MINUTES
City of Cocoa
Regular Meeting of The City Council

November 14, 2023

A Regular City Council Meeting was held on Tuesday, November 14, 2023, in Cocoa City Hall, in City Council Chambers, located at 65 Stone Street, in Cocoa, Florida, 32922, as publicly noticed.

I. Opening Matters:

Mayor Blake called the meeting to order at 6:01 p.m.

Pastor Randy Alonso and Pastor Roger Byrd provided the invocation and Historic Cocoa Village Main Street led the assembly in the Pledge of Allegiance to the Flag of the United States of America.

The Interim City Clerk took the roll.

PRESENT:	Michael C. Blake	Mayor
	Lavander Hearn	Deputy Mayor (via phone)
	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:

Jack Walsh, Utilities Director; Charlene Neuterman, Community Services Director; Tammy Gemmati, Administrative Services Director; Evander Collier, Police Chief; Lora Howell, Deputy Finance Director; Jonathan Lamm, Fire Chief; Robert Beach, Chief Technology Officer; Dennis Bunt, Code Enforcement Manager; and Jason Dowty, Help Desk Support Tech.

II. Approval of Agenda and Minutes:

1. **Agenda:** Regular Meeting of November 14, 2023. (23-718).

* **MOTION by Councilmember Koss; Seconded by Councilmember Goins, to approve the agenda for the Regular meeting of November 14, 2023 as written.**

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

2. **Minutes:** (a) Regular Meeting of September 12, 2023. (23-717).
(b) Regular Meeting of September 26, 2023. (23-719).

* **MOTION by Councilmember Koss; Seconded by Councilmember Goins, to approve the minutes for the Regular meeting of September 12, 2023 with amendments to pages 3 and 4; and to approve the September 26, 2023 minutes as written.**

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

III. Awards and Presentations:

1. Proclaiming the City's Support for its Sister City, Beit Shemesh, Israel. (23-699).

Councilmember Barringer read the proclamation into the record and shared his support, along with Council, for Beit Shemesh.

2. Historic Cocoa Village Main Street Presents Hot Cocoa Holidays. (23-700).

Emma Kirkpatrick, HCVMS, read a poem in observance of Hot Cocoa Holidays.

IV. Delegations:

Aleck Greenwood, 640 Brevard Ave., Cocoa, submitted his personal resume to Council. He shared a concern that a Councilperson insinuated that he is involved in a lawsuit against the City and he would like that person to have a discussion with the City Manager to clear that up.

He also mentioned a comment that was made at a community meeting and asked why his property was a topic at the meeting when it is not in this Councilperson's district. In response, it was clarified that the comment that was made was brought

up by a citizen and it was said at that time that the topic was not going to be addressed at that particular meeting.

Brad Whitmore, 351 Rockledge Dr., and also member of HCVMS, mentioned that he is pleased to share that the Ed Lanni T-Docks are still functional and active as the season moves along. To that point, there is a shortage of places to tie dinghy's even though there is plenty of space. He asked Council to address this issue.

V. Consent Agenda:

(A) General Consent Items:

1. Approve a Resolution Amending the FY2024 Budget, BAF#24-011-A to fund the Stradley Park Project. Authorize the City Manager to Approve a Task Order/Purchase Order to W&J Construction Corporation utilizing the existing Piggy-back contract for Brevard County's Continuing Construction Manager (At Risk) Services, Contract # RFQ 6-22-05 Effective July 7, 2022 through 11/21/2025 for the Guaranteed Maximum Price (GMP) of $621,637 for improvements to the Football Field at Don "Mo" Stradley Memorial Park. Approve a Contingency Resolution Authorizing the City Manager to issue Owner Directed Change Order not to exceed $60,000. (23-629). (Interim Public Works Director)

2. Approve Participation in Cooperative Purchasing Agreements for the Purchase of Vehicles and the associated options and equipment for FY-2024 Utilizing Sourcewell Contracts 2024 091521-NAF&06, 060920-ATC and Florida State DMS PA 25100000-23-STC; Approve a Resolution Amending the FY24 Budget BAF#24-016-A for the additional cost of one vehicle and the FY23 Vehicle Budget Roll for unencumbered funds, and Authorize City Manager to execute Purchase Orders to Contract Dealers. (23-658). (Interim Public Works Director)

3. Approve Utilities Easements with Brightline Trains Florida, LLC and Mountain Cove Homes at Lakes at Cocoa Grove, LLC. (23-713). (City Attorney)

(B) Multi-Year Contracts:

4. Approval to enter into a multi-year agreement with Brevard County regarding the Public Safety Radio System Annual User Agreement and the City of Cocoa for radio system services. (23-628). (Fire Chief)

5. Approve Participation in a Multi-Year Piggy-Back Agreement with Inliner Solutions for Cured in Place Pipe Lining Utilizing Volusia County's Contract # 22-B-41HO Effective November 14, 2023 through September 19, 2025. Authorize the City Manager to Approve a Task Order/Purchase Order to Inliner Solutions utilizing this piggy-back contract for Cured in Place Pipe Lining for $155,095 for 1,252 linear feet of pipe lining. Approve a Contingency Resolution Authorizing the City Manager to issue Change Order(s) not to exceed $4,905. (23-645). (Interim Public Works Director)

6. To Approve a Resolution Amending the FY2024 Budget, BAF No. 24-021-IFT; Approve the Vortex Proposal for Manhole Rehabilitation Services Utilizing the HGAC (Houston-Galveston Area Council) National Cooperative Purchasing Contract No. TP07-18 Effective July 1, 2018 through June 29, 2021, Renewed Through June 30, 2024. (23-676). (Utilities Director)

7. To Approve the Insituform Technologies, LLC Proposal for Cured in Place Pipe (CIPP) Rehabilitation Services and Sanitary Sewer Mid-Term Cleaning & CCTV Inspections of Main Line Sewers Utilizing the Clay County Utility Authority Bid No. 18/19-A7 effective June 18, 2022 through June 18, 2024. (23-678). (Utilities Director)

8. Approve an Amendment of a multi-year piggyback agreement for Surveying Services with Southeastern Surveying and Mapping Corp., based on the City of St. Cloud contract RFQ 2022-032. Authorize the City Manager to approve amendment or extensions to the agreement effective on June 29, 2023, and renew upon expiration of the initial term on September 30, 2023, through September 16, 2025. Authorize the City Manager to Adjust the FY24 Budget and approve Purchase Orders as needed, and within his Authority. (23-721). (City Manager)

* **MOTION by Councilmember Goins; Seconded by Councilmember Koss, 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. Pass on SECOND READING Ordinance 17-2023, an Expedited State Review Comprehensive Plan Text Amendment to expand the very limited geographic area

by which vertical mixed-use projects may be built at 125-units per acre, to include a +/- 4.32 acre parcel of City-owned land located at 915 Florida Ave., Cocoa, Florida (Brevard County Tax Parcel ID 24-36-33-80-23). (23-715). (City Planner)

Mayor Blake shared that he needed to recuse himself from this item due to a personal conflict[1].

City Attorney Garganese stated that this is the Second and Final Reading of Ordinance 17-2023. He read the title into the record as follows:

Ordinance No. 17-2023

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, ADOPTING A LARGE SCALE COMPREHENSIVE PLAN TEXT AMENDMENT; AMENDING A POLICY IN THE FUTURE LAND USE ELEMENT AUTHORIZING THE CITY COUNCIL TO APPROVE BY DEVELOPMENT AGREEMENT RESIDENTIAL DENSITIES OF UP TO 125 DWELLING UNITS PER ACRE RELATED TO VERTICAL MIXED-USE PROJECTS; EXPANDING THE VERY LIMITED GEOGRAPHICAL AREA TO WHICH THE POLICY APPLIES TO INCLUDE A PARCEL OF CITY-OWNED LAND GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF ROSA L. JONES DRIVE AND FLORIDA AVENUE AND WHICH IS MORE PARTICULARLY DESCRIBED HEREIN BY PARCEL INFORMATION AND MAP THAT CONSISTS OF APPROXIMATELY 4.32 ACRES, MORE OR LESS, AND IS DESIGNATED MIXED-USE FUTURE LAND USE ON THE FUTURE LAND USE MAP AND WHICH IS DESIGNATED SOUTH END (SE) SUBDISTRICT WITH A COMMERCIAL/MIXED-USE LARGE (CL) BUILDING TYPE ON THE COCOA WATERFRONT OVERLAY DISTRICT REGULATING PLAN; REQUIRING A DEVELOPMENT AGREEMENT BY THE CITY COUNCIL TO APPROVE SUCH PROJECTS ON SUCH REAL PROPERTY UNDER CERTAIN TERMS AND CONDITIONS DEEMED NECESSARY AND ACCEPTABLE TO THE CITY COUNCIL; FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE COMPREHENSIVE PLAN, SEVERABILITY, AND AN EFFECTIVE DATE, AND LEGAL STATUS OF THE PLAN AMENDMENT.

Ms. Neuterman provided a brief background of the item.

Councilmember Koss asked if it has been decided whether the City will put this out for RFP or will the property be put up for sale. In response, City Manager Whitten

[1] Mayor Blake submitted Voting Conflict Form 8B to the Clerk's Office

explained that it will eventually go out for RFP and the sale of the property will be included in the RFP. He provided further clarification regarding the density and the goal of the project which is to increase economic development activity and interest.

Councilmember Goins opened the Hearing to the public. There being no questions or comments, the public portion of the Hearing was closed.

* **MOTION by Deputy Mayor Hearn; Seconded by Councilmember Goins, to approve Ordinance No. 17-2023 on Second and Final Reading with discussion.**

Councilmember Koss shared her reasonings as to why she is opposed to this, and referenced the City's Comprehensive Plan. She further clarified that she is not against development she would just like to see smart development.

Councilmember Barringer thanked Council for their comments. He spoke of the blight that has been there for a while and explained that he feels confident in this process and in the fact that a Development Agreement will be brought before Council before anything is done so any concerns or values Council has can be addressed or negotiated before anything is built.

THE VOTE ON THE MOTION WAS:

AYES: Hearn, Barringer, Goins

NAYES: Koss

THE MOTION CARRIED (3-1)

2. Approval of a Final Subdivision Plat known as Adamson Creek Phase Two consistent with Chapter 18 Subdivisions and Appendix A Zoning of the City Code, with conditions. (23-723). (City Manager)

Ms. Neuterman provided a brief summary of the item, sharing the location and the history of the project.

Mayor Blake opened the hearing to the public.

Kenneth Ludwa, BSE Consultants, provided clarification to a comment made by Council regarding the flood plains.

There being no further questions or comments, the public portion of the Hearing was closed.

* **MOTION by Councilmember Goins; Seconded by Mayor Blake, to approve the Adamson Creek Phase Two Final Subdivision Plat with the conditions set forth by staff.**

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

VII. Council Business:

1. Approve the current Code Enforcement Lien for the property located at 411 Thomas Ave., (CE-12-234) be reduced to $1,200.03 as recommended by the Code Enforcement Board. (23-682). (Police Chief)

Joel Hansen, owner of the property at 411 Thomas Avenue, Cocoa, explained that he has invested over $100,000 dollars into the property over the years. He lives in another state and takes care of his wife who has a condition so he is not able to come out as much as he'd like to. Additionally, he has had some issues with the tenants and having to evict them.

He would greatly appreciate it if Council would consider approving the lien reduction for both items.

Councilmember Goins asked Mr. Bunt to explain the history of the violation. In response, Mr. Bunt shared that when Mr. Hansen bought the property in a tax deed sale, the lien was already intact and unfortunately, he did not do his due diligence when he bought it so he did not realize the lien was active. He further clarified that the property was brought back into compliance in 2013.

Additionally, in regard to the next item, it was not the owner that caused the issues resulting in a violation, it was his tenants.

Councilmember Barringer explained that a community has watched this take place over ten years, resulting in a lien for around $125,000 dollars. The Council is now being asked to consider negotiating and reducing this lien for a significant amount of money for a corporation that doesn't necessarily exist or was dissolved. He explained that he did some research and has some concerns about the corporation that owns the property. He asked Mr. Hansen to clarify the status of his corporation.

Further discussion was held on the work that was done on the property and why it has taken so long to address the lien.

Mr. Bunt also pointed out that Mr. Hansen applied for a lien reduction a while ago, however he had already started renovating the property without permits which is why the lien reduction application was not brought before the Code Board sooner as the permits had to be pulled first.

City Attorney Garganese provided clarification regarding Councilmember Barringer's concerns involving the status of Mr. Hansen's corporation. He pointed out that while it is not an issue for a foreign corporation to own real property in Florida, it is required that if the property is going to be rented than the corporation should be registered with the State of Florida which in this case it was not.

* **MOTION by Mayor Blake; Seconded by Councilmember Koss, to approve the Code lien reduction in the amount of $1,200.03 for discussion.**

Councilmember Barringer asked the Mayor to consider amending his motion to reduce the lien to a $50 per day charge instead of the $250 that he was charged which equates to $25,107.96.

City Attorney Garganese explained that if this the amount that Council determines is appropriate, the property owner has thirty days to meet the conditions of Council which includes payment. If payment is not made within thirty days, then the full amount of the lien remains in place against the property.

THE VOTE ON THE MOTION WAS:

AYES: Blake, Goins, Koss

NAYES: Hearn, Barringer

THE MOTION CARRIED (3-2)

2. Approve the current Code Enforcement Lien for the property located at 411 Thomas Ave, (CE-20-708) be reduced to $2,317.19 as recommended by the Code Enforcement Board. (23-683). (Police Chief)

Mr. Bunt explained the two violations on the property. Three notices were sent to the property owner. He noted that his office spoke with Mr. Hansen's son who was a tenant at the property several times and this case was brought before the Code Enforcement Board.

* **MOTION by Councilmember Koss; Seconded by Deputy Mayor Hearn, to deny the Code lien reduction in the amount of $2,317.19 for discussion.**

Mr. Hansen explained that every time he received a letter, he took care of the issue immediately. Unfortunately, it has been perceived that this was all one on-going issue when in fact they were all individual incidents.

Mr. Bunt explained the process for posting the property and how and when the notifications are sent out. He added that a certified letter is also mailed to the property owner's mailing address that is on file with the Brevard County Property Appraiser's office.

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

3. Approval of the requested street closure outside the CBD for the Moore Center Centennial Celebration on December 2, 2023. (23-684). (Director of Comm. & ED Development)

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

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

4. Consider the appointment of Melissa Acosta-Bonilla, Dik Muller and/or Josue Otero to fill the vacancy of an unexpired Regular member term as well as the 1st Alternate member seat on the Code Enforcement Board. (23-712). (Administrative Services Director)

* **MOTION by Councilmember Koss; Seconded by Councilmember Goins, to appoint Josue Otero to fill the Regular member seat vacancy through June, 2024, to appoint Melissa Acosta-Bonilla to fill the 1st Alternate member vacancy and to appoint Dik Muller as 2nd Alternate member.**

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

VIII. City Business:

Multi-Year Contracts:

None.

IX. Informational Agenda:

1. Report of 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. (23-687). (Finance Director)

2. FY 2023 September Budget Adjustment Report. (23-688). (Finance Director)

3. City Council data showing the relation between the estimated and actual income and expenses to date. (23-689). (Finance Director)

4. City Council Bi-Weekly Report (October 20 - November 9, 2023). (23-708). (City Manager)

X. Reports:

Deputy Mayor Hearn shared that he enjoyed the Halloween festivities in Cocoa Village. He apologized for not being in attendance in person this evening, and shared that he is currently attending an emergency management conference on the west coast which will help him make more informed decisions which will help benefit the City.

Councilmember Barringer spoke about two events that he attended recently and encouraged the public to attend in the future as well.

Councilmember Goins shared photos from several events he recently attended, including the groundbreaking event at Provost Park this morning.

Councilmember Koss gave a report on District 4. She shared that she is a proud representative on the Florida Solar Energy Advisory Board.

Additionally, she will be speaking this weekend at the World Day of Remembrance being held at Cocoa Riverfront Park on November 19, 2023 from 10-11am.

She also spoke about the IEMO II Conference she attended at the end of October in Daytona Beach and shared some key takeaways.

Councilmember Koss shared that she recently discovered that the City keeps a list of rights-of-way that it maintains. After reviewing the list with the City Manager, she realized there are some inconsistencies with the list. She asked Council if they might consider a consensus to direct staff to address this and bring it back to Council.

Deputy Mayor Hearn agreed with Councilmember Koss.

Councilmember Goins noted that he does not see an issue with the list and explained why.

Mayor Blake shared that he would like to speak with the City Manager and staff to see if any adjustments need to be made first.

Councilmember Barringer added that at this time he would like to do his due diligence as a Councilmember and conduct his own research and possibly have a conversation with the City Manager prior to asking staff to make any adjustments to the list.

Councilmember Koss wished to mention that it was brought to her attention that St. Mark's was not notified about the zoning changes to 430 Brevard Avenue and she just wants to make sure that an issue such as this is avoided and would like to see more robust conversations in the future.

Mayor Blake shared photos and spoke about several events he recently attended as well.

XI. Adjournment:

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

AYES: Blake, Hearn, Barringer, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

The meeting adjourned at 8:37 p.m.

Michael C. Blake, Mayor

ATTEST:

Monica Arsenault, Interim City Clerk