



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

December 20, 2016

7:00 PM

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, Councilman Jeff Starkey and Councilman Chopper Davis. Councilwoman Judy DeBella Thomas was excused.

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 December 6, 2016 Regular Meeting Minutes

Motion was made to approve the minutes as presented.

Motion made by Chopper Davis and seconded by Jeff Starkey. The Motion Passed. 4-0. Ayes: Davis, Marlowe, Phillips, Starkey Absent: DeBella Thomas

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

Mayor Marlowe opened the floor for public comment.

Don House came forward to speak about reclaimed water and the pipes along Marine Parkway. He was told that the pipes would be for city use only and not for the residents. He commented that the driveways are being replaced and the multi-use path is being constructed and wanted to know why the residents could not get the water. Mr. Rivera stated that he had been misinformed and would contact him tomorrow.

Kevin Vance Ray wanted to thank the mayor and council along with the police chief what a great job they have done. He stated he was proud to live in the city.

Angela Napolitano came forward to speak regarding Ordinance 2015-2038 regarding off-street parking. She stated she received a copy of the ordinance and minutes from the meeting at which the ordinance was approved. She stated last summer when we had the rain event the governor came and declared Pasco County a disaster area. She stated her roof collapsed and she contacted the local news and Senator Simpson's office. She stated the ordinance was signed on November 15, 2015 with a 180 day implementation time period. She wanted to know why no home owners received any kind of letter in the mail that the ordinance was going into effect. She stated that she has lived in her house for 10 years. She stated she was taken to court and she's not even living in her house. She stated she is looking for guidance from the city. Mayor Marlowe asked Ms. Manns to contact her.

No one else came forward therefore Mayor Marlowe closed Vox Pop.

6 Consent Agenda

Motion was made to accept the Consent Agenda.

Motion made by Bill Phillips and seconded by Jeff Starkey. The Motion Passed. 4-0. Ayes: Davis, Marlowe, Phillips, Starkey Absent: DeBella Thomas

a Library Advisory Board Minutes - 2016 Meetings

b Purchases/Payments for City Council Approval

7 Public Reading of Ordinances

a First Reading, Ordinance 2017-2105: Authorizing Issuance of Water & Sewer Revenue Bond, Series 2017A

City Attorney Driscoll read the proposed ordinance by title only. Ms. Manns introduced the item to Council. She stated that the City is in negotiations to purchase three utilities since the beginning of the year. The purchase price is \$850,000 and the request was for bond revenue financing. Ms. Feast then made a presentation to Council. She stated that on November 15, 2016, Mr. Rivera introduced the purchase of the utilities to Council. The ordinance being presented tonight is for the financing of the purchase. Mr. Jerry Ford came forward to make a presentation to Council. He stated that financing is being provided by BB&T. The only tax risk for this transaction is if the city would lose its tax exempt status. The interest rate is 2.53%. There is no reserve fund needed. Once a year the city will have the opportunity to pay off the bonds if they choose to. He stated that there are other potential capital improvement projects which would not be able to be started if they city chose to use reserves to purchase the utilities instead of financing them. It was recommended to finance at this time due to the low interest rate. The debt service is estimated to be \$65,000 a year. Combined with the existing debt service that makes the total a little over \$800,000 a year. Deputy Mayor Phillips asked if when the bonds are callable, are they callable in total or just in percentage elements. Mr. Ford stated that it is callable in total but adjustments can be made. Ms. Nicole Nate came forward to speak in place of the city's bond counsel. She stated the maturity is October 1, 2031. She stated adjustments can be made in between first and second reading. This ordinance is a supplement to the 2012 ordinance. The resolution is to secure tax exempt in the future and serves as a placeholder for future financing. Deputy Mayor Phillips asked if the bonds were private fund element or would the public be able to share in it. Mr. Ford stated that because of the size of the purchase if made public the legal fees would be higher and would have to triple the cost for issuance. Councilman Davis stated he met with the City Manager today and wanted to know the fund balance for water and sewer fund. Ms. Feast stated it was estimated to be \$8.6 million as of September 30, 2016 with a \$4.8 million reserve and \$500,000 replacement fund. He asked about the future utility purchase and Mr. Rivera stated that the Orangewood Villas System is located near the Lakewood Villas System. Mr. Rivera stated that there are water and sewer customers that are included and a potential for extensive expansion and development. Councilman Davis would like more information before the second reading. Mr. Ford

stated the reimbursement resolution is no more than a hold harmless for the city. Should the city spend money on a project and issue bonds it allows for reimbursement. It gives flexibility for future purchases.

Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Deputy Mayor Phillips stated that he would have liked to have all the information at once and not in steps. Councilman Starkey agreed and suggested perhaps a work session in the future. Mayor Marlowe stated he was familiar with bond purchases and thought Deputy Mayor Phillips' comments were warranted. Motion was made to approve the ordinance upon its first reading.

Motion made by Bill Phillips and seconded by Jeff Starkey. The Motion Passed. 4-0. Ayes: Davis, Marlowe, Phillips, Starkey Absent: DeBella Thomas

- b Second Reading, Ordinance # 2017-2099, Land Use Plan Amendment & Ordinance # 2017-2100 Rezoning - 6705 Jackson Street

City Attorney Driscoll read the proposed ordinance 2017-2099 by title only. Ms. Manns stated that the applicant, Morton Plant North Bay Hospital, is looking to expand its current parking lot. Ms. Fierce stated that the LDRB recommended approval of the ordinances. Deputy Mayor Phillips stated that once the house is removed from the property there will be a slight decrease in the ad valorem taxes. He asked for a project update regarding the impact from the hospital after the first of the year. Councilman Starkey asked if the hospital has let the other property owners know when a property becomes available for purchase.

Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Motion was made to approve ordinance 2017-2099 upon its second and final reading.

City Attorney Driscoll then read the ordinance 2017-2100 by title only. Motion was made to approve the ordinance upon its second and final reading.

Motion made by Chopper Davis and seconded by Bill Phillips. The Motion Passed. 4-0. Ayes: Davis, Marlowe, Phillips, Starkey Absent: DeBella Thomas

8 Business Items

- a Resolution No. 2017-08: Reimbursement of Certain Expenditures Incurred in Connection with Acquisition of W&S Systems

City Attorney Driscoll read the proposed resolution by title only. Ms. Nate made a presentation to Council to clarify that this will allow future expenditures to be reimbursed but does not obligate the city to purchase the systems.

Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Deputy Mayor Phillips stated he had some questions regarding the section on intent and Ms. Nate said it was for reimbursable elements. He wanted to make sure that the resolution was not setting something for down the road. He stated each system will be dealt with independently and the city would not be under any obligation and Ms. Nate confirmed that yes the future decisions can be reimbursed and are under no obligation Motion was made to approve the resolution.

Motion made by Bill Phillips and seconded by Jeff Starkey. The Motion Passed. 4-0. Ayes: Davis, Marlowe, Phillips, Starkey Absent: DeBella Thomas

- b Professional Service Agreement - Professional Engineering Services 2017

City Manager Manns introduced the item to Council. She stated that the Ash Group has provided engineering services for the past year. This item would be to renew the agreement for an additional year.

Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Deputy Mayor Phillips stated that he would like to see this put out to bid at the end of the agreement term. He wanted to make sure the city does its due diligence moving forward Motion was made to approve the item as presented.

Motion made by Bill Phillips and seconded by Chopper Davis. The Motion Passed. 4-0. Ayes: Davis, Marlowe, Phillips, Starkey Absent: DeBella Thomas

c Request to Purchase Additional Display System Licenses

City Manager Manns introduced Chief Bogart who then made a presentation to Council. Chief Bogart stated that the purpose of this agenda item was purchase ten additional display system licenses. The reorganization of officers has resulted in more officers in need of access to the system. There are often more officers who need access than licenses available.

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 Chopper Davis and seconded by Bill Phillips. The Motion Passed. 4-0. Ayes: Davis, Marlowe, Phillips, Starkey Absent: DeBella Thomas

d Request to Purchase NetMotion Software and Licenses

City Manager Manns introduced Chief Bogart who then made a presentation to Council. He stated that the purpose of this agenda item was to correct a connectivity issue in the officers vehicles. The software licenses will allow for the encryption of confidential data while the officers are out in the field.

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 Bill Phillips and seconded by Chopper Davis. The Motion Passed. 4-0. Ayes: Davis, Marlowe, Phillips, Starkey Absent: DeBella Thomas

e Request for Authorization to Outfit Forensics Unit Cargo Van

City Manager Manns introduced Chief Bogart who then made a presentation to Council. He stated that the purpose of this agenda item was to purchase and install components for the forensic van. The purchases would be made with forfeiture funds.

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 Chopper Davis and seconded by Bill Phillips. The Motion Passed. 4-0. Ayes: Davis, Marlowe, Phillips, Starkey Absent: DeBella Thomas

f Board Re-Appointments: Carolyn Marlowe and Justin Billings, Parks and Recreation Advisory Board

City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to re-appoint Carolyn Marlowe and Justin Billings to the Parks and Recreation Advisory Board. Both have served on the board for many years. The new term would be for three years.

Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Mayor Marlowe asked the City Attorney if it would be appropriate to abstain from voting since the agenda item involved his wife. City Attorney Driscoll stated that since the members are not compensated there would be no voting conflict. Mayor Marlowe decided to abstain from voting anyways. City Attorney Driscoll then asked for an amended motion to call the votes separate. Councilman Davis so noted the amendment. The vote was called for Carolyn Marlowe's re-appointment. Motion passed 3-0 with Mayor Marlowe abstaining. The vote was then called for Justin

Billings' re-appointment. Motion passed 4-0.

Motion made by Chopper Davis and seconded by Bill Phillips. The Motion Passed. 3-0. Ayes: Davis, Phillips, Starkey Abstain: Marlowe Absent: DeBella Thomas

g Three Minute Report: Development Department

9 Communications

Councilman Davis stated he wanted to put two things together. The city has been working on the recreation project and the road improvement project. The same \$2.2 million that is set aside for the recreation center project can be put towards the road paving project instead. He stated the proposed Pavement Management Plan is a five year plan at \$1.7 million per year. He stated that he believes that the citizens are looking at the roads to be repaired instead of improving the recreation center. He stated that roads needs to be addressed. He stated he has been talking about this all over town.

Deputy Mayor Phillips stated that he wanted to address Councilman Davis' concerns and other concerns he had from the last meeting. He stated that the recreation project has been delayed for over a year. He stated that he recognizes that everyone has a role. The cost of improvements have increased because of the year delay. He stated that this budget year has been fair and equitable across the board. He stated that the contact for Kimley-Horn was selected from the bids received. He asked for the Mayor and the City Attorney to make sure that comments made in the future were on point. He thanked the City Attorney for the ethics session last week. He wanted to make sure to get his certificate for compliance. He thanked Mario and Elaine for their time with the Leadership Pasco lunch. The landscaping and the lighting along Marine Parkway looks good. He thanked the employees for all their hard work. He wished Merry Christmas, happy holidays and Happy New Year.

Councilman Starkey stated that the rumors that improvements to the recreation center will not allow for the roads to be fixed were unfortunate. He stated he will listen to all citizen opinions and concerns before he makes his decision. He stated that as we represent ourselves in our city there are residents that care about our city and those that do not. He stated that people can fall on hard times and have problems and the city should be able to work with them as problems are not just black and white. He thanked the police department for their holiday Christmas party. It was nice to sit in an informal situation and talk to the officers. He stated he knows a gentleman who bought a home that had a \$1,100 water bill. He stated the bill should not have been allowed to get that high. He stated it was disappointing that there are still liens out there. He stated that the revitalization of the city is in full swing.

Mayor Marlowe thanked Deputy Mayor Phillips for attending the Leadership Pasco luncheon. He stated that Dave Schrader, a long time volunteer, recently retired and thanked him for his service to the city. He stated the Triple Threat event in Sims Park last weekend was great. He stated that plans for a parking garage need to be moved forward especially with the development of the Residences at Orange Lake. He stated that it is irresponsible to think that it is binary between the recreation center project and the road improvement project. He stated we are trying to move the city forward with economic development. He stated that we need to invest in the city. He is looking forward to seeing what staff brings back as a presentation on the recreation center. He encouraged everyone to keep an open mind.

City Attorney Driscoll stated that Amendment 2 was recently adopted and provides that the health department oversee regulations within six months. He stated the city will be proposing a moratorium for one year which will be brought forward to Council in the near future. He asked for Council members to state on the record that they were in favor of the moratorium. Each of the members present stated yes.

10 Adjournment

There being no further business to consider, upon proper motion, the meeting adjourned at 8:42 pm.

(signed) _____
Judy Meyers, City Clerk

Approved: _____ (date)

Initialed: _____

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME MARLOWE, ROBERT C		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE CITY COUNCIL	
MAILING ADDRESS 5603 PALMETTO RD		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
CITY NEW PORT RICHEY	COUNTY PASCO	NAME OF POLITICAL SUBDIVISION: CITY OF NEW PORT RICHEY	
DATE ON WHICH VOTE OCCURRED 12/20/2016		MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTEE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, ROB MARLOWE, hereby disclose that on DEC 20, 2016:

(a) A measure came or will come before my agency which (check one or more)

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☒ inured to the special gain or loss of my relative, CAROLYN MARLOWE;
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

ABSTAINED FROM VOTING ON REAPPOINTMENT OF MY WIFE TO THE PARKS & REC ADVISORY BOARD (Item 8-F)

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

Date Filed

DEC 21, 2016

Signature

Rob Marlowe

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.