

Council Business Meeting

December 7, 2021

Agenda Item	Community Center and Pioneer Hall Improvements – Update	
From	Gary Milliman Scott Fleury Katrina Brown	City Manager Pro Tem Public Works Director City Attorney
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SUMMARY

Update on the process for and status of the re-openings of the Community Center and Pioneer Hall buildings.

POLICIES, PLANS & GOALS SUPPORTED

City Council Goals (supported by this project):

- Address Climate Change

CEAP Goals:

- Strategy BE-2. Encourage increased building energy efficiency and conservation.
- Strategy BE-3. Maximize efficiency of City facilities, equipment & operations.
- Strategy BE-5. Prepare and adapt buildings for a changing climate.

Public Works Department Goals:

- Maintain existing infrastructure to meet regulatory requirements and minimize life-cycle costs
- Deliver timely life cycle capital improvement projects
- Maintain and improve infrastructure that enhances the economic vitality of the community
- Evaluate all City infrastructure regarding planning management and financial resources

PREVIOUS COUNCIL ACTION

[June 16, 2020](#) – Staff updated Council on structural, mechanical, electrical, and plumbing (MEP) deficiencies at Pioneer Hall and structural deficiencies at the Community Center. Council directed staff to develop a plan to address deficiencies for both buildings.

[October 6, 2020](#) – Staff recommended addressing deficiencies at Pioneer Hall and Community Center via release of a formal public solicitation for professional engineering and architectural services via a Qualifications Based Selection (QBS) Request for Proposal (RFP). Council approved staff's recommendation.

[April 20, 2021](#) – Staff provided Council with a professional services contract with an associated scope and fee for the rehabilitation project, as the next action based on previous Council direction.

[May 18, 2021](#) - Council, with unanimous approval, voted to create an ad hoc committee to review, analyze and make recommendations to Council on alternative means of repair for each of the two buildings and requested that the creation of the committee, the appointment of its members and its scope of work be brought forward at the earliest available Council meeting.

[June 16, 2021](#) – Council approved the formation of the Community Center and Pioneer Hall Ad-Hoc Committee along with its formal charge of duties.

[September 21, 2021](#) – Council moved to accept the Ad-Hoc Committee report presented, to implement the recommendations outlined in the report, and to open the Community Center and Pioneer Hall as soon as possible.

BACKGROUND AND ADDITIONAL INFORMATION

Since the Council motioned to move forward with the Ad-Hoc Committee recommendations for improvement to the Community Center and Pioneer Hall, numerous things have occurred and or are in process.

Retaining Wall:

Public Works has been coordinating with consulting firms to develop design and construction documents for installation of a retaining wall behind both structures. This was a priority recommendation of the Ad Hoc Committee. There is more process involved than just the design and construction of a retaining wall. The property and associated hillside slope fall under Ashland Municipal Code (AMC) 18.3.10, “Physical and Environmental Constraints Overlay”. The property has a slope that exceeds 35%, which is defined as severe. Tree removal is also required and is handled through AMC under the Physical and Environmental Constraints Overlay as well. Planning staff has informed Public Works that the review and approval process for permitting of the retaining wall and tree removal will take around forty (40) days from application submittal. Planning staff has also recommended a pre-application process early on to ensure nothing gets missed when a formal permit application is submitted. Public Works has scheduled a pre-application conference with the Planning Department for November 17 to ensure all the issues are managed correctly.

Public Works has had two onsite meetings with a consulting firm and geotechnical engineer to discuss the slope stability and retaining wall design. The initial recommendation was to remove the debris/sluff that has accumulated next to both structures and then evaluate the slope again before proceeding with retaining wall construction. The initial thought was a wall might not be the best long-term solution as the slope in general is very stable, but they wanted to see the area cleaned first before making a final recommendation. Public Works has obtained a quote to remove the material and is working to put a contract in place for the work. Once the material is removed another site visit will be coordinated with the consulting firm and geotechnical engineer to move the retaining wall project forward.

AMC 18.3.10.090 (B)(1):

1. All grading, retaining wall design, drainage, and erosion control plans for development on Hillside Lands shall be designed by a geotechnical expert. All cuts, grading or fills shall conform to the International Building Code and be consistent with the provisions of this ordinance. Erosion control measures on the development site shall be required to minimize the solids in runoff from disturbed areas.

Pioneer Hall Reopening:

Pioneer Hall can be fully reopened for public gathering use upon the lifting of the COVID restrictions currently applicable to all City buildings. Staff believes that only intermittent closing may be required during construction. Portions of the building have been in use to support outdoor activities and events. See comments below concerning APRC staffing.

Figure 1: Hillside Constraints 35% Slope (dark purple)



Structural Improvements:

Public Works Staff has drafted a Request for Proposal – Qualifications Based Selection document that has been reviewed and approved by Legal for public solicitation. The solicitation was released on November 2, 2021. The estimated schedule is shown below. Staff hopes to have a contract before Council by February of 2022 for the structural work.

	EVENT	DAILY COUNT (CALENDAR DAYS)	DATE
1.	Request for Proposal Released	0	11/02/2021
2.	Last Date for Request for changes/Protest for Specifications/Questions	10 days prior to Proposal Closing	11/27/2021
3.	Last Date for City to Post Addenda	3 days prior to Proposal Closing	12/04/2021
4.	Closing Date (last day to submit Proposals)	~30 days after Proposal Release	12/07/2021
5.	Responses Evaluated	~15 days after Closing Date	12/22/2021
6.	Interviews Held (if necessary)	~25 days after Closing Date	01/01/2022
7.	Intent to Award Announced	~30 days after Closing Date	01/06/2022
8.	Contract Negotiations	~40 days after Closing Date	01/16/2022
9.	Expected Project Completion (all phases)	14 months after Contract Award	03/31/2023

Community Center Reopening Process:

In 2019 Marquess and Associates was hired to provide a structural evaluation of the Community Center to address concerns with the structural stability of the building. Marquess Associate, Kristina Cooper, P.E. provided a detailed evaluation which outlined primary structural deficiencies of the building structure and concluded that “the current condition is unacceptable. If more outward deflection occurs at the top of the wall because of a failed member, or slipping connections, it could cause a **“total collapse of the building.”**”

After a review of the evaluation, it was clear that the building needed to be closed off to public access for life-safety reasons, until the identified structural inadequacies could be addressed. Both Marquess and Associates and the Ad Hoc Committee have expressed ways of addressing the areas of concern. Although the two groups have identified different approaches to provide a remedy to the structural inadequacies, either

approach be considered as long as supporting calculations are provided, under the provisions of current State building codes.

Direction was given by the City Council to proceed with opening the Community Center to the public “at the earliest convenience” following the presentation by the Ad Hoc Committee on September 21, 2021. At that time, members of the Ad Hoc Committee opined that the building could be opened for public use until and while the recommended rehabilitation work was being accomplished. This recommendation was not vetted with the City’s Building Official, management or risk management staff. The City Manager Pro Tem is concerned that, in light of the earlier report from Marquess and the fact that the building does not meet Building Code standards, allowing the building to be occupied prior to rehabilitation would present a safety risk to its users and staff, and would expose the City to financial risk and would potentially expose City employees and officials to personal liability.

In order to reopen the Community Center for public gathering use, a permit must be applied for to address the structural concerns identified by the report provided by Marquess and Associates, as well as any other concerns brought to light by design professionals who are assigned the task of addressing structural deficiencies. Detailed plans and calculations which clearly identify how the areas of concern are to be addressed need to be provided by an Oregon licensed design professional. Only after these plans are approved and the repairs are made will the building be safe to occupy. able to safely handle the loads imposed on it, and it will be safe to occupy. When all inspections are complete and the occupancy permit is signed off, only then can the Community Center be utilized by the public.

Building Management:

The Ashland Parks and Recreation Commission (APRC) rents both the Community Center and Pioneer Hall from the City on an annual basis and then manages the facilities for public rental purposes. This is done under and approved Memorandum of Understanding between the City and APRC, reference attachment #1. Any revenue generated over the annual rental fee is kept within the APRC Parks Fund. APRC did not budget funds in the 2021-2023 Biennium to manage the Community Center and cover the cost of the annual rental paid to the City, the daily maintenance of the building and staff time to manage the facility. APRC staff will need to discuss options with the APRC on the impacts of managing the facilities once the structural improvements are completed and the buildings can be safely reopened for public use. Staff will report back the City Council on this issue.

APRC has also expressed concerns related to the functional suitability of the building for rentals. Aside from the structural repairs that are needed for the Community Center, APRC has noted several areas of concern with the lighting, sound, restrooms, kitchen and other accessibility and functional issues that affect the appeal and usability of the Community Center by the public. APRC staff has requested that those issues be addressed with any improvements that are made to the building.

Staff understands that City Council direction was to address only the structural defects of the Community Center this time. Thus, the project that will be designed and advertised for bid will focus on the structural aspects of the building and will only address those APRC concerns mentioned above if there are elements that would impair the structural work or are repairs/improvements that can be made without impacting the overall timeline for project completion.

Public/Private Partnership Proposal:

Councilors Hyatt and Seffinger were recently contacted by local resident Allan Sandler with a concept for redevelopment of the Community Center through a public private partnership. Please see the attached

outline. Essentially, the proposal is to lease the building from the City for a period of 20 years, enter into an agreement on continuing public use of the building under the management of Mr. Sandler, with full funding for rehabilitation to be provided by Mr. Sandler, who would set and retain user fees. Mr. Sandler has requested to discuss this matter with the City Council to determine the level of interest in pursuing this proposal. Perhaps such a discussion could occur at a study session. Staff has not yet met with Mr. Sandler or vetted the proposal with the City Attorney. However, work is in progress to secure engineering services and permit approvals for the retaining wall and building rehabilitation, as indicated above. Staff is seeking Council direction as to whether to proceed in the current direction, or to take a hiatus until such time as the City is able to consider the Sandler proposal and possibly develop a partnership agreement.

FISCAL IMPACTS

Total fiscal impacts from engineering and construction are to be determined. \$830,000 was budgeted for capital improvements to each building in the Facilities Fund for the 2021-2023 Biennium.

STAFF RECOMMENDATION

Staff is seeking direction as to whether to pause the current plan for the retaining wall and rehabilitation of the Community Center building until the proposal from Allan Sandler is fully explored.

ACTIONS, OPTIONS & POTENTIAL MOTIONS

Consider motion to pause the current engineering design work on the Community Center building and retaining wall pending a full review of the proposal for leasing and rehabilitating the building as proposed by Allan Sander.

REFERENCES & ATTACHMENTS

- Attachment #1: Memorandum from City Attorney
- Attachment #2: Concept proposal for public/private partnership
- Attachment #3: Memo- Sandler

Memo

DATE: November 12, 2021
TO: Ashland City Council
FROM: Katrina L. Brown, City Attorney *Kat L. Brown*
RE: Structural Deficiencies of the Community Center and Associated Risk

Following the presentation and report by the Community Center and Pioneer Hall Ad-Hoc Committee at its September 21, 2021 Business Meeting, the City Council passed a motion directing staff to open the Community Center and Pioneer Hall to the public “at the earliest convenience” and proceed with the recommendations outlined in the Ad-Hoc Committee’s written report. I have been asked to assess the potential liability of reopening the Community Center located at 59 Winburn Way in its current as-built condition. Pioneer Hall can be fully reopened as soon as the current COVID restrictions are lifted.

In 2019 the engineering firm of Marquess & Associates, Inc. was hired by the City to conduct a structural investigation and evaluation of the Community Center to address concerns with the structural stability of the building. Marquess Associate Kristina Cooper, P.E. provided a detailed Structural Investigation Report dated April 2, 2019 (the “Report”), which outlined the primary structural deficiencies of the building and noted several. Of primary concern was the vaulted ceiling “due to observed ceiling deflections, and deformations in the exterior wall.” (See page 3). In the recommendations section of the Report, the Marquess engineer concluded that “the current condition is unacceptable.” (See page 10). She also stated that if more outward deflection occurs at the top of the north wall of the Main Hall because of a failed member or slipping connections, “it could cause a **total collapse of the building.**” (See page 10; *emphasis added*). After consideration of this Report, the City’s Building Official determined that the Community Center was not safe for public use and ordered its indefinite closure.

In preparing its report to the City Council, the Ad-Hoc Committee consulted with a different engineering firm to evaluate the structural deficiencies of the Community Center. In his initial written assessment, Eric Snyder, P.E. of Snyder Engineering Company noted several of the same concerns as found in the Report by Marquess. Among the most significant concerns is the existing condition of a phantom bearing wall in the ceiling of the Main Hall. Mr. Snyder notes that its condition is “causing the ceiling the sag below, and is potentially dangerous.” (See page 5). He recommends a beam be located below the phantom bearing line at-issue. Mr. Snyder makes several additional recommendations in his assessment to address the structural deficiencies he observed.

It is clear from these engineering reports that the Community Center has structural deficiencies, and as a result of these reports, the City has knowledge of these deficiencies. Nothing has changed since the City’s Building Official ordered the building closed. Therefore, the City should not reopen the Community Center to the public prior to implementing the recommendations contained in one or both of the reports. To do so would place the City at a high risk of liability. It could also potentially expose employees and officials to personal liability for any damages incurred.



Overview:

Members of Ashland City Council have recently been contacted by Mr. Allan Sandler, of Ashland, Oregon, with a concept for development of the Ashland Community Center and a proposal for a public private partnership in support of this concept.

Vision:

Mr. Sandler provided a concept for the Community Center that includes a combination of uses including but not limited to:

1. Early childhood education
2. Children's theater productions and classes
3. Community events consistent with current facility uses

Mr. Sandler's concept is built on the premise that Ashland is a community that takes great pride in theatrical offerings, would welcome such programs focused on our children, and has a need to better serve families with early childhood education opportunities.

Proposed Treatment:

If the City of Ashland were to pursue this partnership the broad framework of the agreement is as follows:

1. The City of Ashland leases the building for a period of 20 years to Mr. Sandler and his team.
2. Mr. Sandler and his company completely repair the Ashland Community Center, at their expense, including:
 - a. Full clean up behind the building and installation of a retaining wall.
 - b. Complete a full upgrade to code, including installation of sprinklers.
 - c. Include seismic retrofit in the rehabilitation of the building.
 - d. Confer with the Ashland Historic Commission to maintain the historical significance of the building.
3. Full funding for the project is currently available, financing will not need to be sought.
4. Upon completion of the upgrade Mr. Sandler and his team operate the building for the balance of the lease.
5. Mr. Sandler has discussed this proposal with Oregon Architecture, a local Architecture firm based in Medford and is prepared to work with Oregon Architecture on initial due diligence. These functions include:
 - a. Initial Assessment – review of existing documentation and a site visit
 - b. Program Review – Review the proposed use of the building with the building specifications to ensure compatibility.
 - c. Design Development – Develop materials to share with the City of Ashland related to floor plans, elevations and materials to better define the project.

These are broad strokes of the concept, and details of the public private partnership would need additional discussion and definition once Ashland City Council interest is better understood.

Request:

Mr. Sandler would like the opportunity to talk to the Ashland City Council as a whole, share his ideas for the building, and answer questions. Specifically, Mr. Sandler has indicated an interest to work collaboratively on this project for the benefit of the community.

Memo to City Council members and the Mayor of Ashland, Or
November 30, 2021
From: Allan Sandler
RE: Ashland Community Center

I feel I need to clarify my position relating to the Community Center since my name was brought up at the last council meeting. First of all I agree with you all that the Community Center needs to be available to the community as soon as is possible. With that said I must remind you that your first and most important responsibility to the community is to keep your citizens and visitors to our city safe.

The reason I even felt I might get involved in this project was to satisfy a few items that need to be addressed relating to this project.

1...The community center is in bad shape and needs to be brought up to date relating to city and state building codes. There is not really a difference between making it "SAFE" and bringing it up to code. They are the same. Any short cuts will put the city in a very bad legibility position. It is on record that there are major problems with the building and just fixing things that will allow you to get around the code issues will not protect you from liability or the possibility of having some one hurt or killed because of neglect to bringing the building up to the highest building codes in order to protect that possibility. My concept was to help do what is needed to put the building into today's proper building codes that will allow the building to be used for most any purpose that the city may decide to do from now and into the future.

2...What ever you do as it might relate to running the Center or if you do a project with a private operator such as myself of course will be your decision. Whom ever operates the Center the city will always be in control of what is done with and in the building for the use of the citizens of Ashland. You would never give up that control.

3...The city does not need to spend the money necessary to develop the center when private fund should be available for this project. The mayor said she has some one that offered to put up the money for this project and I have indicated I could put up the money for this project if in fact the city and I could work out a deal for me to operate the center under the cities control. My process is to bring in my architect and engineer to scope out the work to be done. Then I would meet with the city to decide what can be done and develop plans for a pre op with the city to cover the basic idea as to what will be done in the building. When that is done I would bid out the concept and plans and see if it works for price and time table and what would be put in the building.

4...My concept for the use of the building would be the following and would work with the city as to what is charged for the various uses and how the building would be operated.

- a)...Have certain times for use as a community center for the public.
- b)...Have certain times set up for a day care center that would be offered at a discounted price for persons below a certain income level.
- c)...Run a children theater and acting school for children.

5...Look into including the log cabin building next door since if certain uses are going to be incorporated more space might be required. By using both buildings it might be a good thing for the community to be able to offer more uses.

Allan Sandler