

MINUTES
CLARKSTON CITY COUNCIL
SPECIAL CALL MEETING
Wednesday, March 11, 2009, 6:30PM

Officials Present

Mayor:	Lee Swaney
Council:	Pat Davis-Morris, Karen Feltz, Wayne Foster, Warren Hadlock, Rosemarie Nelson, Emanuel Ransom
City Clerk:	Tracy Ashby
City Attorney:	Stephen Quinn

Mayor Swaney called the meeting to order at 6:40pm.

Pat Davis-Morris gave the invocation. The Pledge of Allegiance followed.

NEW BUSINESS:

Appointment of Planning & Development and Zoning & Review Committee Members

Mayor Swaney clarified that the two committees will share identical membership. Neither committee will be dissolved. Mr. Ransom clarified that City Ordinance dictates that committee membership will appoint the Chairman for each committee. Mr. Ransom moved to combine the current Planning & Development and Zoning & Review committee membership into one body. Ms. Nelson seconded the motion. Mayor Swaney opened the floor for discussion. Mr. Ransom named the committee members for the record: Tom Birkesch, Adam White, Jennifer Luce, Dean Moore, Martha Brock, Jennifer Rachels and Phillip Wolberg. No further discussion followed. **A vote was called and the motion carried.** (4/2 – Mr. Hadlock and Mr. Foster opposed.)

OLD BUSINESS:

Approval of Harry Housen Consultant Services Agreement

Mr. Hadlock moved to adjourn to Executive Session. Mr. Quinn was consulted as to the procedural rules for calling Executive Session. **A vote was called and the motion carried.** (4/2 – Ms. Davis-Morris and Ms. Feltz opposed.)

Ms. Feltz moved to close Executive Session. Ms. Nelson seconded the motion. **A vote was called and the motion carried.** (6/0)

Ms. Nelson moved to go into Open Session. Ms. Feltz seconded the motion. **A vote was called and the motion carried.** (6/0)

Open session resumed at 6:50pm.

Mr. Ransom asked Mr. Housen if this contract is strictly for the parking lot project. Mr. Housen answered that the contract is to work on any of the currently proposed City projects. Ms. Feltz added that there is no matching funding to finish the projects on the City's wish list. The parking lot is the only project that is in progress. Mr. Ransom stated that he would like to exclude from the contract the other unfunded projects referenced in the contract because they are not active projects. Ms. Feltz countered that the City intends to proceed with those projects as soon as matching funds can be secured and that Mr. Housen has been instrumental in the developmental stages of the projects and should be the consultant that works on the projects once they become active. Ms. Feltz clarified that the contract is for services paid for on a per hour basis as requested by the City.

Mr. Housen explained that he is trying to secure matching funds for the \$4 million grant. He has met with Ms. Nelson and Cathy Gannon to submit the projects for funding through the TIP (Transportation Improvement Program) and with HOST (Homestead Option Sales Tax) funds.

Ms. Feltz reminded Council that Mr. Housen has recently submitted a status report to all Council members on all projects by email.

Mr. Housen clarified that the contract under discussion is for his services to help secure matching funding for the projects that are not active at this time.

Mr. Ransom asked Mr. Housen if his business has the capability to provide services in the same scope and scale as Wood & Partners could have provided to the City based on the contract the City had with that firm.

Ms. Feltz stated that the City contracted for Mr. Housen services before he was employed by Wood & Partners and she feels Mr. Housen's current business is capable of providing adequate services to the City.

Mr. Housen addressed Mr. Ransom's concern by stated that he would not offer services to the City he didn't think he could perform adequately. Mr. Ransom asked Mr. Housen if he would have to sub-contract some services to fulfill the contract. Mr. Housen clarified that most documentation has been done and he has the ability to modify documents to accommodate minor changes. The next step for the remaining projects is to secure matching funding through the TIP. The next step will be lobbying efforts at the County level and State level to secure additional funding. Mr. Housen stated he is fully capable of performing those services satisfactorily for the City.

Mr. Hadlock stated he would like to proceed with the Milam Park project (the swimming pool) and the parking lot project. He stated that the Friendship Forest project is on hold because the grant for that project was denied. He stated he would like to exclude the streetscape project from the contract for the time being. Mr. Housen explained that efforts to secure funding for the streetscape project need to begin now because securing funding is a lengthy and time consuming process. Mr. Housen reiterated that the contract

under discussion is specifically for the purpose of securing funding. Mr. Hadlock asked what Mr. Housen would do specifically to secure funding. Mr. Housen restated that the projects must be submitted to TIP and then County officials need to be lobbied to approve additional funding through HOST. Mr. Housen stated he feels this process is the only way to secure matching funding for the \$4 million available to the City for such projects. Mr. Housen stated that he has also been talking to DeKalb Parks and Recreation Department to secure funding through the CDBG (Community Development Block Grant) funds to use for Milam Park projects.

Mr. Housen explained the next steps for the parking lot project as being 1) Preliminary Field Plan review which will take place March 27th, 2) right-of-way certification, 3) preparation of construction documents, and 4) actual construction. Management of that process is part of the service Mr. Housen is offering to the City. He reminded Council that he wrote the grants for the LCI (Livable Cities Initiative) study and the supplemental grant for zoning work without compensation, helped write the grant for the Cynthia McKinney \$4 million and has been working on funding for the parking lot. He stated that he feels he has proven himself as capable of assisting the City with securing funding for projects.

Mr. Hadlock asked for a break-down of the \$30,000 mentioned in the contract. Mr. Housen stated that it is an estimate of time based on previous work he's done for the City. The contract states that his hourly fee is \$150 and he would work whenever the City asked him to work. He estimates that completing the projects will probably take about 200 hours. Therefore, an estimate of the cost for his services would be \$30,000. He reminded Council that his contract for the parking lot project was structured the same way. He estimated the cost at \$40,000 and he has been working on that project for almost two years without going over \$40,000. Mr. Hadlock asked Mr. Housen how far towards completion would \$30,000 get the projects. Mr. Housen reiterated that \$30,000 is an estimated cost, and the City has total discretion to "buy" more or less of Mr. Housen's time as the City sees fit.

Mayor Swaney reminded Council that time is running out to get projects funded and underway. Mr. Housen concurred that the \$4 million has been available since 2005 and though it is fairly secure at the moment, if it is not utilized it will expire.

Mr. Hadlock asked how much Mr. Housen thinks the Milam Park swimming pool project will cost in total. Mr. Housen responded that the total project cost, including design fees, whether he or someone else manages the project, will probably run about \$850,000. He estimated that the parking lot project from the present time to completion should not exceed \$30,000. He estimates that he can shepherd the parking lot project through the remaining phases for \$10-15,000.

Mr. Hadlock asked how much Mr. Housen thinks it will cost the City for the streetscape projects. Mr. Housen reiterated that his main goal in working with the City is to help secure funding, and the cost to the City for his services would depend on how much lobbying needs to be done to secure funding. He reiterated that plans for the projects

have been largely completed, and that the hold-up for all the projects at this point is lack of funding.

Ms. Nelson stated that she sees the Council struggling with this question: although Mr. Housen has been working with the City on the projects all along, perhaps the City should put the projects out for bid to see if the same job can be done for less than \$30,000. Mr. Housen stated that the work that is left is not a bid project, but a services project because the scope is not defined. His contract is for services billed at an hourly rate and since he would only work at the request of the City, the City would have total control over how much it spends on his services.

Ms. Nelson stated that she got a phone call from Washington, DC letting her know that four sets of funding will be made available through the American Recovery and Reinvestment Act of 2009 (the Stimulus Money"). The four channels are CDBG (Community Development Block Grant), ARC (Atlanta Regional Commission), GEFA(Georgia Environmental Facilities Authority), and GDOT (Georgia Department of Transportation). She stated that there are two funding streams coming through GDOT. Her understanding is that the City will be receiving an approved scope of how the funding will come to municipalities which may help the City find funding sources. She noted that Mr. Housen did not mention these alternative funding sources when he talked about how he could help the City secure funding.

Mr. Housen stated he was not aware of those sources and even though he works with ARC on a regular basis, no one there has let him know of additional funding opportunities. He stated that he is aware that DCA (Georgia Department of Community Affairs) may be a source of funding and he has met with Sen. Gloria Butler to start that lobbying effort. He stated that he has never heard of GIFA but he could certainly help with lobbying efforts with that entity as well. He stated that the City has already turned in a list of projects suitable to be funded with Stimulus Money through Rep. Hank Johnson's office. His primary objective is to secure matching funds for the \$4 million the City already has available to it.

Ms. Davis-Morris stated that Sen. Butler had no information, at a lunch meeting March 11th, as to how Stimulus Money would be distributed to municipalities. Ms. Davis-Morris reminded Council that there has been no system developed for distribution of Stimulus Money because it is a new type of funding mechanism. Ms. Davis-Morris reiterated she understood the Council's concern to be whether Mr. Housen had sufficient resources at his disposal to provide the services he is offering in the contract. She stated that she feels that Mr. Housen has addressed those concerns satisfactorily. She asked for clarification as to whether work product as a result of Mr. Housen's previous work done with the City would be available to a new contractor should the City put the contact out for bid. Ms. Feltz stated that all work product produced on behalf of the City belongs to the City.

Mr. Housen conceded that another consultant could be hired to work with the City, but he feels that he has proven his value to the City and has worked successfully with the City in

the past. He stated that the Council seems more concerned with what his fees would be than what he has accomplished for the City.

Ms. Nelson stated that she asked such questions to play devil's advocate and not to attack Mr. Housen or belittle what he has done for the City in the past. Mr. Housen stated he appreciated her comment.

Ms. Davis-Morris stated that she has gotten comments from citizens about the lack of visible signs of progress, and that a change in consultants at this point in the projects would delay visible progress even further.

Mr. Housen explained that first steps in securing funding is to get projects in the TIP and DeKalb County only has funding allocated for the parking lot project. He reminded Council that the reason the other projects are not in the TIP is that Mr. Housen received no clear direction from the City as to what projects it wanted to pursue until about a year ago when he met with Mr. Ransom, Mr. Hadlock and Mr. Foster. He stated that even after that meeting, he has had no clear direction from the City as to how he should proceed, which is slowing down an already lengthy process.

Ms. Feltz stated that distribution of Stimulus Money is a fast moving and fluid process which no one totally understands because the nation has not been in such a situation before. She cautioned that professional services are needed to navigate funding options and the legislative process. She stated it would be detrimental to the City to change consultants at this point in time. She argued that big consulting firms would not give the City of Clarkston, a small customer by most standards, the same attention as Mr. Housen would.

Ms. Davis-Morris stated that Mr. Housen has developed relationships that will benefit the City in moving the projects forward.

Mr. Quinn explained to the Council that the contract under discussion is not obligating the City to pay Mr. Housen \$30,000. Rather, the contract is for Mr. Housen's services at a rate of \$150.00 per hour. Mr. Quinn explained that Mr. Housen has estimated the number of hours he would need to spend and therefore arrived at an estimated cost of \$30,000. Mr. Quinn suggested that the contract be amended to reflect that Mr. Housen's services are to be rendered at the request of the City. The request would be communicated to Mr. Housen and he would invoice the City for time spent on a monthly basis. He advised that at any point, should the City become dissatisfied with Mr. Housen's services, it could cease to request his services and be under no further obligation to him. Mr. Quinn reiterated that since the contract under discussion is for services to be provided by the hour, it does not lend itself to the bidding process like a flat fee situation does.

Mr. Hadlock stated that Mr. Quinn's explanation answered his concerns somewhat. He asked for an explanation of the status of the streetscape project.

Mr. Housen stated that the projects cannot move forward with matching funds being secured. He has talked to Cathy Gannon about funding and she advised that \$100,000 budgeted for the parking lot could be used to access \$500,000 of the McKinney grant money.

Mr. Nelson corrected Mr. Housen stating that she understood Cathy Gannon to advise the City to use \$100,000 of stormwater fees received for the parking lot since that project would be correcting stormwater runoff.

Mr. Housen agreed with Ms. Nelson's comments, but he said that he understood that Cathy Gannon suggested that the City could receive \$100,000 per year from county HOST funds. He said the City would need substantially more money to complete all the projects and it is his understanding that Federal funds cannot be used to match Federal funding. Mr. Housen stated he is not sure that it accurate information because he had used CDBG funds to match GDOT funds. Mr. Housen stated that whatever the ruling is about matching federal funding with Federal funding, that county Host funds definitely can be used to free-up the McKinney grant money and it is now up to the City to lobby County Commissioners to award Host funding to the City. Mr. Housen estimated that if the City receives \$100,000 a year from HOST funds, then \$500,000 can be spent every year on the planned projects and that would mean it would take six years to complete the projects.

Mayor Swaney stated that he has already started working on meeting with the County Commissioners and stressed that there must be no further delays in getting the projects moved along.

Ms. Feltz stated that there is not \$100,000 left in the parking lot fund because it's already been used for upfront expenses. Ms. Nelson asked how Mr. Housen's fees would be paid.

Mr. Housen responded that money has already been spent on an environmental study, a survey and other PE (Planning and Engineering) tasks and those expenditures can be used as matching funds. Mr. Housen suggested that the more money that is spent as matching funds means the available funds from the McKinney grant would be greater.

Ms. Feltz cautioned that the City needs to be detailed about how the money is shown on the books as matching funds because the GDOT will want verification that funds are available to be spent on upfront expenses. In other words, the \$100,000 can't be simply itemized in the budget without funds actually being available to be spent.

Ms. Nelson said she understands that but still has concern about where the \$30,000 will come from for Mr. Housen's fees. Ms. Feltz stated that the City does not owe Mr. Housen \$30,000; that is just an estimate of what he thinks his total fees may be. Ms. Nelson asked again, how will any of Mr. Housen's fees be paid? Ms. Feltz stated that she's not sure but she assumes it will come out of the General Fund.

Mr. Housen reiterated that all money spent on his fees can be used as matching funds for the project.

Ms. Feltz stated that Mr. Housen can shepherd the projects through the process and she expressed frustration that Council was questioning continuing to work with Mr. Housen.

Ms. Nelson stated that Council is trying to discuss the matter so that all Council members' questions can be answered to allow Council to move forward without apprehension.

Mr. Ransom asked why the \$100,000 was spent that had been set aside for the parking lot as matching funds. Ms. Feltz repeated that it was spent on all preliminary work required by GDOT to move forward with the projects.

Ms. Nelson moved to call the questions. Ms. Davis-Morris seconded the motion. There was some confusion as to the motion on the floor. Mayor Swaney clarified that the motion on the floor is to approve Harry Housen's consultant contract. Ms. Nelson referred to the contract as a fee schedule. Mr. Quinn clarified that the document to be approved is a contract for services at a certain hourly rate and recommended adding language to the contract specifying that services will be rendered at the request of the City. Ms. Nelson moved to approve the contract at issue subject to amendment by the City attorney as to services rendered as required. Ms. Davis-Morris seconded the motion. Mayor Swaney opened the floor for further discussion. No further discussion followed. **A vote was called and the motion carried. (6/0)**

Ms. Feltz moved to adjourn the meeting. Ms. Nelson seconded the motion. Mayor Swaney opened the floor for further discussion. No further discussion followed. **A vote was called and the motion carried. (6/0)**

The meeting adjourned at 8:30pm.