



**CITY COUNCIL REGULAR MEETING**  
**CITY OF NEW PORT RICHEY**  
**NEW PORT RICHEY CITY HALL COUNCIL CHAMBERS**  
**5919 MAIN STREET, NEW PORT RICHEY, FLORIDA**  
**April 4, 2017**  
**7:00 PM**

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**AGENDA**

ANY PERSON DESIRING TO APPEAL ANY DECISION MADE BY THE CITY COUNCIL, WITH RESPECT TO ANY MATTER CONSIDERED AT ANY MEETING OR HEARING, WILL NEED A RECORD OF THE PROCEEDINGS AND MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THE LAW DOES NOT REQUIRE THE CITY CLERK TO TRANSCRIBE VERBATIM MINUTES; THEREFORE, THE APPLICANT MUST MAKE THE NECESSARY ARRANGEMENTS WITH A PRIVATE REPORTER (OR PRIVATE REPORTING FIRM) AND BEAR THE RESULTING EXPENSE (F.S.286.0105)

**ORDER OF**  
**BUSINESS**

1. Call to Order – Roll Call
2. Pledge of Allegiance
3. Moment of Silence
4. Approval of March 21, 2017 Regular Meeting Minutes Page 3
5. Proclamation - Donate Life Month Page 49
6. Proclamation - National Library Week Page 50
7. Proclamation - Alcohol Awareness Month Page 51
8. Vox Pop for Items Not Listed on the Agenda or Listed on Consent Agenda
9. Consent Agenda
  - a. Purchases/Payments for City Council Approval Page 52
10. Public Reading of Ordinances
  - a. First Reading, Ordinance No. 2017-2111: Refuse Collection Services Page 54
  - b. Second Reading, Ordinance No. 2017-2113: Amending Chapter 23 of the City Page 58

## Ordinances Relating to Disposition of Impounded Vehicles

### 11. Business Items

- |    |  |          |
|----|--|----------|
| a. | Resolution No. 2017-15: Opposition to SB596/HB 687 Regarding Wireless Communication Facilities | Page 66  |
| b. | Resolution No. 2017-17: Opposition to SB330/HB487 Regarding Local Business Tax                 | Page 88  |
| c. | Resolution No. 2017-16: Supporting the Transportation Advocacy Group Tampa Bay (TAG)           | Page 114 |
| d. | Wastewater Treatment Plant Emergency Generator Purchase (WWTP) - Consideration for Approval    | Page 122 |
| e. | Sanitary Sewer Manhole Inserts - ITB No. 17-008 Bid Award                                      | Page 135 |
| f. | Alcoholic Beverage Special Event Permit - Cotee River Seafest                                  | Page 142 |
| g. | Appointment of Rex Phelps, Environmental Committee   | Page 170 |
| h. | Appointment of Cynthia Contreras, Cultural Affairs Committee                                   | Page 178 |
| i. | Re-Appointment of Gina DiGregorio, Cultural Affairs Committee                                  | Page 185 |
| j. | City Manager Performance Evaluation  | Page 192 |
| k. | Three Minute Report: Police Department   |          |

### 12. Communications

### 13. Adjournment

Agendas may be viewed on the City's website: [www.citynpr.org](http://www.citynpr.org). This meeting is open to the public. In accordance with the Americans with Disabilities Act of 1990 and Section 286.26, Florida Statutes, all persons with disabilities needing special accommodations to participate in this meeting should contact the City Clerk, 727-853-1024, not later than four days prior to said proceeding.



# NEW PORT RICHEY

5919 MAIN STREET • NEW PORT RICHEY, FL 34652 • 727.853.1016

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**TO:** City of New Port Richey City Council  
**FROM:** Judy Meyers, City Clerk  
**DATE:** 4/4/2017  
**RE:** Approval of March 21, 2017 Regular Meeting Minutes

**REQUEST:**

The request is for City Council to approve the minutes from the March 21, 2017 regular meeting.

**DISCUSSION:**

City Council conducted its regularly scheduled meeting on March 21, 2017. The minutes from that meeting are attached for Council's review and approval.

**RECOMMENDATION:**

Staff recommends City Council approve the minutes as submitted.

**BUDGET/FISCAL IMPACT:**

No funding is required for this item.

**ATTACHMENTS:**

Description	Type
☐ March 21, 2017 Regular Meeting Minutes	Backup Material



**MINUTES OF THE CITY COUNCIL REGULAR MEETING**  
**CITY OF NEW PORT RICHEY**  
**NEW PORT RICHEY CITY HALL COUNCIL CHAMBERS**  
**5919 MAIN STREET, NEW PORT RICHEY, FLORIDA**  
**March 21, 2017**  
**7:00 PM**

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**ORDER OF**  
**BUSINESS**

1. Call to Order – Roll Call

The meeting was called to order by Mayor Rob Marlowe at 7:00 pm. Those in attendance were, Deputy Mayor Bill Phillips, Councilwoman Judy DeBella Thomas, Councilman Jeff Starkey and Councilman Chopper Davis.

Also in attendance were City Manager Debbie Manns, City Attorney Timothy Driscoll, City Clerk Judy Meyers, Chief of Police Kim Bogart, Finance Director Crystal Feast, Development Director Lisa Fierce, Fire Chief Chris Fitch, Economic Development Director Mario Iezzoni, Public Works Director Robert Rivera, Library Director Susan Dillinger, Parks and Recreation Director Elaine Smith, Technology Solutions Director Bryan Weed, Human Resources Manager Bernie Wharran and Assistant to the City Manager Martin Murphy.

2 Pledge of Allegiance

3 Moment of Silence

4 Approval of March 7, 2017 Regular Meeting Minutes

Motion was made to approve the minutes as presented.

Motion made by Chopper Davis and seconded by Judy DeBella Thomas. The Motion Passed. 5-0.  
Ayes: Davis, DeBella Thomas, Marlowe, Phillips, Starkey

5 Proclamation - Eva Franco

Mayor Marlowe presented Eva Franco with a proclamation to commend her for organizing a cleanup effort of three properties along Pine Hill Road.

6 Proclamation - Florida Loquat Day

Mayor Marlowe presented Jon Tietz with the City's Environmental Committee with a proclamation declaring Saturday, April 8th as Florida Loquat Day.



7 Proclamation - Water Conservation Month

Mayor Marlowe read the proclamation declaring the month of April as Water Conservation Month by title only.

8 Vox Pop for Items Not Listed on the Agenda or Listed on Consent Agenda

Mayor Marlowe opened the floor for public comment. Dan Dede came forward to commend the city on the improvements to Sims Park and the paving on Circle Blvd. He stated that since Circle Blvd. became two-way traffic there has been two accidents and increased traffic twofold. He is concerned about the speeding along Circle Blvd. He suggested installing removable speed humps. City Manager Manns stated that a speed study would be done and the results would be brought back before Council. With no one else coming forward Mayor Marlowe closed Vox Pop.

9 Consent Agenda

Deputy Mayor Phillips asked if the financial advisors for the Police Pension Board could be present at the April 4th City Council meeting. He reiterated his concerns that he has expressed previously three times regarding oversight and the management of funds. Motion was made to accept the Consent Agenda.

Motion made by Bill Phillips and seconded by Jeff Starkey. The Motion Passed. 5-0. Ayes: Davis, DeBella Thomas, Marlowe, Phillips, Starkey

a Library Advisory Board Minutes - November 2016 through January 2017

b Police Pension Board Minutes - January 24, 2017

c Purchases/Payments for City Council Approval

10 Public Reading of Ordinances

a First Reading, Ordinance No. 2017-2111: Refuse Collection Services

City Attorney Driscoll read the proposed ordinance by title only. City Attorney Driscoll noted that there were two revisions to this ordinance earlier today to address hours of pick up in commercial areas and to allow vendors to identify the owner or occupant of the property in their customer lists. He referred Council to the revised ordinance placed at their seats. City Manager Manns stated that this ordinance would require all residents to have refuse service.

Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Councilman Starkey asked for clarification on the disposal service and how it will be enforced. City Manager Manns stated that Code Enforcement and the Residential Inspector will ask for documentation. City Attorney Driscoll stated vendors will need to report quarterly.

Deputy Mayor Phillips stated he agreed with Councilman Starkey how it would be enforced. He would like a better definition of commercial and multi-family areas in the city.

Councilman Davis stated that the city has done a lot with ordinances to better the neighborhoods. He stated he believed that two days were sufficient for pickup. He stated there are two other companies who pickup recyclables on normal trash Thursdays.

Councilwoman DeBella Thomas stated that this ordinance came forth after Progressive did their due diligence that Wednesdays was recycling day. To accommodate Progressive by adding Wednesday we are accommodating residents as well. She stated the Progressive works with other non-profits in the community and that an accommodation should be allotted.

Mayor Marlowe stated the restriction of the commercial pickup times are worth addressing but he agreed with Councilman Davis that a third day was not needed.

Councilman Starkey asked how the companies will be notified. City Manager Manns replied that the companies will be advised of the ordinance pickup times and if complaints come in after the ordinance is in place then citations would be issued. She also addressed the request that all residential properties require waste hauling service. She stated there are approximately 700 homes that currently do not have service and that can create a public health hazard.

Councilman Davis asked if documentation could be provided when water service is requested. City Manager Manns stated that public notice could be given but water service could not be withheld until service is shown. Councilwoman DeBella Thomas stated it is easy to suspend service if a rental property is vacant and proposed to have that responsibility upon the landlord.

Deputy Mayor Phillips stated he would like to have the ordinance tabled until next meeting in order to further read the ordinance and get additional information.

Motion was made to table the ordinance until the April 4, 2017 City Council meeting.

Motion made by Bill Phillips and seconded by Chopper Davis. The Motion Other. 5-0. Ayes: Davis, DeBella Thomas, Marlowe, Phillips, Starkey

- b First Reading, Ordinance No. 2017-2113: Amending Chapter 23 of the City Ordinances Relating to Disposition of Impounded Vehicles

City Attorney Driscoll read the proposed ordinance by title only. Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Motion was made to approve the ordinance upon its first reading.

Motion made by Jeff Starkey and seconded by Judy DeBella Thomas. The Motion Passed. 5-0. Ayes: Davis, DeBella Thomas, Marlowe, Phillips, Starkey

## 11 Business Items

- a Appeal of Order to Demolish - 6143 Cecelia Drive - Freitas Property

City Manager Manns introduced Development Director Lisa Fierce who then made a presentation to Council. She stated that this is an appeal of an order to demolish. The property is located off of Cecelia and contains a home built in 1973. The property was subject to several code cases and has been vacant for years. The structure met three of the criteria under slum and blight. The property owner did file an appeal however the property was sold at a tax deed sale. The new property owner has submitted all the documentation in order to repair the property within sixty days. She stated staff was recommending Council approve ninety days to repair the property.

Carlos Agudo came forward and stated he just bought the property four days ago. He hired a contractor and formulated a plan for the repairs. Deputy Mayor Phillips thanked Mr. Agudo for working so quickly on a plan. Councilman Starkey asked if Mr. Agudo saw the house before he bought it or was it bought online and Mr. Agudo stated he did not know if the house was empty or not so he did not see the back only the front. Councilwoman DeBella Thomas asked what the immediate plan was. Mr. Agudo stated a dumpster would be delivered, the debris would be cleared and then the roof would be repaired.

Wayne and Fran Chamberlain came forward to speak and stated the previous owner was going to replace the roof but that was twelve years ago. Mr. Chamberlain stated the house has been vacant for five to six years. He stated he was inside the home last Friday and it is trashed. Mrs. Chamberlain stated she had helped the previous owner with some of the cleanup in the past. She is concerned about the mold and the rodents inside the home. Councilman Starkey stated that the

conditions are deplorable and no one should have to live next to anything like what was shown in the pictures.

Councilwoman DeBella Thomas asked if Council could receive a progress report before the end of the ninety days and Ms. Fierce replied yes.

Motion was made to approve the item as presented with the condition that thirty day updates would be provided.

Motion made by Chopper Davis and seconded by Judy DeBella Thomas. The Motion Passed. 5-0.  
Ayes: Davis, DeBella Thomas, Marlowe, Phillips, Starkey

- b Emergency Resolution No. 2017-12: Abatement and Removal of Unsafe Structure at 6821 Garden Drive

City Manager Manns introduced Development Director Lisa Fierce who then made a presentation to Council. She stated that the subject property is on Garden Drive and owned by Ron Howarth. There were two recent fires that damaged the mobile home on the property. The building official deemed it an immediate hazard. Mr. Howarth came into the Development Department and received a demo permit with the condition that work be done as of today. She stated staff is recommending approval of the resolution but asked if it could be put it in abeyance for sixteen days so that the other items may be removed.

Mr. Howarth came forward and asked if Council had any questions. He stated there has been twelve arsons in the community in two years and he was the victim of two of them. Mr. Howarth stated he does not agree with staff's recommendation as it is not causing a hazard anymore. There is a garbage company coming on Thursday to remove more debris. He stated his previous permit was for six months. He stated that he feels like he is being singled out and that focus should be on the ones starting the fires and the drug use in the community. He asked for additional time.

Councilman Starkey asked about the RV and Mr. Howarth stated it will be moved to another location outside the city.

Councilwoman DeBella Thomas asked about plans for the property. Mr. Howarth stated he was not sure what his plans are going to be. It may be cost prohibitive to put another mobile home on the property.

Councilman Starkey said the elevation requirement is a FEMA rule and not the city. Mr. Howarth stated that some cities have opted out of the FEMA rule and he would sign a waiver stating there would be no insurance on the property.

Mayor Marlowe asked if the property is in a flood zone. Ms. Fierce replied that yes and if a structure is built it would have to be elevated. Mayor Marlowe stated he was concerned because that whole area is dragging down property values for the whole city. He asked if it can be redeveloped and Ms. Fierce stated that the area has great redevelopment potential as it is water front property.

Councilman Davis asked when the fires occurred and Ms. Fierce replied March 1st and 8th. He asked if the lots were individually owned and Ms. Fierce replied yes.

Councilman Starkey asked if everyone had been through the subdivision and seen what it looks like.

Councilwoman DeBella Thomas asked for clarification on what is to be removed within the sixteen days. Ms. Fierce replied it would be the base that the mobile home sat on as well as the rest of the materials and the RV.

Deputy Mayor Phillips stated he was looking at what the authorization gives to the building official for this emergency procedure. He stated he believes that sixteen days is arbitrary and a little over the top and suggested giving Mr. Howarth thirty days. He asked Chief Fitch if the fires have been determined as arson and Chief Fitch replied yes and they were currently under investigation by the state Fire Marshall's Office.

City Attorney Driscoll then read the resolution by title only. Motion was made to approve the item with the conditions that the items must be removed within thirty days and that Council would receive updated photographs in fifteen days.

Motion made by Bill Phillips and seconded by Jeff Starkey. The Motion Passed. 5-0. Ayes: Davis, DeBella Thomas, Marlowe, Phillips, Starkey

c Resolution No. 2017-13: Opposition to HB 13 Regarding Community Redevelopment Agencies

City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to serve in opposition to HB13 which restricts CRA's to perform within their purpose. Municipalities can establish CRA's for redevelopment of blighted areas. The proposed bill would limit local CRA's.

Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Deputy Mayor Phillips stated that CRA's have had a monumental effect on redevelopment in their own backyards. It did not surprise him that on a statewide level to move authority and oversight from local to Tallahassee and then not provide tools. He stated that the City has taken great care to reinvest the dollars back into the community. If the City did not have a CRA back in the economic downturn there are several things that would not have been done. Councilman Davis stated that CRA dollars are reinvested in the community. Councilwoman DeBella Thomas agreed that we should be able to make the decisions for ourselves. Mayor Marlowe stated that our CRA has provided the city an opportunity to improve our community for many years. City Attorney Driscoll then read the resolution by title. Motion was made to approve the item as presented.

Motion made by Bill Phillips and seconded by Chopper Davis. The Motion Passed. 5-0. Ayes: Davis, DeBella Thomas, Marlowe, Phillips, Starkey

d Resolution No. 2017-14: Opposition to HB 17 Regarding the Preemption of Municipal Home Rule Powers

City Attorney Driscoll read the resolution by title. City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was oppose current legislation which would affect home rule powers. HB17 would preempt local regulation of business and types of businesses. City Manager Manns stated it is staff's perspective that home rule powers need to be protected.

Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Councilman Starkey stated he cannot understand the logic behind this bill as it does not benefit anyone. Councilman Davis added that no two cities look alike. Councilwoman DeBella Thomas stated that she could not understand the logic behind the bill as well. Mayor Marlowe stated that the recently adopted noise ordinance was passed to help residents get sleep and that it was the responsibility of the city to do that and it is not anything anyone in Tallahassee would know or care

about. He stated that if it was the federal government trying to do this it would be the state that would be squawking. He stated that it is very important to make decisions at the local level and not the state. Motion was made to approve the item as presented.

Motion made by Jeff Starkey and seconded by Chopper Davis. The Motion Passed. 5-0. Ayes: Davis, DeBella Thomas, Marlowe, Phillips, Starkey

e Recommendations for In-Kind Support for Special Events

City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to approve special in-kind services for special events for non-profits. An appropriation of \$50,000 in the City's annual budget is to support in-kind services which are typically fire, police and public safety. The values on matrix were based on gross revenues of the events and the surplus revenue of the organization. Applications were sent out and only three organizations submitted - the West Pasco Chamber of Commerce, Chasco Fiesta, and New Port Richey Main Street. The amounts requested exceeded the amount of funding available to support events so staff developed the following recommendations: Cotee River Bike Fest \$6,000, Holiday Street Parade \$2,000, Chasco Fiesta \$33,000, Cotee River Seafood Fest \$4,000, and Main Street Blast \$5,000 which totals \$50,000. All event organizers have been notified of the funding amounts.

Upon opening the floor to public comment, Steve Schurdell came forward and stated he is involved with several organizations and the only question he had was would there only be three groups that would be benefited. City Manager Manns responded that there were only three respondents. Mr. Schurdell questioned whether or not New Port Richey Main Street submitted an application and City Manager Manns responded yes they did for three events. Mr. Schurdell stated he felt the proportion of funds given to one festival in relation to the other events was overfunded and detrimental to the other festivals. More diverse events could benefit the city. City Manager Manns responded that the consideration for funding was based on several factors including promoting the city as a destination and family friendly events. She also stated that the West Pasco Chamber of Commerce and New Port Richey Main Street receive benefits the other organizations do not. For example, New Port Richey Main Street gets free office space and a paid city position and the Chamber has a very favorable lease as well. With no one else coming forward, Mayor Marlowe returned the floor to Council.

Councilman Davis stated that these type of events are addressed at the TDC. The matrix is opinionated and does not have long range goals. He stated that we should take a look in the budget session and that the process needs more time and work. The TDC works to wean off over a set number of years. He stated the matrix doesn't make sense and that the Coteeman should be listed and the total should be increased to \$62,000.

City Manager Manns stated she wanted to assert the fact that this is an improved process. This is the first time for the application process and if it is determined more money is needed or different distributions need to be calculated it can be done.

Councilman Starkey stated when he thinks of in-kind he sees it is as policing. The more people that attend the events the more policing needed. Bikefest last year needed more police and with more events in the park like the River Lights Boat Parade there needs to be more police. It is a start but there are so many variables to consider when quantifying and putting an amount on each event. He stated there needs to be more funds for Bikefest and the boat parade. It is not a perfect solution but it is a start. He agreed that it needs to be discussed more during budget season.

Councilwoman DeBella Thomas stated the matrix included three events that are for next year's events. She stated that she has lived in city for forty years and about fifteen years ago the process was applications went out and were due back by June 1st so when Council looked at budget over summer the amounts would be included. She stated that she applauded the attempt to put this process in place.

Mayor Marlowe stated he agreed with Councilman Starkey's comments and that the River Lights Boat Parade is one of the signature events like the Chasco boat parade. He stated that the \$50,000 total is

something that needs to be revisited as historically year after year the amount for Chasco comes in at the mid \$30k's and leaves about \$15k for everything else. Although Chasco is a big event there are other events by the Chamber and New Port Richey Main Street that are big items for the city and provide entertainment value. He stated he felt that we were way low on the total and to find additional funds for this year and put into budget the process. City Manager Manns then suggested to fund the events at the 2017 requested amounts.

Deputy Mayor Phillips stated he has been here for sixty years and first of all he had to fight in 2012 for funding as the previous City Manager did not want to fund anything and found \$25,000 for Chasco. This will be the second year for some events to utilize the supersized park. The City goes out of our way to do everything we can for these events and we try to be receptive to all groups. He remembers the budget process where we got the \$50,000 by looking at where the events were from the year before. He stated the matrix included events that were not for this fiscal year so they should be backed out and the money reallocated or not funded at all. This year for Chasco the country concert is the same day as the street parade with the Marine Corps Band and the Clydesdales. The City gets cooperative service from other law enforcement agencies. He stated that funding elements during budget time were conservative and that other groups are welcome to submit their events. It comes to be a business decision at that point. Tourist Development dollars are going to the middle part of the county and not west Pasco.

Councilman Davis stated we should look at a long range plan and to fund the projects between now and end of budet to match what they got last year and not change any amounts.

Councilman Starkey stated events need to be evaluated each year.

Motion was made to approve the item with the conditions that the amounts funded would equal what the events received in 2016 except for the seafood fest which would be funded at \$4,000.

Motion made by Chopper Davis and seconded by Jeff Starkey. The Motion Passed. 5-0. Ayes: Davis, DeBella Thomas, Marlowe, Phillips, Starkey

f RESTORE Act - Pasco County/New Port Richey Subrecipient Agreement - Consideration for Approval

City Manager Manns introduced Public Works Director Robert Rivera who then presented the item to Council. He stated that the purpose of this agenda item was to consider for approval the subrecipient agreement. The agreement is a requirement of the City and County in order to receive the funds. The total amount is \$100,000.

Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Deputy Mayor Phillips asked for a timeline for the improvements that will take place around Orange Lake and Sims Park Pase II. Mr. Rivera replied that the dredging would begin in July and that everything needs to be approved by the Treasury and would be complete by December. Motion was made to approve the item as presented.

NOTE: \*\*There were typographical corrections made to the agreement by Pasco County after the agenda for this meeting was finalized. The updated agreement is attached to these meeting minutes for the record.\*\*

Motion made by Bill Phillips and seconded by Chopper Davis. The Motion Passed. 5-0. Ayes: Davis, DeBella Thomas, Marlowe, Phillips, Starkey

g 2017 City Hall Interior Carpet Removal and Replacement Project - Consideration for Approval

City Manager Manns introduced the item to Council. She stated that the Capital Improvement Budget included funds for improvements to City Hall. This agenda item was for the replacement of carpeting for the first floor of City Hall. Mr. Rivera received a quote for \$81,052.12 for the removal and replacement of the carpet therefore staff was recommending approval from Council to move forward with the replacement of the carpet.

Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Motion was made to approve the item as presented.

Motion made by Jeff Starkey and seconded by Judy DeBella Thomas. The Motion Passed. 5-0. Ayes: Davis, DeBella Thomas, Marlowe, Phillips, Starkey

h Three Minute Report: Human Resources

12 Communications

Mayor Marlowe stated the contactors did good job on Circle Boulevard however there is already damage to the new asphalt today from the Chasco carnival. There is a candidate forum on Thursday at 6:00 p.m. at People Places and invited people to attend as he and his fellow candidate for mayor share their visions for the city. He stated that he has talked to several people about alleyways and how they are not a big priority and perhaps the Pavement Management Plan Committee could look and see if they can be part of the plan. He stated that homeowners will need to be charged for improvements as some of the alleys are in bad shape. He spoke with residents on Oelsner Street about the problems in their neighborhood as right down the street from their home is a homeless camp and property owned by FDOT where it appears that some shady people are living there since the property is unsecured. This is creating a severe criminal issue west of US19 and we have got to get the County, FDOT and the City of Port Richey on board to cleanup. The County needs to take a lead on the homeless issue by providing housing and services. We cannot have them living in woods as it is dangerous for them and creating problems for us. We need to get Leisure Lane annexed and aggressively look at the criminal activity and housing stock as they are falling apart. The police chief needs the resources to keep at it until it is cleaned up as the Sheriff's Office is incapable to deal with it and the city can as we have more code and police officers per square mile.

Councilwoman DeBella Thomas stated that there is feeding of the homeless on Lincoln across from Beef O'Brady's at 10:00 a.m. every Saturday morning. The City needs to work on getting what we need in place to address that. She applauded the City's smoke cessation program and stated that we need to create a no smoke zone between city hall and the library. She stated she gave a letter from Robert Snead with Sunnybrook Condos to Ms. Manns that applauded the efforts of Sean Howard on March 6th to discuss stormwater issues. She stated that the Rotary Club of Holiday is hosting the street parade this weekend and with it being spring break that they are in need of volunteers and anyone fifteen years old and up who are interested in helping out to meet at the IHOP on US19 at 8:30 Saturday for a free breakfast and then will get their assignments. She thanked Mr. Rivera and his team for the delivery of mulch. She was excited to think that the next Chasco king could pack heat as Police Chief Kim Bogart has been nominated for King Pithla.

Councilman Starkey thanked Eva Franco and the volunteers for their cleanup efforts. He referred to an article in the TB Times about Van Doren and Leisure Lane. If the City annexes that area then we need to be ready to slum and blight it. He stated we need to continue to work with the County to address problem areas. Mr. Howarth's area is a problem area along with so many other pockets west of US19 and we need to continue to address issues and go after the homeless camps that are bringing down the city and be more aggressive with the derelict mobile home parks that are havens for drug addicts and crime. He stated many of the homeless don't want help and just want to panhandle and live in the woods. He stated that the dog park is in bad shape as the dogs rip up grass. He asked that the park be looked at to see what improvements can be made. He stated that he will not be on the Chasco float for

the parade this year.

Councilman Davis stated that in the City Manager's report there was a drawing by Kimley-Horn which depicted some shade structures however the drawing nor the amount quoted for the installation was not even close to what he was proposing during his demonstration at the March 7, 2017 Council meeting.

13 Adjournment

There being no further business to consider, upon proper motion, the meeting adjourned at 9:24 pm.

(signed) \_\_\_\_\_  
Judy Meyers, City Clerk

Approved: \_\_\_\_\_ (date)

Initialed: \_\_\_\_\_



**ORDINANCE NO. 2017-2111**

**AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA, PROVIDING FOR THE AMENDMENT OF SECTIONS 10-24 AND 10-25 OF THE NEW PORT RICHEY CODE OF ORDINANCES; PERTAINING TO DUTIES OF GARBAGE COLLECTORS AND CUSTOMERS, AND THE HOURS AND DAYS OF GARBAGE COLLECTION IN THE CITY; PROVIDING FOR REQUIRED GARBAGE COLLECTION AGREEMENTS AND REPORTING THEREOF; PROVIDING FOR AN ADDITIONAL DAY OF GARBAGE COLLECTION IN THE CITY; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.**

WHEREAS, within the City limits of the City of New Port Richey, Florida is a recurring condition which has resulted in uncollected garbage;

WHEREAS, uncollected garbage is a detriment to the public health, safety, welfare and quality of life of the residents of the City;

WHEREAS, it is necessary to ensure that each property owner has entered into an agreement for the disposal of the garbage from said property;

WHEREAS, an additional day of garbage collection will improve the efficiency of the City's garbage collection system; and

WHEREAS, it is declared as a matter of legislative determination and public policy that the provisions and prohibitions herein are necessary in the public interest; and it is further declared that the provisions and prohibitions herein are in pursuance of and for the purpose of securing and promoting the public health, safety, welfare and quality of life in the City.

**NOW, THEREFORE, THE CITY OF NEW PORT RICHEY, FLORIDA HEREBY ORDAINS:**

**Section 1. Section 10-24 of the Code of Ordinances, pertaining to duties of trash collectors and customers, is hereby amended as follows (strikeout text shows deleted matters, new matters are underlined):**

Sec. 10-24. - Duties of collector, customer.

(a) The holder of any special permit as required in section 10-41 shall clean, sweep, collect and remove any garbage, trash, refuse or residue which may be spilled or is scattered, loose or otherwise uncovered at or within the immediate proximity of the garbage cans, trash cans or other

containers or packages of garbage, trash or refuse so that upon such collection there shall be no scattered, loose or otherwise uncovered residue of any garbage, trash or refuse at the collection site; provided, that all garbage is enclosed, by the customer, in a garbage can, receptacle, or other waterproof container, and that all trash is properly packaged by the customer.

(b) Each property owner or occupant within the City shall enter into and maintain at all times an agreement with a holder of a special permit as required in section 10-41, providing for the removal and collection of all garbage, trash or refuse from said property in accordance with this chapter. Each holder of a permit required in section 10-41 shall provide a list of all customers serviced by said permit holder pursuant to this chapter to the City's public works department, which shall include the name of each property owner or occupant, the current address thereof and the address of each property serviced by said permit holder. The aforesaid list shall be updated, periodically and no less frequently than once every ninety (90) days.

**Section 2. Section 10-25 of the Code of Ordinances, pertaining to collection hours and days for garbage collection, is hereby amended as follows** (strikeout text shows deleted matters, new matters are underlined):

Sec. 10-25. - Collection hours, days.

Those persons or entities holding a special permit referred to in section 10-41 herein shall only be permitted to collect garbage, trash, refuse and recyclable materials between the hours of 6:00 a.m. and 7:00 p.m. on Mondays, Wednesdays and Thursdays within those residential areas of the city where single or multiple family structures exist, and garbage cans for garbage, trash or refuse, or blue bags for recyclable materials, are used. No collection of garbage, trash, refuse or recyclable materials within said residential areas of the city shall be permitted on any other day of the week, except in the event the following holidays fall on a Monday, Wednesday or Thursday:

- (1) New Year's Day,
- (2) Dr. Martin Luther King, Jr. Birthday
- (3) Memorial Day,
- (4) Independence Day,
- (5) Labor Day,
- (6) Veterans' Day,
- (7) Thanksgiving Day,
- (8) Day after Thanksgiving, or
- (9) Christmas Day.

In the event any of the above listed holidays fall on a Monday, Wednesday or Thursday, the holders of the aforesaid special permit referred to in section 10-41 herein shall collect such garbage, trash, refuse or recyclable materials on the holiday or on the day immediately following the holiday.

In those areas where industrial or commercial structures exist, as well as in those residential areas where multiple family structures with proper access to dumpsters exist, the collection of garbage, trash, refuse or recyclable materials may be collected by the holders of the special permit

referred to in section 10-41 herein between the hours of 6:00 a.m. and 7:00 p.m. on any day of the week, except Sundays.

**Section 3. Conflict with Other Ordinances and Codes.** All ordinances or parts of ordinances of the City of New Port Richey, Florida, in conflict with the provisions of this ordinance, are hereby repealed to the extent of such conflict.

**Section 4. Severability.** If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

**Section 5. Effective Date.** This ordinance shall take effect immediately upon its adoption as provided by law.

The foregoing Ordinance was duly read and approved on first reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida this \_\_\_\_ day of \_\_\_\_\_, 2017, and read and adopted on second reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida this \_\_\_\_ day of \_\_\_\_\_, 2017.

ATTEST:

By: \_\_\_\_\_  
Judy Meyers, City Clerk

By: \_\_\_\_\_  
Robert Marlowe, Mayor-Council Member

(Seal)

APPROVED AS TO FORM AND LEGALITY FOR  
THE SOLE USE AND RELIANCE OF THE CITY  
OF NEW PORT RICHEY, FLORIDA:

\_\_\_\_\_  
Timothy P. Driscoll, City Attorney

<b><u>ARTICLE I</u></b>	<b>RECITALS</b>
<b><u>ARTICLE II</u></b>	<b>PURPOSE AND INTENT</b>
<b><u>ARTICLE III</u></b>	<b>STATEMENT OF WORK</b>
<b><u>ARTICLE IV</u></b>	<b>PERFORMANCE AND SUBCONTRACTS</b>
<b><u>ARTICLE V</u></b>	<b>CONTRACT LIABILITY</b>
<b><u>ARTICLE VI</u></b>	<b>REIMBURSEMENT</b>
<b><u>ARTICLE VII</u></b>	<b>PAYMENT</b>
<b><u>ARTICLE VIII</u></b>	<b>UNIFORM ADMINISTRATIVE REQUIREMENTS</b>
<b><u>ARTICLE IX</u></b>	<b>PROGRAM INCOME</b>
<b><u>ARTICLE X</u></b>	<b>MAINTENANCE AND REAL PROPERTY PROTECTIONS</b>
<b><u>ARTICLE XI</u></b>	<b>COUNTY RECOGNITION</b>
<b><u>ARTICLE XII</u></b>	<b>TERM</b>
<b><u>ARTICLE XIII</u></b>	<b>AUDITS AND MONITORING</b>
<b><u>ARTICLE XIV</u></b>	<b>QUARTERLY REPORTING REQUIREMENT</b>
<b><u>ARTICLE XV</u></b>	<b>RECORD RETENTION</b>
<b><u>ARTICLE XVI</u></b>	<b>SUSPENSION AND TERMINATION</b>
<b><u>ARTICLE XVII</u></b>	<b>NOTICES</b>
<b><u>ARTICLE XVIII</u></b>	<b>INDEPENDENT CONTRACTOR</b>
<b><u>ARTICLE XIX</u></b>	<b>INDEMNIFICATION</b>
<b><u>ARTICLE XX</u></b>	<b>INSURANCE</b>
<b><u>ARTICLE XXI</u></b>	<b>PERSONNEL AND PARTICIPANT CONDITIONS</b>
<b><u>ARTICLE XXII</u></b>	<b>ENVIRONMENTAL CONDITIONS</b>
<b><u>ARTICLE XXIII</u></b>	<b>GENERAL CONDITIONS</b>

**SUBAWARD AGREEMENT BETWEEN THE CITY OF NEW PORT RICHEY,  
FLORIDA AND PASCO COUNTY, FLORIDA PERTAINING TO THE DIRECT  
COMPONENT PORTION OF THE RESTORE ACT TRUST FUND MONIES  
ALLOCATED TO PASCO COUNTY**

**THIS SUBAWARD AGREEMENT**(hereinafter "Agreement") is entered into by and between PASCO COUNTY, a political subdivision of the State of Florida, with an address of 37918 Meridian Avenue, Dade City, Florida 33525, by and through its Board of County Commissioners, (hereinafter the "COUNTY"), and the City of New Port Richey, a political subdivision of the State of Florida, with an address of 5919 Main Street, New Port Richey, Florida 34652, by and through its City Council, (hereinafter the "SUBRECIPIENT"),and having a DUNS number of 083198242, for the receipt of a subaward of funds made available through a federal award to the COUNTY.

**WITNESSETH:**

**WHEREAS**, the COUNTY, recognizing that substantial funds of money could be made available to Pasco County through the Resources and Ecosystem Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 under CFDA #21.015 (hereinafter "the RESTORE Act")which established the Gulf Coast Restoration Trust Fund, developed and submitted a Multiyear Implementation Plan to the United States Department of Treasury (hereinafter the "DEPARTMENT") pursuant to all applicable rules and requirements; and

**WHEREAS**, said Multiyear Implementation Plan consisted of three initial projects, one of which the SUBRECIPIENT proposed, the Orange Lake Restoration Project; and

**WHEREAS**, the Multiyear Implementation Plan was accepted by the DEPARTMENT on July 17, 2015, which authorized the COUNTY to apply for financial assistance from the Gulf Coast Restoration Trust Fund to be used to fund activities and projects consistent with the Multiyear Implementation Plan; and

**WHEREAS**, the COUNTY has been awarded a RESTORE Act allocation of \$103,000.00 dollars under Federal Award Identification Number RDCGR190021-01-00 , awarded to the COUNTY on February 27, 2017 by the United States Department of Treasury; and

**WHEREAS**, the SUBRECIPIENT has requested funds from the COUNTY for the Orange Lake Restoration Project to dredge Orange Lake; and

**WHEREAS**, the COUNTY, acting as a pass-through entity, and the SUBRECIPIENT desire to enter into an subaward Agreement in accordance with 2 C.F.R. Part 200, to allow the SUBRECIPIENT to utilize an allocated sum of the COUNTY'S portion of Gulf Coast Restoration Trust Fund to carry out the project activities for the Orange Lake Restoration Project in compliance with the Multiyear Implementation Plan; and

**WHEREAS**, Exhibits A, B, C, D, E and F which are attached and further explain this Subaward Agreement are incorporated by reference and made part of this Agreement.

**NOW, THEREFORE**, in consideration of the mutual covenants, promises, and representations contained herein, the parties hereto agree as follows:

#### **ARTICLE I**

##### **RECITALS**

The WHEREAS clauses set forth above are incorporated herein by reference and made part of this Agreement.

#### **ARTICLE II**

##### **PURPOSE AND INTENT**

The COUNTY has received a Federal Award through the Gulf Coast Restoration Trust Fund (CFDA# 21.015, titled: Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States, in the amount of One Million, One Hundred Sixty Nine Thousand, Two Hundred Fifty-FiveNine Hundred Ninety-Six Thousand, Two Hundred Thirty-three and 01/100 Dollars (\$1,169,255.01) as of December 31, 2016 to carry out the projects meeting the requirements of 31 C.F.R. Part 34. The purpose and intent of this Agreement is to allocate a portion of RESTORE Act funds awarded to the COUNTY to the SUBRECIPIENT for reimbursement of qualified expenditures for the Orange Lake Restoration Project more specifically described in Exhibits A, C, and E.

### **ARTICLE III**

#### **STATEMENT OF WORK**

1. Project. The Orange Lake Restoration Project (hereinafter the "Project"), more particularly described in Exhibit A, is the purpose of this Agreement.
2. Budget. The COUNTY and the SUBRECIPIENT agree that the budget submitted for the Project as shown as part of SUBRECIPIENT's application for the Allocated Sum, attached hereto and incorporated herein as Exhibit E, herein referred to as "Project Budget," shall be the basis for the Allocated Sum.
3. Schedule. The timeframe to provide Project services, herein referred to as "Project Schedule," begins on January 6 1, 2016, and ends on November 30, 2017, as indicated in Exhibit C. The Project Schedule shall be strictly followed by the SUBRECIPIENT in performing and completing the Project.
4. Qualified expenditures, eligible expenditures, and eligible expenses shall mean those expenditures or expenses reasonably necessary to complete the Project.

### **ARTICLE IV**

#### **PERFORMANCE AND SUBCONTRACTS**

1. Performance Monitoring. The COUNTY shall monitor the performance of the SUBRECIPIENT against goals and performance standards as required herein. Substandard performance, as reasonably determined by the COUNTY, will constitute noncompliance of this Agreement. If such substandard performance is not corrected by the SUBRECIPIENT within a period of forty-five (45) days after being notified by the COUNTY, in accordance with Article XVI contract suspension or termination procedures may be initiated and enforced in accordance with regulations set forth in 2 C.F.R. Part 200.
2. SUBRECIPIENT's subcontractors. The SUBRECIPIENT shall be responsible for all work performed and all expenses incurred in connection with this Agreement. The SUBRECIPIENT may subcontract, as necessary, to perform as required by this Agreement. The COUNTY shall not be liable to any subcontractor(s) for any expenses or liabilities incurred under the SUBRECIPIENT's subcontract(s), and the

SUBRECIPIENT shall be solely liable to its subcontractor(s) for all expenses and liabilities incurred under its subcontract(s). The SUBRECIPIENT shall take the necessary steps to ensure that each of its subcontractor(s) will be deemed independent contractor(s) and will not be considered or permitted to be agents, servants, joint ventures or partners of the COUNTY.

3. Procurement Standards. All procurement transactions shall be conducted in a manner to provide to the maximum extent, practical, open, and free competition. Sub-recipients must follow the Federal Procurement Standards set forth in 2 CFR 200.318 – 200.326. Bid packages and advertisements shall be subject to COUNTY review and comment before being published. Documentation concerning the selection process for all contracts or subcontracts shall be forwarded to the COUNTY for review and comment prior to award. Within 10 working days from receiving documentation from the SUBRECIPIENT, the COUNTY shall submit all comments to the SUBRECIPIENT for consideration.

4. Laws. All contracts or subcontracts made by the SUBRECIPIENT to carry out the Project herein shall be made in accordance with all applicable Federal, State, and local laws, rules, and regulations stipulated in this Agreement and in strict accordance with all terms, covenants, and conditions in this Agreement. Any worker's services contracted hereunder shall be specified by written contract or Agreement and shall be subject to each Article set forth in this Agreement.

5. Subcontract Monitoring. The SUBRECIPIENT shall monitor all subcontracted services on a regular basis to assure contract compliance. Results of monitoring efforts shall be summarized in written reports and supported with documented evidence of follow-up actions taken to correct areas of noncompliance. Such summaries and documents shall be submitted to the COUNTY with each quarterly report.

## **ARTICLE V**

### **CONTRACT LIABILITY**

The COUNTY shall not be liable to any person, firm, or corporation who contracts with, or provides goods or services to, the SUBRECIPIENT in connection with this Agreement, or for debts or claims accruing to such parties against the SUBRECIPIENT; there is no contractual relationship either expressed or implied



between the COUNTY and any other person, firm, or corporation supplying any work, labor, services, goods, or materials to the SUBRECIPIENT as a result of its services to the COUNTY hereunder.

## **ARTICLE VI**

### **REIMBURSEMENT**

The SUBRECIPIENT is allocated a total sum of One Hundred Thousand and 00/100 Dollars (\$100,000.00)(hereinafter the "Allocated Sum") by the COUNTY from its RESTORE Act allocation, to be made available to the SUBRECIPIENT for reimbursement of eligible expenditures, in consideration for performance of the project as described in Exhibit A, attached hereto and incorporated herein. The total amount of Federal funding (Restore Act allocation) obligated by this Agreement and made available to the SUBRECIPIENT shall not exceed One Hundred Thousand and 00/100 Dollars (\$100,000.00).

## **ARTICLE VII**

### **PAYMENT**

Payment by the COUNTY of the Allocated Sum to the SUBRECIPIENT as reimbursement or the SUBRECIPIENT's vendor for performance of the Project shall be as follows:

1. The SUBRECIPIENT shall submit to the COUNTY, through its Parks, Recreation and Natural Resources Administrative Services Division any and all documents verifying the request for payment, herein "Verifying Documents." Verifying Documents shall be submitted to the COUNTY within thirty (30) days from the day the SUBRECIPIENT received service or performance or supplies from a vendor and in no event later than forty-five (45) days from when the SUBRECIPIENT receives the bill/invoice from the vendor. Final request for payment shall be submitted no later than thirty (30) days from Project completion. Verifying Documents may include, but are not limited to:

- a. Records of staff time, documented time sheets, with original signatures of the staff person and a documented official, all applicable cancelled checks (a bank statement will be required if

the cancelled checks are not legible), receipts for material and labor, and any invoices chargeable to the Project.

b. An original invoice and written approval by the SUBRECIPIENT for each eligible expense to be paid directly to the vendor, or a written request for reimbursement that includes a copy of applicable invoices for each eligible expense.

c. Invoices from the vendor, including details of the amounts being invoiced, and copies of cancelled checks, front and back, which have been processed for payment for items that apply to the reimbursement of the SUBRECIPIENT's funds.

2. Within ten (10) working days of receipt of Verifying Documents, the COUNTY shall, in its sole discretion, determine if the Verifying Documents, or any portion of them, are acceptable and in strict compliance with the purpose, national objective, and laws stated herein and approve them for payment. If, at the sole discretion of the COUNTY, it is determined there are any errors in the Verifying Documents, the COUNTY shall notify the SUBRECIPIENT within ten (10) working days of receipt of the Verifying Documents. The SUBRECIPIENT shall submit corrected Verifying Documents within ten (10) working days of receipt of notice. Payment shall not be made for any Verifying Documents that contain errors.

3. Upon determination by the COUNTY that Verifying Documents are approved, the COUNTY will initiate the payment process in accordance with Section 218.73-74, Florida Statutes, considered due upon receipt by the Clerk & Comptroller's Office, and paid upon approval by the COUNTY. The COUNTY reserves the right to delay any payment request for Verifying Documents containing errors, until such errors are corrected to the satisfaction of the COUNTY.

4. In no event shall the COUNTY be obligated to reimburse for any Verifying Documents older than sixty (60) days from the date of receipt by the SUBRECIPIENT from a vendor.

5. Payments may be contingent upon certification of the SUBRECIPIENT's financial management system in accordance with the standards specified in 2 CFR, 200; 2 CFR, 215; or 2 CFR, 225, as applicable.

6. If applicable, program income must be disbursed before the SUBRECIPIENT requests funds from the COUNTY.

7. Pasco County will close out the Award when it determines that all applicable administrative actions and all required work for this Award have been completed. Within 45 days after the end of the period of performance, the recipient must submit any outstanding reports, as well as any required reporting on subawards. The recipient must liquidate all obligations incurred under this Award no later than 45 calendar days after the end of the period of performance, unless the recipient requests and with the approval from Pasco County and Treasury, an extension. Within 30 days after receipt of the reports in paragraph (a) of this section, Pasco County will make upward or downward adjustments to the allowable costs, and then make prompt payments to the allowable, unreimbursed costs. The closeout of this award does not affect any of the following:

- a. The right of Pasco County or Treasury to disallow costs and recover funds on the basis of a later audit or other review;
- b The obligation of the recipient to return any funds due as a result of later refunds, corrections, or other transactions including final indirect cost rate adjustments; or
- c. The recipient's obligations regarding audits, property management and disposition (if applicable), and records retention

## **ARTICLE VIII**

### **UNIFORM ADMINISTRATIVE REQUIREMENTS**

The SUBRECIPIENT shall comply with 2 CFR, 200.330 and 200.331, and agrees to adhere to accounting principles and procedures required therein, utilize adequate internal controls, and maintain necessary source documentation for all costs incurred. The SUBRECIPIENT shall administer the Project in conformance with 2 CFR, as appropriate, to ensure substantial adherence to the applicable accounting principles and procedures required therein, utilization of adequate internal controls, and the maintenance of necessary source documentation for all costs incurred.

## **ARTICLE IX**

### **PROGRAM INCOME**

The SUBRECIPIENT shall report monthly all program income, as defined in 2 CFR, 200.80, generated by activities carried out with the Allocated Sum made available under this Agreement. The use of program income by the SUBRECIPIENT shall comply with the requirements set forth in the *Restore Act Financial Assistance Standards Terms and Conditions and Program-Specific Terms and Conditions*, U.S. Department of the Treasury, 2015. By way of further limitations, the SUBRECIPIENT may use such income during the contract period for activities permitted under this Agreement and shall reduce requests for additional funds by the amount of any such program balances on hand. All unused program income with interest shall be returned to the COUNTY at the end of the contract period.

## **ARTICLE X**

### **MAINTENANCE AND REAL PROPERTY PROTECTIONS**

The SUBRECIPIENT shall not mortgage or otherwise encumber title to the property of the Project by utilizing it as collateral for any type of lien, note, mortgage, debt obligation, or security Agreement without prior written approval by the COUNTY. The SUBRECIPIENT shall not subject the title to such property to any liens or grants; the making of any Federal loan; the entering into of any cooperative Agreement; or to the extension,

continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative Agreement without prior written approval from the COUNTY.

## **ARTICLE XI**

### **COUNTY RECOGNITION**

The SUBRECIPIENT shall ensure recognition of the role of the COUNTY in providing funding for the Project. All facilities constructed pursuant to this Agreement shall be permanently labeled as to the funding source. Any announcements, information, press releases, publications, brochures, videos, web pages, programs, etc., created to promote the Project shall acknowledge the COUNTY as providing funding for the Project.

## **ARTICLE XII**

### **TERM**

The term of this Agreement shall be in effect from March 1, 2017, to August 31, 2018, upon the effective date as required herein, until such time as the monitoring period has expired.

## **ARTICLE XIII**

### **AUDITS AND MONITORING**

In the event that the SUBRECIPIENT expends Seven Hundred Fifty Thousand and 00/100 Dollars (\$750,000.00) or more in Federal awards in its fiscal year, the SUBRECIPIENT must have a single or program-specific audit conducted in accordance with the provisions of 2 CFR, 200, as revised. Article III indicates Federal resources awarded through the COUNTY by this Agreement. In determining the Federal awards expended in its fiscal year, the SUBRECIPIENT shall consider all sources of Federal awards, including Federal resources received from the COUNTY. The determination of amounts of Federal awards expended should be in accordance with the guidelines established by 2 CFR, 200, as revised. An audit of the SUBRECIPIENT conducted by the Auditor General in accordance with the provision of 2 CFR, 200, as revised, will meet the requirements of this part.

- a. In connection with the audit requirements addressed in Subsection 1 above, the SUBRECIPIENT shall fulfill the requirements relative to audit responsibilities as provided in 2 CFR, 200, as revised.
- b. If the SUBRECIPIENT expends less than Seven Hundred Fifty Thousand and 00/100 Dollars (\$750,000.00) in Federal awards in its fiscal year, an audit conducted in accordance with the provisions of 2 CFR, 200, as revised, is not required. In the event that the SUBRECIPIENT expends less than Seven Hundred Fifty Thousand and 00/100 Dollars (\$750,000.00) in Federal awards in its fiscal year and elects to have an audit conducted in accordance with the provisions of 2 CFR, 200, as revised, the cost of the audit must be paid from non-Federal resources.
- c. In addition to reviews of audits conducted in accordance with 2 CFR, 200, as revised, monitoring procedures may include, but not be limited to, on-site visits by the COUNTY; limited-scope audits as defined by 2 CFR, 200, as revised; submittal and review of financial management statements; and/or other procedures. By entering into this Agreement, the SUBRECIPIENT agrees to comply and cooperate with any reasonable monitoring procedures/processes deemed appropriate by the COUNTY. In the event the COUNTY determines that a limited-scope audit of the SUBRECIPIENT is appropriate, the SUBRECIPIENT agrees to comply with any additional instructions provided by the COUNTY to the SUBRECIPIENT regarding such audit. The SUBRECIPIENT further agrees to comply and cooperate with any inspections, reviews, investigations, or audits deemed necessary by the Chief Financial Officer or Auditor General.

#### **ARTICLE XIV**

##### **QUARTERLY REPORTING REQUIREMENT**

The SUBRECIPIENT shall submit to the COUNTY a quarterly activity report, as indicated in Exhibit D, attached hereto and incorporated herein, every ninety (90) days from the effective date of this Agreement. Reports are due by the 15<sup>th</sup> of the month and must include information on levels of accomplishment, national objectives met for each activity funded, and subcontract monitoring reports as applicable.

## **ARTICLE XV**

### **RECORD RETENTION**

#### **1. Maintenance of Records**

- a. The SUBRECIPIENT shall maintain all records required by Federal regulations specified in 2 CFR, as appropriate that are pertinent to the Project herein funded by the Allocated Sum.

Such records shall include, but are not limited to:

1. Application requesting Project funding.
2. Executed SUBRECIPIENT Agreement approving the Project, including any amendments to this Agreement.
3. Records providing a full description of each activity undertaken.
4. Records demonstrating that the activity meets the national objective herein.
5. Records determining eligibility of work performed for the Allocated Sum.
6. Records documenting the acquisition, improvement, use, or disposition of real property acquired or improved with the Allocated Sum, if applicable.
7. Financial records as required by 2 CFR 200.330 and 200.331, and all Financial Management standards as specified in Exhibit B.
8. Copy of quarterly reports submitted as required herein.

- b. Retention of Records. The SUBRECIPIENT shall retain all records pertinent to expenditures incurred under this Agreement for a period of five (5) years after the termination of all activities funded under this Agreement, after the resolution of all Federal audit findings, or until the note and mortgage associated with this Agreement are satisfied, whichever occurs later.

- c. Access to Records. The COUNTY and the Comptroller General of the United States, or any of their authorized representatives, shall have the right of access to any pertinent books, documents, papers, or other records of the SUBRECIPIENT which are pertinent to the

subaward, in order to make audits, examinations, excerpts, and transcripts. The right of access shall last as long as any record is required to be retained. Access shall be made available during normal business hours and as often as the COUNTY or any authorized representative of the Federal government deems necessary.

- d. All original records and documents pertinent to this Agreement shall be retained by the SUBRECIPIENT during the terms of this Agreement. All records, including supporting documentation, shall be sufficient to determine compliance with the requirements of this Agreement and all other applicable laws and regulations. The SUBRECIPIENT, its employees or agents, shall provide access during the contract period to all related records and documents for accounts placed with the SUBRECIPIENT by the COUNTY, at reasonable times to the COUNTY, its employees or agents. "Reasonable" shall be construed according to the circumstances, but ordinarily shall mean during normal business hours of 8:00 a.m. to 5:00 p.m., local time, on Monday through Friday. "Agents" shall include, but not be limited to, auditors retained by the COUNTY. The SUBRECIPIENT shall comply with the requirements of Chapter 119, Florida Statutes, with respect to any documents, papers, and records made or received by the SUBRECIPIENT in connection with this Agreement, including the provisions of public access and for copies at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes, or as otherwise provided by the law. The SUBRECIPIENT 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.
- e. The SUBRECIPIENT shall meet all requirements for retaining public records and transfer, at no cost to the COUNTY, all public records in possession of the SUBRECIPIENT upon termination of this Agreement, and destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. All records stored



electronically must be provided to the COUNTY in a format that is compatible with the information technology systems of the COUNTY.

## **ARTICLE XVI**

### **SUSPENSION AND TERMINATION**

1. Termination. Either party may terminate this Agreement without cause, at any time, by giving at least a thirty (30) day written notice to the other party of such termination. Either party may terminate this Agreement with cause immediately.

a. In the event of any termination, all finished or unfinished documents, data, studies, surveys, maps, models, photographs, reports, or other materials prepared by the SUBRECIPIENT under this Agreement, shall, at the option of the COUNTY, become the property of the COUNTY, and the SUBRECIPIENT shall be entitled to receive just and equitable compensation for any satisfactory work completed on such documents or materials prior to the termination.

b. Cause shall include, but is not limited to, failure to strictly comply with all applicable Federal, State, and local laws, rules and regulations, or any substandard performance by the SUBRECIPIENT. Substandard performance shall be any performance indicated by Verifying Documents but not reflected in the actual performance of the Project. In the event of substandard performance, the COUNTY shall notify the SUBRECIPIENT in writing of such substandard performance, and the SUBRECIPIENT shall take corrective action within a reasonable time, but in no event later than forty-five (45) days from receipt of the notice from the COUNTY.

c. No delay or omission to exercise any right, power, or remedy accruing to either party upon breach or violation by either party under this Agreement shall impair any such right, power, or remedy of either party; nor shall such delay or omission be construed as a waiver of any such breach or default or any similar breach or default.

2. Suspension. In lieu of termination upon a finding of cause, as defined in this article, the COUNTY may suspend this Agreement and withhold any payment of Allocated Sum until such time as the SUBRECIPIENT is found to be in compliance by the COUNTY.

## **ARTICLE XVII**

### **NOTICES**

All notices required or permitted hereunder shall be deemed duly given if sent by certified mail, postage prepaid, addressed to the parties as follows:

#### **PASCO COUNTY**

Keith Wiley  
Natural Resources Manager  
Pasco County  
4111 Land O'Lakes Blvd. Suite 310  
Land O' Lakes, FL 34639  
(727) 847-2411 ext. 8302

#### **SUBRECIPIENT**

Robert Rivera  
Public Works Director,  
City of New Port Richey  
5919 Main Street  
New Port Richey, FL 34652  
(727) 853-1016  
Federal ID No  
DUNS No. 083198242

Awarding Agency – US Department of the Treasury.

Federal Project Officer  
Mr. John Stutts  
Federal Project Officer  
1500 Pennsylvania Ave. N.W.  
Washington D.C. 20220-0001  
202-622-0239  
[John.Stutts@Treasury.gov](mailto:John.Stutts@Treasury.gov)

## **ARTICLE XVIII**

### **INDEPENDENT CONTRACTOR**

Nothing contained in this Agreement is intended to, or shall be construed in any manner, as creating or establishing the relationship of employer/employee between the parties. The SUBRECIPIENT shall, at all times, remain an independent contractor with respect to the services to be performed under this Agreement. The COUNTY shall be exempt from payment of all unemployment compensation, FICA, retirement, life and/or medical insurance, and workers' compensation insurance.

**ARTICLE XIX**  
**INDEMNIFICATION**

The SUBRECIPIENT shall defend, hold harmless, and indemnify the COUNTY and all of its officers, agents, and employees from and against any and all claim, liability, loss, damage, cost, attorney's fee, charge, or expense of whatever kind or nature which the COUNTY may sustain, suffer, incur, or be required to pay by reason of the loss of any monies paid to the SUBRECIPIENT resulting out of fraud, defalcation, dishonesty, or failure of the SUBRECIPIENT to comply with this Agreement, or arising out of any act, action, neglect, or omission during the performance of this Agreement, as modified, any part thereof, or work performed hereunder, whether direct or indirect; or by reason or result of injury caused by the SUBRECIPIENT's negligent maintenance or supervision of the property or work performed thereon over which the SUBRECIPIENT has control; or by reason of a judgment over and above the limits provided by the insurance, required under Article XXII of this Agreement; or by any defect in the condition or construction of the Project, if the Project was inspected and accepted by the SUBRECIPIENT; whether or not due to, or caused by negligence of the COUNTY, or any of its agents and employees, except that the SUBRECIPIENT will not be liable under this provision for damages arising out of the injury or damage to persons or property directly caused or resulting from the sole negligence of the COUNTY or any of its agents or employees. The indemnity hereunder shall continue until all provisions of this Agreement, including satisfaction of any mortgage and/or promissory note, have been fully performed by the SUBRECIPIENT.

The SUBRECIPIENT's obligation to indemnify, defend, and pay for the defense or, at the COUNTY's option, to participate and associate with the COUNTY in the defense and trial of any damage claim or suit and any related settlement negotiations, shall arise within seven (7) days of receipt by the SUBRECIPIENT of the COUNTY's notice of claim for indemnification to the SUBRECIPIENT. The notice of claim for indemnification shall be served by certified mail. The SUBRECIPIENT's obligation to defend and indemnify within seven (7) days of receipt of such notice shall not be excused because of the SUBRECIPIENT's inability to evaluate liability, or because the SUBRECIPIENT evaluates liability and determines the SUBRECIPIENT is not liable, or

determines the COUNTY is solely negligent. Only a final adjudication judgment finding the COUNTY solely negligent shall excuse performance of this provision by the SUBRECIPIENT. If a judgment finding the COUNTY solely negligent is appealed and the finding of sole negligence is reversed, the SUBRECIPIENT will be obligated to indemnify the COUNTY for the cost of the appeal(s). The SUBRECIPIENT shall pay all costs and fees related to this obligation and its enforcement by the COUNTY.

## **ARTICLE XX**

### **INSURANCE**

1. The SUBRECIPIENT shall procure and maintain for the duration of this Agreement, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the SUBRECIPIENT's operation and use of the premises. The cost of such insurance shall be borne by the SUBRECIPIENT.

2. The SUBRECIPIENT shall not enter or occupy the premises until it has obtained all insurance required herein and such insurance has been approved by the COUNTY as provided herein.

3. The SUBRECIPIENT shall furnish certificate(s) of insurance on the form required by the COUNTY to the COUNTY (Attention: Pasco County Risk Manager, West Pasco Government Center, 8731 Citizens Drive, Suite 330, New Port Richey, Florida 34654). The certificate(s) shall clearly indicate the SUBRECIPIENT has obtained insurance of the type, amount, and classification required for strict compliance with this Agreement and that no reduction in coverage or in limits, suspension, or cancellation of the insurance shall be effective without thirty (30) days prior written notice as provided below. The certificate(s) shall be signed by a person authorized by that insurer to bind coverage on its behalf. The COUNTY reserves the right to require complete, certified copies of all required policies at any time. Each insurance policy required by this Agreement shall be endorsed to state that coverage shall not be suspended, voided, cancelled, reduced in coverage or in limits, except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the COUNTY to the attention of the Pasco County Risk Manager. In the event the insurance coverage expires prior to the termination or end of this Agreement, a renewal certificate shall be issued thirty (30) days prior to

the expiration date. Compliance with the foregoing requirements shall not relieve the SUBRECIPIENT of the liability and obligations under this Agreement. Neither approval by the COUNTY or a failure to disapprove insurance certificates or policies furnished by the SUBRECIPIENT shall release the SUBRECIPIENT of full responsibility for all liability or its obligations under this Agreement.

4. All insurance policies shall be issued by responsible companies authorized to do business under the laws of the State of Florida, have an "A" policyholders' rating, have a financial rating of at least Class VIII in accordance with the most current Best's Key Rating Guide, and shall be satisfactory to the COUNTY. All policies of insurance required by this Agreement shall be primary insurance with respect to the COUNTY, its officials, agents, and employees. Any insurance or self-insurance maintained by the COUNTY, its officials, agents, or employees shall be in excess of the SUBRECIPIENT's insurance and shall not contribute with it. All policies of insurance required by this Agreement, except workers' compensation, shall specifically provide that the COUNTY shall be an "additional insured" under the policy and shall contain a severability of interests' provision. All insurance policies required herein and all provisions hereof shall apply to all operations, activities, or use by the SUBRECIPIENT, or by anyone employed by or contracting with the SUBRECIPIENT, and it is the SUBRECIPIENT's responsibility to ensure that any contractor, subcontractor, or anyone directly or indirectly employed by any of them, complies with those insurance provisions and that the COUNTY is an "additional insured" on such policies. Any deductibles or self-insured retentions must be declared to and approved by the COUNTY and are the responsibility of the SUBRECIPIENT. The minimum kinds and limits of coverage to be carried by the SUBRECIPIENT shall be as follows:

1. Workers' Compensation and Employer's Liability:

a. If the SUBRECIPIENT falls under the State of Florida Workers' Compensation law, the SUBRECIPIENT shall provide coverage for all employees. The coverage shall be for the statutory limits in compliance with the applicable State and Federal laws. The policy must include employer's liability with a limit of One Hundred Thousand and 00/100 Dollars (\$100,000.00) for each accident. The insurer shall agree to waive all rights of subrogation against the COUNTY, its officials, agents, and employees for losses arising from the leased premises.

## 2. Comprehensive General Liability:

a. Shall include premises and/or operations, broad form property damage, independent contractor, contractual liability, and fire legal liability, and shall be written on an "occurrence basis." In the event SUBRECIPIENT is only able to secure coverage on a "claims-made basis," the SUBRECIPIENT shall be obligated, by virtue of this Agreement, to maintain tail coverage in effect with no less limits of liability, nor any more restrictive terms and/or conditions, for a period of three (3) years from expiration or termination of this Agreement.

Bodily injury and personal injury, including death:

- \$1,000,000.00 each person;
- \$2,000,000.00 aggregate;
- \$1,000,000.00 each occurrence;
- \$2,000,000.00 aggregate.

## **ARTICLE XXI**

### **PERSONNEL AND PARTICIPANT CONDITIONS**

#### 1. Civil Rights

- a. Compliance. The SUBRECIPIENT shall comply with Title VI of the Civil Rights Act of 1964, as amended; Title VIII of the Civil Rights Act of 1968, as amended; the Americans with Disabilities Act of 1990, as amended; Rehabilitation Act of 1973, as amended; the Age Discrimination Act of 1975, as amended; Executive Order 11063, as amended; and Executive Order 11246, as amended.
- b. Nondiscrimination. The SUBRECIPIENT shall comply with nondiscrimination in employment and contracting opportunities laws, regulations, and executive orders and all other applicable laws, rules, and regulations.

#### 2. Affirmative Action

- a. Approved Plan. The SUBRECIPIENT agrees that it shall be committed to carry out its activities pursuant to the COUNTY's specifications and to the Affirmative Action program in keeping with principles as provided in the President's Executive Order 11246 of September 24, 1965, as amended. Such information shall be made available to the CDBG Program administrator for review upon request.
- b. Women and Minority-Owned Businesses. The SUBRECIPIENT will use affirmative steps such as: (1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists (2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources (3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses and women's business enterprises (4) establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, or women's business enterprises (5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of the Commerce; and (6) requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed above in (1) through (5).

to afford and women- and minority-owned business enterprises the maximum practical opportunity to participate in the performance of this Agreement. As used in this Agreement, the term "minority and women business enterprise" means a business at least fifty-one (51) percent owned and controlled by minority group members or women. The SUBRECIPIENT may rely on written representations by subcontractors regarding their status as minority and women business enterprises in lieu of an independent investigation.

- c. Access to Records. The SUBRECIPIENT shall furnish and cause each of its subcontractors to furnish all information and reports required hereunder and will permit access to its books, records, and accounts by the COUNTY, its agents, or other authorized Federal officials for

purposes of investigation to ascertain compliance with the rules, regulations, and provisions stated herein.

- d. Notifications. The SUBRECIPIENT will send to each labor union or representative of workers with which it has a collective bargaining Agreement or other contract or understanding, a notice from the SUBRECIPIENT's contracting officer advising the labor union or worker's representative of the SUBRECIPIENT's commitments hereunder, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- e. Equal Employment Opportunity and Affirmative Action Statement. The SUBRECIPIENT shall, in all solicitations or advertisements for employees, placed by or on behalf of the SUBRECIPIENT, state that it is an Equal Opportunity or Affirmative-Action employer.
- f. Subcontract Provisions. The SUBRECIPIENT shall include the provisions of Subsection 1, Civil Rights, and Subsection 2, Affirmative Action, in every subcontract or purchase order, specifically or by reference, so that such provisions will be binding upon each subcontractor or vendor.

### 3. Employment Restrictions

- a. Prohibited Activities. The SUBRECIPIENT shall not use any portion of the Allocated Sum or personnel employed to carry out this Agreement for political activities, inherently religious activities, and lobbying, political patronage, or nepotism activities.



b. Labor Standards. The SUBRECIPIENT shall comply with the Davis-Bacon Act, as applicable, the provisions for Contract Work Hours and Safety Standards Act (40 U.S.C., 327, et seq.), and all other applicable Federal, State, and local laws and regulations. The SUBRECIPIENT further shall comply with the Copeland "Anti-Kickback" Act (18 U.S.C., 874, et seq.). The SUBRECIPIENT shall maintain documentation demonstrating compliance with the hour and wage requirements of this subsection.

The SUBRECIPIENT agrees that, except with respect to the rehabilitation or construction of residential property designed for residential use for less than eight (8) households, all subcontractors engaged under contracts in excess of Two Thousand and 00/100 Dollars (\$2,000.00) for construction, renovation, or repair of any building, or work financed in whole or part with assistance provided under this Agreement, shall comply with Federal requirements adopted by the COUNTY pertaining to such Agreements; and with the applicable requirements of the regulations of the United States Department of Labor under 29 CFR, Parts 1, 3, 5, 6, and 7, governing the payment of wages and ratio of apprentices and trainees to journeymen provided, that if wage rates higher than those required under the regulations are imposed by State or local law, nothing hereunder is intended to relieve the SUBRECIPIENT of its obligation, if any, to require payment of the higher wage. The SUBRECIPIENT shall cause or require language to be inserted in full in all such contracts subject to such regulations and provisions, meeting the requirements of this article.

#### 4. Conduct

- a. Hatch Act. The SUBRECIPIENT agrees that no funds provided, nor personnel employed under this Agreement, shall be in any way or any extent engaged in the conduct of political activities in violation of Chapter 15 of Title V of the U.S.C.
- b. Conflict of Interest. The SUBRECIPIENT shall not employ or retain any person or entity with a financial interest in the Project. The SUBRECIPIENT shall not employ, retain, or otherwise grant any financial interest in the Project to any person employee, agent, consultant, officer, or elected or appointed official of the COUNTY who may exercise or have exercised any functions or responsibilities with respect to the Project, or who are in a position to participate in a decision-making process or gain inside knowledge to the Project, either for themselves or anyone with whom they have business or immediate family ties.
- c. Lobbying. The SUBRECIPIENT hereby certifies:
  - 1. No Federal appropriated funds have been paid by or on behalf of it to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any Federal contract; the making of any Federal grant; the making of any Federal loan; the entering into of any cooperative Agreement; and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative Agreement.
  - 2. If any funds other than Federally appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this Agreement, the SUBRECIPIENT shall complete and submit Standard Form LLL, Disclosure Form to Report Lobbying, in accordance with its instructions.

3. The SUBRECIPIENT shall require that the language of the Anti-Lobbying Certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative Agreements), and shall certify and disclose accordingly.
- d. Copyright. In the event the performance of this Agreement results in any copyrighted material or inventions, the COUNTY reserves the right to royalty-free, nonexclusive, and irrevocable license to reproduce, publish, or otherwise use, and authorize others to use the work or material for governmental purposes.
- e. Religious Activities. The SUBRECIPIENT agrees that funds provided under this Agreement will not be utilized for religious activities, to promote religious interests, or for the benefit of a religious organization.

## **ARTICLE XXII**

### **ENVIRONMENTAL CONDITIONS**

1. Air, Water, Species Protection. The SUBRECIPIENT agrees to comply with the following regulations insofar as they apply to the performance of this Agreement:
  - a. Clean Air Act, 42 U.S.C., 7401, et seq.
  - b. Clean Water Act, 33 U.S.C 1251, et seq.
  - c. Environmental Protection Agency Regulations pursuant to 40 CFR 50, as amended.
  - d. National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4321, et seq.
  - e. Coastal Zone Management Act, as amended, 16 U.S.C 1451, et seq., and implementing regulations 15 CFR Part 930.
  - f. Endangered Species Act, 16 U.S.C. 153, et seq.
  - g. Magnuson-Steven's Fishery Conservation and Management Act, as amended, 16 U.S.C. 1801-1884.
  - h. Marine Mammal Protection Act, 16 U.S.C. Chapter 31.

- i. Coastal Barrier Resources Act, as amended.
- j. Rivers and Harbors Act.
- k. Wild and Scenic Rivers Act, 16 U.S.C. 1271, et seq.
- l. Safe Drinking Water Act, 42 U.S.C. 300f, et seq.
- m. Executive Order 11988, Floodplain Management.
- n. Executive Order 11990, Wetland Protection.
- o. Executive Order 13089, Coral Reef Protection.
- p. Executive Order 13112, Invasive Species.
- q. Executive Order 13186, Responsibilities of Federal Agencies to Protect Migratory Birds.

2. Historic Preservation. The SUBRECIPIENT agrees to comply with the historic preservation requirements set forth in the National Historic Preservation Act of 1966, as amended (16 U.S.C., 470), and the procedures set forth in 36 CFR, 800, Advisory Council on Historic Preservation Procedures, for protection of historic properties insofar as they apply to the performance of this Agreement.

3. Environmental Protection. The SUBRECIPIENT agrees to comply with the Resource Conservation and Recovery Act, the Comprehensive Environmental Response, Compensation, and Liability Act insofar as they apply to the performance of this Agreement.

### **ARTICLE XXIII**

#### **GENERAL CONDITIONS**

- a. Assignment. No assignment, delegation, transfer, or novation of this Agreement, or any part hereof, may be made unless in writing and signed by all parties hereto.
- b. Headings. All articles and descriptive headings of paragraphs in this Agreement are inserted for convenience only and shall not affect the construction or interpretation hereof.
- c. Modification. No modification, addendum, or amendment of any kind whatsoever may be made to this Agreement unless in writing and signed by all parties hereto. This Agreement may be

amended from time to time to conform to Federal, State, or local governmental guidelines, policies, or available funding amounts, and such approval shall not be unreasonably withheld.

- d. Amendments. Such amendments shall not invalidate this Agreement, nor relieve or release the COUNTY or the SUBRECIPIENT from its obligations under this Agreement, or change the independent contractor status of the SUBRECIPIENT.
- e. Entire Agreement. This Agreement represents the entire Agreement between the parties and supersedes any and all prior agreements, written or oral, relating to the matters set forth herein. Prior agreements, negotiations, or understandings shall have no force or effect on this Agreement.
- f. Sovereign Immunity. To the extent permitted by law, nothing in this Agreement shall be construed in any way to waive the sovereign immunity of the COUNTY and the SUBRECIPIENT, as provided by the laws of the State of Florida.
- g. Laws. This Agreement shall be governed by all applicable Federal laws, rules, and regulations that apply. The SUBRECIPIENT shall perform all acts required by this Agreement in strict conformity with all applicable laws and regulations.
- h. Venue. Venue for any litigation arising from this Agreement shall be in the Sixth Judicial Circuit of Florida, in and for Pasco County.
- i. This Agreement shall take effect the last day all parties hereto have signed.
- j. Severability. If any tem or provision of this Agreement is found to be illegal and unenforceable, the remainder will remain in full force and effect, and such term or provision shall be deemed stricken.
- k. Grant Award No. RDCGR190021-01-00 is not a Research and Development Award.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on the dates indicated below.

(SEAL)

ATTEST:

\_\_\_\_\_  
PAULA S. O'NEIL, Ph.D., CLERK & COMPTROLLER

\_\_\_\_\_  
DATE

ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
DATE

BOARD OF COUNTY COMMISSIONERS OF  
PASCO COUNTY, FLORIDA

\_\_\_\_\_  
MIKE MOORE, CHAIRMAN

CITY OF NEW PORT RICHEY, FLORIDA

\_\_\_\_\_  
Rob Marlowe, MAYOR

## **EXHIBIT A**

### **PROJECT DESCRIPTION**

Orange Lake is a small body of water located in downtown New Port Richey, Florida. Orange Lake will be dredged to restore the lake to the greatest extent possible. During dredging, samples will be taken and spoils from the dredge will be removed and disposed of as necessary. Once the dredge is completed and deposited sediment is removed, aeration/diffusion devices will be installed to circulate dissolved oxygen at all levels of the lake. Littoral shelves will be constructed and planted around the perimeter of the lake to allow for vegetation to uptake excess nitrogen and phosphorous. A stormwater control gate will be installed to allow control of the lake level and to direct stormwater overflow as necessary to the Pithlachascotee River. A Continuous Deflection Separation unit will be installed in the 42" stormwater system. It is important to note that the City of New Port Richey is exploring options to reroute the stormwater drain lines currently aligned to Orange Lake. The combined results of these efforts should result in restoring water quality. A boardwalk will also be constructed to allow the public better access to Orange Lake and provide for aesthetic views.

**EXHIBIT B  
SUBRECIPIENT REQUIREMENTS**

<b>Provisions</b>		<b>Citation</b>
1.	Eligible Activity	34 CFR 34.201
2.	Subrecipient determination	2 CFR 200.300
3.	Time of Performance	2 CFR 200.331
4.	Compensation and Method of Payment	2 CFR, Part 225
5.	Program Income	2 CFR 200.80
6.	Record Keeping Requirements	2 CFR 200.331, .333
7.	Reporting Requirements	2 CFR 200.331
8.	Public Access to Program Records	2 CFR 200.331
9.	Uniform Administrative and Program Management Standards	2 CFR, 225; 2 CFR, 200
10.	Other Program Requirements	2 CFR 200.331 2 CFR 200.207
11.	Termination	2 CFR 200.331, .338
12.	Compliance with Laws/Regulations	2 CFR 200.331
13.	Antidiscrimination/Affirmative Action EEO/Labor Standards	2 CFR 200.331
14.	Financial Management	2 CFR 200.331, .333
15.	Audits	2 CFR, 200
16.	Monitoring and Management	2 CFR, 200.300-.332
17.	Conflict of Interest	2 CFR, 200.318(c)
18.	Procurement Methods	2 CFR, 200.317-.326
19.	Budget	2 CFR 200.331
20.	Project Schedule/Milestones	2 CFR 200.331
21.	Environmental Review	2 CFR 200.331
22.	Best Available Science	31 CFR, Part 34
23.	Internal Controls	2 CFR 200.303



**EXHIBIT C**

**PROJECT SCHEDULE**

Action Item	Completion Date
30% Complete (Design)	1/6/16
60% Complete (Design)	2/11/16
90% Complete (Design)	2/28/16
Final Design	10/8/16
Pre-Application Meeting(s)	10/15/16
Required Permits Approved	3/8/17
Operation and Maintenance Plan	3/24/17
Construction Bid Packages	3/24/17
Bid Advertisement, Tabulation, and Award	5/26/17
Contractor Notice to Proceed	6/5/17
Start Construction	6/19/17
Substantial Completion	8/25/17
Complete Construction	9/22/17
Construction Inspection Reports and Construction Certification	10/22/17
Construction Record Drawings, to Include Resource Benefit Calculations and Methodology	10/22/17
Signed and Sealed by a Professional Engineer	10/22/17
Final Report	10/22/17
Project Close-out and Contract Termination	11/30/17

**EXHIBIT D  
PASCO COUNTY RESTORE PROGRAM  
QUARTERLY ACTIVITY REPORT**

<b>Reporting Period (check one):</b>  <b>Quarter 1:</b> <input type="checkbox"/> October 1 – December 31 <b>Quarter 2:</b> <input type="checkbox"/> January 1 – March 31 <b>Quarter 3:</b> <input type="checkbox"/> April 1 – June 30 <b>Quarter 4:</b> <input type="checkbox"/> July 1 – September 30	<b>Date Report Submitted:</b>  
1.	<b>Subrecipient Name:</b>
2.	<b>Project Name:</b>
3.	<b>Name of Contact Person:</b>
4.	<b>Contact Email Address:</b>
5.	<b>Subrecipient Area Code and Phone Number:</b>

## EXHIBIT E

### PROJECT BUDGET AND FUNDING SOURCES

#### Budget:

Vacuum Dredging (Partially funded by RESTORE)	\$350,000.00
Littoral Shelf Work to Include Exotic Plant Removal and Planting Costs	\$5,500.00
Aeration/Diffusion System	\$8,500.00
Boardwalk*	\$24,000.00
Slide Gates	\$12,000.00
CDS Units and Baffle Boxes	\$194,000.00

#### Funding Sources:

RESTORE Funding (Dredging)	\$100,000.00
City of New Port Richey	247,000.00
Southwest Florida Water Management District	<u>247,000.00</u>
<b>Total</b>	<b>\$594,000.00</b>

## **Exhibit F**

**See attached Federal Grant Agreement**



Office of the Mayor  
City Of New Port Richey  
**Proclamation**

**WHEREAS**, one of the most meaningful gifts that a human being can bestow upon another is the gift of life; and

**WHEREAS**, more than 28,000 Americans receive a lifesaving organ transplant every year; and

**WHEREAS**, a new patient is added to the national patient list for an organ transplant every 10 minutes; and

**WHEREAS**, over 118,000 men, women, and children are currently on the national waiting list for organ transplantation, of which nearly 1,050 are in the West and Southwest Florida area; and

**WHEREAS**, an average of 22 people die every day awaiting an organ transplant that does not come in time; and

**WHEREAS**, one organ, tissue and eye donor can save or enhance the lives of as many as 60 people; and

**WHEREAS**, everyone is a potential organ, eye and tissue donor and can register their wish to save lives through organ and tissue donation at [www.DonateLifeFlorida.org](http://www.DonateLifeFlorida.org) or on their driver license.

**NOW, THEREFORE**, I, Rob Marlowe, Mayor of the City of New Port Richey, do hereby proclaim the month of April 2017 as

## *Donate Life Month*

in the City of New Port Richey, and I encourage all citizens of this City to consider giving life through organ donation and to sign up on Florida's organ and tissue donor registry by visiting [www.DonateLifeFlorida.org](http://www.DonateLifeFlorida.org) or when renewing their driver license or state identification card.



*In witness whereof I have hereunto set my hand and caused this seal to be affixed.*

\_\_\_\_\_  
ATTEST: \_\_\_\_\_

DATE: \_\_\_\_\_



Office of the Mayor  
City Of New Port Richey  
**Proclamation**

**WHEREAS**, libraries are not just about what we have for people, but what we do for and with people; and

**WHEREAS**, libraries have long served as trusted and treasured institutions, and library workers and librarians fuel efforts to better their communities, campuses and schools; and

**WHEREAS**, librarians are organizers and information experts who for centuries have guided people to the best information resources. Librarians provide more than facts. They provide the expertise and services that add meaning to those facts; and

**WHEREAS**, librarians continue to fulfill their role in leveling the playing field for all who seek information and access to technologies, especially as our society is at a critical juncture regarding the changing information landscape and the skills needed to thrive in our digital world; and

**WHEREAS**, librarians are looking beyond their traditional roles and providing more opportunities for community engagement and delivering new services that connect closely with members' needs; and

**WHEREAS**, librarians open a world of possibilities through innovative STEAM programing, Makerspaces, job-seeking resources, educational classes and the power of reading; and

**WHEREAS**, librarians support democracy and effect social change through their commitment to provide equitable access to information for all library members regardless of race, ethnicity, creed, ability, sexual orientation, gender identity or socio-economic status; and

**WHEREAS**, librarians work to serve all community members, including people of color, immigrants, people with disabilities, and the most vulnerable in our communities, offering services and educational resources that transform communities, open minds and promote inclusion and diversity; and

**WHEREAS**, libraries, librarians, library workers and supporters across America are celebrating National Library Week,

**NOW, THEREFORE**, I, Rob Marlowe, Mayor of the City of New Port Richey, do hereby proclaim the week of April 9-15, 2017 as

## *National Library Week*

in the City of New Port Richey, and encourage all residents to visit the library this week, attend an event and explore what's new, and engage with your librarians



*In witness whereof I have hereunto set my hand and caused this seal to be affixed.*

ATTEST: \_\_\_\_\_

DATE: \_\_\_\_\_





Office of the Mayor  
City Of New Port Richey  
**Proclamation**

**WHEREAS**, alcohol is the most commonly used addictive substance in the United States; and

**WHEREAS**, underage drinking, social hosting, binge drinking, impaired driving and alcoholism can and do pose a significant challenge to all communities and has the capacity to negatively affect the lives of all our citizens; and

**WHEREAS**, Pasco County high school students are reporting higher lifetime use, past 30 day use, and binge drinking than the current state average; and

**WHEREAS**, mortality rates due to alcohol addiction-related consequences, such as Chronic Liver Disease and Cirrhosis, are significantly higher in Pasco County than the state average; and

**WHEREAS**, all those at risk for alcohol abuse, in need of treatment or in recovery, deserve to be treated with the utmost respect and dignity regardless of their age or social circumstances; and

**WHEREAS**, although it can be daunting to talk with children about drinking and drug use, research has shown that kids who have conversations with their parents and learn about the dangers of alcohol and drug use are 50% less likely to use these substances than those who do not; and

**WHEREAS**, since 1987, the National Council of Alcoholism and Drug Dependence has sponsored Alcohol Awareness Month to increase public awareness, reduce stigma and encourage local communities to focus on alcoholism and alcohol related issues; and

**WHEREAS**, to help more people achieve long-term recovery, and learn how recovery positively benefits the nation's overall well-being, the National Council of Alcoholism and Drug Dependence and the Pasco County Alliance for Substance Abuse Prevention invite all residents to participate in Alcohol Awareness Month; and

**WHEREAS**, the City of New Port Richey is committed to raising public awareness about the use of alcohol and how it may be affecting individuals, families and the community.

**NOW, THEREFORE**, I, Rob Marlowe, Mayor of the City of New Port Richey, do hereby proclaim the month of April 2017 as

## *Alcohol Awareness Month*

in the City of New Port Richey, and I encourage all citizens of this City to observe this month with appropriate programs, activities and ceremonies supporting this year's theme, "Connecting the Dots: Opportunities for Recovery."



*In witness whereof I have hereunto set my  
hand and caused this seal to be affixed.*

ATTEST: \_\_\_\_\_

DATE: \_\_\_\_\_



# NEW PORT RICHEY

5919 MAIN STREET • NEW PORT RICHEY, FL 34652 • 727.853.1016

**TO:** City of New Port Richey City Council  
**FROM:** Crystal S. Feast, Finance Director  
**DATE:** 4/4/2017  
**RE:** Purchases/Payments for City Council Approval

**REQUEST:**

The City Council is asked to review the attached list of purchases and expenditures and authorize payment.

**DISCUSSION:**

Section 2-161 of the City's Code of Ordinances requires approval by the City Council for purchases and payments in excess of \$25,000.

**RECOMMENDATION:**

It is recommended that the City Council authorize the payment of the attached list of purchases and expenditures.

**BUDGET/FISCAL IMPACT:**

The purchases and expenditures presented have already been budgeted for. Expenditures will be included in the fiscal year-end reporting.

**ATTACHMENTS:**

Description	Type
☐ Purchases/Payments for City Council Approval	Exhibit



PURCHASES/PAYMENTS FOR CITY COUNCIL APPROVAL

<u>Morelli Landscaping Inc.</u>	\$58,424.65
Project: US 19 Median Landscaping Project	
99% of work complete	
Pay Request #3	

RECURRING EXPENDITURES OVER \$25,000

Duke Energy (February and March Services)	\$146,906.23
Bank of America (Purchasing Card Transactions)	54,030.05
Merrell Brothers (Sludge Hauling)	36,147.18
Fiduciary Trust Intl. of the South (Police Pension 03/23/2017)	35,453.18



# NEW PORT RICHEY

5919 MAIN STREET • NEW PORT RICHEY, FL 34652 • 727.853.1016

**TO:** City of New Port Richey City Council  
**FROM:** Debbie L. Manns, City Manager  
**DATE:** 4/4/2017  
**RE:** First Reading, Ordinance No. 2017-2111: Refuse Collection Services

**REQUEST:**

The request is for City Council conduct a first reading of Ordinance No. 2017-2111 in respect to collection hours and days and additionally providing for the required collection of refuse for property owners within the city.

**DISCUSSION:**

The purpose of this agenda item is twofold. First to amend the collection hours and days portion of Section 10-25 of the City's Code of Ordinances to include the pick-up of recyclable materials on Wednesdays. The reason that this change is being proposed is to conform with the long standing practice of Progressive Waste Solutions, whom incidentally is the company with the highest number of residential customers in the city.

The second change is in response to the fact that there are a significant number of properties located within the city that do not subscribe to the services of a refuse collection agency. In as such that uncollected refuse is a detriment to public health, staff believes it is necessary to require property owners and/or occupants to enter into an agreement for the disposal of waste from their property with a refuse collection agency. Therefore, the attached ordinance is being recommended for your consideration.

**RECOMMENDATION:**

The recommendation is for the City Council to conduct the first reading of Ordinance No. 2017-2111 as presented.

**BUDGET/FISCAL IMPACT:**

No funding is required for this item at this time.

**ATTACHMENTS:**

Description	Type
☐ Ordinance No. 2017-2111: Refuse Collection Services	Ordinance

**ORDINANCE NO. 2017-2111**

**AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA, PROVIDING FOR THE AMENDMENT OF SECTIONS 10-24 AND 10-25 OF THE NEW PORT RICHEY CODE OF ORDINANCES; PERTAINING TO DUTIES OF GARBAGE COLLECTORS AND CUSTOMERS, AND THE HOURS AND DAYS OF GARBAGE COLLECTION IN THE CITY; PROVIDING FOR REQUIRED GARBAGE COLLECTION AGREEMENTS AND REPORTING THEREOF; PROVIDING FOR AN ADDITIONAL DAY OF GARBAGE COLLECTION IN THE CITY; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.**

WHEREAS, within the City limits of the City of New Port Richey, Florida is a recurring condition which has resulted in uncollected garbage;

WHEREAS, uncollected garbage is a detriment to the public health, safety, welfare and quality of life of the residents of the City;

WHEREAS, it is necessary to ensure that each property owner has entered into an agreement for the disposal of the garbage from said property;

WHEREAS, an additional day of garbage collection will improve the efficiency of the City's garbage collection system; and

WHEREAS, it is declared as a matter of legislative determination and public policy that the provisions and prohibitions herein are necessary in the public interest; and it is further declared that the provisions and prohibitions herein are in pursuance of and for the purpose of securing and promoting the public health, safety, welfare and quality of life in the City.

**NOW, THEREFORE, THE CITY OF NEW PORT RICHEY, FLORIDA HEREBY ORDAINS:**

**Section 1. Section 10-24 of the Code of Ordinances, pertaining to duties of trash collectors and customers, is hereby amended as follows (strikeout text shows deleted matters, new matters are underlined):**

Sec. 10-24. - Duties of collector, customer.

(a) The holder of any special permit as required in section 10-41 shall clean, sweep, collect and remove any garbage, trash, refuse or residue which may be spilled or is scattered, loose or otherwise uncovered at or within the immediate proximity of the garbage cans, trash cans or other

containers or packages of garbage, trash or refuse so that upon such collection there shall be no scattered, loose or otherwise uncovered residue of any garbage, trash or refuse at the collection site; provided, that all garbage is enclosed, by the customer, in a garbage can, receptacle, or other waterproof container, and that all trash is properly packaged by the customer.

(b) Each property owner or occupant of property within the City shall enter into and maintain at all times an agreement with a holder of a special permit as required in section 10-41, providing for the removal and collection of all garbage, trash or refuse from said property in accordance with this chapter. Each holder of a permit required in section 10-41 shall provide a list of all customers serviced by said permit holder pursuant to this chapter to the City's public works department, which shall include the name of each property owner, the current address thereof and the address of each property serviced by said permit holder. The aforesaid list shall be updated, periodically and no less frequently than once every ninety (90) days.

**Section 2. Section 10-25 of the Code of Ordinances, pertaining to collection hours and days for garbage collection, is hereby amended as follows** (strikeout text shows deleted matters, new matters are underlined):

Sec. 10-25. - Collection hours, days.

Those persons or entities holding a special permit referred to in section 10-41 herein shall only be permitted to collect garbage, trash, refuse and recyclable materials between the hours of 6:00 a.m. and 7:00 p.m. on Mondays, Wednesdays and Thursdays within those residential areas of the city where single or multiple family structures exist, and garbage cans for garbage, trash or refuse, or blue bags for recyclable materials, are used. Collection on Wednesdays shall be limited to the collection of recyclable materials, only. No collection of garbage, trash, refuse or recyclable materials within said residential areas of the city shall be permitted on any other day of the week, except in the event the following holidays fall on a Monday, Wednesday or Thursday:

- (1) New Year's Day,
- (2) Dr. Martin Luther King, Jr. Birthday
- (3) Memorial Day,
- (4) Independence Day,
- (5) Labor Day,
- (6) Veterans' Day,
- (7) Thanksgiving Day,
- (8) Day after Thanksgiving, or
- (9) Christmas Day.

In the event any of the above listed holidays fall on a Monday, Wednesday or Thursday, the holders of the aforesaid special permit referred to in section 10-41 herein shall collect such garbage, trash, refuse or recyclable materials on the holiday or on the day immediately following the holiday.

In those areas where industrial or commercial structures exist, as well as in those residential areas where multiple family structures with proper access to dumpsters exist, the collection of

garbage, trash, refuse or recyclable materials may be collected by the holders of the special permit referred to in section 10-41 herein on any day of the week, except Sundays.

**Section 3. Conflict with Other Ordinances and Codes.** All ordinances or parts of ordinances of the City of New Port Richey, Florida, in conflict with the provisions of this ordinance, are hereby repealed to the extent of such conflict.

**Section 4. Severability.** If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

**Section 5. Effective Date.** This ordinance shall take effect immediately upon its adoption as provided by law.

The foregoing Ordinance was duly read and approved on first reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida this 21<sup>st</sup> day of March, 2017, and read and adopted on second reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida this \_\_\_\_ day of \_\_\_\_\_, 2017.

ATTEST:

By: \_\_\_\_\_  
Judy Meyers, City Clerk

By: \_\_\_\_\_  
Robert Marlowe, Mayor-Council Member

(Seal)

APPROVED AS TO FORM AND LEGALITY FOR THE SOLE  
USE AND RELIANCE OF THE CITY OF NEW PORT RICHEY,  
FLORIDA:

\_\_\_\_\_  
Timothy P. Driscoll, City Attorney



# NEW PORT RICHEY

5919 MAIN STREET • NEW PORT RICHEY, FL 34652 • 727.853.1016

**TO:** City of New Port Richey City Council

**FROM:** Kim Bogart, Chief of Police

**DATE:** 4/4/2017

**RE:** Second Reading, Ordinance No. 2017-2113: Amending Chapter 23 of the City Ordinances Relating to Disposition of Impounded Vehicles

**REQUEST:**

This request is for Council to conduct a second reading to amend Section 23-183 and repeal Article IV of Chapter 23, Sections 23-76 through 23-83 of the City Code of Ordinances relating to the enforcement and disposition of impounded vehicles.

**DISCUSSION:**

In 2014, this ordinance was revised to allow the police department to implement a vehicle impound program. Many of the vehicles that have been impounded were abandoned by their owners, which has created a storage problem for the Department. The purpose of this amendment is to streamline the disposition of those vehicles and unclaimed vehicles with liens. The proposed revision allows the City to enforce its lien and permits the City Manager to authorize timelier disposal of the vehicles. The revision also removes redundant verbiage addressed elsewhere in City ordinances.

**RECOMMENDATION:**

I recommend approval of this proposed amendment.

**BUDGET/FISCAL IMPACT:**

There is no cost associated with this proposed ordinance change.

**ATTACHMENTS:**

Description	Type
□ Proposed Vehicle Impound Ordinance (2017-2013)	Cover Memo

**ORDINANCE NO. 2017-2113**

**AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA, PROVIDING FOR THE AMENDMENT OF SECTION 23-183 OF THE NEW PORT RICHEY CODE OF ORDINANCES; PERTAINING TO LIENS AGAINST AND SALE OF IMPOUNDED VEHICLES; PROVIDING FOR MORE EXPEDITED DISPOSITION OF SAID VEHICLES; PROVIDING FOR DISPOSAL OF UNSOLD VEHICLES; PROVIDING FOR AN ADMINISTRATIVE FEE; PROVIDING FOR REPEAL OF ARTICLE IV OF CHAPTER 23, SECTIONS 23-76 THROUGH 23-83, PERTAINING TO REMOVAL AND IMPOUNDMENT OF CERTAIN VEHICLES; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.**

WHEREAS, the City regularly has possession of impounded vehicles;

WHEREAS, state law mandates minimum storage periods before vehicles may be disposed of to satisfy any liens thereon;

WHEREAS, the City Code mandates a longer storage period than the periods mandated by state law;

WHEREAS, the City wishes to provide for storage periods consistent with state law in order to expedite the disposition of impounded vehicles; and

WHEREAS, it is declared as a matter of legislative determination and public policy that the provisions and prohibitions herein are necessary in the public interest; and it is further declared that the provisions and prohibitions herein are in pursuance of and for the purpose of securing and promoting the public health, safety, welfare and quality of life in the City.

**NOW, THEREFORE, THE CITY OF NEW PORT RICHEY, FLORIDA  
HEREBY ORDAINS:**

**Section 1. Section 23-183 of the Code of Ordinances, pertaining to liens against and sale of impounded vehicles, is hereby amended as follows (strikeout text is deleted and underlined text is added):**

**Sec. 23-183. - Enforcement; sale; proceeds; lien.**

- (a) A copy of the final order issued by either the city attorney if a preliminary hearing is waived or the preliminary hearing decision is not appealed by the owner to the city council in the time provided in section 23-182 or the mayor of the city council if the preliminary hearing decision was appealed for final hearing pursuant to section 23-182 shall be recorded in the public record and, upon recording shall constitute a lien against the vehicle. The city as holder of a lien against the vehicle, to the extent the lien has not been discharged or otherwise satisfied, may enforce the lien in any manner provided by law after 35 days from the date of the final order if the vehicle is more than 3 years of age or after 50 days from the date of the final order if the vehicle is 3 years of age or less.~~ninety (90) calendar days from the date of the final order.~~
- (b) If the vehicle against which the lien is created is still under impoundment after 35 days from the date of the final order if the vehicle is more than 3 years of age or after 50 days from the date of the final order if the vehicle is 3 years of age or less.~~ninety (90) calendar days from the date of the final order~~ and the owner has not satisfied the lien or the lien has not otherwise been discharged, the city may elect to sell the vehicle through a public sale or auction.
- (c) If the custodian elects to sell the vehicle, he or she must do so at public sale by competitive bidding. Notice of the time and place of the sale shall be given to the owner and an advertisement of the sale shall be published once a week for two (2) consecutive weeks in a newspaper of general circulation in the county where the sale is to be held. The notice shall include a statement that the sale shall be subject to any and all liens, except the city's lien. The advertisement must include a description of the vehicle and the time and place of the sale. The sale may take place no earlier than ten (10) calendar days after the final publication.
- (d) If the owner is absent from the sale, the proceeds of a public sale pursuant to this section, after payment and satisfaction of the city's lien, an administrative fee of \$200.00 and the costs of transportation, storage and publication of notice, shall be deposited with the city into an interest-bearing trust account not later than thirty (30) calendar days after the date of sale and held there for one (1) year. If no claim is made for these funds within a period of one (1) year after the date of the sale, the proceeds shall become the property of the city and deposited into the appropriate city fund.
- (e) In the event that the sale proceeds are insufficient to satisfy the amount owed pursuant to the final order, the administrative fee, and the costs of transportation, storage and publication of notice, the order shall constitute a lien against any real or personal property owned by the vehicle owner. Such lien shall be superior to all other liens, except a lien for taxes, and shall bear interest at the maximum rate allowed by law, as set forth in F.S. § 687.03, as amended from time to time, from the date of its filing. Upon petition to the circuit court, such order may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the real or personal property, but such order shall not be deemed to be a court judgment except for enforcement purposes. The city attorney or his designee is authorized to foreclose any lien established hereby in the same manner as is provided by law for the foreclosure of



other municipal liens or alternatively, as provided by law for the foreclosure of mortgages. No lien created pursuant to this chapter may be foreclosed on real property which is homestead under § 4, Art. X of the State Constitution. In an action to enforce an order or to foreclose on a lien as provided in this section, the city shall be entitled to recover all costs, including a reasonable attorney's fee, which it incurs thereby.

- (f) Any vehicle not disposed by public sale shall become the property of the city and may thereafter be destroyed or otherwise disposed of at the discretion of the city manager, in accordance with the provisions of applicable law. The procedures for disposition of surplus city property shall not be applicable to such vehicles.

**Section 2. Chapter 23, Article IV, Sections 23-76 through 23-83, of the Code of Ordinances, pertaining to the removal and impoundment of certain vehicles, is hereby repealed.** (strikeout text is deleted and underlined text is added):

~~ARTICLE IV. REMOVAL AND IMPOUNDMENT OF CERTAIN VEHICLES~~

~~Sec. 23-76. Authorized conditions:~~

~~Any police officer of this city is authorized to order the removal, impoundment and storage of any motor vehicle or motorcycle by a tow truck:~~

- ~~(1) When any motor vehicle or motorcycle is unlawfully parked within this city in violation of any state law or city ordinance and when a traffic citation has been affixed to the vehicle or motorcycle or served on the owner or operator thereof;~~
- ~~(2) When any motor vehicle or motorcycle upon any street in this city is so disabled as to constitute an obstruction to vehicular traffic or the person in charge of such motor vehicle or motorcycle by reason of physical or emotional injury, distress or disability is incapacitated to the extent that any such person is unable to provide for the custody or removal thereof;~~
- ~~(3) When any motor vehicle or motorcycle is parked or placed in such a manner that it constitutes a hazard or obstruction to the movement of traffic and when a traffic citation has been affixed to the vehicle or served on the owner or operator thereof;~~
- ~~(4) When the operator of any motor vehicle or motorcycle is taken into custody by any law enforcement officer and such motor vehicle or motorcycle would thereby be left unattended upon any street or right-of-way in this city;~~
- ~~(5) When any motor vehicle or motorcycle is being operated on a street in this city when such motor vehicle or motorcycle is not in proper operating condition;~~
- ~~(6) When any motor vehicle or motorcycle is parked on private property or upon an area developed as an off-street parking facility without the consent of the owner, lessee or person in charge of any such property or facility and upon complaint to the police department by such owner, lessee or person in charge of such property or facility;~~
- ~~(7) When any motor vehicle or motorcycle is parked on a street or any public place in this city without valid license plates being affixed thereto or which have been reported as stolen and when a traffic citation has been affixed to such motor vehicle or motorcycle or served on the owner or operator thereof;~~

- ~~(8) When a wrecked or abandoned motor vehicle is found anywhere in this city; provided, however, that this subsection shall not apply to any wrecked or abandoned motor vehicle or motorcycle which is in storage on any real property within this city with the consent of the owner of such real property.~~

~~Sec. 23-77. Removal, inventory of personal property, securing vehicle.~~

~~Any police officer who impounds any motor vehicle or motorcycle shall inventory and remove all loose items of personal property therefrom and shall place such items in the police evidence room for safekeeping and custody. When such motor vehicle or motorcycle is to be removed, towed away, impounded and stored, the same shall be secured and locked through the services of a locksmith and the impoundment of such motor vehicle or motorcycle shall be in a location which shall assure the safe, secure storage thereof pending its reclamation by its owner or authorized bailee. All costs associated with the towing, impoundment and storage of the motor vehicle or motorcycle shall be imposed as a lien thereon and the cost and value thereof shall be paid by the owner or bailee as a prerequisite to the release of such motor vehicle or motorcycle to the owner or bailee.~~

~~Sec. 23-78. Permit for towing, impounding, storage.~~

- ~~(a) The city council shall approve and issue a special permit to all independent contractors who shall be authorized to tow, impound and store any such motor vehicle or motorcycle as described in this chapter. The monetary rates to be charged by any such contractors shall be fixed and uniform and shall be prescribed by the city council in accordance with a rate schedule that shall be binding upon any such independent contractor prior to the issuance of any such permit. Additionally, the city council shall prescribe the following terms and conditions as a prerequisite to the issuance of any such permit:~~
- ~~(1) The permit holder must have and provide a safe and secure location whereupon any such impounded vehicle may be stored.~~
  - ~~(2) The permit holder shall be covered by a garageman's liability insurance policy in the minimum amount of one hundred thousand dollars (\$100,000.00) for each single bodily injury, three hundred thousand dollars (\$300,000.00) for bodily injury to more than one (1) person and twenty five thousand dollars (\$25,000.00) in property damage which shall provide insurance coverage in regard to vehicles which are towed away, impounded and stored pursuant to the provisions of this article and which shall be issued by an insurance company that is authorized to do business in the state.~~
- ~~(b) Any police officer who orders the towing, impoundment and storage of any such motor vehicle shall order the same to be performed only by an independent contractor who has been granted such a permit by the city council.~~

~~Sec. 23-79. Reclaiming vehicle.~~

- ~~(a) Any person who is the owner or authorized bailee of any such impounded property may reclaim the same at any time prior to the disposition and sale thereof by complying with the following procedure:~~

- ~~(1) Written proof of ownership and/or authorization shall be filed with the police department on forms provided by that department.~~
- ~~(2) Costs and charges which have been incurred as a result of the towing, impoundment and storage of such property shall be paid. Upon presentation of a receipt for the payment of such charges, the owner or authorized bailee shall be entitled to recover the impounded property from the custody and control of the independent contractor. Thereafter, the police department, through the city clerk's office, shall ensure that property disbursement of all funds collected hereunder is made to all creditors having claims against such impounded property which have arisen as the result of the towing, impoundment and storage thereof.~~
- ~~(b) The owner or authorized bailee of any such motor vehicle or motorcycle shall not be allowed to reclaim the same, without an order from a court of competent jurisdiction, where the police department or any police officer thereof shall have probable cause to believe that the same has been utilized in the commission of the crime or contains stolen property, contraband or those items of narcotics that are prohibited by law or when such motor vehicle or motorcycle is material evidence in the investigation or prosecution of any person where there is probable cause to believe that such person has committed any such crime.~~

~~Sec. 23-80. Council to order sale of unclaimed vehicles.~~

~~At the first regular city council meeting on the first Tuesday of each month, the chief of police shall submit to the city council a list of all motor vehicles or motorcycles which have been impounded under this article and which have been unclaimed for a period of at least thirty (30) days. The city council shall thereupon order the sale of such impounded property at a certain time, date and place no less than thirty (30) days from the date of such council meeting in accordance with the procedure in this article.~~

~~Sec. 23-81. Notice of sale of impounded properties; notice to owner.~~

- ~~(a) Whenever the city council shall decide to offer impounded properties for sale, they shall publish notice of the sale once a week for two (2) successive weeks in a newspaper published in the city and/or county and the first such publication shall be made at least twenty (20) days before the sale. Such publication shall briefly describe the property; state the date, time and place of the sale and that the sale shall be made to the highest bidder at public auction; and state the manufacturer's name, model and motor number and the identity of the record owner, if known; provided, however, that before any such sale, the police department shall cause an investigation to be made for the purpose of determining the identity of the record owner of any such motor vehicle, who shall be notified as follows:~~
  - ~~(1) If such owner is a resident of the state, by personal service of the notice of sale in accordance with F.S. chapter 48.~~
  - ~~(2) If such owner is a nonresident of the state, by serving the notice of sale on such nonresident owner via certified mail, return receipt requested, and the date of service shall be considered to be three (3) days subsequent to the date that the notice is actually mailed to such registered owner and the same shall be mailed to the address, if known, of the owner which has been ascertained by diligent search and inquiry.~~

~~(b) Service on such an owner, as contemplated in this section, shall be made at least ten (10) days prior to any such sale.~~

~~Sec. 23-82. Sale to highest bidder; disposition of proceeds.~~

~~The sale of any such impounded property shall be made by the chief of police to the highest bidder and the proceeds thereof shall be disbursed as follows:~~

- ~~(1) By payment of all costs and charges that have been incurred as the result of the impounding of the vehicle or, if the proceeds of the sale are insufficient to pay all of the charges, by the equitable apportionment of such proceeds toward the payment thereof;~~
- ~~(2) The surplus, if any, from the sale shall be paid and disbursed to the owner of the vehicle, if known, or, if unknown, after thirty (30) days, the same shall be paid into the fine and forfeiture fund of the city.~~

~~Sec. 23-83. Report of sale.~~

~~The city council shall make a report of sale of any such motor vehicles or motorcycles by an appropriate affidavit to the state department of motor vehicles which shall identify each motor vehicle or motorcycle sold under the provisions of this article and the identity of the purchaser thereof, in such form as may be required by the state department of motor vehicles.~~

**Section 3. Conflict with Other Ordinances and Codes.** All ordinances or parts of ordinances of the City of New Port Richey, Florida, in conflict with the provisions of this ordinance, are hereby repealed to the extent of such conflict.

**Section 4. Severability.** If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

**Section 5. Effective Date.** This ordinance shall take effect immediately upon its adoption as provided by law.

The foregoing Ordinance was duly read and approved on first reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida this \_\_\_\_\_ day of \_\_\_\_\_, 2017, and read and adopted on second reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

ATTEST:

By: \_\_\_\_\_  
Judy Meyers, City Clerk

By: \_\_\_\_\_  
Robert Marlowe, Mayor-Council Member

(Seal)

APPROVED AS TO FORM AND LEGALITY  
FOR THE SOLE USE AND RELIANCE OF THE  
CITY OF NEW PORT RICHEY, FLORIDA:

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Timothy P. Driscoll, City Attorney



# NEW PORT RICHEY

5919 MAIN STREET . NEW PORT RICHEY, FL 34652 . 727.853.1016

**TO:** City of New Port Richey City Council

**FROM:** Martin Murphy, Assistant to the City Manager

**DATE:** 4/4/2017

**RE:** Resolution No. 2017-15: Opposition to SB596/HB 687 Regarding Wireless Communication Facilities

## REQUEST:

The request is for the City Council to adopt Resolution No. 2017-15 expressing the City's opposition of SB 596/HB 687 which eviscerates local control for Florida cities with respect to taxpayer owned public structures and right-of-ways (generally roadway and sidewalks areas) for placement of "small" or "micro" wireless antennas and equipment by the multi-billion dollar wireless communications industry.

## DISCUSSION:

Currently, there is legislation being considered at the state level that would prohibit local governments from regulating anything except applicable building codes for this wireless infrastructure. Wireless communication providers and speculators would be able to ignore land development regulations, pedestrian movement, traffic view zones, traffic circulation as well as safety and aesthetic considerations. By unreasonably capping the permit application and attachment fees as well as limiting the permit review timeframe, the Bills require taxpayers to subsidize the business interests of wireless communications providers. The Bills require a city, at its taxpayers' expenses, to develop engineering and other structural reports on the city's own infrastructures that a wireless company may or may not decide to use for antennas. Should this legislation pass, there will be a proliferation of wireless infrastructure in areas where such equipment and infrastructure is unsightly, unsafe and inappropriate for that particular community.

## RECOMMENDATION:

The recommendation is for the City Council to adopt Resolution No. 2017-15 expressing the City's opposition to SB 596/HB 687 and direct the City Clerk to forward copies to Governor Rick Scott, Speaker of the House Richard Corcoran, Senate President Joe Negron, and members of the Pasco County Legislative Delegation.

## BUDGET/FISCAL IMPACT:

N/A

## ATTACHMENTS:

Description	Type
❑ Resolution 2017 - 15	Backup Material
❑ House Bill 687	Backup Material
❑ Senate Bill 596	Backup Material

RESOLUTION 2017 – 15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW PORT RICHEY, FLORIDA OPPOSING STATE LEGISLATION SB 596/HB 687 PROHIBITING THE DEPARTMENT OF TRANSPORTATION AND LOCAL GOVERNMENT ENTITIES, COLLECTIVELY REFERRED TO AS THE “AUTHORITY,” FROM PROHIBITING, REGULATING, OR CHARGING FOR THE COLLECTION OF SMALL WIRELESS FACILITIES IN PUBLIC RIGHTS-OF-WAY; PROHIBITING AN AUTHORITY FROM REQUIRING APPROVAL OR CHARGES FOR ROUTINE MAINTENANCE, INSTALLATION, PLACEMENT, OR REPLACEMENT OF CERTAIN WIRELESS FACILITIES; PROHIBITING THE ADOPTION, ENFORCEMENT OF CERTAIN REGULATIONS & IMPOSITION OF CERTAIN TAXES/FEES/CHARGES.

WHEREAS, State Legislation SB 596/HB 687 eviscerates local control for Florida cities with respect to taxpayer owned public structures and right-of-way (generally roadway and sidewalks areas) for placement of “small” or “micro” wireless antennas and equipment by the multi-billion dollar wireless communications industry; and,

WHEREAS, this Bill prohibits local governments from regulating anything except applicable building codes for this wireless infrastructure and allows providers and speculators to ignore land development regulations, pedestrian movement, traffic views zones, traffic circulation as well as safety and aesthetic considerations; and,

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NEW PORT RICHEY, FLORIDA IN SESSION DULY AND REGULARLY ASSEMBLED, THAT:

SECTION 1. The City Council of the City of New Port Richey strongly opposes SB 596/HB 687.

SECTION 2. This Resolution shall become effect immediately upon adoption

The above and foregoing Resolution was read and adopted at a duly convened meeting of the New Port Richey City Council, this 21<sup>st</sup> day of March, 2017.

ATTEST:

By: \_\_\_\_\_  
Judy Meyers, City Clerk

By: \_\_\_\_\_  
Robert Marlowe, Mayor-Council Member

(seal)

APPROVED AS TO FORM AND LEGALITY FOR THE SOLE USE AND RELIANCE OF  
THE CITY OF NEW PORT RICHEY, FLORIDA:

\_\_\_\_\_  
Timothy P. Driscoll, City Attorney

1                               A bill to be entitled  
2       An act relating to utilities; amending s. 337.401,  
3       F.S.; providing a short title; defining terms;  
4       prohibiting the Department of Transportation and  
5       certain local governmental entities, collectively  
6       referred to as the "authority," from prohibiting,  
7       regulating, or charging for the collocation of small  
8       wireless facilities in public rights-of-way under  
9       certain circumstances; specifying that an authority  
10      may require permit fees only under certain  
11      circumstances; requiring an authority to receive and  
12      process applications for and to issue permits subject  
13      to specified requirements; providing that approval of,  
14      and charges by, an authority are not required for  
15      routine maintenance, the replacement of certain  
16      wireless facilities, or the installation, placement,  
17      maintenance, or replacement of certain micro wireless  
18      facilities; requiring an authority to approve the  
19      collocation of small wireless facilities on authority  
20      utility poles, subject to certain requirements;  
21      providing requirements for rates, fees, and other  
22      terms related to authority utility poles; providing  
23      that specified provisions do not authorize  
24      collocations of small wireless facilities on certain  
25      property; prohibiting an authority from adopting or



HB 687

2017

26 enforcing any regulations on the placement or  
27 operation of certain communications facilities and  
28 from regulating any communications services or  
29 imposing or collecting any taxes, fees, or charges not  
30 specifically authorized under state law; providing an  
31 effective date.

32  
33 Be It Enacted by the Legislature of the State of Florida:

34  
35 Section 1. Subsection (7) is added to section 337.401,  
36 Florida Statutes, to read:

37 337.401 Use of right-of-way for utilities subject to  
38 regulation; permit; fees.—

39 (7) (a) This subsection shall be known as the "Advanced  
40 Wireless Infrastructure Deployment Act."

41 (b) As used in this subsection, the following definitions  
42 apply:

43 1. "Antenna" means communications equipment that transmits  
44 or receives electromagnetic radio frequency signals used in  
45 providing wireless services.

46 2. "Applicable codes" means uniform building, fire,  
47 electrical, plumbing, or mechanical codes adopted by a  
48 recognized national code organization, or local amendments to  
49 those codes, enacted solely to address threats of destruction of  
50 property or injury to persons.

Page 2 of 11

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb0687-00

51        3. "Applicant" means a person who submits an application  
52 and is a wireless provider.

53        4. "Application" means a request submitted by an applicant  
54 to an authority for a permit to collocate small wireless  
55 facilities.

56        5. "Authority utility pole" means a utility pole owned or  
57 operated by an authority in the right-of-way.

58        6. "Collocate" or "collocation" means to install, mount,  
59 maintain, modify, operate, or replace one or more wireless  
60 facilities on, under, within, or adjacent to a wireless support  
61 structure or utility pole.

62        7. "FCC" means the Federal Communications Commission.

63        8. "Micro wireless facility" means a small wireless  
64 facility having dimensions not larger than 24 inches in length,  
65 15 inches in width, and 12 inches in height and that has an  
66 exterior antenna, if any, no longer than 11 inches.

67        9. "Small wireless facility" means a wireless facility  
68 that meets both the following qualifications:

69        a. Each antenna associated with the facility is located  
70 inside an enclosure of no more than 6 cubic feet in volume or,  
71 in the case of antennas that have exposed elements, each antenna  
72 and all of its exposed elements could fit within an enclosure of  
73 no more than 6 cubic feet in volume; and

74        b. All other wireless equipment associated with the  
75 facility is cumulatively no more than 28 cubic feet in volume.

76 The following types of associated ancillary equipment are not  
77 included in the calculation of equipment volume: electric  
78 meters, concealment elements, telecommunications demarcation  
79 boxes, ground-based enclosures, grounding equipment, power  
80 transfer switches, cut-off switches, vertical cable runs for the  
81 connection of power and other services, and utility poles or  
82 other support structures.

83 10. "Utility pole" means a pole or similar structure that  
84 is used in whole or in part to provide communications services  
85 or for electric distribution, lighting, traffic control,  
86 signage, or a similar function.

87 11. "Wireless facility" means equipment at a fixed  
88 location which enables wireless communications between user  
89 equipment and a communications network, including:

90 a. Equipment associated with wireless communications; and  
91 b. Radio transceivers, antennas, wires, coaxial or fiber  
92 optic cable or other cables, regular and backup power supplies,  
93 and comparable equipment, regardless of technological  
94 configuration. The term includes small wireless facilities. The  
95 term does not include the structure or improvements on, under,  
96 within, or adjacent to the structure on which the equipment is  
97 collocated.

98 12. "Wireless infrastructure provider" means a person  
99 certificated to provide telecommunications service in the state  
100 and who builds or installs wireless communication transmission

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101 equipment, wireless facilities, or wireless support structures,  
102 but is not a wireless services provider.

103 13. "Wireless provider" means a wireless infrastructure  
104 provider or a wireless services provider.

105 14. "Wireless services" means any services provided using  
106 licensed or unlicensed spectrum, whether at a fixed location or  
107 mobile, using wireless facilities.

108 15. "Wireless services provider" means a person who  
109 provides wireless services.

110 16. "Wireless support structure" means a freestanding  
111 structure, such as a monopole, a guyed or self-supporting tower,  
112 a billboard, or another existing or proposed structure designed  
113 to support or capable of supporting wireless facilities. The  
114 term does not include a utility pole.

115 (c) Except as provided in this subsection, an authority  
116 may not prohibit, regulate, or charge for the collocation of  
117 small wireless facilities in the public rights-of-way.

118 (d) An authority may require permit fees only in  
119 accordance with subsection (3). An authority shall accept  
120 applications for, process, and issue permits subject to the  
121 following requirements:

122 1. An authority may not directly or indirectly require an  
123 applicant to perform services unrelated to the collocation for  
124 which approval is sought, such as in-kind contributions to the  
125 authority, including reserving fiber, conduit, or pole space for

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126 the authority.

127 2. An applicant may not be required to provide more  
128 information to obtain a permit than is required of electric  
129 service providers and other communications service providers  
130 that are not wireless service providers.

131 3. An authority may not require the placement of small  
132 wireless facilities on any specific utility pole or category of  
133 poles or require multiple antenna systems on a single utility  
134 pole.

135 4. An authority may not limit the placement of small  
136 wireless facilities by minimum separation distances or a maximum  
137 height limitation; however, an authority may limit the height of  
138 a small wireless facility to no more than 10 feet above the  
139 tallest existing utility pole, measured from grade in place  
140 within 500 feet of the proposed location of the small wireless  
141 facility. If there is no utility pole within 500 feet, the  
142 authority may limit the height of the small wireless facility to  
143 no more than 60 feet. The height limitations do not apply to the  
144 placement of any small wireless facility on a utility pole or  
145 wireless support structure constructed on or before June 30,  
146 2017, if the small wireless facility does not extend more than  
147 10 feet above the structure.

148 5. Within 10 days after receiving an application, an  
149 authority must determine and notify the applicant by electronic  
150 mail as to whether the application is complete. If an

151 application is deemed incomplete, the authority must  
152 specifically identify the missing information. An application  
153 shall be deemed complete if the authority fails to provide  
154 notification to the applicant within 10 days or when all  
155 documents, information, and fees specifically enumerated in the  
156 authority's permit application form are submitted by the  
157 applicant to the authority.

158 6. An application must be processed on a nondiscriminatory  
159 basis. A complete application is deemed approved if the  
160 authority fails to approve or deny the application within 60  
161 days after receipt of the application.

162 7. The authority must notify the applicant of approval or  
163 denial by electronic mail. An authority shall approve a complete  
164 application unless it does not meet the authority's applicable  
165 codes. If the application is denied, the authority must specify  
166 in writing the basis for denial, including the specific code  
167 provisions on which the denial was based, and send the  
168 documentation to the applicant by electronic mail on the day the  
169 authority denies the application. The applicant may cure the  
170 deficiencies identified by the authority and resubmit the  
171 application within 30 days after notice of the denial is sent to  
172 the applicant. The authority shall approve or deny the revised  
173 application within 30 days after receipt or the application will  
174 be deemed approved. Any subsequent review shall be limited to  
175 the deficiencies cited in the denial.

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176       8. An applicant seeking to collocate small wireless  
177 facilities within the jurisdiction of a single authority may, at  
178 the applicant's discretion, file a consolidated application and  
179 receive a single permit for the collocation of multiple small  
180 wireless facilities.

181       (e) An authority may not require approval or require fees  
182 or other charges for:

183       1. Routine maintenance;

184       2. Replacement of existing wireless facilities with  
185 wireless facilities that are substantially similar or the same  
186 size or smaller; or

187       3. Installation, placement, maintenance, or replacement of  
188 micro wireless facilities that are suspended on messenger cables  
189 strung between existing utility poles in compliance with  
190 applicable codes by a communications service provider authorized  
191 to occupy the rights-of-way and who is remitting taxes under  
192 chapter 202.

193       (f) An authority shall approve the collocation of small  
194 wireless facilities on authority utility poles, subject to the  
195 following requirements:

196       1. An authority may not enter into an exclusive  
197 arrangement with any person for the right to attach equipment to  
198 authority utility poles.

199       2. The rates and fees for collocations on authority  
200 utility poles must be nondiscriminatory, regardless of the

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201 services provided by the collocating person.

202 3. The rate to collocate equipment on authority utility  
203 poles may not exceed the lesser of the annual recurring rate  
204 that would be permitted under rules adopted by the FCC under 47  
205 U.S.C. s. 224(d) if the collocation rate were regulated by the  
206 FCC or \$15 per year per authority utility pole.

207 4. If the authority has an existing pole attachment rate,  
208 fee, or other term that does not comply with this subsection,  
209 the authority shall, no later than January 1, 2018, revise such  
210 rate, fee, or term to be in compliance with this subsection.

211 5. Persons owning or controlling authority utility poles  
212 shall offer rates, fees, and other terms that comply with this  
213 subsection. By the later of January 1, 2018, or 3 months after  
214 receiving a request to collocate its first small wireless  
215 facility on a utility pole owned or controlled by an authority,  
216 the person owning or controlling the authority utility pole  
217 shall make available, through ordinance or otherwise, rates,  
218 fees, and terms for the collocation of small wireless facilities  
219 on the authority utility pole which comply with this subsection.

220 a. The rates, fees, and terms must be nondiscriminatory,  
221 competitively neutral, and commercially reasonable and must  
222 comply with this subsection.

223 b. For authority utility poles that support aerial  
224 facilities used to provide communications services or electric  
225 service, the parties shall comply with the process for make-



ready work under 47 U.S.C. s. 224 and implementing regulations.  
The good faith estimate of the person owning or controlling the  
pole for any make-ready work necessary to enable the pole to  
support the requested collocation must include pole replacement  
if necessary.

c. For authority utility poles that do not support aerial  
facilities used to provide communications services or electric  
service, the authority shall provide a good faith estimate for  
any make-ready work necessary to enable the pole to support the  
requested collocation, including necessary pole replacement,  
within 60 days after receipt of a complete application. Make-  
ready work, including any pole replacement, must be completed  
within 60 days after written acceptance of the good faith  
estimate by the applicant.

d. The authority may not require more make-ready work than  
is required to meet applicable codes or industry standards. Fees  
for make-ready work may not include costs related to preexisting  
damage or prior noncompliance. Fees for make-ready work,  
including any pole replacement, may not exceed actual costs or  
the amount charged to communications service providers other  
than wireless service providers for similar work and may not  
include any consultant fees or expenses.

(g) This subsection does not authorize a person to  
collocate small wireless facilities on a privately owned utility  
pole, a privately owned wireless support structure, or other

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251 private property without the consent of the property owner.

252 (h) Except as provided in this chapter or specifically  
253 required by state law, an authority may not adopt or enforce any  
254 regulations on the placement or operation of communications  
255 facilities in the rights-of-way by any provider authorized by  
256 state law to operate in the rights-of-way and shall not regulate  
257 any communications services or impose or collect any taxes,  
258 fees, or charges not specifically authorized under state law.

259 Section 2. This act shall take effect July 1, 2017.

By Senator Hutson

7-00327A-17

2017596\_\_

1                   A bill to be entitled  
2       An act relating to utilities; amending s. 337.401,  
3       F.S.; providing a short title; defining terms;  
4       prohibiting the Department of Transportation and  
5       certain local governmental entities, collectively  
6       referred to as the "authority," from prohibiting,  
7       regulating, or charging for the collocation of small  
8       wireless facilities in public rights-of-way under  
9       certain circumstances; specifying that an authority  
10      may require permit fees only under certain  
11      circumstances; requiring an authority to receive and  
12      process applications for and to issue permits subject  
13      to specified requirements; providing that approval of,  
14      and charges by, an authority are not required for  
15      routine maintenance, the replacement of certain  
16      wireless facilities, or the installation, placement,  
17      maintenance, or replacement of certain micro wireless  
18      facilities; requiring an authority to approve the  
19      collocation of small wireless facilities on authority  
20      utility poles, subject to certain requirements;  
21      providing requirements for rates, fees, and other  
22      terms related to authority utility poles; providing  
23      that specified provisions do not authorize  
24      collocations of small wireless facilities on certain  
25      property; prohibiting an authority from adopting or  
26      enforcing any regulations on the placement or  
27      operation of certain communications facilities and  
28      from regulating any communications services or  
29      imposing or collecting any taxes, fees, or charges not  
30      specifically authorized under state law; providing an  
31      effective date.  
32

7-00327A-17

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Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (7) is added to section 337.401, Florida Statutes, to read:

337.401 Use of right-of-way for utilities subject to regulation; permit; fees.—

(7) (a) This subsection shall be known as the "Advanced Wireless Infrastructure Deployment Act."

(b) As used in this subsection, the following definitions apply:

1. "Antenna" means communications equipment that transmits or receives electromagnetic radio frequency signals used in providing wireless services.

2. "Applicable codes" means uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization, or local amendments to those codes, enacted solely to address threats of destruction of property or injury to persons.

3. "Applicant" means a person who submits an application and is a wireless provider.

4. "Application" means a request submitted by an applicant to an authority for a permit to collocate small wireless facilities.

5. "Authority utility pole" means a utility pole owned or operated by an authority in the right-of-way.

6. "Collocate" or "collocation" means to install, mount, maintain, modify, operate, or replace one or more wireless facilities on, under, within, or adjacent to a wireless support structure or utility pole.

7-00327A-17

2017596\_\_

62 7. "FCC" means the Federal Communications Commission.

63 8. "Micro wireless facility" means a small wireless  
64 facility having dimensions not larger than 24 inches in length,  
65 15 inches in width, and 12 inches in height and that has an  
66 exterior antenna, if any, no longer than 11 inches.

67 9. "Small wireless facility" means a wireless facility that  
68 meets both the following qualifications:

69 a. Each antenna associated with the facility is located  
70 inside an enclosure of no more than 6 cubic feet in volume or,  
71 in the case of antennas that have exposed elements, each antenna  
72 and all of its exposed elements could fit within an enclosure of  
73 no more than 6 cubic feet in volume; and

74 b. All other wireless equipment associated with the  
75 facility is cumulatively no more than 28 cubic feet in volume.  
76 The following types of associated ancillary equipment are not  
77 included in the calculation of equipment volume: electric  
78 meters, concealment elements, telecommunications demarcation  
79 boxes, ground-based enclosures, grounding equipment, power  
80 transfer switches, cut-off switches, vertical cable runs for the  
81 connection of power and other services, and utility poles or  
82 other support structures.

83 10. "Utility pole" means a pole or similar structure that  
84 is used in whole or in part to provide communications services  
85 or for electric distribution, lighting, traffic control,  
86 signage, or a similar function.

87 11. "Wireless facility" means equipment at a fixed location  
88 which enables wireless communications between user equipment and  
89 a communications network, including:

90 a. Equipment associated with wireless communications; and

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b. Radio transceivers, antennas, wires, coaxial or fiber optic cable or other cables, regular and backup power supplies, and comparable equipment, regardless of technological configuration. The term includes small wireless facilities. The term does not include the structure or improvements on, under, within, or adjacent to the structure on which the equipment is collocated.

12. "Wireless infrastructure provider" means a person certificated to provide telecommunications service in the state and who builds or installs wireless communication transmission equipment, wireless facilities, or wireless support structures, but is not a wireless services provider.

13. "Wireless provider" means a wireless infrastructure provider or a wireless services provider.

14. "Wireless services" means any services provided using licensed or unlicensed spectrum, whether at a fixed location or mobile, using wireless facilities.

15. "Wireless services provider" means a person who provides wireless services.

16. "Wireless support structure" means a freestanding structure, such as a monopole, a guyed or self-supporting tower, a billboard, or another existing or proposed structure designed to support or capable of supporting wireless facilities. The term does not include a utility pole.

(c) Except as provided in this subsection, an authority may not prohibit, regulate, or charge for the collocation of small wireless facilities in the public rights-of-way.

(d) An authority may require permit fees only in accordance with subsection (3). An authority shall accept applications for,

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process, and issue permits subject to the following requirements:

1. An authority may not directly or indirectly require an applicant to perform services unrelated to the collocation for which approval is sought, such as in-kind contributions to the authority, including reserving fiber, conduit, or pole space for the authority.

2. An applicant may not be required to provide more information to obtain a permit than is required of electric service providers and other communications service providers that are not wireless service providers.

3. An authority may not require the placement of small wireless facilities on any specific utility pole or category of poles or require multiple antenna systems on a single utility pole.

4. An authority may not limit the placement of small wireless facilities by minimum separation distances or a maximum height limitation; however, an authority may limit the height of a small wireless facility to no more than 10 feet above the tallest existing utility pole, measured from grade in place within 500 feet of the proposed location of the small wireless facility. If there is no utility pole within 500 feet, the authority may limit the height of the small wireless facility to no more than 60 feet. The height limitations do not apply to the placement of any small wireless facility on a utility pole or wireless support structure constructed on or before June 30, 2017, if the small wireless facility does not extend more than 10 feet above the structure.

5. Within 10 days after receiving an application, an

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149 authority must determine and notify the applicant by electronic  
150 mail as to whether the application is complete. If an  
151 application is deemed incomplete, the authority must  
152 specifically identify the missing information. An application  
153 shall be deemed complete if the authority fails to provide  
154 notification to the applicant within 10 days or when all  
155 documents, information, and fees specifically enumerated in the  
156 authority's permit application form are submitted by the  
157 applicant to the authority.

158 6. An application must be processed on a nondiscriminatory  
159 basis. A complete application is deemed approved if the  
160 authority fails to approve or deny the application within 60  
161 days after receipt of the application.

162 7. The authority must notify the applicant of approval or  
163 denial by electronic mail. An authority shall approve a complete  
164 application unless it does not meet the authority's applicable  
165 codes. If the application is denied, the authority must specify  
166 in writing the basis for denial, including the specific code  
167 provisions on which the denial was based, and send the  
168 documentation to the applicant by electronic mail on the day the  
169 authority denies the application. The applicant may cure the  
170 deficiencies identified by the authority and resubmit the  
171 application within 30 days after notice of the denial is sent to  
172 the applicant. The authority shall approve or deny the revised  
173 application within 30 days after receipt or the application will  
174 be deemed approved. Any subsequent review shall be limited to  
175 the deficiencies cited in the denial.

176 8. An applicant seeking to collocate small wireless  
177 facilities within the jurisdiction of a single authority may, at



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the applicant's discretion, file a consolidated application and receive a single permit for the collocation of multiple small wireless facilities.

(e) An authority may not require approval or require fees or other charges for:

1. Routine maintenance;

2. Replacement of existing wireless facilities with wireless facilities that are substantially similar or the same size or smaller; or

3. Installation, placement, maintenance, or replacement of micro wireless facilities that are suspended on messenger cables strung between existing utility poles in compliance with applicable codes by a communications service provider authorized to occupy the rights-of-way and who is remitting taxes under chapter 202.

(f) An authority shall approve the collocation of small wireless facilities on authority utility poles, subject to the following requirements:

1. An authority may not enter into an exclusive arrangement with any person for the right to attach equipment to authority utility poles.

2. The rates and fees for collocations on authority utility poles must be nondiscriminatory, regardless of the services provided by the collocating person.

3. The rate to collocate equipment on authority utility poles may not exceed the lesser of the annual recurring rate that would be permitted under rules adopted by the FCC under 47 U.S.C. s. 224(d) if the collocation rate were regulated by the FCC or \$15 per year per authority utility pole.

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207       4. If the authority has an existing pole attachment rate,  
208 fee, or other term that does not comply with this subsection,  
209 the authority shall, no later than January 1, 2018, revise such  
210 rate, fee, or term to be in compliance with this subsection.

211       5. Persons owning or controlling authority utility poles  
212 shall offer rates, fees, and other terms that comply with this  
213 subsection. By the later of January 1, 2018, or 3 months after  
214 receiving a request to collocate its first small wireless  
215 facility on a utility pole owned or controlled by an authority,  
216 the person owning or controlling the authority utility pole  
217 shall make available, through ordinance or otherwise, rates,  
218 fees, and terms for the collocation of small wireless facilities  
219 on the authority utility pole which comply with this subsection.

220       a. The rates, fees, and terms must be nondiscriminatory,  
221 competitively neutral, and commercially reasonable and must  
222 comply with this subsection.

223       b. For authority utility poles that support aerial  
224 facilities used to provide communications services or electric  
225 service, the parties shall comply with the process for make-  
226 ready work under 47 U.S.C. s. 224 and implementing regulations.  
227 The good faith estimate of the person owning or controlling the  
228 pole for any make-ready work necessary to enable the pole to  
229 support the requested collocation must include pole replacement  
230 if necessary.

231       c. For authority utility poles that do not support aerial  
232 facilities used to provide communications services or electric  
233 service, the authority shall provide a good faith estimate for  
234 any make-ready work necessary to enable the pole to support the  
235 requested collocation, including necessary pole replacement,

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236 within 60 days after receipt of a complete application. Make-  
237 ready work, including any pole replacement, must be completed  
238 within 60 days after written acceptance of the good faith  
239 estimate by the applicant.

240 d. The authority may not require more make-ready work than  
241 is required to meet applicable codes or industry standards. Fees  
242 for make-ready work may not include costs related to preexisting  
243 damage or prior noncompliance. Fees for make-ready work,  
244 including any pole replacement, may not exceed actual costs or  
245 the amount charged to communications service providers other  
246 than wireless service providers for similar work and may not  
247 include any consultant fees or expenses.

248 (g) This subsection does not authorize a person to  
249 collocate small wireless facilities on a privately owned utility  
250 pole, a privately owned wireless support structure, or other  
251 private property without the consent of the property owner.

252 (h) Except as provided in this chapter or specifically  
253 required by state law, an authority may not adopt or enforce any  
254 regulations on the placement or operation of communications  
255 facilities in the rights-of-way by any provider authorized by  
256 state law to operate in the rights-of-way and shall not regulate  
257 any communications services or impose or collect any taxes,  
258 fees, or charges not specifically authorized under state law.

259 Section 2. This act shall take effect July 1, 2017.



# NEW PORT RICHEY

5919 MAIN STREET . NEW PORT RICHEY, FL 34652 . 727.853.1016

**TO:** City of New Port Richey City Council  
**FROM:** Martin Murphy, Assistant to the City Manager  
**DATE:** 4/4/2017  
**RE:** Resolution No. 2017-17: Opposition to SB330/HB487 Regarding Local Business Tax

## REQUEST:

The request is for City Council to adopt Resolution No. 2017-17 expressing the City's opposition to SB330/HB487 regarding local business tax.

## DISCUSSION:

Currently, there is legislation being considered at the state level that would limit the amount of business tax and transfer fees that may be imposed, remove authority for municipalities to increase business tax rates and also remove authority to impose additional business taxes. Local revenues, like the local business tax, are essential to providing municipal services, such as public safety, constructing and maintaining transportation infrastructure and providing for public parks and open spaces. A diversified revenue base is necessary for the fiscal stability of local governments and improves their ability to serve citizens and businesses by using revenues to fund such municipal services such as zoning, permitting, code enforcement, police and fire services. If this legislation should pass, it will reduce this source of general revenue and would require municipalities to increase taxes, fees and millage, or cut services to make up for the financial loss.

## RECOMMENDATION:

The recommendation is for the City Council to adopt Resolution No. 2017-17 expressing the City's opposition to SB330/HB487 regarding local business tax and direct the City Clerk to send copies of the Resolution to Governor Rick Scott, Senate President Joe Negron, Speaker of the House Richard Corcoran and members of the Pasco County Legislative Delegation.

## BUDGET/FISCAL IMPACT:

No funding is required for this item.

## ATTACHMENTS:

Description	Type
❑ Resolution No. 2017-17: Opposing SB330/HB487 Regarding Local Business Tax	Backup Material
❑ SB 330	Backup Material
❑ HB 487	Backup Material

RESOLUTION NO. 2017-17

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW PORT RICHEY, FLORIDA OPPOSING STATE LEGISLATION SB330/HB487 LIMITING THE AMOUNT OF LOCAL BUSINESS TAX TO \$25.00 FOR ANY TAXPAYER AND PROHIBITING CITIES AND COUNTIES FROM LEVYING THE LOCAL BUSINESS TAX IF THE TAX WAS NOT ADOPTED BY JANUARY 1, 2017 AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, State Legislation SB330/HB487 provides a maximum amount of business tax and transfer fees that may be imposed and removes authority for municipalities to increase business tax rates and to impose additional business taxes; and

WHEREAS, local revenues, like the Local Business Tax, are essential to providing municipal services, such as public safety, constructing and maintaining transportation infrastructure, and providing for public parks and open spaces; and

WHEREAS, a diversified revenue base is necessary for the fiscal stability of local governments and improves their ability to serve citizens and businesses and these revenues are used in funding municipal services to citizens and businesses such as zoning, permitting, code enforcement, and police and fire services and reducing this source of general revenue would require municipalities to increase taxes, fees and millage, or cut services to make up for the financial loss.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NEW PORT RICHEY, FLORIDA IN SESSION DULY AND REGULARLY ASSEMBLED, THAT:

SECTION 1. The City Council of the City of New Port Richey strongly opposes SB330/HB487.

SECTION 2. This Resolution shall become effect immediately upon adoption.

The above and foregoing Resolution was read and adopted at a duly convened meeting of the New Port Richey City Council, this 4<sup>th</sup> day of April, 2017.

ATTEST:

By: \_\_\_\_\_  
Judy Meyers, City Clerk

By: \_\_\_\_\_  
Robert Marlowe, Mayor-Council Member

(seal) APPROVED AS TO FORM AND LEGALITY FOR THE SOLE USE AND  
RELIANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA:

\_\_\_\_\_  
Timothy P. Driscoll, City Attorney

By Senator Steube

23-00332-17

2017330\_\_

1 A bill to be entitled  
2 An act relating to local business taxes; amending ss.  
3 205.032 and 205.042, F.S.; prohibiting the governing  
4 bodies of counties and municipalities, respectively,  
5 from levying a local business tax that was not adopted  
6 before a specified date; limiting the amount of the  
7 tax; making conforming changes; amending s. 205.033,  
8 F.S.; deleting certain provisions that, for counties,  
9 limit the rate of the tax and authorize increases of  
10 the tax; revising the maximum limits of certain  
11 transfer fees; revising applicability of provisions  
12 apportioning revenues from the tax; deleting certain  
13 provisions authorizing the levying of an additional  
14 business tax; amending s. 205.043, F.S.; deleting  
15 certain provisions that, for municipalities, limit the  
16 rate of the tax and authorize increases of the tax;  
17 revising the maximum limits of certain transfer fees;  
18 amending ss. 205.0535 and 205.054, F.S.; conforming  
19 provisions to changes made by the act; creating s.  
20 205.055, F.S.; providing an exemption from the  
21 business tax, subject to certain conditions, to  
22 specified veterans, spouses of veterans and active  
23 servicemembers, and low-income individuals; repealing  
24 s. 205.171, F.S., relating to exemptions allowed  
25 disabled veterans of any war or their unremarried  
26 spouses; providing an effective date.

27  
28 Be It Enacted by the Legislature of the State of Florida:

29  
30 Section 1. Section 205.032, Florida Statutes, is amended to  
31 read:

32 205.032 Levy; counties.—The governing body of a county may

23-00332-17

2017330\_\_

33 not levy a business tax for the privilege of engaging in or  
34 managing any business, profession, or occupation within its  
35 jurisdiction if the county did not adopt such tax before January  
36 1, 2017. The governing body of a county may continue to levy, ~~by~~  
37 ~~appropriate resolution or ordinance,~~ a business tax for the  
38 privilege of engaging in or managing any business, profession,  
39 or occupation within its jurisdiction if the county adopted the  
40 business tax before January 1, 2017, but in no case may such  
41 business tax exceed \$25 for any single taxpayer. ~~However, the~~  
42 ~~governing body must first give at least 14 days' public notice~~  
43 ~~between the first and last reading of the resolution or~~  
44 ~~ordinance by publishing a notice in a newspaper of general~~  
45 ~~circulation within its jurisdiction as defined by law. The~~  
46 ~~public notice must contain the proposed classifications and~~  
47 ~~rates applicable to the business tax.~~

48 Section 2. Section 205.042, Florida Statutes, is amended to  
49 read:

50 205.042 Levy; municipalities.—The governing body of an  
51 incorporated municipality may not levy a business tax for the  
52 privilege of engaging in or managing any business, profession,  
53 or occupation within its jurisdiction if the municipality did  
54 not adopt such tax before January 1, 2017. The governing body of  
55 an incorporated municipality may continue to levy, ~~by~~  
56 ~~appropriate resolution or ordinance,~~ a business tax for the  
57 privilege of engaging in or managing any business, profession,  
58 or occupation within its jurisdiction if the municipality  
59 adopted the business tax before January 1, 2017, but in no case  
60 may such business tax exceed \$25 for any taxpayer. ~~However, the~~  
61 ~~governing body must first give at least 14 days' public notice~~

23-00332-17

2017330\_\_

~~between the first and last reading of the resolution or ordinance by publishing the notice in a newspaper of general circulation within its jurisdiction as defined by law. The notice must contain the proposed classifications and rates applicable to the business tax.~~ The business tax may be levied on:

(1) Any person who maintains a permanent business location or branch office within the municipality, for the privilege of engaging in or managing any business within its jurisdiction.

(2) Any person who maintains a permanent business location or branch office within the municipality, for the privilege of engaging in or managing any profession or occupation within its jurisdiction.

(3) Any person who does not qualify under subsection (1) or subsection (2) and who transacts any business or engages in any occupation or profession in interstate commerce, if the business tax is not prohibited by s. 8, Art. I of the United States Constitution.

Section 3. Section 205.033, Florida Statutes, is amended to read:

205.033 Conditions for levy; counties.—

(1) The following conditions are imposed on the authority of a county governing body to levy a business tax:

(a) The tax must be based upon reasonable classifications and must be uniform throughout any class.

~~(b) Unless the county implements s. 205.0535 or adopts a new business tax ordinance under s. 205.0315, a business tax levied under this subsection may not exceed the rate provided by this chapter in effect for the year beginning October 1, 1971;~~



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91 ~~however, beginning October 1, 1980, the county governing body~~  
92 ~~may increase business taxes authorized by this chapter. The~~  
93 ~~amount of the increase above the tax rate levied on October 1,~~  
94 ~~1971, for taxes levied at a flat rate may be up to 100 percent~~  
95 ~~for business taxes that are \$100 or less; 50 percent for~~  
96 ~~business taxes that are between \$101 and \$300; and 25 percent~~  
97 ~~for business taxes that are more than \$300. Beginning October 1,~~  
98 ~~1982, the increase may not exceed 25 percent for taxes levied at~~  
99 ~~graduated or per unit rates. Authority to increase business~~  
100 ~~taxes does not apply to licenses or receipts granted to any~~  
101 ~~utility franchised by the county for which a franchise fee is~~  
102 ~~paid.~~

103 ~~(e)~~ A receipt is not valid for more than 1 year, and all  
104 receipts expire on September 30 of each year, except as  
105 otherwise provided by law.

106 (2) Any receipt may be transferred to a new owner, when  
107 there is a bona fide sale of the business, upon payment of a  
108 transfer fee of up to 10 percent of the annual business tax, but  
109 not less than \$3 nor more than \$10 ~~\$25~~, and presentation of the  
110 original receipt and evidence of the sale.

111 (3) Upon written request and presentation of the original  
112 receipt, any receipt may be transferred from one location to  
113 another location in the same county upon payment of a transfer  
114 fee of up to 10 percent of the annual business tax, but not less  
115 than \$3 nor more than \$10 ~~\$25~~.

116 (4) The revenues derived from the business tax, exclusive  
117 of the costs of collection and any credit given for municipal  
118 business taxes, shall be apportioned between the unincorporated  
119 area of the county and the incorporated municipalities located

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therein by a ratio derived by dividing their respective populations by the population of the county. ~~This subsection does not apply to counties that have established a new rate structure under s. 205.0535.~~

(5) The revenues so apportioned shall be sent to the governing authority of each municipality, according to its ratio, and to the governing authority of the county, according to the ratio of the unincorporated area, within 15 days following the month of receipt. ~~This subsection does not apply to counties that have established a new rate structure under s. 205.0535.~~

~~(6)(a) Each county, as defined in s. 125.011(1), or any county adjacent thereto may levy and collect, by an ordinance enacted by the governing body of the county, an additional business tax up to 50 percent of the appropriate business tax imposed under subsection (1).~~

~~(b) Subsections (4) and (5) do not apply to any revenues derived from the additional tax imposed under this subsection. Proceeds from the additional business tax must be placed in a separate interest-earning account, and the governing body of the county shall distribute this revenue, plus accrued interest, each fiscal year to an organization or agency designated by the governing body of the county to oversee and implement a comprehensive economic development strategy through advertising, promotional activities, and other sales and marketing techniques.~~

~~(c) An ordinance that levies an additional business tax under this subsection may not be adopted after January 1, 1995.~~

(6) ~~(7)~~ Notwithstanding any other provisions of this

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chapter, the revenue received from a county business tax may be used for overseeing and implementing a comprehensive economic development strategy through advertising, promotional activities, and other sales and marketing techniques.

Section 4. Section 205.043, Florida Statutes, is amended to read:

205.043 Conditions for levy; municipalities.—

(1) The following conditions are imposed on the authority of a municipal governing body to levy a business tax:

(a) The tax must be based upon reasonable classifications and must be uniform throughout any class.

~~(b) Unless the municipality implements s. 205.0535 or adopts a new business tax ordinance under s. 205.0315, a business tax levied under this subsection may not exceed the rate in effect in the municipality for the year beginning October 1, 1971; however, beginning October 1, 1980, the municipal governing body may increase business taxes authorized by this chapter. The amount of the increase above the tax rate levied on October 1, 1971, for taxes levied at a flat rate may be up to 100 percent for business taxes that are \$100 or less; 50 percent for business taxes that are between \$101 and \$300; and 25 percent for business taxes that are more than \$300. Beginning October 1, 1982, an increase may not exceed 25 percent for taxes levied at graduated or per unit rates. Authority to increase business taxes does not apply to receipts or licenses granted to any utility franchised by the municipality for which a franchise fee is paid.~~

~~(c)~~ A receipt is not valid for more than 1 year and all receipts expire on September 30 of each year, except as

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otherwise provided by law.

(2) Any business receipt may be transferred to a new owner, when there is a bona fide sale of the business, upon payment of a transfer fee of up to 10 percent of the annual tax, but not less than \$3 nor more than \$10 ~~\$25~~, and presentation of the original receipt and evidence of the sale.

(3) Upon written request and presentation of the original receipt, any receipt may be transferred from one location to another location in the same municipality upon payment of a transfer fee of up to 10 percent of the annual tax, but not less than \$3 nor more than \$10 ~~\$25~~.

(4) If the governing body of the county in which the municipality is located has levied a business tax or subsequently levies such a tax, the collector of the county tax may issue the receipt and collect the tax thereon.

Section 5. Paragraph (b) of subsection (3) of section 205.0535, Florida Statutes, is amended to read:

205.0535 Reclassification and rate structure revisions.—

(3)

(b) The total annual revenue generated by the new rate structure for the fiscal year following the fiscal year during which the rate structure is adopted may not exceed:

1. For municipalities, the sum of the revenue base and 10 percent of that revenue base. The revenue base is the sum of the business tax revenue generated by receipts issued for the most recently completed local fiscal year ~~or the amount of revenue that would have been generated from the authorized increases under s. 205.043(1)(b), whichever is greater,~~ plus any revenue received from the county under s. 205.033(4).

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207        2. For counties, the sum of the revenue base, 10 percent of  
208        that revenue base, and the amount of revenue distributed by the  
209        county to the municipalities under s. 205.033(4) during the most  
210        recently completed local fiscal year. The revenue base is the  
211        business tax revenue generated by receipts issued for the most  
212        recently completed local fiscal year ~~or the amount of revenue~~  
213        ~~that would have been generated from the authorized increases~~  
214        ~~under s. 205.033(1)(b), whichever is greater,~~ but may not  
215        include any revenues distributed to municipalities under s.  
216        205.033(4).

217        Section 6. Subsection (1) of section 205.054, Florida  
218        Statutes, is amended to read:

219        205.054 Business tax; partial exemption for engaging in  
220        business or occupation in enterprise zone.—

221        (1) Notwithstanding ~~the provisions of~~ s. 205.033(1)(a) or  
222        s. 205.043(1)(a), the governing body of a county or municipality  
223        may authorize by appropriate resolution or ordinance, adopted  
224        pursuant to the procedure established in ~~s. 205.032 or s.~~  
225        205.042, the exemption of 50 percent of the business tax levied  
226        for the privilege of engaging in or managing any business,  
227        profession, or occupation in the respective jurisdiction of the  
228        county or municipality when such privilege is exercised at a  
229        permanent business location or branch office located in an  
230        enterprise zone.

231        Section 7. Section 205.055, Florida Statutes, is created to  
232        read:

233        205.055 Exemptions; veterans, certain spouses, and low-  
234        income individuals.—On or after July 1, 2016, a veteran or the  
235        surviving spouse of a veteran of the United States Armed Forces;

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the spouse of an active military servicemember who has relocated to the county or municipality pursuant to a permanent change of station order; an individual who is receiving public assistance, as that term is defined in s. 409.2554; or an individual whose household income is less than 130 percent of the federal poverty level based on the current year's federal poverty guidelines is entitled to an exemption from the business tax and any fees imposed under this chapter, if such individual completes and signs, under penalty of perjury, a Request for Fee Exemption to be furnished by the local governing authority and provides written documentation in support of his or her request.

Section 8. Section 205.171, Florida Statutes, is repealed.

Section 9. This act shall take effect upon becoming a law.

1                   A bill to be entitled  
2     An act relating to local business tax; amending s.  
3     205.032, F.S.; authorizing a county to continue to  
4     levy a business tax if a resolution or ordinance was  
5     adopted by a specified date; providing the maximum  
6     amount of business tax a county may impose; removing  
7     notice requirements; amending s. 205.033, F.S.;  
8     deleting a county's authority to increase its business  
9     tax rates or impose additional business taxes;  
10    reducing the maximum amount of transfer fees a county  
11    may impose; removing exemption from apportionment  
12    requirements for certain counties; amending s.  
13    205.042, F.S.; authorizing a municipality to continue  
14    to levy a business tax if a resolution or ordinance  
15    was adopted by a specified date; providing the maximum  
16    amount of business tax a municipality may impose;  
17    removing notice requirements; amending s. 205.043,  
18    F.S.; deleting a municipality's authority to increase  
19    its business tax rates; reducing the maximum amount of  
20    transfer fees a municipality may impose; amending s.  
21    205.0535, F.S.; conforming provisions to changes made  
22    by the act; conforming cross-references; amending s.  
23    205.162, F.S.; exempting low-income persons from  
24    paying business taxes; providing conditions; amending  
25    s. 205.171, F.S.; revising the exemption for disabled

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26 veterans and their unmarried spouses to include  
27 veterans, the veterans' spouses, and active duty  
28 military servicemembers' spouses; providing  
29 conditions; conforming provisions to changes made by  
30 the act; providing an effective date.  
31

32 Be It Enacted by the Legislature of the State of Florida:  
33

34 Section 1. Section 205.032, Florida Statutes, is amended  
35 to read:

36 205.032 Levy; counties.—The governing body of a county may  
37 continue to levy, ~~by appropriate resolution or ordinance,~~ a  
38 business tax for the privilege of engaging in or managing any  
39 business, profession, or occupation within its jurisdiction if  
40 an appropriate resolution or ordinance was adopted before  
41 January 1, 2017. The business tax imposed on a taxpayer may not  
42 exceed \$25 ~~However, the governing body must first give at least~~  
43 ~~14 days' public notice between the first and last reading of the~~  
44 ~~resolution or ordinance by publishing a notice in a newspaper of~~  
45 ~~general circulation within its jurisdiction as defined by law.~~  
46 ~~The public notice must contain the proposed classifications and~~  
47 ~~rates applicable to the business tax.~~

48 Section 2. Section 205.033, Florida Statutes, is amended  
49 to read:

50 205.033 Conditions for levy; counties.—



51           (1) The following conditions are imposed on the authority  
52 of a county governing body to levy a business tax:

53           (a) The tax must be based upon reasonable classifications  
54 and must be uniform throughout any class.

55           ~~(b) Unless the county implements s. 205.0535 or adopts a~~  
56 ~~new business tax ordinance under s. 205.0315, a business tax~~  
57 ~~levied under this subsection may not exceed the rate provided by~~  
58 ~~this chapter in effect for the year beginning October 1, 1971;~~  
59 ~~however, beginning October 1, 1980, the county governing body~~  
60 ~~may increase business taxes authorized by this chapter. The~~  
61 ~~amount of the increase above the tax rate levied on October 1,~~  
62 ~~1971, for taxes levied at a flat rate may be up to 100 percent~~  
63 ~~for business taxes that are \$100 or less; 50 percent for~~  
64 ~~business taxes that are between \$101 and \$300; and 25 percent~~  
65 ~~for business taxes that are more than \$300. Beginning October 1,~~  
66 ~~1982, the increase may not exceed 25 percent for taxes levied at~~  
67 ~~graduated or per unit rates. Authority to increase business~~  
68 ~~taxes does not apply to licenses or receipts granted to any~~  
69 ~~utility franchised by the county for which a franchise fee is~~  
70 ~~paid.~~

71           (b)(e) A receipt is not valid for more than 1 year, and  
72 all receipts expire on September 30 of each year, except as  
73 otherwise provided by law.

74           (2) A ~~Any~~ receipt may be transferred to a new owner, when  
75 there is a bona fide sale of the business, upon payment of a

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76 transfer fee of up to 10 percent of the annual business tax, ~~but~~  
77 ~~not less than \$3 nor more than \$25,~~ and presentation of the  
78 original receipt and evidence of the sale. Such transfer fee  
79 must be at least \$3 but not more than \$10.

80 (3) Upon written request and presentation of the original  
81 receipt, a ~~any~~ receipt may be transferred from one location to  
82 another location in the same county upon payment of a transfer  
83 fee of up to 10 percent of the annual business tax. Such  
84 transfer fee must be at least \$3 but not more than \$10, ~~but not~~  
85 ~~less than \$3 nor more than \$25.~~

86 (4) The revenues derived from the business tax, exclusive  
87 of the costs of collection and any credit given for municipal  
88 business taxes, shall be apportioned between the unincorporated  
89 area of the county and the incorporated municipalities located  
90 therein by a ratio derived by dividing their respective  
91 populations by the population of the county. ~~This subsection~~  
92 ~~does not apply to counties that have established a new rate~~  
93 ~~structure under s. 205.0535.~~

94 (5) The revenues so apportioned shall be sent to the  
95 governing authority of each municipality, according to its  
96 ratio, and to the governing authority of the county, according  
97 to the ratio of the unincorporated area, within 15 days after  
98 ~~following~~ the month of receipt. ~~This subsection does not apply~~  
99 ~~to counties that have established a new rate structure under s.~~  
100 ~~205.0535.~~

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~~(6)(a) Each county, as defined in s. 125.011(1), or any county adjacent thereto may levy and collect, by an ordinance enacted by the governing body of the county, an additional business tax up to 50 percent of the appropriate business tax imposed under subsection (1).~~

~~(b) Subsections (4) and (5) do not apply to any revenues derived from the additional tax imposed under this subsection. Proceeds from the additional business tax must be placed in a separate interest-earning account, and the governing body of the county shall distribute this revenue, plus accrued interest, each fiscal year to an organization or agency designated by the governing body of the county to oversee and implement a comprehensive economic development strategy through advertising, promotional activities, and other sales and marketing techniques.~~

~~(c) An ordinance that levies an additional business tax under this subsection may not be adopted after January 1, 1995.~~

(6)(7) Notwithstanding any other provisions of this chapter, the revenue received from a county business tax may be used for overseeing and implementing a comprehensive economic development strategy through advertising, promotional activities, and other sales and marketing techniques.

Section 3. Section 205.042, Florida Statutes, is amended to read:

205.042 Levy; municipalities.—The governing body of an

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126 incorporated municipality may continue to levy, ~~by appropriate~~  
127 ~~resolution or ordinance~~, a business tax for the privilege of  
128 engaging in or managing any business, profession, or occupation  
129 within its jurisdiction if an appropriate resolution or  
130 ordinance was adopted before January 1, 2017. The business tax  
131 imposed on a taxpayer may not exceed \$25 ~~However, the governing~~  
132 ~~body must first give at least 14 days' public notice between the~~  
133 ~~first and last reading of the resolution or ordinance by~~  
134 ~~publishing the notice in a newspaper of general circulation~~  
135 ~~within its jurisdiction as defined by law. The notice must~~  
136 ~~contain the proposed classifications and rates applicable to the~~  
137 ~~business tax.~~ The business tax may be levied on:

138 (1) A ~~Any~~ person who maintains a permanent business  
139 location or branch office within the municipality, for the  
140 privilege of engaging in or managing any business within its  
141 jurisdiction.

142 (2) A ~~Any~~ person who maintains a permanent business  
143 location or branch office within the municipality, for the  
144 privilege of engaging in or managing any profession or  
145 occupation within its jurisdiction.

146 (3) A ~~Any~~ person who does not qualify under subsection (1)  
147 or subsection (2) and who transacts any business or engages in  
148 any occupation or profession in interstate commerce, if the  
149 business tax is not prohibited by s. 8, Art. I of the United  
150 States Constitution.

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151 Section 4. Subsections (1), (2), and (3) of section  
152 205.043, Florida Statutes, are amended to read:

153 205.043 Conditions for levy; municipalities.—

154 (1) The following conditions are imposed on the authority  
155 of a municipal governing body to levy a business tax:

156 (a) The tax must be based upon reasonable classifications  
157 and must be uniform throughout any class.

158 ~~(b) Unless the municipality implements s. 205.0535 or~~  
159 ~~adopts a new business tax ordinance under s. 205.0315, a~~  
160 ~~business tax levied under this subsection may not exceed the~~  
161 ~~rate in effect in the municipality for the year beginning~~  
162 ~~October 1, 1971; however, beginning October 1, 1980, the~~  
163 ~~municipal governing body may increase business taxes authorized~~  
164 ~~by this chapter. The amount of the increase above the tax rate~~  
165 ~~levied on October 1, 1971, for taxes levied at a flat rate may~~  
166 ~~be up to 100 percent for business taxes that are \$100 or less;~~  
167 ~~50 percent for business taxes that are between \$101 and \$300;~~  
168 ~~and 25 percent for business taxes that are more than \$300.~~  
169 ~~Beginning October 1, 1982, an increase may not exceed 25 percent~~  
170 ~~for taxes levied at graduated or per unit rates. Authority to~~  
171 ~~increase business taxes does not apply to receipts or licenses~~  
172 ~~granted to any utility franchised by the municipality for which~~  
173 ~~a franchise fee is paid.~~

174 (b)-(c) A receipt is not valid for more than 1 year and all  
175 receipts expire on September 30 of each year, except as

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otherwise provided by law.

(2) A ~~Any~~ business receipt may be transferred to a new owner, when there is a bona fide sale of the business, upon payment of a transfer fee of up to 10 percent of the annual tax, ~~but not less than \$3 nor more than \$25,~~ and presentation of the original receipt and evidence of the sale. Such transfer fee must be at least \$3 but not more than \$10.

(3) Upon written request and presentation of the original receipt, a ~~any~~ receipt may be transferred from one location to another location in the same municipality upon payment of a transfer fee of up to 10 percent of the annual tax. Such transfer fee must be at least \$3 but not more than \$10, ~~but not less than \$3 nor more than \$25.~~

Section 5. Paragraphs (a) and (b) of subsection (3) of section 205.0535, Florida Statutes, are amended to read:

205.0535 Reclassification and rate structure revisions.—

(3)(a) After the reclassification and rate structure revisions have been transmitted to and considered by the appropriate local governing body, it may adopt by majority vote a new business tax ordinance. The business tax imposed on a taxpayer may not exceed \$25 ~~Except that a minimum tax of up to \$25 is permitted, the reclassification may not increase the tax by more than the following: for receipts costing \$150 or less, 200 percent; for receipts costing more than \$150 but not more than \$500, 100 percent; for receipts costing more than \$500 but~~

~~not more than \$2,500, 75 percent; for receipts costing more than \$2,500 but not more than \$10,000, 50 percent; and for receipts costing more than \$10,000, 10 percent; however, in no case may the tax on any receipt be increased more than \$5,000.~~

(b) The total annual revenue generated by the new rate structure for the fiscal year following the fiscal year during which the rate structure is adopted may not exceed:

1. For municipalities, the sum of the revenue base and 10 percent of that revenue base. The revenue base is the sum of the business tax revenue generated by receipts issued for the most recently completed local fiscal year ~~or the amount of revenue that would have been generated from the authorized increases under s. 205.043(1)(b), whichever is greater,~~ plus any revenue received from the county under s. 205.033(4).

2. For counties, the sum of the revenue base, 10 percent of that revenue base, and the amount of revenue distributed by the county to the municipalities under s. 205.033(4) during the most recently completed local fiscal year. The revenue base is the business tax revenue generated by receipts issued for the most recently completed local fiscal year ~~or the amount of revenue that would have been generated from the authorized increases under s. 205.033(1)(b), whichever is greater,~~ but may not include any revenues distributed to municipalities under s. 205.033(4).

Section 6. Subsection (2) of section 205.162, Florida

Statutes, is renumbered as subsection (3), and a new subsection (2) is added to that section to read:

205.162 Authorized exemptions for ~~exemption allowed~~ certain disabled persons, the aged, ~~and~~ widows with minor dependents, and low-income persons.—

(2) A person receiving public assistance, as defined in s. 409.2554, or a person whose household income is less than 130 percent of the federal poverty level based on the current year's federal poverty guidelines may engage in any business or occupation in a county in which he or she lives without paying a business tax. A person claiming an exemption under this subsection must submit a completed and signed request, under penalty of perjury, for fee waiver and supporting documents to the local governing authority.

Section 7. Section 205.171, Florida Statutes, is amended to read:

205.171 Authorized exemptions for ~~allowed disabled veterans, veterans' of any war or their unremarried spouses, or active duty military servicemembers' spouses.~~—

(1) A person ~~Any bona fide, permanent resident elector of the state who served as an officer or enlisted person during any of the periods specified in s. 1.01(14) in the Armed Forces of the United States, National Guard, or United States Coast Guard or Coast Guard Reserve, or any temporary member thereof, who has actually been, or may hereafter be, reassigned by the air force,~~



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~~army, navy, coast guard, or marines to active duty during any war, declared or undeclared, armed conflicts, crises, etc., who was honorably discharged from the service of the United States, or such person's spouse, may engage in any business or occupation in the county in which he or she lives without paying a business tax. and who at the time of his or her application for a business tax receipt is disabled from performing manual labor shall, upon sufficient identification, proof of being a permanent resident elector in the state, and production of an honorable discharge from the service of the United States:~~

(2) An active duty military servicemember's spouse who has relocated to a county or municipality pursuant to receipt of a permanent change of station order may engage in any business or occupation in the county in which he or she lives without paying a business tax.

~~(a) Be granted a receipt to engage in any business or occupation in the state which may be carried on mainly through the personal efforts of the receipt holder as a means of livelihood and for which the state license or county or municipal receipt does not exceed the sum of \$50 for each without payment of any business tax otherwise provided for by law; or~~

~~(3)(b) Be entitled to an exemption to the extent of \$50 on any receipt to engage in any business or occupation in the state which may be carried on mainly through the personal efforts of~~

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~~the receiptholder as a means of livelihood when the state~~  
~~license or county or municipal receipt for such business or~~  
~~occupation is more than \$50. An~~ The exemption under this section  
includes ~~shall extend to and include~~ the right of the  
receiptholder to operate an automobile-for-hire of not exceeding  
five-passenger capacity, including the driver, when such  
automobile is owned or contracted to be purchased by the  
receiptholder and is being operated by him or her as a means of  
livelihood and that the proper business tax for the operation of  
such motor vehicle for private use has been applied for and  
attached to the motor vehicle and the proper fees paid by the  
receiptholder.

(4) A person claiming an exemption under this section must  
submit a completed and signed, under penalty of perjury, request  
for fee waiver and supporting documents to the local governing  
authority.

~~(2) When such person applies for a receipt to conduct any~~  
~~business or occupation for which the county or municipal~~  
~~business tax exceeds \$50, the remainder of such tax in excess of~~  
~~\$50 shall be paid in cash.~~

(5)~~(3)~~ The local governing authority must ~~Each tax~~  
~~collecting authority of this state and of each county and each~~  
~~municipality shall~~ issue to a person entitled to an exemption  
under this section ~~such persons as may be entitled hereunder a~~  
~~receipt pursuant to the foregoing provision and subject to the~~

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301 ~~conditions thereof. Such receipt when issued shall be marked~~  
302 across the face "Veteran ~~Veterans~~ Exempt Receipt" – "Not  
303 Transferable," "Veteran Spouse Exempt Receipt" – "Not  
304 Transferable," or "Active Duty Military Servicemember Spouse  
305 Exempt Receipt" – "Not Transferable," as appropriate. Before  
306 issuing the receipt, proof shall be duly made that the applicant  
307 is entitled under this section ~~law~~ to receive the exemption. ~~The~~  
308 ~~proof may be made by establishing to the satisfaction of such~~  
309 ~~tax collecting authority by means of certificate of honorable~~  
310 ~~discharge or certified copy thereof that the applicant is a~~  
311 ~~veteran within the purview of this section and by exhibiting:~~  
312       ~~(a) A certificate of government-rated disability to an~~  
313 ~~extent of 10 percent or more;~~  
314       ~~(b) The affidavit or testimony of a reputable physician~~  
315 ~~who personally knows the applicant and who makes oath that the~~  
316 ~~applicant is disabled from performing manual labor as a means of~~  
317 ~~livelihood;~~  
318       ~~(c) The certificate of the veteran's service officer of~~  
319 ~~the county in which applicant lives, duly executed under the~~  
320 ~~hand and seal of the chief officer and secretary thereof,~~  
321 ~~attesting the fact that the applicant is disabled and entitled~~  
322 ~~to receive a receipt within the meaning and intent of this~~  
323 ~~section;~~  
324       ~~(d) A pension certificate issued to him or her by the~~  
325 ~~United States by reason of such disability; or~~

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~~(c) Such other reasonable proof as may be required by the tax collecting authority to establish the fact that such applicant is disabled.~~

All receipts issued under this section shall be in the same general form as other state, county, and municipal licenses and expire ~~shall expire~~ at the same time as such other licenses are fixed by law to expire.

(6) ~~(4)~~ Receipts obtained by the commission of fraud upon any issuing authority are void. Any person who has fraudulently obtained a receipt, or who has fraudulently received any transfer of a receipt issued to another, and has thereafter engaged in any business or occupation requiring a receipt under color thereof is subject to prosecution for engaging in a business or occupation without having the required receipt under the laws of the state. Such receipt may not be issued in any county other than the county where the veteran is a resident citizen elector, unless such veteran produces a certificate of the tax collector of his or her home county to the effect that no exemption from taxation has been granted to such veteran in his or her home county under this section.

(7) ~~(5)~~ Neither this nor any other law exempts any person from the payment of any amount required by law for the issuance of a license to sell intoxicating liquors or malt and vinous beverages.

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~~(6) The unremarried spouse of a deceased disabled veteran  
of any war in which the United States Armed Forces participated  
is entitled to the same exemptions as the disabled veteran.~~

Section 8. This act shall take effect July 1, 2017.



# NEW PORT RICHEY

5919 MAIN STREET . NEW PORT RICHEY, FL 34652 . 727.853.1016

**TO:** City of New Port Richey City Council

**FROM:** Debbie L. Manns, City Manager

**DATE:** 4/4/2017

**RE:** Resolution No. 2017-16: Supporting the Transportation Advocacy Group Tampa Bay (TAG)

## REQUEST:

The request is for City Council to adopt Resolution No. 2017-16 supporting the Transportation Advocacy Group Tampa Bay (TAG).

## DISCUSSION:

On February 2, 2017, the City of New Port Richey hosted the quarterly meeting of the Municipal Association of Pasco (MAP) group. The special guest speaker for the meeting was Ms. Angela Crist from the Suncoast League of Cities. Ms. Crist stated that municipalities in Hillsborough and Pinellas counties have joined together with the Suncoast League of Cities, the Florida Department of Transportation District 7, FORWARD Pinellas, Hillsborough County MPO, the Tampa Bay Regional Transit Authority, the Tampa Bay Regional Planning Council and the Tampa Bay Partnership to address transportation issues that affect the overall quality of life, economic vitality, and growth in the Tampa Bay Region. The entities have formed an advocacy group called the Transportation Advocacy Group Tampa Bay (TAG). The TAG's mission is to be the unified voice for better mobility of the Tampa Bay Region at the local, state, and federal levels.

Ms. Crist stated that the Suncoast League of Cities was asking the MAP group as a whole, as well as each of the municipalities in Pasco County, to adopt a resolution in support of the TAG's Regional Compact initiatives. If approved, City Council is hereby pledging its support of the following initiatives:

- Development of and advocacy for joint positions on federal and state legislation, regulations, and administrative policies pertaining to expansion of technology options to further connectivity within the region, specifically, the Regional Fare Payment System, Traffic Management Systems Applications, and OneBusAway Expansion; replacement of the North Bound Howard Frankland Bridge; and the I-275/SR60 Interchange Reconstruction project.
- Convocation of an Annual TAG Tampa Bay Summit focused on advocacy, innovative solutions and strategic pathways for success.
- Development of a TAG Regional Compact Action Plan, including strategies to accomplish the common goals of TAG Members relating to transportation issues, to be revised every three years from the date of publication of the first Action Plan.
- Seek external funding and resources to support the operation and administration of TAG Tampa Bay.
- Establishment of an enduring organizational structure for the TAG Regional Compact, subject to the approval of each Member of the TAG Regional Compact, to facilitate Compact work, enhance the strong relationships among the Compact Members and Partners, and to improve the Compact's competitiveness in seeking external funding and resources.

The MAP group unanimously approved the TAG resolution at the meeting on February 2, 2017. The City of Port Richey approved a similar resolution of support at their March 14, 2017 regular meeting.

## RECOMMENDATION:

Staff recommends that City Council adopt Resolution No. 2017-16 supporting the Transportation Advocacy Group Tampa Bay (TAG) as submitted.

**BUDGET/FISCAL IMPACT:**

No funding is required for this item.

**ATTACHMENTS:**

Description	Type
▣ Resolution No. 2017-16: Supporting the Transportation Advocacy Group Tampa Bay	Backup Material
▣ TAG Regional Compact	Backup Material

## RESOLUTION 2017-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW PORT RICHEY, FLORIDA, SUPPORTING THE TAMPA BAY TRANSPORTATION ADVOCACY GROUP REGIONAL COMPACT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the municipalities in Hillsborough, Pinellas, and Pasco counties, the Suncoast League of Cities (SLC), the Florida Department of Transportation District 7 (FDOT7), FORWARD Pinellas, the Hillsborough County MPO, the Tampa Bay Regional Transit Authority (TBARTA), the Tampa Bay Regional Planning Council, and the Tampa Bay Partnership (collectively, the “transportation Interests”), all have a shared interest in transportation issues that affect the overall quality of life, economic vitality, and growth in the Tampa Bay Region, and each has developed or supported initiatives intended to further this interest; and

WHEREAS, the Tampa Bay Region has been unable to obtain levels of funding that are needed to address its significant transportation challenges, while other local and regional governments throughout Florida and the nation have successfully obtained such funds by building collaborative partnerships and coalitions with other groups having a mutual interest in addressing transportation challenges; and

WHEREAS, the Transportation Interests understand the Tampa Bay Region’s transportation issues can be more effectively addressed by working together as a transportation advocacy group (“TAG”) Tampa Bay to provide a untied voice at the local, state and federal levels for advancing initiatives to improve mobility and transportation throughout the Region, which will in turn enhance economic development in the Region through increased productivity, employment, business activity, property values, investments and revenues; and

WHEREAS, the City of New Port Richey, as a member of the Transportation Interests, hereby supports the TAG Tampa Bay Regional Compact to reflect the Transportation Interests respective commitments to collaboration and advocacy on transportation challenges in the Tampa Bay Region.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NEW PORT RICHEY, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED, THAT:

SECTION 1. The terms “TAG Tampa Bay”, “TAG Regional Compact” or “TAG” shall refer to this document, and the collaborative plans, actions and strategies undertaken in furtherance of the TAG Tampa Bay Regional Compact.

SECTION 2. Members of TAG Tampa Bay shall consist of any municipal government, organization, entity, or associate member of the Suncoast League of Cities that signs the TAG Tampa Bay Regional Compact and commits to advocating for TAG issues. Potential Members may include, but are not limited to, the Suncoast League of Cities, its 24 municipal members, and its associate members; the Municipal Association of Pasco County, its municipal members; the Tampa Bay Area Regional Transit Authority; and the Tampa Bay Partnership.



SECTION 3. Partners of TAG Tampa Bay shall consist of any entity, organization, or agency that provides data, information, educational and technical assistance to TAG or to TAG Members in furtherance of the TAG Regional Compact. Potential Partners may include, but are not limited to: the Florida Department of Transportation District 7; Hillsborough Area Regional Transit Authority; Pinellas Suncoast Transit Authority; Tampa Bay Regional Planning Council; FORWARD Pinellas; Pasco County Metropolitan Planning Organization and the Hillsborough Metropolitan Planning Organization.

SECTION 4. TAG Tampa Bay will be dedicated to building a coalition of business partners, local governments, transportation agencies, planning agencies, and others, to demonstrate broad public support for full funding of the Tampa Bay Region's transportation needs by the state and federal governments.

SECTION 5. The parties to the TAG Regional Compact commit to support the following activities:

- Development of and advocacy for joint positions on federal and state legislation, regulations, and administrative policies pertaining to expansion of technology options to further connectivity within the region, specifically, the Regional Fare Payment System, Traffic Management Systems Applications, and OneBusAway Expansion; replacement of the North Bound Howard Frankland Bridge; and the I-275/SR60 Interchange Reconstruction project.
- Convocation of an Annual TAG Tampa Bay Summit focused on advocacy, innovative solutions and strategic pathways for success.
- Development of a TAG Regional Compact Action Plan, including strategies to accomplish the common goals of TAG Members relating to transportation issues, to be revised every three years from the date of publication of the first Action Plan.
- Seek external funding and resources to support the operation and administration of TAG Tampa Bay.
- Establishment of an enduring organizational structure for the TAG Regional Compact, subject to the approval of each Member of the TAG Regional Compact, to facilitate Compact work, enhance the strong relationships among the Compact Members and Partners, and to improve the Compact's competitiveness in seeking external funding and resources.

SECTION 6. TAG Tampa Bay Members will continue to support and foster expanded public, private, and nonprofit engagement in TAG Regional Compact initiatives at the local, regional, state, national, and international levels, with an emphasis on communications, partnerships, and capacity building.

SECTION 7. In pursuit of the common aims of TAG Members under the Regional Compact, each Member pledges to not work at cross-purposes with other Members. However, nothing in this document shall be deemed to limit the power of each Member to govern its respective jurisdictional area.

SECTION 8. The commitments contained herein shall not be effective until approved through the required procedures of each respective party to the TAG Regional Compact.

The above and foregoing Resolution was read and adopted at a duly convened meeting of the City Council of the City of New Port Richey, Florida, this 4<sup>th</sup> day of April, 2017.

ATTEST:

By: \_\_\_\_\_  
Judy Meyers, City Clerk

By: \_\_\_\_\_  
Robert Marlowe, Mayor-Council Member

(Seal)

APPROVED AS TO FORM AND LEGALITY FOR THE SOLE USE AND RELIANCE OF  
THE CITY OF NEW PORT RICHEY, FLORIDA:

\_\_\_\_\_  
Timothy P. Driscoll, City Attorney



**FORWARD  
PINELLAS**  
Integrating Land Use & Transportation



**Plan  
Hillsborough**



**TBARTA**

Tampa Bay Area Regional Transportation Authority



## **TAG Tampa Bay Transportation Advocacy Group**

**WHEREAS**, the municipalities in Hillsborough, Pinellas, and Pasco counties, the Suncoast League of Cities (SLC), the Florida Department of Transportation District 7 (FDOT 7), FORWARD Pinellas, the Hillsborough County MPO, the Tampa Bay Regional Transit Authority (TBARTA), the Tampa Bay Regional Planning Council, and the Tampa Bay Partnership (collectively, the “Transportation Interests”), all have a shared interest in transportation issues that affect the overall quality of life, economic vitality, and growth in the Tampa Bay Region, and each has developed or supported initiatives intended to further this interest; and

**WHEREAS**, the Tampa Bay Region has been unable to obtain levels of funding that are needed to address its significant transportation challenges, while other local and regional governments throughout Florida and the nation have successfully obtained such funds by building collaborative partnerships and coalitions with other groups having a mutual interest in addressing transportation challenges; and

**WHEREAS**, the Transportation Interests understand the Tampa Bay Region’s transportation issues can be more effectively addressed by working together as a transportation advocacy group (“TAG”) Tampa Bay to provide a united voice at the local, state and federal levels for advancing initiatives to improve mobility and transportation throughout the Region, which will in turn enhance economic development in the Region through increased productivity, employment, business activity, property values, investments and revenues; and

**WHEREAS**, the Transportation Interests hereby establish this TAG Tampa Bay Regional Compact to reflect their respective commitments to collaboration and advocacy on transportation challenges in the Tampa Bay Region.

**NOW, THEREFORE, BE IT RESOLVED BY THE DULY AUTHORIZED REPRESENTATIVE OF EACH PARTY TO THIS TAG TAMPA BAY REGIONAL COMPACT:**



**SECTION 1.** The terms “TAG Tampa Bay”, “TAG Regional Compact” or “TAG” shall refer to this document, and the collaborative plans, actions and strategies undertaken in furtherance of the TAG Tampa Bay Regional Compact.

**SECTION 2.** Members of TAG Tampa Bay shall consist of any municipal government, organization, entity, or associate member of the Suncoast League of Cities that signs the TAG Tampa Bay Regional Compact and commits to advocating for TAG issues. Potential Members may include, but are not limited to, the Suncoast League of Cities, its 24 municipal members, and its associate members; the Municipal Association of Pasco County, its municipal members; the Tampa Bay Area Regional Transit Authority; and the Tampa Bay Partnership.

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**SECTION 7.** In pursuit of the common aims of TAG Members under the Regional Compact, each Member pledges to not work at cross-purposes with other Members. However, nothing in this document shall be deemed to limit the power of each Member to govern its respective jurisdictional area.

**SECTION 8.** The commitments contained herein shall not be effective until approved through the required procedures of each respective party to the TAG Regional Compact.

[INSERT SIGNATORIES OR THEIR SEAL/LOGO, WITH ADOPTION DATE BY EACH]



# NEW PORT RICHEY

5919 MAIN STREET . NEW PORT RICHEY, FL 34652 . 727.853.1016

**TO:** City of New Port Richey City Council

**FROM:** Robert M Rivera, Public Works Director

**DATE:** 4/4/2017

**RE:** Wastewater Treatment Plant Emergency Generator Purchase (WWTP) - Consideration for Approval

## REQUEST:

The action requested of City Council is to review and consider the approval of the attached proposal from Ring Power Systems Inc., an authorized dealer of Caterpillar in the amount not to exceed \$72,704.00 for the purchase of an emergency generator for the WWTP. Pricing is in accordance with the National Auto Joint Powers Alliance (NJPA) Contract No. 080613-CAT.

## DISCUSSION:

The City's Wastewater Treatment Plant uses primary operational power from Duke Energy Corporation. Two standby generators are required to operate the plant under emergency conditions when power is not available through the power company. Generator No. 1 operates the front end of the plant and supplies power to operate pumps, blowers, grit separators, and aeration tanks used in the preliminary treatment of raw sewage. This generator was removed and replaced during the 2007/2008 budget year. Generator No. 2 is 25 years old and is used to operate the back half of the plant in sequence with generator No. 1. The age of the generator and its antiquated technology no longer makes it a suitable back up or emergency power source.

Should City Council approve the purchase, both generators will be able to communicate with the Plant's wireless communication system or SCADA. Both generators will be able to adjust in sequence. This will reduce costs associated with energy usage, operational wear and tear, as well as chemical usage cost. Staff will repurpose the existing generator into a mobile unit to be used in emergency events where power may be down at a master lift station or at a City facility such as City Hall.

## RECOMMENDATION:

Approval of the proposal is recommended.

## BUDGET/FISCAL IMPACT:

This piece of equipment is budgeted in the Water & Sewer Water Pollution Control Division's Capital Equipment Program Account No. 401-0112-535-63-99. As City Council is aware Pasco County will share 40% of the cost associated with the removal and replacement of the generator.

**ATTACHMENTS:**

Description	Type
▣ WWTP Manager Recommendation Memo	Backup Material
▣ Proposal and Specifications	Backup Material
▣ Ring Power Territory Letter 2017	Backup Material
▣ Contract Term	Backup Material



## City of New Port Richey WWTP

# Memo

**To: Robert Rivera, DPW Director**

**From: Roger Goodwin, WWTP/Reuse Manager**

**CC:**

**Date:** 3/1/2017

**Re: WWTP Generator Replacement**

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Robert,

As you know our Onan 500 KW Stand-by generator is nearly 25 years old. While it is in good condition it is no longer suitable for use in its current role as a back-up power source for the WWTP. The generator is however suitable to put in service as a portable power supply. The main function would be supply emergency power for the WWTP, Water Plant and the Collection System. Other departments in the City would also have access to the generator if needed. One example would be to provide power for power for City Hall if needed.

We have budgeted to replace the generator that services the back half of the plant. I have attached a requisition in the amount of \$72,704.00. This is a NJPA Contract purchase that includes a 37% discount over list price. This is a very good price for a Generator of this size.

Once we receive the new generator our staff will install the old generator inside a semi-trailer for portable use.



# ELECTRIC POWER - Technical Spec Sheet STANDARD



**C15 ACERT**  
500 ekW/ 625 kVA/ 60 Hz/ 1800 rpm/ 480 V/ 0.8 Power Factor

Rating Type: STANDBY

Emissions: U.S. EPA Certified for Stationary Emergency  
Use Only (Tier 2 Nonroad Equivalent Emission Standards)



**C15 ACERT**  
500 ekW/ 625 kVA  
60 Hz/ 1800 rpm/ 480 V

Image shown may not reflect actual configuration

Metric

English

## Package Performance

Genset Power Rating with Fan @ 0.8 Power Factor	500 ekW	
Genset Power Rating	625 kVA	
Aftercooler (Separate Circuit)	N/A	N/A

## Fuel Consumption

100% Load with Fan	137.0 L/hr	36.2 gal/hr
75% Load with Fan	110.5 L/hr	29.2 gal/hr
50% Load with Fan	71.3 L/hr	18.8 gal/hr
25% Load with Fan	41.9 L/hr	11.1 gal/hr

## Cooling System<sup>1</sup>

Engine Coolant Capacity	20.8 L	5.5 gal
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## Inlet Air

Combustion Air Inlet Flow Rate	38.2 m <sup>3</sup> /min	1347.7 cfm
Max. Allowable Combustion Air Inlet Temp	49 ° C	120 ° F

## Exhaust System

Exhaust Stack Gas Temperature	531.1 ° C	988.0 ° F
Exhaust Gas Flow Rate	102.1 m <sup>3</sup> /min	3605.5 cfm
Exhaust System Backpressure (Maximum Allowable)	10.0 kPa	40.0 in. water

# NJPA CONTRACT #080613-CAT

## Generator Sets Switchgear UPS & ATS

As you continue to look for more efficient ways to do business at your governmental or not-for-profit organization, the contract between Caterpillar and the NJPA can help you simplify the buying process.

Benefits include:

- Decreasing the amount of time spent putting bids together
- Avoiding a low-bid scenario situation
- Purchasing quality equipment at a greater value – higher productivity, maximum reliability and lower maintenance costs
- Working directly with your local Cat® Dealer to specify the equipment you purchase to meet your specific needs

Agencies may join free of charge by filling out the membership form:

<http://www.njpacoop.org/contract-purchasing-solutions/join-njpa/application>



## BUILT FOR IT.™



The National Institute of Governmental Purchasing (NIGP), National Association of State Procurement Officials (NASPO) and National Association of Fleet Administrators (NAFA) endorse the use of Life Cycle Costing as a preferred procurement method.

LEXE0518-02

[www.catelectricpowerinfo.com/njpa](http://www.catelectricpowerinfo.com/njpa)

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## DIESEL GENERATOR SET



Image shown may not reflect actual package.

### **STANDBY** **500 ekW 625 kVA** **60 Hz 1800 rpm 480 Volts**

Caterpillar is leading the power generation marketplace with Power Solutions engineered to deliver unmatched flexibility, expandability, reliability, and cost-effectiveness.

## FEATURES

### FUEL/EMISSIONS STRATEGY

- EPA Certified for Stationary Emergency Application (EPA Tier 2 emissions levels)

### DESIGN CRITERIA

- The generator set accepts 100% rated load in one step per NFPA 110 and meets ISO 8528-5 transient response

### UL 2200 / CSA – Optional

- UL 2200 Listed packages
- CSA Certified

Certain restrictions may apply.  
Consult with your Cat® Dealer.

### FULL RANGE OF ATTACHMENTS

- Wide range of bolt-on system expansion attachments, factory designed and tested
- Flexible packaging options for easy and cost effective installation

### SINGLE-SOURCE SUPPLIER

- Fully prototype tested with certified torsional vibration analysis available

### WORLDWIDE PRODUCT SUPPORT

- Cat dealers provide extensive post sale support including maintenance and repair agreements
- Cat dealers have over 1,800 dealer branch stores operating in 200 countries
- The Cat S•O•S<sup>SM</sup> program cost effectively detects internal engine component condition, even the presence of unwanted fluids and combustion by-products

### CAT C15 ATAAC DIESEL ENGINE

- Utilizes ACERT™ Technology
- Reliable, rugged, durable design
- Field-proven in thousands of applications worldwide
- Four-stroke-cycle diesel engine combines consistent performance and excellent fuel economy with minimum weight
- Electronic controlled governor

### CAT GENERATOR

- Matched to the performance and output characteristics of Cat engines
- UL 1446 Recognized Class H insulation
- CSA Certified

### CAT EMCP 4 CONTROL PANELS

- Simple user friendly interface and navigation
- Scalable system to meet a wide range of customer needs
- Integrated Control System and Communications Gateway
- Integrated Voltage Regulation

### SEISMIC CERTIFICATION

- Seismic Certification available
- Anchoring details are site specific, and are dependent on many factors such as generator set size, weight, and concrete strength.  
IBC Certification requires that the anchoring system used is reviewed and approved by a Professional Engineer
- Seismic Certification per Applicable Building Codes: IBC 2000, IBC 2003, IBC 2006, IBC 2009, IBC 2012, CBC 2007, CBC 2010

**STANDBY 500 kW 625 kVA**  
60 Hz 1800 rpm 480 Volts



**FACTORY INSTALLED STANDARD & OPTIONAL EQUIPMENT**

System	Standard	Optional
Air Inlet	• Disposable air filter	<input type="checkbox"/> Canister type, dual element <input type="checkbox"/> Heavy duty air cleaner
Cooling	• Package mounted radiator	
Exhaust	• Exhaust flange outlet	<input type="checkbox"/> Industrial <input type="checkbox"/> Residential / Critical
Fuel	• Primary fuel filter with integral water separator • Secondary fuel filters • Fuel priming pump	
Generator	• Matched to the performance and output characteristics of Cat engines • IP23 Protection	<input type="checkbox"/> Permanent magnet excitation (PMG) <input type="checkbox"/> Anti-condensation space heater <input type="checkbox"/> Internal excitation (IE) <input type="checkbox"/> Coastal insulation protection
Power Termination	• Power terminal strips	<input type="checkbox"/> Circuit breakers – 100% rated assembly, UL Listed <input type="checkbox"/> SUSE (Suitable for use as service equipment)
Control Panels	• EMCP 4.2	<input type="checkbox"/> EMCP 4.3 <input type="checkbox"/> EMCP 4.4 <input type="checkbox"/> Local and remote annunciator modules <input type="checkbox"/> Remote monitoring software
Mounting	• Rubber vibration isolators	
Starting/Charging	• 24 volt starting motor & charging alternator • Batteries	<input type="checkbox"/> Battery chargers <input type="checkbox"/> Oversize batteries <input type="checkbox"/> Jacket water heater
General	• Paint - Caterpillar Yellow except rails and radiators gloss black • Narrow skid base	The following options are based on regional and product configuration: <input type="checkbox"/> Seismic Certification per Applicable Building Codes: IBC 2000, IBC 2003, IBC 2006, IBC 2009, IBC 2012, CBC 2007, CBC 2010 <input type="checkbox"/> UL 2200 Listed package <input type="checkbox"/> CSA Certified <input type="checkbox"/> Wide skid base <input type="checkbox"/> Sound attenuated enclosure <input type="checkbox"/> Weather protective enclosure <input type="checkbox"/> Integral dual wall UL Listed 8 hr fuel tank <input type="checkbox"/> Sub-base dual wall UL Listed 24 hr fuel tank <input type="checkbox"/> Sub-base dual wall UL Listed 48 hr fuel tank

## SPECIFICATIONS

STANDARD CAT GENERATOR	
Frame size	LC6114F
Excitation	Self Excitation
Pitch	0.6667
Number of poles	4
Number of bearings	Single bearing
Number of leads	12
Insulation	UL 1446 Recognized Class H with tropicalization and antiabrasion
IP Rating	IP23
Alignment	Pilot shaft
Overspeed capability (%)	125
Wave form deviation (%)	2
Voltage regulator	Three phase sensing
Voltage regulation	+/- 0.25% (steady state)
– Consult your Cat dealer for other available voltages	
CAT DIESEL ENGINE	
C15 ATAAC, I-6, 4-Stroke Water-cooled Diesel	
Bore	137.20 mm (5.4 in)
Stroke	171.40 mm (6.75 in)
Displacement	15.20 L (927.56 in³)
Compression ratio	16.1:1
Aspiration	Air-to-air aftercooled
Fuel system	MEUI
Governor type	Caterpillar ADEM control system

## CAT EMCP 4 SERIES CONTROLS

EMCP 4 controls including:

- Run / Auto / Stop Control
- Speed and Voltage Adjust
- Engine Cycle Crank
- 24-volt DC operation
- Environmental sealed front face
- Text alarm/event descriptions

Digital indication for:

- RPM
- DC volts
- Operating hours
- Oil pressure (psi, kPa or bar)
- Coolant temperature
- Volts (L-L & L-N), frequency (Hz)
- Amps (per phase & average)
- kW, kVA, kVAR, kW-hr, %kW, PF (4.2 only)

Warning/shutdown with common LED indication of:

- Low oil pressure
- High coolant temperature
- Overspeed
- Emergency stop
- Failure to start (overcrank)
- Low coolant temperature
- Low coolant level

Programmable protective relaying functions:

- Generator phase sequence
- Over/Under voltage (27/59)
- Over/Under Frequency (81 o/u)
- Reverse Power (kW) (32) (4.2 only)
- Reverse reactive power (kVAR) (32RV)
- Overcurrent (50/51)

Communications:

- Four digital inputs (4.1)
- Six digital inputs (4.2 only)
- Four relay outputs (Form A)
- Two relay outputs (Form C)
- Two digital outputs
- Customer data link (Modbus RTU) (4.2 only)
- Accessory module data link (4.2 only)
- Serial annunciator module data link (4.2 only)
- Emergency stop pushbutton

Compatible with the following:

- Digital I/O module
- Local Annunciator
- Remote CAN annunciator
- Remote serial annunciator



# STANDBY 500 ekW 625 kVA

60 Hz 1800 rpm 480 Volts



## TECHNICAL DATA

<b>Open Generator Set - - 1800 rpm/60 Hz/480 Volts</b>		<b>DM8155</b>
<b>EPA Certified for Stationary Emergency Application (EPA Tier 2 emissions levels)</b>		
<b>Generator Set Package Performance</b> Genset power rating @ 0.8 pf Genset power rating with fan		<b>625.0 kVA</b> <b>500.0 ekW</b>
<b>Fuel Consumption</b> 100% load with fan 75% load with fan 50% load with fan	138.5 L/hr 106.1 L/hr 88.1 L/hr	36.6 gal/hr 28.0 gal/hr 23.3 gal/hr
<b>Cooling System<sup>1</sup></b> Air flow restriction (system) Air flow (max @ rated speed for radiator arrangement) Engine Coolant capacity with radiator/exp. tank Engine coolant capacity Radiator coolant capacity	0.12 kPa 788 m <sup>3</sup> /min 50.3L 20.8 L 29.5 L	0.48 in. water 27828 cfm 13.3 gal 5.5 gal 7.8 gal
<b>Inlet Air</b> Combustion air inlet flow rate	39.8 m <sup>3</sup> /min	1405.5 cfm
<b>Exhaust System</b> Exhaust stack gas temperature Exhaust gas flow rate Exhaust flange size (internal diameter) Exhaust system backpressure (maximum allowable)	505.6.0°C 108.8 m <sup>3</sup> /min 152.4 mm 10.0 kPa	942.1°F 3842.2 cfm 6.0 in 40.2 in. water
<b>Heat Rejection</b> Heat rejection to coolant (total) Heat rejection to exhaust (total) Heat rejection to aftercooler Heat rejection to atmosphere from engine Heat rejection to atmosphere from generator	189 kW 505 kW 120 kW 94.0 kW 29.1 kW	10748 Btu/min 28719 Btu/min 6824 Btu/min 5346 Btu/min 1654.9 Btu/min
<b>Alternator<sup>2</sup></b> Motor starting capability @ 30% voltage dip Frame Temperature rise	1428 skV LC6114F 130°C	234°F
<b>Lubrication System</b> Sump refill with filter	60.0 L	15.9 gal
<b>Emissions (Nominal)<sup>3</sup></b> NOx g/hp-hr CO g/hp-hr HC g/hp-hr PM g/hp-hr	5.74 g/hp-hr 0.4 g/hp-hr 0.01 g/hp-hr 0.018 g/hp-hr	

<sup>1</sup>For ambient and altitude capabilities consult your Cat dealer. Air flow restriction (system) is added to existing restriction from factory.

<sup>2</sup>Generator temperature rise is based on a 40°C (104°F) ambient per NEMA MG1-32. Some packages may have oversized generators with a different temperature rise and motor starting characteristics.

<sup>3</sup>Emissions data measurement procedures are consistent with those described in EPA CFR 40 Part 89, Subpart D & E and ISO8178-1 for measuring HC, CO, PM, NOx. Data shown is based on steady state operating conditions of 77°F, 28.42 in HG and number 2 diesel fuel with 35° API and LHV of 18,390 btu/lb. The nominal emissions data shown is subject to instrumentation, measurement, facility and engine to engine variations. Emissions data is based on 100% load and thus cannot be used to compare to EPA regulations which use values based on a weighted cycle.

# STANDBY 500 ekW 625 kVA

60 Hz 1800 rpm 480 Volts



## RATING DEFINITIONS AND CONDITIONS

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### Applicable Codes and Standards:

AS1359, CSA, IEC60034-1, ISO3046, ISO8528, NEMA MG 1-22, NEMA MG 1-33.

**Standby** – Output available with varying load for the duration of the interruption of the normal source power. Average power output is 70% of the standby power rating. Typical operation is 200 hours per year, with maximum expected usage of 500 hours per year.

**Ratings** are based on SAE J1349 standard conditions. These ratings also apply at ISO3046 standard conditions.

# STANDBY 500 kW 625 kVA

60 Hz 1800 rpm 480 Volts



## DIMENSIONS

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Package Dimensions		
Length	3361 mm	132.3 in
Width	1502 mm	59.1 in
Height	2127 mm	83.7 in

**NOTE:** For reference only – do not use for installation design. Please contact your local dealer for exact weight and dimensions.

Performance No.: DM8155

Feature Code: C15DECf

Gen. Arr. Number: 4183867

Source: U.S. Sourced

EPD0211 (06/13)

[www.Cat-ElectricPower.com](http://www.Cat-ElectricPower.com)

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Caterpillar Inc.

Electric Power Division  
P.O. Box 610  
Mossville, IL 61552-0610

March 22, 2017

To Whom it May Concern:

Ring Power Corporation is the Caterpillar Dealer, assigned by Caterpillar Inc., with Sales and Service responsibility for the following counties in the State of Florida:

Alachua	Hardee	Osceola
Baker	Hernando	Pasco
Bradford	Highlands	Pinellas
Brevard	Hillsborough	Polk
Citrus	Jefferson	Putnam
Clay	Lafayette	Sarasota
Columbia	Lake	Seminole
Desoto	Leon	St. Johns
Dixie	Levy	Sumter
Duval	Liberty	Suwannee
Flagler	Madison	Taylor
Franklin	Manatee	Union
Gadsden	Marion	Volusia
Gilchrist	Nassau	Wakulla
Hamilton	Orange	

There are no other Caterpillar Dealers with coverage rights for this geographic area.

A handwritten signature in cursive script, appearing to read "Luz Delzell".

Luz Delzell  
Retail Sales Manager – Electric Power Division  
Caterpillar Inc.  
Office: 309-494-7063  
Cell: 309-369-7472  
Email: Delzell\_Luz@cat.com

**Letter of Agreement  
To Extend the Contract**

Between

**Caterpillar, Inc. (Vendor)**  
100 NE Adams Street  
Peoria, IL 61629

and

**National Joint Powers Alliance® (NJPA)**  
202 12<sup>th</sup> Street NE  
Staples, MN 56479  
Phone: (218) 894-1930

The Vendor and NJPA have entered into an Agreement (Contract #080613-CAT) for the procurement of Electrical Energy Generation Equipment with Related Accessories, Services and Supplies. This Agreement has an expiration date of September 17, 2017, but the parties may extend the Agreement for one additional year by mutual consent.

The parties acknowledge that extending the Agreement for another year benefits the Vendor, NJPA and NJPA's Members. The Vendor and NJPA therefore agree to extend the Agreement listed above for a fifth year. This existing Agreement will terminate on September 17, 2018. All other terms and conditions of the Agreement remain in force.

**National Joint Powers Alliance® (NJPA)**

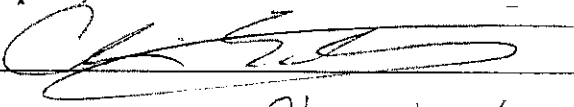
By: , Its: Director of Cooperative Contracts & Procurement/CPO

Name printed or typed: Jeremy Schwartz

Date

1-6-17

**Caterpillar, Inc.**

By: , Its: \_\_\_\_\_

Name printed or typed: Christopher L. Schwarz

Date

6 Sep 17



# NEW PORT RICHEY

5919 MAIN STREET . NEW PORT RICHEY, FL 34652 . 727.853.1016

**TO:** City of New Port Richey City Council  
**FROM:** Robert M Rivera, Public Works Director  
**DATE:** 4/4/2017  
**RE:** Sanitary Sewer Manhole Inserts - ITB No. 17-008 Bid Award

## REQUEST:

The request of staff for the City Council is to review and consider for approval the attached bid from Capital Foundry of Virginia, Inc. in the amount not to exceed \$108,750 for the purchase of 870 *Rainstopper* sanitary sewer manhole inserts ITB No. 17-008.

## DISCUSSION:

As City Council is aware, the Inflow and Infiltration Project was recently completed using a non-harmful smoke or vapor to identify defects in the City's sanitary sewer system. This includes main lines, service laterals, and connections. This type of system testing is one of the best cost effective ways to locate system defects. As City Council may recall, the City's Wastewater Treatment Plant has a permitted average annual daily flow capacity of 7.5 MGD. The wet weather events experienced during the summer of 2015 caused a significant increase of flow to the WWTP, due to the stormwater inflow. A major contributor to the increase of flow is due to the City's existing sanitary sewer system not having manhole inserts installed which in turn allows inflow of stormwater until the event has ceased and stormwater runoff has drained away from the roadway network. The purchase and installation of manhole inserts is one of the most cost effective best management practices (BMP) used today which has the greatest impact on reducing inflow into the sanitary sewer systems.

Currently, the City is in the review process of its FDEP Wastewater Treatment Plant Operating Permit. Subsequent to discussion with FDEP staff, manhole inserts are a type of BMP encouraged by the Department that can be included in the City's operating permit in an effort to reduce the increase flow and treatment of stormwater into the City system, thereby reducing the potential to create wet weather discharge from the Plant into the bayou.

The ITB was advertised for competitive bidding on February 22, 2017. Three (3) competitive bids were opened by the City on March 14, 2017. The bids received ranged from a low of \$87,000 to a high of \$128,650. Rowland, Inc. submitted the low bid of \$87,000. Subsequent to City staff review of the ITB, it was determined Rowland Inc. had submitted a different type of manhole insert brand and model other than what was called out in the invitation to bid. This made the bid submitted null and void. Staff has reviewed the bid documents required for each submission and have verified dollar amounts submitted. In addition, staff has made contact with Capital Foundry of Virginia, Inc. and has discussed the deliverables associated with the ITB.

**RECOMMENDATION:**

Approval to award the bid submitted by Capital Foundry of Virginia, Inc. is recommended.

**BUDGET/FISCAL IMPACT:**

Funding is identified in the Water and Sewer Collection Division's Operating Budget, Account No. 401-0113-535-31-99.

**ATTACHMENTS:**

Description	Type
▣ Bid Opening Minutes	Backup Material
▣ Bid Tabulation	Backup Material
▣ Product Specifications	Backup Material



# NEW PORT RICHEY

5919 MAIN STREET • NEW PORT RICHEY, FL 34652 • 727.853.1016

**TO:** Debbie Manns, City Manager

**FROM:** Judy Meyers, City Clerk

**CC:** Robert Rivera, Public Works Director  
Susan Marshall, Purchasing Administrator

**DATE:** March 14, 2017

**RE:** Bid Opening: ITB17-008 Sanitary Sewer Manhole Inserts

---

Bids for ITB17-008 Sanitary Sewer Manhole Inserts, were received by 2:00 pm on Monday, March 13, 2017. The bid opening took place on Tuesday, March 14, 2017 at 3:00 pm in City Manager's Conference Room.

Present were Purchasing Administrator Susan Marshall, City Clerk Judy Meyers, Public Works Director Robert Rivera and Zachary Thull.

Bids were announced and opened from the following entities:

BLD Services, LLC, 2424 Tyler Street, Kenner, LA 70062  
Capitol Foundry of Virginia, Inc., 2856 Crusader Circle, Virginia Beach, VA 23453  
Rowland, Inc., 6855 102nd Avenue N., Pinellas Park, FL 33782

The apparent low bidder was Rowland, Inc., at \$87,000 however Public Works stated that it appeared the bid submitted was on a different product and not for the product that was specifically called out for in the Invitation to Bid announcement therefore possibly making the bid null and void.

The bid opening concluded at 3:04 p.m. The bid tabulation is attached.



# NEW PORT RICHEY

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## BIDS RECEIVED

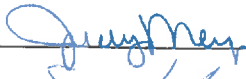


BID ITEM: Sanitary Sewer Manhole Inserts  
BID NUMBER: ITB 17-008  
BID OPENING: March 14, 2017 at 3:00 pm, City Manager's Conference Room  
DEPARTMENT: Public Works

NUMBER OF BIDS: 3

BIDDERS	BID	NON-COLLUSION	PUBLIC ENTITY	DRUG FREE
BLD Services, LLC 2424 Tyler Street Kenner, LA 70062	\$128,650	✓	✓	✓
Capitol Foundry of Virginia, Inc. 2856 Crusader Circle Virginia Beach, VA 23453	\$108,750	✓	✓	✓
Rowland, Inc. 6855 102 <sup>nd</sup> Avenue N. Pinellas Park, FL 33782	\$87,000	✓	✓	✓

Only offers received timely as of the deadline for receipt of bid are accepted. All others submitted in response to this solicitation, if any, are hereby rejected as late.

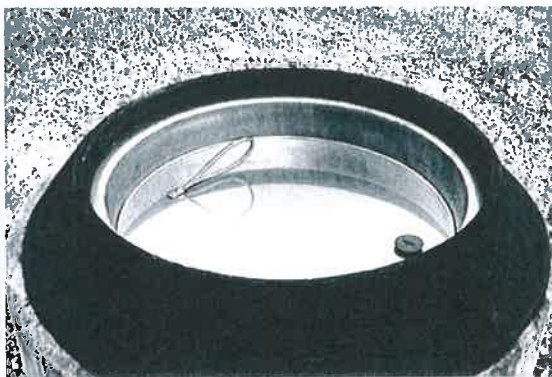
### WITNESSED BY:



# STAINLESS STEEL "RAINSTOPPER"™

WITH STAINLESS STEEL HANDLE



Won't stop the rain, but will stop  
the rising costs of sewage treatment.

Unwanted rainwater adds to  
the cost of sewage treatment.

Now this rainwater can be  
eliminated from the system  
with the new Stainless Steel  
"Rainstopper" manhole  
cover insert!



Patent No: 4919 564; 4957 389; 5727 351; 5966 876

## Estimates on Rainwater treatment costs per manhole

On an average rainy day a manhole  
will allow 2,000 to 9,000 gallons of  
inflow to the treatment system.

## MINIMUM COST

\$50.00 per year per manhole\*

## MAXIMUM COST

\$500.00 per year per manhole\*

\*These figures based on an average yearly rainfall  
in the SW region and selected engineers' estimate  
on sewage treatment cost.



## FEATURES

- Easily installed by one person.
- Made from Corrosion Resistant High Strength Stainless Steel.
- Weighs only ten pounds.
- Sewer gas will be vented with a non-mechanical device.
- Less maintenance due to no moving parts.

## BENEFITS

- Stops flow of rainwater into sewage systems.
- Control manhole odors
- Keeps dirt out of system
- Helps prevent manhole rattling and flipping due to street traffic.
- Won't fall into manhole.

## SPECIFICATIONS

### 1. Scope

Under this item, the contractor shall supply and install to manufacturer's recommendations a Stainless Steel/ Rainstopper manhole insert as shown on contract drawings and specified hereafter.

### 2. Materials and Design

#### General

- 2.1 The Rainstopper insert and components shall be manufactured of materials resistant to corrosion from atmospheres containing hydrogen sulfide and dilute sulfuric acid.

#### The Insert

- 2.2 The insert body shall be manufactured of 304 stainless steel with a thickness of not less than 18 gage. The insert shall have a straight side design to allow a loose fit into ring for easy removal. The insert manufacturer must furnish a "load test verification" showing a load test failure in excess of 3000 lbs. For added strength, no less than three (3) ribs shall be stamped in the bottom of the dish.

#### The Gasket

- 2.3 The gasket shall be made of close cell neoprene, and shall have a pressure sensitive adhesive on one side. The gasket shall be installed by the manufacturer and must be compatible with the insert material to form a long lasting bond in wet or dry conditions.

#### Relief Valve

- 2.4 The gas relief valve shall be designed to release at a pressure of .5 to 1.5 psi and have a water leak dow rate no greater than 5 gallons per 24 hours. The valve shall be installed in the insert by the manufacturer. The valve shall be made of nitrile for prevention of corrosion from contact with hydrogen sulfide, dilute sulfuric acid and other gasses associated with wastewater collection systems.

#### The Handle

- 2.5 The dish shall have a handle of 3/16" plastic coated stainless steel cable installed on the body of the dish. The handle shall be attached with a #6 high grade stainless steel rivet. The cable shall be braided in a manner which resists cutting with common bolt cutters. The cable terminal and eye shall be stainless steel.

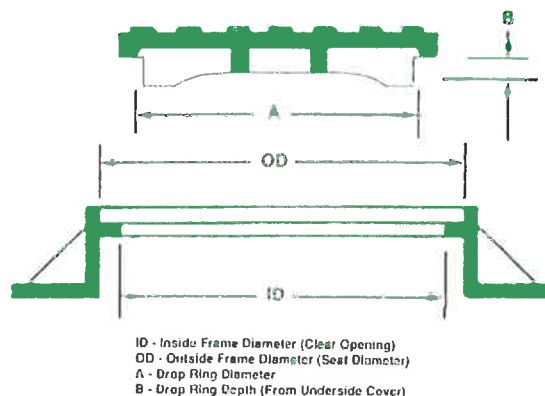
### 3. Installation

The manhole frame rain shall be free of all dirt and debris prior to the installation of the "Rainstopper" insert. The "Rainstopper" insert should be fully seated around the manhole frame rim to insure against water seepage between the insert and manhole frame rim. A generous coating of grease on the gasket is helpful in seating and prevents rust.

### 4. MANUFACTURER

The manhole insert shall be manufactured by Southwestern Packing & Seals, Inc. 800-843-4950, 6905 Westport Avenue, Shreveport, LA 71129 or prior approved equal.

When ordering "Rainstopper" manhole inserts, the following dimensions should be furnished:



Note: Some lids have no drop ring and are essentially flat underneath.

## Southwestern Packing and Seals

P.O. Box 19369 • Shreveport, LA 71149-0369

Phone 318-687-4330 • Wats 1-800-843-4950 • Fax 318-687-4337

WEB ADDRESS: <http://www.no-dig.com/sw/> • E-mail: [rainstoppers@aol.com](mailto:rainstoppers@aol.com)

08/01







# NEW PORT RICHEY

5919 MAIN STREET . NEW PORT RICHEY, FL 34652 . 727.853.1016

**TO:** City of New Port Richey City Council  
**FROM:** Elaine D. Smith, CPRP, Director of Parks and Recreation  
**DATE:** 4/4/2017  
**RE:** Alcoholic Beverage Special Event Permit - Cotee River Seafest

**REQUEST:**

The request before City Council is to review the 2017 Cotee River Seafest Alcoholic Beverage Special Event Application.

**DISCUSSION:**

The Special Event Team met and reviewed the Cotee River Seafest Application on March 21, 2017. Seafest will take place in Sims Park from April 21 - 23, 2017. Beer and wine will be sold in the park as follows: Friday, April 21st from 5:00p.m. - 11:00p.m., Saturday, April 22nd from 12:00p.m. - 11:00p.m. and on Sunday, April 23rd from 1:00p.m. - 6:00p.m. The Alcoholic Beverage Special Event Application is attached and includes a map that identifies the event format.

**RECOMMENDATION:**

The recommendation before City Council is to approve the Cotee River Seafest Alcoholic Beverage Special Event Permit to be held in Sims Park April 21 - 23, 2017.

**BUDGET/FISCAL IMPACT:**

None.

**ATTACHMENTS:**

Description	Type
☐ Cotee River Seafest Alcoholic Beverage Event Application	Cover Memo
☐ Cotee River Seafest Event Application	Cover Memo





## ALCOHOLIC BEVERAGE SPECIAL EVENT PERMIT APPLICATION

City of New Port Richey  
Parks and Recreation Department  
6630 Van Buren Street  
New Port Richey, FL 34653  
Phone (727) 841-4560 Fax (727) 841-4562

CASE # \_\_\_\_\_  
DRC Date: \_\_\_\_\_  
Council Date: \_\_\_\_\_  
Date Received: \_\_\_\_\_

**\* Please print legibly or use fillable form \***

- ☐ Submit original signed and notarized application, plus four copies
- ☐ Submit \$250 application fee
- ☐ Submit at least 45 days prior to the proposed special event
- ☐ Submit with separate Special Event application (Case # \_\_\_\_\_)

### ABSEP GENERAL INFORMATION:

Name of Event: Cotee River Seafes  
Date(s) of Event: April 21, 22, 23, 2017 (Limited to three days for alcohol sales)  
Location of Event: Sims Park, Orange lake, Peach hall, Gazebo, Boat Ramp at sims Park  
Applicant: Greater New Port Richey Main Street, Inc (GNPRMS)  
Mailing Address: 6345 Grant Blvd, New Port Richey, FL 34652  
(Street, City, State, Zip Code)  
Daytime Phone Number: 727-842-8066 Fax Number: \_\_\_\_\_  
Email or Alternate Contact Information: david@davidadorsey.com  
Authorized Person in Charge: David A. Dorsey C.P.A. P.A. Treasurer  
If an organization, names, addresses, phone numbers of all Officers: (may attach as addendum)  
Attached  
\_\_\_\_\_  
\_\_\_\_\_  
Who is the PRIMARY contact for this application? David a. Dorsey C.P.A. P.A.

### ABSEP SUBMITTAL REQUIREMENTS:

List alcohol to be sold: Beer and Wine  
(Limited to beer and wine)  
List alcohol to be given away: Beer  
Time of alcohol sales: Fri 5p.m. - 11p; Sat 12:00 noon - 11 pm; Sunday 1p-6p  
(Limited to Monday through Saturday, 12:00 noon to 11:00 p.m. and Sunday, 1:00 p.m. to 9:00 p.m.; events limited to three days in duration)  
List ABSEP applications approved for your organization this calendar year: N/A  
(Limited to three permits per year, per applicant; eight per year total City-wide)  
☐ Attach approved alcoholic beverage license from Florida Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco (1313 N. Tampa Road, Suite 909, Tampa, 33602; 813-272-2610)  
☒ Attach general liability and other insurance as required by the provisions of Florida Statutes for the sale or consumption of alcoholic beverages.  
☒ Attach IRS tax exemption form 501(c)(3) or (6), if nonprofit organization.



## APPLICANT'S ACKNOWLEDGEMENT OF REQUIREMENTS:

1. Any business that obtains a permit allowing for outdoor consumption of alcoholic beverages on its premises shall provide an off-duty officer for security during all times that consumption is permitted.
2. The person responsible for conducting the event on behalf of the applicant must meet State minimum age licensing requirements and cannot have been convicted of a felony or crime involving moral turpitude. The applicant must obtain all necessary federal, state and local permits to engage in the proposed sale and/or consumption activity.
3. City Council may require any nonprofit civic organization that desires to hold an event on or in public property at which alcoholic beverages will be served, to enter into a written lease agreement and/or an indemnification agreement to indemnify and save harmless the City from any and all liability which may arise as a result of any such function and may further require any such organization to secure public liability insurance coverage from an insurance company, and in the amount acceptable to City Council, but providing coverage for each event 1) for personal injury of not less than \$1,000,000 per person and \$2,000,000 per occurrence, and 2) for property damage of not less than \$1,000,000.
4. Nonprofit civic organizations shall: 1) Have tax exempt status under Section 501(c)(3) or (6) of the 1986 IRS Code; 2) Operate an office in the City or be a nationally-recognized organization that conducted business as a nonprofit in the City; and 3) Promote or stimulate community and economic development within the City.
5. Only beer and wine shall be permitted to be served. The proposed sales and/or consumption activity must be associated with a public event. Alcoholic beverages shall be served in plastic containers only. No cans or glass containers shall be permitted.
6. Access points of the serving area shall be marked with signs notifying patrons that alcoholic beverages are not be taken past the perimeter of the area shown on the site plan, and the applicant shall staff the entrance with as are personnel as a necessary to enforce this requirement.
7. The proposed sales and/or consumption activity will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation. It will also not entail extraordinary or burdensome expense or police operation by the City. The use of alcoholic beverages is not expected to result in violence, crime or disorderly conduct.
8. The consumption and possession of alcoholic beverages upon a public street may be permitted as part of a special event subject to other conditions. No permits will be issued for special events within any City park except Sims Park, Orange Lake Park or Cavalier Square.
9. The sale, possession and consumption of alcoholic beverages shall be confined to designated and secured areas. The perimeter of the designated area shall be secured for the entire event. Only those alcoholic beverages that are sold by the applicant within the secured areas shall be permitted to be possessed, consumed or purchased within the secured areas. It is unlawful for any person to carry alcoholic beverages into the secured areas. Any person violating this shall be subject to ejection and arrest.
10. No person under the age of 21 shall be permitted to possess, consume or distribute any alcoholic beverages at the permitted event. After displaying the proper proof of legal age, the person wishing to purchase, possess or consume alcohol shall receive a wristband from the applicant (or agent) which shall be attached to his/her wrist and worn at all times of possession/consumption.
11. Hours of sales and/or consumption shall be limited to Monday through Saturday, noon to 11:00 p.m., and Sunday, 1:00 to 9:00 p.m. The applicant shall be responsible for enforcing the hours of operation and shall be liable for the failure to enforce.
12. The applicant shall pay all costs of police and other City services attributable to the sale or consumption of alcohol during the activity. For events at Sims Park, City Council may require an off-duty officer stationed at the playground, at the applicant's expense.
13. The applicant understands that the event must meet or exceed all applicable codes, laws and regulations.

**ATTENDANCE AT MEETINGS:**

The applicant or applicant's representative need to be present at the DRC and City Council meetings.

**AUTHORIZATION FOR OWNER'S REPRESENTATIVE(S):**

I \_\_\_\_\_, the **applicant**, hereby **authorize** \_\_\_\_\_ **to act as my representative(s)** in all matters pertaining to the processing and approval of this application, including modifying the project. I agree to be bound by all representations and agreements made by the designated representative.

Signature of Applicant: \_\_\_\_\_

Date: \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
who is personally known to me and/or produced \_\_\_\_\_ as identification.

STATE OF FLORIDA, COUNTY OF PASCO

Notary Public \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

**APPLICANT'S AFFIDAVIT:**

I DAVID A. DONSEY, the **applicant or authorized representative**, have read and understand the contents of this application. The information contained in this application, attached exhibits and other information submitted is complete and in all aspects true and correct, to the best of my knowledge.

Signature of Applicant: \_\_\_\_\_

Date: 3-10-17

Subscribed and sworn to before me this 10<sup>th</sup> day of March, 2017  
who is personally known to me and/or produced \_\_\_\_\_ as identification.

STATE OF FLORIDA, COUNTY OF PASCO

Notary Public Rachel Mancuso

My Commission Expires: May 15, 2018





FOR STAFF USE ONLY:

- ☐ Date completed application received \_\_\_\_\_
- ☐ Application fee paid

\_\_\_\_\_ Cash

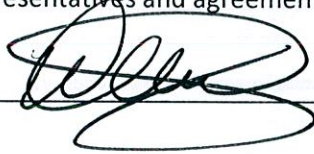
\_\_\_\_\_ Check #

- ☐ Approval from Business and Professional Regulation
- ☐ General liability or other insurance attached
- ☐ No more than three approvals for this applicant verified
- ☐ DRC meeting date \_\_\_\_\_
- ☐ City Council approval date \_\_\_\_\_

# AUTHORIZATION FOR APPLICANT'S REPRESENTATIVE(S)

I DAVID A. DORSEY, applicant, hereby  
authorized STEVE SCHUNDELL to act as my representative(s)  
in all matters pertaining to the processing and approval of this application, including modifying the project. I  
agree to be bound by all representatives and agreements made by the designated representative.

Signature of Applicant(s):



Date: 3-21-17

Subscribed and sworn to before me this 21 day of March, 2017

Who is personally known to me and/or produced FLDL as identification.

STATE OF FLORIDA, PASCO COUNTY

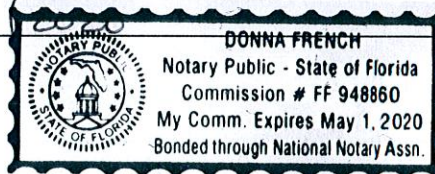
Notary Public:



DONNA FRENCH

My Commission expires:

5/1/2020





# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
03/06/2017

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Freeway Insurance Florida #29 7377 Spring Hill Drive Spring Hill, FL 34608 Phone (352) 688-0109 Fax (352) 688-6050		<b>CONTACT NAME:</b> KAYE T. HERMANN <b>PHONE (A/C, No., Ext):</b> (352) 688-0109 <b>E-MAIL ADDRESS:</b> khermann@freewayinsurancefl.com <b>FAX (A/C, No):</b> (352) 688-6050	
<b>INSURED</b> GREATER NEW PORT RICHEY MAIN STREET, INC. &/or NPR Gallery, Inc 6345 GRAND BLVD. NEW PORT RICHEY FL 34652		<b>INSURER(S) AFFORDING COVERAGE</b> <b>INSURER A:</b> CAPITAL SPECIALTY INS. CORP. 10328 <b>INSURER B:</b> CAPITAL SPECIALTY INS. CORP. 10328 <b>INSURER C:</b> <b>INSURER D:</b> <b>INSURER E:</b> <b>INSURER F:</b>	

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

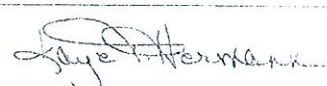
INSR	TYPE OF INSURANCE	ADDSUBR	POLICY NUMBER	POLICY EFF	POLICY EXP	LIMITS
CLASS		INSR WVD		(MM/DD/YYYY)	(MM/DD/YYYY)	
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  <input type="checkbox"/>  GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER	Y	CS02397223-03	06/28/2016	06/28/2017	EACH OCCURRENCE \$ 1,000,000.00 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000.00 MED EXP (Any one person) \$ 5,000.00 PERSONAL & ADV INJURY \$ 1,000,000.00 GENERAL AGGREGATE \$ 2,000,000.00 PRODUCTS - COM/OP AGG \$ 2,000,000.00 \$
B	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS  <input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE  <input type="checkbox"/> DED <input type="checkbox"/> RETENTIONS		CS02397223-03	06/28/2016	06/28/2017	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000.00 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$ EACH OCCURRENCE \$ AGGREGATE \$ \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	V/N N/A				<input type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

LIQUOR LIABILITY 1,000,000/1,000,000

CERTIFICATE HOLDER IS LISTED AS ADDITIONAL INSURED WITH REGARDS TO GENERAL LIABILITY.

COTEE RIVER SEAFOOD & BLUES FESTIVAL  
APRIL 21,22,23 2017

<b>CERTIFICATE HOLDER</b>  CITY OF NEW PORT RICHEY 5919 MAIN ST. NEW PORT RICHEY, FL 34652	<b>CANCELLATION</b>  SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE 
--	---





## Consumer's Certificate of Exemption

Issued Pursuant to Chapter 212, Florida Statutes

DR-14  
R. 10/15

85-8015724557C-5	08/31/2016	08/31/2021	501(C)(3) ORGANIZATION
Certificate Number	Effective Date	Expiration Date	Exemption Category

This certifies that

GREATER NEW PORT RICHEY MAIN STREET INC  
6345 GRAND BLVD  
NEW PORT RICHEY FL 34652-2305

is exempt from the payment of Florida sales and use tax on real property rented, transient rental property rented, tangible personal property purchased or rented, or services purchased.



## Important Information for Exempt Organizations

DR-14  
R. 10/15

1. You must provide all vendors and suppliers with an exemption certificate before making tax-exempt purchases. See Rule 12A-1.038, Florida Administrative Code (F.A.C.).
2. Your *Consumer's Certificate of Exemption* is to be used solely by your organization for your organization's customary nonprofit activities.
3. Purchases made by an individual on behalf of the organization are taxable, even if the individual will be reimbursed by the organization.
4. This exemption applies only to purchases your organization makes. The sale or lease to others of tangible personal property, sleeping accommodations, or other real property is taxable. Your organization must register, and collect and remit sales and use tax on such taxable transactions. Note: Churches are exempt from this requirement except when they are the lessor of real property (Rule 12A-1.070, F.A.C.).
5. It is a criminal offense to fraudulently present this certificate to evade the payment of sales tax. Under no circumstances should this certificate be used for the personal benefit of any individual. Violators will be liable for payment of the sales tax plus a penalty of 200% of the tax, and may be subject to conviction of a third-degree felony. Any violation will require the revocation of this certificate.
6. If you have questions regarding your exemption certificate, please contact the Exemption Unit of Account Management at 800-352-3671. From the available options, select "Registration of Taxes," then "Registration Information," and finally "Exemption Certificates and Nonprofit Entities." The mailing address is PO Box 6480, Tallahassee, FL 32314-6480.



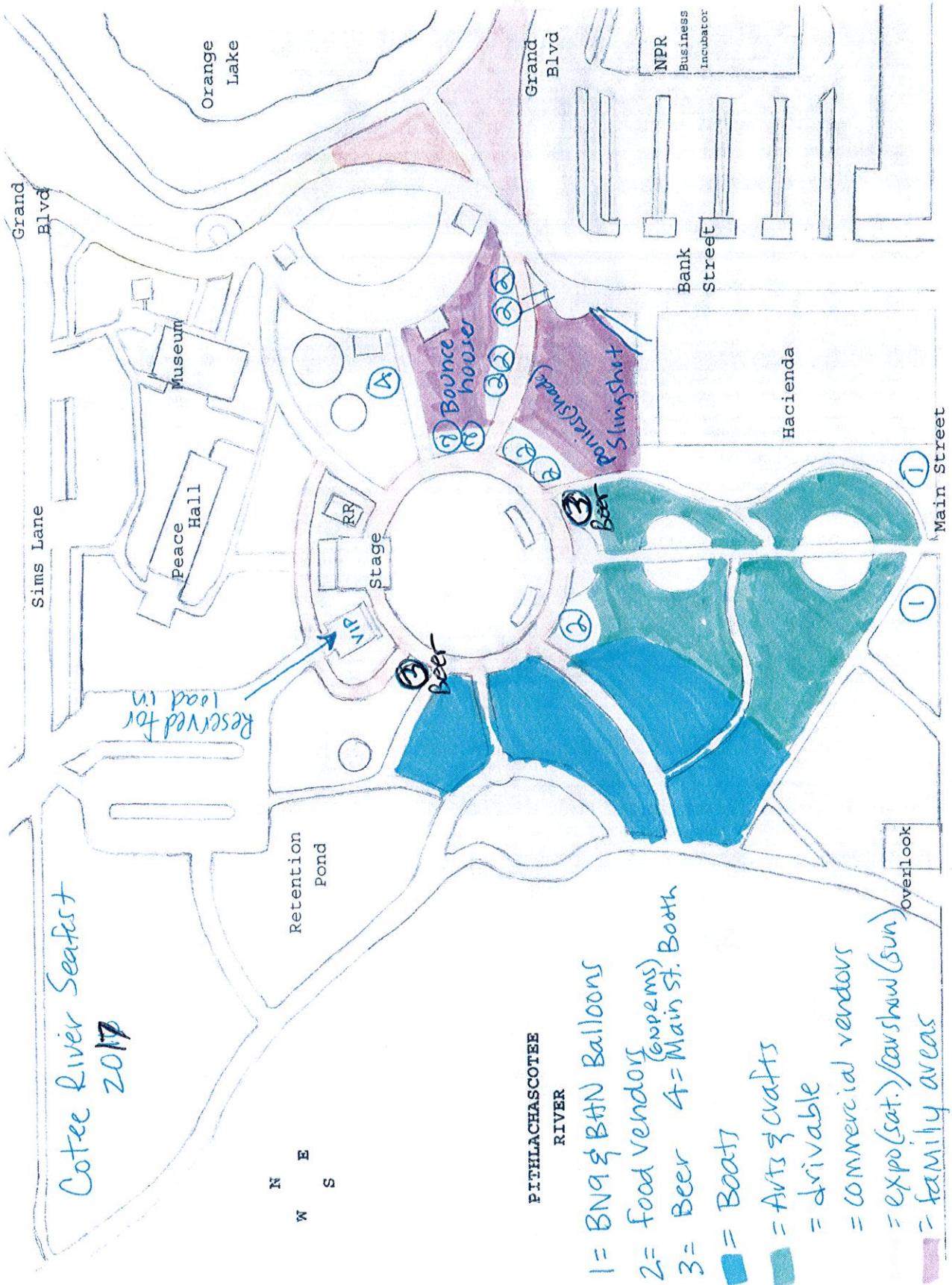
**NEW PORT RICHEY MAIN STREET  
EXECUTIVE BOARD 2017- 2018**

**DEBBIE LEONE – VICE PRESIDENT**  
OWNER, INDEPENDENT PRINTING  
5613 GULF DRIVE  
NEW PORT RICHEY, FL 34652  
PHONE 727-848-8991  
EMAIL: [DLEONE@INDEPENDENT-NPR.COM](mailto:DLEONE@INDEPENDENT-NPR.COM)

**DAVID A. DORSEY – TREASURER**  
DAVID A. DORSEY, CPA, PA  
6105 MAIN STREET  
NEW PORT RICHEY, FL 34653  
PHONE: 727-846-0556  
EMAIL: [DAVID@DAVIDADORSEY.COM](mailto:DAVID@DAVIDADORSEY.COM)

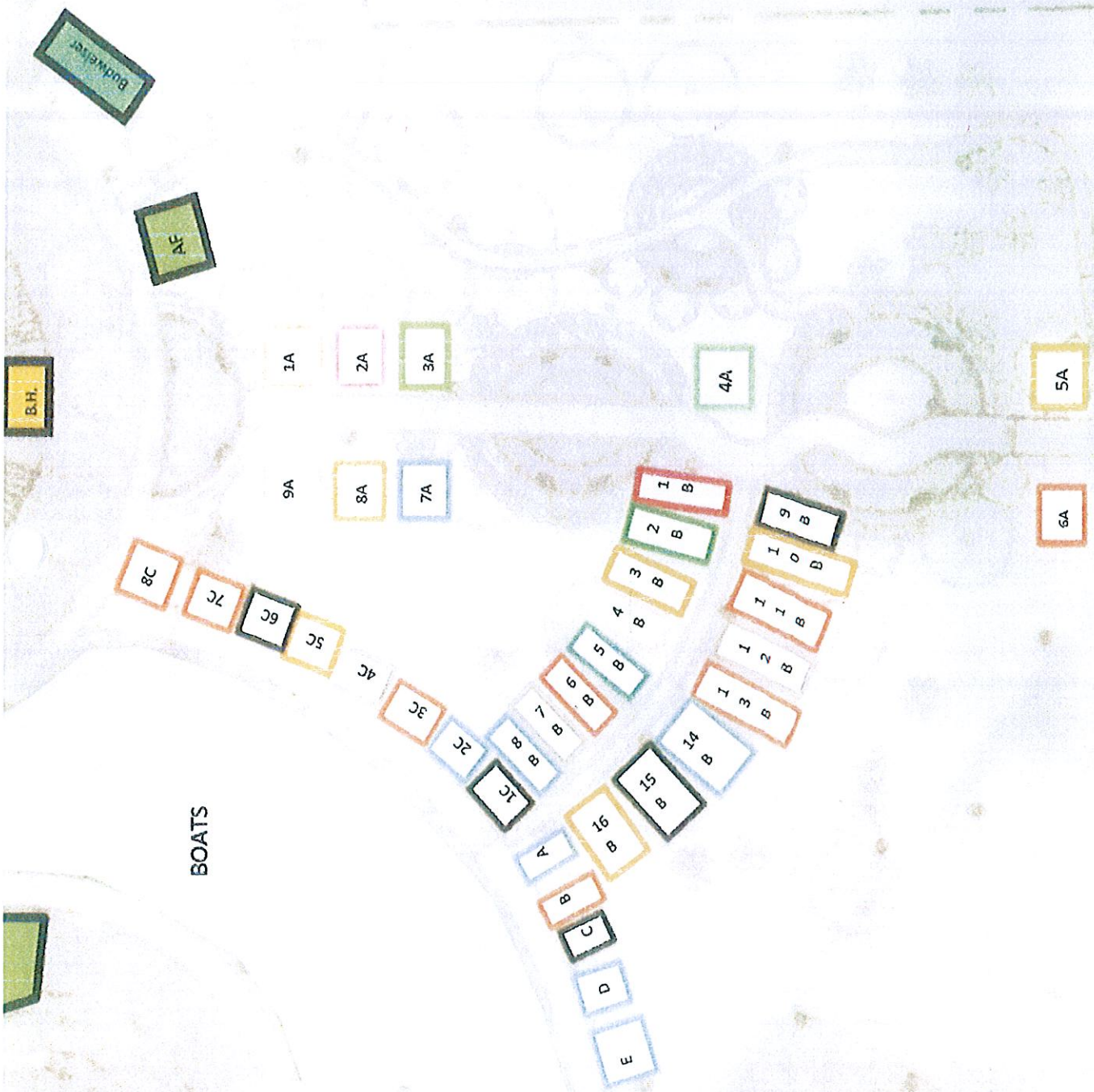
**RACHEL MANCUSO – SECRETARY**  
BB& T COMPANY  
6500 MASSACHUSETTS AVE.  
NEW PORT RICHEY, FL 34653  
PHONE: 727-815-0976  
EMAIL: [RMANCUSO@BBANDT.COM](mailto:RMANCUSO@BBANDT.COM)







BOATS





# City of New Port Richey Parks and Recreation Department Special Event Application

\*All applications must be submitted at least 45 days prior to the event, but no more than 12 months before the event.

Submit original signed and notarized application along with \$100 application fee to the following:

City of New Port Richey  
Parks and Recreation Department  
6630 Van Buren Street  
New Port Richey, FL 34653

## APPLICANT :

Name of Applicant: David A. Dorsey C.P.A. P.A

Title (if applicable): Treasurer

Name of Organization: GREATER NEW PORT RICHEY MAIN STREET, INC.

Is your organization tax exempt? ☒ Yes ☐ NO If yes, please attach documentation.

Is your organization a non-profit? ☒ Yes ☐ NO If yes, please attach documentation.

Mailing Address: GREATER NEW PORT RICHEY MAIN STREET, INC.

Street Address: 6345 GRAND BLVD

City: NEW PORT RICHEY State: FL Zip Code: 34652

Phone: 727-842-8066 CELL PHONE: 727-846-0556

Email: [DAVID@DAVIDADORSEY.COM](mailto:DAVID@DAVIDADORSEY.COM)

## EVENT

Name of Event: **18<sup>TH</sup> ANNUAL COTEE RIVER SEAFEST**

**Description of Event (Include purpose):**

3 DAY EVENT TO PROVIDE A VARIETY OF ACTIVITIES AT ATTRACT AND ENTERTAIN BOTH ATTENDEES AND PARTICIPATING VENDORS FROM WITHIN AND OUTSIDE OF PASCO COUNTY. THERE WILL BE FOOD & BEVERAGE, ARTS & CRAFTS, COMMERCIAL VENDORS, ALONG WITH A KID ZONE WITH BOUNCE HOUSES, WATER WARS, ROCK CLIMBING AND ZIP LINE. BLUES CONCERT, CLASSIC CAR SHOW, DUCKTUNA RACE, BOAT SHOW

**Location of Event:**

SIMS PARK, ORANGE LAKE, STAGE, PEACE HALL AND MUSEUM, GAZEBO

**Event/Organization Web Address:**

[WWW.NPRMAINSTREET.COM](http://WWW.NPRMAINSTREET.COM)

**Event Date(s) & Time(s):**

Date	Day of the Week	Start Time	End Time
APRIL 20, 2017	THURSDAY	3:00pm	9:00pm
APRIL 21, 2017	FRIDAY	5:00pm	11:00pm
APRIL 22, 2017	SATURDAY	10:00am	11:00pm
APRIL 23, 2017	SUNDAY	10:00am	6:00 pm
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

**Setup Date(s):** THURSDAY, APRIL 20, 2017

**Setup Time(s):** 2:00pm to COMPLETION

**Cleanup Date(s):** SUNDAY, APRIL 23, 2016 MONDAY, APRIL 24, 2016 – 5 PM



Cleanup Time(s): IMMEDIATELY AFTER EVENT TO UPON COMPLETION

Will this be an annual event? X Yes \_\_\_\_\_ No If yes, next year's date(s) FRIDAY, APRIL 20, 2018  
SATURDAY, APRIL 21, 2018  
SUNDAY, APRIL 22, 2018

EVENT LOGISTICS:

1. Estimated Attendance (Includes event crew, participants, and spectators):

8,000-10,000 FLOW 8,000-10,000 FLOW  
THIS YEAR LAST YEAR

Maximum number at peak time: 2,500

2. Will alcohol be served or sold? Served X Sold X No Alcohol ☐

3. Approximate number of food vendors: 12

\*Event promoter is responsible for obtaining copies of all licenses and insurance from each vendor and providing the same to the City of New Port Richey. All vendors must be listed on the site plan.

4. Approximate number of all other vendors along with type i.e. crafts, sponsors, informational

\*May need to provide copy of certificate of insurance in a form acceptable to the City for each vendor:

ARTS & CRAFTS VENDORS = 20 COMMERCIAL VENDORS = 12 F & B VENDORS = 12  
KIDS ZONE ACTIVITY VENDORS = 4 BOATS, PERSONAL WATERCRAFT AND MARINE RELATED PRODUCTS = 20  
DISASTER EXPO VENDORS = 10 CLASSIC CAR SHOW = 1 DUCKTUNA RACE, = 1

5. Will electricity be required?: X Yes No Source: PROVIDED BY THE PARKS AND RECREATIONS

Location of electricity:

\*City electric is available around the Sims Park Circle, panel box near the river, and the North and South side of Orange Lake. If an event requires additional locations, the event must provide an alternative.

THROUGHOUT PARK FOR FOOD COURT, COMMERCIAL VENDORS, KIDS ZONE, BEER TRUCKS

6. List event equipment (Include things such as seating, tents, booths, and trucks. These should all be listed on site map as well.):

60 EA. 10X10 TENT 10X20 VIP TENT 20EA. COCKTAIL TABLES MISC TABLE AND CHAIRS

7. List entertainment type (bands, DJ, dancers, clowns, etc.): BLUES FESTIVAL – Bands

FRIDAY, APRIL 21, 2016

5:00 p.m. – 11:00p.m.

SATURDAY, APRIL 22, 2017

12:00pm – 11:00p.m.

SUNDAY, APRIL 23, 2017

12:30pm -6:00pm

8. List dates and times of music and/or amplified sound:

FRIDAY, APRIL 21, 2016

5:00 p.m. – 11:00p.m.

SATURDAY, APRIL 22, 2017

12:00pm – 11:00p.m.

SUNDAY, APRIL 23, 2017

12:30pm -6:00pm

9. Will private security be provided? ☒ Yes ☐ No

If yes, list organization: FLORIDA VOLUNTEER FORCE

10. Will portable restrooms be used? ☒ Yes ☐ No

If yes answer the following and list on site plan:

How many: 6ea. Installation Date: THURSDAY APRIL 20, 2017  
Removal Date: MONDAY APRIL, 24, 2017

11. Event holders are responsible for trash removal, and must provide their own dumpsters.  
Please list your plan.

PROGRESSIVE WASTE SOLUTIONS = 30YD ROLL-OFF CONTAINER  
DELIVERED = THURSDAY APRIL 20, 2017  
REMOVED = MONDAY APRIL 24, 2107

Will dumpsters be used? ☒ Yes ☐ No

If yes please include on site plan and answer the following:

How many: 1 Sizes: 30 YD ROLL OFF

Installation Date:

THURSDAY APRIL 20, 2017 Removal Date: MONDAY APRIL 24, 2017

12. Please list any admission charges, donations, parking, registration or other fee and how much.

A&C VENDORS = \$100.00 F&B VENDORS = \$200.00 +20% COMMERCIAL VENDORS = \$200.00 ACTIVITY  
VENDORS = VARIES BOAT, PERSONAL WATERCRAFT & MARINE RELATED PRODUCTS = \$125.00 TO \$350.00

13. Does the event require street closures? ☒ Yes ☐ No



If yes complete the following:

Date(s) of street closure: SATURDAY APRIL 22, 2017  
Time of street closure: Begin 7:00am  
End: UNTIL END OF DISASTER EXPO

SUNDAY APRIL, 23, 2017  
Begin 9:00am  
End: UNTIL END OF CAR SHOW

List street(s) to be closed:

\*A letter must be delivered to all residents that will be directly impacted by a road closure. Attach letter along with addresses to this application.

GRAND BLVD. FROM BANK TO NPR MAIN STREET OFFICE

14. Will there be a parade? ☐ Yes ☒ No

If yes complete the following: Street(s) that will be utilized for parade route:

---

---

---

Time assembly to begin: 

---

Time parade starts: 

---

Total number of units in parade: 

---

Number of people in the parade: 

---

Number of vehicles in the parade: 

---

Number of animals in parade: 

---

Number of floats: 

---

Number of bands: 

---

\*Attach parade route map to application.

15. Will there be a running/walking/biking/water event? ☒ Yes ☐ No

If yes answer the following:

List vendors who will use the dock:

Day and Date:

Time assembly to begin:

Time event starts:

Estimated ending time:

Event will be conducted on:

\*Attach route map to application

**A.F.I.R.E - DUCKTONA RACE**

SUNDAY APRIL 23, 2017

3:45pm

4:00pm

4:30pm

\_\_\_\_\_ Streets \_\_\_\_\_ Sidewalks X Body of water

List vendors who will use the dock:

Day and Date:

Time assembly to begin:

Time event starts:

Estimated ending time:

Event will be conducted on:

\*Attach route map to application

**MISS DAISY BOAT TOURS**

SATURDAY APRIL 22, 2017

SUNDAY APRIL 24, 2016

12:00pm

12:00pm

12:00pm

12:00pm

8:00pm

6:00pm

\_\_\_\_\_ Streets \_\_\_\_\_ Sidewalks X Body of water

16. Will a City dock be used for the event? X Yes \_\_\_\_\_ No

If yes, hours of use:

SATURDAY APRIL 22, 2017 12:00PM TO 8:00pm

SUNDAY APRIL 23, 2016 12:00pm TO 6:00pm

Location of dock:

SIMS PARK

\*Any dock used for the event will need to remain open to the public during the event.

17. Please check the additional facilities you plan on using.

\_\_\_\_\_ Pavillion(s)

\_\_\_\_\_ Gazebo

X Amphitheatre (requires an additional rental fee)

X Peace Hall (requires an additional rental fee)





As the applicant, I hereby accept and understand the responsibility to oversee all contractors, vendors, or parties affiliated with the event and to insure compliance with the event policy and procedure manual, the resolution and City ordinance pertaining to Special Events, the event rules, guidelines, requirements, for tents and all policies, rules, regulations, and code provisions of the City of New Port Richey. I understand that any violations may result in immediate cancellation and revocation of the Event Permit. I further certify that all facts contained in this request are accurate.

For events on public property, I agree to obtain and furnish the City of New Port Richey with a certificate of general liability insurance in the amount of \$500,000.00 or greater as deemed by the City Risk Manager. The insurance must name the City of New Port Richey as an additional insured.

I understand incomplete applications or any outstanding financial obligations with any department within the City of New Port Richey may result in a denial of my request.

Signature of Applicant or Authorized Representative: \_\_\_\_\_

Date: 03.10.2017

Subscribed and sworn to before me this 10<sup>th</sup> day of March, 2017

Who is personally known to me and/or produced Known Client as identification.

STATE OF FLORIDA, COUNTY OF PASCO

Notary Public: Rachel Mancuso



My Commission expires: May 15, 2018

## HOLD HARMLESS AGREEMENT

I Greater New Port Richey Main Street, Inc. agree to protect the City of New Port Richey, Florida against all losses arising out of claims, in connection with the: 17<sup>TH</sup> ANNUAL COTEE RIVER SEAFEST.

Without limiting the generality of the foregoing, and all workmanship, actual or alleged infringement of any patent, trademark, copyright (or application for any thereof) or of any other violation of any applicable statute, ordinance, administrative order, rule or regulation, or decree of any court, shall be included in the indemnity hereunder. The \_\_\_\_\_ Further agrees to investigate, handle, respond to, provide defend any such claims, etc., at its sole expense and agrees to bear all other costs and expenses related thereto, even if it (claims etc.) is groundless, false or fraudulent.

In any case in which such indemnification would violate any applicable legal prohibition, the foregoing provisions concerning indemnification shall not be construed to indemnify the City for damage arising out of bodily injury to persons or damage to property caused by or resulting from the sole negligence of the City or its employees.

Certification:

I DAVID A. DORSEY do certify that I am TREASURER of GREATER NEW PORT RICHEY MAIN STREET, INC. and that I am authorized to issue this hold harmless agreement; and that this hold harmless agreement is defined as an insured contract under a commercial general liability insurance policy currently in effect for the entity/organization.

Signature of applicant: \_\_\_\_\_

Date: 03.10.2017

STATE OF FLORIDA, COUNTY OF PASCO

Notary Public Rachel Mancuso

My Commission Expires: 03.10.2017



## SITE PLAN CHECKLIST

The following items should be on your site plan if applicable.

- |   |                                  |     |
|---|----------------------------------|-----|
| • Food Vendors  | 12                               | (a) |
| • Additional vendors/sponsors                                 | 45                               | ?   |
| • Electrical locations  |                                  |     |
| • Event equipment   | 60ea. 10 x 10 tents              |     |
|   | 10 x 20 VIP TENT                 |     |
|   | 20ea. Cocktail Tables            |     |
|   | Misc Tables & Chairs             |     |
| • Portable restrooms  | 5                                |     |
| • Dumpsters   | 1 ea – 30 yd roll-off container  |     |
| • Street closures   | Grand Blvd from Bank to          |     |
|   | New Port Richey Main St building |     |
| • Parade route  | N/A                              |     |
| • Beer trucks   | 2                                |     |
| • Alcohol area  | Near Ampitheater & Arts & Crafts |     |
| • Fencing/barricades  | N/A                              |     |
| • Bounce houses   | YES                              |     |
| • Tents   | YES                              |     |
| • First Aid   | YES                              |     |
| • Command Center  | YES                              |     |
| • Carnival  | NO                               |     |
| • Any additional elements that will be on site for your event |                                  |     |



## TEMPORARY EVENT SANITATION APPLICATION

This form is to be completed and submitted to:  
Pasco County Health Department  
Environmental Health Services

5640 Main Street  
New Port Richey, Fl. 34652  
(727) 841-4425 ext. 5  
(727) 816-1956 FAX #

13941 15<sup>th</sup> Street  
Dade City, Fl. 33525  
(352) 521-1450 ext. 5  
(352) 523-6913 FAX#

- 
- |   |  |                             |
|---|--|-----------------------------|
| 1. Name of Event:                           | 18 <sup>th</sup> ANNUAL COTEE RIVER SEAFEST              |                             |
| 2. Sponsor/Applicant/Agent Name:            | Greater New Port Richey Main Street, Inc.                |                             |
| 3. Mailing Address (for the above):         | 6345 Grand Blvd, New Port Richey, FL. 34652              |                             |
| 4. Telephone (for the above):               | 727.842.8066   |                             |
| 5. Location of Event:                       | Sims Park, historic downtown New Port Richey<br>E-Mailed |                             |
| 6. Expected Number of attendance (per day): | 2,500 (flow)   |                             |
| 7. Duration of Event (days/dates/times):    | Thursday April, 20, 2017                                 | Friday April, 22, 2017      |
|   | Saturday April 23, 2017                                  | Sunday April 23, 2017       |
|   | Monday April 24, 2017                                    |                             |
| 8. Will Overnight Camping Be Allowed:       | <input checked="" type="checkbox"/> YES                  | <input type="checkbox"/> NO |
| 9. Toilet service provided by:              | Port-O-Potty<br>E-Mailed                                 |                             |
| 10. Dumpsters/Trash pick-up provided by:    | Progressive<br>E-mailed                                  |                             |
| 11. Hand Washing sinks provided by:         | Port-O-Potty<br>E-Mailed                                 |                             |
| 12. Will Food Service be provided:          | <input checked="" type="checkbox"/> Yes                  | <input type="checkbox"/> NO |

The above ( ) does ( ) does not comply with the minimum requirements of Chapter 64E-6.010 of the Florida Administrative Code.

**When this form is completed, fee paid and Pasco County Health Department has signed off, returns to:**

Pasco County Government Complex	OR	City Government Complex that the
Development Review Division		event is being held in

David A Dorsey - Treasurer (Electronic Signature)

Signature of Applicant/Agent/Sponsor

\_\_\_\_\_  
Pasco CHD Representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

FEE: \$25 / \$60.00

Date Paid: \_\_\_\_\_

Receipt # \_\_\_\_\_

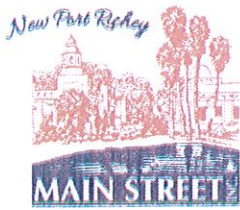
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**Florida Department of Health – Pasco County**

Environmental Health Services

5640 Main Street, New Port Richey, Florida 34652

PHONE: 727/841-4425 ext. 5 • FAX 727/816-1956



PRESENTS



SPONSORED BY AUTO ENTERPRISES

Dear Resident/Homeowner,

We are writing to remind you that we have a special event scheduled for Sims Park and Orange Lake on April 21<sup>st</sup>, 22<sup>nd</sup>, 23<sup>rd</sup> 2017. The 18<sup>th</sup> Annual "***Cotee River Seafest***"

This event will require some street closures on Grand Blvd. between Bank St. and alley by New Port Richey Main Street building.

Traffic for these days will be diverted east on Indiana Avenue and south on Adams St. We will also have a "soft barrier" at Grand and Massachusetts that will say "Local Traffic Only", so most of the southbound traffic on Grand will be diverted east on Massachusetts.

There may also be event attendees parking along the streets in your neighborhood; nothing different from any other special event.

We thank you for your patience in allowing us to put on events that show off our beautiful downtown and parks. We invite you to stop by for some great music, tasty seafood and many family activities!

Thank you again.

Cotee River Seafest  
Promotions Team

Greater New Port Richey Main Street, Inc.





PRESENTS: COTEE RIVER SEAFOOD AND BLUES FESTIVAL

SPONSORED BY: AUTO ENTERPRISE

ALL PRIVATE RESIDENCES AND BUSINESSES

6533 Circle Blvd	Community Congregational Church
6431 Circle Blvd -	WP Historical Society Museum

6501 Circle Blvd -

6503 Circle Blvd-

6505 Circle Blvd

6509 Circle Blvd

6515 Circle Blvd

6525 Circle Blvd

6334 Circle Blvd

6541 Circle Blvd

6543 Circle Blvd

6545 Circle Blvd

6549 Circle Blvd

6522 Washington St

6528 Washington St

6529 Washington St

6307 Grand Blvd

Karl Reef Restaurant

6332 Grand Blvd

Bissi & Associates -- Disability Advocates, LLC

6335 Grand Blvd

GulfCoast Networking

6337 Grand Blvd

Richard C. Williams Jr., PA Attorney at Law

6341 Grand Blvd

Law Offices of Samuel Williams

6324 Grand Blvd

Little Coronas Cigar Lounge

5641 Main St

Ottaway's Ice Cream Parlor

5644 Main St

Family Benefit Services

5647 Main St

Jouney church

5653 Main St

Law offices of Skipper & Skipper

5701 Main St

F.J. Velten & Sons, Inc

5703 Main St

Denmon & Denmon

5708 Main St

Estela's Mexican Restaurant

5723 Main St

Law Offices of Scott M McPherson

Banks St

Sugar Darlings

Porta-O-Potty, Inc.

5534 Wray Way  
Holiday, FL 34690-3026  
Ph # 727-869-8688  
Fax # 727-934-4687

Invoice

Date	Invoice #

Bill To
Greater New Port Richey Main Street 6345 Grand Blvd. New Port Richey, FL 34652

P.O. No.	Terms	Due Date	Project

Quantity	Description	Rate	Amount
	18TH ANNUAL COTEE RIVER SEAFEST		
5ea	Portable toilet rentals		
1ea	Handicap Rental Units		
4ea	Bravo Sink Units		
1ea	Gray Water Tank		
10ea	Clean Units		
1ea	Cleaning Units - HT		
Thank you for your business!		Total	



WASTE CONNECTIONS  
*Connect with the Future®*

GREATER NEW PORT RICHEY,

We at Waste Connections Are confirming the 30 yd container to be delivered Friday April 21<sup>st</sup>, 2017 and removed Monday April 24<sup>th</sup>, 2017 for The Cottee River Seafood Festival Event being held in Sims Park New Port Richey.

Sincerely,

*Nick Chieco*

NICK CHIECO

6800 Osteen Road, New Port Richey, FL . Office: 727-847-9100 . Fax: 727-841-8539



# Certificate of Flame Resistance



REGISTERED  
APPLICATION  
CONCERN NO.

GA-217

ISSUED BY

Tampa Tent & Rental Co., Inc.  
2102 W. Waters Ave.  
Tampa, Fla. 33604  
Ph. (813) 933-6555

Date treated or  
manufactured

April, 1984

This is to certify that the materials described on this certificate have been flame-retardant treated or are inherently nonflammable and were supplied to:

NAME: Jilly's

CITY: New Port Richey

AT 5313 Main St.  
STATE Florida 34652

Certification is hereby made that

The articles described on this Certificate have been treated with a flame-retardant approved chemical and that the application of said chemical was done in conformance with Federal Specification

Method of application

Trade name of flame-resistant fabric or material used BIG TOP 51"  
Chem. Reg. No. E-121.4  
INHERENTLY NON-FLAMMABLE

The Flame Retardant Process Used Will Not Be Removed By Washing  
and is good for the life of the fabric. Renewal Certification unnecessary.

Color and weight of fabric:

YELLOW, 13 ounce

Description of item certified:

1 20 x 30 tent

2443

JOHN BOYLE & CO., INC.

Name of Applicator or Production Superintendent

By

CALVIN C. OLIVER JR. MANAGER



## Consumer's Certificate of Exemption

Issued Pursuant to Chapter 212, Florida Statutes

DR-14  
R. 10/15

85-8015724557C-5	08/31/2016	08/31/2021	501(C)(3) ORGANIZATION
Certificate Number	Effective Date	Expiration Date	Exemption Category

This certifies that

GREATER NEW PORT RICHEY MAIN STREET INC  
6345 GRAND BLVD  
NEW PORT RICHEY FL 34652-2305

is exempt from the payment of Florida sales and use tax on real property rented, transient rental property rented, tangible personal property purchased or rented, or services purchased.



## Important Information for Exempt Organizations

DR-14  
R. 10/15

1. You must provide all vendors and suppliers with an exemption certificate before making tax-exempt purchases. See Rule 12A-1.038, Florida Administrative Code (F.A.C.).
2. Your *Consumer's Certificate of Exemption* is to be used solely by your organization for your organization's customary nonprofit activities.
3. Purchases made by an individual on behalf of the organization are taxable, even if the individual will be reimbursed by the organization.
4. This exemption applies only to purchases your organization makes. The sale or lease to others of tangible personal property, sleeping accommodations, or other real property is taxable. Your organization must register, and collect and remit sales and use tax on such taxable transactions. Note: Churches are exempt from this requirement except when they are the lessor of real property (Rule 12A-1.070, F.A.C.).
5. It is a criminal offense to fraudulently present this certificate to evade the payment of sales tax. Under no circumstances should this certificate be used for the personal benefit of any individual. Violators will be liable for payment of the sales tax plus a penalty of 200% of the tax, and may be subject to conviction of a third-degree felony. Any violation will require the revocation of this certificate.
6. If you have questions regarding your exemption certificate, please contact the Exemption Unit of Account Management at 800-352-3671. From the available options, select "Registration of Taxes," then "Registration Information," and finally "Exemption Certificates and Nonprofit Entities." The mailing address is PO Box 6480, Tallahassee, FL 32314-6480.





# NEW PORT RICHEY

5919 MAIN STREET • NEW PORT RICHEY, FL 34652 • 727.853.1016

---

**TO:** City of New Port Richey City Council  
**FROM:** Judy Meyers, City Clerk  
**DATE:** 4/4/2017  
**RE:** Appointment of Rex Phelps, Environmental Committee

**REQUEST:**

The request is for City Council to approve the appointment of Rex Phelps to the Environmental Committee.

**DISCUSSION:**

Mr. Phelps has submitted his application seeking appointment to the Environmental Committee for Council's consideration. If approved, Mr. Phelps' term will be for two years and will be up for renewal on April 4, 2019. Staff has verified that Mr. Phelps meets the requirements set forth in the City's Code to serve on this board.

**RECOMMENDATION:**

Staff recommends City Council approve the appointment of Rex Phelps to the Environmental Committee and accept the attached updated roster.

**BUDGET/FISCAL IMPACT:**

No funding is required for this item.

**ATTACHMENTS:**

Description	Type
❑ Application - Rex Phelps	Backup Material
❑ Updated Environmental Committee Roster	Backup Material

# Board and Committee Membership Application

City of New Port Richey  
5919 Main Street  
New Port Richey, FL 34652  
(727) 853-1016  
www.citynpr.org



## Applicant Information

Name

REX V. PHELPS

Street Address

5914 CENTRAL AVE

City, State, Zip

NEW PORT RICHEY

Home Phone

727-312-8118

Alternate Phone

727-437-6409

E-Mail Address

REXMAN2@GMAIL.COM

Driver's License Number  
(attach copy of DL)

## Eligibility Verification

To serve on a City Board or Committee you must either be a current resident of the city or own a business within the city limits. You must also be a registered voter. Please check all that apply.



I currently live within the city limits.



I own a business within the city limits

(attach copy of voter identification card)

Have you ever been convicted, pleaded guilty or no to contendere to any criminal offense? (A yes answer to the above question does not automatically preclude you from being considered. The circumstances, timeframe and relevant factors are considered on an individual basis.)



Yes



No

If yes, please explain (including date):

## Boards and Committees

Tell us in which Board or Committee you are interested in serving on:



Cultural Affairs Committee (meets on the third Monday of each month)



Environmental Committee (meets on the fourth Monday of each month)



Firefighters Pension Board (meets on a quarterly basis)

- ☐ Land Development Review Board (meets on the fourth Thursday of the month)
- ☐ Library Advisory Board (meets on the fourth Tuesday of the month)
- ☐ Parks and Recreation Advisory Board (meets on the second Tuesday of the month)
- ☐ Police Pension Board (meets on the fourth Tuesday of the month)

### Previous Volunteer Experience

Summarize your previous volunteer experience.

*Code Enforcement Board  
City of North Kingston Beach, FLA*

### Special Skills or Qualifications

Summarize special skills and qualifications you have acquired from employment, previous volunteer work, or through other activities, including hobbies or sports.

*Educator (15 yrs)*

### Personal References

Please provide three (3) references other than relatives. List name, phone number and relationship to you.

Name (printed)	Phone Number	Relationship
<i>Lik Morton</i>	<i>352-610-2352</i>	<i>FRIEND</i>
<i>Neal Barga</i>	<i>727-271-3371</i>	<i>FRIEND</i>
<i>Clay Thearret</i>	<i>651-315-4540</i>	<i>FRIEND</i>

### Agreement and Signature

By submitting this application, I affirm that the facts set forth in it are true and complete. I understand that if I am accepted as a Board or Committee member, any false statements, omissions, or other misrepresentations made by me on this application may result in my immediate dismissal.

Name (printed)

Signature

Date

*[Signature]*  
*Rex V Phelps*  
*2/1/17*



**Selection Process**

Once your application has been reviewed and your eligibility to serve has been verified, you will be contacted by the City Clerk to appear at an upcoming City Council meeting so that Council may address any questions they may have regarding your application.

**Our Policy**

It is the policy of this organization to provide equal opportunities without regard to race, color, religion, national origin, gender, sexual preference, age, or disability.

Thank you for completing this application form and for your interest in volunteering with us. Please return the completed form back to Judy Meyers, City Clerk, City of New Port Richey, 5919 Main Street, New Port Richey, Florida, 34652. You may also send it via e-mail to [meversj@cityofnewportrichey.org](mailto:meversj@cityofnewportrichey.org). If you have any questions or need any further information please contact the City Clerk's Office at (727) 853-1021.

---

**FOR INTERNAL USE ONLY:**

Date Application Received:

3/15/17

Type of Application:

New Member

Renewal



## CITY OF NEW PORT RICHEY BOARDS/COMMITTEES

### Environmental Committee

Seven (7) regular and two (2) alternate members; the two (2) alternates will serve as a member in the absence of a regularly appointed member. All members of the environmental committee shall be resident electors of the City of New Port Richey. A quorum shall consist of four (4) members. New members shall be appointed to terms of two (2) years each.

1. **Dell deChant (Chair)** Through January 8, 2019  
6119 Illinois Avenue  
New Port Richey, FL 34653  
727-849-1626  
[ddechant@tampabay.rr.com](mailto:ddechant@tampabay.rr.com)
2. **Rose Mohr (Vice-Chair)** Through December 3, 2017  
6442 Adams Street  
New Port Richey, FL 34652  
727-808-2440  
[rosemohr6442@gmail.com](mailto:rosemohr6442@gmail.com)
3. **Jonathan Tietz (Secretary)** Through September 17, 2017  
6325 Montana Ave.  
New Port Richey, FL 34653  
727-845-1811  
[jrtietz@gmail.com](mailto:jrtietz@gmail.com)
4. **Kira Atkinson** Through December 3, 2017  
5820 Delaware Avenue  
New Port Richey, FL 34652  
(727) 992-1352  
[kiraatkinson@gmail.com](mailto:kiraatkinson@gmail.com)
5. **Barbara Sullo** Through February 21, 2019  
6410 River Road  
New Port Richey, FL 34652  
727-848-1994  
[bsullo@aol.com](mailto:bsullo@aol.com)
6. **Rex Phelps** Through April 4, 2019  
5914 Central Avenue  
New Port Richey, FL 34652  
727-312-8118  
[Rexmax2@gmail.com](mailto:Rexmax2@gmail.com)
7. **Cindy Cadle** Through January 21, 2018  
6820 River Road  
New Port Richey, FL 34652  
(h) 727-849-6272  
(c) 727-809-1017

[cecccesfarm56@yahoo.com](mailto:cecccesfarm56@yahoo.com)

mailing address:

P.O. Box 2101

New Port Richey, FL 34656

### Alternates

1. **Open**

2. **Open**

### Volunteers

**Gina DiGregorio**

7430 Isle Drive

Port Richey, FL 34668

(h) 727-858-5934

[ginadigregorio@yahoo.com](mailto:ginadigregorio@yahoo.com)

**Penelope Anderson**

5914 Central Avenue

New Port Richey, FL 34652

727-437-6409

[Rexmax2@gmail.com](mailto:Rexmax2@gmail.com)

**Staff Liaison: Barret Doe**

### 3.13.00 Environmental committee

#### 3.13.01 Recreated.

The city council hereby recreates the environmental committee. The purpose of the environmental committee is to offer advisory opinions and recommendations to the city council on environmental issues facing the city. (Ord. No. 1359, § 2, 6-20-95; Ord. No. 1459, § 1, 7-7-98)

#### 3.13.02 Duties and responsibilities.

The duties and functions of the environmental committee are as follows:

- (1) The environmental committee shall serve as the planning committee for any of the city's major environmental events, such as the Earth Day event and the Arbor Day Celebration.
- (2) The committee shall explore new environmental initiatives for consideration and funding by the city council.
- (3) The environmental committee shall serve as an advisor to the city council and may render special reports to the city council as the members may deem advisable.
- (4) The environmental committee shall advise the city council on the planting of trees in public places and, in general, provide advice to the city council on the promulgation of the city's urban forestry program. The environmental committee shall fulfill all of the duties of an arbor board, including the filing of such reports and the planning of any programs recommended and required by the National Arbor Day Foundation's National Tree City USA program.
- (5) The environmental committee shall advise the city council on the creation and sponsorship of recycling programs and activities in the city and shall also offer recommendations to the city council on the financial support of recycling programs and events.
- (6) The environmental committee shall review all requests made to the city council regarding the level of financial support for such activities. In addition, the committee may offer recommendations to the city council for the initiation and promotion of new recycling activities to be sponsored, either in full or in part, by the city.

(Ord. No. 1359, § 3, 6-20-95; Ord. No. 1459, § 1, 7-7-98)

#### 3.13.03 Membership.

1. There shall be seven (7) regular and two (2) alternate members comprising the environmental committee. The two (2) alternates will serve as a member in the absence of a regularly appointed member. All members of the environmental committee shall be resident electors of the City of New Port Richey. A quorum shall consist of four (4) members.
2. The initial appointment of members to serve on the environmental committee will be completed so that four (4) members of the environmental committee shall serve an initial term of two (2) years and three (3) members shall serve an initial term of one (1) year. At the conclusion of those terms, new members shall be appointed to terms of two (2) years each.
3. The city council shall select the committee members by a majority vote. The city council by a majority vote may remove any member with or without cause. Vacancies shall be filled from the alternate positions, if available. A committee member who misses two (2) consecutive meetings shall be deemed to have resigned unless the absence is excused by the chairman prior to the meeting. The chairman of the committee shall notify the city clerk of the member's resignation.

(Ord. No. 1359, § 4, 6-20-95; Ord. No. 1459, § 1, 7-7-98)

#### 3.13.04 Officers.

The voting members of the environmental committee shall elect one (1) of their members to serve as chairman one (1) of their members to serve as vice-chairman, and one (1) of their members to serve as secretary. The secretary shall record minutes for each meeting of the committee. The secretary shall keep the original copy of the minutes and furnish a copy of the minutes to the city clerk. The chairman shall submit an annual report to the city council.

(Ord. No. 1359, § 5, 6-20-95; Ord. No. 1459, § 1, 7-7-98)

#### 3.13.05 Voting authority.

All members and alternates, as well as the public, shall have a voice pertaining to the business brought before the environmental committee. Only members are entitled to vote on all proceedings. Alternates may not vote

unless taking the place of an absent member. Members of the committee shall not vote if they have a conflict of interest pursuant to Florida Statutes.

(Ord. No. 1359, § 6, 6-20-95; Ord. No. 1459, § 1, 7-7-98)

#### 3.13.06 Meeting schedule.

The environmental committee shall meet once every ninety (90) days unless it determines to meet more frequently. Meetings shall be open to the public, pursuant to F.S. section 286.011. The time, date, place, and agenda of the meeting shall be posted by the city clerk in City Hall one (1) week prior to the meetings unless an emergency exists. All meetings shall be conducted in accordance with Robert's Rules of Order.

(Ord. No. 1268, § 3, 11-19-91; Ord. No. 1359, § 7, 6-20-95; Ord. No. 1459, § 1, 7-7-98)

#### 3.13.07 Compensation.

The members of the committee shall serve without compensation but may receive reimbursement for travel expenditures in accordance with the Florida Statutes.

(Ord. No. 1359, § 8, 6-20-95; Ord. No. 1459, § 1, 7-7-98)



# NEW PORT RICHEY

5919 MAIN STREET • NEW PORT RICHEY, FL 34652 • 727.853.1016

**TO:** City of New Port Richey City Council  
**FROM:** Judy Meyers, City Clerk  
**DATE:** 4/4/2017  
**RE:** Appointment of Cynthia Contreras, Cultural Affairs Committee

**REQUEST:**

The request is for City Council to approve the appointment of Cynthia Contreras to the Cultural Affairs Committee.

**DISCUSSION:**

Ms. Contreras has submitted her application seeking appointment to the Cultural Affairs Committee for Council's consideration. If approved, Ms. Contreras' term will be for two years and will be up for renewal on April 4, 2019. Staff has verified that Ms. Contreras meets the requirements set forth in the City's Code to serve on this board.

**RECOMMENDATION:**

Staff recommends City Council approve the appointment of Cynthia Contreras to the Cultural Affairs Committee and accept the attached updated roster.

**BUDGET/FISCAL IMPACT:**

No funding is required for this item.

**ATTACHMENTS:**

Description	Type
❑ Application - Cynthia Contreras	Backup Material
❑ Updated Cultural Affairs Committee Roster	Backup Material

# Board and Committee Membership Application

City of New Port Richey  
5919 Main Street  
New Port Richey, FL 34652  
(727) 853-1016  
www.citynpr.org



## Applicant Information

Name Cynthia Contreras  
Street Address 5836 Illinois Ave  
City, State, Zip N.P.R FL 34652  
Home Phone 727-992-4812  
Alternate Phone \_\_\_\_\_  
E-Mail Address misscontreras.PTA@gmail.com.  
Driver's License Number \_\_\_\_\_  
(attach copy of DL) \_\_\_\_\_

## Eligibility Verification

To serve on a City Board or Committee you must either be a current resident of the city or own a business within the city limits. You must also be a registered voter. Please check all that apply.

☒ I currently live within the city limits.

☐ I own a business within the city limits

☒ I am a registered voter in Florida

(attach copy of voter identification card)

Have you ever been convicted, pleaded guilty or no lo contendere to any criminal offense? (A yes answer to the above question does not automatically preclude you from being considered. The circumstances, timeframe and relevant factors are considered on an individual basis.)

☐ Yes ☒ No

If yes, please explain (including date):

## Boards and Committees

Tell us in which Board or Committee you are interested in serving on:

☒ Cultural Affairs Committee (meets on the third Monday of each month)

☐ Environmental Committee (meets on the fourth Monday of each month)

☐ Firefighters Pension Board (meets on a quarterly basis)

- \_\_\_ Land Development Review Board (meets on the fourth Thursday of the month)
- \_\_\_ Library Advisory Board (meets on the fourth Tuesday of the month)
- \_\_\_ Parks and Recreation Advisory Board (meets on the second Tuesday of the month)
- \_\_\_ Police Pension Board (meets on the fourth Tuesday of the month)

### Previous Volunteer Experience

Summarize your previous volunteer experience.

Sworn in as guardian ad litem in Pasco years ago. but was unable to participate due to working full time. Have been attending cultural affairs meetings.

### Special Skills or Qualifications

Summarize special skills and qualifications you have acquired from employment, previous volunteer work, or through other activities, including hobbies or sports.

Customer service - old & young.  
summer  
Camp counselor at N.P.R rec center.

### Personal References

Please provide three (3) references other than relatives. List name, phone number and relationship to you.

Name (printed)	Phone Number	Relationship
Gina Digregorio	858-5934	friend.
Kari Young	808-7889	friend
XIOMARA LUCIANO	967-2851	friend.

### Agreement and Signature

By submitting this application, I affirm that the facts set forth in it are true and complete. I understand that if I am accepted as a Board or Committee member, any false statements, omissions, or other misrepresentations made by me on this application may result in my immediate dismissal.

Name (printed) Cynthia Contreras  
Signature [Signature]  
Date 01-23-17



### Selection Process

Once your application has been reviewed and your eligibility to serve has been verified, you will be contacted by the City Clerk to appear at an upcoming City Council meeting so that Council may address any questions they may have regarding your application.

### Our Policy

It is the policy of this organization to provide equal opportunities without regard to race, color, religion, national origin, gender, sexual preference, age, or disability.

Thank you for completing this application form and for your interest in volunteering with us. Please return the completed form back to Judy Meyers, City Clerk, City of New Port Richey, 5919 Main Street, New Port Richey, Florida, 34652. You may also send it via e-mail to [meyersi@cityofnewportrichey.org](mailto:meyersi@cityofnewportrichey.org). If you have any questions or need any further information please contact the City Clerk's Office at (727) 853-1021.

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#### FOR INTERNAL USE ONLY:

Date Application Received:

1/23/17

Type of Application: New Member

Renewal



## CITY OF NEW PORT RICHEY BOARDS/COMMITTEES

### Cultural Affairs Committee

7 regular members and 2 alternate members; at least 5 members are residents and registered voters. The 2 remaining members must be registered voters and must either own/operate a city business or be employed in the city. Two-year term.

1. **Ms. Rachel Marie Hagenbaugh (Chair)** **Through 08.18.17**  
6026 Tennessee Avenue  
New Port Richey, FL 34653  
(c) 727-455-1659  
[SafeSexySkin@gmail.com](mailto:SafeSexySkin@gmail.com)
2. **Ms. Gina Marie DiGregorio** **Through 04.04.19**  
7430 Isle Drive  
Port Richey, FL 34668  
(h) 727-858-5934  
[ginadigregorio@yahoo.com](mailto:ginadigregorio@yahoo.com)
3. **Ms. Kelly Smallwood** **Through 06.07.18**  
7124 Meighan Court  
New Port Richey, FL 34652  
(c) 727-267-5189  
[smallwood.kelly@gmail.com](mailto:smallwood.kelly@gmail.com)
4. **Ms. Cynthia Contreras** **Through 04.04.19**  
5836 Illinois Avenue  
New Port Richey, FL 34652  
(c) (727) 992-4812  
[misscontreras.pta@gmail.com](mailto:misscontreras.pta@gmail.com)
5. **Open**
6. **Open**
7. **Open**

#### Alternates (2):

1. **Open**
2. **Open**

**Staff Liaison: Judy Meyers**

City code: \_\_\_\_\_

### **DIVISION 3. CULTURAL AFFAIRS COMMITTEE**

#### **Sec. 2-68. Created.**

The city council hereby creates the cultural affairs committee.

The purpose of the cultural affairs committee is

- to make recommendations and to advise the city council on the financial sponsorship and creation of cultural activities for the education and recreation of the citizens.

#### **Sec. 2-69. Duties and responsibilities.**

The cultural affairs committee shall

1. review all requests made to the city for co-sponsorship of cultural events and shall
2. offer a recommendation to the city council regarding the level of financial support for such events. In addition, the cultural affairs committee may
3. offer recommendations to the city council for the initiation and promotion of new events to be sponsored either in full or in part by the city.

#### **Sec. 2-70. Membership.**

(a) There shall be seven (7) regular members and two (2) alternate members composing the cultural affairs committee. The alternate will serve as a member in the absence of a regular appointed member. At least five (5) members of the cultural affairs committee shall be resident electors of the city. The two (2) remaining members need not be residents of the city, but must be resident electors of the state and must either own or operate a business or be employed in the city. A quorum shall consist of four (4) members.

(b) The appointment of members to serve on the cultural affairs committee will be for two (2) years. The city council shall select the board members by a majority vote. The city council, by a majority vote, may remove any member with or without cause. If available, vacancies shall be filled from the alternate positions.

(c) A board member who misses two (2) consecutive meetings shall be deemed to have resigned unless the absence has been excused by the chairman prior to the meeting. The chairman of the committee shall notify the city clerk of the member's resignation.  
(Ord. No. 1463, § 1, 8-4-98; Ord. No. 1533, § 1, 8-15-2000)

#### **Sec. 2-71. Officers.**

The voting members of the cultural affairs committee shall elect one of their members to serve as chairman, one of their members to serve as vice-chairman, and one of their members to serve as secretary. The chairman shall submit an annual report to the city council. The city manager shall provide clerical and administrative staff assistance as may be reasonably required by the cultural affairs committee for the proper performance of its duties.

(Ord. No. 1463, § 1, 8-4-98)

#### **Sec. 2-72. Voting authority.**

All members and alternates, as well as the public, shall have a voice pertaining to the business brought before the cultural affairs committee. Only members are entitled to vote on all proceedings. Alternates may not vote unless taking the place of an absent member.

Members of the board shall not vote if they have a conflict of interest pursuant to Florida Statutes.

(Ord. No. 1463, § 1, 8-4-98)

**Sec. 2-73. Meeting schedule.**

The cultural affairs committee shall meet once every ninety (90) days, unless it determines to meet more frequently. All meetings of the cultural affairs committee shall be open to the public in conformance with F.S. § 286.011, otherwise known as the Government in the Sunshine Law. All meetings shall be conducted in accordance with Robert's Rules of Order. The date, time, place and the agenda of the meeting shall be posted by the city clerk in city hall one (1) week prior to the meetings unless an emergency exists.

(Ord. No. 1463, § 1, 8-4-98)

**Sec. 2-74. Funding.**

The city council shall include a line item allocation in its annual budget to provide for cultural activities or similar purposes. All expenditures made from this appropriation shall be used for cultural events reviewed and approved by the city council.

(Ord. No. 1463, § 1, 8-4-98)

**Sec. 2-75. Compensation.**

The members of the board shall serve without compensation but may receive reimbursement for travel expenditures in accordance with Florida Statutes.

(Ord. No. 1463, § 1, 8-4-98)



# NEW PORT RICHEY

5919 MAIN STREET • NEW PORT RICHEY, FL 34652 • 727.853.1016

**TO:** City of New Port Richey City Council  
**FROM:** Judy Meyers, City Clerk  
**DATE:** 4/4/2017  
**RE:** Re-Appointment of Gina DiGregorio, Cultural Affairs Committee

**REQUEST:**

The request is for City Council to approve the re-appointment of Gina DiGregorio to the Cultural Affairs Committee.

**DISCUSSION:**

Gina DiGregorio has been a valued member of the Cultural Affairs Committee since 2012. Ms. DiGregorio's current term expired on November 18, 2016. Ms. DiGregorio has submitted her application seeking re-appointment to the Cultural Affairs Committee for Council's consideration. If approved, Ms. DiGregorio's term will be for two years and will be up for renewal on April 4, 2019. Staff has verified that Ms. DiGregorio meets the requirements set forth in the City's Code to serve on this board.

**RECOMMENDATION:**

Staff recommends City Council approve the re-appointment of Gina DiGregorio to the Cultural Affairs Committee and accept the attached updated roster.

**BUDGET/FISCAL IMPACT:**

No funding is required for this item.

**ATTACHMENTS:**

Description	Type
❑ Application - Gina DiGregorio	Backup Material
❑ Updated Cultural Affairs Committee Roster	Backup Material

# Board and Committee Membership Application

City of New Port Richey  
5919 Main Street  
New Port Richey, FL 34652  
(727) 853-1016  
www.citynpr.org



## Applicant Information

Name Gina DiGregorio  
Street Address 7430 Isle Dr  
City, State, Zip Port Richey, FL 34668  
Home Phone (727) 858-5934  
Alternate Phone \_\_\_\_\_  
E-Mail Address ginadigregorio@yahoo.com  
Driver's License Number \_\_\_\_\_  
(attach copy of DL) \_\_\_\_\_

## Eligibility Verification

To serve on a City Board or Committee you must either be a current resident of the city or own a business within the city limits. You must also be a registered voter. Please check all that apply.

☐ I currently live within the city limits. ☒ work at a  
☒ I am a registered voter in Florida ☐ ~~own a~~ business within the city limits  
(attach copy of voter identification card)

Have you ever been convicted, pleaded guilty or no lo contendere to any criminal offense? (A yes answer to the above question does not automatically preclude you from being considered. The circumstances, timeframe and relevant factors are considered on an individual basis.)

☐ Yes ☒ No

If yes, please explain (including date):

## Boards and Committees

Tell us in which Board or Committee you are interested in serving on:

- ☒ Cultural Affairs Committee (meets on the third Monday of each month)  
☐ Environmental Committee (meets on the fourth Monday of each month)  
☐ Firefighters Pension Board (meets on a quarterly basis)

- ☐ Land Development Review Board (meets on the fourth Thursday of the month)
- ☐ Library Advisory Board (meets on the fourth Tuesday of the month)
- ☐ Parks and Recreation Advisory Board (meets on the second Tuesday of the month)
- ☐ Police Pension Board (meets on the fourth Tuesday of the month)

### Previous Volunteer Experience

Summarize your previous volunteer experience.

CAC 2017 to present  
Friends of the Hacienda

### Special Skills or Qualifications

Summarize special skills and qualifications you have acquired from employment, previous volunteer work, or through other activities, including hobbies or sports.

I would like to help NPR thrive culturally. Guided tours through the Hacienda to promote historical significance


### Personal References

Please provide three (3) references other than relatives. List name, phone number and relationship to you.

Name (printed)	Phone Number	Relationship
Kira Atkinson	(727) 992-1382	friend
Kacey Atkinson	(727) 809-2306	friend
Cynthia Contreras	(727) 992-4812	friend

### Agreement and Signature

By submitting this application, I affirm that the facts set forth in it are true and complete. I understand that if I am accepted as a Board or Committee member, any false statements, omissions, or other misrepresentations made by me on this application may result in my immediate dismissal.

Name (printed) Gina DiGregorio  
 Signature   
 Date 1/23/2017

### Selection Process

Once your application has been reviewed and your eligibility to serve has been verified, you will be contacted by the City Clerk to appear at an upcoming City Council meeting so that Council may address any questions they may have regarding your application.

### Our Policy

It is the policy of this organization to provide equal opportunities without regard to race, color, religion, national origin, gender, sexual preference, age, or disability.

Thank you for completing this application form and for your interest in volunteering with us. Please return the completed form back to Judy Meyers, City Clerk, City of New Port Richey, 5919 Main Street, New Port Richey, Florida, 34652. You may also send it via e-mail to [meyersj@cityofnewportriches.org](mailto:meyersj@cityofnewportriches.org). If you have any questions or need any further information please contact the City Clerk's Office at (727) 853-1021.

---

#### FOR INTERNAL USE ONLY:

Date Application Received:

1/23/17

Type of Application: New Member

Renewal





## CITY OF NEW PORT RICHEY BOARDS/COMMITTEES

### Cultural Affairs Committee

7 regular members and 2 alternate members; at least 5 members are residents and registered voters. The 2 remaining members must be registered voters and must either own/operate a city business or be employed in the city. Two-year term.

1. **Ms. Rachel Marie Hagenbaugh (Chair)** Through 08.18.17  
6026 Tennessee Avenue  
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[SafeSexySkin@gmail.com](mailto:SafeSexySkin@gmail.com)
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3. **Ms. Kelly Smallwood** Through 06.07.18  
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[misscontreras.pta@gmail.com](mailto:misscontreras.pta@gmail.com)
5. **Open**
6. **Open**
7. **Open**

#### Alternates (2):

1. **Open**
2. **Open**

Staff Liaison: Judy Meyers

City code: \_\_\_\_\_

### **DIVISION 3. CULTURAL AFFAIRS COMMITTEE**

#### **Sec. 2-68. Created.**

The city council hereby creates the cultural affairs committee.

The purpose of the cultural affairs committee is

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The cultural affairs committee shall

1. review all requests made to the city for co-sponsorship of cultural events and shall
2. offer a recommendation to the city council regarding the level of financial support for such events. In addition, the cultural affairs committee may
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(a) There shall be seven (7) regular members and two (2) alternate members composing the cultural affairs committee. The alternate will serve as a member in the absence of a regular appointed member. At least five (5) members of the cultural affairs committee shall be resident electors of the city. The two (2) remaining members need not be residents of the city, but must be resident electors of the state and must either own or operate a business or be employed in the city. A quorum shall consist of four (4) members.

(b) The appointment of members to serve on the cultural affairs committee will be for two (2) years. The city council shall select the board members by a majority vote. The city council, by a majority vote, may remove any member with or without cause. If available, vacancies shall be filled from the alternate positions.

(c) A board member who misses two (2) consecutive meetings shall be deemed to have resigned unless the absence has been excused by the chairman prior to the meeting. The chairman of the committee shall notify the city clerk of the member's resignation.  
(Ord. No. 1463, § 1, 8-4-98; Ord. No. 1533, § 1, 8-15-2000)

#### **Sec. 2-71. Officers.**

The voting members of the cultural affairs committee shall elect one of their members to serve as chairman, one of their members to serve as vice-chairman, and one of their members to serve as secretary. The chairman shall submit an annual report to the city council. The city manager shall provide clerical and administrative staff assistance as may be reasonably required by the cultural affairs committee for the proper performance of its duties.

(Ord. No. 1463, § 1, 8-4-98)

#### **Sec. 2-72. Voting authority.**

All members and alternates, as well as the public, shall have a voice pertaining to the business brought before the cultural affairs committee. Only members are entitled to vote on all proceedings. Alternates may not vote unless taking the place of an absent member.

Members of the board shall not vote if they have a conflict of interest pursuant to Florida Statutes.

(Ord. No. 1463, § 1, 8-4-98)

**Sec. 2-73. Meeting schedule.**

The cultural affairs committee shall meet once every ninety (90) days, unless it determines to meet more frequently. All meetings of the cultural affairs committee shall be open to the public in conformance with F.S. § 286.011, otherwise known as the Government in the Sunshine Law. All meetings shall be conducted in accordance with Robert's Rules of Order. The date, time, place and the agenda of the meeting shall be posted by the city clerk in city hall one (1) week prior to the meetings unless an emergency exists.

(Ord. No. 1463, § 1, 8-4-98)

**Sec. 2-74. Funding.**

The city council shall include a line item allocation in its annual budget to provide for cultural activities or similar purposes. All expenditures made from this appropriation shall be used for cultural events reviewed and approved by the city council.

(Ord. No. 1463, § 1, 8-4-98)

**Sec. 2-75. Compensation.**

The members of the board shall serve without compensation but may receive reimbursement for travel expenditures in accordance with Florida Statutes.

(Ord. No. 1463, § 1, 8-4-98)



# NEW PORT RICHEY

5919 MAIN STREET • NEW PORT RICHEY, FL 34652 • 727.853.1016

**TO:** City of New Port Richey City Council  
**FROM:** Debbie L. Manns, City Manager  
**DATE:** 4/4/2017  
**RE:** City Manager Performance Evaluation

**REQUEST:**

The request is for City Council to conduct the annual evaluation of my performance as City Manager.

**DISCUSSION:**

In your March 17, 2017 City Manager's report, I forwarded to you a copy of an evaluation form for you to complete on my performance as City Manager over the last year pursuant to the terms of my employment agreement.

The performance evaluation, in addition to serving as a tool to help me serve you better, is also the basis of any wage adjustment that you may contemplate and determine to be appropriate.

**RECOMMENDATION:**

The City Manager recommends that City Council conduct the performance evaluation as submitted.

**BUDGET/FISCAL IMPACT:**

No funding is required for this item at this time.

**ATTACHMENTS:**

Description	Type
City Manager Performance Evaluation	Backup Material

# City of New Port Richey Performance Appraisal for City Manager

5919 Main Street  
New Port Richey, FL 34652  
(727) 853-1021



## Employee Information

Name: \_\_\_\_\_  
Job Title: \_\_\_\_\_  
Date of Appraisal: \_\_\_\_\_  
Type of Appraisal: ☐ Annual ☐ Probationary ☐ Special ☐ Other

## Performance Factors

### I. Administration

- a. Execution of programs, plans, issues and policies
- b. Development and management of budget finances
- c. Delegation/assignment of responsibilities
- d. Attendance at meetings
- e. Supervision of employees
- f. Monitoring of department operations
- g. Reporting

Outstanding	Superior	Good	Needs Improvement	Unsatisfactory
<input type="checkbox"/> 5	<input type="checkbox"/> 4	<input type="checkbox"/> 3	<input type="checkbox"/> 2	<input type="checkbox"/> 1

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### II. Leadership

- a. Development and facilitation of others
- b. Responds well to unexpected situations
- c. Serves as an effective sample
- d. Inspires others to put forward their best efforts
- e. Maintains high standards
- f. Is able to gain understanding, support and mobilize action
- g. Projects a strong sense of self confidence
- h. Recognition of future needs, problems and opportunities
- i. Conducts effective meetings

Updated: 4/9/2015

j. Creates and promotes a collaborative team atmosphere

k. Consistently operates from a position of high moral, ethical and professional conduct

Outstanding	Superior	Good	Needs Improvement	Unsatisfactory
<input type="checkbox"/> 5	<input type="checkbox"/> 4	<input type="checkbox"/> 3	<input type="checkbox"/> 2	<input type="checkbox"/> 1

Comments:

### III. Initiative/Commitment

a. Dedication

b. Service above and beyond call

c. Time commitment

d. Conscientiousness

e. Sincere interest/devotion to job

f. Inventiveness and imagination

g. Willingness to pursue challenges

h. Motivation

Outstanding	Superior	Good	Needs Improvement	Unsatisfactory
<input type="checkbox"/> 5	<input type="checkbox"/> 4	<input type="checkbox"/> 3	<input type="checkbox"/> 2	<input type="checkbox"/> 1

Comments:

### IV. Problem Solving/Judgment

a. Application of common sense, logic and decision-making principles

b. Ability to anticipate problems before they occur

c. Assembly of data

d. Ability to define problems and identify alternatives

e. Implements appropriate and prudent responses to problems

f. Makes decisions based on a mixture of analysis, wisdom, experience and judgment

g. Application of abstract concepts

h. Creativity

i. Accepts responsibility to make decisions on his/her own

Outstanding	Superior	Good	Needs Improvement	Unsatisfactory
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<input type="checkbox"/> 5	<input type="checkbox"/> 4	<input type="checkbox"/> 3	<input type="checkbox"/> 2	<input type="checkbox"/> 1
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Comments:

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#### V. Planning/Organization

- a. Meets deadlines
- b. Development of strategies for implementation
- c. Looks ahead
- d. Establishes goals for productivity
- e. Utilization of resources
- f. Attention given to detail and the process

Outstanding	Superior	Good	Needs Improvement	Unsatisfactory
<input type="checkbox"/> 5	<input type="checkbox"/> 4	<input type="checkbox"/> 3	<input type="checkbox"/> 2	<input type="checkbox"/> 1

Comments:

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#### VI. Responsiveness/Accountability

- a. Identification with goals and procedures of organization
- b. Implementation of directives
- c. Establishment of an appropriate sense of urgency
- d. Persistence in meeting challenges
- e. Obtains responsiveness from subordinates
- f. Backs up team by standing by them on challenging issues

Outstanding	Superior	Good	Needs Improvement	Unsatisfactory
<input type="checkbox"/> 5	<input type="checkbox"/> 4	<input type="checkbox"/> 3	<input type="checkbox"/> 2	<input type="checkbox"/> 1

Comments:

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### VII. Professional Presentation

- a. Conducts self in businesslike manner
- b. Appropriateness of dress
- c. Presentation of proper image
- d. Conveyance of friendliness, approachability
- e. Maintenance of positive demeanor

Outstanding	Superior	Good	Needs Improvement	Unsatisfactory
<input type="checkbox"/> 5	<input type="checkbox"/> 4	<input type="checkbox"/> 3	<input type="checkbox"/> 2	<input type="checkbox"/> 1

Comments:

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### VIII. Public Relations

- a. Ability to interact in positive fashion with public
- b. Community relations
- c. Involvement in civic affairs
- d. Attentiveness to needs/desires of public
- e. Visibility in community

Outstanding	Superior	Good	Needs Improvement	Unsatisfactory
<input type="checkbox"/> 5	<input type="checkbox"/> 4	<input type="checkbox"/> 3	<input type="checkbox"/> 2	<input type="checkbox"/> 1

Comments:

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### IX. Productivity

- a. Volume/quantity of work
- b. Attainment of goals
- c. Completion of assignments and projects
- d. Development of productive staff

Outstanding	Superior	Good	Needs Improvement	Unsatisfactory
<input type="checkbox"/> 5	<input type="checkbox"/> 4	<input type="checkbox"/> 3	<input type="checkbox"/> 2	<input type="checkbox"/> 1

Comments:

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Updated: 4/9/2015



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**X. Interpersonal Skills**

- a. Relationships with subordinates
- b. Gains understanding, respect of others
- c. Demonstration of consideration for others
- d. Interaction with others results in positive relationships
- e. Gives credit where credit is due
- f. Rewards efforts and achievements of staff

Outstanding	Superior	Good	Needs Improvement	Unsatisfactory
<input type="checkbox"/> 5	<input type="checkbox"/> 4	<input type="checkbox"/> 3	<input type="checkbox"/> 2	<input type="checkbox"/> 1

Comments:

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**XI. Professional Development**

- a. Pursuance of self improvement
- b. Sets high standards for self
- c. Attends seminars and conferences
- d. Participation in professional associations
- e. Review of literature and journals
- f. Maintains contact with others in the field

Outstanding	Superior	Good	Needs Improvement	Unsatisfactory
<input type="checkbox"/> 5	<input type="checkbox"/> 4	<input type="checkbox"/> 3	<input type="checkbox"/> 2	<input type="checkbox"/> 1

Comments:

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**XII. Communication**

- a. Preparation of thorough, accurate, clear reports

- b. Proper and timely Council agenda reports
- c. Effectiveness in presentations before groups and one-on-one
- d. Practices honest and open communication
- e. Ability to listen actively/understand
- f. Proficient in multiple communication techniques i.e. persuasion, negotiation & counseling
- g. Conveys proper level of information

Outstanding	Superior	Good	Needs Improvement	Unsatisfactory
<input type="checkbox"/> 5	<input type="checkbox"/> 4	<input type="checkbox"/> 3	<input type="checkbox"/> 2	<input type="checkbox"/> 1

Comments:

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Total Point Rating: \_\_\_\_\_ / 60