



CITY COUNCIL REGULAR MEETING
CITY OF NEW PORT RICHEY
NEW PORT RICHEY CITY HALL COUNCIL CHAMBERS
5919 MAIN STREET, NEW PORT RICHEY, FLORIDA
July 5, 2017
7:00 PM

AGENDA

ANY PERSON DESIRING TO APPEAL ANY DECISION MADE BY THE CITY COUNCIL, WITH RESPECT TO ANY MATTER CONSIDERED AT ANY MEETING OR HEARING, WILL NEED A RECORD OF THE PROCEEDINGS AND MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THE LAW DOES NOT REQUIRE THE CITY CLERK TO TRANSCRIBE VERBATIM MINUTES; THEREFORE, THE APPLICANT MUST MAKE THE NECESSARY ARRANGEMENTS WITH A PRIVATE REPORTER (OR PRIVATE REPORTING FIRM) AND BEAR THE RESULTING EXPENSE (F.S.286.0105)

ORDER OF
BUSINESS

1. Call to Order – Roll Call
2. Pledge of Allegiance
3. Moment of Silence
4. Approval of June 20, 2017 Work Session and Regular Meeting Minutes Page 3
5. Proclamation - Parks and Recreation Month (by title only) Page 13
6. Vox Pop for Items Not Listed on the Agenda or Listed on Consent Agenda
7. Consent Agenda
- a. Purchases/Payments for City Council Approval Page 14
8. Public Reading of Ordinances
- a. First Reading, Ordinance No. 2017-2120 Temporary Moratorium on Wireless Facilities in Public Rights-of-Way Page 16
- b. Second Reading, Ordinance No. 2017-2114 Amending Section 23-46 to Remove Circle Blvd. from One-Way Street Listing Page 32

9. Business Items

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|----|---|---------|
| a. | Sims Park Shelter Installations Phase 2 Project Close-Out | Page 36 |
| b. | Approval of the Parks and Recreation Master Plan | Page 43 |
| c. | Request to Purchase Subscription for Extra-Duty Management Web-based Software | Page 44 |
| d. | Presentation of Budget Process, Estimated Revenues, and Proposed Millage Rate | |
| e. | Three Minute Report: Technology Solutions | |

10. Communications

11. Adjournment

Agendas may be viewed on the City's website: www.citynpr.org. This meeting is open to the public. In accordance with the Americans with Disabilities Act of 1990 and Section 286.26, Florida Statutes, all persons with disabilities needing special accommodations to participate in this meeting should contact the City Clerk, 727-853-1024, not later than four days prior to said proceeding.



NEW PORT RICHEY

5919 MAIN STREET . NEW PORT RICHEY, FL 34652 . 727.853.1016

TO: City of New Port Richey City Council
FROM: Judy Meyers, City Clerk
DATE: 7/5/2017
RE: Approval of June 20, 2017 Work Session and Regular Meeting Minutes

REQUEST:

The request is for City Council to approve the minutes from the June 20, 2017 work session and regular meeting.

DISCUSSION:

City Council conducted a work session on June 20, 2017 to review recommendations from the Pavement Management Plan Committee. The minutes from that work session are attached for Council's review and approval.

City Council met for its regularly scheduled meeting on June 20, 2017. The minutes from that meeting are also attached for Council's review and approval.

RECOMMENDATION:

Staff recommends that City Council approve the minutes from the June 20, 2017 work session and regular meeting as submitted.

BUDGET/FISCAL IMPACT:

No funding is required for this item.

ATTACHMENTS:

Description	Type
☐ June 20, 2017 Work Session Minutes	Backup Material
☐ June 20, 2017 Regular Meeting Minutes	Backup Material



MINUTES OF THE CITY COUNCIL WORK SESSION
CITY OF NEW PORT RICHEY

NEW PORT RICHEY CITY HALL COUNCIL CHAMBERS
5919 MAIN STREET, NEW PORT RICHEY, FLORIDA

June 20, 2017
5:00 PM

ORDER OF
BUSINESS

1 **Call to Order - Roll Call**

The meeting was called to order by Mayor Rob Marlowe at 5:00 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 Clerk Judy Meyers, Finance Director Crystal Feast, Public Works Director Robert Rivera, Assistant Public Works Director Barret Doe and Technology Solutions Director Bryan Weed.

DISCUSSION ITEMS

2 **Proposed Pavement Management Plan - Page 2**

City Manager Manns introduced the item to Council. She stated the purpose of the work session was for Council to review the recommendations from the Pavement Management Plan Committee. Public Works Director introduced David Fleeman from the Genesis Group who then made a presentation to Council. Mr. Fleeman began by highlighting the old special assessment program. Mr. Fleeman then presented two options to Council proposed by the Committee.

Option 1 would help to reduce delinquent payments by utilizing the Tax Collector vs. direct billing. Other provisions included that the Board of Equalization should establish contribution formula, the front footage methodology should be eliminated, make arterial/collector roads a priority and that all property owners would be assessed.

Option 2 included a simplified methodology, would not overly burden neighborhood businesses and churches, considered the city as an interconnected network of streets, included every residential dwelling unit and included consideration for parcels that are not contiguous to city maintained roadways. Multiple land use categories replaced with residential, small commercial and large commercial.

Arterial/collector assessment annual maintenance cost established as 1/20 of engineer's opinion of probable maintenance. Anticipated at \$200k which calculated as \$15/year per resident. Local roads annual maintenance cost estimated at \$225k and would be calculated at \$70/residential, \$160.44 small commercial and \$320.87 large commercial.

This option also included an exemption and appeal process to the city manager for review but would be limited to methodology application. The option also provided for a credit based on remaining useful life of roadway provided to parcels who participated in prior street assessment program.

The final option 3 included the same classifications as option 2. Focuses on arterial/collector roads only. No residential roads. Five year option.

Councilman Phillips asked for clarification that alleyways are not included in any of the options. Mr. Fleeman stated yes they would be addressed differently. No consensus from residents on whether alleyways should be paved or not. Councilman Phillips stated there are safety and risk elements to alleys.

Councilman Davis asked if the fees set or if they vary. Mr. Rivera stated that when the Plan gets to the final vote the estimates are the most that will be assessed. If more LOGT or franchise fees are received then assessments would be reduced.

Councilwoman DeBella Thomas asked if there were any additional costs to add it to the tax roll. Councilman Phillips stated that there is a fee. Deputy Mayor Starkey stated he spoke to Mr. Fasano and he expressed his willingness to help the city. Finance Director Crystal Feast stated that yes there would be an administrative fee similar to the fees already charged for streetlight and stormwater assessments.

Mayor Marlowe stated he had two issues to consider. The first was mixed use and how will be assessed. Small single business charged the same as a large shopping center. Deputy Mayor suggested a tiered system. Perhaps including four categories; residential, small commercial, large commercial and mixed use.

Councilman Phillips stated consideration should be given to Indiana Avenue from Madison to Congress. Van Buren from Main Street to Massachusetts Avenue has a collector road element. Higher cut on River to avoid Main and red light cameras. Driving off US19 because of what is being done on US19. He stated that a conversation needs to take place about doing a PMP and show a net ad valorem adjustment. Take costs out of ad valorem to put into this fund. Methodology on credits and suggested using an outside firm to put the credit program templates together. Based everything on 20 year criteria earn back trust and understanding. Want to be fair and equitable across the board. Mr. Fleeman stated the typical design life is 20 years.

Deputy Mayor Starkey thanked committee members. He stated that road needs have not been met over the last 20 years. Option 2 is the way to go. It is an extra tax but it is needed.

Councilwoman DeBella Thomas also thanked committee members. Being from an insurance background she can understand spreading risk. She asked if it would be by type of building or occupancy. Mr. Fleeman stated that the Property Appraiser determines the use of building by codes. Alleyways determined by residents who use them.

Councilman Davis stated he was concerned with multi use and high volume. Look at LOGT and solid waste and fine tune to get numbers correct. Councilman Phillips replied LOGT are allocated based on road work done. Less work less funds received. Councilman Davis stated to make sure this tax money all goes to roads and not other city projects. This should be brought up during budget discussions.

Councilwoman DeBella Thomas asked how the city currently treats churches regarding stormwater and streetlight. Ms. Feast stated they are assessed. Mr. Rivera stated staff would look at it again to see if put into another category. She asked about non-profits and if they are charged. Councilman Phillips suggested adding to category with churches.

Mayor Marlowe invited the committee members who were present to speak. Heather Fiorentino came forward and stated that the committee looked at Southgate and how it was on a state road so they currently do not pay anything so something was better than nothing. She suggested putting language into an ordinance that this money can only be used for streets. Sunset provision was discussed and five years was too easy and option 2 will give you the money that needs to be done. Residents who will be paying want to see work done in their lifetime. She suggested looking into bonding gas fees and tax dollars and then would have money up front. Option 1 was not fair and equitable whereas option 2 is and credit will be given for those who have recently paid. Need to make sure work in a little faster than 20 years.

Ron Capalong came forward stated it you reduce life cycle roads will last. He suggested \$100 be charged and it will reduce life cycle by 6 years.

3 Adjournment

There being no further business to consider, upon proper motion, the meeting adjourned at 6:16 pm.

Approved: _____ (date)

_____ (signed)

Initialed: _____

Judy Meyers, City Clerk



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: _____



Office of the Mayor

City Of New Port Richey

Proclamation

WHEREAS, parks and recreation programs enhance our quality of life by contributing to a healthy lifestyle, creating a sense of community, improving health and fitness and providing safe places for people to play; and

WHEREAS, parks and recreation programs increase economic development, preserve our heritage, promote tourism, and reduce crime; and

WHEREAS, parks and recreation programs strengthen family unity, encourage social interaction, enhance creativity, and promote diversity; and

WHEREAS, our parks develop a respect for nature, provide for environmental conservation of our natural treasures and protect Florida's future; and

WHEREAS, the National Recreation and Park Association and the Florida Recreation and Park Association designated July as Recreation and Parks Month.

NOW, THEREFORE, I, Rob Marlowe, Mayor of the City of New Port Richey, do hereby extend greetings and best wishes to all observing July 2017 as

Parks and Recreation Month

In the City of New Port Richey and I urge all citizens of the City to acquaint themselves with the various parks and recreation facilities and what they have to offer. Citizens are also encouraged to attend the free special events offered in Sims Park this month in celebration of Parks and Recreation Month: Summer Sunset Concerts on July 8th and 22nd and the Family Movie Night on July 29th.



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

ATTEST: _____

DATE: _____



NEW PORT RICHEY

5919 MAIN STREET • NEW PORT RICHEY, FL 34652 • 727.853.1016

TO: City of New Port Richey City Council
FROM: Crystal S. Feast, Finance Director
DATE: 7/5/2017
RE: Purchases/Payments for City Council Approval

REQUEST:

The City Council is asked to review the attached list of purchases and expenditures and authorize payment.

DISCUSSION:

Section 2-161 of the City's Code of Ordinances requires approval by the City Council for purchases and payments in excess of \$25,000.

RECOMMENDATION:

It is recommended that the City Council authorize the payment of the attached list of purchases and expenditures.

BUDGET/FISCAL IMPACT:

The purchases and expenditures presented have already been budgeted for. Expenditures will be included in the fiscal year-end reporting.

ATTACHMENTS:

Description	Type
☐ Purchases/Payments for City Council Approval	Exhibit

PURCHASES/PAYMENTS FOR CITY COUNCIL APPROVAL

<u>Hennessy Construction Services</u>	\$176,754.45
Project: RAC Improvement Project	
Approximately 10% work is complete	
Services thru June 23, 2017	

<u>Morrelli Landscaping, Inc.</u>	41,422.80
Project: 2015 Downtown Landscaping Improvement Project	
13% work is complete	
Services thru May 26, 2017	

RECURRING EXPENDITURES OVER \$25,000

Tampa Bay Water	\$139,334.03
Fiduciary Trust Intl. of the South (Police Pension - 06/15/2017)	39,543.61



NEW PORT RICHEY

5919 MAIN STREET . NEW PORT RICHEY, FL 34652 . 727.853.1016

TO: City of New Port Richey City Council

FROM: Debbie L. Manns, City Manager

DATE: 7/5/2017

RE: First Reading, Ordinance No. 2017-2120 Temporary Moratorium on Wireless Facilities in Public Rights-of-Way

REQUEST:

The request is for City Council to conduct a first reading on Ordinance No. 2017-2120 to impose a temporary moratorium on wireless facilities in public rights-of-way.

DISCUSSION:

On April 4, 2017 City Council adopted Resolution No. 2017-15 which stated the City's opposition to then-HB 687 regarding wireless communication facilities. Since that time, the Bill moved through the legislature, was signed by the Governor and became Section 2017-136 in the Laws of Florida on July 1, 2017. The new law, entitled the "Advanced Wireless Infrastructure Deployment Act," establishes a process by which wireless providers may place certain "small wireless facilities" on, under, within, or adjacent to certain utility poles or wireless support structures within public rights-of-way that are under the jurisdiction and control of an "authority" (i.e., a county or municipality.) The law provides that the City may not prohibit, regulate, or charge for the collocation of small wireless facilities in the public rights-of-way, except as specified in the legislation.

Due to the impacts that this new law may have in our community, staff is requesting that City Council impose a temporary moratorium for 180 days in order to allow staff sufficient time to study the new legislation and prepare any amendments to the City's Code of Ordinances as needed. The moratorium would be effective immediately and would expire on January 3, 2018. A copy of the legislation is attached to this agenda item for City Council's review.

RECOMMENDATION:

Staff recommends that City Council conduct the first reading of Ordinance No. 2017-2120 imposing a temporary moratorium on wireless facilities in public rights-of-way as submitted.

BUDGET/FISCAL IMPACT:

No funding is required for this item at this time.

ATTACHMENTS:

Description	Type
☐ Ordinance No. 2017-2120 Temporary Moratorium for Wireless Facilities	Ordinance
☐ Section 2017-136 Laws of Florida	Backup Material

ORDINANCE NO. 2017-2120

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA ESTABLISHING AND IMPOSING A TEMPORARY MORATORIUM WITHIN THE CITY ON UPON THE ACCEPTANCE AND/OR PROCESSING OF APPLICATIONS FOR COLLOCATION ON EXISTING, OR CREATION OF NEW, UTILITY POLES IN THE RIGHTS-OF-WAY TO SUPPORT SMALL WIRELESS FACILITIES OR MICRO WIRELESS FACILITIES, UNTIL JANUARY 3, 2018; PROHIBITING ANY AND ALL APPROVALS DURING THE MORATORIUM PERIOD FOR ANY RIGHT-OF-WAY LOCATED WITHIN THE CITY IN ORDER TO ALLOW AN OPPORTUNITY FOR THE CITY TO DEVELOP AN ORDINANCE, AS APPROPRIATE, RELATING TO THE IMPACTS OF RECENT LEGISLATION; PROVIDING FOR NON-CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 2017-136 Laws of Florida creates the "Advanced Wireless Infrastructure Deployment Act" (which legislation has also been referred to by local government advocates as the "Wireless Giveaway"); and

WHEREAS, the legislation establishes a process by which wireless providers may place certain "small wireless facilities" on, under, within, or adjacent to certain utility poles or wireless support structures within public rights-of-way that are under the jurisdiction and control of an "authority" (i.e., a county or municipality); and

WHEREAS, the law provides that the City may not prohibit, regulate, or charge for the collocation of small wireless facilities in the public rights-of-way, except as specified in the legislation; and

WHEREAS, the legislation became effective on July 1, 2017; and

WHEREAS, City staff has not had adequate time to evaluate the impacts or address local issues that are presented by the legislation; and

WHEREAS, this Ordinance is enacted pursuant to the home rule powers of the City as set forth at Article VIII, Section 2, of the Constitution of the State of Florida; Chapter 166, Florida Statutes, and other applicable controlling law; and

WHEREAS, the City has determined that it is in the best interest of the citizens of the City to protect the general public health, safety, and welfare by studying and planning for this new technology, including how to best support this new technology and address potential impacts on the quality of life for the surrounding community.

NOW, THEREFORE, THE CITY OF NEW PORT RICHEY, FLORIDA HEREBY ORDAINS:

SECTION 1. LEGISLATIVE AND ADMINISTRATIVE FINDINGS.

- a. The City has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance.
- b. The foregoing recitals (whereas clauses) are hereby ratified, affirmed and confirmed as being true and correct and are hereby made a part of this Ordinance.

SECTION 2. STUDY AND REVIEW PROCESS.

- a. During the temporary moratorium period designated in Section 3 of this Ordinance, the City staff, are hereby directed to study Section 2017-136 Laws of Florida.
- b. The essential purpose of such a review and study by the City staff is to develop and propose to the City Council amendments to the City's codes and ordinances as may be necessary and appropriate to provide a framework of authorized regulation and fee structure as to implementing the legislation.

SECTION 3. IMPOSITION OF TEMPORARY MORATORIUM.

- a. All activity relating to the acceptance of applications for, the processing of, and the issuance of permits, orders or any other official action of the City permitting or having the effect of permitting, in the rights-of-way, the siting of utility poles and collocation with existing utility poles to support small wireless facilities and micro wireless facilities, as defined in Section 2017-136 Laws of Florida is temporarily suspended in order for the City to have the time and opportunity necessary to provide a framework of authorized regulation and fee structure as to implementing said legislation.
- b. Based upon the legislative findings, purpose, and intent set forth herein, there is hereby imposed a temporary moratorium on all matters regulated by Section 2017-136 Laws of Florida.
- c. During the time that the moratorium imposed by this Ordinance is in effect, no applications will be accepted with regard to the matters regulated by the provisions of Section 2017-136 Laws of Florida that pertain to activities proposed to occur within the City Limits of the City.

SECTION 4. GEOGRAPHIC AREA COVERED.

This Ordinance applies to all areas within the City Limits of the City of New Port Richey.

SECTION 5. DURATION OF MORATORIUM.

- a. The temporary moratorium established by this Ordinance has taken effect upon first reading of this Ordinance (under the zoning in progress doctrine) and shall terminate on January 3, 2018.
- b. No applications for approvals subject to the moratorium will be accepted by the City until the moratorium has expired.
- c. The temporary moratorium set forth in this Ordinance shall expire prior to the termination date set forth herein if the City Council enacts an ordinance addressing the matters regulated by the provisions of Section 2017-136 Laws of Florida.

SECTION 6. IMPLEMENTING ADMINISTRATIVE ACTIONS.

- a. The City Manager is hereby authorized and directed to implement the provisions of this Ordinance and with regard to the implementation of the matters regulated by the provisions of Section 2017-136 Laws of Florida by the promulgation of rules and the development and usage of forms and processes all as may be deemed necessary or appropriate by the City Manager.
- b. The City Manager and City Attorney are also hereby authorized and directed to generally implement the provisions of this Ordinance and to take any and all necessary administrative actions to bring into effect the provisions of this Ordinance in accordance with controlling law as such officers may deem appropriate in their respective roles and functions under the City Charter.

SECTION 7. SAVINGS.

The prior actions of the City in terms of the matters relating to the regulation of rights-of-way, as well as any and all related matters, are hereby ratified and affirmed.

SECTION 8. CONFLICTS.

All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 9. SEVERABILITY.

If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate

or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise to be invalid, unlawful, or unconstitutional.

SECTION 10. NON-CODIFICATION.

- a. The provisions of this Ordinance shall not be included and incorporated within the Code of Ordinances or Land Development Code of the City, and neither the Land Development Code nor the Code of Ordinances of the City shall be revised to accommodate such inclusion.
- b. Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk and City Attorney, may be corrected with the endorsement of the City Manager, or designee, without the need for a public hearing.

SECTION 11. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon passage and adoption.

The foregoing Ordinance was duly read and approved on first reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida this 5th day of July, 2017, and read and adopted on second reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida this 18th day of July, 2017.

ATTEST:

By: _____
Judy Meyers, City Clerk

(Seal)

By: _____
Robert Marlowe, Mayor-Council Member

APPROVED AS TO FORM AND LEGALITY FOR THE
SOLE USE AND RELIANCE OF THE CITY OF NEW
PORT RICHEY, FLORIDA:

Timothy P. Driscoll, City Attorney

CHAPTER 2017-136

Committee Substitute for Committee Substitute for House Bill No. 687

An act relating to utilities; amending s. 337.401, F.S.; authorizing the Department of Transportation and certain local governmental entities to prescribe and enforce rules or regulations regarding the placing and maintaining of certain voice or data communications services lines or wireless facilities on certain rights-of-way; providing a short title; providing definitions; prohibiting an authority from prohibiting, regulating, or charging for the collocation of small wireless facilities in public rights-of-way under certain circumstances; authorizing an authority to require a registration process and permit fees under certain circumstances; requiring an authority to accept, process, and issue applications for permits subject to specified requirements; prohibiting an authority from requiring approval or requiring fees or other charges for routine maintenance, the replacement of certain wireless facilities, or the installation, placement, maintenance, or replacement of certain micro wireless facilities; providing an exception; providing requirements for the collocation of small wireless facilities on authority utility poles; providing requirements for rates, fees, and other terms related to authority utility poles; authorizing an authority to apply current ordinances regulating placement of communications facilities in the right-of-way for certain applications; requiring an authority to waive certain permit application requirements and small wireless facility placement requirements; prohibiting an authority from adopting or enforcing any regulation on the placement or operation of certain communications facilities and from regulating any communications services or imposing or collecting any tax, fee, or charge not specifically authorized under state law; providing construction; requiring a wireless provider to comply with certain nondiscriminatory undergirding requirements of an authority; authorizing the authority to waive any such requirements; authorizing a wireless infrastructure provider to apply to an authority to place utility poles in the public rights-of-way to support the collocation of small wireless facilities; providing application requirements; requiring the authority to accept and process the application subject to certain requirements; providing construction; authorizing an authority to enforce certain local codes, administrative rules, or regulations; authorizing an authority to enforce certain pending local ordinances, administrative rules, or regulations under certain circumstances, subject to waiver by the authority; providing construction; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (a) of subsection (1) of section 337.401, Florida Statutes, is amended, and subsection (7) is added to that section, to read:

337.401 Use of right-of-way for utilities subject to regulation; permit; fees.—

(1)(a) The department and local governmental entities, referred to in this section and in ss. 337.402, 337.403, and 337.404 as the “authority,” that have jurisdiction and control of public roads or publicly owned rail corridors are authorized to prescribe and enforce reasonable rules or regulations with reference to the placing and maintaining across, on, or within the right-of-way limits of any road or publicly owned rail corridors under their respective jurisdictions any electric transmission, voice telephone, telegraph, data, or other communications services lines or wireless facilities; pole lines; poles; railways; ditches; sewers; water, heat, or gas mains; pipelines; fences; gasoline tanks and pumps; or other structures referred to in this section and in ss. 337.402, 337.403, and 337.404 as the “utility.” The department may enter into a permit-delegation agreement with a governmental entity if issuance of a permit is based on requirements that the department finds will ensure the safety and integrity of facilities of the Department of Transportation; however, the permit-delegation agreement does not apply to facilities of electric utilities as defined in s. 366.02(2).

(7)(a) This subsection may be cited as the “Advanced Wireless Infrastructure Deployment Act.”

(b) As used in this subsection, the term:

1. “Antenna” means communications equipment that transmits or receives electromagnetic radio frequency signals used in providing wireless services.

2. “Applicable codes” means uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization or local amendments to those codes enacted solely to address threats of destruction of property or injury to persons, or local codes or ordinances adopted to implement this subsection. The term includes objective design standards adopted by ordinance that may require a new utility pole that replaces an existing utility pole to be of substantially similar design, material, and color or that may require reasonable spacing requirements concerning the location of ground-mounted equipment. The term includes objective design standards adopted by ordinance that may require a small wireless facility to meet reasonable location context, color, stealth, and concealment requirements; however, such design standards may be waived by the authority upon a showing that the design standards are not reasonably compatible for the particular location of a small wireless facility or that the design standards impose an excessive expense. The waiver shall be granted or denied within 45 days after the date of the request.

3. “Applicant” means a person who submits an application and is a wireless provider.

4. “Application” means a request submitted by an applicant to an authority for a permit to collocate small wireless facilities.

5. “Authority” means a county or municipality having jurisdiction and control of the rights-of-way of any public road. The term does not include the Department of Transportation. Rights-of-way under the jurisdiction and control of the department are excluded from this subsection.

6. “Authority utility pole” means a utility pole owned by an authority in the right-of-way. The term does not include a utility pole owned by a municipal electric utility, a utility pole used to support municipally owned or operated electric distribution facilities, or a utility pole located in the right-of-way within:

a. A retirement community that:

(I) Is deed restricted as housing for older persons as defined in s. 760.29(4)(b);

(II) Has more than 5,000 residents; and

(III) Has underground utilities for electric transmission or distribution.

b. A municipality that:

(I) Is located on a coastal barrier island as defined in s. 161.053(1)(b)3.;

(II) Has a land area of less than 5 square miles;

(III) Has less than 10,000 residents; and

(IV) Has, before July 1, 2017, received referendum approval to issue debt to finance municipal-wide undergrounding of its utilities for electric transmission or distribution.

7. “Collocate” or “collocation” means to install, mount, maintain, modify, operate, or replace one or more wireless facilities on, under, within, or adjacent to a wireless support structure or utility pole. The term does not include the installation of a new utility pole or wireless support structure in the public rights-of-way.

8. “FCC” means the Federal Communications Commission.

9. “Micro wireless facility” means a small wireless facility having dimensions no larger than 24 inches in length, 15 inches in width, and 12 inches in height and an exterior antenna, if any, no longer than 11 inches.

10. “Small wireless facility” means a wireless facility that meets the following qualifications:

a. Each antenna associated with the facility is located inside an enclosure of no more than 6 cubic feet in volume or, in the case of antennas

that have exposed elements, each antenna and all of its exposed elements could fit within an enclosure of no more than 6 cubic feet in volume; and

b. All other wireless equipment associated with the facility is cumulatively no more than 28 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, ground-based enclosures, grounding equipment, power transfer switches, cutoff switches, vertical cable runs for the connection of power and other services, and utility poles or other support structures.

11. "Utility pole" means a pole or similar structure that is used in whole or in part to provide communications services or for electric distribution, lighting, traffic control, signage, or a similar function. The term includes the vertical support structure for traffic lights but does not include a horizontal structure to which signal lights or other traffic control devices are attached and does not include a pole or similar structure 15 feet in height or less unless an authority grants a waiver for such pole.

12. "Wireless facility" means equipment at a fixed location which enables wireless communications between user equipment and a communications network, including radio transceivers, antennas, wires, coaxial or fiber-optic cable or other cables, regular and backup power supplies, and comparable equipment, regardless of technological configuration, and equipment associated with wireless communications. The term includes small wireless facilities. The term does not include:

a. The structure or improvements on, under, within, or adjacent to the structure on which the equipment is collocated;

b. Wireline backhaul facilities; or

c. Coaxial or fiber-optic cable that is between wireless structures or utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna.

13. "Wireless infrastructure provider" means a person who has been certificated to provide telecommunications service in the state and who builds or installs wireless communication transmission equipment, wireless facilities, or wireless support structures but is not a wireless services provider.

14. "Wireless provider" means a wireless infrastructure provider or a wireless services provider.

15. "Wireless services" means any services provided using licensed or unlicensed spectrum, whether at a fixed location or mobile, using wireless facilities.

16. "Wireless services provider" means a person who provides wireless services.

17. “Wireless support structure” means a freestanding structure, such as a monopole, a guyed or self-supporting tower, or another existing or proposed structure designed to support or capable of supporting wireless facilities. The term does not include a utility pole.

(c) Except as provided in this subsection, an authority may not prohibit, regulate, or charge for the collocation of small wireless facilities in the public rights-of-way.

(d) An authority may require a registration process and permit fees in accordance with subsection (3). An authority shall accept applications for permits and shall process and issue permits subject to the following requirements:

1. An authority may not directly or indirectly require an applicant to perform services unrelated to the collocation for which approval is sought, such as in-kind contributions to the authority, including reserving fiber, conduit, or pole space for the authority.

2. An applicant may not be required to provide more information to obtain a permit than is necessary to demonstrate the applicant’s compliance with applicable codes for the placement of small wireless facilities in the locations identified the application.

3. An authority may not require the placement of small wireless facilities on any specific utility pole or category of poles or require multiple antenna systems on a single utility pole.

4. An authority may not limit the placement of small wireless facilities by minimum separation distances. However, within 14 days after the date of filing the application, an authority may request that the proposed location of a small wireless facility be moved to another location in the right-of-way and placed on an alternative authority utility pole or support structure or may place a new utility pole. The authority and the applicant may negotiate the alternative location, including any objective design standards and reasonable spacing requirements for ground-based equipment, for 30 days after the date of the request. At the conclusion of the negotiation period, if the alternative location is accepted by the applicant, the applicant must notify the authority of such acceptance and the application shall be deemed granted for any new location for which there is agreement and all other locations in the application. If an agreement is not reached, the applicant must notify the authority of such nonagreement and the authority must grant or deny the original application within 90 days after the date the application was filed. A request for an alternative location, an acceptance of an alternative location, or a rejection of an alternative location must be in writing and provided by electronic mail.

5. An authority shall limit the height of a small wireless facility to 10 feet above the utility pole or structure upon which the small wireless facility is to be collocated. Unless waived by an authority, the height for a new utility pole

is limited to the tallest existing utility pole as of July 1, 2017, located in the same right-of-way, other than a utility pole for which a waiver has previously been granted, measured from grade in place within 500 feet of the proposed location of the small wireless facility. If there is no utility pole within 500 feet, the authority shall limit the height of the utility pole to 50 feet.

6. Except as provided in subparagraphs 4. and 5., the installation of a utility pole in the public rights-of-way designed to support a small wireless facility shall be subject to authority rules or regulations governing the placement of utility poles in the public rights-of-way and shall be subject to the application review timeframes in this subsection.

7. Within 14 days after receiving an application, an authority must determine and notify the applicant by electronic mail as to whether the application is complete. If an application is deemed incomplete, the authority must specifically identify the missing information. An application is deemed complete if the authority fails to provide notification to the applicant within 14 days.

8. An application must be processed on a nondiscriminatory basis. A complete application is deemed approved if an authority fails to approve or deny the application within 60 days after receipt of the application. If an authority does not use the 30-day negotiation period provided in subparagraph 4., the parties may mutually agree to extend the 60-day application review period. The authority shall grant or deny the application at the end of the extended period. A permit issued pursuant to an approved application shall remain effective for 1 year unless extended by the authority.

9. An authority must notify the applicant of approval or denial by electronic mail. An authority shall approve a complete application unless it does not meet the authority's applicable codes. If the application is denied, the authority must specify in writing the basis for denial, including the specific code provisions on which the denial was based, and send the documentation to the applicant by electronic mail on the day the authority denies the application. The applicant may cure the deficiencies identified by the authority and resubmit the application within 30 days after notice of the denial is sent to the applicant. The authority shall approve or deny the revised application within 30 days after receipt or the application is deemed approved. Any subsequent review shall be limited to the deficiencies cited in the denial.

10. An applicant seeking to collocate small wireless facilities within the jurisdiction of a single authority may, at the applicant's discretion, file a consolidated application and receive a single permit for the collocation of up to 30 small wireless facilities. If the application includes multiple small wireless facilities, an authority may separately address small wireless facility collocations for which incomplete information has been received or which are denied.

11. An authority may deny a proposed collocation of a small wireless facility in the public rights-of-way if the proposed collocation:

a. Materially interferes with the safe operation of traffic control equipment.

b. Materially interferes with sight lines or clear zones for transportation, pedestrians, or public safety purposes.

c. Materially interferes with compliance with the Americans with Disabilities Act or similar federal or state standards regarding pedestrian access or movement.

d. Materially fails to comply with the 2010 edition of the Florida Department of Transportation Utility Accommodation Manual.

e. Fails to comply with applicable codes.

12. An authority may adopt by ordinance provisions for insurance coverage, indemnification, performance bonds, security funds, force majeure, abandonment, authority liability, or authority warranties. Such provisions must be reasonable and nondiscriminatory.

13. Collocation of a small wireless facility on an authority utility pole does not provide the basis for the imposition of an ad valorem tax on the authority utility pole.

14. An authority may reserve space on authority utility poles for future public safety uses. However, a reservation of space may not preclude collocation of a small wireless facility. If replacement of the authority utility pole is necessary to accommodate the collocation of the small wireless facility and the future public safety use, the pole replacement is subject to make-ready provisions and the replaced pole shall accommodate the future public safety use.

15. A structure granted a permit and installed pursuant to this subsection shall comply with chapter 333 and federal regulations pertaining to airport airspace protections.

(e) An authority may not require approval or require fees or other charges for:

1. Routine maintenance;

2. Replacement of existing wireless facilities with wireless facilities that are substantially similar or of the same or smaller size; or

3. Installation, placement, maintenance, or replacement of micro wireless facilities that are suspended on cables strung between existing utility poles in compliance with applicable codes by or for a communications

services provider authorized to occupy the rights-of-way and who is remitting taxes under chapter 202.

Notwithstanding this paragraph, an authority may require a right-of-way permit for work that involves excavation, closure of a sidewalk, or closure of a vehicular lane.

(f) Collocation of small wireless facilities on authority utility poles is subject to the following requirements:

1. An authority may not enter into an exclusive arrangement with any person for the right to attach equipment to authority utility poles.

2. The rates and fees for collocations on authority utility poles must be nondiscriminatory, regardless of the services provided by the collocating person.

3. The rate to collocate small wireless facilities on an authority utility pole may not exceed \$150 per pole annually.

4. Agreements between authorities and wireless providers that are in effect on July 1, 2017, and that relate to the collocation of small wireless facilities in the right-of-way, including the collocation of small wireless facilities on authority utility poles, remain in effect, subject to applicable termination provisions. The wireless provider may accept the rates, fees, and terms established under this subsection for small wireless facilities and utility poles that are the subject of an application submitted after the rates, fees, and terms become effective.

5. A person owning or controlling an authority utility pole shall offer rates, fees, and other terms that comply with this subsection. By the later of January 1, 2018, or 3 months after receiving a request to collocate its first small wireless facility on a utility pole owned or controlled by an authority, the person owning or controlling the authority utility pole shall make available, through ordinance or otherwise, rates, fees, and terms for the collocation of small wireless facilities on the authority utility pole which comply with this subsection.

a. The rates, fees, and terms must be nondiscriminatory and competitively neutral and must comply with this subsection.

b. For an authority utility pole that supports an aerial facility used to provide communications services or electric service, the parties shall comply with the process for make-ready work under 47 U.S.C. s. 224 and implementing regulations. The good faith estimate of the person owning or controlling the pole for any make-ready work necessary to enable the pole to support the requested collocation must include pole replacement if necessary.

c. For an authority utility pole that does not support an aerial facility used to provide communications services or electric service, the authority

shall provide a good faith estimate for any make-ready work necessary to enable the pole to support the requested collocation, including necessary pole replacement, within 60 days after receipt of a complete application. Make-ready work, including any pole replacement, must be completed within 60 days after written acceptance of the good faith estimate by the applicant. Alternatively, an authority may require the applicant seeking to collocate a small wireless facility to provide a make-ready estimate at the applicant's expense for the work necessary to support the small wireless facility, including pole replacement, and perform the make-ready work. If pole replacement is required, the scope of the make-ready estimate is limited to the design, fabrication, and installation of a utility pole that is substantially similar in color and composition. The authority may not condition or restrict the manner in which the applicant obtains, develops, or provides the estimate or conducts the make-ready work subject to usual construction restoration standards for work in the right-of-way. The replaced or altered utility pole shall remain the property of the authority.

d. An authority may not require more make-ready work than is required to meet applicable codes or industry standards. Fees for make-ready work may not include costs related to preexisting damage or prior noncompliance. Fees for make-ready work, including any pole replacement, may not exceed actual costs or the amount charged to communications services providers other than wireless services providers for similar work and may not include any consultant fee or expense.

(g) For any applications filed before the effective date of ordinances implementing this subsection, an authority may apply current ordinances relating to placement of communications facilities in the right-of-way related to registration, permitting, insurance coverage, indemnification, performance bonds, security funds, force majeure, abandonment, authority liability, or authority warranties. Permit application requirements and small wireless facility placement requirements, including utility pole height limits, that conflict with this subsection shall be waived by the authority.

(h) Except as provided in this section or specifically required by state law, an authority may not adopt or enforce any regulation on the placement or operation of communications facilities in the rights-of-way by a provider authorized by state law to operate in the rights-of-way and may not regulate any communications services or impose or collect any tax, fee, or charge not specifically authorized under state law. This paragraph does not alter any law regarding an authority's ability to regulate the relocation of facilities.

(i) A wireless provider shall, in relation to a small wireless facility, utility pole, or wireless support structure in the public rights-of-way, comply with nondiscriminatory undergrounding requirements of an authority that prohibit above-ground structures in public rights-of-way. Any such requirements may be waived by the authority.

(j) A wireless infrastructure provider may apply to an authority to place utility poles in the public rights-of-way to support the collocation of small

wireless facilities. The application must include an attestation that small wireless facilities will be collocated on the utility pole or structure and will be used by a wireless services provider to provide service within 9 months after the date the application is approved. The authority shall accept and process the application in accordance with subparagraph (d)6. and any applicable codes and other local codes governing the placement of utility poles in the public rights-of-way.

(k) This subsection does not limit a local government's authority to enforce historic preservation zoning regulations consistent with the preservation of local zoning authority under 47 U.S.C. s. 332(c)(7), the requirements for facility modifications under 47 U.S.C. s. 1455(a), or the National Historic Preservation Act of 1966, as amended, and the regulations adopted to implement such laws. An authority may enforce local codes, administrative rules, or regulations adopted by ordinance in effect on April 1, 2017, which are applicable to a historic area designated by the state or authority. An authority may enforce pending local ordinances, administrative rules, or regulations applicable to a historic area designated by the state if the intent to adopt such changes has been publicly declared on or before April 1, 2017. An authority may waive any ordinances or other requirements that are subject to this paragraph.

(l) This subsection does not authorize a person to collocate or attach wireless facilities, including any antenna, micro wireless facility, or small wireless facility, on a privately owned utility pole, a utility pole owned by an electric cooperative or a municipal electric utility, a privately owned wireless support structure, or other private property without the consent of the property owner.

(m) The approval of the installation, placement, maintenance, or operation of a small wireless facility pursuant to this subsection does not authorize the provision of any voice, data, or video communications services or the installation, placement, maintenance, or operation of any communications facilities other than small wireless facilities in the right-of-way.

(n) This subsection does not affect provisions relating to pass-through providers in subsection (6).

(o) This subsection does not authorize a person to collocate or attach small wireless facilities or micro wireless facilities on a utility pole, unless otherwise permitted by federal law, or erect a wireless support structure in the right-of-way located within a retirement community that:

1. Is deed restricted as housing for older persons as defined in s. 760.29(4)(b);
2. Has more than 5,000 residents; and
3. Has underground utilities for electric transmission or distribution.

This paragraph does not apply to the installation, placement, maintenance, or replacement of micro wireless facilities on any existing and duly authorized aerial communications facilities, provided that once aerial facilities are converted to underground facilities, any such collocation or construction shall be only as provided by the municipality's underground utilities ordinance.

(p) This subsection does not authorize a person to collocate or attach small wireless facilities or micro wireless facilities on a utility pole, unless otherwise permitted by federal law, or erect a wireless support structure in the right-of-way located within a municipality that:

1. Is located on a coastal barrier island as defined in s. 161.053(1)(b)3.;
2. Has a land area of less than 5 square miles;
3. Has fewer than 10,000 residents; and
4. Has, before July 1, 2017, received referendum approval to issue debt to finance municipal-wide undergrounding of its utilities for electric transmission or distribution.

This paragraph does not apply to the installation, placement, maintenance, or replacement of micro wireless facilities on any existing and duly authorized aerial communications facilities, provided that once aerial facilities are converted to underground facilities, any such collocation or construction shall be only as provided by the municipality's underground utilities ordinance.

(q) This subsection does not authorize a person to collocate small wireless facilities or micro wireless facilities on an authority utility pole or erect a wireless support structure in a location subject to covenants, conditions, restrictions, articles of incorporation, and bylaws of a homeowners' association. This paragraph does not apply to the installation, placement, maintenance, or replacement of micro wireless facilities on any existing and duly authorized aerial communications facilities.

Section 2. This act shall take effect July 1, 2017.

Approved by the Governor June 23, 2017.

Filed in Office Secretary of State June 23, 2017.



NEW PORT RICHEY

5919 MAIN STREET . NEW PORT RICHEY, FL 34652 . 727.853.1016

TO: City of New Port Richey City Council
FROM: Robert M Rivera, Public Works Director
DATE: 7/5/2017
RE: Second Reading, Ordinance No. 2017-2114 Amending Section 23-46 to Remove Circle Blvd. from One-Way Street Listing

REQUEST:

The request for City Council's to review and consider for approval the second reading of Ordinance No. 2017-2114 relating to the removal of the existing establishment of Circle Blvd. as a one-way street.

DISCUSSION:

The New Port Richey Florida Code of Ordinances Chapter 23 – Traffic and Motor Vehicles, Division 3 One-Way Streets, Section 23-46. Established a list of streets, when properly posted by signs, that shall be restricted to one-way traffic only. Circle Blvd. from Grand Blvd. around Orange Lake counter-clockwise proceeding east, north, west, and south was included in that designation.

As City Council is aware, as part of the Sims Park Improvements a portion of Grand Blvd. was removed and relocated and Circle Blvd. was altered to allow for two-way traffic in the east, north, west, and south directions around Orange Lake from Sims Lane to Bank Street.

RECOMMENDATION:

Staff would consider this a “housekeeping” item and would recommend final approval of the proposed Ordinance as submitted.

BUDGET/FISCAL IMPACT:

There is no budget impact.

ATTACHMENTS:

Description	Type
❑ Ordinance 2017-2114	Ordinance
❑ Chapter 23.Div.3.One Way Streets	Backup Material

ORDINANCE NO. 2017-2114

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA, PROVIDING FOR AMENDMENT OF SECTION 23-46 OF THE NEW PORT RICHEY CODE OF ORDINANCES; PERTAINING TO ONE-WAY STREETS; PROVIDING FOR TWO-WAY TRAFFIC ON CIRCLE BOULEVARD; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, as a result of improvements to Sims Park, the appropriate traffic pattern for Circle Boulevard is for two-way traffic;

WHEREAS, the Code of Ordinances provides for one-way traffic on Circle Boulevard; and

WHEREAS, it is declared as a matter of legislative determination and public policy that the provisions and prohibitions herein are necessary in the public interest; and it is further declared that the provisions and prohibitions herein are in pursuance of and for the purpose of securing and promoting the public health, safety, welfare and quality of life in the City.

NOW, THEREFORE, THE CITY OF NEW PORT RICHEY, FLORIDA HEREBY ORDAINS:

Section 1. Section 23-46 of the Code of Ordinances, pertaining to one-way streets, is hereby amended as follows (strikeout text is deleted and underlined text is added):

Sec. 23-46. - Established.

The following streets, when properly posted by signs, shall be restricted to one-way traffic only in the direction indicated below:

Name of street	Direction of traffic movement
Tidalwave Drive from Grand Boulevard south to Aspen Way	West
Mandy Lane from Palmetto Road to Jasmine Drive	North
Florida Avenue from Madison Street to Jefferson Street	West
Jefferson Street from Florida Avenue to Main Street	South
George Street from Gulf Drive to Elm Street	South
Chapel Street from Kenwood Street to City limits	North
Circle Boulevard from Grand Boulevard around Orange Lake Counter-	East, North, West, South

clockwise	
-----------	--

Section 2. Conflict with Other Ordinances and Codes. All ordinances or parts of ordinances of the City of New Port Richey, Florida, in conflict with the provisions of this ordinance, are hereby repealed to the extent of such conflict.

Section 3. Severability. If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

Section 4. Effective Date. This ordinance shall take effect immediately upon its adoption as provided by law.

The foregoing Ordinance was duly read and approved on first reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida this 20th day of June, 2017, and read and adopted on second reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida this 5th day of July, 2017.

ATTEST:

By: _____
Judy Meyers, City Clerk

By: _____
Robert Marlowe, Mayor-Council Member

(Seal)

APPROVED AS TO FORM AND LEGALITY FOR THE
SOLE USE AND RELIANCE OF THE CITY OF NEW
PORT RICHEY, FLORIDA:

Timothy P. Driscoll, City Attorney

miles per hour. Upon completion of the investigation the city manager shall present the investigation results and recommendations to the city council.

(Ord. No. 1245, § I, 11-6-90)

Sec. 23-34. - Maximum speed limit.

After review of the investigation and any report prepared at the direction of the city manager, city council may, by resolution, lower the maximum speed on local streets and/or highways in residential districts if the investigation indicated reduced speed is warranted. The speed limit may encompass all residential districts in the city or may be limited to specific streets within the city.

From time to time, as deemed appropriate by city council and as warranted by appropriate investigation, the city council may amend, by resolution, the established reduced speed zones on local streets and highways in the city, exclusive of state roads.

(Ord. No. 1245, § II, 11-6-90)

Secs. 23-35—23-45. - Reserved.

DIVISION 3. - ONE-WAY STREETS

Sec. 23-46. - Established.

The following streets, when properly posted by signs, shall be restricted to one-way traffic only in the direction indicated below:

Name of street	Direction of traffic movement
Tidalwave Drive from Grand Boulevard south to Aspen Way	West
Mandy Lane from Palmetto Road to Jasmine Drive	North
Florida Avenue from Madison Street to Jefferson Street	West
Jefferson Street from Florida Avenue to Main Street	South
George Street from Gulf Drive to Elm Street	South
Chapel Street from Kenwood Street to City limits	North
Circle Boulevard from Grand Boulevard around Orange Lake Counter-clockwise	East, North, West, South

(Code 1964, § 22-1(b); Ord. No. 1213, § 1, 11-21-89; Ord. No. 1439, § 1, 12-16-97)

Secs. 23-47—23-60. - Reserved.

ARTICLE III. - STOPPING, STANDING, PARKING^[2]



NEW PORT RICHEY

5919 MAIN STREET . NEW PORT RICHEY, FL 34652 . 727.853.1016

TO: City of New Port Richey City Council
FROM: Robert M Rivera, Public Works Director
DATE: 7/5/2017
RE: Sims Park Shelter Installations Phase 2 Project Close-Out

REQUEST:

The request of staff for the City Council is to review and consider for approval the attached deductive change order in the amount of (\$5,860.00) and final pay request in the amount of \$145,712.00 from Hennessy Construction Services for the installation of two (2) additional shade structures in Sims Park.

DISCUSSION:

In June 2015 Hennessy Construction Services and the City of New Port Richey entered into a purchasing and agency agreement for construction services as part of Sims Park Improvements Project Phase 1. During the design of the Sims Park Improvements Phase II project, two additional shade structures were proposed to be installed north of the two existing shade structures installed as part of the phase 1 project. As City Council may recall, the proposed shade structures were spec'd out as the same custom structures installed in phase 1 for uniformity purposes. In addition, the purchase price negotiated for the two (2) proposed shade structures is the same as the structures purchased in phase 1.

RECOMMENDATION:

Approval of the deductive change order and final pay request is recommended.

BUDGET/FISCAL IMPACT:

Funds are identified as Penny for Pasco (2) tax dollars.

ATTACHMENTS:

Description	Type
☐ Deductive Change Order & Final Pay Request	Backup Material

**CONTRACT MODIFICATION
(FINAL CHANGE ORDER-DEDUCTIVE)**

Contract Modification No.: 1

Date: 06/9/2017

Project Name: 2017-Sims Park Imp. Phase II (2) Shade Structures

Project No:

Owner: City of New Port Richey, City Council

Contractor: Hennessy Construction Services

Architect: Kimley - Horn

This is a final Deductive Change Order to the Contract Amount and the Following Modifications to the Contract are hereby ordered:

Contract Amount		Contract Time (Cal. Days)	
Original Contract Amount	\$ <u>151,572.00</u>	Original Duration	<u>54</u> Days
Previous Change Orders (Add/Deduct)	\$ <u>0.00</u>	Previous Change Orders (Add)	<u>0</u> Days
This Change Order (Deduct)	\$ <u>(5,860.00)</u>	This Change Orders (Add)	<u>0</u> Days
Revised Contract Amount	\$ <u>145,712.00</u>	Revised Contract Time	<u>0</u> Days

The Final Contract Completion Date is:

June 16, 2017

Contractor's Certification

By executing this Change Order, the contractor acknowledges and agrees that the stipulated price and/or time adjustment includes the costs and delays for all work contained in the Change order, including costs and delays associated with the interruption of schedules, extended overheads, delay, and cumulative impacts or ripple effect on all other non-effected work under this contract. Signing of the Change order constitutes full changes and constitutes full and mutual accord and satisfaction for the adjustment in contract price or time as a result of increases or decreases in costs and time or performance caused directly and indirectly from the change, subject to the current scope of the entire work as set forth in the contract documents.

Recommended By:

Engineer _____

By: N/A

Title _____

Date _____

Contractor _____

By: [Signature]

Title President

Date: 6-12-17

Public Works Director _____

By: [Signature]

Date: 6/12/2017

Project Manager/Inspector _____

By: [Signature]

Date: 6/12/2017



FIELD ORDER

Field Order No: 1

Date: 06/9/17

Project Name: 2017-Sims Park Imp. Phase II – (2) Shade Structures Project No.:

Owner: City of New Port Richey
Department of Public Works

Contractor: Hennessy Construction Services

Architect: Kimley - Horn

Allowance Description (Use additional pages if required): This work was not part of the original contract price. The following items are for additional site work associated with the installation of two Shade Structures in front of the Bandshell.

See attachments for Contractor's break down of cost

Additional fill & grading	\$1,700.00
Additional sod	\$7,440.00
Total Price	\$9,140.00

Allowance Summary:

Original Allowance Amount.....	\$10,000.00
Current Allowance Amount	\$10,000.00
(adjusted by previous field orders)	
Allowance Adjustment.....	\$(9,140.00)
(due to this field order)	
New Allowance Amount.....	\$,860.00

Approved:

Owner or Owner's Representative: Gary Peterson

Date:

Accepted

Gary Peterson


6/12/2017

By signing below, I accept the amounts shown hereon as payment in full for the work described herein. Further, I understand that I shall not proceed with any additional work for which payment may be made under future allowance authorizations until such work is approved in writing.

Contractor:

STae

Date: 6-12-17

GEN-4615				PO No.	
		Sims Park 2		PROJECT	
COR #001	Added Fill, Grading & Sod				
HCS Costs		Qty	Unit	Rate	Cost
Project Manager / Estimator		0	hrs	\$117.25	\$0.00
Superintendent		0	hrs	\$83.75	\$0.00
Assistant PM		0	hrs	\$61.50	\$0.00
Clerical		0	hrs	\$34.25	\$0.00
Carpenter		0	hrs	\$44.34	\$0.00
Laborer		0	hrs	\$40.58	\$0.00
equipment		0		\$0.00	\$0.00
		0		\$0.00	\$0.00
other		0		\$0.00	\$0.00
		0		\$0.00	\$0.00
		0		\$0.00	\$0.00
Sub Total					\$0.00
Total HCS Direct Costs					\$0.00
Subcontractor Costs					Cost
Bay Area		1	ls	\$7,440.00	Sod Installed \$7,440.00
Ridge Road Consulting		1	ls	\$1,700.00	fill & grading \$1,700.00
		0		\$0.00	\$0.00
		0		\$0.00	\$0.00
		0		\$0.00	\$0.00
		0		\$0.00	\$0.00
		0		\$0.00	\$0.00
Sub Total					\$9,140.00
Total Subcontractor Costs					\$9,140.00
Materials Costs					Cost
		0		\$0.00	\$0.00
		0		\$0.00	\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
Sub Total					\$0.00
Material Costs					\$0.00
Cost Recap					
Total Sub. Costs					\$9,140.00
Total Material Costs					\$0.00
Subtotal Costs					\$9,140.00
Total HCS Direct Costs					\$0.00
Subtotal					\$9,140.00
Insurance - GLI, & Bond 2%					incl
Subtotal					\$9,140.00
HCS Mark-up 6%					\$0.00
TOTAL ESTIMATE					\$9,140.00
SCOPE:					
Added Fill, Grading & Sod			TIME	n/a	
STATUS: work complete			NOTE:	Only that work described above is included.	

APPLICATION AND CERTIFICATION FOR PAYMENT

TO OWNER:

PROJECT:

City of New Port Richey
5919 Main Street
New Port Richey, Florida 34652

APPLICATION NO: 1 & Final

AIA DOCUMENT G702

PAGE ONE OF TWO

PAGES

FROM CONTRACTOR:

VIA OWNER'S REP:

Hennessy Construction Services
2300 22nd Street North
St. Petersburg, FL 33713
CONTRACT FOR: Construction Manager

PROJECT NO: GEN - 4815

INVOICE NO: 11534

CONTRACT DATE: 06/03/2017

Distribution to:

☒ OWNER
☒ ARCHITECT
☒ CONTRACTOR
☒ ACCOUNTING
☒ FILE

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract. Continuation Sheet, AIA Document G703, is attached.

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

1. ORIGINAL CONTRACT SUM \$ 151,572.00
2. Net change by Change Orders \$ (5,860.00)
3. CONTRACT SUM TO DATE (Line 1 + 2) \$ 145,712.00
4. TOTAL COMPLETED & STORED TO DATE (Column G on G703) \$ 145,712.00

5. RETAINAGE:

a. varies % of Completed Work (Column D + E on G703) \$ 0.00
b. varies % of Stored Material (Column F on G703) \$ 0.00
Total Retainage (Lines 5a + 5b or Total in Column J of G703)

6. TOTAL EARNED LESS RETAINAGE (Line 4 Less Line 5 Total)

\$ 0.00
\$ 145,712.00

7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate)

\$ 0.00
\$ 145,712.00

8. CURRENT PAYMENT DUE

\$ 0.00

9. BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 less Line 6)

\$ 0.00

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	\$0.00	\$0.00
Total approved this Month	\$0.00	\$5,860.00
TOTALS	\$0.00	\$5,860.00
NET CHANGES by Change Order		(\$5,860.00)

CONTRACTOR: Hennessy Construction Services

By: Penny Sartorius Date: 6/9/17

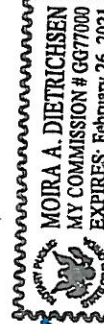
State of: Florida

County of: Pinellas

Subscribed and sworn to before me this 9th day of June 2017

Notary Public: Moira A. Dietrichsen

My Commission expires: 2/26/2021



CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising the application, undersigned certifies to the Owner that to the best of their knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED \$ 145,712.00

(Attach explanation if amount certified differs from the amount applied. Initial all figures on this Application and on the Continuation Sheet that are changed to conform with the amount certified.)

By: Penny Sartorius Date: 6/12/2017

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

AIA DOCUMENT G702 APPLICATION AND CERTIFICATION FOR PAYMENT - 1992 EDITION - AIA - ©1992

Users may obtain validation of this document by requesting a completed AIA Document D401 - Certification of Document's Authenticity from the Licensee.

THE AMERICAN INSTITUTE OF ARCHITECTS, 1735 NEW YORK AVE., N.W., WASHINGTON, DC 20006-5292

AIA DOCUMENT G703

APPLICATION NO:	1 & Final
APPLICATION DATE:	06/09/2017
PERIOD TO:	06/09/2017
ARCHITECT'S PROJECT NO:	n/a

Page 1 of 2

CONDITIONAL FINAL WAIVER AND RELEASE OF LIEN

Job Name/Number Sims Park-Phase II Shade Structures GEN-4615

The undersigned lienor, in consideration of the final payment in the amount of \$ 145,712.00 to be paid the undersigned (but not yet received), hereby waives and releases its lien and right to claim a lien for labor, services, or materials furnished to City of New Port Richey for the job located on the following described property:

6431 Circle Boulevard, New Port Richey, Florida 34652

legally described as:

NPR MB 4 PG 49 BLK C, Enchantment Park

This waiver and release is conditional upon receipt by lienor of the sum described above and is not effective until such payment is received.

Dated this 9th day of June, 2017.

Lienor's Name: Hennessy Construction Services Corp.

Address: 2300 22nd Street North

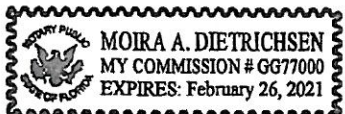
St. Petersburg, Florida 33713

By: Penny Santner

Print Name & Title: Penny Santner, Corp Secretary

STATE OF FLORIDA
COUNTY OF Pinellas

The foregoing instrument was acknowledged before me this 9th day of June 2017, by Penny Santner, Corp Secretary (Officer) of Hennessy Construction Services Corp., a Florida (State) corporation/company, on behalf of the corporation/company. He/She is personally known to me.



Notary Public: Moira A. Dietrichsen

State of: Florida

NOTE: This is a statutory form prescribed by Section 713.20, Florida Statutes (1996), Effective October 1, 1996, a person may not require a lienor to furnish a waiver or release of lien that is different from the statutory form.



NEW PORT RICHEY

5919 MAIN STREET . NEW PORT RICHEY, FL 34652 . 727.853.1016

TO: City of New Port Richey City Council
FROM: Elaine D. Smith, CPRP, Director of Parks and Recreation
DATE: 7/5/2017
RE: Approval of the Parks and Recreation Master Plan

REQUEST:

The request before City Council is to adopt the Parks & Recreation Master Plan.

DISCUSSION:

The City contracted with Barth Associates to develop a Parks and Recreation Master Plan. The document will be utilized to guide the parks system development and renovations over the next five to ten years. Please note that the final draft of the plan is very large in format and exceeds the limits allowed in Novus to be attached to this agenda item. The plan will be uploaded to the City's website as a separate attachment. Staff can provide a hard copy or an electronic copy on a USB for Council members to review the plan.

RECOMMENDATION:

The recommendation before City Council is to adopt the attached Parks and Recreation Master Plan.

BUDGET/FISCAL IMPACT:

None.

ATTACHMENTS:

Description

Type

No Attachments Available



NEW PORT RICHEY

5919 MAIN STREET . NEW PORT RICHEY, FL 34652 . 727.853.1016

TO: City of New Port Richey City Council

FROM: Kim Bogart, Chief of Police

DATE: 7/5/2017

RE: Request to Purchase Subscription for Extra-Duty Management Web-based Software

REQUEST:

I respectfully request Council authorization for the police department to subscribe to Cover Your Assets, LLC., for web-based software specifically designed to manage scheduling of Extra-Duty law enforcement work assignments at an initial total cost of \$5,000.

DISCUSSION:

The police department routinely coordinates and provides off-duty law enforcement support upon request from area businesses and organizations requesting law enforcement support for special events. Coordinating the requests and scheduling officers' is a complicated process requiring the use of specialized software designed for that purpose.

For the last several years, the Department has managed the process utilizing a very basic on-line program developed by a police department employee. That employee, who was also the system administrator for the software, no longer works for the Department. Since his departure, the department has not been able to perform maintenance and update or alter the software in any way. That software was unintentionally overwritten last week when the department's activated its new web-site. It is imperative the Department replace this software.

I am requesting Council authorize the Department to subscribe to Cover Your Assets, LLC., for professional designed web-based software specifically designed to manage scheduling of Extra-Duty law enforcement work. This software allows for officer scheduling, administrator invoicing and tracking of officers' history of assignments. The software is internet based which allows eligible officers access at all hours night and day. The Finance Department will be allowed full access to the program and can prepare invoices based on data from the program calculations.

Cover Your Assets, LLC. -- P.O. Box 1042, Harrisburg, North Carolina 28705-1042 is a sole source provider. The first year initial cost to subscribe to this software is \$5,000, which includes the annual subscription fee of \$2,500, system set-up and configuration, unlimited customer support, and 40 hours of training to agency users.

RECOMMENDATION:

I recommend Council authorize the police department to subscribe to Cover Your Assets, LLC., for scheduling software at an initial total cost of \$5,000.

BUDGET/FISCAL IMPACT:

Equitable Sharing monies will be used to pay for this subscription; therefore, there is no direct impact to the Department's F/Y 2017/2018 Budget.

ATTACHMENTS:

Description	Type
▣ Cover Your Assets Software Subscription Proposal	Cover Memo
▣ Cover Your Assets Sole Source Letter	Cover Memo



PO BOX 1042
Harrisburg, NC 28705-1042
(704)455-5959
Billing@cyausa.com
<http://www.cyausa.com>

PROPOSAL

ADDRESS

Sgt Erik Jay
New Port Richey Police
Department
6739 Adams Street
New Port Richey, Florida
34652 USA

SHIP TO

Sgt Erik Jay
New Port Richey Police
Department
6739 Adams Street
New Port Richey, Florida
34652 USA

PROPOSAL # 170118-D1D28-DB9B

DATE 01/18/2017

EXPIRATION DATE 06/28/2017

SHIP VIA

www.cyausa.com

FOR SERVICES IN

2017-2018 Term

ACTIVITY	QTY	RATE	AMOUNT
SaaS:SEMS-To-CYA SEMS-To-CYA a Secondary Employment or Special Events Management System Agency Annual License Subscription	1	2,500.00	2,500.00
Setup & Config ONE-TIME FEE: New Deployment Setup and Configuration; Set-Up & Configuration Fee for agency deployment of selected application - Includes setup and configuration of the selected application; basic configurations. Exact deliverables will be defined in the Master Agreement entered into.	1	910.36	910.36
Subscription Agreement:Support & Maintenance Cover Your Assets, LLC provides the following standard support to all users of the system; Standard Support Hours Monday - Friday 0900-2200 EST Weekends and Holidays 0900-1700 EST 24x7 Emergency Work Stoppage by phone Email: customercare@cyausa.com Telephone Support: 704-455-5959 then option 1 888-Go-CYAUSA then option 1	1	0.00	0.00

ACTIVITY	QTY	RATE	AMOUNT
Training Delivery of 40 hours of Training At Agency location - System Administrators [3 days(Eight Hour Sessions each day)], - Coordinators[1 day (2 - Four Hour Sessions)], - Train-the-Trainers [1 day (2 - Four Hour Sessions)].	1	0.00	0.00
One-Time Fee:Travel Fee:Lodging Lodging Rate. Rates Charged as defined on GSA [http://www.gsa.gov]	6	91.00	546.00
One-Time Fee:Travel Fee:M&IE Meals and Incidental Expenses [M&IE]	6	51.00	306.00
One-Time Fee:Travel Fee:Mileage IRS Defined 2010 Standard Mileage Rates. [http://www.irs.gov]	1,366	0.54	737.64

ACTIVITY	QTY	RATE	AMOUNT
Subscription Agreement:Ownership Ownership. AGENCY acknowledges COMPANY owns the Application being subscribed to and the Application is not generally published and embodies COMPANY'S Trade Secrets. AGENCY is subscribing to the application offered under a Software as a Service [SaaS] subscription for the term of one year. The subscription shall renew automatically for one year terms upon payment of the first invoice of the renewing term. OWNERSHIP: All right, title and interest in and to the Application, including, without limitation, all copyrights, Trade Secrets and other intellectual property rights pertaining in and to the Application shall remain vested in COMPANY. Except as expressly authorized by COMPANY, AGENCY may not copy or reproduce the Application. AGENCY shall not modify, distribute, transfer, rent, lease, reverse engineer, decompile or disassemble the Application. Further, other than the use rights granted to AGENCY'S employees in connection with the Application as permitted by this subscription and except as necessary for AGENCY to operate and maintain the Application, AGENCY will not use, display or sub-license the Application. COMPANY reserves all rights not expressly granted to AGENCY by this subscription AGENCY agrees all modules, interfaces and other improvements to the COMPANY basic program that are specifically developed by COMPANY for use by the AGENCY are owned by COMPANY. AGENCY will not alter, remove, modify or suppress any confidentiality legends or proprietary notices placed on or contained within the Application and expressly agree not to circumvent any security or other protections within the Application. COMPANY acknowledges AGENCY data entered into the application subscribed to by the AGENCY is not generally published to the public. All right, title and interest in and to the DATA entered into the application by AGENCY including, without limitation, all copyrights, Trade Secrets and other intellectual property rights pertaining in and to the DATA entered by AGENCY shall remain vested in AGENCY. Except as expressly authorized by AGENCY, company may not copy or reproduce the DATA. COMPANY shall not modify, distribute, transfer, rent, lease the AGENCY DATA. Further, other than the use rights granted for the COMPANY to operate and maintain and demonstrate the Application, COMPANY will not use, display or sub-license the DATA.	1	0.00	0.00

ACTIVITY	QTY	RATE	AMOUNT
Subscription Agreement:SEMS Features The SEMS-To-CYA application offers many features and functionality. The primary product features of the SEMS-To-CYA" application will provide subscribing agencies with access to a web base application intended to allow for;	1	0.00	0.00
" Administration o Full Control of all aspects of their agencies use of the system o Full Control to modify configuration files to meet the changing needs of the agency o Create as many Agency Operators as desired. Agency operators are those persons in key roles which require greater access to the system, but not Full Control of the system.			
" Full Control of Employers o Approved, revoke, suspend or remove any employer o Set annual review dates to re-evaluate an employers eligibility to hire agency personnel. o Create as many jobs and assignments that are necessary to fulfill the employers needs.			
" Full Control of Employees o Approve, suspend, restrict personnel o Control which personnel are eligible to work for reciprocating agencies o Reporting capabilities down to the individual day against any employee			
" Job Coordinators o Delegate control of certain employers to personnel who will be responsible for managing a given employer. o Job Coordinators manage pools of personnel authorized to work for a particular employer and can not mange any employer they are not explicitly a coordinator of.			
" Integrated Communication o Administrators may send email messages to one, or may persons from within the system. o No need to access a mail client o Messages may be sent to email accounts or text enable devices such as pagers or Mobile PDAs			
" Accounting o The system provides an invoicing feature for down to the job for each employer. o Job estimating may be called to present an employer with an estimated cost of the staff they have requested			
" Reports o The system has a built in reporting engine which presents data in several formats o Data may be exported to Excel for further data manipulation as needed by the user.			

ACTIVITY	QTY	RATE	AMOUNT
Subscription Agreement:Sole Provider Statement Cover Your Assets, LLC located in Harrisburg, North Carolina, USA and at http://www.cyausa.com on the web; is the sole provider and sole owner of an integrated suite of products that includes the SEMS-To-CYA" solution. This Secondary Employment or Special Events Management System is a web enabled public safety application enabling public safety agencies to manage manpower allocations in preparing, planning, responding to the resource needs of the communities they serve.	1	0.00	0.00

Proposals are valid for 90 days, If you find you need greater than ninety [90] days please let us know we will be happy to adjust the time period your proposal is valid until.

TOTAL

\$5,000.00

Accepted By

Accepted Date



Subject: Sole Provider Statement

Cover Your Assets, LLC – located in Harrisburg, North Carolina, USA and at <http://www.cyausa.com> on the web; is the sole provider and sole owner of an integrated suite of products that includes the **SEMS-To-CYA™** solution. This Secondary Employment or Special Events Management System is the only web enabled public safety application enabling public safety agencies to manage manpower allocations in preparing, planning, responding to the resource needs of the communities they serve.

Using a trade secret system and methodology the **SEMS-To-CYA™** system is the only multi-jurisdictional secondary employment and special events management system available to public safety agencies. During any event [natural, man made, or scheduled] requiring public safety staffing; our multi-jurisdictional enabled system allows participating [reciprocating] agencies share information on their resource needs and efforts. The agencies command staff then uses this information to aid in swiftly identify available resources or available allocations to meet their needs as they plan, prepare, and respond to resolve situations or staff large events.

Users may access the information from anywhere they have access to Cover Your Assets, LLC 128 bit encrypted SSL portal connection and secured solution. Users only view the information they have permission to view, and assignments may be controlled to only allow those eligible to be assigned a given duty. With extensive logging and audit trails agency administrators may review all aspects of their personnel interaction with the system, and the upcoming resource requirements.

The system was designed by experienced law enforcement practitioners and addresses many of the lessons learned through their years of service. The key benefit to this integrated suite of products is agencies subscribe to only the components they need. As a true multi-jurisdictional solution where participating agencies share as much or as little of the information they choose. Resource reciprocation becomes more efficient and our platform provides the system and methodology for ANY size agency to participate.

The integrated suite of programs includes;

- On-Duty Scheduling System [Schedule-To-CYA™]
- Off-Duty Scheduling or Special Events Management System [SEMS-To-CYA™]
- Assets Maintenance and Management System [Track-To-CYA™]
- On-line Learning Management System [Train-To-CYA™]