

**GREATER BOCA RATON BEACH & PARK DISTRICT**  
**MINUTES OF A REGULAR MEETING OF THE BOARD OF COMMISSIONERS**  
**SUGAR SAND PARK - 300 SOUTH MILITARY TRAIL, BOCA RATON**  
**August 15, 2016**

The MEETING was called to order by CHAIRMAN Robert K. Rollins, Jr. 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:**

Robert DuKate  
5351 NW 3<sup>rd</sup> Terrace, Boca Raton

Mr. DuKate updated the Board on the status of the Ocean Breeze Golf Course property. The City has received several offers to purchase the Municipal Golf Course. An offer was received to swap the Municipal Golf Course for the Ocean Breeze Golf Course plus cash. The City has determined that there is no need for an RFP process for selling the golf course. Mr. DuKate thanked the Board for its support and cooperation in the matter.

Gabriel Banfi  
2121 N. Ocean Blvd., Boca Raton

Mr. Banfi, a resident of Boca Towers, advised that the overgrown exotic vegetation at the southern end of Ocean Strand on the east side is creating a safety hazard. Several photos depicting the beach access path strewn with vegetative debris were provided to the Commissioners.

Chairman Rollins stated that safety issues at Ocean Strand will be reviewed by staff and corrective measures will be implemented.

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

**MOTION** was made by Commissioner Vogelgesang and seconded by Commissioner Engel to approve the minutes of the regular meeting of August 1, 2016,

**MOTION UNANIMOUSLY APPROVED**

**REGULAR BUSINESS:**

**1. Approval of Sugar Sand Park Science Playground Phase II**

Mr. Koski, Interim Executive Director, presented a fixed price change order to the contractor, NuJak Construction of South Florida for the completion of Phase I, Phase II and Phase III of the Science Playground. He stated that staff has evaluated the ability of NuJak, and possibly others,

to complete the project in the most expeditious manner possible, and have concluded that such a method is best accomplished by a change order to NuJak for the completion of the work. NuJak has proposed in a change order dated July 21, 2016, to complete all of the work by November 19, for a sum of \$1,174,412.02. Mr. Koski presented a comparison of the original cost estimate of the project that was provided by the designer [Leathers and Associates] versus what the cost would be to complete the project under the proposed change order, indicating that the premium to complete the project is \$162,156.77. Community involvement in the project has been eliminated, and all of the necessary labor for the completion of the project is contained in the referenced change order. He recommends approval.

**MOTION** was made by Commissioner Frisch and seconded by Commissioner Engel to approve the change order from NuJak Construction of South Florida in the amount of \$1,174,412.02.

**MOTION UNANIMOUSLY APPROVED**

**2. Sugar Sand Park Carousel Renovation Recommendation**

Ms. Briann Harms, Assistant Director, stated that an inspection of the ten-year old carousel in mid-March found several maintenance/equipment items that need to be addressed. Chance Rides of Wichita, Kansas [the company that originally installed the carousel] suggested several companies to undertake the repair work. Ms. Harms recommends Custom Painting & Designs located in Tampa to perform the renovation work at a cost of \$24,850. The carousel will be closed the Monday after Labor Day for a three-week period of time to accomplish the task.

**MOTION** was made by Commissioner Frisch and seconded by Commissioner Vogelgesang to approve Custom Painting & Designs to repair the Sugar Sand Park Carousel at a cost of \$24,850.

**MOTION UNANIMOUSLY APPROVED**

**3. Discuss Proposed City Operation & Maintenance Budget for Fiscal Year 2016-2017**

Mr. Merv Timberlake, District Financial Advisor, stated that he made two modifications to the proposed budget: 1) The General Government section decreased from the projected number of \$1,700,000 to \$1,632,000 and, 2) the Boca Raton Community Redevelopment Agency payment has been increased to a level of \$1,032,300.

For informational purposes, Mr. Koski advised that the Board will hold a regular meeting on September 6<sup>th</sup> and that the First Public Hearing on the Proposed 2016/2017 Budget is scheduled for Monday, September 12<sup>th</sup> at 6:00 p.m. in the Board room at Sugar Sand Park.

**Public Commentary:**

Chairman Rollins invited members of the audience to address the Board regarding any of the three items discussed under Regular Business.

Craig Ehrnst

1500 Parkside Circle S., Boca Raton

Mr. Ehrnst, a Boca Raton resident and candidate for Seat #1 of the Greater Boca Raton Beach & Park District, commented on the approval of the NuJak Change Order in the amount of \$1,174,412.02. GBRB&PD Minutes: August 15, 2016

\$1,174,412.02. He noted that Florida Statutes require that the District obtain three bids if an amount is in excess of \$5,000. He suggested that the District may want to consider its right to do an emergency bid. He felt that without seeing what the change was from the initial bid from the contractor that was awarded the \$400,000 contract, it is difficult to move forward with a proposed increase of 241%. In his opinion, it was not a true bid, and that it was unfair to the bidders who bid the first time.

Mr. Ehrnst questioned the Board discussion that they were unaware that electric and water utilities existed under the Science Playground site as there is a water feature in the middle of the playground.

Mr. Ehrnst stated that prior to the meeting, he met with Mr. Koski to discuss a footnote of related parties. There appears to be a difference of opinion between him and Mr. Koski as to what a related party discussion represents. He asked that if the Board chooses to disclose the salary of Mr. Koski and his firm as stated in the related parties transactions, that it be disclosed to the press and/or public to let them judge and evaluate the issue.

Mr. Koski offered the following responses:

*Compensation:*

Mr. Koski responded that Mr. Ehrnst has stated in public and in print, that his salary was \$432,000. He obtained this information from the District's Financial Audit Report for the fiscal year ended September 30, 2014, under "Note 11 - Related Party Transactions". Mr. Koski stated that Mr. Ehrnst has erred in his interpretation that the number of \$432,000 represents his compensation. Although there is a number of \$432,000 contained in Note 11 of the District Financial Report for fiscal year ending September 30, 2014, that number is not a number of compensation; rather it is an accumulated number for contract administration since the inception of the charge which basically was for the oversight of Phase I of DeHoernle Park. The language that Mr. Ehrnst misinterpreted was that the total compensation for all projects through September 30, 2014 was \$432,000 [Mr. Timberlake, District Financial Advisor, has verified that it is an accumulated number over a number of years]. For the year ended September 30, 2015, Mr. Ehrnst would have seen the correct number because the project was completed which changed the terminology and Note 11 of that summary to indicate that the total compensation provided for all services for the fiscal year ending September 30, 2015 was **\$330,000**.

Mr. Ehrnst suggested that the auditor confirm Mr. Koski's compensation, and further explain the \$432,000 reference indicated in Note 11 in the District's Financial Audit Report for the fiscal year ended September 30, 2014.

*Sugar Sand Park Science Playground Change Order:*

Mr. Koski explained that the primary reason for change orders to awarded contracts is to insure that the plans, specifications and the work being performed are compatible. In addition, if there are unforeseen conditions, that the contractor is adequately compensated, and that the District obtains from the contractor a completed project for the best price possible. If a change order is issued to a contractor that is already on the site, no additional mobilization costs are incurred; obtaining a price lower than what a normal bid price would be. The District has vetted the change order price, both internally and with its architects Mr. Barretta & Mr. Brewer and have concurred

that the price is fair, and that it is appropriate for the work that is being accomplished. He stated that “there is nothing to prohibit this District legally from awarding a change order of this type for the completion of this project. The District is not attempting to avoid or evade a public bid process.”

Ms. Harms clarified the fact that the District was aware of on-site plumbing and electrical utilities. The architect and design team were planning on using the existing plumbing and electrical but, unfortunately, they were not “permitted” when the City installed them and they were not up to code. All of the utilities on site had to be removed and reinstalled.

**APPROVAL OF INVOICES:**

Commissioner Frisch provided a “revised” invoice disbursement list and recommended approval.

**MOTION** was made by Commissioner Frisch and seconded by Commissioner Vogelgesang to approve the invoices as presented totaling \$310,649.46.

**MOTION UNANIMOUSLY APPROVED**

**REPORTS AND DISCUSSION ITEMS:**

**Executive Director**

*Boca Raton Community Redevelopment Agency (CRA)*

The anticipated tax increment payment that the District will receive from the CRA for 2016-2017 [\$1,032,300] has been inserted into the budget. The City disagrees with Mr. Koski’s analysis to “freeze” the tax increment payment to what the District paid this year; however, he stands by his position. He gave a brief historical background on the CRA as follow: On November 10, 1986, an interlocal agreement was executed between the District and the CRA. Based upon that agreement, the District has the responsibility to continue to pay the tax increment funding. In 1989, the City asked the District if they would consider deferring the use of the District’s increment payment from park and recreational facilities and allow that payment to be utilized for the debt service of Mizner Park. The debt service will be repaid in December 2018.

In the interest of all District residents, the City and the District need to discuss and agree on how District funds will be expended beyond December 2018 in accordance with the original intent of the 1986 agreement for park and recreational facilities. He suggested that the District not proceed with its scheduled public hearing on August 22, but that the City be advised that several issues need to be discussed between the two bodies: a beach renourishment agreement; a master interlocal agreement; and the interlocal agreement relative to participation in the CRA. At the request of the Board, Mr. Koski will draft correspondence to the Boca Raton City Manager addressing those issues.

*Swim & Racquet Center*

The S&RC project has been placed on the August 18<sup>th</sup> agenda of the City Planning & Zoning Board for approval. Once approved, the District will seek approval from the Boca Raton City Council in September. Shortly thereafter, construction drawings will be completed, and the bidding process will commence for the project.

*Patch Reef Park Community Center*

The ceiling repair has been completed and City officials have signed off on the work. The room is now ready for full occupancy and usage.

*Gumbo Limbo Pipe and Pumping*

Mr. Koski advised that he will have a conference call on August 18 with Jennifer Bistyga of the City of Boca Raton regarding the pipe and pumping issue at the GLNC. It may be the desire of the City that the work be completed by the consultant, ATM, under the current contract that they have with the District.

**District Counsel - None**

**Commissioners**

*Gumbo Limbo*

Commissioner Engel stated that he attended the turtle hatchling release. He commended the Friends of Gumbo Limbo and City staff for a job well done.

*Schedule of Joint Meetings*

Commissioner Starkoff suggested that the District meet with the City Council three times a year; approximately three months apart. He proffered three dates in 2017 - January 30, May 15 and October 2. Meetings should commence at 6:00 p.m. He requested that staff communicate to the City Council to meet on those dates. He also suggested that Mr. Koski and Mr. Ahnell meet bi-weekly in 2017. In the interim, the District will continue to pursue scheduling a joint meeting in 2016.

*Athletic Facilities*

Commissioner Rollins had an opportunity to spend time with some adult soccer players along with Mr. Ehrnst to hear about issues associated with their scheduling of facilities. Two concerns were raised: 1) being on a grass surface and 2) having the opportunity to play on the surface at Spanish River. Commissioner Rollins requested Ms. Harms to provide scheduling information. It is his intention to see if he can accommodate the adult soccer players.

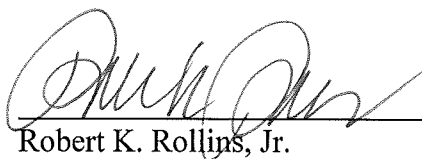
**FUTURE AGENDA ITEM**

September 6 - Discuss 2016-2017 Proposed Budget

**ADJOURNMENT:**

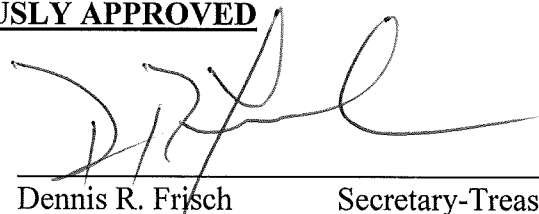
**MOTION** was made by Commissioner Frisch and seconded by Commissioner Engel to adjourn the meeting at 6:55 p.m.

**MOTION UNANIMOUSLY APPROVED**



Robert K. Rollins, Jr.

Chairman



Dennis R. Frisch

Secretary-Treasurer