

**MINUTES**  
**City of Cocoa**  
**Regular Meeting of The City Council**

**September 26, 2023**

A Regular City Council Meeting was held on Tuesday, September 26, 2023, 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 6:03 p.m.

Deputy Mayor Hearn provided the invocation and retired Cocoa Police Officer Doug Monda led the assembly in the Pledge of Allegiance to the Flag of the United States of America.

The Interim 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
	Monica Arsenault	Interim City Clerk

**OTHER STAFF MEMBERS PRESENT:**

Jack Walsh, Utilities Director; Charlene Neuterman, Community Services Director; Tammy Gemmati, Administrative Services Director; Pat Dovale, Police Commander; Rebecca Bowman, Finance Director; Jonathan Lamm, Fire Chief; Robert Beach, Chief Technology Officer; Gail Bantugan, Leisure Services Manager; Lisa Richardson, Help Desk Support Tech; and Jason Dowty, Help Desk Support Tech.

**II. Approval of Agenda and Minutes:**

1. **Agenda:** Regular Meeting of September 26, 2023. (23-587)

2. **Minutes:** N/A

- \* **MOTION by Deputy Mayor Hearn; Seconded by Councilmember Dyal, to approve the agenda for the Regular meeting of September 26, 2023 as written.**

**THE VOTE ON THE MOTION WAS:**

**AYES:** Blake, Hearn, Dyal, Goins, Koss

**THE MOTION CARRIED (5-0)**

**III. Awards and Presentations:**

**IV. Delegations:**

Retired Cocoa Police Officer, Doug Monda, talked about first responder mental health. He shared that there is a 5k event that is held every January and next year it will be on January 6, 2024. It will be a night time running event to raise money to support the mental health of first responders. He thanked the City for allowing him to continue to represent Cocoa for this cause.

**V. Consent Agenda:**

**(A) General Consent Items:**

1. To Approve the Guaranteed Maximum Price (GMP) Proposal #1 from Wharton-Smith, Inc. (WSI) for the Limited Construction Phase Services for the Internal Recycle Pump, Influent Pump Station, and Transfer Pump Station Replacement and Rehabilitation Project at the Jerry Sellers Water Reclamation Facility; To Authorize the City Manager to Execute Task Order 2024-04, the GMP Amendment #4 to the Master Service Agreement with WSI for Construction Manager at Risk (CMAR) Services, and to Authorize the City Manager to Issue the Purchase Order(s) in Fiscal Year 2024; To Approve as a Multi-Year Contract from FY2023 through FY2025; To Approve a Contingency Resolution. (23-477). (Utilities Director)
2. Approve FY 2024 Joint Funding Agreement between the City of Cocoa and the United States Department of the Interior - U.S. Geological Survey for Water Quality Sampling and Water Level Measurements, Pending the Adoption of the FY2024 Budget. (23-485). (Utilities Director)

3. Approve Resolution to Waive Competitive Bidding for Beemats floating wetlands installation and maintenance services; Authorize the City Manager to execute the Sole Source Construction Agreement with Beemats for the installation of floating wetlands at a total cost of \$768,000; Authorize the City Manager to approve contract amendments or extensions; Approve the ongoing floating wetlands maintenance cost of \$153,000 to start in FY 25; and Approve an Amendment to City of Cocoa and Beemats Multi-year Service Level Agreement #21-11-COC, Floating Wetlands Water Quality Project (Contract No. 21-11-COC) to include this maintenance. Approve a Resolution Amending the FY23 Budget, BAF#23-123-T, for the Bond Portion of the Project. (23-529). (Interim Public Works Director)
4. Approve a Resolution waiving the competitive bidding process by reason of sole source to approve two multi-year agreements for critical information technology infrastructure and authorize the City Manager to approve and sign each agreement pending City Council approval of the FY2024 budget. (Chief Technology Officer)

**\*\*\*\*\*This Item is Confidential per FS 119.0725 and Not for Public Release\*\*\*\*\***

5. Approve a one-year policy renewal for the General Insurance Program with Florida League of Cities, Inc., for the period October 1, 2023 through September 30, 2024 with an estimated premium of \$1,709,337 pending approval of the FY2024 budget. Approve a resolution to waive competitive bidding. Authorize the City Manager to execute the agreement. (23-561). (Administrative Services Director)
6. To approve a resolution waiving the competitive bidding process to make sole source purchase of Polyflock AP1120P from Veolia WTS USA, Inc. of Trevose, PA; Authorize the City Manager to Execute Contracts, Approve Annual Renewals, Amendments, and Change Orders in an Amount not to Exceed the Total Estimated FY2024 Budget for Chemicals; Pending Approval of the FY2024 Budget. (23-563). (Utilities Director)
7. City Council Approval of Resolution Amending the FY23 Budget, BAF # 23-088-T Transferring Funds for the final Run-out of medical self-insurance fees during this fiscal year. (23-564). (Finance Director)
8. Approve a Resolution providing for a waiver of building permit fees for six months from September 26, 2023 related to building or structural damage caused by the hailstorm on April 29, 2023. (23-571). (Community Services Director)

**(B) Multi-Year Contracts:**

9. To Approve Fiscal Year 2024 Funds to Cover Year Three of Initial Three-Year Mowing Contract # RFP 21-26-COC that was approved by City Council on September 28, 2021. Authorize the City Manager to issue the related purchase orders for U.S. Lawns in the amount of \$210, 944 for Mowing Areas #2 and #3; and Perfection Lawn & Tree Service in the amount of \$195,047 for Areas #1 and #4. Approve a Contingency Resolution and Authorize the City Manager to Issue Contingency Related Change Orders as Necessary not to exceed 9.7% of the total contract value, \$39,381.13. Pending Approval of FY2024 Budget. (23-531). (Interim Public Works Director)
  10. To Approve the FY24 Renewals of Existing Chemical Supply and Delivery Agreements for Water and Wastewater Treatment with the following Vendors: 1) Allied Universal Corp. (Contact B-22-12-COC-B) for the Purchase of Sodium Hypochlorite, 2) Thatcher Chemical of Florida Inc. (B-22-12-COC-C) for the Purchase of Ferric Sulfate, 3) Carmeuse Lime & Stone (B-20-19-COC) for the Purchase of Quick Lime Pebble, 4) Tropicchem Enterprises (B-20-19-COC ) for the Purchase of Wisprofloc Starch, 5) Linde Inc. (B-20-19-COC) for the Purchase of Liquid Oxygen. To Authorize the City Manager to Execute Contracts, Approve Annual Renewals, Amendments, and Change Orders to Individual Purchase Orders or between Chemical Providers in an Amount not to Exceed the Total Estimated FY2024 Adopted Budget for Chemicals. (23-557). (Utilities Director)
  11. To approve a resolution waiving the competitive bidding process for the purpose of making renewal for the following existing competitively awarded chemical supply and delivery contract for the treatment of the City's water for fiscal year 2024: 1) B-23-24-COC award TBD-Matheson Tri-Gas for the purchase of Carbon Dioxide. Authorize the City Manager to Execute Contracts, Approve Annual Renewals, Amendments, and Change Orders in an Amount not to Exceed the Total Estimated FY2024 Budget for Chemicals; Pending Approval of the FY2024 Budget. (23-558). (Utilities Director)
  12. Approve Multi-Year Piggyback agreement for uniform supply and delivery services with Reeds Uniforms Inc., utilizing the City of Ocala contract award OFR 220630 through September 19, 2025, Authorize the City Manager to execute amendments and extensions, pending the Adoption of the FY24 Budget. (23-589). (Fire Chief).
- \* **MOTION by Councilmember Dyal; Seconded by Mayor Blake, to approve the Consent agenda.**

**THE VOTE ON THE MOTION WAS:**

**AYES: Blake, Hearn, Dyal, Goins, Koss**

**THE MOTION CARRIED UNANIMOUSLY (5-0)**

**VI. Public Hearings:**

1. Conduct a Public Hearing on the Final Millage Rate and Adopting the FY24 Budget and: Adopt Resolution No. 2023-101 adopting a final millage rate of 6.9532 mills, for the City of Cocoa, commencing on October 1, 2023 and ending on September 30, 2024; and Adopt Resolution No. 2023-102 adopting the FY2024 Budget and CIP for the City of Cocoa Fiscal Year, commencing on October 1, 2023 and ending on September 30, 2024. (23-583). (Finance Director).

Attorney Garganese announced that this is the Second and Final Reading of Resolution 2023-101 and Resolution 2023-102 and read the Resolutions into the record as follows:

**Resolution 2023-101**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY FLORIDA, ADOPTING A FINAL MILLAGE RATE FOR THE CITY OF COCOA FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2023, ANNOUNCING THE PERCENTAGE BY WHICH THE FINAL MILLAGE RATE EXCEEDS THE ROLLED-BACK RATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.**

**Resolution 2023-102**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COCOA, FLORIDA, ADOPTING A FINAL BUDGET FOR THE CITY OF COCOA FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2023, AND ENDING SEPTEMBER 30, 2024; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.**

Ms. Bowman provided a budget presentation<sup>1</sup>. She shared the TRIM process and the objectives for the public hearing.

Comparative city rates and Ad Valorem Revenue were shared for FY24. Ms. Bowman discussed substantive issues such as what the total FY24 budget is, what the General Fund Revenue is, including a millage rate increase of 0.50 which is a

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<sup>1</sup> Exhibit A: FY24 Budget Presentation – 2<sup>nd</sup> Public Hearing

19.3% increase over the rolled-back rate. She explained that the increase was needed to fund public safety salaries and benefits, mandatory or critical capital equipment, the maintenance of essential services and to absorb inflationary costs.

Mayor Blake opened the hearing to the public.

Steve Murphy, 3733 N. Sherwood Cir., Cocoa, provided his concerns about the millage rate increase and stated that the City of Cocoa is increasing the millage rate twice as much percentage wise than any other City in Brevard County. He asked why the millage rate is being increased and pointed out that he does not feel it is necessary.

George Brown, 555 W. King St., Cocoa, loves his home and wants to ensure that he will always be able to live there, even if it means increasing the millage rate. He asked for further clarification in order to understand his tax bill. In response, City Manager Whitten asked Mr. Brown's permission to review the increase on one of his properties in order to give an example. Mr. Brown agreed and City Manager Whitten reviewed the information and the increase with him.

Additionally, he hopes that the increase will not only give first responders an increase in pay but to help pay for extra services in the city.

Alex Reynolds, 1122 Coronado Dr., Rockledge, owns a business in the City and asked for more clarification for those who don't have homestead exemptions. In response, Ms. Bowman explained that each piece of property is different and there are different exemptions so there is no blanket answer.

Additionally, City Manager Whitten provided several examples and explained how to obtain tax information from the Brevard County Property Appraiser.

Celeste Corrado, 2606 Indian River Dr., Cocoa, noted that she just moved here two years ago and she is on a fixed income. In addition to other increases over the last two years, this will grossly impact her life and she hopes that it will not continue as she will no longer be able to afford to live in Cocoa.

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

Ms. Bowman shared a public announcement, noting that the City of Cocoa is the taxing authority, the rolled-back rate is 5.8285, the millage rate of 6.9532 is a tax increase of 19.3% as a percent change of the rolled-back rate and the millage rate to be levied is 6.9532 which is 7.7% over the adopted FY23 millage rate.

- \* **MOTION by Mayor Blake; Seconded by Councilmember Dyal, to Adopt Resolution No. 2023-101 adopting the final millage rate of 6.9532 mills, for the City of Cocoa, commencing on October 1, 2023 and ending on September 30, 2024, which is 19.3% over the rolled-back rate of 5.8285, for discussion.**

Councilmember Koss stated that she is not philosophically against raising taxes, however she is confident in what the future looks like in terms of trending and the properties coming online. She has heard from some of her constituents who are either struggling or are confused by the increase.

She added that staff explained the budget very well this year and was transparent to the public and for the most part people were satisfied by that but she still has a problem with the rate increase.

Councilmember Dyal pointed out that with all the properties coming in, maybe next year the City can drop it back down. He doesn't want to pay more taxes but they have to think about how they're going to fund the operations of the City.

**THE VOTE ON THE MOTION WAS:**

**AYES: Blake, Hearn, Dyal, Goins**

**NAYES: Koss**

**THE MOTION CARRIED (4-1)**

Ms. Bowman talked about the FY24 tentative budget and provided a General Fund overview. She explained the General Fund revenues by funding source and the tentative budget General Fund by department.

Lastly, Ms. Bowman covered an overview of the FY24 Water/Sewer and Stormwater budget.

Mayor Blake opened the hearing to the public.

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

- \* **MOTION by Mayor Blake; Seconded by Councilmember Goins, to Adopt Resolution No. 2023-102 adopting the FY2024 final budget and CIP for the City of Cocoa Fiscal Year, commencing on October 1, 2023 and ending on September 30, 2024.**

**THE VOTE ON THE MOTION WAS:**

**AYES: Blake, Hearn, Dyal, Goins, Koss**

**THE MOTION CARRIED UNANIMOUSLY (5-0)****VII. Council Business:**

1. Approve of the date changes for two events and one route change. (23-555). (Communication & Economic Development Director).

Ms. Senger explained that the first change is for the Village Idiot Halloween Party from October 27<sup>th</sup> to October 26<sup>th</sup>. The second change is just an adjustment for the time and routes for the HCVMS hosted Halloween event.

- \* **MOTION by Councilmember Dyal; Seconded by Deputy Mayor Hearn, to approve the item.**

**THE VOTE ON THE MOTION WAS:**

**AYES: Blake, Hearn, Dyal, Goins, Koss**

**THE MOTION CARRIED UNANIMOUSLY (5-0)**

2. Consider the reappointment of Stephen Harrell as a member of the General Employees' Pension Board through September 30, 2026. (23-559). (Administrative Services Director)

- \* **MOTION by Mayor Blake; Seconded by Councilmember Dyal, to approve the reappointment of Stephen Harrell as a member of the General Employees' Pension Board through September 30, 2026.**

**THE VOTE ON THE MOTION WAS:**

**AYES: Blake, Hearn, Dyal, Goins, Koss**

**THE MOTION CARRIED UNANIMOUSLY (5-0)**

3. Consider the Donation Application for Unitarian Universalist Fellowship of Central Brevard in the amount of \$800. (23-604). (City Manager).

Councilmember Koss shared that this will provide food to the Emma Jewel Charter Academy families and she would like to support them. She would like to see them receive the full \$1,000 and asked if any other member of Council would like to give an extra \$200 or if they would all like to contribute \$200.

Mayor Blake wished to make a suggestion. He asked if Council would consider donating all of their remaining funds to the Second Harvest Food Program for all



four schools in Cocoa, including Cocoa High School, Emma Jewel Charter Academy, Endeavor Elementary and Cambridge Elementary. This would allow all families to benefit.

Ms. Gemmati added that there is \$3,000 remaining in total and if divided by 4 that would be \$750 for each school.

City Attorney Garganese noted that Council is permitted to reallocate the funds as they see fit.

- \* **MOTION by Mayor Blake; Seconded by Councilmember Dyal, to approve the donation of \$3,000 to the Second Harvest Food Bank for the benefit of Cocoa High School, Cambridge Elementary, Endeavor Elementary and Emma Jewel Charter Academy families, to be divided evenly for an amount of \$750 to each school, for discussion.**

Councilwoman Koss explained that she is not opposed but wants Council to keep in mind that they are setting a precedent by not following policy as they have in the past. In response, Attorney Garganese provided clarification regarding the Donation Application Policy.

Councilmember Goins asked who is going to deliver the food. In response, Mayor Blake noted that when he worked in the schools, they were responsible for dispersing the food to the families.

Ms. Gemmati added that staff will keep Council apprised of how the disbursement of the food will be handled.

**THE VOTE ON THE MOTION WAS:**

**AYES: Blake, Hearn, Dyal, Goins, Koss**

**THE MOTION CARRIED UNANIMOUSLY (5-0)**

4. The City Council provide direction to staff on the operation of low speed vehicles and golf carts on city streets and sidewalks. (23-605). (City Manager).

Mayor Blake stated he is not necessarily against this item but he would like more information.

City Manager Whitten explained that several citizens have requested the Council allow the use of "low-speed vehicles" and golf carts on city roads. The Council directed staff to research the issue and present the issue to Council for discussion and direction.

He added that the City Council may want to consider the following and provide direction to staff:

1. Low-Speed Vehicles:

- Low-speed vehicles can be operated on city streets with speed limits of 35 mph or less, provided that the owner/operator adheres to the required safety standards.
- The Council should discuss whether it wants to exercise its authority to restrict the operation of low-speed vehicles in any way, such as prohibiting them on specific city roads for safety reasons.

2. Golf Carts:

- Golf carts are currently prohibited on city streets unless the City explicitly authorizes their use.
- If the City Council wishes to permit golf carts on city streets, a thorough evaluation is necessary. This evaluation should consider factors like the speed, volume, and nature of motor vehicle traffic on different streets.
- Conducting such an evaluation would likely require outsourcing a study, the cost of which is currently unknown.

Councilmember Dyal pointed out that he does not want them on the sidewalks, especially in Cocoa Village as it can be a hazard. In response, City Manager Whitten shared that he has already removed that option.

Discussion was held on how rules and laws would be enforced.

Councilmember Goins shared that he is for the item with certain conditions in place. He feels that people are going to do it anyway and other cities are implementing it too.

Aleck Greenwood, 640 Brevard Ave., Cocoa, would like to see the Council consider this item and feels that maybe it could be limited to Cocoa Village for now so it could be used as an example and it could be fine-tuned. It could then be implemented in phases and grow from there as it is already being done anyway.

In response to a question posed by Councilmember Goins, City Attorney Garganese provided clarification as to why golf carts are permitted during special events.

Councilmember Koss added that she sees golf carts on Indian River Drive all the time and suggested reaching out to Cape Canaveral to inquire about the consultant they used to implement this in their City.

- \* **Consent from Council to direct staff to conduct further research and acquire information from Satellite Beach and Cape Canaveral on how they implemented operations in their cities.**

**THE VOTE ON THE MOTION WAS:**

**AYES: Blake, Hearn, Dyal, Goins, Koss**

**THE MOTION CARRIED UNANIMOUSLY (5-0)**

**VIII. City Business:**

1. Approval to participate in the Florida Recovery Obligation Calculation (F-ROC) program sponsored by the Florida Division of Emergency Management that will assist applicants in identifying risk in their organization and develop clear action plans that will help abate those risks while standardizing and streamlining the Public Assistance process. (23-599). (Fire Chief).

- \* **MOTION by Mayor Blake; Seconded by Councilmember Koss, to approve the item.**

**THE VOTE ON THE MOTION WAS:**

**AYES: Blake, Hearn, Dyal, Goins, Koss**

**THE MOTION CARRIED UNANIMOUSLY (5-0)**

**Multi-Year Contracts:**

None.

**IX. Informational Agenda:**

1. In accordance with the Financial Operations Manual (FOM) the City Manager shall submit to City Council in the form of an agenda item 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. (23-580). (Finance Director)
2. FY 2023 August Budget Adjustment Report. (23-581). (Finance Director).
3. In accordance with City Code, Section 2-74, at the beginning of each month during the fiscal year, the City Manager shall submit to City Council data report showing the relation between the estimated and actual income and expenses to date. (23-582). (Finance Director)

4. Bi-Weekly Report, September 8 – September 21, 2023. (23-598). (City Manager).

**X. Reports:**

Mayor Blake announced the Sip and Stroll event this Saturday, September 30<sup>th</sup> in Cocoa Village.

City Manager Whitten shared that along with himself, Mayor Blake and Councilmember Koss attended the Brightline event last Friday, September 22<sup>nd</sup>. Once the station in Orlando is complete a conversation can be held about opening a station in Cocoa.

Deputy Mayor Hearn shared photos from the Walk to End Alzheimer's event over the weekend. Senator Wright, Senator Debbie Mayfield and West Melbourne Mayor Hal Rose amongst others were in attendance and almost \$500,000 dollars was donated from the State of Florida to the cause.

Deputy Mayor Hearn further asked for an update on Anderson Park. In response, City Manager Whitten and Ms. Morgan noted that they would get that information and share it with Council.

Lastly, he asked if Council would consider directing staff to put together a list of vacant properties and collaborate with owners to see if they would be willing to lease their properties and the City could help with advertisement to bring businesses in. He has noticed a lot of vacant properties with no for sale or rent signs and would like to see those properties filled up.

He would also like to think of incentives to attract both small and large businesses to the city. In response, Council agreed to have information put together to come back before Council at the beginning of next year.

Councilmember Koss announced that she attended the Inauguration Celebration for Brightline and it was a great event.

Additionally, she noted that this is the third year that the City has budgeted for an Assistant City Manager and she would really like to see that position get filled as there is a lot going on in the city and filling this position could really help to serve the public better.

Mayor Blake shared that he feels the City Manager should determine whether or not he wants to fill the position and if he needs the help. He was previously the County Manager and he feels he is capable of making that decision on his own.

Councilmember Koss explained that filling the position is not a negative reflection of the City Manager.

Councilmember Goins shared that he has never had any issues getting a timely response from the City Manager. He does not necessarily disagree with her, however even if the position was filled the Assistant City Manager would still have to operate through the City Manager. He asked City Manager Whitten if he feels he needs assistance.

In response, City Manager Whitten shared that he does not feel he needs to fill the position at this time and the money has been used to support the budget the last few years. He feels the City could use the funds to hire employees such as engineers.

Councilmember Dyal encouraged everyone to still come out and enjoy the Village even if tickets to the Sip & Stroll event are sold out.

He also thanked staff for a job well done on the budget this year.

Councilmember Goins announced that on October 9<sup>th</sup> at 6pm there will be a community meeting at the National Guard Armory to talk about Gilmore Park and to see what the community would like to see done with it.

Additionally, he thanked staff for cutting the grass at Gilmore Park.

Lastly, he announced that National Night Out is on October 3<sup>rd</sup> from 4-7pm at Provost Park.

Mayor Blake shared that he had discussions at the Brightline event and he can confirm that Cocoa definitely has a fighting chance to become a destination station.

Additionally, he talked about the track field that will potentially be named after James Folston.

Lastly, he recognized the City's Chief Technology Manager, Robert Beach, for a job well done at a conference that was held over the summer.

**XI. Adjournment:**

- \* MOTION by Councilmember Dyal; Seconded by Deputy Mayor Hearn, to adjourn the Regular meeting of September 26, 2023.**

**AYES: Blake, Hearn, Dyal, Goins, Koss**

**THE MOTION CARRIED UNANIMOUSLY (5-0)**

**The meeting adjourned at 8:05 p.m.**

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**Michael C. Blake, Mayor**

**ATTEST:**

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**Monica Arsenault, Interim City Clerk**