City of Cocoa

65 Stone Street
Cocoa, FL 32922

Meeting Agenda - Final

Thursday, January 30, 2020

3:00 PM

Special Meeting

Cocoa City Council Chambers

City Council

I. OPENING MATTERS:

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

II. APPROVAL OF AGENDA AND MINUTES:

AGENDA:

II.1 20-71 Approve the Agenda for the Special City Council Meeting on January 30, 2020, as presented or with amendments.

Attachments: 01-30-2020 Short Agenda ADA.pdf

MINUTES:

III. AWARDS AND PRESENTATIONS:

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 five (5) minutes while speaking under Delegations. Delegations shall be limited to thirty (30) minutes unless extended by Council.

V. REPORTS:

VI. CONSENT AGENDA:

VII. PUBLIC HEARINGS:

VIII. COUNCIL BUSINESS:

VIII.1 20-55 Reconstituting the Diamond Square Community Redevelopment Agency by making six (6) appointments to the Agency Board. Appoint the Chairperson and Vice-Chairperson for the Agency. (Administrative Services Director)

Attachments: Diamond Square Board member worksheet.docx
Diamond Square CRA Roster.pdf
Isom application.pdf
Smith Application.pdf
Waters application.pdf

IX. CITY BUSINESS:

IX.1 20-68 Requesting settlement authority for the tentative settlement agreement between City of Cocoa Police Officer Jacob Anzani and the City of Cocoa authorizing the payment of the Workers' Compensation settlement. (Administrative Services Director)

IX.2 20-70 Pursuant to Section 2-4 of the City Code, Approve a Construction Contingency Resolution related to the Riverfront Front Promenade Project (ITB Bid No. B-20-08-COC) and establishing a revised total construction budget of $1,052,909 and authorizing the City Manager to issue Change Orders to the primary construction contract with Rush Marine, LLC. and any additional service contracts related to the project up to the $94,200 Project Contingency. Approve Budget Adjustment Form (BAF) # 20-031 and a Budget Resolution Amending the FY20 Adopted Budget to provide additional funding for the above project due to the change in contract amount for the above project. (Finance Director)

Attachments: BAF 20-031-A.pdf
Riverfront Promenade Construction Budget Resolution.doc

MULTI-YEAR CONTRACTS:

X. INFORMATIONAL AGENDA:

XI. ADJOURNMENT

NOTICE TO THE PUBLIC:

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.

City Code Section 2-54 requires that an affirmative vote of a majority of a quorum present shall be necessary to enact an ordinance or adopt any resolution; except that two-thirds of the membership of the Council is required to enact an emergency ordinance. All ordinances require two readings, entitled first reading and second reading and public hearing, prior to adoption.

Members of the public speaking on public hearing items, though entitled to be heard by the City Council, are not entitled to an immediate response by either administrative staff members or Council once the public hearing is closed; however, Council discussion may or may not include a response. No question by the public should be addressed directly by the Administrative staff.

Public debate by individual speakers from the audience on public hearing items shall be limited to three (3) minutes. Representatives of recognized groups 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 issue 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.

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

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.

This agenda is posted on the Municipal Bulletin Board and at the Central Brevard Library and Reference Center in Cocoa for public review. This is a public meeting. All interested parties may attend. 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.

Legislation Details (With Text)

File #:	20-71	**Version:**	1	**Name:**	
Type:	Agenda			**Status:**	Agenda Ready
File created:	1/28/2020			**In control:**	City Council
On agenda:	1/30/2020			**Final action:**	
Title:	Approve the Agenda for the Special City Council Meeting on January 30, 2020, as presented or with amendments.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	01-30-2020 Short Agenda ADA.pdf				

Date	Ver.	Action By	Action	Result

CITY COUNCIL AGENDA ITEM

Memo Date: January 28, 2020
Agenda Date: January 30, 2020
Prepared By: Carie Shealy, City Clerk
Through:
Requested Action:
Approve the Agenda for the Special City Council Meeting on January 30, 2020, as presented or with amendments.

BACKGROUND:

The City Council approves the agenda for all of its 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 Special City Council Meeting on January 30, 2020, as presented or with amendments.

Agenda
City of Cocoa
Special Meeting of The City Council

Date: January 30, 2020
Time: 3:00 p.m.
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: Special Meeting of January 30, 2020 (20-71)

2. Minutes: NA

III. Awards and Presentations:

None.

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.

Speaker cards are located in the Council Chamber lobby and should be provided to the City Clerk. Please observe the time limit of five (5) minutes while speaking under Delegations. Delegations shall be limited to thirty (30) minutes unless extended by Council.

V. Reports:

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

VI. Consent Agenda:

None.

VII. Public Hearings:

None.

VIII. Council Business:

1. Reconstituting the Diamond Square Community Redevelopment Agency by making six (6) appointments to the Agency Board. Appoint the Chairperson and Vice-Chairperson for the Agency. (20-55). (Administrative Services Director)

IX. City Business:

1. Requesting settlement authority for the tentative settlement agreement between City of Cocoa Police Officer Jacob Anzani and the City of Cocoa authorizing the payment of the Workers' Compensation settlement. (20-68). (Administrative Services Director)

2. Pursuant to Section 2-4 of the City Code, Approve a Construction Contingency Resolution related to the Riverfront Front Promenade Project (ITB Bid No. B-20-08-COC) and establishing a revised total construction budget of $1,052,909 and authorizing the City Manager to issue Change Orders to the primary construction contract with Rush Marine, LLC. and any additional service contracts related to the project up to the $94,200 Project Contingency. Approve Budget Adjustment Form (BAF) # 20-031 and a Budget Resolution Amending the FY20 Adopted Budget to provide additional funding for the above project due to the change in contract amount for the above project. (20-70). (Finance Director)

Multi-Year Contracts:

X. Informational Agenda:

None.

XI. Adjournment:

XII. Notice To The Public:

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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.

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Legislation Details (With Text)

File #:	20-55	**Version:**	1	**Name:**	
Type:	Appointment			**Status:**	Council Busines
File created:	1/16/2020			**In control:**	City Council
On agenda:	1/30/2020			**Final action:**	
Title:	Reconstituting the Diamond Square Community Redevelopment Agency by making six (6) appointments to the Agency Board. Appoint the Chairperson and Vice-Chairperson for the Agency. (Administrative Services Director)				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	Diamond Square Board member worksheet.docx Diamond Square CRA Roster.pdf Isom application.pdf Smith Application.pdf Waters application.pdf				

Date	Ver.	Action By	Action	Result

CITY COUNCIL AGENDA ITEM

Memo Date: January 16, 2020
Agenda Date: January 30, 2020
Prepared By: Carie Shealy, City Clerk
Through: Tammy Gemmati, Administrative Services Director
Requested Action:
Reconstituting the Diamond Square Community Redevelopment Agency by making six (6) appointments to the Agency Board. Appoint the Chairperson and Vice-Chairperson for the Agency.

BACKGROUND:

In 2019, the City of Cocoa, Diamond Square Community Redevelopment Agency and Brevard County entered into an Interlocal Agreement, which amended several operational aspects of the Agency. One of the amendments to the Interlocal Agreement was that of reconstituting the existing Agency Board with a newly appointed Agency Board. To reconstitute the Agency Board, the City Council must make six (6) appointments to the Agency Board, which in effect will replace the current members and/or revise terms of existing Agency members if an existing member is reappointed to serve on the reconstituted Agency Board. However, the Council is aware that during the Interlocal Agreement negotiation process, there was some sentiment by the County that new members may be appointed by the City Council at the time the Agency Board was reconstituted.

Specifically related to the appointment process, Ordinance No. 02-2020, outlines the creation of the Community Redevelopment Agency board as noted below:

Sec. 8-53. - Creation of Community Redevelopment Agency board; composition; terms; appointment of chairperson and vice-chairperson*.*

(a) Pursuant to Section 163.356(2), Florida Statutes and the County CRA Interlocal Agreement 2019, the Agency board of commissioners is hereby reconstituted effective **[January 30, 2020]** *as follows:*

(1) The Agency board shall consist of seven (7) commissioners. Six (6) commissioners shall be appointed by the City Council and one (1) shall be a Brevard County Board of County Commissioner in whose District the Agency is located, or that County Commissioner's designee approved by the County Board who meets the qualifications of Section 163.356(3)(b), Florida Statutes. The District County Commissioner's duties on the Agency board shall be considered additional duties of the office of County Commissioner.

(2) The term of office of an Agency Commissioner shall be four (4) years. No Agency Commissioner appointed by the City Council or the County Board shall serve more than two (2) consecutive terms, but may be considered for reappointment followed by at least one year off of the Agency board. Upon reappointment, said individual will again be subject to the two (2) consecutive term limit. However, notwithstanding the term limit restriction set forth herein, a District County Commissioner's term serving on the Agency board shall continue and run concurrently with his or her term on the County Board without regard to the term limits imposed by this subsection. Each Agency commissioner shall serve until his or her successor has been appointed and has qualified.

(3) Three (3) Agency commissioners shall be appointed by the City Council to initially serve terms of 1,2 and 3 years respectively from the date of their initial appointments. Upon expiration of the initial term, the subsequent terms for these three Agency commissioners shall be four (4) years each.

(4) Three (3) Agency commissioners shall be appointed by the City Council to initially serve four (4) year terms from the date of their initial appointment. Upon expiration of the initial term, the subsequent terms for these three Agency commissioners shall be four (4) years each.

(5) One (1) Agency commissioner shall be the District County Commissioner or his or her designee appointed by the County Board. If the County Board is required to make an initial appointment, the term of the initial appointment shall be a term of four (4) years from the date of their initial appointment unless the County Board determines that the District County Commissioner shall resume serving on the Agency board.

(e) Annually, on or about June of each year, or as otherwise determined by the city council, the city council shall have the right to name the chairperson and vice-chairperson of the Agency board, who must also be commissioners of said board at all times during their tenure as chairperson or vice-chairperson. Once appointed, the chairperson and vice-chairperson shall continue to serve in that capacity until their respective term is terminated or as otherwise determined by the City Council.

To guide the City Council in the appointment process, a Worksheet is attached to this agenda item. The Worksheet refers to Council Seat Appointee, the Appointment Date and what the initial term of office would be.

It should be pointed out, that three applications for membership on the Diamond Square CRA were received in the City Clerk's office. They all currently meet the qualifications for serving on a City

board and are attached to this agenda item for review.

A current Diamond Square CRA Roster is also attached for consideration in making the appointments necessary to reconstitute the Agency Board.

It is important that the appointments be made as soon as possible so the Agency may continue to conduct business without interruption. The next scheduled Diamond Square CRA meeting is February 3, 2020.

Please note Community Services Deputy Director Charlene Neuterman had polled members at the last Diamond Square CRA meeting and they all indicated would like to be considered for appointment. This was inadvertently not included in the agenda item for the Regular City Council Meeting of January 22, 2020.

Following the Regular City Council Meeting held on January 22, 2020, the Assistant City Clerk contacted all Diamond Square CRA board members and all confirmed they wished to be considered for appointment. ALL board members indicated they would like to be considered for a four-year term.

Additionally, the Assistant City Clerk called all members and new applicants on January 28, 2020 and noticed them an agenda item on appointing the board members at the Special City Council Meeting on January 30, 2020.

STRATEGIC PLAN CONNECTION:

NA

BUDGETARY IMPACT:

NA

PREVIOUS ACTION:

City Council appoints and reappoints to City Boards as vacancies arise or expirations occur. At the January 22, 2020 Council meeting, Council approved the Ordinance 02-2020 amending the creation of the Diamond Square Redevelopment Agency member selection and term limit.

RECOMMENDED MOTION:

Reconstituting the Diamond Square Community Redevelopment Agency by making six (6) appointments to the Agency Board. Appoint the Chairperson and Vice-Chairperson for the Agency.

Diamond Square Redevelopment Agency	**Meets Third Monday Every Month @ 7pm**			**Expirations in June**
MEMBER	**ADDRESS**	**PHONE**	**APPOINTED**	**EXPIRES**
Jewel Collins	810 Kentucky Ave. Cocoa, FL 32922 (contact info as of 6/21/17)	~~720-9102 cell~~ 208-8144 ph	05/14 reappointed 07/10 reappt. 11/06 appt.	2022
Delores ~~Rainey~~ Martin, *Vice Chairperson (elected 5/18/15)*	1314 Moss Lane Cocoa, FL 32922-6142 Drmartin324@gmail.com	305-6028	05/15 Reappointed 05/11 Reapt. 08/10 appointed to fill unexpired term of Holmes	2023
Tracy A. Moore, Chairperson *(elected 5/18/15)*	2747 Wentworth Place, 32926-5865 rcptm@bellsouth.net	639-9917	06/14 Reappointed 05/10 Reappointed 05/06 Reappointed 5/04 Appointed	2022
Sylvia Thomas	717 Aurora St. Cocoa, FL 32922 Sthomas@ELCbrevard.org	636-0160 hm 507-0932 cell 637-1800 ext. 2001 wk	06/17 Appointed (replaced R. Jenkins)	2021
Ed Jones	1214 Holmes Street, 32922-6159 Edjones45@aol.com	631-4003 wk 543-3523 cell	8/12/14 Reap. 5/10 Reappointed 5/23/06 Reap. 6/02 Reappointed 3/98 Appointed	2022
~~Mr. Adrian M. Moss Beasley~~ **VACANCY**				
Larry B. Robinson	521 S. Carolina Ave. Cocoa, FL 32922-6179 BIGROB349@hotmail.com	652-6392 cell	06/14 Reappointed 08/12 appointed to fill unexpired term of J. Thomas	2022
LIAISON	Deputy Mayor Goins	474-4923	Updated 12/18	
Counsel: Joseph G. Colombo. PA	2351 W Eau Gallie Blvd Suite 1 Melbourne, FL 32935			
RECORDING SECRETARY	Courtney Jackson	433-8490		

RECEIVED
OCT 24 2019
OFFICE OF THE CITY CLERK

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: Jackie Som Application Date: 10-20-19

Street Address, Including Zip Code: 1050 Bristol Drive Cocoa FL 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: 321 631-3153 Work: _____ Pager: _____ Cell: 321 480-1763

Place of Business: Harris Gov't System

Title/Position Held: Technician

Date of Birth[2] 10-29-1958

Email Address: Ms.jay50@yahoo.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 Committee
	Brownfields Advisory Board		Redevelopment Agency (Cocoa)
	Code Enforcement/Drug Related Public Nuisance Board	✓	Redevelopment Agency (Diamond Square)
✓	Housing Authority		Redevelopment Agency (US 1)
	Pension Board - Fire		Sustainability Advisory Committee
	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 _____

[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.

Have you ever been convicted or found guilty, regardless of adjudication, of a **felony** in any jurisdiction? Any plea of no contest shall be considered a conviction for purposes of this question. Yes ____ No X

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

MISCELLANEOUS INFORMATION

Do you currently serve on any other City of Cocoa board Yes ____ No X
Are you related to a City of Cocoa Councilmember by blood, Adoption or marriage? Yes ____ No X
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 X

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.

No prior experience, I know that I would be A great supporter in my Cocoa Area. I have lived in this area for over 20 years Raised 3 kids. I would Love to see my neighborhood and Cocoa [redacted] prosper. I am looking forward to be a supporter of the 22

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

X Black
~~African-American~~
____ Asian-American
____ Hispanic-American
____ Native American
____ Caucasian

GENDER

____ Male
X Female

DISABILITY

N/A Physically Disabled

APPLICANT CERTIFICATION

By filling this application with the City of Cocoa, I do hereby acknowledge the following:

1. This application, when completed and filed with the Office of the City Clerk, is a public record under Chapter 119, Florida Statutes, and is open to public inspection.

2. I am responsible for keeping the information on this form current and provide any changes or updates to the Office of the City Clerk.

3. I consent to filing a Statement of Financial Interests (Form 1) required if required for the board in which I am appointed to.

4. If appointed to a board/committee, I acknowledge that this is my obligation and duty to comply with the following:

   Code of Ethics for Public Offices (Florida Statutes, Chapter 112, Part III)
   Florida Sunshine Law (Florida Statutes, Chapter 286)
   http://www.flsenate.gov/Statutes

Signature: Jackie Lorm Date: 10-20-19

Social Security No: [redacted]

Drivers License No:

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

RECEIVED
OCT 24 2019
OFFICE OF THE CITY CLERK

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: Marilyn Ross Smith Application Date: 10/20/2019

Street Address, Including Zip Code: 1056 Park Dr, Cocoa, FL 32922

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

Telephones: Home: — Work: — Pager: — Cell: 321-795-1252

Place of Business: Mijek Productions LLC

Title/Position Held: Owner

Date of Birth[2] 02/03/1958

Email Address: marilynsmithonline@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 Committee
	Brownfields Advisory Board		Redevelopment Agency (Cocoa)
	Code Enforcement/Drug Related Public Nuisance Board	✓	Redevelopment Agency (Diamond Square)
✓	Housing Authority		Redevelopment Agency (US 1)
	Pension Board - Fire		Sustainability Advisory Committee
	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	_____

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Have you ever been convicted or found guilty, regardless of adjudication, of a **felony** in any jurisdiction? Any 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.

Been a resident of Cocoa District 1 for more than 25 years. Want to get involved in decision making for the Advancement of my community in which I live. No prior Governmental Experience.

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

N/A Physically Disabled

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   Code of Ethics for Public Offices (Florida Statutes, Chapter 112, Part III)
   Florida Sunshine Law (Florida Statutes, Chapter 286)
   http://www.flsenate.gov/Statutes

Signature: Marilyn Rose Smith Date: 10/20/2019

Social Security No: [redacted]

Drivers License No: [redacted]

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

FORTINET | URL Blocked by FortiClient

cocoa.legistar.com/gateway.aspx

is in the category Unknown

Your FortiClient administrator has blocked this category

FortiClient has been configured to block unrated urls.
This url was categorized as unrated because the FortiGuard url rating service is inaccessible.

Legislation Details (With Text)

File #:	20-68	**Version:**	1	**Name:**	
Type:	Contract			**Status:**	City Business
File created:	1/27/2020			**In control:**	City Council
On agenda:	1/30/2020			**Final action:**	
Title:	Requesting settlement authority for the tentative settlement agreement between City of Cocoa Police Officer Jacob Anzani and the City of Cocoa authorizing the payment of the Workers' Compensation settlement. (Administrative Services Director)				
Sponsors:	Department Director				
Indexes:					
Code sections:					
Attachments:					

Date	Ver.	Action By	Action	Result

CITY COUNCIL AGENDA ITEM

Memo Date: January 27, 2020
Agenda Date: January 30, 2020
Prepared By: Lorne M. Stinnett, Human Resources Manager
Through: Tammy B. Gemmati, PHR, Administrative Services Director
Requested Action:
Requesting settlement authority for the tentative settlement agreement between City of Cocoa Police Officer Jacob Anzani and the City of Cocoa authorizing the payment of the Workers' Compensation settlement.

BACKGROUND:

The City of Cocoa has a self-insured Workers' Compensation Program which means the cost of the claims are paid by a third-party administrator, currently USIS, Inc., to administer the claims in accordance with the laws of Florida.

Officer Jacob Anzani has reached a settlement agreement in the amount of $60,000 through his attorney and the City's Workers' Compensation attorney. This will settle any and all claims, whether open or closed and whether reported or not. An estimate for workers' compensation claims settlement is included in the Adopted Budget each year in the Workers Comp Fund/Workers' Compensation account #520-1801-513.24-00, therefore there is no budgetary impact to this settlement. As a condition of this settlement, Officer Anzani will immediately resign City of Cocoa Employment. City Staff recommends this settlement amount based on our Workers' Compensation attorney's evaluation of the claim. However, the settlement agreement is contingent based on City Council's final approval

STRATEGIC PLAN CONNECTION:

Approval of this item helps provide financial stability to our self-insured Workers' Compensation fund, and will allow the City to control related expenses.

BUDGETARY IMPACT:

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

Amount Requested	$60,000
Account Number	520-1801-513.24-00
Account Name	Workers' Compensation

PREVIOUS ACTION:

N/A

RECOMMENDED MOTION:

Requesting settlement authority for the tentative settlement agreement between City of Cocoa Police Officer Jacob Anzani and the City of Cocoa authorizing the payment of the Workers' Compensation settlement

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Legislation Details (With Text)

File #:	20-70	**Version:**	1	**Name:**	
Type:	Resolution			**Status:**	City Business
File created:	1/27/2020			**In control:**	City Council
On agenda:	1/30/2020			**Final action:**	
Title:	Pursuant to Section 2-4 of the City Code, Approve a Construction Contingency Resolution related to the Riverfront Front Promenade Project (ITB Bid No. B-20-08-COC) and establishing a revised total construction budget of $1,052,909 and authorizing the City Manager to issue Change Orders to the primary construction contract with Rush Marine, LLC. and any additional service contracts related to the project up to the $94,200 Project Contingency. Approve Budget Adjustment Form (BAF) # 20-031 and a Budget Resolution Amending the FY20 Adopted Budget to provide additional funding for the above project due to the change in contract amount for the above project. (Finance Director)				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	BAF 20-031-A.pdf Riverfront Promenade Construction Budget Resolution.doc				

Date	Ver.	Action By	Action	Result

CITY COUNCIL AGENDA ITEM

Memo Date: January 27, 2020
Agenda Date: January 30, 2020
Prepared By: Heath Hancher, Purchasing & Contracts Manager
Through: Rebecca Bowman, Finance Director

Requested Action:

Pursuant to Section 2-4 of the City Code, Approve a Construction Contingency Resolution related to the Riverfront Front Promenade Project (ITB Bid No. B-20-08-COC) and establishing a revised total construction budget of $1,052,909 and authorizing the City Manager to issue Change Orders to the primary construction contract with Rush Marine, LLC. and any additional service contracts related to the project up to the $94,200 Project Contingency. Approve Budget Adjustment Form (BAF) # 20-031 and a Budget Resolution Amending the FY20 Adopted Budget to provide additional funding for the above project due to the change in contract amount for the above project.

BACKGROUND:

ITB Bid No. B-20-08-COC was originally awarded to Canaveral Construction Company and approved by council on 12/11/2019, Agenda No. 19-615 with a contract value of $958,709. 00 (Base + Alternate) and additional budget of $94,200 ($74,200 project contingency; $20,000 other project costs) for a total budgeted amount of $1,052,909. The project was originally budgeted in FY 2019 for $500,000 and some of the allocated budget has

been used for the T-Docks and Day Slips project. Additional BAF #s 20-022-A, 20-020-T, 20-020-A and 20-018-A provided increased budget for the project cost of $1,052,909.

Due to the results of a bid protest, the bid award was given to Rush Marine LLC on Agenda No. 20-58 at the City Council regular meeting 1/22/2020, which changed the cost of the bid award to $995,558, keeping the original additional budget of $94,200 in place ($74,200 contingency; $20,000 other project costs), resulting in a revised project cost of $1,089,758. As the cost of the project has changed by $36,849 ($1,052,909 original cost-$1,089,758 revised cost), this agenda item is necessary to increase the project budget and update the Contingency Resolution.

STRATEGIC PLAN CONNECTION:

This project will improve the image and increase the economic development opportunities for the City. This project is also consistent with the Cocoa Redevelopment Agency's Plan and will improve access to the water for residents of and visitors to the City of Cocoa.

BUDGETARY IMPACT:

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

BAF # 20-031 is needed to provide the additional funding for this project:

Project # ES17HI
Amount Requested: $36,849
Account Number: 001-0000-389.99-50
Account Name: Fund Balance Reserves

Amount Requested: $ 36,849
Account Number: 001-1600-581.91-32
Account Name: Transfer to Fund 302

Amount Requested: $ 36,849
Account Number: 302-000-381.91-01
Account Name: Transfer from Fund 001

Amount Requested: $ 36,849
Account Number: 302-3580-519.63-00
Account Name: Infrastructure

CRA Agenda 19-652 (Dec 11, 2019 meeting/BAF #20-020-T and #20-020-A) Transferred $248,878 from the Cocoa CRA contingency and infrastructure accounts to the Lee Wenner Park Capital Projects Fund 302 for enhancements to the Promenade Account 302-3580-572.63-04.

CRA Agenda 19-653 (Dec 11, 2019 meeting) BAF #20-022-A transferred $34,889 from the Cocoa CRA Fund Balance to the Capital Projects Fund for enhancements to the Promenade Account 302-3580-572.63-04.

There is existing FY2020 expenditure budget of $769,142 in account 302-3580-572.63-04. (FIND Grant revenue

from grant # FIND Grant BV-CO-17-139E $427,100: FIND Grant revenue from grant # FIND Grant BV-CO-17-134: $225,000; Other Funding Sources $117,042.

The budget for this project is as follows:

Award of contract to Rush Marine LLC: $995,558.00
Budgetary contingency for the project: $74,200
Other costs for the project (surveying, soil samples, permitting, etc.): $20,000.00
Total Budget: $1,089,758 inclusive of project contingency and other project costs.

PREVIOUS ACTION:

At the December 11, 2019 regular City Council meeting, City Council awarded Bid No. B-20-08-COC to Canaveral Construction for $952,909, and contingency of $74,200 and other project costs of $20,000 related to the Riverfront Front Promenade project.

At the January 22nd, 2020 regular council meeting, the City Council upheld the formal bid protest of Rush Marine LLC resulting in the bid award going to Rush Marine Construction and changing the budget for the project.

RECOMMENDED MOTION:

Approve a Construction Contingency Resolution related to the Riverfront Front Promenade Project (ITB Bid No. B-20-08-COC) and establishing a total construction budget of $1,052,909 and authorizing the City Manager to issue Change Orders to the primary construction contract with Rush Marine, LLC., and any additional service contracts related to the project up to the $94,200 Project Contingency. Approve Budget Adjustment Form (BAF) # 20-031 and a Budget Resolution Amending the FY20 Adopted Budget to provide additional funding for the above project due to the change in contract amount for the above project.

City of Cocoa Budget Adjustment Form FY 2020 - 20-031-A

SELECT ADJUSTMENT TYPE: BUDGET AMENDMENT | REQUESTING DEPARTMENT #: 1500 | DATE PREPARED: 01/28/20

'REVENUE' ACCOUNT(S)

ADJUSTMENT AMOUNT	ACCOUNT NUMBER	PROJECT NUMBER	ACCOUNT NAME	ORIGINAL BUDGET	AMENDED BUDGET	ADJUSTED BUDGET	UNENCUMBERED BALANCE
$ 36,849	001-0000-369.99-50	ES17HI	Fund Balance Reserves	$ 1,816,523	$ 2,159,792	$ 2,196,641	$ 2,196,641
$ 36,849	302-0000-381.91-01	ES17HI	Transfer from General Fund	$ 0	$ 0	$ 36,849	$ 36,849
$ 0				$ 0	$ 0	$ 0	$ 0
$ 0				$ 0	$ 0	$ 0	$ 0
$ 0				$ 0	$ 0	$ 0	$ 0
$ 0				$ 0	$ 0	$ 0	$ 0
$ 73,698	TOTAL						

'EXPENSE' ACCOUNT(S)

ADJUSTMENT AMOUNT	ACCOUNT NUMBER	PROJECT NUMBER	ACCOUNT NAME	ORIGINAL BUDGET	AMENDED BUDGET	ADJUSTED BUDGET	UNENCUMBERED BALANCE
$ 36,849	001-1600-581.91-32	ES17HI	Transfer to CP 302 Riverfront/Lee Wenner	$ 0	$ 0	$ 36,849	$ 36,849
$ 36,849	302-3580-519.63-00	ES17HI	Infrastructure	$ 0	$ 1,719,250	$ 1,756,099	$ 0
$ 0				$ 0	$ 0	$ 0	$ 0
$ 0				$ 0	$ 0	$ 0	$ 0
$ 0				$ 0	$ 0	$ 0	$ 0
$ 0				$ 0	$ 0	$ 0	$ 0
$ 73,698	TOTAL						

REASON/JUSTIFICATION FOR ADJUSTMENT:

To increase funding for the Riverfront Promenade as a result of bid award to Rush Marine. See agenda item 20-058, date 1/22/2020. Bid No. B-20-08-COC. Agenda 20-070

CITY COUNCIL APPROVAL REQUIRED? *YES* (●) *NO* ( ) *DATE APPROVED:* 01/30/20 *RESOLUTION #:*

City Council approval is needed for all transfers greater than $50,000 and transfers between Departments / Funds. Attach copy of agenda item and City Clerk's Journal noting approval.

1/28/20	Lea Taylor Digitally signed by Lea Taylor Date: 2020.01.28 14:49:19 -05'00'	1/29/20	Lea Taylor Digitally signed by Lea Taylor Date: 2020.01.29 08:31:37 -05'00'		
Date	Requestor's Signature	Date	Finance Approval Signature	Date	Finance Director's Signature
1/29/20	Bryant Smith Digitally signed by Bryant Smith Date: 2020.01.29 08:24:50 -05'00'	1/29/20	Lora Howell Digitally signed by Lora Howell Date: 2020.01.29 09:11:01 -05'00'		
Date	Department Director's Signature	Date	Deputy Fin. Director's Signature	Date	City Manager's Signature

FINANCE USE ONLY:

Date Entered: _____ Entered By: _____ Group #: _____