



**Metropolitan King County Council
Growth Management & Natural Resources Committee**

STAFF REPORT

Agenda Item: 5 **Name:** Marilyn Cope
Proposed No.: 2006-0550 **Date:** March 13, 2006
Attending: TJ Davis, Project Manager, Parks & Recreation Division
Kevin Brown, Director, Parks & Recreation Division
Andrew Marcuse, Legal Counsel, Prosecuting Attorney’s Office

SUBJECT An ordinance authorizing a forty-year use agreement with the Eastside Football Club for the development and use of Preston Fields and Community Park.

BACKGROUND

In the 1960’s, members of the Preston community in unincorporated King County began expressing interest in preserving undeveloped acreage in an industrial zone bordering a residential neighborhood. This community support for preservation resulted in King County’s acquisition of the industrial property and the community has since worked on a proposal to convert the industrial site into an active recreation park.

On November 18, 2002, the King County Council adopted the Parks Omnibus Ordinance (14509), which redefined the county’s role as the provider of regional and local rural parks and recreational facilities and gave direction for the division to:

1. Implement entrepreneurial strategies including lease, concession and use agreements;
2. Develop agreements with other organizations to provide recreation services;
and
3. Engage in community outreach and involvement.

King County’s Community Partnership Grant (CPG) program grew out of the Omnibus Ordinance to empower user groups and community organizations to construct, develop, program, and/or maintain recreation facilities on King County land.

The intent of the CPG program is to leverage county resources without requiring additional public funds for operations and maintenance costs.

The Preston Fields and Community Park is the CPG program's preeminent project.

SUMMARY

Proposed Ordinance 2006-0550 authorizes a forty-year use agreement with Eastside Football Club, a nonprofit organization, for the development and use of Preston Fields and Community Park in unincorporated King County. The park would span over 14 acres and include three soccer fields and one little league baseball field. The proposal is the culmination of decades of discussions, negotiations and planning between King County, members of the local community, developers, Issaquah School District, Fire District 10, Preston Community Club (PCC) Eastside Football Club (EFC) and the Issaquah Little League (ILL).

The transmittal package for Proposed Ordinance 2006-0550 includes a use agreement as attachment to the ordinance, a fiscal note for expenditures, a fiscal note for revenues and a letter from the Executive.

ANALYSIS

Preston Fields and Community Park

The Preston Fields and Community Park is planned for development at Preston/Fall City Road SE and SE 87th Place in unincorporated King County. The undeveloped 14 acre park would include two synthetic soccer fields with lighting, one grass soccer field without lighting, warm-up areas, one youth baseball field, a picnic shelter, grassy play area, playground structures, restrooms and 141 parking spaces. A schematic drawing of the proposed park can be found in Attachment 6 to the staff report.

Acquisition of Property

Executive staff has provided a summary of the acquisition history of the parcels of land contributing to the Preston Fields and Community Park as found in Attachment 8 to the staff report.

Use Agreement

Proposed Ordinance 2006-0550 includes an attached use agreement between King County and Eastside Football Club with the following provisions

- King County retains ownership of the park, including improvements, permanent fixtures, equipment and land donated for the full phase build-out of the park.
- King County will provide \$1.5 million in capital funding to EFC for the design and construction of the park.
- EFC will be responsible for securing any additional funds needed to complete the permitting and construction of the park.
- EFC will provide \$1.2 million in rental fee revenue to King County for the first ten years of the agreement, prorated to the parks opening date. In years 11-20, EFC will pay a negotiated hourly rental fee that reflects EFC's investment in the park. In years 21-40, EFC will pay the going rate for rental of the park.
- EFC will design and construct the parks facilities to include two synthetic soccer fields with lighting, one grass soccer field without lighting, a parking lot and other related infrastructure and amenities (i.e. storm water drainage).
- Preston Park LLC (formed as a partnership between ILL and PCC) will coordinate with EFC for the design and construction of one youth baseball field, a picnic shelter, grassy play area, playground structures, restrooms, and other related amenities.
- King County reserves the right to approve the final design of the park and EFC will not alter the design after construction.
- EFC will complete construction of Phase 1 within one year of receiving King County's contribution of \$1.5 million.
- EFC will provide general maintenance and operate the park over the life of the agreement.
- EFC will be granted priority use of the park but must provide for public access to the park. EFC will work with the Parks and Recreation Division to develop rules for the programmatic use of the park and the scheduling of other interested user groups.
- EFC will establish, collect and retain rental fees for soccer field user groups as approved by the Parks and Recreation Division.
- EFC, ILL, PCC and the Parks and Recreation Division will establish a "good neighbor policy" to ensure positive relations with the local community. The parks hours of operation will be 7:00 a.m. to 10:00 p.m.
- King County reserves naming and advertising rights at the park as well as all revenues associated with naming and advertising.
- EFC will provide an annual performance report to the Parks and Recreation Division.
- King County's standard contractual language including indemnification, limitation of liability, nondiscrimination and termination clauses is included in the use agreement.

Policy Framework

King County Code

According to King County Code (KCC) 4.56.150 the county may enter into agreements for the use of county property with nonprofit organizations if the property is to be used by the organization to make improvements to county property and/or provide services that will benefit the public. Such use agreements are exempt from the requirements of fair market value, appraisal and notice but are subject to the approval of the King County Council and Executive.

Proposed Ordinance 2006-0550 would allow a non-profit organization, Eastside Football Club, to make improvements to county property through development of the Preston Fields and Community Park and provide recreational programming services by operating and maintaining the facility for private and public use. As such, the use agreement appears to comply with KCC 4.56.150.

Parks Omnibus Ordinance 14509

The 2002 Parks Omnibus Ordinance provides the county with direction on how to operate the Parks and Recreation Division. The Parks Omnibus Ordinance establishes the Division's role as a provider of regional and local rural parks and recreational facilities and further instructs the Division to implement entrepreneurial use agreements, develop agreements with other organizations to provide recreation services and involve the local community and user groups in the process.

Proposed Ordinance 2006-0550 provides the framework for King County to collaborate with the Eastside Football Club user group and the community of Preston to provide recreational facilities and services in unincorporated King County. As such, the use agreement appears to comply with the Parks Omnibus Ordinance.

Adopted Budgets

The budget policy framework for Proposed Ordinance 2006-0550 began in the 2004 Adopted Budget with a \$50,000 Youth Sports Facilities Grant to Issaquah Little League. More recently, in the 2006 and 2007 budgets the Council approved a total of \$1.5 million in REET 1 CIP funds for Preston Fields and Community Park. All total, King County has appropriated \$2.45 million toward the planning, design and construction of the park. Per the terms of the proposed use agreement, Eastside Football Club, Issaquah Little League and the Preston Community Club will contribute an estimated \$5.0 million to the development of the park, over \$1.0 million of which is the estimated value of local voluntary labor and professional services. The Council has historically supported the plan to develop Preston Fields and Community Park by appropriating the funds necessary to implement Proposed Ordinance 2006-0550. No new appropriation authority is needed.

Labor Agreements

In October 2005, the Council adopted Ordinance 15306, approving the collective bargaining agreement of Local 925 representing employees in the Parks and Recreation Division. Per the terms of the collective bargaining agreement, the Parks and Recreation could engage in partnerships with other entities for the contracting out or “volunteering out” of Local 925 workload, so long as the partnerships did not reduce or eliminate Local 925 FTEs. The Division is required to work with the Labor Management Council of Local 925 in the development of partnerships with other entities that involve the contracting or “volunteering” out of bargaining unit work. Executive staff have stated that Labor Management Council of Local 925 has been involved in and supportive of every phase of the development of the proposed use agreement between King County and Eastside Football Club for Preston Fields and Community Park.

Policy Issues

It is worth noting that the proposed long-term use agreement is a new venture for the Parks and Recreation Division and as such the Council may have special interest in reviewing EFC’s annual performance report (per the terms of the agreement) to determine whether a balance between priority based private use and public access is achieved.

Furthermore, it is worth exploring whether the proposed use agreement sets a precedent for other similar agreements and raises the question of whether the unique level of community involvement and the relative isolation of the Preston Community make such an agreement feasible in this case but not easily replicable in other circumstances.

Community Involvement

The Parks Division has worked extensively with stakeholder groups, including members of the public, Preston Community Club, Eastside Football Club and Issaquah Little League. A letter of support from Preston Community Club can be found in Attachment 7 to the staff report.

Public Hearing

The King County Council is not required to advertise a public hearing on Proposed Ordinance 2006-0550 in that it is a use agreement provided for under KCC 4.56.150 and thereby exempt from the fair market value, appraisal and notice requirements of KCC 4.56.160.

Legal Review

The proposed use agreement has been reviewed by the Prosecuting Attorney and found to fulfill King County’s statutory obligations and protect the county’s interests.

AMENDMENTS

An amendment has been prepared to correct the miscollated pages of the use agreement as transmitted by the executive. Council staff and executive staff have worked together to arrange the correct collation of the use agreement. The amendment also adds new page numbers to the use agreement for clarity.

ATTACHMENTS

1. Amendment to Proposed Ordinance 2006-0550
 - a. Attachment A. Use Agreement between King County Department of Natural Resources and Parks, Parks and Recreation Division and Eastside Football Club (EFC) for the Soccer Facility at Preston Fields and Community Park, dated March 13, 2007.
2. Proposed Ordinance 2006-0550
 - a. Attachment A. Use Agreement between King County Department of Natural Resources and Parks, Parks and Recreation Division and Eastside Football Club (EFC) for the Soccer Facility at Preston Fields and Community Park
3. Executive's transmittal letter, dated November 1, 2006
4. Fiscal Notes
5. Partner Estimated or Anticipated Contributions
6. Schematic Drawing of Preston Fields and Community Park
7. Letter of Support from Preston Community Club
8. Parcel(s) Acquisition History
9. Construction Phases