

EWEB Riverfront Master Plan Community Advisory Team (CAT)

Wednesday, March 11, 2009, 5:30 – 7:30 p.m.

EWEB Board Room

Present: Mark Johnson, Pat Johnston, Desiree Moore, Dean Pape' (via conference call), Mary Unruh, Anita Van Asperdt and Gary Wildish, members; Mark Oberle, Project Manager; Jeannine Parisi and Debra Smith, EWEB staff; John Rowell, Gregory Brokaw and Kaarin Knudson, Rowell Brokaw Architects (RBA); Ellen Teninty and Julie Fischer, TNT Consultants; Ron Farmer, EWEB Commissioner; Kathi Wiederhold, Facilitator; Vicki Maxon, Recorder; Bob Hart, Kevin Matthews, Tim Shinaberger, and Tom Snyder, public.

1. Welcome and Agenda/Material Review

Pat Johnston welcomed everyone and said that tonight's agenda is tight, and reminded everyone to be timely with their comments and discussion.

2. Comments from the Audience

Regarding a proposed design component mentioned at the February 11 CAT meeting, Bob Hart asked what is meant by the term "millrace neutral" in regard to the proposed Riverfront Master Plan project assumptions discussed at the February 11 CAT meeting. He added that this makes him feel like the EWEB Board is pre-judging the public's reaction to the project, and he asked for more clarification on what that term means, since he feels that the millrace is a major architectural feature of the Master Plan site.

Kevin Matthews, President of Friends of Eugene, noted that the Riverfront Master Plan process is going to be very high-profile in the community, and that it needs credibility with the community in order to be successful. This requires a robust interactive public process that stands up to the public's scrutiny and level of interest. If the CAT successfully budgets and embraces that process, a good foundation will be laid, but if the budget is cut too close to the bone and falls short, there is a risk of jeopardizing the effectiveness of the process. He asked the CAT to keep in mind that the public is a partner in this process.

Tom Snyder said he has been following the riverfront property for the last 10 years. He noted that his biggest focus has been supporting the historical interest that the original EWEB Master Plan spoke to, and the possibility of converting the Steam Plant to a live steam museum. He suggested that a model of the EWEB property would go a long way to help gain the confidence of the constituents in terms of trying to explain what's here now, what could be different, and showing those differences to the public. He added that he is a model builder by profession.

3. Approve Minutes

The February 11, 2009 minutes were approved with no revisions. Tom Hoyt abstained from approval because he didn't attend the February 11 meeting.

4. Begin Response to CAT Questions/Project Discussion

Pat Johnston turned the meeting over to Kathi Wiederhold, Facilitator. Kathi explained that the purpose of this agenda item is to provide a linkage between the February 25 CAT meeting and today's discussion with Rowell Brokaw Architects (RBA). She referred the CAT to a list of questions to be asked of RBA that was generated at the last meeting, as follows:

General Master Planning:

1. How much detail is needed in the plan to mitigate risks for future developers vs. flexibility and general parameters? This drives the scope and cost.

Phase 1 and 2: Project Launch, Research, Interviews, Focus Groups

2. Why isn't there a reduction in RBA time if consultants are more heavily involved in research and design?
3. Do out-of-town consultants really need to be at the interviews/focus groups or could they receive the info later? How about video conferencing?

Budget/Final Products

4. What increases from the original premise are changes in scope vs. change in approach? What additional work product will we get?
5. What will we get from Leland Consulting (subconsultant) for their cost estimate? (define the end product)
6. Why did PWL Partnership (subconsultant) and WRT Urban Design (subconsultant) costs increase and is that necessary?
7. RBA stated that the original RFQ lacked in detail around deliverables and that it was difficult to accurately respond with project costs. What changed in their understanding to necessitate the increase in cost?
8. What would the contract/scope look like if we were sticking closer to the original proposal assumptions and we included contingency, reimbursable and overhead?

Kathi Wiederhold asked the CAT if they have any additions to this list. She added that the answers to these questions will be covered by RBA in various portions of tonight's agenda. Kathi then turned the meeting over to RBA.

John Rowell thanked the CAT for allowing him and his staff to answer the above questions and offer more detail. He spoke to the first questions regarding the level of detail envisioned for the project and said that developing boundaries around detail vs. flexibility was at the heart of the master planning process and could not be easily pre-determined. Through a combination of Powerpoint presentations and verbal presentations, RBA and several of their staff members provided answers to the above questions, and further discussion between CAT members and RBA staff followed these presentations.

Kaarin Knudson provided additional detail about how RBA arrived at the present project costs as compared to the original estimates provided in their RFQ proposal, noting that the increases were a combination of more accurate labor costs and the addition of reimbursables, project contingency, and administrative overhead. Greg noted that the final number would be a “not to exceed” amount, with savings going back to the owner.

5. Master Planning Strategies

With a combination of Powerpoint and verbal presentations, several RBA staff members led a discussion regarding the decision points that the CAT would need to make during the project.

6. Discussion of the Decision-Making Process and Public Involvement

With a combination of Powerpoint and verbal presentations, Ellen Teninty of TNT Consultants led a discussion regarding the above, referring to the IAP2 Spectrum of Public Participation and Core Values, which will be used as part of the public involvement process. She said that there are two overarching assumptions. First, that the project would enable the public to provide high-quality input to the design and decision-making process. High-quality means input that is meaningful, realistic, diverse, and has process integrity. Second, the project needs community support to achieve a stable political environment necessary for plan approval.

Ellen noted that it is important for the CAT to find out what’s possible and impossible for the riverfront site prior to implementing a broad public outreach effort. These sideboards would be determined during interviews and focus groups, with the CAT assisting in this process at a level it is comfortable with. Next, they would develop an interested parties list (for example, 500-1,000 people representing specific segments of the community, geographic areas, age groups, etc.) for ongoing communication.

She also noted that public involvement is most often time of year- and weather-dependent. In the summer, people are outside more and less likely to attend meetings, so the type of engagement strategies will shift depending on the season. She added that it is also important to look at the community calendar and craft a plan around who, where and what is involved, in combination with weather and time of year. She ended her presentation by saying that she is excited to serve the CAT and the community of Eugene, and to assist in making this a successful public process.

The CAT thanked Ellen Teninty for a very helpful presentation.

7. Discussion of Proposed Scope

With a combination of Powerpoint and verbal presentations, Julie Fischer of TNT Consultants led a discussion regarding the above and presented four potential approaches to the scopes of work: Baseline, Reduced, Phased and Other. She explained that Baseline represents RBA's most recent scope of work, while the Reduced approach seeks cost savings such as less research time and fewer design cycles. The Phased approach would look like the Baseline scope of work, except the contract would only cover phases 1-4, resulting in a conceptual master plan. She asked the CAT to list their pros and cons and any questions they had for each approach. The questions were divided into four categories: Budget Questions, Options, Preferences, and Next Steps.

Kathi Wiederhold noted that she is interested in hearing the CAT's understanding of the scope, comparables, and what the EWEB Board expects of the CAT.

Tom Hoyt asked why the CAT is negotiating this contract instead of the EWEB Board. Mark Oberle replied that the CAT is not negotiating the contract, but rather establishing the scope of work, and will be asking for agreement from the Board on what the CAT is trying to accomplish.

A discussion ensued regarding the RFQ for the project, and cost estimates including contingencies, deliverables, etc., and a confirmation of what the CAT's responsibilities are in this process. Debra Smith, Director of the Employee, Customer and Community Services Division, read from the Memorandum of Understanding (MOU) between the City of Eugene and EWEB, which resulted in the creation of the CAT. She explained that, generally, hiring a consultant includes contract negotiation, then the EWEB Board delegates their hiring authority to the EWEB General Manager, and thus to EWEB staff.

Dean Pape' said he still believes that the CAT has gone beyond what they are required to do, which is to provide a recommendation on their choice of consultant to the EWEB Board.

Dave Hauser reiterated that the CAT's responsibility is to define a scope of work and budget, but first needs agreement on the parameters of the scope. Dean Pape' replied that he still has an issue with the CAT approving the consultant's budget without knowing what is included, not included, its assumptions, etc.

Tom Hoyt agreed, saying that his decision-making criteria for the design consultant was impacted by the value of the project, and that he is concerned about being fair and accountable to the public for an honest selection process. He added that he wants to maintain public integrity above all else and that whatever the CAT agrees on needs to be passed along to the Board.

The discussion of the proposed scope continued, led by Julie Fischer of TNT Consulting. She asked the CAT what other information they need in order to make a decision regarding which scope to approve.

Debra Smith further explained the contract negotiation process, up to and including the CAT's recommendation to the Board, and what the MOU states regarding that process. Debra said she believes there's room for interpretation regarding whether to consider contract negotiation as part of the hiring process. Mark Oberle said he believes there is reasonable argument that the CAT has a role in the scope, but how to limit that role before looking at dollars and cents is another question.

Further discussion ensued regarding the CAT's role in the selection process and what should be included in their recommendation to the EWEB Board.

Debra Smith offered several other paths forward for the CAT to consider, including:

1. The CAT continues on its current path, leading to a scope of work and project budget amount for Board consideration.
2. The CAT recommends RBA to the Board as its preferred consultant. The Board then delegates resolution of contract terms and budget to the General Manager and then instructs the General Manager to direct EWEB staff to bring a contract, if and when ready, to the Board for approval. If staff is unable to negotiate an acceptable contract, intent to award will be rescinded and the procurement will be deemed unsuccessful.
3. The CAT recommends that EWEB issue a Request for Proposals, using the information it has gained about scope of work to craft a more detailed request and solicit more detailed project bids.

Dean Pape' reiterated that he again refers back to the MOU between the City of Eugene and EWEB which states what the CAT is charged with, and then read an excerpt from the MOU.

“The CAT will review and analyze responses to the RFQ and then recommend to the EWEB Board their preferred applicant. The recommendation will include the list of other applicants and why the preferred applicant is recommended over the others.”

He said that from what he reads, he feels that the CAT is responsible for selecting a consultant and to note why that firm was selected over the others who applied, without considering dollars and cents.

Several other CAT members agreed that Option 2, where the CAT develops a consultant recommendation, was appropriate, and that contract negotiation was the responsibility of staff.

The CAT thanked RBA for working so well with them and for the good discussion. Tom Hoyt thanked everyone, and added that he feels the CAT has maintained their integrity with the public in the selection process. He noted that he agrees to recommend the selection of RBA to the EWEB Board and to let the Board negotiate the phased contract, not the reduced contract.

Ron Farmer, EWEB Commissioner, told the CAT that the EWEB Board will rely on the CAT's judgment and that the Board's approach is from a lay perspective. He noted that the Board won't have the luxury of a lot of time for discussion but that they will default to cost and what they are getting for that cost. He added that if the CAT only recommends consultant qualifications and not a scope, the Board may recommend a scope that the CAT may be uncomfortable with. Debra Smith confirmed Tom Hoyt's comment that a phased scope makes sense for money-saving and timing reasons. Ron Farmer noted that his comments do not reflect the opinion of the entire EWEB Board, but rather his own opinion as one EWEB commissioner.

Tom Hoyt proposed that the CAT instruct the EWEB Board to select RBA as the consultant and work within the phased scope discussed in tonight's meeting. Dean Pape' noted that he would rather not try to reach consensus tonight since he is participating via conference call, and asked for another meeting in which to do so.

CAT members' availability will be polled via electronic calendaring and the follow-up meeting will occur before the week of March 23 (spring break), as several CAT members will be out of town that week.

The meeting was adjourned at 7:45 p.m.

Next Meeting: TBA