

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

**Regular Meeting
Tuesday, March 4, 2008
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, March 4, 2008, 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 A. Connolly.

ALSO PRESENT WERE: Public Information Officer Mike Dunn, Public Works Director Joe Motta, Code Compliance Director Joe Gross, Community Development Director Charles Stephenson, Redevelopment Director Ralph Bosek, Fire Chief Keith Chapman, Police Chief Tony Velong, Human Resources Director Woody Hubbard, Leisure Services Director James Chambers, Finance Director Diane Reichard, Senior Planner Susanne Hicks, Library Supervisor Armand Ternak, Deputy City Clerk Linda Brewer, Joyce McKenzie, Debbie Carson, Grant Rimbey, Erica Kubia, Richard Reina, Delwar Hossain, Floyd Lambert, Aaron Bancroft, Aaron Hothem, Eric Hothem, Anddrikk Frazier, Maru Martinez, Matt LaRussa, Brent Kitchner, David Fuxon, Josh Diggs, Larry Modrcin, Nicole Lynn & Scott Sheridan, Darcie Speicher, Al Bigdeli, Keven Woodard, Robert Skinner, Skipper Peek, Paul & Sherrill Tomasino, Rachel Rodgers, Pat Allen, and several other persons.

There being a quorum present, Mayor Affronti called the meeting to order at 7:25 p.m., after which he led the Pledge of Allegiance to the flag, followed by a brief invocation.

Proclamations, Recognitions, and Special Presentations:

1. Recognition – **“2007 Tampa Bay Engineer of the Year – Paul Tomasino, P.E.”**

Mayor Affronti presented a Certificate of Recognition to Paul Tomasino, P.E., recognizing him for his distinguished career as a Civil Engineer, dedicated service to his profession and community, culminating in being recently honored as 2007 Tampa Bay Engineer of the Year.

Mr. Tomasino thanked the City, stating he has spent 47 years in this community. He said he would be remiss if he didn't share that as professionals and in all aspects of life we need to remember to mentor our professions, whatever it is. He shared that the reason he is an engineer was because of Council Member Fernandez' grandfather, who ran a salt testing laboratory and would stop by Mr. Tomasino's father's corner grocery store almost every day for a sandwich. He asked the young kid [Mr. Tomasino] what he was going to do one particular summer, and he told him he had planned to work in the grocery store. Ms. Fernandez' grandfather offered him a job, which he accepted. While salt engineers break concrete cylinders and make a salt test, that was not what he did, Mr. Tomasino said; his job consisted of a shovel and a wheelbarrow, and he picked up concrete cylinders, the salt test, and swept the floors. Being a young kid that bagged groceries, he asked him what profession this was, and was told it was called "engineering." When he went to school, he said he remembered the term "engineering"; other than driving a train, he didn't know what engineers did.

Mr. Tomasino said it was quite a coincidence that Council Member Fernandez' father was a nominee for the same award at same time. He said he had to acknowledge to Ross again this story, because he felt so obligated to his father. He concluded with the thought that whatever your profession is, think of that young kid; you never know that what you say might influence their lives.

Minutes of Previous Meeting:

Upon motion of Council Member Chillura, seconded by Council Member Halloway, and unanimously carried, the **MINUTES** of the February 19, 2008, City Council Meeting were **APPROVED**.

Public Hearings:

1. Downtown Redevelopment Planned Development and Preliminary Site Plan Review.

Mayor Affronti opened the Public Hearing and called on Redevelopment Director Ralph Bosek to present the topic of the Public Hearing.

Redevelopment Director Ralph Bosek said the community has waited a long time for the beginning of the approval process for the downtown redevelopment project, and as with any large project, there are complications and the City Attorney asked him to discuss one that is very important. This refers to a conditional rezoning approval given to the City by the RAM/Pinnacle applicant relative to the Regions Bank-owned parcel within the redevelopment project area. He explained Regions owns the parcel there that the City hopes will be purchased by RAM/Pinnacle to complete all the land of coagulation downtown. Regions is willing to grant the applicant the limited authority to apply for the rezoning and proceed with the rezoning process provided that the final rezoning is conditioned upon and shall not be effective until the applicant [RAM/Pinnacle] acquires the Regions Bank parcel.

The Redevelopment Director said to the best of his acknowledge, the City has never been asked to act on a conditional consent by a land owner, and staff believes that an unconditional consent is necessary. City Attorney Connolly has advised staff to request that the Council not make any decisions on the RAM/Pinnacle plan tonight, but to listen, ask questions, and make comments with the thought being they have the final process to go through later in June and hopefully this issue will be resolved by then.

City Attorney Connolly reviewed when they first set up a timeline for how this was going to proceed before City Council, Assistant Community Development Director Ann Sheller was assisting with their office in looking at the City Code, and typically site plans come before City Council as *final* site plans. The plan tonight, he said, is a preliminary site plan; the notion by RAM/Pinnacle is a commendable one to get this out before the public for comments. Under the Code, he said, what needs to happen, is subsequent to this preliminary meeting, there would be a Design Review Committee (DRC) meeting to consider the final site plan; there will be another public hearing, in which public input would be taken; the City Manager would give that to City Council for action within 60 days of the date of the public hearing. When timeline was set up in January, Attorney Connolly said they knew this first review would be of a preliminary site plan and not on a final site plan.

Given that they are reviewing a preliminary site plan that still has to come before the DRC, Attorney Connolly said moving forward tonight would make sense to keep this matter proceeding forward. He said the issue just presented by Redevelopment Director Bosek relates to the consent by Regions Bank relative to rezoning, which they finally received yesterday. He explained the consent is a *conditional consent*. He said he is not aware of a conditional consent by the property owner, and in speaking with his two colleagues Graham Caruthers and Cate O'Dowd, they, too, were unfamiliar with anything of this nature. He said they all agreed they cannot proceed until they receive an *unconditional* consent by Regions Bank; cities do not make *conditional* rezonings on properties.

As far as proceeding on a preliminary site plan, Attorney Connolly said there is no problem; Regions Bank has given their consent subject to the caveat, but before going forward with any further hearings to get the rezoning approved, they need RAM/Pinnacle to come back and give the City an unconditional consent.

The Redevelopment Director indicated RAM/Pinnacle will be presenting a revised plan that Council has not yet seen that just came today; City staff has not reviewed it. To show the progress, the Redevelopment Director said they will see more detail and some things that have been changed. The plan shown tonight, he said, will be distributed tomorrow to DRC and RAM/Pinnacle has agreed to meet shortly with them to discuss additional improvements.

Before Bob Skinner begins presentation, the Redevelopment Director said the Community Services staff has prepared a list of priorities that will help this project meet more of the City's Codes and Future Land Use requirements. He then distributed the list, stating it is not something that needs to be voted on this evening; they are things to consider. He explained that the more walkable this project is, and the more connectivity there is on the project, the more of the City Codes this meets, including the Future Land Use requirements, the Chapter 29 downtown codes, and the Transportation Concurrency Exception Area (TCEA) requirements. He indicated this list is for Council's use as they go through the approval process over the next few months.

At this point, RAM personnel distributed exterior elevations, and preliminary site plan and renderings. Bob Skinner reviewed that on December 18 they agreed together on a conceptual plan to move forward with the project, and a set of economic terms. After that meeting, he said they jumped right in, started their site plan package and submitted the package on February 4 or 5. He said within two weeks they had comments and had a workshop that lasted four or five hours in reviewing the comments and questions about the plan. From that, he said, they have generated a revised plan that is before them this evening. He explained they intended to get this out so they could have a discussion about it and move quickly towards it, making sure they were on the right track, based on the original conceptual plan, including the site plan, landscaping and hardscaping, and general building elevations.

Mr. Skinner said what everyone has in hand is more in depth than what he is going to illustrate on the PowerPoint. He said they have tried to embellish upon what was agreed upon on December 18, 2007, including the City Arts Center in the plan. He said he will briefly describe the plan, and he will then open the floor for questions.

Utilizing a PowerPoint presentation, Mr. Skinner displayed a rendering from December of the site plan from the intersection of Busch and 56th Street, as prepared by King Engineering which is slightly different than the one submitted by Lyman Davidson Dooley and approved on December 18. He explained that Lyman is their architect and King has taken the site plan, using horizontal control, and made the necessary adjustments based on the actual survey data and actual topography. He said there are slight variations in the number of parking spaces; but for the most part, very similar to the conceptual plan but is now working towards an engineering plan. He said it includes the landscaping (trees) as per the landscape plan that was submitted to staff.

Referring to Block C (a store front), Mr. Skinner explained they looked at the façade treatment situation for the buildings that would remain and they envisioned taking advantage of building height, and mimicked the concept of putting second floor residential above these buildings. He said this helps bring in the concept of a town center rather than just continuing on with a façade treatment that would typically be seen in a “big box” center as seen in other suburbs.

Utilizing the PowerPoint illustrations, Mr. Skinner reviewed various slides, coming from the north and working south, the Sweetbay elevation, which he noted is not the final elevation that Sweetbay would accept, but this is where RAM/Pinnacle is headed and will be working with them to expand the elevation. He described others shown, pointing out a typical small shop retail building on the main street [Building 9A]; shown below is the main street elevation, he said, again showing the second story concept of residential above and shops below. He illustrated and explained 9A – fountain plaza and Building 5B, with the same street elevation but, again, the plaza elevation and a tower elevation. He said one thing he tasked the architect with, and may have more discussion with the Committee and staff about, is not to make this monochromatic – he felt it needed more lively colors to have more pizzazz. Mr. Skinner said he is open for suggestions; he is not “married” to any particular colors, but would definitely like to see some livelier colors. He said he wouldn’t want to see the buildings to come down the way and all be monochromatic and the same color; they will try to stay within the same color family, and stick to three colors on any particular building.

Referring to another building on 56th Street, Mr. Skinner pointed out the combination of cloth awnings and cantilevered metal awnings, saying he believes cloth awnings soften the buildings. He pointed to another building that will be a retail/live/work. Mr. Skinner said there are two basic common areas within the main street: a fountain area and a common green area that would be kid-friendly. He indicated that since the spaces are fairly equal, he’s not opposed to swapping the location of the fountain and green-space center if they choose.

Council Member Halloway asked whether this is the final iteration of elevations, in terms of configuration and architecture of the buildings. Mr. Skinner responded affirmatively. Council Member Halloway added it has a “sameness” look about it; every building has a flat roof and tower to it, whereas, he thought in looking at elevations in the past, every building seemed to have had its own unique styling of Mediterranean Renaissance. Mr. Skinner pointed out that the approximate 100,000 square feet that is remaining shows some elevation variation, they didn’t show elevations of the bank building, and didn’t show the elevations on the two-story, iconic building. He indicated the Art Center will take on whatever type of architecture Council chooses; the post office will be held to the same architectural standards that are agreed upon.

Mr. Skinner continued, stating that Burger King will hold them to a corporate layout, but RAM/Pinnacle will hold them to matching up architecture that is consistent with this. He said there are two restaurants that aren't depicted that will be ground leases, which will have some nuances. What they are seeing are six buildings, with different layouts; they do have some symmetry for consistency, he said, but have a number of other buildings that are not.

Council Member Halloway asked what they foresee with Sweetbay and whether they are playing hard ball. Mr. Skinner said what he has heard so far is good; he called upon Skipper Peek to address this. Mr. Peek said Sweetbay has been very cooperative so far. He said they haven't received any specific comments on the elevations, but relative to what has been proposed in terms of restructuring the leases and changes to common elements, they have been very receptive and have promised feedback.

Council Member Fernandez said in going through the staff comments, she can't tell how they have responded to them in this new plan. For example, she said maintaining connectivity with the property that abuts the Center, which should not be a connection now; but in the future.

Utilizing the PowerPoint, Mr. Skinner illustrated that the roads coming from the west to east, they had discussed with staff that they have no issue with future roads lining up, but they don't have any impediment to connectivity. He said they expect that property to be fully redeveloped before they connect as commented by City staff; individuals have commented that it needs to be a full redevelopment, perhaps a scraping of the project and possibly coming in and creating a grid network of townhouses, which would be a great addition to this project. He said they are not advocating creating turn-ins and putting up barricades at the end when they are so far away from that and definitely not putting up anything structural or anything from the standpoint of water/sewer or any type of infrastructure that they could not push through; it would be minimal dollars to interconnect. Instead of putting a building, they could connect these things through in the future, he said, and that actually does happen in the alignment of Chicago Avenue. If they create a turn-in, Mr. Skinner pointed out they would legally have to create a stopping point – a barricade or something – that someone can see. He said they would lose two or three parking spaces if they have to make connectivity.

Council Member Fernandez asked about landscaping, stating that the property has quite a bit of foliage for a shopping center. She said there was some discussion about cherry laurels or that type of oak tree that grows quickly but doesn't last. Someone in the audience interjected that the trees would be laurel oaks, and not cherry laurels. Council Member Fernandez questioned whether the final landscaping plan would be presented, noting this one is still a preliminary plan. Mr. Skinner said most of what is illustrated is at the 80 to 90% point, subject to one more staff review; they have a few more items to make this a final package, adding they haven't even addressed the signage package and a couple of other items that would make it a full final package. He summarized that, in general, this is the landscape plan, subject to review by the Committee; one thing they did was to increase the number of oak trees along Main Street to produce shading and a pedestrian pathway between the plazas.

Scott Sheridan (King Engineering) clarified that no cherry laurels would be planted; they are proposing oak trees throughout the project for diversity; not just to go all live oak so there isn't a mono-culture out there. He mentioned there are concerns about laurel oaks and their longevity. They are talking about doing live oaks along the main streets and main core areas; they are fine with going either – live or laurel. A lot of the trees on the site today are laurel oaks, he said.

Redevelopment Director Bosek reminded Council that staff will have an opportunity to review the updated plan and provide new comments on this updated plan. He said that process will start tomorrow and they will turn it around quickly.

Council Member Chillura commented that there wasn't any landscaping shown along 56th Street. The Redevelopment Director explained they will hear from the City's consultant on the FDOT right-of-way, which is 10' to 11' wide plus 10 feet on the property. He said they have met with RAM/Pinnacle to make sure that this is their front door as well as the City's front door to coordinate all that, so that it will look like it was designed by one team instead of two. Of course, he said there is a timing issue in trying to get the road finished and built as project is completed.

Council Member Chillura said there looks as though there are a lot more trees indicated than what exists and he wanted to know the percentage of increase. The Redevelopment Director said he wasn't sure of the comparison now to the pervious versus impervious. He said this project will have more open area and plantings than they see out there now.

Mayor Affronti called for public comments relative to this Public Hearing.

Grant Rimbey, 411 Island Road, said after seeing the architecture, he is appalled. He said it needs to be brought around to more Mediterranean Revival - Temple Terrace genre. He said mono-chromatic is pretty much what Temple Terrace's Mediterranean Revival is and the prospect of adding all those crazy colors on the corners is upsetting. He said they have compromised a lot in the master plan and he does not want to see the compromise in the architecture that they have undergone with the plan. He said he's hoping to keep the bar raised and that the City will consider placing somebody that knows something about Mediterranean Revival on the Design Review Committee. He said he is not volunteering for the job, but stressed that someone needs to be on there that knows about Mediterranean Revival architecture, preferably as found in Temple Terrace.

Council Member Govin agreed with Mr. Rimbey and wanted to know whether Mr. Rimbey could send the City something or talk to them specifically about what it would take to be Mediterranean Revival. Council Member Govin said he generally understands what Mr. Rimbey is saying, but certainly doesn't specifically understand it, nor does he think the Developers understand what he is trying to communicate. Mr. Rimbey mentioned he worked with Torti Gallas to develop the initial design code, submitted all the photographs of the City's historic architecture for the design code, and tried to outline some of the outstanding features. He said the Developer is at a disadvantage if he is relying on other Florida models for a Mediterranean Revival development because there aren't any; none have been done correctly. Council Member Govin asked Mr. Rimbey whether he could put something together and send to the developer. Mr. Rimbey said he could and made the comment that the elevations shown are way too uniform; he confirmed with what Council Member Holloway pointed out, not all towers are the same – there are different proportions.

Council Member Chillura questioned whether the Developer followed the adopted guidelines when he did the rendering, and whether the Developer adopted those guidelines.

The Redevelopment Director said there are a couple of answers to that; first of all, these are the most detailed renderings they have seen, but they just received them today.

The Redevelopment Director said the preliminary submittal was not as focused or sharp, adding that staff has not looked at this yet. Secondly, he said they had funds budgeted for an outside consultant to review the plans to be sure the architecture was correct; however, the budget had to be cut to fund the interest on the redevelopment loan payments. He summarized they had a plan for this, but in order to make the payments, they don't have any dollars remaining to complete that project. Director Bosek said this project will require waivers because of the way the conceptual plan was approved, for instance, they don't have a continual building frontage on 56th Street or on Busch; and they don't have the Masque buildings, which he calls liner buildings, along the streets, stating they were removed after the original March 2007 plan was taken off the table.

The Redevelopment Director reiterated this project will require waivers, explaining that the two-page summary follows how the waivers are associated in those requirements. He said he talked to the architect today and told them they have to meet more of the guidelines in the Code. He said Council Member Chillura understood better than anyone that although he had met many of the City's guideline requirements, his project still required waivers. He said they have to look at these plans, which are more complete than those previously submitted, and make comments based on that; right now there are a number of waivers that would be required based on what they have seen so far.

Richard Reina, 216 Inverness, addressed the Arts and Education Center, which he feels is a very important part of the redevelopment downtown. He felt it would be a big magnet and a draw, and is critical to the development of the downtown. He emphasized education is very important and he believes more people would get involved in the interest of the development downtown because of it.

Mayor Affronti indicated there is no action to be taken on this preliminary plan at this time.

City Attorney Connolly said the next time the plan comes before City Council, it should come as a final site plan.

There being no further comments, Mayor Affronti closed the Public Hearing.

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. Voluntary Annexation – Shajahan Properties.

Human Resources Director Woody Hubbard presented the request for voluntary annexation for Shajahan Properties, LLC. He mentioned Ms. Shajahan was unable to attend this evening, however, her brother, Delwar Hossain is present to answer any technical questions. The Human Resources Director said there were two lots involved and together they equal a 1.82 acre parcel located at 12601/12605 N. 56th Street, generally located east of North 56th Street and south of East 127th Avenue.

Human Resources Director Hubbard noted the property is currently vacant and zoned CN (Commercial Neighborhood), with a Hillsborough County Comprehensive Plan Future Land Use designation of R-20. He said the property owner intends to construct a retail plaza consisting of approximately 16,000 square feet to be used for office and retail.

Director Hubbard continued that in its current state, the property will generate about \$2,986 annually from property taxes, based on the taxable assessed value of \$634,000; however, once the new retail plaza has been constructed, that value will increase, depending on the cost of construction. He pointed out that City staff has reviewed the requested voluntary annexation and determined that City services are available and would be provided in a manner consistent with existing levels of service. He added that no new personnel, equipment, or facilities would be necessary. He concluded it is recommended that Council move forward with the voluntary annexation request.

City Manager Kim Leinbach stated the Ordinance would be upcoming should Council so desire. Mayor Affronti interjected it will be the First reading of the Ordinance.

2. Underground Utilities Feasibility Study.

Public Works Director Joe Motta said they conducted an investigation of the feasibility of converting the overhead utilities on 56th Street to underground. He said the study area included two sections within the CRA from the Hillsborough River up to 98th Avenue. He continued they looked at two sections: Section 1 would be 56th Street from the Hillsborough River to Bullard Parkway, and Section 2 would be 56th Street from Bullard Parkway to 98th Avenue. Since TECO is the primary facility along that route, he said they worked very closely with them; there are joint users on the poles, including Brighthouse, Verizon, and traffic controls. Director Motta said TECO has completed a design, based on a survey the City provided to them, and have given a non-binding cost estimate of \$760,000, which is pretty close; the \$150,000 is for Brighthouse and traffic control. He said south of Bullard, Verizon is already underground in many places. He said the other utilities gave him a rule of thumb cost to convert. He said he would consider the minimum price would be about \$910,000, because there are some other factors that might raise the price; consequently, they are looking at close to \$1 million as a base price.

Director Motta said there are other factors that the City needs to consider: Starting at the River, the City does not own the gas station or auto parts store; therefore, the City will need ten feet of easements. He explained they are working with the developer to give the City an easement for landscaping and hardscaping, which makes the project a little more feasible as far as relocating utilities. If they are unable to get the easements, he said they could start just past that where Jo-Jo's is located and then go underground. Director Motta indicated there are other factors that would include an additional cost to convert individual privately owned facilities from overhead to underground, which is more of a problem north of Bullard.

Director Motta explained that if they replace the poles, they will have utility boxes that will be put in place instead. He presented slides to show what they might look like; the switch gear needs 10 x 10 areas and have to be out of the right-of-way (five of them between the River and Bullard and three of them within the area RAM/Pinnacle is looking at from Chicago Avenue north.)

Public Works Director Joe Motta continued, stating there are six transformers that will be required, which include three within the area of Chicago Avenue north, with the other three below Chicago, and there are Brighthouse pedestals that will be installed every 300 to 400 feet. Although poles will be replaced, he said there will be boxes and pedestals instead.

In Section 2 that is north of Bullard up to 98th Avenue, Public Works Director Motta said the cost is about the same cost even though the length is shorter, because Verizon is hanging from the poles and would need to go underground. The same factors as in Section 1 apply, he said, having utility boxes and converting people's services to underground, but there are no easements from Bullard north, which means they have to deal with the shopping center, Blockbusters, Bank of America, Corpus Christi Church, and a bank above that. He said his concern would be in trying to get an easement from the shopping center because parking is limited and they would lose parking spaces, and there are a lot more complexities north of Bullard. Director Motta said TECO has a representative present who could explain this. He said south of Bullard will be more feasible. He said David Conner, who is the City's consultant on the 56th Street improvements, will give a brief presentation on what the existing conditions might look like without the poles. Director Motta concluded by saying Section 2 is not recommended at this time due to cost, complexities, and easements required, concluding it is more difficult to go underground north of Bullard. Once Mr. Connor speaks, and any questions are taken, he said they need a decision tonight on both sections because it is holding up Mr. Connor's work *and* the pilot project. The City Manager added it also holds up the developer because improvements on 56th Street need to coincide with their construction.

David Connor, David Connor & Associates, who is the consultant on the streetscape improvements on 56th Street, presented a PowerPoint presentation. He said they began last month looking at issues that affect the design of the project, met with RAM/Pinnacle group, and have met with the City staff several times. He presented several slides of power poles south of Busch Boulevard; one of the slides showed the limited space they are working with, and when it is changed to a pedestrian environment, he showed the challenge with FDOT roads and the very little distance with which to work. Part of their challenge, he said, is converting this into a walkable environment stating that the poles that are there now sit in a variety of distances away from the curb; some are into the existing sidewalk, while others are in between the sidewalk and the curb itself.

Mr. Conner said there are guy wires associated with the poles which are a major impediment to pedestrian safety; people can run into guy wires. There is significant improvement if they don't have overhead wiring, he said. They have prepared three options, he explained, looking at lighting and streetscape with and without power poles. Option 1 with power poles where the lighting would have to go underneath the existing wires, sit up close and almost in alignment with the existing power poles, he said, and would have to be spaced about 83 feet, four feet back from the curb, and there would be quite a few of them. He said they add to clutter. Option 2 without power poles, which he said just cleans it up and is basically in the same alignment. Option 3, when power poles are removed, they are allowed to increase the height of the power poles, which greatly enhances the distance to space, he said, adding that when the power poles are removed, there is a cost benefit on the construction side of the project. The slides showed various options and how the street is made more walkable when poles are removed.

Mr. Conner stated the number one request of cities is to remove the overhead power lines, and they have always fought to do that. He said this is because of the visual distortion, clutter, and busyness it creates. When the power lines are removed, he said it calms the street down from an aesthetics standpoint and greatly enhances the view of the development; this is especially true of this street where they are doing *everything* to create a new development, a new street, and everything will be new. If power poles are not removed, he said it would be major scars that would be left in the development. In any new development, he said, undergrounding utilities is a given and is very consistent with new development. He concluded that it is a safer street with no guy wires or poles for cars to hit, or for pedestrians to run into; surveys indicate residents want them underground.

The Redevelopment Director commented he is passionate about downtown; in the summer of 2004 when 13 developers came to the charrettes that were held for the public, he had asked them their three biggest concerns they had about successful redevelopment downtown. He said the first response was that they had to improve the street – it is ugly and unsafe. He said the City has been able to raise \$2.1 million from the federal government, \$1.5 million from the State, \$.5 million from the County, and the City's portion is about \$1 million in gas tax. Because of the additional left-hand cuts inserted to accommodate businesses on the west side of 56th, it took out the islands they could visually landscape; the only remaining area they can landscape is 11 feet of area on the west side and on the east side, 11 feet plus the 10-foot right-of-way. He reiterated this is an important decision to be made this evening because power poles create clutter and safety issues; TECO has been a great partner in producing a design that is relatively economical. He said this is about half the cost, south of Busch on 56th Street, of what they originally thought. Because 80% of the undergrounding on the east side would be in that 10 foot strip, he said, they can get a HUD grant and loan for about \$720,000; when they borrow that HUD money they could get about 11% in additional grants through that Brownfield Economic Development Initiative (BEDI). With about \$8,500 as a credit, he said, another \$88,000 BEDI/HUD grant/loan, with a net borrowing of about \$822,000 at 4%, according to what the Finance Director told him today. He reiterated this is the number one thing the developers said would really kick start that area.

Council Member Govin asked whether the timing would work with TECO.

Anddrikk Frazier, TECO, 702 N. Franklin Street, Tampa, indicated that Matt La Russa, who is the manager of their Field Engineering Department, and Maru Martinez, who is the engineer who worked on the design of this project, are both present with him this evening. They have not seen the schedule yet, he said, but they would work as diligent as they can to meet the City's time table.

Council Member Govin asked whether redevelopment or the underground would start first, to which Director Bosek said both projects are actually started now because both the street project and the redevelopment project are in the design phase. He said the utilities would go underground as they did the streetscape. Council Member Govin wanted to know whether it would fit that same schedule.

Director Motta said he believes it would but would let TECO respond. Not wanting to put them on the spot, he asked the TECO representatives once the City gave them the okay to get started, how long it would take them to get a design. Mr. La Russa reiterated they had not seen the schedule and it is a large project. Director Motta interjected that construction wouldn't start until 2009, and both projects would be done simultaneously; if the City is ripping up the sidewalk, TECO may allow the City to put conduit in for them, which could be a savings to the City.

Maru Martinez, Tampa Electric, said they could provide the conduit and the City could install it when they are doing the work on their schedule, which could save the City additional money.

Matt La Russa, Tampa Electric, said the City is a very important customer, and if this was something they could not do in-house with their own crews, they would get contractors to meet the schedule; he doesn't see any problem.

Council Member Govin asked whether telephone poles are on both sides of the street. Director Motta responded they are only on the east side. Council Member Govin said basically they are talking about poles disappearing on both sides and Director Motta interjected, primarily on the east side. All new lights on 56th Street from the River to Bullard will be replaced, he said.

Council Member Govin questioned that the actual cost is about \$1 million, give or take. Director Motta confirmed that. Director Bosek said it is about \$910,000 but because of additional (BEDI) grant kicking in, he said the net cost is \$822,000. Director Motta countered that the \$910,000 is the minimum, a base price, and he cautioned there may be some additional costs they encounter. He said their one concern is at the River by the auto parts store and gas station as to whether they can get the easements. If they just did north of the auto parts store, he said it would bring the cost down, but it would not give them what they want.

Council Member Fernandez said something in the documents caught her eye, that if wiring needs to be updated or upgraded, it would be City's cost to do that. She wanted to know what would be expected of the City. She said she believes it means if some of the wiring was an older style but still functional, in order to do this project, it may have to be upgraded.

Ms. Martinez said most often whenever they "mess" with wiring or the meter can, they are required to bring it up to code. If it is not up to the current code, once it is disconnected and put back, she said it has to be the current code. Council Member Fernandez wanted to know how the City would know how much it would cost. Ms. Martinez replied that is something they do not do; it would be the cost of the electrician. Director Motta said he didn't think south of Busch there would be that many; it would be north of Busch where they would have a problem.

Ms. Martinez indicated that south of Busch they have Regions Bank, which may be relocated. Director Bosek interjected it is closing this month. Ms. Martinez continued there is service to some lights, and service to the City sign. Director Motta reiterated that there's not that many.

Council Member Fernandez said when talking about the timing, if the City doesn't currently have any of the easements for north of Busch but the City's streetscaping project is going to exist north of Busch, she questioned how they could secure easements in time to be part of that project. Director Motta said he didn't know because there are a lot of problems to deal with north of Busch.

Ms. Martinez said Verizon has a major trunk line north of Busch, and the plans she received did not show any of that, so she doesn't know whether the design she made north of Busch would even work. She said she doesn't know where Verizon is located, and they are already underground in that area; they have a building next to Bank of America with major trunk wires that go south.

Ms. Martinez continued, stating the Verizon lines may be located in a place where she couldn't place the TECO equipment, noting that north of Busch there are a lot of constraints. She said that is why Public Works Director Motta said it is not recommended.

Mayor Affronti said tonight they are mainly concerned with the area south of Busch. Director Motta explained he needs an answer on both areas because it is holding up the pilot project. He explained the pilot project is Temple Heights to 98th Avenue (by Corpus Christi and the bank) and the consultant has been on hold. He has finished work at Temple Heights, he said, but has not done any other work because he didn't know whether they were going underground or not. Director Motta again stated north of Busch gets complicated; he feels it will be difficult to get easements from the property owner of the shopping center because of the parking. He explained another complication is from Temple Heights because Verizon is there and there is a line that comes down Temple Heights. He commented he is not trying to talk Council out of it, but south of Busch is a lot more feasible.

When asked by Mayor Affronti why a decision has to be made on north and south of Busch at the same time, Director Motta responded he needs a decision that they are not going to go forward with north of Busch so they can get the pilot program finished.

Council Member Govin wanted to know where the funding is ultimately coming from. Redevelopment Director Bosek replied he is recommending undergrounding for the portion south of Busch, which is most feasible, and for that 10-foot strip of the City property that RAM/Pinnacle could convey an easement to the City to bury lines, which the City would landscape and hardscape; 80% of the cost of the distance between Busch/Bullard to the River would be used in the HUD loan package; an additional couple hundred thousand dollars would be paid from gas tax. Council Member Govin said he understood that part of getting the money to pay the bill; how would the City repay the loan. Director Bosek said it would be pushed into the general loan package for the HUD loan. He said they had the potential to borrow \$13.2 million with the \$1.5 BEDI grant; the City is far below that borrowing limit, and it would be paid back through TIF over time. The City Manager commented they are actually using a variety of resources: TIF, some of the rental, contributions of the ¼ mil, gas tax, etc.

Council Member Chillura commented he agrees with the aesthetics, which no doubt things would look much nicer. Unfortunately, he said, City government doesn't negotiate like the private sector because some of the cost to redo electrical work would be borne by the developer. He said when he built the project on 56th Street, Terrace Piazza, they had to pay a portion of monies to TECO; even though the electrical pole was right there, he had to pay thousands of dollars for TECO to bring in a transformer. He said the City is absorbing the cost for this, which lessens the costs for the developer to come in. While TECO is saying they are working with the City, he said it is much more advantageous to TECO to be underground, adding he would like to see TECO pay more in the funding portion. He said there are costs associated, such as how much would new decorative light posts costs and also, the costs to maintain them.

Council Member Chillura continued that while they keep talking about HUD loans and grant monies, the City has to pay it back; there is only so much coming from TIF money. He said the State is about to put a squeeze on us that they have not seen before and he doesn't know where all this money is going to come from. He said he would have a hard time to say "yes" to the project, based on the financial constraints the City is facing with the redevelopment project.

While he realizes this is the right time to do underground wiring, if the City is going to do it, and he recognizes it would look a lot nicer, Council Member Chillura reiterated his concern that the money has to come from somewhere. He mentioned again that perhaps TECO could assist more with the funding of it; it's their equipment. He said they are going to receive revenues from this for a long time and their equipment is being upgraded, but the City is bearing the cost of it. To this developer, he said it isn't something that has to happen; the City could save money by leaving the poles there. Council Member Chillura said it would look a lot better, but the problem is the cost. He would like to proceed with caution because of the unknown factors; he knows it would be extremely beneficial, and he is not opposed to it; he is just having a difficult time with where the money is going to come from.

Council Member Knapp commented that they already spent \$65,000 on the survey, which he didn't want in the first place, so they may as well put it underground and spend another million.

Mayor Affronti said there would be two motions; voting on going north from Bullard Parkway and voting on going south from Bullard Parkway to the River.

Council Member Halloway said he agrees with Council Member Chillura; they only have so many pots to draw money from. He said he would like to see a financial analysis on what it would take to finance the loss the City is taking on the sale of the land and for this project, showing where the City is going to get the money to do that. He said he would like the Finance Director to show Council the way if this is possible. He said he is not asking for it now, if she doesn't have it; they have to think these things through, expressing concern they are running out of money and he doesn't want to have to recommend raising taxes.

Council Member Knapp said they have all been involved in all of the same meetings and have seen the budgets for all the projects that are being discussed now; nothing has changed. He said he was the first one to say the City cannot afford to do underground utilities, even though it has come in less than what is budgeted. What he really doesn't understand, he said, is every time they talk about things that are already budgeted for, such as this, Council acts as though they can't afford it; however, when the Arts/Education Center is discussed that *hasn't* been budgeted for, everyone acts as though it is okay, even though they need a parking garage and everything else with it. When it is done, it is a \$9 million project, acknowledging that it is not all the City's cost, but still \$9 million, and Council doesn't discuss the caveats of that or ask the Finance Director to explain how the City is going to afford that, he said. Mayor Affronti interjected that they will.

Council Member Knapp said his point is why did they sit and discuss all of these budgets and the financing and how they are going to do it, and when all the research is brought back to Council, they say they can't afford it? He asked why the City spent the \$65,000 a few months ago, when the price was close to \$3 million for the utilities to be put underground, and when they come back and say it's going to be \$1 million, Council says they can't afford it. He said he doesn't get it.

Council Member Fernandez said she is speaking along the lines of Council Member Chillura, in that she needs to see a total because they are talking about getting funding from various sources, and the scope of what they plan to do, what they plan to borrow, and the property tax revenue have all changed.

Council Member Fernandez continued that they may have talked about it and have budgeted money to be set aside, but a lot of this is going to be paid for with a loan. She questioned whether there is a way to make the loan cheaper or the outlay less. While she likes the aesthetic appeal, she said she is on the fence because she isn't sure the value is commensurate with the cost, but there are a lot of different sources that they are looking at pulling money from and a lot is being talked about coming from a loan situation. She said she is loathed to take on an additional loan that will not substantially improve the property, and when the time comes to discuss the actual cost and going forward with an Arts and Education Center, she will approach that the same way. Council Member Fernandez said she doesn't know that she can support undergrounding utilities even though she does think it is a better look. She doesn't think the City can do it from Bullard north, so they are talking about just a small section of the street at a high expense.

Mayor Affronti concurred, but said it is in an area where the new redevelopment is going to be, and it would certainly enhance it.

Council Member Chillura reiterated he is not opposed to it, but it would be helpful, as Council Member Knapp alluded to awhile ago and is what he thinks is frustrating, is that every day, every time they are on a challenging course with the City in the redevelopment endeavor they are faced with, they are talking about building parking garages, and they are going to get grant money for those, and the City is going to use TIF money to repay those grants; they are going to do underground utilities and use TIF monies for those. Every time they turn around, he said, there is a new expense that is being added, and the City is going to use TIF monies or CIT monies, which is fine, but he would like to see a break down. There will be a wake up call on the CIT monies, he said, because the Sales taxes are down; there will be a lot of adjustments the City will be faced with in the coming years. He pointed out that he was present and abstained at the meeting Council Member Knapp alluded to where he [Council Member Knapp] voted against spending the money on the survey. He explained he abstained because north of Bullard Parkway, he owns a parcel of land because of the study, but he does not have any ownership interests south of Bullard; therefore, is able to vote on that portion. He said he doesn't think anyone is opposed to the underground utilities; they are concerned where the money is coming from for this and all of these other areas to which they are committing. He said he hates to slow things down because they need to get things moving, but they have to be held financially responsible to know that the money is there, and he doesn't want to spend the money if he knows it isn't there.

Council Member Knapp said this Council make-up hasn't changed; when study for \$65,000 came to be approved, he was the lone negative vote; Council Member Chillura abstained; so there were three positive votes to spend \$65,000 to study spending \$3 million to bury utilities; but when it comes back and is only \$1 million, the same people are saying they can't spend the money. He questioned why they spent the \$65,000. He said he didn't want to spend it in the first place, because he said the cost was going to be too much. Now, he is saying he does not want to spend \$500,000 to design a theatre that he is telling everyone the City cannot afford, and when it comes back, everyone will say they can't afford it, and they will have \$500,000 worth of plans for a theatre. He said he doesn't want to relive this nightmare either. Mayor Affronti suggested they work on this one for now.

Public Works Director Motta respectfully said the \$65,000 was for a survey of 56th Street for their consultant to use when he was designing the streetscape and the landscape. He said they were getting the utility information, which he said they could use, and he gave that information to TECO. He reiterated it was not a study for the utilities, it was a *survey* for the consultant to use for the design of 56th Street, of which the utilities was a part of; he just wanted to set the record straight.

Mayor Affronti said he recalled that the survey was needed to determine what the extent the underground cable would cost. Director Motta stated again that to see where the existing utilities were was *part* of it.

Council Member Govin said his concern is also the total dollars, adding that he was really excited that it came in at a lower price; he would not have voted for the first price. He asked whether the vote could be put off for one more week to allow the Finance Director an opportunity to prepare a current sources and uses.

Finance Director Diane Reichard said she is on top of it, and while she isn't excited about borrowing \$10 million, either, they have to do what they have to do to make our City move forward. From her financial advisor, she said she received a quote on borrowing \$10 million and the City plans to pay debt service interest only for the first three years, because once the development is completed, they will have more TIF income coming in. She said the initial annual debt service cost would be \$500,000; the annual debt service cost after three years would be \$880,000. Director Reichard said Council hears continuous talk about the \$13 million, which she explained is the amount if the City used the entire HUD loan. She said they have allocated to only use \$10 million, which included \$2 million for the undergrounding, which is now down to using \$9 million, instead of the previous quote she gave of \$10 million.

Director Reichard continued that the funding sources to pay for that include TIF income, and currently their TIF income is projected to be \$420,000 once the development is done. She said this is using only the TIF income from the development section; there is an additional TIF income of \$453,000 annually that is in the rest of the CRA district; so there is the \$800,000 right there. She said they talked about using the \$388,000, which is the \$25 million designated for redevelopment only. She explained that is why Council hears the same numbers over and over, because it is the same numbers the City will use to pay those debts. She said it is the same debt; talking about the \$13 million they will be getting from the Section 108 HUD loan, but if they don't use all of that \$13 million, the debt service is lower. When she said the first three years is \$490,000 per year, she said they are going to use the *grant* monies to pay that debt service for the first three years also, which were not given in the other numbers.

Director Reichard said she understands this is a lot “thrown at them” tonight, but she wanted everyone to know that the City is “right there,” so if Council wanted to make a decision, they could.

Council Member Fernandez said the City will still have outstanding debt on property the City continues to own, and she wanted that factored in. She wants to know the entire amount of debt the City will be responsible for, as opposed for just the HUD loan or for a certain parcel.

Finance Director Reichard explained if the City utilized the entire \$13 million of the Section 108 HUD loan, the City has the remaining properties that are \$6.3 million, and the Market Adjustment Factor (MAF) is \$1.2 million, which is right at \$21 million, which is where the City is today. However, she said, if they take out the undergrounding, which she took out the \$2 million, and if she puts back in \$880,000 and they take out the unused balance (\$3 million) from the \$13 million, and take out the fact that the City sells the other properties that they have down there for \$6.3 million, then the City is at \$9.4 million; she will add back the \$880,000, which puts them right at the \$10 million and the debt service cost annually would be the \$880,000. She stated this is significantly lower than what they have been saying; they previously have said the City's annual debt service costs were going to be \$1.2 million. She said Redevelopment Director Bosek is correct in that the HUD loan rates coming in are at 4% right now instead of the 4.94%. She said she has another analysis to do if the City doesn't go with the HUD loan and go with bank-qualified or a bond issue, which now can range between 4% and 5%.

Council Member Govin began to make a motion concerning the two areas, but Attorney Connolly reminded him of Council Member Chillura's need to abstain from the vote for the northern area and to break the motion into two separate motions.

Upon motion of Council Member Govin, seconded by Council Member Knapp, **RESOLUTION NO. 033-08(m)** was **ADOPTED**, directing the administration not to put underground utilities north of Bullard Parkway. 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 having an ownership interest in property in the area under consideration.

Upon motion of Council Member Govin, seconded by Council Member Knapp, **RESOLUTION NO. 034-08(m)** was **ADOPTED**, directing the administration to put underground utilities from Bullard Parkway south either to the River to the end of what is presently Jo Jo's. Vote on the motion being: Council Members Govin, Halloway, and Knapp voting "aye," and Council Members Chillura and Fernandez voting "nay."

Site Plan Reviews:

1. Final Site Plan – Park Centre – Telecom Park, Lot 7G South.

Utilizing a PowerPoint presentation, Senior Planner Susanne Hicks presented SPR#07-15, a final site plan submitted by Fuxan Engineering, Inc., on behalf of DBSI Development Services, LLC, applicant, for the construction of a three-story, approximately 87,989 square foot office building on the south portion of Lot 7G in the Telecom Park Development of Regional Impact (DRI). She said the project area consists of approximately 9.22 acres +/- of which 1.43 acres is wetlands; it fronts on Telecom Drive on the east and is bounded on the west by the Hillsborough River.

The Senior Planner stated the applicant is requesting a waiver of 13 feet to the 35-foot building height limit, which will allow the construction of the proposed three-story building to a height of 48 feet. The Senior Planner noted that staff has no objections to the waiver and the applicant has submitted views in support of that waiver, so that it can be seen how it would appear from single-family homes across the River.

The Senior Planner said the City's Development Review Committee (DRC) has worked with the applicant on the final site plan and is recommending approval subject to Conditions of Approval, based on the final site plan package submitted on February 1, 2008, and additional information submitted as of February 19, 2008, as contained in the Memorandum to the City Manager dated February 21, 2008, as follows:

SPR #07-15 (Park Centre) Lot 7G South, Telecom Park
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 enclosures for trash dumpsters finished with buffering walls matching the materials and colors of principal buildings. [Based on Section 25.640] (See attached elevations)
2. Building Height – The principal structure will not exceed 48 feet in height. [The applicant requested a waiver to the height limitation of 35 feet adjacent to single family residential zoning.]
3. Easements – Copies of a recorded easement with legal description and sketch to allow the City access to the water meter area must be submitted to the City prior to issuance of infrastructure permits.
4. Sidewalk Connection – The sidewalk connection will be moved to the rear of the lift station at the south end of the property and this revision will be shown on the construction plans.
5. Buffer Requirement – In accordance with DRI Development Order Condition B.B.3., a 32 inch high berm, of approximately 250 linear feet, shall be installed to the extent necessary to screen the off-street parking and loading area that is located within the 150' - 200' River setback area. This berm should be located in a manner that saves as many existing trees as possible and shall contain a hedge of evergreen variety planted to form a continuous, unbroken 80% solid visual screen. The berm and construction details will be reviewed and approved as part of the infrastructure permit.
6. Landscaping and Irrigation Plan - A final landscaping and irrigation plan coordinated with the site lighting plan, fire hydrant plan, and locations of all utility structures will be submitted prior to permits being issued. [Section 25.780.3]
7. Other Agencies Permits – Copies of the modification to the existing SWFWMD permit and approvals from the Health Department (water) and EPC (sewer), as necessary, shall be provided prior to issuance of the infrastructure permit.
8. Tree Preservation –Replacement trees shall be a minimum 4 inch dbh or equivalent trees from the City's approved tree list, except that crape myrtles will be a minimum of 4 canes, and ligustrums will be tree form, multi-branched and will be a minimum 65 gallon size. A total canopy of preserved and replacement trees will shade 25% of the total site. If trees are to be relocated, the final number, type and location of relocated trees will be coordinated by the applicant's landscape professional and City staff prior to issuance of building permits. City staff must provide final approval. [Section YY Telecom Park DRI Development Order as amended].

9. 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. Trees with limbs of 10" and larger as shown on the Final Site Plan may be trimmed for reasons of obtaining a 14' road clearance height for fire truck access, due to the proximity of the building footprint, and/or removal of dead branches. Approval of this type of trimming shall be permitted by the approval of the final site plan. Any additional trimming of limbs 10" in diameter and larger for purposes other than stated above, will require separate approval and permits. [Section 25.735.5(a)(3); Section 25.735.8(b) and Section 25.735.6(a) & (b)]
10. 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]
11. Signage - All signs shall be permitted separately and shall meet the requirements outlined in Ordinances #1206 and #682 for signs in Telecom Park.
12. Site Lighting - The lighting plan shall be provided and approved prior to receiving infrastructure permits to ensure that average footcandle and uniformity standards are met according to Section 27.745.75 (b).
13. 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]

Upon motion of Council Member Knapp, seconded by Council Member Halloway, **RESOLUTION NO. 035-08(m)** was **ADOPTED**, approving Final Site Plan #07-15, to construct a three-story, approximately 87,989 square foot office building on the south portion of Lot 7G in the Telecom Park Development of Regional Impact (DRI), subject to the Conditions of Approval as outlined herein and in the Memorandum to the City Manager dated February 21, 2008. Vote on the motion being: Council Members Chillura, Fernandez, Govin, Halloway, and Knapp voting "aye," no "nay." Council Member Govin had briefly stepped away from the dais and left the room; therefore he did not vote.

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

Mayor Affronti announced Resolution E-2 has been pulled from the Agenda. The City Manager briefly reviewed the remaining Resolution E-1, relative to the School Improvement Grants.

Upon motion of Council Member Knapp, seconded by Council Member Chillura and unanimously carried, Resolution E-1, was adopted by consent, being:

RESOLUTION NO. 036-08, awarding, in accordance with the Program's guidelines, 15 School Improvement Grants, in a total amount of \$7,276.32; payment for said grants to be made from account 001-1021-511.82-21.

Prior to vote on the above motion, Council Member Fernandez commented that this grant program is unique to this City. She expressed her personal appreciation that the City has been able to have this grant program to help the teachers at the various Temple Terrace schools. Mayor Affronti added that the school principals sincerely appreciate this grant program.

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, PROVIDING FOR THE VOLUNTARY ANNEXATION OF TWO PARCELS OF REAL PROPERTY, LYING WITHIN THE UNINCORPORATED AREA OF HILLSBOROUGH COUNTY, GENERALLY LOCATED EAST OF 56TH STREET, APPROXIMATELY 160 FEET SOUTH OF 127TH AVENUE, AND AS LEGALLY DESCRIBED HEREIN; REDEFINING THE CORPORATE BOUNDARIES TO REFLECT SAID ANNEXATION; PROVIDING A SEVERABILITY CLAUSE, EFFECTIVE DATE, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith.**

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

City Manager's Report:

The City Manager reported that the Tampa Bay Area Regional Transportation Authority is conducting workshops in this area, with one of them being held on Monday, March 10 at Hilton Garden Inn. He said the workshops are to obtain public input, share ideas, and ask for suggestions regarding transportation needs.

The City Attorney stated that the Redevelopment Director and staff have been working with the City Attorney's office with respect to TECO's Line Siting Application that was previously discussed. He said this Line Siting application could affect the Sports Complex that the City operates on SWFWMD property. He said Director Bosek and his Planner Brad Parrish have worked with this and come up with conditions and certain certification that TECO has agreed to; in addition, they have come up with a separate stipulation between TECO and the City, whereby the City will not oppose their Line Siting Application and in return, TECO is agreeing to provide the City with information to enable the City to keep up with their activities as they go forth in the design stage of their new transmission line corridor. After numerous discussions with Anddrikk Frazier and his staff, the City Attorney believes they have reached agreement with them in a way that they will be able to keep an eye on their activities and protect the City's interests to make sure that the Sports Complex is not unduly affected as a result of their activities.

Regarding the pending litigation involving Mr. Tozier, the City Attorney advised that the Court in which they are operating is the new Complex Business Litigation Division over which Judge Richard Nielsen presides. Attorney Connolly informed them a Scheduling Order was entered two months ago, and according to the terms of the Scheduling Order, unless amended, they need to go forward with mediation with Mr. Tozier by the end of this month. Those who are Defendants in the action, including Council Member Halloway, Mayor Affronti, and City Manager Leinbach received an e-mail from him asking for dates they will be available for the mediation; he is requesting that the City Council hold a “shade” meeting prior to the next scheduled City Council Meeting, to provide guidance to the City Attorney as to their recommendations and authorization to the City Attorney as to how to proceed with the mediation. He said they have arranged for a Court Reporter for the “shade meeting” to discuss the status of the litigation and obtain authority from them with respect to mediation.

The City Attorney stated he received an e-mail from Mr. Tozier’s attorney during a break, who was pushing for mediation on March 12; however, he is aware one or more of the individual Defendants are unable to attend a mediation on the 12th. He briefly noted that a fourth Amended Complaint was authorized by the Court, which is technically their fifth Complaint; the City Attorney said a comprehensive Motion to Dismiss on behalf of all of the parties, raising valid defenses to most of the counts that were raised, and at this point, they are trying to get Judge Nielsen to give them oral argument on that. In most Circuit Court cases, he said, getting a hearing is not that difficult, but in the Complex Business Litigation Division, because he is over-worked with cases, getting hearings before the Judge are not freely given; he believes they have raised enough issues that they would like the Court to rule on a number of the claims at the Motion to Dismiss stage to cut short some of the issues. He said it is hard to say when they will get word on a hearing date, and he confirmed there is no issue of Sunshine Law regarding being together at the mediation meetings, since it is pursuant to a Court Order.

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

There being no further business to consider, upon proper motion, the meeting was adjourned at 9:20 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