City of Cocoa

65 Stone Street
Cocoa, FL 32922

Meeting Agenda - Final

Tuesday, March 8, 2022

6:00 PM

Cocoa City Council Chambers

City Council

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

II. APPROVAL OF AGENDA AND MINUTES:

AGENDA:

II.1 22-122 Approve the Agenda for the Regular meeting of March 8, 2022, as presented or with amendments.

Attachments: 03-08-2022 Short Agenda ADA.pdf

MINUTES:

III. AWARDS AND PRESENTATIONS:

III.1 22-128

III.2 22-123

Attachments: International Women's Day.pdf

III.3 22-124

Attachments: Women's History Month.pdf

IV. DELEGATIONS:

In accordance with the City Council's rules and procedures, residents or tax-payers of the City (upon any subject of general or public interest), City employees (regarding his/her employment), and water and sewer customers (on matters related to the City's water and/or sewer system), may address the City Council under Delegations on items not on the printed agenda by filling out a speaker card.

Speaker cards are located outside the Council meeting room and should be provided to the City Clerk. Please observe the time limit of three (3) minutes while speaking under Delegations. Delegations shall be limited to thirty (30) minutes unless extended by Council.

V. CONSENT AGENDA:

V.1 22-135 Approve a Change Order in the amount of $17,870.48 to the Purchase Order issued to VA Paving, Inc. for additional road paving related to the Annual Street Paving Program.

Attachments: VA Paving - City of Cocoa Annual Paving 2022.pdf
VA Paving - City of Cocoa Annual Paving 2022 add Prospect Ave.pdf
VA Paving - City of Cocoa Annual Paving 2022 add fiske.pdf
Req #44237 CO#1 to PO#78906.pdf

V.2 22-91 To Authorize the City Manager to execute the Utility Work by Highway Contractor Agreement between the City of Cocoa and the Florida Department of Transportation (FDOT); To Authorize the City Manager to Accept the Official Cost Estimate and Payment Terms per Section 3.b of the Utility Work by Highway Contractor Agreement

Attachments: 0-Letter of Intent and Preliminary Cost Estimate.pdf
1-DRMP Proposal.pdf
2-Updated Cost Estimate.pdf
3-442885-1-52-01 Preliminary Utility Work Schedule.pdf
4-44288515201_UWHCatUAOExpenseAgreement.pdf
5-44288515201_UWHCatUAOExpenseAgreement-Addendum.pdf
6-FDOT SR520 Concept Plans-City of Cocoa WM Improvements Overlay-Color

MULTI-YEAR CONTRACTS:

VI. PUBLIC HEARINGS:

VI.1 22-97 Approval of the second reading of Ordinance 02-2022 regarding updates to the Special Events Ordinance.

Attachments: Ordinance No. 02-2022 special events revisions.docx
Legal Ad Confirmation.pdf

VII. COUNCIL BUSINESS:

VII.1 22-125 Approve Resolution No. 2022-021, amending the meeting frequency of the Police Community Relations Advisory Board; and to Consider the Appointment of Mr. Demetrius Thomas as the Mayor's appointee.

Attachments: Resolution No. 2022-021 Revising Police Advisory Board Meetings.pdf
02_09_2022 Letters sent to Members.pdf
02_28_2022 Letters received for PCRAB.pdf
Board application-Thomas.pdf
02_25_2022 Thomas Code Board Resignation Letter.pdf

VIII. CITY BUSINESS:

VIII.1 22-99 Approval of Resolution No. 2022-022 adopting a revised Master Fee Schedule for City Facility Rentals, Special Events and Parades.

Attachments: 2022-022 Resolution adopting master fee schedule for special events parades a

EXHIBIT A Fee Schedule 2022.docx

IX. INFORMATIONAL AGENDA:

X. REPORTS:

XI. ADJOURNMENT

XII. NOTICE TO THE PUBLIC:

This is a public meeting. All interested parties may attend in person. The facility wherein this public meeting will be held is accessible to the physically handicapped. In accordance with the Americans With Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk of the City of Cocoa, listed below, at least 48 hours prior to the meeting: Carie Shealy, City Clerk, 65 Stone Street, Cocoa, by telephone at (321) 433-8484 or via email at cshealy@cocoafl.org.

Additionally, interested persons may view or listen to the meeting electronically at the following internet sites:
(1) https://tinyurl.com/s5e875r or
(2) https://cocoa.legistar.com/DepartmentDetail.aspx?ID=26365&GUID=FF9D3369-D354-4FAB-800A-57D0AEE30153&Mode=MainBody

However, the City is not responsible for technical difficulties that may occur while attempting to view or listen to the meeting on the internet.

Interested persons may submit their written comments or questions regarding the meeting prior to the meeting through Email at meetings@cocoafl.org, or via E-comments through the online agenda. Any electronic comments submitted will be made part of the meeting record. Written comments or questions not relevant to the Council meeting agenda will not be made part of the meeting record but will be maintained as public record.

Pursuant to Section 286.0105, Florida Statutes, the City hereby advises the public that: if a person decides to appeal any decision made by the City Council with respect to any matter considered at its meeting or hearing, that person will need a record of the proceedings and for such purpose, affected persons may need to assure that a verbatim record of the proceedings is made, and such record shall include the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission into evidence of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals otherwise not allowed by law.

Although members of the public are entitled to be heard by the City Council on certain items on the meeting agenda pursuant to the City Council Rules of Procedure, members of the public are not entitled to an immediate response by either administrative staff members or Council; however, the City Council or administrative staff may provide a response at their discretion. When presenting before the City Council, all comments or questions should be directed to the Mayor or the chair of the meeting. Comments or questions should not be made directly to administrative staff without permission from the Mayor or chair.
Public debate by individual speakers from the audience on public hearing items shall be limited to three (3) minutes. Applicants or representatives of recognized groups with special interests in a matter shall be limited to ten (10) minutes; and total debate on a single issue shall be limited to thirty (30) minutes. Only one presentation per person per item shall be allowed.

A Council member may add an item to the agenda during the meeting only at the time the agenda is approved. If the item requires action by the Council, then it may be added to the agenda by an affirmative vote of the Council, and written documentation must be submitted at the time the item is added to the agenda. Matters may also be raised by the Council, City Manager or City Attorney under reports and acted upon by the City Council.

This agenda is posted on the Municipal Bulletin Board and at the Central Brevard Library and Reference Center in Cocoa for public review.

Legislation Details (With Text)

File #:	22-122	**Version:**	1	**Name:**	
Type:	Agenda			**Status:**	Agenda Ready
File created:	2/23/2022			**In control:**	City Council
On agenda:	3/8/2022			**Final action:**	
Title:	Approve the Agenda for the Regular meeting of March 8, 2022, as presented or with amendments.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	03-08-2022 Short Agenda ADA.pdf				

Date	Ver.	Action By	Action	Result

CITY COUNCIL AGENDA ITEM

Memo Date: February 23, 2022
Agenda Date: March 8, 2022
Prepared By: Carie Shealy, City Clerk
Through:
Requested Action:
Approve the Agenda for the Regular meeting of March 8, 2022, as presented or with amendments.

BACKGROUND:

The City Council approves the agenda for all of its regular meetings at the beginning of such meetings.

STRATEGIC PLAN CONNECTION:

NA

BUDGETARY IMPACT:

NA

PREVIOUS ACTION:

The City Council has approved its agenda for all regular meetings at the beginning of such meetings.

RECOMMENDED MOTION:

Approve the Agenda for the Regular meeting of March 8, 2022, as presented or with amendments.

Agenda
City of Cocoa
Regular Meeting of The City Council

Date: March 8, 2022
Time: 6:00 pm
Location: 65 Stone Street Cocoa, FL 32922

I. Opening Matters:

1. Call to Order
2. Invocation
3. Pledge of Allegiance
4. Roll Call

II. Approval of Agenda and Minutes:

1. Agenda: Regular Meeting of March 8, 2022. (22-122)

2. Minutes: N/A

III. Awards and Presentations:

1. Presentation of Plaque to City Council by Cocoa Youth Athletics League. (22-128). (Cocoa Youth Athletic League)

2. Proclamation: Proclaiming the Month of March, 2022 as: "International Women's Day". (22-123). (Councilmember Koss)

3. Proclamation: Proclaiming the Month of March, 2022 as "Women's History Month." (22-124). (Councilmember Koss)

IV. Delegations:

In accordance with the City Council's rules and procedures, residents or tax-payers of the City (upon any subject of general or public interest), City employees (regarding his/her employment), water and sewer customers (on matters related

to the City's water and/or sewer system), and any person on any item on the agenda (except *Emergency items, Ministerial items, Quasi-judicial items, and Public Hearing items),* may address the City Council under Delegations by filling out a speaker card.

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V. Consent Agenda:

(A) General Consent Items:

1. Approve a Change Order in the amount of $17,870.48 to the Purchase Order issued to VA Paving, Inc. for additional road paving related to the Annual Street Paving Program. (22-135). (Public Works Director)

2. Authorize the City Manager to execute the Utility Work by Highway Contractor Agreement between the City of Cocoa and the Florida Department of Transportation (FDOT); To Authorize the City Manager to Accept the Official Cost Estimate and Payment Terms per Section 3.b of the Utility Work by Highway Contractor Agreement. (22-91). (Utilities Director)

(B) Multi-Year Contracts:

VI. Public Hearings:

1. Approval of the second reading of Ordinance 02-2022 regarding updates to the Special Events Ordinance. (22-97). (Assistant to the CM/PIO)

VII. Council Business:

1. Approve Resolution No. 2022-021, amending the meeting frequency of the Police Community Relations Advisory Board; and to Consider the Appointment of Mr. Demetrius Thomas as the Mayor's appointee. (Administrative Services Director) (21-125). (Administrative Services Director)

VIII. City Business:

1. Approval of Resolution No. 2022-022 adopting a revised Master Fee Schedule for City Facility Rentals, Special Events and Parades. (22-99). (Assistant to the CM/PIO)

Multi-Year Contracts:

None.

IX. Informational Agenda:

None.

X. Reports:

- Advisory Boards and Committees
- City Manager & Administration
- City Attorney
- City Council

XI. Adjournment:

XII. Notice To The Public:

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This Agenda may be Amended up until or at the Meeting

record. Written comments or questions not relevant to the Council meeting agenda will not be made part of the meeting record but will be maintained as public record.

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This Agenda may be Amended up until or at the Meeting

Legislation Details (With Text)

File #:	22-128	**Version:**	1	**Name:**	
Type:	Awards/Presentations			**Status:**	Agenda Ready
File created:	2/25/2022			**In control:**	City Council
On agenda:	3/8/2022			**Final action:**	
Title:	Presentation of Plaque to City Council by Cocoa Youth Athletics League. (Alicia Phillips)				
Sponsors:					
Indexes:					
Code sections:					
Attachments:					

Date	Ver.	Action By	Action	Result

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Legislation Details (With Text)

File #:	22-123	**Version:**	1	**Name:**	
Type:	Awards/Presentations			**Status:**	Agenda Ready
File created:	2/23/2022			**In control:**	City Council
On agenda:	3/8/2022			**Final action:**	
Title:	Proclamation: Proclaiming the Month of March, 2022 as: "International Women's Day". (Councilmember Koss)				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	International Women's Day.pdf				

Date	Ver.	Action By	Action	Result

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PROCLAMATION

WHEREAS, International Women's Day is celebrated on March 8th; and

WHEREAS, twenty-seven countries have adopted International Women's Day as a national holiday and it is widely observed in several others; and

WHEREAS, the day was first established at the 1920 International Socialist Women's Conference in Copenhagen; and

WHEREAS, in 1921, the date was adopted internationally and in 1977 the United Nations declared the 8th day of March as International Women's Day which is when the world should celebrate, recognize and remember women and the accomplishments they have made to society; and

WHEREAS, the colors of International Women's Day are purple, green, and white; Purple signifies justice and dignity; Green symbolizes hope; and White represents purity; and

WHEREAS, the 2022 theme is "Break the Bias", because whether it is deliberate or unconscious, bias makes it difficult for women to move ahead and knowing that bias exists is not enough, action is needed to level the playing field.

NOW, THEREFORE, I, Mayor Michael C. Blake, on behalf of the City Council of the City of Cocoa, do hereby proclaim the month of March 8, 2022 as:

"International Women's Day"

CITY OF COCOA CORPORATE SEAL FLORIDA

WHEREFORE, I have hereunto set my hand and caused the seal of the City of Cocoa to be affixed this 8th day of March, 2022.

Michael C. Blake

Mayor

ATTEST:

Lanie Sharp

City Clerk

Legislation Details (With Text)

File #:	22-124	**Version:**	1	**Name:**	
Type:	Awards/Presentations			**Status:**	Agenda Ready
File created:	2/23/2022			**In control:**	City Council
On agenda:	3/8/2022			**Final action:**	
Title:	Proclamation: Proclaiming the Month of March, 2022 as "Women's History Month." (Councilmember Koss)				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	Women's History Month.pdf				

Date	Ver.	Action By	Action	Result

powered by Legistar™

PROCLAMATION

WHEREAS, the Month of March is "Women's History Month"; and

WHEREAS, the 2022 Women's History Theme is, "Providing Healing, Promoting Hope", which is a tribute to the ceaseless work of caregivers and frontline workers during this ongoing pandemic; and

WHEREAS, Women's History Month recognizes thousands of ways that women of all cultures have provided both healing and hope throughout history; and

WHEREAS, Women, as healers, go back to ancient times. Their gift of hope spreads lights to the lives of others and reflects a belief in future generations; and

WHEREAS, in the City of Cocoa, there are several women throughout history and present day, who have brought these priceless gifts to their families, workplaces, and neighborhoods; and who are counselors, artists, teachers, doctors, nurses, mothers, and grandmothers, who listen, ease suffering, restore dignity, and make decisions for our general and personal welfare.

NOW, THEREFORE, I, Mayor Michael C. Blake, on behalf of the City Council of the City of Cocoa, do hereby proclaim the month of March, 2022 as:

"Women's History Month"

and encourage all citizens to take part in this month-long event and to let a Woman that has impacted your life in some way, shape, or form, know of your appreciation and of her value to you and others.

CITY OF COCOA CORPORATE SEAL FLORIDA

WHEREFORE, I have hereunto set my hand and caused the seal of the City of Cocoa to be affixed this 8th day of March, 2022.

Michael C. Blake

Mayor

ATTEST:

Carie Mealy

City Clerk

Legislation Details (With Text)

File #:	22-135	**Version:**	1	**Name:**	
Type:	Contract			**Status:**	Consent Agenda
File created:	3/1/2022			**In control:**	City Council
On agenda:	3/8/2022			**Final action:**	
Title:	Approve a Change Order in the amount of $17,870.48 to the Purchase Order issued to VA Paving, Inc. for additional road paving related to the Annual Street Paving Program. (Public Works Director)				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	VA Paving - City of Cocoa Annual Paving 2022.pdf VA Paving - City of Cocoa Annual Paving 2022 add Prospect Ave.pdf VA Paving - City of Cocoa Annual Paving 2022 add fiske.pdf Req #44237 CO#1 to PO#78906.pdf				

Date	Ver.	Action By	Action	Result

CITY COUNCIL AGENDA ITEM

Memo Date: March 1, 2022
Agenda Date: March 8, 2022
Prepared By: Abigail Morgan, P.E., Public Works Assistant City Engineer
Through: Bryant Smith III, P.E., CFM, Public Works Director/City Engineer
Requested Action:
Approve a Change Order in the amount of $17,870.48 to the Purchase Order issued to VA Paving, Inc. for additional road paving related to the Annual Street Paving Program.

BACKGROUND:

The City has approximately 79.1 center line miles of roads and various municipal parking lots. The City resurfaces an average of 3-4 miles of roadway annually. This effort is performed through the Street Division Annual Street Paving Program. Below is the list of the roads scheduled for Fiscal Year 22.

Street	From	To
Iona Dr	End	End
Rice Dr	Michigan Ave	Iona Dr
Catawba Dr	Elon Dr	Rice Dr
Elon Dr	Catawba Dr	Salem Dr
Salem Dr	Elon Dr	Rice Dr
Mercer Dr	End	Suwannee Dr
Suwannee Dr	Clemson Ave	Mercer Dr

Clemson Dr	Michigan Ave	End
N Sherwood Cir	Sherwood Cir	Sherwood Cir
S Sherwood Cir	Sherwood Cir	Sherwood Cir
W Sherwood Cir	Sherwood Cir	Sherwood Cir
E Sherwood Cir	Sherwood Cir	Sherwood Cir
Dartmouth Dr	Mercer Dr	End
Fiske Blvd.	South End of Ohio St	Seam South of Peachtree St

In November 2021, a PO was issued to VA Paving for the annual street paving in FY 22. In January 2022, we requested a proposal from VA Paving for the addition of a stretch on S Fiske Blvd. from the south end of Ohio St. to the seam south of Peachtree St. This was added to match the pavement improvements on Fiske Blvd. performed by FDOT. The added cost for the addition of this stretch of road with the original PO exceeds the annual budgeted amount for the Annual Street Paving Program.

STRATEGIC PLAN CONNECTION:

Road repair and maintenance are essential in order to (1) preserve the road in its originally constructed condition, (2) protect adjacent resources and user safety, and (3) provide efficient, convenient travel along the route.

BUDGETARY IMPACT:

Budgeted No
If not budgeted, is amendment/transfer attached? Yes

The additional Budget has been provided through transfers on the February Cleanup BAF 22-045-T.

If a P.O. Change Order is involved please complete the following:

Change Order Amount $17,870.48

Original Purchase Order _78906
Original P.O. Amount _$292,556.60
For this Agenda Item note Prior Change Order Information:
Total number of change orders to date _None
Total amount in change orders to date _$0.00

PREVIOUS ACTION:

On October 26, 2021, City Council approved entering into a co-operative purchasing agreement with V.A. Paving Inc. in the amount of $ 292,556.60, plus a contingency of $7,443.40 for a total of $300,000.

RECOMMENDED MOTION:

Approve a Change Order to the Purchase Order issued to VA Paving, Inc. for additional road paving

related to the Annual Street Paving Program.

V.A. Paving, Inc.

P.O. Box 1046 • Cocoa, Florida 32923-1046 • (321) 636-2565 • FAX: (321) 631-4541 • www.vapaving.com

October 14, 2021

Abigail Morgan, P.E.
Public Works Assistant City Engineer
155 N. Wilson Ave.
Cocoa, FL 32922

RE: City of Cocoa Annual Paving - 2022

The following proposal includes mobilization, labor, equipment, and material to perform operations for asphalt placement for the subject project.

Street	From	To	Milling Quantity	Milling unit cost	Asphalt Quantity	Unit	Asphalt Unit Price	Total
Iona Drive	End	End	1472	$5.00	121	TN	$83.58	$17,473.18
Rice Drive	Michigan	Iona	1457	$5.00	120	TN	$83.58	$17,314.60
Catawba Drive	Elon	Rice	1491	$5.00	123	TN	$83.58	$17,735.34
Elon Drive	Catawba	Salem	677	$5.00	56	TN	$83.58	$8,065.48
Salem Drive	Elon	Rice	1095	$5.00	90	TN	$83.58	$12,997.20
Mercer Drive	End	Suwannee	3441	$3.00	284	TN	$83.58	$34,059.72
Suwannee Drive	Clemson	Mercer	1299	$5.00	107	TN	$83.58	$15,438.06
Clemson Drive	Michigan	End	1626	$5.00	134	TN	$83.58	$19,329.72
N Sherwood	Sherwood	Sherwood	2369	$3.00	195	TN	$83.58	$23,405.10
S Sherwood	Sherwood	Sherwood	2557	$3.00	211	TN	$83.58	$25,306.38
W Sherwood	Sherwood	Sherwood	2714	$3.00	224	TN	$83.58	$26,863.92
E Sherwood	Sherwood	Sherwood	2752	$3.00	227	TN	$83.58	$27,228.66
Dartmouth Drive	Mercer	End	1609	$5.00	132	TN	$83.58	$19,077.56
						TN		$0.00
						TN		$0.00
						TN		$0.00
						TN		$0.00
						TN		$0.00
						TOTAL		$264,294.92

All roads to receive 1.5" of SP 9.5 asphalt.

Pricing includes 1 (one) mobilization.

All roads shall be ready for milling and paving operations prior to VA Paving beginning work.

V.A. Paving Inc

Jamie Bell
Estimator

V.A. Paving, Inc.

P.O. Box 1046 • Cocoa, Florida 32923-1046 • (321) 636-2565 • FAX: (321) 631-4541 • www.vapaving.com

October 20, 2021

Abigail Morgan, P.E.
Public Works Assistant City Engineer
155 N. Wilson Ave.
Cocoa, FL 32922

RE: City of Cocoa Annual Paving - 2022

The following proposal includes mobilization, labor, equipment, and material to perform operations for asphalt placement for the subject project.

Street	From	To	Milling Quantity	Milling unit cost	Asphalt Quantity	Unit	Asphalt Unit Price	Total
Prospect Ave	Bristol	Highland	2376	$5.00	196	TN	$83.58	$28,261.68
						TOTAL		$28,261.68

All roads to receive 1.5" of SP 9.5 asphalt.

Pricing includes 1 (one) mobilization.

All roads shall be ready for milling and paving operations prior to VA Paving beginning work.

V.A. Paving Inc

Jamie Bell
Estimator

V.A. Paving, Inc.

P.O. Box 1046 • Cocoa, Florida 32923-1046 • (321) 636-2565 • FAX: (321) 631-4541 • www.vapaving.com

February 10, 2022

Abigail Morgan, P.E.
Public Works Assistant City Engineer
155 N. Wilson Ave.
Cocoa, FL 32922

RE: City of Cocoa Annual Paving - 2022 Add Fiske

The following proposal includes mobilization, labor, equipment, and material to perform operations for asphalt placement for the subject project.

Street	From	To	Milling Quantity	Milling unit cost	Asphalt Quantity	Unit	Asphalt Unit Price	Total
S Fiske Blvd.	South End of Ohio St	Seam South of Peachtree S	1050	$10.00	86.63	TN	$85.08	$17,870.48
						TOTAL		$17,870.48

All roads to receive 1.5" of SP 9.5 asphalt.

Pricing includes 1 (one) mobilization.

All roads shall be ready for milling and paving operations prior to VA Paving beginning work.

V.A. Paving Inc

Jamie Bell
Estimator

CHANGE ORDER REQUEST FORM

SELECT CHANGE ORDER TYPE:

- ☑ GENERAL
- ☐ CONSTRUCTION — Assigned Project # Required:
- ☐ CONSTRUCTION CONTINGENCY — Resolution # Required:
- Amount Approved: _____ Balance Remaining:
- ☐ TASK ORDER ----------Assigned Task Order # Required:
- ☐ TASK ORDER AMENDMENT — Amendment # Required:

Date: 02/10/22 **New Requ #:** 44237 **Change Requisition Number #** 1

Name of Requestor completing this form: J.Z. Zurinsky

Original Purchase Order Amount	$ 292,556.60
Change Order # 1 Amount	$17,870.48
Change Order # 2 Amount	
Change Order # 3 Amount	
Change Order # 4 Amount	
Change Order # 5 Amount	
Change Order # 6 Amount	
Change Order # 7 Amount	
Change Order # 8 Amount	
New Purchase Order Amount	$ 310,428.08

Vendor Name	Original Requisition Number	PO Number	Original PO Amount
VA Paving	43800	78906	$ 292,556.60

REASON FOR CHANGE (Click box(s) to select):

- ☐ Correct Freight Cost
- ☐ Correct Unit Cost
- ☐ Correct Account
- ☐ Correct Qty Ordered
- ☑ Add Line Item
- ☐ Cancel Line Item
- ☑ Add Additional Money
- ☐ Add/Delete/Change Project #
- ☐ Liquidate Money
- ☐ Cancel Entire PO
- ☐ Other-Explain:

Please make correction(s) to original PO as listed below:

Original PO Line #	Quantity	UM	Description	Account Number	Project Number	Unit Cost	Extended Cost
1	17,870.48	sum	Add additonal work	001-3510-541.63-00	PW08SP	1.0000	$ 17,870.48
							$ -
							$ -
							$ -
							$ -
							$ -
							$ -
							$ -

THIS AMOUNT MUST BE LISTED AT THE TOP OF THIS FORM NEXT TO THE CORRESPONDING CHANGE ORDER #. **$ 17,870.48**

Revised CHANGE ORDER REQUEST FORM - PAGE 2, JUSTIFICATION NOTE REQUIRED Page 1 of

2

Date: 02/10/22 **New Requ #:** 44237 ***Change Requisition Number #*** 1

Change Order Justification:

FY22 STREET PAVING PROGRAM ADD'L WORK: Milling and Paving S. Fiske Blvd. from South End of Ohio St. to Seam South of Peachtree St.(1.5" SP-9.5) 1050SY Milling @$10.00/unit Paving 86.63 Tons @ $85.08 Unit/Ton.=$17870.48. Includes one mobilization.

*******Please be sure to save this Change Order Form as a PDF prior to inputting it into your requisition folder. *******

Legislation Details (With Text)

File #:	22-91	**Version:**	1	**Name:**	
Type:	Contract			**Status:**	Consent Agenda
File created:	2/7/2022			**In control:**	City Council
On agenda:	3/8/2022			**Final action:**	
Title:	Authorize the City Manager to execute the Utility Work by Highway Contractor Agreement between the City of Cocoa and the Florida Department of Transportation (FDOT); To Authorize the City Manager to Accept the Official Cost Estimate and Payment Terms per Section 3.b of the Utility Work by Highway Contractor Agreement. (Utilities Director)				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	0-Letter of Intent and Preliminary Cost Estimate.pdf 1-DRMP Proposal.pdf 2-Updated Cost Estimate.pdf 3-442885-1-52-01 Preliminary Utility Work Schedule.pdf 4-44288515201_UWHCatUAOExpenseAgreement.pdf 5-44288515201_UWHCatUAOExpenseAgreement-Addendum.pdf 6-FDOT SR520 Concept Plans-City of Cocoa WM Improvements Overlay-Color.pdf				

Date	Ver.	Action By	Action	Result

CITY COUNCIL AGENDA ITEM

Memo Date: February 7, 2022
Agenda Date: March 8, 2022
Prepared By: Peter Davis, E.I, Associate Engineer
Through: John A. Walsh, P.E., Utilities Director
Requested Action:
To Authorize the City Manager to execute the Utility Work by Highway Contractor Agreement between the City of Cocoa and the Florida Department of Transportation (FDOT); To Authorize the City Manager to Accept the Official Cost Estimate and Payment Terms per Section 3.b of the Utility Work by Highway Contractor Agreement

BACKGROUND:

The S.R. 520 Water Main Replacement Project (Cocoa's Project) originated from Cocoa's Capital Improvement Plan in 2012 to improve the water system's level of service and reliability. The project area currently sees insufficient fire flow and piping in the area is nearing the end of its service life. This project consists of the construction of approximately 1,200 feet of 8" DIP water main along Willard Street, 900 feet of 8" DIP water main along King Street, 150 feet of 8" PVC water main along Florida Avenue, 150 feet of 8" PVC water main along Delannoy Avenue, and 1,200 feet of 4" PVC reuse main in place of where any abandoned waterline is being removed.

In September 2020 the FDOT notified the City of Cocoa of a planned roadway resurfacing project along S.R. 520 from Aurora Street to the Hubert Humphrey Causeway (FDOT Project 442885-1). It was discovered that the majority of Cocoa's Project would be within the project limits of the FDOT Project 442885-1 and would fit within the FDOT's project schedule. Cocoa staff began collaborating with the FDOT to merge the construction of two projects into one to mitigate duplication of effort and inconvenience to the public. After receiving agreement from the FDOT District 5, Cocoa began working with the FDOT to have Cocoa's Project incorporated into the FDOT Project 442885-1 via a Utility Work by Highway Contractor (UWHC) Agreement. With this agreement, the highway contractor is required to construct the specified utilities in accordance with the plans and specifications developed by Cocoa and incorporated as part of the FDOT's bid package.

There are several documents required from Cocoa that comprise the UWHC package; the Letter of Intent, the UWHC Plans and Technical Specifications, the Back-Out Utility Work Schedule (UWS), the Cost Estimate, and the UWHC Agreement.

The Letter of Intent was required from Cocoa to initiate the UWHC process with the FDOT. This document was submitted to the FDOT on August 9, 2021, and marked the start of coordination between Cocoa and the FDOT.

Bussen Mayer Engineering Group (BMEG) began developing the original plans and specifications for Cocoa's Project under a Continuing Service Agreement task order in 2013. A requirement by the FDOT is that the plans and specifications be converted to match the FDOT formatting.

In September 2021 DRMP, Inc. acquired BMEG. As a result, DRMP was tasked with the document conversion under a 2021 task order.

The Back-Out UWS documents the schedule and work to be completed by Cocoa in the event that Cocoa elects to not have the utility work completed by FDOT's highway contractor. To date, only a preliminary Back-Out UWS has been developed.

The FDOT requires an initial cost estimate from Cocoa which is used by the FDOT to develop an official cost estimate. The initial cost estimate is $1,752,571; this cost estimate amount includes allowances of 10% for contingency and 2% for FDOT administration fees.

The UWHC Agreement is a joint agreement between the FDOT and Cocoa through which utility work can be accomplished by the FDOT's contractor. Under this agreement, Cocoa is responsible for all costs related to its utility work. The preliminary estimate for this project is $1,752,571, which includes a 2% FDOT administration fee and 10% continency. Cocoa also remains responsible for all engineering inspection, testing, and monitoring of its work, these costs are not included in the cost estimate. Per Section 3.b. of the UWHC Agreement, the FDOT will prepare an official estimate to align the costs with more recent cost estimates. Once the official estimate is prepared, the FDOT shall notify Cocoa of the amount of the official estimate for Cocoa's utility work. Upon receiving notice of the official estimate, Cocoa shall have five (5) working days to accept the invoice for the purpose of making deposits, or elect to have the utility work removed from the FDOT's contract and performed separately. Per Section 3.c. of the UWHC Agreement, Cocoa shall pay to the FDOT an amount equal to the FDOT's official estimate plus 10% for contingency and 2% for FDOT administration fees. Payment shall be made to the FDOT at least thirty (30) calendar days prior to the date on which the FDOT advertises FDOT Project 442885-1 for bids. The advertisement date has

been established as September 16, 2022 which means Cocoa will need to send funds to the FDOT by August 17, 2022. Since the funds need to be sent to the FDOT in FY22 and the construction of Cocoa's project had been budgeted in FY23, the advance payment based on the official estimate will be accounted for as a prepayment, with no budgetary impact when the official estimate payment is made to FDOT in August 2022. As stated, the budget for the project will be included in the FY23 Adopted Budget. The Finance Department will expense the costs as necessary according to generally accepted accounting principles to apply against the budget. Since FDOT Project 442885-1 has a let date of October 26, 2022, these expenses will not start to be incurred until FY23. Once the project has been bid and the actual costs for the project are known, staff will return to Council to true-up the budget for the project.

Staff recommends approval of the Utility Work by Highway Contractor Agreement between the City of Cocoa and the Florida Department of Transportation (FDOT).

STRATEGIC PLAN CONNECTION:

N/A

BUDGETARY IMPACT:

Budgeted	N/A
If not budgeted, is amendment/transfer attached?	N/A

PREVIOUS ACTION:

On June 12, 2012, City Council approved the contract with Bussen-Mayer Engineering Group, Inc. for the RFQ Q-12-06-COC to provide engineering services for design, permitting, and services during construction of utility conveyance systems upgrades and expansions.

On January 8, 2013, City Council approved Task Order No. 2013-6 with Bussen-Mayer Engineering Group, Inc. to Design, and Permit a Piping Upsizing along State Road 520 from Forrest Avenue to Delannoy Avenue.

RECOMMENDED MOTION:

To Authorize the City Manager to execute the Utility Work by Highway Contractor Agreement between the City of Cocoa and the Florida Department of Transportation (FDOT); To Authorize the City Manager to Accept the Official Cost Estimate per Section 3.b of the Utility Work by Highway Contractor Agreement.

August 06, 2021

Ms. Staci Nester
FDOT D5 Utility Administrator
719. S. Woodland Boulevard MS 2-546
Deland, FL 32720

RE: FPN#: 442885-1-52-01
State Road: 520
County: Brevard County
FAP#: TBD

Dear Ms. Nester,

The City of Cocoa desires to enter into a Utility Work by Highway Contractor Agreement (UWHC) at Utility Expense with the Florida Department of Transportation (FDOT) to have FDOT's contractor perform certain utilities work related to the replacement of potable water and reclaimed water facilities within the limits of the subject project.

Please initiate a UWHC for the amount of $2,308,721 which includes allowances for 2% for FDOT Construction Administration Fee and 22.5% for Contingency.

We understand that subject to the conditions of the UWHC, the City of Cocoa will be obligated to pay the FDOT a deposit for an amount equal to the final official estimate plus 2% for FDOT Construction Administration Fee and 22.5% for Contingency at least 30 days prior to the advertisements for bids of the subject project.

Please send over the required documentation which must be executed by the City of Cocoa to accomplish this utility work and UWHC.

If you have any questions, please contact me at (321) 433-8710.

Sincerely,

John A. "Jack" Walsh, P.E.
Utilities Director
City of Cocoa

Engineer's **PRELIMINARY** Estimate of Probable Cost

SR 520 Waterline Replacement

Cocoa, Florida

Bussen-Mayer File no. 379104-$ Date: 07/27/21

Item #	Qty	Un	Description	Unit $	Extended $
101-1	1	LS	Mobilization	170,000.00	170,000.00
101-2	1	LS	Preconstruction & post construction video	12,000.00	12,000.00
101-3	1	LS	Survey & layout	35,000.00	35,000.00
101-4	1	LS	Record drawings	40,000.00	40,000.00
102-1	1	LS	Maintenance of traffic	180,000.00	180,000.00
102-71-11	700	LF	Barrier wall, temp., F&I, concrete	40.00	28,000.00
102-89-1	2	LO	Temporary crash cushion, redirective option	2,500.00	5,000.00
104-30	1	LS	Erosion control	15,000.00	15,000.00
110-1-1	1	LS	Clearing and grubbing	50,000.00	50,000.00
121-70	1,520	CY	Flowable fill	220.00	334,400.00
285-709	2,160	SY	Optional base, base group 09, 10"	35.00	75,600.00
327-70-6	3,300	SY	Mill exist. asphalt pvmt., 1.5" avg. depth	12.00	39,600.00
334-1-23	415	TN	Superpave asph, traf C, SP-12.5, PG76-22	160.00	66,400.00
334-7-43	280	TN	Friction course, traf C, FC-12.5, PG 76-22	170.00	47,600.00
400-1-15	5	CY	Concrete class I, misc. (contingency)	600.00	3,000.00
520-1-10	700	LF	Concrete curb and gutter, type F	35.00	24,500.00
522-2	230	SY	Remove/replace 6" conc. (sidewalk/driveway)	78.00	17,940.00
526-1-2	80	SY	Brick pavers, remove & replace	250.00	20,000.00
555-1-2	200	LF	Directional Bore, 8" fusible PVC	140.00	28,000.00
570-1-4	100	SY	Sod, St. Augustine (contingency)	6.00	600.00
570-1-5	100	SY	Sod, Bahia (contingency)	5.00	500.00
706-3	70	EA	Retro-reflective pavement marker	12.00	840.00
711-11-121	2,000	LF	Thermoplastic, std., white, solid, 6"	2.50	5,000.00
711-11-123	350	LF	Thermoplastic, std., white, solid, 12"	6.00	2,100.00
711-11-125	40	LF	Thermoplastic, std., white, solid, 24"	10.00	400.00
711-11-160	4	EA	Thermoplastic, std., white, message	150.00	600.00
711-11-170	10	EA	Thermoplastic, std., white, arrow	100.00	1,000.00
711-11-221	1,900	LF	Thermoplastic, std., yellow, solid, 6"	2.50	4,750.00
711-11-224	160	LF	Thermoplastic, std., yellow, solid, 18"	8.00	1,280.00
1050-11-200	27	EA	Water service line, short side	1,000.00	27,000.00
1050-11-201	11	EA	Water service line, long side	1,400.00	15,400.00
1050-11-223	140	LF	6" DIP waterline	75.00	10,500.00
1050-11-224	2,430	LF	8" DIP waterline	90.00	218,700.00
1050-16-003	500	LF	Remove & dispose existing waterline	26.00	13,000.00
1050-18-003	1,200	LF	Plug & place out of service, 8" waterline	24.00	28,800.00
1055-1	2.3205	TN	Water pipe fittings	19,000.00	44,089.50
1080-11-303	4	EA	8"×8" Tapping sleeve & valve	6,300.00	25,200.00
1080-11-402	1	EA	12"×8" Tapping sleeve & valve	8,000.00	8,000.00
1080-11-304	8	EA	6" Gate valve	1,850.00	14,800.00
1080-11-404	12	EA	8" Gate valve	2,400.00	28,800.00
1080-11-307	2	EA	6" Line stop assembly	6,000.00	12,000.00
1080-11-407	3	EA	8" Line stop assembly	7,500.00	22,500.00
1644-116-08	5	EA	Fire hyd, F&I, std, 3way, 2hose, 1pumper	4,800.00	24,000.00
1650-1	155	EA	3M marker balls	40.00	6,200.00
1660-1	1	LS	Pigging and flushing waterline	12,000.00	12,000.00
1050-12-200	6	EA	Reuse service line, short side	1,000.00	6,000.00
1050-12-201	6	EA	Reuse service line, long side	1,400.00	8,400.00
1050-12-222	270	LF	4" Fusible PVC reuse	50.00	13,500.00
1050-12-223	960	LF	4" Fusible PVC reuse in ex. 8" DIP & grout voids	80.00	76,800.00
1050-12-224	60	LF	4" DIP reuse	90.00	5,400.00
1055-12	0.2360	TN	Reuse pipe fittings	19,000.00	4,484.00
1080-12-204	5	EA	4" Gate valve	1,450.00	7,250.00
1080-12-205	1	EA	Blow-off valve	1,300.00	1,300.00
1080-12-206	1	EA	Auto flush valve	3,500.00	3,500.00
1080-12-404	1	EA	12"×4" Tapping sleeve & valve	7,200.00	7,200.00
				Subtotal	$1,853,934
				18% Contingency	$333,708
				*Additional Contingency	$84,000
				Total Estimated Cost	**$2,271,642**

Notes:

1. Does not include costs for bonds, fees, utility pole or guy wire relocations, utility relocations, easement or right-of-way acquisition, or any other items not listed above.
2. Additional Contingency is based on unknown sub-surface conditions at the roadway intersections (7 at $12,000 each).

FDOT Construction Administration Fee (2% of Subtotal)	$37,079
FDOT UWHC Estimate (FDOT Construction Administration Fee + Total Estimated Cost)	**$2,308,721**

DRMP, INC.

PRINCIPALS
Lawrence L. Smith, Jr.
Donaldson K. Barton, Jr.
Glenn J. Lusink
Jon S. Meadows
Mark D. Prochak
Mark E. Puckett

941 Lake Baldwin Lane, Orlando, Florida 32814
Phone: 407.896.0594 | Fax: 407.896.4836

September 20, 2021 **DRMP Job #: 21-0681.000**

Katherine D. Ennis, P.E.
Utilities Deputy Director
City of Cocoa Florida
351 Shearer Blvd.
Cocoa, FL 32922

Subject: SR 520 Waterline Replacement Conversion to FDOT Format

Dear Ms. Ennis:

DRMP, Inc. (DRMP) is pleased to present the City of Cocoa Utilities Department with this proposal to modify the design documents for the State Road 520 Waterline Replacement Project to an FDOT format. Plans have been created for the replacment of a water main on SR 520 in Cocoa, Florida. The plans and specifications that were created by Bussen-Mayer Engineering Group, Inc. (BMEG) and now need to be converted to an FDOT format. The Scope of work for this project is as follows.

Scope of Work

Task 1 – 75% Documents
DRMP will provide the following at a 75% level of completion:

- A modification of the original plans created by BMEG to the FDOT Plan Format per FDM 330.
- Technical Specifications in a TSP format for the project elements.
- A Pay Item List in FDOT Format

DRMP will submit these items in electronic form to the City and to FDOT for review and comment. DRMP will respond to any questions or comments from the City and FDOT.

Task1 Lump Sum Fee - $22,560.00

Task 2 – 100% Documents
Upon resolution of all comments and suggestions from the review of the 75% documents, DRMP will modify the 75% documents and provide a 100% complete set of the Plans, Specifications, and Pay Item List.
DRMP will provide these documents in electronic and hard copy format per FDOT requirements.

Task2 Lump Sum Fee - $12,740.00

Task 3 – Advisory Services During Bidding
The 100% Drawings will be used as bid documents. DRMP's advisory services during bidding will be include the following services:

- Attend a pre-bid meeting. DRMP will prepare an agenda and meeting minutes.
- Prepare responses to technical questions from bidders and suppliers regarding bid documents.
- Assist City with the preparation of addenda to include appropriate responses to written questions from bidders and suppliers.
- Assist in evaluation of bids, as requested by the City and provide a recommendation for contract award.
- A Backout Schedule should the bid come in 10% higher than the bid estimate.

Task3 Time and Materials Fee - $2,960.00

Task 4– Reimbursables

OFFICES
Asheboro, North Carolina
Boca Raton, Florida
Cary, North Carolina
Charlotte, North Carolina
Chipley, Florida
DeLand, Florida
Fort Myers, Florida
Gainesville, Florida
Jacksonville, Florida
Lakeland, Florida
Melbourne, Florida
Merritt Island, Florida
Orlando, Florida
Panama City Beach, Florida
Pensacola, Florida
Stockbridge, Georgia
Tallahassee, Florida
Tampa, Florida
Troutman, North Carolina

1.833.811.3767
www.DRMP.com

The scope of this task is to allocate a fee to cover direct expenses and production costs, which will be billed at cost. Direct expenses under this task include, but are not limited to, duplication of plans and reports and travel mileage. Should expenses for this Task exceed the estimate amount, the Client will be notified, and the limit will be increased.

Task 4 – Time and Materials Fee – $200.00

EXCLUDED SERVICES (Not part of this contract)
These services do not include survey, SUE, and environmental services.

Task	Description	Fee	Type of Fee
1	75% Documents	$22,560.00	Lump Sum
2	100% Documents	$12,740.00	Lump Sum
3	Bidding Assistance	$2960.00	Lump Sum
4	Reimbursables	$200.00	Time and Materials
	Total	$38,460.00	

COMPENSATION SUMMARY AND TERMS
DRMP shall provide a proposal on a lump sum basis payable as a monthly percentage of completion:

The above basic fee for the Scope of Service totals to $38,460.00 which will be billed per the terms above. Additional services as described above, upon request of the Client will be invoiced hourly, consistent with Exhibit “A”. The attached Exhibit “A” and “B” are hereby incorporated to this letter of agreement

We sincerely appreciate this opportunity to provide professional services for this project. We have provided a digital copy of this letter agreement via email, if you are in agreement, please sign where indicated and return one (1) copy to our office to constitute our Notice to Proceed. If you have any questions regarding this proposal, please contact our office.

This Scope of Services and Fee Schedule is hereby submitted by:

DRMP, Inc.

Sincerely,



09-08-2021
Patrick Day, P.E. Date
Office Manager

This Scope of Services and Fee Schedule as authorized above is hereby accepted by:
City of Cocoa

(Print name and Sign) Date
Attachment(s): Exhibit "A" - Hourly Rate Schedule
Exhibit "B" - Conditions of Agreement

Engineer's **PRELIMINARY** Estimate of Probable Cost

SR 520 Waterline Replacement

Cocoa, Florida

DRMP 21-0681 Date: 01/14/2022

Item #	Qty	Un	Description	Unit $	Extended $
101-1	1	LS	Mobilization	170,000.00	170,000.00
102-1	1	LS	Maintenance of traffic	180,000.00	180,000.00
102-71-11	700	LF	Barrier wall, temp., F&I, concrete	25.00	17,500.00
102-89-1	2	LO	Temporary crash cushion, redirective option	1,304.00	2,608.00
104-18	15	EA	Inlet Protection System	143.49	2,152.35
110-1-1	0.222	AC	Clearing and grubbing	18,188.45	4,037.84
110-4-10	386	SY	Removal of existing concrete	22.25	8,588.50
121-70	1,520	CY	Flowable fill	215.00	326,800.00
285-709	2,160	SY	Optional base, base group 09, 10"	28.39	61,322.40
327-70-6	3,300	SY	Mill exist. asphalt pvmt., 1.5" avg. depth	2.06	6,798.00
334-1-13	415	TN	Superpave asph, traf C	100.30	41,624.50
337-7-83	280	TN	Asphaltic Concrete Friction Course, trf C, FC-12.5	121.71	34,078.80
520-1-10	700	LF	Concrete curb and gutter, type F	25.06	17,542.00
522-2	230	SY	Remove/replace 6" conc. (sidewalk/driveway)	59.63	13,714.90
526-1-2	80	SY	Brick pavers, remove & replace	110.85	8,868.00
555-1-2	200	LF	Directional Bore, 8" fusible PVC	140.00	28,000.00
570-1-2	200	SY	Performance Sod	2.76	552.00
706-1-1	70	EA	Retro-reflective pavement marker	3.42	239.40
711-11-121	2,000	LF	Thermoplastic, std., white, solid, 6"	2.74	5,480.00
711-11-123	350	LF	Thermoplastic, std., white, solid, 12"	2.74	959.00
711-11-125	40	LF	Thermoplastic, std., white, solid, 24"	4.71	188.40
711-11-160	4	EA	Thermoplastic, std., white, message	140.71	562.84
711-11-170	10	EA	Thermoplastic, std., white, arrow	75.61	756.10
711-11-221	1,900	LF	Thermoplastic, std., yellow, solid, 6"	0.75	1,425.00
711-11-224	160	LF	Thermoplastic, std., yellow, solid, 18"	4.09	654.40
1050-11-200	27	EA	Water service line, short side	1,000.00	27,000.00
1050-11-201	11	EA	Water service line, long side	1,400.00	15,400.00
1050-51-204	60	LF	Utility Pipe- DI/CI, F&I, WATER/SEWER, 4"	135.24	8,114.40
1050-51-206	140	LF	Utility Pipe- DI/CI, F&I, WATER/SEWER, 6"	104.44	14,621.60
1050-51-208	2,431	LF	Utility Pipe- DI/CI, F&I, WATER/SEWER, 8"	93.18	226,520.58
1050-16-003	500	LF	Remove & dispose existing waterline	26.00	13,000.00
1050-18-003	1,200	LF	Plug & place out of service, 8" waterline	24.00	28,800.00
1055-51-104	18	EA	Utility Fittngs. for DI, DI/CI, F&I Elbow, 4"	500.00	9,000.00
1055-51-106	4	EA	Utility Fittngs. for DI, DI/CI, F&I Elbow, 6"	600.00	2,400.00
1055-51-108	56	EA	Utility Fittngs. for DI, DI/CI, F&I Elbow, 8"	730.11	40,886.16
1055-51-204	2	EA	Utility Fittngs. for DI, DI/CI, F&I Tee, 4"	400.00	800.00
1055-51-208	15	EA	Utility Fittngs. for DI, DI/CI, F&I Tee, 8"	876.72	13,150.80
1055-51-506	1	EA	Utility Fittngs. for DI, DI/CI, F&I Cap/Plug, 6"	650.00	650.00
1055-51-508	2	EA	Utility Fittngs. for DI, DI/CI, F&I Cap/Plug, 8"	868.13	1,736.26
1080-23-108	4	EA	Utility Fixt., Tapping Sad./slv., F&I 8"	4,394.82	17,579.28
1080-23-112	1	EA	Utility Fixt., Tapping Sad./slv., F&I 12"	4,245.49	4,245.49
1080-24-104	5	EA	4" Gate valve	1,457.83	7,289.15
1080-24-106	8	EA	6" Gate valve	1,458.83	11,670.64
1080-24-108	12	EA	8" Gate valve	2,191.96	26,303.52
1080-27-106	2	EA	6" Line stop assembly	7,284.25	14,568.50
1080-27-108	3	EA	8" Line stop assembly	7,660.00	22,980.00
1644-116-08	5	EA	Fire hyd, F&I, std, 3way, 2hose, 1pumper	4,200.00	21,000.00
1050-12-200	6	EA	Reuse service line, short side	1,000.00	6,000.00
1050-12-201	6	EA	Reuse service line, long side	1,400.00	8,400.00
1050-31-204	1,230	LF	4" Fusible PVC reuse	68.60	84,378.00
1080-25-102	1	EA	Blow-off valve	3,000.00	3,000.00
1080-32-206	1	EA	Auto flush valve	847.88	847.88
				Subtotal	$1,564,795

Total Estimated Cost $1,564,795

Notes:

1. Does not include costs for bonds, fees, utility pole or guy wire relocations, utility relocations, easement or right-of-way acquisition, or any other items not listed above.
2. Consider contingency for unknown sub-surface conditions at the roadway intersections (7)

FDOT Construction Administration Fee (2% of Subtotal)	$31,296
10% Contingency	$156,480
UWHC Estimate (Total Estimated Cost + FDOT Construction Administration Fee + 10% Contingency)	$1,752,571

FLORIDA DEPARTMENT OF TRANSPORTATION

UTILITY WORK SCHEDULE

December 14, 2016

Pursuant to Section 337.403 F.S., the UAO and FDOT agree to the UAO's need for relocation or adjustment to its utilities and FDOT's need for a schedule for the UAO to effect the relocation or adjustment. This utility work schedule is based on FDOT plans dated in the project information box below. Any deviation by FDOT or its contractor from these plans, may void this utility work schedule. Upon notification by FDOT of a change to these plans, the UAO may negotiate a new utility work schedule. The UAO agrees to notify FDOT and the contractor in writing prior to starting, stopping, resuming, and completing work in accordance with this utility work schedule. The UAO shall obtain a utility permit and comply with requirements of the 2017 Utility Accommodation Manual (UAM) for all work done under this utility work schedule. The UAO is not responsible for events beyond the control of the UAO that could not be reasonably anticipated by the UAO and which could not be avoided by the UAO with exercise of due diligence at the time of the occurrence.

FDOT PROJECT INFORMATION

Financial Project ID: 442885-1-52-01	Federal Project ID: N/A
State Road Number: 520	County: Brevard
FDOT Plans Dated: 8/24/2019	District Document No.:

UTILITY AGENCY/OWNER (UAO)

Utility Company: City of Cocoa (Preliminary Back-Out UWS)		
UAO Project Rep: Katherine D. Ennis, P.E.	Phone: (321) 433-8722	E-mail: kennis@cocoafl.org
UAO Field Rep: Brandon Cox	Phone: (321) 433-8824	E-mail: bcox@cocoafl.org

UTILITY SIGNATURE

I have reviewed the FDOT plans referenced above and submit this utility work schedule in compliance with UAM Section 5 and agree to be bound by the terms of this utility work schedule.

UAO Rep. _____ Date __ / __ / ____

Name _____

Title _____

ENGINEER OF RECORD SIGNATURE

I attest this utility work schedule is compatible with the FDOT plans referenced above.

EOR. _____ Date __ / __ / ____

Name _____

Title _____

APPROVAL BY DISTRICT UTILITIES

This utility work schedule is complete and acceptable to FDOT.

FDOT Rep. _____ Date __ / __ / ____

Name _____

Title _____

SECTION A: SUMMARY OF UTILITY WORK

The below days are the total numbers of days shown for all activities in Section C of this utility work schedule. The breakdown of how these days are to be incorporated into the FDOT project and the dependence of these days upon the completion of other activities by the UAO or others is shown in Section C.

Days prior to FDOT project construction: 0 Days during FDOT project construction: 0

FLORIDA DEPARTMENT OF TRANSPORTATION
UTILITY WORK SCHEDULE

Financial Project ID: 442885-1-52-01
Utility Company: City of Cocoa (Preliminary Back-Out UWS)
FDOT Plans Dated: 8/24/2019

SECTION B: UAO SPECIAL CONDITIONS/CONSTRAINTS

This schedule constitutes the contingency schedule contemplated by the Utility Work by Highway Contractor Agreement signed for this project to be used in the event that the Utility Work is not performed by the Highway Contractor.

This schedule shall be a complete, stand alone schedule which contains all activities to be performed on the project by the UAO executing this schedule, regardless of whether they were originally contemplated to be performed by the highway contractor or separately by the Utility. The total time shown on this schedule shall be the total time for all such activities and shall not be limited to just the time for activities originally contemplated to be performed by the highway contractor.

The total time is XXX days: XX days for bidding and for approval by City of Cocoa Council, and XXX days for the phased construction of the utility work within FDOT's ROW.

The coordination of other utilities Work Schedules with the City of Cocoa Work Schedule shall be the responsibility of the FDOT. (There are potential conflicts with other existing utilities and FDOT facilities unless they are relocated or removed in advance of the work contemplated by the City of Cocoa).

In the following City of Cocoa Work Schedule, the word "construct" and "install" are used to identify the excavation, backfill and compaction, temporary and permanent surface restoration, pressure testing, bacteriological testing and FDEP approval of the installation of the pipe and/ or appurtenances identified.

Construction of all new water and reuse facilities shall be completed and placed into service prior to removal or placing existing facilites out of service.

Where the work needs to occur within active travel lanes or needs to cross active travel lanes outside of the FDOT work phasing (MOT), said work shall be performed at night in accordance with FDOT Permit No. 2017-H-590-160 and the FDOT Standard Indicies for lane closures.

FLORIDA DEPARTMENT OF TRANSPORTATION
UTILITY WORK SCHEDULE

Financial Project ID: 442885-1-52-01
Utility Company: City of Cocoa (Preliminary Back-Out UWS)
FDOT Plans Dated: 8/24/2019

SECTION C: UAO's WORK ACTIVITIES

Act. No.	Utility Facility (type, size, material, status)	From Station/ Offset	To Station/ Offset	Utility Work Activity Description	Dependent Activity	TCP Phase	Consecutive Calendar Days Prior to Const.	Consecutive Calendar Days During Const.
1	Wet tap existing 12" AC water main	23+40, 60' RT	23+40, 60' RT	Install 12" x 8" tapping sleeve and valve on existing 12" water main				
2	Proposed 8" DIP water main	23+40, 75' RT	23+90, 20' RT	Construct 8" DIP water main				
3	Proposed 8" DIP water main	23+90, 20' RT	24+10, 20' RT	Construct 8" DIP water main				
4	Proposed fire hydrant assembly and 6" gate valve	24+10, 20' RT	24+10, 30' RT	Construct fire hydrant assembly and 6" gate valve				
5	Proposed 8" gate valve	24+10, 20' RT	24+10, 20' RT	Construct proposed 8" gate valve				
6	Proposed 8" DIP water main	24+10, 20' RT	24+25, 20' RT	Construct 8" DIP water main				
7	Existing water service line	24+25, 20' RT	24+25, 30' LT	Direct bore 2" HDPE casing and reinstate service line on new water main				
8	Proposed 8" DIP water main	24+25, 20' RT	24+50, 20' RT	Construct 8" DIP water main				
9	Existing water service line	24+50, 20' RT	24+50, 30' RT	Reinstate existing service line on new water main				
10	Proposed 8" DIP water main	24+50, 20' RT	25+15, 20' RT	Construct 8" DIP water main				
11	Proposed 6" gate valve and fire department connection	25+15, 20' RT	25+15, 30' RT	Construct 6" gate valve and fire department connection; coordinate				

FLORIDA DEPARTMENT OF TRANSPORTATION
UTILITY WORK SCHEDULE

Financial Project ID: 442885-1-52-01
Utility Company: City of Cocoa (Preliminary Back-Out UWS)
FDOT Plans Dated: 8/24/2019

SECTION C: UAO's WORK ACTIVITIES

Act. No.	Utility Facility (type, size, material, status)	From Station/ Offset	To Station/ Offset	Utility Work Activity Description	Dependent Activity	TCP Phase	Consecutive Calendar Days Prior to Const.	Consecutive Calendar Days During Const.
				with City of Cocoa Fire Department				
12	Proposed 8" DIP water main	25+15, 20' RT	26+80, 20' RT	Construct 8" DIP water main				
13	Proposed 8" gate valve	26+80, 20' RT	26+80, 20' RT	Construct proposed 8" gate valve				
14	Proposed 8" DIP water main	26+80, 20' RT	26+80, 30' RT	Construct 8" DIP water main				
15	Proposed 8" DIP water main	26+80, 20' RT	27+20, 20' RT	Construct 8" DIP water main				
16	Existing water service line	27+20, 20' RT	27+20, 25' RT	Reinstate existing water service line on new water main				
17	Proposed 8" DIP water main	27+20, 20' RT	27+45, 20' RT	Construct 8" DIP water main				
18	Existing water service line	27+45, 20' RT	27+45, 25' RT	Reinstate existing water service line on new water main				
19	Proposed 8" DIP water main	27+45, 20' RT	27+55, 20' RT	Construct 8" DIP water main				
20	Existing water service line	27+55, 20' RT	27+55, 25' LT	Direct bore 2" HDPE casing and reinstate service line on new water main				
21	Proposed 8" DIP water main	27+55, 20' RT	27+80, 20' RT	Construct 8" DIP water main				
22	Existing water service line	27+80, 20' RT	27+80, 25' RT	Reinstate existing water service line on new water main				

FLORIDA DEPARTMENT OF TRANSPORTATION
UTILITY WORK SCHEDULE

Financial Project ID: 442885-1-52-01
Utility Company: City of Cocoa (Preliminary Back-Out UWS)
FDOT Plans Dated: 8/24/2019

SECTION C: UAO's WORK ACTIVITIES

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23	Existing water service line	27+80, 20' RT	27+80, 25' RT	Reinstate existing water service line on new water main				
24	Proposed 6" gate valve and fire department connection	27+80, 20' RT	27+80, 25' RT	Construct 6" gate valve and fire department connection; coordinate with City of Cocoa Fire Department				
25	Proposed 8" DIP water main	27+80, 20' RT	28+00, 20' RT	Construct 8" DIP water main				
26	Existing water service line	28+00, 20' RT	28+00, 25' LT	Direct bore 2" HDPE casing and reinstate service line on new water main				
27	Proposed 8" DIP water main	28+00, 20' RT	28+30, 20' RT	Construct 8" DIP water main				
28	Existing water service line	28+30, 20' RT	28+30, 25' RT	Reinstate existing water service line on new water main				
29	Existing water service line	28+30, 20' RT	28+30, 25' RT	Reinstate existing water service line on new water main				
30	Existing water service line	28+30, 20' RT	28+30, 25' RT	Reinstate existing water service line on new water main				
31	Existing water service line	28+30, 20' RT	28+30, 25' RT	Reinstate existing water service line on new water main				
32	Proposed 8" DIP water main	28+30, 20' RT	28+55, 20' RT	Construct 8" DIP water main				

FLORIDA DEPARTMENT OF TRANSPORTATION

UTILITY WORK SCHEDULE

Financial Project ID: 442885-1-52-01
Utility Company: City of Cocoa (Preliminary Back-Out UWS)
FDOT Plans Dated: 8/24/2019

SECTION C: UAO's WORK ACTIVITIES

Act. No.	Utility Facility (type, size, material, status)	From Station/ Offset	To Station/ Offset	Utility Work Activity Description	Dependent Activity	TCP Phase	Consecutive Calendar Days Prior to Const.	Consecutive Calendar Days During Const.
33	Existing water service line	28+55, 20' RT	28+55, 25' LT	Direct bore 2" HDPE casing and reinstate service line on new water main				
34	Proposed 8" DIP water main	28+55, 20' RT	28+95, 20' RT	Construct 8" DIP water main				
35	Proposed fire hydrant assembly and 6" gate valve	28+95, 20' RT	28+95, 30' RT	Construct fire hydrant assembly and 6" gate valve				
36	Proposed 8" gate valve	28+95, 20' RT	28+95, 20' RT	Construct proposed 8" gate valve				
37	Proposed 8" DIP water main	28+95, 20' RT	29+10, 20'RT	Construct 8" DIP water main				
38	Existing water service line	29+10, 20' RT	29+10, 25' RT	Reinstate existing water service line on new water main				
39	Proposed 8" DIP water main	29+10, 20'RT	29+80, 20'RT	Construct 8" DIP water main				
40	Existing water service line	29+80, 20' RT	29+80, 25' RT	Reinstate existing water service line on new water main				
41	Proposed 8" DIP water main	29+80, 20'RT	30+50, 15'RT	Construct 8" DIP water main				
42	Existing water service line	30+50, 15'RT	30+50, 20'RT	Reinstate existing water service line on new water main				
43	Existing water service line	30+50, 15'RT	30+50, 20'RT	Reinstate existing water service line on new water main				

FLORIDA DEPARTMENT OF TRANSPORTATION
UTILITY WORK SCHEDULE

Financial Project ID: 442885-1-52-01
Utility Company: City of Cocoa (Preliminary Back-Out UWS)
FDOT Plans Dated: 8/24/2019

SECTION C: UAO's WORK ACTIVITIES

Act. No.	Utility Facility (type, size, material, status)	From Station/ Offset	To Station/ Offset	Utility Work Activity Description	Dependent Activity	TCP Phase	Consecutive Calendar Days Prior to Const.	Consecutive Calendar Days During Const.
44	Existing water service line	30+50, 15'RT	30+50, 20'RT	Reinstate existing water service line on new water main				
45	Proposed 8" DIP water main	30+50, 15'RT	31+10, 10'RT	Construct 8" DIP water main				
46	Proposed fire hydrant assembly and 6" gate valve	31+10, 10'RT	31+10, 20'RT	Construct fire hydrant assembly and 6" gate valve				
48	Proposed 8" DIP water main	31+10, 10'RT	31+40, 10' RT	Construct 8" DIP water main				
49	Proposed 6" linestop	31+40, 10' RT	31+40, 10' RT	Construct 6" linestop and connect existing 6" water main to new 8" water main with 8"x6" tee				
50	Proposed 8" DIP water main	31+40, 10' RT	31+70, 10' RT	Construct 8" DIP water main				
51	Proposed 8" DIP water main	31+70, 10' RT	31+70, 25' RT	Construct 8" DIP water main				
52	Proposed 8" gate valve	31+70, 10' RT	31+70, 10' RT	Construct 8" gate valve				
53	Wet tap existing 8" PVC water main	31+65, 25' RT	31+65, 25' RT	Install 8" x 8" tapping sleeve and valve on existing 8" water main				
54	Proposed 8" DIP water main	31+70, 10' RT	33+45, 5' RT	Construct 8" DIP water main				
55	Proposed fire hydrant assembly and 6" gate valve	33+45, 5' RT	33+45, 15' RT	Construct fire hydrant assembly and 6" gate valve				

FLORIDA DEPARTMENT OF TRANSPORTATION
UTILITY WORK SCHEDULE

Financial Project ID: 442885-1-52-01
Utility Company: City of Cocoa (Preliminary Back-Out UWS)
FDOT Plans Dated: 8/24/2019

SECTION C: UAO's WORK ACTIVITIES

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56	Wet tap existing 8" PVC water main and connect to new 8" DIP water main	33+55, 5' RT	33+65, 5' RT	Install 8" x 8" tapping sleeve and valve on existing 8" water main				
57	Proposed 8" linestop	33+65, 10' RT	33+65, 10' RT	Construct 8" linestop				
58	Proposed 8" DIP water main	33+70, 5' RT	34+10, 10' RT	Construct 8" DIP water main				
59	Proposed 8" DIP water main	34+10, 10' RT	34+30, 25' RT	Construct 8" DIP water main				
60	Proposed 8" Fusible PVC water main	483+00, 50' RT	483+00, 50' LT	Construct 8" PVC water main via directional bore				
61	Proposed 8" DIP water main	483+5, 50' RT	483+15, 20' RT	Construct 8" DIP water main				
62	Proposed 8" gate valve	483+15, 20' RT	483+15, 20' RT	Construct 8" gate valve				
63	Proposed 8" DIP water main	483+15, 20' RT	483+60, 15' RT	Construct 8" DIP water main				
64	Existing water service line	483+60, 15' RT	483+60, 30' RT	Reinstate existing water service line on new water main				
65	Proposed 8" DIP water main	483+60, 15' RT	484+15, 15' RT	Construct 8" DIP water main				
66	Existing water service line	484+15, 15' RT	484+15, 30' RT	Reinstate existing water service line on new water main				
67	Proposed 8" DIP water main	484+15, 15' RT	484+45, 15' RT	Construct 8" DIP water main				

FLORIDA DEPARTMENT OF TRANSPORTATION

UTILITY WORK SCHEDULE

Financial Project ID: 442885-1-52-01
Utility Company: City of Cocoa (Preliminary Back-Out UWS)
FDOT Plans Dated: 8/24/2019

SECTION C: UAO's WORK ACTIVITIES

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68	Proposed 6" gate valve and fire department connection	484+45, 15' RT	484+45, 30' RT	Construct 6" gate valve and fire department connection; coordinate with City of Cocoa Fire Department				
69	Proposed 8" DIP water main	484+45, 15' RT	484+80, 15' RT	Construct 8" DIP water main				
70	Existing water service line	484+80, 15' RT	484+80, 25' RT	Reinstate existing water service line on new water main				
71	Proposed 8" DIP water main	484+80, 15' RT	485+20, 15' RT	Construct 8" DIP water main				
72	Existing water service line	485+20, 15' RT	485+20, 25' LT	Direct bore 2" HDPE casing and reinstate service line on new water main				
73	Existing water service line	485+20, 15' RT	485+20, 25' LT	Direct bore 2" HDPE casing and reinstate service line on new water main				
74	Proposed 8" DIP water main	485+20, 15' RT	486+25, 15' RT	Construct 8" DIP water main				
75	Existing water service line	486+25, 15' RT	486+25, 25' RT	Reinstate existing water service line on new water main				
76	Existing water service line	486+25, 15' RT	486+25, 25' LT	Direct bore 2" HDPE casing and reinstate service line on new water main				

FLORIDA DEPARTMENT OF TRANSPORTATION
UTILITY WORK SCHEDULE

Financial Project ID: 442885-1-52-01
Utility Company: City of Cocoa (Preliminary Back-Out UWS)
FDOT Plans Dated: 8/24/2019

SECTION C: UAO's WORK ACTIVITIES

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77	Proposed 8" DIP water main	486+25, 15' RT	486+70, 15' RT	Construct 8" DIP water main				
78	Existing water service line	486+70, 15' RT	486+70, 25' LT	Direct bore 2" HDPE casing and reinstate service line on new water main				
79	Proposed 8" DIP water main	486+70, 15' RT	487+5, 15' RT	Construct 8" DIP water main				
80	Existing water service line	487+5, 15' RT	487+5, 25' LT	Direct bore 2" HDPE casing and reinstate service line on new water main				
81	Proposed 8" DIP water main	487+5, 15' RT	487+75, 15' RT	Construct 8" DIP water main				
82	Proposed 8" gate valve	487+75, 15' RT	487+75, 15' RT	Construct 8" gate valve				
83	Wet tap existing 8" PVC water main and connect to new 8" DIP water main	487+75, 15' RT	487+95, 20' RT	Install 8" x 8" tapping sleeve and valve on existing 8" water main				
84	Proposed 6" linestop	487+95, 5' RT	487+95, 5' RT	Construct 6" linestop				
85	8" tee on existing PVC water main	487+95, 20' RT	487+95, 20' RT	Plug east end of tee				
86	Proposed 8" DIP water main	487+95, 10' RT	488+60, 10' RT	Construct 8" DIP water main				
87	Existing water service line	488+60, 10' RT	488+60, 25' RT	Reinstate existing water service line on new water main				

FLORIDA DEPARTMENT OF TRANSPORTATION
UTILITY WORK SCHEDULE

Financial Project ID: 442885-1-52-01
Utility Company: City of Cocoa (Preliminary Back-Out UWS)
FDOT Plans Dated: 8/24/2019

SECTION C: UAO's WORK ACTIVITIES

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88	Proposed 8" DIP water main	488+60, 10' RT	488+90, 10' RT	Construct 8" DIP water main				
89	Existing water service line	488+90, 10' RT	488+90, 25' RT	Reinstate existing water service line on new water main				
90	Proposed 8" DIP water main	488+90, 10' RT	489+5, 10' RT	Construct 8" DIP water main				
91	Existing water service line	489+5, 10' RT	489+5, 25' RT	Reinstate existing water service line on new water main				
92	Proposed 8" DIP water main	489+5, 10' RT	489+15, 10' RT	Construct 8" DIP water main				
93	Existing water service line	489+15, 10' RT	489+15, 25' RT	Reinstate existing water service line on new water main				
94	Existing water service line	489+15, 10' RT	489+15, 25' RT	Reinstate existing water service line on new water main				
95	Proposed 8" DIP water main	489+15, 10' RT	489+20, 10' RT	Construct 8" DIP water main				
96	Existing water service line	489+20, 10' RT	489+20, 25' RT	Reinstate existing water service line on new water main				
97	Proposed 8" DIP water main	489+20, 10' RT	489+40, 10' RT	Construct 8" DIP water main				
98	Existing water service line	489+40, 10' RT	489+40, 30' LT	Direct bore 2" HDPE casing and reinstate service line on new water main				

FLORIDA DEPARTMENT OF TRANSPORTATION

UTILITY WORK SCHEDULE

Financial Project ID: 442885-1-52-01
Utility Company: City of Cocoa (Preliminary Back-Out UWS)
FDOT Plans Dated: 8/24/2019

SECTION C: UAO's WORK ACTIVITIES

Act. No.	Utility Facility (type, size, material, status)	From Station/ Offset	To Station/ Offset	Utility Work Activity Description	Dependent Activity	TCP Phase	Consecutive Calendar Days Prior to Const.	Consecutive Calendar Days During Const.
99	Proposed 8" DIP water main	489+40, 10' RT	489+50, 10' RT	Construct 8" DIP water main				
100	Existing water service line	489+50, 10' RT	489+50, 30' LT	Direct bore 2" HDPE casing and reinstate service line on new water main				
101	Proposed 8" DIP water main	489+50, 10' RT	490+20, 10' RT	Construct 8" DIP water main				
102	Existing water service line	490+20, 10' RT	490+20, 25' RT	Reinstate existing water service line on new water main				
103	Proposed 8" DIP water main	490+20, 10' RT	490+50, 35' RT	Construct 8" DIP water main				
104	Existing water service line	490+40, 35' RT	490+50, 35' RT	Reinstate existing water service line on new water main				
105	Proposed 8" gate valve	490+50, 35' RT	490+50, 35' RT	Construct 8" gate valve				
106	Wet tap existing 8" PVC water main and connect to new 8" DIP water main	490+40, 40' RT	490+50, 40' RT	Install 8" x 8" tapping sleeve and valve on existing 8" water main				
107	Proposed 8" linestop	490+40, 30' RT	490+40, 30' RT	Construct 8" linestop				
108	Proposed 8" Fusible PVC water main	490+60, 50' RT	490+60, 50' LT	Construct 8" PVC water main via directional bore				
109	Proposed 8" linestop and cap	23+10, 15' RT	23+10, 15' RT	Construct 8" linestop on existing water main and install cap				

FLORIDA DEPARTMENT OF TRANSPORTATION
UTILITY WORK SCHEDULE

Financial Project ID: 442885-1-52-01
Utility Company: City of Cocoa (Preliminary Back-Out UWS)
FDOT Plans Dated: 8/24/2019

SECTION C: UAO's WORK ACTIVITIES

Act. No.	Utility Facility (type, size, material, status)	From Station/ Offset	To Station/ Offset	Utility Work Activity Description	Dependent Activity	TCP Phase	Consecutive Calendar Days Prior to Const.	Consecutive Calendar Days During Const.
110	Proposed 4" Fusible PVC reuse main	24+30, 15' RT	24+30, 35' RT	Construct 4" Fusible PVC reuse main				
111	Proposed 4" auto-flushing reuse valve	24+30, 35' RT	24+30, 35' RT	Construct 4" auto-flushing reuse valve				
112	Proposed 4" reuse gate valve	24+30, 15' RT	24+30, 15' RT	Construct 4" reuse gate valve				
113	Proposed 4" PVC reuse main	24+30, 15' RT	24+35, 15' RT	Construct 4" PVC reuse main inside existing 8" cast iron waterline (sleeve). Install 4" PVC and grout voids in area in 8" cast iron.				
114	Proposed 1" reuse service line with ¾" meter	24+35, 15' RT	24+35, 30' RT	Construct 1" reuse service line with ¾" meter				
115	Proposed 4" PVC reuse main	24+35, 15' RT	26+30, 15' RT	Construct 4" PVC reuse main inside existing 8" cast iron waterline (sleeve). Install 4" PVC and grout voids in area in 8" cast iron.				
116	Proposed 1" reuse service line with ¾" meter	26+30, 15' RT	26+30, 30' LT	Construct 1" reuse service line with ¾" meter				
117	Proposed 4" PVC reuse main	26+30, 15' RT	27+15, 15' RT	Construct 4" PVC reuse main inside existing 8" cast iron waterline (sleeve).				

FLORIDA DEPARTMENT OF TRANSPORTATION
UTILITY WORK SCHEDULE

Financial Project ID: 442885-1-52-01
Utility Company: City of Cocoa (Preliminary Back-Out UWS)
FDOT Plans Dated: 8/24/2019

SECTION C: UAO's WORK ACTIVITIES

Act. No.	Utility Facility (type, size, material, status)	From Station/ Offset	To Station/ Offset	Utility Work Activity Description	Dependent Activity	TCP Phase	Consecutive Calendar Days Prior to Const.	Consecutive Calendar Days During Const.
				Install 4" PVC and grout voids in area in 8" cast iron.				
118	Proposed 1" reuse service line with ¾" meter	27+15, 15' RT	27+15, 30' LT	Construct 1" reuse service line with ¾" meter				
119	Proposed 1" reuse service line with ¾" meter	27+15, 15' RT	27+15, 25' RT	Construct 1" reuse service line with ¾" meter				
120	Proposed 4" PVC reuse main	27+15, 15' RT	31+00, 10' RT	Construct 4" PVC reuse main inside existing 8" cast iron waterline (sleeve). Install 4" PVC and grout voids in area in 8" cast iron.				
121	Proposed 1" reuse service line with ¾" meter	31+00, 15' RT	31+00, 25' RT	Construct 1" reuse service line with ¾" meter				
122	Proposed 4" PVC reuse main	31+00, 10' RT	31+60, 10' RT	Construct 4" PVC reuse main inside existing 8" cast iron waterline (sleeve). Install 4" PVC and grout voids in area in 8" cast iron.				
123	Proposed 4" reuse gate valve	31+60, 10' RT	31+60, 10' RT	Construct 4" reuse gate valve				

FLORIDA DEPARTMENT OF TRANSPORTATION

UTILITY WORK SCHEDULE

Financial Project ID: 442885-1-52-01
Utility Company: City of Cocoa (Preliminary Back-Out UWS)
FDOT Plans Dated: 8/24/2019

SECTION C: UAO's WORK ACTIVITIES

Act. No.	Utility Facility (type, size, material, status)	From Station/ Offset	To Station/ Offset	Utility Work Activity Description	Dependent Activity	TCP Phase	Consecutive Calendar Days Prior to Const.	Consecutive Calendar Days During Const.
124	Wet tap existing 12" DIP reuse main and connect to new 4" PVC reuse main	31+60, 10' RT	31+65, 15' RT	Install 12" x 4" tapping sleeve and valve on existing 12" water main				
125	Proposed 4" reuse gate valve	31+65, 10' RT	31+65, 10' RT	Construct 4" reuse gate valve				
126	Proposed 4" PVC reuse main	31+65, 10' RT	33+80, 10' RT	Construct 4" PVC reuse main inside existing 8" cast iron waterline (sleeve). Install 4" PVC and grout voids in area in 8" cast iron.				
127	Proposed 1" reuse service line with ¾" meter	33+80, 10' RT	33+80, 20' RT	Construct 1" reuse service line with ¾" meter				
128	Proposed 4" PVC reuse main	33+80, 10' RT	34+30, 25' RT	Construct 4" PVC reuse main inside existing 8" cast iron waterline (sleeve). Install 4" PVC and grout voids in area in 8" cast iron.				
129	Proposed 4" PVC reuse main	34+30, 25' RT	34+30, 20' RT	Construct 4" PVC reuse main				
130	Proposed 1" reuse service line with ¾" meter	34+30, 20' RT	34+30, 30' LT	Construct 1" reuse service line with ¾" meter				
131	Proposed 4" reuse gate valve w/blow-off	34+30, 20' RT	34+30, 20' RT	Construct 4" reuse gate valve w/blow-off				

FLORIDA DEPARTMENT OF TRANSPORTATION

UTILITY WORK SCHEDULE

Financial Project ID: 442885-1-52-01
Utility Company: City of Cocoa (Preliminary Back-Out UWS)
FDOT Plans Dated: 8/24/2019

SECTION C: UAO's WORK ACTIVITIES

Act. No.	Utility Facility (type, size, material, status)	From Station/ Offset	To Station/ Offset	Utility Work Activity Description	Dependent Activity	TCP Phase	Consecutive Calendar Days Prior to Const.	Consecutive Calendar Days During Const.
132	Proposed 1" reuse service line with ¾" meter	488+00, 25' RT	488+00, 30' RT	Construct 1" reuse service line with ¾" meter				
133	Proposed 1" reuse service line with ¾" meter	490+35, 45' LT	490+85, 30' LT	Construct 1" reuse service line with ¾" meter				
	8" AC Water Line	428+93.23, 49' LT	430+00, 49' LT					
	6" PVC Water Line	480+22, 23' RT	480+35, 23' RT					
	8" CI Water Line	33+97, 23' LT	34+77, 23" LT					

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

UTILITY WORK BY HIGHWAY CONTRACTOR AGREEMENT

(AT UTILITY EXPENSE)

Financial Project ID: 442885-1-52-01	**Federal Project ID: TBD**
Financial Project ID:	
Financial Project ID:	
Financial Project ID:	
County: Brevard	**State Road No.: 520**
District Document No: 1	
Utility Agency/Owner (UAO): City of Cocoa	

THIS AGREEMENT, entered into this _____ day of_____, year of_____, by and between the **STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION**, hereinafter referred to as the "**FDOT**", and **City of Cocoa**, hereinafter referred to as the "**UAO**";

WITNESSETH:

WHEREAS, the **FDOT**, is constructing, reconstructing, or otherwise changing a portion of a public road or publicly owned rail corridor, said project being identified as SR 520 from Aurora Road to Hubert Humphrey Causeway, State Road No.: 520, hereinafter referred to as the "Project"; and

WHEREAS, the **UAO** owns or desires to install certain utility facilities which are located within the limits of the Project hereinafter referred to as the "Facilities" (said term shall be deemed to include utility facilities as the same may be relocated, adjusted, installed, or placed out of service pursuant to this Agreement); and

WHEREAS, the Project requires the location (vertically and/or horizontally), protection, relocation, installation, adjustment or removal of the Facilities, or some combination thereof, hereinafter referred to as "Utility Work"; and

WHEREAS, the **FDOT** and the **UAO** desire to enter into a joint agreement pursuant to Section 337.403(1)(b), Florida Statutes for the Utility Work to be accomplished by the **FDOT's** contractor as part of the construction of the Project; and

WHEREAS, the **UAO**, pursuant to the terms and conditions hereof, will bear certain costs associated with the Utility Work;

NOW, THEREFORE, in consideration of the premises and the mutual covenants contained herein, the **FDOT** and the **UAO** hereby agree as follows:

1. Design of Utility Work

a. **UAO** shall prepare, at **UAO's** sole cost and expense, a final engineering design, plans, technical special provisions, a cost estimate, and a contingency Utility Work Schedule (said contingency schedule to be used in the case of a bid rejection) for the Utility Work (hereinafter referred to as the "Plans Package") on or before 16 June, year of 2021.

b. The Plans Package shall be in the same format as the **FDOT's** contract documents for the Project and shall be suitable for reproduction.

c. Unless otherwise specifically directed in writing, the Plans Package shall include any and all activities and work effort required to perform the Utility Work, including but not limited to, all clearing and grubbing, survey work and shall include a traffic control plan.

d. The Plans Package shall be prepared in compliance with the **FDOT's** Utility Accommodation Manual and the **FDOT's** Design Manual in effect at the time the Plans Package is prepared, and the **FDOT's** contract documents for the Project. If the **FDOT's** Design Manual has been updated and conflicts with the Utility Accommodation Manual, the Utility Accommodation Manual shall apply where such

conflicts exist.

e. The technical special provisions which are a part of the Plans Package shall be prepared in accordance with the **FDOT's** guidelines on preparation of technical special provisions and shall not duplicate or change the general contracting provisions of the **FDOT's** Standard Specifications for Road and Bridge Construction and any Supplemental Specifications, Special Provisions, or Developmental Specifications of the **FDOT** for the Project.

f. **UAO** shall provide a copy of the proposed Plans Package to the **FDOT,** and to such other right of way users as designated by the **FDOT**, for review at the following stages: Existing Permit Plans-10/14/21, 90% 2/28/22 and S&S 5/27/2022. Prior to submission of the proposed Plans Package for review at these stages, the **UAO** shall send the **FDOT** a work progress schedule explaining how the **UAO** will meet the **FDOT's** production schedule. The work progress schedule shall include the review stages, as well as other milestones necessary to complete the Plans Package within the time specified in Subparagraph a. above.

g. In the event that the **FDOT** finds any deficiencies in the Plans Package during the reviews performed pursuant to Subparagraph f. above, the **FDOT** will notify the **UAO** in writing of the deficiencies and the **UAO** will correct the deficiencies and return corrected documents within the time stated in the notice. The **FDOT's** review and approval of the documents shall not relieve the **UAO** from responsibility for subsequently discovered errors or omissions.

h. The **FDOT** shall furnish the **UAO** such information from the **FDOT's** files as requested by the **UAO**; however, the **UAO** shall at all times be and remain solely responsible for proper preparation of the Plans Package and for verifying all information necessary to properly prepare the Plans Package, including survey information as to the location (both vertical and horizontal) of the Facilities. The providing of information by the **FDOT** shall not relieve the **UAO** of this obligation nor transfer any of that responsibility to the **FDOT**.

i. The Facilities and the Utility Work will include all utility facilities of the **UAO** which are located within the limits of the Project, except as generally summarized as follows: Water Valve Box and Meter Box Adjustments outside the work of the UWHC. These exceptions shall be handled by separate arrangement.

j. If any facilities of the **UAO** located within the project limits are discovered after work on the project commences to be qualified for relocation at the **FDOT's** expense, but not previously identified as such, the **UAO** shall file a claim with the **FDOT** for recovery of the cost of relocation thereof. The filing of the claim shall not necessarily entitle the **UAO** to payment, and resolution of the claim shall be based on a determination of fault for the error. The discovery of facilities not previously identified as being qualified for relocation at the **FDOT's** expense shall not invalidate this Agreement.

k. The **UAO** shall fully cooperate with all other right of way users in the preparation of the Plans Package. Any conflicts that cannot be resolved through cooperation shall be resolved in the manner determined by the **FDOT**.

l. Upon completion of the Utility Work, the Facilities shall be deemed to be located on the public road or publicly owned rail corridor under and pursuant to the Utility Permit: To be Submitted prior to submittal *(Note: It is the intent of this line to allow either attachment of or separate reference to the permit).*

2. Performance of Utility Work

a. The **FDOT** shall incorporate the Plans Package into its contract for construction of the Project.

b. The **FDOT** shall procure a contract for construction of the Project in accordance with the **FDOT's** requirements.

c. If the portion of the bid of the contractor selected by the **FDOT** which is for performance of the Utility Work exceeds the **FDOT's** official estimate for the Utility Work by more than ten percent (10%) and the **FDOT** does not elect to participate in the cost of the Utility Work pursuant to Section 337.403(1)(b), Florida Statutes, the **UAO** may elect to have the Utility Work removed from the **FDOT's** contract by notifying the **FDOT** in writing within 5 days from the date that the **UAO** is notified of the bid amount. Unless this election is made, the Utility Work shall be performed as part of the Project by the **FDOT's** contractor.

d. If the **UAO** elects to remove the Utility Work from the **FDOT's** contract in accordance with Subparagraph 2. c., the **UAO** shall perform the Utility Work separately pursuant to the terms and conditions of the **FDOT's** standard relocation agreement, the terms and conditions of which are incorporated herein for that purpose by this reference, and in accordance with the contingency relocation schedule which is a part of the Plans Package. The **UAO** shall proceed immediately with the Utility Work so as to cause no delay to the **FDOT** or the **FDOT's** contractor in constructing the Project.

e. The **UAO** shall perform all engineering inspection, testing, and monitoring of the Utility Work to insure that it is properly performed in accordance with the Plans Package, except for the following activities: Not Applicable and will furnish the **FDOT** with daily diary records showing approved quantities and amounts for weekly, monthly, and final estimates in accordance with the format required by **FDOT** procedures.

f. Except for the inspection, testing, monitoring, and reporting to be performed by the **UAO** in accordance with Subparagraph 2. e., the **FDOT** will perform all contract administration for its construction contract.

g. The **UAO** shall fully cooperate with the **FDOT** and the **FDOT's** contractor in all matters relating to the performance of the Utility Work.

h. The **FDOT's** engineer has full authority over the Project and the **UAO** shall be responsible for coordinating and cooperating with the **FDOT's** engineer. In so doing, the **UAO** shall make such adjustments and changes in the Plans Package as the **FDOT's** engineer shall determine are necessary for the prosecution of the Project.

i. The **UAO** shall not make any changes to the Plans Package after the date on which the **FDOT's** contract documents are mailed for advertisement of the Project unless those changes fall within the categories of changes which are allowed by supplemental agreement to the **FDOT's** contract pursuant to Section 337.11, Florida Statutes. All changes, regardless of the nature of the change or the timing of the change, shall be subject to the prior approval of the **FDOT**.

3. Cost of Utility Work

a. The **UAO** shall be responsible for all costs of the Utility Work and all costs associated with any adjustments or changes to the Utility Work determined by the **FDOT's** engineer to be necessary, including, but not limited to the cost of changing the Plans Package and the increase in the cost of performing the Utility Work, unless the adjustments or changes are necessitated by an error or omission of the **FDOT.** The **UAO** shall not be responsible for the cost of delays caused by such adjustments or changes unless they are attributable to the **UAO** pursuant to Subparagraph 4.a.

b. The initial estimate of the cost of the Utility Work is $1,752,571.00. At such time as the **FDOT** prepares its official estimate, the **FDOT** shall notify the **UAO** of the amount of the official estimate for the Utility Work. Upon being notified of the official estimate, the **UAO** shall have five (5) working days within which to accept the official estimate for purposes of making deposits and for determining any possible contribution on the part of the **FDOT** to the cost of the Utility Work, or to elect to have the Utility Work removed from the **FDOT's** contract and performed separately pursuant to the terms and

conditions set forth in Subparagraph 2. d. hereof.

c. At least thirty (30) calendar days prior to the date on which the **FDOT** advertises the Project for bids, the **UAO** will pay to the **FDOT** an amount equal to the **FDOT's** official estimate; plus 2% for mobilization of equipment for the Utility Work, additional maintenance of traffic costs for the Utility Work, administrative costs of field work, tabulation of quantities, Final Estimate processing and Project accounting (said amounts are to be hereinafter collectively referred to as the Allowances); plus 10% of the official estimate for a contingency fund to be used as hereinafter provided for changes to the Utility Work during the construction of the Project (the Contingency Fund).

d. Payment of the funds pursuant to this paragraph will be made (choose one):

☐ directly to the **FDOT** for deposit into the State Transportation Trust Fund.

☒ as provided in the attached Three Party Escrow Agreement between **UAO**, **FDOT** and the State of Florida, Department of Financial Services, Division of Treasury. Deposits of less than $100,000.00 must be pre-approved by the **FDOT** Comptroller's Office prior to execution of this agreement.

e. If the portion of the contractor's bid selected by the **FDOT** for performance of the Utility Work exceeds the amount of the deposit made pursuant to Subparagraph c. above, then subject to and in accordance with the limitations and conditions established by Subparagraph 2. c. hereof regarding **FDOT** participation in the cost of the Utility Work and the **UAO's** election to remove the Utility Work from the Project, the **UAO** shall, within fourteen (14) calendar days from notification from the **FDOT** or prior to posting of the accepted bid, whichever is earlier, pay an additional amount to the **FDOT** to bring the total amount paid to the total obligation of the **UAO** for the cost of the Utility Work, plus Allowances and 10% Contingency Fund. The **FDOT** will notify the **UAO** as soon as it becomes apparent the accepted bid amount plus allowances and contingency is in excess of the advance deposit amount; however, failure of the **FDOT** to so notify the **UAO** shall not relieve the **UAO** from its obligation to pay for its full share of project costs on final accounting as provided herein below. In the event that the **UAO** is obligated under this Subparagraph 3.e. to pay an additional amount and the additional amount that the **UAO** is obligated to pay does not exceed the Contingency Fund already on deposit, the **UAO** shall have sixty (60) calendar days from notification from the **FDOT** to pay the additional amount, regardless of when the accepted bid is posted.

f. If the accepted bid amount plus allowances and contingency is less than the advance deposit amount, the **FDOT** will refund the amount that the advance deposit exceeds the bid amount, plus allowances and contingency if such refund is requested by the **UAO** in writing and approved by the Comptroller of the **FDOT** or his designee.

g. Should contract modifications occur that increase the **UAO's** share of total project costs, the **UAO** will be notified by the **FDOT** accordingly. The **UAO** agrees to provide, in advance of the additional work being performed, adequate funds to ensure that cash on deposit with the **FDOT** is sufficient to fully fund its share of the project costs. The **FDOT** shall notify the **UAO** as soon as it becomes apparent the actual costs will overrun the award amount; however, failure of the **FDOT** to so notify the **UAO** shall not relieve the **UAO** from its obligation to pay for its full share of project costs on final accounting as provided herein below.

h. The **FDOT** may use the funds paid by the **UAO** for payment of the cost of the Utility Work. The Contingency Fund may be used for increases in the cost of the Utility Work which occur because of quantity overruns or because of adjustments or changes in the Utility Work made pursuant to Subparagraph 2. h. Prior to using any of the Contingency Fund, the **FDOT** will obtain the written concurrence of the person delegated that responsibility by written notice from the **UAO**. The delegatee shall respond immediately to all requests for written concurrence. If the delegatee refuses to provide written concurrence promptly and the **FDOT** determines that the work is necessary, the **FDOT** may proceed to perform the work and recover the cost thereof pursuant to the provisions of

Section 337.403(3), Florida Statutes. In the event that the Contingency Fund is depleted, the **UAO** shall, within fourteen (14) calendar days from notification from the **FDOT**, pay to the **FDOT** an additional 10% of the total obligation of the **UAO** for the cost of the Utility Work established under Subparagraph 3. e. for future use as the Contingency Fund.

i. Upon final payment to the Contractor, the **FDOT** intends to have its final and complete accounting of all costs incurred in connection with the work performed hereunder within three hundred sixty (360) days. All project cost records and accounts shall be subject to audit by a representative of the **UAO** for a period of three (3) years after final close out of the Project. The **UAO** will be notified of the final cost. Both parties agree that in the event the final accounting of total project costs pursuant to the terms of this agreement is less than the total deposits to date, a refund of the excess will be made by the **FDOT** to the **UAO** in accordance with Section 215.422, Florida Statutes. In the event said final accounting of total project costs is greater than the total deposits to date, the **UAO** will pay the additional amount within forty (40) calendar days from the date of the invoice. The **UAO** agrees to pay interest at a rate as established pursuant to Section 55.03, Florida Statutes, on any invoice not paid within the time specified in the preceding sentence until the invoice is paid.

4. Claims Against UAO

a. The **UAO** shall be responsible for all costs incurred as a result of any delay to the **FDOT** or its contractors caused by errors or omissions in the Plans Package (including inaccurate location of the Facilities) or by failure of the **UAO** to properly perform its obligations under this Agreement in a timely manner.

b. In the event the **FDOT's** contractor provides a notice of intent to make a claim against the **FDOT** relating to the Utility Work, the **FDOT** will notify the **UAO** of the notice of intent and the **UAO** will thereafter keep and maintain daily field reports and all other records relating to the intended claim.

c. In the event the **FDOT's** contractor makes any claim against the **FDOT** relating to the Utility Work, the **FDOT** will notify the **UAO** of the claim and the **UAO** will cooperate with the **FDOT** in analyzing and resolving the claim within a reasonable time. Any resolution of any portion of the claim directly between the **UAO** and the **FDOT's** contractor shall be in writing, shall be subject to written **FDOT** concurrence and shall specify the extent to which it resolves the claim against the **FDOT**.

d. The **FDOT** may withhold payment of surplus funds to the **UAO** until final resolution (including any actual payment required) of all claims relating to the Utility Work. The right to withhold shall be limited to actual claim payments made by the **FDOT** to the **FDOT's** contractor.

5. Out of Service Facilities

No Facilities shall be placed out of service unless specifically identified as such in the Plans. The following terms and conditions shall apply to Facilities placed Out-of-Service:

a. The **UAO** acknowledges its present and continuing ownership of and responsibility for out of service Facilities.

b. The **FDOT** agrees to allow the **UAO** to leave the Facilities within the right of way subject to the continuing satisfactory performance of the conditions of this Agreement by the **UAO**. In the event of a breach of this Agreement by the **UAO**, the Facilities shall be removed upon demand from the **FDOT** in accordance with the provisions of Subparagraph e. below.

c. The **UAO** shall take such steps to secure the Facilities and otherwise make the Facilities safe in accordance with any and all applicable local, state or federal laws and regulations and in accordance with the legal duty of the **UAO** to use due care in its dealings with others. The **UAO** shall be solely responsible for gathering all information necessary to meet these obligations.

d. The **UAO** shall keep and preserve all records relating to the Facilities, including, but not limited to, records of the location, nature of, and steps taken to safely secure the Facilities and shall promptly respond to information requests of the **FDOT** or other permittees using or seeking use of the right of way.

e. The **UAO** shall remove the Facilities at the request of the **FDOT** in the event that the **FDOT** determines that removal is necessary for **FDOT** use of the right of way or in the event that the **FDOT** determines that use of the right of way is needed for other active utilities that cannot be otherwise accommodated in the right of way. Removal shall be at the sole cost and expense of the **UAO** and without any right of the **UAO** to object or make any claim of any nature whatsoever with regard thereto. Removal shall be completed within the time specified in the **FDOT's** notice to remove. In the event that the **UAO** fails to perform the removal properly within the specified time, the **FDOT** may proceed to perform the removal at the **UAO's** expense pursuant to the provisions of Sections 337.403 and 337.404, Florida Statutes.

f. Except as otherwise provided in Subparagraph e. above, the **UAO** agrees that the Facilities shall forever remain the legal and financial responsibility of the **UAO**. The **UAO** shall reimburse the **FDOT** for any and all costs of any nature whatsoever resulting from the presence of the Facilities within the right of way. Said costs shall include, but shall not be limited to, charges or expenses which may result from the future need to remove the Facilities or from the presence of any hazardous substance or material in or discharging from the Facilities. Nothing in this paragraph shall be interpreted to require the **UAO** to indemnify the **FDOT** for the **FDOT's** own negligence; however, it is the intent that all other costs and expenses of any nature be the responsibility of the **UAO**.

6. Default

a. In the event that the **UAO** breaches any provision of this Agreement, then in addition to any other remedies which are otherwise provided for in this Agreement, the **FDOT** may exercise one or more of the following options, provided that at no time shall the **FDOT** be entitled to receive double recovery of damages:

(1) Terminate this Agreement if the breach is material and has not been cured within sixty (60) days from written notice thereof from **FDOT.**

(2) Pursue a claim for damages suffered by the **FDOT**.

(3) If the Utility Work is reimbursable under this Agreement, withhold reimbursement payments until the breach is cured. The right to withhold shall be limited to actual claim payments made by **FDOT** to third parties.

(4) If the Utility Work is reimbursable under this Agreement, offset any damages suffered by the **FDOT** or the public against payments due under this Agreement for the same Project. The right to offset shall be limited to actual claim payments made by **FDOT** to third parties.

(5) Suspend the issuance of further permits to the **UAO** for the placement of Facilities on **FDOT** property if the breach is material and has not been cured within sixty (60) days from written notice thereof from **FDOT**.

(6) Pursue any other remedies legally available.

(7) Perform any work with its own forces or through contractors and seek repayment for the cost thereof under Section 337.403(3), Florida Statutes.

b. In the event that the **FDOT** breaches any provision of this Agreement, then in addition to any other remedies which are otherwise provided for in the Agreement, the **UAO** may exercise one or more of the following options:

(1) Terminate this Agreement if the breach is material and has not been cured within sixty (60) days from written notice thereof from the **UAO**.

(2) If the breach is a failure to pay an invoice for Utility Work which is reimbursable under this Agreement, pursue any statutory remedies that the **UAO** may have for failure to pay invoices.

(3) Pursue any other remedies legally available.

c. Termination of this Agreement shall not relieve either party from any obligations it has pursuant to other agreements between the parties nor from any statutory obligations that either party may have with regard to the subject matter hereof.

7. Force Majeure

Neither the **UAO** nor the **FDOT** shall be liable to the other for any failure to perform under this Agreement to the extent such performance is prevented by an act of God, war, riots, natural catastrophe, or other event beyond the control of the non-performing party and which could not have been avoided or overcome by the exercise of due diligence; provided that the party claiming the excuse from performance has (a) promptly notified the other party of the occurrence and its estimate duration, (b) promptly remedied or mitigated the effect of the occurrence to the extent possible, and (c) resumed performance as soon as possible.

8. Indemnification

FOR GOVERNMENT-OWNED UTILITIES,

To the extent provided by law, the **UAO** shall indemnify, defend, and hold harmless the **FDOT** and all of its officers, agents, and employees from any claim, loss, damage, cost, charge, or expense arising out of any acts, action, error, neglect, or omission by the **UAO**, its agents, employees, or contractors during the performance of the Agreement, whether direct or indirect, and whether to any person or property to which **FDOT** or said parties may be subject, except that neither the **UAO**, its agents, employees, or contractors will be liable under this section for damages arising out of the injury or damage to persons or property directly caused by or resulting from the negligence of the **FDOT** or any of its officers, agents, or employees during the performance of this Agreement.

When the **FDOT** receives a notice of claim for damages that may have been caused by the **UAO** in the performance of services required under this Agreement, the **FDOT** will immediately forward the claim to the **UAO**. The **UAO** and the **FDOT** will evaluate the claim and report their findings to each other within fourteen (14) working days and will jointly discuss options in defending the claim. After reviewing the claim, the **FDOT** will determine whether to require the participation of the **UAO** in the defense of the claim or to require the **UAO** to defend the **FDOT** in such claim as described in this section. The **FDOT's** failure to notify the **UAO** of a claim shall not release the **UAO** from any of the requirements of this section. The **FDOT** and the **UAO** will pay their own costs for the evaluation, settlement negotiations, and trial, if any. However, if only one party participates in the defense of the claim at trial, that party is responsible for all costs.

FOR NON-GOVERNMENT-OWNED UTILITIES,

The **UAO** shall indemnify, defend, and hold harmless the **FDOT** and all of its officers, agents, and employees from any claim, loss, damage, cost, charge, or expense arising out of any acts, action, error, neglect, or omission by the **UAO**, its agents, employees, or contractors during the performance of the Agreement, whether direct or indirect, and whether to any person or property to which **FDOT** or said parties may be subject, except that neither the **UAO**, its agents, employees, or contractors will be liable under this section for damages arising out of the injury or damage to persons or property directly caused by or resulting from the negligence of the **FDOT** or any of its officers, agents, or employees during the performance of this Agreement.

The **UAO's** obligation to indemnify, defend, and pay for the defense or at the **FDOT's** option, to participate

and associate with the **FDOT** in the defense and trial of any damage claim or suit and any related settlement negotiations, shall arise within fourteen (14) days of receipt by the **UAO** of the **FDOT's** notice of claim for indemnification to the **UAO**. The notice of claim for indemnification shall be served by certified mail. The **UAO's** obligation to defend and indemnify within fourteen (14) days of such notice shall not be excused because of the **UAO's** inability to evaluate liability or because the **UAO** evaluates liability and determines the **UAO** is not liable or determines the **FDOT** is solely negligent. Only a final adjudication of judgment finding the **FDOT** solely negligent shall excuse performance of this provision by the **UAO**. The **UAO** shall pay all costs and fees related to this obligation and its enforcement by the **FDOT**. The **FDOT's** delay in notifying the **UAO** of a claim shall not release **UAO** of the above duty to defend.

9. Miscellaneous

a. Time is of essence in the performance of all obligations under this Agreement.

b. The Facilities shall at all times remain the property of and be properly protected and maintained by the **UAO** in accordance with the current Utility Accommodation Manual in effect at the time the Plans Package is prepared and the current utility permit for the Facilities; provided, however, that the **UAO** shall not be obligated to protect or maintain any of the Facilities to the extent the **FDOT's** contractor has that obligation as part of the Utility Work pursuant to the **FDOT's** specifications.

c. The **FDOT** may unilaterally cancel this Agreement for refusal by the **UAO** to allow public access to all documents, papers, letters, or other material subject to the provisions of Chapter 119, Florida Statutes, and made or received by the **UAO** in conjunction with this Agreement.

d. This Agreement constitutes the complete and final expression of the parties with respect to the subject matter hereof and supersedes all prior agreements, understandings, or negotiations with respect thereto, except that the parties understand and agree that the **FDOT** has manuals and written policies and procedures which may be applicable at the time of the Project and the relocation of the Facilities.

e. This Agreement shall be governed by the laws of the State of Florida. Any provision hereof found to be unlawful or unenforceable shall be severable and shall not affect the validity of the remaining portions hereof.

f. All notices required pursuant to the terms hereof may be sent by first class United States Mail, facsimile transmission, hand delivery, or express mail and shall be deemed to have been received by the end of five business days from the proper sending thereof unless proof of prior actual receipt is provided. The **UAO** shall have a continuing obligation to notify each District of the **FDOT** of the appropriate persons for notices to be sent pursuant to this Agreement. Unless otherwise notified in writing, notices shall be sent to the following addresses:

If to the **UAO**:
John A. Walsh, P.E., Utilities Director
City of Cocoa,351 Shearer Blvd
Cocoa, Florida 32922

If to the **FDOT**:
FDOT, ATTN: Operations Engineer
555 Camp Road
Cocoa, FLorida 32927

10. Certification

This document is a printout of an **FDOT** form maintained in an electronic format and all revisions thereto by the **UAO** in the form of additions, deletions, or substitutions are reflected only in an Appendix entitled Changes To Form Document and no change is made in the text of the document itself. Hand notations on affected

portions of this document may refer to changes reflected in the above-named Appendix but are for reference purposes only and do not change the terms of the document. By signing this document, the **UAO** hereby represents that no change has been made to the text of this document except through the terms of the appendix entitled Changes to Form Document.

You MUST signify by selecting or checking which of the following applies:

☐ No changes have been made to this Form Document and no Appendix entitled "Changes to Form Document" is attached.
☒ No changes have been made to this Form Document, but changes are included on the attached Appendix entitled "Changes to Form Document."

IN WITNESS WHEREOF, the parties hereto have executed this Agreement effective the day and year first written.

UTILITY: City of Cocoa

BY:(Signature) _____ **DATE:** _____

(Typed Name: _____**)**

(Typed Title: _____**)**

Recommend Approval by the District Utility Office

BY: (Signature) _____ **DATE:** _____

FDOT Legal review

BY: (Signature) _____ **DATE:** _____

District Counsel

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

BY: (Signature) _____ **DATE:** _____

(Typed Name: _____**)**

(Typed Title: _____**)**

FEDERAL HIGHWAY ADMINISTRATION (if applicable)

BY: _____ **DATE:** _____

(Typed Name: _____**)**

(Typed Title: _____**)**

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

UTILITY WORK BY HIGHWAY CONTRACTOR AGREEMENT

(AT UTILITY EXPENSE)

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
UTILITY WORK BY HIGHWAY CONTRACTORAGREEMENT
(AT UTILITY EXPENSE)

APPENDIX: "CHANGES TO FORM DOCUMENT"

The following changes are hereby made to _____ between the **State of Florida Department of Transportation** (the "**FDOT"**) and City of Cocoa (the "**UAO**") dated the _____ day of _____, 202_____, for the project identified as
:

1. The **UAO** will be allowed (and where indicated, shall be obligated) to place the following specifications, limitations and obligations on **FDOT's** contractor in the Technical Special Provisions for the Utility Work:

a. Maintain a 24 hour per day, 7 days per week contact for coordination.

b. No vibratory rollers may be used.

c. As part of the Utility Work to be paid for by the **UAO,** the contractor can provide services for locating the Facilities of the **UAO**; however, the ultimate responsibility and liability for the location of the Facilities of the **UAO** may not be transferred to the contractor or to **FDOT**.

d. As part of the Utility Work to be paid for by the **UAO**, the contractor can provide services for reasonable protection and support of the Facilities of the **UAO**; provided, however, that the **UAO** may not require the contractor to engage in any extraordinary or unusual activities and the **UAO** may not require the contractor to use means and methodologies outside what would be usual and ordinary in the industry for the type of work being performed. Any protection and support services to be provided by the contractor shall be specifically defined and the **UAO** may not simply require general protection and support for **UAO** Facilities.

e. The contractor may be required to assist the **UAO,** using equipment otherwise already available on site, in getting access to valves, hydrants, and meters as the **UAO** may reasonably need. The **UAO** may require the contractor to keep valves, hydrants, and meters clear except as may be necessary for the contractor to perform work for the Project.

f. Except for emergencies or other actions under the Contingency Plan by the **UAO**, the **UAO** may require the contractor to provide 24 hours advance notice for the operation of valves.

g. Any accidental contact by the contractor's equipment with the water lines of the **UAO** shall be reported to the **UAO**, regardless of whether there is apparent damage or not.

h. The **UAO** shall be obligated to specify the maximum length of pipe that the contractor can expose at any one time; provided, however, that said specification shall be reasonably based on the means and methods that will be utilized by the **UAO** under the contingency plan that the **UAO** has prepared under separate agreement with the **FDOT**.

i. The **UAO** shall be obligated to specify any and all technical information concerning the facilities that the contractor will need to know in order for the contractor to develop proper means and methodologies for performing the work.

2. Except as may be specified in paragraph 1 above, the **UAO** may not require the **FDOT's** contractor, either in the Plans, the Technical Special Provisions or any other document associated with the Utility Work, to engage in or use any activity, means, method, or process for the purpose of safeguarding, protecting or avoiding damage to the Facilities of the **UAO**, it being the intent of the **UAO** and the **FDOT** that the contractor be allowed to use usual and ordinary means and methods for completing the Project.

3. Provided that no unforeseen conditions arise relating to the **UAO's** facilities and provided that the **UAO** has provided accurate information on the location of its facilities, the cost of the Utility Work will not include any payment for subsoil excavation, it being understood that the **FDOT** will be responsible for the full cost of subsoil excavation.

GOLD COAST JEWELERY & PAWN

EXIST. R/W

FORREST AVE.

HOSPITALITY RESOURCE SUPPLY

PAST GAS

EXIST. R/W

1.00

SR 520 (WILLARD ST.)

0.95

8"W

NOTE: DRIVEWAY SIZE AND LOCATIONS SHOWN ARE NOT FINAL, AND ARE SHOWN FOR CONCEPTUAL PURPOSES ONLY.

THE ENGINEER SHALL COORDINATE WITH PROPERTY OWNERS TO DETERMINE ANY FINAL DRIVEWAY CONFIGURATIONS.

EXIST. R/W

NIGHTEN DAY

HUGHLET AVE.

FORREST AVE.

FLORIDA AVE.

EXIST. R/W

0 10 40

Feet

LEGEND

MILLING & RESURFACING LIMITS

DETECTABLE WARNING SURFACE

OVERBUILD

CONCRETE REMOVAL

STATE FARM AUTO INSURANCE

SURVEY AREA

CONSTRUCT TRENCH DRAIN ALONG RETURN AND CONNECT TO EXISTING 36-IN STORMWATER TRUNKLINE WITH A MANHOLE

60'

13.5' 11' 11' 10' 10' 4.5'

EXIST. R/W

EXIST. R/W

2.00% 2.00%

12' 12' 13' 13' 10'

SIDEWALK

TYPE F CURB AND GUTTER

SOD

SIDEWALK

SECTION D-D

EXIST. R/W

KRONIC UNDERGROUND

SURVEY AREA

D

TIGHTEN RADIUS TO ACCOMMODATE CURB RAMPS

CONST. BUS PAD

8.95

SR 520 (W. KING ST.)

ONLY

ONLY

9.00

11' 11'

D

EXIST. R/W

DIRTY OAR BEER COMPANY

SURVEY AREA

EXIST. R/W

COORDINATE WITH PROPERTY OWNER TO REMOVE DRIVEWAY ACCESS AT THIS LOCATION. THE EXISTING UNSIGNALIZED DRIVEWAY IS WITHIN A SIGNALIZED INTERSECTION.

NORMAN'S RAW BAR & GRILL

RELOCATE STOP BAR TO THE NORTH AND ADJUST MILLING TO AVOID IMPACTING SIDE STREET LOOPS

EXIST. R/W

SOLAR LUBE

HUGHLETT AVE.

FORREST

FLORIDA AVE

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

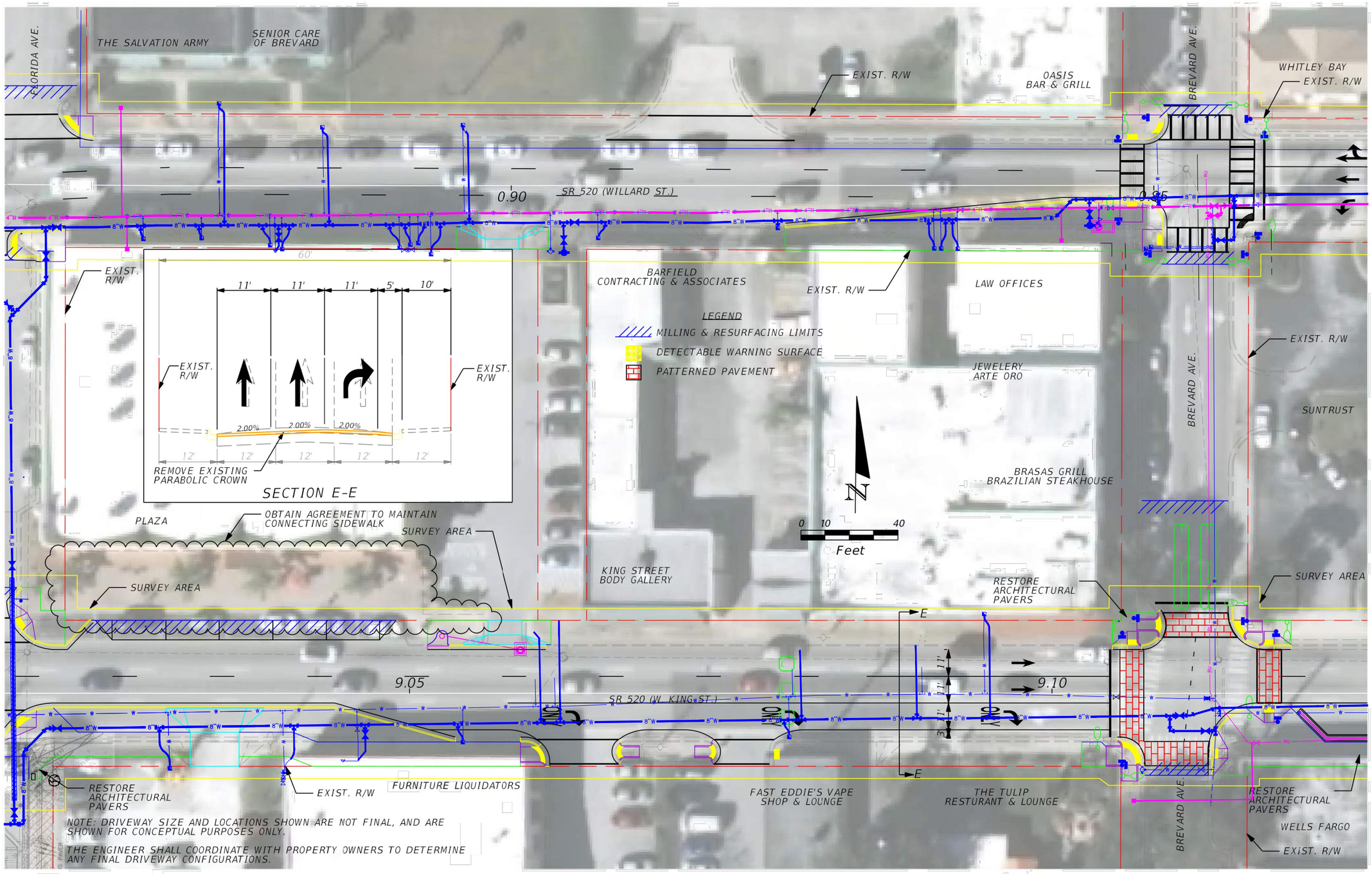
STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
520	BREVARD	442885-1

SR 520
CONCEPT PLANS

SHEET NO. 10

\\Kmw00\pmwork2\Vobs\48414 D5 Scopes\01_RRR\442885-1 SR 520 MP 7.746 to 8.663_Brevard\04_CADD\PLANRD01.dgn
8/24/2019 9:21:36 PM
mcdonnell



REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
520	BREVARD	442885-1

SR 520
CONCEPT PLANS

SHEET NO. 11

\\kimw00\pmwork2\Jobs\48414 DS Scopes\01_PRR\442885-1 SR 520 MP 7.746 to 8.663_Brevard\04_CADD\PLANR001.dgn
8/24/2019 9:21:40 PM
mdonnell

NOTE: A FUTURE CITY OF COCOA SIDEWALK PROJECT CONNECTING THE WHITLEY BAY PROMENADE TO LEE WENNER PARK IS CURRENTLY UNDER CONSTRUCTION. PROPOSED IMPROVEMENTS ARE SHOWN IN BLUE.

SURVEY AREA

REMOVE EXISTING CONCRETE PAVEMENT AND REPLACE WITH ASPHALT PAVEMENT

WHITLEY BAY

EXIST. R/W

LICENSE AGREEMENT

COCOA VILLAGE MARINA

EXIST. R/W

LEGEND

MILLING & RESURFACING LIMITS

DETECTABLE WARNING SURFACE

PATTERNED PAVEMENT

SR 520 (WILLARD ST.)

0.80

0.75

WILLARD STREET

EXIST. EASEMENT CITY OF COCOA

SUNTRUST

EXIST. R/W

EXIST. R/W

VACANT

0 10 40

Feet

SR 520 (W. KING ST.)

CR 515 / DELANNOY AVE

GRAPHIC SCALE

9.15

9.20

KING STREET

LICENSE AGREEMENT

RESTORE ARCHITECTURAL PAVERS

PAINTING WITH A TWIST

SURVEY AREA

S.F. TRAVIS COMPANY

RESTORE ARCHITECTURAL PAVERS

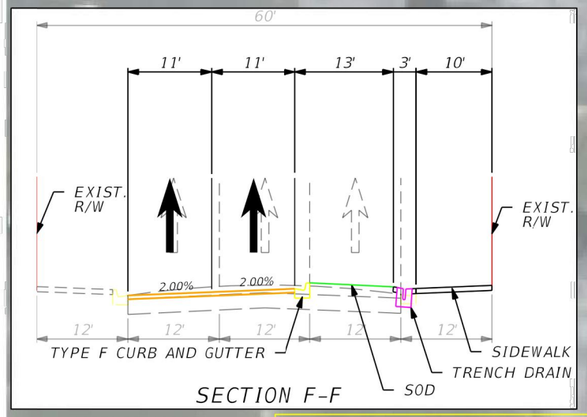
EXIST. R/W

RESTORE ARCHITECTURAL PAVERS

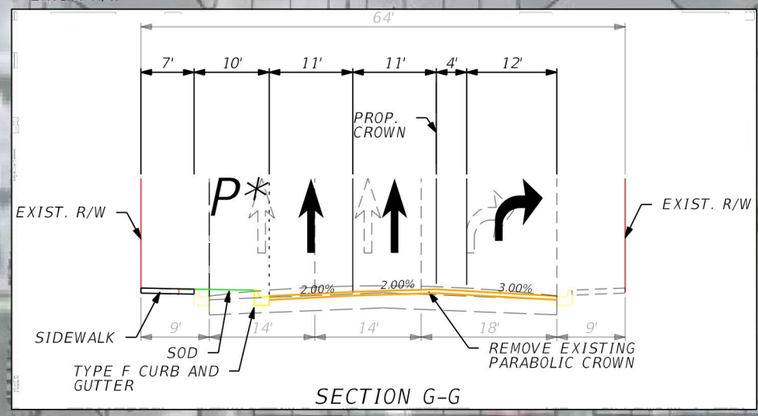
PEANUT'S HAIR ATTRACTION

NOTE: DRIVEWAY SIZE AND LOCATIONS SHOWN ARE NOT FINAL, AND ARE SHOWN FOR CONCEPTUAL PURPOSES ONLY.

THE ENGINEER SHALL COORDINATE WITH PROPERTY OWNERS TO DETERMINE ANY FINAL DRIVEWAY CONFIGURATIONS.



SECTION F-F



SECTION G-G

REVISIONS			
DATE	DESCRIPTION	DATE	DESCRIPTION

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
520	BREVARD	442885-1

SR 520
CONCEPT PLANS

SHEET NO. 12

\\kimw00\pmwork2\Jobs\48414 D5 Scopes\01_RRR\442885-1 SR 520 MP 7.746 to 8.663_Brevard\04_CADD\PLANR001.dgn
8/24/2019 9:21:44 PM
mcdonnell

Legislation Details (With Text)

File #:	22-97	**Version:**	1	**Name:**	
Type:	Ordinance			**Status:**	Public Hearing
File created:	2/8/2022			**In control:**	City Council
On agenda:	3/8/2022			**Final action:**	
Title:	Approval of the second reading of Ordinance 02-2022 regarding updates to the Special Events Ordinance. (Assistant to the CM/PIO)				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	Ordinance No. 02-2022 special events revisions.docx Legal Ad Confirmation.pdf				

Date	Ver.	Action By	Action	Result

CITY COUNCIL AGENDA ITEM

Memo Date: February 8, 2022
Agenda Date: March 8, 2022
Prepared By: Samantha Senger, Assistant to the CM/Public Information Officer
Through: Stockton Whitten, City Manager
Requested Action:
Approval of the second reading of Ordinance 02-2022 regarding updates to the Special Events Ordinance.

BACKGROUND:

City staff recently reviewed the updated City application and agreement forms relating to City Facility rentals and Special Events. During such process, City staff realized a desire to implement additional revisions to the Special Events Ordinance adopted by City Council in 2021. City staff's recommended changes, which are limited to Section 2-402(n)(2), City Code, include:

- Revising the Tier 1 event/permit classification to include a Special Event or Parade organized by a for profit organization for which the attendance is anticipated to be less than 500 Persons. The purpose of such addition is to accommodate smaller events organized by for profit organizations, in an effort to avoid "pricing them out" from utilizing City facilities for smaller special events.

- Given the above revision to the Tier 1 event/permit classification, the Tier 2 classification (currently classified to include those special events or parades organized by for profit organizations with anticipated attendance of under 1,000 persons) is revised to include a Special Event or Parade organized by a for profit organization for which the attendance is anticipated to be between 500 and 1,000 Persons.

The first reading of Ordinance 02-2022 was approved on February 22, 2022. The City Council's

agenda also includes a resolution for Council consideration to adopt related proposed changes to the City of Cocoa Master Fee Schedule for City Facility Rentals, Special Events, and Parades.

STRATEGIC PLAN CONNECTION:

Image - Host special events to attract visitors to the Cocoa community.

BUDGETARY IMPACT:

n/a

PREVIOUS ACTION:

City Council approved Ordinance 02-2022 on First Reading at the February 22, 2022 Cocoa City Council meeting

RECOMMENDED MOTION:

Approval of the second reading of Ordinance 02-2022 regarding updates to the Special Events Ordinance.

FLORIDA TODAY
FLORIDATODAY.com
A GANNETT COMPANY

Classified Ad Receipt
(For Info Only - NOT A BILL)

Customer: CITY OF COCOA - TE

Address: 65 STONE ST
COCOA FL 32922
USA

Ad No.: 0005147653
Pymt Method Invoice
Net Amt: $246.94

Run Times: 1

No. of Affidavits: 1

Run Dates: 02/27/22

Text of Ad:

AD#5147653 2/27/2022

CITY OF COCOA
NOTICE OF PUBLIC HEARING

MARCH 8, 2022

NOTICE is hereby given that the City of Cocoa, Florida, will hold a Public Hearing at 6:00 p.m. on Tuesday, March 8, 2022, in City Council Chambers, located at 65 Stone Street, in Cocoa, Florida.

The City Council will consider adopting the following Ordinance on Second Reading, titled as follows:

ORDINANCE NO. 02-2022

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA; AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE XI OF THE CITY CODE RELATING SPECIAL EVENTS; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

This is a public meeting. All interested parties may attend. The facility wherein the public meeting will be held is accessible to the physically handicapped.

Pursuant to Section 286.0105, Florida Statutes, the City of Cocoa hereby advises the public that if a person decides to appeal any decision made by this Council with respect to any matter considered at the meeting, that person will need a record of the proceedings and that for such purpose, affected persons may need to ensure that a verbatim record of the proceedings is made, and such record shall include the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission into evidence of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

Members of the public are encouraged to comment on the proposed ordinances at the meeting. Comments may also be submitted in writing to the Office of the City Clerk, 65 Stone Street, Cocoa, FL 32922, or by email (cshealy@cocoafl.org), or by telephone by calling (321) 433-8484.

In accordance with the Americans With Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk of the City of Cocoa, listed below, at least 48 hours prior to the meeting:

Carie Shealy, City Clerk, 65 Stone Street, Cocoa (321) 433-8484

Further information may be obtained by calling the City Clerk at the above listed number.

Dated this the 23rd
day of February, 2022.

Carie Shealy, MMC, City Clerk

Legislation Details (With Text)

File #:	22-125	**Version:**	1	**Name:**	
Type:	Appointment			**Status:**	Council Busines
File created:	2/23/2022			**In control:**	City Council
On agenda:	3/8/2022			**Final action:**	
Title:	Approve Resolution No. 2022-021, amending the meeting frequency of the Police Community Relations Advisory Board; and to Consider the Appointment of Mr. Demetrius Thomas as the Mayor's appointee. (Administrative Services Director)				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	Resolution No. 2022-021 Revising Police Advisory Board Meetings.pdf 02_09_2022 Letters sent to Members.pdf 02_28_2022 Letters received for PCRAB.pdf Board application-Thomas.pdf 02_25_2022 Thomas Code Board Resignation Letter.pdf				

Date	Ver.	Action By	Action	Result

CITY COUNCIL AGENDA ITEM

Memo Date: February 23, 2022
Agenda Date: March 8, 2022
Prepared By: Carie Shealy, City Clerk
Through: Tammy Gemmati, Administrative Services Director
Requested Action:
Approve Resolution No. 2022-021, amending the meeting frequency of the Police Community Relations Advisory Board; and to Consider the Appointment of Mr. Demetrius Thomas as the Mayor's appointee.

BACKGROUND:

At the Regular City Council meeting held on January 25, 2022, it was requested that the meeting frequency of the Police Community Relations Advisory Board be changed, as originally established in Resolution No. 2018-097, from quarterly, to every other month. The attached Resolution No. 2022-021 revises Section 2(e) to reflect said change and therefore, needs City Council approval.

Furthermore, at the same meeting, it was requested that the City Clerk poll the current members of the Police Community Relations Advisory Board due to recent quorum issues. The City Clerk sent a letter to all Board members and to date, the City Clerk has heard from the following members, as to whether or not they wish to remain or be removed from the Board:

The following members wish to remain on the Board:

- Al Boettjer
- Aldon Bookhardt
- Alton Edmond
- Kathy Hamilton-Brown
- Michael Klug

The following member wishes to be removed from the Board and her letter of resignation is attached to this item as well:

- Tammy Findlay-Bell

On February 28, 2022, a follow-up was sent by the City Clerk via email asking Mr. Jarvis Wash if he wishes to stay on the board or be removed, but no response has been received to date.

Ms. Findlay-Bell was the Mayor's appointment and her removal will create a vacancy. The Mayor has requested the appointment of Mr. Demetrius Thomas to fulfill her seat. Mr. Thomas currently serves as the 1st Alternate of the Code Enforcement Board and has served in that capacity since March, 2021. He has accepted the Mayor's nomination and a new Board application has been submitted, as well as a letter of resignation from the Code Enforcement Board, pending his appointment. Furthermore, he still meets all of the qualifications for serving on a City board. If appointed, his term will run concurrent with Mayor Blake's term, through November, 2024.

The City Clerk has kept the Police Department staff updated on board member status', as they are received.

STRATEGIC PLAN CONNECTION:

NA

BUDGETARY IMPACT:

NA

PREVIOUS ACTION:

Resolution No. 2018-097 was approved on October 24, 2018, establishing the Police Community Relations Advisory Board.

At the Regular City Council Meeting held on January 25, 2022, it was approved by City Council to change the meeting frequency of the Board.

RECOMMENDED MOTION:

Approve Resolution No. 2022-021, amending the meeting frequency of the Police Community Relations Advisory Board; and to Consider the Appointment of Mr. Demetrius Thomas as the Mayor's appointee.

RESOLUTION NO. 2022-021

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COCOA, FLORIDA; AMENDING THE POLICE COMMUNITY RELATIONS ADVISORY BOARD'S ENABLING RESOLUTION TO REQUIRE MEETINGS EVERY OTHER MONTH; PROVIDING FOR REPEAL OF PRIOR INCONSISTENT RESOLUTIONS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City Council desires to modify Resolution 2018-097 to authorize the Cocoa Police Community Relations Advisory Committee (whose title was later changed by the City Council to be known as a "Board") (hereinafter "BOARD") to meet every other month; and

WHEREAS, the City Council of the City of Cocoa, Florida, hereby finds this Resolution is in the best interests of the public health, safety, and welfare of the citizens of Cocoa.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are hereby fully incorporated herein by this reference as legislative findings of the City Council of Cocoa.

Section 2. Amendment. Resolution 2018-97, Section 2(e) is hereby amended in its entirety to read as follows:

> ***(e) Meetings.*** The BOARD shall meet at least every other month unless otherwise approved by the City Manager due to lack of business to be considered by the BOARD or lack of a quorum. Meetings of the BOARD shall be duly noticed and held public meetings which shall be open to the public. Meetings shall be coordinated and scheduled through the Police Chief or City Manager or their respective designees so as not to conflict with other City meetings or overburden limited City resources. A portion of each meeting will be reserved for taking public input relevant to issues being considered during the meeting or regarding the City's Police Department generally. The agendas, minutes and a record of the proceedings and recommendations of the BOARD shall be kept and filed with the City Clerk in the same manner as those kept and filed for the City Council.

Section 3. Repeal of Prior Inconsistent Resolutions. All other prior inconsistent resolutions adopted by the City Council are hereby repealed.

Section 4. Severability. If any section, clause, phrase, word, or provision is for any reason held invalid or unconstitutional by a court of competent jurisdiction, whether for substantive or procedural reasons, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this resolution.

Section 5. Effective Date. This Resolution shall become effective immediately upon adoption by the City Council of the City of Cocoa, Florida.

ADOPTED at a Regular Meeting of the City Council of the City of Cocoa, Florida, assembled this 8th day of March, 2022.

Michael C. Blake, Mayor

ATTEST:
Carie Shealy, MMC, City Clerk

Office of the City Clerk
65 Stone Street • Cocoa, FL 32922
PHONE: (321) 433-8484

February 9, 2022

Mr. Al Boettjer
1000 Galleon St.
Cocoa, FL 32927

Dear Mr. Boettjer,

This letter is being sent in regards to the Police Community Relations Advisory Board, of which you are currently a member of. At the last City Council meeting which was held on January 25, 2022, it was approved to change the frequency of the meetings of this Board from Quarterly to Every Other Month.

The past three meetings scheduled have not had a quorum, and, it was requested by Council that Board members be asked if they want to remain a member of this Board or if they would like to be removed at this time. We completely understand that sometimes life events or other reasons arise that cannot be avoided, and one no longer has as much time to serve as they wish they could. Please note, if you are no longer able to serve, being removed from the Board does not prohibit you for reapplying for Board membership when you are ready.

I am requesting that you please complete the attached form and return it to me as soon as possible in the envelope provided. This will give us ample time, if needed, for Council to make new appointments.

We truly appreciate the time and dedication you give as a volunteer for the City of Cocoa.

Thank you for your attention to this matter. If you have any questions, please contact me at (321) 433-8484.

Sincerely,

Carie Shealy

Carie Shealy, MMC, MAA
City Clerk

Office of the City Clerk
65 Stone Street • Cocoa, FL 32922
PHONE: (321) 433-8484

February 9, 2022

Mr. Aldon Bookhardt
3231 Nottingham Lane
Cocoa, FL 32926

Dear Mr. Bookhardt:

This letter is being sent in regards to the Police Community Relations Advisory Board, of which you are currently a member of. At the last City Council meeting which was held on January 25, 2022, it was approved to change the frequency of the meetings of this Board from Quarterly to Every Other Month.

The past three meetings scheduled have not had a quorum, and, it was requested by Council that Board members be asked if they want to remain a member of this Board or if they would like to be removed at this time. We completely understand that sometimes life events or other reasons arise that cannot be avoided, and one no longer has as much time to serve as they wish they could. Please note, if you are no longer able to serve, being removed from the Board does not prohibit you for reapplying for Board membership when you are ready.

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Thank you for your attention to this matter. If you have any questions, please contact me at (321) 433-8484.

Sincerely,

Carie Shealy

Carie Shealy, MMC, MAA
City Clerk

Office of the City Clerk
65 Stone Street • Cocoa, FL 32922
PHONE: (321) 433-8484

February 9, 2022

Mr. Alton Edmond
630 Brevard Avenue, Ste. B
Cocoa, FL 32922

Dear Mr. Edmond:

This letter is being sent in regards to the Police Community Relations Advisory Board, of which you are currently a member of. At the last City Council meeting which was held on January 25, 2022, it was approved to change the frequency of the meetings of this Board from Quarterly to Every Other Month.

The past three meetings scheduled have not had a quorum, and, it was requested by Council that Board members be asked if they want to remain a member of this Board or if they would like to be removed at this time. We completely understand that sometimes life events or other reasons arise that cannot be avoided, and one no longer has as much time to serve as they wish they could. Please note, if you are no longer able to serve, being removed from the Board does not prohibit you for reapplying for Board membership when you are ready.

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We truly appreciate the time and dedication you give as a volunteer for the City of Cocoa.

Thank you for your attention to this matter. If you have any questions, please contact me at (321) 433-8484.

Sincerely,

Carie Shealy

Carie Shealy, MMC, MAA
City Clerk

Office of the City Clerk
65 Stone Street • Cocoa, FL 32922
PHONE: (321) 433-8484

February 9, 2022

Ms. Tammy Findlay-Bell
244 Lemon St.
Cocoa, FL 32922

Dear Ms. Findlay-Bell,

This letter is being sent in regards to the Police Community Relations Advisory Board, of which you are currently a member of. At the last City Council meeting which was held on January 25, 2022, it was approved to change the frequency of the meetings of this Board from Quarterly to Every Other Month.

The past three meetings scheduled have not had a quorum, and, it was requested by Council that Board members be asked if they want to remain a member of this Board or if they would like to be removed at this time. We completely understand that sometimes life events or other reasons arise that cannot be avoided, and one no longer has as much time to serve as they wish they could. Please note, if you are no longer able to serve, being removed from the Board does not prohibit you for reapplying for Board membership when you are ready.

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We truly appreciate the time and dedication you give as a volunteer for the City of Cocoa.

Thank you for your attention to this matter. If you have any questions, please contact me at (321) 433-8484.

Sincerely,

Carie Shealy

Carie Shealy, MMC, MAA
City Clerk

Office of the City Clerk
65 Stone Street • Cocoa, FL 32922
PHONE: (321) 433-8484

February 9, 2022

Ms. Kathy-Hamilton Brown
306 Edinburgh Drive
Cocoa, FL 32922

Dear Ms. Hamilton-Brown:

This letter is being sent in regards to the Police Community Relations Advisory Board, of which you are currently a member of. At the last City Council meeting which was held on January 25, 2022, it was approved to change the frequency of the meetings of this Board from Quarterly to Every Other Month.

The past three meetings scheduled have not had a quorum, and, it was requested by Council that Board members be asked if they want to remain a member of this Board or if they would like to be removed at this time. We completely understand that sometimes life events or other reasons arise that cannot be avoided, and one no longer has as much time to serve as they wish they could. Please note, if you are no longer able to serve, being removed from the Board does not prohibit you for reapplying for Board membership when you are ready.

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We truly appreciate the time and dedication you give as a volunteer for the City of Cocoa.

Thank you for your attention to this matter. If you have any questions, please contact me at (321) 433-8484.

Sincerely,

Carie Shealy

Carie Shealy, MMC, MAA
City Clerk

Office of the City Clerk
65 Stone Street • Cocoa, FL 32922
PHONE: (321) 433-8484

February 9, 2022

Mr. Michael Klug
1330 Moscato Drive
Titusville, FL 32780

Dear Mr. Klug,

This letter is being sent in regards to the Police Community Relations Advisory Board, of which you are currently a member of. At the last City Council meeting which was held on January 25, 2022, it was approved to change the frequency of the meetings of this Board from Quarterly to Every Other Month.

The past three meetings scheduled have not had a quorum, and, it was requested by Council that Board members be asked if they want to remain a member of this Board or if they would like to be removed at this time. We completely understand that sometimes life events or other reasons arise that cannot be avoided, and one no longer has as much time to serve as they wish they could. Please note, if you are no longer able to serve, being removed from the Board does not prohibit you for reapplying for Board membership when you are ready.

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We truly appreciate the time and dedication you give as a volunteer for the City of Cocoa.

Thank you for your attention to this matter. If you have any questions, please contact me at (321) 433-8484.

Sincerely,

Carie Shealy

Carie Shealy, MMC, MAA
City Clerk

Office of the City Clerk
65 Stone Street • Cocoa, FL 32922
PHONE: (321) 433-8484

February 9, 2022

Mr. Jarvis Wash
909 Bristol Drive
Cocoa, FL 32922

Dear Mr. Wash,

This letter is being sent in regards to the Police Community Relations Advisory Board, of which you are currently a member of. At the last City Council meeting which was held on January 25, 2022, it was approved to change the frequency of the meetings of this Board from Quarterly to Every Other Month.

The past three meetings scheduled have not had a quorum, and, it was requested by Council that Board members be asked if they want to remain a member of this Board or if they would like to be removed at this time. We completely understand that sometimes life events or other reasons arise that cannot be avoided, and one no longer has as much time to serve as they wish they could. Please note, if you are no longer able to serve, being removed from the Board does not prohibit you for reapplying for Board membership when you are ready.

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We truly appreciate the time and dedication you give as a volunteer for the City of Cocoa.

Thank you for your attention to this matter. If you have any questions, please contact me at (321) 433-8484.

Sincerely,

Carie Shealy

Carie Shealy, MMC, MAA
City Clerk

In response to inquiry by the Office of the City Clerk, I, ***Al Boettjer***

Yes Wish to Remain a member

____ Wish to be Removed as a member

as a member of the Police Community Relations Advisory Board.

Additional Comments:

Confirm schedule w/ the member

Al Boettjer

Return to: Office of the City Clerk
City of Cocoa
65 Stone Street
Cocoa, FL 32922

SCANNED

RECEIVED
Office of the City Clerk
FEB 14 2022
Time: 9:27

In response to inquiry by the Office of the City Clerk, I, ***Aldon Bookhardt***

✓ Wish to Remain a member

_____ Wish to be Removed as a member

as a member of the Police Community Relations Advisory Board.

Additional Comments:

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

Return to: Office of the City Clerk
City of Cocoa
65 Stone Street
Cocoa, FL 32922

RECEIVED
Office of the City Clerk
FEB 14 2022
Time:

SCANNED

In response to inquiry by the Office of the City Clerk, I, ***Alton Edmond***

✓ Wish to Remain a member

_____ Wish to be Removed as a member

as a member of the Police Community Relations Advisory Board.

Additional Comments:

_____

_____

_____

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_____

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City of Cocoa
65 Stone Street
Cocoa, FL 32922

RECEIVED
Office of the City Clerk
FEB 14 2022
Time:

In response to inquiry by the Office of the City Clerk, I, ***Tammy Findlay-Bell***

_____ Wish to Remain a member

__✓__ Wish to be Removed as a member

as a member of the Police Community Relations Advisory Board.

Additional Comments:

See enclosed letter

Return to: Office of the City Clerk
City of Cocoa
65 Stone Street
Cocoa, FL 32922

RECEIVED
Office of the City Clerk
FEB 19 2022
Time: _____

February 17, 2022

Carie Shealy, City Clerk
Cocoa City Hall
65 Stone St.
Cocoa, Fl 32922

Dear Ms. Shealy:

Greetings, This is in response to the inquiry I received from you in regards of my continued membership on The Police Community Relations Advisory Board.

After much prayer and consideration, I have decided to remove myself as a member. At the time of my appointment, I had reservations of accepting the position and voiced my concerns to Mayor Blake.

Because I am full time Caregiver for my Parents and an only child, I knew they would always come first. I did request, to have set meeting rotations, because it would help me plan around them. However, that did not happen. As of yesterday, I received an email notifying me of a meeting for next week. Once again, I would have to miss a meeting because I have committed to a Black History Celebration months ago.

I unfortunately had situations beyond my control. I had several family deaths, an accident, Covid and my Parents health decline tremendously. So, It is best that I remove myself.

I appreciate the opportunity to serve. Under different circumstances I would be more than happy to have the opportunity again.

Sincerely,

Tammy R. Findlay-Bell, Psy D

In response to inquiry by the Office of the City Clerk, I, ***Michael Klug***

✓ Wish to Remain a member

_____ Wish to be Removed as a member

as a member of the Police Community Relations Advisory Board.

Additional Comments:

Return to: Office of the City Clerk
City of Cocoa
65 Stone Street
Cocoa, FL 32922

RECEIVED
Office of the City Clerk
FEB 24 2022
Time: 10

From: Kathy Hamilton
To: Carie Shealy
Subject: Re: Police Advisory Board Meeting
Date: Monday, February 28, 2022 2:01:13 PM
Attachments: image004.png
image011.png
image009.png
image002.png
image003.png
image001.png

Good afternoon,

Thank you for the reminder. Yes, I want to continue to be on the committee. Thank you. Have a great day!

Kathy Hamilton-Brown

On Monday, February 28, 2022, 08:58:21 AM EST, Carie Shealy <cshealy@cocoafl.gov> wrote:

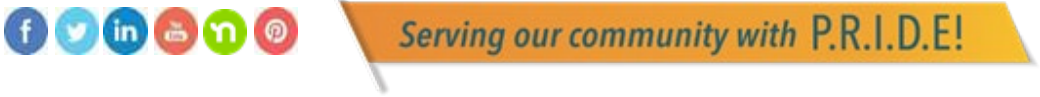
Good morning Kathy,

I have not yet received your response as to whether or not you wish to remain on the Police Community Relations Advisory Board. I assume that you do, however, could you just reply to this email so that I know for sure? I wanted to report back to Council at this next meeting.

Thank you very much!

Carie Shealy, MMC, MAA
City Clerk

65 Stone Street • Cocoa, FL 32922
(321) 433-8484 cshealy@cocoafl.gov www.CocoaFL.gov



From: Kathy Hamilton <kathyjhamilton@yahoo.com>
Sent: Friday, February 25, 2022 2:11 PM
To: Edmond Inspiration <aedmond1989@gmail.com>; Patrick Dovale <pdovale@cocoapolice.com>
Cc: ALEX GOINS <jagpromo2@gmail.com>; Al Boettjer <alcoastalpba@aol.com>; Carie Shealy <cshealy@cocoafl.gov>; Chris Bradshaw <cbradshaw@cocoapolice.com>; Darla Crowl <dcrowl@cocoafl.org>; Edmondtriallaw@gmail.com; Evander Collier <ecollier@cocoapolice.com>;

CITY OF COCOA
APPLICATION FOR BOARD/COMMITTEE MEMBERSHIP

City Code requires prospective and existing board members to fill out an application, consent to a standard criminal background check[1], be duly registered to vote in Brevard County, and be a resident or an owner of real property in the City of Cocoa. City Code also prohibits a person from serving on a City Board or Committee if that person has been convicted of a felony, unless their civil rights have been restored.

(Please Print)

Name: Demetrius Thomas Application Date: _____

Street Address, Including Zip Code: 313 Stowe St. 32922

District that you live in ***(this information can be found on your Voter's Registration Card)***:
District 1 X District 2 _____ District 3 _____ District 4 _____

Telephones: Home: 321-262-646? Work: _____ Pager: _____ Cell: _____

Place of Business: R & B Transport

Title/Position Held: manager

Date of Birth[2] 3-28-74

Email Address: dthomas35405@gmail.com

VARIOUS CITY BOARDS/COMMITTEES AVAILABLE
(Please Check All Those That Interest You)

	Affordable Housing Advisory Committee		Planning & Zoning Board
	Board of Adjustment	✓	Police Community Relations Advisory Board
	Code Enforcement/Drug Related Public Nuisance Board		Redevelopment Agency (Diamond Square)
	Housing Authority		Redevelopment Agency (US 1)
	Pension Board - Fire		Sustainability Advisory Board
	Pension Board - General Employees		Utilities Advisory Board
	Pension Board – Police		

ELIGIBILITY

Have you been a City of Cocoa resident for at least 6 months?	Yes	✓	No	
Do you own property or a business in Cocoa?	Yes		No	✓
Are you registered to vote in Brevard County, Florida?	Yes	✓	No	
Have you ever been convicted or found guilty, regardless of adjudication, of a **felony** in any jurisdiction? Any				

[1] An Addendum to the Application is attached and the information being requested is necessary in order to conduct a background check. Information will be used for those purposes only.

RECEIVED
Office of the City Clerk
FEB 25 2022
Time: _____

plea of no contest shall be considered a conviction for purposes of this question. Yes ____ No ✓

If yes, have your civil rights been restored? Yes ____ No ____
Do you consent to a standard criminal background check? Yes ✓ No ____
(PLEASE SEE ATTACHED ADDENDUM)

MISCELLANEOUS INFORMATION

Do you currently serve on any other City of Cocoa board Yes ✓ No ____
Are you related to a City of Cocoa Councilmember by blood, Adoption or marriage? Yes ____ No ✓
Potential Conflict of Interest: Have you ever been engaged in the management of any business enterprise that has a financial interest with the City of Cocoa? Please provide details, such as the name of the enterprise, the nature of the business, and the positions you hold or have held. Yes ____ No ✓

INTERESTS AND EXPERIENCE
(Additional Information May be Attached)

Briefly state your interest in serving on a City board or committee. Please include information relating to prior service on any governmental board or committee, and any specialized skills or training you feel will help you to qualify for membership on the desired City board or committee.

Code Enf Board Alt
Law Enforcement Background

STATE REPORTING REQUIREMENTS

Section 760.80, Florida Statutes, requires that the City annually submit a report to the Secretary of State disclosing race, gender, and physical disabilities of board and committee members. Please check the appropriate boxes:

RACE

✓ African-American
____ Asian-American
____ Hispanic-American
____ Native American
____ Caucasian

GENDER

✓ Male
____ Female

DISABILITY

____ Physically Disabled

RECEIVED
Office of the City Clerk
FEB 24 2022

Carie Shealy

From: Demetrius Thomas <dthomas35405@gmail.com>
Sent: Friday, February 25, 2022 1:54 PM
To: Carie Shealy

EXTERNAL MESSAGE - USE CAUTION WITH LINKS AND ATTACHMENTS!

Hello Carie,
I am sending this emailing in regards to being appointed to the Police Advisory Committee per Mayor Blake. I do currently sit as a alternate with the Code Enforcement Board and would like to vacate my seat after the appointment to the Police Advisory Board is approved by the City Council.

Thank you.
Demetrius Thomas

Legislation Details (With Text)

File #:	22-99	**Version:**	1	**Name:**	
Type:	Resolution			**Status:**	City Business
File created:	2/8/2022			**In control:**	City Council
On agenda:	3/8/2022			**Final action:**	
Title:	Approval of Resolution No. 2022-022 adopting a revised Master Fee Schedule for City Facility Rentals, Special Events and Parades. (Assistant to the CM/PIO)				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	2022-022 Resolution adopting master fee schedule for special events parades and facility rental.pdf EXHIBIT A Fee Schedule 2022.docx				

Date	Ver.	Action By	Action	Result

CITY COUNCIL AGENDA ITEM

Memo Date: February 8, 2022
Agenda Date: March 8, 2022
Prepared By: Samantha Senger, Assistant to the CM/Public Information Officer
Through: Stockton Whitten, City Manager
Requested Action:
Approval of Resolution No. 2022-022 adopting a revised Master Fee Schedule for City Facility Rentals, Special Events and Parades.

BACKGROUND:

At the February 22, 2022 and March 8, 2022 Cocoa City Council meetings, the City Council considered adoption of Ordinance No. 02-2022, to revise the Tier 1 and 2 event/permit classifications of the City Code's Special Events provisions. The revisions to the Tier 1 and 2 event/permit classifications authorize "for profit" entities to host events with less than 500 people through a Tier 1 classification (a lower fee than Tier 2). The same changes are reflected in the revised Master Fee Schedule if adopted by Resolution No. 2022- ___.

The revised Master Fee Schedule also implements changes to the public safety fees relating to City personnel that work special events, eliminating the "non-profit" rates offered for public safety personnel and adding a command level rate. City staff recommends this change as necessary to accommodate the revised pay scheduled adopted at the beginning of this fiscal year and to stay competitive with surrounding municipalities offering the same services.

STRATEGIC PLAN CONNECTION:

Image - Host special events to attract visitors to the Cocoa community.

BUDGETARY IMPACT:

n/a

PREVIOUS ACTION:

Revisions to the Master Fee Schedule were previous implemented by adoption of Resolution 2021-094 in September 2021. Related revisions were considered for adoption by Ordinance No. 02-2022 at second reading on March 8, 2022.

RECOMMENDED MOTION:

Approval of Resolution No. 2022-022 adopting a revised Master Fee Schedule for City Facility Rentals, Special Events and Parades.

RESOLUTION NO. 2022-022

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COCOA, FLORIDA, ADOPTING A REVISED MASTER FEE SCHEDULE FOR CITY FACILITY RENTALS, SPECIAL EVENTS AND PARADES PURSUANT TO CHAPTER 2, ARTICLE XI SPECIAL EVENTS AND PARADES OF THE COCOA CITY CODE; PROVIDING FOR REPEAL OF PRIOR INCONSISTENT RESOLUTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, under its broad exercise of home rule powers established by Section 2 (b), Art. VIII of the Florida Constitution, and Section 166.021, Florida Statutes, the City Council of the City of Cocoa, Florida is authorized to establish fee schedules; and

WHEREAS, the City Council also has express statutory authority to establish appropriate user charges and fees which are necessary for the conduct of municipal government, See § 166.201, Fla. Stat.; and

WHEREAS, it is not the intent of this Resolution to exclude communication or discriminate against different viewpoints and speech; and

WHEREAS, it is, however, the intent of this Resolution to continue to assist the City in defraying a portion of the costs associated with operating the City's parks and other public use facilities; and

WHEREAS, the City Council hereby finds that due to labor and numerous other expenditures related to the operation and maintenance of City parks and facilities, it is necessary for the City to continue to impose certain fees and user charges in order to operate and maintain City parks and facilities in a safe and acceptable manner; and

WHEREAS, it is also the intent of this Resolution to help coordinate multiple uses and the scheduling of limited public space in order to preserve its parks and other City facilities and to provide ample and fair opportunity for the City's residents and non-residents to use said parks and facilities; and

WHEREAS, the City Council further finds that there is a rational basis and it is reasonable to distinguish between residents and nonresidents in establishing fees and user charges for City parks and facilities that rely on ad valorem and other taxes imposed on City residents for operation and maintenance, *See e.g., Schreiber v. City of Rye*, 278 N.Y.S.2d 527 (N.Y. App. Div. 1967); *McFall v. City of Shawnee*, 559 P.2d 433 (Okla. 1976); *See also, Martinez v. Bynum*, 461 U.S. 321, 328 (1983) (bona fide residency restriction was upheld when it is appropriately defined and uniformly applied); and

WHEREAS, after careful consideration and deliberation, the City Council finds that establishing fees and user charges for the use of public property within the City encourages and ensures the preservation of such property and is in the best interests of the public health, safety and welfare of the citizens of Cocoa; and

WHEREAS, the City previously established a fee schedule for special events and parades through the adoption of Resolution Numbers 2005-124, 2006-63, 2018-047, and 2021-094; and

WHEREAS, based on City staff's research related to similar fees charged for similar facilities by other municipalities, and consideration of the inflationary impact on the City's fees established in 2005, the City Council adopted an updated master fee schedule through the adoption of Resolution 2018-047; and

WHEREAS, based on City staff's identification of additional City facilities requiring established fees for the rental thereof, as well as a special fee for stage power for special events, which must be established by resolution, the City Council adopted Resolution 2021-094, establishing such fees; and

WHEREAS, based on City staff's desires not to keep credit card information on file for the purpose of charging additional costs, when applicable, for damage and cleanup costs, the City Council adopted Resolution 2021-094, implementing City's staff's recommended revisions; and

WHEREAS, based on City staff's identification of additional fee schedule discounts which City staff recommended be offered, the City Council adopted Resolution 2021-094, incorporating the identified discount recommendations; and

WHEREAS, since the adoption of Resolution 2021-094, City staff has identified additional fee schedule discounts which City staff recommends be offered; and

WHEREAS, since the adoption of Resolution 2021-094, based on City staff's research related to similar fees charged for similar facilities by other municipalities, and in order to simplify charges imposed for public safety and special fees, City staff recommends that the public safety and special fees be charged as revised; and

WHEREAS, City staff recommends that that the City Council consider adopting an updated master fee schedule as more specifically provided; and

WHEREAS, the City Council finds that this Resolution is in the best interests of the public health, safety and welfare of the citizens of Cocoa.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COCOA, as follows:

Section 1. Recitals. The foregoing recitals are hereby fully incorporated herein by this reference as legislative findings of the Cocoa City Council.

Section 2. Adoption of Fee Schedule. The Cocoa City Council hereby approves and adopts the revised Master Fee Schedule for City Facility Rentals, Special Events and Parades, attached hereto as **Exhibit "A"** and hereby incorporated in full.

Section 3. Repeal of Prior Inconsistent Resolutions. All prior inconsistent resolutions adopted by the City Council of the City of Cocoa, Florida, are hereby repealed to the extent of the conflict including, but not limited to Resolution No. 2006-63, Resolution No. 2018-047, and Resolution No. 2021-094, which are hereby repealed in its entirety.

Section 4. Severability. If any section, clause, phrase, word, or provision is for any reason held invalid or unconstitutional by a court of competent jurisdiction, whether for substantive or procedural reasons, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this resolution.

Section 5. Effective Date. This Resolution shall become effective immediately upon adoption by the City Council of the City of Cocoa, Florida.

ADOPTED by the City Council of the City of Cocoa, Florida, in a regular meeting assembled on the 8th day of March, 2022.

_____
Michael C. Blake, Mayor

ATTEST:

_____
Carie Shealy, MMC, City Clerk