MINUTES
City of Cocoa
Regular Meeting of The City Council

March 26, 2024

A Regular City Council Meeting was held on Tuesday, March 26, 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 6:05 p.m.

Miss Jackson provided the invocation and Councilmember Goins 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; Jack Walsh, Utilities Director; Lorne Stinnett, HR Manager; Samantha Senger, Communications & Economic Development Director; Mitchell Lawyer, Systems Support Manager; and Jason Dowty, Help Desk Support Tech.

II. Approval of Agenda and Minutes:

1. **Agenda:** Regular Meeting of March 26, 2024. (24-159)

* **MOTION by Mayor Blake; Seconded by Councilmember Goins to amend the March 26th, 2024 Regular City Council meeting agenda to add Presentation Item III.6, a proclamation recognizing Pinecrest Academy Space Coast for their advocacy efforts in promoting the City of Cocoa as an ideal location for the Brightline Station; to move item VII.1, considering the approval of a First Addendum to the City Manager's Employment Agreement after Awards and Presentations; and to remove item VII.7, a donation request for Cocoa High School's 3rd Grade Literacy and Theater event.**

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

III. Awards and Presentations:

1. Key to the City Presentation for Jawaan Taylor. (24-123). (Comm. & Econ. Development Director)

   Several of Jawaan Taylor's friends and family spoke on his behalf to congratulate him for his hard work, dedication and humanity both on and off the football field.

   Mr. Taylor was presented a Key to the City in recognition of his athletic excellence and achievements.

2. Florida Government Finance Professionals Week Proclamation. (24-127). (Finance Director)

   City Manager Whitten read a proclamation into the record recognizing Florida Government Finance Professionals Week.

3. Proclamation: Proclaiming Saturday, April 6th, 2024 as an Arbor Day Event. (Mayor Blake)

   Mr. Stinnett read a proclamation into the record recognizing Saturday, April 6, 2024 as an Arbor Day event in the City of Cocoa.

4. Proclamation Recognizing Hemophilia and Bleeding Disorders Awareness Month. (Deputy Mayor Hearn)

   Deputy Mayor Hearn read a proclamation into the record recognizing Hemophilia and Bleeding Disorders Awareness month.

5. Proclamation Recognizing Pinecrest Academy Space Coast for their Advocacy in Promoting Cocoa as an Ideal Location for the Brightline Station. (Walk-on item)

   Councilmember Barringer read a proclamation into the record recognizing Pinecrest Academy Space Coast for their efforts in promoting Cocoa as an ideal location for the Brightline Station.

6. Proclamation Recognizing Water Conservation Month. (24-133). (Utilities Director)

   Mr. Walsh read a proclamation recognizing Water Conservation Month into the record.

7. Approve a First Addendum to the City Manager's Employment Agreement. (24-162). (City Manager)

   City Manager Whitten explained that he is asking Council to consider approving a First Addendum to his contract which will extend his contract from October 2025 to October 2027. He is also requesting to freeze his salary at his current rate for the remainder of this term.

   Additionally, Mr. Whitten gave a short presentation[1] explaining the timeline of past City Manager contracts and addendums.

   Mayor Blake shared that he stands with the City Manager and thinks he has done a lot of great things since he has been in the position.

   Councilwoman Koss shared that she has put a lot of thought into her evaluation and has notated the many good things he has done on her evaluation form. This being said, she has an issue with how performance measures have been done and the fact that performance appraisals have not been done.

   Throughout the last year she feels that progress has been made with the City Manager. She was looking forward to the opportunity to discuss what things have worked and things that could be worked on. Regardless of the decision made this evening, Mr. Whitten will remain the City Manager at least through October 2025.

   Additionally, it is not her intention to let the City Manager go and to sacrifice the citizens and the progress of our government. What she is looking for is measurables, accountability and transparency.

[1] Exhibit A: City Manager Contracts and Addendums

Councilmember Goins asked Councilmember Koss to be more direct about what specifically she means when she says "accountability" and "transparency". In response, Councilmember Koss explained that she is talking directly about conducting annual performance evaluations. She also feels that it sometimes takes an extensive period of time to have her questions answered which in turn makes it difficult for her to respond to her constituents.

City Manager Whitten shared that being a County or City Manager is one of the most difficult jobs you can have as you essentially have to follow the direction of five different directors. Furthermore, he provided an article from an ICMA HR professional that discusses the value of performance evaluations.

He also shared an email exchange that he had with City Attorney Garganese when he was negotiating his contract when he was selected to be City Manager. He noted that he revised the contract so that instead of receiving a six percent annual increase, he would receive the same increase as the rest of the employees. Additionally, past City Managers were not required to live in the City of Cocoa and he is a Cocoa resident.

Mayor Blake opened the discussion to the public.

Clarence Whipple Jr., 1201 Counts St., Cocoa, shared he is here to speak in support of the City Manager and his request to extend his contract for two additional years. He commended the Council for their selection of Mr. Whitten as the City Manager. Although the Council may have issues with each other, they need to work together on this and remember that they serve the citizens of Cocoa as a whole.

Additionally, it will not cost the City any additional funds as he is requesting to freeze his salary for the next several years. It is very rare that anyone freezes their salary. He would like to encourage the Council to approve this First Addendum to his contract.

Kristin Lortie, 5524 Brilliance Cir., Cocoa, read a statement on behalf of Linda Dolphin who could not attend the meeting this evening. Ms. Dolphin asked that Council vote to deny the request as she feels it is important to allow a newly elected City Council the opportunity to determine what they would like to do with Mr. Whitten's contract when it expires in 2025.

Furthermore, she feels it would be inappropriate for this Council to make that decision prior to the November 2024 election. Residents should be given the

chance to vote for the candidate they choose who may or may not have the same points of view as the current Council. Mr. Whitten also has the option to request an early extension of his contract after the election or when the automatic renewal clause occurs in April 2025. She urged Council to deny the request at this time.

Ms. Lortie shared that she has witnessed the racial intimidation that was mentioned by Councilmember Koss and will share the information on her page.

Additionally, she asked why the presentation and the addendum were not attached to the agenda item so citizens could view it prior to the meeting.

In conclusion, she feels it is too early to vote for an extension of his contract and asked why he does not wait until after the election.

Pam Shaia, 14 Oleander St., Cocoa, shared that she has worked with City Manager Whitten for many years and feels he has gotten more done in his few years here with the City of Cocoa than the previous City Manager did in his many years of serving the City.

Additionally, he has addressed many of the issues she had as a new business owner in Cocoa Village. She has enjoyed her relationship with him and his staff over the last few years and hopes Council will extend his contract.

Katie Delaney, County resident, shared that this is less about his performance and more about the process. She feels just because the process was handled one way in the past, doesn't mean it can't be handled better in the future.

Dick Bankhead, 102 Riverside Dr., Cocoa, spoke about longevity. He talked about the selection of the Police Chief, where over seventy-seven qualified candidates applied and the process it took to make a selection. He also spoke about the process of the budget every year. He asked Council to vote in favor of the request.

Lillian Leber, 5150 Dalehurst Dr., Cocoa, shared that she thinks it is proper to do things in an orderly fashion. She feels that the Council that is elected in November should make the decision to extend the City Manager's contract. If the decision is made now, it could set a precedent and she feels Council should hold off on the decision.

Aleck Greenwood, 640 Brevard Ave., Cocoa, explained that he feels too much time is wasted on things that are legalities. It is made to appear that Council is

running around blind. He is in favor of extending the City Manager's contract and asked Council to do the same.

Celeste Corrado, 2606 N. Indian River Dr., Cocoa, shared that while she is opposed to the extension of the contract, it is not for the reasons one might think. She is opposed because of the process. It is not about the individual.

She feels that Council should grant the time to really consider the right decision on the right person who has the skills to take the City into the future. If that is Mr. Whitten, then great, but Council should really make careful considerations when making the decision.

Linda Graham, 3711 Crossbow Dr., Cocoa, shared she is in favor of the extension. She agrees with Councilmember Koss that he has done many great things. She has worked under his leadership and she feels very comfortable with him continuing to lead the City. She wished to give him credit not for putting Cocoa on the map because it was already there, but for expanding Cocoa's territory.

She thanked Council for their consideration in extending the City Manager's contract.

Randy Whittaker, 3 Forrest Ave., Cocoa, shared that he and his wife own Tin Whiskey in Cocoa Village. When the previous City Manager was employed, he reached out many times and never received a response.

Since Mr. Whitten has been in office, he has made time to meet with them on several occasions and although some of those meetings may have been contentious, Mr. Whitten always handled and directed the meetings in a very professional way. He feels he is a quarterback star and a winner and the City Council should extend his contract before someone else picks him up.

Thomas Cole, 705 Blake Ave., Cocoa, and Co-Founder and Principal of Emma Jewel Charter Academy, talked about the leadership that Mr. Whitten provides. Mr. Whitten has what he calls the three "bilities" which are availability, the ability to get the job done and stability. He stated that Council has control over the stability of our future and he is asking that they do the right thing and provide that stability.

Kathy Hamilton Brown, 306 Edinburgh Dr., Cocoa, stated that she is advocating for the extension of City Manager Whitten's contract. She shared that he has constantly demonstrated exceptional leadership, strategic vision and dedication

to advancing the interests of Cocoa and its residents. Additionally, several other city managers across the state of Florida have received contract extensions in recognition of their outstanding contributions and achievements. Under Mr. Whitten's guidance, he and staff have stimulated economic growth in our community. He has facilitated affordable housing projects and has prioritized citizen welfare, implemented programs, and created equitable policies which have benefited the citizens of Cocoa. She asked that Council vote to extend his contract.

There being no further comments from the public, the public portion of the item was closed.

City Manager Whitten shared that staff reached out to other cities in Brevard County to inquire about other City Manager evaluations. If he stands corrected, he apologizes, but he does not believe they were ever completed. With that being said, he would like to be held to the same standards.

Councilmember Goins shared that he heard many different things this evening. If it is a matter of meeting certain criteria, Council needs to look no further as City Manager Whitten meets those requirements. Admittedly, he did not vote to select Mr. Whitten when he was seeking employment. Now, he regrets that decision and is happy that he was selected.

Additionally, he is doing his job and if he was not he would not be here. Mr. Whitten works for the City Council and he understands his role. Furthermore, he is not shy or scared to say that he would like to extend his contract as he feels Mr. Whitten is taking the City in the right direction.

Deputy Mayor Hearn shared that he understands the wish to wait until after the election to make the decision to extend the City Manager's contract. It happens on a State level as well so he understands the frustration.

With that being said, it was said previously by a citizen that if you have a star quarterback why swap him out. He feels that his accolades supersede him and if he were to put his resume out on the market right now, he would have no issue getting another job and it would be the City's loss. He has no issue stating his support for the City Manager and extending his contract.

Councilmember Koss reiterated that she put a lot of thought into laying out Mr. Whitten's strengths in her evaluation. She explained that principal accountability is a core value that her own constituents hold her to and something she must

stand for. For this reason, she is opposed to extending the contract at this time. It does not mean she wants to fire him or not reconsider his contract at a later time.

Councilmember Barringer spoke about the various points made this evening. In regard to accountability, he feels that the City Manager is being blamed for the lack of evaluations being done, when really it is the Council's responsibility to evaluate him.

Additionally, he heard many questions about why the extension is being asked for now. He is looking at the long-term vision. With Brightline coming in and other big projects coming in, the City Manager already understands the goings-on of the City. He does not want to bring someone else in who needs to get briefed on a sixty-million-dollar project. Furthermore, if they wait until the last minute, Mr. Whitten may choose to go somewhere else.

He also looks at the company he brings, speaking directly about the staff that runs under his leadership that operate the day-to-day activities of the City. He drinks the tap water and does not think twice about it because he knows the water is safe.

By extending his contract, this guarantees continuity. He is confident in the current City Manager and his thirty plus years of experience.

Mayor Blake shared that City Manager Whitten has a proven track record with Brevard County and he stands by him.

* **MOTION by Mayor Blake; Seconded by Councilmember Goins to approve the First Addendum to the City Manager's Employment Contract.**

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins

NAYES: Koss

THE MOTION CARRIED (4-1)

* **MOTION by Councilmember Barringer; Seconded by Mayor Blake to take a seven-minute break.**

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

* **MOTION by Mayor Blake; Seconded by Councilmember Goins to restart the meeting.**

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

IV. Delegations:

Ms. Lortie wished to talk about the Consent agenda. She mentioned the Attorney General's best practices and calculated the total amount of money of all of the items which equals over one million dollars. She would like to see all cities in Brevard County step it up and allow citizens to speak under Consent items and to be more transparent.

George Brown Jr., 555 W. King St., Cocoa, spoke about the palm trees that are impeding on the sidewalks on his property. He tries to keep up with the trimming but he can't get anyone to pick up the trimmings. He has a lot of property to maintain and he needs someone to come out and pick up the waste.

Ed and Kim Martinez, owners from the Fat Donkey, shared that the transition from Cocoa Beach has been very smooth and thanked the City Manager and staff for everything they've done to help them. He invited everyone to come out on April 6th at 12:30pm to enjoy free ice cream. They are now located at 4 Harrison St., Unit 105 in Cocoa Village.

Ms. Delaney thanked Council for recognizing Women's Month. Additionally, she wished to share that other cities, specifically Cocoa Beach, offer an elections page on their website which provides transparency to their citizens. She wished to share this information with the Council.

Jennifer Kenny, 1917 Quail Ridge Ct., Cocoa, wished to thank the Police Chief and his staff for coming through her neighborhood and leaving informational cards and was sorry she missed them. She also congratulated the City Manager on the extension of his contract.

Denise Hearn, 1546 Clearlake Rd., Cocoa, thanked Council for inviting her to this meeting. She is new to the area and has been able to reach out to various Council members and staff to get to know the area better and she is very thankful for the new friendships and connections.

Mr. Greenwood stated that he is tired of people critiquing and criticizing the City and its staff. They are wasting time and he thinks the staff is professional and has many years of expertise. They are doing a great job and need to continue doing what they are doing.

Wesley Park, 241 Peachtree St., Cocoa, and representing the American Legion Post 22, talked about their upcoming walk and the shirts they have for sale. He invited all to come out and join in on the event. They are accepting applications from veterans and family members of veterans.

V. Consent Agenda:

(A) General Consent Items:

1. Authorize the City Manager to execute an agreement between the City of Cocoa and CSWR-Florida Utility Operating Company (CSWR) for the billing and servicing of wastewater utility records and the collection and remittance of utility receipts. (24-025). (Finance Director)

2. Approve a HOME Investment Partnership (HOME) Program Agreement with Community Housing Initiative, Inc. (CHI) in the amount of $279,799.61 to award funds for the administration of the City's Purchase Assistance Program. Approve a Resolution Amending the FY 2024 HOME Budget, BAF#24-068-A, trueing up the Fiscal Year 2024 accounts. Approve a Resolution to Waive Competitive Bidding. (24-050). (Community Services Director)

3. Council approval for the City of Cocoa to accept the donation of a German Shepard to be used in patrol K-9 for tracking, narcotics searches, and apprehensions by the Cocoa Police Department, to allow the City Manager to sign the Waiver of Liability and Hold Harmless Agreement between the City of Cocoa and Officer Matthew Fitzgerald and to Approve a Resolution Amending the FY2024 budget, BAF#24-061-A in the amount of $6,000. (24-111). (Chief of Police)

4. Approve participation in a Cooperative Purchasing Agreement for the purchase of a GMC Sierra 1500 4WD Truck and the associated options and equipment for FY24 utilizing Sourcewell Contract 2024 091521-NAF&06; Approve a Resolution amending the FY 2024 Budget through BAF #24-065-A, in the amount of $48,220 for the purposes of purchasing a new truck for the Building Department. (24-114). (Community Services Director)

5. To Approve Change Order #5 to Purchase Order 77494 with Kirwin Norris, PA, for trial preparation litigation activities, including engineering expert services, regarding the pending lawsuit against Brandes Design-Build for Issues with the Jerry Sellers Tank Coating Failure/Repairs. (24-116). (Utilities Director)

6. Approve a Save Our Indian River Lagoon (SOIRL) grant funding agreement in the amount of $18,949 for Design and Permitting of a dry retention pond at the intersection of North Cocoa Blvd and Forrest Ave. Approve a Resolution Amending the FY24 Budget, BAF # 24-069-A recognizing the revenue. Authorize the City Manager to Sign and Administer the Grant Agreement. (24-129). (Public Works Director)

7. Announcement of Mayor Blake, Deputy Mayor Hearn and Councilmember Goins to Attend the Florida Black Caucus Conference from April 4 - 5, 2024. (24-132). (Administrative Services Director)

8. To provide approval for the City to apply for the Victims of Crime Act (VOCA) Grant Cycle 2023-2024, for salaries, benefits and operating costs for the Victim's Advocate Program, in order to provide victim advocate services to crime victims along with operating budget for supplies. (24-137). (Chief of Police)

9. Approve Task Order 2024-02 with HDR, Inc. for the Taylor Creek Reservoir/St. Johns River Water Supply Permitting, Project No. TCR001 in the amount of $177,844, of which the City of Cocoa will fund its pro-rata share of $10,670.64 pursuant to the Taylor Creek Reservoir/St. Johns River (TCR/SJR) Water Supply Agreements with Orange County, Toho Water Authority, Orlando Utilities Commission and East Central Florida Services, Inc. (Water Suppliers). Approve a Resolution Amending the FY2024 Budget, BAF#24-071-IFT, to Receive Funding from the Water Suppliers and provided the 6% of City of Cocoa's Portion and Allow for the City Manager to Finalize the Accounting of this project through the BAF. Approve an Amendment to the Consultant Agreement accepting HDR's revised Rate Schedule. (24-153). (Utilities Director)

10. Authorize City Manager to execute purchase orders up to the budgeted amount to Samsara Inc, for Cloud Based Vehicle GPS location service for City of Cocoa vehicles and equipment and Authorize City Manager to execute any Change Orders that may be need for additional vehicle gateways up to the budgeted amounts. (24-154). (Public Works Director) ***Confidential per FS 119.0725***

(B) Multi-Year Contracts:

11. To Approve Amendment #1 to the Multi-year Task Order 2023-33 with Jacobs Engineering, Inc. (Jacobs) to provide Engineering services for the design, permitting, and bidding of the project to replace the Carbon Dioxide Storage and Feed System at the Dyal Water Treatment Plant (WS23BR); To Approve a Resolution Amending the FY2024 Budget, BAF# 24-053-T and Allow for the City Manager to Finalize the Account Numbers for the Replacement of the Fluoride Bulk Storage Tank (WS23FT). (24-066). (Utilities Director)

12. Approve a multi-year piggyback agreement for Planning and Zoning Services with Inspire Placemaking Collective, Inc. based on the City of Wildwood contract RFQ #2023-011. Authorize the City Manager to approve amendments or extensions to the agreement. Authorize the City Manager to approve task orders up to $106,399 for FY 2024. (24-125). (Finance Director)

13. Approve the three-year collective bargaining agreement between the City of Cocoa and the Teamsters Local Union 769 Cocoa Fire District Chiefs for the contract term of October 1, 2023 through September 30, 2026. (24-147). (Administrative Services Director)

* **MOTION by Deputy Mayor Hearn; Seconded by Mayor Blake 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. Conduct a Public Hearing to obtain citizen input and comments on housing and community services needs and approve recommendations on the FY 2024-2025 CDBG and HOME program funding. (24-149). (Community Services Director)

Ms. Neuterman shared for Fiscal Year 2024-2025, and based on last's year's allocation, the City anticipates receiving $128,609 in Community Development Block Grant (CDBG) funds from the U.S. Department of Housing & Urban Development (HUD) as a direct entitlement. The City also anticipates receiving $76,044 in HOME Investment Partnership Program (HOME) funds from HUD as part of the Brevard County HOME Consortium, which is composed of the cities of Cocoa, Melbourne, Palm Bay, Titusville, and Brevard County.

The use of CDBG funds must meet one (1) of the three (3) National Objectives: benefit low/moderate income persons; eliminate or prevent slums or blight; or meet urgent needs. CDBG allows a maximum of 15 percent of the grant to be allocated

to a public service agency and a maximum of 20 percent of the grant be allocated for staff administration.

HOME funds can only be used to address housing needs, such as: home purchase or rehabilitation financing assistance; build or rehabilitate housing for rent or ownership; or for other reasonable and necessary expenses related to the development of non-luxury housing, including site acquisition or improvement, and demolition of dilapidated housing to make way for HOME-assisted development. Additionally, some special conditions exist with HOME funds. The City must provide a 25 percent match for every dollar of HOME funds used (except for administrative costs) from nonfederal sources and at least 15 percent must be set-aside for Community Housing Development Organization (CHDO) activities, 7.43 percent is available for staff administration and the remaining allocation towards eligible HOME activities (2.57 percent is retained by Brevard County as lead agency).

All activities carried out with CDBG and HOME funds must be consistent with the priorities and needs of the five (5) year Consolidated Plan. The FY 2022-2027 Five (5) Year Consolidated Plan was adopted in 2022 and the one (1) year FY2023/2024 Action Plan was adopted in 2023. The FY 2024-2025 Action Plan will be submitted to Brevard County by July 23, 2024 for submission to HUD.

Staff advertised a notice of funding availability along with a Request for Proposals (proposals) using the anticipated grant allocations. In addition to city staff generated requests, five (5) proposals were received. All proposals were reviewed at a publicly noticed meeting by a staff review committee.

Of the five (5) proposals submitted, four (4) requested public service funds related to the CDBG Program. The total amount of funds requested was $91,657 and the City will have approximately $19,291.35 available to support public services. As noted in the RFP, the minimum funding was listed at $3,000. Based on thorough review of each agency's proposal and financial statements, the committee provided recommendations.

Housing for Homeless was a first-time applicant with the City of Cocoa. After the review committee scored the application, funding was not recommended. Staff provided additional technical assistance to try to strengthen their application and encouraged them to reapply next year.

As required by the City's Citizen Participation Plan, staff is requesting City Council hold a Public Hearing to obtain citizen input and comments on housing and community development needs and approve recommendations on FY 2024-2025 CDBG and HOME Program funding. Upon the City Council's approval, a 30-day public comment notice listing proposed projects along with the corresponding Action Plan will be advertised in the Florida Today newspaper. The notice will also

inform the public of the date of the second and final Public Hearing, which will be held after June 1, 2024.

Tara Pagliarini, Executive Director of Family Promise of Brevard, talked about stability and the housing crisis. She talked about the transformation of the old Fire Station 1 which is now the home of Family Promise. The CDBG funds are being requested so that they can work with twenty-five families to return them to stable housing.

Vimarie Monopoli, Senior Director at Aging Matters, spoke about their programs and services that will be provided with the funds they are requesting. Their main focus is to serve the senior citizens in Brevard County. They have faced challenges due to inflation and the increase in cost of living. Now more than ever, they are looking to the City for help. She thanked Council for their consideration and support.

Cindy Mitchell, Director of the Salvation Army's Domestic Violence Shelter, spoke about domestic violence and the services they offer to help prevent it. They offer temporary shelter, resources and economic assistance. Their CDBG funds request will help them purchase food for the shelter.

There being no further questions from Council, Mayor Blake opened the hearing to the public.

Ms. Lortie shared that she appreciated the presentations and the opportunity for public input. She asked about the proposals submitted and asked if they are open for public inspection. She feels that it is sad that there is not more funding to offer and asked if there was any other way to allocate the funds.

She also inquired about public records requests and noted that in the past she submitted a records request for proposals and was given an invoice due to the staff time it would take to redact the documents. She asked if that is the case again and how the public could go about inspecting the proposals.

In response, it was explained that it depends on the documents being requested and the City's duty to adhere to Florida Public Records Law and the City's Public Record Policy.

* **MOTION by Councilmember Koss; Seconded by Deputy Mayor Hearn to approve staff's recommendations.**

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

2. 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 April 9, 2024 City Council Meeting. (24-163). (Planning Consultant)

* **MOTION by Mayor Blake; Seconded by Deputy Mayor Hearn to postpone this item until the April 9, 2024 Regular City Council meeting.**

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

VII. Council Business:

~~1. Approve a First Addendum to the City Manager's Employment Agreement. (24-162). (City Manager)~~

2. Approve the current Code Enforcement Lien for the residence located at 1206 Yale Lane, be reduced to $15,332.50. (24-051). (Chief of Police)

Nathan Meloon, the attorney representing the client, Ms. Risa Fuller, shared the reasons they are asking for a reduction. One of the homeowners had a major stroke and since he took care of the rental properties, his wife had no idea there were any violations. One she found out she tried to take care of it right away.

He shared that the home owner was told by a previous Code Enforcement Officer that the case was closed. The property is now in compliance. They are requesting that the lien be reduced to the City's cost.

Chief Collier clarified that staff recommended the lien be reduced to $3,840.28, however the Code Board voted to recommend $15,332.50.

Councilmember Goins asked the homeowner if she frequented the property to collect rent. In response, she shared that the rent was normally sent to her electronically. She is not sure where the notice of violation was mailed to but she never received it.

Councilmember Goins shared that he feels that he does not have enough information to make a proper motion.

* **MOTION by Councilmember Goins; Seconded by Deputy Mayor Hearn to table the item with discussion.**

Chief Collier phoned Augusto Gonzalez, Code Enforcement Officer for the City of Cocoa and asked him to testify.

Mr. Gonzalez stated his full name and position with the City for the record.

Councilmember Goins asked Mr. Gonzalez if the City met the statutory requirements for sending the notices. In response, Mr. Gonzalez noted that this case was heard before the Code Board and they felt the requirements were met which is why they chose to reduce the lien to half the cost of what was originally being presented.

The attorney asked Mr. Gonzalez how long he has been employed with the City. In response, Mr. Gonzalez stated about four years.

The attorney asked if Mr. Gonzalez had been employed at the time the notices were sent out. In response, Mr. Gonzalez stated that he did not send the notices himself or oversee the mailing but he does have access to the case files and is able to see what was done at that time.

Councilmember Barringer shared his concerns regarding the case and noted that at this time he is supportive of the Code Board's recommendation, however he is open to tabling the item to get more information.

The Attorney asked if Council would be willing to meet in the middle to settle the case this evening and allow his client to pay half of the $15,332.50 which would be $9,586.39.

It was clarified that there is a motion on the floor that needs to be voted on.

THE VOTE ON THE MOTION WAS:

AYES: Hearn

NAYES: Blake, Barringer, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (1-4)

* **MOTION by Councilmember Koss; Seconded by Councilmember Goins to approve the counteroffer of $9,586.39 proposed by the applicant.**

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

3. Approve the current Code Enforcement Lien for the commercial property located at 1127 W King St, be reduced to $4,085.42. (24-098). (Chief of Police)

Ms. Elena Swiden, representing Moto Werks LLC, shared that she is the applicant and she is in support of the Code Board's recommendation.

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

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

4. Approve the current Code Enforcement Lien for the residential property located at 633 S Varr Ave, be reduced to $1,500.00. (24-100). (Chief of Police)

Rufus Murphy, 633 S. Varr Ave., Cocoa, shared that he is the applicant and shared his extenuating circumstances. He cleaned up the property and would like the lien to be forgiven. He has continued to make improvements on the property and would like to start again with a clean slate.

Councilmember Barringer asked the applicant if this was a permanent residence that his wife stayed at while he was in the military. In response, Mr. Murphy stated that it was not a rental and his wife did reside there, however she was a MS patient and ultimately ended up passing away from her illness.

He had no idea that there were any violations on his property when he returned home and found out later that the people he hired to cut his grass never did.

* **MOTION by Councilmember Koss; Seconded by Councilmember Barringer to reduce the lien to $0.**

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

4. Approve an Interlocal Agreement with Brevard County transferring to the City of Cocoa the road right-of-way, maintenance, and associated functional responsibilities for James Road west of Friday Road. (24-120). (City Attorney)

Ms. Delaney asked if the Council will, moving forward, work with Brevard County to keep the accessibility of the roads open to emergency vehicles as they continue to be developed.

* **MOTION by Mayor Blake; Seconded by Deputy Mayor Hearn to allow the meeting to continue for another hour.**

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

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

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

6. Consider approval of the Interlocal Agreement regarding the James Road Segment with the Windward Preserve Community Development District for perpetual maintenance of the James Road Segment. (24-121). (City Attorney)

* **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)

~~7. Consider a Donation request for Cocoa High School's 3rd Grade Literacy and Theater Event. (24-130). (City Clerk)~~

8. Request Council approval of an Interlocal Agreement (ILA) for Affordable Housing construction and related costs, up to $800,000, in the Michael C. Blake Subdivision between the Diamond Square CRA and the City of Cocoa; Approve

a Resolution Amending the FY 2024 Budget, BAF #24-066-IF2, in the amount of $800,000, transferring this amount to the City's General Fund to complete the construction of the five affordable homes and BAF#24-070-T in the amount of $92,651 transferring funds within the General Fund; Approve an Amendment to the Construction Agreement between the City of Cocoa and Community Housing Initiative, Inc. for the construction of five (5) homes in the Michael C. Blake Subdivision. (Community Services Director) (24-150). (Community Services Director)

Ms. Lortie noted that this item has ties to an item that was approved on the Consent agenda earlier this evening. She feels that not all of the attachments were included with the item and she would have liked to see them and asked if they could be sent to her. She pointed out that she also would have liked to speak on the item that was on the Consent agenda.

* **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)

8. Request Council approval of a waiver of Utility Impact Fees for the affordable housing construction in the Michael C. Blake Subdivision. (24-160). (Community Services Director)

Ms. Neuterman explained that as part of the construction of the five new homes in the Michael C. Blake Subdivision, the installation of new water utilities is necessary, resulting in the imposition of impact fees. The city is installing the infrastructure and meters for each home at a total cost of $33,210.78

Under Florida Statute, Section 163.31801 (11), the City is permitted to provide an exception or waiver for an impact fee for the development/construction of housing that is affordable, as defined in Florida Statute 420.9071. Under FS 163.31801(11), the City is not required to use any revenues to offset the impact of the expenses. They are required to report the waiver granted in their annual financial statements.

Staff is requesting approval of a waiver of Utility Impact Fees for the purpose of constructing affordable housing (5 homes) in the Michael C. Blake Subdivision. Upon approval, the fees paid for the impact fees will be reclassified back to the construction account for the project.

* **MOTION by Deputy Mayor Hearn; 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)

10. Approve Resolution #2024-030 establishing the Vacant Property Registration Fee for Foreclosed Vacant Properties within the City of Cocoa. (24-151). (Community Services Director)

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

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

11. Consider the appointment of 1st Alternate member Melissa Acosta-Bonilla to fill a Regular member vacancy on the Code Enforcement Board. (24-157). (City Clerk)

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

THE VOTE ON THE MOTION WAS:

AYES: Blake, Hearn, Barringer, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

VIII. City Business:

1. Approval of the 2023 AVT exemption for Walmart based on the fulfillment of all the requirements of the Ad Valorem Tax Abatement Economic Incentive Agreement by maintaining 239 jobs at an average annual wage above $42,421. (24-143). (City Manager)

* **MOTION by Deputy Mayor Hearn; Seconded by Councilmember Koss 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. Data showing the relation between the estimated and actual income and expenses to date. (24-134). (Finance Director)

2. FY 2024 February Budget Adjustment Report. (24-135). (Finance Director)

3. Any 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. (24-136). (Finance Director)

4. Bi-weekly Report from February 23 - March 21, 2024. (24-156). (City Manager)

X. Reports:

City Manager Whitten wished to announce that Ms. Bowman and the Finance department are proud to announce that they had another clean audit.

Mayor Blake shared information from the Space Coast TPO meeting he attended which talked about automation and electric vehicles.

Additionally, Mayor Blake shared photos from several events he attended recently.

Deputy Mayor Hearn shared information about Trash Bash on Saturday, April 6th from 8am-1pm. The Mayor's Fitness Challenge will also be held at Bracco Pond on April 20th. For more information citizens can reach out to him directly.

Councilmember Koss provided an update on District 4. She shared information about the State of Economy event. She also enjoyed the presentation that was given at the Space Coast TPO meeting.

Additionally, she visited one of the museums in Daytona and was able to learn about how they conduct their fundraising.

Lastly, she shared photos of the Orchid Lakes apartments and Cirrus apartments being developed.

Councilmember Barringer shared photos from recent events he attended. He shared that he attended an Orange County Government meeting today and pointed out that they had sixty-five items on their Consent agenda.

He added that a few weeks ago he mentioned that Cocoa is struggling with some D rated schools. He went ahead and reached out to Representative Trent for some solutions and received zero response. He asked if Council, as a whole, would be willing to direct the City Manager to coordinate a presentation at an upcoming meeting to address the issues at the schools and what can be done.

Councilmember Goins shared photos from recent events he attended. Additionally, he pointed out that the signs around Cocoa High School are old and need to be replaced.

XI. Adjournment:

* **MOTION by Councilmember Goins; Seconded by Deputy Mayor Hearn, to adjourn the Regular meeting of March 26, 2024.**

AYES: Blake, Hearn, Barringer, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

The meeting adjourned at 11:54 p.m.

Michael C. Blake, Mayor

ATTEST:

City of Cocoa SEAL FLORIDA

Monica Arsenault, City Clerk