



**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**

**October 3, 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 and Councilwoman Judy DeBella Thomas. Councilman Chopper Davis arrived at 7:10 p.m.

Also in attendance were City Manager Debbie Manns, City Attorney Timothy Driscoll, City Clerk Judy Meyers, Deputy City Clerk Joyce Haasnoot, Chief of Police Kim Bogart, 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 and Human Resources Manager Bernie Wharran.

**2 Pledge of Allegiance**

**3 Moment of Silence**

**4 Approval of September 19, 2017 Regular Meeting Minutes**

Motion was made to approve the minutes as presented.

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

**5 Proclamation - Main Street Salon 30th Anniversary**

This proclamation was deferred to the November 7, 2017 City Council meeting.

\*\*\*Mayor Marlowe read an emergency walk-on proclamation declaring October 3-10, 2017 as Think Local, Buy Local and Invest Local Week. A copy of the proclamation is attached to the end of these

minutes.\*\*\*

- 6 Swearing-In of New Police Officers: Michael Del Valle and Brandon Hamilton and Introduction of New Police Officer: Al-Hussein Hazime

- 7 Vox Pop for Items Not Listed on the Agenda or Listed on Consent Agenda

Mayor Marlowe opened the floor for public comment. With no one coming forward for public comment, Mayor Marlowe closed Vox Pop.

- 8 Consent Agenda

Motion was made to accept the Consent Agenda.

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

- a Purchases/Payments for City Council Approval

- 9 Public Reading of Ordinances

- a First Reading, Ordinance No. 2018-2125: Development Standards for Dispensing Facilities & Pharmacies

City Attorney Driscoll read the proposed ordinance by title only. City Manager Manns introduced Development Director Lisa Fierce who then presented the item to Council. She stated that the purpose of this agenda item was to provide development standards and regulations for medical marijuana dispensaries and pharmacies. In August 2017 City Council approved an ordinance allowing dispensaries in the commercial, office and light industrial districts and did not want dispensaries in the downtown district. The ordinance addresses standards for setbacks, lot area and widths, distance from schools, colors, design criteria, no security bars on doors or windows, no outdoor seating or consumption on site. No photos of plants which drugs are derived be visible within five feet. This ordinance added pharmacies and dispensaries as prohibited uses in downtown. This ordinance deletes some restricted personal service uses in the downtown district since they are already defined in the code. Restricted personal service uses include check cashing, pawn shops, labor pools, tattoo parlors. Since pharmacies are added as prohibited use in downtown, the definition was added as well as a convenience store and grocery store/supermarket definition to provide distinctions between the two. The Land Development Review Board reviewed this ordinance earlier in the month and offered a minor amendment to the grocery store definition that is included in this ordinance.

Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Councilman Davis asked if Wrights Nutrition could have a pharmacy within their store based on this ordinance. Development Director Lisa Fierce said no, that will not be allowed.

Councilman Phillips asked a definition of what defines downtown district since there was no map provided in the powerpoint presentation. Development Director Fierce stated a map will be included in the second reading of the ordinance for better clarification. Councilman Phillips asked if a call center would be allowed in downtown with this ordinance as it impacts the parking available in downtown. Development Director Fierce stated that it is not addressed in this ordinance and staff will prepare an ordinance that prohibits call centers in downtown district and define it as a term. Mayor Marlowe agreed with Councilman Phillips comments.

Councilwoman DeBella Thomas asked if it was possible to add call centers to the ordinance as a prohibited use. Development Director Fierce stated it is too late now and that any additions to the ordinance would have to go through a process starting with the Land Development Review Board. Councilwoman DeBella Thomas suggested including other services in the prohibited list in the next

reading of the ordinance. Development Director Fierce asked City Manager Manns to inform her of what council would like to see as prohibited.

Deputy Mayor Starkey asked if businesses will be submitting graphics for signage showing the street level view of any dispensary. Development Director Fierce stated that it would be asked during the building permit process or the business license process and applicants will be required to provide a color sample. Development Director Fierce stated they will ask for a conceptual drawing only and not for a more detailed drawing and suggested adding the architectural elevation as a requirement in the next reading of the ordinance.

Councilman Phillips asked if by adding the signage requirement to these particular businesses, is it more onerous to them as opposed to another type of business. Councilman Phillips is concerned with any challenges that may come in from a business questioning the regulations on them against another type of business's regulations. City Attorney Driscoll stated it's not a real concern, since this ordinance includes dispensaries and pharmacies and all facilities will be treated alike. The difficulty will be over-regulating pharmacies and under-regulating dispensaries. The challenge will be finding a balance between regulating the dispensaries and pharmacies. Development Director Fierce stated that the remaining downtown pharmacies will be considered legally non conforming, any businesses damaged by more than 50% will need to be removed and if the current pharmacies vacate, a new one can not move in. Current conditions of the facilities will be grandfathered in. Councilman Phillips stated his concerns about a business applying for a Business Incentive Grant and would like to clarify how to work within the parameters of what is allowed and the reimbursement that each business will receive from a grant.

Motion was made to approve the ordinance upon its first reading.

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

10 Business Items

a Frances Avenue Restroom Project Bid Award

City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to review and approve the bid award for the Frances Avenue Restroom upgrades. The City received Community Development Block Grant funds for new restrooms at Frances Avenue Park. Parks and Recreation Director Elaine Smith stated council approved a contract with Kimley Horn last year for the design. The lowest bidder was SC Signature Construction. Public Works reviewed the bids and met with SC Signature Construction and recommends the company based on prior projects. Staff recommends approval at \$130,911 and includes a \$20,000 owner allowance for construction contingencies. City Manager Manns stated the project came in under bid and the excess funds can be used for additional projects.

Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Councilwoman DeBella Thomas asked if there was any vandalism at the new restrooms in Sims Park. Both Parks and Recreation Director Elaine Smith and Public Works Director Robert Rivera stated nothing out of the ordinary.

Councilman Phillips asked how long the project is expected to take. Parks and Recreation Director Smith stated that the Community Development Block Grant requires completion by September 30, 2018. Councilman Phillips asked if the bid bond covered both the Cities amount and SC Signature Construction contingencies. Parks and Recreation Director Smith said the bid bond covers both.

Councilman Davis asked how much Kimley Horn fees are for the project. Parks and Recreation Director Smith stated Kimley Horn is receiving \$36,850 which was allowable by the Community Development Block Grant.

Deputy Mayor Starkey asked for blowers on the wall in the Sims Park restrooms. City Manager Manns said that an alternate for steel appliances was considered during the Sims Park reconstruction and costs were very high. The City is currently installing industrial grade materials in restrooms.

Motion was made to approve the item as presented.

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

b HVAC Maintenance Contract Bid Award Bid

City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to consider bids for annual HVAC maintenance contracts on 8 commercial HVAC systems in the City not to exceed \$80,000 annually. Air Mechanical & Service Corporation was the low bid for \$80,000. Their bid and service history was investigated and reviewed by Public Works and based on their review, approval is recommended.

Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Councilman Phillips noticed in budget notes that this item was originally budgeted lower, but modified in the current budget approved September 25th after receiving bids. City Manager Debbie Manns and Public Works Director Robert Rivera confirmed.

Councilwoman DeBella Thomas asked about the HVAC unit in the library and her observations that it does not always seem to work properly. She would like the new company to upkeep it properly. Public Works Director Robert Rivera stated they will check the HVAC at the library and gave possible reasons why there may be HVAC issues.

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

c Utility Service Agreement – Larson Plaza - 7712 Massachusetts Ave.

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 service agreement between the City and Elaine Depardieu, the developer at Larson Plaza, 7712 Massachusetts Avenue. The location is outside city limits but within the utility service area. The agreement is due to the sites existing septic tank failure. As a result the developer is requesting for the city provide sewer service to the site. The agreement has specifications the developer must follow before the City provides utility service. There will be no cost to the City. 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

d 2016 Circle Blvd. Improvements Project Close-Out

City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to approve a Deductive Change Order in the amount of \$4,855.90 and to approve the final pay request in the amount of \$46,555.32 to Augustine Construction. Community Development Block Grant funds as well as storm water utility fees were used last year to fund the 2016 Circle Blvd Improvement Projects.

Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Councilman Phillips stated he would like to keep the cost savings from the project in the account for reserves if there is damage during the upcoming dredging activities. He has heard from residents that the City has repaved roads, then created holes or other problems with the paving. Mayor Marlowe agreed with Councilman Phillips and has witnessed on his own street issues with destruction after paving.

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

- e Approval of Long Range Plan for Library Services 2017-2022 and Approval of State Aid to Libraries Grant Agreement for 2017-2018

City Manager Manns stated that the purpose of this agenda item was to approve the five year long range plan as an advisory tool. Two issues were to be further addressed before Council approved the plan. First was related to proposed expansion, the language changed to state the City will evaluate the need for proposed expansion and plans detailing possible renovations. The second item was related to library staffing. The library board recommended 4 full time positions to staff. The library board changed indicated in the update that it is a long range plan and additional staffing is over time and will be at the discretion of the city based on available funding.

Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Councilwoman DeBella Thomas asked if we are taking advantage of college and high school students volunteering in the library. Library Director Andi Figart answered that they have a YOLO group made up of local students and senior volunteers.

Councilman Davis suggested reaching out to the students who attended Student Government Day.

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 Interlocal Agreement with Pasco County Regarding the Administration of Hurricane Loss Mitigation Program Funds

City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was for City Council to approve entering into an interlocal agreement with Pasco County regarding the administration of funds for the administration of the Hurricane Loss Mitigation Program funds. In June 2017 the City was awarded \$194,000 for a mitigation loss program. The County is requesting to retain 10% of grant total for administrative purposes. Examples of grant fund allowable expenditures are to install hurricane shutters, hurricane resistant windows, hurricane resistant doors. City Attorney Driscoll has reviewed the agreement and recommends to approve.

Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Deputy Mayor Starkey asked if there are income restriction to this program. City Manager Manns stated there are no restriction to this program unlike other grant programs. In order to apply, City residents will go through the County to receive funds and County will distribute on our behalf. A press release will be issued to disseminate information to our residents once the grant funds become available.

Councilman Phillips suggested also announcing the program through the city's Facebook page and website. Councilman Phillips asked if the city will have a representative in City Hall to answer resident questions aside from County representatives. City Manager Manns stated Development

Director Lisa Fierce will be the point of contact for residents.

Motion was made to approve the item as presented.

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

g Rejection of Bids ITB17-016 Wayfinding Project

City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to reject all bids received for the wayfinding signage project. On July 22, 2017 bids were solicited for the wayfinding project. Three public bids were received and publicly opened on August 23rd. The lowest bidder was rejected because they did not submit a bid bond in the amount of 5% of the base bid as required. The remaining two bidders amounts were in excess of the engineers estimate.

Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Councilwoman DeBella Thomas stated she was surprised there was not many bids received. City Manager Manns stated that the City found out the bid was only advertised at one site.

Councilman Phillips began his comments by stating that he would not be voting on this item as it is a conflict of interest since he is employed by Arete Industries. Councilman Phillips stated City Manager Manns was correct in regards to the bid bond however Arete did their due diligence and that the City never approached Arete in regards to how they formulated their bid. Arete was off by \$900 on their bid bond. Councilman Phillips stated that several sign locations were not correct in the city bid documents and that City Manager Manns had the bid opening date incorrect. He felt that staff should have done a better job advertising the bid and that it will now be a challenge to find a contractor and harder for Arete since they have made public their estimate. Staff needs to ensure that the City does not continue to bid and re-bid this project.

Deputy Mayor Starkey requested confirmation of the engineers cost estimate of the project because Aretes bid was much lower than the estimate. City Manager Manns stated that that the new bid documents will reflect some of the suggestions.

Councilwoman DeBella Thomas commented on the difference in amounts from the low bidder and high bidder. City Manager Manns stated that was another reason that city rejected the bids and that the costs will be reviewed before the project is re-bid.

Deputy Mayor Starkey asked Councilman Phillips if Arete has done similar projects. Councilman Phillips stated that Arete have done like kind projects, for the City of Tampa, Fish and Wildlife Commission. Councilman Phillips stated that Arete is looking forward to re-bidding on the project.

Motion was made to approve the item as presented.

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

h Three Minute Report: Technology Solutions Department

11 Communications

Mayor Marlowe announced that the Dr. Grassin Main Street Bridge dedication will be Monday October 9th.

Deputy Mayor Starkey commented on the student government day and the phenomenal job the kids did. He would like to see more interaction with the schools and kids. Councilman Starkey felt staff did

a great job with the event. Deputy Mayor Starkey inquired about the status of the Main Street Bridge lighting. City Manager Manns met with Regan Weiss and he let her know he will present specifications to the City. Robert Rivera said the County may require engineering drawings since they will be drilling into the bridge and the time frame depends on when Regan Weiss submits drawings and the type of drawings that will be required by the County

Councilwoman DeBella Thomas thanked Dulcet for inviting them to sample the new fall menu Tuesday, October 26th. Councilman Debella Thomas was disappointed not to make the student government day and she was glad to hear nothing but positive comments from the students. Councilwoman Debella Thomas confirmed that Saturday, October 7th is the free concert in Sims Park and Cyclovia event. She complimented Robert Rivera on the city's appearance.

Councilman Davis asked for a breast cancer awareness month proclamation.

Councilman Phillips was working on an announcement and will postpone for two weeks.

12 Adjournment

There being no further business to consider, upon proper motion, the meeting adjourned at 8:28 pm.

(signed)



~~Judy Meyers, City Clerk~~

Joyce Haasnoot, Deputy City Clerk

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

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



**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, Roy William Phillips, hereby disclose that on OCTOBER 3, 20 17 :

(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, ARETE INDUSTRIES ;
- inured to the special gain or loss of my relative, \_\_\_\_\_ ;
- inured to the special gain or loss of \_\_\_\_\_, by \_\_\_\_\_, 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:

*I WORK FOR ARETE INDUSTRIES AS THE DIRECTOR OF SALES AND THE WAY FINDING BID VOTE IS ON TONIGHT'S AGENDA. BY BEING EMPLOYED WOULD INURE A SPECIAL PRIVATE GAIN AND MY BUSINESS ASSOCIATE D.C. MORRISON, INC. DBA-- ARETE INDUSTRIES*

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.

10/3/2017  
Date Filed

[Signature]  
Signature

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.



Office of the Mayor

City Of New Port Richey

# Proclamation

**WHEREAS**, on September 10, 2017, the City of New Port Richey was hit by Category 2 Hurricane Irma which caused torrential rains, falling trees and debris, along with widespread wind damage and power outages; and

**WHEREAS**, the hurricane negatively impacted the local economy including local independent-business owners for many days thereafter; and

**WHEREAS**, encouraging local buying has proven to positively impact communities on multiple levels, including: keeping local communities unique; improving the environment by reducing transportation; promoting stronger local economies with competition and diversity; reducing costs to the City as local businesses cost communities less in infrastructure; supporting community needs as local businesses are invested in the community; local businesses give more back to their communities and non-profit causes; and buying local helps spur entrepreneurship to grow startup and small businesses.

**NOW, THEREFORE**, I, Rob Marlowe, Mayor of the City of New Port Richey, do hereby proclaim October 3 through October 10, 2017 as

*Think Local, Buy Local,  
and Invest Local Week*

and urge all citizens to support our independent and locally owned businesses.



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

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

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