

EWEB Riverfront Master Plan Community Advisory Team (CAT)

Tuesday, March 17, 2009, 3:45 to 5:15 p.m.

EWEB Community Room

Present: Pat Johnston, Desiree Moore, Dean Pape', Mary Unruh, Anita Van Asperdt and Gary Wildish, members; Mark Oberle, Project Manager; Jeannine Parisi and Debra Smith, EWEB staff; Kaarin Knudson, Rowell Brokaw Architects (RBA); Ellen Teninty, TNT Consultants; Kathi Wiederhold, Facilitator; Vicki Maxon, Recorder; Susan Palmer, Eugene Register-Guard; Bob Hart, Kevin Matthews, Janet O'Bryant, and Tom Snyder, public.

Absent: Mark Johnson

1. Welcome and Agenda/Material Review

Dave Hauser welcomed everyone and said he appreciated their efforts to fit this follow-up meeting into their busy schedule. He said that today's goal is to pick up where the CAT left off last week and reach consensus on the recommendation of a design consultant to the EWEB Board.

Desiree Moore asked for confirmation on why this meeting was originally discussed as an executive session and then changed to a regular meeting, in light of her concern about discussion of confidential matters when the public is present. Dave Hauser replied that, according to ORS Revised Statutes, candor is not a good enough reason enough to hold an executive session, and that EWEB staff could speak to that if necessary.

2. Comments from the Audience

Deferred to later in the meeting.

3. Scope of Work Discussion

Kathi Wiederhold, Facilitator, led the group in clarification, confirmation and discussion of outcomes from the last CAT meeting, and reminded the group of Dean Pape's request to be physically present at today's discussion since he participated in the last meeting via conference call.

Dean Pape' asked for reassurance that his participation in this meeting and in the CAT's consensus decision will not be considered a conflict of interest, and reminded the group that a conflict of interest was the reason why he didn't participate in the selection process. Mark Oberle confirmed that this meeting falls under the definition of scope of work, and that the selection process has already been completed.

Desiree Moore noted that EWEB Commissioner Ron Farmer had said at the last meeting that the EWEB Board would be spending a limited amount of time on approval of the design consultant and their costs, so the CAT needs to be comfortable with their recommendation. Dave Hauser said it is his sense that the CAT is close to finalizing that recommendation.

Kathi Wiederhold asked for the CAT's reaction to the preliminary outcomes from the last meeting, and asked for rounds regarding any wording adjustments.

Tom Hoyt asked how much more explanation will be needed in order for the Board to feel comfortable with the CAT's recommendation. Jeannine Parisi noted that staff has already communicated with the Board regarding selection of the consultant and dollar figures associated with the different finalists, so there shouldn't be any new information that the Board hasn't already heard.

Gary Wildish noted that this is an opportunity to modify execution of the scope in order to reduce cost. He said he had run some numbers and had come up with two cost scenarios that were within \$1,000 of each other. He added that he feels the big variable in cost is the community outreach that will be required, and the inability to project that, and that the Board needs to understand how that will work.

Dean Pape' said he favors a "not to exceed" scope approach that will be monitored by Mark Oberle, Project Manager. He reminded the CAT of their responsibility to the community as stated in the Memorandum of Understanding (MOU) between the City of Eugene and EWEB.

Mary Unruh said it is her feeling that the CAT needs to decide if the items that drove up the cost (for example, transportation experts) are important enough pieces to warrant the cost increase. She added that she prefers to know the total project costs up front, and that she would rather communicate a cost increase to the public at the beginning of the process rather than go back out for more money later.

Dean Pape' said he prefers various tasks assigned to each phase with checkpoints within each phase, so that the CAT will know costs are in line throughout the entire process, and cost overruns at any given time will come out of the next phase.

Dave Hauser said he would support Dean Pape's recommendation for a phased process including checkpoints.

A brief discussion ensued regarding how many steps would be part of a phased process. Staff clarified that in the RBA proposal, a phased approach would end at step 4, with a concept for the site developed. Steps 5 and 6 would consist of writing guidelines and developing schematics for that concept and would be part of a separate contract. The approach recommended by Dean Pape would encompass all six phases in one contract.

Anita Van Asperdt agreed with Dean Pape's recommendation for a phased scope with a "not to exceed" amount for each.

Gary Wildish also agreed with Dean Pape's recommendation, noting that costs could be managed more closely and any surprises would be found early, and that this concept would build comfort with the public.

Tom Hoyt agreed with Gary Wildish's comments regarding a "not to exceed" amount for each phase. He added that any cost overage should be up to RBA to assume and therefore they would be held accountable. Mark Oberle confirmed that deliverables could be put into the contract language for each phase and that the contingencies are at his (and therefore EWEB's) discretion.

Further discussion ensued regarding the scope, contract amount, and how those would be monitored. Gary Wildish said he views the project as one contract with six phases and that EWEB staff would come up with a dollar figure for each. Kathi Wiederhold asked for comments on that concept.

Anita Van Asperdt agreed, recommending that it be called a "milestone approach," checking in at each one.

Dave Hauser asked what would happen if all parties became frustrated at a certain phase of the contract. Mark Oberle said the contract language addresses the ability for EWEB to terminate the contract, but that he doesn't have that information in front of him this evening. Debra Smith, Employee, Customer and Community Services Division Director, gave an example of a previous EWEB contract that was broken into two phases with the ability to continue the partnership without going back out for bid. The partners developed a strong relationship that resulted in completion of the project after asking the Board for the additional contract money needed for the second phase.

Kathi Wiederhold asked for consensus regarding the CAT's recommendation to the EWEB Board (below):

- Recommend RBA as the preferred finalist (explain rationale and process for choice; include other finalists plus their rankings)
- Recommend a contract for six phases in a "not to exceed"/milestone approach with checkpoints for deliverables (EWEB-owned) at each phase.
- Recommend Board to direct staff to negotiate contract and budget to bring back to Board for approval
- EWEB may cancel the project at any phase

CONSENSUS DECISION: The CAT agreed on the above recommendations to the EWEB Board.

Comments from the Audience (postponed from earlier)

Janet O'Bryant said that she opposed EWEB's earlier relocation plans, and that when she read today's Register-Guard article about a possible rise in cost for the design consultant for this project, she was puzzled. She noted that her husband's work hours have been reduced and that, as a teacher, she may not be able to finish her school year because of the economy. She said that spending \$600,000 on a design consultant is a huge chunk of change in light of the rising amount of her EWEB bill and her elderly mother's EWEB bill. She noted that in this economy, she does not agree with spending \$600,000 for this project when former City Councilor Bonny Bettman has basically already said that purchase of the EWEB property by the City is a done deal. She recommended tabling this project and instead spending the money on a regionalized form of energy—wind, solar, etc. She added that she is angry and that, with a 50-year property lifeline on this property, the CAT should have the sense and sensibility to gain back the public's trust and save their pocketbooks.

Tom Hoyt commented that it is his understanding that the property lifeline is 25 years, and that it isn't the CAT's charge to figure out what to do with the buildings that will be vacated when the operations departments move to their new location. He added that the CAT has spent many hours to carefully choose the architect and that they are committed to consensus. He reminded Ms. O'Bryant that the CAT members also were surprised at the rise in cost and that the CAT believes that the best expenditure of funds is to do it right the first time for the Eugene community.

4. Contract Negotiations

Kathi Wiederhold led a discussion regarding potential scope adjustments. Mark Oberle noted that he is looking for ways for EWEB Board and staff to be assured that there is value for dollars spent. He used the example of a financial analyst being present at the interviews and focus groups or bringing him in later as one cost-saving option. Desiree Moore asked for clarification that any additions for expert consultants needed would be part of the contingency. Mark Oberle said that is correct. The following items were discussed:

- Staff will have room to negotiate on which consultant to use for each portion of the contract, i.e., video conferencing instead of travel expense for someone to be on-site, but on-site presence may be necessary for hot points, i.e., millrace issues
- Project website--is it important enough to warrant the cost (when compared to some other elements)?
- CAT review of scope document before it goes to the EWEB Board--at least two days before the Board packet is sent out

Because of time constraints, CAT members were asked to e-mail any additions to the above list to Mark Oberle before Monday, March 23 at 5:00 p.m.

5. Closing Comments/Next Steps

Mark Oberle will be on vacation the week of March 23 but will be checking e-mail and voice mail while he is away.

Dave Hauser thanked everyone for their hard work.

Tom Hoyt thanked Janet O'Bryant for her comments and added that the CAT welcomes public input.

Pat Johnston asked if part of the next meeting could be dedicated to the design team assisting the CAT in getting more context around the project. Jeannine Parisi replied that Board approval of the contract won't be scheduled until the end of April, at the earliest. The CAT discussed whether to postpone meeting again until the contract is in place, and ultimately agreed to meet on the regularly scheduled date (April 8) to hear presentations regarding the previously identified background information topics.

The meeting was adjourned at 5:15 p.m.

**Next Meeting: Wednesday, April 8 – 5:30 to 7:30 p.m.
 EWEB Board Room**