CITY OF COCOA BEACH, FLORIDA
CITY COMMISSION
COCOA BEACH COUNTRY CLUB - 5000 TOM WARRINER BOULEVARD, COCOA BEACH, 32931
MINUTES
July 18, 2024

A. MEETING CALLED TO ORDER

1. Pledge of Allegiance

2. Invocation by ~~Greg LeSieur, Pastor, Christ Lutheran Church~~ **Pastor Paul from Faith Lutheran as of 7/17/24**

3. Roll Call

B. 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.)

C. 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.

Mr Carragino Mentioned Ms Zulkhe doing a terrific job as stormwater manager.

D. STAFF REPORTS AND ANNOUNCEMENTS

Mr. Carragino introduced Ms. Zulkhe in recognition of her accomplishments prior to becoming an Employee of Cocoa Beach. Mr. Carragino stated that she is very interested in Storm Water and that she is one of the smartest engineers he's ever met. Mr. Carragino added that she is the next generation in this city.

E. CITY ATTORNEY REPORTS AND ANNOUNCEMENTS

F. CITY COMMISSION REPORTS AND ANNOUNCEMENTS

Commissioner Williams stated that we needed to raise the causeway from Cocoa Beach to Merrit Island on 520. He stated that they weren't on the Space Coast Transportation Planning Organization's long range plan last year, but this year, they are number 3 on the list.

G. CONSENT AGENDA

1. Approve the June 20th Meeting Minutes
   Staff Representative: City Clerk

2. Approve Kimley-Horn and Associates Task Order #5 for Minutemen Causeway Shoreline Stabilization - Design, Permitting and Bidding Services in the amount of $88,701. This is a budgeted item.
   Staff Representative: Morgan Zuhlke, Stormwater Utility Manager

3. Approve renewal of piggyback contract agreement for street sweeping services provided by Sweeping Corporation of America, LLC, a subsidiary of Sweep America Intermediate Holdings, LLC. The street sweeping services are required by the City's National Pollutant Discharge Elimination System (NPDES) Permit. This is a budgeted item.
   Staff Representative: Morgan Zuhlke, Stormwater Utility Manager

4. Approve $60,000 ARPA funds for painting Fire Station 51.
   Staff Representative: Morgan Zuhlke, Stormwater Utility Manager

H. ITEMS REMOVED FROM THE CONSENT AGENDA

I. UNFINISHED BUSINESS

1. Approve the recommendation to promote Wes Mullins to Police Chief for the City of Cocoa Beach. *Per Chapter 2, Article 1. Section 2.5 Police Department of the City of Cocoa Beach Code of Ordinances*
   Staff Representative: Wayne Carragino, City Manager

Mr. Carragino gave a background on Mr. Mullins and that he has worked with Mr Mullins for over 8 months and has known him for much longer than that. Mr. Carragino stated that the charter says the City Manager selects the police chief and the reason for that is that he works with him on a daily basis. Mr. Carragino stated that Mr Mullins has done a great job and how the city has been through rough times, and he has brought unity and a fresh start to the city.

Mayor Capizzi stated that he had his doubts about Mr. Mullins at first, but after talking with several officers, he seconded Mr Carragino's sentiments, stating that he's been doing the job and has been doing an excellent job at it. He mentioned that it didn't make sense to go outside the city and try to replace someone the department already knew.

Commissioner Williams said he feels that we owed it to the city to look for outside potential but has no issue with Mr. Mullins and made the motion to approve the promotion of Mr. Mullins to police Chief. The motion passed 5-0.

2. Adopt Ordinance 1691, on second reading, An Ordinance of the City of Cocoa Beach, Florida, related to the vacation of a portion of McNabb Parkway right-

of-way, approximately sixty feet long by three feet wide. More particularly described herein; making findings; and providing for conflicts, severability, non-codification, and effective date.
Staff Representative: Randy Stevenson, Director of Development Services

Mayor Capizzi stated that it makes sense for the area and that it needs to be done in order to make a certain section work for somebody and that the city will not be using it for anything and is in favor of ordinance 1691.

J. NEW BUSINESS

1. Adopt Resolution 2024-17, A Resolution of the City Commission of the City of Cocoa Beach, Florida, Amending Resolution 2023-06, a master resolution for fees, to change fees in exhibit 9 Utility Rates, Reuse Charges: and providing for: Amendment of Fees - Incorporation of recitals, and providing for an effective date.
Staff recommends reuse charges remain at the current rate for fiscal year 2025 as opposed to the 20% increase approved in resolution 2023-06.
Staff Representative: Brad Kalsow, Director of Water Reclamation and Public Works
Recommendation: Adopt

Commissioner Williams moved to adopt. Motion passed 5-0. There was no discussion.

2. Discuss and Present Stormwater Rate Study
Staff Representative: Morgan Zuhlke, Stormwater Utility Manager

Adopt Resolution 2024-15 A Resolution of the City Commission of the City of Cocoa Beach, adopting the Stormwater system rate review, prepared by RAFTELIS Financial Consultants, Inc. dated June 18, 2024, which provides for a review of City Stormwater Utility Rates and provides for proposed rates and financial plan for the Fiscal Year 2024 through Fiscal Year 2025 period: providing for an effective date.
Staff Representative: Morgan Zuhlke, Stormwater Utility Manager

Mr. Thomas, Vice President of Raftelis Financial Consultants, mentioned how he prepared the last stormwater rate study for Cocoa Beach and thanked the city staff. He seconded Mr. Carragino's statement about Ms. Zuhlke.

Mr. Thomas stated that he wants to focus on the rates for the next three years primarily. He mentioned that there hasn't been a rate adjustment since 2021. Mr. Thomas mentioned that in the budget year of 2024 the operating expenses alone are outpacing the revenues and in balancing the budget in 2024 we relied on reserves which won't last. He mentioned that they don't want to push too far into the future as they're unsure of where the cost will be due to inflation. Mr. Thomas stated that there are still grant opportunities to help with the cost and followed up with a proposed 3-year rate plan.

Ms. Galvin went over the process of their study of the stormwater rate, major assumptions, and recommendations and its revenue and revenue requirements through the fiscal year of 2026. She mentioned how they developed a funding strategy for the CIP over the next 3 years while keeping the 2024 strategic plan in mind. Ms. Galvin stated that the major goals and considerations for the study is to develop a long-term sustainability of the system to meet the 2024 strategic plan. She stated that the stormwater system currently serves about 9400 accounts or about 8,400 ERUs at a rate of 8.96 cents per ERU.
She stated that they assumed about a 2% or about 170 ERUs per year growth in accounts through 2026. Assuming that it will cost $940000 over the next 3 years, a capital plan in the next 3 years will cost around 4 million worth of projects. Ms. Galvin stated that the Stormwater rate adjustments will give an opportunity for better interest rates.
She showed in the presentation planned stormwater projects to improve infrastructure and reduce flood events. Ms. Galvin mentioned that there are more obligations for the CIP with grants.
She mentioned the revenues are not sufficient. Recommended rate adjustment increases for August 1st, 2024, January 1st, 2025, and October 1st, 2025.

There was a discussion between the commission and Ms. Zuhlke about the rates and why they are recommended to be increased. Ms. Zuhlke stated that she had applied for grants last year, but did not receive any, but is actively applying for grants now and will probably go to serf loans as well.

Commissioner Williams stated that some streets will flood regardless of what stormwater does, because it's the river that is overflowing the road.
Ms. Zuhlke gave an example of when they raised the seawall in the lagoon, and it reduced some of the flooding.
Commissioner Williams mentioned that Indian creek would flood regardless.
Ms. Zuhlke mentioned a bid for a backflow preventer check valve that would also help with flooding.

Ms. Woulas asked Ms. Zuhlke to explain how the costs came about.

Mr. Thomas said that the operations and improvements that are run properly will help maintain the operations and maintenance expenses and will help mitigate drainage issues. Mr. Thomas mentioned that the cost for maintaining these operations is significantly above the revenue. He agreed that the increase is large but necessary because people are behind on the operations, which is why the increase is significant. He also stated that though it looks unusual compared to what it was in the past, it is currently a regular occurrence in other Florida cities. Any grants will be helpful. Mr. Thomas suggested spreading the cost over time instead of doing it all at once.

Mayor Capizzi asked when they got behind on the rate schedule. Mr. Thomas stated that he would have to go back and look, but as of 2024 it was clear we were using reserves to make up for costs.

Mr. Thomas said around 2021 and that we haven't kept up with inflation. Regulations are a cause of business' evolving and the need for capital
Commissioner Williams asked if we need to ink this to get in line for the rate increase suggested in August 2025 to look over the rate again.
Mr. Thomas suggested taking "baby steps in time" with a better chance of landing grants.
Commissioner Williams made a motion to approve the increase between August 1st, 2024, and January 1st, 2025, and to have another look before approving the rate increase on October 1st, 2025.
Commissioner Jackson mentioned different aspects that drove costs up.

Ms. Zuhlke mentioned that, based on their CIP, they have projects that will reduce the load, and that she had to pull some out because of the revenue costs.
Mayor Capizzi asked if projects in 2025 were state or self-imposed. Ms. Zuhlke stated they were state imposed. She also mentioned several projects being worked on this year. Mayor Capizzi asked if we were to approve projects for 2025 if they would help meet the numbers.

Commissioner Jackson said that the safety projects make a lot of sense. The commission had a quick discussion about various costs with the CIP.

Commissioner Woulas asked Ms. Draycott for a summary of the reserves since 2021 and how much they had to pull out of reserves to make it balance.

Ms. Draycott mentioned how they continued to do small projects without a rate increase which ate into the reserves and said it would be hard to move forward with current projects because there isn't much left in the reserves. She mentioned how Ms. Zuhlke is looking for more grant funds.
Mayor Capizzi asked how much percentage wise Ms. Draycott would like in reserves. Ms. Draycott suggested that we have at least a 2-month minimum reserve balance. Mayor Capizzi suggested they move forward with this item. Commish Jackson stated that Cocoa Beach's ecology and safety is important to the city.

Commissioner Woulas seconded Commissioner Williams' idea of going through January 1st and revisiting it before May.

John Loshe stated that the cost is significant and thinks we have been running behind for a period of time and stated that the problems would get worse if we did nothing and supported the item.

Rick Anderson agreed with John and didn't see anything excessive and suggested they move forward with the motion.

Ms. Scott mentioned the recent paving projects and how the water runs off them, and how they're not being done well. She didn't agree with the item and its 110% increase and thinks rate increases need to be fair.

Chuck Shannon mentioned that in 2022 a national estuary program identified several estuaries in the US and that we're one of them.

Vice Mayor Hutcherson asked Mr. Thomas about the rates for single-family homes and businesses. Mr. Thomas stated that the rates between the two are not the same, but ar the same per amount of impervious area. He stated that a business with a parking lot will have more ERUs than a single-family home whereas a single-family home is treated as 1. He then gave an example that a convenient store could be 5-8 ERUs.

Mayor Capizzi stated he is okay with January 1st rates but doesn't want to pursue more than is required to do while putting any extra into the reserves.
Commissioner Williams reiterated approval through January 1st and to revisit it in February 2025.

Commissioner Jackson stated that with the stipulation that they clarify what is an aggressive pursuit of the nutrient loading goals versus what is required.

Commissioner Woulas mentioned how she has seen the same rates over the years, and we are now seeing the results of us falling behind, and now we have to make up for it and "be the bad guy" with the higher fees.

Mr. Thomas suggested we have more budget meetings and look at the rates consistently and have the community involved.
Commissioner Williams asked if we could approve the next 2 increases and look at it again before the 3rd increase.
Commissioner Williams asked to second.
motion passed 5-0

Adopt Resolution 2024-16, A Resolution of the City Commission of the City of Cocoa Beach, Florida, adopting Stormwater fees and method for charging, and providing for interpretation and for an effective date.
Staff Representative: Morgan Zuhlke, Stormwater Utility Manager

Motion approved 5-0

3. Adopt Resolution 2024-14 A Resolution of the City Commission of the City of Cocoa Beach, Florida accepting a proposal of JPMorgan Chase Bank, NA to provide the city with a term loan in order to finance certain costs of the acquisition, construction and equipping of a new city hall building and Cocoa Beach Centennial Square the form of a loan agreement; authorizing the issuance of a promissory note pursuant to such loan agreement in the aggregate principal amount of not to exceed $3,953,000 in order to evidence such loan; authorizing the repayment of such note from a covenant to budget

and appropriate legally available non-ad valorem revenues; delegating certain authority to the city manager and others for the authorization, execution, and delivery of the loan agreement and the note and various other documents with respect thereto; and providing for an effective date.

This approval allows the City Manager to sign the loan agreement with JPMorgan Chase Bank NA to obtain $3,953,000 in debt financing and loan fees for the construction of the new City Hall facility.
Staff Representative: Patrisha Draycott, Chief Financial Officer/Assistant City Manager

Vice Mayor Hutcherson motioned to approve, Commissioner Jackson seconded and stated that this funding doesn't infringe on other capital projects. Motion passed 5-0.

4. Staff is requesting the City Commission review and authorize the execution of the attached three-party agreement. This agreement is between the City, Brevard County, and Westgate, the owners of the pier. This agreement establishes an easement to be used to facilitate access to the beach north of the pier for the beach renourishment program. Execution of this agreement is a requirement of finalizing the vacation of a portion of Mead Avenue (Ordinance 1668, March 2022) as well as the execution of the Development Agreement and the Master Plan for the Westgate Resort at the Pier.
Staff Representative: Randy Stevenson, Development Services Director.

Mr. Stevenson started a PowerPoint for Item 4.
Commissioner Williams asked if one of the images in the PowerPoint was the only depiction, and asked if there would be any costs to the city.
Mr. Stevenson confirmed that there is no cost to the city.
Commissioner Williams moved to approve.
motion passed 5-0

5. Adopt Ordinance 1690 on First Reading: An Ordinance of the City of Cocoa Beach, Brevard County, Florida; to approve a planned development project with an accompanying master conceptual development plan, master conceptual site plan, and development agreement with accompanying attachments; to amend the official zoning map of the City of Cocoa Beach by changing the zoning designation from Oceanside (OC) to Planned Development (PD) for two parcels of land totaling 4.667 acres, more or less, located east of Ocean Beach Blvd on the north, south side of Meade Avenue and north of Pulsipher Avenue on parcels identified with parcels no.24-37-26-cg-113-6 and 24-37-26-cg-112-12 within the public records of Brevard County, Florida; providing for authorization; providing for conflicts; providing for severability; and providing for an effective date.
Staff Representative: Loren Wiltse, Principal Planner, Randy Stevenson, Development Services Director

Ms. Scott asked about traffic smoothing.
Mayor Capizzi stated that more parking spaces will help with traffic.
Mr. Stevenson stated that parking spaces and exits are becoming more streamlined

with more exits.
Mr. Dill stated that the city streets were not designed for a high volume of traffic and stated that the city streets will have to continuously be repaved because they're not designed for commercial load.
Mr. Kerschenbaum gave Ms. Grooms a copy of a resume of Rochelle Lawandales and a copy of her report.

Motion passed 5-0.

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

L. ADJOURNMENT

_____________ Date 8/1/24 _____________ Date 8/1/24
Michael Bryan, Assistant to the City Clerk — Keith Capizzi, Mayor