

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

**Regular Meeting  
Tuesday, April 20, 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, April 20, 2010, in the Council Chambers at City Hall.

**PRESENT WERE:** Mayor Joe Affronti, Sr., and 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, Leisure Services Director James Chambers, Public Works Director Joe Motta, Human Resources Director Woody Hubbard, Police Chief Ken Albano, Fire Chief Keith Chapman, Community Development Director Charles Stephenson, Finance Director Diane Reichard, Code Compliance Director Joe Gross, Joyce McKenzie, Liz Affronti, Mel Jurado, Manny Pumariega, Beverly Hurley, Kalissa Gonzalez, Cyndi Mohler, and several other persons.

Mayor Affronti called the City Council 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. Special Presentation – “Tampa Bay Regional Planning Council (TBRPC) Award – Riverside Park/Angel of Hope” – Manny Pumariega, Executive Director, TBRPC.**

Mayor Affronti recognized Manny Pumariega, Executive Director of the Tampa Bay Regional Planning Council.

Mr. Pumariega remarked that on March 19, 2010, the Tampa Bay Regional Planning Council presented the 18th Annual Future of the Region Awards, which highlight projects and programs that exemplify regionalism, and recognize outstanding achievement and contributions which benefit the regional community. He explained there were 44 entries in the various categories this year, and the winners of First Place, Second Place, and Honorable Mention in each category are selected by an independent awards panel.

In the Awards category of Cultural/Sports/Recreation, Mr. Pumariega announced the City’s Riverside Park and Angel of Hope Memorial Garden received second place honors. For the benefit of the citizens who are attending or viewing this meeting, he said he wanted to mention that the judges saw this project as having a unique concept of combining the garden of peace and hope in the memory of children who have died, with the sights and sounds of children at play in a park. He added the challenge was multiplied by the limited space of only 1.5 acres; however, the designs complement each other, allowing for the diverse nature of each, with the result being a unique sense of place. He presented the award to Mayor Affronti, Leisure Services Assistant Director Karl Langefeld, and Beverly Hurley, representing the Angel of Hope Memorial Garden.

**2. Proclamation – “GFWC Federation Day – Dr. Mel Jurado, President, GFWC Temple Terrace Woman’s Club, Inc.”**

Although this item was not listed on the Agenda, Mayor Affronti expressed the importance of recognizing the organization at this time. He presented a Proclamation to Dr. Mel Jurado, President of the GFWC Temple Terrace Woman’s Club, Inc., proclaiming April 24, 2010, as “GFWC (General Federation of Women’s Clubs) Federation Day,” in recognition of more than a century of volunteer service to their communities by the General Federation of Women’s Clubs’ members.

Dr. Jurado thanked the Council and the community for the Proclamation, and brought greetings from the GFWC Temple Terrace Woman’s Club, commenting that they just returned from their State convention, bringing with them 16 honors and awards to the City. She also thanked the City for the recognition given them for the \$1.7 million impact their organization made on the community last year, adding that their entire mission is to support the community and their fellow citizens.

For that reason, Dr. Jurado announced the GFWC Temple Terrace Woman’s Club, Inc., wants to ensure that volunteerism isn’t just about today, but also about tomorrow; therefore, today kicks off a six-week campaign for a foundation they have established to allow their friends and fellow citizens to be part of making sure that good community service and volunteerism doesn’t die. She explained that from now through the end of May, anyone who would like to contribute to the foundation will be listed as a Charter Member of that Foundation, noting that Temple Terrace Local Firefighters No. 3582 was one of their first donors. She emphasized that no amount is too small and all of the money will go right back into the community. Dr. Jurado mentioned that anyone who is interested can contact her or their Foundation President, Mary Jane Neale.

Mayor Affronti commended the GFWC Temple Terrace Woman’s Club for their outstanding service to the community.

**Minutes of Previous Meetings:**

Upon motion of Council Member Halloway, seconded by Council Member Govin, and unanimously carried, the **MINUTES** of the April 6, 2010, Council Meeting were **APPROVED**. Council Member Knapp was **ABSENT** and did not vote.

**There were no Persons Wishing to be Heard on Items NOT Listed on the Agenda. There were no public hearings before the Council, and there was no correspondence, communications, or petitions.**

**Presentations:**

**1. Minimum Housing Code – Rental Housing Program.**

The City Manager called on Fire Chief Keith Chapman to address the Council regarding the proposed changes to Temple Terrace Code Chapter 27, Minimum Housing Code, relative to the Rental Housing Program.

Fire Chief Chapman commented that the Rental Housing Program, which is found in Chapter 27 of the Temple Terrace Code, is only one facet of what the Housing Department actually does. He explained that while it is a large portion of what they do, they are also responsible for the enforcement of the Minimum Housing Code on non-rental properties, manage the housing rehabilitation program, which is a grant-funded program to help mostly elderly persons with low income fix their homes in order to meet the Minimum Housing Code criteria, and they work very closely with the Code Compliance Department on a number of cases where they share information back and forth to make sure the entire property is brought up to Code and not just the inside or outside of the home.

Fire Chief Chapman reviewed that at the March 16, 2010, Council Meeting, where there was a fairly lengthy discussion about the Rental Permit Program, they received direction from City Council to go back and take a close look at the fee schedules, specifically that the fee schedules appeared to be rather steep. He mentioned that the program closely mirrors the program at the City of Gainesville in terms of the initial permit fee amount; however, if payment is not made in a timely manner, the current fees increase by \$200 at 30 day intervals.

Fire Chief Chapman continued that the initial purpose of the program was to recover the City's costs in time and expenses to run the program and to make sure that the properties were brought to Minimum Housing Code standards. With that in mind, he said their recommendation is a modified fee schedule, as outlined in the Memorandum to the City Manager dated April 6, 2010, (a copy of which is part of the record) which includes the same \$200 initial rental permit fee, and after 30 days of occupancy, it would go to \$250; within 60 days of occupancy, it would go to \$300. He noted that the renewal fee schedule is identical each calendar year.

Fire Chief Chapman presented an additional recommendation relative to re-inspections. He explained that after the property owner pays the initial \$200 fee, which includes two inspections, they inspect the property; they have found a very high percentage of properties inspected fail the initial inspection and require a second inspection. Each additional inspection would currently cost them \$150, he said; however, because that is more than it costs the City to perform the inspection, the recommendation is to lower the \$150 re-inspection fee to \$50.

Fire Chief Chapman explained other minor modifications for clarity and program administration efficiency, including language added to establish that it is unlawful for an owner/agent to rent a property without meeting the requirements of the Rental Housing Program, and language amended to establish that permits are renewed on a calendar year basis, with payment due within 30 days of invoice.

Fire Chief Chapman concluded his remarks with a recommendation for approval of the proposed changes, adding that First Reading of the Ordinance is scheduled for later this evening.

Referring to the Memorandum to the City Manager from the Code Compliance Director, dated April 20, 2010 (a copy of which is part of the record), Mayor Affronti questioned whether the 195 Code Enforcement Cases shown for 2007 were for permits or if they were Code violations. Fire Chief Chapman responded that the Memorandum deals with cases in which information was exchanged between the Housing Department and Code Compliance Department and results included issues with the Minimum Housing Code, as well as issues with the property with which the Code Compliance Department was able to assist them. He explained that roughly 30% of the cases they review have both Minimum Housing Code issues and additional Code violations on the property that are taken care of at that time.

Mayor Affronti noted that in 2007 there were 195 Code Enforcement cases and in 2009 there were only 48 cases, which is quite a decrease. He said he hopes that is because they are more vigilant. Fire Chief Chapman responded that the trend on the housing side of the inspection, once they have been in the program and they do a random inspection, most of the major items have been taken care of.

Council Member Halloway commented that he believed the Council enacted the ordinance to protect the property values in the City and ensure that the neighborhoods met good standards. He said they enacted permit fee amount that they believed at the time might be somewhat small, but it enabled them to get serious about these types of Code violations, signifying serious intent. He remarked that apparently it is working, with the Code Enforcement cases decreasing. Therefore, he said he does not see any reason to decrease the fees and will not support a reduction.

Council Member Fernandez stated that while she was not part of the Council at that time, she understands the citizens have high expectations of how they would like their City to look; whereas, some property owners, who may not live here, and/or renters, don't always take the best care of the property. She explained that one reason she asked for the information about Code Enforcement cases is because in that discussion on March 16, 2010, they were strictly focused on the inspection for the Minimum Housing Standards that was related to the rental permit fee; whereas, she wanted to see how these rental properties impact the Code Enforcement system when they are not owner-occupied. With Code Enforcement, she remarked there is no charge placed on the property until a lien is filed; however, those houses will continue to impact the system. Therefore, she wanted to make sure they were not just focusing on the \$200 fee for this specific inspection; the City employees' time spent on related Code Enforcement issues should also be part of their thought process.

Therefore, in her review of the proposal, Council Member Fernandez said she does not support reducing the fees. She reasoned that when they were enacted they were to provide an incentive for people who want to generate income by renting out their property to maintain their property; the \$200 fee is not a terrible or drastic fee, especially if it is paid on time. While some business owners may disagree, she said there is a greater community "good" at work here; they want people to understand how seriously Temple Terrace citizens take their property values. She concluded that everything that she does as a Council Member, she first asks herself how it will improve the community and better the lives of the citizens; this is one of those areas that is very important.

Council Member Govin said he believes the fee has been thought out and if \$50 covers the costs of the re-inspection, that is how the City's enterprise funds work on cost; they have never tried to generate a profit, and this is similar to an enterprise fund. He questioned how the City would have justification to charge \$200 for a re-inspection if the cost is only \$50.

Council Member Fernandez interjected she is in favor of the \$50 re-inspection fee being changed from \$150 to \$50. Council Member Govin remarked he does not believe they are proposing to change the initial \$200 permit fee.

Fire Chief Chapman concurred, stating that it is the fee schedule follow-up for someone who doesn't pay the initial \$200. He pointed out that even if someone is 90-days late paying the \$200 permit fee, they will still come into compliance with the program; otherwise, a Notice of Violation will be issued and they will be referred to the Municipal Code Enforcement Board.

Fire Chief Chapman continued that if the matter goes to the Municipal Code Enforcement Board, like any other Code violation, the Municipal Code Enforcement Board has the ability to fine up to \$250 per day for not complying. There is not a fee in Temple Terrace that doubles when it is 30-days late in paying a fee, he said, and that was where the discussion came in that they should consider revisiting the fee schedule. He summarized that whether they modify the fee schedule or leave it the same, they will still see compliance, because either way, they will still be referred to the Municipal Code Enforcement Board if they do not comply. Council Member Neale clarified that they are proposing to change just the late payment part of the fee.

Council Member Fernandez questioned whether staff feels the compliance issue will be adequately addressed through the Code Enforcement process and whether reducing the penalties will impair their abilities to get these homes into compliance. Fire Chief Chapman responded it has no impact either way on their ability to achieve compliance. He explained it comes down to the difference between having a very high revenue generating schedule versus a “recovering expense” schedule, which is what is being presented this evening for consideration.

Council Member Fernandez concluded that she would be in favor of the changes presented; her concern was that they might be reducing their ability to achieve compliance by taking away an incentive to respond in a timely manner.

In response to Mayor Affronti’s request, Fire Chief Chapman recapped the proposed changes to the schedules and other proposed modifications, as contained in the Memorandum presented earlier.

The City Attorney commented that this is an issue he and Fire Chief Chapman worked on together at the direction of the City Council, upon hearing concerns at the meeting on March 16, 2010, that fees not paid in a timely manner were escalating too rapidly. He explained that they reviewed the fees in the program for the City of Gainesville, which was implemented a few years ago, explaining that the City of Gainesville was a leader in this kind of program in the State of Florida. He briefly commented on the similarity of the proposed modification of the fees, stating that if they do not modify the fees as proposed, they are substantially higher than the City of Gainesville’s. He concluded the direction they received was to bring down the fees to a more reasonable level.

Mayor Affronti commented that the First Reading of the Ordinance for the proposed changes that have been discussed will occur later in the meeting.

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

**Resolutions for Consideration and Action:**

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

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

**RESOLUTION NO. 041-10**, approving the Change Order to the Contract with David Connor and Associates for the 56<sup>th</sup> Street Corridor Improvements Project, in the amount of \$31,072; payment for said Change Order to be made from Account 310-2411-552.31-24, Infrastructure Contribution.

**Proposed Ordinances for Consideration and Action:**

Council then heard **FIRST** reading, by caption, of a proposed ordinance being: **AN ORDINANCE OF THE CITY OF TEMPLE TERRACE, FLORIDA, AMENDING CHAPTER 27, MINIMUM HOUSING CODE, OF THE TEMPLE TERRACE CODE OF ORDINANCES, AS IT RELATES TO THE RENTAL HOUSING PROGRAM, AMENDING SECTION 27.726, RENTAL HOUSING PROGRAM – RENTAL PERMITS AND WAIVERS, BY REPEALING SECTION 27.726(d), ENTITLED “PAYMENT; LATE PAYMENT”, IN ITS ENTIRETY, BY RENUMBERING AND MODIFYING SECTION 27.726(e), ENTITLED “FAILURE TO APPLY FOR PERMIT OR WAIVER” TO CLARIFY THE OBLIGATION OF A PROPERTY OWNER TO FILE A RENTAL PERMIT APPLICATION WITH THE CITY, AND RENUMBERING THE BALANCE OF SECTION 27.726; AMENDING SECTION 27.727, RENTAL HOUSING PROGRAM – PERMIT AND WAIVER INSPECTIONS, BY AMENDING SECTION 27.727(b), TO MODIFY THE RATE FOR SUBSEQUENT INSPECTIONS; AMENDING SECTION 27.728, RENTAL HOUSING PROGRAM – RENEWAL OF RENTAL PERMIT AND WAIVERS, BY AMENDING SECTION 27.728(a), ENTITLED “APPLICATION FOR RENEWAL PERMIT OR WAIVER”, TO PROVIDE FOR RENEWAL ON A CALENDAR YEAR BASIS, REPEALING SECTION 27.728(c), ENTITLED “PAYMENT; LATE PAYMENT”, IN ITS ENTIRETY, AND RENUMBERING THE BALANCE OF SECTION 27.728; AND BY AMENDING SECTION 27.729, RENTAL HOUSING PROGRAM – FEE SCHEDULE, TO MODIFY SECTION 27.729(a), ENTITLED “NEW PERMIT ISSUE”, AND SECTION 27.729(c), ENTITLED “RENEWAL”, TO PROVIDE FOR CHANGES TO THE AMOUNTS CHARGED FOR NEW AND RENEWAL PERMIT FEES, AND ENACTING A NEW SECTION 27.729(e), ENTITLED “LATE PAYMENT/FAILURE TO PAY” TO CLARIFY THAT CODE ENFORCEMENT PROCEEDINGS MAY BE PURSUED AGAINST A VIOLATOR; 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 reminded Council of the Budget Policy Workshop at 3 p.m. on Monday, April 26, in the Council Workroom behind Council Chambers, followed by the Neighborhood Meeting to be held at 6 p.m. at the Library. He indicated both meetings will involve a lot of discussion concerning the Budget. While this is very preliminary, he said he wanted to give them an overall outline of what they are facing, adding that the problems are compounding year-to-year, with the choices becoming more and more difficult. Although they would like to keep the highest level of service possible, he estimated that the City has lost about 26% of its property tax revenue over the last several years. He said the thrust of the Neighborhood Meeting is to inform the citizens of the hard choices the City is facing and receive any input they would like to provide.

On a more positive note, the City Manager announced that the City has received its 21<sup>st</sup> consecutive Distinguished Budget Presentation Award from the Government Finance Officers Association (GFOA). He noted that this involves the Finance Director and the Department Directors, with the City receiving more exemplary comments than previous years and very few recommendations for improvements.

New Business:

**1. Appointment – Hillsborough County Mechanical Board of Adjustment, Appeals, and Examiners.**

Mayor Affronti announced that Kenneth Miller’s four-year term as a member/representative on the Hillsborough County Mechanical Board of Adjustment, Appeals, and Examiners has expired; however, he is eligible and has expressed interest in serving a subsequent four-year term. Mayor Affronti noted that although the opportunity was advertised, Mr. Miller is the only applicant.

Upon motion of Council Member Govin, seconded by Council Member Fernandez, **RESOLUTION NO. 042-10(m)** was **ADOPTED**, appointing Kenneth Miller to serve a second four-year term on the Hillsborough County Mechanical Board of Adjustment, Appeals, and Examiners. Vote on the motion being: Council Members Fernandez, Govin, Hallaway, and Neale voting “aye,” no “nay.” Council Member Knapp was ABSENT and did not vote.

**2. Appointments – School Support Committee.**

Mayor Affronti stated that the three-year terms on the School Support Committee, held by Inglis Wiley, Joseph Affronti, Jr., and Gwen Mora, expired on April 17, 2010. He continued that all three are eligible for reappointment; however, Ms. Wiley is unable to continue to serve. He added that the City Clerk’s office will re-advertise for the remaining position.

Upon motion of Council Member Govin, seconded by Council Member Fernandez, **RESOLUTION NO. 043-10(m)** was **ADOPTED**, reappointing Joseph Affronti, Jr., and Gwen Mora, to serve subsequent three-year terms on the School Support Committee. Vote on the motion being: Council Members Fernandez, Govin, Hallaway, and Neale voting “aye,” no “nay.” Council Member Knapp was ABSENT and did not vote.

There being no further business to be considered, upon proper motion, the meeting was adjourned at 6:41 p.m.

Joseph A. Affronti, Sr.  
Mayor

Alison M. Fernandez, Council Member

Ron A. Govin, Council Member

Ken Hallaway, Council Member

Attest:

Mark A. Knapp, Council Member

Melissa E. Small, MMC  
City Clerk

Mary Jane Neale, Council Member