Special Committee of the Whole Report

January 11, 2016

The Committee of the Whole met Monday, January 11, 2016 at 6:00 p.m. in the Quorum Court Room, County Administration Building, Third Floor, 215 East Central, Bentonville, Arkansas.

15 JPs Present: Easley, Shadlow, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Curry, Leadabrand, Moore, Meyers, Moehring

Others Present: County Judge Bob Clinard, Comptroller Brenda Guenther, Administrator of General Services John Sudduth, Perkowitz+Ruth Project Manager James Damron, Cromwell Principal-in-Charge Dan Fowler, Dewberry Lead Justice Designer Michael LeBoeuf, CORE Architects Principal-in-Charge Bob Kelly, CORE Project Architect Gil Newnum, Justice Planning Associates Courts Consultant Cliff Woodard, HOK Senior Justice Designer Bob Schwartz, President of Hight-Jackson Architects Brian Jackson, DLR Lead Designer Todd Orr, DLR Courts Planner Ronok Nichols, and DLR Community Engagement Team Penny Ramsey and Troy Wade

Media: Tom Sissom – Northwest Arkansas Democrat-Gazette

The Committee of the Whole met Monday, January 11, 2016 to hear presentations from the top three architectural design firms and courthouse consultants that responded to the Request for Qualifications for the proposed new justice facility.

Committee of the Whole chair JP Kurt Moore called the meeting to order at 6:00 p.m.

PUBLIC COMMENTS
None.

Benton County Judge Bob Clinard began by saying that this will be information from the three finalists in their quest to find someone who designs court facilities in the United States. Their committee – Jay Allen, Mary Lou Slinkard, Tom Smith, John Sudduth and himself – had the difficult task of narrowing this field from nine to three. The three teams tonight will present their thinking, their theory and their thoughts about courthouse design. He has instructed them that they have up to an hour and how they divide that hour is up to them. They can spend half on

information and half on questions or however they choose. They are to give an overview of their team and qualifications and how they would approach this project. Then the RFQ Committee will reconvene, consider the comments from tonight's meeting and they will make the final decision. He announced that the teams would present in random order and that the first would be Perkowitz+Ruth, Cromwell & Dewberry.

PERKOWITZ+RUTH, CROMWELL & DEWBERRY

Perkowitz+Ruth Project Manager James Damron began the presentation by introducing the team which consists of Perkowitz+Ruth Architects, Cromwell and Dewberry. He stated that they have reviewed the previous studies that have been done and gave a short background of Perkowitz-Ruth and Cromwell.

Dan Fowler, Principal-in-Charge at Cromwell presented examples of courthouse facilities that they have worked on. He gave a background of their partner, Dewberry, stating that they are a national design firm recognized for their justice capabilities and provided examples of justice facilities they have done.

James Damron presented the team organization chart to the JPs and gave the backgrounds and qualifications of the team members, including himself, Dan Fowler, Project Architect Thomas Moore, Dewberry Lead Justice Designer Michael LeBoeuf and Project Architect Chris Getz.

Dewberry Lead Justice Designer Michael LeBoeuf stated that all the projects they have designed were a group effort and he stressed that many individuals would be involved in putting together the project. He stated that courthouses involve a great deal of organizational parts on the inside such as security, how the site is organized, courtroom types, segregation of circulation systems – one for the inmates, public and judges, how the inmates are delivered to and from the building, etc. He gave examples of six courthouse facilities that they have done, in both urban and suburban settings. He then outlined the two-step process that they would use to get ready for the referendum in November. The first step is determining the direction – what is logical and what is affordable. The second step is the preparation and informing of the public to get ready for the referendum and making sure they can maximize the votes to support the project. He said that, what they see happening in the first few month of the process, is a final program validation. He said that they will meet with all of the users of the building, determine what space they need, why they need the space and what department it goes in. It is a great opportunity to ensure that they are doing the most efficient program for the community and determine the size of the building. They would look at very serious options on how that program deploys on one of the three sites. They need to develop options that allow them to get to what the options might cost. The decision is the most important thing they will have to make. Some of the tools they will help with is a full understanding of the program, being able to find out what is right for Benton County, and understanding the true cost of the project. There are two sets of numbers – construction cost and moving costs (i.e. furniture, IT equipment, etc.) These together determine the total project cost. They will consider the operational cost of the facility as well as the energy costs of each of the options. They will also consider the value to the taxpayers.

Dan Fowler stated that he feels that step two is the most important aspect because, if they are not successful in getting the tax passed, then there will be no project. He gave examples of successful projects they have done in getting taxes passed. He said they have to develop a consensus for the right approach for the project. They need to engage as many of the stakeholders as possible. If there is no consensus, they will not be successful on Election Day. They need to communicate the one project cost to the public. There is an obligation of the county to provide safety and security for its people. The justice system needs to catch up to the county's overall momentum. They need to make sure there is a value proposition to the taxpayers. They need to understand the need and know that they are spending the money in the most judicious way possible. He then discussed the tools they would use to achieve this in more detail.

Michael LeBoeuf stated that they need to make the location decision so that they will be lined up to tell a strong narrative to the voters. In the last few minutes of the presentation, he spoke about courthouse architecture and its unique place in the community. He then opened up the floor for questions.

JP Allen asked if there would be a plan for back-filling the historical site if the jail location is chosen.

Michael LeBoeuf said that they have had internal discussion to that effect. He said it would have to be part of the price consideration but can be done at a later phase; it does not have to be part of the referendum. He stated that they have not done a building assessment and that is something that will be considered as they determine the site.

JP Jones asked if they have had any tax referendums that have failed and what did they take away from those.

Michael LeBoeuf stated that they have had two recent ones that failed. He said that the takeaway is that the success or failure of those happened at the level of which there was a consensus in the community in regard to the approach of the project. Some of it was lack of communication. When they have been successful, there has been a very clear consensus, a lot of work in the community and everyone believes in the goal.

JP Jones said that one of the issues that they have with the site next door is space. It is not a large piece of land. He asked about collegial courtrooms and if they have designed court facilities that have different-sized courtrooms or the sharing of courtrooms.

Dan Fowler stated that Dewberry brings that component. They have an in-house group that does security for judicial projects. He said that the federal government is now doing shared courtrooms and sited their Osceola County courthouse that has shared courtrooms. He added, however, that shared courtrooms are not right for every community; it is all about the working model of the courts system. They cannot answer that today but, the larger that a court building gets, the easier it gets to do a variety of courtroom sizes. He then discussed the downtown site. He said it is a two-block site. It slops from the West to the East and, on the surface, two blocks is pretty good-sized to do an initial project and leave room for a small addition in the future. The slope is an advantage to that site because they can drive under the building to deliver inmates and

secure parking. The biggest challenge is the parking because it will be distributed throughout downtown; they need to do an inter-local agreement with parking. He said that not one of the options proposed has really addressed the full potential of linking the civic building to the main park.
Dan Fowler gave his closing comments and thanked the forum for the interest in their firm.

JP Moore called a recess at 7:00 p.m.

CORE, JPA & HOK
JP Moore reconvened the meeting at 7:07 p.m.

County Judge Bob Clinard stated that the next team would be CORE Architects with Justice Planning Associates and HOK as the courthouse consultants.
CORE Architects Principal-in-Charge Bob Kelly announced that they have added another team member and that is Cliff Woodward with Justice Planning Associates. He said that they are former justice practitioners who come from the operations side. Senior Justice Designer Bob Schwartz is with HOK, the largest architectural firm in the nation. He stated that he is with CORE Architects and, what they do is provide high quality buildings in a four-state region. He introduced Project Architect Gil Newnum. He stated that they are locally based in Rogers and provided an example of one of their past large, civic projects.
Courts Consultant Cliff Woodard from Justice Planning Associates stated that they are a courthouse planning firm based out of Columbia, South Carolina. He provided a brief background of JPA.
HOK Senior Justice Designer Bob Schwartz gave background on HOK and cited examples of their work. He stated that his group is exclusively focused on justice facilities and they have done over 350 projects all over the country of various sizes.
Bob Kelly presented a team organization flow chart and discussed their experience. He stated that court technology is rapidly changing and it is important that this is done correctly.
Cliff Woodward stated that there is nothing more special than planning a courthouse for a community. He covered project issues. He stated that it comes down to a new building and the site - how big is it, how much is it going to cost and where are they going to put it. He said they will look at applying modern standards to the courthouse and developing an expansion plan, making it affordable and providing a design that meets civic criteria. He said that, as they look at sites, they need to consider how easy it is for the public to access it, the security issues and what to do with the historic courthouse. They want to create a long-term vision for the court system and the community. He then presented the methodology they use and presented a five-month project schedule. He stated that they recommend an advisory group consisting of the county judge, members of the Quorum Court, representatives from the court, Sheriff's office and Prosecuting Attorney; they want it to be a collaborative effort. These advisory group meetings would be scheduled once a month to get feedback so that there are no surprises when they get to

the final project. He stated that they look at operational considerations and gave examples of things that will impact the space planning as they go along. He said that they also consider court standards and population, which drives the demand for services. He briefly discussed the shortcomings of the previous Hight-Jackson study. By comparison, he provided an example of their forecasting methodology that they did for the State of Georgia forecasting all the judges for the entire state. Explained their scoring system for component evaluations. He gave five different scenarios and options – consolidated, maximum, medium, minimum and split. He stated that this is all part of the scenario development process. The cost must be comprehensive and include all possible costs involved in the project. There are two ways to expand – internally and externally. At some point there will need to be external expansion.

Bob Schwartz discussed the concept design phase. He said that the courtroom is the basic building block of the courthouse. It needs to have good sightlines, access, security, court technology, disabled accessibility, etc. They work the rest of the building around the courtroom. He then presented examples of different courtroom types and preliminary site analyses of the three potential locations for the proposed Benton County justice facility. He gave examples of similar projects they have done in the past.

Bob Kelly stated that the advisory committee will keep everyone informed but part of the job is to educate the public so it can be funded. He then opened the floor for questions.

JP Leadabrand asked if they have addressed the interest of, what he calls, "everyone else in the county" as not everyone lives in Bentonville.

Bob Kelly said that public access is critical because not everyone is in walking distance to downtown.

Bob Schwartz said that they were looking at densities and future development. He said that the courthouse would have to be in Bentonville because it is the county seat.

JP Allen asked about parking and potential parking locations were discussed.

JP Jones asked about going out for a tax, and getting the information out to the public. He wanted to know how JPA and HOK have helped in this realm and what the results have been.

Bob Schwartz stated that they do it on every project and gave examples. He stated that they would educate the public through presentations, renderings, models, videos and websites.

Cliff Woodward stated that they will document the need and develop support for it. He gave examples of how they have done it previously.

Bob Kelly gave his closing remarks and thanked the committee for the opportunity.

JP Moore called a recess at 7:54 p.m.

HIGHT-JACKSON ARCHITECTS & DLR GROUP

JP Moore reconvened the meeting at 8:02 p.m.

County Judge Bob Clinard introduced Hight-Jackson, DLR Group as the final presentation of the evening.

Brian Jackson, President of Hight-Jackson Architects, said there are three main things that separate them from the competition – their experience, their process, and the added value that they bring as a team. He stated that they are well-beyond just an architectural team. He introduced the team comprised of himself, Lead Designer Todd Orr, with the DLR Group, Courts Planner Ronok Nichols, and the Community Engagement Team of Penny Ramsey and Troy Wade, experts with the DLR Group. He gave a brief background of Hight-Jackson Associates, siting examples of their previous work. He stated that DLR Group is their partner.

Lead Designer Todd Orr stated that they are fortunate to be partnering with Hight-Jackson. He presented examples of county projects that they have done and stated that they are familiar with the partnership process. He provided a list of client contacts to call for references. He stated that they will bring experience from start to finish. He then outlined their process – program, site evaluation and courts design. Their team is prepared to determine the site.

Courts Planner Ronok Nichols said they start with the space program – a document that analyzes all the space in the entire building. They understand that there is a rough order of magnitude for the project and they need to understand the nuances of each department so that they can efficiently create operations that work. Every municipality is different. When they create a program document, they can't do that without knowing what site they are working on. If it is a downtown building, they already have existing space that they can utilize. In contrast, the jail site would have operational efficiencies to being located with the jail. There are pros and cons to each site. They use a site evaluation matrix to go through methodically to determine the best site in an unbiased way.

Todd Orr explained their site evaluation matrix that they have used for counties in similar situations to Benton County. He stated that it is an objective, analytic process. They develop a list of guiding principles and that is what informs the site evaluation matrix. Once that is done, they develop a rating system that ranks them from one to five. The ability to do public polling is another layer of the evaluation process. They also need to be able to expand the building in the future.

Ronok Nichols stated that it is important to maintain the fabric of the downtown community. The scale must be considered so that the building does not look out of place. The site selected sets the tone for everything done in the future.

Todd Orr presented a case study of the Alachua County Courthouse in Gainsville, FL as an example of a similar downtown project. He then presented another case study of the Sacramento County Courthouse which would be similar to the jail site.

Ronok Nichols discussed the positive attributes of the jail site for the new Benton County courthouse.

Todd Orr stated that the community consensus building process is an added value.

Penny Ramsey stated that voter apathy is the number one reason that tax increases fail. The number two reason is that the tax increase is unreasonable. She said this can be overcome if the community is involved and part of the process from the beginning. The third reason is that the

consequence of failure is not conveyed. She showed a list of elections that she and Troy Wade have been involved with.

Troy Wade outlined their process of community consensus building. He stated that they would define a campaign approach custom to the county, analyze voter groups and available targeted voters, lead weekly meetings, create a messaging calendar, design and produce collateral, design project graphics, create social media sites, post daily on social media sites, monitor social media sites, participate in public informational meetings, and do phone call reminders to vote. He stated that the primary vision is to develop a plan that resonates with the frequent, targeted voters. The secondary vision is to make sure that apathy is defeated. He explained the 20/60/20 rule – 20% of everyone in the community will vote no, 20% will vote yes, with 60% in between. Their job is educate that 60%. He presented a voter analysis of how many votes will be needed and a potential timeline of events.

Penny Ramsey said that there are five rules in a campaign: 20/60/20 rule, work smarter not harder, fight voter apathy, engage senior citizens, and educate frequent voters about the consequences of a 'no' vote. She covered ten attributes that are important for this to be successful: determine the election timing, make sure that the municipalities and the local school districts do not have another measure on the 2016 ballot so that they are not working against each other, decide whether to do a sales tax versus a property tax increase, the JPs need to identify at least twenty-five people to educate and inform the general population, every county employee needs to be educated about it, need to get fifty volunteers to agree to advocate for a "yes" vote, make sure all the county elected officials are aware of this and publically educate the citizens, make sure the consequences of a "no" vote are identified, need to have $50,000 minimum to execute the campaign plans, and the JPs need to decide by this summer to approve it for the ballot in November 2016 so they will need to get started as soon as possible.

Brian Jackson and Todd Orr reiterated the reasons why their team would be the best choice for the project before opening the floor for questions.

JP Allen stated that they were warned by the County Attorney not to take a position and advocate as a Quorum Court. He asked what their experience with other communities have been and if this is something they have come across before.

Troy Wade stated that it is never the responsibility of the school district to get the "yes" vote. Their job is information and he sees the Quorum Court as being the same way. The "yes" group would be comprised of volunteers. He stated that there are rules to follow and they would not put them in a position to do something wrong.

Penny Ramsey stated that, if you educate the voter, that it is just as effective as advocating and it is their duty to educate the voters if it is put on the ballot.

JP Shadlow asked what kind of company DLR is.

Penny Ramsey stated that they are an architectural engineering firm partnered with Hight-Jackson but the community consensus building is one of the services they provide.

JP Slinkard asked if the entire team would be here throughout the whole process from start to finish.

Todd Orr said that it is a partnership that goes throughout the process until the project is seen to a completed reality.
Brian Jackson said that the DLR Group will have an emphasis on the front end and Hight-Jackson will be involved with the construction. Everyone will be involved all the way through.
Ronok Nichols said it is important to create relationships that go beyond the end of the project; they are there for their clients throughout the process.
JP K. Harrison expressed concern about not having enough time to get it on the November 2016 ballot and this was discussed.
JP Leadabrand said they represent the "no" voters, too, and that transparency is very important.
Todd Orr said that all voters will be educated on the process; there is no one that they would not be transparent with.
JP Anglin asked if they had studied what to do with the existing facilities when they looked at the sites.
Todd Orr said that they will not abandon or neglect any existing infrastructure. He then gave his closing remarks with a summary of their qualifications and the process they will follow for the project.

County Judge Bob Clinard stated that the RFQ Committee will meet again next week to select a firm. He asked the JPs to give feedback on what they have heard tonight. He emphasized that it is very important to make a decision as soon as possible. He plans to make a decision and have the fee schedule brought to the February Finance Committee meeting.

PUBLIC COMMENTS
None.

ANNOUNCEMENTS
JP Moore announced that there is a Committee of the Whole meeting on Tuesday, January 12, 2016.

JP Jones made a motion to adjourn.

Meeting adjourned at 9:00 p.m.