

City of Cocoa

*65 Stone Street
Cocoa, FL 32922*



Meeting Agenda

Tuesday, August 27, 2024

6:00 PM

Cocoa City Council Chambers

City Council

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

II. APPROVAL OF AGENDA AND MINUTES:

AGENDA:

- II.1 [24-499](#) Approval of the August 27, 2024, Regular City Council Meeting Agenda as written or with amendments.

Attachments: [08-27-2024 Short Agenda.pdf](#)

MINUTES:

- II.2(a) [24-501](#) Approval of the July 9, 2024, Regular City Council Meeting minutes as written or with amendments.

Attachments: [07-09-2024 Minutes ADA.pdf](#)
[Exhibit A - M2 Zoning District Zoning Text Amendment.pdf](#)

III. AWARDS AND PRESENTATIONS:

- III.1 [24-405](#) Presentation by Mark Rendell, Superintendent, Brevard County Schools

IV. DELEGATIONS:

In accordance with the City Council's rules and procedures, residents or tax-payers of the City (upon any subject of general or public interest), City employees (regarding his/her employment), and water and sewer customers (on matters related to the City's water and/or sewer system), may address the City Council under Delegations on items not on the printed agenda by filling out a speaker card.

Speaker cards are located outside the Council meeting room and should be provided to the City Clerk. Please observe the time limit of three (3) minutes while speaking under Delegations. Delegations shall be limited to thirty (30) minutes unless extended by Council.

V. CONSENT AGENDA:

- V.1** [24-446](#) Approve the FY 2025 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, Funding of \$131,713, pending the Adoption of the FY25 Budget.
- Attachments:** [25MCJFA0012_00_dfs.pdf](#)
- V.2** [24-465](#) Council approval on the grant application to the Florida Department of Environmental Protection for the purpose of amending the existing grant (Agreement # 24PLN48) in the amount of \$11,300 for additional services not provided under the first grant Scope of Services. Authorize the City Manager to negotiate and execute the task order.
- Attachments:** [City of Cocoa - Vulnerability Assessment Additional Services \(2024.08.07\) - Res 24PLN48 - City of Cocoa Comprehensive Vulnerability Assessment - Signed 5-2 TO-EXP 2024-06 \\$74945.50 - CS.pdf](#)
[Internal Grant Application - Resilient Florida Grant Additional SIGNED.pdf](#)
- V.3** [24-487](#) Council Approval of a Resolution Amending the Fiscal Year 2024 Budget, BAF#24-124-A in the amount of \$63,200 to cover the private provider services in the Building Permits Fund through September 30th.
- Attachments:** [Budget Resolution FY 2024-081 ADA Compliant.docx](#)
[BAF 24-124-A-CS-Building Official Services \(8-27-24\) Agenda 24-487.pdf](#)
[Partially Executed Piggyback Contract CAP.pdf](#)
[CAP Government Price Sheet.pdf](#)
- V.4** [24-491](#) Requesting settlement authority for the tentative settlement agreement between City of Cocoa Police Officer Joshua Roane and the City of Cocoa authorizing the payment of the Workers' Compensation settlement.
- Sponsors:** Director
- V.5** [24-492](#) Approve Resolution #24-080 Amending Fiscal Year 2024 Budget, BAF #24-126-A; requesting settlement approval for the tentative settlement agreement between former City of Cocoa employee Jeannie Linkenhoker and the City of Cocoa authorizing the payment of the Workers' Compensation settlement.
- Sponsors:** Director
- Attachments:** [Budget Resolution FY 2024-080 ADA Compliant.docx](#)
[BAF 24-126-A-FN Reserves to Cover WC Settlements \(08-27-24\) Agenda #24-](#)

V.6 [24-497](#) Approval of the revised Emergency Pay Policy.

Sponsors: Director

Attachments: [Emergency Pay Policy \(DRAFT Changes 8-27-24\).pdf](#)
[Emergency Pay Policy \(FINAL 8-27-24\).pdf](#)

MULTI-YEAR CONTRACTS:

V.7(b) [24-447](#) To Approve the Second Amendment to Purchase Agreement to RFQ-20-03-COC with Jacobs Engineering Group Inc. for Engineering Services for Water System to Initiate the Second Two-Year Term Renewal Option, and to Increase the Cost Limitation in Compliance with the Consultants' Competitive Negotiation Act (CCNA) Statute

Attachments: [2nd Amendment RFQ 20-07_17-24.pdf](#)
[AGREEMENT.pdf](#)
[COI Jacobs exp 7-1-25.pdf](#)
[1st Amendment to Agreement.pdf](#)

V.8(b) [24-489](#) Approve a multi-year contract for Building Services with CAP Government, LLC, piggy-backing off the City of Palm Bay contract IFB-09-0-2021/SZ and authorize the City Manager to sign contract amendments or renewals. Authorize the City Manager to transfer up to \$154,000 in the Building Permit Fund from personal services to contractual services to provide budget for the cost of additional professional services for building permits.

Attachments: [PARTIALLY EXECUTED Piggyback Contract No. IFB No. 09-0-2021SZ.pdf](#)
[Rates - City of Palm Bay ITB 09-0-2021.SZ.pdf](#)
[City of Palm Bay Agreement 03.20.2021 - 03.19.2022 with 4 \(1yr\) Extensions.pdf](#)
[City of Palm Bay - Amendment No. 3 - Renewal 03.20.2024 - 03.19.2025.pdf](#)

VI. PUBLIC HEARINGS:

- VI.1** [24-474](#) Consideration of an appeal of a Board of Adjustment decision approving a Special Exception for a bar or lounge in the CBD-CVO zoning district and the Cocoa Village Subdistrict in accordance with Appendix A, Zoning, Article XI, Section 13(C) and Section 22 (F) of the City of Cocoa Code. The City Council shall conduct the appeal hearing in accordance with Appendix A, Zoning, Article XVIII, Section 1. .

Attachments:

[Location Map - 638 Brevard Ave.pdf](#)
[FLU Map - 638 Brevard Ave.pdf](#)
[Zoning Map - 638 Brevard Ave.pdf](#)
[24-02500002 638 Brevard Ave First Greenwood Appeal.pdf](#)
[24-02500002 638 Brevard Ave Greenwood Amended Farm Bar Appeal.pdf](#)
[Staff Report to BOA Farm Bar May 15,24.docx](#)
[BOA SPX Application.pdf](#)
[Conceptual Plan.pdf](#)
[638 Brevard Seating and Op Plan 4.9.24](#)
[BOA Minutes 5-15-24 DRAFT](#)
[Record Documents to BOA - 05_15_2024 email](#)
[Record Documents to BOA - 6_15_2022 Ltr](#)
[10415054 Affidavit .pdf](#)

- VI.2** [24-475](#) Consideration of a Land Development Code Amendment to Appendix A, Article XI, Sections 4a and 22 of the Zoning Ordinance of the City of Cocoa 1) to allow for Neighborhood Commercial, Mixed-Use development, and public parking on certain, very limited properties within the Consent Decree area, also known as the Heart of Cocoa, consistent with the Substitute Consent Decree, and amending the list of permitted and special exception uses and 2) building types permitted for those certain properties authorized for Neighborhood Commercial and Mixed-Use development within the Heart of Cocoa subdistrict of the Cocoa Waterfront Overlay; 3) amending the bulk regulations for single-family, duplex, triplex, and fourplex development in the Consent Decree area; 4) amending the minimum yard setbacks in the Consent Decree area.

Attachments:

[Ordinance 11-2024 Revising RU-2-10 Authorizing Mixed Use and Amending Se](#)
[Exhibit A FINAL Cocoa GIS Regulating Plan Map August 6 2024.pdf](#)
[Exhibits B-F FINAL \(8-7-24\).pdf](#)
[Consent Decree Future Land Use Map.pdf](#)
[Consent Decree Zoning Map.pdf](#)
[Houston Substitute Consent Decree](#)
[Attachment 1 - Update on Heart of Cocoa Substitute Consent Decree 03-2018.r](#)
[FL ad 10486298.pdf](#)

VII. COUNCIL BUSINESS:**VII.1** [24-424](#)

Attachments: [Cost Aff -\\$2677.50.xlsx](#)
[10. LR Staff Report.docx](#)
[LR App.pdf](#)
[1. NOV.docx](#)
[2. NOH\(2\).docx](#)
[2. NOH.docx](#)
[BCPAO\(3\).pdf](#)
[8. Facts.pdf](#)
[4. NOHNC.docx](#)
[4. NOHNC\(2\).docx](#)
[9. Order.pdf](#)

VII.2 [24-425](#)

Approve the current Code Enforcement Lien for the property located at 803 Kensington Dr, be reduced to **\$4,654.71** as recommended by the Code Enforcement Board.

Attachments: [8. LR Staff Report.docx](#)
[Cost Aff -\\$3154.71.xlsx](#)
[LR Appl..pdf](#)
[BCPAO.pdf](#)
[1. NOV.docx](#)
[2. FNOV.docx](#)
[3. NOH.docx](#)
[5. Facts.pdf](#)
[6. NOHNC.docx](#)
[7. Order.pdf](#)

VII.3 [24-471](#)

Consider the appointment of Qualified Candidate Patricia Weeks to fill the vacancy and unexpired term of City Council District 3 Seat through November, 2024.

Attachments: [Legislation Text - 24-417.pdf](#)
[FL Today Ad.pdf](#)
[2024-069 \(Declaring District 3 Council Seat Vacant\).pdf](#)
[Application for Vacancy.pdf](#)

- VII.4 [24-496](#) Consider the Donation Application for Cocoa Youth Athletics Corporation in the amount of \$1,000.

Attachments: [City of Cocoa Donation Application Form 2024 CYAC.pdf](#)

VIII. CITY BUSINESS:

- VIII.1 [24-468](#) Approve the Final Assessment Resolution 2024-078 for Fire Protection, for Fiscal Year 2025.

Attachments: [fy25 cocoa fire assessment tech memo 20240711.pdf](#)
[Final Fire Assessment Resolution 24-078.docx](#)
[FT Proof of Publication.pdf](#)
[AFFIDAVIT OF MAILING Fire Assessment Resolution.docx.pdf](#)
[DR-408A Certificate to Non-AD Valorem \(Fire\).pdf](#)

- VIII.2 [24-469](#) Approve the Final Assessment Resolution 2024-079 for Stormwater Utility Services, Fiscal Year 2025.

Attachments: [fy24 cocoa stmwtr final report.pdf](#)
[2024-079 Final Stormwater Resolution .docx](#)
[FT Proof of Publication.pdf](#)
[AFFIDAVIT OF MAILING Stormwater Assessment Resolution .docx.pdf](#)
[DR-408A Certificate to Non-AD Valorem \(Fire\).pdf](#)

- VIII.3 [24-485](#) Approve a Resolution Amending the FY25 Budget, BAF#24-123-T, for the provision of \$50,000 of State and Local Fiscal Recovery Funds (SLFRF) funds earmarked for community-based expenditures toward the City's repair/rehabilitation program, to fund projects presently on the program's wait list.

Attachments: [Budget Resolution FY 2024- ADA Compliant.docx](#)
[BAF 24-123-T-CS-ARPA SHIP Housing Rehab \(8-27-24\) Agenda 24-485.pdf](#)

IX. INFORMATIONAL AGENDA:

- IX.1 [24-438](#) 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.

Attachments: [Change Orders-CM Authorized July 2024.pdf](#)
[Visualization Change Order Authorizations.pdf](#)

- IX.2** [24-439](#) 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 showing the relation between the estimated and actual income and expenses to date.

Attachments: [!! Budget Classification Report Worksheet.pdf](#)

- IX.3** [24-440](#) FY 2024 July Budget Adjustment Report

Attachments: [Revenue Budget Tracking Worksheet.pdf](#)

[Expense Budget Tracking Worksheet.pdf](#)

- IX.4** [24-500](#) Bi-weekly Report from August 12 - August 23, 2024.

Attachments: [Council bi-weekly report.pdf](#)

X. REPORTS:

XI. ADJOURNMENT

XII. NOTICE TO THE PUBLIC:

This is a public meeting. All interested parties may attend in person. The facility wherein this public meeting will be held is accessible to the physically handicapped. In accordance with the Americans With Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk of the City of Cocoa, listed below, at least 48 hours prior to the meeting: Carie Shealy, City Clerk, 65 Stone Street, Cocoa, by telephone at (321) 433-8484 or via email at cshealy@cocoafl.org.

Additionally, interested persons may view or listen to the meeting electronically at the following internet sites:

(1) <https://tinyurl.com/s5e875r> or

(2) <https://cocoa.legistar.com/DepartmentDetail.aspx?ID=26365&GUID=FF9D3369-D354-4FAB-800A-57D0AEE30153&Mode=MainBody>

However, the City is not responsible for technical difficulties that may occur while attempting to view or listen to the meeting on the internet.

Interested persons may submit their written comments or questions regarding the meeting prior to the meeting through Email at meetings@cocoafl.org, or via E-comments through the online agenda. Any electronic comments submitted will be made part of the meeting record. Written comments or questions not relevant to the Council meeting agenda will not be made part of the meeting record but will be maintained as public record.

Pursuant to Section 286.0105, Florida Statutes, the City hereby advises the public that: if a person decides to appeal any decision made by the City Council with respect to any matter considered at its meeting or hearing, that person will need a record of the proceedings and for such purpose, affected persons may need to assure that a verbatim record of the proceedings is made, and such record shall include the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission into evidence of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals otherwise not allowed by law.

Although members of the public are entitled to be heard by the City Council on certain items on the meeting agenda pursuant to the City Council Rules of Procedure, members of the public are not entitled to an immediate response by either administrative staff members or Council; however, the City Council or administrative staff may provide a response at their discretion. When presenting before the City Council, all comments or questions should be directed to the Mayor or the chair of the meeting. Comments or questions should not be made directly to administrative staff without permission from the Mayor or chair.

Public debate by individual speakers from the audience on public hearing items shall be limited to three (3) minutes. Applicants or representatives of recognized groups with special interests in a matter shall be limited to ten (10) minutes; and total debate on a single issue shall be limited to thirty (30) minutes. Only one presentation per person per item shall be allowed.

A Council member may add an item to the agenda during the meeting only at the time the agenda is approved. If the item requires action by the Council, then it may be added to the agenda by an affirmative vote of the Council, and written documentation must be submitted at the time the item is added to the agenda. Matters may also be raised by the Council, City Manager or City Attorney under reports and acted upon by the City Council.

This agenda is posted on the Municipal Bulletin Board and at the Central Brevard Library and Reference Center in Cocoa for public review.

