

## **BOARD OF PARK COMMISSIONERS**

**April 16, 2020**

### **CALL TO ORDER**

A regular meeting of the Cincinnati Board of Park Commissioners was held on this day at 801 Plum Street. Commissioners present: President Brad Lindner, Vice President Jim Goetz, Commissioner Susan Castellini. Commissioner Kevin Flynn and Commissioner Linda Lee Thomas were present via video conference. President Lindner called the meeting to order at 9:00 A.M.

Director Kish introduced the meeting, acknowledging a shift in Parks priorities and establishing the need for discussion of agenda items amidst the COVID-19 pandemic. President Lindner thanked Director Kish for her leadership and Parks staff for their work during the crisis.

### **Approval of Minutes**

Vice President Goetz motioned to approve the February 28, 2020 Meeting minutes. Commissioner Flynn seconded. Motion passed by vote.

Commissioner Castellini motioned to approve the March 11, 2020 Special Meeting minutes. Commissioner Thomas seconded. Motion passed by vote.

### **NEW BUSINESS**

#### **Lot 23 Bid – Trade Contract**

Director Kish provided background on the Lot 23 project and major elements of the design. Ms. Kish presented the staff recommendation for the Park Board to authorize and execute Trade Contract 9 related to the construction of Phase 1 of the public park on Lot 23 totaling \$6.8 million with the following funding recommendations: from MEMI a contribution of \$1.1 million; from the City's Permanent Improvement Fund 757, a contribution of \$1.45 million, and an additional \$1.3 million from the City's Miscellaneous Permanent Improvement Fund 757; \$2 million State Capital dollars; and a contribution from Parks Riverfront Fund for \$654,000. She furthered, staff recommends the Commissioners use the following combination of funding to advance dollars subject to the approval of State Capital funding: \$500,000 from Parks Permanent Improvement Fund 752; \$500,000 from the Park Infrastructure Rehabilitation Fund 980; and \$1 million from Parks Riverfront Fund 329. Ms. Kish presented a Parks Foundation resolution to be presented to the Parks Foundation Board of Directors for approval, which will identify this project as a fundraising priority for the Foundation if State capital dollars and additional City dollars are not available.

Commissioner Flynn referenced an alternative motion he proposed for consideration which requests, amidst current uncertainty, notably economic, that Trade Contract 9 for improvements for the park project at the Banks known as Lot 23 in the amount of \$6.8 million be rejected or at the very least postponed until realities of the pandemic can be assessed and addressed relative to funding priorities, future effects of social distancing on music venues, and the availability of the outside funding sources needed to complete the project.

Commissioner Castellini commented the Lot 23 project is a park, not just a music venue, and her interest is in completing the park. Vice President Goetz asked Phil Beck, Banks Project Executive, for input on the infrastructure construction progress and its continuation. Mr. Beck explained the additional safety measures implemented to protect construction workers and ensure work can progress. There was further discussion regarding specific safety measures being taken and the need for a music venue space while social distancing requirements are being enforced.

Commissioner Flynn questioned the Park Board spending millions of dollars without assurance of reimbursement, spending reserves on one park rather than throughout the system, and the fundraising goal of the Parks Foundation. Mr. Goetz expressed appreciation to the Foundation for their commitment to fundraising the possible funding shortfall and other capital needs at Smale. He further expressed reasons he was in support of moving forward with the contract.

There was further discussion regarding the timeline of the project, and Commissioner Flynn noted the park may not be able to be used next year and construction contracts may be easier to obtain in the future with the changing economy. Commissioner Thomas expressed despite present uncertainties, funding is currently in place for the project and she is encouraged to move forward with it.

There was further discussion regarding the Foundation's role in fundraising and clarification regarding available funding sources and the funding recommendation. Vice President Goetz expressed interest in making a motion which includes any funds being taken out of restricted park funds would first be replenished with monies received from the Foundation, the State, or the \$1.3 million from the City.

There was discussion regarding the potential impact of capital dollars, or Park Board funds identified for this project, to contribute to staff costs and salaries if not utilized for the project.

President Lindner reminded the Board of the motion on the floor presented by Commissioner Flynn. There was no second.

Vice President Goetz motioned to approve the staff recommendation to authorize and execute Trade Contract 9 related to the construction of a public park on Lot 23 of the Banks totaling \$6.8 million with the following funding sources: MEMI, \$1.45 million as agreed to in negotiated agreements; from the City, \$1.45 million, also part of that agreed or negotiated agreement; an additional \$1.3 million proposed by the City from its 757 Miscellaneous Permanent Improvement Fund 757 generated by transactions at the Banks; \$2.0 million from the State as part of their Capital budget; and \$654,002 from the Park Board's restricted Riverfront Fund 329.

Further, to advance dollars subject to the approval of the State Capital funding, he moved to use Parks' Permanent Improvement Fund 752 in the amount of \$500,000; Parks' Infrastructure Rehabilitation Fund 980 in the amount of \$500,000; and Parks' restricted Riverfront Fund 329 for \$1 million. He added, any Capital funding from the State for this \$2 million request or alternatively, from the Parks Foundation, will first be directed back to replenish any Park funds used as advance money under this contract. He continued, the Board of Park Commissioners'

authorization of the execution of the trade contract related to the construction of public park on Lot 23 is contingent upon all applicable agreements being fully executed by MEMI, the City and the County as applicable, including without limitation, the first amendment to the Cooperation Agreement and the Entertainment Venue Development Agreement.

Steve Schuckman and Director Kish clarified the Trade Contract amount is \$6,150,502, which differs from the total project cost of \$6,854,002.

There was clarification from City Law regarding the Park Board's ability to approve a contract without all funds identified. Kaitlyn Geiger explained a contract could be authorized by the Board, but not executed until funding is identified.

Commissioner Castellini seconded the motion on the floor. The motion passed by 4-1 roll call vote.

### **Transient Boat Dock – GMP Universal**

Director Kish provided background on the transient boat dock, including available grant funding, terms of the ODNR grant agreement, and the Guaranteed Maximum Price (GMP) of \$4.9 million submitted by Universal Contracting. She presented the staff recommendation asking the Board to consider and determine whether to accept the GMP and enter into a contract with Universal Contracting.

Commissioner Flynn referenced a motion he submitted to not approve the GMP contract at this time, and instead for Staff to seek an extension for the ODNR contract with the assistance of two Park Commissioners, and then rebidding the project. Mr. Flynn questioned the reason the project was bid as a GMP contract, as well as the relatively high pricing for features that may have potential for additional cost savings, including ADA compliant ramps. He noted the community interest in the dock and expressed although he did not want the project to cease, he did not want to accept the GMP presented. Vice President Goetz also expressed concern regarding the timeline of the project and the GMP, as well as interest in requesting a term extension for the ODNR grant. Commissioner Thomas noted the potential positive impacts on the Fire Department and the Banks, as well as interest in accessing a grant term extension. President Lindner expressed interest in exploring partnership opportunities for funding, rather than Parks being solely responsible, as well as in seeking an extension for the ODNR grant.

There was further discussion regarding strategies for seeking a grant extension and the reasoning for seeking a Construction Manager at Risk for the project rather than a General Contractor.

President Lindner noted the motion on the floor made by Commissioner Flynn to not accept the presented GMP contract and to seek a grant extension from ODNR with the assistance of two Park Commissioners. Vice President Goetz seconded the motion. Commissioner Castellini abstained from voting. The motion passed by unanimous roll call vote.

### **COMMISSIONER'S COMMENTS**

President Lindner commended Director Kish and all staff for their work during the crisis. Director Kish noted the team effort involved and thanked the City Manager and Mayor for guidance.

Vice President Goetz thanked Director Kish and staff for upholding the condition of the parks and commended staff and the Foundation for online resources being provided during this time.

Commissioner Thomas commended staff for the promotion of lesser used parks and for their work to continue making parks available to the community.

Commissioner Flynn echoed the previous sentiments expressed and noted the importance of parks more than ever.

Mr. Flynn motioned to terminate the contract for the operations of the boat dock. Staff clarified an RFP was distributed and Parks is currently in negotiations with a single bid to arrive at a contract. Law stated they will examine the RFP and provide advice on withdrawing.

There was discussion regarding how best to authorize or instruct staff to work with Law on an appropriate path forward to cease negotiations of the operating contract or withdraw the RFP. Christine Zimmer, City Law, recommended Law provide advice on the RFP.

Commissioner Flynn motioned to authorize staff to take appropriate action to cease negotiations or withdraw the RFP for the boat dock operating contract contingent upon opinion provided by the Law Department to the administration indicating it is appropriate to do so without negative consequences to the Park Board. Vice President Goetz seconded. Commissioner Castellini abstained. Motion passed by unanimous roll call vote.

### **STAFF COMMENTS**

Rocky Merz provided staff updates. He noted challenges associated with placing 101 Parks employees on Temporary Emergency Leave and the extra efforts of staff to coordinate with City Administration, other City departments, and interdepartmentally. He noted the extra responsibility to provide a service to the community, with the recent surge in interest, including added safety and cleaning measures, maintenance challenges, and responding to customer service requests. He described behind-the-scenes work including caring for plants at Krohn and issuing refunds for canceled events, as well as planning for re-opening. He also noted the work of the Finance team to ensure the financial continuity of the organization and to understand future challenges.

There was no further discussion.

### **ADJOURNMENT**

President Lindner adjourned the meeting at 10:40 A.M.



ATTEST:

PRESIDENT

DIRECTOR