MINUTES
City of Cocoa
Regular Meeting of The City Council

May 27, 2020

A Regular City Council Meeting was held on Wednesday, May 27, 2020, in Cocoa City Hall, in City Council Chambers, located at 65 Stone Street, in Cocoa, Florida, 32922, as publicly noticed.

I. Opening Matters:

Mayor Williams called the meeting to order at 6:00 p.m.

A moment of silence was held in observation of Memorial Day.

Chief Lamm provided the invocation and Deputy Mayor Goins led the assembly in the Pledge of Allegiance to the Flag of the United States of America.

The City Clerk took the roll.

PRESENT:	Jake Williams, Jr.	Mayor
	James Goins	Deputy Mayor
	Don Boisvert	Councilmember
	Lorraine Koss	Councilmember
	Brenda Warner	Councilmember
	Kristin Eick	Assistant City Attorney (via phone)
	Matt Fuhrer	Interim City Manager
	Carie Shealy	City Clerk

OTHER STAFF MEMBERS PRESENT:

Tammy Gemmati, Administrative Services Director; Jack Walsh, Utilities Director; Michael Cantaloupe, Chief of Police; Jonathan Lamm, Fire Chief; Abigail Morgan, Assistant City Engineer/Street and Stormwater Manager; Rebecca Bowman, Finance Director; Nancy Bunt, Community Services Director; Robert Beach, Chief Information Officer; and LeShawn Hinton, Helpdesk Support Tech.

II. Approval of Agenda And Minutes:

1. **Agenda:** Regular Meeting of May 27, 2020. (20-290).

2. **Minutes:** N/A

Mayor Williams announced that the agenda for the regular meeting of May 27, 2020 would need amended to remove Consent Item VI.1.

* **MOTION by Councilmember Boisvert; Seconded by Deputy Mayor Goins, to approve the Agenda as amended for the Regular meeting of May 27, 2020.**

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

III. Awards and Presentations:

None.

IV. Delegations:

Dr. Stacie Hawkins-Smith, 2130 Michigan Avenue and the Cocoa Village Playhouse, Cocoa, was happy to see Council in person. She had their Vice Chairman Bob Harmon along with Chris Beavers, her assistant and grant writer with her tonight. She provided an update and thanked Council for their support. To date they have provided about $20,000 in refunds. They have chosen the new date of June 18th to open and have sent the Governor their procedures, seating chart, etc. Additionally, Mr. Beavers was in the process of writing up a state grant and they were hoping to be approved for that. Last year, they scored first in their category. They are holding onto hope that the Governor will allow them to open.

Councilmember Koss asked if they could access any CARES Act dollars to pay salaries. In response, Ms. Hawkins-Smith advised that they were just approved for a PPP loan which will help assist them with payroll through July. Councilmember Koss further asked about refunds and Ms. Hawkins-Smith pointed out that many took vouchers for a future show.

Mr. David Lightholder, 219 Broadview Drive, Cocoa, represents Mango Distributing on Clearlake Drive. Mango Distributing was in the City but surrounded by the County. He mentioned that the drain field went bad and they were told that they would have to hook up to sewer, which could cost $100,000 plus. He explained the issues with the costs and project and he noted that

Mango Distributing was currently paying $2,300 a month in temporary restrooms and have been since October. He had spoken with the previous City Manager and he stated that the City could write a letter to the County. He needed help and asked that a letter be written so that this could be done.

Mayor Williams noted that he and the Interim City Manager had a discussion about this but he does not know all of the details and thought it had been resolved.

Mr. Lightholder advised that they were willing to hook into the sewer if the City would put in lateral to the property.

Further discussion was held on this issue. Staff would meet about it and Mr. Walsh asked that if this was granted that guidelines be set for future requests.

More discussion was held on this and Councilmember Warner clarified that staff was going to work this out and that the issue would be fixed.

Ms. Gemmati read an email into the record from Ms. Candace Rogers[1], a Cocoa resident.

V. Reports:

Ms. Bowman reminded Council that during the Safer at Home order the suspension of water service was done and on June 2nd they would begin to interrupt service for unpaid accounts. Staff has worked diligently to get payment plans set up and there are about 4,000 delinquent accounts. The lobby has been slow since we opened back up but we will probably begin to see more customers.

Ms. Morgan provided an update on the Harrison Street dredging and gave a paving update advising that milling had started on Washington Avenue and paving would start later this week.

Chief Lamm gave a brief update on COVID-19. There are currently 52, 255 positive cases in the state. There have been 2,259 deaths and there are 399 positive cases in Brevard County. In Cocoa there are 68 confirmed positive cases and he reminded everyone that was by zip code, so it is not just City limits. We are continuing to see a downward trend.

He pointed out that last Friday was the first local drive through testing site in Cocoa, with Brevard Health Alliance. In the first hour, sixty-five tests were done.

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[1] EXHIBIT A: Email from C. Rogers

He thanked Cocoa PD and Public Works for their help as it was very streamlined. They did a total of 270 tests between 10 am – 3 pm and there were 25-30 walk-ups. This would be done again on Friday, May 29th between 10 am – 3 pm. They hoped to have 250 tests and it may end earlier depending on how many tests they have available.

Chief Lamm mentioned that now they were shifting to hurricane preparedness and they would be meeting with the EOC staff on May 26th.

Ms. Gemmati updated Council on the City Manager recruitment. She advised that 23 resumes have been received from applicants all over the US. They have not yet been reviewed and the position is open until June 12th. An update can be given on June 10th and a decision can be made at that time if they want to stop the recruitment process.

Interim City Manager Fuhrer announced that the City Hall lobby was opened on May 19th along with other City facilities. There have been minimal customers coming in. They expect to see more on Monday of next week and they will begin to re-open Community Services this next Monday but it will be controlled.

Interim City Manager Fuhrer mentioned an email that had been received from Mr. Ed Green, on Riverside Drive and the issue of lien reductions that have been brought to City Council recently.

He explained that on April 22nd this was brought up under reports. Attorney Garganese noted that lien reductions could be brought forward to City Council without going to the Code board. Mr. Green does not agree with that process of not going to the Code Board even in the time of the pandemic.

The intent was because the Board was not meeting for a few months there are issues out there that could be remedied, this would help keep those rolling. The City Attorney replied to Mr. Green's email and explained that the Code Board's responsibility was to just provide a recommendation and the power was essentially that of the City Council.

Councilmember Boisvert asked about the special detail on Prospect and Pineda and if it was being done at the request of the store owner. He further asked if people were being trespassed.

In response, Chief Cantaloupe advised that it was not at the owner's request but was based on calls to that the location and the activity that was occurring. It all seems to have gotten much better.

Deputy Mayor Goins asked about the Dolphin Apartments. Chief Cantaloupe assured him that they were working that area as well and were aware of the issues.

Councilmember Koss announced that on Saturday, June 6 from 9 am until 12 pm there would be a tour of District 4's educational hub. They would be visiting the museum, planetarium, EFSC and the YMCA.

She mentioned that with the audit being completed that staff would have the opportunity to give a future liability analysis. She added that with this crisis she would like Council to have a better idea of what those liabilities are.

Lastly, she spoke in regards to the temporary sign ordinance and that it was last modified in 2009. She noticed some discrepancies in what is being given in candidate packages and in what the ordinance states. She does not want staff to be in a position of having to interpret, implement or get involved in the politics of what the ordinance states. She would like for this ordinance to be brought back to Council.

Councilmember Warner received a phone call from someone wanting to buy a home in the City. The home was renovated and after checking out everything they found that no permits had been pulled. She has also found three other homes in her district with no permits pulled. She asked staff if they could utilize V-Cops or other volunteers and if they could alert the City when they see work going on. She does not expect Code to catch everyone, but this needs to stop. She does not want Cocoa to have the reputation that you can renovate a home in the city without permits.

Deputy Mayor Goins thanked police and fire for assisting with various community events and while sometimes they are last minute events, they are doing an awesome job.

He took a tour of the promenade and despite those that do not like what was being done it looks beautiful and was encouraged by it. He understands that not all will be happy but when the vote happens it is over and Councilmembers make decisions based on their own merit and research. He appreciates Mr. Palmer and all that he has done to ensure that it was being done correctly.

Deputy Mayor Goins spoke about an issue of renters moving out of apartments and then dumping their belongings on the side of the road when they move out. He asked if an ordinance could be done in order to require a dumpster to be on site when it is time to move items out of your home. He would like to see what

other cities around the state are doing in regards to this. Sometimes those belongings sit for months.

He further asked Public Works if they approved a reclaimed water line on Park Drive in the last six or seven years. In response, Mr. Walsh noted that he does not believe that there is reclaimed water in that area.

Deputy Mayor Goins appreciated all for coming and it was great to see everyone.

Mayor Williams thanked State Rep. Tyler Sirois, County Commissioner Lober, Police, Fire, and all other volunteers for the phenomenal job they did at the COVID testing site in Cocoa. He appreciated all who were there.

Mayor Williams thanked Pebbles Catering, Celebration Tabernacle, the REAL Church, and others who are continuing to feed those in need. They do it for 4-6 pm daily or until they run out of food. No questions are asked as it is drive or walk up. There is fresh produce as well as hot meals. To date they have served over 25,000.

He noted that on Memorial Day, he along with the Deputy Mayor, former City Manager Ric Holt, Melissa Martin, and others placed flags on the gravesites of veterans at the Cocoa cemeteries.

Mayor Williams mentioned the house at the east end of Stone Street and just west of US 1. It has been deemed a historical house and he felt that the City should maybe look at partnering with someone to do something with that home. It is a beautiful two-story home.

Mayor Williams further mentioned that he had spoke with the Interim City Manager in regards to trash on Brunson Blvd. There are about five to six piles that need to be picked up. In response, Interim City Manager noted that Public Works had identified about twenty areas that need cleaned up around the City. He agreed that there is a lot of green waste sitting around.

Additionally, Mayor Williams spoke about the property on Rosa L. Jones and understands that there was a development agreement that was never signed and that expired last month. He believes that this should come back to Council before anything further was discussed. There are a lot of developers interested and he felt discussion needed to be held.

Interim City Manager Fuhrer recommended that they allow staff to bring back information on the property, along with a timeline and history of the property. It was City property.

VI. Consent Agenda:

1. ~~To Approve Additional Purchasing Ability up to $100,000 for FY2020 and to Approve Change Order #1 to Purchase Order 75715 with Sunstate Meter Supply for Water Meter Purchases Utilizing the County of Manatee Service Agreement No. 19-R072004BC, Effective August 20, 2019 through August 16, 2021. (20-255). (Utilities Director)~~

    - **This item was removed from the agenda.**

2. Approve the Resolution waiving the competitive bidding process by reason of single source for Tyler Technologies, Inc., approve the Support Agreement, and authorize the City Manager to approve and sign the agreement, the expense contingent on the FY2021 Budget Adoption by City Council. (20-259). (Interim City Manager)

3. Approve the Resolution waiving the competitive bidding process by reason of single source to purchase two (2) Datrium Data Nodes and associated software subscriptions for 7x24 support through BlueAlly Technology Solutions and Approve a Resolution Amending the FY2020 Budget BAF# 20-2070-T. (20-264). (Interim City Manager)

4. Approve Request to Apply for Bullet Proof Vest Grant. (20-267). (Police Chief)

5. Approval to apply for a Firehouse Subs Grant to purchase hydraulic vehicle extrication equipment. (20-272). (Fire Chief)

6. Approval to apply for an AFG - COVID Grant to purchase electrostatic sprayers and disinfectant concentrate. (20-274). (Fire Chief)

7. Approve the Police Department to Apply for the Coronavirus Emergency Supplemental Funding (CESF) Grant. (20-289). (Police Chief)

8. To Approve a Resolution Accepting the Updated Capital Project List and Estimated Costs Associated with the Water and Sewer System Revenue Bonds "Series 2018B New Money Bonds" as Previously Reallocated from the Originally Approved Capital Project List. (20-294). (Finance Director)

9. Approve a third extension for 90 days beyond the date pending litigation is completed for Broadmoor Acres Community Restoration and Preservation, Inc.

(BACRAP) on the Code Enforcement Lien Reduction Agreement between the City of Cocoa and BACRAP executed December 15, 2017 to sell 1115 Broadmoor Drive, subject to BACRAP compliance with applicable conditions set forth in the agreement. (20-292). (Interim City Manager)

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

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

VII. Public Hearings:

None.

VIII. Council Business:

1. Approve the current Code Enforcement Lien for the residence located at 1803 N Indian River Dr, be reduced to $2,000.00. (20-284). (Police Chief)

Chief Cantaloupe provided a brief history on this item and noted that an inspection was done and the property was in order with no outstanding liens.

* **MOTION by Councilmember Boisvert; Seconded by Councilmember Koss to approve the lien reduction to $2,000.**

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

IX. City Business:

1. Approve the City Attorney to negotiate the terms and conditions of the Purchase Agreement for the property located at 915 School Street and proceed with the closing. (20-101). (Community Services Director)

Ms. Bunt mentioned that at the last meeting she brought forth a list of surplus properties to Council. The property at 915 Stone Street has been an issue for the City and she provided a brief history regarding the property.

She provided options to Council in regards to this item and advised that staff was proposing Option A.

Tim Levensaler, 2260 Sykes Creek Drive, Merritt Island, has several properties in both the City and unincorporated Cocoa. They own and manage 909, 917, and

9191 and would love to acquire this property. They could easily fix the property up within sixty days. He pointed out that the rodent infestation is terrible and they have lost several tenants due to this. They had a company come and treat not only their properties but the whole building. The homelessness and drug activity is also scary to their tenants. He also secured the door to the unit himself. He would immediately put staff to work on this property if approved.

* **MOTION by Councilmember Warner; Seconded by Councilmember Boisvert, to approve staff's recommendation.**

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

Deputy Mayor Goins asked why the apartments were so separated. Staff noted that they were individually owned.

2. Approve a Resolution Amending the FY2020 Budget, BAF's # 20-065-A, # 20-065-T1 and # 20-065-T2, sweeping expense budgets, to account for the shortfall of General Fund Revenues due to Covid-19, the reduction of General Fund Balance use, and to transfer funds from General Fund Travel Accounts to Public Works Contract Services. (20-241). (Finance Director)

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

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

3. Council approval to apply for Special Category Historic Preservation Grant through the Florida Department of State for $150,000 with a 1:1 match from the City for $150,000 for the historical replacement of exterior windows and doors to the Historic Harry T. Moore Center. (20-260). (Public Works Director)

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

Councilmember Koss asked if all of the openings of the building would be resistant to storms with these upgrades. In response, Ms. Morgan stated it would be exterior windows and doors but she would have to get back to her as to whether or not they were hurricane proof.

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

4. To provide approval for the City to apply for Community Development Block Grant - Mitigation (CDBG-MIT) Program funds for the Fiske & Broadmoor Acres Drainage and Roadway Improvements Project, the Aurora Street Ditch Piping and Road Improvements project, the Indian River Drive Slope Stabilization Project, and the Provost Park Parking Lot Project. (20-285). (Public Works Director)

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

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

In response to a question regarding property insurance posed by Councilmember Koss, Interim City Manager Fuhrer spoke in detail about FEMA and insurance issues for the property she was referring to on Indian River Drive.

5. Authorize the City Manager to execute multiple Interlocal Cost Share Agreements known as: Save Our Indian River Lagoon Project Cost-Share Interlocal Agreement between Brevard County, Florida and City of Cocoa. Agreement Numbers: SOIRL 20-124, 20-125, 20-129 as modified by the City Attorney. (20-286). (Public Works Director)

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

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

6. Council authorization to apply for a Small Matching Historic Preservation Grant with the Florida Department of State, Division of Historic Resources for cultural engagement and educational resources for the Historic Cocoa Junior High School (Leon and Jewel Collins Museum of African American History and Culture). Approve a Resolution dedicating the total match for the project if the grant is awarded. (20-288). (Community Services Director)

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

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

Multi-Year Contracts:

7. Approval of a multi-year Purchase Agreement with Mobley II Enterprises LLC, 815 Brevard Ave, Cocoa, FL 32922, ITB No. QT-20-02-COC, for multi-year lawn abatement services effective June 1, 2020 for a period of three (3) years with two (2) optional year renewals. (20-246). (Police Chief)

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

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

8. Approve the Resolution waiving the competitive bidding process by reason of single source vendor for a five (5) year multi- year term contract between the City of Cocoa and Tyler Technologies, Inc. providing a service agreement supporting the Brazos software subscription with PDA and Printer for six (6) users along with software and hardware maintenance. Approve a Resolution Amending the FY2020 Budget and the related Budget Adjustment Form #20-049-T and authorize the City Manager to approve and sign the agreement. (20-261). (Interim City Manager)

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

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

Deputy Mayor Goins asked if cameras could be put up in the park sooner than later. This has been requested for almost two years and cameras need to be done before any updates. In response, Interim City Manager Fuhrer advised they have spoken with two different providers and are in the process of getting costs.

X. Informational Agenda:

1. Walmart Ad Valorem Tax Abatement - Fiscal Year 2020. (20-210). (Community Services Director)

   Councilmember Koss asked how many employees have been hired at Walmart from Cocoa. In response, Interim City Manager Fuhrer explained that as a part of the initial agreement they would offer positions to Cocoa residents first. They worked with CareerSource and attended job fairs in order to recruit. They have not seen their latest numbers with the exact count, but the last numbers received showed they had ten Cocoa residents as employees.

   Councilmember Koss requested to see the numbers as they were not included in the report.

2. Council request to review the cumulative purchase approvals over $35,000 and under $50,000 for period 10/01/2019 to 04/30/2020. (20-243). (Purchasing Manager)

3. Fire Incident Summary Report for the month of April, 2020. (20-271). (Fire Chief)

4. FY 2020 Budget Adjustment Report. (20-277). (Finance Director)

5. 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. (20-279). (Finance Director)

6. Data showing the relation between the estimated and actual income and expenses to date. (20-280). (Finance Director)

XI. Adjournment:

* **MOTION by Councilmember Boisvert; Seconded by Deputy Mayor Goins, to adjourn the Regular meeting of May 27, 2020.**

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

The meeting adjourned at 7:47 p.m.

Jake Williams, Jr., Mayor

ATTEST:

Carie Shealy, MMC, City Clerk

EXHIBIT A: Email from C. Rogers

From: Samantha Senger
To: Carie Shealy
Subject: FW: Community Input Ignored
Date: Wednesday, May 27, 2020 4:12:29 PM

Tammy will be reading this at the meeting tonight.

Samantha Senger, APR, APIO

Assistant to the City Manager and
Public Relations Specialist
City of Cocoa
65 Stone St., Cocoa, FL 32922
(321) 433-8685 I ssenger@cocoafl.org
www.cocoafl.org

From: Candace Rogers <flrogers@gmail.com>
Sent: Wednesday, May 27, 2020 3:44 PM
To: Samantha Senger <ssenger@cocoafl.org>
Subject: Community Input Ignored

EXTERNAL MESSAGE - USE CAUTION WITH LINKS AND ATTACHMENTS!

Samantha, Please read for me under delegation at tonight's city council meeting. Thank you.

May 27, 2020

Good evening Mayor, City Council and City Manager

Nothing angers people more than to ask them to participate, to give their time and effort to develop a plan at a cost of $40 thousand dollars; then ignore what they ask for and push another structure even if it cost considerably more. The direction from the resident's input was, "More transparent, connected relationship between the promenade, boardwalk and waters edge." The workshop determined that a stainless steel cable railing system would be favored; preserving the water view while still providing safety and airflow. It would provide transparency, resiliency, low maintenance, and achieve the views at the water's edge as requested. This was the majority of the resident's desire based on the workshop and memorialized in the 2018 Updated Waterfront Master Plan. It was the collective plan of the majority in attendance based on input.

It seems simple enough to understand the desired direction, but here we are with a wall that separates the public three feet away from the water. You can no longer lean against a rail and look into the water to watch fish, turtles, and other interesting creatures. The Brevard Zoo suggested oyster mats

along the length of the seawall edge to encourage a juvenile fish nursery. This would have delighted children and adults alike for free and encourage a relationship with the water. The oyster mats would have also been a natural water filter for the IRL and help disperse and reduce the water-energy when pushed by strong winds against the seawall.

It is not a matter of the wall being pretty or a failure of communication by the people. It was a failure to execute the plan as stated and the process in which it occurred. Yes, ISS gave a rather sterile and unimaginative presentation of the promenade concept. A council person gave a slide show of what they desired, an 18" kneewall. No presentation was given of various cable and rail designs as used commonly in port cities. It would have only taken a quick google search to find them. Ms. Warner advised the council to state what the structure would be to meet the FEMA deadline and then work out the design later. This option was rejected. ISS was directed to come back with concepts showing landscaping, planters, and an 18" seawall.

Because the selection was now in conflict with the waterfront plan and did not meet code, I wrote and asked for this to be open for public comment. The ISS plans were by no means the best we could do. Asking the city to leverage citizen participation to formulate a plan that would support the spirit of the Waterfront Master Plan would have brought forward the best ideas and maintained the process of community input. This did not happen. Shutting down or changing the process comes at what price? Perhaps the additional $150 thousand dollars spent on the kneewall to meet code and make the structure more resilient could have been used for needed competitive city salaries, security cameras, or numerous other community needs. Perhaps the monies could have been used to offset the $191 thousand dollar cost to repair the severed seawall ties discovered after construction began. But the greatest cost of all was the loss of faith of the residents in their local government to carry out the desires of the waterfront plan based on community input. When the process of community input is ignored or changed, so goes the results, community faith and good governance.

In short, after the city asked the residents to work with a consultant for a year on their own time, for free, to develop a plan the city and the consultant thought was good and memorialized in the Updated Master Waterfront Plan, along comes a council member who does not like it and makes changes so it is what they want; even if it is going to add $150 thousand dollars to the cost. A cost that is paid by the resident's tax dollars. As a resident, how would you feel?

Sincerely,
Candace Rogers
Cocoa Village Neighborhood Coalition
93 Delannoy Ave.
321.305.5029