

Regular Session Meeting of the Sandy Springs City Council was held on Tuesday, February 16, 2021 at 6:11 p.m., Mayor Rusty Paul presiding.

I. CALL TO ORDER

Mayor Rusty Paul called the meeting to order at **6:11 p.m.**

II. ROLL CALL AND GENERAL ANNOUNCEMENTS

City Clerk Raquel D. González made the general announcements and called the roll.

Mayor Rusty Paul – present.

Council Members present: Council Member John Paulson, Council Member Steve Soteres, Council Member Chris Burnett, Council Member Jody Reichel, Council Member Tibby DeJulio and Council Member Andy Bauman.

III. PLEDGE OF ALLEGIANCE – Mayor Paul led the Pledge of Allegiance.

IV. PUBLIC COMMENT

There was one public comment, which is published with the meeting agenda.

V. APPROVAL OF THE AGENDA

Motion and Vote: Council Member DeJulio moved that the meeting agenda be approved for Tuesday, February 16, 2021. Council Member Reichel seconded. Mayor Paul called for a roll call vote. The motion carried unanimously.

VI. CONSENT AGENDA

- A. 2021-052** Meeting Minutes
February 2, 2021 City Council Work Session Minutes
February 2, 2021 City Council Regular Meeting Minutes

- B. 2021-053** Request for Mayor and City Council Consideration of Acceptance of a Permanent Drainage Easement on Property Located in Land Lot 126 of the 17th District, City of Sandy Springs

2021-02-19 RES

Motion and Vote: Council Member Bauman moved that the consent agenda be approved for Tuesday, February 16, 2021. Council Member Burnett seconded. Mayor Paul called for a roll call vote. The motion carried unanimously.

VII. Presentations – None.

VIII. Public Hearing

A. 2021-054 Update and Public Hearing for the Community Development Block Grant Program 2021 Annual Action Plan

Matthew Anspach, Senior Planner, Community Development presented this is the first public hearing for the Annual Action Plan for the Community Development Block Grant (CDBG) initiating the 2021 program year. He presented a summation of the 2021 plan indicating the projects and that there may be potential for additional CARES Act funding for COVID-19 Pandemic Response. Staff will announce the 30-day comment period at the March 16, 2021 City Council Work Session meeting. The final hearing and adoption will be Tuesday, May 4th. There is no action required at this time.

No public comments were received. Mayor Paul closed the public hearing.

B. 2021-055 Request for Mayor and City Council Consideration of River Corridor Review, RC20-005, for Property Located at 5900 Winterthur Ridge

Matthew Anspach, Senior Planner, Community Development the application for Metro River Protection Act Certificate; which are reviewed by the Atlanta Regional Commission (ARC). The parcel is located at 5900 Winterthur Ridge in the Winterthur Subdivision, and is approximately 800 feet from the Chattahoochee River. The proposed project is the addition of a pool and decking, as well as other general site improvements. The property is 74,902 SF in size, with a proposed disturbance of 22,234 SF and proposed impervious area of 8,647 SF, all within the allowable limits. ARC's finding is that this plan is consistent with the Chattahoochee Corridor Plan. Community Development staff recommends approval of the application.

No public comments were received. Mayor Paul closed the public hearing.

Motion and Vote: Council Member Burnett moved that agenda item 2021-55, River Corridor Review, RC20-005, for Property Located at 5900 Winterthur Ridge be approved. Council Member Reichel seconded. Mayor Paul called for a roll call vote. The motion carried unanimously.

C. 2021-056 ABL_73844 Approval of Alcoholic Beverage License Application for Sho Spicy DBA Sho Spicy at 4920 Roswell Road, Suite 11, Sandy Springs, GA 30342. Applicant is Chengdu You for Consumption on the Premises of Wine and Malt Beverages.

Toni Jo Howard, Finance Director presented the new application for Consumption on the Premises of Wine and Malt Beverages for Sho Spicy DBA Sho Spicy at 4920 Roswell Road, Suite 11, Sandy Springs, GA 30342, which is located between Long Island Drive NE and West Belle Isle Road NE. The applicant Chengdu You has passed the background investigation. This business is located in District 6. Staff recommends approval.

No public comments were received. Mayor Paul closed the public hearing.

Motion and Vote: Council Member Bauman moved adoption of agenda item 2021-056, approval of Alcoholic Beverage License Application for Sho Spicy DBA Sho Spicy at 4920 Roswell Road, Suite 11, Sandy Springs, GA 30342. Council Member DeJulio seconded. Mayor Paul called for a roll call vote. The motion carried unanimously.

D. 2021-057 ABL_73899 Approval of Alcoholic Beverage License Application for Spring Wind, LLC DBA Dunwoody Liquor Store at 2090 Dunwoody Club Drive, Sandy

Springs, GA 30350. Applicant is Christina Park for Package Wine and Malt Beverages, and Distilled Spirits.

Toni Jo Howard, Finance Director presented the change of ownership application for Package Wine and Malt Beverages, and Distilled Spirits for Spring Wind, LLC DBA Dunwoody Liquor Store at 2090 Dunwoody Club Drive, Sandy Springs, GA 30350. This business is located between Mt. Vernon Road and Jett Ferry Road, in District 1. Applicant Christina Park has passed the background investigation and staff recommends approval.

No public comments were received. Mayor Paul closed the public hearing.

Motion and Vote: Council Member Paulson moved adoption of agenda 2021-057, Alcoholic Beverage License Application for Spring Wind, LLC DBA Dunwoody Liquor Store at 2090 Dunwoody Club Drive, Sandy Springs, GA 30350 be approved. Council Member Reichel seconded. Mayor Paul called for a roll call vote. The motion carried unanimously.

- E. 2021-058** ABL_72595 Approval of Alcoholic Beverage License Application for Café I Am DBA Café I Am at 5825 Mountain Creek Road, Sandy Springs, GA 30328. Applicant is Vanda Teixeira Saitowitz for Consumption of Wine, Malt Beverages and Distilled Spirits.

Toni Jo Howard, Finance Director presented the new application for Consumption of Wine, Malt Beverages and Distilled Spirits for Café I Am DBA Café I Am at 5825 Mountain Creek Road, Sandy Springs, GA 30328. The business is located at the intersection of Mountain Creek Road NE and Carpenter Drive, in District 5. Applicant Vanda Teixeira Saitowitz has passed the background investigation and staff recommends approval.

No public comments were received. Mayor Paul closed the public hearing.

Ginger Sottile, Director of Community Development reported the property is zoned CS3. It was a residence and converted into this use, at the corner of Carpenter Drive. The application has received all the appropriate staff approvals.

Motion and Vote: Council Member DeJulio moved adoption of agenda item 2021-058, Alcoholic Beverage License Application for Café I Am DBA Café I Am at 5825 Mountain Creek Road, Sandy Springs, GA 30328. Council Member Paulson seconded. Mayor Paul called for a roll call vote. The motion carried unanimously.

IX. New Business

- A. 2021-059** Request for Mayor and City Council Consideration of an Ordinance to Authorize Amending the City of Sandy Springs FY2021 Budget to Authorize Funding for a New Project and a Resolution to Approve a Contract with Rubio and Son Interiors, Inc. for the Modifications of the Existing Cistern at City Springs and Authorization of the City Manager to Execute the Contract

David Wells, Deputy City Manager presented the project, which consists of the creation of storm water bypass lines to divert water around the existing cistern located in the City Green. The bypass system will enable the City to drain the cistern for annual maintenance purposes and to perform sealing maintenance of

the cistern itself. The scope of work includes, draining of the cistern, removal of pavers, sod and irrigation system, excavating and installation of piping and shutoff valves to divert storm water, and reinstallation of pavers, sod and irrigation system. During construction of the City Springs project, the contractor failed to design or install a method to cut off and divert storm water around the cistern for purposes of maintenance on the cistern. The City hired Geosyntec to engineer a piping solution to divert the storm water. Once the piping solution was approved, an Invitation to Bid (ITB) #21-013 was issued on October 5, 2020. The City publicly advertised the project for four (4) weeks, but no bids were received on the due date of November 2, 2020. Pursuant to the City Purchasing Policy, when no bids are received for a solicitation, the City may directly hire a contractor for the needed services. The City reached out to potential vendors to obtain pricing for the project. Rubio and Sons, Inc. was responsive and provided a proposal for the work broken down by the RS Means system of pricing; their proposal is \$255,528.22. Upon administrative review of the bid and design input from Rubio and Sons, Inc., the City of Sandy Springs City Manager's Office, Purchasing, and Legal staff recommend that award be made to, Rubio and Sons, Inc. for the amount of \$255,528.22

The second portion of the agenda item is a budget amendment to move money from the Capital Contingency to the Facilities site improvements to cover the project and is independent of any warranty claim. Once the project and its funding is approved, construction should be completed prior to our season on the City Green.

Dan Lee, City Attorney stated that this is part of our claim / counter-claim against Holder and Rosser. We contend in our counter-claim that this should have been included in the design. It is an integral part of operating a cistern; to be able to turn it on and off and drain it. So in prevailing in our counter-claim we could get complete or partial reimbursement.

Motion and Vote: Council Member Paulson moved adoption of agenda item 2021-059, an ordinance to Authorize Amending the City of Sandy Springs FY2021 Budget to Authorize Funding (\$305,000) for a New Project (modifications to existing cistern at City Springs). Council Member Burnett seconded. Mayor Paul called for a roll call vote. The motion carried unanimously.

2021-02-06 ORD

Motion and Vote: Council Member Paulson moved adoption of agenda item 2021-059, Resolution to Approve a Contract with Rubio and Son Interiors, Inc. for the Modifications of the Existing Cistern at City Springs and Authorization of the City Manager to execute the contract. Council Member DeJulio seconded. Mayor Paul called for a roll call vote. The motion carried unanimously.

2021-02-20 RES

- B. 2021-060** Request for Mayor and City Council Consideration of a Designation to Include Big Trees Forest Preserve in the Old-Growth Forest Network

Catherine Mercier-Baggett, Sustainability Manager presented the Old-Growth Forest Network (OGFN) is a nonprofit organization that aims to identify at least one forest in each county of the United States that is protected from commercial logging and accessible to the public. Sarah Horsley, OGFN Network Manager, approached the City after visiting John Ripley Forbes Big Trees Preserve and suggested its inclusion in the network. Big Trees would be the first forest of importance to join the network in Fulton County. Due to the efforts of John Ripley Forbes, this parcel, was a cotton farm and homestead stood on the site in the mid-1860s; there are traces of a former railroad and wagon trail still visible. Although the forest has experienced disturbance, a series of aerial photographs shows the forest has not been fully depleted since at least 1938. The distribution of tree species indicates the forest is entering an advanced maturing stage, with the largest trees estimated to be around 150 years old. The preserve was established

in 1990 by its namesake, John Ripley Forbes, a well-respected naturalist and conservationist. Over the years, 20 acres were added to the original 10 acres to create the park as we know it today. Big Trees is near the head of a small watershed that drains into the Chattahoochee River with over 2,000 linear feet of Powers Branch and other tributaries run through the park and are associated with nearly 8 acres of floodplain, giving the preserve an important ecological role. The dominant tree species are the Loblolly pine, Tulip tree and White oak; notable species are stands of Sourwood and American beech because they are very particular about the conditions in which they grow. Their presence confirms good soil and that it is a maturing forest. This is in time for Arbor Day; there will be a dedication ceremony on Earth Day during the third week of April; and, the North Fulton Master Gardeners Lecture about Big Trees on Sunday, March 7.

Council Member Andy Bauman asked will there be signage for the designation. The City continues to get great feedback on its conservation efforts. The National Park style sign at the conservation easement towards the Power Ferry Landing area receives positive feedback. It is a real source of pride that we are the 'city in the Trees.'

Mayor Rusty Paul stated that Karen Meinzen McEnerny worked closely with Mr. Ripley Forbes to preserve this area. She will be invited to any ceremony.

Motion and Vote: Council Member Reichel moved adoption of agenda item 2021-060, Resolution for Designation to Include Big Trees Forest Preserve in the Old-Growth Forest Network. Council Member Paulson seconded. Mayor Paul called for a roll call vote. The motion carried unanimously.

2021-02-21 RES

- C. **2021-061** Request for Mayor and City Council Consideration of a Resolution to Approve a Contract with Jericho Design Group, LLC. for the Design of Public Safety Building and Authorization for the City Manager to Execute the Contract

David Wells, Deputy City Manager presented the City of Sandy Springs ("City") conducted a qualifications based solicitation ("Solicitation") to select an architectural design and engineering firm with the capacity and demonstrated experience to provide design and project / construction administration services ("Services") for the new public safety ("Project"). On October 28, 2020, the City issued its Request for Qualifications #21-015 ("RFQC") to seek Statements of Qualifications ("Responses") from highly qualified and experienced firms to perform the Services described in the RFQC. Responses to the RFQC were due on December 2, 2020, no later than 2:00 PM E.S.T. There were 16 responses received. The Responses were initially examined for administrative compliance with Solicitation submittal instructions. No administrative compliance issues were noted. An Evaluation Committee ("Committee") was formed to evaluate Responses using the criteria set forth in the RFQC and to recommend a qualified firm to perform the Services. Following individual review and scoring, Committee members met to discuss the Responses and to determine if additional information was required and to determine a ranking. They determined that five (5) Respondents clearly demonstrated a superior understanding of the Project and had past experience relevant to the Project. The names and consensus scoring for the five (5) Respondents receiving the highest scores in the evaluation are as follows: Goodwin Mills (87.14); Pieper O'Brien (81.00); Smallwood Reynolds (82.14); Houser Walker (80.86); and Jericho / Dewberry (80.86). The above-listed Respondents were provided with questions from the Committee to clarify aspects of their Responses, and were invited to make virtual presentations to the Committee on January 4, 2021. In the presentations, each Respondent provided a brief overview of their proposing firm(s) and prior relevant experience examples. Following presentations, the Committee discussed each presenting Respondent to determine a final ranking. After taking into account information and clarification gained in the presentations, the Committee determined that the firms of Houser Walker, Pieper O'Brien and Jericho/Dewberry received the highest rankings and

would be asked to present professional fee proposals for the Committee's consideration. The fees were as follows: Jericho / Dewberry - \$1,052,900.00; Pieper O'Brien - \$1,453,075.00; and, Houser Walker - \$2,499,710.00. Following a review of the three (3) fee proposals, the Committee invited the two (2) lowest responsible bidders, Jericho/Dewberry and Pieper O'Brien, to a final in-person question and answer interview. On January 25, 2021, the proposed Jericho/Dewberry Project team and the proposed Pieper O'Brien Project team were interviewed regarding their proposals and responded to Committee questions. Jericho/Dewberry had the lowest base professional fee. Based upon evaluation of Responses in accordance with the criteria and process described in the RFQ, the Committee determined that Jericho Design Group, in association with Dewberry, represents the best value and professional design services for the City and therefore recommends that firm for contract award.

Council Member John Paulson asked if this is a Construction Manager at Risk project or a Design-Bid-Build project? Typically, Construction Manager at Risk projects go out to bid when they are 30-40% designed, then the contractor works with the architect as well. Is Jericho staying with the project throughout? One of the challenges with building City Springs was that the contractor was going faster than the designer.

Deputy City Manager Wells replied because of the structural needs of this project, we will be bringing the construction manager on board earlier to have them begin to dig into this building to get this into a Category IV. A Category IV structure is required by the Building Code for buildings and other structures designated as essential facilities. They are designated to withstand earthquake, hurricane or other emergency shelters. The Category IV study is very important to this project. Jericho is the lead architectural firm. Doug Shaw, is the lead architect and project leader. He is out of Cumming, GA and will be intimately involved daily on this project. Dewberry brings in the public safety side of the project, making sure the building is designed properly and functionally for public safety usage. The initial submittal by Jericho has all of the resumes and the team for Dewberry in it, and all of their construction history. The in-person interview, the last interview, was just with Jericho itself, as the lead architect. Dewberry is based in Chicago, IL and they do have an office here in Atlanta. This is the first of many steps that the Council will see. There will be design concepts; GMP budget; the general contractor, we plan to bring them on board early so you can expect in the next three or four months, us bringing another proposal to you for the general contractor. Each step gets approved through Mayor and Council.

Dan Lee, City Attorney stated that we have learned from experience of the previous construction, and one of the major issues after the fact, was the program manager. The structure that the City Manager's Office has put together on this project clearly delineates what the architect will do; what the in-house Construction Manager will do, and the scheduling and requirement of all entities to maintain the paperwork. All of these issues will be built into these contracts.

Council Member Andy Bauman stated his concern is that this bid came in with two professional firms at significantly a lower cost. Was Jericho the primary applicant here? Was Dewberry part of the interview process? Is this a contract that comes back to Council? Did Council ever see the Request for Qualifications document? This is an adaptive reuse, which is a specialty area. Was this taken into account? Will staff come back to Council on construction firms? Past practice has been, as we have done these large projects, that Council has some advance notice. Where possible, a Work Session a couple of weeks in advance so that we have had some time to digest what is being presented. Staff has gone through a good process here, but more advance public process is requested. Is there a schedule of what the next six to nine months might look like on this?

Council Member Chris Burnett stated that when we evaluated this prior to our purchase of the building, we looked at two numbers; one, was the cost of acquisition; and, the other was the cost of renovation. At

that time, we were using a consulting firm and it was a very lofty number on the cost of renovation. Were either Jericho or Dewberry part of the process at that time? Or, is this a new set of eyes looking at this? The CEO of Dewberry has done a lot of municipal projects, and hopefully can bring some value engineering to this. Will the Dewberry work also include a design and budget for the potential fire station on that site?

Deputy City Manager Wells replied this is a new set of eyes. One of the architectural firms that did bid included the public safety professional team that helped us with the initial assessment, but they did not make it to the final round. We are focusing on the lower parcel, which is the public safety building, the fleet repair facility and the sally port. This will include the courtroom, along with the police presence; and, if we decide to put ChatComm in this building, the rough-in. We are looking at three months for programming, where we will sit down and do interviews with each department, each unit inside the police department, and all parts of Municipal Court. There is solo testing sometime in April. There is a structural analysis between now and May. We are looking to engage a CM at Risk sometime in May; and hoping to be 95% construction documents by December, 2021. GMP around February, 2022. Hoping to begin construction in May, 2022, and in the building sometime around October, 2023. Regarding the principals of this project, Doug Shaw is the architect for Jericho and Brad Ewing is the lead for Dewberry. The Needs Analysis performed two different tasks. One of those tasks, which used Turner Phillips, was to make sure the building could fit our needs. Secondly, the police department secured a full-blown spatial assessment. We are going to use the spatial assessment and flip it to Jericho / Dewberry. They have it as part of this RFQ. Hopefully, this will assist us in shortening this down; this is the most important part of the design is to get the spaces correct and we don't wish to rush that part of this project. At that point, when that study was done, there were two different alternatives: one, renovating this building; and two, building a new building for what was really needed. We are going to tune those spaces down some; the square footage of those offices were little large. There were a lot of issues with the previous study, but it could be used as a guide.

Andrea Surratt, City Manager stated in response to questions regarding the Sandy Springs Construction Manager, certainly we will hire the firm to provide construction management services as a part of the contract to build, but we need someone as Attorney Lee spoke about, to actually help manage the paperwork side of this project. We need to be sure we have someone on the ground who is a City employee, every day, at the site, making sure things are getting done and done correctly, and then communicating that information back to the police department and all parties involved at City Hall, to provide seamless communication. That is difficult to do with regular staff, with the jobs they have, so there is a new person, Richard Collins. We added him this summer when we did not fill some Public Works positions so that we could anticipate getting this person on board and getting him ready to lead this project in terms of paperwork and construction oversight.

Mayor Rusty Paul added that the City Manager, when she came on aboard, quickly identified a staff need, given the significant amount of construction that we do. All of our Public Works projects, fire stations that we are building, this project and other projects, she felt that there was some need for on-staff expertise in construction management to provide her and the rest of staff professional guidance and management. She used her authority to bring him on board this summer; this is who they are referring to, Richard Collins, as a staff person who does not just do this but other things on all the projects that the City manages and operates. His expertise is construction management.

Council Member John Paulson asked if the project will take 18 months to build out. Also, the CEO of Dewberry is not listed on the management list. Is he not part of this project at this point? The Council should meet Construction Manager Richard Collins.

Council Member DeJulio stated the previous Needs Analysis for the police department addressed what they needed; what kind of building they needed; what kind of space they needed, etc. Now, we are talking about spending three months to interview to find out what they need. Are we beginning again to develop a needs analysis and not use the original one? Do we wish to use something that we were not happy with to go ahead and start as a foundation of a new study of what we need in this Public Safety building? That study stated that the police needed something like 120,000 square feet just for the police; doesn't this building only have 110,000 square feet?

Mayor Paul commented that the previous document will assist the team but the team has to do their own research and dig into this. Plus, that just dealt with the police department's needs and we have now included Municipal Court, ChatComm, and a lot of other functions going into this building. It is not just a police building anymore. It is a much broader use that now has to be incorporated.

Motion and Vote: Council Member Paulson moved adoption of agenda item 2021-061, a Resolution to Approve a Contract with Jericho Design Group, LLC for the Design of Public Safety Building and Authorization for the City Manager to Execute the Contract. Council Member Soteres seconded. Mayor Paul called for a roll call vote. The motion carried unanimously.

2021-02-22 RES

- D. 2021-062** Request for Mayor and City Council Consideration of Approval of a Contract with Kimley-Horn Associates, Inc. for the Design of 20 Guardrail Sites for Replacement and Authorization for the City Manager to Execute the Contract

Marty Martin, Public Works Director presented in furtherance of T-7500 Guardrail Replacement Program, staff requested proposals from on-call City engineering firms for the replacement design of 20 guardrail sites that do not currently meet GDOT standards. The request for proposals was submitted by City purchasing on November 12, 2020; one proposal was received on December 9, 2020. Project scope includes the following: 1. Site Plan Development per Guardrail Site; 2. Provide Bid Plan Set Development per Plan Set; 3. Provide Land Disturbance Permit per Plan Set; and, 4. Provide Enhanced Survey if required. We received only one proposal from Kimley-Horn and Associates, Inc. in the amount of \$117,120.00. When comparing the pricing received to the previous design contract issued, staff believes the estimate is consistent for the amount and type of proposed work. Upon administrative review of the bid, the City of Sandy Springs Public Works, Purchasing and Legal staff recommend that award be made to Kimley-Horn and Associates, Inc. There are adequate T-7500 funds available for this project.

Council Member DeJulio asked when people come to the City for zoning, etc. and they do traffic studies, it seems those studies are almost always done by Kimley-Horn. We question those all the time, and now we are talking about hiring Kimley-Horn to work for the City. Is this not a conflict of them working for our patrons who are applying for permits, variances, zonings, etc. and then we are hiring them to work for the City.

Dan Lee, City Attorney replied that engineering is a little bit different. Licensed professionals are indicated to give independent analysis that are driven by science, and in this case, engineering. Those findings and those designs are looked at by our staff, if it is an applicant that brings a design or an application in that is using Kimley-Horn. The interests are not adverse. There is not a conflict of interest. If there was dispute, obviously Kimley-Horn could not represent both sides but their presentations either on behalf of the City or brought in by an applicant that the City is requesting is not a conflict.

Council Member John Paulson stated that instead of paying an engineering firm to do all this work, why not just hire a guardrail replacement company and tell them to replace the guardrails we have identified, and save the \$120K. We do not have to redesign them. Just put them back where they got knocked, hit or bent.

Director Martin replied that in some cases, especially with the end treatments on the guardrails, we find that their footprint is not adequate as it currently exists. Taper requirements, for instance, on the end treatments for the guardrail have changed over time; we may find that we may need to extend the guardrail in some cases. Case in point, Riverside guardrail, just north of Johnson Ferry Road, we replaced a few years ago. It did not adequately cover the clear zone that was really required to provide safety there; we had a few accidents there and we needed to extend that guardrail several feet in order to provide adequate clear zone compared to the original installation. We find those challenges as well with the existing guardrails out there; in some cases, it requires right-of-way; additional survey work; and, utility adjustment that goes with it as well. In response to there being a design-build firm in this area, we have not found a firm that does this specific work. We know a couple that do an excellent job of guardrail installation, typically we find about 3 companies within the Atlanta area, that are the guardrail installers for us when it comes down to a project; it is a specialized industry in this area. This is not a fixed fee. It would be on an hourly professional basis, based upon the services required per site. Also, this is a not-to-exceed contract for the design and construction documents.

Motion and Vote: Council Member Reichel moved adoption of agenda item 2021-062, Resolution to Approve a Contract with Kimley-Horn Associates, Inc. for the Design of 20 Guardrail Sites for Replacement and Authorization for the City Manager to Execute the Contract. Council Member Soteres seconded. Mayor Paul called for a roll call vote. The motion carried unanimously.

2021-02-23 RES

- E. 2021-063** Request for Mayor and City Council Consideration of an Ordinance to Authorize Amending the City of Sandy Springs FY 2021 Budget to Authorize Additional Funding for the Small Business Relief Assistance Program

Kristin Smith, Assistant City Manager stated the Small Business Relief Assistance Program was created and we received COVID funding from Fulton County for other expenses; we able to subsequently reallocate general fund dollars to meet additional community needs. This program was established with \$1.2M and an additional \$100K was provided by the Sandy Springs Development Authority ("Development Authority"). We partnered with both the Development Authority and the Sandy Springs Perimeter Chamber of Commerce to administer the program. She wanted to thank staff and our partners for the countless hours put into this program thus far. In summary, we received 182 applications and found 160 of those to be eligible based upon the established criteria. With the available funding, we were not able to fund all applications; the unfunded applications total approximately \$327K. At a high level, we received applications in all tiers of eligibility ranging from sole-proprietors to businesses having up to 99 employees. Part of the consideration for award was a demonstrated decline in revenue; revenue declines averaged 37% overall but varied by tier. One third of our applications were in the retail, accommodation and food service industries. Economic Development Specialist Caroline Davis has managed this program and has been in touch, directly, with almost all of the applicants. Staff recommends that the City Council allocate an additional \$277K to the Small Business Relief Assistance program. The Development Authority will consider an additional allocation of \$50K to the Small Business Relief Assistance Program at their next meeting.

Council Member Jody Reichel stated it is very important that we help our small businesses. Although it was advertised, many businesses were unaware of the program. Is there any additional funds from the state or federal government to help more businesses?

Assistant City Manager Smith replied that it is anticipated that there will be additional funding coming to local governments, to be determined on what are the eligible uses or how much we will receive. Certainly if Council feels this is something we need to move forward on, it is something they can consider. When we took in the CARES money from Fulton County, we were able to re-fill our public safety coffers since that is where a lot of our eligible expenses were, so we were able to shift things around and pull from those dollars.

Council Member Chris Burnett commented that conventional belief is that the next federal bill coming will probably be closer to the \$1.9T than to the \$600B. What is being seen thus far in the next round of PPP funding is a measurable reduction in the number of applications because one of the requirements from SBA was that businesses had to have at least one quarterly reduction of revenues of 25% or more. Last year, my bank processed 20K PPP applications. This year our total applications are around 7K, so less than 50% of the businesses who applied last year were even eligible based on the 25% revenue reduction requirement. It is interesting to see that almost all the applications in the City of Sandy Springs probably met that requirement based on an over 30% average reduction of revenue. All of these applicants were likely eligible for PPP round 2, and hopefully they all took advantage of that. Between the grant program and the second round of stimulus, it is going to put a lot more capital into the hands of our small businesses that need it.

Mayor Rusty Paul stated that he and the City Manager had a discussion today trying to anticipate what may happen, what the criteria might be. The bills are still being drafted and negotiated in Congress so there is no way we can guess about what the impact is going to be on the City of Sandy Springs, but we are following it very closely. As soon as we know, we will try to develop a plan to assist as many people as we possibly can. This will be based on CDBG allocations. If you are an entitlement city, which Sandy Springs is, then the money will flow directly from the US Treasury to the City of Sandy Springs without going to Fulton County. If you are a non-entitlement city, which the remainder of Fulton County is, as the bill is currently being discussed, all subject to change, the money would go to the state and it would be a pass through. The state would have to pass that money through to local governments, cities and counties based on their proportion of the state's population.

Motion and Vote: Council Member Reichel moved adoption of agenda item 2021-063, an Ordinance to Authorize Amending the City of Sandy Springs FY2021 Budget to Authorize Additional Funding for the Small Business Relief Assistance Program. Council Member DeJulio seconded. Mayor Paul called for a roll call vote. The motion carried unanimously.

2021-02-07 ORD

- F. 2021-064** Request for Mayor and City Council Consideration of a Resolution to Approve a First Amendment to the Memorandum of Agreement (MOA) by and between the City of Sandy Springs and the City of Sandy Springs Development Authority

Kristin Smith, Assistant City Manager stated the first amendment to the Memorandum of Agreement with the Development Authority to allow the Development Authority to administer the additional funds, as proposed in the previous agenda item.

Motion and Vote: Council Member Paulson moved adoption of agenda item 2021-064, Resolution to Approve a First Amendment to the Memorandum of Agreement (MOA) by and between the City of Sandy Springs and the City of Sandy Springs Development Authority. Council Member Burnett seconded. Mayor Paul called for a roll call vote. The motion carried unanimously.

2021-02-24 RES

- G. 2021-065** Request for Mayor and City Council Consideration of a Resolution Appointing Member to the Sandy Springs Board of Appeals

Mayor Rusty Paul stated it is a pleasure to nominate Nathan Kongthum for an appointment to the Sandy Springs Board of Appeals. Mr. Kongthum is a Sandy Springs resident and has a lot of experience in the non-profit world. He has spent a lot of time with Habitat for Humanity and he was the Global Development Officer for the Atlanta operation, which is their headquarters. He is very familiar with development, growth and building; all things the Board of Appeals has to deal with. Plus he has his MBA and his Bachelor's from Western International University and you have seen his resume for his various endeavors, boards, associations, etc. He is very well regarded by those who work with him in our community, and it is my pleasure to nominate him for your consideration.

Motion and Vote: Council Member Burnett moved adoption of agenda item 2021-065, Resolution Appointing Member (Nathan Kongthum) to the Sandy Springs Board of Appeals. Council Member Reichel seconded. Mayor Paul called for a roll call vote. The motion carried unanimously.

2021-02-025 RES

- H. 2021-066** Request for Mayor and City Council Consideration of a Resolution to Approve of a Contract with Reeves Young, LLC for the Construction of Fire Station No. 2 and Authorization of the City Manager to Execute the Contract

David Wells, Deputy City Manager stated that the City of Sandy Springs conducted a qualifications based solicitation ("Solicitation") to shortlist qualified general contractors to bid on the new Fire Station at 135 Johnson Ferry Road, NE, Sandy Springs, Georgia 30328 ("Project"). On October 21, 2020, the City issued its Request for Qualifications #21-011 ("RFQC") to seek Statements of Qualifications ("Responses") from highly qualified and experienced firms to construct the Project and perform the Services described in the RFQC ("Services"). Responses to the RFQC were due on November 24, 2020, no later than 2:00 PM E.S.T.; the City received seventeen (17) responses. The City formed an Evaluation Committee ("Committee") to evaluate Responses using the criteria set forth in the RFQC and to recommend a shortlist of qualified firms to formally bid on the Project. Pursuant to Section 5 of the RFQC, Responses were reviewed by the Purchasing Manager to ensure that all administrative requirements of the RFQC were met. All Responses that met the administrative requirements were turned over to the Committee for evaluation on a pass/fail basis. On December 30, 2020, the City issued an Invitation to Bid (ITB #21-011) to seven (7) Respondents shown in the Evaluation Memo. A non-mandatory, pre-bid meeting was conducted on January 7, 2021. Six (6) proposing contractors, representatives from the City, the Project architect and civil engineer for the Project were in attendance. Respondent Whiting-Turner did not attend the meeting and subsequently notified the City that it would not submit a bid. Bids in response to the ITB ("Bids") were due on January 22, 2021 (due date postponed to January 29, 2021 in Addenda #1). Six (6) bids were received by the specified time. All Bids were opened and read aloud in a WebEx call with all six (6) contractors in attendance. Following receipt of the Bids, each was evaluated for correctness and compliance with ITB #21-011 requirements. All Bids received were determined to be in compliance and are included in the Evaluation Memorandum. Reeves Young had the lowest base Bid and the lowest total

base Bid with alternates. Due to the fact that the low Bid was considerably lower than the other Bids, a follow-up virtual meeting was conducted by City representatives with Reeves Young representatives to assure it fully understood the requirements and costing for the Project. During this meeting, the nature of the low Bid, Project team, and timeline for construction were discussed. The representatives of Reeves Young assured the City that they were comfortable with their Bid and reasoned that they were considerably lower due to their aggressive approach and the coverage of subcontractors they solicited. They further reassured the City that the proposed Project team was still in place and they were ready to proceed with construction. Based upon evaluation of Responses in accordance with the criteria and process described herein and in the RFQC and subsequent pricing of the Project, the Committee determines that Reeves Young represents the best value for the City and therefore recommends that firm for contract award in the amount of \$6,452,277.00

Council Member Chris Burnett left the meeting at 7:43 p.m.

Motion and Vote: Council Member Paulson moved adoption of agenda item 2021-066, Resolution to Approve of a Contract with Reeves Young, LLC for the Construction of Fire Station No. 2 and Authorize the City Manager to Execute the Contract. Council Member Reichel seconded. Mayor Paul called for a roll call vote. The motion carried unanimously (5 to 0).

2021-02-026 RES

- I. **2021-067** Request for Mayor and City Council Consideration of an Ordinance to Amend the Code of Ordinances, City of Sandy Springs, Georgia, by Regulating and Prohibiting Street Racing and Knowing Assistance of Same; To Provide for Penalties; To Provide for Repeal of Conflicting Ordinances; To Provide for an Adoption and Effective Date; To Provide for Codification; and to Provide for Other Lawful Purposes

Ken DeSimone, Police Chief stated the Atlanta metropolitan area has been plagued for several years, but particularly in the last few years, by acts of illegal street racing, occurring mostly at night and disturbing the peace of citizens. While the City has not experienced the same level of street racing activity seen in the City of Atlanta and other metropolitan areas, it is occurring more frequently than ever before. As far as Sandy Springs goes, we have only three cases of street racing, but we want to get ahead of this. This ordinance will allow us to impose a fine not to exceed \$1,000.00, up to six months in jail, and the possibility of impounding the vehicles. With this ordinance we can impound the vehicle for no less than thirty (30) days and up to the final adjudication of the case. Sandy Springs Police Department recommends approving the above referenced Ordinance to prohibit the organization, participation or being a spectator in Illegal Street racing within the city.

Council Member Tibby DeJulio stated that there was one about a month ago at the Whole Foods parking lot. What have we actually done to prosecute or to break up these in the past? Atlanta, Brookhaven, Doraville, Dunwoody, Roswell and other surrounding jurisdictions have recently adopted ordinances clarifying and prohibiting organization, participation or being a spectator of such an illegal activity. Have their efforts been effective?

Chief DeSimone replied that when we get to the scene we try to make arrests and stop cars. In the incident you are referring to, the count on that was over 150 vehicles. They outnumbered the police department. What we do is we put them in the Municipal Court system but up to now we were just going after the

drivers. The presented ordinance allows us to go after anyone who organizes it or is even a spectator of the event. Also the ability to impound the vehicle is a big deal. This new ordinance mandates court appearances. In regards to confiscating vehicles, we are just holding the vehicle until it is adjudicated, which is a lot of storage fees they have to pay to the impound company or towing company. This is a huge deterrent. In some jurisdictions it has been more beneficial than others. The law can be put on the books but if you are not enforcing the law, it does not do any good. In Sandy Springs, we enforce the law. Regarding camera coverage, we are good with the locations and what they do; and we may identify through our Intelligence Unit some other roadways that may need them in the future. As to the public comment regarding street racing, councilmembers should encourage their constituents to call 911 for these matters. And with respect to exceptionally loud vehicles, Sandy Springs police officers do stop and ticket vehicles violating the noise ordinance.

City Attorney Dan Lee stated current Georgia law does not allow for confiscation of vehicles used in street racing. There are two bills that have been introduced to the Legislature this session to authorize it a felony and make the use of the vehicle part of the felony, therefore, to be forfeited. One other reason, is that the enforcement is key and Sandy Springs does a better job than most. What we find is when other jurisdictions in our vicinity pass an ordinance similar to this, if we do not, it sometimes encourages folks to leave those jurisdictions come here.

Motion and Vote: Council Member Reichel moved adoption of agenda item 2021-067, an Ordinance to Amend the Code of Ordinances, City of Sandy Springs, Georgia, by Regulating and Prohibiting Street Racing and Knowing Assistance of Same; To Provide for Penalties; To Provide for Repeal of Conflicting Ordinances; To Provide for an Adoption and Effective Date; To Provide for Codification; and to Provide for Other Lawful Purposes. Council Member Bauman seconded. Mayor Paul called for a roll call vote. The motion carried unanimously (5 to 0).

2021-02-08 ORD

X. Reports

A. 2021-069 Mayor and Council Report

Mayor Rusty Paul reported the Georgia Department of Community Affairs has named Sandy Springs as a PlanFirst City. Also, Sandy Springs is ranked number eight in a list of Best City for black women to flourish financially by the publication Money Geek. Sandy Springs is also ranked number 16 in a list of U.S. cities for veteran entrepreneurship. The City thanks the Police Department for their investigative work regarding the shooting on Hammond Drive. The Diversity & Inclusion Task Force is at work. Chairman Jim is going through a series of individual conversations with task force members, supported by City Clerk Raquel González. Chairman Bostic and City Clerk González have reported some amazing conversations with these folks. Fulton County has received \$18M in rental assistance money from the federal government. The County is not dispersing funds to the cities. Rather, they are managing an assistance program that they have set up. Sandy Springs has the largest number of vulnerable families in fragile situations when it comes to rental protections and need of any city in Fulton County, other than the City of Atlanta, which got its own money. We are the second largest city in Fulton County. COVID numbers are dropping as more people get vaccinated. The Deluxe Corp. project in Sandy Springs is a finalist for the Atlanta Business Chronicle Best in Atlanta Real Estate projects in 2020. Again, what a great honor for Sandy Springs to be recognized with Big Trees as part of the Old-Growth Forest. Finally, Governor Kemp spoke personally with Police Chief DeSimone to thank him for the department's work that was done at Lost Corners regarding a car thief.

B. 2021-070 Staff Reports

1. 2021-071 December 2020 Unaudited Financials

Toni Jo Howard, Finance Director presented COVID sensitive revenues are currently at 67.84% of the budgeted amount; this is above the 60.83% from FY2020 budget for these same revenues. Additionally, on our COVID Emergency Management Expenditures, we are at 80.66% of our budget. As to the Local Option Sales Tax Collections, we are slightly under \$11M; down approximately 6% from FY2020 at this same time last year. However, our budget was adjusted by 20%, so we are still doing better than anticipated. We are at 55% overall of our budget. For Total Taxes, we are at 77.33%; we continue to receive property tax money. One of the large numbers we are awaiting is the Electric Franchise Tax; hopefully we will receive that at the end of February. As to the Business and Occupation Tax, we are still in that collection period which continues to March 31, 2021. Overall we are at 76.32% for Total Revenue; again, we are well above 50%. General Fund Expenditures for all departments are actually under budget for the percentage of the year completed; currently at 46.35%.

XI. Executive Session – Real Estate and Litigation

Motion and Vote: Council Member Paulson moved to suspend regular order and enter into Executive Session for the purpose of real estate and litigation discussions. Council Member DeJulio seconded. Mayor Paul called for a roll call vote. The motion carried unanimously (5-0). As previously announced, Council Member Burnett was absent for the vote. Executive Session began at **8:11 p.m.**

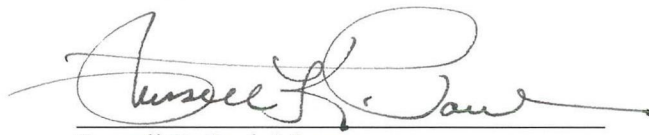
Council Member Bauman left the meeting at 8:52 p.m.

Motion and Vote: Council Member Paulson moved adjourn Executive Session and return to the regular order. Council Member DeJulio seconded. Mayor Paul called for a roll call vote. The motion carried by unanimously (4-0), Executive Session ended at **8:53 p.m.**

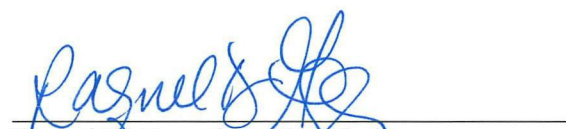
XII. ADJOURNMENT

Motion and Vote: Council Member Paulson moved adjourn the meeting. Council Member DeJulio seconded. Mayor Paul called for a roll call vote. The motion carried unanimously (4-0). The meeting adjourned at **8:54 p.m.**

Dated approved: March 2, 2021.



Russell K. Paul, Mayor



Raquel D. González, City Clerk