MINUTES
City of Cocoa
Regular Meeting of The City Council

April 9, 2024

A Regular City Council Meeting was held on Tuesday, April 9, 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 6:01 p.m.

Councilmember Goins provided the invocation and Hey!Blue 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
	Lorraine Koss	Councilmember
	Anthony Garganese	City Attorney
	Stockton Whitten	City Manager
	Monica Arsenault	City Clerk

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; Robert Beach, Chief Technology Officer; and Jason Dowty, Help Desk Support Tech.

II. Approval of Agenda and Minutes:

1. **Agenda:** Regular Meeting of April 9, 2024. (24-181).

* **MOTION by Deputy Mayor Hearn; Seconded by Councilmember Koss to approve the agenda for the Regular meeting of April 9, 2024 as written, for discussion.**

Councilmember Barringer asked if Consent/Multi-Year item V.6(b) could be moved to City Business VIII.3 as he has some questions for staff.

Deputy Mayor Hearn and Councilmember Koss agreed to amend their motion to amend the agenda.

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

2. **Minutes:** (a) Regular Meeting of January 9 2024. (24-189)

(b) Special Meeting of January 23, 2024. (24-194)

* **MOTION by Councilmember Goins; Seconded by Mayor Blake to approve the minutes for the Regular meetings of January 9, 2024 and January 23, 2024 as written.**

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

III. Awards and Presentations:

1. Space Coast TPO School Routes Analysis Presentation. (24-110). (SCTPO)

Debbie Flynn, Space Coast TPO Project Manager, introduced Travis Hills, Project Manager for Kittleson and Associates who provided a presentation[1] on behalf of Space Coast TPO for their School Routes Analysis results for Cocoa specific schools.

2. Proclamation: National Public Safety Telecommunications Week. (24-182). (Police Chief)

[1] Exhibit A: SCTPO SRA City of Cocoa Presentation

Chief Collier read the proclamation into the record recognizing National Public Safety Telecommunications Week.

3. Accept the Annual Comprehensive Financial Report (ACFR) for Fiscal Year 2023. (24-128). (Finance Director)

Ms. Bowman introduced Joel Knopp, Shareholder with MSL CPAs & Advisors, who presented the results[2] of the audit for the Fiscal Year that ended on September 30, 2023.

IV. Delegations:

David Brubaker, President of Central Brevard Sharing Center, talked about the services they provide to the community. He noted that while he is about two weeks late, he would like to thank Council and staff for their consideration and continued support in donating $5,000 dollars to help fund their community kitchen. He shared that this grant program has provided them with a great opportunity to further serve the community.

J.B. Dennis, 3710 Catalina Dr., Cocoa, talked about his 1st Amendment Rights to speak on the homeless crisis. He shared his concerns about Council's lack of items regarding the homeless on the agenda.

John Verdy, Hey!Blue, shared they had an event last Thursday at Endeavor Elementary and the Police Department came to participate. He thanked Chief Collier and Councilmember Koss for their attendance.

Additionally, on April 24th from 5pm to 8pm there will be a Design Thinking event at Endeavor Elementary. He invited all to attend and shared that this event will bring community members and police officers together for a common goal to bring forth solutions and community engagement[3].

Aleck Greenwood, 640 Brevard Ave., Cocoa, talked about the establishments in Cocoa Village that have been in business for many years and recognized their excellence.

Furthermore, he asked Council to consider offering a Key to the City to a particular business, Café Margaux, whose owner is Alex Litras, for their outstanding achievements and for helping to put Cocoa on the map.

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[2] Exhibit B: City of Cocoa Final Presentation to Council

[3] Deputy Mayor Hearn left the meeting at 6:48pm and re-joined the meeting via phone

Anita Gibson, 451 Stone St., Cocoa, shared that she has built a good and honest relationship with the Chief of Police. She talked about the budget for the Police Department and what she would like to see.

Additionally, she asked about the new homes being built on Stone Street and how the HOA will enforce and manage that area.

V. Consent Agenda:

(A) General Consent Items:

1. Approve the adoption of the National Institute of Standards and Technology Cybersecurity Framework and authorize the Chief Technology Officer to complete the Local Governance Cybersecurity Standards Attestation Form via the Florida Digital Service online portal before the January 1, 2025, deadline to affirm that required standards have been adopted. (24-155). (Chief Technology Officer)

2. Approve Resolution 2024-034 for Partial Vacation of certain Utility Easements and Approve replacement Utility Easement Agreement between the City of Cocoa, Cirrus Apartments, LLC (Cirrus), and Cocoa Retail LLC (Cocoa Retail). (24-161). (Utilities Director)

3. Council Approval Ex Post Facto For a K9 Donation for a Ballistic Vest for K9 Draco. Approve A Resolution Amending the FY24 Budget, BAF#24-073-A for $1,800. (24-171). (Police Chief)

4. Authorize the Chief Technology Officer to apply for the Florida Local Government Cybersecurity Grant for security capabilities. (24-174). (Chief Technology Officer)

5. Approve Resolution to Waive Competitive Bidding Process to Repair the Pool at Joe Lee Smith Community Center at a Total Cost not to Exceed $115,000. Provide Authority to the City Manager to Approve a Purchase Orders and Execute Contracts related to the Pool Repair at Joe Lee Smith Community Center. Approve a Resolution Amending the FY24 Budget, BAF#24-076-T. (24-179). (Public Works Director)

(B) Multi-Year Contracts:

~~6. To Approve and Authorize the City Manager to Execute Task Order 2024-01 with CHA Consulting, Inc. for Engineering Services of the Pineda Water Main Railroad Crossing Project; To Approve as a Multi-Year Contract from~~

~~FY2024 through FY2025; To Approve a Resolution Amending the FY2024 Budget, BAF#24-067-PT ($203,902). (23-677). (Utilities Director)~~

7. Approve a multi-year agreement between the City of Cocoa and COTG 2021, LLC for two years with the option to extend for three additional one-year periods to provide after-hours drug testing services on an as needed basis, and authorizing the City Manager to execute the agreement and amendments. (24-176). (Administrative Services Director)

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

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

VI. Public Hearings:

1. Request to Postpone 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 to the May 14, 2024 City Council Meeting. (24-190). (Planning Consultant)

* **MOTION by Mayor Blake; Seconded by Councilmember Goins to postpone the item to the May 14, 2024 Regular City Council Meeting at 6pm.**

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

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

2. Pass on FIRST 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). (24-192). (Planning Consultant)

City Attorney Garganese stated that this is the First Reading of Ordinance 05-2024 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.

Steven Noto, RVi Planning, provided a brief presentation[4] on the rezoning request for 1600 Flower Mound Lane. He noted that the request is to assign the RU-2-15, Multiple Family Dwelling zoning designation to the subject property as a City of Cocoa zoning district is not currently unassigned.

Mr. Noto stated that staff recommends that the City Council approve the Zoning Map Amendment consistent with Appendix A, Zoning, Article XXI, to change the Zoning Map designation of the subject parcel, totaling +/-13.34-acres, to City of Cocoa RU-2-15 (Multiple Family Dwelling), with the landscaping condition added by the Planning & Zoning Board.

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 Koss; Seconded by Councilmember Barringer to approve Ordinance No. 05-2024 on First Reading.**

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

VII. Council Business:

1. Approve the current Code Enforcement Lien for the vacant residential property located at 2546 N Indian River Dr, be reduced to $3,033.26. (24-099). (Chief of Police)

[4] Exhibit C: Oak Meadow Council Presentation

Augusto Gonzalez, Code Enforcement Manager, provided the history of the violations on the property. He noted that at the February Code Board meeting, the Code Board voted to approve a lien reduction of $3,033.26.

Jason ValaVanis, property owner, wished to add that he submitted three applications. The first was lost by the City, and the second one was submitted to the Planning and Zoning Department. This application was ultimately denied because it was said that it was unnecessary and that he needed to submit an application to Brevard County Road and Bridge. When he submitted an application to Road and Bridge, he was told that the application was unnecessary there as well.

* **MOTION by Councilmember Koss; Seconded by Councilmember Goins to approve the Code Enforcement Board's recommendation.**

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

2. Consider the reappointment of Kaitlyn Aliano and Patricia Weeks as members of the Board of Adjustment through May, 2027. (24-175). (Administrative Services Director)

* **MOTION by Councilmember Goins; Seconded by Mayor Blake to approve the reappointments of Kaitlyn Aliano and Patricia Weeks as members of the Board of Adjustment through May, 2027.**

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

3. Approve Resolution No. 2024-033 Adopting the Emergency Financial Plan. (Finance Director)

Ms. Bowman provided a brief background of the item.

* **MOTION by Mayor Blake; Seconded by Councilmember Goins to approve Resolution No. 2024-033.**

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

VIII. City Business:

1. Approval of a road closure date change and the addition of a street closure outside the CBD. (24-164). (Comm. & Economic Dev. Director)

* **MOTION by Councilmember Goins; Seconded by Mayor Blake to approve the item.**

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

2. Approval of Petition for Annexation and related consent forms and affidavit for the voluntary annexation into the City of Orlando of ten parcels of land owned by the City of Cocoa in Orange County and authorizing the City Manager to execute said documents. [Note: The approval is subject to reconsideration and rescission by the City Council under the condition stated in this Agenda Item and approval of the annexation agreement by the cities of Cocoa and Orlando.] (24-191). (City Attorney)

City Attorney Garganese provided background information on the item and noted that an annexation agreement will be brought forward at the next Council meeting.

He shared that the City of Cocoa and the City of Orlando are currently negotiating the annexation agreement that will address various protections for the City of Cocoa's wells, well-fields, transmission lines, and other utility equipment as development proceeds in the Sunbridge planned development. Therefore, pending the completion of the annexation agreement, the City of Orlando and City of Cocoa have agreed that the City of Cocoa's petition and consent to annex the ten parcels owned by the City of Cocoa are revocable, and the City of Cocoa's approval and submission of the Petition and Consent Forms is subject to the City Council's reconsideration and rescission.

City Attorney Garganese clarified that these parcels will still be owned by the City of Cocoa, however it will annex these properties into the City of Orlando from unincorporated Orange County.

* **MOTION by Mayor Blake; Seconded by Councilmember Goins to approve the Petition for Annexation and related consent forms and affidavit for the voluntary annexation into the City of Orlando of ten parcels of land owned**

by the City of Cocoa in Orange County and authorizing the City Manager to execute said documents. The approval is subject to reconsideration by the City Council under the condition stated in the Agenda Item and approval of the annexation agreement by the cities of Cocoa and Orlando.

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

3. To Approve and Authorize the City Manager to Execute Task Order 2024-01 with CHA Consulting, Inc. for Engineering Services of the Pineda Water Main Railroad Crossing Project; To Approve as a Multi-Year Contract from FY2024 through FY2025; To Approve a Resolution Amending the FY2024 Budget, BAF#24-067-PT ($203,902). (23-677). (Utilities Director)

Councilmember Barringer asked about the history of this project. In response, Mr. Walsh shared why the Budget Amendment is needed which is to provide funding for the redesign and permitting for this project that was never able to be completed.

* **MOTION by Councilmember Barringer; Seconded by Mayor Blake to approve the item.**

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

Multi-Year Contracts:

None.

IX. Informational Agenda:

1. Bi-Weekly Report Covering March 22 – April 4, 2024. (24-183). (City Manager)

X. Reports:

Ms. Senger shared some of the events that were held over the weekend and pointed out that over seventy trees were given away. Trash Bash was also a successful event and winners will be announced soon.

Chief Lamm announced the Fire Department received their new engine and crews are undergoing training for the next few weeks.

There will be a ceremony on May 2nd at Fire Station 1 at 6pm to celebrate the new engine. Chief Lamm pointed out that ARPA funding paid for the new truck.

Additionally, on May 29th the Fire Department's two High School graduate recruits will be graduating from Fire School at Eastern Florida State College.

Councilmember Barringer thanked Council and staff for their support in writing a letter to the School Board asking for a presentation to address the concerns of the current status of Cocoa schools.

He also shared a photo and thanked Ms. Morgan and her department for addressing some concerns he had.

He provided some information about the Brevard Veteran's Coalition event he recently attended.

Additionally, he presented some photos from the Be the One Walk that was held by the American Legion in Cocoa.

Councilmember Barringer asked about the Code Enforcement fee schedule. He asked if Council would consider taking a look at it to make it more reasonable or look at any other best practices for fee schedules.

Additionally, he asked if Council might consider supporting a ninety-day moratorium on the compounding of the fee if the owner recently passed away and the applicant is a veteran or the spouse of a veteran.

Mayor Blake shared he is in agreement, but with a condition to not rescind the moratorium if the plan is to turn around and sell the property.

Councilmember Goins shared that he likes the idea on the surface, but feels that they should look at situation on a case-by-case basis.

Councilmember Koss provided a District 4 report. She talked about the Cocoa High School graduation rate formula, which is the total number of students divided by the number of high school diplomas earned.

She also shared photos from Bracco Pond where she and Deputy Mayor Hearn recently visited. She noted that she discovered a fence was being installed there as well.

In response, City Manager Whitten explained that the fence was installed to prohibit people from parking within in the park and limiting parking to just the parking lot. He shared that parking had become a liability and that's why the fence was needed.

Councilmember Goins mentioned that he, along with Deputy Mayor Hearn and Mayor Blake, recently attended the FBC Annual Conference and shared some photos. He added that it was a great conference.

He pointed out that he attended Trash Bash over the weekend which was a productive event and shared several photos.

Additionally, he shared photos from the parking lot at Provost Park to show the improvements that were made. He thanked Ms. Morgan and her team for their hard work.

Mayor Blake shared several photos from recent events he attended. He also shared that he attended the opening event held by the Fat Donkey ice cream parlor.

He thanked several members of staff for their hard work, including Ms. Morgan and Mr. Walsh.

XI. Adjournment:

* **MOTION by Councilmember Goins; Seconded by Mayor Blake, to adjourn the Regular meeting of April 9, 2024.**

AYES: Blake, Hearn, Barringer, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

The meeting adjourned at 8:16 p.m.

Michael C. Blake, Mayor

ATTEST:

Monica Arsenault, City Clerk