



City of Greensboro

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

Meeting Minutes - Final City Council Special Meeting

Tuesday, April 25, 2017

5:00 PM

Council Chamber

1. Call To Order

This Special City Council meeting of the City of Greensboro was called to order at 5:00 p.m. on the above date in the Council Chamber of the Melvin Municipal Office Building with the following members present:

Present 9 - Councilmember Mike Barber, Councilmember Marikay Abuzuaite, Mayor Nancy Vaughan, Councilmember Nancy Hoffmann, Councilmember Jamal Fox, Councilmember Sharon Hightower, Councilmember Tony Wilkins, Mayor Pro-Tem Yvonne Johnson, and Councilmember Justin Outling

Also present were City Manager Jim Westmoreland, City Attorney Tom Carruthers, and Deputy City Clerk Angela R. Lord.

Mayor Vaughan confirmed that Councilmember Outling was participating by phone.

2. Business Agenda

1. [ID 17-0308](#)

Resolution Authorizing City Staff to Execute a Contract with Skanska Rentenbach, A Joint Venture, to Construct Phase 1 of the Steven B. Tanger Performing Arts Center for the Guaranteed Maximum Price not to exceed \$2,501,729.15

Moved by Mayor Vaughan, seconded by Mayor Pro-Tem Johnson to approve the resolution authorizing city staff to execute a contract with Skanska Rentenbach, a joint venture, to construct phase 1 of the Steven B. Tanger Performing Arts Center for the guaranteed maximum price not to exceed \$2,501,729.15 or if the phase 1 GMP cannot be agreed to by the parties, to provide staff with the authority to pursue other legal options to construct and complete phase 1 work provided the contract cost would not exceed \$2,501,729.15.

Discussion took place regarding an email related to the item; finalizing of details; transfer of property as collateral; the Community Foundation (The Foundation) funding; Minority/Women Business Enterprises (M/WBE) participation; and the anticipated start date of Phase 2.

Councilmember Fox requested staff provide agenda information in a timely manner; voiced support for the item; and appreciation for the M/WBE participation.

Coliseum Direction Matt Brown provided an estimated timeline for Phase 2 of the project; spoke to the completion of construction documents; a meeting with the North Carolina Department of Insurance regarding code concerns; referenced the delay in getting information from the vendor; and staff's review of the project.

Councilmember Abuzuaite expressed frustration with the delay in Council receiving information; spoke to a Memorandum of Understanding (MOU) from 2014; voiced concerns with design and construction of phase 1; with voting on an item that wasn't complete; and asked for clarification of the motion.

Mr. Lusk clarified that reimbursement had been received from the Foundation.

City Manager Westmoreland provided clarification to the motion.

Councilmember Hightower echoed concerns for the posting of the agenda; referenced the planned ceremony tomorrow; and expressed concerns with funding of the project.

Mr. Brown confirmed staff would not approve fees above the agreed cost; spoke to moving the project forward; issues with the terms and conditions of the agreement; paying for appropriate fees; spoke to the need for speciality equipment; and to design completion.

Councilmember Barber thanked the financial contributors; spoke to the private-public funding of the item; and to the team effort to support the project.

Mayor Vaughan thanked the private investors; reiterated the concerns regarding the information being sent to Council; spoke to the potential ground breaking; and voiced support of the item.

Mayor Pro-Tem Johnson voiced appreciation to the private investors; spoke to the quality of life in the City; referenced the Aquatic Center; spoke to tourism; economic development; and voiced support for the item.

Councilmember Hoffmann spoke to the history of the item; stated the project would be transforming for the City; voiced appreciation for everyone involved in the project; and for Council support.

Councilmember Hightower requested an increase in the M/WBE participation; a monthly update on the construction phases; spoke to jobs for college students; and stated she would support the item.

Councilmember Abuzuaiter requested the monthly updates to be separate from the Bi-Weekly report; expressed concerns with the time to review the item; spoke to her obligation to ask hard questions; and voiced concerns regarding the cost of the project.

Councilmember Fox requested the monthly updates be posted to the City website for transparency.

Assistant City Attorney James Dickens stated the resolution needed to be amended in regard to the Rupert Burrows percentages from 5% to 4%.

Mr. Brown spoke to the good faith efforts; and to the opportunity for Mr. Burrows to work as a protege.

Ed McKeever, 2609 East Market Street expressed concerns from M/WBE firms; stated the M/WBE office had not been involved in the project; voiced concerns with the use of taxpayer money; spoke to the history of Skanska; and referenced the use of M/WBE suppliers.

Discussion ensued regarding the M/WBE office participation in projects; and the item being a City project that would be owned and operated by the City.

Assistant City Attorney Dickens clarified that the M/WBE office had been involved in the project; spoke to the Construction Manager at Risk; and outlined the process that had been followed.

Moved by Mayor Vaughan, seconded by Mayor Pro-Tem Johnson to approve the resolution authorizing city staff to execute a contract with Skanska Rentenbach, a joint venture, to construct phase 1 of the Steven B. Tanger Performing Arts Center for the guaranteed maximum price not to exceed \$2,501,729.15 or if the phase 1 GMP cannot be agreed to by the parties, to provide staff with the authority to pursue other legal options to construct and complete phase 1 work provided the contract cost will not exceed \$2,501,729.15. The motion carried on the following roll call vote:

Ayes, 8 - Councilmember Mike Barber, Mayor Nancy Vaughan, Councilmember Nancy Hoffmann, Councilmember Jamal Fox, Councilmember Sharon Hightower, Councilmember Tony Wilkins, Mayor Pro-Tem Yvonne Johnson and Councilmember Justin Outling

Nays, 1 - Councilmember Marikay Abuzuaiter

91-17 RESOLUTION AUTHORIZING CITY STAFF TO EXECUTE A CONTRACT WITH SKANSKA RENTENBACH, A JOINT VENTURE, TO CONSTRUCT PHASE 1 OF THE STEVEN B. TANGER PERFORMING ARTS CENTER FOR THE GUARANTEED MAXIMUM PRICE NOT TO EXCEED \$2,501,729.15 OR IF THE PHASE 1 GMP CANNOT BE AGREED TO BY THE PARTIES, TO PROVIDE STAFF WITH THE AUTHORITY TO PURSUE OTHER LEGAL OPTIONS TO CONSTRUCT AND COMPLETE PHASE 1 WORK PROVIDED THE CONTRACT COST WILL NOT EXCEED \$2,501,729.15

WHEREAS, on March 4, 2014, the City Council adopted a Resolution authorizing the Mayor and City Manager to enter into a Memorandum of Understanding ("MOU") between the Community Foundation of Greater Greensboro ("CFGG") and the City to design, finance, develop, construct, and manage the operations and programs of the proposed Steven B. Tanger Performing Arts Center (STPAC) for a total cost of \$65 million.

WHEREAS, on January 6, 2015, pursuant to this MOU, the City Council adopted a Resolution authorizing the execution of a contract with Skanska USA Building, Inc. and Rentenbach Constructors, Incorporated, which subsequently formed, Skanska Rentenbach, A Joint Venture, ("Skanska/Rentenbach") to act as the City's Construction Manager-at-Risk ("CMAR") to perform Pre-Construction services for the construction of the STPAC.

WHEREAS, on December 8, 2015, the City increased its funding commitment to \$39.6 million and the CFGG increased its commitment to \$38.5 million.

WHEREAS, Skanska Rentenbach and City staff agree that it would be advantageous for the City to break the construction of the STPAC into at least two phases. Phase 1 will consist of making the site "shovel-ready", which includes Grading, Earthwork and Storm Water Utilities, and the installation of Water, Sewer, and Electrical Utilities. Subsequent phases will consist of the actual construction of the building and other related facilities.

WHEREAS, pursuant to N.C.G.S. 143-128.1, Skanska/Rentenbach submitted their plan to make "Good Faith Efforts" to recruit Minority and Women Business Enterprises ("M/WBE") and small business enterprises as First, Second, and Third Tier Subcontractors on this project to the City's M/WBE Office on February 13, 2017, and pre-qualified its First-Tier Subcontractors in accordance with the provisions of N.C.G.S. 143-128.1 beginning February 19, 2017 to March 20, 2017.

WHEREAS, the MOU established a 20% MWBE subcontracting goal for the eligible construction and supplier contracts, and the City's Goal Setting Committee also set a 20% goal on the eligible construction and supplier contracts.

WHEREAS, pursuant to the City's Request for Proposal ("RFP") to select a CMAR to design and construct the STPAC, Skanska/Rentenbach selected the following MWBE protégés in its Proposal:

1) Pre-Construction Phase Protégé	RFI, LLC, Rupert Burrows	Guilford	MBE	4%
2) Construction Management Phase Protégé	Sterling Construction, Inc. Lee Addo	Forsyth	MBE	6%

WHEREAS, the Phase 1 Scope of Work was advertised on March 27, 2017, and bids were received on April 13, 2017.

WHEREAS, Muter Construction, LLC, a certified WBE on the State's Historically Underutilized Business list, but located in Wake County, was the lowest, responsive, responsible bidder for the Earthwork and Storm Water Utilities Scope of Work with a bid of \$1,040,544.

WHEREAS, Muter Construction, LLC committed to meet its 20% MWBE subcontracting goal on this scope of work by committing to subcontract with the following MWBE firms, all of which are within the City's ten county Metropolitan Statistical Area and meet the requirements of the City's MWBE Program Plan:

1) F-T Trucking, LLC,	Carole Oduyoye	Forsyth	MBE	10%
2) Carolina Disposal Service, Inc.	Robyn Hogan	Davidson	WBE	5%

3) Jessie Lane's Landscaping & Trucking, Inc.	Jessica Friddle	Guilford	WBE	2%
4) David Trickey, Inc. d/b/a State Construction	Karen Trickey	Alamance	WBE	3%

WHEREAS, Muter Construction, LLC was the lowest, responsible, responsive bidder for the Water and Sewer Utilities Scope of Work, with a bid of \$470,589, and Muter Construction, LLC proposes to self-perform this scope of work pursuant to N.C.G.S. 143-128.2(c).

WHEREAS, Bryant-Durham Electric, Inc. was the lowest, responsible, responsive bidder for the Site Electrical Scope of Work, with a bid of \$56,709. Bryant-Durham Electric, Inc. committed to subcontract with following two certified MWBE firms, both of which are located within the City's ten county Metropolitan Statistical Area:

1) C2 Contractors, LLC	Cornelious Lamberth	Guilford	MBE 16.5%
2) Mayer Electrical Supply Company	Nancy Goedecke	Guilford	WBE 21.0%

WHEREAS, the project cost of the Phase 1 Guaranteed Maximum Price or contract price is not to exceed \$2,501,729.15, and these project costs will be funded from accounts established in the Performing Arts Center Capital Project Fund.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That City staff is authorized to execute a contract with Skanska Rentenbach, A Joint Venture, for the construction of Phase 1 of the Steven B. Tanger Performing Arts Center for a Guaranteed Maximum Price not to exceed \$2,501,729.15, or if the phase 1 GMP cannot be agreed to by the parties, to provide staff with the authority to pursue other legal options to construct and complete phase 1 work provided the contract cost will not exceed \$2,501,729.15.

(Signed) Nancy Vaughan

2. [ID 17-0319](#)

Resolution Authorizing City Staff to Exempt from the Requirements of the North Carolina Public Bidding Laws the Procurement of Certain Theatrical Specialty Equipment for use in the Steven B. Tanger Performing Arts Center in an amount not to exceed \$7,152,953.88 Pursuant to N.C.G.S. 143-129(e) (6).

Discussion took place regarding the project moving forward based on the approval of item #1; the Memorandum of Understanding; preparation of designs; funding; and the payment schedule.

Councilmember Hightower inquired about production equipment; and requested that phase 2 of project to be vetted through goal setting to include the M/WBE office.

Mr. Brown spoke to the use of a certified installer; and the use of local labor for seating.

Mayor Pro-Tem Johnson requested a list of theatrical speciality equipment to be provided to Council.

Moved by Councilmember Hoffmann, seconded by Councilmember Barber, to adopt the resolution. The motion carried on the following roll call vote:

Ayes, 8 - Councilmember Mike Barber, Mayor Nancy Vaughan, Councilmember Nancy Hoffmann, Councilmember Jamal Fox, Councilmember Sharon Hightower, Councilmember Tony Wilkins, Mayor Pro-Tem Yvonne Johnson and Councilmember Justin Outling

Nays, 1 - Councilmember Marikay Abuzuaiter

92-17 RESOLUTION AUTHORIZING CITY STAFF TO EXEMPT FROM THE REQUIREMENTS OF THE

NORTH CAROLINA PUBLIC BIDDING LAWS THE PROCUREMENT OF CERTAIN THEATRICAL SPECIALTY EQUIPMENT FOR USE IN THE STEVEN B. TANGER PERFORMING ARTS CENTER IN AN AMOUNT NOT TO EXCEED \$7,152,953.88 PURSUANT TO N.C.G.S. 143-129(e)(6)

WHEREAS, on March 4, 2014, the City Council adopted a Resolution authorizing the Mayor and City Manager to enter into a Memorandum of Understanding ("MOU") between the Community Foundation of Greater Greensboro ("CFGG") and the City to design, finance, develop, construct, and manage the operations and programs of the proposed Steven B. Tanger Performing Arts Center (STPAC) for a total cost of \$65 million.

WHEREAS, on January 6, 2015, pursuant to this MOU, the City Council adopted a Resolution authorizing the execution of a contract with Skanska USA Building, Inc. and Rentenbach Constructors, Incorporated, which subsequently formed, Skanska Rentenbach, A Joint Venture, ("Skanska/Rentenbach") to act as the City's Construction Manager-at-Risk ("CMAR") to perform Pre-Construction services for the construction of the STPAC.

WHEREAS, on December 8, 2015, the City increased its funding commitment to \$39.6 million and the CFGG increased its commitment to \$38.5 million.

WHEREAS, Skanska Rentenbach and City staff agree that it would be advantageous for the City to break the construction of the STPAC into at least two phases. Phase 1 will consist of making the site "shovel-ready", which includes Grading, Earthwork and Storm Water Utilities, and the installation of Water, Sewer, and Electrical Utilities.

WHEREAS, Phase 1 will also consist of the City purchasing Theatrical Specialty Equipment ("TSE") for the STCPA in an amount not to exceed \$7,152,953.88 to insure that these critical TSE components are designed and included within the Phase 2 Construction Documents before Phase 2 Construction begins.

WHEREAS, the TSE consists of the following items: (1) a Constellation Sound System from Meyer Sound Laboratories, Inc.; (2) Theatrical Production Lighting from Barbizon Lighting Company; (3) Theatrical Rigging Systems & Equipment from Stage Riggins Services, Inc.; (4) Fixed and Loose Theatre Seating from Irwin Seating Company; (5) Integrated Audiovisual Systems from Parsons Electric, LLC; (6) Interior Video Display Boards from Daktronics, Inc.; and (7) FOH Mixer In-Fill Platforms from Wenger Corporation. The vendors will not install the TSE until 2019.

WHEREAS, N.C.G.S. 143-129(e)(6) allows this Council to exempt certain purchases from the public bidding requirements otherwise found in N.C.G.S. 143-129 when "standardization or compatibility is the overriding consideration."

WHEREAS, the City Council finds that the seven items of TSE listed hereinabove were selected specifically for its compatibility with the engineering and design specifications of the STPAC and its standardization with other apparatus, supplies, materials, and equipment already in use by the City.

WHEREAS, the City Council finds that the seven items of TSE listed hereinabove are integral to providing the superior standards of sound and visual effects necessary to attract the types of shows and performances intended by the construction of the STPAC.

WHEREAS, the City has exceeded its 20% MWBE subcontracting goal for this procurement as by committing to contract with the following MWBE subcontractors:

- | | | | |
|--|--------------------|-----|-------|
| 1) Stage Rigging Services, Inc.,
Les Martin, Greensboro, North Carolina | Guilford | MBE | 19.2% |
| 2) Harriott Contracting, LLC
George Harriott (now documenting Reciprocal
Agreement to qualify as state listed HUB) is a
Subcontractor to Irwin Seating Company. | Columbia, Maryland | MBE | 1% |

WHEREAS, the total purchase of these seven items of Theatrical Specialty Equipment is not to exceed

\$7,152,953.88.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That City staff is authorized to exempt from the requirements of the North Carolina Public Bidding Laws the procurement of certain "Theatrical Specialty Equipment" listed in this Resolution for use in the Steven B. Tanger Performing Arts Center in an amount not to exceed \$7,152,953.88. The City Council finds as a fact that this Theatrical Specialty Equipment has been selected specifically for its compatibility with the engineering and design specifications of the STPAC and its standardization with other apparatus, supplies, materials, and equipment already in use by the City pursuant to N.C.G.S. 143-129(e)(6).

(Signed) Nancy Hoffmann

3. [ID 17-0306](#)

Ordinance in the Amount of \$18,500,000 Amending the Performing Arts Center Capital Project Fund Budget

Councilmember Wilkins asked for clarification on the item.

Councilmember Hightower inquired about the use of the private donations.

Finance Director Rick Lusk spoke to the construction note that the City had entered into; the staff recommendation to proceed rating the balance for the previously approved items; and explained the allocation of the private funds.

Moved by Councilmember Barber, seconded by Councilmember Hoffmann, to adopt the ordinance. The motion carried on the following roll call vote:

Ayes, 8 - Councilmember Mike Barber, Mayor Nancy Vaughan, Councilmember Nancy Hoffmann, Councilmember Jamal Fox, Councilmember Sharon Hightower, Councilmember Tony Wilkins, Mayor Pro-Tem Yvonne Johnson and Councilmember Justin Outling

Nays, 1 - Councilmember Marikay Abuzuaiter

17-45 ORDINANCE AMENDING THE PERFORMING ARTS CENTER FUND

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1

That the Performing Arts Center Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriations be increased as follows:

Account	Description	Amount
527-7501-01.6011	Site Preparation	\$2,550,000
527-7501-01.6013	Building	8,800,000
527-7501-01.6059	Equipment	7,150,000
Total		\$18,500,000

And, that this increase is financed by the following revenue:

Account	Description	Amount
527-7501-01.9011	Note Proceeds	\$18,500,000

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Mike Barber

3. Adjournment

Moved by Councilmember Barber, seconded by Councilmember Wilkins, to adjourn the meeting. The motion carried by voice vote.

THE CITY COUNCIL ADJOURNED AT 6:08 P.M..

ANGELA R. LORD
DEPUTY CITY CLERK

NANCY VAUGHAN
MAYOR