

May 11, 2017
6:30 PM
Citizen Oversight Committee: Meeting Minutes

Prepared By: Sam Robertson

<u>Present:</u>	COC Members	Thomas Shu Chuck Mitchell Cliff Jensen Keith Spande Murray Paolo Richard Bernstein Chuck McCord Susan Fitzgerald Alex Hurley
	MMC Inc.	Michael Marino, Project Manager Sam Robertson, Project Engineer

1. Call to Order

- **Murray Paolo:** Call to order @ 6:47pm
- **Richard Bernstein:** By adding the meeting minutes to the CPM we have added something to their scope that originally wasn't intended when the district hired MMC.
- **Murray Paolo:** It is an important thing to notify the chair on who is able to attend or not attend.

2. Review for approval, previous meeting minutes

- **Chuck McCord:** Issue with the #9 from last set of meeting minutes, in particular the first bullet point. *"The minutes should be inclusive to the committee and a general statement should be targeted to what it references."*
- **Murray Paolo:** Motions to approve minutes to approve April 6, 2017 meeting minutes.

3. Financial Reporting

- **Keith Spande:** Defers to MMC to further discuss.
- **MMC:** We have received Turner's numbers and have not prepared or reconciled numbers yet due to prior illness. MMC recommends reconciling the budget based on when we receive Turner's GMP #2 at 100% Construction Documentation.

- **MMC:** There isn't any new encumbrance, but bills have been paid since the last meeting.

4. Communications

- **Murray Paolo:** There was a reminder from School Board, and Holly Nettles offered to develop and assist in creating a communications plan. A document was sent that expresses importance of keeping information up to date with the suggestion of making sure they are done monthly including a mailer to the community.
- **Murray Paolo:** Asked committee if everyone is okay with this idea.
 - **Chuck McCord:** This is our committee and it is up to this committee to provide that documentation. The community is asking where the communications are from the Citizens Oversight Committee.
 - **Keith Spande:** Back to the topic of the communications plan.
 - **Chuck McCord:** Charan Cline should not be a part of the communications plan.
 - **Tim Pfeifer:** MMC, is the project status report available to the public?
 - **MMC:** The file is on ShareFile.
 - **Tim Pfeifer:** Can we share this CPM status report to the community?
 - **Susan Fitzgerald:** I agree that the COC status report be provided to the community.
 - **Keith Spande:** I agree.
 - **Chuck McCord:** We did not hire MMC to be the COC. We need to serve the community at first hand, not second hand.
 - **Murray Paolo:** I think MMC gives his status report to the COC first and then to the board. I don't see why once sent to board, there is no reason to send to community. We have a board member that is experienced in communications plans that has offered to help with creating the communications plan.
 - **Susan Fitzgerald:** I haven't seen anything from the COC where someone has stepped up to do the communications plan.
 - **Chuck McCord:** I have offered to Murray to assist in any way possible.
 - **Murray Paolo:** As the next step, is the plan of Holley Nettles helping Charan Cline acceptable?
 - **Chris Jensen:** I think that is an excellent idea.
 - **Murray Paolo:** If we are okay consensus wise I am good with that.

5. Debrief on Planning Commission Meeting Appeal & Variance Meeting:

- **MMC:** CMGC is in process of bidding site work, 2 domes and the elementary school. Turner is in the process of vetting the bidding companies. We will receive bids at the end of the week and to receive a GMP by May 24th. Depending on

where we are at. and depending on Turner's schedule, we may ask for an emergency board meeting. The bidding is difficult and keeping bidders interested. This is a remote location for a project and we have worked hard to keep that interest.

- **Keith Spande:** When will Turner have all their bids in and vetting complete?
- **MMC:** When Turner has their GMP in on May 24th.
- **Chuck McCord:** What are the bids based on? Are they on 90% documentation?
- **MMC:** You are correct on the 90% documents and OH is going to have the 100% documents on June 1st.
- discussed. That loop makes up a fraction of the work to be on site.
- **MMC:** Turner originally came out at \$1.85 million over the estimated budget. MMC went to Turner to value engineer that number by \$1.5 million which leaves us at \$350,000 over budget and a large majority of that is wrapped up in contingency estimates. The next round on this is reconciling the budget once bids are submitted by Turner.
- **MMC:** We will have 100% Construction Documents on May 31st at which time they will be submitted to the city. To go back on your questions Chuck McCord, we are bidding on 90% Construction Documents, there is a portion of those documents that are omitted, but doesn't mean the documentation is incomplete.
 - **Richard Bernstein:** Why was the Agricultural building held from Turner?
 - **MMC:** It was held since there was a estimated cost of \$400,000 for its construction. As part of Turner's bid package, they are bidding that out from local general contractors and are hoping that this is going to come in at \$250,000 for the cost.
 - **Chuck McCord:** Is this a utility building or an educational facility?
 - **MMC:** This will be an educational facility.
 - **Chuck McCord:** If MMC gets 100% Construction Documents on May 31st, how long to get building permits in?
 - **MMC:** City is estimating that it will take 2-3 weeks to approve permits.
 - **Chuck McCord:** If the buildings are torn down what is the plan for the students come September for metal / wood shop?
 - **MMC:** The agricultural building will serve that role and it will be a small building and the district is saying that this area will be sufficient. The staff is willing to make the accommodations.
- **MMC:** The planning commission approved the development permit which was followed by an appeal by one or more of the members of the community. On May 3rd, the planning committee approved the districts development permit.
- **MMC:** On May 2nd, there was approval on the variance for height of the domes and we are still in the appeal period.
- **MMC:** Last month we created a fire flow test that resulted in 997gpm @ 20 psi, far from the 1,500 gpm required. When we tested the COY water flow on Pike Street, we received 1,337 gpm which is still under the 1,500 gpm that is needed. MMC made a recommendation to hire Interface Engineering to develop a plan that will bring the district up to code. We are looking to create (3) water tanks on

site that will total roughly 65,000 gallons that will be connected to a dry hydrant system. MMC has talked with Richard Howard and Brian Jensen about what we are proposing. Both are open to the calculations and there has been a turn in improving the communication in helping the project move forward. We are all trying to get to the same end on this project.

- **Chuck McCord:** Are we going to need to lay the 10” pipe?
- **MMC:** I won’t know until Tuesday with what the City of Yamhill comes back with.
- **Chuck McCord:** Is the middle school going to have sprinklers?
- **MMC:** No, as there was no intention nor is it a part of the bond language?
- **Chuck Mitchell:** Will this be for (3) tanks?
- **MMC:** The tanks will be owned by the City of Yamhill and the city will maintain the tanks.
- **Tim Pfeifer:** Are we still planning on looping the system?
- **MMC:** We are focused on meeting code on our buildings. Our position right now is to meet code for fire flow for the new buildings based on the system that Interface Engineering is proposing.
- **Keith Spande:** Where will these be placed?
- **MMC:** The initial goal is to place them where the existing green houses are located.
- **Murray Paolo:** Members of this community need to stay out of the negotiations.
- **MMC:** We agree with this statement and if there are questions, please refer to the COC monthly status report. MMC went with Interface Engineering since KPFF doesn’t have someone that is able to target code compliance for water flow.
- **Chuck McCord:** I commend MMC for getting Interface on board and solving the problem. I filed the appeal based upon water safety and parking.
- **MMC:** People want to know how we got to where we are today and I am not going to direct fault. When we got started on the project we were told that the system we had was undersized and were told that we needed to increase the pipe sizing on site and to create a loop to reach code requirements for flow. We did our fire flow test to find out we did not meet code at which point at the request of the City of Yamhill we tested their line to find out their own pipe did not meet code. Over the last few weeks we went back and forth to find out who is responsible for providing adequate water flow. MMC went through numerous sources to find out what was needed. The problem is that even with a loop, we won’t hit the code requirements for 2 hours at the minimum and won’t submit the School District to hypothetical assumptions that the loop will meet code. For this reason, we have chosen to go with water storage on site to make sure that we meet code requirements.
- **Alex Hurley:** What will this cost?

- **MMC:** This will cost about \$2.50-2.75 per gallon. It varies in price on whether they are required to them pressurized.
- **Keith Spande:** Let's keep this as a separate line item.
- **Chuck Mitchell:** How often does the water need to be cycled out to make sure it doesn't become stagnant.
- **MMC:** Without pump house, we will be about \$250,000 and with a pump house it will be roughly \$500,000 for total cost. These will be below ground tanks. On top of the 65,000 gallons we will need another 25,000-gallon reserve so we ultimately will need roughly 90,000 gallons' total.
- **MMC:** Will report following meeting with the City of Yamhill.
- **Alex Hurley:** Public will like to hear about how much this water issue will cost.

6. Deferred Maintenance:

- **MMC:** Recommending YCSD start a maintenance program to address bee and rodent issues.
- **MMC:** Hazardous material abatement was completed over spring break. We are working with the elementary school to deliver boxes and schedule coordination with the district. We are taking on a majority of the work at the elementary school to save money for the district by removing from Turner's scope.
- **MMC:** Construction trailers were just delivered and the site pad prep on North Hemlock Street is underway.
- **MMC:** MMC will be bringing any disciplines whose proposals are over \$150,000 to the board for approval, when we request for the GMP #2 for Turner.
- **MMC:** We are continuing to work on procurement of long lead items.

7. Budget Reductions

- **MMC:** We are still working on the \$18.2 million budget and haven't added in the additional costs from the premium sale of the bonds.
- **MMC:** Will sit down with Keith Spande when we receive the GMP from Turner.

8. Alternative Discussion Items

- **MMC:** MMC's understanding is that Kerr is planning to submit a bid on the project and according to bylaw's he cannot be on the committee and submit a bid.
 - **Chuck McCord:** I think that it will be a problem for Brent Kerr to submit an estimate for the project having been on the COC.
 - **MMC:** The issue currently, is although we have a say in Turner as a CMGC, I don't know the legality to disqualify a subcontractor under Turner. Although someone may complain of a conflict of interest, there

could be an argument that Kerr could provide, that his position on the COC was a conflict for not accepting a bid.

- **Keith Spande:** I would prefer to see a message from Turner to Kerr that they suggest they don't bid if still a part of the COC. It should be a courtesy call from Turner to Kerr that he should resign from the COC.
- **MMC:** This group needs to make the decision. Brent Kerr will be submitting a bid on the project which is a conflict of interest if on the committee and recommends he be removed from the Citizens Oversight Committee.
- **Murray Paolo:** We must be on record saying that we are notifying a governing body of the conflict of interest. Notification to the board should be that a member of the committee is in violation of by-law 3.5 of charter.
 - Motion has been moved and seconded that a member of the committee that is potentially in conflict of interest of by-law 3.5 of the charter.
 - **Susan Fitzgerald:** There is concern that board doesn't have a process to disqualify someone from the committee. We don't have a process, a letter or a document on how to do this, that I know of.
 - **Murray Paolo:** Simply a letter from the board should be sufficient.
- **Keith Spande:** Is MMC moving into the construction trailers?
 - **MMC:** Yes, we will be moving into the smaller trailer.
- **Alex Hurley:** Is there a maintenance plan for the school district to stay up to date on the maintenance?
 - **Tim Pfeifer:** Yes, there is a program that provides recommendations to stay on top of updates and services.
 - **Alex Hurley:** Is there anything where the contractors submit a recommendation manual for maintaining the maintenance.
 - **Tim Pfeifer:** There is a budget in the CET fund for maintenance. The district will see what the differences are between the budget and what is paid. Will take possibly a year to cycle through and balance out.
 - **Keith Spande:** Turner is being paid a considerable fund and they should be able to provide a maintenance plan for life cycle of equipment.
 - **MMC:** This is a programming issue. All the information to put in a database will be provided at the end of the project from Turner.
 - **Murray Paolo:** Two members of the standing facilities committee are present (Tim Pfeifer & Susan Fitzgerald). There is a budget crisis currently and the reality is that it is a different world now for where to spend the money.
- **Murray Paolo:** The items that are highlighted in the handout are being considered by the school board to be added as changes to the Citizens Oversight Committee.
 - **Alex Hurley:** 3.4 shouldn't be changed as the facilities manager should be here.
 - Committee recommends leaving 3.4 as originally written.

- **Chuck McCord:** There are 14 voting members, so no benefit to making the change to 3.7.
 - **Susan Fitzgerald:** What is the big deal with not having the change?
 - Committee recommends making the change.
- **Chuck McCord:** 3.8 - School Board can remove someone at their discretion.
 - **Alex Hurley:** Not okay with the change and doesn't feel school board should be able to remove them without violating.
 - **Murray Paolo:** Can remove for cause.
 - **Keith Spande:** Recommends for removing for cause not at discretion.
 - **Murray Paolo:** Concern in feedback is for cause not discretion.
 - **MMC:** In either situation, a party may not want the cause to be made public.
 - **Susan Fitzgerald:** This was adopted from Beaverton's Oversight Committee.

9. Closing Discussions

- **Chuck McCord:** Wants the school district to not reduce seats in gymnasium from 1,000 to 800. Would be a big hit to the community. The citizens of the community will go sideways if this is reduced to 800-person capacity.
 - **Tim Pfeifer:** Where are we going to find the 50 additional spaces for the difference between the 800 to 1000 capacity? I want to figure out a way where we can come up with more parking around the facility. I don't think anyone wants to short the gym the 200 seats by making it 800-person capacity.
 - **MMC:** We have attempted to utilize areas of parking to incorporate into our account to achieve the 250 count for the 1000-person capacity. We have 19 spaces in front of the high school that are disqualified due to right of way. The church will not sign a shared use agreement on their parking so lot, which does not allow the district use the spots to apply to code. At the end of the day the way we passed the development issue is to reduce the capacity in the gym to meet the parking requirements. This is the most feasible way.
 - **Alex Hurley:** Why is there not a parking variance application?
 - **MMC:** This has been vetted and has been rejected.
 - **Alex Hurley:** Does occupancy change the design of the gym?
 - **MMC:** No, it is just an occupancy.
 - **Alex Hurley:** Recommends moving forward with a variance for parking for temporary parking.
 - **MMC:** Would planning commission consider that?
 - **Chuck Mitchell:** Cannot comment to this.

- **MMC:** If there are extra monies in contingencies there are needs at the district that need to be met. At some point, we will sit down and prioritize what to set money towards.
- **Chuck McCord:** Would like a recommendation to the board at keeping occupancy at 1000 people instead of reducing to 800 for occupancy.
 1. **Chuck McCord:** Made a recommendation on behalf of the community and they want what they are promised and have heard.
 2. **Murray Paolo:** No one seconds Chuck McCord's motion and his motion is denied.
 3. **MMC:** There are 20 spaces in front of high school, so we should be talking to people on the planning commission and the community on achieving a variance.

10. Closing

- **Murray Paolo:** Next meeting June 8th @ 6:30pm

End of Meeting Minutes