

# Memorandum



**Date:** November 5, 2013

**To:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**From:** Honorable Carlos A. Gimenez  
Mayor 

**Subject:** Protections for Public Use of the Crandon Park Tennis Facilities

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At the November 5, 2013 Board of County Commission Meeting, you will be considering a resolution approving amendments to the Crandon Park Master Plan for the Tennis Center Area located at 4000 Crandon Boulevard, Key Biscayne, in compliance with Section 33-303 of the Code. We also finalized negotiations with International Players Championship, Inc. (IPC) last Tuesday and have placed the agreements on the same agenda for your review and consideration.

Some constituents have demonstrated concerns that the Crandon Park Tennis Center (CTC) would no longer allow access for public use and have cited the example of the elimination of the clay courts in IPC's proposed plan. Upon learning of their concerns, I directed members of my administration to meet with all stakeholders and to develop a collaborative solution.

My Senior Advisor, Lisa Martinez, and Jack Kardys, Director of the Parks, Recreation and Open Spaces (PROS) Department, have met with Ms. Rose Haney and several other clay court users, the Key Biscayne Tennis Association, IPC, the Village of Key Biscayne (where the majority of users reside) and County staff. The County currently has six clay courts at the Crandon Tennis Center and nine clay courts at the Crandon Golf Course. These two neighboring facilities are located about a third of a mile away from each other. IPC's plan proposes to develop 18 hard courts and eliminating the 6 clay courts at the CTC. After listening to all stakeholders, the most feasible and productive plan would be to expand and improve the clay court facilities at the Crandon Golf Course. Attached you will find a summary of the plan to address the clay court needs over the next 2 years. Please note that IPC's original plan would have eliminated the clay courts in the very first phase of their work. After discussion, all parties agreed that it would be best to adjust that timeline to provide sufficient time to develop a solution prior to eliminating an amenity used by Miami-Dade residents.

I want to assure you that the agreements with IPC that will be considered today protect the public use of the park and comports to the referendum approved by 73% of voters on November 6, 2013. The agreements are extensive, so a compilation references (attached) highlights those elements of the agreements that protect the County's control of the site and its use.

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and Members, Board of County Commissioners  
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I know that my staff has been meeting with you to review the details of the agreements, but if you have any follow-up questions, please contact me directly, Lisa Martinez at (305)375-2911 or Jack Kardys at (305) 755-7903.

Attachments

c: Honorable Harvey Ruvlin, Clerk of Courts  
Honorable Franklin Caplan, Mayor, Village of Key Biscayne  
Robert A. Cuevas, Jr., County Attorney  
Office of the Mayor Senior Staff  
Jack Kardys, Director, Parks, Recreation and Open Spaces Department  
Jennifer Moon, Budget Director, Office of Management and Budget  
Adam Barrett, International Players Championship, Inc.  
John Rivella, President, Key Biscayne Tennis Association (KBTA)  
Stearns Weaver Miller Weissler Alhadeff & Sitterson, P.A.  
Rose Haney, Concerned Citizen

# **Proposed Plan for Crandon Park Clay Courts**

## **Background**

On November 6<sup>th</sup> 2012, Miami-Dade voters overwhelmingly approved a referendum passed by 73% to allow the construction of additional and expanded facilities at Crandon Park Tennis Center (CTC) and to modify and extend Tournament Agreement with International Players Championships (IPC).

In the design of the expanded and enhanced facilities, IPC selected to develop 18 hard courts (16 in phase 1 and 2 more in phase 2) to accommodate the needs of an extremely popular event of 416 players in the draw including men's and women's singles and doubles matches and practice time for each before and during match play. Even with the new design of the facilities, IPC will continue to shuttle players off site to other venues to accommodate practice schedules. The new facilities include additional open spaces and larger permanent secondary stadia which account for the reduction in clay courts. The clay courts are not used during the tournament. It is this configuration of courts which includes the elimination of 6 clay courts that has created objections from clay court users as having not been adequately notified of the conversion to hard courts only.

## **Clay Court Facilities at Crandon Park**

In addition to the CTC 6 clay courts, 2 of which are lighted, the County has at the Crandon Golf Course next door, 9 clay courts with 4 lighted. These clay courts are operated and maintained for the public by the Key Biscayne Tennis Association (KBTA). The County has performed an extensive usage analysis which determined that the demand for clay courts is met by the combined capacity of both the CTC and KBTA 92% of the time, with excess demand occurring 8% of the time. This is typical of Parks, Recreation and Open Spaces (PROS) facilities such as golf course tee times, picnic pavilion rentals and soccer field rentals where demand exceeds capacity for those popular periods of time during the day and weekends, which is managed through reservation systems.

(NOTE: the County does not build clay or grass courts due to high construction and maintenance cost. At Crandon the clay courts cost \$11,156 per year to maintain and earn \$6,397 each in revenue during the last year while the hard courts cost \$2,284 to maintain and generate \$9,098 in annual revenue. Grass courts cost PROS \$8,684 to maintain annually and generate \$173 in revenue each. The CTC total tennis operation revenue is \$352,524 and the clay court portion is \$38,386. The clay and grass courts were built at CTC as a partnership with USTA as part of their player development program. The USTA moved its player development operations to Boca Raton and has not had an agreement with the County for more than 6 years. Clay and grass courts are used by general public)

## **Proposed Action Steps to be Taken**

In order to resolve the issue raised by the current clay court users at CTC, the Mayor convened a series of meetings involving the following stakeholders to develop a plan of action to address the concerns:

1. Ms. Rose Haney and other clay court users
2. KBTA
3. IPC
4. Village of Key Biscayne ( where majority of users reside)
5. County staff

To be most effective in maintaining and overseeing management agreements, the County proposes that all of the county's clay court operations be housed at the Crandon Golf Course and all hard courts be housed at the CTC. This approach will make it easier to manage and create uniformity in levels of service now in place at the CTC. The County Tennis Manager, Rick Pardon, will serve as the tennis facilities expert at both sites to insure the compliance of all aspects of agreements moving forward and insure levels of service are met and maintenance performed appropriately.

The clay court users have not deviated from their interest in maintaining the total number of clay courts currently available; however, they have demonstrated flexibility in working together should the courts have to be moved to accommodate the needs of the tournament. Despite the fact that all stakeholders have not collectively come to an agreement regarding the number of courts that are needed to meet the users' needs, the following are steps that County staff and other stakeholders have discussed and would feel comfortable moving forward on:

- Develop a task force made up of the previously referenced stakeholders with the goal of meeting the current community usage levels.
- Establish a conversion schedule using the construction timelines at CTC as milestones to achieve additional courts and lighting to meet the usages needs of the current site.
  - Repair and upgrades of existing courts at the Crandon Park golf course will begin immediately and a business plan will be developed to be finalized and approved by the County, with stakeholder review, by January 30<sup>th</sup> 2014.
  - In April 2015, 2 lighted clay courts are slated for demolition and the proposed demolition date for the remaining 4 courts is April 2016. The business plan will utilize these two dates as milestones for appropriate facility upgrades and replacement as agreed upon by the parties. The number of courts has not been agreed upon yet, but the clay court users have been consistent in their expectations that the 15 clay courts currently available remain available. County staff believes providing 10 lighted courts including the replacement of 1 additional clay court at the Crandon Park golf course would meet the needs of the peak night time users. Staff is also prepared to explore the viability of additional courts on the Crandon Park golf course site.
  - The goal would be to submit the business plan and the proposed site plan modifications for the required approval processes in 2014.
- IPC has already agreed to be responsible for lighting 4 Crandon Park golf course courts which would increase our ability to serve the public at peak evening hours.
- The Village of Key Biscayne is committed to working with the group and will explore how the Village could also support a solution with additional funding.
- After extensive discussion with KBTA and clay court users, KBTA's business plan will include but not be limited to the following:
  - Operate with public accessibility as a primary objective, as required, including the placement of "Public Tennis Center" signage on the front of building.
  - Comply with all terms of existing and negotiated terms of the partnership agreement with a special emphasis on complying with public accessibility expectations.
  - Adjust hours of operation at Crandon Park golf course clay courts to CTC level of service. Currently Crandon Park golf course clay courts remain open until 8 pm, but will be extended to 10 pm daily

- Develop a working reservation system to insure accountability and accessibility for general public.
- Develop annual court fee or passport program to maximize public usage.
- Establish a fee structure based on fair market rates that will enable the operation to be fiscally sustainable.
- Maintain, repair and finance needed improvements to meet standard level of service of CTC.
- The County will offer administrative and technical support to KBTA to help establish consistent clay court maintenance programs and insure the level of service is consistent with current CTC clay courts.
- All stakeholders understand that this plan, like the entire IPC proposal being considered by the BCC, must be approved by the Crandon Park Master Plan Amendment Committee (CPAC).
  - a. Once a plan is agreed to by stakeholders the County will submit to the CPAC through the Advisory Board and Governmental Facilities (GF) process which requires BCC approval.
- All stakeholders will agree to use their best efforts to identify, negotiate and secure corporate, philanthropic, in-profit, individual and government grants and donations/contributions to the collective efforts of moving this plan forward and as maintenance of effort in the coming years.

## Public Use Protections Included in IPC Applications and Agreements

### GF Application 13-03

The following modifications to the CPMP proposed in the GF which protect the facility as a public park and tennis center include:

- Page 68 and 69 of CPMP (page 41 and 43 of GF document)
  - Provides for Tennis Only for spectator structures and restrict to 4 other days annually for professional tennis tournaments with County approving all other uses of facilities beyond tournament period
- Page 70 of CPMP (page 44 of GF document)
  - Provides for Tennis and recreational use of Tennis Center only, and makes specific reference to Western Preserve access for Canoe/kayak use, insuring there will be a sign saying "THIS IS A PUBLIC TENNIS FACILITY"
- Page 67 and 71 of CPMP (page 41 and 45 of GF document respectively)
  - Provides for continued visual screening of all facilities to insure natural visual beauty
- Pages 48, 50 and 72 of the CPMP (pages 36, 37 and 46 of GF document respectively)
  - Acknowledges compliance with the White case providing public access to not less than 75% of the tennis facilities up to 2 days prior and 4 days after the Tournament Period.
- Page 44 and 47 of the CPMP (page 33 and 36 of GF document)
  - Restriction on signage to tournament and amateur tennis making other events unlikely.
- Page 49 and 74 of the CPMP (page 37 and 49 of the GF document)
  - Restrictions on hours of operations except for tournament and amateur tennis events.
- Page 52 of the CPMP (page 39 of the GF document)
  - Restriction on overnight vehicle storage except during tournament.
- Page 69 and 70 of the CPMP (page 42, 43 and 45 of the GF document)
  - Restrictions on advertising except during the tournament and amateur tennis events.
- Page 72 of the CPMP (page 46 of the GF document)
  - Limits the installation of temporary seating to the tournament.

## **Tournament Agreement**

The following are articles in the Tournament Agreement which protect the facility as a public park and tennis center include:

- Article 3.01 Use of Site by IPC
  - Specifically details its use within the definition of Tournament, which is restricted to the annual men's and women's tournament currently the Sony Open.
  - Also "shall minimize disruption of normal park operation and public park access..."
- Article 13 Termination
  - As with all agreements, give County authority to terminate for any violations by IPC
- Article 17.08 Crandon Park Master Plan
  - ....Agree that site is subject to and governed by CPMP.....

## **Exhibit D Management Addendum**

The following are articles in the Management Addendum which protect the facility as a public park and tennis center include:

- Article 1.01 Management of Tennis Center
  - IPC must operate the site as a public park and recreation facility
- Article 3 County Oversight
  - County will designate a Contract Manager to oversee IPC compliance and who will maintain an office on site and meet at least once a month.
- Article 4.01 Standards of Operation
  - IPC must operate the site as a public park and recreation facility
  - Operation must be in accordance with CPMP and all other applicable law
- (f) Establishment of Rules and Regulations for Public use. IPC must have prior written County approval and they must be consistent with and comparable to the general rules and regulations applicable to all County parks and recreation facilities
- Article 4.05 No Other Contracts or Leases Permitted
  - Requires prior written consent by County

## **Lease Agreement**

The following are articles in the Lease Agreement which protect the facility as a public park and tennis center include:

- Article 1.04 Permitted Use of Demised Premises
  - Restricts IPC's use to that of "promoting and operating the tournament (as defined in the Tournament Agreement)
- Article 3 Termination of Lease
  - As with all agreements, give County authority to terminate for any violations by IPC
- Article 6.12 Crandon Park Master Plan
  - IPC's use under the agreement is subject to and governed by CPMP

## **Development Agreement**

- Article 2.02 Intent.
  - Mentions the need to keep the tournament competitive. No other use is mentioned. Also mentions opening up the Site for expanded recreational and landscape uses.
- Article 15.22 Crandon Park Master Plan.
  - Mentions that the Master Plan shall govern the Developer's use and operation of the Tennis Center for the tournament.
- Article 15.23 Validity of Agreement.
  - The Developer and the County acknowledge that the Site may only be used for "public park purposes" and used and developed in accordance with the Crandon Park Master Plan and all Applicable Laws.

## **Chapter 26 of the County Code – Park and Recreation Rules**

- Section 26-24:
  - The Programming Partners Program provides a vehicle for the Department to build collaborative relationships with Programming Partners through a fair and standard recruitment, selection, agreement and evaluation process that fosters quality, equity and diversity in recreational and cultural programming opportunities, while ensuring that both the County and its Partners are accountable for the stewardship of County Park and Recreation Facilities.
- Section 26-30
  - Development Rights to construct recreational facilities on County-owned, -operated and -maintained parks will be granted at the Department's discretion and to the extent that they fulfill the host park's approved general plan.

## **Miami-Dade County Home Rule Charter, Article 7**

- Section 7.01 Policy
  - Parks, aquatic preserves, and lands acquired by the County for preservation shall be held in trust for the education, pleasure, and recreation of the public and they shall be used and maintained in a manner which will leave them unimpaired for the enjoyment of future generations as a part of the public's irreplaceable heritage. They shall be protected from commercial development and exploitation and their natural landscape, flora and fauna, and scenic beauties shall be preserved.
- Section 7.02 Restrictions and Exceptions
  - No park shall be designed to be used beyond its appropriate carrying capacity and to the extent required by law all parks and facilities and permitted special events and concessions operating in the parks shall be fully accessible to persons with disabilities.
  - No building permit or certificate of occupancy shall be issued for any structure in violation of this Article.

## **Comprehensive Development Master Plan, Recreation and Open Space Element**

- Objective ROS-6
  - Maintain and continue to implement the comprehensive resource management program for the acquisition and site-specific management of environmentally sensitive lands, coastal areas and historic sites within Miami-Dade County parks consistent with the Natural Areas Management Plan.
- Policy ROS-6B.
  - Those portions of park properties containing important natural, historic, or archaeological resources will be developed to enhance the historical and cultural resources and managed for long-term viability and integrity of the resource. Miami-Dade County shall use all practical means to assure that land in the vicinity of such park properties is developed for a use that is compatible with the protection of the natural, historic or archaeological resources.
- Policy ROS-6C.
  - At natural resource sites, park design programs shall incorporate resource management plans for resource maintenance, restoration, and enhancement, into the design plan for park development or redevelopment.

## Article 7 Referendum

- Ballot language
  - The first bullet in the ballot language reads as follows:
    - “ERECTION OF PERMANENT STRUCTURES AND EXPANSION OF EXISTING STRUCTURES AT CRANDON TENNIS CENTER FOR **PUBLIC PARK AND TENNIS TOURNAMENT USE** [emphasis added], WHICH SHALL BE FUNDED SOLELY BY TENNIS CENTER AND TOURNAMENT REVENUES AND PRIVATE FUNDS; AND”