

**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  
**Tuesday, February 21, 2017**

The MEETING was called to order by CHAIRMAN Robert K. Rollins, Jr. at approximately 5:15 p.m.

**COMMISSIONERS PRESENT:** Craig F. Ehrnst  
Steven M. Engel  
Robert K. Rollins, Jr.  
Erin A. Wright

**CHANGES TO AGENDA:** Due to the absence of Commissioner Vogelgesang, item number six under Regular Business "District Succession Planning" will be addressed at the March 6, 2017 Board meeting.

**VIDEO OF SUGAR SAND PARK SCIENCE PLAYGROUND:**

Ms. Briann Harms, Assistant Director, presented a video of the science playground which was made by Florida Current of South Florida.

Mr. Koski shared with the Commissioners an e-mail he received earlier today from Mr. Mike Fichera, District Project Inspector. The message assigned dates for various items that need to be accomplished for the completion of the project. A final walk-through and opening is envisioned for March 18<sup>th</sup>, 2017. Ms. Harms is scheduled to meet with City staff to discuss opening day activities.

Commissioner Rollins suggested placing an article in the newspaper to inform former volunteers who were involved in the initial build, and others who may want to volunteer at this time, to contact the District office.

**PUBLIC REQUESTS:**

Mr. Steve Finvar  
787 Havana Drive, Boca Raton

Mr. Finvar, President of Boca Jets/Lacrosse, thanked the Commissioners for approving the installation of artificial turf at Patch Reef Park. He expressed interest in moving the project forward as expeditiously as possible and requested a project timeline.

Chairman Rollins advised that he would provide a project timeline when available.

Mr. Larry Portnoy  
15758 Menton Bay Court, Delray Beach

Mr. Portnoy, representing G.L. Homes, advised that a second public records request has been made to the District regarding the Ocean Breeze property. He reviewed several of the items addressed at the February 13<sup>th</sup> meeting, questioning why the two appraisals provided by G.L. Homes for the Ocean Breeze property in the amounts of \$3.2 million and \$5 million were not mentioned. In addition, why the appraisal performed by Callaway & Price at the request of the District was not mentioned or presented to the Board prior to the vote. He took issue with the justification for the purchase price of \$24 million. Noting that the inn could not be acquired under eminent domain

proceedings, he submitted an appraisal from Aucamp, Dellenback and Whitney valuing the inn at \$2,150,000. He felt that the deed restrictions on the property are being ignored and that there are contingencies on the property that force the value of that property beyond any reasonable expectation.

Chairman Rollins asked Mr. Portnoy if he was a resident of Delray Beach (response: yes) and if he worked for G.L. Homes (response: yes) and what his interest was in the purchase transaction.

Mr. Portnoy stated that G.L. Homes is trying to buy the Boca Municipal Golf Course. The feeling is that a direct competitor is being rewarded unfairly by a gross overpayment to acquire a golf course they do not even own, and then that money will be used to increase their offer to match that of G. L. Homes.

Chairman Rollins advised Mr. Portnoy that the District has nothing to do with the sale of the Boca Municipal Golf Course.

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

**MOTION** was made by Commissioner Engel and seconded by Commissioner Wright to approve the minutes of the regular meeting of February 6, 2017.

**MOTION UNANIMOUSLY APPROVED**

**REGULAR BUSINESS:**

**1. Patch Reef Park - Approval of Motre' Work Order**

Mr. Koski stated that Motre' was retained by the District two years ago to do a master plan for the subject park. The master plan was presented, but no action was taken as there were some concerns about the cost of some of the improvements. During discussions of artificial turf, Motre' brought in Stantec Engineering as they had extensive local experience in that area. At a recent meeting, Motre' was asked to provide the District a work order with Stantec for them to work jointly on the artificial surface project. Motre' has advised the District that they are at an impasse in attempting to negotiate an arrangement with Stantec.

To avoid involvement in the Motre'/Stantec dispute, Mr. Koski recommends that the Board authorize District staff to immediately advertise an RFP for a consultant with a specific background in the field of artificial surfaces. Responses will be distributed to the Board. Based upon the number of responses received, the Board can then determine if it wants to short list from the paperwork, or have brief interviews with each of the firms. The Board can then rank the firms and select them under the Consultants' Competitive Negotiation Act. The anticipated timeframe is as follows: 60 days for design; 60 days for construction. A new consultant will be on board by April 15; construction drawings completed by May 15<sup>th</sup>; project completed July 15, 2017.

**MOTION** was made by Commissioner Ehrnst and seconded by Commissioner Engel to advertise an RFP for Architectural/Engineering Services for the installation of artificial surfaces at Patch Reef Park.

**MOTION UNANIMOUSLY APPROVED**

## **2. Field House - Approval of Engagement of Charles Putman and Associates-Land Planners**

Mr. Koski, referencing the second Field House at Sugar Sand Park being designed by Barretta & Brewer, stated that the project requires a small amount of land planning. He furnished a proposal from Charles Putman and Associates who will be acting as a sub-contractor to Mr. Barretta, and recommends engaging the firm.

**MOTION** was made by Commissioner Ehrnst and seconded by Commissioner Engel to engage Charles Putman and Associates.

### **MOTION UNANIMOUSLY APPROVED**

## **3. Capital Projects Update**

Mr. Koski provided an updated priority list of District capital projects. He reviewed the current status of each project and the estimated costs and completion dates. This priority list will be updated on a monthly basis.

### *Sugar Sand Park Science Playground*

The estimated completion date is March 18, 2017. Final estimated costs will be provided at the next update.

### *Swim & Racquet Center*

Plans are in the City for permit review. Construction time is estimated at 15 months. Anticipate bidding the project in April 2017; contracts to be awarded in May 2017; estimated completion date is January 1, 2019; estimated cost is \$4, 500,000.

### *DeHoernle Park Phase II*

Nothing new to report.

### *Sugar Sand Park Second Field House*

The updated schematic design is approximately 50% complete. Schematic design plans should be completed by June 1<sup>st</sup>, at which time Mr. Barretta will make a presentation to the Board. Permitting will take approximately 60 days; the construction period will take 18 months. Commencement of project construction is based on priorities. Estimated project completion is based on the start date, and is up to the discretion of the District. The estimated cost is \$7,000,000.

### *Patch Reef Park*

Artificial surface planning is complete. An RFP for design services is being prepared. Design for artificial surfaces should take approximately 60 days. No permitting is anticipated. Construction time of 90 days, but efforts will be made to try to lessen the time to meet the schedule with the completion dates announced today. The estimated cost is \$3,500,000.

Due to time constraints, Chairman Rollins felt that it would be prudent to have the contractor engage additional labor to accelerate and complete the project at an earlier date.

### *Ocean Breeze*

Contract negotiations continue for the acquisition of the property.

*Lake Wyman*

A presentation on the subject project was made to the Board by the City on February 6, 2017. No further update at this time.

*Ocean Strand*

No direction has been given; project on hold.

*Waterfront Study*

The project will begin in March 2017. Ms. Jennifer Bistyga, City of Boca Raton Coastal Program Manager has advised that the District will be contacted to be a participant in the Waterfront Study.

**4. Sugar Sand Park Science Playground- Approval of NuJak Construction Change Order**

Mr. Koski furnished a Change Order from NuJak Construction for the construction of the Space Station in the amount of \$438,648.10. If the work on the Space Station is done, a March 18th opening is attainable. The space station is an above ground facility which was required to be rebuilt as a result of the need to rebuild certain posts and to replace the foundation. Mr. Koski recommends approval of the Change Order.

Commissioner Ehrnst stated that he met with Mr. Koski, Mr. Brewer and Mr. Barretta at the playground and realizes it is a complicated project. He fully supports the change order for the completion of the space station; however, he wants everyone to be aware that change orders now total \$2,382,000.

<p><b><u>MOTION</u></b> was made by Commissioner Ehrnst and seconded by Commissioner Wright to approve the NuJak Construction Change Order in the amount of \$438,648.10.</p>
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**MOTION UNANIMOUSLY APPROVED**

**5. Ocean Breeze Update**

Mr. Koski reviewed that on February 13, 2017, the Board voted on the proposed contract received from Lennar Homes which included a purchase price of \$24 million. He has since significantly edited the contract, and has forwarded it back to Lennar's Counsel, Greenburg Traurig. The changes he made were mostly related to "timing". He has spoken to Lennar representatives, and they do not have any problems with the changes; he expects to have the complete documents returned to him sometime this week.

Mr. Koski advised that for the completion of this acquisition, two legal issues have to be resolved: 1) The District needs the consent of the City of Boca Raton to make the acquisition [on February 14<sup>th</sup>, the City Council consented to the acquisition by resolution]; and 2) the City needs to make the acquisition funds available to the District. In conversations with City staff, it was determined that, at this time, the City is unsure if it will provide the funds through a bond issue or through general reserves. In either case, the City of Boca Raton would have to pass an ordinance which would require an initial introduction and then final adoption (two meetings).

A joint City/District meeting is scheduled for February 28<sup>th</sup>, to discuss funding from the City to the District. Complicating the matter is the fact that the City Council is not scheduled to meet until March 28<sup>th</sup> [after the Elections]. Therefore, the earliest closing on the transaction would take place in late spring. Mr. Koski will adjust the purchase agreement to reflect those particular dates and to provide the appropriate protection to the District in the event the funds were unavailable.

There is some discussion about a resolution that would discuss an interlocal agreement between the City and the District which could be introduced at the February 28<sup>th</sup> meeting. If the interlocal agreement is acceptable to both parties, the resolution could be introduced at the February 28<sup>th</sup> meeting, thus making an interlocal agreement a binding document.

Commissioner Ehrnst stated that he was contacted by Mr. Howard Weiss who represents Lennar Homes. In addition, he received a copy of the legal notice from G.L. Homes which raises questions about the appraisal and valuation of the property.

Mr. Koski stated that the District asked its appraiser [Callaway & Price] for a letter of appraisal; not for a full appraisal. The letter states that in its current condition, the value of the property is approximately \$7 million.

Commissioner Wright asked if the purchase price could be negotiated. Mr. Koski advised that in conversations with Lennar, he has been advised that if the number is not \$24 million, there is no deal.

Commissioner Ehrnst felt that the Board has to consider whether it is urgent to purchase the property now, or just wait. There is no questions that the community wants to preserve the golf course. He inquired as to how the purchase would impact ad valorem taxes and the millage rate.

Mr. Koski responded that the purchase is not only an endeavor with an expense, but that there is a revenue component. Financial and usage information will be forthcoming from the City and the Greg Norman Group to try and project what the District can anticipate (revenue vs. expenses).

Mr. Merv Timberlake, District Financial Advisor, has advised that repayment of the purchase price to the City would not impact the District's current projects based upon the existing budget and millage.

Commissioner Wright inquired about the deed restrictions on the property. Mr. Koski stated that he was in agreement with the conclusions reached by the City Attorney regarding the deed restrictions on the property.

### **APPROVAL OF INVOICES:**

<p><b><u>MOTION</u></b> was made by Commissioner Engel and seconded by Commissioner Wright to approve the invoices as presented totaling \$577,824.25</p>
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### **MOTION UNANIMOUSLY APPROVED**

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

**Executive Director-** None  
**District Counsel-**None

**Commissioners**

*Ocean Strand*

Commissioner Wright inquired if there was any possible way to open Ocean Strand to the public, specifically, walkers or bicyclists.

Commissioner Rollins advised that from an insurance standpoint, there needs to be some type of regulation on the use of the property to protect individuals and avoid personal injury. Mr. Koski will discuss the matter with Mickey Gomez to see what can be accomplished.

*Beach Clean-up*

Commissioner Ehrnst stated he was contacted by Ms. Rachel Wellman of Boca High School who would appreciate the opportunity to partner with the District or City to participate in some type of activity for Earth Day in April. Ms. Harms will follow-up on the matter

**FUTURE AGENDA ITEM**

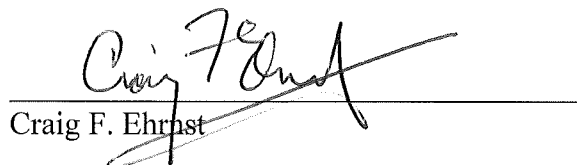
February 28 - Joint meeting with Boca Raton City Council

**ADJOURNMENT:**

**MOTION** was made by Commissioner Engel and seconded by Commissioner Ehrnst to adjourn the meeting at 6:32 p.m.

**MOTION UNANIMOUSLY APPROVED**

  
Steven M. Engel

  
Craig F. Ehrnst