

Mayor Patrick L. McCrory **Mayor Pro Tem Patrick De'Angelo Cannon**

Susan Burgess
Nancy Carter
Malcolm Graham
Patsy Kinsey
John W. Lassiter

Don Lochman
James E. Mitchell, Jr.
Patrick Mumford
John H. Tabor, AIA
Warren Turner

CITY COUNCIL MEETING

Monday, August 23, 2004

CITY COUNCIL AGENDA

Monday, August 23, 2004

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5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. CY2003 Disparity Study Results and Stakeholder Focus Group Information

Resource: Tiffany Capers, Small Business Development Program

Time: 45 minutes

Synopsis

- On June 7, Council directed staff to gather data from which Council can assess whether the SBO Program is making progress in addressing the disparities identified in the CY1998-2002 Disparity Study. Council is legally required to consider this data in deciding whether to adopt Option 2 or Option 3 as presented last spring.
- Staff has completed a disparity analysis for CY2003, and will discuss with Council the results of this analysis and its impact on City contracting and procurement.
- On June 30, the Small Business Development Program held a series of focus groups with Stakeholders and staff regarding the SBO Program.
- Many of the comments are consistent with recommendations MGT made for strengthening the SBO program and improving access and opportunity for contractors and subcontractors. Staff feels that changes in the Program may also diminish the administrative efforts it takes to implement the Program and therefore reducing the need for additional staff.

Future Action

- Staff requests that the CY2003 Disparity Study results and discussion on SBO Program policy changes be referred to the Restructuring Government Committee for additional review.

2. New Arena Food and Beverage Service

Resource: Mike Crum, Coliseum Authority

Time: 15 minutes

Synopsis of Presentation

- Under the City Charter and by contract with the Charlotte Bobcats, the Coliseum Authority is the designated provider of food and beverage products and services and catering services at the Charlotte Coliseum and the new arena.
- The Authority wishes to retain the services of Compass Group USA, Inc. to provide these services and the Charlotte Bobcats concur.
- This agreement is being outlined in a document entitled the Compass Concessions Agreement.

- In the Compass Concessions Agreement, Compass will assume all responsibilities for food and beverage service at the Charlotte Coliseum and the new arena previously granted to the Coliseum Authority in the Arena Agreement, including the Authority's obligation to re-pay \$16.8 million (borrowed from Bank of America and Wachovia at 2% interest for 10 years) for its portion of the cost of the new arena.
- The Compass Concessions Agreement would be an amendment to the Arena Agreement, to which the City is a party; therefore, City Council approval of the Compass Concessions Agreement is required.

Future Action:

- Council approval in September 2004

3. Committee Reports by Exception

Transportation Committee:

Safety Improvements for North Corridor Grade Crossings

Economic Development and Planning Committee:

Economic Development Strategic Framework

Arena Out-Parcel 3

**6:30 P.M. CITIZENS FORUM
MEETING CHAMBER**

**7:00 P.M. AWARDS AND RECOGNITIONS
MEETING CHAMBER**

CONSENT

- 4. Consent agenda items 16 through 68 may be considered in one motion except those items removed by a Council member. Items are removed by notifying the City Clerk before the meeting.**

PUBLIC HEARING

5. Public Comment on Amendment to the Albemarle Road/I-485 Interchange Study

Action: Receive public comment on the requested amendment to the Albemarle Road/I-485 Interchange Study.

Staff Resource: Gareth Johnson, Planning Commission

Explanation

- Planning staff has reviewed a request from AAC Acquisitions, LLC to amend the Albemarle Road/I-485 Interchange Study that was adopted in February 2003.
- In general, the requested amendment proposes to:
 - Relocate the retail center closer to the interchange ramps and allow an additional 385,000 square feet of retail development
 - Reduce the amount of office development from 200,000 to 60,000 square feet
 - Increase residential densities in one area from 4 and 8 to up to 10 dwelling unit per acre
 - Show as open space two parcels totaling about 82 acres
 - Move a proposed collector road closer to the interchange ramps
- Staff does not support the requested amendment. After reviewing the petitioner's request, staff concluded that none of the conditions that the petitioner noted had changed over the past year to warrant an amendment to the adopted plan. Staff continues to support the adopted plan as the most appropriate future land use plan for the interchange area. The detailed staff response is attached.

Plan Amendment Review Process

- An interdepartmental team reviewed the request and prepared the staff response.
- Staff held a public meeting on May 13, 2004 to introduce the Plan Amendment and gather initial public input. Approximately 70 people attended the meeting. Staff sent approximately 1,400 meeting notices.
- The Planning Committee heard public comment on the requested amendment at their July 20th meeting and will make a recommendation in September.
- The Economic Development and Planning Committee began discussing the amendment on August 18th and are tentatively scheduled to make a recommendation on October 6th.
- City Council is tentatively scheduled to take action on the requested amendment on October 11th.
- Notices of all public input opportunities have been sent to property and business owners in the study area, business and neighborhood association

leadership, and those who have attended past community meetings on the Plan.

Attachment 1

Albemarle Road/I-485 Interchange Study: Summary of Requested Plan
Amendment #2004-01 and Staff Response
Citizen Comments on the Requested Amendment

6. Public Hearing for General Obligation Bonds

Action: A Hold a public hearing and adopt a bond order for \$101,800,000 of Street Bonds, \$15,000,000 of Housing Bonds and \$13,800,000 of Neighborhood Improvement Bonds, and

B. Approve a resolution setting a special bond referendum for November 2, 2004, directing publication of notice regarding the special bond referendum and notifying the Mecklenburg County Board of Elections.

Staff Resource: Greg Gaskins, Finance

Explanation

- On July 26, 2004 Council introduced bond orders for \$101,800,000 of Street Bonds, \$15,000,000 of Housing Bonds and \$13,800,000 Neighborhood Improvement Bonds and set August 23, 2004 as the date for a public hearing on these bonds.
- North Carolina statutes require a public hearing before the City approves bonds for a public referendum.
- Projects to be funded by these bonds were approved by Council in the City’s FY 2005-2009 Capital Investment Plan.
- These bond orders authorize a tax sufficient to pay annual principal and interest on the bonds and confirm that a sworn statement of the City’s debt is on file with the City Clerk for public inspection.
- The existing tax rate is projected to be sufficient to pay debt service on these bonds when they are issued.
- The City Council must approve the resolution setting the bond referendum for November 2, 2004 on or before September 10, 2004 in order to meet the schedule for notice required by North Carolina statutes.

Attachment 2

Resolution
List of Projects

7. Public Hearing for Airport Revenue Bonds

Action:

- A. Hold a public hearing for up to \$215,000,000 in Airport Revenue Bonds,**
- B. Adopt a Series Resolution for the sale of one series of Variable Rate Airport Revenue Bonds, and**
- C. Adopt a Series Resolution for the sale of three series of Fixed Rate Airport Revenue Bonds.**

Staff Resource: Greg Gaskins, Finance
Jerry Orr, Aviation

Explanation

- On July 26, 2004 Council introduced bond orders for up to \$215,000,000 in Airport Revenue Bonds and set August 23, 2004 as the date for a public hearing concerning these bonds.
- North Carolina statutes require a public hearing before the City approves the sale of Airport Revenue Bonds.
- A Series Resolution is required for both Fixed and Variable rate bonds. The bonds will be sold in four separate series, one at a variable rate and three at a fixed rate.
- Projects to be funded by these bonds were approved by Council in the City's FY 2005-2009 Capital Investment Plan.
- The 2004 revenue bonds will fund:
 - Construction of the third parallel runway
 - Construction of a taxiway and de-icing facility
 - Renovation of existing runways and taxiways
 - Improvements to Concourses A, B, C, and D
 - Addition of up to 24 gates to Concourse E
 - Construction of a 3,000 space daily parking deck
 - Construction of a rental car service and maintenance facility
 - Expansion of surface parking lots
 - Continuation of the noise abatement program
- Due to the length of the resolution (more than 100 pages), the resolutions are not attached. The resolutions are available in the City Clerk's office.

ZONING

8. Zoning Petition # 2003-97

Action: Consider decision on Petition # 2003-97 by Independence Capital, LLC for approximately 16.03 acres located south of Amity Place and east of Independence Boulevard from R-4, single-family residential to R-12MF(CD), multi-family conditional district.

Staff Resource: Keith MacVean, Planning

Explanation

- A public hearing was held for this petition on December 15, 2003.
- The Zoning committee voted to recommend approval of this petition on May 26, 2004. However, the applicant amended the petition prior to the City Council's final decision and the petition was sent back to the Zoning Committee for reconsideration.
- The Zoning Committee voted unanimously to recommend approval of the new site plan contingent on documentation for review and approval that ensured the easement to Independence Boulevard did not have a sunset provision or any other conditions that would prohibit access.
- Without a commitment in place to convert the easement into a public right-of-way with a public street, staff can no longer support this petition.
- A valid protest petition has been submitted on this petition. This item was deferred from the July 19, 2004 and the July 26, 2004 City Council Meetings as the full Council was not in attendance.

Attachment 3

Staff memo

Attorney's memo

Staff Analysis

Zoning Committee recommendation

Site plan and map for petition # 2003-97

POLICY

9. City Manager’s Report

10. Safety Improvements for North Corridor Grade Crossings



Action: Approve the Transportation Committee recommendation to adopt a resolution endorsing a joint City and North Carolina Department of Transportation study to enhance safety at the 36 at-grade rail/street crossings in Charlotte along the route of the proposed North Corridor commuter rail service, including the prospective closure of ten public and private crossings and installation of upgraded safety equipment at 14 other crossings.

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Committee Chair: Pat Mumford

Staff Resource: John Muth, CATS
David Carol, CATS

Policy The 2025 Corridor System Plan

Explanation

- In 2000, the City and North Carolina Department of Transportation (NCDOT) initiated a Traffic Separation Study (TSS) of the Norfolk-Southern “O”-Line to recommend ways to enhance safety at the crossings. The study, completed in 2002, recommended closure of unsafe and redundant crossings and upgrade of remaining crossings.
- The proposed North Corridor commuter rail service will operate along the Norfolk Southern “O”-Line from the proposed Charlotte Multimodal Station at West Trade Street 30 miles north to Mooresville. Along the route, some 109 public and private roads cross the rail line at grade.
- Along the 9.9 miles of trackage in Charlotte, there are 36 crossings of the rail line – 26 public roads and 10 private roads. In addition, depending on final alignment, the commuter rail line may also cross 9th Street in Uptown Charlotte.
- The TSS recommended upgrade of 14 existing crossings with new gates and flashers, median barriers, and traffic light preemption as follows:

 - Woodward Avenue
 - Moretz Avenue
 - Norris Avenue
 - Atando Avenue
 - Cottonwood Street
 - I-85 Service Road North

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- Racine Avenue
- Nevin Road
- Christenbury Road
- Henerson Road
- David Cox Road
- Bob Beatty North Road
- Hucks Road
- Eastfield Road

- The TSS recommended closure of 10 severely “humped,” unsafe and/or redundant crossings – eight public streets and two private access ways. In all cases, there is convenient alternate access to effected residences and businesses. The crossings are located at:

- Spratt Street
- Toal Street
- I-85 Service Road (South side of highway)
- Maple Street
- Derita Avenue
- Oak Drive
- Pete Brown Drive
- Bob Beatty Road South
- Private access to closed plant south of Atando Avenue
- Private driveway north of Christenbury Road (a new driveway to Starmount Avenue would be constructed)

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- Other road improvements also were identified to enhance safety at remaining crossings. In addition, NCDOT has strongly recommended that the 9th Street crossing (at the Archers Daniel Midland flour mill adjacent to the Elmwood and Pinewood Cemeteries) also be closed as part of the infrastructure improvements for the Multimodal Station.
- Approval of a resolution endorsing the recommendations will not authorize closure of any crossings, but will facilitate further engineering analysis.
- Under North Carolina law, a public hearing must be held before any public street can be closed. Such hearings would be held upon conclusion of engineering work and a decision to implement commuter rail service.
- Approval by the City Council is a prerequisite for reimbursement of the City by NCDOT of approximately \$150,000 spent on the TSS work.
- The TSS recommendations were presented to the Metropolitan Transit Commission on November 14, 2001, and approved by the Mecklenburg-Union Metropolitan Planning Organization on May 21, 2003.
- The Cornelius, Davidson and Huntersville Town Boards of Commissioners also ~~adopted~~ resolutions endorsing the recommendations as they pertain to each specific Town.

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Committee Discussion

- Members of the City Council Transportation Committee visited and inspected the crossings on June 28, 2004. The Committee unanimously (3-0: Mumford, Burgess, Carter), approved a resolution endorsing the recommendations of the TSS at its July 19, 2004 meeting. Committee members Turner and Graham were absent.
- At the Committee’s request, any closing or improvement of any grade crossing will be coordinated with road improvements and other plans for the area in question.

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Attachment 4

Resolution

Transportation Committee – July 19, 2004 Meeting Summary

11. Economic Development Strategic Framework

This item will be distributed in the Friday, August 20th Council-Manger Memorandum. The Economic Development and Planning Committee meets on August 18th.

12. Arena Out-Parcel 3

This item will be distributed in the Friday, August 20th Council-Manager Memorandum. The Economic Development and Planning Committee meets on August 18th.

13. Annual Performance Evaluation Processes for the City Manager and City Attorney



Action: Reschedule the annual performance evaluations of the City Manager and the City Attorney from August 30, 2004 to October 11, 2004 for the City Manager and October 18, 2004 for the City Attorney.

Staff Resources: Pam Syfert, City Manager
 Mac McCarley, City Attorney
 Tim Mayes, Human Resources Director

Explanation

- In June 2004 the City Council approved a new evaluation process for the City Manager and the City Attorney.
- Council also set August 30, 2004 as a special meeting to conduct the two evaluations, beginning at 4:00 p.m.
- The Restructuring Government Committee was scheduled on August 19, 2004 to consider:
 - amending that approved process

- canceling the special meeting set for August 30th
- rescheduling the annual evaluations
- That Committee meeting was cancelled.
- The City Manager recommends canceling the August 30, 2004 special meeting and conducting the City Manager's evaluation at 3:00 p.m. on October 11, 2004 and the City Attorney's evaluation at 3:30 p.m. on October 18, 2004.
- On September 16, 2004, Restructuring Government will consider amendments to the evaluation process.
- City Council will consider the Committee's recommendations on September 27, 2004.

BUSINESS

14. Westin Hotel Refinancing



Action: Adopt a resolution authorizing the City Manager to negotiate and execute amendments to the Purchase and Sale Agreement, General Development and Funding Agreement and the Parking Space Management Agreement and other documents and/or amendments that will allow Portman Holdings to refinance the private debt on the Westin Charlotte .

Staff Resource: Tom Flynn, Economic Development Office
Greg Gaskins, Finance

Explanation

- The City's agreements with Portman Holdings for the development of the Westin Charlotte limit the amount of first mortgage debt on the Westin Charlotte to \$75,000,000.
- Portman Holdings has requested the City's permission to increase this amount to \$84,000,000 when the hotel debt is refinanced.
- Approving this request has the following advantages for the City:
 - Portman will use a portion of the refinancing proceeds to buy a portion of the hotel site that is now leased. The elimination of this lease payment will provide significantly more cash flow to make Participation Payments to the City.
 - Refinancing in the current low interest rate environment will provide additional cash flow to make the Participation Payments to the City.
 - Portman will use \$1,051,250 of the refinancing proceeds to pay the City the deferred portion of the 2003 Participation Payment.
 - Portman will pay an estimated \$560,000 of the 2004 Participation Payment in advance from the refinancing proceeds and provide a guarantee for the remainder of the 2004 Participation Agreement.
 - The refinancing will elevate the City's Deed of Trust on the majority of the parking spaces in the parking deck to a first position.
- Portman will pay all of the City's legal fees resulting from this refinancing.
- These amendments will also acknowledge the City's willingness to release, for no charge, the air rights above the parking deck when Portman presents a financed development project requiring these air rights.
- The City does not own these air rights, but because the City holds a Second Deed of Trust on the parking deck any development in the air rights above the parking deck requires City consent.

Attachment 5

Resolution

15. Self-Financing Bonds



Action: Approve a resolution in support of Amendment One: Self-Financing Bonds, a constitutional amendment on the November 2, 2004 statewide ballot.

Staff Resource: Ron Kimble, City Manager's Office

Explanation

- At the July 26 Dinner Briefing, City Council heard from Ellis Hankins, Executive Director of the North Carolina League of Municipalities on the merits of Amendment One: Self-Financing Bonds.
- Self-Financing Bonds were endorsed by the City Council as part of its 2003 Long Session Legislative package.
- Advantages of Self-Financing Bonds are:
 - Self-Financing Bonds will be a tool that local governments can choose – but are not required to use.
 - Self-Financing Bonds will finance public improvements such as streets, water and sewer service and sidewalks in special development districts. They also will be used to help spur private development, including the re-use of abandoned textile or furniture factories.
 - Unlike General Obligation Bonds, Self-Financing Bonds do not require a vote of the people because it does not obligate full faith and credit.
 - The net gain in property taxes, generated within the district by the improved property, will pay the debt created from bonds issued by the local government.
 - When the debt is retired, total property taxes generated by the district will go into the General Fund.
 - Projects must be approved by the independent and non-partisan NC Local Government Commission.
 - Limits are placed on local governments' use of this tool. A total of only five percent of a government's jurisdiction can be in development districts.
- Only North Carolina and Arizona currently do not have authority to issue Self-Financing Bonds, putting us at a competitive disadvantage with 48 other states.

Attachment 6

Resolution in Support of Amendment One: Self-Financing Bonds

MAYOR AND COUNCIL TOPICS

At the end of the formal agenda, Council members may share information and raise topics for discussion.

Introduction to CONSENT

The consent portion of the agenda is divided into two sections: Consent I and Consent II.

Consent I consists of routine items that have been approved in the budget, are low bid and comply with Small Business Opportunity Program Policy.

Consent II consists of routine items that have also been approved in the budget, but require additional explanation.

The City's Small Business Opportunity (SBO) Program's purpose is to enhance competition and opportunity in City contracting with small businesses in the Charlotte metropolitan statistical area. Participation of small business enterprises (SBE) is noted where applicable. Contracts recommended for award as of March 1, 2003 comply with the provisions of the SBO program policy for SBE outreach and utilization. Professional service contracts recommended for award as of August 1, 2003 comply with the provisions of the SBO program policy for SBE outreach and utilization.

Disadvantaged Business Enterprise (DBE) is a federal program primarily used for Aviation and Transit.

Contractors and Consultants

All contractor and consultant selections follow the Council approved process unless described otherwise.

CONSENT I

16. Various Bids

A. Rea Road Sidewalk Project

EPM

Action:

Award the low bid of \$162,717.10 by Allied Grading Inc. Huntersville, North Carolina. This project is part of the Thoroughfare Sidewalk Program and will improve pedestrian mobility, access, and connectivity among the various neighborhoods along Rea Road and the surrounding area. This sidewalk construction project will fill a 1400-foot gap between the Colony/Rea Road Harris Teeter sidewalk and the existing sidewalk past Chadwick Farms Drive on the north side of Rea Road. Construction will include asphalt widening, curb and gutter, concrete sidewalk, driveway reconstruction, utility adjustments and related construction. Construction completion is second quarter 2005.

Small Business Opportunity

Established SBE Goal: 4%

Committed SBE Goal: 7%

Allied Grading committed 7% (\$11,266.99) of the total contract amount with the following certified SBEs: State Construction Company of the Carolinas, LLC, Ground Effects, Inc., and On Time Construction

B. Minor Sidewalk Improvements EPM

Action:

Award the low bid of \$278,449.50 by Carolina Cajun Concrete, Inc., Charlotte, North Carolina. The project is part of the ongoing Sidewalk Program and will improve pedestrian mobility, access, and connect gaps in the sidewalk along various roads within the City limits (Tuckaseegee Road, North Tryon Street, Sardis Road North, Sardis Road, Pineville-Matthews Road, Ballantyne Commons Parkway, Rea Road, Pierson Drive, and Park Road). The projects include sidewalk, pavement removal, asphalt widening, curb and gutter, driveway reconstruction, and utility adjustments. Construction completion is fourth quarter 2004.

Small Business Opportunity

Established SBE Goal: 5%

Committed SBE Goal: 5%

Carolina Cajun Concrete committed 5% (\$13,925) of the total contract amount with the following certified SBEs: Gastonia Iron Works, and Badger Concrete.

C. Airport Painting Contract Aviation

Action

Award the low bid, one-year contract to McGowan Painting Contractors of Charlotte, North Carolina in the amount of \$143,500 for painting at the airport. This contract will provide a qualified on-call painting contractor to perform painting services as directed by the Airport. The Airport has previously contracted out this service on an as needed basis. The Airport will provide all materials and equipment. The contractor will provide qualified labor.

Small Business Opportunity

This contract does not permit subcontracting opportunities. The SBDP Office has waived the goal requirement pursuant to SBO Policy Section 5.

D. Network Infrastructure/Cisco Equipment Upgrade BSS

Action:

Award the low bid of \$831,035.23 by Internetwork Engineering of Charlotte, NC. This project upgrades the current network infrastructure system. The majority of the system is comprised of Cisco brand routers, switches, and other related components.

Small Business Opportunity

Established SBE Goal: 0%

Committed SBE Goal: 0%

Pursuant to Section 5 of the SBO Program, no SBO utilization goal was set for this contract because subcontracting is not anticipated.

E. FY2005 Contract # 1–Water and Sewer Street Main Extensions CMU

Action

Award the low bid of \$1,283,701 to State Utility Contractors, Inc. for construction of sanitary sewer and water mains along existing roadways in Mecklenburg County.

Small Business Opportunity

Established SBE Goal: 3 %

Committed SBE Goal: 3 %

State Utility Contractors, Inc. committed \$38,820 to the following SBE firms: Pave Carolina, Fernandez Construction Corp., Spears Trucking and Uprocon, Inc.

F. FY2005 Contract # 2 –Water and Sewer Street Main Extensions CMU

Action

Award the low bid of \$1,094,518.50 to 7 Star Construction Co., Inc. for construction of sanitary sewer and water mains along existing roadways in Mecklenburg County.

Small Business Opportunity

Established SBE Goal: 3 %

Committed SBE Goal: 3 %

7 Star Construction Co., Inc. committed \$32,850 to the following SBE firms: Stinson Trucking

17. Refund of Property Taxes

Action: Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$142,290.07.

Attachment 7

Resolution

18. Resolution of Intent to Abandon Street and Set Public Hearing for Three 10-foot Alleyways Bounded by Randall Street, Firth Court and Fulton Avenue

Action: A. Adopt the Resolution of Intent to abandon three 10-foot alleyways bounded by Randall Street, Firth Court and Fulton Avenue, and
B. Set a public hearing for September 27, 2004.

Attachment 8
Map

19. Resolution of Intent to Abandon Street and Set Public Hearing for Vanderburg Street and a Portion of a 10-foot Alleyway

Action: A. Adopt the Resolution of Intent to abandon Vanderburg Street and a portion of a 10-foot alleyway, and
B. Set a public hearing for September 27, 2004.

Attachment 9
Map

20. Resolution of Intent to Abandon Street and Set Public Hearing for a Residual Portion of Right-of-Way on Park Road

Action: A. Adopt the Resolution of Intent to abandon a residual portion of right-of-way on Park Road, and
B. Set a public hearing for September 27, 2004.

Attachment 10
Map

21. In Rem Remedy

For In Rem Remedy #A-D, the public purpose and policy are outlined here.

Public Purpose

- Eliminate a blighting influence.
- Reduce the proportion of substandard housing.
- Increase tax value of property by making land available for potential infill housing development.
- Support public safety initiatives.

Policy

- Housing & Neighborhood Development
- Community Safety Plan

The In Rem Remedy items were initiated from 3 categories:

1. Public Safety – Police and/or Fire Dept.
2. Complaint – petition by citizens, tenant complaint or public agency referral
3. Field Observation – concentrated code enforcement program

The In Rem Remedy item is listed below by category identifying the street address and neighborhood.

Public Safety

- A. 2624 Norfolk Avenue (Neighborhood Statistical Area 72-Southside Park Neighborhood)

Complaint

- B. 1320 Hawfield Road (Neighborhood Statistical Area 109, extraterritorial jurisdiction)

Field Observation

- C. 2205 Roslyn Avenue (Neighborhood Statistical Area 25-Smallwood Neighborhood)
D. 9317 Eleanor Drive (Neighborhood Statistical Area 110-Wildwood Neighborhood)

Public Safety

- A. 2624 Norfolk Avenue

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2624 Norfolk Avenue (Neighborhood Statistical Area 72- Southside Park Neighborhood).

Attachment 11

Complaint

B. 1320 Hawfield Road

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1320 Hawfield Road (Neighborhood Statistical Area 109- Extraterritorial Jurisdiction Area).

Attachment 12

Field Observation

C. 2205 Roslyn Avenue

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2205 Roslyn Avenue (Neighborhood Statistical Area 25-Smallwood Neighborhood).

Attachment 13

D. 9317 Eleanor Drive

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 9317 Eleanor Drive (Neighborhood Statistical Area 110-Wildwood Neighborhood).

Attachment 14

CONSENT II

22. Amendment to 2005 Annexation Qualifying Area Reports

Action: Approve resolutions amending the previously approved annexation area reports for the Brookshire West, Mallard Creek East, and Steele Creek South annexation qualifying areas, to respond to NC Supreme Court findings.

Staff Resource: Jonathan Wells, Planning Commission
Mike Boyd, City Attorney's Office

Policy:
City Annexation Policy and State Annexation Statutes

Explanation:

- City Council approved Annexation Reports for eight qualifying areas at their July 26, 2004 meeting.
- A provision in state annexation statutes recognize that development around larger cities can be somewhat scattered, requiring annexation of some undeveloped property to connect the developed portions of an annexation area to each other and to the annexing city; this provision is know as Subsection d.
- A recent NC Supreme Court finding in Asheville states that any area annexed under Subsection d must be contiguous with annexing jurisdiction's present corporate limits, thus changing the interpretation of the statutes by numerous jurisdictions including Charlotte.
- Court decision came after Charlotte's 2005 annexation qualifying areas were identified and the annexation reports prepared.
- Planning and legal staffs have reviewed each of the annexation areas in light of this decision and recommend several changes to comply with the decision. Notably:
 - Revise Subsection d land areas in Brookshire West, Mallard Creek Church East, and Steele Creek South annexation qualifying areas
 - Revise the statistical characteristics created by changes in the Subsection d land area
- Proposed changes do not result in any changes to the qualification status or the boundaries of these three qualifying areas. The service plans, as well as the revenue and cost estimates will remain the same as well.
- No changes will be required to the reports of the other five 2005 annexation qualifying areas.

Attachment 15

Resolutions
Replacement pages for annexation area reports
Annexation State Supreme Court ruling fact sheet

23. Electronic Tracking and Data Management System for Emergency Operating Center

Action: Approve an agreement with E Team Inc. for \$285,000 to purchase and implement an electronic tracking and data management system for Emergency Operations Center.

Staff Resource: Wayne Broome, Fire/Emergency Management

Explanation

- On May 24, 2004, Council approved acceptance of a grant from the Department of Homeland Security to be used to enhance public safety preparedness.
- The E Team system provides an Internet-based program that will track, record, and analyze management processes in the Emergency Operations Center (EOC).
- The E Team system will also be used as a training tool to increase the knowledge base of employees who staff the EOC and to expand the depth of knowledge for all City and County Departments that are represented in the EOC.
- In addition to local government, state and federal agencies and the private sector will be partners in the E Team system to enhance emergency operations.

Small Business Opportunity

Pursuant to Section 5 of the SBO Program, no SBO utilization goal was set for this contract because subcontracting is not available.

Funding

Homeland Security Grant

24. Police Cellular Phone Services and Equipment

Action: Approve a contract with Alltel to provide Cellular Phone Services and Equipment for Charlotte-Mecklenburg Police Department. This will be a one-year contract with two, one-year renewal options with an estimated annual expenditure of \$90,000 for services and a one-time estimated expenditure of \$35,000 for equipment.

Staff Resource: John Trunk, Business Support Services
Mike Bedard, CMPD

Explanation

- Contract provides cellular phone service and equipment for an estimated 261 phones.
- CMPD's cell phone requirements are mission driven.

- Cell Phones will be issued to the leadership, key personnel and selected individuals who must have this communication device to perform their duties.

Procurement Process

- Four proposals were received in response to the Request for Proposals issued.
- Staff evaluated proposals, equipment, and services.

Recommendation

Alltel is recommended as the most cost effective, greatest value and overall best solution for Police’s cellular phone services requirements.

Small Business Opportunity

Established SBE Goal: 0%

Committed SBE Goal: 0%

Pursuant to Section 5 of the SBO Program, no SBO utilization goal was set for this contract because subcontracting is not anticipated.

Funding

Police Operating Budget

25. Resolution Regarding ABC Permit Applications

Action: Adopt a resolution designating the Deputy Chief of Police Investigative Services as the City’s designee to make recommendations to the State ABC Commission.

Staff Resource: Bruce McDonald, CMPD

Explanation

- State ABC Commission requests the City make recommendations concerning suitability of a person or location for an ABC permit.
- Current resolution designates Deputy Chief Bob Schurmeier as City official to make recommendations; Schurmeier retired August 1, 2004.
- New resolution designates the Deputy Chief for Investigative Services as designated official; resolution will not need to be changed if individual in that assignment changes.

Attachment 16

Resolution

26. Photo Radar Cameras Appropriation of Funds

Action: Adopt a budget ordinance appropriating \$300,000 in estimated revenues and expenses for the photo radar program.

Staff Resource: Greg Crystal, CMPD

Explanation

- CMPD estimates that citations issued in conjunction with the photo radar cameras will generate \$300,000 in revenues during the first year of the program.
- Under current contract, 78% of the revenue collected will be appropriated to PEEK Traffic, the vendor that provides the cameras and administers the photo radar program.
- Remaining 22% of the revenue collected will reimburse CMPD for equipment and education programs associated with the program.
- Once expenses are deducted, any remaining funds will go to the Charlotte-Mecklenburg Schools.

Attachment 17

Budget Ordinance

27. Police Assets Forfeiture Appropriation

Action: Adopt an ordinance appropriating \$336,713 in assets forfeiture funds for the 2005 police helicopter lease agreement.

Staff Resource: Greg Crystal, CMPD

Explanation

- Assets forfeiture funds are available for certain police activities as defined under federal law.
- The ordinance appropriates \$336,713 to cover the cost of the 2005 helicopter lease agreement with Edwards and Associates.

Funding

Assets Forfeiture

Attachment 18

Budget Ordinance

28. City Code Amendment for Misdemeanor Violations Fine

Action: Adopt an ordinance amending Chapter 2 Section 2-21 (b) of the City Code to make the maximum fine for a misdemeanor violation \$500.

Staff Resource: Bruce McDonald, CMPD

Explanation

- State law provides that the violation of an ordinance is a Class 3 misdemeanor with a maximum fine of \$500.

- Examples of misdemeanors include violations of dancehall ordinance, sexually oriented business ordinance, noise ordinance, towing ordinance and firearm and dangerous weapons ordinances.
- State law also provides that the fine for a violation cannot exceed \$50 unless the ordinance expressly states that the maximum fine is greater than \$50.
- Currently, the City’s maximum fine is \$50.
- Amendment establishes that the maximum fine for a misdemeanor violation of a code provision is \$500, unless otherwise specified

Attachment 19
Ordinance

29. City Code Amendment Concerning Definition of Vehicle

Action: Adopt an ordinance amending Chapter 14, section 14-1 of the City Code and adding Section 14-130 concerning definition of vehicle.

Staff Resource: Bruce McDonald, CMPD

Explanation

- Amendment to Section 14-1 conforms the City code definition of “vehicle” to state law.
- State law definition excludes devices used by individuals with mobility impairments; raises the maximum speed from 12 to 15 mph.
- Code will conform to state law by excluding “electric assistive mobility devices” from the definition of “vehicle”.
- Section 14-30 is entitled “Driving on Sidewalk”; will prohibit the operation of vehicles on sidewalks.
- State law only prohibits the operation of “motor vehicles” on sidewalks.
- Code will prohibit mopeds, including razor scooters, from being operated on sidewalks due to safety concerns.
- Code does not prohibit operation of non-motorized bicycles on sidewalks.

Attachment 20
Ordinance

30. Comprehensive Data Solution, Inc. Contract

Action: Authorize the City Manager to amend the Comprehensive Data Solutions contract for up to two employees, not to exceed \$245,000, for technical consulting, Oracle programming, software testing, and project management.

Staff Resource: Ron Horton, CMPD

Explanation

- Comprehensive Data Solution, Inc. (CDS) has provided consulting services to the Police Department since 2000.
- CDS has assisted with testing, evaluation, and implementation of the knowledge based community oriented policing records management system and Computer Aided Dispatch System.
- CDS will assist with testing and evaluation of the law enforcement module of the new Criminal Justice Information System with Mecklenburg County.
- CDS will manage the upgrade of major Oracle systems such as CAD, Plateau and Property Control.
- CDS will manage development, testing, and implementation of National Incident Based Reporting System.
- CDS will monitor and enhance existing systems as requested.
- CMPD does not currently have staff with the skills to complete these projects.
- Contract extension is for one year through August 30, 2005.

Small Business Opportunity

Pursuant to Section 5 of the SBO Program, no SBO utilization goal was set for this contract because subcontracting is not anticipated.

Funding

Police Operating Budget

31. Traffic Signal Controller Cabinets

Action: **A. Reject the low bid from RGA, Inc. in the amount of \$652,940 for non-compliance to specifications, and**

B. Approve the responsible low bid, unit price contract with Naztec Inc. for traffic signal controller cabinets. This will be a one-year contract with two, one-year renewal options with an estimated annual expenditure of \$670,190.

Staff Resource: Bill Dillard, Transportation

Contract Highlights

- Contract will provide new TS2-1 traffic signal controller cabinets for use in the City at proposed new traffic signal locations and to replace existing traffic signal cabinets that have become obsolete (15+ years old).
- If new cabinets are not purchased staff will not have equipment to install at new locations.
- If new cabinets are not purchased staff will have to continue to repair/rebuild obsolete cabinets and re-install them in the field.

Procurement Process

- Three bids were received in response to the Invitation To Bid.

- Ten companies were notified of the Invitation To Bid and the bid was posted on the North Carolina Interactive Procurement System website.
- An evaluation of sample cabinets submitted by the two low bidders was conducted. The RGA cabinet submitted fails to meet the quality requirement specifications in a number of specific areas.
- Naztec, Inc. is the lowest responsible bidder meeting the bid specifications.

Summary of Bids

RGA Inc.	\$652,940
Naztec Inc.	\$670,190
Econolite Controls	\$843,625

Small Business Opportunity

Established SBE Goal: 0%

Committed SBE Goal: 0%

The Small Business Development Program Manager waived the SBE goal for this project. In order to establish a goal for the project, there must be SBE firms certified in the City's Vendor Management System to perform the subcontracting opportunities identified for the project. There were no SBE firms certified to perform on this project.

Funding

Transportation Capital Investment Plan

32. Snow Plow Purchase

- Action:**
- A. Approve the purchase of snow plows without competitive bidding, as authorized by the sole source exception of G.S. 143-129(f), and**
 - B. Approve a Citywide unit price contract with Fontaine Truck Equipment for Monroe snow plow equipment for a total FY2005 cost of \$240,625. This will be a one year contract with two, one-year renewal options.**

Staff Resource: Layton Lamb, Transportation

Sole Source Exception

- G.S. 143-129(f) provides that formal bidding requirements do not apply when:
 1. performance or price competition are not available
 2. a needed product is available from only one source of supply, or
 3. standardization or compatibility is the overriding consideration.
- Five different snow plows were thoroughly evaluated and Fontaine Truck Equipment is the recommended vendor based on both items 2 and 3 above.
- The governing board must approve purchases made under the sole source exception.

Requirements

- At the June 7, 2004 Council Workshop, Layton Lamb presented information regarding current practices for snow and proposed improvements to the Snow Response Policy, including purchase of additional snow plows.
- The immediate FY05 need to implement the Street Maintenance snow plan is for 25 plows at a unit cost of \$9,625 for a total of \$240,625. This exceeds the \$100,000 threshold, which requires a contract approval by City Council, in addition to being a sole source.
- A unit price contract will be established for one year with two, one year options for renewal in order to accommodate future purchases.
- A delay in action would mean incurring a 15% steel cost increase effective August 27, 2004 and equipment delivery lead time beyond the winter season.

Recommendation

Fontaine Truck Equipment is recommended as the most cost effective, greatest value and overall best solution for CDOT / Street Maintenance's purchase of snow plows.

Small Business Opportunity

Pursuant to Section 5 of the SBO Program, no SBO utilization goal was set for this contract because subcontracting is not anticipated.

Funding

Capital Equipment Fund

33. Airport Landscape Maintenance Contract

Action: Award a three-year contract to ValleyCrest Landscape Maintenance of Pineville, NC in the amount of \$1,211,115 to provide landscape maintenance services at the airport.

Staff Resource: Jerry Orr, Aviation

Explanation

- Beginning in 1998, the Aviation Department contracted out a major portion of its landscaping work.
- Original contract expired on December 31, 2003.
- Council awarded this contract to TruGreen-Southern Tree of Charlotte on November 24, 2003.
- Contract initiated on January 1, 2004.
- TruGreen's performance was substandard. After repeated complaints from the Airport, TruGreen requested to be released from its contract.
- TruGreen's contract will be terminated when the contract with ValleyCrest Landscape Maintenance begins.
- Requests for bids were advertised on July 18, 2004 and bids opened on August 12, 2004.
- ValleyCrest Landscape Maintenance will provide landscape maintenance on all airport property outside of the security fence.

- ValleyCrest will provide labor, equipment and materials needed to complete work.
- The contract will be for three consecutive years beginning September 1, 2004. Two, one-year extensions are available at the City's discretion.
- The total price for the first three years is \$1,211,115.
- Costs for each of the two extension periods will be negotiated prior to the beginning of the extension period.

Summary of Bids

Valley Crest Landscape Maintenance	\$1,211,115
The Budd Group	\$1,260,000
The Brickman Group, LTD	\$1,405,500
ABM Landscape Services	\$1,411,400
The Metrolina Landscape Company	\$1,681,200
Countryside Landscaping, Inc.	\$1,912,750

Small Business Opportunity

Established SBE Goal: 0%

Committed SBE Goal: 0%

The SBD Office waived the SBE goal for this project. This contract does not provide any subcontracting opportunities. A single contractor was selected for this work to ensure consistency in the monitoring and evaluation of the contract.

Funding

Airport Operating Fund

34. Taxiway M Reconstruction

Action: Award a contract to the low bidder, Rea Contracting, LLC of Charlotte, North Carolina, in the amount of \$1,360,000 for the reconstruction of Taxiway M.

Staff Resource: Jerry Orr, Aviation

Explanation

- Taxiway M was constructed in 1981.
- Continuous use of the taxiway has caused some breaks in the concrete surface.
- The project will reconstruct a portion of the taxiway by replacing the middle lanes of the taxiway with new concrete.
- The Airport received one bid on July 15, 2004 and readvertised for bids on July 19, 2004.
- Again, the Airport received only one bid, which was opened on August 5, 2004.
- The construction budget for this project is \$1,360,000, and the bid substantially exceeded that budget.
- The contract amount was then negotiated downward as permitted by state bid laws.

- 75% of this project will be funded through the proceeds from an existing Federal Aviation Administration grant. 25% will be funded through General Airport Revenue Bonds. The debt service of the bonds will be repaid by the airlines through landing fees.

FAA Disadvantage Business Enterprise

Established DBE Goal: 10%

Committed DBE Goal: 10%

Funding

Aviation Capital Investment Plan

35. Airport Demolition Contract

Action:

A. Reject the low bid of \$191,000 by Jones Grading & Fencing, Inc. for non compliance with the Small Business Opportunity Program, and

B. Award a contract to the lowest responsive bidder, Piedmont Grading and Wrecking of Charlotte N.C. in the amount of \$218,753.50 for asbestos removal and demolition of a building located at 4200 Yorkmont Road.

Staff Resource: Jerry Orr, Aviation

Explanation

- In 2002, the North Carolina National Guard relocated to a new facility on airport property.
- Redevelopment of the old guard site requires asbestos removal and demolition of a two-story 43,000 square ft. 50-year old armory.
- The contract's scope of work will include:
 - Removal and disposal of various asbestos-containing materials and
 - Building demolition and debris removal.
- The lowest bidder, Jones Grading and Fencing, Inc., was non-responsive. Jones proposed using a subcontractor that purported to be an SBE. However, that subcontractor had neither applied for nor obtained SBE certification.
- In addition, Jones failed to meet the good faith efforts requirements of the program, achieving only 20 of the requisite 75 points.

Summary of Bids

Jones Grading & Fencing, Inc.	\$191,000.00
Piedmont Grading and Wrecking	\$218,753.50
DPC General Contractors, Inc.	\$264,789.00
The Linda Construction Co.	\$268,800.00
LVI Services	\$273,500.00
Enviro-Tech	\$278,435.00

DL Restoration	\$330,000.00
EME, Inc.	\$349,388.00

Small Business Opportunity

Established SBE Goal: 5%

Committed SBE Goal: 0%

Piedmont Grading and Wrecking has met the good faith effort requirements.

Funding

Aviation Capital Investment Plan

36. Concourse E Site Development Contract Change Order

Action: Approve a change order to a contract with Allied Grading, Inc. of Huntersville, North Carolina in the amount of \$136,275 for additional site development work for Concourse E expansion.

Staff Resource: Jerry Orr, Aviation**Explanation**

- On March 22, 2004, Council awarded a contract in the amount of \$1,045,859.63 to Allied Grading, Inc. for site development for Concourse E expansion.
- This amended work scope will provide additional earthwork and storm drainage for approximately 20 feet adjacent to the original work site to facilitate the construction of 24 additional gates next year.
- Council accepted a Federal Aviation Administration grant in September 2003 to provide 75% of funding for this project. Council also appropriated a budget ordinance providing the remaining funding to be provided from the proceeds of future General Airport Revenue Bonds.

FAA Disadvantaged Business Enterprise:

This project falls under the Federal Aviation Administration's Disadvantaged Business Enterprise (DBE) program. Allied Grading, Inc. has subcontracted 37.7% (\$394,250) of the work to DBE subcontractors.

Funding:

Aviation Capital Investment Plan

37. Federal Aviation Administration Resolutions and Grant

- Action:**
- A. Adopt a resolution accepting a Federal Aviation Administration (FAA) Airport Improvement Program grant in the amount of \$15,359,406 for various Airport projects,**
 - B. Adopt a budget ordinance appropriating \$15,359,406 in FAA grant funds and \$5,119,802 from the Airport Discretionary Fund Balance to cover the local share for the grant projects, which will be replaced by future bond funds, and**
 - C. Adopt a resolution allowing the Aviation Director to accept any Federal Aviation Administration Airport Improvement Program grants that may become available before the end of the Federal Fiscal Year on September 30, 2004.**

Staff Resource: Jerry Orr, Aviation

Explanation

- Each year, the Airport qualifies for FAA entitlement funds based on passenger enplanements. The Airport's FY2004 entitlement funds (\$15,359,406) will be used to reimburse the Airport for 75% of the costs associated with the following projects:
 - Third Parallel Runway Design
 - Wallace Neel Road, Phase II Environmental Assessment
 - Wallace Neel Road, Phase II Design
 - Taxiway F Extension
 - Storm Drain Rehab, Phase I
 - New Airport Rescue and Fire Fighting Vehicle
 - Master Plan Land Program
 - Ramp E Pavement
 - Design of New Parallel Runway
 - Ramp E Pavement
 - Master Plan Land
 - Wallace Neel Road-Phase II Design
 - Wallace Neel Road-Phase II EA
 - Aircraft Rescue Firefighting Truck
 - Storm Drain Rehab, Phase I
 - Taxiway F Extension
- Under the Federal legislation for the Airport Improvement Program, the FAA allocates a certain amount of grant money for discretionary projects for high priority airfield projects.
- The FAA has advised the Airport that additional funds may be available before the end of the Federal fiscal year.
- The second resolution will authorize the Aviation Director to accept any other grants if offered by the FAA on behalf of the City.

Funding

Federal grants and Airport Discretionary Fund Balance

Attachment 21

Resolutions

Budget Ordinance

38. Airport Parking Deck Change Order

Action: **A. Approve a change order in the amount of \$241,205 with FN Thompson of Charlotte, North Carolina for additional work for the new airport parking deck, and**

B. Adopt a budget ordinance appropriating \$250,000 from the Discretionary Fund Balance to be repaid from the proceeds of future General Airport Revenue Bonds.

Staff Resource: Jerry Orr, Aviation

Explanation

- On November 24, 2004 Council awarded a contract to FN Thompson Co. Inc. of Charlotte in the amount of \$14,576,000 for foundation/concrete construction for the Airport Parking Deck.
- This change order will provide:
 - An adjustment to pay the contractor for the actual length of steel piles driven for the foundation
 - Removal and replacement of soil not suitable for the foundations
 - Reinforcing the concrete slab on grade due to soil conditions

Small Business Opportunity

Established SBE Goal: 2%

SBE Committed Goal: 6.75%

All additional work involved in this change order will be performed by the current contractor and current subcontractors. Therefore, this change order complies with Section 10.3 of the SBO Program.

Funding

Aviation Capital Investment Plan

Attachment 22

Budget Ordinance

39. Airport Drive Relocation Change Order

Action: **Approve change order #4 in the amount of \$31,742 to Arvy Construction Inc. of Charlotte for additional work needed for the relocation of Airport Drive.**

Staff Resource: Jerry Orr, Aviation

Explanation

- On May 12, 2003, Council approved a Military Construction Cooperative Agreement (MCCA) between the Airport and the North Carolina Air National Guard (NCANG) to relocate Airport Drive per the NCANG Master Plan. On July 28, 2003, Council awarded a contract to Arvy Construction Inc. to construct the road.
- The Airport funded this contract and will be fully reimbursed through the proceeds of the MCCA. All costs for this change order will be reimbursed by the NCANG.
- This change order will add a fire hydrant, additional sewer line relocation, and additional signage and markings for the new roadway.

Small Business Opportunity:

Established SBE Goal: 1%

SBE Committed Goal: 1.16%

All additional work involved in this change order will be performed by the current contractor and current subcontractors. Therefore, this change order complies with Section 10.3 of the SBO Program.

Funding

Airport Capital Investment Plan

40. Airport Revenue Bond Order Supplement

Action: Adopt resolutions to approve a second Supplemental Bond order for Airport Revenue Bonds updating the Bond Order adopted by Council on November 18, 1985 and updated on June 8, 1992.

Staff Resources: Greg Gaskins, Finance
Jerry Orr, Aviation

Explanation

- This supplemental bond order amends and supplements certain provisions to the November 18, 1985 bond order, as amended, in order to include Passenger Facility Charge revenues as a source of funds available to pay debt service on the Airport's revenue bonds.

Attachment 23

Resolutions

41. Selection of Wilson Air Center as Airport Fixed Base Operator Manager

Action: Approve selection of Wilson Air Center of Memphis as the Fixed Base Operator (FBO) Services Manager to provide general aviation services at Charlotte Douglas International Airport under a Management Contract.

Staff Resource: Jerry Orr, Aviation

Explanation

- The Aviation Director requests Council ratify the selection of Wilson before commencing contract management negotiations.

Background

- The City had a twenty-year lease with Signature Flight Support for FBO Services at the Airport that expired June 30, 2004.
- In March, 2004 the Aviation Director advertised Requests for Proposals from qualified and experienced FBOs to provide FBO Services at the Airport pursuant to a Management Contract rather than a lease.
- On May 10, 2004 Council approved a month-to-month extension of the Signature lease to give the Airport time to select and install the new FBO Services Manager.
- On June 17, 2004 the Airport received twelve proposals to provide the FBO Services. These twelve were evaluated by a Selection Committee of the Airport Advisory Committee and four firms were short-listed.
- On June 19 and 20 the Selection Committee visited the FBOs operated by each of the four and conducted interviews of the firms.
- On August 3, 2004 the Selection Committee recommended to the full Advisory Committee that Wilson be selected as the FBO Services Manager and the entire Advisory Committee unanimously approved the selection of Wilson.

Small Business Opportunity

Established SBE Goal: 0%

Committed SBE Goal: 0%

It has been determined that SBE goals do not apply to this contract.

Attachment 24

Explanation of the History and Process

42. Discovery Place Omnimax Theatre and Projection Room Renovation

Action: Authorize the City Manager to negotiate a contract with Streamline LLC in an amount not to exceed \$285,000 for the Discovery Place Omnimax Theatre & Projection Room Project.

Staff Resource: Sue Rutledge, Engineering & Property Management

Discovery Place Ommimax Theatre

- The Discovery Place Omnimax Theatre was originally opened in 1990 and is the feature exhibit at the museum.
- The exhibit hosts approximately 200,000 visitors per year.
- The renovation is a planned facelift to the theatre and projection rooms.
- Work includes floor, wall, ceiling and seating improvement along with electrical upgrades.
- The Omnimax Theatre is located at 301 North Tryon Street.
- Construction completion is fourth quarter 2004.

Contract with Streamline LLC

- Streamline's low bid of \$357,000 is higher than the budget for the project.
- City staff and the architect are reviewing the plans, specifications and alternates to identify possible cuts to bring the project within the budget.

Small Business Opportunity

Established SBE Goal: 5%

Committed SBE Goal: 0%

Streamline LLC complied with the good faith efforts.

Funding

Government Facilities Capital Investment Plan

43. Roadway and Sidewalk Construction Administration and Inspection Services

Action: A. Approve an Agreement with Mulkey, Inc. for \$100,000 for construction administration and inspection services for roadway and sidewalk projects, and

B. Authorize the City Manager to execute three renewals of the Agreement for \$100,000 each.

Staff Resource: Dieter Crago, Engineering & Property Management

Agreement with Mulkey, Inc.

- Provides funds for construction administration and inspection services for road and sidewalk projects on an as-needed basis
- Consultant staff will supplement City staff in order to maintain project schedules

Agreement Renewals

- Authorize the City Manager to execute three renewals over the next two years as written in the original agreement
- The contract renewals are optional and are based on good performance and competitive pricing.

Small Business Opportunity

Established SBE Goal: 0%

Committed SBE Goal: 0%

Pursuant to Section 5 of the SBO Program, no SBO utilization goal was set for this contract because subcontracting is not anticipated.

Funding

Transportation Capital Investment Plan

44. Street Maintenance Inspection Services

Action: Approve Amendment #1 with Uprocon, Inc. for \$150,000 for construction inspection services for Street Maintenance Districts.

Staff Resource: Dieter Crago, Engineering & Property Management

Amendment #1 with Uprocon, Inc.

- Provides funding for ongoing monitoring services within Street Maintenance Districts including:
 - Inspection of street maintenance activities performed by City crews, such as catch basin cleaning, curb and gutter installation, pothole patching, and pavement construction services
 - Review of field reports and calculation of quantities to insure that the work complies with established standards and contract provisions
- Uprocon will initially provide one inspector for these services. Additional inspectors will be provided as needed.

Privatization and Competition Initiatives

- Charlotte Department of Transportation Street Maintenance Division (SMD) competed and was awarded the street repair work.
- SMD is currently operating under an optimization Memorandum of Understanding (MOU) for this work.
- The MOU requires that the street maintenance activities be monitored to ensure compliance with performance specifications.

Contract History

- City Council approved the original contract for \$150,000 on December 8, 2003.
- Total contract amount including this amendment is \$300,000.

Small Business Opportunity

Established SBE Goal: 0%

Committed SBE Goal: 0%

This contract does not present any subcontracting opportunities. A single contractor was selected for this work to ensure consistency in the monitoring and evaluation of street maintenance activities. Uprocon, Inc. is the only certified SBE for these services and 100% of the contract amount will count toward meeting the City’s overall SBE utilization goal.

Funding

Street Maintenance Operating Budget

45. Silver Stream Storm Drainage Improvement

Action:

- A. Reject the bid of \$1,229,489.80 from Jones Grading and Fencing, Inc. of Charlotte, NC, pursuant to non-compliance with the Small Business Opportunity Program, and**
- B. Award a contract for the Silver Stream Storm Drainage Improvement project to the next low bidder, Ferebee Corporation of Charlotte, North Carolina for \$1,240,024.94.**

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Staff Resource: Tim Richards, Engineering & Property Management

Silver Stream Storm Drainage Project

- The project area is between Providence Road to the east, Rea Road to the north and west, and Pineville –Matthews Road to the south.
- This project addresses:
 - Street and house flooding
 - Replacing deteriorated infrastructure
 - Stream erosion
- Construction completion is second quarter 2005

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Reject the Low Bid of Jones Grading and Fencing, Inc.

- Reject the bid from Jones Grading and Fencing, Inc. (Jones Grading) based on their non-compliance with the Small Business Opportunity (SBO) Program.
- The project was advertised on July 7, 2004.
- Jones Grading, a certified SBE, failed to meet the mandatory number of contacts and the SBE subcontracting goal or the good faith efforts
- Jones Grading:
 - Contacted only 2 of the required 20 mandatory number of contacts;
 - Committed 0% at the bid opening of the 5% established SBE goal; and
 - Earned none of the 80 minimum points required for good faith efforts

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- [Jones Grading did submit letters of intent from two SBE firms after the bid opening in an effort to meet the goal. The City cannot count SBE utilization that is proposed after the bid opening for this purpose.](#)
- The SBO Program states that the failure of the bidder to meet the requirements during the bid phase will result in its bid being declared non-responsive

Award the Contract with Ferebee Corporation

- Ferebee Corporation ([Ferebee](#)) is the next low bidder and has met the SBE goal.
- [Ferebee contacted 23 SBEs](#)
- Ferebee committed 5% (\$62,735) to certified SBE and met the established goal
- [Ferebee’s bid is \\$10,535.14 higher than Jones Grading, both were above the estimate for construction.](#)

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Summary of Bids

Jones Grading and Fencing	\$1,229,489.80
Ferebee Corporation	\$1,240,024.94
Blythe Development Co.	\$1,303,500.00
Sealand Contractors Corp.	\$1,479,699.93
L-J Inc.	\$1,624,682.90

Small Business Opportunity

Established SBE Goal: 5%
 Committed SBE Goal: 5%
 Ferebee Corporation committed 5% (\$62,735) to the following SBE firms: On Time Construction, Hazel Homes Trucking and D’S Trucking.

Funding

Storm Water Capital Improvement Plan

46. Storm Water Construction Inspection Services

Action:

- A. Approve an Agreement with Mulkey, Inc. for \$400,000 for construction inspection services for storm water projects, and**
- B. Approve an Agreement with US Infrastructure of Carolina, Inc. for \$600,000 for construction inspection services for storm water projects.**

Staff Resource: Tim Richards, Engineering & Property Management

Agreement with Mulkey, Inc.

- Provides funding for construction inspection services for the Silver Stream Storm Drainage Improvement project and for various other storm water projects on an as-needed basis

- Consultant staff will supplement City staff in order to maintain project schedules

Agreement with US Infrastructure of Carolina, Inc.

- Provides funding for construction inspection services for the Charleston/Monroe Storm Drainage Improvement project and the Chantilly Storm Drainage Improvement project
- Consultant staff will supplement City staff in order to maintain project schedules

Small Business Opportunity

Established SBE Goal: 0%

Committed SBE Goal: 0%

This contract does not present any subcontracting opportunities.

Funding

Storm Water Capital Investment Plan

47. Cliffwood/Wilmore Storm Drainage Improvement

Action: **A. Authorize the City Engineer to negotiate a Development Agreement with Camden Square Associates, LLC (CSA) for reimbursement to the City of up to \$48,000, and**

B. Approve Change Order #1 with Ferebee Corporation for an amount not to exceed \$200,000 for the Cliffwood/Wilmore Storm Drainage Improvement Project.

Staff Resource: Tim Richards, Engineering & Property Management

Original Cliffwood/Wilmore Storm Drainage Project

- Cliffwood/Wilmore is a neighborhood drainage infrastructure project that extends from South Tryon Street near Worthington, west to Wilmore Drive.
- Camden Square Associates, LLC is developing in phases the area immediately upstream (east) of the City’s drainage project.
- Storm Water Services staff and Camden Square Associates have been evaluating the opportunity to jointly extend the Cliffwood/Wilmore project further upstream to meet both neighborhood and Camden Square infrastructure needs.
- If the evaluation determines that it is mutually beneficial to extend the City’s infrastructure project, Camden Square would participate in the cost of the improvements.
- Approval of a change order and development agreement at this time will allow the contractor’s work to continue uninterrupted and the upstream end of the original project to be adjusted appropriately to accommodate extension of the improvements.

Contract History

- Council awarded the original contract with Ferebee on July 28, 2003 for \$2,039,395.40.

Development Agreement with Camden Square Associates, LLC

- Agreement meets the Storm Water Services Economic Development Policy.
- Agreement allows development opportunities while addressing storm water infrastructure needs.
- City and CSA expenditures are based upon their respective storm water contributions to the drainage system.
- Future agreements may be necessary to facilitate additional development.

Approve Change Order #1 with Ferebee Corporation

- The new drainage system will be an extension of the original Cliffwood / Wilmore Project.
- The new drainage system will be installed along West Worthington Drive from South Tryon Street to Abbott Street

Small Business Opportunity

Established SBE Goal: 11%

Committed SBE Goal: 0%

Ferebee Corporation will comply with the section 10.3 of the SBO policy.

Funding

Storm Water Capital Investment Plan

48. South Corridor Light Rail Related Storm Drainage Infrastructure Projects

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Action: Approve Amendment #1 with US Infrastructure of Carolina, Inc. for \$2,800,000 for engineering services for South Corridor Light Rail related Storm Drainage Projects.

Staff Resource: Tim Richards, Engineering & Property Management

Amendment #1 with US Infrastructure of Carolina, Inc.

- Provides funds for:
 - Preliminary and final design services for storm drainage improvement projects downstream of the South Corridor Light Rail Transit (SCLRT) and South Corridor Infrastructure Program (SCIP)
 - Review SCLRT and SCIP (over 25 projects) preliminary and final plans and storm drainage calculations for conformance with local storm water policies, procedures and program needs
- Storm drainage infrastructure improvements will include channel, culvert, and pipe system improvements based on priorities set during the South Corridor Infrastructure Project planning process

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Contract History

- City Council approved the original agreement for \$1,500,000 on August 25, 2003
- An amendment for design services was anticipated in the original contract

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Small Business Opportunity

Established SBE Goal: 0%

Committed SBE Goal: 1%

The selection process of this project took place before the implementation of the SBO Program for professional services. USI has committed 1% (\$27,800) of the total contract amount with the following certified SBEs: Carolina Wetland Services, and On-Target Utility Locate Services.

Funding

Storm Water Capital Investment Plan

49. North Tryon Street Mall Renovation - Phase 3

- Action:**
- A. Reject the bid of \$761,191.86 from Valley Crest Landscape Development, Inc. of Norcross, Georgia, pursuant to non-compliance with the Small Business Opportunity Program, and**
 - B. Award a contract for the North Tryon Street Mall Renovation - Phase 3 to the next low bidder, Sealand Contractors Corporation of Charlotte, North Carolina for \$841,292.21.**

Staff Resource: Bruce Miller, Engineering & Property Management

North Tryon Street Renovation Phase 3

- Proposed work is on the east side of Tryon from 8th Street to 9th Street
- This third and final phase of continued renovations includes:
 - Removal of existing trolley tracks, sidewalk, curb & gutter, and removal of seven street trees due to a new curb realignment
 - Installation of granite curb, pavers, 11 new street trees and wheelchair ramps
- Construction completion is first quarter 2005

Reject the Low Bid of Valley Crest Landscape Development, Inc.

- Reject the bid from Valley Crest Landscape Development (Valley Crest) based on their non-compliance with the Small Business Opportunity (SBO) Program
 - The project was advertised on June 17, 2004.
 - A pre-bid date was held on July 8, 2004. Valley Crest did not attend the pre-bid meeting.
- Valley Crest failed to meet the mandatory number of contacts and the SBE subcontracting goal or the good faith efforts points.
- Valley Crest:
 - Contacted only two of the required 20 mandatory number of contacts;

- Committed 7% (\$51,587.76) of the established SBE goal of 10% to a certified SBE; and
- Earned only 20 of the 100 minimum points required for good faith efforts.
- The SBO Program states that the failure of the bidder to meet the requirements during the bid phase will result in its bid being declared non-responsive

Award the Contract with Sealand Contractors Corporation

- Sealand Contractors Corporation is the next low bidder and has met the SBO Program good faith efforts
- Sealand's bid is \$80,100.35 higher than Valley Crest but still 2% lower than the estimate for construction.
- Sealand:
 - Contacted 93 SBEs
 - Committed 5% (\$42,100.00) to certified SBEs
 - Earned the required minimum number (100) of good faith effort points.

Summary of Bids

Valley Crest Landscaping Dev.	\$761,191.86
Sealand Contractors	\$841,292.21
L-J, Inc.	\$1,096,617.01

Small Business Opportunity

Established SBE Goal: 10%

Committed SBE Goal: 5%

Sealand Contractors has complied with the good faith efforts and committed \$42,100 to the following SBE firms: Darnell Jones Trucking, and On Time Construction.

Funding

Transportation Capital Investment Plan

50. Concrete Installation & Repair

Action: Approve Renewal #3 of the Concrete Installation & Repair contract with Carolina Cajun Concrete for \$283,200.

Staff Resource: Dieter Crago, Engineering & Property Management

Renewal #3 with Carolina Cajun Concrete

- Provides funds to remove, replace and repair deteriorated curb, sidewalk, drives and roadway pavement sections at various locations in the City
- The concrete installation & repair is Street Maintenance work.
- Street Maintenance sets the priorities and identifies the additional locations for concrete installation and repair.
- This is the third and final renewal.

Contract History

- Total contract amount including this renewal is \$1,288,655.85.

Small Business Opportunity

Established SBE Goal: 5%

Committed SBE Goal: 5%

Carolina Cajun committed 5% (\$15,167.50) of the renewal amount with the following certified SBE: Badger Concrete. This renewal complies with Section 13.1 of the SBO Program.

Funding

Transportation Operating Budget

51. Road Humps FY2005

Action: A. Reject the low bid of \$162,240 from DOT Construction Company of Charlotte, North Carolina pursuant to non-compliance with the Small Business Opportunity Program, and

B. Award the Contract for Road Humps FY 2005 to the next low bidder, Carolina Asphalt of Charlotte, North Carolina in the amount of \$188,656.

Staff Resource: Dieter Crago, Engineering & Property Management

Road Humps FY2005 Project

- Part of an on-going program to install traffic calming road humps on various streets within the city limits of Charlotte, North Carolina.

Reject the Bid of DOT Construction Company

- Reject the bid based on non-compliance with the Small Business Opportunity Program (SBOP)
- The project was advertised on June 20, 2004.
- The pre-bid was held on June 28, 2004. DOT Construction attended the pre-bid.
- Only two (2) bids were received on July 8, 2004.
- The project was re-advertised on July 12, 2004.
- DOT Construction Company, a certified SBE, failed to meet the mandatory number of contacts and the SBE subcontracting goal or the good faith efforts.
- DOT Construction:
 - Contacted none of the 10 required mandatory number of contacts. DOT did not submit any back-up documentation.
 - Committed 0%, at the bid opening, of the 2% established SBE goal
 - Earned 10 of the 80 minimum points required for good faith efforts
- DOT Construction did submit a letter of intent with an SBE after the bid opening in an effort to meet the goal. The City cannot count SBE utilization that is proposed after the bid opening for this purpose.

- The SBO Program states that the failure of the bidder to meet the requirements during the bid phase will result in its bid being declared non-responsive

Award the Contract with Carolina Asphalt of Charlotte

- Carolina Asphalt is the next low bidder and has met the SBOP goals
- Carolina Asphalt:
 - Contacted 10 SBEs as required
 - Committed 2% (\$4,230) to certified SBEs and met the established goal
- Carolina Asphalt's bid is \$26,416 higher than DOT Construction, both were above the estimate for construction.

Summary of Bids

DOT Construction Company	\$162,240
Carolina Asphalt	\$188,656

Small Business Opportunity

Established SBE Goal: 2%

Committed SBE Goal: 2%

Carolina Asphalt committed 2% (\$4,230) of the total contract amount with the following certified SBE: D's Trucking

Funding

Transportation Capital Investment Plan

Attachment

List of Road Humps

52. Statesville Avenue Widening Project

Action: Approve Change Order #1 with Arvy Construction for \$253,470 for the Statesville Avenue Widening Project.

Staff Resource: Dieter Crago, Engineering & Property Management

Change Order #1 with Arvy Construction

- Provides funding for work needed to complete the project:
 - Additional sanitary sewer relocation due to impacts of the widening project
 - Additional lengths of concrete wall required for slope protection
 - Planting mix for the medians that would have been placed during the landscaping phase
 - The pricing for new items was reasonable, negotiated and approved

Statesville Avenue Widening Project

- Statesville Avenue Widening project was approved on the 1998 Transportation Bond Referendum

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Funding
Transit Capital Fund

54. Center City/Streetcar Corridor Planning, Environmental, Engineering and Consulting Services Contract

- Action:**
- A. Authorize the City Manager or designee to execute an Agreement For Consulting Services with URS Corporation to provide planning, environmental, and engineering consulting services (Conceptual Design) for an amount not to exceed \$5,012,795 for the Center City/Streetcar Corridor, and**
 - B. Adopt a budget ordinance appropriating \$6,750,000, covering the cost of the contract (\$5,012,795) and direct and indirect expenses (\$1,737,205) associated with the project.**

Staff Resource: John Muth, Charlotte Area Transit System
Willie Noble, Charlotte Area Transit System

Agreement For Consulting Services

- CATS selected URS Corporation through a procurement process that solicited Requests For Professional Engineering Services (RFPE).
- Conceptual engineering services includes: planning, preliminary design, engineering, a draft environmental impact statement (DEIS), and public involvement.
- Will recommend the track alignment for:
 - The Streetcar along Trade Street from Johnson C. Smith University to Presbyterian Hospital
 - The Central Avenue Streetcar Extension from Elizabeth Avenue to Eastland Mall
 - The Beatties Ford Streetcar Extension from Johnson C. Smith University to I-85
 - The Uptown Streetcar Loop.
- Consultant will also:
 - Provide urban design services and produce a conceptual streetscape plan for the Trade Street Corridor from Kings Drive to I-77.
 - Prepare the Operating Plan for the Streetcar Operations.
 - Develop a phased Streetcar Implementation Plan.
- Completion of the Agreement is scheduled for December 2006.

Small Business Opportunity

Established DBE Goal: 12.8%

Committed DBE Goal: 12.8%

The participating DBE firms are Manuel Padron & Associates, Neighboring Concepts, MA Engineering, and GNA Design.

Funding
Transit Capital Investment Plan

Attachment 26
Budget Ordinance

55. Proposed 36 Inch Water Main in the Andover Road/McAlway Road Area

Action: Approve Amendment #3 for the Andover Road/McAlway Road 36 Inch Water Main project in the amount of \$250,110 with Stantec Consulting Services, Inc. for additional water main planning, design and construction management/administration work.

Staff Resource: Doug Bean, Utilities

Explanation

- Amendment #3 provides funding for the addition of the following items:
 - Review, update and revise final water main, sidewalk and storm water design plans, detail sheets, real estate easement plats, traffic control plans, engineered shoring plans, construction cost estimates, bid item descriptions and road encroachment applications.
 - Provide bidding assistance, including Small Business Enterprise support activities.
 - Provide construction staking, construction administration and resident project representative services.

Small Business Opportunity

Established SBE Goal: 0%

Committed SBE Goal: 16.6%

The selection process for this project took place in 2000, which preceded the implementation of the SBO Program for professional services contracts.

However, the contractor has committed to spend \$41,600 with one SBE, Gavel Engineering.

Funding

Water Capital Investment Plan

56. Beaverdam Creek Sewer Outfall, Pumping Station and Force Main

Action: Approve a change order for the Beaverdam Creek Sewer Outfall, Pumping Station, and Force Main project in the amount of \$124,958 with Bryant Electric Company.

Staff Resource: Doug Bean, Utilities

Explanation

- Change Order provides funding for the following items:
 - Additional stone stabilization for gravity sewer
 - The addition of drilled caissons to replace columns and footings
 - Additional ductile iron pipe for creek crossing

Small Business Opportunity

Established SBE Goal: 0%

Committed SBE Goal: 0%

The selection process for this project took place in December 2002, which preceded the implementation of the SBO Program. This change order represents no new opportunities for SBE participation, and will be performed with current subcontractors.

Funding

Sewer Capital Investment Plan

57. **Biosolids Management Improvements, Digester Project at McAlpine Creek Wastewater Management Facility**

Action: Approve Change Order #2, to the Biosolids Management Improvements, Digester Project contract with Pizzagalli Construction Company, Inc., in the amount of \$410,197.50.

Staff Resource: Doug Bean, Utilities

Explanation

- Change Order #2 provides for modifications to the scope of services:
 - Installation of additional safety equipment
 - Additional nitrogen for purging tanks, ensuring safe startup of facilities
 - Additional material testing
 - Addition of sprayed on plastic lining inside digesters, to increase safety factor against leaks

Small Business Opportunity

Established SBE Goal: 0 %

Committed SBE Goal: 0%

This change order represents no additional opportunities for SBE participation. All changes in the scope of services will be performed by current subcontractors.

Funding

Sewer Capital Investment Plan

58. Clear Creek Sanitary Sewer Improvements

Action: **A. Adopt a budget ordinance appropriating \$900,000 from Utility Revenue Bonds to Clear Creek Pump Station and Outfall;**

B. Approve the low bid of \$5,164,917.67 by Buckeye Construction Co., Inc., for sanitary sewer system improvements in the Clear Creek Basin area.

Staff Resource: Doug Bean, Utilities

Budget Ordinance

- Funding for additional planning costs
- Removal of additional rock, discovered during the design phase

Contract

Buckeye Construction Co. Inc. is the low bidder for the Clear Creek Sanitary Sewer Improvements project, which provides expanded sanitary sewer into the Clear Creek basin in Mint Hill. Project initially approved in the CMU Capital Improvements Program in FY03.

Small Business Opportunity

Established SBE Goal: 5 %

Committed SBE Goal: 1.1 %

Buckeye Construction Co., Inc. complied with the good faith efforts and committed \$57,000 to the following two SBE firms: Ms Sybil's Seeding and D's Trucking

Funding

Sewer Capital Investment Plan

Attachment 27

Budget Ordinance

59. Budget Ordinance to Appropriate Private Developer Funds

Action: **Adopt a budget ordinance appropriating \$1,386,547 in private developer funds for traffic signal improvements.**

Staff Resource: Bill Dillard, Transportation

Explanation

- The following developers are fully funding the traffic signal installations / intersection improvements to mitigate traffic around development projects:

- Cambridge-Eastfield, LLC contributed \$114,499 to fully fund the installation of traffic signals at the intersection of Eastfield Road and Prosperity Church Road.
- Carolinas Healthcare System contributed \$226,148 to fully fund the installation of three traffic signals at: Morehead Street and Kenilworth, Morehead Street and Harding, and Kenilworth / Scott / Romany.
- Wal-Mart contributed \$95,289 to fully fund the installation of a traffic signal at the intersection of Callabridge Commons and Mt.Holly – Huntersville Road.
- Arbors at Mallard Creek, LLC contributed \$64,906 to fully fund the installation of a traffic signal at the intersection Mallard Creek Church Road and Senator Royal Drive.
- Crescent Resources, LLC contributed \$37,275 to fully fund the installation of a traffic signal at the intersection of Arrowpoint / GreenRidge and Arrowood Road.
- Crescent Resources, LLC contributed \$42,275 to fully fund the installation of a traffic signal at the intersection of Wilkinson Boulevard and Sam Wilson Road.
- Faison Project North, LLC contributed \$806,155 to fully fund the installation of traffic signals at 4 intersections as part of the new NorthLake Mall. Those intersections are: Reames Road / Perimeter Parkway / Mall Driveway; Reames Road / Vance Road / Northlake Centre Parkway; Northlake Centre Parkway / North Driveway; Northlake Centre Parkway / Central Driveway.

Attachment 28
Budget Ordinance

60. Installation of Traffic Signal at NC 49 and Choate Circle Municipal Agreement

Action: Approve a resolution to authorize the Key Business Executive for Transportation to execute a Supplemental Municipal Agreement between the City of Charlotte and the North Carolina Department of Transportation (NCDOT) for the installation of a traffic signal at NC 49 and Choate Circle.

Staff Resource: Liz Babson, Transportation

Explanation

- This supplemental agreement calls for adding an additional traffic signal to the original agreement dated November 18, 2002.
- The original agreement, in the amount of \$1,999,400, was for nine traffic signals along NC 49 from the Buster Boyd Bridge to Moss Road, and from Moss Road to south of Interstate 485.

- The new signal being added to the agreement is at NC 49 and Choate Circle, and will include steel strain poles and video detection.
- The Municipal Agreement provides for the City to perform all work for the project with costs reimbursed by the NCDOT. The new cost of the project is \$2,144,925.
- The format and cost sharing philosophy is consistent with past municipal agreements.

Attachment 29

Resolution

**61. Installation of Video Detection and Loop Replacement
Municipal Agreement on NC51**

Action: Approve a resolution to authorize the Key Business Executive for Transportation to execute a Municipal Agreement between the City of Charlotte and the North Carolina Department of Transportation (NCDOT) for the installation of traffic signal video detection and loop replacement on NC 51 in Charlotte.

Staff Resource: Liz Babson, Transportation

Explanation

- This agreement between the City and the North Carolina Department of Transportation calls for the installation of traffic signal video detection and loop replacement on NC 51 (Pineville-Matthews Road) in Charlotte.
- These improvements will facilitate the movement of traffic on Pineville-Matthews Road.
- The Municipal Agreement provides for the City to perform all work for the project with costs reimbursed by the NCDOT. The new cost of the project is \$160,000.
- The format and cost sharing philosophy is consistent with past municipal agreements.

Attachment 30

Resolution

**62. Installation of Video Detection and Loop Replacement
Municipal Agreement on US74**

Action: Approve a resolution to authorize the Key Business Executive for Transportation to execute a Municipal Agreement between the City of Charlotte and the North Carolina Department of Transportation (NCDOT) for the installation of traffic signal video detection and loop replacement on US 74 in Charlotte.

Staff Resource: Liz Babson, Transportation

Explanation

- This agreement between the City and the North Carolina Department of Transportation calls for the installation of traffic signal video detection and loop replacement on US 74 (Wilkinson Boulevard) in Charlotte.
- These improvements will facilitate the movement of traffic on Wilkinson Boulevard.
- The Municipal Agreement provides for the City to perform all work for the project with costs reimbursed by the NCDOT. The new cost of the project is \$115,000.
- The format and cost sharing philosophy is consistent with past municipal agreements.

Attachment 31
Resolution

63. Construction Improvements at I-85 Service Road and Sugar Creek Road Municipal Agreement

Action: Approve a resolution to authorize the Key Business Executive for Transportation to execute a Municipal Agreement between the City of Charlotte and the North Carolina Department of Transportation (NCDOT) for construction improvements at the intersection of I-85 Service Road and Sugar Creek Road.

Staff Resource: Leon Howe, Transportation

Explanation

- This Congestion Mitigation and Air Quality (CMAQ) Agreement is for construction improvements at the intersection of I-85 Service Road and Sugar Creek Road.
- The project consists of the construction of a right-turn lane on east bound I-85 Service Road onto south bound Sugar Creek Road.
- The Municipal Agreement provides for the City to perform all work for the project with costs partially reimbursed by the NCDOT.
- NCDOT will reimburse the City eighty percent (80%) of the approved eligible costs, up to the maximum federal amount of \$560,000.
- The format and cost sharing philosophy is consistent with past municipal agreements.

Attachment 32
Resolution

64. Construction Improvements at Independence Boulevard and Harris Boulevard Municipal Agreement

Action: Adopt a resolution to authorize the Key Business Executive for Transportation to execute a Municipal Agreement between the City of Charlotte and the North Carolina Department of Transportation (NCDOT) for construction improvements at the intersection of Independence Boulevard and Harris Boulevard in Charlotte.

Staff Resource: Leon Howe, Transportation

Explanation

- This Congestion Mitigation and Air Quality (CMAQ) Agreement is for construction improvements at the intersection of Independence Boulevard and Harris Boulevard in Charlotte.
- The project consists of the construction of a right-turn lane from westbound Independence Boulevard to northbound Harris Boulevard.
- The Municipal Agreement provides for the City to perform all work for the project with costs partially reimbursed by the NCDOT.
- NCDOT will reimburse the City eighty percent (80%) of the approved eligible costs, up to the maximum federal amount of \$560,000.
- The format and cost sharing philosophy is consistent with past municipal agreements.

Attachment 33

Resolution

65. Electronic and Public Auctions for Disposal of Equipment

Action: Declare specific vehicles, equipment, various parts and supplies and other miscellaneous items as surplus and approve a resolution authorizing them for sale by electronic auction August 30 through September 7, 2004 and by public auctions September 18 and 25, 2004 and October 27, 2004.

Staff Resource: Susan Johnson, Business Support Services

Explanation

- Pursuant to North Carolina G.S. 160A-270(b) approval is requested for an electronic auction and three public auctions as follows:
 - On August 30, 2004 at 8:00 a.m. through September 7, 2004 at 4:00 p.m. to dispose of designated City owned property (attachment) declared as surplus utilizing the electronic auction method.

- On September 18, 2004 at 10:00 a.m. to dispose of designated City owned property (attachment) declared as surplus at the City-County Surplus Property facility located at 3301 Rotary Drive, Charlotte, North Carolina.
- On September 25, 2004 at 10:00 a.m. to dispose of Police unclaimed property at the City-County Surplus Property facility located at 3301 Rotary Drive, Charlotte, North Carolina.
- On October 27, 2004 at 10:00 a.m. to dispose of miscellaneous office furniture and technology related goods (attachment) at the City-County Surplus Property facility located at 3301 Rotary Drive, Charlotte, North Carolina.

Background

- The city selected the method of public auction for disposal of surplus items by using an auction service chosen through competitive bids. The process was developed in the interest of fairness and is economical in its cost and time savings.
- The electronic auction will be directed by the City's contract auction company, Rogers Realty and Auction Company on their website (www.rogersrealty.com). The current contract with Rogers Realty and Auction Company provides a fee of \$400 per auction for the use of their website and an administrative fee per auction based on the number of units being sold (\$1,000 for any amount up to 25 units plus \$250 for each additional 25 units).
- A minimum of 80% of the average price like units have sold for at public auction will be set for each unit. Any units that are not sold electronically will be placed in the September 18, 2004 public auction.
- The auction company will be compensated for the sale through auction proceeds.
 - For rolling stock equipment, they will receive 8.50% of the gross total sale price;
 - For unclaimed police property, they will receive 15% of the total gross sale price; and
 - For miscellaneous items, they will receive 12% of the gross total sale price.

Attachment 34

Resolution

Lists of property to be declared as surplus

66. Order of Collection for Tax Office

Action: Adopt a resolution authorizing Mecklenburg County Tax Collector to collect property and other taxes for the City of Charlotte for FY2005

Staff Resource: Greg Gaskins

Explanation

- North Carolina General Statutes requires that City Council must “authorize, empower and command” the Mecklenburg County Tax Collector to collect property tax and other taxes for the City for the fiscal year.
- Tax bills are sent to property owners beginning in September.
- Automobile property taxes are billed on a monthly basis according to the date a vehicle is registered.
- Tax bills include a levy on real and personal property, automobile license fees and solid waste fees.

Attachment 35

Resolution

67. Property Transactions

Action: Approve the following property acquisitions (A-D) and adopt the condemnation resolutions (E-M).

NOTE: Condemnation Resolutions are on file in the City Clerk’s Office.

Acquisitions

- A. Project:** SCIP Woodlawn Road 16-inch Water Main (South Boulevard to Nations Crossing), Parcel #1, 2, 3
Owner(s): Terry Young & Associates
Property Address: 101, 111 and 131 East Woodlawn Road
Property to be acquired: 57,076 sq.ft. (1.310 ac.) of Temporary Construction Easements
Improvements: None
Landscaping: None
Purchase Price: \$15,000
Remarks: Compensation was established by independent, certified appraisals in the area.
Zoned: B-2
Use: General Business
Tax Code: 149-041-02, 149-041-03, 149-041-04
Tax Value: \$1,697,600
- B. Project:** Herrinwood Neighborhood Improvements, Parcel #503 and 511
Owner(s): Konrad H. Cutter and Wife, Jennifer Cutter
Property Address: 1333 Shamrock Drive
Property to be acquired: 2,773 sq.ft. (.064 ac.) of Storm Drainage Easement, plus 1,070 sq.ft. (.025 ac.) of Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$10,000

Remarks: Compensation was established by an independent, certified appraisal and an appraisal review.

Zoned: R-5

Use: Single Family Residential

Tax Code: 093-092-05

Tax Value: \$66,400

- C. **Project:** Andover Storm Drainage Improvements, Parcel #32
Owner(s): Helen R. Akeley
Property Address: 1500 South Wendover Road
Property to be acquired: 376 sq.ft. (.009 ac.) of Storm Drainage Easement, plus 251 sq.ft. (.006 ac.) of Sidewalk and Utility Easement, plus 2,868 sq.ft. (.066 ac.) of Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$20,225
Remarks: Compensation was established by an independent, appraisal and an appraisal review.
Zoned: R-3
Use: Single Family Residential
Tax Code: 181-061-22
Tax Value: \$432,200
- D. **Project:** Andover Storm Drainage Improvements, Parcel # 10,
Owner(s): Stanley C. Archibald, III and Any Other Parties of Interest
Property Address: 2235 Vernon Drive
Property to be acquired: Total Combined Area of 4,492 sq.ft. (.103 ac.) of Storm Drainage Easement plus Utility Easement plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$15,000
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-3
Use: Single Family Residential
Tax Code: 181-072-02
Tax Value: \$492,400

Condemnations

- E. **Project:** CDOT Street Maintenance Facility, Parcel # 1
Owner(s): BASF Corporation and Any Other Parties of Interest
Property Address: 4147 Pompano Road, Northpointe Industrial Boulevard, and Oakdale Road
Property to be acquired: 881,654 sq.ft. (20.240 ac.) of Fee Simple
Improvements: None
Landscaping: None

Purchase Price: \$765,775

Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.

Zoned: I-2

Use: Vacant

Tax Code: 039-101-01; 08; 09; 039-211-12; 14

Tax Value: \$756,900

Background information on the Street Maintenance Facility will be included in the Friday, August 20th Council-Manager Memorandum.

- F. Project:** McAlpine Creek Relief Sewer, Parcel # 88A
Owner(s): 9101 Monroe Road LLC and Any Other Parties of Interest
Property Address: 9101 Monroe Road
Property to be acquired: 22,109 sq.ft. (.508 ac.) of Permanent Easement plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$12,950
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: I-1
Use: Commercial
Tax Code: 193-091-08
Tax Value: \$14,832,400
- G. Project:** Addison/Deveron Storm Drainage Improvements, Parcel # 19
Owner(s): Bruce Cohen and Any Other Parties of Interest
Property Address: 546 Nottingham Drive
Property to be acquired: Total Combined Area of 11,611 sq.ft. (.267 ac.) of Storm Drainage Easement plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$2,425
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-3
Use: Single Family Residential
Tax Code: 185-142-09
Tax Value: \$195,300
- H. Project:** Hickory Grove Road Widening, Parcel # 87
Owner(s): DKS Properties LLC and Any Other Parties of Interest
Property Address: 7115 East W.T. Harris Boulevard
Property to be acquired: Total Combined Area of 7,693 sq.ft. (.177 ac.) of Fee Simple, plus Utility Easement, plus Temporary Construction Easement

Improvements: Sign, Light Poles

Landscaping: Trees and Shrubs

Purchase Price: \$99,825

Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. This parcel was settled, but is now reverting to a condemnation because the closing attorney was unable to obtain the required release from Eckerd's and Wachovia (tenant and lender respectively).

Zoned: B-1 (CD)

Use: Business

Tax Code: 109-011-13

Tax Value: \$1,901,800

- I. Project:** Smallwood/Eleanore Heights Neighborhood Improvements, Parcel # 121
Owner(s): Countrywide Home Loans Inc. and Any Other Parties of Interest
Property Address: 800 Seldon Drive
Property to be acquired: 40 sq.ft. (.001 ac.) of Sidewalk and Utility Easement
Improvements: None
Landscaping: None
Purchase Price: \$25
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-5
Use: Single Family Residential
Tax Code: 069-051-13
Tax Value: \$47,600
- J. Project:** Park South Drive Sidewalk Project, Parcel # 7,
Owner(s): Frank B. Aycock, III and Helen P. Aycock and Any Other Parties of Interest
Property Address: 6501 Park South Drive
Property to be acquired: Total Combined Area of 1,836 sq.ft. (.042 ac.) of Storm Drainage Easement plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$4,350
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-3
Use: Single Family Residential
Tax Code: 179-041-32
Tax Value: \$281,200
- K. Project:** NC49/US29 Interchange, Parcel # 61
Owner(s): Clubview Apartments Inc. and Any Other Parties of Interest

Property Address: 7628 North Tryon Street
Property to be acquired: 17,592 sq.ft. (.404 ac.) of Fee Simple plus Permanent Utility Easement, plus Permanent Storm Drainage Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$97,200
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: B-2
Use: Office
Tax Code: 049-241-01
Tax Value: \$376,160

- L. Project:** Silver Stream/Windyrush Area CIP, Parcel # 26
Owner(s): Abbas Maroofi and Any Other Parties of Interest
Property Address: 7526 Swansrun Road
Property to be acquired: 3,708 sq.ft. (.085 ac.) of Storm Drainage Easement plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$1,550
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-12 MF
Use: Multi-Family
Tax Code: 211-541-06
Tax Value: \$520,300
- M. Project:** Andover Storm Drainage Improvements, Parcel # 13,
Owner(s): Billie T. Reid and Any Other Parties of Interest
Property Address: 1419 South Wendover Road
Property to be acquired: Total Combined Area of 2,095 sq.ft. (.048 ac.) of Permanent Storm Drainage Easement plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$10,238
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-3
Use: Single Family Residential
Tax Code: 181-072-42
Tax Value: \$662,200

68. Meeting Minutes

- Action:** Approve the titles, motions and votes reflected in the Clerk's record as the minutes of:
- June 28, 2004 Business Meeting
 - July 19, 2004 Zoning Meeting