

TOWN OF PALM BEACH

Office of The Town Clerk

MINUTES OF THE SPECIAL TOWN COUNCIL MEETING HELD ON FRIDAY, MARCH 27, 2009

1 I. CALL TO ORDER AND ROLL CALL

2
3 The Special Town Council meeting was called to order at 8:15 a.m. on Friday,
4 March 27, 2009, in the Town Council Chambers. On roll call, all of the elected officials
5 were found to be present.

6
7 II. PLEDGE OF ALLEGIANCE

8
9 President Rosow led the Pledge of Allegiance.

10
11 III. APPROVAL OF AGENDA

12
13 Mayor McDonald asked to discuss Royal Poinciana Plaza.

14
15 **Motion made by Council President Pro Tem Coniglio and seconded by**
16 **Council Member Kleid to approve the Agenda as amended. On roll call, the motion**
17 **carried unanimously.**

18
19 IV. BID AWARD FOR THE PAR 3 RENOVATION PROJECT CONTRACT

20
21 Paul Brazil, Director of Public Works, and Jay Boodheshwar, Director of
22 recreation presented the item. They were seeking the approval of the overall project
23 budget of \$3,650,581.86, that included a 10% contingency. The second item was the
24 approval of Resolution 35-09 awarding a contract in the amount of \$2, 819,973.78 to
25 QGS Development, Inc. For the renovation of the Par 3 Golf Course. They further
26 recommended approval of resolution No. 36-09 awarding a contract in the amount of
27 \$498,737 to Chaz equipment for the installation of Site infrastructure for the Par 3 Golf
28 Course.

29
30 Council Member Diamond asked what the cost of the project was at the onset and
31 what the project was costing now. Mr. Brazil responded that he did not have the exact

1 figures as the project has been awarded in pieces, but the re-bidding of the project today
2 resulted in a cost savings of over \$400,000 for the Town.

3
4 Council President Pro Tem Coniglio asked if the project would be in compliance
5 with DEP and President Rosow asked if QGS had done any golf courses before. Mr.
6 Boodheshwar responded that the Town is in compliance with DEP, and that Mr. Ray
7 Floyd was very familiar with QGS and recommended them.

8
9 a.) Approval of the Budget

10
11 **Motion made by Council Member Diamond, seconded by Council President**
12 **Pro Tem Coniglio to approve the overall project budget of \$3,650,581.86. On roll**
13 **call, the motion carried unanimously.**

14
15 b.) RESOLUTION NO. 35-09

16 A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM
17 BEACH, PALM BEACH COUNTY, FLORIDA, AWARDED A CONTRACT
18 TO QGS DEVELOPMENT, INC. FOR THE RENOVATION OF THE PAR 3
19 GOLF COURSE, RE-BID NO. 2009-08; AUTHORIZING THE TOWN
20 MANAGER TO TAKE FURTHER ACTION NECESSARY TO EFFECTUATE
21 THE PROJECT.

22 Town Manager Elwell read Resolution No. 35-09, by title, as printed above.

23 **Motion made by Council Member Kleid, seconded by Council Member**
24 **Diamond to approve Resolution No. 35-09. On roll call, the motion carried**
25 **unanimously.**

26 c.) RESOLUTION NO. 36-09

27 A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM
28 BEACH, PALM BEACH COUNTY, FLORIDA, AWARDED A CONTRACT
29 TO CHAZ EQUIPMENT FOR SITE INFRASTRUCTURE WORK RELATED
30 TO THE RENOVATION OF THE PAR 3 GOLF COURSE; AUTHORIZING
31 THE TOWN MANAGER TO TAKE FURTHER ACTION NECESSARY TO
32 EFFECTUATE THE PROJECT.

33
34 Town Manager Elwell read Resolution No. 36-09, by title, as printed above.

35
36 **Motion made by Council Member Diamond, seconded by Council Member**

1 **Kleid to approve Resolution No. 36-09. On roll call, the motion carried**
2 **unanimously.**

3
4 **V. ANY OTHER MATTERS**

5
6 The Council discussed the Royal Poinciana Plaza Tour, that had originally been
7 scheduled for a Special Town Council meeting to be held on April 8th. In light of the
8 developer not wanting the general public inside a vacated theater, and with Town
9 Attorney Randolph's recommendation that it could appear to be a violation of the
10 Sunshine Law, it was determined that it would be best for the Town Council to each
11 schedule a time individually with the developer to tour the theater. He provided the
12 Council members with a memorandum citing similar Attorney General opinions
13 indicating it would be a violation of the law if the Town did not allow the public to
14 participate.

15
16 Mayor McDonald also encouraged each Member to document their conversations
17 and meetings with any person related to the Royal Poinciana Plaza, as there could be
18 litigation in the future regarding this project. President Rosow indicated that was
19 excellent advice.

20
21 **Motion made by Council Member Kleid and seconded by Council President**
22 **Pro Tem Coniglio to cancel the Special Town Council Meeting of April 8, 2009. On**
23 **roll call, the motion passed 4-1, with Council Member Diamond dissenting.**

24
25 Mayor McDonald wanted to discuss one other matter and that was regarding the
26 prior day's meeting. After the meeting had adjourned, the microphones had been turned
27 off, yet Town Attorney Randolph and a few Council Members were discussing a matter
28 that involved Mr. Lowell Levine, not knowing the microphones had been turned off. He
29 realized it was inadvertent, but to avoid any issues or problems with the Sunshine Laws,
30 is to make that conversation a public record and reiterate what was discussed.

31
32 Town Attorney Randolph explained that he did not realize he was not being
33 recorded. He checked this morning with the Town Clerk and was informed that the
34 microphones are turned off as soon as the meeting is adjourned. At the end of the meeting
35 yesterday, Council Member Kleid asked him if he had looked into the issue he had
36 inquired about concerning the articles that have appeared in the Shiny Sheet from Lowell
37 Levine, and some emails that he had not seen yet. Town Attorney Randolph announced

1 to Council Member Kleid that he had initially looked at the issue, but not having been
2 aware of many of the emails that the other Council Members had received , that he would
3 like to look at those first before rendering an opinion on the matter.
4

5 Town Manager Elwell stated that he would provide the Town Attorney with
6 copies of the e-mails, and has subsequently done. Council President Rosow added that
7 individual Council Members, President Pro tem Coniglio, Council Member Kleid
8 Council President Rosow had all indicated that they were very concerned personally
9 about the threats that were coming from Mr. Levine. The messages appeared to be threats,
10 and has promised that he intends to proceed and is attempting to try to influence the
11 Town Council decisions, by threatening the Council with actions, investigations, and
12 suits. Council President Rosow asked the Town Attorney if that was legal. He recalled
13 that Council President Pro Tem Coniglio and Council Member Kleid agreed with the
14 assumption that it was not legal. Council Member Diamond added that he had also
15 received the emails.
16

17 Council President Rosow then wanted to discuss with Mayor McDonald about
18 receiving a phone call from a reporter yesterday regarding the Reach 8 decision. Council
19 President Rosow was informed that the Mayor disagreed with the Town Council Decision
20 to not appeal. Mr. Rosow asked the Mayor to explain why he had not objected to any of
21 this in the Closed Door Attorney/Client Session.
22

23 Mayor McDonald responded that he was not being critical of the Town Council,
24 but he did disagree with the decision. He also added that since there were more than 30
25 days to appeal, he had wished the Council would have taken the time to consider its
26 options since it did not have an alternative plan.
27

28 Council Member Diamond asked for a time to convene the Ethics Committee to to
29 discuss the early notification system for Town Council Members when they are requested
30 to meet with a developer. He was informed that as a Committee Chair, he may schedule a
31 meeting whenever he wished. He could work with the Town Manager's Office to prepare
32 an Agenda and Notice the meeting. No action is required by the Town Council. The
33 report of the Committee is presented to the Council after the meeting.
34

35 Council Member Diamond announced that until the Ethics Committee meets, he
36 will not be meeting with any developers or developer representatives.
37

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VI. ADJOURNMENT

There being no further business, the March 27, 2009, Special Town Council meeting was adjourned at 8:57 a.m.

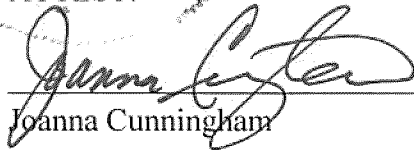
APPROVED:



David A. Rosow

Town Council President

ATTEST:



Joanna Cunningham

Town Clerk