

**CITY OF TEMPLE TERRACE, FLORIDA
MAYOR AND CITY COUNCIL
M I N U T E S**

**Regular Meeting
Tuesday, January 16, 2007
Council Chambers-City Hall**

Having been duly advertised as required by law, the regular meeting of the Mayor and City Council of the City of Temple Terrace, Florida, was held on Tuesday, January 16, 2007, in the Council Chambers at City Hall.

PRESENT WERE: Mayor Joe Affronti, Council Members Frank M. Chillura, Alison M. Fernandez, Ron Govin, Ken Halloway, and Mark A. Knapp, City Clerk Lisa Burns, City Manager Kim Leinbach, and City Attorney Ted Taub.

ALSO PRESENT WERE: Fire Chief Ernie Hiers, Finance Director Diane Reichard, Code Compliance Director Joe Gross, Parks & Recreation Director James Chambers, Public Works Director Steve Hodge, Community Services Director Ralph Bosek, Public Information Officer Michael Dunn, Police Chief Tony Velong, Assistant Fire Chief Keith Chapman, Assistant Library Director Armand Ternak, Deputy City Clerk Linda Brewer, Police Lieutenant Chris Jeffords, Senior Planner Susanne Hicks, Marine Patrol Officer Carl Avari-Cooper, Firefighters Mike Schaer, Mark Mosich, Phillip A. Armiger, Scott Murley, Mike Davis, Jeff Brackney, William Gibson, Shannon W. Parker and Ed Oren, Police Officers Tracy Mishler and Karen Walter, Hoot Hooten, Gregory Imhoff, Anthony Imhoff, Joyce McKenzie, George Wilkens, Debbie & Keith Carson, Cheri Donohue, Grant Rimbey, Andrea Walsh, Raymond Sasovetz, Allison Adum, Pam Schaer, Veronica Davis, Robert Carnahan, Judy Govin, Jack Griffith, D'ee Griffith, Rod Cumbus, Maria Esther Colon, and several other persons.

There being a quorum present, Mayor Affronti called the meeting to order at 7:05 p.m., after which he led the Pledge of Allegiance to the flag and offered a brief invocation.

Proclamations, Recognitions, and Special Presentations:

1. Proclamation – “Emergency Planning and Community Right-to-Know Act Awareness Week.”

Mayor Affronti presented a Proclamation to Assistant Fire Chief Keith Chapman proclaiming the week of January 21-27, 2007, as “Emergency Planning and Community Right-to-Know Act Awareness Week.” Assistant Fire Chief Chapman expressed appreciation to the Mayor and Council.

2. Recognition – City Employees and Sponsors of “National Night Out.”

Police Chief Tony Velong recognized the sponsors and participants of this year’s “National Night Out,” noting that the City’s program ranked second in the state and 42nd in the country. He thanked the sponsors, many of whom were present at the meeting, which included: Tampa Electric Company, Five Star Pizza, Drs. Imhoff and Cassanova, Superheroes, Temple Terrace Chamber of Commerce, Temple Terrace Junior Woman’s Club, Smoothie King, Crime Stoppers, Hillsborough County Animal Services, Florida Highway Patrol, Mothers Against Drunk Driving, and the Temple Terrace Highlanders.

3. Recognition – Service on Municipal Code Enforcement Board.

Mayor Affronti presented a Certificate of Recognition to D’ee Griffith, recognizing her six years of service on the Municipal Code Enforcement Board and thanking her for her dedication to the community.

Ms. Griffith thanked the Council for the opportunity to serve, adding that Mr. Goins, the newly appointed member, is well qualified; she wished Mr. Goins “a good run.”

4. Presentation – Fire Department Semi-Annual Awards.

Fire Chief Ernie Hiers and Assistant Fire Chief Keith Chapman presented the following awards to members of the Temple Terrace Fire Department:

Cardiac Alert Award:

Engineer EMT Mark Mosich; Firefighter EMT Shannon Parker; Firefighter Paramedic Elbert Pirtle; Firefighter Paramedic Mike Schaer; Engineer Paramedic Carl Sullivan.

Run of the Month Award (Sept. 27, 2006):

Capt. EMT Charlie Bridges; Firefighter Paramedic Mike Schaer; Firefighter EMT Shannon Parker; Engineer EMT Mark Mosich; Engineer Paramedic Pierre Conze; Firefighter Paramedic Christopher Ashley.

Appreciation Award (Sept. 24, 2006):

Capt. Paramedic Henry Hartzner; Engineer Paramedic Scott Murley; Firefighter EMT Robert Johnson; Firefighter EMT Jeff Estevez; Firefighter EMT Mike Davis; Engineer Paramedic Pierre Conze.

Appreciation Award (Sept. 22, 2006):

Firefighter Paramedic Charlie Wathen; Engineer Paramedic Nick Weidner; Firefighter Paramedic Bobby Reed.

Run of the Month Award (June 7, 2006):

Acting Division Chief Phil Armiger; Firefighter Paramedic Michael Brown; Firefighter Paramedic Mike Davis; Firefighter EMT Jeff Estevez; Engineer Paramedic David Samon.

Chief Hiers and Assistant Chief Chapman announced Temple Terrace firefighter Mike Schaer has been named the department’s 2006 “Firefighter of the Year.” Mr. Schaer joined the Temple Terrace Fire Department in 2003. Assistant Chief Chapman stated Mr. Schaer has demonstrated excellence not only with firefighting and emergency care, but also with his leadership on a day-to-day basis.

Minutes of Previous Meetings:

Upon motion of Council Member Halloway, seconded by Council Member Chillura, and unanimously carried, the **MINUTES** of the January 2, 2007, Regular City Council Meeting were **APPROVED**.

Public Hearings:

1. Use of Residentially Zoned Property for Parking or Access.

Mayor Affronti opened the Public Hearing and called on Senior Planner Susanne Hicks to present the topic of the Public Hearing.

Senior Planner Susanne Hicks stated this is the second Public Hearing on an amendment to the Land Development Code Section 25.760.11, Use of Residentially Zoned Property for Parking or Access. She explained this is a City-initiated amendment to the text of this section, the concept of which was presented to the Council on November 6 for approval to proceed.

Senior Planner Hicks stated that the Code section was first adopted in 1981 for the purpose of adding flexibility to the development of commercial sites adjacent to residentially zoned property. She continued the Code section allows residential lots zoned Single Family Residential (R-10), Single Family Residential (R-7.5), or Multi-Family Residential (R-MF) that were contiguous to the commercial property to be developed for parking or access that would serve the commercial development. She explained the existing Code section includes criteria that limit the frontage of property to be utilized for off-street parking to 100 feet and requires landscaping and buffering between the parking area and adjacent residential property.

By approving this text amendment, Ms. Hicks said a site plan applicant would be allowed, as an example, to add drainage facilities to the uses already allowed. She explained that in working with applicants for site plan approvals, staff has encountered instances in which it would be helpful if the applicant could also have drainage facilities, such as a stormwater pond. She said they believe it would be a place where more buffering could be added between the commercial uses and adjacent residences, in a way that would make the site more compatible with residential neighbors, in addition to providing more flexibility to the commercial developer in developing the site.

Ms. Hicks gave the example of the 1.5 acre site on the north side of Fowler Avenue and west side of Greenhill Place, which was recently annexed into the City and given a City Comprehensive Plan designation of Residential-9 for two lots fronting Greenhill Place and Commercial along the Fowler Avenue frontage. She said this is an example of a situation where this text amendment would be helpful.

Senior Planner Hicks noted that the Hillsborough County City-County Planning Commission has reviewed the proposed amendment and found it consistent with the City of Temple Terrace Comprehensive Plan. She continued that staff is recommending approval of the proposed amendment.

Council Member Knapp commented he brought up at the last Council meeting the fact that the property could then be sold separately; City staff asked him if it was okay for that to be part of the Code amendments when the Code is updated, to which he said he does not have a problem. He expressed concern about projects that may come forward for site plan approval prior to those changes being made. He suggested that one of the conditions for site plan approval in that instance may be that deed restrictions be on the property to tie the two parcels. This would prevent one parcel from being sold separately, he said. Ms. Hicks confirmed the Community Services Department has that recommendation.

Mayor Affronti called for public comment; hearing none, he called for Council comments.

Council Member Fernandez questioned whether there are any safeguards to prevent flooding of the drainage ponds into adjacent residential parcels.

Ms. Hicks said the site plan approval process would require the applicant to submit information from Southwest Florida Water Management District (SWFWMD) showing that they have the permit to build the pond; the engineering of the pond would allow for that.

Council Member Knapp clarified that all retention ponds have an outflow structure, which is set at a height not higher than the rim of the pond; the outfall structure usually discharges into a public system, ditches, or roads. He said the pond doesn't actually spill over the edges.

Council Member Fernandez commented that flooding has occurred in the past during heavy rains in Frances Arbor when retention ponds overflowed. She said it was not known whether some part of the mechanism failed or simply the volume of water caused the overflow conditions. As a homeowner, she said that would be one of her questions; she wanted to be sure safeguards are in place.

Ms. Hicks said they would do the best they can to be sure it is engineered properly and has the proper permits.

The City Attorney inquired whether the City requires 25-, 50-, or 100-year flood plans.

Ms. Hicks responded that besides the planning by the Community Services Department, all site plans are reviewed by the other Departments who are part of the Design Review Committee, including Public Works and Engineering.

The City Manager noted that SWFWMD has to approve retention ponds, if they are required to have a permit. He said staff would double-check, but he believes the City requires a 25-year retention. He said the Site Plan will be before the Council on February 6th and staff will verify the information prior to that date.

There being no further persons wishing to speak, Mayor Affronti closed the Public Hearing.

Persons Wishing to be Heard on Items NOT Listed on the Agenda:

Raymond Sasovetz, 11869 Skylake Place, presented photographs depicting unmarked trash that is littering their ponds in the Raintree Lakes neighborhood. He said they would like this problem eliminated, which they believe is coming from the outfall that controls the flooding on Fowler Avenue. He explained that drainage from Fowler Avenue and part of 56th Street is connected and flows into their lake (retention pond), which connects to another retention pond by Raintree Manor/Raintree Oaks which goes to the Hillsborough River. He said that everything has been retained in their pond because they had an overgrowth of vines, which would stop the trash from flowing into the Raintree Manor/Raintree Oaks retention pond. He noted they also own that pond, resulting from a Lennar convoluted deed arrangement.

Mr. Sasovetz said they have now cleaned out a lot of the vines and in the future the trash will be moving on to the next pond because the canal that moves the water is now clear. He said it has cost their association \$200-\$400 to clean up this mess after every rainstorm; it is unreasonable that they should bear the brunt of something not caused by their residents. He said his solution would be to drop a grate over the outfall and that will stop all the garbage from coming into their lake; however, the City Public Works crews will be tied up trying to clean out the sewer system from the massive amount of trash that will be generated.

Mr. Sasovetz recommended that Code Compliance mark ping pong balls or some other similar item and throw them out behind Chuck's, Coca Cola, and a couple other retention ponds; somehow the trash in those places is coming in. After a heavy rainstorm he said Code Compliance could come out, see the ping pong balls, and know who was dumping the trash. His second recommendation, if that is not acceptable, is for the City to purchase a trash collector for that outfall. The third recommendation, he said, is for him to put a grate over it. He said he is hesitant to put a grate over it because it would make a mess out of Temple Terrace just to prove a point that they have a problem. He said he would at least like for Council to direct Code Compliance to do some type of marker system to try to locate the origin of the trash.

Maria Esther Colon, 11805 Skylake Place, said she is a neighbor of Mr. Sasovetz, President of their Homeowners Association, and the one who took the photographs. She expressed concern about contamination of the water, noting there is a residue from the containers that stays on top of the water, which appears 6 to 8 hours after the containers are seen in the water, and the residue changes the color of the water. She reiterated the costs to their association for cleaning up the pond and their frustration of the continuing problem. She said they would cooperate with the City, but didn't feel it is their responsibility to continue to pay for cleaning up the mess.

The City Manager responded that the City is aware of and has been working on the problem. He asked for the Public Works Director and Code Compliance Director to respond.

Public Works Director Steve Hodge said he has been out to the lakes several times, and he confirmed the accuracy of the photographs, depicting the waste migrating from Fowler Avenue.

The Public Works Director continued that the problem is that the storm drain system in this case is acting as a waste shed. He explained this waste shed runs east-west from Fowler Avenue from the inlet to the lake; it also extends up 56th Street to across the street; then another branch goes up through Summit West to the back of Summit West, which also feeds some of the neighborhoods behind it. He said they don't have much control over the migration of waste that comes off Fowler Avenue or 56th Street or even Summit West.

The Public Works Director said he has met with FDOT (Florida Department of Transportation) on several occasions, including an on-site meeting two weeks ago. He said FDOT put a grate in to try to improve the inlet structure going into these lakes off Fowler Avenue; if they put any more screening in to keep the trash out, it will cause flooding during major rainfall events. He said there have been concerns expressed about certain businesses; however, when they look at the storm drain plans, none of the retention ponds behind those facilities drain out into this drainage system that leads over to the Raintree lakes, which leads him to believe that most of the trash they are seeing is actually coming off 56th Street and Fowler Avenue, which is a State road. He said the City has limited control over that road, and FDOT has not expressed any desire to do anything more than what they have already done for fear of causing flooding on Fowler Avenue.

Code Compliance Director Joe Gross said this problem came to their attention last July after a major rain event, which caused this push of trash. At that time, they investigated some of the locations described but were unable to determine exactly where the trash was coming from. After meeting with Mr. Sasovetz two weeks ago, Code Compliance has followed up with marked Styrofoam balls; even though it appears from the storm drain plans that there is no way for the trash to migrate, they have placed about two dozen of the marked balls, so that if they end up in the Raintree ponds, they will be able to identify where they came from. In the meantime, he said when they have encountered retention ponds that had some degree of litter, they have requested the property owners to clean them, and have had good cooperation from property owners.

In response to Mayor Affronti's question as to whether *anything* can be done, the Public Works Director responded that FDOT could install a Continuous Deflection System, which act like clarifiers; however, it would cost about a quarter of a million dollars.

Council Member Chillura questioned whether the ponds are publicly or privately owned. The Public Works Director responded that he believes they are owned by the Raintree Association. Council Member Chillura asked why the water from the State road or City road is flowing into privately owned ponds. He said privately owned ponds are not normally required to hold water from the street or from the State. The Public Works Director responded that he is not familiar with how the drainage from that area was originally set up, but it does flow through those series of ponds, and he believes eventually, it flows to the Hillsborough River.

Council Member Knapp said the answer is gravity; the Raintree ponds are at the lowest point in that area. He said he recalled a previous time when the City had to spend thousands of dollars pumping water out of the ponds so they could drive on their streets following a substantial rainstorm, and the City was greatly concerned about paying costs associated with privately owned retention ponds. He said the City has worked well with Raintree for a long time.

The City Manager suggested the City continue its efforts to determine the source; in addition, FDOT has contacted the City and suggested they meet directly with the residents. The City Manager suggested that representatives from the Homeowners Association join the City to meet with FDOT to see what can be done.

Council Member Knapp said even though it is not the City's direct responsibility, there needs to be a long-term solution to the drainage problem. He continued that not only is Raintree affected, but if there is a large downpour, all of Fowler Avenue is inadequate in terms of drainage and the water migrates to the Raintree lakes and this isn't right. While he isn't sure whether the City Engineer has already looked at that situation, Council Member Knapp said it needs to be addressed.

Mayor Affronti commented that this has been an ongoing concern, with many meetings spent trying to address this issue and looking at alternatives, such as the lake in Carlton Arms, which was not acceptable to the property owner.

Mr. Sasovetz clarified that the previous problems noted by Council Member Knapp were relative to Raintree Terrace; there is a retention pond there that the City has spent a "fortune" on; however, this is a pond by the condominiums, into which the City used to drain the water from Raintree Terrace.

There was no correspondence, communications or petitions before the Council for consideration and action.

Presentations:

1. Zoning and Land Development Code Update.

Mayor Affronti first called on Grant Rimbey, who requested to address the Council concerning this issue.

Grant Rimbey, 411 Island Road, said he had reviewed the Zoning and Land Development Code Update proposal, commenting that it is way overdue and probably should have been done 20 years ago. He suggested there is one glaring omission in the proposal in his point of view as President of the Temple Terrace Preservation Society. He said the Code should make provisions for historic buildings.

Mr. Rimbey continued that historic buildings built in the 1920s are in violation of almost every segment of the current Code, yet they are some of the most valued and valuable properties in the City. He felt there should be a special section in the Code, which addresses historic structures. As an example, Mr. Rimbey said some of the houses have detached servants' quarters; it is very difficult for them to obtain permits to renovate these structures because the buildings were built prior to the 1950s-era Code and are not in compliance with the current Code. He said he is working on a historic renovation and addition for a house on Belle View, and since that building was not in compliance, he is designing the historic renovation using the National Historic Register guidelines for this renovation, hoping this will "set the bar."

Mr. Rimbey continued that because the structure on Belle View was designed in the 1920s before the existing Code, it is set in the rights-of-way, within the front setback, and has a detached accessory structure, so no matter what they do with the building, it will require a variance. He said owners of historic homes would be very relieved if they knew the City was encouraging the preservation of the City's historic homes.

Mr. Rimbey said his other comments are relative to the Form-Based Code for the downtown redevelopment area. He suggested that any revisions by Clarion be reviewed by Neal Payton of Torti Gallas for his input, since he is the author of the City's plan and knows the intent of the design of the plan and will best be able to address any concerns.

Community Services Director Ralph Bosek said the City does not have a historical district, although the City has some great old homes. He said they have talked to the consultant about historical standards; the consultant feels that it would be quite easy at the end of the 18-month Code update process, if the Council wishes, to add historical guidelines. During that 18-month period, he said they would like to discuss the many issues regarding historical structures and regulations that could be put on them. He cited as an example Ybor City, which has a very specific and regulated Code. He said Community Services would like the opportunity to discuss the historic guidelines with the community and owners of these homes and the Council and ferret out the pros and cons of the historical Code standard rather than rush to put one in place. That would be their recommendation, he said.

Council Member Halloway questioned how they would determine what constitutes an historical house.

The Director responded that defining what would constitute a historical structure is one of the things that would have to be determined, such as age or style. The Director said he concurs with the preservation of historic homes, but feels they should proceed carefully, learning as much as they can and looking at other historical Codes. He said it is one of the "add-ons" that they could put into this process, along with others they have listed for future consideration in the contract.

Mr. Rimbey clarified that he wasn't talking about going through the local and national process of setting up a historic district, which the Temple Terrace Preservation Society is discussing; he is requesting that the City Code reflect these historic homes as focal points of the essence and character of the City and as a model for the downtown redevelopment area, rather than follow the current 1950s Code of pushing them back behind the setbacks and tearing down servants' quarters.

The City Manager said he had requested this agenda item as a presentation, because it is such a significant and costly undertaking by the City. He requested that the Community Services Department be permitted to make their presentation.

The Community Services Director reviewed the Department is working on the downtown redevelopment, development throughout the City, the new Streetscaping project, and see the Code development as one of the cornerstones of the future of the City – how it looks and how it functions, how to preserve the character of the City, and how it deals with annexation.

Noting that this project is broken into two parts – the Form Code and an update to the Land Development Code, the Community Services Director briefly reviewed the Form Code would cost approximately \$109,663 to implement for the downtown redevelopment area. He explained that during the time they were developing the interim Design Guidelines (for almost a year), it was made quite clear to citizens and to the Council that they were “interim” guidelines and that the City would move forward in the future with a Form Code.

The Community Services Director explained that Form Codes deal with location, height, “feel,” and structural components of buildings, typically in mixed-use areas. He said they want to replace the interim Design Guidelines and update the Torti Gallas work for the northeast, northwest, and southwest quadrants. He continued they want to better define appropriate mixed-uses in the CRA (downtown redevelopment area) and produce a block-by-block plan for future development and mix of uses in the CRA. He said they realized in working with the prototype project “Terrace Piazza” on 56th Street that they really need to look at and update these Codes and make some improvements; the project has helped them understand the strengths and weaknesses of the interim Design Guidelines. They feel this is a follow-up to the interim Design Guidelines, he said, and have an unbelievable team to work with.

Relative to the Land Development Code, the Community Services Director commented that to implement a new Land Development Code, the cost would be \$224,325. He stated that the Land Development Code is one of the three most important documents used by the City; the other two being the City Charter and the Comprehensive Plan. The Land Development Code, he explained, is the day-to-day tool used to implement the Comprehensive Plan within the City. He commented that the City’s Land Development Code is more than forty years old, out-dated, difficult to use, and overly specific in some areas and not specific enough in others. He continued that it is not user-friendly and almost entirely text-based, rather than illustrative and graphical.

The Community Services Director said City staff is proposing to hire one of the country’s best planning and legal firms, Clarion, to complete this 18-month process. He said the cost is in the same order of magnitude of what was paid to Torti Gallas to produce the downtown Master Plan. He pointed out that the Torti Gallas process took about 10 months; this process is anticipated to take 18-months. He said it is felt that this is a more comprehensive task than planning the downtown. The Code development process will involve all City staff, elected officials, an advisory committee, and the citizens, he said, being very much a public process. The Code will be specific to Temple Terrace, not “boiler-plate.” Commenting on the City’s growth, he said the City will need a Code tool that will guarantee well-planned development into the 21st century; tonight is the opportunity to move forward with a great team and a great Code. He called on Assistant Community Services Director of Planning, Ann Sheller to present information on Clarion.

The Assistant Director presented background information, noting this project was begun in March 2006 when they advertised for a Request for Qualifications (RFQ) to update the Land Development Code and create a Form Code. She said they outlined what they knew were issues and trouble they encounter working with the Code on a day-to-day basis, and identified their objectives to make it more user-friendly.

Assistant Community Services Director Ann Sheller stated that seven firms responded to the RFQ; four firms were short-listed for interviews. The Clarion team was unanimously chosen by the selection committee as their number one choice, she said. She reviewed that further investigation found the Clarion firm is a national land use and real estate consulting firm, with professionals that are experienced in landscape architecture, real estate appraising, community planning, urban design, and environmental assessment. The firm includes published authors of books, articles, and reports from American Planning Association and numerous professional journals, she added, noting that the firm has done similar Code work all over the country.

The Assistant Director continued that they checked references with communities in which they have worked, all of whom indicated Clarion knew what they were doing, delivered work products on time and within budget, the process went smoothly, and they would hire Clarion again. She reviewed that in July 2006 staff came before City Council for authorization to negotiate with Clarion for these services; Council authorized the negotiation by Resolution, and since August 2006, they have worked with Clarion to develop a contract that met staff's scope and within the budget allocated for this project.

The Assistant Director continued that the Agreement presented to Council outlines six major tasks that will take them from initial assessment and diagnostic of existing Code through the adoption of the updated Code within approximately 18 months. As indicated by the Community Services Director, the Assistant Director said the process includes a lot of opportunity for public participation and input from citizens, elected and appointed Board members, City staff, and an advisory committee. She said they understand this is a major undertaking that will have a huge impact for many years, and she reiterated statements made earlier by the Community Services Director relative to the impact and purpose of this project, concluding with staff's request for approval of the agreement with Clarion.

The City Attorney commented that he has personally known two of the attorneys with Clarion, Craig Richardson and Christopher Duerksen, and this is one of the top firms in the country. He said having been with the City for over 35 years, he recalls the original Code was mostly drafted by Martin Smith. While it has undergone some changes, he said it essentially is a lot like it was originally set up. Knowing the work of Mr. Richardson and Mr. Duerksen, he said the City couldn't pick a better firm for this kind of work.

Council Member Chillura concurred with the Community Services Director that the City's Code is in need of rehabilitation. He said he recalls last year when the Council authorized staff to go out for bid and negotiate, and he also recalls during the budget cycle they allocated \$100,000 for Code modifications; now the cost is at \$334,000. He stated he is not opposed to modifying the Code, but feels more time should be set aside, perhaps in a workshop, to look at this further. He expressed concern about getting into a situation similar to the one with the Torti Gallas plan; everyone was excited about that plan, but it didn't fit the City of Temple Terrace. He said he is not anti-redevelopment; he is pro-reality. He continued that the Torti Gallas plan is not going to work for the City; the concept of Mediterranean is beautiful and he supports that; however, before they spend this kind of money on a Code, they need to be sure it is something that is realistic.

Council Member Chillura explained he does not want to base the update of the Code on the Torti Gallas plan; he has no problems with them looking at updating the existing Code, but to tie it to the Torti Gallas plan, he is concerned they are going in the direction where they will have to re-visit it and spend more and more money. While he is sure Clarion is an excellent organization, he feels this is not the right time; furthermore, the Codes that need to be implemented or adjusted are Codes that need to be realistic for the City – not the “wish” list, but what will work in Temple Terrace. He said they cannot expect a developer to come into Temple Terrace and build a Taj Mahal and only get “x” amount of dollars in return – or *cost* them money; he reiterated he wants something realistic, focused, and effective. He said he is fine with a Form Code, but wants to look at that once they know what kind of plan will be doable in the redevelopment area; once they deal with the developer and have a plan they know will work, then they can deal with the Code, which will work with *that* plan. If they follow the Torti Gallas plan, and the actual plan is a totally different level, it won't go hand-in-hand with the Code.

Council Member Chillura reiterated that Council budgeted \$100,000 for the Code during the budget cycle, which was before the “new” Council came on board. He said the \$334,000 cost in the contract is a new number for him and a lot of money. He concluded he would not feel comfortable moving forward at this time incorporating the redevelopment guidelines without having a framework in place of something that will work in the southeast quadrant or the redevelopment area.

The City Attorney quoted from Tasks 4.1.1.1 and 4.1.1.2, under Task 4.1.1, *Alter/Generate New Concepts*, from the Scope of Services relative to Council Member Chillura's concerns, which he feels may be useful as the Council deliberates, and which provides, “...consultant will discuss with staff and other members of the consultant team any changes since the release of the Downtown Temple Terrace Revitalization Master Plan (completed by Torti Gallas and Partners, Inc.), planned and desired, to be considered as the process moves forward. Of particular interest will be recent initiatives in the northwest quadrant.” Under Task 4.1.1.2, the City Attorney quoted, “Utilizing the plans and diagrams prepared by Torti Gallas and provided to Consultant by the City, Consultant will alter as necessary the concept plans for the northeast and southwest quadrants. Factors such as recent development proposals (if any), new direction from the community, and land ownership will be considered. Preliminarily, Consultant understands these changes to be minimal and therefore does not anticipate significant plan changes in this regard.” The City Attorney said he believes that allows a fairly “wide berth” to bring in new ideas; he doesn't believe as he recalls from the activity before the selection committee with the presenters, that they are “married” to any particular plan; they just need a “platform from which to jump off.”

Council Member Chillura said the City Attorney stated that the consultant said that some of the changes would be minimal, and he questioned whether he was referring to the Torti Gallas plan. He said the changes they have been looking at lately have been much more than “minimal.” He said the point is he doesn't want to spend \$334,000 and then go back in a year and give them another \$150,000 to update it again. He reiterated he isn't opposed to going forward, but *at the right time*.

Council Member Govin said that is a consideration and is one of his concerns - that they continue to spend money. Alternatively, he said he has very carefully reviewed this document and found it to be a well put together document. For example, he noted that Task 1 would probably take four to six months to accomplish. He said it has covered a great deal of possibilities, and as he read through it, he did not see anything that ties it to Torti Gallas. Sitting in some of the Board of Adjustment meetings, he said he has seen some of the problems that residents face right now with the Code that was written in the 1960s. He said the problem is it doesn't take into account the kinds of homes built today versus homes built in the 1960s, such as backyard setbacks. He said he believes the document needs to go forward; the current Code needs to be reviewed, and he hates to see the project put off. He reviewed the agreement provides for advisory committees, and at every step provision has been made to come back to Council and the Advisory Committee; therefore, he would be comfortable with the project going forward. Referring to Exhibit B, Compensation Schedule, Council Member Govin noted it takes it provides a cost break-down by task, which helps them to better understand the cost. He said he agrees that all that was included in the budget was \$100,000, but if they refer to the memorandum, it indicates there are two appropriation codes. He suggested the City Manager could clarify the funding sources.

The Community Services Director explained there was funding in the amount of \$105,000 in Fiscal Year 2005-2006 for the Land Development Code. He said \$125,000 was added in Fiscal Year 2006-2007, and carried over the 2005-2006 appropriation. He explained the Form Code came up last year in 2005-2006 as they developed the interim Design Guidelines, which were approved in May of 2006. He said from those who attended the meetings and heard the input, it seemed to be a consensus out there that staff needed to push forward with a Form Code after the development of the interim Design Guidelines. That budget request, he said, was made this year, for \$100,000. Summarizing, he said the Land Development Code budget was appropriated over two fiscal years and the Form Code was appropriated this fiscal year, because that is a separate Code developed for downtown.

The Community Services Director said the Form Code allows them to look at the Torti Gallas Code to see what makes sense and what doesn't for downtown. He noted the Land Development Code for the whole City has nothing to do with Torti Gallas; Torti Gallas is just downtown and the Busch Boulevard/56th Street area.

In response to Council Member Govin's question as to whether the City has appropriated the funding for the proposed project, the Community Services Director responded affirmatively, stating that the Redevelopment budget appropriates the Form Code money and two years of budgeting produced the Land Development Code money.

Council Member Govin questioned how the Advisory Committee would be selected. The City Manager suggested that the Council allow him to suggest the members of the Committee, subject to their review and approval, as one alternative, keeping in mind the Guidelines. He said he would like to suggest people involved in the business who can offer a wide variety of perspectives.

Council Member Fernandez commented that when the Community Services Director gave the funding sources, it came up to around \$200,000 and not \$333,000. She said she has noticed areas in the document where Clarion has addressed going over the budget. She expressed concern this is a budgetary number and the City could actually be spending more. She said she is hesitating because they know the redevelopment is going to cost the City, but they do not know how much or the end result; she is hesitant to take on an open-ended agreement. In addition, she said this document won't be in place as development gets underway.

The Community Services Director countered that this is a fixed-fee contract. He said the document *does* include some additional services if the Council wishes to approve them in the future, but they are not included in the scope. He said this is a signed, not-to-exceed contract; they have spent five months and hundreds of hours negotiating this agreement.

Council Member Halloway said it was his understanding this is a fixed-fee contract. He said it is probably based on the estimated number of hours they would spend on this contract; that hourly rate is based on 2006 rates and they have agreed not to increase that to 2007 rates. The Community Services Director confirmed that they have agreed to keep their rates at 2006 levels over the 18-month period, even though their rates have already increased during the time they have been talking to the City.

Council Member Fernandez said she based her comments on Section 4.B, when they talked about any additional work that can be done is covered under this agreement, and that will be billed. She said her concern is what would happen if they approve the \$333,000, which is a considerable amount, and later determined they needed additional work or the project scope goes longer than anticipated.

The Community Services Director responded that the contractor will do this scope of work for this amount of money; they left the contract with the ability to hire Clarion for additional services if they so choose. Mayor Affronti confirmed that any additional work would have to be approved by the Council.

The City Attorney noted that the last sentence in 4.B states there is, to some extent, a fixation for some of the additional work as the contract is structured.

Council Member Halloway noted that Task 4 reflects that Clarion considers the Torti Gallas plan as the "point of departure" and not something that has to be adhered to in the Form Based Code.

The Community Services Director confirmed that is the way they wrote the contract, adding that the Torti Gallas plan is a visionary plan for the City.

Council Member Knapp commented that he thought "carry-over" accounting was something the Council had abandoned years ago, as far as carrying over budgets from prior years. He said he believes the Reserve fund was established by abandoning the practice of carry-over accounting.

The City Manager explained that what has happened in the last couple budget cycles is with the specific approval of Council. He cited, as another example, the School Support Committee requested to carry forward funds, which was approved by Council. With exception and with specific Council action, he said it has been allowed to occur in the last couple budget cycles. Council Member Knapp confirmed with the City Manager that Council approved the carry-over funding.

Council Member Knapp stated that if one uses the hourly rates in the document, i.e., the highest rate being \$210 and the lowest rate being \$60, utilizing a \$200 rate assuming the principals are going to do the majority of the work, that would mandate 1750 man-hours to prepare the document. He said what concerns him about the process is the same concern he had over the developer selection – there is no way to establish the *value*, because no one else has given a price. He explained that while they have established this is the most qualified *firm*, through the selection process, they have *not* determined it is the best *value*, because someone perhaps not quite as qualified would do the project for half the price; that isn't known, he said, because it wasn't priced out.

Council Member Knapp commented that although it has been said this evening the current Code is from the 1960s, like the Constitution of the United States, which is 230 years old, it is a *living* document and has been changed and updated every year by way of Council actions. He said he didn't want the viewing public or citizens here tonight to think the City is using a Code from 1960 to do business in 2007; that is not the case. He continued the City is using the basis and the original principals of the Code, but it has been adapted and changed and variations made to it every single year. He said that is one of the concerns he has about this whole process. From the eight years he previously served on the Council there were many things changed over the period of time similar to, but not exactly like, the changes they are being asked to make this evening by way of the parking on residential property. He expressed concern that rather than going through and updating the existing Code, they are proposing to create an entirely new document. It concerns him that when they do that, many properties unknowingly will be thrown into non-compliance, when, for example, perhaps a change was made in 1975 in the Code to make sure they were in compliance and perhaps a similar action would be like what they are talking about tonight with the parking restrictions; another example, if they say that in the 1960s it was okay to have a retention pond and then in 2007 the new document comes forth and says they can't have that; now that property is in non-compliance. He said they have 47 years of history to take into consideration when they create the new document, when the old document has been altered all those times to make sure those properties were *in* compliance. In conclusion, he said he is not overly pleased with the perceived value, 1750 hours; he said it has been expressed that they had 200+ hours of City time in negotiation; he suggested that those 200 hours might have been better served to re-write the Code.

The Community Services Director responded that the Consultants Competitive Negotiation Act (CCNA) is a State Statute under which this selection falls. He explained the State Statute states that firms are ranked for professional consulting services and negotiate with the first firm; if they fail in negotiations with the first firm, they go to the second firm. He said they have followed the requirements of the State Statute.

Council Member Knapp said he wasn't questioning whether the process was legal or not; he was questioning the value.

Mayor Affronti clarified that they are unable to compare one against the other except as the law allows.

Council Member Chillura said he won't be supporting this contract, because he doesn't believe the timing is appropriate and he thinks there will be additional monies exhausted in going back to update the Codes. He said he is agitated that when they went through the budget last year it was stated there was \$100,000 in there for Code updates. He said nowhere did it state that there was another \$220,000 sitting there. He asked the City Manager to look up and provide those Minutes to the Council. He asked specifically where exactly this funding is coming from.

The Community Services Director said that on Page 2 of the cover letter dated January 4, 2007 (a copy of which is part of the record), the account numbers are given. Account 001-1331-515.31-99 is the planning budget and Account 001-2411-552.31-89 is the redevelopment budget, he said, both of which are for professional or consulting services.

Council Member Chillura asked where in the document it shows the numbers broken down into those funds. Pointing out where the numbers are located, the Community Services Director commented that in 2006-07 there was money budgeted in the planning budget and in the redevelopment budget for the Form Code, and previously budgeted in 2005-06 in the planning budget. He reiterated there were two fiscal years of budgeted funds in the planning budget and the Form Code was not known until the interim guidelines were developed in 2005-06 and had all the public meetings.

Council Member Chillura said he recalled it was stated there was \$100,000 for revamping the Code, which is why he asked for clarification. On the redevelopment, he asked for clarification of the dollar amount requested, which was given as \$109,663, coming from the redevelopment budget; \$224,325 from the planning budget. He asked for and received confirmation that the redevelopment money was the money from the one-quarter mill plus the rents that come in, along with the TIF funds.

Council Member Knapp asked the Finance Director whether the funding is all accounted for, to which the Finance Director responded affirmatively. Council Member Knapp asked for the total dollar figure which was actually budgeted. The Finance Director responded that she shows \$225,000 out of the 1331 [planning budget] account and \$110,000 out of the 2411 [redevelopment budget].

Council Member Knapp expressed concern that the City has a Code or policy currently in place where the City has three engineers in the City that can be used without coming to Council, with a threshold amount of \$20,000. The City Manager was unsure of the amount, but concurred there is a threshold. Council Member Knapp continued that there is a threshold that provides they don't need to come to Council if they are under that amount.

Council Member Knapp expressed concern that when he was previously on Council, the amount of contracts that went through that were barely under the \$20,000 mark was incredible; or the contract would be broken down into multiple phases so that it would by-pass the competitive bid process. He said what concerns him is how they got so good that they budgeted \$335,000 and the contract amount is \$333,988.

The Community Services Director responded that he can provide details. He explained they budgeted a certain amount of money in 2005-06; as they looked at what needed to be done and as the need for the Form Code developed, which substantially increased the need for that, they put away \$100,000-\$105,000 in the 2005-06 planning budget for Code revisions. As they went through the selection process and talked to clients of the consultants around the country, he said they realized it was going to take more money than what was budgeted in 2005-06. He continued they budgeted another increment in the planning budget in 2006-07 for the Land Development Code. He said they were still \$10,000 short; there was a Planner position open since October 1st that they have been unable to fill with a qualified person to date, so they transferred \$10,000 from that budgeted expense and moved it to the planning budget. He reiterated that was a budgeted planning position that they couldn't fill, so the unspent salary amount was transferred into the planning budget to make the numbers work. He said he believes \$100,000 had been budgeted for the Form Code; the amount is \$109,663, and there are some additional consulting fees in that same account that will be used to cover the \$9,600 difference. He summarized they didn't hit it perfectly, but between the \$10,000 in the Planner account and the \$9,600 in the other, they had 98% of the money. He reiterated they didn't hit it exactly.

Council Member Knapp said that using the "amazing coincidence", in that negotiation process when negotiating with the entity they know the dollar figure you have to spend, since the budget is public knowledge, and they [Clarion] found a way to spend all of it. He said that was his point. He said the question he keeps going back to is how they determine the *value*.

In response to Mayor Affronti's question as to whether they received dollar-amount bids when they went out to bid, the Community Services Director responded that they selected on qualifications according to State Statute, under authority given by Council. He continued that they didn't hit the figure exactly. He said Council will see in the Agreement [Section 4.B.] there are items they *didn't* get that they wanted to complete, which are included in potential future services. He said they spent a great deal of time trying to prioritize what was most important to accomplish now. He said there were certain things that "fit" better at the end of the Code, such as signage, which often delays the approval process because it is a very specific issue.

Mayor Affronti said Council Member Knapp's statement about engineering contracts being awarded at slightly under the threshold concerns him.

The City Manager responded that there are three engineering firms under continuing contract. He said he doesn't recall the threshold, but he thought it was around \$35,000. He said they let the three firms bid on the jobs up to that amount. He said *his* approval level is \$15,000 and anything above that comes to Council for approval. He said this precludes them from having to go through the Consultants Competitive Negotiation Act process for what they consider to be relatively small jobs, but they still bid it competitively with those three firms.

Council Member Knapp concurred with the City Manager, but said his point is that they all come in under the threshold. He said he doesn't care if there are 20 people bidding; i.e., if it's a \$20,000 project and all of the bids come in at \$19,001 and \$19,900, it draws a red flag.

Mayor Affronti asked whether that information can be verified.

The City Manager said he understands Council Member Knapp's concerns, and they would pull out the specifications for that. He commented that he, the Finance Director, and the Auditor do watch very carefully for things like that. He said a bid process under the CCNA is very difficult; they try to contact other Cities to ascertain their value in compared to what is being offered to the City, and that is the best they can do.

Council Member Knapp asked whether the Community Services Director is stating that they decreased their scope of work overall until they had a number that met the budget.

The Community Services Director responded they did not; they prioritized the scope of work and looked at those elements that could be done "on the back end" without harming the process. He continued they listed the ones that they would like to possibly do next year in there, and negotiated on a fixed-fee basis. As the City Attorney mentioned, he said Clarion has agreed to do them in 18 months for those amounts; the Council can choose whether to approve those additional items when they are presented in the budget cycle.

In response to Council Member Knapp's question as to the total cost of the additional items, the Community Services Director directed Council to Page 2, Item 4.B of the agreement and restated the additional items, which total \$82,000.

Council Member Knapp said that in his opinion, the Community Services Department exceeded their budget by \$82,000 and they are simply going to defer it until next year's budget. He said when they use the word "prioritize," that means when they get to the dollar figure allocated, there are things that don't fit within the dollar figure so they are given a lower priority; therefore, they are not funding them.

The Community Services Director responded that those items may be things the Council wants to do or may decide not to do. For example, he said the Code doesn't need "green" building guidelines to be a complete Code. He suggested when Council meets individually with the Clarion representatives that they ask whether the additional elements are necessary or important.

There were no Site Plan Reviews for Council consideration or action.

Resolutions for Consideration and Action: (Consent Agenda)

Mayor Affronti stated the only item on the Consent Agenda is the Resolution for approval of the Professional Services Agreement between the City and Clarion Associates as previously discussed.

A **MOTION** by Council Member Govin, seconded by Council Member Hallway to adopt Resolution No. E-1, approving the Professional Services Agreement between the City and Clarion Associates in the amount of \$333,988 to update the City's Land Development and Zoning Code and to develop a Downtown Community Redevelopment Area Form Code; payment to be made from accounts 001-1331-515.31-99 and 001-2411-552.31-89, was **DEFEATED**. Vote on the motion being: Council Members Govin and Hallway voting "aye," and Council Members Chillura, Fernandez, and Knapp voting "nay."

Prior to vote on the above motion, Council Member Knapp said he will not support the motion. He explained that he is not supporting it because he doesn't believe the Code needs work, but because he doesn't believe the timelines correspond properly with the downtown redevelopment and he wasn't here originally when the Request for Qualifications was sent out and doesn't feel comfortable with the information that is before him to make an informed decision.

Council Member Fernandez pointed out when she was talking about additional costs beyond the costs presented for the project, those "potential" items [Agreement Section 4.B] were the items to which she was referring.

At this point, the vote on the above motion was taken, and the motion was defeated.

Council Member Chillura stated that he didn't believe the Council was totally opposed to this project being done, but it should be done at the right time.

Proposed Ordinances for Consideration and Action:

Following **SECOND** and **FINAL** reading, by caption, upon motion of Council Member Govin, seconded by Council Member Chillura, **ORDINANCE NO. 1197** was **ADOPTED** being: **AN ORDINANCE OF THE CITY OF TEMPLE TERRACE, FLORIDA, AMENDING CHAPTER 25, TEMPLE TERRACE CODE OF ORDINANCES, BY REPEALING SUBSECTION 25.760.11, USE OF RESIDENTIALLY ZONED PROPERTY FOR PARKING OR ACCESS, IN ITS ENTIRETY AND BY ENACTING A NEW SUBSECTION 25.760.11, USE OF RESIDENTIALLY ZONED PROPERTY FOR PARKING, ACCESS, OR DRAINAGE FACILITIES, FOR THE PURPOSE OF ADDING DRAINAGE FACILITIES, SUCH AS STORMWATER PONDS, TO THE IMPROVEMENTS THAT ARE ALLOWED ON PROPERTY ZONED R-10, 5-7.5, AND R-MF, WHEN LOCATED ADJACENT TO COMMERCIALLY ZONED PROPERTY, SUBJECT TO SITE PLAN APPROVAL; PROVIDING A SEPARABILITY CLAUSE, EFFECTIVE DATE, AUTHORITY TO CODIFY AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.** Vote on the motion for adoption being: Council Members Chillura, Fernandez, Govin, Hallway, and Knapp voting "aye," no "nay."

Following **SECOND** and **FINAL** reading, by caption, upon motion of Council Member Chillura, seconded by Council Member Govin, **ORDINANCE NO. 1198** was **ADOPTED** being: **AN ORDINANCE OF THE CITY OF TEMPLE TERRACE, FLORIDA, AMENDING CHAPTER 18, TEMPLE TERRACE CODE OF ORDINANCES, BY AMENDING SECTION 18.195.10(a), "DISABILITY BENEFITS ON-DUTY", AND BY AMENDING SECTION 18.195.10(b), "DISABILITY BENEFITS NOT IN LINE OF DUTY", OF THE TEMPLE TERRACE FIREFIGHTERS' RETIREMENT SYSTEM, PROVIDING THAT THE MAXIMUM AMOUNT OF DISABILITY BENEFITS SHALL BE ONE HUNDRED PERCENT (100%) OF AVERAGE FINAL COMPENSATION; PROVIDING A SEVERABILITY CLAUSE, RETROACTIVE EFFECTIVE DATE, AUTHORITY TO CODIFY, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.** Vote on the motion for adoption being: Council Members Chillura, Fernandez, Govin, Halloway, and Knapp voting "aye," no "nay."

Following **SECOND** and **FINAL** reading, by caption, upon motion of Council Member Chillura, seconded by Council Member Govin, **ORDINANCE NO. 1199** was **ADOPTED** being: **AN ORDINANCE OF THE CITY OF TEMPLE TERRACE, FLORIDA, AMENDING CHAPTER 18, TEMPLE TERRACE CODE OF ORDINANCES, BY AMENDING SECTION 18.185.10(a), "DISABILITY BENEFITS ON-DUTY", AND BY AMENDING SECTION 18.185.10(b), "DISABILITY BENEFITS NOT IN LINE OF DUTY", OF THE TEMPLE TERRACE POLICE OFFICERS' RETIREMENT SYSTEM, PROVIDING THAT THE MAXIMUM AMOUNT OF DISABILITY BENEFITS SHALL BE ONE HUNDRED PERCENT (100%) OF AVERAGE FINAL COMPENSATION; PROVIDING A SEVERABILITY CLAUSE, RETROACTIVE EFFECTIVE DATE, AUTHORITY TO CODIFY, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.** Vote on the motion for adoption being: Council Members Chillura, Fernandez, Govin, Halloway, and Knapp voting "aye," no "nay."

There was no Unfinished Business before the Council for consideration and action.

City Manager's Report:

The City Manager said that he would like for Robert Carnahan, representative from the Hillsborough River Technical Advisory Committee, and Alan Wright from the Planning Commission, address the Council on the issues discussed in the workshop held prior to tonight's meeting with the Southwest Florida Water District representative.

Robert Carnahan, the City's representative on the Technical Advisory Committee (TAC), said he and Mr. Wright are very pleased the City is taking up the issues on the River, and they wanted to inform the City that the By-Pass Canal was breached by the Corp of Engineers, providing open access to the aquifer. From his perspective, he said the City needs to move forward with political representation as well as with SWFWMD (Southwest Florida Water Management District). He noted that both the City of Tampa and Tampa Bay need more water.

Council Member Chillura said he feels it is vital that Council consider formation of a committee for the River, noting that the representative from SWFWMD said there are committees who communicate directly with her office. He said if there are retired residents along the River, they would be the ones who should deal with SWFWMD if there are issues.

Mr. Carnahan said that the Technical Advisory Board is reasonably central to SWFWMD and the various boards, and they received a very interesting response in turnaround time and trying to answer some of the questions. He said he believes the Council sending SWFWMD some of its comments would be very well-placed.

Alan Wright, Hillsborough County Planning Commission, said an interesting observation is that Temple Terrace sees the River as something worth preserving from an ecological benefit and aesthetics and also for recreation; whereas, downstream it is a commodity, and Tampa Bay Water and City of Tampa are using it for those purposes. He believes it is really important that Temple Terrace let them know the City is not satisfied with the water levels in the River. He continued that they were told at their meeting today that SWFWMD is in the process of setting the minimum flows and levels for the upper Hillsborough River, which is the City's area of the River, in February, and which the City knows nothing about at this point. Therefore, he said the quicker the City can send a letter to let them know that the City wants to have community input and wants to understand what basis they look at as far as water levels, the better off the City will be.

Council Member Chillura asked Mr. Wright his opinion of the City having a task force or committee dealing directly with SWFWMD. Mr. Wright responded it was fine; Mr. Carnahan sits on the TAC and brings information to them from the City. He said he didn't know how SWFWMD could set up a group because they deal with 16 counties with multiple communities.

Council Member Chillura clarified it would be a Temple Terrace task force that would make contact with SWFWMD to review their agendas and action to be taken and bring those things to the City's attention. He said the task force would be focused totally on issues with SWFWMD, Tampa Bay Water, and the levels of the River.

Mr. Wright explained that Tampa Bay Water and the City of Tampa have permits for their water usage, but if they find some ecological degradation or harm being caused by those permits, those permits can be changed. If the group would be notified of anything relative to their regulatory action with the upper River upstream of the reservoir, he believes it would be reasonable.

Council Member Chillura said he would direct the administration to appoint the City's Marine Patrol Officer as the "head" person to this task force/committee and add three or four persons who can participate and live at different points on the River to meet once a month or whatever it may be, with an agenda in place.

The City Manager said he would be more than happy to do that; he felt the information tonight was relative to that process.

Mr. Wright said there are a number of websites where the City can monitor water levels and review other data.

The City Manager said he would propose it to Council on Friday; Mayor Affronti added that they will need to set up a meeting quickly with SWFWMD to advise them what they are doing.

Relative to the By-Pass Canal breaching the aquifer and the fact that the City gets its water from deep wells, Council Member Fernandez asked how would that affect the City's water source and who the City would talk to about it. Mr. Carnahan responded that SWFWMD regulates all the wells for the City through Consumptive Use Permits, which SWFWMD can change at any time. The By-Pass Canal was breached for some time, he said, and that is why they constantly see water. [Note: Mr. Carnahan commented further, but his comments were garbled on the tape.]

Mr. Wright commented that they are edging into concurrency as far as development, water, transportation, and schools. He said this region is in a unique situation because they have Tampa Bay Water, which was set up binding them by legislation to provide water to the local governments. He said anytime someone comes in for a development, they are required to provide water.

The City Manager mentioned that the Quarterly Neighborhood Meeting will be 7:00 p.m., Monday, January 29, 2007, at the Public Works facility meeting room.

The City Manager recognized Fire Chief Ernie Hiers; this is his last meeting as he is moving to North Carolina, which was his long-time wish. He commended him for his service to the City, stating he has readily taken on a variety of requests and provided excellent service to the Community. In the interim, he announced the appointment of Keith Chapman as Acting Fire Chief. He said a reception will be held for Chief Hiers at Fire Station No. 1 on Friday, January 26, from 10 to noon.

New Business:

Mayor Affronti said he believes Council agrees an update to the Code is necessary. He said he felt it would be advisable for the Community Services Director to meet with those who voted against the proposal to discuss their objections and see if this can be modified.

Council Member Govin asked whether the issue can be continued, since it was on this agenda, to which the City Manager responded that he believes a member on the prevailing side could bring it up at the next meeting, if they so choose. The City Attorney said they could reconsider the issue at this meeting, if they wish. Mayor Affronti added they would not be voting for the issue, but would be given ample time to meet with the Community Services Director to determine what needs to be done to move this forward. The City Attorney said it would be better to handle it at the next meeting.

Mayor Affronti said the issue was raised as to whether to hold the workshop meetings at the dais or in the conference room, noting that the purpose of workshops are for informal discussion. After a brief discussion it was a consensus to continue holding the workshop meetings at the dais, as a matter of convenience for citizens unable to attend in person.

Having received a copy of the Plant City Resolution supporting the structure of the Hillsborough County City-County Planning Commission, Council Member Govin questioned whether the City had done a similar one. The City Clerk responded it was done immediately following the Council Meeting when it was approved.

Council Member Govin provided a brief update on redevelopment meetings with Pinnacle/Ram. He said several City staff members, the City Manager, Pinnacle/Ram representatives, and he have now met twice. Outstanding questions and issues were covered in the first meeting, he said; last Friday's meeting, which lasted five hours, was more financially related. He said the feeling is that at this point the money "gap" is too great to move forward; they are trying to work through the present plan with numbers. He said staff has put together numbers and have asked the developer to review them and try to reduce the gap or suggested they propose an alternate plan. He reiterated the gap must be reduced, but they want to do it with a plan that meets the City's goals, noting that the Torti Gallas plan was a concept and the concept is what they are after.

Council Member Govin commended the staff for being extremely well-prepared and has done an exceptional job putting together packages. He commented that another meeting is planned for Thursday, strictly to discuss the money gap and to help Pinnacle/Ram understand where the City is and what the City needs to do. He said Pinnacle/Ram will then provide a date to either come back with a plan/alternate plan that would reflect the goals of the City and reduce the money gap. He explained that some of the things discussed, relative to an alternate plan, included non-movement of Sweetbay, and reworking the plan to allow more intense development in Phase 1. He said they don't know where the developer will go with this, but in the last meeting they were pleased that the developer is still interested in the project and trying to earnestly look at the numbers and bring in a project that will make sense.

Relative to the numbers, the City Manager said they are hesitant at this time to throw numbers out because factors are changing as proposed changes are made to the plan. He said he hopes everyone understands that until they get down to the "nitty gritty," they can't actually provide those numbers; they are getting there, but it is going to be a process. Council Member Govin added that the numbers that were provided to Council are "good" numbers, but are being refined. He noted that this smaller venue in which they are working is more conducive to communication with the developer. He said the developer offered to come to the meeting tonight; however, Council Member Govin felt they should be further in the process when there are more firm numbers upon which Council could make recommendations.

Council Member Chillura asked who represented the developer's side at the last meeting. The City Manager and Council Member Govin responded that both Pinnacle and Ram were represented. The City Manager said he spoke with Mr. Peak today and knows Mr. Peak has talked with both partners on the Ram side.

Council Member Fernandez said that finding out a strictly *land* valuation has been discussed, so they would have something with which to compare. She asked for the status.

The City Manager responded they have met with an appraiser to ascertain bare land value – best and highest use. He said they are trying to figure out how to be objective and fair; they will be meeting with the appraiser again and will come back to the Council with a proposal. In response to Mayor Affronti’s question how soon will that occur, the City Manager responded as soon as they define the scope, he believes it to be a two- to four-week process.

Council Member Govin asked the Community Services Director whether they had begun with the Lesser update. The Director responded that they haven’t started on the update yet; it was suggested at the meeting that they obtain a proposal from Lesser, who was the sub-contractor to Torti Gallas to complete an updated market analysis on the project. Council Member Govin commented that is a negotiating tool, and helps everyone understand the density that is required. He explained they are working hard to get the density to a point where it yields the TIF that the City needs but doesn’t go out of where the developer can make money.

Knowing that the loans are coming due in 2008, Council Member Chillura asked the Finance Director for a report as to which properties can “carry” themselves. He clarified he wants to know ahead of time whether properties can carry themselves with rents, can be refinanced, or whatever, until they find a direction that is satisfactory to the City. He understands the administration is already working on getting this information together.

The Finance Director said she believes they have that information already. The City Manager concurred and said they will make sure the information is provided to Council. Council Member Govin said she has provided a similar report already; some information could be separated out.

There being no further business to consider, upon proper motion, the meeting was adjourned at 9:25 p.m.

Joseph A. Affronti, Sr.
Mayor

Frank M. Chillura, Council Member

Alison M. Fernandez, Council Member

Ronald A. Govin, Council Member

Ken Halloway, Council Member

Attest:

Mark A. Knapp, Council Member

Melissa E. Burns, MMC
City Clerk