



**CITY COUNCIL REGULAR MEETING**  
**CITY OF NEW PORT RICHEY**  
**NEW PORT RICHEY CITY HALL COUNCIL CHAMBERS**  
**5919 MAIN STREET, NEW PORT RICHEY, FLORIDA**  
**July 2, 2024**  
**6:00 PM**

**\*Please note the meeting times for regular city council meetings has been changed to 6:00 p.m. effective for all meetings after April 1, 2024.\***

---

**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 18, 2024 Work Session and Regular Meeting Minutes Page 3
5. Presentation - Environmental Committee Annual Report Page 12
6. Vox Pop for Items Not Listed on the Agenda or Listed on Consent Agenda
  - a. Speakers must identify themselves prior to speaking by stating their name and full address for the record. Speakers shall address the City Council as a whole and refrain from addressing individual members of the City Council or the City staff. Speakers shall afford the utmost courtesy to the City Council, to City employees, and to the public, and shall refrain at all times, from rude and derogatory remarks, reflections as to integrity, abusive comments, and statements as to motives and personalities.
7. Consent Agenda

- a. Purchases/Payments for City Council Approval

Page 24

## 8. Public Reading of Ordinances

- a. Second Reading, Ordinance No. 2024-2302: Creating the Flood Risk and Preparedness Public Information Committee Page 26

## 9. Business Items

- a. Board Appointments: Tad Clements and Kevin Robinson, Parks & Recreation Advisory Board Page 32
- b. Request to Purchase Sanitary Sewer Smart Manhole Covers Page 44
- c. Grand Blvd. Bridge Water and Wastewater Utility Relocation - Engineering Services Page 79
- d. Resolution No. 2024-14: Opioid Settlement Matters Page 87
- e. Resolution No. 2024-15 Travel Expenses Clarification for City Council Members Page 92

## 10. Communications

## 11. Adjournment

Agendas may be viewed on the City's website: [www.citynpr.org](http://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, 727-853-1021, 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, CMC, City Clerk  
**DATE:** 7/2/2024  
**RE:** Approval of June 18, 2024 Work Session and Regular Meeting Minutes

**REQUEST:**

The request is for City Council to approve the minutes from the June 18, 2024 work session and regular meeting.

**DISCUSSION:**

City Council conducted a work session to review updates to the Strategic Plan before their regularly scheduled meeting on June 18, 2024. The minutes from those meetings are attached for Council's review and approval.

**RECOMMENDATION:**

Staff recommends that City Council approve the minutes from the June 18, 2024 work session and regular meeting as submitted.

**BUDGET/FISCAL IMPACT:**

No funding is required for this item.

**ATTACHMENTS:**

Description	Type
☐ June 18, 2024 Work Session Minutes	Backup Material
☐ June 18, 2024 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 18, 2024

4:00 PM

---

**ORDER OF  
BUSINESS**

1 Call to Order - Roll Call

The meeting was called to order by Mayor Chopper Davis at 4:00 p.m. Those in attendance were Deputy Mayor Kelly Mothershead, Councilwoman Matt Murphy, and Councilman Bertell Butler, IV. Councilman Peter Altman arrived at 5:06 p.m.

Also in attendance were City Manager Debbie L. Manns, City Attorney Timothy Driscoll, City Clerk Judy Meyers, Finance Director Crystal Dunn, Fire Chief Chris Fitch, Public Works Director Robert Rivera, Police Chief Bob Kochen, Library Director Andi Figart, Technology Solutions Director Mike Miller, Assistant City Manager Gregory Oravec and Human Resources Director Arnel Wetzel.

**DISCUSSION ITEMS**

2 Strategic Plan Update - Page 2

City Manager Manns introduced the item to Council. She stated the purpose of this work session was to review edits to the City's Strategic Plan. City Manager Manns began her presentation by providing an overview of the Strategic Plan. She stated the proposed objectives for this work session are as follows:

- To conduct an assessment of what has been accomplished since we last visited the Plan in 2023
- To provide an opportunity to adapt the plan as a result of organizational or environmental changes
- To consider and identify what goals or actions need to be taken to reflect the current needs of the city
- To identify which resources will be relied upon over the next fiscal year to make progress on our strategic plan

City Manager Manns then highlighted the Mission Statement, Vision Statement, Organizational Values and Organizational Goals. She then highlighted the twelve different strategies outlined in

the Plan. City Manager Manns then highlighted each of the strategies in depth with the goals and action items associated with each strategy. Mayor Davis asked about the annexation and City Manager Manns stated some language has been requested to be amended and she is due to have a conversation with the County Administrator by the end of this week as this matter must be completed by the end of the fiscal year. Chief Kochen spoke regarding the Community Policing Improvements objectives, goals and action items. He also provided an update on the accreditation process. Mr. Rivera stated that most of the yellow items under Invest in Infrastructure will be completed over the summer.

3            Communications

None.

4            Adjournment

Mayor Davis called for adjournment of the meeting at 5:39 p.m. in order to allow for a short dinner break before the regular meeting at 6:00 p.m. There were still two strategies left to present of which City Manager Manns stated a follow up work session would be scheduled in order to complete the presentations.

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

\_\_\_\_\_(signed)

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

Judy Meyers, CMC, 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 18, 2024**  
**6:00 PM**

**\*Please note the meeting times for regular city council meetings has been changed to 6:00 p.m. effective for all meetings after April 1, 2024.\***

---

**ORDER OF**  
**BUSINESS**

**1. Call to Order – Roll Call**

The meeting was called to order by Mayor Chopper Davis at 6:00 p.m. Those in attendance were Deputy Mayor Kelly Mothershead, Councilwoman Matt Murphy, Councilman Peter Altman and Councilman Bertell Butler, IV.

Also in attendance were City Manager Debbie L. Manns, City Attorney Timothy Driscoll, City Clerk Judy Meyers, Finance Director Crystal Dunn, Fire Chief Chris Fitch, Public Works Director Robert Rivera, Police Chief Bob Kochen, Library Director Andi Figart, Technology Solutions Director Mike Miller, Senior Planner Lisa Algiere, Assistant City Manager Gregory Oravec and Human Resources Director Arnel Wetzel.

**2 Pledge of Allegiance**

**3 Moment of Silence**

**4 Approval of June 4, 2024 Regular Meeting Minutes**

Motion was made to approve the minutes as presented.

Motion made by Matt Murphy and seconded by Bertell Butler. The Motion Passed. 5-0. Ayes: Altman, Butler, Davis, Mothershead, Murphy

**5 Proclamation - Recognizing David Prace as "Our Grand Old Man"**

**6 Swearing-In of New Firefighters David Caradonna and Zachary Cook**

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

City Attorney Driscoll read aloud the rules governing Vox Pop. Mayor Davis then opened the floor for public comment. The following people came forward to speak:

- George Romagnoli, 6325 Florida Ave., NPR spoke regarding TDR's left in the pool, the City's reserves, and comments made at the last meeting by Councilman Altman.

With no one else coming forward for public comment, Mayor Davis closed Vox Pop.

- a Speakers must identify themselves prior to speaking by stating their name and full address for the record. Speakers shall address the City Council as a whole and refrain from addressing individual members of the City Council or the City staff. Speakers shall afford the utmost courtesy to the City Council, to City employees, and to the public, and shall refrain at all times, from rude and derogatory remarks, reflections as to integrity, abusive comments, and statements as to motives and personalities.

## 8 Consent Agenda

Motion was made to accept the Consent Agenda.

Motion made by Matt Murphy and seconded by Kelly Mothershead. The Motion Passed. 5-0. Ayes: Altman, Butler, Davis, Mothershead, Murphy

- a Parks and Recreation- Advisory Board Minutes - February and April 2024
- b Purchases/Payments for City Council Approval

## 9 Public Reading of Ordinances

- a First Reading, Ordinance No. 2024-2294: Rezoning for the Cottages at Oyster Bayou

City Attorney Driscoll read the proposed ordinance by title only. City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to conduct a first reading of an ordinance to rezone the development known at Cottages at Oyster Bayou from Planned Development District (PDD) to Planned Development District (PDD) with an amended site plan. She then introduced Senior Planner Lisa Algieri who then made a presentation to Council. Ms. Algieri stated that the subject property is 7.55 acres and is located at the northwest corner of Green Key Road and Manor Beach Drive. The proposed use is for 62 single-family homes and townhomes. The existing site plan has 58 lots with a clubhouse and boat ramp. The revised site plan would move the clubhouse location to lot number one. Ms. Algieri then highlighted the development standards. The architectural style would be coastal cottage. She stated this rezoning request is consistent with the City's Comprehensive Plan.

Upon opening the floor to public comment, the following people came forward to speak:

- Raquel Thiebes, 4731 Sanctuary Drive, NPR, spoke regarding drainage work that needs to be addressed by the developer.
- Cheryl Orchard, 6719 Manor Beach Rd., NPR spoke the completion of the project, the low-lying area that flood when it rains, the County and Commissioner Mariano.

With no one else coming forward Mayor Davis returned the floor to Council. Councilman Butler asked about density and Ms. Algieri said the maximum density is 66 and the developer is proposing. Deputy Mayor Mothershead asked about single-family home or townhomes and Ms. Algieri stated both. Councilman Butler stated he did visit the property and wanted to disclose that. Councilman Altman spoke about boat and kayak launching. He stated that he would like to see if the impervious could also be done as percentage of lot size. He stated that the comments on improvements to the road and he asked about the elevation of the road. Ms. Algieri stated the road is primarily is the County's. Councilman Altman also stated he had a conversation and wanted to disclose it. Councilman Murphy asked about something the County could tie into later and the Matthew McClean came forward and stated the County has asked for several spot checks on elevation. The County also asked for an updated traffic study. He stated the property has been raised 3-4 feet. He also spoke about the swell that was installed since the LDRB meeting. Motion was made to approve the ordinance upon its first reading.

Motion made by Kelly Mothershead and seconded by Matt Murphy. The Motion Passed. 5-0. Ayes: Altman, Butler, Davis, Mothershead, Murphy

b First Reading, Ordinance No. 2024-2302: Creating the Flood Risk and Preparedness Public Information Committee

City Attorney Driscoll read the proposed ordinance by title only. City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to conduct a first reading of an ordinance which creates a Flood Risk and Preparedness Public Information Committee. She stated that as Council is aware, the Federal Emergency Management Agency under the National Flood Insurance Program has developed a Community Rating System (CRS) which affects rates for flood insurance within communities throughout the United States. The City can enhance its community's rating under the CRS which is currently a seven.

The purpose of the Flood Risk and Preparedness Public Information Committee is to offer advisory opinions and recommendations to the City Council on best practices for information dissemination regarding flood risk and emergency preparedness. The duties and functions of the Flood Risk and Preparedness Public Information Committee shall be as follows:

- To serve as the advisory committee to the city council for information dissemination to residents and business owners regarding flood risk, emergency preparedness, and flood resiliency;
- To complete an initial review and recommend adoption of the city's Program for Public Information, as defined and in accordance with the Community Rating System Manual;
- To conduct a minimum of two public meetings to assess the city's public information needs and to review and recommend to the city council the Program for Public Information;
- To conduct meetings from time to time, at least one time per calendar year, to review, revise, and recommend modifications to the Program for Public Information as necessary;
- To participate as a stakeholder in public information efforts through event attendance and outreach projects relating to flood risk; and
- To serve, as-needed, as an advisory committee to the city council for other activities necessary to improve the city's status in the Community Rating System of the National Flood Insurance Program, in accordance with the Community Rating System Manual.

The committee shall have a minimum of five members, and such additional members as appointed from time to time by the City Council and shall be comprised of both city staff and stakeholders. The committee shall have at least one member from the city's floodplain management office and one member from the city's public information office. The remaining member would include, but be not limited to, floodplain residents, insurance agents that service the city, developers and contractors that operate in the city, environmental organization members, realtors that service the city, emergency responders, and business organizations within the city. Members of the committee shall serve terms of two years. City Council shall designate at least two members to serve an initial term of one year to provide for staggered terms. Upon opening the floor to public comment, no one came forward therefore Mayor Davis returned the floor to Council. Motion was made to approve the ordinance upon its first reading.

Motion made by Bertell Butler and seconded by Kelly Mothershead. The Motion Passed. 5-0. Ayes: Altman, Butler, Davis, Mothershead, Murphy

c Second Reading, Ordinance No. 2024-2291: Rezoning for 12.33 Acres of Property Located at Sea Forest Drive and Green Key Road

City Attorney Driscoll read the proposed ordinance by title only. Upon opening the floor to public comment, no one came forward therefore Mayor Davis returned the floor to Council. Deputy Mayor Mothershead asked about the parking and Amy Huber stated there are 60 spaces and 10 additional spots so there is 70 altogether. Councilman Butler asked about conservation elements and Ms. Huber provided an explanation. Motion was made to approve the ordinance upon its second and final reading.



Motion made by Pete Altman and seconded by Matt Murphy. The Motion Passed. 5-0. Ayes: Altman, Butler, Davis, Mothershead, Murphy

d Second Reading, Ordinance No. 2024-2301: Amendment to Section 27-3 RE: Public Art

City Attorney Driscoll read the proposed ordinance by title only. City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to conduct a second and final reading of an ordinance relating to the amendment of Section 27-3(c) of the Code of Ordinances regarding Public Art, providing for the expenditure of funds on private property when approved by City Council. This will coincide with the Tides of Time exhibit. Upon opening the floor to public comment, no one came forward therefore Mayor Davis returned the floor to Council. Motion was made to approve the ordinance upon its second and final reading.

Motion made by Bertell Butler and seconded by Matt Murphy. The Motion Passed. 5-0. Ayes: Altman, Butler, Davis, Mothershead, Murphy

10 Business Items

a Request for Extension of Stay on Order for Patriot Stogies

City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to consider extending the stay on the order which denied the appeal of the City administrative decision finding the sign at 6153 Massachusetts Avenue to be in violation of the City's Land Development Code for a third period of one year. She stated that she received an extension request by Mr. Pollock on May 24, 2024. She stated that the new compliance date of June 18, 2025.

Upon opening the floor to public comment, the following people came forward to speak:

- Nathan Pollock, 6153 Massachusetts Ave., NPR came forward to speak regarding quasi-judicial proceedings and State statutes. He would like to request a new hearing to be allowed for rebuttal and to offer evidence. He stated the sign at the Hacienda is similar to his and is allowed whereas his is not. He spoke about grant support and taxes.
- Judith Allen, 5940 Grand Blvd., NPR spoke about that it is difficult for businesses to sell.

With no one else coming forward Mayor Davis returned the floor to Council. Councilman Butler stated he did have a meeting with Mr. Pollock on this issue. Councilman Altman stated the interpretation which could become a rehearing, he would like clarification on how we treat signage. Motion was made to make the stay for three years.

Motion made by Bertell Butler and seconded by Kelly Mothershead. The Motion Passed. 5-0. Ayes: Altman, Butler, Davis, Mothershead, Murphy

b Rejection of Sole Bid for ITB24-017 City Hall and Library Exterior Sealing Project

City Manager Manns introduced Public Works Director Robert Rivera who then presented the item to Council. He stated that the purpose of this agenda item was to reject the sole bid received by SC Signature Construction in the amount of \$84,375 for ITB24-017 City Hall and Library Exterior Sealing Project. He stated that the bid amount submitted was \$34,375 above the project estimate included in the City's current CIP document. As a result, staff would like to proceed with the rejection of bid, proceed with a deficiency analysis using a portion of this years allocated funds, and make edits to the ITB to include line-item amounts, and a contingency that will be available during the project. Upon opening the floor to public comment, no one came forward therefore Mayor Davis returned the floor to Council. Motion was made to approve the rejection of the sole bid as presented.

Motion made by Bertell Butler and seconded by Kelly Mothershead. The Motion Passed. 5-0. Ayes: Altman, Butler, Davis, Mothershead, Murphy

- c Fleet Maintenance/Utility Purchasing Warehouse & Storage Building Construction Project – Guaranteed Maximum Price (GMP)

City Manager Manns introduced Public Works Director Robert Rivera who then presented the item to Council. He stated that the purpose of this agenda item was to consider for approval the guaranteed maximum price in the amount not to exceed \$4,698,104 from Hennessy Construction Services Corporation (HCSC), for the construction phase of the City's Fleet Maintenance/Utility Purchasing Warehouse & Storage Building. He stated the existing facility located at 6420 Pine Hill Road was constructed in 1973 and housed the Public Works Department. Mr. Rivera then gave an overview of the current facility along with a timeline for this project so far. He stated the funding for this project would be \$3,669,959 from Water & Sewer Construction fund, \$144,430 from Stormwater Utility funds, and \$1,183,175 from General Fund and Penny for Pasco funds. Upon opening the floor to public comment, no one came forward therefore Mayor Davis returned the floor to Council. Motion was made to approve the item as presented.

Motion made by Pete Altman and seconded by Kelly Mothershead. The Motion Passed. 5-0. Ayes: Altman, Butler, Davis, Mothershead, Murphy

- d Resolution No. 2024-08: Amendments to CDBG Housing Assistance Plan

City Attorney Driscoll read the proposed resolution by title only. City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to adopt a resolution which amends the City's Community Development Block Grant (CDBG) Housing Assistance Plan. She stated that as Council may recall, Resolution No. 2020-56 was adopted on September 15, 2020 and established City's CDBG Housing Assistance Plan (HAP) as it was a requisite under the City's Small City CDBG Program application. She stated this CDBG item would provide assistance for code deficiencies and can be payment deferred for ten years. The maximum that can be received is \$80k. She stated the changes made protect the City's fiduciary responsibilities. The first change relates to the eligibility to participate in the program. In short, the change prohibits city employees, members of City Council, Citizens Advisory Task Force members and their families from eligibility to participate in the program. She stated those prohibited can apply to the County's program. City Manager Manns stated the second change relates to homeowner's insurance. The HAP requires that the property is insured at the time that the improvements have been completed. The change requested was that homeowners, as a condition of program eligibility, have property insurance at the time of program application. She stated that if there is a severe financial hardship, property owners can apply for a waiver but which shall not be unreasonably withheld. City Manager Manns then highlighted other changes made to the HAP.

Upon opening the floor to public comment, the following people came forward to speak:

- George Romagnoli, 6235 Florida Ave., NPR stated HUD does not require insurance. He stated the houses on the rehab list would never get a regular loan so the City needs to look at it from a government helping perspective. He also spoke regarding payments for homeowners insurance. He suggested using CRA funds to help pay insurance costs.
- Judith Allen, 5940 Grand Blvd., NPR spoke regarding hurricane damage to her home and her inability to obtain insurance. She then spoke about her missing documents.

With no one else coming forward Mayor Davis returned the floor to Council. Motion was made to approve the item as presented.

Motion made by Bertell Butler and seconded by Kelly Mothershead. The Motion Passed. 5-0. Ayes: Altman, Butler, Davis, Mothershead, Murphy

- e Parks and Recreation- Hometown Extravaganza Alcoholic Beverage Special Event Permit Request (Walk-On Item)

\*\*\*This item was presented as a walk-on agenda item.\*\*\*

City Manager Manns introduced the item to Council. She stated the purpose of this agenda item was to

approve an ABSEP by NPRMS for the sale of beer and wine during the Hometown Extravaganza event on Saturday, June 29, 2024 in Sims Park. The event will run from 4PM-9PM with the beer and wine sales taking place from 5PM-9PM. Upon opening the floor for public comment, no one came forward therefore Mayor Davis returned the floor to Council. Motion was made to approve the item as presented.

Motion made by Pete Altman and seconded by Matt Murphy. The Motion Passed. 5-0. Ayes: Altman, Butler, Davis, Mothershead, Murphy

11 Communications

Councilman Altman introduced Megan Blanchard a coastal ecologist from the TBRPC. He invited Ms. Blanchard to speak and she gave a brief introduction. Councilman Altman stated they attended the resiliency conference together. He told Ms. Blanchard he is looking forward to her working with the City on resiliency matters. Councilman Altman spoke about Facebook comments regarding Cavalaire Square disturbing the peace. He stated he knows of three instances personally. He stated we have to have community standards and that our residents are not subjected to constant screaming and hate speech. Councilman Altman stated there was some positive Facebook posts to his suggestion of having a GHS or Hudson High alumni concert in the park annually. Councilman Butler spoke regarding Dan Kilbride safety and public art needs. He spoke regarding quasi-judicial process that the School Board does. He also spoke about work sessions regarding sign ordinance and murals. Councilman Altman suggested just a policy in general work session. Councilman Butler also spoke regarding Mr. Pollock's quasi-judicial hearing. He asked for an update on Schwettman. City Manager Manns stated a PSA is in place and the School District has not closed with the City on the property and have requested language in respect to a dedication of the portion of the property for public space. Deputy Mayor Mothershead stated she will be happy to see the crosswalk go up at Main and Van Buren. She also spoke about the Juneteenth event. She said her first TDC meeting is tomorrow. Councilman Murphy stated he liked the suggestion for an alumni concert. He stated he would like to see the work sessions focused on signs and another on murals. Mayor Davis stated he wanted a conclusion on mileage. City Attorney Driscoll stated he is working on a resolution. Mayor Davis stated he would like a more serious approach to the County regarding the areas west of US 19. It is affecting our properties. City Manager Manns stated that Vox Pop has offered accusatory statements and to those who are inclined to make them there is no obligation to present facts when they speak.

12 Adjournment

There being no further business to consider, upon proper motion, the meeting adjourned at 8:29 p.m.

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

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

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



# NEW PORT RICHEY

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

---

**TO:** City of New Port Richey City Council

**FROM:**

**DATE:** 7/2/2024

**RE:** Presentation - Environmental Committee Annual Report

**REQUEST:**

**DISCUSSION:**

**RECOMMENDATION:**

**BUDGET/FISCAL IMPACT:**

**ATTACHMENTS:**

Description	Type
□ Environmental Committee Annual Report Summary	Backup Material
□ Environmental Committee Annual Report	Backup Material

# **City of New Port Richey Environmental Committee Annual Report**

**2023**

## **Summary**

**Full Report Available On Request From City of New Port Richey**



**City of New Port Richey Environmental Committee  
2023  
Annual Report  
Presented July 2024**

The Environmental Committee is composed of seven regular and two alternate members; the alternates serve as members in the absence of a regularly appointed member. Members of the environmental committee must be "resident electors" of the City of New Port Richey. Quorum is four members. Members appointed to terms of two years, and renewable. Committee policy is to advance alternate members to full membership when openings occur, subject to approval by City Council.

**Summary  
Full Report Available On Request From City of New Port Richey**

**Committee Members**

**Chair: Dell deChant  
Vice-Chair: Rose Mohr  
Secretary: Linda Blake  
Amber Blais  
Tia Rowe  
Tom O'Neill  
Rob Marlowe**

**Alternate  
*Open***

**Staff Liaison  
Colin Eichenmuller**

**Events, Projects, Proposals**

**Hosted 34<sup>rd</sup> annual Arbor Day celebration in January 2023 (established in 1989)**  
**Supported and endorsed annual Collards Festival (January 2023)**  
**Supported and endorsed annual Loquat Festival (Florida's only) (March ,2023)**  
**Assisted with planning and organization of annual "Okra Occasion" (August 2023)**  
**Maintained and further developed City's membership in Milan Urban Food Policy Pact  
(New Port Richey is one of only two Florida cities in the MUFPP)**  
**Maintained (in support of Public Works) the "Fruit Tree Peninsula" (opened April 20, 2018)**  
**Supported and endorsed continued development of Grand Gardens**  
**Proposed & spearheaded the City's pursuit of "Green City" certification**  
**\* application is dormant and should be revisited**  
**Proposed & spearheaded the City's successful award of "Monarch City U.S.A." certification**  
**\* Supported and developed plans for a regular Monarch Festival**  
**- First annual festival in 2022**  
**Reaffirmed proposed polystyrene/Styrofoam prohibition at City events (October 2022)**  
**Reaffirmed review (with recommendations) of *Alleyway Management Plan* (September 2023)**  
**Recommended increase in number & type of trees in City's reforestation program (August 2023)**  
**Reaffirmed recommendation for opposition to "New Port Corners" development**  
**Maintained Tree City USA status (ongoing)**  
**Maintained community garden initiative (ongoing)**  
**Reviewed Urban Agriculture Applications (ongoing)**  
**Reaffirmed recommendation to include use of public/City property for Community Gardens**

## **Related City Projects Supported by Environmental Committee**

**Tasty Tuesday (weekly)**

**Yard Debris to Mulch Recycling (ongoing)**

**Developing Local Food systems (ongoing)**

**New Port Richey Library Seed Exchange (ongoing)**

**Urban Agriculture Project (ongoing)**

## **Recommendations Looking Ahead**

**The committee offers proposals with minimal cost and high return**

**Benefits of these proposals:**

**Economic**

**Ecological**

**Cultural**

**Public Safety (crime prevention)**

**Quality of Life**

**Points of Pride**

**Regional Leadership**

**Consult full version of this report for details on each recommendation noted here**

**1. Promote City's Environmental Programs and Initiatives**

**2. Designation of Environmental and Food Systems City Support Services**

**3. Discourage Use of Polystyrene (Styrofoam) Food and Drink Containers at City Approved Events (modification of proposal first offered in 2019)**

**4. Herbicide/Pesticide-free Zones & Non-Toxic Community (originally proposed in 2017)**

**5. Native Planting Ordinance**

**6. Increase Tree Planting/Reforestation**

**7. Pursue Agro-Tourism Designation**

---

---

**√ Committee pledges full support and assistance to the Council and City Staff in pursuit of these proposals.**

**√ Committee requests Council endorsement of these proposals.**

**√ Committee welcomes inclusion of these items on upcoming council agendas and/or at work sessions.**

**Respectfully submitted:**

**Dell deChant**

**Chair, New Port Richey Environmental Committee**

**City of New Port Richey Environmental Committee**  
**Annual Report**  
**2023**  
(fall 2022 through fall [December] 2023)



**Chair: Dell deChant**  
**Vice-Chair: Rose Mohr**  
**Secretary: Linda Blake**

**Members**  
**Amber Blais**  
**Tia Rowe**  
**Tom O'Neill**  
**Rob Marlowe**

**Alternate**  
***Open***

**Staff Liaison**  
**Colin Eichenmuller**





**City of New Port Richey Environmental Committee  
2023**

**(fall 2022 through fall [December] 2023)**

**Annual Report  
Presented July 2, 2024**

**The Environmental Committee of the City of New Port Richey, Florida, seeks to develop ecological understanding and advance sustainability for the benefit of the City and its residents.**

**The committee relies chiefly on volunteer support and contributions from members and friends of the committee.**

**Meetings of the committee occur monthly, with special meetings called from time to time.**

**The committee works closely with city staff on projects and planning related to the ecological health of New Port Richey, advancing sustainability, and improving resilience in the City.**

**The committee serves as the Arbor Board of the City, oversees and administers the City's urban agriculture program, endorses and supports various events consistent with its mission, advises the City Council on ecological issues, and recommends policies and programs to restore the City's ecological systems.**

**This report covers activities from Fall 2022 through Fall (December) 2023**

## **The Committee**

**Chair: Dell deChant**  
**Vice-Chair: Rose Mohr**  
**Secretary: Linda Blake**

**Members**  
**Amber Blais**  
**Tia Rowe**  
**Tom O'Neill**  
**Rob Marlowe**

**Alternate**  
***Open***

**Staff Liaison**  
**Colin Eichenmuller**

The Environmental Committee is composed of seven regular and two alternate members; the alternates serve as members in the absence of a regularly appointed member. Members of the environmental committee must be "resident electors" of the City of New Port Richey. A quorum consists of four members. Members are appointed to terms of two years, and renewable. Committee policy is to advance alternate members to full membership when openings occur, subject to approval by City Council.

## **2023 Events, Projects, Proposals**

**Hosted 34<sup>rd</sup> annual Arbor Day celebration in January 2023 (established in 1989)**

**Supported and endorsed annual Collards Festival (January 2023)**

**Supported and endorsed annual Loquat Festival (Florida's only) (March ,2023)**

**Assisted with planning and organization of annual "Okra Occasion" (August 2023)**

**Maintained and further developed City's membership in Milan Urban Food Policy Pact  
(New Port Richey is one of only two Florida cities in the MUFPP)**

**Maintained (in support of Public Works) the "Fruit Tree Peninsula" (opened April 20, 2018)**

**Supported and endorsed continued development of Grand Gardens**

**Proposed & spearheaded the City's pursuit of "Green City" certification  
\* application is dormant and should be revisited**

**Proposed & spearheaded the City's successful award of "Monarch City U.S.A." certification  
\* Supported and developed plans for a regular Monarch Festival  
- First annual festival in 2022**

**Reaffirmed proposed polystyrene/Styrofoam prohibition at City events (October 2022)**

**Reaffirmed review (with recommendations) of the City's *Alleyway Management Plan* (September 2023)**

**Recommended increase in number and type of trees in the City's reforestation program (August 2023)**

**Reaffirmed recommendation for opposition to "New Port Corners" development**

**Maintained Tree City USA status (ongoing)**

**Maintained community garden initiative (ongoing)**

**Reviewed Urban Agriculture Applications (ongoing)  
\* Reaffirmed recommendation to include use of public/City property for Community Gardens**

### **Related City Projects Supported by Environmental Committee**

**Tasty Tuesday (weekly)**

**Yard Debris to Mulch Recycling (ongoing)**

**Developing Local Food systems (ongoing)**

**New Port Richey Library Seed Exchange (ongoing)**

**Urban Agriculture Project (ongoing)**

## **Recommendations Looking Ahead**

**The committee offers proposals with minimal cost and high return**

**Benefits of these proposals**

- 1. Economic**
- 2. Ecological**
- 3. Cultural**
- 4. Public Safety**
- 5. Quality of Life**
- 6. Points of Pride**
- 7. Regional Leadership**

### **1. Promote City's Environmental Programs and Initiatives**

**Develop a source for information about all City environmental programs and initiatives. City residents have limited awareness of the City's environmental programs and initiatives and there is very little information available about these programs and initiatives. There is no directory and no source or contact site for general information. Proposal calls for a designed site on the City's webpage for listing of environmental programs and initiatives and regular educational events throughout the year. Print and visual vehicles also should be considered.**

### **2. Designation of Environmental and Food Systems City Support Services**

**\*Note this recommendation is a modification of previous proposals for an Environmental and Food Systems Director for the City (first proposed in 2016).**

**As noted in previous annual reports, the City will benefit from an Environmental and Food Systems Director/Facilitator. We stand by this recommendation without offering it as a proposal this year. Instead, this year's report proposes an intermediate step: Designation of Environmental and Food Systems (Agro-ecological) Support Services.**

**Designating these services will significantly contribute to improving the City's natural ecology and its food systems. Considering the environmental and food crises facing the nation and world, the importance of these services cannot be overstated. The need is much greater today than when first introduced in 2016.**

**Absent a director or an office centralizing management and development of Agro-ecological activities, we propose (1) identifying distinct programs, support services, and initiatives, *and* (2) specifying the departments and staff positions responsible for management and development of each.**

**Programs, services, and initiatives include (for example): adopt-a-tree, farmers' markets, mulch program, native vegetation installations, recycling, seed library, community gardens, fertilizer use, local CSAs, grant writing, media relations, seasonal food festivals, pesticide use, garden registration, volunteer recruitment, educational programming and many others.**

**The global ecological crisis and the deterioration of food systems compromise the health and quality of life of City residents. Global, national, and local challenges are escalating. Existing programs while admirable and noble are unsustainable without staff support and dedicated managerial leadership. Although all current programs and projects can be pursued without clear and coherent organization and management, their impact will be minimal and their continuation problematic.**

**In this same area: The committee encourages the Council to support repeal of state restrictions on home rule for urban agriculture ordinances and public policies. The committee also encourages the Council to support improvement of the state's cottage industry policies to include expansion of approved cottage industry products and sales venues.**

### **3. Discourage Use of Polystyrene (Styrofoam) Food and Drink Containers at City Approved Events (modification of proposal first offered in 2019)**

The committee reaffirms the value of eliminating polystyrene (Styrofoam) food and drink containers, which are harmful to the environment, a significant source of litter, and seldom recycled. Short of prohibiting the use of polystyrene, the City can at least discourage its use and recommend more responsible alternatives to all businesses and *especially* all organizations requesting use of City properties and services.

Our proposal is focused only on City approved events and aims to reduce non-recyclable materials from the waste-stream and the natural environment by discouraging the use of a product that is both unnecessary and toxic – the elimination of which will have an immediate impact on the most problematic of all the non-recyclable single-use plastics. We note that several cost-effective, compostable, non-toxic alternatives are readily available (e.g., paper, cane, cardboard, bamboo, Sal leaf, and others), and are being used at local events. All events using City properties and services should be encouraged to use such products.

Whatever one pays for these products, there is an externality, a hidden cost, of using *any* amount of Styrofoam or polystyrene. The manufacturing process, distribution, and after-use effects of these materials are each (and all together) unsustainable, harmful to humans, damaging to ecosystems, and culturally unappealing.

There are two counties (Orange and Seminole) and at least sixteen cities in Florida that have banned the use of polystyrene on public property. The cities include some of our largest, like our neighbors, Tampa and St. Petersburg, and some of our smallest, like Dania Beach (population: 31,723) and Sunny Isles Beach (population: 22,342). We have reviewed ordinances from two of these cities, visited with leadership from one of them, and researched available promotional materials that can be used to inform the public on the project and its merits.

See this link to various municipalities with restrictions on use of polystyrene and plastics:

<https://plasticfreefl.org/sample-legislation/>

Here is the list of the Florida cities:

Largo	Tampa	Orlando	St. Petersburg	Atlantic Beach
Tallahassee	Ft. Lauderdale	Boca Raton	Delray Beach	Hollywood
Boynton Beach	Winter Park	Lauderhill	Dania Beach	Sunny Isles Beach
Palm Beach Gardens				

\*Note: SB 1126 and HB 1641 (Home Rule preemption on municipal bans on plastic and polystyrene) failed.

### **4. Herbicide/Pesticide-free Zones & Non-Toxic Community (originally proposed in 2017)**

As is occurring in other areas of the nation and the world, and in furtherance of our original (2017) proposal to move toward becoming a non-toxic community, we propose the City reduce the use of herbicides and pesticides on public properties and establish select herbicide/pesticide-free zones. In the zones native plants, insects, and animals would have an opportunity to thrive and adjacent areas would be safe and healthy for all of us as well. The City would encourage home owners to adopt this approach in their own yards and gardens. This approach could be promoted with educational materials, workshops, and signs. Having these zones is another step toward restablbing a healthy ecosystem in the city and beginning to reverse the impact of poisons on our environment and our health.

## **5. Native Planting Ordinance**

A companion proposal to the “Pesticide-free Zones” proposal establishes a program to allow native vegetation to thrive in the City. The program would be developed from an ordinance “Promoting the Use of Appropriate Native Vegetation,” for which a model is available (see “NATIVE PLANTING ORDINANCE” included with this report). The City in conjunction with native plant societies and local growers could host seasonal events promoting the installation of native plants and promoting their distribution at agro-ecological festivals. The impact of such a program would be substantial: allowing insect and bird populations to thrive during breeding season, reducing irrigation, limiting toxic run-offs, and cooling properties and whole neighborhoods where native vegetation is installed. This ordinance is a natural companion ordinance to the urban agriculture ordinance and a compliment to the City’s re-forestation initiative.

## **6. Increase Tree Planting/Reforestation**

Originally proposed in August 2023, this proposal calls for expansion of the City’s reforestation program. The proposal calls for an annual increase of 100 native hardwood trees, preferably Live Oaks, 10-12 feet high. Committee also recommends Live Oaks as the primary tree offered to property owners in the adopt-a-tree initiative. The committee recommends an annual allocation of a minimum of \$10,000 for adopt-a-tree program, and active promotion of the program.

## **7. Pursue Agro-Tourism Designation**

Proposal to immediately pursue agro-tourism designation for the city’s urban agriculture activities and initiatives from seasonal food festivals to urban gardening programs and various locally-sourced fresh food markets. See <https://visitfloridafarms.org/>

---

√ Committee pledges full support and assistance to the Council and City Staff in pursuit of these proposals.

√ Committee requests Council endorsement of these proposals.

√ Committee welcomes inclusion of these items on upcoming council agendas and/or at work sessions.

**Respectfully submitted:**



**Dell deChant**  
**Chair, Environmental Committee, City of New Port Richey**



**City of New Port Richey Environmental Committee**



# NEW PORT RICHEY

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

---

**TO:** City of New Port Richey City Council  
**FROM:** Crystal Dunn, Finance Director  
**DATE:** 7/2/2024  
**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 \$25,000 and over.

**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 Listing	Backup Material



PURCHASES/PAYMENTS FOR CITY COUNCIL APPROVAL

E & L Construction Group	\$409,526.76
Fire Station #2, Payment #8	

E & L Construction Group	\$318,786.75
Fire Station #2, Payment #9	

RECURRING EXPENDITURES OVER \$25,000

Tampa Bay Water	\$125,225.82
City of NPR May 2024 Usage	

Enterprise FM Trust	\$79,335.32
Lease for City Vehicles	

SYNAGRO	\$49,859.47
Biosolid Disposable Tons	



# 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, ICMA-CM, City Manager

**DATE:** 7/2/2024

**RE:** Second Reading, Ordinance No. 2024-2302: Creating the Flood Risk and Preparedness Public Information Committee

## REQUEST:

The request is for City Council to conduct a second and final reading of an ordinance which creates a Flood Risk and Preparedness Public Information Committee.

## DISCUSSION:

As Council is aware, the Federal Emergency Management Agency under the National Flood Insurance Program has developed a Community Rating System (CRS) which affects rates for flood insurance within communities throughout the United States. Guidelines have been promulgated under the National Flood Insurance Program to assist communities in improving its rating under the CRS. By establishing a public information committee and the adoption of a Program for Public Information, The City can enhance its community's rating under the CRS.

The purpose of the Flood Risk and Preparedness Public Information Committee is to offer advisory opinions and recommendations to the city council on best practices for information dissemination regarding flood risk and emergency preparedness. This committee will be in conformance with the Community Rating System Manual, including subsequent editions and amendments, from the Federal Emergency Management Agency for administration of the National Flood Insurance Program's Community Rating System.

The duties and functions of the Flood Risk and Preparedness Public Information Committee shall be as follows:

- To serve as the advisory committee to the city council for information dissemination to residents and business owners regarding flood risk, emergency preparedness, and flood resiliency;
- To complete an initial review and recommend adoption of the city's Program for Public Information, as defined and in accordance with the Community Rating System Manual;
- To conduct a minimum of two (2) public meetings to assess the city's public information needs and to review and recommend to the city council the Program for Public Information;
- To conduct meetings from time to time, at least one (1) time per calendar year, to review, revise, and recommend modifications to the Program for Public Information as necessary;
- To participate as a stakeholder in public information efforts through event attendance and outreach projects relating to flood risk; and
- To serve, as-needed, as an advisory committee to the city council for other activities necessary to improve the city's status in the Community Rating System of the National Flood Insurance Program, in accordance with the Community Rating System Manual.

The committee shall have a minimum of seven (7) members, and such additional members as appointed from time to time by the City Council and shall be comprised of both city staff and stakeholders. The committee shall have at least one (1) member from the city's floodplain management office and one (1) member from the city's public information office. Stakeholders shall be those with a vested interest in the city. City Council shall seek to have stakeholder members include, but be not limited to, floodplain residents, insurance agents that service the city, developers and contractors that operate in the city, environmental organization members, realtors that service the city, emergency responders, and business organizations within the city.

Members of the committee shall serve terms of two (2) years. City Council shall designate at least two (2) members to serve an initial term of one (1) year to provide for staggered terms.

**RECOMMENDATION:**

Staff recommends that City Council conduct the second and final reading of an ordinance which creates a Flood Risk and Preparedness Public Information Committee as submitted.

**BUDGET/FISCAL IMPACT:**

No funding is required for this item.

**ATTACHMENTS:**

Description		Type
▣	Ordinance No. 2024-2302: Creating the Flood Risk and	Ordinance
	Preparedness Public Information Committee	

**ORDINANCE NO. 2024-2302**

**AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA, PROVIDING FOR AMENDMENT OF ARTICLE IV OF CHAPTER 2 OF THE CODE OF ORDINANCES, PERTAINING TO BOARDS, COMMITTEES AND COMMISSIONS OF THE CITY; PROVIDING FOR A FLOOD RISK AND PREPAREDNESS PUBLIC INFORMATION COMMITTEE; PROVIDING FOR DUTIES, MEMBERSHIP, MEETINGS AND PROCEDURES OF THE COMMITTEE; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.**

WHEREAS, the Federal Emergency Management Agency under the National Flood Insurance Program has developed a Community Rating System (CRS) which affects rates for flood insurance within communities throughout the United States;

WHEREAS, guidelines have been promulgated under the National Flood Insurance Program to assist communities in improving its rating under the CRS;

WHEREAS, the establishment of a public information committee and the adoption of a Program for Public Information can enhance a community's rating under the CRS;

WHEREAS, the City Council has found that the establishment of a Flood Risk and Preparedness Public Information Committee is in the best interest of the City; 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 in accordance with the City's police powers.

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

**SECTION 1. Amendment.** Article IV of chapter 2 of the Code of Ordinances, pertaining to boards, committees and commissions of the city and providing as set forth hereafter, is hereby amended to add division 6 thereto, as follows (strikeout text is deleted and underlined text is added):

## **DIVISION 6. - FLOOD RISK AND PREPAREDNESS PUBLIC INFORMATION COMMITTEE**

### **Sec 2-100. - Created.**

The city council hereby creates the Flood Risk and Preparedness Public Information Committee. The purpose of the Flood Risk and Preparedness Public Information Committee is to offer advisory opinions and recommendations to the city council on best practices for information dissemination regarding flood risk and emergency preparedness. This committee will be in conformance with the Community Rating System Manual, including subsequent editions and amendments, from the Federal Emergency Management Agency for administration of the National Flood Insurance Program's Community Rating System.

### **Sec. 2-101. - Duties and responsibilities.**

The duties and functions of the Flood Risk and Preparedness Public Information Committee shall be as follows:

- (a) To serve as the advisory committee to the city council for information dissemination to residents and business owners regarding flood risk, emergency preparedness, and flood resiliency;
- (b) To complete an initial review and recommend adoption of the city's Program for Public Information, as defined and in accordance with the Community Rating System Manual;
- (c) To conduct a minimum of two (2) public meetings to assess the city's public information needs and to review and recommend to the city council the Program for Public Information;
- (d) To conduct meetings from time to time, at least one (1) time per calendar year, to review, revise, and recommend modifications to the Program for Public Information as necessary;
- (e) To participate as a stakeholder in public information efforts through event attendance and outreach projects relating to flood risk; and
- (f) To serve, as-needed, as an advisory committee to the city council for other activities necessary to improve the city's status in the Community Rating System of the National Flood Insurance Program, in accordance with the Community Rating System Manual.

### **Sec. 2-102. - Membership.**

- (a) Members of the Flood Risk and Preparedness Public Information Committee shall be comprised of both city staff and stakeholders. Stakeholders shall be those with a vested interest in the city.
- (b) The committee shall have at least one (1) member from the city's floodplain management office and one (1) member from the city's public information office.
- (c) The committee shall have a minimum of seven (7) members, and such additional members as appointed from time to time by the city council. At all times, the committee shall be comprised of no fewer than fifty percent stakeholder members. A quorum shall consist of a majority of members appointed from time to time by city council.

- (d) The city council shall seek to have stakeholder members include, but be not limited to, floodplain residents, insurance agents that service the city, developers and contractors that operate in the city, environmental organization members, realtors that service the city, emergency responders, and business organizations within the city.
- (e) Members of the committee shall serve terms of two (2) years. The city council shall designate at least two (2) members to serve an initial term of one (1) year to provide for staggered terms.
- (f) The city council shall select the committee members by a majority vote. The city council by a majority vote may remove any member with or without cause. A committee member who misses two (2) consecutive meetings shall be deemed to have resigned unless the absence is excused by a majority vote of the committee members present at a meeting of the committee.

#### **Sec. 2-103. - Officers.**

The voting members of the Flood Risk and Preparedness Public Information Committee shall elect one (1) of their members to serve as chairperson and one (1) of their members to serve as secretary. The secretary shall record minutes for each meeting of the committee. The secretary shall keep the original copy of the minutes and furnish a copy of the minutes to the city clerk. The chairperson shall submit an annual report to the city council of the committee's activities for the prior year.

#### **Sec. 2-104. - Voting authority.**

All members shall be entitled to be heard as to any business brought before the committee. Only members are entitled to vote on all matters before the committee. Members of the committee having a voting conflict of interest under Florida law shall abstain from voting as required.

#### **Sec. 2-105. - Meetings.**

All meetings of the committee shall be open to the public, pursuant to F.S. section 286.011. The time, date, place, and agenda of the meeting shall be posted by the city clerk in city hall one (1) week prior to the meetings unless an emergency exists. All meetings shall be conducted in accordance with Robert's Rules of Order. The chairperson shall allow public comment at the committee's meetings in a manner deemed appropriate by the chair.

#### **Sec. 2-106. – Compensation.**

The members of the committee shall serve without compensation but may receive reimbursement for travel expenditures in accordance with Florida law and the city's travel policy.

**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 18<sup>th</sup> day of June, 2024, 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 2<sup>nd</sup> day of July, 2024.

ATTEST:

By: \_\_\_\_\_  
Judy Meyers, CMC, City Clerk

By: \_\_\_\_\_  
Alfred C. Davis, 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 CA Approved 6-5-24



# 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, CMC, City Clerk

**DATE:** 7/2/2024

**RE:** Board Appointments: Tad Clements and Kevin Robinson, Parks & Recreation Advisory Board

**REQUEST:**

The request is for City Council to approve the appointments of Tad Clements and Kevin Robinson as members to the Parks & Recreation Advisory Board.

**DISCUSSION:**

On June 11, 2024, Mr. Tad Clements and Mr. Kevin Robinson submitted their applications seeking membership on the Parks & Recreation Advisory Board. If approved, their terms would be for three years and will be up for renewal on July 2, 2027. Staff has verified that both gentlemen meet the requirements set forth in the City's Code of Ordinances to serve on this board. With these appointments, that leaves two alternate member positions open on this board.

**RECOMMENDATION:**

Staff recommends that City Council approve the appointments of Tad Clements and Kevin Robinson as members to the Parks & Recreation Advisory Board and accept the attached updated membership roster.

**BUDGET/FISCAL IMPACT:**

No funding is required for this item.

**ATTACHMENTS:**

Description	Type
❑ Application - Tad Clements	Backup Material
❑ Application - Kevin Robinson	Backup Material
❑ Updated Parks and Recreation Advisory Board Roster	Backup Material



# Board and Committee Membership Application

City of New Port Richey  
5919 Main Street  
New Port Richey, FL 34652  
(727) 853-1016  
www.citynpr.org



## Applicant Information

Name	Tad Clements
Street Address	5759 Rio Drive
City, State, Zip	New Port Richey FL 34652
Home Phone	7167127657
Alternate Phone	
E-Mail Address	tadclements@gmail.com

(attach copy of DL for  
residency verification)

## Boards and Committees

Please describe why you are interested in serving on a board or committee for the City of New Port Richey:

Get involved with the community around me. Help to make this a better place for all.

Please choose which board or committee you are interested in serving on:

- |                                     |  |
|-------------------------------------|--|
| <input type="checkbox"/>            | Cultural Affairs Committee (meets on the third Wednesday of each month)        |
| <input type="checkbox"/>            | Environmental Committee (meets on the second Monday of each month)             |
| <input type="checkbox"/>            | Firefighters Pension Board (meets on a quarterly basis)                        |
| <input type="checkbox"/>            | Historic Preservation Board (meets on the second Monday of the month)          |
| <input type="checkbox"/>            | Land Development Review Board (meets on the fourth Thursday of the month)      |
| <input type="checkbox"/>            | Library Advisory Board (meets on the fourth Monday of the month)               |
| <input checked="" type="checkbox"/> | Parks and Recreation Advisory Board (meets on the second Tuesday of the month) |
| <input type="checkbox"/>            | Police Pension Board (meets on the fourth Tuesday of the month)                |

Have you attended any meetings of the board or committee on which you want to serve?

X Yes      No      If yes, how many have you attended? 2

### Previous Board or Committee Experience

Have you ever served on a board or committee with any governmental unit? If so, please describe:

No

### Previous Volunteer or Community Service Experience

Summarize your previous volunteer or community service experience.

Habitat for Humanity's Restore

### Special Skills, Interests and/or Qualifications

Summarize special skills, interests and/or qualifications you possess which you feel would be beneficial to the board or committee you are applying for membership to.

### Employment/Experience

Job Title:  
Technical Account Manager

Employer:  
NICE LTD

Address Line 1:  
5759 Rio Drive

Address Line 2:

City:  
New Port Richey

State:

Zip Code:  
34652

County:

Work Phone:

Professional licenses held:

NA

Previous employment or experience:

NA

Memberships in professional, civic organizations or government boards or committees:

### Personal References

Please provide three (3) references other than relatives. List name, phone number and relationship to you.

Name (printed)	Phone Number	Relationship
Launi Harden	4353137397.	Neighbor
Neal McSweany.	7277426986.	Neighbor
Michael McGrady.	7275055202.	Neighbor

### Eligibility Verification

To serve on a City Board or Committee you must either be a current resident of the city or own a business within the city limits. You must also be a registered voter. Please check all that apply.



I currently live within the city limits.



I own a business within the city limits



I am a registered voter in Florida

(attach copy of voter identification card)

Have you ever been convicted, pleaded guilty or no lo contendere to any criminal offense? (A yes answer to the above question does not automatically preclude you from being considered. The circumstances, timeframe and relevant factors are considered on an individual basis.)

☐ Yes ☐ No

If yes, please explain (including date):

Yes, DUI.

### Agreement and Signature

By submitting this application, I affirm that the facts set forth in it are true and complete. I understand that if I am accepted as a Board or Committee member, any false statements, omissions, or other misrepresentations made by me on this application may result in my immediate dismissal.

Name (printed) Tad Clements

Signature Tad Clements

Date 6/7/2024

### Selection Process

Once your application has been reviewed and your eligibility to serve has been verified, you will be contacted by the City Clerk to appear at an upcoming City Council meeting so that Council may address any questions they may have regarding your application. Applications are valid for one year from the date they are submitted.

### Our Policy

It is the policy of this organization to provide equal opportunities without regard to race, color, religion, national origin, gender, sexual preference, age, or disability.

Thank you for completing this application form and for your interest in volunteering with us. Please return the completed form back to Judy Meyers, City Clerk, City of New Port Richey, 5919 Main Street, New Port Richey, Florida, 34652. You may also send it via e-mail to [meyersj@cityofnewportrichey.org](mailto:meyersj@cityofnewportrichey.org). If you have any questions or need any further information please contact the City Clerk's Office at (727) 853-1021.

### FOR INTERNAL USE ONLY:

Date Application Received:

6/11/24

Type of Application: New Member

Renewal

# Board and Committee Membership Application

City of New Port Richey  
5919 Main Street  
New Port Richey, FL 34652  
(727) 853-1016  
www.citynpr.org



## Applicant Information

Name	Kevin Michael Robinson
Street Address	5848 Dailey Lane
City, State, Zip	New Port Richey, Florida 34652
Home Phone	716-903-3369
Alternate Phone	727-248-2028
E-Mail Address	KRob25@aim.com

(attach copy of DL for  
residency verification)

## Boards and Committees

Please describe why you are interested in serving on a board or committee for the City of New Port Richey:

I am interested in engaging with the community and contributing ideas towards city enhancements.

Please choose which board or committee you are interested in serving on:

- ☐ Cultural Affairs Committee (meets on the third Wednesday of each month)
- ☐ Environmental Committee (meets on the second Monday of each month)
- ☐ Firefighters Pension Board (meets on a quarterly basis)
- ☐ Historic Preservation Board (meets on the second Monday of the month)
- ☐ Land Development Review Board (meets on the fourth Thursday of the month)
- ☐ Library Advisory Board (meets on the fourth Monday of the month)
- ☒ Parks and Recreation Advisory Board (meets on the second Tuesday of the month)
- ☐ Police Pension Board (meets on the fourth Tuesday of the month)

Have you attended any meetings of the board or committee on which you want to serve?

  X   Yes             No      If yes, how many have you attended?   2

### Previous Board or Committee Experience

Have you ever served on a board or committee with any governmental unit? If so, please describe:

N/A

### Previous Volunteer or Community Service Experience

Summarize your previous volunteer or community service experience.

I regularly participate in volunteer programs via work (Verizon) to help serve individuals with limited resource to technology, or require assistance with their existing tech equipment.

### Special Skills, Interests and/or Qualifications

Summarize special skills, interests and/or qualifications you possess which you feel would be beneficial to the board or committee you are applying for membership to.

I have held a NPR Rec Center membership for over a year, and use the facility on a regular basis. I have also attended multiple activities hosted within the city parks. These experiences have allowed me to hold a special interest in these areas particularly.

I am a former public service employee, that has worked within the law enforcement field for approximately 8 years. This allowed me to understand some of the challenges that disadvantaged individuals face, as well as expressed concerns from within the

### Employment/Experience

Job Title:  
Cyber Defense Specialist

Employer:  
Verizon

Address Line 1:  
7701 E Telecom Pkwy

Address Line 2:

City:  
Temple Terrace

State:  
FL

Zip Code:  
33637

County:  
Hillsborough

Work Phone:  
727-248-2028

Professional licenses held:

N/A

Previous employment or experience:

Verizon - 2020 -> Current  
G4S Secure Solutions - 2014 -> 2020  
(Assigned to Pasco/Pinellas Sheriff's Office Criminal Transport Division) ->  
Erie County Sheriff's Office - 2012 -> 2014

Memberships in professional, civic organizations or government boards or committees:

N/A

### Personal References

Please provide three (3) references other than relatives. List name, phone number and relationship to you.

Name (printed)	Phone Number	Relationship
Neal McSweany	727-742-6986	Neighbor
David Harden	480-433-5658	Neighbor
Shane Johnston	813-507-5924	Friend

### Eligibility Verification

To serve on a City Board or Committee you must either be a current resident of the city or own a business within the city limits. You must also be a registered voter. Please check all that apply.



I currently live within the city limits.

I am a registered voter in Florida



I own a business within the city limits

(attach copy of voter identification card)

Have you ever been convicted, pleaded guilty or no lo contendere to any criminal offense? (A yes answer to the above question does not automatically preclude you from being considered. The circumstances, timeframe and relevant factors are considered on an individual basis.)

☐ Yes ☒ No

If yes, please explain (including date):

N/A

### Agreement and Signature

By submitting this application, I affirm that the facts set forth in it are true and complete. I understand that if I am accepted as a Board or Committee member, any false statements, omissions, or other misrepresentations made by me on this application may result in my immediate dismissal.

Name (printed) Kevin Michael Robinson

Signature

Date

6/7/2024

### Selection Process

Once your application has been reviewed and your eligibility to serve has been verified, you will be contacted by the City Clerk to appear at an upcoming City Council meeting so that Council may address any questions they may have regarding your application. Applications are valid for one year from the date they are submitted.

### Our Policy

It is the policy of this organization to provide equal opportunities without regard to race, color, religion, national origin, gender, sexual preference, age, or disability.

Thank you for completing this application form and for your interest in volunteering with us. Please return the completed form back to Judy Meyers, City Clerk, City of New Port Richey, 5919 Main Street, New Port Richey, Florida, 34652. You may also send it via e-mail to [meayersj@cityofnewportriches.org](mailto:meayersj@cityofnewportriches.org). If you have any questions or need any further information please contact the City Clerk's Office at (727) 853-1021.

FOR INTERNAL USE ONLY:

Date Application Received:

6/11/24

Type of Application: New Member

Renewal





CITY OF NEW PORT RICHEY BOARDS/COMMITTEES  
Parks and Recreation Board

---

Seven (7) regular members and two (2) alternate members, all of whom shall be registered voters who reside within the city. Three-year terms.

**David Schrader**

7315 Astor Drive  
New Port Richey, FL 34652  
(C) 992-0260  
[dschrader714@gmail.com](mailto:dschrader714@gmail.com)

**Through 01.19.27**

**Carolyn Marlowe**

5603 Palmetto Road  
New Port Richey, FL 34652  
(C) 727-534-7414  
(w) 727-847-2424  
[carolyn@marlowe.net](mailto:carolyn@marlowe.net)

**Through 12.20.25**

**Rob Oman**

5738 Montana Avenue  
New Port Richey, FL 34652  
(c) 727-460-9446  
[roboman1982@hotmail.com](mailto:roboman1982@hotmail.com)

**Through 09.06.25**

**Launi Schmutz-Harden**

5809 Rio Drive  
New Port Richey, FL 34652  
(c) 435-313-7397  
[Launi.schmutz@gmail.com](mailto:Launi.schmutz@gmail.com)

**Through 04.06.26**

**Stephen Blanchard**

5100 Providence Circle, Unit #4  
New Port Richey, FL 34652  
(c) 727-326-8093  
[Stephen\\_Blanchard@yahoo.com](mailto:Stephen_Blanchard@yahoo.com)

**Through 09.19.26**

**Tad Clements**

5759 Rio Drive  
New Port Richey, FL 34652  
(c) 716-712-7657

**Through 07.02.27**

[tadclements@gmail.com](mailto:tadclements@gmail.com)

**Kevin Robinson**

5848 Dailey Lane  
New Port Richey, FL 34652  
(h) 716-903-3369  
(c) 727-248-2028  
[Krobs25@aim.com](mailto:Krobs25@aim.com)

**Through 07.02.27**

**Alternates**

**OPEN**

**OPEN**

**Staff Liaisons: Andre Julien**

**Krista Schiano (minutes)**

**3.07.00 Parks and recreation board**

**3.07.01 Created; purpose.**

There is hereby created a parks and recreation board for the purpose advising the city council on the use of city parks and to promote the use of public recreational facilities. The parks and recreation board will plan, promote and assist the director of parks and recreation in conducting recreational projects for citizens and visitors of all ages, both on its own initiative and in cooperation with other agencies.  
(Ord. No. 1468, § 1, 9-15-98)

**3.07.02 Membership.**

1. The parks and recreation board shall be comprised of seven (7) regular members and two (2) alternate members, all of whom shall be registered voters who reside within the city. A quorum shall consist of four (4) members.
2. The appointment of members to serve on the parks and recreation board will be for three (3) years. The city council shall select the board members by a majority vote. The city council, by a majority vote, may remove any member with or without cause. If available, vacancies shall be filled from the alternate positions. A board member who misses two (2) consecutive meetings shall be deemed to have resigned unless the absence has been excused by the chairman prior to the meeting. The chairman of the committee shall notify the city clerk of the member's resignation.
3. The alternate member(s) shall be entitled to attend all meetings of the parks and recreation board and to enter into discussions concerning the business before the board. If a quorum is not in attendance at the meeting, an alternate member shall then be counted as a member of the board and participate in all business then and there before the board and shall be entitled to vote thereon, which vote shall be considered under those circumstances in the same manner as the vote of any regular member thereof.
4. Members of the parks and recreation board shall receive no salaries for their services thereon but may receive necessary travel and other expenses while on official business for the board if funds are available for this purpose.  
(Ord. No. 1468, § 1, 9-15-98)

**3.07.03 Officers.**

The voting members of the parks and recreation board shall elect one (1) of their members to serve as chairman, one (1) of their members to serve as vice-chairman and one (1) of their members to serve as secretary. The secretary shall record minutes for each meeting of the board. The secretary shall keep the original copy of the minutes and furnish a copy of the minutes to the city clerk. The city council shall provide clerical and administrative support as may be reasonably required by the parks and recreation board for the proper performance of its duties.

(Ord. No. 1468, § 1, 9-15-98)

**3.07.04 Adoption of rules; record of meetings.**

The parks and recreation board shall adopt rules for transaction of its business and shall keep a record of its meetings which shall include its resolutions, reports, transactions, findings and determinations, which record shall be a public record. Such records shall be kept in the office of the city council or such other place designated by the city manager.

(Ord. No. 1468, § 1, 9-15-98)

**3.07.05 Reports to city council.**

The parks and recreation board may render special reports to the city council as the board members may deem advisable; provided, however, that the minutes of board meetings shall be adequate to advise the city council of the board's activity.

(Ord. No. 1468, § 1, 9-15-98)

**3.07.06 Voting authority.**

All members and alternates, as well as the public, shall have a voice pertaining to the business brought before the parks and recreation board. Only members are entitled to vote on all proceedings. Alternates may not vote unless taking the place of an absent member. Members of the board shall not vote if they have a conflict of interest pursuant to Florida Statutes.

(Ord. No. 1468, § 1, 9-15-98)

**3.07.07 Meeting schedule.**

The parks and recreation board shall meet once every ninety (90) days, unless it determines to meet more frequently. Meetings shall be open to the public pursuant to section 286.011, Florida Statutes. The date, time, place and the agenda of the meeting shall be placed by the city clerk in City Hall one (1) week prior to the meeting unless an emergency exists. All meetings shall be conducted in accordance with Robert's Rules of Order.

(Ord. No. 1468, § 1, 9-15-98)



# 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:** 7/2/2024  
**RE:** Request to Purchase Sanitary Sewer Smart Manhole Covers

## REQUEST:

The request of staff for the City Council is to review and consider for approval the attached proposal from Hadronex Incorporated aka SmartCover Systems in the not to exceed amount of \$66,701 for the purchase of smart sanitary sewer manhole covers. Hadronex is the sole manufacturer of the smart cover system. This type of purchase is allowed under the City's current purchasing guidelines.

## DISCUSSION:

As City Council is aware, on May 3, 2024, the Florida Department of Environmental Protection issued the City a consent order. The consent order fined the City \$30,117 in penalties. However, if the City chose to perform an In-Kind project at the costs of one and a half times the civil penalty off-set amount, equivalent to **at least \$45,175.50**, the Department would approve the project subsequent to their review, on May 31, 2024, the Department approved the City's In-Kind proposed project. The consent order was due to the City's three (3) unauthorized discharges which entered surface waters on August 9, 2022, November 16, 2022, and December 7, 2022 totaling 71,416 gallons. Two of the three unauthorized discharges were located near the Pithlachascotee river and the Gulf of Mexico due to sewer force-main breaks. The third unauthorized discharge was due to the failure of an electrical breaker, resulting in the overflow of 35,916 gallons of completely treated reclaimed water at the City Wastewater Treatment Plant (WWTP) located at 4730 Main Street, New Port Richey, Florida 34652.

The City performed remediation work at the WWTP consisted of the installation of a gate that increased the holding capacity of the tank by 112,705 gallons. In addition, the one (1) breaker that controlled the six (6) pumps was removed and replaced with six (6) individual breakers and VFD's have been installed for each of the existing pumps.

Subsequent to the City's review of the two (2) unauthorized discharges into the Pithlachascotee river, the City proposed to the Department the purchase of 10 smart manhole covers to be installed at manholes preceding the 10 lift stations located adjacent to the river; please see the Exhibit "A". The benefit of these installations will implement a backup system in place should the City's existing SCADA system malfunction and not notify the City's on-call personnel. As the City Council is aware, response time to sanitary sewer overflow is critical to the elimination or reduction of wastewater into surface waters and as such, creates a direct benefit to the environment.

## RECOMMENDATION:

Approval of the purchases is recommended.

## BUDGET/FISCAL IMPACT:

Funding is identified as Water and Sewer Utility Construction Funds Account No. 405535-46381-0964.

## ATTACHMENTS:

Description	Type
□ Proposal	Backup Material

▣	Sole Source	Backup Material
▣	References	Backup Material
▣	FDEP Consent Order No. 23-1339	Backup Material
▣	FDEP In-Kind Project Approval Notice	Backup Material

# ***SMARTLEVEL™ REMOTE SEWER MONITORING***



**PREPARED FOR**

City of New Port Richey  
Port Richey, FL

**PREPARED BY**

Doug Boccuti  
SmartCover Regional Manager

May 10, 2024



May 10, 2024

Mr. Emanuel Garcia  
City of New Port Richey  
6132 Pine Hill Rd  
Port Richey, FL 34668

Mr. Garcia:

Thank you for the opportunity to submit this price proposal for a SmartLevel solution to be installed in the City of New Port Richey.

The SmartLevel system offers cost effective satellite manhole monitoring to eliminate sewer overflows, optimize collection system cleaning, and accurately identify inflow and infiltration (I&I). The comprehensive data management and analytics software platform allows you to efficiently manage real-time data to enhance performance, reduce costs, and optimize resources.

Additional benefits include:

- Continuous system visibility through Iridium satellite communication with no disruptions during extreme weather events or poor coverage associated with cellular networks.
- No confined space entry and simple manhole retrofit minimizes field resources and safety hazards
- Full data available within an hour of installation

If you have any questions, please don't hesitate to contact me at 407-404-0882 or via email at [dboccuti@smartcoversystems.com](mailto:dboccuti@smartcoversystems.com).

Best Regards,

Doug Boccuti  
Regional Sales Manager  
SmartCover

Contents

**1 SMARTCOVER – SMARTLEVEL MONITORING SYSTEM ..... 3**

**1.1 INSTALLATION ..... 3**

**1.2 TRAINING ..... 3**

**1.3 SERVICE ..... 3**

**2 PRICING SUMMARY ..... 5**

**3 STANDARD TERMS & CONDITIONS ..... 6**

**3.1 DELIVERY ..... 6**

**3.2 TERMS AND CONDITIONS ..... 6**

**4 ONGOING COSTS ..... 7**

**5 ADDITIONAL TERMS & CONDITIONS, LIMITED WARRANTY ..... 8**

**6 PURCHASE ACCEPTANCE ..... 10**



## 1 SMARTCOVER – SMARTLEVEL MONITORING SYSTEM

SmartCover is pleased to provide the following proposal for the installation and operation of ten (10) SmartCover, SmartLevel remote monitoring system in the collection system for the City of Fort Myers. The price for the system is provided in Section 2 - Pricing Summary. Pricing on page 5 represents the purchase, installation, and ongoing operating costs for two (2) years.

SmartCover reserves the right to amend the pricing in the proposal if additional costs to SmartCover Systems are required by the Customer (ex. bonds, additional insurance requirements beyond standard coverages carried by SmartCover, etc.).

### 1.1 INSTALLATION

**Installation:** SmartCover will install the SmartLevel hardware (see Section 2) and, while on site, verify operations, including full two-way communications to the SmartCover system. NO CONFINED SPACE ENTRY IS REQUIRED for installation of the SmartLevel unit. Installation takes no longer than ninety (90) minutes per site, usually less. Traffic control is not included in this pricing proposal and, if needed, is assumed to be the responsibility of the Customer.

### 1.2 TRAINING

After installation of the units and verification of operation, SmartCover will provide training to gather and interpret the SmartLevel data. Training should take no longer than one (1) hour and will be performed online (or in person if installed by SmartCover). Instructions on general data access will still be provided after the installation.

### 1.3 SMARTCARE™ SERVICE

When purchased with battery and parts warranty, SmartCover Labor Warranty services offered in this proposal include:

- System troubleshooting
- Routine maintenance
- Parts and battery replacement



Services will be performed by a local SmartCover factory-trained representative. Adequate spare parts inventory will be maintained locally to minimize downtime of systems.

Damage to the units caused by the Customer or Customer contractors will be documented and invoiced at the time of service.

## 2 PRICING SUMMARY

Part Number	Description	Unit Qty	Unit Price	Extended Price
SC-Q-SB-15	<b>SubSonic® System Components</b> <ul style="list-style-type: none"> <li><b>E-Box System Control</b> with onboard computer, modem, digital radio; fully potted and IP-68 rated.</li> <li><b>Distance Sensing Module (DSM)</b> with 0" to 79" sensor range, with 15' cable and dual sensor.</li> <li><b>PowerPack™</b> - lithium thionyl chloride battery with high power density.</li> <li><b>E-Square™ antenna</b>, including antenna and installation kit.</li> </ul> <b>Mounting bracket kit</b> - three-part amounting bracket set made of heavy gauge, hard-anodized aluminum; includes all mounting hardware.	10	\$4,744	\$47,440
System Parts Warranty	<b>ONE (1) Year, System Parts-Only Warranty</b> <ul style="list-style-type: none"> <li>Limited Parts-Only Warranty on all SmartCover® System™ hardware.</li> <li>See Warranty Statement for complete details- Section 6</li> </ul>	10	Included	Included
EW-SC1	<b>ONE (1) Year, Extended Parts Warranty</b> <ul style="list-style-type: none"> <li>Limited Parts-Only Warranty on all SmartCover® System™ hardware.</li> </ul>	10	\$474	\$4,740
PowerPack™ Warranty	<b>TWO (2) Year, PowerPack Warranty</b> <ul style="list-style-type: none"> <li>Limited Parts-Only Warranty on the PowerPack™</li> </ul>	10	Included	Included
ASM-SC2	<b>Active Site Management (ASM), Two Year:</b> Comprehensive support services including: <ul style="list-style-type: none"> <li>Software subscription with <i>unlimited number of users</i> accessed with secure user name and password</li> <li>Complete maintenance of all cloud based software</li> <li>Regular feature updates and upgrades including <i>SmartTrend™</i>.</li> <li>Hosting of data storage – unlimited data storage</li> <li>Iridium Satellite connectivity service with bi-directional communication.</li> <li>Advisories, Maintenance Alerts and Alarms issued to customer defined personnel via email and/or text message</li> <li>Ongoing technical support via phone or online.</li> </ul>	10	\$812	\$8,120
ASM-RD-2Y	<b>SmartRain® ASM, Two-Years</b>	4	\$219	\$876
IST-1	<b>Initial setup and training</b>	1	\$200	\$200
Installation Labor	<b>Installation Completed by trained SmartCover tech.</b>	10	\$500	\$5,000
Tax*	<b>Not Included</b>	1	N/A	N/A
Shipping	<b>Shipping and Handling</b> <b>Ground shipment FOB Escondido, CA</b>	1	\$325	\$325
<b>TOTAL</b>	<b>All items above</b>			<b>\$66,701</b>

\*Note: The Customer is responsible for any applicable sales tax or for providing SmartCover a tax exempt certificate. Taxes will be added as an additional line item on invoices.

## 3 STANDARD TERMS & CONDITIONS

### 3.1 DELIVERY

- Standard: Four (4) weeks upon receipt of a Purchase Order and with receipt of complete engineering and site information from the customer as requested. To note: The “standard four (4) weeks” is not a guarantee but a good faith estimate. It is strongly recommended that an order be placed as early as possible. Reasonable efforts will be made to provide earlier delivery, if requested.
- All customers will be notified of the shipment date upon Order Acknowledgement.
- Actual availability may vary depending on total demand.

### 3.2 TERMS AND CONDITIONS

- Payment: Net 30 days.
- Cancellations: For all orders of less than \$10,000, cancellation is accepted prior to shipment. For orders equal to or greater than \$10,000, a 15% restocking charge is applied for cancellation.
- Returns: Returns are accepted with a valid Return Material Authorization (RMA) number only. Contact Customer Service for an RMA number.
- All paid Warranties and Active Site Management (ASM) services begin on the day of shipment.

## 4 ONGOING COSTS AFTER 2<sup>ND</sup> YEAR

### **Ongoing Costs**

After the first year of operation, the following fees will provide ***continued comprehensive services*** including ***software support, data storage, upgrades, added features, and satellite connectivity***.

These are *annual charges* paid prior to the start of the year.

Part number	Months covered	Payment schedule	Cost per year
<b><u>Active Site Management (ASM) (Required)</u></b> Website Access, software subscription, satellite connectivity, data analysis, data storage, trend advisories, maintenance alerts, alarms, online S/C monitoring.			
<b>ASM-SC1R</b>	12	Every year	<b>\$418 Each</b>
<b>ASM-SC2R</b>	24	Every other year	<b>\$812 Each</b>
<b><u>PowerPack™ Warranty (Optional)</u></b> PARTS-ONLY, PowerPack™ Warranty for each installation, offering unlimited replacements during the Warranty term.			
<b>PW-5C1R</b>	12	Every year	<b>\$236 Each</b>
<b>PW-5C2R</b>	24	Every other year	<b>\$458 Each</b>
<b><u>Systems Parts Warranty Extension (Optional)</u></b> PARTS-ONLY, Warranty for each installation, covers: E-Box System Control, Distance Sensing Module (DSM), antenna, and mounting brackets			
<b>EW-SC1R</b>	12	Every year	<b>\$474 Each</b>
<b>EW-SC2R</b>	24	Every other year	<b>\$919 Each</b>
<b><u>SmartCare™ Labor Warranty Extension (Optional)</u></b> System troubleshooting and routine maintenance			
<b>Labor Warranty</b>	12	Every Year	<b>\$1,000 Each</b>

**SmartRain Environmental Data Service (Optional)** Supplies hourly data for rainfall. Cost is per site per year.

<b>ASM-RD-1R</b>	12	Every year	<b>\$113</b>
<b>ASM-RD-2R</b>	24	Every other year	<b>\$219</b>

## 5 **ADDITIONAL TERMS & CONDITIONS, LIMITED WARRANTY**

### **Mutual Hold Harmless**

SmartCover agrees, to the fullest extent permitted by law, to indemnify and hold harmless the Customer from any and all claims that may arise, or damages that may result, to SmartCover or SmartCover staff to the extent caused by SmartCover's negligence during the performance of this contract. Customer agrees, to the fullest extent permitted by law, to indemnify and hold harmless SmartCover, its officers, directors, employees and subcontractors (collectively, SmartCover) from any and all claims that may arise, to the extent caused by the Customer's negligent acts in connection with the installation, operation, or use of the SmartCover, and the acts of its contractors, subcontractors or consultants or anyone for whom the Customer is legally liable. Neither SmartCover nor the Customer shall be obligated to indemnify the other party in any manner whatsoever for the other party's negligence.

### **Loss of Communications**

Customer acknowledges that SmartCover is not responsible for the loss of wireless communication or internet communications or any communications used in the operation of this system.

### **Advisory Only**

SmartCover is an advisory service only. As such, SmartCover and its founders, owners, or staff are not responsible for any damage of any kind or from any cause whatsoever that may result from, in relation to, in connection with, due to, or as a result of the installation or operation of the system, including without limitation, equipment failure, or any consequential damages caused by, or resulting from, the use or installation of the SmartCover system.

### **Limited Warranty**

The equipment components of the SmartCover are warranted free from material defects of material and workmanship for a period of one (1) year from the date of installation. Unless otherwise stated, the SmartCover warranty herein is a parts-only warranty. Should the Customer discover any condition that might invoke a warranty claim, they are to expeditiously and without delay notify the SmartCover Technical Services group. Upon notification, SmartCover will assess and instruct the user on follow-on actions. Should a component fail as a result of a defect in material or workmanship, SmartCover will replace the component or repair it at the SmartCover location. For all valid warranty claims, as determined by SmartCover reasonable freight charges to and from Customer shall be paid by SmartCover. In all cases, SmartCover shall determine the shipping method and/or carrier unless otherwise agreed to in writing by



Customer and SmartCover. Upon approval of a warranty failure by SmartCover, SmartCover will either repair or replace the defective component at SmartCover sole discretion.

The foregoing warranty is exclusive. Repair or replacement in the manner provided above shall be the sole and exclusive remedy for breach of warranty and shall constitute fulfillment of all liabilities of SmartCover with respect to the quality and performance of the products. This warranty does not cover damage or repairs or replacements by any cause beyond the control of SmartCover, including acts of nature, improper use, lack of proper maintenance, vandalism, or unauthorized repair. SmartCover shall not be liable for any actual, exemplary, indirect or consequential damages, including damages for loss of goodwill or profits and/or losses, that stem from a failure or malfunction of the SmartCover system.

SmartCover does not provide traffic control. Customer must provide traffic control for installation and servicing of all units.

In no event shall SmartCover's liability, whether in contract or in tort (including negligence and strict liability), exceed the price of the Product from which such liability arises.

### **Rights to Use**

The SmartCover® family of products and all resulting data produced by them are proprietary and protected by a suite of intellectual property assets including but not limited to patents, trademarks and copyrights. The right to use these products and data is limited to the purchaser only. Any disclosure, use or other unauthorized disposition of any SmartCover® product or proprietary data outside the purchaser's organization, including third-party consultants, is prohibited.

**6 PURCHASE ACCEPTANCE**

Prices listed are valid for 60-days from this proposal date.

**ACTION:** Please include this entire document with Purchase Order

**Signatures**

**SmartCover**

**City of New Port Richey**

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Signature*

**Doug Boccuti**

*Printed Name*

\_\_\_\_\_  
*Printed Name*

**Regional  
Sales Manager**

*Title*

\_\_\_\_\_  
*Title*

**May 10, 2024**

*Date*

\_\_\_\_\_  
*Date*



Customer Name  
Address  
City, State Zip

Date

This letter is to provide notification that Hadronex, Inc. (doing business as SmartCover® Systems™) herein known as "Company" with corporate offices located at 2110 Enterprise Street, Escondido, CA 92029, is the sole creator, manufacturer and marketer of a group of systems and products, including: the award winning *SmartCover*®; *SmartFLOE*™; *SmartVault*™; *SmartWeir*™; *SmartClean*®; *SmartTank*; *SmartTrend*®; *SmartRain*™; *SmartTide*™; *UnderCover*®; *SubSonic*®; *H<sub>2</sub>Scents*® and *StreamWatch*®.

The *SmartCover*® family of products are both **patented and proprietary**, designed and manufactured by the Company to provide users with unique qualities and functions based on acquiring water level and/or flow data as well as other data in the sewer collection system or other structures with open channel flows, using ultrasonic, pressure or combined technology combined with embedded analytics and data fusion. The *SmartCover*® system, which acquires and transmits data through the Iridium® military grade satellite network, is immune to terrestrial communications interruptions caused by storms or hurricanes and provides 24/7 user access via a secure web browser and through a dedicated, secure user website.

*SmartCover*® uniquely provides real-time, continuous monitoring capability powered by an engineered and proprietary long-life lithium thionyl chloride battery pack. It uniquely communicates with an embedded digital radio through the Iridium® satellite system assuring global, redundant and continuous coverage.

Users acquire trend data via the patented and proprietary *SmartTrend*® analysis software tool which issues predictive "Advisories" on developing trends, "Alarms" for surcharges and intrusions and maintenance "Alerts" that monitor specific operational parameters system. All notifications provide information and resources enabling Sewer Intelligence® - effective, informed decision-making for corrective or preemptive action.

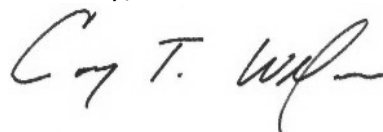
Patent pending *SmartRain*™; *StreamWatch*® and *SmartTide*™ data services are available where users are presented a "multigraph view" for fast and easy comparison of the *SmartCover*® (level) or *SmartFLOE*™ (flow) data with local environmental data. *SmartClean*® provides advanced maintenance forecasting to reduce cost and risk.

Mounted directly on the manhole cover, the patented *SmartCover*® configuration is designed to be installed with **no confined space entry** per OSHA CFR 1910.146(b). The manhole cover mounting also provides a real-time intrusion alarm when the manhole cover is opened, providing a unique capability to detect intrusions or entries into the manhole or hatch.

Company *solely provides* ongoing professional services for management and security of data, software maintenance and upgrades, the user website interface and exercise of the Iridium Satellite communications system. These essential services directly enable users to have seamless, robust and ongoing access to real-time data from remote locations.

Company is protected by the following US Patents: 7,589,630; 7,598,858; 7,944,352; 7,948,215; 8,607,654; 9,297,684; 9,482,568; 10,612,228 and 10,901,068. The systems are also protected by registered trademarks and international patents. Company also has a Madrid Treaty filing for its main trademark. We hope this information will satisfy your requirements and that it clearly demonstrates the special, patented, unique and proprietary features of our systems.

Sincerely,



Corey Williams, P.E.  
President/CEO, SmartCover Systems  
[cwilliams@smartcoversystems.com](mailto:cwilliams@smartcoversystems.com)

# SmartCover Reference List

Miami-Dade County – (300 Units + including DERM)

Winter Haven- (55 units)

Pedro Lizalde Jr – [lilizalde@mywinterhaven.com](mailto:lilizalde@mywinterhaven.com)

Lake Worth Drainage District – (31 Units)

Tommy Strowd – [tstrowd@lwdd.net](mailto:tstrowd@lwdd.net)

St. Petersburg – (18 Units)

Charles Price – [charles.price@stpete.org](mailto:charles.price@stpete.org)

Clearwater – (45 Units)

Duane Barto – [duane.barto@myclearwater.com](mailto:duane.barto@myclearwater.com)

Panama City – (22 units)

Robert Bush – [rbush@pcgov.org](mailto:rbush@pcgov.org)

Haines City – (32 Units)

Nelson Vega – [nvega@hainescity.com](mailto:nvega@hainescity.com)

Palm Bay – (26 units)

Derek Acker - [derek.acker@palmbayflorida.org](mailto:derek.acker@palmbayflorida.org)

Lee County – (20 units)

Jared Blake – [jblake@leegov.com](mailto:jblake@leegov.com)

Venice – (18 units)

Jimmy Bennett – [jebennett@venicegov.com](mailto:jebennett@venicegov.com)

Safety Harbor – (13 Units)

Tim Stephens – [tstephens@cityofsafetyharbor.com](mailto:tstephens@cityofsafetyharbor.com)

Daytona Beach – (6 Units)

Jeff Lane – [lanejeff@codb.us](mailto:lanejeff@codb.us)

Sarasota County – (56 units)

Danny Young – [dyoung@scgov.net](mailto:dyoung@scgov.net)

Polk County – (16 units)

Bill Finch – [billfinch@polk-county.net](mailto:billfinch@polk-county.net)

City of Sarasota - (52 Units)

Scott Woodard – [Wesley.woodard@sarasotagov.com](mailto:Wesley.woodard@sarasotagov.com)

Manatee County – (11 Units)

Nick Wagner – [nick.wagner@mymanatee.org](mailto:nick.wagner@mymanatee.org)

Hialeah – (20 Units)

Coral Gables – (12 Units)

Carlos Orozco – [corozco@coralgables.com](mailto:corozco@coralgables.com)

Sanford – (16 Units)

Cedric Coleman – [cedric.coleman@sanfordfl.gov](mailto:cedric.coleman@sanfordfl.gov)

Toho Water – (8 units)

James Johnson – [jjohnson@tohowater.com](mailto:jjohnson@tohowater.com)

Cocoa Beach – (5 units)

Brad Kalsow – [bkalsow@cityofcocoabeach.com](mailto:bkalsow@cityofcocoabeach.com)

Arcadia – (14 units)

Lee Snyder – [lsnyder@arcadia-fl.gov](mailto:lsnyder@arcadia-fl.gov)

Seminole County – (5 Units)

Brad Rupert – [brupert@seminolecountyfl.gov](mailto:brupert@seminolecountyfl.gov)

Long Boat Key (3 units)

John Michael – [jmichael@longboatkey.org](mailto:jmichael@longboatkey.org)

Tarpon Springs – (3 units)

Steve Schwartz – [sschwartz@ctsfl.us](mailto:sschwartz@ctsfl.us)

North Port – (5 units)

Eric Conrad – [ejconrad@northportfl.gov](mailto:ejconrad@northportfl.gov)

Milton – (3 units)

Joe Cook – [jecook@miltonfl.org](mailto:jecook@miltonfl.org)

Orlando – (3 units)

Kevin Layne – [kevin.layne@cityoforlando.net](mailto:kevin.layne@cityoforlando.net)

Destin – (3 units)

Monica Wallis – [mwallis@dwuinc.com](mailto:mwallis@dwuinc.com)

Citrus County – (2 units)

Gary Loggins – [gary.loggins@citrusbocc.com](mailto:gary.loggins@citrusbocc.com)



# FLORIDA DEPARTMENT OF Environmental Protection

Southwest District Office  
13051 North Telecom Parkway #101  
Temple Terrace, Florida 33637-0926

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Shawn Hamilton**  
Secretary

May 3, 2024

Mr. Robert M. Rivera, Public Works Director  
City of New Port Richey  
6132 Pine Hill Rd,  
Port Richey, FL, 34668  
[riverar@cityofnewportrichey.org](mailto:riverar@cityofnewportrichey.org)

Re: Department of Environmental Protection v. City of New Port Richey,  
Executed Consent Order OGC File No.: 23-1339  
City of New Port Richey Public Works  
Facility ID No. FL0127434

Dear Mr. Rivera:

Enclosed please find the executed Consent Order OGC No. 23-1339, regarding the above referenced facility. The effective date of the Consent Order is the filing date entered by the designated Department Clerk on the signature page.

For inquiries, you may contact Anthony Dispio at 813-470-5860, or by email at [Anthony.DiSipio@FloridaDEP.gov](mailto:Anthony.DiSipio@FloridaDEP.gov).

Sincerely,

A handwritten signature in blue ink that reads "Kelley M. Boatwright".

Ms. Kelley M. Boatwright  
Southwest District Director  
Florida Department of Environmental Protection

KMB/ad

Enclosure: Executed Consent Order

Cc:

Lea Crandall, Agency Clerk, ([Lea.Crandall@dep.state.fl.us](mailto:Lea.Crandall@dep.state.fl.us))  
Pamala Vazquez, DEP-SWD, [Pamala.Vazquez@FloridaDEP.gov](mailto:Pamala.Vazquez@FloridaDEP.gov)  
Emily Larson, DEP-SWD, [Emily.Larson@FloridaDEP.gov](mailto:Emily.Larson@FloridaDEP.gov)  
Erica Peck, DEP-SWD, [Erica.Peck@FloridaDEP.gov](mailto:Erica.Peck@FloridaDEP.gov)  
Anthony DiSipio, DEP-SWD, [Anthony.DiSipio@FloridaDEP.gov](mailto:Anthony.DiSipio@FloridaDEP.gov)

Joseph Palazzolo, New Port Richey Staff,

[palazzoloj@cityofnewportrichey.org](mailto:palazzoloj@cityofnewportrichey.org)

Bruce Woodard, New Port Richey Staff, [woodardb@cityofnewportrichey.org](mailto:woodardb@cityofnewportrichey.org)

John chambers, New Port Richey Staff, [chambersj@cityofnewportrichey.org](mailto:chambersj@cityofnewportrichey.org)



# FLORIDA DEPARTMENT OF Environmental Protection

Southwest District Office  
13051 North Telecom Parkway #101  
Temple Terrace, Florida 33637-0926

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Shawn Hamilton**  
Secretary

April 26, 2024

Mr. Robert M. Rivera, Public Works Director  
City of New Port Richey  
6132 Pine Hill Rd,  
Port Richey, FL, 34668  
[riverar@cityofnewportrichey.org](mailto:riverar@cityofnewportrichey.org)

SUBJECT: Department of Environmental Protection v. City of New Port Richey,  
OGC File No.: 23-1339  
FL0127434 – City of New Port Richey Public Works

Mr. Rivera:

The State of Florida Department of Environmental Protection (“Department”) finds that the City of New Port Richey (“Respondent”) had unauthorized discharges which entered surface waters on August 9, 2022; November 16, 2022; and December 7, 2022, totaling 71,416 gallons. These discharges are in violation of Rules 62-604.130(1), Florida Administrative Code (F.A.C.). Surface water quality sampling results for two of the unauthorized discharges did not meet water quality standards in violation of Rule 62-302.500(2)(e), F.A.C. Before sending this letter, the Department requested that the Respondent undertake certain actions to resolve the violations. These actions have since been completed. However, due to the nature of the violations, the Respondent remains subject to civil penalties. The Respondent is also responsible for costs incurred by the Department during the investigation of this matter.

## The Department’s Offer

Based on the violations described above, the Department is seeking \$24,000.00 in civil penalties, \$117.00 in economic benefit recovery, \$6,000.00 in history of non-compliance and \$250.00 for costs and expenses the Department has incurred in investigating this matter, which amounts to a total of \$30,367.00. The civil penalty in this matter includes three violations of \$2,000.00 or more.



However, in lieu of making cash payment of \$30,117.00 in penalties, Respondent may elect to off-set this amount by implementing an in-kind penalty project, which must be approved by the Department. An in-kind project must be either an environmental enhancement, environmental restoration, or a capital/facility improvement project. The Department may also consider the donation of environmentally sensitive land as an in-kind project. The value of the in-kind penalty project shall be one and a half times the civil penalty off-set amount, which in this case is the equivalent of **at least \$45,175.50**. If Respondent chooses to implement an in-kind project, Respondent shall notify the Department of its election by electronic mail to Anthony Disipio at [Anthony.DiSipio@FloridaDEP.gov](mailto:Anthony.DiSipio@FloridaDEP.gov) within **15 days** of the effective date of this Consent Order.

**Notwithstanding the election to implement an in-kind project, payment of the remaining \$250.00 in costs must be paid by June 24, 2024.**

If Respondent elects to implement an in-kind project, then Respondent shall comply with all the requirements and timeframes in Exhibit A entitled In-Kind Projects.

### **Respondent's Acceptance**

If you wish to accept this offer and fully resolve the enforcement matter pending against the Respondent, please sign this letter and return it to the Department at Southwest District Office, 13051 Telecom Parkway North, Suite 101, Temple Terrace, Florida, 33637-0926 by **May 25, 2024**. The Department will then countersign it and file it with a designated clerk of the Department. Once the document is filed with the designated clerk, it will constitute a final order of the Department pursuant to Section 120.52(7), F.S. and will be effective unless a request for an administrative hearing is filed by a third party in accordance with Chapter 120, F.S. and the attached Notice of Rights.

By accepting this offer you, Robert M. Rivera:

- (1) certify that you are authorized and empowered to negotiate, enter into, and accept the terms of this offer in the name and on behalf of Respondent;
- (2) acknowledge and waive Respondent's right to an administrative hearing pursuant to Sections 120.569 and 120.57, F.S., on the terms of this offer, once final;
- (3) acknowledge and waive Respondent's right to an appeal pursuant to Section 120.68, F.S.

The Department acknowledges that the Respondent's acceptance of this offer does not constitute an admission of liability for the violation(s) referenced above.

### **Respondent's Performance**

After signing and returning this document to the Department,

- (1) You must implement the In-Kind Project in accordance with the requirements identified in the attached Exhibit A. **Also, payment of the \$250.00 for costs and expenses must be made June 24, 2024.**
- (2) **If Respondent declines to implement an In-Kind Project, payment in full of \$30,367.00 is due by June 24, 2024.**
- (3) Respondent shall make all payments required by this Order by cashier's check, money order or on-line payment. Cashier's check or money order shall be made payable to the "Department of Environmental Protection" and shall include both the OGC number assigned to this Order and the notation "Water Quality Assurance Trust Fund." Online payments by e-check can be made by going to the DEP Business Portal at: <http://www.fldepportal.com/go/pay/>. It will take a number of days after this order is final, effective, and filed with the Clerk of the Department before the ability to make online payment is available.

The Department may enforce the terms of this document, once final, and seek to collect monies owed pursuant to Sections 120.69 and 403.121, F.S.

Until clerked by the Department, this letter is only a settlement offer and not a final agency action. Consequently, neither the Respondent nor any other party may request an administrative hearing to contest this letter pursuant to Chapter 120, F.S. Once this letter is clerked and becomes a final order of the Department, as explained above, the attached Notice of Rights will apply to parties, other than the Respondent, whose interests will be substantially affected.

Electronic signatures or other versions of the parties' signatures, such as .pdf or facsimile, shall be valid and have the same force and effect as originals. No modifications of the terms of this Order will be effective until reduced to writing, executed by both Respondent and the Department, and filed with the clerk of the Department.

Please be aware that if the Respondent declines to respond to the Department's offer, the Department will assume that the Respondent is not interested in resolving the matter and will proceed accordingly.

If you have any questions, please contact Anthony Disipio at (813) 470-5860 or at [Anthony.DiSipio@FloridaDEP.gov](mailto:Anthony.DiSipio@FloridaDEP.gov).

Sincerely,

Kelley M. Boatwright

Ms. Kelley M. Boatwright  
District Director  
Southwest District

FOR THE RESPONDENT:

I, ROBERT M RIVERA [Type or Print Name], **HEREBY ACCEPT  
THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.**

By:

[Signature]  
[Signature]

Date:

04/29/2024

Title:

PUBLIC WORKS DIRECTOR  
[Type or Print]

---

**FOR DEPARTMENT USE ONLY**

DONE AND ORDERED this 3 day of May, 2024, in  
Hillsborough County, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

*Kelley Boatwright*

---

Kelley M. Boatwright  
District Director  
Southwest District

Filed, on this date, pursuant to section 120.52, F.S., with the designated Department Clerk, receipt of which is hereby acknowledged.

*Kellyn*

May 3, 2024

---

Clerk

---

DATE

Attachments:      Notice of Rights  
                         Exhibit A – In Kind Projects

Final clerked copy furnished to:

Lea Crandall, Agency Clerk ([lea.crandall@dep.state.fl.us](mailto:lea.crandall@dep.state.fl.us))

## NOTICE OF RIGHTS

Persons who are not parties to this Order, but whose substantial interests are affected by it, have a right to petition for an administrative hearing under Sections 120.569 and 120.57, Florida Statutes. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition concerning this Order means that the Department's final action may be different from the position it has taken in the Order.

The petition for administrative hearing must contain all of the following information:

(a) The name and address of each agency affected and each agency's file or identification number, if known;

(b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;

(c) A statement of when and how the petitioner received notice of the agency decision;

(d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;

(e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;

(f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and

(g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS# 35, Tallahassee, Florida 32399-3000 or received via electronic correspondence at [Agency\\_Clerk@floridadep.gov](mailto:Agency_Clerk@floridadep.gov), within 21 days of receipt of this notice. A copy of the petition must also be mailed at the time of filing to the District Office at the address indicated above. Failure to file a petition within the 21-

day period constitutes a person's waiver of the right to request an administrative hearing and to participate as a party to this proceeding under Sections 120.569 and 120.57, Florida Statutes. Mediation under Section 120.573, Florida Statutes, is not available in this proceeding.

Exhibit A

**In-Kind Projects**

I. Introduction

An in-kind project

a. Within 60 days of the effective date of this Consent Order, Respondent shall submit, either electronically or by certified mail, a detailed in-kind project proposal to the Department for evaluation. The proposal shall include a summary of benefits, proposed schedule for implementation and documentation of the estimated costs which are expected to be incurred to complete the project. These costs shall not include those incurred in developing the proposal or obtaining approval from the Department for the in-kind project.

b. If the Department requests additional information or clarification due to a partially incomplete in-kind project proposal or requests modifications due to deficiencies with Department guidelines, Respondent shall submit, either electronically or by certified mail, all requested additional information, clarification, and modifications within 15 days of receipt of written notice.

c. If upon review of the in-kind project proposal, the Department determines that the project cannot be accepted due to a substantially incomplete proposal or due to substantial deficiencies with minimum Department guidelines; Respondent shall be notified, in writing, of the reason(s) which prevent the acceptance of the proposal. Respondent shall correct and redress all of the matters at issue and submit, either electronically or by certified mail, a new proposal within 30 days of receipt of written notice. In the event that the revised proposal is not

approved by the Department, Respondent shall make cash payment of the civil penalties as set forth in the Consent Order within 30 days of Department notice.

d. Within 120 days of the effective date of this Consent Order, Respondent shall obtain approval for an in-kind project from the Department. If an in-kind project proposal is not approved by the Department within 120 days of the effective date of this Consent Order, then Respondent shall make cash payment of the civil penalties as set forth in the Consent Order, within 30 days of Department notice.

e. Within 180 days of obtaining Department approval for the in-kind proposal or in accordance with the approved schedule submitted pursuant to paragraph (a) above, Respondent shall complete the entire in-kind project.

f. During the implementation of the in-kind project, Respondent shall place appropriate sign(s) at the project site indicating that Respondent's involvement with the project is the result of a Department enforcement action. Respondent may remove the sign(s) after the project has been completed. However, after the project has been completed Respondent shall not post any sign(s) at the site indicating that the reason for the project was anything other than a Department enforcement action.

g. In the event, Respondent fails to timely submit any requested information to the Department, fails to complete implementation of the in-kind project or otherwise fails to comply with any provision of this paragraph, the in-kind penalty project option shall be forfeited and the entire amount of civil penalties shall be due from the Respondent to the Department within 30 days of Department notice. If the in-kind penalty project is terminated and Respondent timely remits the penalty, no additional penalties shall be assessed under the Consent Order for failure to complete the requirement of this paragraph.



h. Within 15 days of completing the in-kind project, Respondent shall notify the Department, either electronically or by certified mail, of the project completion and request a verification letter from the Department. Respondent shall submit supporting information verifying that the project was completed in accordance with the approved proposal and documentation showing the actual costs incurred to complete the project. These costs shall not include those incurred in developing the proposal or obtaining approval from the Department for the project.

i. If upon review of the notification of completion, the Department determines that the project cannot be accepted due to a substantially incomplete notification of completion or due to substantial deviations from the approved in-kind project; Respondent shall be notified, in writing, of the reason(s) which prevent the acceptance of the project. Respondent shall correct and redress all of the matters at issue and submit, either electronically or by certified mail, a new notification of completion within 15 days of receipt of the Department's notice. If upon review of the new submittal, the Department determines that the in-kind project is still incomplete or not in accordance with the approved proposal, the in-kind penalty project option shall be forfeited and the entire amount of civil penalty shall be due from the Respondent to the Department within 30 days of Department notice. If the in-kind penalty project is terminated and Respondent timely remits the penalty, no additional penalties shall be assessed for failure to complete the requirements of this paragraph.



# FLORIDA DEPARTMENT OF Environmental Protection

Southwest District Office  
13051 North Telecom Parkway #101  
Temple Terrace, Florida 33637-0926

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Shawn Hamilton**  
Secretary

May 31, 2024

Mr. Robert M. Rivera, Public Works Director  
City of New Port Richey  
6132 Pine Hill Rd,  
Port Richey, FL, 34668  
[riverar@cityofnewportrichey.org](mailto:riverar@cityofnewportrichey.org)

Re: In-Kind Project Approval Letter  
The City of New Port Richey Public Works  
OGC File No.: 23-1339  
Facility ID No. FL0127434  
Pasco County

Dear Mr. Rivera:

Thank you for the In-Kind Project proposal submitted on May 23, 2024. Your request is approved to implement the following project:

- Install 10 smart manhole covers in the wastewater collection system.

The project provides a benefit to the environment and qualifies as an in-kind project in lieu of making a cash payment of civil penalties assessed on May 3, 2024. If you have any questions, please contact Anthony Disipio at (813) 470-5860 or via e-mail at [Anthony.DiSipio@FloridaDEP.gov](mailto:Anthony.DiSipio@FloridaDEP.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Kelley", with a long, sweeping horizontal line extending to the right.

For Ms. Kelley M. Boatwright  
Southwest District Director  
Florida Department of Environmental Protection

Enclosure: City of New Port Richey In-Kind Proposal

cc:

Pamala Vazquez, DEP, [Pamala.Vazquez@FloridaDEP.gov](mailto:Pamala.Vazquez@FloridaDEP.gov)  
Emily Larson, DEP, [Emily.Larson@FloridaDEP.gov](mailto:Emily.Larson@FloridaDEP.gov)  
Erica Peck, DEP, [Erica.Peck@FloridaDEP.gov](mailto:Erica.Peck@FloridaDEP.gov)  
Lea Crandall, Agency Clerk, ([Lea.Crandall@dep.state.fl.us](mailto:Lea.Crandall@dep.state.fl.us))  
Anthony DiSipio, DEP, [Anthony.DiSipio@FloridaDEP.gov](mailto:Anthony.DiSipio@FloridaDEP.gov)  
Joseph Palazzolo, Reclaimed Water Facilities Operation Manager, [palazzoloj@cityofnewportrichey.org](mailto:palazzoloj@cityofnewportrichey.org)  
Bruce Woodard, New Port Richey Staff, [woodardb@cityofnewportrichey.org](mailto:woodardb@cityofnewportrichey.org)

[www.FloridaDEP.gov](http://www.FloridaDEP.gov)

John chambers, New Port Richey Staff, [chambersj@cityofnewportrichey.org](mailto:chambersj@cityofnewportrichey.org)



# NEW PORT RICHEY PUBLIC WORKS

COMMITTED TO SERVICE

OUR MISSION: TO PROVIDE RESPONSIVE, PROFESSIONAL, AND COURTEOUS SERVICE TO THE PUBLIC

---

6 1 3 2 P I N E H I L L R O A D • P O R T R I C H E Y , F L 3 4 6 5 2 • 7 2 7 . 8 4 1 . 4 5 3 6

May 23, 2024

To: Mr. Anthony Dispio  
Compliance Assurance Program  
Florida Department of Environmental Protection (FDEP)  
13051 North Telecom Parkway  
Temple Terrace, Florida 33637

From: Mr. Robert M Rivera  
Public Works Director

RE: FL0127434 – City of New Port Richey – OGC No.23-1339  
In-Kind Project Proposal

Dear Mr. Dispio,

The purpose of this correspondence, is to submit to the Department a proposed In-Kind project for review and approval by FDEP. The project will be for consideration as a facility system improvements project. This letter proposal includes the project description/benefit, project schedule, and project cost.

## **Project Description/Benefit:**

As the Department is aware, the City of New Port Richey has unauthorized discharges which entered surface waters on August 9, 2022, November 16, 2022, and December 7, 2022 totaling 71,416 gallons. Two of the three unauthorized discharges were located near the Pithlachascotee river and the Gulf of Mexico due to sewer force-main breaks. The third unauthorized discharge was due to a failure of a backup electrical breaker failure, resulting in the overflow of a reclaimed water tank at the City Wastewater Treatment Plant (WWTP) located at 4730 Main Street, New Port Richey, Florida 34652.

The City performed remediation work at the WWTP that consisted of the installation of a gate that increased the holding capacity of the tank by 112,705 gallons. In addition, the one (1) breaker that controlled the six (6) pumps has been removed. Individual breakers and VFD's have been installed for each of the six (6) existing pumps.

Subsequent to the City's review of the two (2) unauthorized discharges into the Pithlachascotee river, the City is proposing to purchase 10 smart manhole covers to be installed at manholes preceding the 10 lift stations located adjacent to the river; please see the Exhibit "A". The benefit of these installations, would implement a backup system in place should the City's existing SCADA system malfunction and not notify the City's on call personnel. As the Department is aware, response time to SSO's is critical to the elimination or reduction of wastewater into surface waters and as such, creates a direct benefit to the environment.

### Project Schedule:

Should the Department approve the proposed “In-Kind” project, the city will begin the purchasing process July 1, 2024. The installation process will begin on August 1, 2024 and conclude on September 30, 2024.

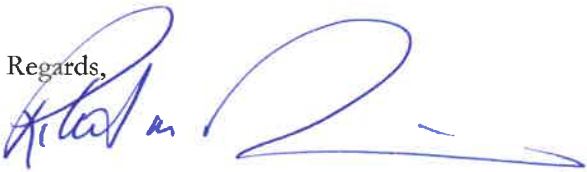
### Project Costs:

Estimated cost for the proposed project components presented above were determined from SmartCoverSystems for the unit quantities listed in the table below.

Item No.	Description	Quantity	Unit Cost	Total Cost
1	Smart SubSonic System Components	10 EA	\$4,744	\$47,440
2	1 Year Extended Parts Warranty	10 EA	\$474	\$4,740
3	Active Site Management (ASM)	10 EA	\$812	\$8,120
4	SmartRain ASM – Two-Years	4 EA	\$219	\$876
5	Initial Setup and Training	LS	\$200	\$200
6	Installation	10 EA	\$500	\$5,000
7	Shipping & Handling	LS	\$325	\$325
<b>Total</b>				<b>\$66,701</b>

The City looks forward to the Department’s review and approval of the proposed “In-Kind” project. Should you have any questions or need any additional information please feel free to contact me at your convenience.

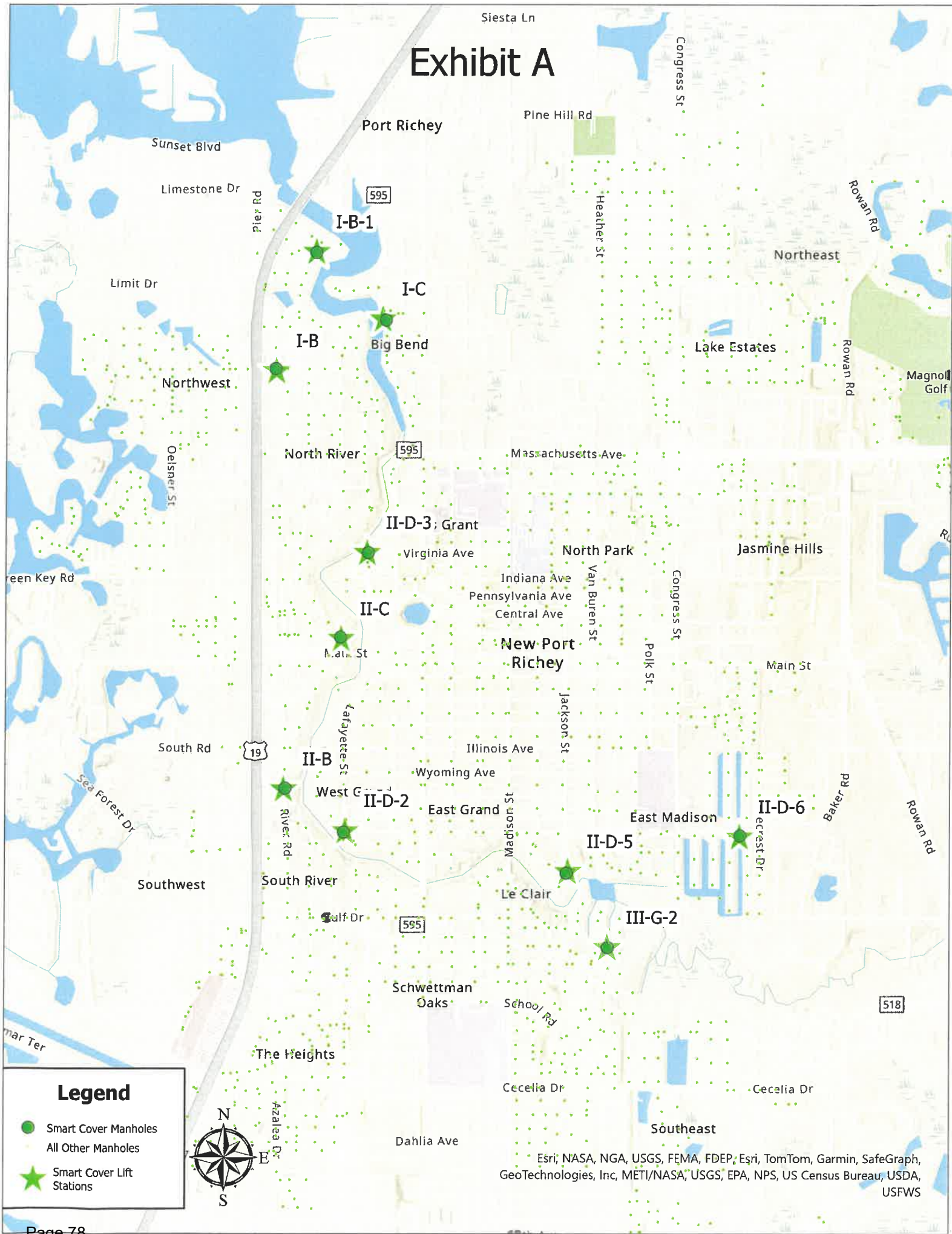
Regards,



Robert M Rivera  
Office: 727.8414556  
Cell: 727.224.8682  
Email: [riverar@cityofnewportrichey.org](mailto:riverar@cityofnewportrichey.org)

Cc: Debbie L Manns, New Port Richey City Manager, [mannsd@cityofnewportrichey.org](mailto:mannsd@cityofnewportrichey.org)  
Colin Eichenmuller, New Port Richey Assistant Public Works Director, [eichenmullerc@cityofnewportrichey.org](mailto:eichenmullerc@cityofnewportrichey.org)  
Joseph Palazzolo, WWTP Operations Manager, [palazzoloj@cityofnewportrichey.org](mailto:palazzoloj@cityofnewportrichey.org)  
Kelley M. Boatwright, FDEP Southwest District Director, [Kelly.M.Boatwright@dep.state.fl.us](mailto:Kelly.M.Boatwright@dep.state.fl.us)  
Lea Crandall, Agency Clerk, [Lea.Crandall@dep.state.fl.us](mailto:Lea.Crandall@dep.state.fl.us)  
Pamala Vazquez, DEP-SWD, [Pamala.Vazquez@FloridaDEP.gov](mailto:Pamala.Vazquez@FloridaDEP.gov)  
Emily Larson, DEP-SWD, [Emily.Larson@FloridaDEP.gov](mailto:Emily.Larson@FloridaDEP.gov)  
Erica Peck, DEP-SWD, [Erica.Peck@FloridaDEP.gov](mailto:Erica.Peck@FloridaDEP.gov)

# Exhibit A





# 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:** 7/2/2024

**RE:** Grand Blvd. Bridge Water and Wastewater Utility Relocation - Engineering Services

## REQUEST:

The request of staff for City Council is to review and consider for approval Task Order No. 4 from Stroud Engineering, Consultants Inc. for design, permitting, plans preparation, and bid document services in the amount not to exceed \$91,650.00 for the proposed Grand Blvd. Bridge Water and Wastewater Utility Relocation Project.

## DISCUSSION:

In 2019/2020 Pasco County's engineering division contacted the City's Public Work's Department to inform them of the Grand Blvd. Bridge failed inspection report. The report called out structural deficiencies that warranted the bridge's need for replacement. As City Council may be aware, a city owned 16-inch potable water main and a 12-inch force main are attached to the east and west sides of the bridge. The proposed demolition of the existing bridge and the construction of a new bridge will cause the city to design and build new potable and wastewater facilities and attach those facilities to the newly constructed structure. Design elements include temporary by-pass piping for the potable water facility during construction. Once the east side bridge section is completed the construction and attachment of a permanent potable water facility will be constructed. Prior to the demolition of the west side of the bridge the existing 12-inch force main will be removed. The construction and the attachment of a permanent force main will be constructed subsequent to the completion of the west side bridge section.

## RECOMMENDATION:

Approval of the task order is recommended.

## BUDGET/FISCAL IMPACT:

Funds for this project are identified in the Water and Sewer Collection's Capital Construction Fund.

## ATTACHMENTS:

Description	Type
☐ Task Order #4	Backup Material



## **TASK ORDER NO. 4**

### **SCOPE OF SERVICES AND FEE PROPOSAL**

#### **GRAND BOULEVARD BRIDGE OVER THE PITHLASCOTEE RIVER REPLACEMENT – UTILITIES MODIFICATIONS**

##### **CITY OF NEW PORT RICHEY**

## **I. PROJECT SCOPE**

### **Description:**

The City of New Port Richey (CITY) owns and maintains an existing 12-inch diameter wastewater force main and 16-inch diameter potable water main that are installed along the sides of the Pasco County-owned bridge where Grand Boulevard crosses over the Pithlachascotee River. Due to observed structural deficiencies with the existing concrete bridge (Bridge No. 140050), Pasco County has implemented a project to replace the existing four-lane divided bridge. As part of the new bridge design, the CITY has also requested that the new bridge be raised by approximately 5 feet to accommodate larger boat traffic. An Interlocal Agreement between Pasco County and the CITY has been approved to address the funding arrangement associated with the increased bridge elevation design and permitting activities. This bridge replacement project will impact the CITY's existing utility piping and require significant coordination with the bridge design consultant (Conсор Engineers, LLC) to ensure that the piping is reattached to the new bridge.

Stroud Engineering Consultants, Inc. (ENGINEER) will provide the design, permitting, bid phase services, and construction phase services for the design of the permanent piping configurations on the new bridge structure. The design services will also account for any temporary bypass piping arrangements that will need to be implemented to maintain service to the CITY's customers. Mr. Kurt Heath, P.E. will serve as the ENGINEER's project manager on this task order for the duration of the scope of services. The ENGINEER will provide project management as part of this task order, which shall include: continuous management and coordination of the overall project; preparation of miscellaneous correspondence; coordination of subconsultant services; necessary scheduling of design and construction activities; and attendance at routine project meetings (as requested) with the CITY. The progress of the project will be discussed with the CITY's designated project manager as necessary throughout the life of the project. A written summary of the project status and completed tasks will be provided with each invoice submitted by the ENGINEER.

Based on the above background discussion, the following specific tasks and services are anticipated for this project, and are included in this Scope of Services:

### **1.0 PRELIMINARY ENGINEERING**

Prior to final design, the ENGINEER will gather background information needed to complete the final design and support permit applications. The ENGINEER will acquire available utility system data from the CITY. The data will consist of all relevant plans, reports, studies, records, maps, and other relevant data concerning the CITY's current water and wastewater transmission systems. These data and documents will be evaluated with a specific emphasis on determining the optimum alignment for any piping installations and locations for piping interconnections to the existing system, along with other hydraulically significant features that might impact the design.

The ENGINEER's preliminary engineering scope will include the following:



- Coordinate with the County Engineering's staff and roadway design staff to acquire the most updated design documents for the bridge replacement project illustrating all proposed roadway improvements/modifications along the Grand Boulevard corridor, including preliminary conflict matrices, recent survey data, verified vertical and horizontal (VVH) elevation and location data, and available record drawings of all existing utilities within the project corridor.
- Perform a detailed review of these documents to determine potential conflicts between the roadway/structural/stormwater features and the CITY's existing utilities, not just on the aerial bridge crossing but also along the approaches. This review will provide preliminary design guidance regarding pipe materials, piping configuration, interconnection points, and other significant features potentially affected by the proposed roadway improvements.
- Coordinate with the CITY's Public Works staff to obtain their input as it is related to future operational limitations, needs, maintenance considerations, etc.
- Perform initial site visits to determine potential options for the temporary piping arrangement(s) that will be required during the construction phase to maintain adequate service within the local water transmission systems. Initial discussions have referenced the potential to place water main piping on top of the existing concrete structure along the east side of the bridge, currently utilized by Frontier Communications. This option will need to be evaluated for feasibility as part of the preliminary engineering phase.
- Prepare a tabulation of material quantities in CITY-approved format and corresponding preliminary estimate of probable construction cost, for use in discussing the funding needs during construction.
- Review the VVH data for the bridge approach areas and determine the additional utility locates required to ascertain whether a utility conflict actually exists in the designated location(s). If necessary, the ENGINEER will coordinate with Consor and their subsurface utility engineering (SUE) subconsultant to obtain additional utility locates in select locations for the purpose of confirming horizontal and vertical locations of buried utilities, which have a direct impact on the existing piping conflicts and/or proposed piping improvements. The SUE data will be utilized to provide representative location information for the final design drawings. If Consor is not able to provide the requested locating services, the ENGINEER will coordinate with a SUE subconsultant to obtain the additional utility locates. If SUE locating services are required, it is anticipated that the ENGINEER will provide the locating services via Task 6.0.

It is assumed that all roadway design documents and survey data will be provided by the County's Engineering staff and/or Consor, with the plans to be provided in hard copy and electronic format (.dwg and .pdf file type). These design documents, along with the provided survey control and baseline information, will be relied upon by the ENGINEER in preparing the subsequent utility-related plans.

## **2.0 FINAL DESIGN**

Upon completion of the preliminary design activities, including responding to comments from the CITY's Project Manager, the County's Engineering staff and Consor's design staff, the ENGINEER will review the subsequent submittals of roadway and bridge design drawings and coordinate with the design staff regarding any additional utility conflicts or required changes to the design drawings. The ENGINEER's final design scope will include the following:

- Evaluate the updated design drawings and provide markups, as necessary, to ensure that the anticipated utility conflicts are accurately illustrated on Consor's final design drawings.
- Coordinate with the other private utility owners and right-of-way users to verify that the existing CITY-owned utilities locations, along with the proposed adjustments, are not in conflict with their proposed relocation efforts.
- Coordinate with the CITY's Public Works staff to discuss the proposed utility adjustments and associated service disruptions. The purpose will be to evaluate the constructability concerns, ability to maintain important service to customers, timing of service shutdowns, quantity of water to be disposed/handled, need for additional line stops, impact to utilities design documents, etc.
- Attend design review meetings at the specified design intervals with the CITY, County, and Consor's design staff. It is anticipated that there will be no more than five (5) design review meetings prior to project bidding.
- It is the understanding of the ENGINEER that the installation of the roadway/bridge improvements and relocation of the CITY's utilities will be procured within the same construction contract. The ENGINEER will assist the CITY and County with the preparation of the necessary contract documents (CITY utilities-related), including final utilities design plans, applicable utilities details, technical special provisions, and preliminary cost estimate.
- Prepare a complete tabulation of material quantities in approved format and corresponding final estimate of probable construction cost prior to the procurement phase.
- Prepare technical special provisions (specifications) for the CITY's utilities design component for inclusion into the final roadway/bridge design documents.

The ENGINEER will submit copies of project design documents, including the estimate of construction cost, at designated project completion milestones for review, comment, and approval by the CITY and County's roadway design staff. The project design documents will be developed in accordance with the CITY's Standards for Utilities Construction. It is assumed that all final utilities design plans, specifications and supporting documents will be incorporated into the County's final design drawings package and construction contract as a supplemental set. All hard copy drawings will be provided in 11"x17" size, with plan sheets at a scale of 1"=40', consistent with the design drawings format as provided by Consor's roadway design staff.

It is assumed herein that the County or Consor will coordinate delivery to the ENGINEER of both digital (AutoCAD readable) and hard copy drawings of the roadway design drawings at each project design completion milestone. Survey and VVH utility location information will also be furnished when available.

### **3.0 PERMIT ASSISTANCE**

The ENGINEER will prepare and submit the permit applications and notifications of exemption, including associated sketches, drawings, and related incidental information required for submittal, necessary to perform the proposed piping installation activities as included on the final design documents. It is anticipated that the following permit applications and/or notifications will be required as part of this Project:

- FDEP Notification Letters for water main and/or wastewater transmission main adjustments that are otherwise exempt from permitting requirements.
- County Right-of-Way Use Permit

These permits are based upon the proposed design of the piping, of the same diameter as existing, within the existing right-of-way and/or easements along Grand Boulevard. The ENGINEER will provide routine follow up services in support of the permit application by attending meetings, making field visits, responding to questions, etc. It is assumed that no wetland impacts are required as part of these utility installation or adjustment activities. If wetland impact or environmental resource permitting activities associated with the roadway improvements are required, those permits will be obtained by Consor's design staff.

#### 4.0 BID PHASE SERVICES

- 4.1 **Contract:** It is anticipated that Contract Documents will be prepared as part of this Task Order. These Documents will be submitted to the CITY with the final design drawings, in PDF and AutoCAD format.
- 4.2 **Document Sale:** It is anticipated that the proposed piping relocation activities will be a supplemental set of contract documents to be solicited as part of the same roadway contract. The solicitation will be handled by the County.
- 4.3 **Pre-Bid Meeting:** Upon scheduling of the Pre-Bid Meeting by the County, the ENGINEER will coordinate with the County and CITY to develop the proper meeting agenda. The ENGINEER will be directly involved in the meeting communications and adequately describe the project specifics to the attending bidders/parties. The ENGINEER will answer all pertinent questions and issue any necessary addendums that result from the Pre-Bid Meeting.
- 4.4 **Bid, Award, Bond and Insurance Assistance:** The ENGINEER will communicate with the interested bidders/parties during the time period between contract advertisement and bid submission. The ENGINEER will assist the County in preparing the required advertisement for bids, attend the bid opening, review bids, etc. in order for the subsequent award of the construction contract.

#### 5.0 SERVICES DURING CONSTRUCTION

- 5.1 **Pre-Construction Meeting:** Upon award of the construction contract, the ENGINEER will assist the CITY during the construction phase by attending the pre-construction conference.
- 5.2 **Work Recommendations:** The ENGINEER will communicate with the CITY, the County's CEI staff and the contractor throughout the construction phase and respond to any construction or design issues that are conveyed by either party. The ENGINEER will interpret the plans and specifications for the contractor and assist with resolution of construction difficulties encountered. If warranted, the ENGINEER will modify the design drawings to illustrate the required additional changes so that the project can be successfully completed.
- 5.3 **Shop Drawing Reviews:** In accordance with the Contract Documents, the selected contractor will be required to provide utilities-related material submittals to the ENGINEER and obtain approvals prior to installing the materials. The ENGINEER will review these

submittals per the contract and return them to the CITY, CEI consultant and contractor for subsequent processing.

**5.4 Construction Observation/Field Services:** It is anticipated that the construction of the proposed piping modifications is to be started in late 2025 and that the construction duration will be eight (8) months, with the majority of the required utility installation activities performed over a four (4) month time frame. It is anticipated that routine on-site observation of the work in progress will be conducted by the CITY's inspections staff as necessitated by the contractor's schedule, capabilities and effectiveness, and as required to monitor conformance to the contract documents. The ENGINEER will conduct periodic site visits as needed throughout the construction phase to observe the work in progress, to consult with the CITY's inspection staff, and to answer utility-related questions as provided by the contractor(s). Any requested field observation time by the ENGINEER will be compensated through a task order revision as approved by the City. The ENGINEER will assist the CITY with standard operational questions associated with acceptance of the completed project.

**5.5 Project Closeout:** In order to properly close out the project, it is anticipated that the ENGINEER will be required to submit a Certificate of Substantial Completion. This Certificate will fix the date when the entire work, associated with the CITY's utilities, is considered substantially complete and ready for its intended use. It will identify significant items that need to be addressed or corrected before final payment can be recommended. Upon resolution and completion of the items mentioned in the Certificate and submittal of all contractual documents by the contractor, the ENGINEER will prepare and submit final Change Order to adjust the Contract amounts to the completed quantities and submit a Recommendation of Final Payment to the CITY.

## **II. DELIVERABLES**

This Scope of Services is to include the following deliverables:

- Updated Design Drawings, as necessary, at project completion milestones
- Final Design Drawings
- ENGINEER's Opinion of the Probable Construction Cost
- Certificate of Substantial Completion
- Recommendation for Final Payment

## **III. ASSUMPTIONS**

This Scope of Services is based upon the following assumptions:

- **Property/Easement Acquisitions:** It is assumed that no easement acquisition activities are required as part of this Task Order.
- **Construction Phase Services:** It is assumed the CITY will provide inspections staff for routine on-site observation for the duration of the construction phase.

#### **IV. ENGINEER'S COMPENSATION**

For Tasks 1 – 5 described above, the CITY will compensate the ENGINEER on a fixed-fee basis. Compensation to the ENGINEER for the services included in the above tasks shall not exceed the following:

1.	PRELIMINARY DESIGN	\$ 20,200.00
2.	FINAL DESIGN	\$ 39,350.00
3.	PERMIT ASSISTANCE	\$ 3,950.00
4.	BID SERVICES	\$ 3,800.00
5.	SERVICES DURING CONSTRUCTION	\$ 24,350.00
	TOTAL AUTHORIZATION	\$ 91,650.00

#### **V. ADDITIONAL SERVICES REQUIRING AUTHORIZATION IN ADVANCE**

If required by the ENGINEER and authorized by the CITY, additional services related to this Task Order shall be provided by the ENGINEER for additional professional fees negotiated with and agreed to by the CITY.

#### **VI. PROJECT SCHEDULE**

The ENGINEER will begin the activities described herein within two weeks of receiving written notice to proceed. The timing of design submittals will be dependent on the project schedule as implemented by the County and Consor. Preliminary discussions indicate that the design phase will take place over 12 months, to be followed by construction over an 8-month period following notice to proceed.

TASK ORDER NO. 4

**GRAND BOULEVARD BRIDGE OVER THE PITHLASCOTEE RIVER REPLACEMENT – UTILITIES  
MODIFICATIONS**

Stroud Engineering Consultants, Inc.

- A. SCOPE OF SERVICES - The City of New Port Richey hereby authorizes the firm of Stroud Engineering Consultants, Inc. to perform the specific services summarized on the attached statement entitled TASK ORDER NO.4, SCOPE OF SERVICES AND FEE PROPOSAL.
- B. TIME OF COMPLETION - Work under this Authorization will begin upon Notice to Proceed from the City and will be completed within the schedule presented on the attached statement entitled TASK ORDER NO. 4, SCOPE OF SERVICES AND FEE PROPOSAL.
- C. KEY PERSONNEL – Stroud Engineering Consultants, Inc. shall appoint a single representative with whom the City of New Port Richey shall coordinate. This representative shall have the authority to transmit instructions, receive information, interpret and deliver decisions, etc. Key personnel assigned to the project by Stroud Engineering Consultants, Inc. shall not be removed from the project without the prior written approval of the City of New Port Richey. For this authorization key personnel are as follows: Brent Heath, P.E.
- D. COMPENSATION - Professional fees for this authorization will be fixed fee in accordance with the AGREEMENT FOR GENERAL UTILITY ENGINEER, WATER-RESOURCE AND ENVIRONMENTAL CONTINUING SERVICES (GUE&WR&EC) with the City of New Port Richey, dated October 5, 2023.
- E. ACCEPTANCE - By signature hereon, the parties each accept the provisions of this TASK ORDER NO. 4 and authorize the Consultant to proceed at the direction of the City's representative, in accordance with the SCOPE OF SERVICES AND FEE PROPOSAL.

Witness:

STROUD ENGINEERING CONSULTANTS, INC.

\_\_\_\_\_

\_\_\_\_\_  
Brent A. Heath, President

\_\_\_\_\_  
Date

Attest:

CITY OF NEW PORT RICHEY, FLORIDA

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date



# 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:** 7/2/2024  
**RE:** Resolution No. 2024-14: Opioid Settlement Matters

## REQUEST:

The request is to authorize the City Manager to execute a Participation Agreement in respect to a settlement announcement involving The Kroger Co. and any other future opioid defendants.

## DISCUSSION:

The purpose of this agenda item is twofold. First, it is to establish a claim against The Kroger Co. related to a settlement proposal to pay 1.2 billion to states and local governments in the states where it does business to resolve the opioid claims against them. Florida subdivisions are only eligible to participate in the settlement if the Attorney General agrees to participate in the settlement. As of this writing, the Florida Attorney General has opted out of the settlement and has indicated that Florida will not participate. However, the Florida Attorney General could change her mind and therefore I believe that it is prudent to go forward with the execution of a Participation Agreement to preserve the city's right to participate in the Kroger settlement if she does change her mind.

Secondly, the agenda item is requesting for you to consider authorizing me to serve on your behalf on all matters requiring a decision on the city's opioid claims and litigation. The reason that this authority is being requested relates to the fact that outside counsel recommends action requiring a decision on the city's opioid claims and the expectation for a response is very quick. The types of decisions that are regularly requested involve: approving the city's participation in a claim, dropping or adding defendants, compromising, dismissing or adding any claims. Incidentally, if you approve this agenda item decisions will be reviewed with the City's outside counsel and the city attorney in advance of being formally communicated.

## RECOMMENDATION:

The recommendation is to authorize the City Manager to enter into a Participation Agreement regarding a potential settlement agreement with The Kroger Co. The recommendation is additionally to authorize the City Manager to act on behalf of the City Council in specific regard to authorizing actions required on the city's opioid claims and litigation in consultation with the City's outside counsel on such matters and the city attorney.

## BUDGET/FISCAL IMPACT:

There is no financial impact associated with this agenda item currently.

## ATTACHMENTS:

Description	Type
❑ Exhibit K (Subdivision Participation and Release Form	Backup Material
❑ Resolution No. 2024-14	Backup Material

## **EXHIBIT K**

### **Subdivision Participation and Release Form**

Governmental Entity:	State:
Authorized Official:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above (“*Governmental Entity*”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated March 22, 2024 (“*Kroger Settlement*”), and acting through the undersigned authorized official, hereby elects to participate in the Kroger Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Kroger Settlement, understands that all terms in this Participation and Release Form have the meanings defined therein, and agrees that by executing this Participation and Release Form, the Governmental Entity elects to participate in the Kroger Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall promptly, and in any event no later than 14 days after the Reference Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in *In re National Prescription Opiate Litigation*, MDL No. 2804, the Governmental Entity authorizes the Plaintiffs’ Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal with Prejudice substantially in the form found at <https://nationalopiodsettlement.com/kroger-co-settlement/>.
3. The Governmental Entity agrees to the terms of the Kroger Settlement pertaining to Participating Subdivisions as defined therein.
4. By agreeing to the terms of the Kroger Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Kroger Settlement solely for the purposes provided therein.
6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity’s state where the Consent Judgment is filed for purposes limited to that court’s role as provided in, and for resolving disputes to the extent provided in, the Kroger Settlement. The Governmental Entity likewise agrees to arbitrate before the National Arbitration Panel



as provided in, and for resolving disputes to the extent otherwise provided in, the Kroger Settlement.

7. The Governmental Entity has the right to enforce the Kroger Settlement as provided therein.
8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Kroger Settlement, including without limitation all provisions of Section XI (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Kroger Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Kroger Settlement shall be a complete bar to any Released Claim.
9. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision as set forth in the Kroger Settlement.
10. In connection with the releases provided for in the Kroger Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

**General Release; extent.** A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Kroger Settlement.

11. Nothing herein is intended to modify in any way the terms of the Kroger Settlement, to which Governmental Entity hereby agrees. To the extent this Participation and Release Form is interpreted differently from the Kroger Settlement in any respect, the Kroger Settlement controls.

I have all necessary power and authorization to execute this Participation and Release Form on behalf of the Governmental Entity.

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

RESOLUTION NO. 2024- 14

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF THE CITY OF NEW PORT RICHEY, FLORIDA AUTHORIZING THE CITY MANAGER TO TAKE ACTION IN LEGAL MATTERS RELATED TO THE CITY'S OPIOID CLAIMS, AS PROVIDED HEREIN.

WHEREAS, the City Council has retained outside counsel to pursue various claims related to the opioid crisis against companies that have caused or contributed to the opioid crisis;

WHEREAS, the City's outside counsel recommends from time to time the approval of certain actions related to the litigation of the City's claims;

WHEREAS, recommended actions in the opioid matters often require quick responses from the City to preserve and pursue the City's claims; and

WHEREAS, the City Council hereby finds that this Resolution is in the best interests of the health, safety and welfare of the citizens of the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of New Port Richey, Florida, that the City Manager is hereby authorized to act on behalf of the City Council and authorize such actions requiring a decision on the City's opioid claims and litigation in consultation with the City's outside counsel on such matters and the city attorney, including without limitation approving the City's participation in claims against any defendant, dropping or adding defendants, entering into any settlements, or compromising, dismissing or adding any claims.

DONE AND RESOLVED on the \_\_\_\_ day of \_\_\_\_\_, 2024.

ATTEST:

\_\_\_\_\_  
Judy Meyers, City Clerk

\_\_\_\_\_  
Alfred C. Davis, Mayor

Approved as to form:

\_\_\_\_\_  
Timothy P. Driscoll, City Attorney



# 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:** 7/2/2024

**RE:** Resolution No. 2024-15 Travel Expenses Clarification for City Council Members

**REQUEST:**

The request is to extend the definition of travel expenses for members of City Council in the performance of official duties specifically regarding mileage.

**DISCUSSION:**

As you are already aware, a question was raised by Mayor Davis in respect to mileage reimbursement for attendance at ceremonial functions. Also, as you are aware, the city's Per Diem and Travel Expense Policy does not contemplate the attendance of city council members at events other than business meetings even though attendance at such can be said to be inherent to their responsibilities. In order to address this matter, the city attorney has drafted the attached resolution which in short provides an eligibility for travel related expenses for attendance at either an event or function as a city representative.

**RECOMMENDATION:**

The recommendation is to approve the resolution and thereby modify the travel expense policy of the city specifically relating to the appearance of elected officials at various events or functions as a representative of the city.

**BUDGET/FISCAL IMPACT:**

The funding required to cover this expenditure is available in the general fund budget.

**ATTACHMENTS:**

Description	Type
▣ Resolution No. 2024-15	Backup Material

**RESOLUTION NO. 2024- 15**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW PORT RICHEY, FLORIDA, PROVIDING FOR CLARIFICATION FOR THE TERM “TRAVEL EXPENSES IN THE PERFORMANCE OF OFFICIAL DUTIES”, AS RELATED TO THE CITY TRAVEL REIMBURSEMENT POLICY FOR CITY COUNCIL MEMBERS, ONLY; PROVIDING FOR APPEARANCE OR ATTENDANCE AT CEREMONIAL, MEMORIAL OR CIVIC FUNCTIONS OR EVENTS BY CITY COUNCIL MEMBERS; PROVIDING FOR ACKNOWLEDGEMENT BY MEMBERS; AND PROVIDING FOR CONFLICTS AND AN EFFECTIVE DATE, AS PROVIDED HEREIN.**

WHEREAS, the City of New Port Richey requires sufficient procedures to properly manage travel costs of City officers or council members, employees, and other authorized persons (as defined in Section 166.021(9), Florida Statutes) when traveling on behalf of the City;

WHEREAS, pursuant to Section 166.021(9), Florida Statutes, the City has established a per diem and travel expense policy to provide an equitable and consistent reimbursement rate for travel costs throughout the organization for City officers or council members, employees, and other authorized persons;

WHEREAS, the City Council wishes to clarify the meaning of “travel expenses in the performance of official duties” as set forth in the Section 166.021(9), Florida Statutes, as it pertains to City Council members, only;

WHEREAS, the City Council hereby finds that the official duties of its members, especially the mayor, include appearing at and attending various events or functions of a ceremonial, memorial or civic nature in representation of the City; and

WHEREAS, the City Council hereby finds that this resolution serves a valid public purpose.

NOW, THEREFORE, BE IT RESOLVED by the City Council of New Port Richey, Florida, the term “travel expenses in the performance of official duties” as set forth in Section 166.021(9) Florida Statutes, when applied to members of the City Council in the administration of the New Port Richey Per Diem and Travel Expense Policy, shall include travel related to a ceremonial, memorial, or civic appearance or attendance at an event or function as a city representative, whether within Pasco County or not, so long as said member acknowledges that said travel meets this requirement, and such travel shall be reimbursed accordingly.

IT IS FURTHER RESOLVED, that this Resolution hereby supersedes any prior resolution of the City Council in conflict herewith, to the extent of such conflict.

DONE AND RESOLVED on the \_\_\_\_ day of July, 2024.

ATTEST:

---

Judy Meyers, CMC, City Clerk

---

Alfred C. Davis, Mayor

Approved as to form:

---

Timothy P. Driscoll, City Attorney