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COURT FACILITIES
ADVISORY COMMITTEE

COURT FACILITIES ADVISORY COMMITTEE

MINUTES OF OPEN MEETING

March 3, 2016

11:45 AM –3:15 PM

Judicial Council of California – San Francisco Office

**Advisory Body
Members Present:**

Hon. Brad R. Hill, Chair
Hon. Patricia M. Lucas, Vice-Chair (by phone)
Hon. Donald Cole Byrd
Mr. Stephan Castellanos, FAIA
Hon. Keith D. Davis
Hon. Robert. D. Foiles
Ms. Melissa Fowler-Bradley
Hon. William F. Highberger
Hon. Steven E. Jahr (Ret.) (by phone)
Hon. Jeffrey W. Johnson
Hon. Laura J. Masunaga
Mr. Stephen Nash
Hon. Gary R. Orozco
Hon. David Edwin Power (Ret.)
Ms. Linda Romero Soles
Mr. Kevin Stinson (by phone)
Hon. Robert J. Trentacosta
Mr. Thomas J. Warwick, Jr.

**Advisory Body
Members Absent:**

Mr. Anthony P. Capozzi
Mr. Larry Spikes
Mr. Val Toppenberg (participated by phone for a portion of the meeting; did not vote on any motions)

Others Present:

The following Judicial Council staff/others were present:
Hon. Andrew S. Blum, Presiding Judge, Superior Court of Lake County
Hon. Michael S. Lunas, Assistant Presiding Judge, Superior Court of California, County of Lake
Hon. Stephen Owen Hedstrom, Judge, Superior Court of California, County of Lake
Ms. Krista LeVier, Court Executive Officer, Superior Court of Lake County
Mr. Darrell Petray, Construction Manager, Plant Construction
Hon. James E. Herman, Presiding Judge, Superior Court of Santa Barbara County (by phone)
Mr. Darrell E. Parker, Court Executive Officer, Superior Court of Santa Barbara County (by phone)
Ms. Angela Braum, Criminal Operations Manager, Superior Court of Santa Barbara County (by phone)
Mr. John Ruble, Partner, Moore Ruble Yudell Architects
Mr. Jonathan Broomfield, Senior Estimator, Rudolph and Sletten, Inc.
Mr. Rick Lloyd, Vice President, Basis
Mr. Chris McClean, Principal, Buro Happold Engineering
Mr. Simon Painter, Associate Principal, Buro Happold Engineering
Ms. Barbara Chiavelli, Capital Program
Ms. Natalie Daniel, Finance
Ms. S. Pearl Freeman, AIA, Capital Program
Ms. Nora Freiwald, Capital Program
Mr. William J. Guerin, Capital Program
Ms. Angela Guzman, Finance
Ms. Donna Ignacio, Capital Program
Mr. Chris Magnusson, Capital Program
Mr. Bruce Newman, Capital Program
Ms. Kristine Metzker, Capital Program
Ms. Deepika Padam, Capital Program
Mr. Raymond Polidoro, Capital Program
Ms. Kelly Quinn, Capital Program
Ms. Millicent Tidwell, Chief Operating Officer

OPEN MEETING

Call to Order, Roll Call, and Approval of Meeting Minutes

The chair called the meeting to order at 11:45 AM, and roll was taken. The advisory committee voted unanimously (with the abstention of all members absent from the February 2016 meeting, and the exceptions of Hon. Donald Cole Byrd and Hon. William F. Highberger, as Ex-Officio, non-voting members, and of the members who were absent as shown above) to approve the minutes from its meeting held on February 3, 2016.

DISCUSSION AND ACTION ITEM (ITEMS 1 – 2)

Item 1

Lake County–New Lakeport Courthouse: Project Review

Ms. S. Pearl Freeman, AIA, Judicial Council Capital Program Manager, introduced the project team for the New Lakeport Courthouse: Hon. Andrew S. Blum, Presiding Judge, and Ms. Krista LeVier, Court Executive Officer, from the Superior Court of Lake County; Mr. Darrell Petray, Construction Manager, from Plant Construction; and Ms. Deepika Padam, Senior Project Manager, from the Judicial Council Capital Program. Also, and consistent with the PowerPoint slides included in the project materials that were posted on line for public viewing in advance of the meeting, Ms. Freeman presented an overview of the project's budget history.

Consistent with the powerpoint slides included in the project materials, Ms. Padam presented the project options that had been studied—the L-shaped and Rectangular schemes—including their cost analyses and components of their budget shortfalls (i.e., costs associated with the site [topography and poor soils], California Environmental Quality Act [CEQA] mitigation measures, under-estimated general conditions, and converged network integration):

L-shaped Scheme: It was last reviewed and approved by the Court Facilities Advisory Committee's (CFAC) Courthouse Cost Reduction Subcommittee (CCRS) in January 2014, which allowed the project to proceed into the Working Drawings phase. Following the January 2014 CCRS meeting, the project team developed a pre-Working Drawings set to develop an accurate cost estimate based on CCRS direction and performed an extensive value engineering exercise, which included a study of all building systems and site requirements to reduce costs to the project's design-to-budget of \$27.8 million. This value engineering exercise was able to reduce the budget by \$3.8 million but with a remaining shortfall of \$4.7 million in addition to \$1.4 million for CEQA mitigation measures, which had been identified since the January 2014 CCRS meeting, this scheme's cost estimate resulted in a \$6.1 million design-to-budget shortfall.

Rectangular Scheme: This alternative had been developed with the intent to save project costs, as it reduced the project's size by approximately 1,600 building gross square feet due to its compactness of layout. At the end of its design, there was still a design-to-budget shortfall, which totaled \$3.9 million. In order to preserve the same schedule as the L-shaped scheme, so the project would start construction in June 2017, this scheme required additional design fees of \$0.4 million to be fast-tracked. With the budget shortfall, additional design fees, and the costs of \$1.7 million for CEQA mitigation measures, this scheme's cost estimate resulted a \$6.0 million design-to-budget shortfall.

In addition to the information contained within the materials, Ms. Padam made the following comments:

- the project site scored highest in the site selection process, its CEQA analysis occurred after its selection had been determined (which was a process consistent with site selection of properties for courthouse capital projects), and it was acquired for \$1.1 million;
- the City of Lakeport indicated it could not pay for the cost of the access road to the site, and in addition, the city is being provided right-of-way access by the state so it may continue the access road as a city street further south of the site at a time when city budget conditions improve; and
- should the project be delayed by six months and miss a scheduled construction bond sale, increase to the project budget would be approximately \$500,000.

Judge Blum presented the superior court's need for the project, spoke to the cost-cutting effort of the value engineering process, indicated that present in the boardroom were Hon. Michael S. Lunas, Assistant Presiding Judge, and Hon. Stephen Owen Hedstrom, Judge, from the Superior Court of Lake County, and asked that the advisory committee fund the project so it could move forward. He also indicated that the following in regard to sites for the project:

- the original site selection process revealed approximately 35 sites based on the project's sizing criteria and that the majority of these were eliminated because of their location within the 100-year floodplain;
- the site that had scored second in the site selection process—an old bowling alley facility—was located outside of the 100-year floodplain and had been for sale above fair market value at approximately \$3 million. The state could not acquire the property due to the large discrepancy between the appraised value and the asking price;
- the site that had scored third in the site selection process, which was nearby the county jail facility, became unavailable and is currently being built on by the county to expand the existing jail; and
- it would not be a cost savings to identify a brand new site within the county and start the entire project over, including a complete redesign.

Hon. William F. Highberger indicated that the budget shortfall information, particularly on the site and CEQA mitigation measures, was new to the advisory committee, and that overall, this was the second budget overrun the committee was being asked to endorse. He noted that the advisory committee did not have enough information to determine whether or not they would be approving the most cost effective project for the Superior Court of Lake County.

Hon. Brad R. Hill, chair, stated that the difficulty with moving the project forward with its cost overrun is that it would come at the detriment of slowing or stopping another capital project(s) and so it is necessary that all possibilities be explored for the reduction of the project's design-to-budget.

Action: The advisory committee—with the exception of Hon. Donald Cole Byrd and Hon. William F. Highberger, as Ex-Officio, non-voting members, the three members who were absent as shown above, and three members who voted in opposition (Hon. Steven E. Jahr [Ret.], Hon. Laura J. Masunaga, and Mr. Stephan Castellanos, FAIA)—voted to approve the following motion:

1. All work on the project's Working Drawings be suspended, except to study alternatives and project costs, and Judicial Council staff prepare a report—within six months or less—for review by the CFAC and the CCRS on all options to reduce costs.

Item 2

Santa Barbara County—New Santa Barbara Criminal Courthouse: Project Review

Hon. James E. Herman, Presiding Judge of the Superior Court of Santa Barbara County, presented the superior court's need and site background for the New Santa Barbara Criminal Courthouse project as well as introduced the members of the project team that (including himself) participated by phone:

Mr. Darrell E. Parker, Court Executive Officer, and Ms. Angela Braum, Criminal Operations Manager, from the Superior Court of Santa Barbara County.

Ms. Nora Freiwald, Judicial Council Project Manager, introduced the team members present in the board room: Mr. John Ruble, Partner, from Moore Ruble Yudell Architects; Mr. Jonathan Broomfield, Senior Estimator, from Rudolph and Sletten, Inc.; Mr. Rick Lloyd, Vice President, from Basis; Mr. Chris McClean, Principal, and Mr. Simon Painter, Associate Principal, from Buro Happold Engineering; and Mr. Raymond Polidoro, Manager, from the Judicial Council Capital Program. Also, and consistent with the powerpoint slides included in the project materials that were posted on line for public viewing in advance of the meeting, she presented the project's cost estimate at 100-percent schematic design including the components of the budget shortfall (i.e., affected base building construction due to code changes over time, demolition and phased construction, converged network integration, and local market conditions of increased demand for labor and materials).

Consistent with the powerpoint slides included in the project materials, Mr. Ruble presented the various aspects of the project's 100-percent schematic design, including siting, security, and landscaping, building design and systems and interior and exterior materials, courtroom layouts, and project sustainability and LEED certification. At the advisory committee's direction, his presentation also addressed some of the restrictions and requirements placed on the project owing to its location in the City of Santa Barbara and the cost implications that arose.

Mr. Polidoro discussed the value engineering exercises, with the input of Rudolph and Sletten, Inc., that have taken place since the completion of the project's 100-percent schematic design last summer because of the project's budget shortfall, and expressed the project team's intent to improve upon those exercises and the rough order of magnitude budget shortfall as the project moves into design development of its design phase.

Hon. Jeffrey W. Johnson stated that the difficulty with moving the project forward with its cost overrun is that it would come at the detriment of slowing or stopping another capital project(s) and so it is necessary that all possibilities be explored for the reduction of the project's design-to-budget.

Action: The advisory committee—with the exception of Hon. Donald Cole Byrd and Hon. William F. Highberger, as Ex-Officio, non-voting members, the three members who were absent as shown above, and Hon. Brad R. Hill and Hon. Steven E. Jahr (Ret.) who were also absent to vote on this item—voted to approve the following motion:

1. All work on the project's Preliminary Plans be suspended, except to study alternatives and project costs, and Judicial Council staff prepare a report—within six months or less—for review by the CFAC and the CCRS on all options to reduce costs.

ADJOURNMENT

There being no further business, the meeting was adjourned at 3:15 PM.

Approved by the advisory body on August 11, 2016.