

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

**Regular Meeting
Tuesday, February 16, 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 16, 2010, 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 Small, 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, Public Works Director Joe Motta, Human Resources Director Woody Hubbard, Police Chief Ken Albano, IT Director Bob Keel, Deputy City Clerk Donna Spano, Police Sergeant Mike Lowell, Crime Prevention Officer Karen Walter, Gloria Caraballo, Geri Lopez, Ralph Bosek, Billy Wilson, Kimberly Wilson, Joyce McKenzie, Renee Blain, Wally Blain, and several other persons.

Following an Out-of-Sunshine Meeting regarding pending litigation, which convened at 5:30 p.m., Mayor Affronti reconvened the meeting, calling it to order at 6:04 p.m., after which he led the Pledge of Allegiance to the flag and offered a brief invocation.

Proclamations, Recognitions, and Special Presentations:

1. Recognition – “Do the Right Thing.”

Police Chief Ken Albano and Crime Prevention Officer Karen Walter presented a Certificate of Merit honoring Marissa Mendez for her exemplary behavior and serving as a positive role model for her peers by “Doing the Right Thing.” Miss Mendez was honored for her compassion for other people, noting, among other things, that she tutors students and the school bus driver in math to and from school on the school bus, bakes snacks for fellow classmates and school staff, and has assisted students on crutches or otherwise needing help.

Minutes of Previous Meetings:

Upon motion of Council Member Halloway, seconded by Council Member Knapp, and unanimously carried, the **MINUTES** of the February 2, 2010, Council Meeting were **APPROVED**.

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

Ralph Bosek, Executive Director of MOSI (Museum of Science and Industry), which is the sixth largest science center in the United States, briefly addressed the Council concerning their newest exhibition of Leonardo DaVinci. He highlighted some of DaVinci’s lesser known accomplishments, and encouraged the Council and community to take advantage of this remarkable exhibition. He distributed brochures about the exhibition to everyone in attendance.

Grant Rimbey, 411 Island Road, commented that the Temple Terrace Preservation Society recently received a \$3,000 Civic Improvement Matching Grant from the City for Part I of updating the 1988 Temple Terrace Historic Resources Survey. He explained that the purpose of updating the survey was for their expert consultant, Lucy Jones, to evaluate the integrity of the historic design of the golf course for the first time since its creation in 1920. He reviewed past efforts of citizens to get buildings accepted on the National Register of Historic Places, and said their approach is to take the entire golf course and civic land in Part I, with Part II being the Mediterranean Revival buildings, and Part III being mid-century modern buildings, which will come later with other funding assistance.

Mr. Rimbey reported that the consultant has indicated her recommendation will be that the golf course is intact enough to qualify for the National Register of Historic Places, which is a prestigious national award and has nothing to do with property rights or what can and cannot be done with the property. He explained that a local review board would come into play if Temple Terrace ever establishes a local board; the local board would have a review committee.

Mr. Rimbey noted that they will proceed with finishing the draft report and submit it to the Parks Service for the National Register, reviewing that there are only five golf courses in Florida that are on the Register, the closest being Dubsdread in Orlando. He commented that when Ms. Jones was looking at the City's golf course, she noted that some of the bunkers were in the original places, according to the extensive documented information from the 1920s. While the City is well on the way to having this special place on the National Register of Historic Places, he said it is actually just a confirmation that it is a special place and deserving of preservation.

Mayor Affronti expressed appreciation to Mr. Rimbey for his work on this project.

Wally Blain, 12504 Rain Forest Street, addressed the Council, stating he is representing Clouds of Hope, a non-profit organization, started by him and his wife in 2008, with the sole purpose of reaching out to groups and organizations that support and care for families with children with life-altering illnesses. He explained they have been working with the City Manager and City staff for a couple of years to formulate a way to bring a community-inclusive playground to Temple Terrace, where all children, regardless of abilities, can play together.

Mr. Blain cited the example of MacFarlane Park in west Tampa that was built by Freedom Playground Foundation some years ago. He noted that in working with the City, some of those components were included in the recently completed Riverside Park, and there is an opportunity for the design to be modified for some things to be added.

Mr. Blain continued that they are currently in discussions with the City about the park at Riverhills Elementary School; there is an agreement between the City and the School Board to redo the playground. He explained they are here tonight to discuss the opportunity and to see if the City would like to pursue partnering with them; they have the ability to partner and found a design firm that did the Freedom Playground Foundation's playground at MacFarlane Park and several others.

The City Manager confirmed that City staff has been working on this cooperatively with Clouds of Hope and believe it to be a meritorious project that the administration would like to pursue.

The City Manager commented that he believes it is an opportune time to work together with the School Board offering some funds to redo the playground equipment. He stated that with the Council's endorsement, the administration would like to officially, at this level, work with Clouds of Hope, the School Board, and Leisure Services towards this goal. The City Manager noted that Clouds of Hope has offered to pay for a Master Plan for Riverhills Park, as a means of progressing in this way, and he recommended Council's approval to more formally construct the partnership with Clouds of Hope.

Council Member Knapp commented it was a great idea and about time they moved in this direction.

Council Member Halloway questioned whether this would be in place of or in addition to the existing equipment/playground. Mr. Blain responded that his understanding is that there were already plans between the City and the School Board to redo the existing playground, replacing with similar structures and equipment.

Upon motion of Council Member Govin, seconded by Council Member Knapp, **RESOLUTION NO. 019-10(m)** was **ADOPTED**, authorizing the City Manager to proceed in partnership with Clouds of Hope and the School Board to redo the playground at Riverhills Elementary School. Vote on the motion being: Council Members Fernandez, Govin, Halloway, Knapp, and Neale voting "aye," no "nay."

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 four 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. 020-10, accepting, in accordance with the Civic Improvement Matching Grant Program's Guidelines, the donation from Temple Terrace Soccer Association, in the amount of \$1,000, and authorizing the award of a matching grant; payment to be made from account 001-1021-511.82-20.

RESOLUTION NO. 021-10, approving the General Cooperative Agreement between the City and the School Board of Hillsborough County, relating to the use of properties and facilities for recreational purposes.

Council Member Govin questioned when a park is handled jointly how legal issues that arise are handled.

The City Manager responded that each party handles their own legal responsibilities. Leisure Services Director James Chamber explained that if someone is hurt, the school defends their part of it, and the City defends its side; i.e., if the City puts in equipment, the City is responsible for that equipment. The Director cited several examples, where a child is hurt on the playground, and they have gone after both the school and the City, with each party's liability insurance coverage handling the situation.

Council Member Govin questioned which party becomes the “primary,” to which the City Attorney responded that if a child is hurt on a City-owned playground during a school function, both parties would likely be sued; if it turns out that someone supervising the child was negligent, the School District would be principally responsible; if it turns out that the City failed to maintain an item in a park or has a dangerous condition, then the City would likely be principally responsible. He concluded that in any given suit, it is likely that both parties would be sued.

RESOLUTION NO. 022-10, approving the purchase of two 2009 Dodge Charger unmarked Police vehicles from the Okeechobee Police Department, the sole source, in the total amount of \$40,400; payment for said vehicles to be made from accounts 160-1411-521.64-11 and 160-1431-521.64-11, in the amount of \$20,200 from each of said accounts.

RESOLUTION NO. 023-10, approving the expenditure of Criminal Forfeiture Funds from the City’s Special Law Enforcement Trust Fund to purchase various crime prevention and drug prevention programs and equipment and to purchase equipment for law enforcement purposes, in the amounts of \$5,534 and \$22,150, respectively, or a total forfeiture account expenditure of \$27,684; payment for said programs and equipment to be made from account 001-1411-521.52-98.

Proposed Ordinances for Consideration and Action:

Following the second and final reading of the caption of the proposed ordinance amending Chapter 18 of the City Code of Ordinances, relating to the **Firefighters’ Retirement System**, Mayor Affronti called for comments from the public concerning the ordinance. He noted there was no representative from the Fire Department; however, Police Sergeant Mike Lowell is present to comment on the Police Officers’ Retirement System ordinance that is next on the agenda and similar to this ordinance.

Council Member Govin commented there was a letter from the actuarial firm that basically stated the ordinances are proposed to meet requirements of the Florida Statutes but have no financial impact to the City.

Police Sergeant Mike Lowell, Chairman of the Police Officers’ Retirement Trust Fund Board, commented that the proposed ordinance changes for both the Firefighters’ Retirement Trust Fund Board and the Police Officers’ Retirement Trust Fund Board are to bring their programs in line with changes to State Statutes and the Federal Heroes Earnings Assistance and Relief Tax (HEART) Act of 2008. He explained the HEART Act allows for credited service of up to two (2) years towards their pension for persons deployed in military service overseas, who are killed in the line of duty. He referred to the letter mentioned by Council Member Govin, which confirmed there are no actuarial funding impacts to the pension funds or costs to the City as a result of these ordinance revisions.

Hearing no further 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 Fernandez **ORDINANCE NO. 1265** was **ADOPTED**, 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. Vote on the motion for adoption being: Council Members Fernandez, Govin, Halloway, Knapp, and Neale voting “aye,” no “nay.”

Following the second and final reading of the caption of the proposed ordinance amending Chapter 18 of the City Code of Ordinances, relating to the **Police Officers’ Retirement System**, 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 Knapp **ORDINANCE NO. 1266** was **ADOPTED**, 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. Vote on the motion for adoption being: Council Members Fernandez, Govin, Halloway, Knapp, and Neale voting “aye,” no “nay.”**

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

City Manager’s Report:

The City Manager reported the bids for the 56th Street Improvement Project were received last week, adding that Pepper Contracting was not among the three bidders; the Pospiech Contracting bid was slightly lower than their previous bid.

The City Manager stated that the administration will be recommending the bid be awarded to Pospiech Contracting, adding that it has to go to FDOT (Florida Department of Transportation) for confirmation; they are hopeful work will be underway by April.

The City Manager announced that the administration received an unannounced notice from Hillsborough County for a rate increase of approximately \$1.82 per ton for solid waste disposal. He said the rate increase was neither anticipated nor planned for and impacts the solid waste collection; the increase is being absorbed internally through position suspensions. He will be providing a report to the Council.

The City Manager called on Police Chief Albano to announce the new awards program in the Police Department.

Police Chief Albano reviewed that last year they had to do away with their flag ceremony, which had doubled as their Police Department awards ceremony. On behalf of all of the men and women serving in the Temple Terrace Police Department, Chief Albano extended an invitation to the Mayor and Council to attend their awards ceremony scheduled for March 24, 2010, at 4:00 p.m. in Council Chambers; another ceremony will be held in September. He explained that Police Officer recipients are selected for the awards based on citizen recommendations and peer recommendations, adding that citizen awards will also be given at that time. The City Manager added that a reminder will be sent to the Mayor and Council.

Council Member Neale announced that the GFWC Temple Terrace Woman's Club sent a letter to Ms. Jean Berg regarding the Post Office location, recommending that the post office be located in the Temple Terrace downtown redevelopment area. Council Member Neale also announced that the City of Temple Terrace will be hosting the Suncoast League of Cities dinner meeting on Thursday, March 18, 2010, at 7:00 p.m. at the Temple Terrace Golf & Country Club; Florida League of Cities Financial Technical Services Manager Ken Small will speak on TABOR.

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 6:30 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. Small, MMC
City Clerk

Mary Jane Neale, Council Member