

**Mayor Patrick L. McCrory      Mayor Pro Tem Susan Burgess**

Michael Barnes  
Nancy Carter  
Warren Cooksey  
Andy Dulin  
Anthony Foxx

Patsy Kinsey  
John Lassiter  
James Mitchell, Jr.  
Edwin Peacock III  
Warren Turner

**CITY COUNCIL MEETING**  
**Monday, February 11, 2008**

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In addition to the previously advertised public hearing items, Key Businesses have asked that the time sensitive items listed below not be deferred.

<b>Item #</b>	<b>Page #</b>	<b>Title</b>
9	8	Scaleybark Redevelopment
18	16	Pedestrian Bridge for Lynx Blue Line at Charlotte Transportation Center
19	17	Ticket Vending Machines and Parts Amendment for Lynx Blue Line

**CITY COUNCIL AGENDA**  
**Monday, February 11, 2008**

**TABLE OF CONTENTS**

<u>Item No.</u>		<u>Page No.</u>	<u>Attachment No.</u>
<b>5:00 P.M. Dinner Briefing</b>			
<b>Conference Center</b>			
1.	Mayor and Council Consent Item Questions	1	
2.	North Corridor Commuter Rail Engineering Services Contract	1	
3.	Non-Residential Building Code – Session Law 2007-414 (Formerly Senate Bill 556)	2	
4.	Answers to Mayor and Council Consent Item Questions	2	
<b>7:00 P.M. Awards and Recognitions</b>			
<b>Meeting Chamber</b>			
<b>Consent</b>			
5.	Consent agenda items 16 through 27 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.	3	
<b>Public Hearing</b>			
6.	Public Hearings on Voluntary Annexations	4	1
<b>Zoning</b>			
7.	Rezoning Petition 2007-142	6	2
<b>Policy</b>			
8.	City Manager’s Report	7	
<b>Business</b>			
9.	Scaleybark Redevelopment	8	3

<u>Item No.</u>		<u>Page No.</u>	<u>Attachment No.</u>
10.	Poindexter Crossing Infrastructure Agreement	9	
11.	University City Municipal Service District Expansion	10	4
12.	Appointments to Boards and Commissions	11	5
13.	Nominations to Boards and Commissions	11	6-9
14.	Closed Session	12	
15.	Mayor and Council Topics	12	
<b>Consent I</b>			
16.	Various Bids	13	
	A. Water Meters	13	
	B. FY08 Sanitary Sewer Repairs	14	
	C. Construction Equipment	14	
<b>Consent II</b>			
17.	Pavement Condition Survey	16	
18.	Pedestrian Bridge for Lynx Blue Line at Charlotte Transportation Center	16	
19.	Ticket Vending Machines and Parts Amendments for Lynx Blue Line	17	
20.	Airport Runway Utilities Relocation	18	
21.	West Water Main Professional Services	19	10
22.	Vest Water Treatment Plant Building Rehabilitation Professional Design Services	20	
23.	Median Maintenance Landscaping Services	21	11
24.	Median Maintenance Landscape Services Renewals	22	11

<b><u>Item No.</u></b>		<b><u>Page No.</u></b>	<b><u>Attachment No.</u></b>
<b>25.</b>	Grounds Maintenance Services	24	12
<b>26.</b>	Grounds Maintenance Services Renewals	25	12
<b>27.</b>	Property Transactions	27	
<b>28.</b>	Meeting Minutes	27	

## 5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

### 1. Mayor & Council Consent Item Questions

**Resource:** Curt Walton, City Manager

**Time:** 5 minutes

#### Synopsis

- Mayor and Council may ask questions about Consent I and Consent II agenda items. Staff will address as many questions as possible at the end of the dinner meeting.

### 2. North Corridor Commuter Rail Engineering Services Contract

**Resources:** Keith Parker, Charlotte Area Transit System  
David Carol, Charlotte Area Transit System

**Time:** 45 minutes

#### Synopsis

- In July 2007 the Metropolitan Transit Commission directed CATS to advance engineering on the North Corridor Commuter Rail Project in order to:
  - Refine the project cost estimate
  - Advise Charlotte, Mecklenburg County and the participating Towns of the amount of local funding required of them to complete the project
  - Advance planning and scheduling of the work to be undertaken by the Norfolk Southern Railroad, owner of the rail line
- CATS completed a competitive procurement for engineering services during the Fall 2007. An evaluation team selected HDR Engineering, Inc., of the Carolinas (HDR) as the most qualified firm for the work. This agreement would be structured as a task assigned contract. As a result, the engineering services assigned to HDR will be undertaken only as required to timely advance project components.
- CATS will update the City Council on the contract and the project status. Representatives from Huntersville, Cornelius and Davidson may attend and wish to offer comment.

#### Future Action

The HDR agreement will be on the February 25, 2008 meeting agenda.

### 3. Non-Residential Building Code

**Resources:** Stanley Watkins, Neighborhood Development  
Walter Abernethy, Neighborhood Development

**Time:** 15 Minutes

#### Synopsis

- On August 21, 2007 the Governor signed into law a bill giving municipalities the authority to adopt minimum standards for non-residential buildings and structures.
- The new legislation is intended to help North Carolina towns and cities address dilapidated and unsafe conditions associated with abandoned and occupied commercial structures.
- The adoption of a non-residential ordinance may have merit in the City of Charlotte as it would provide a tool to address dilapidated commercial and industrial buildings located along some of our commercial corridors and in neighborhoods.
- City staff proposes to undertake a study on the development of a non-residential ordinance. In addition, a stakeholders group appointed by the City Manager will be formed to discuss the establishment of a non-residential ordinance in the City of Charlotte.
- The stakeholders group will include representatives from the Chamber of Commerce, commercial real estate and management, public safety, neighborhoods and other interested parties. Staff anticipates it will take less than six months for the group to complete its work.
- The proposed outcome from the study and stakeholders process is definitive recommendations concerning scope, minimum standards of fitness and enforcement parameters for a non-residential ordinance.
- Adoption of a non-residential ordinance is expected to have an impact on the City's budget and Code Enforcement operations.

#### Next Steps

- With City Council concurrence, staff will proceed with the following:
  - Conduct a study on developing a non-residential ordinance
  - Establish and oversee a City Manager appointed stakeholders group to review the study and provide a recommendation on the establishment of a non-residential ordinance
  - Refer the study and the stakeholders' recommendations to the Housing and Neighborhood Development Committee

### 4. Answers to Mayor & Council Consent Item Questions

**Resource:** Curt Walton, City Manager

**Time:** 10 minutes

#### Synopsis

- Staff response to questions from the beginning of the dinner meeting.

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

**CONSENT**

- 5. Consent agenda items 16 through 27 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

### 6. Public Hearings on Voluntary Annexations

- Actions:**
- A. Hold a public hearing for the Gallant Lane voluntary annexation petition,**
  - B. Hold a public hearing for the Flat Branch Park voluntary annexation petition,**
  - C. Hold a public hearing for the Burnt Umber voluntary annexation petition,**
  - D. Hold a public hearing for the Reedy Creek Park II voluntary annexation petition,**
  - E. Hold a public hearing for the Hucks Road Park voluntary annexation petition,**
  - F. Hold a public hearing for the Beatties Ford/I-485 voluntary annexation petition,**
  - G. Hold a public hearing for the Winget Road voluntary annexation petition,**
  - H. Hold a public hearing for the voluntary annexation of the City-owned Mallard Creek wastewater treatment plant property, and**
  - I. Adopt ordinances with an effective date of February 11, 2008 to extend the corporate limits to include these properties.**

**Staff Resource:** Jonathan Wells, Planning

**Policy:**

City Annexation Policy and State Annexation Statutes

**Explanation**

- The purpose of the public hearings is to obtain community input on the proposed voluntary annexations.
- Voluntary annexation petitions were submitted for seven County-owned tracts immediately adjacent to the current City boundaries, consisting of:
  - Gallant Lane, located off Brown Grier Road in Steele Creek area (currently unimproved land)
  - Flat Branch Park, located along Ardrey Kell and Tom Short Roads in south Mecklenburg County (currently unimproved land)
  - Burnt Umber, located south of Plaza Road extension (currently unimproved land)
  - Reedy Creek Park II, which is a portion of Reedy Creek Park along Plaza Road extension (currently unimproved land)

- Hucks Road Park, located on the south side of Hucks Road east of NC115 (currently unimproved land)
- Beatties Ford/I-485, located north of future I-485 west of Beatties Ford Road (currently unimproved land)
- Winget Road, located off Winget Road in the Steele Creek area (currently developed with a park and an elementary school).
- In addition, Planning proposes to annex the City-owned Mallard Creek wastewater treatment plant property off North Tryon Street (also immediately adjacent to the current City boundary) to enable more orderly future annexation in this portion of Charlotte's extraterritorial jurisdiction.
- Annexation ordinances establish effective annexation date of February 11, 2008 for all of these properties.

**Consistent with City Council Policies**

- Annexations are consistent with voluntary annexation policies approved on March 24, 2003.
- Annexations will not adversely affect the City's ability to undertake future annexations.
- Annexations will not negatively impact City finances or services.
- Annexations will not result in situation where unincorporated areas will be encompassed by new City limits.

**Attachment 1**

Annexation Ordinances

Maps

## ZONING

### 7. Rezoning Petition 2007-142

**Action:** Render a decision on proposed rezoning 2007-142 by The Boulevard Company, for a change from O-2, office to MUDD-O, mixed use development district, optional for approximately 0.39 acres located on the south side of the intersection of Kenilworth Avenue, Scott Avenue and Romany Road.

**Staff Resource:** Tammie Keplinger, Planning

#### **Explanation**

- The decision on this petition was deferred from January 22 to February 11 to allow time to receive input on the elevations from the Dilworth Community Development Association Land Use Committee.
- The Zoning Committee voted unanimously to recommend approval of this petition based upon the petitioner meeting the following conditions:
  - Submittal of revised plans that provide additional detail of the streetscapes and garage screening
  - Limiting the height of the building to 50 feet and submit revised building elevations. The Dilworth Community Development Association must be allowed to review the revised elevations prior to submittal
  - Placing the underground parking below the surface parking with as much as five feet of the parking structure protruding above grade
  - Total square footage will not exceed 30,000 square feet
  - Trash storage and handling will be within the underground parking structure

#### **Attachment 2**

Zoning Committee Recommendation  
Staff Analysis  
Vicinity Map  
Site Map

## **POLICY**

### **8. City Manager's Report**

## BUSINESS

### 9. Scaleybark Redevelopment

**Action:** Adopt a resolution approving amendment #4 to the Purchase and Sale Agreement with Scaleybark Partners, LLC that reduces the sale price by \$1.8 million due to soil conditions and extends by 12 months the requirement to construct an open space.

**Staff Resource:** Tom Flynn, Economic Development Office  
Bob Hagemann, City Attorney's Office  
Tina Votaw, CATS

#### Explanation

- In June 2007 City Council approved a Purchase and Sale Agreement (PSA) with Scaleybark Partners, LLC (Buyer) for the sale of approximately 16 acres of land along South Boulevard. Subsequent to the initial approval, Council approved Amendments to the PSA, which extended the Buyer's Examination Period to February 15, 2008 and the Closing Date was adjusted to February 29, 2008. In the existing contract, the Buyer's payment is \$6,985,000.
- As part of their due diligence, Scaleybark Partners conducted extensive analysis of the soils on the site. This analysis revealed challenging soil conditions that will require more costly building foundations than could have been reasonably expected by the developer.
- City staff and the City's engineering consultant have reviewed this analysis and agreed that the soil conditions are worse than could have been reasonably anticipated.
- Scaleybark Partners initially estimated that it will cost approximately \$3.5 million extra to engineer around and otherwise deal with the soil conditions. After review of the cost information, and negotiating with Scaleybark Partners, City staff recommends reducing the purchase price by \$1.8 million (\$1.5 million net present value). Staff believes that this is a fair allocation of the extra costs that the developer will incur due to the unanticipated soil conditions.
- In light of the drought conditions, this Amendment also provides an extension of 12 months to construct the open space. This extension will also ensure that the open space is built in an appropriate permanent location.
- Approval of this Amendment will result in the closing of this transaction by February 29, 2008.
- If this Amendment is approved, the Buyer's payment will be \$5.185 million, to be paid according to the following schedule:

<b>Existing \$6,985,000 Sale Agreement</b>	<b>Proposed \$5,185,000 Sale Agreement</b>
\$1,397,000 at closing, plus \$500,000 for reimbursement for the cost of the temporary Park and Ride	\$1,397,000 at closing, plus \$500,000 for reimbursement for cost of the temporary Park and Ride
\$3,324,500 on or before February 15, 2009	\$3,324,500 within one year of closing
\$604,500 on or before February 15, 2010	\$463,500 within two years of closing
\$1,659,000 on or before February 15, 2011	

**Attachment 3**  
Resolution

## 10. Poindexter Crossing Infrastructure Agreement

**Action:** Authorize City Manager to negotiate and execute an Infrastructure Agreement with Colonial Properties and Citiline Resortline to construct the Poindexter Crossing, with City funding 2/3 of the crossing costs up to a maximum of \$800,000 through South Corridor Infrastructure Program (SCIP) Funds.

**Staff Resource:** Tom Warshauer, Economic Development

### Policy

2002 Transit Station Area Principles and Draft New Bern Station Area Plan

### Explanation

- The New Bern Station Area Plan calls for a new at-grade crossing of the Lynx Light Rail Line at Poindexter, connecting South Boulevard to Youngblood, and the extension north of Griffith.
- Staff has been working with two developers, Colonial Properties Trust and Citiline Resortline, on 13 acres of Transit Oriented Development that would enable the connectivity of the Poindexter and Griffith extensions to occur.
- The two developments include 850 residential units and 96,000 square feet of office/commercial valued at \$164 million.
- The costs of the land and construction to extend Poindexter exceed \$5.5 million, the light rail crossing alone is estimated at \$900,000 - \$1,200,000.
- Staff recommends the City provide 2/3 of the costs of the crossing to a maximum of \$800,000 utilizing South Corridor Infrastructure Program (SCIP) Funds, for the following reasons:
  - Improves connectivity in the New Bern Station Area
  - Promotes quality transit oriented development
  - Developer paying 85% of total Poindexter costs
  - Crossing will not happen without City assistance
- Completed project would return City investment in 1.1 years.
- The balance in the SCIP Fund set aside for public-private partnerships is approximately \$1.8 million.
- During construction there will be minimum impact on light rail operations.
- On January 28 City Council received a briefing on Poindexter Crossing.

### Funding

South Corridor Infrastructure Program Fund

## 11. University City Municipal Service District Expansion

- Action:**
- A. Authorize staff to prepare a report pursuant to GS 160A-538(c) concerning the extension of the University City Municipal Service District (UCMSD), and**
  - B. Designate Brad Richardson in the Economic Development Office to mail public hearing notices for the proposed additional parcels within the University City Municipal Service District.**

**Staff Resource:** Brad Richardson, Economic Development

### Explanation

- University City Partners (UCP) requests that the UCMSD be extended effective July 1, 2008. To meet this request and the required statutory guidelines, staff proposes the following process for considering the district expansion:

Action	Date
Council action to prepare MSD report	February 11, 2008
City notifies affected property owners about MSD	March 2008
City staff finalizes and distributes MSD report	March 2008
Council conducts public hearing	April 2008
Council resolution to extend the MSD	May 2008
Council approves MSD contract with University City Partners	June 2008

- Since its inception in 2003, UCP has focused on transportation and land use planning in University City, most recently completing the University City Area Plan approved by Council in 2007. UCP has also focused on better marketing and branding of University City.
- The timing of this process is designed to coincide with the FY2009-FY2010 budget process as the MSD tax rates and revenues must be included in the total City budget estimates.
- The City is required to prepare the MSD report before conducting the public hearing. This report will document proposed district boundaries, tax rate and plan for providing services. Upon completion, this report will be distributed to Council and key stakeholders. It will also be available through the City Clerk's Office and the City's Internet site.
- State law also requires Council to designate a person to mail notices of the public hearing to the property owners and certify to Council that the mailing has been completed.

### Background

- State law allows cities to create municipal service districts (MSDs) to promote economic development and/or provide services at a higher level in the district than provided for the entire city.

- MSDs are funded through an assessment on all property owners within the district boundaries. All of the money raised by the MSD assessment must be spent on district enhancement programs.

**Attachment 4**

Map of Proposed Extension

## 12. Appointments to Boards and Commissions

**Action: Vote on blue paper ballots and give to the City Clerk at dinner.**

**A. TRANSIT SERVICES ADVISORY COMMITTEE**

- One appointment for a local service passenger of Charlotte transit for an unexpired term beginning immediately and ending January 31, 2010.
  - Anthony Wesley
  - Terry Lansdell

**Attachment 5**

Applications

## 13. Nominations to Boards and Commissions

**Action: Nominate citizens to serve as specified.**

**A. BICYCLE ADVISORY COMMITTEE**

- One appointment for an unexpired term beginning immediately and ending December 2009.
  - William Alford failed to meet the attendance requirement
- One appointment for an unexpired term beginning immediately and ending December 2009.
  - D.C. Lucchesi failed to meet the attendance requirement

**Attachment 6**

Applications

**B. CITIZENS' REVIEW BOARD**

- One appointment for an unexpired term beginning immediately and ending July 2009.
  - Jeannie F. Lee missed three meetings due to hospitalizations. Ms. Lee missed the 65% attendance requirement for 2007. She is now better and would like to be reappointed.

**Attachment 7**

Applications

**C. KEEP CHARLOTTE BEAUTIFUL COMMITTEE**

- One appointment for an unexpired term beginning immediately and ending June 2010.
  - Eugene Goldberg failed to meet the attendance requirement.
- One appointment for an unexpired term beginning immediately and ending June 2010.

- Shaun Kruse failed to meet the attendance requirement.

### **Attachment 8**

Applications

#### **D. TRANSIT SERVICES ADVISORY COMMITTEE**

- One appointment for an Express Service Passenger for a three year term beginning immediately and ending January 2011.
  - Charles R. Wheelless does not want to be reappointed.
- One appointment for a Local or Express Service Passenger for a three year term beginning immediately and ending January 2011.
  - Marshall Grier failed to meet the attendance requirement.

### **Attachment 9**

Applications

## **14. Closed Session**

**Action: Adopt a motion pursuant to NCGS 143-318.11(a)(5) to go into closed session to establish, or to instruct staff or negotiating agents concerning the position to be taken by or on behalf of the City Council in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange or lease.**

## **15. Mayor and Council Topics**

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. Water Meters

**BSS**

**Staff Resource:** Aubrey Miller  
Doug Bean

#### **Action**

Award the low bid, unit price contracts to provide various size water meters for a term of one year and authorize the City Manager to renew the contracts for two additional one year terms for the following vendors:

- Badger Meter, of Milwaukee, Wisconsin for an estimated yearly amount of \$1,657,242.17. (\$1,379,256.85 for new meters and \$277,985.32 for the Badger Brand Electronic Radio Transmitter (ERT) & Registers only)
- Miller Supply, of Laurinburg, NC for the estimated yearly amount of \$363,988. (Elster Amco Brand ERT & Registers only)
- Mainline Supply, of Charlotte, North Carolina for the estimated yearly amount of \$452,692. (Hersey Brand ERT & Registers only)

- HD Supply, of Pineville, North Carolina for the estimated yearly amount of \$556,400. (Neptune Brand ERT & Registers only)

**Small Business Opportunity**

No SBE goals are established for purchases of goods and equipment due to limited opportunities for subcontracting. (Appendix Section 18 of the SBO Policy)

**B. FY08 Sanitary Sewer Repairs**

**CMU**

**Staff Resource:** Doug Bean

**Action**

Award the low bid of \$489,900.60 by Atlantic Coast Contractors, Inc., Denver, North Carolina for repair of existing sanitary sewer mains throughout Mecklenburg County. Authorize the City Manager to renew the contract for three additional one year terms.

**Small Business Opportunity**

Established SBE Goal: 6%

Committed SBE Goal: 6.18%

Atlantic Coast Contractors committed \$30,288 of the total contract amount to the following SBE firms: Cover All Paving & Seal Coating, The Carolina Landworks, The Huffstetler Group, Inc., Victor Melton Construction, Roberts Enterprises, Inc. of NC, Boyle Consulting Engineers, PLCC.

**C. Construction Equipment**

**Various City Depts.**

**Staff Resource:** Chuck Robinson  
Charles Erwin

**Action**

Award unit price contracts to various vendors for low bid Items #1 through #9 as stated below for the term of one year and authorize the City Manager to renew each contract for two additional one year terms. The contracts established may be used by any City Key Business unit. The total anticipated expenditure is \$941,672.28

<b>Item</b>	<b>Description, Vendor Awarded</b>	<b>Low Bid Unit Amount</b>	<b>Qty.</b>
1.	Track Hoe Excavator Reliable Tractor dba Stafford – Charlotte, NC	\$88,146.00	1
2.	Portable Air Compressor Neff Rental, Inc. – Charlotte, NC	\$17,189.00	4
3.	Trailer Mounted Centrifugal Water Pump Neff Rental, Inc. – Charlotte, NC	\$21,717.00	3
4.	Sewer Pipe Cleaning Machine, Trailer Mounted Jet Vac Sewer Equipment Co. – Sumter, SC	\$28,797.00	3

Item	Description, Vendor Awarded	Low Bid Unit Amount	Qty.
5.	Sewer Jetter, Trailer Mounted Jet Vac Sewer Equipment Co. – Sumter, SC	\$30,400.14	2
6.	Vactor Ramjet Sewer Cleaner Jet Vac Sewer Equipment Co. – Sumter, SC	\$139,729.00	2
7.	Mini-Excavator Reliable Tractor dba Stafford – Charlotte, NC	\$66,427.00	2
8.	Trailers, Flat Bed, 15 Ton Kraftsman, Inc. – Ramseur, NC	\$12,210.00	4
9.	Street Flush Unit Reliable Tractor dba Stafford – Charlotte, NC	\$111,276.00	1

**Small Business Opportunity**

No SBE goals are established for purchases of goods and equipment due to limited opportunities for subcontracting (Appendix Section 18 of the SBO policy).

## CONSENT II

### 17. Pavement Condition Survey

**Action:** Approve a contract with US Infrastructure of Carolina, Inc. for \$200,000 to conduct a pavement condition survey.

**Staff Resource:** Layton Lamb, Transportation

#### Explanation

- Every two years Street Maintenance contracts with a private firm to provide an evaluation of the condition of Charlotte streets for the purpose of prioritizing the re-paving schedule. The last survey was conducted in 2005. During 2007 staff delayed the survey to review options for how the survey could be done. The methodology for rating the streets will not change.
- The performance target for street pavement condition is a rating of 90.
- The contract with US Infrastructure of Carolinas (USI) will provide:
  - Objective evaluation of the condition of Charlotte streets by rating the existence and extent of various types of pavement distress
  - Recommended maintenance activities and estimated repair costs
  - Update existing inventory of curb, gutter and sidewalk location
- The contract will cover the entire City.
- The survey results will be complete in July 2008.
- The Council approved selection process for professional service contracts was followed.

#### Small Business Opportunity

The City negotiated an SBE goal with USI after the proposal selection process. (Part C: Section 2.2 of the SBO Policy). USI committed 15.96% of the total contract amount to the following SBE firm: Collins & Baker Engineering, PA.

#### Funding

Powell Bill Street Maintenance Fund

### 18. Pedestrian Bridge for Lynx Blue Line at Charlotte Transportation Center

**Action:** Authorize the CATS CEO to execute a contract with Morlando-Holden to complete construction of a pedestrian bridge for the low bid amount of \$158,300. This contract provides for the construction of a pedestrian bridge connecting the Epicentre development on Trade Street to the LYNX Blue Line station at the Charlotte Transportation Center/Arena station.

**Staff Resource:** John Muth, Charlotte Area Transit System  
Tom Livingston, Charlotte Area Transit System

#### Policy

Centers and Corridors, Transportation and Economic Development Initiatives

**Explanation**

- On April 23, 2007 Council approved an amendment for an amount not to exceed \$225,000 to Archer Western's Station Finishes contract to construct the Epicentre pedestrian bridge.
- Archer Western was able to order some of the materials and to construct a bridge pier before the project was placed on hold pending resolution of permitting issues on the part of the private developer (Epicentre project). At that point, rather than incur delay costs to Archer Western, staff deleted the remaining work from the Archer Western contract and created a separate contract to complete the pedestrian bridge. The work completed to date by Archer Western is estimated at \$100,000 - \$120,000.
- Bids for completing the construction of the pedestrian bridge were received from three contractors on January 31 2008.
- The Morlando-Holden low bid of \$158,300 to complete construction coupled with the work already completed by Archer Western means the total cost of the pedestrian bridge will be between \$258,300 and \$278,300. Although this total is about \$35,000 to \$55,000 more than the original amount approved by Council, this is offset by the avoidance of delay costs that would have been incurred had Archer Western completed the work.
- Following approval by Council, Notice to Proceed will be issued on February 13th, with the targeted project completion scheduled for March 11, 2008.

**Small Business Opportunity**

Under the revised SBO Policy, construction contracts under \$200,000 are considered informal with regard to the SBE subcontracting goal setting process, therefore exempt from establishing an SBE goal (Appendix Section 29.1 of the SBO Policy). No SBEs submitted a bid for this contract.

**Funding**

Transit Capital Investment Plan

## 19. Ticket Vending Machines & Parts Amendments for Lynx Blue Line

- |                |   |
|----------------|---|
| <b>Action:</b> | <p><b>A. Authorize the City Manager to exercise a contract option in an amount not to exceed \$572,398.20 with ACS Transport Solutions, Inc. (ACS) for the purchase of up to 10 additional ticket vending machines (TVMs) for use along the Lynx Blue Line, and</b></p> <p><b>B. Approve a contract amendment for \$139,720.82 with ACS to purchase an inventory of spare parts for the TVMs used along the Lynx Blue Line.</b></p> |
|----------------|---|

**Staff Resource:** Keith Parker, Charlotte Area Transit System  
Mike Nail, Charlotte Area Transit System

**Ticket Vending Machines Purchase**

- City Council authorized a contract with ACS Transport Solutions, Inc. (ACS) for the provision and installation of TVMs at stations/platforms

along the Lynx Blue Line in the amount of \$2,125,712.75 on February 21, 2005.

- In response to higher than anticipated traffic volumes, CATS would like to exercise an option in the contract to purchase up to 10 additional ticket vending machines.
- The adjusted unit price of the TVMs is \$57,239.82. The adjusted unit price includes the cost of delivery, installation, the optional debit/credit feature, and software integration installation.
- The contract provides for furnishing, installation and ongoing support of the self-service ticket vending machines located on each station platform.
- After installation and before final acceptance, there is a 90 day warranty period. The 90 day period does not begin until TVM performance issues are resolved.

#### **TVM Spare Parts Inventory Purchase**

- TVM spare parts are costly and order time is substantial. In order to mitigate such monetary and time costs, CATS would like to purchase an inventory of spare parts for the ticket vending machines.
- The spare parts will be held in reserve at the CATS Bus Maintenance Facility and will be used/replenished as needed.
- By purchasing and maintaining its own inventory, CATS will receive a better overall price and be able to repair inoperable ticket vending machines promptly, which will reduce the "down time" of the ticket vending machine.

#### **Disadvantage Business Enterprise Participation**

Established DBE Goal: 10%

Committed DBE Goal: 7.6%

This is an amendment to the original contract awarded by Council dated February 21, 2005. DBEs identified were A.A. Pierce Electrical and Capricorn Systems, Inc.

#### **Funding**

Transit Capital Investment Plan

## **20. Airport Runway Utilities Relocation**

**Action: Approve a contract with Piedmont Natural Gas of Charlotte, North Carolina in the amount of \$275,428.22 to relocate a six-inch gas line for the relocation of Old Dowd Road.**

**Staff Resource:** Jerry Orr, Aviation

#### **Explanation**

- As part of the construction of the third parallel runway the Airport is relocating roads around the facility, one of which is a portion of Old Dowd Road.
- This contract will relocate a six-inch steel gas line owned by Piedmont Natural Gas that runs along existing Old Dowd Road east of I-485.
- This project is funded with a combination of federal grants and proceeds from the 2007 General Airport Revenue Bond, the debt service of which is covered by Passenger Facility Charge revenues.

**Disadvantaged Business Enterprise**

The Federal DBE Program neither requires nor permits goals for every contract. The City must meet its overall goal by using a mix of contract goals and race-neutral means. Because this work must be performed by the utility companies, it is not suitable for DBE participation.

**Funding**

Airport Capital Investment Plan

**21. West Water Main Professional Services**

- Action:**
- A. Adopt a budget ordinance appropriating \$470,500 from water and sewer revenue bonds, and**
  - B. Approve a contract with McKim & Creed Engineers, P.A., in the not-to-exceed amount of \$976,500 for construction administration on the West Water Main project.**

**Staff Resource:** Doug Bean, Utilities

**Explanation**

- The 64-inch West Water Main will connect to the new Southwest Water Main just east of Billy Graham Parkway, and extend eastward approximately 20,000 linear feet, terminating with a connection to the existing 64-inch main in Remount Road at S. Tryon Street.
- Council awarded the design contract to McKim & Creed on November 25, 2002.
- McKim & Creed was selected using the Council-approved selection process.
- The design period was extended due to combining Phase 1 and Phase 2 and to coordinate with the Southwest Water Main construction.
- The construction administration services contract provides:
  - Full-time resident field inspections
  - Engineering consultation and certification
  - Construction phase surveying and staking services
  - Construction materials testing services
- The contract continues McKim and Creed's design work as they are the most knowledgeable about the construction project and the assumption made during design. The price is competitive with similar contracts.

**Budget Ordinance**

- The budget ordinance of \$470,500 is necessary because of a budget shortfall in the project cost center due to higher than anticipated easement acquisition costs, and the addition of construction phase surveying and materials testing services.

**Small Business Opportunity**

Established SBE Goal: 5%

Committed SBE Goal: 43.22%

McKim and Creed committed \$422,000 to the following SBE firm:

Capstone Civil Group

**Funding**

Water Capital Investment Plan

**Attachment 10**  
Budget Ordinance

## 22. Vest Water Treatment Plant Building Rehabilitation Professional Design Services

**Action: Approve a professional services contract with Black & Veatch, Inc., in the not-to-exceed amount of \$166,000 for the Vest Water Treatment Plant building rehabilitation.**

**Staff Resource:** Doug Bean, Utilities

### Explanation

- Contract provides for professional engineering design services for rehabilitation work needed on the Vest Water Treatment Plant filtration building, located at Highway 16 and Beatties Ford Road.
- Work in this project includes repairs for the roof, windows, and masonry and concrete repairs, as well as improvements to the building ventilation for moisture control.
- Black & Veatch, Inc. completed the preliminary engineering report for the needed rehabilitation in 2005 in conjunction with a previous project to upgrade the chemical feed systems, which have been completed.
- This contract provides for the final design and preparation of construction drawings based on the engineering report.
- Black & Veatch, Inc. was selected using the Council-approved qualifications based selection process.
- This contract continues Black & Veatch's work on the engineering report and capitalizes on their knowledge of the project. The price is competitive with similar contracts.

### Small Business Opportunity

No SBE goal was set for this contract because subcontracting opportunities are not anticipated (Part C: Section 2.4 of the SBO Policy).

### Funding

Water Capital Investment Plan

## 23. Median Maintenance for Landscape Services

- Action:** Approve three year contracts for median maintenance landscape services with:
- A. The Byrd's Group, Inc. for West District A in the amount of \$243,709.61,
  - B. The Byrd's Group, Inc. for East District A in the amount of \$427,845.00,
  - C. The Byrd's Group, Inc. for East District B in the amount of \$277,380.84,
  - D. Whitecaps Lawn Care for South District A in the amount of \$162,188.40,
  - E. Whitecaps Lawn Care for South District B in the amount of \$199,544.40, and
  - F. A-1 Services and John Todd Landscaping for West District B in the amount of \$282,914.35.

**Staff Resource:** Ron McMillan, Engineering & Property Management

### Explanation

- Landscape Management competitively selected vendors through a Request for Proposal process.
- These contracts provide for routine maintenance activities including mowing, shrub and bed maintenance and trash removal for medians in six district areas within the City limits: West District A, West District B, East District A, East District B, South District A, and South District B.
- Three firms were selected for the six district areas.
- The contract period for each of these contracts is three years with no renewals.

#### **A. The Byrd's Group, Inc for Area West District A**

West District A is an area bounded by Brookshire Boulevard, Rozzelles Ferry Road, Old Mount Holly Road and the City limits.

- The total contract amount for three years will be \$243,709.61

#### **B. The Byrd's Group, Inc for Area East District A**

East District A is an area bounded by Tryon Street, Highway 29, W.T. Harris Boulevard, and Independence Boulevard.

- The total contract amount for three years will be \$427,845.

#### **C. The Byrd's Group, Inc for Area East District B**

East District B is an area bounded by Highway 29, W.T. Harris Boulevard, Independence Boulevard and the City limits.

- The total contract amount for three years will be \$277,380.84

#### **D. Whitecaps Lawn Care for Area South District A**

South District A is an area bounded by Tryon Street, Morehead Street, York, Tyvola, Fairview, Sharon and Queens Roads.

- The total contract amount for three years will be \$162,188.40

**E. Whitecaps Lawn Care for Area South District B**

South District B is an area bounded by Morehead Street, Queens, Sharon, Fairview, Rama Roads and Independence Boulevard.

- The total contract amount for three years will be \$199,544.40

**F. A-1 Services and John Todd Landscaping for Area West District B**

West District B is an area bounded by Old Mount Holly Road, Rozzelles Ferry Road, South Tryon Street and the City limits.

- The total contract amount for three years will be \$282,914.35

**Small Business Opportunity**

The SBO Office exempted landscaping contracts from SBE subcontracting goals for FY2008 (Part A, Section 4.2 and Appendix Section 23.10 of the SBO Policy). Instead, staff seeks to enhance SBE utilization by issuing smaller contracts so SBEs can participate as primes. Past experience has shown this approach to be more effective with landscape contracts. Contract F is awarded to a SBE, A-1 Services and John Todd Landscaping.

**Funding**

Engineering and Property Management Operating Budget

**Attachment 11**

Map

## 24. Median Maintenance Landscape Services Renewals

**Action:** Approve one year renewals to contracts for median maintenance services with:

- A. The Byrd's Group, Inc. for South District D in the amount of \$75,773.66,
- B. TruGreen Landcare, LLC for South District C in the amount of \$85,816.16,
- C. Whitecaps Lawn Care, Inc for North District A in the amount of \$39,485.48,
- D. The Byrd's Group, Inc. for North District B in the amount of \$100,778.83, and
- E. Authorize the City Manager to approve one, final renewal for North District A and North District B Median Maintenance Contracts, with price adjustment based upon The Consumer Price Index.

**Staff Resource:** Ron McMillan, Engineering & Property Management

**Explanation**

- Landscape Management competitively bid and awarded contracts to the low bidders for item B, C and D.

- Landscape Management solicited for and awarded a contract to the selected vendor using a competitive Request for Proposal process for item A.
- Regular median maintenance activities for these contracts include grass mowing, shrub and bed maintenance and trash removal.
- These renewals are based on good contractor performance using existing and adjusted unit prices.
- The original contract documents allow for renewals up to two times, at the City's option, as an incentive to the contractor for productivity and workmanship.

**A. South District D with The Byrd's Group, Inc.**

- This contract includes nine locations within that district area which is bounded by Independence Boulevard, Carmel Road, Sardis Road, Rama Road, Pineville-Matthews Road and the city limits.
- The original contract for \$71,588.40 was approved on February 21, 2006.
- Renewal #1 for \$72,649.72 was approved on February 8, 2007.
- The total contract amount to date including Renewal #1 and #2 will be \$220,011.78.

**B. South District C with TruGreen Landcare, LLC**

- The contract includes 28 locations within that district area which is bounded by York Road/ Tryon Street, Tyvola Road, Fairview Road, Carmel Road and the city limits.
- The original contract for \$73,626.17 was approved on December 29, 2005.
- Renewal #1 for \$83,151.30 was approved on January 4, 2007.
- The total contract amount to date including Renewal #1 and #2 will be \$242,593.62.

**C. North District A with Whitecaps Lawn Care, Inc.**

- The contract includes 24 locations within that district area which is bounded by North Tryon Street, Sugar Creek, Gibbon, Old Statesville, Sunset, Oakdale and Mount Holly-Huntersville Roads and Brookshire Boulevard/Highway 16.
- The original contract was \$39,485.48.
- The total contract amount to date including Renewal #1 will be \$76,964.50.

**D. North District B with The Byrd's Group, Inc.**

- The contract includes twelve locations within that district area which is bounded by North Tryon Street/University City Boulevard/ NC 49, Sugar Creek Road, Gibbon Road, Old Statesville Road, Sunset Road, Oakdale Road and the city limits.
- The original contract for \$96,624.00 was approved on April 13, 2007.
- The total contract amount to date including Renewal #1 will be \$197,402.83.

**Small Business Opportunity**

The SBO Office exempted landscaping contracts from SBE subcontracting goals for FY2008 (Part A, Section 4.2 and Appendix Section 23.10 of the SBO Policy). Instead, staff seeks to enhance SBE utilization by issuing smaller contracts so SBEs can participate as primes. Past experience has shown this approach to be more effective with landscape contracts.

**Funding**

Engineering and Property Management Operating Budget

**Attachment 11**

Map

**25. Grounds Maintenance Services**

**Action:** Approve a three year contract in the amount of \$140,924.24 with Taylor's Landscaping Service, Inc. for Central District Grounds Maintenance Services.

**Staff Resource:** Quin Hall, Engineering & Property Management

**Explanation:**

- Landscape Management competitively selected this vendor through a Request for Proposal process.
- This contract provides for routine maintenance activities such as grass mowing, shrub and bed maintenance and trash removal at the following locations:
  - Arson Task Force
  - Equipment Service at Sweden Road
  - Landscape Management
  - Northwest Service Center
  - Spratt Street
  - Street Maintenance – Southwest Yard
  - Wilmore Center, Wingate Center
  - Street Maintenance Northwest Operations Facilities.

**Small Business Opportunity**

The SBO Office exempted landscaping contracts from SBE subcontracting goals for FY2008 (Part A, Section 4.2 and Appendix Section 23.10 of the SBO Policy). Instead, staff seeks to enhance SBE utilization by issuing smaller contracts so SBEs can participate as primes. Past experience has shown this approach to be more effective with landscape contracts.

**Funding**

Engineering and Property Management Operating Budget

**Attachment 12**

Map

## 26. Grounds Maintenance Services Renewals

- Action:** Approve the final, one year renewals to contracts A-D for grounds maintenance services and the first, one year renewal for E., Caddell Turf Management, Inc. with authorization for City Manager to approve one additional renewal.
- A. Accolade Designs for the Center City East in the amount of \$56,090.74,
  - B. Caddell Turf Management, Inc. for the Center City West in the amount of \$38,416.99,
  - C. Caddell Turf Management, Inc. for the Government District in the amount of \$78,546.96,
  - D. The Metrolina Landscape Company for the CATS Park and Ride Lots in the amount of \$87,818.93,
  - E. Caddell Turf Management, Inc. for the CATS Maintenance Facilities in the amount of \$48,213.09, and authorize the City Manager to approve one additional renewal, with price adjustment based upon The Consumer Price Index.

**Staff Resource:** Quin Hall, Engineering & Property Management

### Explanation

- Landscape Management competitively selected vendors through a Request for Proposal process.
  - Regular facilities grounds maintenance activities for these contracts include grass mowing, shrub and bed maintenance and trash removal.
  - The original contract documents allowed for renewals of the contracts up to two times, at the City's option, as an incentive to the contractors for productivity and workmanship.
  - Renewals for items A, B, C and D are the final renewals for those contracts.
- A. Grounds Maintenance Contract with Accolade Designs**
- The Center City East Grounds Maintenance FY2006 contract includes but is not limited to the following locations: 7<sup>th</sup> Street, 9<sup>th</sup> Street, Crescent Park, East Trade Street, McDowell Street, Caldwell Street and Stonewall Street.
  - The original contract for \$43,654 was approved on December 29, 2005.
  - Renewal # 1 for \$45,445.01 was approved on October 25, 2006.
  - Change Order #1 for \$7,650 was approved on May 2, 2007.
  - The total contract amount to date including Renewal #2 will be \$152,839.75.
- B. Grounds Maintenance Contract with Caddell Turf Management, Inc.**
- The Center City West Grounds Maintenance FY2006 contract includes the following locations: 5<sup>th</sup> & 6<sup>th</sup> Streets, 10<sup>th</sup> Street, 11<sup>th</sup> Street, 2<sup>nd</sup> Street, 3<sup>rd</sup> Street, Settler's Cemetery, West Trade Street, Johnson & Wales Way, West 4<sup>th</sup> Street, and Cedar Street Yard.
  - The original contract for \$38,750 was approved on December 29, 2005.
  - Renewal #1 for \$40,341.08 was approved on November 1, 2006.

- The total contract amount to date including Renewal #1 and #2 will be \$117,508.07.

**C. Grounds Maintenance Contract with Caddell Turf Management, Inc.**

- The Government District Grounds Maintenance FY2006 contract includes the following locations: Charlotte-Mecklenburg Government Center, CMGC Parking Deck, Old City Hall, City Hall Park, and Charlotte-Mecklenburg Police Headquarters.
- The original contract for \$98,822.26 was approved on December 15, 2005.
- Renewal #1 for \$82,480.94 was approved on November 10, 2006.
- The total contract amount to date including Renewal #1 and #2 will be \$259,850.16.

**D. Grounds Maintenance Contract with The Metrolina Landscape Company**

- The CATS Park & Ride Lots Grounds Maintenance FY2006 contract includes the following Park & Ride locations: Huntersville, Matthews, Lawyers Road, Old Sardis Road, Mallard Creek, Northcross, Rosa Parks Community Transit Center, Eastland Community Transit Center.
- The original contract for \$65,062.40 was approved on April 7, 2006.
- Change Order #1 for \$19,136.00 was approved on January 4, 2007.
- Renewal #1 for \$25,907.20 was approved in October 22, 2007.
- The total contract amount to date including Renewal #1 and #2 will be \$197,924.53.

**E. Grounds Maintenance Contract with Caddell Turf Management, Inc.**

- The CATS Maintenance Facilities Grounds Maintenance contract includes the CATS Bus Maintenance Operations Facility and the CATS LRT Vehicle Maintenance Facility.
- The original contract for \$46,225.40 was approved on January 4, 2007.
- The total contract amount to date including Renewal #1 will be \$94,438.49.

**Small Business Opportunity**

The SBO Office exempted landscaping contracts from SBE subcontracting goals for FY2008 (Part A, Section 4.2 and Appendix Section 23.10 of the SBO Policy). Instead, staff seeks to enhance SBE utilization by issuing smaller contracts so SBEs can participate as primes. Past experience has shown this approach to be more effective with landscape contracts.

**Funding**

Engineering and Property Management Operating Budget

**Attachment 12**

Map

## 27. Property Transactions

**Action: Approve the following property transactions (A).**

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

### Acquisitions

- A. Project:** West Water Main, Parcel # 2  
**Owner(s):** TBJ Enterprises Of NC, LLC  
**Property Address:** Parker Drive  
**Property to be acquired:** 20,339 sq. ft. (.467 ac.) in Utility Easement, plus 19,493 sq. ft. (.447 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$40,000  
**Remarks:** Compensation was established by independent, certified appraisals related to this property.  
**Zoned:** R-22MF  
**Use:** Vacant  
**Tax Code:** 117-022-27  
**Total Parcel Tax Value:** \$79,300

## 28. Meeting Minutes

**Action: Approve the titles, motions and votes reflected in the Clerk's record as the minutes of:**  
- January 14, 2008