MINUTES
CITY OF COCOA
COCOA CRA
REGULAR MEETING
JULY 10, 2019

The Regular Meeting of the Cocoa Community Redevelopment Agency was held on July 10, 2019 at City Hall, 65 Stone Street, Cocoa, FL, as publically noted.

I. Call to Order

Chairperson Williams called the meeting to order at 5:05 pm

ROLL CALL:

Jake Williams, Jr.	Chairperson
Don Boisvert	Agency Member
Alex Goins	Agency Member
Lorraine Koss	Agency Member
Edward Lanni	Agency Member
Brenda Warner	Agency Member
Kristen Eick	Assistant City Attorney
Courtney Jackson	Recording Secretary

PRESENT:

Jake Williams, Jr.	Chairperson
Alex Goins	Agency Member
Lorraine Koss	Agency Member
Edward Lanni	Agency Member
Brenda Warner	Agency Member
Kristen Eick	Assistant City Attorney
Courtney Jackson	Recording Secretary

ABSENT:

Don Boisvert	Agency Member

STAFF PRESENT:

John Titkanich, City Manager, **Matt Fuhrer**, Assistant City Manager, **Darryl Niles**, RDA Program Manager, **Charlene Neuterman**, Community Services Deputy Director, **Nancy Bunt,** Community Services Director.

Agency Member Lorraine Koss provided the invocation and **Agency Member Alex Goins** led the assembly in the Pledge of Allegiance to the flag of the United States of America.

II. Approval Of Agenda And Minutes:

AGENDA: Regular Meeting of July 10, 2019

* **MOTION by Agency Member Lanni; SECONDED by Agency Member Koss to approve the Agenda for the July 10, 2019 Regular Meeting.**

AYES: Williams, Warner, Koss, Lanni, Goins

MOTION PASSED UNANIMOUSLY (5-0)

MINUTES: Regular Meeting of June 12, 2019

* **MOTION by Agency Member Lanni; SECONDED by Agency Member Koss to approve the Minutes for the June 12, 2019 Regular Meeting.**

AYES: Williams, Warner, Koss, Lanni, Goins

MOTION PASSED UNANIMOUSLY (5-0)

III. Delegations

None

IV. Action Items

19-326 Agency Member Review of the subsurface investigation performed for the proposed Civic Center at Lee Wenner Park, and direction by members to continue with the proposed tasks assigned to Infrastructure Solutions Services

Attachments: Cocoa Lee Wenner Geographical Report 19-5251_062819
Coc015 Waterfront Conf-Civic Center Geotech 07-10-2019
FEMA_100 and 500 year flood zones

Mr. Niles presented Action Item 19-326 as the Agency Member Review of the subsurface investigation performed for the proposed Civic Center at Lee Wenner Park and asked the Board for direction to continue with the proposed tasks assigned to Infrastructure Solutions Services. Mr. Niles shared with the Board that, in 2018, the City embarked on a plan to update the Cocoa CRA Waterfront Master Plan and the Cocoa CRA Redevelopment Plan. The Waterfront Master Plan Update of 2019 identified plans to diversify boating access, relocate the Civic Center, and open the waterfront to Dellanoy Ave.

At the April 10, 2019 Cocoa CRA Meeting, Staff presented an updated task order to include Architectural Services and Geotechnical Services. Upon Review of the

task orders, the Agency Members provided direction to Staff to begin with the geotechnical tasks.

Infrastructure Solutions Services and Ardaman & Associates met with Staff and presented the Subsurface Soil Exploration and Geotechnical Engineering Evaluation results for the proposed site at Lee Wenner Park. During the evaluation process, five (5) subsurface Standard Penetration Test borings were taken (using a drill rig) to a depth of 20-30 feet in the proposed area of the building. In addition, three (3) subsurface borings (using an auger) were conducted in the area of the proposed parking improvements. One subsurface auger boring was taken in the proposed stormwater management area to a depth of 15 feet.

The results of their tests indicate that the existing soils are suitable for supporting the proposed building on a conventional shallow foundation system. The consultant indicated that spread footings should provide an adequate support system for the building. In addition, the consultants found that the proposed parking area has suitable soils to support a parking/drive area. Our consultants provided recommendations for proper site preparation to guide potential engineers/architects in the design of the facility.

From the results of this evaluation, Staff is requesting approval from Cocoa CRA members to continue with the remaining tasks as approved at the March 13th and April 10th Cocoa CRA meetings including:

-Field Services
-Conceptual Layout Services
-Financial Feasibility
-Conceptual Master Plan
-Architectural Services
-Geotechnical Services

If approved, our consultants will complete the feasibility tasks and present a final report at a later Cocoa CRA meeting. Mr. Niles notified the Board that the geotechnical representatives and consultants are available for questions regarding their findings.

Agency Member Koss asked for the representatives to come to the podium to interpret their findings since their report is in geotechnical language.

Tom Dale (Project Representative) informed Agency Members that their basic findings indicate that the soils are acceptable. He noted that there is nothing in the

report that would rule out putting the Civic Center on this site. Mr. Dale further discussed his findings as noted in Exhibit[1].

Agency Member Koss asked if the soils are consistent throughout.

Jason Manning (Ardaman & Associates, Inc., Branch Manager) confirmed that they are consistent. Further explained how they space borings based on the proposed footprint of the building design.

Agency Member Koss pointed out that the borings would be 6 inches above the groundwater and wanted to know if that was standard.

Mr. Manning explained how the borings are drilled[2]. He further discussed how he and his team anticipate changes to water table at that location.

Agency Member Koss asked if sea level would impact the borings.

Mr. Manning confirmed that it would, but only if the sea-level rise affected the river-water level. Explained the sea level itself is out of their scope.

Agency Member Koss pointed out that scientist have predicted that the most likely scenario for the river is its water rising 16 inches by 2050. Asked if 6 inches would make a difference, if that was the case.

Mr. Dale explained how he and his team monitors the estimated sea-level rising reports that NOAA and the Army Corps of Engineers publishes[3]. He and his team take those findings into account when looking at a conceptual master plan and they do what they can to accommodate the anticipated sea levels.

Agency Member Lanni expressed his dissenting opinion on the location for the new Civic Center. He feels there is not enough room for a building of that size on the anticipated lot of land, that it is overcrowded with boat trailers, and feels the facility will take away parking space.

Chairperson Williams commented that he also agrees that the facility will create parking issues. He feels the taxpayers' money could go to other important issues besides the new Civic Center, which may or may not happen due to the numerous issues that have to be addressed before construction begins. Ultimately, he wants to do what is best for the community.

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[1]Exhibit 1: Cocoa Lee Wenner Geographical Report 19-5251_062819

[2] Agency Member Warner and City Manager John Titkanich left the room at 5:11pm

[3] City Manager John Titkanich returned to the room at 5:14

Agency Warner stated she also was not in favor of the new Civic Center's location, however it is the location the Citizens of Cocoa voted for. Expressed her concern that building the new Civic Center will be a major financial burden for the Citizens and does not want to hurt the community. But, she does recognize that the majority of Cocoa Citizens are in favor of the new Civic Center and location. Ultimately, she feels that since they are committed to following the master site plan, they should move forward with it.

City Manager Titkanich addressed several issues, and discussed how he felt about the project. Noted the market study will show supply and demand.

Chairperson Williams agreed with Agency Member Warner that if the location is the will of the Cocoa Citizens, then they should move forward with it.

Agency Member Koss wanted to state to the Board that she is fully committed with the Master Plan and a new Civic Center, but not the location. She also mentioned that they were never given any other alternate locations. She asked if the location is set in stone.

City Manager Titkanich was not sure about alternate locations but reminded her that the CRA is the governing Board. He also stated that there are no other locations that will offer the amount of advantages that this location offers.

Agency Member Koss stated that she does not disagree with the competitive advantages and aesthetics and feels it would create a great deal of revenue. Pointed out that, at a previous Space Coast's League of City's meeting, they mentioned this facility would be eliminating a lot of access to the water. Wanted to know what the opportunity costs of building at this location would be. Expressed she wished she had comparisons to go over when they review the market study.

City Manager Titkanich provided examples of how they could create additional recreation opportunities, even with the new civic center being on the water at Lee Wenner Park. Also noted the resiliency the location offers.

Agency Member Koss expressed her concern regarding the opportunity costs that would result from choosing this location, because we are doing this for our future.

City Manager Titkanich stated that resiliency components are sound based on the NOAA and the Army Corps of Engineers flooding predictions and studies.

Aleck Greenwood (Brevard Ave) expressed that he feels the biggest issue is parking and secondly being the location. Shared his solution for the parking issue. Recommended implementing a multi-level parking garage for the new Civic Center

on an alternate site at the current parking lot at Oleander Avenue by Cocoa City Hall. He also suggested that the Civic Center should be located above such garage. He stated that, in this alternative, the parking garage could benefit not only the Civic Center, but also City Hall and Cocoa Village.

Candace Rogers (93 Dellanoy Ave) advised the Board that if the CRA area taxpayers are excited for the new Civic Center, then they should do it. She agreed with Agency Member Warner that it is expensive for many, but it would be nice to have a new community center. She felt that the Civic Center would be best if it was located on the waterfront. She informed the Board that the new Civic Center models New Smyrna Beach's Civic Center and it would be beneficial to consult with them. She suggested they should build the facility two (2) feet higher than the insurance company recommends.

Ed Green (104 Riverside Dr.) Expressed that a lot of the boat trailers are not Cocoa Citizens and while it is nice to provide a service for them, they take up city resources to park their trailers at the park and the City does not get any benefits in return. Mentioned that because they are not Cocoa tax paying citizens, we should not prioritize making parking spaces for their boating trailers. He explained that he does not feel that residents who live outside of the Cocoa CRA area should have a say in CRA projects.

Chair Williams said that the park is not just for the CRA area residents, it is for everyone.

Agency Member Koss asked City Manager Titkanich if it was possible to proceed with the market research and analysis on alternative locations.

City Manager Titkanich stated he can look into it.

Vice Chair Warner suggested to move forward with the decisions they have agreed upon and to also get a cost amount for Agency Member Koss's idea of finding other site locations. Agrees that there should be additional parking at the Lee Wenner location. She does not agree with Mr. Greenwood's idea of having the parking garage below the Civic Center at the City Hall parking lot location. She stated that the aesthetics of a Civic Center at that location would be unacceptable.

Agency Member Koss asked how long the different required studies will take.

City Manager Titkanich stated that, with Agency approval, they would all take place at the same time.

* **MOTION by Agency Member Warner; SECONDED by Agency Member Koss to approve Staff recommendation for *Action Item 19-326* with the condition City Manager Titkanich provides alternative sites for the new Civic Center.**

AYES: Williams, Warner, Goins

OPPOSED: Koss, Lanni

MOTION CARRIED (3-2)

* **MOTION by Agency Member Goins; SECONDED by Agency Member Koss to extend the Regular Meeting until 6:30 PM**

AYES: Williams, Warner, Koss, Lanni, Goins

MOTION PASSED UNAMIOUSLY (5-0)

19-327 Provide direction on Staff's recommendation to issue a Written Notice of Default to Lodging Decisions, Inc., and request they cure the default consistent with the requirements of the Redevelopment Project Agreement related to the 603 Brevard Avenue Redevelopment Site.

Attachments:
- Jack D Brown Proposal
- Hotel Redevelopment Agreement- Executed 3-15-19
- Email by Developer to City Manager 5-20-19
- Email by City Manager to Developer to C. Neuterman 6-19-19
- Agreement Deliverable 2-A-(1)
- Agreement Deliverable 2-A-(2)
- Agreement Deliverable 2-A-(2)-ii
- Agreement Deliverable 2-A-(2)-ii-b
- Agreement Deliverable 2-A-(2)-ii-c
- Agreement Deliverable 2-A-(2)-iii-a
- Agreement Deliverable 2-A-(3)
- Agreement Deliverable 2-A-(4)
- Email to CNeuterman dated 7-8-19 Deliverable 2(A)4.1
- Agreement Deliverable 2-A-(7)
- Walhouse Preliminary set
- 603 Brevard Deliverable Checklist

Mr. Niles introduced the item requesting that the Agency provide direction on Staff's recommendation to issue a Written Notice of Default to Lodging Decisions, Inc. (LDI) and request that LDI cure the default consistent with the requirements of the Redevelopment Project Agreement related to the 603 Brevard Avenue Redevelopment Site.

On January 29, 2019, Mr. Brown, Chairman of Lodging Decisions, Inc., met with CRA and City Staff to sign a Redevelopment Agreement. That Agreement was fully executed on March 15, 2019. Since then, the CRA Staff and City Manager have been in contact with Mr. Brown on numerous occasions regarding his performance obligations. On May 20, 2019, LDI requested an extension for the May 23, 2019 deadline. Pursuant to Section 9D of the Agreement, an extension may be granted for any completion deadline related to the schedule upon good cause shown by the developer. In order to determine good cause, the City Manager requested a status report by May 28th regarding the developer's performance. No report was given to the CRA or City Manager until June 19th when LDI emailed Charlene Neuterman[4]. Developer, Jack Brown, is present and requests to address the Board.

City Manager Titkanich advised that, if LDI had shown good cause, the time period for performance can be extended by up to sixty (60) days. He then explained the status report documents/emails that were received on June 19, 2019 from Jack Brown[5]. The City Manager ultimately could not find good cause and suggested that the Board follow the Staff's recommendation to issue a written Notice of Default to Lodging Decisions Inc.,

Jack Brown (Lodging Decisions, Inc.) explained that there was a misunderstanding between him and City Manager Titkanich regarding needing an extension. When City Manager Titkanich first reached out to him regarding needing the Benchmark List by May 28th, Mr. Brown said that he replied requesting an extension. Mr. Brown stated that City Manager Titkanich told him he did not need one and that he had until July 15th without an extension.

Agency Member Goins wanted to clarify when Mr. Brown asked for the extension.

City Manager Titkanich stated it was requested on May 20th. At that time, he explained to Mr. Brown why certain documents were needed and explained why the deadline was in place. Also stated that when he did receive the documents, he saw nothing to show there was meaningful progress.

Agency Member Goins asked if Mr. Brown understood the process and he (Goins) felt the biggest issue was communication by LDI and poor time-management.

City Manager Titkanich shared with the Board the timeline of the Agreement.

Agency Member Koss stated she was concerned with the financial commitment because the financial letter referenced support for a Marriott or a Hilton, but in Mr. Brown's documents it shows the hotel is listed as a Comfort Inn.

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[4] Exhibit 2: Jack Brown Emails to Charlene Neuterman

[5] Exhibit 3: Jack Brown Attachments

Agency Member Warner felt that the Board needs to make a decision sooner than later, either placing Mr. Brown in default or extending his time. She feels that the Board must take responsibility to move this along since Staff is doing so much work dealing with the hotel project.

Mr. Brown provided his point of view of the project's progress from the beginning up until now. He feels it is difficult to get investors and franchisors to invest in the idea without knowing if he can move forward or not.

City Manager Titkanich noted that Mr. Brown agreed in writing to the performance obligations.

Mr. Greenwood stated the hotel is a unique project for the City of Cocoa. He stated that what Mr. Brown is building is a commercial business and that there are many requirements that can be difficult to meet. He feels Mr. Brown is being extremely diligent when it comes to his work on the hotel.

Chairperson Williams does not agree that Mr. Brown has done his due diligence yet.

Agency Member Goins asked Mr. Greenwood if he felt that LDI should be in default based on the agreement.

Mr. Greenwood stated the agreement is hard to read, which makes it hard to answer that question. He thinks there are too many "ifs". He felt that after today's meeting, if Mr. Brown was given more clarity of what he needs to bring before the Board, then he should be given a chance to provide that.

Chair Williams stated his concern was that the Board is being "thrown under the bus" and being made out that they are the ones who are holding up the project, when they are not.

* **MOTION by Agency Member Brenda Warner; SECNONDED by Agency Member Alex Goins to follow Staff's recommendation and declare Mr. Brown's project in default and to provide 30 days to bring into to compliance.**

AYES: Williams, Warner, Koss, Lanni, Goins

MOTION PASSED UNUNAMIOUSLY (5-0)

V. Attorney's Report

None

VI. Agency Members and Staff Reports

i. Informational Item- Project Reports

ii. Informational Item- Budget Report

Attachments: Cocoa CRA Financial Report May 2019 (002)

VII. Next Meeting Date

The next regularly scheduled meeting of the Cocoa Redevelopment Agency will be on Wednesday August 14, 2019 at 5pm at the Cocoa City Hall, 65 Stone Street, Cocoa, Florida.

VIII. Adjournment

* **MOTION made by Agency Member Warner; SECONDED by Agency Member Goins to adjourn the regular meeting of July 10, 2019.**

AYES: Williams, Warner, Koss, Lanni, Goins

MOTION CARRED UNAMIOUSLY (5-0)

MEETING WAS ADJOURNED at 6:32pm

Jake Williams, Jr., Chairperson

Respectfully Submitted by:

Courtney Jackson, Recording Secretary