

## **EWEB Riverfront Master Plan Community Advisory Team (CAT)**

Wednesday, August 13, 5:30 - 7:30 p.m.

EWEB Board Room

Present: Dave Hauser, Thomas Hoyt, Mark Johnson, Patricia Johnston, Desiree Moore, Mary Unruh, and Anita Van Asperdt, members; Nan Laurence, Mike Logan, Mark Oberle, Jeannine Parisi, EWEB Core Team; Debra Smith, EWEB staff; Vicki Maxon, Recorder; Charles Biggs, Bob Hart, and Carolyn Weiss, public.

Absent: Dean Pape' and Gary Wildish, members; Kathi Wiederhold, facilitator.

### 1. Welcome, Introductions and Agenda Review

Mark Oberle welcomed everyone. He then introduced Gary Darnielle, Planner Emeritus and Land Use Attorney for Lane Council of Governments (LCOG), who will speak to the team tonight.

### 2. Comments from the Audience

There were no comments.

### 3. Approval of July 10 and July 23, 2008 Meeting Notes

There were no revisions or corrections. Both sets of notes were approved to be posted on EWEB's website ([www.eweb.org](http://www.eweb.org)).

### 4. Debrief Site Visit

Mike Logan handed out this week's Featured Creature and Riverfront Tidbits.

Mark Oberle noted that the core team is working on answers to the questions that were generated during and after the site visit. Anita Van Asperdt said she would like to see the completed list soon, and the rest of the team agreed. Vicki Maxon, Recorder, noted that the list has been typed and is ready to be distributed. Mark said he would send the list out in the next few days, and would include any comments/questions that are added during tonight's meeting.

Desiree Moore asked if Charlie Morris, EWEB Building Maintenance Supervisor, will still be available as a resource person for the team even though he is retiring at the end of August. Mark Oberle said that he doesn't have official word on that, but he thinks that won't be a problem.

Tom Hoyt asked if the preliminary title report is going to be shared with the team. Mark Oberle said that it will be available, but cautioned that it will take a while to wade through it because the number of restrictions make it very complex. Desiree Moore then asked if it is possible to have Boyd Steele from Cascade Title make a presentation to the team at an upcoming meeting regarding site encumbrances. Mark said that he will arrange for that, and Tom asked Mark to be sure that all copies of the exceptions are legible (i.e., a Microfiche record would be difficult to read).

Mark Oberle said that the DVD “Ed’s Coed” will most likely be shown to the team after the Request for Qualifications (RFQ) has gone out, and that the Powerpoint presentation regarding American Institute of Architects (AIA) would also be scheduled for a future meeting.

#### 5. Oregon Public Meetings, Public Records and Ethics Laws Primer

Gary Darnielle, Lane Council of Governments attorney, shared his employment background and gave a brief presentation regarding Oregon public meeting law, public records and ethics laws. He provided handouts, including two quick reference guides (Oregon’s Public Records Law and Oregon’s Public Meetings Law). He said that his intention was not to lecture, but would rather invite questions and discussion.

Gary stated that the Riverfront Master Plan Customer Advisory Team (CAT) is a public body per the public meetings law and reminded the group that all team meetings will be in public session. If a member of the public approaches a team member on the street, it’s all right to have a discussion with them, if it’s one-on-one and there is not a quorum of team members present. He added that some e-mail conversations may become part of the public record if they involve a quorum of team members.

Tom Hoyt noted that in his daily work and personal life, he asks for input on the Riverfront Master Plan from everybody he can, including developers, neighbors, and citizens of Eugene whom he may encounter. He said he doesn’t feel obligated to bring any portion of that back to a meeting, but wants to make sure he is complying with public meeting law when he is having these conversations.

Gary Darnielle replied that, again, as long as there is not a quorum, team members can talk to the public outside of an advisory team meeting. The second criteria triggering public meeting requirements is whether or not team business (i.e., relevant information gathering or discussing a future committee-wide decision) is being conducted within that conversation. If so, and a quorum of members is present, the conversation has to be conducted within a public meeting.

Pat Johnston said that her interpretation of public meeting law regarding this team is that the team is a consensus group. Gary Darnielle replied that it is not the decision-making process that triggers the public meetings law; it is whether there is a quorum of members present as defined by the team’s bylaws and whether the team is deliberating toward a decision.

In response to a question regarding if conversations between team members could be conducted by e-mail, Gary Darnielle said that it depends on the content and number of members involved in the communication. He gave an example of a lawsuit regarding an Oregon company in which electronic records were subpoenaed to determine if a quorum had been established within a certain work group's e-mail conversations with each other.

Mark Oberle noted that he has been sending out team meeting minutes and agendas by e-mail and then responding with comments, from his office computer. Gary Darnielle replied that communication between EWEB staff and team members is not subject to open meetings law but, if an ongoing conversation ensues, it would then constitute a public meeting. For example, if Mark Oberle sends out an e-mail to all team members and discussed an agenda item, and if everyone answers him back, that would constitute a meeting, even though by electronic means.

Tom Hoyt stated that he would like his e-mail address removed from the contact information sheet because of the risk of any of his e-mails being reviewed in the future, due to the fact that he also has confidential client information on his computer.

Gary Darnielle added that telephone conversations between team members are not a part of public record, but a conference call during a meeting would have to be listed in the public meeting notice previous to the meeting in which it was conducted, and that the public would be allowed to listen to that call during the meeting.

In response to a question regarding the possibility of an executive session (i.e., a meeting closed to the public), Gary Darnielle explained that an executive session is limited to specific topics and that he is not sure that this team would qualify for any of those topics (i.e., labor negotiations, real property transactions, etc.), unless it specifically applied to site selection.

Mark Johnson asked about some of the team's decisions being viewed as preparatory work as the team was advisory to the EWEB Board, and whether the open meeting law applied in that case. Gary Darnielle replied that it would probably be best to get legal advice, and follow it. Mark Oberle reiterated that in any case, the EWEB Board wants this team's meetings to be very open to and inclusive of the public.

Mary Unruh noted that one of the Boards she sits on provides liability insurance to protect its members. She asked if that type of coverage would be applicable to this advisory committee. Gary Darnielle replied that this team would be covered under tort liability, i.e., someone could sue EWEB, but not the team as a whole or as individuals. He said that unless a team member's position was used to consciously violate the law, slander someone, or cause the State Attorney General to investigate an incident, the team in general is protected.

Desiree Moore asked if a site visit to an existing riverfront community in another state would be considered a closed meeting since it is out of the area. Gary Darnielle replied that if the team traveled as one to view a site, the site visit would be exempted from open meeting law.

Tom Hoyt asked the same question about a site visit by bus within Oregon. Gary Darnielle replied that as long as the team wasn't stopping along the way and conducting a meeting, but just observing the site, it would be exempt from open meeting law. He added that if observations were being discussed and a quorum was met, the site visit could be noticed so that the public would have the opportunity to travel to the site by car if they desired. He said it is his recommendation that in the above case, the bus tour should be noticed so the public could accompany the team by either a separate bus or a vehicle(s).

The team wondered if Gary Darnielle would be available to answer questions during the master plan process. Mark Oberle said that the team can contact Gary through Kathi Wiederhold, Facilitator. Gary Darnielle said that in some cases he may suggest that the question be run by legal counsel, and that the State Attorney General's Public Records and Meetings Manual is a collection of opinions and case law that may be helpful for the team to obtain.

Mark Oberle reminded the team that what they would need to pay most attention to regarding open meeting law is a conversation between team members, in a quorum, away from a meeting situation. Debra Smith added that a good way to think about this is that team members can't deliberate privately toward a decision, but they can have individual discussions leading up to that decision.

The team then took a 15-minute break.

When the meeting reconvened, there was a brief discussion regarding a future river trip (site tour) to see the Master Plan site from the vantage point of the river. Mark Oberle confirmed that the team is interested in scheduling the trip, and asked if they would rather incorporate it as part of a meeting or outside of a meeting, possibly on a weekend day. He added that they probably only have about another month in which to do it.

Tom Hoyt said he thought two hours should be allotted for the river trip because at some point the group would need to huddle and observe the shallow areas, i.e., underneath the bridge where the Eugene Police put in their boats, look at canal outflow, and appreciate the length and breadth of the site from the river. He added that it is also possible to put in at Alton Baker Park because it is above the EWEB property line, and that portion of the trip would probably take no more than a half hour to complete.

Mark Johnson said it would be his preference to do it during a regular meeting time if it can be fit in, but would be open to scheduling it for a different day if that is the group's preference. Desiree Moore said it is her feeling that the team needs to be prepared to make these kind of commitments outside the regular meeting time when necessary and that these kinds of activities are very valuable to the process. She noted that the last site tour seemed too short and that she prefers a separate meeting to assure ample time for the river trip.

Nan Laurence said she will make diagrams available for the team to use to make connections with where they are during the river trip and then be able to bring them back to a meeting and easily identify a certain area. She added that it would be a good idea for the team to bring those diagrams to all future meetings.

Jeannine Parisi noted that another option for the river trip would be simply to extend the regular meeting time, i.e., start the meeting earlier with the river trip and then return to the Board Room to conduct the regular meeting, on the same evening. The group concurred with that option.

## 6. Master Plan Process Review

Nan Laurence handed out a hard copy of her Powerpoint presentation regarding the Master Plan process review and briefly went over the contents, including:

- Types of Master Plans
- Typical contents
- Criteria to be satisfied from the Eugene Downtown Plan
- Need for imagery to “tell the story”

A brief discussion followed.

Pat Johnston noted that the team may want to establish larger margins than just the property edges when they start studying the property as a whole. Nan added that the team should take a walk from the park blocks to the EWEB site (via 8<sup>th</sup> Avenue) to get a true urban context.

Dave Hauser said he believes that the team needs to describe in detail the overall development process—where roads, sidewalks, development, and empty space will be—and to think of each element as a layer superimposed on the big picture. Nan noted that details of the buildings don’t need to be stated, i.e., roof, architectural style, etc., but that building footprints, massing and height are appropriate to describe. She described the Master Plan as a blend of technical data with policy and aspirational statements.

Mark Oberle said that a good way to think about it is to state where a building is desired, then start another conversation about its use, and then another about its height or its connection to another building.

Nan Laurence said it is important to address in the discussion how the master Plan is phased—some sections over a period of years, some in nine months, etc. Mark Oberle said that there are no hard dates for how long the current office building is slated to stay at its current location, and that the Steam Plant, even though currently in use, may not be in use three, five or 10 years from now.

Nan Laurence said it is her feeling that the process will go back to the overall development concept and what the team thinks is most important in that regard. Mark Oberle noted that there is no guarantee of development, but that the team has to go with the assumption that the core will be vacated and available for development after Operations departments move to the new Roosevelt Blvd. location in the fall of 2010. Ultimately, the timing of when EWEB vacates certain properties will be an EWEB Board decision.

Pat Johnston noted that value statements may be helpful to inform selection of the design consultant, i.e., if the team is interested in developers who have experience with sustainability, recertification, etc., but that the value statement obviously needs to be developed before the RFQ is released. She also noted that the schedule on the EWEB website is out of date.

Nan Laurence said she believes that the Master Plan needs a design consultant who has the ability to present images, and that it will be important to know just what the team is looking for in a consultant. Mark Oberle said the team will be addressing that issue in a meeting in the next few weeks.

Tom Hoyt said he believes the team needs to take economic feasibility into account. Mark Oberle replied that this is indeed true, and that the EWEB Board will be looking for both vision and pragmatism from the CAT. Tom added that he believes the team needs to develop a plan that will give EWEB a good return on investment when it sells the property and one that is viable rather than just a pipe dream. Nan Laurence added that the process has to satisfy the EWEB Board and the community's interest in the waterfront at the same time, and that it is her hope that this Master Plan will be published from coast to coast when it is complete.

Mark Oberle added that the Board's goal is to optimize the value of the property and that it is not limited only to dollar value. Nan said that she is having difficulty with the Steam Plant in that no one is sure if it going, staying, being used, or not being used. She said she believes the Master Plan has to have contingencies for those buildings, whether in operation or not. Mark replied that EWEB is currently questioning whether they should be in the steam business at all.

Anita Van Asperdt stated that in her mind, for the foreseeable future, the Steam Plant will be gone in 20 years and that obviously the Master Plan this team is charged with will be obsolete at some point in time. She said she believes the team needs to work with what they know today within the agreed-upon scope and time frame. She added that she believes that before the team can move ahead with an RFQ, it needs to brainstorm, dream, draw, and share ideas with each other.

Mark Oberle stated that he believes the team should not look for a consultant who necessarily shares the team's vision, but one who can help the community arrive at the vision. Anita replied that it might be helpful to have early consensus and direction for the consultant and for them to be aligned with what the team is thinking.

Nan Laurence agreed with the need to have more discussion up front and more of a sense of what the team is looking for in a consultant, but that it is also necessary to hear from the community. She added that most consultants are very capable and creative and that they will bring community and group engagement skills into the mix. She said she believes the difficult part will be sorting through the responses, not the actual writing of the RFQ.

Mark Johnson cautioned about getting too far out in front of the consultant, as he believes that the consultant needs to be part of the team and hear what is said during the process.

Anita Van Asperdt gave an example of the team being interested in daylighting the Millrace but needing to address pollution concerns. Therefore the team would need a consultant with knowledge about pollution issues, etc., and these skills would need to be included in the RFQ.

Nan Laurence replied that most consultants will bring a team of experts to the project, and that those skills—environmental, community engagement, provision of images, etc., can most definitely be specifically addressed in the RFQ.

Desiree Moore noted that she feels it is important for the team to know where each other is coming from and share all ideas, and that she realizes that some people may be a bit afraid to “show their cards.” Anita Van Asperdt agreed that it is important for each team member to be comfortable with all ideas brought forth (their own ideas and those of others).

Jeannine Parisi noted that EWEB staff can structure a process whereby team members can bridge both pieces—team values and concepts for the property, and skills and experience desired for the consultant—at the next few meetings.

Mark Oberle said he believes it is important for the team to not necessarily share their vision for the site, but their gut reactions and issues they feel are critical. Nan Laurence suggested that it might be helpful for team members to bring an image or a picture that conveys an experience of the riverfront that resonates with them as a way to share their values and vision for the site. She suggested an image-rich process resulting in values, meaning, or a key object from that image that then becomes part of the vision.

Dave Hauser said that he believes context is a big issue and that bouncing ideas around for the next 15 months or so is okay, but that the team needs to stay on track and get the consultant hired as soon as possible. He added that the sooner the team can reconcile and form those ideas into a process and plan, the better.

Pat Johnston asked when the RFQ will go out. Mark Oberle replied that it is currently scheduled to go out in October, but that the timeline will now have to be revised. Pat said she believes it will take 30-60 days for the applicants to look it over, followed by the review process, so it would probably be January or February before the design consultant is on board. She voiced concern that the on-line schedule of events on-line is out of date and raises community expectations around when they would be participating in the process. She then asked how much money has been budgeted for the consultant.

Mark Oberle replied that he would forward that information to the team. He reiterated that the river trip (site tour), the viewing of the Ed’s Coed DVD, and Nan’s Powerpoint (projection portion) presentation would be elements that could be inserted into meeting agendas during the time the team is waiting to hire the consultant.

Dave Hauser stated his desire to extend the schedule out further and tweak it if need be. Pat Johnston added that, in her mind, even November would be too early for the RFQ to go out. Dave replied that laying out the schedule might help some team members who are feeling anxious about the short deadline.

Mark Oberle handed out a sample RFQ that EWEB produced several years ago. He noted that many sections of it do not apply to this project and that he has highlighted the sections that do apply. He added that a large portion of the sample RFQ is boiler plate language that is included in every RFQ that EWEB produces. He asked the team to review the sample RFQ before the next meeting and come prepared to start talking about the areas that will be included in the context of this project.

#### 7. Rounds, Next Steps and Wrap-Up

Pat Johnston suggested that team members e-mail each other a list of skills, experience, etc. that each member feels is important to require when hiring a consultant. Jeannine Parisi asked the team to e-mail their lists to her and she will compile the master list and bring it to the next meeting.

Desiree Moore reiterated that the budget for the consultant is critical and that she feels strongly that the team needs to see it as soon as possible. Mark Oberle replied that he would get that information to the team.

The meeting was adjourned at 7:35 p.m.

**NEXT MEETING:**  
**Wednesday, August 27 (time TBA)**  
**EWEB Board Room**