

**CITY OF COLUMBIA CITY COUNCIL
WORK SESSION AGENDA MINUTES
JUNE 26, 2012 – 12:00 P.M.
CITY HALL - 1737 MAIN STREET
2nd FLOOR – COUNCIL CHAMBERS**



The Columbia City Council met for a Work Session on Tuesday, June 26, 2012 in the City Council Conference Room at City Hall, 1737 Main Street, Columbia, South Carolina. The Honorable Mayor Stephen K. Benjamin called the meeting to order at 12:47 p.m. The following members of Council were present: The Honorable Sam Davis, The Honorable Daniel J. Rickenmann, The Honorable Belinda F. Gergel, The Honorable Leona K. Plaugh and The Honorable Brian DeQuincey Newman. The Honorable Tameika Isaac Devine joined the meeting at 12:50 p.m. Also present were Mr. Steven A. Gantt, City Manager and Ms. Erika D. Moore, City Clerk. This meeting was advertised in accordance with the Freedom of Information Act.

The members of Council recognized Mr. Rickenmann and Dr. Gergel for their years of service and contributions to the citizens of Columbia.

Mayor Benjamin and the members of Council proclaimed Tuesday, June 26, 2012 as Daniel J. Rickenmann Day and Dr. Belinda F. Gergel Day in the City Of Columbia.

- **Council recessed at 1:10 p.m.**
- **Council reconvened at 1:17 p.m.**

CITY COUNCIL DISCUSSION / ACTION

1. Woodland Park Tennis Court Renovation Project – Mr. S. Allison Baker, Senior Assistant City Manager

Mr. S. Allison Baker, Senior Assistant City Manager explained that in November 2011, we bid the resurfacing of tennis courts to include Mays Park, Hampton Park, Woodland Park and Earlewood Park. He added that the tennis courts at Southeast Park were to be upgraded. He said that staff believed that resurfacing would not be good enough for the courts at Woodland Park, but the contractor said that it would be okay. We decided to resurface those courts as well at a cost of \$41,000. When the resurfacing began, we were informed by the contractor that the courts could not be resurfaced; they need to be completely renovated at a cost of \$170,000. At the same time we were looking at building a restroom at Southeast Park. He asked City Council to reallocate \$138,000 from the Southeast Park Restroom Construction Project to the Woodland Park Tennis Courts Renovation Project.

Councilor Gergel said that Southeast Park has the potential to be one of the most incredible park sites in South Carolina.

Councilor Rickenmann suggested that both projects be completed. He expressed concerns about not having permanent restrooms at Southeast Park.

Councilor-Elect Baddourah inquired about the change in the scope of the project at Woodland Park.

Councilor Davis said that Southeast Park and Earlewood Park are examples of the City taking advantage of the natural topography of the parks. He inquired about the temporary restrooms at Southeast Park.

Councilor Plough said that her disappointment is that we haven't approached how we want the whole park system to work and where resources are needed. She stated that the comprehensive plan will get us to that point and allow Council to actively support the priorities of that plan.

Ms. Lynn Stokes-Murray thanked the members of Council for their support in renovating the tennis courts. She said that both parks are needed, because everyone can't make it to Southeast Park.

Councilor Gergel said that there are environmental funding opportunities for Southeast Park. She asked Ms. Murray to engage in fundraising activities for this park.

Upon a motion made by Ms. Plough and seconded by Dr. Gergel, Council voted unanimously to proceed with rebuilding the tennis courts at Woodland Park as requested in the amount of \$180,000, with the understanding that the project will be rebid.

2. Funding Request for the Transportation Study – Mr. Steven A. Gantt, City Manager

Mr. Steven A. Gantt, City Manager explained that Richland County is updating the study related to the Penny Sales Tax and have sent a letter requesting any amount of funding the City is willing to contribute toward the \$48,000 cost of the study.

Councilor Newman explained that during the Joint Transportation Committee Meeting they discussed the fees associated with updating the study. He said that Councilwoman Dickerson asked what the City would do and he informed her that City Council has no vote in the process and we would not provide funds for it. He stated that Mr. Pope sent the letter at Councilwoman Dickerson's request.

Mr. Steven A. Gantt, City Manager agreed to send an appropriate response to the County Administrator.

3. Hospitality Tax Funding Request – Mr. Steven A. Gantt, City Manager

Mr. Steven A. Gantt, City Manager said that the City held its first annual New Year's Eve celebration on Main Street; we anticipated 5,000 people; and we had 20,000. He explained that the City did not anticipate the expenses that were incurred. The City Center Partnership covered those expenses, but their budget will run short by June 30, 2012. On behalf of the City Center Partnership, he respectfully asked City Council to approve the reimbursement of \$22,500.00 from the Hospitality Tax fund balance.

Mayor Benjamin announced that two (2) private sector partners have committed a total of \$60,000 for the coming year.

Councilor Newman inquired about the economic impact of the event.

Mr. Steven A. Gantt, City Manager reported that it was approximately \$1.7 million.

Councilor Devine clarified that the funds are to reimburse the City Center Partnership for expenses incurred for the Famously Hot New Year's Eve Celebration.

Upon a motion made by Mr. Newman and seconded by Ms. Plough, Council voted unanimously to reimburse the City Center Partnership in the amount of \$22,500 for expenses related to organizing the 2011 Famously Hot New Year's Eve Celebration.

Councilor Plough inquired about the possible change in the fiscal agent.

4. Disparity Study Review and Recommendations - Mr. Franklin M. Lee, Esq., Tydings & Rosenberg, LLP

Mr. Franklin M. Lee, Esq., Tydings & Rosenberg, LLP provided background information on the 2006 Disparity Study conducted by MGT of America, Inc. and the methodology used in terms of developing policy for the City of Columbia to improve participation of small, minority and women owned businesses in this market. He recalled that the Subcontracting Outreach Program was adopted prior to the Disparity Study being conducted. He stated that the Subcontracting Outreach Program was a race and gender neutral remedy, which required primes to subcontract a minimum amount of contracts of \$200,000 or more. He noted that there was low M/WBE availability in this market, which resulted in the need to build capacity. He deduced from the study that absent affirmative measures the City would be a passive participant in a pattern of exclusion of M/WBE firms. He recalled that MGT commended the City for adopting a commercial anti-discrimination ordinance, the Mentor Protégé Program, Make Me a Match Forum and other efforts prior to the Disparity Study. Mr. Lee said that there were a lot of struggles with the Subcontracting Outreach Program, because of the volume of paperwork that was being produced in terms of documenting good-faith efforts. He expressed concerns about whether or not anyone was scrutinizing and validating the documentation. He suggested that this is an appropriate time to re-evaluate or change the approach. He said that a centralized bidder registration system was implemented to develop a good database of those firms willing, ready and able to do business with the City at the prime and subcontract levels.

There was a brief discussion on the Small Business Enterprise program features and the remaining Disparity Study recommendations.

Ms. Teresa Wilson, Assistant City Manager referred Council to the outline of business program responsibilities. She introduced the Office of Business Opportunity personnel. She said that there are areas they can improve upon in conjunction with the Information Technology Department.

Ms. Dana Higgins, City Engineer introduced the Compliance Division personnel. She said that the process is working and there is open communication.

Ms. Heather Hatcher, Buyer for the Procurement Department provided a demonstration of the Centralized Bidder Registration System also known as Bid Online. She demonstrated how a new vendor logs into Bid Online and how information crosses over to IFAS. She explained that a Local Business Enterprise Form is attached to all solicitations and Bid Online. She said that once the form is submitted, it is forwarded to the Compliance Division for verification.

Mr. Mark Johnson, Information Technology Department provided a demonstration of the sample reports that can be displayed in IFAS to include payments to subcontractors and the utilization of M/WBEs.

Mr. Franklin M. Lee, Esq., Tydings & Rosenberg, LLP reviewed his assessment from November 2011 of the Bid Online System in terms of the technical aspects of the system and administrative matters that must be undertaken. He noted that another online demonstration was provided on May 19, 2011. He said that it must be mandatory for all vendors, contractors and subcontractors to register online if they want to do business with the City. He stressed the importance of having a universal system and a level playing field in terms of transparency in payments. He said that the City's website must be business friendly. He outlined additional technical functionalities and unresolved administrative matters that need to be addressed. Mr. Lee recommended several improvements to be implemented by the Information Technology Department and through administrative procedures and practices. He said that they have worked over the last several months to streamline the Mentor Protégé Program guidelines. He reported that they undertook an in-depth examination of the program last fall. They held focus groups with a number of mentors and protégés to determine their perception of what's working and what's not working and to identify where improvements are needed. The Utilities and Engineering Department compiled data on demographics and contract participation levels on the approved teams. The proposed modifications to the guidelines were presented to City staff and we are seeking additional guidance from City Council on the key policy issues. The mentor firms seem to feel that the program is working fairly well except they felt a few of the mentor firms were getting all of the work. A lot of the protégés felt that unless they were with the winning team, the program didn't offer them a whole lot. There is a widely held perception that there are only two or three firms being awarded 90% of the work. There are a number of teams that have not been successful in bidding. There are a number of protégés that had difficulty finding mentors to team with. There is also a perception that in order to get contracts with the City, you must be with the right players. There is a need to ensure that there is only one approved protégé per mentor for a particular

service area. He suggested that the City divide the work into smaller components that would allow mentors or protégés to bid in some instances. He further suggested a fixed term for participation in the program. Mr. Lee made additional recommendations that would provide the protégés with substantive benefits in terms of guidance and mentoring.

Councilor Devine inquired about a process that would require mentors and protégés to report other projects they were awarded as a team.

Mr. Franklin M. Lee, Esq., Tydings & Rosenberg, LLP said that is something the City should consider.

Councilor Plaugh expressed concerns about mentors bumping up their prices so that money is there to pay the protégé.

Mr. Franklin M. Lee, Esq., Tydings & Rosenberg, LLP referred to that approach as price fixing, but suggested that competition would prevent that from happening. He continued to review the recommendations for improving the Mentor Protégé Program to include limiting the number of firms in the program at one time.

Councilor Davis expressed interest in building capacity for protégé firms.

Ms. Melissa Gentry, Assistant City Manager noted that construction projects are bid for Mentor-Protégé teams and we would have to change that as protégés graduate from the program.

Councilor Gergel inquired about the results of the surveys that were conducted.

Mr. Mike King, Compliance Officer reported that mentors benefited from the relationships that were built and from helping protégés with their administrative development. He noted that it was also one of their greatest frustrations. He said that there is a belief that a portion of the protégés being awarded contracts were working for the City prior to the program.

Mr. Franklin M. Lee, Esq., Tydings & Rosenberg, LLP said that it was also determined that it would be helpful if there was a debriefing at the end of each project between the teams and the city to determine if the objectives were achieved. He said that this was a pilot program and they have learned a lot about the flaws of the program. He said that a number of the recommendations should be implemented in order for this program to become successful.

Upon a motion made by Ms. Devine and seconded by Mr. Davis, Council voted unanimously to ask staff to review and prioritize the recommendations in collaboration with Mr. Lee; set a timeframe for implementation; start bringing the recommendations forward on a quarterly basis; and schedule a presentation on the establishment of a Small Local Business Enterprise Program to replace the Subcontracting Outreach Program. Mr. Rickenmann and Mr. Newman were not present for the vote.

5. Preliminary Report on the Information Technology Assessment – Ms. Elisa Limbaugh, Chief Information Officer

Ms. Elisa Limbaugh, Chief Information Officer said that they have conducted thirty-nine interviews with department/division heads over the last three (3) months. She distributed a preliminary assessment summary. She categorized the group of recommendations as not being information technology oriented. She stated that the things that should change the most to impact the efficiency and effectiveness of the City have to do with project management related activities. She suggested that project definition, project approval and project management are needed. She said that in many cases there isn't a common understanding of what the Information Technology Department was asked to do. She said that projects are vendor driven, reactive and unpredictable. She suggested that there be a need focused approach, that's very intentional and predictable and acknowledges that there are limits. She urged the Council to establish a project management office. She distributed a project charter template that describes what needs to be done, the expected outcome and the funding source for projects.

Councilor Plaugh asked Ms. Limbaugh to identify other cities that have this structure in place and how it's working.

The preliminary report was received as information. No action was taken.

6. NuHub / Fuel Cell Collaborative Economic Development Budget Funding Request – Mr. Neil McLean, EngenuitySC

Mr. Jim Gambrell, Executive Director of Economic Development explained that \$75,000 was put into their budget for the Fuel Cell Collaborative, but we only recommended that they get \$50,000. He said that there is \$25,000 that could be used by EngenuitySC. He stated that they are here to request the extra \$25,000.

Mr. Franklin Buchanan, EngenuitySC requested that \$25,000 be appropriated for the funding of NuHub, which is the nuclear cluster.

Ms. Meghan Hughes, Senior Project Manager / EngenuitySC explained that NuHub was started in August 2010 as a collaborative effort for business, public and private and higher learning institutions to take advantage of our geographic location in the nuclear renaissance. She added that NuHub was created to take advantage of the employment and economic development opportunities. She announced that Midlands Technical College was named by the National Science Foundation as a regional center for nuclear education and technology and awarded them a \$3.1 million grant; the University of South Carolina received a \$900,000 endowment; and NuHub was honored in Chattanooga, Tennessee as the 2012 Innovator from South Carolina by the Southern Direct Policies Board. She said that NuHub has partnered with two (2) vendors to compete for \$450 million in Department of Energy funding to develop, license and deploy small modular reactors in South Carolina, which has the potential to create thousands of jobs and billions of dollars in investments. She noted that they have been working off of a grant that ends in September and the additional funding is needed to continue the work being done with the SMR project. She explained that Richland

County has provided \$30,000 for NuHub; Lexington County has come to the table with funding for cluster development, some of which will be used for NuHub; and the \$500,000 Department of Energy Grant that ends in September. She said that they also work closely with SCRA, SC Launch, Benedict College, SC State, Aiken Technical College, Westinghouse and SCANA, University of South Carolina and the Good to Great Foundation, which provides for a good mix of industry and education.

Councilor Rickenmann asked if the Good to Great Foundation provided funding.

Mr. Franklin Buchanan, EngenuitySC said that the Chamber has not provided any funding, but they have a proposal for the Good to Great Foundation requesting \$60,000 per year to fund cluster development activities, which includes \$20,000 for NuHub. He added that the Industry Engagement Committee is developing a private sector campaign package. He said that they are developing a specific membership structure around NuHub so that everyone at the table can be equitable.

Upon a motion made by Mr. Newman and seconded by Mr. Rickenmann, Council voted unanimously to approve the request to appropriate an additional \$25,000 from the Economic Development budget to the Fuel Cell Collaborative for the NuHub initiative. Mr. Davis, Ms. Devine and Dr. Gergel were not present for the vote.

EXECUTIVE SESSION

Upon a motion made by Mr. Rickenmann and seconded by Ms. Devine, Council voted unanimously to go into Executive Session at 4:45 p.m. for the discussion of **Items 7** through **10**. Mr. Newman was not present for the vote.

7. Receipt of legal advice which relates to a pending, threatened or potential claim – *This item was discussed in Executive Session. No action was taken.*
8. Discussion of negotiations incident to proposed contractual arrangements – *This item was discussed in Executive Session. No action was taken.*
9. Receipt of legal advice which relates to a matter covered by the attorney-client privilege – *This item was discussed in Executive Session. No action was taken.*
10. ****Discussion of employment of an employee – *This item was not discussed.***

▪ **Council adjourned the Work Session at 5:45 p.m.**

Respectfully submitted by:

Erika D. Moore
City Clerk