MINUTES
City of Cocoa
Regular Meeting of The City Council

February 25, 2025

A Regular City Council Meeting was held on Tuesday, February 25, 2025, 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 6:02 p.m.

Deputy Mayor Weeks provided the invocation, and Theresa Clifton led the assembly in the Pledge of Allegiance.

The City Clerk took the roll.

PRESENT:	Michael C. Blake	Mayor
	Patricia Weeks	Deputy Mayor
	Alex Goins	Councilmember
	Lavander Hearn	Councilmember
	Lorraine Koss	Councilmember
	Anthony Garganese	City Attorney
	Stockton Whitten	City Manager
	Monica Arsenault	City Clerk

ABSENT:

OTHER STAFF MEMBERS PRESENT:

Abby Morgan, Public Works Director; Rebecca Bowman, Finance Director; Charlene Neuterman, Community Services Director; Jonathan Lamm, Fire Chief; Evander Collier, Police Chief; Jack Walsh, Utilities Director; Samantha Senger, Communications and Economic Development Director; Tammy Gemmati, Administrative Services Director; Robert Beach, Chief Technology Officer; Luci Ribeiro, Planner; and Megan Crutcher, Help Desk Support Tech.

II. Approval of Agenda and Minutes:

1. Agenda: Regular Meeting of February 25, 2025. (2025-117).

* **MOTION by Deputy Mayor Weeks; Seconded by Councilmember Koss to approve the agenda for the Regular City Council meeting of February 25, 2025 as written.**

THE VOTE ON THE MOTION WAS:

AYES: Blake, Weeks, Hearn, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

2. Minutes: (a) Special Meeting of December 23, 2024. (2025-118).

* **MOTION by Councilmember Hearn; Seconded by Deputy Mayor Weeks to approve the minutes for the Special City Council meeting of December 23, 2024 as written.**

THE VOTE ON THE MOTION WAS:

AYES: Blake, Weeks, Hearn, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

3. Minutes: (b) Regular Meeting of January 14, 2025. (2025-160).

* **MOTION by Councilmember Koss; Seconded by Deputy Mayor Weeks to approve the minutes for the Regular City Council meeting of January 14, 2025 as written.**

THE VOTE ON THE MOTION WAS:

AYES: Blake, Weeks, Hearn, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

III. Awards and Presentations:

1. Proclamation: Proclaiming Saturday, April 5th, 2025 as an Arbor Day Event. (2025-141). (Mayor Blake)

   Mayor Blake read the proclamation for Arbor Day into the record.

IV. Delegations:

Ms. Theresa Clifton, Brevard Humane Society, spoke about the Mardi Paws at the Park event and shared photos from the event. She thanked Council and staff for their continued support.

Ted Fore, 1700 Freda Trail, Brevard County, shared that he has reached out to Morgan Associates to get a ballpark estimate on how much it will cost to have water access installed for his property. He was told it would cost somewhere around $250,000 as long as the Council and the City gives its blessing. He added that he will come back to a meeting at a later date for an update.

Chris McPherson, Endeavor Elementary, wished to thank Council on behalf of the students at Endeavor Elementary for the new crosswalk that was approved on Dixon Blvd. The students would like to invite Council and staff to their Spring Festival on March 8th.

V. Consent Agenda:

1. Approve Cooperative Purchasing Agreement with Cintas Inc. for Uniform Rentals and other Workplace Solutions based off the Omnia Partners/University of Nebraska Contract # 001299. (2025-134). (Finance Director)

2. Requesting a road closure date change and a road closure request outside of the CBD. (2025-136). (Comm. & Economic Development Director)

3. Accept Amendment Number 1 to Grant Agreement No.24PLN48 between the Florida Department of Environmental Protection (FDEP) and the City of Cocoa related to the additional services provided for the Vulnerability Assessment grant. Authorize the City Manager to execute the agreement. Approve a Budget Resolution to Amend the FY25 Budget, BAF # 25-041-A, in the amount of $11,300 for the additional funding related to the additional services provided by the consultant. (2025-137). (Community Services Director)

4. To Approve a Sole Source Purchase of a Vapex™ Radical Odor Control System for the Jerry Sellers Water Reclamation Facility from Vapex Environmental Technologies

of Cocoa, Florida, in the amount of $155,000. Approve a Resolution to Waive Competitive Bidding, a Resolution for Project Contingency, and authorize the City Manager to sign any agreements, purchase orders, and change orders up to the authorized amount. (2025-140). (Utilities Director)

5. Authorize City Manager to issue purchase orders for six new vehicles utilizing available Cooperative Purchasing Agreements in accordance with the City's purchasing policy. Approve BAF# 25-040-T, shoring up the project budgets. (2025-151). (Public Works Director)

6. Consideration of Financial Request from Cocoa High School. (2025-170). (Administrative Services Director)

7. Announcement of Travel for Mayor Blake and City Manager Stockton Whitten to Washington D.C. from March 5th - March 7th, 2025. (2025-172). (City Manager)

8. Approve a Resolution Amending the FY25 Budget, BAF#25-039-A, in the amount of $200,000 from Assigned Fund Balance for Economic Incentives for the following projects: NEPA Environmental Analysis for the FSP Grant for the Brightline Station, Design for the Brightline Station, and conservation credits needed for the surrounding land. (2025-175). (Comm. & Economic Development Director)

9. To Approve the Final Ranking of the Firms for RFQ Q-25-03-COC, Engineering Services for the Pineda Causeway Phase 2 Water Main Design Project; To Authorize the City Manager and City Attorney to Negotiate and Execute a Multi-Year Contract with the Top-Ranked Firm, and with the Second-Ranked Firm if Negotiations with the Top-Ranked Firm are Unsuccessful, in an Amount Not to Exceed $1,335,000 for Design Services. (2025-126). (Utilities Director)

* **MOTION by Councilmember Hearn; Seconded by Deputy Mayor Weeks to approve the Consent agenda.**

THE VOTE ON THE MOTION WAS:

AYES: Blake, Weeks, Hearn, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

VI. Public Hearings:

1. Cirrus Final Plat. (2025-127). (Planner)

Ms. Ribeiro provided a presentation[1] and explained the item.

Mayor Blake opened the Hearing to the public.

Ted Fore, 1700 Freda Trail, Brevard County, shared his concerns regarding runoff water and the influx of traffic. He asked Council to consider these concerns while they're moving forward with the project.

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

* **MOTION by Mayor Blake; Seconded by Councilmember Koss to approve the Final Subdivision Plat for one (1) parcel of real property totaling approximately 15.74 acres, to be subdivided into two (2) lots (Lots 1A and 1B), known as Cirrus Subdivision and a commercial outparcel. This request is consistent with Chapter 18 (Subdivisions) and Appendix A (Zoning) of the City Code and is subject to the following conditions:**

- **The final plat shall be recorded with the Clerk of the Circuit Court of Brevard County within 30 days of City Council approval.**

THE VOTE ON THE MOTION WAS:

AYES: Blake, Weeks, Hearn, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

VII. Council Business:

1. Travel Authorization for IEMO Conference Attendance. (2025-171). (Administrative Services Director)

Ms. Gemmati explained that the City budgets for Council to attend various conferences throughout the year, however this year the City has budgeted for two members to attend the IEMO conferences, and three members are asking to attend. Staff is asking for direction on which Councilmembers would like to attend the IEMO conference this year.

Councilmember Goins asked if staff can increase the budget for next year to allow for more members of Council to attend. In response, Ms. Gemmati responded affirmatively.

[1] Exhibit A: Cirrus Final Plat Presentation

* **MOTION by Councilmember Koss; Seconded by Councilmember Goins to authorize Councilmember Goins to attend the Advanced IEMO in March and for Deputy Mayor Weeks to attend the IEMO I in June.**

THE VOTE ON THE MOTION WAS:

AYES: Blake, Weeks, Hearn, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

VIII. City Business:

1. To Provide Direction to Staff for Funding and New Policies, if Necessary, for the Indian River Drive Septic to Sewer Conversion. (2025-176). (City Manager)

Councilmember Koss announced that she would be recusing[2] herself from voting on this item as she resides in the subject area that would directly be affected. Additionally, before removing herself from the dais, she asked to share five facts with the Council and read them aloud.

Deputy Mayor Weeks spoke about the project and shared that she feels very passionate about it. She feels that there is plenty of grant money that the City could pursue to help cover the costs. She added that the constituents she's spoken to are in support of the project and would like it to get done.

Mr. Walsh provided clarification regarding the SOIRL projects taking place in Sharpes.

City Manager Whitten shared that the Save Our Indian River Lagoon Program (SOIRL) and ½ penny sales tax was approved by the voters of Brevard County with the purpose of removing phosphorus and nitrogen from entering and further polluting the Indian River Lagoon. Two areas within the City of Cocoa along Indian River Drive were identified as areas requiring improvement. To justify the tax and present the case to the voters, Brevard County Commissioned a study by the consulting firm Tetra Tech. In addition to identifying the major causes of pollutants into the Indian River Lagoon the Tetra Tech study also identified acceptable approaches and projects for improving the lagoon. In the areas with the City of Cocoa known as "J" and "K" the two approaches for improving the lagoon were identified as:

1) Advanced Septic System Replacements
2) Conversions from traditional Septic to Sewer Systems

[2] Exhibit B: Councilmember Koss Voting Form 8B

Staff have consistently advised that the Council should address the following policy manners prior to a decision on whether to go forward with the project.

- Who pays for cost overruns if they occur, the homeowners within the J&K project area or the water and sewer rate payers within the regional utility?
- Can and/or will the Council mandate mandatory connections for homeowners within the J&K project area? Does this policy have to be a city-wide policy?
- What will be the penalty for not complying with the mandatory connection requirement?
- How will the City address non-compliance?

At its January 17, 2025 meeting the SOIRL committee unanimously recommended against providing any additional funding for the project.

In general, the City Attorney's position is that the City Council can legally adopt an ordinance requiring J&K property owners to connect to the city's sewer system because the proposed sewer line improvement provides a direct and special benefit to those properties and the J&K project will be funded, in whole or in part, by a special funding source ("SOIRL Tax", debt financing, etc.). The connection mandate is also supported by Section 381.00655, Florida Statutes which provides that an owner of a functioning onsite sewage treatment and disposal system (aka "septic tank") "must connect the ... building's plumbing to an available publicly owned ... sewerage system within 365 days after written notification [by the city] that the system is available for connection." Section 381.00655 also requires property owners to pay connection charges. The ordinance will emphasize the public purpose of the Save our Indian River Lagoon Program and require a mandate for any other similar projects in the future, if any.

State law supports local government efforts to mandate sewer connections to publicly available sewer systems. If the J&K project proceeds, the City will have to exhaust all available remedies at law to require that J&K property owners connect to the constructed sewer line improvement funded in whole or in part by SOIRL. Such remedies should include seeking injunctions to compel connection against any J&K property owner who refuses to connect timely to the City's sewer system once it becomes available.

Furthermore, there are funding risks associated with the J&K project which should be mitigated to protect the City from financial losses. Such financial risks may include: (1) project costs in excess of available SOIRL funding; and (2) an anticipated SOIRL claw-back provision in the funding agreement based on some properties refusing to timely connect to the sewer line project funded by SOIRL tax money. Because the J&K project primarily provides a specific and direct benefit to the 88 affected properties, a special assessment is a legally sound approach to enforce recovery of project cost overruns and claw-backs. The City Council should seriously consider a special assessment if the decision is to proceed with the project.

Furthermore, the City Council must be made aware that the City has a combined water and sewer utility enterprise fund. A special assessment approach ensures that the property owners receiving the benefit from the J&K project contribute proportionally to the cost associated with the project, preventing the other water and sewer rate payers from subsidizing costs that should be borne by the benefiting properties.

In summary, staff believes the options are as follows:

1. Withdraw the sewer infrastructure project and let the homeowners submit and qualify for advanced septic treatment funding from SOIRL.

2. Mandatory Participation. Require all homeowners to connect to the sewer system once completed. The Council must determine how cost overruns are funded. If cost overruns for public infrastructure are greater than SOIRL funding and any applicable grants, the cost above the available funding will be paid for by Regional Utility Rate Payers or J&K Project Area Homeowners.

Mayor Blake opened the item for public input.

Mr. Frank Sullivan, 1705 N. Indian River Dr., spoke in favor of the project and added that the money is out there if the City would just go out and pursue it. He feels that there are too many excuses being made and he'd like Council to approve this project.

Janice Smith, 2107 Clairemont Dr., Cocoa, stated that this agenda item is very important for the health of the Indian River and for all Cocoa residents. The residents of Brevard voted and passed a tax for the sole purpose of cleaning the river which shows that the public is supportive of the City applying for grants. She noted that as of right now, Cocoa's water quality is described as the poorest in Brevard due to septic seepage from septic tanks.

Vinny Taranto, 313 Tenth Ter., Indiatlantic, spoke about the project and spoke about why the request for funding was denied by SOIRL. As he used to serve on the SOIRL Board, he suggested that staff pursue grant funding. As a longtime supporter of the lagoon, he feels that sewer, where available, is going to be preferential. He wished to point out that the City could upgrade to advanced septic right now, but who is to say another mandate won't require another update in twenty years.

Linda Dolphin, 2100 N. Indian River Dr., Cocoa, talked about how she learned about the project and the community meetings that she and Councilmember Koss held to try and understand it better. She shared that this project will not affect her one way or another, however she thinks this will be better overall for the lagoon. She thanked

Deputy Mayor Weeks, Councilmember Hearn and Councilmember Goins for being champions for the project and asked Council to approve the project so it can at least go out to bid.

Lawrence Koss, 2115 N. Indian River Dr., Cocoa, spoke about the importance of the lagoon and pointed out that when people dump things such as cleaning chemicals or medications down the drain, it goes into their septic system and then into the lagoon. He asked Council to consider the marine life that lives there and the overall health of the lagoon.

Pete Ollavaria, 2515 MacFarland Dr., spoke about the project and is glad to see so many speakers come out to try and collectively solve this issue. He asked why another bid isn't obtained so that staff can report back to SOIRL with updated and possibly lower numbers.

James Smith, 2107 Clairemont Dr., Cocoa and has lived there for forty-five years. He listened to questions this evening on how mandatory hookups would be enforced, which has then led him to question how advanced septic would be enforced if that's the path that Council decides to select.

There being no further questions or comments, Mayor Blake closed the item to the public.

City Manager Whitten talked about the City's policies and ordinances and pointed out that staff does not speak negatively on projects, they simply reinforce policy and march to the orders given by the Council.

Mayor Blake pointed out that only three households of the eighty-eight homes showed up to show support of the project this evening. He added that he's talked to several other citizens that live in that area and they are not in favor of the project because they have already paid to have advanced septic installed.

* **MOTION by Councilmember Hearn; Seconded by Deputy Mayor Weeks to move forward with the septic to sewer project and put it out to bid with the following conditions:**

1) Mandate all 88 homes to hook up
2) Utilize all available grant money
3) Any cost overruns will be paid by the 88 homeowners through a combination of a one-time hookup fee and a special assessment to pay down the debt
4) Use all State and local remedies to enforce mandatory hookups

City Attorney Garganese provided clarification regarding special assessments.

THE VOTE ON THE MOTION WAS:

AYES: Weeks, Hearn, Goins

NAYES: Blake

THE MOTION CARRIED (3-1)

IX. Informational Agenda:

1. 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. (2025-157). (Finance Director)

2. Data showing the relation between the estimated and actual income and expenses to date. (2025-158). (Finance Director)

3. FY 2025 January Budget Adjustment Report. (2025-159). (Finance Director)

4. Informational Only - The City of Cocoa's Open Board Vacancies. (2025-162). (Administrative Services Director)

5. Bi-Weekly Report for February 6 - February 20, 2025. (2025-169). (City Manager)

X. Reports:

Councilmember Goins shared photos from events he recently attended, including the Big Brunch event with Family Promise of Brevard as well as a fundraiser at Cocoa High School.

Deputy Mayor Weeks asked if anything can be done about the big tractor trailers idling along SR 524 and I-95 waiting to get into the Walmart Distribution Center. In response, City Manager Whitten stated that he will send a message to FDOT to see if anything can be done.

Councilmember Koss provided a District 4 update. She talked about the Central Florida MPO Alliance meeting she attended as well as the Space Coast TPO meeting and the new members that have recently joined.

Councilmember Hearn shared that he has received a lot of good feedback from constituents the last few weeks. He also talked about a few events he recently attended and thanked Council for their investment in the City's parks. He added that he is excited to see them grow and flourish over the next several years.

Mayor Blake shared that he attended the 2nd Annual Founders Monument Prayer Breakfast and shared several photos from the event.

He also thanked Cocoa High School and recognized their valedictorian for this upcoming year.

XI. Adjournment:

* **MOTION by Deputy Mayor Weeks; Seconded by Councilmember Goins to adjourn the Regular meeting of February 25, 2025.**

AYES: Blake, Weeks, Hearn, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

The meeting adjourned at 8:14 p.m.

Michael C. Blake, Mayor

ATTEST:

Monica Arsenault, CMC, City Clerk