City of Cocoa

65 Stone Street
Cocoa, FL 32922

Meeting Agenda - Final

Tuesday, June 7, 2022

3:00 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 22-325 Approve the Agenda for the Regular City Council Meeting of June 7, 2022, as presented or with amendments.

Attachments: 06-07-2022 Short Agenda ADA.pdf

MINUTES:

II.2 22-315 Approve the Minutes of the Regular meeting of April 12, 2022, as written or with amendments..

Attachments: 04-12-2022 Minutes ADA.pdf

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 three (3) minutes while speaking under Delegations. Delegations shall be limited to thirty (30) minutes unless extended by Council.

V. CONSENT AGENDA:

V.1 22-285 Approve a Resolution Amending the FY2022 Budget, BAF#22-087-A and BAF#22-088-T, to accept insurance proceeds in the amount of $10,285 and permission to use those funds along with budget transfer of $19,715 from operational line items to purchase a 2012 Freightline MT45 from Cape Canaveral for use as a SWAT Van

Attachments: Cape Canaveral Intent to sell SWAT van.pdf
Budget Resolution FY 2022- ADA Compliant.docx
BAF 22-087-A-PD-SWAT Vehicle Insurance Proceeds (6-7-22)-Agenda 22-285.
BAF 22-088-T-PD-SWAT Vehicle Funding (6-7-22)-Agenda 22-285.pdf

V.2 22-296 Approve a Resolution Amending the FY22 Budget, BAF # 22-095-A in the amount of $40,000 to cover the Building Division services of a third party Building Official and Inspector through the end of the Fiscal Year. Approve Change Order #2 in the amount of $40,000 to PO # 78905.

Attachments: Invoice dept.services 1-3-22 thru 4-29-22.pdf
Invoice dept.services 2-18-22.pdf
Bruce Nelsen LLC - tracking sheet.pdf
Budget Resolution FY 2022- ADA Compliant.docx
BAF 22-095-A-CD-Building Official Services (6-7-22) Agenda 22-296.pdf
Change Order Request PO78905.xlsx

V.3 22-297 Approve a Resolution Amending the Fiscal Year 2022 Budget, BAF#22-093-A, in the amount of $24,000 for CitizenServe annual service/maintenance fees.

Attachments: CitizenServe Quote - Cocoa, FL 05-19-2022.pdf
Citizenserve Service Agreement signed - Cocoa FL 05-20-2019.pdf
Invoice #3940 paid.pdf
Invoice #4632 +16 2022.pdf
PO 77653.pdf
Budget Resolution FY 2022- ADA Compliant.docx
BAF 22-093-A-CD-Citizenserve Renewal Fee (6-7-22) Agenda 22-297.pdf

V.4 22-298 Approve a Resolution Amending the FY22 Budget BAF # 22-089-T, by Transferring Funds from 421-4010-536.39-00 (Contingency) to 421-4120-536.46-00 (Repairs and Maintenance) to keep Accounts solvent due to Unexpected Increase in Fuel Costs and Equipment repairs.

Attachments: Budget Resolution FY 2022- ADA Compliant.docx
BAF 22-089-T-UT-FPL Fees and Sellers Damage (6-7-22) Agenda 22-293.pdf

V.5 22-335 Council Approval to apply for Law Enforcement De-Escalation Grant in the amount of $250,000 for a period of two years beginning September 1, 2022.

Attachments: De-escalation Grant.pdf

MULTI-YEAR CONTRACTS:

V.6(b) 22-162 Approve a One Year Extension to the contract with Dunlap & Associates as financial advisors to the City of Cocoa

Attachments: 1st Amendment_FA-Dunlap 5-25-22.pdf

VI. PUBLIC HEARINGS:

VII. COUNCIL BUSINESS:

VII.1 22-255 Approve the listed special events remaining in calendar year 2022 that are either gated and/or charge admission to enter and provide direction on bringing gated and/or events that charge admission to Council in the future.

VIII. CITY BUSINESS:

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 #:	22-325	**Version:**	1	**Name:**	
Type:	Agenda			**Status:**	Agenda Ready
File created:	5/25/2022			**In control:**	City Council
On agenda:	6/7/2022			**Final action:**	
Title:	Approve the Agenda for the Regular City Council Meeting of June 7, 2022, as presented or with amendments.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	06-07-2022 Short Agenda ADA.pdf				

Date	Ver.	Action By	Action	Result

CITY COUNCIL AGENDA ITEM

Memo Date: May 25, 2022
Agenda Date: June 7, 2022
Prepared By: Carie Shealy, City Clerk
Through:
Requested Action:
Approve the Agenda for the Regular City Council Meeting of June 7, 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 City Council Meeting of June 7, 2022, as presented or with amendments.

Agenda
City of Cocoa
Regular Meeting of The City Council

Date: June 7, 2022
Time: 3:00 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 June 7, 2022. (22-325)

2. Minutes: Regular Meeting of April 12, 2022 (22-315)

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.

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

V. Consent Agenda:

(A) General Consent Items:

1. Approve a Resolution Amending the FY2022 Budget, BAF#22-087-A and BAF#22-088-T, to accept insurance proceeds in the amount of $10,285 and permission to use those funds along with budget transfer of $19,715 from operational line items to purchase a 2012 Freightline MT45 from Cape Canaveral for use as a SWAT Van. (22-285). (Chief of Police)

2. Approve a Resolution Amending the FY22 Budget, BAF # 22-095-A in the amount of $40,000 to cover the Building Division services of a third party Building Official and Inspector through the end of the Fiscal Year. Approve Change Order #2 in the amount of $40,000 to PO # 78905. (22-296). (Community Services Director)

3. Approve a Resolution Amending the Fiscal Year 2022 Budget, BAF#22-093-A, in the amount of $24,000 for CitizenServe annual service/maintenance fees. (22-297). (Community Services Director)

4. Approve a Resolution Amending the FY22 Budget BAF # 22-089-T, by Transferring Funds from 421-4010-536.39-00 (Contingency) to 421-4120-536.46-00 (Repairs and Maintenance) to keep Accounts solvent due to Unexpected Increase in Fuel Costs and Equipment repairs. (22-298). (Utilities Director)

5. Council Approval to apply for Law Enforcement De-Escalation Grant in the amount of $250,000 for a period of two years beginning September 1, 2022. (22-335). (Police Chief)

(B) Multi-Year Contracts:

6. Approve a One Year Extension to the contract with Dunlap & Associates as financial advisors to the City of Cocoa. (22-162). (Finance Director)

VI. Public Hearings:

None.

VII. Council Business:

1. Approve the listed special events remaining in calendar year 2022 that are either gated and/or charge admission to enter and provide direction on bringing gated and/or events that charge admission to Council in the future. (22-255). (Asst. to the CM/PIO)

VIII. City Business:

None.

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

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This Agenda may be Amended up until or at the Meeting

Legislation Details (With Text)

File #:	22-315	**Version:**	1	**Name:**	
Type:	Minutes			**Status:**	Minutes
File created:	5/17/2022			**In control:**	City Council
On agenda:	6/7/2022			**Final action:**	
Title:	Approve the Minutes of the Regular meeting of April 12, 2022, as written or with amendments.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	04-12-2022 Minutes ADA.pdf				

Date	Ver.	Action By	Action	Result

CITY COUNCIL AGENDA ITEM

Memo Date: May 17, 2022
Agenda Date: June 7, 2022
Prepared By: Carie Shealy, City Clerk
Through: Department Director
Requested Action:
Approve the Minutes of the Regular meeting of April 12, 2022, as written or with amendments..

BACKGROUND:

n/a

STRATEGIC PLAN CONNECTION:

n/a

BUDGETARY IMPACT:

n/a

PREVIOUS ACTION:

The City Council approves the minutes of all its meetings following transcription.

RECOMMENDED MOTION:

Approve the Minutes of the Regular meeting of April 12, 2022, as written or with amendments.

MINUTES
City of Cocoa
Regular Meeting of The City Council

April 12, 2022

A Regular City Council Meeting was held on Tuesday, April 12, 2022, in Cocoa City Hall, in City Council Chambers, located at 65 Stone Street, in Cocoa, Florida, 32922, as publicly noticed.

I. Opening Matters:

Mayor Blake called the meeting to order at 6:01 p.m.

Pastor Shaun Ferguson provided the invocation and Summit Shaw led the assembly in the Pledge of Allegiance to the Flag of the United States of America.

The City Clerk took the roll.

PRESENT:	Michael C. Blake	Mayor
	Lavander Hearn	Deputy Mayor
	Rip Dyal	Councilmember
	Alex Goins	Councilmember
	Lorraine Koss	Councilmember
	Anthony Garganese	City Attorney
	Stockton Whitten	City Manager
	Carie Shealy	City Clerk

OTHER STAFF MEMBERS PRESENT:

Tammy Gemmati, Administrative Services Director; Katie Ennis, Deputy/Acting Utilities Director; Charlene Neuterman, Community Services Director; Evander Collier, Chief of Police; Rebecca Bowman, Finance Director; Jonathan Lamm, Fire Chief; Rob Beach, Chief Technology Officer; Bryant Smith, Public Works Director; Samantha Senger, Assistant to the City Manager/PIO; Ben Wenrich, Helpdesk Support Tech; Rachel Horst, Digital Communications Coordinator; and Will Carbonell, Building Official.

II. Approval of Agenda and Minutes:

1. Agenda: Regular Meeting of April 12, 2022. (22-171)

2. Minutes: (a) Regular Meeting of February 22, 2022 (22-172)
(b) Regular Meeting of March 8, 2022 (22-174)

* **MOTION by Councilmember Dyal; Seconded by Deputy Mayor Hearn, to approve the Agenda for the Regular meeting of April 12, 2022 as presented.**

* **MOTION by Councilmember Koss; Seconded by Mayor Blake, to amend the Agenda for the Regular meeting of April 12, 2022 by moving Consent Item V.9 to City Business, Item VIII.2. Mayor Blake added the amendment to Item Council Business Item VII.2 regarding the reappointment of Mr. Ed Jones to Seat #2 on the Diamond Square CRA.**

* **Councilmember Dyal and Deputy Mayor Hearn rescinded the first motion unanimously.**

* **MOTION by Councilmember Koss; Seconded by Deputy Mayor Hearn, to approve the Minutes for the Regular meeting of February 22, 2022.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

* **MOTION by Councilmember Goins; Seconded by Councilmember Dyal, to approve the Minutes for the Regular meeting of March 8, 2022.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

III. Awards and Presentations:

1. Citizens Academy Graduation Presentation. (22-164). (PIO/ Asst. to the City Manager)

Ms. Senger spoke about the Citizens Academy and recognized all of the attendees. This is the third class of the program and they were presented with a certificate and a token of appreciation for their attendance and participation in the Academy.

Mr. Hughes, one of the participants spoke on behalf of the class and presented a letter signed by all of the participants. They thanked the City and staff for having the academy.

City Manager Whitten introduced the City's Building Official, Will Carbonell.

He has been with the City for two and a half years and was just promoted to Building Official on February 16, 2022. He noted it was a very important position and he wanted all to meet him.

Mr. Carbonell thanked everyone for the opportunity to work for the City. He has learned a lot from many who he has worked with and hoped to be here for a long time[1].

IV. Delegations:

Ryan Browne, 2600 Clearlake Road, Apt. 13-C, Cocoa, Clearlake Pines Apartment Complex, advised that last weekend he was made aware that the landlord had sold the property without notification. The complex contains approximately ninety units with a diverse group of persons risking eviction. He was concerned due to the lack of low incoming housing for residents to move into. He asked Council to consider a moratorium on evictions for those residents who cannot afford to move.

Mayor Blake thanked him and noted that it was admirable to come up and be the voice of the residents.

City Manager Whitten confirmed that he received his requests and would converse with the City Attorney.

Kristin Lortie, Cocoa, requested five minutes for her delegations' comment. It was confirmed that it is three minutes. She commended the Cocoa Citizens Academy and thanked council for supporting the academy and thanked Ms. Senger and Ms. Horst. She spoke in detail regarding the Consent agenda and noted that almost eighty percent of the agenda is under Consent. She does not feel that she has adequate opportunity to relay her comments.

Marion O'Quendo, 416 D Street, Cocoa, thanked the Police Department for their help with the homeless situation on Railroad Avenue.

Marisol Lanza & Anita Gibson, Satsuma and Stone Street, Cocoa, mentioned the loud music on her street and thanked the police for the work they did in confiscating the speaker but now the person has four more. Ms. Gibon confirmed Ms. Lanza's concerns and feels something needs to be done. Ms. Lanza also mentioned another neighbor wanted to come but could not make it, and she voiced concern

[1] Mayor Blake left the meeting at 6:27 p.m. & returned at 6:28 p.m.

of a dog that was chained up. She has made calls for the dog to be picked up. She thanked the police again.

Shaun Ferguson, City of Rockledge Councilman and Space Coast League of Cities' President, was in attendance to support his daughter in law who is a graduate of the Citizens Academy. He advised he was recently elected President of the Space Coast League of Cities and his objective was to work in a collaborative manner with the municipal governments. He invited all to the upcoming Space Coast League of Cities meeting on May 9th and noted that Cocoa hosts the December meeting.

V. Consent Agenda:

(A) General Consent Items:

1. Approve a Resolution Amending the FY 2022 Budget Transferring Funds from the Dyal Water Treatment Plant (WTP) Chemicals Account 421-4020-536.52-09 to the Operating Supplies Account 421-4020-536.52-00 (BAF#22-061-T). (22-133). (Utilities Director)

2. Approve a Resolution adopting the State Fiscal Year (SFY) 2022-2025 State Housing Initiatives Partnership (SHIP) Program Local Housing Assistance Plan (LHAP) and approve submission of the SHIP LHAP to the Florida Housing Finance Corporation for approval. Approve the revised and updated City of Cocoa Housing Program Policies and Procedures which reflect changes as required by the State within the proposed draft of the SFY2022-2025 SHIP LHAP. (22-146). (Community Services Director)

3. Approve an Amendment to Contract B-20-01-COC with Kemira Water Solutions Inc. to Accept an Off-Cycle Price Increase of 28% for the Purchase of Ferric Sulphate Bringing the Price up from $255.00 per Dry Ton to $326.40 per Dry Ton due to Extraordinary Market Conditions Surrounding Raw Material and Transportation Costs. (22-169). (Utilities Director)

4. Approve the Eighth Amendment to Purchase Agreement and Fee Schedule to the Water Resource Consulting Services Agreement with Water Resource Associates, Inc. (WRA), Tampa, Florida, effective October 1, 2021 through September 30, 2022. (22-170). (Utilities Director)

5. Approve Change Order #2 to P.O. 77494 with Kirwin Norris, PA, for on-going legal and related expert services regarding two pending lawsuits against Brandes Design-Build for Issues with the Jerry Sellers Tank Coating Failure/Repairs and Industrial Park Interior Coating Failure/Repairs. (22-177). (Utilities Director)

6. Award Bid # B 22-08-COC to the lowest and responsive bidder Cortez Heating & Air LLC for the A/C Replacements at the City of Cocoa Civic Center in the amount of $80,095 and Authorize the City Manager to sign the Construction Agreement. Approve a Resolution Amending the FY 2022 Budget, BAF # 22-067-A. Approve a Project Contingency Resolution for issuing the purchase order, and approval of any Change Orders not to exceed $10,005. (22-182). (Public Works Director)

7. Approve a resolution amending the current FY 2021-2022 budget, BAF # 22-047-A & T, for the mid-year budget review and cleanup, through the use of fund balance reserves, contingency and/or transfers between object classifications, within each fund. (22-183). (Finance Director)

8. Consider approving the First Modification to a Binding Development Agreement between the City of Cocoa and M&R United, Inc. granting a seven-month extension of time to complete final site plan approval, and a related extension of time to receive building permits and commence construction, of a Single-Story Commercial Building consisting of a retail strip center, anchored by a nationally-recognized coffee shop chain with a drive-through store located on S.R. 520 within the Cocoa Village. (22-189). (Community Services Director)

9. Approve a Resolution allowing an affordable housing land use on parcel 24-36-20-00-289 under Section 166.04151, Florida Statutes, subject to the zoning standards and requirements of the RU-2-15 zoning and other terms and conditions stated in the Resolution. (22-198). (Community Services Director)

(B) Multi-Year Contracts:

10. Approve an exemption to competitive bidding between the City of Cocoa and First Mobile Trust, LLC for credit card settlement and utility bill printing, mailing, and online presentment. To authorize the City Manager to execute a 3 year multi-year contract addendum and additional 2, 2-year extensions, if desired. (Finance Director) (22-134). (Finance Director)

11. Approve Participation in a Cooperative Purchase Agreement with Competitive Air & Heat, LLC, Satellite Beach, FL for HVAC & Ice Machine Services Utilizing Brevard County Purchasing Services, FL. Contract No. B-2-19-94. Effective

Through 08/14/2022 with the Option to Renew for Two (2) Additional One (1) Year Periods; Authorize the City Manager to Sign the Contract(s) and Renewal(s) for Each Subsequent Fiscal Year. (22-163). (Public Works Director)

* **MOTION by Councilmember Dyal; Seconded by Councilmember Goins, to approve the Consent agenda.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

VI. Public Hearings:

None.

VII. Council Business:

1. As recommended by the Code Enforcement Board and Staff, approve the current Code Enforcement Lien for the residence located at 506 Abbey Lane, be reduced to $969.77. (22-173). (Chief of Police)

Mayor Blake explained the item and that the Code Enforcement Board had a meeting on March 19, 2022 and they recommended this lien be reduced.

Steve Murphy, Cocoa, noted that he read the item and that the organization requesting the reduction provides housing for veterans and low incoming housing. He found their reasoning compelling and recommended it be reduced to $600.

Mayor Blake pointed out that there are administrative costs as well.

* **MOTION by Mayor Blake; Seconded by Councilmember Dyal, to approve the current Code Enforcement Lien for the residence located at 506 Abbey Lane, be reduced to $969.77.**

Councilmember Goins noted that staff submitted the costs of $969.77 and that is what the lien was reduced to. City Manager Whitten pointed out that staff costs were notated on the last page of the agenda item.

Ayes: Blake, Hearn, Dyal
Nayes: Goins, Koss

THE MOTION CARRIED (3-2)

2. Consider the Reappointment of Mr. Ed Jones as Seat #2 through January, 2024; and the Appointment of (1) one of the following applicants as a Regular member to the Diamond Square CRA: Crystal McQueen, Amy Robinson or Michael Simpson. (22-184). (Administrative Services Director)

* **MOTION by Mayor Blake to nominate Sean Johnson and to approve the Reappointment of Mr. Ed Jones to Seat #2.**

THE MOTION DIED FOR LACK OF A SECOND.

Amy Robinson, 401 Churchill Drive, Cocoa, spoke as an application and explained her reasonings behind why she wished to be considered for the Board. She has worked in Diamond Square and is aware of the area and wants to ensure that people are represented. She mentioned the community garden and felt it was important to see change in the community. She loves her city.

Michael Simpson stated that he wants to serve his city as his kids got to school in Diamond Square as well as his church is in the area. He wants to make a difference in the community and wants to be involved in order to help grow and beautify the community. He thanked Council for this opportunity.

Crystal McQueen has lived in the area and also has businesses here. They have been in Cocoa since 2014 and has worked for non-profits as well as helped bring employment to the community. Her background is in social services as well as in public administration. She served on the US 1 CRA for years and is interested in speaking for those who do not have a voice to speak. She thanked Council for the opportunity.

It was noted Sean Johnson was not in attendance due to his job.

Councilmember Goins felt this was a great problem to have and proves that people are willing to work and volunteer for the City of Cocoa. After hearing from everyone he would love to work with all of them as this is his district. He advised that he had initially reached out to Amy Robinson as he sees all of the work she has put in. He commended Ms. McQueen for serving on the US 1 CRA.

He nominated Amy Robinson.

* **MOTION by Councilmember Goins; Seconded by Councilmember Dyal, to approve the appointment of Amy Robinson to fulfill Seat #1 and Reappointment of Mr. Ed Jones to the Diamond Square CRA.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

VIII. City Business:

1. Council approval of the purchase of two (2) parcels on Oleander Street for the purposes of constructing a municipal parking lot with approximately 73 spaces in the amount of $65,000 each (total $135,000) and, pursuant to s. 166.045, Florida Statutes, waive the requirement to obtain an appraisal for the purchase of 218 Oleander Street. Authorize the City Manager to negotiate the purchase of the two parcels with the respective owners and to execute the respective purchase agreements in a form acceptable to the City Attorney. (22-208). (Community Services Director)

Ms. Neuterman corrected the item and noted that the total was $130,000 and provided a brief background of the item. Both owners have agreed to the purchase price of $65,000.

* **MOTION by Councilmember Goins; Seconded by Deputy Mayor Hearn, to approve the item, for discussion.**

Deputy Mayor Hearn knows that there are significant issues with parking and asked that this news be shared with the public.

Councilmember Koss asked how long it would take to get the lots available. City Manager Whitten advised that there are some tree issues but should be a quick turnaround so that they are ready for use.

Ms. Bowman requested that the following language be added to the motion "and other necessary budget activity that needs to be done to activate this" to the motion.

Councilmember Dyal asked about the parking that was approved last year. In response, City Manager Whitten advised that the CRA has money as well so they will figure out where the monies will come from for that. There are other items that need attention as well and will be discussed at next weeks' workshop.

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

3. Approve a Resolution allowing an affordable housing land use on parcel 24-36-20-00-289 under Section 166.04151, Florida Statutes, subject to the zoning standards

and requirements of the RU-2-15 zoning and other terms and conditions stated in the Resolution. (22-198). (Community Services Director)

Ms. Neuterman provided a background of this item in detail and that staff was requesting a resolution as noted above. Staff recommends approval of the project.

City Manager Whitten advised that the City has received some emails in regards to this and explained that it still requires a submission of the site plan to the Planning & Zoning Board for approval.

Mayor Blake supports this and it is for the working people and also for those that may fall below the average income but are still working. He felt the location is convenient to schooling and shopping centers. All of the misconceptions are wrong and it is sad as this is a helping hand and is helping fellow mankind.

Deputy Mayor Hearn is in support of the project and pointed out that the college is also close to the development. He asked if there were any other cities in the county doing projects like this at this time.

Rob Cramp, Director of Housing for the Homeless, advised this was the first of this type of project but they have over ninety-five properties. Their head office will be in the building and it is a local project.

Deputy Mayor Hearn was glad for Cocoa to be a trail blazer for solutions in workforce housing.

Mayor Blake reiterated that this would also come back for future approvals.

* **MOTION by Mayor Blake; Seconded by Councilmember Dyal, to Approve a Resolution allowing an affordable housing land use on parcel 24-36-20-00-289 under Section 166.04151, Florida Statutes, subject to the zoning standards and requirements of the RU-2-15 zoning and other terms and conditions stated in the Resolution.**

Councilmember Koss advised that no one she heard from was against the project but were concerned about the clear cutting in that area. Another issue was a misunderstanding that this was being slipped in and questions could not be asked. She spoke with people in the condos who just found out about it. She advised that this was just for the zoning and she feels confident going forward that the public will have a chance to look at this thoroughly.

Steve Murphy, Cocoa, thanked them for moving this item off of the Consent agenda. He further advised that the documents were very large. He spoke about income and felt they used the broader income of Brevard County.

Kristin Lorti, Cocoa resident, thanked Council for moving this item off of the Consent agenda. She leans in support of the project itself but does not feel adequately informed based on the review. She is against the process so far. She advised that on March 2, 2022 this was on the Planning & Zoning Board agenda and the item was tabled. She was confused as to why special authority needed to be done for this item. She reiterated that information should be relayed to the public.

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

City Attorney Garganese explained in regards to the Planning & Zoning meeting they had submitted an application and during that process found out that there were other ways that affordable housing could be approved. He explained the Florida Statute in detail and advised that it was a relatively new statute. The applicant has cooperated with the City and presented a detailed petition, and followed what they needed to follow. He advised that this was only for a Zoning Land Use Approval. They have to come back to get everything else done and follow the FU-215 zoning standards.

Multi-Year Contracts:

None.

IX. Informational Agenda:

1. Calls for service provided by the Cocoa Fire Rescue Department for the month of March 2022. (22-194). (Fire Chief)

X. Reports:

Chief Lamm reminded Council that on February 22, 2022 it was approved to accept a fire blast trailer from Punta Gorda. They recently brought the trailer back and it is currently at Fire Station #1. He felt it was important to show Council so that they would see the magnitude of what it is. He thanked Mr. Smith and Public Works staff for their help in getting this back to Cocoa. He showed photos of the trailer.

Ms. Gemmati mentioned the Summer Youth Program, explaining what it entailed and that it is a paid internship. Applications are due by April 29, 2022.

Ms. Senger advised that at the last meeting Council had approved for at least four people to get lifeguard training. This information is on the website and on all of the social media channels. It was also broadcast on a few news channels.

City Manager Whitten noted that the amount was $250 a piece but if you agree to be a lifeguard at the Joe Lee Smith Center the cost is only $100.

Ms. Senger advised that on April 29th from 4-7 p.m. is the Arbor Day Celebration here at City Hall. Trees will be given out at the event.

On April 30th, the Gilmore Community Park unveiling will take place and on May 10th before the Council meeting is the build your own hurricane preparedness kit. City departments will be set up in the lobby as well as others, such as 211 Brevard, Brevard County Emergency Management and the Humane Society. They thanked Ace Hardware and Home Depot who donated gift cards to raffle.

Lastly, Ms. Senger announced that they have the results from the Trash Bash and they thanked all of the volunteers. The City won, having both the most volunteers as well as the most trash collected in the county. She congratulated the City as well as the staff at Leisure Services.

Councilmember Goins asked about the Summer Youth Program and if they would go outside of Cocoa if their quota is not reached. Ms. Gemmati encouraged all to apply as they try not to turn anyone away.

Ms. Neuterman announced that on behalf of Habitat for Humanity and Diamond Square CRA there will be a Veteran Wall Raising on April 29th at 9:30 a.m. on Whaley Street. This is house five of six.

Mr. Smith provided an update on Brightline and on April 22nd there will be another closure on Dixon Blvd. From April 30th through May 14th , Highland Drive will be closed and that should wrap up closures in the City.

Ms. Ennis noted that they will be switching chlorine systems for about four weeks like they did last year. Notices are going out to customers.

City Manager Whitten advised that last year the City won an award for the Citizens Academy and tomorrow Ms. Senger and Ms. Horst will be attending a ceremony and will be receiving two more awards for campaigns that have been done this year. He gave kudos to staff and Council for all of the information shared through social media.

Secondly, he advised that yesterday morning he along with Mayor Blake attended the Board of Trustees meeting at EFSC. They unveiled their master plan for updates on the Cocoa campus. This is an $87 million dollar plan over ten years. He shared a video that detailed the changes.

Councilmember Koss was glad to see the video. She reminded all about how she has spoke about the college and that was an academic hub for the City.

She congratulated all of those in District 4 who have come forward in the last few years advocating for this to be an academic hub, as they knew this was needed to be a cornerstone in that area. She is thrilled about this project and thanked EFSC for listening and investing in Cocoa.

She added that there was a Rotarian in the audience and thanked them for being at the trash bash at Provost Park. She was looking forward to the Arbor Day photo contest and noted that she would not be at the Arbor Day celebration.

She made the following announcement about an upcoming conference she will be attending, which is the IEMO II in Cocoa Beach: “I will be attending the Florida League of Cities IEMO II Conference from Friday, April 29th through Saturday, April 30th at the Hilton Cocoa Beach Oceanfront Hotel. The cost of registration is $265 and this is budgeted under Council’s training account.”

Councilmember Koss is looking forward to the tree that they would be planting at Bracco Pond. She mentioned she had a great tour at Bracco Pond given by Bryant Smith and Abby Morgan. She requested that the information provided be turned into a brief presentation to show how Bracco Pond is utilized and how it benefits the City.

She spoke about the Cocoa Youth Athletic League and of an event that she attended at the fields. There was no less than four to five hundred people and work needs to be done. She was aware that the city was working with the county but there are people coming here from out of town. This is a dynamic program that engages a lot of kids. She was looking forward to that taking a positive turn as well.

City Manager Whitten added that the SCTPO has asked Council to authorize the Mayor to submit a letter of support to the Secretary of the US Department of Transportation. He explained what the letter would entail.

*** IT WAS A CONSENSUS AMONG COUNCIL TO SUBMIT A LETTER.**

Deputy Mayor Hearn enjoyed being a part of the Trash Bash. His team went to Bracco Pond and he was able to show citizens what an asset the pond is[2].

He was not able to attend the Bracco Pond tour but on April 20th there will be a tree planting at Bracco Pond.

He spoke about the recent Business Tour that Council did and thanked El Sabor De Mi Pueblo which is in District 2.[3]

Deputy Mayor Hearn was looking forward to all of the positive things in Cocoa.

Councilmember Dyal mentioned opening day at Stradley Field and that it was a great event. He was able to throw out the first pitch.

He spoke about his attendance at the painting of the bleachers at Cocoa High School. It all turned out great.

Councilmember Dyal attended the Brittany Wish Foundation event and was able to show the antique fire truck off. He thanked Mike Erdman for all that he did for that event.

In closing, he thanked Tracy Jones for helping at opening day and for all that she did as well. He further thanked Viera High School cheerleaders for helping paint the Cocoa High School bleachers.

Councilmember Dyal thanked staff for all that they do.

Councilmember Goins acknowledged the water department (customer service) and thanked them for being professional.

He spoke about the Trash Bash and showed photos of his group.

[2] Mayor Blake left the meeting at 8:15 p.m.
[3] Mayor Blake returned at 8:17 p.m.

He agreed that the painting of the bleachers was a great event and that thirty Viera cheerleaders showed up to help which means that they care about their community. He gave kudos to their cheer coach. He shared photos of that event as well.

Councilmember Goins pointed out that the rubber track at Cocoa High School would be completed by Friday and he felt that all of the collaboration for this to happen has worked.

He appreciates Council and the citizens and believes that it is good when citizens are interested but it bothers him when mis-information is put out.

Deputy Mayor Hearn piggybacked off of Councilmember Goins about the painting of the bleachers and asked if a thank you letter could be sent to the Viera cheerleaders.

Councilmember Dyal attended the retirement party for K9 Bear at the Dirty Oar and also attended the Police Department's Banquet, where many great awards were given out. Marci Davis won V-Cop of the year and the late Mr. Steve Murdick won Employee of the Year.

Councilmember Koss acknowledged Linda Gombert who is helping lead the Arbor Day event. She thanked her for her efforts and her time.

Mayor Blake attended an event at the Port for the ribbon cutting of Cargo 3 and there were several other dignitaries in attendance. He thanked the CRA for the dredging they are doing at Lee Wenner Park.

He mentioned the Citizens Academy and thanked the participants who were recognized tonight. He talked about the Trash Bash and noted that he had a great team that helped clean up the City.

Mayor Blake presented a proclamation to James Folston last weekend and provided a brief history on him and why he received a proclamation.

Mayor Blake showed photos and spoke about his attendance to the following events: BCSO Awards Ceremony, the Trash Bash, a party for Angie Jordan, Travis Tritt concert and a video of the Trash Bash.

XI. Adjournment:

*** MOTION by Mayor Blake; Seconded by Councilmember Dyal, to adjourn the Regular meeting of April 12, 2022.**

AYES: Blake, Hearn, Dyal, Goins, Koss

THE MOTION CARRIED UNANIMOUSLY (5-0)

The meeting adjourned at 8:41 p.m.

_____

Michael C. Blake, Mayor

ATTEST:

_____

Carie Shealy, MMC, City Clerk

Legislation Details (With Text)

File #:	22-285	**Version:**	1	**Name:**	
Type:	Contract			**Status:**	Consent Agenda
File created:	5/9/2022			**In control:**	City Council
On agenda:	6/7/2022			**Final action:**	
Title:	Approve a Resolution Amending the FY2022 Budget, BAF#22-087-A and BAF#22-088-T, to accept insurance proceeds in the amount of $10,285 and permission to use those funds along with budget transfer of $19,715 from operational line items to purchase a 2012 Freightline MT45 from Cape Canaveral for use as a SWAT Van. (Chief of Police)				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	Cape Canaveral Intent to sell SWAT van.pdf Budget Resolution FY 2022- ADA Compliant.pdf BAF 22-087-A-PD-SWAT Vehicle Insurance Proceeds (6-7-22)-Agenda 22-285.pdf BAF 22-088-T-PD-SWAT Vehicle Funding (6-7-22)-Agenda 22-285.pdf				

Date	Ver.	Action By	Action	Result

CITY COUNCIL AGENDA ITEM

Memo Date: May 11, 2022
Agenda Date: June 7, 2022
Prepared By: Susan L. Lambert, CAP, OM
Through: Evander Collier IV, Chief of Police
Requested Action:
Approve a Resolution Amending the FY2022 Budget, BAF#22-087-A and BAF#22-088-T, to accept insurance proceeds in the amount of $10,285 and permission to use those funds along with budget transfer of $19,715 from operational line items to purchase a 2012 Freightline MT45 from Cape Canaveral for use as a SWAT Van

BACKGROUND:

For the past several years the Police Department has had a SWAT van in its Capital Improvement Plan due to the age and life expectancy of the current SWAT van (1990 Chevy P30 Van with 140,000 miles).

The Chief requested that the Fleet manager look for a replacement vehicle, and in so doing, the Fleet manager put a request out on the Florida Association of Governmental Fleet Administrators (FLAGFA) to advise him if anyone was selling a box truck. He was contacted by Canaveral Port Authority regarding the sale of a 2012 Freightline MT45 for the price of $30,000. By utilizing this vehicle, we can repurpose many of the newer items in the current SWAT van saving the City of Cocoa along with the savings from the vehicle itself.

The vehicle is a 2012 Freightline MT45, with 27,516 miles.

STRATEGIC PLAN CONNECTION:

Operational

BUDGETARY IMPACT:

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

BAF# 22-087-A

Amount Requested $10,285
Account Number _001-0000-369.96-00
Account Name _Insurance Proceeds

Amount Requested $10,285
Account Number _001-2100-521.64-00 PD14SW
Account Name _Machinery and Equipment

BAF# 22-087-T

Amount Requested ($5,000)
Account Number _001-2100-521.34-00
Account Name _Contract Services

Amount Requested ($5,072)
Account Number _001-2100-521.41-00
Account Name _Communications

Amount Requested ($4,379)
Account Number _001-2100-521.45-00
Account Name _Insurance

Amount Requested ($3,179)
Account Number _001-2101-521.34-00
Account Name _Contract Services

Amount Requested ($2,085)
Account Number _001-2132-524.49-00
Account Name _Other Charges & Obligations

Amount Requested $19,715
Account Number _001-2100-521.64-00 PD14SW
Account Name _Machinery and Equipment

Total Budget in 001-2100-521.64-00 $30,000 PD14SW

PREVIOUS ACTION:

None.

RECOMMENDED MOTION:

Approve a Resolution Amending the FY2022 Budget, BAF#22-087-A and BAF#22-088-T, to accept insurance proceeds in the amount of $10,285 and permission to use those funds along with budget transfer of $19,715 from operational line items to purchase a 2012 Freightline MT45 from Cape Canaveral for use as a SWAT Van

Susan Lambert

From: Tony Jones
Sent: Wednesday, May 11, 2022 11:00 AM
To: Susan Lambert
Subject: FW: Sell of 2012 Freightliner MT45

Please use this email from Port Canaveral

From: Karen Pappas <kpappas@portcanaveral.com>
Sent: Wednesday, May 11, 2022 10:21 AM
To: Tony Jones <tjones@cocoafl.gov>
Cc: Brian Carroll, CAFM <bcarroll@portcanaveral.com>; Kaleigh Stanley <KStanley@portcanaveral.com>
Subject: Sell of 2012 Freightliner MT45

EXTERNAL MESSAGE - USE CAUTION WITH LINKS AND ATTACHMENTS!

Hi Tony,

I have been working with our Fleet Manager, Brian Carroll, to facilitate the sell of the listed vehicle to the City of Cocoa.

2012 Freightliner MT45
27,515.6 miles
VIN # 4UZAC1DVXCCBU6852
Sell price $30,000 (Fair Market Value, sold AS IS with no warranty)

We have received permission from the executive office to proceed but this cannot be official until the asset disposal is approved by our Commission at their May 25, 2022 meeting. Therefore, this email is to confirm our intent to sell the vehicle after all necessary approvals are received.

Brian will be in touch with you immediately after the Commission meeting to work out the details of the sale.

Best,

Karen

CANAVERAL PORT AUTHORITY

Karen Pappas
Director, Procurement & Materials Management
Tel: (321) 394-3219 | Mob: (321) 432-1426
kpappas@portcanaveral.com | www.portcanaveral.com
Canaveral Port Authority | 445 Challenger Road | Cape Canaveral | FL | 32920

Under Florida Statute 668.6076, electronic mail addresses are public records. If you do not want your electronic mail address released in response to a public records request as provided in Florida Statute 119, do not send electronic mail to this entity. Instead, contact this office by telephone or in writing.

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RESOLUTION NO. 2022-051

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COCOA, FLORIDA, AMENDING THE CITY OF COCOA BUDGET FOR FISCAL YEAR 2022; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Cocoa adopted the final budget for the fiscal year commencing on October 1, 2021, and ending on September 30, 2022, at a Regular meeting held on September 28, 2021; and

WHEREAS, in accordance with Article XII, Section 5 of the City of Cocoa Charter, whereby the Council may, at any time by resolution, transfer any unused and unencumbered appropriation or portion thereof from one office or department to another; and

WHEREAS, the City Council deems it to be in the best interest of the City of Cocoa to amend its budget as provided in this resolution.

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

SECTION 1. The 2021-2022 fiscal year budget shall be amended as detailed in the attached sheets.

SECTION 2. All prior resolutions or prior resolutions inconsistent with this resolution are hereby repealed to the extent of the conflict.

SECTION 3. This resolution shall become effective immediately upon its 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 7th day of June, 2022.

_____
Michael C. Blake, Mayor

ATTEST:

_____
Carie Shealy, MMC, City Clerk

City of Cocoa Budget Adjustment Form FY 2022 - 22-087-A

SELECT ADJUSTMENT TYPE: BUDGET AMENDMENT | REQUESTING DEPARTMENT #: 2100 | DATE PREPARED: 05/11/22

'REVENUE' ACCOUNT(S)

ADJUSTMENT AMOUNT	ACCOUNT NUMBER	PROJECT NUMBER	ACCOUNT NAME	ORIGINAL BUDGET	AMENDED BUDGET	ADJUSTED BUDGET	UNENCUMBERED BALANCE
$ 10,285	001-0000-369.96-00	PD14SW	Insurance Proceeds	$ 0	$ 0	$ 10,285	$ 0
$ 0				$ 0	$ 0	$ 0	$ 0
$ 0				$ 0	$ 0	$ 0	$ 0
$ 0				$ 0	$ 0	$ 0	$ 0
$ 0				$ 0	$ 0	$ 0	$ 0
$ 0				$ 0	$ 0	$ 0	$ 0
$ 10,285	TOTAL						

'EXPENSE' ACCOUNT(S)

ADJUSTMENT AMOUNT	ACCOUNT NUMBER	PROJECT NUMBER	ACCOUNT NAME	ORIGINAL BUDGET	AMENDED BUDGET	ADJUSTED BUDGET	UNENCUMBERED BALANCE
$ 10,285	001-2100-521.64-00	PD14SW	Law Enforcement/Machinery & Equipment	$ 443,048	$ 427,395	$ 437,680	$ 6,300
$ 0				$ 0	$ 0	$ 0	$ 0
$ 0				$ 0	$ 0	$ 0	$ 0
$ 0				$ 0	$ 0	$ 0	$ 0
$ 0				$ 0	$ 0	$ 0	$ 0
$ 0				$ 0	$ 0	$ 0	$ 0
$ 10,285	TOTAL						

REASON/JUSTIFICATION FOR ADJUSTMENT:

This amendment is being done to purchase a 2012 Freightline MT45 from Cape Canaveral for use as a SWAT van in the amount of $30,000. There is a budget transfer (22-088-A) in the amount of $19,715 that accompanies this amendment for the total price of $30,000. Agenda 22-285

Council/Board APPROVAL REQUIRED? *YES* (●) *NO* ( ) *DATE APPROVED:* 06/07/22 *RESOLUTION #:* 2022-051

City Council approval is needed for all transfers greater than $50,000 and transfers between Departments / Funds. All CRA adjustments are required to go their respective boards.

5/11/22	Susan L. Lambert (Digitally signed by Susan L. Lambert Date: 2022.05.11 11:50:09 -04'00')	5/12/22	Colleen Campbell (Digitally signed by Colleen Campbell Date: 2022.05.12 10:14:55 -04'00')		
Date	Requestor's Signature	Date	Finance Approval Signature	Date	Finance Director's Signature
	Evander Collier IV (Digitally signed by Evander Collier IV Date: 2022.05.11 16:20:15 -04'00')	5/16/22	Lora Howell (Digitally signed by Lora Howell Date: 2022.05.16 09:22:39 -04'00')		
Date	Department Director's Signature	Date	Deputy Fin. Director's Signature	Date	City Manager's Signature

FINANCE USE ONLY:

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

City of Cocoa Budget Adjustment Form FY 2022 - 22-088-T

SELECT ADJUSTMENT TYPE: BUDGET TRANSFER | REQUESTING DEPARTMENT #: 2100 | DATE PREPARED: 05/12/22

'FROM' ACCOUNT(S)

ADJUSTMENT AMOUNT	ACCOUNT NUMBER	PROJECT NUMBER	ACCOUNT NAME	ORIGINAL BUDGET	AMENDED BUDGET	ADJUSTED BUDGET	UNENCUMBERED BALANCE
($ 5,000)	001-2100-521.34-00	PD14IN	Law Enforcement/Contract Services	$ 99,305	$ 89,374	$ 84,374	$ 7,535
($ 5,072)	001-2100-521.41-00		Law Enforcement/Communications	$ 60,420	$ 60,420	$ 55,348	$ 10,810
($ 4,379)	001-2100-521.45-00		Law Enforcement/Insurance	$ 4,379	$ 4,379	$ 0	$ 4,379
($ 3,179)	001-2101-521.34-00		Law Enforcement/Contract Services	$ 50,289	$ 50,289	$ 47,110	$ 3,180
($ 2,085)	001-2132-524.49-00		Protective Inspections/Other Charges & Obl	$ 2,085	$ 0	($ 2,085)	$ 2,085
$ 0				$ 0	$ 0	$ 0	$ 0
($ 19,715)	TOTAL						

'TO' ACCOUNT(S)

ADJUSTMENT AMOUNT	ACCOUNT NUMBER	PROJECT NUMBER	ACCOUNT NAME	ORIGINAL BUDGET	AMENDED BUDGET	ADJUSTED BUDGET	UNENCUMBERED BALANCE
$ 19,715	001-2100-521.64-00	PD14SW	Law Enforcement/Machinery & Equipment	$ 443,048	$ 427,395	$ 447,110	$ 6,300
$ 0				$ 0	$ 0	$ 0	$ 0
$ 0				$ 0	$ 0	$ 0	$ 0
$ 0				$ 0	$ 0	$ 0	$ 0
$ 0				$ 0	$ 0	$ 0	$ 0
$ 0				$ 0	$ 0	$ 0	$ 0
$ 19,715	TOTAL						

REASON/JUSTIFICATION FOR ADJUSTMENT:

This transfer is being done to purchase a 2012 Freightline MT45 from Cape Canaveral for use as a SWAT van in the amount of $30,000. There is a budget amendment (22-087) in the amount of $10,285 that accompanies this amendment for the total price of $30,000. Agenda 22-285.

Council/Board APPROVAL REQUIRED? YES (●) NO ( ) DATE APPROVED: 06/07/22 RESOLUTION #: 2022-051

City Council approval is needed for all transfers greater than $50,000 and transfers between Departments / Funds. All CRA adjustments are required to go their respective boards.

5/12/22	Susan L. Lambert Digitally signed by Susan L. Lambert Date: 2022.05.12 10:30:56 -04'00'	5/13/22	Colleen Campbell Digitally signed by Colleen Campbell Date: 2022.05.13 08:17:44 -04'00'		
Date	Requestor's Signature	Date	Finance Approval Signature	Date	Finance Director's Signature
	Evander Collier IV Digitally signed by Evander Collier IV Date: 2022.05.12 10:32:45 -04'00'	5/16/22	Lora Howell Digitally signed by Lora Howell Date: 2022.05.16 09:36:27 -04'00'		
Date	Department Director's Signature	Date	Deputy Fin. Director's Signature	Date	City Manager's Signature

FINANCE USE ONLY:

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

Legislation Details (With Text)

File #:	22-296	**Version:**	1	**Name:**	
Type:	Agenda			**Status:**	Agenda Ready
File created:	5/11/2022			**In control:**	City Council
On agenda:	6/7/2022			**Final action:**	
Title:	Approve a Resolution Amending the FY22 Budget, BAF # 22-095-A in the amount of $40,000 to cover the Building Division services of a third party Building Official and Inspector through the end of the Fiscal Year. Approve Change Order #2 in the amount of $40,000 to PO # 78905. (Community Services Director)				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	Invoice dept.services 1-3-22 thru 4-29-22.pdf Invoice dept.services 2-18-22.pdf Bruce Nelsen LLC - tracking sheet.pdf Budget Resolution FY 2022- ADA Compliant.pdf BAF 22-095-A-CD-Building Official Services (6-7-22) Agenda 22-296.pdf Change Order Request PO78905.pdf				

Date	Ver.	Action By	Action	Result

CITY COUNCIL AGENDA ITEM

Memo Date: May 11, 2022
Agenda Date: June 7, 2022
Prepared By: Charlene Neuterman, Community Services Director
Through: Stockton Whitten, City Manager
Requested Action:
Approve a Resolution Amending the FY22 Budget, BAF # 22-095-A in the amount of $40,000 to cover the Building Division services of a third party Building Official and Inspector through the end of the Fiscal Year. Approve Change Order #2 in the amount of $40,000 to PO # 78905.

BACKGROUND:

In August 2021, the City's Building Official resigned and left a vacancy in the position. Florida Building Code requires a Building Code Administrator (Official) sign off any certificates of occupancy in a municipality as well as other major functions in the permitting process. The City contracted with Bruce Nelsen, LLC to provide Building Code Administrator and Inspection services until a Building Official could be hired.

In February 2022, Guillermo Carbonell, was elevated to the position of Provisional Building Code Administrator. Until such time that a new inspector is hired to assist with the inspections, the services of Bruce Nelsen, LLC is necessary. In the month of April 2022 alone, there were 729 inspections

scheduled. Through the remainder of the fiscal year, there may be times when their services will be needed to assist with inspections. We anticipate those hours to decrease once the new inspector is hired.

Staff is requesting approval of a Budget Resolution and BAF in the amount of $40,000 to cover expenses through the end of Fiscal Year 2022. Additionally, approval is necessary for Change Order #2 to PO #78905 in the amount of $40,000

STRATEGIC PLAN CONNECTION:

N/A

BUDGETARY IMPACT:

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

BAF # 22-095-A

From:	
Amount Requested	$40,000
Account Number	107-0000-389.99-50
Account Name	Fund Balance
To:	
Amount Requested	$40,000
Account Number	107-3200-515.34-00
Account Name	Contract Services

Source of Funds: Building Fund Balance Reserves

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

Change Order Amount $ 40,000

Original Purchase Order 78905
Original P.O. Amount $30,000
For this Agenda Item note Prior Change Order Information:
Total number of change orders to date 1
Total amount in change orders to date $20,000

PREVIOUS ACTION:

N/A

RECOMMENDED MOTION:

Approve a Resolution Amending the FY22 Budget, BAF # 22-095-A in the amount of $40,000 to cover the Building Division services of a third party Building Official and Inspector through the end of the Fiscal Year. Approve Change Order #2 in the amount of $40,000 to PO # 78905.

BRUCE D NELSEN, LLC.

4175 Fox Lake Rd.
Titusville, FL 32796

Invoice

Date	Invoice #
5/4/2022	2702

Bill To
City of Cocoa 65 Stone St. Cocoa Fl. 32922

P.O. No.	Terms	Project
78905	Due on receipt	

Quantity	Description	Rate	Amount
14.75	Building Official, Plan Review, and Inspection Services. Week ending 1/7/22	100.00	1,475.00
14.25	Building Official, Plan Review, and Inspection Services. Week ending 1/14/22	100.00	1,425.00
15.5	Building Official, Plan Review, and Inspection Services. Week ending 1/21/22	100.00	1,550.00
16.25	Building Official, Plan Review, and Inspection Services. Week ending 1/28/22	100.00	1,625.00
16.75	Building Official, Plan Review, and Inspection Services. Week ending 2/4/22	100.00	1,675.00
15.5	Building Official, Plan Review, and Inspection Services. Week ending 2/11/22	100.00	1,550.00
11.5	Building Official, Plan Review, and Inspection Services. Week ending 2/18/22	100.00	1,150.00
9.5	Building Official, Plan Review, and Inspection Services. Week ending 2/25/22	100.00	950.00
7.75	Building Official, Plan Review, and Inspection Services. Week ending 3/4/22	100.00	775.00
9.5	Building Official, Plan Review, and Inspection Services. Week ending 3/11/22	100.00	950.00
6.75	Building Official, Plan Review, and Inspection Services. Week ending 3/19/22	100.00	675.00
8.5	Building Official, Plan Review, and Inspection Services. Week ending 3/25/22	100.00	850.00
7.5	Building Official, Plan Review, and Inspection Services. Week ending 4/1/22	100.00	750.00
6.5	Building Official, Plan Review, and Inspection Services. Week ending 4/8/22	100.00	650.00
5.5	Building Official, Plan Review, and Inspection Services. Week ending 4/15/22	100.00	550.00
5.75	Building Official, Plan Review, and Inspection Services. Week ending 4/22/22	100.00	575.00
13.5	Building Official, Plan Review, and Inspection Services. Week ending 4/29/22	100.00	1,350.00

Total $18,525.00

BRUCE D NELSEN, LLC.

4175 Fox Lake Rd.
Titusville, FL 32796

Invoice

Date	Invoice #
4/29/2022	2701

Bill To
City of Cocoa 65 Stone St. Cocoa Fl. 32922

P.O. No.	Terms	Project
78905	Due on receipt	

Quantity	Description	Rate	Amount
	Provide Building Code Administrator for Department and Permitting Services. Week ending 1/7/22	1,500.00	1,500.00
	Provide Building Code Administrator for Department and Permitting Services. Week ending 1/14/22	1,500.00	1,500.00
	Provide Building Code Administrator for Department and Permitting Services. Week ending 1/21/22	1,500.00	1,500.00
	Provide Building Code Administrator for Department and Permitting Services. Week ending 1/28/22	1,500.00	1,500.00
	Provide Building Code Administrator for Department and Permitting Services. Week ending 2/4/22	1,500.00	1,500.00
	Provide Building Code Administrator for Department and Permitting Services. Week ending 2/11/22	1,500.00	1,500.00
	Provide Building Code Administrator for Department and Permitting Services. Week ending 2/18/22	1,500.00	1,500.00

Total $10,500.00

DATE	VENDOR	DISCRIPTION	REQ #	PO#	ACCOUNT	INVOICE #	AMOUNT	RECEIVED	BALANCE
10/22/2021	BRUCE NELSON	BUILDING OFFICIAL/INSPECTION SERVICES	43748	78905	107-3200-515.34-00		$ 30,000.00		
						2677	$ 30,000.00	$ (22,800.00)	$ 7,200.00
			44188			CHANGE ORDER	$ 7,200.00	$ 20,000.00	$ 27,200.00
						2678	$ 27,200.00	$ (19,500.00)	$ 7,700.00

RESOLUTION NO. 2022-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COCOA, FLORIDA, AMENDING THE CITY OF COCOA BUDGET FOR FISCAL YEAR 2022; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Cocoa adopted the final budget for the fiscal year commencing on October 1, 2021, and ending on September 30, 2022, at a Regular meeting held on September 28, 2021; and

WHEREAS, in accordance with Article XII, Section 5 of the City of Cocoa Charter, whereby the Council may, at any time by resolution, transfer any unused and unencumbered appropriation or portion thereof from one office or department to another; and

WHEREAS, the City Council deems it to be in the best interest of the City of Cocoa to amend its budget as provided in this resolution.

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

SECTION 1. The 2021-2022 fiscal year budget shall be amended as detailed in the attached sheets.

SECTION 2. All prior resolutions or prior resolutions inconsistent with this resolution are hereby repealed to the extent of the conflict.

SECTION 3. This resolution shall become effective immediately upon its 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 7th day of June, 2022.

_____
Michael C. Blake, Mayor

ATTEST:

_____
Carie Shealy, MMC, City Clerk

City of Cocoa Budget Adjustment Form FY 2022 - 22-095-A

SELECT ADJUSTMENT TYPE: BUDGET AMENDMENT | REQUESTING DEPARTMENT #: 107-3200 | DATE PREPARED: 05/25/22

'REVENUE' ACCOUNT(S)

ADJUSTMENT AMOUNT	ACCOUNT NUMBER	PROJECT NUMBER	ACCOUNT NAME	ORIGINAL BUDGET	AMENDED BUDGET	ADJUSTED BUDGET	UNENCUMBERED BALANCE
$ 40,000	107-0000-389.99-50		Building - Fund Balance Reserves	$ 317,060	$ 359,980	$ 399,980	$ 0
$ 0				$ 0	$ 0	$ 0	$ 0
$ 0				$ 0	$ 0	$ 0	$ 0
$ 0				$ 0	$ 0	$ 0	$ 0
$ 0				$ 0	$ 0	$ 0	$ 0
$ 0				$ 0	$ 0	$ 0	$ 0
$ 40,000	TOTAL						

'EXPENSE' ACCOUNT(S)

ADJUSTMENT AMOUNT	ACCOUNT NUMBER	PROJECT NUMBER	ACCOUNT NAME	ORIGINAL BUDGET	AMENDED BUDGET	ADJUSTED BUDGET	UNENCUMBERED BALANCE
$ 40,000	107-3200-515.34-00		Building - Contract Services	$ 110,000	$ 110,000	$ 150,000	$ 56,500
$ 0				$ 0	$ 0	$ 0	$ 0
$ 0				$ 0	$ 0	$ 0	$ 0
$ 0				$ 0	$ 0	$ 0	$ 0
$ 0				$ 0	$ 0	$ 0	$ 0
$ 0				$ 0	$ 0	$ 0	$ 0
$ 40,000	TOTAL						

REASON/JUSTIFICATION FOR ADJUSTMENT:

Approve a transfer from fund balance to cover the expenses of the third party provider of building official services through the end of the fiscal year. Agenda 22-296

Council/Board APPROVAL REQUIRED? *YES* (●) *NO* ( ) *DATE APPROVED:* 06/07/22 *RESOLUTION #:*

City Council approval is needed for all transfers greater than $50,000 and transfers between Departments / Funds. All CRA adjustments are required to go their respective boards.

5/25/22	Charlene Neuterman	Digitally signed by Charlene Neuterman Date: 2022.05.25 09:36:21 -04'00'	5/25/22	Colleen Campbell	Digitally signed by Colleen Campbell Date: 2022.05.25 17:16:24 -04'00'
Date	Requestor's Signature		Date	Finance Approval Signature	Date Finance Director's Signature
5/25/22	Charlene Neuterman	Digitally signed by Charlene Neuterman Date: 2022.05.25 09:36:44 -04'00'	5/31/22	Lora Howell	Digitally signed by Lora Howell Date: 2022.05.31 10:13:38 -04'00'
Date	Department Director's Signature		Date	Deputy Fin. Director's Signature	Date City Manager's Signature

FINANCE USE ONLY:

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

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: 05/25/22 **New Requ #:** 44715 **Change Requisition Number #** 2

Name of Requestor completing this form: Charlene N.

Original Purchase Order Amount	$ 30,000.00
Change Order # 1 Amount	20,000.00
Change Order # 2 Amount	40,000.00
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	$ 90,000.00

Vendor Name	Original Requisition Number	PO Number	Original PO Amount
Bruce Nelsen, LLC	43748	8905	$ 30,000.00

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
2	40,000.00	sum	Inspection services	1.0732E+13		1.0000	$ 40,000.00
							$ -
							$ -
							$ -
							$ -
							$ -
							$ -
							$ -

THIS AMOUNT MUST BE LISTED AT THE TOP OF THIS FORM NEXT TO THE CORRESPONDING CHANGE ORDER #. **$ 40,000.00**

CHANGE ORDER REQUEST FORM - PAGE 2, JUSTIFICATION NOTE REQUIRED

Date: *05/25/22* **New Requ #:** **44715** ***Change Requisition Number #*** **2**

Change Order Justification:

Add money to the purchase order to account for expenses throughout the remainder of the fiscal year.
Council agenda item 22-296

*******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 #:	22-297	**Version:**	1	**Name:**	
Type:	Agenda			**Status:**	Agenda Ready
File created:	5/11/2022			**In control:**	City Council
On agenda:	6/7/2022			**Final action:**	
Title:	Approve a Resolution Amending the Fiscal Year 2022 Budget, BAF#22-093-A, in the amount of $24,000 for CitizenServe annual service/maintenance fees. (Community Services Director)				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	CitizenServe Quote - Cocoa, FL 05-19-2022.pdf Citizenserve Service Agreement signed - Cocoa FL 05-20-2019.pdf Invoice #3940 paid.pdf Invoice #4632 +16 2022.pdf PO 77653.pdf Budget Resolution FY 2022- ADA Compliant.pdf BAF 22-093-A-CD-Citizenserve Renewal Fee (6-7-22) Agenda 22-297.pdf				

Date	Ver.	Action By	Action	Result

CITY COUNCIL AGENDA ITEM

Memo Date: May 11, 2022
Agenda Date: June 7, 2022
Prepared By: Charlene Neuterman, Community Services Director
Through: Stockton Whitten, City Manager
Requested Action:
Approve a Resolution Amending the Fiscal Year 2022 Budget, BAF#22-093-A, in the amount of $24,000 for CitizenServe annual service/maintenance fees.

BACKGROUND:

In December 2020, Council approved a Multi-Year Agreement with Online Solutions, LLC (Citizenserve), for a subscription to access and use Citizenserve Software Services for an online building and permitting platform. The new software was implemented in early 2021 to improve the customer service experience with building permitting applications/inspections. The agreement approved provided services through May 2022 with two additional one-year renewals.

The annual renewal for the software for Fiscal Year 2022 was overlooked in the budget planning process and not budgeted. Staff is requesting approval of a Budget Amendment and Resolution in the amount of $24,000 to cover the annual service and maintenance fees for FY22. Funds will be transferred from the Fund Balance Reserves in the 107 Building Fund to the IT Operating Expenses Account. Staff will adequately budget for FY 2023 and FY2024 to cover the two, one-year renewals.

STRATEGIC PLAN CONNECTION:

N/A

BUDGETARY IMPACT:

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

BAF # 22-093-A

Amount Requested	$24,000
Account Number	_107-0000-389-99-50
Account Name	_Fund Balance Reserves

Amount Requested	$24,000
Account Number	_107-3200-515-56-15
Account Name	_IT Related Operating Expenses

Source of Funds: Building Fund Balance Reserves

PREVIOUS ACTION:

December 8, 2020 - Council approved a Multi-Year agreement with Online Solutions, LLC for a subscription to Citizenserve for Building Permitting/Inspection software.

RECOMMENDED MOTION:

Approve a Resolution Amending the Fiscal Year 2022 Budget, BAF#22-093-A, in the amount of $24,000 for CitizenServe annual service/maintenance fees.

Quote 05/19/2022

Account Name: The City of Cocoa, Florida

Contact Information:
Robert Beach
Chief Technology Officer
The City of Cocoa
65 Stone St
Cocoa, FL 32922
Email: rbeach@cocoafl.org
Phone: (321) 433-8550

Billing Information:
Robert Beach
Chief Technology Officer
The City of Cocoa
65 Stone St
Cocoa, FL 32922
Email: rbeach@cocoafl.org
Phone: (321) 433-8550

Contact Term:
Billing Cycle: Annual
Billing Schedule: Upon Contract Signing
Service Term Starts: 11/25/2021
Service Term Ends: 11/24/2022

Fees:

16 User Subscriptions	$1,500 per named user per year	$24,000.00
Total Fees		**$24,000.00**

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SERVICE AGREEMENT

THIS SERVICE AGREEMENT (the "Agreement") between Online Solutions LLC. ("CitizenServe") with its principal place of business 1101 East Warner, Suite 160, Tempe, Arizona 85284 and the City of Cocoa, Florida ("Customer") with its principal place of business at 65 Stone St, Cocoa, FL 32922 is made effective as of 05/15/2019 ("Effective Date").

1. ONLINE SOLUTIONS DELIVERY OF SERVICES:
CitizenServe grants to Customer a non-exclusive, non-transferable, limited subscription to access and use the CitizenServe software service in consideration of the fees and terms described in the CitizenServe Order Form.

The subscription will begin on the date specified in the order form which is the date CitizenServe will begin providing services (the "Effective Date"). On the Effective Date CitizenServe's responsibilities begin regarding providing support services, infrastructure, backing up data, performing setup and configuration. Implementation and "go live" timelines vary based on the availability and responsiveness of Customer's personnel and on the Customer's priorities and objectives. CitizenServe and Customer agree that they will work collectively on a best efforts basis to achieve a satisfactory migration from legacy systems and to achieve the Customers implementation objectives.

2. CUSTOMER RESPONSIBILITIES:
Customer acknowledges it is receiving only a limited subscription to use the Software Service and related documentation, if any, and shall obtain no title, ownership nor any other rights in or to the software, service and related documentation, all of which title and rights shall remain with CitizenServe. In addition, Customer agrees that this subscription is limited to applications for its own use and may not lease or rent the Service nor offer its use for others. All Customer data is owned by the Customer.

3. SERVICE LEVELS:
CitizenServe shall provide access to the Software Service in accordance with the following service provisions:

A. Full backups of Customer data shall occur nightly and shall be stored in regionally diverse locations to mitigate the impact of a regional disaster. Full database backups shall be archived indefinitely (for a period of greater than five years).

B. CitizenServe shall provide the Software Services in such a manner that Customer's users will be prohibited from deleting data from the software. In addition, CitizenServe agrees that it shall be prohibited from purging or deleting any Customer data from the database.

C. CitizenServe shall endeavor to notify Customer in advance of all suspensions in the Software Service and to carry out necessary maintenance and upgrades outside of normal business hours. Interruptions to existing service can range in priority from urgent to low depending on the impact to the Customer. Incident priorities are defined as the following:

Priority Level	Impact	Description
1	Urgent	An Incident that (a) results in loss of Customer connectivity to all of the Software Services or (b) results in loss, corruption or damage to Customer's Data.
2	Critical	An Incident that has an adverse material impact on the performance of the Software Services or materially restricts Customer's use of the Software Services as part of Customer's day-to-day operations.
3	Non-Critical	An Incident that does not result in a failure of the Software Services but a fault exists in the Software Services that restricts Customer's use of the Software Services.
4	Minor	An Incident that does not affect or which has minimal adverse impact on the use of the Software Services.

CitizenServe will make commercially reasonable efforts to respond to Software Services incidents for live production systems using the following guidelines:

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citizenserve

Priority Level	Performance Target	Minimum Performance % Goal
Priority 1 (Urgent)	CitizenServe will respond within 1 hour of the issue being reported.	95%
Priority 2 (Critical)	CitizenServe will respond within 2 hours of the issue being reported.	95%
Priority 3 (Non-Critical)	CitizenServe will respond within 4 hours of the issue being reported.	95%
Priority 4 (Minor)	CitizenServe will respond within 24 hours of the issue being reported.	95%

CitizenServe will make every effort to meet the response times detailed above. The customer may, at their discretion, escalate as follows for any reason and at any time.

The escalation process will be as follows:

Escalation Level 1 – Citizenserve Account Manager, Ray Barker. 800-325-9818 x708
Escalation Level 2 – Citizenserve Account Manager, Ray Barker. 800-325-9818 x708
Escalation Level 3 – Customer to enter an "Urgent" Support Request in Citizenserve
Escalation Level 4 – Customer to enter a "Standard" Support Request in Citizenserve

CITIZENSERVE DOES NOT WARRANT THAT THE SERVICES WILL BE UNINTERRUPTED OR ERROR-FREE.

4. TERM AND TERMINATION:
The Initial Term of this Agreement shall be for a period of three years from the Effective Date of this Agreement.. CitizenServe agrees that it shall provide the Software Services at the user rates provided in the Order Form for the Initial Term. Total yearly fees may vary should Customer require the addition or reduction of the number of users. Upon expiration of the Initial Term, the Software Services may be renewed by written request of the Customer for two additional one-year terms. Either party may terminate this agreement for convenience if the terminating party gives the other party sixty (60) day's written notice prior to termination. In addition, in the event that CitizenServe shall fail to satisfy any of its obligations set forth in this Agreement, the Customer shall provide CitizenServe written notice of such default. CitizenServe shall then have thirty (30) days from receipt of such notice to cure such default unless additional time is granted by the Customer (the **"Cure Period"**). If CitizenServe shall fail to cure such default within the Cure Period, then the Customer may, in its sole discretion and without penalty, exercise any of its rights and remedies provided by law or in this Agreement including, but not limited to, termination. CitizenServe may terminate services if payments are not received by CitizenServe as specified herein upon ten (10) days' prior written notice to Customer. In the event of termination, CitizenServe shall refund any portion of the yearly fees, prorated on a monthly basis, for services not received.\

Upon any termination, CitizenServe will discontinue Services under this agreement; CitizenServe will provide Customer with an electronic copy of all of Customer's data without charge, if requested; and, provisions of this Agreement regarding Ownership, Liability, Confidentiality and Miscellaneous will continue to survive.

5. NO THIRD PARTY RIGHTS
The provisions of this agreement are intended to bind the undersigned parties as to each other and are not intended to and do not create rights in any other person or confer upon any other person any benefits, rights or remedies, and no person is or is intended to be a third party beneficiary of any of the provisions of this agreement.

6. ACCEPTABLE USE:
Customer represents and warrants that the Services will only be used for lawful purposes, in a manner allowed by law, and in accordance with reasonable operating rules, policies, terms and procedures. CitizenServe may, upon misuse of the Services, request Customer to terminate access to any individual and Customer agrees to promptly comply with such request unless such misuse is corrected.

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7. PAYMENTS:

Customer shall pay to CitizenServe the fees stated in the Order Form in accordance with the Florida Local Government Prompt Payment Act s.218.70 et. seq., Florida Statutes.

8. INDEMNITY:

A. CitizenServe shall fully indemnify, defend and hold Customer harmless from and against any and all losses, damages, costs and expenses, and attorney's fees, that Customer incurs because of any and all claims that use of the Software Services infringes upon (i) any United States copyright or (ii) any trade secret or other proprietary right of any Person (collectively, "IP Rights"). CitizenServe shall have no obligation under this Section 8.A unless Customer promptly gives notice to CitizenServe within fifteen (15) days after the date Customer first receives notice of the applicable infringement claim (provided that later notice shall relieve CitizenServe of its liability and obligations under this Section 8.A only to the extent that CitizenServe is prejudiced by such later notice) and allows CitizenServe to have sole and reasonable control of the defense or settlement of the claim. Customer may monitor any such litigation or proceeding at its expense, using counsel of its choosing. If Software Services is, or in CitizenServe's opinion becomes or is likely to become the subject of a United States IP Rights infringement claim, then CitizenServe, at its sole option and expense, shall provide the Customer, in addition to the aforementioned indemnity and hold harmless, with a full and complete remedy that will either:

- modify or replace all or the allegedly infringing part of the Software Services so that it is no longer allegedly infringing, provided that the functionality does not change in any material adverse respect; or
- procure for Customer the right to continue using the allegedly infringing part of the Software Services; or
- remove all or the allegedly infringing part of the Software Service and terminate the Agreement.

B. To the extent permitted by law, and to the extent provided for under this Agreement, for claims related to bodily injury, death, and damage to real property and tangible personal property, as well as fines, assessments and penalties imposed by any authority, CitizenServe shall defend, indemnify, and hold harmless the Customer from and against all direct damages and costs of any kind, including but not limited to reasonable attorney's fees, arising out of or resulting from any negligent acts, or negligent omissions of CitizenServe. For purposes of this indemnification only, this includes claims made by the employees of CitizenServe against the Customer, and CitizenServe hereby waives its entitlement, if any, to immunity under Section 440.11, Florida Statutes. This waiver has been specifically and mutually negotiated by the parties. The indemnification provided herein shall obligate CitizenServe to defend at its own expense or to provide for such defense, at the option of the Customer, as the case may be, of any and all claims of liability and all suits and actions of every name and description that may be brought against the Customer or its mayor, councilmembers, officers, employees, attorneys, agents and representatives which may arise or result from this Agreement. In all events the Customer shall be permitted to choose legal counsel of its sole choice, the fees for which shall be reasonable and subject to and included with this indemnification provided herein.

The indemnity provisions herein shall survive termination of this Agreement.

9. SECURITY:

CitizenServe will implement commercially reasonable administrative, technical and physical safeguards designed to: (i) ensure the security and confidentiality of Customer Data; (ii) protect against any anticipated threats or hazards to the security or integrity of Customer Data; and (iii) protect against unauthorized access to or use of Customer Data. CitizenServe will review and test such safeguards on no less than an annual basis.

10. SOVEREIGN IMMUNITY:

Notwithstanding any other provision set forth in this Agreement to the contrary, the City (Customer) intends to avail itself of the benefits of Section 768.28, Florida Statutes and any other statutes and common law governing sovereign immunity to the fullest extent possible. Neither this provision nor any other provision of this Agreement shall be construed as a waiver of the City's right to sovereign immunity under Section 768.28, Florida Statutes, or other limitations imposed on the City's potential liability under state or federal law. CitizenServe agrees that City shall not be liable under this Agreement for punitive damages or interest for the period before judgment. Further, City shall not be liable for any claim or judgment, or portion thereof, to any one person for over two hundred thousand dollars ($200,000.00), or any claim or judgment, or portion thereof, which, when totaled with all other claims or judgments paid by the State or its agencies and subdivisions arising out of the same incident or occurrence, exceeds three hundred thousand dollars ($300,000.00). Nothing in this Agreement is intended to inure to the benefit of any third party for the purpose of allowing any claim which would otherwise be barred under the doctrine of sovereign immunity or by operation of law. This paragraph shall survive termination of this Agreement.

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11. INSURANCE:

During the term of this Agreement, CitizenServe shall be responsible for providing and maintaining the types of insurance and limits per claim as set forth below:

- Professional liability: Proof of professional liability insurance shall be provided to the Customer for the minimum amount of $1,000,000 on a per occurrence basis.
- CitizenServe shall maintain comprehensive general liability insurance in the minimum amount of $1,000,000 as the combined single limit for each occurrence to protect the Customer from claims of property damages and personal injury which may arise from any services performed under this Agreement whether such services are performed by CitizenServe or by anyone directly employed by or contracting with CitizenServe.
- CitizenServe shall maintain adequate Workers' Compensation Insurance and Employers' Liability Insurance in at least such amounts as are required by law for all of its employees performing services for the Customer pursuant to this Agreement.

During the term of this Agreement, current certificates of insurance shall be provided and kept on file with the Customer.

12. PUBLIC RECORDS:

Pursuant to Section 119.0701, Florida Statutes and other applicable public records laws, CitizenServe agrees that any records, documents, transactions, writings, papers, letters, computerized information and programs, maps, books, audio or video tapes, films, photographs, data processing software, writings or other material(s), regardless of the physical form, characteristics, or means of transmission, of CitizenServe related, directly or indirectly, to the services provided to the Customer under this Agreement and made or received pursuant to law or ordinance or in connection with the transaction of official business by the Customer, may be deemed to be a public record, whether in the possession or control of the Customer or the CitizenServe. Said records, documents, transactions, writings, papers, letters, computerized information and programs, maps, books, audio or video tapes, films, photographs, data processing software, writings or other material(s), regardless of the physical form, characteristics, or means of transmission of CitizenServe are subject to the provisions of Chapter 119, Florida Statutes, and may not be destroyed without the specific written approval of the Customer's designated custodian of public records.

IF CITIZENSERVE HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO CITIZENSERVE'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS AGREEMENT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS, THE CITY CLERK, AT (321) 433-8484, cshealy@cocoafl.org, 65 Stone Street, Cocoa, Florida 32922.

CitizenServe is required to and agrees to comply with public records laws. CitizenServe shall keep and maintain all public records required by the Customer to perform the services as agreed to herein. CitizenServe shall provide the Customer, upon request from the City Clerk, copies of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided by law. CitizenServe shall ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the Agreement term. Upon completion of the Agreement, CitizenServe shall transfer to the Customer, at no cost, all public records in possession of the CitizenServe, provided the transfer is requested in writing by the City Clerk. Upon such transfer, CitizenServe shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. However, if the City Clerk does not request that the public records be transferred, the CitizenServe shall continue to keep and maintain the public records upon completion of the Agreement and shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the Customer, upon request from the City Clerk, in a format that is compatible with the information technology systems of the Customer. Should the Customer not possess public records relating to this Agreement which are requested to be inspected or copied by the Customer or any other person, the Customer shall immediately notify CitizenServe of the request and the CitizenServe shall then provide such records to the Customer or allow the records to be inspected or copied within a reasonable time. If the CitizenServe does not comply with a public records request, the Customer may enforce this Section to the extent permitted by law. CitizenServe acknowledges that if the CitizenServe does not provide the public records to the Customer within a reasonable time, the CitizenServe may be subject to penalties under Section 119.10, Florida Statutes. The CitizenServe acknowledges that if a civil action is filed against the CitizenServe to compel production of public records relating to this Agreement, the court may assess and award against CitizenServe the reasonable costs of enforcement, including reasonable attorney fees. All public records in connection with this Agreement shall, at any and all reasonable times during the normal business hours of the CitizenServe, be open and freely exhibited to the Customer for the purpose of examination, audit, or otherwise. Failure by CitizenServe to grant such public access and comply with public records laws and/or requests shall be grounds for immediate unilateral

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cancellation of this Agreement by the Customer upon delivery of a written notice of cancellation. If CitizenServe fails to comply with this Section, and the Customer must enforce this Section, or the Customer suffers a third party award of attorney's fees and/or damages for violating Chapter 119, Florida Statutes, due to CitizenServe's failure to comply with this Section, the Customer shall collect from CitizenServe prevailing party attorney's fees and costs, and any damages incurred by the Customer, for enforcing this Section against CitizenServe. And, if applicable, the Customer shall also be entitled to reimbursement of all attorneys' fees and damages which the Customer had to pay a third party because of the CitizenServe's failure to comply with this Section. The terms and conditions set forth in this Section shall survive the termination of this Agreement

13. CONFIDENTIALITY:

Confidential Information shall mean non-public information of a party to this Agreement which the Customer is not required by the Florida Public Records Act, Ch. 119, Florida Statutes, to publicly disclose for inspection and copying. Confidential Information of CitizenServe includes its proprietary software and algorithms, methods, techniques, and processes revealed by the Software Services that constitute a trade secret as defined in Section 812.081, Florida Statutes, and as provided for in Sections 815.04(3) and 815.045, Florida Statutes. Confidential Information does not include information that: (1) is or becomes known to the public without fault or breach of the receiving party; (2) the disclosing party regularly discloses to third parties without restriction on disclosure; or (3) the receiving party obtains from a third party without restriction on disclosure and without breach of a written non-disclosure obligation. Further, the parties agree that Confidential Information does not include Customer's data stored within CitizenServe's proprietary software or any input and/or output sensory displays of or from the proprietary software. Each party agrees to keep confidential and not disclose to any third party, and to use only for purposes of performing or as otherwise permitted under this Agreement, any Confidential Information.

14. MISCELLANEOUS PROVISIONS:

This Agreement will be governed by and construed in accordance with the laws of the State of Florida. Venue shall only be properly placed in Brevard County, Florida for state court actions and Orlando, Florida for federal actions.

CitizenServe may not assign its rights and obligations under this Agreement, in whole or part, without prior written consent of Customer, which consent will not be unreasonably withheld.

15. ACCEPTANCE:

Authorized representatives of Customer and CitizenServe have read the foregoing and all documents incorporated therein and agree and accept such terms effective as of the date first written above.

Customer:	**"Customer"**	**Online Solutions, LLC**	
Date:	5/17/19	Date:	5/20/19
Signature:		Signature:	
Print Name:	John A. Titkanich, Jr.	Print Name:	Jim Garvey
Title:	City Manager	Title:	Manager

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citizenserve

citizenserve

Order Form

Account Name: The City of Cocoa, Florida

Contact Information:
Val Perez
Building Official
The City of Cocoa
65 Stone St
Cocoa, FL 32922
Email: vperez@cocoafl.org
Phone: (321) 433-8533

Billing Information:
John Titkanich
City Manager
The City of Cocoa
65 Stone St
Cocoa, FL 32922
Email: jtitkanich@cocoafl.org
Phone: (321) 433-8686

Contact Term:
Billing Cycle: Annual
Billing Schedule: Upon Contract Signing
Service Term Starts: 05/15/2019
Service Term Ends: 05/14/2020

Components to be Implemented:
Building Permits
Planning and Zoning
Licensing
Citizen Access Pages

Fees:

16 User Subscriptions	$1,500 per named user per year	$24,000.00
Setup, Training and Implementation	$600 per named user	$9,600.00
Additional Services	Data Migration (Naviline- Building Permits, Planning and Zoning, Licenses)	$10,000.00
	System Integration (not requested)	$0.00
	Payment processors integration (First Billing Services)	$5,000.00
	Batch load of parcel data and ongoing updates	$0.00
	Batch load of GIS data layers and ongoing updates	$0.00
	Total 1st Year Fees	**$48,600.00**
	Each Additional Year Fees	**$24,000.00**

I authorize Online Solutions, LLC to invoice as per the above information.

Online Solutions:

Authorized Signature

Jim Garvey
Print or Type Name of Signatory

5/20/19
Execution Date

Address:
1101 E. Warner Road
Suite 160
Tempe, AZ 85284

Customer:

Authorized Signature

John A. Titkanich Jr.
Print or Type Name of Signatory

5/19/2019
Execution Date

Address:
The City of Cocoa
65 Stone St
Cocoa, FL 32922

All rights reserved. Confidential.

citizenserve

Order Form

Appendix A – Citizenserve existing payment processors

Authorizenet
Biqsho
Civitek
Civitekpaynow
Convergys
Cyber
Ets
Forte
Invoicecloud
Openedge
Paybill
Payeezy
Paypal
Ppg
Psn
Scgovpegv2
Scgovpegv3
Unibank
Xpress
Xpressv2

Integration with Payment processor not on this list will incur a onetime charge of $5,000

All rights reserved. Confidential.

Online Solutions LLC
1101 E. Warner Rd Suite 160
Tempe, AZ 85284 US
(800)325-9818x703
jim@citizenserve.com
www.citizenserve.com

BILL TO
City of Cocoa ATTN: Stockton Whitten City Manager 65 Stone St Cocoa, FL 32922

INVOICE #	DATE	TOTAL DUE	DUE DATE	TERMS	ENCLOSED
3940	11/25/2020	$0.00	11/25/2020	Due on receipt	

DESCRIPTION	QTY	RATE	AMOUNT
Annual Billing Annual billing for 16 CitizenServe user subscriptions (11/25/2020 - 11/24/2021)	16	1,500.00	24,000.00
Setup Fee Setup fee for CitizenServe including installation and training	16	600.00	9,600.00
Data Migration Naviline- Building Permits, Planning and Zoning, Licenses	1	10,000.00	10,000.00
Systems Integration Payment Processor: First Billing Services	1	5,000.00	5,000.00

PAID

PO: 77653

PAYMENT	48,600.00
BALANCE DUE	**$0.00**

Online Solutions LLC
1101 E. Warner Rd Suite 160
Tempe, AZ 85284 US
(800)325-9818x703
jim@citizenserve.com
www.citizenserve.com

BILL TO
City of Cocoa ATTN: Stockton Whitten City Manager 65 Stone St Cocoa, FL 32922

INVOICE #	DATE	TOTAL DUE	DUE DATE	TERMS	ENCLOSED
4632	05/19/2022	$24,000.00	05/19/2022	Due on receipt	

DESCRIPTION	QTY	RATE	AMOUNT
Annual Billing Annual billing for 16 CitizenServe user subscriptions (11/25/2021 - 11/24/2022)	16	1,500.00	24,000.00

BALANCE DUE **$24,000.00**

CONFIRMATION

PURCHASE ORDER

City of Cocoa
65 Stone Street
Cocoa, Florida 32922
(321) 433-8844

THIS NO. 77653

MUST BE SHOWN ON DELIVERY TICKET, INVOICE, AND STATEMENT

VENDOR NO.: 10446
VENDOR FAX NO.:
VENDOR PH NO.: 800-325-9818

DATE 9/20/2021
DATE REQUIRED 9/30/2021

DELIVER TO:

City of Cocoa
INFORMATION TECHNOLOGY
65 STONE STREET
COCOA FL 32922-1750

ONLINE SOLUTIONS LLC
CITIZENSERV
1101 E WARNER RD STE 160
TEMPE AZ 85284

Florida Sales Tax Exemption No. 85-8012621548C-8

BUYER/REQ. # CS 0000042109 K FREDERICK/RB/1600

F.O.B.

Line#	Quantity	UM	Description	Unit Cost	Ext Cost
			********** * CONFIRMATION COPY - DO NOT DUPLICATE * * **********		
1	16.00	EA	ANNUAL BILLING INVOICE #3940 DATE: 11/25/2020 TOTAL DUE: $48,600.00 DESCRIPTION: Annual billing for 16 CitizenServe user subscriptions (11/25/2020 - 11/24/2021) Quantity: 16 Rate: $1,500.00 Amount: $24,000.00	1500.0000	24000.00
2	16.00	EA	SETUP FEE DESCRIPTION: Setup fee for CitizenServe including installation and training Quantity: 16 Rate: $600.00 Amount: $9,600.00	600.0000	9600.00
3	1.00	EA	DATA MIGRATION	10000.0000	10000.00

*** CONTINUED ***

1. Do not invoice prior to shipment.
2. Partial shipments must be covered by separate invoices.
3. The right is reserved to cancel order if not filled by specified date.
4. Acceptance of order includes acceptance of all terms, prices, delivery instructions, specifications and conditions.
5. **IMPORTANT:** **Invoices and packing slips must bear our Order No.**

ACCOUNT NUMBER

00116005135615
CITY OF COCOA

MAIL INVOICES TO:

City of Cocoa
Accounting Division
65 Stone Street
Cocoa, Florida 32922

or

E-MAIL INVOICES TO:

accountspayable@cocoafl.org

Purchasing Agent

CONFIRMATION

PURCHASE ORDER

City of Cocoa
65 Stone Street
Cocoa, Florida 32922
(321) 433-8844

THIS NO. 77653

MUST BE SHOWN ON DELIVERY TICKET, INVOICE, AND STATEMENT

VENDOR NO.: 10446
VENDOR FAX NO.:
VENDOR PH NO.: 800-325-9818

DATE
DATE REQUIRED 9/20/2021 9/30/2021

ONLINE SOLUTIONS LLC

DELIVER TO:

City of Cocoa

Florida Sales Tax Exemption No. 85-8012621548C-8

F.O.B.

Line#	Quantity	UM	Description	Unit Cost	Ext Cost
			********** * CONFIRMATION COPY - DO NOT DUPLICATE * * **********		
3			DATA MIGRATION DESCRIPTION: Naviline- Building Permits, Planning and Zoning, Licenses Quantity: 1 Rate: $10,000.00 Amount: $10,000.00		
4	1.00	EA	SYSTEMS INTEGRATION DESCRIPTION: Payment Processor: First Billing Services Quantity: 1 Rate: $5,000.00 Amount: $5,000.00	5000.0000	5000.00
				TOTAL	48600.00

1. Do not invoice prior to shipment.
2. Partial shipments must be covered by separate invoices.
3. The right is reserved to cancel order if not filled by specified date.
4. Acceptance of order includes acceptance of all terms, prices, delivery instructions, specifications and conditions.
5. **IMPORTANT: Invoices and packing slips must bear our Order No.**

ACCOUNT NUMBER

00116005135615
CITY OF COCOA

MAIL INVOICES TO:

City of Cocoa
Accounting Division
65 Stone Street
Cocoa, Florida 32922

or

E-MAIL INVOICES TO:

accountspayable@cocoafl.org

Purchasing Agent

TERMS AND CONDITIONS

1. **AGREEMENT**: Except as provided in Paragraph 22 below, this purchase order, including these terms, conditions, the referenced bid package, and the specifications hereto, constitute the sole and entire agreement between the parties hereto (hereinafter "Agreement" or "Purchase Order"). Seller's acceptance of this Agreement is limited to the terms and conditions hereof and written confirmation, commencing performance, or making deliveries hereunder constitutes such acceptance, notwithstanding Seller's proposal or terms additional to or different from those set forth in this Agreement. The Seller's quotation is incorporated in and made a part of this Agreement only to the extent of specifying the nature and description of the goods and services ordered and then only to the extent that such items are consistent with the other terms of this Agreement. No course of prior dealings between the parties and no usage of the trade shall be relevant to supplement or explain any of the terms or conditions hereof. The Buyer is the City of Cocoa, Florida, (hereinafter referred to as the "City" or "Buyer").

2. **TIME IS OF THE ESSENCE**: Failure to perform services or deliver goods of the quality and quantity and within the time limit(s) specified by this Purchase Order shall, at the option of the City, relieve it of any obligation to accept and pay for such goods or services, including any undelivered shipments of goods. Upon failure to deliver as specified, the City may buy like goods or services elsewhere and charge the Seller with any increased cost or other loss incurred thereon, pursuant to applicable law, unless defective shipment of goods, or performance of defective services, as applicable, is agreed to by the City in writing. Any failure by the City to exercise its option with respect to any shipment of goods or performance of services shall not be deemed to constitute a waiver with respect to subsequent shipments of goods or performance of services. This provision is not in lieu of, and the City does not waive any remedies provided by law.

3. **WARRANTY**: With respect to services, Seller warrants unto the City that Seller has the competence and abilities to complete the services set forth herein. Seller will perform the services with due and reasonable diligence consistent with sound professional practices. With respect to goods, Seller warrants to City (a) that the goods shall be of the quality specified or of the test grade of their respective kinds if no quality is specified; shall conform to the specifications, drawings, samples and other descriptions contained herein, and to representations made by Seller or its representatives; be fit for City's particular purpose; and (b) that at the time the goods are accepted by the City, the goods shall have been produced, sold, delivered, and furnished in compliance with all applicable Federal and State laws, including but not limited to the Consumer Product Safety Act, the Federal Occupational Safety and Health Act, the Fair Employment Practices Act and the Equal Pay Act, and all applicable municipal ordinances, regulations, rules, labor agreements, and working conditions to which the goods are subject, (c) that the goods furnished hereunder are free of any claims or liens of whatever nature whether rightful or otherwise of any person, corporation, partnership or association.

4. **MODIFICATIONS**: Except as provided in Paragraph 22, this Agreement can be modified or rescinded only in writing and if signed by both parties, or their duly authorized agents.

5. **WAIVER**: The failure of the City to enforce any provision of this Agreement or exercise any right or privilege granted to the City hereunder shall not constitute or be construed as a waiver of any such provision or right and the same shall continue in full force.

6. **CITY OPTIONS**: City reserves the right to change specifications and delivery dates. Any difference in price required by such changes shall be equitably adjusted and the Agreement shall be modified in writing accordingly. City further reserves the right to terminate all or part of the work to be performed pursuant to this Agreement. In such event, City shall be liable only for materials or work done within the authorization of this Agreement. In no event shall City be liable for incidental or consequential damages by reason of such termination.

7. **INDEMNIFICATION**: Seller agrees to protect, indemnify, save and hold harmless City, its elected and appointed officials, officers, attorneys, and employees, from and against all losses, costs and expenses and from and against all claims, demands, suits and actions for damages, losses, costs, attorneys fees, expenses and from and against all liability awards, judgements, and decrees of whatsoever nature for any and all damages to property of the City or others of whatsoever nature and for any and all injury to any person (including death) arising out of or resulting from negligence of Seller, breach of this Purchase Order in the performance of services or the manufacture of goods, from any defect in materials or workmanship, from the failure of the goods to perform to its full capacity as specified in the Purchase Order, specifications of other data, or from the breach of any express or implied warranty.

8. **PATENT INDEMNIFICATION**: Seller represents and warrants that it has the right to use any and all intellectual property, either by licensure or ownership, that is supplied, indirectly or directly, under this Purchase Order. Further, the Seller agrees that the City is relying on this representation and warranty to issue this Purchase Order. Seller agrees to hold harmless and to defend City against any claims of patent or copyright infringement occasioned by the manufacturer, sale or use of material supplied under this Purchase Order and to indemnify City, and its elected and appointed officials, officers, attorneys, and employees, against any damages occasioned by such claims whether justified or unjustified.

9. **INSPECTION**: City shall have a reasonable time after delivery or performance within which to inspect the goods or services. Goods rejected will, at Seller's expense, be returned to Seller or otherwise disposed of as Seller shall reasonably request. The cost of inspection of goods or services rightfully rejected shall be charged to the Seller. If reasonable inspection disclosed that part of the goods received or services performed are defective or nonconforming, City shall have the right to cancel any unshipped portion of the order or unperformed portion of the services. Payment for the goods or services on this Purchase Order prior to inspection shall not constitute acceptance thereof, and is without prejudice to any and all claims that City may have against Seller. The making or failure to make any inspection of, or payment for acceptance of, the goods or services, shall in no way impair City's right to reject nonconforming goods or services, recover damages or exercise any other remedy to which City may be entitled; notwithstanding City's knowledge of the nonconformity, its substantiality or the ease of its discovery.

10. **TAXES**: The City government is a non-profit operation and not subject to tax.

11. **CONTINGENCIES**: Performance of any obligation under this Agreement may be suspended by either party without liability, to the extent that an act of God, war, riot, fire, explosion, accident, flood, sabotage, inability to obtain fuel or power, governmental laws, regulations, or orders, or any other cause beyond the reasonable control of such party, or labor trouble, strike, lockout or injunction (whether or not such labor event is within the reasonable control of such party) delays, prevents, restricts or limits the performance of this Agreement or the consumption, sale, use or end use of goods or services. The affected party shall invoke this provision by promptly notifying the other party in writing of the nature and estimated duration of the suspension period. At City's option, either the Agreement period shall be extended by the term of any such suspension, or the total Agreement quantity hereunder shall be reduced by the quantity not delivered or performed during the term of such suspension, and, in either event, the Agreement shall otherwise remain unaffected. In such event that Seller's performance is suspended for more than sixty (60) days during the term hereof, City may, at its option, terminate this Agreement upon written notice to the Seller.

12. **PRICE PROTECTION**: Seller warranties that the price(s) set forth herein are equal to the lowest net price, and the terms and conditions of sale as favorable as the price(s), terms and conditions afforded by the Seller to any other customer for goods or services of compatible grade or quality during the terms hereof. Should City be able to purchase goods or services of the same or comparable quality from another source at a lower delivered cost then in effect hereunder, and City gives Seller written notice hereto, City may purchase such goods or services from such other sources at such lower delivered cost unless within fifteen days of receipt by Seller of said notice, Seller meets such lower delivered cost for such quantity of goods or services. Any quantity of goods or services so purchased from another source by City shall be deducted from the total quantity offered on this Agreement, but the Agreement shall otherwise remain unaffected.

13. **PACKAGING AND CARTAGE**: No charge will be allowed for packing, boxing or cartage unless agreed upon at the time of purchase, but damage to any goods not packed to insure proper protection to same will be charged to Seller. City's order number and quantity shipped will be marked or tagged on each package. City's count will be accepted as final and conclusive on any shipment not accompanied by itemized packing slip. Delay in or non-receipt of packing lists, statements or invoices in the number of copies specified or errors or omissions of any of these will be just cause for withholding payment.

14. **HAZARD**: Seller shall notify City of any inherent hazard and applicable precautions and protective measures and provide any additional relevant information, including but not limited to Material Data Safety Sheets, for the goods being purchased herein.

15. **QUANTITY**: The quantities of goods or duration of services as indicated on the face hereof, must not be exceeded without prior written authorization from City. Excess quantities may be returned to Seller at Seller's expense.

16. **ASSIGNMENT**: No right or interest in this Agreement shall be assigned by Seller without the prior written permission of the City and no delegation of any obligation owed by either City or Seller shall be made without the prior written permission of either party. Any attempted assignment or delegation shall be wholly void and totally ineffective for all purposes.

17. **CHOICE OF LAW; VENUE**: The validity, interpretation, and performance of this Agreement shall be governed and construed in accordance with the laws of the State of Florida. In the event of any dispute under this Purchase Order, venue shall be in Brevard County, Florida for any state action and Orlando, Florida, for any federal action.

18. **PUBLIC RECORDS; RIGHT TO AUDIT RECORDS**: Written documents prepared by either the Seller or City in furtherance of this Agreement shall constitute a public record. Any such instrument maintained by Seller hereunder shall be delivered to the City upon request. The City shall also be entitled to audit the books and records of the Seller to the extent that such books and records relate to the performance of this Agreement. Such books and records shall be maintained by the Seller for a period of three (3) years from the date of final payment under this Agreement unless a shorter period is otherwise authorized in writing by the City.

19. **FISCAL YEAR FUNDING APPROPRIATION**: (a) Specified Period. Unless otherwise provided by law, a purchase order for supplies or services may be entered into for any period of time deemed to be in the best interest of the City, provided the term of the purchase order and conditions of renewal or extension, if any, are included in the solicitation and funds are available for the initial fiscal period of the purchase order. Payment and performance obligations for succeeding fiscal periods shall be subject to the annual appropriation by City Council. (b) Cancellation Due to Unavailability of Funds in Succeeding Fiscal Periods. When funds are not appropriated or otherwise made available to support continuation of performance in a subsequent fiscal year period, the purchase order shall be cancelled and the contractor shall be entitled to reimbursement for the reasonable value of any work performed to the date of cancellation.

20. **FAILURE TO EXECUTE PURCHASE ORDER**: Failure of the successful bidder to accept the Purchase Order as specified may be cause for cancellation of the award. In the event that the order is cancelled, the award may then be made to the second lowest responsive and responsible bidder, and such bidder shall fulfill every stipulation embraced herein as if he were the original party to whom the bid award was made, or all bids may be rejected and made void by the City.

21. **INDEPENDENT CONTRACTOR.** The Seller shall perform the obligations of this Purchase Order as an independent contractor and under no circumstances shall it be considered as agent or employee of the City.

22. **OTHER RELATED AGREEMENTS.** In conjunction with, or prior to issuing this Purchase Order, the City may require the Seller to execute a full written agreement that is approved by the City Manager or City Council and executed by the City Manager or Mayor ("Master Agreement"). The Master Agreement shall take precedence over the terms and conditions set forth in this Purchase Order to the extent there are any conflicting terms and conditions. Otherwise, the Master Agreement and this Purchase Order shall be deemed supplemental to each other.

23. **SOVEREIGN IMMUNITY.** Nothing contained in this Purchase Order shall be construed as a waiver of the City's right to sovereign immunity under section 768.28, Florida Statutes, or other limitations imposed on the City's potential liability under state or federal law. The provisions of §768.28, Florida Statutes, and any other limitations or restrictions in the City's liability shall be deemed incorporated herein by this reference.

24. **INSURANCE.** If this Purchase Order requires the Seller to perform services on the City's premises or at any place where the City conducts operations, or requires the Seller to perform professional consulting services, the Seller shall request insurance coverage requirements from the City's Purchasing Manager. In circumstances where insurance is required by the City, Seller shall provide proof of insurance or insurance certificates with the City listed as an additional named insured prior to performing under this Purchase Order. Noncompliance with this Paragraph shall place the Seller in default and subject this Purchase Order to immediate cancellation.

RESOLUTION NO. 2022-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COCOA, FLORIDA, AMENDING THE CITY OF COCOA BUDGET FOR FISCAL YEAR 2022; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Cocoa adopted the final budget for the fiscal year commencing on October 1, 2021, and ending on September 30, 2022, at a Regular meeting held on September 28, 2021; and

WHEREAS, in accordance with Article XII, Section 5 of the City of Cocoa Charter, whereby the Council may, at any time by resolution, transfer any unused and unencumbered appropriation or portion thereof from one office or department to another; and

WHEREAS, the City Council deems it to be in the best interest of the City of Cocoa to amend its budget as provided in this resolution.

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

SECTION 1. The 2021-2022 fiscal year budget shall be amended as detailed in the attached sheets.

SECTION 2. All prior resolutions or prior resolutions inconsistent with this resolution are hereby repealed to the extent of the conflict.

SECTION 3. This resolution shall become effective immediately upon its 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 7th day of June, 2022.

_____
Michael C. Blake, Mayor

ATTEST:

_____
Carie Shealy, MMC, City Clerk

City of Cocoa Budget Adjustment Form FY 2022 - 22-093-A

SELECT ADJUSTMENT TYPE: BUDGET AMENDMENT | REQUESTING DEPARTMENT #: 107-3200 | DATE PREPARED: 05/24/22

'REVENUE' ACCOUNT(S)

ADJUSTMENT AMOUNT	ACCOUNT NUMBER	PROJECT NUMBER	ACCOUNT NAME	ORIGINAL BUDGET	AMENDED BUDGET	ADJUSTED BUDGET	UNENCUMBERED BALANCE
$ 24,000	107-0000-389.99-50		Building Fund Balance Reserves	$ 317,060	$ 359,980	$ 383,980	$ 0
$ 0				$ 0	$ 0	$ 0	$ 0
$ 0				$ 0	$ 0	$ 0	$ 0
$ 0				$ 0	$ 0	$ 0	$ 0
$ 0				$ 0	$ 0	$ 0	$ 0
$ 0				$ 0	$ 0	$ 0	$ 0
$ 24,000	TOTAL						

'EXPENSE' ACCOUNT(S)

ADJUSTMENT AMOUNT	ACCOUNT NUMBER	PROJECT NUMBER	ACCOUNT NAME	ORIGINAL BUDGET	AMENDED BUDGET	ADJUSTED BUDGET	UNENCUMBERED BALANCE
$ 24,000	107-3200-515.56-15		IT operating expenses	$ 0	$ 12,650	$ 36,650	($ 87)
$ 0				$ 0	$ 0	$ 0	$ 0
$ 0				$ 0	$ 0	$ 0	$ 0
$ 0				$ 0	$ 0	$ 0	$ 0
$ 0				$ 0	$ 0	$ 0	$ 0
$ 0				$ 0	$ 0	$ 0	$ 0
$ 24,000	TOTAL						

REASON/JUSTIFICATION FOR ADJUSTMENT:

Budget amendment is necessary to cover the FY22 renewal fee for the Citizenserve online software for the Building Division. The annual fee was inadvertently left out of the FY2022 budget. This renewal will cover the annual maintenance/services fees from November 2021 until November 2022. June 7, 2022 Council - Agenda 22-297

Council/Board APPROVAL REQUIRED? *YES* (●) *NO* ( ) *DATE APPROVED:* 06/07/22 *RESOLUTION #:*

City Council approval is needed for all transfers greater than $50,000 and transfers between Departments / Funds. All CRA adjustments are required to go their respective boards.

5/24/22	Charlene Neuterman	Digitally signed by Charlene Neuterman Date: 2022.05.24 13:06:12 -04'00'	5/25/22	Colleen Campbell	Digitally signed by Colleen Campbell Date: 2022.05.25 15:12:09 -04'00'		
Date	Requestor's Signature		Date	Finance Approval Signature		Date	Finance Director's Signature
5/24/22	Charlene Neuterman	Digitally signed by Charlene Neuterman Date: 2022.05.24 13:06:33 -04'00'	5/31/22	Lora Howell	Digitally signed by Lora Howell Date: 2022.05.31 08:08:11 -04'00'		
Date	Department Director's Signature		Date	Deputy Fin. Director's Signature		Date	City Manager's Signature

FINANCE USE ONLY:

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

Legislation Details (With Text)

File #:	22-298	**Version:**	1	**Name:**	
Type:	Informational Item			**Status:**	Agenda Ready
File created:	5/12/2022			**In control:**	City Council
On agenda:	6/7/2022			**Final action:**	
Title:	Approve a Resolution Amending the FY22 Budget BAF # 22-089-T, by Transferring Funds from 421-4010-536.39-00 (Contingency) to 421-4120-536.46-00 (Repairs and Maintenance) to keep Accounts solvent due to Unexpected Increase in Fuel Costs and Equipment repairs. (Utilities Director)				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	Budget Resolution FY 2022- ADA Compliant.pdf BAF 22-089-T-UT-FPL Fees and Sellers Damage (6-7-22) Agenda 22-293.pdf				

Date	Ver.	Action By	Action	Result

CITY COUNCIL AGENDA ITEM

Memo Date: May 11, 2022
Agenda Date: June 7, 2022
Prepared By: Rose Hochreiter, Administrative Assistant
Through: John A. Walsh, P.E. Utilities Director
Requested Action:
Approve a Resolution Amending the FY22 Budget BAF # 22-089-T, by Transferring Funds from 421-4010-536.39-00 (Contingency) to 421-4120-536.46-00 (Repairs and Maintenance) to keep Accounts solvent due to Unexpected Increase in Fuel Costs and Equipment repairs.

BACKGROUND:

The Sellers plant suffered damages due to a lightning strike on April 2nd, 2022. Staff is requesting $25,000 to cover the cost of repairs to the damaged equipment to keep the plant running.

In addition, Staff is requesting $50,000 to cover the increase in electric services. FPL charges a Fuel Pass-through fee and the cost of that fee has increased approximately 40% (over the past six months). Also, in 2022, the City enrolled in the FPL Solar Together program which is an additional monthly charge that had not been included in the original power Budget.

Seller's Staff is requesting City Council approval to Transfer Funds to cover the cost of repairs for damages due to a lightning strike and to cover the increase in FPL services to keep accounts solvent

STRATEGIC PLAN CONNECTION:

N/A

BUDGETARY IMPACT:

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

BAF#22-089-T

Amount Requested	$50,000
Account Number	421-4120-536.43-00
Account Name	Electric/Water/Sewer

Amount Requested	$25,000
Account Number	421-4120-536.46-00
Account Name	Repairs and Maintenance

Source of Funds: Contingency: 421-4010-536.39-00 ($75,000)

PREVIOUS ACTION:

The City Council approved the FY22 Budget

RECOMMENDED MOTION:

Approve a Resolution Amending the FY22 Budget BAF # 22-089-T, by Transferring Funds from 421-4010-536.39-00 (Contingency) to 421-4120-536.46-00 (Repairs and Maintenance) to keep Accounts solvent due to Unexpected Increase in Fuel Costs and Equipment repairs..

RESOLUTION NO. 2022-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COCOA, FLORIDA, AMENDING THE CITY OF COCOA BUDGET FOR FISCAL YEAR 2022; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Cocoa adopted the final budget for the fiscal year commencing on October 1, 2021, and ending on September 30, 2022, at a Regular meeting held on September 28, 2021; and

WHEREAS, in accordance with Article XII, Section 5 of the City of Cocoa Charter, whereby the Council may, at any time by resolution, transfer any unused and unencumbered appropriation or portion thereof from one office or department to another; and

WHEREAS, the City Council deems it to be in the best interest of the City of Cocoa to amend its budget as provided in this resolution.

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

SECTION 1. The 2021-2022 fiscal year budget shall be amended as detailed in the attached sheets.

SECTION 2. All prior resolutions or prior resolutions inconsistent with this resolution are hereby repealed to the extent of the conflict.

SECTION 3. This resolution shall become effective immediately upon its 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 7th day of June, 2022.

_____
Michael C. Blake, Mayor

ATTEST:

_____
Carie Shealy, MMC, City Clerk

City of Cocoa Budget Adjustment Form FY 2022 - 22-089-T

SELECT ADJUSTMENT TYPE: BUDGET TRANSFER | REQUESTING DEPARTMENT #: 4120 | DATE PREPARED: 05/16/22

'FROM' ACCOUNT(S)

ADJUSTMENT AMOUNT	ACCOUNT NUMBER	PROJECT NUMBER	ACCOUNT NAME	ORIGINAL BUDGET	AMENDED BUDGET	ADJUSTED BUDGET	UNENCUMBERED BALANCE
($ 75,000)	421-4010-536.39-00		Contingency	$ 772,029	$ 539,792	$ 464,792	$ 539,792
$ 0				$ 0	$ 0	$ 0	$ 0
$ 0				$ 0	$ 0	$ 0	$ 0
$ 0				$ 0	$ 0	$ 0	$ 0
$ 0				$ 0	$ 0	$ 0	$ 0
$ 0				$ 0	$ 0	$ 0	$ 0
($ 75,000)	TOTAL						

'TO' ACCOUNT(S)

ADJUSTMENT AMOUNT	ACCOUNT NUMBER	PROJECT NUMBER	ACCOUNT NAME	ORIGINAL BUDGET	AMENDED BUDGET	ADJUSTED BUDGET	UNENCUMBERED BALANCE
$ 50,000	421-4120-536.43-00		Electric/Water/Sewer	$ 223,000	$ 223,000	$ 273,000	$ 21,303
$ 25,000	421-4120-536.46-00		Repairs and Maintenance	$ 266,350	$ 384,574	$ 409,574	$ 51,897
$ 0				$ 0	$ 0	$ 0	$ 0
$ 0				$ 0	$ 0	$ 0	$ 0
$ 0				$ 0	$ 0	$ 0	$ 0
$ 0				$ 0	$ 0	$ 0	$ 0
$ 75,000	TOTAL						

REASON/JUSTIFICATION FOR ADJUSTMENT:

FPL costs have risen due to the increase in the FPL Fuel Cost pass-through fee and participation in the FPL Solar Together program and additional funds are needed for the balance of FY22. Furthermore, the Sellers plant suffered extensive damages in April due to a lightning strike and additional funds are need to cover the unanticipated repairs. Agenda item 22-293. City Council meeting 06/07/2022

Council/Board APPROVAL REQUIRED? *YES* (●) *NO* ( ) *DATE APPROVED:* 06/07/22 *RESOLUTION #:*

City Council approval is needed for all transfers greater than $50,000 and transfers between Departments / Funds. All CRA adjustments are required to go their respective boards.

	Rose Hochreiter Digitally signed by Rose Hochreiter Date: 2022.05.16 11:41:43 -04'00'	5/18/22	Colleen Campbell Digitally signed by Colleen Campbell Date: 2022.05.18 18:45:23 -04'00'		
Date	Requestor's Signature	Date	Finance Approval Signature	Date	Finance Director's Signature
5/18/22	Katherine Ennis Digitally signed by Katherine Ennis Date: 2022.05.18 10:42:10 -04'00'		Lora Howell Digitally signed by Lora Howell Date: 2022.05.24 10:11:27 -04'00'		
Date	Department Director's Signature	Date	Deputy Fin. Director's Signature	Date	City Manager's Signature

FINANCE USE ONLY:

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

Legislation Details (With Text)

File #:	22-335	**Version:**	1	**Name:**	
Type:	Agenda			**Status:**	Agenda Ready
File created:	6/2/2022			**In control:**	City Council
On agenda:	6/7/2022			**Final action:**	
Title:	Council Approval to apply for Law Enforcement De-Escalation Grant in the amount of $250,000 for a period of two years beginning September 1, 2022. (Police Chief)				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	De-escalation Grant.pdf				

Date	Ver.	Action By	Action	Result

CITY COUNCIL AGENDA ITEM

Memo Date: June 2, 2022
Agenda Date: June 7, 2022
Prepared By: Susan L. Lambert, CAP, OM
Through: Evander Collier IV, Chief of Police
Requested Action:
Council Approval to apply for Law Enforcement De-Escalation Grant in the amount of $250,000 for a period of two years beginning September 1, 2022.

BACKGROUND:

The purpose of this grant is to support whole agency training efforts in de-escalation, implicit bias and duty-to-intervene. This grant would also support overtime to participate in training programs and support for training officers to attend nationally certified train-the-trainer programs in these topic areas.

There are a total of forty-five awards being given at $250,000 each award for a two year grant cycle. The grant period would start on September 1, 2022.

STRATEGIC PLAN CONNECTION:

Operational

BUDGETARY IMPACT:

Budgeted No

If not budgeted, is amendment/transfer attached? No

If awarded, the Department will return to Council to amend the budget.

PREVIOUS ACTION:

None.

RECOMMENDED MOTION:

Council Approval to apply for Law Enforcement De-Escalation Grant in the amount of $250,000 for a period of two years beginning September 1, 2022.

INTERNAL GRANT APPLICATION FORM

Completed and Signed Copy of this Form **Must Be Attached** to all Grant Agenda Items

DEPARTMENT: Police	**DIVISION:** Patrol
POINT OF CONTACT: Jeremy Ondo	**PROJECT MANAGER:** Jeremy Ondo
NAME OF GRANT: FY22 Law Enforcement Agency De-Escalation Grants - Community Policing Development Solicitation	
CFDA#/CFSA#: 16.710	**FUNDING AGENCY:** US DOJ Office of COPS
AMOUNT REQUESTED: $ 250,000	**GRANT DUE DATE:** 06/21/2022

PROJECT DESCRIPTION:

The purpose of this grant is to support whole agency training efforts in de-escalation, implicit bias and duty to intervene. This grant also would support overtime to participate in training programs and support for training officers to attend nationally certified train-the-trainer programs in these topic areas.

MATCH REQUIRED: No **(IF YES, HOW MUCH :) $**	**TARGET DATE TO COUNCIL:** 06/07/2022
REIMBURSEMENT GRANT: No	**REIMBURSEMENT SCHEDULE:**

WHAT ARE THE REPORTING REQUIREMENTS?

Quarterly Federal Financial Reports as well as semiannual Programmatic Performance Reports.

FUTURE REQUIREMENTS TO CONSIDER:

The grant would start on 9/1/2022 and the Department would be expected to begin at once. It is a two year grant cycle. There are forty-five awards being given at $250,000 each.

_____ Department Director

_____ Grants Administrator

_____ Deputy Finance Director

_____ Finance Director

_____ City Manager

Legislation Details (With Text)

File #:	22-162	**Version:**	1	**Name:**	
Type:	Informational Item			**Status:**	Agenda Ready
File created:	3/15/2022			**In control:**	City Council
On agenda:	6/7/2022			**Final action:**	
Title:	Approve a One Year Extension to the contract with Dunlap & Associates as financial advisors to the City of Cocoa. (City Manager)				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	1st Amendment_FA-Dunlap 5-25-22.pdf				

Date	Ver.	Action By	Action	Result

CITY COUNCIL AGENDA ITEM

Memo Date: March 15, 2022
Agenda Date: May 24, 2022
Prepared By: Rebecca Bowman, Finance Director/MBA, CGFO, CGFM
Through: Stockton Whitten, City Manager
Requested Action:
Approve a One Year Extension to the contract with Dunlap & Associates as financial advisors to the City of Cocoa

BACKGROUND:

In October 2011, the City of Cocoa distributed a Request for Proposal (RFP) for financial advisory services. At the December 13, 2011 Council meeting, Cocoa City Council ranked Dunlap & Associates, Inc., as the number one ranked firm and authorized the City Manager or designee to negotiate a contract. A contract was entered into on March 9, 2012 for the term of five (5) years with an option for an additional two (2) five (5)-year renewals by mutual consent of the parties. On March 14, 2017, City Council approved the first of the 2 (two) five (5) year extensions effective March 9, 2017 at their regularly held meeting via agenda item # 17-113. The cost of these services is budgeted as needed based on anticipated debt issuance.

Dunlap & Associates, Inc., has indicated their willingness to renew the contract under the same terms and conditions for one year. Staff is requesting approval of the 1-year extension of the original multi-year contract with Dunlap & Associates. The new term is requested effective March 9, 2022 to March 8, 2023. This will be the final extension of the existing contract.

STRATEGIC PLAN CONNECTION:

Enter text here

BUDGETARY IMPACT:

PREVIOUS ACTION:

City Council approved award a bid from Dunlap & Associates on December 13, 2011 for financial advisory services.
City Council approved the multi-year contract with Dunlap & Associates, Inc. on February 14,2012.
City Council approved the first extension of the original multi-year contract on March 14, 2017 for a five year term. (Agenda #17-113)

RECOMMENDED MOTION:

Approve a One Year Extension to the contract with Dunlap & Associates as financial advisors to the City of Cocoa

Finance Department
Purchasing Division
65 Stone Street I Cocoa, FL 32922
Phone: (321) 433-8775 I Fax: (321) 433-8860

CITY OF COCOA
AMENDMENT TO FINANCIAL ADVISORY AGREEMENT
1st AMENDMENT
DUNLAP AND ASSOCIATES INC.

This FIRST Amendment ("First Amendment") to the Financial Advisory Agreement by and between the City of Cocoa, Florida and Dunlap and Associates, Inc., dated March 9, 2012 (the "Agreement") for financial advisory services is made between the City of Cocoa and Dunlap and Associates, Inc. as follows:

The Parties agree that the Agreement, with an initial term of five (5) years and expiring on March 8 2017, was extended for another five (5) year term through March 8, 2022, as approved by the Cocoa City Council on March 14, 2017, and further, that the Parties have performed in accordance with the terms of the Agreement for the preceding five years though a written addendum to the Agreement was not properly executed.

The Parties further agree that the Agreement is hereby extended for an additional one (1) year term, which commenced on March 9, 2022 and shall expire on March 8, 2023.

The Parties further agree that the Agreement shall be amended to include the following regarding E-Verify in compliance with s. 448.095, Florida Statutes:

A. Pursuant to section 448.095, Florida Statutes, beginning January 1, 2021, Contractor shall register with and use the U.S. Department of Homeland Security's E-Verify system, https://e-verify.uscis.gov/emp, to verify the work authorization status of all employees hired on and after January 1, 2021.

B. Subcontractors

(i) Contractor shall also require all subcontractors performing work under this Agreement to use the E-Verify system for any employees they may hire during the term of this Agreement.

(ii) Contractor shall obtain from all such subcontractors an affidavit stating the subcontractor does not employ, contract with, or subcontract with an unauthorized alien, as defined in section 448.095, Florida Statutes.

(iii) Contractor shall provide a copy of all subcontractor affidavits to the City upon receipt and shall maintain a copy for the duration of the Agreement.

C. Contractor must provide evidence of compliance with section 448.095, Florida Statutes. Evidence shall consist of an affidavit from the Contractor stating all employees hired on and after January 1, 2021 have had their work authorization status verified through the E-Verify system and a copy of their proof of registration in the E-Verify system.

D. Failure to comply with this provision is a material breach of the Agreement, and shall result in the immediate termination of the Agreement without penalty to the City. Contractor

shall be liable for all costs incurred by the City securing a replacement Agreement, including but not limited to, any increased costs for the same services, any costs due to delay, and rebidding costs, if applicable.

All other terms, conditions, provisions, and scope of services remain unchanged. By signing below, each party indicates its approval of this First Amendment to the Agreement.

Dunlap and Associates, Inc.	**CITY OF COCOA**
By: J. Craig Dunlap (Print Name)	**By:** Michael C. Blake (Print Name)
President (Title)	Mayor (Title)
 5/25/22 Signature / Date	Signature / Date

Attest: _____
Carie Shealy, City Clerk

CC: Carie Shealy, City Clerk
Brian Dale, Purchasing / Contracts Division Manager
Rebecca Bowman, Finance Director

Legislation Details (With Text)

File #:	22-255	**Version:**	1	**Name:**	Gated/Admission events for 2022
Type:	Agenda			**Status:**	Agenda Ready
File created:	4/27/2022			**In control:**	City Council
On agenda:	6/7/2022			**Final action:**	
Title:	Approve the listed special events remaining in calendar year 2022 that are either gated and/or charge admission to enter and provide direction on bringing gated and/or events that charge admission to Council in the future. (Asst. to the CM/PIO)				
Sponsors:					
Indexes:					
Code sections:					
Attachments:					

Date	Ver.	Action By	Action	Result

CITY COUNCIL AGENDA ITEM

Memo Date: April 27, 2022
Agenda Date: May 10, 2022
Prepared By: Samantha Senger, Asst to the City Manager/Public Information Officer
Through: Stockton Whitten, City Manager
Requested Action:
Approve the listed special events remaining in calendar year 2022 that are either gated and/or charge admission to enter and provide direction on bringing gated and/or events that charge admission to Council in the future.

BACKGROUND:

Per the Special Events and Parades ordinance Sec. 2-402 (l) (1) Closure or gating of public property and streets, streets may be closed, portions of streets and marks may be gated, and an admission fee may be charged in connection with a special event at the discretion of the City Council.

Staff has typically brought street closures before Council but has not included events which are gated and/or charge admission. We are including the remaining events for the calendar year 2022 that have reserved space for a special event permit that are either gated and/or charge admission to participate or enter the event. We will continue to do this annually similar to how we provide the annual street closures and any events that book after will brought in a separate consent agenda item.

Below is the list of the events that are either gated and/or charge admission for Council approval.

Events:

1.Rolling Readers Space Coast River Jam, May 13, 2022 (6-9:00 pm), Cocoa Riverfront Park

Gated: Yes
Admission: Yes
Street Closure: No

2. AEG Concert - Rebelution, June 3, 2022 (5-10:30 pm), Cocoa Riverfront Park

Gated: Yes
Admission: Yes
Street Closure: No

3. Deuterman Productions Concert - Stick Figure, June 24, 2022 (5-10:30 pm), Cocoa Riverfront Park

Gated: Yes
Admission: Yes
Street Closure: No

4. Deuterman Productions Concert - Whiskey Myers, July 15, 2022 (5-10:30pm), Cocoa Riverfront Park

Gated: Yes
Admission: Yes
Street Closure: No

5. AEG Concert - Iration, July 24, 2022 (4-10:30pm), Cocoa Riverfront Park

Gated: Yes
Admission: Yes
Street Closure: No

6. AEG Concert - Slightly Stoopid, August 5, 2022 (4:30-10:30pm), Cocoa Riverfront Park

Gated: Yes
Admission: Yes
Street Closure: No

7. Alzheimer's Memory Walk, September 23, 2022, Cocoa Riverfront Park and Cocoa Village

Gated: No
Admission: Yes
Street Closure: Yes, approved November 2021

8. Space Coast Freewheelers Bicycle Event, October 23, 2022, Cocoa Village

Gated: No
Admission: Yes
Street Closure: Yes, approved November 2021

9. Game on Events Triathlon, November 5, 2022, Cocoa Riverfront Park and Cocoa Village

Gated: No
Admission: Yes
Street Closure: Yes, approved November 2021

10. Village Idiot Pub Fun Run/Walk, November 16, 2022, Cocoa Village

Gated: No
Admission: Yes
Street Closure: Yes, approved November 2021

11. Crossfit 26.2 Event, November 20, 2022, Cocoa Riverfront Park

Gated: No
Admission: Yes
Street Closure: No

12. Running Zone Foundation Space Coast Marathon and Half Marathon, November 27, 2022, Cocoa Riverfront Park and Cocoa Village

Gated: No
Admission: Yes
Street Closure: Yes, approved November 2021

13. Historic Cocoa Village Main Street Boat Parade, December 9, 2022, Cocoa Riverfront Park

Gated: No
Admission: Yes
Street Closure: No

14. Historic Cocoa Village Main Street Bicycle Parade, December 16, 2022, Cocoa Riverfront Park

Gated: No
Admission: Yes
Street Closure: Yes, approved November 2021

These events are all contingent on the approval of the special events review committee which consists of a representative from the Public Works, Fire and Police Departments, the Assistant to the City Manager/PIO and the City Manager.

Staff would also like to get direction from Council about bringing only street closures for Council approval in the future or continue to also bring events that are gated and/or charge admission.

STRATEGIC PLAN CONNECTION:

The Approval of the special events will help to enhance the image of Cocoa as an inviting destination for visitors as well as re-enforce a sense of community and increased event participation for its

citizens

BUDGETARY IMPACT:

Special event fees for each special event charged per the special events and parade ordinance 2-404 and the Master Fee Schedule.

PREVIOUS ACTION:

Street closure approvals for calendar year 2022 were approved in November 2021. This is the first time presenting gated or admission events to Council.

RECOMMENDED MOTION:

Request Council approval of all remaining 2022 special events listed in this request and provide direction to staff on bringing future events of this nature to Council.