

City of Cocoa

*65 Stone Street
Cocoa, FL 32922*



Meeting Agenda

Wednesday, August 28, 2019

5:00 PM

Special Meeting

Cocoa City Council Chambers

Cocoa Redevelopment Agency

I. CALL TO ORDER

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

II. APPROVAL OF AGENDA AND MINUTES**AGENDA:**

1. **19-361** Approve the Agenda for the Special Meeting of August 28, 2019 as presented or with Amendments.

Attachments: Special Meeting notice Cocoa CRA .doc
Cocoa CRA 082819 Special Mtg Short Agenda.doc

MINUTES:

2. **19-402** Approve the Minutes for the Regular Meeting on July 10, 2019, as written or with Amendments.

Attachments: Minutes 7-10-19 (Final).docx

III. DELEGATIONS:

In accordance with the CRA 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 CRA 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 Clerk. Please observe the time limit of five (5) minutes while speaking under Delegations. Delegations shall be limited to thirty (30) minutes unless extended by the CRA Board.

IV. ACTION ITEMS:

1. **19-401** Approve the Proposed Cocoa CRA Fiscal Year 2020 Budget.

Attachments: Cocoa CRA FY2020 Proposed Budget FY 082319.pdf

2. **19-403** Provide direction on Staff's recommendation to continue the default of Lodging Decisions, Inc., while granting an additional 60 days to cure said default.

Attachments: Hotel Redevelopment Project Agreement - Executed 3-15-19.pdf
Lodging Decisions Inc. Default Letter Executed 071519.pdf

V. ATTORNEY'S REPORT:**VI. UPDATES AND STAFF REPORTS:****VII. NEXT MEETING DATE:**

The next regularly scheduled meeting of the Cocoa Redevelopment Agency will be on Wednesday, September 11, 2019 at 5:00 PM at the Cocoa City Hall, 65 Stone Street, Cocoa, Florida.

VIII. ADJOURNMENT**NOTICE TO THE PUBLIC:**

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

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

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

Public debate by individual speakers from the audience on public hearing items shall be limited to three (3) minutes. Representatives of recognized groups shall be limited to ten (10) minutes; and total debate on a single issue shall be limited to thirty (30) minutes. Only one presentation per person per issue shall be allowed.

A Council member may add an item to the agenda during the meeting only at the time the agenda is approved. If the item requires action by the Council, then it may be added to the agenda by an affirmative vote of the Council, and written documentation must be submitted at the time the item is added to the agenda.

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

A CRA Board 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 Board then it may be added to the agenda by an affirmative vote of the Board and written documentation must be submitted at the time the item is added to the agenda.

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

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

COCOA COMMUNITY REDEVELOPMENT AGENCY AGENDA ITEM

Memo Date: August 13, 2019

Agenda Date: August 28, 2019

Prepared By: Darryl Niles, Redevelopment Program Manager

Through: Nancy A. Bunt, Community Services Director

Requested Action:

Approve the Agenda for the Special Meeting of August 28, 2019 as presented or with Amendments.

BACKGROUND:

The Cocoa CRA approves the Agenda for all of its meetings at the beginning of such meetings.

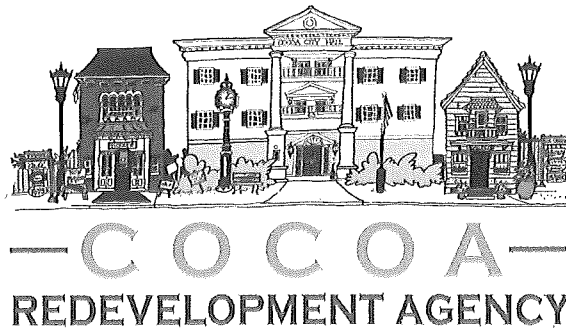
BUDGETARY IMPACT:

PREVIOUS ACTION:

None

RECOMMENDED MOTION:

Approve the Agenda for the Special Meeting of August 28, 2019 as presented or with Amendments.



**COCOA REDEVELOPMENT AGENCY BOARD
SPECIAL MEETING AGENDA**

DATE: Wednesday, August 28, 2019
TIME: 5:00 p.m.

LOCATION: Cocoa City Hall
65 Stone Street

-
- I. CALL TO ORDER**
 - ROLL CALL**
 - INVOCATION**
 - PLEDGE OF ALLEGIANCE**
 - II. APPROVAL OF AGENDA AND MINUTES**

AGENDA: Special Meeting of August 28, 2019
MINUTES: Regular Meeting of July 10, 2019
 - III. DELEGATIONS**
 - IV. ACTION ITEMS**
 - 1. Approve the Proposed Cocoa CRA 2020 Fiscal Year Budget.
 - 2. Provide direction on 603 Brevard Avenue (hotel redevelopment project) based upon submissions by the developer.
 - V. ATTORNEY'S REPORT**
 - VI. UPDATES AND STAFF REPORTS**
 - VII. NEXT MEETING DATE**

The next regularly scheduled meeting of the Cocoa Redevelopment Agency will be held on Wednesday, September 11, 2019 at 5:00 PM in the Council Chambers located in Cocoa City Hall, 65 Stone Street, Cocoa, Florida.
 - VIII. ADJOURNMENT**

NOTICE TO THE PUBLIC:

This is a public meeting. All interested parties may attend. The facility wherein this meeting will be held is accessible to the physically handicapped. Please be advised that more than one member of the City Council may attend.

Pursuant to Section 286.0105, *Florida Statutes*, the City hereby advises the public that: if a person decides to appeal any decision made by this board 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 insure 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 allowed by law. This agenda is posted on the Municipal Bulletin Board and at the Central Brevard Library and Reference Center in Cocoa for public review.

COCOA COMMUNITY REDEVELOPMENT AGENCY AGENDA ITEM

Memo Date: August 13, 2019

Agenda Date: August 28, 2019

Prepared By: Darryl Niles, Redevelopment Program Manager

Through: Nancy A. Bunt, Community Services Director

Requested Action:

Approve the Minutes for the Regular Meeting on July 10, 2019, as written or with Amendments.

BACKGROUND:

The Cocoa CRA approves the minutes for all of its Regular meetings at the beginning of such meetings.

BUDGETARY IMPACT:

No budgetary impact.

PREVIOUS ACTION:

None.

RECOMMENDED MOTION:

Approve the Minutes for the Regular Meeting on July 10, 2019, as written or with Amendments.

**MINUTES
CITY OF COCOA
COCOA CRA
REGULAR MEETING
JULY 10, 2019**

The Regular Meeting of the Cocoa Community Redevelopment Agency was held on July 10, 2019 at City Hall, 65 Stone Street, Cocoa, FL, as publically noted.

I. Call to Order

Chairperson Williams called the meeting to order at 5:05 pm

ROLL CALL:

Jake Williams, Jr.	Chairperson
Don Boisvert	Agency Member
Alex Goins	Agency Member
Lorraine Koss	Agency Member
Edward Lanni	Agency Member
Brenda Warner	Agency Member
Kristen Eick	Assistant City Attorney
Courtney Jackson	Recording Secretary

PRESENT:

Jake Williams, Jr.	Chairperson
Alex Goins	Agency Member
Lorraine Koss	Agency Member
Edward Lanni	Agency Member
Brenda Warner	Agency Member
Kristen Eick	Assistant City Attorney
Courtney Jackson	Recording Secretary

ABSENT:

Don Boisvert	Agency Member
--------------	---------------

STAFF PRESENT:

John Titkanich, City Manager, **Matt Fuhrer**, Assistant City Manager, **Darryl Niles**, RDA Program Manager, **Charlene Neuterman**, Community Services Deputy Director, **Nancy Bunt**, Community Services Director.

Agency Member Lorraine Koss provided the invocation and Agency Member Alex Goins led the assembly in the Pledge of Allegiance to the flag of the United States of America.

II. Approval Of Agenda And Minutes:

AGENDA: Regular Meeting of July 10, 2019

- * **MOTION by Agency Member Lanni; SECONDED by Agency Member Koss to approve the Agenda for the July 10, 2019 Regular Meeting.**

AYES: Williams, Warner, Koss, Lanni, Goins

MOTION PASSED UNANIMOUSLY (5-0)

MINUTES: Regular Meeting of June 12, 2019

- * **MOTION by Agency Member Lanni; SECONDED by Agency Member Koss to approve the Minutes for the June 12, 2019 Regular Meeting.**

AYES: Williams, Warner, Koss, Lanni, Goins

MOTION PASSED UNANIMOUSLY (5-0)

III. Delegations

None

IV. Action Items

- 19-326 Agency Member Review of the subsurface investigation performed for the proposed Civic Center at Lee Wenner Park, and direction by members to continue with the proposed tasks assigned to Infrastructure Solutions Services

Attachments: Cocoa Lee Wenner Geographical Report 19-5251_062819
 Coc015 Waterfront Conf-Civic Center Geotech 07-10-2019
 FEMA 100 and 500 year flood zones

Mr. Niles presented Action Item 19-326 as the Agency Member Review of the subsurface investigation performed for the proposed Civic Center at Lee Wenner Park and asked the Board for direction to continue with the proposed tasks assigned to Infrastructure Solutions Services. Mr. Niles shared with the Board that, in 2018, the City embarked on a plan to update the Cocoa CRA Waterfront Master Plan and the Cocoa CRA Redevelopment Plan. The Waterfront Master Plan Update of 2019 identified plans to diversify boating access, relocate the Civic Center, and open the waterfront to Dellanoy Ave.

At the April 10, 2019 Cocoa CRA Meeting, Staff presented an updated task order to include Architectural Services and Geotechnical Services. Upon Review of the

task orders, the Agency Members provided direction to Staff to begin with the geotechnical tasks.

Infrastructure Solutions Services and Ardaman & Associates met with Staff and presented the Subsurface Soil Exploration and Geotechnical Engineering Evaluation results for the proposed site at Lee Wenner Park. During the evaluation process, five (5) subsurface Standard Penetration Test borings were taken (using a drill rig) to a depth of 20-30 feet in the proposed area of the building. In addition, three (3) subsurface borings (using an auger) were conducted in the area of the proposed parking improvements. One subsurface auger boring was taken in the proposed stormwater management area to a depth of 15 feet.

The results of their tests indicate that the existing soils are suitable for supporting the proposed building on a conventional shallow foundation system. The consultant indicated that spread footings should provide an adequate support system for the building. In addition, the consultants found that the proposed parking area has suitable soils to support a parking/drive area. Our consultants provided recommendations for proper site preparation to guide potential engineers/architects in the design of the facility.

From the results of this evaluation, Staff is requesting approval from Cocoa CRA members to continue with the remaining tasks as approved at the March 13th and April 10th Cocoa CRA meetings including:

- Field Services
- Conceptual Layout Services
- Financial Feasibility
- Conceptual Master Plan
- Architectural Services
- Geotechnical Services

If approved, our consultants will complete the feasibility tasks and present a final report at a later Cocoa CRA meeting. Mr. Niles notified the Board that the geotechnical representatives and consultants are available for questions regarding their findings.

Agency Member Koss asked for the representatives to come to the podium to interpret their findings since their report is in geotechnical language.

Tom Dale (Project Representative) informed Agency Members that their basic findings indicate that the soils are acceptable. He noted that there is nothing in the

report that would rule out putting the Civic Center on this site. Mr. Dale further discussed his findings as noted in Exhibit¹.

Agency Member Koss asked if the soils are consistent throughout.

Jason Manning (Ardaman & Associates, Inc., Branch Manager) confirmed that they are consistent. Further explained how they space borings based on the proposed footprint of the building design.

Agency Member Koss pointed out that the borings would be 6 inches above the groundwater and wanted to know if that was standard.

Mr. Manning explained how the borings are drilled². He further discussed how he and his team anticipate changes to water table at that location.

Agency Member Koss asked if sea level would impact the borings.

Mr. Manning confirmed that it would, but only if the sea-level rise affected the river-water level. Explained the sea level itself is out of their scope.

Agency Member Koss pointed out that scientist have predicted that the most likely scenario for the river is its water rising 16 inches by 2050. Asked if 6 inches would make a difference, if that was the case.

Mr. Dale explained how he and his team monitors the estimated sea-level rising reports that NOAA and the Army Corps of Engineers publishes³. He and his team take those findings into account when looking at a conceptual master plan and they do what they can to accommodate the anticipated sea levels.

Agency Member Lanni expressed his dissenting opinion on the location for the new Civic Center. He feels there is not enough room for a building of that size on the anticipated lot of land, that it is overcrowded with boat trailers, and feels the facility will take away parking space.

Chairperson Williams commented that he also agrees that the facility will create parking issues. He feels the taxpayers' money could go to other important issues besides the new Civic Center, which may or may not happen due to the numerous issues that have to be addressed before construction begins. Ultimately, he wants to do what is best for the community.

¹Exhibit 1: Cocoa Lee Wenner Geographical Report 19-5251_062819

² Agency Member Warner and City Manager John Titkanich left the room at 5:11pm

³ City Manager John Titkanich returned to the room at 5:14

Agency Warner stated she also was not in favor of the new Civic Center's location, however it is the location the Citizens of Cocoa voted for. Expressed her concern that building the new Civic Center will be a major financial burden for the Citizens and does not want to hurt the community. But, she does recognize that the majority of Cocoa Citizens are in favor of the new Civic Center and location. Ultimately, she feels that since they are committed to following the master site plan, they should move forward with it.

City Manager Titkanich addressed several issues, and discussed how he felt about the project. Noted the market study will show supply and demand.

Chairperson Williams agreed with Agency Member Warner that if the location is the will of the Cocoa Citizens, then they should move forward with it.

Agency Member Koss wanted to state to the Board that she is fully committed with the Master Plan and a new Civic Center, but not the location. She also mentioned that they were never given any other alternate locations. She asked if the location is set in stone.

City Manager Titkanich was not sure about alternate locations but reminded her that the CRA is the governing Board. He also stated that there are no other locations that will offer the amount of advantages that this location offers.

Agency Member Koss stated that she does not disagree with the competitive advantages and aesthetics and feels it would create a great deal of revenue. Pointed out that, at a previous Space Coast's League of City's meeting, they mentioned this facility would be eliminating a lot of access to the water. Wanted to know what the opportunity costs of building at this location would be. Expressed she wished she had comparisons to go over when they review the market study.

City Manager Titkanich provided examples of how they could create additional recreation opportunities, even with the new civic center being on the water at Lee Wenner Park. Also noted the resiliency the location offers.

Agency Member Koss expressed her concern regarding the opportunity costs that would result from choosing this location, because we are doing this for our future.

City Manager Titkanich stated that resiliency components are sound based on the NOAA and the Army Corps of Engineers flooding predictions and studies.

Aleck Greenwood (Brevard Ave) expressed that he feels the biggest issue is parking and secondly being the location. Shared his solution for the parking issue. Recommended implementing a multi-level parking garage for the new Civic Center

on an alternate site at the current parking lot at Oleander Avenue by Cocoa City Hall. He also suggested that the Civic Center should be located above such garage. He stated that, in this alternative, the parking garage could benefit not only the Civic Center, but also City Hall and Cocoa Village.

Candace Rogers (93 Dellanoy Ave) advised the Board that if the CRA area taxpayers are excited for the new Civic Center, then they should do it. She agreed with Agency Member Warner that it is expensive for many, but it would be nice to have a new community center. She felt that the Civic Center would be best if it was located on the waterfront. She informed the Board that the new Civic Center models New Smyrna Beach's Civic Center and it would be beneficial to consult with them. She suggested they should build the facility two (2) feet higher than the insurance company recommends.

Ed Green (104 Riverside Dr.) Expressed that a lot of the boat trailers are not Cocoa Citizens and while it is nice to provide a service for them, they take up city resources to park their trailers at the park and the City does not get any benefits in return. Mentioned that because they are not Cocoa tax paying citizens, we should not prioritize making parking spaces for their boating trailers. He explained that he does not feel that residents who live outside of the Cocoa CRA area should have a say in CRA projects.

Chair Williams said that the park is not just for the CRA area residents, it is for everyone.

Agency Member Koss asked City Manager Titkanich if it was possible to proceed with the market research and analysis on alternative locations.

City Manager Titkanich stated he can look into it.

Vice Chair Warner suggested to move forward with the decisions they have agreed upon and to also get a cost amount for Agency Member Koss's idea of finding other site locations. Agrees that there should be additional parking at the Lee Wenner location. She does not agree with Mr. Greenwood's idea of having the parking garage below the Civic Center at the City Hall parking lot location. She stated that the aesthetics of a Civic Center at that location would be unacceptable.

Agency Member Koss asked how long the different required studies will take.

City Manager Titkanich stated that, with Agency approval, they would all take place at the same time.

* **MOTION by Agency Member Warner; SECONDED by Agency Member Koss to approve Staff recommendation for *Action Item 19-326* with the condition City Manager Titkanich provides alternative sites for the new Civic Center.**

AYES: Williams, Warner, Goins

OPPOSED: Koss, Lanni

MOTION CARRIED (3-2)

* **MOTION by Agency Member Goins; SECONDED by Agency Member Koss to extend the Regular Meeting until 6:30 PM**

AYES: Williams, Warner, Koss, Lanni, Goins

MOTION PASSED UNANIMOUSLY (5-0)

19-327 Provide direction on Staff's recommendation to issue a Written Notice of Default to Lodging Decisions, Inc., and request they cure the default consistent with the requirements of the Redevelopment Project Agreement related to the 603 Brevard Avenue Redevelopment Site.

Attachments: Jack D Brown Proposal
Hotel Redevelopment Agreement- Executed 3-15-19
Email by Developer to City Manager 5-20-19
Email by City Manager to Developer to C. Neuterman 6-19-19
Agreement Deliverable 2-A-(1)
Agreement Deliverable 2-A-(2)
Agreement Deliverable 2-A-(2)-ii
Agreement Deliverable 2-A-(2)-ii-b
Agreement Deliverable 2-A-(2)-ii-c
Agreement Deliverable 2-A-(2)-iii-a
Agreement Deliverable 2-A-(3)
Agreement Deliverable 2-A-(4)
Email to CNeuterman dated 7-8-19 Deliverable 2(A)4.1
Agreement Deliverable 2-A-(7)
Walhouse Preliminary set
603 Brevard Deliverable Checklist

Mr. Niles introduced the item requesting that the Agency provide direction on Staff's recommendation to issue a Written Notice of Default to Lodging Decisions, Inc. (LDI) and request that LDI cure the default consistent with the requirements of the Redevelopment Project Agreement related to the 603 Brevard Avenue Redevelopment Site.

On January 29, 2019, Mr. Brown, Chairman of Lodging Decisions, Inc., met with CRA and City Staff to sign a Redevelopment Agreement. That Agreement was fully executed on March 15, 2019. Since then, the CRA Staff and City Manager have been in contact with Mr. Brown on numerous occasions regarding his performance obligations. On May 20, 2019, LDI requested an extension for the May 23, 2019 deadline. Pursuant to Section 9D of the Agreement, an extension may be granted for any completion deadline related to the schedule upon good cause shown by the developer. In order to determine good cause, the City Manager requested a status report by May 28th regarding the developer's performance. No report was given to the CRA or City Manager until June 19th when LDI emailed Charlene Neuterman⁴. Developer, Jack Brown, is present and requests to address the Board.

City Manager Titkanich advised that, if LDI had shown good cause, the time period for performance can be extended by up to sixty (60) days. He then explained the status report documents/emails that were received on June 19, 2019 from Jack Brown⁵. The City Manager ultimately could not find good cause and suggested that the Board follow the Staff's recommendation to issue a written Notice of Default to Lodging Decisions Inc.,

Jack Brown (Lodging Decisions, Inc.) explained that there was a misunderstanding between him and City Manager Titkanich regarding needing an extension. When City Manager Titkanich first reached out to him regarding needing the Benchmark List by May 28th, Mr. Brown said that he replied requesting an extension. Mr. Brown stated that City Manager Titkanich told him he did not need one and that he had until July 15th without an extension.

Agency Member Goins wanted to clarify when Mr. Brown asked for the extension.

City Manager Titkanich stated it was requested on May 20th. At that time, he explained to Mr. Brown why certain documents were needed and explained why the deadline was in place. Also stated that when he did receive the documents, he saw nothing to show there was meaningful progress.

Agency Member Goins asked if Mr. Brown understood the process and he (Goins) felt the biggest issue was communication by LDI and poor time-management.

City Manager Titkanich shared with the Board the timeline of the Agreement.

Agency Member Koss stated she was concerned with the financial commitment because the financial letter referenced support for a Marriott or a Hilton, but in Mr. Brown's documents it shows the hotel is listed as a Comfort Inn.

⁴ Exhibit 2: Jack Brown Emails to Charlene Neuterman

⁵ Exhibit 3: Jack Brown Attachments

Agency Member Warner felt that the Board needs to make a decision sooner than later, either placing Mr. Brown in default or extending his time. She feels that the Board must take responsibility to move this along since Staff is doing so much work dealing with the hotel project.

Mr. Brown provided his point of view of the project's progress from the beginning up until now. He feels it is difficult to get investors and franchisors to invest in the idea without knowing if he can move forward or not.

City Manager Titkanich noted that Mr. Brown agreed in writing to the performance obligations.

Mr. Greenwood stated the hotel is a unique project for the City of Cocoa. He stated that what Mr. Brown is building is a commercial business and that there are many requirements that can be difficult to meet. He feels Mr. Brown is being extremely diligent when it comes to his work on the hotel.

Chairperson Williams does not agree that Mr. Brown has done his due diligence yet.

Agency Member Goins asked Mr. Greenwood if he felt that LDI should be in default based on the agreement.

Mr. Greenwood stated the agreement is hard to read, which makes it hard to answer that question. He thinks there are too many "ifs". He felt that after today's meeting, if Mr. Brown was given more clarity of what he needs to bring before the Board, then he should be given a chance to provide that.

Chair Williams stated his concern was that the Board is being "thrown under the bus" and being made out that they are the ones who are holding up the project, when they are not.

*

MOTION by Agency Member Brenda Warner; SECONDED by Agency Member Alex Goins to follow Staff's recommendation and declare Mr. Brown's project in default and to provide 30 days to bring into to compliance.

AYES: Williams, Warner, Koss, Lanni, Goins

MOTION PASSED UNANIMOUSLY (5-0)

V. Attorney's Report

None

VI. Agency Members and Staff Reports

i. Informational Item- Project Reports

ii. Informational Item- Budget Report

Attachments:

Cocoa CRA Financial Report May 2019 (002)

VII. Next Meeting Date

The next regularly scheduled meeting of the Cocoa Redevelopment Agency will be on Wednesday August 14, 2019 at 5pm at the Cocoa City Hall, 65 Stone Street, Cocoa, Florida.

VIII. Adjournment

* **MOTION made by Agency Member Warner; SECONDED by Agency Member Goins to adjourn the regular meeting of July 10, 2019.**

AYES: Williams, Warner, Koss, Lanni, Goins

MOTION CARRIED UNANIMOUSLY (5-0)

MEETING WAS ADJOURNED at 6:32pm

Jake Williams, Jr., Chairperson

Respectfully Submitted by:

Courtney Jackson, Recording Secretary

COCOA COMMUNITY REDEVELOPMENT AGENCY AGENDA ITEM

Memo Date: August 13, 2019
Agenda Date: August 28, 2019
Prepared By: Darryl Niles, Redevelopment Program Manager
Through: Nancy A. Bunt, Community Services Director
Requested Action:
Approve the Proposed Cocoa CRA Fiscal Year 2020 Budget.

BACKGROUND:

The total budget for the Cocoa CRA Fiscal Year (FY) 2020 is \$1,348,257, which represents an increase of \$81,554, or 6.44%, over the FY 2019 budget amount of \$1,266,703.

In addition to TIF Revenues, the FY 2020 proposed Budget sets forth Postal Service lease payment revenue of \$39,027 and provides debt proceeds of \$6,487,300 for the proposed Civic Center and Lee Wenner Park Improvements.

Additionally, the proposed budget provides for anticipated expenses associated with engineering for Cocoa Village on-street parking, architectural standards for Cocoa Village, promenade enhancements, Harrison Street streetscaping and stormwater enhancements, Riverfront overlooks and the Commercial Façade program to name a few.

The budget represents a continuation of existing CRA programs and commitments, as well as administrative and legal expenses.

BUDGETARY IMPACT:

No budgetary impact.

PREVIOUS ACTION:

The Cocoa CRA approved the 2019 FY Budget in the August 14, 2018 Board Meeting.

RECOMMENDED MOTION:

Approve the Proposed Cocoa CRA Fiscal Year 2020 Budget.

FY 2020 COUNCIL REVIEW BUDGET	FY 2019 ADJUSTED BUDGET	FR FY 2020 TO FY 2019 % OF CHANGE	FR FY 2020 TO FY 2019 % OF CHANGE	FY 2019 Y-T-D ACTUALS	FY 2018 LAST YEARS ACTUALS	FY 2017 2 YEAR'S AGO ACTUALS	FY 2016 3 YEAR'S AGO ACTUALS
-------------------------------------	-------------------------------	---	---	-----------------------------	----------------------------------	------------------------------------	------------------------------------

CRA COCOA RDA

GRANTS FROM LOCAL UNITS
110-0000-337.30-14 FIND AGREEMENT

LEVEL	TEXT	TEXT AMT					
CR	FIND GRANT COCOA RIVERFRONT CONNECTOR						
*	GRANTS FROM LOCAL UNITS	0	182,000	182,000-	100-	187,500	75,000.00
		0	182,000	182,000-	100-	187,500	75,000.00

SHARED REVENUE LOCAL UNIT

110-0000-338.00-00 SHARED REVENUE LOCAL UNIT 1,348,257 1,266,703 81,554 6 1,239,656 1,185,970.00 1,141,720.00 1,053,386

LEVEL TEXT

CR FY 19 COUNTY TIF \$542,833 @ 95% 515,691
FY 19 DISTRICT IV REC. \$92,941 @ 95% \$88,293
FY 19 COCOA TIF \$131,032,834 X 5.979/1000 @ .95% 744,273
COCOA BASED ON CURRENT FY19 RATE OF 5.9790
UPDATED WITH TIF 5-29-19
1,348,257

* SHARED REVENUE LOCAL UNIT

1,348,257 1,266,703 81,554 6 1,239,656 1,185,970.00 1,141,720.00 1,053,386

** INTERGOVERNMENTAL REVENUE

1,348,257 1,448,703 100,446- 7- 1,427,156 1,185,970.00 1,216,720.00 1,053,386

INTEREST & OTHER EARNINGS

110-0000-361.10-00 INTEREST 0 0 0 0 8,770 2,676.79 2,079.60 1,346

* INTEREST & OTHER EARNINGS

0 0 0 0 8,770 2,676.79 2,079.60 1,346

RENT AND ROYALTIES

110-0000-362.00-00 RENT AND ROYALTIES 39,027 39,027 0 0 35,775 39,027.00 39,027.00 34,198

LEVEL TEXT

CR USPS MONTHLY 39,027
...600 FLORIDA AVE. STE 101, COCOA, FL. 32922
...LEASE TERM EXP 10/31/20 (OPTION TO EXTEND FOR
...1 ADDITIONAL 5YR TERM
...NO ANNUAL INCREASE; INCREASES TO \$42,540.03
...ON 11/1/20 - 10/31/25
39,027

* RENT AND ROYALTIES

39,027 39,027 0 0 35,775 39,027.00 39,027.00 34,198

** MISCELLANEOUS REVENUES

39,027 39,027 0 0 44,545 41,703.79 41,106.60 35,544

DEBT PROCEEDS

110-0000-384.00-00 DEBT PROCEEDS 6,487,300 0 6,487,300 0 0 0 0 0

LEVEL TEXT

TEXT AMT

		FY 2020	FY 2019	FR FY 2020	FR FY 2020	FY 2019	FY 2019	FY 2019	FY 2018	FY 2017	FY 2016
		COUNCIL REVIEW	ADJUSTED	TO FY 2019	TO FY 2019	Y-T-D	LAST YEARS	2 YEAR'S AGO	3 YEAR'S AGO		
		BUDGET	BUDGET	\$ OF CHANGE	% OF CHANGE	ACTUALS	ACTUALS	ACTUALS	ACTUALS		
CR CIVIC CENTER											
LEE WENNER PARK IMPROVEMENTS											
		6,487,300	6,487,300			0	.00	.00	.00		
* DEET PROCEEDS		150,000	15,075	134,925	895	0	.00	.00	.00		
NON OPERATING SOURCES											
110-0000-389.99-10 CASH CARRY FORWARD											
LEVEL TEXT											
CR COCOA VILLAGE SIDE WALK PROJECT											
		150,000	15,075	134,925	895	0	.00	.00	.00		
* NON OPERATING SOURCES		6,637,300	15,075	6,622,225	43,929	0	.00	.00	.00		
OTHER SOURCES (NON-REV)											
CRA COCOA RDA		8,024,584	1,502,805	6,521,779	434	1,471,701	1,227,673.79	1,257,826.60	1,088,930		

FY 2020 COUNCIL REVIEW BUDGET	FY 2019 ADJUSTED BUDGET	FR FY 2020 TO FY 2019 % OF CHANGE	FR FY 2020 TO FY 2019 % OF CHANGE	FY 2019 Y-T-D ACTUALS	FY 2018 LAST YEARS ACTUALS	FY 2017 2 YEAR'S AGO ACTUALS	FY 2016 3 YEAR'S AGO ACTUALS
-------------------------------------	-------------------------------	---	---	-----------------------------	----------------------------------	------------------------------------	------------------------------------

CRA DIAMOND SQUARE 626

111-0000-338.00-00 SHARED REVENUE LOCAL UNIT

LEVEL	TEXT	TEXT AMT
CR	FY 19 COUNTY TIF \$112,225 @ 95%	106,613
	FY 19 DISTRICT IV REC \$15,485 @ 95%	14,710
	FY 19 COCOA \$23,941,544 X 5.9790/1000 @ 95%	135,989
	COCOA AT THE CURRENT FY19 RATE OF 5.9790	
	UPDATED WITH TIF 5-29-19	257,312

*	SHARED REVENUE LOCAL UNIT	257,312	206,157	51,155	25	201,756	151,037.00	115,766.00	85,987
		257,312	206,157	51,155	25	201,756	151,037.00	115,766.00	85,987
**	INTERGOVERNMENTAL REVENUE	257,312	206,157	51,155	25	201,756	151,037.00	115,766.00	85,987
		257,312	206,157	51,155	25	201,756	151,037.00	115,766.00	85,987
111-0000-361.10-00	INTEREST & OTHER EARNINGS	0	0	0	0	763	243.59	177.70	107
	INTEREST	0	0	0	0	763	243.59	177.70	107
111-0000-366.00-00	CONTRIBUTIONS & DONATIONS	0	0	0	0	0	.00	.00	25,000
	CONTRIBUTIONS	0	0	0	0	0	.00	.00	25,000
111-0000-369.90-00	OTHER MISC REVENUES	0	0	0	0	0	8,000.00	4,000.00	0
	OTHER MISC REVENUES	0	0	0	0	0	8,000.00	4,000.00	0
**	MISCELLANEOUS REVENUES	0	0	0	0	763	8,243.59	4,177.70	25,107
		257,312	206,157	51,155	25	202,519	159,280.59	119,943.70	111,094

FY 2020 COUNCIL REVIEW BUDGET	FY 2019 ADJUSTED BUDGET	FR FY 2020 TO FY 2019 \$ OF CHANGE	FR FY 2020 TO FY 2019 % OF CHANGE	FY 2019 Y-T-D ACTUALS	FY 2018 LAST YEARS ACTUALS	FY 2017 2 YEAR'S AGO ACTUALS	FY 2016 3 YEAR'S AGO ACTUALS
-------------------------------------	-------------------------------	--	---	-----------------------------	----------------------------------	------------------------------------	------------------------------------

CRA US1 CORRIDOR

SHARED REVENUE LOCAL UNIT
112-0000-338.00-00 SHARED REVENUE LOCAL UNIT

204,832	342,839	138,007-	40-	335,518	180,501.00	131,986.00	87,095
---------	---------	----------	-----	---------	------------	------------	--------

TEXT AMT

FY 19 COUNTY TIF \$167,587 @ 95% = 159,207
FY 19 DISTRICT IV REC \$24,046 @ 95% = 22,843
NO BOCC TIF CONTRIBUTION PENDING IIA APPROVAL
FY 19 COCOA TIF \$36,061,660 X 5.9790/1000 @ 95%
COCOA RATE AT THE CURRENT FY19 RATE OF 5.9790
UPDATED WITH TIF 5-29-19
204,832
204,832

* SHARED REVENUE LOCAL UNIT	204,832	342,839	138,007-	40-	335,518	180,501.00	131,986.00	87,095
-----------------------------	---------	---------	----------	-----	---------	------------	------------	--------

** INTERGOVERNMENTAL REVENUE	204,832	342,839	138,007-	40-	335,518	180,501.00	131,986.00	87,095
------------------------------	---------	---------	----------	-----	---------	------------	------------	--------

INTEREST & OTHER EARNINGS
112-0000-361.10-00 INTEREST

* INTEREST & OTHER EARNINGS	0	0	0	0	736	188.04	72.62	78
	0	0	0	0	736	188.04	72.62	78

MISCELLANEOUS REVENUES

** MISCELLANEOUS REVENUES	0	0	0	0	736	188.04	72.62	78
---------------------------	---	---	---	---	-----	--------	-------	----

CRA US1 CORRIDOR

204,832	342,839	138,007-	40-	336,254	180,689.04	132,058.62	87,173
---------	---------	----------	-----	---------	------------	------------	--------

8,486,728	2,051,801	6,434,927	314	2,010,474	1,567,643.42	1,509,828.92	1,287,197
-----------	-----------	-----------	-----	-----------	--------------	--------------	-----------

FY 2020 COUNCIL REVIEW BUDGET
FY 2019 BUDGET
FR FY 2020 TO FY 2019 % OF CHANGE
FR FY 2020 TO FY 2019 % OF CHANGE
FY 2019 LAST YEARS ACTUALS
FY 2017 2 YEAR'S AGO ACTUALS
FY 2016 3 YEAR'S AGO ACTUALS

CRA COCOA RDA

CRA ADMIN/OPERATIONS

SALARIES AND BENEFITS

110-3230-559.12-00 REGULAR SALARIES & WAGES

LEVEL CR TEXT AMOUNT POSTED BY PAYROLL BUDGET MODULE 41,278

...1 DEPUTY DIRECTOR COMMUNITY SERVICES (15%)

...1 REDEVELOPMENT PROGRAM MANAGER (60%)

YEAR-END ACCRUALS

1,588
42,866

110-3230-559.13-00 OTHER SALARIES & WAGES

LEVEL CR TEXT AMOUNT POSTED BY PAYROLL BUDGET MODULE 3,891

...1 RECORDING SECRETARY PART-TIME (25%)

YEAR END ACCRUALS

150
4,041

110-3230-559.14-00 OVERTIME

110-3230-559.15-00 SPECIAL PAY

188
0

180
180

110-3230-559.21-00 FICA TAXES

LEVEL CR TEXT AMOUNT POSTED BY PAYROLL BUDGET MODULE 3,598

AMOUNT POSTED BY PAYROLL BUDGET MODULE

YEAR-END ACCRUALS

3,482
134
3,616

110-3230-559.22-00 RETIREMENT CONTRIBUTIONS

LEVEL CR TEXT AMOUNT POSTED BY PAYROLL BUDGET MODULE 3,795

AMOUNT POSTED BY PAYROLL BUDGET MODULE

YEAR-END ACCRUALS

5,546
213
5,759

110-3230-559.23-00 LIFE/HEALTH INSURANCE

LEVEL CR TEXT AMOUNT POSTED BY PAYROLL BUDGET MODULE 10,939

AMOUNT POSTED BY PAYROLL BUDGET MODULE

...HEALTH \$11,585 (MOVED TO 23-04)

...DENTAL

...VISION

...GROUP LIFE

...LONG TERM DISABILITY

635
104
133
154
1,026

42,866

6-

2,879-

45,745

4,041

4,041

4,041

4,041

0

55,499.0

28,011.72

37,286.84

28,416.00

6-

2,879-

45,745

4,041

4,041

4,041

4,041

0

55,499.0

28,011.72

37,286.84

28,416.00

6-

2,879-

45,745

4,041

4,041

4,041

4,041

0

55,499.0

28,011.72

37,286.84

28,416.00

6-

2,879-

45,745

4,041

4,041

4,041

4,041

0

55,499.0

28,011.72

37,286.84

28,416.00

6-

2,879-

45,745

4,041

4,041

4,041

4,041

0

55,499.0

28,011.72

37,286.84

28,416.00

6-

2,879-

45,745

4,041

4,041

4,041

4,041

0

55,499.0

28,011.72

37,286.84

28,416.00

6-

2,879-

45,745

4,041

4,041

4,041

4,041

0

55,499.0

28,011.72

37,286.84

28,416.00

6-

2,879-

45,745

4,041

4,041

4,041

4,041

0

55,499.0

28,011.72

37,286.84

28,416.00

6-

2,879-

45,745

4,041

4,041

4,041

4,041

0

55,499.0

28,011.72

37,286.84

28,416.00

6-

2,879-

45,745

4,041

4,041

4,041

4,041

0

55,499.0

28,011.72

37,286.84

28,416.00

6-

2,879-

45,745

4,041

4,041

4,041

4,041

0

55,499.0

28,011.72

37,286.84

28,416.00

6-

2,879-

45,745

4,041

4,041

4,041

4,041

0

55,499.0

28,011.72

37,286.84

28,416.00

6-

2,879-

45,745

4,041

4,041

4,041

4,041

0

55,499.0

28,011.72

37,286.84

28,416.00

6-

2,879-

45,745

4,041

4,041

4,041

4,041

0

55,499.0

28,011.72

37,286.84

28,416.00

6-

2,879-

45,745

4,041

4,041

4,041

4,041

0

55,499.0

28,011.72

37,286.84

28,416.00

6-

2,879-

45,745

4,041

4,041

4,041

4,041

0

55,499.0

28,011.72

37,286.84

28,416.00

6-

2,879-

45,745

4,041

4,041

4,041

4,041

0

55,499.0

28,011.72

37,286.84

28,416.00

6-

2,879-

45,745

4,041

4,041

4,041

4,041

0

55,499.0

28,011.72

37,286.84

28,416.00

6-

2,879-

45,745

4,041

4,041

4,041

4,041

0

55,499.0

28,011.72

37,286.84

28,416.00

6-

2,879-

45,745

4,041

4,041

4,041

4,041

0

55,499.0

28,

LEVEL	TEXT	FY 2020 COUNCIL REVIEW BUDGET	FY 2019 ADJUSTED BUDGET	FR FY 2020 TO FY 2019 % OF CHANGE	FR FY 2020 TO FY 2019 % OF CHANGE	FY 2019 Y-T-D ACTUALS	FY 2018 LAST YEARS ACTUALS	FY 2017 2 YEAR'S AGO ACTUALS	FY 2016 3 YEAR'S AGO ACTUALS
110-3230-559.23-04	MEDICAL/RX SELF INSURED	11,585	0	11,585	0	.00	.00	.00	.0
LEVEL	TEXT		TEXT AMT						
CR	AMOUNT POSTED BY PAYROLL BUDGET MODULE		11,585						
			11,585						
110-3230-559.24-00	WORKER'S COMPENSATION	83	115	32-	28-	59.00	95.99	74.95	148.0
LEVEL	TEXT		TEXT AMT						
CR	AMOUNT POSTED BY PAYROLL BUDGET MODULE		83						
			83						
110-3230-559.27-00	BENEFIT OFFSET	360	2,160	1,800-	83-	1,065.00	2,140.00	1,525.00	2,506.0
LEVEL	TEXT		TEXT AMT						
CR	AMOUNT POSTED BY PAYROLL BUDGET MODULE		360						
			360						
* SALARIES AND BENEFITS		69,516	66,540	2,976	4	37,393.00	52,177.30	40,833.81	78,265.0
OPERATING									
110-3230-559.31-00	PROFESSIONAL SERVICES	110,000	266,075	156,075-	59-	6,075.00	74,414.00	.00	.0
LEVEL	TEXT		TEXT AMT						
CR	CS20DG - ENGINEERING FOR DOWNTOWN COCOA VILLAGE		50,000						
	...ON-STREET PARKING CP-CS-16-DG		60,000						
	CONSULTANT FEES FOR CREATION OF ARCHITECTURAL		110,000						
	...STANDARDS FOR COCOA VILLAGE								
110-3230-559.31-01	LEGAL EXPENSES	15,000	13,529	1,471	11	13,530.00	7,098.00	7,422.60	4,637.0
LEVEL	TEXT		TEXT AMT						
CR	LEGAL EXPENSES FOR AGENCY COUNSEL		15,000						
			15,000						
110-3230-559.34-00	CONTRACT SERVICES	0	249,948	249,948-	100-	139,700.00	79,350.00	79,335.00	104,752.0
110-3230-559.39-00	CONTINGENCY	440,566	79,316	361,250	455	.00	.00	.00	.0
LEVEL	TEXT		TEXT AMT						
CR	PROMENADE ENHANCEMENTS		100,000						
	ESTIMATED DEBT SERVICE PAYMENT		340,566						
			440,566						
110-3230-559.40-00	TRAVEL & PER DIEM	8,000	1,754	6,246	356	1,753.00	1,278.26	.00	708.0
LEVEL	TEXT		TEXT AMT						
CR	ATTENDANCE AT 2019 FRA CONFERENCE/ACADEMY		8,000						
	D. NILES, PLUS 5 CRA AGENCY MEMBERS								
	TAMPA, FL OCTOBER 16-18, 2019 HILTON DOWNTOWN		8,000						

		FY 2020 COUNCIL REVIEW BUDGET	FY 2019 ADJUSTED BUDGET	FR FY 2020 TO FY 2019 \$ OF CHANGE	FR FY 2020 TO FY 2019 % OF CHANGE	FY 2019 Y-T-D ACTUALS	FY 2018 LAST YEARS ACTUALS	FY 2017 2 YEAR'S AGO ACTUALS	FY 2016 3 YEAR'S AGO ACTUALS
110-3230-559.41-00 COMMUNICATION		180	410	230-	56-	416.00	140.00	70.00	113.0
LEVEL	TEXT		TEXT AMT						
CR	AMOUNT POSTED BY PAYROLL BUDGET MODULE		180						
			180						
110-3230-559.42-00 POSTAGE & FREIGHT		400	391	9	2	68.00	.00	9.95	31.0
LEVEL	TEXT		TEXT AMT						
CR	POSTAGE		400						
			400						
110-3230-559.44-00 RENTALS AND LEASES		0	70,040	70,040-	100-	75,205.00	67,840.44	67,840.44	67,840.0
110-3230-559.45-00 INSURANCE		4,548	4,415	133	3	4,415.00	4,205.00	4,005.00	4,011.0
LEVEL	TEXT		TEXT AMT						
CR	PROPERTY INSURANCE 603 BREVARD AVE		4,548						
			4,548						
110-3230-559.46-00 REPAIRS & MAINTENANCE		5,000	5,000	0	0	223.00	891.95	429.00	64,936.0
LEVEL	TEXT		TEXT AMT						
CR	REPAIR AND MAINTENANCE ORANGE ST. TOWER		5,000						
			5,000						
110-3230-559.47-00 PRINTING & BINDING		500	1,000	500-	50-	.00	.00	464.46	.0
LEVEL	TEXT		TEXT AMT						
CR	PRINTING OF MARKETING MATERIALS		500						
			500						
110-3230-559.49-00 OTHER CHARGES & OBLIG.		1,000	1,000	0	0	120.00	665.87	938.15	1,159.0
LEVEL	TEXT		TEXT AMT						
CR	LEGAL ADVERTISING		1,000						
			1,000						
110-3230-559.51-00 OFFICE SUPPLIES		200	0	200	0	.00	.00	.00	.0
LEVEL	TEXT		TEXT AMT						
CR	OFFICE SUPPLIES		200						
			200						
110-3230-559.52-00 OPERATING SUPPLIES		300	799	499-	62-	990.00	2,267.06	.00	490.0
LEVEL	TEXT		TEXT AMT						
CR	OPERATING SUPPLIES		300						
			300						
110-3230-559.54-00 MEMBERSHIP/PUBLICATIONS		875	1,080	205-	19-	675.00	920.00	770.00	795.0
LEVEL	TEXT		TEXT AMT						

CR	FRA MEMBERSHIP DEO ANNUAL FEES BOOKS AND PUBLICATIONS	FY 2020 COUNCIL REVIEW BUDGET	FY 2019 ADJUSTED BUDGET	FR FY 2020 TO FY 2019 % OF CHANGE	FR FY 2020 TO FY 2019 % OF CHANGE	FY 2019 Y-T-D ACTUALS	FY 2018 LAST YEARS ACTUALS	FY 2017 2 YEAR'S AGO ACTUALS	FY 2016 3 YEAR'S AGO ACTUALS
			500						
			175						
			200						
			875						
110-3230-559.55-00	TRAINING	2,275	839	1,436	171	839.00	1,285.00	.00	370.0
	TEXT		TEXT AMT						
	2018 FRA CONFERENCE/ACADEMY 3 PEOPLE		1,975						
	...\$395 X 5		300						
	ADDITIONAL TRAINING OPPORTUNITIES		2,275						
110-3230-559.58-01	POST OFFICE LEASE	70,040	0	70,040	0	.00	.00	.00	.0
	TEXT		TEXT AMT						
	POST OFFICE LEASE AT ORANGE ST TOWER		70,040						
			70,040						
*	OPERATING	658,884	695,596	36,712-	5-	244,009.00	240,355.58	161,284.60	249,842.0
	CAPITAL								
110-3230-559.62-00	BUILDINGS	6,487,300	0	6,487,300	0	.00	.00	.00	.0
	TEXT		TEXT AMT						
	CD19CC - CIVIC CENTER CONSTRUCTION CP-CS-19-CC		5,553,300						
	CD18LW - LEE WENNER PARK RENOVATION CP-CS-19-PR		934,000						
			6,487,300						
110-3230-559.63-00	INFRASTRUCTURE	410,000	247,000	163,000	66	145,524.00	474,298.37	254,544.00	70,463.0
	TEXT		TEXT AMT						
	CS19RS - NEW SIDEWALK AT RIVEREDGE BLVD.		35,000						
	...CP-CS-19-RS								
	CS200L - RIVERFRONT OVERLOOKS		150,000						
	...CP-CS-19-OL								
	CS15HS - HARRISON STREET STREETSCAPING &		75,000						
	...STORMWATER DRAINAGE IMPROVEMENTS (ENGR. PLANS								
	...UPDATE) CP-CS-16-HS								
	CS20CW - CROSS WALKS IN COCOA VILLAGE		150,000						
			410,000						
110-3230-559.64-00	MACHINERY AND EQUIPMENT	0	15,052	15,052-	100-	15,052.00	.00	.00	.0
110-3230-559.64-15	IT HARDWARE	0	2,000	2,000-	100-	2,000.00	3,418.50	.00	.0
*	CAPITAL	6,897,300	264,052	6,633,248	2,512	162,576.00	477,716.87	254,544.00	70,463.0
	DEBT SERVICE								
110-3230-559.71-00	DEBT SERVICE - PRINCIPAL	0	0	0	0	.00	.00	.00	297,729.0
110-3230-559.72-00	DEBT SERVICE - INTEREST	0	0	0	0	.00	.00	.00	3,640.0
*	DEBT SERVICE	0	0	0	0	.00	.00	.00	301,369.0
	GRANTS AND AIDS								

LEVEL	TEXT	FY 2020 COUNCIL REVIEW BUDGET	FY 2019 ADJUSTED BUDGET	FR FY 2020 TO FY 2019 % OF CHANGE	FR FY 2020 TO FY 2019 % OF CHANGE	FY 2019 Y-T-D ACTUALS	FY 2018 LAST YEARS ACTUALS	FY 2017 2 YEAR'S AGO ACTUALS	FY 2016 3 YEAR'S A ACTUALS
110-3230-559.82-00	AID PRIVATE ORGANIZATION	0	0	0	0	.00	.00	.00	25,000.0
110-3230-559.83-00	OTHER GRANTS & AIDS	50,000	57,000	7,000-	12-	35,797.00	15,000.00	26,687.00	18,987.0
	TEXT AMT								
	50,000								
	50,000								

*	GRANTS AND AIDS	50,000	57,000	7,000-	12-	35,797.00	15,000.00	26,687.00	43,987.0

OTHER USES									
110-3230-581.91-01	TRANSFER TO GEN FUND 001	257,258	52,820	204,438	387	52,820.00	54,805.89	28,125.00	.0
	TEXT AMT								
	27,977								
	25,642								
	28,522								
	25,117								
	150,000								
	257,258								

110-3230-581.91-30	GF CAPITAL PROJECTS 301	91,626	37,307	54,319	146	37,306.00	39,670.43	41,931.82	44,094.0
	TEXT AMT								
	17,733								
	17,101								
	28,080								
	28,712								
	91,626								

110-3230-581.91-32	CP 302 RIVERFRONT/LEENR PK	0	329,490	329,490-	100-	.00	.00	.00	.0
	TEXT AMT								
	348,884								
	419,617								
	70,733-								

*	OTHER USES	348,884	419,617	70,733-	17-	90,126.00	94,476.32	70,056.82	44,094.0
**	CRA ADMIN/OPERATIONS	8,024,584	1,502,805	6,521,779	434	569,901.00	879,726.07	553,406.23	788,020.0
***	COMMUNITY DEVELOPMENT	8,024,584	1,502,805	6,521,779	434	569,901.00	879,726.07	553,406.23	788,020.0

****	CRA COCOA RDA	8,024,584	1,502,805	6,521,779	434	569,901.00	879,726.07	553,406.23	788,020.0

CRA DIAMOND SQUARE 626									
CRA ADMIN/OPERATIONS									
SALARIES AND BENEFITS									
111-3230-559.12-00 REGULAR SALARIES & WAGES									
21,548									
27,608									
6,060-									
22-									
17,395.00									
11,199.32									
6,832.94									
9,160.0									
111-3230-559.14-00 OVERTIME									
0									
63									
63-									
100-									
12.75									
20.70									
5.0									
111-3230-559.15-00 SPECIAL PAY									
120									
0									
120									
.00									
.00									
111-3230-559.21-00 FICA TAXES									
1,658									
2,160									
502-									
23-									
1,360.00									
865.48									
527.91									
735.0									
111-3230-559.22-00 RETIREMENT CONTRIBUTIONS									
1,826									
2,285									
459-									
20-									
1,444.00									
900.63									
524.81									
667.0									
111-3230-559.23-00 LIFE/HEALTH INSURANCE									
543									
7,272									
6,729-									
93-									
1,368.00									
1,571.78									
1,675.42									
1,864.0									
111-3230-559.23-04 MEDICAL/RX SELF INSURED									
7,603									
0									
7,603									
.00									
.00									

FY 2020 COUNCIL REVIEW BUDGET		FY 2019 BUDGET	FY 2019 ADJUSTED TO FY 2019 BUDGET	FY 2020 TO FY 2019 % OF CHANGE	FY 2019 Y-T-D ACTUALS	FY 2018 LAST YEARS ACTUALS	FY 2017 2 YEAR'S AGO ACTUALS	FY 2016 3 YEAR'S A ACTUALS
LEVEL	TEXT		TEXT AMT					
CR	AMOUNT POSTED BY PAYROLL BUDGET MODULE		38	31-	45-	28.58	18.57	25.0
111-3230-559.24-00	WORKER'S COMPENSATION	38	69	31-	45-	28.58	18.57	25.0
111-3230-559.27-00	BENEFIT OFFSET	0	1,200	1,200-	100-	637.50	387.50	517.0
*	SALARIES AND BENEFITS	33,336	40,657	7,321-	18-	15,216.04	9,987.85	12,973.0
	OPERATING							
111-3230-559.31-00	PROFESSIONAL SERVICES	38,278	21,080	17,198	82	20,100.74	20,009.00	30,000.0
LEVEL	TEXT		TEXT AMT					
CR	RFP # P-19-01-COC - DIAMOND SQUARE INITIATIVE PROJ PAID IN MONTHLY INSTALLMENTS		20,000					
	DR. JOE LEE SMITH EXISTING BUILDING ASSESSMENT		18,278					
			38,278					
111-3230-559.31-01	LEGAL EXPENSES	1,000	1,000	0	0	1,595.00	696.00	145.0
LEVEL	TEXT		TEXT AMT					
CR	LEGAL EXPENSES FOR AGENCY MEETINGS		1,000					
			1,000					
111-3230-559.34-00	CONTRACT SERVICES	11,500	66,000	54,500-	83-	2,075.85	6,903.18	6,926.0
LEVEL	TEXT		TEXT AMT					
CR	PROPERTY MAINTENANCE (MOWING)		1,000					
	COMMUNITY GARDEN PROPERTY MAINTENANCE		6,000					
	...GROUNDS MAINTENANCE							
	...IRRIGATION SYSTEM MAINTENANCE		4,500					
	COCOA PD / POLICE ATHLETIC LEAGUE (PAL)		11,500					
111-3230-559.39-00	CONTINGENCY	9,417	0	9,417	0	.00	.00	.0
LEVEL	TEXT		TEXT AMT					
CR	FY2020		9,417					
			9,417					
111-3230-559.40-00	TRAVEL & PER DIEM	2,200	2,106	94	4	1,369.74	.00	1,694.0
LEVEL	TEXT		TEXT AMT					
CR	FRA CONFERENCE (2) BOARD MEMBERS TAMPA, FL HILTON DOWNTOWN OCTOBER 16-18, 2019		2,200					
			2,200					
111-3230-559.41-00	COMMUNICATION	120	345	225-	65-	30.00	15.00	.0
LEVEL	TEXT		TEXT AMT					
CR	AMOUNT POSTED BY PAYROLL BUDGET MODULE		120					

LEVEL	TEXT	FY 2020 COUNCIL REVIEW BUDGET	FY 2019 ADJUSTED BUDGET	FR FY 2020 TO FY 2019 % OF CHANGE	FR FY 2020 TO FY 2019 % OF CHANGE	FY 2019 Y-T-D ACTUALS	FY 2018 LAST YEARS ACTUALS	FY 2017 2 YEAR'S AGO ACTUALS	FY 2016 3 YEAR'S AGO ACTUALS
111-3230-559.42-00	POSTAGE & FREIGHT	500	1,118	618-	55-	423.00	.00	.00	.0
LEVEL	TEXT		TEXT AMT						
CR	POSTAGE AND FREIGHT		500						
			500						
111-3230-559.43-00	ELECTRIC/WATER/SEWER	1,740	268	1,472	549	264.00	.00	.00	.0
LEVEL	TEXT		TEXT AMT						
CR	COMMUNITY GARDEN WATER SERVICE		1,740						
			1,740						
111-3230-559.45-00	INSURANCE	4,461	4,500	39-	1-	4,331.00	4,205.00	4,205.00	4,004.0
LEVEL	TEXT		TEXT AMT						
CR	PROPERTY INSURANCE FOR BERNARD AND ROSA L JONES		4,461						
			4,461						
111-3230-559.46-00	REPAIRS & MAINTENANCE	0	0	0	0	.00	.00	.00	3,900.0
111-3230-559.47-00	PRINTING & BINDING	100	90	10	11	.00	.00	.00	.0
LEVEL	TEXT		TEXT AMT						
CR	PRINTING AND BINDING		100						
			100						
111-3230-559.48-00	PROMOTIONAL ACTIVITIES	1,000	0	1,000	0	.00	.00	109.68	.0
LEVEL	TEXT		TEXT AMT						
CR	NEW DIAMOND SQUARE PROMOTIONAL MATERIAL		1,000						
			1,000						
111-3230-559.49-00	OTHER CHARGES & OBLIG.	700	736	36-	5-	101.00	246.33	343.40	139.0
LEVEL	TEXT		TEXT AMT						
CR	LEGAL ADVERTISING		700						
			700						
111-3230-559.52-00	OPERATING SUPPLIES	1,000	3,350	2,350-	70-	2,756.00	241.62	.00	.0
LEVEL	TEXT		TEXT AMT						
CR	OPERATING SUPPLIES		500						
			500						
	SOIL/FERTILIZER FOR COMMUNITY GARDEN		1,000						
111-3230-559.54-00	MEMBERSHIP/PUBLICATIONS	670	875	205-	23-	670.00	175.00	175.00	175.0
LEVEL	TEXT		TEXT AMT						
CR	MEMBERSHIP DUES - DEO		175						
	FRA MEMBERSHIP		495						
			670						
111-3230-559.55-00	TRAINING	1,290	793	497	63	790.00	2,075.00	.00	1,010.0
LEVEL	TEXT		TEXT AMT						

FY 2020 COUNCIL REVIEW BUDGET	FY 2019 ADJUSTED BUDGET	FR FY 2020 TO FY 2019 % OF CHANGE	FY 2020 Y-T-D ACTUALS	FY 2018 LAST YEARS ACTUALS	FY 2017 2 YEAR'S AGO ACTUALS	FY 2016 3 YEAR'S AGO ACTUALS
-------------------------------------	-------------------------------	---	-----------------------------	----------------------------------	------------------------------------	------------------------------------

CR TRAINING - FRA ACADEMY
FRA CONFERENCE 2 MEMBERS

500
790
1,290

* OPERATING	73,976	102,261	28,285-	28-	94,117.00	32,114.28	32,456.26	47,993.0
-------------	--------	---------	---------	-----	-----------	-----------	-----------	----------

CAPITAL
111-3230-559.63-00 INFRASTRUCTURE

135,000

47,488

87,512

184

47,488.00

78,795.00

44,752.50

10,914.0

LEVEL TEXT
CR MICHAEL C BLAKE SUBDIVISION UTILITIES/SITEWORK

TEXT AMT
135,000
135,000

* CAPITAL	135,000	47,488	87,512	184	47,488.00	78,795.00	44,752.50	10,914.0
-----------	---------	--------	--------	-----	-----------	-----------	-----------	----------

GRANTS AND AIDS
111-3230-559.83-00 OTHER GRANTS & AIDS

15,000

15,751

751-

5-

.00

.00

5,000.00

15,000.0

LEVEL TEXT
CR FACADE GRANTS

TEXT AMT
15,000
15,000

* GRANTS AND AIDS	15,000	15,751	751-	5-	.00	.00	5,000.00	15,000.0
-------------------	--------	--------	------	----	-----	-----	----------	----------

** CRA ADMIN/OPERATIONS

257,312

206,157

51,155

25

163,823.00

126,125.32

92,196.61

86,880.0

*** COMMUNITY DEVELOPMENT

257,312

206,157

51,155

25

163,823.00

126,125.32

92,196.61

86,880.0

**** CRA DIAMOND SQUARE 626

257,312

206,157

51,155

25

163,823.00

126,125.32

92,196.61

86,880.0

CRA US1 CORRIDOR		FY 2020 COUNCIL REVIEW BUDGET	FY 2019 ADJUSTED BUDGET	FR FY 2020 TO FY 2019 \$ OF CHANGE	FR FY 2020 TO FY 2019 % OF CHANGE	FY 2019 Y-T-D ACTUALS	FY 2018 LAST YEARS ACTUALS	FY 2017 2 YEAR'S AGO ACTUALS	FY 2016 3 YEAR'S AGO ACTUALS
CRA ADMIN/OPERATIONS									
SALARIES AND BENEFITS									
112-3230-559.12-00	REGULAR SALARIES & WAGES	0	0	0	0	.00	90.50-	.00	.0
112-3230-559.21-00	FICA TAXES	0	0	0	0	.00	7.10-	.00	.0
112-3230-559.22-00	RETIREMENT CONTRIBUTIONS	0	0	0	0	.00	6.89-	.00	.0
* SALARIES AND BENEFITS		0	0	0	0	.00	104.49-	.00	.0
OPERATING									
112-3230-559.31-01	LEGAL EXPENSES	300	650	350-	54-	650.00	551.00	333.50	580.0
LEVEL TEXT			TEXT AMT						
CR	AGENCY LEGAL COUNSEL EXPENSE		300						
			300						
112-3230-559.34-00	CONTRACT SERVICES	500	410	90	22	.00	.00	.00	.0
LEVEL TEXT			TEXT AMT						
CR	PROPERTY MAINTENANCE FOR PLAZA PARKWAY PROPERTY		500						
			500						
112-3230-559.43-00	ELECTRIC/WATER/SEWER	150	150	0	0	122.00	121.55	121.55	214.0
LEVEL TEXT			TEXT AMT						
CR	ELECTRIC/WATER/SEWER		150						
			150						
112-3230-559.45-00	INSURANCE	4,522	4,390	132	3	4,390.00	4,263.00	4,055.00	4,087.0
LEVEL TEXT			TEXT AMT						
CR	PROPERTY INSURANCE FOR PLAZA PARKWAY PROPERTY		4,522						
			4,522						
112-3230-559.49-00	OTHER CHARGES & OBLIG.	200	250	50-	20-	93.00	.00	.00	174.0
LEVEL TEXT			TEXT AMT						
CR	LEGAL ADVERTISING		200						
			200						
112-3230-559.54-00	MEMBERSHIP/PUBLICATIONS	175	175	0	0	175.00	175.00	175.00	175.0
LEVEL TEXT			TEXT AMT						
CR	SPECIAL DISTRICT FEE TO DEO		175						
			175						
* OPERATING		5,847	6,025	178-	3-	5,430.00	5,110.55	4,685.05	5,230.0
GRANTS AND AIDS									
112-3230-559.83-02	CONTRIB TO GENERAL FUND	198,985	336,814	137,829-	41-	336,814.00	178,453.00	128,492.00	80,311.0
LEVEL TEXT			TEXT AMT						

	FY 2020 COUNCIL REVIEW BUDGET	FY 2019 ADJUSTED BUDGET	FR FY 2020 TO FY 2019 \$ OF CHANGE	FR FY 2020 TO FY 2019 % OF CHANGE	FY 2019 Y-T-D ACTUALS	FY 2018 LAST YEARS ACTUALS	FY 2017 2 YEAR'S AGO ACTUALS	FY 2016 3 YEAR'S A ACTUALS	
CR	FUND 112 FDOT LOAN PAYMENT TO GENERAL FUND (FINAL PAYMENT)	198,985	198,985						
		198,985	198,985						
*	GRANTS AND AIDS	198,985	336,814	137,829-	41-	336,814.00	178,453.00	128,492.00	80,311.0
**	CRA ADMIN/OPERATIONS	204,832	342,839	138,007-	40-	342,244.00	183,459.06	133,177.05	85,541.0
***	COMMUNITY DEVELOPMENT	204,832	342,839	138,007-	40-	342,244.00	183,459.06	133,177.05	85,541.0
****	CRA US1 CORRIDOR	204,832	342,839	138,007-	40-	342,244.00	183,459.06	133,177.05	85,541.0
		8,486,728	2,051,801	6,434,927	314	1,075,968.00	1,189,310.45	778,779.89	960,441.0

COCOA COMMUNITY REDEVELOPMENT AGENCY AGENDA ITEM

Memo Date: August 13, 2019
Agenda Date: August 28, 2019
Prepared By: Darryl Niles, Redevelopment Program Manager
Through: Nancy A. Bunt, Community Services Director
Requested Action:

Provide direction on Staff's recommendation to continue the default of Lodging Decisions, Inc., while granting an additional 60 days to cure said default.

BACKGROUND:

On January 29th, 2019, CRA and City Staff met with Lodging Decisions, Inc. (LDI) regarding the hotel redevelopment site (603 Brevard Avenue). Mr. Jack Brown agreed to the deliverables presented at the January 29th meeting and, as Chairman/CEO of LDI, signed the Redevelopment Project Agreement dated March 15, 2019 (Agreement).

Following clarification on the initial performance obligation date based on the date the Agreement was executed by both parties, on May 23, 2019 the City Manager corresponded with Lodging Decisions and requested a status report by May 28th regarding the performance obligations. The CRA did not receive a status report from Lodging Decisions until June 19th when Lodging Decisions emailed Charlene Neuterman, Deputy Community Services Director, a series of emails and documents related to the performance obligations.

On July 10, 2019, The Cocoa CRA Board determined that the documents submitted by LDI in June 2019 were insufficient and voted to issue to Lodging Decisions a Notice of Default, allowing 30 days to cure said default. Thus, on July 15, the attached Notice of Default was sent to Jack Brown of Lodging Decisions, Inc., providing that LDI must cure the default by not later than August 19, 2019.

On August 19, Lodging Decisions submitted documents relative to the required deliverables. Listed below are the deliverables for each performance obligation and the documents submitted by Lodging Decisions:

Market Feasibility Study- In support of the requirement to provide "a Market Feasibility Study demonstrating that the market will support and sustain the Project." LDI submitted a document titled "Proposed Hotel Upper Scale Hilton or Marriott." Sections three (3) and four (4) of this document purported to be a Market Area Analysis and Supply and Demand Analysis, respectively. This purported "feasibility study" was insufficient for reasons including but not limited to the following:

- *No indication of the methodology used to determine that the primary market is the City limits of Cocoa and Rockledge;

- * No indication of the methodology used to determine that the secondary market is the remainder of Brevard County;

*The market was not stratified into income levels, thus no discussion was provided regarding how the volume of households within certain income ranges translates into demand;

*The remainder of Central Florida, the State of Florida, nearby States and tourism overall were omitted totally from the "analysis";

*There was no "capture rate" given to indicate any formula regarding how the stated market size is capitalized into room demand;

*There was no statement of the total demand in the market (typically stated in terms of room nights). Thus, no discussion of demand was specified for 3 or 4 star (mid to upper-mid priced) properties, as should have been the focus of this study's analysis.

* There was no statement of total supply in the primary and secondary markets.

*There was no statement of average room rates in the area.

*There was no discussion of market saturation.

*There was no discussion of recent entrant properties into the market (last 3-5 years) and their level of success.

*There was no competitive analysis comparing the competitive strengths and weaknesses of the proposed property and the most comparable competitors in the marketplace.

Site Development Suitability Analysis

*Utilities & Storm water Analysis- This was submitted including a water, sewer and storm water assessments.

*FAR Analysis w/determination of total project site and right-of-way vacation confirmation and parking analysis- This was submitted.

*Traffic impact analysis- This was submitted.

*Survey and parking analysis- This was submitted.

*Cost of an additional deck of parking- This was submitted.

Evidence of Project Financing- A packet regarding Pace Equity was submitted. It did not in any way make reference to the Cocoa Village project, nor did it provide any evidence of any commitment to finance any project.

Economic Impact Analysis- This was submitted. It was very light on details as to the impact upon the City of Cocoa community. For instance, there was no statement regarding impact upon jobs in the area.

Conceptual Development Plan- A plan was provided. However, it was insufficient in that it does not depict the development on the site along with utilities, infrastructure, parking and traffic movements. Multiple elevation drawings were provided.

Hotel Brand- A copy of a Hilton Franchise Disclosure Document was provided. However, it appears to be in regard to another property as 1.) Document references the necessary investment for a "132 room" Hilton Garden property, and 2.) Document in no way referenced the Cocoa Village proposed development.

LDI also provided an email from Glenn Goerke of Hilton, wherein Mr. Goerke expressed "interest in the development of a new Hilton Garden Inn in downtown Cocoa, Florida."

However, Mr. Goerke's letter included no statement of a commitment or of any conditions necessary relative to approval for a Hilton Hotel at the project.
END OF LIST OF SUBMISSIONS

Staff finds that the developer, Lodging Decisions, Inc., continues to be in default of Redevelopment Project Agreement given that, as set forth above, 1.) several of the submitted documents lack the commitments necessary, i.e. lack of hotel brand and financing commitments; and 2.) some submitted studies/analyses lack some of the required details or analysis. However, it is clear that LDI has expended extensive effort in hiring qualified professionals and working with them in an effort to timely comply with the required deliverables.

Accordingly, Staff recommends that the CRA agree to designate that the Developer continues to be in default of the Project Agreement and to extend, by an additional 60 days, the period within which developer must cure such default.

Staff is requesting direction from the Cocoa CRA Board.

BUDGETARY IMPACT:

PREVIOUS ACTION:

12/12/2017 (Item V-2) – RFP issued
4/10/2018 (Item V-1) – Approve RFP selection
5/8/18 (Item VII-2) – Informational – public meeting notes
6/12/18 (Item V-3) – Approve change in zoning
6/12/18 (Item V-4) – Accept environmental report on site
7/10/19 (IV-2) – Recommend defaulting Lodging Decisions

RECOMMENDED MOTION:

Provide direction on Staff's recommendation to continue the default of Lodging Decisions, Inc., while granting an additional 60 days to cure said default.



Cocoa Community Redevelopment Agency
65 Stone St. | Cocoa, FL 32922
Phone: (321) 433-8509

July 15, 2019

Jack Brown
Lodging Decisions, Inc.
9889 Bainbridge Road
Chagrin Falls, OH 44023

Re: Notice of Default

Dear Mr. Brown,

This letter constitutes a Notice of Default pursuant to Sections 9.A, 2.A and 2.B of the City of Cocoa Redevelopment Agency Redevelopment Project Agreement (hereinafter "the Redevelopment Agreement"), dated March 15, 2019. Accordingly, you are hereby notified that you are in default of the Redevelopment Agreement as detailed below:

- Failure to provide a Market Feasibility Study, as required by the Agreement, Section 2.A(1).
- Failure to provide a Site Development Analysis, to include a Utilities & Stormwater Analysis, a Floor Area Ratio Analysis and a Parking Analysis, as required by the Agreement, Sec. 2.A(2), subsections (i.), (ii.) & (iii.).
- Failure to provide evidence of project financing, as required by the Agreement, Sec. 2.A(3).
- Failure to provide an economic impact analysis, as required by the Agreement, Sec. 2.A(4).
- Failure to provide an environmental plan, as required by the Agreement, Sec. 2.A(6).
- Failure to provide a Conceptual Development Plan, as required by the Agreement, Sec. 2.A(7).
- Failure to provide a hotel brand written approval, as required by the Agreement, Sec. 2.A(8).

As a result of your default, and pursuant to Section 9.A, you have 30 days, i.e. no later than August 19, 2019, to cure the default. As used in the Redevelopment Agreement, the term "cure" is defined as the Cocoa Redevelopment Agency (the "Agency") being in receipt of all required documents set forth above.

Should you fail to cure the default within the specified 30 days, the Agency may, in its sole discretion and without penalty, exercise any of its rights and remedies under the Agreement, or provided by law, including, but not necessarily limited to, termination of the Redevelopment Agreement. The CRA may consider termination of the Redevelopment Agreement at a meeting held on August 28, 2019.

Due to your default status, please submit in writing, via email, any and all questions or concerns regarding this matter, to our Redevelopment Program Manager, Darryl Niles, at dniles@cocoafl.org with a copy to our City Manager, John A. Titkanich, Jr., AICP, at jtitkanich@cocoafl.org.

Regards,

Jake Williams, Jr.
Chairperson
Cocoa Community Redevelopment Agency



Prepared by and return to:
Anthony A. Garganese, Agency Attorney
Garganese, Weiss, D'Agresta & Salzman, P.A.
P.O. Box 2873
Orlando, Florida 32802
(407) 425-9566

**CITY OF COCOA REDEVELOPMENT AGENCY
REDEVELOPMENT PROJECT AGREEMENT**

THIS REDEVELOPMENT PROJECT AGREEMENT (this "Agreement") is entered into as of the 15th day of March, 2019 (the "Effective Date"), by and between the **COCOA COMMUNITY REDEVELOPMENT AGENCY**, a Florida Community Redevelopment Agency formed pursuant to Section 163.330 et. seq., Florida Statutes, located in Brevard County, Florida (the "Agency"), and **LODGING DECISIONS, INC.**, an Ohio corporation, with an address of 9889 Bainbridge Road, Chagrin Falls, Ohio 44023 ("Developer").

STATEMENT OF PURPOSE

WHEREAS, the Agency is the owner of certain property with an address of 603 Brevard Avenue, Cocoa, Florida, located at the intersection of Brevard Avenue and Factory Street, being more particularly described on Exhibit "A", attached hereto and incorporated by this reference, consisting of Tax Parcel IDs 24-36-33-75-*-2 and 24-36-33-75-*-3 (the "Property"); and

WHEREAS, the Agency acquired the Property for redevelopment purposes in accordance with the Florida Community Redevelopment Act of 1969 (the "Act"); and

WHEREAS, on January 22, 2018, the Agency issued a request for proposal (which was titled Request for Proposals for the Purchase of Real Estate and Development of Real Property for 603 Brevard Avenue (also known as the former location of the City Hall), Cocoa, Florida, (the "RFP")) soliciting proposals from interested parties to redevelop the Property; and

WHEREAS, Jack D. Brown and Lodging Decisions, Inc. responded to the RFP by submitting a proposal to the Agency titled "Proposal for Former Cocoa City Hall Redevelopment Site," (the "Proposal"); and

WHEREAS, the Proposal proposed that the Property be redeveloped as a mixed-use hotel project consisting of at least seven stories, which exceeded the height limitation of the Commercial Business District-Cocoa Village Overlay zoning district; and

WHEREAS, on April 10, 2018, the Agency at a duly held public meeting selected the Developer as the developer for purposes of commencing negotiations regarding an agreement for the redevelopment of the Property and noted the necessity to address zoning issues (text amendment) and to hold at least one public meeting regarding the size and impacts of the project; and

WHEREAS, based on those negotiations, the Agency and Developer desired that the Property be redeveloped into a mixed-use hotel project with commercial and/or office uses fronting Brevard Avenue, consistent and compatible with the aesthetic architectural and urban theme of Cocoa Village, and in furtherance of the Agency's Community Redevelopment Plan and the Act; and

WHEREAS, after multiple public hearings and workshops, the City of Cocoa adopted via Ordinance No. 06-2018 on October 24, 2018, a zoning text amendment to allow for Large Scale Commercial/Mixed-Use Buildings on the Property, among other properties, which effectively increased the allowed height on the Property, though such maximum height may only be achieved with approval of a Development Agreement with the City of Cocoa, after Cocoa City Council consideration of certain factors; and

WHEREAS, the Agency and the Developer desire that the Property be expeditiously redeveloped for the betterment of the Redevelopment Area in strict accordance with the development schedule and time periods required by this Agreement; and

WHEREAS, in furtherance of this desire, the Agency herein establishes the conditions precedent that must be satisfied prior to the Agency's approval of the proposed conceptual plan and further establishes the redevelopment schedule and method of conveyance of the Property for purposes of redevelopment as provided herein.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and for other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged by all parties, the parties hereto agree as follows:

1. Recitals. The foregoing recitals are true and correct and are hereby fully incorporated herein by this reference.
2. Conditions Precedent to Approval of the Mixed-Use Conceptual Development Plan. The Agency intends that the Property will serve as a catalyst development to reduce slum and blight and economically revitalize the Agency Redevelopment Area in furtherance of the Community Redevelopment Plan. Should the following conditions precedent be fulfilled to the Agency's satisfaction, which shall be determined in the Agency's sole discretion, the Developer will redevelop the Property, at its expense, into a mixed-use hotel project with commercial and/or office uses fronting Brevard Avenue (the "Project"). The Project, at a minimum, shall consist of at least 100 hotel rooms and no more than 112 hotel rooms with ancillary meeting space, retail stores, office space, restaurant and lounge, pool, and a roof top bar and lounge. The minimum development program shall consist of 77,784 square feet and a maximum of 86,201 square feet. The Project's feasibility is still undetermined for a number of reasons as more specifically expressed below and must be resolved to the Agency's satisfaction as a specific condition precedent to the Agency's approval of a Conceptual Development Plan.

A. **Specific Studies and Approvals Required.** The following studies and approvals are a condition precedent to the Developer pursuing and submitting any permit applications with governing agencies to construct the Project:

(1) Market Feasibility Study. A market feasibility study demonstrating that the market will support and sustain the Project must be completed.

(2) Site Development Suitability Analysis. Analysis of the Property's suitability for the Project must be provided, analyzing the following elements:

i. Utilities and Stormwater Analysis. A utilities and stormwater engineering assessment is needed to determine if existing utility pipes and infrastructure can adequately handle the anticipated estimated flows (including consumption and fire flow), sewerage, and stormwater runoff for the Project.

ii. Floor Area Ratio (FAR) Analysis. The Developer shall identify the proposed minimum and maximum square footage of each use in the mixed-use Project, including retail, office, restaurant, banquet/bar, and hotel. The maximum square footage for the Project may not exceed the 2.0 FAR established for the Property in the City of Cocoa's (the "City" or "City of Cocoa") Comprehensive Plan. The Agency will determine, in its sole discretion, whether the square footage proposed for each individual use will serve the Agency goals of economic revitalization and elimination of slum and blight. As part of the FAR Analysis, the Developer must provide the following proof, survey, analysis and documentation:

a. The total size of the property upon which the Project shall be built directly determines the maximum square footage of the Project, given the 2.0 FAR. Accordingly, the Developer must provide proof of ownership of any additional parcels that it intends to combine with the Property to form the total development area.

b. The Developer must provide a survey of the area along the south side of Factory Street and east side of John Garren Lane proposed to be vacated.

c. The Developer shall prepare a Traffic Impact Analysis, determining the impact of vacating the east side of John Garren Lane to transform it into a one-way street.

d. The Developer must obtain from the City of Cocoa City Manager or his designee a written confirmation of the feasibility of vacating the specific areas identified in the survey and the City's intent to recommend vacation of the rights-of-way to the City Council. The Developer shall cooperate and provide all necessary assistance to the City of Cocoa when the City investigates the feasibility of the proposed vacation with all relevant utility providers.

iii. Parking Analysis.

a. The Developer shall provide the required number of parking spaces for all uses of the Project, consistent with the off-street parking requirements of the City Code, and shall further provide an additional 100 public parking spaces as required by the RFP. The Developer shall submit a detailed parking plan, indicating specifically where all spaces are to be located, whether on- or off-site. Except as provided in this subparagraph, only net increases in on-street parking shall count toward the required number of spaces; the Developer shall not be given credit for existing on-street spaces. The Developer may count existing on-street parking spaces toward the 100 required public parking spaces provided that such existing spaces are upgraded to include a stormwater pave drain system similar to that already installed on Florida Avenue.

b. The Developer shall provide to the Agency an estimate, with supporting documentation, of the cost to build one additional floor of parking in the Project's attached parking garage. The Agency shall have the option to, in its sole discretion, require the Developer to build such an extra floor at the Agency's own expense. The estimate must provide the incremental cost for the additional floor of parking, without including costs for the structure which the Developer would otherwise bear absent the additional floor.

(3) Evidence of Project Financing. Adequate evidence of Project financing shall be submitted from a lending institution, private lender or equity group indicating that the Project has been financed, or will likely be financed, to commence and complete construction in accordance with the terms and conditions of this Agreement. Such proof shall also include any documentation of proof any personal or business guarantees or collateral to be used to obtain the financing commitment.

(4) Economic Impact Analysis. An Economic and Fiscal Impact Analysis shall be submitted. The report shall be prepared by a duly qualified expert that details the associated economic and fiscal impacts of any proposed Project on the City. Although the City recognizes that the Project may have a regional economic and fiscal impact as well, said report shall predominantly address the economic and fiscal impacts on the Cocoa Village and the City of Cocoa, as its own economic system. The economic impact analysis portion of the report shall address the impacts of the Project on jobs, economic output, and wages. The fiscal impact analysis portion shall pertain to the net fiscal impact of the Project over a period of years which is the sum of those revenues (such as ad valorem taxes, public service taxes, sales taxes, and charges for service) directly received by the City minus the sum of expenditures incurred by the City (such as general government expenses, law enforcement, roads, and parks and recreation).

(5) Development Agreement with City of Cocoa. Pursuant to Ordinance No. 06-2018, a Development Agreement with the City of Cocoa is required to construct a Large Scale Commercial/Mixed-Use Building on the Property, as described in the Zoning Ordinance of the City of Cocoa; Appendix A, Article XI, Sec. 22(I). The City Council may authorize execution of a Development Agreement to achieve up to eight (8) stories in building height, after consideration of certain factors, including the economic and social benefits to the City and Agency, aesthetic quality and character, architectural design, physical and visual scale, and compatibility with the special and distinctive character of the Cocoa Village. The Developer shall present such an executed Development Agreement authorizing the additional building height, should Developer determine such height is desired for the Project. If the Developer determines that additional building height is necessary, Developer shall pursue approval of the development agreement promptly with the understanding that a decision by the City of Cocoa shall be required before the Developer is able to adequately complete the make the necessary square footage calculations necessary to complete the Site Development Suitability Analysis and Conceptual Development Plan required herein.

(6) Eco-Friendly. Developer shall provide to the Agency a plan to incorporate into the Project processes and technology that are environmentally responsible, resource-efficient and sustainable throughout the Project's life-cycle, including whether the Developer will endeavor to have the proposed building LEED certified. At minimum, the Project shall incorporate the use of energy efficient lighting systems, insulation and ENERGY STAR rated windows, low-flow water fixtures, modern heat pumps, and energy efficient HVAC systems.

(7) Conceptual Development Plan. A Conceptual Development Plan, including a complete set of proposed interior and exterior architectural renderings and building elevations of the Project, based on the approved number of stories and consistent with the brand/franchiser development standards shall be submitted. Said renderings and elevations shall be in color and shall reflect proposed color and design schemes for the Project.

(8) Hotel Brand. The Developer shall provide the Agency with written approval to utilize the selected hotel brand from the relevant corporate entity, which shall be a Hyatt Place or similar upscale brand.

B. **Timeline for Completion of Studies and Approvals.** All studies and approvals, including the Market Feasibility Study, Site Development Suitability Analysis (including the Utilities and Stormwater Analysis, FAR Analysis with determination of the total project site and right-of-way vacation confirmation, and Parking Analysis), Evidence of Project Financing, Economic Impact Analysis, Development Agreement with the City of Cocoa, Conceptual Development Plan, and Hotel Brand (collectively, the "Studies and Approvals"), shall be completed within four (4) months of execution of this Agreement.

C. **Agency Consideration of Studies and Approvals.** Upon timely completion of the specific Studies and Approvals outlined in Paragraph 2.A above, the Agency shall, at a public

meeting, consider such Studies and Approvals and supporting documentation. The Agency shall either grant approval of the mixed-use hotel Project and Conceptual Development Plan, request additional information and extend the timeline for completion of the specific Studies and Approvals, or decline to approve the Project and Conceptual Development Plan.

D. **Effect of Agency Approval of the Mixed-Use Conceptual Development Plan.** Upon Agency approval of the Project and Conceptual Development Plan, the remaining performance obligations of the Agency and the Developer set forth in this Agreement shall become effective, and the Developer represents and warrants to the Agency that it shall expeditiously redevelop the Property thereafter, at its expense, consistent with the approved Conceptual Development, which shall become automatically fully incorporated herein ("**Conceptual Development Plan**") as if it were presently attached hereto. The Agency's approval of the Project and Conceptual Development Plan shall be considered an express condition precedent to the Developer's responsibility to perform the remaining performance obligations as provided herein. Should the Agency decline to approve the Project and Conceptual Development Plan, the Developer shall have no further right or obligation to develop the Property, and each party shall bear their own costs and expenses incurred since receipt of the Proposal.

The Conceptual Development Plan shall be subject to final engineering, site plan approval, site development permit, and/or a unity of title agreement by the City of Cocoa or a subdivision to the extent that portions of additional parcels may be added to the total Project area. The Conceptual Development Plan may be subject to reasonable adjustments by the City of Cocoa in order to bring the project into compliance with the City Code of Cocoa (the "**City Code**"), but the Project shall be developed consistent with and in substantial conformance to the Conceptual Development Plan. In addition, development of the Project shall be consistent and compatible with the aesthetic architectural and urban theme of Cocoa Village, and in compliance with the Agency's Community Redevelopment Plan, the City Code, and the Act. The Conceptual Development Plan is intended to be the general blueprint which depicts key aspects of the future physical development of the Property. The Conceptual Development Plan shall also serve as a necessary guide for future permit applications and permitting.

3. **Future Permitting.** Within one month from the approval of the Conceptual Development Plan, the Developer, at its expense, shall prepare and file all required applications, information, and engineering plans with the City of Cocoa that are necessary to obtain final site plan approval for the Project, consistent with the Conceptual Development Plan and to obtain final approval for all off-site parking improvements required and represented in the Conceptual Development Plan and/or Parking Analysis. The Developer shall diligently pursue and obtain, in good faith, final approval of the site plan and off-site parking improvements within two months of the approval of the Conceptual Development Plan. If the Developer fails to obtain such final approval from the City (a/k/a - a final development order) within the aforesaid two months, the Agency shall have the right to declare the Developer in default pursuant to Paragraph 9 of this Agreement. If the Developer does not cure the default within the cure period, the Agency shall have the right, but not obligation to, terminate this Agreement without penalty.