

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

**Regular Meeting
Tuesday, February 2, 2010
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, February 2, 2010, 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 Small, 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, Public Works Director Joe Motta, Human Resources Director Woody Hubbard, Finance Director Diane Reichard, Police Chief Ken Albano, Fire Chief Keith Chapman, Assistant Fire Chief Ian Kemp, Deputy City Clerk Donna Spano, Everett Morrow, Steve Dutch, Brooke Shepard, Dean Christensen, Joyce McKenzie, Andrew Devenbech, Lindsay Schroeder, 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.

There were no Proclamations, Recognitions, or Special Presentations.

Minutes of Previous Meetings:

Upon motion of Council Member Halloway, seconded by Council Member Fernandez, and unanimously carried, the **MINUTES** of the January 19, 2010, Council Meeting were **APPROVED**. Council Member Knapp was **ABSENT** and did not vote.

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

Lindsay Schroeder, Nucor Steel, Charlotte, North Carolina, distributed information to the Council concerning an upcoming Climate Change Forum, which will be held on Thursday, February 18, 2010, at the Westin Harbour Island; a complimentary lunch will be served, but those wishing to attend will need to RSVP by Friday, February 12, 2010, by calling 1-866-729-6103. She explained the purpose of the event is to discuss the energy legislation currently being debated in Congress and the impact it will have on Florida businesses.

There were no public hearings before the Council; there was no correspondence, communications, or petitions, nor were there any Presentations or Site Plan Reviews before the Council for consideration and action.

Resolutions for Consideration and Action:

The City Manager briefly reviewed the nine proposed Resolutions for consideration and action.

Upon motion of Council Member Fernandez, seconded by Council Member Halloway, and unanimously carried (Council Member Knapp was ABSENT and did not vote), Resolutions **E-1 through E-9** were adopted by consent, as follows:

RESOLUTION NO. 010-10, approving the purchase of a 2010 Ford 550 Utility Crew Truck, under the Florida Sheriff's Contract #09-17-0908, from Garber Auto Mall, in the amount of \$44,685; payment for said vehicles to be made from account 410-1922-533.64-12.

RESOLUTION NO. 011-10, approving the purchase of a 2008 Mack 4 x 6 tandem axel 16/18-yard dump truck, under the Florida Sheriff's Contract #09-17-0908, from Nextran Corporation in the amount of \$118,804.63; payment to be made from account 410-1922-533.64-12. *The City Manager noted this will replace a 1988 vehicle that is difficult to obtain parts for, and that by purchasing a 2008 vehicle, instead of a current model, the City is saving about \$20,000; the vehicle is brand new and has the same full warranty as a current model.*

RESOLUTION NO. 012-10, approving the two-year agreement between the City and Dr. Dean Christensen as the City's Advanced Life Support Medical Director, in the amount of \$24,000 a year; payment for said agreement to be made from account 001-1521-522.31-34.

Fire Chief Chapman introduced Dr. Dean Christensen, Advanced Life Support Medical Director, commenting that Dr. Christensen is a long-time Temple Terrace resident, who has been with the Fire Department for many years. He also introduced Dr. Brooke Shepard, also a Temple Terrace resident, who will be assuming the position of Assistant Medical Director.

Dr. Dean Christensen, 1323 N. Riverhills Drive, briefly addressed the Council, stating that he has been a resident of the City since 1979, and it has been his pleasure to have had the opportunity to work with the City's Fire Department for nearly twenty years. He explained this is an area of medicine in which he has practiced and trained, and it was his mission in life to work with paramedics. Dr. Christensen stated that he practices full-time at South Florida Baptist Hospital, as does Dr. Shepard, in the emergency room, in addition to their full-time clinical practice of medicine.

Dr. Christensen explained how he met Dr. Brooke Shepard, also a Temple Terrace resident, over a year ago at South Florida Baptist Hospital, after she finished her residency at Tampa General. He added that he has worked with her for 18 months as a full-time emergency physician, and he understands her skills, judgment, compassion, ability to take care of patients, and interest in pre-hospital care. He suggested that Council consider favorably the contract to bring Dr. Shepard in as his assistant, noting that being much younger than he is, she brings skills and a knowledge base of new things, to keep Temple Terrace on the cutting edge of emergency medical service in the future; he also requested his contract be continued.

Dr. Brooke Shepard briefly introduced herself; she has lived on Park Ridge Avenue since 2001, and she and husband intend to stay here. She noted that she attended the University of South Florida for medical school, completed her residency at Tampa General Hospital, and currently works at South Florida Baptist Hospital. While in college, she said she volunteered as a Paramedic, which started her on the path to emergency medicine, and she would love to continue by serving as the Assistant Medical Director for Temple Terrace.

Council Member Govin questioned the number of hours the Medical Director and Assistant Director are expected to put in.

Fire Chief Chapman explained that the primary reason for medical direction by the State of Florida is that paramedics are certified, but they don't actually hold a license, and they have to have a physician's license in order to practice medicine out in the field. He added it is a State mandate that they have a Medical Director; it is the Medical Director's responsibility to have every paramedic within the Fire Department operate under their license. Regarding the number of hours, he said he believes the State requires a minimum of 10 hours of ride time per year; the Fire Department has established quarterly training hours, whereupon the Medical Directors will be putting in a minimum of 12 hours of classroom education for our paramedics and 12 hours of ride time per quarter, which is in addition to being on call. He explained the Medical Directors will take different call schedules to cover 24 hours a day/7 days a week in order to take calls from paramedics who may be on scene and have run into difficult or unusual situations that are not covered by their medical protocols. He said the Medical Directors also represent the Fire Department on various County and State Boards as emergency services progress, such as the Trauma Audit Committee.

RESOLUTION NO. 013-10, approving the two-year agreement between the City and Dr. Brooke Shepard as the City's Advanced Life Support Assistant Medical Director, in the amount of \$9,000 a year; payment for said agreement to be made from account 001-1521-522.31-34.

RESOLUTION NO. 014-10, approving the Final Plat for Country Way Townhomes Phase II, consisting of 1.23 acres and 9 units on the north side of Harney Road and east of 78th Street, subject to the conditions outlined.

RESOLUTION NO. 015-10, approving the agreement between the City and Tampa Electric Company (TECO) for the relocation and installation of TECO's underground utilities along 56th Street between the Hillsborough River and Bullard Parkway; payment for said agreement to be made from account 130-3099-541.63-11. *The City Manager noted this is part of the City's downtown redevelopment process.*

RESOLUTION NO. 016-10, approving the Interlocal Agreement between the City and Hillsborough County, outlining the terms to disburse and expend Enhanced 9-1-1 Emergency Telephone Service fees.

Regarding the Interlocal agreement, Council Member Govin confirmed with the City Manager that the agreement is similar to previous years' agreements.

RESOLUTION NO. 017-10, recommending that a company identified by Tampa Hillsborough Economic Development Corporation as Project No. 08-007, be approved as a Qualified Target Industry Business, pursuant to Section 288.106, Florida Statutes; finding that the commitments of local financial support necessary for such business exist; identifying such financial support for the Qualified Target Industry Tax Refund Program for Fiscal Years 2012-2018; and providing an effective date. *It was noted that the payment for the City's commitment to fund will be appropriated in account 001-1021-511.48-92 in future budgets, as required. The City Manager commented the amount of funds the City would receive as a result of this firm relocating here would more than twice repay the cost of the City's incentive to bring them here. He also noted they have enacted a State Statute of Confidentiality that the City must honor and identify the company only by their Project Number.*

RESOLUTION NO. 018-10, amending the 2009-10 budget to reflect and increase the Emergency Medical Services (EMS) Transport Fee revenue predictions from \$505,000 to \$515,034, and to include the addition of a part-time billing representative in the Fire Department. *The City Manager commented they currently have only one person handling all of the billing responsibilities for EMS services, and it is believed that by having the part-time position, the use of a collection agency may be able to be eliminated by doing the follow-up in-house. He added that the position will be evaluated during the fiscal year to determine whether to keep or eliminate it.*

Mayor Affronti commented how fortunate the City is to have someone of the caliber of Dr. Christensen willing to serve our City as its Advanced Life Support Medical Director, and he expressed thanks to Dr. Christensen.

Proposed Ordinances for Consideration and Action:

Following the Second and Final reading of the caption of the proposed ordinance amending Chapter 1 of the City Code of Ordinances, allowing the City to provide insurance coverage to parties under contract with the City, Mayor Affronti called for comments from the public concerning the ordinance. Hearing no comments from the public, Mayor Affronti called for a motion to adopt the ordinance.

Following **SECOND** and **FINAL** reading, by caption, upon motion of Council Member Govin, seconded by Council Member Halloway **ORDINANCE NO. 1267** was **ADOPTED**, being: **AN ORDINANCE OF THE CITY OF TEMPLE TERRACE, FLORIDA, AMENDING CHAPTER 1, TEMPLE TERRACE CODE OF ORDINANCES, BY REPEALING SECTION 1.180, INDEMNIFICATION IN CONTRACTS, AND ENACTING A NEW SECTION 1.180, INDEMNIFICATION IN CONTRACTS, TO ENABLE THE CITY TO OBLIGATE ITSELF TO PROVIDE INSURANCE COVERAGE FOR PARTIES PURSUANT TO WRITTEN CONTRACTS; PROVIDING A SEVERABILITY CLAUSE, EFFECTIVE DATE, AUTHORITY TO CODIFY, 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.

Council then heard **FIRST** reading, by caption, of a proposed ordinance, being: **AN ORDINANCE OF THE CITY OF TEMPLE TERRACE, FLORIDA, AMENDING CHAPTER 18, TEMPLE TERRACE CODE OF ORDINANCES, RELATING TO THE FIREFIGHTERS’ RETIREMENT SYSTEM, AND CHANGES TO SAID RETIREMENT SYSTEM REQUIRED BY THE FEDERAL HEROES EARNINGS ASSISTANCE AND RELIEF TAX (HEART) ACT OF 2008, BY AMENDING, IN SECTION 18.195.1 “DEFINITIONS”, THE DEFINITIONS FOR “ACCUMULATED CONTRIBUTIONS” AND “CREDITED SERVICE”; BY AMENDING SECTION 18.195.4, “FINANCES AND FUND MANAGEMENT”, BY AMENDING SUBSECTION 18.195.4(f); BY AMENDING SECTION 18.195.9, “PRE-SEPARATION DEATH”, BY ENACTING A NEW SUBSECTION 18.195.9(f); BY AMENDING SECTION 18.195.12, “OPTIONAL FORMS OF RETIREMENT INCOME”, BY AMENDING SUBSECTION 18.195.12(b); BY AMENDING SECTION 18.195.17, “EXEMPTION FROM EXECUTION, NON-ASSIGNABILITY”, BY ENACTING A NEW SUBSECTION 18.195.17(g); AND BY AMENDING SECTION 18.195.26, “FIRE SERVICE PRIOR TO EMPLOYMENT”, BY ENACTING A NEW SUBSECTION 18.195.26(e); PROVIDING A SEVERABILITY CLAUSE, EFFECTIVE DATE, AUTHORITY TO CODIFY, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.**

Council then heard **FIRST** reading, by caption, of a proposed ordinance, being: **AN ORDINANCE OF THE CITY OF TEMPLE TERRACE, FLORIDA, AMENDING CHAPTER 18, TEMPLE TERRACE CODE OF ORDINANCES, RELATING TO THE POLICE OFFICERS' RETIREMENT SYSTEM, AND CHANGES TO SAID RETIREMENT SYSTEM REQUIRED BY THE FEDERAL HEROES EARNINGS ASSISTANCE AND RELIEF TAX (HEART) ACT OF 2008, BY AMENDING, IN SECTION 18.185.1 THE DEFINITIONS FOR "ACCUMULATED CONTRIBUTIONS" AND "CREDITED SERVICE,"; BY AMENDING SECTION 18.185.4 "FINANCES AND FUND MANAGEMENT" BY AMENDING SUBSECTION 18.185.4(f); BY AMENDING SECTION 18.185.9 "PRE-SEPARATION DEATH" BY ENACTING A NEW SUBSECTION 18.185.9(f); BY AMENDING SECTION 18.185.12 "OPTIONAL FORMS OF RETIREMENT INCOME" BY AMENDING SUBSECTION 18.185.12(b); BY AMENDING SECTION 18.185.17 "EXEMPTION FROM EXECUTION, NON-ASSIGNABILITY" BY ENACTING A NEW SUBSECTION 18.185.17(g); AND BY AMENDING SECTION 18.185.26 "POLICE SERVICE PRIOR TO EMPLOYMENT" BY ENACTING A NEW SUBSECTION 18.185.26(e); PROVIDING A SEVERABILITY CLAUSE, EFFECTIVE DATE, AUTHORITY TO CODIFY, 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 reported that the City has been asked to respond to a letter dated January 22, 2010, from the United States Postal Service regarding the three contending locations for the Post Office:

Vlass Temple Terrace Redevelopment Project - 56th Street & Busch Boulevard
Busch Plaza – 4998 E. Busch Boulevard
Point Plaza – 8775 Temple Terrace Parkway

The City Manager continued, stating no decision has been made; they are soliciting comments and discussions of all sites from the City and citizens of Temple Terrace. He expressed hope that many citizens will respond. While two of the sites are located within the City's corporate limits, he asked whether the Mayor and Council would like to take a position and advocate one or the other of the sites within the City. Stating that while he hated to take away anything from the other location, his personal opinion is that the post office should be located in the downtown area; the post office is currently located there, it is a more central location than the other two, and he believes it would be more functional for the City. He said he would like to express those views to the Post Office from an administrative point of view and questioned whether the Mayor and Council would like to do the same.

Mayor Affronti suggested sending a letter, if the Council is in agreement.

Council Member Fernandez commented that personally, she could favor one location over another; however, there are two locations within the City – the downtown redevelopment area and Point Plaza. She commented that she is uncomfortable putting one business owner ahead of another business owner. She said she would encourage the residents to weigh in heavily on the location they favor.

Council Member Govin recalled when the Post Office representatives addressed the Council, they mentioned a 60-day timeframe in which they were going to talk to the citizens; he asked whether this was that time period.

The City Manager responded affirmatively, adding that the letter says 30 days. He suggested the 60-day timeframe may refer to another step in the process.

Council Member Govin suggested inviting the Post Office representative and the citizens to the next City Council meeting to hear the presentation and respond to the Post Office at that time. He expressed concern that without a forum, there may not be a great deal of input from the citizens.

Council Member Halloway suggested it would be a good subject for a Town Hall meeting, believing that may generate more attendance. The City Manager noted that it would have to be by the end of this month.

Mayor Affronti commented that he doesn't know if another meeting is what the Post Office representatives are looking for; they previously came before the Council and the Council expressed that they really wanted the Post Office located within Temple Terrace and ideally in the redevelopment area. He opined that the Post Office should be encouraged to go into the redevelopment area, where the City has spent a great deal of time and money trying to create a mixed use area, where residents can go to a bank, post office, grocery, restaurant, etc., all in that centralized location. He expressed his belief that the Post Office representatives should be encouraged to be in the redevelopment area, emphasizing that is the City's future, and he sees nothing wrong in encouraging them.

Council Member Halloway commented that they have been working on this problem for a long time, and the solution has always been to put the Post Office elements together somewhere in the redevelopment area. He said it has been discussed in Town Hall meetings and the citizens have responded that they want it in the redevelopment area; to him, it should be a "slam-dunk." However, he said he believes Council Member Govin's comments are valid and he concurred they should have citizen input again to be sure the Post Office representatives see that this is what the citizens want. He reiterated his suggestion for something like a Town Hall meeting.

Mayor Affronti commented that he doesn't know if the Post Office representatives will be agreeable to come for another meeting. He asked the City Manager to check to see if they might be willing to do so; if they are not, he suggested the Council consider moving forward with a recommendation from the Council that the Post Office be put in the redevelopment area.

Council Member Govin commented that when the representatives were here before they said they wanted input, reiterating the need for providing a forum, whether at a City Council meeting or a Town Hall meeting.

The City Manager said it appears they have until the end of the month. He suggested the administration could check with the Post Office representatives to see what they can structure, and if it doesn't appear that will work out, he will report back to Council in two weeks and ask for their direction.

Mayor Affronti questioned whether Council would consider asking the City Manager to contact the Post Office, see if they are willing to attend another meeting for public input, and if not, give the City Manager the authority to draft a letter that they could all sign, if they wish.

Council Member Govin commented that they have until the end of the month; therefore, Council could make that decision at the next meeting; if the Post Office representatives don't come, Council could consider drafting a letter for them. Council Member Fernandez interjected the representatives were very clear at the last meeting that they wanted public input at all points; therefore, she believes the City needs to provide a mechanism for the public to do so. The City Manager concluded that the administration will contact the Post Office representatives right away.

The City Manager reviewed that the Environmental Protection Commission (EPC) of Hillsborough County has been talking about legislation regulating nutrients/fertilizers on a county-wide basis. He called on Code Compliance Director Joe Gross, who has been attending meetings on the City's behalf to update the Council.

The Code Compliance Director reported that during the last Legislative session there was an expectation for local governments that have an impaired waterway to adopt regulations to try to control it and improve it; the Hillsborough River is on the list of impaired waterways, which requires the City to be involved in those efforts. He continued that in December, the Board of County Commissioners, in their role as the EPC, directed their agency to hold workshops and get with the municipalities to discuss the options. The Code Compliance Director said that last week representatives of the EPC, Hillsborough County, Plant City, Tampa, and the City of Temple Terrace met, and for the purposes of uniformity, and because it is an environmental-type regulation, determined that the EPC should adopt an EPC Rule that would apply to the entire County. He explained there are certain options being considered; a series of three public workshops will be held in March to flush out the details, with a goal to get an educational tool to inform citizens on how to avoid excess nutrients getting into the waterways.

The Code Compliance Director continued that while the EPC normally enforces their Rules through the Circuit Court; because these are not large-scale wetland-type violations, they are considering taking these cases, if there are any, to the Hillsborough County Code Enforcement Board. He explained that theoretically, on issues involving fertilizer regulations, our citizens could face the Hillsborough County Code Enforcement Board, adding that they are talking about a soft approach – regulations meant more to educate and not enforce.

The Code Compliance Director explained the benefits of taking that approach, with the primary benefit being that if the EPC adopts this Rule, the State has indicated they will have met the requirement to adopt some type of regulation. He summarized that the next step is attending the March workshops to see what kind of Rule comes out of those workshops, adding that the EPC would like to have some sense that they are moving in the right direction and that the Cities agree with the approach they are taking, although they have nothing definitive about the Rule to report at this time.

Council Member Govin commented that his biggest concern would be going before the County's Code Enforcement Board and not the City's, adding that he isn't sure he is ready to bypass the City's Board in favor of using the County's Board; his preference is to utilize the City's Board. The Code Compliance Director suggested it would not preclude the City from either opting out of the Rule or adopting something stricter that would give the City control; in addition, he said there might be a way to allow the City to enforce it when the violation occurs in our City.

Council Member Fernandez questioned how the City would go about enforcing a countywide rule, and whether enforcement would be additional work for the Code Compliance Officers to monitor for violations.

The Code Compliance Director responded that none of the jurisdictions have talked about adding personnel; the focus has been on education. He said the EPC has indicated they would be strictly complaint-based and would likely be providing information and educational materials to try to prevent future violations; a retail element might include checking to be sure retailers don't sell inappropriate products during the rainy season. He concluded that he will keep the Council apprised and will share their concerns, adding they expect a lot of feedback from industry and the public.

At the request of the City Manager, Fire Chief Chapman briefed the Council on the status of their accreditation and the stockholder session held last week. Chief Chapman reviewed that in 2006, the Fire Department was one of 130 agencies internationally to become accredited; part of the accreditation process is to maintain a current strategic plan. As a community-driven strategic plan, he reported the External Stakeholders meeting held last week drew the second largest turnout that the Center of Public Safety Excellence (who facilitated the meeting) had seen in the last 60 strategic plans done in the U.S. and Canada. Chief Chapman said they received a list of comments, concerns, and areas for improvement from the meeting that they are currently incorporating into a plan to the Council for their approval. The Center of Public Safety Excellence commended the citizens and business owners who participated, he said, and he believes their comments were fair, adding that the Fire Department is excited to get started on the areas needing improvement.

In accordance with Florida Statutes, Chapter 286, the City Attorney requested an "Out-of-the-Sunshine" meeting with the Mayor and City Council to discuss an issue that has arisen in the Tozier litigation. He explained there is a separate hearing, relating to motions filed by Mr. Tozier last year, which is scheduled to take place in April, after the Trial, which is scheduled to take place in March. He would like to allow 30 minutes for the meeting, which he suggested be held at 5:30 p.m., prior to the next regular City Council Meeting on February 16, 2010.

Mayor Affronti announced the Daddy Daughter Valentine Sock Hop Dance will be held on Sunday, February 7, 2010, from 1 p.m. to 3 p.m. at the Lightfoot Center. Mayor Affronti also announced that Mel Jurado is organizing a group of people to honor the processional for Sgt. Daniel Angus, a Thonotosassa Marine who lost his life January 24, 2010, in Afghanistan; interested persons should contact Ms. Jurado at askdrmel@aol.com.

There was no **New Business** for consideration and action by the Council. There being no further business to be considered, upon proper motion, the meeting was adjourned at 6:42 p.m.

Joseph A. Affronti, Sr.
Mayor

Alison M. Fernandez, Council Member

Ron A. Govin, Council Member

Ken Holloway, Council Member

Attest:

Mark A. Knapp, Council Member

Melissa E. Small, MMC
City Clerk

Mary Jane Neale, Council Member