

**GREATER BOCA RATON BEACH & PARK DISTRICT**  
**MINUTES OF A REGULAR MEETING OF**  
**THE BOARD OF COMMISSIONERS**  
October 16, 2023

The MEETING took place at the Swim & Racquet Center and was live-streamed for viewing & listening through Zoom. The meeting was called to order by CHAIR Erin Wright at 5:15 p.m.

**COMMISSIONERS PRESENT:**

Craig F. Ehrnst  
Steven M. Engel  
Robert K. Rollins  
Susan Vogelgesang  
Erin Wright

**CHANGES TO AGENDA:** Public Comments will be reopened after Regular Business.

**PUBLIC REQUESTS:**

*Mr. Robert DuKate* requested that the Attorney General's Letter dated June 8, 2020, and the City of Boca Raton's Resolution 10-2018, (pages 1, 7 & 8) that he provided at the October 2nd meeting become part of the official record. Mr. DuKate believes that the language used in the City's Resolution 10-2018 conflicts with the District's Enabling Legislation.

**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 held on October 2, 2023, at 5:15 p.m.

**Roll Call Vote:**

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

**MOTION UNANIMOUSLY APPROVED**

**REGULAR BUSINESS:**

**1. Ocean Strand- Maracore Builders Change Order**

In November of 2021, the District entered into a Temporary Construction Easement (TCE) Agreement with JJ Morley, the Grantee, with regard to access and specific improvements (resurfacing the asphalt service road for \$38,250.00, relandscaping, and other improvements to restore the property to its original condition) on the Ocean Strand property. Upon the conclusion of their work, the Grantee failed to complete the required obligations.

At the District meeting on October 2, 2023, the Board approved a motion for Maracore Builders to complete the work at Ocean Strand, pending receipt of the payment from the Grantee. Mr. Horowitz, District Counsel, reached out numerous times to the counsel for the Grantee to convey the District's intent with regard to the work yet to be completed at Ocean Strand and presented them with a settlement offer. The counsel for JJ Morley has been non-responsive.

Mr. Horowitz, District General Counsel, recommended that the Board authorize the Maracore Builders Change Order #23 (including the additional work for permits, a permit expeditor, additional plantings, milling, and mulch) to complete the work that was required as a result

of the Temporary Construction Easement (TCE) and to file a lawsuit against JJ Morley to pursue the entire cost and any expenses incurred by the District to restore the conditions of the Ocean Strand property. Mr. Horowitz noted that the TCE agreement has a Prevailing Party Attorney's Fee Provision to pursue recovery of any attorney fees and costs incurred.

District Counsel would like to consult with Mr. Piper and his team from the Johnson Anselmo Law Firm, from a plaintiff's perspective, to see if there is any opportunity to co-counsel on this matter.

**MOTION** was made by Commissioner Rollins and seconded by Commissioner Engel to approve the Maracore Builder's Change Order #23, including all of the additional work, and to proceed to file a lawsuit against JJ Morely and establish the actual costs to include in the litigation.

**Roll Call Vote:**

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

**MOTION UNANIMOUSLY APPROVED**

**2. Miller Legg North Park Site Plan Update**

Mike Kroll, Lumi Fuentes, and Martin Grinbank, representatives from Miller Legg, gave the following updates on the status of the site plan approval process for the North Park Project:

- Miller Legg is aiming for site plan submittal in November 2023.
- The City requested a traffic impact study and the construction of a shared-use path between Jeffrey Street and 67th Street.
- Miller Legg would like to develop a phased management plan between the east side of the property and the railroad tracks that transitions from exotic plant species to natural plant species without sacrificing the shade canopy.
- Miller Legg is working with consultants on Sustainability Sites within the park and Certification.

A work order for a traffic study, which the City required as part of the process, was presented to the Board for consideration.

**MOTION** was made by Commissioner Vogelgesang and seconded by Commissioner Engel to approve the Miller Legg Additional Services Agreement for a Traffic Impact Study for the North Park Phase 1 Project as presented.

**Discussion:** Commissioner Ehrnst did not agree with the design or plan for the southeast side and would like to hear a developer's perspective on how they would best utilize the property and have further conversations before locking in a design.

**Roll Call Vote:**

Commissioner Ehrnst	No
Commissioner Engel	Yes
Commissioner Rollins	Yes

Commissioner Vogelgesang Yes  
Commissioner Wright Yes

**MOTION PASSES 4-1**

**3. Boca Paddle Club Racquet Sports Facility Presentation**

Mr. Malcolm Butters and his team presented plans for the Boca Paddle Club Racquet Sports Facility, which is in the very early stages. The team highlighted their intention to make the building LEED-certified and sustainable. The architect, Juan Caycedo, presented the facility's conceptual floor plan and design. He explained the indoor and outdoor courts, mezzanine, and other amenities. He emphasized the flexibility of the design to accommodate various activities.

Commissioners raised questions and expressed concerns regarding the facility's family-friendly aspects and integration with the park, noise mitigation, and adding shaded areas for families. Mr. Butters addressed the concerns and expressed the team's commitment to collaborating with the community and the District.

**MOTION** was made by Commissioner Rollins and seconded by Commissioner Vogelgesang to proceed jointly to negotiate a concession agreement with the Boca Paddle Group to a proper conclusion.

**Roll Call Vote:**

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

**MOTION UNANIMOUSLY APPROVED**

**Public Requests were reopened:**

*Mr. Cil Ciliberti* suggested that the Boca Paddle Club build their fee-based indoor and outdoor covered pickleball courts and an additional six "free" standalone pickleball courts for the public.

*Mr. Harold Chaffee* stated that the presentation felt "commercial" and not "recreational." He believes that more attention to detail is needed for the design before it can be approved.

*Mr. Raul Travieso* congratulated the Butter's group for being awarded the North Park project. He stated that the plans are beautiful and that the residents in the neighborhood and the citizens of Boca will enjoy it.

**APPROVAL OF PAYROLL AND INVOICES:**

**MOTION** was made by Commissioner Ehrnst and seconded by Commissioner Engel to approve the payroll and invoices as presented, totaling \$138,717.32.

**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:**

Executive Director Harms reported that she attended the City Council meeting when the naming rights for the Tower passed unanimously and the ordinance to designate a portion of Patch Reef Park as conservation land was introduced. The hearing will take place at the Council meeting on October 24<sup>th</sup>.

Ms. Harms attended the YMCA's Pumpkin Painting event at Patch Reef Park Community Center and said it was a great event enjoyed by all.

**Commissioners:**

*Commissioner Engel* asked counsel to elucidate on the part of the District's charter regarding the conveyance of property to the city and if it is allowed under the District's Charter.

*Commissioner Ehrnst* would like to start thinking of ways to honor the 50<sup>th</sup> Anniversary of the District.

*Commissioner Vogelgesang* reported on how proud she is that the Tower project is impacting community members and mentioned a lovely email she received from a 98-year-old constituent looking forward to going to the opening.

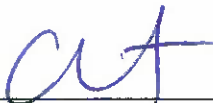
**ADJOURNMENT:**

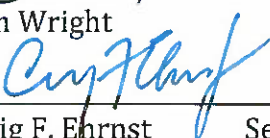
**MOTION** was made by Commissioner Engel and seconded by Commissioner Ehrnst to adjourn the meeting at 6:50 p.m.

**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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Erin Wright      Chair

  
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Craig F. Ehrnst      Secretary-Treasurer