

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

**Regular Meeting
Tuesday, September 22, 2009
Council Chambers-City Hall**

Having been duly advertised as required by law, the regular meeting of the Mayor and City Council of the City of Temple Terrace, Florida, was held on Tuesday, September 22, 2009, in the Council Chambers at City Hall.

PRESENT WERE: Mayor Joe Affronti, Sr., Council Members Alison Fernandez, Ron A. Govin, Ken Halloway, Mark A. Knapp, and Mary Jane Neale, City Manager Kim Leinbach, City Clerk Lisa Burns, and City Attorney Mark Connolly.

ALSO PRESENT WERE: Public Information Officer Michael Dunn, Code Compliance Director Joe Gross, Leisure Services Director James Chambers, Community Development Director Charles Stephenson, Police Chief Ken Albano, Public Works Director Joe Motta, Human Resources Director Woody Hubbard, Finance Director Diane Reichard, Fire Chief Keith Chapman, IT Director Bob Keel, Deputy Police Chief Patricia Powers, Deputy City Clerk Judy Read, Police Lieutenant Darrin Berberat, Joyce McKenzie, Barbara Sparks-McGlinchy, Patti Robertson, and several other persons.

Following an Out-of-Sunshine Meeting regarding police contract negotiations, which convened at 4:30 p.m., Mayor Affronti reconvened the meeting, calling it to order at 5:05 p.m., after which he led the Pledge of Allegiance to the flag and offered a brief invocation.

There were no Proclamations, Recognitions, or Special Presentations.

Minutes of Previous Meetings:

Upon motion of Council Member Neale, seconded by Council Member Halloway, and unanimously carried, the **MINUTES** of the September 10, 2009, Council Meeting were **APPROVED**.

Public Hearings:

1. Public Hearing on the Tentative Millage Rate for Fiscal Year 2009-2010.

Mayor Affronti opened the public hearing and called on the Finance Director to announce the millage.

Finance Director Diane Reichard stated the tentative millage rate for Fiscal Year 2009-2010 is 5.2829 mills, which is equal to and 0% over the rolled-back rate of 5.2829 mills.

Mayor Affronti called for comments from the public or Council. There being no comments from the public or the Council, Mayor Affronti closed the public hearing and called on the City Clerk to read the proposed ordinance by caption.

- 1) **SECOND** and **FINAL** reading, by caption, of a proposed ordinance adopting the millage rate for Fiscal Year 2009-2010.

Following **SECOND** and **FINAL** reading, by caption, upon motion of Council Member Neale, seconded by Council Member Govin, **ORDINANCE NO. 1253** was **ADOPTED**, being: **AN ORDINANCE OF THE CITY OF TEMPLE TERRACE, FLORIDA, ADOPTING A MILLAGE RATE OF 5.2829 MILLS FOR FISCAL YEAR 2009-2010; SAID MILLAGE RATE BEING EQUAL TO AND 0.00% OVER THE ROLLED BACK RATE OF 5.2829 MILLS; PROVIDING A SEVERABILITY CLAUSE, AND PROVIDING AN EFFECTIVE DATE.** Vote on the motion for adoption being: Council Members Fernandez, Govin, Halloway, Knapp, and Neale voting “aye,” no “nay.”

2. Public Hearing on the Operating and Capital Budget for Fiscal Year 2009-2010.

Mayor Affronti opened the public hearing on the tentative operating budget for Fiscal Year 2009-2010, and the Capital Improvement Budget. He called on the Finance Director to present the budget information.

The Finance Director announced the total budget for Fiscal Year 2009-2010 is \$53,225,104.

There being no public comments or persons wishing to speak, Mayor Affronti closed the public hearing and called for the City Clerk to read the caption of the proposed ordinance adopting the operating budget for Fiscal Year 2009-2010 and the Capital Improvement Budget.

- 1) **SECOND** and **FINAL** reading, by caption, of a proposed ordinance adopting the operating budget for Fiscal Year 2009-2010, and the capital improvement budget.

Following **SECOND** and **FINAL** reading, by caption, upon motion of Council Member Halloway, seconded by Council Member Neale, **ORDINANCE NO. 1254** was **ADOPTED** being: **AN ORDINANCE OF THE CITY OF TEMPLE TERRACE, FLORIDA, ADOPTING THE FINAL OPERATING BUDGET FOR FISCAL YEAR BEGINNING OCTOBER 1, 2009, AND ENDING SEPTEMBER 30, 2010, AND THE CAPITAL IMPROVEMENT BUDGET; GIVING NOTICE OF THE PUBLIC HEARINGS THEREON; AUTHORIZING THE CITY MANAGER TO ISSUE SUCH INSTRUCTIONS AS ARE NECESSARY TO ACHIEVE AND ACCOMPLISH THE SERVICE PROGRAMS SO AUTHORIZED; AUTHORIZING THE CITY MANAGER OR THE FINANCE DIRECTOR TO TRANSFER MONEYS AND PROGRAMS AMONG THE DEPARTMENTS AND PROGRAMS WITHIN ANY FUND; PROVIDING A SEVERABILITY CLAUSE, EFFECTIVE DATE, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.** Vote on the motion for adoption being: Council Members Fernandez, Govin, Halloway, Knapp, and Neale voting “aye,” no “nay.”

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

Council Member Neale asked that Brenda Breeden, President of the GFWC Temple Terrace Woman's Club come forward to make a presentation to Leisure Services Director James Chambers.

Ms. Breeden briefly explained that when the Woman's Club started the "Adopt a Park" program, they selected Riverhills Park, the City's largest park. Noting their past contributions have provided a gazebo, playground equipment, and the river walk, she announced they are providing funds for new trash cans with attached, tight-fitting lids.

Council Member Neale introduced Patti Robertson, President-Elect of the Temple Terrace Arts Council.

Ms. Robertson announced that on November 14 & 15, the Temple Terrace Arts Council and their dedicated volunteers will present the 36th Annual Arts Festival in Riverhills Park. She noted that this event, along with the Art Auction in the spring, gives the Arts Council the ability to support various art projects throughout the City. She continued that, in the past, art pieces purchased by the Arts Council from festival participants were displayed in the lobby of City Hall; with the renovations completed, the Lightfoot Center has become the perfect place for display.

On behalf of the Temple Terrace Arts Council, Ms. Robertson presented a check to the Leisure Services Director for the purchase of a gallery hanging system to enable easily changeable displays without damaging the walls of the Lightfoot Center.

Mayor Affronti expressed appreciation for the kind generosity of the various volunteer organizations in Temple Terrace and to the Leisure Services Department for their enthusiastic assistance with City events.

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

Resolutions for Consideration and Action:

The City Manager reviewed each of the proposed Resolutions for consideration and action.

Upon motion of Council Member Halloway, seconded by Council Member Fernandez, and unanimously carried, Resolutions **E-1, E-2, and E-3** were adopted by consent, as follows:

RESOLUTION NO. 114-09, approving the agreement between the City and the Greater Temple Terrace Chamber of Commerce, with funding in accordance with the City's 2009-10 Budget.

RESOLUTION NO. 115-09, accepting, in accordance with the Civic Improvement Matching Grant Program's guidelines, the donation from Temple Terrace Preservation Society, in the amount of \$3,000, and authorizing the award of a matching grant; payment to be made from account 001-1021-511.82-20. *The City Manager explained this grant is to study potential historic places within the City.*

RESOLUTION NO. 116-09, approving the one-year Library Services Interlocal Agreement among the City, City of Plant City, and Hillsborough County. *The City Manager explained it is becoming more and more challenging, with diminished funding, reduction of contract period from three years to one year, and a reduction in time for a termination notice to 45 days; alternatively, the City does receive a number of in-kind services. Therefore, approval is recommended.*

Regarding the Temple Terrace Preservation Society project, Council Member Fernandez informed the Council that she has spoken with all of the principals of the Temple Terrace schools and the Area Director to request that they include the teaching of Temple Terrace history in their curriculum. She commented that this project would assist with that effort.

Council Member Halloway commented that he was concerned property owners would not have a say as to whether or not their homes would be designated as historic places on the National Register of Historic Places; when they are designated, they encounter restrictions on additions and changes to their properties. However, he noted that in the small print in the cover letter, it stated that the property owners' rights are protected.

Council Member Halloway requested that the Preservation Society paint the hemisphere on top of the old real estate office building orange as it originally was.

There were no further proposed Ordinances for consideration and action, and there was no Unfinished Business before the Council for consideration and action.

City Manager's Report:

The City Manager reviewed he has been keeping the Council apprised that the City of Tampa is proposing significant increases in their sewer rates. He continued the issue is compounded by areas such as Pleasant Terrace and Raintree, which are within the corporate limits of Temple Terrace, but are served by Tampa utilities; additionally, they currently receive a surcharge on top of that of approximately 17%, which may increase to 25% - the highest amount allowed by law. He expressed concern that those residents are potentially looking at an increase of almost 50% in sewer; however, the City has no choice but to pass it on, and he wanted to give Council a heads-up.

Accordingly, the City Manager informed the Council that he and the Public Works Director are meeting with the City's lobbyist this Thursday in continuing efforts to overcome the hurdles for the City to have its own wastewater treatment plant. Stating the City has not given up; he said they are also meeting with an engineering firm on Thursday. He concluded that they are taking this matter very seriously and have had a firm look at the calculations of the proposed rate increases.

The City Manager thanked the Mayor and Council, Department Directors, and employees, for their work on this extremely difficult budget. He commented the process took an extraordinary amount of Council's time in a very trying situation, and he wanted the Mayor and Council to know how appreciative the administration and staff are of Council's work and direction to make the best they can out of a very difficult environment.

Mayor Affronti thanked the City Manager and his staff for coming up with a reasonable budget that will not affect the City's services.

Regarding the last "shade meeting" concerning a lawsuit in a bankruptcy matter, where the City is named as a defendant, the City Attorney reported that his colleague Kevin Graham has successfully negotiated a tentative settlement in the amount of \$18,000. He reviewed the case stemmed from Puig Development paying funds to the City on behalf of certain developments in the City, known as The Gardens and The Gables; a group of unsecured creditors have sought to recover \$154,000 from the City. If the case is litigated, the City Attorney explained it could likely prove the City provided the services and is entitled to keep all of the money paid by Puig; however, the litigation defense costs would far exceed \$18,000, and for that reason, the negotiated settlement is recommended. He concluded the City Manager concurs, and he requested Council approval so that documents can be prepared to fully resolve the matter, obtain a release from the unsecured creditors, and, in turn, release claims against them, which would essentially end the litigation.

Council Member Govin questioned whether any of the bills would be "live" again, if the money collected by the City was returned. The City Attorney responded negatively; the entity is defunct and there is no third party from whom they could collect any money. He further explained the structure of the case.

Council Member Govin asked whether any steps have been taken to prevent this from happening in the future, to which the City Attorney responded that action to try to minimize the potential of this happening in the future has been discussed with the City Manager and will be further discussed with Finance Director Reichard's office.

Upon motion of Council Member Govin, seconded by Council Member Fernandez, **RESOLUTION NO. 117-09(m)** was **ADOPTED**, authorizing the City Attorney to proceed with the negotiated settlement in the Puig Development as presented, in the amount of \$18,000, and prepare the necessary release documents. Vote on the motion being: Council Members Fernandez, Govin, Holloway, Knapp, and Neal voting "aye," no "nay."

New Business:

1. Municipal Code Enforcement Board – Appointment of an Alternate Member.

Mayor Affronti stated that the Municipal Code Enforcement Board has an opening to fill the unexpired term of alternate member Michael Urbas, who was recently appointed to a full-Board Member; the term of expiration is March 6, 2010. He continued that the opportunity was advertised and Andrew R. Ross expressed an interest in serving.

2. Hillsborough County Bicycle/Pedestrian Advisory Committee – Appointment.

Mayor Affronti noted that the City's current representative on the Hillsborough County Bicycle/Pedestrian Advisory Committee, Phyllis Adrian, has declined serving a subsequent term; therefore, the opportunity to serve was advertised and Patrick Shuck expressed an interest in serving.

Upon motion of Council Member Knapp, seconded by Council Member Fernandez, **RESOLUTION NO. 118-09(m)** was **ADOPTED**, appointing Andrew R. Ross to serve the unexpired term as an Alternate Member to the Municipal Code Enforcement Board, with an expiration date of March 6, 2010, **AND** appointing Patrick L. Shuck to serve a two-year term as the City’s representative to the Hillsborough County Bicycle/Pedestrian Advisory Committee. Vote on the motion being: Council Members Fernandez, Govin, Halloway, Knapp, and Neale voting “aye,” no “nay.”

Mayor Affronti announced that on October 3, 2009, the Woman’s Club will have a huge flea market outside the old Publix building from 7 a.m. to 3 p.m. He encouraged anyone who would like to contribute items to contact Brenda Breeden, Liz Affronti, Mel Jurado, Mary Rose Owens, or Jane Latina.

Council Member Govin questioned whether public demonstrations, such as those that occasionally occur at the intersection of 56th Street and Fowler Avenue, require permits. The City Manager said he believes the demonstrators are within their legal rights and permits are not required, but he will research the issue with the Police Chief and City Attorney. Council Member Govin clarified his concern is primarily with the City’s liability if someone was to get hurt, and he questioned whether rules or a permit were permissible or appropriate for the purpose of providing notice to the City that a demonstration was planned.

The City Attorney responded that demonstrations are part of First Amendment Rights; he will review the issue and discuss any restrictions that may be able to be imposed with the City Manager. Council Member Govin added that any such rules or permit should apply to anyone, even if they are simply out there waiving a flag.

Council Member Neale reported on several items: Jane and Al Latina sent out the invitations to Sister City Eastleigh, England; the Suncoast League of Cities selected offshore drilling, Hometown Democracy and TABOR as its legislative priorities; the City will host the Suncoast League dinner meeting on March 18, 2010, at the Temple Terrace Golf & Country Club; the City has been asked to host a meeting on TABOR and hometown democracy sometime in January or February; she participated in a caravan for Hillsborough Affordable Housing; and extended congratulations to Mel Jurado, who received the Jennie June Award, the most prestigious award given to a single member at the General Federation of Women’s Clubs annual conference.

There being no further business to be considered, upon proper motion, the meeting was adjourned at 5:31 p.m.

Joseph A. Affronti, Sr.
Mayor

Alison M. Fernandez, Council Member

Ron A. Govin, Council Member

Ken Halloway, Council Member

Attest:

Mark A. Knapp, Council Member

Melissa E. Burns, MMC
City Clerk

Mary Jane Neale, Council Member