



City of Roswell

38 Hill Street
Roswell, Georgia 30075

Meeting Minutes Mayor and City Council

Mayor Jere Wood
Council Member Nancy Diamond
Council Member Rich Dippolito
Council Member Kent Igleheart
Council Member Jerry Orlans
Council Member Betty Price
Council Member Becky Wynn

Monday, November 8, 2010

7:00 PM

City Hall

WELCOME

Present: 7 - Mayor Jere Wood, Council Member Nancy Diamond, Council Member Rich Dippolito, Council Member Kent Igleheart, Council Member Jerry Orlans, Council Member Betty Price, and Council Member Becky Wynn

Staff present:

City Administrator Kay Love; Deputy City Administrator Michael Fischer; Assistant City Attorney Bob Hulse; Community Development Director Alice Wakefield; Planning & Zoning Director Brad Townsend; Environmental/Public Works Director Stuart Moring; Environmental/Public Works Deputy Director Yvonne Douglas; Recreation, Parks, Historic and Cultural Affairs Director Joe Glover; Recreation, Parks, Historic and Cultural Affairs Assistant Director Morgan Rodgers; Administrator of Park Services Jeff Pruitt; Recreation and Parks Events Coordinator Bobbie Daniels; Director of Transportation Steve Acenbrak; Finance Director Julia Luke; Building Operations Technician Doug Heieren; and Deputy City Clerk Betsy Branch.

Pledge of Allegiance

CONSENT AGENDA

1. **Approval of October 11, 2010 Council Meeting Minutes (detailed minutes to replace Council Brief Minutes adopted on October 25, 2010); approval of October 20, 2010 Special Called Meeting Minutes; and approval of October 25, 2010 Council Meeting Minutes.**
Administration and Finance
Approved
2. **Approval to award a contract to JJE Constructors, Inc. for the Crabapple Road Sidewalk project in the amount of \$179,563.87 and consideration of Budget Amendment # 9810 11-08-10 in the amount of \$214,516.**

Transportation

Approved

3. **Approval to sign an agreement with Georgia Power for pedestrian lighting on the Grimes Bridge/Norcross/Warsaw roundabout project in the amount of \$33,126.60**

Transportation

Approved

4. **Approval to sign an agreement with Georgia Power for pedestrian lighting on the Holcomb Bridge Road (SR 140) at Alpharetta Highway (SR 9) intersection project in the amount of \$182,613.04**

Transportation

Approved

5. **Approval to sign a change order to the Crabapple Road at Rucker Road Intersection Improvement Project Construction Contract with Urey Construction Company in the amount of \$57,951.72.**

Transportation

Approved

6. **Approval to sign a change order to the Holcomb Bridge Middle School Sidewalk Project Design Contract with Mulkey Engineers and Consultants in the amount of \$103,785.62.**

Transportation

Approved

Approval of the Consent Agenda

Motion: Councilmember Orlans moved for approval of the Consent Agenda. Councilmember Diamond seconded. No Council comments or questions. No public comments made. The motion passed unanimously.

A motion was made by Council Member Orlans, seconded by Council Member Diamond, to Approve the Consent Agenda. The motion carried by the following vote:

In Favor: 6

REGULAR AGENDA**Mayor's Report**

1. **Reading of a Proclamation for Veterans Day.**

Mayor Wood read the proclamation to honor all military veterans, recognizing their service, dedication, and sacrifices made for our national security. The Mayor acknowledged the many military members in attendance, including veterans employed at the City of Roswell, as well as those actively serving. Bill Mitiu, Commander of the Roswell Veterans of Foreign Wars Post, and a representative of the Roswell American Legion Post #319, both expressed appreciation for this Veterans Day recognition, and for Mayor and Council's overall support. Mr. Mitiu noted that both posts have recently joined forces to support veterans and active duty service members and encouraged local military members to join the posts. Mayor Wood thought there would be a lot to be gained with both the Roswell VFW and American Legion joining forces.

2. **Reading of a Proclamation for Homeless Awareness Month.**

Mayor Wood read the proclamation to recognize, focus, and heighten the attention on the existence and the needs of homeless children, individuals and families. Mayor Wood proclaimed November 2010 as "Homeless Awareness Month" in the City of Roswell and recognized the social services HomeStretch/Housing Initiative of North Fulton, The Drake House, Habitat for Humanity, North Fulton Community Charities, and Find a Way Home, that partner with local churches and education agencies and the City of Roswell to help homeless individuals and families be returned to safe, stable, and permanent housing. Rose Burton, representative of Home Stretch Housing Initiative, introduced John Smith from The Drake House, Bettye Maye from Habitat for Humanity, Vonda Malbrough from North Fulton Community Charities, and Erin Fortney from Find A Way Home. Ms. Burton explained that these are the five primary partners that work together to serve the homeless in this community and help them regain housing, stability, and self sufficiency. North Fulton Community Charities provides emergency assistance to keep families and individuals in their homes during short term emergencies and crisis situations so that it does not escalate to homelessness. If North Fulton Community Charities is not able to support the family and prevent the homelessness, The Drake House would then offer 90 days of emergency residential housing for homeless women and children, along with a comprehensive program of education and services to assist and return the families to stable housing. Home Stretch would then guide a homeless family with minor children toward increased self reliance and stability by providing life skills training, mentoring, and supportive housing for up to 24 months. This allows the family time and tools to get back on their feet. Habitat for Humanity North Central Georgia would then step in; they are a Christian Housing ministry with a purpose of building and refurbishing homes with partner families where they sell the homes at no profit and no interest to families who could not otherwise afford a home. Find A Way Home, for those who would not be eligible for home ownership, would work with families. They believe that everyone has the right to live in the community that they serve by providing affordable housing, financial literacy, education, a dedicated mentor, and ultimately the ability to transition into home ownership, or an affordable market rate rent. Ms. Burton stated these five partners are tireless advocates all year long for the creation and preservation of safe, decent, and affordable housing in the North Fulton County.

Mayor Wood expressed his appreciation to HomeStretch/Housing Initiative of North Fulton, The Drake House, Habitat for Humanity, North Fulton Community Charities, and Find a Way Home, for all that they do to help those citizens in Roswell who are experiencing difficult times; he encouraged everyone to support these organizations.

3. **Reading of a Proclamation for Family Month.**

Mayor Wood invited Bishop Riggers to come forward. The Mayor conducted the reading of the proclamation to recognize and support the need to spend quality time with family members to strengthen the relationships between parents and children. The Mayor proclaimed November 2010 as Family Month in the City of Roswell. Bishop Riggers, of the Roswell congregation of the Church Jesus Christ of Latter Day Saints, stated strong family bonds are very important, even in different types of family situations such as single family parents or divorced families. He encouraged and challenged everyone to strengthen their family relationships and offered helpful tips and suggestions.

4. **Recognition of the Roswell Alpharetta Mountain Bike Organization (RAMBO).**

Mayor Wood recognized the Roswell Alpharetta Mountain Biking Club (RAMBO). Brad Winder, RAMBO president, explained this biking organization is a 501 (c) (3) non-profit organization and is officially chartered. RAMBO is a chapter of the International Mountain Biking Association (IMBA) and part of the Southern Off-Road Biking Association. Mr. Winder thanked the City of Roswell for allowing mountain biking use at Big Creek Park. This park includes an urban trail system that is a safe, natural environment for biking, running, and walking; it is an entrance way to the Greenway system, which continues to Alpharetta. Mr. Winder stated a survey conducted by RAMBO found that approximately 94% of the park's visitors go there for mountain biking. RAMBO presents several events including a spring and a fall festival, a summer time trial series during June, July, and August (this series is returning after several years), a running race series, and bike company demo days. In addition, the City of Roswell Recreation and Parks program includes 18 night rides. Mr. Winder explained that Neil Wagner, RAMBO trail director, coordinates efforts to build sustainable trails in the park that will require minimal maintenance later on. Over the last several years, 7,500+ hours of volunteer labor have been performed at the park, equating to approximately \$127,000 worth of sweat equity devoted to Big Creek Park. Surveys conducted last summer showed that 64% of the park's visitors also shop at local businesses, with their expenditures averaging \$54 per person, per month. Based on estimates that Big Creek Park has 3,000 visitors per month income to the surrounding businesses equates to approximately \$1.5M per year. Mr. Winder thanked Mayor and Council again for allowing RAMBO to use this property.

Mayor Wood on behalf of the City of Roswell thanked RAMBO for the trails built at Big Creek Park and the program developed for it. The Mayor stated that if the number of people are considered that are participating in a healthy activity at that park, the cost effectiveness of RAMBO exceeds probably just about anything else the city does. Mayor Wood inquired with Joe Glover, Recreation and Parks Director regarding the cost for the city to mountain biking on the trails at this park. Mayor Wood confirmed that Mr. Glover replied there is zero cost. Mayor Wood expressed appreciation for the RAMBO organization.

5. **Approval of nomination to the Planning Commission.**

Mayor Wood nominated Sydney Dodd to the Planning Commission.

Motion: Councilmember Wynn moved for approval the nomination of Sydney Dodd to the Planning Commission. Councilmember Diamond seconded. No further discussion. The motion passed unanimously.

A motion was made by Council Member Becky Wynn, seconded by Council Member Nancy Diamond, that this Item be Approved. The motion carried by the following vote:

In Favor: 6

6. **Approval of nomination to the Design Review Board.**

Mayor Wood nominated Herman Howard to the Design Review Board.

Motion: Councilmember Igleheart moved for approval of the nomination of Herman Howard to the Design Review Board. Councilmember Orlans seconded. No further discussion. The motion passed unanimously.

A motion was made by Council Member Kent Igleheart, seconded by Council Member Jerry Orlans, that this Item be Approved. The motion carried by the following vote:

In Favor: 6

Community Development - Councilmember Betty Price

7. **CU10-04 & CV10-02, 11000 Alpharetta Hwy., Andretti Indoor Karting & Games**

To be deferred to the December 13, 2010 Mayor and City Council meeting.

Presented by Bradford D. Townsend, Planning and Zoning Director

Councilmember Price introduced the item. Planning and Zoning Director Brad Townsend stated this is a conditional use application with a concurrent variance. The applicant has requested a deferral until the December 13, 2010 Mayor and Council meeting. The Planning Commission recommended deferral of this item until their public hearing on November 16, 2010. The Planning Commission requested that an additional noise study be completed. Information from that completed noise study will be presented at the next Planning Commission meeting and brought forward to the Mayor and Council meeting on December 13, 2010.

Public comment:

Jan Lotz, Executive Director of Chambrel Roswell for fifteen years, noted that Chambrel is a retirement community for seniors situated on thirty-five acres at the corner of Mansell Road and Houze Road. Chambrel has been located there for twenty three years. Currently, this property is very quiet, residents are able to sit on their porches and patios, but she is concerned that an outdoor track will bring noise and increased traffic to the area.

Mayor Wood encouraged Ms. Lotz to return for the public hearing on this item.

No further questions or comments were made.

Motion: Councilmember Price moved for deferral of CU10-04 & CV10-02, 11000 Alpharetta Hwy., Andretti Indoor Karting & Games until the Mayor and Council December 13, 2010 meeting. Councilmember Diamond seconded.

Council question:

Councilmember Wynn asked if Chambrel was part of the second noise study that was conducted. Mr. Townsend replied yes. No further discussion.

The motion passed unanimously.

A motion was made by Council Member Betty Price, seconded by Council Member Nancy Diamond, that this Item be Deferred. The motion carried by the following vote:

In Favor: 6

8. **RZ10-08 Text Amendment regarding a revision to Chapter 10.39, Sidewalk Cafes (First Reading)**

Presented by Bradford D. Townsend, Planning and Zoning Director

Councilmember Price introduced the item. Planning and Zoning Director Brad Townsend stated this is a proposed text amendment to Chapter 10.39 Sidewalk Cafes ordinance. The proposal is to amend the current ordinance which includes increasing a 3-foot clear zone to a 5-foot clear zone. The proposed text amendment also includes the requirement for a barrier used for any sidewalk café to meet ADA requirements. The Planning Commission recommended approval during their October 19, 2010 hearing. Staff recommends approval of the first reading of this proposed text amendment.

Mayor Wood asked if all sidewalk cafes currently meet this 5-foot clear zone requirement. Mr. Townsend replied all sidewalk cafes are currently in compliance. He confirmed for Mayor Wood that this proposed text amendment would not require any change in the current set-up for these sidewalk cafes. Mr. Townsend replied that was correct.

Council comments:

Councilmember Price asked if this applied as well to the ADA barrier. Mr. Townsend replied that he believed there may be some cafes that may have to add a second chain to meet the ADA requirements. Staff would be checking on that as soon as the first reading of the proposed text amendment is approved. Councilmember Price asked if there will be a timeframe in which to comply. Mr. Townsend replied Code Enforcement would be sent to inspect; normally there is sufficient time given in order to comply. Councilmember Price inquired whether there is any place in the city other than Canton Street where this sidewalk café ordinance might apply. Mr. Townsend replied the only place that allows for public encroachment of a sidewalk is along Canton Street.

Assistant City Attorney Bob Hulsey conducted the first reading of AN ORDINANCE OF THE CITY OF ROSWELL AMENDING THE ZONING ORDINANCE ARTICLE 10, SPECIFIC USE REQUIREMENTS DEALING WITH THE SIDEWALK CAFÉ DEVELOPMENT STANDARDS AND CRITERIA stating: WHEREAS, zoning is an exercise of police power to promote the public health, safety, morality or general welfare; and WHEREAS, the Mayor and Council have determined that Article 10, Specific Requirements, of the Zoning Ordinance should be amended to clarify and define the development standards and criteria for "Sidewalk Cafes" in certain zoning districts: NOW THEREFORE, amending 1. Article 10, Specific Use Requirements, Chapter 10.39, Sidewalk Cafes Section 10.39.5 Development Standards and Criteria are amended as follows: Section 10.39.5 Development Standards and Criteria In order to protect the public health, safety, convenience and general welfare of the surrounding uses, sidewalk cafes shall be subject to the following criteria: (a) The

operation of such sidewalk cafe seating area shall be conducted in such a way as to not interfere with the circulation of pedestrian or vehicular traffic on the adjoining streets or sidewalks. There shall be a minimum of five (5) feet of clear distance. The minimum five (5) foot requirement will be measured and maintained when chairs and tables are occupied. The sidewalk cafe dining area shall be located adjacent to the building facade and enclosed by a barrier or a post and chain configuration in compliance with ADA requirements, with the five (5) foot clear pedestrian passage provided between the dining area and the edge of the pavement.

Motion: Councilmember Price moved for approval of RZ10-08 Text Amendment regarding a revision to Chapter 10.39, Sidewalk Cafes (First Reading). Councilmember Orlans seconded. No further discussion. No public comments were made. The motion passed unanimously.

A motion was made by Council Member Betty Price, seconded by Council Member Jerry Orlans, that this Item be Approved on First Reading and placed on the Mayor and City Council agenda for 12/13/2010. The motion carried by the following vote:

In Favor: 6

9. RC10-01R, Metropolitan River Review Application, for 8015 Holcomb Bridge Rd., Holcomb Bridge Associates, LTD. Land Lots 885, 934

Presented by Bradford D. Townsend, Planning and Zoning Director

Councilmember Price introduced the item. Planning and Zoning Director Brad Townsend stated this is a proposed Metropolitan River Protection certification for a single family home to be located next to the existing home on the property. The Atlanta Regional Commission has reviewed this application and has found it consistent with the river corridor plan. Maps showing the location of the subject property were displayed. Mr. Townsend stated the Community Development Department recommends approval of the application with the following condition:
1. A division plat must be approved and recorded prior to the issuance of the building permit for the single family home. The plat shall be in accordance with the plans stamped "Received September 23, 2010 City of Roswell Community Development Department."

Mr. Townsend confirmed for Mayor Wood that a division plat would be required.

Council questions:

Councilmember Price asked about the process and who issues the Metropolitan River Protection Act Certificate. Mr. Townsend confirmed that the issuance of this certificate is an act of Council after their review of the application and after the Atlanta Regional Commission has reviewed it for consistency.

Councilmember Orlans commented the site plan showed a strange lot configuration which he was curious about it, but it actually had no bearing on the issue. Mayor Wood suggested that since Councilmember Orlans admitted it was actually a rhetorical question, Council should move along. The Mayor called for a motion.

Motion: Councilmember Price moved for approval of RC10-01R, Metropolitan River Review Application, for 8015 Holcomb Bridge Rd., Holcomb Bridge Associates, LTD. Land Lots 885, 934. Councilmember Wynn seconded. No further discussion. No public comments were made. The motion passed unanimously.

A motion was made by Council Member Betty Price, seconded by Council Member Becky Wynn, that this Item be Approved. The motion carried by the following vote:

In Favor: 6

10.

Approval of a Resolution of barriers for two abandoned subdivisions.

Presented by Bradford D. Townsend, Planning and Zoning Director

Councilmember Price introduced the item. Planning and Zoning Director Brad Townsend stated this item was discussed at the Community Development & Transportation Committee on October 27, 2010. Mr. Townsend explained that there are two abandoned subdivisions for which the city would like to have control to put a barrier at the subdivisions' entrances to prevent illegal dumping and trespassing. The Legal department redrafted this resolution taking into account comments made at the Committee meeting. Staff recommends approval of the proposed resolution.

Council comment:

Councilmember Price recognized Roswell citizen Sam Evans in attendance and stated that Mr. Evans had brought this issue to Council's attention and "with his diligence, we are going to hopefully make sure that this is not a safety issue to anybody who should come upon these entrances that are blocked."

Motion: Councilmember Price moved for Approval of a Resolution of barriers for two abandoned subdivisions. Councilmember Igleheart seconded.

Public comment:

Sam Evans, 150 Chaffin Road, stated he had recently driven on Cochran Farms Drive and noticed the subdivision entrance was closed by the use of a wire strung pole to pole across the road. The wire was difficult to see. He contacted Steve Acenbrak, Transportation Director about the safety concerns. Mr. Acenbrak immediately had staff place a black and white barrier in front of the wire. Mr. Evans stated he also contacted Council about the situation and thanked Councilmember Price and Councilmember Diamond for initiating this resolution to ensure that barriers are used to close these entrances rather than wire. Mayor Wood thanked Mr. Evans for bringing this issue to Council's attention. No further discussion. No further public comments were heard.

The motion passed unanimously.

A motion was made by Council Member Betty Price, seconded by Council Member Kent Igleheart, that this Item be Approved. The motion carried by the following vote:

In Favor: 6

Environmental / Public Works Department - Councilmember Becky Wynn

11.

Approval for the Mayor and/or City Administrator to sign a contract with O'Brien & Gere for Energy Assurance Planning Consultant service for the City's Local Energy Assurance

Program in an amount not to exceed \$94,000.*Deferred from the October 25, 2010 Mayor and Council Agenda.**Presented by Stuart Moring, Director*

Councilmember Wynn introduced this item. Stu Moring, Director of Environmental and Public Works Department, stated this is a consulting contract to assist with the development of the Local Energy Assurance Plan (LEAP). This is being paid from a grant from the Department of Energy for this project. Mr. Moring stated a competitive proposal was submitted; this was the only one received in the state of Georgia. A Request for Proposal (RFP) was issued by the city in July; four proposals were received. The two top firms were selected for further presentations following the American Public Works Association (APWA) qualifications based selection process. Based on that process, the review committee selected the firm of O'Brien & Gere for this project. The funds would be in the amount of \$94,000 and they are in the cost center that is designated, fully funded by the Department of Energy (DOE) grant. Mr. Moring offered to take Council questions or provide further detail about the selection process.

Council comments:

Councilmember Diamond noted she was reviewing a "pros and cons list" and was interested in knowing what kind of weight was given to the emergency management part. Mr. Moring explained there were ten members of the review committee representing six of the city departments, and were their department head's representatives on the Sustainability Task Force. Each prepared an evaluation of the proposals that were submitted; these statements were culled from those evaluation forms. Mr. Moring stated each person made their own determination of what the critical factors were and then ultimately selected one firm or the other as their recommended firm. Mr. Moring noted that none of the factors was weighted more or less than any others. It was a judgment of the individual committee member. There was not any external weighting provided.

Mayor Wood called for the motion.

Councilmember Wynn stated she could make a motion at this time but knew there were some people in the audience to speak on the subject. Councilmember Wynn stated she met with staff for approximately an hour and a half to review the written and the oral interviews on both companies. Mr. Moring confirmed for Councilmember Wynn that was correct. Councilmember Wynn said, based upon the written proposals and the oral interviews, O'Brien & Gere is the best suited company to do the LEAP program for the City of Roswell. Councilmember Wynn said "My motion is to accept staff's recommendation of O'Brien & Gere."

Motion: Councilmember Wynn moved for Approval for the Mayor and/or City Administrator to sign a contract with O'Brien & Gere for Energy Assurance Planning Consultant service for the City's Local Energy Assurance Program in an amount not to exceed \$94,000. Deferred from the October 25, 2010 Mayor and Council Agenda. Councilmember Dippolito seconded the motion.

Public comments:

Jim Trobaugh, 205 Hollyberry Lane, stated he has resided in Roswell 34 years and is concerned about the city's safety since this is where he lives. Mr. Trobaugh explained that he also is employed as a regional manager for Energy Planning Consultants (EPC), working out their office in Roswell. Mr. Trobaugh said EPC submitted a proposal for RFP #10-224-B; it was their understanding that the contract would be awarded on the basis of the criteria specified in the RFP document. Mr. Trobaugh said he learned "that recommendations were given to contract O'Brien &

Gere on the basis of additional information not specified in the RFP," which he said was presented in a work session to Council, and in a memo from Mr. Moring to Mayor and Council. Mr. Trobaugh stated Mr. Robert Kistner, President of EPC and located in Colorado, had submitted in writing to Mayor and Council his response to the memo comments. Mr. Trobaugh offered to take Council questions. Mr. Trobaugh stated page 6 of the RFP states that only evaluation factors set forth in the RFP would be taken into account and no other factors or criteria would be used in the evaluation; page 8 states this request for proposal solicited for the Energy and Emergency Management Consulting familiar with Energy Assurance Planning. Mr. Trobaugh said his company has over twenty years of experience doing energy assurance plans, and currently are working with the states of Mississippi and Delaware, developing an energy assurance plan sponsored by the DOE and funded by "ARRA." Mr. Trobaugh said page 20, of the RFP, states an award of this contract shall be made to the responsible offers whose proposal has been determined to be the most advantageous for the city, taking into account all the evaluation factors set forth in this RFP and no other factors or criteria shall be used in the evaluation; the City of Roswell reserves the right to reject any and all proposals. Mr. Trobaugh said page 25 states there is a statement regarding the evaluation criteria, which were the elements his company understood the contract would be chosen on. Mr. Trobaugh stated again that the results of the review of the proposal were presented to Mayor and Council at a work session. He displayed slides showing review results. Mr. Trobaugh stated "You can see there was a grading for each element based on experience, clients, the personnel, and so forth. We observed there was no total but in this document to show you who the number one firm was as far as the written proposal." He added the evaluation shows that his company had 119 points; the company recommended had 97 points. Mr. Trobaugh said "It is puzzling to me why we were not recommended by staff. I have a hard time understanding why you would want to select a company that has never done this before. We haven't been able to find where they have done it before for any cities or states. We have done it over and over again." Mr. Trobaugh briefly described his company's website's ability to include daily management details as the plan and project progresses, which staff and Council could routinely view.

Council comments:

Councilmember Price asked Mr. Trobaugh to display the results slide. Mr. Trobaugh displayed the slide and said it showed that his company was ahead in just about every category listed although they were told the interviews may have not gone as well, with staff concerns about their ability to conduct the training of city staff. Mr. Trobaugh said he thought his company "could cross the gap of how we interact with employees" and added that he has been working with the Recreation and Parks department on a part-time basis for five years. Mr. Trobaugh noted that he would be the local manager for the project and Mr. Kistner, who has written over 60 books and articles on this subject, would be the project manager.

Public comment continued:

John Reidy, Vice-president of the firm O'Brien & Gere, located in Alpharetta, said he did not have a presentation tonight and noted that those had previously been done. Mr. Reidy said his purpose in addressing Council was to oppose comments made by Mr. Trobaugh about O'Brien & Gere not having experience in this work when his firm has much experience in this work. Mr. Reidy said he felt that city staff was very thorough. Mayor Wood asked Mr. Reidy to be specific as to the experience the firm O'Brien & Gere has that was questioned. Mr. Reidy replied he was caught a bit unprepared because he did not have the internal evaluation sheets that Mr. Trobaugh displayed since they had not been made available to him. He added that he did not know how that information was made available when this is still an open procurement process. Mr. Reidy said his firm does utility work for municipalities, waste water

facilities, in areas up and down the east coast. It includes Emergency Management Assessments, utility assessments, planning, public participation, and training. Mr. Reidy stated he did not understand where Mr. Trobaugh's statements were coming from.

Mayor Wood inquired with Mr. Moring if he was the spokesman for the city to perhaps answer Mr. Trobaugh's questions as to the scoring, and why the selection process came to the conclusion that it did. Mr. Moring replied that the selection process was based on both the written submittal and the oral presentations and the interaction with staff. Mayor Wood said the first question was did the selection committee consider any other factors than the criteria which was listed in the request for proposal; were any other factors considered other than the ones that were specifically referenced in the request. Mr. Moring replied the list of information was part of the initial RFP; subsequent to the review of the written document, which is essentially similar to submitting a resume, there is an interview conducted. Mr. Moring stated Richard Brownlee, the city's purchasing manager, sent this information to the two firms that were short listed and this was the information that they were asked to be prepared to address. Mayor Wood asked if the two firms that were short listed include the one staff recommends and Mr. Trobaugh's firm. Mr. Moring confirmed for Mayor Wood that those firms are EPC and O'Brien & Gere. Mr. Moring stated the evaluation was made on the overall suitability of the firm to undertake the work at this time for the City of Roswell. It incorporated both the written submittal and the review of the presentation materials. Mayor Wood asked "Was any criteria other than the criteria which was put forward in this request for proposal considered, other than what you listed." Mr. Moring replied "No sir, what is spelled out right here." Mayor Wood asked if the decision was split, was it unanimous, how did the decision of these ten people go. Mr. Moring replied "Mr. Mayor, I was one of the ten people. I was not present at the meeting, I was sick that day and listened to the extent that I could on telephone, but I did not vote. Richard Brownlee was present, he also did not vote. Of the remaining eight people, four voted for O'Brien & Gere, two people did not make a selection, and two people voted for Energy Planning Consultants."

Council comments:

Councilmember Diamond stated "I am interested in that part of the RFP that said the only thing we will consider is what is in writing. Was there anything in the RFP that talked about an interview process?" Mr. Moring replied "Yes. 3.4.2, Evaluation; will review proposals. Additionally, the panel may in its sole discretion arrange a site visit or request presentations and demonstrations with one or more selected offerors." Mr. Moring said it is a standard process for selection of professional consultants. Councilmember Diamond replied "It makes sense. I saw the paragraph that the only part we would consider is the part that is in writing; that is what that paragraph seemed to suggest. Is that just a discrepancy in our RFP?" City Administrator Kay Love responded "I think, and certainly we could work on clarifying wording, but the intent there related to "in writing," meaning "in writing in the RFP" the things set forth in the RFP, which are the technical factors, and they then submit to us in writing. But, in our schedule of events, as well as the evaluation criteria, it is all delineated related to what they submit in writing and then what interviews or additional information that the evaluation committee, on behalf of the city, may request." Councilmember Diamond asked if any weight was given to Roswell business versus outside. Mr. Moring replied "No. That is not one of the criteria spelled out."

Councilmember Price stated at one point Council had deferred this item because there were some concerns regarding the process. She asked what has transpired in the interim during the "re-look" at this; were there any additional interviews or discussions. Mr. Moring replied "No. This is still an open proposal and so once the proposals are received the only communication can be received through the

Purchasing department, so we have not had any further communications. The committee made a determination and has not reconvened; nothing further."

Councilmember Igleheart stated "During the committee process, we did ask basically the same question. That the numbers on the evaluation don't seem to add up, that the group that got more points is not being recommended. You gave some reasons for that." He asked what the reasons were that in the end four evaluation members were for this company and two were not. Mr. Moring replied "We compiled the evaluation sheets from each of the committee members and have summarized those. The summary of those comments breaks out primarily into four factors: 1. Staffing ability and back-up. The EPC proposal identified 3 team members; 2 from Colorado, and Mr. Trobaugh. The O'Brien & Gere proposal identified 18 members; 4 of those team members are in the Alpharetta office. There was major concern expressed that if Mr. Kistner, the president of the firm and the project manager should be not available, there would be concern about how the project would be conducted because in the course of the presentation, it was made clear the experience of the firm was his personal experience preparing these plans. There was a question raised about that concern and Mr. Kistner said that they could incorporate part time contracted workers, but the proposal did not identify any additional staff people and both of the firms indicated that no subcontractors would be used. 2. This process is the creation of an energy assurance plan for the city. One of the factors that were identified is training of the staff. The O'Brien & Gere proposal had a much more detailed arrangement for development of the training program. They discussed at length in their presentation how that training would be set up. They would first do a pilot training to try to understand what the gaps of knowledge were with city staff and then there was a much more robust training plan that was developed. 3. The O'Brien & Gere proposal was better organized and more clear and there was attention to detail. It identified each of the significant steps, the significant tasks, timelines were presented for each task. EPC's proposal had some discrepancies in the timing; we are sure that it was a typo but they indicated that the final report would be submitted to the Department of Energy in August of 2012, but it is actually due in April of 2012. The proposal listed Mr. Kistner as the project manager. I am told that in the course of the discussion of the presentation various titles were expressed; it was not clear who would be conducting what portions of the work. 4. The committee members expressed concern about EPC's openness to alternative energy technologies. Two of the things that were specified that we wanted them to comment on were Smart Grid technology and biodiesel fuel. Mr. Kistner did not feel that those would be suitable for use in this setting. Mr. Moring stated those were the ideas expressed in the evaluation and each individual made their own determination how they would evaluate those factors and come to a determination of which firm they felt was best. It was a clear 4-2 vote in favor of O'Brien & Gere."

Mayor called for any further discussion. There was no further discussion.

Vote: Councilmember Dippolito, Councilmember Wynn, Councilmember Igleheart, Councilmember Orlans voted in favor. Councilmember Diamond, Councilmember Price voted in opposition.

Councilmember Price stated she needed to express "dismay that we have only received this, this evening."

A motion was made by Council Member Becky Wynn, seconded by Council Member Rich Dippolito, that this Item be Approved. Council Member Becky Wynn, Council Member Rich Dippolito, Council Member Kent Igleheart, and Council Member Jerry Orlans voted in favor. Council Member Nancy Diamond and Council Member Betty Price voted in opposition.

The motion carried by the following vote:

In Favor: 4

Opposed: 2

City Attorney's Report

12. **Recommendation for closure to discuss acquisition of real estate.**

Assistant City Attorney Bob Hulseley noted there was a recommendation to discuss real estate and personnel.

Motion: Councilmember Wynn moved for recommendation for closure. Councilmember Diamond seconded. The motion passed unanimously.

A motion was made by Council Member Becky Wynn, seconded by Council Member Nancy Diamond, that this Item be Approved. The motion carried by the following vote:

In Favor: 6

Adjournment

After no further business, the Mayor and Council Meeting adjourned at 8:20 p.m. for a work session discussion regarding the new draft Strategic Plan for the Cultural Arts Center. Closure followed the work session.