MINUTES
City of Cocoa
Regular Meeting of The City Council

September 12, 2023

A Regular City Council Meeting was held on Tuesday, September 12, 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.

Deputy Mayor Hearn provided the invocation and Councilmember Dyal 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
	Rip Dyal	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, Chief of Police; Rebecca Bowman, Finance Director; Jonathan Lamm, Fire Chief; Robert Beach, Chief Technology Officer; Gail Bantugan, Leisure Services Manager; Lisa Richardson, Help Desk Support Tech; and Jason Dowty, Help Desk Support Tech.

II. Approval of Agenda and Minutes:

1. **Agenda:** Regular Meeting of September 12, 2023. (23-552)

2. **Minutes:** Regular Meeting of August 8, 2023 (23-553)

* **MOTION by Deputy Mayor Hearn; Seconded by Councilmember Dyal, to approve the agenda for the Regular meeting of September 12, 2023 as written.**

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED (5-0)

* **MOTION by Councilmember Koss; Seconded by Councilmember Dyal, to approve the minutes for the Regular meeting of August 8, 2023 as written.**

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

III. Awards and Presentations:

IV. Delegations:

Ms. Dina Rider-Hicks, from Waste Management, shared a public announcement for residential yard waste collection. She shared that all small branches, leaves and grasses must be in residents' yard waste cart. The only loose piles on the ground should be large, loose piles that are 3 cubic feet or larger and require a clam truck to be picked up.

Residents should contact the City's Public Works Department to schedule large, loose clam yard waste piles for service. Additionally, the City will be pushing out a mailer to Cocoa residents with this information.

Anita Gibson, 451 Stone St., Cocoa, has two issues that she would like to have addressed. The first issue is at her residence. There is debris growing out of the top of her house and her foundation. She is not sure who to contact about it.

Her second issue is in regard to her disabled brother's house located at 1143 Grove Ave. in Cocoa. A 15-year-old drove his car into the house and she has not had any luck getting in touch with anyone to come out and look at the damage.

She asked if someone could reach out to her and give her some contact information on other agencies she can contact.

Marisol Lanza, 436 Satsuma St., Cocoa, has an issue with the lighting in her neighborhood. She's reached out to FPL who has told her there are no issues with the light and although there are no electrical issues with the light she knows someone is messing with it because it goes on and off.

Additionally, there are squatters living at 315 Davis St. and it is unsafe.

She also pointed out that drugs are being sold in front of Joe Lee Smith Park and the issue is getting so out of hand that her new neighbors have already moved out of their home.

Brenda Fox, 1110 Abington St., Cocoa, received an email talking about the increase of the millage rate and she wanted to know the reasons for the increase. In response, Mayor Blake pointed out that her concerns will be addressed under the first Public Hearing item of this evening.

Representatives of Cocoa Youth Athletics, including Rashad Williams and Alicia Phillips, spoke about improvements needed at Stradley park and shared pictures. They explained that there are environmental and emergency hazards and issues with the restrooms. Additionally, the parking lot and field is overflowing and the concession stand is outdated. They asked the City for help with improvements.

In response, Councilmember Goins and Deputy Mayor Hearn wished to address the exit on the east side of the park. Deputy Mayor Hearn noted that there are other means of egress at Stradley Park and he has made a few phone calls as there are emergency hazards that need to be addressed. He has reached out to Fire Chief Lamm as well to inquire about getting keys to the gate so emergency vehicles can get in and out.

Councilmember Goins asked, with the consent of Council, to send an email to the County to request access to the gate on game days as this has been an ongoing issue for a long time.

Additionally, Councilmember Goins wished to talk about the other improvements they are requesting. He wanted to state, for the record, what the City has done to help fund improvements. The City and County have allocated $1.4 million dollars to help fix the park. He also feels that improvements should not begin construction

while the game season is going on and the projects should wait until the season is over.

In regard to the bathroom situation, he understands the existing bathrooms will not satisfy the needs of all the people visiting the park, however he has made a phone call to place an inquiry on other options, including portable bathrooms. Although he recognizes they need a more permanent solution, the City cannot fix the problem today. A conversation may need to be held in conjunction with the County to talk about a more permanent solution and who is going to fund that in the future.

Councilmember Koss asked if they can use their Council allowance for non-profit organizations to fund their portable bathrooms. In response, Ms. Gemmati explained that the donation policy states that they can only donate once per organization per year.

Mayor Blake suggested using $1,000 from the museum funding.

Councilmember Dyal suggested using money from the Sustainability fund as this money will be used to sustain the park.

* **MOTION by Councilmember Koss; Seconded by Deputy Mayor Hearn, to find $1,000 dollars to apply towards the portable bathrooms to resolve the public health issue at Stradley Park.**

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

Aleck Greenwood, 640 Brevard Ave., Cocoa, suggested using the late fees collected from the water department for the portable bathrooms at Stradley Park. In response, City Manager Whitten stated that those funds cannot be used for this purpose.

Mr. Greenwood also wished to address comments made at the last Council meeting. He talked about the increase of taxes and the issue he has with one of the Councilmembers voting against it. There were statements made that are not true and he wished to clarify the truth.

Councilmember Koss noted that she has a right to represent her constituents and her constituent's opinions and represent them accordingly. She added that she is

all for development as long as it is smart growth. She talked about high hazard surge areas in the city and pointed out that this is something the city needs to be more aware of in the future.

V. Consent Agenda:

(A) General Consent Items:

1. To Approve Task Order No. 2024-35 to Jacobs Engineering Group, Inc. to Provide Program Management/Administration, Design Management and Construction Project Support Services for Operating Revenue funded Cocoa Utilities Capital Improvement Plan Program Projects related to Water Supply and Water Treatment; Pending Approval of the FY 2024 Budget. (23-478). (Utilities Director)

2. To Approve Task Order No. 2024-34 with Jacobs Engineering, Inc. (Jacobs) to Provide Assistance with Project and Asset Management, Contractor Coordination and Documentation, Data Management and Quality Control, and Strategic Planning for Water Field Operations and the Cross-Connection Control Program; Pending Approval of the FY 2024 Budget. (23-491). (Utilities Director)

3. Approve Task Order 2024-37 with Jacobs Engineering Group (Jacobs) for Program Management Services, Project No. WS1221, and Task Order 2024-36 for Plan Review Services to include Engineering Land Development Review, Project No. WS1221; Pending Approval of the FY2024 Budget. (23-506). (Utilities Director)

4. Approve the revised collective bargaining agreement between the City of Cocoa and the Coastal Florida Police Benevolent Association (PBA) dated October 1, 2021 to September 30, 2024, amending Article 28 Wages for Fiscal Year 2024. (23-512). (Administrative Services Director)

5. Approve the revised collective bargaining agreement between the City of Cocoa and the International Association of Firefighters (IAFF) for the contract term of October 1, 2021 through September 30, 2024, amending Article 29 Wages for Fiscal Year 2024. (23-518). (Administrative Services Director)

6. To Approve a Resolution Amending the FY23 Budget (BAF#23-111-T) in the amount of $340,000.00. (23-523). (Utilities Director)

7. To Approve Addendum #1 to Task Order 2023-26 (TO 2023-26.1) with Jacobs Engineering for additional utility support related to cost estimating of customer connections to the city water and sewer system, Project No. WS1221. (23-525). (Utilities Director)

8. Approve a Resolution Amending the FY23 Budget, BAF#23-113-T and Approve a Change Order of $25,000 for PO# 80367 for Fisher and Phillips, LLP., related to legal fees. (23-528). (Administrative Services Director)

9. To Approve Task Order Amendment 2021-01.2 with Danus Utilities, Inc. for the S.R. 528 Force Main Relocation Work, Project No. WS21FM, and Approve a Resolution Amending the FY23 Budget, BAF#23-119-T in the amount of $7,361. (23-533). (Utilities Director)

10. Approval to dissolve the City of Cocoa Employee Sick Leave Bank and return sick leave accrual hours to the 65 current members. (23-534). (Administrative Services Director)

11. Authorize the City Manager to renew a maintenance agreement to provide critical IT infrastructure, pending the Adoption of the FY24 Budget. (23-543). (Chief Technology Officer)

**********This Item is Confidential per FS 119.0725 and Not for Public Release********

(B) Multi-Year Contracts:

12. Approve Participation in a Multi-Year Piggy-Back Agreement with W&J Construction Corporation for Construction Manager at Risk Services Utilizing Brevard County's Continuing Construction Manager (At Risk) Services, Contract # RFQ 6-22-05 Effective July 7, 2022 through 11/21/2025; Authorize the City Manager to Execute the Piggyback Agreement and any Amendments and Renewals Under the Existing Contract. Approve a Resolution Amending the FY23 Budget, BAF#23-115-A to Fund the Project and Grant the City Manager the Authority to Adjust Account Lines with the Schedule of Values. Authorize the City Manager to Approve a Task Order & Purchase Order to W&J Construction Corporation for the Guaranteed Maximum Price (GMP) of $1,889,004. Approve a Contingency Resolution Authorizing the City Manager to issue Owner Directed Change Orders not to exceed $80,000. (23-431). (Interim Public Works Director)

13. Approve Multi-Year Piggyback agreements for Fire Equipment sales, service, and supplies with Ten-8 Fire and Safety LLC, Technical Rescue.com, North American Fire Equipment Company(NAFECO), Municipal Equipment Company LLC, Municipal Emergency Services(MES) Inc, Medline Industries Inc, Life-Assist Inc, Henry Schein, Fisher Scientific Company, Bennett Fire Products Company, and All Safe Industries utilizing the Lake County contract awards #22-730A to 22-730K through July 31, 2025, Authorize the City Manager to execute amendments and extensions. (23-468). (Fire Chief)

14. To Approve Multi-Year Task Order 2023-33 with Jacobs Engineering, Inc. (Jacobs) to provide Engineering services for the design, permitting, and bidding of the project to replace the Carbon Dioxide Storage and Feed System at the Dyal Water Treatment Plant (WS23BR). (23-488). (Utilities Director)

* **MOTION by Councilmember Dyal; Seconded by Councilmember Goins, to approve the Consent agenda.**

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

VI. Public Hearings:

1. Conduct a Public Hearing on the Tentative Millage Rate and Tentative FY24 Budget and Adopt Resolution No. 2023-093 adopting a tentative millage rate of 6.9532 mills, for the City of Cocoa, commencing on October 1, 2023 and ending on September 30, 2024; Adopt Resolution No. 2023-094 adopting the FY2024 tentative budget and CIP for the City of Cocoa Fiscal Year, commencing on October 1, 2023 and ending on September 30, 2024. (23-526). (Finance Director)

Ms. Bowman provided a budget presentation[1]. She shared the TRIM process and the objectives for the public hearing.

Comparative city rates and Ad Valorem Revenue were shared for FY24. Ms. Bowman discussed substantive issues such as what the total FY24 budget is, what the General Fund Revenue is, including a millage rate increase of 0.50 which is a 19.3% increase over the rolled-back rate. She explained that the increase was needed to fund public safety salaries and benefits, mandatory or critical capital equipment, the maintenance of essential services and to absorb inflationary costs.

[1] Exhibit A: FY24 Budget Presentation - 1st Public Hearing

City Manager Whitten talked about the various home exemptions such as senior exemptions, teacher exemptions, military exemptions and widower exemptions in addition to the Save Our Homes program.

City Manager Whitten also explained what the rolled-back rate is and noted that TRIM (Truth in Millage) and the Florida statute requires the rolled-back rate be presented as part of this public hearing.

Deputy Mayor Hearn shared that while he pays property taxes with no exemptions, he is also a first responder and understands the tax increase. The city can no longer skirt the pay increases for our first responders as we have to remain competitive with the surrounding cities in order to retain our public safety officers.

Additionally, he added that this does not mean that taxes will be increased every year, as Council has voted to keep it the same in the past, however it is needed this year.

Mayor Blake opened the hearing to the public.

Sara Ann Conkling, 1305 S. Lakemont Dr., Cocoa, asked about per capita. She shared that she will enthusiastically support the increase of taxes to support the increase of City employee salaries if citizens will be granted the assurance that they will be receiving the best service. If a citizen calls any department, they should reach a person and not voicemail. Police and Fire officers should serve the community without prejudice and fairness and if not, they should be weeded out.

She reiterated that if citizens can be assured that they will be given the best service than she is in support of this increase.

Mayor Blake talked about what tax increases pay for. He reminded everyone that the City saved and supported Save-A-Lot which provided a grocery store to a community that needed it the most. He mentioned the Brevard Museum which is a free amenity to the public. Additionally, he discussed the UpStart Cocoa program, the Beautification Grant programs, affordable housing and other programs the City supports and offers financial support to for Cocoa citizens.

Brenda Fox thanked staff for the information provided as she did not understand the process before but she does now. She suggested that the City also consider offering some sort of skill trade or institution to its citizens that will provide physical bodies over AI technology.

Jennifer Kenny, 1917 Quail Ridge Ct., Cocoa, spoke in favor of the millage increase. She appreciates knowing that the City of Cocoa has its own Fire and Police Department and she is grateful for that. For an extra $49 a year in tax

increases, she can sleep peacefully knowing that local public service is being provided. She thanked staff for all of their hard work.

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

Councilmember Koss wished to explain her stance as to why she is voting against the increase and provided her reasoning.

Councilmember Dyal reiterated that although the City is moving in the right direction, we are behind in growth and development and also need to remain competitive with other city staff salaries which is why he is in support of the tax increase.

Ms. Bowman shared a public announcement, noting that the City of Cocoa is the taxing authority, the rolled-back rate is 5.8285, the millage rate of 6.9532 is a tax increase of 19.3% as a percent change of the rolled-back rate and the millage rate to be levied is 6.9532 which is 7.7% over the adopted FY23 millage rate.

* **MOTION by Mayor Blake; Seconded by Councilmember Goins, to Adopt Resolution No. 2023-093 adopting a tentative millage rate of 6.9532 mills, for the City of Cocoa, commencing on October 1, 2023 and ending on September 30, 2024.**

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Dyal, Goins

NAYES: Koss

THE MOTION CARRIED (4-1)

Ms. Bowman talked about the FY24 tentative budget and provided a General Fund overview. She explained the General Fund revenues by funding source and the tentative budget General Fund by department.

After reviewing the City's tentative budget information, City Manager Whitten elaborated on why the City cannot solely rely on new construction revenue without increasing taxes.

Lastly, Ms. Bowman covered an overview of the FY24 Water/Sewer and Stormwater budget.

Mayor Blake opened the hearing to the public.

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

* **MOTION by Councilmember Dyal; Seconded by Mayor Blake, to Adopt Resolution No. 2023-094 adopting the FY2024 tentative budget and CIP for the City of Cocoa Fiscal Year, commencing on October 1, 2023 and ending on September 30, 2024, for discussion.**

Councilmember Koss added that a lot has been learned through this process and she thanked staff for the information. She wished there were performance measures in place so the City could monitor growth and know the type of progress that's being made. Nonetheless, the City has been doing a lot of positive things and there are positive things coming in the future.

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

It was noted that the Final Hearing to adopt the final millage rate and the FY24 budget will be held at the next City Council meeting on Tuesday, September 26, 2023 at 6pm.

2. Adopt on Second and Final Reading Ordinance 15-2023, a Zoning Map Amendment consistent with Appendix A, Zoning, Article XXI, to change the Zoning Map designation of one parcel totaling 6.61 acres from Brevard County RU-2-10 (Medium-Density Multiple-Family Residential) to City of Cocoa RU-2-15 (Multiple Family Dwelling), with the condition that the maximum density of the property shall be 4 dwelling units per acre. (23-544). (Community Services Director)

City Attorney Garganese announced that this was the Second and Final Reading of Ordinance 15-2023 and read the title into the record as follows:

Ordinance 15-2023

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING THE OFFICIAL ZONING MAP DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY, TOTALING 6.61 ACRES, MORE OR LESS, AND GENERALLY LOCATED EAST OF THE INTERSECTION OF NORTH RANGE ROAD AND KATHI KIM STREET, AND WEST OF CLEARLAKE ROAD IN COCOA, FLORIDA, MORE PARTICULARLY DEPICTED AND LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM BREVARD COUNTY MEDIUM-DENSITY MULTIPLE-FAMILY RESIDENTIAL (RU-2-10) TO CITY OF COCOA MULTIPLE-FAMILY DWELLING

(RU-2-15); PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

Mayor Blake opened the hearing to the public. There being no questions or comments, the public portion of the hearing was closed.

* **MOTION by Councilmember Dyal; Seconded by Councilmember Goins, to approve Ordinance 15-2023 on Second and Final Reading.**

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

3. Adopt on Second and Final Reading Ordinance 16-2023 of a Land Development Code Amendment to amend the list of permitted uses related to restaurants in the M-2 District. (23-545). (Community Services Director)

City Attorney Garganese announced that this was the Second and Final Reading of Ordinance 16-2023 and read the title into the record as follows:

Ordinance 16-2023

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING APPENDIX A, ARTICLE XI, SECTION 19, OF THE ZONING ORDINANCE OF THE CITY OF COCOA TO AMEND THE LIST OF PERMITTED USES RELATED TO RESTAURANTS IN THE M-2 DISTRICT; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

Mayor Blake opened the hearing to the public. There being no questions or comments, the public portion of the hearing was closed.

* **MOTION by Councilmember Dyal; Seconded by Deputy Mayor Hearn, to approve Ordinance 16-2023 on Second and Final Reading.**

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Dyal, Goins

NAYES: Koss

THE MOTION CARRIED (4-1)

4. Adopt on Second and Final Reading Ordinance 18-2023, a Zoning Text Amendment to Appendix A, Article XI, Section 22 of the Zoning Ordinance of the City of Cocoa to allow Large Scale Commercial/Mixed-Use Buildings on certain properties within the Cocoa Waterfront Overlay District and to amend the list of permitted and special exception uses in the South End Subdistrict of the Cocoa Waterfront Overlay District. (23-546). (Community Services Director)

Mayor Blake recused himself from this item due to a personal conflict[2].

City Attorney Garganese announced that this was the Second and Final Reading of Ordinance 18-2023 and read the title into the record as follows:

Ordinance 18-2023

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING APPENDIX A, ARTICLE XI, SECTION 22 OF THE ZONING ORDINANCE OF THE CITY OF COCOA TO ALLOW LARGE SCALE COMMERCIAL/MIXED-USE BUILDINGS ON CERTAIN PROPERTIES WITHIN THE COCOA WATERFRONT OVERLAY DISTRICT AS MORE PARTICULARLY DEPICTED ON EXHIBIT "A" ATTACHED HERETO; CHANGING THE LIST OF PERMITTED AND SPECIAL EXCEPTION USES IN APPENDIX A, ARTICLE XI, SECTION 22, OF THE ZONING ORDINANCE OF THE CITY OF COCOA FOR THE WATERFRONT OVERLAY DISTRICT, SOUTH END SUBDISTRICT; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

Deputy Mayor Hearn opened the hearing to the public.

Aleck Greenwood, 640 Brevard Ave., shared that he is very much in support of this item as it is a major advantage to the downtown area.

There being no additional questions or comments, the public portion of the hearing was closed.

Councilmember Koss shared her stance on this item and shared that it gives her less heartburn than the proposed project where the Bank of America is downtown. She explained that she understands value in property as well as walkability and maintaining place.

[2] Mayor Blake submitted Voting Conflict form 8B

* **MOTION by Councilmember Dyal; Seconded by Councilmember Goins, to approve Ordinance 18-2023 on Second and Final Reading.**

THE VOTE ON THE MOTION WAS:

AYES: Hearn, Dyal, Goins

NAYES: Koss

THE MOTION CARRIED (3-1)

5. Adopt on Second and Final Reading Ordinance 19-2023, a Zoning Text Amendment regarding height and placement of Visual screens, including fences and walls, for certain residential uses. (23-547). (Community Services Director)

City Attorney Garganese announced that this was the Second and Final Reading of Ordinance 19-2023 and read the title into the record as follows:

Ordinance 19-2023

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING THE ZONING ORDINANCE OF THE CITY OF COCOA RELATING TO HEIGHT OF VISUAL SCREENS, INCLUDING FENCES AND WALLS, FOR CERTAIN RESIDENTIAL USES; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

Deputy Mayor Hearn opened the hearing to the public. There being no questions or comments, the public portion of the hearing was closed.

* **MOTION by Mayor Blake; Seconded by Councilmember Dyal, to approve Ordinance 19-2023 on Second and Final Reading.**

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

6. Adopt on Second and Final Reading of Ordinance 07-2023, adopting a Large-Scale Comprehensive Plan Text Amendment; amending figure FLU-1 set forth in the Future Land Use element to provide the RU-1-7 Zoning District as an allowable Zoning District in the Medium Density Residential Future Land use category and to provide the Institutional Zoning District as an allowable Zoning District in multiple Future Land Use categories. (23-548). (Community Services Director)

City Attorney Garganese announced that this was the Second and Final Reading of Ordinance 07-2023 and read the title into the record as follows:

Ordinance 07-2023

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, ADOPTING A LARGE SCALE COMPREHENSIVE PLAN TEXT AMENDMENT; AMENDING FIGURE FLU-1 SET FORTH IN THE FUTURE LAND USE ELEMENT TO PROVIDE THE RU-1-7 ZONING DISTRICT IS AN ALLOWABLE ZONING DISTRICT IN THE MEDIUM DENSITY RESIDENTIAL FUTURE LAND USE CATEGORY AND TO PROVIDE THE INSTITUTIONAL ZONING DISTRICT IS AN ALLOWABLE ZONING DISTRICT IN MULTIPLE FUTURE LAND USE CATEGORIES; PROVIDING DATA AND ANALYSIS AND THE LEGAL BASIS SET FORTH IN THE RECITALS TO SUPPORT THE PROPOSED COMPREHENSIVE AMENDMENT; PROVIDING 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.

Mayor Blake opened the hearing to the public. There being no questions or comments, the public portion of the hearing was closed.

* **MOTION by Councilmember Dyal; Seconded by Mayor Blake, to approve Ordinance 07-2023 on Second and Final Reading, for discussion.**

Councilmember Koss shared that she voted against this item on the 1st Reading but would like further clarification. In response, City Manager Whitten explained that Matthew's Hope is not requesting to change the zoning on the entire property, only a section of it for transitional housing.

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

7. Adopt on Second and Final Reading Ordinance 14-2023, adopting a Large-Scale Comprehensive Plan Text Amendment to the Transportation Element and Capital Improvements Element, removing minimum level of service standards for State Road 524. (23-549). (Community Services Director)

City Attorney Garganese announced that this was the Second and Final Reading of Ordinance 14-2023 and read the title into the record as follows:

Ordinance 14-2023

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, ADOPTING A LARGE SCALE COMPREHENSIVE PLAN TEXT AMENDMENT TO THE TRANSPORTATION ELEMENT AND CAPITAL IMPROVEMENTS ELEMENT REMOVING MINIMUM LEVEL OF SERVICE STANDARDS FOR STATE ROAD 524; PROVIDING DATA AND ANALYSIS AND THE LEGAL BASIS SET FORTH IN THE RECITALS TO SUPPORT THE PROPOSED COMPREHENSIVE AMENDMENT; PROVIDING 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.

Mayor Blake opened the hearing to the public. There being no questions or comments, the public portion of the hearing was closed.

Councilmember Koss shared that she is in support of this although the level of service is dropping, but she understands it will decrease regardless. The upside is that this will help to expedite the process.

* **MOTION by Councilmember Dyal; Seconded by Deputy Mayor Hearn, to approve Ordinance 14-2023 on Second and Final Reading.**

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

VII. Council Business:

1. Council authorization to hold a community meeting to discuss the ongoing challenges at Gilmore Family Park on Prospect Avenue and potential opportunities for the parcel. (23-554). (Community Services Director)

Councilmember Goins shared that issues have been going on at this park for quite some time and the Police Department has been trying to keep it under control, however there is a homeless situation as well as a drug problem there. He does not want to make a decision on this without gathering the community's input, especially from the citizens that live around that area.

* **MOTION by Councilmember Goins; Seconded by Deputy Mayor Hearn, to authorize a community meeting at the Cocoa Armory to discuss the ongoing**

challenges at Gilmore Family Park on Prospect Avenue and potential opportunities for the parcel.

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

Deputy Mayor Hearn asked Council for a consensus to direct staff to inquire about acquiring the property neighboring Gilmore Park. Consensus was given by Council.

VIII. City Business:

1. To Approve a Resolution Amending the FY23 Budget (BAF#23-110-ITF) in the amount of $60,000.00; To Approve the Corresponding Change Order #1 for P.O. 80244 with Connect Consulting, Inc. in the Amount of $60,000.00. (23-522). (Utilities Director)

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

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

Multi-Year Contracts:

None.

IX. Informational Agenda:

1. City Council update about Budget Adjustment #23-116-A, for the waterfront demolition from Hurricanes Ian and Nicole. (23-537). (Interim Public Works Director)

2. City Council Bi-Weekly Report, August 18 - September 7, 2023. (23-551). (City Manager)

X. Reports:

Deputy Mayor Hearn promoted the Fire Department's Breast Cancer Awareness t-shirts and noted that one of the City's own firefighters is battling a fight of her own

and there is a GoFund me page if anyone is interested in contributing or if they'd like to show their support by purchasing a t-shirt.

Secondly, he shared there is a Walk to End Alzheimer's at Riverfront Park on Saturday, September 23rd at 9am.

Councilmember Goins shared some photos of recent events he attended at Emma Jewel Charter Academy, Space Coast Black Chamber of Commerce and Hey, Blue!

He shared a photo of the landscaping at Gilmore Park as an example of overgrown grass that is not being maintained and hopes a conversation can be had about keeping these areas under control as there are several others in Cocoa.

Mayor Blake asked each member of Council to put together a list of priorities for their district to submit to the Space Coast League of Cities by October.

Additionally, he shared photos from the Swearing-In Ceremony of Ivan Rodriquez, the Space Coast League of Cities Dinner, Emma Jewel Charter Academy, and the Elks Lodge sponsorship event that was held over the weekend.

XI. Adjournment:

* **MOTION by Councilmember Dyal; Seconded by Deputy Mayor Hearn, to adjourn the Regular meeting of September 12, 2023.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

The meeting adjourned at 8:54 p.m.

Michael C. Blake, Mayor

ATTEST:

CITY OF COCOA CORPORATE SEAL FLORIDA

Monica Arsenault, Interim City Clerk

Exhibit A

FY 2024 Budget Presentation



1st Public Hearing
September 12, 2023

TRIM (Truth in Millage) Process

COCOA
FLORIDA

❑Step 1

Adopt the FY 2024 City of Cocoa Tentative Millage Rate

Note: The tentative millage rate cannot exceed the millage rate of 6.9532 approved by City Council on July 25, 2023, by a (4-1) vote.

The FY 2024 Budget was developed with assumptions of Ad Valorem Revenue at 6.9532 Mills @ 95% (State requires at least 95%), to support ongoing operational needs.

❑Step 2

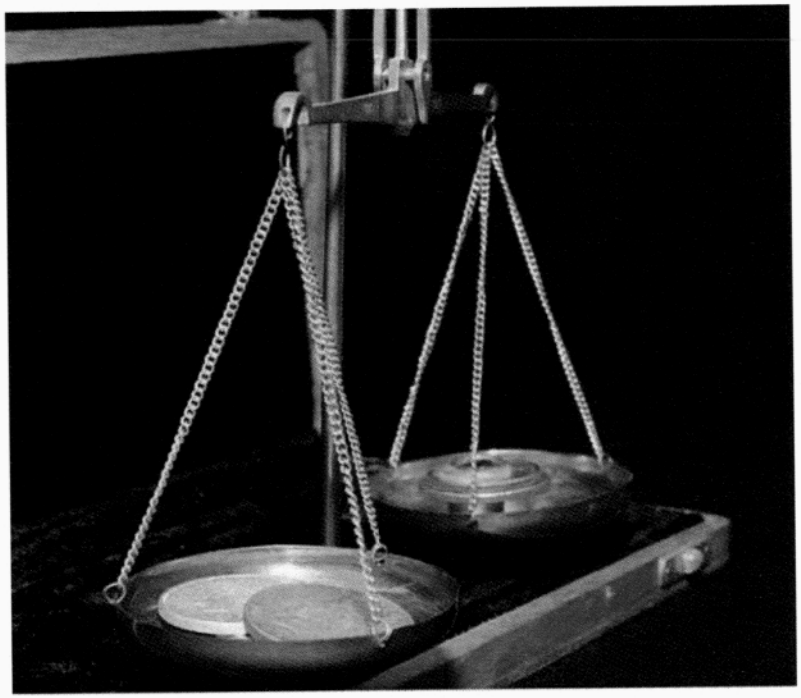
Adopt the FY 2024 City of Cocoa Tentative Budget

Objectives of this Public Hearing

COCOA
FLORIDA

- Adopt a Tentative Millage Rate for FY 2024
- Adopt a Tentative Budget for FY 2024
- Set 2nd Public Hearing – September 26, 2023 at 6:00p.m., Cocoa City Hall, 65 Stone Street, Cocoa, FL 32922

The City must have a balanced budget by October 1, 2023



FY 2024 Comparative City Rates

COCOA
FLORIDA

Ranking	Municipality	Current	Rolled-Back	Proposed	Ad Valorem Taxes
1	Satellite Beach	8.2312	7.5243	8.2000	$11,673,563
2	Palm Bay	7.5995	6.8183	7.5995	$55,922,326
3	**Cocoa**	**6.4532**	**5.8285**	**6.9532**	**$10,642,032**
4	Titusville	6.9812	6.3521	6.7945	$20,586,748
5	Melbourne	6.7490	6.1805	6.5466	$47,887,853
6	Cocoa Beach	6.1644	5.6338	6.1644	$16,100,474
7	Indialantic	5.9475	5.4381	5.9810	$3,585,862
8	Rockledge	5.8200	5.2953	5.5500	$12,198,075
9	Indian Harbor Beach	5.5628	5.1104	5.5449	$7,024,792
10	Melbourne Beach	4.5800	4.1756	4.5700	$2,685,662

FY 2024 Comparative City Ad Valorem Revenue

COCOA
FLORIDA

Ranking	Municipality	Current	Rolled-Back	Proposed	Ad Valorem Taxes
1	Palm Bay	7.5995	6.8183	7.5995	$55,922,326
2	Melbourne	6.7490	6.1805	6.5466	$47,887,853
3	Titusville	6.9812	6.3521	6.7945	$20,586,748
4	Cocoa Beach	6.1644	5.6338	6.1644	$16,100,474
5	Rockledge	5.8200	5.2953	5.5500	$12,198,075
6	Satellite Beach	8.2312	7.5243	8.2000	$11,673,563
7	**Cocoa**	**6.4532**	**5.8285**	**6.9532**	**$10,642,032**
*8	Indian Harbor Beach	5.5628	5.1104	5.5449	$7,024,792
*9	Indialantic	5.9475	5.4381	5.9810	$3,585,862
*10	Melbourne Beach	4.5800	4.1756	4.5700	$2,685,662

*Brevard County provides all or some Public Safety Services

Substantive Issues to Discuss

COCOA
FLORIDA

- ✓Total FY 2024 Budget is $168,949,095
- ✓General Fund Revenue is $49,685,460
- ✓The General Fund Budget includes a millage rate increase of 0.50
- ✓This is a 19.3% increase over rolled-back rate
- ✓This increase was needed to fund:
    - Public Safety Salaries and Benefits
    - Mandatory or Critical Capital Equipment
    - Maintain Essential Services
    - Absorb Inflationary Costs

Public Hearing - Comments

COCOA
FLORIDA



Public Announcement

COCOA
FLORIDA

- ✓The City of Cocoa is the taxing authority
- ✓The rolled-back rate is 5.8285
- ✓The millage rate of 6.9532 is a tax increase of 19.3% as a percent change of the rolled- back rate
- ✓The millage rate to be levied is 6.9532 which is 7.7% over the adopted FY2023 millage rate

Millage Rate Adoption

COCOA
FLORIDA

Requested Action:

Approve Resolution No. 2023-093, adopting the tentative millage rate of 6.9532 mills. for the City of Cocoa, commencing on October 1, 2023, and ending on September 30, 2024.



FY 2024 Tentative Budget



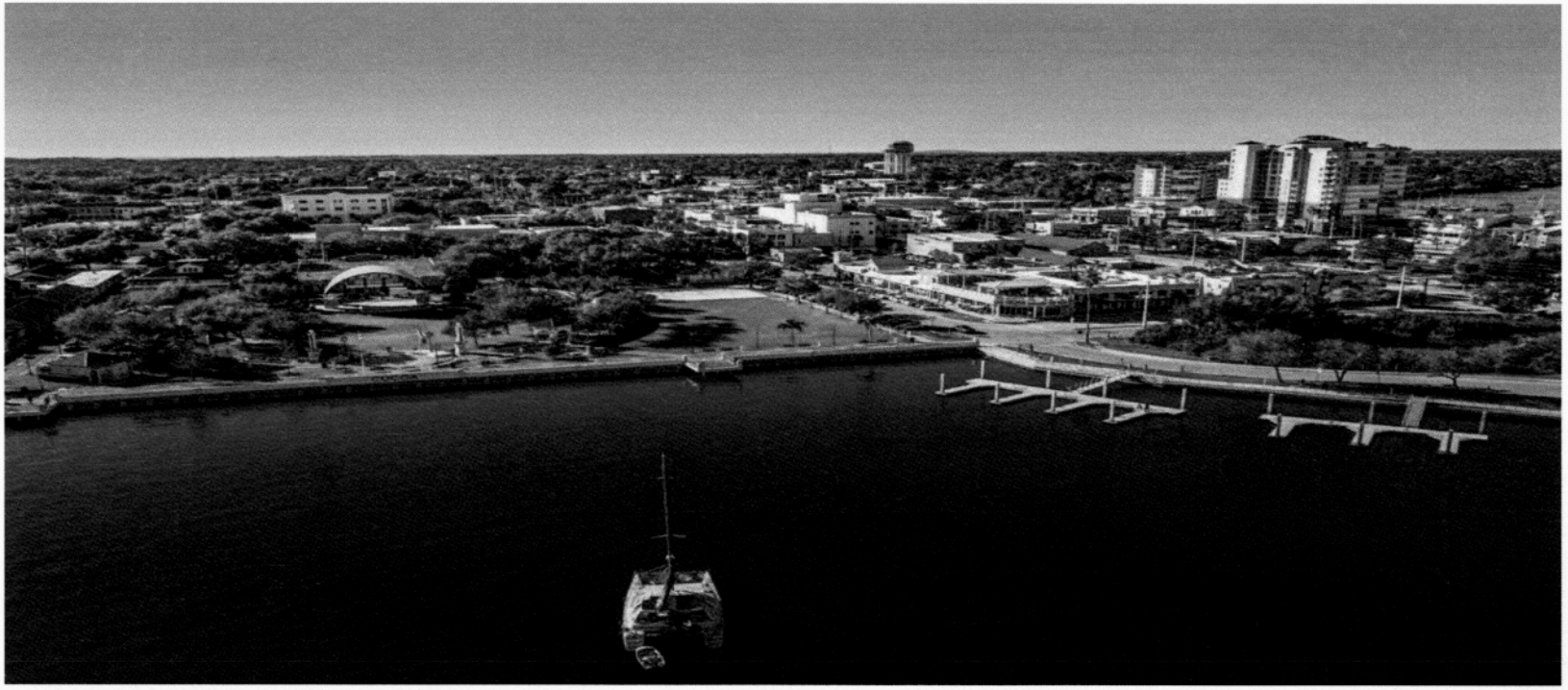
COCOA
FLORIDA

FY 2024 TENTATIVE BUDGET

COCOA
FLORIDA

Fund	FY 2024 Tentative Budget
Water/Sewer	$85,977,433
General	$49,685,460
W/S Renewal and Replacement	$12,846,709
W/S Restricted Assets	$9,210,284
Special Revenue	$4,718,734
Stormwater	$2,193,128
W/S Impact Fees	$1,902,052
Workers Comp	$1,340,569
Debt Service	$1,074,726
TOTAL	**$168,949,095**

FY 2024 General Fund Overview



COCOA
FLORIDA

General Fund Revenue Sources

COCOA
FLORIDA

- **Taxes**
  - Ad Valorem, Public Service, Utility Service and Communication Service Tax
- **Other Permits & Fees**
  - Building Permits, Franchise Fees, Fire Assessment, and Planning & Zoning Fees
- **Intergovernmental**
  - Local, State & Federal Grants and State Shared Revenues
- **Charges for Service**
  - Water Billing Services, Garbage Collection Services, Allocation for Services and Culture/Recreation Events
- **Fines & Forfeitures**
  - Property Seized
  - Court-held confiscated items
- **Miscellaneous**
  - Interest Earned, Rent and Royalties, Disposition of Fixed Assets, Contributions, Insurance Proceeds, etc.
- **Other Non-Revenue**
  - Inter-fund transfers, Water/Sewer ROI and 6% PILOFF, Debt Proceeds, Revenues from Unassigned FB (Reserves)

FY 2024 General Fund Revenues by Funding Source

COCOA
FLORIDA

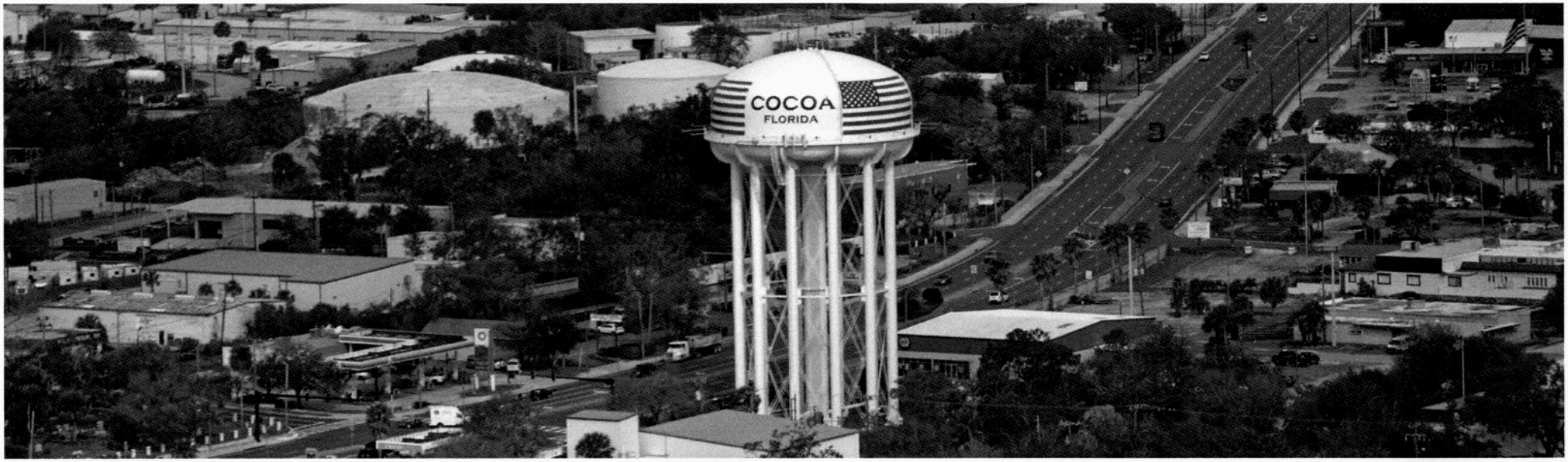
Funding Source	FY 2024 Tentative Budget	FY 2024 % of Budget
Other Non-Revenue (Inter-fund transfers, Water/Sewer ROI and 6% PILOFF, Debt Proceeds, Revenues from Unassigned FB (Reserves) **(Total Utility Fund Transfers/Utility Fund Support)**	$18,914,673	38%
Taxes (Ad Valorem, Utility Service Tax and Communication Service Tax)	$14,423,032	29%
Charges for Service (Water Billing Services, Garbage Collection Services and Culture/Recreation Fees)	$7,786,730	16%
Other Permits & Fees (Building Permits, Franchise Fees, Fire Assessment, and Planning & Zoning Fees)	$5,181,777	10%
Intergovernmental (Local, State & Federal Grants, Housing Authority Payments in Lieu of Taxes, and State Shared Revenues)	$2,811,703	6%
Miscellaneous (Interest Earned, Rent and Royalties, Disposition of Fixed Assets, Contributions, Insurance Proceeds, etc.)	$567,545	1%
Total FY 2024 Revenue by Funding Source	**$49,685,460**	**100%**

FY 2024 Tentative Budget
General Fund by Department

COCOA
FLORIDA

General Fund	FY 2023 Adopted Budget	FY 2024 Tentative Budget	Variance	FY 2024 % of Budget
Police	$12,120,906	$13,373,042	$1,252,136	27%
Public Works	$9,290,683	$10,681,569	$1,390,886	21%
Fire	$7,285,476	$8,345,033	$1,059,557	17%
General Operations	$6,290,424	$6,569,730	$279,306	13%
Finance	$3,918,969	$4,116,978	$198,009	8%
Information Technology	$2,500,515	$2,828,454	$327,939	6%
Administrative Services	$1,044,770	$1,132,487	$87,717	2%
City Manager Office	$1,275,623	$1,015,298	($260,325)	2%
Communication/Economic Development	$678,170	$967,782	$289,612	2%
Community Services	$220,293	$238,442	$18,149	0%
City Council	$204,889	$182,908	($21,981)	0%
Emergency Disaster	$0	$233,737	$233,737	0%
TOTAL	**$44,830,718**	**$49,685,460**	**$4,854,742**	**100%**

FY 2024 Water/Sewer Budget Overview



COCOA
FLORIDA

FY 2024 Water/Sewer Revenues

COCOA
FLORIDA

Funding Source	FY 2024 Tentative Budget	FY 2024 % of Budget
Charges for Service (Water, Sewer and Reuse Sales, Connection Fees, Hydrant Fees, Fireline Fees, Backflow Device Checks, Grease Trap Permits and Connection Fees)	$77,093,525	90%
Other Non-Revenue (Revenues from Unrestricted Net Position)	$8,316,558	10%
Miscellaneous (Interest, Rent and Royalties, other minor revenues)	$567,350	1%
Total FY2024 Revenue by Funding Source	**$85,977,433**	**100%**

FY 2024 Tentative Budget Water/Sewer Fund by Division

COCOA
FLORIDA

Water/Sewer Fund	FY 2023 Adopted Budget	FY 2024 Tentative Budget	Variance	FY 2024 % of Budget
Administration (ROI, 6% PILOFF, Overhead Allocation and Debt Service Transfers)	$44,586,591	$44,221,650	($364,941)	51%
Dyal Water Plant	$15,266,057	$16,624,273	$1,358,216	20%
Water Field Operations	$10,123,075	$11,441,410	$1,318,335	13%
Water Reclamation	$3,848,639	$4,100,642	$252,003	5%
Engineering	$3,738,442	$4,256,920	$518,478	5%
Sewer Field Operations	$3,006,283	$3,017,922	$11,639	4%
Utility Support Services	$2,111,472	$2,110,148	($1,324)	2%
Inventory	$145,814	$204,468	$58,654	0%
TOTAL	**$82,826,373**	**$85,977,433**	**$3,151,060**	**100%**

FY 2024 Stormwater Budget Overview



COCOA
FLORIDA

FY 2024 Stormwater Revenues by Funding Source

COCOA
FLORIDA

Funding Source	FY 2024 Tentative Budget	FY 2024 % of Budget
Special Assessment	$2,073,634	95%
Tax Certificates	$110,207	5%
Interest	$8,887	0%
Storm Mitigation Application Fee	$400	0%
Total FY 2024 Revenue by Funding Source	**$2,193,128**	**100%**

FY 2024 Stormwater Tentative Budget

COCOA
FLORIDA

Stormwater Fund	FY 2023 Adopted Budget	FY 2024 Tentative Budget	Variance	FY 2024 % of Budget
Personal Services	$673,366	$682,295	$8,929	31%
Operating	$891,266	$965,312	$74,046	44%
Capital	$330,600	$233,018	($97,582)	11%
Other Non-Revenue (Overhead Allocations)	$297,622	$312,503	$14,881	14%
TOTAL	**$2,192,854**	**$2,193,128**	**$274**	**100%**

Public Hearing - Comments

COCOA
FLORIDA



Adopting the FY 2024 Tentative Budget

COCOA
FLORIDA

Requested Action:

• Approve Resolution No. 2023-094 adopting the Fiscal Year 2024 Tentative Budget & CIP for the City of Cocoa, for the Fiscal Year commencing October 1, 2023, and ending on September 30, 2024.



What's Next...

COCOA
FLORIDA



•City Council FY 2024 Budget Final Hearing

- 2nd Final Public Hearing – September 26, 2023 @ 6:00 PM
  - ➢ Adopt Final Millage Rate
  - ➢ Adopt the FY 2024 Budget



QUESTIONS/CONTACT

Rebecca Bowman, MBA, CGFO, CGFM

Finance Director

BudgetAdministrators@cocoafl.org

www.CocoaFL.gov

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
Blake, Michael, Curtis	City of Cocoa Council
MAILING ADDRESS 207 Blake Ave	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY Cocoa COUNTY Brevard	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED 9/12/23	MY POSITION IS: ☒ ELECTIVE ☐ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also MUST ABSTAIN from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * * * * * * * * * * * * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * * * * * * * * * * * * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

CE FORM 8B - EFF. 11/2013
Adopted by reference in Rule 34-7.010(1)(f), F.A.C.

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Michael C. Blake, hereby disclose that on Sept 12, 2023

(a) A measure came or will come before my agency which (check one or more)

___ inured to my special private gain or loss;

___ inured to the special gain or loss of my business associate, _____;

✓ inured to the special gain or loss of my relative, Father & Siblings;

___ inured to the special gain or loss of _____, by whom I am retained; or

___ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

They owned property adjacent to the property that is ~~affected~~ affected by the ordinance.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

9/12/2023
Date Filed

Michael C. Blake
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.