

<u>Mayor Patrick L. McCrory</u>	<u>Mayor Pro Tem Susan Burgess</u>
Michael Barnes	John W. Lassiter
Nancy Carter	Don Lochman
Andy Dulin	James Mitchell, Jr.
Anthony Foxx	Patrick Mumford
Patsy Kinsey	Warren F. Turner

CITY COUNCIL MEETING

Monday, June 12, 2006

CITY COUNCIL AGENDA

Monday, June 12, 2006

TABLE OF CONTENTS

<u>Item No.</u>		<u>Page No.</u>	<u>Attachment No.</u>
5:00 P.M. Dinner Briefing			
Conference Center			
1.	FY2006 Housing Trust Fund Project Recommendations & Proposed Funding Reallocation	1	1
2.	Duke Power Hydro Relicensing	2	
3.	Mecklenburg Mill Update	3	2
4.	Mecklenburg County 10 Year Solid Waste Management Plan	4	
7:00 P.M. Awards and Recognitions			
Meeting Chamber			
Consent			
5.	Consent agenda items 14 through 36 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.	5	
Public Hearing			
6.	Public Hearing on Resolution to Close a 10 foot Alleyway off of East 35 th Street	6	3
7.	Public Hearing to Close a Portion of Meacham Street Located Between South Boulevard and Lyndhurst Avenue	7	4
8.	Public Hearing on the FY2007 Consolidated Action Plan for Housing and	9	5

<u>Item No.</u>	<u>Page No.</u>	<u>Attachment No.</u>
-----------------	-----------------	-----------------------

Community Development

Policy

- | | | | |
|-----|--|----|---|
| 9. | City Manager’s Report | 11 | |
| 10. | FY2007 Strategic Operating Plan and
FY2007-2011 Capital Investment Plan | 11 | |
| 11. | Zoning Ordinance Administrative
Amendment Process | 11 | 6 |

Business

- | | | | |
|-----|--|----|---|
| 12. | Trade Street Light Rail Station Canopy | 13 | 7 |
| 13. | Appointments to Boards and Commissions | 14 | 8 |

Mayor and Council Topics

Consent I

- | | | | |
|-----|--|----|----|
| 14. | Various Bids | | |
| | A. Galloway/Mallard Creek Road Minor
Intersection Improvements | 16 | |
| | B. Catch Basin Grates, Frames & Hoods | 17 | |
| | C. Mt. Holly Road Traffic Signals | 17 | |
| | D. Airport Wireless System Installation | 17 | |
| | E. Traffic Signal Fiber Optic Cable
Construction | 18 | |
| 15. | Resolution of Intent to Abandon Street and
Set Public Hearing for a Portion of
Hubbard Road | 18 | 9 |
| 16. | Resolution of Intent to Abandon Street and
Set Public Hearing for a 10 foot Alleyway
between Meacham Street and Magnolia
Avenue | 19 | 10 |
| 17. | Refund of Property Taxes | 19 | 11 |

<u>Item No.</u>	<u>Page No.</u>	<u>Attachment No.</u>
Consent II		
18.	Water and Sewer Commercial Paper Reauthorization	20 12
19.	Water and Sewer Revenue Bonds	20 13
20.	Transit Modeling Contract for Corridor Draft Environmental Impact Statements	21 14
21.	Irwin Creek Wastewater Treatment Plant, Biosolids Dewatering Service Agreement	22
22.	Clear Creek Basin Sanitary Sewer Improvements Construction Contract, Change Order #1	23 15
23.	Mecklenburg County 10 Year Solid Waste Management Plan	24 16
24.	Myers Street/Quarterside Developer Agreement	26
25.	Tyvola Road Intersection & 12 Inch Water Main	26
26.	Concrete Installation and Repair FY2002	27
27.	Fire Computer Aided Dispatching System Maintenance Contract	28
28.	Airport Telecommunications Contract	29
29.	Airport Telecommunications Antenna Site Lease	29
30.	Airport East Daily Parking Deck Controls	29
31.	Airport Vehicle Agreement Revision	30

<u>Item No.</u>		<u>Page No.</u>	<u>Attachment No.</u>
32.	Airport Concourse E Site Development Change Order	30	
33.	McCormick Liability Claim	31	17
34.	Knapp Liability Claim	32	18
35.	Property Transactions	33	
36.	Meeting Minutes	44	

5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. **FY2006 Housing Trust Fund Project Recommendations & Proposed Funding Reallocation**

Resource: Stan Wilson, Neighborhood Development

Time: 20 minutes

Synopsis

- Brief the City Council on:
 - Four housing developments recommended for funding through the Housing Trust Fund
 - A proposed funding reallocation from the Housing Trust Fund Advisory Board

Housing Developments

- The four housing developments recommended for funding are from the 2004 voter approved housing bonds. The developments are as follows:
 - Mult-Family
 - Springfield Gardens, 86 units of new construction located at 9600 Idlewild Road, with a City funding recommendation of \$2,315,000
 - Southside Homes, Phase V, 72 units of rehabilitation located at 3400 Griffith Street, and City funding recommendation of \$2,235,737
 - Special Needs
 - YWCA, 10 units of new construction located at 3420 Park Road with a City funding recommendation of \$394,250
 - Centre Terrace, 28 rehabilitated units located at 4442 Central Avenue and with a City funding recommendation of \$700,000
- On October 24, 2005, City Council approved the Housing Trust Fund allocations in the amount of \$4,000,000 for Multi-Family Rental housing (new construction and rehabilitation) and \$2,000,000 for Special Needs housing (new construction and rehabilitation). Special needs housing is defined as housing that serves persons with disabilities, homeless, persons with HIV/AIDs and elderly.
- On November 2005 staff issued Requests for Proposals (RFP) to developers for Multi-Family rental and Special Needs housing.
- Staff received seven proposals from developers on February 17, 2006. Three proposals were subsequently withdrawn by the developers. The proposals were evaluated and ranked by staff based on the Affordable Housing Loan and Grant Guidelines and RFP Evaluation Criteria adopted by the Housing Trust Fund Advisory Board.
- The Evaluation Criteria ranks and scores proposals based on the following categories:
 - City policies

- Number of affordable housing units (priority 30% or less than area median income)
- Financial strength of the development
- City funds requested
- Leverage ratio
- Development team capability
- Property management expertise

Future Action

- City Council will consider the FY2006 Housing Trust Fund project recommendations at the June 26, 2006 meeting.

Funding Reallocation

- The Housing Trust Fund Advisory Board also requests that the City Council consider a reallocation of \$4,720,081 from other unspent funding categories (i.e., Transit Corridor Acquisition, Homeownership and Miscellaneous Funds)
- The funding will be used for future Multi-Family Rental housing (\$4,000,000) and Special Needs housing (\$720,081).
- The reallocation is needed to address higher demands for multi-family rental and special needs housing. Pursuant to City Council approval, Requests for Proposals will be issued in July 2006 for Multi-Family Rental Housing and Special Needs housing.

Future Action

- The City Manager recommends that the Housing Trust Fund Advisory Board reallocation requests be referred to the City Council Housing and Neighborhood Development Committee for review and recommendation to City Council.

Attachment 1

FY2006 HTF Project Funding Recommendation Ranking
 Individual Project Summary Reports
 Evaluation Criteria – Multi-Family Rental housing
 Evaluation Criteria – Special Needs housing
 Vicinity Map of proposed housing developments

2. Duke Power Hydro Relicensing

Resource: Barry Gullet, Utilities

Time: 20 minutes

Synopsis

- Duke Power is applying for a new Federal Energy Regulatory Commission license to continue operating the 13 dams and 11 reservoirs along the Catawba River.
- Duke Power and more than 150 stakeholders have developed an agreement on the provisions that should be included in a new Federal Energy Regulatory Commission license.

- The highlights of this agreement and their effect on Charlotte-Mecklenburg will be presented, including information about:
 - New drought response requirements
 - Resolution of Duke's early proposal to charge fees for water used from the lakes
 - Availability of water for Charlotte-Mecklenburg

Future Action

- Council will be asked to consider approval of the Comprehensive Relicensing Agreement with Duke Power and other stakeholders at the June 26, 2006 meeting.

3. Mecklenburg Mill Update

Resources: Stanley Watkins, Neighborhood Development
Stan Wilson, Neighborhood Development

Time: 20 Minutes

Synopsis

- On Friday, May 12, 2006 at approximately 2:00 pm, the City decided to vacate and close the Mecklenburg Mills Apartments, located at 3327 North Davidson Street. This action was taken pursuant to a recommendation from a structural engineer who deemed the structure an "imminent danger to the health and safety of the occupants of the facility."
- The closure of the apartments affected 59 households.
- Neighborhood Development with the assistance of the City Manager's Office, Emergency Management Office, Fire Department, Police and CATS facilitated the move of the families to three area motels – Suite Carolina on Monroe Road, In Town Suites on Pressley Road and the TownPlace Suites on Arrowood Road.
- The City provided the following relocation assistance to the displaced residents:
 - Reimbursement of May rent and security deposits
 - Moving/storage assistance
 - Individual case management assessments for each household
 - Assistance in locating permanent housing
 - Food vouchers for people to meet immediate needs
 - Assistance with security deposits, rental application fees and utilities
 - Stipend to assist resident's with necessities
 - Allowances for other residents needs on a case by case basis
- The relocation process has been very complex due to the number of households affected, the availability of temporary housing, the availability of affordable permanent residences, the inability of residents to access their belongings and the structured moving process due to safety issues.
- This briefing will provide an update on the following:
 - How the city became owner of the building

- Conditions of the building and why the decision to move the residents
- Why the City not know about the structural issues earlier
- Status of permanent placement for the residents
- Status of the move from Mecklenburg Mill
- Information on Police service calls to hotels
- Costs of housing displaced individuals

Future Action

- City Staff will provide another status report at the City Council's June 26 meeting.

Attachment 2

June 5, 2006 Mecklenburg Mill Status Report

4. Mecklenburg County 10 Year Solid Waste Management Plan

Resources: Wayman Pearson, Solid Waste Services
Bruce Gledhill, Mecklenburg County Solid Waste Department

Time: 15 minutes

Synopsis

- In 1989, the North Carolina General Assembly required NC local governments to prepare and approve a 10-year solid waste management plan. Subsequently, House Bill 859, passed in 1996, required local governments to update the plan every three years. Council will receive a briefing on the key elements and strategies of the third triennial update of the original 1997 Plan. In addition, the briefing will include information about per capita waste reduction goals.
- The City of Charlotte, Mecklenburg County, and the Towns of Cornelius, Davidson, Huntersville, Mint Hill, and Pineville have a joint solid waste management plan that meets all State requirements. The plan must be adopted by resolution.

Future Action

- The resolution approving the Mecklenburg County 10-Year Solid Waste Management Plan is on this agenda (item 23, page 24).

Attachment 16

Resolution

Plan

Per Capita Waste Reduction Goals

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

CONSENT

- 5. Consent agenda items 14 through 36 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 Hearing on Resolution to Close a 10 foot alleyway off of East 35th Street

Action: A. Conduct a public hearing to close a 10 foot alleyway off of East 35th Street, and
B. Adopt a Resolution to Close.

Staff Resource: Linda Poissant, Transportation

Policy

To abandon right-of-way that is no longer needed for public use

Explanation

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.

Petitioner

Mr. Gary Walker

Right-of-Way to be abandoned

A 10-foot alleyway off of East 35th Street

Location

Located within the vicinity of the Historic North Charlotte Community beginning from East 35th Street continuing approximately 228 feet southwestwardly to its terminus at an existing 20 foot alleyway.

Reason

To incorporate the right-of-way into adjacent property owned by the petitioner to obtain legal ownership of the right-of-way that his existing carport encroaches on

Notification

In accordance with City Policy, the Charlotte Department of Transportation (CDOT) has sent abandonment petitions to adjoining property owners, neighborhood associations, private utility companies and City departments for review.

Adjoining property owners

Raymond and Shirley Hill – No objection
Margaret Sullivan - No objection
Paul McBroom - No objection
Sharon Pate - No objection
J. Alexis Batista - No objection
Davis and Robert Cable - No objection
Holt McLean - No objection

Neighborhood/Business Associations

Graham Heights Community Association – No objection
Historic North Charlotte – No objection
Optimist Park – No objection
Plaza Shamrock Neighborhood Association – No objection
Ritch Avenue HOA - No objection
Tryon North Business Corridor Coalition – No objection
Villa Heights Neighborhood Organization - No objection

Private Utility Companies – No objections

City Departments –

Review by City departments has identified no apparent reason this closing would:

- Be contrary to the public interest; or
- Deprive any individual(s) owning property in the vicinity of reasonable means of ingress and egress to his property as outlined in the statutes.

Attachment 3

Map
Resolution

7. Public Hearing on Resolution to Close a Portion of Meacham Street Located Between South Boulevard and Lyndhurst Avenue

Action: **A. Conduct a public hearing to close a portion of Meacham Street located between South Boulevard and Lyndhurst Avenue, and**
B. Adopt a Resolution to Close.

Staff Resource: Linda Poissant, Transportation

Policy:

To abandon right-of-way that is no longer needed for public use

Explanation

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.

- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.

Background

- This portion of Meacham Street is located within the Lowe's mixed-use development project that was approved by the City Council on October 19, 2005 (rezoning petition 2005-089).
- A note on the conditional rezoning site plan identified the need to abandon this portion of Meacham Street.
- As part of the abandonment review process, the Dilworth Community Development Association and Olmstead Park HOA indicated issues/concerns concerning the abandonment of this portion of Meacham Street.
- A meeting was held on April 17, 2006 with the petitioner, CDOT staff, and residents of the Dilworth Community Development Association and Olmstead Park (HOA) to discuss their concerns.
- Their concerns are the same as those presented during the rezoning process/public hearing. Their primary concern is the lack of consistency with the South End Transit Station (SETS) Area Plan. In particular, the SETS Area Plan indicates an extension of Meacham Street west of South Boulevard to provide pedestrian and vehicular connectivity.
- The current proposed SETS Area Plan provides a connection (extension of Meacham Street) from Tryon Street to South Boulevard. The only change to the Plan occurs on the portion that was rezoned as part of the proposed Lowes. Staff believes that sufficient connectivity exists in this area and that the Councils approval of rezoning petition 2005-089 in effect amended the South End Transit Station Area Plan to reflect this abandonment of Meacham Street.
- Staff recommends approval of this abandonment.

Petitioner

G. Patrick Hunter, Jr. – Kennedy Covington/Bailey Patrick

Right-of-Way to be abandoned

A portion of Meacham Street located between South Boulevard and Lyndhurst Avenue

Location

Located within the Dilworth Community beginning from South Boulevard continuing approximately 877 feet southeastwardly to its terminus at Lyndhurst Avenue.

Reason

To incorporate the right-of-way into adjacent property owned by the petitioner for the construction of a proposed mixed use development containing a Lowe's Home Improvement and residential units.

Notification

In accordance with City Policy, the Charlotte Department of Transportation (CDOT) has sent abandonment petitions to adjoining property owners, neighborhood associations, private utility companies and City departments for review.

Adjoining property owners - None

Neighborhood/Business Associations

Dilworth Community Development Association (DCDA) – Has concerns

Brookhill Community Organization – No objections

Charlottetown Terrace (CHA) – No objections

Olmstead Park (HOA) – Has concerns

Sedgefield Neighborhood Association – No objections

Wilmore Neighborhood Association – No objections

Private Utility Companies – No objections

City Departments –

Review by City departments has identified no apparent reason this closing would:

- Be contrary to the public interest; or
- Deprive any individual(s) owning property in the vicinity of reasonable means of ingress and egress to his property as outlined in the statutes.

Attachment 4

Map

Resolution

8. Public Hearing on the FY2007 Consolidated Action Plan for Housing and Community Development

Action: Conduct a public hearing to receive comments on the proposed FY2007 Consolidated Action Plan for Housing and Community Development.

Staff Resources: Stanley Watkins, Neighborhood Development
Stan Wilson, Neighborhood Development

Policy

- The 2006-2010 Consolidated Plan, approved by City Council on June 13, 2005, is the City's five-year strategy for providing housing and community development activities.
- The plan supports the City's housing policy – preserving the existing housing, expanding the supply of low and moderate-income housing and supporting family self-sufficiency – as well as the City's neighborhood revitalization strategy.

- The U.S. Department of Housing and Urban Development (HUD) mandates development of this plan in order to receive federal funding for housing and community development activities.

Explanation

- The FY2007 Consolidated Action Plan includes housing and community development needs and resources for the City and Regional Housing Consortium.
- The Regional Housing Consortium is a partnership between the City, Mecklenburg County and the towns of Cornelius, Pineville, Matthews, Mint Hill and Huntersville.
- The Plan also serves as the City's annual application to HUD to receive an estimated \$8.2 million in new federal grant program funds.

- Community Development Block Grant (CDBG)	\$4,774,387
- HOME Investments and Partnerships (HOME)	\$2,631,915
- Emergency Shelter Grants (ESG)	\$ 203,832
- Housing Opportunities for Persons with AIDS (HOPWA)	<u>\$ 597,000</u>
Total	\$8,207,134
- The proposed FY2007 federal fund allocation represents a decrease of approximately \$722,360 under the FY2006 fund amount of \$8,929,494.

Community Input

- Four Citizen forums were held in February 2006 to inform the public of the Plan preparation process and timeline for completing the document.
- Citizen forums were also conducted in the towns of Cornelius, Matthews and Huntersville.
- Neighborhood Development advertised the public hearing in local newspapers and sent more than 1,000 invitations to neighborhood organizations, Neighborhood Development's financial partners and interested individuals.
- A copy of the Draft FY2007 Annual Action Plan is available in the Council library.

Next Steps

- On June 9, 2006 the Housing and Neighborhood Development Committee will receive an overview of the Annual Action Plan.
- City Council will be asked to adopt the Plan on June 26, 2006
- The Annual Action Plan will be submitted to HUD on June 27, 2006

Funding

Federal CDBG, HOME, ESG and HOPWA funds

Attachment 5

Proposed Uses of Funds

POLICY

9. City Manager's Report

10. FY2007 Strategic Operating Plan and FY2007-2011 Capital Investment Plan

This item will be distributed in the Friday, June 9th Council-Manager Memorandum.

11. Zoning Ordinance Administrative Amendment Process



- Action:**
- A. Approve the Economic Development and Planning Committee's recommendation to modify the Administrative Amendment Process, and
 - B. Direct staff to file text amendment to implement changes.

Committee Chair: John Lassiter

Staff Resources: Keith MacVean, Planning Commission
Tim Manes, Planning Commission

Explanation

- Section 6.207 of the City's Zoning Ordinance gives the Planning Director or designee authority to change an approved site plan administratively.
- Standards for approving or denying such a change are:
 - The requested change doesn't significantly alter the site plan or its conditions, and
 - The change doesn't have a significant impact on abutting properties.
- Currently, no notice is required to adjacent property owners.
- If an adjacent property owner contacts Planning about the amendment, they have 15 days to appeal the amendment or 30 days if they were not aware of the amendment.
- Since January 2005 there have been 126 administrative approvals and 20 of those were appealed.
- In October 2004 Planning staff approved a request for an administrative change to rezoning petition No. 2003-102, Prosperity Creek Apartments, a proposed Active Adult Retirement Community. The requested change was to combine four buildings into a single building and to increase the height of the building consistent with Section 9.505, footnote 2 of the Charlotte City Zoning Ordinance and as indicated on the approved site plan.
- Beginning in February 2006, concerns were raised by residents about the administrative approval. Residents were particularly concerned about:

- not being notified of the administrative change
- Charlotte Housing Authority's role in the project
- massing and scale of the proposed project going from four buildings to a single building
- In April 2006, Council directed the City Attorney's Office to develop options to address citizen concerns about the administrative approval. The options were presented at a Council Workshop on May 1, 2006. At that meeting, Council referred the issue to the Economic Development and Planning Committee for further review and discussion.

Committee Discussion

- The Council's Economic Development and Planning Committee met on May 3, and May 17, 2006. On May 3, the Committee discussed information presented by staff on the administrative amendment process and options for possible changes. The Committee requested that citizens and representatives from the building and development industry provide feedback on possible changes.
- At the May 17, 2006 meeting, the committee reviewed and discussed information presented by staff on approved administrative amendments over the past 16 months to determine how many were protested and if staff had notified adjacent property owners and recommendation for possible changes.
- Following their discussion the Committee voted 3-1 (Lassiter, Carter and Dulin (in favor) and Lochman (opposed)) to recommend to Council the following changes be made to the administrative amendment process:
 - Where a valid protest petition has been filed against the original petition (even if withdrawn) require
 - o adjacent property owners within 300 feet be notified by mail
 - o post a sign indicating that an administrative approval was granted
 - Increase the 15 day appeal time to 21 days
 - Define significant changes to a site plan for which staff could **not** approve an amendment administratively to include the following:
 - o Increasing number of buildings
 - o Increasing number of units greater than 5 units or 10% of total approval, whichever is less
 - o Adding driveways to thoroughfares
 - o Reducing buffers or yards agreed to during rezoning process
 - o Moving structures closer to adjacent properties
 - o Reducing parking spaces below minimum standards
 - o Reducing open space
 - o Changing owner occupied units to rental if noted on site plan
 - o Combining buildings that increase massing

Attachment 6

Flowchart of Administrative Amendment Process, Spreadsheet including Administrative Amendment approvals from January 1, 2005 to Present Ordinance

BUSINESS

12. Trade Street Light Rail Station Canopy

- Action:**
- A. Authorize the CATS CEO to execute an amendment to the contract with Archer Western Contractors for the addition and installation of the Trade Street Signature Canopy at the South Corridor Trade Street Light Rail station for an amount not to exceed \$1,250,000, and**
 - B. Approve a budget ordinance appropriating \$ 1,250,000.**

Staff Resource: Ron Tober, Charlotte Area Transit System (CATS)

Explanation

- Approve a contract amendment in the amount of \$1,250,000 to Archer Western Contractors for the installation of the signature canopy at the Charlotte Transit Center Light Rail Station in Center City.
- This Request for Council Action is being submitted at this time so that Archer Western can maintain its construction schedule and is submitted to avoid the possibility of additional cost should this work be delayed.
- The signature canopy was originally included in the Stations contract as a bid alternative. The signature canopy was not included in the initial contract because the bid price exceeded available funds. However, because the signature canopy was designed with the input of Charlotte Center City Partners (CCCP) and many of its members felt the signature canopy would create a prominent architectural landmark for the City, CCCP agreed to contribute \$500,000 toward the reinstatement of the canopy.
- Staff is working on agreements with CCCP and the donors to provide the funding. When these funds are received, they will be used to substitute the fund balance being appropriated to the project.
- CATS supports the reinstatement of the canopy because the Charlotte Transit Center (CTC) Station will be at the center of the transit system for years to come. The CTC Station is expected to be the busiest station in the transit system. CATS will pay \$750,000 of the cost from under-spending in CIP programs as follows:

a) Charlotte Transportation Center Construction	\$ 313,000
b) Asset Maintenance (Engines/Transmissions)	\$ 437,000
- The South Corridor Light Rail Project budget will pay \$200,000 towards the canopy. If the canopy were not installed, the Project would pay approximately the same \$200,000 for standard station canopies.
- At the April 24th dinner meeting, Council received a briefing on this project.

Disadvantaged Business Enterprise Participation:

Established DBE Goal: 20%

Committed DBE Goal: 20%

This is an amendment to the original contract awarded by Council dated November 28, 2005. DBEs identified were: Regional Companies LLC, National Erectors, Inc., and The Artis Group

Funding

Transit Capital Investment Plan

Attachment 7

Budget Ordinance

13. Appointments to Boards and Commissions

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

A. Charlotte Regional Visitors Authority

- Two appointments, representing at-large category, for three year terms beginning July 1, 2006.
 - Raichelle H. Glover by Council member Turner
 - James Nash by Council member Dulin
 - Lenny Springs by Council member Mumford

Attachment 8

Applications

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

14. Various Bids

A. **Galloway/Mallard Creek Road Minor Intersection Improvements** **EPM**

Staff Resource: Daniel Leaver

Action

Award the low bid of \$270,535.80 by Sealand Contractors, Inc. of Charlotte, North Carolina. This project will improve the intersection of Mallard Creek Road at Galloway Road by widening Galloway Road to three-lanes to improve turning movements onto Mallard Creek Road. The project will also construct new sidewalk and curb that will connect to existing sidewalk and curb on the north side of Galloway Road. This project was identified under the Minor Roadway Improvements Program. Construction completion is scheduled for fourth quarter of 2006.

Small Business Opportunity

SBE Established Goal: 5%

SBE Committed Goal: 6.47%

Sealand Contractors exceeded the established SBE goal and committed 6.47% (\$17,515) to the following SBE firms: ACS Pavement Marking, H&H Hauling, On Time Construction, Inc. and Parks Trucking

B. Catch Basin Grates, Frames & Hoods **CDOT****Staff Resource:** Aubrey Miller**Action**

Award the low bid of \$124,750 by U.S. Foundry and Manufacturing Corp. of Brown Summit, North Carolina. This is a unit price contract for annual requirements for Catch Basin Grates, Frames, and Hoods used by the Street Maintenance Division of CDOT for the term of one year and authorize the City Manager to renew the contract for two additional one-year terms.

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.

C. Mt. Holly Road Traffic Signals **CDOT****Staff Resource:** Gus Jordi**Action**

Award the low bid of \$301,539.42 by Bryant Electric Repair and Construction, Inc., Gastonia, North Carolina. This project includes the installation of all necessary equipment for video detected traffic signals as part of the I-485 north bound Ramp/Mt Holly Road, I-485 south bound Ramp/Mt Holly Road and Mt Holly Road/Rhyne Road signal installations.

Small Business Opportunity

Pursuant with Section 2.21 of the SBO Policy, this contract falls outside of the SBO Program scope since selection of the contractor is made following federal and state requirements. NCDOT did not establish participation goals for minority and women owned businesses because of the specialized nature of the work.

D. Airport Wireless System Installation **Aviation****Staff Resource:** Jerry Orr**Action**

Award a contract based on the low bid of \$210,269.84 by Cabling Solutions, Inc. of Denver, North Carolina, to install wireless

communications infrastructure in the main terminal for passengers and tenants to use.

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.

E. Traffic Signal Fiber Optic Cable Construction CDOT

Staff Resource: Jeff McSwain

Action

Award the low bid of \$782,653.66 by Whiting Construction Company, Inc. of Troutman, North Carolina. This project includes the installation of traffic signal fiber optic cable and conduit facilities along Albemarle Road, Monroe Road, The Plaza, W.T. Harris Boulevard, Rea Road and Ardrey Kell Road.

Small Business Opportunity

Established SBE Goal: 7.00 %

Committed SBE Goal: 0.00%

Whiting Construction, Inc. exceeded the mandatory outreach; however they failed to meet the goal or the good faith efforts. While the low bidder failed to comply with the SBO Program's good faith efforts requirements, the SBO Program Manager approved a waiver under Section 14.6 because the non-compliance was very minor and unintentional in nature.

Specifically, the low bidder's bid solicitation letter failed to include information pertaining to the availability of project plans/specs.

Subsequent to the bid date, Whiting received a response from one SBE, that resulted in a commitment of 3.1% (\$24,000) of the total contract amount to the following certified SBE firm: ITS Carolina, PC.

15. Resolution of Intent to Abandon Street and Set Public Hearing for a Portion of Hubbard Road

Action: A. Adopt the Resolution of Intent to abandon a portion of Hubbard Road, and

B. Set a public hearing for July 24, 2006.

Staff Resource: Linda Poissant, Transportation

Attachment 9

Map

Resolution

16. Resolution of Intent to Abandon Street and Set Public Hearing for a 10 foot Alleyway Between Meacham Street and Magnolia Avenue

Action: A. Adopt the Resolution of Intent to abandon a 10 foot alleyway between Meacham Street and Magnolia Avenue, and
B. Set a public hearing for July 24, 2006.

Staff Resource: Linda Poissant, Transportation

Attachment 10

Map
Resolution

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 \$1,706.13.

Staff Resource: Greg Gaskins, Finance

Attachment 11

Resolution
List of property tax and privilege business license refunds

CONSENT II

18. Water and Sewer Commercial Paper Reauthorization

Action: Adopt a resolution reauthorizing the issuance of up to \$400 million of water and sewer system revenue bond anticipation notes for the purpose of funding projects approved in the City's Capital Investment Plan and authorizing certain additional related documents.

Staff Resource: Greg Gaskins, Finance

Explanation

- In June 2004, council authorized the issuance of \$400 million in water and sewer system revenue anticipation notes (commercial paper) to provide cash flow for water and sewer capital projects. The program is reauthorized every two years when permanent financing is issued.
- In the following agenda item (#19), Council will be asked to approve an application for permanent financing for the commercial paper issued to cover cash flow from August 2004 – July 2006.
- Issuing commercial paper lowers the overall cost of financing the capital plan by issuing temporary short term debt to fund the cash flow of construction projects. Long term debt is issued when the projects are complete. The result is not paying interest on borrowed funds until the funds are spent on a project. Short term commercial paper also carries a lower interest rate.
- In two years, Council and the Local Government Commission (LGC) will be asked to approve 30 year financing for the notes issued between July 2006 and June 2008.
- The LGC is expected to reauthorize the water sewer commercial paper program before July 25th 2006.
- At the July 17, 2006 zoning meeting, Council will be asked to approve a note resolution and bond order that is required before the City can sell notes.

Funding

Water and Sewer Revenue Bonds

Attachment 12

Resolution

19. Water and Sewer Revenue Bonds

Action: Adopt a resolution directing staff to apply to the Local Government Commission for authorization to issue up to \$403 million water sewer revenue bonds and set a financing team.

Staff Resource: Greg Gaskins, Finance

Explanation

- On July 26, 2004 Council approved the Water and Sewer revenue bond anticipation program that was planned to be converted to permanent financing in two years.
- The \$403 million will be used to repay the revenue bond anticipation notes of \$400 million and issuance expense not to exceed \$3 million.
- This action is the first of two that authorizes application to the LGC for the sale of these bonds and sets a financing team.
- The second action authorizing the bond order and related documents will occur at the July 17, 2006 Zoning Meeting.
- Up to \$103 million will be sold at a fixed rate and \$300 million will be sold at a variable rate.
- On July 25, 2005 Council authorized an interest rate swap with for \$300 million that will occur on August 1, 2006 and will lock the interest rate on the \$300 million of the total below 4.3% - a substantial savings from current market conditions.

Attachment 13

Resolution

20. Transit Modeling Contract for Corridor Draft Environmental Impact Statements

- Action:**
- A. Authorize the execution of the first and second option years for AECOM Consult professional modeling services to support capital investments, draft environmental impact statements completion and new start application submittals for the five rapid transit corridors and the Center City Streetcar. Each option is for an amount not to exceed \$250,000, and**
 - B. Adopt a budget ordinance appropriating \$500,000.**

Staff Resource: David McDonald, CATS

Explanation

- In May 2004, Council authorized the first modeling contract to provide consultant technical services to:
 - Supplement CDOT's capacity to produce transit ridership forecasts needed by CATS to complete the Transit Corridor System Plan
 - Prepare South Corridor forecasts for the federal new starts process
 - Continue the advancement of the 2025 Transit Land Use Plan
- The purpose of the extension of this contract is to:
 - Continue advancement of 2025 Transit Land Use Plan
 - Provide modeling to support the completion of the draft environmental impact statement documents

- Prepare initial new starts applications for selected corridors
- The Federal Transit Administration (FTA) requires strict modeling requirements and numerous modeling runs for the analysis of Transit System User Benefits and the completion of New Starts Applications.
- AECOM Consult assisted CATS and CDOT in the FY2005 New Starts application for the South Corridor resulting in a “Recommended” rating and ultimately a Federal Full Funding Grant Agreement.
- The consultant has demonstrated a thorough knowledge of transit modeling and the evolving FTA requirements for the application.
- The consultant will continue to update and refine the modeled transit networks in all five transit corridors and streetcar lines, update the system plan and provide quality professional assistance to planners and engineers to further implementation of those plans.

Funding

- This action appropriates funds for the options from the Transit Capital Investment Plan. This work is eligible for future federal reimbursement.

Small Business Opportunity

All additional work involved in this amendment will be performed by the current contractor, AECOM Consult. Therefore, this amendment complies with Section 10.3 of the SBO Program.

Attachment 14

Budget Ordinance

21. Irwin Creek Wastewater Treatment Plant, Biosolids Dewatering Service Agreement

Action: Approve a contract with Synagro Central, LLC of Baltimore, Maryland, in an amount not to exceed \$394,680 for 24 months.

Staff Resource: Doug Bean, Charlotte-Mecklenburg Utilities

Explanation

- Upgrades and rehabilitation of existing dewatering facility at Irwin Creek Wastewater Treatment Plant are currently underway.
- This contract provides dewatering of biosolids for the period of time the current facility is out of service.
- Biosolids are generated as a component of the biological process of wastewater treatment and must be continuously dewatered and disposed of as prescribed by federal regulations.
- Quotes were solicited from firms qualified to perform this service. Synagro Central was the lowest quote received.

Small Business Opportunity

Pursuant to Section 5 of the SBO Program, the Program Manager waives SBE utilization goals for this contract because subcontracting is not anticipated.

Funding

Sewer Capital Investment Plan

22. Clear Creek Basin Sanitary Sewer Improvements Construction Contract, Change Order #1

Action: **A. Adopt a budget ordinance appropriating \$40,000 from Water and Sewer Revenue bonds, and**

B. Approve Change Order # 1 to the contract with Buckeye Construction Company in the amount of \$149,841.33.

Staff Resource: Doug Bean, Charlotte-Mecklenburg Utilities

Explanation

- Council approved a construction contract with Buckeye Construction on September 04, 2004 in the amount of \$5,164,917.67 to construct the Clear Creek Basin Sanitary Sewer Improvements in Mint Hill.
- The contractor encountered unanticipated rock during the required bore under Blair Road (NC 51) adjacent to the I-485 interchange.
- In order to excavate the rock, and to complete the sewer line under the road, the method of construction had to be switched from boring to tunneling.
- Completion of the tunnel was the last task of this project.

Small Business Opportunity

Established SBE Goal: 0%

Committed SBE Goal: 0%

Additional services represent no new subcontracting opportunities. Work will be performed by the contractor and their existing subcontractors. This change order complies with Section 10.3 of the SBO Program.

Funding

Sewer Capital Investment Plan

Attachment 15

Budget Ordinance

23. Mecklenburg County 10 Year Solid Waste Management Plan

Action: Adopt a resolution approving the Mecklenburg County 10 Year Solid Waste Management Plan dated July 1, 2006.

Resources: Wayman Pearson, Solid Waste Services
Bruce Gledhill, Mecklenburg County Solid Waste Services

Explanation

- The North Carolina Solid Waste Management Act of 1989 (Act) requires local government units to prepare and approve a ten-year solid waste management plan.
- House Bill 859, passed in 1996, required the Solid Waste Management Plan (Plan) be updated every three years.
- Mecklenburg County, the City of Charlotte, and the Towns of Cornelius, Davidson, Huntersville, Mint Hill and Pineville have a joint solid waste management plan that meets all state requirements.
- The 2006 Plan was updated under the direction of a Steering Committee that included one representative from each of the participating local governments and the Waste Management Advisory Board (WMAB).
- The County appoints the 20 member WMAB. The Council recommends five members.
- This represents the third triennial update to the original 1997 Plan.
- Under state guidelines for revisions, plans must include specific goals for the reduction of municipal solid waste.
- This first three years of this Plan, covered by this resolution, concentrates on studies and the continuation of current programs to meet waste reduction needs. The following seven years concentrates on the implementation of new plans or programs and will be covered by a new resolution in 2009 that will undergo the same local government approval process.

Solid Waste Reduction Goals

- The Plan includes waste reduction goals for four categories of waste. These categories are:
 - Residential
 - Commercial
 - Construction and demolition waste
 - Overall waste, the sum of the waste categories combined
- Residential waste is waste collected from curbside programs. Key program elements include expanded education and promotion of curbside recycling programs.
 - City and County will explore implementation of recycling programs such as:
 - o Single-stream recycling, an automated collection approach that allows commingling of recyclable materials for collection purposes
 - City and County will explore strategies to increase recycling participation by multifamily residents

- Commercial waste is waste generated by all non-residential activities except from construction and demolition. Key program elements include:
 - County evaluation of additional waste reduction opportunities for paper (old corrugated cardboard, office paper, newsprint), food waste, untreated wood (including pallets), ferrous metals, beverage containers;
 - City and County evaluation of recycling collection for small businesses
- Construction and demolition (C&D) waste is waste generated by construction, remodeling, repair, or demolition operations on pavement, buildings, or structures. The County will perform program elements that include:
 - Waste characterization and environmental studies
 - Residential source separation pilot project
 - Studies to determine beneficial reuse management strategies for select C&D materials
 - Evaluation of opportunities and technologies for a C&D waste processing facility

Other Approvals

- Mecklenburg County approved the Plan on May 3, 2006.
- Communities are not penalized for failing to achieve goals stated in the Plan; however, North Carolina Department of Environment and Natural Resources will issue a notice of violation to a community that does not submit a solid waste management plan by June 30, 2006. The violation carries no monetary penalty, but affects a community's ability to receive grants from the State's Solid Waste Fund.
- To assist local governments with expanded public education of waste reduction opportunities, the County added a staff position.
- The Plan depends on the continuation of existing programs and requires the City to explore and study new strategies that reduce waste disposal. No additional City budgetary resources are required at this time. In addition, existing City programs such as curbside recycling and public education activities contribute towards the achievement of the Plan's waste reduction goals.

Attachment 16

Resolution

Plan

Per Capita Waste Reduction Goals

24. Myers Street/Quarterside Developer Agreement

Action: Approve an agreement to reimburse Quarterside, LLC up to \$175,000 for construction of Myers Street.

Staff Resource: Jim Keenan, Engineering & Property Management

Explanation

- Myers Street currently dead-ends between Sixth Street and Seventh Street in First Ward. The First Ward Master Plan recommends extending Myers Street to 7th Street to improve traffic connectivity.
- Quarterside, LLC is beginning construction of the Quarterside development on the property abutting Myers Street. It is advantageous to both parties for Quarterside, LLC to construct the street extension as part of their project.
- This agreement will provide reimbursement to Quarterside, LLC up to \$175,000 for actual design and construction costs associated with the road extension including: on-street parking on one side of the street, planting strip, sidewalk, storm drainage and wheelchair ramps.
- This reimbursement agreement is authorized under City Charter Section 7.107.

Small Business Opportunity

Pursuant to Section 2.21 of the Program Policy regarding contracts entered into without a competitive process, this contract is exempt.

Funding

Transportation Capital Investment Plan

25. Tyvola Road Intersection & 12 Inch Water Main

Action: Approve Change Order #1 with Allied Resources in the amount of \$169,482.39 for Tyvola Road Intersection & 12 Inch Water Main.

Staff Resource: Jim Keenan, Engineering & Property Management

Explanation

- This change order will provide for additional work in the Tyvola Intersection Improvements project including grading and retaining walls required as a result of acquisition negotiations and additional sidewalk in the Tyvola Station Area.
- The change order amount is within the original project budget.
- Council awarded the original contract on September 26, 2005 for \$1,513,773.75.
- The total contract amount to date including Change Order #1 is \$1,683,256.14.

- Construction Completion is scheduled for third quarter of 2006.

Small Business Opportunity

This change order complies with Section 10.3 of the SBO Policy. All additional work involved in this change order will be performed by the prime contractor, Allied Resources, and their existing subcontractor.

Funding

Transportation Capital Investment Plan

26. Concrete Installation and Repair FY 2002

Action: Approve change order #1 to renewal #3 of the contract with Carolina Cajun Concrete, Inc. in the amount of \$156,666.48 for Concrete Installation and Repair FY2002.

Staff Resource: Carl Jarrett, Engineering & Property Management

Explanation

- The Planning Commission and Neighborhood Development recommend this change order to expedite the needed improvements along Bradford Drive near Thomasboro Elementary School before the Summer Break comes to an end.
- This change order will provide safe and accessible routes for students and special needs residents and will include sidewalk, wheelchair ramps and asphalt patching along Bradford Drive near Thomasboro Elementary School.
- This change order will also replace curb and gutter, sidewalk, wheelchair ramps on 3rd and Brevard Street and Cortland Road.
- Adding this work by change order will allow the City to expedite the work and take advantage of good contractor progress and existing unit prices.

Contract History

- Council awarded the original contract on June 24, 2002 for \$269,508.75.
- The total contract amount to date including all change orders and renewals is \$1,555,998.83.
- Construction completion is scheduled for August 2006.

Small Business Opportunity

This change order complies with Section 10.3 of the SBO Policy. All additional work involved in this change order will be performed by the prime contractor, Carolina Cajun Concrete, Inc., and their existing subcontractor.

Funding

Neighborhood Capital Investment Plan and Powell Bill Fund

27. Fire Computer Aided Dispatching System Maintenance Contract

Action: Approve a contract with Tritech Corporation for \$220,210.97 to provide maintenance services on the Charlotte Fire Department's computer aided dispatching system (CAD).

Staff Resource: Deputy Chief David Duffy, Fire

Explanation

- The Charlotte Fire Department implemented Tritech's CAD system in June 2003. The initial maintenance contract lapses at the end of June 2006.
- The new three year maintenance contract was negotiated with significant savings for the City.
- CAD is a critical system for the Fire Department. Maintenance involves system maintenance and access to upgrades.
- Due to the proprietary nature of the CAD system, only Tritech Corporation may provide maintenance services.

Small Business Opportunity

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

Funding

Fire Operating Budget

28. Airport Telecommunications Contract

Action: Approve a contract with BellSouth in the amount of \$137,004.47 for maintenance of the Airport's telecommunications system.

Staff Resource: Jerry Orr, Aviation

Explanation

- Since the current terminal opened in 1982, the Airport has contracted for a dedicated on-site technician to maintain its BellSouth Centrex telephone system.
- The telephone system currently has 3,135 lines.
- The cost of the technician is shared among all users of the Airport system.
- This agreement will extend the contract with BellSouth for another year with less than a one percent increase in cost.

Small Business Opportunity

Pursuant to Section 5 of the Program, no SBO utilization goal was set because no subcontracting is anticipated.

Funding
Airport Operating Budget

29. Airport Telecommunications Antenna Site Lease

Action: Approve a five-year lease with New Cingular Wireless PCS, LLC for a telecommunications antenna on the Airport's rotating beacon.

Staff Resource: Jerry Orr, Aviation

Explanation

- In December 1999, the Airport constructed a new rotating beacon to replace the existing beacon located on top of the old terminal building.
- The new beacon tower was also designed to accommodate up to four telecommunication antennae systems.
- This lease will allow for the installation of an antenna system to be used by Cingular and will lease land for a small outbuilding to house system components.
- Cingular will pay the Airport \$3,000 per month with a 3% annual escalation.
- The Airport has executed similar leases with AT&T, Verizon, and Nextel.

30. Airport East Daily Parking Deck Controls

Action: Award a contract with ACS Transport Solutions, Inc. of Norcross, Georgia in the amount of \$341,354 to install parking control equipment at the East Daily Parking Deck.

Staff Resource: Jerry Orr, Aviation

Explanation

- The Airport's current automated parking system includes:
 - Computer systems that provide management and revenue control of parking operations
 - Ticket dispensers
 - Cashier terminals and inventory equipment
- The system was purchased and installed in 1982 and has been expanded and upgraded to accommodate significant airport parking facilities expansions.
- The original system was purchased from the predecessor of ACS Transport Solutions. The Airport has invested \$3,471,518.41 to date for the purchase, installation and expansion of the system.
- Only ACS Transport Solutions can provide software support due to the proprietary nature of the computer software.
- On April 12, 2004, Council awarded a contract to ACS Transport Solutions, Inc. in the amount of \$482,306.41 for parking control equipment for the West

Daily Deck. This contract will expand the parking control equipment necessary for the East Daily Deck.

- This contract was negotiated rather than bid because it is an expansion of an existing system, and compatibility and standardization are the overriding concerns.

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

Airport Capital Investment Plan

31. Airport Vehicle Agreement Revision

Action: Approve a revision to the agreement with Genuine Parts Company that includes a one year agreement with options to renew for four additional one year terms and authorize the City Manager to approve renewals.

Staff Resource: Jerry Orr, Aviation

Explanation

- On February 27, 2006, Council approved an agreement with Genuine Parts Company d/b/a NAPA Auto Parts (“NAPA”) pursuant to which NAPA operates an on-site parts warehouse at the Airport.
- The Council Action stated that the agreement was for one year, with the option to renew for four additional one-year terms; however, the bid documents called for an initial three year term with a one year renewal option.
- The payment terms and all other terms remain the same. The annual estimated expenditure for labor and parts is \$525,000.

Funding

Aviation Operating Budget

32. Airport Concourse E Site Development Change Order

Action: Approve a change order to a contract with Triangle Grading and Paving, Inc. of Burlington, NC in the amount of \$225,703.94 for changes in the storm water drainage plan for Ramp E.

Staff Resource: Jerry Orr, Aviation

Explanation

- In January 2005, Council awarded a contract to Triangle Grading and Paving, Inc. for approximately 200,000 cubic yards of earthwork and storm drainage to facilitate construction of 24 additional gates on Concourse E.
- This change order will provide additional materials and labor to make necessary changes to the storm water drainage plan for the ramp area.
- The change order will also provide lining for four sanitary sewer manholes as required by CMUD. This portion of the project will be reimbursed by CMUD at a future time.

Disadvantaged Business Enterprise

Established DBE Goal: 10%

Committed DBE Goal: 10%

Funding

Airport Capital Investment Plan

33. McCormick Liability Claim

- Action:**
- A. Approve payment in the amount of \$192,565.53 to satisfy the contractual obligation to Poole's Reconstruction & Restoration Services, Inc. for restoration and reconstruction work to repair damage to a citizen's house and property resulting from a main-line sewer blockage and subsequent attempts to remove the blockage,**
 - B. Approve payment in the amount of up to \$8,000 to satisfy the contractual obligation for the citizen's hotel living expenses during the period of repair and restoration, and**
 - C. Authorize the City Attorney to settle any remaining elements of the claim within his existing authority.**

Staff Resources: Mac McCarley, City Attorney
 Court Fulton, Assistant City Attorney
 Judy Pitts, Senior Claims Manager

Explanation

- A main line sewer backup occurred on April 6, 2006 in the neighborhood of Rock Canyon Drive. CMUD responded, and in the course of clearing the blockage, raw sewage flowed into the homes of several citizens, causing extensive damage. Risk Management hired Poole's Reconstruction and Restoration Service to clean and repair Megan McCormick's house located at 11901 Rick Canyon Drive.
- While the restoration work is being performed, the McCormick family is being housed in a hotel, at an estimated cost of approximately \$7,500 - \$8,000.

Funding

Self Insured Loss Fund

Attachment 17

Poole's Reconstruction and Restoration Service for Megan McCormick

34. Knapp Liability Claim

- Action:**
- A. Approve payment in the amount of \$121,249.27 to satisfy the contractual obligation to Poole's Reconstruction & Restoration Services, Inc. for restoration and reconstruction work to repair damage to a citizen's house and property resulting from a main-line sewer blockage and subsequent attempts to remove the blockage,**
 - B. Approve payment in the amount of \$5,455.71 to satisfy the contractual obligation for the citizen's hotel living expenses during the period of repair and restoration, and**
 - C. Authorize the City Attorney to settle any remaining elements of the claim within his existing settlement authority.**

Staff Resources: Mac McCarley, City Attorney
 Court Fulton, Assistant City Attorney
 Judy Pitts, Senior Claims Manager

Explanation

- A main line sewer backup and flood occurred on April 6, 2006 in the neighborhood of Rock Canyon Drive. CMUD responded, and in the course of clearing the blockage, raw sewage flowed into the homes of several citizens, causing extensive damage. Risk Management hired Poole's Reconstruction and Restoration Service to clean and repair L.W. Knapp's house located at 7630 Zermatt Lane at a cost of \$121,249.27.
- While the restoration work was being performed L. W. Knapp was housed in a hotel at a cost of \$5,455.71.

Funding

Self Insured Loss Fund

Attachment 18

Poole's Reconstruction and Restoration Service for L. W. Knapp

35. Property Transactions

Action: Approve the following property acquisitions (A-J) and adopt the condemnation resolutions (K-AD).

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

Acquisitions

- A. Project:** 2005 Annexation - Caldwell Road Area Sanitary Sewer, Parcel # 19
Owner(s): Dean C. Moebius
Property Address: 4220 Middlestream Road
Property to be acquired: 5,972 sq. ft. (.137 ac.) in Sanitary Sewer Easement, plus 4,877 sq. ft. (.112 ac.) in Temporary Construction Easement
Improvements: Improvements affected include: wood fence, CL fencing, landscape and large shade trees
Landscaping: None
Purchase Price: \$12,625
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: R-3
Use: Vacant Lot
Tax Code: 105-166-36
Total Parcel Tax Value: \$13,500
- B. Project:** Briar Creek Relief Sewer Phase I, Parcel # 23
Owner(s): Michael Wayne Appleby And Wife, Jennifer Appleby
Property Address: 3205 Sunnymede Lane
Property to be acquired: 5,512 sq. ft. (.127 ac.) in Sanitary Sewer Easement, plus 1,025 sq. ft. (.024 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$11,250
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: R-3
Use: Single Family Residential
Tax Code: 175-102-44
Total Parcel Tax Value: \$328,300
- C. Project:** Briar Creek Relief Sewer Phase I, Parcel # 45
Owner(s): Stephen John Manzano And Kristin Pernoll Manzano
Property Address: 1709 Scotland Avenue
Property to be acquired: 2,448 sq. ft. (.056 ac.) in Sanitary Sewer Easement

Improvements: None
Landscaping: None
Purchase Price: \$11,925
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: R-3
Use: Single Family Residential
Tax Code: 155-123-36
Total Parcel Tax Value: \$570,000

- D. Project:** Fred D. Alexander Boulevard - Section B, Parcel # 16
Owner(s): Madelyn Hines King, Frances Hines King And James Hines
Property Address: 213 Valleydale Road
Property to be acquired: 3,735 sq. ft. (.086 ac.) in Fee Simple, plus 2,061 sq. ft. (.047 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$13,175
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: R-4
Use: Single Family Residential
Tax Code: 031-011-09
Total Parcel Tax Value: \$74,800
- E. Project:** South Corridor Infrastructure Project: Old Pineville Road/ Center Section (Bourbon - Exmore), Parcel # 228
Owner(s): WWB Associates, LLC
Property Address: 5624 Old Pineville Road
Property to be acquired: 2,323 sq. ft. (.053 ac.) in Sidewalk and Utility Easement, plus 3,242 sq. ft. (.074 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$12,141
Remarks: Compensation was established by independent, certified appraisals related to this property.
Zoned: I-2
Use: Industrial
Tax Code: 169-082-04
Total Parcel Tax Value: \$327,300
- F. Project:** South Corridor Infrastructure Project: Old Pineville Road/ Center Section (Bourbon - Exmore), Parcel # 230
Owner(s): Stonemarker, LLC
Property Address: 5616 Old Pineville Road
Property to be acquired: 7,761 sq. ft. (.178 ac.) in Existing Right-of-way, plus 2,855 sq. ft. (.066 ac.) in Sidewalk and Utility

Easement, plus 3,656 sq. ft. (.084 ac.) in Temporary Construction Easement

Improvements: None

Landscaping: None

Purchase Price: \$15,175

Remarks: Compensation was established by independent, certified appraisals related to this property.

Zoned: I-2

Use: Industrial

Tax Code: 169-082-05

Total Parcel Tax Value: \$520,500

G. Project: South Corridor Infrastructure Project: Old Pineville Road/ Center Section (Bourbon - Exmore), Parcel # 270

Owner(s): Old Pineville Northkirk, LLC

Property Address: 4850 Old Pineville Road

Property to be acquired: 2,063 sq. ft. (.047 ac.) in Sidewalk and Utility Easement, plus 1,835 sq. ft. (.042 ac.) in Temporary Construction Easement

Improvements: None

Landscaping: None

Purchase Price: \$15,500

Remarks: Compensation was established by independent, certified appraisals related to this property.

Zoned: I-2

Use: Industrial

Tax Code: 169-011-09

Total Parcel Tax Value: \$327,600

H. Project: South Boulevard Median, Parcel # 6

Owner(s): Eastbourne Investments, Ltd.

Property Address: 5892 South Boulevard

Property to be acquired: 1,404 sq. ft. (.032 ac.) in Sidewalk and Utility Easement, plus 25 sq. ft. (.001 ac.) in Utility Easement, plus 2,861 sq. ft. (.066 ac.) in Temporary Construction Easement

Improvements: None

Landscaping: None

Purchase Price: \$12,400

Remarks: Compensation was established by independent, certified appraisals related to this property.

Zoned: B-2

Use: Commercial

Tax Code: 173-011-05

Total Parcel Tax Value: \$741,800

I. Project: South Boulevard Median, Parcel # 7

Owner(s): Alcape Associates

Property Address: South Boulevard

Property to be acquired: 1,398 sq. ft. (.032 ac.) in Sidewalk and Utility Easement, plus 31 sq. ft. (.001 ac.) in Utility Easement, plus 1,441 sq. ft. (.033 ac.) in Temporary Construction Easement

Improvements: None

Landscaping: None

Purchase Price: \$10,325

Remarks: Compensation was established by independent, certified appraisals related to this property.

Zoned: B-2

Use: Commercial

Tax Code: 173-011-04

Total Parcel Tax Value: \$189,100

- J. Project:** South Boulevard Median, Parcel # 23
Owner(s): Devon/Charlotte, LLC
Property Address: 5649 South Boulevard
Property to be acquired: 1,118 sq. ft. (.026 ac.) in Fee Simple, plus 1,586 sq. ft. (.036 ac.) in Sidewalk and Utility Easement, plus 4,153 sq. ft. (.095 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$21,400
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: B-D
Use: Commercial
Tax Code: 171-141-38
Total Parcel Tax Value: \$3,877,700

Condemnations

- K. Project:** Bellhaven Circle Sewer Line, Parcel # 9
Owner(s): Geneva Campbell And Any Other Parties Of Interest
Property Address: 2839 Bellhaven Circle
Property to be acquired: Total Combined Area of 23,726 sq. ft. (.545 ac.) of Sanitary Sewer Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$5,075
Remarks: Compensation was established by an independent, certified appraisal and a review appraisal. City staff is recommending condemnation in order to obtain clear title.
Zoned: R-3
Use: Single Family Residential - Rural Acreage
Tax Code: 031-132-24
Total Parcel Tax Value: \$68,800

- L. Project:** Cyrus/Douglas Stream Restoration, Parcel # 4
Owner(s): Angelo J. Forlidas And Phillips J. Forlidas And Any Other Parties Of Interest
Property Address: 2925 Commonwealth Avenue
Property to be acquired: Total Combined Area of 11,662 sq. ft. (.268 ac.) of Storm Drainage Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$6,800
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-22MF
Use: Multi Family
Tax Code: 129-081-02
Total Parcel Tax Value: \$116,600
- M. Project:** Shannon Park & Sardis Road Sidewalk Project, Parcel # 56
Owner(s): Tracy A. Dudley And Any Other Parties Of Interest
Property Address: 1750 Shannon House Drive
Property to be acquired: Total Combined Area of 389.06 sq. ft. (.009 ac.) of Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$75
Remarks: Compensation was established by independent, certified appraisals related to this property. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-4
Use: Single Family Residential
Tax Code: 099-084-25
Total Parcel Tax Value: \$111,900
- N. Project:** Shannon Park & Sardis Road Sidewalk Project, Parcel # 94
Owner(s): EVCO Construction Company, Inc. And Any Other Parties Of Interest
Property Address: 8625 Sardis Road
Property to be acquired: Total Combined Area of 2,770 sq. ft. (.064 ac.) of Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$1,125
Remarks: Compensation was established by independent, certified appraisals related to this property. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-3

Use: Single Family Residential
Tax Code: 213-115-02
Total Parcel Tax Value: \$352,300

- O. Project:** Shannon Park & Sardis Road Sidewalk Project, Parcel # 95
Owner(s): Everette B. Curlee And Wife, Virginia Curlee And Any Other Parties Of Interest
Property Address: 8635 Sardis Road
Property to be acquired: Total Combined Area of 3,082.63 sq. ft. (.071 ac.) of Storm Drainage Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$2,125
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: 213-115-44
Total Parcel Tax Value: \$1,140,300
- P. Project:** Shannon Park & Sardis Road Sidewalk Project, Parcel # 96
Owner(s): Kimberly P. Curlee And Any Other Parties Of Interest
Property Address: 8717 Sardis Road
Property to be acquired: Total Combined Area of 8,669.79 sq. ft. (.199 ac.) of Storm Drainage Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$7,900
Remarks: Compensation was established by independent, certified appraisals related to this property. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-3
Use: Single Family Residential
Tax Code: 213-115-45
Total Parcel Tax Value: \$383,000
- Q. Project:** South Corridor Infrastructure Project: Old Pineville Road/ Center Section (Bourbon - Exmore), Parcel # 222
Owner(s): Fred D. Godley, Jr. And Any Other Parties Of Interest
Property Address: 701 Griffith Road
Property to be acquired: Total Combined Area of 2,345 sq. ft. (.054 ac.) of Fee Simple, plus Sidewalk and Utility Easement, plus Temporary Construction Easement
Improvements: None

Landscaping: None
Purchase Price: \$3,025
Remarks: Compensation was established by independent, certified appraisals related to this property. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: I-2
Use: Industrial
Tax Code: 169-101-06
Total Parcel Tax Value: \$7,508,300

R. Project: South Corridor Infrastructure Project: Old Pineville Road/ Center Section (Bourbon - Exmore), Parcel # 224
Owner(s): HPCC Joint Venture And Any Other Parties Of Interest
Property Address: Old Pineville Road
Property to be acquired: Total Combined Area of 2,551 sq. ft. (.059 ac.) of Fee Simple, plus Sidewalk and Utility Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$1,400
Remarks: Compensation was established by independent, certified appraisals related to this property. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: I-2
Use: Industrial
Tax Code: 169-082-01
Total Parcel Tax Value: \$1,300

S. Project: South Corridor Infrastructure Project: Old Pineville Road/ Center Section (Bourbon - Exmore), Parcel # 226
Owner(s): Keith C. Starnes And Rosella E. Starnes And Any Other Parties Of Interest
Property Address: 5700 Old Pineville Road
Property to be acquired: Total Combined Area of 8,756 sq. ft. (.201 ac.) of Existing Right-of-way, plus Sidewalk and Utility Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$10,525
Remarks: Compensation was established by independent, certified appraisals related to this property. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: I-2
Use: Industrial
Tax Code: 169-082-02
Total Parcel Tax Value: \$239,400

- T.** **Project:** South Corridor Infrastructure Project: Old Pineville Road/
Center Section (Bourbon - Exmore), Parcel # 234
Owner(s): Richard W. Keffer, Jr. And Wife, Constance O. Keffer
And Any Other Parties Of Interest
Property Address: 1036 Tyvola Road
Property to be acquired: Total Combined Area of 6,904 sq. ft.
(.158 ac.) of Fee Simple, plus Sidewalk and Utility Easement, plus
Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$75,750
Remarks: Compensation was established by independent, certified
appraisals related to this property. City staff has yet to reach a
negotiated settlement with the property owner.
Zoned: I-1
Use: Commercial
Tax Code: 169-082-09
Total Parcel Tax Value: \$870,000
- U.** **Project:** South Corridor Infrastructure Project: Old Pineville Road/
Center Section (Bourbon - Exmore), Parcel # 236
Owner(s): Richard W. Keffer, Jr. And Wife, Constance O. Keffer
And Any Other Parties Of Interest
Property Address: 1001 Tyvola Road
Property to be acquired: Total Combined Area of 6,860 sq. ft.
(.157 ac.) of Sidewalk and Utility Easement, plus Temporary
Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$20,100
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: Commercial
Tax Code: 169-084-02
Total Parcel Tax Value: \$4,561,800
- V.** **Project:** South Corridor Infrastructure Project: Old Pineville Road/
Center Section (Bourbon - Exmore), Parcel # 284
Owner(s): RW And JW Properties And Any Other Parties Of
Interest
Property Address: 4724 Old Pineville Road
Property to be acquired: Total Combined Area of 2,558 sq. ft.
(.059 ac.) of Fee Simple, plus Sidewalk and Utility Easement, plus
Temporary Construction Easement
Improvements: None
Landscaping: None

Purchase Price: \$8,067

Remarks: Compensation was established by independent, certified appraisals related to this property. City staff has yet to reach a negotiated settlement with the property owner.

Zoned: I-2

Use: Industrial

Tax Code: 169-011-14

Total Parcel Tax Value: \$540,000

W. Project: South Corridor Infrastructure Project: Old Pineville Road/ Center Section (Bourbon - Exmore), Parcel # 290

Owner(s): Mid-State Petroleum, Inc. And Any Other Parties Of Interest

Property Address: 4640 Old Pineville Road

Property to be acquired: Total Combined Area of 5,882 sq. ft. (.135 ac.) of Fee Simple, plus Sidewalk and Utility Easement, plus Temporary Construction Easement

Improvements: None

Landscaping: None

Purchase Price: \$90,300

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: Commercial

Tax Code: 149-041-09

Total Parcel Tax Value: \$596,300

X. Project: South Corridor Infrastructure Project: Old Pineville Road/ Center Section (Bourbon - Exmore), Parcel # 292

Owner(s): Blankenship Investments, LLC And Any Other Parties Of Interest

Property Address: 4630 Old Pineville Road

Property to be acquired: Total Combined Area of 8,320 sq. ft. (.191 ac.) of Fee Simple, plus Storm Drainage Easement, plus Sidewalk and Utility Easement, plus Temporary Construction Easement

Improvements: None

Landscaping: None

Purchase Price: \$44,650

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: Commercial

Tax Code: 149-041-16

Total Parcel Tax Value: \$389,500

- Y.** **Project:** South Boulevard Median, Parcel # 8
Owner(s): Faye P. Mazingo And Any Other Parties Of Interest
Property Address: 5710 South Boulevard
Property to be acquired: Total Combined Area of 5,167 sq. ft. (.119 ac.) of Sidewalk and Utility Easement, plus Utility Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$25,025
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: Commercial
Tax Code: 173-011-02
Total Parcel Tax Value: \$386,400
- Z.** **Project:** South Boulevard Median, Parcel # 20
Owner(s): Hardy Oil, Inc. And Any Other Parties Of Interest
Property Address: 5731 South Boulevard
Property to be acquired: Total Combined Area of 3,723 sq. ft. (.085 ac.) of Fee Simple, plus Sidewalk and Utility Easement, plus Utility Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$30,065
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: Commercial
Tax Code: 171-141-01
Total Parcel Tax Value: \$686,400
- AA.** **Project:** South Boulevard Median, Parcel # 24
Owner(s): Kimco Development Of Tyvola, Inc. And Any Other Parties Of Interest
Property Address: 5601 South Boulevard
Property to be acquired: Total Combined Area of 10,882 sq. ft. (.250 ac.) of Fee Simple, plus Sidewalk and Utility Easement, plus Utility Easement, plus Permanent Bus Shelter Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$68,500
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: Commercial
Tax Code: 171-141-35
Total Parcel Tax Value: \$2,186,700

- AB. Project:** South Boulevard Median, Parcel # 25
Owner(s): Nan B. Yett And Any Other Parties Of Interest
Property Address: 5421 South Boulevard
Property to be acquired: Total Combined Area of 15,150 sq. ft. (.348 ac.) of Storm Drainage Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$37,600
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: Commercial
Tax Code: 171-141-33
Total Parcel Tax Value: \$551,900
- AC. Project:** South Boulevard Median, Parcel # 27
Owner(s): Sue B. Yett And Nan B. Yett And Any Other Parties Of Interest
Property Address: 5415 South Boulevard
Property to be acquired: Total Combined Area of 22,324 sq. ft. (.512 ac.) of Fee Simple, plus Storm Drainage Easement, plus Sidewalk and Utility Easement, plus Utility Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$34,025
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-1
Use: Commercial
Tax Code: 171-141-41
Total Parcel Tax Value: \$1,228,600
- AD. Project:** South Boulevard Median, Parcel # 28
Owner(s): Sue B. Miller And Any Other Parties Of Interest
Property Address: 5331 South Boulevard
Property to be acquired: Total Combined Area of 8,528 sq. ft. (.196 ac.) of Storm Drainage Easement, plus Utility Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None

Purchase Price: \$183,225

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: Commercial

Tax Code: 171-141-30

Total Parcel Tax Value: \$186,772

36. Meeting Minutes

Action: Approve the titles, motions and votes reflected in the Clerk's record as the minutes of:

- May 8, 2006 – Business Meeting