



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

June 20, 2017

7:00 PM

ORDER OF
BUSINESS

1. Call to Order – Roll Call

The meeting was called to order by Mayor Rob Marlowe at 7:00 pm. Those in attendance were, Deputy Mayor Jeff Starkey, Councilman Bill Phillips, Councilwoman Judy DeBella Thomas 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 Andi Figart, 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 May 23, 2017 and May 31, 2017 Work Session Minutes and June 6, 2017 Regular Meeting Minutes

Motion was made to approve the minutes as presented.

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

5 Presentation by Kimley-Horn and Associates, Inc. RE: James E. Grey Preserve

City Manager Manns introduced Keith Greminger and Dawn Dodge from Kimley-Horn and Associates who then made a presentation to Council regarding the James E. Grey Preserve Expansion Project. Mr. Greminger highlighted the existing facilities at the Preserve. Long term activities and opportunities included charging stations, a nature center and an observation tower. Grant funding is

approved for the east side and a grant application is in process for the west. Mr. Greminger then presented conceptual drawings regarding the improvements. Ms. Dodge then made a presentation to Council regarding the wetland impacts. City Manager Manns clarified that Phase I of the project does not include the nature center or additional playground area. Councilman Phillips asked that a community garden be considered. Mayor Marlowe stated that there are numerous boy scout troops in the area looking for eagle scout projects and could assist in the project.

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

Mayor Marlowe opened the floor for public comment. Jeanette Gordon came forward to speak regarding more visual police presence as it deters crime.

Patricia Allen came forward to speak. She complimented the work that was done along Marine Parkway. She stated that the house at 5116 Allamanda Drive had a fire months ago and nothing has been done. City Manager Manns stated she would follow up with Ms. Allen on the matter after having staff go out and look at the property. With no one else coming forward for public comment, Mayor Marlowe closed Vox Pop.

7 Consent Agenda

Motion was made to accept the Consent Agenda.

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

a Purchases/Payments for City Council Approval

8 Public Reading of Ordinances

a First Reading, Ordinance No. 2017-2114 Amending Section 23-46 to Remove Circle Blvd. from One-Way Street Listing

City Attorney Driscoll read the proposed ordinance by title only. City Manager Manns stated the purpose of this item was to remove Circle Boulevard from the listing of the City's one-way streets since it became a two-way traffic after the improvements to Sims Park. Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Councilman Phillips asked about other quieting mechanisms that could be used as well. Mr. Rivera stated that additional stop signs would be added on Sims Lane, Washington Street and Jefferson. 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

9 Business Items

a Seawall Condition Assessment Report – Consideration for Approval

City Manager Manns introduced the item to Council. She stated the purpose of this item was accept the seawall condition assessment report. The total cost of repairs was estimated to be \$860,550 and would be funded in the amount of about \$175,000 a year for five years. Mr. Rivera introduced Brent Heath from Stroud Engineering who then presented the report findings to Council. Over the last few years the City has been keeping track of the deterioration of the seawalls in the City's waterfront parks. The purpose of the assessment was to determine the viable construction repair methods and to prioritize the parks. Mr. Heath then discussed the investigation techniques used for the study. The results included wall cracks, void locations identified, concrete spalling, wall joint separation, erosion behind/beneath walls, sidewalk settlement, sidewalk/wall joint separation. Deterioration was mostly

due to soil erosion. Mr. Heath then discussed different repair methods that are available. The repairs would be made over five years.

Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Deputy Mayor Starkey stated he would like to see a boat lift for the police boat at the Sims Park boat launch as there is a need for it. He stated that Jasmine Park should be moved up in priority due to the condition of the seawall.

Councilwoman DeBella Thomas asked about the funding and Mr. Rivera stated this project would use Penny for Pasco funds. Mr. Rivera then explained the methodology of the ranking of the parks. She stated she was concerned with having the project span over five years. She stated that we are a city where a river runs through it and we need to take care of it.

Councilman Phillips stated we need to treat them all in or about the same time. He stated there are several other projects including the pavement plan, parking garage and the possible VA so this needs to be on the table for the CIP. City Manager Manns stated that staff will work on a plan to implement the improvements and will be recommending appropriations to Jasmine Park in the upcoming budget cycle.

Councilman Davis stated that staff is addressing this from a budget perspective.

Mayor Marlowe stated the seawalls do not look that different than when he was a kid. Look at it for capital expenditures. Agreed to have staff look into a boat lift.

Motion was made to approve the item as presented.

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

b Second Amended Interlocal Agreement - School Impact Fees

City Manager Manns introduced the item to Council. She stated the purpose of this item was specifically for school impact fees imposed on new residential development. The City has had a relationship with school board since 2001. In 2005 fees were updated. In 2017 the school board conducted impact fee study and identified need over the next ten years to increase the impact fees to meet the projected need for new schools. 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. 5-0. Ayes: Davis, DeBella Thomas, Marlowe, Phillips, Starkey

c Approval of Assessment Rate Studies & Rates

City Manager Manns introduced the item to Council. She stated the purpose of this item was to formally approve the results of the stormwater and streetlight assessment rate studies that were performed by Ayres and Associates. Finance Director Crystal Feast then made a presentation to Council. She stated there was a slight increase from the current stormwater and streetlight rates. She then introduced Michael Stoffel from Ayres and Associates who then presented to Council the changes in the study since it was presented to Council on May 16, 2017. Mr. Stoffel stated that there is an increase on utilities to unimproved properties. Current rate \$77.36 and new rate \$80. Five year pro forma budget an average of \$1.3 million. Streetlight \$36.24 current rate and new rate \$38.71.

Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Councilman Phillips stated we showed back in 2012 that these accounts need to

be balanced. The more lighting the more it helps to deter crime. These are fees that we can show that are net benefits. Councilwoman DeBella Thomas forward thinking on stormwater and streetlight. More aware of the dark spots and have them taken care of. Motion was made to approve the item as presented.

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

- d Resolution 2017-20 - Imposing & Assessing Cost of Abatement and Removal of Unsafe Structure at 6829 Garden Drive

City Attorney Driscoll read the resolution by title only. City Manager Manns introduced the item to Council. She stated the purpose of this item was to impose a lien against the property for costs associated with the demolition. City Manager Manns stated there was an e-mail communication from Mr. Howarth that had been received earlier that day requesting this matter be deferred for a three month period and that a copy had been placed at each of the Council member's seat at the dais. Staff has determined it is not appropriate to grant this request. Recommended move forward with item. Mayor Marlowe stated this was a quasi-judicial proceeding and each member of Council stated they had no ex-parte communications on this matter. Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. It was the consensus of Council that there was no reason to defer this matter any longer as it was only to put the lien for costs against the property. Motion was made to approve the item as presented.

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

- e Request to Contribute and Participate in Crime Stoppers of Tampa Bay Gun Bounty Program

City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to contribute \$2,000 to Crime Stoppers to participate in the Tampa Bay Gun Bounty Program. Chief Bogart then highlighted the points of participating in the program. It is not a buy back program it is a program where a person who reports a crime that leads to an arrest is eligible for \$1,000. Funds to cover this expenditure would be used with abandoned 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 Judy DeBella Thomas. The Motion Passed. 5-0. Ayes: Davis, DeBella Thomas, Marlowe, Phillips, Starkey

- f Ratification of the Police Union Contract

City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to ratify the contract between the City and the PBA. The parties have been without formal agreement since December 2015. This matter was discussed in shade sessions. Contract would cover the period of October 1, 2015 through September 30, 2018. The parties entered into a tentative agreement on May 5th. Changes in agreement were wages and pension. Career ladder 3% increase if not in step then placed in according to tenure. Pension outlined benefit structure and terms. All accumulated Chapter 185 held in reserve will be used to reduce City's contribution to the pension fund. Union agreed all future monies will be applied to the City's contribution. Total cost for this agenda item is \$59,286 and funding is available in the general fund contingency account.

Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Councilman Phillips stated the defined contribution plan which was listed as the third bullet on page two needs better definition and as housekeeping issue provide balance in the contingency fund. He stated that the size of the contingency fund was concern last budget year and this budget year. Motion was made to approve the item 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

g Two Year Contract Extension with American Traffic Solutions for the City's Intersection Safety Program

City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to extend the current agreement for two years with ATS for the City's intersection safety program. The current rate for the cameras would remain the same with an additional \$3,000 per year donated by ATS for the public safety campaign. Chief Bogart then discussed the factors that were considered in order to support the continuation of the program. Recent studies report an increase of 30% when red light cameras were removed. The average daily traffic count at Main Street was 54,500 cars in 2016. FDOT prepared a matrix for 2018 which ranked 100 Florida cities with populations of 15,000-74,999. New Port Richey ranked in highest 25% percent of nine categories 2011-2015. Crashes have steadily increased from 455 total crashes in 2011 to 575 in 2016. City Manager Manns stated she understands that this is not a popular program. City Attorney Driscoll stated the offender receives a civil infraction and no points on their license through this program. However if an officer issues the citation the penalty is higher and points will be assessed. He mentioned two recent court decisions which found the program was legal. Florida Supreme Court has been asked to take up this issue. Did not take the case in regards to conflict but rather took up the case on the basis of public importance. Case is in the briefing stage. City Attorney Driscoll stated he believes the Court will uphold the decisions of the lower courts.

Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Councilman Phillips asked City Attorney Driscoll if they find cases illegal what is fallout and will there be reciprocity or having to refund money. City Attorney Driscoll replied that a worst case scenario would have to defend the cases and money we have collected. City Attorney Driscoll replied there is potential exposure and the possibility of refunds would be through a civil suit but that is quite a leap to make and a whole different avenue. Councilman Phillips then asked about the net amount received from each citation. Mr. Mast clarified that \$75 goes to state, \$75 to city, the remaining funds go to trauma centers and a spinal institute.

Deputy Mayor Starkey stated he has watched the red light violations during the magistrate hearings. He encouraged the other members to come and watch. He stated he was concerned that the city is dependent on the revenue but supports Chief's recommendation to continue the program.

Councilwoman DeBella Thomas stated this was one of the biggest issues when she got on Council. She did her research. The benefit does create a responsibility to drive more safely. She received a citation when turning onto US19. It made an impact and she has been more careful. She thanked Chief Bogart on the statistics he provided. Would like to see education at the school level.

Councilman Davis stated that this issue is in the top five controversial topics that people talk to him about. He always asks first if they have received a ticket. Not one conversation from anyone who has not gotten a ticket.

Councilman Phillips stated he cannot support the extension. He is looking at it from an economic perspective. If they get a ticket they won't want to live here. He felt the legislature will deal with this. Does have some adequate good. He has not supported it in the past and will not support it. It is not a program that is net benefit of the city

Motion was made to approve the item as presented.

Motion made by Jeff Starkey and seconded by Judy DeBella Thomas. The Motion Passed. 4-1.
Ayes: Davis, DeBella Thomas, Marlowe, Starkey Nays: Phillips

h Three Minute Report: Public Works Department

10 Communications

Mayor Marlowe went to his Tampa Bay Water meeting on Monday and the agreement voted on at last Council meeting was approved. People Places event last night on music. Hacienda fence down. Alter Eagles concert was great. Chief Bogart also nominee. Congrats to Chopper on nomination. Five nominees speaks well as to what we are doing.

Deputy Mayor Starkey stated the new shade structures and monitor look great. He welcomed new Library Director Andi Figart. Congratulated staff on the Hacienda grant monies that will be received.

Councilman Phillips congratulated Mayor Marlowe and Councilman Davis on their nominations. Congratulated Kayla Kuni from the Library for winning public servant award. The Alter Eagles concert was an eclectic and large crowd that was not around food and beer. He thanked Mr. Iezzoni for getting the Hacienda fence down. He would like an idea of when new website will be up. New LED screen adds a new dynamic. He would like an idea of the type of people that are coming to the concerts. Downtown trees have made a dynamic difference in the feel and but still a ways to go but enhances being downtown. He stated to look into the Allamanda fire property and to do what we can.

Councilwoman DeBella Thomas asked for the county hurricane guide to be added as a link on the website. She encouraged residents to take time now to look at their home and take pictures. She stated she has not heard any feed back on solar power trash compactors. She also suggested looking into solar powered charging stations. She thanked Mr. Rivera for the memorial tree program and to put that information up on the on LED screen. Great activities in the park this weekend. Fireworks next weekend.

Councilman Davis asked Chief Bogart to use the new LED screens and work with Crime Stoppers and for Mr. Rivera to update the public on manatees.

City Manager Manns stated that the City received two grants for the Hacienda Hotel. One for \$750,000 and the other small matching grant for \$100,000. She stated letters would be sent to the elected officials who lobbied on the City's behalf.

11 Adjournment

There being no further business to consider, upon proper motion, the meeting adjourned at 10:02 pm.

(signed) _____
Judy Meyers, City Clerk

Approved: _____ (date)

Initialed: _____