



**South Waterfront
Greenway Implementation Strategy
PARTNERSHIP GROUP ADVISORY COMMITTEE MEETING**

**Wednesday, February 15, 2006
1:30 – 3:30 p.m.**

MEETING SUMMARY

Committee Members in Attendance: Bob Durgan (ZRZ Realty/ Andersen Construction), Ken Love (CTLH Neighborhood Association), Erin McGough for Vince Sheridan (Equity Office), Nicole Peterson (Williams and Dame Development), Roger Gertenrich, (Meriwether Resident), Rick Saito (Group Mackenzie), Mark Williams (Oregon Health & Science University), Larry Brown (Portland Development Commission), Janet Bebb (Portland Bureau of Parks & Recreation)

Committee Members Absent: Bob Sallinger (Audubon Society of Portland)

1. Welcome & Introductions

Elaine Cogan (meeting facilitator) opened the meeting by welcoming the committee members to the table.

2. Committee Business

• **New Member – Roger Gertenrich**

(Kia Selley, PDC) Roger Gertenrich is our newest committee member, and we are really excited to have a Meriwether resident working on this team, so thank you for your time, Roger. I know that we're asking a lot our volunteers and we appreciate you being here.

• **Draft Partnership Group Charter**

Handout: Draft Partnership Group Charter

(Carolyn Sharp, PDC) The purpose of this charter is to provide consistency and clarity to the way that the advisory committee works. PDC is going through this with all of our advisory committees. I know that the Partnership Group has been working well for some time now. This charter does not change the way the committee is currently operating; this is just an exercise to provide consistency, and to ensure that the people serving on the committees and PDC staff are aware of their responsibilities. Please take a look at the charter and confirm that your expectations for the committee are reflected in the charter. When you flip through you'll find the mission, scope of the committee, number of members and meeting facilitation. This is good material that will ensure we're all on the same page. Please take a look and provide me with any feedback you might have.

(Elaine Cogan) Can you highlight the notable differences between the charter and way the committee has been operating?

(Carolyn Sharp) This should reflect how the committee currently operates as we perceive it, so nothing has changed. This is a formality that allows us to document how the committee operates.

(Kia Selley) Today we are handing out the charter in draft form. If there is something that has been left out, or something that we're doing now that you'd like to change, we invite your comments. This is an opportunity to look at the effectiveness of how we've run this committee. Please look under *Decision Making Process*. Our standard charter states that voting occurs through a majority vote. We have removed this language for the Partnership Group Charter because the advisory committee has not been operating in this manner.

(Carolyn Sharp) What if there are circumstances where consensus is not possible?

(Kia Selley) My opinion is that if we're trying to develop a public/private partnership then if a major partner does not agree to the public/private partnership then it will not work.

(Henry Kunowski) When we were working with the Centennial Mills Advisory Committee we resolved this issue by stating that we would work towards the highest level of consensus possible.

(Roger Gertenrich) I would like to add that members who are in the minority vote have a right to record their input when they have a strong opinion. We should make sure that if we have a consensus we should still take notice of the members who are in disagreement.

(Elaine Cogan) We will strive for consensus whenever possible, and members in disagreement or minority are welcome to voice that opinion.

(Kia Selley) Kristina is taping these meetings. We're going to provide more complete comments to make sure that we are including all comments on these issues.

(Bob Durgan) I concur. This should be a protocol for all PDC meetings.

(Carolyn Sharp) Providing input and keeping the project manager informed is particularly important to the charter.

(Elaine Cogan) Everyone please read the Partnership Group Charter and provide PDC with your feedback. Thank you for the information, Carolyn.

- **Greenway Development Evaluation Criteria Prioritization**

Handout: South Waterfront Greenway Development Evaluation Criteria

(Kia Selley) We talked about this in November, but we had a small turnout at the Partnership Group meeting, and were not able to come to consensus. When these criteria were developed several months ago we did not list them in priority order; which resulted in a discussion regarding whether or not they should be prioritized so that the desires of this committee could be carried forward when the funding is available to implement the Greenway. In our November discussion, there were some strong desires to prioritize the criteria, and if that's the case let's put them in priority order. From PDC's perspective we are concerned that we would be narrowing the opportunities by giving priority order to these criteria, but if anyone has a recommendation we would like to hear that recommendation.

(Elaine Cogan) Anyone want to speak to putting these in priority?

(Bob Durgan) I don't think we need to prioritize. I would rather talk about the Operations & Maintenance Plan today.

(Elaine Cogan) Does anyone think this is important?

(Rick Saito) If we don't put them into priority we have to assume that they all have equal weight, and how will they be prioritized later on.

(Elaine Cogan) I don't think that's what Kia was saying. I think it is more opportunistic if a few years from now we can determine how many of the criteria we are able to carry forth and implement.

(Kia Selley) The criteria would have equal weight. One criterion would not be more important than the.

(Elaine Cogan) Are you saying that they should be of equal weight and perhaps we should say that?

(Rick Saito) If we don't prioritize the criteria and someone else uses these evaluation criteria it becomes a question of how do you value the proceedings. It seems to me that there has to be some way to establish at least some form of control over the process and the decision making so that there is some consistency.

(Bob Durgan) In terms of the second item, and what if the City Attorney then states that they do not have any responsibility to the Development Agreement (DA), and that it's PDC's responsibility since the City isn't a party to the DA, How will this be managed?

(Mark Williams) Bob raises a good point on that one.

(Kia Selley) The criteria specifically address the use of TIF, not other public resources such as General Fund resources.

(Elaine Cogan) There are several issues that I hear. If we don't have project priorities in order it will be left up to the future implementers to make priorities or to pick out one or two that can be done. Are we implying that these are all equal? If so, how does that help the future implementers who are not going to be able to complete them all but need to do some of them.

(Troy Doss, Portland Bureau of Planning) We need to strike a balance. I think if you approach it from the standpoint that you're on balance if achieving the majority of these things then we're in good shape.

(Nicole Peterson) I would agree with that, because if you read over this it would be really hard to remove some criteria without the others.

(Elaine Cogan) We've spent a lot of time working on this; I don't think we want to rewrite it. Is this adequate enough as is, or should there be any more qualifying statements?

(Kia Selley) I could develop a more detailed introduction about how to apply the criteria. Specifically, we would need to satisfy a majority of the criteria, or all of the criteria, to render a decision.

(Rick Saito) If you could clarify that "the criteria will be used by the City". It doesn't say PDC or Parks, which might be a source of confusion later on.

(Elaine Cogan) So add some qualifying statements or sentences, but basically keep the criteria.

(Bob Durgan) I agree with Rick

(Roger Gertenrich) I would agree. It's kind of like when people are standing in line for an event they are all equally important. If anything, say that these should all be on the list, but some of these things will happen in advance of the others.

(Janet Bebb) Criteria are good to have in place. I'm am hopeful that factors such as readiness to proceed and grant funding will come into play. In addition to the criteria we'll have a committee that is making decisions as human beings in addition to having this list of criteria. I think it would be a misimpression to think that the spending of public dollars would go on void of some kind of committee or non-profit organization mechanism.

(Mark Williams) Yes, except where they are already commitments by contract.

(Janet Bebb) Unless they are already committed by contract or code, and even those would be discussed.

(Elaine Cogan) Okay, unless there are any other comments I believe we have consensus not to prioritize the criteria.

3. Final Draft Greenway Operations & Maintenance Plan Memorandum

Handout: South Waterfront Greenway Operations and Maintenance Plan Memorandum

(Kia Selley) What you see before you is the updated final draft Greenway Operations & Maintenance Plan Memo (“O&M Plan”) from Economic and Planning Systems (“EPS”) dated February 10. This is a final draft, not a final document. The reason I make that distinction is because we need to explore other topic areas – Governance, Capital Improvements and Phasing and the Financing Plan—so that we can plug the gaps in this report.

We have been talking internally how we may secure City Council support for Greenway implementation. How do we engage City Council in a way that gives them enough information to make decisions and to provide us with support, but also allows room for them to weigh in? Our strategy is to present a package of recommendations to City Council in summer of this year, that address governance, operations and maintenance, capital improvements and phasing, and Greenway financing.

As you read through the O&M Plan you’ll notice that Parks has provided some cost estimates for a Clean and Safe, or base level of maintenance service as well as an enhanced level of maintenance. Enhanced maintenance includes security and programming. City Council approval is needed for Parks to commit to financing the Clean and Safe level of service for the Greenway.

It is possible that the cost estimates for the enhanced level of maintenance, a private sector responsibility, are higher than what private sector contractors may actually charge, since the cost estimates were prepared by Parks. Another key point is that the public-private partnership for Greenway maintenance is being introduced by the O&M Plan, but a significant portion of the partnership has yet to be developed. Our next project topic is governance, which is where we will talk about how the private dollars are applied towards the Greenway. Instead of the enhanced level of service being provided by Parks, perhaps a business improvement district or some sort of separate non-profit entity will contract privately for an enhanced level of Greenway maintenance.

In the O&M Plan you will also notice that we have not determined a specific arrangement as to what the public or private responsibilities should be for maintenance. We have presented options in the O&M plan for discussion purposes. I understand that there is some concern that the private commitment is high compared to the public commitment. The public commitment represents a position that Parks believes is defensible to Council given the public benefits. For the private side of the maintenance equation, we’ve made some assumptions as to what the private sector might want but these assumptions could be inaccurate. We think that people will want added security; we think that people will want added maintenance of vegetation as well as programming of events. The enhanced level of service, which is shown as a private sector responsibility, is really a menu of options that are subject to change at the will of the private sector. The private sector can elect to decrease or increase the level of service in order to control cost. The public side of the maintenance equation, however, is intended to remain fixed at the Clean and Safe level of service.

(Nicole Peterson) You’ve defined the Clean and Safe minimum on page seven, but then on page nine it says that the city of Portland will pay \$57,500 per year upon full development. I don’t understand how that figure actually relates to the defined description of Clean and Safe, or if it relates at all.

(Henry Kunowski) The \$57,500 estimate is for maintenance of the Greenway trail only, for the full extent of the Greenway.

(Nicole Peterson) \$57,500 does not cover the definition of Clean and Safe?

(Jason Moody) It does cover it, but on the trail only.

(Mark Williams) Phase 1 in the document refers to the Central District only, so we’re talking about the entire Central District being Clean and Safe for \$59,800, and \$57,500 is trail only for the entire Greenway.

(Kia Selley) Yes. That is the current proposal.

(Henry Kunowski) What we understand from Council is that there will be an approximate minimum commitment from the City of \$57,500 for trail maintenance throughout the Greenway.

(Nicole Peterson) I didn't understand the Clean and Safe description to be talking about the trail only. The way that I read it was it applied to public access areas.

(Janet Bebb) It is the relationship of the city to code requirements and to property ownership. The precedent that we have on the Greenway trail up and down the waterfront is that the city maintains the surface of the trail and the property owner maintains the surrounding Greenway area that is privately owned. There is nothing in the code or any other prearranged obligation that says we would maintain anything more than that.

(Bob Durgan) Exhibit I to the DA says that though. The Central District has no further responsibility maintenance. The City will be responsible for the Greenway maintenance.

(Kia Selley) The Central District DA requires the partners to comply with the Greenway Implementation Strategy, so there may be a Central District Greenway maintenance responsibility.

(Janet Bebb) I'm not talking about the Central District. I'm speaking generally. When we're in the code world, which means that the City does not have a property ownership position, then private property owners are required to set the trail easement aside and the City has precedent for their obligation to maintain that trail easement in a Clean and Safe manner.

(Mark Williams) We need to distinguish between the Central District section Greenway, which is subject to the DA and certain contractual obligations on the part of the City, as opposed to the rest of the Greenway where I think what you just said is correct.

(Janet Bebb) I agree completely. Is everyone clear on that point?

(Rick Saito) The recommendation by Parks to City Council is for the \$57,500, for the trail only?

(Janet Bebb) We would like to go to City Council with some options, and communicate that we have the potential for a unique partnership and that the City needs to step up and assume maintenance responsibility and that the private property owners are also going to step up. We can give several scenarios that have dollar figures available for their discussion, but at this time we do not have a specific recommendation. Parks wants to come to this table to figure out how we will be mutually strong at Council.

(Rick Saito) I'm confused. Is it the intent of this document to communicate that the Clean and Safe total will be \$57,500 and that's an earmark for the trail only versus the trail and the entire Greenway will be \$290, 500 or \$290,500 plus \$57,500?

(Elaine Cogan) Should we start at the beginning of the document? This might clear up some of the misunderstandings. Jason?

(Jason Moody) This memo is a revision to the earlier memo that you saw the last time we met, and is based on comments received as well as meetings with Parks and other individuals involved. Primary changes include the notion of a public/private partnership, not only in the form of a principle, but as a key cornerstone to the project as the City cannot pay for the maintenance of the entire Greenway.

Also, the key stakeholders involved have a big stake in terms of how the Greenway is built and managed, so it has to be a public/private partnership. Another key change to this memo is that we will come forward, maybe in the summer,

as a unified group, in agreement on how we see the various options playing out and what we would like to see the Council approve.

Additionally, we had Parks take a closer look, and they provided us with revised descriptions of Clean and Safe for the trail and entire Greenway as well as more refined cost estimates for O&M. The descriptions are still generic in that they do not apply to a particular location. They may only apply to the trail, or they may apply to the entire Greenway depending on the circumstances. For example, if the City happens to take ownership of the entire Greenway, then Clean and Safe will be applied to the entire Greenway area. If the City only takes ownership of the trail, outside of the Central District, then they will apply Clean and Safe maintenance to the trail area only outside of the Central District.

We also changed the O&M cost estimates to have only two categories. One is the Clean and Safe category and the second maintenance level is referred to as enhanced. You will also note that it is critical for the private sector to commit to help maintain the Greenway as part of a public-private partnership. It is unlikely that City Council would approve a commitment of resources for Clean and Safe maintenance of the Central District and other Greenway areas without a private sector partnership.

Another element is that the cost estimates assume that the Parks Department is actually providing the maintenance. There may be less expensive methods for service that would cut costs. For example we put new language in here about the fact that there may be a private contract for these services. The only other changes made are in the calculations of the cost allocation scenarios, and again these are scenarios not commitments. One of these is that we used to assume that the residential units would all pay the same amount, and we have now varied that based on the size of the unit. The larger units would pay more and the smaller would pay less. Before we assumed that the office units were 30% of residential and we've raised that to 35% of the residential. The O&M cost overall has increased, so the actual fee per unit has increased as a result.

(Mark Williams) Is there precedent around the city for these kinds of cost shares?

(Henry Kunowski) There are a few situations in which some cost sharing is going on. Columbia Sportswear has committed, for ten years, to maintain Sellwood Park. In some other cases we have partnerships with friends groups that do some of the work. In the Tanner Springs Park, that just opened last year, we estimated the value of the local residents' contribution to O&M from the beginning point of \$2,000 - 3,000 per year.

(Mark Williams) Is there another location in the city where private land owners are paying to help maintain the parks? How does John's Landing work?

(Janet Bebb) This is how RiverPlace and John's Landing work. We provide a base and they contribute to maintenance by contracting with their own maintenance services for areas outside of the trail.

(Mark Williams) Yes, but is there another location where the private property owners are helping to pay for the base?

(Kia Selley) Not for the base, in my understanding, but I think RiverPlace is a good model because the City provides a base level, and the private side provides an added level of service.

(Mark Williams) This base is for the entire Greenway not just the trail?

(Kia Selley) Right, it is for South Waterfront Park as well as the esplanade at RiverPlace.

(Mark Williams) So it is accurate to say that this will be the only park in town where property owners will be asked to help pay for the base level of service.

(Kia Selley) The Central District is the anomaly in South Waterfront, as it is committed to be publicly owned. There's no commitment beyond the Central District for public ownership of the Greenway. The code requires a public access easement for the trail, but Greenway property may remain privately owned.

(Rick Saito) They are not going to consider taking on the ownership unless it is demonstrated how the property will be maintained.

(Kia Selley) Unless they demonstrate that there is a public/private partnership for maintenance. Janet, do you want to speak to this subject?

(Janet Bebb) The set-up at Terminal 1 is that the City maintains the trail only.

(Mark Williams) Yes, I'm not sure how these arrangements have been made elsewhere in town. I guess there are two things here: One is that this attempts to treat the Greenway as a whole when in fact the Greenway is under at least two separate legal requirements, and there are a different set of rules that apply to the Central District than the rest of the area. It seems to me that a blanket approach will not work. For example there is no ability to ask private property owners in the Central District to help pay for the base because there is an agreement that states that the City will take ownership and pay for the base of Clean and Safe. If they want extra services that is a different matter. With respect to the rest of the Greenway, it looks like this plan asks private land owners to pay the majority of costs for the base. Is that similar to other arrangements the City has made in the city, or is it pretty unique?

(Janet Bebb) I would say that it is similar throughout the city, but I guess it depends on what you mean by base. The most conservative estimate on the City is the trail surface itself only, and there is precedent for that up and down the river. If you think of the base in terms of the master plan for design it includes much more. There is no base like this in the rest of the City. There is no precedent because we do not have that situation, a Greenway Development Plan vision, anywhere else.

(Mark Williams) Well what I would like to see is copies of those other agreements. Can we get copies of those agreements?

(Janet Bebb) Yes.

(Bob Durgan) Since there will eventually be an Eighth Amendment to the Development Agreement should we amend that part of the agreement that has to do with funding and financing? Is Parks going to take a crack at Greenway funding and financing?

(Larry Brown) The City code currently provides for City maintenance of the Greenway trail area throughout the city and that is within that 25-30 foot top of bank area. In the Central District, you have agreement by the private property owners to dedicate additional land, and that land is currently identified for Greenway improvements for a full build-out at an agreed to design. We do not have anywhere else in the district where we know for a fact there will be additional properties dedicated by adjacent property owners, so when we discuss the Central District, the City's statutory agreement is to maintain the Greenway areas as they are developed throughout the life of the district. I don't think that we have contracts in the City where we actually subsidize the base improvements.

(Troy Doss) The code requires that the property owner do all vegetation requirements per code, viewpoint development, and maintenance of these elements. With regard to the trail easement, you just need to grant it to the City, and the City is responsible for maintenance of the trail area. You're responsible for all other improvements that you may choose to put around the trail. The Greenway Development Plan – it's my understanding that there is still an obligation by property owners, unless there is another agreement that property owners are still responsible for a certain level of improvement financially and the obligations that come with that in terms of providing maintenance to their obligations for the improvements that they are required to make. In absence of a DA you are still responsible for a certain level of maintenance for that property unless it is owned by a third party.

(Elaine Cogan) It seems to me that what we're hearing around the table are public obligations and private obligations. Wherein is the partnership?

(Janet Bebb) I would say that's what we need to probe with City Council. Henry and I are not going to sit here and say that Council is not going to go further than some kind of base level commitment. We will advise this group that from our experience if we walk into Council together and we have some strength of partnership, then Council will be more receptive to committing City maintenance resources.

(Rick Saito) I would agree with that, but I would look at what is drafted here and say that we're not asking enough. An 80-20 split on the maintenance is not an authentic goal for a partnership.

(Janet Bebb) I would suggest that we push it and we come up with three options and ask City Council if they're willing to meet us. Whatever we think a reasonable upper-level is. This is a judgment on our mutual part for what we think is going to be successful.

(Rick Saito) I realize that everyone here is facing their individual challenges, and we're talking about a different Council then we had before, but I think historically we need to step back and look at how we got to this point. When we started this whole process the biggest point of contention was how much of a Greenway we needed. It was the City that drove the Greenway to 100 feet, it was the City that claimed it needed to be that big to satisfy the requirements from the regional standpoint, we need two pathways and not one because there's going to be so much traffic, and we'll need a high number of public access points. We've eventually reached some form of agreement on this whole process and that's what's happened. Troy is saddled with issues such as codes and heights, and now we're looking at who will pay to maintain all of this, but if you truly believe that having gone through that that the actual benefit to the property owners is 80% of the Greenway then I think there is some real disconnect. I think we are way off. The actual benefit to the property owners is way overstated in what is reflected in this graph in terms of how the financial responsibility is split up. If you're a private developer, and you're looking at the value of a 50 foot Greenway with one trail versus a 100 foot Greenway with two trails I don't think the value difference would be there, but it's 100 feet and that takes more maintenance, and when you have that there is no way to escape that recognition.

(Jason Bebb) Jason should address benefit, but Parks is very open to a negotiation on that point so that we all mutually come forward on that. Whatever the number is let's find a number we agree on, but I think EPS looked at the relationship of economic benefit on this.

(Jason Moody) Yes, we did, but there is no formula that says for every acre of park you're going to get this increase in the value. When you're looking at this breakdown, what should be more important is Table 4 that shows how much you'll actually have to pay. You're paying \$0.06 a square per year foot for a residential unit. Regardless of what that represents, the developer is going to ask if the number is worth it. The breakout of cost is really a non-issue.

(Rick Saito) Well what happens if in ten years we find that the cost has been understated and people want to do more because of the amount of use of the Greenway, and then the cost is doubled?

(Bob Durgan) You would assume that the people who did the development and have an agreement with the City rely on the agreement. I doubt someone else is going to pay for it or is going to be willing to pass on to residents a cost that they haven't sold. Developers don't have a problem; we know how to pass it off costs. There is an agreement that says that if anyone in the Central District doesn't owe for any of this process then the City is going to have to backfill it with some other number. There is no requirement for the residents to pay anything.

(Jason Moody) There are a couple of things that will make the cost go up. If you provide more services then your costs will go up, but then theoretically you're also getting a benefit because you're getting more services. You assume that if you're paying for something more then you'll be getting something more in return. This also gets to the issue of governance which is who is going to determine how much is going to be paid and what services will be determined.

(Rick Saito) My point is that we may be paying more to get the same level of service because of public use and they are not paying more, people are camped out in the riparian areas, there is more access, and paying more for that kind of security isn't necessarily going to make the benefit greater.

(Jason Moody) I think what you would ultimately do is formalize an agreement that gives rates subject to annual increase subject to the CPI, so it basically stays the same in real terms tracking the costs. However, in order to change that rate, there needs to be a decision making process and private property owners will be a part determining this decision making process. That is the way you would formalize an agreement for this.

(Rick Saito) Will we have 80% of the say?

(Jason Moody) Hopefully you would have veto, and that's a governance issue.

(Rick Saito) There are a lot of things that come from outside of the district on this Greenway that are different. This is not a 25 foot wide project that you can access every mile like in John's Landing. This is a whole different concept, and I think that this document reflects the archaic concept of what has historically been done in the city, but it doesn't reflect what it is headed for by design. I think there is a real disconnect between what we are shooting for design-wise and how funding is divided.

(Bob Durgan) This Greenway design concept was not agreed to in partnership with the property owners, it was what the public wanted.

(Henry Kunowski) We made a concerted effort to meet with every property owner more than once. We met with Rick, we met with you, we met with Williams & Dame and there was a high level of participation.

(Bob Durgan) But Williams and Dame have no obligation because of the Development Agreement the City is paying for it, and these meetings never touched on the order, or percentage of responsibility. It was a public process not a private negotiation.

(Rick Saito) Yes there was a high level of participation, but it never touched upon the fact that the land would not be publicly owned and maintained. There was never a discussion of the percentage of the responsibility in terms of dollars and cents.

(Roger Gertenrich) Three different points of view: One, I was on the Greenway Committee, and we definitely had a process where we pushed the widening of the Greenway and a city blessing for that, and the outlook was that it was not for the property owners it was a city-wide thing for visitors, tourism, etc., so I do think that the City has a responsibility for stepping up to the plate and making a bigger contribution than what I'm seeing right now. Secondly, in terms of a unit owner down there, and I'm a little bit puzzled, and maybe that's because I have a bigger unit I don't know, but I don't know that I'm going to use the Greenway any more than the guy who has a smaller unit, so I look at that and say do I have a legal obligation if the City does something to enforce large units paying more. Lastly, in the City of Salem, the City Council has plants (tulips and all kinds of things) and the money that takes care of that comes from the motel tax. I know that there are a lot of little piglets in line, but has that been explored for the Greenway?

(Larry Brown) In terms of the hotel/motel tax there is actually an elephant in line and that is the Headquarters Hotel, so I do not think that's a viable route to go, but the industry folks can certainly market and speak to their experience with that. Then there's the question of what is the appropriate percentage for the public side to pay in terms of maintenance, and there are only two ways to increase that. One way – work together to decide what the local maintenance is and if we can make a good case to Council let's do that. Our chances of getting a high level of commitment from Council to base maintenance is really going to be a result of how well we're able to convince City Council that there is something unique happening here and we're going to have property owners and residents stepping up. The other way to reduce or increase the percentage of the public share of the maintenance responsibility is to lower the overall cost if the property owners can live with something less than a platinum level of maintenance where all the brass bulbs are polished in the morning and the evening, then as the total shrinks certainly the percentage represented by public share is going to increase. We can get to 50/50 very quickly if we simply made that decision that you were satisfied with this level, and if you don't think it's enough later we can certainly revisit. There is nothing in this process that is locking in that we need to have this extraordinary level of service. I think this process is going to

give us an opportunity to address, in a collective way what the level of maintenance people would like to see done, and then find a way to work with Council and Parks and others to make a case for how that can be funded.

(Roger Gertenrich) You did a good job of answering two of the questions, are you going to address my concerns about unit size?

(Jason Moody) The first time around when we did this we had the same for every unit. The consensus at that time was that we change it to unit size.

(Kia Selley) This is actually consistent with the way that Home Owner Associations (HOA) function. You probably haven't seen your dues yet, but you'll see that you'll pay more generally in your common areas in your building than someone who owns a studio, and the idea is that your unit can bear those higher costs. That is typically the methodology that is applied. I don't know if it's going to be different in the South Waterfront, but I know HOA dues are distributed that way in the Pearl District.

(Jason Moody) These percentages are generally based on square footage.

(Troy Doss) I can really appreciate everyone's apprehension about how Council is going to receive this, and what I want to really help craft the message for when we take this to Council is that this plan is an alternative. No one is required to do this, and I'm guessing that it has a certain amount of value for the developers sitting here and we can argue how much it goes up per square footage, but if you didn't see value you wouldn't be sitting here, and if the City didn't see value in terms of the general public and the public good we wouldn't be sitting here. What we need to do is remind Council, staff and as our partners that there is something in this plan that we don't get if we just go to the fallback standard Greenway improvements based on code. We need to present the advantages across the board and the reasons why this is important. We need to, as staff, argue for public benefits as well as recognize that even though developers are getting more Greenway they're also getting more FAR (floor area ratio). Everyone is getting something out of this. We need to remind them what that is, why it's important and why the development plan should be carried forward. Let's go in there and see what we can negotiate.

(Rick Saito) I would think that the Council would need to be educated as to how we got here too. When the framework plan was accepted everyone on the Council had to give a public speech before they said "Aye" about how they wanted the Greenway larger than what was presented. This ended up being a big deal the next time around, and this was a directive from Council, not from the audience. Therein lies part of the responsibility. Now that we have the Master Plan this is great, but we've fallen short in terms of this disconnect, and I don't think that as a private property owner that you derive more benefit in the kind of increments.

(Janet Bebb) Can property owners put something on the table that you would feel comfortable with that either goes with dollars percentages or lowering of the expectation? I think this is where we need to go.

(Rick Saito) I'm not clear on what some of these numbers mean. Under Clean and Safe are these numbers added?

(Jason Moody) \$290, 500 includes the trail, and trail only is \$57, 500.

(Nicole Peterson) On page nine, the first paragraph says that Parks will recommend to the City Council that it will commit to a minimum Clean and Safe level of funding for Greenway public access this equates to \$57,500 per year upon full development on the trail only and \$11,800 per year in Phase 1. How does this relate to the development agreement?

(Jason Moody) This does not relate to the Development Agreement. It equates to \$57,500 per year. There is a footnote (2) that states per the Development Agreement, the Central District is different. However, these numbers do not give a commitment because we do not know that yet.

(Jason Moody) Let's go through Table 1. The maintenance area is really referring to square footage of linear feet. In Phase 1, the Central District, there are about 1,300 linear feet for the trail, the entire Greenway square footage in Phase 1 is 150,000 square feet. The Clean and Safe annual cost referring to this list of things that would be done, for the trail only, in Phase 1, is \$11,800. For the entire Greenway in Phase 1, or Central District, Clean and Safe would cost \$59,000. At full Greenway buildout Clean and Safe for the trail only is \$57,500 and the entire Greenway is \$290,500.

(Elaine Cogan) And these are City costs.

(Jason Moody) Yes, these numbers are based on information provided by Parks. Now there are two things that we need to state. First of all there are ways to reduce this cost. Maybe the private sector could provide these services cheaper. These are numbers that Parks has pulled when asked to provide costs for services by geographic area. In terms of what the City has, we're not trying to discuss what the City has agreed to, or what has been agreed to elsewhere. This is just demonstrating the cost.

(Nicole Peterson) Right, I understand that, but I think I'm confused because when I follow all of the table through, then it's no coincidence that we have \$11,800 paid for by the City in Phase 1, which happens to be trail only, even though that's for the Central District and \$57,500 paid by the City which is trail only as well, so that's where I was starting to think that is what you were saying.

(Jason Moody) We can agree right here, that we'd like to recommend to the City that they do something else, and that is part of this process and we all come together and decide to have one scenario and not three. Maybe that's a good idea.

(Nicole Peterson) I think that's a good idea.

(Jason Moody) Maybe one scenario that states we'll start out asking for 30% from the City and if they decide that is too much or too little there are other ways we can do it. We can reduce the description of what we're going to do.

(Mark Williams) We want to make sure that we come up with a fair level, and we are not by any means rejecting this out of hand. I think that Rick's point is well taken that where the City mandates extraordinary design; the City should bear an enhanced obligation. There is more maintenance on the larger Greenway and that is not something the property owners came up with, and it is there to benefit the public, and it is there to be shared, so I think that I absolutely agree with Larry when he says that we have a far better chance of success if we come to City Council and say that stakeholders, residents, landowners, Parks, Planning, everybody has been at the table and we've reached agreement and here it is than if we come in with something less than that. We're prepared to work on those things and help. For now, maybe we should leave the proposed percentages blank, because I think we need to continue talking about what we think they ought to be as a group. The other issue here is that we're dealing with a cost sensitive group. We've seen some costs on other projects quadruple, and they aren't done yet, so prices can raise pretty quick, so you're seeing a very cost sensitive group right now for factors that have nothing to do with this project.

(Jason Moody) Maybe the options relate to the level of service rather than the participation. In other words, you don't have an option that says, City at 50%, City at 20% because obviously the City will take the lower number. You have an option of levels of maintenance and give them a choice from there.

(Mark Williams) As you handle this you're going to have to distinguish between the Central District and the rest of the Greenway, and I know there's an effort to have one set of management structure for the entire project, but it is going to be different. You're going to have one section that has City ownership, by contract, with a certain level of base maintenance, and then there will be other areas in a status that has not yet been defined, so they will have to be distinguished.

(Bob Durgan) I'm in agreement with that. Part of this vision is that this would be the first piece in the City that celebrates the River Renaissance, and the City needs to understand that if you want to design at that level there's going to be deep costs associated with it. I think the City's issues about what's going to happen on the waterfront isn't just

from us, it's about what's going to happen with the vision River Renaissance being cut into this development. The Greenway Development Plan is the poster child for River Renaissance

(Elaine Cogan) Let's see if we can move ahead with direction to Kia and Jason. Jason, do you have anything further to add?

(Jason Moody) Not at this point.

(Elaine Cogan) I think that we've moved a long ways with this discussion. There's certainly the feeling around this table that it's not the numbers it's quality. In other words what are we getting for our dollars? I'm also hearing that we as a group should be able to come to some consensus about a greater participation from the City. What that may be we're not sure. What we see here is a minimum and we would like to support a higher participation. Is that your sense of the discussion?

(Roger Gertenrich) I'm in agreement, and we need to put ourselves in the position of a person on City Council. They do a great number of other things, and if we come to some kind of agreement on what the City's participation should be on percentage that's the first thing the Council will hear is the percentage. Their option is in the levels of O&M, if we present A,B and C then they'll think okay if we really want to cut costs we'll pick C, but the pressure on them will be to pick A because they're going to have to face the public and this is a big deal project. If I were sitting on that Council I'd think wow, A is maybe more expensive than I like, but I won't vote for C. I'd go with a higher percentage than A.

(Rick Saito) I'd like to support going with different levels of maintenance, because I think that's something that we need to be very comfortable about. If private property owners want to have an increased level of maintenance then they should pay for that, but we need to really come up with a reasonable cost to maintain the Greenway at a base level, and if Clean and Safe is determined then that's fine, but it has to be for the whole Greenway, and it has to be based on the Greenway being used by the public, and it's not Clean and Safe for the property owners, it's Clean and Safe for everybody. It doesn't seem like there's a lot of security even in those enhanced numbers. Who pays for the security along the east bank esplanade, RiverPlace?

(Henry Kunowski) When we started this process we took some numbers from existing parks without doing a detailed analysis and we came up with \$300,000 for minimum maintenance (Clean and Safe) and \$500,000 for enhanced maintenance service.

(Bob Durgan) Based on projects that I've worked with, I think that these numbers look good. Three days a week – sweeping, emptying garbage cans, etc. This is the level of service we use in Tualatin.

(Elaine Cogan) Assuming that the numbers are fair, what we're talking about is the public and private participation in paying for it.

(Henry Kunowski) In the Development Agreement, Parks has agreed to take on Clean and Safe maintenance in the Central District and any level above that is paid for by the neighbors, so we are maintaining that base level.

(Bob Durgan) Is there a replacement cost?

(Henry Kunowski) There is for light bulbs, but it's up and down.

(Janet Bebb) Two percent of the capital would be ideal.

(Elaine Cogan) We have one or two other items on the agenda. Kia and Jason, do you have enough to take and come forward?

(Jason Moody) It looks like we want one option instead of three, which will be easy enough to do. I'm still not sure if that one option in terms of percentage of contribution is going to be broken down by level of maintenance or do we want to come up with a proposal that is just one number?

(Rick Saito) I don't know how wise it is to show different levels if property owners agree that anything above a certain level they aren't going to pay for.

(Elaine Cogan) These levels should be more detailed. We need to spell out what they mean.

(Jason Moody) If you go to City Council without any room whatsoever, it seems like we need to give them some level of option to decide from. One number, one level doesn't really allow for a lot of decision making authority.

(Nicole Peterson) I think that what we need to do is define the City's level of Clean and Safe that they are going to pay for.

(Henry Kunowski) We've done that.

(Nicole Peterson) In addition to that, this committee together can decide what the ultimate level of service will be beyond the basic Clean and Safe because we need a number to put into the HOA budgets and community association for South Waterfront. It's much easier for us to agree on a reasonable level of service and then later let the residents vote on increasing or decreasing the enhancement, but the basic City Clean and Safe never changes.

(Henry Kunowski) This does exist in this form.

(Nicole Peterson) Yes, but the enhanced level isn't really defined as anything other than something better.

(Henry Kunowski) It is defined, just not in this document. It's primarily involves the same things, but with more frequency and considerations for acts of nature.

(Kia Selley) I hear Nicole saying that for their HOAs and community association they need to understand what value the City is bringing to the Central District. She has an immediate need to understand the City's commitment to Clean and Safe for the Central District. I'm also hearing interest from other property owners to have Clean and Safe applied to the entire Greenway, not just the trail area (for those areas outside of the Central District)? A consistent level of City maintenance is desired throughout the entire Greenway.

(Janet Bebb) The only thing I can hear the City questioning is if we're requiring the City to maintain the Greenway on private property.

(Bob Durgan) Once you give that base level of service I would assume that you cannot say these two buildings want this level of enhanced service while this one wants something else. I think that these HOAs will have to make enhanced level of service decisions in coordination with the City. What Nicole suggested is that we come up with a base and if want more we'll go to the HOAs. The question will be that if they agree to pay for it will the City manage it, or will they hire their own people?

(Nicole Peterson) When I spoke of voting, I didn't mean that there will be different outcomes for each building, I meant that every building gets a vote. The important thing to our company is that the people who are participating get a vote. We need a number to recommend the levels of enhancement. For me, one way you can lower cost is to decrease the level of enhancement, but no one has told us what this \$575,000 represents so that we can think about what we want.

(Henry Kunowski) We can provide you with more detail.

(Elaine Cogan) Should we revisit the idea of Clean and Safe for only the Central District Greenway and trail area, outside of the Central District?

(Kia Selley) I'd like to suggest, because we're running short on time, that PDC talk to Parks about the viability of taking a proposal to City Council that requests City Council participation for Clean and Safe for the entire Greenway at \$290,500. And, if the City provides Clean and Safe for the Greenway the private sector could commit to an enhanced level of service. Janet, you made a good point earlier that public dollars cannot be invested in private land. For this reason, we should talk about public control of the Greenway, or full public access easements. I think that we need to deal with that as part of this proposal to Council. Who controls the land or takes responsibility for it? Is there a public access easement over the entire parcel?

(Rick Saito) Maybe there's less hesitancy by Council to accept the land as public ownership if they've already committed to the Clean and Safe for the entire Greenway.

(Janet Bebb) We can certainly pose that to Council, I would just say that if we go to Council with only one option and it is to own all of the land and then to maintain it all we might be at risk. Although I don't know how Council would respond to that.

(Bob Durgan) That was our original premise.

(Janet Bebb) It wasn't ours.

(Elaine Cogan) We have five minutes. Obviously governance is one of the next steps here.

(Kia Selley) It is, and actually I was going to propose that we keep the O&M Plan in its current form without major revision until we work through governance issues. We don't need to approve the O&M Plan today, and it will change before it goes to Council, but we can move on to the governance discussion because it really informs O&M.

(Rick Saito) Is it worthwhile exploring public/private responsibilities on the basis of use? How many people will use the Greenway and how many people will be office workers or residents on the site versus general members of the public at large because to me it would be an important factor.

(Jason Moody) This varies greatly by facility, and I'm not sure how we'd research that topic. We cannot do any user-surveys on this facility because we don't yet have a facility. We can do user-surveys on other facilities, but no two facilities are exactly alike, so a lot of research will be involved, and it is unclear if the information will benefit us.

(Janet Bebb) We can do some estimates on the trail.

(Elaine Cogan) Could you estimate how many of these users would be people who lived there versus the public?

(Janet Bebb) We did that originally as part of the 100 foot set back, but it is speculative, and it's based on mode-split information.

(Elaine Cogan) Can we wrap up and give some guidance to Kia?

(Kia Selley) Is there support for not approving this O&M Plan and moving on to governance? We can then come back to the O&M Plan and revise it accordingly. I can meet with people individually between now and the next meeting, and we can continue to work on this. I think that a lot of good points have been brought up today, but I think governance is the missing piece to the puzzle, because who pays what and who controls the money seems to be a key question.

(Elaine Cogan) This gets filed as it is.

(Jason Moody) Before we can refine this we have to look at the governance issues.

(Janet Bebb) Does this group think it would be worthwhile having a conversation with some of the City Commissioners so that maybe we test the water?

(Mark Williams) I think it's too early, and I think the one thing they will respond to is stakeholder consensus because that's a hard thing to beat.

4. Greenway Implementation Strategy Next Steps

- **Expert Panel on Governance**
- **Temporary Greenway Trail in Central District**

(Kia Selley) We will update the memo based on the feedback we've received today, and we will begin work on governance issues.

We had planned to arrange an expert panel for our governance discussion, and I've talked with Parks and others who have participated on expert panels about the value of this approach. We have heard that expert panels are really best for commenting on something specific and that if we have an open-ended discussion with them that we may not get the guidance we're really seeking. I would like to suggest that we table the expert panel discussion, and conduct our own research and see what other groups across the county have done. We can conduct stakeholder interviews more cost-effectively by phone rather than bringing expert here to Portland. We will bring examples to you at the next meeting. So far it seems that most public agencies own park or Greenway land and provide the basic level of service, and a business improvement district or some other organization provides an enhanced level of service.

North Macadam Investors is funding design and construction of a temporary Greenway pathway in the Central District. We don't have a firm timeline, but the goal would be to complete construction in early summer. The trail would last up to four years and would be asphalt. The project will not include planting, except for site stabilization. The goal is to try to get people to the river safely, and to try to get people off of the streets under construction.

5. Committee & Public Open Forum – Questions & Discussions

(Roger Gertenrich) I appreciate that, and the people of the Meriwether appreciate it, and the PR value is going to be immense because seeing something going on there will really help.

The meeting adjourned at 3:30 pm.

Next Meeting: April 19, 2006