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

## May 11, 2021

A Regular City Council Meeting was held on Tuesday, May 11, 2021, 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 6:04 p.m.

Mayor Blake spoke in regards to Capt. Ed Lanni and noted that a special recognition was happening and thanked all for understanding the slight change in the agenda.

Capt. Ed Lanni read "The Seaman's Version of the 23<sup>rd</sup> Psalm" and Sheriff Wayne lvey led the assembly in the Pledge of Allegiance to the Flag of the United States of America.

The City Clerk took the roll.

PRESENT: Michael C. Blake Mayor **Deputy Mayor** James Goins Councilmember Rip Dyal Lavander Hearn Councilmember Lorraine Koss Councilmember (attended via Teams)1 Anthony Garganese City Attorney Stockton Whitten **City Manager** Carie Shealy City Clerk

OTHER STAFF MEMBERS PRESENT:

<sup>&</sup>lt;sup>1</sup> Councilmember Koss advised that she was participating remotely by doctors' orders due to a car crash.

Matthew Fuhrer, Assistant City Manager; Tammy Gemmati, Administrative Services Director; Jack Walsh, Utilities Director; John Hankins, Interim Chief of Police; Jonathan Lamm, Fire Chief; Abigail Morgan, Acting Public Works Director; Rebecca Bowman, Finance Director; Nancy Bunt, Community Services Director; Trevor Roth, Helpdesk Support Tech; Dennis Bunt, Code Enforcement Manager; Rachel Horst, Digital Communications Coordinator; Chino Munez, Intern; and Samantha Senger, Assistant to the City Manager/PR Specialist.

## II. Approval of Agenda and Minutes:

1. Agenda: Regular Meeting of May 11, 2021 (21-334)

Mayor Blake requested an amendment to the Agenda to move Item V.2 to City Business, Multi-Year Contracts.

\* MOTION by Councilmember Dyal; Seconded by Councilmember Hearn, to approve the Agenda as amended for the Regular City Council Meeting of May 11, 2021.

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

## THE MOTION CARRIED UNANIMOUSLY (5-0)

- **2. Minutes:** (a) Regular Meeting of April 13, 2021 (21-335)
  - (b) District 2 Town Hall Meeting of April 20, 2021 (21-336)
  - (c) Regular Meeting of April 27, 2021 (21-337)
- \* MOTION by Councilmember Hearn; Seconded by Councilmember Koss with the following amendment: April 27, 2021 minutes under Presentation III.1, add the wording "the poem was written by native Cocoan David Jackson".

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

- III. Awards and Presentations:
- 1. Proclamation: Proclaiming the week of May 16-22, 2021, as "National Public Works Week". (21-311). (Public Works Director)

Mayor Blake read the proclamation into the record. He thanked all Public Works employees for all that they do, day in and day out.

## Special Recognition:

A special recognition was given to Capt. Ed Lanni in recognition of his 96<sup>th</sup> Birthday. Mayor Blake recognized his wife, Shirley Lanni as well. Capt. Ed spoke about his life and that he has been to many meetings over the last thirty years. He offered his immediate resignation from the Cocoa CRA and pointed out that he has enjoyed every moment of his time with the City.

Sheriff Wayne Ivey was in attendance and spoke in regards to Capt. Ed. He advised of his diligent work on all of his committees and charitable committees and that it was an honor to get to speak about him. He is proud of him and his service to the City and mankind.

Port Commissioner Wayne Justice provided sentiments as well about Capt. Ed. He stated it was a great honor to know him and thanked him for all that he does. Furthermore, at the Mayor's request, Commissioner Justice provided a very brief update about the Port.

Aleck Greenwood, a former Councilmember, mentioned that Capt. Ed was directly involved with him getting elected during his run for council and with the construction of Murdocks. He has always been a "go to" person and would always get him back on track. He further mentioned more of Capt. Ed's contributions and hopes that he is as sharp as he is at 96.

The assembly sung Happy Birthday to Capt. Ed. and Shirley Lanni thanked all for coming and wanted to see everyone again in four years.

2. Citizens Academy Graduation Presentation. (21-344). (Asst to the CM/ Public Information Officer)

Ms. Senger thanked Council for their support of the Citizens Academy and recognized the Cocoa Citizens Academy attendees. She explained what the academy was along with its purpose and pointed out that this is the second class of the Academy.

She thanked the participants of the academy for making time to make this a priority as well as Council for their participation.

Each participant was acknowledged and provided with tokens of appreciation, including t-shirts and personalized street signs.

## IV. Delegations:

Anden Picheco, Eagle Scout, 5807 N. Atlantic Avenue #814, Cocoa Beach, advised that he was in Troop 369. He is working on his Eagle Scout achievement and noted that only four percent of Scouts earn this award. His project is in Cocoa and it is the restoration and cleanup of Evergreen Cemetery. He felt by cleaning it up and restoring it, it would be a benefit to families who have loved ones buried there and also help deter crime. He has been working with Bryant Smith and they will be working on May 15<sup>th</sup> and 16<sup>th</sup> from 8 am until 6 pm. He thanked Council for their support. His brother Quentin would pick up phase 2 of the project which will be to fence it and put in a driveway.

Councilmember Hearn advised that this was his district and he would do his best to make it on those days.

Ivan Hernandez, 619 & 627 Kentucky Avenue, Cocoa, is new to the City and has purchased a couple of lots in Diamond Square for affordable housing. He was in the Citizens Academy and was surprised to hear that this committee only meets when needed. He has also learned that there is no intent or plans to develop lots for affordable housing. He felt that the committee could serve as a good instrument and that affordable housing was needed now more than ever.

Ron Seaman, 1895 Murrell Road, Rockledge, voiced concerns regarding an increase to a water bill. He represented Florida Linen Services and their past water bill showed about a thirty four percent increase. They use quite a few gallons as they provide services to hospitals in the area. He asked Council to take a look to see if anything could be done.

Terrance Thomas, 704 Rosa L. Jones, Cocoa, talked to a lady in housing who said she and her kids have been put on the streets because they took down a smoke detector. He felt that was a problem. He welcomed the new Police Chief and wanted to know the plans for weeding out the bad cops.

## V. Consent Agenda:

## (A) General Consent Items:

 Approval to Reallocate Proceeds from the Water and Sewer System Revenue Bonds, Series 2018B; Approve a Resolution Amending the FY 2021 Budget, BAF#21-073-A. Approve the current Series 2018B Bond Project Listing. (21-342). (Finance Director)

## (B) Multi-Year Contracts:

- Approve City Staff's recommendation to consolidate recordkeepers for the City's 457(b) and 401(a) providers from three providers to one provider, ICMA-RC. Providing termination notice to Nationwide and Empower Retirement. Approve a multi-year plan agreement between the City of Cocoa and ICMA-RC effective September 11, 2021 to September 10, 2026. (21-324). (Administrative Services Director)
  - This item was moved to City Business VIII.3 (Multi-Year Contracts).
  - MOTION by Councilmember Dyal; Seconded by Councilmember Hearn, to approve the Consent agenda.

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

VI. Public Hearings:

None.

## VII. Council Business:

- 1. Approve the current Code Enforcement Lien for the property located at 1268 Amherst Ct., be reduced to \$1,300.00 as recommended by the Code Enforcement Board. (21-320). (Police Chief)
- \* MOTION by Mayor Blake; Seconded by Councilmember Dyal, to approve that the current Code Enforcement Lien for the property located at 1268 Amherst Ct., be reduced to \$1,300.00 as recommended by the Code Enforcement Board.

AYES: Blake, Goins, Dyal, Hearn, Koss

## THE MOTION CARRIED UNANIMOUSLY (5-0)

2. Review State of Florida Executive Orders Number 21-101 and 21-102 invalidating all emergency order issued by a political subdivision of the State due to the COVID-19 emergency which restricts the rights or liberties of individuals or their businesses and suspending, eliminating and superseding all remaining local government mandates and restrictions upon businesses and individuals based on the COVID-19 State of Emergency and take action necessary regarding the local

face covering emergency Ordinance No. 13-2020, Resolution No. 2020-146 expanding outdoor dining options, and safety plan approvals for special events at City facilities. (21-345). (Assistant City Manager)

Assistant City Manager Fuhrer expanded on the item and spoke about the Emergency Ordinance that Council passed. This has been invalidated as per the Governor's order on May 3, 2021. Staff wanted to review the orders that the City has in place. In regards to the face coverings ordinance, there is nothing that can be done. In regards to the Resolution for outdoor seating, it will stay in effect at this time and is active through June 30<sup>th</sup>.

Ms. Senger explained that when the measures were enacted including face coverings and in order to bring back special events, Council requested each organizer provide a safety plan/protocol prior to the event for approval. She explained what was included in those safety protocols and asked Council if they still felt the need to require the safety plans for events.

Deputy Mayor Goins asked Chief Lamm what the percentage in Brevard was for vaccinations. Chief Lamm noted it was only around 35% at this point for those who have completed the vaccination. Deputy Mayor Goins thought they needed to keep it the same for now to stay safe.

Further discussion was held on positive cases in Brevard County.

Councilmember Dyal stated that most are not wearing masks anymore and it should be up to the individual to take care of themselves. He feels it should be up to stores as well to decide what to do for themselves.

Councilmember Hearn was in favor of the ordinances to help with Covid spread. He asked if anything was imposed, would be it be against the Governor's order. In response, City Attorney Garganese advised individuals and businesses have the right to establish safety protocols in their establishments, however, the ordinance requiring face masks is superseded. Facilities that the city has the ability to manage can be done by ways Council believes is prudent.

Councilmember Hearn believes that we are close to opening back up fully and does not want to mess that up. He was in favor of keeping the protocols until June 30<sup>th</sup> and coming back at that time.

Councilmember Koss clarified what was in place until June 30<sup>th</sup> is within our facilities. Ms. Senger advised that there was no date on the special event portion and the June 30<sup>th</sup> date was for outdoor dining, however, if Council wishes they could continue requiring the safety plan as long as they want.

Chief Lamm added that the CDC guidance is a lot more stringent and they are still highly recommending people to wear masks. He urged Council to look at that. He agreed they all want to get back to regular business but they also need to protect employees and citizens. He feels that current CDC guidance will get them in that direction.

MOTION by Councilmember Koss to follow the current CDC guidelines in public gatherings and public facilities. Mayor Blake seconded for discussion.

Mayor Blake asked Chief Lamm about Cocoa Beach and Cape Canaveral's numbers due to the recent air show. In response, Chief Lamm explained how those numbers were tabulated and that they were done by drivers' licenses, so those would be scarred. That is a large problem when trying to gather data. He would be more than happy to get that information but it will be difficult.

Mayor Blake knows people are tired of wearing masks but he needs to protect himself and family as well.

Ms. Senger clarified that this will apply to any event organizer and advised that the city could require them to complete a safety plan prior to the event, however you cannot require them to put in the plan that they would require face coverings. Even though the CDC guidelines may say they recommend it, the City cannot require those per CDC guidelines.

City Manager Whitten clarified the resolution requiring safety plans and agreed with what Ms. Senger stated. The order just covers emergency acts and whether or not we can mandate masks or not.

Attorney Garganese reiterated that the emergency ordinance requiring face coverings had been superseded. The next item was a resolution allowing outdoor seating at restaurants. This was neither an emergency order, mandate, etc. it was just to allow a prohibition in the Code to allow outdoor seating. The last thing is a requirement for a safety plan for special events. He does not recall a resolution or emergency ordinance in regards to this. Now, times have changed but the Governor's order does not affect the safety plan.

Ms. Senger pointed out the only thing was face coverings. Attorney Garganese explained that the City could still require face coverings coming in City Hall, so in regards to other facilities the question is if there should be a safety plan that requires face masks within City facilities. Ms. Senger added that this would include parks and streets when there are events. Attorney Garganese added it would depend on the facility.

Ms. Senger explained the safety plans are usually required for outdoor events and waivers are required for indoor events.

Councilmember Koss amended her Motion that the City would still require safety plans for special events that follow CDC guidelines.

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

VIII. City Business:

 Adopt a Resolution to create an Upstart Cocoa Minority and Small Business Program, approving the Upstart Cocoa Policies, Procedures, and Conditions and granting the ability to execute an agreement with weVENTURE WBC. (20-596). (Community Services Director)

Mayor Blake pointed out that this has been spoke about at several events. Ms. Bunt provided a brief background and acknowledged Ms. Essing who has put a lot of time and effort working with weVenture.

Kathryn Rudloff, Executive Director of weVenture explained the program and what the partnership with the City would be. She advised that their mission was to provide low cost business education and unique programming that that helps women overcome systematic challenges they face. A brief presentation<sup>2</sup> was provided. She believes that partnerships with Economic Development programs are vital.

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

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

2. Approval of RFP# P21-19-COC, a Request for Proposals for the purchase of real estate and development of 915 Florida Avenue scheduled to be published on Vendor Link on May 18, 2021. (21-294). (Community Services Director)

Ms. Bunt presented the item and advised that on March 23, 2021 Council made a motion to terminate the agreement with The Villas. The Highest and Best Use was updated as well as the appraisal. She further spoke about the RFP and requirements for the proposals.

<sup>&</sup>lt;sup>2</sup> EXHIBIT A: Presentation by weVenture

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

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

THE MOTION CARRIED UNANIMOUSLY (5-0)

Deputy Mayor Goins asked about Vendor Link and with the last RFP there was only one responder. He asked if there was any way that these could be put out on a broader scale.

In response, Ms. Bowman stated they do not maintain vendor listings and explained the process for bids.

## Multi-Year Contracts:

Approve City Staff's recommendation to consolidate recordkeepers for the City's 457(b) and 401(a) providers from three providers to one provider, ICMA-RC. Providing termination notice to Nationwide and Empower Retirement. Approve a multi-year plan agreement between the City of Cocoa and ICMA-RC effective September 11, 2021 to September 10, 2026. (21-324). (Administrative Services Director)

Ms. Gemmati explained what the item entailed and a short presentation<sup>3</sup> was provided by Lisa Garcia with Sageview. She noted that she was tasked to compare the city's plans and that an RFP had been done in order to consolidate record keepers. Savings that would be seen by the employees were shown.

Ms. Gemmati assured Council that communications regarding this would be provided to employees. This will take several months to implement but it will save about \$75,000. She explained how these fees were built into the employees' individual accounts to help grow their funds.

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

AYES: Blake, Goins, Dyal, Hearn, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

X. Reports:

<sup>&</sup>lt;sup>3</sup> EXHIBIT B: Presentation by Sageview

\*

Gregg Stoll, 2203 Salem Drive, Cocoa, provided an update on the Space Coast TPO Citizens Advisory Committee. He advised that Councilman Dyal was at the SR 524 meeting at the Civic Center. He asked the Mayor to try to push the SR 524 project along. He provided updates on state gas taxes and spoke of their priority lists for 2021. Priority one was for Clearlake Road and the transit report from SCAT was reviewed.

Chief Lamm provided an update on COVID-19. Florida has 2,272,102 positive cases; Brevard County has 41,767 and 875 deaths. Cocoa has had 3,822 and there are currently 42 active cases in Cocoa. He further provided information on vaccinations.

Ms. Senger spoke about Juneteenth and what the event entailed. She shared that Alliance for Neighborhood Restoration has hosted this event in the City previously and the City has been approached to host an event on Saturday, June 19, 2021 at Provost Park.

MOTION by Deputy Mayor Goins; Seconded by Councilmember Hearn, to host the Juneteenth Event on Saturday, June 19, 2021 at Provost Park.

AYES: Blake, Goins, Dyal, Hearn, Koss

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

Additionally, Ms. Senger spoke in regards to the July 4<sup>th</sup> event. On March 23<sup>rd</sup> a plan was brought forth to Council to implement safety precautions with family pods in the park. Since then, they have seen an increased availability to vaccines being given and with the recent order regarding face coverings she wanted to bring this back to Council. In the past there have been excess of 10,000 attendees. She asked for direction to either proceed with safety protocols with the exception of face coverings; open it back to full capacity; or still fence in the park but have no pods.

Mayor Blake was in favor of the July 4<sup>th</sup> event but wanted to remain cautious of protocols in regards to spacing. He would like to do our best to secure the area and work with the City of Rockledge and Brevard Symphony Orchestra.

Councilmember Dyal felt that safety protocols should be explained to attendees but refuses pods or fencing.

Councilmember Koss was in favor of the pods and fence as it was a way to control numbers.

Councilmember Hearn's feelings were to recommend safety protocols and social distancing as much as possible but believes fencing would be useless. He was in favor of opening it up.

Deputy Mayor Goins stated that people would be coming from all over and to try to control it would be chaos and does not believe pods would be effective. He agreed it should be open.

MOTION by Councilmember Hearn; Seconded by Councilmember Dyal, to approve the July 4<sup>th</sup> event with no fencing or pods and to ensure that all understand social distancing, wearing of masks, etc. with signs and other promotional material.

Councilmember Koss asked if a disclaimer could be put on promotional items that they recommend the public follow CDC guidelines for public events, and to recommend social distancing and mask wearing.

Deputy Mayor Goins added that it would be a good idea to do a video with both Cocoa and Rockledge before the event encouraging this information.

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

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

Mayor Blake recognized Cocoa High School athletes for academics and athletics. Ms. Nelson and the Girls Track Team were district champions.

He also spoke about the upcoming PAL Basketball Banquet on May 13<sup>th</sup> as well as the Sister City Event on May 13<sup>th</sup> at the Civic Center at 7:30 p.m.

Mayor Blake asked to be kept abreast of the conditions of Save A Lot and mentioned that he had a great time at the Chamber for Cinco de Mayo, he also thanked Mainstreet.

Mayor Blake discussed the FBI investigation and would like something done about this. He wants the cloud removed that his hanging over the city and asked something be done clearing people past, present and future.

Mayor Blake pointed out that there was nothing submitted of allegations that were made.

Deputy Mayor Goins does not know enough about it to speak one way or another. It came from one individual and they were not kept abreast of anything. He has not heard from anyone and does not see the urgency because they do not know anything.

Mayor Blake pointed out that it was in the Florida Today Newspaper.

Councilmember Koss does not remember anyone implicated by name. In response, Mayor Blake asked that they all speak with the City Manager or City Attorney and he wants this cleared so they can move forward.

Councilmember Koss reiterated that she was participating remotely and apologized that she would not be in attendance to the swearing in of Chief Collier.

She mentioned that she read a great article on virology and water, along with outbreaks and how they know about them ahead of time.

\* MOTION by Councilmember Koss, for staff to look into the potential of working with a research university to see if there are opportunities to work with them and potentially leverage funds to upgrade lab facilities.

Mayor Blake would second the motion if it is put into an agenda item. In response, Councilmember Koss stated she was advised by the City Manager that this was how things can get done, which was bringing up items under Reports.

Councilmember Hearn seconded the Motion.

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

#### **THE MOTION CARRIED (3-2)**

Mayor Blake stated that they were establishing a precedent and it will come back to bite them. This is why you meet with the City Manager to get items placed on the agenda.

Councilmember Koss further spoke about a motion she had made at a prior meeting to look at the Cocoa Conservation Area Management Plan and for that to be brought back. There is no date yet for that and would like to make a motion that this be brought back as a presentation to Council before the June 1<sup>st</sup> workshop.

Ms. Morgan advised that they had planned to bring this back to either the first meeting of June or the second.

Councilmember Koss also would like the Parks Master Plan included and explained her reasonings for this. She felt that decisions were being made that would be better suited by that plan.

MOTION by Councilmember Koss for an overview of the Cocoa Conservation Area Plan and the Parks Master Plan before or during the workshop on June 1<sup>st</sup>.

#### Motion died lack of a second.

Councilmember Koss stated the cost of the Parks Plan and felt that they owe it to the citizens to follow this along with other plans. She was not at the workshop and did not participate in the budgeting for the parks. She was not so concerned with District 4 but with the system.

Deputy Mayor Goins stated that on May 25<sup>th</sup> Aisha Patrick would be recognized as she is the head coach for middle school and varsity basketball at Cocoa High School.

He advised that there were three lights down, possibly four on Smith Lane that need to be replaced. The area is becoming unsafe.

City Manager Whitten noted his request.

Deputy Mayor Goins had a good time at the Cinco de Mayo event and that it was nice to see so many companies from Cocoa networking. He thanked Mainstreet for hosting that event.

Councilmember Hearn spoke of his attendance at the Florida League of Cities Institute for Elected Municipal Officials and thought it was a great event. He was able to educate himself on how Cocoa co-exists with other cities. He welcomed Chief Collier aboard and was anxious to work with him.

Lastly, he announced that he was planning another trash pick up and was looking for different places within the city.

- Adjournment: XI.
- \* MOTION by Councilmember Dyal; Seconded by Councilmember Hearn, to adjourn the Regular meeting of May 11, 2021.

AYES: Blake, Goins, Dyal, Hearn, Koss

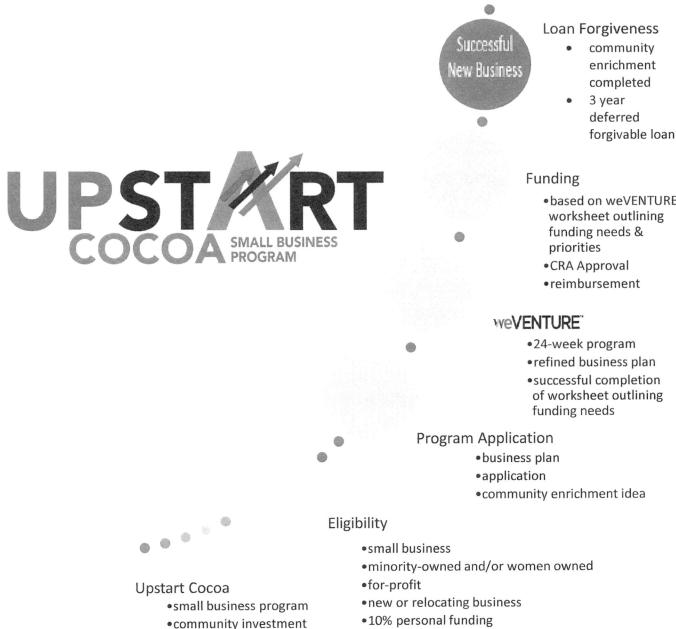
THE MOTION CARRIED UNANIMOUSLY (5-0)

The meeting adjourned at 8:26 p.m.

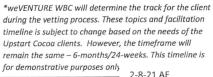
Michael C. Blake, Mayor

ATTEST:

Carle E. Shealy, 







based on weVENTURE

•10% personal funding

forgivable loan

2-8-21 AE



# City of Cocoa 401(a) and 457(b) Retirement Plan – RFP Project Summary Presentation to City Council

Lisa M. Garcia, AIF, QPFC T: 407-791-3562

E: Lgarcia@sageviewadvisory.com

SEE WHERE YOU'RE GOING

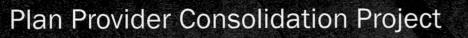
Plan Costs Benchmarking Summary

## City of Cocoa 401(a) and 457(b) Deferred Compensation Plan Summary:

\$14,130,897
Empower, ICMA, and Nationwide
\$96,144
1.20%

		City of Cocoa Current Plan Cost (Aggregate/Weighted)	Peer Group	Average
DC, 401(a) and 457(b) Plan Benchmark	Total Plan Costs	1.20%	0.87%	1.12%
	Recordkeeper's Cost	0.68%	0.16%	0.30%

Benchmark based on a plan with assets of \$14 Million and 225 participants.



Plan Administrator Vendor RFP:

- RFP Issued February 18, 2021
- 9 bid received, including bid from all incumbents
- Short-list of 3 providers selected; interviewed April 19, 2021
- Committee selected ICMA-RC (incumbent) as plan administrator to consolidate all plans to a single provider

## Benefits of Plan Consolidation:

- Cost savings directly to employees
- Ease of plan administration and help manage City's fiduciary responsibility
- Enhanced employee experience allowing them to manage their retirement accounts
- Single, diversified investment line-up





# City of Cocoa Results

	Current	New		
Vendors	3 Recordkeeping Providers	Consolidate to 1 Provider		
(\$) Recordkeeping Fees	<ul> <li>\$96,144 (combined cost)</li> <li>ICMA - 1.03%</li> <li>Empower - 0.26%</li> <li>Nationwide - 0.88%</li> </ul>	<ul> <li>\$25,000 (new cost)</li> <li>ICMA: 0.178%</li> <li>5-year agreement</li> </ul>		
Expenses	<ul><li>Multiple Investment Menus</li><li>Avg. Expense Ratio: 1.14%</li></ul>	<ul><li>One Streamlined Investment Menu</li><li>Avg. Expense Ratio: 0.47%</li></ul>		
Options	Up to 49 Investment Options Offered	15 + Target Date Funds (TBD)		
Approximate recordkeeping cost reduction of 74%!				
Exponential savings based on lower investment				

expenses and benefit of compounding

