MINUTES

CITY OF COCOA
REGULAR MEETING OF THE CITY COUNCIL

June 26, 2018

A Regular City Council meeting was held on Tuesday, June 26, 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 6:03 p.m.

Councilman Whipple provided the invocation and Deputy Mayor Blanco led the assembly in the Pledge of Allegiance to the Flag of the United States of America.

The City Clerk took the roll.

PRESENT:	Henry U. Parrish III	Mayor
	Jeri Blanco	Deputy Mayor
	Don Boisvert	Councilman (attended via phone)
	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

OTHER STAFF MEMBERS PRESENT:

Tammy Gemmati, Administrative Services Director; Jack Walsh, Utilities Director; Karen Hamilton, Community Services Director; Gene Prince, Fire Chief; Michael Cantaloupe, Chief of Police; Ed Wegerif, Public Works Director; Lora Howell, Interim Finance Director; Jonathan Lamm, Deputy Fire Chief; Gail Bantugan, Leisure Services Manager; Samantha Senger, Assistant to the City Manager/PR Specialist; and Jason McCuen, Helpdesk Support Tech.

II. APPROVAL OF AGENDA AND MINUTES:

1. Agenda: Regular Meeting of June 26, 2018 (18-238)
2. Minutes: (a) District 2 Town Hall Meeting of June 5, 2018 (18-235)
   (b) Regular Meeting of May 22, 2018 (18-239)

* **MOTION by Councilwoman Warner; Seconded by Deputy Mayor Blanco, to approve the Agenda for the Regular meeting of June 26, 2018 as presented.**

AYES: Parrish, Blanco, Boisvert, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (5-0)

* **MOTION by Councilwoman Warner; Seconded by Councilman Whipple, to approve the Minutes for the District 2 Town Hall meeting of June 5, 2018 and the Regular Meeting of May 22, 2018 as written.**

AYES: Parrish, Blanco, Boisvert, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (5-0)

III. AWARDS AND PRESENTATIONS:

None.

IV. DELEGATIONS:

Brandy de Marie, 1430 Dixon Blvd., #625, Cocoa, FL, spoke about her attendance at the CPSM. She spoke about an incident where her fiancé was mistreated by an officer who accused him of committing a robbery across town. He made him sit on the hot ground that had just been paved with hot tar until he was burnt. It was two years ago, but felt it was evil and he was not guilty of anything.

Robert Carroll, 1430 Dixon Blvd., #625, Cocoa, is the fiancé of Ms. De Marie and he could answer questions if anyone wanted to ask. Mayor Parrish asked if they had the names of the officers. Mr. Carroll stated no, as it was two years ago. He explained that he rides a bus all of the time so he does not see many officers and had not seen those two particular officers in the City. Regardless, he has been

very law abiding. Mayor Parrish thanked him and asked that all things be reported immediately.

City Manager Titkanich asked Mr. Carroll if he could recall the time frame and date of the incident. Mr. Carroll mentioned it was shortly after lunch and thinks around July or August, two years ago. He was not arrested and it was at Dixon and Clearlake Road, by Cocoa Police Department.

Demetrius Waters, 911 School Street, Cocoa, is a community advocate. He noted it was brought to his attention that once again they were going to manipulate the voting process in the City of Cocoa. He noted that for twelve years in District 1 they have not had the right to vote and now the Mayor is going is going to try to circumvent the system so that he can stay in his seat. He pleaded for Council not to manipulate the voting process any more. It is important that the right representation be picked.

Bob Harvey, 29 Riverside Drive, Cocoa, thanked the City for the Memorial Day ceremony and parade that was held in Cocoa. He believed that it was a very important event and thanked all of the people involved. He thanked the City staff, Mayor, Council, City Manager, and provided a special thank you to Neodasha Harris who does this every year. She is great to work with. He further mentioned other important parties who were involved and apologized if he forgot to mention anyone.

Mayor Parrish agreed and mentioned that many other cities had cancelled their events due to bad weather but there were still about 400-500 in attendance.

V. CONSENT AGENDA:

1. Approve a Construction Staging and Hold Harmless and Indemnification Agreement between the City of Cocoa and the Housing Authority of the City of Cocoa for City owned land located at 1110 Grove Avenue. (18-256). (Community Services Director)

2. Approve a Resolution Amending the FY2018 Budget to Transfer Funds from Contract Services (34-00) to Operating Supplies - Chemicals (52-09) for the Purchase of Chemicals for the Dyal Water Treatment Plant. (18-210). (Utilities Director)

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

AYES: Parrish, Blanco, Boisvert, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (5-0)

VI. PUBLIC HEARINGS:

None.

VII. COUNCIL BUSINESS:

1. Consider the reappointments of Mr. Michael Cicerrella, Mr. David Lightholder, Ms. Stephanie Moretto, and Ms. Virginia Weaver, to the Code Enforcement Board through June, 2021. (18-237). (Administrative Services Director)

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

AYES: Parrish, Blanco, Boisvert, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (5-0)

2. Consider the reappointments of Ms. Tracy Moore, Ms. Jewel Collins, Mr. Larry Robinson, and Mr. Ed Jones, to the Diamond Square CRA through June, 2022. (18-240). (Administrative Services Director)

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

AYES: Parrish, Blanco, Boisvert, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (5-0)

3. Consider the reappointments of Mr. Richard Louden and Ms. Deva Thomas to the US1 CRA through June, 2022. (18-241). (Administrative Services Director)

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

AYES: Parrish, Blanco, Boisvert, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (5-0)

4. Consider the appointment of Rafael Costas as a member of the Sustainability Advisory Board. (18-254). (Administrative Services Director)

Lorraine Koss, 2115 Indian River Drive, Chairwoman of the Committee, spoke affirmatively for Mr. Costas to be appointed to the committee. He would add great diversity to the group and she felt that was important.

Trina Gilliam, 813 Temple Street, in Cocoa, Deputy Chairperson of the Committee, concurred with Ms. Koss. She added that Mr. Costas is a veteran and holds a Bachelors' in Business. He is interested in helping families and veterans and believes he will be a good fit for the committee.

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

AYES: Parrish, Blanco, Boisvert, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (5-0)

5. Acknowledging receipt of Mayor Parrish's resign-to-run letter, dated June 3, 2018, which declares a prospective resignation date effective of November 4, 2018; Consider adopting Emergency Ordinance No. 03-2018 for purposes of declaring an intervening general election for purposes of holding a special election to fill the forthcoming vacancy in the mayor's seat in conjunction with the regularly scheduled November 6, 2018 general election. (18-257). (City Attorney)

Attorney Garganese advised that Mayor Parrish had submitted his resign to run letter effective November 4, 2018. Under the City Charter, Council has two Council meetings to fulfill the vacancy, but due to the date that this will all take place, there is an intervening election on November 6, 2018. He explained that it is possible for the City Council to declare an intervening special election for the unexpired two year term of the mayor.

If Council decided to wait until November 4th, they could declare that the election be held in conjunction with the General election on November 6, 2018.

The adoption of the attached emergency Ordinance No. 03-2018 would direct an election to be held on November 6, 2018. He pointed out that all information was attached and he would answer any questions.

Councilwoman Warner believed that he provided a very detailed report. Council agreed.

City Attorney Garganese explained that if they are inclined to proceed with a Special election, then qualification would commence on August 7th at Noon and end on August 21st at Noon. It would be the same qualification period as the general election.

Councilwoman Warner clarified that even though it occurs during the General election this is considered a Special election.

Mayor Parrish confirmed that all of the citizens of Cocoa would be able to vote. In response, City Attorney Garganese mentioned yes, rather than Council appointing to the Mayor seat when the vacancy occurs.

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

AYES: Parrish, Blanco, Boisvert, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (5-0)

VIII. CITY BUSINESS:

1. Approve Change Order #1 to Purchase Order 71503 with Ace Flow Control, Longwood, Florida, to Provide Cross Connection Control (CCC) Technical Field Service; To Approve a Resolution Amending the FY2018 Budget. (18-232). (Utilities Director)

Mr. Walsh presented the item and noted they were asking for a change order for the contract. He explained that it is very hard to determine what costs will be and there has also been an increase in costs.

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

AYES: Parrish, Blanco, Boisvert, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (5-0)

2. Approve Task Order 2018-22 with Atlantic Development, Inc., Cocoa, Florida, for the Replacement of a Broken 24" Gate Valve on State Road 3 (Courtenay Parkway), Project No. WS11VR; To Approve a Resolution Authorizing the City Manager to Approve Change Orders in an Amount Not to Exceed $26,315 (15% of the Proposal); To Approve a Resolution Amending the FY2018 Budget. (18-234). (Utilities Director)

Mr. Walsh presented the item and explained where the leak was at. He mentioned it was on State Road 3. This repair takes coordination with FDOT and was originally treated as an emergency condition. It is a slow leak, so they were able to do some planning. Additionally, they have been monitoring the leak and it is not hurting the road. It will most likely be a night project, but once the repair is done they will have to repave.

Councilman Whipple asked if it would stop traffic both ways. In response, Mr. Walsh stated one way.

Mayor Parrish asked the age of the valve. Mr. Walsh was not sure and being on SR 3 makes it more difficult. They have to move fire and service lines also.

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

AYES: Parrish, Blanco, Boisvert, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (5-0)

3. Approval of revisions to the Special Events Ordinance and resolution to adjust the Master Fee Schedule. (18-242). (Assistant to the City Manager/Public Relations Specialist)

Ms. Senger explained the item and noted that the city had recently noticed a decrease in bookings. In order to remain competitive, staff is recommending a revised fee schedule. The events in Cocoa Village attract thousands of people, provide economic impact, and they want to continue to have these events at these facilities.

Ms. Senger advised that staff has reviewed fees with other facilities in the area and came up with what they felt was a fair comparison with our size and City. Additionally, they met with HCVA to ensure that they were on the same page and

they were. The new rates will make it more competitive and it is an all-inclusive fee structure. The all-inclusive fee structure will make it easier for people to plan. They hope to see an increase in the number of events and attendees.

Councilwoman Warner felt that this cleaned up the schedule well and when you are charging a percentage it makes it hard to plan a budget for an event.

Mayor Parrish agreed it was a good start.

City Attorney Garganese read Ordinance No. 04-2018 into the record, byt title only as follows. He advised that this was the first reading of the ordinance and also required approval of the Resolution.

ORDINANCE NO. 04-2018

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING CHAPTER 2 ADMINISTRATION, ARTICLE XI SPECIAL EVENTS AND PARADES REGARDING APPLICATIONS FOR SPECIAL EVENT AND PARADE PERMITS; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

Allan Chapman, HCVA, provided a handout[1] regarding their thoughts on the revision and fee schedule.

* **MOTION by Deputy Mayor Blanco; Seconded by Councilwoman Warner, to approve Ordinance No. 04-2018 on first reading and to approve Resolution No. 2018-047 adjusting the Master Fee Schedule.**

AYES: Parrish, Blanco, Boisvert, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (5-0)

4. Approve the adjustment of fees associated with two Deuterman Productions events and nine Historic Cocoa Village events in 2017-18 to reflect the revised special event fee. (18-245). (Assistant to the City Manager/Public Relations Specialist)

[1] EXHIBIT A: Letter from HCVA re: the revised fee schedule

Ms. Senger presented the item and noted that the two events being discussed where Mardi Gras and Rootfire. She pointed out that the figures in the agenda item notate the fees due with the addition of ten percent. She further noted that the figures listed under HCVA are estimates.

All organizations have paid the City all of their fees with the exception of the ten percent. The fees include facility fees, public safety, electrical, and barricades. She explained that the reason the ten percent was not paid was that they were holding off due to discussions with Leisure Services.

Ms. Senger pointed out that both promoters bring in thousands of attendees to the Village and they are great to work with, clean up, and they have never had any other issues. Therefore, staff was requesting that their fees be reduced.

Discussion was held in detail due to concerns that Mayor Parrish had with Mr. Deuterman's fees, and that Mr. Deuterman had to deal with something that mother nature did to the City, no one else. He wants to make sure that he continues to do events here and felt that his fees should be reduced more.

Deputy Mayor Blanco believes that the new rate schedule would help people in the future with situations that they encounter.

Mayor Parrish believed that staff did a good job on the new rate schedule and was for cutting the fees in half for both organizations.

Councilwoman Warner advised that when she first came to the Village there was nothing being done by anyone other than HCVA. When fees were starting to be charged, it was not to be a money maker, but to recoup costs. There were many times the merchants were hurt because other vendors came in and the fee schedule was designed to ensure that those things did not happen.

The City now has great partners and she does not see any reason why the fees need to be a huge money maker, but they do need to recoup costs. She is fine with anything that staff wants to do but stressed that costs need to be recouped.

Mayor asked Councilwoman Warner her thoughts on the event during the hurricane and she believed that was a given.

Councilman Whipple agreed whole-heartedly with Mayor Parrish and thought that they should look into helping Mr. Deuterman with those issues that arose during the hurricane.

Deputy Mayor Blanco clarified that we would recoup the costs. In response, Ms. Senger stated yes, that both have paid all of their fees except for the additional ten percent. Prior to the reduction, Mr. Deuterman's fees would have been over $30,000 but have been reduced to around $1,000.

She further advised that HCVA's events were approximately $16,000 and will be reduced to around $8,000.

Mayor Parrish apologized for reading the item wrong and pointed out that events are always well managed.

Councilwoman Warner requested that some sort of event be held regarding Cocoa and chocolate, since the City is named after cocoa.

City Manager Titkanich mentioned that the reduction will not take place until the second reading of the ordinance, along with the fee structure. He further pointed out that these fees pay for staff to be at events and they feel that this will be a much cleaner, simpler process for the promotor and organizations.

Mayor Parrish wants to do the right thing, as this is a big deal.

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

AYES: Parrish, Blanco, Boisvert, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (5-0)

5. Approve a Resolution Amending the FY18 Budget and a Sole Source Resolution, for the purchase of a 2018 Nissan Frontier from Mike Erdman Nissan of Merritt Island / Cocoa. (18-246). (Public Works Director)

Mr. Wegerif presented the item. He advised that this would replace a vehicle that was wrecked and the vehicle is currently available.

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

AYES: Parrish, Blanco, Boisvert, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (5-0)

6. Requesting settlement authority for the tentative settlement agreement between former City of Cocoa Fire Lieutenant Timothy Olsen and the City of Cocoa authorizing the payment of the Workers' Compensation settlement and 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. (18-264). (Administrative Services Director)

Ms. Gemmati presented the item. She mentioned that this would settle four open claims currently under litigation between the City and a former employee.

City Manager Titkanich added that all four claims are workplace injuries.

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

AYES: Parrish, Blanco, Boisvert, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (5-0)

MULTI-YEAR CONTRACTS:

None.

IX. INFORMATIONAL AGENDA:

1. Cumulative Purchase Approvals over $35,000 and under $50,000 for the period of 10/01/2017 to 05/31/2018. (18-220). (Interim Finance Director)

2. Fire Incident Summary Report for May, 2018. (18-243). (Fire Chief)

3. Approved change orders to construction contracts that the City Council has authorized the City Manager, by resolution, to approve in excess of the City Manager's spending authority. (18-247). (Interim Finance Director)

4. Data showing the relation between the estimated and actual income and expenses to date. (18-248). (Interim Finance Director)

5. FY 2018 Budget Adjustment Report. (Interim Finance Director)

X. REPORTS:

Assistant City Manager Fuhrer provided an update on the Brevard Museum, noting that the City owns the property where the museum is at. Staff proposed a roof replacement for the museum last year at the first public meeting for the budget. Staff met with their staff and an agreement has been reached. The County has also requested to be removed from the "lessee" agreement. The museum has agreed to serve as an advisory committee for the Leon and Jewel Collins Museum, and their roof will also be repaired. He advised that the City was currently procuring artifacts and changes will begin to be made. The solicitation process for non-profits to run the museum will also begin. Lastly, cabinetry and electronic displays should be in within a couple of months.

City Manager Titkanich mentioned that display cases were funded in the budget. The grant applied for was to get the facility listed on the National Registry for Historic Places. He further explained that Alliance for Neighborhood Restoration does not manage or run the whole building. They just handle the north portion. Once the agreement is finalized with Brevard Museum it will be brought back for approval and they will then move forward with soliciting for volunteers to run the museum.

Councilman Whipple thanked Council and the Mayor for moving forward with the Heart of Cocoa Meeting room.

In response, Mr. Wegerif provided an update and advised that construction was proceeding. The walls, windows, and roof were up and the project should be finished by the end of the fiscal year. Councilman Whipple would appreciate if the completion could definitely take place by the end of the fiscal year.

Councilman Whipple thanked Ms. McLaughlin for the Juneteenth event and also all City employees who participated. He was thankful that these type of events are done.

Councilwoman Warner thanked Mayor Parrish for taking Capt. Ed Lanni on the Honor Flight to Washington D.C.

She mentioned the United Way Paint Night event for United Way and stated it was a great time. She thanked Ms. Senger for planning that.

Councilwoman Warner mentioned that on Monday, June 25, 2018, Chief Cantaloupe, Officer Hattaway, and Officer Torello spoke on a local radio show about the Police Department and the programs that they have for kids. Copper was also in attendance.

Deputy Mayor Blanco also mentioned the Juneteenth event and noted that she attended along with Councilman Whipple. It was a great turn out, very well organized and appreciated all of the efforts that went into the event.

She further spoke about the City's Employee Appreciation Event that she attended at Shore Lanes on Saturday, June 23, 2018. She believed everyone had a great time.

Lastly, she reminded everyone of the Fire Station 2 & 3 Grand Openings being held on Saturday, June 30, 2018 beginning at 10 am (FS #2) and at 1 pm (FS #3).

Additionally, City Manager Titkanich reminded all that this Sunday in Riverfront Park the Army Field Band would be performing, and July 4th were fireworks in the park.

Mayor Parrish asked if there were any updates on the boats. In response, Assistant City Manager Fuhrer believes that they were still seeking funding for boat removal.

Mayor Parrish spoke about the Honor Flight experience and would like to invite Capt. Lanni back to speak on it when he was up for it. It is a very special and unbelievable experience. This was his second time going, as he escorted his father also.

Councilwoman Warner added that there were four people going over 90 years old.

Mayor Parrish believes the City is stable and is pleased with everything Mr. Walsh and administration has accomplished.

In closing, he thanked everyone and mentioned that without a vision you cannot get anywhere.

XI. ADJOURNMENT.

* **MOTION by Councilman Whipple; Seconded by Deputy Mayor Blanco, to adjourn the Regular meeting of July 24, 2018.**

AYES: Parrish, Blanco, Boisvert, Warner, Whipple

THE MOTION CARRIED UNANIMOUSLY (5-0)

The meeting adjourned at 7:25 p.m.

Henry U. Parrish III, Mayor

ATTEST:

City of Cocoa CORPORATE SEAL FLORIDA

Carie E. Shealy, City Clerk

EXHIBIT A: Letter from HCVA re: the revised fee schedule

To the Attention of the City of Cocoa City Council June 26, 2018

Re: City Business, Agenda items 3, 4.

As City Council weighs ordinance changes that will directly impact the Historic Cocoa Village Association and its members, the HCVA asks Council to keep in mind that the HCVA supports the City of Cocoa in virtually all its activities to the benefit of its tax base and the Cocoa community in general. HCVA events bring thousands to the Village each year, to shop, to dine, to be entertained.

The HCVA raises all its own funds.

In 2017, the HCVA paid over $16,400 to the City of Cocoa for event fees and services and an additional $5,600 to support sanitation and clean-up at HCVA events.

Proceeds from HCVA events go to support the marketing and promotion of Historic Cocoa Village, to the benefit of all Village merchants, member and non-member alike. The HCVA is also a willing partner with City Departments in joint advertising ventures.

HCVA supports many area non-profits in their own fund raising activities. In fact, in 2017 the revenues HCVA waived for non-profits participating in its Art & Craft Fairs as part of their own fund raising and marketing activities, exceeded the revenues HCVA collected from its members as their annual dues.

In 2017 the HCVA supported the City of Cocoa's Toy Drive, the Food Drive and Halloween in the Village. The HCVA contracted for and funded a clean-up of Myrt Tharpe Square and supported Cocoa Main Street in its fund raising efforts

Here is the thing, the Historic Cocoa Village Association isn't just any community organization it is the City of Cocoa's community organization. It is <u>your</u> community organization. We are located here, we do business here, we work here, we support here, we root for here, we fund raise here - for here.

Respectfully;

The Historic Cocoa Village Association