

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

**Regular Meeting
Tuesday, December 1, 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, December 1, 2009, in the Council Chambers at City Hall.

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

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, Senior Planner Brad Parrish, Joyce McKenzie, Joe Bell, Will Augustine, Donna Spano, Robert Hobbs, and several other persons.

Following an Out-of-Sunshine Meeting regarding pending litigation, which convened at 5:00 p.m., Mayor Affronti reconvened the meeting, calling it to order at 6:08 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 Govin, seconded by Council Member Fernandez, and unanimously carried, the **MINUTES** of the November 17, 2009, Council Meeting were **APPROVED**. Council Member Knapp was **ABSENT** and did not vote.

Public Hearings:

1. Zoning Reclassification – 8902 & 8906 Old Temple Terrace Highway.

Mayor Affronti opened the Public Hearing for 8902 & 8906 Old Temple Terrace Highway.

Senior Planner Tom Moore stated the Community Development Department has prepared a City-initiated zoning reclassification request, RZP#09-05, for an approximately .50 acre parcel comprised of two single family lots of approximately .25 acre each. He continued that the properties are located on Old Temple Terrace Highway approximately 500 feet east of Davis Road. He stated that staff is recommending a zoning reclassification from Residential Duplex Conventional-12 (RDC-12) in Hillsborough County, to Planned Development (PD) in the City of Temple Terrace, to complete the administrative requirements from the annexation of the parcels in November of 2007.

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 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 briefly reviewed the PD zoning Conditions of Approval as set forth in the Memorandum to the City Manager dated October 27, 2009, a copy of which is part of the record. He reviewed that the property was properly posted, appropriate notice was given, and the few comments received from the public prior to the hearing were satisfactorily addressed by staff.

Mayor Affronti called for any comments from the public or from Council.

Council Member Fernandez questioned if someone was to redevelop the property what they would be able to do under this zoning classification. The Senior Planner responded that the developer would have to come back before Council with a request to rezone the property to another appropriate zoning category under the "UMU-20" land use designation in order to do anything other than single-family homes.

Council Member Govin asked whether these two properties were surrounded by County property, to which the Senior Planner responded negatively, stating that the Laurel Oaks Apartments adjoin this property. Council Member Govin explained his confusion, stating that their agenda book states adjacent future land use designations were all Hillsborough County. The Senior Planner suggested that must be a typographical error; they can't get to this juncture without having amended the Comprehensive Plan, adding that the Comprehensive Plan was amended for Laurel Oaks and City zoning was added to that property, and they are now doing the same with this property.

There being no further comments from the public or the Council, Mayor Affronti closed the public hearing.

2. Zoning Reclassification – 8831-8915 Old Temple Terrace Highway – Tropical Delight Apartments.

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

Senior Planner Tom Moore commented that the Community Development Department has prepared a City-initiated zoning reclassification request, RZP#09-08, for the above property, consisting of approximately 2.08 acres, located on the east side of Davis Road and the south side of Old Temple Terrace Highway, which was annexed into the City on November 20, 2007. He added it is currently developed as a 60-unit apartment complex constructed in 1982.

Utilizing a PowerPoint presentation, the Senior Planner explained the current zoning, noting that the Comprehensive Plan was amended 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 from Residential Multi-family Conventions (RMC-16) – Hillsborough County to Planned Development (PD) in the City of Temple Terrace. He 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 October 27, 2009, a copy of which is part of the record.

Council Member Fernandez questioned whether, under this zoning, someone would be allowed to build a development in that area that might have shops on the bottom and apartments on the top.

The Senior Planner responded that the PD zoning is for the specific development that is there; if they want to do anything different, they have to come back before the Council to rezone the property and go through the public hearing process.

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.

3. Zoning Reclassification – 10310 Davis Road – Autumn Place Apartments.

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

Senior Planner Tom Moore commented that the Community Development Department has prepared a City-initiated zoning reclassification request, RZP#09-03, for the above property, consisting of approximately 9.11 acres, located on the west side of Davis Road, approximately 150 feet north of Navajo Avenue, which was annexed into the City on May 1, 2007.

Utilizing a PowerPoint presentation, the Senior Planner noted that the site plan was approved in November of 2007. He said the property is currently developed as a 120-unit affordable housing complex that was built using the Hillsborough County RMC-16 zoning category. He said the Comprehensive Plan was amended on June 30, 2009, to change the designation of the property from the County’s Residential-20 to Residential-18 in the City of 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.

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 "PD" 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. He commented that Staff is recommending reclassification from Residential Multi-family Conventions (RMC-16) – Hillsborough County to Planned Development (PD) in the City of Temple Terrace.

The Senior Planner briefly reviewed the Conditions of Approval as set forth in the Memorandum to the City Manager dated October 27, 2009, a copy of which is part of the record.

Mayor Affronti called for any comments from the public or from Council.

Council Member Neale asked whether the applicant had to complete Condition 1 before approval, to which the Senior Planner said those conditions have, for the most part, already been completed; the development has been completed, and people are now living there. He explained those were the conditions established by the Council when the Site Plan was approved; since the PD development has to be site-specific, those are the conditions they will be approving.

There being no further comments from the public or the Council, Mayor Affronti closed the public hearing.

4. Comprehensive Plan – Capital Improvements Element Annual Update.

Mayor Affronti opened the public hearing on the City's Comprehensive Plan Amendment, updating the Fiscal Year 2010-2014 Capital Improvements Element and called on Hillsborough County City-County Planning Commission Staff Member Joe Bell to present the topic.

Planning Commission Staff Member Bell briefly explained the meaning of good governance, which includes being accountable to the taxpayers as to how it spends its money. He commented that Temple Terrace is known for good governance. In terms of good governance, he said that each year the City adopts a Budget for the coming fiscal year, a Five-Year Capital Improvements Program to reflect how the City has prioritized funding for planned capital improvements, and amends the Capital Improvements Element of the Comprehensive Plan to incorporate any changes made to the Five-Year Capital Improvements Program. This public hearing is for the amendment of that Capital Improvements Element relative to the City's action taken in September, he said, as he called on Planning Commission Staff Member Will Augustine to present the amendment. He noted the first reading of the Ordinance to adopt the amendment will occur later in this meeting, with the second reading and adoption to occur on December 15th.

Planning Commission Staff Member Augustine reviewed that the City adopted the FY 2010-2014 Capital Improvements Program on September 24, 2009, and because it differs from that shown currently in the Comprehensive Plan, the amendment to update the Comprehensive Plan is required by Florida Statutes Chapter 163. He pointed out that the State Statute defines "financial feasibility" as achieving and maintaining the adopted level of service through the scheduled projects.

Planning Commission Staff Member Augustine continued that with the adoption of the Multimodal Transportation District, the City of Temple Terrace reports meeting all of the adopted levels of service requirements for all of its capital facilities. He said it is important to note that future traffic growth is expected to continue. He remarked that the Statute also includes enforcement provisions for non-compliance after December 1, 2011. He explained that the attached report contains background data and analysis that supports this Plan Amendment; the proposed amendment deletes the current Schedule of Projects found in the Capital Improvements Element (CIE) and replaces it with the Schedule of Projects found in Appendix "A". He concluded that on November 9, 2009, the Planning Commission found the proposed Plan Amendment consistent and recommended adoption; therefore, the Planning Commission Staff recommends that the City Council find this proposed Plan Amendment consistent with its Comprehensive Plan.

Regarding the information provided to Council, Council Member Govin questioned whether the "strike-outs" are removing last year's data and the "underlines" are the changes for this year, which was confirmed by Mr. Augustine. Mr. Augustine further explained that the State of Florida wants to see what changed from the previous year to this year.

Reviewing the spreadsheet of the Five-Year Capital Improvement Element, Council Member Govin questioned the line item, under the Community Investment Tax Fund, for the Arts Education Center, where two lines total \$2.4 million. For the record, he said he understands \$2.4 million is the total that is allocated, adding that the figure used to be \$2.5 million, but the City spent \$100,000 in designing and for consultants. The City Manager confirmed that was correct.

Council Member Govin expressed concern that on the Long-Term Schedule of Capital and Service Improvements under Street Connectivity Projects, the total is shown as \$4 million, which is by the agreement with the developer; however, the City is not showing anything out of that fund until FY10-11. He remarked that hopefully the City is not going to contribute to an Arts Education Center before the streets are in place to get there. He suggested the dates need to coincide or go further out. He noted that he has no problem with the numbers; however, he does have a problem with the streets occurring after the Arts Education Center is funded or built, adding that he could not vote in good conscience to give the developer money for an Arts Education Center until the street is there.

The City Manager responded that they are trying to coordinate with the developer and his schedule, adding that the schedule will undoubtedly be refined as they go forward. Council Member Govin said he would prefer that the \$1.5 million for the Arts Education Center be moved to FY10-11.

Planning Commission Staff Member Bell commented that this document reflects the action taken by the Council in September. While there may have been subsequent events that changed things, he said this is a static document that has to remain static to be in coordination with the adopted budget in order to achieve compliance with State law. He continued that the changes that have occurred since the adoption of the budget would be reflected in the budget next year, and Council Member Govin's concerns can also be addressed at that time. He explained that in September, that was how they anticipated the expenditures would go; now that they have more data on the Arts Education Center, they may have a different opinion. He summarized that when the Council votes on this proposed amendment to the Comprehensive Plan, they are simply re-approving what the Council already approved; otherwise, the City would have to undergo the significant expense of amending the current Budget.

The City Manager added it is a *plan* for expenditure and not an authorization; any expenditure would come back before Council.

Council Member Govin responded that his concern, with it being in place and not being spent, is that it keeps them from spending the \$1.5 million on other capital improvements, such as streets or whatever else needs to be done. He concluded that he understands why it is what it is and why it has to go forward, but believes they should have seen that sooner.

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

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

Presentations:

1. Voluntary Annexation – 7911 Harney Road (Lovelace).

City Attorney Connolly announced that today the attorney representing the petitioner in the voluntary annexation petitions of 7911 Harney Road (Lovelace) and 8601 Harney Road (M&B Products, Inc.) contacted the City, stating there are certain issues that require further investigation on the petitioner's behalf. He explained that part of the reason the petitioner is annexing into the City relates to economic considerations, and issues arose with respect to wastewater surcharges that require them to do some additional due diligence. Accordingly, he said the attorney submitted correspondence to the City Manager and him requesting that this presentation, and the corresponding ordinances in Agenda Items F-1 and F-6, be continued to either December 15 or the earliest date permissible, if, in fact, the City must go back through the advertising process for the annexation ordinances.

The City Attorney recommended that first the City Council make a motion to take Agenda items out of order, because he believes it is appropriate to take action on Agenda Items C-1, F-1, and F-6 at this time, rather than waiting until they come up on the Agenda.

Upon motion of Council Member Govin, seconded by Council Member Fernandez, **RESOLUTION NO. 148-09(m)** was **ADOPTED**, directing that Agenda items C-1, F-1, and F-6 be taken out of order, in order to address them at this time. Vote on the motion being: Council Member Fernandez, Govin, Halloway, and Neale voting "aye," no "nay." Council Member Knapp was **ABSENT** and did not vote.

The City Attorney continued that in certain instances the City can simply continue a matter to a date certain; in the context of an annexation ordinance, he has not had the opportunity to fully investigate whether they can do that versus having to go back and re-advertise this matter. Therefore, he recommended that City Council accede to the petitioner's request and continue the voluntary annexation ordinances set forth in Agenda Items F-1 and F-6 and the voluntary annexation presentation that goes along with Agenda Item F-6, as set forth in Agenda Item C-1, to December 15, 2009, a date certain, if, in fact, they can do so under Florida law; if not, that they start the advertising process anew.

Upon motion of Council Member Fernandez, seconded by Council Member Govin, **RESOLUTION NO. 149-09(m)** was **ADOPTED**, accepting petitioner's request in the voluntary annexation petitions of 7911 Harney Road (Lovelace) and 8601 Harney Road (M&B Products, Inc.) and continue the voluntary annexation ordinances set forth in Agenda Items F-1 and F-6 and the voluntary annexation presentation that goes along with Agenda Item F-6, as set forth in Agenda Item C-1, to December 15, 2009, a date certain, if, in fact, they can do so under Florida law; if not, that they start the advertising process anew. Vote on the motion being: Council Members Fernandez, Govin, Hallway, and Neale voting "aye," no "nay." Council Member Knapp was ABSENT and did not vote.

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

Resolutions for Consideration and Action:

The City Manager reviewed the proposed Resolution for consideration and action.

Upon motion of Council Member Govin, seconded by Council Member Fernandez, and unanimously carried (Council Member Knapp was ABSENT and did not vote), Resolution **E-1** was adopted by consent, as follows:

RESOLUTION NO. 150-09, confirming the selection of Cheri Donohue as the Board Members' appointee to the Police Officers' Pension Board of Trustees.

Proposed Ordinances for Consideration and Action:

1. Voluntary Annexation – M & B Products, Inc., 8601 Harney Road.

NOTE: This proposed Ordinance was included in Resolution No. 149-09(m) above, to continue the Agenda Item to December 15, 2009, a date certain, if, in fact, they can do so under Florida law; if not, that they start the advertising process anew.

2. Zoning Reclassification – 8902 & 8906 Old Temple Terrace Highway.

Following **FIRST** and **FINAL** reading, by caption, upon motion of Council Member Hallway, seconded by Council Member Neale, **ORDINANCE NO. 1261** was **ADOPTED** being: **AN ORDINANCE OF THE CITY OF TEMPLE TERRACE, FLORIDA, REZONING TWO SEPARATELY DEEDED SINGLE FAMILY LOTS, LOCATED ON THE NORTH SIDE OF OLD TEMPLE TERRACE HIGHWAY, EAST OF DAVIS ROAD, AND WEST OF MORRIS BRIDGE ROAD, LEGALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, FROM HILLSBOROUGH COUNTY RDC-12 (RESIDENTIAL DUPLEX CONVENTIONAL-12) ZONING CLASSIFICATION, TO CITY OF TEMPLE TERRACE PD (PLANNED DEVELOPMENT), TO PLACE THE APPROPRIATE CITY ZONING CLASSIFICATION 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.** Vote on the motion for adoption being: Council Members Fernandez, Govin, Hallway, and Neale voting "aye," no "nay." Council Member Knapp was ABSENT and did not vote.

3. Zoning Reclassification – 8831-8915 Old Temple Terrace Highway – Tropical Delight Apartments.

Following **FIRST** and **FINAL** reading, by caption, upon motion of Council Member Neale, seconded by Council Member Halloway, **ORDINANCE NO. 1262** was **ADOPTED** being: **AN ORDINANCE OF THE CITY OF TEMPLE TERRACE, FLORIDA, REZONING PROPERTY, CONSISTING OF APPROXIMATELY 2.08 ACRES, DEVELOPED AS A 60-UNIT APARTMENT COMPLEX, LOCATED ON THE SOUTH SIDE OF OLD TEMPLE TERRACE HIGHWAY, EAST OF DAVIS ROAD, AND WEST OF MORRIS BRIDGE ROAD, LEGALLY DESCRIBED IN EXHIBIT “A” ATTACHED HERETO AND MADE A PART HEREOF, FROM HILLSBOROUGH COUNTY RMC-16 (RESIDENTIAL MULTI-FAMILY CONVENTIONAL-16) ZONING CLASSIFICATION, TO CITY OF TEMPLE TERRACE PD (PLANNED DEVELOPMENT), TO PLACE THE APPROPRIATE CITY ZONING CLASSIFICATION 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.** Vote on the motion for adoption being: Council Members Fernandez, Govin, Halloway, and Neale voting “aye,” no “nay.” Council Member Knapp was **ABSENT** and did not vote.

4. Zoning Reclassification – 10310 Davis Road – Autumn Place Apartments.

Following **FIRST** and **FINAL** reading, by caption, upon motion of Council Member Halloway, seconded by Council Member Fernandez, **ORDINANCE NO. 1264** was **ADOPTED** being: **AN ORDINANCE OF THE CITY OF TEMPLE TERRACE, FLORIDA, REPEALING ORDINANCE NO. 1257; ADOPTING A NEW ORDINANCE REZONING THE PROPERTY LOCATED ON THE WEST SIDE OF DAVIS ROAD, NORTH OF NAVAJO AVENUE, LEGALLY DESCRIBED IN EXHIBIT “A” ATTACHED HERETO AND MADE A PART HEREOF, FROM HILLSBOROUGH COUNTY RMC-16 (RESIDENTIAL MULTI-FAMILY CONVENTIONAL-16) ZONING CLASSIFICATION, TO CITY OF TEMPLE TERRACE PD (PLANNED DEVELOPMENT), TO PLACE THE APPROPRIATE CITY ZONING CLASSIFICATION 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.** Vote on the motion for adoption being: Council Members Fernandez, Govin, Halloway, and Neale voting “aye,” no “nay.” Council Member Knapp was **ABSENT** and did not vote.

5. Comprehensive Plan Amendment – Capital Improvements Element Annual Update.

Council then heard **FIRST** reading, by caption, of a proposed ordinance, being: **AN ORDINANCE OF THE CITY OF TEMPLE TERRACE, FLORIDA, AMENDING THE CITY’S COMPREHENSIVE PLAN, BY AMENDING THE CAPITAL IMPROVEMENTS ELEMENT FOR THE ANNUAL UPDATE OF THE CAPITAL IMPROVEMENTS ELEMENT TO THE SCHEDULE OF PROJECTS FOR FY2010-FY2014; PROVIDING A SEVERABILITY CLAUSE, EFFECTIVE DATE, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.**

6. Voluntary Annexation – 7911 Harney Road (Lovelace).

NOTE: This proposed Ordinance was included in Resolution No. 149-09(m), to continue the Agenda Item to December 15, 2009, a date certain, if, in fact, they can do so under Florida law; if not, that they start the advertising process anew.

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

City Manager's Report:

The City Manager reported the administration has met with The Vlass Group representatives relative to the proposed community use space. He explained they are looking at a multitude of uses for the facility to make it as economically viable as possible. He concluded that he anticipates requesting a workshop in the near future for a presentation on the proposed facility to receive their input, modifications, and direction, he will keep them posted and updated as they move forward.

The City Attorney reviewed a number of weeks ago the Puig bankruptcy matter was the subject of a shade ("Out-of-the-Sunshine") meeting, and after that meeting, he requested approval of the Council to settle the case for \$18,000. He noted the creditors in that case are seeking \$140,000-\$150,000. He continued that after the previous discussions with the attorney from Miami about settling for \$18,000, the Miami attorney has advised him that the bankruptcy administrator will not approve it at that level; the least they will settle the case for is \$22,000. As an aside, the City Attorney mentioned that the Miami attorney admitted that he did not have the authority to suggest the lower amount of \$18,000, as he had previously done. Noting the high cost of litigation and that it is likely that the City may be able to keep the money it is holding on deposit, which may cover the cost to settle the case, the City Attorney requested the authority to settle the case for \$22,000, adding that they will do everything they can to try to keep the funds the City has currently has on deposit.

Upon motion of Council Member Govin, seconded by Council Member Halloway, **RESOLUTION NO. 151-09(m)** was **ADOPTED**, authorizing the City Attorney to settle the case with Puig Development, et al, for \$22,000. Vote on the motion being: Council Members Fernandez, Govin, Halloway, and Neale voting "aye," no "nay." Council Member Knapp was **ABSENT** and did not vote.

Prior to vote on the above motion, Council Member Fernandez wanted to make it clear that the City did nothing wrong relative to this case; there was no way for the City to avoid this situation. The City Attorney confirmed it was not a case where the City did anything wrong; it was a matter of bankruptcy, where funds were paid to the City for utilities and other services provided by the City, for which the City appropriately billed for the services, by a corporation that was not necessarily one that had the account with the City; because that corporation filed for bankruptcy protection, the creditors of that corporation are trying to recover those funds back from the City. While the City believes it has defenses, he said it would require a lot of investigation to show fraud on the part of the various parties in inter-mingling the funds and cost a whole lot more to litigate than to just resolve the case.

At this point, the vote on the above motion was taken, which passed by a vote of 4 to 0, with Council Member Knapp absent and not voting.

New Business:

Mayor Affronti read the list of Council appointees for the coming year, which he noted are unchanged from the previous year, with the exception of Council Member Neale becoming the Suncoast League of Cities Representative for the City. He requested confirmation from the Council.

Upon motion of Council Member Govin, seconded by Council Member Fernandez, **RESOLUTION NO. 152-09(m)** was **ADOPTED**, confirming the Mayoral appointments of City Council Members to serve as Liaisons and Representatives to the following Boards for the coming year as follows:

Tampa Bay Regional Transit Authority	Mayor Joe Affronti
Hillsborough River Interlocal Planning Board	Council Member Alison M. Fernandez
Metropolitan Planning Organization (MPO)	Mayor Joe Affronti
Tampa Bay Regional Planning Council	Council Member Alison M. Fernandez
HC Public Transportation Commission	Council Member Mark Knapp
Council of Governments (COG)	Mayor Joe Affronti and Council Member Alison Fernandez
Board of Adjustment	Council Member Mark Knapp
Municipal Code Enforcement Board	Council Member Ron Govin
Library Board	Council Member Mary Jane Neale
School Support Committee	Council Member Alison M. Fernandez
Tourist Development Council	Council Member Ken Halloway
Suncoast League of Municipalities	Council Member Mary Jane Neale
Affordable Housing Task Force	Council Member Mary Jane Neale
River Watch Task Force	Council Member Mark Knapp
HART Board – 3yr. term expires Oct. 31, 2011	Council Member Ron Govin

Vote on the motion being: Council Members Fernandez, Govin, Halloway, and Neale voting “aye,” no “nay.” Council Member Knapp was ABSENT and did not vote.

Mayor Affronti asked the City Clerk to introduce her special guest. Stating it is not yet “official,” the City Clerk introduced Donna Spano as the new Deputy City Clerk, adding that she hopes to have her on board very soon.

Council Member Govin mentioned the document included in their mail from Mr. Holland and asked whether it requires any action on their part.

The City Attorney responded it does not require action. He explained Mr. Holland is requesting a “stay” in the foreclosure proceedings, adding that the Court is requiring them to go to mediation. He continued that the legal staff’s direction is to proceed with the case without running up expenses unnecessarily. He commented that Mr. Holland is essentially asking for a stay of the pending lawsuit, because just a few days ago Mr. Holland submitted a request for reduction of fines to the Municipal Code Enforcement Board (MCEB). He briefly reviewed the procedures in the lien reduction process, which typically result in a recommendation coming to City Council from the MCEB for consideration.

After further comments on the case, the City Attorney commented that “staying” the action for a few weeks while the MCEB reviews the lien reduction request will not prejudice the case; the City can stipulate to do so or not, adding it is the up to the Council’s discretion. He continued that if the Council chooses to do so, he will prepare and file the stipulation with the Court until the lien reduction runs its course.

As liaison to the MCEB, Council Member Govin said the MCEB’s preference would be not to delay anything, because Mr. Holland has delayed so many things; the amount of the penalty is Mr. Holland’s own fault.

Confirming for Council Member Govin that the Court has requested they go to mediation in this case, the City Attorney explained that mediating a case means that essentially the City would take less than they are entitled to; therefore, it is very similar to going through the lien reduction request. He commented that is why he has no problem stipulating to this, since it is no different than Mr. Holland standing before City Council and explaining why the Council should grant a lien reduction. He concluded it is up to City Council.

Council Member Govin said he believes the matter should just go through the City’s MCEB lien reduction process. The City Attorney stated he would contact Mr. Holland and see if the Court will allow the City to stipulate to delay the mediation in the case only until after the process at the City has run its course. The City Manager confirmed it is on the next MCEB Agenda.

Mayor Affronti called on Leisure Services Director James Chambers to review the upcoming events.

The Leisure Services Director announced the Angel of Hope Memorial Candlelight Vigil of Remembrance and Hope will be held this Sunday, December 6, 2009, at 6:00 p.m., at Riverside Park. Mayor Affronti added this is a nationwide event that is held every year, adding the City is fortunate to have the Angel of Hope Memorial in our community. The Leisure Services Director also announced that Winter Wonderland, Community Caroling in the Park, and the Lighted Golf Cart Parade will be held Saturday, December 12, at 6:00 p.m. at Riverhills Park.

There being no further business to be considered, upon proper motion, the meeting was adjourned at 6:57 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