MINUTES
City of Cocoa
Regular Meeting of The City Council

May 14, 2024

A Regular City Council Meeting was held on Tuesday, May 14, 2024, 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 6:02 p.m.

Bobby Hamlett provided the invocation and Assistant Principal Lawrence from Cocoa High School led the assembly in the Pledge of Allegiance.

The City Clerk took the roll.

PRESENT:	Michael C. Blake	Mayor
	Lavander Hearn	Deputy Mayor
	Matthew Barringer	Councilmember
	Alex Goins	Councilmember
	Kristin Eick	Asst. City Attorney
	Stockton Whitten	City Manager
	Monica Arsenault	City Clerk
ABSENT:	Lorraine Koss	Councilmember

OTHER STAFF MEMBERS PRESENT:

Abby Morgan, Public Works Director; Rebecca Bowman, Finance Director; Jonathan Lamm, Fire Chief; Charlene Neuterman, Community Services Director; Evander Collier, Police Chief; Katie Ennis, Assistant Utilities Director; Tammy Gemmati, Administrative Services Director; Samantha Senger, Communications & Economic Development Director; NeoDasha Harris, Leisure Services Supervisor;

Sharell Turner, Office Assistant; Margaret Turgeon, HR Coordinator; Robert Beach, Chief Technology Officer; and Lisa Richardson, Help Desk Support Tech.

II. Approval of Agenda and Minutes:

1. Agenda: Regular Meeting of May 14, 2024. (24-284)

* **MOTION by Deputy Mayor Hearn; Seconded by Councilmember Goins to approve the agenda for the Regular meeting of May 14, 2024 as written.**

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins

THE MOTION CARRIED UNANIMOUSLY (4-0)

2. Minutes: (a) City Council Workshop of February 20, 2024. (24-286).

* **MOTION by Councilmember Goins; Seconded by Deputy Mayor Hearn to approve the minutes for the City Council Workshop of February 20, 2024 as written.**

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins

THE MOTION CARRIED UNANIMOUSLY (4-0)

III. Awards and Presentations:

1. Presentation of the Career and Technical Educational Program Cocoa High School Internship Graduates. (24-186). (Administrative Services Director)

Ms. Gemmati introduced the two interns from Cocoa High School, congratulated them on their hard work and dedication and presented them with certificates.

2. Proclamation: Proclaiming the Week of May 19-25, 2024 as "National Public Works Week." (24-238). (Public Works Director)

Mayor Blake read the proclamation into the record.

3. Proclamation - May is Building Safety Month and the 2nd week of May is Building Safety Professionals Week. (24-240). (Community Services Director)

Ms. Neuterman read the proclamation into the record.

4. Trash Bash Results & Awards Presentation. (24-263). (Econ. & Comm. Services Director)

Keep Brevard Beautiful presented the City of Cocoa and its Leisure Services Department with an award and recognized the City for its help in picking up trash around the community.

Additionally, Ms. NeoDasha Harris shared that the City of Cocoa came in first place for picking up the most trash out of all the cities that participated. On behalf of the City of Cocoa, she presented the Top Ladies of Distinction and the Top Teens of America, Inc. Cocoa/Brevard Chapter with a five-hundred-dollar donation.

5. Proclamation: Proclaiming the week of May 12 - 18, 2024 as "National Police Week". (24-266). (Police Chief)

Chief Collier read the proclamation into the record.

IV. Delegations:

Rev. JB Dennis, 3710 Catalina Dr., Cocoa, spoke on injustice and solutions. He talked about the homeless crisis in Cocoa and its continued growth. He would like to see the city adopt an idea to build a shelter for the homeless on a property it already owns and talked about a "tent city" idea.

V. Consent Agenda:

(A) General Consent Items:

1. Approve Resolution Amending the FY2024 Budget, BAF# 24-085-IFT in the amount of $89,613 through the use of Contingency; Approve Change Order #6 for E&D Contracting/PO 79480 in the amount of $129,222 for the Sellers BNR Project (WS1222). (24-232). (Utilities Director)

2. Approval to modify the Fiscal Year 2024 Pay Plan. (24-246). (Administrative Services Director)

3. Approve a Water Service Agreement/Interlocal Agreement between the City of Cocoa and the City of Rockledge to continue to provide water service to Rockledge customers. (24-258). (Utilities Director)

4. Approve a Grant Application of $150,000 for the Florida Defense Infrastructure Grant for the design of the Pineda Causeway Phase 2 Water Main Design;

Authorize the City Manager to sign any documents related to the grant application. (24-282). (Utilities Director)

(B) Multi-Year Contracts:

5. Approval of a Multi-Year contract with Pitney Bowes for the renewal of the lease of the DM 475 Mailing System, through June 30, 2029 utilizing the State of Florida Department of Management Services contract # 4102100-17-1. Authorize the City Manager to approve a budget transfer to provide the necessary funding in the correct division. (24-220). (Administrative Services Director)

6. Approve the Statewide mutual aid/auto aide agreement between the City of Cocoa and the State of Florida regarding statewide mutual aide. Request council to grant the City Manager authorization to approve annual renewals and or modifications as necessary. (24-244). (Fire Chief)

7. Approval to enter into a multi-year agreement to establish Mutual Aid services that will assist in furnishing fire protection and rescue services for life and property. This Agreement will allow each party to render aid to the other in the case of fire, medical, technical rescue, hazardous materials (Hazmat), natural disaster, or other emergencies. The Agreement allows both parties access to fire rescue services beyond their existing capabilities. (24-260). (Fire Chief)

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

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins,

THE MOTION CARRIED UNANIMOUSLY (4-0)

VI. Public Hearings:

1. Consideration of Second and Final Reading Ordinance 05-2024 a Zoning Map Amendment for a +/- 13.34-acre parcel located at 1600 Flower Mound Lane from Brevard County RU-2-10 (Medium Density Multiple-Family Residential) to City of Cocoa RU-2-15 (Multiple Family Dwelling). (24-277). (Community Services Director)

Assistant City Attorney Eick shared that this is the Second and Final Reading of the Ordinance and read the title into the record as follows:

ORDINANCE NO. 05-2024

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 13.34 ACRES, MORE OR LESS, AND GENERALLY LOCATED ON THE NORTHWEST CORNER OF CLEARLAKE ROAD AND SUNHOME STREET, MORE PARTICULARLY DEPICTED AND LEGALLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM BREVARD COUNTY RU-2-10 (MEDIUM DENSITY MULTIPLE FAMILY) TO CITY OF COCOA RU-2-15 (MULTIPLE FAMILY DWELLING DISTRICT); PROVIDING FOR THE REPEALOF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

Mayor Blake opened the Hearing to the public.

Ms. Anita Gibson, 451 Stone St., Cocoa, asked why the sidewalks are so large. In response, Mayor Blake shared that Clearlake Road is a State Road. Therefore, FDOT is in charge of the construction.

Additionally, the large sidewalks will slow traffic down and allow bicyclists, joggers and walkers to share the sidewalk at the same time.

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

* **MOTION by Deputy Mayor Hearn; Seconded by Councilmember Goins to approve Ordinance No. 05-2024 on Second and Final Reading.**

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins,

THE MOTION CARRIED UNANIMOUSLY (4-0)

2. Request to Postpone Consideration for Approval of a Final Subdivision Plat consistent with Chapter 18 Subdivisions and Appendix A Zoning of the City Code for the Lakes at Cocoa Grove. (24-278). (Planner)

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 Goins; Seconded by Mayor Blake to postpone the item to the May 28, 2024 Regular City Council meeting beginning at 6pm.**

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins,

THE MOTION CARRIED UNANIMOUSLY (4-0)

3. Consideration of a Land Development Code Amendment to Chapter 18, Subdivisions, to create a new Article VII, Lot Splits and Boundary Line Adjustments, and to make certain other amendments to Chapter 18 as necessary to effectuate the new Article VII; providing amendments to the City's subdivision application requirements and processing procedures for Preliminary and Final Plats; altering the requirements for posting security to ensure completion of public improvements prior to Final Plat Approval; amending processing procedures for site plans processed concurrently with plat applications; eliminating specific procedures related to flag lots; changing staff designations; and providing for the repeal of prior inconsistent ordinances and resolutions. (24-279). (Planning Consultant)

Assistant City Attorney Eick shared that this is the First Reading of the Ordinance and read the title into the record as follows:

ORDINANCE NO. 06-2024

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, AMENDING CHAPTER 18, SUBDIVISIONS, OF THE CODE OF THE CITY OF COCOA TO CREATE A NEW ARTICLE VII, LOT SPLITS AND BOUNDARY LINE ADJUSTMENTS, AND TO MAKE CERTAIN OTHER AMENDMENTS TO CHAPTER 18, OF THE CODE AS MAY BE NECESSARY TO EFFECTUATE THE NEW ARTICLE VII; PROVIDING FOR AMENDMENTS TO THE CITY'S SUBDIVISION APPLICATION REQUIREMENTS AND PROCESSING PROCEDURES FOR BOTH PRELIMINARY AND FINAL PLATS; ALTERING THE REQUIREMENTS FOR POSTING SECURITY TO ENSURE COMPLETION OF PUBLIC IMPROVEMENTS PRIOR TO FINAL PLAT APPROVAL; AMENDING THE PROCESSING PROCEDURES FOR SITE PLANS PROCESSED CONCURRENTLY WITH PLAT APPLICATIONS AND REQUIRING APPROVAL OF THE CITY COUNCIL ON SUCH SITE PLANS; ELIMINATING SPECIFIC PROCEDURES FOR THE CREATION OF FLAG LOTS WITHIN THE CITY OF COCOA; CHANGING REFERENCES TO THE COMMUNITY DEVELOPMENT DIRECTOR TO THE CITY MANAGER OR DESIGNEE IN THE CODE RELATED TO SUBDIVISION AND SITE PLAN APPLICATION PROCESSING; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

Assistant City Attorney Eick highlighted the changes for Council and shared that the Code has not been updated since the 1960s.

Mayor Blake 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 Goins to approve the item.**

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins,

THE MOTION CARRIED UNANIMOUSLY (4-0)

4. Request to Postpone to the May 28, 2024 City Council meeting the consideration of a Zoning Map Amendment consistent with Appendix A, Zoning, Article XXI, to change the Zoning Map designation of eleven parcels totaling 1.39 acres, with the address 301 S. Cocoa Blvd., from C-P, Commercial Parkway, to C-N, Neighborhood Commercial. (24-281). (Planning Consultant)

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 Goins; Seconded by Councilmember Barringer to postpone the item to the May 28, 2024 Regular City Council meeting beginning at 6pm.**

Councilmember Goins asked if staff could announce this agenda item on its website to make people aware of when it will be presented.

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins,

THE MOTION CARRIED UNANIMOUSLY (4-0)

VII. Council Business:

1. Consider the Appointment of Brenda Fox, Angelia Smith and/or Gloria Weatherspoon, to Fill Two Vacancies on the Diamond Square Board. (24-178). (Administrative Services Director)

Ms. Brenda Fox, 1110 Abington St., Cocoa, shared that she sees a need and tries her best to find a solution. She has volunteered with the CDBG, partnered with Delores McLaughlin, is an active member in her church, among other organizations. She thanked Council for the opportunity to be considered for the position.

Ms. Gloria Weatherspoon, thanked Council for the opportunity to apply. She has been a resident of Cocoa since July of 2023 but has lived in Brevard County for the last five years. She plans on staying here and is very active in the community. She also has a military background and is a team player. She feels she would be an asset to the Board and feels she could provide some new perspective as a new resident.

Ms. Tracey Moore, Chairperson of the Diamond Square CRA, is excited to see new faces apply to be on the Board. She shared it is a lot of hard work and right now the Board is in the process of putting together a new plan. She is looking forward to working with the new members.

Councilmember Goins asked if Council would consider ranking their nominations to assist in making a selection.

Ms. Gemmati totaled the rankings and announced that Ms. Fox was nominated for the 1-year term and Ms. Smith was nominated for the 2-year term.

* **MOTION by Mayor Blake; Seconded by Councilmember Goins to appoint Brenda Fox to Seat 1 for a one-year term and Ms. Angelia Smith to Seat 2 for a two-year term.**

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins

THE MOTION CARRIED UNANIMOUSLY (4-0)

City Manager Whitten discussed the Board Appointment process and shared that staff is looking at making the process more consistent and promote the vacancies fairly to give everyone an opportunity to apply. An item will be brought back before Council at the next Council meeting.

VIII. City Business:

1. Approve Resolution #2024-042 amending and restating the duties and responsibilities of the Cocoa Police Community Relations Advisory Board in support of recent changes in State law. (24-219). (City Attorney)

Assistant City Attorney Eick reviewed the changes that were recently made by the State of Florida and noted that this Resolution will amend and restate the duties of the Board to support the changes in State law.

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

City Manager Whitten clarified that ultimately the City's Police Advisory Board will still continue to function as it has been. The amended Resolution just makes the rules crystal clear as to what their duties are.

* **MOTION by Councilmember Goins; Seconded by Deputy Mayor Hearn to approve Resolution No. 2024-042 for discussion.**

Further discussion was held on holding the meetings in different locations throughout the community in order to gain more participation.

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins

THE MOTION CARRIED UNANIMOUSLY (4-0)

2. Approve a Budget Resolution and related BAFs #24-087IFT1, #24-087IFT2 #24-087T to increase Project Contingency funding in the amount of $1,438,000 for the Fiske Blvd and Broadmoor Acres Drainage Improvement Project; Approve the Project Construction Contingency Resolution adding $1,438,000 to the existing contingency of $547,102 for a new total construction contingency of $1,985,102; Approve the Project Construction Engineering Inspection (CEI) Contingency Resolution adding $16,215 to the existing contingency of $26,285 for a new total CEI Services contingency of $42,500; Authorize the City Manager to approve and issue change orders not to exceed $2,027,602 for both Construction and Construction Engineering Inspection Services related to the project; The new Construction Contingency amount supersedes Agenda 23-458 approved by Council on October 10, 2023. The new CEI Contingency amount supersedes Agenda 22-148 approved by Council on March 22, 2022. (24-223). (Public Works Director)

* **MOTION by Deputy Mayor Hearn; Seconded by Mayor Blake to approve the item for discussion.**

Councilmember Goins asked about the construction timeline because he's received some concerned comments from some of the residents in the area, particularly from one business. In response, Ms. Morgan shared that she spoke with the business owner and they were able to address his concerns.

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins

THE MOTION CARRIED UNANIMOUSLY (4-0)

3. Approve Annexation Agreement with the City of Orlando related to Well Sites and water transmission line easements and facilities owned or granted to the City of Cocoa which are located within the proposed and future jurisdictional limits of the City of Orlando. (24-265). (Utilities Director)

* **MOTION by Mayor Blake; Seconded by Deputy Mayor Hearn to approve the annexation agreement.**

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins

THE MOTION CARRIED UNANIMOUSLY (4-0)

4. Approve the grant application of $49,000,000 for the Consolidated Rail Infrastructure and Safety Improvements (CRISI) grant offered by the Federal Railroad Administration (FRA) for the construction of a Cocoa Multi-Modal Station. Authorize the City Manager to sign any documents related to the grant application. (24-268). (City Manager)

City Manager Whitten explained that this item is a ratification of what they City has been working on. The City of Cocoa will be the applicant for this grant and the deadline is May 28, 2024.

* **MOTION by Councilmember Goins; Seconded by Councilmember Barringer to approve the grant application.**

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins

THE MOTION CARRIED UNANIMOUSLY (4-0)

IX. Informational Agenda:

1. Bi-weekly Report from April 19 - May 9, 2024. (24-264). (City Manager)

X. Reports:

Gregg Stoll, representing the Space Coast TPO, wished to provide Council with an update from the Space Coast TPO meeting last week. He talked about the Dixon Boulevard Complete Streets study and the feedback that was received.

He talked about the Railroad Crossing improvements as well as the SR524 widening project which is slated for FY2025.

Mr. Stoll also talked about grant opportunities and fully funded projects and provided information about those.

City Manager Whitten expounded on some of the projects mentioned by Mr. Stoll. He also talked further about Brightline. The City is working with the St. Johns River Water Management District on the properties that it owns adjacent to the Brightline property.

Staff is also working on the transfer of land where the Walmart Distribution Center is as part of the agreement that was made.

The Amazon Distribution Center is also slated to open somewhere between August and October this year.

The City's Attorney's Office is also preparing to close on the Orange St. property so an RFP can be put out for an affordable housing project.

Ms. Gemmati shared that tomorrow night, May 15th at 6pm in Cocoa High School's Auditorium, staff will be presenting two students with sponsorships to be put through the Fire and Police academies.

Chief Lamm shared that a burn ban was put in place at the last Brevard County Commission meeting. He asked Council to give staff and the Attorney's office direction to move forward with a Resolution to adopt the County-wide burn ban effective immediately.

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

* **MOTION by Councilmember Barringer; Seconded by Deputy Mayor Hearn, to approve a Resolution to adopt the County's burn ban effective immediately.**

AYES: Blake, Hearn, Barringer, Goins

THE MOTION CARRIED UNANIMOUSLY (4-0)

Mr. Walsh shared an article sharing that Governor Ron DeSantis awarded the City of Cocoa $135 million dollars to fund its military communities. He provided further information about the project, noting that he needs permission from Council to authorize the City Manager and staff to move forward with the grant application.

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

* **MOTION by Deputy Mayor Hearn; Seconded by Councilmember Goins, to authorize the City Manager to move forward with the grant application.**

AYES: Blake, Hearn, Barringer, Goins

THE MOTION CARRIED UNANIMOUSLY (4-0)

Deputy Mayor Hearn gave kudos to staff on the Sponsorship Program and supporting high school students to get started in the Fire and Police career fields.

Additionally, he asked Ms. Morgan to share an update on the Pineda and Dixon project. In response, Ms. Morgan shared that the project is now in the design phase.

Deputy Mayor Hearn shared that he will also be pushing for beautification along Dixon Boulevard and would like to see more trees.

Councilmember Barringer thanked the County Commissioners for all of their input, discussion and the yes votes on the Brightline Station item. He shared some things he would be happy to consider and discuss with County Commissioners further in order to meet in the middle to relieve some financial burdens.

He pointed out two bus stops on SR524, one by the Post Office and one by Publix, and asked if it would be possible to get a shelter for each because as of right now there is nothing but a sign at both stops.

Councilmember Goins asked Council to consider highlighting the Monroe High School colors on the courts at Provost Park because kids that play there today don't know the history behind the colors. In response, City Manager Whitten noted that staff will install a story board to share the history of Monroe High School.

Additionally, Councilmember Goins shared several photos from events he recently attended, including the Swearing-In of the new Rockledge Police Chief, Eastern Florida State's graduation, and photos from the Brevard County Commissioner's meeting.

Lastly, he announced that Council is invited to attend Emma Jewel Charter Academy's Field Day being held on Thursday, May 16th from 9am-11am.

Mayor Blake shared photos from recent events he attended, including the Swearing-In Ceremony for a Cocoa Police Officer, the Brevard County Commissioner's meeting, a National League of Cities conference he attended in Utah, an event for the Phi Beta Signa Sorority, the Mother's Day Breakfast at Eastern Florida State College and the Police Chief's Breakfast, among others.

XI. Adjournment:

* **MOTION by Councilmember Goins; Seconded by Councilmember Barringer, to adjourn the Regular meeting of May 14, 2024.**

AYES: **Blake, Hearn, Barringer, Goins**

THE MOTION CARRIED UNANIMOUSLY (4-0)

The meeting adjourned at 9:11 p.m.

Michael C. Blake, Mayor

ATTEST:

Monica Arsenault, City Clerk