

TUKWILA METROPOLITAN PARK DISTRICT

**November 19, 2012 – 8:00 p.m.
Council Chambers – Tukwila City Hall**

BOARD OF COMMISSIONERS REGULAR MEETING MINUTES

CALL TO ORDER

Board President Seal called the Regular Meeting of the Tukwila Metropolitan Park District (MPD) to order at 8:00 p.m.

TUKWILA METROPOLITAN PARK DISTRICT COMMISSIONERS

Present were Joe Duffie, Verna Seal, Allan Ekberg, Kathy Hougardy, De'Sean Quinn, Kate Kruller.

MOVED BY QUINN, SECONDED BY DUFFIE TO EXCUSE BOARD MEMBER ROBERTSON FROM THE MEETING. MOTION CARRIED 6-0.

TUKWILA METROPOLITAN PARK DISTRICT REPRESENTATIVES

Lisa M. Marshall, MPD Board Attorney.

CITY OF TUKWILA OFFICIALS

Jim Haggerton, Mayor; David Cline, City Administrator; Rick Still, Parks and Recreation Director; Malcolm Neely, Aquatics Coordinator; Vicky Carlsen, Deputy Finance Director; Melissa Hart, Deputy City Clerk.

CITIZEN COMMENTS

There were no citizen comments.

CONSENT AGENDA

a. Approval of Minutes: 10/15/12

b. Approval of Vouchers:

October 22: #120900, 361799 in the amount of \$3,976.74

November 5: #361818, 361912 in the amount of \$1,289.88

November 19: #121000; 361965, 361981, 362001 in the amount of \$13,109.72

MOVED BY DUFFIE, SECONDED BY QUINN TO APPROVE THE CONSENT AGENDA AS SUBMITTED. MOTION CARRIED 6-0.

PUBLIC HEARINGS

a. A resolution of the Board of Commissioners of the Tukwila Metropolitan Park District (MPD) adopting the annual budget of the Tukwila Metropolitan Park District for the fiscal year 2013.

Vicky Carlsen, Deputy Finance Director, explained the purpose of the public hearing is to seek comments relating to adopting the 2013 annual budget for the MPD.

8:02 p.m. Board President Seal opened the public hearing.

Board President Seal called for public comments.

There were no public hearing comments.

8:02 p.m. Board President Seal closed the public hearing.

b. A resolution of the Board of Commissioners of the Tukwila Metropolitan Park District levying the general taxes for the fiscal year commencing January 1, 2013, on all property, both real and personal, within said district.

Vicky Carlsen, Deputy Finance Director, explained the purpose of the public hearing is to levy the 2013 general taxes for the MPD.

8:03 p.m. Board President Seal opened the public hearing.

Board President Seal called for public comments.

There were no public hearing comments.

8:03 p.m. Board President Seal closed the public hearing.

BUSINESS ITEMS

a. 2013 program and fees review.

Rick Still, Parks and Recreation Director, explained the Board is being asked if the user fees at the Tukwila pool should be increased, and a timeline for an increase. Three options have been provided on page 1 of the agenda packet for Board consideration.

Vanessa Zaputil, 15171 52nd Avenue South, explained the Tukwila Pool Advisory Committee (TPAC) had a lengthy discussion on a proposed fee increase. Members of TPAC have had conversations with pool patrons about a proposed increase, and the feeling was they are supportive of an increase. She feels having the increase sooner rather than later could be used for marketing purposes to encourage patrons to purchase pool passes now rather than when the new fees become effective.

Option 1

Implement a fee increase in May 2013 to coordinate with the Tukwila Parks and Recreation Spring 2013 program guide. An increase implemented at this time would result in approximately \$3,280 in additional revenue for 2013. \$3,280 is based upon prorating 8 months of additional revenue.

Option 2

Implement a fee increase in September 2013 to coordinate with the Tukwila Parks and Recreation Fall 2013 program guide. An increase implemented at this time would result in approximately \$1,640 in additional revenue for 2013. \$1,640 is based upon prorating 4 months of additional revenue.

Option 3

Implement a fee increase in January 2014 to coordinate with the Tukwila Parks and Recreation Winter 2014 program guide. An increase that goes into effect in January 2014 will not impact the 2013 revenue; however, it will enable staff to focus on increasing patronage without implementing a fee increase. Additionally, waiting until January 2014 to implement a fee increase will have the least impact upon patrons, who were greatly impacted by the recent closure. An increase implemented at this time would result in approximately \$4,920 in additional revenue for 2014.

The Board Members exchanged comments and asked clarifying questions of staff on the above topic.

There was Board consensus to have staff return to the January 2013 Board meeting for a Board decision and additional information on the proposed fee increase and a modified proposed fee increase spreadsheet.

b. Capital projects update.

Mr. Still explained the Tukwila Pool officially closed for construction on November 5, 2012. The pool has been drained and demolition started in preparation for performing the approved project list.

After demolition began, it was discovered that the heat exchanger in the surge tank had holes in it and cannot be reused. With the removal of the pool liner and bulkhead, the crew found an additional pool expansion joint, and wall damage that will require replacement of a section of rebar. A comparative analysis and design for replacement of a similar heat exchanger system versus a more efficient heat exchanger system has been authorized. The heat exchanger will be replaced using a similar model or a modified system depending upon the efficiencies, replacement cost and project financial status. All project demolition should be complete by November 30, 2012, and any unforeseen conditions and issues should be identified and processed through the project management team. The project scope will be detailed to identify cost savings, and any project increases will be aligned with the project's capital improvement list and presented to the MPD Board.

Mr. Still announced the ADA Access Project will improve the pool parking lot and access to the pool and should be completed prior to the re-grand opening in February 2013, and the roof project will be completed before May 15, 2013. Bids were received for both of these projects utilizing the City of Tukwila's Small Works Roster process. The combined savings from these projects will be applied to other projects on the approved capital improvement list.

Bryan Nelson, 3223 South 136th Street, requested clarification on the dedicated senior parking. He asked if the new parking stalls would have new signage identifying the senior parking designation.

Mr. Still answered in the affirmative.

c. A resolution of the Board of Commissioners of the Tukwila Metropolitan Park District adopting the annual budget of the Tukwila Metropolitan Park District for the fiscal year 2013.

MOVED BY DUFFIE, SECONDED BY QUINN THAT THE PROPOSED RESOLUTION BE READ BY TITLE ONLY. MOTION CARRIED 6-0.

Melissa Hart, Deputy City Clerk, read the proposed resolution by title only.

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE TUKWILA METROPOLITAN PARK DISTRICT ADOPTING THE ANNUAL BUDGET OF THE METROPOLITAN PARK DISTRICT FOR THE FISCAL YEAR 2013.

MOVED BY DUFFIE, SECONDED BY HOUARDY THAT THE PROPOSED RESOLUTION BE ADOPTED AS READ.*

Board President Seal directed the Board's attention to page 12 of the agenda packet and the recommendation by TPAC:

- Addition of a line item for a scholarship program (\$5,000) with recommended details/guidelines to be worked out by TPAC, staff and MPD Board in the future.

MOVED BY KRULLER, SECONDED BY DUFFIE TO ADOPT THE TPAC RECOMMENDATION OF ADDITION OF A LINE ITEM FOR A SCHOLARSHIP PROGRAM (\$5,000). **

Board Member Hougardy asked if inclusion of a scholarship fund would change the budget as presented to the Board.

Mr. Still explained the small amount of the scholarship fund will not change the ending balance of the proposed budget. TPAC has suggested that a fee increase could cover the cost of the proposed fund.

Vanessa Zaputil, 15171 52nd Avenue South, stated Commissioner Ekberg made the suggestion of a scholarship fund, and she recommended the \$5,000 limit. A scholarship fund in this amount would provide 115 individuals with swim lessons.

**** MOTION CARRIED 6-0 TO INCLUDE THE TPAC RECOMMENDATION OF ADDITION OF A LINE ITEM FOR A SCHOLARSHIP PROGRAM (\$5,000).**

*** MOTION CARRIED 6-0 TO ADOPT RESOLUTION NUMBER 13.**

d. A resolution of the Board of Commissioners of the Tukwila Metropolitan Park District levying the general taxes for the fiscal year commencing January 1, 2013, on all property, both real and personal, within said district.

MOVED BY DUFFIE, SECONDED BY EKBERG THAT THE PROPOSED RESOLUTION BE READ BY TITLE ONLY. MOTION CARRIED 6-0.

Melissa Hart, Deputy City Clerk, read the proposed resolution by title only.

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE TUKWILA METROPOLITAN PARK DISTRICT LEVYING THE GENERAL TAXES FOR THE FISCAL YEAR COMMENCING JANUARY 1, 2013, ON ALL PROPERTY, BOTH REAL AND PERSONAL, WITHIN SAID DISTRICT.

MOVED BY QUINN, SECONDED BY DUFFIE THAT THE PROPOSED RESOLUTION BE ADOPTED AS READ. MOTION CARRIED 6-0 TO ADOPT RESOLUTION NUMBER 14.

e. Authorize the Board President to sign an Interlocal Agreement with the City of Tukwila regarding bonding for capital improvements for the Tukwila Pool.

The MPD is beginning a major capital project to renovate the Tukwila pool, its primary asset. Financing options have been researched and presented to the MPD Board of Commissioners for consideration over the past several months. At the October 15, 2012 MPD meeting, approval was received from the Board to move forward with a bond issuance by the MPD with a City guarantee.

Subsequent to the October 15 meeting, the City guarantee was discussed with the bond counsel for the City and the MPD. A recent ruling by the Washington State Supreme Court concerning a debt guarantee by the City of Wenatchee concluded in part that "public guarantee of debt is legally equivalent to a public debt."

As a result, the City of Tukwila proposes to issue bonds on behalf of the MPD to fund capital improvements to the Tukwila Pool. Under this proposal, the City of Tukwila would loan the proceeds of the bond issuance to the MPD. The MPD would repay the loan from operating revenue and general taxes levied by the MPD.

As documented in the interlocal agreement, the City agrees to lend funds from the proceeds of a bond issuance to the MPD, not to exceed \$1,100,000. The MPD agrees to assume and accept the financial obligation to repay the loan in amounts and on dates corresponding with the underlying bond debt service payment schedule.

MOVED BY QUINN, SECONDED BY KRULLER TO AUTHORIZE THE BOARD PRESIDENT TO SIGN AN INTERLOCAL AGREEMENT WITH THE CITY OF TUKWILA REGARDING BONDING FOR CAPITAL IMPROVEMENTS FOR THE TUKWILA POOL. MOTION CARRIED 6-0.

REPORTS

a. Commissioners

Board Member Kruller announced there will be a painting party at the Tukwila Pool on November 24, 2012.

b. Staff:

- Capital Improvement Program (CIP) Status
- Operational Issues
- Short-term agenda review
- Open Public Meetings Act – Tukwila Pool Advisory Committee

c. Tukwila Pool Advisory Committee (TPAC):

- Agendas and Minutes
- Chairperson Report

Bryan Nelson, TPAC Chair, referenced page 43 of the agenda packet, and asked the Board if they expect TPAC to comply with the Open Public Meetings Act (OPMA).

Board President Seal requested the Board's attorney review the OPMA requirements as they relate to the Tukwila Pool Advisory Committee.

Lisa Marshall, Board Attorney, reviewed RCW 42.30 and the OPMA requirements as they relate to a legislative body and advisory committees. She feels that while there are arguments supporting the ability of advisory boards NOT to follow the OPMA, there is room for doubt. In addition to the requirements of the act, it is important to review the purpose and intent of the act and transparency. She stated it is her recommendation that when there is a doubt, the OPMA should be followed.

Board President Seal explained there are members of TPAC who attend the Sustain Tukwila Pool (STP) meetings, which she feels could be viewed as a violation of the OPMA. The question before the Board is whether the Board will direct TPAC to comply with the OPMA.

Board Member Duffie feels all committees should comply with the OPMA.

Board Member Kruller stated because the RCW does not require compliance with the OPMA for TPAC, the Board should not direct them to comply with the act. She explained TPAC has been directed by the MPD Board to review and research specific items relating to the future operations of the pool. As citizens, they want to be able to have conversations about items the Board has tasked them with, and research third party vendor options without the presence of City staff. Since TPAC does not meet the requirements for an executive session in order to discuss these types of issues privately, they are being placed in a situation where City staff would be present while TPAC is interviewing a competing third party operator.

Ms. Marshall explained as long as there was not a quorum, a small group of TPAC members could move forward with private interviews of third party vendors. This type of meeting would not be the preferred method. Additionally, she does not recommend TPAC members participate in long and involved email chains, as this could be a violation of the OPMA.

Board Member Ekberg asked if other City Board and Commission groups comply with the OPMA.

Mr. Still answered in the affirmative. Additionally, he clarified that the law does not imply that staff attend the TPAC meetings. If TPAC would like to have a meeting, they would need to publish a meeting notice that includes the meeting and agenda information. It has been a Board directive (via resolution) that City staff attends the TPAC meetings. Mr. Still suggested an amendment to the resolution that states City staff would not be present at TPAC meetings when items relating to a third party operator are to be discussed.

Board Member Quinn voiced his support for amending the resolution with the suggested language. There are existing City bodies that comply with the OPMA, and transparency in operation is very important. Some of TPAC's concerns can be addressed in an amendment to the resolution.

Board Member Hougardy asked if TPAC members were advised not to participate in the STP meetings during their interview process, and if this could be addressed in the amended resolution.

Board President Seal stated at the time of the interviews, she did not advise them that as a member of TPAC they should not attend the weekly STP meetings. She explained the MPD is still very new and the process is being worked through. TPAC is working through items when directed by the Board. However, ensuring transparency in operations and compliance with state rules and regulations is equally important.

David Puki, 3748 South 152nd Street, explained he is a member of TPAC and they would like to be able to get together as a group without interference to review the tough issues for which the Board has asked for their input.

Ms. Marshall clarified members of TPAC can attend the STP meetings to observe (not participate in the meeting), travel to other meetings or attend a holiday event and that would not be considered a violation of the OPMA. A violation of the OPMA would happen when more than a quorum of members get together to discuss TPAC business.

Board Member Ekberg explained a way to resolve some of the concerns voiced by TPAC would be to direct staff to review the affected legislation and provide suggested amendments to the legislation for the Board to review.

After Board discussion, it was determined the Board would have staff review the TPAC resolution, and return to a future Board meeting with options relating to the TPAC meeting structure.

Bryan Nelson, TPAC Chair, re-stated that the Board desires TPAC to comply with the OPMA because the intent of the act is transparency. He asked how TPAC would logistically comply with the OPMA as it relates to the weekly STP meetings.


Ms. Marshall stated TPAC should notice the weekly Sustain Tukwila Pool meetings and announce that TPAC members will be in attendance at those meetings to discuss STP business.

d. Miscellaneous

- Next meeting is December 17, 2012

ADJOURNMENT

9:17 p.m. MOVED BY DUFFIE, SECONDED BY QUINN THAT THE TUKWILA METROPOLITAN PARK DISTRICT MEETING BE ADJOURNED. MOTION CARRIED 6-0.



Verna Seal, President, Board of Commissioners



Melissa Hart, Deputy City Clerk