

**JOURNAL OF SPECIAL COMMISSION PROCEEDINGS**  
**October 13, 2020**

Special City Commission Meeting

Mayor Kelly presiding

**CALL TO ORDER:** 5:30 PM

Gibson Room 212

**PLEDGE OF ALLEGIANCE**

**ROLL CALL/STAFF INTRODUCTIONS:** City Commission members participated electronically via Zoom: Bob Kelly, Owen Robinson, Rick Tryon, and Mary Sheehy Moe. Tracy Houck arrived at 5:35 p.m. Present were the City Manager Greg Doyon and Deputy City Manager Chuck Anderson; Deputy City Clerk Darcy Dea; Park and Recreation Director Steve Herrig; Planning and Community Development Planner Erin Borland and Engineer David Grosse; Public Works Director Paul Skubinna; and, City Attorney Sara Sexe.

Due to the COVID-19 health concerns, the format of the City Commission meeting is being conducted in a virtual video-conferencing environment. In order to honor the Right of Participation and the Right to Know (Article II, Sections 8 and 9 of the Montana Constitution), public participation is welcomed as follows:

- Attend in person. Refrain from attending in person if you are not feeling well. The City will require social distancing at the meeting, and may limit the number of persons in the Commission Chambers according to applicable health guidelines.
- Provide public comments via email. Comments may be sent via email before 12:00 PM on Tuesday, October 6, 2020, to: [commission@greatfallsmt.net](mailto:commission@greatfallsmt.net). Include the agenda item or agenda item number in the subject line, and include the name and address of the commenter. Written communication received by that time will be shared with the City Commission and appropriate City staff for consideration during the agenda item and before final vote on the matter; and will be so noted in the official record of the meeting.
- Call-in. The public may call in during specific public comment periods at [406-761-4786](tel:406-761-4786). All callers will be in a queued system and are asked to remain on hold and be patient. Calls will be taken in the order in which they are received. Callers will be restricted to customary time limits. We ask for your patience in the event there are technical difficulties.

**AGENDA APPROVAL:** Deputy City Manager Chuck Anderson reported that additional information was added to the Agenda Report for Agenda Item #2 after the original posting of the Agenda. The agenda was approved as submitted.

Deputy Manager Anderson reported that Internet outages on the East Coast are affecting the live stream of the Special City Commission meeting.

**CONFLICT DISCLOSURE/EX PARTE COMMUNICATIONS:** None.

**PETITIONS AND COMMUNICATIONS**

**1. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

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Commissioner Moe announced that due to COVID-19 exposure, the Great Falls Public Library is closed for approximately a month.

## **NEW BUSINESS**

### **2. REQUEST FOR PROPOSALS (RFP) FOR DESIGN, PERMITTING AND CONSTRUCTION MANAGEMENT OF THE GREAT FALLS INDOOR AQUATIC & RECREATION CENTER. OF 1770**

Park and Recreation Director Steve Herrig reviewed and discussed a PowerPoint presentation covering overview, background of the project, application and award of the DCIP Proposal and Grant, Request For Proposal (RFP) process and Selection Committee, recommended proposal and summary of steps upon award.

Director Herrig explained that the top three proposals were from Nelson Architects, Cushing Terrell and L'Heureux Page Werner Architecture (LPW)/TD&H. LPW/TD&H formed an alliance to work together on the project and offered to do the initial design for the Grant application pro bono. LPW/TD&H received top score for its written proposal and interview, and its fee was less than the other proposals. LPW/TD&H understands the City's timeline and budget for the project, as well as the potential soil issues for the proposed site.

The Selection Committee members included the following: City Manager Greg Doyon, Deputy City Manager Chuck Anderson, City Attorney Sara Sexe, Park and Recreation Director Steve Herrig, Public Works Director Paul Skubinna, Planning and Community Development Engineer Dave Grosse and Planner 3 Erin Borland. Mayor Kelly represented the City Commission during the initial review, but did not rank proposals.

**Commissioner Moe moved, seconded by Commissioner Houck, that the City Commission award the design, permitting and construction management of the Great Falls indoor aquatic and recreation center to L'Heureux Page Werner Architecture and TD&H Engineering, and authorize the City Manager to negotiate the fees and execute the contract documents.**

Mayor Kelly asked if there were any comments from the public.

**Sophia Sparklin**, Spark Architecture, 410 Central Avenue, expressed concern with regard to the fairness of the selection process. She suggested that in the future the City consider a concept where Architects can submit through an open design team.

**Ryan Smith**, Nelson Architects, residing at 1328 Beargrass Drive, concurred with the previous speaker's comments and he added that the selection process was questionable. He commented that Nelson architects submitted a proposal with fair fees; however, discovered that LPW/TD&H had offered to do the initial work pro bono. Mr. Smith noted that LPW/TD&H are qualified; however, he expressed concern that the pro bono work gave them an unfair advantage on the project, as well as the appearance of being unethical.

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Appearing telephonically was **Jeni Dodd**, City resident, inquired about the following: who wrote the RFP for the City; who designed the scoring criteria of the proposals; and whether a decision can be made on an Agenda Item under New Business.

Park and Recreation Director Herrig responded that he drafted the RFP that was reviewed by the Selection Committee members, as well as other City staff. The City's Purchasing Policy was used with regard to the scoring criteria.

City Manager Greg Doyon responded to Ms. Dodd's inquiry about New Business that the Commission can take action on an Agenda Item at a Special City Commission Meeting.

Written correspondence was received from **Bill Sparklin**, via October 13, 2020 email, expressing concern about the RFP process and urged the commission to delay the vote.

There being no one further to address the Commission, Mayor Kelly asked if there was any discussion amongst the Commissioners.

Referring to an article in The Electric, Commissioner Tryon inquired about an architecture firm that contacted Mayor Kelly after the original proposal was sent out.

Commissioner Houck clarified that TD&H reached out to her, not Mayor Kelly, inquiring about contact information with regard to the project. She noted that she referred TD&H to either the City Manager's Office or Park and Recreation Director Herrig.

Commissioner Tryon inquired about the architecture firms solicited to participate in the proposal. He expressed concern about the transparency of the selection process, as well as LPW/TD&H having an unfair advantage over other architecture firms because of its involvement with the initial grant submittal.

Director Herrig responded that he contacted architecture firms that he had familiarity with and knew could provide the information requested in a timely manner.

City Manager Doyon reiterated that Mayor Kelly represented the Commission on the selection committee because there was local controversy about how the City would go through the selection process.

Referring to Commissioner Tryon's concern about LPW/TD&H having an advantage over other architecture firms, Mayor Kelly opined that LPW/TD&H had a disadvantage being involved with the initial proposal by setting themselves up as a target for other firms to be critical of their design. Mayor Kelly pointed out that as a member of the selection committee his goal was to make sure the process was good and done professionally. He added that none of the 10 proposals received were at a disadvantage or advantage because of their previous relationships with the City.

Referring to her experience with the university system, Commissioner Moe commented that it is not unusual for government bodies to work with an architecture firm from the concept phase to the design phase. She added that LPW/TD&H working together on the initial design work for the

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grant application did not disqualify them from being a part of the RFP process and if other architectural firms had concerns, that was the time to raise them.

Commissioner Tryon responded that he raised concerns about the process early on and he expressed concern with regard to the perception of an unfair process for the firms that did not have the advantage of being involved in the original proposal. He concluded that he wants to delay the decision to give the public more time to review the final three proposals.

Commissioner Houck concurred with Commissioner Moe's comments and she added that Ms. Sparklin and Mr. Smith suggested great ideas with regard to the City improving the process going forward. She concluded that the City was very forward thinking with regard to the process and had Selection Committee members review the proposals.

City Attorney Sara Sexe explained that the City is in the process of finalizing the land swap with the School District and the land needs to be shovel ready by September, 2021.

Commissioner Robinson commented that the scoring sheets used for evaluation of the RFP's were very helpful. He inquired about the final three architecture firms.

City Attorney Sexe responded that in the best interest of the community, the City used the competitive bid process, under the Official Code of the City of Great Falls (OCCGF) and is maintaining confidentiality under the OCCGF.

Mayor Kelly received clarification that nine out of 10 proposals met the aspects of the new facility, and had creative and unique designs. The LPW/TD&H original designs for the grant application are not the final design for the facility.

Commissioner Tryon explained that he is voting against awarding the contract to LPW/TD&H because it has the appearance of being an unfair process since LPW/TD&H had the initial design.

Commissioner Moe responded that it is common practice that an architectural firm comes up with a design and doesn't get awarded the project. Disqualifying an architecture firm that assists the City with a grant design dooms the City to the people who would go for the smaller project as opposed to have the ambition for a larger one and the City loses the advantage of continuity that might come from that. The process that the City went through was far beyond what was required to ensure that everyone had an equal chance at the bid.

There being no further discussion, Mayor Kelly called for the vote.

Motion carried 4-1 (Commissioner Tryon dissenting).

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**ADJOURNMENT**

There being no further business to come before the Commission, **Commissioner Moe moved, seconded by Commissioner Robinson, to adjourn the special meeting of October 13, 2020, at 6:45 p.m.**

Motion carried 5-0.

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Mayor Bob Kelly

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Deputy City Clerk Darcy Dea

Minutes Approved: November 4, 2020