CITY COMMISSION MEETING AGENDA

A. MEETING CALLED TO ORDER

1. Pledge of Allegiance
2. Invocation by Chris Biddulph, Club Zion
3. Roll Call

B. SPECIAL PRESENTATIONS (Limited to 15 minutes)

1. Present the Proclamation proclaiming March 2024 as "Irish American Heritage Month."
Representative: Keith Reynolds, Brevard Division President, and FL State Treasurer

2. Acknowledge Drown Zero and Surfing's Evolution and Preservation Foundation for their donation of funds to purchase a new RWC (rescue watercraft) and trailer to the City of Cocoa Beach Fire Department.
Representative: Justin Grimes, Deputy Fire Chief

C. APPROVAL OF THE AGENDA

(Note: Members of the public, Commission and Staff may remove items from the Consent Agendas if they wish to discuss them. Requests for removal need to be made known to the City Commission under the Approval of the Order of Business, at the beginning of the meeting.)

D. PUBLIC COMMENTS

Comments will be heard on items that do not appear on the agenda of this meeting. Citizens will limit their comments to three (3) minutes. Per Commission Procedures, the City Commission will not take any action or discuss items brought up under the "Public Comment" section of the agenda. The City Commission may schedule such items as regular agenda items and act upon them in the future.

E. STAFF REPORTS AND ANNOUNCEMENTS

F. CITY ATTORNEY REPORTS AND ANNOUNCEMENTS

G. CITY COMMISSION REPORTS AND ANNOUNCEMENTS

H. CONSENT AGENDA

1. Approve the February 01, 2024, Commission Meeting Minutes
Representative: City Clerk Department
Recommendation: Approve

2. Approve $2,646,000 APRA funds for the City Hall Construction, Bicentennial Park, Fire Station Alarm System, and Country Club Renovations.
Representative: Patrisha Draycott, Chief Financial Officer
Recommendation: Approve

3. Adopt Resolution 2024-02 -A Resolution of the City Commission of the City of Cocoa Beach, Florida changing the name of what has been called "cultural green space" to "cocoa beach centennial square" and providing an effective date
Representative: City Commission
Recommendation: Approve

4. Approve the lease agreement between CRA and Cocoa Beach Mainstreet approved by the CRA Board.
Representative: Devan Taly, Community Redevelopment Agency Administrator
Recommendation: Approve

5. Approval of Resolution No. 2024-03 -A Resolution of the City Commission of the City of Cocoa Beach, Florida to extend the expiration date of beach business license agreements that would otherwise expire before February 29, 2024, until March 31, 2024; and providing an effective date.
Representative: Randy Stevenson, Development Services Director
Recommendation: Approve

6. Approve the adopted mural from the CRA Board for the Surfside Playhouse.
Representative: Devan Taly, Community Redevelopment Agency Administrator
Recommendation: Approve

I. ITEMS REMOVED FROM THE CONSENT AGENDA

J. UNFINISHED BUSINESS

1. Adopt Ordinance 1686 on second reading, An Ordinance of the City of Cocoa Beach, Florida, amending section 5-15, "stopping, parking, mooring and towing", of article i, "water safety", of chapter 5, "beaches, fills, boats and waterways", and section 3-28, "seawalls and waterside accessory structures", of article iii, "development and construction", of chapter 3, "design standards" of appendix b - land development code, and by adding a new section 5-17, "grandfathering", of article i, "water safety", of chapter 5, "beaches, fills, boats and waterways" all of the cocoa beach code of ordinances, and providing for codification, conflicts, severability and an effective date.
Representative: Randy Stevenson, Director of Development Services
Recommendation: Adopt

K. NEW BUSINESS

1. Adopt Ordinance 1687 on first reading, An Ordinance of the City of Cocoa Beach, Florida, adopting a new article II, "Special Budget Funds", and a new section 2-11 of that article II, "Capital Projects Fund", of Chapter 2, "Administration", providing for the establishment and funding of a capital projects fund, of the Cocoa Beach Code of Ordinances, and providing for codification, conflicts, severability and an effective date.
Representative: City Commission
Recommendation: Adopt

K. GENERAL PUBLIC COMMENT (Only if not accommodated in the 30-minute Public Comment period earlier)

M. ADJOURNMENT

CITY MEETING CALENDAR - For Details check Calendar at www.cityofcocoabeach.com (Click on the Government Tab)

1st and 3rd Thursday of Month City Commission 7:00 PM
1st Monday of Month Planning Board 5:30 PM
1'1 and/or 3rd Thursday of Month Community Redevelopment Agency 6:00 PM
2nd Wednesday of Month Special Magistrate 9:00 AM
2nd Monday of Month Land Management Committee 4:30 PM
4th Monday of Month Leisure Services Advisory Board 4:00 PM (bimonthly, on odd months)
Called Upon Demand Police and Fire Pension Boards 3:00 PM
Called Upon Demand General Employee Pension Board 3:00 PM
3rd Wednesday of Month Board of Adjustment Meeting 5:15 PM
1st Wednesday of Month Sustainability Committee 6:30 PM

A. MEETING CALLED TO ORDER
Mayor Capizzi called the meeting to order at 7:00 P.M.

The Pledge of Allegiance was given by Vice-Mayor Jeremy Hutcherson. Chris

Biddulph, Club Zion Men's Leadership gave the invocation.

Roll Call:
Commission Members Present:
Commissioner Joshua Jackson
Commissioner Skip Williams
Commissioner Karalyn Woulas Vice-
Mayor Jeremy Hutcherson Mayor
Keith Capizzi

Administrative Members Present:
City Attorney Becky Vose
City Manager Wayne Carragino City
Clerk Karin Grooms
Development Services Director Randy Stevenson Community
Redevelopment Agency/Planner, Devan Taly CFO/ Assistant City
Manager, Patrisha Draycott
Interim Police Chief, Wes Mullins Major,
Kris Kuehn
Deputy Fire Chief, Justin Grimes Fire
Marshall, Sal Liberto
Fire Administrator, Shelby Teat

B. SPECIAL PRESENTATIONS (Limited to 15 minutes)
1. Present the Proclamation proclaiming March 2024 as "Irish American Heritage Month."
Representative: Keith Reynolds, Brevard Division President, and FL State Treasurer

Mayor Capizzi read the proclamation. A representative from the Ancient Order of Hibernians accepted the Proclamation.

Mr. Keith Reynolds accepted the Proclamation and explained the Irish American Hertiage Month and the importance for the country.

2. Acknowledge Drown Zero and Surfing's Evolution and Preservation Foundation for their donation of funds to purchase a new RWC (rescue watercraft) and trailer to the City of Cocoa Beach Fire Department.
Representative: Justin Grimes, Deputy Fire Chief

Deputy Chief Justin Grimes acknowledged Drown Zero and Surfing Evolution and Preservation Foundation for providing the Fire Department with a donation of a new watercraft vehicle. The watercraft vehicle was on display for the Commission.

Mr. Wyatt Werneth noted that Drown Zero was brought to the commission nearly 7 years prior with the Rotary Club. Mr. Werneth spoke on how the Drown Zero organization receives donations and how they are disbursed. The Drown Zero program has over 40 stations adopted and are assisting with donations to cover the proper tools. The program had documented 26 rescued in 2023 and 9 people in 2024.

C. Approval of the Agenda

MOTION BY COMISSIONER WILLIAMS; SECONDED BY COMMISIONER WOULAS. I MOVE TO APPROVE THE AGENDA WITH H2 REMOVED FROM CONSENT. VOICE VOTE ON THE MOTION 5-0; CARRIED UNANIMOUSLY

D. PUBLIC COMMENTS

Mr. John Dillon noted his request for speed bumps on East Osceola Lane. Noted the increase of vacation rentals and provided the City Clerk with a copy of a Petition from residents for speed bumps dated 7/16/23.

Mr. Ryan McDuffie, a real estate agent, manages the Beach Island Resort. Mentioned the overnight parking passes. Requested the commission to accommodate 7 passes for renewal. Note the age of the guests as well as willing to pay for parking fee. The accommodation would be at 11 Street South overnight.

Commissioner Williams inquired about the parking policy and enforcement and noted that the city only enforces parking until 7 pm. Commissioner Jackson confirmed that enforcement begins at 7 am.

Commissioner Williams noted the fee for parking during the overnight.
City Manager Wayne Carragino noted that at the last meeting, the Commission agreed not to allow businesses to purchase parking passes.
CFO/Assistant City Manager Patrisha Draycot confirmed that the Commission denied it for consideration. She noted the contracts and the request for direction.

Commissioner Williams understood the situation and requested if there is a policy written down somewhere looking for exceptions. Noted this is a business not in prime location, and away from the beach.

City Attorney Becky Vose stated that it should be handled on a case-by-case scenario. Note that the requester can come to Finance and ask to be placed onto the agenda.
It was confirmed that there is no policy at this time.

Commissioner Williams requested for the consent from the Commissioner and have this parking arrangement grandfathered in.
Mayor Capizzi requested to sit down and discuss the situation.

Commission requested the item to be brought forward to the Commission as an agenda item. Requested Ms. Vose to bring back a Resolution setting up rules.

Ms. Laure Arrich of Rockledge noted that had lived in Brevard County since 1968. Mentioned parking at the beach and having an issue with the parking application. Paid for the ticket and understood. Brought it to the Commission's attention that there were issues using the application.

Mayor Capizzi noted how to get a parking sticker. Commissioner Williams requested education on how to obtain parking passes for the beach.
Commissioner Woulas noted that the application is difficult to work with.
The Commission consented to discounting the parking pass for Ms. Arrich, with the credit from her ticket.

Commissioner Jackson noted that it would be worth looking into the application. Make it easier to use.

Ms. Janice Scott noted the County Commission meetings blocking public comment. Noted a March 6 meeting at the Library. Mentioned the election ballot and it being bilingual. Requested residents to reach out to state representatives.

E. STAFF REPORTS AND ANNOUNCEMENTS

City Manager Wayne Carragino informed the Commission that the city had recently heard from Brevard County regarding the lifeguard contract. Noted what the last meeting that was discussed regarding the county. He noted that the upcoming year's contract is the same as previous years with a CPI increase. Asking for directions from the commission regarding the agreement.

Mayor Capizzi would like to maintain the stance in which the commission agreed upon at the previous meeting and not pay for the lifeguards.

Commissioner Williams noted the payment, and how it compared to the prior years. MOTION BY

COMMISSIONER WILLIAMS; SECONDED BY COMMISIONER WOULAS.
I MOVE TO DIRECT THE CITY MANAGER TO APPROVE THE COUNTEROFFER AND FUND IT.

Commissioner Hutcherson noted his agreement with Mayor Capizzi.

Mayor Capizzi noted that the county promotes the area and should fund lifeguards as they are funded by the TDC.

Commissioner Williams noted he does not want to lose one life if that means paying $83,000. Mayor Capizzi

insisted the county will not leave it unstaffed.

Commissioner Woulas noted her concern for protection on the beach.

Ms. Janice Scott noted that the Commission should counteroffer and not do anything. Noted the TDC funds collected annually. Noted the agreement should be sent back to negotiate.

Commissioner Hutcherson thought of using the position of mutual aid, and noted using it as leverage as the city already assists the County with the Fire Department.

Commissioner Williams confirmed the TDC funds and the available usage of the funds in regard to funding lifeguards.
Commissioner Woulas expressed concern for not having lifeguards.

Mayor Capizzi noted that the beaches will be covered by lifeguards as we will move forward with discussions with media and push the issue.

Discussion occurred for the uncertainty of having lifeguard coverage on city beaches.

Mr. Tim Tumulty inquired about the funding and numbers being discussed. Note that it is what has been paid previously, it should continue.

Mr. Carragino mentioned the original request from the county was for $900,000 and wanted a reaction from the city.

Commissioner Hutcherson clarified that the County is now only requesting 10% versus the 50% request.

Mr. Rick Anderson stated the funding system is corrupt, not a fan of the county, as a resident requested the city to play hard ball for the principal. He noted there's a chance of no lifeguards.

Commissioner Hutcherson inquired about the reasoning of it being removed from the budget.

Mr. John Dillon inquired if the city has communicated with other cities. Noted the concern of life at the water.

Ms. Janice Scott noted public safety should be paid by TDC. Mention it was approved two months ago. Referred to Cape Canaveral and lifeguards noted that the city has no funds.

VOICE VOTE ON THE MOTION CARRIED 3/2: CAPIZZI/HUTCHERSON NAY

F. CITY ATTORNEY REPORTS AND ANNOUNCEMENTS

No Comments at this time.

G. CITY COMMISSION REPORTS AND ANNOUNCEMENTS

Commissioner Woulas mentioned her attendance at the Space Coast Leagues of Cities board meeting. Informed the Commission that the league will be hosting a training session on the new Form 6 that is required.

Commissioner Hutcherson mentioned other municipalities losing commissioners/council due to the form as well as class action lawsuit.

Mayor Capizzi noted the sod around the country club needs replacement. Requested that staff get prices and funding source. Requested to fix up the property.

Commissioner Hutcherson agreed with the Mayor, explaining the reasoning of pulling consent item H2. from the consent agenda.

Commissioner Hutcherson was contacted about the school release and the bottle neck it causes on Minutemen Causeway.

Mr. Carragino noted the situation, discussed adding a turning lane as well as it will cost approximately $300,000. Noted the millings added to soften the side lane.

Mr. Tim Tumulty mentioned the new route at the high school and the SRO assistance with parking on Minutemen for pick-up. The new traffic pattern was for the school to relieve pick-up. Noted there was a learning curve.

Mr. Carragino confirmed it could be fixed; there would be a cost associated with it. The

Commission discussed alternatives to assist with Roosevelt's dismal.

Mayor Capizzi inquired about potentially using the high school lot. Mr. Tumulty noted the lot is full already from the usage of the high school students.

H. CONSENT AGENDA

The City Attorney read the consent agenda. Item H2 was removed to discuss.

MOTION BY COMMISSIONER WILLIAMS; SECONDED BY COMMISIONER WOULAS. MOVE TO APPROVE THE CONSENT AGENDA AS READ.

VOICE VOTE ON THE MOTION 5-0; CARRIED UNANIMOUSLY.

I. **ITEMS REMOVED FROM THE CONSENT AGENDA**

MOTION BY COMMISIONER HUTCHERSON; SECONDED BY COMMISSIONER WILLIAMS. MOVE TO APPROVE.

Commissioner Hutcherson noted his support for public safety. However, he expressed concern over the process and how this was not previously budgeted. Expressed the use of ARPA funds.

Commissioner Williams stated that the ARPA funds were not free money but it was tax payer money and the City accepted the ARPA funds. If the City did not accept, then the funds would be going to someone else.

Commissioner Hutcherson questioned why these items were not budgeted.

Commissioner Williams mentioned that the City did not know about grants that were applied for if they were accepted or not. Noted the ARPA funds help for that.

It was confirmed that the City Hall grant was not given.

Commissioner Williams noted how the ARPA funds are there to fill the hole that is now due to not receiving the grant.

Ms. Draycott, CFO/Assistant City Manager, noted these funds are budgeted for Bicentennial Park and the City Hall. The Fire Department alarm system was not budgeted for as during the budget season, repairs were ongoing, and the need to replace had not been discussed.

Deputy Fire Chief Justin Grimes explains the need for the new alarm system to alert the fire department of calls. Noted this is dated system.

Commissioner Hutcherson mentioned his approval of it and understands it, however would like to be ahead of this in the future and not do it last minute.

Ms. Draycott noted the need to obligate the remaining funds by the end of calendar year 2024. If not obligated, the City will be required to return the remaining funds.

Mayor Capizzi inquired if the funds would be able to be put towards the City Hall. Mentioned having roughly $600,000.

Commissioner Hutcherson agreed with the mayor, stating putting $250,000 for City Hall. Mentioned that the starter shack and the grounds need to be maintained. Noted the care needed for the Country Club.

Commissioner Jackson discussed how maintenance is a priority.

Commissioner Woulas discussed the importance of the next budget cycle with the millage rates and having the mindset of roll back rates. Mentioned the need for budget cuts due leaving the millage unchanged. Noted this is the result.

Ms. Draycott confirmed that during the FY 2024 budget process, $8 million was cut from the budget.

Discussion occurred with Mayor Capizzi and Commissioner Woulas regarding the need for maintenance and the fiscal budget 2023 cuts.

City Manager noted he'd get a number for the golf course with a not to exceed. VOICE VOTE

ON THE MOTION 5-0; CARRIED UNANIMOUSLY

J. Unfinished Business

1. Adopt Ordinance 1686 on second reading, An Ordinance of the City of Cocoa Beach, Florida, amending section 5-15, "stopping, parking, mooring and towing", of Article I, "water safety", of Chapter 5, "beaches, fills, boats and waterways", and Section 3-28, "seawalls and waterside accessory structures", of article iii, "development and construction", of chapter 3, "design standards" of Appendix B - land development code, and by adding a new Section 5-17, "grandfathering", of Article I, "water safety", of Chapter 5, "beaches, fills, boats and waterways" all of the Cocoa Beach Code of Ordinances, and providing for codification, conflicts, severability and an effective date.
Representative: Randy Stevenson, Director of Development Services
Recommendation: Adopt

THE CITY ATTORNEY READ ORDINANCE 1686 BY TITLE. I
MOVE TO APPROVE ORDINANCE 1686 AS READ.
MOTION BY COMMISSIONER WILLIAMS; SECONDED BY COMMISSIONER WOULAS.

Commissioner Hutcherson requested and recommended that this ordinance be sent to the Planning Board for review and allow for any clean-up it may need. Explained a chart provided by the Commission.

Mayor Capizzi noted that the ordinance is cleaned up.

Commissioner Jackson discussed his understanding of the ordinance with the Code of Ordinances and the LDC. Noted the difference between the two codes for parking and mooring.

Commissioner Williams mentioned living aboard and staying 3 days was morning. Parking the boat, not living on it, and you can stay indefinity.

Mr. Randy Stevenson, Development Services Director, explained the canals and how it related to mooring at residential properties.

Commissioner Williams requested confirmation that it is based living on and unoccupied. Commissioner Hutcherson noted the grandfather clause, and the issues within the City. Commissioner Hutcherson will agree with the terms if the grandfather clause was not in affect. Commissioner Jackson pointed out that the City's ordinance matches surrounding areas.

Mr. Stevenson noted the city definition varied from the traditional definition of mooring. Ms. Vose, City Attorney, referred to the LDC and the Code in regarding to no definitions.

Commissioner Jackson read the Code and the LDC section for mooring. Mentioned the need to define mooring and parking.

Mayor Capizzi explained that there was no issue until the code was changed away from the 33 1/3, and the code is being changed to go back to the original code.

AMENDED MOTION, STRIKE GRANDFATHER CLAUSE, SEND BACK TO PLANNING BOARD. ROLL CALL VOTE ON THE MOTION FAILS 2-3.

ROLL CALL VOTE ON THE ORIGINAL MOTION PASSES 3-2; HUTCHERSON/JACKSON NAY

K. NEW BUSINESS

1. Adopt Ordinance 1687 on first reading, An Ordinance of the City of Cocoa Beach, Florida, adopting a new article II, "Special Budget Funds", and a new section 2-11 of that article II, "Capital Projects Fund", of Chapter 2, "Administration", providing for the establishment and funding of a capital projects fund, of the Cocoa Beach Code of Ordinances, and providing for codification, conflicts, severability and an effective date.

Representative: City Commission
Recommendation: Adopt

THE CITY ATTORNEY READ ORDINANCE 1687 BY TITLE.
MOTION BY COMMISSIONER WILLIAMS; SECONDED BY COMMISIONER JACKSON. I MOVE TO ADOPT ORDINANCE NO. 1687 ON FIRST READING.

Commissioner Williams clarified the word "endeavor" was within the ordinance. City Manager Carragino pointed out where it was.

Mayor Capizzi noted the Capital Project Fund was for new projects.

Commissioner Hutcherson noted that the concept was good but noted the City could achieve this with budgeting. Noted preference of the capital improvement plan, so the public can track how it is to be spent.

Mayor Capizzi noted he wanted to keep the City accountable. Residents should know where/how their money is spent.

Ms. Draycott, CFO/Assistant City Manager, clarified that what Commissioner Hutcherson was saying was that the fund should be for a specific project, and the City budgets for repairs/improvements.
What the Mayor is saying is that the fund should be for anything that needs to be done such as repairs or new projects. Either option would work.

Mayor Capizzi said the fund would be for unknown needs that arise through the year. Commissioner

Jackson said it's not really an either/or; the City can do both budget and save. Commissioner Hutcherson

agreed to the Ordinance but doesn't think it's necessary.

Mr. Rick Anderson stated "endeavor" would make it a resolution, not an ordinance. He also has an issue with what becomes defined as a capital project versus repairing/replacing something.

The Mayor noted that it was clarified, and it was defined as being for new capital projects or rebuilding capital projects. He also stated endeavor means that it gets put in the budget and it gets considered first.

City Attorney Vose stated that the ordinance creates the fund, and whether it's funded every year is up to the Commission.

Mr. Tim Tumulty doesn't understand why Commissioner Hutcherson is voting for it when he doesn't agree. There are reserves for hurricanes. The City stated that they don't want to raise millage but need to pull $100K a year for capital improvements for unidentified projects. Whoever is in office at that point will spend the money as they want, not as originally intended. Is it right for residents now to pay for the next 50 years of capital improvements or is it the responsibility of the residents that live here for the next 50 years to pay for those.

Mayor Capizzi stated he did not want to come into a $40 million debt, but it's managed.

Commissioner Woulas said it was planned out, there are times the money has to be kept and people get paid as the project goes. Where is the money for the fund coming from; what's getting cut to fill that.

Hutcherson stated employees were already cut to shrink the budget. That can't be done every year.

Ms. Janice Scott mentioned she's not in favor of paying for people 20 years from and feels she's paid her share. Requested to relock at the Port and Patrick for funding.

Commissioner Jackson questioned if the City could use reserves on anything or just operating expenses.

Commissioner Hutcherson stated that the operational reserves were to be upped a percentage every year, and that's just to keep the City running in case of a hurricane, etc.

Ms. Draycott, CFO/Assistant City Manager stated that this was a protective measure to ensure that the City always has what it needs to maintain operations. Anything above that can be used to balance the budget. Reserves are either committed, restricted, or unassigned.

VOICE VOTE ON THE MOTION 4-1; MOTION CARRIED. WOULAS NAY.

K. GENERAL PUBLIC COMMENT (Only if not accommodated in the 30-minute Public Comment period earlier).

M. ADJOURNMENT
The meeting was adjourned at 8:57 pm.