



## Tualatin Hills Park & Recreation District Minutes of a Regular Meeting of the Board of Directors

A Regular Meeting of the Tualatin Hills Park & Recreation District Board of Directors was held at the HMT Recreation Complex, Peg Ogilbee Dryland Training Center, 15707 SW Walker Road, Beaverton, on Monday, July 13, 2009. Executive Session 5:30 p.m.; Regular Meeting 7:30 p.m.

Present:

Larry Pelatt	President/Director
Bob Scott	Secretary/Director
William Kanable	Secretary Pro-Tempore/Director
Joseph Blowers	Director
John Griffiths	Director
Doug Menke	General Manager

### **Agenda Item #1 – Executive Session (A) Legal (B) Land**

Secretary, Bob Scott, called Executive Session to order for the following purposes:

- To consider information or records that are exempt by law from public inspection, and
- To conduct deliberations with persons designated by the governing body to negotiate real property transactions.

The Executive Session is held pursuant to ORS 192.660(2), which allows the Board to meet in Executive Session to discuss the aforementioned legal and land issues.

Secretary, Bob Scott, noted that representatives of the news media and designated staff may attend the Executive Session. All other members of the audience are asked to leave the room. Representatives of the news media are specifically directed not to disclose information discussed during the Executive Session. No final action or final decision may be made in Executive Session. At the end of the Executive Session, the Board will return to open session and welcome the audience back into the room.

### **Agenda Item #2 – Call Regular Meeting to Order**

President, Larry Pelatt, called the Regular Meeting to order at 7:30 p.m.

*John Griffiths was excused from the meeting.*

### **Agenda Item #3 – Action Resulting from Executive Session**

*There was no action resulting from Executive Session.*

### **Agenda Item #4 – Swearing in of Reelected Board Members**

Metro Councilor, Rex Burkholder, swore in re-elected Board Members, Bill Kanable, Larry Pelatt, and Bob Scott. Councilor Burkholder thanked the Board members for their service to the community and the Park District's partnership with Metro.

### **Agenda Item #5 – Audience Time**

Lisa Sickler, 10024 SW 55<sup>th</sup> Avenue, Portland, is before the Board of Directors this evening as Director of the Small Friends preschool located within the Garden Home Recreation Center. She described a letter that her preschool had received, as did the other two preschools located in the Center, from Park District staff notifying the preschools of the possibility that their leases may not be renewed as of the 2010-11 school year due to the consideration of reprogramming the classroom space. Lisa described the mutually beneficial relationship between the preschool and Center, noting that the lease income provides a steady revenue stream for the Park District and that a great majority of family members of the preschool students use other services offered by the Center, such as fitness classes and the library, that they may not otherwise use. Lisa provided a packet of written documentation, including letters of support for the school remaining at the Center and a survey of their patrons, for the record. She encouraged the Board of Directors to allow the preschool to continue operations at the Center.

Karen Ehlbeck, 39112 NW 31<sup>st</sup> Avenue, La Center, Washington, is before the Board of Directors this evening as Administrative Coordinator for the Montessori Pathways preschool located within the Garden Home Recreation Center. Karen stated that the preschool has been located at the Center since 1983 and described the Montessori program and mission, as well as their work with children with disabilities. She noted that a majority of their participants reside within Park District boundaries and that many of the families use programs offered by the Center. Karen provided a packet of written documentation in support of the school remaining at the Center for the record. She stated that the preschool values the Center and is grateful to be one of its programs.

Marcy Wells, 8005 SW Cedar Street, Portland, is before the Board of Directors this evening as Director of the Funny Farm preschool located within the Garden Home Recreation Center. Marcy described the Funny Farm preschool program and outreach efforts, noting that they are a full-day, year-round preschool. She described how parents of the preschool's students use the Center's other programs, as well as older siblings using the Center's after school program. Marcy provided a packet of written documentation in support of the school remaining at the Center for the record. She thanked the Board of Directors for their time, noting that she hopes that all three preschools can continue their relationship with the Park District.

Judi Graeper, 8153 SW 66<sup>th</sup> Place, Portland, is before the Board of Directors this evening representing the Garden Home Recreation Center Advisory Committee and staff. Judi stated that the three preschools located within the Center recently received letters stating that their leases would be ending at the end of June and to be prepared to find a new space from which to operate. She noted that the preschools are a very vital entity to the Center and that over 75% of the preschools' patrons reside within the Park District. She described how some of the Center's programming is based around the preschool's programming and noted that while she understands the Park District's desire to evaluate whether the classroom space is being used most efficiently, there is no program that the Center could afford to offer that would bring in the amount of revenue that the preschools produce, especially when taking into account the participation decline other Center programs would endure with the loss of the preschool patrons. Judi noted that the space dedicated to the preschools is obviously set up for small children and that the only class or program that would be able to utilize the space after the preschools' hours would be

another group of small children. Judi stated that losing the preschools would not only hurt the revenue for the Center, but also greatly effect the support of the community for the Center and Park District as a whole. She asked if the intent of staff was to only assess and evaluate the use of the space, why were the preschools given the letter?

- ✓ President, Larry Pelatt, noted that he has had several discussions with Park District staff on this topic and that the intent is to analyze the Center as a whole, and how it could be used most efficiently. He noted that one cannot pick and choose particular elements to leave out of such an analysis in order to gain the whole picture. The end result may conclude that what works best is exactly what is currently being done, but first, all of the information must be gathered and the analysis conducted. He understands that the letter created some amount of panic and although he agrees that perhaps the letter was not phrased well, he also believes that there may have been an overreaction to the letter as well. He stressed that the important points are that an analysis will be conducted and that at this point, a decision has not been made.
- ✓ Doug Menke, General Manager, expressed agreement with Larry's comments, noting that staff apologizes that the letter did not convey the intended message, which was only a fair warning that an analysis was going to be conducted. No contract was cancelled within the letter. However, it needs to be stated that 31% of the Center's available classroom space is permanently occupied presently within those lease agreements. Similar analyses have already been conducted for the Jenkins Estate, Aquatic Center, and Tennis Center. The intent was to conduct the review well in advance of contact terms in order to notify the lessees. Staff hopes that with cooperation, we can provide balance and acknowledge that there may or may not be additional ways to use the space.

Judi replied that she hopes that the preschools presented information this evening that would help formulate the decision.

- ✓ Larry confirmed that the information presented this evening was valuable. He reiterated that a decision has not already been made and stressed the need for cooperation between both Park District staff and the preschools so that whatever decision that is made is in the best interest of the Center as a whole.

Judi replied that she believes it has been established that it was unfortunate that the letter was phrased the way it was.

- ✓ Larry confirmed that it was unfortunate, noting that the issue of the letter has been cleared up at this point and does not warrant further discussion.

Barbara Wilson, 12820 SW 20<sup>th</sup> Court, Beaverton, is before the Board of Directors this evening regarding a piece of property owned by the Church of the Nazarene located at SW 22<sup>nd</sup> and Hall Boulevard that she and some of her neighbors had testified about at the Board's April 6, 2009 Regular Board meeting. She entered a revised property map into the record. Barbara stated that a representative of the Church indicated to her that they are not currently seeking to sell the property and that they are going to wait until the economy improves in order to consider their options. Barbara noted that she and her neighborhood would be disappointed if the Park District chose not to pursue this property based on this information. She described her past service on various land acquisition committees for the Park District, noting that many times a property owner would initially say that they were not interested in selling, but that the committees would eventually prevail due to a strong determination. She noted that the Church is also thinking about expanding their facilities onto the property and stated that if they attempted to do so, the neighborhood would

express support for maintaining the property as a natural area via the public process. She requested that the Board conduct an evaluation of the property as if there was a willing seller and inform the neighborhood group of the results.

- ✓ Joe Blowers commented that the Board must be cautious when dealing with the potential acquisition of private property and cannot necessarily communicate with the public what is transpiring as it is against the law to do so.

Barbara noted that the group would only like to know if the Park District determines that the property does not fit within its criteria as a desirable natural area.

- ✓ Bill Kanable asked Barbara if she is proposing that this property could be purchased by the Park District with bond measure funds.

Barbara confirmed this.

- ✓ Bill replied that the Board cannot discuss property acquisition in an open meeting. Although the Board appreciates the group bringing the property forward, there is a strict process that must be followed in terms of land acquisition discussions and the Board cannot answer any such questions this evening.
- ✓ Larry reminded Barbara that during the land acquisition process for the Tualatin Hills Nature Park for which she participated, there were many unofficial, non-Board member, community members who did much of the pursuing of the property owners. However, the Board is stuck within the boundaries of being official. He noted that the neighborhood group, as community members, has more of a capacity to influence and monitor the Church's decisions regarding their property than the Board does. The Board's policy is to purchase property from willing sellers only and cannot consider the property until a point at which the Church is willing to enter into discussions.

Barbara replied that this is helpful information and that the discussion this evening was worthwhile.

#### **Agenda Item #6 – Board Time**

Bill Kanable thanked the community members for their participation under Audience Time this evening.

Bob Scott referenced the Management Report included within the Board of Directors information packet regarding athletic field loss projections. He asked whether a more complete recap could be provided to the Board regarding the loss of fields.

- ✓ Doug Menke, General Manager, replied that additional information would be provided to the Board, noting that some field losses are only temporary due to construction and that the situation varies from site to site.

Bob asked for confirmation that summer camp attendance has been sporadic this year and asked whether staff had anticipated this.

- ✓ Doug replied that Park District staff has had discussions on this topic, noting that although enrollment is down 2%, overall revenues are down almost 9%. Staff is not overly concerned at this point, but does believe that the camp programs have taken the greatest hit as they are the most expensive programs and families are making cutbacks due to the economy.
- ✓ Keith Hobson, Director of Business & Facilities, noted that the 9% reduction is program revenue only and does not take into account drop-in programming.

Larry Pelatt commented on the audience testimony this evening, noting that he is appreciative of the participation and that staff's participation shows that the Park District is a cooperative and people-focused organization.

**Agenda Item #7 –Consent Agenda**

**Bill Kanable moved the Board of Directors approve Consent Agenda items (A) Minutes of June 22, 2009 Regular Meeting, (B) Monthly Bills, and (C) Monthly Financial Statement.**

**Bob Scott seconded the motion. Roll call proceeded as follows:**

<b>Joe Blowers</b>	<b>Yes</b>
<b>Bob Scott</b>	<b>Yes</b>
<b>Bill Kanable</b>	<b>Yes</b>
<b>Larry Pelatt</b>	<b>Yes</b>

**The motion was UNANIMOUSLY APPROVED.**

**Agenda Item #8 – Unfinished Business**

**A. 2008 Bond Measure**

Doug Menke, General Manager, introduced Hal Bergsma, Director of Planning, and Keith Hobson, Director of Business & Facilities, to provide an overview of the memo included within the Board of Directors information packet.

Hal introduced Gery Keck, Senior Park Planner, who provided a detailed overview of the memo section regarding mitigation for bond projects, noting that the upcoming bond projects would likely trigger significant requirements by regulatory agencies to mitigate project impacts on streams and wetlands. Staff intends to retain consulting assistance to help assess the potential scope of such mitigation so as to be able to strategically inform the land acquisition element of the bond program of the need for sites to create or enhance wetlands. Although staff will also conduct a review of the Park District's existing land inventory for potential mitigation sites, a recent search for Park District property for this purpose proved challenging. Gery offered to answer any questions the Board may have.

Joe Blowers asked whether land that historically had wetlands, but no longer does, could qualify as a mitigation site.

- ✓ Gery replied that it is a possibility, but that the consultant would help determine this. He noted that the location of such sites also need to be considered in relation to where the construction is occurring.

Larry Pelatt asked why the recommendation is to obtain a consultant rather than training in-house staff.

- ✓ Doug replied that while Park District staff could be trained, it would take a significant level of initial learning during which an expert would be required as well.
- ✓ Bruce Barbarasch, Superintendent of Natural Resources & Trails Management, noted that Park District staff deals with mitigation requirements relatively infrequently so although staff understands it on a conceptual level, the consultants deal with the requirements on a regular basis and have a much better knowledge of what is allowed. Staff would be looking to them to provide strategic advice regarding how to meet such requirements.

Bob Scott asked how quickly mitigation must occur in relation to the construction process.

- ✓ Gery replied that it would need to take place in conjunction with the construction.

Joe asked how soon the Board would see a summary regarding the planting proposals.

- ✓ Gery replied that it would most likely be ready by the fall.

Larry asked about the process for selecting a consultant.

- ✓ Gery replied that staff would select a consultant from the pre-approved consultant roster for natural resources bond projects.

Larry commented that it sounds like a strategy that the Park District needs to employ sooner rather than later.

Joe commented that when gauging the price of land, the Park District usually assumes that property with wetlands and within the floodplain is worth significantly less than buildable property. He pondered whether mitigation regulations would influence the price of such land.

- ✓ Doug noted that another possible scenario is the Park District purchasing land that used to be wetlands, but is now buildable acreage, with the intent of restoring the property back to wetland. He noted that the strategy element of this process is critical in that, if possible, the Park District will make decisions that would resolve multiple projects at once rather than piece by piece, which would be much more expensive.

Hal provided a brief overview of the memo section regarding land acquisition prioritization, for which the Board held an extended Executive Session this evening, noting that more than two hours will likely be needed for the next extended Executive Session. In addition, Hal provided an update regarding the contract negotiations for the architecture and engineering services approved by the Board at their June 8, 2009 Regular Board meeting and offered to answer any questions the Board may have.

Doug noted that he would work with President Larry Pelatt on the best format to present the extended Executive Session information.

- ✓ Larry suggested holding an Executive Session-only meeting in September.

Keith provided a detailed overview of the memo section regarding structural upgrade projects included within the bond program, noting that a proposed project funding priority list will be presented to the Board at their August 24, 2009 Regular Board meeting. Keith offered to answer any questions the Board may have.

- ✓ Hearing none, Doug noted that he would be hosting a follow up meeting tomorrow for the Oversight Committee members who were unable to attend the first meeting.

## **B. Architectural & Engineering Consultant Contract for Conestoga Recreation & Aquatic Center Expansion**

Steve Gulgren, Superintendent of Planning & Development, provided a detailed overview of the memo included within the Board of Directors information packet, noting that in May, staff issued a Request for Quotes to six firms on the Category IV, Building Expansions and Improvements Consultant of Record roster for the Conestoga Recreation & Aquatic Center bond project. Based on staff's review of the proposals received, staff recommends Opsis Architecture as the consultant, whose proposal included a completely new project design with options and multiple cost estimates. Steve noted that Opsis' design proposed a better layout, better daylighting, reduced remodeling costs, and dramatically reduced or eliminated any facility closure. However, if Opsis is unable to reduce their fees by

approximately 15%, staff would propose to enter into negotiations with TVA Architects, the second rated proposal. Steve offered to answer any questions the Board may have.

Doug Menke, General Manager, noted that Opsis Architecture designed the Firstenburg Recreation Center in Vancouver, Washington that the Board had previously toured.

President, Larry Pelatt, expressed agreement with the staff recommendation, noting that if the fee is not reduced by Opsis, the new design could be presented to the runner up.

**Joe Blowers moved the Board of Directors approve Opsis Architecture as the preferred lead consultant for the Conestoga Recreation & Aquatic Center Expansion, subject to achieving a fee reduction of approximately 15%, and authorize staff to negotiate the final scope of work and fees and to execute the contract once it is finalized. Bill Kanable seconded the motion.**

*Discussion followed:*

Bill Kanable encouraged staff to use their best judgment in negotiating the fee reduction, noting that the Park District should not necessarily walk away if they are unable to achieve a reduction of exactly 15%.

- ✓ Larry commented that the word "approximately" offers some leeway.
- ✓ Steve noted that one of the substantial benefits in using Opsis Architecture is that their proposal does not include a facility closure, which is hard to put a price on.
- ✓ Larry suggested that if Opsis Architecture is unresponsive to reducing their fees, then perhaps they would consider an increase to the scope of work instead.
- ✓ Doug stated that hearing the Board's comments this evening helps staff in the negotiation process to ensure the desired outcome.

**Roll call proceeded as follows:**

<b>Bob Scott</b>	<b>Yes</b>
<b>Bill Kanable</b>	<b>Yes</b>
<b>Joe Blowers</b>	<b>Yes</b>
<b>Larry Pelatt</b>	<b>Yes</b>

**The motion was UNANIMOUSLY APPROVED.**

**C. Architectural & Engineering Consultant Contract for Waterhouse Trail Segments 1, 5 and West Spur**

Steve Gulgren, Superintendent of Planning & Development, provided a detailed overview of the memo included within the Board of Directors information packet, noting that in May, staff issued a Request for Quotes to four firms on the Category III, Trails and Linear Parks Consultant of Record roster for the Waterhouse Trail bond project. Based on staff's review of the proposals received, staff recommends MacKay & Sposito as the consultant, whose proposal included a completion time of at least six months earlier than the other top candidate, as well as the lowest base fee estimate. Steve offered to answer any questions the Board may have.

Bob Scott asked whether these design plans would help the natural resources consultant previously discussed this evening determine mitigation requirements.

- ✓ Gery Keck, Senior Park Planner, confirmed this.

Joe Blowers moved the Board of Directors approve MacKay & Sposito as the lead consultant for the Waterhouse Trail Segments 1, 5 and West Spur and authorize staff to negotiate the final scope of work and fees and to execute the contract once it is finalized.

Bill Kanable seconded the motion. Roll call proceeded as follows:

Bob Scott	Yes
Bill Kanable	Yes
Joe Blowers	Yes
Larry Pelatt	Yes

The motion was **UNANIMOUSLY APPROVED**.

#### **D. General Manager's Report**

Doug Menke, General Manager, provided a detailed overview of the General Manager's Report included within the Board of Directors information packet, which included the following topics:

- *Tualatin Hills Today* Electronic Newsletter
  - Bob Wayt, Director of Communications & Development, provided some statistics regarding the Park District's first electronic newsletter, noting that it was sent to over 14,000 email addresses, of which almost 6,000 have opened the newsletter. Of the total opened, 40% linked to the website, with the most popular topics being the Cooper Mountain Nature Park, new trails map, Concerts and Theatre in the Park series, and the events calendar.
- Concerts and Theatre in the Park Series
- Trails Map
- Cable Access Interview
  - Bob Wayt, Director of Communications & Development, provided a brief overview of he and Sharon Hoffmeister's, Superintendent of Aquatics, recent appearance on "Community Close-up," a public affairs program produced by Tualatin Valley Community Television.
- Federal Stimulus Funds Energy Grants Update

Doug offered to answer any questions the Board of Directors may have regarding the General Manager's Report.

✓ Hearing none, President, Larry Pelatt adjourned the meeting.

#### **Agenda Item #9 – Adjourn**

There being no further business, the meeting was adjourned at 8:40 p.m.

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Larry Pelatt, President

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Bob Scott, Secretary

Recording Secretary,  
Jessica Collins