



CITY OF COLUMBIA
CITY COUNCIL MEETING MINUTES
WEDNESDAY, JULY 26, 2006
10:00 A.M.
CITY HALL COUNCIL CHAMBERS
1737 MAIN STREET

The Columbia City Council conducted a Meeting on Wednesday, July 26, 2006 in the City Hall Council Chambers located at 1737 Main Street, Columbia, South Carolina. The Honorable Mayor Robert D. Coble called the meeting to order at 10:05 a.m. The following Council members were present: The Honorable E.W. Cromartie, II, The Honorable Anne M. Sinclair, The Honorable Sam Davis and The Honorable Kirkman Finlay III. The Honorable Tameika Isaac Devine and The Honorable Daniel J. Rickenmann were absent. Also present were Mr. Charles P. Austin, Sr., City Manager and Ms. Erika D. Salley, City Clerk.

PRESENTATIONS

1. Introduction of the July 2006 Employee of Month– Mr. S. Allison Baker, Assistant City Manager for Public Services

Mr. S. Allison Baker, Assistant City Manager for Public Services introduced staff members from the 911 Communications Center to present the employee of the month.

Ms. Senorita Sullivan, Operations Officer, introduced Ms. Laura Coleman as the City of Columbia July 2006 Employee of the Month. She described Ms. Coleman as a twenty-five year employee with a positive and loving attitude. She thanked Ms. Coleman for setting a good example for all employees.

Ms. Kim Gathers, Coordinator, stated that she is delighted and honored to recognize Ms. Laura Coleman as the City of Columbia July 2006 Employee of the Month.

Ms. Jacquelyn Richburg, Shift Supervisor, explained that she nominated Ms. Coleman as the July 2006 Employee of the Month, because Ms. Coleman is a loyal and faithful employee with an excellent attendance record. Ms. Coleman is also a team player that focuses on creating value for others.

Mayor Robert D. Coble presented Ms. Laura Coleman with a plaque recognizing her as the July 2006 Employee of the Month.

Mr. Charles P. Austin, Sr., City Manager presented Ms. Laura Coleman with a token of appreciation for being selected as the July 2006 Employee of the Month.

- 1a. ****Introduction of Dr. Sonny White, President of Midlands Technical College – Mr. Robert Dozier, Midlands Technical College Commission Chair**

Mr. Robert Dozier, Midlands Technical College Commission Chair, introduced Dr. Sonny White as the fifth President of Midlands Technical College to the members of City Council. He said that they sought out to find the best fit for Midlands Technical College and the City. He was pleased to announce that they received resumes and letters of interest from all over the world, because of the wonderful things going on in Columbia, South Carolina. He said that Midlands Technical College must do their part to create a skilled workforce.

Dr. Sonny White, President of Midlands Technical College, pledged to continue to offer affordable higher education to all citizens. He stated that it is their responsibility to work with the schools, colleges and businesses to make a better South Carolina.

2. **Lower Waverly Catalyst Redevelopment Plan – Mr. Chip Land, Annexation Coordinator**

Ms. Latoya Grate, City Planner, presented a briefing on the Lower Waverly Catalyst Redevelopment Plan. The Lower Waverly community bounded by Gervais Street on the north, Millwood Avenue on the east, Santee Avenue on the south and Heidt Street on the west, qualifies as a blighted area. The boundary area excludes parcels that do not front on the boundary streets. This may be revamped to include those parcels since they can be seen from the boundary streets. She noted that the median age of houses constructed in the area is 50. She presented pictures that showed the condition of structures and vacant lots. One goal of the plan is to increase the rate of owner occupied units, which is currently 23%.

Mr. Chip Land, Annexation Coordinator, announced that the Lower Waverly Catalyst Redevelopment Plan would be presented for adoption during the East Central Redevelopment Commission Public Hearing scheduled for August 16, 2006 at 10:00 a.m.

3. **Disparity Study Findings – Mr. Franklin Lee, Esquire and Mr. Richard Gergel, Esquire**

Mr. Franklin Lee, Esquire, stated that they are entering the final chapter in this long process to assist the City of Columbia in developing policies and approaches to enhancing economic opportunity for all. He was retained to develop policy options that would open up access for minority and women firms to participate in City contracts. The initial efforts were focused on race and gender neutral efforts, because they have the least legal risks and the greatest benefit in terms of boosting participation of minority and women owned firms. Subsequent to that, they focused on a Commercial Non-Discrimination Policy that provided a mechanism for firms that had reason to believe they experienced discrimination in the marketplace and the Subcontracting Outreach Program, which was designed to provide an opportunity for smaller businesses to bid on larger contracts or subcontracts with the city and it requires prime subcontractors to make certain efforts to identify and utilize subcontractors on jobs versus self performing the entire contract. The Subcontracting Outreach Program is also designed to give us an insight as to the level of participation of minority and women owned firms and if there is a problem with prime contractors not providing access to these firms. The program has been in effect for a couple of years. The third phase of the process was to undertake the Minority Women Business Enterprise (MWBE) Underutilization Causation Study, which was conducted by MGT of America. He critically reviewed the draft study with Attorney Richard Gergel and they received clarification from MGT of America on most of the issues that were raised in the initial draft of the study. He stated that the study can now be put into final form and turned over to the City of Columbia for the final phase of the process, which is policy deliberation and consideration. Mr. Lee noted that the study results provided a variety of interesting insights about the market dynamics in Columbia.

One finding was that the availability of MWBE firms in terms of construction, goods and services is below what you would expect to find given the demographics of this area. The availability of minority and women prime contractors in construction is 12% and 4% for African American owned firms. In the subcontracting arena, minority and women owned firms represent 23% of available subcontractors. There is 2% utilization of minority and women participation in the City's prime contracts and 6% for subcontracts. He noted that the issue of low utilization and availability could be a result of firms not knowing how the bid process works with the City. The City has good utilization of MWBE's for contracts valued at \$100,000 or lower. There is a significant drop in utilization as the dollar amount increases. He noted that large portions of the City's contracts are for pipe construction, but there is virtually no availability of MWBE firms in that industry. It takes a concerted effort on the part of government to develop capacity in industries when they are just getting started. He suggested that the City look at ways to build capacity to help diversify the minority and women owned contractors we have now either through joint venture arrangements or on the job demonstration programs. He said that it would benefit the City of Columbia by enhancing the competition. The study also identified low rates in bidding on city contracts. Mr. Lee suggested that they bring in the community to review the study and comment on it. There could be problems with perception, financing and staffing. He explained that the Subcontracting Outreach Program requires prime contractors to make an aggressive effort to make bidding opportunities available to smaller contractors. They have to demonstrate those efforts. The paperwork is submitted, but there is no follow through to determine if the efforts of contractors are real. He encouraged the City to adopt a policy auditing a percentage of the subcontracting outreach documentation that is submitted. There are provisions built into the policy for those that commit fraud. An automated centralized bidder registration system is key to the success of the program. It provides real time data on who is and who isn't bidding on projects, the demographics of the firms registered and the amount spent with these firms over time, without question. In closing, Mr. Lee proposed that MGT of America present their study in final form to the City of Columbia and that the City consider the appointment of a blue ribbon panel.

Councilor Kirkman Finlay III expressed concerns about the use of the phrase "smaller subcontractors". He noted that based on the policy, there is not a need to use smaller contractors. He said that the policy requires some paperwork and that it is subcontracted out to someone. Is it being subcontracted out to smaller businesses? He said that we could help smaller firms develop through some type of group bonding, insurance and by facilitating a quicker move through of cash. Mr. Finlay said that Columbia needs vibrant small businesses that reflect the City of Columbia, but we must get our record keeping in order.

Mr. Richard Gergel, Esquire, stated that one of the most striking parts of this study is that there is no minority bidding and no minority participation in contracts valued at \$1 million or more, which represents 77% of the City's spending. He noted that participation at \$100,000 or below is great, but it is warped by the larger contracts. 12.55% of total construction contracts are with African American firms, representing 1% of the money being spent.

Councilor Anne M. Sinclair stated that a lot of the City's future steps would depend on the recommendations of the taskforce. She asked the attorneys to articulate what it is the taskforce is supposed to answer. She suggested a companion piece such as interviews for those that might not speak out publicly.

Mr. Franklin Lee, Esquire, suggested that the City organize break out sessions where smaller groups meet and come back to the larger group with their concerns or recommendations.

Councilor E.W. Cromartie, II wants to see the program move to the next point. He said that funding should be identified for such things as an audit and staffing. He suggested that they begin the Protégé Mentoring Program and the concept of joint venturing for water and sewer projects.

Councilor Sam Davis explained that in order to get to the mentoring and capacity building we must hear from the larger companies that are getting the business to find out what their commitment is to the smaller firms that aren't getting the work. He said that the money is leaving here and we are not building capacity. He has talked to businesses to find out what it takes to get started or how to get the basic equipment needed to go after a subcontract. He stated that it is a matter of somebody being committed to mentoring. He suggested that the City break contracts down and spread the overall benefit to more than one company.

Councilor Kirkman Finlay III asked staff to bring forth a proposal on the cost of auditing the City's contracts. He said that he doesn't understand what has been accomplished under the Subcontracting Outreach Program. He suggested that they look at the bidding and procurement process as a whole.

Mr. Richard Gergel, Esquire, agreed that some contracts be broken into smaller bidding packages to increase participation. He noted that growing these smaller firms increases competition and competition drives prices down.

Councilor Anne M. Sinclair asked the City Manager to explain the analysis that the Office of Business Opportunities is currently undertaking in terms of the Subcontracting Outreach Program.

Mr. Charles P. Austin, Sr., City Manager explained that they are looking at the number of contracts and responses to those contracts. He said that they would bring back a comprehensive breakdown of the responses and where they came from. He admitted that they needed to do a better job advertising.

Councilor E.W. Cromartie, II stated that they needed to go to where the money is so that wealth, capacity and jobs can be created. He asked if the Office of Business Opportunities had the employees needed to audit the contracts and responses.

Mr. Tony Lawton, Director of the Office of Business Opportunities, stated that they make contact with the subcontractors to ensure that they have relationships with the prime contractor as listed on the paperwork. He said that they also visit job sites to make sure these firms are working together.

Mr. Lonnie Randolph, State President of the National Association for the Advancement of Colored People (NAACP) / South Carolina Chapter, appeared before the members of Council to voice the support of the NAACP for the results of the Disparity Study, the Subcontracting Outreach Program and the Protégé Mentoring Program. He said that this would allow small businesses to do joint ventures with majority companies in hope that they too will one day be majority companies. He applauded firms such as MB Kahn that have found ways to make economic justice work in the City of Columbia. Mr. Randolph said that economic justice and education are simple truths and fundamental to America. He recommended that the City collaborate with Richland School District One to review their process for awarding large contracts to small businesses.

Mr. Tom Turnipseed, Esquire, said that we should be looking out for the little guys (small businesses), because the big guys are getting it all. He urged the members of Council to take a look at history and try to even the playing field. He said that it would take public policy to get this done. He said that people don't have enough of anything, but it is time for us to help them build wealth.

Upon motion by Mayor Coble, seconded by Mr. Cromartie, Council voted unanimously to authorize the following actions:

- I. Direct staff to present the final Disparity Study from MGT of America at the soonest possible date and time;
 - II. To endorse the concept of a Blue Ribbon Panel with a six-month timeframe from the beginning of the appointments to present its recommendations; Mr. Franklin Lee, Mr. Richard Gergel, Esquires, and City Staff should provide the members of Council with the structure of the panel, the type of input processes that would occur and the goal we are trying to reach. Richland School District One should be included to provide information on the initiatives they have been successful with and how their ideas can be incorporated. This should occur by August 9, 2006;
 - III. Direct staff to submit an auditing and measuring process for the Subcontracting Outreach Program by August 9, 2006;
 - IV. Direct staff to present a plan for having an automated centralized bidder registration system with a complete and up to date list of vendors;
 - V. Mr. Franklin Lee and Mr. Richard Gergel, Esquires along with Mr. Jim Meggs, City Attorney are to review the City's definition of small businesses under this program to see if we could better define subcontractors to be the group we want to help;
 - VI. Direct staff to bring back by August 9, 2006 a complete protégé and mentoring program that includes addressing the concerns with bonding and insurance as discussed today. Staff should determine if a mentoring program could be set up in the area of water and sewer; and
 - VII. The August 9, 2006 meeting should be dedicated to receiving responses to these matters only.
4. Jazz Under the Stars Update – Mr. Skipp Pearson, Skipp Pearson Foundation

Mr. Skipp Pearson of the Skipp Pearson Foundation provided an update on the first annual Jazz Under the Stars event held on May 19-21, 2006 on the State House grounds. Over 700 people attended this event.

5. 2006 Palmetto Capital City Classic Update – Coach Willie Washington, Benedict College

Coach Willie Washington of Benedict College provided an update on the 2006 Palmetto Capital City Classic scheduled for September 2, 2006 at Williams Brice Stadium at 5:00 p.m. Benedict College will compete against Savannah State University.

CONSENT AGENDA

Upon motion by Ms. Sinclair, seconded by Mr. Davis, Council voted unanimously to approve on a single motion the **Consent Agenda Items 6. and 7.** as presented.

CONSIDERATION OF BIDS AND AGREEMENTS

6. Council is asked to approve the Renewal of the Tape Backup Maintenance Contract, as requested by the Information Technology Department. Award to Veritas Software Global Corporation, as a Sole Source Procurement, in the amount of \$16,673.48. This firm is located in Mountain View, CA. *Funding Source: GL-1011120-638200 - Approved*
7. Council is asked to approve Project #SS6988; 8" Sanitary Sewer to Serve Park Street Station, as requested by the Utilities and Engineering Department. Award to Lake Murray Utilities, the lowest bidder, in the amount of \$72,966.00. This firm is located in Columbia, SC. *Funding Source: GL-5529999-851600 / JL-SS698801-851600 - Approved*

CONSIDERATION OF BIDS, AGREEMENTS AND CHANGE ORDERS

Upon motion by Ms. Sinclair, seconded by Mr. Davis, Council voted unanimously to approve **Items 8.** and **9.** on a single motion and as presented.

8. Council is asked to approve Supplement Agreement #2 and Change Order #4 for the Widening of Two Notch Road (US-1) from SC-12 to SC-16, as requested by the Construction Management Department. Award to SCDOT in the amount of \$60,338.45. This firm is located in Columbia, SC. *Funding Source: Remaining funds available from the \$4,000,000.00 for the Two Notch Road Widening Project. - Approved*
9. Council is asked to approve an Agreement for Consulting Services for Fishway Testing and Flow Calibration Relating to the Columbia Hydro Project, as requested by Engineering Operations. Award to SCE&G in the total amount of \$175,000. This firm is located in Columbia, SC. *Funding Source: Hydro Electric Fund - Approved*
10. Council is asked to approve the Renewal of the Excess Tort Liability Insurance from August 16, 2006 to August 16, 2007, as requested by the Legal Department. Award to States Self-Insured Risk Retention Group, Inc. in the amount of \$282,196.00. *Funding Source: 6038932/6088938/6068936 (split into 1/3) – 636200 - Consideration of this matter was deferred.*
11. Council is asked to approve Change Order #14 to the Harden Street / Five Points Redevelopment Project; CIP # SS819, as requested by Construction Management Department. Award to L-J, Inc. in the amount of \$908,877.20. This firm is located in Columbia, SC. *Funding Source: Supplemental Agreement #1 between the City of Columbia and SCDOT in the amount of \$892,000.00 (approved on April 19, 2006) and City of Columbia Streetscape Funds \$16,877.20. - Approved*

Upon motion by Ms. Sinclair, seconded by Mr. Cromartie, Council voted unanimously to approve Change Order #14 to the Harden Street / Five Points Redevelopment Project; CIP # SS819, as requested by Construction Management Department. Award to L-J, Inc. in the amount of \$908,877.20.

ORDINANCES – FIRST READING

Upon motion by Mr. Cromartie, seconded by Ms. Sinclair, Council voted unanimously to give first reading approval on a single motion to **Items 12.** through **14.** as presented.

12. Ordinance No.: 2006-060 – Annexing 730 Buckner Road, Richland County TMS# 11704-03-01 (portion); 11704-03-02 and 11704-03-24 (portion) – *Approved on first reading.*
13. Ordinance No.: 2006-061 – Annexing 6825 Pennington Road, Richland County TMS# 16407-07-02 – *Approved on first reading.*
14. Ordinance No.: 2006-064 - Authorizing execution of a Limited Warranty Deed from the City of Columbia to Wheeler Hill Development, LLC for the transfer of Phelps Street located between St. James Street and Pickens Street – *Approved on first reading.*

RESOLUTIONS

Upon motion by Mr. Cromartie, seconded by Ms. Sinclair, Council voted unanimously to approve **Items 15.** and **16.** on a single motion.

15. Resolution No.: R-2006-031 – Authorizing consumption of alcoholic beverages and Five Points Association's 5 After 5 Fall Concert Series - *Approved*
16. Resolution No.: R-2006-032 – Authorizing consumption of alcoholic beverages and Five Points Association's 5 After 5 Spring Concert Series - *Approved*

OTHER MATTERS

17. Council is asked to approve the addition of the following blocks to the *City's In/Out Parking Program* to allow parking customers to purchase a hanging tag to park at a metered space within these blocks. - *Approved*

1700 Gervais Street (south side only)
1500 Washington Street
1900 Marion Street
800 Hampton Street
800 Taylor Street
900 Taylor Street
1000 Pendleton Street

Upon motion by Mr. Cromartie, seconded by Ms. Sinclair, Council voted unanimously to approve the addition of the above blocks to the *City's In/Out Parking Program* to allow parking customers to purchase a hanging tag to park at a metered space within the blocks as outlined.

18. Parking on the North Side of 1100 Gervais Street

Upon motion by Mr. Davis, seconded by Ms. Sinclair, Council voted unanimously to approve the conversion of the three (3) two-hour parking meters on the north side of the 1100 block of Gervais Street to 30-minute parking meters.

19. ****Operational Hours for City Parks – Mr. S. Allison Baker, Assistant City Manager for Public Services**

Mr. S. Allison Baker, Assistant City Manager for Public Services, explained that staff spent some time meeting with the various neighborhoods to discuss the possible recommendations for the changing of park hours. The proposal is from sun up to sun down for some parks and 6:00 a.m. until 9:00 p.m. for larger parks. This is being done to provide consistency across the city, to reduce the window of opportunity for illegal activity and to provide law enforcement personnel a better opportunity to secure the parks. Anyone in the park beyond the established operating hours will be in violation.

Councilor Anne M. Sinclair expressed concerns about the recommendation and how this will work during the different seasons.

Upon motion by Mr. Finlay, seconded by Mr. Cromartie, Council voted unanimously to approve staff recommendation to change the operating hours of City Parks. Most large parks will be open from 6:00 a.m. until 9:00 p.m. and smaller neighborhood parks will be open from sunrise to sunset. This is being done on a trial basis.

20. **Wrecker Services Public Hearing – Mr. Charles P. Austin, Sr., City Manager - *Consideration of this matter was deferred until August 2, 2006.*

APPOINTMENTS

- 20a. **Affordable Housing Taskforce

Upon motion by Mayor Coble, seconded by Mr. Cromartie, Council voted unanimously to approve the appointment of Mr. Kyle Michel of Engenuity SC to the Affordable Housing Taskforce.

**Mr. Charles P. Austin, Sr., City Manager, explained that there are some items related to the Disparity Study that staff may not be able to respond to by August 9, 2006 as indicated in the motion.

There was a consensus of Council that an interim staff report would suffice.

APPEARANCE OF PUBLIC HAVING BUSINESS WITH CITY COUNCIL

Mr. Bob Amundson, President of the Rosewood Community Council, thanked the Mayor, City Council and City Administration for the many positive changes that are occurring in the Rosewood Community. He invited everyone to celebrate National Night Out at Owens Field from 7:00 p.m. until 10:00 p.m. He said that the Rosewood Hills Development is underway and he has a concern that he needs to discuss privately.

EXECUTIVE SESSION

Upon motion by Mr. Cromartie, seconded by Ms. Sinclair, Council voted unanimously to go into Executive Session at 12:36 p.m. as outlined.

21. **Discussion of negotiations incident to proposed contractual arrangements - *This matter was discussed in Executive Session. No action was taken.*
22. **Receipt of legal advice, which relates to pending, threatened or potential claim - *This matter was discussed in Executive Session. No action was taken.*
- **Councilor Finlay left the meeting at 2:00 p.m.**
 - **Council adjourned the meeting at 2:15 p.m.**

Respectfully submitted by:

Erika D. Salley
City Clerk