MINUTES

CITY OF COCOA
REGULAR MEETING OF THE CITY COUNCIL

January 22, 2020

A Regular City Council Meeting was held on Wednesday, January 22, 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 6:05 p.m.

Alton Edmond provided the invocation and Councilmember Koss 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:	Jake Williams, Jr.	Mayor
	Alex Goins	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
	Monica Arsenault	Assistant City Clerk

ABSENT:

OTHER STAFF MEMBERS PRESENT:

Tammy Gemmati, Administrative Services Director; Jack Walsh, Utilities Director; Nancy Bunt, Community Services Director; Michael Cantaloupe, Chief of Police; Samuel Byrd, Deputy Fire Chief; Bryant Smith, Public Works Director; Rebecca Bowman, Finance Director; and LeShawn Hinton, Helpdesk Support Technician;

II. Approval of Agenda and Minutes:

1. **Agenda:** Regular Meeting of January 22, 2020 (20-39)

2. **Minutes:** (a) Regular Meeting of November 13, 2019 (20-52)

* **MOTION by Deputy Mayor Goins; SECONDED by Councilmember Warner, to approve the Agenda with an amendment to add Item VI. 4 under Consent to the Regular meeting of January 22, 2020, to remove Item VIII.2 and to move reports after Multi-Year Contracts.**

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

* **MOTION by Councilmember Koss; SECONDED by Deputy Mayor Goins, to approve the Minutes for the Regular meeting of November 13, 2019 as written.**

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

III. Awards and Presentations:

1. Informational Annual Investment Report for FY2019. (20-45). (Finance Director)

A presentation[1] was provided by Mr. John Grady on the annual investment report for FY19. He provided updated information and bond portfolios for the City.

IV. Delegations:

Rev. Dennis, 3710 Catalina Dr., pointed out that he has never seen a black Police Chief or City Manager in the City of Cocoa. He explained that he would like to see black lieutenants because those are the type of officers that need to be sent out into the black communities. He added that he has also been to two previous meetings asking that the resolution for the Police Advisory Committee be changed to change the meeting dates to bi-monthly instead of quarterly and asked what the status was. In response, City Manager Titkanich provided an explanation and City Attorney Garganese explained the board has the discretion

[1] Annual Investment Report for FY19

to hold additional meetings. The Board can hold additional meetings as desired and the Council can change the resolution if they feel it needs to be changed.

Councilmember Warner clarified that the Council doesn't need to vote as the board can make the decision on their own.

Bernice Cox, 701 Aurora St., Cocoa, shared that she wished to discuss an undeveloped property located behind 607 Aurora Street. She noted that she has brought it to Code's attention. She stated that this has been going on for twenty years and provided a history on the property. She explained that it makes the surrounding properties look bad and she would like Council to hold the property owner responsible for his property. She also commended Public Works as they do a great job.

Jackie Isom, 1050 Bristol Dr., spoke about installing a speed bump in her neighborhood. She's lost three mailboxes and her neighbor has lost a mailbox. She has also almost been hit coming out of her driveway. She asked what she needs to do to move forward. In response, Mr. Bryant Smith, Public Works Director, noted that he would get with her after the meeting and share contact information. He added that he will go out and take a look at the location in question to see what they can do.

Pam Shaia, Tails at the Barkery, recognized the Cocoa Police Department for everything they do and expressed thanks for their support. She shared several instances where she experienced excellent service through the Police Department and its officers. Cocoa PD and the V-Cops have been patrolling the Village and she commended the Chief for being a great leader. She also pointed out that K-9 Bear and Officer Dan brought home $5,000 for Cocoa PAL from American Top Dog. She invited everyone to come and show support for the canine unit at the event hosted by Tails at the Barkery and Dirty Oar.

V. Consent Agenda:

1. Approve Task Order # 5 and the Purchase Order for Stantec Consulting Services Inc., for a complete Water/Sewer and Reclaim Utility Rate Study, using the Continuing Financial Services Agreement. Approve BAF 20-027-T and a Budget Resolution Amending the FY 2020 Budget. (20-33). (Utilities Director)

2. Approve Amendment #2 to Task Order 2020-102 with CH2M Hill Engineers, Inc. for Temporary Critical Support for Water Field Operations Division and Cross Connection Control (CCC) Program; To Approve Amendment #2 to Task Order 2020-103 with CH2M Hill Engineers, Inc. for Temporary Critical Engineering Support Services and; To Approve Amendment #2 to Task Order 2020-104 with

CH2M Hill Engineers, Inc. for Temporary Critical Plan Review Support Services. (20-37). (Utilities Director)

3. Approval for the City to apply for the Victims of Crime Act (VOCA) Grant in the amount of $134,078 and to commit $33,519 towards the match requirement in the application in order to provide victim advocate services to crime victims. The total amount equals $167,597. (20-46). (Chief of Police)

4. Approve a second 30-day extension for Broadmoor Acres Community Restoration and Preservation, Inc. (BACRAP) on the Code Enforcement Lien Reduction Agreement between the City of Cocoa and BACRAP executed December 15, 2017 to obtain the Certificate of Occupancy for the two (2) homes currently under construction, 1102 and 1115 Broadmoor Drive, subject to compliance with applicable conditions set forth in the agreement. (20-59). (City Manager)

* **MOTION by Councilmember Warner; SECONDED by Deputy Mayor Goins, to approve the Consent agenda.**

AYES: Williams, Warner, Boisvert, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

VI. Public Hearings:

1. Ordinance No. 25-2019/2nd Reading: Approval of a ZONING TEXT AMENDMENT consistent with Appendix A, Zoning, Article XXI, amending Appendix A, Article XI, Section 22 of the zoning ordinance of the City of Cocoa to allow the Single Story Commercial building type on a certain property within the Waterfront Sub-district of the Cocoa Waterfront Overlay District and amending the maximum lot depth from 300 feet to 400 feet for properties eligible for the Single Story Commercial building type. (Community Services Director) (20-23). (Community Services Director)

Attorney Garganese pointed out that this is the second and final reading of the ordinance. He read the ordinance into the record by title only as follows:

ORDINANCE NO. 25-2019

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING APPENDIX A, ARTICLE XI, SECTION 22 OF THE CODE OF THE CITY OF COCOA TO ALLOW SINGLE STORY COMMERCIAL BUILDINGS ON A CERTAIN PROPERTY WITHIN THE

COCOA WATERFRONT OVERLAY DISTRICT, WATERFRONT SUBDISTRICT, AS MORE PARTICULARLY DEPICTED ON EXHIBIT "A" ATTACHED HERETO; AMENDING THE COCOA WATERFRONT OVERLAY REGULATING PLAN TO ALLOW FOR THE SAME; AMENDING THE MAXIMUM LOT DEPTH FOR LOTS ELIGIBLE FOR SINGLE STORY COMMERCIAL BUILDINGS; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE C O DE, SEVERABILITY, AND AN EFFECTIVE DATE.

Mayor Williams opened the public hearing to the public. There being no response the public portion of the hearing was closed.

* **MOTION by Deputy Mayor Goins; SECONDED by Councilmember Koss, to approve Ordinance 25-2019 on second and final reading.**

AYES: Williams, Warner, Boisvert, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

2. Ordinance No. 03-2020/ 1st Reading: Approval of a ZONING MAP AMENDMENT consistent with Appendix A, Zoning, Article XXII, to change the Zoning Map designation of one (1) parcel totaling 246.45 acres from Brevard County GU (General Use) to City of Cocoa RU-1-7 (Single Family Residential). (20-32). (Community Services Director)

Attorney Garganese pointed out that this is the first reading of the ordinance. He read the ordinance into the record by title only as follows:

ORDINANCE NO. 03-2020

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; CHANGING THE ZONING MAP DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY, TOTALING 246.45 ACRES, MORE OR LESS, AND GENERALLY LOCATED ON THE NORTH EAST CORNER OF HWY 528 AND INTERSTATE 95, IN COCOA, FLORIDA, MORE PARTICULARLY DEPICTED AND LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM BREVARD COUNTY GU (GENERAL USE) TO CITY OF COCOA RU-1-7 (SINGLE- FAMILY RESIDENTIAL); PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOL , AND AN EFFECTIVE DATE.

Attorney Garganese asked that if any member of Council received any other documentation or correspondence regarding this item other than what was

provided to everyone before the meeting this evening or anything else that needed to be disclosed that they needed to do so at this time.

Ms. Selig provided a presentation[2] and a project summary on the item. She discussed the consistency with the city code and gave a rezoning analysis, including staff's findings. Additionally, she shared information regarding the schools serving the students in the area.

Mayor Williams asked Ms. Selig to point out the egress and ingress points on the map.

Kendall Moore, 895 Barton Blvd., Rockledge, introduced Jose Gonzalez who would later be providing more specific details on the subject property. Mr. Moore provided a presentation[3] and shared a map of the location and provided a historical context leading up to this point. He pointed out a section of the agreement which requires them to come before Council to request the zoning change. He added that they also appeared before the Planning & Zoning Board on January 7, 2020.

Jose Gonzalez, Executive Vice President of Florida East Coast Industries, has been talking to staff about this for a very long time and they were aware that there would be challenges. He shared a conceptual site plan and explained that initially the lots were not laid out correctly and so they went in to conduct surveys and gathered the proper dimensions and were able to identify efficiencies within that plan. He shared the development process and discussed the next steps they will be taking. The final plat will come back before Council. He shared photos of residential home models which will be refined throughout the process.

Mr. Moore pointed out that they've received a variety of calls regarding this item. He wanted to clarify for the record that there is no attempt or desire to rezone the shaded area around the perimeter depicted on the map. He added that there were a few individuals that were concerned that this change would affect their lots and he stated that there would not be and that this was strictly for the property already owned by Virgin Trains.

Mayor Williams closed the hearing to Council and opened it to the public.

Mr. Brendon Blasz, 4295 Seville Ave., yielded his time to Sara Wagner as he was not feeling well.

Sara Wagner, 2205 Adamson Rd., Cocoa, stressed her concerns and explained that she cannot find the ordinance from when the PUD was adopted in the court records. In response, City Manager Titkanich provided an explanation and spoke in regard to the annexation. He explained that it went through the 18th circuit

[2] Rezoning Presentation – Ordinance No. 03-2020
[3] The Lakes of Canaveral Groves

court and the City prevailed as it was appealed by the County. The only action left in the stipulated agreement was the rezoning. The city and the county met several times, the resolution was not initially achieved, and that's where we have the stipulated settlement agreement.

Ms. Wagner rebutted by saying there are several properties listed on the agreement but City Manager Titkanich explained that while that is true there are different properties and different parties. Ms. Wagner clarified that neither one ever approved the PUD. City Manager Titkanich shared there was never an application.

Ms. Wagner stated for the record that a different presentation was provided at the P&Z meeting earlier this month. She asked Council to consider tabling the item as there is a meeting on January 28th.

John Nowlin, 3311 Tarragon St., wanted to know how a 246.45 acre facility with all its water acres will be able to support all of the proposed homes. He is also concerned with the road connecting Osage and Angelica Street as it has low shoulders and ditches and is not meant to support this kind of traffic.

Catherine Bonadio, citizen, read a letter on behalf of Gayle Kennedy into the record. She left the meeting after speaking and did not submit a copy to staff.

Robert Hill, 4145 Seville Ave., shared several concerns. He explained that during past hurricanes there have been rising water levels and any increase in water levels could reach their home. There will be unwanted amounts of traffic and hazardous conditions for students waiting for the bus and this change could effect property values negatively due to construction.

There being no further questions or comments, Mayor Williams closed the public hearing to the public and reopened the discussion to Council.

City Manager Titkanich addressed the issue regarding schools. There are no boundary changes being made regarding this project. Schools evaluate their boundaries at the end of every school year. The applicant would be required to turn in a concurrency letter from the schools.

He also addressed the question of the amount of lots being fit into the subdivision and the concern with the road.

Additionally, City Manager Titkanich shared that there are no plans to annex Canaveral Groves either. This is not an attempt to incorporate Canaveral Groves into the City. There will also be more Stormwater capacity than what is typically seen in subdivisions.

Councilmember Warner stressed that the City has absolutely no desire to annex or incorporate Canaveral Groves into the City and the City cannot do so either unless asked by the registered voters. She pointed out that the voters have rights and the City cannot just come in and take their homes.

* **MOTION by Deputy Mayor Goins; SECONDED by Mayor Williams, to approve Ordinance 03-2020 on first reading.**

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

3. Ordinance No. 02-2020/Second and Final Reading: Related to the Diamond Square Community Redevelopment Agency for purposes of implementing the Interlocal agreement between the City, Agency and Brevard County. (20-56). (Community Services Director)

Attorney Garganese pointed out that this is the second and final reading of the ordinance. He read the ordinance into the record by title only as follows:

ORDINANCE NO. 02-2020

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING CHAPTER 8, ARTICLE III OF THE CITY CODE RELATED TO THE DIAMOND SQUARE COMMUNITY REDEVELOPMENT AGENCY FOR PURPOSES OF IMPLEMENTING THE INTERLOCAL AGREEMENT BETWEEN THE CITY, AGENCY AND BREVARD COUNTY; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

Mayor Williams opened the hearing to the public. There being no questions or comments the public portion of the meeting was closed and reopened to Council.

* **MOTION by Deputy Mayor Goins; SECONDED by Councilmember Warner, to approve Ordinance 02-2020 on second and final reading.**

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

VII. Council Business:

1. Appoint Six (6) eligible persons to serve on the Board of Commissioners of the Diamond Square Community Redevelopment Agency. (20-55). (Administrative Services Director)

Ms. Gemmati explained the item and noted that Council is being asked to appoint six eligible persons to serve on the Board of Commissioners of the Diamond Square Community Redevelopment Agency. The Clerk's office received three applications, all of which are eligible to serve on a City board.

Attorney Garganese provided an explanation and noted the terms of each seat are staggered and do not all expire at one time.

Councilmember Warner asked to table the item in order to give each current member on the Board a chance to reapply. It was noted that the City Clerk's office would poll each member to see if they are interested in reapplying and the length of term they'd like to sit.

* **MOTION by Councilmember Warner; SECONDED by Councilmember Koss, to table the item to the next agenda on February 26, 2020.**

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

~~2. Approval of Councilmember Koss's attendance at the National League of Cities Congressional City Conference in Washington D.C., March 7-11, 2020. (20-41). (Administrative Services Director)~~

~~* MOTION by ___; SECONDED by ___, to approve Councilmember Koss's attendance at the National League of Cities Congressional City Conference in Washington, D.C., March 7-11, 2020.~~

~~AYES: Williams, Warner, Boisvert, Goins, Koss~~

~~THE MOTION CARRIED UNANIMOUSLY (5-0)~~

VIII. City Business:

1. Approve a Resolution Amending the FY2020 Budget through the use of General Fund Contingency, to cover expenses not previously budgeted for Purchase Order Template Adjustments, Arbitrage Calculation Services and Accounting & Auditing Services, BAF # 20-023-T1, T2 and T3. (20-36). (Finance Director)

Ms. Bowman read the item into the record and provided an explanation.

* **MOTION by Councilmember Warner; SECONDED by Deputy Mayor Goins, to approve a Resolution Amending the FY2020 Budget through the use of General Fund Contingency, to cover expenses not previously budgeted for Purchase Order Template Adjustments, Arbitrage Calculation Services and Accounting & Auditing Services, BAF # 20-023-T1, T2 and T3.**

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

2. Request review of the Bid Protest Review Committee's decision and recommendation to deny the bid protest received from Rush Marine, LLC on ITB Bid No. B-20-08-COC, Riverfront Promenade Overlook Improvement Project, which was previously awarded to Canaveral Construction Company, and final resolution of bid protest. (20-58). (City Attorney)

City Attorney Garganese provided a brief background of the item and shared that the City received a timely notice of intent to protest the award and a formal bid protest from the second lowest bidder, Rush Marine, LLC. The Bid Protest Review Committee held two public meetings and formulated a final, written administrative response to the bid protest, denying the protest. According to the FOM, if after addressing the Bid Protest Review Committee the protestant does not withdraw the protest or reach a resolution acceptable to both parties, the Bid Protest Review Committee must forward the protest to the City Council with their recommendation for final resolution. The Bid Protest Review Committee's recommendation was to deny Rush's bid protest. The City Council must now consider the Bid Protest Review Committee's recommendation and uphold or deny the bid protest.

He clarified that the Council can either deny the protest to which Canaveral Construction would remain the awarded bidder, or the Council can rescind the award from Canaveral Construction and Rush Marine would be the contractor.

Mayor Williams pointed out that the initial agenda that went out listed Rush Marine as the awarded bidder but then it was rescinded. He asked if Rush was originally awarded the bid. In response, Attorney Garganese explained that his understanding is that there was a draft agenda where Rush was listed as the recommended bidder, however, before the Council meeting took place an updated agenda was issued. He clarified that the Council makes the final decision to award the bid so even though it was on the agenda it was never approved by Council. The final recommendation by staff was to award Canaveral Construction the bid.

City Manager Titkanich explained that due to time constraints, there was a place holder item on the agenda which listed Rush Marine as the lowest bidder. Following this, there was a meeting held where it was determined that Canaveral Construction was in fact the lowest bidder. He noted that when the full agenda was published it showed that Canaveral Construction was to be awarded the bid.

Deputy Mayor Goins inquired about the missing items from Canaveral Construction's packet. He pointed out that there was confusion as to what needed to be submitted as there is some conflicting language in the packet.

City Manager Titkanich provided an explanation regarding what was needed during the submittal process. He pointed out that while Rush did submit all documents, some of them still had blanks in them as there was information that would need to be determined at a later time.

Councilmember Warner asked if the items that were omitted by Canaveral Construction were an oversight[4].

Scott Knox, attorney for Rush Marine, 990 West New Haven Ave., Melbourne, introduced Tony Landers who explained that they came before Council in December and had the honor and pleasure of bidding for this project. He noted that they submitted their bids just like the other six applicants and they also filled out the bidder's checklist and supplied everything being asked for. In their mind, if there is something on the bidder's checklist that is not actually required than it should not be on the checklist. He felt they did not make any mistakes and at the end of the day they were the most responsive, responsible and lowest bidder. He shared that he had come here for that meeting thinking they would be awarded and didn't realize until after he arrived that the agenda had been modified. He asked that Council reconsider what they voted on last time.

Furthermore, Mr. Knox shared their position: the acceptance of Canaveral's bid violates state law, FEMA regulations and the City's policy. If you have an illegal contract you have a void contract. He feels if Council moves forward they would be putting themselves in a bad position. He pointed out the submittal requirements and added that if you look at Section 16 there is a form of agreement required. The form of agreement was not submitted by Canaveral Construction. The project needs to be completed by June 20, 2020. The reason it is so important is because of the Florida Statute and it applies to projects awarded on the base of price. He mentioned that Canaveral, after being awarded, was given the opportunity to come back and sign their contract the day after but this opportunity was not given to the other bidders. Rush Marine had signed and was bound to the agreement they submitted in their package up front. He asked if the City wanted to put itself in this type of position. He noted that the City could risk an audit by FEMA and the chance of losing money over it.

[4] Asst. City Manager Fuhrer left the meeting at 8:14pm and returned at 8:17pm

John David Nash, Mims, President of Canaveral Construction, wished to explain their side. He stated that he believes they interpreted the process correctly. The City appointed a bid protest committee who reviewed everything and there were three points of discussion. Their discussion included the instructions to the bidders and the signature sheet. The Bid Protest Committee agreed the only signature needed was on page 17 which they submitted. The Committee decided the form of agreement could not be completed until after the award of the contract. He believes that it's not that they didn't submit documents on purpose, but rather they interpreted the process differently. The protest committee, with legal council, decided they would not be able to provide a performance bond at that time anyway. They provided what they believed to be reasonable and responsible. The Bid Protest Committee determined that no violations were committed in regard to being fraudulent or illegal. They concluded that the irregularities were minor and he asked that Council keep the award as it is.

Additionally, Canaveral Construction discussed the minor irregularities. The form of agreement was subsequently signed after being awarded. They chose not to submit an invalid agreement as dates and other costs were not known prior to being awarded. He pointed out that the most important signature is the client's, in this case the City, and an agreement is not complete without the client's signature.

Ms. Bowman noted that one of the forms was the checklist, which staff checks off quickly and then staff goes back and reviews more in detail as to what was submitted and what is necessary to determine who would be awarded the bid. She reiterated City Manager Titkanich's comments regarding being on a time crunch and trying to get the item on the agenda.

Deputy Mayor Goins asked if Rush was called as well. In response, Ms. Bowman explained that they were actually in attendance at the bid opening and then they awaited the agenda item.

Mr. Knox rebutted by saying that he did not believe Canaveral did not know what the price was going to be when this was a priced bid. He pointed out that Canaveral claimed they would adhere to the specifications but the specifications didn't have the contract in it.

Robin Fisher, former Titusville and Palm Bay Councilmember and Commissioner, added that he has a lot of experience in bidding. He believed, in his experience, that people make mistakes but it is best to do the right thing. He pointed out that in his experience he did not always go with the lowest bidder but the bidder that provided the most value. He asked why staff holds pre-bid and post bid meetings just to turn around and waive certain documents. He feels Rush is the more responsible bidder and they are more than qualified to get the job done.

City Manager Titkanich provided a history dating back to July of 2019 and the process that has taken place since. He expressed that the City did the right thing back then when they allowed the inclusion of Rush Marine and when it benefited Rush Marine it was okay, but now that the City is applying its policies, including the right to waive the FOM which is written in the policy, it is proving to be an issue.

Councilmember Warner suggested that staff reconsider this process as it is a no-win situation and it is not fair to put staff on the spot at bid openings to try and review all documents being turned in with contractors looking over their shoulders.

* **MOTION by Councilmember Warner; SECONDED by Councilmember Boisvert, for discussion.**

Deputy Mayor Goins added that he is unhappy with the way things turned out and voted to approve the protest.

* **MOTION by Councilmember Warner; SECONDED by Councilmember Boisvert, to deny the bid protest received from Rush Marine, LLC on ITB Bid No. B-20-08-COC, Riverfront Promenade Overlook Improvement Project, which was previously awarded to Canaveral Construction Company, and final resolution of bid protest.**

AYES: Warner, Boisvert
NAYES: Williams, Goins, Koss

THE MOTION FAILED (2-3)

* **MOTION by Deputy Mayor Goins; SECONDED by Councilmember Koss, to uphold the bid protest received from Rush Marine, LLC on ITB Bid No. B-20-08-COC, Riverfront Promenade Overlook Improvement Project, which was previously awarded to Canaveral Construction Company, and final resolution of bid protest.**

AYES: Williams, Goins, Koss
NAYES: Boisvert, Warner

THE MOTION CARRIED UNANIMOUSLY (3-2)

Multi-Year Contracts:

3. Approve the Police Department to enter into a Multi-Year Contract with Axon Enterprises by means of a Sole Source to purchase Tasers under project number PD15TS, using account number 001-2100-521.44-00; and to authorize the City Manager to execute and sign the contract. (19-482). (Chief of Police)

Chief Cantaloupe explained that the Police Department is requesting the purchase of ten new tasers by way of a multi-year contract. This has been budgeted and is within the lease budget account of the Police Department's Fiscal Year 2020, budget account 001-2100-521.44-00, using Axon Enterprises by way of sole source.

The total amount for the purchase of ten tasers is $25,500.00 to be budgeted and paid over a five year term beginning upon approval of this contract.

* **MOTION by Councilmember Warner; SECONDED by Deputy Mayor Goins, to approve the Police Department to enter into a Multi-Year Contract with Axon Enterprises by means of a Sole Source to purchase Tasers under project number PD15TS, using account number 001-2100-521.44-00; and to authorize the City Manager to execute and sign the contract.**

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

4. Approval of the third contract modification with Gehring Group, Inc. as the City of Cocoa's Insurance Broker of Record by mutual agreement between the City and Gehring Group to extend the term of the agreement until April 30, 2020. (20-10). (Administrative Services Director)

* **MOTION by Councilmember Warner; SECONDED by Councilmember Koss, to approve the third contract modification with Gehring Group, Inc. as the City of Cocoa's Insurance Broker of Record by mutual agreement between the City and Gehring Group to extend the term of the agreement until April 30, 2020.**

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

5. Approve Task Order 2020-27 with Atlantic Development of Cocoa, Inc. for the Michigan Avenue Force Main and Reuse Main Extension, Project No. WS17MI, in the amount of $984,548.82; Approve as a Multi-Year Contract from FY2020 through FY2021; Approve a Resolution Authorizing the City Manager to Approve and Execute Change Orders in an Amount Not to Exceed $98,454.88 (10% of the Contract Amount) for a Total Project Cost of $1,083,003.70; Approve BAF # 20-028-P and a Resolution Amending the FY2020 Budget. (20-18). (Utilities Director)

* **MOTION by Councilmember Warner; SECONDED by Councilmember Koss, to approve Task Order 2020-27 with Atlantic Development of Cocoa, Inc. for the Michigan Avenue Force Main and Reuse Main Extension, Project No. WS17MI, in the amount of $984,548.82; Approve as a Multi-Year Contract from FY2020 through FY2021; Approve a Resolution Authorizing the City Manager to Approve and Execute Change Orders in an Amount Not to Exceed $98,454.88 (10% of the Contract Amount) for a Total Project Cost of $1,083,003.70; Approve BAF # 20-028-P and a Resolution Amending the FY2020 Budget.**

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

6. Approve Task Order 2020-14 with Bussen-Mayer Engineering Group, Inc. for Engineering Services During Construction (SDC) of the Michigan Avenue Force Main and Reuse Main Extension, Project No. WS17MI; To Approve as a Multi-Year Contract from FY2020 through FY2021. (20-21). (Utilities Director)

* **MOTION by Deputy Mayor Goins; SECONDED by Councilmember Warner, to approve Task Order 2020-14 with Bussen-Mayer Engineering Group, Inc. for Engineering Services During Construction (SDC) of the Michigan Avenue Force Main and Reuse Main Extension, Project No. WS17MI; To Approve as a Multi-Year Contract from FY2020 through FY2021.**

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

IX. Informational Agenda:

1. Cumulative purchase approvals over $35,000 and under $50,000 for period 10/01/2019 to 12/31/2019. (20-28). (Finance Director)

2. Data showing the relation between the estimated and actual income and expenses to date. (20-47). (Finance Director)
3. 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. (20-48). (Finance Director)

4. FY 2020 Budget Adjustment Report. (20-49). (Finance Director)

5. Cocoa Police Department District Event Statistics for the months of October and November, 2019. (20-51). (Chief of Police)

X. Reports:

Ms. Bowman shared that a Budget amendment will need to be brought back to the second meeting in February due to the result of the motion for the bid protest.

Chief Cantaloupe thanked staff and citizens for their support behind the police department.

City Manager Titkanich pointed out a letter Council received from the State regarding moving trees on residential property. He noted he would review the number of bills regarding this with each member of Council individually.

Deputy Mayor Goins pointed out the City has to make tough decisions sometimes.

He discussed Brevard County Day in Tallahassee and expressed it was a great day and great conversations were held. In the future, he'd like to see staff revisit the City's housing regulations. He will be meeting with Dana Brinkley regarding some of the City's slum areas to discuss property values. He attended the Brevard Re-entry Program ribbon cutting and noted it is a great program put on by My Community Cares Inc. They will be presenting at the next Council meeting.

Councilmember Warner reiterated the comments made by Pam Shaia regarding Officers Dan and Bear who represented Cocoa very well on national television. She also thanked the members of the downtown merchants who showed up at PD to support the officers who were under a lot of stress by dropping off donuts and cupcakes.

Councilmember Koss shared that she supports affordable housing. She added that the police department put on an excellent presentation at the most recent Citizen's Academy.

Mayor Williams mentioned the Mayor's Fitness Challenge and shared locations of the weigh-ins. He thanked the Chief and his officers for the MLK March. He noted the Black Entrepreneurship Expo was a great event. He added that the

Brevard Red Eye Rugby team will be hosting the state championship for men and youths.

Furthermore, he pointed out that there were cars lined up again on the sidewalks at Provost Park and the City has to maintain those sidewalks and enforce a no parking rule.

Deputy Mayor Goins mentioned that there will be a Human Trafficking seminar at Cocoa High School on Saturday, January 25th at 10am.

XI. Adjournment:

* **MOTION by Councilmember Boisvert; SECONDED by Deputy Mayor Goins, to adjourn the regular meeting of January 22, 2020.**

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

The meeting adjourned at 9:27pm.

Jake Williams, Jr., Mayor

ATTEST:

Carie Shealy, MMC, City Clerk
(Transcribed by Monica Arsenault, Asst. City Clerk)

PUBLIC TRUST ADVISORS

Investment Program Review Fiscal Year Ended September 30, 2019

January 22, 2020

COCOA FLORIDA

EXHIBIT A: Annual Investment Report for FY19

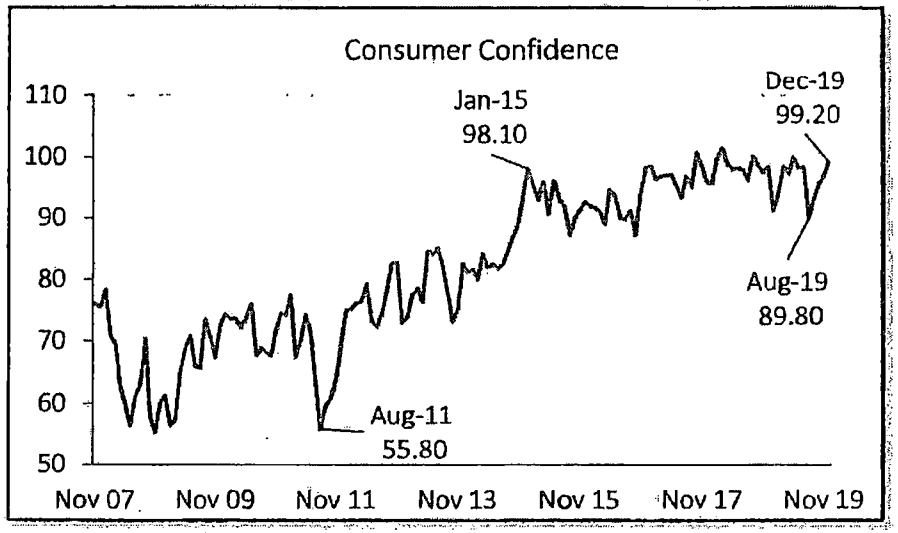
Market/Economic Update

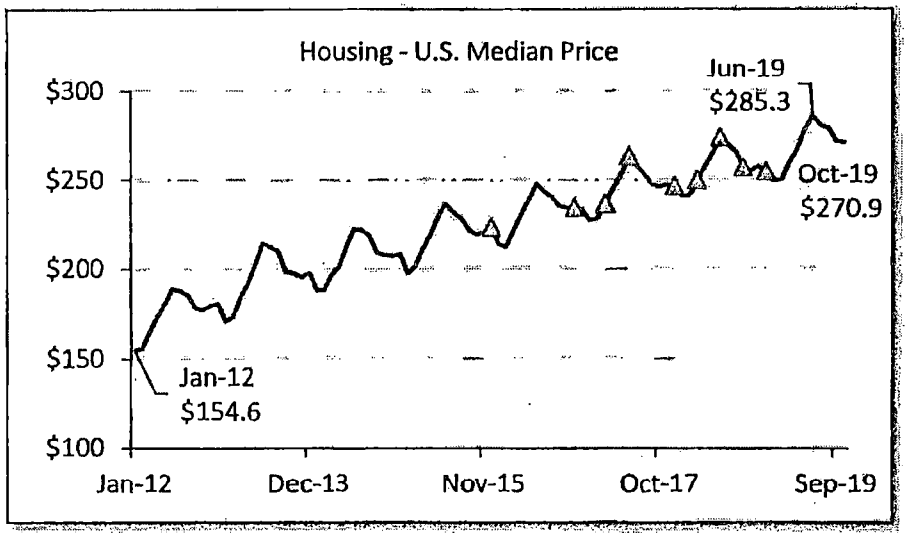
Public Trust Advisors 2020 ©

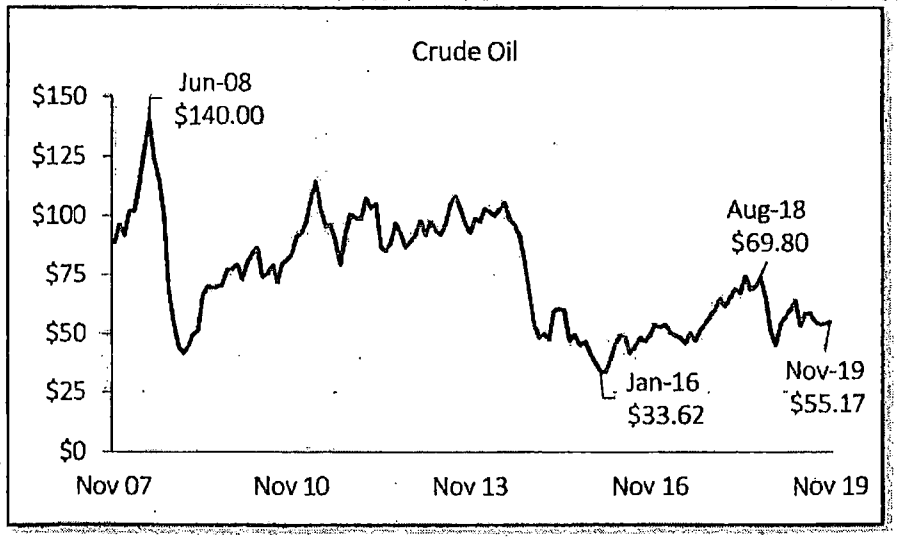
Market Update

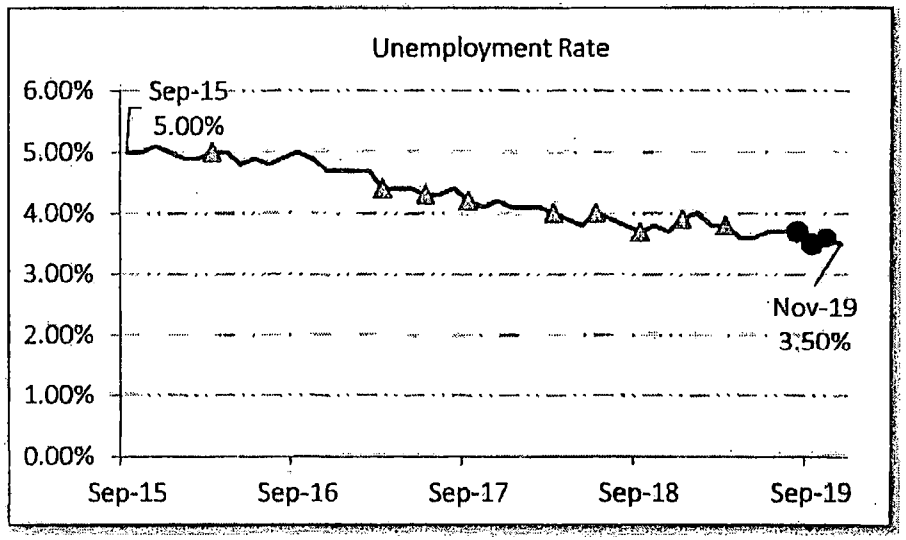
- The FOMC cut the overnight rate for the third time during the October meeting to the current level of 1.50% - 1.75%. Current expectations are for no additional cuts in 2019.
- The median home price in October was $270k, while slightly lower than the summer peak, prices were up 6.1% year over year. The median price of a home is 75% higher than the median price of $154k in February 2012.
- Unemployment remains near historic low levels, currently 3.6% as of October and 1.67 million jobs have been created in 2019 although job growth has slowed compared to 2018 with an average of 167k per month in 2019 compared to 223k per month in 2018.
- Interest rates fell more than between 1.0% - 1.5% versus November 2018. Yields have been particularly volatile since the first FOMC rate cut at the end of July as 2 year U.S. Treasury yields have fluctuated more than 0.40% on a monthly basis since August.
- Third quarter GDP was 2.10% based on the second reading. Slower consumer spending was offset by the improvement in net exports and business spending sectors, which were essentially neutral during the quarter.

Housing and Unemployment





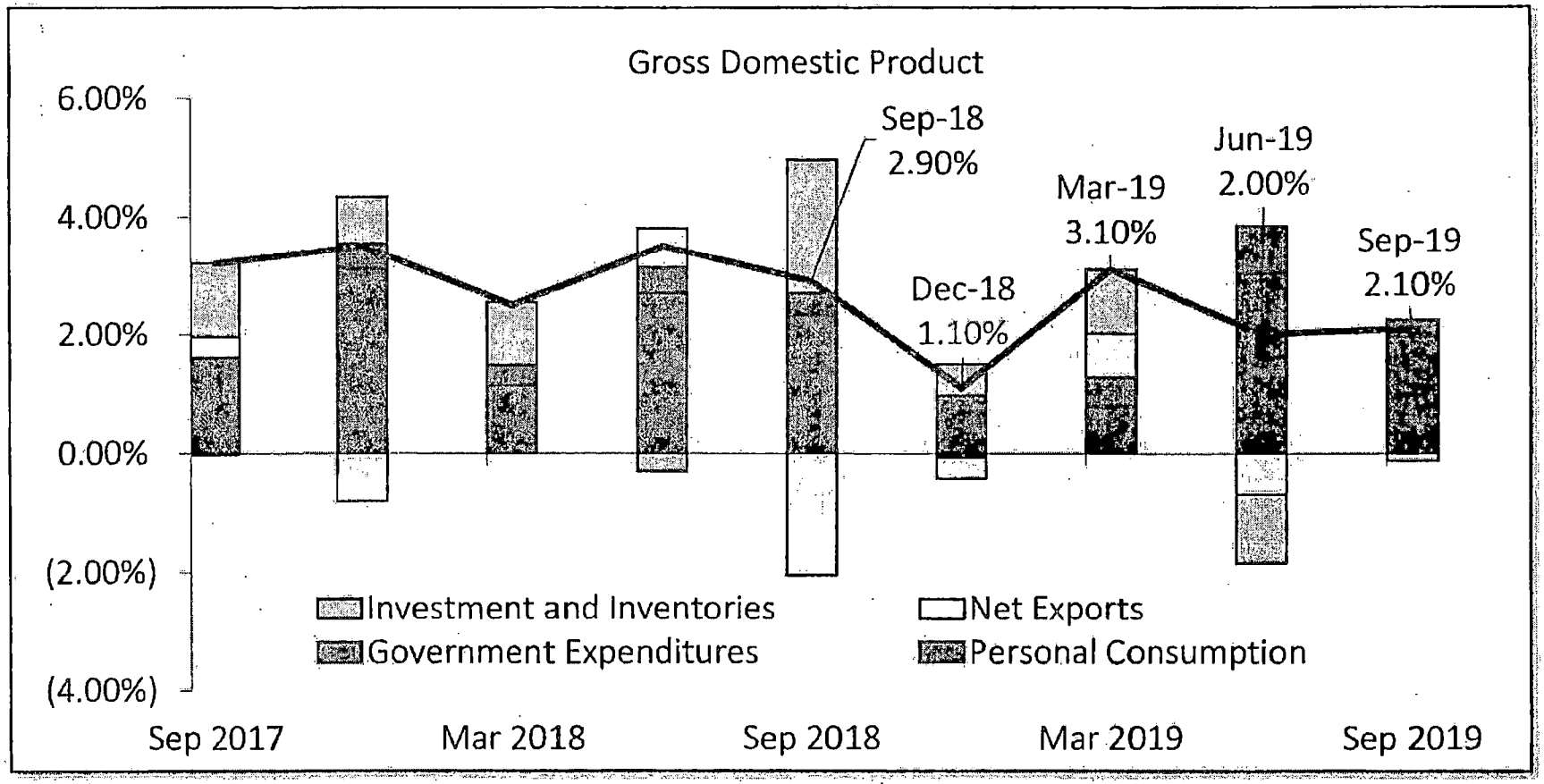




Source: Bloomberg. See additional footnotes at the end of the presentation.

Gross Domestic Product

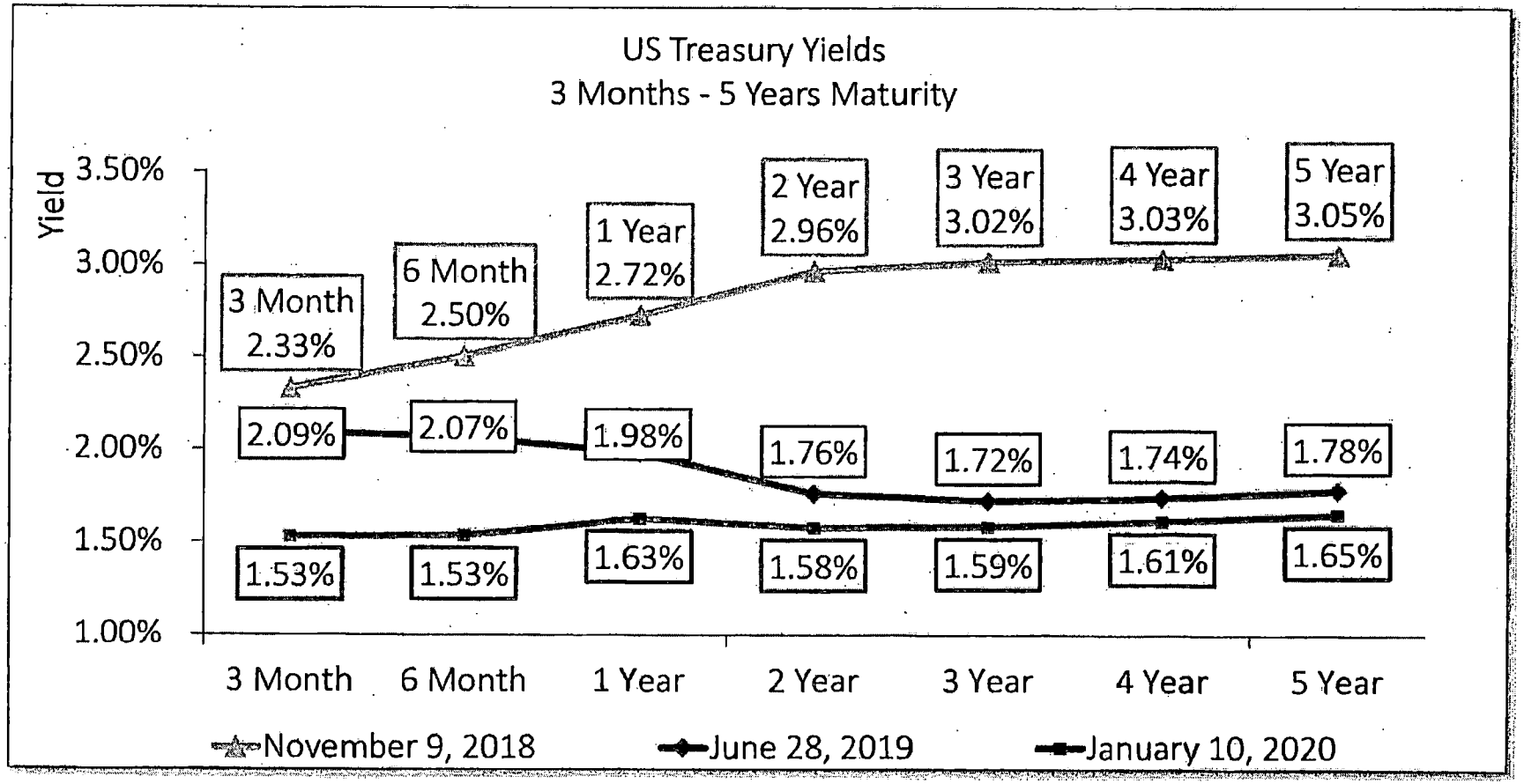
- Third quarter GDP was 2.10% based on the second reading. Slower consumer spending was offset by the improvement in net exports and business spending sectors, which were essentially neutral during the quarter.



Source: Bloomberg. See additional footnotes at the end of the presentation.

Yield Curve November 2018 vs. January 2020

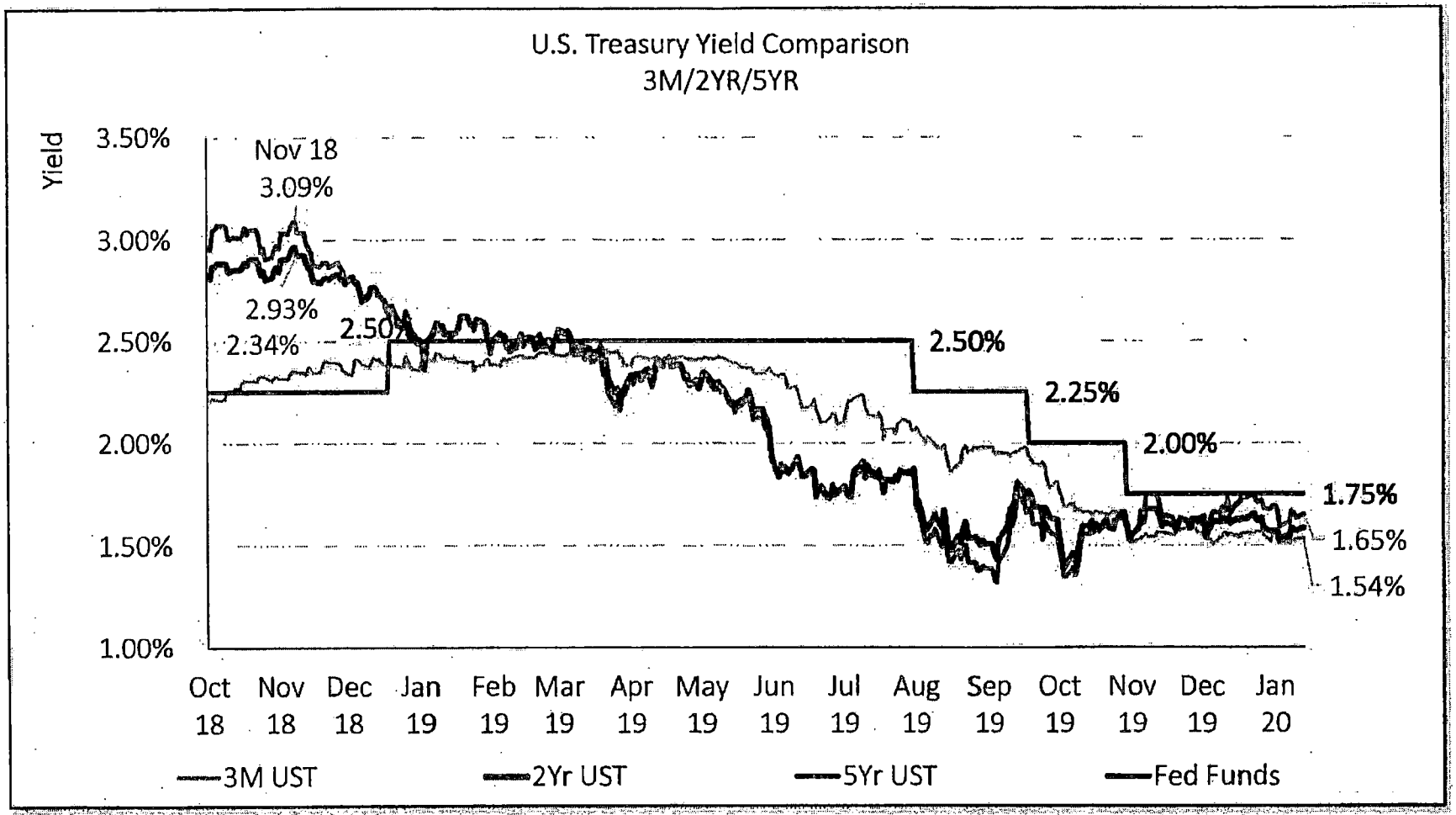
- Interest rates began to level off after falling more than 1.0% compared to a year ago rates falling more than a full percentage point since November 2018 for maturities greater than two years.



Source: Bloomberg. See additional footnotes at the end of the presentation.

Interest Rates Lower Since November 2018

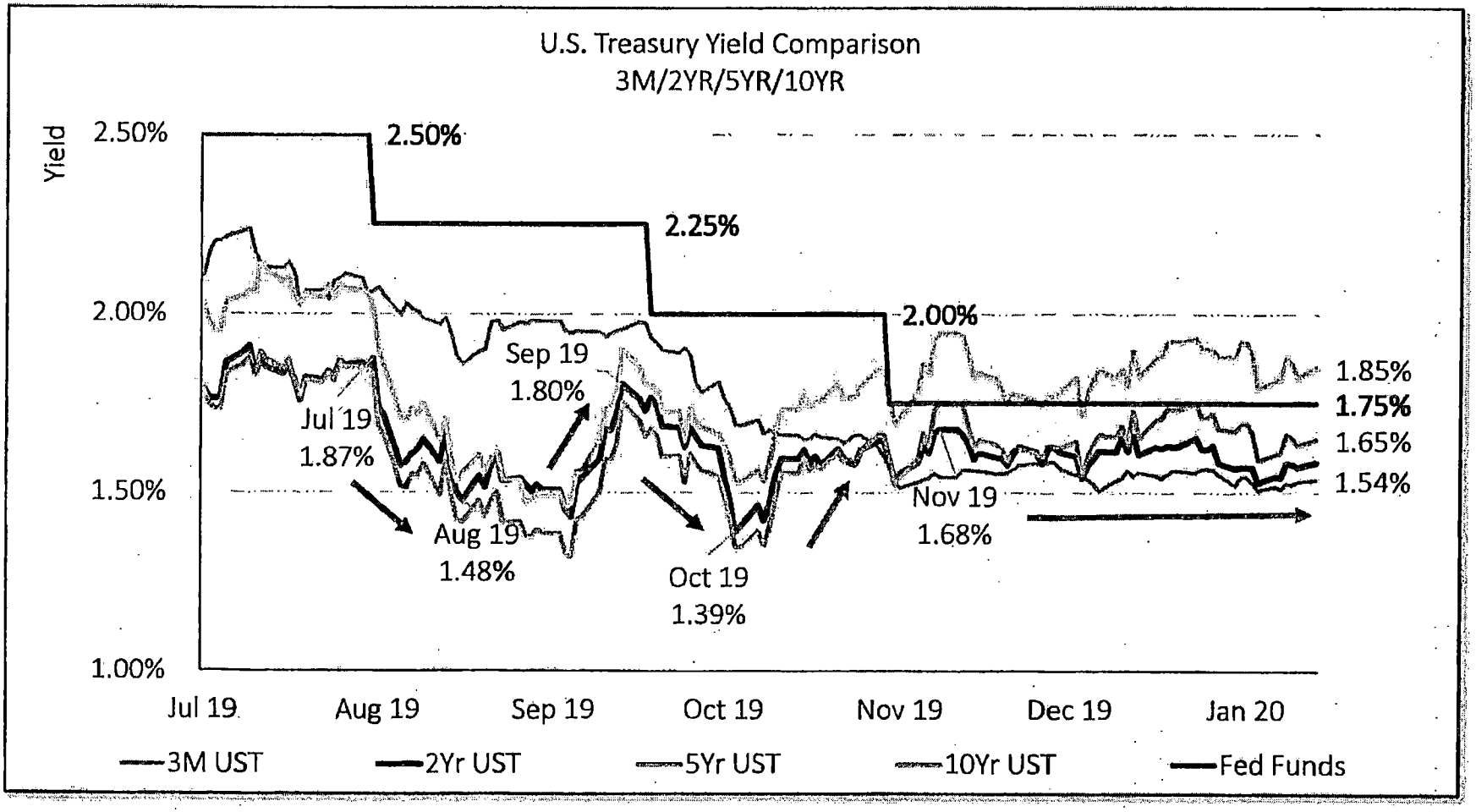
- Yields drop considerably from a year ago.



Source: Bloomberg. See additional footnotes at the end of the presentation.

Interest Rates Settle After Considerable Volatility

- Yields for 2yr – 5yr U.S. Treasuries fluctuated by as much as 40 basis points each month following the first FOMC rate cut in more than 10 years.

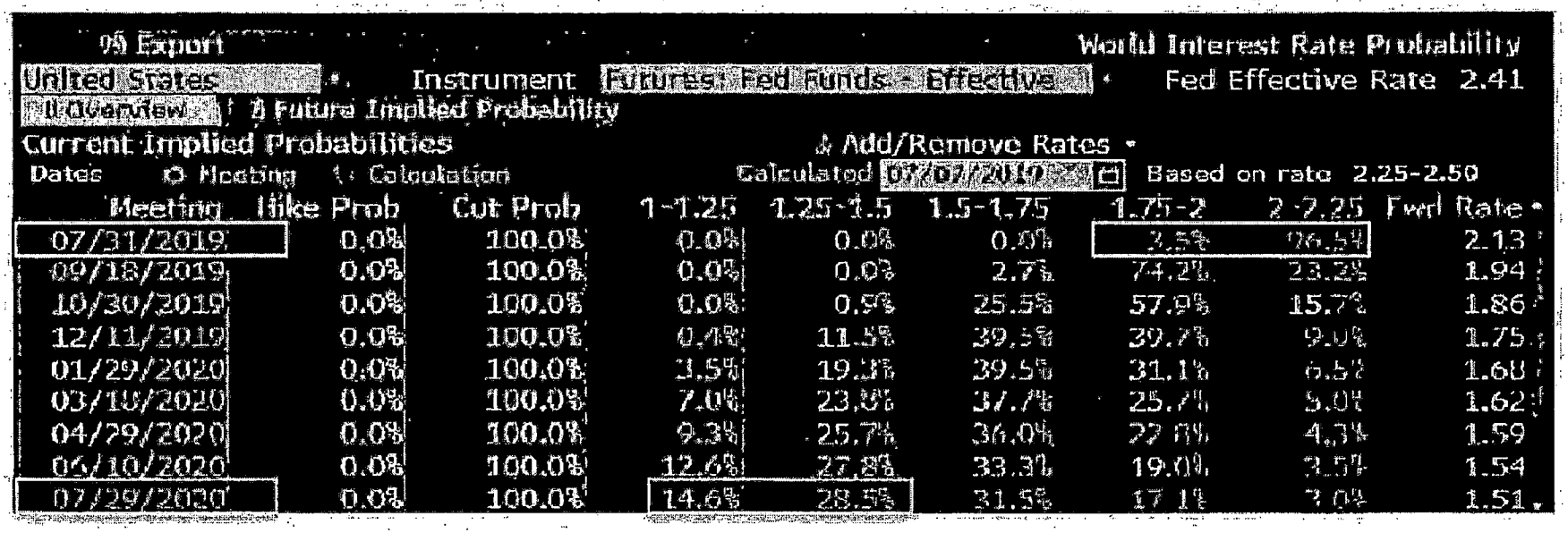


Source: Bloomberg. See additional footnotes at the end of the presentation.

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FOMC Rate Projections – July 2019

- As of early July, the market has priced in a 100% chance of a rate cut during July 30-31 FOMC meeting. Also, there is currently a 60% chance of up to four rate hikes in the next 12 months.



95 Export — World Interest Rate Probability

United States — Instrument: Futures: Fed Funds - Effective — Fed Effective Rate 2.41

Overview | Future Implied Probability

Current Implied Probabilities — Add/Remove Rates

Dates: Meeting | Calculation — Calculated 07/07/2019 — Based on rate 2.25-2.50

Meeting	Hike Prob	Cut Prob	1-1.25	1.25-1.5	1.5-1.75	1.75-2	2-2.25	Fwd Rate
07/31/2019	0.0%	100.0%	0.0%	0.0%	0.0%	3.5%	96.5%	2.13
09/18/2019	0.0%	100.0%	0.0%	0.0%	2.7%	74.2%	23.2%	1.94
10/30/2019	0.0%	100.0%	0.0%	0.5%	25.5%	57.9%	15.7%	1.86
12/11/2019	0.0%	100.0%	0.4%	11.5%	39.5%	39.7%	9.0%	1.75
01/29/2020	0.0%	100.0%	3.5%	19.3%	39.5%	31.1%	6.5%	1.68
03/18/2020	0.0%	100.0%	7.0%	23.8%	37.7%	25.7%	5.0%	1.62
04/29/2020	0.0%	100.0%	9.3%	25.7%	36.0%	22.8%	4.3%	1.59
06/10/2020	0.0%	100.0%	12.6%	27.8%	33.3%	19.0%	3.5%	1.54
07/29/2020	0.0%	100.0%	14.6%	28.5%	31.5%	17.1%	3.0%	1.51

Source: Bloomberg. See additional footnotes at the end of the presentation.

FOMC Rate Projections – January 2020

- Rate cut expectations have decreased since the summer. Currently the market expects one to two additional rate cuts in 2020.

Region: United States »
Target Rate 1.75
Effective Rate 1.54

Instrument: Fed Funds Futur
Pricing Date
Cur. Imp. O/N Rate

Meeting	#Hikes/Cuts	%Hike/Cut	Imp. Rate Δ	Implied Rate
01/29/2020	+0.123	+12.3%	+0.031	1.578
03/18/2020	+0.149	+2.6%	+0.037	1.584
04/29/2020	+0.023	-12.6%	+0.006	1.552
06/10/2020	-0.113	-13.6%	-0.028	1.519
07/29/2020	-0.257	-14.4%	-0.064	1.483
09/16/2020	-0.458	-20.1%	-0.115	1.432
11/05/2020	-0.599	-14.1%	-0.150	1.397
12/16/2020	-0.759	-16.0%	-0.190	1.357
01/27/2021	-0.827	-6.8%	-0.207	1.340

Source: Bloomberg. See additional footnotes at the end of the presentation.

Investment Program Review

Public Trust Advisors 2020 ©

Current City Investments

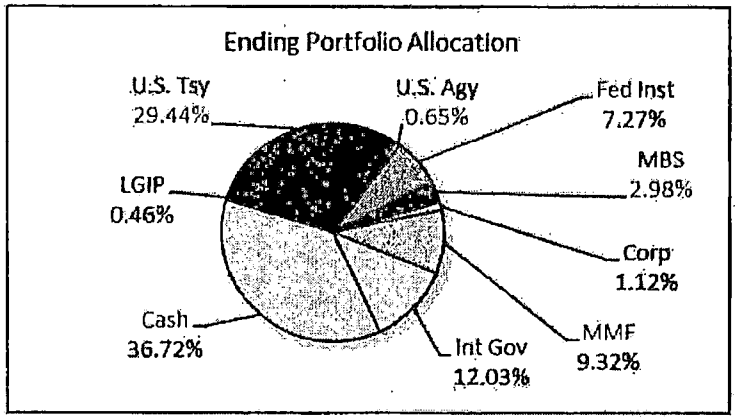
- Local Government Investment Pool (LGIP)
  - Florida Prime (SBA)
  - Florida Class
- Money Market
  - Community Bank of the South
- Public Trust Advisor
  - Operating Account
  - Enhanced Cash
  - Reserves
  - Debt Service Reserves
  - 2018 Bond Proceeds

City of Cocoa Asset Allocation as of September 30, 2019

Security Distribution[1]	September 30, 2019 Ending Balance	Portfolio Allocation	Issuer Description[1]	Sec. Desc.	September 30, 2019 Ending Balance	Portfolio Allocation	Permitted by Policy[2]	Compliant
Cash	$ 46,835,599.07	36.72%	Cash	Cash	$ -	0.00%	100.00%	YES
LGIP	592,049.77	0.46%	FL PRIME (SBA)[2]	LGIP	592,049.77	0.46%	25.00%	YES
U.S. Treasury Notes	37,556,135.77	29.44%	FLCLASS	Int Gov	15,342,608.05	12.03%	40.00%	YES
U.S. Agency Notes	828,126.02	0.65%	CBOS[2]	MMF	2,092,065.96	1.64%	15.00%	YES
FNMA	4,138,220.98	3.24%	SunTrust Master[2]	Cash	44,743,533.11	35.08%	100.00%	YES
FHLMC	6,252,481.04	4.90%	Fidelity MMF	MMF	11,892,388.44	9.32%	15.00%	YES
FFCB	-	0.00%	U.S. Treasury Notes	UST	37,556,135.77	29.44%	100.00%	YES
FHLB	2,678,586.65	2.10%	U.S. Agency Notes	US Agy	828,126.02	0.65%	25.00%	YES
Fed Inst Subtotal	**$ 13,069,288.67**	**10.25%**	FNMA	GSE	3,351,404.58	2.63%	25.00%	YES
Asset Backed Securities	-	0.00%	FHLMC	GSE	3,239,034.78	2.54%	25.00%	YES
Commercial Paper	-	0.00%	FFCB	GSE	-	0.00%	25.00%	YES
Corporate Notes	1,431,032.42	1.12%	FHLB	GSE	2,678,586.65	2.10%	25.00%	YES
Bankers Acceptances	-	0.00%	JPMorgan Chase & Co.	Corp	251,499.44	0.20%	5.00%	YES
Money Market Funds	11,892,388.44	9.32%	Walmart Inc.	Corp	456,435.32	0.36%	5.00%	YES
Municipal Bonds	-	0.00%	Wells Fargo & Company	Corp	723,097.66	0.57%	5.00%	YES
FLCLASS	15,342,608.05	12.03%	FHLMC MBS	MBS	3,013,446.26	2.36%	5.00%	YES
Certificates of Deposit	-	0.00%	FNMA MBS	MBS	786,816.40	0.62%	5.00%	YES
Total Portfolio MV	**$ 127,547,228.21**	**100.00%**	**Total Portfolio MV**		**$ 127,547,228.21**	**100.00%**		

(1) Mortgage backed securities included in security description and listed separately in issuer description. Public Trust managed assets represent market value plus accruec

(2) External assets not managed by Public Trust. Information provided by City staff. Asset allocation limits defined in the City's investment policy.

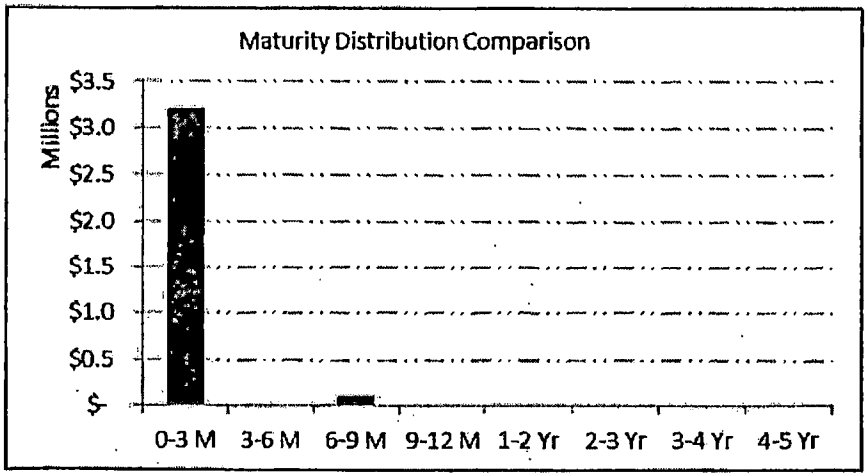


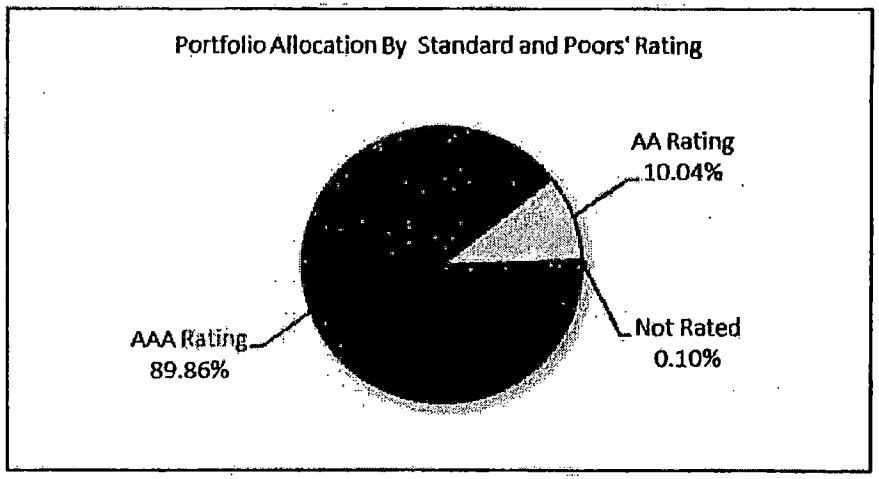
Source: Public Trust. See additional footnotes at the end of the presentation.

Enhanced Cash Portfolio

- The Enhanced Cash Portfolio is designed to provide funding throughout the fiscal year
- The portfolio is diversified with highly rated fixed income securities.
- Consider consolidating this portfolio with the Operating Portfolio based on cash flow analysis given current market conditions to reduce reinvestment rate risk .

September 30, 2018		**September 30, 2019**	
Market Value	$3,152,490.33	Market Value	$3,305,295.60
Duration (Avg. Mat.)	0.38	Duration (Avg. Mat.)	0.02
Book Yield	2.06%	Book Yield	1.74%





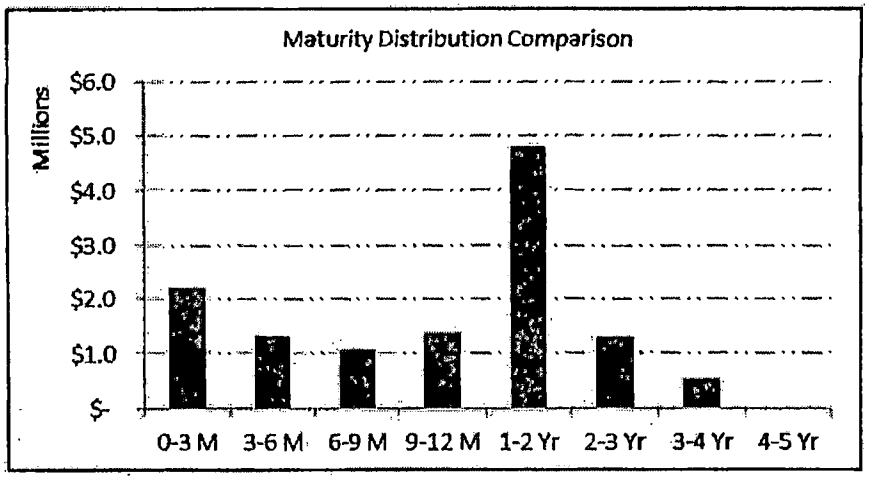
Source: Public Trust. See additional footnotes at the end of the presentation.

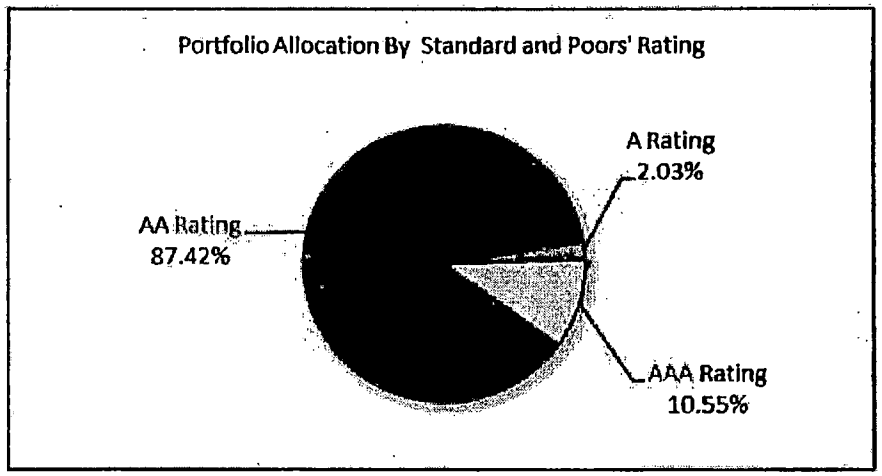
Operating Portfolio

- The Operating Portfolio provides funding over multiple fiscal years. The portfolio is structured with maturities between one and five years. Funds are undesignated.
- The portfolio is diversified with highly rated fixed income securities.
- Will look to extend duration with upcoming maturities to reduce reinvestment rate risk.

September 30, 2018	
Market Value	$11,974,235.99
Duration (Avg. Mat.)	1.66
Book Yield	2.02%

September 30, 2019	
Market Value	$12,477,571.89
Duration (Avg. Mat.)	1.11
Book Yield	2.07%





Source: Public Trust. See additional footnotes at the end of the presentation.

Reserves Portfolio

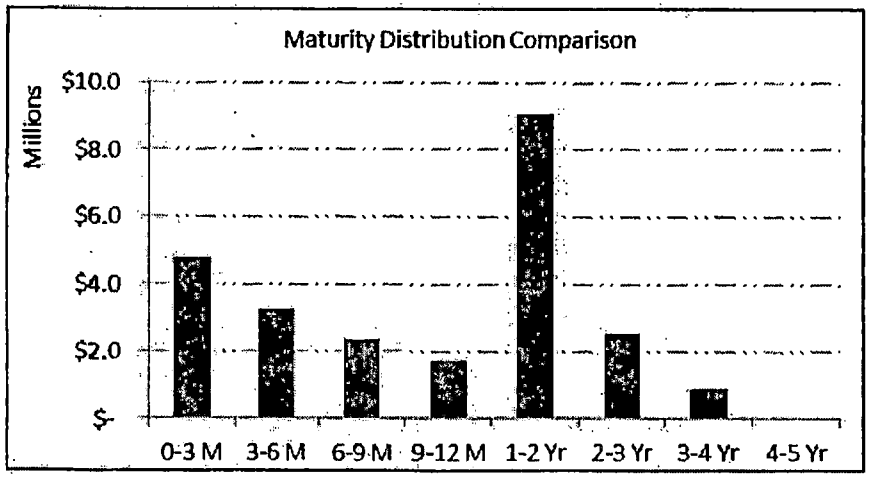
- The Reserves Portfolio is structured based on requirements defined in the bond indenture for the City's outstanding debt per debt issuance. The portfolio is structured to with maturities between one and five years.
- The portfolio is diversified with highly rated fixed income securities.
- Will look to extend duration with upcoming maturities to reduce reinvestment rate risk.

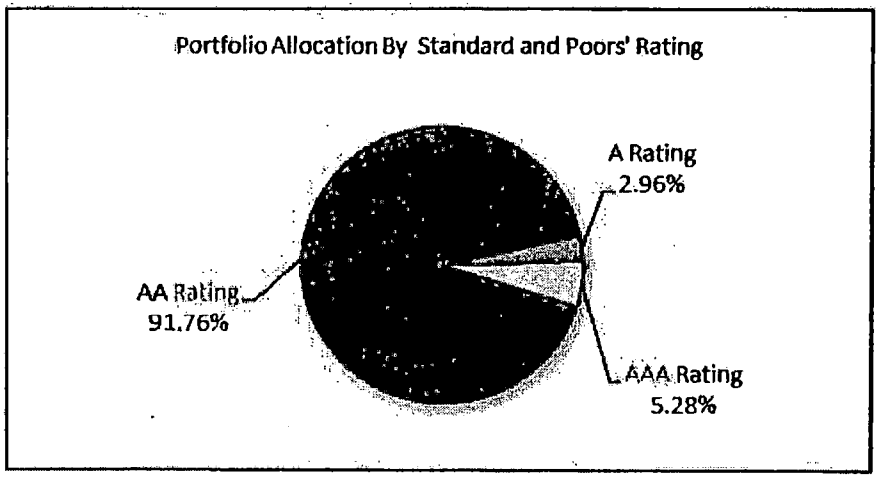
September 30, 2018

Market Value	$23,412,540
Duration (Avg. Mat.)	1.67
Book Yield	2.04%

September 30, 2019

Market Value	$24,377,926
Duration (Avg. Mat.)	1.00
Book Yield	2.08%





Source: Public Trust. See additional footnotes at the end of the presentation.

Restricted Portfolio

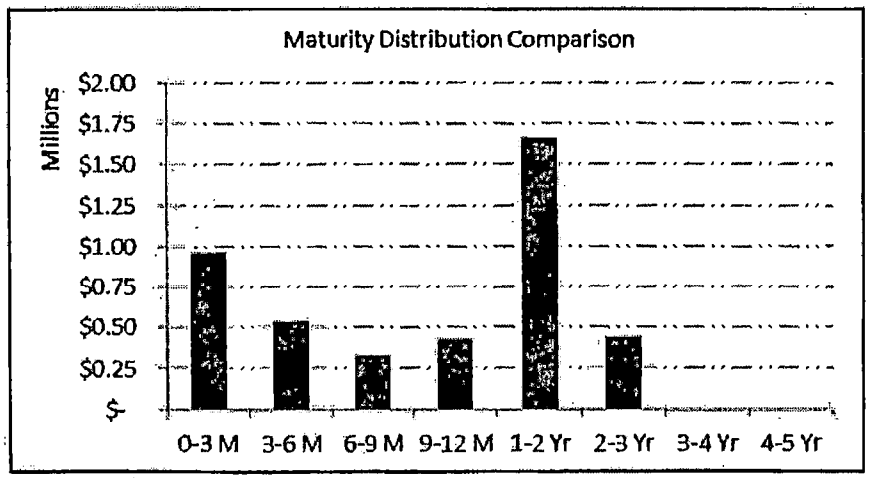
- The Restricted Portfolio is restricted cash that is held long-term. As the cash is restricted and held long-term, the funds are invested to obtain a better yield that holding in the cash operating account.
- The portfolio is diversified with highly rated fixed income securities.
- This portfolio will maintain a structure based on requirements with bond covenants.

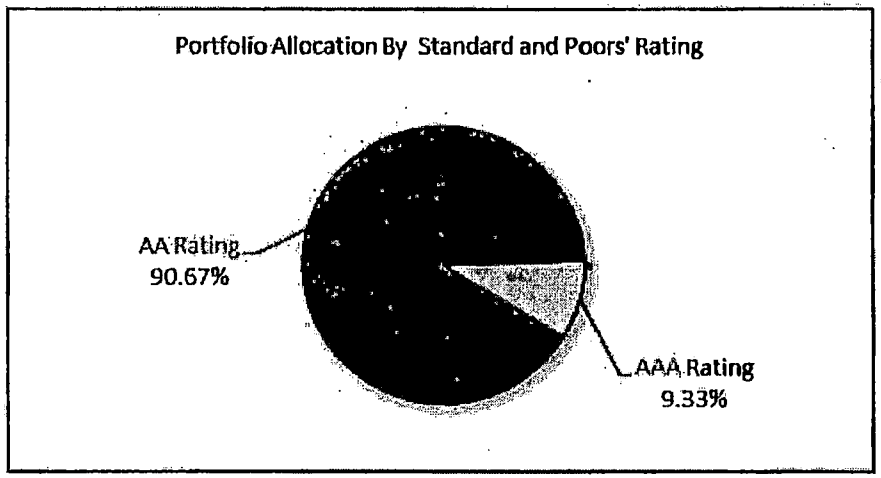
September 30, 2018

Market Value	$4,201,421
Duration (Avg. Mat.)	1.67
Book Yield	2.01%

September 30, 2019

Market Value	$4,312,022
Duration (Avg. Mat.)	0.92
Book Yield	2.03%





Source: Public Trust. See additional footnotes at the end of the presentation.

2018 Bond Portfolio

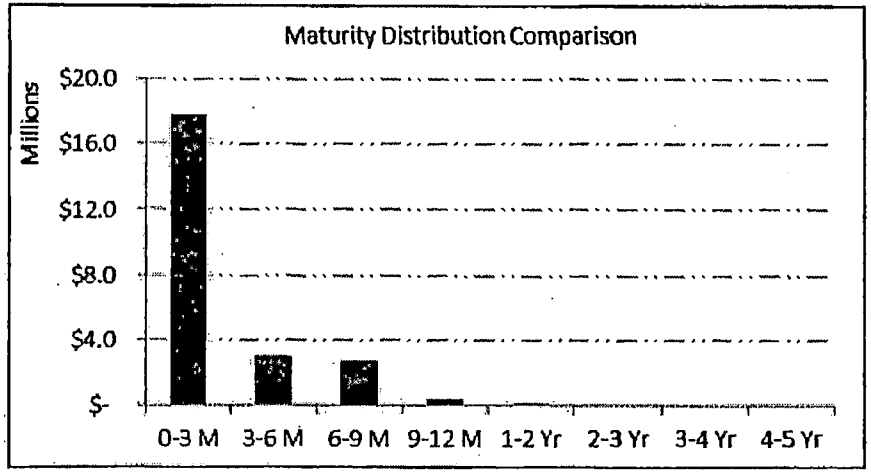
- The 2018 Bond Portfolio is structured based on anticipated projected expenditures.
- The portfolio is diversified with highly rated fixed income securities for longer term expenditures and a AAA rated Local Government Investment Pool for daily liquidity.
- Portfolio structure is based on project expenditures through the life of the project.

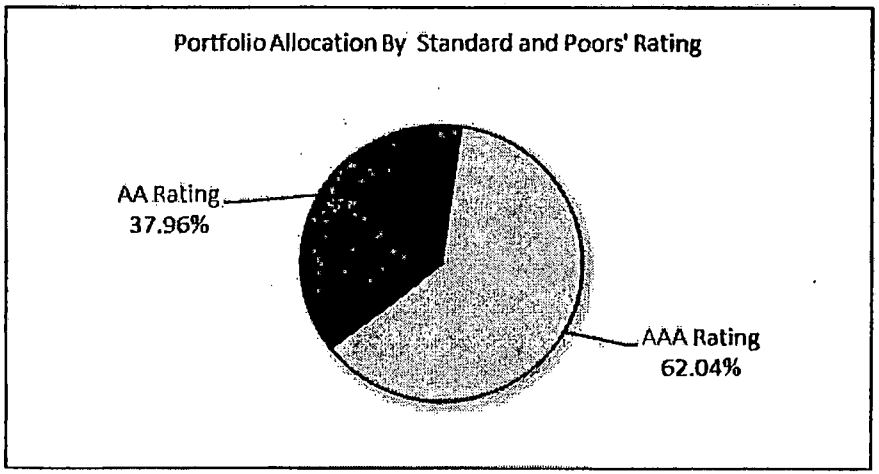
September 30, 2018

- NA

September 30, 2019

Market Value	$39,065,696
Duration (Avg. Mat.)	0.11
Book Yield	2.30%





Source: Public Trust. See additional footnotes at the end of the presentation.

Disclosures

This presentation is for informational purposes only. All information is assumed to be correct but the accuracy has not been confirmed and therefore is not guaranteed to be correct. Information is obtained from third party sources that may or may not be verified. The information presented should not be used in making any investment decisions and is not a recommendation to buy, sell, implement or change any securities or investment strategy, function or process. Any financial and/or investment decision should be made only after considerable research, consideration and involvement with an experienced professional engaged for the specific purpose. All comments and discussion presented are purely based on opinion and assumptions, not fact, and these assumptions may or may not be correct based on foreseen and unforeseen events. All calculations and results presented and are for discussion purposes only and should not be used for making calculations and/or decisions. The data in this presentation is unaudited.

Performance comparisons will be affected by changes in interest rates. Investment returns fluctuate due to changes in market conditions. Investment involves risk, including the possible loss of principal. The information contained herein has been obtained from sources that we believe to be reliable but its accuracy and completeness are not guaranteed. There is no guarantee that investment strategies will achieve the desired results under all market conditions, and each investor should evaluate its ability to invest long-term, especially during periods of a market downturn. Past performance is not an indicator of future performance or results. Any financial and/or investment decision may incur losses. The materials in the attached are opinions of Public Trust Advisors, LLC and should not be construed as investment advice.

The investment advisor providing these services is Public Trust Advisors, LLC, an investment adviser registered with the U.S. Securities and Exchange Commission (SEC) under the Investment Advisers Act of 1940, as amended. Registration with the SEC does not imply a certain level of skill or training. Public Trust is required to maintain a written disclosure brochure of our background and business experience. If you would like to receive a copy of our current disclosure brochure, privacy policy, or code of ethics please contact us.

Benchmarks are provided for illustrative purposes only. Comparisons to benchmarks have limitations because benchmarks have volatility and other material characteristics that may differ from the portfolio. Also, performance results for benchmarks do not reflect payment of investment management/incentive fees and other fund expenses. Because of these differences, benchmarks should not be relied upon as an accurate measure of comparison.

COCOA
FLORIDA

Zoning Map Amendment
Lakes at Canaveral Groves

January 22, 2020

EXHIBIT B: Rezoning Presentation-Ordinance No. 03-2020

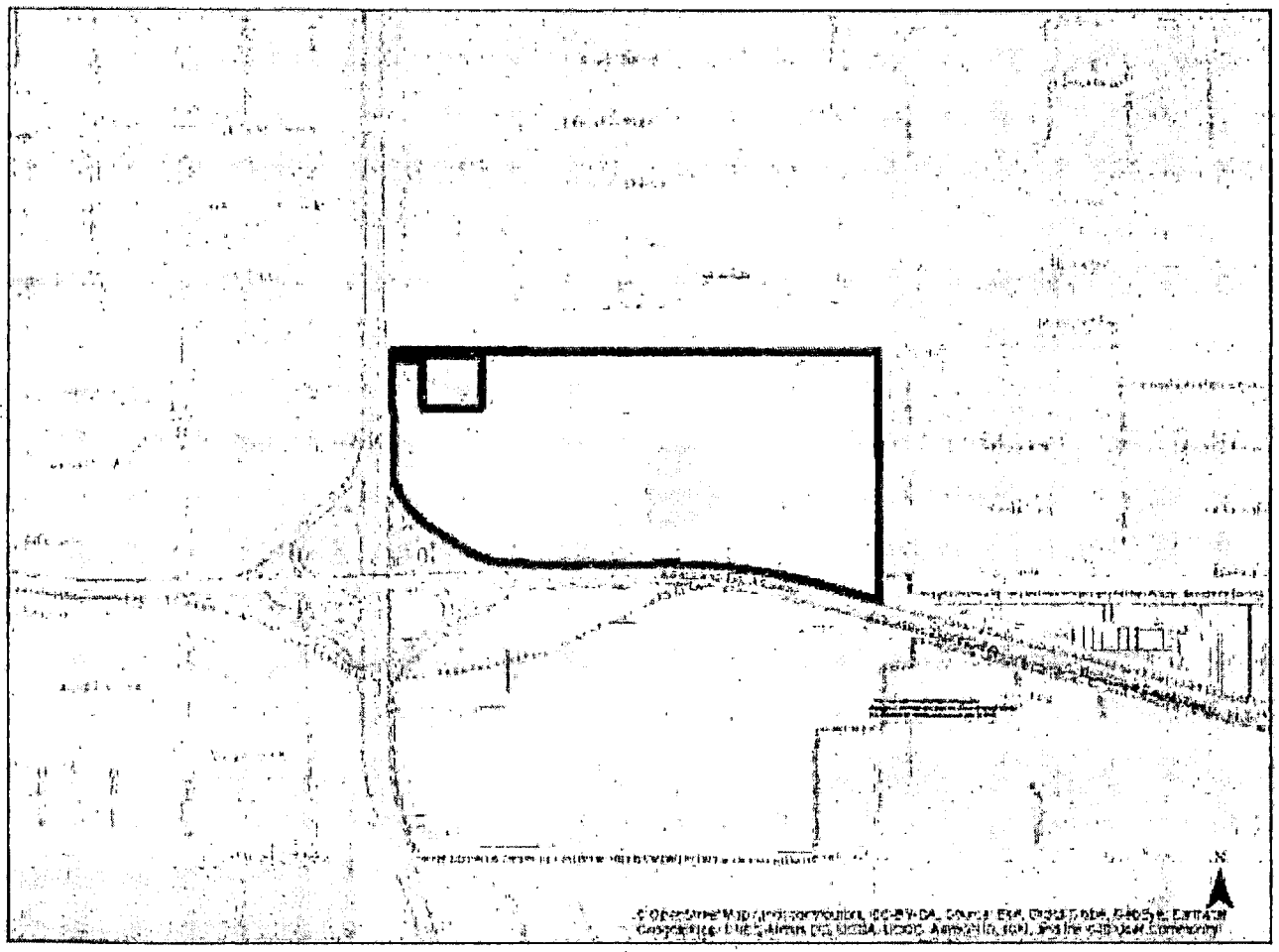
PROJECT SUMMARY

- The applicant, Virgin Trains USA Florida, LLC, is requesting to amend the Zoning Map designation of one (1) parcel totaling approximately 246.45 acres from Brevard County GU (General Use) to City of Cocoa RU-1-7 (Single Family Residential).

- The applicant intends to construct a single family subdivision with 320 lots, a shared amenity space for outdoor recreation, a clubhouse facility and 2 lakes.

Location Map

Exhibit A



[redacted]

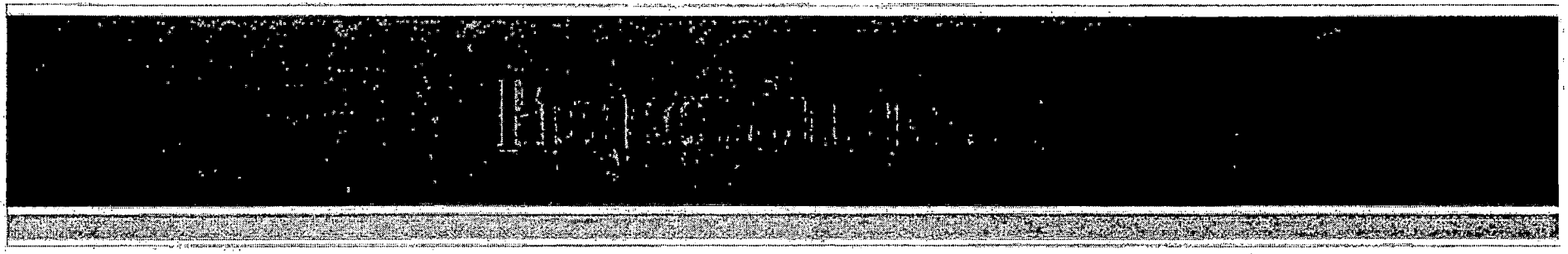
Current Future Land Use:	VLDR (Very Low Density Residential)
Current Zoning District:	Brevard County GU (General Use)
Proposed Zoning:	City of Cocoa RU-1-7 (Single Family Residential)
Existing Land Use:	vacant land

[redacted] [redacted] [redacted]

[redacted]

- The subject property was annexed from Brevard County in 2004.
- Prior to the annexation, the City entered into a Preceding Development Agreement, dated August 24, 2004, with the previous property owner.
- Through the Preceding Development Agreement, the property owner expressed its willingness to annex into the City of Cocoa with certain conditions:
  1. the City would process applications for either an RU-1-7 rezone or a PUD
  2. the Developer would purchase water and wastewater services exclusively from the City
- At the time of the Preceding Development Agreement, the parties agreed that a minimum of one thousand (1,000) residential dwelling units would be constructed.

COCOA FLORIDA



- In September 2004, Brevard County challenged the City's annexation. Numerous issues were litigated with the County and were ultimately resolved via the Stipulated Settlement Agreement entered into on January 9, 2008.

- This Stipulated Settlement Agreement provided that the future development of the subject parcel include perimeter lots on the North and Ease perimeter of the parcel be no less than 70 feet by 140 feet, with the rear 15 feet of the lot dedicated as a natural buffer.

- The City also agreed to limit development on the parcel to between 300 and 500 total residential units, with the gross density being approximately 2.03 residential units per acre.

COCOA FLORIDA

Project Summary

- In addition, the City entered into a Settlement Implementation Agreement, dated July 10, 2019, with the current property owner, Virgin Trains USA Florida, LLC.

- This Agreement limits the number of potential residential lots to approximately 320, with homes with a minimum living area under air of 1,500 square feet and an average living area of 1,800 square feet.

- The Settlement Implementation Agreement further provides that the eventual residential subdivision shall include ample private recreational common area green space and amenities, including a private Amenity Center and a proposed 38-acre lake.

COCOA FLORIDA

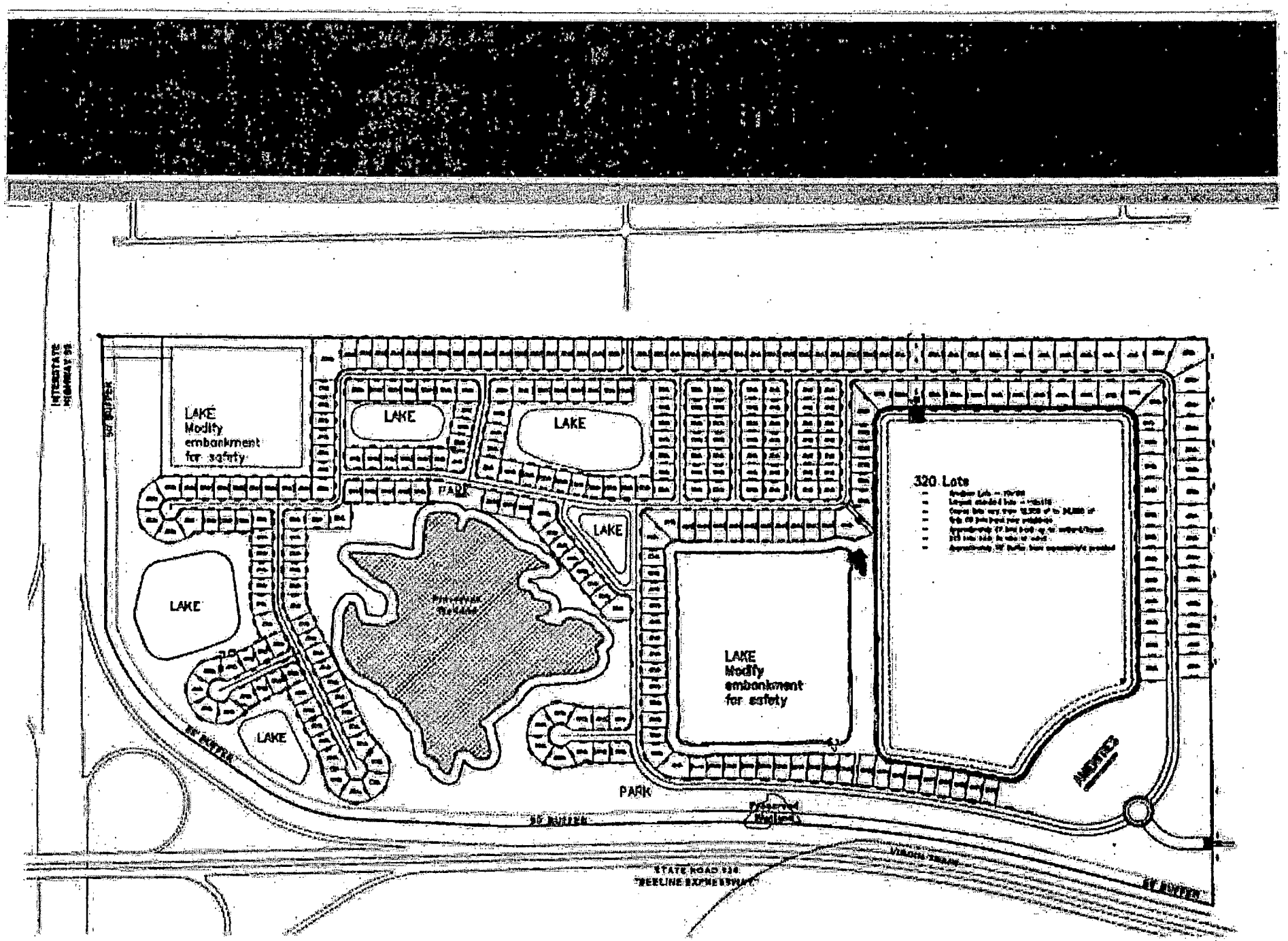
- Through the Settlement Implementation Agreement, the Developer agreed to seek a City zoning designation of RU-1-7, consistent with the Very Low Density Residential Future Land Use Map Designation.

- The RU-1-7 zoning district is a low-density residential zoning designation which allows up to 7 single-family dwelling units per acre and designates minimum bulk regulations, most notably a minimum lot area of 7,500 square feet, minimum lot width of 75 feet, and minimum lot depth of 100 feet.

- The Concept Plans approved via the Settlement Implementation Agreement depict lots that meet these minimum bulk regulations or, in the case of the perimeter lots with a natural buffer, exceed those minimum bulk regulations.

- The RU-1-7 district allows only single-family dwellings as a principle use, with certain residential accessory structures.

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LAKE
Modify
embankment
for safety
LAKE
LAKE
PARK
LAKE
LAKE
LAKE
LAKE
Modify
embankment
for safety
320 Lots
PARK
50' BUFFER
50' BUFFER
50' BUFFER

Consistency with the Code of the City of Cocoa

- In accordance with Appendix A Zoning, Article XXI, Section 1(G), a total of 16 criteria are to be considered in the review of an application for a rezoning.

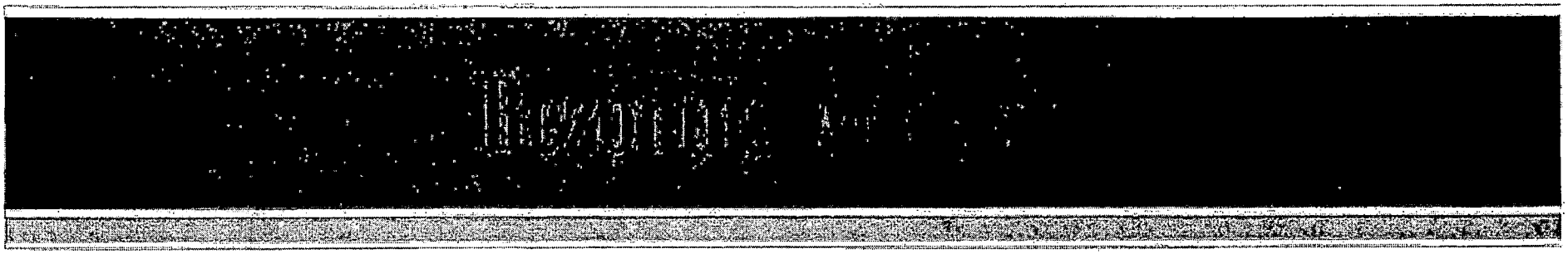
- These criteria address issues such as the established land use pattern, population density, the comprehensive plan, living conditions in the adjoining neighborhood, traffic congestion, public safety, drainage, property values, public welfare, and others related to the impact of the proposed change.

C. The proposed change would materially alter the population density pattern and thereby increase or overtax the load on public facilities such as schools, utilities, streets, access, etc.

Staff Finding:

- The maximum density for RU-1-7 is approximately 7 units per acre, consistent with the Future Land Use Element of the Comprehensive Plan.
- However, Brevard County and the City agreed that the maximum gross density the property could achieve would be 2.03 residential units per acre.
- The proposed project includes 6 lakes and wetland areas which are not developable and therefore reduce the density calculation to 1.2 units per acre, far less than the maximum allowable density.

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- Essentially, lot sizes will be smaller when the subject parcel is subdivided than what is currently established to the north and east of the subject property, but the existing population density pattern will be maintained overall due to the large amounts of open space required.

- For comparison, the Summer Breeze subdivision to the east of the subject property consists of 40 residential lots, of which 37 are .45 acre and 3 are over 2 acres. The overall density is 1.3 units per acre.

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[redacted]

The schools currently serving students in this area are Fairglen Elementary and Cocoa Jr./Sr. High School. If every house in the new development had 1 elementary aged child and 1 middle/high school aged child, school capacity would be affected as follows:

- Fairglen Elementary is currently at 86% capacity and is expected to rise to 94% by 2023-24. It would be able to accommodate roughly one-third of the new students. Therefore we look to the adjacent schools and find that Cambridge, Saturn and Endeavor Elementary have sufficient capacity to accommodate the additional students.

- Cocoa Jr./Sr. High School is currently at 88% capacity and is also expected to rise to 94% by 2023-24. It would be able to accommodate two-thirds of the students. Sufficient capacity exists at Rockledge and Space Coast to accommodate the additional students.

COCOA FLORIDA

h. The proposed change will create or excessively increase traffic congestion or otherwise affect public safety.

Staff Finding:

- The density of the proposed development has drastically decreased over the years from an initial 1000 dwelling units to a current maximum of 320 dwelling units, which is less than the agreed-to density of 2.03 units per acre and maximum 500 dwelling units with Brevard County.

- The gross density for the project, when considering the open spaces required by the approved Concept Plans in the Settlement Implementation Agreement, will be 1.2 units per acre, which is very consistent with the surrounding development pattern of 1 acre lots.

[redacted]

- The proposed development project would add 320 new housing units which, in turn, would generate roughly 3,062 additional daily trips, based on an average of 9.57 vehicle trips per dwelling unit (on a weekday) as established by the Institute of Transportation Engineers (ITE) Trip Generation Manual (7th Edition).

- If the existing development pattern of the Canaveral Groves area of 1 acre lots were applied to the subject property, then the maximum potential dwelling units would be 246, which would generate roughly 2,354 additional daily trips.

- The rezoning to RU-1-7, with the maximum 320 dwelling units, would result in a 708 trip differential.

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- Factoring in the effect of a new connection to Grissom Parkway will mean that many of the existing trips entering and exiting Canaveral Groves will likely be redirected to the new southern connection to Grissom Parkway.

- So although roughly 3,000 trips will be added to the overall development, most of those, along with many of the existing southern homeowner's trips will no longer be traveling on Alan Shepard Ave. which will reduce traffic congestion on Canaveral Groves Blvd.

Rezoning Advice

- Although a residential subdivision is not being proposed at this time for approval, pursuant to the Stipulated Settlement Agreement and Settlement Implementation Agreement, the future subdivision will have two public road access points.

- The northern access point will be at the existing southern terminus of Bahia Street.

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[redacted]

- Brevard County must choose between two options for public road access at the southeastern corner of the project:
  (1) Osage/Angelica Street, or
  (2) south along the 100-foot wide drainage canal right-of-way connecting to Grissom Parkway

- The County has not yet formally notified the City of its choice. However, the Developer has indicated that they are proposing to create an intersection at Grissom Parkway to handle the increased trip demand.

- The connection to Grissom Parkway will provide all residents living in the Canaveral Groves area with a second, and for many a more direct access, to Grissom Parkway, and shortened travel time for trips to/from the south.

COCOA FLORIDA

[redacted] [redacted] [redacted]

[redacted]

Consistency with Comprehensive Plan Policies and Objectives

- The FLU Map designation for the subject property is "Very Low Residential" which allows the proposed RU-1-7 zoning district designation.

Concurrency Management/Adequate Public Facilities

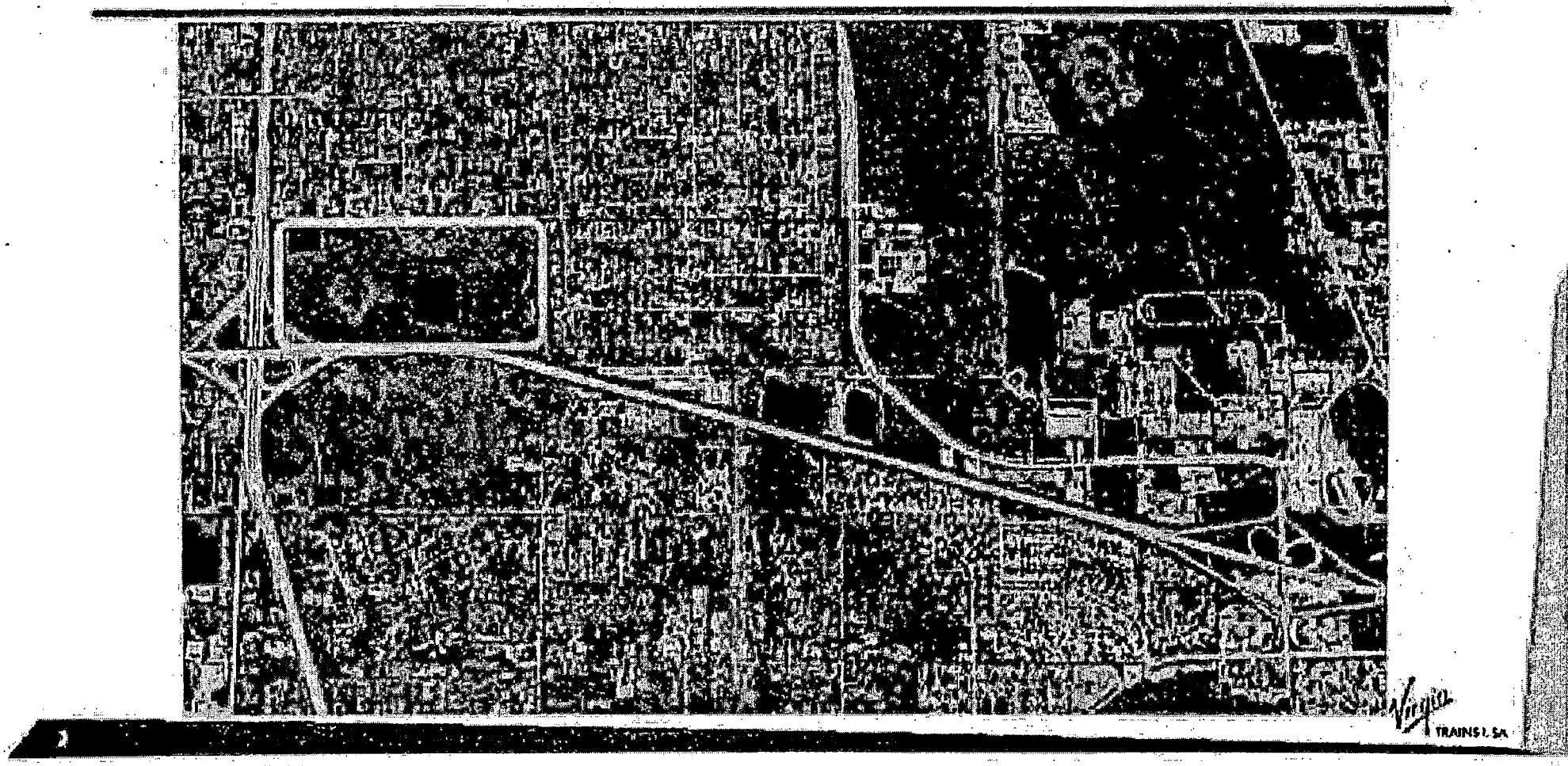
- This will be addressed as part of the subdivision application.

Staff Recommendation

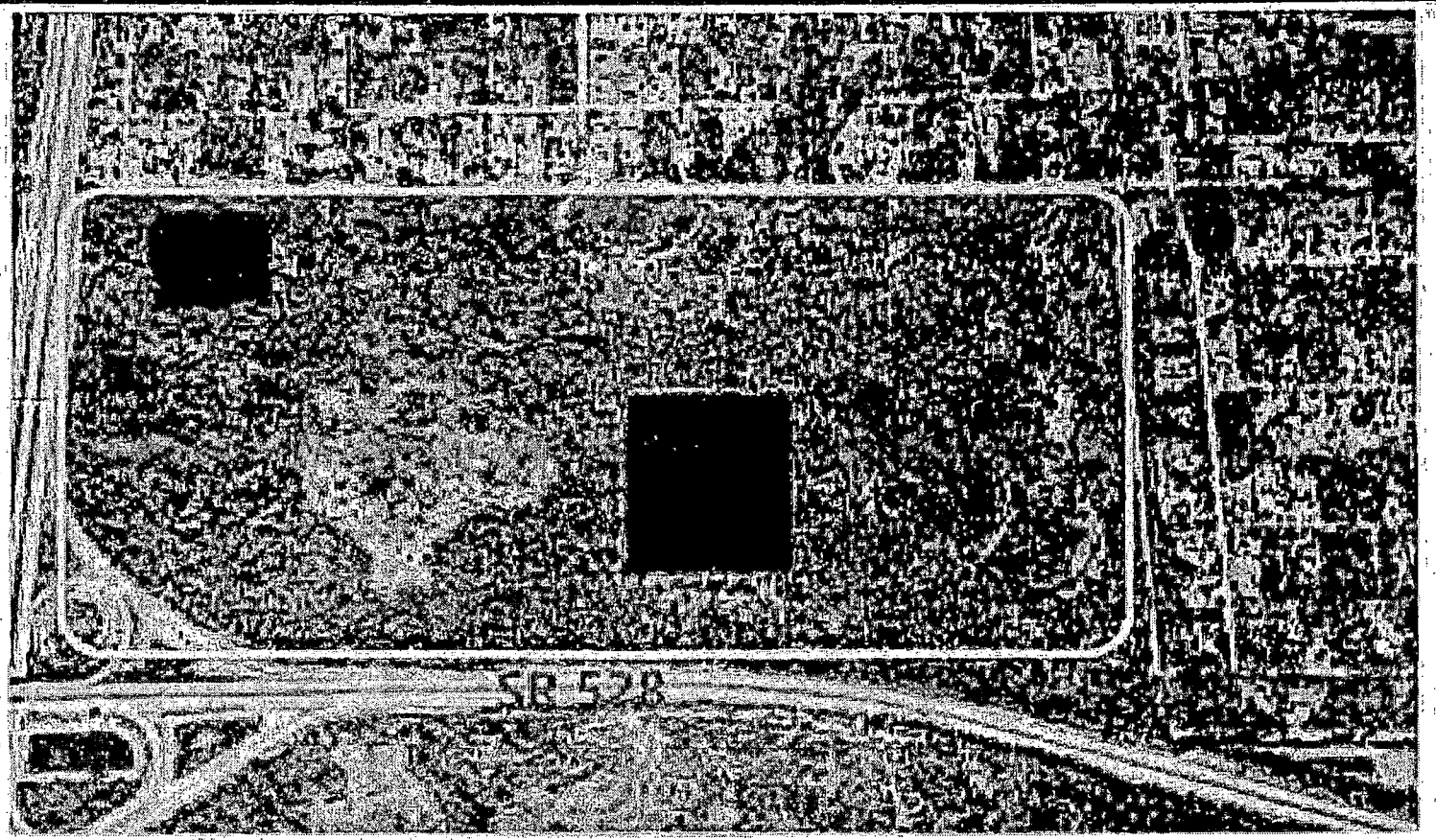
Staff recommends that the Planning & Zoning Board recommend **approval** to City Council of the Zoning Map Amendment consistent with Appendix A, Zoning, Article XXII, to change the Zoning Map designation of one (1) parcel totaling 246.45 acres from Brevard County GU (General Use) to City of Cocoa RU-1-7 (Single Family Residential).

THE LAKES OF CANAVERAL GROVES

Geographic Aerial



Location of Subject Property

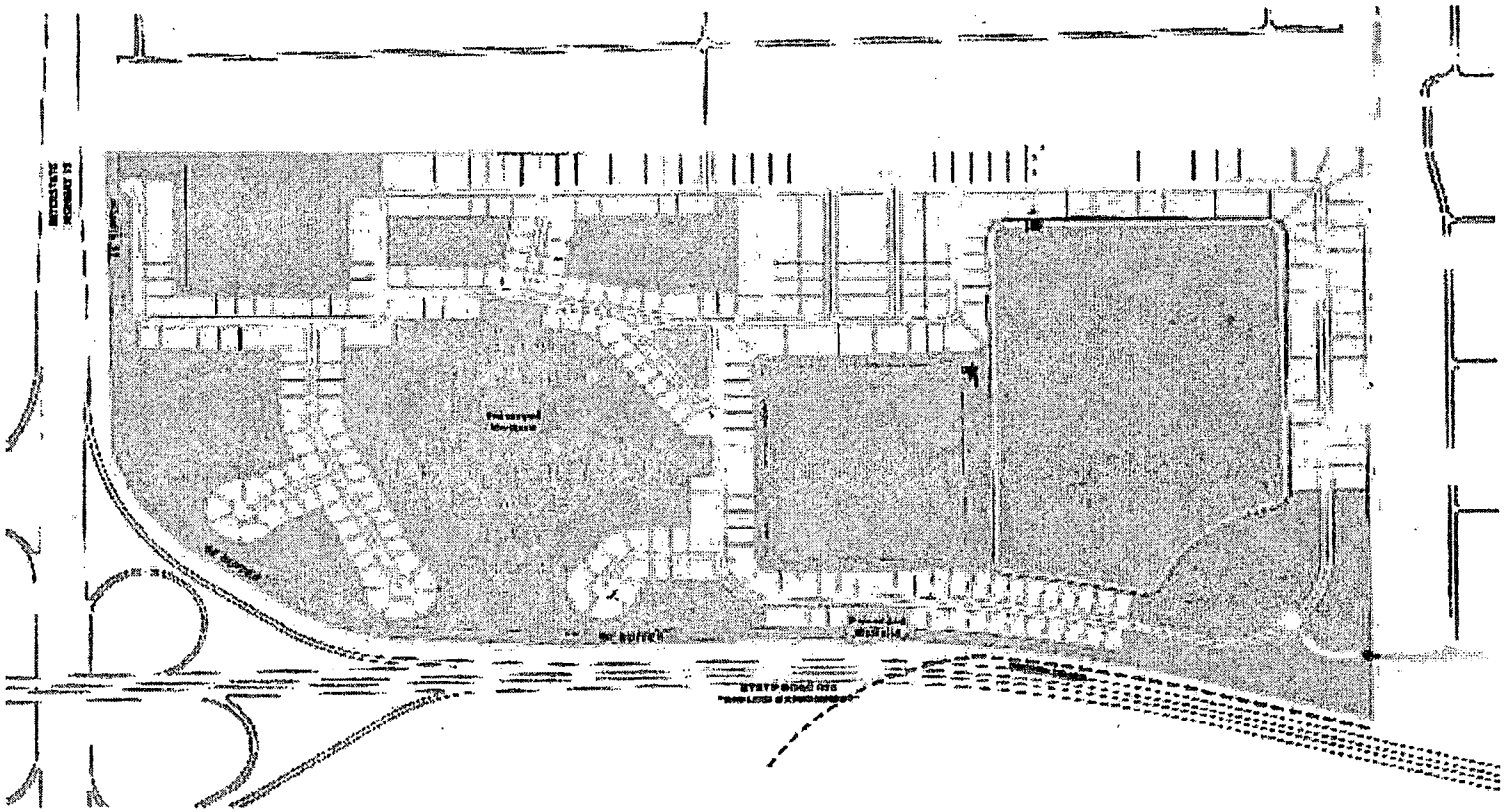


Virgin TRAINS U.S.A.

Regulatory History of Subject Property

- ***August 2004*** -Annexation of Subject Property by City of Cocoa.
- ***September 2004*** -Brevard County sues City of Cocoa over Annexation.
- ***December 2007*** -Stipulated Settlement Agreement between Brevard County, City of Cocoa and Property Owners.
- ***July 2019*** -Virgin Trains obtains Settlement Implementation Agreement to develop the Subject Property.
- ***December 2019-*** Re-zoning application filed for Subject Property in accordance with Settlement Implementation Agreement.

Conceptual Site Plan



Development Process

- **Proposed Re-Zoning Application**
  - Proposed project is consistent and harmonious with the established land use patterns in the vicinity.
  - Proposed RU-1-7 will not create an isolated district, it will continue the single family character of the area.
  - Proposed density of 1.2 units per acre will not materially impact the public facilities such as schools, utilities, streets and other infrastructure.
  - Proposed district is consistent with the natural boundaries of area.
  - Proposed re-zoning is consistent with the City's FLU Map of Very Low Residential.
  - Establishing this district will make it consistent with the property's history.

Development Process

- Existing school capacity exists to accommodate the project.
- The proposed traffic impact will be mitigated by improving access to the site through Osage/Angelica Street and a new intersection at Grissom Parkway to the east. Additionally, a secondary access point to the north via the terminus of Bahia Street.
- Project will comply with all drainage requirements of the SJRWMD.
- The project's low density will not create a reduction in light or air of adjacent areas.
- The proposed project will have a positive affect on the adjacent home values.

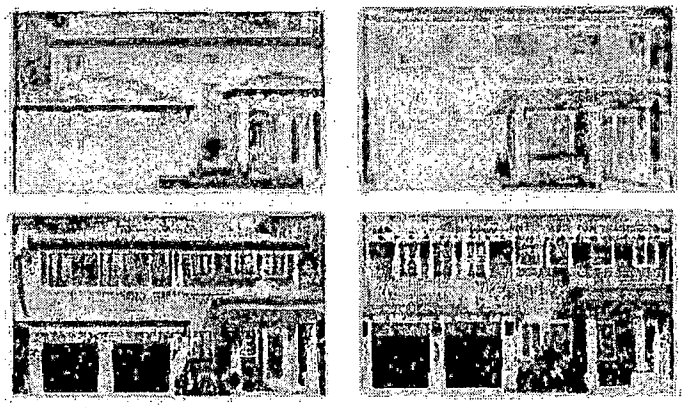
Next Steps

- **Platting of Subject Property**
  - Tentative Plat for the project
  - Engineering Study to determine infrastructure needs
  - Conceptual engineering plan for site access proposals
  - Paving & Drainage plans for project
  - Water and Sewer Plans for project
  - Environmental Resource Permits with SJRWMD
  - Final Plat for the project
  - **Develop Model Homes (Home sizes range from 2,271 SF to 4,872 SF)**
  - **Building Permits**

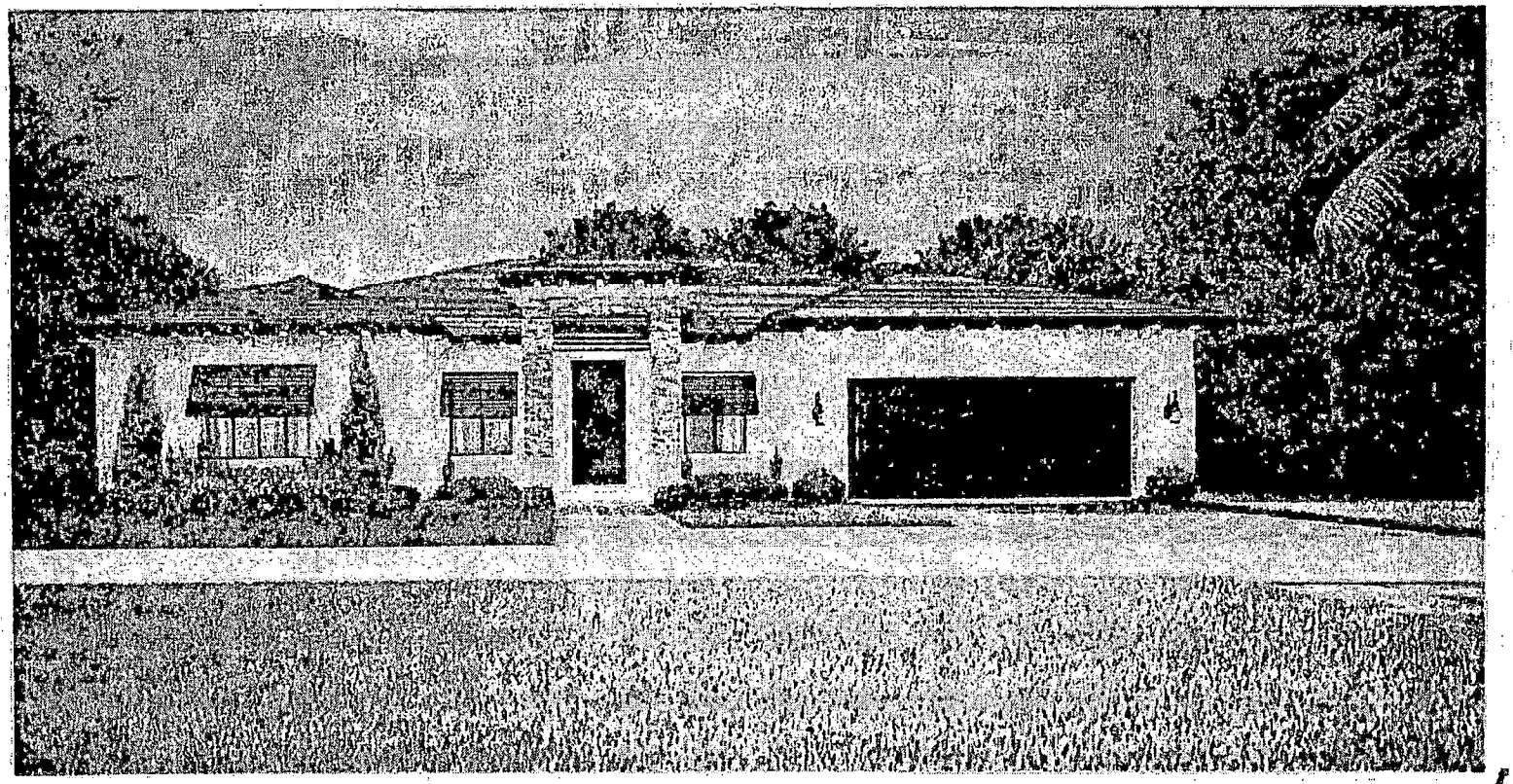
Single Family Gold Series



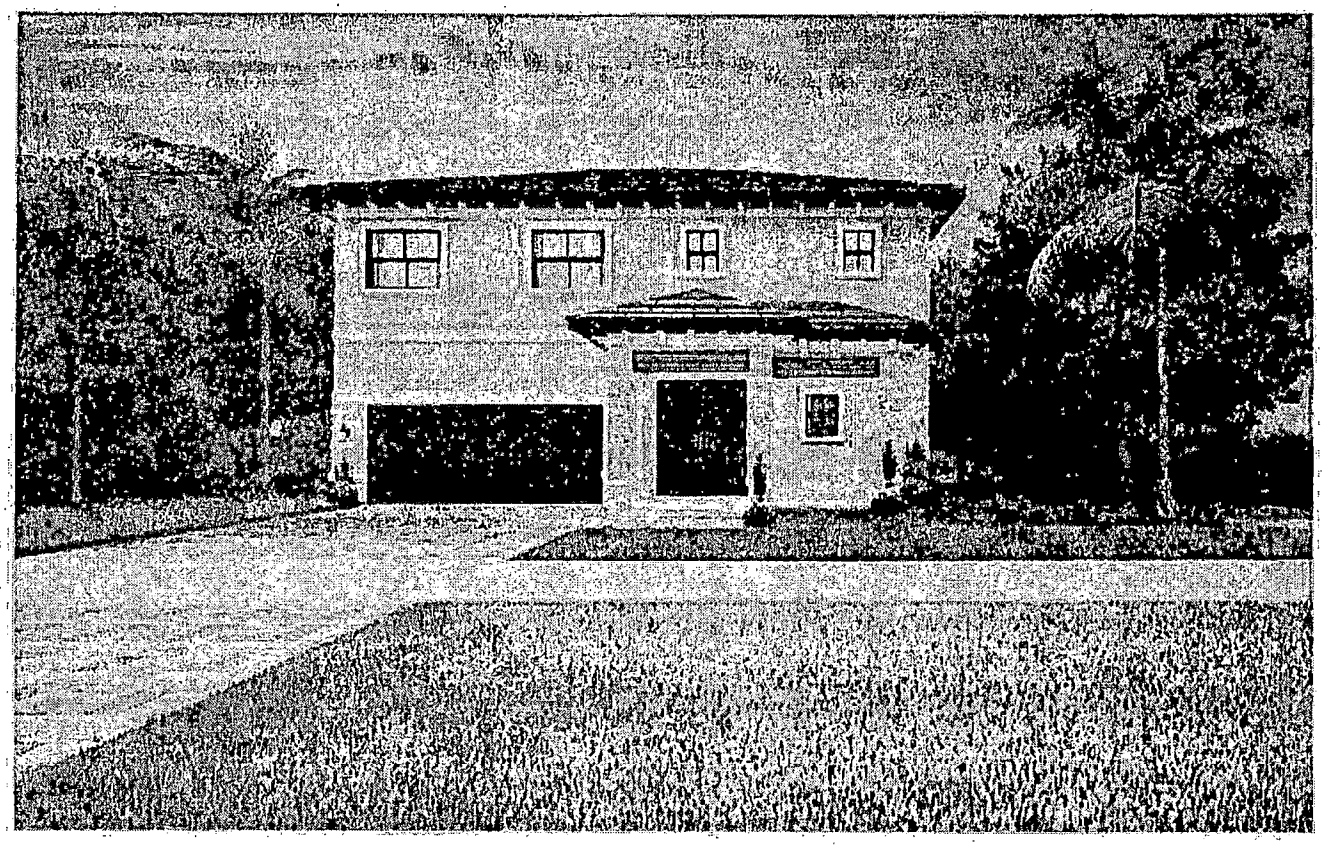
Estates Homes Platinum Series



American Robin Single Family Model



Brown Pelican Single Family Model

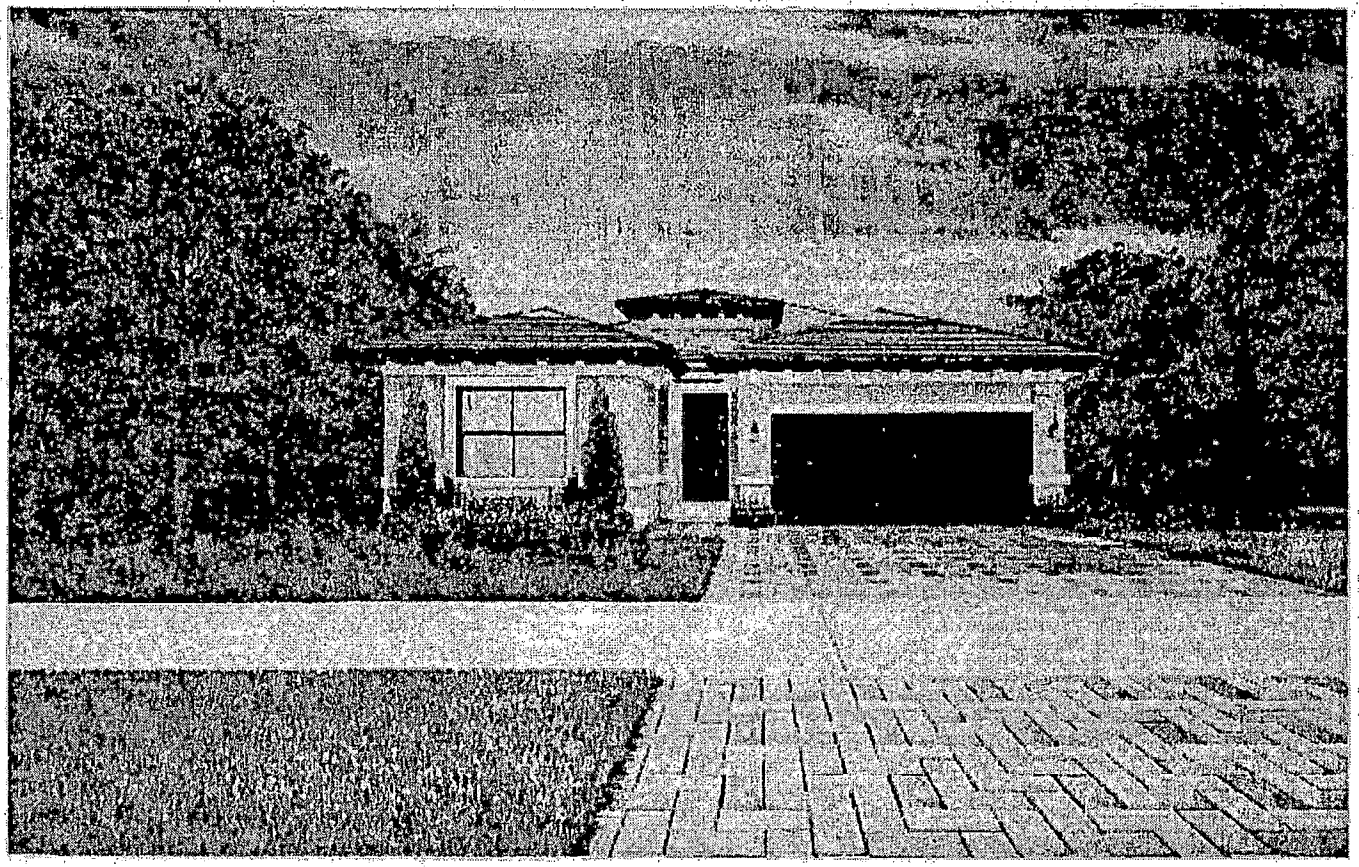


Common Nighthawk Single Family Model



Virgin TRAINS USA

Dark-Eyed Junco Single Family Model



Eastern King Bird Single Family Model



Arbor Estate Home Model

