MINUTES

CITY OF COCOA

REGULAR MEETING OF THE CITY COUNCIL

October 9, 2019

A Regular City Council Meeting was held on Wednesday, October 9, 2019, 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 6:00 p.m.

Chief Lamm provided the invocation and Councilmember Boisvert led the assembly in the Pledge of Allegiance to the Flag of the United States of America.

The City Clerk took the roll.

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

OTHER STAFF MEMBERS PRESENT:

Tammy Gemmati, Administrative Services Director; Jack Walsh, Utilities Director; Nancy Bunt, Community Services Director; Michael Cantaloupe, Chief of Police; Jonathan Lamm, Fire Chief; Ed Wegerif, Public Works Director; Rebecca Bowman, Finance Director; Jason McCuen, Helpdesk Support Technician; Samantha Senger, Assistant to the City Manager/ Public Relations Specialist; Dodie Selig, Planning Manager; Gail Bantugan, Leisure Services Manager; and Bryant Smith, Public Works Director.

II. APPROVAL OF AGENDA AND MINUTES:

1. Agenda: Regular Meeting of October 9, 2019 (19-460)
2. Minutes: (a) Budget/CIP Workshop of August 7, 2019 (19-462)
   (b) District 3 Town Hall Meeting of August 20, 2019 (19-463)
   (c)Regular Meeting of August 28, 2019 (19-461)

Mayor Williams requested the following amendments to the agenda.

- Consent Item VI.5 will be removed from the agenda
- City Business Item IX.1 (19-483) will be moved to City Business Item IX.2
- Add City Business Item IX.1 (19-486)
- Consent Item VI.2 should be moved to City Business IX.3.

* **MOTION by Councilmember Boisvert; Seconded by Councilmember Goins, to approve the Agenda as amended for the Regular meeting of October 9, 2019.**

AYES: Williams, Warner, Boisvert, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

* **MOTION by Councilmember Goins; Seconded by Councilmember Boisvert, to approve the Minutes as written for the following meetings: Budget/CIP Workshop of August 7, 2019; District 3 Town Hall Meeting of August 20, 2019; and Regular Meeting of August 28, 2019.**

AYES: Williams, Warner, Boisvert, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

III. AWARDS AND PRESENTATIONS:

1. Proclamation: "National Long-Term Care Residents Month". (19-469). (Mayor Williams)

Councilmember Koss read the proclamation into the record proclaiming October as "National Long-Term Care Residents Month".

2. Volunteer of the Year for 2019 Presentation. (19-470). (Mayor Williams)

Mayor Williams provided a background on the Volunteer of the Year. He advised that this individual was very deserving and this was a hard decision because

there are so many great volunteers. He added the impact that this individual has on the young people in the community, including the Mayor himself, as a young person.

Mayor Williams announced that the 2019 Volunteer of the Year was Mr. Ed Jones, who has served on the Diamond Square CRA since March, 1998.

Councilmember Goins spoke in appreciation of Mr. Jones for being a family man, a business man, and for allowing Council and others in the community to see him in a different way. It gives young people encouragement. He notices him walking and picking up trash every week.

Councilmember Koss advised that this was still competition and he had a lot of fans. He inspires a lot of people.

Deputy Mayor Warner thanked Mr. Jones for all of the years he has given to the Diamond Square CRA. The work he did as an original member has been vital to what the CRA is today. There were a lot of dreams and plans with no clear way to accomplish them. Members like him who have stuck with this board and have made it what it is today is very much appreciated. He is one of those people who will do things without being asked and he is very deserving of this honor.

Councilmember Boisvert thanked him as well.

City Manager Titkanich advised that Mr. Jones' passion and dedication to the Diamond Square community has never wavered and it has been an honor and pleasure to work with him.

IV. DELEGATIONS:

Aleck Greenwood, 640 Brevard Avenue, Cocoa, shared that at the most recent Planning & Zoning Board meeting the issue of gravel driveways came up. It was a unanimous vote by the Chairman to send a message to the City Manager that this issue should not be dealt with until a solution is made. Residents are being charged $250 per day for gravel and people cannot sell their houses with these liens. He stated that this was more commercial than residential and felt that this should be addressed as soon as possible.

Mayor Williams advised it was something they were going to look into.

City Manager Titkanich advised there was only one person with an order being issued against them. He has spoken with the Chief of Police and the City Attorney and this is an issue of priorities. At this point in time, they will work with administrative discretion. There are currently things more pressing and other issues articulated that are more important.

The Planning & Zoning Board has spent the better half of the year on the tree ordinance and he has been approached by several people that trees are dominating the conversation. At this point in time, they will exercise administrative discretion in terms of not enforcing and suspending the code liens; however, there was only one person subject to fines.

Mr. Greenwood brought up the person trying to sell their house and cannot because of the lien. He further clarified that this will not be enforced any further until it can be looked into.

City Manager Titkanich asked if there was a consensus from Council to review the tree ordinance as one of their priorities.

Councilmember Koss mentioned the credit manual for stormwater and noted that there were some smaller cities that encourage stones. She believes it was the type of gravel that is the issue.

Rita Lynar, 1200 Clearlake Road, Cocoa, mentioned that at the last Council meeting she asked Council to look into policies and procedures for the Cocoa Police Department and in regards to how calls were handled. She stated that the City Manager told them it was a landlord-tenant issue, but it was about the policies and procedures. The City Manager keeps redirecting them and citizens are being charged for things they should not be charged for. She further addressed the fact that Chief Cantaloupe is not letting Code Enforcement do their job. She asked again that Council listen her.

V. REPORTS:

Mr. Wegerif reported that the striping in the downtown was ongoing. He further noted that there were about 4,000 plants in place so the planting project was making progress.

Mayor Williams asked what was done with the leftover trees and plants from the trash bash. Mr. Wegerif advised that they try to give them all away but would check to see if there were any left.

Ms. Bowman noted that Council recently asked staff to bring back a clause to the Local Preference Policy. That will be brought to them at the next City Council meeting.

Chief Cantaloupe reminded everyone that the 2nd Annual K9 Competition would be held this Saturday at 1 p.m. at Cocoa High School. He invited all to come.

Chief Lamm thanked Council, Directors, staff, and the community for attending the Changing of Command Ceremony to see Chief Prince off.

A Deputy Chief will be coming next week by the name of Samuel Byrd. They are excited to have him join the department.

Assistant City Manager Fuhrer announced that staff met with FPL today regarding the LED streetlight conversion. They were looking forward to bringing that contract to Council.

City Manager Titkanich advised that at the first of the month there was a meeting with EFSC to discuss the future of the campus. He spoke about the schools' vision, various programs were discussed along with challenges they were facing, as well as the future of the YMCA. He spoke about what all the school does for the YMCA and they spoke about a potential partnership with the City. It was a good meeting, and he was assured that the Cocoa campus was a primary hub for the critical functions of the college and there was no intent to relocate.

City Manager Titkanich believes that they needed to work collaboratively with them in the future.

He stated that they also asked for a plan from YMCA. They will bring this information back to Council once all of the information is received.

City Manager Titkanich spoke about the Community Partnership School Planning Grant and Endeavor Elementary. He provided a brief history of this and advised that they have attained certification as a Community Partnership School. He pointed out that there were a lot of accolades to go around and thanked everyone involved throughout the last five years. They have encouraged Dr.

Wilson to apply for Cocoa High School, so that this could continue on as students leave elementary and enter junior/senior high.

Lastly, City Manager Titkanich announced that he would be attending the ICMA Annual Conference in Nashville, Tennessee, October 21-24, 2019.

Deputy Mayor Warner added that if anyone would like to volunteer for the K9 competition on Saturday, that there would be a meeting on Friday for assignments. This requires a lot of help and they can contact her with any questions. Mr. Dyal may need help as well setting up obstacles on Friday.

She spoke about a video that she took on her way in of flooding on Dixon Blvd. and Indian Circle. Mr. Wegerif assured her that they would look into it.

Mayor Williams reminded everyone that this Saturday morning the Cocoa High School Chorus would be leaving at 5 a.m. for Carnegie Hall. He invited all to come out to the high school to see them off. It is a once in a lifetime opportunity for these kids.

He mentioned that he had a meeting at the Cocoa Beach Country Club where he spoke about homelessness and some of the issues we faced in the City. He also spoke about affordable housing.

Mayor Williams believes that the police presence and visibility in the parks was working and he asked Chief Cantaloupe if that could be continued.

He spoke of his attendance at the Pink Gala that was for the Ladies of Zion. It was a great event and was very enlightening.

Lastly, he thanked Mr. Dyal and Mr. Souderman for their help as V-Cops at the Jesus Parade.

Councilmember Koss spoke about her attendance at an IRL fundraiser and was glad to see a table from the Cocoa Police Department and that they were supports of the lagoon.

She spoke with Dr. De Freese at the event and stated that he would be happy to entertain some of the projects that the City has lined up. Grant dates have been pushed to January so there was some time.

Lastly, she invited all to attend the District 4 Town Hall meeting at Florida Solar Energy Center on Tuesday, October 15th at 6 pm. The Cocoa High School Junior Chorus would be there to sign the National Anthem. They would be discussion stormwater and there will be brownies from Wanderlust Café.

Councilmember Goins mentioned that on September 26, 2019 there was a community watch meeting at Fern and Prospect Park. He thanked Officer Hattaway for passing out the flyers. There was a lot of good information. Many of the residents were comfortable speaking with the Chief which was also good. There were families who live near the park who have used the park for the first time. He agreed that the police presence was making a difference.

Councilmember Goins asked Mr. Wegerif about the process for trimming the tree canopies. He stated that at Fern and Prospect it was dark and there were things happening under the trees because there was no lighting. He asked if there was a way to prioritize the cutting of trees. In response, Mr. Wegerif advised that priority was the clearance of vehicles. They could also look at the light to see if that was the best place for it or if it could be relocated. FPL made it clear today that they do not trim trees for light.

Councilmember Goins thought that it would really help to get a light at the corner of Fern and Prospect. Mr. Wegerif agreed that this is a good time to look into possibly moving lights around because of the LED conversion project.

Councilmember Goins further requested speedbumps in the same area.

In closing, he announced the Dr. Joe Lee Smith Cornerstone Ceremony on Friday, October 11, 2019 at 4 p.m. Dr. Joe Lee Smith himself would be there. It will be at the corner of Washington and Stone Streets.

Mayor Williams added that the police have been out with their radar guns as well.

VI. CONSENT AGENDA:

1. Approve Emergency Generator Repair from Ring Power Corporation, Palm Bay, Florida for the Dyal Water Treatment Plant (WTP). (19-431). (Utilities Director)

2. Approval of Cross Connection Control (CCC) Technical Field Services Provided by Ace Flow Control, Longwood, Florida up to the FY 2020 Budgeted Amount of

$680,000 and Request Approval for City Manager to Execute Related Purchase Order. (19-439). (Utilities Director)

3. Approve Participation in a Cooperative Purchase Agreement with Stewarts Electric Motor Works, Inc. of Orlando, Florida utilizing the City of West Palm Beach Contract #21128/ITB17-18-118, effective April 4, 2018 through April 3, 2021 for Repairs and Maintenance of High Service Station Skid #3 including the Pump, EM Clutch, and Synchronous Motor at the Dyal Water Treatment Plant (WTP). (19-447). (Utilities Director)

4. Approve a Piggyback of Brevard County RFP #P-6-16-02 with Trane Building Services of Maitland, Florida for HVAC Maintenance and Repair Services at the Dyal Water Treatment Plant (WTP). (19-454). (Utilities Director)

~~5. Approve a Budget Resolution Amending the Fiscal Year 2019 budget using General Fund Balance Reserves, to cover pending fourth quarter invoice for general and auto insurance liability deductible charges. (19-464). (Administrative Services Director)~~

This item was removed from the Agenda.

6. Council approve the donation of miscellaneous Gym equipment from Cocoa Community First Inc. to the City of Cocoa for use at the Cocoa Police Department. (19-465). (Chief of Police)

7. Approve an Agreement with the University of Central Florida Research Foundation Inc. for police department strategic planning services and approve a budget amendment through the use of fund balance reserves in the amount of $50,000. (19-467). (Assistant City Manager)

8. Approve an Annexation Report for property generally located on the northwest quadrant of State Road 524 and State Road 520. (19-478). (Community Services Director)

* **MOTION by Councilmember Boisvert; Seconded by Deputy Mayor Warner, to approve the Consent agenda.**

AYES: Williams, Warner, Boisvert, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

VII. PUBLIC HEARINGS:

1. Approval of a Large-Scale Site Plan entitled "Cocoa Gateway Entry Sign" consistent with Appendix A, Zoning, Article IV, Section 2, to develop a parcel of land as a gateway entry feature. (19-479). (Community Service Director)

Ms. Selig advised that the Cocoa CRA was the applicant and they were requesting to develop the property as a gateway feature in the City. She provided a legal description of where the property is located, pointing out that it was on the southeast corner of King Street and Forrest Avenue.

The City purchased the property in July, 2016 for the purpose of creating this gateway feature. It is a very small, triangular piece of property. She noted that the sign would be set in pavers with trees and streetlights around it, which would match the others on Florida Avenue.

She assured Council that staff reviewed the site and it meets all of the requirements of the Code.

Additionally, the Cocoa CRA has already approved the plans and have selected the contractor. Modifications at this point could be cost and time prohibited. Staff is recommending approval of the site plan as it is.

Councilmember Goins asked what the height of the steamboat was. In response, it was noted it was around 6 feet.

Councilmember Koss asked if you could walk through the feature. In response, Ms. Selig advised it was more of a visual feature.

Deputy Mayor Warner pointed out that there was room on each side but it was not a park and was not designed that way.

Mayor Williams opened the hearing to the public.

Mr. Aleck Greenwood, 640 Brevard Avenue, spoke in regards to the Planning & Zoning Board meeting and stated that it was requested that the steamboat be larger. He pointed out that some of the people who supported the original idea and noted that because of the maintenance it would be better signage. He was under the impression that there were still some areas that could be tweaked. This will be there for many years and should not be rushed.

Council reiterated the dimensions of the sign.

Ms. Bunt added that there were FDOT requirements that they had to follow and that was why it was designed that way and this project has been going on for 3 ½ years.

Mayor Williams closed the hearing to the public.

* **MOTION by Councilmember Boisvert; Seconded by Deputy Mayor Warner, to approve the Large-Scale Site Plan entitled "Cocoa Gateway Entry Sign" consistent with Appendix A, Zoning, Article IV, Section 2, to develop a parcel of land as a gateway entry feature.**

AYES: Williams, Warner, Boisvert, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

VIII. COUNCIL BUSINESS:

1. Request approval for changes to three previously approved road closures. (19-438). (Assistant to the City Manager/Public Relations Specialist)

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

AYES: Williams, Warner, Boisvert, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

2. Approve a Code Enforcement Lien Reduction request in the amount of $2,100.00, as recommended by the Code Enforcement Board, for the property located at 811 Eden Street. (19-459). (Chief of Police)

Chief Cantaloupe provided a background of this item and advised that the Code Enforcement Board recommended that the lien be reduced to $2,100.

Mayor Williams asked about the reduction of $8,472 in the agenda item.

In response, Chief Cantaloupe stated that staff originally asked for that reduction amount, and at the last Code Board meeting the board asked what staff's costs

were for that property and the Code Board recommended that the lien be reduced to $2,100.

Chief Cantaloupe further advised that this lien ran for 1,911 days.

Mayor Williams confirmed that there were no current violations on the property. The Chief replied in the affirmative and advised that they were looking at selling the property.

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

AYES: Williams, Warner, Boisvert, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

IX. CITY BUSINESS:

1. Approve the Second Modification to the Binding Development Agreement for the Cottages. (19-486)

Ms. Selig explained in detail what this second modification entailed.

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

AYES: Williams, Warner, Boisvert, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

2. Approval of a Final Subdivision entitled "Cottages at Cocoa" consistent with Chapter 18 Subdivisions and Appendix A Zoning of the City Code subject to conditions identified in the agenda item. (19-483). (Community Services Director)

Ms. Selig spoke in reference to the item and pointed out that it was also requesting approval of a security agreement and for the City Manager to execute the agreements. This project has a long history that started back in October 2018. A timeline of the project was explained and she stated staff was asking for approval of the final subdivision.

She assured Council that staff has reviewed this in detail and the final plat meets all of the conditions. This final plat has to be approved in order for them to sell the lots. She further explained why the security agreement was provided and what the applicant was agreeing to do as well.

Ms. Selig reiterated the recommended motion with the following two conditions: 1) a school concurrency letter must be received and 2) they must provide proof that all taxes have been paid on the subject property.

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

AYES: Williams, Warner, Boisvert, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

Bob Dietz, one of the developers for the project, along with partners Bob Harvey and Tom Barazza, thanked staff and the City for their help in moving this project along. There have been many rumors going around and the process of doing a project like this was not easy. They are not the original developers, as months into working the original group decided that they were no longer interested in the project. He noted that the three of them stepped up and were interested in the vision that the City has for the Village.

There were things that had to be adjusted. There were rumors that they ran out of money, and other rumors, all of which were not true. This is a unique project in which the City had to adapt to and think outside of the box. Additionally, it is the norm that buildings do not go up until the final plat is approved; however, the City allowed them to start models. A lot of work has gone into this. There were contaminated soils on John Garren that had to be dealt with as well. Infrastructure was also started. He thanked everyone again as this is a good day. He felt that this project would make people proud.

Mayor Williams was glad that he made these comments because there were rumors out there.

City Manager Titkanich pointed out that when a redevelopment project is done there are a lot of complexities and with this project, there was a lot to deal with. He was looking forward to the project.

3. Approval of Cross Connection Control (CCC) Technical Field Services Provided by Ace Flow Control, Longwood, Florida up to the FY 2020 Budgeted Amount of $680,000 and Request Approval for City Manager to Execute Related Purchase Order. (19-439). (Utilities Director)

Mr. Walsh explained the item in detail and explained the Cross Connection Control program.

Councilmember Koss confirmed that this was an ongoing project and this was an annual expenditure and it would be an annual fee.

Mr. Walsh provided a history of the plan and explained that they have one more year with this program and Ace Flow Control. They have been averaging around $800,000 per year.

Discussion was held on in-house staff versus bringing contractors the work. He provided further information on the reasoning as to why the City has a contractor for some areas of the project, although City staff does the work as well.

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

AYES: Williams, Warner, Boisvert, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

MULTI-YEAR CONTRACTS:

None.

X. INFORMATIONAL AGENDA:

1. Data showing the relation between the estimated and actual income and expenses to date. (19-466). (Finance Director)

XI. ADJOURNMENT.

* **MOTION by Councilmember Boisvert; Seconded by Deputy Mayor Warner, to adjourn the Regular meeting of October 9, 2019.**

AYES: Williams, Warner, Boisvert, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

The meeting adjourned at 7:31 p.m.

Jake Williams, Jr., Mayor

ATTEST:

Carie E. Shealy, MMC, City Clerk