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 the Minutes from the June 30, 2013 Work Session and the July 7 Regular City Council Meeting

5. Commendation, Brian Chiary: Firefighter of the Year Gold Medal Award

6. Commendation, John Micah Short: Emergency Medical Technician Gold Medal Award

7. Presentation, Kimley-Horn: Recreation & Aquatic Center Expansion Project

8. Presentation, Terra Tectonics: U.S. 19 Median Landscaping

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

10. Consent Agenda

   a. Approval of City Board/Committee Minutes

   b. Purchase Payments and Recurring Expenses
11. Public Reading of Ordinances
   a. First Reading, Ordinance 2015-2056: Residential Rental Housing Exterior Inspection Program
   b. Second Reading, Ordinance 2015-2057: Authorizing Amnesty Program
   c. Second Reading, Ordinance 2015-2059: Creating Section 14-11, Loitering or Prowling Prohibited
   d. Second Reading, Ordinance 2015-2060: Sewer Impact Fees Financing

12. Business Items
   a. Architectural Services Task Order 3: 2014/15 Streetscape Improvements Project, Madison Street from Main Street to Massachusetts Avenue
   b. 2014/2015 Street Improvement Project Task Order No. 34B: Engineering Services Addition
   c. 2014/2015 Hemlock Dr. Water Main Replacement Project Close-Out
   d. Amendments to Section 6.17 of the Personnel Rules and Regulations Human Resources Policy Manual Regarding the City’s Drug-Free Workplace Policy
   e. Florida League of Cities Open Letter for Proposed Solar Energy Amendment
   f. Three-Minute Report, Finance
   g. Three-Minute Report, Technology Solutions

13. Communications

14. Adjournment

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

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

The meeting was called to order by Mayor Rob Marlowe at 7:00 pm. Those in attendance were Deputy Mayor Bill Phillips (electronically), Councilman Jeff Starkey, and Councilwoman Judy DeBella Thomas. Councilman Chopper Davis was excused.

Also in attendance were City Manager Debbie Manns, City Clerk Doreen Summers, Finance Director Peter Altman, Chief of Police Kim Bogart, Library Director Susan Dillinger, Development Director Lisa Fierce, Economic Development Director Mario Iezzoni, Public Works Director Robert Rivera, Parks and Recreation Director Elaine Smith, and Technology Solutions Director Bryan Weed.

DISCUSSION ITEMS

2 Budget Work Session: Revenue Review

Finance Director Altman presented a review of the City's financial status, appended to these minutes. None coming forward for public comment, Mayor Marlowe returned the floor to Council. Mayor Marlowe recommended searching for a grant to aid in the U.S. 19 crossover cost, and voiced his acceptance of the 9.5 millage rate, to which Deputy Mayor Phillips concurred. Both Councilman Starkey and Councilwoman DeBella Thomas also approved the 9.5 rate, requesting that the rate be lowered if possible.

No further direction was required.

3 Adjournment
Upon opening the floor for Vox Pop, City resident Bob Smallwood came forward to commend Councilwoman DeBella Thomas and Public Works Director Rivera for their prompt and courteous assistance to him and to Mrs. Smallwood in clarifying the oak tree removal confusion. He asked for additional information from the City to its residents prior to the commencement of similar projects. None else coming forward, Mayor Marlowe closed Vox Pop and returned the floor to Council.

Communications, postponed from the previous meeting, were now heard.

Councilman Starkey complimented the KIA Main Street Blast, stating it was a good event for the City. He also complimented the collaboration between the New Port Richey Police Department and the Pasco County Sheriff's Office regarding their joint efforts to correct the crime along U.S. 19 south of the Cotee River Bridge. He suggested annexation of problem areas to correct the blighted aspects, such as dilapidated hotels and indiscriminate rentals.

Mayor Marlowe also voiced his appreciation of the Main Street Blast, and thanked the Parks and Recreation Youth Advisory Board for hosting a very enjoyable dinner. Councilwoman DeBella Thomas thanked the volunteers and City staff for their assistance with Main Street Blast, and commended Director Rivera for his handling of Mr. and Mrs. Smallwood's concerns.

There being no further business to consider, upon proper motion, the meeting adjourned at 7:40 pm.

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

A review of Major Revenue Sources
And
A Plan to Grow Value and Population
## Major Revenue Sources

For Governmental Funds

<table>
<thead>
<tr>
<th>Revenue Source</th>
<th>Amount</th>
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<tr>
<td>Property Taxes</td>
<td>5,100,000</td>
</tr>
<tr>
<td>Utility Fund</td>
<td>4,300,000</td>
</tr>
<tr>
<td>State Revenues Distributed</td>
<td>5,100,000</td>
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<tr>
<td>Electric Franchise Fees</td>
<td>1,200,000</td>
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<tr>
<td>City Services</td>
<td>800,000</td>
</tr>
<tr>
<td>Non Ad-Valorem</td>
<td>1,500,000</td>
</tr>
<tr>
<td>Other: Fines, Transfers, Reserves</td>
<td>4,300,000</td>
</tr>
<tr>
<td><strong>Total Revenues</strong></td>
<td><strong>22,300,000</strong></td>
</tr>
</tbody>
</table>
Property Taxes

- Growth goes to CRA – Fuels Redevelopment
- Increase in Revenue to CRA
  a) City Taxes - up $109,000 to $829,000
  b) County Taxes up $ 76,096 to $632,500
- Decrease in net Revenue to General Fund Down ( $22,000)
- Current Rate is 9.5 mills
- .25 mills X Gen Fund Base = $92,000
Community Redevelopment Agency

• Goal to increase value of Real Property
• Aggressive Pursuit of Private Investment
• 16 year plan citywide – to repay General Fund
• New 30 year plan for targeted areas
1. Downtown CRA Plan for Density and Commerce
2. Marine District Plan for Medical Employment
State of Florida Revenue Estimates

- Not yet released due to delayed Budget
- Gas Tax Revenues will show both Pennies for 12 months – For Transportation Use Only
- Communication Taxes have been flat
- Sales Tax revenues are best hope for growth
- Penny for Pasco should be around $2,000,000
- Need to free up State Pension $s for use.
Special Assessments

• Rates were set in 2012 based on annual levels
• Streetlight Assessment at $36.24
• Stormwater Assessment at $77.36

Process of reviewing all new development to update the Assessment Roll is underway.

• Assessments for Street Improvements may be recommended as an alternative to individual project assessments as the preferred method in future years
Utility Revenues

- City is a member of Tampa Bay Water
  - Retail Sales inside City Limits
  - Retail Sales Outside City Limits @125% of City Rates
  - Bulk sales to Port Richey and some to FGUA
- Sewer Plant jointly owned with Pasco County
  - Retail Inside City Limits
  - Retail Outside at 125%
  - Bulk Sales with FGUA and Port Richey
- Growth Potential exists in converting some bulk customers to retail
- Several small utilities are in communications with Public Works
- Review of potential utility acquisitions is planned in year ahead

Water Retail Sales are projected to be $4.5 million – Sewer retail projection at $4.4 million
Bulk Sales – Sewer - $900,000 * Bulk Sales – Water $460,000 * Reclaimed Water Sales – 200,000
Millage Rate

- The recommendation for fiscal year 2016 is for the millage rate to remain at 9.5 mills
- Given the aggressive growth plan to achieve a sustainable level of services, there does not appear to be any benefit or need to consider property tax increases that would narrow the wiggle room for future years.
- Direction is sought now on this matter as the first order of business will be the establishment of an upper limit for the tax rate.
Solving the General Fund Flat Revenue Problem

• **Long Term** — Successful Deployment of Property Value Growth Plan

• **Short Term** - Five Years to allow CRA to invest in Growth requires the continued reliance of the Penny for Pasco Infrastructure Funds to purchase Public Safety Vehicles and make major facility repairs and small projects for renovation and improvements. Up to $500,000 per year. Funds are dependable source for ten years but limited in life.

• **Mid Term** — Ten Years to grow the City Population to 20,000. By the end of the ten year term, revenues from the population growth will increase above inflation the State Shared Revenues by over $1 Million. Growth in Population requires investment of time and energy in targeted campaign for infill of vacant lands, reduction of vacancies, expansion of city limits, downtown density, renovation of existing structures, senior housing and recruitment through marketing.
Capital Improvement Plan Growth Philosophy

- Review of Debt Capacity and Capital Needs
- Non Ad Valorem Revenues - $1,500,000
- Current Annual Debt Service $1,363,000

- Proposed Annual Debt Service $1,280,000
  1. Annual saving of $83,000 – term 30 years
  2. New Capital Funding - $12,000,000
Spending Plan

• To CRA - $4 million for Infrastructure and Development Agreements (Incentives) with reduction in annual debt service of $500,000

• To Street Projects – 19 pedestrian crossover, spine road upgrades and curb appeal enhancing road projects. Will increase gas tax receipt by $1 million over 5 years $320,000

• Complete Fitness Center Expansion to 2 Million. This will allow the continued funding of General Fund needs from Penny for Pasco
Centralized Fire Station

- Separately Funded by USDA Long Term Loan
- Loan is only available if other funds are programmed and process is proceeding with site study and design planning
- New Station will improve Service and Efficiency of Resources for the Future
Summary

• The City has benefited from the strong leadership of the City Council.
• The City needs a plan that is designed for the long term success of the City.
• We look forward to discussing the broad outline of the strategy to achieve success.
• Thank you for your attention.
ORDER OF BUSINESS

1. Call to Order – Roll Call

The meeting was called to order by Mayor Rob Marlowe at 7:00 pm. Those in attendance were Deputy Mayor Bill Phillips, Councilman Chopper Davis (electronically), Councilman Jeff Starkey, and Councilwoman Judy DeBella Thomas.

Also in attendance were City Manager Debbie Manns, City Attorney Joseph Poblick, City Clerk Doreen Summers, Finance Director Peter Altman, Chief of Police Kim Bogart, Library Director Susan Dillinger, Development Director Lisa Fierce, Fire Chief Chris Fitch, Public Works Director Robert Rivera, Parks and Recreation Director Elaine Smith, and Technology Solutions Director Bryan Weed.

2. Pledge of Allegiance

3. Moment of Silence

A moment of silence was held to honor American servicemen and -women serving at home and abroad.

4. Approval of the June 16, 2015 City Council Work Session and Regular Meeting Minutes

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

5. Parks and Recreation Month Proclamation

6. Playful City USA Community Award

7. Acknowledgement of Donation from Rasmussen College

8. Presentation, Kimley-Horn: Sims Park Final Design
Councilman Starkey noted that the revised plans omitted the Orange Lake boardwalk and the amphitheater projection screens as a cost-saving measure. In response to her query, Councilwoman DeBella Thomas was informed that the amphitheater shade structures were still included, albeit in a smaller version, would be made of fabric, and could be added to or increased at a later date as finances permitted.

Deputy Mayor Phillips reminded Council of park maintenance and upkeep considerations. Councilman Davis reiterated that the playground and splash pad divided the park, and hoped that renovations would be complete in time for the Christmas parade. He asked that the Sims Park entrance sign reflect the Hacienda's architectural style, to which Mayor Marlowe agreed. Mayor Marlowe suggested naming opportunities for various park elements to assist in raising additional funds.

Upon opening the floor for Vox Pop, a member of the audience called out from his seat, requesting Sims Park's current renovation status, and was informed that a contract later in the agenda would answer his question. None else coming forward, Mayor Marlowe returned the floor to Council.

No action was required.

Presentation, Atelier AEC: Hacienda Hotel Condition Assessment

Councilman Starkey appreciated the report and was glad that the original footprint and landscaping would be restored. He asked that the report be placed on the website. Councilwoman DeBella Thomas agreed with Mr. Starkey's comments. Councilman Davis was also pleased with the report.

Deputy Mayor Phillips commented regarding the amount of restoration work involved, and questioned refurbishment costs and return on investment. He asked that the City retain fiduciary rights to the property until it was officially purchased.

Mayor Marlowe commented that the restoration of the south lawn would require additional parking facilities. Atelier representative John Tennyson asked that Council and the developers keep in mind that the Hacienda plans intended a historic destination hotel, as opposed to the typical modern hotel that was merely a place to stay for a few nights.

None coming forward for public comment, Mayor Marlowe returned the floor to Council. No action was required.

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

Upon opening the floor for Vox Pop, Indian Rocks Beach resident Don House came forward to voice his objection to Special Magistrate citings on property he'd purchased which went uncited previously for many years. He especially objected to being cited for buckets, an old refrigerator, and furniture in the carport that the tenants used for smoking. He asked Council to cancel his hearings. He complained regarding neighborhood piles of brush that were uncollected for approximately two months, and asked why he was denied access to reclaimed water via a nearby water line.

None else coming forward, Mayor Marlowe closed Vox Pop and returned the floor to Council. He exercised his privilege to allow immediate response by City Council to residents' concerns.

Public Works Director Rivera stated that crews collected brush approximately every week, but a set schedule could not be maintained or published due to intervening concerns that needed to take precedence. Generally, brush pickup requests received a response within two weeks. He added that the water line near Mr. House's property was a transmission line designed to maintain water pressure, and was not a distribution line.

Councilman Starkey opined that Council did not have the authority to stop Special Magistrate hearings. He saw no difficulty with the buckets in the carport, but noted that the furniture in question was an indoor dining room set, not outdoor furniture.

Consent Agenda

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

a First Reading, Ordinance 2015-2043: Amending the Police Officers' Retirement System

Ordinance 2015-2043 was withdrawn from the agenda, to be considered at a later date.

Motion made by and seconded by . The Motion Passed. 0-0.

b First Reading, Ordinance 2015-2056: Residential Rental Housing Exterior Inspection Program

Ordinance 2015-2056 was withdrawn from the agenda, to be considered at a later date.

c First Reading, Ordinance 2015-2057: Code Enforcement Collections

City Attorney Poblick read the proposed ordinance by title only. None coming forward for public comment, Mayor Marlowe returned the floor to Council. Councilman Davis requested an aggressive approach and a specific end date for collection proceedings; City Manager Manns stated the program would be completed in 12 months from that day's meeting. Deputy Mayor Phillips amended his motion accordingly.

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

d First Reading, Ordinance 2015-2059: Creating Section 14-11, Loitering or Prowling Prohibited

City Attorney Poblick read the proposed ordinance by title only. None coming forward for public comment, Mayor Marlowe returned the floor to Council. In response to Deputy Mayor Phillips's query, City Attorney Poblick stated that changing the ordinance's wording to "person or persons" was not necessary.

In response to Councilman Davis's query, Mr. Poblick stated that citations and a County court date would be issued immediately to the offender, and fine collections would be heard at the County level. Mr. Davis opined that the ordinance was a useless effort, since cited homeless and vagrants would not bother to show up for their court date. Mr. Poblick responded that such a response would elicit an arrest warrant for the individual; Mr. Davis stated he would discuss the issue further with Mr. Poblick before the ordinance's second reading.

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

e First Reading, Ordinance 2015-2060: Sewer Impact Fee

City Attorney Poblick read the proposed ordinance by title only. None coming forward for public comment, Mayor Marlowe returned the floor to Council.

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

Business Items

a Resolution 2015-07: Supporting Local Food Production

City Attorney Poblick read the proposed resolution by title only. None coming forward for public comment, Mayor Marlowe returned the floor to Council. Councilwoman DeBella Thomas reminded those assembled of the Friday night markets and Market Off Main's seed program.
b Resolution 2015-12: Establishing a Proposed Millage Rate

City Attorney Poblick read the proposed resolution by title only. None coming forward for public comment, Mayor Marlowe returned the floor to Council. The tentative millage rate was set at 9.5, and Deputy Mayor Phillips amended his motion to have the resolution state that the initial public hearing would be on September 9 at 7:00 pm.

After the vote, Councilman Davis excused himself from the meeting.

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

c Resolution 2015-21: Expressing Opposition to the Moving of Southwest Florida Water Management District's Headquarters

City Attorney Poblick read the proposed resolution by title only. None coming forward for public comment, Mayor Marlowe returned the floor to Council.

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

d Bid Award 15-007: Sims Park Improvement Project Site Improvement

None coming forward for public comment, Mayor Marlowe returned the floor to Council. Per Deputy Mayor Phillips's request, Finance Director Altman provided a cost allocation for the City's existing capital improvement projects (appended to these minutes).

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

e Bid Award 15-018: 2014/2015 Multi-Use Path Project (River Walk to Recreation Center)

None coming forward for public comment, Mayor Marlowe returned the floor to Council.

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

f Bid Award 15-020 A and B: Mowing and Landscape Maintenance

None coming forward for public comment, Mayor Marlowe returned the floor to Council.

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

g Proposed 4-Way Stop Sign: Crossbow Lane and Hills Drive

None coming forward for public comment, Mayor Marlowe returned the floor to Council.

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

h Three-Minute Report, Library

No action was required.

i Three-Minute Report, Public Works

No action was required.

14 Communications
Councilman Starkey welcomed Fire Chief Chris Fitch to the City, and asked for recognition of Micah Short's award from the State of Florida. Councilwoman DeBella Thomas reported her attendance at the KIA Main Street Blast wrap-up meeting, and commended Assistant Fire Chief Tim Exline for his assistance in Alaska's firefighting efforts. Mayor Marlowe reminded those assembled of the City's new Johnny Grits restaurant, and City Manager Manns formally introduced Fire Chief Chris Fitch.

Adjournment

There being no further business to consider, upon proper motion, the meeting adjourned at 9:29 pm.

(signed) _____________________________
Doreen M. Summers, CAP-OM, CMC, City Clerk

Approved: ____________________ (date)

Initialed: ________________________
Plan for Funding Capital Improvements - FYE 2016

Existing Projects : Underway

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<tr>
<th>Project Description</th>
<th>Amount</th>
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<td>Beginning Balance</td>
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<tr>
<td>To Spend in FYE 15</td>
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<td>City Hall Roof</td>
<td>330,000</td>
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<td>Gen Fund Veh. Etc</td>
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<tr>
<td>Morton Plant Path</td>
<td>260,000</td>
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<td>To CRA</td>
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<td>Grey Preserve Side Entry</td>
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<td>Remaining Penny 1 to allocate</td>
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<td>Contribution From Street Lights</td>
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TO: City of New Port Richey City Council
FROM: Doreen Summers, City Clerk
DATE: 7/21/2015
RE: Approval of City Board/Committee Minutes

REQUEST:
City Council is requested to approve the minutes from three City boards/committees.

DISCUSSION:
The following minutes are attached:
Cultural Affairs Committee minutes of June 15, 2015;
Environmental Committee minutes of June 8, 2015;
Police Pension Board minutes of May 27, 2015.

RECOMMENDATION:
Approval of the City board/committee minutes is recommended.

BUDGET/FISCAL IMPACT:
None.

ATTACHMENTS:

<table>
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<th>Description</th>
<th>Type</th>
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<tr>
<td>June 15, 2015 Cultural Affairs Committee Minutes</td>
<td>Exhibit</td>
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<tr>
<td>June 8, 2015 Environmental Committee Minutes</td>
<td>Exhibit</td>
</tr>
<tr>
<td>May 27, 2015 Police Pension Board Minutes</td>
<td>Exhibit</td>
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</tbody>
</table>
The Chair opened the meeting with a brief summary of the May 18th meeting and about what had been decided for the mural at the Verizon building. Verizon is currently selling a significant portion of its cable operations, the City will not negotiate an agreement with Verizon about the mural at 5743 E Missouri Avenue, New Port Richey, Florida (“Building”) until that sale is finalized. “Main Street will handle it, a committee will decide, the Cultural Affairs Committee will basically have no say,” the Chair advised; the current plan is that once the sale goes through, then the mural is reconsidered and that the project will include “faces” or portraits of those who donate towards the project. In the discussion of making a decision between the mural with “faces” and the railroad platform, an informal agreement was reached by the Committee members including the Chair, the Vice Chair and Brittaney Palumbo that the railroad photograph is preferable. The Secretary commented that the project may be proposed to the City by the Committee as an opportunity for an artist seeking the exposure and recognition who would be willing to bear the cost independent of the City. Gina Marie had mentioned that quality concerns would then be raised if done by someone who was not as qualified and that
generally aspiring artists and painters do not have the funds at their disposal to bear that kind of financial burden. Benjamin also shared that opinion; however, he agreed that there was much to be gained commercially, by the artist, through having his or her work publicized and that grant monies may be available for an artist who had the talent and who was just starting out. The Chair emphasized that the decision was made known in the last meeting that it was the City’s decision to make. The Secretary recommended that if the platform sketch is used that natural elements could be introduced into the mural. Doreen Summers also commented that a 3D effect to the mural seemed agreeable. Jamar commented that in reference to natural elements that the planters around the building in the sketch could be real plants and flowers as opposed to just painted ones.

Gina Marie introduced the next subject for discussion which had to do with City budgeting, specifically, event funding and the application review process. Gina Marie said that this function is being “inhibited” because of the shift in the approval process. Ratings of the applications were also put on the table as Gina Marie stated that some well-deserving applicants were not given favorable ratings because they did not show up to answer questions about their event. The Chair shared an example of such an application, as an example, Tourist Development, out of town tourists was seen as having unique rating issues.

Doreen Summers referred the Committee to Sec 2-68 that the purpose of the cultural affairs committee is “to make recommendations....” and Sec 2-69 “review all requests made to the city for co-sponsorship of cultural events.”

On the subject of Teen Activities, Battle of the Bands was recommended by the Chair, the Secretary concurred. Open Mike night
was offered by the Chair and this was applauded by Jamar Stewart, and PlayStation night, also brought up by the Chair, where gaming could be projected onto a main screen. Gina Marie remarked that simultaneous gaming could be done using another projection screen. Jamar Stewart recommended concession proceeds go towards purchasing better equipment. Doreen Summers advised that due to the renovations (including a splash pad), that Sims Park would not be available as a venue. Additional activities discussed were kickball at Frances Avenue Park that would not interfere with the kayak launch there. Gina Marie raised concerns regarding James E. Grey Preserve as a venue; specifically, that litter would be an issue after the event was over and that volunteers would be needed to clean up the nature preserve. Doreen Summers addressed concerns by the Chair about mosquitoes, advising that the participants and their parents be notified to prepare for mosquitoes in advance.

The Chair shared an issue being addressed by local BMX bikers, in that they could not not use the skateboard park at the Recreation and Aquatic center because the ramps are designed solely for skateboarders. A “half pipe” or “bowl” design was discussed as being more appropriate for BMX bikers. Safety concerns were raised; however, this matter was addressed by Doreen Summers via placing appropriate signage such as the requirement of wearing a helmet, and a liability waiver statement such as “bike at your own risk; the city assumes no liability for any and all injuries to participant(s).” In closing, Jamar and Debra Stewart voiced concerns that the cost of entering the skateboard park required an entire membership to the Recreation and Aquatic center and $400 a
year was excessive for many local residents just to have their son or daughter ride their BMX bike. Ideas were then introduced; the skateboard park at the Recreation and Aquatic center could be relocated to James E. Grey Preserve where there could also be built a separate “half pipe” or bowl design” area where BMX bikers could have their own specially designated area at a much lower cost to participants. In closing, Doreen Summers reminded committee members that the Cultural Affairs Committee regular meeting time is the third Monday of every month at the Recreation and Aquatic center at 6:30 pm. Meeting adjourned.

Secretary

date
Meeting called to order at 6:04 pm.

1. **Vox Pop** - None.

2. **In attendance**: Present were Committee Chair Dell deChant, Co-Chair Rose Mohr, Barbara Sullo, Audrey Voss, Kacey Atkinson, alternate Cindy Cadle, Secretary Jon Tietz and City Liaison Doreen Summers. Kira Atkinson, and alternate Amber Blais were absent. Todd Engala was present as a guest.

3. **Vox Pop**. None.

4. **Approval of the minutes from March**. Barbara Sullo made a motion to approve the minutes. Rose Mohr seconded, and the measure passed unanimously.

5. **Additional Agenda Items**. None added. The focus of the meeting will be on the offering of a film by the committee. Unrelated items have been removed from the agenda.

**Business of the Committee - Ongoing**

6. **Vox Pop**. None.

7. **City Liaison Report** - Doreen had nothing to report from the city.

8. **Water Meters** - Dell asked committee members to take a look at their monthly water bill to look for any anomalies with how the billing was completed. Doreen said that she had recently had trouble with her Pasco County water bill. Kacey Atkinson mentioned that her water bill was higher than it had been previously. Dell asked that members simply keep an eye on their bills. Dell mentioned that Jon Tietz had looked into the issue previously and Jon said that the City Financial Director had indicated that any bills with issues had been estimated until they could be resolved.

9. **Urban Farming**. Dell and Jon Tietz introduced a community garden registration for 5721 Grand Boulevard. Kacey Atkinson made a motion to approve the application and it was seconded by Barbara Sullo. Barbara asked who would garden the property and Dell said that had not been decided upon. The motion was approved unanimously with Dell deChant and Jon Tietz recused as being associated with the organization named in the application.

10. **Proposals to Council** - Dell asked for reports back from committee members on their contacts with individual council members on three proposals coming from the Environmental Committee. Doreen said that the Mayor last Tuesday had said that some residents had expressed concern that City Council members do not directly respond to Vox Pop until the communications session and that has been changed. She suggested that the committee could go to a meeting and voice their support for these proposals there. Dell said that he would prefer to discuss with each council member separately so as not to reduce the role of the committee. Dell said that the committee should explore the issues that they would like to recommend for a fall presentation.

**Additional Items Discussed.**
11. **Food Policy Council - Todd Engala** - Todd gave a presentation on the newly formed Pasco Food Policy Advisory Council. The idea initially sprung from legislation requiring the preservation of agricultural lands in Pasco County. A Mr. Stewart asked the County Commission for permission to use public lands for community gardens. Key players were Dell deChant, Travis Morehead with the Nature Coast Real Food Project, Deanna Krautner with the Pasco County Health Department Dr. Whitney Elmore with the University of Florida Extension Office. Todd has contacted a number of area food chains about being involved in the project. Todd said that there is an emphasis on buying local and encouraging retailers to participate in sourcing produce locally where possible. The committee requires a grocer as a member and the committee has not received applications from an interested party. Todd wanted to thank the City of New Port Richey for its support as the City Manager had sent a letter in support of the initiative.

12. **Statement of Appreciation and Support** - A motion was made by Secretary Jon Tietz to approve a statement of appreciation and support for the Pasco County Board of Commissioners initiative to establish a Food Policy Advisory Council for the County. Kacey Atkinson seconded the motion and it passed unanimously.

13. **Environmental Committee Quarterly Programs** - Audrey said that a list existed somewhere of the names of the programs that would be supported, including a “Fall Harvest.” Dell asked that movement be made to proceed on these projects.

14. **Film Offerings** - Dell said that he thought that film about urban farming was quite a success and he was pleased with how it went and the professionalism displayed by Cindy Cadle.

15. **Other Topics** - Kacey asked about the location of recycling centers that were closed or open. Doreen said that information is located on the City’s website. Kacey Atkinson made a motion to recommend to the City Manager that Florida Friendly Plants be required for use as landscaping materials for the upcoming Sims Park Renovation Project. The committee brainstormed on possibilities of including the word “Enchantment” in naming some areas of Sims Park after the renovation.

16. **Vox Pop** - Todd Engala said that the FSU planning committee students have recommended that a Food Hub (Food Incubator) be developed or created at Acorn Street.

17. **Adjournment.** Without objection the committee stands adjourned at 7:14 PM.
The meeting was called to order by Mr. Pratt at 5:17 PM.

Trustees Present:
  Mr. Glen Pratt
  Corporal Chris Trapnell
  Mr. William Bennett (arrived at 5:35 PM)
  Officer Steve Wade
Consultants Present:
  Mr. Al Besse
  Mr. Brendon Vavrica
  Mr. Lee Dehner
Administrator:
  Mr. T. Scott Baker
Others Present:
  Mr. Peter Altman (arrived at 5:30 PM)

**ITEM #1 -- Approval of the minutes of the meeting on March 4, 2015**

Motion: Cpl. Trapnell made a motion to approve the minutes of the meeting. Officer Wade seconded the motion. The motion passed without opposition.

**ITEM #2 -- Open Public Comment**

There was no public comment.
ITEM #3 -- Garcia Hamilton & Associates Conference Call Quarterly Report  
– Janna Hamilton & Jeff Detweiler

A telephone call was made to Garcia Hamilton. Janna Hamilton answered the phone and said Gilbert Garcia was also with her. She said she wanted to start out with a little announcement. She said if the board remembers, last year they received the Institutional Investors Fixed Income Investment Great Manager of the year award, and this year (2015) they gave them the Intermediate Term Fixed Income Manager of the year award. She said this is the portfolio that is run for this fund. Ms. Hamilton said she was turning it over to Mr. Garcia to discuss the portfolio.

Mr. Garcia began going over the quarterly report, starting on page one, and said they haven’t changed anything with their philosophy, process, or anything. Moving to page two, Mr. Garcia said the period ending March 31st, the fiscal year is about 70 (basis points) over (the benchmark), the one year is about 100 (basis points) over. He said the real lesson is not the magnitude of the outperformance (although they are proud of it) it’s that they are achieving their mission. They are outperforming, net of fees with a high quality portfolio and a low turn-over strategy.

Mr. Garcia said the main contributor to the performance has been two things. One, they have been a little bit long in their duration, and because of this they have a little extra yield, and better roll down on the yield curve. Mr. Garcia skipped to page 5 (Portfolio Characteristics) and said there are two pie graphs, on the left represents the Barclays Capital Intermediate Government Credit Index and the one on the right represents our portfolio. Then the bar graph on the bottom of the page represents the same two. Mr. Garcia said for the longest time they had a lot of corporate bonds and peaked at about 55% in the portfolio. Now the index has 30% in corporate bonds, and we have 12%. He said they think the economy is going to continue to struggle, they think that spreads in all sectors offer little value, and you’re not getting paid to take a lot of risk.

Mr. Garcia said for the first time they have the lowest percentage in risk, or corporate bonds, since 2007. He said they have added Treasuries. Because of their position they have out yielded the index by about 70 basis points.

ITEM #4 -- Logan Capital Investment Manager Quarterly Report – Al Besse

Al Besse said they are very pleased that the market has turned back towards favoring their type of Growth investing. He said they are pleased they are running well ahead of the index as of the first quarter and year to date. He said as of today the index was up 6.8% and the portfolio was up about 10.2%. Mr. Besse went to page 20 in the report and discussed the major investable themes in the portfolio including technology, customer expectations, “the cloud”, and brands.

Mr. Besse said the economy is chugging along, unemployment is down to 5.4% nationwide and the measures they watch for the economy are signaling green flags. He asked for any questions. Mr. Pratt asked if there had been much turnover. Mr. Besse said that on page 29 it shows they have 3 new additions to the portfolio.
**ITEM #5 -- Performance Monitor Report – Brendon Vavrica**

Mr. Vavrica started covering his report on page 2 (Index Comparison) and said looking at the right side of the graph (trailing 3 year period), all the bars from the yellow to bright purple (all domestic equity benchmarks) for the most part they have all had the same performance. He said for the three year period, it hasn’t mattered if you were in large cap, small cap, growth, or value, you essentially got the same level of return. The graphs in the middle show the trailing 12 months, and you are starting to see a lot of variation. This is again the same of the quarter (left side).

Moving to page 3 (Compliance) he said everything is “yes” which is good. Moving to page 4 (individual managers) he said there were a couple of “no”s for Logan and all “yes”s for BRC and said he would discuss this on the performance page. Garcia Hamilton had all “yes”s (on page 5). Mr. Vavrica continued to page 11 showing the dollar figures. As of March 31, 2015 the assets were at $23.5 million and everything is in line with the policy. He said as of this morning the portfolio was up to $24.3 million.

Mr. Vavrica said this is the best report they have had for the quarter for any fund. He continued to page 12 (Performance) and said everything is gold. He said it is hard to do much better than this. The performance for the quarter was a gain of 4 ½% versus the benchmark of 1.8% (placing in the 1st percentile). For the 6 month, fiscal year to date, 7 ½% versus 5.3% and with an additional 3% to today’s date, Mr. Vavrica said add them together and the fund is at 10 ½ % with roughly 5 weeks to go for the fiscal year. He said the 1, 3, and 5 year periods are all outperforming. Mr. Vavrica said the equities when combined have also outperformed over the 1, 3, and 5 year period with a return of 15.4% versus 14.7% over the 5 year. Fixed income, although the numbers not great, have outperformed the index 5.1% versus the index at 3.5% over 5 years.

On page 13, Mr. Vavrica said Logan’s performance returned 6.4% versus the benchmark at 3.8% for the quarter, is outperforming for the fiscal year, is trailing a little on the one year, and the 5 year return is 14.4%, behind the policy at 15.6%. He said BRC had even a better quarter in absolute terms than Logan. They had a return of 6 ½% versus the policy at a negative .7%. He said their numbers are gold all the way out to 5 years, with a 5 year return of 15.04% versus the policy at 13.7%.

Mr. Vavrica said the only sore spot for the quarter was Intercontinental Real Estate returning only .88% versus the policy at 3.4%. The one year return is at 10.6%, which is behind the policy, however the money was taken from fixed income. Fixed income returned 4.7% for the year, so we more than doubled our money by taking it from fixed income and putting it in real estate. Mr. Vavrica continued to page 15 showing risk and return. He said the graph shows that the fund has increased in its returns (moving up the graph) and moving left, having less risk.

**ITEM #6-- Acknowledgement of New and Terminated Member(s)**

- Christine Flareau (New Member)
- Christopher Denton (Resigned)

Mr. Baker said a Christine Flareau has been hired as a Police Officer and is a new member to the plan. He said Christopher Denton had resigned his position with approximately 2 months shy of reaching his 10 year vesting date. Mr. Baker said he has
sent him paperwork for the return of his contributions. A question was asked about William Phillips and Mr. Baker said he was advised that his effective date of resigning is late June.

ITEM #7 -- Fiduciary Insurance Renewal

Mr. Baker said the renewal is very close to the renewal date, as meeting dates have been pushed back. He said the application needs to be sent in and the cost is not known until the policy offer comes back. He suggested approving the go ahead with processing and accepting of the policy as the board had budgeted $4,000 for the policy.

**Motion:** Mr. Bennett made a motion to approve the going forward with the Fiduciary Policy, including payment for the policy. Cpl. Trapnell seconded the motion. The motion was passed without opposition.

ITEM #8 -- FPPTA Annual Conference – June 28th – July 1st, 2015; Boca Raton Resort & Club, Boca Raton FL

No one said they were interested in attending.

ITEM #9 -- Legal Report – Lee Dehner

- Legislative Update
- PBA Agreement Ordinance Amendment Update
- Form 1 Reminder (Supervisor of Elections)

Mr. Dehner started with a legislative update and said on Senate Bill 534 (requiring actuarial calculations to be done and filed) don’t make defined benefit plans look well. He said the rule from the Division wasn’t issued until the end of April and the format for filing. He said it needs to be filed electronically with the Division and posted on the city website. He said the Division posting will post only the calculations specifically required by the statutes. He said additional information can be placed on the city website to present a more balanced picture, which the board has authorized. Mr. Dehner said for an example: one of the required calculations is to calculate plan liabilities and funding requirements assuming you earn 2% less than the actuarial assumption. He said this obviously reflects higher liabilities and funding requirements. He said the board authorized the actuary to calculate if the plan earned 2% more, which will be able to be posted on the city website. He said the time frame for this is 60 days from May 1st.

Mr. Dehner said this session the governor signed Senate Bill 172 which had been discussed with respect to allocation of state monies. He said there are a number of questions in the implementation that will need to be answered by the Division of Retirement, but said essentially it provides that allocation of state monies will be determined through negotiation between the plan sponsor and membership. He said if an agreement is not reached then the statute provides how the monies will be allocated. He said it is complex but what it boils down to is 50% to the city and 50% to go to a share plan for the Police Officers (you cannot use it to increase defined benefits). To increase defined benefit benefits it would have to be during the negotiations phase.
Mr. Dehner said another Bill previously discussed, Senate Bill 242, and came out of the conference committee with the House and is 1309 appears that is going to be adopted and become law. He said it would require plans to use the same mortality tables and assumptions that are being utilized by FRS. He said this could cause additional funding requirements. Mr. Dehner said that over the years the ordinance has had to be amended due to tax compliance periodically and they now have directives from the IRS and are doing it again. Mr. Dehner reminded the Trustees to file their Form 1 Financial Disclosures by July 1st.

Mr. Dehner said that he and Mr. Altman have talked some about the ordinance changing pension benefits. He said one of the provisions that he suggested they change is there was an optional provision, with respect to early retirement, which the minimum statutory early requirement has always been 50 and 10 (with up to a maximum 3% reduction). Mr. Dehner said a time ago he spoke to people at the Division about other things and this proposal in the contract is, well if the Division ever changes the position that that’s not a minimum requirement to be met, then that would no longer be administered. He said his suggestion is leave it out of the ordinance at this point. He said he’s not sure if it will be acceptable to the Division, but if there comes a time when that’s not a minimum, you just do another ordinance.

Mr. Altman said the negotiated contract was approved in October or November and that agreement called out giving up on some of the early retirement opportunity, which has created all this discussion. He said his question is, has there been anyone affected by that at this point, because ultimately until the ordinance passes the new provisions don’t go into effect anyway, so he said this may be a moot point. He said the whole purpose of trying to remove the one thing that was blocking the completion of this by the risk of losing state funding to apply against the city’s share. He said it seemed natural that this was not as much of an economic issue as it was creating for everybody by selling off on the implementation of the agreement for both sides, whether it be pay or contributions.

Further discussion took place regarding the amount of time it is taking to get the ordinance passed along with other issues. Mr. Dehner said he had provided a draft of the ordinance and had the dates blank. Officer Wade asked on the ordinance, what specifically are we looking to put in and not put into the ordinance with the early retirement number. Mr. Dehner said that is the issue. Mr. Altman said there is some agreement that it doesn’t get moved, because moving it seems to have created an awful lot of heartburn. He said so the real question is if there is an agreement made between the two parties, how do we get over that. He said he thinks the agreement says it has to meet the approval of the different conditions in order for it to become effective.

After discussing the early retirement provision Cpl. Trapnell said his question and/or point is if the caveat is put in there that if someone retires tomorrow and then it gets signed the day after, and you’re going to allow that caveat for that person, then that’s the date you’ll have to use for everyone else that retires a year from now. Mr. Dehner said the ordinance will have an effective date. Mr. Pratt asked when they expect the ordinance to be presented to council. Mr. Altman said they are trying to get completed as soon as possible.

Mr. Baker said with the cap of 150 hours of overtime that can be used towards your retirement calculation, which is similar to the state statute of 300 hours, asked once the Officer reaches the 150 hours of overtime, do your personal contributions continue or
should they stop. Mr. Dehner said the contributions should not be taken from the member’s pay once they reach 150 hours.

ITEM #10 -- Approval of expenditures

There were 9 Distribution Authorizations for approval by the Board of Trustees for payment: $2,000.00, and $1,300.00 to Davidson, Jamieson & Cristini for Auditing services; $4,582.00 to Thistle Asset Consulting for performance monitoring for the quarter ending 03/31/2015, $10,888.00 to Logan Capital Management for Investment Management Fees for the quarter ending 03/31/2015, $3,872.45 to Garcia Hamilton for Investment Management Fees for the quarter ending 03/31/2015, $11,485.00 to BRC Investment Management for Investment Management Fees for the quarter ending 03/31/2015; $6,651.00 to GRS (Gabriel Roeder Smith & Co.) for Actuary fees for the quarter ending 03/31/2015; $492.70 to Christiansen & Dehner for legal fees; and $200.00 to T. Scott Baker to replenish Petty Cash.

Motion: Cpl. Trapnell made a motion to approve the expenditures. Mr. Bennett seconded the motion. The motion was passed without opposition.

ITEM #11 -- Any other business

Mr. Dehner said Mr. Baker provided him a signed copy (by the City Manager) of the original Written Request for Confidentiality. He said the reason for this document is there is certain information that is confidential and not subject to production for a public records demand (names, addresses, schools, social security numbers, etc.) and exemptions in Chapter 119. He said with respect to the city the confidentiality provisions are self executed, so if someone goes into the clerk’s office in Kissimmee and asks for confidential information of a Police Officer, they can deny production and not be in violation of the public records statute. It also specifically provides with respect to an agency from the city (which the pension board is). He said the only way legally that the agency can deny this same information is to have a Written Request for Confidentiality either signed by each individual plan member or by the appropriate city official on behalf of everybody. He said this law has been around for a while but these documents sometimes have been lost, so he said it should be kept in the pension files in case the is a public records request for this information.

Mr. Pratt said that the next scheduled meeting, June 23, 2015 he may be in Puerto Rico and unable to attend.

Motion: Officer Wademade a motion to adjourn. Mr. Bennett seconded the motion. The motion passed without opposition. The meeting was adjourned at 6:23 PM.
TO:       City of New Port Richey City Council
FROM:    Debbie L. Manns, City Manager
DATE:    7/21/2015
RE:      Purchase Payments and Recurring Expenses

REQUEST:
The Purchase payments are provided for your review.

DISCUSSION:
Staff is available to reply to any requests for details.

RECOMMENDATION:
Staff recommends approval as submitted.

BUDGET/FISCAL IMPACT:
Cost are anticipated and will not require amendments to the budget.

ATTACHMENTS:
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<th>Description</th>
<th>Type</th>
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<tbody>
<tr>
<td>Purchase Payments and Recurring Expenses</td>
<td>Backup Material</td>
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### PURCHASE/PAYMENTS FOR COUNCIL INFORMATION 07/21/2015

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<td>Southern Roofing Company Inc</td>
<td>City Hall &amp; Library Roofing Project RFP 15-006</td>
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### RECURRING EXPENDITURES OVER $10,000.00

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<td>Mayer Hoffman McCann PC (FYE 2014 Audit)</td>
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<td>New Port Richey Firefighters (Fire Pension 07/02/2015)</td>
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TO: City of New Port Richey City Council
FROM: Debbie L. Manns, City Manager
DATE: 7/21/2015
RE: First Reading, Ordinance 2015-2056: Residential Rental Housing Exterior Inspection Program

REQUEST: The request is for the City Council to conduct a first reading Ordinance 2015-2056 regarding the Residential Rental Housing Exterior Inspection Program and to approve the proposed ordinance.

DISCUSSION: As I am sure you will remember from our discussion on June 16, 2015 the purpose of this program is to provide protection for property owners by ensuring the progression of the value of our neighborhoods. Specifically though, the program is an opportunity to identify blighted and deteriorated rental properties and ensure the rehabilitation of the housing structures that do not meet minimum site maintenance standards. Since your meeting and based on your direction some changes have been made to the ordinance and they are as follows:

- 6-132(a), updated to add bank owned and vacant residential units and mobile homes.
- 6-134(b), updated to replace City Manager and City Attorney for Development Director.
- 6-135, increased fees.
- Sec. 4, changed effective date to January 1, 2016.

RECOMMENDATION: The recommendation is to conduct a first reading on this matter and to approve Ordinance No. 2015-2056 for the exterior inspection of residential rental properties.

BUDGET/FISCAL IMPACT: The financial impact of the program is contingent on the number of inspections conducted during the program year. Currently, the program is designed to afford for an inspection of the renter-occupied housing units once every three years. Should City Council approve the plan as submitted, the cost of staffing the program would be covered through use of the fees collected for the residential rental permit program. However should City Council determine that a more expedited program is preferable some additional expense would be involved in the administration of the program and this particular determination will be made in conjunction with the adoption of the FY 2015-2016 Budget.

ATTACHMENTS:

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<td>Ordinance 2015-2056: Residential Rental Housing Exterior Inspection Program</td>
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<tr>
<td>RRHEIP Inspector Checklist</td>
<td>Backup Material</td>
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<tr>
<td>RRHEIP Letter to Property Owners</td>
<td>Backup Material</td>
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</tbody>
</table>
ORDINANCE NO. 2015-2056

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA; AMENDING ARTICLE V, DIVISION 2 OF THE CITY CODE BY CREATING SECTION 6-131 THROUGH 6-138, FOR THE EXTERIOR INSPECTION OF RESIDENTIAL RENTAL PROPERTIES AND DWELLINGS; ADOPTING RELATED STANDARDS AND INSPECTION PROCEDURES; PROVIDING FOR INCLUSION INTO THE CODE, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City is granted the authority, under section 2(b), Article VIII of the Florida Constitution, to exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, there are residential rental structures within the City that are used for human habitation which are, or may become in the future, substandard due to a lack of maintenance and progressive deterioration; and

WHEREAS, if not remedied, that existence of such substandard residential rental structures and conditions will create slum and blighted areas; and

WHEREAS, the City Council desires that this Ordinance will prevent the growth of slum and blight in the Community, and will preserve and enhance residential and nonresidential uses and neighborhoods and property values; and

WHEREAS, Chapter 166, Florida Statute authorizes the City Council acting for the City of New Port Richey, Florida, to adopt Ordinances and Resolutions necessary for the exercise of its powers and prescribe fines and penalties for the violation of Ordinances in accordance with law; and

WHEREAS, the State of Florida Comprehensive Plan set forth in section 187.201(4)(b)(3), Florida Statutes, provides that it is the policy of the State to increase the supply of safe, affordable, and sanitary housing; and

WHEREAS, section 83.51, Florida Statutes, generally provides that the landlord of certain kinds of residential rental units shall comply with the requirements of applicable building, housing, and health codes and where there are no such applicable codes, landlord shall maintain structural components of a unit in good repair and capable of resisting normal forces and loads; and

WHEREAS, this Ordinance is in the best interests of the health, welfare, and safety of the citizens of the City of New Port Richey, Florida.
NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW PORT RICHEY, FLORIDA, AS FOLLOWS:

Sec. 1. Article V, Division 2, shall be amended to include the following sections:

Sec. 6-131. Findings and declaration of policy; purpose.

(a) Findings and declaration of policy. It is hereby found and declared that structures exist within the city that are being used on a rental basis for human habitation which are, or may become in the future, substandard with respect to structure, or maintenance. In addition, said substandard conditions are due, in part, to a lack of maintenance or upkeep of essential facilities, progressive deterioration.

It is also found that these substandard conditions constitute a menace to the health, safety, morals, and welfare and reasonable comfort of the citizens and inhabitants of the City and have the further effect of creating blight and initiating slums. If these substandard conditions are not curtailed and removed, the substandard conditions will grow and spread and will necessitate, over a period of time, the expenditure of large amounts of public funds to correct and eliminate the same. The city is committed to protecting its citizens and inhabitants through the elimination of substandard rental housing and through the promotion of safe, decent, sanitary and suitable rental housing. In furtherance of this commitment, all residential rental dwelling units and properties shall be maintained in compliance with all applicable building, housing, health, and property maintenance codes and the provisions of this Section.

(b) Purpose. The purpose of this Section is to protect the public health, safety, morals, and welfare by authorizing and establishing procedures for the inspection the exterior of residential rental dwelling units in order to determine compliance with all applicable building, housing, health, applicable property maintenance codes and the provisions of this article. It is further the purpose of this article to establish minimum standards for determining compliance in order to make residential rental units fit for human habitation, occupancy and use; to fix certain responsibilities and duties upon owners and operators of residential rental units; to preserve the value of land and structures throughout the city; and to fix penalties and provide remedies for violations of this article. With respect to rental disputes, except as otherwise specifically provided by this article, it is not the intention of the city council to intrude upon contractual relationships between tenant and landlord. The city council does not intend to intervene as an advocate of either the landlord or tenant, nor to act as arbiter, nor receptive to complaints from tenants and landlords that are not related to the provisions of this article. It is intended that the landlord and tenant exercise such legal sanctions as are available to them without the intervention by the city.

Sec. 6-132. - Applicability.
Unless otherwise provided in subsection (b), this article shall be applicable to all residential rental, multi-family residential rental, bank owned residential, and vacant residential, dwelling units, including mobile homes, within the city. With respect to residential rental dwelling units that constitute a public lodging establishment under F.S. § 509.013, any inspection conducted by the city shall be limited to determining compliance with the Florida Building Code and the Florida Fire Prevention Code as provided by F.S. § 509.032(7), in addition, in any case where any provision of this article conflicts with other provisions of the City Code or under the Laws of Florida, the Code or law that imposes a higher standard shall prevail.

Unless otherwise provided in subsection (b), this article shall be applicable to all residential rental units. Residential rental unit shall mean any residential dwelling that is leased for rental purposes, including any single-family home, multi-family dwelling, duplex, triplex, quadruples, mobile home, or similar unit. Residential Unit shall not include any dwelling unit that is owned by a federal, state, or local housing program or the federal Department of Housing and Urban Development, hotels, motels, public lodging establishments, as identified in Section 5-09.013, Florida Statutes, or any community residential facility licenses and inspected by the state of Florida.

Upon proof submitted by the property owner in the form of a notarized affidavit, rental housing units that, within the past five years, have been newly constructed as evidenced by issuance of a certificate of occupancy shall be exempt from this Ordinance. A rental unit exempt under this section shall become subject to the requirements of this Ordinance upon the issuance of any code enforcement citation, or upon eight (8) years after the issuance of the initial certificate of occupancy.

Nothing herein shall restrict the City from prosecuting alleged violations of technical codes and ordinances of the city as established in F.S. Section 162.02.

Sec. 6-133. - Definitions.

The following words and phrases, when used in this article, shall have the following meaning, except where the context clearly indicates a different meaning:

**Housing codes.** Any law, ordinance or other government regulation concerning the health, safety, sanitation or fitness for habitation, or the construction, maintenance, operation, occupancy, use, or appearance of any residential rental dwelling unit and related common area.

**Local agent.** Any person or entity that has charge, care, or control of a residential rental dwelling unit. The local agent shall be authorized to act on behalf of the property owner for purposes of complying with the provisions of this article.

**Property owner.** Any person or entity with legal or equitable interest in the title of a residential rental dwelling unit or common area of said unit. Property owner does not include the tenant of a residential rental dwelling unit.
**Rental agreement.** A written agreement between a property owner and tenant which provides for the use and occupancy of a residential rental dwelling unit.

**Residential rental dwelling unit.** A dwelling unit not occupied by the owner thereof, but is occupied or capable of being occupied, by one (1) or more persons for use as a home, residence, or sleeping place.

**Sec. 6-134. - Inspections.**

(a) Inspections of the exterior of residential rental dwelling units subject to this article shall be conducted by the city to ensure that such buildings or residential rental units are in compliance with applicable housing codes. However, this provision shall not be interpreted as authorizing the city to conduct inspections of residential rental buildings or residential rental dwelling units without the consent of the property owner, local agent, and/or tenant or without an administrative inspection warrant, unless emergency circumstances warrant an immediate inspection for life safety reasons.

(b) Prior to an exterior inspection of a residential rental dwelling unit, under this ordinance, the city shall provide the property owner or local agent at least twenty-one (21) days written notice, unless emergency circumstances warrant an immediate inspection of the unit for life safety reasons. Notice may be delivered in person by or by first class United States. Notice is deemed to be achieved by depositing written notice to the address listed on the tax collector's website, or the address of the local agent, if provided. The notice shall advise that the city desires to make an inspection of a particular property and unit or units on a certain date and time and that objections to the inspection may be filed with the city by telephone, fax, email or in person prior to the intended date for inspection. The objection shall be directed to the City Manager, or designee and the City Attorney. If a property owner, local agent, and/or tenant objects to an inspection, no inspection of the building and/or residential rental unit shall be undertaken without an administrative inspection warrant, unless emergency circumstances exist.

(c) If consent to inspect a rental unit is withheld by any person or persons having the lawful right to exclude, the City may apply to a court of competent jurisdiction for a search warrant of the rental unit. No owner/operator or occupant or any person having charge, care or control of a rental unit shall refuse, after presentation of a search warrant, to properly permit entry therein by the City for the purpose of inspection and examination pursuant to this Section.

(d) In the event that during an inspection conducted pursuant to this section, it is discovered that the property is in violation of this code or any other applicable law, and the owner fails to correct the identified violation(s) within 30 days from the date of inspection, a citation may be issued for each violation of City Code.
The City Manager may in their sole discretion, may grant up to an additional 60 days to correct the violation(s). An extension of time shall be based solely on the extent of the violation(s) and the commitment of the property owner to correct the violation(s).

The city will take reasonable steps to promptly schedule re-inspections in order to afford property owners a reasonable opportunity to quickly remedy violations of the housing code.

(e)

It is the general intent of this section that a residential rental building and/or residential rental dwelling unit be inspected at least once every three (3) years, unless a more frequent inspection schedule is required by the city.

The following areas are included and hereby declared to be rental inspection districts which are subject to the requirements of this Ordinance:

Inspection District 1: properties will be inspected in 2015.
Inspection District 2: properties will be inspected in 2016.
Inspection District 3: properties will be inspected in 2017.

Commencing in 2018 and continuing thereafter the cycle will be repeated in accordance with the district rotation listed above. Residential rental units within each district shall be inspected at a minimum of once every three years.

A map showing the rental inspection districts described herein is adopted as part of this article, and shall be available for public inspection in the Building Department.

(f)

None of the inspection provisions contained in this section shall prohibit, condition, or otherwise limit any inspection conducted pursuant to any other provision of the code or other applicable law.

Sec. 6-135. – Inspection and re-inspection fees.

There shall be no charge for the initial and first follow-up inspection. After providing the property owner with one (1) reasonable opportunity to correct any housing code violation noticed under this article, the city shall impose a re-inspection fee of fifty dollars ($50.00) for a second re-inspection that is required by the city to determine whether the housing code violation has been brought into compliance with this article. A fee of seventy-five dollars ($75.00) shall be assessed for the third and each subsequent re-inspection. In the event that the owner or local agent fail to appear at the inspection or re-inspection a fee of one hundred fifty dollars ($150.00) shall be assessed.
The development director or designee shall regularly compile an up-to-date list of all buildings and residential rental dwelling units inspected under this article. Said list may include the legal description or address of the inspected building and/or unit, the property owner's name and address and any housing code violations.

Sec. 6-136. – Noncompliance.

In addition to requiring additional periodic inspections pursuant to this subsection, the city may commence enforcement action in accordance with any provisions of the Code of Ordinances, or any applicable law, including, but not limited to Article V, Minimum Housing Code, and Chapter 8, Fire Prevention and Protection.

Sec. 6-137. - Enforcement; penalties.

Enforcement of this Ordinance may be brought before either the Special Magistrate or the County Court. Properties not brought into compliance within 90 days from the date of the initial inspection shall be in violation of this ordinance, and shall be a Class IV violation for citation purposes. A person convicted of violating this Ordinance may be sentenced to pay a fine, not to exceed $500.00, and may be sentenced to a definite term of imprisonment, not to exceed 60 days.

The remedies set forth in this subsection are not exclusive remedies for non-compliance with the requirements of this article and the City shall take further actions as allowed by law in order to obtain compliance with the City’s Code.

Sec. 6-138. – Non-liability of City.

The inspection in this section is not a representation, guarantee or warranty of any kind by the City of the fitness of the housing unit for which the inspection was conducted, nor is it a representation, warranty or guarantee of any kind by the City that such housing unit is in compliance with codes. No person shall rely on the inspection as a representation of the condition of such unit.

Sec. 2. Inclusion into Code. This Ordinance shall be incorporated into the City of New Port Richey Code and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical, and like errors may be corrected and additions, alternations, and omissions, not affecting the construction or meaning of this ordinance and the City Code may be freely made.

Sec. 3. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reasons, such portions shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

Sec. 4. Effective Date. This Ordinance shall become effective January 1, 2016.
The above and foregoing Ordinance was read and approved on first reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida, this 21st day of July, 2015 and adopted on second reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida, this ___________ day of ____________, 2015.

ATTEST:

By: _____________________________ By: ________________________________

Doreen M. Summers CAP-OM, CMC                    Robert Marlowe
City Clerk                                      Mayor-Council Member

(Seal)

APPROVED AS TO FORM

for the sole reliance of the City of New Port Richey

By: __________________________________

Joseph A. Poblick, City Attorney
# Rental Inspection Checklist

## PROPERTY INFORMATION

<table>
<thead>
<tr>
<th>Property Address:</th>
<th>Inspector:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Inspection Date:</th>
<th>Follow-Up Date:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

## PROPERTY MAINTENANCE CHECKLIST

Where noted (*) a building permit is required for the work. To verify permit requirements contact the Development Department at (727) 853-1016.

### I. CATEGORY: GENERAL

<table>
<thead>
<tr>
<th>VIOLATION</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address numbers visible from the road.</td>
<td></td>
</tr>
<tr>
<td>Exterior walls are weatherproof and coated with a protective treatment (paint, siding) with no peeling or chipped paint and metal surfaces are not rusted. Exterior walls are free of holes, breaks and loose or rotted material.</td>
<td></td>
</tr>
<tr>
<td>Gutters and downspouts in working order and secured properly.</td>
<td></td>
</tr>
<tr>
<td>Roof, shingles, eaves, soffit and fascia in good condition.</td>
<td></td>
</tr>
<tr>
<td>Openings sealed to prevent the entry of rodents or animals.</td>
<td></td>
</tr>
<tr>
<td>Chimney in good condition (no rust or loose bricks).</td>
<td></td>
</tr>
<tr>
<td>Vent screens no missing or damaged crawlspace, attic or foundation vent screens.</td>
<td></td>
</tr>
<tr>
<td>Foundation structurally sound and waterproof, no open cracks or breaks.</td>
<td></td>
</tr>
<tr>
<td>Window, skylight, doorframe in sound condition. No broken glass. Screens must be provided.</td>
<td></td>
</tr>
<tr>
<td>Screen, storm doors in good condition, not work or missing screens, all hardware intact and operable.</td>
<td></td>
</tr>
<tr>
<td>Doors weatherproof and lockable, all hardware lockable.</td>
<td></td>
</tr>
</tbody>
</table>

### II. CATEGORY: STAIRS/HANDRAILS

<table>
<thead>
<tr>
<th>VIOLATION</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boards are secure and not missing.</td>
<td></td>
</tr>
<tr>
<td>Capable of supporting normally imposed loads.</td>
<td></td>
</tr>
<tr>
<td>Height of railing meets code requirements.</td>
<td></td>
</tr>
<tr>
<td>Parameter railing in good repair.</td>
<td></td>
</tr>
<tr>
<td>Step in good repair.</td>
<td></td>
</tr>
<tr>
<td>Handrails fastened properly and in good repair.</td>
<td></td>
</tr>
</tbody>
</table>
III. CATEGORY: DECK(S)

VIOLATION:
The deck is structurally sound.
The deck is capable of supporting normally imposed loads.
The deck has no loose or missing floor boards.
Latticework is in good repair.

IV. CATEGORY: DETACHED GARAGE/ACCESSORY STRUCTURE(S)

VIOLATION:
Garage, carport and/or shed structurally sound and in good condition.
Garage is covered with a waterproof material.
Overhead door in good condition.
Pedestrian door is operable.
Roof, gutter and downspout system in good repair.
Siding is in sound condition.
Fence straight and in good repair.
Fence is painted and shows no signs of chipping.

V. CATEGORY: LIGHTING

VIOLATION:
Light fixtures are operable and not missing or damaged.
All wiring is properly covered.

VI. CATEGORY: GENERAL NUISANCES

VIOLATION:
Property free of any accumulation of rubbish/garbage.
All vehicles are properly licensed and operable.
No vehicle parking occurring in the front lawn area.
Property graded properly to avoid accumulation of water.
The grass/vegetation is not overgrown.
Driveway and sidewalk in good condition.
Swimming pool maintained and in sanitary condition.
Property is free of outdoor storage.
Property owner has refuse removal service.

Inspector Signature: ___________________________________________ Date: _____________

Page 49
January 1, 2015

Dear Residential Rental Property Owner,

The City has recently enacted a Residential Rental Housing Inspection Program. The reason that you are receiving this letter is because you have been identified as an owner of rental property within the city. The purpose of the program is to preserve the housing stock, protect property values, eliminate safety hazards and make the city an even more desirable community in which to live.

The program requires that all residential rental units receive an inspection once every three years. When your property is scheduled for inspection, you will receive a notice containing the date and time of the inspection. Property owners are encouraged, but not required, to be present at the time of inspection.

The inspection will cover the exterior of the property only and will not include the inside of any dwelling unit. The point of the inspection is to ensure compliance with the City of New Port Richey Property Maintenance and Zoning Codes. There is no cost for this triennial inspection; however violations which are not corrected prior to the first re-inspection can lead to subsequent re-inspections which will be conducted at a cost.

Enclosed is a brochure with a checklist that identifies items that will be considered during the inspection. It may be helpful to you to familiarize yourself with the list so that you may be prepared for your scheduled inspection. Also enclosed is a fact sheet which contains some frequently asked questions in respect to the program as well as a map which notes the year in which your property will be inspected.

Incidentally, this program does not replace the residential rental property permit and therefore, you will need to continue to submit your application and permit fee on an annual basis.

Please do not hesitate to contact us at (727) 853-1047 with any questions that you may have as we are here to serve you.

Best Regards,

Debbie L. Manns
City Manager
Where can I get more information on the Residential Rental Housing Inspection Program and Property Maintenance Code?

For questions about the Residential Rental Housing Inspection Program, please contact the Development Department at (727) 853-1016. To download a complete copy of the governing ordinance or a full copy of the City of New Port Richey’s Property Maintenance Code, please visit the City’s website at www.citynpr.org/QuickLinks.aspx.

City of New Port Richey

Important Note:

This list contains commonly found violations. It is not intended to be a comprehensive list of all violations that could occur. If you have questions about a specific situation, please contact the Development Department at (727) 853-1047 or visit our website at www.citynpr.org.
The City of New Port Richey has adopted building maintenance standards and a rental inspection program in order to support property values and enhance citizen's quality of life. The purpose of the rental inspection program is to proactively identify blighted and deteriorated rental properties and ensure the rehabilitation of the housing structures that do not meet minimum site maintenance standards. It is the goal of this program to assure a healthy, safe environment and further preserve and enhance the quality of life for residents.

Why does our city need a Residential Rental Housing Inspection Program?

The City of New Port Richey has adopted building maintenance standards and a rental inspection program in order to support property values and enhance citizen's quality of life. The purpose of the rental inspection program is to proactively identify blighted and deteriorated rental properties and ensure the rehabilitation of the housing structures that do not meet minimum site maintenance standards. It is the goal of this program to assure a healthy, safe environment and further preserve and enhance the quality of life for residents.

What types of things should I look for?

Reviewing your rental units for compliance with this list based on the City of New Port Richey's Property Maintenance Code could save you from costly re-inspections! Rental units include apartments, condos and single-family

- Are the street numbers visible from the street?
- Is the exterior in good condition?
- Are all accessory structures (garage, carport, shed, etc.) in good condition?
- Does the roof leak?
- Is the foundation structurally sound and waterproof, no open cracks or breaks
- Are all fences in good repair?
- Are all driveways in safe and sound condition?
- Are the gutters and/or downspouts in good repair and directing rainwater away from the structure?
- Is the yard free of junk, trash or debris?
- Are there inoperable, junk or unlicensed vehicles on the property?
- Are swimming pools maintained and in sanitary condition?
- Are exterior doors weather right and in good working order?
- Are there any broken or badly cracked windows?
- Are the handrails the appropriate height according to City code?
- Are light fixtures operable and not missing or damaged?
- Is all wiring properly covered?

What are the fees associated with the program?

The Residential Rental Housing Inspection Program is free of charge but fees are collected to cover the cost of second and additional follow-up inspections when they are necessary.

- First Inspection No Charge
- First Follow-Up Inspection No Charge
- Second Follow-Up Inspection $50.00/unit
- Additional Follow-up Inspections $75.00/unit (after first two)
- No Show Inspection $150.00/unit
- Tri-Annual Inspection No Charge

Will the program include an inspection of the interior of a rental unit?

No, the inspection will cover the exterior of the property only and will not include the inside of any dwelling unit. The property owner does not need to be present during the inspection however it is strongly recommended for the property owner to be present so that any violations identified may be explained and discussed.
Residential Rental Housing Inspection Program
Frequently Asked Questions

Q. Why did the City institute a Rental Housing Inspection Program?
A. The City adopted a program to support property values and enhance citizen's quality of life.

Q. What is the purpose of the program?
A. The purpose of the Rental Housing Inspection Program is to proactively identify blighted rental properties and ensure the rehabilitation of the housing structures that do not meet minimum site maintenance standards.

Q. How does the City determine that a property is a rental?
A. The City relies on property records obtained by the Pasco County Property Appraiser's Office.

Q. What is the frequency of inspection for a rental unit?
A. Properties will be inspected once every three years.

Q. Does the property owner need to contact the City to schedule an inspection?
A. No. The property owner will be sent a letter by mail to the address of the property to be inspected at least three (3) weeks prior to their scheduled inspection.

Q. Does the property owner need to be present for the inspection?
A. No, but it is recommended for the property owner to be present so that any violations identified may be explained and discussed.

Q. What can the property owner do to prepare for the inspection?
A. The property owner can prepare for the inspection by obtaining a copy of the inspection checklist used by the City. The list may be downloaded from the City's website at www.citynpr.org or you may request a copy be sent by mail by calling the Development Department at (727) 853-1047.

Q. What fees are involved?
A. There shall be no charge for the initial and first follow-up inspection. After providing the property owner with one (1) reasonable opportunity to correct any housing code violation noticed under this article, the city shall impose a re-inspection fee of fifty dollars ($50.00) for a second re-inspection that is required by the city to determine whether the housing code violation has been brought into compliance with this article. A fee of seventy-five dollars
($75.00) shall be assessed for the third and each subsequent re-inspection. In the event that the owner or local agent fail to appear at the inspection or re-inspection a fee of one hundred fifty dollars ($150.00) shall be assessed.

Q. Can the City use the re-inspections as a way to identify new deficiencies at each inspection?
A. No. Although inspections are a human process and an item could be overlooked, this should be rare occurrence. In the event that error should occur the item will not be added to the inspection report.

Q. What happens if I cannot finish correcting the violations in the allotted time provided by the City?
A. Generally, the staff will be providing generous completion times to tend to the required work. We realize that sometimes contractors are not always available or the required repairs may be part of a larger scheduled maintenance or upgrade plan. In situations where the violations do not directly affect the safe occupancy of the building or create a problem to the neighborhood, an extension of time request may be considered if the conditions are justified.

Q. What if I do not agree with what the inspector cited me for?
A. The first step is to talk with the inspector. Give him/her a call to discuss your concerns. If after you have consulted with the inspector you are not satisfied that the violation exists, please contact the Development Director at (727) 853-1047.

Q. How do I find out if a property is registered with the Rental Housing Inspection Program?
A. A list of registered properties is available on the City's website at www.citynpr.org. The list contains the street addresses of properties that are rentals within the city limits of the City of New Port Richey.

Q. Are any residential units exempt from the Rental Housing Inspection Program?
A. Yes, Exemptions are provided to housing units that are less than five years old.
TO:                City of New Port Richey City Council  
FROM:              Peter Altman, Finance Director  
DATE:              7/21/2015  
RE:                Second Reading, Ordinance 2015-2057: Authorizing Amnesty Program  

REQUEST:           Approve the Ordinance on Second and Final Reading  

DISCUSSION:        The Ordinance Authorizes the action taken by City Council approving an Amnesty Program for those cases that were established by the alternative Special Magistrate option for fines and charges. The older unpaid cases allow for the modification by the City Manager but the section of the Code that is being amended was too restrictive as to the cases where adjustments would be allowed and the change suggested will cure that obstacle.  

The City Council has made clear their determination that the time frame for the approved Amnesty Program be limited to no longer than 12 months and staff will be limiting the time for response to a shorter time frame for those that communicate their interest in resolving the outstanding balances. As this is an ordinance change, the changes sought will allow future Councils to consider programs as they deem appropriate.  

RECOMMENDATION:    Approve the Ordinance on second reading.  

BUDGET/FISCAL IMPACT:    The revenue gained from the program has been anticipated in the City's budget.  

ATTACHMENTS:        Description                                      Type  
☐ Ord 2015-2057            Cover Memo
ORDINANCE NO. 2015-2057

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA, AMENDING ARTICLE X, CHAPTER 2 PART II, SECTION 2-262 OF THE NEW PORT RICHEY CODE OF ORDINANCES; PROVIDING FOR THE AUTHORIZATION BY THE CITY COUNCIL OF CITY SPONSORED COLLECTION EFFORTS WHICH INCLUDE OFFERS OF RELIEF FROM A PORTION OF OUTSTANDING FINES OR LIENS PRIOR TO REFERRING SUCH CLAIMS TO ACCELERATED COLLECTION EFFORTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has identified the need to address the substantial volume of outstanding code enforcement fines and liens that have heretofore not been referred to more accelerated collection activity; and

WHEREAS, the City has determined that it is in its best interest to modify the provisions of article X, Chapter 2 Part II of the code as it relates to the recognition that additional provisions may be advisable to further the City’s goals in bringing property owners into compliance with the City Code of Ordinances; and

WHEREAS, the City has determined that additional efforts for the collection of fines and penalties are in order to address aged receivables; and

WHEREAS, it is by the public’s interest to amend an appropriate local regulation; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW PORT RICHEY, FLORIDA:

Section 1. Article X of Chapter 2, Part II, Section 2-262 of the City of New Port Richey Code of Ordinances is hereby amended to read as follows:

Sec. 2-261. - Other procedures or implementing provisions.

The city council may authorize the finance director and the city manager to settle outstanding and unpaid fines or liens through an amnesty program and provide parameters for the reduction of such fines when it is determined to be in the best interest of the City to resolve outstanding balances. The council may adopt any additional necessary, desirable, or advisable procedures or implementing provisions for this article by resolution.
Section 2 This Ordinance shall become effective immediately upon its adoption

The above and foregoing Ordinance was read, approved on first reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida, the 7th day of July, 2015.

The above Ordinance was read and approved on second reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida, the ___ day of July, 2015.

ATTEST/SEAL: CITY OF NEW PORT RICHEY, FLORIDA

______________________________  ______________________________
Doreen Summers, City Clerk    Rob Marlowe, Mayor - Councilmember

APPROVED AS TO LEGAL FORM AND CONTENT

BY

______________________________
Joseph Poblick, City Attorney
TO: City of New Port Richey City Council  
FROM: Debbie L. Manns, City Manager  
DATE: 7/21/2015  
RE: Second Reading, Ordinance 2015-2059: Creating Section 14-11, Loitering or Prowling Prohibited

REQUEST:  
The request is for the City Council to conduct the second and final reading of the proposed loitering ordinance.

DISCUSSION:  
As you may recall from your July 7, 2015 meeting, loitering occurs when individuals or groups hang around the outside or interior of a business without any intent to patronize the location. Loitering is a public nuisance as it can deter customers, creates security concerns and establishes public image issues.

In order to more effectively address the presence of loitering activity in the city a draft ordinance has been prepared by Mr. Poblick. The ordinance sets forth that it is unlawful for any person to loiter in a place, at a time or in a manner not usual for law-abiding citizens, under circumstances that warrant a justifiable and reasonable alarm or immediate concern for the safety of persons or property in the vicinity. In determining whether "alarm" or "immediate concern" is justified under the circumstances factors including: whether the defendant took flight upon the arrival of police, whether the defendant refused to identify themselves and whether the defendant attempted to conceal themselves or any object that he or she was carrying will be considered.

Under Florida Law, Loitering is classified as a second degree misdemeanor and under the proposed ordinance the penalties are a fine not exceeding $50.00 for the first violation and a fine not exceeding $150.00 for subsequent violations or imprisonment in the county jail for a term not to exceed 60 days, or by both such fine and imprisonment. It is important to note that Florida's loitering statute does not criminalize idleness or vagrancy and does not empower police to detain citizens to explain their unusual presence or status.

The first reading of the proposed ordinance was held on July 7, 2015. Council had no requested changes therefore the ordinance that is attached for your review and consideration is the ordinance that was introduced to you at your last meeting.

RECOMMENDATION:  
The recommendation is for the City Council to conduct the second and final reading of this matter and to approve the ordinance as submitted by staff.

BUDGET/FISCAL IMPACT:  
No funding is required for this item at this time.

ATTACHMENTS:
<table>
<thead>
<tr>
<th>Description</th>
<th>Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Second Reading, Ordinance 2015-2059: Creating Section 14-11, Loitering or Prowling Prohibited</td>
<td>Ordinance</td>
</tr>
</tbody>
</table>
ORDINANCE NO. 2015-2059

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA, AMENDING CHAPTER 14, ARTICLE I, CREATING SECTION 14-11, LOITERING OR PROWLING PROHIBITED; PROVIDING FOR CONFLICTS; CODIFICATION; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS; the City Council of the City of New Port Richey finds that loitering and prowling are a matter of public concern; and

WHEREAS; the City Council of the City of New Port Richey finds that this ordinances will aid in the reduction of criminal activity within the city; and

WHEREAS; the City Council of the City of New Port Richey finds that this ordinance promotes the general welfare of the citizens of the City of New Port Richey.

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

Sec. 1. Chapter 14, Article I, is hereby amended to create a new Section 14-11 as follows:

Sec. 14-11 Loitering or Prowling Prohibited.

(A)

1. It shall be unlawful for any person to loiter, prowl, or loaf on the premises of any school within the city without the permission of the school authorities.

2. It shall be unlawful for any person to loiter or prowl in a public or semipublic area, at a time or in a manner not usual for law-abiding individuals, under circumstances that warrant a justifiable and reasonable alarm or immediate concern for the safety of persons or property in the vicinity.

   a. Among the circumstances which may be considered in determining whether such alarm or immediate concern is warranted is the fact that the person takes flight upon appearance of a law enforcement officer, refuses to identify himself, or manifestly endeavors to conceal himself or any object. Unless flight by the person or other circumstances makes it impracticable, a law enforcement officer shall, prior to any arrest for an offence under this section, afford the person an opportunity to dispel any alarm or immediate concern which would otherwise be warranted by requesting him to identify himself and explain his presence and conduct.
b. No person shall be convicted of an offense under this section if the law enforcement officer did not comply with this procedure or if it appears at trial that the explanation given by the person is true and if believed by the officer at the time would have dispelled the alarm or immediate concern.

3. It shall be unlawful for any person, after first being warned by a law enforcement officer, or where a no loitering sign or signs have been posted, to loiter, stand, sit or lie in or upon any public or semipublic sidewalk, street, curb, crosswalk, walkway area, mall, parking lot, or that portion of private property utilized for public use, so as to hinder or obstruct unreasonably the free passage of pedestrian or vehicles thereon; nor shall any person block or obstruct, or prevent the free access to the entrance to any building or parking facilities open to the public.

(B) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

1) Loiter means lingering by, or moving slowing about in, a public or semipublic place.

2) Prowl means roaming in a public or semipublic area with the apparent intent of committing an unlawful act.

3) Public or semipublic area means any area generally visible to public view and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles (whether moving or not), and buildings open to the general public, including those which serve food or drink, or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.

(C) Penalties. The penalties for violation of this section are as follows:

(1) For the first violation, a fine not exceeding $50.00.

(2) For subsequent violations, a fine not exceeding $150.00, or imprisonment in the county jail for a term not to exceed 60 days, or by both such fine and imprisonment.

Sec. 2. Inclusion into Code. This Ordinance shall be incorporated into the City of New Port Richey Code and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical, and like errors may be corrected and additions, alternations, and omissions, not affecting the construction or meaning of this ordinance and the City Code may be freely made.

Sec. 3. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent
jurisdiction, whether for substantive, procedural, or any other reasons, such portions shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

**Sec. 4. Effective Date.** This Ordinance shall become effective immediately upon its adoption by the City Council of the City of New Port Richey, Florida.

The above and foregoing Ordinance was read and approved on first reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida, this 7th day of July, 2015 and adopted on second reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida, this 21st day of July, 2015.

ATTEST:

By: _________________________________ By: _________________________________
Doreen M. Summers CAP-OM, CMC Robert Marlowe
City Clerk Mayor-Council Member

(Seal) APPROVED AS TO FORM

By: _________________________________
Joseph A. Poblick, City Attorney
TO: City of New Port Richey City Council
FROM: Peter Altman, Finance Director
DATE: 7/21/2015
RE: Second Reading, Ordinance 2015-2060: Sewer Impact Fees Financing

REQUEST: Approve the changes sought on Second and Final Reading

DISCUSSION: The Action requested will allow staff to accommodate existing property owners whose property is close enough to a City Sewer collection line to connect to the system. This is in response to requests that have been received which can not be favorably replied to, due to the restrictions in the ordinance. These connections are voluntary and the City Believes that is in the best interest of the environment as well as to the Utility System operation to accommodate those requests.

RECOMMENDATION: Approval on Second and Final Reading.

BUDGET/FISCAL IMPACT: Increased revenue to the City's Utility Operations.

ATTACHMENTS:

<table>
<thead>
<tr>
<th>Description</th>
<th>Type</th>
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<tbody>
<tr>
<td>Ordinance 2015-2060</td>
<td>Ordinance</td>
</tr>
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</table>
ORDINANCE NO. 2015-2060

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA, AMENDING CHAPTER 24, ARTICLE II, SECTION 24-28(e) & (f) RELATING TO DEVELOPMENT IMPACT FEES, PROVIDING FOR AN ALTERNATIVE METHOD TO AMORTIZE THE SEWER CONNECTION IMPACT FEE FOR CERTAIN INDIVIDUAL PROPERTIES WITH EXISTING STRUCTURES WHERE CONNECTION TO THE SYSTEM IS DESIRED BY ALL PARTIES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has regularly reviewed and amended article II, chapter 24 to improve service to its customers and ensure sustainability of the Utility Operations; and

WHEREAS, the City has determined that it is in its best interest to modify the provisions of chapter 24 as they relate to the timing of collection of the impact fees; and

WHEREAS, for properties that are not associated with a new private construction or development project or a related to a formal collection system expansion project initiated by the City, the City has determined that it is both environmentally and economically beneficial to encourage connections to the City’s sanitary sewer system by providing a payment option to those property owners who desire service; and

WHEREAS, the City’s service area extends beyond its corporate limits and has limited authority in enforcing the State requirements that mandate connection to sanitary sewer systems and wishes to make such connections more affordable and a desirable option for those properties adjacent to City collection pipelines; and

WHEREAS, the Florida Supreme Court has recognized the special benefit of having utilities available to properties; and

WHEREAS, it is by the public’s interest to amend an appropriate local regulation; and

WHEREAS, this ordinance is effective upon approval.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW PORT RICHEY, FLORIDA:
Sec. 24-28. - Development impact fee.

• (c)

Time of payment. This development impact fee may be paid by owners of existing structures in full or over a period of five (5) years with interest of five (5) percent amortized monthly with such monthly payment included in the customer’s monthly utility bill when the connection is not included in a system expansion project for which the remaining provisions of this code will apply. This option is a standalone exception and can be available without city council action required and is available as an incentive to increase compliance with state mandates to transition septic system users to sanitary sewer in areas where such connections can be made to existing infrastructure. All legal conditions of this section will however still apply and all other provisions are not applicable to this special exception.

This development impact fee for new construction or for those existing neighborhoods for whom a system expansion by the City has been designed shall be due and payable at the time of the issuance of the sewer and/or building permit by the city on the unit so assessed or may be paid as provided below or in subsection (h), if the project meets the qualifications of either exception.

In the alternative, the city council, upon good cause shown, may finance the payment of impact fees over a period of time, not to exceed five (5) years and with interest at eight (8) percent. The granting of this alternative by city council may be made by resolution which shall include the terms and condition of the financing plan listed below in subsection (c)(1) through (6) and a finding that the applicants' have met the conditions set forth in subsection (f) below. The financing plan shall include the following terms and conditions:

(1)

Each owner electing this alternative to lump sum payment shall enter into a written financing agreement with the city, which agreement shall be recorded in the public records of the county and shall include the terms and conditions found in subsections (e), (f) and (g) of this section.

(2)

The owner shall pay the recording fee current at time of filing of the agreement for recordation of the financing agreement.

(3)

Payments for the impact fee shall be made by the owner annually, on or before December 31 of each calendar year which payments shall be divided equally and shall include eight-five (85) percent interest on the unpaid balance, provided, however, partial prepayment of the unpaid balance is prohibited. Each agreement shall include a payment and amortization schedule. The owner shall be responsible for payments to the city without further notice.

(4)

Until the financing agreement has been satisfied in full, the unpaid balance shall be and constitute a lien upon the real property which has been connected to the city's sewer system, and such lien shall run with the land binding any grantee, assignee, heirs, successors or personal representatives of the owner, provided, however, that the unpaid balance shall be due upon the sale or transfer of the real property.

(5)

When the installment agreement has been satisfied in full, the city shall prepare and deliver to the owner a receipt of full payment of impact fee and satisfaction of terms of the financing agreement and the owner shall be responsible for filing the same in the public records of the county.
Terms and conditions of late payments and associated fees may be added to the financing agreement by resolution.

(7) In the event any clause, phrase, sentence, subsection, section or paragraph of the written financing agreement is determined by court of competent jurisdiction to be invalid or void as written or as applied, the remaining agreement shall not be affected thereby and shall remain in full force and effect as if that clause, phrase, sentence, subsection, section or paragraph was not a part of the original financing agreement.

(f) **Conditions for granting impact fee financing.** Prior to granting the financing of impact fee, the city council must find:

(1) That the project is an involuntary special assessment project for existing structures;

(2) That the financing plan is applied equally to all similarly situated property owners;

(3) That the financing plan is for the minimum amount of time as the council determines may justify its need for revenue to finance the necessary expansion caused by the project, while not adversely affecting the property owners;

(4) That the financing plan will not adversely affect the city's intended expansion or in the alternative that the city council make necessary adjustments in its budget to compensate for the change in its income stream;

(5) That the financing plan will not adversely impact the city's bonded obligations;

(6) That a substantial hardship on the part of a majority of the property owners within the special assessment project exists due to the costs of the project, impact fees and associated costs; and

(7) That the city council may call the monies due and payable with ninety (90) days' written notice upon a showing that funding is necessary for the city's financial well-being or for the funding of an expansion made immediately necessary by the addition to the city's system of the property owners.

• (g) **Failure to make payment in accordance with the financial plan.** In the event a property owner fails to make payment or comply with the conditions in accordance with the written financing agreement, the city council may declare the unpaid balance immediately due and payable and may collect the amount due through legal proceedings including foreclosure upon the property. The city, if required to instigate legal proceedings to collect the money, shall also be entitled to attorneys' fees and court costs associated with the proceedings.

(h) **Relief from the full payment of impact fees prior to issuance of the sewer and/or building permit shall be granted upon the following conditions:**

(1) The permit for new construction is for affordable housing designed for low or very low income individuals;

(2) The permittee qualifies as a 26 USC 501(c)(3) organization;
(3) The permittee requests relief and submits proof of its entitlement to the requested relief;

(4) The permittee pays one-half (½) of the amount due for impact fees prior to issuance of the permit.

(5) The permittee signs an agreement to pay the remaining one-half (½) of impact fees within ninety (90) days of commencement of construction, but in no event, shall payment be made later than one (1) year from issuance of the permit;

(6) This relief is nontransferable and nonassignable.

If full payment of the impact fee is not made within ninety (90) days of commencement of construction, no certificate of occupancy will be issued for the structure until payment has been made. In the alternative, the city may seek collection of impact fees in circuit court or county court as appropriate.

The above and foregoing Ordinance was read, approved on first reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida, the 7th day of July, 2015.

The above Ordinance was read and approved on second reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida, the 21st day of July, 2015.

ATTEST/SEAL: CITY OF NEW PORT RICHEY, FLORIDA

______________________________
Doreen Summers, City Clerk

______________________________
Rob Marlowe, Mayor - Councilmember

APPROVED AS TO LEGAL FORM AND CONTENT

BY

______________________________
Joseph Poblick, City Attorney

Page 4 of 4 pages
TO: City of New Port Richey City Council
FROM: Robert M Rivera, Public Works Director
DATE: 7/21/2015
RE: Architectural Services Task Order 3: 2014/15 Streetscape Improvements Project, Madison Street from Main Street to Massachusetts Avenue

REQUEST:
The request of staff for City Council is to review and consider for approval Task Order No. 3 from Terra Tectonics Design Group, Inc. for architectural services in the amount not to exceed $41,300.00 for the proposed 2014/2015 Streetscape Improvement Project.

DISCUSSION:
As Council may recall, this project was approved for design in the City's 2014/2015 Capital Improvement Program. The project scope of work ties into the City's existing Downtown Streetscape at Main Street and heads north on Madison Street to Massachusetts Avenue. Elements of the proposed project include the removal and replacement of the existing sidewalk, hardscaping, landscaping, decorative lighting, as well as amenities similar to the City's existing Downtown Streetscape areas.

This task order includes preliminary design and survey, final design, permitting assistance, bid services, and limited construction services which include record drawings.

RECOMMENDATION:
Approval of task order No. 3 is recommended.

BUDGET/FISCAL IMPACT:
Funds for this project are identified as Penny for Pasco tax dollars in the City's current Capital Improvement Program.

ATTACHMENTS:

<table>
<thead>
<tr>
<th>Description</th>
<th>Type</th>
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<td>Backup Material</td>
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<tr>
<td>Project Site Map</td>
<td>Backup Material</td>
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</tbody>
</table>
TASK ORDER NO. 3

SCOPE OF SERVICES AND FEE PROPOSAL

2014/2015 - STREETSCAPE IMPROVEMENTS - MADISON ST. MAIN ST. TO MASS. AVE. PROJECT
CITY OF NEW PORT RICHEY

I. PROJECT SCOPE

Description:

The CITY has requested Terra Tectonics Design Group, Inc. (ARCHITECT) to assist the CITY in the design and expansion of the existing streetscape Downtown on Madison St. from Main St. to Massachusetts Ave. The proposed project scope of services include the installation of a proposed six (6') concrete sidewalk with decorative pavers, street light installation, hardscaping, landscape and irrigation improvements in the area. To accomplish the needed improvements, the ARCHITECT will provide authorized professional services to the CITY for the design, permitting assistance, bidding services, and construction phase services associated with the installation of the hardscaping and landscape including irrigation improvements to the green areas of the project.

Mr. Jonathan Toner will serve as the ARCHITECT’S project manager on this task order for the duration of the scope of services. The ARCHITECT 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 sub-consultant services; necessary scheduling of design and construction activities; and attendance at monthly project meetings (as requested) with the CITY. The progress of the project will be discussed with the CITY’s designated project manager during each regular monthly project status meeting at the Public Works Building and/or the scheduled on-site construction meetings, and as necessary throughout the remaining life of the project. A written summary of the project status and completed tasks will be provided with each invoice submitted by the ARCHITECT.

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 ARCHITECTURAL SERVICES

Prior to final design, the ARCHITECT will gather background information needed to complete the final design and support permit applications. The ARCHITECT will become familiar with the road system drawings and relevant reclaimed system maps and data from the CITY.

These maps and data will be evaluated with a specific emphasis on determining the optimum alignment for any reclaimed piping installations and locations for piping interconnections to the existing reclaimed water system. The ARCHITECT will make site visits to further our understanding of both the existing facilities and potential improvements. The ARCHITECT will also review plans, specifications, record drawings, system maps, etc. for the existing reclaimed mains. These documents will provide information useful in the determination of potential interconnection points, pipe sizes, pipe locations, and other hydraulically significant features that might impact the design.

The ARCHITECT will coordinate with a licensed professional surveyor to provide a topographic, right-of-way, and utility survey of the proposed reclaimed water main alignment for each location. The survey will include information from the western point right of way of Madison St. from Main St. to Madison St. The road locations will include survey information from road centerline to right-of-way. The survey will be prepared using Florida State Plane West, NAD 83 coordinate system.
The ARCHITECT's preliminary scope will include the following:

- Assemble available City reclaimed & Potable water system map and utilities record drawings.
- Coordinate and obtain a survey of the project areas.
- Identify existing Pasco County Public Transportation Bus Stop locations along Madison St.
- Identify and incorporate into the design proposed PCPT bench types and locations with input from City Staff.
- Identify and incorporate into the design decorative streetlight locations and installations.
- Incorporate into the design an appropriate low volume irrigation system using reclaimed water for the green areas of the project.

2.0 FINAL DESIGN

Once the preliminary design and planning activities are completed, the ARCHITECT will prepare detailed construction documents for the conceptualized facilities and furnish appropriate numbers of sets to the CITY for review. The final documents will be suitable for establishing a construction contract for the project while being in sufficient detail to permit construction by the contractor.

The ARCHITECT's final design scope will include the following:

- Prepare and submit copies of construction drawings at designated project completion milestones (60%, 90%, and final) for review, comment, and approval by the CITY. The construction drawings will include construction notes, plan sheets at appropriate scale for legible interpretation, and standard utility details. Four (4) copies of construction drawings will be provided in 11”x17” size at each submittal stage.

- Attend design review meetings at the specified design intervals with the CITY. It is anticipated that there will be no more than four (4) design review meetings prior to project bidding.

- Prepare front-end bidding documents and technical specifications for the final design documents.

- Prepare a complete tabulation of material quantities and corresponding final estimate of probable construction cost, based upon experience with similar work in the area.

3.0 PERMIT ASSISTANCE

The ARCHITECT will prepare and submit the permit applications, including associated sketches, drawings, and related incidental information required for submittal, necessary to perform the proposed hardscaping, landscape and irrigation pipe installation activities as included on the final design documents. It is anticipated that the following permit application will be required as part of this Task Order:

- SWFWMD ERP Exemption Letter

The ARCHITECT will provide routine follow up services in support of the permit applications by attending meetings, making field visits, responding to questions, etc. It is anticipated that no wetland impacts are required as part of these piping installation activities.
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.

4.2 Document Sale: Upon advertisement of the Contract and initiation of the bidding process, the ARCHITECT will provide a compact disc to the CITY which contains the Contract Documents and Construction Plans in PDF and AutoCAD format. The ARCHITECT will subsequently be responsible for sale of the bid documents to the interested bidders/parties upon request.

4.3 Pre-Bid Meeting: Upon scheduling of the Pre-Bid Meeting by the CITY, the ARCHITECT will coordinate with the CITY to develop the proper meeting agenda. The ARCHITECT will be directly involved in the meeting communications and adequately describe the project specifics to the attending bidders/parties. The ARCHITECT 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 ARCHITECT will communicate with the interested bidders/parties during the time period between contract advertisement and bid submission. The ARCHITECT will assist the CITY in preparing the required advertisement for bids, attend the bid opening, review bids, prepare a bid tabulation and make recommendations regarding the award of the construction contract.

5.0 SERVICES DURING CONSTRUCTION

5.1 Pre-Construction Meeting: Upon award of the construction contract, the ARCHITECT will assist the CITY during the construction phase by attending the pre-construction conference.

5.2 Work Recommendations: The ARCHITECT will communicate with the CITY and contractor throughout the construction phase and respond to any construction or design issues that are conveyed by either party. The ARCHITECT will interpret the plans and specifications for the contractor and assist with resolution of construction difficulties encountered. If warranted, the ARCHITECT 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 equipment/material submittals to the ARCHITECT and obtain approvals prior to installing the materials. The ARCHITECT will review these submittals per the contract and return them to the CITY and contractor for subsequent processing.

5.4 Construction Observation/Field Services: It is anticipated that the construction of the Streetscape Improvements Construction Project is to be started in November of 2015 and that the construction duration will be four (4) months, The ARCHITECT will conduct periodic site visits to observe the work in progress, especially during periods of major construction, and consult with the CITY’s inspector to monitor conformance with the contract documents. An average field observation time of four (4) hours per week has been estimated by the ARCHITECT throughout the primary four (4) month period of the construction phase. It is anticipated that on-site observation of the work in progress will be conducted with assistance from the CITY’s inspections staff at intervals necessitated by the contractor’s schedule, capabilities and effectiveness, and as required to provide final regulatory certification. The ARCHITECT will assist the CITY with operational questions associated with acceptance of the completed project.
It is anticipated that the ARCHITECT will observe the following activities in the field, at a minimum:

- hydrostatic pressure/leakage testing
- routine materials installation
- connections to existing utilities
- applicable testing procedures.

5.5 **Record Drawings:** Upon receipt of the as-built drawings and survey information from the contractor, we will provide signed and sealed record drawings along with the project certification documents to the CITY. The record drawings will also be included on the CITY’s master drawing file. The record drawing submittal will include two complete sets of paper drawings (22"x34"), two complete sets of paper drawings (11"x17"), one compact disc with the complete set of drawings in AutoCAD file format, one separate compact disc with the complete set of drawings in PDF file format, and one compact disc with both file formats.

5.6 **Project Closeout:** In order to properly close out the project, it is anticipated that the ARCHITECT 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 ARCHITECT 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:

- Basis of Design Memorandum
- Updated Design Drawings, as necessary, at project completion milestones
- Final Design Drawings
- ARCHITECT’s Opinion of the Probable Construction Cost
- Certificate of Substantial Completion
- Recommendation for Final Payment
- Record Drawings & CD’s

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 staff for on-site observation for the duration of the construction phase.
IV. ARCHITECT’S COMPENSATION

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

<table>
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<th>Description</th>
<th>Amount</th>
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<tr>
<td>1</td>
<td>PRELIMINARY DESIGN &amp; SURVEY</td>
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<td>2</td>
<td>FINAL DESIGN</td>
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<td>3</td>
<td>PERMIT ASSISTANCE</td>
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<td>4</td>
<td>BID SERVICES</td>
<td>$3,600.00</td>
</tr>
<tr>
<td>5</td>
<td>SERVICES DURING CONSTRUCTION</td>
<td>$3,600.00</td>
</tr>
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</table>

TOTAL DO NOT EXCEED AUTHORIZATION $41,300.00

V. ADDITIONAL SERVICES REQUIRING AUTHORIZATION IN ADVANCE

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

VI. PROJECT SCHEDULE

The ARCHITECT will begin the activities described herein within two weeks of receiving written notice to proceed. The estimated project schedule is outlined as follows:

<table>
<thead>
<tr>
<th>Task</th>
<th>Weeks to Complete After Notice to Proceed Issued</th>
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</thead>
<tbody>
<tr>
<td>Preliminary Architectural Services</td>
<td>4</td>
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<tr>
<td>CITY Review</td>
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<td>Permitting</td>
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<tr>
<td>Construction Phase</td>
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</tbody>
</table>
TASK ORDER NO. 3

2014/2015 - STREETSCAPE IMPROVEMENTS MADISON ST. MAIN ST. TO MASSACHUSETTS AVE.
PROJECT

Terra Tectonics Design Group, Inc.

A. SCOPE OF SERVICES – The City of New Port Richey hereby authorizes the firm of Terra
Tectonics Design Group, Inc. to perform the specific services summarized on the attached statement entitled
TASK ORDER NO. 3, 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. 3, SCOPE OF SERVICES AND FEE PROPOSAL.

C. KEY PERSONNEL – Terra Tectonics Design Group, 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 Terra Tectonics Design Group, 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: Jonathan
Toner.

D. COMPENSATION – Professional fees for this authorization will be lump sum in accordance with
the REGISTERED LANDSCAPE ARCHITECT INCLUDING CAPITAL PROJECT CONSULTING
SERVICES AGREEMENT with the City of New Port Richey, dated March 6, 2015.

E. ACCEPTANCE – By signature hereon, the parties each accept the provisions of this TASK ORDER
NO. 3, 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:

________________________________________________________

Attest:

________________________________________________________

City Clerk

TERRA TECTONICS DESIGN GROUP, INC.

Date 7.21.2015

CITY OF NEW PORT RICHEY, FLORIDA

Mayor

Date
TO: City of New Port Richey City Council
FROM: Robert M Rivera, Public Works Director
DATE: 7/21/2015
RE: 2014/2015 Street Improvement Project Task Order No. 34B: Engineering Services Addition

REQUEST:
The request of staff for City Council is to review and consider for approval Task Order No. 34B from the Genesis Group for engineering services in the amount not to exceed $67,075.00 for roadway improvements of Madison St. from Massachusetts Ave. to Cecelia Dr.

DISCUSSION:
The Genesis Group executed an agreement with the City to perform the 2014 Roadway Needs Assessment. Outlined in the needs assessment report was an engineer's priority recommendation that the City address road improvements on all of its collector roads where practical. Collector roads have a higher average of daily traffic and traffic loads than residential roads. These characteristics create an increased deterioration rate than residential roads on average. The completion of roadway improvements on collectors roads subsequent to residential roads has been recognized to benefit the greatest number of residents.

As Council is aware, the new local option gas tax (LOGT) proceeds received by the City are based on the Capital investment incurred by the City annually on Street Improvements. Financial review of the street improvement fund identified adequate funds for the additional engineering services and construction phase cost and finally, by adding the Madison St. improvements to the current design phase of the 2014/2015 Street Improvement Project creates an economy of scale cost benefit as there is no redundancy in the bidding phase or mobilization fees for survey work or construction work.

RECOMMENDATION:
Approval of Task Order No. 34B in an amount not to exceed $67,075.00 is recommended.

BUDGET/FISCAL IMPACT:
Funds for this project are available in the City's Street Improvement Fund (701).

ATTACHMENTS:

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<td>Site Map</td>
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</tbody>
</table>
June 26, 2015
Revised June 30, 2015

Mr. Robert Rivera
Public Works Director
City of New Port Richey
6132 Pine Hill Road
New Port Richey, Florida 34668

RE: CITY OF NEW PORT RICHEY
2015 STREET PROGRAM (EXPANDED)
GGI# 5565-034B

Dear Mr. Rivera:

Pursuant to your request, Genesis has prepared a proposal to expand the 2015 Street Program to include Madison Street from Massachusetts Ave. to Cecelia Dr. This additional street will be added to construction drawings currently being prepared by Genesis as an add/alternate bid item. It is understood that the expanded scope will be designed and bid together with the “2015 Street Program” (Task Order 5565-034) as a single project. Additionally, if the City elects to accept the add/alternate bid this supplemental construction will be conducted concurrently with the “2015 Street Program” and construction services for the composite project will be performed as a single homogenous project (i.e. one pre-construction meeting, one set of record drawings, etc.). Both this expanded scope and the base 2015 Street Program are understood to be funded by a General Revenue account, therefore, preparation of property ownership roll and assessment assistance is not included. Enclosed, please find Attachment “A” – Scope of Services and Attachment “B” – Compensation.

In accordance with our current Contract and upon final Task Order authorization by the City Council, we are prepared to commence this work immediately. Thank you for the opportunity to be of service to the City of New Port Richey.

At your service,

GENESIS

[Signature]

David B. Fleeman, P.E., LEED® AP BD+C
Project Manager
ATTACHMENT A

SCOPE OF SERVICES
NEW PORT RICHEY 2015 STREET PROGRAM (EXPANDED)
TASK ORDER 5565-034B

I. Base Drawing Preparation – The CONSULTANT will utilize publicly available Geographic Information System (GIS) resources to develop an aerial based ‘base’ drawing file. Genesis staff will then walk the right-of-way corridors with the base drawings making notations of damaged pavement areas, measuring key elements (i.e. lengths of areas requiring patching, driveway widths, etc.), and supplementing the plans with pertinent field observations.

II. Resurfacing Construction Plans – The streets to be resurfaced (Table 1) may include four (4) types of construction:
   A. Overlay existing pavement with asphaltic concrete surface course, including leveling course.
   B. Mill the existing pavement surface and replace with new asphaltic concrete surface course on the existing base course.
   C. Saw cut and remove designated deteriorated patched areas, fill with leveling course, and overlay entire street section with asphaltic concrete surface course.
   D. Remove and replace damaged sidewalk areas. Remove and replace damaged concrete flumes and/or storm inlet throats. (Scope does not include extending limits of the sidewalk network [i.e., filling in missing gaps] or extension of the drainage system).

   Construction plans for the street to be resurfaced will include a location map/plan view, typical sections, and standard details. Includes meetings with City staff as requested.

III. Geotechnical – The CONSULTANT may secure the services of a geotechnical consulting firm to provide a limited amount of subsurface investigation for design purposes. These services will be limited to conducting core samples of existing pavement to determine surface and base thickness (approximately 10 core samples distributed throughout the project limits).

IV. Bidding Assistance – Prepare construction contract documents (plans and specifications) and addenda for issuance by the CITY and provide bidding assistance as needed by City staff. Furnish one (1) set of contract documents to the CITY for its use during the bidding process.

   The CITY will distribute all construction documents and addenda, and maintain an up-to-date Bid Document Register.

V. Construction Contract Administrative Support Services

   Site visits by the CONSULTANT are to provide limited construction observation services to determine if the construction is proceeding in substantial accordance with the contract documents. The site visits include an average of two (2) per week by the CONSULTANT.

   The CONSULTANT shall not be responsible for construction means, methods, techniques, sequences, procedures, or for safety precautions and programs in connection with the work and shall not be responsible for the Contractor’s failure to carry out the work in accordance with the contract documents.

   Review the Contractor’s monthly interim pay requests.
Project Closeout:

1. Attend a final inspection with the CITY after the substantial completion of the project. The CITY to prepare a list of items (“punch list”) for correction of completion by the Contractor.
2. Attend a final re-inspection with the CITY to verify that the “punch list” items have been satisfactorily completed, and recommend final payment if appropriate.
3. Receive and review for completeness as-built information furnished by the CONTRACTOR and submit to the CITY a set of electronic record drawings.

VI. Miscellaneous Services

A. Meetings and Project Coordination – Attend meetings with the City Attorney and City Council, and others as requested by the CITY.

VII. Additional Services

A. Additional Services – The performance of additional survey and engineering services not specifically included in this Agreement will be provided as requested and authorized by the CITY.

B. The Client will provide the following:

1. Review and permit processing fees.
2. Contract directly with a materials testing firm for construction phase testing.

TABLE 1

<table>
<thead>
<tr>
<th>Distance (ft.)</th>
<th>Street</th>
<th>Beginning</th>
<th>End</th>
</tr>
</thead>
<tbody>
<tr>
<td>9,450</td>
<td>Madison</td>
<td>from</td>
<td>to</td>
</tr>
<tr>
<td></td>
<td>Street</td>
<td>Massachusetts Ave.</td>
<td>Cecelia Dr. *</td>
</tr>
<tr>
<td>9,450</td>
<td>TOTAL</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* Excluding bridge section over river
ATTACHMENT B

COMPENSATION
NEW PORT RICHEY 2015 STREET PROGRAM (EXPANDED)
TASK ORDER 5565-034B

1. Time Charge Estimate

The Client agrees to compensate the CONSULTANT for the professional services called for under Attachment A to this Agreement according to the “Multiplier Method” described in paragraphs 9(a) through 9(e) of the current Agreement for Professional Engineering and Consulting Services dated December 17, 2013.

<table>
<thead>
<tr>
<th>Service Description</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Base Drawing Preparation – Item I</td>
<td>5,400.00</td>
</tr>
<tr>
<td>Construction Plan Preparation – Items II</td>
<td>38,200.00</td>
</tr>
<tr>
<td>Bidding Assistance – Item IV</td>
<td>No Charge</td>
</tr>
<tr>
<td>Construction Administration services – Item V</td>
<td>16,775.00</td>
</tr>
<tr>
<td>Meetings – Item VI(A)</td>
<td>2,600.00</td>
</tr>
<tr>
<td>Additional Services – Item VII(A)</td>
<td>To Be Determined</td>
</tr>
</tbody>
</table>

Subtotal $62,975.00

2. Cost Plus Estimate

The City agrees to compensate the CONSULTANT for the services identified in Attachment A to this Agreement on an actual cost plus ten percent (10%) for the following:

<table>
<thead>
<tr>
<th>Service Description</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reimbursable Expenses (printing, mileage, etc.) – Item VII(A)</td>
<td>2,500.00</td>
</tr>
<tr>
<td>Outside consultants (such as geotechnical) – Item III</td>
<td>1,600.00</td>
</tr>
</tbody>
</table>

Subtotal $4,100.00

TOTAL $67,075.00

*Total Compensation shall not exceed the aggregate of the above estimates ($67,075.00) without additional authorization.

ACCEPTED BY

CITY OF NEW PORT RICHEY

Rob Marlowe
Mayor

Date

MAKESH

David B. Fleeman, P.E.
Project Manager

Date

GENESIS

Doreen Summers
City Clerk

Date

Bruce T. Kaschyk, AICP
Senior Vice President
Tampa Division Manager
Madison Street Road Improvements
Massachusetts Ave to Cecelia Dr
TO: City of New Port Richey City Council
FROM: Robert M Rivera, Public Works Director
DATE: 7/21/2015
RE: 2014/2015 Hemlock Dr. Water Main Replacement Project Close-Out

REQUEST:
The request of staff for City Council is to review and consider for approval the Final Deductive Change Order in the amount of ($50,037.80) and the Final Pay Request in the amount of $14,942.47 from Dallas 1 Construction and Development for the completion of the 2014/2015 Hemlock Dr. Water Main Replacement Project.

DISCUSSION:
As Council may recall, this project was the result of several low pressure complaints by residents along Hemlock Dr. in the Heights Neighborhood north of Marine Pkwy. Staff identified an existing two inch galvanized water main that had deteriorated beyond its useful life. A six inch replacement water main was installed, valves for system isolation, a fire hydrant, and new services to supply the 33 residential properties with adequate pressure and fire protection.

RECOMMENDATION:
Approval of the final deductive change order and final pay request are recommended.

BUDGET/FISCAL IMPACT:
Funds for this project are identified in the City's current Capital Improvement Program under Misc. Water Main Improvements and are available in the Water and Sewer Revenue Fund. The approved not to exceed contract amount for this project is $172,552.50. The final cost for the project is $122,514.70 which resulted in a savings of $50,037.80.

ATTACHMENTS:
<table>
<thead>
<tr>
<th>Description</th>
<th>Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Deductive Change Order</td>
<td>Backup Material</td>
</tr>
<tr>
<td>Final Pay Request</td>
<td>Backup Material</td>
</tr>
</tbody>
</table>
CONTRACT MODIFICATION
(FINAL CHANGE ORDER-DEDUCTIVE)

Contract Modification No.: 1                        Date: 06/30/2015

Project Name: 2014-Hemock Water Main Upgrades       Project No: 08032

Owner: City of New Port Richey, City Council

Contractor: Dallasl Construction & Development

Engineer: C & D Engineering, Inc

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

<table>
<thead>
<tr>
<th>Contract Amount</th>
<th>Contract Time (Cal. Days)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Original Contract Amount</td>
<td>$ 172,552.50</td>
</tr>
<tr>
<td>Previous Change Orders (Add/Deduct)</td>
<td>$ 0.00</td>
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<tr>
<td>This Change Order (Deduct)</td>
<td>$ (50,037.80)</td>
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<tr>
<td>Revised Contract Amount</td>
<td>$ 122,514.70</td>
</tr>
<tr>
<td>Original Duration</td>
<td>90 Days</td>
</tr>
<tr>
<td>Previous Change Orders (Add)</td>
<td>0 Days</td>
</tr>
<tr>
<td>This Change Orders (Add)</td>
<td>0 Days</td>
</tr>
<tr>
<td>Revised Contract Time</td>
<td>0 Days</td>
</tr>
</tbody>
</table>

The Final Contract Completion Date is: May 29, 2015

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

Recommended By:

Engineer_________________________________      Contractor_________________________________
By: NA                                    By: __________________________
Title__________________________________________Title___________________________________________
Date__________________________________________Date: __________________________

Public Works Director_________________________    Project Manager/Inspector_____________________
By: ____________________________                  By: __________________________
Date: ____________________________                Date: __________________________
CITY OF NEW PORT RICHEY, FLORIDA
CONTRACTOR'S APPLICATION FOR PAYMENT

Bid No. __________________________ Date 6/24/2015
Application Period From March 1, 2015 To ____________
Project Name 2014 Hemlock Dr. Watermain Upgrade
Account Number __________________________ Phone No. 727-841-4568
Owner: City of New Port Richey Phone No. ________________
Engineer: __________________________ Phone No. 813-966-1922
Contractor: Dallas 1 Construction and Development

Contract Data
Bids Received
Contract Start Date 1/8/2015
Notice to Proceed: 1/5/2015
Calendar Days for Completion 90
Original Completion Date
Days Extension to Date 0
New Completion date 4/5/2015

Change Orders
No. _____ Date _____ Time _____ Amount _____
No. _____ Date _____ Time _____ Amount _____
No. _____ Date _____ Time _____ Amount _____

Summary of Project Status
Original Contract Amount $ 172,552.50
Adjustments to Date $ -
Revised Contract Amount $ 172,552.50
Percentage Complete ($) 71.00%
Percentage Complete (Time) 191.95%
Percentage Complete (Work) 71.00%
Total Work Completed $ 122,514.70
Material Stored on Site $ -
Total Earned to Date $ 122,514.70
Less Retainage 0%
Balance $ 122,514.70
Amount Due this Period $ 107,572.23
Less Previous Payments $ -
$ 14,942.47

CERTIFICATION OF CONTRACTOR
According to the best of knowledge and belief, I certify that this is a true and correct statement of work performed and materials delivered for the applications period stated above. I further certify that the Contractor has good title for all materials delivered under this Application for Payment, and there are no vendor liens, or other liens or rights to liens against this project, and that all previous payment requests received under this Contract have been applied to discharge in full all of the Contractor's obligations reflected in prior Applications for Payment, and that hourly wages paid to all employees on this project for the period of this Application are in accordance with the requirements of the Contract Documents.

Submitted for Payment:

Dallas 1 Construction and Development
By: __________________________
(name)
Signature: __________________________
(Print or type)
Date: 6-29-15

Recommended for Payment:

City of New Port Richey
By: __________________________
(name)
Signature: __________________________
(Print or type)
Date: 7-11-15

Approved for Payment:

City of New Port Richey
By: __________________________
(name)
Signature: __________________________
(Print or type)
Date: 07/01/2015

Page 86
<table>
<thead>
<tr>
<th>Date</th>
<th>Hour</th>
<th>Minutes</th>
<th>Annual Total</th>
<th>Percentage</th>
<th>Total Cost</th>
<th>Contracted to Date</th>
<th>Completed This Month</th>
<th>Completed Previously</th>
<th>% Completed</th>
<th>Total Cost</th>
<th>Item No.</th>
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<tbody>
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<tr>
<td>00'03:00</td>
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<td>$ 3</td>
<td>3</td>
</tr>
</tbody>
</table>

**Note:** The table above details the progress of a project over time, with dates, hours, minutes, and cost increments. Each row represents a specific date and associated costs. The percentage completed, total cost, and contract status are also indicated. This information is useful for tracking project milestones and budgeting.
<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Quantity</th>
<th>Unit Cost</th>
<th>Total Cost</th>
<th>% Complete</th>
<th>Completed This Month</th>
<th>% Complete This Month</th>
<th>Estimated Cost</th>
<th>Standard Value</th>
<th>Total Cost &amp; Finish Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Equipment 1</td>
<td>100</td>
<td>$100</td>
<td>$10,000</td>
<td>50%</td>
<td>5,000</td>
<td>50%</td>
<td>$20,000</td>
<td>$15,000</td>
<td>10,000</td>
</tr>
</tbody>
</table>

**Total Cost of Columns:**

- **$10,000**
- **$11,000**
- **$12,000**
- **$13,000**
- **$14,000**
- **$15,000**
- **$16,000**
- **$17,000**
- **$18,000**
- **$19,000**

**Notes:**

- Item 1: Equipment 1
- Item 2: Equipment 2
- Item 3: Equipment 3

**Contact:**

- Project Manager: John Doe
- Phone: 123-456-7890

**Approval:**

- Approved by: Jane Smith
- Date: October 31, 2023
TO: City of New Port Richey City Council
FROM: Debbie L. Manns, City Manager
DATE: 7/21/2015
RE: Amendments to Section 6.17 of the Personnel Rules and Regulations Human Resources Policy Manual Regarding the City’s Drug-Free Workplace Policy

REQUEST:
The request is for the City Council to approve amendments to Section 6.17 of the Personnel Rules and Regulations Human Resources Policy Manual regarding the City’s Drug-Free Workplace Policy.

DISCUSSION:
On November 19, 2013 the City Council approved the adoption of the revised Personnel Rules and Regulations Human Resources Manual. At the time that the manual was adopted, the policy on drugs and alcohol in the workplace was not up to date with Florida law. The purpose of bringing this section to you at this time is to bring the policy into compliance with the current Florida Statutes and Department of Transportation testing requirements. The City Attorney has diligently worked on the proposed amendments to ensure the policy is in compliance. Therefore, Section 6.17 of the Personnel Rules and Regulations Human Resources Manual has been amended in its entirety and the attached document shall supersede any and all references or related policies to drugs and alcohol currently found in the Manual.

RECOMMENDATION:
Staff requests City Council approve the amendments to Section 6.17 of the Personnel Rules and Regulations Human Resources Policy Manual as submitted.

BUDGET/FISCAL IMPACT:
No funding is required for this item.

ATTACHMENTS:

<table>
<thead>
<tr>
<th>Description</th>
<th>Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 6.17 of the Personnel Rules and Regulations Human Resources Policy Manual Regarding the City’s Drug-Free Workplace Policy</td>
<td>Backup Material</td>
</tr>
</tbody>
</table>
The City of New Port Richey is committed to providing a drug-free/alcohol-free workplace and a safe work environment for employees, guests, our community, and the public. In order to maintain the highest standards of morale, productivity, and safety in our operations, the City has established this drug-free and alcohol-free workplace policy, in accordance with the provisions outlined in Section 112.0455 and Section 440.102, Florida Statutes. This policy applies to all employees, including temporary employees. The City’s policy and the requirements of the Statutes are outlined below.

It is the City’s policy that employees present themselves for duty free of the influence of illegal drugs, controlled substances, or other intoxicants. The use of illegal drugs and the abuse of alcohol by City employees constitute a danger to the employee, fellow employees, and the general public. The use, sale, or possession of an illegal drug or alcohol in the workplace may negatively affect the City’s efficiency in providing service to its citizens and can have an adverse impact on how the public perceives the City and its employees.

For the purpose of this section, “illegal drug” means any narcotic, barbiturate, marijuana, central nervous system stimulant, hallucinogen, cocaine, or any controlled substance as defined by Section 893.03, Florida Statutes, as amended from time to time, not possessed or used in accordance with a lawful prescription.

The use, consumption, possession, distribution, manufacture, or being under the influence of illegal drugs or alcohol by employees while performing job duties for the City is prohibited.

Employees are prohibited from possessing, using, distributing, or being under the influence of alcohol while on the job—including breaks and meal breaks.

The use, consumption, possession, distribution, or sale of illegal drugs, whether on or off duty, is prohibited as it may affect on-the-job performance and the confidence of the public in the City’s ability to provide services and meet its obligations.

If an employee has knowledge of the use and/or presence of alcohol or illegal drugs in the workplace, he should immediately report this information to his supervisor or to the Human Resources Division. Reports, complaints, and investigations will be kept confidential to the extent permitted by law.
Sworn law enforcement personnel who are acting within the scope of their employment are permitted to possess illegal drugs for specific job assignments. Such personnel shall be responsible for the accountability and proper disposition of illegal drugs as directed by Police Department rules and statutory regulations.

Employees are required to report the use of over-the-counter medications or prescription drugs to their department director if the medication may impair their ability to perform their jobs; e.g., operating vehicles/equipment, public safety, etc.

In the event the City discovers a violation of this drug or alcohol policy, or if the City discovers an alcohol-related problem that adversely affects or may adversely affect the employee's performance in conducting City business, the City, at its option and consistent with applicable law, may proceed to discipline the employee up to and including discharge, or at the City's option, require the employee to undergo approved medical or rehabilitative assistance. The employee will be responsible for all expenses resulting from the treatment or rehabilitation to the extent they are not covered by insurance. In the event the City requires the employee to participate in the Employee Assistance Program (EAP), the EAP provider will keep the City fully advised with respect to the employee's participation and medical condition.

The City of New Port Richey conducts the following types of drug/alcohol testing, in accordance with the provisions of the Florida Drug-Free Workplace Act and Florida Drug-Free Workplace Program requirements (Section 112.0455 and Section 440.102, Florida Statutes, et. seq.) and the United States Department of Transportation regulations governing drivers of commercial motor vehicles, as follows:

- **Applicants for Part-Time, Temporary, or Full-Time Positions:** Applicants (special risk or mandatory testing position) who have been made an offer of employment conditioned upon successfully passing an employment screening examination, will be tested for the presence of illegal drugs, as part of the post-offer of employment physical examination. Candidates who test positive for illegal drugs will not be hired by the City;

- **Reasonable-Suspicion Testing:** The City may require an employee to undergo testing when there is a reasonable suspicion to believe that the employee has possessed, used, distributed, or been under the influence of illegal drugs or alcohol in violation of this policy. A reasonable suspicion is suspicion which is based on facts derived from the surrounding circumstances from which it is reasonable to infer that further investigation is required. A supervisor may suspect that an employee is using or is under the influence of illegal drugs or alcohol by observing certain symptoms or behavior, including, but not limited to:
• Excessive absenteeism or chronic lateness;
• Drowsiness or sleepiness;
• Alcohol on breath;
• Slurred or incoherent speech;
• Unusually aggressive behavior;
• Unexplained change in mood;
• Lack of manual dexterity or coordination;
• Arrest for drug or alcohol related crime;
• Trustworthy information received from a third party.

If suspicious behavior is apparent and is warranting, in the opinion of a supervisor, “reasonable suspicion” drug testing approval must be secured from the City Manager or Human Resources Division prior to the testing.

On-the-Job Injury/On-the-Job Motor Vehicle Collision Testing: Employees who sustain an on-the-job injury (this does not include insect bites and/or stings, snake bites, etc.) which requires referral for professional medical treatment will undergo a Urine Drug Screen at the time medical treatment is administered. Additionally, an alcohol screen may be required, as deemed necessary by the City.

Employees operating a City vehicle involved in a motor vehicle collision in which they are found to be at fault will be tested as follows:

• Drivers of commercial motor vehicles that require a commercial driver license, will undergo drug and alcohol testing in accordance with the Department of Transportation Regulations 382.107 if involved in an on-the-job motor vehicle collision while operating a city vehicle;
• Drivers of non-commercial vehicles will undergo drug and alcohol testing pursuant to Section 112.0455, Florida Statutes, and criteria established by the United States Department of Health and Human Services if involved in an on-the-job motor vehicle collision while operating a city vehicle. This may include: testing of urine, hair, blood and other body specimens that are appropriate for drug and alcohol testing at the time of the accident;
• All testing will be administered immediately following the motor vehicle collision, or as soon as possible. Employees will not be permitted to drive a city vehicle until results from the drug/alcohol screening facility are received and the city is notified of the employee’s cleared status. The employee may return to work prior to the receipt of the results of the drug/alcohol screen but are not allowed to drive or operate a city vehicle.

Routine Fitness-for-Duty Testing: Employees may be drug-tested as part of any routinely scheduled employee fitness-for-duty medical examination.
Follow-up and Return to Duty Testing: Employees who have failed a drug/alcohol test and are permitted by the City to return to work after completing treatment for alcohol or drug abuse will be tested prior to returning to work and will be subject to unannounced follow-up testing on a quarterly, semi-annual, or annual basis for a period up to two years, or for a period of up to sixty months for drivers of commercial motor vehicles (with at least six tests conducted within the first twelve months following return to work).

Additional Testing: Additional testing may also be conducted as required by applicable state or federal laws, rules, or regulations, or as deemed necessary by the City.

When the employee's supervisor has reasonable suspicion of the presence or use of controlled substances or alcohol in the workplace, the following steps will be taken:

- The Department Director and the Human Resources Division will be notified immediately to assist in the investigation;
- The Human Resources Division will notify the Police Department if illegal drugs are found/involved. The City, in coordination with law enforcement, reserves the right to search City property, vehicles, and facilities;
- The employee will be ordered to submit to drug/alcohol screening and will be taken by a supervisor to the testing facility.

Following the drug/alcohol testing at a facility designated by the City, the employee will immediately be relieved of duty pending the results of the test. Depending on the gravity of the circumstances that led to the order for drug/alcohol testing, the employee may be allowed to use vacation, sick leave, or may be suspended without pay until the test results are received. Depending on the outcome of the drug/alcohol screening, the employee may be subject to disciplinary action, including termination, in accordance with the City’s zero tolerance for drug/alcohol abuse; or, at the discretion of the City, offered rehabilitation/treatment through the Employee Assistance Program (EAP) and appropriate agencies, depending on the circumstances, the nature of the employee’s position/duties, the employee’s documented employment record, willingness to undergo treatment, etc.

For those employees who recognize that they have a drug or alcohol abuse problem, confidential assistance is available from the City’s Employee Assistance Program. Information regarding the EAP is available from the Human Resources Division and is posted on City bulletin boards. The EAP can also be contacted to obtain information on additional resources for substance abuse treatment/counseling. However, violation of this policy will not be excused or
condoned because an employee has sought assistance from the Employee Assistance Program.

Drug/alcohol testing is conducted by providers contracted by the City and is performed in accordance with applicable Florida Statutes, Florida Administrative Code provisions, and Federal regulations. All records of drug/alcohol test results are maintained on a confidential basis.

6.17 POLICY ON DRUGS AND ALCOHOL (DRUG-FREE/ALCOHOL-FREE WORKPLACE)

GENERAL POLICY

The City's Drug-Free Workplace Policy is aimed at ensuring zero tolerance to illegal drugs at all times and its alcohol-free policy to zero tolerance under circumstances that affect or might affect the safety and well being of employees, citizens and others, or that adversely affect or might affect the effective operation of City operations. This policy has been implemented in accordance with Sections 440.101 and 440.102, Florida Statutes. The complete policy, including testing requirements, results, violations and reporting is available for review in the Human Resources Division.

PROHIBITIONS

Illegal Controlled Substances. The City prohibits the use, distribution, possession, manufacture, cultivation, sale or attempt to manufacture, sell or distribute illegal controlled substances at any time whether on or off duty and whether on or off City property. Illegal controlled substances are defined by applicable state and federal laws.

Alcohol Abuse. Employees of the City are prohibited from using or possessing alcohol while on duty; while on City premises; while driving a City vehicle; while operating a piece of City equipment; or while being transported in City vehicles at any time. In addition, employees are prohibited from reporting to work under the influence of alcohol and from otherwise using alcohol in a manner at any time which adversely affects or might adversely affect the interests or operations of the City.

Testing. Employees are prohibited from refusing to undergo or cooperate in any alcohol or drug testing required by City policy.

DEFINITIONS
**Mandatory Testing Position.** Mandatory testing position shall mean a job assignment that requires the employee to:

- Carry a firearm;
- Work closely with an employee who carries a firearm;
- Perform life-threatening procedures;
- Work with heavy or dangerous machinery;
- Work as a safety inspector;
- Work with children;
- Work with detainees in the correctional system;
- Work with confidential information or documents pertaining to criminal investigations;
- Work with controlled substances;
- **Job assignments that require an employee to undergo a security background check pursuant to Section 110.1127, Florida Statutes;**
- Work in job assignments in which a momentary lapse in attention could result in injury or death to another person; or,
- Perform safety-sensitive job duties and responsibilities.

**Special Risk Position.** Special risk position shall mean a position that is required to be filled by a person who is certified under:

- Chapter 633 of the Florida Statutes (Fire Prevention and Control); or,
- Chapter 943 of the Florida Statutes (Law Enforcement).

**LEGAL USE OF PRESCRIPTION AND NON-PRESCRIPTION DRUGS**

The legal use of prescription and non-prescription drugs is often necessary. Unless used in accordance with a valid prescription from a medical professional or in accordance with accepted over the counter uses, the City prohibits the use, distribution, possession, manufacture, cultivation, sale or attempt to sell or distribute prescription drugs. Employees are required to advise his or her supervisor if he or she is taking prescription or
non-prescription drugs which have the potential to adversely impact the employee's job performance or the employee's ability to work in a safe and efficient manner.

**DRUG AND ALCOHOL TESTING**

A. Job Applicant Testing. Applicants for employment in special-risk and/or mandatory testing positions are subject to pre-employment drug and alcohol test as a prerequisite to employment with the City.

B. Routine Fitness-for-Duty Testing. Employees may be required to submit to drug and alcohol testing as part of any routinely scheduled employee fitness-for-duty medical examinations.

C. Follow-up Testing. Employees who enter into an employee assistance program or any similar rehabilitation program will be subject to drug and alcohol testing as a follow-up to such program. Follow-up testing will be conducted without advanced notice and at least once per year for a period of no less than two years.

D. Reasonable Suspicion Testing. An employee will be subject to drug and alcohol testing whenever reasonable suspicion exists to believe the employee is using drugs or alcohol in violation of this policy or otherwise engaging in conduct in violation of this policy. Reasonable suspicion shall be based on specific, objective and articulable facts and reasonable inferences drawn from those facts in light of experience. In making this determination, relevant factors may include, but are not limited to:

   Observable phenomena, such as direct observation of drug use or of physical symptoms or manifestation of being under the influence of a drug or alcohol;

   Abnormal conduct, erratic behavior or a significant unexplained deterioration in work performance;

   A report of drug use, provided by a reliable source;

   Evidence that an individual has tampered with a drug test during his or her employment with the City;

   Information that an employee has caused or contributed to an accident or injury while at work:
Evidence that an employee has negligently or recklessly operated a vehicle, equipment or machinery while at work;

Evidence that an employee has used, possessed, manufactured, cultivated, sold, solicited, or transferred drugs.

Supervisors who determine that reasonable suspicion exists to require an employee to submit to a drug and/or alcohol test are required to promptly document in writing the circumstances which formed the basis of the determination that reasonable suspicion existed to warrant the testing.

E. Random and/or Suspicionless Testing. Employees who hold special risk or mandatory testing positions are subject to drug and alcohol testing on either a random or a suspicionless basis.

F. Drug And Alcohol Testing Of Commercial Motor Vehicle Drivers. Employees who are connected with the operation of commercial motor vehicles are subject to drug and alcohol testing as required by the Omnibus Transportation Employee Testing Act of 1991, 49 U.S.C. § 31306, and pursuant to all applicable procedures and regulations promulgated by the Department of Transportation and the Federal Highway Administration, as well as any additional policy adopted by the City pursuant to those federal laws and regulations.

G. Other Lawful Testing. The City reserves the right to conduct any other type of lawful drug or alcohol testing. The City also reserves the right to amend its policies as provided for in Florida Statutes and federal law.

DRUGS TESTED FOR AND COMMON MEDICATIONS THAT MAY AFFECT RESULTS

Drugs Tested For. Employees will be subject to drug testing for the detection of the following illegal drugs/drug groups, as well as others that may from time to time be declared illegal by state or federal law:

- Alcohol (including a distilled spirit, wine, malt beverage or other intoxicating liquor)
- Amphetamines
- Barbiturates
- Benzodiazepines
- Cannabinoids (marijuana)
- Cocaine
Common Medications Which Could Alter or Affect Test Results.

Certain prescription and non-prescription medications may alter or affect a drug or alcohol test. Employees and applicants that are subject to testing are obligated to report any prescription or non-prescription medication which could alter or affect test results to the independent Medical Review Officer (“MRO”). Employees and applicants subject to testing have the right to confidentially consult with the MRO for additional or technical information regarding medications which may alter or affect test results. The most common medications which may alter or affect a test include, but are not limited to:

<table>
<thead>
<tr>
<th>Drug</th>
<th>Medication Which May Alter or Affect Test</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alcohol</td>
<td>Liquid medications containing ethyl alcohol (ethanol). For example many cough syrups, Vicks Nyquil, Comtrex, Listerine contain alcohol</td>
</tr>
<tr>
<td>Cannabinoids</td>
<td>Marinol (Dronabinol, Tetrahydrocannabinol (THC))</td>
</tr>
<tr>
<td>Amphetamines</td>
<td>Obetrol, Biphetamine, Desoxyn, Dexedrine, Didrex, Ionamine, Fastine</td>
</tr>
<tr>
<td>Cocaine</td>
<td>Cocaine HCl topical solution (Roxanne)</td>
</tr>
<tr>
<td>Phencyclidine</td>
<td>Not legal by prescription</td>
</tr>
<tr>
<td>Methaqualone</td>
<td>Not legal by prescription</td>
</tr>
<tr>
<td>Opiates</td>
<td>Paregoric, Parepectolin, Donnagel PG, Morphine, Pectoral Syrup, Tylenol with Codeine, Empirin with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guiatuss AC, Novahistine DH, Novahistine</td>
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<td></td>
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<td>----------------------</td>
<td>-----------------------------------------------------------------</td>
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<tr>
<td><strong>Expectorant, Dilaudid (hydromorphone), M-S Contin and Roxanol (morphine sulfate), Percodan, Vicodin, Tussionorganidin, etc.</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Barbituates</strong></td>
<td>Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricet, Esgic, Butisol, Mebaral, Butabarbital, Butalbital, Phenrinin, Triad, etc.</td>
</tr>
<tr>
<td><strong>Benzodiazepines</strong></td>
<td>Activan, Azene, Clonopin, Dalmane, Diazepam, Halcion, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Paxipam, Restoril, Centrax</td>
</tr>
<tr>
<td><strong>Methadone</strong></td>
<td>Dolphine, Metadose</td>
</tr>
<tr>
<td><strong>Propoxyphene</strong></td>
<td>Davocet, Darvon N, Dolene, etc.</td>
</tr>
</tbody>
</table>

**TEST RESULTS**

The following procedures will be followed if an employee or job applicant has a confirmed positive test result:

An employee or applicant who receives a positive confirmed test result may contest or explain the result to the MRO identified above within (5) five working days. If the MRO determines that the employee’s explanation is unsatisfactory, the MRO will report the positive test to the City. The employee or applicant may contest a positive confirmed test result pursuant to this policy, Section 440.102, Florida Statutes, rules adopted by the Agency for Health Care Administration, or other applicable law. If an employee or applicant seeks to contest the laboratory result, it is his or her responsibility to contact the laboratory to advise of any administrative or civil proceeding challenging the results and to request that the test sample be preserved.

Within five working days after receipt of a positive confirmed test result from the MRO, the City will inform the employee or applicant in writing of the test result, the consequences of the test result and any options that the City may elect to afford the employee or applicant in accordance with this policy. Within five working days after receiving notice of a positive confirmed test result from the City, the employee or job applicant may submit information to the employer explaining or contesting the test result and explaining why the test
result does not constitute a violation of this policy. If the City determines that the explanation is unsatisfactory, the City will provide a copy of the test result to the employee or applicant along with a written reason as to why the explanation was deemed unsatisfactory.

Employees who are covered under a collective bargaining agreement between the City and any certified labor organization may have the right to file a grievance regarding discipline imposed by the City as a result of a violation of this policy, if said grievance is permitted to be filed pursuant to the collective bargaining agreement, and may have the right to appeal to the Public Employees Relations Commission or applicable court.

**CONSEQUENCES OF A POSITIVE CONFIRMED TEST, A REFUSAL TO SUBMIT TO TESTING OR TAMPERING WITH A TEST**

An employee who has a positive confirmed test, who refuses to submit to a test or who tampers with a test is subject to disciplinary action up to and including termination, may forfeit eligibility for workers’ compensation medical and indemnity benefits and may forfeit entitlement to unemployment compensation. A job applicant who has a positive confirmed test, who refuses to submit to a test or who tampers with a test will be ineligible for employment.

**CONFIDENTIALITY**

Absent written consent, all information, interviews, reports, statements, memoranda, and drug test results, written or otherwise, received or produced as a result of the City’s drug testing program are confidential and exempt from the provisions of Chapter 119 of the Florida Statutes (Public Records Law) and may not be used or disclosed except as otherwise provided by Section 440.102, Florida Statutes or other applicable law.

**EMPLOYEE ASSISTANCE PROGRAMS**

Employee Assistance Programs (EAP) are available to assist employees who voluntarily self-report, prior to being requested to test, drug or alcohol related problems which have not yet adversely affected their job or City operations. Employees who voluntarily seek help, who have not had a positive drug test and who are not participating in EAP at the time or at any previous time, will not be subject to discipline. A list of EAP providers
for employees with drug or alcohol related problems who wish to seek voluntary assistance through the EAP is available from Human Resources and is listed in the City’s full policy and procedures.

Employee Assistance Program  
Baycare LifeManagement  
1-800-878-5470

Employees and applicants who violate this Policy will ordinarily not be eligible to elect participation in EAP in lieu of disciplinary action. The City may permit exceptions to this provision where the City Manager determines, in his or her exclusive discretion, that the specific circumstances warrant. In such circumstances, the City may require that an employee in violation of this policy participate and successfully complete the EAP as a condition of continued employment.

Employees employed in a mandatory testing or special-risk position who enter into EAP, whether voluntarily or involuntarily, will placed on unpaid leave until the successful completion of the EAP. An employee placed on unpaid leave may utilize his or her accrued leave, if any, otherwise the leave shall be unpaid.

REPORTING VIOLATION OF THE POLICY

It is the obligation of every employee to report violations of this Policy. Failure to report may subject employees to discipline up to and including termination of employment.

COORDINATION WITH THE HUMAN RESOURCES DEPARTMENT

All action taken by supervisors under this policy must be coordinated through the Human Resources Department to ensure compliance with all applicable laws.

REPORTING AND CONVICTION OF ARRESTS AND/OR ALLEGED CRIMES INCLUDING DRUGS OR ALCOHOL

All employees must report to their supervisor any arrest, indictment, conviction, plea or pretrial interventions of any type, of a drug or alcohol-related violation or alleged violation of law not later than the next work day after they become aware of it. Failure to report may result in immediate termination.
Upon conviction or withhold of adjudication of a crime involving illegal drugs, the employee will be immediately terminated.

Without regard to prosecution or conviction by appropriate governmental entities, the City may, at its option, conduct its own independent investigation to determine whether this policy has been violated. If, in the opinion of the City, it believes a violation has occurred, it will take whatever disciplinary action it deems appropriate regardless of the ultimate outcome of any criminal case that may be brought against the employee. The City shall not be obligated to await the outcome of any pending criminal or legal action prior to taking disciplinary action.
TO: City of New Port Richey City Council
FROM: Debbie L. Manns, City Manager
DATE: 7/21/2015
RE: Florida League of Cities Open Letter for Proposed Solar Energy Amendment

REQUEST: At the request of the Mayor, this matter is being placed on your agenda to discuss the Florida League of Cities open letter for proposed Solar Energy Amendment.

DISCUSSION: The City has been approached by fellow members of the Florida League of Cities regarding a proposed Floridians for Solar Choice ballot measure for the 2016 election cycle. The solar petition language would allow the sale of power from an entity other than a utility limited to solar power systems with a size limitation of 2 megawatts (MW). This would provide more solar ownership and financing options that can promote solar development in the state. The solar petition, if it passes the Court’s constitutional review, and receives the appropriate number of verified signatures will appear on the ballot in 2016 for voter approval.

On June 10, 2015, the Florida League of Cities, in conjunction with the Florida Municipal Electric Association, filed an initial brief with the Florida Supreme Court in opposition to the Floridians for Solar Choice ballot initiative. Several members of the Florida League of Cities believe that the submission of the brief was filed outside of the appropriate League protocol and that the arguments presented in the brief are alarmist, unsupported and speculative. As such, these members have called for the League to withdraw the initial brief filed with the Court. The City has been asked to sign onto an open letter to the Florida League of Cities Board of Directors in support of the withdrawal of the brief. The Florida League or Cities will discuss whether or not to withdraw its brief at their annual conference next month in Orlando.

RECOMMENDATION:
N/A

BUDGET/FISCAL IMPACT:
N/A

ATTACHMENTS:

<table>
<thead>
<tr>
<th>Description</th>
<th>Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Florida League of Cities Letter</td>
<td>Backup Material</td>
</tr>
<tr>
<td>TB Times Article</td>
<td>Backup Material</td>
</tr>
<tr>
<td>Miami Herald Article</td>
<td>Backup Material</td>
</tr>
</tbody>
</table>
July 7, 2015

On June 10, 2015, the Florida League of Cities, in conjunction with the Florida Municipal Electric Association, filed an initial brief with the Florida Supreme Court in opposition to the Floridians for Solar Choice ballot initiative. We, the undersigned members of the Florida League of Cities find that the submission of the brief was filed outside of the appropriate League protocol and that the arguments presented in the brief are alarmist, unsupported and speculative. As such, we call for the League to withdraw the initial brief filed with the Court.

As a threshold matter, such legal filings should be subject to a vote of the League and should moreover be reviewed and approved by the environment and energy committee. Neither was done in this case, and we are left wondering whether League members or the staff is driving the filing of the opposition brief to the solar amendment.

The solar petition language would allow the sale of power from an entity other than a utility limited to solar power systems with a size limitation of 2 megawatts (MW). This would provide more solar ownership and financing options that can promote solar development in the state. The solar petition, if it passes the Court’s constitutional review, and receives the appropriate number of verified signatures will appear on the ballot in 2016 for voter approval.

The substantive arguments in The League’s brief are aggressive, speculative, and some are well outside the League’s scope or expertise. For instance, the brief argues that the amendment might create inequitable rate structures between solar and non-solar customers. When did the League’s interest include utility regulatory ratemaking design and policy?

Moreover, arguments related to material future negative impacts to local municipalities due to reduced utility revenue and the local fees dependent on such revenue, such as franchise fees and public service tax is again, highly speculative and unfounded.

First, this issue has already been addressed by the state’s Financial Impact Estimating Conference (FIEC) statement after weeks of study and consideration of input from a number of interested parties. That statement will appear on the ballot for voters to view, should the petition make it on the ballot in 2016. The FIEC, an entity that specialized on impacts and costs to state and local governments, concluded the following as it relates to reduced revenue: “the timing and magnitude of these decreases cannot be determined because they are dependent on various technological and economic factors that cannot be predicted with certainty.” Utility revenue can be influenced by any number of factors, including the economy and weather. It is uncertain any reduced revenue may take place, and should be considered in the context of additional fees and economic development increased solar development will create in our communities.
Secondly, Florida’s utilities have approximately 60,000 MW of generating capacity. The capacity of customer-sited solar power currently stands at a mere 60 MW. In fact, only 6,600 customers of the 9 million Florida electricity customers currently generate some other their power from solar systems. This represents 0.07 percent of all customers. At these levels, negative impacts to municipalities from reduced utility revenue are so marginal as to not be measurable.

Rather than aggressively attacking a solar ballot initiative intended to expand the benefits of solar power to more of our constituents, shouldn’t the League be supportive of innovative ways to promote solar power? The League’s brief is alarmist, short-sighted, and not approved through proper protocol. As such, we support immediate withdrawal of the initial brief.

Sincerely,

Cindy Lerner
Mayor, Village of Pinecrest

Barbara Watts
Commissioner, Village of Biscayne Park

Joy Cooper
Mayor, City of Hallandale Beach

Philip Stoddard
Mayor, City of South Miami

Darden Rice
Council Member, City of St. Petersburg

Connie Leon-Kreps
Mayor, City of North Bay Village

Karl Nurse
Council Member, City of St. Petersburg

Joe Kilsheimer
Mayor, City of Apopka

Daniel E. Dietch
Mayor, Town of Surfside

Vince Lago
Commissioner, City of Coral Gables

Michael Smith
Commissioner, City of Largo

Dr. Richard Chervony
Commissioner, City of North Bay Village

Theo Holloway
Council Member, Village of Key Biscayne

Wanda Schwerer
Council Member, City of Belleair Beach

Peggy Bell
Mayor, Town of Cutler Bay

Walter Harris
Vice-Mayor, City of South Miami
Proposed solar energy amendment has cities feuding

Mary Ellen Klas, Times/Herald Tallahassee Bureau

Wednesday, July 8, 2015 7:03pm

TALLAHASSEE — The battle over the future of solar power is dividing Florida’s city officials.

From Coral Gables to St. Petersburg, local officials are at odds over a decision by the organization that represents more than 400 municipal governments — the Florida League of Cities — to file a legal brief urging the Florida Supreme Court to reject the proposed Solar Choice amendment to the November 2016 ballot.

The amendment would allow homeowners and businesses to sell solar power up to 2 megawatts and prohibit the state from erecting any barriers to a rooftop solar market in Florida. The citizen petition drive is being led by the Southern Alliance for Clean Energy and backed by dozens of interest groups from the Florida Retail Federation to the Christian Coalition and the League of Women Voters.

But the measure is opposed by the state’s private and municipally owned utility companies, which pay franchise fees to be the exclusive source of electric power in cities across the state. They argue that if third parties are allowed to sell solar power, many of their franchise agreements are void.

The escalating fight is a window into the divisive debate to come in Florida — one of only four states without distributed solar power as an option for consumers — if the ballot language for the Solar Choice amendment is approved by the Florida Supreme Court. The court will hear arguments in September and will decide soon after whether to put the citizen’s initiative before voters.

In June, the League of Cities joined with the Florida Municipal Electric Association and urged the court to reject the proposal, saying the loss of local revenues and impact on city government violates the constitutional provision requiring proposed amendments to involve only a single subject.

But not everyone agrees, and this week 17 elected officials from 13 cities — including St. Petersburg, Largo, Pinecrest, Hallandale Beach, South Miami and Apopka — filed a protest, accusing the league of being led by the powerful for-profit utilities and demanding that it withdraw the brief.

Tampa and Clearwater are both part of the league, but were not among the 17 municipalities that protested.

"There’s a number of city leaders who are pretty disgusted with the league," said South Miami Mayor Philip Stoddard, one of the officials who signed the protest letter. "It feels like a really parochial organization that’s been co-opted by Florida Power & Light."

In a letter to the league leadership, led by Pinecrest Mayor Cindy Lerner, city officials called the league’s arguments "alarmist, unsupported and speculative" and accused them of violating protocol because they failed to wait to get a formal vote of the city officials who make up its membership.
"I was stunned," said Karl Nurse, a St. Petersburg city commissioner and former chairman of the League of Cities’ Energy and Environment Committee. He attended a meeting of the committee last week in which Lerner tried to raise the issue of the league's brief.

"The staff presented the argument in favor of siding with the power companies and would not even allow her to make the counterargument," Nurse said. "This is really part of a larger effort on the part of the for-profit power companies to kill renewable energy before it gets too big. I would be stunned if FPL didn't instigate this."

John Thomas, director of public affairs for the league, said Wednesday that the decision was made by staffers and league leadership based on the "problems with the initiative" and did not violate any protocol.

"The league has been filing briefs this way for 30 years now," he said. "We try to make decisions that are in the best interest of our member cities."

He said the organization’s "resolution committee" will take a formal vote on the proposed amendment in August, but the brief is not an indication that the league does not support solar energy.

"Our members will have the opportunity to speak on this at our conference," Thomas said. "It is too early to determine what the position of the League of Cities will be."

But the letter writers noted that economists concluded that the revenue impact on the state and local government "cannot be determined" and the proposal does not prohibit cities from changing the law to equalize taxes and apply the same rates to solar customers.

Instead, they said, by encouraging more solar ownership there will be an increase in rooftop solar financing options and local governments could benefit from a more diverse energy stream.

"The league acted rather prematurely," said Vince Lago, a Coral Gables city commissioner who signed the letter. "It would have been in the best interest for the league — and the state as a whole — had they waited for a full discussion amongst the League of Cities and an eventual vote in reference to the amendment."

Contact Mary Ellen Klas at meklas@miamiherald.com. Follow @MaryEllenKlas.

Proposed solar energy amendment has cities feuding 07/08/15
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Proposed solar energy amendment has cities feuding

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In a separate brief, Coral Gables argues that the amendment could “potentially restrict or prohibit the ability of the City of Coral Gables to promote solar power usage” by preventing its zoning laws from protecting its “signature look” with local aesthetic standards through its architectural review board process.

A year ago, Coral Gables angered Miami and other South Florida municipal officials when it reached a last-minute settlement with FPL over building transmission lines through the county.

Lago said the city has not taken a formal position on the Solar Choice amendment and he disagrees with his city attorney’s reasoning that it will interfere with the city’s zoning laws. But, he said, the city remains committed to promoting solar energy. On Tuesday, it became the first city in the state to begin a pilot program in October to offer a standardized permitting process that will expedite projects to install solar photovoltaic cells, he said.

Mary Ellen Klas can be reached at meklas@MiamiHerald.com and @MaryEllenKlas