

CLEVELAND PUBLIC LIBRARY
Joint Finance, Capital & Community Services Committee Meeting
March 19, 2019
Trustees Room Louis Stokes Wing
12:00 Noon

Present: Ms. Butts, Mr. Seifullah, Mr. Corrigan, Ms. Rodriguez, Ms. Washington,
 Mr. Parker (arrived, 12:21 p.m.)

Absent: Mr. Hairston

Mr. Seifullah called the Joint Finance, Capital & Community Services Committee Meeting to order at 12:07 p.m.

Finance Committee (Mr. Seifullah, Chair)

Present: Alan Seifullah, Thomas D. Corrigan, Vice Chair, Anthony T. Parker,

Absent: John M. Hairston, Jr

Resolution Authorizing Second Amendment to the Preliminary Agreement with JKURTZ Architects LTD for Design Services for the Martin Luther King, Jr. Branch of the Cleveland Public Library

Jeremiah Swetel, Chief Operations Officer, stated that for this resolution, it is prudent not to take the entire contract for the total design amount for Board approval at this time. However, this would allow us time to work through insurance requirements with the design team and the Developer and their design team. There are a number of contractual items that we need to be in alignment with the design team. This gives us the opportunity to continue with the schematic design and have a deliverable around the middle of June that we can turn over to the Developer's design team so that groundbreaking can be in October. This will allow us to do our buildout in February or March of next year.

Joyce Dodrill, Chief Legal Officer, stated that a mistake was discovered in the proposal that was sent to the Library after the resolution was written. The resolution will be corrected as follows: *"Whereas SO-IL + JKURTZ have submitted a proposal for the architect fees to complete schematic design through June 30, 2019 in the amount of \$409,285.00"* rather than \$664,285 that was incorrectly noted in the initial resolution. The corrected resolution will be available for consideration at the Regular Board Meeting.

In response to Ms. Washington's inquiry, Ms. Dodrill confirmed that this resolution is for the schematic design to be completed by mid-June.

Mr. Swetel stated that this is the continuation of the design reboot which was to help us get coordinated with the Developer's superstructure. This is to complete the first 30% of the design that will include cost narratives and schematic design documents.

Mr. Corrigan stated that the Developer selected Bialosky to lead their design. The benefit is that Bialosky is not coming to the site new as they were one of the finalists in the design competition for the MLK building.

Mr. Seifullah motioned that this item would go to the full Board for approval. Mr. Corrigan seconded the motion, which passed unanimously by roll call vote.

Resolution Authorizing Agreement with Kastner Westman & Wilkins, LLC for Legal Services Related to Upcoming Labor Negotiations

Tena Wilson, Deputy Director, stated that for the last year, we have been wanting to reset our relationship with our Union. We are preparing for labor management negotiations for a new contract by the end of the year and recommend a fresh start with a new labor attorney.

Ms. Wilson gave an overview of James Wilkins' background that included experience working with SEIU and libraries. As we are trying to transform into libraries for the future, Mr. Wilkins has that experience having done that with other libraries such as Cuyahoga County Public Library, Medina County District Library, Stark Library, Rocky River Public Library, Shaker Heights, Westlake Porter Public Library, and others.

Ms. Wilson stated that for over 15 years, Mr. Wilkins has been working with libraries.

In response to Mr. Corrigan's inquiry, Ms. Wilson stated that Mr. Wilkins will be the point person; the equivalent of Ellen Toth, Ogletree Deakins.

Joyce Dodrill, Chief Legal Officer, stated that Mr. Wilkins was unable to attend today's Finance Committee Meeting because of bargaining negotiations the entire week.

In response to Mr. Corrigan's inquiry, Mr. Swetel confirmed that the County Library has ratified their contract last year.

Ms. Washington asked if this selection of this firm was a result of vetting a number of firms or by personal relationship.

Ms. Dodrill stated that the selection was based on a successful relationship that Ms. Wilson had with Mr. Wilkins and made a recommendation to the Library.

Ms. Wilson stated that we received a proposal comparable to that of Ogletree.

Ms. Dodrill stated that although the rates are the same as we pay Ogletree, we did not do a wide search.

Ms. Dodrill stated that Ogletree's rate is \$275 per hour. Mr. Wilkins is discounting his rate to match that and his rate is typically \$385 per hour.

Ms. Wilson asked if the Board would like to put this item out for bid.

Mr. Corrigan stated that he believes that Mr. Wilkins has done a good job for the other libraries he has worked for. In addition, Professional Services is not the same thing as bidding for personal property as when it concerns professional services it is important that we do have a comfort level to know who we are dealing with and what experience and skill they have demonstrated. It is, however, important to part amicably with Ogletree. This will not be a surprise to them as they knew we were looking.

Ms. Wilson stated that Ogletree remains actively engaged with the Library on numerous levels.

In response to Ms. Washington's inquiry, Ms. Dodrill explained that Ogletree will continue to represent the Library on certain matters but will no longer be responsible for labor management negotiations.

Mr. Seifullah motioned that this item would go to the full Board for approval. Mr. Corrigan seconded the motion, which passed unanimously by roll call vote.

Resolution Authorizing Third Amendment with the Chilcote Law Firm LLP for Legal Services Related to the Martin Luther King, Jr. Branch of the Cleveland Public Library

Joyce Dodrill, Chief Legal Officer, stated that Lee Chilcote negotiated on behalf of the Library during the Martin Luther King, Jr. branch development agreement in 2015 and 2016. As a part of this process now, we are having to revisit the development agreement and renegotiate some provision. Of particular concern is the parking arrangement. The Developer has asked if the Library would be willing to give up the requirement that they build a parking garage which is a pretty significant ask. We are going back to the table to see if there are any aspects that we can get for consideration of that request. It is critical to have Lee Chilcote at the table because he has the history of the entire project including the negotiations that took place in 2015 and 2016.

Ms. Dodrill also explained that we have other agreements that we have to negotiate as well with regards to the shared elements of the building and how much the Library will pay and how much the Developer will pay. Although we have not used his services in a year, it is requested that the Library re-engage Chilcote Law Firm.

In response to Mr. Corrigan's inquiry, Ms. Dodrill stated that UC3 remains the same ownership group.

Mr. Corrigan asked if there has been a new impact on parking since the opening of the new high rise.

Director Thomas stated that there have been no parking issues that have affected MLK.

Mr. Corrigan stated that there were rumors about parking issues with their developer and expressed his approval about re-engaging Chilcote especially as it relates to the parking issue. Director Thomas stated that this has been a very difficult group to work with and thanks Ms. Dodrill and Mr. Swetel for their leadership in this area.

Mr. Seifullah motioned that this item would go to the full Board for approval. Mr. Corrigan seconded the motion, which passed unanimously by roll call vote.

Resolution to Engage L.A.N.D. Studio, Inc. to Organize 2019 See Also Program

Aaron Mason, Director of Outreach and Programming Services, stated that the Library desires to engage L.A.N.D. Studio, Inc., to organize the spring 2019 annual program, “See Also”, which brings contemporary public artwork to the Eastman Reading Garden on a temporary basis.

Mr. Mason shared background about the artist Cyril Lancelin, a France-based architect and art director, who the Library has commissioned to design the exhibit. In June, some of the artwork will hang in the Main Library. In July, artwork will be installed in the Eastman Reading Garden. The Library will own the artwork as it will come with a service agreement to be able to restore the pieces in the event of damage.

Mr. Mason provided detailed information about the exhibit and explained that it consists of inflatable images, uniquely shaped in colorful spirals and circles that will be illuminated with LED lighting. Discussion continued about the fabrication, dimensions, colors and cable fixings that anchor the inflatable images as they hang in Main Library and in the Eastman Reading Garden.

Mr. Mason gave an overview of the following timeline:

March:	Board concept approval
March-April:	Design finalization (working with Inflatable Images)
April-June:	Fabrication
June:	Installation of indoor artwork
July 25th/26th:	Installation of outdoor artworks
July 27th:	CPL 150th Celebration
July-Sept/October:	Artwork installation on display at CPL

Finally, Mr. Mason stated that if the Board should decide to move forward, Greg Peckham, Director, L.A.N.D. Studio will attend the Regular Board Meeting to share additional information on the artist, the exhibit and answer any questions the Board may have.

Mr. Seifullah motioned that this item would go to the full Board for approval. Mr. Corrigan seconded the motion, which passed unanimously by roll call vote.

CAPITAL COMMITTEE (Mr. Parker, Chair)

Present: Anthony Parker, Chair, Thomas Corrigan, Vice Chair, Maritza Rodriguez,
Alice Butts, Alesha Washington

Absent: None

Diversity and Inclusion in Construction

Jeremiah Swetel, Chief Operations Officer, stated that we have been successful in achieving; and in some instances exceeding, diversity and inclusion goals in construction and highlighted Main Library Phase II, South Branch and Safe, Warm & Dry projects as examples.

	(amHigley) Main Phase II	(amHigley) South Branch	(Regency) Safe, Warm & Dry
MBE	15%	16.44%	15%
FEB	5%	35.96%	5%
SBE	10%	18.38%	
Workforce Goals:			
Minority	15%	15%	19.7%
Female	5%	5%	1.2%
Cleveland Resident	5%	5%	12.4%

Mr. Swetel reviewed the City of Cleveland construction goals outlined in the city of Cleveland Area Business Code:

MBE	15%
FBE	7%
Cleveland Area Small Business	8%

Mr. Swetel reviewed the City of Cleveland Chapter 188. Fannie M. Lewis Cleveland Resident Employment Law Workforce Goals:

Cleveland Resident	20%
Low Income	4%

Ms. Butts asked how those guidelines were set considering that the City of Cleveland is more than 50% African American.

Mr. Corrigan explained that goals were set based upon a study that had to be realistic on what was possible with the market based on the employment base that you are working with.

Mr. Swetel stated that the Library set the MBE, FBE and SBE goals and we have achieved if not exceeded many of them.

Ms. Washington asked how the Library's goals were set.

Joyce Dodrill, Chief Legal Officer, stated that the contractors for those projects were asked to propose realistic goals for their respective projects.

Mr. Swetel stated before we approve pay out, the Library receives a report that the CMR detailing the amount of labor hours divided among the minority workforce.

Mr. Swetel stated that it is important that the Library maintain high standards for achieving goals in future projects and announced the development of a Diversity and Inclusion Committee. This committee will have a resident component that will provide feedback directly from the community. In addition, Mr. Swetel highlighted:

- Diversity Inclusion in Construction Program
- Evaluate Industry Best Practices
- MLK, Jr. Branch CMR Requirements

Mr. Swetel gave an overview of the following components of the Diversity and Inclusion Committee:

- Analysis and assessment
- Diversity and inclusion strategy
 - Recruitment, retention, development, and advancement
 - Mentor protégé program/meet and greets
 - Supplier/(sub)contractor development
- Social responsibility
- Value proposition
- Media/advertising strategies

Mr. Swetel stated that the Committee will also look at Best Practices and gave an overview of the following:

- Representative workforce
 - Fannie Lewis law
 - Minority businesses and female businesses
- Value proposition
- Breaking down barriers
- Possible development of library construction network for minority professionals

Mr. Swetel stated we need to decide how we are going to establish diversity and inclusion goals for the MLK Jr. Branch and gave an overview of the MLK Jr. Branch CMR Requirements:

- Establish diversity and inclusion goals
 - MLK's legacy
 - Exceed industry/regional standard
 - Compliance part of bidding process

- Workforce reporting and labor compliance
- Prequalify contractors/vendors
- Contract community outreach and education
- Union labor
 - Extra points for MBE/FBE/SBE
 - Cleveland residency

Mr. Swetel stated that he anticipates that the next steps will be identified and a plan prepared for Board consideration by the Regular Board Meeting in June.

Ms. Washington asked for the status of the formation of the Diversity Committee.

In response, Mr. Swetel stated that we are in the process of putting that together.

Ms. Washington asked what independent support will be brought in to help develop and guide standards for the Library such as the Construction Diversity Inclusion Initiative and the Construction Employers Association who have experience with this work.

Mr. Swetel stated that his intentions were to reach out to those organization. In addition to himself, internally the Committee will include Joyce Dodrill, Chief Legal Officer and Sadie Winlock, Director, Equity & Inclusion Initiatives, who has already done research in this area and has met with many chief talent officers of other organizations in this area. That information will be useful as we view best practices in other organizations and make them better for the Library. However, there are opportunities to engage outside professionals to assist us. There are many opportunities that we can leverage through other organizations as well.

Director Thomas stated that although Ms. Winlock was confident that we could do this work internally, we will continue to examine the possibilities of outside assistance and will regularly provide updates to ensure that the Board is comfortable with how we are moving forward.

Ms. Washington stated she highly respects Ms. Winlock coming on board to do equity inclusion work and noted that Chris Nance would probably provide assistance through a pro bono consultation. Given that construction is within Mr. Nance's particular sphere of expertise, we could benefit from someone who had an eye for construction and how it works in this city. Because this is beyond the expertise of the current staff, Ms. Washington strongly urged that more consideration be given in this instance.

Director Thomas stated that Mr. Nance is being highly considered.

Mr. Corrigan stated that when the Louis Stokes Wing was being built, the Library set goals. When goals were met, we were the only one showing completion of those goals. Most of the public construction community sets goals but does not provide a final report of these accomplishments and recommended that the Library provide a report to the community listing the accomplishments.

Mr. Corrigan stated that currently there are shortages in some of the construction trades and asked if our CMR has identified any of those concerns and if they play in to these issues. If there are apprenticeship opportunities available on parts of our project, it is preferred to have more apprentices on the job rather than a typical construction project so that we can help address some of these concerns.

Mr. Corrigan said as we continue with construction projects, MLK and CPL150, we need to identify where the majority of construction labor hours are on those projects and focus some of our goals in those areas.

Mr. Swetel stated that during the interview process for CMR, we inquired about the contractor capacity of the project from start to completion. This is something that all Construction Managers at Risk are concerned about. One of the strategies that we have identified to ensure our success is to reach out to a large range of contractors very early in the process as soon as the systematic design for the MLK project has been completed. We will have initial meetings with contractors to inform them about the project and timelines. This will also give us the opportunity for community engagement to reach those contractors who may not have access to the project right now and help develop our Diversity Inclusive Inclusion in construction.

Mr. Swetel stated that in terms of tracking hours, there is software available through LC Tracker, which is one of the tools used by the City of Cleveland to identify hours spent on particular trades. Most contractors are familiar with this software and submitting materials and invoices directly through this system. As a local contractor doing work in the City of Cleveland, you are required to meet those diversity goals otherwise you will not be successful in that project. Although there is a live network of contractors doing work in the City of Cleveland, there may be other firms who are capable of doing the work but may not have an understanding of how the public bidding process works.

Mr. Swetel stated that the MLK project is a good starting point for the Library to build momentum for the Master Plan. Goals need to be consistently monitored and re-evaluated. Other organizations can be brought in if necessary for due diligence.

Discussion continued about the LC Tracker,

Ms. Washington stated that she was not clear on how proposals are evaluated with the Diversity Inclusion perspective and suggested that it be added as an item to be addressed and clarified.

Ms. Washington asked for additional clarification on the role of the Diversity and Inclusion Committee and how it aligns with the Capital Committee.

Director Thomas explained that the Diversity and Inclusion Committee will include community members to ensure that the community has a voice in this process. We will also bring in others to join the Committee such as Chris Nance, who have expertise in this area and can be helpful. Although the Diversity and Inclusion Committee is not a committee of the Board, it can be viewed as an advocacy committee and suggested that the name of this committee be changed to appropriately reflect that.

In response to Ms. Washington's inquiry, Mr. Swetel stated that the Diversity and Inclusion Committee's work will be presented to the Capital Committee for consideration and feedback. Any member of the Capital Committee is invited to participate and take part in discussion held by the Diversity and Inclusion Committee.

Director Thomas stated that as the MLK project progresses, we have the opportunity to work through these processes and determine how best to communicate with the community in regards to creating a process for diversity.

In response to Ms. Butts' inquiry, Director Thomas confirmed that members of the Capital Committee will be informed of Diversity and Inclusion Committee meetings and are welcome to attend.

Before Mr. Swetel gave an overview of the Group 1 Recommendation list, he stated that last month, several meetings were held with the Executive Team along with a number of work sessions to further look at system recommendations to develop a list of first round branches to begin work. Group 1 branches and their recommendations include:

- Martin Luther King, Jr. – in process; started design coordination with Developer
- Jefferson – a Carnegie building; renovation with a small addition to increase capacity
- Walz –new building
- Memorial Nottingham - new building
- West Park – renovation with new addition
- Sterling, Loraine, Brooklyn – Carnegie buildings; major renovations and additions
- Central Distribution Facility – new building on Woodland
- Eastman, Woodland – major renovations and additions
- Rockport – new building
- Mount Pleasant, East 131st Street - consolidation

Mr. Swetel stated as a result of the assessments and the way the Library wishes to operate, the next 5 years should be spent on the branches identified in Group 1.

In response to Ms. Washington's inquiry, Mr. Swetel stated that the Lake Shore Facility houses Memorial Nottingham in the front and the Technical Services department in the rear. The entire facility has a significant amount of deferred maintenance. It would be a better expenditure of public funds to look for an alternate location and it would be more efficient to have a distribution center located at Woodland which is in the center of our branch system.

Mr. Swetel stated that with Board approval, we would transition out of the Lake Shore Facility and build a 20,000 square foot facility on the Woodland site by the acquisition of Land Bank property. In that distribution facility will be our Technical Services department and Shipping and Receiving. Preliminary conversations have been held with the Hospice of the Western Reserve who received board approval to enter into an exploratory relationship with the Library to look at giving us property next to Villa Angela-St. Joseph High School on Lakeshore. The

Hospice of the Western Reserve believes that this would hold community value and would benefit the school with the opportunity to increase programming.

Mr. Swetel stated that a transition from Lake Shore Facility would hold value for the Library as well as avoiding high maintenance costs.

Ms. Washington suggested that if this transition were to happen with the Hospice of the Western Reserve, the Library should consider capital funding on the State level.

Director Thomas stated that there are many opportunities that would be good for the Library and for community with building, growth and development in that area.

Mr. Swetel stated that the central distribution center facility at Woodland will need significant renovation to enhance the functionality. New site locations for East 131st Street, Walz are being assessed. When recommendations are made based on community feedback, we will bring that information back to the Capital Committee for consideration.

Mr. Swetel stated that there is a total of about \$110 million including the construction of Memorial Nottingham. If we are able to get a valuation on the Lake Shore property, and there is an interest from a potential developer, that with Board approval, we would use those proceeds from to the sale of Lake Shore to fund the Memorial Nottingham building project.

Mr. Swetel stated that if the first bond issuance will be in the \$60 million range. Ms. Krenicky and Ms. Dodrill are working with the Bond Counsel and Financial Advisors for a plan that makes sense for the Library.

Mr. Swetel stated that there are buildings in all 5 of the Library's Districts in the Group 1 project so that distribution is fair.

Ms. Washington stated that it may be beneficial to review how this Group 1 list was developed and request that insight that was shared at the Executive Team level be shared so that appropriate feedback can be given.

Tena Wilson, Deputy Director, stated that the Executive Team and the Public Services Team has meet on three different days for four hours per day reviewing details that can be made available to the Board.

Ms. Butts asked how many branches may be in the new Opportunity Zones and if it would have any effect on the Library's plans.

Mr. Swetel stated that he was unaware. However, there is a large master plan in progress in the Walz branch area for Detroit Shoreway to improve the streetscape enhancing opportunities for development. Most of the conversations were held with community development corporations but we need an effective approach to meet with all City Council representatives who are affected by the Library's plans.

Ms. Washington stated that a strategy should be developed.

Director Thomas stated that this is a starting point, as the Library has never had a Capital Committee and this is third major project in the Library's 150 year history. We have done the work and we will be asking the Board for direction.

Mr. Corrigan stated that this is the first time that we are mortgaging our future cash flow to do capital and cautioned that we should be very careful about the debt we take on. We are going from zero debt service to immediately getting into a \$62 million mortgage for Phase 1.

Mr. Corrigan stated that all the issues surrounding this project are complex but we really need to understand the financial aspect so that we do not make the mistakes that Las Vegas did and hopes that Stifel and the Financial Consultants are conservative and protect our daily basic service. It would be disappointing if our collection would diminish or service changes for the purpose of a capital plan.

Mr. Corrigan recommended the Finance and Capital Committee not meet jointly after today but identify a time to meet regularly as a Capital Committee.

Mr. Parker stated that it was important that we understand how recommendations are made so that we can support decisions and accurately respond to inquiries from the community as well as elected officials.

Director Thomas stated the staff is appreciative of the Board's time and that a Capital Committee Work Session will be scheduled for a more detailed discussion.

COMMUNITY SERVICES COMMITTEE (Mr. Corrigan, Chair)

Present: Thomas D. Corrigan, Chair, Anthony T. Parker, Vice Chair,
Alice G. Butts, Alan Seifullah

Absent: None

Resolution to Amend Policy on Internet and Computer Use and Policy on Patron Conduct

To explain the proposed changes to the policies, Chief Knowledge Officer Timothy Diamond deferred to Tech Central Manager CJ Lynce who had first proposed the idea of eliminating the daily time limit on computer use. Mr. Lynce had identified the time limit as a major barrier to access, putting many library patrons at a disadvantage. It is also Mr. Lynce's parting wish, as he leaves CPL to become the deputy director at Westlake Porter Public Library, that the Board make these changes for the benefit of the patrons he has served so well in Tech Central.

Mr. Lynce explained that patrons who are working on resumes and job applications routinely need more time than what is allowed under CPL's current parameters. Staff have to intervene and reset the system manually to give a patron an extension, even if no one is waiting to use the computer. The requested change to the policy will allow staff to set the system so that a computer session is automatically extended if no one else is waiting. In response to questions from Trustee Corrigan, Mr. Lynce explained that after the Library doubled the number of public

computers a few years ago, the public no longer had to wait for a computer as they used to. The usage limit was a policy written for an earlier time, when the Library offered fewer computer resources and personal devices were not as common. Mr. Diamond interjected that many more patrons are using personal devices and rely on the Library for free WiFi, and less for computers.

Mrs. Harriette Parks, Director of Branch Libraries, said patrons will often miss or ignore the prompt that their computer session is ending, lose an hour's worth of work on a job application, and be forced to start all over again. According to Mrs. Parks, patrons throughout the system would benefit from the policy change.

Mr. Corrigan motioned that this item would go to the full Board for approval. Ms. Butts seconded the motion, which passed unanimously by roll call vote.

Resolution to Offer a Food for Fines Program

Trustee Corrigan cautioned staff that this program might cause confusion with the public. The Library has been receiving a tremendous amount of publicity for the recent announcement about eliminating overdue fines starting July 27, 2019. He advised staff to work on a communications plan that would explain how a food for fines program would benefit patrons now, prior to the start of going fine free.

Mr. Corrigan motioned that this item would go to the full Board for approval. Ms. Butts seconded the motion, which passed unanimously by roll call vote.

Mr. Seifullah adjourned the Joint Finance, Capital & Community Services Committee Meeting at 1:24 p.m.