

TOWN COUNCIL MEETING MINUTES OF SPECIAL MEETING HELD ON APRIL 25, 1994

I. CALL TO ORDER AND ROLL CALL: President Wiener called the Special Town Council Meeting to order at 11:00 AM on April 25, 1994 in the Town Hall Council Chambers.

Roll Call

On roll call, the following Elected Officials were found to be in attendance: Mayor Ilyinsky, President Wiener, President Pro Tem Weinberg, Councilwomen Smith and Royal. Absent was Councilman Shaw. Also attending were Mr. Doney, Mr. Randolph, Mrs. Peters, Chief Elmore, Assistant Chief Bankston, Mr. Dusey, Mr. Elwell and Mr. Bowser.

II. INVOCATION AND PLEDGE OF ALLEGIANCE: Invocation was given by Mrs. Peters. Pledge of Allegiance was led by President Pro Tem Weinberg. A moment of silence was observed in memory and appreciation for Richard Milhous Nixon, the 37th President of the United States.

Invocation

III. APPROVAL OF AGENDA: Agenda was approved as printed on motion of Mr. Weinberg, seconded by Mrs. Smith. On roll call, the motion carried unanimously.

Approval of Agenda

IV. SEALED BID NO. 94-008 - REPLACEMENT SOUTH FIRE-RESCUE STATION (CAPITAL IMPROVEMENT FUND PROJECT) - RECOMMEND O'CONNOR AND TAYLOR, INC. IN THE AMOUNT OF \$1,375,000 PER MEMORANDUM DATED MARCH 3, 1994 FROM MR. DUSEY - CONSIDERATION OF RESOLUTION NO. 17-94. Attorney Randolph read the Resolution No. 17-94:

Sealed Bid
94-008

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDED A CONTRACT TO O'CONNOR AND TAYLOR, INC. FOR THE SOUTH FIRE STATION.

Res. 17-94

Mr. Randolph recalled the bids were received and were available for consideration of award at the March Town Council Meeting, however, as a result of pending litigation at that time, it was postponed and subsequent to that date, the Court entered a final judgment in favor of the Town denying any Declaratory and Injunctive Relief to the plaintiffs. He reported the plaintiffs have appealed in regard to that judgment and a date for the hearing has been set for April 28, 1994 to hear the appeal.

Mr. Randolph explained it was his feeling the Order of the Court was sound and in the event the plaintiffs do move forward with the appeal and the stay, they will be required to file a bond to keep the Town from moving forward and it was Attorney Randolph's feeling that they will be successful in obtaining either the Injunction, pending Appeal, or the Stay.

Mr. Randolph commented the award is before the Council for their consideration and based upon the ruling of the Circuit Court on April 19, 1994, it is appropriate for the Council to move forward. He cautioned there is always a risk in moving forward with any action taken, as even if there were no litigation pending, there could always be something filed after the fact.

Mrs. Wiener felt they were all most prudent and patient on this matter. Mr. Weinberg moved that Res. No. 17-94, a resolution of the Town Council awarding a contract to O'Connor & Taylor, Inc., for the South Fire Station in the amount of \$1,375,000, as per the memorandum of Mr. Dusey, be approved. Seconded by Mrs. Smith. On roll call, the motion carried unanimously.

Mr. Weinberg noted \$2500 has been donated toward this project by citizens, mostly in the south end, as Christmas gifts and in addition to that, for the purposes of the clock, etc., the Citizens Association South of Sloan's Curve has donated \$6000 for the clock.

V. ANY OTHER MATTERS: Councilwoman Royal advised Mr. Larry Hirschfield of the Daily Food Bank has invited the Mayor and Council to observe the distribution of the fruit which is being collected in the Town. Mr. Dusey reported approximately five to six hundred pounds of fruit have been donated from three individuals and have been delivered, so the program has been successful to date.

Daily Food
Bank

VI. ADJOURNMENT. There being no further business, the meeting was adjourned at 11:09 AM.

Adjournment

Grace T. Peters
Town Clerk