

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

**Regular Meeting
Tuesday, May 4, 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, May 4, 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, Deputy Police Chief Patricia Powers, Assistant Fire Chief Ian Kemp, Senior Planner Brad Parrish, Planner Leslie Sykes, Joyce McKenzie, Liz Affronti, Mel Jurado, Rod Jurado, Judy Govin, Wesley Fricks, Richard Schmidt, Lekisha Walker, Robert Holt, Wally Blain, Renee Blain, Allie Blain, Abbie Blain, Stefani Busansky, Mike White, Mary Jane Elliott, David Elliott, Sherry Major, David Armijo, William Neylan, 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. Proclamation – “Municipal Clerk’s Week, May 2 – 8, 2010.”

Mayor Affronti presented a Proclamation to City Clerk Lisa Small, proclaiming May 2-8, 2010, as “Municipal Clerk’s Week” in Temple Terrace, extending appreciation to the City Clerk’s office and to all Municipal Clerks for the vital services they perform.

Mayor Affronti altered the order of the Agenda slightly to accommodate a Council Member who wished to speak after the Proclamation for “National Police Week.”

2. Proclamation – “Temple Terrace Little League Week, May 10 - 16, 2010.”

Mayor Affronti presented a Proclamation to Wesley Fricks, representing the Temple Terrace Little League, proclaiming May 10-16, 2010, as “Temple Terrace Little League Week,” and recommending the community acknowledge this special week with activities and ceremonies designed to emphasize the importance of physical and character development in our community’s youth. Mr. Fricks accepted the Proclamation and thanked the Mayor and Council for the recognition on behalf of every boy and girl who has been through their program.

3. Proclamation – “National Police Week, May 9 – 15, 2010.”

Mayor Affronti presented a Proclamation to Police Chief Ken Albano, proclaiming May 9-15, 2010, as “National Police Week” and May 15, 2010, as “Peace Officers’ Memorial Day” in Temple Terrace, in honor of those Law Enforcement Officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty, asking that the community also recognizes and pays respect during this time of remembrance to the survivors of our fallen heroes. It was noted that 125 Law Enforcement Officers including nine from the State of Florida gave their lives in the line of duty in 2009.

Police Chief Albano accepted the Proclamation on behalf of the officers of the Temple Terrace Police Department. He shared that deaths of Law Enforcement Officers were down nationwide in 2009; however, they were up in Florida; 26% of the deaths were firearm related incidents. He said in 2010 the trend is already up 47%, with Florida in the top three nationally for Law Enforcement Officers’ deaths, and in 2009, Florida ranked second. He invited everyone to visit the Law Enforcement Memorial website to watch a short clip on the National Tribute to Law Enforcement Officers that takes place in Washington, DC. He shared a brief poem and encouraged everyone to join him in flying their flags at half-staff on May 15 in honor of the lost lives.

Council Member Neale commented that she was privileged to have attended the Heroes Luncheon today, which honors Law Enforcement Officers and Firefighters, where two of the City’s First Responders were honored; Police Officer Richard Scilabro was named Officer of the Year, and Scott Murley was named Temple Terrace’s Firefighter of the Year. She concluded that on behalf of the Council, she is most grateful for all who serve.

Minutes of Previous Meetings:

Upon motion of Council Member Neale, seconded by Council Member Halloway, and unanimously carried, the **MINUTES** of the April 20, 2010, Council Meeting were **APPROVED**. Council Member Knapp was **ABSENT** and did not vote.

Public Hearings:

1. Special Approval of Use and Final Site Plan – Truth Outreach Ministries.

Mayor Affronti opened the Public Hearing on the Special Approval of Use and Final Site Plan application of Truth Outreach Ministries.

Utilizing a PowerPoint presentation, Planner Leslie Sykes presented the application of Truth Outreach Ministries for a Special Approval of Use and Final Site Plan on the Church’s approximately 1.32-acre parcel located at 10711 North 53rd Street, which is on the east side of N. 53rd Street, south of Whiteway Drive, and has a zoning designation of R-7.5 (Single Family Residential). She noted this request expands upon the Special Approval of Use granted to the Church by the City in March of 1962. Planner Sykes explained the applicant has obtained a 768 square-foot modular building from the School Board, and is seeking approval to put the modular on their property to provide additional church facilities for their youth group and church-related functions.

Planner Sykes noted that the current facility is 3,866 square feet. Displaying several photographs for reference purposes, she briefly described the surrounding neighborhood, which consists of single family residential, with some commercial adjacent to the east side of the property. She referred Council to the proposed site plan in their Council packets and particularly pointed out fencing, landscaping details, and the addition of a dumpster enclosure.

Planner Sykes stated this particular review was extensive; the applicant has addressed all of the concerns and agreed to the list of Conditions for Approval, which were signed by the Pastor and provided to the Council in their Council packets. She indicated surrounding property owners were notified by direct mail, in addition to the newspaper advertisement. She stated three comments in opposition and four comments in support of the application were received.

Planner Sykes stated that approval of the final site plan and special approval of use is recommended subject to adhering to the Conditions of Approval as outlined in attachment to the Memorandum to the City Manager dated April 21, 2010, a copy of which is part of the record.

Council Member Fernandez commented that some neighbors have expressed concern, and she questioned whether the list of conditions was included in the information provided to the neighbors. The Planner responded that the list was not provided; however, she explained them over the phone to two of the persons who called in opposition, adding that she would be happy to review each of them at this time. The Council concurred that the public should hear them, so they would have an opportunity to respond. Planner Sykes read through the extensive list of Conditions for Approval.

Council Member Neale questioned whether this request is to *install* the modular building, when it appears the building is already there and was placed there without a permit. The Planner responded that the building is already there, was placed without a permit, and has been there for about four months.

Expressing concern that the Council is being asked to approve something after the fact, Council Member Halloway questioned who discovered the fact that they did not have a permit, to which Planner Sykes responded she made the discovery. Council Member Halloway asked for an explanation from the applicant.

Sherry Major, Associate Pastor of the Church, explained the School District gave them the portable building, with a time limit in which to move the building. She continued that they conversed with the City, believing it was former Planner Tom Moore who was their contact at the City, and asked for permission to put the building on the property, and they were allowed to do so; otherwise, they would have lost the building. She stated that the portable is not installed, nor is it being used at the moment.

The City Manager commented that was totally inappropriate for the City to “allow” that, but it appears it was done.

Robert Holt, 10802 N. 53rd Street, said he resides across the street. He expressed concern that the building was put there before any formal approval was given. He said he believed that as a church, they would have done things the proper way.

Mr. Holt continued that he is also concerned that it sets a precedent for any future things that might happen at this church site or elsewhere in their community, since the rest of their community consists of site-built homes, with no modular construction. While he is sympathetic to the church for their purpose, he believes they should have done things the proper way, and therefore, he is opposed to the building.

Community Development Director Charles Stephenson addressed the Council and explained that they discovered this building being installed, which happened as quickly as him getting the call and getting out to the site. He said the building is permanently installed on the site, not just placed on the site, and it was done without a permit or approval. While they were working on determining whether to proceed with a Special Approval of Use or Conditional Use or Site Plan, he said this building was installed, and they had expressed their displeasure with that to the applicant.

Mayor Affronti questioned who authorized it. The Community Development Director responded that this happened when former Planner Tom Moore was here, and while he does not know what conversation took place between the applicant and Mr. Moore, he and Mr. Moore had discussed it and were very adamant that it could not be placed on the site until the church had permission to do it. When he discovered it, he said the permanent foundation and piers were already there. He concluded that he wanted to be sure that was understood.

Mayor Affronti questioned what the process would be if the Council says “no,” and they have to come back to get proper approvals.

The City Attorney responded *this* is the process; the fact that they put the building on the property without coming before the City Council first, indicates there is a problem with the process, and apparently these folks were given the benefit of the doubt that they did not understand the process. He continued that as far as Council’s determination as to whether or not the modular building on the property is a proper Special Use of the property, the fact that it has been on the property for four months should not weigh into that decision. He explained Council should determine whether or not, under the Code, it should be there as a Special Use; Council should consider, from the information provided in the staff presentation, whether the Special Use should be approved for the modular building being on the property. He reviewed this is not the first time something like that has come before the Council, citing the Ciaccio case about two years ago, where the site plan was approved two years after the work was done.

Council Member Neale expressed concern about the effect of surrounding property values and setting a precedent of having a modular building. Mayor Affronti asked if the church had gone through the proper channels, whether that would be something they would be allowed to do.

The City Manager responded that the matter would be presented to them just as it is tonight. He said they were penalized by having to pay an extra fee; the City Code has a provision for an extra fee to be charged for work being done without a permit; however, in terms of approval, it would be before the Council regardless.

The City Attorney commented on the issue of precedence, stating this is something the administration discussed with Community Development Department staff a couple of months ago when this issue was brought to the City Attorney’s attention.

The City Attorney reviewed a 1996 case where Council approved a final site plan for Christ Our Redeemer Lutheran Church to place a modular building on their property for church purposes and a school facility on property zoned R-10; therefore, this would not be the first time that the City Council would be approving a modular building for a church facility.

Council Member Govin commented that he visited the site and found that this building is located at the rear of the church property, with a shopping center on 56th Street located behind it; therefore, the modular building cannot be seen from that direction, nor can it be seen from the north because of an existing fence. He expressed that if they put a fence of the south side, it would shelter it from observation, and if it was painted the same as the other building, and landscaping was installed, he didn't see any harm to it. He said it is not a permanent building and the applicant says it is not hooked up; while the "cart came before the horse," he thought it may work. He opined the City has put sufficient restrictions on it that it should not hamper surrounding property owners. He noted it is a parking lot to the north; if he was a neighbor, he would be excited about landscaping, because now there is none. He continued if they do property landscaping, as required in the Conditions of Approval, it would be a great enhancement to the neighborhood.

Council Member Fernandez said she knows the concerns that were expressed, and she is familiar with the modular building at Christ our Redeemer Church. She continued that a modular building is not something they would want everywhere; however, with the Conditions of Approval, she believes it will enhance the property more than if they did not have the opportunity to put the conditions in place. While she isn't fond of modular buildings because of their shorter life-span, and the chance of decline will bring another challenge, she said it is not a permanent structure and overall it appears the property will be improved, when the conditions have been met and the landscaping and fencing is installed.

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

Upon motion of Council Member Fernandez, seconded by Council Member Govin, **RESOLUTION NO. 044-10(m)** was **ADOPTED**, approving the Final Site Plan and Special Approval of Use of Truth Outreach Ministries, subject to the Conditions of Approval contained in the Memorandum to the City Manager dated April 21, 2010, and signed by the applicant. Vote on the motion being: Council Members Fernandez, Govin, Holloway, and Neale voting "aye," no "nay." Council Member Knapp was **ABSENT** and did not vote.

The City Manager recommended that the terms of modular buildings and their use throughout the community be reviewed; it is a precedent where the City should be very cautious. With Council's permission, he said he would like staff and the City Attorney to review the Code and come back with proposed changes. Council concurred.

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

Mike White, 729 Argyle Place, said he is a 16-year resident of Temple Terrace, with several rental properties. He expressed his respect and appreciation to the Council and City employees for their dedication to the City. With that said, he commented he has a complaint concerning the Rental Housing Program, which he believes is too expensive. He acknowledged that to get Council to back off from a program that is already in place would be difficult to do; however, he believes that \$200 per unit per year is excessive, and that it does not take that much money to run a program like this.

Mr. White continued that properties are inspected about every two years; he has four units in Temple Terrace and in a two-year period, one inspection has been done on his property; however, in that period of time he will have paid \$1,600, which he believes is excessive. He mentioned he has a couple of units in Tampa, and although it may not be as comprehensive as Temple Terrace's program, he said he pays \$48 per year for two units, which makes sense to him. He reiterated his belief that \$200 is excessive, philosophically wrong, and wrong in this economy. He noted three of his four units are in an association in Meadowood; Meadowood insures he is in compliance with upkeep and the number of allowed occupants, so he doesn't need further inspections. While the City is considering reducing the fines, he said he wished the City would reduce the cost of the program.

There was no correspondence, communications, or petitions.

Presentations:

1. Voluntary Annexation – River Run Preserve.

Senior Planner Brad Parrish addressed the Council concerning the Voluntary Annexation Request for 7851 Temple Terrace Highway (River Run Preserve). He reviewed that the City received a voluntary annexation application from William J. Neylan III, applicant/owner, to annex an approximate 2.04+/- acre parcel of vacant property in Hillsborough County located on the southeast corner of Temple Terrace Highway and N. 78th Street, with a Hillsborough County zoning district of Planned Development Mixed Use and a Hillsborough County Comprehensive Land Use category of Residential – 12. Utilizing a PowerPoint presentation, he pointed out the municipal boundaries as they will be as a result of this voluntary annexation.

Senior Planner Parrish commented that the City's individual departments have reviewed the voluntary annexation application and provided comments, which are summarized in the Memorandum to the City Manager dated April 20, 2010, contained in the Council packets, a copy of which is part of the record. He noted the property will generate approximately \$3,500 of annual tax revenue, and City services are available and would be provided in a manner consistent with existing service levels. Based on these findings, Senior Planner Parrish stated that staff recommended this voluntary annexation be placed on Council's agenda for consideration and approval.

The City Manager commented they believe it will be a great development for the community and they are glad to have them.

Mayor Affronti confirmed that the First Reading of the ordinance to voluntarily annex the property will occur later in the meeting.

2. Hillsborough Area Regional Transit (HART) – Rapid Transit Investment Plan.

Mayor Affronti called on Hillsborough Area Regional Transit Chief Executive Officer David Armijo to present the Rapid Transit Investment Plan.

Utilizing a PowerPoint presentation, Mr. Armijo commented there has been a lot of discussion in the press about where they are headed with rail transit. He presented a brief history of rail transportation in the 1920s, area transit today, challenges and suggested solutions, the Investment Plan and its benefits, and their planned next steps.

Mr. Armijo stated that in the Hillsborough area of 1,200 square miles, HART runs service in and out of Hillsborough, connecting to Pinellas, Pasco, and Polk County, carrying about a million people per month with 45 local routes and in-town trolleys. He mentioned the HART Flex Program was rolled out about a month ago in Brandon and the south County area and is doing very well. He said their ridership has increased a steady 7% per year since 2003; in the last 60 days, it has increased as much as 10% per month. He displayed a chart showing the transit investment of Hillsborough County is only about \$50 per capita compared with other counties in Florida that go as high as \$221; in other major cities nationwide, the transit investment per capita is as much as \$500. To explain why the Rapid Transit Investment Plan is important, Mr. Armijo said there are currently about 200 buses traveling the 1,200 square miles, with a steady growth in demand for service, and limited transit service to meet those demands. He cited problems of providing adequate service for seniors and disabled persons, residents desiring alternatives to driving, traffic congestion, and the fact that the typical commuter spends 47 hours per year in traffic in Hillsborough County, which ranks the 10th worst in the country for commute-time delay.

Mr. Armijo pointed out the various solutions that can be derived with the Rapid Transit Investment Plan, suggesting that transit would help reduce the need for expensive right-of-way acquisition, reduce the growth of congestion, reduce the growth of road construction, create jobs, lessen environmental impacts, offer more travel options, and cut the cost of commuting. He continued that in 2009, TBARTA voted to support rail plans in Hillsborough County as a first phase of TBARTA's Regional Master Plan; HART is a key part of that plan. About 2-1/2 years ago, he reviewed the Board of County Commissioners formed a citizen-based task force, which has held about 16 meetings and 38 presentations since that time, looking at bus service expansion, light rail, roadways, intersections and supporting projects, which led them to recommend a new one-cent sales tax, with 75% going to transit and 25% to non-transit.

Mr. Armijo displayed a map and described the areas of bus system expansion, which includes about 449 miles of new service. He then described new rapid transit projects and introduced BRT (Bus Rapid Transit), which would include six new routes with 90 miles of new service, and Rail Transit, which would add 45 miles and 15 miles of regional connections. He also pointed out non-transit projects, which represent \$2.5 billion over a 30-year period. He explained their funding plan includes a contingency for reserves for capital, operating and debt.

In conclusion, Mr. Armijo reviewed the timeline of critical steps, including the Sales Tax Referendum proposed for November, 2010.

Council Member Halloway commented that through the years they have seen many plans, which unfortunately generally get bogged down by a lack of funding. He confirmed with Mr. Armijo that 25% of the sales tax would be kicked back to the communities. Mr. Armijo said the non-transit projects would be split between Temple Terrace, Plant City, and Tampa. Council Member Halloway questioned whether the proposed funding would cover everything Mr. Armijo has presented, to which Mr. Armijo responded affirmatively, adding their projections are about 10% below that of the MPO and the long range plan, explaining that they took the most conservative approach they could, utilizing the current economic environment, reducing the base numbers, and projecting out a very slow growth in the first five years. Council Member Halloway commented Mr. Armijo has presented an excellent plan, which he would support, and he hopes the citizens will support the plan by voting for the referendum in November, 2010. He thanked Mr. Armijo for the presentation.

Council Member Fernandez said she has questions about the Interlocal Agreement in the consent agenda.

Mayor Affronti briefly described his experience with light rail, commenting that people planning to relocate to Temple Terrace will be looking at our transportation systems. Council Member Neale interjected that she lived in Miami when the rail system was built there; it took awhile to catch on, but it is always packed now.

Council Member Fernandez expressed concern that the professionals involved in estimating ridership seem to have a history of overestimating the initial usage, and she encouraged them to anticipate a lower ridership when talking about funding transportation projects. She explained she believes it will take longer than the experts believe to change people's mindset about giving up their cars, and citing herself as an example, commented that transit is not convenient to persons needing to make multiple stops along the way to their final destination.

Mayor Affronti commented that when a group visited Charlotte to look at their light rail system, it was pointed out that there was a billion dollars of investment in commercial development along the rail, which demonstrated the importance of light rail to economic development. Council Member Neale interjected that it is an investment in the future.

Mayor Affronti thanked Mr. Armijo for the presentation and his work on the project.

With the consent of Council, Mayor Affronti adjusted the order of the Agenda to enable the Resolutions to be considered prior to the Proclamation and Presentation for Clouds of Hope.

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

Resolutions for Consideration and Action:

Following the City Manager's brief review of the proposed Resolutions for consideration and action, Council Member Fernandez requested that Resolutions No. **E-2 and E-3** be pulled for further discussion.

Upon motion of Council Member Hallway, 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. 045-10, confirming the appointment of Ian Kemp as the Firefighters' representative/appointee to the Firefighter Pension Board of Trustees.

Regarding Resolution No. **E-2**, which the City Manager had reviewed is a matching grant for the GFWC Temple Terrace Woman's Club for the playground restoration at Riverhills Park, Council Member Fernandez said she had pulled it because she knew they were going to have the presentation from the Clouds of Hope. Mayor Affronti responded that once the Council approves this, he was going to have representatives from the GFWC Temple Terrace Woman's Club and Clouds of Hope come forward to present their plans for the park. Council Member Fernandez said she was in favor of the Resolution, but was unsure of the process.

Upon motion of Council Member Fernandez, seconded by Council Member Govin, **RESOLUTION NO. 046-10** was **ADOPTED**, accepting, in accordance with the Civic Improvement Matching Grant Program's Guidelines, the donation from GFWC Temple Terrace Woman's Club, in the amount of \$3,000, and authorizing the award of a matching grant; payment to be made from account 001-1021-511.82-20. 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.

Regarding Resolution No. **E-3**, the City Manager reviewed that he provided a Memorandum to the Council dated April 28, 2010, a copy of which is part of the record, to highlight the provisions of the proposed Interlocal Agreement, which provides for the use of the proceeds according to State Statute; the distribution of the proceeds among the local governments and Hillsborough Area Regional Transit (HART); bonding methods; formulation of a Finance Committee, of which the City would have an appointment, to meet quarterly and make financial recommendations to HART; jurisdictions to publish an accountability report, disclosing the use of their respective funds, similar to the CIT (Community Investment Trust) monies; and the establishment of a "citizen oversight committee" to review the expenditures of the surtax proceeds with each jurisdiction providing its respective financial report. He noted that the administration has initially suggested five projects that would come before the Council for their approval at the appropriate time.

Regarding the second "Whereas" clause on Page 1 of the Interlocal Agreement, a copy of which is part of the record, Council Member Fernandez questioned the verbiage that indicates the City is in agreement with the one-cent sales tax which will be voted on by the citizens. She said she believes that is overstepping the agreement, and that the agreement should be explaining the funds and not how they want people to vote on it; however, she is not asking that be changed.

Council Member Fernandez also questioned on Page 4, Section 3, which explains the distribution of the 25% portion of the funds, stating that she understands the City's intent and the projects the City has suggested, but in Paragraph (3)(c) on Page 5, it says, "Upon adequate funding of all of the County Road Plan Projects, the County and the Municipalities shall each receive a distribution equal to the Twenty-five Percent Portion multiplied by the percentage resulting from the annual application of the Distribution Formula for the County and the Municipalities." She continued that while it says in Section (3)(a) the County shall receive Ninety percent (90%) to fund the County Road Plan Projects, to her it reads that no matter what, the County-planned projects come before everything else. While the projects would be in the City's jurisdiction, she expressed concern that the projects would not necessarily be the City's priorities, but instead, would be the County's priorities. She said it reads as though this is the City of Temple Terrace's portion of the funding, but the County would be telling the City how to spend it.

Mayor Affronti disagreed and deferred to the City Attorney to explain his understanding.

The City Attorney explained that in his discussions with Attorney Sam Hamilton, who is the County attorney principally involved with this Interlocal Agreement, and discussions with his counterpart in Plant City, Ken Buchman, he and Mr. Buchman had a lot of questions about Paragraph (3)(c), because it is not very clear. He explained the intent, and the way this is drafted, under (3)(a), (3)(b), and (3)(c), in each one of those, Plant City and the City of Temple Terrace are treated identically, where they receive the amount that is provided for under Florida Statutes and is the same distribution as in the Community Investment Funds.

The City Attorney continued that he and Mr. Buchman told the County they believed it was confusing; the County advised them and confirmed to them that Plant City and Temple Terrace, in (3)(a)(ii), (3)(b)(ii), and (3)(c), would receive their share pursuant to the distribution formula, which is in line with Florida Statutes. The City Attorney agreed with Council Member Fernandez that Paragraph (3) is confusing, adding that he and Mr. Buchman made recommendations as to how it could be made less confusing; those they spoke to at the County confirmed that Plant City and Temple Terrace at all times will be paid according to the formula prescribed by Florida Statutes.

Council Member Fernandez referred back to Paragraph (3)(c), where it says, "Upon adequate funding of all of the County Road Plan Projects, the County and the Municipalities shall each receive a distribution equal to the Twenty-five Percent Portion..." and asked whether that is out of the 90% that the County has received. Several affirmative responses were heard. The City Manager added he believes that refers to Tampa making the contribution up front, and it would revert back to the normal distribution based upon population as Temple Terrace and Plant City have had all along, once the project list has been satisfied.

Council Member Fernandez commented that she understands the intent, but she believes it is not clear in Paragraph (3)(c) that the 25% is separate and in addition to the 25% funding the City is already getting, and if there is anything at all left, from the original 90% distribution to the County, then that remaining funding would be split and the City would get 25% of it.

Mayor Affronti disagreed, stating his understanding is that there will be a 75/25% split, with 75% going to transit and the other 25% going to infrastructure, roads, and so on; of the 25%, Hillsborough County gets 90% for their road projects and Temple Terrace and Plant City will get their proportionate share, based on the formula for CIT funds. Regardless of how much there is, Mayor Affronti said the City will receive its proportionate share. Council Member Fernandez responded that she understands that; it is Paragraph (3)(c) that is not clear that this is a separate 25% and not the one distributed to the City after the County has their 90%.

The City Attorney disagreed, stating it is the same 25%. He explained that (3)(a) is from January 1, 2011, through September 30, 2020; (3)(b) is from October 1, 2020, and ending upon completion of all the County Road Plan Projects; therefore, (3)(c) begins once (3)(b) is over. He said it is still the same 25%, and at all times, the City of Temple Terrace will get 25% based upon the statutory formula, despite the fact that it is rather confusing.

Council Member Fernandez said she will trust his legal judgment, because it does not read that way to her, again expressing concern that what the City considers to be priority road projects may differ from the County's priorities.

The City Attorney commented that the term "County Road Plan Projects" is a defined term in the Interlocal Agreement; therefore, up front there will be a lot of discussion as to what those projects are. He said he would defer to others as to what those projects are. The City Manager interjected that the majority of the County-wide streets are within the City of Tampa, which is why the City of Tampa acquiesced to the 90%; the City's allotment is the same through the duration, unless and until it is repealed by the State.

Council Member Fernandez continued that if this goes forward, she has concerns about transportation within the City, because the rapid transit will not go through or have a rail stop in Temple Terrace.

Council Member Fernandez continued that the City is a multi-modal transportation district and there are things the residents would like to see that would be meaningful to them. She cited the example of the Raintree area being disconnected from the center of the City in terms of people traveling in golf carts; it could be priority in the City to put a tunnel underneath Fowler Avenue to connect that area, but the County could see that as pointless, and instead, consider widening Fowler Avenue.

The City Attorney referred the Council to Paragraph (3)(f) on Page 5, which states that the City sets its own priorities on the funds it receives. Council Member Fernandez explained her only problem with the document is that Paragraph (3)(c) appears to be in direct conflict with some of the other paragraphs, but she will defer to his legal judgment.

The City Attorney acknowledged it is not a perfect or clear document; however, in the discussions he and the City Manager have had at the County, creation of the document has been a major political issue in trying to get all of the jurisdictions in Hillsborough County to work together. He continued that it has been suggested to him that the City needs to take a look at this document and determine whether they can live with it, because they are not in a situation where they can go back and ask for multiple changes; politically, that would be a real problem. He expressed his belief that while the document is imperfect, it does what they want it to do in getting the funds the City is supposed to receive, even though the language in the document is not necessarily what he would use.

Council Member Govin commented that the true essence of the document favors the County, but the County affects everyone; the City will receive part of that. He said if they had a choice, they would spell it out a little differently; however, it has been passed by HART and the City of Tampa, and he believes they are waiting for the City of Temple Terrace. He continued that the County is meeting soon, and hopefully at that meeting, they will come up with an answer. Mayor Affronti interjected that the initiative was taken by Mayor Iorio, and there have been several meetings; in his opinion, Mayor Iorio has laid out a good plan.

Upon motion of Council Member Holloway, seconded by Council Member Fernandez, **RESOLUTION NO. 047-10** was **ADOPTED**, approving the Interlocal Agreement among the City and the Cities of Tampa and Plant City, Hillsborough County, and Hillsborough Area Regional Transit to provide for the distribution of Transportation Surtax Proceeds. Vote on the motion being: Council Members Fernandez, Govin, Holloway, and Neale voting “aye,” no “nay.” Council Member Knapp was **ABSENT** and did not vote.

Presentations continued:

3. Clouds of Hope – Proclamation and Presentation.

Mayor Affronti presented a Proclamation to Renee Blain, spokesperson, proclaiming Saturday, May 15, 2010, as “Clouds of Hope” Day in Temple Terrace and extending appreciation for their support, efforts, and partnership with the City. Ms. Blain thanked the Mayor and City Council, but deferred to her husband, Wally Blain, for the presentation of plans for the park playground.

Mr. Blain expressed appreciation to the Mayor and Council for the Proclamation, stating that they also partner with Hardeman/Kempton, a landscape architecture firm, and the Freedom Playground Foundation, Inc., citing the example of Freedom Playground in Tampa and another in the south Tampa area.

Utilizing a PowerPoint presentation, Mr. Blain presented the plans to build a playground at Riverhills Park, to provide a place for every child to play, regardless of their abilities or the abilities of the adults who bring them to the park to play. He briefly described the six guiding principles in planning the park: equitable use; flexibility in use; simple and intuitive use; perceptible information; tolerance for error; and size and space – not just for individual abilities. He displayed a project board and described in detail the parking spaces, the design concepts utilized in the park for accessibility, safety fall-zones, and rainwater drainage, educational components, and various other features of the proposed park. Having asked the designers to be sure to include the Temple Terrace community and a natural environment in their design, he said they have covered both very well, pointing out the designers even found a playhouse façade in the Mediterranean style.

Mr. Blain noted the cost for the current design is estimated at about \$150,000, and with the money contributed by the school, the City, including the Resolution passed this evening, and the money raised by Clouds of Hope, he said that leaves about \$80,000 to be raised. He explained the various opportunities for funding the remainder, suggesting that they may be able to cut some costs and hope for some donations of time and materials; they are also planning to work with the City on a Community Work Day during the summer to remove the existing equipment, move the existing sand, and redo that part, to save some costs. He also mentioned a possible grant from Freedom Playground Foundation, Inc.

Mr. Blain outlined the events for the Clouds of Hope 3rd Annual Fundraiser – Family FunFest 2010, which will be held on Saturday, May 15, 2010 from 3:00 p.m. – 10:00 p.m., at the Ridgedale Sports Complex, 204 Ridgedale Road. He encouraged the community to participate in this free event, which is sponsored by Sherwood Forest of Temple Terrace and the First Baptist Church of Temple Terrace. He noted there will be a softball game between the Police Department and Fire Department that day, and he explained the “Give me Five” fundraising opportunity. He said they have a meeting tomorrow scheduled with Hillsborough County School Board officials to present their plans for comments and approval, and following that will be engineering and an overall construction plan.

Mel Jurado, President of GFWC Temple Terrace Woman’s Club, commented that they think of our City for work, live, and play. She continued that so many are blessed that they don’t have to think about what it is for a family to never be able to engage in play together. She expressed thanks for the City staff, who considered their grant application, and the Council, who has approved it. She said their organization looks at projects every year, and when Renee Blain brought this project to them, it was a “slam-dunk.” She said this is an opportunity to impact the quality of life for all of our citizens, such as a parent in a wheel-chair to be able to be at the playground with their children, or for healthy, functioning children to be able to play with their siblings, who may have potential handicaps or other health issues. She expressed thanks to the Mayor and Council, stating it is an honor to bring the grant to them, and for the City to partner with them, to give the Clouds of Hope an additional \$6,000 to bring their deficit to an even \$80,000.

Council Member Fernandez commented that the way citizens and volunteers work with the City to make it a better place for everyone is one of the reasons people live in Temple Terrace. Remarking that she is a big proponent of this space, she thanked Renee Blain, Clouds of Hope, and their Freedom Playground partner for the many hours that goes into planning such a park; things like this cannot be done without active community members. She noted there is room for future expansion at this park and asked Mr. Blain to share his thoughts on that.

Mr. Blain commented that with the design, the sidewalk and edging creates a defined space; the majority of what has been designed so far is included in that main central space. He said the part to the north that has the big swing and slide would have the addition of a gym swing, which is a large seat with a full harness and hard surfacing leading up to it; then the rubber surfacing within the fall-zone. He said the designers suggested a lot of changes to that other side, with a number of stand-alone pieces that are fully accessible, so there is more to come beyond this initial park, but because of budget parameters will have to wait.

Council Member Fernandez said she wanted the public to know that to expand and add further equipment will take more fundraising. Mayor Affronti expressed gratitude to the School District that has been so cooperative in partnering with this project.

Proposed Ordinances for Consideration and Action:

Following the Second and Final reading of the caption of the proposed ordinance amending Chapter 27 of the City Code of Ordinances related to the Minimum Housing Code and Rental Housing Program, 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 Fernandez, **Ordinance No. 1268** was **ADOPTED** 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.** Vote on the motion for adoption being: Council Members Fernandez, Govin, and Neale voting “aye,” and Council Member Halloway voting “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, PROVIDING FOR THE VOLUNTARY ANNEXATION OF A PARCEL OF REAL PROPERTY AND THE ABUTTING RIGHT-OF-WAY ON TEMPLE TERRACE HIGHWAY, LYING WITHIN THE UNINCORPORATED AREA OF HILLSBOROUGH COUNTY, GENERALLY LOCATED ON THE SOUTHEAST CORNER OF THE TEMPLE TERRACE HIGHWAY AND N. 78TH STREET INTERSECTION, AND THE ABUTTING RIGHT-OF-WAY ON TEMPLE TERRACE HIGHWAY, WITH AN ADDRESSABLE LOCATION OF 7851 TEMPLE TERRACE HIGHWAY, AND AS LEGALLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO AND MADE A PART HEREOF; REDEFINING THE CORPORATE BOUNDARIES TO REFLECT SAID ANNEXATION; PROVIDING A SEVERABILITY CLAUSE, EFFECTIVE DATE, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.**

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

City Manager's Report:

The City Manager reported the Public Works Director's office notified him this morning that the Telecom Parkway expansion has been completed and is now open. He said that hopefully in the future they will be able to expand the road to Morris Bridge Road, which would help with traffic circulation.

The City Manager recommended a CRA workshop, if the terms are worked out and ready for presentation, to discuss the Second Amendment to the Master Developer's Agreement, starting at about 4:30 p.m., followed by a formal CRA meeting at about 5:30 p.m. to take any action on recommendations resulting from the workshop, and forward them to the City Council meeting that begins at 6:00 p.m. He said these meeting times would be subject to being able to resolve current matters under discussion, but to keep the project moving along, he would like to schedule these meetings unless there is objection from the Council. Council Member Govin commented that before it comes to them, it needs to be in their hands for review first. The City Manager concurred and said the information would be in their regular Agenda packet.

The City Attorney brought to their attention the Florida Legislature passed House Bill 325, relating to red light cameras. He said the good news is that municipalities throughout Florida, once it becomes law, will be able to utilize red light cameras pursuant to terms of this new Statute. He said this new Statute means that the City's current program, and that of all municipalities throughout the State that currently have programs in process, will have to change their programs to comply with the new law that, if it goes into effect, will be effective July 1, 2010. He continued that under the new law there will be a notice provision, and a citation issued; red light cameras cannot be used for enforcement of right turns on red, if the driver of the car is proceeding in a careful and prudent manner, but does not stop. He said the traffic citations will go to traffic court; the amount paid to the municipalities if their officers are utilized as enforcers will be \$75; the means by which a municipality will be able to pay a contractor, such as ATS or any other contractor, will have to be worked out. He stated the new law will have an effect on the contract the City has with ATS, since under that contract, if a Court decision or law interferes with that contract, the contract will effectively terminate.

The City Attorney said the law may also have some effect on the pending litigation in the Kelly matter; therefore, he would like to schedule an “out of the Sunshine” meeting with the Council to discuss the impact of this new law on the pending litigation and discuss strategy prior to the City Council meeting on June 1, 2010.

Mayor Affronti commented that Governor Crist has not yet signed the Bill into law, and he understands there are some items in the bill that may affect his approval.

Council Member Holloway questioned whether current law requires a driver to come to a full stop before turning right on red, to which the City Attorney responded affirmatively. The City Attorney commented that the way he understands the new law is that if someone comes to a “California rolling stop” and makes a right-hand turn, as long as they can argue they were doing so in a careful and prudent manner but did not stop, there will be no way for a jurisdiction to issue them some sort of notice or citation for failure to stop before making the right-hand turn. He said that does not mean that if a Police Officer was at the intersection and the Police Officer issued the citation, he can do that, but the cameras cannot be used for that purpose. The Council concurred with the “Out of Sunshine meeting to be held on June 1st, providing the Governor signs the bill.

New Business:

1. Appointment – Board of Adjustment.

Mayor Affronti stated that Carl Christmann’s three-year term on the Board of Adjustment expired May 1st, but he is eligible and has expressed interest in serving a subsequent three-year term. As is the Council policy, Mayor Affronti noted the opportunity was advertised; however, Mr. Christmann is the only applicant.

Upon motion of Council Member Govin, seconded by Council Member Fernandez, **RESOLUTION NO. 048-10(m)** was **ADOPTED**, appointing Carl Christmann to serve a second three-year term on the Board of Adjustment. Vote on the motion being: Council Members Fernandez, Govin, Holloway, and Neale voting “aye,” no “nay.” Council Member Knapp was ABSENT and did not vote.

Council Member Fernandez reported that at the Regional Planning Commission meeting there was a presentation regarding a plug-in for electric cars; Cities are asked to think of places where electric cars could plug in, when they are planning space. She said she does not know any particulars, but it is something to think about with the redevelopment area. The City Manager mentioned this issue has been discussed with the Developer in terms of size and location, and they will continue to do so.

There being no further business to be considered, upon proper motion, the meeting was adjourned at 7:45 p.m.

Joseph A. Affronti, Sr.
Mayor

Alison M. Fernandez, Council Member

Ron A. Govin, Council Member

Attest:

Melissa E. Small, MMC
City Clerk

Ken Halloway, Council Member

Mark A. Knapp, Council Member

Mary Jane Neale, Council Member