MINUTES
City of Cocoa
Regular Meeting of The City Council

April 8, 2020

A Regular City Council Meeting was held on Wednesday, April 8, 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 10:00 a.m.

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 (via phone)
	Lorraine Koss	Councilmember
	Brenda Warner	Councilmember
	Anthony Garganese	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; Samantha Senger, Public Relations Specialist/Assistant to the City Manager; Bryant Smith, Public Works Director; Rebecca Bowman, Finance Director; Nancy Bunt, Community Services Director; Charlene Neuterman, Deputy Community Services Director; and LeShawn Hinton, Helpdesk Support Tech.

II. Approval of Agenda and Minutes:

1. **Agenda:** Regular Meeting of April 8, 2020 (20-198)

2. **Minutes:** (a) Regular Meeting of March 11, 2020 (20-199)

* **MOTION by Councilmember Koss to approve the Agenda for the regular meeting of April 8, 2020 with the following amendments: move Consent Items VI.1 and VI.2 to City Business Items IX.4 and IX.5.**

THE MOTION WAS SECONDED BY DEPUTY MAYOR GOINS.

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

~~The Agenda for the Regular meeting of April 8, 2020 was approved as presented.~~

* **MOTION by Councilmember Koss; Seconded by Councilmember Warner, to approve the Minutes for the Regular meeting of March 11, 2020 with the following amendment: Page 5, paragraph 1, sentence 1 should say cold instead of code.**

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

III. Awards and Presentations:

None.

IV. Delegations:

No e-comments or emails were received.

V. Reports:

Chief Lamm provided a brief overview and update of statistics in regards to COVID-19. He provided numbers and mentioned that there are currently seven positive cases in Cocoa. Within the last couple of days, they have begun to see a downward trend, which is good. They hope to see a peak earlier which would be good for recovery efforts which can start sooner than later. It is all presumptive. They are still receiving needed equipment. Thermometers were received earlier this week and N-95 masks are starting to come in. He provided kudos to Gary Palmer in Public Works, who has worked endlessly in helping to locate equipment for public safety. He has confidence in the directors and

knows it is a long road but the City is in a good position to get through this safely.

Chief Cantaloupe advised that they are still continuing patrols and making sure that everyone is safe.

Interim City Manager Fuhrer spoke in regards to service related calls for fire and police. In Fire, the trend since April is slightly down and Police has a downward trend as well. They will continue to monitor this, as well as any increases or certain types of calls.

An E-Comment was received from Anastasia Hawkins from the Playhouse which was read into the record. Interim City Manager Fuhrer advised that she was seeking direction and reminded everyone of the Safer at Home order that is effective at least through April 30, 2020. At this time there is no further guidance on social gatherings. There are shows that have been delayed but they may have a concert. It would be his recommendation that she continues to plan knowing that if there is an extension or a recommendation from the CDC that Council would have to act on that guidance.

COUNCIL WAS IN AGREEMENT WITH THE INTERIM CITY MANAGER'S RECOMMENDATION.

Interim City Manager Fuhrer mentioned that a request was received from a tenant at the Porcher House and due to the inability to conduct business they were requesting a waiver of rent during this order. There are currently four tenants.

Mayor Williams could see waiving late fees but would want to hold back on the rent as they may be eligible for governmental assistance.

Attorney Garganese advised that this was the first that he has heard about this and would like to discuss with the Interim City Manager before Council takes any action on this item.

Interim City Manager Fuhrer pointed out that an email was received from Space Coast TPO and they were requesting Council's support for the Frontenac to Cocoa Double Track Project. They asked for a letter of support so that it could be included in their packet in early May.

Mayor Williams pointed out that there are the benefits of the double track and it was a unanimous vote from the TPO.

ALL OF COUNCIL WAS IN SUPPORT OF THIS REQUEST FOR A LETTER OF SUPPORT.

Lastly, Interim City Manager Fuhrer provided an update on the census along with current response rates. He urged all to encourage everyone to take the census in both the city of Cocoa and Brevard County as well.

He thanked all employees who are working daily to keep us safe.

Deputy Mayor Goins asked if there was a deadline for the census. In response, Ms. Senger noted that April 1st was Census Day but it depends on the response rate. They were going to have it be in mid-April but it might be extended due to COVID-19.

He asked if information on park closures had been put out on any media outlets. Ms. Senger noted that updates are sent out regularly.

He thanked all employees and first responders and felt that everyone was doing an awesome job working from home.

Councilmember Koss referenced Chief Lamm's report regarding cases and deaths with COVID-19. She believes that we have been successful in the stay at home efforts. She felt that more police presence might be needed during the time that the virus peaks.

She further spoke about a webcast that she participated in with the International City/County Management Association and realized that the the City was in a good position to participate in different programs. There is a lot of money available that does not require a matching of funds.

Mayor Williams thanked staff for all of the hard work they are doing during these times.

He feels that the census was very important and if the dates could be pushed back a little that would be nice.

VI. Consent Agenda:

~~1. Approve Task Order 2020-09 with Jacobs Engineering Group (Jacobs) to conduct a Corrosion Control Treatment (CCT) analysis studying changes in important water quality parameters resulting from the addition of Cal-Flo to the potable water distribution system to establish new Optimal Water Quality Parameters (OWQP) as a Permit Clearance Requirement set forth by FDEP; To Approve a Resolution~~

~~Amending the FY2020 Budget, Budget Transfer Form #20-055-T. (20-187). (Utilities Director)~~

This Item was Moved to City Business IX.4.

2. ~~Approve Task Order #2020-03 using the Marine Contract Continuing Services Agreement for C&D Construction, to excavate the Harrison Street Relief Channel and desilt the adjoining double-cell box culverts. Approve a Resolution Amending the FY2020 Budget, BAF#20-054-T, and Approve a Resolution for Budgetary Contingency in the amount of $19,765. (20-192). (Public Works Director)~~

This Item was Moved to City Business IX.5.

VII. Public Hearings:

None.

VIII. Council Business:

1. Consider the reappointment of Ms. Janne Etz to the Cocoa CRA through April, 2022. (20-197). (Administrative Services Director)

* **MOTION by Councilmember Warner; Seconded by Deputy Mayor Goins, to approve the reappointment of Ms. Janne Etz to the Cocoa CRA through April, ~~2022~~ 2024.**

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

2. Consider approving an Interim City Manager Employment Agreement with Matthew Fuhrer, effective March 17, 2020. (20-202). (City Attorney)

Mayor Williams advised that he had a brief conversation with Mr. Fuhrer and one item in the agreement that he felt needed changed was his salary of $165,000. He believed it should be around $ 155,000. He believes that he is doing a good job but a lot of this was based on qualifications. Everything else in the contract he was already getting.

Deputy Mayor Goins asked where Mayor Williams number came from and in response, Mayor Williams stated it was based on the county and other cities.

Councilmember Koss spoke in regards to directors' salaries and felt that $150,000 was more in-line. The former city manager was making almost that of the City of

Melbourne's and more than the County Manager. She feels that the gap in salaries was not good for the morale. She believed the $150,000 was more relative to other salaries.

Councilmember Warner stated that these salaries were also combining benefits and other unique challenges that Cocoa faces versus other cities. She agreed with the Mayor when looking at department head salaries, she is comfortable with $155,000 and it will keep a nice balance.

Deputy Mayor Goins clarified that if they go with $155,000 all other stipulations in the agreement were fine.

Councilmember Koss spoke about opportunity costs and believed that IT and communications should be brought up to the level of the executive team.

Attorney Garganese mentioned that this agreement was written to memorialize the temporary status while serving as Interim City Manager. He was recommending that this agreement be approved so that these terms and conditions were in writing. This is the status quo in terms of salary adjustment and car allowance. This was, in his opinion, what one would expect in an agreement and he recommended that it be approved if Council so desires.

Mayor Williams pointed out that this was a temporary agreement.

* **MOTION by Councilmember Warner; Seconded by Deputy Mayor Goins, to approve the Interim City Manager Agreement with Matthew Fuhrer, as written, with the salary of $155,000.**

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

IX. City Business:

1. Award Bid 20-06-COC for Local Agency Program (LAP) funded sidewalk through the Florida Department of Transportation (FDOT) to lowest and most responsive bidder, Parkit Construction, Inc. for $187,095.62. Approve a Resolution Amending the FY20 Budget and corresponding Budget Adjustment Form #20-057-A. Approve a Resolution for Construction Contingency in the amount of $8,833. (20-186). (Public Works Director)

Mr. Smith explained that as a part of the Americans with Disability Act, the City recognized two areas of sidewalk that were gapped and that could qualify for federal funding. These areas are along the south side of Dixon Boulevard from

the entrance to Byrd Plaza east to the railroad tracks, and along the west side of Forrest Avenue from just north of Grimes Street to the intersection of Cocoa Blvd. (U.S. 1) and Forrest Avenue.

Deputy Mayor Goins questioned the difference in amounts. He asked if all of the plans looked the same. In response, Mr. Smith assured him they were checked and FDOT checks them as well.

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

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

2. Approval to submit costs associated with the COVID 19 Pandemic to FEMA and the Florida Division of Emergency Management for potential reimbursement, and to approve a resolution authorizing the City Manager or Finance Director to sign any contracts and amendments related to these reimbursements. (20-191). (Finance Director)

Ms. Bowman explained that this item was similar to those during a hurricane. There are always a lot of documents that need to be signed and this was authorizing her or the City Manager to sign those documents.

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

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

3. Approve a Resolution providing for tolling and extension of pending Zoning and Land Use applications, agreements, resolutions, ordinances, and building permits that are set to expire before the expiration of the current Local State of Emergency. (20-200). (Community Services Director)

Ms. Bunt advised that due to the Governor's Executive Order 20-52, relating to COVID-19 and the limiting of gatherings of no more than ten or more people, including meetings, and events, the ability to conduct public business in accordance with Florida's Sunshine Law is currently severely hampered. Former

routine processes are disrupted and taking longer to accomplish due to COVID-19 precautions being mandated by both State and Federal governments.

Ms. Bunt explained that in regards to building permits and development orders that have already been issued by the City, Florida Statutes 252.363 provides for tolling of these approvals for the duration of the emergency declaration issued by the Governor and for six months after the tolled period. For approvals already issued, the time of duration of the approval will be automatically tolled provided that within ninety days after the termination of the emergency declaration, the holder of the permit notifies the City in writing of the intent to exercise the tolling and extension granted under the Statute. She pointed out that these extensions are not discretionary and must be given to the permit holder upon notification.

With respect to permits already issued, the City does not need to take any action to extend permit deadlines, as the statute already provides a means for an applicant to request an extension. For existing permits, there is an existing time frame which will be extended automatically. She explained the other extensions for items such as development agreements, zoning and land use applications, resolutions, and ordinances. There are not delays as of yet but staff was requesting approval in event that this might happen.

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

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

4. Approve Task Order 2020-09 with Jacobs Engineering Group (Jacobs) to conduct a Corrosion Control Treatment (CCT) analysis studying changes in important water quality parameters resulting from the addition of Cal-Flo to the potable water distribution system to establish new Optimal Water Quality Parameters (OWQP) as a Permit Clearance Requirement set forth by FDEP; To Approve a Resolution Amending the FY2020 Budget, Budget Transfer Form #20-055-T. (20-187). (Utilities Director)

Mr. Walsh noted that this was related to water quality changes being made at the plant and the reasoning behind the changes.

Councilmember Koss noted she moved the item from consent due to the costs. She is glad that the water will be tested and noted it would be tested at one hundred

sites rather than one. Mr. Walsh stated that they try get back as many samples as they can and one hundred was way more than the minimum needed.

* **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)

5. Approve Task Order #2020-03 using the Marine Contract Continuing Services Agreement for C&D Construction, to excavate the Harrison Street Relief Channel and desilt the adjoining double-cell box culverts. Approve a Resolution Amending the FY2020 Budget, BAF#20-054-T, and Approve a Resolution for Budgetary Contingency in the amount of $19,765. (20-192). (Public Works Director)

Mr. Smith advised that this would cover the dredging of the relief channel at Lee Wenner Park.

Mayor Williams stated that this would help with all of the issues from rain. Mr. Smith was hoping that would be the case and it should help increase the flow. The overall benefits should be good.

Councilmember Koss mentioned that a couple of constituents have called regarding the removal of the mangroves. Mr. Smith pointed out that they just finished trimming them in order to abide by the permit. Per DEP, you can only trim so much per year and there is already grow-back in areas that have been cutback.

* **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:

X. Informational Agenda:

1. Waste Management Annual Review. (20-193). (Public Works Director)

2. Informational Item: The severance and accrual payout for John Titkanich, through the use of General Fund Balance Reserves and a condition of the Mutual Separation Agreement, Approved by City Council on March 17, 2020, Budget Resolution Number 2020-130 and Budget Amendment # 20-056-A. (20-203). (Finance Director)

XI. Adjournment:

Mayor Williams asked all to be safe and stated that he appreciated all that is being done.

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

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

The meeting adjourned at 11:02 a.m.

Jake Williams, Jr., Mayor

ATTEST:

Carie Shealy, City Clerk