



Board of Directors

October 2, 2018

District Office Building | 799 SW Columbia | Bend, Oregon



4:30 p.m. EXECUTIVE SESSION - The Board met in Executive Session prior to the work session pursuant to 192.660(2)(e) for the purpose of discussing real property transactions and ORS 192.660(2)(h) for the purpose of consultation with counsel concerning legal rights and duties regarding current litigation or litigation likely to be filed. This session was closed to all members of the public except for representatives of the news media.

BOARD PRESENT

Brady Fuller, Chair

Ted Schoenborn, Vice Chair

Nathan Hovekamp

Lauren Sprang

Ellen Grover

STAFF PRESENT

Don Horton, Executive Director

Michelle Healy, Planning and Park Services Director

Lindsey Lombard, Administrative Services Director

Matt Mercer, Director of Recreation

Sheila Reed, Executive Assistant

Brian Hudspeth, Development Manager

Jeff Hagler, Park Stewardship Manager

Russ Holliday, Sports Program Manager

Betsy Tucker, Finance Manager

Michael Egging, Recreational Analyst

Ian Isaacson, Project Manager

Sasha Sulia, Superintendent of Park Operations

LEGAL

Paul Taylor, BLJ Attorneys at Law

MEDIA

Steven Hamway, the Bulletin

5:30 p.m. MEETING CONVENED

STAFF INTRODUCTIONS

Sarah Bodo, Park Planner

Vince Carpenter, JSFC Facilities Specialist

Joelle Elston, JSFC Shift Supervisor

Alan Adams, Facilities Supervisor

Brian Crossley, Facilities Specialist

Joe Daniels, Facilities Specialist

WORK SESSION

1. Recreation Program Report: PAC at the Pavilion – *Shalee Hanks-Mink*

Ms. Hanks-Mink presented the PAC summer camp. She gave a brief history of the PAC, and explained that it was inspired by the challenge to find a way to keep the Pavilion full in the off season. Ms. Hanks-Mink has a background of working with kids in the Kids Inc. program; using this experience she helped shape the PAC program which is in its third year of operation.

The program offers many benefits to the kids: organized structure, freedom of choice and opportunities that encourage kids to try something new, but doesn't force participation. The PAC program is different from other programs because it is available as soon as school is out and runs through the entire summer. There are a variety of ways for parents to use the program allowing for flexibility to parents that may not work a traditional schedule.

Daily activities at the PAC include games, crafts, rock wall climbing, skate features, kid created clubs and guest lecturers. There are also multiple off site recreation excursions that kids can choose.

Participation:

- Daily numbers: 160-215 kids
- Trip participation: 80-100 kids
- Over 800 unique participants
- Pre-season pass sales continue to grow

To keep things interesting for employees, staffing schedules and duties are rotated. Ratios are 2:20 on site and 2:12 off site; employees also sign kids in and out daily.

Ms. Hanks-Mink talked about the lessons learned over the three years, including dealing with the air quality issues that impact outdoor recreation and offering off site programming and staffing as the popularity of the PAC continues to grow.

2. Mirror Pond Funding Options Discussion – *Don Horton*

Executive Director Horton addressed the Board and gave a brief summary of the Mirror Pond Solutions meetings. He told the Board that the city council has met and narrowed down the list of feasible options (this list was handed out to the Board at the last meeting September 18). He

went on to say that the purpose of talking about this tonight is to answer the three questions on the board report.

The City has chosen four options:

- Franchise Fee Increase (PP&L)
- Cash Contributions/In Kind Contributions (Individual)
- General Fund Contributions
- User Fee

Executive Director Horton asked the Board if there is a consensus that we should still have this discussion. The Board acknowledged that there is agreement to continue the discussion. The Board decided to continue to have two Board members attend the future meetings to gather information and bring recommendations back to the Board. The Board discussion included the need to publicly noticing the meetings.

The Board next talked about the choices of the City. Overall, Directors did not think that the general fund would be the best option to fully fund the project; Directors Grover and Fuller expressed some support for using the general fund as a partial funding option. Director Hovekamp was reluctant to keep the general fund in the mix. Director Schoenborn voiced his desire to create a fix for the pond now and have a source that can build over the years to be available for future needed funds, creating a long term solution. He further said he is not interested in any options that are not sustainable.

The Board discussed the support of the community for the dredge and whether the use of general funds is appropriate if the majority of the public does not support it. Executive Director Horton spoke about the process from a few years ago and said the community was divided about the project. One half wanted the dam removed and let the river take its natural course and the other side thought that Mirror Pond was historical and brings people to Bend. Because of the split vote, the discussion turned to finding a way to do both. Once the conversation turned to modifying the dam and restoring riparian habitat along with the dredge, the combined option had about 72 percent community approval. This was the vision adopted by the City Council (majority approved) and the Park Board (unanimous approval). PacifiCorp did not agree to removing or modifying the dam, making this option obsolete. At this time the District decided to focus on the vision of the plan that could be completed and concentrated the efforts on the banks and trails.

Executive Director Horton spoke about the MOU that the District has with Mirror Pond Solutions (MPS), part of the agreement specifies the conditions that the District would take ownership of the pond property from MPS. MPS has contributed about \$300,000 to the dredge and will gift the property to the District; however, the agreement stipulates that there must be a sustainable plan in place for the pond in order for the District to take ownership.

Director Hovekamp expressed his concern that if the District is involved with funding the dredge, it could jeopardize an established relationship with Upper Deschutes Water Council (UDWC) and other environmental programs that partner financially with District projects. He said that this would be difficult to explain to their funding partners and could result in potential loss of project revenue for the District.

Director Sprang brought up the user fee idea and the Board decided that it was not a manageable option to collect fees from river floaters. Executive Director Horton pointed out that the District collects 25 percent of the tube rental fees and this revenue does not cover the cost of operating the Whitewater Park, he further commented that the revenue wouldn't even come close to covering the cost of the dredge. He continued to say that the only option that checks all the boxes is the franchise fee. The general agreement of the Board is to advocate for the franchise fee with PP&L.

Executive Director Horton mentioned that the city has run the numbers and with an increase of about one percent to the franchise fee, the whole dredge cost can be covered. He said it is important to recognize that all of the agencies should have an investment; the District is already contributing 6.5 million to the Drake Park trail improvement.

Director Schoenborn recommended that Directors Hovekamp and Fuller serve on the committee because they represent all the overall ideas of the Board. Both Directors accepted the nomination. The Directors will explore three options that the city has chosen and explain why charging a user fee is not a viable option.

7:00 p.m. REGULAR MEETING

VISITORS

Matthew Nelson: Big Sky BMX track –Mr. Nelson, track operator at the BMX Park, spoke of his positive experience with the High Desert Track, stating that it is one of the most unique tracks he has seen. He is impressed by the quality of the kids and racers adding that there are many top racers from this area. He also stated that the races held at the park bring in revenue to the community. Mr. Nelson advocated for adding sound to at the park for events, stating that this is one of the only tracks in the country that doesn't allow sound.

CONSENT AGENDA

1. Meeting Minutes – 9/18/2018
2. Approve Park and Facility Rental Cost Recovery Levels

Director Schoenborn made a motion to approve the consent agenda. Director Sprang seconded. The motion passed unanimously, 5-0.

BUSINESS SESSION

1. Approve BMX Ground Lease – Matt Mercer (15 min)

Mr. Mercer introduced Paul Hewes, President of High Desert BMX. Mr. Mercer said that the District has had some level of agreement with High Desert BMX since 1997. In the past, High Desert BMX has operated under facility use agreements that have to be updated each year. They have been a good partner and continue to expand. With review of the relationship it is appropriate to move to a ground lease; the BMX Park has been developed, operated and maintained by High Desert BMX.

Mr. Mercer visited the program and is impressed with the breadth of participation at the BMX Park. This is an operation that is focused on bringing in new users and is doing a good job of using volunteers. This operation is a benefit to the community as a whole. The ground lease has been reviewed by legal and is similar to other ground leases that the District has with other partners.

The Board asked about the sound and lighting issues that have come up and the impact on the park and the BMX users.

Mr. Hewes stated that the group has held 50 organized bike races this year with no complaints. Local events have been able to operate without sound for the last couple of years and he would like to grow the track and hold bigger events. He mentioned that it is difficult to hold events without sound and would like to have some reasonable sound as an option.

The Board asked about barriers to the public to use the park.

Mr. Hewes explained that the first use of the park is free with loaner bikes and insurance for the rider, then it is \$60 annually to join. Over a third of new members use the loaner bikes and for the younger kids there are loaner strider bikes. It costs \$8 to race and \$5 to practice. Practice is flexible; users can practice on their own schedule. Mr. Hewes concluded by saying that the BMX program has a lower cost entry than most sports.

Director Grover made a motion to approve the ground lease with High Desert BMX and direct the Executive Director to execute the agreement. Director Schoenborn seconded. Motion passed unanimously, 5-0.

2. PCMS Fields Award Design Contract – *Ian Isaacson (15 min)*

Mr. Isaacson gave a brief overview of the Pacific Crest Middle School Fields. Mr. Isaacson said that after the Board approved the IGA for this project in June, 2018, the request for proposal (RFP) for professional design services went out in July. There were four responses to the RFP, two firms were interviewed and BECON, a local firm, was selected. Upon approval tonight, the next step is to issue the contract to BECON tomorrow and get the background information by this week. Based on the time schedule for design and permitting with the city, this project will be put out to bid around the end of March with the intent of having the fields ready for use by next fall.

The Board asked about the responsibility of the fields since the land is owned by the school district. Mr. Isaacson said that the District will maintain the fields. The school district and the District have an agreement that allow each agency to have scheduled play time on the fields. This is a 20 year agreement that can be extended. If the agreement is ended early there is a reimbursement arrangement in place.

The Board asked if there is a concern about the fields sinking and if BECON has worked with the District before. Mr. Isaacson responded that the fields are not in an area that was part of the pumice mines. BECON has worked on other projects: Juniper Park, Empire Crossing and Alpenglow.

Director Schoenborn made a motion to authorize the Executive Director to negotiate and execute a contract with Bend Engineering Consultants (BECON) for the Design of the Pacific Crest Athletic Field Development project in an amount not to exceed \$220,925.00 and to approve a 10% contingency of \$22,092.50 for a total design budget not to exceed \$243,017.50. Director Sprang seconded. Motion passed unanimously, 5-0.

EXECUTIVE DIRECTOR'S REPORT: Executive Director Horton spoke about attending NRPA Conference last week; he mentioned that the education sessions were very good this year. He toured other parks, and commented that it makes us feel good when we see other areas and realize how well our parks are maintained.

Executive Director Horton brought up the discussion in the Executive Session, the Board decided to direct the District's attorneys to write an amicus brief requesting that the Supreme Court hear a State Parks case that was lost in court regarding recreational immunity. He said that since legal counsel was directed to do this it needs to be discussed in open session and need to ask for a motion to do this. State parks has lost two recreational immunity suits this year, one was a surfing accident in Pacific City and the other was an accident at Lake Billy Chinook.

Director Hovekamp moved that the Board authorize the Executive Director to direct council to draft and submit an amicus brief in support of the parties that are pursuing the hearing of this case in front of the State Supreme Court. Director Schoenborn seconded. Motion passed unanimously, 5-0.

BOARD MEETINGS CALENDAR REVIEW

PROJECT REPORT: Attachment in Board Report

GOOD OF THE ORDER:

Director Grover mentioned that she has had some contact with the high school water polo program. She said that she has encouraged them to come to a meeting and express their concerns about costs and talk more with the school district. The concern is that the costs will go up next year and will cause the program to end. Water polo is a no cut program and would like to be considered as a high school program under the IGA with the school district, which Director Grover said is a conversation that the club needs to have with the school district.

Executive Director Horton replied that the District has already decided to keep the water polo fees low with gradual escalations to better accommodate the club. Director Grover said that she assured the water polo club that the District supports participation in these sports and does not want to put so much pressure on these programs that they can't exist. Mr. Mercer interjected that he has been talking with the school district and these programs are separate from the school in every way. The only shared piece is the name of the club. Director Grover commented that she has seen that high school sports have a level of seriousness and there is a perception that athletes need to specialize, discouraging some from even playing. She likes that the District partners with the school district to keep programs going and offer programs that can keep kids participating.

Director Fuller said he had an opportunity to speak a representative with Habitat for Humanity; they have expressed interest in what the District is going to do in making revisions to the SDC methodology.

Director Fuller also mentioned that COID is embarking on an ambitious canal piping plan for the Pilot Butte Canal from Bend to Redmond to Smith Rock and hopes that this project will be supported when the time comes.

Director Fuller is coaching soccer and the use of neighborhood parks has been going well.

ADJOURN 8:47



Prepared by,
Sheila Reed
Executive Assistant

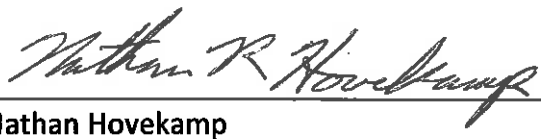


Brady Fuller, Chair



Ted Schoenborn, Vice-Chair

Ellen Grover



Nathan Hovekamp



Lauren Sprang

