

**GREATER BOCA RATON BEACH & PARK DISTRICT**  
**MINUTES OF A REGULAR MEETING OF**  
**THE BOARD OF COMMISSIONERS**  
October 18, 2021

The MEETING took place at the Swim & Racquet Center and was also conducted virtually through the Zoom platform. The meeting was called to order by CHAIRMAN Susan Vogelgesang at 5:15 p.m.

**COMMISSIONERS PRESENT:** Craig F. Ehrnst  
Steven M. Engel  
Robert K. Rollins, Jr.  
Susan Vogelgesang  
Erin Wright-Virtually

**CHANGES TO AGENDA:** Item #4- Temporary Construction Easement at Ocean Strand was deferred.

**PUBLIC REQUESTS:**

*Mr. Harold Chaffee* inquired about the public's participation in the meetings with Miller Legg regarding the Ocean Breeze property.

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

**MOTION** was made by Commissioner Engel and seconded by Commissioner Ehrnst to approve the minutes of the Regular Meeting held on October 4, 2021, at 5:15 p.m.

**Discussion:**

**Roll Call Vote:**

Commissioner Ehrnst	Yes
Commissioner Engel	Yes
Commissioner Rollins	Yes
Commissioner Vogelgesang	Yes
Commissioner Wright	Yes

**MOTION UNANIMOUSLY APPROVED**

**REGULAR BUSINESS:**

**1. Boca Teeca- Miller Legg Agreement**

Executive Director Harms presented an Agreement with Miller Legg for the Board's consideration. Mr. Mike Kroll from Miller Legg was present to answer questions from the Board.

Discussion ensued regarding the project's assignability; conflicts of interest; keeping the project's timeline on track; reviewing the P3's limitations when the time is right; insurance limitations; who will receive the surveys; having an analysis of the responses from the surveys; Miller Legg talking to members of City Council individually or at a workshop; focus groups; mailing lists, return service for the surveys, the web page information; and having transparency with the City.

The following amendments will be made to the agreement:

*Contractual Modifications:*

- Assignability of the contract
- Add language regarding any conflicts of interest.

*Scope of Work Modifications:*

- Miller Legg will interview Keep Golf in Boca
- Integration of Environmental Sustainability Practices
- Miller Legg will speak with the members of the City Council with an option to speak individually or at a workshop
- Add all the Sub Consultants
- Environmental work must be pre-authorized, then subcontractor should be utilized

**MOTION** was made by Commissioner Ehrnst and seconded by Commissioner Engel to approve the agreement with Miller Legg, as amended, with the modifications approved by the Executive Director and District Counsel.

Discussion:

**Roll Call Vote:**

Commissioner Ehrnst	Yes
Commissioner Engel	Yes
Commissioner Rollins	Yes
Commissioner Vogelgesang	Yes
Commissioner Wright	Yes

**MOTION UNANIMOUSLY APPROVED**

**2. Zero Empty Spaces Presentation**

Mr. Evan Snow and Mr. Andrew Martineau from Zero Empty Spaces create affordable artist studios in vacant spaces where artists can create and collaborate at an affordable price. They activate vacant spaces on a short-term lease and sub-lease them to artists starting at a rate of \$2/sq ft. They are interested in discussing an arrangement with the District to use the James A. Rutherford Community Center (JARCC) at Patch Reef Park that will be empty as of November 1, 2021.

Discussion ensued regarding insurance liability; what type of agreement would work with the District's Enabling Legislation restrictions; if the space will be needed for summer camps or classes; performing background checks on the artists; having recreational opportunities at the JARCC for the community and youth sports groups; utilizing an empty building; the need for a competitive RFP and having Ms. Harms discuss any options for the use of the community center with the City.

**MOTION** was made by Commissioner Rollins and seconded by Commissioner Engel to authorize District Counsel to draft an RFP that would reflect a proper license or concession agreement for use of the James A. Rutherford Community Center.

Discussion: Commissioner Ehrnst suggested amending the motion to allow the Executive Director to talk to the City prior to creating an RFP to see if there are any valid uses for the JARCC and confirm with City Zoning that they would be acceptable.

**A SUBSTITUTE MOTION** was made by Commissioner Rollins and seconded by Commissioner Engel to authorize District Counsel to draft an RFP that would reflect a proper license or concession agreement for the use of the James A. Rutherford Community Center (JARCC) after the Executive Director has examined the future possibilities of the community using the JARCC. If there is no usage that would prevent the District from releasing an RFP, it will be released after addressing all licensing and any other provisions needed to make it a legitimate agreement.

Discussion:

**Roll Call Vote:**

Commissioner Ehrnst	Yes
Commissioner Engel	Yes
Commissioner Rollins	Yes
Commissioner Vogelgesang	Yes
Commissioner Wright	Yes

**MOTION UNANIMOUSLY APPROVED**

**3. User Fees**

Commissioner Rollins noted that the nonresident rates are approximately 121% higher than the resident rates at most facilities in the City except for the Swim & Racquet Center where the nonresident rates are 167% higher than the resident rates. He recommended discussing this inconsistency at next year's budget meetings.

*Mr. Raul Travieso* representing Boca Raton Pickleball Club commented that resident fees at Sugar Sand Park went from zero to \$2.00 and there was no incremental increase to the non-resident fee of \$5.00.

**APPROVAL OF PAYROLL AND INVOICES:**

**MOTION** was made by Commissioner Ehrnst and seconded by Commissioner Rollins to approve the payroll and invoices totaling \$1,077,033.41

**Discussion:**

**Roll Call Vote:**

Commissioner Ehrnst	Yes
Commissioner Engel	Yes
Commissioner Rollins	Yes
Commissioner Vogelgesang	Yes
Commissioner Wright	Yes

**MOTION UNANIMOUSLY APPROVED**

**REPORTS AND DISCUSSION ITEMS:**

**Executive Director:**

**Sugar Sand Carousel**

Director Harms requested the Boards consideration to go out for an RFP for ongoing maintenance on the carousel at Sugar Sand Park.

**MOTION** was made by Commissioner Rollins and seconded by Commissioner Engel to go out for an RFP for a qualified person or company to do restorative work to the carousel at Sugar Sand Park.

**Discussion:**

**Roll Call Vote:**

Commissioner Ehrnst	Yes
Commissioner Engel	Yes
Commissioner Rollins	Yes
Commissioner Vogelgesang	Yes
Commissioner Wright	Yes

**MOTION UNANIMOUSLY APPROVED**

**Boca Teeca Maintenance Contract**

The District received four (4) proposals for the Boca Teeca Maintenance contract. Staff will evaluate and make a recommendation at the next meeting.

**District Counsel:**

**Commissioners:**

*Commissioner Vogelgesang* noted that the Commissioners have received a letter from a Law Firm requesting to meet with District Counsel regarding a possible public-private partnership at Ocean Breeze. It was the consensus of the Board that it would be premature to have anyone meet with counsel until the project is further along.

First Tee of Palm Beaches, a Nonprofit organization, is very interested in exploring a partnership with the District to help raise the necessary funds to build a new golf facility at Ocean Breeze. First Tee would work with the District to offer First Tee programs to serve children with special needs, veterans YMCAs, and Boys & Girls Clubs. Commissioner Vogelgesang urged the Board to speak with Mr. Mistretta Jr. regarding this opportunity.

**FUTURE AGENDA ITEMS:**

Boca Teeca Maintenance Recommendation  
RFQ Proposals Architect/Engineer Ranking

**ADJOURNMENT:**

**MOTION** was made by Commissioner Engel and seconded by Commissioner Ehrnst to adjourn the meeting at 7:08 p.m.

**Roll Call Vote:**

Commissioner Ehrnst      Yes

Commissioner Engel      Yes

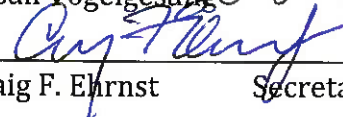
Commissioner Rollins      Yes

Commissioner Vogelgesang      Yes

Commissioner Wright      Yes

**MOTION UNANIMOUSLY APPROVED**

  
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Susan Vogelgesang      Chairman

  
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Craig F. Ehrnst      Secretary-Treasurer