

GREATER BOCA RATON BEACH & PARK DISTRICT
MINUTES OF A REGULAR "VIRTUAL" MEETING OF
THE BOARD OF COMMISSIONERS
July 20, 2020

The "VIRTUAL" MEETING, conducted through the Zoom platform, 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

CHANGES TO AGENDA:

PUBLIC REQUESTS:

Ms. Harms read into the record the following emails that were sent to the District for public requests:

Mr. Greg Galanis would like the District to demand an answer from the City on the golf course design or begin the process of pursuing legal remedies for unreasonably withholding said approval.

Mr. Jim Miller, President of the Friends of Gumbo Limbo, stated that there are two major critical capital projects in the budget: The Tower/Boardwalk and the Seawater Pump Replacement that may exceed the budgeted amount. The Friends are prepared to work with the District to share the additional costs. They appreciate the District's support for Gumbo Limbo and look forward to working together with the District and the City.

The following people called into the meeting:

Mr. Steve Roads reviewed the need for additional lighted pickleball courts in the City of Boca Raton. He stated that pickleball is the fastest growing sport and additional lighted courts will help both students and professionals enjoy pickleball in the evening hours.

Mr. Raul Travieso, Ambassador for the Florida Southeast District of the USA Pickleball Association, requested that the District, in cooperation with the City, repurpose two underutilized lighted tennis courts and convert them into six pickleball courts or build an outdoor lighted pickleball complex.

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 "Virtual" Meeting held on July 6, 2020, 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. Naming Foundation

At the last meeting, the Board directed the Executive Director and counsel to research what components would be needed for the District to establish a foundation to help with any revenue shortfalls.

This foundation has not yet been created or approved and is not accepting any donations at this time.

Discussion ensued regarding the naming of the foundation.

MOTION was made by Commissioner Rollins and seconded by Commissioner Engel to name the foundation the "Boca Raton Beach and Park Foundation".

Discussion:

Roll Call Vote:

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

MOTION UNANIMOUSLY APPROVED

2. Swim & Racquet Center Gate

Ms. Dawson, Facilities Manager, provided the Board an update with vendor references for the two companies, XL Fencing and Zepco, that offered quotes to install a pedestrian fence and gate at the Swim & Racquet Center. Ms. Dawson also asked both companies to quote the project using steel as opposed to aluminum for improved durability. Ms. Dawson recommended XL Fencing for the following reasons: they were less expensive; they provide a mechanical punch pad as opposed to a battery-operated punch pad, and the fence would have pickets on top that could deter someone from climbing over.

MOTION was made by Commissioner Wright and seconded by Commissioner Engel to approve XL Fencing as the vendor to install a pedestrian fence and gate at the Swim & Racquet Center for \$3,200.

Discussion:

Roll Call Vote:

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

MOTION UNANIMOUSLY APPROVED

3. Budget

Positions not Currently Filled

Ms. Harms advised that she received a list of District funded positions that are not currently filled and have not been filled for over a year totaling \$191,814.76. If the District chooses to defund these positions, they would still be charged between \$13,000-\$15,000 for the overhead costs. The other option would be to eliminate the positions and the City can come back in future years to request new positions if needed.

Discussion ensued.

Commissioner Rollins questioned why overhead costs were still being charged if the positions were not filled.

Commissioner Engel inquired if the City would object to eliminating the positions and coming back to the District on a case by case basis if the positions are needed.

MOTION was made by Commissioner Ehrnst and seconded by Commissioner Rollins to instruct the Executive Director to request that the City eliminate the positions in the budget that have not been filled currently, removing approximately \$200,000 from the budget.

Discussion:

Roll Call Vote:

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

MOTION UNANIMOUSLY APPROVED

New Positions Requested in Budget

The City is requesting a new part-time guest services position at Gumbo Limbo (\$22,800.00) and two part-time lifeguard positions at the Swim & Racquet Center (\$31,477.56).

Discussion:

Commissioner Ehrnst does not support creating new positions and would like to focus on how to better utilize what we currently have. He suggested that Ms. Harms research the current schedules to see if hours can be rearranged.

Ms. Harms noted that the City is amenable to removing the Part-Time Guest Services position at Gumbo Limbo and will cover the position with other staff.

MOTION was made by Commissioner Wright and seconded by Commissioner Rollins to eliminate the Part-Time Guest Services position at Gumbo Limbo for \$22,800.00 based on the City saying they will cover the position with other staff.

Discussion:

Roll Call Vote:

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

MOTION UNANIMOUSLY APPROVED

APPROVAL OF PAYROLL AND INVOICES:

MOTION was made by Commissioner Ehrnst and seconded by Commissioner Engel to approve the payroll and invoices totaling \$ 70,519.26

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:

First Public TRIM Compliance Hearing

Mr. Goren, District counsel, expressed that the Department of Revenue issued an order dated July 7th, 2020 stating that, for TRIM compliance purposes, the state has authorized meetings to be conducted in a virtual fashion.

MOTION was made by Commissioner Ehrnst and seconded by Commissioner Engel to set the date of the First Public TRIM Compliance Hearing on the FY2020/2021 Budget/Millage Rate on September 10, 2020, at 6:00 p.m. This meeting will be held virtually via the Zoom platform.

Discussion:

Roll Call Vote:

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

MOTION UNANIMOUSLY APPROVED

Golf Course Update

Ms. Harms spoke with Mike Woika, Assistant City Manager, and is hopeful that the District will have a response from City Council regarding the golf course in September.

CRA Update

The City has begun the process of reviewing the District's application requesting to be released of its CRA obligation. A hearing date will be set in the near future.

Ocean Strand RFP

The bids for the Ocean Strand RFP (Phase 1 of the Ocean Strand project) are due back on July 31, 2020 and will be distributed to the Board the week of August 3rd.

Commissioner Engel requested that the bid to design and build Phase 1 of the Ocean Strand project be awarded and finalized by August 17, 2020.

MOTION was made by Commissioner Ehrnst and seconded by Commissioner Engel to schedule an additional meeting on August 11, 2020, at 5:15 p.m. to review the submitted bids for the Ocean Strand RFP with public input and schedule an additional back up meeting on August 13, 2020, to potentially award a bid for the Ocean Strand RFP.

Discussion:

Roll Call Vote:

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

MOTION UNANIMOUSLY APPROVED

Parks & Recreation Month

Ms. Harms wished everyone a happy Parks and Recreation month and thanked staff for the efforts they make to reach out to the community. Gumbo Limbo staff is holding virtual camps and the Science Explorium staff provide science project kits that are available for pick up.

Counsel:

Jeffery Street Railroad Crossing

Memorandum 2020-04 dated July 10, 2020 (see attached), regarding the Jeffery Street railroad crossing was read into the record stating that counsel has contacted the Florida East Coast Railway ("FEC") in an effort to better understand if the FEC has any plans regarding a potential railroad crossing at Jeffery Street. FEC Senior Vice President and General Counsel Robert LeDoux confirmed that the FEC has no records of a request for a railroad crossing at the Jeffery Street location.

Request for an Extension of Executive Order

Mr. Goren asked the Board's consideration to permit counsel to request an extension of Executive Order Nos. 20-69 and 20-150 beyond August 1, 2020, allowing for virtual meetings.

MOTION was made by Commissioner Wright and seconded by Commissioner Rollins to direct counsel to compose a letter to the Governor formally requesting an extension of Executive Order Nos. 20-69 and 20-150 beyond August 1, 2020, allowing for virtual meetings.

Discussion:

Commissioner Ehrnst was concerned with the cost involved to engage counsel to send the letter to the Governor.

Roll Call Vote:

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

MOTION UNANIMOUSLY APPROVED

SABR Indemnification Agreement

Counsel has reviewed the Indemnification and Hold Harmless Agreement that SABR signed that was prepared by the City of Boca Raton on June 15, 2020. District counsel supports this document, stating it was legally sufficient and does not require any further modification or discussion.

Commissioners:

Commissioner Ehrnst appreciates the work that was done on the SABR and FAU Agreements, and asked staff to investigate converting tennis courts or the hockey rink into lighted pickleball courts at Sugar Sand or Patch Reef Park.

GBRB&PD Minutes: July 20, 2020

Commissioner Wright suggested providing a copy of Memorandum 2020-04, regarding the FEC's response to the railroad crossing at Jeffery Street, to the City, and to make it available to the public.

Commissioner Rollins conveyed historical details about the accomplishments of the District over the last 24 years to clarify some misconceptions.

The District Commissioners built diamond fields, a Community Center, and a Science Playground at Sugar Sand Park. They made a deal with FAU to build 2 rectangular fields at Henderson's school and a 20-year deal with FAU for the use of those facilities.

Mr. Rollins was elected Commissioner for the Greater Boca Raton Beach & Park District in 1994. The District has since accomplished the following:

Sugar Sand Park

The City agreed to let the District purchase and finance 132 acres of land, now known as Sugar Sand Park, at approximately \$16 million or \$120,000 per acre, preventing a large residential or commercial development.

Ocean Strand

The District purchased the Ocean Strand property, 18 acres of land, for approximately \$17 million or \$900,000 per acre with City financing. Mr. Bill Smith, the Mayor at that time, asked the District to purchase the property to preserve the green space.

The District held numerous charrettes for Ocean Strand, which included various architect presentations. As the District had other emerging needs for recreational facilities, Ocean Strand was land banked until the EDSA developed a Waterfront Master Plan with ideas for more passive activities.

Commissioner Rollins stated for the record that Commissioner Ehrnst and Commissioner Wright have talked about developing Ocean Strand for many years during their time on the Commission, this is not a new idea because somebody is running for election.

Documentation of District/City Cooperation

Commissioner Rollins read a letter dated July 18, 2016, that he sent to Mayor Haynie into the record (see attached):

I just wanted to take the opportunity to let you know that the recent meetings of the Greater Boca Raton Beach Park District, the Commissioners unanimously expressed their support for the City of Boca Raton in the development of the ongoing Waterfront Plan.

As stakeholders of vacant beachfront property, and Intracoastal property, the District would like to request a cooperative role with the City in the development of the plan financially and also with regard to the preparation of the plan and its implementation....

...Also, we have had numerous comments regarding the Ocean Breeze golf course at Boca Teeca and have expressed to members of the public our interest in participating with the City in a potential acquisition of the property.

Additional District Projects

GBRB&PD Minutes: July 20, 2020

- Rebuilt the Science Playground for \$2.5 million.
- Rebuilt the Swim & Racquet Club for \$4.5 million.
- Developed DeHoernle Park for \$14 million, which was originally budgeted for \$24 million by the City and turned over to the District, saving \$10 million.
- Renovated the fields at Patch Reef Park into state-of-the-art sports turf for \$4 million.
- Other Operation & Maintenance projects include: Gumbo Limbo, Red Reef Park and Red Reef Golf course that the District supports with its ad valorem revenue for the City; and
- Constructed three rectangular fields at Florida Atlantic University.

Ocean Breeze History

Lennar Homes had an interest in the Ocean Breeze property financially and approached the City about a land swap. Lennar offered to give the City the Ocean Breeze property and \$10 million for the rights to Boca Municipal Golf Course.

The City refused that offer and the Mayor at that time, Susan Haynie, contacted the District to see if the District would purchase Ocean Breeze if the City were to sell the Boca Municipal Golf Course.

In a letter dated November 16, 2016 (see attached) regarding the Ocean Breeze Golf Course, Commissioner Rollins wrote:

At the November 14, 2016 meeting of the Greater Boca Raton Beach & Park District a very thorough discussion of the possible involvement in the above issue by the District was undertaken by District Commissioners, staff, and the public in attendance.

The District Commission requested that I provide this position statement to the City on the Ocean Breeze golf course in the event the property may be acquired by the City of Boca Raton. It is the position of the existing District Commissioners and the expressed public statements of Commissioner-elect Wright and Commissioner-elect Ehrnst that the community interest is best served by the Ocean Breeze property being placed in our public property inventory.

The Ocean Breeze property was acquired for \$24 million or at a cost per acre of \$113,000 by comparison, the City purchased the Wildflower property for \$7.5 million or \$3.3 million per acre.

The cost of creating 212 acres of green space was relatively minor compared to some of the properties that the District and the City have purchased.

The Ocean Breeze property was appraised at its highest and best use by Callaway and Price at \$19 million because there was a development order still in place from a commercial developer that walked away from the project.

The District purchased the Ocean Breeze property in 2017 with the approval of City Council in a 4-1 vote, the City subsequently approved City financing for the project at \$19 million.

The District has approved a phased development for Boca National (Ocean Breeze) and is currently waiting for the design approval from City Council.

Commissioner Rollins believes that there is a need for recreational minded members, not politicians to serve the District Commission. He mentioned that all members of the Board have played a role in supporting the parks and has served the community in some recreational capacity prior to joining this organization. He stated "Failure to understand the needs of our recreational community and bow to political pressure will ultimately be the undoing of this Commission. We are an independent taxing authority and must represent the City and the reserve area citizens and failure to do so would be taxation without representation."

FUTURE AGENDA ITEMS:

City & District CIP / City's Project Requests

ADJOURNMENT:

MOTION was made by Commissioner Engel and seconded by Commissioner Rollins to adjourn the meeting at 6:39 p.m.

Roll Call Vote:

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

MOTION UNANIMOUSLY APPROVED

Susan Vogelgesang	Chairman
-------------------	----------

Craig F. Ehrnst	Secretary-Treasurer
-----------------	---------------------

GREATER BOCA RATON BEACH AND PARK DISTRICT

MEMORANDUM 2020-004

TO: Susan Vogelgesang, Chair
Members of the Board of Commissioners

CC: Briann Harms, Executive Director

FROM: Samuel S. Goren, District General Counsel *SSG*
Jacob G. Horowitz, Assistant District General Counsel *JGH*

DATE: July 10, 2020

RE: Greater Boca Raton Beach and Park District ("District") / Jeffrey Street Railroad Crossing

At the direction of the District's Board of Commissioners, the General Counsel's Office has contacted the Florida East Coast Railway ("FEC") in an effort to obtain a better understanding of the FEC's plans, if any, regarding a potential railroad crossing at Jeffrey Street. Our office has discussed this matter, at length, with FEC Senior Vice President and General Counsel Robert Ledoux.

Mr. Ledoux confirmed that the FEC has no records of a request for a railroad crossing at the Jeffrey Street location. There are "major crossings" to the north and south that are approximately one (1) mile apart and less than one half (1/2) mile from this location. Mr. Ledoux also indicated that, while the FEC does consider requests for both new railroad crossings and crossing relocations, the FEC has not approved a request for a new railroad crossing in over thirty (30) years. Railroad crossing relocation requests are considered, and approved, from time to time.

The installation of railroad crossings is a collaborative effort involving engineers from both the FEC and the Florida Department of Transportation ("FDOT"). The cost for a crossing relocation is generally borne by the petitioner seeking the relocation. It is estimated that the cost to relocate a 4-quadrant gate, including signals, is approximately \$500,000. The cost to relocate a 2-quadrant gate, including signals, is approximately \$250,000.

Please contact our office if there is any additional information that we can provide.



Greater Boca Raton Beach & Park District

300 South Military Trail, Boca Raton, Florida 33486
Telephone: (561) 417-4599 Telefax: (561) 347-3945
www.mybocaparks.org

Board of Commissioners

Steven M. Engel
Dr. Dennis R. Frisch
Robert K. Rollins, Jr.
Earl L. Starkoff
Susan Vogelgesang

July 18, 2016

Mayor, Susan Haynie
City of Boca Raton
201 West Palmetto Park Road
Boca Raton, FL 33432

Re: Waterfront Plan

Dear Susan:

I just wanted to take this opportunity to let you know that at recent meetings of the Greater Boca Raton Beach & Park District Commission the Commissioners unanimously expressed their support for the City of Boca Raton in the development of the ongoing Waterfront Plan. As stake holders of vacant beachfront and intracoastal property, the District would like to request a cooperative role with the City in the development of the plan financially and also with regard to the preparation of the plan and its implementation.


Both entities share a common desire to provide the best possible park and beach recreational facility for our residents. I urge you and your fellow Council Members to invite the District to participate in formulating a mutually acceptable policy for waterfront development.

On separate subjects, we have noted the algae infiltration into the Intracoastal Waterway in Martin County and northern Palm Beach County areas. We would appreciate the City advising as to whether there have been any affirmative steps taken by the City in the way of evaluating such environmental damage to our pristine beaches in Boca Raton.

Also, we have had numerous comments regarding the Ocean Breeze Golf Course at Boca Teeca and have expressed to members of the public our interest in participating with the City in a potential acquisition of this property. We realize that such an endeavor may be somewhat complicated from a real estate perspective, however, we remain committed to assist the City in the ultimate operation and maintenance of the facility.

I look forward to hearing from you and would be most willing to meet and discuss with you the development of a mutual policy for our beachfront and our park and recreational facilities. You may count on the support of the District in your endeavors.

Very truly yours,


Robert Rollins
Chairman



Greater Boca Raton Beach & Park District

300 South Military Trail, Boca Raton, Florida 33486
Telephone: (561) 417-4599 Telefax: (561) 347-3945
www.mybocaparks.org

Board of Commissioners

Steven M. Engel
Dr. Dennis R. Frisch
Robert K. Rollins, Jr.
Earl L. Starkoff
Susan Vogelgesang

November 16, 2016

Mayor Susan Haynie
and Members of City Council
201 West Palmetto Park Road
Boca Raton, FL 33432

Re: Boca Teeca
Ocean Breeze Golf Course

Dear Mayor Haynie and Council Members:

At the November 14, 2016 meeting of the Greater Boca Raton Beach and Park District (the "District") a very thorough discussion of the possible involvement in the above issue by the District was undertaken by the District Commissioners, staff and the public in attendance.

The District Commission requested that I provide this position statement to the City on the Ocean Breeze Golf Course in the event the property may be acquired by the City of Boca Raton.

It is the position of the existing District Commissioners and the expressed public statements of Commissioner-elect Wright and Commissioner-elect Ehrnst that the community interest is best served by the Ocean Breeze Property be placed in our public property inventory.

The District fully understands that the current issue of the municipal golf course sale and/or acquisition of Ocean Breeze are solely decisions of the City. However, the District feels it relevant to advise the City of our thoughts and importantly, our willingness to participate in the furtherance of recreational activities at the Ocean Breeze property.

To that end the District, in the event that the City acquires Ocean Breeze, is prepared to participate as follows:

1. The District in cooperation with the City stands ready to acquire the Ocean Breeze property from the City.

2. The District in cooperation with the City is prepared to renovate the entirety of the Ocean Breeze property including the 27-hole golf course and the hard surface amenities such as a hotel, community center or other necessary buildings.
3. The District is prepared to operate the facility and, pursuant to an Interlocal Agreement, would engage City personnel to maintain the facilities to preserve employment for current City employees.
4. The District will actively pursue potential economic opportunities for Ocean Breeze as reflected in the attached correspondence from the Greg Norman Group. Such a relationship not only provides direct economic benefit to the golf course, but provides immeasurable economic benefit to tourism and business in the community by creating a true worldwide destination.

The benefits of such an acquisition cannot simply be measured in dollars.

A. The acquisition of Ocean Breeze preserves much needed open space.

B. The acquisition of Ocean Breeze provides a public recreational golf element which would be economically available to all residents and youth of the District, especially those who are not fortunate to be members of private clubs.

C. The acquisition and programming can provide world recognition for the City of Boca Raton.

D. The operation of such a facility can provide a significant source of revenue for the community.

E. Finally, this acquisition can provide to local officials a "thank you" from, not only current residents, but from their children, grandchildren and future generations.

This community has historically exercised the foresight and judgement to acquire beach, park and recreational properties for the future use that has resulted in Boca Raton being a "City within a park".

We are at the preliminary stages of potentially acquiring a significant asset for our community which will require the cooperation of the City and the District. Let us not spare any effort to achieve this one-time opportunity.

The District commits to assist you in any fashion to continue to provide the wonderful quality of life in our community.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Rob K. Rollins, Jr.", written over the typed name.

Robert K. Rollins, Jr.
Chairman