

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

**Regular Meeting
Tuesday, September 18, 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, September 18, 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 Mark Connolly.

ALSO PRESENT WERE: Fire Chief Keith Chapman, Public Information Officer Mike Dunn, City Engineer Joe Motta, Code Compliance Director Joe Gross, Community Services Director Ralph Bosek, Human Resources Director Woody Hubbard, Parks & Recreation Director James Chambers, Library Director Mary Satterwhite, Public Works Director Steve Hodge, Finance Director Diane Reichard, Deputy Police Chief Patricia Powers, Deputy City Clerk Linda Brewer, City Planner Tom Moore, Assistant Library Director Armand Ternak, Building Official Charles Stephenson, Scott Andrews, Joe Bell, Joyce McKenzie, Robbyn Mitchell, Kathy & Rick Gibson, Erin Dudley, Lucas Carlo, Ani Oluku, Karl Stevens, Sean O'Shea, and several other persons.

There being a quorum present, Mayor Affronti called the meeting to order at 7:10 p.m., after which he led the Pledge of Allegiance to the flag, followed by a brief invocation.

Proclamations, Recognitions, and Special Presentations:

1. Presentation – **“Tampa Electric Company.”**

Tampa Electric Company (TECO) Representative Anddrikk Frazier presented a check to the City in the amount of \$9,650 for enhancements at Greco Middle School and to provide safety for the citizens of Temple Terrace. Mr. Frazier commented that TECO cherishes the relationship they share with the City.

Minutes of Previous Meetings:

Upon motion of Council Member Chillura, seconded by Council Member Govin, and unanimously carried, the **MINUTES** of the September 4, 2007, City Council Meeting were **APPROVED**.

Public Hearings:

1. **Public Hearing on the Tentative Millage Rate for Fiscal Year 2007-2008.**

Mayor Affronti opened the public hearing, and the Finance Director announced the tentative millage rate for Fiscal Year 2007-2008 is the rolled-back rate of 4.5692 mills, which is a 0% increase over the rolled-back rate.

Mayor Affronti called for public comments and Council comments. There being no comments from the public or the Council, Mayor Affronti closed the public hearing. The Finance Director again announced the millage rate of 4.5692 mills for FY 2007-2008.

- 1) **SECOND** and **FINAL** reading, by caption, of a proposed ordinance adopting the millage rate for Fiscal Year 2007-2008.

Following **SECOND** and **FINAL** reading, by caption, upon motion of Council Member Govin, seconded by Council Member Holloway, **ORDINANCE NO. 1210** was **ADOPTED**, being: AN ORDINANCE OF THE CITY OF TEMPLE TERRACE, FLORIDA, ADOPTING A MILLAGE RATE OF 4.5692 FOR FISCAL YEAR 2007-2008; SAID MILLAGE RATE BEING 0% MORE THAN THE ROLLED-BACK RATE OF 4.5692; PROVIDING A SEPARABILITY CLAUSE, AND PROVIDING AN EFFECTIVE DATE. Vote on the motion for adoption being: Council Members Chillura, Fernandez, Govin, Holloway, and Knapp voting “aye,” no “nay.”

2. Public Hearing on the Tentative Operating Budget for Fiscal Year 2007-2008, and the Capital Improvement Budget.

Mayor Affronti opened the public hearing on the tentative operating budget for Fiscal Year 2007-2008, and the Capital Improvement Budget.

Mayor Affronti called for comments from the public, of which there were none. Mayor Affronti then called for comments from the Council.

There being no comments or persons wishing to speak, Mayor Affronti closed the public hearing and called for the reading of the caption for the Ordinance to adopt the tentative operating budget for Fiscal Year 2007-2008, and the Capital Improvement Budget.

- 1) **SECOND** and **FINAL** reading, by caption, of a proposed ordinance adopting the operating budget for Fiscal Year 2007-2008, and the capital improvement budget.

Following **SECOND** and **FINAL** reading, by caption, upon motion of Council Member Holloway, seconded by Council Member Govin, **ORDINANCE NO. 1211** was **ADOPTED**, being: AN ORDINANCE OF THE CITY OF TEMPLE TERRACE, FLORIDA, ADOPTING THE FINAL OPERATING BUDGET FOR FISCAL YEAR BEGINNING OCTOBER 1, 2007 AND ENDING SEPTEMBER 30, 2008, AND THE CAPITAL IMPROVEMENT BUDGET; GIVING NOTICE OF THE PUBLIC HEARINGS THEREON; AUTHORIZING THE CITY MANAGER TO ISSUE SUCH INSTRUCTIONS AS ARE NECESSARY TO ACHIEVE AND ACCOMPLISH THE SERVICE PROGRAMS SO AUTHORIZED; AUTHORIZING THE CITY MANAGER OR THE FINANCE DIRECTOR TO TRANSFER MONEYS AND PROGRAMS AMONG THE DEPARTMENTS AND PROGRAMS WITHIN ANY FUND; PROVIDING A

SEPARABILITY CLAUSE, EFFECTIVE DATE, 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.”

The City Manager complimented Council on the significant amount of time spent on the budget, adding that the Finance Director and Department Directors were working with a “moving target” due to the actions of the Legislature, but they did an excellent job. Mayor Affronti concurred with his comments.

There were no Persons wishing to be heard on items NOT listed on the Agenda. There was no correspondence, communications, or petitions to be considered by the Council and there were no presentations before the Council for consideration and action.

Site Plan Reviews:

1. Final Site Plan – Goddard School at Tampa Oaks.

City Planner Tom Moore presented a revised Final Site Plan SPR#07-06, designed by Hamilton Engineering for the Goddard School at Tampa Oaks. He said they propose to construct an 8,000 square-foot day care center on Tampa Oaks Office Park Lot 2, located south of Morris Bridge Road, east of Tampa Oaks Boulevard.

Utilizing a PowerPoint presentation, the City Planner explained the property (about 1.33 acres) is zoned Planned Development (PD) and has a Future Land Use designation of Urban Mixed Use-20 (UMU-20). In addition to City Codes, he said the development of the proposed project is subject to the rules of the Development of Regional Impact (DRI) Development Order for Tampa Oaks (formerly State Street).

The City Planner stated the applicant has worked with City staff to coordinate the landscaping buffering and pedestrian access of this project. He noted the day care site shares a single access with the Hilton Garden Inn to the south and the pedestrian path and entrance features cross this property as it follows along Tampa Oaks Boulevard. He said the applicant is coordinating with the park’s developer of record (Opus South) to ensure continued maintenance and access of this pedestrian area along Tampa Oaks Boulevard. He noted elevations and floor plans have been provided.

The City’s Development Review Committee (DRC) has reviewed this final site plan, he said, and based on the final site plan package submitted on August 22, 2007, and follow-up information provided as of September 5, 2007, staff recommends *approval* subject to the following conditions, which were included in the Memorandum to the City Manager dated September 6, 2007, a copy of which is part of the record, and are included herein for reference.

SPR #07-06 (Goddard School)
CONDITIONS OF APPROVAL

1. Building Elevations and Building Footprints – All construction on the site will be substantially the same in appearance as shown in the concept elevations and renderings, including the dumpster enclosure finished with buffering walls matching the materials and colors of principal building. (See attached drawings) [Section 25.640]
2. Sidewalks/Landscaping/Entrance Feature – An easement or other acceptable legal document should be provided prior to issuance of infrastructure permits to allow the common pedestrian path for the office park and the entrance wall feature to cross this lot and allow the buffer hedge, trees and irrigation to be installed to comply with buffering requirements along Tampa Oaks Boulevard. [PD Condition #13]
3. Lift Station - The applicant shall provide documentation that the lift station has the available capacity to serve this project or if not the necessary improvements will be approved by the City prior to issuance of infrastructure permits. [Section 25.745.13]
4. Water/Sewer Lines - A minimum of 12” vertical distance must be provided between water and sewer (sanitary and storm) lines to meet FDEP and other jurisdictional requirements. This minimum requirement shall be addressed as part of the infrastructure permit. [Section 25.745.13]
5. Water and Sewer Easements – The applicant shall provide documentation that the proposed parking lot paving and sidewalk over the utility easements are acceptable by the owners of these easements prior to issuance of infrastructure permits. Prior to issuance of a Certificate of Occupancy an easement shall be provided to the City to grant access to the water meters for maintenance and reading.
6. Other Agencies Permits – Copies of the SWFWMD permit and approvals from the Health Department/ FDEP (water) and EPC (sewer), as necessary, shall be provided prior to issuance of the infrastructure permit. [Section 25. 725.7]
7. Tree Protection/Tree Loss During Construction - Site clearing and tree removal are not to occur prior to approval and inspection of protective tree barricades, or before the project's building permits have been issued. Any tree losses (including loss of trees to be relocated) incurred during construction and for a period up to six (6) months of the date of completion may be subject to replacement based on the “additional penalty” formula as described in Section 25.735.5. [Section 25.735.5(a)(3) and Section 25.735.6(a) & (b)]
8. Signage - All signs shall be permitted separately and shall meet the requirements outlined in the Tampa Oaks PD zoning conditions. [PD Condition #15]
9. Utility Structures Buffering and Screening - Any privately-owned utility structure and/or facilities that stand to a height of more than two and one-half (2-1/2) feet and is within seventy-five (75) feet of the property line must at a minimum be landscaped on all exterior sides. [Section 25.780.10]

10. Site Plan Expiration – All approved final site plans are valid for six (6) months from date of approval. When approval lapses, the new submittal must meet the rules, regulations, standards, and criteria in force on the date of “acceptance.” Also the building permit issued for the site shall be automatically revoked without further action by the City unless site clearing and substantial construction has been commenced within 180 calendar days after the date City Council approves the site plan; provided, however, City Council may grant one extension of up to 180 days within which site clearing and substantial construction must be commenced. The applicant must begin and substantially complete the development within two years from the time of final approval. [Section 25.115 and Section 25.645]

In response to a question from Mayor Affronti, the City Planner said he understands the applicant has no problems with the conditions for approval.

Council Member Chillura commented that it was recently brought to light that Fletcher Avenue has been given an “F” rating. He said there is a lot of development along that corridor and he questioned how that is being addressed.

The City Planner stated that the subject property is within the Tampa Oaks DRI that was approved several years ago; as part of that approval, it is reviewed by a number of agencies, including the Florida Department of Transportation and Hillsborough County. Improvements have been made or planned for the entire Tampa Oaks DRI, he said, and as part of the DRI they had to deal with traffic impacts on Fletcher Avenue.

Community Services Director Ralph Bosek explained that in 2005 the State modified the Growth Management Act to include required transportation concurrency and school concurrency. While the Council has already heard much about the school concurrency requirement, he said they will be soon hearing more about the transportation concurrency. He said the Statute exempted any existing Development Orders, which included Telecom Park and Tampa Oaks. He continued that those traffic impacts were planned for Fletcher Avenue years ago. He added that Telecom Park has been a park since before the mid-1980s; therefore, those impacts were all approved, and that is why they were exempted from the transportation concurrency. However, he said the proposed Wildwood Acres project, which is the old “Mar-Joe” property on Fletcher Avenue, has to deal with concurrency, and that is why they are moving forward with the multi-modal transportation district for the City because that is the only way the City can mitigate trips with better transit and other types of transportation and encouraging internal trips within the development. The specific answer, he said, is that the two DRIs, Tampa Oaks and Telecom Park, are exempt from the Statute changes.

Upon motion of Council Member Halloway, seconded by Council Member Chillura, **RESOLUTION NO. 096-07(m)** was **ADOPTED**, approving the revised Final Site Plan SPR#07-06 to construct an 8,000 square foot day care center on 1.33 acres located on Tampa Oaks Office Park Lot 2, south of Morris Bridge Road and east of Tampa Oaks Boulevard, subject to the conditions outlined herein. Vote on the motion being: Council Members Chillura, Fernandez, Govin, Halloway, and Knapp voting “aye,” no “nay.”

Resolutions for Consideration and Action: (Consent Agenda)

The City Manager read through and briefly explained the Resolution before the Council, which is to accept the recommendation of the Temple Terrace Redevelopment Agency to amend its FY 2006-07 budget and appropriate the \$428,335 Redevelopment Trust Fund balance to interest payments on land purchased, property relocations, land purchases, contract services, façade improvements, and other eligible projects to be completed within three years, as provided in the attachments to the TTRA Resolution.

The City Manager said he would also like to incorporate into the Resolutions being considered, the two other recommendations made by the Temple Terrace Redevelopment Agency relative to the Façade Improvement Program and the Casassa lease buyout.

Council Member Chillura pointed out that the votes will need to be taken separately on the recommendations because he will be abstaining from the votes on the Façade Improvement Program and the Casassa lease buyout for stated conflicts of interest.

Upon motion of Council Member Govin, seconded by Council Member Chillura, **RESOLUTION NO. 097-07** was **ADOPTED**, approving the recommendation of the Temple Terrace Redevelopment Agency, as set forth in CRA Resolution No. CRA-86, to amend its FY 2006-07 budget and appropriate the \$428,335 Redevelopment Trust Fund balance to interest payments on land purchased, property relocations, land purchases, contract services, façade improvements, and other eligible projects to be completed within three years, as provided in the attachments to the TTRA Resolution. Vote on the motion being: Council Members Chillura, Fernandez, Govin, Halloway, and Knapp voting “aye,” no “nay.”

Upon motion of Council Member Govin, seconded by Council Member Fernandez, **RESOLUTION NO. 098-07(m)** was **ADOPTED**, approving the recommendation of the Temple Terrace Redevelopment Agency, as set forth in CRA Resolution No. CRA-87, to implement the Commercial Façade Improvement Program as presented, with minor modifications to the program to be provided by the City Manager in his Friday Report to Council and incorporated into the program if there are no further objections from the Council by Tuesday, September 26, 2007. Vote on the motion being: Council Members Fernandez, Govin, Halloway, and Knapp voting “aye,” no “nay.” Council Member Chillura **ABSTAINED** from the vote citing a conflict of interest due to his ownership interest in property within the redevelopment area.

Upon motion of Council Member Govin, seconded by Council Member Fernandez, **RESOLUTION NO. 099-07(m)** was **ADOPTED**, approving the recommendation of the Temple Terrace Redevelopment Agency, as set forth in CRA Resolution No. CRA-88, authorizing the administration to transmit an initial buyout offer of the Robert Casassa, P.A., lease in the amount of \$34,699.30, and to include the Common Area Maintenance (CAM) in the monthly lease. Vote on the motion being: Council Members Fernandez, Govin, Halloway, and Knapp voting “aye,” no “nay.” Council Member Chillura **ABSTAINED** from the vote citing a conflict of interest due to ownership interest in the property when the Casassa lease was in place.

There were no further Proposed Ordinances for consideration and action by the Council.

Unfinished Business:

Council Member Govin updated the Council on the progress with the redevelopment contract negotiations. He said they have been meeting frequently, and the developer is moving forward with due diligence, with a tentative date of December 10 for signing the development agreement. He said there are still issues to be worked through, commenting the redevelopment committee is meeting again tomorrow morning, and the developer is meeting tomorrow morning with Volkert & Associates regarding the transportation plan, commenting the developer has already met with the City's engineering staff. Tomorrow at 11 a.m., he said the redevelopment committee will meet again with the developer to hammer out more points, giving the City additional documents with additional questions. He explained they are beginning to work their way through the developer agreement, adding there are still a couple of sticking points that they are working through.

Council Member Govin said when they are comfortable enough to give the Council something to approve or disapprove relative to the Arts Education Center property and the additional property, they will report back. He said the committee is very pleased with the spirit of cooperation from the developer. He commented it may be difficult to reach the timeline originally set forth, but are working on it now with the developer tomorrow to see if they need to move some dates forward or backward.

Council Member Govin noted Cate O'Dowd is the attorney with Shumaker Loop & Kendrick, LLP, who is working with them on the developer agreement, which he acknowledged is a laborious task. Fortunately, he said the City has good legal counsel, and they are trying their best to protect the position of the City and come back with an agreement that allows them to continue moving forward. He commented some of the bigger problems ahead include the Department of Transportation and Southwest Florida Water Management District. He said they should have more hard facts for Council possibly at the next meeting, at which time they will likely have to make decisions concerning some of the properties within the development.

Council Member Chillura commented that the next River Watch Task Force meeting will be held on Thursday, and on the afternoon prior to that meeting, they have plans to meet with the City lobbyist as previously discussed.

City Manager's Report:

The City Manager reviewed that at the last meeting they brought forward for Council's consideration a proposal to reduce the Library hours. He commented that Council Member Fernandez had several questions; therefore, Library Director Mary Satterwhite has more information to present to follow through on the administration's recommendation to be consistent with comparably-sized libraries within Hillsborough County.

Library Director Mary Satterwhite stated that if they open the Library an hour later in the morning, Monday through Thursday, and leaving the rest of the hours the same, it would save \$15,000; if they close an hour earlier, it would save approximately \$14,000. She said that savings won't be enough to carry them through to provide money for the next budget year.

The Library Director explained that the City Manager had asked her to figure out that if they had no money in Fiscal Year 2008-2009, since the Library is funded through property tax, how they could be open. She expressed concern that if they don't do something and the proposed Super Property Tax Exemption passes in the January Referendum, they may not be able to have a Library in the following year. If that occurs, she said she proposed a drastic cut in hours, expressing concern there would be no money coming in, believing that State aid would be gone, and the County has indicated they will give no more money. She noted their Library budget is approximately \$700,000.

Last week, the Library Director reviewed the proposal was to cut an hour from each end of the day, adding that tonight Council will need to make a decision. She stated that Hillsborough County has had to adjust their hours again, closing some smaller libraries, and they have already laid off 90 employees, as a result of being required to cut an additional 10% from their 2007-08 budget. She reported the County aid this year was \$268,589, adding the City would not get that next year; State aid was \$30,900 this year, but they would not get that next year. She remarked that staffing costs have increased, and if any merit increases are warranted, that will also increase their costs.

Relative to the proposed decrease in current hours of operation, the Library Director said one morning she counted 28 patrons who came in between 9 a.m. and 10 a.m., but noted that they have to have six staff members to cover tasks that have to be done in order to be open; most patrons were there to use the Internet, three came with their own computers to use the wireless connections to the Internet, and only a couple of patrons actually came for books or DVDs. She concluded the extra hour in the morning is not used. She remarked the first hour in the morning, the last hour at night, and Saturday morning are their slow times. She commented that other than people coming in to check their e-mail, Fridays are slow all day. She asked them to consider their request, stating that she wants their Library open, but reminding them there will be hard decisions to be made if the Super Exemption passes. She reiterated the recommended proposal by her and the Library Board is to close an hour earlier and open an hour later, saving the City approximately \$29,000 to be "banked" for use by the Library next fiscal year.

The City Manager explained that they looked at the worst-case scenario, not knowing what will happen with the Super Exemption Referendum in January, because the Library is so dependent on Hillsborough County aid and State aid; therefore, this budget is the most adversely affected by other agencies. He said they are trying to save the money and "bank it" for next fiscal year in case the cuts do come – at least the City will have a start. In addition, he said the City's Library will be the only comparably-sized library open in Hillsborough County. He said he anticipates the City's Library will be impacted by having to support a much larger area than they normally would have, which is of concern to him. The Library Director added it would also give them more staff, with fewer hours, to help with the extra load of people, since some libraries will be closed altogether.

Council Member Chillura asked if the County aid and State aid is going away whether or not the Super Exemption passes. The Library Director responded that was correct, adding that the County aid is \$268,000 per year, which is 40% of the Library budget, in accordance with their Interlocal Agreement. She said the State aid has been running about \$36-\$38,000 per year, which has been utilized for purchasing computers, books, furniture, and other things they could not acquire any other way. This money goes through the Hillsborough County Library system, she said.

Council Member Chillura stated that the loss of those funds would be a major blow to the Library. The Library Director responded there is a slim chance they can get in a Special Library Taxing District that would be exempt from the property tax problem and could help with funding, but she said that is a difficult process and would take a year. She cautioned it would have to be written in such a way as to prevent the County from taking over the City's Library.

Council Member Chillura asked whether they track how many of their patrons are Temple Terrace residents, to which the Library Director responded they can only pull up patrons by zip code. In response to how many Library patrons they have, she estimated there are about 74,000.

Noting the City only has about 23,000 residents, Council Member Chillura said that is a valid point to make to the County that although they are cutting their Library hours and their resources, the City is servicing a majority of County residents; if they cut this funding, this is only about one-third of the budget, while the City is serving 2/3 of its patrons from outside the City, i.e., the County is using the City's Library for its residents, but only paying a small amount. The Library Director reviewed that the original reason it was set up that way was to protect the City from the County trying to take control over the City's Library. Council Member Chillura suggested wording might be included in the Interlocal agreement to prevent the County from doing so, but still allocate funding to assist the Library. The Library Director responded the County has already indicated there will be no more County grants to the City, adding the County is suffering from the same property tax dilemma as the City.

Council Member Chillura expressed concern the City is getting the "short end of the stick" all the way around, noting that a couple of weeks ago the City Manager raised the issue of the Fire Department running a great deal of the City of Tampa's calls.

The Library Director acknowledged the County does provide a great deal of in-kind services for the Library computers, maintaining them. While he could appreciate that, Council Member Chillura said the City is giving a large in-kind service in return by taking care of their patrons.

The Library Director noted that every year the population shifts, as they work on the boundaries for the areas being served with the County staff, determining which zip codes and census tracts are to be served by the City and which are to be served by the County, and what percentage of the census tract is to be served by the City. She said they will first have to come to an agreement on that issue.

Mayor Affronti said they should consider that if the City doesn't take steps to cut its costs and the County is cutting their costs in the Library, and the City goes back to them and asks for help in getting money to keep the Library open, the County will ask what the City has done to attempt to offset the loss of funding.

Council Member Govin said he believes they need to approve the new hours based on the changes being made to the rest of the libraries in Hillsborough County; secondly, staff, to start with, needs to come back to the Council with an action plan that would involve going to the Legislative Delegation, as well as to Hillsborough County, and the City's lobbyist, Louis Betz. He reiterated the City needs an action plan and suggested the staff outline it and bring a proposal back to Council at the next meeting. He said he believes it is an urgent matter, adding that they don't have much time to put their bid in for more funding; even though the tax cut may not take place for a year it will be too late then, once the County knows they would get another tax cut in ad valorem.

Mayor Affronti concurred with Council Member Govin and called for a motion relative to the proposed change in Library hours.

Upon motion of Council Member Govin, seconded by Council Member Holloway, **RESOLUTION NO. 100-07(m)** was **ADOPTED**, approving the recommendation of the Library Board and the administration to set the new hours to be 10 a.m. to 8 p.m., Monday through Thursday. Vote on the motion being: Council Members Chillura, Fernandez, Govin, Holloway, and Knapp voting "aye," no "nay."

Prior to vote on the above motion, Council Member Fernandez said she is going on the record to state she is not in favor of these changes in hours of operation. While she recognizes the problems and will probably vote in favor of the change, she believes when the other libraries are closed, those numbers of patrons will significantly change. She said the City is not the County, and some of the things that make Temple Terrace a good place to live are the assets and amenities the City offers to its citizens. She continued that she hates to see them cutting the hours back, especially as more and more communications are coming through e-mail. She said she has observed those persons using the computers in the Library and believes those to be persons who don't have computers at home. She expressed concern that everything from school communications to parents and everything others do to communicate is coming through e-mail, and she hates to see the City lose that amenity. On the other hand, she said she does see that the City is covering more of the costs than the County is providing, even with the in-kind services the Library receives. She suggested that even if the hours were kept the same, that number would still shift, since anyone in Hillsborough County can use the Library without being a member. She said the 74,000 members could conceivably rise to 100,000 people using it; the disparity will only increase. She concluded she is still not in favor of it and wants the City to push hard for funding from somewhere. She reiterated her position of hating to see the City cut back; however, she understands the financial constraints.

The Library Director reminded them that Temple Terrace residents are also able to use the other libraries within the Hillsborough County Library System.

At this point, the vote on the motion took place, and the motion passed unanimously.

The City Manager said that he understands the direction of Council to formulate an action plan.

The City Manager said the City is looking at some significant annexations, which are not in hand yet, but they have all been working very hard to bring them about, which will be another possibility to help the City out financially.

The City Manager called on Parks & Recreation Director James Chambers to brief the Council on a project that is pending with Council's concurrence.

Parks & Recreation Director James Chambers announced he had two items to present pertaining to Riverfront Preserve, the 108-acre ELAPP [Environmental Lands Acquisition and Protection Program] property behind Florida College and Terrace Hill Golf Course. He explained the Friends of the Temple Terrace Parks & Recreation Department and the Temple Terrace Preservation Society have joined forces to raise money to build a replica of the bat tower. He explained the history of the original bat tower, which was constructed around 1920 and destroyed by fire in 1979, just prior to moving it to Riverhills Park. He said they have researched it and have detailed drawings to rebuild the structure, and they want to move forward.

The Parks & Recreation Director said the second project entails entering into an agreement with the University of South Florida architecture class, taught by Professor Stanley Russell. This semester his class will be designing a pavilion to go into Riverfront Preserve, he said, and next semester the class will actually build the structure. He added that money has been provided in next year's budget for the necessary materials. The City Manager said that if there are no objections, they will continue moving forward with those projects.

Council Member Knapp asked whether they know that bat towers don't work, to which the Parks & Recreation Director responded affirmatively.

The City Manager mentioned that the Temple Terrace West River Preserve Tree Planting Project is slated for Saturday, September 22, 2007, at 10 a.m. at the West River Preserve. He said it is a Hillsborough County ELAPP site (and City property) and will involve the planting of thirty-eight 30-gallon container trees. He said it has been organized by the Tampa Bay Reforestation and Environmental Effort, Inc., and sponsored by the Temple Terrace Garden Club and Friends of the Temple Terrace Parks & Recreation Department. He encouraged everyone to go down and help out as much as possible.

The City Manager advised the Council that the Police contract was approved by the Police Department and it will be on the next Council Agenda.

In conclusion, the City Manager said the City Attorney has information to share concerning a recent Supreme Court ruling with significant implications for communities in the State of Florida.

New Business:**1. Appointment – Municipal Code Enforcement Board.**

Mayor Affronti announced that the sole applicant for the vacancy on the Municipal Code Enforcement Board is former Board of Adjustment Member, Rick Gibson. Mr. Gibson came forward, briefly reviewed his background of service to the City, and said it would be an honor to serve the City again.

Upon motion of Council Member Govin, seconded by Council Member Chillura, **RESOLUTION NO. 101-07(m)** was **ADOPTED**, appointing Rick Gibson to fill the unexpired term of Kevin Reichart on the Municipal Code Enforcement Board, with an expiration date of June 8, 2008. Vote on the motion being: Council Members Chillura, Fernandez, Govin, Halloway, and Knapp voting “aye,” no “nay.”

The City Attorney announced that an associate of his at the Shumaker Loop & Kendrick firm, Jenay Iuroto, will be taking over his responsibilities at Code Enforcement. He said she has been prosecuting cases for the City of Safety Harbor Code Enforcement Board and also represented the Board at the City of Clearwater. She has been handling Code Enforcement cases for some time and has excellent experience in that regard, adding that he believes she will do a nice job for the City.

2. Appointments – Board of Adjustment.

Mayor Affronti announced Karl Stevens and Patty Vergara’s three-year terms on the Board of Adjustment are expiring; both are interested in being reappointed and no other persons expressed an interest in serving. Karl Stevens, 512 Courtney Drive, briefly presented his background as Vice President of North American Purchasing for Citigroup and practiced law for 15 years prior to his current position. He commented he has been privileged to serve on the Board of Adjustment and as its Vice Chair in his first year and as Chair for the past two years, adding it would be a privilege to continue to serve. Patty Vergara was also present, but declined to speak. Council Member Govin, Liaison for the Board, commented that both of them do an excellent job for the City.

Upon motion of Council Member Chillura, seconded by Council Member Knapp, **RESOLUTION NO. 102-07(m)** was **ADOPTED**, appointing Karl Stevens and Patty Vergara to three-year terms on the Board of Adjustment. Vote on the motion being: Council Members Chillura, Fernandez, Govin, Halloway, and Knapp voting “aye,” no “nay.”

City Attorney Mark Connolly brought news of a recent decision by the Florida Supreme Court in a case called Strand vs. Escambia County, which has attorneys across the State buzzing right now and the Florida League of Cities filing documents with the Florida Supreme Court.

Without going into a lot of detail, the City Attorney summarized that their decision overruled precedent going back for many, many years relating to bond financing. He quoted from the Court ruling, "...we now hold that the phrase 'payable from ad valorem taxation,' as used in article VII, section 12, [of the Florida Constitution] refers not only to the pledge of a local body's taxing authority but also to the pledge of ad valorem tax revenues. And, because tax increment financing [TIF] pledges funds derived from ad valorem tax revenues, bonds that rely upon such financing are bonds 'payable from ad valorem taxation.' Consequently, when ad valorem tax revenues are so pledged, 'the Constitution requires that the people who are to pay the bill should be given an opportunity to approve the debt before it is incurred'... Thus, in order to pledge tax increments for the repayment of such bonds, approval of the electorate by referendum must be obtained."

The City Attorney continued that Attorney David Cardwell, who from time-to-time consults on behalf of the City and who is General Counsel for the Florida Redevelopment Association, prepared a memorandum giving his opinion as to the effect of the Strand decision. Skipping to the end, the City Attorney said Mr. Cardwell has indicated that the Court's decision will require any CRA, or any local government receiving increment revenues from a CRA, pledging increment revenues to the payment of any debt maturing more than 12 months after the issuance of such debt to have such pledge approved at referendum; any debt validated pursuant to Chapter 75, Florida Statutes, prior to the Supreme Court's decision has been grandfathered and not required to be approved at a referendum.

The City Attorney said Mr. Cardwell raises a number of issues that are open to be determined, given the Supreme Court's ruling, and one of those is whether any form of financial obligation, such as notes, lines of credit, Interlocal Agreements, other contractual obligations of more than 12 months are subject to the Court's decision, or are only bonds, certificate indebtedness or any form of tax anticipation certificates. He said there are many, many jurisdictions across the State of Florida that have pledged TIF revenues for bond financing and have not gone through the Chapter 75 validation proceeding, so this decision by the Florida Supreme Court, according to a schedule attached to a document filed by the Florida League of Cities with the Florida Supreme Court this week, which is a survey showing CRAs from Boca Raton to Winter Park, with debts totaling \$1.2 billion that have been called into question as a result of this Supreme Court decision. He said there was a motion for rehearing filed this week with the Florida Supreme Court, so the fight isn't over yet, but until there is some sort of final ruling from the Florida Supreme Court, which has deemed this to be a high profile issue that will be expedited by the Court, the City's ability to pledge TIF funds, not only for bonding, but any sort of long-term debt of more than 12 months, has been called into serious question. He said this is an issue that they will have to be contemplating as they go forward with the CRA and financing for improvements and use of the TIF finances; they will keep a close eye on this and will advise accordingly.

The City Attorney advised there was a recent ruling by the 2nd District Court of Appeals in favor of the City with respect to a Petition for a Writ of Mandamus that was filed by Mr. Tozier. At this point in time, he said both the Trial Court in Hillsborough County and the 2nd District Court of Appeals have rejected Petitions for Writ of Mandamus filed by Mr. Tozier. He explained the most recent ruling was on a Motion for Clarification; the decision just came back from the Court a few days ago denying Mr. Tozier's Motion for Clarification and Motion for Rehearing.

There being no further business to consider, upon proper motion, the meeting was adjourned at 8:10 p.m.

Joseph A. Affronti, Sr.
Mayor

Frank M. Chillura, Council Member

Ronald A. Govin, Council Member

Alison M. Fernandez, Council Member

Attest:

Ken Halloway, Council Member

Melissa E. Burns, MMC
City Clerk

Mark A. Knapp, Council Member