



Bend Metro Park & Recreation District

January 17, 2023

Board of Directors

Agenda and Reports

www.bendparksandrec.org



play for life



Our Vision

To be a leader in building a community connected to nature, active lifestyles and one another.

Our Mission

To strengthen community vitality and foster healthy, enriched lifestyles by providing exceptional park and recreation services.

We Value

Excellence by striving to set the standard for quality programs, parks and services through leadership, vision, innovation and dedication to our work.

Environmental Sustainability by helping to protect, maintain and preserve our natural and developed resources.

Fiscal Accountability by responsibly and efficiently managing the financial health of the District today and for generations to come.

Inclusiveness by reducing physical, social and financial barriers to our programs, facilities and services.

Partnerships by fostering an atmosphere of cooperation, trust and resourcefulness with our patrons, coworkers and other organizations.

Customers by interacting with people in a responsive, considerate and efficient manner.

Safety by promoting a safe and healthy environment for all who work and play in our parks, facilities and programs.

Staff by honoring the diverse contributions of each employee and volunteer, and recognizing them as essential to accomplishing our mission.



District Office | Don Horton, Executive Director

799 SW Columbia St., Bend, Oregon 97702 | www.bendparksandrec.org | (541) 389-7275

GOOD OF THE ORDER
ADJOURN

♦ ♦ ♦ ♦ ♦ ♦ ♦ ♦ ♦ ♦ ♦ ♦

January 3, 2023

AGENDA

<https://www.bendparksandrec.org/about/board-meeting-videos/>

Zavier Borja

Ian Isaacson, Landscape Architect

None

1. Minutes 12/20/2022

3

Director made a motion to accept the Bend Park and Recreation District's audited Annual Comprehensive Financial Report for the fiscal year 2022. Director Borja seconded. The motion was approved unanimously, 3-0.

2. Board Finalist Presentations – *Deb Schoen*

The finalists were given two questions to address to the board in their presentation. Each candidate had five minutes to present to the board. The applicants presented in the following order

Daniel Galanaugh
Betsy Tucker
Robin Vora
Steve Jorgensen
Elizabeth Weide
Jodie Barram
Donna Owens

3. Break

4. Appoint Board Members – *Deb Schoen*

During the break, the scores from the presentations were tallied and two appointees were confirmed.

Director Hovekamp made a motion to appoint Donna Owens and Jodie Barram to serve on the Bend Park and Recreation District's board of directors for the remaining of the term ending June 30, 2023. Director Borja seconded. The motion was approved unanimously, 3-0

5. Appoint Budget Committee Members– *Kristin Donald*

Applications were received and scored prior to the meeting.

Director Borja made a motion to appoint Corey Johnson and Cara Marsh-Rhodes to serve on the Bend Park and Recreation District's budget committee for a term of three fiscal year budget processes and to serve a one year term. All terms will begin with the 2023-24 fiscal year budget process. Director Hovekamp seconded. The motion was approved unanimously, 3-0.

6. Swearing in Board Appointees

Director Schoen swore in Jodie Barram and Donna Owens.

EXECUTIVE DIRECTOR'S REPORT

Executive Director Horton congratulated the new board members Jodie Barram and Donna Owens.

PROJECT REPORT

BOARD MEETINGS CALENDAR

GOOD OF THE ORDER

- Director Borja congratulated the new board members.
- Director Hovekamp welcomed the new board members and made comments about working with a tremendous staff.
- Director Schoen made comments about having the first BPRD board with a majority of women serving. She added that staff makes the job this public service job easy.

ADJOURN 7:55 pm

◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆

Prepared by,

Sheila Reed
Executive Assistant

Deb Schoen, Chair

Nathan Hovekamp, Vice-Chair

Jason Kropf

Zavier Borja

Ariel Méndez

BOARD AGENDA COMMUNICATION

AGENDA DATE:	January 17, 2023
SUBJECT:	Resolution 2023-01, Adopting Amendments to Public Contracting Rules and Procedures
STAFF RESOURCE:	Justin Sweet, Business Analyst
PREVIOUS BOARD ACTION:	August 7, 2018, Approved Resolution No. 416
ACTION PROPOSED:	Adopt Resolution No. 2023-01
STRATEGIC PLAN:	N/A

BACKGROUND

The board adopted Resolution No. 416 revising the district's public contracting rules and procedures on August 7, 2018. Since that time, Oregon's revised statutes and administrative rules have changed, most notably, granting local contracting agencies the right to evaluate fee proposals from architects, engineers, and related services as part of informal and formal procurement processes. The district desires to use this right to select the most qualified architects, engineers, and related consultants while also considering price to ensure best value is realized for the district and its taxpayers. The Board of Directors acting as the district's local contract review board have the right and obligation to regularly review and update the district's public contracting rules to ensure the rules are consistent with state statute and administrative rule.

Resolution No. 2023-01 amends, in part, the district's public contracting rules established under Resolution No. 416 to bring those sections of the rules amended into compliance with law and rule. Those areas of Resolution No. 416 not amended by Resolution No. 2023-01 remain in full force and effect.

BUDGETARY IMPACT

None

STAFF RECOMMENDATION

Staff recommends the board adopt Resolution No. 2023-01 amending the district's public contracting rules and procedures.

MOTION

I make a motion to adopt Resolution No. 2023-01 amending the district's public contracting rules.

ATTACHMENT

Resolution No. 2023-01, and Exhibit A – Amendments to Exhibit A to Resolution No. 416.

RESOLUTION NO. 2023-01
A RESOLUTION OF THE BEND PARK AND RECREATION DISTRICT BOARD OF DIRECTORS

WHEREAS, the Bend Park and Recreation District (“**District**”) is an Oregon public contracting agency subject to Oregon’s Public Contracting Code, ORS 279A, 279B, and 279C and certain provisions of the Model Public Contracting Rules in OAR Chapter 137, Divisions 46-49; and

WHEREAS, pursuant to ORS 279A.065(6) and ORS 279A.070, District may adopt and amend local public contracting rules and procedures; and

WHEREAS, District’s current local public contracting rules and procedures were adopted under Resolution No. 416 on August 7, 2018; and

WHEREAS, District desires to amend Resolution No. 416 to create greater flexibility in selecting consultants for architectural, engineering, photogrammetric mapping, transportation planning, land surveying, or related services.

NOW, THEREFORE, the Bend Park and Recreation Board of Directors, acting as the District’s Local Contract Review Board, resolves as follows:

1. The amendments to Exhibit A to Resolution No. 416, which are attached hereto as Exhibit A and incorporated herein by this reference are hereby adopted. The provisions of Resolution No. 416 that are not amended by this Resolution remain unchanged and in full force and effect.
2. All pronouns contained in this Resolution, and any variations thereof, will be deemed to refer to the masculine, feminine, or neutral, singular, or plural, as the context may require. The singular includes the plural, and the plural includes the singular. The word “or” is not exclusive. The words “include,” “includes,” and “including” are not limiting.
3. The provisions of this Resolution are severable. If any section, subsection, sentence, clause, or portion of this Resolution is for any reason held invalid, unenforceable, or unconstitutional, such invalid, unenforceable, or unconstitutional section, subsection, sentence, clause, or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, or constitutionality of the remaining portion of this Resolution. This Resolution may be corrected by resolution of the Board to cure editorial or clerical errors.

ADOPTED by the Board of Directors on this seventeenth day of January, 2023.

Deb Schoen, Board Chair

Attest:

Don P. Horton, Executive Director

EXHIBIT A

AMENDMENTS TO EXHIBIT A TO RESOLUTION NO. 416

PUBLIC CONTRACTING RULES AND PROCEDURES

...

B. Personal Services.

...

(3) Contracts for Architectural, Engineering and Surveying Services, and Related Services.

Personal Services Contracts for architectural, engineering, photogrammetric mapping, transportation planning, land surveying, or related services, all as defined by ORS 279C.100, ~~shall~~ may be awarded in accordance with the ~~source selection~~ procedures set forth in ORS Chapter 279C and Division 48 of the Model Rules (except as otherwise provided in the District Rules).

- a) ~~A contract for architectural, engineering, surveying, and photogrammetry services may be entered into by direct appointment if the cost of such services for the project will not exceed \$100,000; or in an emergency; or if the project described in the contract consists of work that has been substantially described, planned or otherwise previously studied or rendered in an earlier contract with the consultant that was awarded under these Rules, and the new contract is a continuation of that project.~~
- b) ~~Unless otherwise provided in this Section, contracts for architectural, engineering, surveying and photogrammetry services shall be awarded according to the procedures for competitive proposals described in ORS 279B.060 and these rules.~~
- c) ~~All contracts for architectural, engineering, surveying and related service shall be entered into consistent with ORS 279C.110, which substantially provides as follows:~~
 - 1. ~~The District shall select consultants to provide architectural, engineering, photogrammetric mapping, transportation planning or land surveying services on the basis of the consultant's qualifications for the type of professional service required.~~
 - 2. ~~The District may solicit or use pricing policies and proposals or other pricing information, including the number of hours proposed for the~~

~~service required, expenses, hourly rates and overhead, to determine consultant compensation only after selecting a candidate pursuant to the procedures that the District creates to screen and select consultants and to select a candidate.~~

3. ~~The District's screening and selection procedures under this section, regardless of the estimated cost of the services for a project, may include considering each candidate's:~~

~~(a) Specialized experience, capabilities and technical competence, which the candidate may demonstrate with the candidate's proposed approach and methodology to meet the project requirements;~~

~~(b) Resources committed to perform the work and the proportion of the time that the candidate's staff would spend on the project, including time for specialized services, within the applicable time limits;~~

~~(c) Record of past performance, including but not limited to price and cost data from previous projects, quality of work, ability to meet schedules, cost control and contract administration;~~

~~(d) Ownership status and employment practices regarding minority, women and emerging small businesses or historically underutilized businesses;~~

~~(e) Availability to the project locale;~~

~~(f) Familiarity with the project locale; and~~

~~(g) Proposed project management techniques.~~

4. ~~If, after following screening and selection procedures, the District determines that two or more candidates are equally qualified, the District may select a candidate through any process that is not based on the candidate's pricing policies, proposals or other pricing information.~~

- (4) ~~Notwithstanding the foregoing~~ *Without limiting subsection (3) above, such* Personal Services Contracts *for architectural, engineering, photogrammetric mapping, transportation planning, land surveying, or related services may be awarded pursuant to ORS 279C.115 or 279C.120 when applicable. Notwithstanding anything in subsection (3) above to the contrary, when* ~~when~~ using the informal selection procedures described in OAR 137-048-0210, the Executive Director will submit a Request for Proposals to a minimum of three prospective consultants drawn from the following:

- (a) District's list of consultants that is created and maintained under OAR 137-048-0120;
- (b) Another contracting agency's list of consultants that is created and maintained under OAR 137-048-0120; or
- (c) All consultants that the contracting agency reasonably can locate that offer the desired architectural, engineering, photogrammetric mapping, transportation planning or land surveying services or related services, or any combination of the foregoing.

BOARD AGENDA COMMUNICATION

AGENDA DATE:	January 17, 2023
SUBJECT:	Approve Amendment to Professional Services Contract for McKay, Miller's Landing, and Columbia Parks and Project Update
STAFF RESOURCE:	Ian Isaacson, Project Manager
PREVIOUS BOARD ACTION:	November 2, 2021 – Board adopted the Deschutes River Access & Habitat Restoration Plan January 17, 2023, Project Update
ACTION PROPOSED:	Approve Amendment #1 to Professional Services Contract
STRATEGIC PLAN:	
Pillar:	Operations and Maintenance
Outcome:	Be a local leader in environmental stewardship
Strategy:	Improve efforts to be responsible stewards of the natural environment

BACKGROUND

The Bend Park and Recreation District (district) owns and manages park property that encompass eight miles of Bend's riverfront. This is nearly all of the riverfront accessible to the public within Bend. To best manage the increased recreational river use and improve the experience for all users at these parks, staff embarked on a two-year planning process to create the *Deschutes River Access & Habitat Restoration Plan* (River Plan). The River Plan identified a total of 28 projects, and the first three projects to begin the development process are: McKay Park (project #20), Miller's Landing Park (project #21) and Columbia Park (project #22). The board adopted the River Plan on November 2, 2021.

These three individual projects, which include four river access points, have been combined into a single, larger project for the purposes of design and public outreach. These locations are home to some of the few areas in downtown Bend where access can be provided to calm sections of the river and are conducive to a multitude of uses. The district's *Comprehensive Plan* (Comp Plan) identifies "areas to access the river" as a high community need, and improved access at these three parks for water craft launching, wading, swimming, and hanging out by the river help address this need.

In March 2022, the district hired Environmental Science Associates (ESA) to provide the necessary planning, design and engineering services for the McKay, Miller's Landing and Columbia Parks River Access project. The initial professional services agreement included data collection, site survey, analysis and other necessary reconnaissance to allow the development of initial conceptual level designs, renderings, cost estimates and permitting analysis at each of the project locations.

ESA developed two initial concepts for each river access location that are ready to be shared with the community. Community input about these concepts will be collected via an online Geographic Information System (GIS) Story Map and survey, at in-person outreach events, and through direct communications (emails, phone calls, and comment forms) submitted by community members and will assist the project team in the development of the preferred concept design for each location.

The ESA contract requires an amendment to the original design contract to include support for the next phase of work, which includes the district led public outreach and preparation of the preferred conceptual designs for each location. This amendment also includes funding to prepare preliminary design for the renovation or replacement of the existing Gilchrist Bridge, connecting Columbia Park to the east side of the river. The district received a grant from the Bend Metropolitan Planning Organization (MPO) to cover the bridge design costs.

The original ESA contract did not include these services because the district had not yet determined the feasibility of projects at each of the four river access locations, nor was it known what work would be needed. It was anticipated that the district would negotiate the amendment for the next phase of the contract upon completion of the first phase.

Upon completion of the public outreach and development of the preferred conceptual designs, staff will return to the board for approval. At that time, staff will provide recommendations and seek feedback from the board on the next steps for this project, which could include, but are not limited to, grant applications, further design development, permitting and construction.

BUDGETARY IMPACT

The current funding allocation for the McKay, Miller's Landing, and Columbia Parks River Access Project in the 2023-2027 Capital Improvement Plan is \$492,168 in property tax revenue and alternative funding sources. The current contracted amount for design services is \$80,000, of which \$51,127 is being paid for via a grant the district received in August 2022 from the Oregon State Marine Board.

The cost for amendment #1 is \$130,000, bringing the total contracted amount for design services to \$210,000, of which \$90,000 is being paid for via the grant the district received from the Bend MPO. With a design contingency of \$13,000 added, the total board approved design budget will be \$223,000.

STAFF RECOMMENDATION

Staff recommends that the board approve contract amendment #1 with ESA, including contingency to complete the design of the McKay, Miller's Landing, and Columbia Parks River Access Project.

MOTION

I move to authorize the executive director to negotiate and execute amendment #1 to the contract with Environmental Science Associates for the McKay, Miller's Landing, and Columbia Parks River Access Project in an amount not to exceed \$130,000 and to approve an additional contingency amount of \$13,000, for a total design budget not to exceed \$223,000.

ATTACHMENT

None

Board Calendar 2022-2023

**This working calendar of goals/projects is intended as a guide for the board and subject to change.*

February 7

Board Workshop (afternoon start 2-8pm)

February 21

Work Session

- ◆ Perception Survey: *Rachel Colton and Michelle Healy, Michelle Neiss with DHM (30 min)*
- ◆ LOS update – *Henry Stroud and Sara Anselment (30 min)*

Business Session

- ◆ Approve COB Riverfront IGA – *Henry Stroud and Brad Tower (20 min)*

March 7

Staff Introductions

Asa Collings Thomas

Spenser White

James Itzkorn

Scott Schmidt

Work Session

Business Session

March 21

Work Session

Business Session

April 4

Work Session

- ◆ Needs Based Assistance Annual Report and Recommendation for Fiscal Year 22-23

Business Session

- ◆ Approve Needs Based Assistance Plan for Fiscal Year 23-24
- ◆ Approve design consultant contract Pine Nursery Phase 5 – *Bronwen Mastro (15 min)*

April 12 Budget Tour

April 18

Work Session

Business Session

May 2

Work Session

- ◆ Adopt Resolution No. XXX – Adopting a Revised Fee Schedule for System Development Charges, effective July 1, 2023 – *Kristin Donald (15 min)*

Business Session

May 23 and 25 Budget Committee Meetings

June 6

Work Session

- ◆ Juneteenth Proclamation

Business Session

- ◆ Adopt Resolution No. XXX Adopting the 2024-2028 CIP – *Michelle Healy*
- ◆ Hold Public Hearing and Adopt Resolution No. XXX – Adopting the Budget and Making Appropriations for Fiscal Year 2023-24, and Adopt Resolution No. XXX - Imposing and Categorizing Taxes for Fiscal Year 2023-24 – *Kristin Donald*

June 21

Work Session

Business Session

City of Bend presentation of parking districts (Tobias Marx) – *Sara Anselment*

IGA with the City for Mirror Pond Silt Removal – *Don Horton (30 min)*

Park Services Report: Prescribed Fire – *(30 min)*

Park Services Report: Hardsurface Program – *Alan Adams and Jason Monaghan (15 min)*

Update on Bi-lingual Communications – *Julie Brown and Kathya Avila Choquez (20 min)*

Website Update/Data Sharing

Approve Land Acquisition consultant RFP – *Sara Anselment*

IGA with NUID for canal trail – *Henry Stroud*

Approve SE Neighborhood Park Development Agreement – *Henry Stroud (20 min)*

COID Property overview

Pre-Qualified A/E process – *Justin Sweet (15 min)*