

JOURNAL OF COMMISSION WORK SESSION
September 21, 2010

City Commission Work Session

Mayor Winters presiding

CALL TO ORDER: 5:45 p.m.

ROLL CALL: City Commissioners present: Michael J. Winters, Robert Jones, Bill Bronson, Mary Jolley, and Fred Burow. Also present were the City Manager, Deputy City Manager, Directors of Public Works, Park and Recreation, Library, and Planning and Community Development, Fiscal Services Supervisor, the Executive Director of the Housing Authority, Police Lieutenant, Fire Chief and the Administrative Secretary.

1. ANIMAL SHELTER OPERATIONS REQUEST FOR PROPOSAL

City Manager Greg Doyon reported the work session involves a Request for Proposals (RFP) to operate the Animal Shelter and, as an option, Animal Code Enforcement services to the City of Great Falls. Mr. Doyon reported that in 2008, the Commission did not renew the agreement with the Humane Society of Cascade County, and he was directed to look at an option to develop a private/corporate partnership with the Great Falls Animal Foundation.” However, the Commission decided to discontinue that process. Mr. Doyon reported that on April 15, 2010, he issued a memo to the Commission that “in the absence of clear direction” the City would continue to run the Shelter as best as possible until told otherwise. Eventually direction was given to entertain a RFP to evaluate and assess other options. The RFP document is provided for consideration.

Mr. Doyon explained the issue is a hot-button item for the community. The City has been criticized for the operation of the Shelter, the amount of money that has been spent, and the staffing changes that have occurred. The RFP draft is detailed to provide the Commission opportunity to review and make recommendations. The final document will reflect the will of the Commission for criteria for another entity to operate the Shelter.

Mr. Doyon explained different models work in different communities around Montana. There are city/county partnerships, non-profit/municipality partnerships, and wholly privately operated shelters across the state. The Commission must decide what will best meet interests of the City of Great Falls.

In review, Mr. Doyon explained the RFP doesn’t have to be as specific as presented. There is an option for animal control included, though the City preference would be to continue animal control for the foreseeable future. Though a confidentiality disclaimer is included, Mr. Doyon recommended that be removed. Regarding language concerning non-collusion, he explained that once there is a final RFP document, no conversations would take place with parties that would be expected to provide a proposal. Questions must be directed to staff, as listed in the RFP.

Deputy City Manager Jennifer Reichelt reported there are eight sections in the RFP, with

attachments A-E. Section 1 is General Information, including the due date and contact information. The due date involves a 30-day time period. Section 2 involves objectives of the Commission for anyone wanting to take over Animal Shelter operations. Section 3 is Information for Proposers and includes the disclaimer Mr. Doyon recommended be removed. Also included is information about examining the documents before they are submitted, withdrawing proposals, basic insurance requirements, indemnification, proposal modifications, signature, a timeline (may be changed, depending on when the RFP is issued), and how to get answers to questions. Section 4 includes the evaluation and selection process criteria.

Ms. Reichelt reported Section 5 is a summary of the scope of work. Mr. Doyon commented on the last paragraph regarding funds collected for adoption, impounds, licenses, or donation to be retained by the proposer. He noted that will need to be weighed when determining the amount the City will contribute to assure operations are conducted appropriately. Ms. Reichelt pointed out the use of the Shelter facility and current inventory and vehicles is also included. Commissioner Jones commented that retention of funds collected must be considered when determining preference for keeping animal control and shelter operations together or separate. Commissioner Burow asked where fines, adoption fees, etc. are deposited. Mr. Doyon responded the Animal Shelter and control operations are a division of the Police Department and Police Department revenues become part of the general fund.

Commissioner Jolley noted the reference to the proposer being responsible for repair, maintenance, insurance, etc. of the shelter building, but commented the City has a monthly expense that must be set aside for maintenance of City-owned buildings. Commissioner Burow concurred. Mr. Doyon commented the agreement could be amended to include pre-inspection of the facility with an understanding of what has been done and what still needs to be done. Attachment A includes a section for building maintenance where the proponent could detail how far they are willing to put money into the building and the amount of the maintenance fee.

Ms. Reichelt reported Section 6 is General Agreement and Understandings of City guidelines for the proposers. Commissioner Jolley questioned the meaning of preferential consideration of existing employees. Commissioner Bronson responded his understanding is when two equally qualified people are being considered, preference would be given to a staff member. Mr. Doyon commented employees would be given opportunity to apply, however, when the City relinquishes operational control, the entity must make the determination on who would be most appropriate to fit their needs.

Commissioner Jones noted repetitive language for collection of adoption, impounds, licenses, or donations funds that shall be retained by the proposer. Ms. Reichelt agreed the language was covered in Section 5. Commissioner Jolley questioned quarterly financial statements and an annual audit. Mr. Doyon noted that requirement would allow the City to look at the financial wherewithal of the entity for telltale signs. Over time as the ability to perform the services is demonstrated, that requirement could be revisited at a later date.

Ms. Reichelt reported Section 7 involves the requirements of the proposer. Commercial Requirements include insurance requirements. Technology, Service and Reporting Requirements include the technical nature of the proposal and the service they are to provide.

Commissioner Bronson asked for clarification that the use of the shelter for animal control services for other entities includes Cascade County and Malmstrom Air Force Base (MAFB) as long as they are paying for the service. Ms. Reichelt stated that was correct. Mr. Doyon noted the City doesn't have an obligation to provide the service to other entities; that is a courtesy that should include a cost for the privilege. The proponent will be expected to have the requirement.

Commissioner Jones expressed concern about the cost of an annual inspection of the Animal Shelter. Ms. Reichelt explained the intent was to assure some sort of evaluation of the quality of services being provided. Mr. Doyon commented the purpose is to have an evaluation by an independent set of eyes such as a local veterinarian familiar with standards and protocol. Commissioner Burow stated someone with a background in building maintenance should also inspect the Shelter.

Ms. Reichelt noted General Reporting Requirements includes monthly reports about operations. Commissioner Jolley suggested reporting should include the number of calls regarding animal bites. Ms. Reichelt added Financial Reporting lays out the type of financial reports needed quarterly and for the annual audit.

Continuing with Section 7, Ms. Reichelt explained Planning, Performance, Service and Satisfaction includes goals, objectives, and a long range plan. Performance and Services includes care and service of animals. Commissioner Jolley asked for clarification on a health evaluation upon admission. Mr. Doyon responded that an intake assessment is performed to determine if the animal has any wounds or injuries or appears diseased, etc.

Commissioner Jones noted repetitive language again for collection of adoption, impounds, licenses, or donations funds that shall be retained by the proposer. Ms. Reichelt responded the requirement will only be stated in Section 5 under Scope of Work.

Ms. Reichelt explained Policies, Procedures, and Staffing talks about staffing requirements and procedures for staff at the Animal Shelter. She stated the proposer must provide a staffing report to show how the facility will be manned 24 hours a day and certain days a week.

Commissioner Jolley noted Montana prevailing wage rates for non-construction services are in effect for animal control but don't cover Shelter personnel. Mr. Doyon responded that there doesn't appear to be an exemption to include Shelter personnel under those wage rates.

Commissioner Jolley noted that shelter isn't currently available on a 24-hour basis. She referenced Mr. Doyon's visit to Billings where he learned they attempted to have a drop-off cage but discontinued that service. Mr. Doyon commented there may need to be an agreement whereby the Police Department will have a contact person. However, the entity may want to provide intake of the animal. Commissioner Burow noted there may need to be clarification whether the entity will provide on-call service to the public or the Police Department. Commissioner Jones stated he agrees that a drop-off kennel would cause problems. Mayor Winters commented standby staff could be available as is the case with the Fire Department and the Police Department.

Ms. Reichelt reported Equipment, Maintenance, and Utilities, and customer service, protocols, and fees are also included in Section 7. Commissioner Jones stated he believes it is very important that a proposer to do a walk-through and learn what revenue to expect in order to build the proposal.

Ms. Reichelt concluded Section 7 with Fundraising, Community Involvement, and Marketing and Satisfaction. Commissioner Jolley questioned if the proposed RFP was closely compared to the present animal ordinance. Ms. Reichelt stated she could add an attachment to include current policies.

Ms. Reichelt reported Section 8 addresses Animal Control Code Enforcement Services. Commissioner Jones urged the Commission to encourage proposers bidding for shelter operations to also bid for animal control because he believes it would enhance policy and procedures, operational goals, etc.

Commissioner Jolley questioned the proposed staffing plan that includes a minimum staffing level of at least two eight (8) hour shifts totaling sixteen (16) hours per normal business day but concluded the shifts would overlap.

Mr. Doyon commented that a proponent would probably see the benefit of consolidating the shelter with animal control. He believes they will demonstrate in the application how they will be able to connect the two, if they so desire.

Ms. Reichelt reported Attachment A breaks down the proposer's budget, making sure they consider the cost to operate the facility and what they are asking from the City. Attachment B is a conditions and non-collusion form.

Commissioner Jolley commented under Section 8 regarding animal care. She stated an animal control person takes animals to the Shelter. Ms. Reichelt clarified the section refers to bedding and kennel care in vehicles.

Mr. Doyon stated staff will prepare a final draft with the Commission's comments and present it to the Commission for approval prior to sending it out.

2. DESIGN REVIEW BOARD

Planning and Community Development Director Mike Haynes provided a PowerPoint presentation of the Design Review Board (DRB) Overview. Mr. Haynes reported that efficient administration is critical for the success of design review, and all parties need to be aware of design review procedures and requirements. The key to good implementation is clearly a knowledgeable review board and a qualified staff with adequate resources.

Mr. Haynes reported that design review includes a mix of standards and guidelines. Chapter 28 of the City Land Development Code includes mandatory standards not intended to limit creativity and guidelines that give the design professional an idea of the vision of the city and guidelines to follow. The combination of standards and guidelines provides the predictability

that is wanted by the development community and allows the design professional flexibility.

Mr. Haynes reported the DRB was established in March 1997 by a citizen-led process in response to the kind of development occurring at that time, i.e., metal buildings, limited articulation and landscaping. The Land Development Code was updated in 2005 and that expanded the design review criteria and the authority of the DRB. He noted the DRB is composed of five members (a quorum of three). Code states the DRB should include two architects and three individuals with demonstrated interest in design or community aesthetics, appointed by the City Commission for three-year terms.

The current DRB includes: Chair - Jean Price (Art Teacher, Artist); Vice-Chair - Jule Stuver (Architect); Bruce Forde (Landscape Design); Todd Humble (Construction); Mary Klette (Architect); and, Secretary and staff to DRB – Kim McCleary. Ms. McCleary will be leaving at the end of the month and a reorganization will take place. Charlie Sheets will be the new staff person taking on that role. A new planner will be hired.

Mr. Haynes reported projects subject to DRB review include new commercial buildings and additions in Commercial, Mixed-Use, Public Lands and Institutional, and Residential zoning districts; institutional buildings; casinos; industrial buildings and warehouses in the Mixed-Use Transitional zoning district; multi-family projects; non-subdivision Planned Unit Developments (projects that require design flexibility); projects required to undergo Design Review as a condition of approval of annexation, rezoning, etc.; and cell towers.

Application requirements for major projects include a site plan, building elevations, floor plan layout, parking plan, and landscape and outdoor lighting plan. A façade change would only require the front building elevation.

Mr. Haynes explained review criteria includes building location, massing and orientation; building design, materials, and colors; design and orientation of facades and primary entrances; screening/treatment of services areas, mechanical equipment and outdoor storage; signage; joint-access and cross-access (connecting adjacent parcels where possible and having joint access where needed); parking spaces, drive aisles, and access points; and, landscaping and outdoor lighting.

Mr. Haynes reported the DRB meets the 2nd and 4th Mondays. Application deadlines are Fridays (11 business days in advance of a DRB meeting), and there is no application fee. In the week following, staff reviews projects; writes staff reports; confirms a quorum will be present for the next meeting; sets the agenda; advertises the meeting; updates the City's website; and, sends out the completed agenda package to the board. DRB members visit project sites prior to the meeting. Decisions of the DRB don't require further action. DRB rarely defers action, but will occasionally request a re-submittal.

Mr. Haynes explained that an appeal of a decision by the DRB goes to the City Commission and must be made within thirty days. A further appeal procedure goes to a Board of Competent Jurisdiction. Mr. Haynes reviewed major project reviews by the DRB in 2010.

A 1994 national survey found 83% of cities had design review and/or design guidelines, and several larger Montana cities have adopted design review to maintain a community aesthetic. Billings has a zoning coordinator who makes decisions rather than a board, and all projects, except for single-family houses, are reviewed at no charge. Missoula has a development review board made up of seven members who meet monthly. Any projects that seek a variance must go before the board and there is a \$753 application fee. Bozeman has an eight-member design review board meeting twice monthly that reviews all projects in overlay districts. The planning commission in Helena reviews all projects in overlay districts. Kalispell has a five-member architectural review board that meets as needed and all commercial and multi-family projects are reviewed at no charge.

DRB was established in 1997, when the community decided minimum design standards were needed by the development community. Thirteen years later DRB is comprised of highly respected design professionals from the community. DRB helps assure that new development meets a standard accepted in other cities in the state and country. DRB is development-friendly, makes timely decisions, and offers real-world design solutions. They are in the business of looking at the work of design professionals and recommending improvements to improve their site/building design and landscape architecture.

Commissioner Burow asked if a full-time staff person works with the DRB. Mr. Haynes responded that Kim McCleary also works with flood plain administration, Board of Appeals, Board of Adjustment, development review, the downtown parking program, licensing, etc.

Commissioner Jolley asked if Ms. McCleary is retiring. Mr. Haynes responded that he doesn't know if she is retiring completely. She has been with the City almost twenty years. The job is very stressful and has a lot of responsibilities. Mr. Haynes noted he is proposing to make some internal changes. Charlie Sheets was just promoted to Design Review Coordinator. He will oversee design review as well as development review, site plan review, etc. The downtown parking program and licensing will be moved to the new Deputy Director position.

Commissioner Burow asked if another planning staff member will be hired. Mr. Haynes responded Mr. Sheets will have to be replaced because he is the only current Planner.

ADJOURN

There being no further discussion, Mayor Winters adjourned the work session of September 21, 2010, at 6:46 p.m.