

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

**Regular Meeting
Tuesday, July 6, 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, July 6, 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, 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, Leisure Services Director James Chambers, Assistant Fire Chief Ian Kemp, Planner Kelly Bray, Fire Department Personnel Brendan Paterson, Michael Suydam, Ronald Black, Ben Blethen, and Michael Hernandez, Fire Department Local Union 3582 Representatives Jeff Estevez, Walt Rogers, Nicole Rogers, Marial Rogers and Roger Chewning, Parks & Recreation Supervisor Cori Collins, Parks & Recreation Leader II Danielle Perez, Joyce McKenzie, Mel Jurado, Rod Jurado, Steve Dutch, Joe Bell, Al Brown, Jo Ann Spear Brown, Ann Green, Anita Long, Cheri Donohue, Jane Land, Barbara Sparks-McGlinchy, Mike Prendergast, Joseph Affronti III, Matthew Knapp, Megan Bennett, Russ Patterson, Lynn Werner, Monica Simon, Jack Simon, 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.

Proclamations, Recognitions, and Special Presentations:

1. Proclamation – “Recreation and Parks Month.”

Mayor Affronti presented a Proclamation to Leisure Services Director James Chambers, proclaiming July as Recreation and Parks Month in Temple Terrace.

The Leisure Services Director thanked Mayor Affronti for the Proclamation and introduced the Leisure Services’ Junior Counselor Program for the City’s teenage volunteers. He reported they have 14 Junior Counselors who assist their regular Counselors and Recreation staff in the day-to-day operations of the Family Recreation Complex and Youth Programs. He continued that these Junior Counselors have served over 800 volunteer hours.

The Leisure Services Director introduced Junior Counselors Joseph Affronti III, Matt Knapp, and Megan Bennett, Program Coordinator Daniel Perez, and Recreation Supervisor Cori Collins, who presented gifts to the Mayor and Council, including badges naming the Mayor and Council Members as Honorary Junior Counselors.

The Leisure Services Director announced that the Proclamation presented this evening is a National Proclamation; each year in conjunction with Recreation and Parks Month, the Leisure Services Department holds its annual Family Fun Day; this year it is Saturday, July 17, 2010, from 10:00 a.m. to 2:00 p.m. at the Family Recreation Complex, 6610 E. Whiteway Drive.

The Leisure Services Director emphasized the Family Fun Day event is free and no membership is required to attend, adding it is an opportunity for everyone in the community to come out and enjoy the complex's many amenities, including the swimming pools, tennis courts and fitness center. He said it is also a great way to learn about all the programs, sports and classes offered by the Temple Terrace Parks and Recreation Division.

Minutes of Previous Meetings:

1. Minutes of the June 15, 2010, City Council Meeting.

Upon motion of Council Member Fernandez, seconded by Council Member Halloway, and unanimously carried (Council Member Knapp was ABSENT and did not vote), the **MINUTES** of the June 15, 2010, City Council Meeting were **APPROVED**.

2. Minutes of the June 22, 2010, Special City Council Meeting.

Upon motion of Council Member Fernandez, seconded by Council Member Halloway, and unanimously carried (Council Member Knapp was ABSENT and did not vote), the **MINUTES** of the June 22, 2010, Special City Council Meeting were **APPROVED**.

Public Hearings:

1. Land Development Code – Seawalls, Rip-Rap, Ramps, Docks, etc., presented by Community Development Department – Planner Kelly Bray.

Mayor Affronti opened the Public Hearing and called on Community Development Department Planner Kelly Bray to present the topic of the Public Hearing.

Planner Kelly Bray presented the City-initiated Land Development Code Update to Section 25.770, Standards for Construction, Reconstruction and Placement of all Seawalls, Rip-rap, Ramps, Docks and Other Private Over-the-Water Structures on the Hillsborough River. Planner Bray explained this action is a result of a Board of Adjustment request on April 22, 2010. She explained the applicant requested to expand the allowable roof coverage over covered boat slips. She said the variance was not granted, but instead, the Board of Adjustment recommended the change to the Code be presented to the City Council for consideration. She continued that City staff concurred that this section of the Code requires modernization in order to permit City residents reasonable enjoyment of their waterfront property.

Noting this section of the Code was originally enacted on August 7, 1990, and has not been amended since that time, Planner Bray reviewed the Summary of Proposed Changes, as outlined in the Memorandum to the City Manager dated June 24, 2010, a copy of which is part of the record. She mentioned the proposed changes include expanded roof coverage over boat slips from 150 square feet to 365 square feet, lifted prohibition on finger piers, and the ability to build docks in multi-family zoning districts. In addition, she said staff reorganized this section of the Code for clarity, by renumbering, updating, and consolidating sections of the Code.

Utilizing a PowerPoint presentation, Planner Bray displayed various photographs of existing and proposed covered boat slips to demonstrate the proposed changes. She commented that the amendments to this section of the Code received approval for consistency with the environmental and public facility provisions of the City's Comprehensive Plan by the Hillsborough County City-County Planning Commission on June 14, 2010. In addition, she said the amendments were reviewed by the Hillsborough River Technical Advisory Council and were not found to be objectionable. She concluded that staff is recommending approval.

Mayor Affronti called for comments from the Council.

Council Member Fernandez inquired about a dock for a multi-family structure, confirming the intention is for private use. Planner Bray responded that there is currently one for Marbella, confirming that it is intended to be private for their residents. She added that staff did not open it up for private boat ramps.

Council Member Govin expressed his belief that the biggest objection would be from neighbors who do not want their view obstructed. Planner Bray concurred that was the crux of the Board of Adjustment hearing. She explained that from their survey of the River, they found that nearly all of the boats along the River are between 18 and 24 feet; the 150 square feet currently allowed does not cover very much. She added that the allowable height remains the same. She explained the height of 11 feet maximum is measured from the closest bank. Council Member Govin said that it would seem to be controversial at that height. Planner Bray reiterated that the height was not changed and roofs were previously allowed. She confirmed for Council Member Govin that the expanded roof coverage over slips to 365 feet, providing residents the ability to protect their property, was the primary change.

Mayor Affronti called for comments from the public; there were none.

Council Member Fernandez confirmed that a longer and possibly wider roof was the change. She questioned whether the City can suggest or required a change when someone comes before them with a proposal that is clearly blocking something.

Planner Bray deferred to Community Development Director Charles Stephenson, who stated that City staff maintains the criteria of minimum setbacks from property lines, which is unchanged at one-third of the length of the property, as is the projection into the River. He explained that when an applicant comes in, they look at and suggest the best possible location to place the dock, working with applicants the best that they can. He acknowledged that a lot of that plays into the height of the River at any given time during the year and whether there is debris in the River that also affects the placement. He noted the uniqueness of each dock and parcel of property, reiterating that they try to work with each applicant within the requirements of the Code.

Hearing no further comments, Mayor Affronti closed the Public Hearing and announced that First Reading of the Ordinance would take place later in the meeting.

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

Al Brown, 209 Greencastle Avenue, said he is 86 years old and has lived in Temple Terrace for 24 years, after having lived in a dozen other places, none of which compares to Temple Terrace.

While the City is in a budget crunch with revenue down and costs up, Mr. Brown asked that Council charge him whatever they have to, in order to maintain the services. Mr. Brown commented that he attended the preceding Budget Workshop. In regard to the proposed Fire Service Fee for properties currently paying no fees, Mr. Brown remarked that for people to expect to receive police or fire or emergency medical services for free makes as much sense as a person expecting to have insurance coverage without paying a premium. He concluded with a plea to not let their services go down.

Mike Prendergast, candidate for U. S. House of Representatives, commented that he is here to talk about Police, Fire, and Emergency Services and the importance of having well-qualified, highly trained and dedicated members of the forces to support the community. He remarked that for 31 years on active duty in the U. S. Army, he was a military police officer, during which time he practiced the art and science of law enforcement, fire services, and emergency first responders. He stated that Temple Terrace is a unique community and although small, this community has a requirement to have this type of service – it is what defines Temple Terrace as a community, adding that they are the City's first line of defense for the community. He emphasized they willingly and diligently perform their duties daily, putting their lives on the line for all 25,000 members of the community. He encouraged Council to listen to the community and continue to provide those services to the community as needed, so that they can continue to enjoy the benefits of having those services well into the future.

Jo Ann Spear Brown, 209 Greencastle Avenue, commented that she has lived in Temple Terrace for 40 years. She recalled watching the Fire Department grow from a two-man Fire Department with volunteers, answering calls from a radio. She spoke about the growing department over the years, with hard-working, high quality men and women, meeting higher and higher standards. She mentioned other important services provided by the department, such as the Knox Box program. Mrs. Brown commented that they can always depend on the Fire Department. She said the department was asked to defer their raises last year. She expressed hope that Council will consider that in their budget plan this year; otherwise, they may train them only to have them leave. She concluded that her own son left this Fire Department for a better salary and benefits.

Mel Jurado, 5406 E. Riverhills Drive, stated that as citizens they empathize with the very serious and very real issues they are facing with the budget for 2010 and 2011, and they thank the Mayor and Council for their willingness to garner citizen support. She said the Council has proven faithful to the citizens, being faithful and conservative stewards of the City's funds, which is appreciated. She said they look at a staff with no "fat" left; they are cutting into muscle. At this point, as citizens, she said they want the Council to know that they value the City employees, who consistently go above and beyond the call of duty. She said they are specifically asking that the Council support the staff's recommendation to consider a Fire Service Fee. She continued there are two departments where the men and women put their lives on the line every day; Chief Chapman and Chief Albano have heroes, and the City needs to protect them. She noted that the City's firefighters just returned from an international competition where they were honored to place fifth. She reviewed the department's volunteer activities within the community, adding that a Fire Service Fee will free up funds to support our other valuable City staff members, who have also gone three years without a raise.

Dr. Jurado disclosed that she is a business owner, adding that she and her husband are coming off the worst year they have had in 25 years in business. She also stated she stands as a Republican and knows their mantra is smaller government and less taxes; however, she is asking that the Council please raise their taxes to support their quality of life in Temple Terrace.

There was no Correspondence, Communications, or Petitions for Council's consideration and action.

Presentations:

1. Water & Wastewater Rates – Finance Director Diane Reichard.

Finance Director Diane Reichard presented a proposed increase in water and wastewater rates, based on the 2009 Water/Wastewater Rate Study. She explained that this increase comes on the backs of a 2004 study, which recommended a 10% increase. She continued that no increase was approved until the 2009 Water/Wastewater Rate Study; however, at that time the rate increase was so significantly high, they did not want to put that entire burden on the citizens at one time. She reviewed that Council authorized implementation of the rate increase, with an annual adjustment based on the percentage change in the Consumer Price Index – Urban (CPI-U), rather than wait as they did previously, from 1996 to 2009, for a rate increase.

The Finance Director noted that consumption has been down as a result of the water restrictions imposed by SWFWMD (Southwest Florida Water Management District) and conservation efforts; therefore the revenues are down. She continued that expenses are going up, with the infrastructure aging and increased chemical costs for Thioguard, which was a requirement of the Interlocal Agreement with the City of Tampa, based on requirements of the Hillsborough County Environmental Protection Commission. Based on all of these factors, the Finance Director continued with the recommendation for a rate increase effective with the billing cycle after October 1, 2010, as follows:

- Increase the water consumption rate from \$1.71 to \$1.75 per 1,000 gallons up to 8,000 gallons;
- Increase the irrigation consumption rate from \$1.71 to \$1.75 per 1,000 gallons over the gallon/month allowance established by City Code;
- Increase the water/irrigation rate over 8,000 gallons per month from \$2.86 to \$2.93; and
- Increase the wastewater rate from \$7.81 to \$8.01 per 1,000 gallons.

The Finance Director reviewed the procedures to be followed in notifying utility customers, to ensure compliance with State Statutes, and noted that the formal Resolution will be presented to the Council for consideration at the August 17, 2010, City Council Meeting.

Council Member Fernandez commented that people ask why the rates increase when they are using less; however, they do not understand that there are repairs that have to be made to the water system, which must be paid out of this revenue. Regarding the wastewater rates, Council Member Fernandez expressed concern that they recently had a wastewater increase and questioned the need for another one so soon.

The Finance Director confirmed the wastewater rates were increased last November 3rd because of the 27% rate increase from the City of Tampa that will be passed through. She explained that is where she came up with the \$7.81, which includes the increase that Tampa is requiring; at the next Council meeting they will have the amount for the following year, which is another \$.43. In response to Council Member Fernandez' question as to whether they need the rate increase now, if they know there will be another one in the fall, the Finance Director responded that the City's increase is to cover costs, such as Thioguard, which increased costs by \$140,000 per year.

Commenting about recent SWFWMD action on watering restrictions, Mayor Affronti asked about City's policy on watering restrictions. The City Manager responded that the City complies with SWFWMD, which allows twice a week watering. He informed the Council that the City of Tampa is considering another rate increase, and he also reminded them that the City is doing a wastewater treatment plant study and expects the results soon.

Council Member Govin asked to put into the record that even after the rate increases, the City is still the lowest of the cities compared. The Finance Director briefly reviewed comparative rates for a monthly combined water and wastewater bill for a residential customer, based on 2,800 gallons per month, for the City's current and proposed rates, and she noted that after the proposed increase the City would still have the lowest rate of those mentioned, being \$14.00 lower than the City of Tampa and \$10.00 lower than the City of Safety Harbor; the main reason is that their base fees are much higher than Temple Terrace's base fee.

Upon motion of Council Member Govin, seconded by Council Member Halloway, **RESOLUTION NO. 073-10(m)** was **ADOPTED**, directing the administration to proceed with notifying the City's utility customers of the upcoming rate increase. 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.

There were no Site Plan Reviews for consideration and action.

Resolutions for Consideration and Action:

The City Manager briefly reviewed the proposed Resolution.

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

RESOLUTION NO. 074-10, adopting the five-year update to the Local Mitigation Strategy, identifying and prioritizing hazard mitigation projects. *The City Manager commented that since 1999 the City has participated in the working group identifying potential hazards and assessing vulnerabilities. He said it is updated annually, and the jurisdictions are required to re-adopt it every five years. He recommended approval, advising that it allows the City to maintain its eligibility for funding assistance in the event of a disaster.*

Proposed Ordinances for Consideration and Action:

1. Red Light Camera Enforcement.

Following the **SECOND** and **FINAL** reading of the caption of the proposed ordinance amending Section 20.230 of the City Code of Ordinances related to red light traffic signal camera enforcement, 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.

Upon motion of Council Member Govin, seconded by Council Member Halloway, **Ordinance No. 1275** was **ADOPTED**, being: **AN ORDINANCE OF THE CITY OF TEMPLE TERRACE, FLORIDA, AMENDING AND RESTATING SECTION 20.230 OF THE CODE OF ORDINANCES OF THE CITY OF TEMPLE TERRACE, ENTITLED "THE TEMPLE TERRACE RED LIGHT TRAFFIC SIGNAL CAMERA ENFORCEMENT SYSTEM" BY DELETING SECTIONS 20.230.1 THROUGH 20.230.13 IN THEIR ENTIRETY, RENAMING SECTION 20.230 AS THE "STATUTORY RED LIGHT CAMERA ENFORCEMENT PROGRAM" AND REPLACING SAID SECTION WITH NEW CODE SECTIONS 20.230.1 THROUGH 20.230.6; AUTHORIZING THE CITY TO PERMIT AND IMPLEMENT THE USE OF TRAFFIC INFRACTION DETECTORS FOR RED LIGHT INFRACTIONS PURSUANT TO STATE LAW; PROVIDING FOR DEFINITIONS; PROVIDING FOR TRAFFIC INFRACTION ENFORCEMENT OFFICERS; PROVIDING FOR THE TRANSITION FROM THE CITY'S ORDINANCE-BASED ENFORCEMENT PROGRAM TO THE STATE AUTHORIZED ENFORCEMENT PROGRAM, INCLUDING AUTHORIZATION FOR THE CONTINUATION OF APPEAL HEARINGS, PENALTIES, IMPOSITION OF ADMINISTRATIVE CHARGES AND COLLECTION FOR NOTICES OF VIOLATION ISSUED BY THE CITY ON OR BEFORE JUNE 30, 2010; AUTHORIZING CITY ADMINISTRATION TO TAKE ALL STEPS NECESSARY TO IMPLEMENT AND OPERATE THE ENFORCEMENT PROGRAM PURSUANT TO THE REQUIREMENTS OF STATE LAW; PROVIDING FOR THE LOCATION OF TRAFFIC INFRACTION DETECTORS WITHIN THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.** 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.

2. Standards for Construction, Reconstruction, and Placement of Seawalls.

Council then heard **FIRST** reading, by caption, of a proposed ordinance being: **AN ORDINANCE OF THE CITY OF TEMPLE TERRACE, FLORIDA, AMENDING CHAPTER 25, ARTICLE VII, DESIGN STANDARDS AND DEVELOPMENT CRITERIA, TEMPLE TERRACE CODE OF ORDINANCES, BY AMENDING SECTION 25.770, STANDARDS FOR CONSTRUCTION, RECONSTRUCTION AND PLACEMENT OF ALL SEAWALLS, RIP-RAP, RAMPS, DOCKS AND OTHER PRIVATE OVER-THE-WATER STRUCTURES ON THE HILLSBOROUGH RIVER, BY AMENDING AND RENUMBERING SECTION 25.770.2, AMENDING, RENUMBERING, AND RENAMING SECTION 25.770.3, AMENDING AND RENUMBERING SECTION 25.770.4, AMENDING, RENUMBERING, AND RENAMING SECTION 25.770.5, AMENDING AND RENUMBERING SECTION 25.770.6, AMENDING SECTIONS 25.770.7 AND 25.770.8, AND DELETING, IN THEIR ENTIRETY, SECTIONS 25.770.9, AND 25.770.10; 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 briefly mentioned the well-attended events over the last weekend and the enthusiasm exhibited by the residents. He also commended staff for their outstanding work with the 4th of July events.

New Business:

1. Appointment - Hillsborough County Marine Law Enforcement Citizens Advisory Committee.

Mayor Affronti announced that Martha Ree Collins’ two-year term as the City’s representative on the Hillsborough County Marine Law Enforcement Citizens Advisory Committee expired June 30; Ms. Collins is eligible for reappointment and after advertising the opportunity, Ms. Collins was the only applicant. Upon motion of Council Member Govin, seconded by Council Member Fernandez, **RESOLUTION NO. 075-10(m)** was **ADOPTED**, reappointing Martha Ree Collins to serve as the City’s representative on the Hillsborough County Marine Law Enforcement Citizens Advisory Committee for another two-year term. 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.

2. Appointment - Hillsborough County Citizens Environmental Advisory Committee.

Mayor Affronti announced that the term of Sharon Terrill-Elfers, serving as the City’s representative to the Hillsborough County Citizens Environmental Advisory Committee has expired, and Ms. Terrill-Elfers is no longer eligible, having moved out of the City. He continued that the opportunity was advertised and James P. Harris, Sr., is the only resident expressing an interest in serving. Upon motion of Council Member Neale, seconded by Council Member Halloway, **RESOLUTION NO. 076-10(m)** was **ADOPTED**, appointing James P. Harris, Sr., to serve as the City’s representative for a two-year term on the Hillsborough County Citizens Environmental Advisory Committee. Vote on the motion being: Council Members Fernandez, Govin, Halloway, and Neale voting “aye,” no “nay.” Council Member Knapp was ABSENT and did not vote.

Mayor Affronti read an email he received from Mike Vlass stating this was the most memorable groundbreaking ever and that he has never been part of a Civic event, short of a pep rally where everyone was so excited about what was going on. Mayor Affronti reported there were about 300 people in attendance at the event.

Council Member Fernandez thanked the volunteers who serve on the Boards and support the City. She encouraged those here and watching to please contact the City Clerk’s office if they are interested in serving.

There being no further business to be considered, upon proper motion, the meeting was adjourned at 6:50 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