MINUTES
City of Cocoa
Regular Meeting of The City Council

April 12, 2022

A Regular City Council Meeting was held on Tuesday, April 12, 2022, in Cocoa City Hall, in City Council Chambers, located at 65 Stone Street, in Cocoa, Florida, 32922, as publicly noticed.

I. Opening Matters:

Mayor Blake called the meeting to order at 6:01 p.m.

Pastor Shaun Ferguson provided the invocation and Summit Shaw led the assembly in the Pledge of Allegiance to the Flag of the United States of America.

The City Clerk took the roll.

PRESENT:	Michael C. Blake	Mayor
	Lavander Hearn	Deputy Mayor
	Rip Dyal	Councilmember
	Alex Goins	Councilmember
	Lorraine Koss	Councilmember
	Anthony Garganese	City Attorney
	Stockton Whitten	City Manager
	Carie Shealy	City Clerk

OTHER STAFF MEMBERS PRESENT:

Tammy Gemmati, Administrative Services Director; Katie Ennis, Deputy/Acting Utilities Director; Charlene Neuterman, Community Services Director; Evander Collier, Chief of Police; Rebecca Bowman, Finance Director; Jonathan Lamm, Fire Chief; Rob Beach, Chief Technology Officer; Bryant Smith, Public Works Director; Samantha Senger, Assistant to the City Manager/PIO; Ben Wenrich, Helpdesk Support Tech; Rachel Horst, Digital Communications Coordinator; and Will Carbonell, Building Official.

II. Approval of Agenda and Minutes:

1. **Agenda:** Regular Meeting of April 12, 2022. (22-171)

2. **Minutes:** (a) Regular Meeting of February 22, 2022 (22-172)
(b) Regular Meeting of March 8, 2022 (22-174)

* **MOTION by Councilmember Dyal; Seconded by Deputy Mayor Hearn, to approve the Agenda for the Regular meeting of April 12, 2022 as presented.**

* **MOTION by Councilmember Koss; Seconded by Mayor Blake, to amend the Agenda for the Regular meeting of April 12, 2022 by moving Consent Item V.9 to City Business, Item VIII.2. Mayor Blake added the amendment to Item Council Business Item VII.2 regarding the reappointment of Mr. Ed Jones to Seat #2 on the Diamond Square CRA.**

* **Councilmember Dyal and Deputy Mayor Hearn rescinded the first motion unanimously.**

* **MOTION by Councilmember Koss; Seconded by Deputy Mayor Hearn, to approve the Minutes for the Regular meeting of February 22, 2022.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

* **MOTION by Councilmember Goins; Seconded by Councilmember Dyal, to approve the Minutes for the Regular meeting of March 8, 2022.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

III. Awards and Presentations:

1. Citizens Academy Graduation Presentation. (22-164). (PIO/ Asst. to the City Manager)

Ms. Senger spoke about the Citizens Academy and recognized all of the attendees. This is the third class of the program and they were presented with a certificate and a token of appreciation for their attendance and participation in the Academy.

Mr. Hughes, one of the participants spoke on behalf of the class and presented a letter signed by all of the participants. They thanked the City and staff for having the academy.

City Manager Whitten introduced the City's Building Official, Will Carbonell.

He has been with the City for two and a half years and was just promoted to Building Official on February 16, 2022. He noted it was a very important position and he wanted all to meet him.

Mr. Carbonell thanked everyone for the opportunity to work for the City. He has learned a lot from many who he has worked with and hoped to be here for a long time[1].

IV. Delegations:

Ryan Browne, 2600 Clearlake Road, Apt. 13-C, Cocoa, Clearlake Pines Apartment Complex, advised that last weekend he was made aware that the landlord had sold the property without notification. The complex contains approximately ninety units with a diverse group of persons risking eviction. He was concerned due to the lack of low incoming housing for residents to move into. He asked Council to consider a moratorium on evictions for those residents who cannot afford to move.

Mayor Blake thanked him and noted that it was admirable to come up and be the voice of the residents.

City Manager Whitten confirmed that he received his requests and would converse with the City Attorney.

Kristin Lortie, Cocoa, requested five minutes for her delegations' comment. It was confirmed that it is three minutes. She commended the Cocoa Citizens Academy and thanked council for supporting the academy and thanked Ms. Senger and Ms. Horst. She spoke in detail regarding the Consent agenda and noted that almost eighty percent of the agenda is under Consent. She does not feel that she has adequate opportunity to relay her comments.

Marion O'Quendo, 416 D Street, Cocoa, thanked the Police Department for their help with the homeless situation on Railroad Avenue.

Marisol Lanza & Anita Gibson, Satsuma and Stone Street, Cocoa, mentioned the loud music on her street and thanked the police for the work they did in confiscating the speaker but now the person has four more. Ms. Gibon confirmed Ms. Lanza's concerns and feels something needs to be done. Ms. Lanza also mentioned another neighbor wanted to come but could not make it, and she voiced concern

[1] Mayor Blake left the meeting at 6:27 p.m. & returned at 6:28 p.m.

of a dog that was chained up. She has made calls for the dog to be picked up. She thanked the police again.

Shaun Ferguson, City of Rockledge Councilman and Space Coast League of Cities' President, was in attendance to support his daughter in law who is a graduate of the Citizens Academy. He advised he was recently elected President of the Space Coast League of Cities and his objective was to work in a collaborative manner with the municipal governments. He invited all to the upcoming Space Coast League of Cities meeting on May 9th and noted that Cocoa hosts the December meeting.

V. Consent Agenda:

(A) General Consent Items:

1. Approve a Resolution Amending the FY 2022 Budget Transferring Funds from the Dyal Water Treatment Plant (WTP) Chemicals Account 421-4020-536.52-09 to the Operating Supplies Account 421-4020-536.52-00 (BAF#22-061-T). (22-133). (Utilities Director)

2. Approve a Resolution adopting the State Fiscal Year (SFY) 2022-2025 State Housing Initiatives Partnership (SHIP) Program Local Housing Assistance Plan (LHAP) and approve submission of the SHIP LHAP to the Florida Housing Finance Corporation for approval. Approve the revised and updated City of Cocoa Housing Program Policies and Procedures which reflect changes as required by the State within the proposed draft of the SFY2022-2025 SHIP LHAP. (22-146). (Community Services Director)

3. Approve an Amendment to Contract B-20-01-COC with Kemira Water Solutions Inc. to Accept an Off-Cycle Price Increase of 28% for the Purchase of Ferric Sulphate Bringing the Price up from $255.00 per Dry Ton to $326.40 per Dry Ton due to Extraordinary Market Conditions Surrounding Raw Material and Transportation Costs. (22-169). (Utilities Director)

4. Approve the Eighth Amendment to Purchase Agreement and Fee Schedule to the Water Resource Consulting Services Agreement with Water Resource Associates, Inc. (WRA), Tampa, Florida, effective October 1, 2021 through September 30, 2022. (22-170). (Utilities Director)

5. Approve Change Order #2 to P.O. 77494 with Kirwin Norris, PA, for on-going legal and related expert services regarding two pending lawsuits against Brandes Design-Build for Issues with the Jerry Sellers Tank Coating Failure/Repairs and Industrial Park Interior Coating Failure/Repairs. (22-177). (Utilities Director)

6. Award Bid # B 22-08-COC to the lowest and responsive bidder Cortez Heating & Air LLC for the A/C Replacements at the City of Cocoa Civic Center in the amount of $80,095 and Authorize the City Manager to sign the Construction Agreement. Approve a Resolution Amending the FY 2022 Budget, BAF # 22-067-A. Approve a Project Contingency Resolution for issuing the purchase order, and approval of any Change Orders not to exceed $10,005. (22-182). (Public Works Director)

7. Approve a resolution amending the current FY 2021-2022 budget, BAF # 22-047-A & T, for the mid-year budget review and cleanup, through the use of fund balance reserves, contingency and/or transfers between object classifications, within each fund. (22-183). (Finance Director)

8. Consider approving the First Modification to a Binding Development Agreement between the City of Cocoa and M&R United, Inc. granting a seven-month extension of time to complete final site plan approval, and a related extension of time to receive building permits and commence construction, of a Single-Story Commercial Building consisting of a retail strip center, anchored by a nationally-recognized coffee shop chain with a drive-through store located on S.R. 520 within the Cocoa Village. (22-189). (Community Services Director)

9. Approve a Resolution allowing an affordable housing land use on parcel 24-36-20-00-289 under Section 166.04151, Florida Statutes, subject to the zoning standards and requirements of the RU-2-15 zoning and other terms and conditions stated in the Resolution. (22-198). (Community Services Director)

(B) Multi-Year Contracts:

10. Approve an exemption to competitive bidding between the City of Cocoa and First Mobile Trust, LLC for credit card settlement and utility bill printing, mailing, and online presentment. To authorize the City Manager to execute a 3 year multi-year contract addendum and additional 2, 2-year extensions, if desired. (Finance Director) (22-134). (Finance Director)

11. Approve Participation in a Cooperative Purchase Agreement with Competitive Air & Heat, LLC, Satellite Beach, FL for HVAC & Ice Machine Services Utilizing Brevard County Purchasing Services, FL. Contract No. B-2-19-94. Effective

Through 08/14/2022 with the Option to Renew for Two (2) Additional One (1) Year Periods; Authorize the City Manager to Sign the Contract(s) and Renewal(s) for Each Subsequent Fiscal Year. (22-163). (Public Works Director)

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

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

VI. Public Hearings:

None.

VII. Council Business:

1. As recommended by the Code Enforcement Board and Staff, approve the current Code Enforcement Lien for the residence located at 506 Abbey Lane, be reduced to $969.77. (22-173). (Chief of Police)

Mayor Blake explained the item and that the Code Enforcement Board had a meeting on March 19, 2022 and they recommended this lien be reduced.

Steve Murphy, Cocoa, noted that he read the item and that the organization requesting the reduction provides housing for veterans and low incoming housing. He found their reasoning compelling and recommended it be reduced to $600.

Mayor Blake pointed out that there are administrative costs as well.

* **MOTION by Mayor Blake; Seconded by Councilmember Dyal, to approve the current Code Enforcement Lien for the residence located at 506 Abbey Lane, be reduced to $969.77.**

Councilmember Goins noted that staff submitted the costs of $969.77 and that is what the lien was reduced to. City Manager Whitten pointed out that staff costs were notated on the last page of the agenda item.

Ayes: Blake, Hearn, Dyal
Nayes: Goins, Koss

THE MOTION CARRIED (3-2)

2. Consider the Reappointment of Mr. Ed Jones as Seat #2 through January, 2024; and the Appointment of (1) one of the following applicants as a Regular member to the Diamond Square CRA: Crystal McQueen, Amy Robinson or Michael Simpson. (22-184). (Administrative Services Director)

* **MOTION by Mayor Blake to nominate Sean Johnson and to approve the Reappointment of Mr. Ed Jones to Seat #2.**

THE MOTION DIED FOR LACK OF A SECOND.

Amy Robinson, 401 Churchill Drive, Cocoa, spoke as an application and explained her reasonings behind why she wished to be considered for the Board. She has worked in Diamond Square and is aware of the area and wants to ensure that people are represented. She mentioned the community garden and felt it was important to see change in the community. She loves her city.

Michael Simpson stated that he wants to serve his city as his kids got to school in Diamond Square as well as his church is in the area. He wants to make a difference in the community and wants to be involved in order to help grow and beautify the community. He thanked Council for this opportunity.

Crystal McQueen has lived in the area and also has businesses here. They have been in Cocoa since 2014 and has worked for non-profits as well as helped bring employment to the community. Her background is in social services as well as in public administration. She served on the US 1 CRA for years and is interested in speaking for those who do not have a voice to speak. She thanked Council for the opportunity.

It was noted Sean Johnson was not in attendance due to his job.

Councilmember Goins felt this was a great problem to have and proves that people are willing to work and volunteer for the City of Cocoa. After hearing from everyone he would love to work with all of them as this is his district. He advised that he had initially reached out to Amy Robinson as he sees all of the work she has put in. He commended Ms. McQueen for serving on the US 1 CRA.

He nominated Amy Robinson.

* **MOTION by Councilmember Goins; Seconded by Councilmember Dyal, to approve the appointment of Amy Robinson to fulfill Seat #1 and Reappointment of Mr. Ed Jones to the Diamond Square CRA.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

VIII. City Business:

1. Council approval of the purchase of two (2) parcels on Oleander Street for the purposes of constructing a municipal parking lot with approximately 73 spaces in the amount of $65,000 each (total $135,000) and, pursuant to s. 166.045, Florida Statutes, waive the requirement to obtain an appraisal for the purchase of 218 Oleander Street. Authorize the City Manager to negotiate the purchase of the two parcels with the respective owners and to execute the respective purchase agreements in a form acceptable to the City Attorney. (22-208). (Community Services Director)

Ms. Neuterman corrected the item and noted that the total was $130,000 and provided a brief background of the item. Both owners have agreed to the purchase price of $65,000.

* **MOTION by Councilmember Goins; Seconded by Deputy Mayor Hearn, to approve the item, for discussion.**

Deputy Mayor Hearn knows that there are significant issues with parking and asked that this news be shared with the public.

Councilmember Koss asked how long it would take to get the lots available. City Manager Whitten advised that there are some tree issues but should be a quick turnaround so that they are ready for use.

Ms. Bowman requested that the following language be added to the motion "and other necessary budget activity that needs to be done to activate this" to the motion.

Councilmember Dyal asked about the parking that was approved last year. In response, City Manager Whitten advised that the CRA has money as well so they will figure out where the monies will come from for that. There are other items that need attention as well and will be discussed at next weeks' workshop.

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

3. Approve a Resolution allowing an affordable housing land use on parcel 24-36-20-00-289 under Section 166.04151, Florida Statutes, subject to the zoning standards

and requirements of the RU-2-15 zoning and other terms and conditions stated in the Resolution. (22-198). (Community Services Director)

Ms. Neuterman provided a background of this item in detail and that staff was requesting a resolution as noted above. Staff recommends approval of the project.

City Manager Whitten advised that the City has received some emails in regards to this and explained that it still requires a submission of the site plan to the Planning & Zoning Board for approval.

Mayor Blake supports this and it is for the working people and also for those that may fall below the average income but are still working. He felt the location is convenient to schooling and shopping centers. All of the misconceptions are wrong and it is sad as this is a helping hand and is helping fellow mankind.

Deputy Mayor Hearn is in support of the project and pointed out that the college is also close to the development. He asked if there were any other cities in the county doing projects like this at this time.

Rob Cramp, Director of Housing for the Homeless, advised this was the first of this type of project but they have over ninety-five properties. Their head office will be in the building and it is a local project.

Deputy Mayor Hearn was glad for Cocoa to be a trail blazer for solutions in workforce housing.

Mayor Blake reiterated that this would also come back for future approvals.

* **MOTION by Mayor Blake; Seconded by Councilmember Dyal, to Approve a Resolution allowing an affordable housing land use on parcel 24-36-20-00-289 under Section 166.04151, Florida Statutes, subject to the zoning standards and requirements of the RU-2-15 zoning and other terms and conditions stated in the Resolution.**

Councilmember Koss advised that no one she heard from was against the project but were concerned about the clear cutting in that area. Another issue was a misunderstanding that this was being slipped in and questions could not be asked. She spoke with people in the condos who just found out about it. She advised that this was just for the zoning and she feels confident going forward that the public will have a chance to look at this thoroughly.

Steve Murphy, Cocoa, thanked them for moving this item off of the Consent agenda. He further advised that the documents were very large. He spoke about income and felt they used the broader income of Brevard County.

Kristin Lortie, Cocoa resident, thanked Council for moving this item off of the Consent agenda. She leans in support of the project itself but does not feel adequately informed based on the review. She is against the process so far. She advised that on March 2, 2022 this was on the Planning & Zoning Board agenda and the item was tabled. She was confused as to why special authority needed to be done for this item. She reiterated that information should be relayed to the public.

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

City Attorney Garganese explained in regards to the Planning & Zoning meeting they had submitted an application and during that process found out that there were other ways that affordable housing could be approved. He explained the Florida Statute in detail and advised that it was a relatively new statute. The applicant has cooperated with the City and presented a detailed petition, and followed what they needed to follow. He advised that this was only for a Zoning Land Use Approval. They have to come back to get everything else done and follow the FU-215 zoning standards.

Multi-Year Contracts:

None.

IX. Informational Agenda:

1. Calls for service provided by the Cocoa Fire Rescue Department for the month of March 2022. (22-194). (Fire Chief)

X. Reports:

Chief Lamm reminded Council that on February 22, 2022 it was approved to accept a fire blast trailer from Punta Gorda. They recently brought the trailer back and it is currently at Fire Station #1. He felt it was important to show Council so that they would see the magnitude of what it is. He thanked Mr. Smith and Public Works staff for their help in getting this back to Cocoa. He showed photos of the trailer.

Ms. Gemmati mentioned the Summer Youth Program, explaining what it entailed and that it is a paid internship. Applications are due by April 29, 2022.

Ms. Senger advised that at the last meeting Council had approved for at least four people to get lifeguard training. This information is on the website and on all of the social media channels. It was also broadcast on a few news channels.

City Manager Whitten noted that the amount was $250 a piece but if you agree to be a lifeguard at the Joe Lee Smith Center the cost is only $100.

Ms. Senger advised that on April 29th from 4-7 p.m. is the Arbor Day Celebration here at City Hall. Trees will be given out at the event.

On April 30th, the Gilmore Community Park unveiling will take place and on May 10th before the Council meeting is the build your own hurricane preparedness kit. City departments will be set up in the lobby as well as others, such as 211 Brevard, Brevard County Emergency Management and the Humane Society. They thanked Ace Hardware and Home Depot who donated gift cards to raffle.

Lastly, Ms. Senger announced that they have the results from the Trash Bash and they thanked all of the volunteers. The City won, having both the most volunteers as well as the most trash collected in the county. She congratulated the City as well as the staff at Leisure Services.

Councilmember Goins asked about the Summer Youth Program and if they would go outside of Cocoa if their quota is not reached. Ms. Gemmati encouraged all to apply as they try not to turn anyone away.

Ms. Neuterman announced that on behalf of Habitat for Humanity and Diamond Square CRA there will be a Veteran Wall Raising on April 29th at 9:30 a.m. on Whaley Street. This is house five of six.

Mr. Smith provided an update on Brightline and on April 22nd there will be another closure on Dixon Blvd. From April 30th through May 14th , Highland Drive will be closed and that should wrap up closures in the City.

Ms. Ennis noted that they will be switching chlorine systems for about four weeks like they did last year. Notices are going out to customers.

City Manager Whitten advised that last year the City won an award for the Citizens Academy and tomorrow Ms. Senger and Ms. Horst will be attending a ceremony and will be receiving two more awards for campaigns that have been done this year. He gave kudos to staff and Council for all of the information shared through social media.

Secondly, he advised that yesterday morning he along with Mayor Blake attended the Board of Trustees meeting at EFSC. They unveiled their master plan for updates on the Cocoa campus. This is an $87 million dollar plan over ten years. He shared a video that detailed the changes.

Councilmember Koss was glad to see the video. She reminded all about how she has spoke about the college and that was an academic hub for the City.

She congratulated all of those in District 4 who have come forward in the last few years advocating for this to be an academic hub, as they knew this was needed to be a cornerstone in that area. She is thrilled about this project and thanked EFSC for listening and investing in Cocoa.

She added that there was a Rotarian in the audience and thanked them for being at the trash bash at Provost Park. She was looking forward to the Arbor Day photo contest and noted that she would not be at the Arbor Day celebration.

She made the following announcement about an upcoming conference she will be attending, which is the IEMO II in Cocoa Beach: "I will be attending the Florida League of Cities IEMO II Conference from Friday, April 29th through Saturday, April 30th at the Hilton Cocoa Beach Oceanfront Hotel. The cost of registration is $265 and this is budgeted under Council's training account."

Councilmember Koss is looking forward to the tree that they would be planting at Bracco Pond. She mentioned she had a great tour at Bracco Pond given by Bryant Smith and Abby Morgan. She requested that the information provided be turned into a brief presentation to show how Bracco Pond is utilized and how it benefits the City.

She spoke about the Cocoa Youth Athletic League and of an event that she attended at the fields. There was no less than four to five hundred people and work needs to be done. She was aware that the city was working with the county but there are people coming here from out of town. This is a dynamic program that engages a lot of kids. She was looking forward to that taking a positive turn as well.

City Manager Whitten added that the SCTPO has asked Council to authorize the Mayor to submit a letter of support to the Secretary of the US Department of Transportation. He explained what the letter would entail.

* **IT WAS A CONSENSUS AMONG COUNCIL TO SUBMIT A LETTER.**

Deputy Mayor Hearn enjoyed being a part of the Trash Bash. His team went to Bracco Pond and he was able to show citizens what an asset the pond is[2].

He was not able to attend the Bracco Pond tour but on April 20th there will be a tree planting at Bracco Pond.

He spoke about the recent Business Tour that Council did and thanked El Sabor De Mi Pueblo which is in District 2.[3]

Deputy Mayor Hearn was looking forward to all of the positive things in Cocoa.

Councilmember Dyal mentioned opening day at Stradley Field and that it was a great event. He was able to throw out the first pitch.

He spoke about his attendance at the painting of the bleachers at Cocoa High School. It all turned out great.

Councilmember Dyal attended the Brittany Wish Foundation event and was able to show the antique fire truck off. He thanked Mike Erdman for all that he did for that event.

In closing, he thanked Tracy Jones for helping at opening day and for all that she did as well. He further thanked Viera High School cheerleaders for helping paint the Cocoa High School bleachers.

Councilmember Dyal thanked staff for all that they do.

Councilmember Goins acknowledged the water department (customer service) and thanked them for being professional.

He spoke about the Trash Bash and showed photos of his group.

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[2] Mayor Blake left the meeting at 8:15 p.m.
[3] Mayor Blake returned at 8:17 p.m.

He agreed that the painting of the bleachers was a great event and that thirty Viera cheerleaders showed up to help which means that they care about their community. He gave kudos to their cheer coach. He shared photos of that event as well.

Councilmember Goins pointed out that the rubber track at Cocoa High School would be completed by Friday and he felt that all of the collaboration for this to happen has worked.

He appreciates Council and the citizens and believes that it is good when citizens are interested but it bothers him when mis-information is put out.

Deputy Mayor Hearn piggybacked off of Councilmember Goins about the painting of the bleachers and asked if a thank you letter could be sent to the Viera cheerleaders.

Councilmember Dyal attended the retirement party for K9 Bear at the Dirty Oar and also attended the Police Department's Banquet, where many great awards were given out. Marci Davis won V-Cop of the year and the late Mr. Steve Murdick won Employee of the Year.

Councilmember Koss acknowledged Linda Gombert who is helping lead the Arbor Day event. She thanked her for her efforts and her time.

Mayor Blake attended an event at the Port for the ribbon cutting of Cargo 3 and there were several other dignitaries in attendance. He thanked the CRA for the dredging they are doing at Lee Wenner Park.

He mentioned the Citizens Academy and thanked the participants who were recognized tonight. He talked about the Trash Bash and noted that he had a great team that helped clean up the City.

Mayor Blake presented a proclamation to James Folston last weekend and provided a brief history on him and why he received a proclamation.

Mayor Blake showed photos and spoke about his attendance to the following events: BCSO Awards Ceremony, the Trash Bash, a party for Angie Jordan, Travis Tritt concert and a video of the Trash Bash.

XI. Adjournment:

* **MOTION by Mayor Blake; Seconded by Councilmember Dyal, to adjourn the Regular meeting of April 12, 2022.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

The meeting adjourned at 8:41 p.m.

Michael C. Blake, Mayor

ATTEST:

Carie Shealy, MMC, City Clerk