

CITY OF NEWTON

IN BOARD OF ALDERMEN

PUBLIC FACILITIES COMMITTEE REPORT

WEDNESDAY, OCTOBER 6, 2004

Present: Ald. Schnipper (Chairman), Albright, Salvucci, Stewart, Yates, Mansfield and Lappin

Absent: Ald. Gerst

Also present: Ald. Baker, Linsky Sangiolo, Hess-Mahan, Vance and Danberg

City personnel present: Nick Parnell (Commissioner of Public Buildings), Robert Rooney (Commissioner of Public Works), Steve Tocci (Director of Highway Operations) and Gayle Smalley (Associate City Solicitor)

#385-04 ALD. SCHNIPPER AND BAKER requesting discussion of High Performance Buildings with regard to Newton North High School.

ACTION: **NO ACTION NECESSARY 7-0**

NOTE: Brooke Lipsitt, Deborah Crossley and Kevin Dutt from the High Performance Building Committee gave a PowerPoint presentation on the item to the Committee (attached). The presentation outlined the goals of the High Performance Building Committee. The goals include that the high school be built requiring high performance building techniques and to require an experienced design team. High performance design seeks to meet present needs without compromising the needs of future generations. High performance buildings are fiscally responsible by minimizing the overall cost and they create a health environment. In addition, a building is commissioned when high performance building techniques are applied.

Ald. Yates asked what commissioning the building means. Commissioning a building means to ensure that all systems do what they are intended to do and if they do not, there is recourse to correct the systems. Commissioning does not add to the cost of the building at the start. It is usually part of the project manager's responsibility. Mr. Fine of the Designer Selection Committee explained that the monitoring and testing takes place into the buildings occupancy allowing the client to make sure everything is working.

Commissioner Parnell stated that he has spoken with the Mayor regarding commissioning. There were not enough funds to commission Newton South High School but he would like to do it at Newton North High School.

Ald. Albright stated that there is a 2% additional cost at the outset but there are substantial savings in the future with a high performance building. She asked if the projected cost estimates included high performance. Commissioner Parnell responded that the cost estimates do include high performance but he is not sure that it is 2%.

Deb Crossley explained that the City needs to take time in the design process and ask the design team to evaluate where high performance building techniques can be used. Ald. Stewart asked how the cost is determined. Brooke Lipsitt explained that the adoption of the RFQ and RFP language might add to the bottom line capital cost. The City will have to be prepared and able to defend the increase by being as knowledgeable as possible in regards to the long-term benefits and cost savings of a high performance building. There have been studies in California where high performance buildings are the norm. The studies show significant savings over time.

Ald. Mansfield asked why specify integrated design in the RFQ and RFP. The cost savings are more substantial if high performance building techniques are integrated in the RFQ and RFP. If they are used from the very beginning the City will reap more rewards as all the large decisions in design need to be made up front. Ald. Lappin inquired if there were grants available. Ms. Crossley stated that there are grants available.

As the Committee was supportive of using high performance building techniques, it was decided to send a resolution to His Honor the Mayor requesting that high performance building techniques be used for Newton North. The item was voted no action necessary and the Committee voted unanimously to approve the resolution below.

#385-04(2) PUBLIC FACILITIES COMMITTEE proposing a resolution to His Honor the Mayor to include High Performance Building techniques within the Request for Qualifications or Design Competition criteria.

ACTION: **APPROVED 7-0**

NOTE: See above note.

#386-04 ALD, SANGIOLO, HESS-MAHAN, JOHNSON, AND DANBERG proposing an ordinance to require that designers selected have LEED certification and include high performance/life cycle analysis for all municipal construction projects in the City of Newton.

ACTION: **HELD 7-0**

NOTE: Ald. Sangiolo presented the item to the Committee. She believes that it is important for the City to employ designers that have LEED certification for all construction projects.

Ms. Crossley commented on the proposed ordinance. She feels that the City should not be too restrictive. She suggested that the Committee review language used by California. It is much broader and does not limit to LEED certification. Ms. Crossley will provide the language to the Committee.

Commissioner Parnell is generally in favor but would like to see broader language, as there are other certifications that are equal to if not better than LEED certification.

The Committee held the item in order to review the California language.

#159-04 **HIS HONOR THE MAYOR** requesting that Chapter 26-49 of the City of Newton Ordinances, 2001 be amended to provide for a revised system of street betterments, using Department of Public Works employees to perform the work (Held 06-23-04)

ACTION: **APPROVED SUBJECT TO SECOND CALL 7-0**

NOTE: Commissioner Rooney was present for discussion of this item. This item was previously discussed in June (Report attached). The Committee held the item for further review. The Commissioner has been trying to come up with a way to lessen the backlog of private ways petitioning to be accepted. The solution is for the City to construct the private ways to City standards using its own force instead of contracting the work. The abutters of the private way would then pay 100% of the cost of the city performing the work through the betterment process or paying up front. The Commissioner has reviewed the costs and determined that it is about 65% cheaper for the City to perform the work than a contractor. The City will bond in order to pay for the initial costs, which will be paid for through the betterments.

The Committee reviewed the ordinance that was provided as part of the backup. Ald. Salvucci asked if the Law Department had reviewed the Ordinance. Commissioner Rooney responded that they had. Ald. Salvucci stated that he believed that the City had to contribute 50% of the cost if a project was done through a betterment process. Associate City Solicitor Smalley joined the Committee. She explained that her understanding was that Cathy Salchert had done a lot of research and the ordinance was within the City's rights. There was a 50/50 law but it has long been removed. The Chair asked for a written formal statement from the Law Department.

Ald. Stewart felt that there should be some flexibility in the City's standards for street construction and road layout. The Commissioner responded that the Board has the authority to exempt streets from the standards.

Mr. Barry Mirror, 221 Mount Vernon Street, spoke on the item. He asked if there were any way to require contractors to meet the standards of the City. Commissioner Rooney explained that the contractor only performs the work he is hired to do. It is very expensive to reconstruct a street and many people opt just for paving.

The Committee voted approval of the item subject to second call, in order to review the Law Department's statement. A confidential memo was placed in the mailboxes dated October 15, 2004.

#320-04(5) ALD. SANGIOLO & HARNEY proposing an ordinance to require the Designer Selection Committee in conjunction with the Board of Aldermen hold a design competition for construction projects where the total cost exceeds \$90 million.

ACTION: **HELD 7-0**

NOTE: See below for the discussion of this item.

Group Petition filed with City Clerk on 08/02/04

#320-04(6) DIANA J. KAZMAIER et al. filing on 8/2/04 a petition, pursuant to Section 10-2 of the City Charter, for a public hearing that for the purposes of selecting a specific architectural design for the building of a new Newton North High School the city will establish a state-wide open architectural competition in accordance with the American Institute of Architects guidelines

ACTION: **HELD 7-0**

NOTE: The two above items were discussed in conjunction. Ald. Stewart began the discussion by stating he is in favor of a competition if it produces a better building. The Chair pointed out that there is no way the Board can force the Mayor, Commissioner of Public Buildings and the Designer Selection Committee to hold a design competition.

Sarah Goldhagen, Lecturer in Architectural History, Harvard Design School and Newton resident spoke in favor of a design competition. She feels that competition leads to a better building because there is a better focus on the project, competitions are idea generators and a jury of people who are experienced in architecture and design select the architect. Ald. Stewart asked Ms. Goldhagen if there is a way to add the Designer Selection Committee to the process of a competition. Ms. Goldhagen was not comfortable commenting, as she is not aware of the expertise of the Designer Selection Committee.

Ald. Sangiolo spoke on a limited competition for Newton North High School. She provided the Committee with backup material (attached). A limited competition would allow the City to invite qualified architects to submit proposals. It would encourage the competitors to come up with an innovative design for the school. Ald. Sangiolo also provided a time line of an invited competition (attached). She requested that Commissioner Parnell provide a time line for the RFQ process (attached).

Ald. Lappin is concerned because design is only 15% of the entire project and if the City were to choose through competition, the architect may not be qualified to handle the other 85% of the project.

Ald. Baker suggested that language for a design challenge be included in the RFQ instead of a formal competition. The City could request finalists to respond to a design challenge. He asked the Commissioner if it would be possible to do this. Commissioner Parnell responded that he would need to speak with the Law Department.

Albert Fine of the Designer Selection Committee explained that all meetings regarding the new school have been joint with the Design Review Committee. Both Committees are aware that the new school must be a success and will require design as part of the selection criteria.

Ald. Yates stated that he has not heard anything that says that a design competition will guarantee a better design and is the best way to go. The library is a wonderful building and was done through the current process. He would be supportive of the three finalists chosen through the RFQ process presenting designs for the school.

Ald. Baker asked if it would be appropriate to ask for pre-schematics from the three finalists. Ald. Harney stated that an invitation competition eliminates the problem. The Committee would like an answer from the Law Department whether the City can request designs from architects at the final stage. In addition, how the Board can take the existing ordinance and add design concepts from at least three architects. Ald. Sangiolo stated that a provision to allow the Designer Selection Committee to ask for additional information needs to be included. She is supportive of doing concepts, as anything is better than not seeing anything at all.

Ald. Mansfield feels that the City needs to avoid a political battle. The City has not built a new building in a long time and the design needs to be spectacular and functional. The decision on the designer needs to be very informed.

Ald. Yates moved hold on the items, which carried unanimously.

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Respectfully submitted,

Sydra Schnipper, Chairman