



City of Greensboro

Melvin Municipal Building
300 W. Washington Street
Greensboro, NC 27401

Meeting Minutes - Draft City Council

Monday, August 4, 2014

4:00 PM

Plaza Level Conference Room

SPECIAL MEETING

1. Call to Order

This City Council special meeting of the City of Greensboro was called to order at 4:00 p.m. on the above date in the Plaza Level Conference Room of the Melvin Municipal Office Building with the following members present:

Present: 9 Mayor Nancy Vaughan, Mayor Pro Tem Yvonne J. Johnson, Councilmember Marikay Abuzuaiter, Councilmember Mike Barber, Councilmember Jamal T. Fox, Councilmember Sharon M. Hightower, Councilmember Nancy Hoffmann, Councilmember Zack Matheny and Councilmember Tony Wilkins

Also present were City Manager Jim Westmoreland, Interim City Attorney Tom Carruthers, and City Clerk Elizabeth H. Richardson.

Mayor Vaughan opened the meeting at 4:02 p.m.

2. Presentations

2a. Discussion of City solicitation, selection and award of service contracts

Mayor Vaughan stated Council the purpose of the meeting was to discuss the Request for Proposal process; the process utilized in negotiating the contracts awarded to Ben Holder and Beth McKee Huger; and recognized Councilmember Fox to speak to the item.

Councilmember Fox asked staff to walk Council through the Request for Proposal (RFP) advertisement and execution process.

City Manager Westmoreland recognized Interim Assistant City Manager Chris Wilson who provided an overview of the process; spoke to the demand for neighborhood development; vacancies in the Neighborhood Development Department; timeframe for the RFP process; reviewed a PowerPoint Presentation; spoke to the concern of some Councilmembers regarding a quick turnaround; the two proposals that had been received; use of consultant contracts for special projects; referenced the Heritage House situation; and specialization of the work that would be needed to address the issue.

Council inquired why the departmental needs were not discussed during the budget discussions; voiced concerns with a precedent being set when the \$2,000 was paid up front by the City; changing the process for this contract; comparing small business start-ups with an employment opportunity on the website; reference to other groups that could have participated in the contract; specific qualifications stated in the RFP; limited posting on the City's website; clarification on the proof of insurance question; and utilization of City funding to obtain proof in insurance or a business license.

Interim Assistant City Manager Wilson explained that there was not a service enhancement for the department for additional employees; voiced that the supply and demand would remain constant; that staff would have several years worth of data going into the next budget cycle; reiterated that the handling of the contract was consistent with the process; referenced a contract with Red Rock; outlined the City process when working with start-up small businesses; and confirmed that work could not be done until the insurance and permit criteria were met.

Mayor Vaughan reminded Council that two responses had been received to the RFP; and moved that the City re-advertise the contract through the M/WBE Program with the criteria that a business license and proof of insurance would be needed once the contract had been awarded to reach more people; and stated this was a six month contract. Mayor Vaughan confirmed that if the City had received more responses, additional contracts would have been issued; and stated the current contracts would remain in place.

Councilmember Fox inquired about the status of the current contract holders; suggested the RFP be rebid; and voiced that keeping the current contract with the contractors did not fix anything.

Council discussed the legal ramifications if the current contracts were pulled; and whether the status of insurance and a business license made the contract invalid.

Interim City Attorney Tom Carruthers spoke to the legal requirements of the contract as well as other City contracts.

Councilmember Hightower voiced concerns for setting a bad precedent by not meeting the RFP requirements; suggested increasing personnel in housing at \$15.00 an hour; and spoke to the need to set standards; uphold said standards; and to be transparent.

Discussion took place regarding the advertisement process for contracts; reviewing the contracts for all contracted employees; professional services contracts; broadening the base of where the City advertised; and the goals of Council for M/WBE participation.

City Manager Westmoreland spoke to the level of authority of the City Manager; addressed the \$300,000 threshold; requirements of service contracts; reviewed requirements set out in the Power Point Presentation for the service contract policy; referenced practices for execution of contracts; and to the process for handling special service requirement issues.

Councilmember Hightower voiced concern that others had thirty years of housing expertise who did not have an opportunity to participate in the contracts; spoke to the need to look at the overall picture of what the City was trying to accomplish; and stated she did not understand the special need issue for this contract.

Mayor Vaughan voiced that the Council wanted to address housing issues; spoke to the reason the contract was expedited; timeframe for the full hiring process for employees; and the RFP timeframe.

Councilmember Fox emphasized concerns with members saying the contract was a good thing to do; having an issue with some saying this would keep a person quiet; using a process that was incorrect; and asked why the City was not using the right policy.

City Manager Westmoreland spoke to the process that was used which was aligned with the current policy; authority of the City Manager to develop a theme for the Economic Development Strategic Planning process; and stated that he would bring a proposed plan to Council in an upcoming Work Session.

Councilmember Fox asked who made the six month requirement for the Holder and McKee-Huger contracts; stated this was a bad precedent that had been set; voiced the need to pull the contracts back and open them up to the community; and spoke to the precedent set for the insurance requirement.

Mr. Wilson outlined why the six month timeframe was used; voiced the process was a fairly new venture because it was different from the City's nuisance abatement; and added that six months allowed the City to measure information for a level of success in order to acquire measurable data to reflect on and improve the process if needed.

Councilmember Wilkins voiced concern that \$45.00 an hour was excessive and could cover two or three positions; and asked how that compared to City employees doing the same job previously.

Mr. Wilson stated he would provide the salary and benefit amounts to Council; and spoke to comparison data.

Discussion ensued regarding City employees performing the same tasks; comparison of the position code which showed \$13 - \$15 per hour for the job opportunities reflected on the website; part time vs. full time positions; difference in the job opportunities; and temporary positions.

Mr. Wilson explained the difference between full time benefited and roster employees; and the level of direct supervision requirements between the two contract positions.

Neighborhood Development Director Barbara Harris added that the consultant was responsible for analyzing the procedures for the department; spoke to the major components of a Work Plan for the department that had not been fulfilled due to lack of staff; outlined what the consultants would be responsible for; added that one of the contracts included assisting with the enhancements to the program and the other was for the public education campaign; spoke to the negotiations she had reached with the two parties; and verified that the one contract was much more intense than the other.

Council discussion ensued regarding changes that needed to be incorporated by the City Manager in a short timeframe; making changes to what needed to be changed; not micro-managing the City Manager; disappointment in the way the two contracts were handled; issuing a Phase II RFP to open up the M/WBE to provide an opportunity for all interested parties to participate; verification that there was room for additional contracts in the department; and verification that the two contracts would remain in place.

City Manager Westmoreland spoke to the different processes between professional service and construction contracts; qualifications of vendors; verified he was clear with regard to Council's concerns in this case; and addressed elements of communication with individual Councilmembers.

Attorney Carruthers outlined the State requirements; and the Mint Brooks Act provisions for contracts.

Additional discussion took place regarding leading the community; open communication between Councilmembers; the need to understand the role of Council and the role of staff; Council not denying their responsibility to the community; difference between a bid and RFP; close review of other contracts by Council; abiding by staff's decision for the contract; importance in understanding the role of Council; and responsibility of Council to communicate what they want changed to staff. Additional discussion ensued regarding clarification on the rebidding process; whether applications were on file for jobs; erosion of a good chemistry between Council; verification that Council did not want this to happen again; Council not agreeing on everything; being out of bounds in their current discussion; how other Council's would have handled this issue; level of detail that items should or should not be discussed in public; the need for Council to get out of their own way; and importance in maintaining a level of respect among Councilmembers.

City Manager Westmoreland stated he understood the desire of Council to potentially re-advertise the RFP and requested Council allow staff to look at utilizing internal resources; and asked for the opportunity to come back with a recommendation regarding the best course of action.

Mayor Vaughan stated Council would recess to closed session at 5:00 p.m.

(A copy of the PowerPoint presentation is filed in Exhibit Drawer W, Exhibit No. 16 which is hereby referred to and made a part of these minutes)

Adjournment

Moved by Councilmember Hightower, seconded by Mayor Pro-Tem Johnson to adjourn the meeting. The motion carried by voice vote.

THE CITY COUNCIL ADJOURNED AT 5:05 P.M.

ELIZABETH H. RICHARDSON
CITY CLERK

NANCY VAUGHAN
MAYOR