



**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 4, 2019  
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 p.m. Those in attendance were, Councilman Chopper Davis, Councilman Peter Altman and Councilman Matt Murphy. Deputy Mayor Jeff Starkey was excused.

Also in attendance were City Manager Debbie Manns, City Attorney Timothy Driscoll, City Clerk Judy Meyers, Police Chief Kim Bogart, Finance Director Crystal Feast, Economic Development Director Mario Iezzoni, Public Works Director Robert Rivera, Library Director Andi Figart, Parks and Recreation Director Elaine Smith, Development Director George Romagnoli, Technology Solutions Director Bryan Weed, Human Resources Manager Bernie Wharran and Assistant Fire Chief Adam Darling.

2 Pledge of Allegiance

3 Moment of Silence

4 Approval of April 15, 2019 Work Session Minutes

Motion was made to approve the minutes as presented

Motion made by Chopper Davis and seconded by Matt Murphy. The Motion Passed. 4-0. Ayes: Altman, Davis, Marlowe, Murphy Absent: Starkey

5 Approval of May 21, 2019 Work Session and Regular Meeting Minutes

Motion was made to approve the minutes as presented

Motion made by Matt Murphy and seconded by Chopper Davis. The Motion Passed. 4-0. Ayes: Altman, Davis, Marlowe, Murphy Absent: Starkey

- 6 Presentation by the Environmental Committee to Manual Merillo RE: Bat Houses at the James E. Grey Preserve

Dell deChant from the Environmental Committee presented MJ Merello with a certificate of appreciation for his Eagle Scout project of four bat houses and information boards that were completed and installed at James E. Grey Preserve last October.

- 7 Presentation by the Environmental Committee RE: Proposed Ban on Plastic Straws, Single-Use Plastic Bags and Polystyrene Products

Environmental Committee Chair Dell deChant and Noah Denny made a presentation to Council regarding a proposed ban on plastic straws, single-use plastic bags and polystyrene products. City Attorney Driscoll then highlighted a memorandum he drafted regarding banning plastic bags and polystyrene.

- 8 Proclamation - World Elder Abuse Awareness Day (By Title Only)

Mayor Marlowe read the proclamation by title only.

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

Mayor Marlowe opened the floor for public comment. Dan Dede came forward and asked that a letter be sent to everyone who has registered a golf cart regarding their use. Marianne Everett came forward and stated she has to move off of the sidewalk for golf carts when walking around Orange Lake with her granddaughter. With no one else coming forward for public comment, Mayor Marlowe closed Vox Pop.

- 10 Consent Agenda

Motion was made to accept the Consent Agenda.

Motion made by Matt Murphy and seconded by Chopper Davis. The Motion Passed. 4-0. Ayes: Altman, Davis, Marlowe, Murphy Absent: Starkey

- a Parks and Recreation Advisory Board Minutes - April 2019

- b Cultural Affairs Committee Minutes - April 2019

- c Purchases/Payments for City Council Approval

- 11 Business Items

- a Cultural Affairs Committee Funding Request RE: Land Office Centennial Celebration

City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to approve a request by the Cultural Affairs Committee in the amount of \$1,000 for the Land Office Centennial Celebration on June 14, 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 Chopper Davis and seconded by Matt Murphy. The Motion Passed. 4-0. Ayes: Altman, Davis, Marlowe, Murphy Absent: Starkey

- b 2017 Hemlock Dr. Stormwater System Improvements Project Close Out

City Manager Manns the item to Council. She stated that the purpose of this agenda item was to approve a deductive change order in the amount of \$12,624.32 and a final pay request in the amount of \$68,778.68 to Augustine Construction, Inc. for the 2017 Hemlock Dr. Stormwater System Improvements Project. 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 Matt Murphy. The Motion Passed. 4-0. Ayes: Altman, Davis, Marlowe, Murphy Absent: Starkey

c ITB19-012 - 2019 As Needed Misc. Pipeline Construction Bid Award

City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to approve the bid submitted by Schaer Development of Central Florida an amount not to exceed \$4,638,841.25 for the 2019 As-Needed Misc. Pipeline Construction. Mr. Rivera stated this project is done every few years to address projects that may arise. 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 Matt Murphy and seconded by Chopper Davis. The Motion Passed. 4-0. Ayes: Altman, Davis, Marlowe, Murphy Absent: Starkey

d 2018 Recreation & Aquatic Center – HVAC Chiller Replacement Project Close Out

City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to approve the final pay request in the amount of \$42,407.55 to Air Mechanical and Service Corporation for the replacement of two HVAC chillers and a control system located at the City Recreation and Aquatic Center. 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 Pete Altman. The Motion Passed. 4-0. Ayes: Altman, Davis, Marlowe, Murphy Absent: Starkey

e Task Order No. 36 Engineering Services – Consideration for Approval

City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to approve a task order from Stroud Engineering Consultants, Inc. in an amount not to exceed \$79,080.00 for engineering services associated with the design, permitting, and construction of the Wastewater Treatment Plant aeration basin/tank influent pipe replacements. Mr. Rivera stated that Pasco County would be responsible for forty percent of the cost. 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 Matt Murphy. The Motion Passed. 4-0. Ayes: Altman, Davis, Marlowe, Murphy Absent: Starkey

f WWTP Temporary Influent Pipe Installation – Consideration for Approval

City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to approve a proposal from Schaer Development of Central Florida, Inc. in an amount not to exceed \$153,797.62 for the construction of a 20" temporary aeration basin/tank influent pipe. Mr. Rivera stated this was phase one of a two phase project. Kurt Heath from Stroud Engineering came forward to make a presentation to Council. He began with a background on the WWTP basins. The pipe that ruptured was the influent for basin number two. This would be a temporary replacement to get the basin back up and running. Phase two will be a permanent repair. Repairs could start the week of June 17th. 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 Matt Murphy. The Motion Passed. 4-0. Ayes: Altman, Davis, Marlowe, Murphy Absent: Starkey

g Three Minute Report: Police Department

12 Communications

Mayor Marlowe stated he and Barret Doe had the opportunity to drive a new Tesla. Mrs. Larson would

be happy to show the car to the other members of Council. He stated that jackets are optional for Council meetings until Labor Day. Mayor Marlowe read the thank you letter received from our Sister City in Cavalaire Sur Mer. He went to the Memorial Day ceremony that was held by the Gold Star Moms. Councilman Davis asked if we were still on track for the audit and City Manager Manns stated yes. He would like to look into the idea of a youth museum. Councilman Altman stated he attended the NPRMS Board meeting and he can report they are focused on all four points as requested. Councilman Murphy asked if anyone had heard from anyone from the theater and City Manager Manns stated she has not.

13 Adjournment

There being no further business to consider, upon proper motion, the meeting adjourned at 7:59 p.m

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

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

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

**MEMORANDUM**

**FROM: CITY ATTORNEY, Timothy P. Driscoll**  
**TO: CITY COUNCIL/CITY MANAGER, Debbie Manns**  
**DATE: June 4, 2019**  
**RE: Banning of Plastic Straws and Bags, and Polystyrene**

---

I have been asked to address the banning of certain substances in the City.

State law provides for preemption of regulation of polystyrene, with specific limited exceptions, and prohibition on regulation of plastic bags. The governor recently vetoed a bill that would have pre-empted regulation of plastic straws to the State, so the issue of banning plastic straws has thus far been preserved to the local governments.

**500.90 Regulation of polystyrene products preempted to department.**—The regulation of the use or sale of polystyrene products by entities regulated under this chapter is preempted to the department. This preemption does not apply to local ordinances or provisions thereof enacted before January 1, 2016, and does not limit the authority of a local government to restrict the use of polystyrene by individuals on public property, temporary vendors on public property, or entities engaged in a contractual relationship with the local government for the provision of goods or services, unless such use is otherwise preempted by law.

**403.7033 Departmental analysis of particular recyclable materials.**—The Legislature finds that prudent regulation of recyclable materials is crucial to the ongoing welfare of Florida's ecology and economy. As such, the Department of Environmental Protection shall undertake an analysis of the need for new or different regulation of auxiliary containers, wrappings, or disposable plastic bags used by consumers to carry products from retail establishments. The analysis shall include input from state and local government agencies, stakeholders, private businesses, and citizens, and shall evaluate the efficacy and necessity of both statewide and local regulation of these materials. To ensure consistent and effective implementation, the department shall submit a report with conclusions and recommendations to the Legislature no later than February 1, 2010. Until such time that the Legislature adopts the recommendations of the department, no local government, local governmental agency, or state government agency may enact any rule, regulation, or ordinance regarding use, disposition, sale, prohibition, restriction, or tax of such auxiliary containers, wrappings, or disposable plastic bags.

**403.7034 Local regulation of single-use plastic straws; moratorium.**— (1) Before July 1, 2024, a county, a municipality, or another entity of local government may not adopt or enforce an ordinance or other local regulation relating to single-use plastic straws. The moratorium on local regulation and enforcement under this section expires July 1, 2024.

Please let me know if you have any questions about this matter.