

Regular Session of the City of Sandy Springs City Council
Broadcast Via Live Webinar and Teleconference, Tuesday, April 6, 2021
Page 1 of 7

Regular Session Meeting of the Sandy Springs City Council was held on Tuesday, April 6, 2021 at 7:25 p.m., Mayor Rusty Paul presiding.

I. CALL TO ORDER

Mayor Rusty Paul called the meeting to order at **7:25 p.m.**

II. ROLL CALL AND GENERAL ANNOUNCEMENTS

City Clerk Raquel D. González made 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 were no public comments submitted.

V. APPROVAL OF THE AGENDA

Motion and Vote: Council Member DeJulio moved that the meeting agenda be approved for Tuesday, April 6, 2021. Council Member Paulson seconded. Mayor Paul called for a roll call vote. The motion carried unanimously.

VI. CONSENT AGENDA

A. 2021-106 Meeting Minutes
March 16, 2021 Work Session
March 16, 2021 City Council Meeting
(*Raquel D. González, City Clerk*)

B. 2021-107 Request for Mayor and City Council Consideration of Permanent Drainage Easement on Property Located in Land Lot 126 of the 17th District, City of Sandy Springs
(*Presented by William H. Martin, Jr., AIA, Public Works Director*)

2021-04-46 RES

Motion and Vote: Council Member Bauman moved to adopt the consent agenda for Tuesday, April 6, 2021. Council Member Reichel seconded. Mayor Paul called for a roll call vote. The motion carried unanimously.

VII. Presentations

A. 2021-108 A Proclamation in Recognition of Days of Remembrance Week, April 4 - 11, 2021

Mayor Rusty Paul read a proclamation in recognition of Days of Remembrance. The proclamation as ratified unanimously by the City Council.

VIII. Public Hearing

A. 2021-109 ABL_75753 - Approval of Alcoholic Beverage License Application for Capitan III Holdings LLC DBA El Capitan, 8540 Roswell Rd, Suite 400, Sandy Springs, GA 30350. Applicant is Natalia Garcia for Consumption on the premises of Wine, Malt Beverages, and Distilled Spirits.

Regular Session of the City of Sandy Springs City Council
Broadcast Via Live Webinar and Teleconference, Tuesday, April 6, 2021
Page 2 of 7

Toni Jo Howard, Finance Director reported this is a change of ownership application for Consumption on the Premises for Wine, Malt Beverages, and Distilled Spirits alcohol license for Capitan III Holdings LLC DBA El Capitan, 8540 Roswell Rd, Suite 400, Sandy Springs, GA 30350. This is located between North Ridge Parkway and Hightower Trail. The applicant, Natalia Garcia, has met all of the requirements and staff recommends approval. This business is located in District 2.

There being no public comments. Mayor Paul closed the Public Hearing.

Motion and Vote: Council Member Soteres recommended approval of agenda item 2021-109, ABL 75753 - Alcoholic Beverage License Application for Capitan III Holdings LLC DBA El Capitan, 8540 Roswell Rd, Suite 400, Sandy Springs, GA 30350. Applicant is Natalia Garcia for Consumption on the premises of Wine, Malt Beverages, and Distilled Spirits. Council Member Paulson seconded. Mayor Paul called for a roll call vote. The motion carried unanimously.

IX. New Business

- A. 2021-110** Request for Mayor and City Council Consideration of Acceptance of a Real Estate Agreement for a Fee Simple Right of Way and Temporary Construction Easement on Property Located in Land Lot 15 of the 17th District, City of Sandy Springs, Fulton County, Georgia

Marty Martin, Public Works Director stated this regards the construction of the Peachtree Dunwoody at Telford Road Improvement Project. This is a Real Estate Agreement for 5265 Peachtree Dunwoody Road, acquisition of 114.61 square feet of Fee Simple Right of Way (ROW) and 72.53 square feet of Temporary Construction Easement. The real estate appraisal was determined to be a total amount of \$3,050.00 for Fee Simple ROW, Temporary Construction Easement and consequential damages to landscaping and irrigation associated with this project. The property owner countered with landscaping quotes showing a higher cost with an additional \$3,134.60. Staff reviewed the appraisal, especially in light of the landscape quotes provided, and recommends this Real Estate Agreement in the amount of \$6,184.60.

Motion and Vote: Council Member DeJulio moved approval of agenda item 2021-110, Acceptance of a Real Estate Agreement for a Fee Simple Right of Way and Temporary Construction Easement on Property Located in Land Lot 15 of the 17th District, City of Sandy Springs, Fulton County, Georgia. Council Member Soteres seconded. Mayor Paul called for a roll call vote. The motion carried unanimously.

2021-04-47 RES

- B. 2021-111** Request for Mayor and City Council Consideration of a Resolution to Adopt the Transportation Master Plan

Kristen Wescott, Traffic/Transportation Unit Manager presented the Transportation Master Plan as was presented in Work Session last month, but now with public comment. The Transportation Master Plan was built on aspirations of the Next Ten vision guiding document. It recommends a 5 and 10-Year Plan. It does not provide any financial commitment, but it does provides a map forward of how the City may proceed in investing in the reported walking, biking, driving or riding transit improvements.

Council Member Andy Bauman commended Unit Manager Wescott and staff for the work that was put into the Transportation Master Plan. Given the challenges presented by COVID, there is scoring and articulation of transportation and the importance of looking at all communities be it socioeconomic, racial, ethnic demographic, or disability, though there is no broad policy statement. This should be noted for the record. I hope we have an opportunity to look at this after we have heard from the task force and have substantive thoughtful input from staff based on the many writings in connection with transportation.

Regular Session of the City of Sandy Springs City Council
Broadcast Via Live Webinar and Teleconference, Tuesday, April 6, 2021
Page 3 of 7

Motion and Vote: Council Member Bauman moved adoption of agenda item 2021-111, Resolution to Adopt the Transportation Master Plan. Council Member Paulson seconded. Mayor Paul called for a roll call vote. The motion carried unanimously.

2021-04-48 RES

- C. 2021-112** Request for Mayor and City Council Consideration of Approval to Authorize the City Manager to Execute a Change Order and the Revised Contract for Engineering Design Services with Columbia Engineering for the Roswell Road at Grogans Ferry Road Intersection Improvement Project (TS105)

Marty Martin, Public Works Director presented that construction has begun on this project, at least traffic control, etc. has been installed and put in place. In conjunction with this work, the Recreation and Parks Department brought out that a significant priority element in the Trails Master Plan is a Grogan's Ferry Road to Roswell Road connection and asked we consider investigating the opportunity to include a trail section within this intersection project where appropriate. We reached out to our design engineer, Columbia Engineering, to provide us with a review and proposal on the installation of a trail segment within the limits of this roadway project. Columbia Engineering provided a quote in the amount of \$13,683.00. Because we have passed a change order threshold, we bring this before Council for approval. We did not have the Trails Master Plan at the time design began on this project and there was no trail connection identified as a required element in this project. This is a long-term construction project, approximately 500 days with utility relocation, the design makes sense as construction opportunities schedule allow.

Motion and Vote: Council Member Soteres recommended approval of agenda item 2021-112, Approval to Authorize the City Manager to Execute a Change Order and the Revised Contract for Engineering Design Services with Columbia Engineering for the Roswell Road at Grogans Ferry Road Intersection Improvement Project (TS105). Council Member Paulson seconded. Mayor Paul called for a roll call vote. The motion carried unanimously.

2021-04-49 RES

- D. 2021-113** Request for Mayor and City Council Consideration of Approval to Authorize the City Manager to Execute a Change Order and the Revised Contract for Engineering Design Services with KCI Technologies for the Roswell Road at Dalrymple Road Intersection Improvement Project (TS108)

Marty Martin, Public Works Director stated in this case, this change order is to send a survey crew out to re-stake ROW and easements on a couple of parcels associated with the construction of this project. Cumulatively, change orders on the project now total over \$100K, therefore, per our Purchasing Policy, this is being brought before Council this evening. The work requested is \$2,840.00 for re-staking of ROW and easements for this project.

Motion and Vote: Council Member Reichel moved for approval of agenda item 2021-113, Approval to Authorize the City Manager to Execute a Change Order and the Revised Contract for Engineering Design Services with KCI Technologies for the Roswell Road at Dalrymple Road Intersection Improvement Project (TS108). Council Member Burnett seconded. Mayor Paul called for a roll call vote. The motion carried unanimously.

2021-04-50 RES

- E. 2021-114** Request for Mayor and City Council Consideration of Approval of a Contract with CMES, Incorporated to Construct Interstate North Parkway Sidepath Project, TS170, and Authorization for the City Manager to Execute the Contract

Marty Martin, Public Works Director presented that staff recommends award of a contract to CMES, Incorporated for the Interstate North Parkway Sidepath Project, TS170, in the amount of \$1,657,973.00. The Project consists of the installation of 3,570 linear ft of 12-ft sidewalk with 4-ft landscape buffer and associated improvements on the north side of Interstate North Parkway from the City limits to Northside Drive. Proposed improvements included in the Project areas outlined in the memo for this agenda item. On December 30, 2020, an ITB was issued to qualified

Regular Session of the City of Sandy Springs City Council
Broadcast Via Live Webinar and Teleconference, Tuesday, April 6, 2021
Page 4 of 7

contractors for construction. The City received bids from seven contractors on February 3, 2021. As part of the bid review, the engineer's construction costs were estimated at \$2,189,000+. We reviewed the lowest bidder, Ryde Grading, Inc. at \$1,412,479, and in staff's investigation made the determination that this was not a responsive bidder due to lack of experience. Though references were requested, Ryde provided only one project that was within a similar scope and scale, as the dollar amounts were relatively equivalent but, it was a bundle of two intersection projects. So not the same scope and scale. The bid analysis also identified what staff believed were deficiencies in many of the line items associated with the contractors bid. Due to the reasons stated, Ryde Grading, Inc.'s bid was deemed non-responsive. DAF Concrete, Inc. submitted the next low bid in the amount of \$1,465,298; however, its bid was disqualified since it does not meet the requirements listed in the ITB for GDOT pre-qualification. Upon administrative review of the bids, staff recommends that award be made to the third low bidder, CMES, Inc., in the amount of \$1,657,973.00.

Council Member Chris Burnett stated in a previous Council meeting, we had a discussion about acquiring the land along this stretch of Interstate North Parkway. Have we been successful in arriving at a number to buy that land for and, when you consider that purchase price, and this contract bid, where does that put us in totality in terms of the project amount? So, when you priced this out originally, and you look at this cost of \$1.6M and land acquisition costs, are we in line with what we expected to spend from our TSPLOST proceeds for this project? Do we feel that the deficiencies in the first two bids were stark enough to disqualify both of the bids, even though this is pushing the price up approximately \$250K? Does staff have confidence in CMES? Have they exhibited they have the expertise to navigate through topography challenges and other issues this project might encounter?

Director Martin replied that we have adequate funds available within the TSPLOST budget to build this property. Though, we are at the third lowest bidder, we are still below the engineer's estimate at this point, which is what we were using as a part of the basis for our projected cost to complete the project. Staff discussed this in great detail to make sure we were asking the right questions and trying to make sure we had a contractor that was capable of delivering the project. Looking at the table of bidders, especially from CMES up, those are contractors that have had or now have successful project deliveries. There were enough questions raised with the reference check performed on the low bidder that we did not feel comfortable that the contractor demonstrated previous projects of similar scope and scale to undertake this project. CMES is currently wrapping up the Spalding, Dalrymple, Trowbridge intersection project, which they have done very well with, and there are other projects constructed by CMES in the past. They are also the prime contractor on the Spalding Widening and Bridge Replacement project, underway in our partnership with Gwinnett County.

Mayor Rusty Paul stated there were problems with an underpriced contractor on the Brandon Mill project and then, two other contractors on that stretch of road. It is more important right now that we make sure that we have qualified contractors because the added costs of having contractors that are not qualified and cannot deliver the project within the scope and on time, actually ends up costing a lot more money and time. Because of these experiences, we have pushed staff to take a harder look on projects to make sure that they have a higher degree of confidence that a contractor can deliver the project within budget, on time and not have to abandon the project, as has happened twice on Brandon Mill Road. We are putting these contractors under a microscope to make sure all issues can be dealt with in a timely and economically feasible fashion.

Motion and Vote: Council Member Burnett moved for approval of agenda item 2021-114, Approval of a Contract with CMES, Incorporated to Construct Interstate North Parkway Sidepath Project, TS170, and Authorization for the City Manager to Execute the Contract. Council Member DeJulio seconded. Mayor Paul called for a roll call vote. The motion carried unanimously.

2021-04-51 RES

- F. 2021-115** Request for Mayor and City Council Consideration of a Resolution to Authorize the Purchase of MSA G1 Self Contained Breathing Apparatus (SCBA) for the City of Sandy Springs Fire Department and Authorizing the City Manager to Execute Documents and Effectuate the Same

Regular Session of the City of Sandy Springs City Council
Broadcast Via Live Webinar and Teleconference, Tuesday, April 6, 2021
Page 5 of 7

Keith Sanders, Fire Chief stated currently the fire department has Scott X3 5.5 Air Pak equipment. This was discussed during the mid-year budget reviews. The current air packs we have are not equipped with Bluetooth technology or radio connectivity, and fire fighter communication continues to be a challenge. The battery boards and the current harness model continue to be ergonomically challenging for personnel to wear. We did reach out to Cobb County Fire and Emergency Services, who did an in-depth study in 2018-19 on several air packs and they made the transition to the MSA G1. We formed a committee, and this committee thoroughly evaluated that study. The committee also acquired MSA G1 equipment and used it at some burns we attended in training in Jefferson, GA. The committee unanimously feels this equipment is superior to our current equipment. The MSA G1 equipment purchase from Ten-8 Fire & Safety, LLC is in accordance with the competitively bid contract (RFP No. PS20125) awarded to League of Oregon Cities by the National Purchasing Partners (NPP). RFP PS20125 became effective March 26, 2020 and is valid until March 26, 2026. Under the Procurement policy, the City is authorized to utilize competitively procured contracts provided through other governmental entities. Pricing includes: Air Paks, face masks, and RFID tags for inventory and personnel tracking. All equipment purchased includes a 15 year warranty.

Council Member John Paulson commented that while the cost of \$733,663.10 was not noted in the memo for this agenda item but is shown in the quote from Ten-8. However, the memo does show any costs for the residual value of the existing equipment. Is this the correct number \$733K, and is there any residual value for the existing equipment or is it just obsolete?

Chief Sanders replied that the current equipment is not obsolete and staff will place this equipment on <https://www.govdeals.com/> as there is some interest in this equipment. Whatever funds are recovered from the current equipment will go back into the City's General Fund. The \$733K is what is listed on the quote as an attachment for this agenda item. The equipment is covered completely for the first year in material and a lot of the technology components are covered through the 15-year warranty. It is a tremendous warranty package offered with this equipment. We do have to test the air bottles every five years. They have a hydrostatic maximum life on the tanks and that is put into the capital budget for replacement. The current equipment is five and six years old. There are a lot of challenges, especially with the female fire fighters as ergonomically it does not fit them correctly. We have tried to work through that but for the current Scott packs that we have, Scott does not plan to continue providing the same harness packets. The Bluetooth technology is a game-changer for us. It really is a challenge at times on structure fires to hear the fire fighters if they are on the interior fighting a fire with all the noise. This Bluetooth that is coming forward gives us capability of seeing the fire fighters on a screen, provides better communication and will help to expedite recovery, should that become the issue. Under the offered warranty, the issues we are experiencing would be covered. We get ten years out of our current equipment and that is not our experience. The cost of the warranty is not delineated separately on the quote from Ten-8, but will be shared with Council soon. .

Motion and Vote: Council Member Paulson moved for approval of agenda item 2021-115, Resolution to Authorize the Purchase of MSA G1 Self Contained Breathing Apparatus (SCBA) for the City of Sandy Springs Fire Department and Authorizing the City Manager to Execute Documents and Effectuate the Same. Council Member DeJulio seconded. Mayor Paul called for a roll call vote. The motion carried unanimously.

2021-04-52 RES

G. 2021-116 Request for Mayor and Council Consideration of Approval of a Contract with Mauldin & Jenkins for Financial Audit Services and Authorization for the City Manager to Execute the Contract

Toni Jo Howard, Finance Director stated that in February there was a Request for Proposals (RFP) for Financial Audit services issued and in response there were seven firms that bid on this proposal. The Evaluation Committee consisted of Toni Jo Howard, Finance Director, Toni Carlisle, Assistant Finance Director and Kristin Smith, Assistant City Manager and utilized the criteria listed in the RFP to evaluate the proposals received. Following individual review and scoring, the Evaluation Committee members met to discuss the proposals, to determine if additional information was required for the evaluation and to determine a ranking. The Evaluation Committee determined that three Offerors clearly demonstrated a superior understanding of the Services required and had past experience relevant to the needs of the City; as set out in the agenda item memo. After the review and scoring, it was determined that

Regular Session of the City of Sandy Springs City Council
Broadcast Via Live Webinar and Teleconference, Tuesday, April 6, 2021
Page 6 of 7

Mauldin & Jenkins had the actual lowest cost, with the highest overall score. It is the recommended that we award this contract in the amount of \$47,000 to Mauldin & Jenkins.

Motion and Vote: Council Member Reichel moved for approval of agenda item 2021-116, Approval of a Contract with Mauldin & Jenkins for Financial Audit Services and Authorization for the City Manager to Execute the Contract. Council Member Burnett seconded. Mayor Paul called for a roll call vote. The motion carried unanimously.

X. Reports

A. 2021-117 Mayor and Council Report

Mayor Rusty Paul reported on Wednesday, April 7 at 9:30 a.m. the City will break ground on the very first fire station that the City of Sandy Springs has constructed, Fire Station No. 2, at the corner of Sandy Springs Circle and Johnson Ferry Road. The public is invited to come out and watch us shovel some dirt tomorrow at 9:30 a.m. It is going to be a great new facility for housing the fire fighters and providing a training facility and updates vital to a world-class fire department.

The Georgia General Assembly concluded its 2021 Session on April 1st at approximately 12:15 a.m. There were several bills that will have impact on the City. HB465 prohibits local governments from imposing civil penalties on an alarm systems contractor for a false alarm that occurs through no fault of the alarm systems contractor. The Governor has until the early part of May to sign the bill into law. We will be having conversations with him explaining our side of the argument and why we think our policy is the appropriate way to manage these false alarms. The one thing that is clear, we are not going to change our policy of requiring a two-call verification of suspicious activity when there is an alarm. Under state law, the alarm companies still have the requirement that they must make at least two calls and verify that there is something amiss. Even though we have reduced the number of false alarm calls, the calls that come through the system are almost 100% false. This is a total waste of public safety resources to go chase these alarm calls and we are going to hold the alarm companies responsible for making sure there is something suspicious and/or dangerous before we dispatch first responders. The exception is a panic alarm or something where we have a reasonable expectation that something nefarious and/or dangerous is actually occurring. HThe vote was close. We received very good support from the delegation that represents the Sandy Springs area and most of the urban areas around here. Chief DeSimone testified at the hearing and did a great job. It was just one of those things the alarm company passed the responsibility to their customers..

HB98 provides conditions for meetings and public hearings to be held by teleconference in emergency conditions. This allows us to do just what we are doing this evening, holding meetings in a virtual setting.

HB317 would require online short-term rental companies such as Airbnb to collect hotel and motel excise taxes and pay them to local governments. This should help with the collection of tax owed to the City and great boon to the Visit Sandy Springs team which is funded almost totally by those resources.

GA SB100 relating to general provisions relative to state government, so as to provide that this state shall observe standard time year round until such time as Congress authorizes the states to observe daylight savings time. So, no more daylight savings time, if the Governor agrees.

To the residents along Brandon Mill Road who live along this project that has been suspended since November, 2020, we are no longer asking for patience because their patience has been exhausted on this project. Good news is that staff says that by the end of April, 2021, they will have a new contractor and that project will be underway if not by at least the first week of May. It has been a huge disappointment for the people who have lived through this for the last six or eight months. Staff is commend for trying everything they could to get the previous contract delivered. They even tried to get the bonding company to finish the project, but to no avail. We will do an After Action Report and figure out what our options are. The big goal is getting this project back underway and completed so the people affected along Brandon Mill do not have to live with these conditions much longer.

B. 2021-118 Staff Reports – None.

Regular Session of the City of Sandy Springs City Council
Broadcast Via Live Webinar and Teleconference, Tuesday, April 6, 2021
Page 7 of 7

XI. Executive Session – Litigation

Motion and Vote: Council Member Paulson moved to suspend regular order and enter into Executive Session for the purpose of real estate discussions. Council Member DeJulio seconded. Mayor Paul called for a roll call vote. The motion carried unanimously. Executive Session began at **8:25 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 (5-0, absent: Council Member Soteres), Executive Session ended at **8:57 p.m.**

XII. ADJOURNMENT

Motion and Vote: Council Member Paulson moved adjourn the meeting. Council Member Soteres seconded. Mayor Paul called for a roll call vote. The motion carried unanimously.

The meeting adjourned at **8:58 p.m.**

Dated approved: April 20, 2021.



Russell K. Paul, Mayor



Raquel D. González, City Clerk

