

**SPECIAL/WORKSHOP
FEBRUARY 13, 2007**

A Special/Workshop Meeting of the City Commission of the City of Delray Beach, Florida, was called to order by Mayor Jeff Perlman in the City Commission Chambers at City Hall at 6:00 p.m., Tuesday, February 13, 2007.

Roll call showed:

Present - Commissioner Rita Ellis
 Commissioner Jon Levinson
 Commissioner Brenda B. Montague
 Mayor Jeff Perlman

Absent - Commissioner Fred B. Fetzer

Also present were - David T. Harden, City Manager
 Douglas Smith, Assistant city Manager
 Susan Ruby, City Attorney
 Chevelle D. Nubin, City Clerk

Mayor Perlman called for a moment of silence in memory of Austin Miller, from Atlantic High School, and Sumner Domesek, who was a Delray Beach Police Department volunteer.

Mayor Perlman called the meeting to order and announced that it had been called for the purpose of considering the following items:

SPECIAL MEETING AGENDA

1. **APPEAL OF THE SITE PLAN REVIEW AND APPEARANCE BOARD DECISION/SANTA FE SALON:** Consider an appeal of the Site Plan Review and Appearance Board's decision regarding the Santa Fe Salon, located at the southwest corner of NE 2nd Street and NE 4th Avenue.

Susan Ruby, City Attorney, stated the appeal of the Site Plan Review and Appearance Board (SPRAB) decision concerning the Santa Fe Salon was *quasi judicial*, and has been carried

over from the City Commission Meeting of February 6, 2007. All those sworn in at that time, are still sworn in. George Brewer, the applicant, and staff have agreed on the conditions which were outlined in the appeal. The Commission would now decide on the new Board order.

The City Attorney stated, for the record and clarity purposes; the conditions are listed in Exhibit "A", and the ones that are struck through do not count any more, the ones that are underscored are added, and the ones that do not have any strikethroughs or underscores are conditions, as well.

Mayor Perlman read the Board Order. It was the consensus of the Commission the conditions were met on both requirements.

Susan Ruby, City Attorney, stated based on the consensus, that the Commission approve the appeal and adopt the conditions set forth in Exhibit "A".

Commissioner Ellis moved to approve the Board Order as presented, seconded by Commissioner Montague. Upon roll call, the Commission voted as follows: Mr. Levinson - Yes; Mrs. Montague - Yes; Mayor Perlman - Yes; and Mrs. Ellis - Yes. Said motion passed 4-0.

2. **FIRST AMENDMENT TO LEASE AGREEMENT/NEW CINGULAR WIRELESS PCS, LLC:** Consider the First Amendment to the lease agreement with New Cingular Wireless, PCS, LLC providing for an increased monthly rental fee from \$1,700.00 to \$1,850.00 per month and to change the annual escalator back to 3.00% for the use of the Police Department radio tower.

Amanda Solomon, Telecommunications Systems Manager, brought back the final offer from Cingular Wireless, PCS, LLC, and recommended approval. Cingular agreed to the increased monthly rental fee of \$1,850.00 per month and agreed to change the annual escalator back to three percent (3%) for the use of the Police Department Tower. Ms. Solomon noted, with the merging of four (4) of the largest carriers, the demand of tower space is decreasing.

Mrs. Ellis moved to approve the first amendment to lease the agreement with Cingular Wireless, seconded by Mrs. Montague. Upon roll call, the Commission voted as follows: Mrs. Montague - Yes; Mayor Perlman - Yes; and Mrs. Ellis - Yes; Mr. Levinson - Yes;. Said motion passed 4-0.

3. **PROPOSAL FOR FEDERAL LOBBYING SERVICES:** Consider the federal lobbying proposals from Alcalde and Fay, Artemis Strategies, Marlowe and Company, and Governance Inc. / Ben Barnes Group and provide direction on whether to pursue an agreement with one of the firms and the list of priority issues for federal lobbying.

Doug Smith, Assistant City Manager, presented the item and noted Marlowe and Company would not be present at the meeting due to flight difficulties. Alcalde & Fay, Artemis Strategies, and Governance Inc. / Ben Barnes Group were present to speak, and would be allowed fifteen (15) minutes for each presentation.

L. A. "Skip" Bafalis from Alcalde & Fay, provided an overview of Alcalde's services and clients.

Ari Storch, Co-Chair and Co-Founder of Artemis Strategies, and Jim Dornan, Senior Vice-President of Artemis Strategies and proposed team leader, provided the presentation and overview of their firm.

Scott C. Maddox, representing Governance Inc. / Ben Barnes Group provided background information on his firm, and the services which could be provided.

Discussion ensued among the Commission concerning the benefits of each firm, and which would best suit the needs of the City of Delray Beach.

Mrs. Ellis moved to retain the firms of Artemis Strategies and Alcalde & Fay on a monthly basis, seconded by Mrs. Montague. Upon roll call, the Commission voted as follows: Mayor Perlman – Yes; Mrs. Ellis – Yes; Mr. Levinson – Yes; Mrs. Montague - Yes. Said motion passed 4-0.

Mayor Perlman adjourned the Special Meeting at 7:17 p.m.

WORKSHOP AGENDA

1. **Proposed Police and Firefighters' Pension Ordinance regulating investments**

Susan Ruby, City Attorney, presented the item and introduced James W. Linn, the City's Pension Attorney from Lewis, Longman & Walker, P.A., who had drafted the ordinance governing Police/Fire Pension Plans and the existing investment policy of the Police and

Fire Pension Board. The Police and Fire Pension Board did not want any limitations as presented in the ordinance.

It was the consensus of the Commission to draft the ordinance with the proper language to benefit both the City and the Police and Fire Pension Board.

2. Additional recommendations re: Historic Preservation Design Guidelines – REG Architects, Inc.

John Carleen from Urban Design Studio and Rick Gonzalez from REG Architects Interior Planners, Inc., presented a PowerPoint presentation concerning the recommendations of the Historic Preservation Design Guidelines. Four (4) case studies were conducted; one (1) in the Nassau Historic District, two (2) in the Marina Historic District, and one (1) in the Del-Ida Historic District. The four (4) case studies presented illustrated how the proposed regulations and incentives might impact additions to contributing structures, replacement of non-contributing structures, and new conforming infill construction. Incentives had been developed to provide flexibility to those houses that are contributing or conforming. Ordinance No. 68-06 is still under advisement in order to provide the Historic Preservation Board the opportunity to make recommendations.

It was the consensus of the Commission to not stop the process of the original ordinance, and to run a second amendment concurrently in order to get the bulk of the ordinance enacted. The Historic Preservation Board would be receiving additional information which should be presented during the two (2) City Commission meetings in March.

3. Pineapple Grove Main Street, Inc. Funding Request

Gene Fisher, President of Pineapple Grove Main Street, Inc. requested funding assistance for their annual administrative costs. A detailed administrative budget was submitted. It was anticipated there was an approximate shortfall in the administrative budget of \$18,714.00. It was noted, a letter had been sent to Pineapple Grove Main Street, Inc. at the beginning of last year's budget process instructing them to submit a funding application for Fiscal Year 2006-2007 if they were going to request funding, but none was received.

It was the consensus of the Commission to support Pineapple Grove Main Street, Inc., and to encourage them to also speak with the Community Redevelopment Agency (CRA) and the Downtown Development Authority (DDA) for additional assistance.

4. Regulation of Smoking on the Municipal Beach

David T. Harden, City Manager presented the item, and requested further direction from the Commission as to how large of an area should be set aside for smoking, were two areas enough or should there be more, and how much effort should be put into enforcement of these regulations. Ocean Rescue was asked to recommend areas where smoking would be allowed.

It was the consensus of the Commission to put *Smoking Designated Area* signs between two (2) of the entry points onto the beach, along with convenient receptacles.

Mayor Perlman adjourned the Workshop at 9:33 p.m.



City Clerk

ATTEST:



MAYOR

The undersigned is the City Clerk of the City of Delray Beach, Florida, and the information provided herein is the Minutes of the Special/Workshop Meeting of the City Commission held on Tuesday, February 13, 2007 which Minutes were formally approved and adopted by the City Commission on February 20, 2007.



City Clerk

NOTE TO READER: If the Minutes you have received are not completed as indicated above, this means they are not the official Minutes of the City Commission. They will become the official Minutes only after review and approval, which may involve amendments, additions or deletions to the Minutes as set forth above.

