

**GREATER BOCA RATON BEACH & PARK DISTRICT**  
**MINUTES OF A REGULAR MEETING OF THE BOARD OF COMMISSIONERS**  
**SUGAR SAND PARK - 300 SOUTH MILITARY TRAIL**  
**April 13, 2015**

The MEETING was called to order by CHAIRMAN Vogelgesang at approximately 5:15 p.m.

**COMMISSIONERS PRESENT:** Steven M. Engel  
Dennis R. Frisch  
Robert K. Rollins, Jr.  
Earl L. Starkoff  
Susan Vogelgesang

**CHANGES TO AGENDA:** None

**PUBLIC REQUESTS:**

Mr. Jim Miller

480 E. Boca Raton Road, Boca Raton

Mr. Miller, President of the Friends of Gumbo Limbo, stated that on April 4<sup>th</sup> the Friends held a workshop which focused on recommendations outlined in the ANCA (Association of Nature Center Administrators) Report. The role of Friends in the organization in relation to the City and District was discussed.

Mr. Mickey A. Gomez,

City of Boca Raton Recreation Services Director

Mr. Gomez addressed the Board to request the payment of two outstanding final invoices for items incurred in fiscal year 2013/2014. The City is seeking reimbursement from the District to enable them to close the books for fiscal year 2013/14.

*Item one: Gumbo Limbo Boardwalk Design Fee*

In February 2014, the City paid Applied Technology & Management \$7,034.85 for the partial design of the Gumbo Limbo boardwalks. The project was active when the District notified the City that they no longer wanted to proceed with the boardwalk replacement. The City terminated the project, but still owed the vendor for the design fees.

Mr. Koski stated that there is no dispute that Applied Technology & Management incurred a fee for design of the boardwalk. The balance of the fee is \$7,034.85. However, at a meeting on April 10, 2015, Miller Legg advised that the boardwalk, as designed, was not the desired design of the City or the Friends of Gumbo Limbo. Therefore, approval of the requested payment would be for a project that is not going to be constructed as previously designed. The District, City staff, Miller Legg and representatives of the Friends will meet on April 17 to discuss the revised boardwalk plan.

*Item two: Recreation Services Administrative Fee*

The City is requesting payment of \$33,157.70 which the City represents is the remaining balance due for the 2013/2014 Supervisory & Technical fee.

Mr. Koski, Interim Executive Director, advised that the request for \$33,157.70 is a request to increase and/or amend the District's adopted budget for the Supervisory & Technical expense. The District adopted a fixed fee of \$600,000 in its 2013/2014 budget for the Supervisory & Technical item. Payment would require a policy decision by the Board.

**MOTION** was made by Commissioner Frisch and seconded by Commissioner Engel to approve payment to the City for items incurred in fiscal year 2013/2014 in the amounts of \$33,157.70 and \$7,034.85.

*Discussion*

Commissioner Frisch noted that both invoices were over a year old. He felt that if the work was done on behalf of the District, the District should pay the City. "Budgets are guidelines; they are not hard and fast". The documentation furnished for payment indicates that the two items were over budgeted.

Mr. Koski stated that the \$33,157.70 invoice for the Supervisory & Technical expense was computed as the result of a "formula" that allocates the Recreation Services Department's administration costs between the City and the District. Over the past few years, the District has adopted a fixed fee in its budget for the Supervisory & Technical expense. The 2013/2014 fixed amount for Supervisory & Technical support was \$600,000.

Commissioner Starkoff stated that both outstanding items need to be resolved; additional information is required in order to make a decision. In particular, the previous history of how the City calculated the payment for the District's share of Technical & Supervisory support. There should be an agreement going forward as to what the guideline will be to avoid a repeat of the same situation.

**MOTION** was made by Commissioner Starkoff and seconded by Commissioner Engel to table the **MOTION** until the meeting of May 4.

*Discussion*

Commissioner Frisch agrees that going forward a guideline for Technical & Supervisory support should be established with the City. He does not think the approach to hold the City and its vendors within the confines of the budget is fair. If that is the District's policy, it should be applied across the board on every project.

Commissioner Engel inquired if the vendor was given guidelines to design the boardwalks and whether or not they followed them. If the guidelines were followed, the District owes the money. With regard to the payment for Technical & Supervisory support, additional information is needed before a judgement can be made.

Commissioner Rollins noted that change orders are issued on District projects that incur cost over runs and Board approval is required prior to the commencement of the work. When funds are authorized by the District, they are documented in the Treasurer's report and are supported by comments from the Executive Director. It appears that a problem with communication may have contributed to the confusion regarding payment of the two outstanding items.

Mr. Gomez advised that the requested payment of \$7,034.85 is not a change order; it is the last Work Order to get the boardwalks ready to go out to bid. He stated that the City is in favor of moving forward with the boardwalks as originally designed by Applied Technology & Management [removing the boardwalks from the mangroves].

**MOTION PASSES: 4-1**

*Commissioner Frisch Opposed the Motion*

City of Boca Raton Assistant City Manager Mike Woika addressed the Board stating that both outstanding items are separate and have been under discussion for over a year. He acknowledged that the Gumbo Limbo boardwalk replacement project took longer than anticipated; however it was close to being ready for bid when the District notified the City that funds were no longer budgeted in 2014 for the project. The City terminated the project, but still owed the vendor \$7,034.85 for design fees occurred in budget year 2013.

Referencing the Red Reef Park Interlocal Agreement, Mr. Woika stated that the City submits to the District the costs for operation and maintenance. If the costs are under or over, the District has the ability to discuss the items with City staff. It is not a fair characterization that the District can unilaterally decide whether the amounts submitted by the City for reimbursement are incorrect and then cap the cost at \$600,000. He proceeded to explain how the formula, used by other municipalities, is used to determine costs. The City needs to close its 2014 budget by resolving the outstanding \$40,000 payment as soon as possible.

District Assistant Executive Director Briann Harms noted that at a recent meeting, Miller Legg went over the original boardwalk replacement plans and advised that the plans are not ADA accessible in certain areas where they could be ADA compliant.

**APPROVAL OF MINUTES OF PREVIOUS BOARD MEETINGS:**

**MOTION** was made by Commissioner Frisch and seconded by Commissioner Engel to approve the minutes of the regular meeting of March 17, 2015.

**MOTION UNANIMOUSLY APPROVED**

**REGULAR BUSINESS:**

**1. Approval of Replacement of Air Handlers at Sugar Sand Park**

Mr. Koski stated that the City has requested approval of a capital expenditure for the replacement of air handlers in the Sugar Sand Park Community Center and Field House. Mr. Wayne Anderson, City of Boca Raton Facilities Manager made the request. District consultant Richard Zimmer evaluated the request and provided documentation supporting the installation of the equipment. The anticipated cost is \$301,000.

**MOTION** was made by Commissioner Rollins and seconded by Commissioner Engel to move forward with the installation of air handlers at Sugar Sand Park as reported by Zimmer Construction Consultants and requested by the City.

**MOTION UNANIMOUSLY APPROVED**

**2. Approval of Work Order with Applied Technology for Gumbo Limbo Nature Center Pumps and Piping**

Mr. Koski stated that Ms. Jennifer Bistyga of the City's Municipal Services Department has been assigned the responsibility to manage the Gumbo Limbo pump and piping project. Ms. Bistyga advised that the City is going to make a change in the consultant who was providing technical services relative to the pump and piping issue. She requested authorization from the District, in the form of a Work Order, to have the City engage Applied Technology & Management, Inc. on a preliminary basis for the initial payment of \$6,900. Ms. Bistyga indicated that the cost for a permanent fix would be somewhere in the vicinity of \$2 million. Mr. Koski recommends approval of the subject Work Order.

**MOTION** was made by Commissioner Starkoff and seconded by Commissioner Engel to execute the Work Order in the amount of \$6,900 to engage Applied Technology & Management, Inc. for pump and piping at the Gumbo Limbo Nature Center.

**MOTION UNANIMOUSLY APPROVED**

**3. Approval of Lease Payment to Florida Atlantic University**

Mr. Koski stated that Florida Atlantic University has requested payment of the 2014-2015 annual lease payment for the Varsity and Glades Road fields in the amount of \$309,000. He noted that the lease payment for 2013-2014 was made in June 2014. He recommends approval.

**MOTION** was made by Commissioner Engel and seconded by Commissioner Starkoff to approve the 2014-2015 Annual Lease Payment to Florida Atlantic University in the amount of \$309,000.

**MOTION UNANIMOUSLY APPROVED**

**APPROVAL OF INVOICES:**

**MOTION** was made by Commissioner Frisch and seconded by Commissioner Starkoff to approve the invoices as presented totaling \$344,990.01.

**MOTION UNANIMOUSLY APPROVED**

**REPORTS AND DISCUSSION ITEMS:**

**Executive Director**

*Sugar Sand Park Science Playground Update*

Mr. Koski advised that he met today with the designers, Mr. Marc Leathers and his sub-consultants, to review the plans. There are some issues in the plans that need to be addressed pertaining to the specific identification for connections of various materials to other materials. An additional six week period is required to complete the process.

*Red Reef Park Master Plan Update*

A meeting has been scheduled for April 17 to clarify several issues. At that time, City staff will be asked specifically if they want the boardwalk to be built as it was designed and put out to bid

in February 2014. Miller Legg has met with representatives of the City and the Friends, and it is his understanding that neither of the two entities wants the boardwalks as originally designed; both parties want a plan that includes a boardwalk through the mangroves. Efforts will be made to make sure that all parties are in full agreement moving forward.

Commissioner Starkoff questioned how the public would gain the educational insight that the center provides if the boardwalk does not go through the mangroves.

#### *Swim & Racquet Center*

Mr. Zimmer and Mr. Mummaw anticipate that all appropriate submissions will be made to the City's Development Services Department to resolve any land use issues by the end of the week.

#### *Maintenance Issues*

Ms. Harms updated the Board on maintenance changes implemented by the City as a result of the report done by Dr. Busey, Agronomist. Changes include:

- increased aeration of the fields from 4 times a year to 6. With the purchase of a new tractor, the City plans to increase the aeration 8 to 12 times a year;
- working with the sprinkler manufacturer to assess the reason for pressure changes that cause inadequate coverage;
- splitting some of the sprinkler zones to make watering more efficient;
- giving staff access to turn the sprinkler system on and off when it's raining to limit overwatering.

#### **District Counsel - None**

#### **Commissioners**

##### *Procedural Matters*

To allow sufficient time for review, Commissioner Frisch requested copies of the City's March 25, 2015 correspondence regarding the payment of two outstanding invoices and the City's April 10, 2015 correspondence regarding CIP Projects sent via e-mail to the Board prior to the May 4<sup>th</sup> Board meeting,

##### *2015/2016 Budget*

Commissioner Starkoff would like to commence budget discussions on major capital improvement projects as soon as possible. He requested a report prioritizing pending capital projects.

##### *Joint City/District Meeting*

Due to upcoming budget discussions, Commissioner Engel suggested that the joint meeting with the Boca Raton City Council take place sooner, rather than later. The District will contact the City to schedule the joint meeting.

##### *Red Reef Park Master Plan*

Commissioner Rollins inquired if public hearings would be held on the Red Reef Park Master Plan. Mr. Koski responded that Miller Legg has been engaged with the Friends and City staff so that they can formulate some form of recommendation for the District. There must be some consensus amongst the working parties before receiving public input.

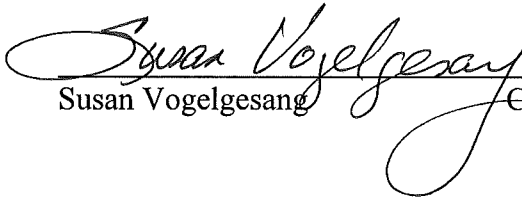
**FUTURE AGENDA ITEMS:**

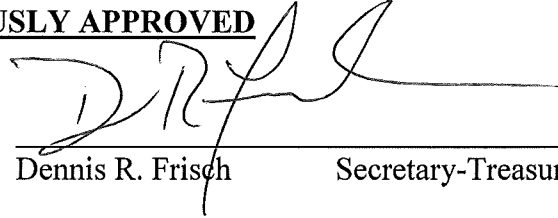
May 4 - Consideration of 2013/14 City of Boca Raton invoices  
Sugar Sand Park Lighting Proposal – Zimmer Consultants  
Discussion of District and City CIP items

**ADJOURNMENT:**

**MOTION** was made by Commissioner Frisch and seconded by Commissioner Engel to adjourn the meeting at 6:35 p.m.

**MOTION UNANIMOUSLY APPROVED**

  
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Susan Vogelgesang Chairman

  
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Dennis R. Frisch Secretary-Treasurer