

Meeting Minutes of November 1, 2022

Members Present: Damian Park, Carla Schneiderman,
Wade Skeels, Ken Berland and
David Goldin

Staff Present: Chanita Stevenson

Guests Present: Board Director Ty Alper
Kelli Jurgenson and Cal Walsh from VPCS

1. Call to Order: The meeting was called to order at 6:02pm

Roll Call: Members Park, Skeels, Berland, and Schneiderman Present. Member Goldin joins at 6:05pm

Chanita Stevenson Present

Kelli Jurgenson and Cal Walsh Present

2. Approval of Agenda: The agenda was approved at 6:03pm

Motion to approve the agenda by Member Schneiderman (CS)

Second to approve by Member Skeels (WS)

All in favor

Motion Approved

3. Public Comments:

- a. Douglas Legg, a parent of two middle school students at Willard, here to talk about the Parking Structure Project. Feeling this is an irresponsible expenditure of funds considering there is ample parking downtown. He's hoping this body will urge the school district and the Board to consider stopping the project at least until there can be responsible negotiations with the city finance department. The city is spending millions of dollars to prop up a parking garage they built that has never been full. Even pre pandemic it was not full. He would like to conclude that this kind of spending is what really upsets people and makes them lose confidence in governments. Clearly this is an unnecessary expense and the school district has so many capital needs. He thinks it would be best for everybody including the school district, especially if they plan on bringing more bond measures to the public in the future. To give them confidence the money is being well spent.

- b. Monty (?) A parent of two kids at BUSD. Two questions: 1) What is the minimum level of detail that Executive Director Calise needs to put forth to the Board in order to justify it is a viable project? (He) would have expected Facilities to put forth more development of the Plant-Ops Project being added to the Milvia Street Parking Structure Project before it was approved. Later, when it was removed, more information was then given to the Board as to why it should be removed - He wants to know what consists of a viable packet of information that is presented to decision makers when taking an idea and turning it into a project?
- 2) What other ideas for the parking issue at Berkeley High School, besides what has already been vetted, has the District explored? He believes there are a variety of options that should be considered - what about a broad look at the variety of options available and then make a decision?
1. Chair Park (DP) asks Board Director Ty Alper (TA) if he could speak to question #1.
 - a. TA replies, there isn't really a typical amount of information given to the Board when facilities approach the Board for approval. It really depends on each project.
 - b. Kelli Jergenson (KJ) points out that the Tennis and Parking Structure is a complicated project especially when compared with some of the other more straightforward projects such as the modernizations at Sylvia Mendez or Longfellow.
- c. Liza Luster is a parent of two kids in Berkeley schools. Would like to start out by saying that she just came from a vigil of a person in a wheelchair who was just killed two weeks ago. It is a super high injury intersection and it is one block away from the proposed Tennis and Parking Structure. She has six asks from people who were present at the vigil. The first is don't build the garage. On the November 15 consent calendar an item on the Berkeley city council is a request for the city of Berkeley to study a trip reduction plan put forth by the city. Furthermore, demand is not defined by whether or not people want something for free. Demand is based on pricing and other appropriate measures. (She) knows there are teachers who have to drive. However, BUSD should offer commuter benefits - this is a way where teachers are not paying but are incentivised to not drive. Also, she knows for a fact the only person Executive Director Calise spoke with is in transportation. He is 100% not qualified to decide what the city wants, that is the city manager's job. The city manager's office job is to figure out financing, not the one person John Calise talked to in the transportation department. The person who was spoken to has no business speaking to this. This is the oversight committee and if the community and the city say don't do it - then it should not be done.
- d. Stephanie Allen has worked on every facility's Bond measure since 1989. She was also a founding member of the first CBOC. Available parking for teachers is crucial in attracting new teachers to the district. The car is the way people get around - the need to provide parking for teachers and staff is an important tool for attracting new teachers who would need to drive from out of the area due to cost of living in the city of Berkeley. The facilities department spent a year looking at alternatives to building parking - no one wanted to build a parking garage, but the need for staff and teacher parking was critical. Berkeley City College is also beginning to resume classes which will again put pressure on downtown

parking. As the economy recovers, parking will become more of an issue. Furthermore, the city cannot offer the District cut rate parking due to language in the bond used to finance the city owned parking garage. (She) urges the committee to redirect their energy towards coming up with a positive solution and one that is realistic. If a solution is found then the parking garage would not need to be built, but a solution must be found first.

- e. Ty Alper wanted to make a couple of quick corrections. Liza Lutzker notes that John Calise had only met with one person in transportation. However, last week the Superintendent, the Mayor, city finance, himself (TA), city planners and head of transportation all met with Mr. Calise to discuss alternatives to this issue. While everyone is open to alternatives and finding a solution, there are a lot of questions and whether the Board wants to spend general fund dollars on parking.

4. Approval of Meeting Minutes from September 20, 2022: Approved amended minutes at 6:25pm

- a. DP requests that item d.ii is struck from the minutes and the minutes be amended for a vote.

Motion to approve the amended meeting minutes by Member Berland (KB)

Second to be approve by Member Schneiderman (CS)

All in favor

Amended meeting minutes approved

5. Action: Decide on future meeting schedule: Deferred until the next meeting on December 6th.

- a. Proposal: Jan 17th, Feb 28th, April 11th, May 23rd (Tuesdays, 6pm, Parker St)

Move to defer the future meeting schedule by Chair Park (DP)

Second to defer by Member Berland (KB)

All in favor

Motion deferred until the next meeting on December 6, 2022

6. Information: Facilities Staff Reports:

- a. Project Updates Presentation (with pictures) Kelli Jurensen gives an overview of the updated Sylvia Mendez Modernization Project and the LLB entity BHM also known as the contractor will partner with the District. LPA is the architect and preparing to go to DSA in December. The contractor will now review the drawings with the architect. Working in a more collaborative effort as they work together as partners. A note that it may take 4 to 6 months for it to go through DSA and staff will continue to work on various pre construction tasks relating to preparing to start the build once the drawings are out of DSA.

- 1. Member Goldin (DG) has a question about the total budget of the project and which bond is funding it?

- a. KJ answers the entire budget is out of Measure G and the budget is approximately \$40MM. Waiting to find out about matching funds from the state at approximately \$15MM.
2. DG is curious when the District expects to break ground.
 - a. KJ answers it is projected to start in the Spring of 2023.
3. KB wonders if there will be displacement of students.
 - a. KJ replies yes, kids will be displaced which is still being researched and looking at multiple options.
4. DP is wondering if there is a way to combine the outdoor classroom with the lunch space to have an outdoor covered space.
 - a. KJ believes they typically have multiple lunch times and would make it difficult to share space.
5. DG is requesting elevations and drawings from the architects.

b. Overall Financial Update. KJ gives an overview of the projects that are currently being budgeted and designed. 2 different reports to review the overall financial budgets and how each project budget is developed including soft costs, hard costs, and contingency. The budgets are developed overtime and can be manipulated as changes are made overtime. According to the different subsections the committee would be able to see where money was added to a specific item. As the project gets going there would be a better understanding of the over/under of each project budget.

1. WS is wondering what kind of accountability there is with a Lease Leaseback.
 - a. KJ explains that in typical Design Build projects the owners would have to deal with Change Orders. In a Lease Leaseback contract there would be a contingency which would then be used to fund unforeseen changes. However, if something comes up that the contractor should have caught prior it would then fall into their scope of responsibility having had this information prior when working with the architect. Because the contractor had a chance to review the drawing in a constructability review, they will need to be more accountable for missing information and design.
2. WS wonders why the District wouldn't always do LLB?
 - a. KJ replies there is a lot of pre construction work that goes into a LLB - where you are looking for a partner. It would be awarded under what is defined as "best value" where for small projects we might want a more competitive format where we would want to look for the "lowest bid". Also in LLB the contractor would need to float the costs and smaller companies would not be able to. It allows for the District to award smaller projects to smaller companies in a more competitive bidding format.
3. WS has a request for a report to review how the scope is developed.

- a. KJ can provide a presentation on scope development and choose a project to review such as Longfellow or Sylvia Mendez.
- 4. DG has a question about how much has been spent and cash flow. A spend down or a summarized quarterly report. How much is left in each Measure.
 - a. KJ can provide more summarized quarterly reports as well.
- 5. DG is wondering for Longfellow if BUSD has all of the funds for this \$40MM project or will they need to sell more Bonds. .
 - a. KJ replies that yes, the funds are fully available now.

7. Information/Discussion: Project Update

a. Parking structure - Update on city communication by BUSD Board Director Ty Alper who reports there was a meeting with several members of the Board, the Mayor, budget managers and Executive Director John Calise. It was a productive meeting and the city is receptive to discussing options. There has been a commitment to exchange information. The city paid for the parking structure out of their own Bond funds and would not be able to sell spots for discounted rates according to the bond language. TA believes it was a productive meeting with plans for further discussions.

1. WS is wondering what happens next with relation to getting city permits and further negotiations with the city.
 - a. DP comments that he spoke with the city manager who had gotten feedback from people who lived in the area and were opposed.
 - i. A traffic study was done in the past and found that twelve hundred spaces were available during the day.
 - b. DP talked with BHS staff and they are not fully behind the parking permits because it could be taken away.
 - c. DP would like to know why the city manager would say it's a nonstarter.
 - i. Liza Lutzker replies that she believes the city of Berkeley is trying to dissuade free parking for cars coming into the city for work. She believes BUSD should have to comply with all the other large employers in the city limits.
2. CS states that the point is Berkeley High does not have any parking permits and teachers having to run out every 2 hours to move their cars is untenable. DP thinks this is no longer true.
 - i. Monty comments that having teachers drive around looking for parking is suboptimal.
3. DG would like the meeting format to be followed. There is a time for public comments - it's confusing when people make comments out of turn. He would like the agenda to be followed.
4. DP thinks it would be nice if there was some suggestion by the CBOC given.
5. WS doesn't think that is the CBOCs duty.
6. CS recognizes there are still conversations being had and they will pursue all viable options. She will be anxious to hear what the next report provides.

7. DG thinks that parking should be paid for out of the General Fund - not by the Bond Fund. He sees some benefit of exploring that option.
8. WS does not want to dismiss the reality of teachers and staff needing to drive. He also acknowledges it is literally written into the bond as one of the projects that will be done.
9. KB thinks the cost is the most important factor. If the price is established there could be a better understanding of who would use the parking. He thinks they should incentivize people to not drive. He thinks the city and the district should be having that conversation.
10. CS thinks it's important to not enforce our desires on other people, particularly when it comes to some of the challenges people face and whether or not they will need to drive. She notes that the CBOC has done a lot of work to get the information to the decision makers, now the CBOC needs to let them do it.
11. DG points out that this has already been passed by the Board - so in a sense that ship has sailed.
12. WS agrees with DG, but also points out it is the duty of the CBOC to make sure the bond dollars are being spent effectively. Not after the fact.
13. TA urged the CBOC to appreciate the fact that the board's decision came after hundreds of hours of community engagement. There are a lot more people in the community than the ten people in this room. The CBOC may be right, and maybe the board will change its mind, but he again urges the committee to have humility regarding the many many people who came to the board over many many years advocating for this project.

8. Discussion: Committee comments and future agenda

1. Financial reports
2. WS would like to discuss community comments
3. Agendize the guidelines for community comments
4. BCT visuals and update

9. Information: Project Constraints and Budgets - deferred until next meeting 12/6/22

- a. How does BUSD develop a project budget? (10 min)
- b. What types and locations of buildings are permitted by the bonds? (10 min)
 - i. Do "school facilities" only include buildings with students present?
 - ii. What legal restriction prevents buying property outside of Berkeley?
 - iii. Are projects on the bond project list required to be built strictly as stated in the bond?

10. Adjournment: The meeting was adjourned at 7:22pm

Move to Adjourn by DP
Second to adjourn by WS
All in favor and Meeting is adjourned