

**CITY OF TEMPLE TERRACE, FLORIDA  
MAYOR AND CITY COUNCIL  
MINUTES**

**Regular Meeting  
Tuesday, October 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, October 16, 2007, in the Council Chambers at City Hall.

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

**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, Police Chief Tony Velong, Human Resources Director Woody Hubbard, Parks & Recreation Director James Chambers, Acting Library Director Armand Ternak, Finance Director Diane Reichard, Deputy Police Chief Patricia Powers, Assistant Fire Chief Ian Kemp, Deputy City Clerk Linda Brewer, Crime Prevention Officers Karen Walter, Joyce McKenzie, Liz Affronti, Connie Leinbach, Mary Mulhern, Jo Jeter, David Conner, Cheri Donohue, Jean Stephens, Mark Gentry, Ladondi Norris, Robbyn Mitchell, and Eastleigh, United Kingdom, visitors: Mayor of Eastleigh Roger Smith, Mayoress Sheila Smith, Borough Councilor Philip Spearey, Joan Spearey, West End Parish Chairman Neville Dickinson, Vera Dickinson, Past Mayor of Eastleigh Patrick Hallifax, and Past Mayoress Mary Hallifax, and several other persons.

There being a quorum present, Mayor Affronti called the meeting to order at 7:00 p.m., after which he led the Pledge of Allegiance to the flag, followed by a brief invocation.

**Proclamations, Recognitions, and Special Presentations:**

Mayor Affronti changed the order of the Agenda, to proceed with the recognition of the “Do the Right Thing” recipient first, so the student and his family would not have to wait.

**1. Recognition – “Do the Right Thing.”**

Police Chief Tony Velong and Crime Prevention Officer Karen Walter presented this month’s “Do the Right Thing” award to Ladondi Norris in recognition of reporting a crime in which a student was attacked by another student, causing injuries to the student, at Hillsborough High School. There were other witnesses, but only Ladondi came forward to report the attack to the School Resource Officer, Chief Velong said.

**2. Proclamation – “Eastleigh Week.”**

Mayor Joe Affronti introduced the special guests from our Sister City, Eastleigh, United Kingdom. Mayor Affronti called Mayor Roger Smith forward to accept a Proclamation proclaiming October 14 – October 20, 2007, as Eastleigh Week in Temple Terrace and a key to the City. Mayor Affronti noted Mayoress Sheila Smith was also present.

Eastleigh Mayor Smith presented Mayor Affronti with a pendant for the Borough of Eastleigh, a book of Eastleigh, England, and an original print from Eastleigh, England.

Eastleigh Mayor Smith thanked the City for the invitation to visit, commenting that they have been treated as though they were long-lost family. He expressed appreciation to the City Manager and his wife, Connie, for welcoming him and his wife to their home. He commented that as they were toured on properties the City is proposing to annex, he noticed how much greener the landscape is here than in England, making it a wonderful environment to bring in people. He remarked having attended one of the community churches on Sunday, noting that our churches are full, with large choirs and supporting orchestras, and adding they should find a way to encourage more people to attend in Eastleigh to create the family atmosphere they have found in Temple Terrace, where everyone works together to help one another.

Neville Dickinson, Chairman of West End Parish Council, whose wife, Vera Dickinson, was also in attendance, brought greetings from the Parish of West End in the Borough of Eastleigh, especially from the other thirteen Councilors who were unable to come tonight. He said he was specifically asked to bring greetings and best wishes to the Leinbachs, to Jack and Betty Knopke from Peter Humphreys, who was Mayor of Eastleigh several years ago, and to Fran Barford who presented Peter the keys to the City when he was here. He thanked Irene and Ralph Bosek for being such generous hosts and the Council for making everything possible.

Mayor Affronti recognized Borough Councilor Phillip Spearey and his wife, Joan. Councilor Spearey offered thanks from all of them for the warm hospitality of all of the hosts who have welcomed them into their homes.

Mayor Affronti then recognized former Mayor of Eastleigh Patrick Hallifax said Mayoress Mary Hallifax. Former Mayor Hallifax stated his memory goes back almost 30 years when he came to this Council, commenting that J. L. Richards was Mayor at the time, and while it was February and cold outside, the welcome was warm. He noted former Mayor Richards had come to Eastleigh with a boys' soccer team and visited one of their Council Meetings, inviting them to come to Temple Terrace. He continued that some ten years later when he helped form the West End Singers, who will be performing tomorrow evening, he suggested they come to Temple Terrace; they came in 1991. He thanked everyone again for the invitation, commenting that they are thoroughly enjoying the visit.

Eastleigh Mayor Smith invited anyone visiting in their area of England to visit them and attend a Council meeting. He commented Mayor Affronti was fortunate to only have four Council Members sitting with him, noting he has 44 Councilors. He apologized he was unable to bring the Chain of Office with him, as their insurance company would not allow it, nor would it likely be allowed on the plane.

**3. Special Announcement – “Greater Temple Terrace Chamber of Commerce – Cheri Donohue.”**

Cheri Donohue, Executive Director of the Greater Temple Terrace Chamber of Commerce, announced this was the beginning of the “Happy Holidays Are Coming to Temple Terrace” program.

Ms. Donohue said that in keeping with decorating the City for the holidays, since the City is unable to decorate as it has in the past, due to property tax-related funding cuts, the Chamber of Commerce said they decided to pitch in to try to decorate the streets of Temple Terrace. She distributed flyers about the Holiday Banner Program, noting the Chamber of Commerce will be selling them at cost, with the desire to cover the City's 75 street polls. She expressed appreciation to TECO for setting up the poles for them. She said the Chamber of Commerce is doing its part to keep the City decorated and a pretty place during the holidays.

Mayor Affronti thanked Ms. Donohue for their efforts. He briefly commented how the Chamber of Commerce works with the City getting community involvement; Ms. Donohue interjected there are now 650 members of the Greater Temple Terrace Chamber of Commerce.

### **Minutes of Previous Meetings:**

Upon motion of Council Member Chillura, seconded by Council Member Knapp, and unanimously carried, the **MINUTES** of the September 26, 2007, Special City Council Meeting and the October 2, 2007, City Council Meeting were **APPROVED**. Council Member Govin was **ABSENT** and did not vote.

### **Public Hearings:**

#### **1. Comprehensive Plan Text Amendment #07-01, Creating Urban Mixed Use-25 Land Use Category. (Continued from September 4, 2007.)**

Mayor Affronti opened the public hearing for the Comprehensive Plan Text Amendment #07-01, creating Urban Mixed Use-25 Land Use Category, which was continued from September 4, 2007.

There were no persons wishing to speak at this public hearing.

The Community Services Director announced that the petitioner, Englehardt, Hammer & Associates, Inc., on behalf of Lane Florida, has requested that the public hearing, continued from September 4, 2007, be continued to November 20, 2007, to allow the applicant the opportunity to comply with the transportation concurrency issue. The Director said that same night they will be coming forward with the Multi-Modal District proposal to allow the developer to meet those transportation concurrency requirements.

Upon motion of Council Member Chillura, seconded by Council Member Fernandez, **RESOLUTION NO. 118-07(m)** was **ADOPTED**, further continuing the first public hearing on Comprehensive Plan Text Amendment #07-01, Creating Urban Mixed Use-25 Land Category, to Tuesday, November 20, 2007, at 7:00 p.m., or as soon thereafter as possible. Vote on the motion being: Council Members Chillura, Fernandez, Hallaway, and Knapp voting "aye," no "nay." Council Member Govin was **ABSENT** and did not vote.

**2. Comprehensive Plan Map Amendment #07-02, Urban Mixed Use-25. (Continued from September 4, 2007.)**

Mayor Affronti opened the public hearing for the Comprehensive Plan Map Amendment #07-02, designating 47 acres located south of Fletcher and east of North 56<sup>th</sup> Street from Hillsborough County Residential 12 to City “Urban Mixed Use-25”, which was continued from September 4, 2007.

There were no persons wishing to speak at this public hearing.

The Community Services Director announced that the petitioner, Englehardt, Hammer & Associates, Inc., on behalf of Lane Florida, has requested that the first public hearing, continued from September 4, 2007, be continued to November 20, 2007, to allow the opportunity to address transportation concurrency.

Upon motion of Council Member Halloway, seconded by Council Member Chillura, **RESOLUTION NO. 119-07(m)** was **ADOPTED**, continuing the first public hearing on Comprehensive Plan Map Amendment #07-02, designating 47 acres located south of Fletcher and east of North 56<sup>th</sup> Street from Hillsborough County Residential 12 to City “Urban Mixed Use-25,” to Tuesday, November 20, 2007, at 7:00 p.m., or as soon thereafter as possible. Vote on the motion being: Council Members Chillura, Fernandez, Halloway, and Knapp voting “aye,” no “nay.” Council Member Govin was **ABSENT** and did not vote.

**There were no Persons Wishing to be Heard on Items NOT Listed on the Agenda, and there was no correspondence, communications, or petitions before the Council for consideration and action.**

**Presentations:**

**1. Proposed Legislation – Environmental Protection Commission.**

Tampa City Council Member Mary Mulhern came before Council to ask for the City Council’s support of proposed legislation to go to the Hillsborough County Legislative Delegation and ultimately to the Legislature for approval. She thanked Eastleigh Mayor Smith for mentioning the beautiful environment in Temple Terrace; Hillsborough River is the jewel of the County, providing drinking water for Tampa and one of the beautiful features of Temple Terrace.

Council Member Mulhern said the River has been protected for many years, along with the air and the land, by the Hillsborough County Environmental Protection Commission (EPC), which was created by a Special Act of the Legislature [in 1967], and serves as the model for other areas in Florida and across the country. She stated it brings a level of local protection to the land and the environment that is not provided by any kind of State regulation. Because the Board of Directors of the Hillsborough County Environmental Commission currently consists of only Hillsborough County Commissioners serving in that capacity, she said the cities located within the County have no representation on the Commission.

Council Member Mulhern continued, stating that the legislation she is proposing to present to the Hillsborough County Legislative Delegation for consideration is seeking representation for Plant City, Temple Terrace, and Tampa on the Hillsborough County EPC. She said she is asking for fair representation for their constituents to protect the Hillsborough River, adding that they all deserve to have a voice. She said the Commission would continue to have the same rules, but more representation under her proposal.

Council Member Fernandez questioned how likely Council Member Mulhern believes Hillsborough County would be to accept this change. Council Member Mulhern said it is going to be up to the Hillsborough County Legislative Delegation, stating there are 11 Legislators and four Senators in the Delegation; in order for this to go on from the Hillsborough County Legislative Delegation, she said they have to have the support of eight of the 11 Representatives and three of the four Senators. While she can't say how much support they will have, she said she believes the public sentiment is in favor of it, which speaks well toward the political will to make the change. She noted some of their colleagues on the Hillsborough County Commission are in favor of it, but the decision will be made at the State level.

Mayor Affronti asked whether the County Commission pays for it, to which Council Member Mulhern said it is paid out of the general revenue tax; everyone is paying for it whether they reside in a city or in the unincorporated area.

In light of recent discussions at the County in terms of cutting back funding, Council Member Chillura wanted to know who funds the Hillsborough County EPC. Council Member Mulhern reiterated it is paid out of the general revenue tax of the County. Council Member Chillura questioned who would have a say in it, because when the County was talking about abolishing it, the City had no say.

Council Member Mulhern responded that is part of the reason this legislation is being proposed. She explained that now Hillsborough County Commission is serving in that regulatory capacity and their County budget is not really involved in this; the funding is coming from the general revenue tax that everyone pays. She said part of the problem as she sees it, is they have the Commissioners serving as the Board of Directors and not necessarily having the environment as their first priority, but being more concerned with the County budget or other County issues and not being stewards of the environment.

Council Member Chillura explained to Council Member Mulhern that the City recently created the River Watch Task Force because of extreme conditions being put on the River. As he looks at the proposed make-up of the Board, he said that while the River goes all around Temple Terrace, there is only one representative for the City; the County would have five, Tampa would have two, and Plant City would have one – and the River doesn't go through Plant City.

Council Member Mulhern responded the EPC is not just about the River, but also wetlands protection and the entire environment, including land, water, and air quality. She said the number of representatives are what they thought would be acceptable; Temple Terrace actually has a much larger proportion than the City would be given if it were determined by land area or population. In addition, she said they felt that leaving Hillsborough County with a majority would be more acceptable to them.

Council Member Mulhern acknowledged she doesn't have commitments from everyone, but they don't necessarily need Board approval to go to the Legislative Delegation. She said she is proposing that if the City agrees with this proposed legislation, that the City sign on as a sponsor if they wish. She said they will have a Legislator as a sponsor; once it gets out of Hillsborough County, it is in the State's hands.

Council Member Chillura said he is not opposed to the measure; he just wants Temple Terrace to have a fair share of representation. Council Member Mulhern responded if they had done it proportionately, they would have had a really large board; they were trying to keep it manageable.

Council Member Chillura said he agrees with the concept. He questioned whether the City Attorney has reviewed this to see if there are any issues.

The City Attorney said conceptually, changing the number of seats and representation on the board, there is no problem with doing that. He said he has not reviewed the draft in extreme detail, but in general, from a legal standpoint, there is no impediment to going forward of which he is aware. According to what Ms. Mulhern indicated, he said this is something that would be proposed by a Legislator. At this point in time, he said she is asking whether the City is interested in signing on as a sponsor or giving tacit approval. Council Member Mulhern said they are not changing the rule at all, other than the number of people on the Board; the language is pretty much what is currently there, except for referring to the different municipalities. She commented the Legislative Delegation has been helping with the language, and their City Attorney will also look at it.

Council Member Halloway said that while he favors this, it appears the County still has the hammer, with municipalities having only four votes and the County having five. He said he believes it would be much better if the municipalities had one more vote so they could be on equal status. He questioned whether there is any chance of adding another seat on the Board.

Council Member Mulhern said everyone she has talked to has an opinion about changing the numbers, reiterating they are trying to make it palatable to the County Commission, who are not unanimous; they could be voting as a block or not. She concluded at least this would give the municipalities a voice, adding that is something that could be discussed, and the time for that would be when they bring it to the Hillsborough County Legislative Delegation. She reviewed again their rationale for the proposed make-up of the EPC.

Council Member Knapp said when the County began discussing cutbacks to the EPC, he did some research and found that Hillsborough County is the only county in Florida with an EPC. Council Member Mulhern said she is aware of that fact; they have a measure of protection that they would otherwise not have.

Council Member Knapp asked whether it was up to Hillsborough County if it is funded at all, since the entire funding comes from Hillsborough County, and the Board of County Commissioners could elect to eliminate that line item at their will. Council Member Mulhern concurred, stating they were threatening to do that, and there was a huge public outcry, which is what started this.

Council Member Knapp said his concern is that while he likes the fact that the City would have at least one seat, he wants to make certain that it is clear that the City's supporting it in concept doesn't mean the City is going to pledge additional tax dollars from the City of Temple Terrace. Council Member Mulhern said none of that is written in there, but the fact is they are already paying for it out of the general revenue fund through everyone's property tax.

Mayor Affronti confirmed with Council Member Mulhern that the draft legislation has to be in to the Hillsborough County Legislative Delegation by November 2, 2007, and the vote by the Delegation will be on November 16. Since there are some questions, Mayor Affronti questioned whether the Council can put this into consideration.

Upon motion of Council Member Knapp, seconded by Council Member Holloway, **RESOLUTION NO. 120-07(m)** was **ADOPTED**, supporting the proposed legislation to restructure the membership of the Hillsborough County Environmental Protection Commission in concept and directing staff to look into it further to be sure the proposed legislation contains nothing that would adversely affect the City. Vote on the motion being: Council Members Chillura, Fernandez, Holloway, and Knapp voting "aye," no "nay." Council Member Govin was **ABSENT** and did not vote.

Council Member Mulhern said if the City determines a better make-up for the EPC, to let her know and they will entertain it; the final draft will be forwarded to the City before it goes out to the Hillsborough County Legislative Delegation.

## **2. Annexations.**

Human Resources Director Woody Hubbard presented requests for Voluntary Annexations from Sanbarbes, Inc., Tropical Delight, LLC, and Point Plaza Shopping Center. He said the three properties contain commercial and residential uses.

The Human Resources Director reviewed the request from Robert Combes, President of Sanbarbes, Inc. He continued that the parcel, located north of Old Temple Terrace Highway, approximately 600 feet east of Davis Road, is approximately .5 acre in size. He said it is a square-shaped vacant parcel of property, located between the Tropical Delight parcel and Laurel Oaks; there are no plans for construction at this time. He noted the assessed taxable value is \$98,280; since it is vacant, the revenue to the general fund will be \$449 annually.

The Human Resources Director next reviewed the request for the Tropical Delight Apartment Complex, submitted by the owners, Miguel and Gleiri DeJesus of Tropical Delight LLC. The size of the parcel is about 2.3 acres, located north of Temple Terrace Highway, east of Davis Road, and south of Old Temple Terrace Highway, he said, and the rectangular parcel contains 33 apartment units in seven buildings. He said the current City population of approximately 23,914 would be increased by 65 to 23,979. The annual general fund revenue estimate for this property is \$22,715, he said.

The Human Resources Director said the final request for voluntary annexation is Point Plaza Shopping Center; the owner is Rudco Properties, Inc., represented tonight by Walt Peterson, Director of Property Management.

The Human Resources Director continued, stating that the parcel is 16.5 acres in size, located south of Temple Terrace Highway and east of Davis Road. He said this parcel is triangular in shape, broken into four quadrants. He explained the center quadrant contains the following commercial businesses: Uncle Fats Pub, China One Restaurant, T & S Nail Store, Metro PCS, a Laundromat, Hawkeye NYS Pizza Restaurant, Family Dollar Mart, Sweetbay Liquor, Sweetbay Supermarket, and Tender Touch Cleaners. He said the three outside parcels in the apex of the triangle are currently vacant; the owner plans to eventually construct commercial businesses on these parcels.

The Human Resources Director reported the general fund revenue generated from the Point Plaza annexation will be \$42,747 annually, adding that the City has processed several annexations in the past six months that should generate an additional \$262,690 annually. Due to these annexations, he said, the Fire Department has requested three additional firefighters to ensure both rescue units are in service at all times, and allowing the Department to have three personnel on both engines and two personnel on both rescue units. In addition, he said, another fire inspector has been requested due to the increased demand for commercial building inspections, which should be inspected annually, and properties having substantial fire suppression systems.

The Human Resources Director said the cost of these positions will be budgeted in the Fiscal Year 2008-09 budget; in this year's budget, \$165,000 was budgeted for additional overtime to meet these service requirements, so there is no additional cost to the City.

Mayor Affronti said his understanding is that whatever additional expenses there would be, they are projecting out to Fiscal Year 2008-09, which will be in their budget request for next year, to which the Human Resources Director responded affirmatively.

Council Member Chillura asked for a recap of the exact amount of money the City will receive from these properties – the amount coming to the City “at the end of the day.”

The Human Resources Director responded the amounts generated would be: \$42,747 from the Point Plaza Shopping Center; \$449 for Sanbarbes; and \$22,715 from Tropical Delight.

Council Member Chillura asked how the Sanbarbes parcel was currently zoned. The Human Resources Director did not know, to which Council Member Chillura expressed concern they should know that before they annex something, and without knowing what it is, he would not vote on it. The City Manager interjected the Assistant Community Services Director of Planning, Ann Sheller, left the meeting to get the answer for him.

Council Member Chillura asked the Human Resources Director if \$22,715 was the amount the City would get for ad valorem taxes from Tropical Delight, to which the Human Resources Director responded that was the total amount the City would get. Council Member Chillura questioned the total amount of the Annual Revenue Estimate was shown as \$52,399. The City Manager called on the Finance Director to respond to Council Member Chillura's questions, adding that another fact is that the City has had previous annexations, such as Laurel Oaks, that the administration has “banked” for this purpose and once they have the need and sufficient funding, they would implement the new personnel.

Finance Director Diane Reichard said the City annexed three parcels of property since May of 2007; those previous three and the three before the Council tonight will generate \$113,297 of ad valorem tax revenues.

Council Member Chillura said he doesn't care about the properties annexed in May; he wants to know a breakdown of the ones before the Council right now.

The Finance Director responded there would be \$39,000 for ad valorem tax revenues, to which Council Member Chillura questioned the \$42,747 just stated would negate that. The Finance Director responded the \$42,747 includes other types of income, such as cigarette tax, utility taxes, and franchise fees, stating that the Human Resources Director gave him the total amount. The City Manager interjected that was appropriate, because that was the total amount of revenues generated.

Council Member Chillura said he understands that, but his question was the amount of ad valorem taxes. He said when it is explained, it would be nice to say this is all revenues for this property, not just ad valorem, because the question he asked was ad valorem. He said it gets confusing when he starts hearing different numbers. He reminded her he likes to have his numbers straight. He said he understands she is saying the total amount of revenues. He said there can be fluctuation on the other revenues, but ad valorem taxes generally go up. He asked for the ad valorem taxes and then the other revenues as they apply.

The Finance Director began to respond with the total ad valorem taxes; however, Council Member Chillura asked for them broken down for each of the three parcels. The Finance Director responded that the ad valorem taxes on Tropical Delight are \$5,642; Sanbarbes \$449; and Point Plaza \$33,112. Mayor Affronti noted that is approximately \$39,000.

Council Member Chillura continued there were additional revenues coming from other sources; he asked the amount of those.

The Finance Director responded other revenues for Tropical Delight total \$17,073. Council Member Chillura asked what is included in that number, to which the Finance Director responded it includes Franchise Fees, Utility Taxes, and they can get some ... she interrupted her explanation to explain those taxes are based on population and when the population goes up, the City of Temple Terrace receives some additional revenues in General Fund based on the population. She said that is the reason that will be higher than Point Plaza. She continued there is \$9,635 for Point Plaza; she said this could be a whole lot different because there are so many other businesses in there that it was difficult for her to "guesstimate" all of the utility taxes for all of the other businesses on the property. She explained they would have to get everyone's utility bills and a lot of people don't want to supply their utility bills to them.

Mayor Affronti asked whether that is \$27,000 plus \$39,000 in ad valorem, to which the Finance Director responded affirmatively, stating the total is \$65-\$66,000. She reminded them she is conservative on her estimates.

Council Member Knapp asked about revenue from Occupational Licenses [Business Tax Receipts]. The Finance Director concurred she would have to add those to her list.

Council Member Chillura said his concern is that the shopping center is desirable, with lower maintenance and good income; whereas, Tropical Delight will be high maintenance, requiring more Code Enforcement and more Police Officers. He expressed concern that they are stating in Fiscal year 2008-09 they will bring on additional staff; however, he wanted to know what would happen if the proposed tax cuts come in January. He said it would be nice to plan as they go, and if this property and a few others come on, they could bring in one additional person, based on the numbers they've seen, but do it *as money becomes available* instead of just bringing them all on. He reminded them they were challenged with this budget cycle, and he doesn't want to bring a bunch of people on board, leaving the City faced with a huge crunch. He stated sometimes properties are profitable and sometimes they are not, citing the example of the work required with the apartment complex behind the Seven-11 on Bullard Parkway and commenting that apartment complexes are more of a strain on their resources. On the commercial side, he said they could annex those all day long, because they are not as great a strain on the City's resources. He concluded that it is great the City is growing, and it is okay to take some high maintenance when it is included with desirable properties, but he is resisting with the addition of so many personnel. He reiterated that as the revenue becomes available, bring them on.

The City Manager commented that philosophically and legally, the property has to be contiguous to our borders, which dictates the order of annexation. He said the administration put this together as a plan, knowing Council's concerns about the mixture of commercial with residential. He said the policy of the Council in the past has been to account for the extra money from annexations separately, keeping it as a pocket in the reserves, so when the need for personnel arises, they can tap that source. He said they have planned to fill the gap with overtime on a "need" basis; once they prepare the budget, they will take the reserve monies from these annexations and bring them to Council for their consideration and hopefully approval for the personnel as justified and warranted. He reassured the Council they will have another look at this in conjunction with the budget and the State Legislature's actions.

Council Member Chillura said, with the way the City Manager explained it, he doesn't have a problem with it, adding he doesn't want to authorize something now and then in 2008 have them bring on four people automatically. The City Manager concurred and said he didn't want to *later* say that they needed four people, but instead, wanted them to know up front that is what they anticipate will be needed.

Council Member Chillura asked whether the rental code is able to absorb the annexation of the apartment complex. The City Manager said he believes they are ready for this, having increased personnel slightly; more units will provide more revenue, which they will sink back into the program. Council Member Knapp added that they will really be earning their money. Council Member Chillura commented it is an excellent program.

Council Member Halloway asked for an estimated net gain or loss, net of cost to the City. The Finance Director said provided that in Fiscal Year 2008-09 if they add the three firefighters and one fire inspector, and bring in all the revenue as projected, they will have a net gain of \$45,629.

Council Member Halloway questioned whether that was for all three properties, to which the Finance Director responded that was all six properties. Council Member Halloway asked whether she had a number for the three properties before them tonight.

Council Member Knapp said that is a negative, to which the Finance Director confirmed that was correct. Council Member Halloway confirmed with the Finance Director there would be a loss. The Finance Director explained that the City took in the other three properties and combined them all together; before they added any personnel, they waited for these last three to come in. The City Manager said they tried to “master plan” this area, and they know at some juncture a third fire station will be needed to adequately serve, which is in their planning process. He said they will come back to Council in the future, hopefully as the City grows, adding this is one way to mitigate the negative effects of the State.

Mayor Affronti said they have to keep in mind that this is what they are requesting, based on these projections. He continued if they don't meet those projections in terms of income, they probably won't be hiring four firefighters and a fire inspector. He said the Fire Chief may not get the additional personnel; it will depend on the revenue.

Council Member Fernandez wanted to know how the vacant property is zoned.

The Human Resources Director said the Sanbarbes property is zoned Residential Duplex-12. Council Member Fernandez asked whether they could do a shopping center within that zoning category, with residential, or if it would have to be rezoned to do anything different.

The Assistant Community Services Director of Planning responded it is a residential duplex zoning category and is only ½ acre in size; the primary uses are residential and no commercial shopping center could be built there.

Council Member Fernandez asked whether the City currently provides water and garbage to that area. The City Manager responded the City provides water and sewer, not garbage.

Council Member Fernandez asked when they factored in costs of service, whether they included additional garbage service – a truck, a person, etc. The City Manager responded that was included in the analysis, but they need to know that as an area outside the City's corporate limits, there was a surcharge of 25%, and they accounted for that deduction when calculating revenue.

Council Member Fernandez asked when the City would actually start getting revenue. The Finance Director stated that as long as the property is annexed by December 31, 2007, they would go on the books in January of 2008, and the City would receive the revenue in November of 2008. The City Manager explained that is the bulk of the revenue, but the utility taxes are administered immediately.

Council Member Fernandez said in the summary they talked about the \$165,000 for overtime currently in the Fiscal Year 2007-08 budget, which the Finance Director confirmed. Council Member Fernandez confirmed they have that amount to spend this year on an as-needed basis; that overtime would go away, but the expense wouldn't go away because they are talking about possibly adding personnel.

The Finance Director explained the expense would be shifted from overtime to personnel costs. Council Member Fernandez asked what would happen if they annexed the property and physically need more people to cover the service area, but in the Fiscal Year 2008-09 budget they do not have the funds to hire additional people to provide the service to this area. The City Manager responded they would have to continue with the overtime. He said the City's moral obligation is to provide the same level of service that is now enjoyed by our current residents. He explained it is a "chicken and egg" issue – at some point the service is fully paid for; prior to that time, they will do the interim step of utilizing overtime, or look for more growth to justify the expenditure of personnel.

Council Member Chillura asked whether these properties are being serviced by dumpster containers or individual cans, adding his assumption that the shopping center is served by dumpsters. He explained he didn't want to further negatively impact the curbside pickup service if they are served by individual cans.

The Finance Director responded the Sanitation Division will not be able to have any additional staff, stating Point Plaza has can service, which will bring in about \$10,000, and bulk service, which will bring in about \$12,000. Asked about the apartments, she said she didn't know, but believed they have can service of \$385 per month or \$4,620 per year. Council Member Chillura asked whether dumpsters would be more feasible at the apartments, to which the Finance Director said she received that information from the Sanitation Division after asking him to research the service they currently have. The City Manager said they may be able to negotiate that with the owner, since personnel costs would be less with dumpster service. Council Member Chillura suggested there would be less impact to the City if they have a dumpster. The Finance Director said she believes she is incorrect and the figure she has sounds like a dumpster rate. The City Manager said they would double-check their service.

Calling Fire Chief Chapman to the podium, Council Member Knapp said his understanding is that they are looking for additional personnel, which would be available to handle the entire City and not just hang out at the shopping center. Without the annexation, he questioned whether it is a fair statement, since they are operating with \$165,000 in overtime, to state the Fire Department is operating understaffed at this time. The Fire Chief responded that was correct.

Council Member Knapp explained that, as in any business operation, there are peaks and valleys of optimal profitability, which he briefly described. He said the bottom line is more of an annexation policy – either the City grows or not. He said if they are going to make the effort to move forward and annex, they need to make those investments and move forward or the other option would be to look at how big they need to get to be most optimal and then stop growing.

Council Member Knapp questioned Chief Velong as to why there was no request for additional police officers. Chief Velong responded they are operating on an overtime basis and have been since the Laurel Oaks annexation; their request for personnel will come with another annexation later when there are sufficient funds to do so. He explained his coverage is 24/7 by zones; whereas, Fire coverage is by crews and trucks. Council Member Knapp commented that one of the things they pride themselves on in the City is the response time; they look at that every year and gage their ability to serve based on the response time, and he doesn't want to see that change.

Mayor Affronti said they need to look at their master annexation plan and how each area fits into the master plan. He commented there are some areas they would love to have, but because they are not contiguous, they can't annex them. He said in looking at areas they want to annex in the future, in order to do that, they have to annex those in between to be contiguous. Mayor Affronti concluded that in terms of revenue, unless the City continues to annex, they will come to a point where they have to cut services or raise taxes to offset losses in order to continue services; good annexation is very important to the City's growth.

Upon motion of Council Member Knapp, seconded by Council Member Fernandez, **RESOLUTION NO. 121-07(m)** was **ADOPTED**, directing the administration to proceed with drafting the ordinances for the voluntary annexation of properties known as Sanbarbes, Inc., Tropical Delight, LLC, Point Plaza Shopping Center, and abutting rights-of-way, as presented. Vote on the motion being: Council Members Chillura, Fernandez, Halloway, and Knapp voting "aye," no "nay." Council Member Govin was **ABSENT** and did not vote.

**There were no Site Plan Reviews for consideration and action by the Council.**

**Resolutions for Consideration and Action:**           **(Consent Agenda)**

The City Manager read through and briefly explained the five Resolutions listed on the Consent Agenda.

Council Member Knapp requested Resolution E-5 be pulled for further discussion. Council Member Fernandez requested Resolutions E-2 and E-3 also be pulled for further discussion.

Upon motion of Council Member Chillura, seconded by Council Member Halloway, and unanimously carried, Resolutions E-1 and E-4 were adopted by consent, [Council Member Govin was ABSENT and did not vote] being:

**RESOLUTION NO. 122-07**, awarding, in accordance with the Program's Guidelines, eleven School Improvement Grants, in a total amount of \$7,300.07; payment to be made from account 001-1021-511.82-21.

**RESOLUTION NO. 123-07**, approving the purchase of one 2008 Chevrolet Impala police detective vehicle under the Florida Sheriffs Association Bid 07-15-0827 from Garber Chevrolet in the amount of \$16,121 and the purchase of one 2008 Ford Explorer crime prevention vehicle under the Florida Sheriffs Association rollover Bid 06-14-0821 from Tropical Ford in the amount of \$21,090; payment for said vehicles to be made from account 160-1431-521.64-11.

Relative to Resolution No. E-2, Council Member Fernandez asked for clarification; they are talking about doing the design improvements in a smaller area as a test, but this Resolution is about getting contract for the entire area from the River to Temple Heights. She asked if the redevelopment area actually gets developed at a slower pace than anticipated, how that would affect this contract.

City Engineer Joe Motta reported the other project is under design right now. He said they are waiting for input from the utility companies about underground utilities, so the consultant has been on hold. He continued this contract is to take the rest of the project from the River to Temple Heights. He said they have several sources of funds, which the Community Services Director could explain, and they have to get going with that. He commented they have been working with the developer and his engineer to be sure it is compatible, although this is to do the rest of it – streetscape, landscape, lighting, access management issues, and underground utilities. He continued that TECO and Verizon are looking at alternatives to going underground and the cost, and he'll have to come back to Council with that. He reiterated they need to get going with this because it is a lengthy process and is a LAP (Local Agency Participation) project for which they recently got approval to negotiate with FDOT. He explained under LAP, they have to be certified to administer the money coming in, adding there are a lot of “hoops to jump through” with Federal money, reiterating the need to get started. He said the plan is to get started in November; they will come back in November with a contract for approval. This Resolution is to authorize them to negotiate – they are working on a scope and the fees right now; the survey is done.

Council Member Fernandez questioned, in going through this process, even though they could conceivably not break ground on the redevelopment any time soon, whether this contract is going to be a factor. The City Engineer responded it would not; this is a priority. He said they want to see 56<sup>th</sup> Street improved and plan to move forward. Council Member Fernandez said her only concern was doing one little piece, with so much is still unknown; she wanted to be sure there would be no conflict. The City Engineer reiterated they are planning to move forward and do have the funding.

Council Member Chillura clarified that he has an ownership interest in property on 56<sup>th</sup> Street; he ran it by the City Attorney, who said in this case there would be no conflict of interest.

Council Member Knapp confirmed with the City Engineer that this request is in regard to the area from Temple Heights to the River. Secondly, he confirmed with the City Engineer that the fees are budgeted; the City Engineer stated the fees are budgeted in the Capital Improvement Projects (CIP) budget.

Upon motion of Council Member Knapp, seconded by Council Member Fernandez, **RESOLUTION NO. 124-07** was **ADOPTED**, authorizing the administration to negotiate a professional services agreement with David Conner & Associates, Inc., to design and permit the improvements to 56<sup>th</sup> Street from the Hillsborough River to Temple Heights Road. Vote on the motion being: Council Members Chillura, Fernandez, Hallowsay, and Knapp voting “aye,” no “nay.” Council Member Govin was **ABSENT** and did not vote.

Relative to E-3, Council Member Fernandez asked how this would impact the rest of the development and streetscaping, and whether it all works together. The City Engineer responded this is part of the FDOT project to resurface Busch Boulevard; one of the things they are doing is to replace the signal at Busch Boulevard and 56<sup>th</sup> Street with mast arms. He said there is a huge foundation where they are placing it that is right on top of the City's 10-inch water main, which requires the City to do something in a hurry to get it done. He noted this is a high, conservative estimate, because they don't know how the bids will come in. He explained it is similar to, but smaller, than the project on Highway 301, and if the bid comes in lower, they will get the money back if they don't spend it all.

Council Member Fernandez questioned what would happen if the actual expenses were to come in higher, to which the City Engineer responded they would have to give them more money. Council Member Fernandez asked whether this is paid for as part of the streetscaping in the redevelopment plan. The City Engineer deferred to the Finance Director. The City Manager interjected they originally had planned the City would do the entire intersection, so they are fortunate that FDOT is doing the one at Busch Boulevard and 56<sup>th</sup> Street, which is a fraction of cost of what the City would have had to pay. The Finance Director added that the money for this is coming out of the Water Fund's renewal and replacement fund; they will increase the use of fund balance and appropriate it to this expense.

Council Member Knapp asked the amount of the fund balance, to which the Finance Director responded, was about \$700,000.

Upon motion of Council Member Chillura seconded by Council Member Halloway, **RESOLUTION NO. 125-07** was **ADOPTED**, approving the utility work by Highway Contractor Agreement between the City and the Florida Department of Transportation to relocate a water main at the northeast corner of Busch Boulevard and 56<sup>th</sup> Street, in an amount not to exceed \$52,211.25; adjusting the Fiscal Year 2007-08 budget accordingly, said funds to be appropriated from the Fiscal Year 2007-08 Fund Balance (account 430-000-389.10-00); and authorizing the City Engineer to execute said agreement on behalf of the City; payment for said contract to be made from account 430-1923-533.63-21. Vote on the motion being: Council Members Chillura, Fernandez, Halloway, and Knapp voting "aye," no "nay." Council Member Govin was **ABSENT** and did not vote.

Relative to E-5, Council Member Knapp said he asked to pull this item, not because he disagreed with rejecting the bids, but he wanted to bring to Council's attention the sense of urgency that they need to place on this. He explained that he was on the Council when those facilities were acquired from the Forestry Department for free, except for the cost of transportation. He said when they were installed in 1991 they were supposed to get them by for five years; 16 years later they are still out there.

Council Member Knapp continued that the restroom for the Leaguettes is in such poor shape they could award the contract, scrape it, build it, and justify it specifically in the alleviation of liability of people walking near that building as it is. He said these buildings have reached the point of dilapidation. He said he would propose that they approve Resolution E-5 and give direction to staff that this is of great urgency. He briefly explained the poor condition of the facilities, adding he was alarmed they were rejecting these bids and questioned how much more time would go by before these were done.

Council Member Knapp said he volunteered with the construction of the facility on 301; they put up a concession stand with a press box that was about twice the size of the proposals they are rejecting today. He said they built it for a cost of \$110,000; he acknowledged a lot of that was due to volunteer work from him and friends with whom he does business and firms with whom others involved in Pony League Baseball do business, who donated time, materials, and labor. While he is not suggesting they do that this time, when that occurred, the City of Temple Terrace had budgeted \$75,000 for the construction and the difference between the \$75,000 and the \$110,000 was borne by the City and by way of a loan or debt, Pony League Baseball was to pay it back. He said he believed it would be better served for the Council to send it to the Parks & Recreation Director and City Manager, giving them a priority. He continued that he doesn't believe it was fair when it was done because at the end of the day, that facility is owned and operated by the City; by lease, they Leagues were allowed to use it.

While Council Member Knapp said he understands the thought process, and that it wouldn't have cost so much had they not put the press box on top, he said the Council can see by these bids that Pony League Baseball and others, including himself, more than covered the cost by volunteering and what they put forth to make it happen.

With that in mind, Council Member Knapp said he believes that Council needs to make the commitment to: 1) extinguish the remaining debt of the Pony League Baseball; and 2) commit to funding, in its entirety, the Leaguerettes' and the soccer concession stand and restrooms. He said the dollar figure is yet to be determined by the Parks & Recreation Director; if there is some tweaking that can be done to the plans to bring some of the costs down, he said he would consult at no cost.

Council Member Knapp said that in reviewing the budget, funding is not an issue. He referred them to Page 338 of the final budget document that was distributed to them this evening. In the CIT (Community Investment Tax) funds, prior to this year, he confirmed with the Parks & Recreation Director that \$165,000 was budgeted for both facilities. He then pointed to the future Capital Improvement Program, noting there is \$50,000 per year budgeted for parks concessions and renovations in 2008-09, 2009-10, 2010-11, and 2011-12. He continued he is suggesting that they know they have under the Arts Education Center in 2007-08 a \$250,000 line item, which they know they won't expend in 2007-08. He suggested that when staff comes back with the amount needed to fund the renovations, they can fund whatever additional is needed above the \$165,000 from that \$250,000 and replace it in future years with the \$50,000 per year. He said they can fund the need of the concession stands today with the money allocated in 2007-08 for the Arts Education Center. He continued they would still have enough money left in the Arts Education Center area for whatever planning that needs to be done, such as architectural drawings, and things of that nature, and fund it in the next two years as the need arises with the same money as budgeted in the CIT fund. He concluded that will meet all of the needs, while meeting this one, which is critical to be met now.

Mayor Affronti questioned whether the Pony League Baseball gave the City money after their tournament. The Parks & Recreation Director responded that was correct, adding they have committed a fundraising program for a year until their debt is paid. He said they have paid about \$7-9,000, and there is also a \$10 surcharge on each child who plays. Council Member Knapp clarified he is not suggesting they give that money back; he is suggesting they extinguish the remaining debt. The Parks & Recreation Director stated it is a line item under revenue in his departmental budget.

The Community Services Director said it is important to understand, relative to the Arts Education Center, they are making good progress with the developer and expect a deal to be cut; the developer has said they have to be out of the current operation in Sweetbay Plaza by the first quarter of 2009. He continued, stating they have gone through the selection process for an architect for the Arts Education Center and produced a framework to look at different options for the North River Plaza property, as Council requested. He said he wanted to bring to their attention that by the first quarter of 2009 they have to have the Masque Theatre out of their current location. He questioned how they would do that if the money for the design goes away.

Council Member Knapp remarked he didn't say they were taking it away; there would still be money left. The Community Services Director responded that if the theatre has to be designed and constructed by the first quarter of 2009, they would have to spend the design money by the end of 2007-08.

Mayor Affronti asked how much money the Community Services Director was talking about, to which the Director responded there is \$250,000 in that line item. The Community Services Director continued that he wanted the Council to understand the timeline the developer has given them to get Masque out; if they are not out, the City would have to pay rent to the developer, and they don't want to do that. He said it is important they move forward, and he asked that the money stay where it is.

Mayor Affronti asked how much is in the budget for improvements to the sports facilities. The Parks & Recreation Director responded there is \$80,000 for the softball project and there is \$85,000 for the soccer project.

The City Manager said he understands Council Member Knapp's concerns and suggestions and said if the Council will refer it to the administration, they will come back to the Council with a plan to incorporate those, adding he understands it is a scheduling of the CIT funds. If the motion passes, he said they would come back to Council as rapidly as possible.

The City Manager noted they will be going out in the morning to fix the hole in the one restroom floor. The Parks & Recreation Director reported that it is actually the same hole that was repaired two weeks ago and someone tore the patch off the floor; it was patched again yesterday. He commented they are also fixing the frames and doors, which swing in, making them an easy target to be kicked in, which has happened many times. He said they proceeded to fix them once they knew the bids would be rejected, to get more life out of the building until they could get the project going. He commented they also gave the option to the softball groups to close those restrooms and put in port-a-lets; they would rather have the restrooms fixed up.

Council Member Knapp said he gave them the funding options, but regardless of where the money comes from, this is a dire need of the City and something that has been put off for too long. He noted that if they were to look at the numbers of people using those facilities every week as a comparison to the number of those who would use the Arts Education Center, it would be astounding.

Council Member Fernandez said she is between two different soccer fields and the baseball field, so she has occasion to partake of all of those facilities, stating the restrooms are not nice, but she agrees port-a-lets are worse. She said she completely concurs with the need. When talking about the CIP improvements schedule, she said she noticed there is money scheduled farther out in the Parks & Recreation line; she suggested perhaps they could pull that funding in farther.

Council Member Fernandez questioned what made the bids so much higher than anticipated and if they have any suggestions to reduce the cost that they are going to look at. The Parks & Recreation Director responded the philosophy when the program was started was to replace one facility each year, starting with Pony first, then softball, then soccer, then skip a year, and go to Little League. The philosophy also included that the City would have a certain amount of money to pay for the bathroom portion of the building and some of the concession; the League would be responsible for any additional, he said, adding that is how the Pony field was built. He said they have been working with softball, which was next in the rotation; it was actually funded last year, but was carried over because they were trying to come up with a volunteer contractor, and they also met with Hillsborough County Parks & Recreation and petitioned them to fund the difference, which was turned down.

The Parks & Recreation Director explained they have been working the last year to try to get these built within their budget and trying to incorporate what softball and soccer wanted in terms of size of the facility. He said the reason they went to formal bid was their consultant said they could probably get them done for somewhere between \$85-90,000; soccer said they would probably pay the difference, but softball was going to try to do some volunteer work, but the bids came in much higher than that. He was unsure why, but was told the specifications were too tight, noting that with the softball park they have to deal with the School Board and their stronger requirements. He commented they have also explored pre-fab units for about \$75-80,000, but has found the units are not as nice and are smaller.

Council Member Fernandez asked about the durability of pre-fab. The Parks & Recreation Director responded that the pre-fab units are more durable, being all concrete, and built on site. He said they are lifted in place by crane, set on the base, and hooked up in one day. One of the companies he explored has a lead time of about three months, and he noted they look a little more institutional; they are not as nice architecturally, and the concession area is not as large in square footage as the Leagues want.

Mayor Affronti suggested they approve the request to reject the bids and direct staff to come back with a plan to accomplish what Council Member Knapp has suggested by the next meeting. The City Manager said that could be done.

Upon motion of Council Member Knapp, seconded by Council Member Chillura, **RESOLUTION NO. 126-07** was **ADOPTED**, rejecting the bids to construct restroom and concession stand facilities at the Family Recreation Complex and Youth Sports Complex and directing the administration to consider alternative construction and design methods and re-bid each project; further directing staff to come back with a plan to incorporate Council Member Knapp's suggestions. Vote on the motion being: Council Members Chillura, Fernandez, Halloway, and Knapp voting "aye," no "nay." Council Member Govin was **ABSENT** and did not vote.

### **Proposed Ordinances for Consideration and Action:**

Council then heard **FIRST** reading, by caption, of a proposed ordinance, being: **AN ORDINANCE OF THE CITY OF TEMPLE TERRACE, FLORIDA, AMENDING CHAPTER 11, TEMPLE TERRACE CODE OF ORDINANCES, BY REPEALING SUBSECTION 11.130.9(a)(1) RESIDENTIAL CHARGES, AND SUBSECTION 11.130.9(b)(1), COMMERCIAL CHARGES, AND BY ENACTING NEW SUBSECTIONS 11.130.9(a)(1) AND 11.130.9(b)(1), RESIDENTIAL CHARGES AND COMMERCIAL CHARGES, RESPECTIVELY, TO INCREASE THE MONTHLY FEE TO RESIDENTIAL DWELLINGS RECEIVING CURBSIDE COLLECTION, AND TO INCREASE THE COMMERCIAL CHARGES FOR COLLECTIONS BASED ON TRASH OR GARBAGE CANS; PROVIDING A SEPARABILITY CLAUSE, EFFECTIVE DATE, AUTHORITY TO CODIFY, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.**

Council then heard **FIRST** reading, by caption, of a proposed ordinance, being: **AN ORDINANCE OF THE CITY OF TEMPLE TERRACE, FLORIDA, AMENDING CHAPTER 21, TEMPLE TERRACE CODE OF ORDINANCES, BY REPEALING SUBSECTIONS 21.410.5(a)(1) AND 21.410.5(a)(3) (RESIDENTIAL ACCOUNT DEPOSITS AND LATE PAYMENT CHARGES), AND BY ENACTING NEW SUBSECTIONS 21.410.5(a)(1) AND 21.410.5(a)(3) (RESIDENTIAL ACCOUNT DEPOSITS AND LATE PAYMENT CHARGES) TO INCREASE DEPOSITS AND LATE CHARGES; AND BY REPEALING SECTION 21.410.8 (CUSTOMER SERVICE CHARGES) AND BY ENACTING A NEW SECTION 21.410.8 (CUSTOMER SERVICE CHARGES) TO INCREASE CHARGES TO COVER THE ACTUAL COST OF PROVIDING SERVICES; PROVIDING A SEPARABILITY CLAUSE, EFFECTIVE DATE, AUTHORITY TO CODIFY, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.**

### **Unfinished Business:**

Council Member Fernandez said she wanted to clarify for the record, in regard to the change in Library hours. She said when they were discussing a reduction of the Library hours, it was indicated that they were not funded for the 2007-08 budget year from the County, but that turned out to not be the case. She said she personally would not have voted to reduce the Library hours if she had known they were going to have the funding from the County this year.

Mayor Affronti said he understood the Library would have the funding from the County this year, but they would probably not receive funding next year. The City Manager said that was correct. Mayor Affronti continued that the Library Director had wanted to build up a reserve this year so there would be some funding for next year. The City Manager concurred that was part of it.

Council Member Fernandez said throughout the discussions, she understood they wouldn't have the money this year and would be open an hour earlier and later than all of the other libraries. She said she doesn't believe that would have made a difference.

### **City Manager's Report:**

The City Manager said Harry Hedges appeared before Council asking for relief from the requirement Council applied to his development, Bella Terraza, to maintain the units as owner-occupied. He reported staff has met with Mr. Hedges and are working on alternatives, including programs to help first-time buyers with down payments and other assistance. He said he received an email late in the day from Mr. Hedges with some options, adding they are trying to do this as quickly as possible, knowing that the market is difficult and affects his bottom line; hopefully they will have something to present to the Council by the next meeting.

The City Manager said there have been a lot of options coming from the Legislature in terms of property tax reductions. For their edification and for a speech he will be delivering at the Chamber of Commerce, he said the most recent option has been to increase the Homestead Exemption by another \$25,000 in addition to allow its portability between properties.

Just for Temple Terrace, the City Manager said, this current fiscal year they were cut back by about \$500,000, with the next round estimated to be \$617,000 if this proposal goes through, which represents 16.2% of our property tax as a revenue source. He said his message tomorrow will be that 70% of the City's budget is personnel, so where will they cut, with gas going up and insurance going up. He said unless they grow and expand the tax base, they have very few areas in which they can cut back. He commented the Legislature is really making an issue for the cities in the State of Florida, including Temple Terrace. He reiterated the estimated impact for next year, if the current proposal passes, is an additional \$617,000, or \$1.1 million in this year and next. In answer to Council Member Fernandez, he confirmed it would be approximately \$1.1 million less than last year – it compounds. Mayor Affronti confirmed the issue is going to referendum in January; the City Manager said that is part of his message tomorrow. He said his position is that the City's residents are informed and involved, and they know what is best for Temple Terrace; the Council should make those decisions, not someone 300 miles away.

The City Manager concluded his remarks stating that he and his wife, Connie, have had a great time with their English friends, and he hopes everyone will have the occasion to meet and talk with them. He said it is fascinating talking about their systems of government and services, which is very enlightening.

The City Attorney said he was recently contacted by Sherry Steele of American Home Title, about a recent foreclosure action in Raintree Village Condominium Association against Verneka Rhodes. He said in the foreclosure action the Plaintiff should have named the City of Temple Terrace, because the City of Temple Terrace has Code Enforcement Board liens relating to property owned by Verneka Rhodes within the City of Temple Terrace at 708 Grand Circle, which relates to a separate parcel, being a condominium. He continued, stating that had the City been named in the action, the Code Enforcement Board liens, as they relate to this condominium, would have been foreclosed out in the process if the City of Temple Terrace not purchased the property at the foreclosure sale. Because they did not do that, he explained the title company now has a defect on the title, because of the Code Enforcement Board liens that should have been foreclosed had they brought the action properly.

The City Attorney continued that in discussing this matter with Ms. Steele for the past number of weeks, she has offered the City \$3,000 for a partial satisfaction of the lien so that essentially they would have a clear title to the property in lieu of going back and reopening the foreclosure proceeding to try to clean up the title. Given the nature of the litigation and fact that essentially had the City been named in the action, the lien would have been extinguished, the City Attorney said they believe it is a good idea to negotiate with her to resolve the lien. He reiterated she has offered \$3,000, and he would like authorization to negotiate with her and ultimately, if need be, to accept the \$3,000 for a partial satisfaction of the lien on the property.

Council Member Chillura asked the amount of the lien. The City Attorney explained there are two liens that involve the Rhodes; in Case 05-0557(a) is \$1,550, but another fine is still accruing and is currently over \$53,000. He continued that one of the issues in Temple Terrace, unlike some other municipalities and counties, the City does not "cap" their liens; others do so they don't have liens that accrue up to hundreds of thousands of dollars when property owners don't bring their property in compliance. He said the City has the benefit of the law that says the lien attaches to whatever they have within the County, which is why they are contacting the City now. He said they don't have to take any action, but he doesn't think their request is unreasonable, but before taking any action, he needs Council's authorization.

Council Member Chillura said the reason there is a lien out there is because the title company missed it in the foreclosure and therefore, the lien still exists. The City Attorney concurred, adding there is a property owner out there who now owns the property with a title defect. Council Member Chillura said they certainly would not agree to \$3,000 because it will cost them much more to go back and opening up the foreclosure action. The City Attorney concurred that would not be a cheap proposition to reopen the foreclosure action. Council Member Chillura said he would be willing to authorize him to negotiate, but certainly not agreeing to \$3,000, adding he would be willing to take that risk and ask for substantially more than that; there has to be a happy medium somewhere in between, since it will cost them so much to resolve and it is a liability right now to the title company. He concluded he believes it would be in the City's best interest to consider negotiating, but not considering anything close to \$3,000.

The City Attorney said the issue is holding someone's feet to the fire over attorneys' fees, because if they do this properly, his understanding is the City would get nothing. Council Member Chillura said he understands; however, the City Attorney knows it costs more than \$3,000 to file a foreclosure action. The City Attorney concurred.

Council Member Chillura said he believes there is certainly more on the table for the City without being greedy, but to at least cover the staff time that was involved in dealing with these issues. Given the comments from Council Member Chillura, the City Attorney said he will discuss with the Code Compliance Director what the City's costs are on this matter on a very generous basis and use that as a basis to negotiate with Ms. Steele, and bring it back to City Council for approval. Council Member Chillura reiterated he is not out to make a profit, and wants only to cover their expenses and staff time.

Mayor Affronti asked for and received a consensus for the City Attorney to go forward with negotiations and come back to Council with the best deal.

**New Business:**

Mayor Affronti mentioned River Fest, which is a great event, is coming up on Saturday; in addition, a couple of weeks ago "Temple Terrace Reads" was held, along with the Open House at Fire Station No. 1. He said the event was extremely successful and he commended the Fire Department for a wonderful job and the School Principals for their participation in the event.

**1. January 1, 2008, Meeting.**

The City Manager recommended that Council not conduct their regular meeting for the first Tuesday in January, 2008, and in lieu of scheduling a different date, to cancel the January 1st meeting. Mayor Affronti called for and received a consensus to cancel the January 1<sup>st</sup> meeting.

There being no further business to consider, upon proper motion, the meeting was adjourned at 9:05 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