

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

**Regular Meeting
Tuesday, November 3, 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, November 3, 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, Fire Chief Keith Chapman, Finance Director Diane Reichard, Senior Planner Tom Moore, Deputy City Clerk Judy Read, Wally Blain, Randy Wright, Roxanne Riley, Beth Alden, Joe Bell, David Penoyer, Tim Binder, Steve Dutch, Karina McAdams, Cathy Day, Alan Cotton, Carla Bruning, and several other persons.

Mayor Affronti called the meeting to order at 6:00 p.m., after which he led the Pledge of Allegiance to the flag and offered a brief invocation.

Proclamations, Recognitions, and Special Presentations:

1. Proclamation – “National Hospice & Palliative Care Month.”

Mayor Affronti presented a Proclamation to Roxanne Riley, Executive Director of LifePath Hospice & Palliative Care, proclaiming the month of November, 2009, as “National Hospice & Palliative Care Month” in Temple Terrace. Ms. Riley accepted the proclamation, noting that they care for over 1,200 patients and care-givers on a daily basis.

2. Special Presentation – “GFWC Temple Terrace Woman’s Club, Inc.”

Anne Green, on behalf of the Spring Boutique Committee of the GFWC Temple Terrace Woman’s Club, presented three checks, in the amount of \$1,000 each, to representatives of Greco Middle School and Tampa Bay Tech for computer items, and to King High School for their library.

Minutes of Previous Meetings:

Upon motion of Council Member Knapp, seconded by Council Member Neale, and unanimously carried, the **MINUTES** of the October 20, 2009, Council Meeting were **APPROVED**.

Public Hearings:

1. Zoning Reclassification –8781 Orange Leaf Court – Laurel Oaks Apartments.

Mayor Affronti opened the Public Hearing for 8781 Orange Leaf Court – Laurel Oaks Apartments.

Senior Planner Tom Moore informed the Council that the Community Development Department has prepared a City-initiated zoning reclassification request, RZP#09-04, for an approximate 16.61 acre parcel of property, located on the east side of Davis Road and the north side of Old Temple Terrace Highway, to complete the administrative requirements from the annexation of the property in May of 2007.

The Senior Planner reviewed that the property was developed as a 192-unit apartment complex in 1985. He noted that the Comprehensive Plan was amended to change the designation from Urban Mixed Use-20 in Hillsborough County to Urban Mixed Use-20 (UMU-20) in the City of Temple Terrace. He continued that Staff is recommending reclassification from PD-H (Planned Development for Housing) in Hillsborough County to PD (Planned Development) in Temple Terrace.

The Senior Planner briefly reviewed the existing zoning, Future Land Use designation, adjacent zoning, adjacent Future Land Use designation, and adjacent existing use of land. He explained the recommendation of approval is based on the existing zoning category, the surrounding development pattern, the location of the property, and the anticipated future use of the property. He noted that the City's Development Review Committee (DRC) has reviewed the request and adequate capacity for public facilities and services is available.

The Senior Planner commented that the Hillsborough County City County Planning Commission has reviewed the application, indicated the recommended Planned Development zoning district is compatible with the property's adopted "UMU-20" land use designation, and has no objection to the proposed zoning reclassification.

The Senior Planner stated the PD zoning Conditions of Approval per the conditions of approval and final site plan, which was reviewed by City staff and approved by Hillsborough County on May 19, 1983, are set forth in the Memorandum to the City Manager dated September 24, 2009, a copy of which is part of the record, and are included herein as follows:

**RZP#09-04 - Laurel Oaks Apts.
Conditions of Approval**

1. The approved Planned Development (PD) project shall consist of the existing development as approved by Hillsborough County on May 19, 1983 as petition Number 83-152 (see the following conditions as approved by Hillsborough County).

**Conditions of Approval on Petition 83-152
Approved by the Board of County Commissioners on May 19, 1983
(Rezoned from R-2 and R-3 to CU)**

- 1) The conditions of the project shall be reduced so as not to exceed the density designated in the Horizon 2000 Plan (12 units per gross acre).
- 2) The developer shall provide sidewalks internal to the project so that no child will have to walk in the street while walking to school as well as sidewalks external to the project in the right-of-way area of the main roadways bordering the project (Davis Road, Temple Terrace Highway, and Morris Bridge Road).

- 3) Prior to detailed site plan approval, the developer shall provide approximately 84 feet of right-of-way west of the center line of Morris Bridge Road to accommodate the planned construction of roadway improvements.
 - 4) Prior to detailed site plan approval, the developer shall provide approximately 50 feet of right-of-way east of the center line of Davis Road.
 - 5) The project shall not be accessed from Temple Terrace Highway, but shall be accessed only from Davis Road and/or Morris Bridge Road.
 - 6) All parking lots on the exterior side of the project shall be screened with a hedge and plantings.
 - 7) The developer shall utilize public water and sewer service in this development. Prior to detailed site plan approval, the developer shall provide to the Department of Development Coordination evidence of a contractual commitment showing that the City of Temple Terrace has agreed to provide public water and sewer service to this development.
2. Redevelopment or substantial changes to the existing development as defined in Temple Terrace Land Development Code Section 25.645, Deviation from Site Plans, shall require submittal of a site plan for review by staff and approval by City Council.

The Senior Planner added that the property was properly posted, appropriate Notice was given, and no comments were received from the public.

Mayor Affronti called for any comments from the Public or from Council. There being no comments from the public or the Council, Mayor Affronti closed the public hearing.

2. Zoning Reclassification – 8713 Temple Terrace Highway – Point Plaza.

Mayor Affronti opened the public hearing and called on Senior Planner Tom Moore to present the topic of the Public Hearing.

The Senior Planner informed the Council that the Community Development Department has prepared a City-initiated zoning reclassification request, RZP#09-06, for the above property, which was annexed into the City on November 20, 2007. He noted that the property is triangular in shape, bounded on the north by Temple Terrace Highway, on the west by Davis Road, and on the south by Harney Road, and consists of 4 platted lots totaling approximately 16.57 acres. He added it is currently developed as an approximately 51,000 square foot shopping center built in 1988, with three undeveloped outparcels.

Utilizing a PowerPoint presentation, the Senior Planner explained the current zoning of the various parcels. He noted that the Comprehensive Plan was amended by City Council at a public hearing on June 30, 2009, to change the designation of the property from the County's Community Mixed Use-12 (CMU-12) to Community Mixed Use-12 (CMU-12) in the City of Temple Terrace.

The Senior Planner commented that Staff is recommending reclassification of all 4 lots to Planned Development (PD) in the City of Temple Terrace and has prepared PD zoning conditions of approval that incorporate prior County approvals. He added that construction of the County-approved proposed development scenario for Lot 3 will also require submittal of a detailed site plan for review by City staff and approval by City Council.

The Senior Planner briefly reviewed the existing zoning, Future Land Use designation, adjacent zoning, adjacent Future Land Use designation, and adjacent existing use of land.

The Senior Planner informed the Council that the City’s Development Review Committee (DRC) has reviewed the request, and adequate capacity for public facilities and services is available. He noted that the Hillsborough County City County Planning Commission (HCCCPC) has reviewed the zoning reclassification application and has indicated that the recommended PD zoning district is consistent with the property’s adopted “CMU-12” land use designation, and they have no objection to the proposed zoning reclassification. There were no comments received by City staff from the public as a result of posting the property and the Noticing of this rezoning.

The Senior Planner briefly reviewed the Conditions of Approval as set forth in the Memorandum to the City Manager dated September 24, 2009, a copy of which is part of the record, and as included herein:

**RZP #09-06 Point Plaza
Conditions of Approval**

1. The approved Planned Development (PD) project shall consist of the existing and proposed development as approved by Hillsborough County Board of County Commissioners:
 - PD-MU #85-461, with conditions of approval as amended on October 10, 1989
 - I-PD1 #89-049-C (Pertaining to Outparcel C only), October 10, 1989
 - PRS #89-0086-CN, October 10, 1989

(The following conditions were approved by Hillsborough County).

Attachment (1)

**Conditions of Approval of PD-MU #85-461 as amended by
IPD-1 #89-0149-C/PRS #89-0086-CN as approved by the
Hillsborough County Board of County Commissioners
On October 10, 1989**

Staff [County] recommends approval of the PD-MU zoning district request with the conditions as amended by PRS 89-0086-CN listed below. Approval is based on the general development site plans received on October 16, 1985 and August 14, 1989, and all data shown, defined, described, noted, referenced and listed thereon.

- 1) Commercial development shall be restricted to a maximum floor area ratio of 10,000 s.f. per acre.
- 2) Commercial development shall be restricted to a maximum of 110,000 square feet including the outparcels.

- 3) Stormwater detention pond design requirements for the development shall be listed below, unless otherwise approved by the Hillsborough County Environmental Protection Commission and the Hillsborough County Drainage Engineer:
 - a. The side slopes shall be no greater than 4:1.
 - b. The banks shall be fully vegetated to the design low water elevation.
 - c. The sides and the bottom of each pond shall be constructed of impervious material.
- 4) The height of all commercial structures on site shall not exceed one story.
- 5) The developer shall provide parking pursuant to the requirements of Section 19 of the Zoning Code.
- 6) The developer shall provide, prior to the issuance of certificate of occupancy and pursuant to federal and State of Florida regulations, parking for handicapped persons. Said area shall be shown on the detailed site plan and labeled as "Parking for Handicapped" prior to detailed site plan approval.
- 7) Any proposals to include uses in the project requiring more than 5 spaces per 1,000 square feet, such as restaurants and movie theaters, shall require submittal of a revised site plan showing the additional parking spaces.
- 8) The developer shall provide, prior to the issuance of certificates of occupancy, sidewalks internal to the residential portion of the project and external to the project in the right-of-way area of the major right-of-ways bordering the project (i.e., Harney Road, Davis Road and Temple Terrace Highway). The exact location of said sidewalks shall be determined by the County Development Review Department during detailed site plan approval.
- 9) The developer shall be required to utilize public water and sewer and shall pay all costs to connect for service delivery. The developer shall submit to the County Department of development review, prior to the issuance of certificates of occupancy, evidence of commitment from the City of Temple Terrace to provide public water and public sewer services. Additionally, the developer shall submit to the County Department of Development Review, prior to issuance of certificates of occupancy, evidence of agreement to pay necessary costs to enable the City of Temple Terrace to provide public water and public sewer services delivery.
- 10) The developer shall install at the developer's expense, prior to issuance of certificates of occupancy, fire hydrants and if necessary water lines of a size necessary to meet minimum fire flow and pressure requirements to provide adequate water resources for firefighting. The location of the hydrants and water lines shall be subject to approval of the City of Temple Terrace accordingly. The installation of the hydrants and water lines shall be subject to approval of the City of Temple Terrace accordingly and prior to the issuance of certificates of occupancy. This condition may be waived by Department of Development Review if prior to the issuance of certificates of occupancy the Fire Department states that the fire protection is adequate.
- 11) The developer shall grant to the County sufficient acreage to provide for a piped drainage easement on site with a total width of 25 feet from Temple Terrace Highway and Harney Road to Outparcel B for low area retention. In addition, an easement shall be provided for the retention area for Outparcel B, unless otherwise approved by the County Drainage Engineer. The exact location of said easement shall be determined by Drainage Services Section of County Engineering Department. The developer shall submit evidence of drainage easement location approval from the Drainage Services Section of

County Engineering Department to the County Department of Development Review prior to issuance of a Zoning Compliance Permit. The drainage easements shall be granted prior to the issuance of any Certificate of Zoning Compliance.

- 12) The development shall comply with Section 7.12, Buffers and Screening, of the Zoning Code.
- 13) The developer or the designate thereof shall be responsible for maintenance of the buffer.
- 14) The developer shall provide street lighting internal to the residential portion of the project.
- 15) The developer shall screen, prior to the issuance of certificates of occupancy, all mechanical equipment, for example, air conditioners, and service areas in the commercial portions, and on the entire site, shall screen trash receptacles, dumpsters, etc., from view from public places and neighboring properties through the use of features such as berms, fences, false facades, and dense landscaping.
- 16) Signage shall be permitted as pursuant to the County sign ordinance. No portable signage shall be permitted on the parcel.
- 17) The developer shall provide a left-turn lane to meet County requirements on Temple Terrace Highway for westbound-to-south left turns into the west project access.
- 18) [Duplicates No. 17 (typographic error)]
- 19) If the left-turn lanes above overlap, Temple Terrace Highway shall be widened to a uniform 3-lane section between the two project accesses.
- 20) The developer shall provide a left-turn lane to meet County requirements on Harney Road for eastbound-to-north left turns into the east project access.
- 21) The developer shall be responsible for removing existing pavement markings in the areas widened and for restriping the widened sections to delineate the left-turn lanes in compliance with Hillsborough County Engineering Department standards.
- 22) Driveway radii shall be a minimum of 25 feet to accommodate passenger vehicles at the residential accesses.
- 23) Driveway radii shall be a minimum of 55 feet to accommodate single-unit vehicles at the commercial accesses.
- 24) All roadway construction shall be completed with proper transitions from the widened section to the existing roadway pavement.
- 25) No additional right-of-way is required on Temple Terrace Highway.
- 26) Harney Road, functionally classified by the Engineering Department as a County arterial, requires an additional 29 feet of right-of-way on the north side. This will provide part of the total 118 feet of right-of-way needed ultimately to accommodate a symmetrical 4-lane divided roadway section.
- 27) Davis Road, functionally classified by the Engineering Department as a local road, requires an additional 11 feet of right-of-way on the east side. This will provide part of the 72 feet of total right-of-way needed ultimately to accommodate a symmetrical 2-lane undivided roadway section.

- 28) No certificates of occupancy shall be issued for the commercial portion of the site prior to the completion of all required roadway construction for the particular portion of the site.
- 29) There shall be no more than one access into the commercial portion from Davis Road and one from Harney Road plus no more than two access points into the commercial portion from Temple Terrace Highway. However, an additional access point may be permitted from the commercial area into Harney Road if approved by Hillsborough County Engineering Department.
- 30) There shall be no access to the outparcels from the external roads.
- 31) The access roads shall meet all County requirements.
- 32) Up to sixty days subsequent to rezoning approval by the Hillsborough County Board of County Commissioners, the developer shall submit to the County Department of Development Review a revised general site plan for certification which shall reflect all the conditions outlined above.
- 33) Within ninety days of approval of the PRS 89-0086-CN, the applicant shall submit for certification a revised general site plan reflecting existing and amended conditions in relation to PZ 89-0149-CN.

NOTES:

1. All impervious area shall require retention.
2. The developer shall comply with County Commercial drainage criteria.
2. New development, redevelopment or substantial changes to the existing development as defined in Temple Terrace Land Development Code Section 25.645, Deviation from Site Plans, shall require submittal of a site plan for review by staff and approval by City Council.
3. Construction of the County-approved proposed development scenario for Lot 3 will also require submittal of a detailed site plan for review by City staff and approval by City Council.

Mayor Affronti called for any comments from the Public or from Council. There being no comments from the public or the Council, Mayor Affronti closed the public hearing.

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

The City Manager asked Chief of Police Ken Albano to briefly address the red light camera enforcement system. Mayor Affronti explained that the local ABC News team greeted he and Council Member Holloway on their way into the meeting tonight, adding that the Council hasn't discussed this matter in several months; however, in keeping with the spirit of open government, he requested Chief Albano update the Council and citizens on the current status of the program.

Chief Albano said he does not have a statistical breakdown prepared at this time; however, he does have the data in terms of violations, which reflects an overall reduction in violations for the year. He commented that in his observations there is more compliance, with a residual compliance effect at *all* approaches to intersections, whether or not there is a camera at the intersection.

Responding to a question from Mayor Affronti, Police Chief Albano said they do not routinely prepare a statistical breakdown month-by-month, because it is a very time-consuming process, and what was previously brought to Council was a very small, representative sample. He added that to his knowledge, every public request regarding crash data has been released in a timely manner; they simply do not prepare an analysis of each crash report.

Mayor Affronti mentioned that the comment made to both he and Council Member Holloway was that the City previously kept data regarding the number of crashes at the intersection, but is no longer doing that. Police Chief Albano explained that analysis was put together and shared with Council a number of months ago in response to comments by an individual from USF, and at that point, there were more crashes; however, the crashes were not found to be directly related to panic stopping as indicated by that individual.

A local ABC News spokesman commented they were looking for an analysis of the raw data that they have received.

David Penoyer, 11006 Saginaw Drive, distributed information regarding the Energy Efficiency and Conservation Block Grant Program, an \$18.6 million grant funding program from the Florida Energy and Climate Commission, for cities and counties that did not receive direct funding from the Department of Energy. He also provided information on a webinar, which will be held tomorrow, about this grant program. Copies of the information distributed by Mr. Penoyer are part of the record. He encouraged the City to look at some of the possible uses for the funding, such as the retrofitting of “green” buildings or residences, street lighting, or changing out traffic signals with LEDs (light-emitting diodes). He suggested another idea would be to retrofit the Recreation Center swimming pool for solar heating.

The City Manager expressed appreciation to Mr. Penoyer for providing the information, stating the administration wants as much information as possible on funding opportunities that may arise, so that no opportunities are missed. He reviewed that about eight years ago the City did an energy audit, which resulting in changing the lighting in the City buildings and changing all of the traffic lights to LEDs. He mentioned the Community Development Director is already looking at the possibility of solar water heating in City Hall, as well as for other City buildings. He continued that even though these are small pockets of money, the City is looking at them, as they do add up.

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

Presentations:

1. Wastewater Treatment Rate Increase.

Finance Director Diane Reichard informed Council that the City of Tampa adopted a three-year rate increase on September 17, 2009, which went into effect on October 1st. She explained that according to the Interlocal Agreement, Temple Terrace is required to pay 98% of that rate; therefore, the cost increase has been passed on to the City’s customers.

The Finance Director commented that to comply with State law, the customers received a notice regarding the proposed increase on their utility bills through the month of October. Regarding the effect on the City's budget, she noted there will be an increase in revenue, with the related increase in expense to pay the bill from the City of Tampa. Relative to the documentation provided with this Agenda item, she referred Council to the attached Table 2, noting the only affected line will be the bottom line on the table, which has been highlighted.

The City Manager confirmed the City is not retaining any additional money from this increase; the City of Tampa increase, per the Interlocal Agreement, is simply being passed on, by prorating it over a three-year period.

Mayor Affronti requested the City Manager update the Council regarding a recent meeting about the City's proposed wastewater treatment plant.

The City Manager reviewed that it has been a goal of Council for years to have its own wastewater treatment plant. He reviewed that several years ago, he and the Public Works Director met with engineering firms regarding the proposed plant, had the property, had the plans at 30%, and had the financing; however, they were unable to obtain a wet-weather discharge permit from the Department of Environmental Protection (DEP), so the project stopped there. He continued that the City has resumed discussions with the firm and are looking at new technologies, which may help the City. He concluded that he expects to come back with a feasibility report by end of the calendar year. He noted that the City has held onto the land, because the City hasn't given up the dream of having its own wastewater treatment facilities.

Council Member Fernandez informed the Council that during River Board meetings, they have spoken with DEP and other water regulatory agencies regarding the issuance of wet-weather discharge permits, and they learned that DEP was not granting *any* permits for wet-weather discharge; Temple Terrace was not singled out. She concurred that the City will have to look at new technologies, because no wet-weather discharge permits are expected to be issued. She concluded the feasibility study will explain how expensive the technology is and how it will work.

Council Member Govin questioned the amount of monthly increase to the average home. The Finance Director responded that for the first year, the increase is \$.72 for the first 1,000 gallons, which would be approximately \$3.60 to the average homeowner for 5,000 gallons' usage.

2. Metropolitan Planning Organization – Cost Affordable 2035 Long-Range Transportation Plan.

Beth Alden, Project Planner, Metropolitan Planning Organization, presented an overview of the 2035 Long-Range Transportation Plan, which is updated every five years. She noted Council has been provided a draft version of the plan tonight, which is in a newsletter format, along with a public comment form that can be returned by mail. She highlighted some of the proposed projects for Temple Terrace and various funding sources. She showed a 14-minute video entitled "2035 Plan – On Track with Our Vision."

Ms. Alden mentioned there will be two "Town Call" meetings, one of which will be held at 7 p.m. on November 10th, primarily for comments from the residents of Temple Terrace. She announced the call-in number is 1-877-229-8493, with an ID Code of 15177#, and encouraged City residents who would like to participate, to call in for a question and answer session regarding the long-range plan.

Mayor Affronti mentioned that during a recent visit to Charlotte, it was noted that there was an approximate \$2 billion investment in business and residential along the rail line corridor. He commented that was what they hope to accomplish here, because there could never be enough roads built in this area to accommodate the anticipated growth over the next 25 to 30 years. He added that they are hoping the \$.01 tax increase will be on the November 2010 ballot in order to fund these projects, with 75% of that revenue going toward transit and 25% going toward roads; the transit portion would be half rail and half bus.

There were no Site Plan Reviews before the Council 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 Knapp, seconded by Council Member Fernandez, and unanimously carried, Resolutions **E-1 through E-4** were adopted by consent, as follows:

RESOLUTION NO. 132-09, amending a Wastewater Rate Schedule, providing the basic rate schedule for wastewater service, set forth as “Table 2,” attached hereto and made a part hereof; providing an effective date.

RESOLUTION NO. 133-09, rescinding Resolution No. 123-09, approving the purchase of a 2010 Ford Explorer from Tropical Ford, and approving the purchase of a 2010 Chevy Tahoe, under the Florida Sheriff’s Association Bid #09-17-0908, from Bartow Chevrolet, in the amount of \$25,652; payment for said purchase to be made from account 160-1511-522.64-11.

RESOLUTION NO. 134-09, accepting, as a Hillsborough County Sub-Grantee, an Edward Byrne Memorial Justice Assistance Grant in the amount of \$53,100; providing that the 2009-10 budget be adjusted accordingly; and approving expenditures for five spotlight-mounted thermal imaging cameras in the amount of \$19,600, a marine vessel, motor, and trailer in the amount of \$12,500, eight laptop computers in the amount of \$19,200, and three data communication lines in the amount of \$1,800; payment for said expenditures to be made from account 001-1421-521.64-99 in the amount of \$19,600, account 001-1424-521.64-14 in the amount of \$12,500, account 001-1450-521.64-23 in the amount of \$19,200, and account 001-1440-521.41-15 in the amount of \$1,800.

RESOLUTION NO. 135-09, accepting, as a Hillsborough County Sub-Grantee, an Edward Byrne Memorial Justice Assistance Grant in the amount of \$82,337; providing that the 2009-10 budget be adjusted accordingly; and approving the expenditures for four mobile license plate readers in the amount of \$71,400, their related equipment and installation in the amount of \$6,287, and their related computer licenses and costs to upload software in the amount of \$4,650; payment for said expenditures to be made from account 001-1421-521.64-99 in the amount of \$71,400, account 001-1421-521.51-42 in the amount of \$6,287, and account 001-1450-521.52-43 in the amount of \$4,650.

Council Member Holloway asked for a brief explanation of the license plate reader. Chief Albano explained that the license plate reader is a high tech system that will be placed in four vehicles, allowing them to monitor all traffic in and out of a specific location, such as if they were having thefts in a specific area, or to track a specific vehicle. He noted it is “cutting edge” technology.

In response to Council Member Halloway's question as to how the system reads the plate numbers, Chief Albano responded that he believes it is by optical character recognition.

Proposed Ordinances for Consideration and Action:

1. Zoning Reclassification – 8781 Orange Leaf Court – Laurel Oaks Apartments.

Council then heard **FIRST** reading, by caption, of a proposed ordinance, being: **AN ORDINANCE OF THE CITY OF TEMPLE TERRACE, FLORIDA, REZONING PROPERTY LOCATED ON THE EAST SIDE OF DAVIS ROAD AND THE NORTH SIDE OF OLD TEMPLE TERRACE HIGHWAY, LEGALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, FROM ZONING CLASSIFICATION PD-H (PLANNED DEVELOPMENT) – HILLSBOROUGH COUNTY, TO ZONING CLASSIFICATION PD (PLANNED DEVELOPMENT) – CITY OF TEMPLE TERRACE, TO PLACE THE APPROPRIATE CITY ZONING DESIGNATION ON SAID PROPERTY; PROVIDING FOR AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING A SEVERABILITY CLAUSE, EFFECTIVE DATE, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.**

2. Zoning Reclassification – 8713 Temple Terrace Highway – Point Plaza.

Council then heard **FIRST** reading, by caption, of a proposed ordinance, being: **AN ORDINANCE OF THE CITY OF TEMPLE TERRACE, FLORIDA, REZONING PROPERTY LOCATED ON THE SOUTH SIDE OF TEMPLE TERRACE HIGHWAY AND THE NORTHWEST SIDE OF HARNEY ROAD, BETWEEN DAVIS ROAD TO THE WEST AND MORRIS BRIDGE ROAD TO THE EAST, LEGALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, FROM ZONING CLASSIFICATION PD-MU (PLANNED DEVELOPMENT MIXED USE) AND I-PD1 (INTERSTATE PLANNED DEVELOPMENT) – HILLSBOROUGH COUNTY, TO ZONING CLASSIFICATION PD (PLANNED DEVELOPMENT) – CITY OF TEMPLE TERRACE, TO PLACE THE APPROPRIATE CITY ZONING DESIGNATION ON SAID PROPERTY; PROVIDING FOR AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING A SEVERABILITY CLAUSE, EFFECTIVE DATE, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.**

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

City Manager's Report:

The City Manager informed the Council that the administration is looking at alternative ways to fund the City's \$4 million commitment for certain infrastructure improvements per the Master Developer's Agreement; alternatives will be brought to Council in the near future.

The City Manager reminded everyone of the Neighborhood Meeting, which will be held on Monday, November 9, 2009, beginning at 6:00 p.m., at the Family Recreation Complex.

The City Attorney commented that the Tozier trial has not concluded; at the end of the scheduled five-day trial, the Plaintiffs had not completed the presentation of their case. Given the Court's trial schedule, the City Attorney said the continuation of the trial will likely be scheduled for a date in March of 2010.

The City Attorney informed Council that the Municipal Code Enforcement Board has requested Council's consideration of a potential foreclosure on a code enforcement board lien at 513 Broxburn Avenue. He explained this property's homestead exemption was denied for the year 2009 by the Hillsborough County Property Appraiser; therefore, the City can proceed to foreclose the code enforcement board lien, if desired. He continued that the lien was over \$66,000 as of last week; a report prepared by his firm's real estate paralegal revealed no encumbrances, except for some 2008 ad valorem estate taxes in the amount of about \$900, which were due on September 30, 2009; the mortgage on the property was satisfied in June of 2009. He noted that City staff has indicated the property has been unoccupied for quite some time and is not habitable. If Council wants to proceed to foreclose on the code enforcement board lien, he said he would need direction from the Council. He concluded that due to the recent change in the homestead status and the satisfaction of the mortgage, this property appears to be viable for foreclosure.

Council Member Fernandez asked the nature of the violation and how long it has been out of compliance. Code Compliance Director Joe Gross reported that the violation came before the Municipal Code Enforcement Board in October of 2007. He commented that the property is unoccupied and in poor condition, to the extent that ferns are actually growing inside the house. He said he believes it is in the City's best interest to move forward with foreclosure, adding that the owners have been difficult to locate and there has been no contact with them for most of the last two years.

Upon motion of Council Member Fernandez, seconded by Council Member Knapp, **RESOLUTION NO. 136-09(m)** was **ADOPTED**, directing the City Attorney to proceed with foreclosure of the Municipal Code Enforcement Board Lien relative to the property located at 513 Broxburn Avenue. Vote on the motion being: Council Members Fernandez, Govin, Halloway, Knapp, and Neale voting "aye," no "nay."

The City Attorney reported there is another Municipal Code Enforcement Board lien in excess of \$50,000 [9202 Knights Branch Street]. He continued that Wells Fargo Bank has filed a foreclosure action on the property; however, in this case, the City's code enforcement board lien appears to have priority over the mortgage. While his firm would typically handle this matter to protect the City's interest, he said there is a conflict, due to his firm's representation of Wells Fargo Bank, from whom he was unable to obtain a Conflict Waiver. Therefore, the City Attorney said that he has recommended to the City Manager that the firm retain Dave Linton, a long-time colleague of the City Attorney, of the firm Thomas and Linton, to defend this action on behalf of the City and protect the City's interest. He noted that as a result of the fact that they have this conflict, Mr. Linton's firm will handle this matter at the same rate that Shumaker Loop & Kendrick would have charged. He concluded that given the fact the lawsuit is pending, the City needs representation in that action to protect the City's interest, because it is a substantial code enforcement board lien that they don't want foreclosed out by the Bank. He requested approval of Council to obtain that firm to protect the City's interest.

Upon motion of Council Member Fernandez, seconded by Council Member Halloway, **RESOLUTION NO. 137-09(m)** was **ADOPTED**, authorizing the City Attorney to retain the law firm Thomas and Linton to protect the City's interest with respect to the foreclosure proceedings filed by Wells Fargo Bank on property located at 9202 Knights Branch Street, with legal services to be paid at the same rate the City would be paying Shumaker Loop & Kendrick. Vote on the motion being: Council Members Fernandez, Govin, Halloway, Knapp, and Neale voting "aye," no "nay."

The City Attorney requested that an "Out of the Sunshine" Meeting be scheduled, pursuant to Florida Statutes §286.011, prior to the next regular City Council Meeting on November 17, 2009, with respect to the pending Kelly litigation concerning red light cameras. The City Manager confirmed that the meeting is expected to take one hour.

New Business:

Council Member Fernandez commented that she has been approached by some members of the public who would like to ask the City about opening up talks concerning LCD signs, such as those where information is typed from a remote location and it stays static, or signs with moving images, such as the sign at the Sun Dome. Noting those types of signs are not currently allowed in the City, she suggested the need for public comment to determine whether the general public would be in favor of or oppose such signs.

Mayor Affronti suggested they come before Council to make their "pitch."

The City Manager offered to do some research for Council's edification, suggesting they could poll other cities and put together a report to provide Council some basis, with which to interact with the business community. The City Attorney mentioned that in a recent encounter with the Attorney for the City of Tampa, he understood the City of Tampa may be dealing with this issue right now, suggesting this may be an area the City can tap into.

Mayor Affronti confirmed with the City Manager that the Council has the right to change the City Code, if they choose to do so, in order to allow such signs. He suggested the interested parties come before Council to explain in more detail what they would like to do.

Noting that it is time for the selection of a Vice Mayor for the coming year, upon motion of Council Member Halloway, seconded by Council Member Fernandez, **RESOLUTION NO. 138-09(m)** was **ADOPTED**, appointing Council Member Mark Knapp to serve as Vice Mayor for the coming year. Vote on the motion being: Council Members Fernandez, Govin, Halloway, Knapp, and Neale voting "aye," no "nay."

Mayor Affronti announced he will make Council Liaison appointments at the next City Council meeting. He commented that he would prefer that the appointments continue as they are for the coming year; however, if any Council Member has an objection to continuing with their current appointments, they should let the City Clerk know by next week, so that he can find a replacement.

There being no further business to be considered, upon proper motion, the meeting was adjourned at 7:14 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