



## 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, February 8, 2010. Executive Session 6:00 p.m.; Regular Meeting 7:00 p.m.

Present:

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

Absent:

John Griffiths	Director
----------------	----------

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

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

- To conduct deliberations with persons designated by the governing body to carry out labor negotiations,
- To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed, and
- To conduct deliberations with persons designated by the governing body to negotiate real property transactions.

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

Secretary, Bob Scott, noted that representatives of the news media and designated staff may attend the Executive Session; however, media will be excused during discussions regarding labor negotiations. 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 7:05 p.m.

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

*There was no action resulting from Executive Session.*

## **Agenda Item #4 – Presentation**

### **A. The Intertwine**

Doug Menke, General Manager, introduced David Bragdon, Metro Council President, to make a presentation on The Intertwine. The Intertwine is a unifying name and brand for the Portland metropolitan area's network of parks, trails and natural areas. The Intertwine Alliance, of which the Park District is a founding member, is a coalition of businesses, nonprofits and public agencies that have joined together to promote The Intertwine and commit to linking trails, parks and natural areas with homes, jobs and schools to create one of the greatest parks network in the world.

David provided a detailed overview of areas The Intertwine is involved in, such as land acquisition, conservation, active transportation, regional parks system and conservation education, as well as the many projects Metro has partnered with the Park District, via a PowerPoint presentation, a copy of which was entered into the record, and offered to answer any questions the Board may have.

President, Larry Pelatt, lauded the beneficial partnership the Park District shares with Metro, as well as other regional agencies, noting that not many other areas in the country enjoy such a unique alliance as The Intertwine.

- ✓ Joe Blowers agreed with Larry's comments, noting that so much more can be accomplished for the public when agencies work together.

## **Agenda Item #5 – Request for Exemption from Competitive Bidding Process for Old Wagon Trail Boardwalk Replacement**

### **A. Open Hearing**

President, Larry Pelatt, opened the public hearing.

### **B. Staff Report**

Keith Hobson, Director of Business & Facilities, provided an overview of the memo included within the Board of Directors information packet regarding the staff request for an exemption from the public bidding process for the design and re-construction of the Old Wagon Trail Boardwalk and to utilize the design/build process as an alternate contracting method. The 2008 Bond Program allocated \$350,870 for trail and boardwalk improvements to the Old Wagon Trail, located within the northwest portion of the Tualatin Hills Nature Park near wetlands and within an Oak Restoration Area. Due to the environmentally sensitive nature of the project area, staff determined that the need to remain flexible during the construction process of the new boardwalk is essential. After reviewing the timing and construction management involved in standard design/bid/build procurement, staff recommends pursuing a design/build contract. Utilization of a design/build process would allow for the most efficient use of project funds by having a single team, well versed in boardwalk construction, carry the project from start to finish. This would also provide the flexibility needed to make in-field adjustments in the design during construction, minimizing the project's impact to environmentally sensitive areas. Keith noted that the exemption would not substantially diminish competition since the District would still conduct a Request for Proposals (RFP) process to select the design/build team; it would merely change the process from being a cost-based solicitation to a qualitative solicitation. The solicitation would also be done before design is completed,

ensuring that the construction technique and design is compatible with the environmentally sensitive areas. Keith offered to answer any questions the Board may have.

Joe Blowers asked whether recycled plastic would be used to reconstruct the boardwalk rather than treated lumber.

- ✓ Steve Gulgren, Superintendent of Planning & Development, confirmed this.

President, Larry Pelatt, commented that flexibility could be built into a traditional RFP process and that cost would not be the sole determining factor.

- ✓ Keith replied that a public improvement bid using factors other than cost would still require an exemption from the rules as adopted by the Park District and that there are other factors dictating why staff is recommending a design/build process.

Larry replied that if that is accurate, the Park District needs to reexamine its policies regarding procurement as it would be losing a huge capacity to be flexible by not utilizing ORS 279C.

- ✓ Keith replied that staff would reexamine the policies. However, that issue aside, the recommendation for design/build would still have merit even if the Park District had the ability to look at factors other than cost.

Larry commented that on one hand, the findings state that the design/build process would not reduce competition, but on the other hand, under the category of Technical Complexity, the desire to limit the firms to those that are technically capable is listed.

- ✓ Keith replied that on any procurement process, the desire is to award the project only to qualified vendors. The intent is to have a process that allows the Park District to define and identify a truly qualified vendor, but, within that subset, have as open and competitive procurement as possible.

Bill Kanable asked for confirmation that under the Park District's normal RFP procurement process, this project would be open to all contractors and that the Park District would have to award the contract based on price.

- ✓ Larry replied that the contractors applying would still need to meet the qualifications in order to bid on the project.
- ✓ Keith replied that with a traditional RFP process, the Park District would create a set of specifications that would include contractor requirements in order to be eligible to bid on the project. Contractors would either meet the minimum threshold or would not and of those that met the threshold, the Park District would award the project to the lowest bidder. The difference in the process being requested is that the RFP becomes a qualitative process where all factors can be looked at in conjunction with each other and the Park District could make a decision based on overall scoring whereby cost is a factor, but so are the contractors' overall qualifications.

Larry replied that he does not believe that the process Keith just described is any different from what a traditional RFP process can be. He wants to ensure that the Park District is being as competitive as possible. Larry noted that part of his concern is the current economy and that the more firms the Park District can expose to the potential of doing work, the better the Park District is doing for its community.

Bob Scott stated that although he understands Larry's comments, he believes that this particular project dictates the exemption more than another project might because of the sensitive environmental areas, as well as the fact that the requested process would allow the Park District to judge the proposals on many different levels.

Keith stated that the intent within the design/build process is to have as competitive of a procurement as possible, noting that it would be publicly advertised and that the period of advertisement would be left open long enough to enable firms to partner with other firms.

- ✓ Larry suggested that encouragement to explore partnership opportunities be added within the background section of the proposal, and that the bidding process be left open for 30 days.

**C. Public Comment**

There was no testimony during Public Comment.

**D. Board Discussion**

There was no Board discussion.

**E. Close Hearing**

President, Larry Pelatt, closed the public hearing.

**F. Board Action**

**Bob Scott moved the Board of Directors, acting as the Local Contract Review Board, approve the findings to support an exemption from competitive bidding requirements and approve an exemption from public bidding requirements and authorization to use an alternative contracting method for the Old Wagon Trail Boardwalk Replacement Project.**

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

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

**The motion was UNANIMOUSLY APPROVED.**

**Agenda Item #6 – Audience Time**

*There was no testimony during Audience Time.*

**Agenda Item #7 – Board Time**

President, Larry Pelatt, commented that he has received several positive comments from the public about staff responses to inquiries and thanked staff for their efforts.

**Agenda Item #8 –Consent Agenda**

**Bill Kanable moved the Board of Directors approve Consent Agenda items (A) Minutes of January 11, 2010 Regular Meeting, (B) Monthly Bills, (C) Monthly Financial Statement, and (D) Resolution Authorizing Transfer of Metro Local Share Funds. Joe Blowers seconded the motion. Roll call proceeded as follows:**

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

**The motion was UNANIMOUSLY APPROVED.**

**Agenda Item #9 – Unfinished Business**

**A. Bond Program**

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 provided a detailed overview of the memo sections regarding capital projects, the land acquisition process, natural resource program activities, and play structure replacements, while Keith provided an overview of the memo section regarding structural upgrade projects. Hal and Keith offered to answer any questions the Board may have.

Bill Kanable expressed a desire to stay informed as to the upcoming schedule of various public meetings being held for bond measure projects.

- ✓ Doug Menke, General Manager, noted that the Board of Directors would be provided a list of upcoming meetings.

**B. Advisory Committee Members**

Doug Menke, General Manager, referenced the memo and applications included within the Board of Directors information packet, noting that this evening the Board is being asked to consider the initial appointments to the recently approved broad-based advisory committees. Once the appointments have been made, staff will hold a mandatory orientation meeting for all committee members.

**Bill Kanable moved the Board of Directors approve the attached resolution for all advisory committee applicants as stated in Resolution 2010-02. 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.**

President, Larry Pelatt, thanked the advisory committee applicants in attendance this evening and congratulated them on their appointments.

**C. FY 2010-11 Park District Goals & Objectives**

Doug Menke, General Manager, provided a brief overview of the memo included within the Board of Directors information packet, noting that at the January 11, 2010 Regular Board Meeting, Park District staff presented proposed FY 2010-11 Goals & Objectives for the Board’s consideration. At the meeting, the Board consensus was for Board members to submit any suggested edits to the General Manager’s office prior to the February 8, 2010 Regular Board Meeting. The draft being presented to the Board of Directors for consideration of adoption this evening includes Board member comments, as well as comments from the Chair of the Trails Advisory Committee and two additional modifications proposed by Park District staff.

**Bob Scott moved the Board of Directors adopt the FY 2010-11 Park District Goals & Objectives as presented. Joe Blowers seconded the motion. Roll call proceeded as follows:**

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

**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:

- Congressman David Wu Visit
- Urban & Rural Reserves Update
  - Hal Bergsma, Director of Planning, provided a detailed update regarding the regional urban and rural reserves process, specifically pertaining to the area designated as 6B which includes South Cooper Mountain and the Park District's Cooper Mountain Nature Park.
- Nature Mobile Update
- Board of Directors Meeting Schedule

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

#### Urban & Rural Reserves Update

President, Larry Pelatt, asked when the final decisions would be made in this process.

- ✓ Hal replied that it is anticipated that a majority of the process would be completed by the end of the month.

Joe Blowers pondered how the urban designation for area 6B would effect the fulfillment of the land acquisitions needed in order to complete the Cooper Mountain Nature Park.

- ✓ Hal replied that if the Board of Directors has a preference as to the designation for this area, that staff would convey that preference.

Joe commented that Cooper Mountain Nature Park was originally targeted to be close to 500 acres and is currently half of that. In terms of ecological integrity, it would be preferable to ultimately have a 500-acre site. He is concerned whether the Park District would be able to accomplish this if the area is designated as an urban reserve, which would increase the values of the surrounding property.

- ✓ Hal noted that he has suggested to Metro staff and City of Beaverton staff that if a portion of the area is going to be designated as urban, it should be the land located adjacent to Scholls Ferry Road, which is flatter and further away from the regional park, as well as perhaps the land at the top of Cooper Mountain. He noted that discussion has occurred regarding if land is brought into the urban reserve, it should be land that supports the Murray-Scholls Town Center plan and has fairly direct access to that area.

Joe noted that regardless of the late hour, if there is any chance the Park District may influence the decision, it should attempt to do so as it is clearly in our best interest.

- ✓ Doug Menke, General Manager, noted that with Board consensus, Park District staff would convey that message.

Bill Kanable expressed concern with angering the area's property owners, but noted that the Board of Directors needs to make decisions based on the long-term best interests of the Park District, which would be to keep that area designated as rural.

President, Larry Pelatt, asked whether the Park District has any influence this late in the process.

- ✓ Hal replied that the Park District's influence would be marginal at this point, but could tip the balance as well.
- ✓ Doug replied that the Board's conversation thus far is complementary to the staff level discussions so having the Board behind that thought process could be beneficial.

Larry stated that he feels that the Board should stay neutral if it does not have significant weight in the process.

- ✓ Joe replied that he believes it would be significantly difficult for the Park District to enlarge the Cooper Mountain Nature Park if the surrounding area is designated as an urban reserve, especially financially.

Larry replied that while he does not disagree with that statement, he does not see much value in the Board getting involved in such a large issue when it has little influence as to the outcome.

- ✓ Joe replied that he does not see the harm in the Board voicing its preference.
- ✓ Bill agreed, noting that he does not believe the Park District has a lot to lose in voicing its opinion.

President, Larry Pelatt, confirmed the Board consensus to voice opposition to designating the entire area of 6B as an urban reserve.

- ✓ Hal asked for confirmation that land around Scholls Ferry Road and perhaps the top of Cooper Mountain would be appropriate for an urban reserve and to leave the rest as rural.

Larry confirmed this.

## **Agenda Item #10 – New Business**

### **A. District Sites & Trails Renaming Project**

Steve Gulgren, Superintendent of Planning & Development, provided a detailed overview of the memo included within the Board of Directors information packet regarding the District Sites & Trails Renaming Project. Steve noted that the Comprehensive Plan update in 2006 identified key needs pertaining to the names of Park District sites and trails, including the recommendation to distinguish sites by name as to whether the site is primarily for active or passive recreational use. Planning staff is leading a multi-department team on the project and is working through a process to identify which sites should be considered for renaming based upon Comprehensive Plan classifications and guidelines. Steve noted that no specific action by the Board is being requested this evening and that staff would return to the Board at a future date to seek approval of the proposed name changes pursuant to Board Policy.

Bob Scott commented that if a site contains both a natural area and a trail, the name should indicate both aspects of the site, not just the trail, in order to give the site a tighter definition. He provided an example of Willow Creek Trail & Natural Area.

- ✓ Bill Kanable expressed agreement with Bob's suggestion, noting that some of the Park District's larger sites have many different designations within their property lines.

Joe Blowers referenced Fanno Creek Park, which has Fanno Creek Trail running through it as well as a natural area. He asked whether that site would become just Fanno Creek Trail or Fanno Creek Trail & Natural Area.

- ✓ Steve replied that there are many sites that could have multiple designations and that the criteria developed for the project would guide staff in those instances.
- ✓ Hal Bergsma, Director of Planning, noted that it is not always going to be clear what the site should be named and provided an example of Little People's Park.
- ✓ Steve noted that the name would be driven primarily by the intended use of the site.

President, Larry Pelatt, asked whether the project would have an impact on the classification of acreages for the Park District overall, as well as the proportional usage of funding in accordance with those acreages.

- ✓ Doug Menke, General Manager, confirmed that the project would impact the classification of acreages, noting, however, that the reality is that it would be an appropriate impact.

Larry stated that it is a calculation that the Board would want to see.

- ✓ Joe commented that the project would also impact the Park District's honesty with the public. He used Bauman Park as an example, noting that if someone going there was expecting to find play equipment and a classic park setting, they would be disappointed.

Bill suggested a method of listing all of the different aspects of a site under its name.

Joe asked about the background of the name for Jordan-Husen Park.

- ✓ Doug replied that the Husen name refers to the park site and that the Jordan name refers to the trail.

Joe asked why the park name is hyphenated.

- ✓ Steve replied that it was a carry forward from the master planning process, which was a combined process for both properties.

Joe asked why the Park District does not just call it one name.

- ✓ Doug replied that first staff needs to check to see if either of the names are tied to the acquisition process. Otherwise, the goal of this entire project is to simplify.

### **Agenda Item #1 – Executive Session (C) Land (*taken out of order*)**

President, Larry Pelatt, reconvened Executive Session to conduct deliberations with persons designated by the governing body to negotiate real property transactions.



**Agenda Item #11 – Adjourn**

There being no further business, the meeting was adjourned at 9:00 p.m.

---

Larry Pelatt, President

---

Bob Scott, Secretary

Recording Secretary,  
Jessica Collins