison, explained that traffic studies have been conducted and the City already approved the project last year and reiterated that Council is only being asked to consider the CDD tonight.

Additionally, he shared that no construction is going on at this time and clarified some information for Council.

There being no further questions or comments, Mayor Blake closed the hearing to the public.

* **MOTION by Deputy Mayor Hearn; Seconded by Mayor Blake to approve Ordinance No. 01-2024 on Second and Final Reading.**

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

VII. Council Business:

1. Consider the reappointments of Jackie Isom, Tracy Moore and Marilyn Ross Smith to the Diamond Square CRA through January 30, 2028. (24-45). (Administrative Services Director)

* **MOTION by Councilmember Goins; Seconded by Deputy Mayor Hearn to approve the reappointments of Jackie Isom, Tracy Moore and Marilyn Ross Smith to the Diamond Square CRA through January 30, 2028.**

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

2. Consider the appointment of Robert Butler and James Green to fill the vacancies of two Regular member seats on the Board of Adjustment, through May 2027. (24-47). (Administrative Services Director)

* **MOTION by Mayor Blake; Seconded by Councilmember Goins to approve the appointments of Robert Butler and James Green to the Board of Adjustment through May 2027.**

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

3. ~~To Provide Direction to Staff for Funding and New Policies, if Necessary, for the Indian River Drive Septic to Sewer Conversion. (24-36). (Utilities Director/City Manager)~~ **Tabled**

VIII. City Business:

1. To Approve the Guaranteed Maximum Price (GMP) Proposal #2 from Wharton-Smith, Inc. (WSI) for the Construction Phase Services for the Internal Recycle Pump, Influent Pump Station, and Transfer Pump Station Replacement and Rehabilitation Project (WS22IR) at the Jerry Sellers Water Reclamation Facility; To Authorize the City Manager to Execute Amendment #1 to Task Order 2024-04 and to Execute GMP Amendment #5 to the Master Service Agreement with WSI for Construction Manager at Risk (CMAR) Services; To Authorize the City Manager to Execute Change Orders Resulting from use of Continency; To Approve as a Multi-Year Contract from FY2024 through FY2025; To Approve a Contingency Resolution; To Approve a BAF # 24-043-A and related Budget Resolution #2024-xxx Amending the FY2024 Budget. (23-649). (Utilities Director)

Mr. Walsh provided an explanation of the project. This is also related to the grant item that was listed as Consent item V.2(a).

* **MOTION by Mayor Blake; Seconded by Councilmember Goins to approve.**

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

Mr. Josue Otero, Cocoa, wished to speak under Council Business item VII.3 but since the item was tabled, he will save his comments. He asked when Council thought this item would be brought back. In response, Mayor Blake stated it would probably be after the Legislative Session was over which would be in March or sometime after[1].

Aleck Greenwood, 640 Brevard Ave., Cocoa, wished to clarify things he has heard about drainage. In response, Mr. Walsh clarified that Mr. Greenwood is asking about stormwater pipes which would need to be addressed through Public Works.

Multi-Year Contracts:

None.

IX. Informational Agenda:

1. 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. (24-011). (Finance Director)

2. Data showing the relation between the estimated and actual income and expenses to date. (24-12). (Finance Director)

3. FY 2024 December Budget Adjustment Report. (24-13). (Finance Director)

4. Report to Council of the Local Preference Award Listing for FY23. (24-23). (Finance Director)

5. FY23 Surplus Revenue from Auction Sales. (24-34). (Finance Director)

6. Bi-Weekly Report Covering January 5 - 18, 2024. (24-41). (City Manager)

X. Reports:

Ms. Senger shared several upcoming events including the Celebration of the Cocoa High School football team this Saturday, January 27th at Riverfront Park

[1] Mayor Blake left the room at 7:40pm & returned at 7:44pm

beginning at 1pm. She reminded Council that the annual Economic Development Showcase will also be held on January 31st.

Lastly, on February 6th at 9am there will be a Groundbreaking event to kick off the Fiske Blvd. and Broadmoor Acres drainage project.

Chief Lamm shared that, with great pride, he is excited to announce that their two high school students have passed their tests and graduated EMT school and are moving forward to Phase II of the Fire Academy.

City Manager Whitten suggested that Council consider making a stop to see Thad Altman while they are in Tallahassee next week for the Legislative Conference to discuss several topics.

Councilmember Goins shared that his daughter has recently accepted an offer to attend and run track at the University of Memphis on a full scholarship.

Additionally, he shared several photos from events he attended, including hosting high school students at Cocoa City Hall and the Martin Luther King Jr. March. He also mentioned the Cocoa High School Girls' Basketball team.

Councilmember Barringer wished to discuss some housekeeping rules. He explained that he appreciates the courtesy of Council not discussing upcoming agenda items with each other and using the City Manager as a general point of contact.

Additionally, he shared that while he is disappointed that the Septic to Sewer item was brought back before it was ready, he does respect the fact that if a Councilperson feels there is an item that needs immediate attention that they feel comfortable enough to bring it forward.

With that being said, he asked that moving forward he would like for someone to be able to provide a number for the entirety of the area prior to Council directing staff to move one way or another. Furthermore, he mentioned that it was in fact State Legislators that have pushed this issue forward and feels it is important to educate the community on this new law.

Councilmember Barringer shared some photos, including the new RV storage facility, the Cirrus apartments and the Flying J.

Councilmember Koss spoke in furtherance regarding the septic to sewer project and reiterated that she felt a workshop could be helpful.

She shared some slides that she felt could provide some helpful information and provided information to Council.

Deputy Mayor Hearn congratulated Chief Lamm on his two students and their great accomplishment.

He mentioned that there are some incidents and issues arising over in the Fiske Blvd. area and would like to hold a city meeting in the area to show citizens that they are aware of the issues and are working to address them. He'd like to invite the Police Chief to be there as well as Code Enforcement.

Further discussion was held on the sewer to septic project. Mr. Walsh provided further details on the bidding process and the implications this project could create. He further talked about some of the decisions the Council will ultimately have to make.

Mayor Blake shared some photos from recent events he attended. There will be a Community Clean-up on February 3rd at Emma Jewel Charter Academy.

Additionally, he spoke about Literacy Week and his tour at the Vaya Space facility.

Lastly, he mentioned some upcoming House Bills being considered and the new Form 6 requirement.

XI. Adjournment:

* **MOTION by Deputy Mayor Hearn; Seconded by Councilmember Goins, to adjourn the Regular meeting of January 23, 2024.**

AYES: Blake, Hearn, Barringer, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

The meeting adjourned at 8:49 p.m.

Michael C. Blake, Mayor

ATTEST:

Monica Arsenault, Interim City Clerk