

MAY 20, 2014
COMMITTEE OF THE WHOLE
GOVT. CTR. – RM. 120

PRESENT Mayor Dorothy Hubbard
Mayor Pro Tem Jon Howard
City Commissioners: Bobby Coleman, BJ Fletcher, Roger Marietta, Bob
Langstaff, Jr., and Tommie Postell
City Manager: JL Taylor
City Attorney: CN Davis

Mayor Hubbard called the meeting to order at 8:31 a.m.

CITIZENS APPEARANCE

1. Robert Lane – Mr. Taylor announced that after he spoke with Mr. Lane, the speaker's appearance request was withdrawn.

2014 GMA ANNUAL CONFERENCE VOTING DELEGATE/FLAG BEARER

Commissioner Postell nominated Commissioner Coleman, seconded by Commissioner Marietta; the motion unanimously carried.

APPOINTMENT

1. Two appointments to the Barrier Free Design Board for three year term ending March 2017. (One member representing handicapped persons and/or persons who have an understanding of and a commitment to Barrier Free Design Board and one member representing the community at large).

Commissioner Postell moved to appoint Donna Parker and to continue advertising the remaining vacancy, seconded by Mayor Pro Tem Howard; the motion unanimously carried.

TRAVEL

1. Commissioner R. Marietta – Annual MEAG Conference, Amelia Island, July 13-16, 2014

Mayor Pro Tem Howard moved to approve, seconded by Commissioner Marietta. Commissioner Marietta explained that it is necessary that someone from the Commission attend the conference because of the nuclear power plant in Augusta and earthquakes there and Georgia Power being anti-environment. He stated that it is important to have corporate arguments from an environmental perspective and Albany's vote needs to be counted.

Hearing no further comments, the motion unanimously carried.

ITEMS FOR FUTURE AGENDA

Commissioner Postell asked why Mr. Lane did not appear to address his issue; Mr. Taylor replied that Mr. Lane’s issue is not one for the Commission, it is something he must address and he will handle it by working with him. He stated that he intends to put a panel together and bring the issue back when it is ready. Commissioner Postell stated that he has problems with the manner in which wrecker services operate.

PUBLIC WORKS MATTERS

ACCEPTANCE OF EASEMENT FOR CHEHAW SANITARY SEWER IMPROVEMENTS

Engineering Director Bruce Maples reported that the easements are for SPLOST VI projects approved for Chehaw Park sewer; they have all the signatures and the project is ready to move forward.

Commissioner Langstaff moved to approve, seconded by Commissioner Postell; the motion unanimously carried.

PUBLIC SAFETY MATTERS

ONE DAY ALCOHOL LICENSE APPLICATIONS

1. Darton College Foundation [2 applications]; L. Malinowsky/Agent; Concert Fundraiser, Darton College, 2400 Gillionville Rd. June 28 & July 18, 2014 5:00 pm – 11:59 pm

Commissioner Postell moved to approve, seconded by Commissioner Marietta; the motion carried 6-1 with Mayor Pro Tem Howard voting no.

ALCOHOL LICENSE APPLICATIONS

Commissioner Marietta moved to approve the following Alcohol License Applications, seconded by Commissioner Postell; the motion carried 6-1 with Mayor Pro Tem Howard voting no.

1. Shri Aman Nath, Inc., d/b/a Dawson Rd. Food Mart, 1200 Dawson Rd. Q. Lumpkin/Applicant; Beer Package – WARD IV

Commissioner Postell moved to approve the following, seconded by Commissioner Marietta; the motion carried 6-1 with Mayor Pro Tem Howard voting no.

2. Newton Rd. Partners, LLC; d/b/a Brothers Convenience Store, 1104 Newton Rd.; M. Patel/Agent; Beer package – WARD VI

Commissioner Marietta moved to approve the following, seconded by Commissioner Langstaff.

3. ATL Sports Lounge, 1905 S Madison ST. #6; JS Turner/Agent; Wine consumption/Liquor retail – WARD VI

Commissioner Postell asked how this transitioned from a beauty shop. W. Nathaniel Norman, Chief License Investigator, agreed that it was previously a beauty shop; the occupant desired to make it a longue. Commissioner Postell asked if parking was inspected in regard to it becoming a longue. Chief Norman explained that there is shared parking with all of the parking spaces accessible to the longue during hours of operation. He added that this is June Bug's Plaza; there are other stores located in the plaza, but the only other store opened during hours that the longue is opened is the convenience store, giving them control of the entire parking lot. Commissioner Postell asked the capacity of the parking lot; Chief Norman replied that he does not know. Commissioner Postell suggested that there could be up to 100 cars parked at a longue. Chief Norman explained that when a question arises about ample parking, the Planning Department sends a letter stating that additional space is needed. Since Planning did not send a letter stating that the application did not meet criteria, the indication is that parking space complies with regulations. Mr. Taylor interjected that he will get the information to Commissioner Postell before the night meeting. He explained that Chief Norman is an officer with Code and that he only reviews alcohol license application; the Planning Department reviews parking issues.

Commissioner Marietta noted that the longue will serve wine on premises for consumption and a take-out package store, and asked if there has ever been something like this before in Albany. Chief Norman stated that this application is only for consumption; there will be no package sales and nothing bought for take-out. In response to Commissioner Marietta, Chief Norman replied that the convenience store owner would not lease the space if the longue served beer; therefore, they had an agreement that the longue would only serve wine and liquor.

Hearing no further comments the motion carried 5-2 with Mayor Pro Tem Howard and Commissioner Postell voting no.

ITEMS FOR FUTURE AGENDA

Commissioner Marietta mentioned that traffic enforcement was brought up a few weeks ago, which is an ongoing matter, but it seems the traffic problems continue to grow. He asked for a report that is focused on traffic violations. In reply to Mr. Taylor, he stated that he feels there is not enough enforcement; with more focus on traffic the public will become more aware of dangers, but it does not necessarily mean more tickets need to be issued. APD Chief John Proctor reported that his department is enforcing traffic laws, but will put additional attention on the

issue, as well as provide more education. Commissioner Fletcher added that Chief Proctor was at a neighborhood watch meeting she attended last night; he, Tracy Barnes and David Sparks provided a great deal of information regarding hot spots, DUI's and traffic tickets.

PUBLIC ADMINISTRATION AND FINANCE MATTERS

REQUEST TO INCREASE AND ADD FEES FOR PLANNING & DEVELOPMENT SERVICES

Mr. Taylor asked that this item be removed in order for him to have further discussions before it is brought to the table:

FY 2014 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG)

Chief Proctor stated that the request is obtain approval to apply for the grant. He explained that it is a pass-through grant that his department applies for each year; there is an 80/20 split with Dougherty County.

Commissioner Langstaff moved to approve, seconded by Commissioner Postell; the motion unanimously carried.

CURRENT BIDS

Dale Henry, Buyer, discussed the following (copy of information on file):

1. Crushed Asphalt, Oxford Construction, Albany, GA
Estimated expenditure \$214,600.00

Mayor Pro Tem Howard moved to approve, seconded by Commissioner Postell.

In response to Mayor Pro Tem Howard, Public Works Director Phil Roberson stated that this is a continued project and is not new alleys. He stated that the list approved by the Commission is approximately 60/65% complete. Mayor Pro Tem Howard asked if we are behind. Mr. Roberson replied in the affirmative, adding that it is the result of the all recent rains, but with dry weather here they should be getting back on schedule. Mayor Pro Tem Howard asked if he anticipates any funding left from the \$214,600.00 to add new alleys. Mr. Roberson replied that it is too early to tell, but they have been running approximately 25% under-budget; if that trend continues there should be funds left over. He said he will get with Mr. Taylor to see how he wants to proceed.

In response to Mayor Hubbard, Mr. Henry stated that the price increased \$2.00/ton. Mr. Roberson added that the problem usually encountered is availability; several times within the last

year, they had to wait six months to have the asphalt crushed and available, leaving the project at the mercy of the provider. Mr. Taylor interjected that as more streets are resurfaced, more crushed asphalt becomes available. A brief discussion ensued regarding using other providers if needed and the reason it is not stockpiled.

Hearing no further comments, the motion carried 6-0-1 with Commissioner Langstaff abstaining.

Mr. Henry discussed the following (information on file):

2. Solid Waste Collection/Disposal Program, Waste Pro, Albany, GA

Total expenditure	\$3,000,978.00
-------------------	----------------

Commissioner Marietta noted that there were eight members on the PAG, but only five evaluators. Mr. Henry replied that his and Ms. Fields vote counted as one, as well as the three members from Solid Waste counting as one vote; Ms. Bowles, Ms. Calhoun and Mr. Carter were one vote. In response to Commissioner Marietta, Mr. Roberson explained that Judy Bowles was included on the PAG because she is an employee of both the City and County. In response to Commissioner Marietta, Mr. Roberson explained that the Records and Reporting System would be the kinds of reports the proposer could generate (scheduling, missed calls/missed garbage, complaints, etc.), adding that a lot of work orders are handled through the 311 system. A couple of the proposers stated that they could generate additional reports; the current contractor has not generated internet-based reports to his department in the past. Commissioner Marietta mentioned that a report was made to the Solid Waste Committee about A-1 Brantley, a minority contractor for Transwaste, being under a work-improvement program. He asked if it was just A-1 or both A-1 and Transwaste. Mr. Roberson explained putting the minority subcontractor on a performance plan in 2012. In the past year to 18 months, the City has directly dealt with Transwaste on issues regarding yard trimming collections and being behind in their schedule. He added that they have been responsive each time staff from Solid Waste contacted them; however, the City always had to initiate the conversation to ensure compliance with the terms of the contract. Commissioner Marietta asked if they ever submitted a report on how they improved their performance. Mr. Roberson advised that they submitted an action plan indicating the equipment they would bring from surrounding areas, i.e., bring in additional equipment and staff to work six days a week, but to his knowledge they never provided records of such. But, in their proposal, they included internet-based software that would provide a snapshot of where they are all the time, adding that a clause in the contract stipulates they will not fall more than three days behind in bulk waste/yard trimming collection. He reiterated that any time they were contacted, they were responsive and immediately complied. Commissioner Marietta noted that they outscored Waste Pro in the area of past performance, but they have a significant drop in records and reporting, with one evaluator making a significant difference. He asked Transwaste representative, Don Collins, if he knew of reasons Transwaste records and reporting system was graded so low. Mr. Collins replied in the negative, stating that they were perplexed when seeing the number. He briefly discussed Transwaste's proposal, past ten year history with the City and compliance with any and all issues, adding that they are capable of handling the City's needs and requirements. In response to Commissioner Marietta, he stated that Transwaste does have a

record and reporting system and it was discussed in the interview conducted by the PAC. He added that it was also discussed that their system is capable of interfacing with 311. Mr. Roberson interjected that it would have been helpful to have had this information when they started using the software, adding that on paper, Transwaste and Waste Pro are capable of performing the job. However, the PAC's job was to evaluate the best proposer and in their opinion, Waste Pro presented the best proposal. Mr. Roberson briefly discussed the references, testimonials, cities they have served, with all providing positive input.

Mayor Pro Tem Howard asked which of the three proposers are local; Mr. Roberson replied that both Waste Pro and Transwaste are local entities. Howard Burnette, representing Waste Pro, stated that corporate headquarters are in Longwood, Florida. Mr. Collins said corporate headquarters for Transwaste is in Raleigh, North Carolina. In response to Mayor Pro Tem Howard, Mr. Burnette stated that Waste Pro is prepared to start July 1. Mayor Pro Tem Howard asked Mr. Burnette if his company is ready to hit the road running July 1; Mr. Burnette replied in the affirmative, adding that the transition will be seamless. Mr. Henry interjected that Waste Pro has offered to replace all 11,489 of the garbage containers on the west side. Mayor Pro Tem Howard asked if Waste Pro is awarded the contract, will A-1 Brantley remain as the subcontractor. Mr. Roberson replied in the negative adding that A-1 was not a part of either proposal. Central Services Director Stephen Collier stated that the City never had a contractual relationship with A-1 Brantley; they were a subcontractor for Transwaste. Mayor Pro Tem Howard asked if there is a stipulation in the contract that a minority subcontractor be involved; Mr. Taylor replied in the negative. Mayor Pro Tem Howard stated that the issue of minority contractors may need to be looked at again.

Commissioner Fletcher asked if the change will result in a savings to taxpayers. Mr. Roberson replied in the affirmative, although the savings are nominal – approximately \$0.50 difference per household. Commissioner Fletcher mentioned the issue with getting Transwaste's records and asked if this was a downfall on their part or the City's. Mr. Roberson suggested that if records were available it would have 'exonerated' them and showed that they were on schedule and that they would have provided the records. He stated that all he received were emails or letters outlining the steps they were taking to get back on schedule. Mr. Taylor interjected that that was not a requirement in terms of the contract.

Commissioner Postell asked the contractor for the remaining areas of the city. Mr. Roberson explained that everything west of Slappey Drive is the contract area and everything east of Slappey has service through the City.

Commissioner Coleman expressed concern about the minority subcontractor being phased out and excluded those who have been participating; it is not something he can support.

Commissioner Marietta asked if an increase, plus a CPI, in the garbage collection fee was proposed by the City Manager. Mr. Roberson replied that the total is 7% making the fee \$30.84. Commissioner Marietta stated that Commissioner Fletcher was just told that there would be a savings to taxpayers, yet customers will be paying significantly more. Mr. Roberson explained that the Solid Waste ordinance does not recognize Slappey Boulevard as the boundary and all 30,000 customers belong to the City of Albany and rates are the same on both sides of the

boundary with there being no disparity. He stated that any savings generated as a result of a lower fee by any contractor in the future would go into the fund balance; however, this would not be reflected in the reduced rate to customers. It would be used to buy equipment, new resources, etc.

Commissioner Marietta moved to rebid, to include a requirement that there be minority participation, as in the past, seconded by Commissioner Coleman.

In response to Mayor Pro Tem Howard, Mr. Davis stated that it can be rebid, but there are deadlines and other matters to take into consideration. Mayor Pro Tem Howard asked if the proposers decided they did not want to use subs; do they intend to do it all themselves? Mr. Burnette stated that it was not specified in the proposal documents; however, he will need all those already working for Transwaste to do the work, as well as those working for A-1 Brantley. He said he does not anticipate any job loss.

Commissioner Coleman asked if he can guarantee that in writing. Mr. Burnette replied that he will have to see the number of employees who are available and determine how many will be needed. Commissioner Coleman stated that this is his problem; there is nothing exact and concrete. Mr. Burnette explained that there may be some who do not pass pre-employment background checks/screening, motor vehicle record check, etc. Those who are qualified will be offered a job because it is important to have people onboard who know the routes.

Commissioner Fletcher asked if all those hired will be local; Mr. Burnette replied in the affirmative. Mr. Collins stated that the minority participation component of the bid process was removed, but Transwaste has had a long history of partnering with minorities. Since it was not a component of the bid, Transwaste felt it would result in them being less competitive and give competitors an advantage. He explained that this component would be included if another RFP went out.

Mayor Pro Tem Howard noted that minority participation was removed and asked why.

Mr. Collier explained that once the small business office was abolished, it also abolished the requirement to include minority participation in bids. Because the City no longer had a Small Business program, minority participation cannot legally be mandated in bids. A lengthy discussion ensued regarding rebidding the contract; creation of a small business program; the study that was conducted, which stated it would be a violation of laws to require quotas/set asides. Mr. Collier interjected that minority participation can be encouraged/ requested, but not required absent a program. He briefly discussed the small business program involvement in the bid process, adding that ‘fronts’ will be the next result.

Commissioner Postell asked what happens to garbage collection if the contract is not approved; Mr. Taylor replied that it will be necessary to have an extension provided the contractor is amenable; otherwise, the City will have to collect it all within the city. Mr. Collins stated that when it became apparent the City was making changes, Transwaste offered a 12-month

extension to give the City time to ascertain how to move forward. He advised that this offer is still on the table.

Mr. Taylor stated that a policy can be developed and made a part of the bid process; however, it will take some time since there are issues that must be dealt with beforehand.

Mr. Burnette stated that Waste Pro bids a lot of contracts; the City of Gainesville in Alachua County has a minority participation program in which a list of those who are certified is given to all proposers. One problem in solid waste is finding a minority partner in the garbage business with garbage trucks. He stated that Waste Pro buys locally, i.e., fuel, hardware, etc., anything purchased in the scope of doing business is bought locally. He asked if the contract is rebid, where he would find minority partners to propose with, adding that he would be lost trying to find a company to bring in as a partner. Mr. Taylor advised that this would be the City's challenge and he will get back with Mr. Burnette.

In response to Mayor Hubbard, Mr. Roberson stated that there are two issues – is the current contractor willing to extend and the issue of minority participation is a broader picture. He said he is unsure if it can be accomplished by the end of June. Mr. Taylor suggested that most likely a minimum of six months will be needed to get a program established, adding that he is unsure, however, he said he understands what the Commission is directing him to do.

In response to Mayor Pro Tem Howard, Mr. Taylor stated that he cannot negotiate a contract at this table, but if Transwaste is open to an extension he will discuss that option. He said he will let the Commission know something formally between now and the middle of next month; informally, he will let them know before then.

Commissioner Marietta asked to restate his motion that the bid process *encourages* minority participation, seconded by Commissioner Coleman.

Commissioner Langstaff stated that it is his understanding that the bid already encourages minority participation and he will vote against the motion because the City is not doing anything differently. He added that unless the City sets up another small, minority business office and have subcontractors certified, there will be no difference in the bid process. Commissioner Coleman stated that he understands that if either, Waste Pro or Transwaste, is awarded the bid, there will be no minority subcontractors. Mr. Taylor agreed and explained that no minority subcontractors were identified in the bid, but that does not indicate they would not hire minorities. Commissioner Coleman reiterated that he cannot support it.

Mayor Hubbard referred to the study that was conducted that eliminated the requirement four-five years ago and suggested that there may be a need to revisit the issue. Commissioner Coleman countered that the City needs to go back to a small business program in order to have the ability to require minority subcontractors.

Commissioner Langstaff explained that after the City implemented a small, minority business program, which also includes females, the problem was the lack of those who qualified, but

subsequently would not get certified; it made no sense to fund a program that was ineffective. He said he does not understand how anyone expects that to change going forward. When the program was operating, the director of the Small, Disadvantaged Program was continuously exasperated because she could not get subcontractors to see the necessity of being certified. A new program would have to be done differently to be successful. A brief discussion ensued regarding Georgia Tech's oversight of the City's small, minority business program, which was educationally based. Mr. Collier stated that it is necessary to get subcontractors DOT/GDOT-certified because those two entities will mandate this; it will not matter what certifications the City puts together. He added that his department liked how Georgia Tech operated the program, but there was little to no participation.

Mayor Hubbard agreed that getting subcontractors to see the necessity of becoming certified is a priority. They have to realize they must make some personal sacrifices to that end. She stated that when the programs were in effect they [subcontractors] were not willing to go the extra mile to do what it took to become certified. While staff does shoulder the responsibility for certain things, it does not include them, or the contractors, trying to get subcontractors certified.

Commissioner Fletcher commented that as a female, she is a small, minority business. The truth is subcontractors see the guidelines, cost, time and effort involved and back off becoming certified.

Commissioner Coleman interjected that hiring needs to include from all aspects, not just employment, but the management; from the bottom to the top. This is so that the City won't have to take orders, but can give orders, which is how he sees the term of 'being employed'.

In response to Mayor Pro Tem Howard, Mr. Taylor stated that if the Commission is tabling the motion, he will look at extending the contract as well as how to better encourage minority participation. He said he must ensure that someone is serving the citizens between now and executing a contract; he will let the Commission know something by Wednesday of next week at the very latest.

Commissioner Postell moved to table until the City Manager can advise of a better time to discuss the issue, seconded by Commissioner Fletcher. The motion carried 4-3 with Mayor Pro Tem Howard and Commissioners Marietta and Langstaff voting no.

BUDGET DISCUSSIONS

The consensus was to reschedule budget discussions until the next work session (June 3) and schedule additional time as needed. Mayor Pro Tem Howard asked to have Community Development, Engineering and Public Works also available at some point.

After a short break at 10:00 a.m., Commissioner Marietta did not return to the meeting.

EXECUTIVE SESSION – PERSONNEL ISSUE

At 10:11 a.m., Commissioner Fletcher moved to enter into executive session to discuss a personnel issue, seconded by Commissioner Langstaff; the motion unanimously carried as follows:

WARD I	yes
WARD II	yes
WARD III	yes
WARD IV	absent (entered executive session at 10:16 a.m.)
WARD V	yes
WARD VI	yes
MAYOR	yes

At 10:39 a.m., Commissioner Langstaff moved to exit executive session, seconded by Commissioner Marietta, the motion unanimously carried as follows:

WARD I	yes
WARD II	yes
WARD III	yes
WARD IV	yes
WARD V	yes
WARD VI	yes
MAYOR	yes

There being no further business, the meeting adjourned at 10:39 a.m.

SISSY KELLY
ASST. CITY CLERK