

MINUTES
City of Cocoa
Regular Meeting of The City Council

March 25, 2020

A Regular City Council Meeting was held on Wednesday, March 25, 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 6:00 p.m.

Chief Lamm provided the invocation and Councilmember Warner 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
	Lorraine Koss	Councilmember
	Brenda Warner	Councilmember
	Anthony Garganese	City Attorney
	Matt Fuhrer	Interim City Manager
	Carie Shealy	City Clerk

ABSENT:	Don Boisvert	Councilmember
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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; and Jason McCuen, Helpdesk Support Tech.

II. Approval of Agenda and Minutes:

1. Agenda: Regular Meeting of March 25, 2020 (20-176)

- 2. Minutes:** (a) Regular Meeting of January 22, 2020 (20-161)
(b) Special Meeting of February 26, 2020 (20-177)

It was requested that the Agenda for the Regular meeting of March 25, 2020 be amended to remove the Delegations portion of the agenda.

- * **MOTION by Councilmember Warner; Seconded by Deputy Mayor Goins, to approve the Agenda as amended for the Regular meeting of March 25, 2020.**

AYES: WILLIAMS, GOINS, KOSS, WARNER

THE MOTION CARRIED UNANIMOUSLY (4-0)

- * **MOTION by Councilmember Koss to approve the Minutes for the Regular meeting of January 22, 2020 as written and to approve the Minutes of the Regular meeting of February 26, 2020 with the following amendments:**

- **Page 14, paragraph 4, should state: *They could look into salary comparison. We know we have competitive salaries with other municipalities, but we have not looked into private sector salaries.***
- **Page 15, paragraph 2, there is a typo that says /1 and should say “survey” instead of “country”**

The motion was seconded by Deputy Mayor Goins.

AYES: WILLIAMS, GOINS, KOSS, WARNER

THE MOTION CARRIED UNANIMOUSLY (4-0)

III. Awards and Presentations:

None.

IV. Delegations:

None.

V. Reports:

Ms. Senger advised that there was a report received from Ms. Jennifer Riggs, who is the Chair of the Sustainability Advisory Committee. She read it into the record.¹

¹ EXHIBIT A: Email received from Ms. Jennifer Riggs

Chief Lamm provided an update on the EOC and noted that he had been attending meetings regarding COVID-19. He has been very busy but is hearing a lot of good information. He informed Council that a request has been put in through the State for necessary supplies for first responders. Items are low and many are on back order, but they are doing the best they can. When supplies are received they are split between fire and police.

He stressed the importance of social distancing. He further mentioned that the issue of homelessness was discussed and assured Council that they are working with the Brevard Homeless Coalition on this.

Currently, there are eleven confirmed cases in Brevard County. One is here in Cocoa. As tests become available, the more information we will know. Staff is very aware of the situation.

Mayor Williams announced that the governor is urging the use of local vendors. In response, Chief Lamm assured him that they were trying and that they were going to places to find equipment that they would not normally go to. He pointed out that the fabrication business behind the old Fire Station # 1 had a box of masks that they donated. They would not take any money for them. He expressed his great appreciation for that gesture.

Chief Cantaloupe mentioned that the police department has been handing out flyers in the community. One is in regards to restaurants and what they can and cannot do during these closures. The other handout provides information on social distancing. He shared that they have spoken with people in all parks, including Provost Park, and they were receptive to the fact and were aware of what was going on.

Councilmember Warner asked if bathrooms were open. Chief Cantaloupe noted that they had spoken with someone at Parks and Recreation to make sure they were open and to ensure that soap was provided. He pointed out that a flyer has been posted on all doors to bathrooms that could be utilized.

Deputy Mayor Goins mentioned that most of the soap dispensers at Provost do not work and some probably need to be replaced. He asked if the number of positive cases increased if parks would be closed. In response, Chief Cantaloupe advised that they have had discussions with the Sheriff and other Chiefs and while you want people to do the right thing, it is hard to tell people to stay home.

Councilmember Koss agreed and believes that because of this, we will have a better appreciation for the outdoors.

Chief Cantaloupe added that these handouts would be provided in Spanish as well.

Ms. Gemmati advised that she had reached out to three firms and was in the process of evaluating them for the recruitment of the City Manager.

Councilmember Koss asked if they could do a meeting by conference call. Ms. Gemmati mentioned that two were in Daytona and one was in Ohio. She asked if they would like to hear from all of the firms in one day at a special meeting.

Ms. Gemmati explained the importance of using a firm for this type of position after a question was posed by Deputy Mayor Goins.

Councilmember Warner stated that one was used around twenty years ago. Ms. Gemmati added that the firm would meet with them individually as well to get their input. Councilmember Warner thought it would be good if all of this could be done in one day.

Mr. Walsh provided an update and mentioned that all of the directors have been working with the Interim City Manager to come up with contingency plans for their departments. Beyond social distancing, his department has been wiping down doorknobs, cleaning more, etc. Some teleworking has begun as well.

His most important and biggest issues were sewer operations and the water plant. They have been discussing possible issues that they could be faced with. They are going to stagger start and lunch times to ensure these areas are always attended to. Contingency plans are also being worked on in the event someone gets sick at these plants.

Mayor Williams mentioned that this was one of those times where you look at the workers at these plants and really notice that they are front line workers and first responders. They are not always looked at as first responders but they work tirelessly and are appreciated.

City Attorney Garganese noted for the record that this meeting was noticed as a CMT meeting. There was an order issued by the Governor regarding meetings not being public. The notice read as follows:

Due to the COVID-19 Emergency and the closing of City Hall to the public to limit public gatherings in accordance with Federal and State directives, the City of Cocoa will be utilizing Communications Media Technology (CMT) for upcoming City Council meetings pursuant to the Governor's Executive Order Number 20-69 and Florida Statutes, Section 120.54(5)(b)(2), specifically one or more members of the City Council may attend and participate by speakerphone. In-person attendance by the public will not be allowed at this meeting due to the COVID-19

Emergency and the closing of City Hall to the public. However, interested persons are encouraged to view and listen to the meeting by accessing the meeting at the following internet addresses:

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

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

In addition, interested persons may submit their written comments or questions regarding the meeting prior to and during the meeting through Email, via the following email address: meetings@cocoafl.org. Interested persons who wish to provide public input during the meeting will also be able to do so by calling 321-433-8446. For more information about this CMT meeting or to provide information to be considered at this meeting, contact the City Clerk at the contact information stated above.

He pointed out that the meeting was available via the internet and the public could provide input by calling in or providing comments on specific items.

Interim City Manager Fuhrer advised that an updated report was given and as of 6:05 p.m. there were 1,867 positive cases in Florida.

He mentioned that staff was working on the implementation of the Family First Coronavirus Response Act which would have a lot of implications to City operations. Staff was reviewing information daily in order to ensure that they were abiding with the law and were close to pushing out the policy to employees. The policy is significant as to what allowances are by law.

Interim City Manager Fuhrer reiterated Chief Lamm's sentiments on the executive order and urged those over sixty-five to stay home, as well as those with underlying health conditions. Additionally, the City has been providing telework opportunities as well. There are currently twenty-two employees teleworking and this varies daily. Additional equipment has been received to make this possible.

Florida Power and Light provided an update and they are discontinuing turnoff's through the end of March and Waste Management is fully operational, although their call centers are telecommuting.

Interim City Manager Fuhrer advised that at the last Council meeting, on March 17, 2020, Council approved the cancellation of all meetings with the exception of Council meetings. He recommended that the April 8, 2020 meeting be limited to CMT only.

- * **It was a Consensus among Council to limit the April 8, 2020 to CMT only.**

They would re-evaluate this at the next meeting.

- * **It was also noted that the Cocoa CRA meeting on April 8, 2020 would be cancelled.**

Interim City Manager Fuhrer referred to the parks and open spaces and that the City would maintain consistency with them and have modified timing of restroom closures. They would be closing at 6 p.m.

He spoke about an email he received from Councilmember Koss regarding First Billing's \$2.99 convenience fee. He pointed out that a response had been provided to Council. They reached out to the vendor and the vendor was unable to waive the fee, as they make a small margin off of this which is their business practice. The option would be that the City would have to pay that fee. He provided the amounts and how much it would cost the City.

Mayor Williams believes that this should be left as is as there are other ways that customers can pay.

Further discussion was held on this issue and Councilmember Koss felt that this was something that Stantec could look into and that it needed to be brought to the attention of the advisory board.

Interim City Manager Fuhrer announced that he met with the consultant from S & ME and they were starting a steering committee and would need about twelve members for that committee. They would like to get work underway starting next week. He asked if Council would like to appoint a member and to please send their nominations to the City Clerk. Meetings would be during the day.

Councilmember Koss would like to represent Council and was very excited about the grant as there were only three municipalities that received it.

Interim City Manager Fuhrer explained the grant being referred to in detail.

Councilmember Warner asked about the last tree study that was done and believed that it was in the early 2000's. She asked when the tree city designation was lost. In response, Interim City Manager Fuhrer advised that when all of this information was submitted they would let Council know that information.

- * **IT WAS A CONSENSUS AMONG COUNCIL FOR COUNCILMEMBER KOSS TO BE THE COUNCIL LIAISON TO THE STEERING COMMITTEE.**

Interim City Manager further noted that there was an inquiry on how the market was affecting the City's finances. He provided an overview of the City's funds and a brief summary of what was happening currently due to COVID-19. He pointed out that the City was looking at a pretty steep loss and assured Council that a detailed report would be provided in the future.

He explained that when Stantec does an analysis they would give an update on all of the funds.

Councilmember Koss appreciated the Interim City Manager and how quickly and thoroughly he has responded. She has received a lot of calls in regards to the pandemic. She asked if the County's state of emergency encompassed all municipalities both incorporated and unincorporated. In response, Interim City Manager Fuhrer explained that the resolution that the City approved on March 11, 2020 lifted purchasing policies for this event. The public health emergency is state level.

Councilmember Koss thanked Ms. Senger for the videos that have been done but felt that the interview format was not right. In response, Ms. Senger noted that those who are interviewed would depend on what the topic was. She felt that it was important for the elected officials to participate in these.

Councilmember Koss advised that she has been researching and sought advice from the Attorney General's office and an option was posed to do an agenda review meeting which would be publicly noticed and a lot of details could be discussed. The Council meeting would then become more functionary. She felt that the City would be more transparent and the school board and other cities do this. It would not be mandatory and would work like a workshop.

Mayor Williams felt that there were too many things going on right now and they cannot put more work on staff.

Deputy Mayor Goins felt that they should just ask questions and not worry about others' opinions during Council meetings.

Mayor Williams advised that they ask questions prior the meeting and get their questions answered. Sometimes staff is not prepared for questions and do not have the answers.

Councilmember Koss stated that she would bring this up again as it will allow for more sunshine and transparency.

Discussion was held on how much time other members spend with the Interim City Manager.

Councilmember Warner was getting a lot of questions of which she is passing on to Ms. Senger. She is noticing that people are wanting to see who their elected officials are. She agreed with Councilmember Koss and felt that Chief Lamm should be the spokesperson for the City.

Deputy Mayor Goins was concerned about the parks and their bathrooms and asked if Parks and Rec could put some wash stations in the parks that do not have bathrooms. In response, Interim City Manager Fuhrer noted would look into this.

Deputy Mayor Goins further mentioned areas in Cocoa do not have traffic signals. He was pleased to see Brevard County Traffic Operations was looking into doing a master plan for some of the lights. He spoke with Mr. Smith about this and he will keep the conversation going to ensure this gets done.

He thanked Brevard County for providing food for students. Many kids rely on school meals.

Deputy Mayor Goins inquired about the summer youth program. In response, Ms. Gemmati advised that they would be having an internal meeting with CareerSource. It will not be a great experience if the students cannot get the whole experience. Due to school closures things need to be sorted out.

Mayor Williams thanked the Interim City Manager for the work that he has been doing and thanked Chief Cantaloupe for reaching out to people and for going to all of the parks and posting information.

He provided kudos to Cambridge Elementary, Emma Jewel Charter Academy, and Cocoa PAL, along with all other schools and volunteers who are serving and provided food for children and families.

He further thanked Pebbles Catering, Celebration Tabernacle, and the REAL Church who served over three hundred meals to residents today. It was a nice event and they served until they ran out of food.

Mayor Williams requested that microphones and screens be updated in chambers.

Mayor Williams assured everyone that the City would keep the public informed and updated on the latest information in reference to the virus.

VI. Consent Agenda:

1. Approve Change Order #1 to FY2020 P.O. 75891 with Xylem Water Solutions USA, Inc., Apopka, Florida, for Prepaid Shipping Charges That Were Not Included

on the Original Quote/P.O.; To Authorize the City Manager to Execute the Change Order. (20-137). (Utilities Director)

2. Approve a Resolution Waiving the Competitive Bidding Process for the Purpose of Making a Sole Source Purchase of Three (3) DISCFLO Pumps From Gerber Pumps International, Inc., Longwood, Florida, for the Dyal Water Treatment Plant; To Approve a Resolution Amending the FY2020 Budget, BAF# 20-050-T. (20-151). (Utilities Director)
 3. Approve Participation in a Cooperative Purchase Agreement with VacVision Environmental LLC (A Vortex Company) for Manhole Rehabilitation Services Utilizing the HGACBuy (Houston-Galveston Area Council) National Cooperative Purchasing Contract TP07-18 Effective July 1, 2018 through June 30, 2021 in the amount of \$362,753; To Approve a Resolution Authorizing the City Manager to Approve Change Orders in an Amount Not to Exceed \$36,275 (approximately 10%) for a Project Total of \$399,028. (20-153). (Utilities Director)
 4. Approve Amendment No. 1 to Task Order 2019-04 with CH2M Hill Engineers, Inc. for the Bidding Phase Assistance and Services During Construction (SDC) for Security System Improvements at the Dyal Water Treatment Plant, Project No. WS1404, Chemical Conversion and Reliability Improvements Project. (20-157). (Utilities Director)
- * **MOTION by Councilmember Warner; Seconded by Councilmember Koss, to approve the Consent agenda.**

AYES: WILLIAMS, GOINS, KOSS, WARNER

THE MOTION CARRIED UNANIMOUSLY (4-0)

VII. Public Hearings:

None.

VIII. Council Business:

1. Consideration of Ms. Debbie Joyce as the representative of the School Board of Brevard County on the Planning & Zoning Board. (20-181). (Administrative Services Director)

- * **MOTION by Councilmember Koss; Seconded by Councilmember Warner, to approve the appointment of Ms. Debbie Joyce as the representative of the School Board of Brevard County on the Planning & Zoning Board**

AYES: WILLIAMS, GOINS, KOSS, WARNER

THE MOTION CARRIED UNANIMOUSLY (4-0)

2. Consideration of a Donation Application for the Marine Resources Council of East Florida, Inc. in the amount of \$1,000. (20-183). (Administrative Services Director)

Councilmember Koss referenced the statement made previously by Ms. Riggs and hoped that all council would support this donation request.

- * **MOTION by Councilmember Koss; Seconded by Deputy Mayor Goins, to approve the donation request for the Marine Resources Council of East Florida, Inc. in the amount of \$1,000.**

The motion was opened for discussion.

Councilmember Warner stated that because this was Council's money she has always felt that the money was to give to those who do not get funding from others and whose resources were limited. She believes that the Marine Resources Council was wonderful, however, she likes to use that basis for donations. They cannot say yes to everything.

She would not be supporting this request and it was not because she does not support the Marine Resources Council but there are citizens who donated money not so long ago and she would like to save the remainder of her allotment.

Councilmember Koss noted that MRC does not have a lot of money, and there were at least fifteen people who were in Councilmember Warner's district at the event.

Discussion was held on the donation policy and how situations like this had been handled in the past.

Councilmember Koss reminded Council that when this was brought up some time ago she was told that they vote in unison so that donations are approved.

The motion was reinstated.

- * **MOTION by Councilmember Koss; Seconded by Deputy Mayor Goins, to approve the donation request for Marine Resources Council in the amount of \$690, which would be \$230 from each account.**

AYES: Williams, Goins, Koss

NAYS: Warner

THE MOTION CARRIED (3-1)

IX. City Business:

1. Approve the Guaranteed Maximum Price (GMP) Proposal from Wharton-Smith, Inc. (WSI), Sanford, Florida, for the Construction Phase Services for the Chemical Conversion and Reliability Improvements Project (CCRIP) at the Dyal Water Treatment Plant, Project No. WS1404; To Authorize the City Manager to Execute the GMP Amendment #1 to the Master Service Agreement with WSI for Construction Manager at Risk (CMAR) Services. (20-139). (Utilities Director)

Mr. Walsh advised that this was a large project with several small projects within it which would all take place at the Dyal Plant. He explained all of the projects in detail. He pointed out that this was the biggest project that he has brought forth to Council since he has been here and he was excited about it. Wharton Smith is a good firm.

Councilmember Koss asked how long the project would take and in response, Mr. Walsh stated a little less than two years.

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

AYES: WILLIAMS, GOINS, KOSS, WARNER

THE MOTION CARRIED UNANIMOUSLY (4-0)

2. Approve an Interlocal Cooperation Agreement between the City of Cocoa and Brevard County to accept \$175,000 in Brevard County Community Development Block Grant (CDBG) funds for pool resurfacing and other pool related improvements at the Dr. Joe Lee Smith Community Center Project #CP1504, PO# 74150. These funds will be reimbursed to the City by Brevard County CDBG and deposited back into General Fund Balance, not to exceed \$175,000. (20-152). (Community Services Director)

Interim City Manager Fuhrer spoke about the item in detail and noted that this included all of the costs of the pool area.

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

AYES: WILLIAMS, GOINS, KOSS, WARNER

THE MOTION CARRIED UNANIMOUSLY (4-0)

3. Authorize the City Manager to approve a change order to RUSH Marine, LLC. for installation of 61 anchors to improve the stability and resilience of the seawall along the Riverfront Park Promenade. Approve a Resolution Amending the FY20 Budget, Budget Amendment form #20-053-A, through the use of General Fund Balance. (20-185). (Public Works Director)

Interim City Manager Fuhrer explained this item in detail and explained why the change order was necessary.

An E-Comment was received on this item and Ms. Senger advised it was from Ms. Candice Rogers, a Cocoa resident. She read the comment into the record.²

Interim City Manager Fuhrer mentioned that he had received an email prior to this meeting in regards to this. He explained that this project was underway and that if you go to Lee Wenner Park, you will notice that the seawall is open three to four feet down. He explained the design in furtherance and pointed out that the tie-backs that provide structural support were severed.

Ms. Senger announced that an Email was received from Jennifer Riggs and read it into the record³.

Further discussion was held on this project.

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

AYES: WILLIAMS, GOINS, KOSS, WARNER

THE MOTION CARRIED UNANIMOUSLY (4-0)

² Exhibit B: E-Comment received from Candace Rogers, Cocoa resident

³ Exhibit C: Email received from Jennifer Riggs, Cocoa resident

Multi-Year Contracts:⁴

4. Approve Task Order No. 2020-05 to CH2M for Engineering Services During Construction (SDC) for the Dyal Water Treatment Plant Chemical Conversion and Reliability Improvements Project (CCRIP), Project No. WS1404; To Approve as a Multi-Year Contract from FY2020 through FY2022. (20-24). (Utilities Director)

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

AYES: WILLIAMS, GOINS, KOSS, WARNER

THE MOTION CARRIED UNANIMOUSLY (4-0)⁵

5. Approve the Second and Final Amendment to Purchase Agreement with Anderson Diving d/b/a Logan Diving and Salvage, Inc. effective March 5, 2020 through March 4, 2022, under RFQ-14-19-COC Subaqueous Pipeline Assessment. (20-80). (Utilities Director)

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

AYES: WILLIAMS, GOINS, KOSS, WARNER

THE MOTION CARRIED UNANIMOUSLY (4-0)

6. Approve Task Order No. 2020-06 to CH2M for SCADA Process Automation Services for the Dyal Water Treatment Plant Chemical Conversion and Reliability Improvements Project (CCRIP), Project No. WS1404; To Approve as a Multi-Year Contract from FY2020 through FY2022. (20-135). (Utilities Director)

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

AYES: WILLIAMS, GOINS, KOSS, WARNER

THE MOTION CARRIED UNANIMOUSLY (4-0)

X. Informational Agenda:

1. Council request to review the cumulative purchase approvals over \$35,000 and under \$50,000 for period 10/01/2019 to 02/29/2020. (20-148). (Finance Director)

⁴Deputy Mayor Goins left the meeting at 8:05 p.m.

⁵ Deputy Mayor Goins returned to the meeting at 8:07 p.m. and was included in the vote.

2. Data showing the relation between the estimated and actual income and expenses to date. (20-154). (Finance Director)
3. 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. (20-155). (Finance Director)
4. FY 2020 Budget Adjustment Report. (20-156). (Finance Director)

XI. Adjournment:

- * **MOTION by Councilmember Warner; Seconded by Deputy Mayor Goins, to adjourn the Regular meeting of March 25, 2020.**

AYES: WILLIAMS, GOINS, KOSS, WARNER

THE MOTION CARRIED UNANIMOUSLY (4-0)

The meeting adjourned at 8:09 p.m.

Jake Williams, Jr., Mayor

ATTEST:

Carie Shealy, MMC, City Clerk