MAYOR HARRIS called a regular meeting of the City Council to order at 7:30 p.m. in the Council Chambers, 100 Gregory Lane, Pleasant Hill, California, complete proceedings of which were electronically recorded. The meeting agenda was posted on the outdoor bulletin board at the above address on October 13, 2017 by Deputy City Clerk Juanita Davalos.

1. PLEDGE OF ALLEGIANCE

2. ROLL CALL

MAYOR HARRIS commented on the fires affecting the North Bay, Sonoma, and Napa counties, he extended his sympathies to those who have lost loved ones and/or properties, and requested a moment of silence.

Present: Carlson, Flaherty, Noack, Rinn, Harris

3. PRESENTATIONS

3.1 PROCLAMATION Designating the Month of October as “Breast Cancer Awareness Month” in the City of Pleasant Hill

DEBBIE SHESS expressed her appreciation to Community Focus for including profiles of breast cancer survivors in the recent issue and introduced Sheila Cotruvo, Katrine Heinz, Kim Stanton, and Jen Knuckle, who were present, and Lori Berkowitz, who was not present. Ms. Shess provided a presentation on breast cancer and noted that Friday, October 20, 2017 is National Mammography Day.

TIFFANY SVAHN, M.D., Diablo Valley Oncology/Hematology, reported that more than 250,000 people will be diagnosed with breast cancer in 2017 and provided other statistics and screening information.

MAYOR HARRIS presented the proclamation.

4. CITY MANAGER COMMENTS

JUNE CATALANO, City Manager, reported:

- the Pleasant Hill Police Department provided mutual aid to the counties impacted by the fires and noted links are available on the City’s website to make contributions to fire victims;
- the Veterans’ Day celebration at Pleasant Hill Park would be held on November 11, 2017; and
- the 10th Annual Light Up the Night in Downtown Pleasant Hill would be held on November 29, 2017.
5. COUNCIL ANNOUNCEMENTS AND REPORTS

5.1 REPORTS from Councilmembers on Meetings or Conferences Attended at City Expense

(A) Contra Costa County Mayors’ Conference Hosted by the City of Lafayette on October 5, 2017

COUNCILMEMBER NOACK and MAYOR HARRIS reported their attendance at the Contra Costa County Mayors’ Conference.

(B) Other Meetings Attended at City Expense

5.2 ANNOUNCEMENTS from Councilmembers

COUNCILMEMBER RINN reported his attendance at the Contra Costa and Solano Food Bank Empty Bowls event.

VICE MAYOR FLAHERTY reported that he and MAYOR HARRIS met with the Pleasant Hill Recreation & Park District board member liaisons, and General Manager regarding delivery of City services and collaboration on future projects.

VICE MAYOR FLAHERTY expressed his appreciation to the women who spoke about breast cancer. He also expressed his astonishment at the number of women in the community who are affected by breast cancer.

COUNCILMEMBER NOACK commented on the support of the City and community in responding to the fires in Sonoma and Napa counties.

MAYOR HARRIS reported his participation at the Art, Wine & Music Festival and that he was invited to speak at Step Up for Down Syndrome. He also reported speaking at the Commission on Aging’s Family Caregiver Workshop and reported his attendance at the Chamber of Commerce mixer, and a ribbon cutting for Car Ranch open space in Moraga.

MAYOR HARRIS reported that a performance evaluation was conducted on the City Manager during the Closed Session meeting.

6. PUBLIC COMMENT

MAYOR HARRIS opened public comment.

RON LEONE, Concord, commented that he is a candidate for the County Superintendent of Schools and described his experience and duties of the office.

MAYOR HARRIS closed public comment.
7. **CONSENT CALENDAR**

Motion (Flaherty/Carlson) to approve all consent items, carried as follows:

AYES: Carlson, Flaherty, Noack, Rinn, Harris

7.1 APPROVE Checks Dated: September 29, 2017 and October 6, 2017

7.2 ACCEPT Update on Contra Costa Transportation Authority and TRANSPAC

7.3 ADOPT Ordinance No. 918 Amending Pleasant Hill Municipal Code Section 18.50.140 Regulating Personal Cultivation of Cannabis

7.4 ADOPT Resolution No. 75-17 Authorizing Submittal of a Grant Application for FY 2017-2018 Rubberized Pavement Program

8. **ADMINISTRATION AND FINANCE**

8.1 ADOPT Resolution No. 76-17 Authorizing the City Manager to Execute an Agreement with Bohlin Cywinski Jackson for Architectural and Design Services for a New Pleasant Hill Community Library and Appropriating Necessary Funding

ANDREW MURRAY, Assistant City Manager, provided background on the selection process and proposed agreement with Bohlin Cywinski Jackson (BCJ) for architectural and design services for a new Pleasant Hill library.

KARL BACKUS, BCJ Principal, introduced David Andreini as the prime point of contact for the library project.

DAVID ANDREINI, BCJ Associate Principal, re-introduced himself as the prime point of contact for the project and expressed his excitement about his team having the opportunity to create something transformative for the community.

VICE MAYOR FLAHERTY questioned the construction cost estimate of $15-$20 million and MR. MURRAY confirmed the estimate and described the budget refinement process.

VICE MAYOR FLAHERTY and MR. MURRAY discussed the elements of the architectural and engineering services and fees and the unique work involved in designing a library. Mr. Murray stated that BCJ fees are in line with the industry standard for the breadth of work involved. Mr. Murray introduced John Baker of Swinerton Management and Consulting.

MR. ANDREINI responded to Vice Mayor Flaherty’s question about the six to seven percent architectural fee saying that it is for architectural only services without the remainder of the consulting team. He further clarified that the fees being discussed were the combined fees, which include the library programmer, various engineers, and the remainder of consulting team.
MR. MURRAY stated during the proposal process, the firms were asked for fee estimates only for a portion of the project lifecycle through conceptual development.

MR. ANDREINI noted that there were two portions to the proposal where the two different fee structures were addressed.

COUNCILMEMBER NOACK explained that she thought Vice Mayor Flaherty’s concern was that the $15-$20 million construction cost estimate would increase to $51 million due to the six to seven percent architectural fee structure. She asked for confirmation of her understanding that the construction costs would still be $15 to 20 million and not up to $50 million.

MR. ANDREINI clarified that construction costs would not be near $50 million, that the fee from concept to schematics is approximately $400,000 to $500,000, and that the architectural fee (without consultants) for the entire project is expected to be six to seven percent.

JOHN BAKER stated that Exhibit B of the Design Services Agreement explains the breakdown of fees. Mr. Baker explained the program and schematic fees of the project.

COUNCILMEMBER NOACK asked for clarification of paragraphs 1.2 and 1.3 in Exhibit A of the Design Services Agreement, which she noted were not complete, and also requested clarification of paragraph 3.15.9(c) of the agreement.

MR. ANDREINI responded that the paragraphs referenced needed fine tuning and noted that paragraph 3.8 of the main agreement defines additional services.

MR. BAKER noted that the language of paragraph 3.15.9(c) is standard insurance language. MR. MURRAY stated that staff worked with Ms. Coleson’s associate who specializes in this area of the law and said that the clause covers circumstances unlikely to occur. MS. COLESON responded that Kevin Wang of Best & Krieger provided the template and that Mr. Wang was a part of the negotiating team. Ms. Coleson said that she spoke with Mr. Wang and he affirmed that the clause is highly unlikely to happen, but the agreement needed to cover all bases for liability purposes. She stated that Mr. Wang would be available to discuss the matter.

VICE MAYOR FLAHERTY provided an explanation of how the clause may be applicable and asked about methods to resolve disputes that may arise between the City and BCJ.

MR. BAKER replied that the mediation clause in the agreement was recommended by counsel. MS. COLESON stated that mediation is standard. MR. MURRAY replied that there are no binding dispute resolution clauses, but there are other clauses in the agreement that would protect the City.

COUNCILMEMBER RINN asked if the Library Task Force had reviewed the agreement and JUNE CATALANO, City Manager, responded no, and that the agreement was forwarded directly to City Council from staff.

MAYOR HARRIS opened public comment.

There was no public comment.

MAYOR HARRIS closed public comment.

October 16, 2017
MAYOR HARRIS noted that he received a letter from Jack Prosek, which had been shared with the City Council and staff.

MR. MURRAY stated that staff noticed some of the same issues that Mr. Prosek mentioned in his letter and necessary corrections would be made and that other observations in the letter were adequately addressed in the agreement. MS. COLESON concurred.

VICE MAYOR FLAHERTY stated that he would withhold his approval of the agreement until it was in its final form and expressed his concern that the agreement approval process was being rushed.

MR. MURRAY explained that the substantive issues are covered in the agreement and that the City is eager to begin the public engagement process.

COUNCILMEMBER NOACK stated that she suggested starting the public engagement process before the holiday season. She also commented that the substantive issues were addressed in the agreement.

Motion (Noack/Carlson) to Adopt Resolution No. 76-17 authorizing the City Manager to execute an agreement with Bohlin Cywinski Jackson for architectural and design services for a new Pleasant Hill Community Library, carried as follows:

AYES: Carlson, Noack, Rinn, Harris
NOES: Flaherty

9. PUBLIC WORKS AND COMMUNITY DEVELOPMENT

None

10. OTHER

None

11. ADJOURNMENT

MAYOR HARRIS adjourned the meeting in memory of the victims of the wildfires at 8:39 p.m. The next regular meeting will be held on Monday, November 6, 2017, beginning at 7:30 p.m.

CAROL W. WU, CITY CLERK

October 16, 2017