

**Bend Metro Park & Recreation District
Board of Directors
Work Session, Executive Session & Regular Meeting
June 5, 2007**

BOARD PRESENT: Suzanne Johannsen, Ruth Williamson, Don Smith, Ted Schoenborn and Bob Woodward.

STAFF PRESENT: Don Horton, Bruce Ronning, Lindsey Lombard, Jan Taylor, Ed Moore, Dave Crowther, Wayne Smith, Theresa Albert, Pat Erwert, Robin Laughlin, Steve Jorgensen and Paula Lowery.

LEGAL COUNSEL: Neil Bryant.

MEDIA: Yoko Minoura.

WORK SESSION

Chair Suzanne Johannsen convened a work session at 5:35 pm.

Budget Meetings Recap

Lindsey Lombard explained that staff is continually striving to improve the budget presentation process and is seeking Board comment in order to achieve that goal. She noted that staff had added the tour of facilities this year which she felt was a great success. She stated she felt it was helpful to be able to show the budget committee the physical elements of the district to prepare them for their budget deliberations. Suzanne Johannsen stated she thought the presentation was great and the tour was a good way to orient the budget committee. Ruth Williamson stated she felt the presentation was excellent and she appreciated having the tour in advance as it obviously engaged the budget committee members that were new to parks and recreation. She stated the budget was presented in a way that she knew staff had done a lot of work behind the scenes, and it was to the point and digestible. Lindsey urged the Board to share any suggestions they may think of beyond this discussion.

IGA - service provider for the City of Bend

Bruce explained there is an existing Intergovernmental Agreement with the City of Bend to act as the urban services provider within the City of Bend for park and recreation programs, parks, facilities, trails, etc. He explained staff is asking the Board to consider moving forward to update the agreement. He stated the current agreement was last revised and adopted in January of 2003, and the document calls for a periodic three year review. He stated that with the city's consideration of an Urban Growth Boundary expansion, and one of the issues the IGA governs is annexation of urban areas. Steve Jorgensen shared a map with the Board identifying district boundaries, the study areas of the urban reserve for the City of Bend, the existing Urban Growth Boundary, and what they are proposing for their Urban Growth Boundary expansion. He stated the IGA is related to both the existing Urban Growth Boundary as well as what is

going to happen in the Urban Reserve Area. He identified areas where the city's proposed Urban Growth Boundary is going outside of the district's existing boundary. He stated those are the areas to be considered for co-annexation or concurrent annexation. He stated the city's existing proposal for expanding the Urban Growth Boundary totals around 9,000 acres, but they will need to reduce that number. He added that affects how the district moves forward as we need to know what their ultimate map is going to be before we know how many acres of parks we need to be planning for in different areas, and how we need to expand our neighborhood service boundaries to cover these areas. He stated we need to work on the IGA to get them in place; however, we technically don't have to have it in place until after they have established their boundaries as we have a year to negotiate the IGA after they do their adopted boundaries. He stated he believes the concurrent annexation is the biggest issue. He stated he has met with city staff that have not worked on IGAs, and suggested they review the district's draft following the Board's review of the proposed updates. He referred to the proposed agreement provided in the Board report and noted changes he has made to the document. He stated the district wants to be notified regarding how the Urban Growth Boundary expansion into the Urban Reserve Area works with a 30-day notice defining what they intend to annex. He stated he assumes annexation will go to a vote and he believes the IGA needs to be in place before the vote. Bruce noted that there also some proposed amendments to trail responsibilities to bring the IGA into line with what the real practice is. Suzanne Johannsen asked how the annexation with the county applies. Bruce explained that the mechanism in place with the county only involves annexation to the district which can be done by petition, but that wouldn't necessarily bring the property into the Urban Growth Boundary. Don Horton noted that a property owner could also petition to annex to the city without annexing to the district. He stated that is what happened with Juniper Ridge as the city annexed their property by petition. Neil explained the annexation process that includes further study by the city, followed by their determination of what is to be annexed that is recommended to the city council for their approval. He stated their decision can be challenged through LUBA. Neil noted that the city is under pressure to complete this process as they are out of the 20-year supply of land they are supposed to have in the Urban Growth Boundary. He noted that those properties within the Urban Area Reserve have a priority of being brought in to the Urban Growth Boundary before other areas can be taken in. Don Smith shared his concerns regarding Juniper Ridge and the existing IGA. He stated the city didn't following the existing agreement and he felt someone from the Board should advise the councilors that the agreement wasn't followed. He stated the district's concerns were addressed with Jim Clinton and he got shut down when he shared those concerns with the city. Ruth asked if it would be appropriate to share the draft of the IGA with the council to be discussed in a work session. Bruce stated that it is staff's intention to take it to city staff as soon as the Board chooses to go in that direction and then it will be up to city staff to share the agreement with the council. Bob Woodward stated he felt it would be appropriate for staff to complete their work on the agreement to be followed by a joint meeting of the board and the council with the agreement as a single agenda topic. Don Horton agreed that both boards should meet with both staffs present which would allow for clear direction to the staff as to the components of the agreement. Suzanne Johannsen stated that she suspects the City Council has no clue that the current agreement exists, and that they are violating the agreement, therefore, the first order of business is to apprise them of the fact that we do have an agreement and we need to update it. She stated the goal of having the two boards coming together is that you have the policy board determining how we are going to operate and directing that to staff. She stated the goal is to have coordinated services to provide better services for the citizens of Bend.

Don Smith stated he agreed, however, we need to establish that we want the SDCs for Juniper Ridge because those should be for developing parks in the community for the residents in Juniper Ridge who are going to be benefiting from parks and recreation services, but are not going to be paying for them. He stated we need to have that discussion with the rest of the council. Suzanne Johannsen stated the agreement under discussion is bigger than Juniper Ridge and we should have that discussion first and agree in concept to what we are talking about. Bruce stated the agreement itself covers more than just annexation; it includes services and planning, and hopefully the discussion can start at that level. Suzanne Johannsen referred to the trails component of the IGA and expressed concern regarding a city easement requirement on a canal trail right-of-way. She stated the agreement appears to direct that the district would be responsible for the trails easement. Bruce stated that the land division ordinance requires developer of property is required to provide for primary trails in the same way they would be required to provide for local street and sidewalk connections. He stated once that takes place the management of the primary trails becomes the city or district responsibility depending upon the set of circumstances. Steve noted that the guiding document in terms of trails is the city's Transportation System Plan that they are responsible for implementing. Suzanne stated that she has requested that Bruce and Rick Root give a presentation regarding trails at the joint meeting of the City Council and Board.

Agenda for joint meeting with City Council

Suzanne Johannsen referred to proposed agenda items identified in the Board report. She explained the topics are a result of a meeting that she, Don Horton, and Ruth Williamson had with City Manager Andy Anderson and Mayor Bruce Abernethy. She stated she would like to set the same tone as the joint meeting with the school board, and the purpose of this meeting is to bring the Board and Council together to create a space where we can have an ongoing dialogue, board to board, at a policy level of the things that we do. She stated she believes our staffs work together really well on most things, but sometimes you need the boards to step in. She stated if we are not really informed, and if we don't have a good working relationship, it makes it very difficult and becomes very contentious. She stated the list of topics includes trails, Juniper Ridge, annexation, Brandis Square, veteran's memorial and a possible executive session item. Don Smith suggested associating the IGA with the land use action process the city used regarding the McCall Landing Park. Neil Bryant suggested the board and council discuss Urban Renewal districts. He stated there should be a conversation about how that affects the park district; that they could form a new district at some point and the district wants to be more involved in the process. Ted Schoenborn stated the whole reason we are having this joint meeting is to find a way that we can cooperate and work together effectively. Suzanne Johannsen recommended a presentation regarding the Pine Nursery. The Board discussed the proposed agenda items and the level of discussion they hoped to achieve.

The work session was concluded at 6:40pm.

EXECUTIVE SESSION

Chair Suzanne Johannsen convened an executive session at 6:42 pm, pursuant to ORS 192.660 (2) (e) for the purposes of discussing real property transactions. The executive session was concluded at 7:10 pm.

REGULAR MEETING

Chair Suzanne Johannsen called the regular meeting to order at 7:12 pm.

STAFF PRESENTATION

Kirsten Lowery, Registration Specialist, addressed the Board. She stated she has been employed as a registration specialist with the district at the administration office for approximately 10 months. She stated she moved to Bend from Portland mostly to finish school. She stated she is going through the Outdoor Recreation Leadership and Tourism Program at Oregon State Cascades Campus. She stated she hopes to stay with the district after she finishes school.

Ruth Williamson stated that she would like to say that the district's front line staff is awesome; it always has been. She stated they are the first faces, voices and smiles that our customers receive and they do a terrific job.

CONSENT AGENDA

Minutes – May 1, 2007, Work Session & Regular Meeting

Award Banking Services Contract

Award CM/GC Contract – Recreation Services/Administration Building

Don Horton asked to remove the CM/GC contract from the consent agenda for separate discussion.

Bob Woodward moved to approve the consent agenda without the CM/GC contract. Ruth Williamson seconded the motion. Bob Woodward, Ruth Williamson, Ted Schoenborn, Don Smith and Suzanne Johannsen all voted aye. Motion passed.

Award CM/GC Contract – Recreation Services/Administration Building

Don Horton shared a board agenda communication providing information regarding the selection of Construction Manager/General Contractor (CM/GC) for the Recreation Services/Administration Building. He explained that following the May 1, 2007, Board meeting, request for proposals for the CM/GC was advertised and three firms attended a mandatory pre-proposal conference. Don stated two firms, Skanska and HSW submitted RFPs. He explained the evaluation process used to select the CM/GC which included written information, interviews, tour of facilities, references and cost. Don stated that based on the evaluation criteria, the committee recommendation is to negotiate and execute a contract with Skanska. He cited Skanska's strong communication techniques and project organization, a proposed more in-depth preconstruction review period, superior subcontractor pre-qualification process, and positive interaction between district staff and Skanska's team. He noted that Skanska's cost estimate was higher than HSW's, and the additional costs appear to be in the preconstruction phase. Don stated that it is the committee's opinion that a heavier preconstruction involvement is likely to result in a smoother construction process with the potential for greater construction cost savings. Bob Woodward moved to authorize the executive director to negotiate and execute a contract with Skanska for CM/GC services for an amount not to exceed \$841,658. Ted Schoenborn seconded the motion. Ruth Williamson asked about the LEED qualifications and experience of Skanska and HSW. Don reported both companies have LEED certified people on their teams. Don Smith asked how the cost fits into the budget. Don explained that the budget for the cost estimation, provided by Opsis, was

\$900,000 for this component of the project. Ruth asked if Skanska has done any work with Opsis. Don stated the firm has worked with Opsis, and Jason Miller, the project architect has reviewed the written proposals and shared his evaluation with the committee. He stated Jason felt either firm would do a good job. As there was no further discussion Bob Woodward, Ted Schoenborn, Ruth Williamson, Don Smith and Suzanne Johannsen all voted aye. Motion passed.

BUSINESS SESSION

Accept Paddle Trail Study Report

Bruce Ronning briefly reviewed the background of the study process. He noted that Recreation Engineering and Planning began working on the study in October 2006. He explained the study was jointly funded by the district and the Bend Visitors and Convention Bureau. Bruce reviewed the steps of the process noting public participation in the form of a stakeholders group and open meetings held to receive public comment. He stated the study does not immediately propose projects; rather conceptually illustrates improvements that could be made along the river to create a continuous paddle trail and to enhance safety and whitewater play.

Robin Laughlin reviewed the components that were evaluated by the study including the river gradients, the flows, construction, and safety issues. She stated the river was evaluated from a standpoint of whether it could be a trail, much like a land trail. Robin stated supporting facilities were also evaluated such as whether there was public land, roads nearby, public access, etc. She stated the study reached the conclusion that the river trail could be done, but does not address costs, ecological impact, affect on landowners, etc. She stated the study identified possible changes to the Central Oregon Irrigation District diversion dam, the Healy Bridge, the Colorado Avenue dam, the Bend Hydro Project dam, Tumalo Irrigation, First Street Rapids and the North Unit dam to facilitate a continuous river trail experience. She shared a drawing of possible changes to the Colorado Avenue dam and explained the components of the recommended improvements.

Bruce proposed that the Board accept the study with the allowance for staff to do some minor editing to the final draft. He pointed out that maps need to be re-ordered in Appendix 2 with corresponding page numbers, and some corrections to names. He reported that Don Horton has had some discussions with Bill Smith regarding the Colorado Street dam which rose to the top in terms of recommendations of the study to make safety and access improvements and continuous downstream passage for boaters as well as improvements to fish passage both upstream and downstream. He stated that Don's discussion included proceeding with some conceptual design and engineering and cost estimate for that project and staff would like to proceed with that. He added that it would make sense to use the same engineering firms that were used in the study. He explained that level of design and cost estimation was in the original scope of work that was downsized to fit the budget. Bruce stated staff is proposing spending additional funds in the coming fiscal year to proceed with that next step to begin with the Colorado Street project. He also reported that the Paddle Trail Alliance has received a \$90,000 Recreation Trails Program Grant to proceed with their water trail project and the district will be working in conjunction with them to coordinate signage, mapping, etc. in order to end up with a truly continuous water trail along the upper Deschutes, through Bend and on downstream. He stated the study is available on CD. Suzanne Johannsen clarified that

adoption of any project would be a separate action. Bruce explained that there would be extensive detail work, public discussion, discussion with land holders, environmental analysis, etc., that would be associated with any proposed project on the river. Bob Woodward moved to accept the REP Paddle Trail Feasibility Study, pending the minor edits identified by staff. Ted Schoenborn seconded the motion. Marian Davidson addressed the Board. She stated she lives on First Street, at the First Street Rapids trail, and shared her concerns and concerns of others in the neighborhood that the feasibility study be approved with a caveat that it is purely a physical feasibility study, and the suitability of the trail has not been determined and will not be determined until the necessary data on the secondary infrastructure such as parking, toilets, trash cans, water safety and police protection be dealt with. She shared a proposed amendment. She stated that we can get carried away with these exciting projects and we forget some of the problem side effects. She said that First Street Rapids is full to capacity on a sunny weekend in the summer and the draw to that spot is going to increase with the improvements identified in the study. She stated there should be a balance between the physical possibilities and the suitability both to the environment and to social infrastructure that would surround an exciting new idea. Bob Woodward stated that he felt the Board is accepting the study as an idea and he felt if this Board is going to do anything, it will probably be at the Colorado Street Bridge to start, and if that works other parts would be considered later. Suzanne Johannsen noted that there is a whole land use process that has to be gone through before any of these things get done. She stressed the study is purely a feasibility study; if it's feasible, what conceptually could it look like, what would be the most bang for the buck. Don Smith stated there is no funding for the projects identified in the study. He added that it is not on the CIP list and so until something comes forward and a whole lot of study is done, we are not going to put any money into anything. Suzanne Johannsen thanked Marian for sharing her concerns with the Board. Bob Woodward, Ted Schoenborn, Ruth Williamson, Don Smith and Suzanne Johannsen all voted aye. Motion passed.

Budget Appropriations Adjustment

Lindsey Lombard explained that staff is recommending that the Board adopt Resolution No. 290 which will approve a transfer of appropriations from operating contingency into materials and services in the Recreation Services fund in the amount of \$60,000. She explained that the recreation department has achieved far more participation in their programs than anticipated and this resulted in over \$250,000 more in revenues than estimated. She added that with that revenue comes some cost to pay for uniforms and supplies necessary to provide the programs. Bob Woodward moved to adopt Resolution No. 290, approving a transfer for the fiscal year 2006-07 budget. Ruth Williamson seconded the motion. Ted Schoenborn asked if the proposed carryover in that fund for next year will be \$20,000. Lindsey Lombard explained that operating contingency of \$80,000 was put into the budget at the beginning of the year in case something like this came up. She stated that it allows us transfer funds into a category that we can spend out of in case something happens. She added the carryover is revenues minus expenses and the operating contingency is a piece of what we consider expenditures; it is expected that it will be spent. Don Smith clarified that this contingency is only for the recreation services fund. Bob Woodward, Ruth Williamson, Ted Schoenborn, Don Smith and Suzanne Johannsen all voted aye. Motion passed.

EXECUTIVE DIRECTOR’S REPORT
NRPA Congress September 25-29

Don Horton advised the Board that the NRPA Congress is scheduled for September 25 – 29, in Indianapolis, and registration needs to be completed soon.

Park Dedications

Don Horton announced that Quail Park and Mt. View parks will be dedicated the week of June 25. He added that details will be provided for the Board via email.

State Parks and Recreation Commission

Don Horton reported the State Parks & Recreation Commission will be in Bend in September and staff has been working with Brad Chalfont, recently appointed to the commission, on a breakfast and tour to be hosted by the Board.

Vince Genna

Don Horton shared a draft of the Vince Genna memorial service program scheduled for Friday, June 15, at Vince Genna Stadium.

As there was no further business the meeting was adjourned at 7:55 pm.

Prepared by,

Paula Lowery
Executive Assistant

Suzanne Johannsen, Chair

Ruth Williamson, Vice-Chair

Bob Woodward

Ted Schoenborn

Donald K. Smith