

**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**  
**January 16, 2018**

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.  
Susan Vogelgesang  
Erin A. Wright

**CHANGES TO AGENDA:** #1- the Execution of the Employee Pension Plan was postponed for review; #2 Approval of the Explorium Exhibit "Noise" was moved below the Ocean Breeze Discussion; #3 Execution of the Boca Raton Championship Agreement was deleted, due to the fact that PGA did not provide the Agreement in time for the meeting.

**PUBLIC REQUESTS:**

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

Mr. Dukate was glad to see Mr. George Brown, Deputy City Manager at the District's meeting and he hopes to see a District member at the next City Council Workshop to answer questions. He is looking forward to the Interlocal Agreement being signed by all parties before the rapidly approaching deadline.

*Michele Peel 7391 NE 8<sup>th</sup> Avenue, Boca Raton*

Ms. Peel, representing the Friends of Gumbo Limbo, expressed that the Friends have been pleased with the progress of their master plan process for the Gumbo Limbo Nature Center. The Friends, FAU, the District and the City were all invited to the kickoff meeting, interviews and status updates were held by EDSA and Cambridge 7. Participants of the Friends felt welcomed and appreciated. Ms. Peel stated that it was encouraging to hear similar desires among the participants for a truly wonderful next era for Gumbo Limbo. She hopes the District will continue to make sure that this important process continues in a timely manner. She advised that the Sea Turtle Day Festival is February 24, 2018.

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

**MOTION** was made by Commissioner Engel and seconded by Commissioner Vogelgesang to approve the minutes of the regular meeting of January 2, 2018.

**MOTION UNANIMOUSLY APPROVED**

**REGULAR BUSINESS:**

1. **Ocean Breeze Discussion**
  - a) **Interlocal Agreement**

Mr. George Brown, Deputy City Manager, City of Boca Raton, stated that the City has been working intensely with Mr. Koski on an Interlocal Agreement that will be satisfactory to the City and the District. The new Interlocal Agreement (ILA) allows the City to provide funding to the District in the amount of \$19,000,000 to acquire the holdings on the west side of Ocean Breeze. The District will acquire the property on the east side of NW 2<sup>nd</sup> Avenue with its own funds.

The ILA also provides the following:

- The District will repay the City annually the amounts necessary for fifteen (15) years of repayments.
- Title to the west side of the property will be vested with the City until it is repaid; then it will be vested with the District.
- The District agrees to repay the bonds.
- The District agrees that property improvements will be the District's complete responsibility.
- The City will have final approval of improvement plans, and that approval will not be unreasonably withheld.
- Prior to the District sending the improvement plans to the City, the District will have public input.
- The District will have to abide by all applicable Federal, State and local laws.
- If the bonds lose their tax-exempt status, and the City has to pay an additional amount, the District will cooperate with the City to address the problem.
- The bonds will only be for the purpose of acquiring the property; not for development of the property.
- The property has to be used for public purposes.
- When the City closes the Boca Municipal Golf Course, the District will either use its best efforts to offer employment at the new golf course to former Boca Municipal employees, or the District may choose to enter into an ILA to use City employees to operate the new golf course. The main requirement is cooperation between the City and the District through the process.
- The City and District will agree together on discount rates for City and District residents, as well as tee time preferences at the new golf course.

- The District will indemnify the City while the bonds are in effect. Should the District fail to appropriate the amount necessary for the annual debt service payment in the budget [while the property is still being paid], the City will provide the District with a default notice. The District will have an opportunity to cure the default. Should the District fail to cure the default, the City will retain possession of the property.
- The Agreement will expire once the bonds are repaid, with the exception of the tee time preferences, the rates, and any improvements/changes that have been made through the process.
- The agreement will be executed by the District first; it will then be presented to the City Council at its regular meeting on January 23, 2018. The agreement will be in effect on February 28, 2018.

Mr. Koski requested an opportunity to review the Agreement, and if it is satisfactory to legal counsel, that the Board empower the Chairman to execute the Agreement as expeditiously as possible so that an executed copy can be provided to the City for its execution on January 23, 2018.

Commissioner Wright inquired about several issues (*in Italics below*):

***If splitting the golf course [in terms of the deed] has any impact on the design. Is the City essentially approving improvement plans for both sides?***

Mr. Koski responded that the City has an Ordinance which provides what can be done with borrowed funds as well as other Internal Revenue Service regulations relating to private business activities. Since the City borrowing is now limited to the west side, the District is free from the City's borrowing ordinance on the east side as it relates to private business activity, and free from the Internal Revenue Service regulations relative to tax exempt financing.

***If the Code of Ethics of the Inspector General were applied to the east side.***

Mr. Koski advised that the District is only subject to the ethical codes of the State of Florida which are similar in nature to the Inspector General.

***Confusion exists because the District does not have prices with its RFPs.***

Mr. Koski stated that the District elected to proceed with the selection of a golf course architect under the Consultants Competitive Negotiation Act [Florida Statute §287.055] which specifically prohibits pricing for the consultants to be included in the proposals. The ultimate goal is to select a consultant who is deemed to be the most qualified for the project. Once the number one consultant is selected, negotiations commence and price is discussed.

***There are concerns that the District issued an RFP for Golf Course Architects without giving the public an opportunity to comment.***

Chairman Rollins noted that the District receives community comments before and after a master plan has been designed; public commentary will not be an issue.

Mr. Koski advised that public meetings will be scheduled to hear presentations solely between the District and the consultants; the public can observe these presentations. Any questions the public may have can be addressed at regular District board meetings under the public requests section.

***Council Member Weinroth expressed concern about the lack of communication between the District and the City Council.***

Mr. Koski stated that communication between his office and the City Manager's office has been exemplary. Mr. Ahnell, Mr. Brown, the City Attorney and Ms. Davidson have gone out of their way to assist in putting the ILA and relationship together.

Commissioner Vogelgesang thanked Mr. Brown for being the voice of reason at the City Workshop; she felt that he had the best interest of both parties.

Commissioner Engel inquired if there would be a penalty for prepayment. Mr. Koski replied that it will be a subject matter of the response to the City's RFP to their lenders. He believes the City made a request to try and obtain a no prepayment penalty; however, there may be a 25-basis point, depending on what the City gets back from the lenders.

Commissioner Ehrnst is supportive of signing the ILA and feels that it is important to have maximum flexibility with the prepayment clause because there are a lot of things that need to be done and the full redevelopment of the golf course will cost more than the initial purchase price and those plans will determine how those things will come together. He referred to the \$10,000 insurance deductible requirement in the agreement and felt that the City should consider being more flexible as the amount is a very low threshold for the District. The District could afford a higher deductible which would offer maximum flexibility over the long term agreement.

Chairman Rollins clarified that the insurance requirement in the agreement states "no more than a \$10,000 deductible" which means the District could have a zero deductible and still be in compliance.

Commissioner Wright asked about the balance remaining in Reserves after the property is acquired. Mr. Timberlake responded that \$5 million in reserves would remain in the current budget after the acquisition.

Commissioner Wright inquired about the purchase of the two ocean front properties. Mr. Timberlake advised that the purchases are no longer in the financials; they are not budgeted.

Chairman Rollins questioned the timing of employing Boca Municipal Golf Course individuals before Boca National is up and running. He expressed concern about taking on a lot of employee salaries before the District has an opportunity to put them to work.

Mr. Brown stated that the employment issue would have to be worked out when we get to the point of closing, and a determination can be made as to when Boca National will open. If it is a short period of time, the City would probably just continue to employ them. If it is a longer period of time, the City would probably find interim assignments for them.

Chairman Rollins stated that from a budgetary standpoint, the District will be looking at a pension plan for the Boca Municipal employees that it hires which is comparable to what the City offers. He asked how much flexibility the District will have in the hiring and employment of the individuals.

Mr. Brown responded that there will be sufficient flexibility in the hiring and employment of Boca Municipal employees. Once the ILA is in place, each employee will be looked at on an individual basis. It is not the City's intention to create an unmanageable operation expense for the District.

Chairman Rollins remarked that the District has partnered with the City on many projects and has earned the City's trust by having fulfilled its obligations throughout the years. A lot of what has transpired is based on mutual trust; it is one of the more honorable things we have as elected officials in the community.

**MOTION** was made by Commissioner Engel and seconded by Commissioner Vogelgesang to approve the Chairman executing the Interlocal Agreement on behalf of the District upon approval of Counsel.

**MOTION UNANIMOUSLY APPROVED**

***b) Architect Selection Schedule***

The Board of Commissioners will be hosting public interviews for all fifteen Golf Course Architect proposers. The order of presentation times will be by random drawing and will be scheduled for meetings on January 29<sup>th</sup>, February 1<sup>st</sup> and February 12, 2018 at 5:30 p.m. These meetings will be open to the public; however public commentary will not be taken at the meetings. The public will have an opportunity to comment at a regular District Board meeting prior to the Board's decision to proceed. The proposer's will be notified that the eastern part of the facility is open to all suggestions; it may or may not be the site of a hotel and that it is the current consensus of the Board to have the property remain as public property.

Commissioner Vogelgesang asked if the Commissioners were permitted to contact the references of the proposers. Mr. Koski suggested that references be checked after the proposers have been ranked. Any discrepancies can be asked during the presentations.

**5. Swim and Racquet Center Update**

District consultant Michael Fichera reported that the permitting process has been difficult due to the lack of records for the building. A demolition permit has been issued; other permits will be issued once payment is received by the City. The contractor has done a lot of the pre-work [fencing/plywood wall between construction and the building and the swimming pool deck]. FPL will re-route the lines to run independently of the building. Phase I is the demolition of the building; Phase II includes parking area improvements; Phase III is the reconstruction of the entire building; Phase IV – completion of the parking lot; Phases V & VI will include improvements to the Tennis Center and maintenance building. The project is anticipated to be completed in January 2019.

**2. Approval of Explorium Exhibit “Noise”**

Ms. Briann Harms, District Administrator, furnished a rental agreement from the Science Works Hands-on Museum to lease the subject exhibit for the period October through December 2018. The cost of the exhibit for the period is \$23,000 plus shipping charges with an initial deposit of \$5,000.

**MOTION** was made by Commissioner Vogelgesang and seconded by Commissioner Engel to authorize the execution of the rental agreement with the Science Works Hands-on Museum for the “Noise” exhibit for a price of \$23,000 with an initial deposit of \$5,000.

**MOTION UNANIMOUSLY APPROVED**

**APPROVAL OF INVOICES:** Secretary-Treasurer Ehrnst provided a revised invoice disbursement list and recommended approval.

**MOTION** was made by Commissioner Ehrnst and seconded by Commissioner Vogelgesang to approve the revised invoices as presented totaling \$18,225.59

**MOTION UNANIMOUSLY APPROVED**

**REPORTS AND DISCUSSION ITEMS:**

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

**Commissioners:**

Commissioner Vogelgesang commented that she and Commissioner Wright have been invited to play in the Boca Raton Championship Tournament.

Commissioner Wright referenced the shade system at Sullivan Park, commenting that it is the best shade system she has ever seen. To make District parks more usable during the summer months, she suggested contacting the shade company that installed the canopies.

Ms. Harms informed that she has been in contact with former Commissioner Dr. Dennis Frisch who advised her that his Rotary Club would like to do a fundraiser for Sugar Sand Park, specifically for the tot lot or the large playground to include shade. At the request of the Board, she will research the company that installed the shade canopies at Sullivan Park and pursue the possibilities with Dr. Frisch.

**FUTURE AGENDA ITEM –**

January 29/February 1 & 12 – 5:30 p.m. - Golf Course Architect Presentations

**ADJOURNMENT:**

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

**MOTION UNANIMOUSLY APPROVED**



Robert K. Rollins, Jr.

Chairman



Craig F. Ehrst

Secretary-Treasurer