

October 14, 2015

A special meeting of the Board of Education of the Oak Park and River Forest High School was held on Wednesday, October 14, 2015 in the Board Room of the high school.

Call to Order

President Weissglass called the meeting to order at 7:38 p.m. A roll call indicated the following members were present: Fred Arkin, Jennifer Cassell (attended electronically), Thomas F. Cofsky, Dr. Steve Gevinson, Dr. Jackie Moore, Sara Dixon Spivy, and Jeff Weissglass. Also in attendance was Dr. Steven T. Isoye, Superintendent; Tod Altenburg, Chief School Business Official; and Gail Kalmerton, Executive Assistant/Clerk of the Board.

Visitors

Karin Sullivan, OPRFHS Communication and Community Relations Director; Kevin Florey of Robbins Schwartz; Patrick Brosnan of Legat Architects, AL Steffler and Stan Jankowski of Henry Brothers; Dana and Joel Connell, John Phelan, Mary Roberts, Kevin Peppard, Larry Christmas, community members; and Michael Romain of the *Wednesday Journal*.

**Public
Comments**

Larry Christmas, resident of 721 Ontario Street, Oak Park, parent of a graduate and attended OPRFHS, and former Oak Park Village president, spoke about the decision to go for a referendum in regard to the swimming pool. As the former Village president, he often found himself in the middle of controversy and had to make the tie-breaking vote. He survived and even received an apology from the *Wednesday Journal*. From his father he learned one can delegate responsibility, but not authority. Villages are products of vision, noting that a diversity program, the overturn of overnight parking on the streets, liquor licenses in restaurants, etc. were visionary. This community has wonderful recreation programs, but what it does not have is a first-rate swimming facility. He urged the Board of Education to adopt this plan.

Mary Roberts, resident of 818 N Grove Avenue, Oak Park, participated on the pool committee and she listened to the reasons for building and not building a pool. That Board of Education made the decision to build a pool, and then the new Board of Education members were elected. The Board of Education should make the decision on behalf of the people of the Village. Property owners will see their property values enhanced.

Joe Connell, resident of 538 N. Elmwood, Oak Park, thanked the Board of Education for dealing with this issue with dispatch after the election. He stated that the resolution might also be to retain all field sports on campus, preserve green space, prevent drowning, teach another 77,000 PE students swimming, etc. This is the time to act.

L. Wilter, speech team coach and Special Education secretary asked where she would park if the garage were demolished. The feelings at the school is that has not been considered.

Mr. Weissglass noted that after a multiyear process the then Board of Education approved the pool size, type, and site at its April Board meeting and left for the future the question of funding and whether to do a referendum either on construction or advisory. Conversations were had at previous meetings and the September meeting focused on questions. The Board of Education agreed to bring whatever items were ready as action items forward at this meeting. If things were not ready, they could be moved to the regular October meeting. As such, this agenda has two contracts and a funding mechanism for consideration. An advisory referendum was not put forward as action because the Board of Education had not made a decision on that question.

Contract with Legat Architects

Mr. Weissglass moved to approve the Legat Architects Contract Amendment #7 subject to final attorney review; seconded by Dr. Gevinson. Discussion ensued.

Included in the packet were three documents pertaining to Legat Architects and its firm's involvement in the Swimming Pool and Aquatics Center Project: (1) The Contract Amendment, (2) The A/E Fee Calculation Sheet, and (3) The Original AIA Standard Form of Agreement between owner (OPRFHS) and the architect (Legat) that is in place in which it says that Legat is required to provide drawings, blueprints, make adjustments, attend meetings, etc. The Board of Education only needs to approve the Title II Contract and the original standard AIA between OPRFHS and Legat.

Mr. Florey had worked on language for contract Amendment #7. While the project schedule is tentatively 36 months, funding options could change the timeline. He is working with the Village of Oak Park (Village) on zoning issues and those unknowns may be inserted into the threshold issues.

The Board of Education learned that the selection process under Illinois law for architects includes seeking proposals from 3 firms and interviewing those firms. Price is not talked about until contract negotiations have started. The Board of Education did this process years ago. Mr. Florey stated that Legat Architects is one of the top architectural firms in this industry. Mr. Florey attested to the fact that Robbins Schwartz deals with 250 clients and Legat is one of the top-performing architects for these types of services.

Patrick Bronson, president of Legat, has 28 years in school planning design and project management. He noted that the federal government requires architect selection to get the right firm for the right project. Legat's expertise and experience includes:

- 1) Competitiveness on OPRFHS projects.
- 2) 51 years of experience working with schools.
- 3) Past projects include work: Buffalo Park, Libertyville, Barrington, Harper College, Lake County YMCA, replacement of indoor pool at New Lenox, the rehab and restoration of Niles existing pool and a long stretch pool which received a Gold Leaf Certification for being on time and under budget, rehabbing pools for both of the Provisos, 4 Chicago Public Schools, Thornton, Waukegan, and Woodstock.

- 4) Legat does 1 to 2 pool projects annually and understands the aspects of an aquatic center.
- 5) Legat enlists the help of Water Technology (WTI) out of Beaver Dam, Wisconsin. Its expertise in aquatic design adds to Legat's qualifications. WTI is known nationally for responsiveness and size.
- 6) Beyond K-12 schools, Legat has highly technical projects in the \$22 to \$32 million range for higher education projects. Specialists are brought in for each area.
- 7) Legat knows the building having surveyed it, walked it, and looked at various options, both the pros and the cons. Engineering expertise helped to assure the correct connections and tie-ins. Legat has worked with Robert Zummallen and pipe ductwork have been opened in anticipation of further work. Legat is confident that the buildings can be connected, but this is the beginning of the design project.
- 8) Fees for engineering specialties, including civil mechanical, electrical, acoustical, and an offsite utility investigation, etc., are included.
- 9) The outline of architectural services to be provided during the course of construction include:
 - a) Architect will work with construction manager as the project is being developed to make sure it is meeting expectations.
 - b) Architect will attend owners' meetings to review overall schedule issues, answer questions, walk the job site, and look for those elements that are not meeting specifications.
 - c) Architect will provide mockup and redo mockup to be provided to the trades, which will give them what the finished expectation is.
 - d) Architect will monitor resources and timelines so that the owner is satisfied at the end of the project.

Legat is not billing for pre-construction services. A portion of what it cost to build the project is included in the construction manager fee. If something came in wildly above budget, it would be cut. The architectural design will be within budget before construction starts. The scope of the services is broken down into phases and at any point, the District is only committing to the next phase, 15% at first, and so on. Board reports will be provided and the administration will approve each phase.

Normally, the cost of the annual work to be done is based on 8.25% of the normal cost of construction, but this was reduced to 7.43% and the verification program brought it to 7.38%. Robbins Schwartz has negotiated many of these types of contracts. Architectural rates have come down significant as they used to be 12% for renovation (because of the unknowns), and 9% or 10% for new construction. The other variable is construction costs. A project of \$50 million or less is a smaller project. The owner sets the budget and expects the architect to design to that budget. The owner has the option of fixing a fee, implying 7.43% to the cost of the work and if bids come in higher and the Board of Education chooses to go with them, it will be to its benefit. If the bids were lower, then it paid too much. If the bids come in over 15% of what is budgeted, the architect has to redesign the work at its own cost. It is important to get the project to the budget and the price is set by the components desired. If the

project is over budget, changes can be made to finishes or lowering the costs in other categories, etc. The Board of Education sets the scope.

Mr. Altenburg attested to the outstanding relationship he has had with Legat for the past 2.5 years. Legat had attended Board of Education meetings, planning meetings, conference calls, responded to questions, even on weekends, etc. Both he and Dr. Isoye attested to the fact that the summer work has come in under budget and on time. Dr. Isoye added that Legat was very responsiveness to the District's needs.

A roll call vote resulted in all ayes. Motion carried.

Contract with Henry Bros.

Mr. Weissglass moved to approve the Fifth Addendum with Henry Bros. Construction subject to final attorney review; seconded by Dr. Gevinson.

Included in the packet were three documents pertaining to Henry Bros. Construction and its involvement in the Swimming Pool and Aquatics Center Project: (1) The Contract Amendment and (2) The Pool Feasibility Study and (3) The Original AIA Standard Form of Agreement between owner (OPRFHS) and the construction manager (Henry Bros. Construction) that is in place. The first document, the only one that requires board approval, is titled "Fifth Addendum to Standard Form of Agreement between Owner and Construction Manager as Owner". This specifically identifies the role of Henry Bros. Construction in the Swimming Pool and Aquatics Center Project. The important highlights are:

The District will contract Henry Bros. who will provide Construction Manager services under the "at risk" model for pre-construction and construction services.

The Construction Manager compensation for Henry Bros. will be as follows:

- A fixed fee in the amount of \$869,195 which consists of a fee in the amount of \$561,116 (2.5% of the Cost of the Work of approximately \$22,444,623) plus a pre-construction fee of \$308,079, which includes the design process (10 months), bidding out the subcontracts, going through board approval and mobilizing on sight. The role for the first 13 months is constructability reviews.
- A fixed general conditions charge of \$2,689,612 (labor and related materials, onsite people, personnel costs).
- Construction Manager will be reimbursed for insurance costs of approximately \$269,335 which is 1.2% of the Cost of Work.
- Construction Manager will be reimbursed for bonds cost of approximately \$195,268.
- Any credits would be returned to the owner.

Discussion ensued. Both Al Steffler and Stan Jankowski of Henry Brothers attested to their experience as the construction manager in building pools. Mr. Steffler put this plan together with Mr. Altenburg, Mr. Zummallen, and Mr. Brosnan. They have built 7 to 8 major pools. An initial budget is based on conceptual drawings and known intents and drawings and cost estimates change

and are update. Henry Bros. has been in business for 100 years and has completed school projects all over the Chicago land area. Henry Bros. has collaborated with Legat for the last six years.

The construction of the pool is a 3-year project and safety and logistics are paramount and as such those things will require a situation similar to that of building a downtown high rise. A safe operation will need to be maintained on Lake Street and the pedestrian mall. This project is more complex than the summer projects.

Legat and Henry Bros first worked together in 1995 when Henry Bros. was the general contractor for University Center in Lake County. Since that time, they have worked together in various projects, i.e., Marine Valley Down, Glenbard, etc. The intent is to have Al Steffler as the senior construction manager. This proposal is for 52 working weeks. A second shift will be working to make sure there is the least amount of disruption. Sixty to ninety days after the drawings and bid processes are complete, Henry Bros. will be on site. Mr. Zummallen will be involved to give another set of checks and balances.

With regard to how these fees compared to similar experiences, Mr. Florey stated that they were in the average range. Performance incentives for being under budget were not typical because of the guaranteed maximum price that project will come within "x" amount. Incentives do not have value because one then gives up control of contingencies. If the incentive is to bring the project in lower, the firm would get to keep the contingencies. Liquidated pricing is discouraged by Henry Bros.

A roll call vote resulted in all ayes. Motion carried.

Mr. Weissglass noted that during the course of the Pool Committee work, both Legat Architects and Henry Bros. were very responsive to questions in a fast paced environment and had worked many hours.

Resolution Regarding Funding of Swimming Pool and Aquatics Center Project Mr. Weissglass moved to approve the resolution regarding funding of the swimming pool and aquatics center; seconded by Ms. Spivy. Discussion ensued.

The resolution states that the Board of Education will consider up to a \$37.5 million dollar swimming pool and aquatics center project using up to \$20 million of available funds and up to \$17.5 million in non-referendum/limited bonds. This is consistent with FAC work. Using only \$17.5 million of the \$40 million in DSEB bonds will allow the school flexibility for other projects.

Mr. Weissglass explained that the FAC's recommendation to lower the levy for two years had the effect of \$44 million in tax avoidance. That translated to the impact on a medium household to a savings for a median house value of \$300,000 or \$3,262 over 10 years. With this avenue, the total tax savings will be \$2,500 over 10 years. There was also the question of current versus future property owners paying for the pool and aquatics center. Because of the two \$10

million cuts, 40% of that savings has been realized by current taxpayers, so that combined with a balance of fund balance and debt, the Board of Education feels both the current and future property taxpayers are sharing in this expense and the District still has room for future projects, i.e., recapturing vacated pool space, etc.

Mr. Cofsky restated the two issues: 1) how is this financed, and 2) does the district go for a referendum. With regard to resources, the District has to balance the current with the future. The projections in the FAC model have changed because of Board of Education decisions made about resources. He supported prudent use of the District's resources. Originally he thought the dialogue had been too pool centric, but that dialogue changed his thinking because other resources for educational programs are coming forth. This proposal provides the District with resources that can be used for the building to support the growth of student enrollment. Both the pool project and the improvement of the facilities for students can be accomplished.

Dr. Gevinson felt that this was a solid path to build a pool and allows the moves that need to be made relative to improvement of long-term facilities. Most important is the capacity to support the academic programs and he trusted the numbers presented.

Ms. Cassell was excited to see the forward movement on this project. The FAC spent significant time considering its recommendation to spend \$20 million from the fund balance for this project. She also believed that the referendum bond cost of \$76 per year for a home with a median value of \$400,000 would be worthwhile. She felt the community would find the best area for parking.

Dr. Moore wanted the Board of Education to be clear that the budget was not a moving target. This project is beginning because of increased enrollment, the experience of the students now enrolled, aging facilitates, creativity and innovation in terms of academics and technology, and making sure that building is prepared to handle unplanned expenses. She wanted to be fiscally responsible.

The District is not required to go for a referendum because this will be an addition, not a freestanding building. The Board of Education has a commitment to the athletic teams, PE, and the community. Increased enrollment requires something to be accomplished. An unintended benefit will be to free up thousands of feet of space for curricular, extracurricular and community activities. Many people have worked on this or a long time. While parking is an issue, there was confidence that the Village and the District will come up something adequate.

Ms. Spivy stated that Board of Education members have an inherent conflict. They have responsibilities to the taxpayers and to the students and sometimes they are not the same thing. In this instance, it is best for both the students and the community. It will help property owners and it is a good marriage for serving the needs of the community and students. It is also an equity issue, as every student is learning the same skill and every age can benefit. It is a great use of tax dollars.

Mr. Cofsky moved to amend the motion to change the replace the word “a” with “up to” a certain dollar amount throughout the resolution; seconded by Mr. Arkin. A roll call vote resulted in all ayes. Motion carried.

A roll call vote on the amended motion resulted in all ayes. Motion carried.

**Possible Advisory
Referendum**

The discussion of going for an advisory referendum started with the previous Board of Education. The approval of the contracts with the architect, construction manager, and passage of a funding resolution were required to move the pool project forward. Mr. Weissglass noted that legitimate reasons have been heard on both sides of the question. His belief is that the Board of Education should make the decision as it is elected to do so.

The high school and the Village have identified 300 parking spaces within a 4-block parameter (Ridgeland, Chicago, Oak Park Avenue, and Lake Street) that are not in front of houses on east west streets, plus the spaces on the north sides of the street that are currently resident only parking. The Oak Park Village Parking Commission is beginning that process. Ultimately, a parking IGA will be developed by the District and the Village with completion hoped for by the end of the year. A parking study will continue. Walker Bros. did a study during a home football game and other events to get a sense of what parking will look like. That report will be received and the Village will need to solidify its work with the parking commission. Before the construction of the garage, the Village was not willing to work with faculty/staff on street parking but that has now changed. Mr. Weissglass is committed to having a parking plan before the garage is taken down. Other concerns include snow removal, finding a parking space, walking to school, visitor parking, and persons with disabilities, etc.

Dr. Gevinson spoke of his own journey in this process, including the questioning of the swimming program. When a faculty member, he heard complaints about swimming all of the time. A high percentage of students did not like that aspect of PE. He was predisposed to not caring if the swimming program was eliminated. The size of the pool and the volume of water was also unnecessary. The cost was extremely difficult to process and accept, as he could find other good things to do with that money. He was lobbied by special interest groups that the parking garage should stay, as it was one of the best things the high school had done. However, he now believes that the pool project is necessary and it is the best solution. He disliked a number of aspects of it, but he has come to believe they are necessary and worthy. He felt the election was the referendum. He accepted some of the arguments about responsibility and the authority of officials. Therefore, the Board of Education members were elected to maintain, process the information, and make the best decision as the representatives of the taxpayers/ citizens/stakeholders in the district. He supported the Board of Education making the decision.

Mr. Arkin also trusted the numbers provided about the District’s ability to pay for this project. It will be an asset to the community as the high school is the center of the community it should take the lead in the community. Much information

has already been received. He felt an advisory referendum would be a redundancy.

Several members concurred that the Board needed to make a commitment to community engagement and communication, as they were critical. Dr. Isoye noted that the *Community Connector* had an article about this and the District is looking for ways to inform the community, classroom space, how other people can use it, and how to keep them informed of the process. Dr. Isoye appreciated Karin Sullivan's research on how to engage the community.

Mr. Weissglass added that he had not wanted to deal with a pool when he was elected nor did he have a preconceived notion. Ultimately, however, he was the chair of the pool committee. His core understanding now is: 1) a pressing infrastructure problem exists; 2) choices have been thought through and no acceptable alternative exists other than what was decided. His only acceptable solution was to renovate the current pools, build an off-site pool and share it with the community, yet he knows that will not happen.

It was the consensus of the Board of Education members not to pursue advisory referendum with regard to the pool and aquatic center.

Closed Session

At 10:40 p.m., Mr. Weissglass moved to enter closed session for the purpose of discussing the appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the District or legal counsel for the District, including hearing testimony on a complaint lodged against an employee or against legal counsel for the District to determine its validity. 5 ILCS 120/2(c)(1), as amended by PA.93—57; and the purchase or lease of real property for the use of the District, including meetings held for the purpose of discussing whether a particular parcel should be acquired. 5 ILCS 120/2(c)(5); seconded by Mr. Arkin. A roll call vote resulted in all ayes. Motion carried.

Adjournment

At 11:40 p.m., Mr. Weissglass moved to adjourn the Special Board Meeting; seconded by Ms. Dixon Spivy. A voice vote resulted in all ayes. Motion carried.

Jeff Weissglass
President

Sara Dixon Spivy
Secretary

Submitted by Gail Kalmerton
Clerk of the Board