

City of Cocoa Beach

City Hall
2 South Orlando Avenue
Cocoa Beach, Florida 32931
www.cityofcocoabeach.com
www.golfcocoabeach.com



Meeting Agenda

Thursday, August 5, 2010

7:00 P.M.

REGULAR

City Hall Commission Room

City Commission

Leon "Skip" Beeler, Mayor, Seat 1
Skip Williams, Vice Mayor, Seat 4
Ken Griffin, Commissioner, Seat 2
Kevin Pruett, Commissioner, Seat 3
Don John, Commissioner, Seat 5

City Staff

Skip Fowler, City Attorney
Charles Billias, City Manager
A.J. Hutson, Assistant City Manager
Loredana Kalaghchy, City Clerk

WELCOME

Broadcasting of Meetings: Regular Commission meetings are video and audio broadcasted live locally on Bright House Networks, Channel 199. Regular meetings are manned by an Audio/Video Operator. Cameras are programmed to run without manning for Work Sessions. Problems receiving transmission of the Regular meeting? Call City Hall - 868-3318 during business hours, or after 5PM call City Hall - 868-3319. Live and archived video recordings of our meetings are also available through out City website at www.cityofcocoabeach.com

Packets: Packets are on the City's website (www.cityofcocoabeach.com) and at Commission meetings

Rules of Order: Robert's Rules of Order and the Florida Sunshine Law govern the conduct of our meeting

- **Speaking Courtesy Rules:**

- The Commission accepts relevant comments.
- A time limit of five minutes is imposed on each speaker. If speaking for a group, the Commission may grant an additional three minutes
- Please direct comments and questions through the Mayor
- Complete speaker cards are required for each of the items you wish to address. Submit the card to the City Clerk prior to the introduction of the item. Speaker Cards are available in the rear of the Commission Room and in the City Clerk's office prior to the meeting. The purpose of the card is to obtain the spelling of your name, contact information if follow-up is needed, and provide for efficient meeting administration
- Upon being recognized by the Mayor, please approach the dais, state your name and address, and speak into the microphone

Approval Of Order Of Business:

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

Appealing a Decision:

Any person desiring to appeal any decision made by the City Commission, with respect to any matter considered at such meeting or hearing, will need a record of the proceedings and for such purposes must ensure that a verbatim record and transcript of the proceeding is made in a form acceptable for official court proceedings, which record includes the testimony and evidence upon which the appeal is to be based. It shall be the responsibility of the person desiring to appeal any decision to prepare a verbatim record and transcript at his/her own expense as the City does not provide one

American with Disabilities Act:

ATTN: PERSONS WITH DISABILITIES. In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing special accommodations to participate in this proceeding shall, at least forty-eight (48) hours prior to the meeting, contact the Office of the City Clerk at (321) 868-3286; Florida Relay Service (800) 955-8771 (TDD); or (800) 955-8779 (Voice)

THANK YOU for participating in your Cocoa Beach City Government.

A. MEETING CALLED TO ORDER

Invocation: Offered by Reverend Father Sean Heslin, Church of Our Savior
Pledge of Allegiance
Roll Call

B. APPROVAL OF THE AGENDA:**C. SPECIAL PRESENTATIONS AND COMMITTEE REPORTS - Speakers are cordially requested to keep special presentations to a maximum of 15 minutes.**

1. Presentation of the Historic Brevard Landmark Guide, the Brevard County Historical Commission budget and Cocoa Beach pioneers

Representative: Joseph Morgan, Chairman, Brevard County Historical Commission

[Presentation on Brevard County Landmark Guide, Historical Commission Budget, and CB Pioneers](#)

D. CITY COMMISSION REPORTS AND ANNOUNCEMENTS:**E. STAFF REPORTS ANNOUNCEMENTS:****F. PUBLIC COMMENTS**

Comments will be heard on items that do not appear on the agenda of this meeting. Citizens will limit their comments to five (5) 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

G. CONSENT AGENDA:

1. Approve the July 15, 2010, Commission Meeting Minutes

[July 15, 2010 Commission Minutes](#)

2. Resolution No. 2010-14 - A Resolution of the City Commission of the City of Cocoa Beach, Florida, calling for the November 2, 2010, General Election and authorizing the City Clerk to proceed with all phases of the election process (The terms of Commission Seat 4 (currently filled by Vice-Mayor Williams) and Commission Seat 5 (currently filled by Commissioner John) expire in November; Qualifying Week: Noon - August 16, to Noon - August 20, 2010)

Staff Representative: Loredana Kalaghchy, MMC, City Clerk

Staff Recommendation: Approve

[Resolution 2010-14](#)

3. Notice of City of Cocoa Beach Code Enforcement Board (CEB) actions
 - a. CEB 10-0411 - Notice is hereby given to the City Commission, (Florida Statutes 162.06(4),) of Code Enforcement Board Case 10-0411, at Ocean Pines Condominium - 55 North Fourth Street. The violations have been corrected and the code enforcement case has been closed.
Staff Representatives: Anthony Caravella, AICP, Director of Development Services & Steve Miller, Chief Building Official
Staff Recommendation: No action required. For info/compliance purposes only
[Staff Memo - CEB-10-0411 Ocean Pines Condominium](#)
[Staff Memo - Supplemental](#)
 - b. CEB 10-0411 - Notice is hereby given to the City Commission, on the status of Code Enforcement Board Case 10-0440, at the Glass Bank - 505 N. Orlando Avenue (roof repairs pending resolution of litigation, interior clearing, covering of all glass with plywood)
Staff Representatives: Anthony Caravella, AICP, Director of Development Services & Steve Miller, Chief Building Official
Staff Recommendation: None at this time. For info/compliance purposes only
[Staff Memo CEB 10-0410 Glass Bank Condominium](#)
4. Resolution No. 2010-11 - A Resolution of the City Commission of the City of Cocoa Beach, Florida, authorizing the Mayor to execute an interlocal agreement with the Cape Canaveral Hospital district regarding coordination of future hospital facilities, for the purpose of implementing Chapter 189, Florida Statutes and House Bill 601, section 14 [laws of Florida 2003-337]; to meet the objectives and policies of the City of Cocoa Beach comprehensive plan; directing the manager to submit the agreement to all affected parties; repealing resolutions and interlocal agreement in conflict with this Resolution; and providing for an effective date
Staff Representative: Anthony Caravella, AICP, Director of Development Services
Staff Recommendation: Approve
[Staff Memo and Resolution 2010-11](#)
- H. SITE PLAN CONSENT AGENDA:**
 1. Resolution No. 2010-15 - A Resolution of the City Commission of the City of Cocoa Beach, Florida, regarding Las Olas Resorts at 5100 Ocean Beach Boulevard, validating the existence of transient lodging uses, including all customary accessory buildings, in existence on May 4, 2000, for the purpose of deeming the use as having status as special exception use pursuant to land development code section 3-08e(6); designating the property more particularly described herein as having such special exception status; and providing an effective date
Staff Representatives: Anthony Caravella, AICP, Director of Development Services
Staff Recommendation: Approve
[Staff Memo and Resolution 2010-15](#)

I. ITEMS REMOVED FROM THE CONSENT AGENDA:

J. UNFINISHED BUSINESS:

1. Presentation and selection of "course of action," option for the 400 Channel dredge project:
Staff Representative: Charles Billias, City Manager & Raj Verma, PE, Consultant
Staff Recommendation: Commission Decision
 - a. Stop all activities to dredge the 400 Channel (leave channel like it is for undetermined amount of time.) To date, the City has spent \$23,625 (for consultant assistance, permits, etc.)
 - b. Dredge the 400 Channel in a "zig-zag" fashion, as currently permitted by the Army Corp of Engineers (no sea-grass mitigation required) at an estimated project cost of \$245,150 (reimbursed \$183,850 from FIND grant)
 - c. Dredge a "straight-line/50-ft wide" channel (calls for permit modification and sea-grass mitigation) for an estimated project cost of \$445,150 (reimbursed \$183,850 from FIND grant.) The additional \$200,000 for this option is a rough estimate to mitigate disturbed sea-grasses in a 50-foot wide channel configuration

[Staff Memo - 400 Channel Dredging](#)

[03/04/2010 Minutes excerpt on 400 Channel Dredging](#)

2. ~~Resolution No. 2010-16 -- A Resolution of the City Commission of the City of Cocoa Beach, Florida, authorizing the execution of an agreement between the City of Cocoa Beach and the Kelly Slater Sculpture Project Foundation (KSSP) for the donation of the sculpture of world champion surfer Kelly Slater; and providing for an effective date~~
Staff Representative: Skip Fowler, City Attorney
Staff Recommendation: Approve

~~Item removed from the Agenda at KSSP's request (08-03-10)~~

[Resolution 2010-16 and Agreement](#)

3. Ordinance No. 1515 - Second Reading, Public Hearing and Final Action - An Ordinance of the City of Cocoa Beach, Brevard County, Florida, amending City Code Chapter 15, "Offenses," section 15-20 "alcoholic beverages in public places", to authorize alcoholic beverages in public areas approved by the city commission; providing for incorporation of recitals, severability, interpretation, conflicts and an effective date
Staff Representatives: Anthony Caravella, AICP, Director of Development Services
Staff Recommendation: Approve

[Staff Memo and Ordinance 1515](#)

4. Ordinance No. 1517 - Second Reading, Public Hearing and Final Action - An Ordinance of the City of Cocoa Beach, Brevard County, Florida, amending the City Charter;
 - section 2.01 city commission and terms of office;
 - section 2.02 elections, how decided;
 - section 2.06 filling of vacancies, and
 - section 7.05 action on petitions;providing for a referendum on the charter amendments; providing for ballot questions; providing for filing the revised charter with the Florida Department of State; providing for coordination with the Supervisor of Elections of Brevard County, Florida; providing for conflicts, severability and an effective date
Representative: Skip Fowler, City Attorney
Recommendation: Commission decision

[Ordinance 1517](#)

K. NEW BUSINESS:

1. Approve to add the design and permitting of the Thermaer Sludge Process as an alternate bid to the Water Reclamation Facility upgrades. Design and permitting costs in the amount of \$75,000.00 to be obtained from the Utilities Enterprise Fund operating budget; this is not a budgeted item
Staff Representative: Darby Blanchard, Director of Water Reclamation & Brad Blais, P.E., Quentin L. Hampton Associates, Inc.
Staff Recommendation: Approve
[Staff Memo - Design and Permitting of the Thermaer Sludge Process for Water Reclamation Facility upgrades](#)

2. Review options to deal with the conduct (disorderly and criminal) related to the consumption of alcoholic beverages on the City's beaches and Vote
 - a. Review options to deal with this issue and vote. Discuss solutions such as: (selections to be memorialized in City Code Book) (this item is an alternative to item 2(b,) which would prohibit alcohol on the beach) (Amended item on 08-02-10)
Commissioner Representative: Commissioner Kevin Pruet
Commissioner Recommendation: Vote on Options
 1. designating a City beach, and
 2. the use of beach badges and/or a public/private partnership with beachside establishments
[Alcohol Consumption on the Beach Survey](#)

[City Attorney Memo](#)[Beach Badges](#)

- b. Consider for First Reading an Ordinance, (one of three options,) prohibiting alcohol on the beach, from the ocean to the dunes and publicly-owned dune crossovers. Second Reading of the Ordinance is to occur by August 19, 2010 in order for the ballot question to be considered at the November 2, 2010 election
Staff Representative: Mayor Beeler
Select Option for November 2, 2010 ballot
 1. amend the charter - authorizing a referendum, approving ballot language;
[Ordinance Version 1](#)
 2. amend the City code - authorizing a referendum with ballot language;
[Ordinance Version 2](#)
 3. ask voters - provide for a referendum and ballot questions that asks the voters of Cocoa Beach whether they would like to prohibit alcohol on the City's beaches from the ocean to the dunes and publicly-owned dune crossovers
[Ordinance Version 3](#)

L. CITY ATTORNEY REPORTS AND ANNOUNCEMENTS:**M. ADJOURNMENT**

SPECIAL ANNOUNCEMENTS: Community Events: Cocoa Beach Farmers Market Open Sundays from 9am to 3pm
CITY MEETING CALENDAR - City's "Web Site" <http://www.cityofcocoa-beach.com>
08-12-10 Waterways and Wildlife Board 6:30 PM
08-18-10 Code Enforcement Board 9:00 AM
08-18-10 Board of Adjustment 6:30 PM
08-19-10 General Employees Pension 3:00 PM
08-19-10 Community Redevelopment Agency 6:30 PM
08-19-10 Commission 7:00 PM

08-23-10 Land Management Committee 6:00 PM
08-25-10 Police and Fire Pension Meeting 4:30 PM
09-02-10 Community Redevelopment Agency 6:30 PM
09-02-10 Commission 7:00 PM
09-06-10 Labor Day Holiday - City Hall Closed