MINUTES

CITY OF COCOA
REGULAR MEETING OF THE CITY COUNCIL

September 11, 2018

A Regular City Council meeting was held on Tuesday, September 11, 2018, in City Council Chambers, located in Cocoa City Hall, 65 Stone Street, Cocoa, Florida, as publicly noticed.

I. OPENING MATTERS:

Mayor Parrish called the meeting to order at 6:07 p.m.

Councilman Whipple provided the invocation and Mayor Parrish led the assembly in the Pledge of Allegiance to the Flag of the United States of America. A moment of silence was held in regards to the events of September 11th.

The City Clerk took the roll.

PRESENT:	Henry U. Parrish III	Mayor
	Jeri Blanco	Deputy Mayor
	Brenda Warner	Councilwoman
	Clarence Whipple, Jr.	Councilman
	Anthony Garganese	City Attorney
	John Titkanich, Jr.	City Manager
	Matt Fuhrer	Assistant City Manager
	Carie Shealy	City Clerk
ABSENT:	Don Boisvert	Councilman

OTHER STAFF MEMBERS PRESENT:

Jack Walsh, Utilities Director; Tammy Gemmati, Administrative Services Director; Karen Hamilton, Community Services Director; Mike Cantaloupe, Chief of Police, Gene Prince, Fire Chief; Tony Jones, Fleet Manager/Acting Public Works Director; Rebecca Bowman, Finance Director; and LeShawn Hinton, Helpdesk Support Tech; and Jason McCuen, Helpdesk Support Tech.

II. APPROVAL OF AGENDA AND MINUTES:

1. Agenda: Regular Meeting of September 11, 2018 (18-395)
2. Minutes: Regular Meeting of July 10, 2018 (18-405)

* **MOTION by Deputy Mayor Blanco; Seconded by Councilman Whipple, to approve the Agenda for the Regular meeting of September 11, 2018 and Minutes for the Regular meeting of July 10, 2018.**

AYES: Parrish, Blanco, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (4-0)

III. AWARDS AND PRESENTATIONS:

None.

IV. DELEGATIONS:

Rev. Johnnie Dennis, 3710 Catalina Drive, pointed out that the National Action Network is a national network worldwide. He noted that under the Constitution all citizens have the freedom to speak, freedom of religion, etc. He spoke in furtherance about the National Action Network and thanked the City Manager for the work on the Citizens Review Board. He was looking forward to getting it started.

Larry Sinclair, 1052 Mitchell St., advised that 1102 Bellefonte has been secured and a tenant will be moving in once a new roof is put on it. BACRAP is still alive and well.

Aleck Greenwood, 640 Brevard Ave., Cocoa, spoke about the canoe that was found after Hurricane Irma and requested that it be displayed temporarily at the museum on Michigan Avenue. He further asked if any discussion has been held on a police substation in the downtown area and he explained why he felt one is needed in the Village.

In response, City Manager Titkanich stated no and pointed out that this falls under the Cocoa CRA's purview. He further asked if an architect had been chosen for the CRA project and in response, City Manager Titkanich advised that it was his understanding that the CRA is working with an architect, however no date has been set yet.

Lastly, Mr. Greenwood mentioned that he was not sure how many people watch the meetings but it has been repeated constantly that people cannot hear. City Manager Titkanich assured everyone that staff was aware of this and are working with Granicus to try to solve the problem.

Mayor Parrish agreed with Mr. Greenwood regarding the crime situation in downtown and that something needed to be done. They spoke about the bicycle cops that used to patrol in the downtown. It was further pointed out that many of the arrests by the County are stating that they are in Cocoa, but they are actually in the County.

V. CONSENT AGENDA:

1. Approve the Continuation of Work with Ace Flow Control, Longwood, Florida to Provide Cross Connection Control (CCC) Technical Field Services; Pending Approval of the FY2019 Budget. (18-362). (Utilities Director)

2. Approve a Resolution Waiving the Competitive Bidding Process for the Purpose of Making a Sole Source Purchase of a Parkson Bar Screen for the Sellers Water Reclamation Facility from the Mack Company, Ponte Vedra Beach, Florida; To Approve a Resolution Amending the FY2018 Budget. (18-375). (Utilities Director)

3. Consider the Reappointments of Mr. Paul Kamus and Mr. Michael Kirn as members of the Police Pension Board through September 30, 2020; and Ratify the Appointment of Mr. John A. Casey to the Board of Trustees for the Police Officers' Retirement Plan as the Fifth member through September 30, 2020. (18-399). (Administrative Services Director)

4. Consider the Reappointment of Mr. Milton Norris Park as a member of the Fire Pension Board through September 30, 2018. (18-400). (Administrative Services Director)

5. Approve a one-year policy renewal for the General Insurance Program with Florida League of Cities, Inc., for the period October 1, 2018 through September 30, 2019 with an estimated premium of $825,707, pending approval of the FY2019 budget. (18-406). (Administrative Services Director)

6. Consider the Reappointment of Ms. Sherry Woodhouse as a member of the General Employees' Pension Board through September 30, 2021. (18-407). (Administrative Services Director)

* **MOTION by Deputy Mayor Blanco; Seconded by Councilman Whipple, to approve the Consent agenda.**

AYES: Parrish, Blanco, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (4-0)

Ms. Gemmati pointed out in the error in Item V.4. His term will actually be through September 30, 2020.

VI. PUBLIC HEARINGS:

1. Ordinance No. 08-2018/Second and Final reading: Related to changes in the Police Officers' Retirement Plan consistent with a Memorandum of Understanding between the City of Cocoa and Coastal Florida Police Benevolent Association (PBA) regarding PBA Collective Bargaining Agreement effective October 1, 2015 to September 30, 2018, amending Section 2-191, Definitions and Section 2-220, Share Plan. (18-402). (Administrative Services Director)

City Attorney Garganese read Ordinance No. 08-2018 into the record, by title only as follows. He advised that this was the second and final reading of the Ordinance.

ORDINANCE NO. 08-2018

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE VII, POLICE OFFICERS' RETIREMENT PLAN, OF THE CODE OF ORDINANCES OF THE CITY OF COCOA BY AMENDING SECTION 2-191, DEFINITIONS; AMENDING SECTION 2-220, SHARE PLAN; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

Ms. Gemmati added that an actuarial statement was provided and attached after the agenda was published.

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

* **MOTION by Councilwoman Warner; Seconded by Councilman Whipple, to approve the item.**

AYES: Parrish, Blanco, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (4-0)

VII. COUNCIL BUSINESS:

1. Approve the current Code Enforcement lien for the property located at 2228 Salem Drive to be reduced from $34,250.00 to $3,000.00. The Code Enforcement Board, at its regular meeting on August 16, 2018, recommended that the lien be reduced to $3,000. Staff is recommending Council reduce the lien to $3,000 as recommended by the Code Enforcement Board so related City expenses and Staff time are reimbursed. (18-384). (Chief of Police)

   Chief Cantaloupe advised that the Code Enforcement Board held a public hearing on August 17, 2017, at which time the Board found the owner, Rcm Fund 1 Owner LLC, in violation of the following: 6-900 (b)91) a-d junk/debris & 6-900 (b)(11) outside storage; 6-1002(b) pool and spas (enclosure requirements/safety), and 6-1001(g) accessory structures (fence).

   He mentioned that the Code Enforcement Board provided the owner sufficient time to correct said violations. Therefore, consistent with the Code Enforcement Board's Order a fine ran at $125 per day from August 20, 2017 until compliance was achieved on May 21, 2018. The lien is $34,250.00 and the current owner Rcm Fund 1 Owner LLC, is requesting that the lien be reduced to $3,000.

   Additionally, based on the above factors, staff is in agreement with the Code Enforcement Board's recommendation to reduce the lien to $3,000. Furthermore, at the Code Enforcement Board's regular meeting on August 16, 2018, they recommended that the lien be reduced to $3,000.

   Larry Sinclair, 1052 Mitchell St., Cocoa, believes that this goes back to the same issue that was brought up at the last Council meeting. There are investment companies that buy properties and this company is taking monthly monies from renters. They took this long to come into compliance. He noted that liens are not meant to be punitive and when the owner refuses to come into compliance they are looking at 60-90 days before a lien is imposed. The company is justifying the lien request because they have invested over $40,000 which they will then sell and make over $200,000. He mentioned that staff is going to recommend anything that they can get but he feels that this needs to stop. With $34,000 in fines, he urged Council to charge at least $10,000 for the liens.

Councilwoman Warner stated that the item mentioned that the owner was not the owner when the fines were given. She questioned as to how long the owner had the property before it was brought into compliance. She stated that she has no problem reducing a lien when a property is brought into compliance 90 days or so after they own the property. She asked if this was the case with this property.

She mentioned that she further notices that when the property is owned by the same owner as when the lien started that the Code Board is a lot less inclined to reduce the liens. They are usually a little more lenient when someone buys the property and cleans it up within a reasonable amount of time.

It was confirmed that the property was purchased in May. Councilwoman Warner pointed out that the liens started in August 2017 and then came into compliance. She further clarified that the information in the item was correct.

She advised that if this is the owner who owned the property when the City started to fine them then they do not deserve a reduction.

City Manager Titkanich pointed out that on page 2 of 6 of their Lien Reduction Application they were the owner. He noted there is an error in the agenda item based on the applicants own admission in the application.

Councilwoman Warner advised that she was not comfortable in making a decision tonight, as she wanted to ensure that the Code Enforcement Board was aware of this. She requested the item be tabled until further information can be brought back for review.

* **MOTION by Councilwoman Warner; Seconded by Councilman Whipple, to table the item until further information can be brought back for review.**

AYES: Parrish, Blanco, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (4-0)

2. Consider the Appointment of Mr. David Prather as a Regular member of the Utilities Advisory Board, through November, 2020. (18-401). (Administrative Services Director)

* **MOTION by Councilwoman Warner; Seconded by Deputy Mayor Blanco, to approve the item.**

AYES: Parrish, Blanco, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (4-0)

3. Provide the City Manager and City Attorney direction on establishing a Cocoa Police Community Relations Advisory Board. (18-421). (City Manager)

City Manager Titkanich reminded Council that in the City's Strategic Plan one of the biggest issues was crime. The City contracted with CPSM and they did a study on the Police Department. As a result of the study, they did agree that a board should be formed in an advisory capacity. He noted that the Council needed to carefully consider the scope of the committee.

He mentioned that in research he and the Assistant City Manager have conducted, there are four models in police departments of citizen review boards. The City of Cocoa previously had a Citizen Advisory Board that began in July 1990 and was abolished by resolution in 1997. He mentioned that they can all agree that policing has changed since 1997.

City Manager Titkanich explained the scope of the board and was recommended to reconstitute the previous board, but not provide authorization to review everything. He would like to keep transparency among the department and he believes with transparency that citizens will have more trust with the department. The Cocoa Police Department has been accredited since 2006. He reiterated his recommendation to reconstitute the Cocoa Police Community Relations Advisory Board and that they should be able to review use of force cases and to conduct citizens complaints. If warranted, these items can be presented to the Chief of Police and to the City Manager.

He does not recommend that the board be given subpoena powers or the ability to interview officers. Additionally, there should be a limit to policy and in terms of promoting the review and citizens conduct, they should be tasked with closed department investigations of officers only. The timing of review would also have to be in line with legal issues, etc.

He further noted that this is not a single focused tool and the idea is that it would be an opportunity for the Chief to be empowered and bring forward any police community relations issues and all things that he may deem necessary.

In regards to the board composition, he would recommend seven members, and possibly each member of Council, the City Manager, and a representative of the PBA appoint a member. Those appointees must be a citizen and a key stakeholder. He advised that he has done a lot of studying in regards to complaints and misconduct and he does not feel that there is a pressing problem; however, he did commit to and discussed the idea of this board. He further stressed that this board will not be meant to be a scepter to hold over the police department's head, but a good tool for the City. He is looking for Council's direction on how to proceed.

Councilwoman Warner clarified that an ordinance would be written and in response, City Manager Titkanich responded in the affirmative. She then noted that she was aware of only one other board in this county that functions as it should and that is the City of Melbourne. She would like to see their ordinance and the resolution that the City used to establish the original board. She is aware of the original board because she chaired it in 1997. She knows what issues on the board can be and would like to have an open discussion regarding these. She believed that the previous board had members who did not know what their exact role was and she stressed that those who are appointed need to understand their role before they are actually appointed.

Councilman Whipple thanked City Manager Titkanich for his comments and presentation. He believes that they need to go forward as soon as possible to ensure that all grounds are covered that should be. He noted some of the issues they are faced with and stated that there are no doubts that this board is needed. The CPSM had a lot of information on how the police department can be more efficient. He pointed out that the police department is busier during certain times of the day and in the study it was recommended that hours be changed in order for them to be more efficient. He has not heard any suggestions for this issue. In closing, he agreed that the board needs to be established and that they need to be provided information in order to ensure efficiency.

Deputy Mayor Blanco was all for establishing a board but suggested that they expand the scope of appointees to one of the groups in the community such as the NAACP. She believed that they should make a recommendation as well.

Councilwoman Warner agreed with Deputy Mayor Blanco and suggested that as Councilmembers they reach out to organizations, churches, etc. to see if they can help make a recommendation.

Councilman Whipple felt that they need to take a look at the time involved in this and was glad that they were finally at the point to vote in order to get it all moving.

Councilwoman Warner reiterated that what Council has asked for was for a possible ordinance and information to be brought back to the next meeting. City Manager Titkanich advised that he was cautious in agreeing with that time frame and stated it would possibly the meeting after next.

Councilwoman Warner believed that there was no reason that this cannot be established by sometime in October.

City Manager Titkanich further clarified that this is typically done by resolution which would only be one reading.

Mayor Parrish stated that when he was elected there were a lot of people that thought the process is slow. This was talked about at both Crime Summits that were held in 2014 and 2016. He agreed that he would like to see Melbourne's ordinance. He further pointed out that the City was the first to purchase body cameras and crime in the last few years has been narrowed down. There were a lot of shenanigans in Cocoa for decades.

He reiterated Council's wishes for staff to bring an ordinance back and the need to start working on this. He also agreed that in the past things got out of hand. He believes that this will help with any problems that they have had in past years and would definitely like to review Melbourne's ordinance. He wants the best city with the best police department and he wants citizens to promote that image.

City Manager Titkanich noted that body cameras have proven to be an effective tool for addressing officer conduct and incidents in totality because of having a record of what occurred. Many times in the aftermath of an incident, you are absent of having the information and all information may not be said. If information is disclosed to the board, then the truth is out there. He feels this board can be a vital tool.

Mayor Parrish noted that citizens and residents have to believe it in as much as we do or it will not work.

* **MOTION by Councilwoman Warner; Seconded by Councilman Whipple, to follow the City Manager's recommendation.**

AYES: Parrish, Blanco, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (4-0)

Larry Sinclair, 1052 Mitchell St., Cocoa, stated that he did not come to the workshop that was held in regards to the CPSM Study, and hears what the City needs, but asked why they do not stand behind the police department. He stated to Councilman Whipple that he did not see the urgency in this other than it being politically motivated. He further mentioned to Mayor Parrish that the people at the tables at the crime summits, such as Dr. Soliven who is no longer at Cocoa High School, justified burglaries because there was not food, and did not address the crime problem. He urged Council to go to Peachtree Street or Peachtree and Prospect to see crime.

Mayor Parrish agreed with Mr. Sinclair and noted that he just saw two prostitutes and a pimp at that location and they need to jump on that problem.

Mr. Sinclair stated that he has never had a problem with Chief Cantaloupe or any of his officers in getting answers and he has called on many occasions. He does not see the urgency other than it being politically motivated.

Councilman Whipple stated that was his opinion.

VIII. CITY BUSINESS:

1. Requesting settlement authority for the tentative settlement agreement between former City of Cocoa Fire Lieutenant Omar Shearer and the City of Cocoa authorizing the payment of the Workers' Compensation settlement. Requesting approval for additional settlement authority for former Fire Lieutenant Timothy Olsen's Workers' Compensation Medicare Set-Aside Arrangement, authorize the City Manager to finalize and execute such legal agreement(s) required to complete the settlement in accordance with the settlement authority approved by the City Council. Approve a Resolution Amending the FY2018 Budget through the use of General Fund Reserves, to cover any settlement agreements. (18-409). (Administrative Services Director)

* **MOTION by Deputy Mayor Blanco; Seconded by Councilman Whipple, to approve the item.**

AYES: Parrish, Blanco, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (4-0)

2. Approve the three year contract between the City of Cocoa and the International Association of Firefighters (IAFF) for the contract term of October 1, 2018 through September 30, 2021. (18-413). (Administrative Services Director)

Ms. Gemmati pointed out that this is the first time a contract has been approved before October 1st and the second time it has been put in place prior to the existing contract expiring.

City Manager Titkanich expressed his appreciation for all of the negotiating teams hard work.

* **MOTION by Councilwoman Warner; Seconded by Councilman Whipple, to approve the item.**

AYES: Parrish, Blanco, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (4-0)

Chief Prince recognized the fire fighters in the audience, Mr. Sengel, Mr. Madden, and Mr. Ackerman. Chuck Burkhardt was also a member of team but he is not in attendance. Chris Womack is their newest member.

Ms. Gemmati thanked everyone and thanked Chief Prince as well.

MULTI-YEAR CONTRACTS:

3. Approve Participation in a Cooperative Purchase Agreement with Hydromax USA to Provide Hydrant and Valve Assessment and Maintenance Service Utilizing Seminole County Contract No. IFB-602347-15/GCM Effective November 23, 2015 through November 23, 2018; Pending Approval of the FY 2019 Budget. (18-361). (Utilities Director)

* **MOTION by Councilwoman Warner; Seconded by Councilman Whipple, to approve the item.**

AYES: Parrish, Blanco, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (4-0)

4. Approve Participation in a Cooperative Purchase Agreement with All Terrain Tractor for Restoration Services Utilizing Orlando Utilities Commission Contract No. 4218-2 OQ Effective January 1, 2017 through December 31, 2019; Pending Approval of the FY2019 Budget. (18-363). (Utilities Director)

* **MOTION by Councilwoman Warner; Seconded by Councilman Whipple, to approve the item.**

AYES: Parrish, Blanco, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (4-0)

5. Approve the Sixth Amendment to Purchase Agreement to the Water Resource Consulting Services Agreement with Water Resource Associates, Inc. (WRA), Tampa, Florida, effective September 30, 2018 through September 29, 2020. (18-379). (Utilities Director)

* **MOTION by Councilwoman Warner; Seconded by Councilman Whipple, to approve the item.**

AYES: Parrish, Blanco, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (4-0)

IX. INFORMATIONAL AGENDA:

None.

X. REPORTS:

Norris Park, 1111 Burnham St., Chairperson of the Fire Pension Board was proud that the fire fighters could negotiate and come to an agreement on a contract. He spoke of upcoming ordinance changes and of potential cost savings that the City might see. He noted they were currently working with a couple of workers' comp issues. He further thanked Ms. Howell and her staff for keeping everything in order for them. In closing, he was thankful that the board is able to meet in the chambers and he asked if the pension meeting could be put on the website like the others are.

Mayor Parrish asked Mr. Jones if there was a difference in the Nissan trucks, and in response, Mr. Jones stated nothing major and they were just about to have their first checkup.

Chief Prince recognized the negotiation team again and reiterated his thanks to Assistant City Manager Fuhrer, Ms. Howell, Ms. Bowman, and Ms. Gemmati for all of their work on this.

Lastly, he reminded everyone of the 9/11 Memorial Event this Saturday at 6 p.m., at the Cocoa High School Stadium.

Assistant City Manager Fuhrer provided an update on the progress of the riverfront. He pointed out that the Riverfront Connector will be completed by the end of the month. They are also reconstructing the piers and also installing security cameras. Additionally, the shoreline restoration will begin. There will be some pretty heavy equipment moving around in a few weeks. They will also be removing some invasive species of plants. The former group who cleaned up the area near SR 520 failed to cut out the invasive species.

Mayor Parrish asked if there was an update on the boat removal. In response, Assistant City Manager Fuhrer advised that FWC has cleared them for removal but it his understanding that there is a lack of funds to do so.

City Manager Titkanich reminded all of the upcoming meetings and workshops:

- Thursday, September 13th at 5:30 p.m. is the Second and Final Budget hearing
- Tuesday, September 18th at 5:00 p.m. is a Special Cocoa CRA meeting.
- Wednesday, October 3rd at 6 p.m. at the Cocoa Civic Center is the Public Workshop for the Zoning Ordinance re: the height on the proposed hotel.

He advised the goal for the October 3rd workshop is to incorporate any comments, and potential changes from that meeting and modify the ordinance if needed so that it can be brought back for second reading at the October 10th meeting or the one after. Mr. Pete Seckler will be facilitating that meeting.

He noted that he would be in Orlando at the FLC Policy meeting on Friday, September 14th.

Lastly, he mentioned that a pre-pricing call was done today with the bond underwriters and they will be going to Orlando in a few days to put the bond on the market for a two hour period.

Councilman Whipple requested an update on the Heart of Cocoa Meeting Room. In response, City Manager Titkanich noted that it should be done by the end of this fiscal year.

Councilman Whipple thought that Stone Street was looking really good and asked if Wawa was repaving their parking lot. Mr. Jones advised that they were resurfacing with black tar.

Councilman Whipple asked Chief Cantaloupe to watch the traffic in the mornings at Wawa and asked what was happening with Speedway across the street. City Manager Titkanich mentioned that was a very limited store and Wawa offers more alternatives. Councilman Whipple further requested an update on the incoming Dunkin Donuts across from Stone Funeral Home. Ms. Hamilton will have an update at the next meeting.

Councilwoman Warner reminded everyone that on October 13th they are holding the first ever K9 Competition at Cocoa High School. They are getting great cooperation from Cocoa High and their new athletic director is excited about the event.

She thanked several businesses for contributions, noting they have raised around $15,000 so far.

Deputy Mayor Blanco had a resident contact her about the water line on Sykes Creek Bridge. She asked if it had been replaced and if it is functional. Ms. Ennis assured her that it is and all beach lines are fine.

Mayor Parrish asked if there was an update as to when the bridge would reopen and Assistant City Manager Fuhrer believed that they are looking for funding to re-open the bridge.

Mayor Parrish reminded everyone that we are in hurricane season and asked all to be mindful of what could possibly come our way.

Mayor Parrish voiced his frustration in the bad news reporting, pointing out that most are in the county but it is being reported as Cocoa. He wants to make sure that problem gets corrected.

Councilman Whipple agreed and wants this corrected. It is not a good thing to be mis-identified in the news and newspaper.

Mayor Parrish takes offense to the incorrect information and believes that the City deserves better. It should just say that it is the County or unincorporated Cocoa. Moving forward he wants it to be better than ever.

He is looking forward to the meeting on the hotel zoning and provided well wishes to Councilman Boisvert.

In closing, he stated that this is campaign season and we all have to be tolerant. We have a great community situation and he does not want to go backwards, or let someone outside of the City dictate who we are or what we do. We need to be optimistic.

XI. ADJOURNMENT.

* **MOTION by Councilwoman Warner; Seconded by Councilman Whipple, to adjourn the Regular meeting of September 11, 2018.**

AYES: Parrish, Blanco, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (4-0)

The meeting adjourned at 7:33 p.m.

Henry U. Parrish III, Mayor

ATTEST:

Carie E. Shealy, MMC, City Clerk

SEAL