



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

April 4, 2017

7:00 PM

ORDER OF
BUSINESS

1. Call to Order – Roll Call

The meeting was called to order by Mayor Rob Marlowe at 7:08 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, 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 21, 2017 Regular Meeting Minutes

Motion was made to approve the minutes 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

5 Proclamation - Donate Life Month

Renee Durette from LifeLink Foundation accepted the parchment from Mayor Marlowe.

6 Proclamation - National Library Week

City Manager Manns accepted the parchment on behalf of the Library from Mayor Marlowe.

7 Proclamation - Alcohol Awareness Month

Cesar Rodriguez from Pasco ASAP accepted the parchment from Mayor Marlowe.

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

Mayor Marlowe opened the floor for public comment. Rachel Hagenbaugh came forward and stated that she lives in the current boil water notice area. She stated that she has tried to contact Public Works supervisors and was referred to the boil water notice contact information. Since the testing was done on Saturday she could not get a hold of anyone. She was told the water was not safe to drink or wash dishes with but safe to shower. She brought some water with her that she had boiled but still has an oily level on top. She stated that notices were handed out on Wednesday with the work being done on Saturday and that many of her neighbors did not see the notice. She did not feel that three days notice was sufficient. Mr. Rivera stated the notice should be lifted tomorrow morning. He stated the work was done on the weekend due to a school that was in the affected area. Mayor Marlowe asked Mr. Rivera to have someone go out and test the water first thing in the morning. City Manager Manns stated she could pass along all boil water notices to Council in the future. With no one else coming forward for public comment, Mayor Marlowe closed Vox Pop.

9 Consent Agenda

Deputy Mayor Phillips questioned the payment on the Consent Agenda to Morelli Landscaping. He stated that we are paying Morelli for the median work and some of the peanut does not look like it has taken. He wanted to make the public aware that we will address it as we have no control over the weather. He stated that there are adequate insurances in place. City Manager Manns stated that the contractor is aware of the issue and a plan is in place to address it. Mr. Rivera stated that there have been several upgrades included at no cost from the contractor. The areas will be filled in during phase two. FDOT has done a walk through and approved the work. Motion was made to accept the Consent Agenda.

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

a 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. Upon opening the floor to public comment, Wendy Brenner came forward to ask if the garbage haulers were notified directly. City Manager Manns stated that Progressive was notified. She asked if there was a penalty if she stops her garbage pickup if she is out of town and stated that there is no recourse for the city if there is someone who does not have service.

With no one else coming forward Mayor Marlowe returned the floor to Council. Deputy Mayor Phillips would like to see this revisited when the waste hauler renewals are up.

Councilman Starkey stated the provision for commercial pickup was good. He still was not sure how enforcement will go.

City Attorney Driscoll stated that the agreement does not have to be in writing. Also, the ordinance is enforceable on the vendors through citations. He stated all franchisees were contacted regarding the provisions of the ordinance and only one vendor replied that it may be an issue to get a list of customers. All other vendors stated there would be no problem.

Councilman Davis stated he did not want to change the ordinance by adding a third day. He stated that over the past year work has been done to try and cleanup properties. It is not blue bags anymore they

are actually trash cans. He would rather give notice to the company that they have a year to come into compliance with current ordinance.

Mayor Marlowe agreed with Councilman Davis that garbage cans out three days is a bit much. He stated he was in favor of the commercial pickup provisions.

Councilman Starkey asked City Attorney Driscoll if we were removing the Wednesday pickup provision and City Attorney Driscoll replied that could be done at second reading or tonight.

Deputy Mayor made an initial motion to approve the item but then amended his motion to approve with the deletion of the Wednesday pickup provision.

Motion was made to approve the ordinance upon its first reading with the Wednesday pickup provision to be removed before second and final 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 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, Bob Langford came forward and stated that on page 61 under subsection "f" it states that the vehicle could be destroyed or disposed and he was concerned that this removes the oversight of the police department. Chief Bogart stated that the ordinance is being amended to align with state statutes. He stated that currently a list of vehicles is prepared when vehicles are no longer wanted and then presented to Council. By allowing the City Manager to authorize the disposal of the vehicles it will save time and money with the process. He stated that the disposed vehicles are ones that no one wants to buy. With no one else coming forward Mayor Marlowe returned the floor to Council. Deputy Mayor stated to make sure the proper documentation is in place in case any questions are raised. Motion was made to approve the ordinance upon its second and final reading.

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

11 Business Items

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

City Attorney Driscoll read the resolution by title only. City Manager Manns introduced the item to Council. She stated that this resolution is being proposed as a result of the legislature's attempts to minimize local control and seize power over public rights of way. If passed, this legislation would establish wireless communications without any regulations. Staff is requesting that Council adopt resolution and forward copies to Governor Rick Scott, Speaker of the House Richard Corcoran, Senate President Joe Negron and the members of the Pasco County Legislative Delegation.

Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Deputy Mayor Phillips stated there has been many agenda items lately expressing our opposition. This legislative session has been extremely challenging. Councilman Davis stated he believes in home rule authority. Councilman Starkey stated that Tallahassee is trying to rob municipalities of as much power as they can this session. Mayor Marlowe stated that this is nothing more than a power grab. 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

b Resolution No. 2017-17: Opposition to SB330/HB487 Regarding Local Business Tax

City Attorney Driscoll read the resolution by title only. City Manager Manns introduced the item to Council. She stated that this resolution is a result of proposed legislation which would eliminate a significant source of revenue and those funds are used to support the city's general fund. It is important to have a diversified revenue base. Staff is requesting that Council adopt resolution and forward copies to Governor Rick Scott, Speaker of the House Richard Corcoran, Senate President Joe Negron and the members of the Pasco County Legislative Delegation.

Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Deputy Mayor Phillips stated that we regulate our business based on taxes and ad valorem and infrastructure. Councilman Davis asked if other cities are doing resolutions as well and City Manager Manns replied yes and also the Florida League of Cities is advocating on our behalf. Mayor Marlowe stated he has seen a lot of information being forwarded from the Florida League of Cities. Motion was made to approve the item as presented.

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

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

City Attorney Driscoll read the resolution by title only. City Manager Manns introduced the item to Council. She stated that the groups that are involved in the advocacy group are 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. She stated the purpose of forming an advocacy group is to work collectively and the advocacy group is asking for joint support of the initiatives listed in the TAG Regional Compact. She stated that this item was approved by the MAP group on February 2, 2017.

Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Deputy Mayor Phillips stated he is in support of the resolution and interested to see in the long term where the funding will come from and the structure. The concept is right for this time. Mayor Marlowe stated that this needs to be done. He was a representative on MPO and the transportation system in Tampa Bay is inadequate as where it should be for these days. He stated having groups across the bay come together will help. 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 Wastewater Treatment Plant Emergency Generator Purchase (WWTP) - Consideration for Approval

City Manager Manns introduced the item to Council. She stated that this agenda item is related to the purchase, in a not to exceed amount of \$72,704, for an emergency generator. Mr. Rivera added that this proposal contains the same pricing as the national contract. The WWTP runs on two generators. He stated that the rear generator is what needs to be replaced as it is 25 years old. He stated that with this purchase we can integrate 100% of the plant into the software systems. Plant personnel will remove and replace the generator and the old generator will be repurposed for use at various lift stations.

Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Deputy Mayor Phillips requested confirmation of the 40% cost sharing with the County and that a letter be requested from the County that states that this is a proactive move on the city's part for city and county residents and that they are looking forward to participating in the

associated costs. 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 Sanitary Sewer Manhole Inserts - ITB No. 17-008 Bid Award

City Manager Manns introduced the item to Council. She stated that this is a bid award to be presented by Mr. Rivera for a price not to exceed \$108,750 for 870 rainstopper manhole inserts.

Mr. Rivera stated that the rainstopper inserts will go underneath the manhole lids and allow three gallons to come in and will reduce the cost for influent water treatment. This brand is unique as it has a valve release that after a certain amount of time will allow the water to come out instead of waiting for it to evaporate. It will also work in reverse where gases in the system can be released and not stay in the pipes. There was a lower bidder but their bid did not conform to the specifications in the bid.

Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Deputy Mayor Phillips stated that it was interesting that the other bidder could get the diverter cover through another process. He stated he had concerns if it does not penetrate the system it could cause flood potential in other areas. He stated that he wanted to make sure that capacity is looked at in the stormwater process. We need to make allowances for capacities being diverted. He stated he would like this to be in place before the rainy season comes. Mr. Rivera stated that this was looked at as part of the in flow project. Stormwater crews will perform any maintenance prior to installation. 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

f Alcoholic Beverage Special Event Permit - Cotee River Seafest

City Manager Manns introduced Parks and Recreation Director Elaine Smith who then presented the item to Council. She stated that the 2017 Cotee River Seafood Festival as requested alcohol sale on April 21st from 5-11pm, April 22nd from noon-11pm and April 23rd from 1-6pm in Sims Park and that the days are in compliance with the ordinance. She stated that the site map had been revised after the agenda packet was complete and that a new map had been distributed at the dais.

Upon opening the floor to public comment, Bob Langford came forward to state that Circle Boulevard is closed all the way around to Indiana and he did not understand why the streets were closed. Closures adversely affects the Historical Society. Councilman Starkey asked if the event itself would attract people to come in. Mr. Langford stated that it helps some but the letter to residents about the streets closed is different than what actually happens. Mayor Marlowe asked for someone from Main Street to come down to the podium and explain what streets will be closed. David Dorsey came forward to say the intention is not to close the street. Ms. Smith stated the original application did request for a partial street closure. There may not be a need to close the streets since things were moved into the parking lot. The move would cut down on parking but would not have street closure.

With no one else coming forward Mayor Marlowe returned the floor to Council. Deputy Mayor Phillips stated that the city has no authority over the museum that we just rent space to them. The application needs to be sight specific of what we have control over. He stated that Sims Park has taken

a beating from the past nine days of Chasco. This event is only two weeks out. He stated that we understand what we are putting the park through with each group's set up. City Manager Manns stated there will be a "rest schedule" for Sims Park which will allow for the renewal of grass and plantings and that she would pass along copy of proposed schedule in this week's City Manager's report.

Mayor Marlowe stated he was also concerned about the turnaround time but this is going to be a great event. He wanted to make sure there was enough time to get the grass watered.

Motion was made to approve the item as presented.

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

g Appointment of Rex Phelps, Environmental Committee

City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to appoint Rex Phelps as a member to the Environmental Committee. If approved, Mr. Phelps' term would be for two years and would be up for renewal on April 4, 2019.

Upon opening the floor to public comment, Rex Phelps came forward to introduce himself to Council. Each Council member thanked Mr. Phelps for attending the meeting and for his service on the Committee. With no one else coming forward Mayor Marlowe returned the floor to Council. Motion was made to approve the item as presented.

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

h Appointment of Cynthia Contreras, Cultural Affairs Committee

City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to appoint Cynthia Contreras as a member to the Cultural Affairs Committee. If approved, Ms. Contreras' term would be for two years and would be up for renewal on April 4, 2019. 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 Bill Phillips. The Motion Passed. 4-0. Ayes: Davis, Marlowe, Phillips, Starkey Absent: DeBella Thomas

i Re-Appointment of Gina DiGregorio, Cultural Affairs Committee

City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to re-appoint Gina DiGregorio as a member to the Cultural Affairs Committee. If approved, Ms. DiGregorio's term would be for two years and would be up for renewal on April 4, 2019. 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

j City Manager Performance Evaluation

City Manager Manns introduced the item to Council. She stated that each year per her employment

contract Council is to conduct an annual evaluation on her performance as city manager. The tool relied on is an evaluation form that was sent out to Council in advance. The result of the evaluation will result in any contract modifications if necessary.

Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Mayor Marlowe read an e-mail from Councilwoman DeBella Thomas into the record which stated in her opinion Ms. Manns scored in the outstanding/superior category across the board. Ms. Manns is always accessible and devoted to the city. The City has achieved much under her direction. She recommended a contract extension of another two years.

Councilman Starkey stated that we have an outstanding City Manager and Ms. Manns has done phenomenal things that previous City Manager's have not been able to do. He stated he is in favor of at least a two year extension and also proposed a 1.75% cost of living adjustment.

Mayor Marlowe stated that Ms. Manns has been the best City Manager. He stated without a doubt that Ms. Manns has been the best of the batch and a joy to work with. He was also in favor of a two year extension.

Deputy Mayor Phillips stated he finds it more effective when all Council members are present. He would like to see the re-evaluating of the contract so it will coincide with budget season. He stated that the subjectivity needs to fall to the wayside and moving departments forward and moving organizational elements to where they need to be. His evaluation comes from a few different things. He stated that the strategic plan is not in place. The more you go through an evaluation process the tougher it gets over the years because deliverables become higher. He appreciated the e-mail from Councilwoman DeBella Thomas.

Councilman Davis stated that we gave Ms. Manns a pot with no gold in it and she has done a great job at putting gold into the pot. Repairs have been done. He stated that he rated mostly superior as no one is outstanding. The only place to work on is stair stepping programs and the need is to have the whole program. He stated he would like the ability to talk to employees without fear that they are going to lose their job. He stated there needs to be work done on communication between staff and Council.

Mayor Marlowe stated that there was a motion for a two year contract extension and a 1.75% cost of living adjustment and asked for a second. Councilman Davis stated that he had reservations about the two year extension but not the 1.75% cost of living adjustment. He asked Ms. Manns how many years she had left on her contract. She stated that she currently has four years left and it lapses in June of 2021. She stated that she was asking for an extension so that she would be vested in the Florida Retirement System. Councilman Davis stated that within two years all five Council members can be gone. Although he had reservations he would second the motion. Councilman Starkey asked if we do this evaluation on the year anniversary. Ms. Manns replied yes that her contract states that the performance evaluation shall be conducted in April and that it becomes effective on her anniversary date of June 2nd.

Deputy Mayor Phillips stated he was hoping to realign the dates to coincide with budget season. He stated that he was comfortable with a 1.75% cost of living adjustment but not a contract extension without a full Council.

Mayor Marlowe stated that he was comfortable moving forward with the item tonight. He stated that he understands Deputy Mayor Phillips' thoughts about aligning with budget season but wanted to remind everyone that the budget season from July 1st to October 1st is very hectic and to try to throw in the city manager evaluation at that point would be just piling things on.

Motion was made to approve a two year contract extension and a 1.75% cost of living adjustment.

Motion made by Jeff Starkey and seconded by Chopper Davis. The Motion Passed. 3-1. Ayes: Davis, Marlowe, Starkey Nays: Phillips Absent: DeBella Thomas

k Three Minute Report: Police Department

12 Communications

Mayor Marlowe gave kudos to the police department and public works for their efforts with the situation on Grand near Master Mechanics where a group had gathered near the benches and shouting obscenities to people and overall disruptive behavior. He wanted to follow up on Councilman Starkey's comments and that there was an editorial that spoke highly of the progress that New Port Richey has made and that urban agriculture is a major part of that. He stated the Loquat Festival is this Saturday at Frances Avenue Park. Chasco was amazing. Jefferson Starship tickets outsold the country concert two to one. There is an election forum this Thursday at 6:00 p.m. in the Oak Room at the Rec Center. He encouraged people to exercise their right to vote. He thanked Mr. Rivera for answers to residents concerns on Washington Street about some cross jurisdictional flooding.

Deputy Mayor Phillips congratulated Chief Bogart on being crowned King Pithla. He stated that the Chief has a great understanding of the county and city plus his involvement in community organizations. He thanked the Chasco Fiesta committee on the ability to pull off the nine day event. He hoped that things will be tweaked over the years such as not having the street parade during spring break. He wanted to point out that they recognized key sponsors during event but that the city should have been acknowledged more. People who had never been to New Port Richey came to see Jefferson Starship. He stated that everyone received an invitation for the Tampa Bay Regional Planning Council breakfast award ceremony on Friday, April 28th in St Petersburg. The City has submitted applications for awards for the event.

Councilman Starkey thanked County Commissioner Wells as there was a vacant lot that was near the incident on Grand that was not in the city and Commissioner Wells made some calls and County Code Enforcement came out and served the property owner with citations. The urban agriculture ordinance article that was in the TB Times was a great article. Creating such a positive buzz for our city. For people to grow food and sell it at Tasty Tuesdays is great. He thanked the Environmental Committee for working on the ordinance. He commended Chasco for a great event as it is part of our heritage. He stated that the City does its best to work with all event organizers.

Councilman Davis stated that Laura Kincaid has reported that possibly her landscaping is being stolen. He stated that more cameras downtown may help aid in the problem. Chief Bogart stated he would go and talk to her. Councilman Davis stated that he mentioned the possibility of a portable camera to move around town.

City Manager Manns stated she was honored by the kind words during evaluation. She stated the Council has made a commitment to her so she would like to advance one to Council. She stated it was a pleasure to serve as the City Manager.

13 Adjournment

There being no further business to consider, upon proper motion, the meeting adjourned at 9:21 pm.

(signed) _____
Judy Meyers, City Clerk

Approved: _____ (date)

Initialed: _____