



City of Greensboro

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

Meeting Minutes - Final City Council Work Session

Tuesday, April 3, 2018

3:00 PM

Council Chamber

I. Call To Order

This City Council Work Session of the City of Greensboro was called to order at 3:00 p.m. on the above date in the Council Chamber of the Melvin Municipal Office Building with the following members present:

Mayor Nancy Vaughan, Mayor Pro-Tem Yvonne Johnson, Councilmembers Marikay Abuzuaiter, Sharon Hightower, Nancy Hoffmann, Michelle Kennedy, Justin Outling, Tammi Thurm, and Goldie Wells.

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

II. Presentations

1. [ID 18-0089](#) Update on the M/WBE (Minority/Women and Business Enterprise) Disparity Study - Griffin and Strong, PC

City Manager Westmoreland spoke to providing an update on the Minority/Women and Business Enterprise (M/WBE) Disparity Study (Study) by Griffin and Strong, P.C. (G & S); and to the proposed next steps.

Mayor Vaughan explained the purpose of the meeting; and stated Council would take public comments during the town hall meeting following the Work Session.

Assistant City Manager Barbara Harris provided the history for the M/WBE Program; regulations for updates; spoke to the agreement for the current Study; and recognized G & S Chief Executive Officer Rodney Strong.

Mayor Vaughan left the meeting at 3:04 p.m. and returned at 3:05 p.m.

Councilmember Abuzuaiter inquired about when questions would be taken.

Mr. Strong requested Council hold their questions until the end of the presentation; spoke to the importance of the information; and recognized G & S Project team (Project team) members in attendance.

Mr. Strong, Technical Advisor on Disparity Studies Dr. J. Vincent Eagan, Senior Director Michele Clark Jenkins and Legal Division Attorney David Maher made a PowerPoint Presentation (PPP); outlined the firm's history; the presentation overview; explained the definition of a Disparity Study; spoke to case law; identification of the minority population; reviewed the Study objectives; statistical and technical approaches; the private sector analysis; and the collection of anecdotal evidence. The Project team reviewed good faith effort regulations; contract goals; statistical findings regarding sub and prime contractors; spoke to consistent good faith negotiations; referenced statistical findings; compared firm availability and dollars spent with said firms; spoke to the geographically relevant market; a predefined area; expanding outside the ten county guideline; reviewed the prime and subcontractor utilization summary regarding construction, professional services, other services, and goods for a 24 county relevant market; and highlighted the underutilization of M/WBE in all four work categories. The Project team outlined the data collection process; a parity for contracts under \$300,000; prime contracting spending versus prime percentages; compared collected data to the previous Study; encouraged the utilization of M/WBE firms; observed successes and advancements; and commended the M/WBE staff for their involvement and work in the program. The Project team outlined the anecdotal findings; reviewed non-bias results from various community outreach input; culture

issues; referenced discrimination; evidence of social diversity; the perception of an unwelcoming Downtown atmosphere; spoke to informal networks; transparency; the M/WBE program structure and monitoring; barriers to M/WBE participation; significant disparity in relevant geographic and product markets; underutilization by prime contractors; and to race and gender as controlling factors. The Project team explained the lack of a remedial program for M/WBE subcontractors as a factor for a race-neutral program; stated the Project team found quantitative and qualitative evidence to support race and/or gender conscious elements in a remedial program; and spoke to narrowly tailored recommendations.

Mr. Strong continued the PPP; outlined recommendations; spoke to the need for M/WBE goals; development of a forecasting plan; greater oversight by the M/WBE staff; voiced concerns with on-call contracts; bonding and insurance review; explained the need for a small business reserve program; voiced the need for reform data infrastructure; establishment of a policy to investigate possible discrimination; recommended economic development projects; and continued vendor rotation.

Discussion took place regarding the outreach to local businesses and firms for the public hearings and focus groups; the opportunity for community input; and a YouTube video of an individual community session.

Greensboro Television Network (GTN) showed the video of testimonies at a community meeting.

Discussion continued regarding overwriting good faith efforts; the need for investigation; lowest responsible and responsive bidders; and ways to deal with additional public costs.

Mayor Pro-Tem Johnson spoke to the prioritization of the recommendations; asked Mr. Strong to share his opinion on which would be most important; and for an explanation for on call contracts.

Mr. Strong voiced the need for a non-discrimination clause; an increase of M/WBE staff; the presence of M/WBE staff in construction meetings; and spoke to contract compliance.

Ms. Jenkins explained the on call contracts for pre-qualified firms to do certain work; and spoke to a review of on call contracts for the opportunity to separate bids.

Discussion ensued in regards to enforcement of policy and procedures; administrative oversight; adequate monitoring; Title 6 and the Civil Rights Act; consistency and fairness; the point system; frustrations with change orders; qualification requirements for black women; the use of the American Contracting Compliance Company; and of parity in one category.

Mayor Vaughan requested staff review the process of inclusion of M/WBE participation with change order contracts prior to consideration by Council; and to research the addition of M/WBE staff with a specific skill set to monitor construction meetings.

Councilmember Outling requested staff to research federal and state legislation regarding the legal basis for good faith requirements.

Ms. Jenkins referenced to federal and state laws and local ordinances; Charlotte's program; and confirmed G & S would continue to provide consultant work.

Discussion continued regarding case law; looking at the national market for local market determinations in statistical analysis; the sunset provision; the study of prime contractor behaviors; review of the private sector's role; recommendations for the policy; incentives for exceeding goals; supportive services; creating competition; and increasing the Metropolitan Statistical Area (MSA).

Councilmember Hightower requested staff research a method of ensuring ownership of women owned businesses.

Mr. Strong spoke to the certification process; and regional certification meetings.

Assistant City Manager Harris voiced appreciation to the consultants; outlined the proposed next steps; spoke to the process for establishment of a Disparity Study Review Committee; outlined the role, membership, and work of said review committee; and the timeline for recommendations for M/WBE program changes, and for staff training.

Discussion took place regarding the participation of Councilmembers on the committee; and staff bringing the item before Council for approval.

2. [ID 18-0211](#) Recess to Closed Session

Moved by Mayor Pro-Tem Johnson, seconded by Councilmember Wells to go into closed session to preserve the attorney-client privilege between the City Attorney and Council and to consult with and give instructions to the City Attorney and the attorney retained by the City concerning the handling of a settlement or claim and concerning pending litigation in the matter of Greater Greensboro Entertainment Group, et al., pursuant to G.S. 143-318.11 (a)(3). The motion carried by voice vote.

Council recessed to closed session at 5:03 p.m. Council reconvened into open session at 5:44 p.m. with all members in attendance.

Moved by Councilmember Abuzuaiter, seconded by Councilmember Wells to return to open session. The motion carried by voice vote.

(A copy of the PowerPoint Presentation is filed in Exhibit Drawer A, Exhibit No. 8 which is hereby referred to and made a part of these minutes)

III. Adjournment

Moved by Councilmember Kennedy, seconded by Councilmember Thurm, to adjourn the meeting. The motion carried by voice vote.

THE CITY COUNCIL WORK SESSION ADJOURNED AT 5:45 P.M.

ANGELA R. LORD
DEPUTY CITY CLERK

NANCY VAUGHAN
MAYOR