

**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  
**May 24, 2016**

The MEETING was called to order by CHAIRMAN Robert K. Rollins, Jr. at approximately 5:30 p.m.

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

**CHANGES TO AGENDA:**

At the request of Assistant Director Briann Harms, the approval of four scoreboards at the Field House was added as item number two under Regular Business

**PUBLIC REQUESTS:**

The following individuals addressed the Board regarding the proposed development of the Boca Teeca Golf Course by Lennar Homes:

Regina Ecklund  
5201 NW 2<sup>nd</sup> Avenue, Boca Raton

Donna Kasmer  
6300 NW 2<sup>nd</sup> Avenue, Boca Raton

Harold Chaffee  
6200 N.W. 2<sup>nd</sup> Avenue, Boca Raton

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

Ms. Ecklund, Ms. Kasmer and Mr. Chaffee are residents of Boca Teeca. Noting that the District had expressed an interest in the golf course property in the past, they asked whether the property was again being considered and, if so, the types of usage envisioned for the site. They noted that Lennar has presented drawings of the proposed development; however, there are deed restrictions on the property that can only be lifted by the residents. If Lennar is unsuccessful in obtaining the property, the residents would like to approach the District about keeping the property as a golf course. They questioned how the District became aware of the property's availability.

Mr. Arthur C. Koski, Interim Executive Director, stated that Mr. Robert DuKate, a District resident, advised the Board about the availability of the property. Mr. DuKate is the only contact that the District has had with any individual associated directly or indirectly with Boca Teeca. As a result of Mr. DuKate's comments, the Wells Fargo representative who marketed the property was contacted, and he advised that the property is under contract to Lennar and that it is moving forward to closing.

Commissioner Frisch remarked that at one point the Board had a discussion with an individual regarding the usage of the property and was advised that it would not be considered as a golf course, but as a recreational area (athletic fields, rectangles/diamonds) with lights and buffers and possibly lakes. The person said that they would report back to Boca Teeca's Council and would let the District know if that met their needs; the Board never heard anything further.

Chairman Rollins thanked the residents for expressing their comments and encouraged them to present their concerns to the Boca Raton City Council.

Jennifer Bielec

2459 NE 4<sup>th</sup> Way, Boca Raton

Ms. Bielec, representing the Soccer Association of Boca Raton (SABR), expressed her disappointment that after two years, the City/District Interlocal Agreement for additional athletic fields at DeHoernle Park has not moved forward. She stated that there has been a shortage of field space for years, and that the problem is compounded by the growth of the City and the proposed annexation of new communities (in her opinion, Pheasant Walk should have been included). She referenced receipt of the City's Youth Sports Agreement and felt that the City should have solicited input from the youth sport groups. She asked that the District step in and help to get some control on the decisions that are being made by the City, and somehow work together to get the fields built.

Commissioner Starkoff acknowledged that he was a former past President of SABR, and advised that the Youth Sports Agreement was created without the input of the District. He requested Mr. Koski to review the subject agreement.

Commissioner Rollins advised Ms. Bielec that the District will do whatever it can to effect some changes in the agreement; however, the youth sports groups that use the facilities should get together as a unit and express its concerns to the Youth Sports Advisory Committee.

**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 May 2, 2016.

**MOTION UNANIMOUSLY APPROVED**

**REGULAR BUSINESS:**

**1. Approval of Sugar Sand Park Air-Conditioning Proposal**

Ms. Briann Harms, Assistant Director, provided copies of two proposals from Trane for a retro-fit of the existing air-conditioning chiller compressors at the Sugar Sand Park Community Center and Field House. The installation of new equipment would cost \$295,000; the cost of the retro-fit for both facilities is \$179,000. She recommends the five-year warranty as opposed to the two-year warranty. Trane will install this equipment in August, utilizing its "R'newal" service", without interruption in service. The work will be completed within two weeks.

**MOTION** was made by Commissioner Frisch and seconded by Commissioner Engel to approve the two Trane proposals presented by Ms. Harms for the installation of R'newal air conditioning equipment/service at the Sugar Sand Park Community Center and Field House in the amount of \$179,000 with a five-year warranty.

**MOTION UNANIMOUSLY APPROVED**

**2. Approval of Four Scoreboards at the Sugar Sand Park Field House**

Ms. Harms presented a proposal to replace the four scoreboards and equipment at the subject facility in the amount of \$15,893.60. This amount does not include the cost of installation which is estimated to cost between \$3,000 and \$3,500. The work is expected to be completed within one month after ordering the equipment.

**MOTION** was made by Commissioner Starkoff and seconded by Commissioner Vogelgesang to replace the four scoreboards at the Sugar Sand Park Field House at a cost of \$15,893.60 plus installation.

**MOTION UNANIMOUSLY APPROVED**

**3. City of Boca Raton Interlocal Agreement (ILA)**

Commissioner Rollins prefaced the discussion by providing background information on his efforts to attempt to move the DeHoernle Park Phase II project forward. At the conclusion of his May 9<sup>th</sup> appearance at the Boca Raton City Council Workshop, Mayor Haynie asked if the District would provide to the City Council its objections to the November 15, 2015 ILA. He advised Mayor Haynie that one of the concerns was that by signing the ILA, it would be an unlawful delegation of the District's legislative authority.

Mr. Koski suggested that rather than focus on certain points the District disagrees with in the ILA, the Board should send back to the City its own draft of the ILA with additions and deletions deemed appropriate.

Mr. Koski provided background information on the creation and charter of the District as a special independent agency enacted by the Legislature of the State of Florida in 1974. To fulfill its obligations, the District's Enabling Act authorizes the Board of Commissioners to levy ad valorem taxes on real property located within the geographical limits of the District. It is his opinion that the proposed City ILA contains provisions that take from the Board of Commissioners the powers that were granted by the Legislature and, more importantly, the responsibilities to carry out the purposes of the Enabling Act. The provision of the Florida Statutes that allow interlocal agreements to be executed between governmental agencies states that "an interlocal agreement does not relieve a public agency of any obligation or responsibilities imposed upon it by law".

For discussion purposes, Mr. Koski stated that one of the primary issues is the content of the proposed City ILA that gives the City of Boca Raton the sole discretion on a variety of items relating to operation, maintenance, capital improvements, scheduling, fees to be charged and sole discretion in pricing these items so that the only thing left for the District to do is to tax its constituents and write a check. The terms of the City ILA needs to allow the District to maintain appropriate control and fulfill its duties and responsibilities to its constituents by having input into the amount of money that is expended, how facilities are used, when they are used, and somehow be a partner in providing benefits to all of the residents in the District.

Both Commissioner Vogelgesang and Commissioner Engel expressed concern that if the City ILA is signed by the District, the 25,000 constituents that they represent in the reserve area would have no representation.

Mr. Koski took note of the various objections/additions/deletions voiced by the Board which he will incorporate into a new draft District ILA. This item will be placed on the June 6<sup>th</sup> agenda for discussion.

As the District will be going through its budget process shortly, an immediate response from the City is needed advising if the DeHoernle Park Phase II project will be going forward. The ILA draft will be forwarded to the City Council at its June 14<sup>th</sup> meeting.

### **3. Potential City Annexation of Property**

The City has expressed an interest in annexing five additional subdivisions located in the northwest area of the City. If the five areas are incorporated into the City, those residents would have access to District recreational facilities without paying taxes to the District to off-set the cost to operate the facilities. In essence, all of the existing City and District residents would be subsidizing those annexed citizens once they come into the City of Boca Raton. Two issues exist: (1) the Royal Palm Polo development property that has been annexed into the City which is not within the jurisdictional and geographical boundaries of the District, and (2) the potential of future annexation of property that will be within the City but not within the District.

It was the consensus of the Board to have Mr. Koski draft a letter to the City Council that the District is concerned about the inequity of an annexation as it relates to existing residents, not only of the City but also of the District.

The Board agreed to meet with the City Council at its workshop on July 25<sup>th</sup>. Agenda items for this joint meeting will be discussed at the June 6<sup>th</sup> Board meeting.

#### **APPROVAL OF INVOICES:**

Commissioner Frisch presented a "revised" invoice disbursement list in the amount of \$3,917,801.06.

<p><b><u>MOTION</u></b> was made by Commissioner Frisch and seconded by Commissioner Starkoff to approve the invoices as presented totaling \$3,917,801.06.</p>
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### **MOTION UNANIMOUSLY APPROVED**

#### **REPORTS AND DISCUSSION ITEMS:**

##### **Executive Director**

Mr. Koski updated the Board on various District projects:

- *Gumbo Limbo* - The building application has been submitted to the City for the boardwalks at Gumbo Limbo. As soon as the permit is issued, the contractor will be given a Notice to Proceed.

- *Swim & Racquet Center Project* – This item did not make the Planning & Zoning meeting held in June; it has been scheduled for the July 27<sup>th</sup> meeting. The Via Verde HOA approved the Mediterranean motif of the building.
- *Science Playground* - The contractor has submitted a proposal in the form of a change order for Phase II. Mr. Koski will review the scope of work and place the item on the June 6<sup>th</sup> agenda for discussion.
- *Executive Director Position* - It is the recommendation of Mr. Koski that the District engage a full time Executive Director. He recommends that discussion to put this individual in place at the commencement of the next fiscal year [October 1, 2016], be placed on the June 6<sup>th</sup> agenda. He further recommends that the individual be Assistant Director Ms. Briann Harms. If there is consensus of the Board to engage Ms. Harms as the Executive Director, he would like the item placed on the June 6<sup>th</sup> agenda for “formal” approval. The Board requested a formal proposal outlining the scope of work of the Executive Director be presented for review.

**District Counsel** - None

**Commissioners**

*Beach Renourishment*

Commissioner Vogelgesang advised that she had the opportunity to experience the partial beach renourishment and feels that it is a total pleasure to walk on the beach. What has been accomplished to-date is beneficial to the community and the visitors to Boca Raton.

*District Facility Safety Inspections*

Commissioner Frisch would like to reinvestigate some of the safety considerations regarding the inspection of District facilities; either by Zimmer Consultants or by proposals.

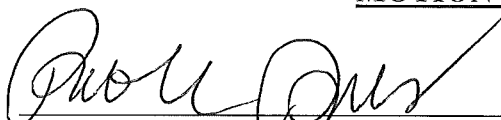
**FUTURE AGENDA ITEM**

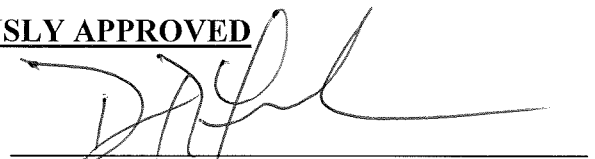
- June 6 - Approval of Sugar Sand Park Science Playground Phase II
- Discuss draft of City Interlocal Agreement
- Review Annexation Letter to City
- Review Executive Director Scope of Work

**ADJOURNMENT:**

**MOTION** was made by Commissioner Frisch and seconded by Commissioner Starkoff to adjourn the meeting at 7:35 p.m.

**MOTION UNANIMOUSLY APPROVED**

  
 Robert K. Rollins, Jr. Chairman

  
 Dennis R. Frisch Secretary-Treasurer