AGENDA

Meeting Type:	BUSINESS
Date:	05/08/1995

City of Charlotte, City Clerk's Office

CHARLOTTE

Mayor Richard Vinroot *Mayor Pro Tem Patrick McCrory*

Charles Baker *Hoyle H Martin*
Stan Campbell *Don D Reid*
Patrick D Cannon *Ella Butler Scarborough*
Mike Jackson *Sara Spencer*
Nasif Rashad Majeed *Lynn M Wheeler*

Council Agenda

CITY COUNCIL MEETING
Monday, May 8, 1995

5:00 p.m. — Conference Center

- Worker's Compensation, General Liability and Auto Liability Insurance Program
- Schools and City Partnership Opportunities

6:30 p.m. — Meeting Chamber

- Invocation
- Pledge of Allegiance
- Citizens Hearing

7:00 p.m. — Formal Business Meeting

CITY COUNCIL AGENDA
Monday, May 8, 1995
TABLE OF CONTENTS

Item No.		Page No.	Attachment No.
	MINUTES AND CONSENT		
1.	Approval of Minutes	1	
2.	Consent Items	1	
	POLICY		
3.	City Manager's Report	1	
4.	Transit Advertising/Marketing Contract Extension	1	1
5	Resolution Regarding Local Authority	3	2
	BUSINESS		
6.	Consolidated Plan for Federal Housing Funds	5	3
7	A L Jinwright Funeral Service	7	4
8.	St Andrew's Home, LLC	8	5
9.	Closed Session	11	

Item No.		Page No.	Attachment No
	CONSENT I		
10.	Various Bids		
A	Video Lab Film Processor for Police Department	12	
B	Sanitary Sewer Construction - Mallard Creek Tributary Outfall to Interstate 85/Mallard Creek Church Road	12	
C	Water and Sewer Main Construction - FY95 Contract #111 - Street Main Extensions	13	
D.	Water Treatment Chemicals - Sodium Bisculfite	13	
E.	Water Treatment Chemicals - Sodium Silicofluoride	13	
F.	Water Treatment Chemicals - Activated Carbon	14	
G.	Water Treatment Chemicals - Aluminum Sulfate	14	
11.	Set Budget Public Hearing	14	
12.	In Rem Remedy		
A	1601 North Davidson Street	14	6
B.	1032 Holland Avenue, Apts #1 and #2	15	7
C.	319 Solomon Street	15	8
13.	Resolution of Intent to Abandon Street and Set Public Hearing - Unnamed Roadway off the 3000 block of North Davidson Street	15	9
14.	Speed Limit Change	16	

Item No		Page No	Attachment No.
	CONSENT II		
15.	Microcomputers, Desk and Laptop	17	
16.	Belmont Neighborhood Reinvestment, Phase III - Change Order #1	17	
17.	Alum Residuals Facilities at Franklin and Vest Water Treatment Plant, Change Order #2	18	
18.	Electric Service Agreement - North Mecklenburg Water Treatment Plant	19	
19.	Voice Mail System Lease	21	
20	Aviation Solid Waste Collection and Disposal Services Contract	22	
21.	Maintenance Agreement for Airport Elevators and Moving Walkways	23	
22	Convention Center, Construction Management Amendment #3	24	10
23.	Convention Center, Finishes Contract, Change Order #10	25	11
24.	Radio Communications Facility Lease	26	
25	Property Transactions	27	

CONSENT ITEMS

1. Approval of Minutes: March 27 Business Meeting

2. Consent agenda items 10 through 25 may be considered in one motion except those items removed by a Councilmember. Items are removed by notifying the City Clerk before the meeting.

   Staff Resource· Julie Burch

POLICY

3. City Manager's Report

4. Transit Advertising/Marketing Contract Extension

   Action: Approve the recommendation of Transportation Committee to continue transit marketing program and to authorize the Director of Transportation to execute a one-year contract extension with Wray Ward Laseter for up to $330,000

   Committee Chair: Stan Campbell

   Staff Resource. Bob Pressley

   Focus Area: Transportation

Policy· Since the early 1980s, Council has approved contracting with a full service advertising agency to provide marketing, media buying, advertising, public relations, and audio visual production for transit, carpooling, and vanpooling programs

Explanation of Request. The Transportation Committee voted unanimously to continue the marketing program The 1993 contract with Wray Ward Laseter allowed for two one-year extensions. The Committee approved extending the contract for the second and final year.

Funding: Funds for this contract are budgeted in the FY95 Transportation Fund

Background:

- The contract was referred to the Transportation Committee by Council on March 27. On April 17, the Transportation Committee voted unanimously to continue this program, and recommended that the contract be awarded to Wray Ward Laseter

- The Department of Transportation considers this program a very high priority because·

  - FY95 ridership is up 2 3% The goal set for the year is 2%.

  - Annual market survey indicated sustained positive perceptions

  - Awareness of express buses rose from 4% in 1993 to 32% in 1994

  - Respondents with negative comments dropped from 53% in 1993 to 40% in 1994.

  - Use of any transit option within the past 12 months rose from 19% in 1993 to 28% in 1994

- Thirty percent of the ridership has a choice of transportation mode; advertising attempts to capture those choice riders, while keeping those without choice informed about the system. Attracting and retaining choice riders is critical to developing a viable public transit system.

- The City's advertising expense is 2% of Charlotte Transit's operating budget The national average is 2 83%

- The Transit Advisory Committee supports the contract extension

Attachment 1

5. Resolution Regarding Local Authority

Action: **Approve recommendation of Intergovernmental Relations Committee to adopt resolution asserting City of Charlotte's desire to have full responsibility and authority for determining participation in any new federal or state programs.**

Committee Chair: Mike Jackson

Staff Resource: Boyd Cauble

Explanation of Request:

- The Council Intergovernmental Relations Committee recommends that Council adopt a resolution for "local responsibility/local authority." The resolution asserts the City's desire to have responsibility and authority for determining whether the City participates in any new state or federal program or receives state or federal funding

- Further, it states that if the City chooses to participate in any new state or federal program, the City Council wishes to have the responsibility and authority for deciding how the program or funding will be implemented, according to local needs and preferences

- If Council approves the resolution, it will be sent to members of our local delegation and Congressional representatives as Charlotte's position and intent on any future unfunded programs or mandates for cities

- The Committee approved the attached resolution at its April 18 meeting

Background:

The City provides or participates in a number of programs which are directed or mandated by the state or federal governments. Examples of current federal mandates include underground storage tanks, Americans with Disabilities Act and storm water. State mandates include housing code enforcement, recycling and sludge disposal

Often state or federal mandates come without any additional funding Other mandates may provide the City with additional funding, but require the City to spend money or implement a program under specific guidelines. Federal or state requirements may not always best serve the specific needs of the City

Attachment 2

Item No.

BUSINESS

6. Consolidated Plan for Federal Housing Funds

Action: Approve the City's FY1996 - 2001 Consolidated Plan for submission to U. S. Department of Housing and Urban Development (HUD) by May 15, 1995 in compliance with federal guidelines.

Staff Resource: Gene Shipman and J W Walton

Focus Area: City Within A City

Policy: The Consolidated Plan defines the housing strategies that will address the physical development goals of the CWAC Strategic Plan

Over the next 5 years, the City of Charlotte and other local housing providers will pursue programs and activities that address the following priorities consistent with the CWAC Strategic Plan

- Preserving existing housing stock
- Strengthening neighborhoods and community-based organizations
- Promoting self-sufficiency
- Promoting housing affordability
- Expanding affordable housing supply
- Preventing homelessness

Explanation of Request:

- HUD's purpose for the Consolidated Plan is:
  - to integrate economic, physical and human development in a holistic and coordinated manner,
  - to better address the needs of families, and
  - to stabilize and revitalize communities

- Submission of a Consolidated Plan is required in order for the City to receive $6,767,000 in federal funds for FY96 These funds address some of the needs of the 73 neighborhoods of the urban core identified in the City Within a City Strategic Plan

- Based on the CWAC Strategic Plan and citizen input, the housing and community priorities have been identified and are to be funded with federal and local dollars

- Two public hearings were held February 13, 1995 by Council and April 6, 1995 by Neighborhood Development staff to obtain citizen input.

- The Consolidated Plan was presented to the Community Development and Housing and the City Within a City Council Committees for review.

- In addition, a series of focus group meetings were held at Neighborhood Centers to obtain citizen input The priorities are outlined in the attachment

- A copy of the Consolidated Plan has been placed in Council's library

Attachment 3

7 A.L. Jinwright Funeral Service

Action: Approve a $92,590 City-Within-A-City loan to A L. Jinwright Funeral Service to acquire and construct a commercial facility at 4230 Statesville Avenue for the operation of a funeral service.

Staff Resource: Gene Shipman

Focus Area: City Within A City and the Urban Economic Strategic Plan

Policy On October 28, 1991 City Council approved the City Within A City (CWAC) Loan/Equity Pool Program The program provides that

- Banks determine loan worthiness using their underwriting criteria
- One job must be created for every $10,000 in City money loaned (no wage standard)
- The business must be located within CWAC or employ people from CWAC

Explanation of Request:

- Under the CWAC loan program, NationsBank, using its standard underwriting criteria, determined that additional equity beyond that being provided by the borrower, is needed to approve this loan
- The loan is to purchase land and build a new facility at 4230 Statesville Avenue for operation of a funeral service
- The CWAC loan funds will not be disbursed until after the building is completed using NationsBank's construction loan
- The $92,590 City loan represents the City's 20% matching funds for a 80% CWAC loan of $370,350 by NationsBank to A L Jinwright Funeral Service The total project cost is $857,940

- Proposed Project Funding

NationsBank	$370,350
Charlotte Certified Development Corporation (CCDC) - SBA-504	304,376
City of Charlotte	92,590
Owner Equity	90,624
Total	$857,940

- Approval of the NationsBank loan and the CCDC loan is contingent upon approval of the City's CWAC loan

- Job Creation
  - 9 jobs will be created for lower-income persons living within the CWAC area with wages ranging from $4 80 to $12 00 per hour

Attachment 4

8 St. Andrew's Home, LLC

Action. **Approve a $238,986 loan to St. Andrew's Homes, LLC for financing to construct 34 rental units of affordable housing for the elderly and handicapped.**

Staff Resource: J. W. Walton

Focus Area: City Within A City

Policy· The City's Consolidated Plan for Federal Housing Funds identifies a need for affordable, safe and decent housing for the elderly

Item No.

Explanation of Request·

- On behalf of St. Andrew's Homes, LLC, Pete Hubicki of PMH Associates, Inc , requested the City loan $238,986 to construct 34 rental units of affordable housing for elderly and handicapped persons with income at 50% or below the Charlotte area median income level

- The proposed location of the project is on vacant land behind the St Andrew's Episcopal Church at 3601 Central Avenue near Eastway Drive.

- The total cost of the project is $1,785,577 The loan requested from the City to close the financial gap for this project is $238,986 The attachment identifies the number of units, sizes and rent ranges, the sources and uses of funds and the City's security position

- The terms of the City loan is 30 years, deferred payment, at 0% interest

- This project is contingent on additional funding from Community Investment Corp of NC and an approval of a low-income tax credit and HOME application with the North Carolina Housing Finance Agency

- Funding for the City's loan will be from its HOME allocation

- A benefit to the City is that needed, affordable housing for the elderly and handicapped will be developed This need is identified in the Consolidated Plan

- Five hundred elderly and handicapped persons are on the Housing Authority waiting list for housing

- On May 16, 1994 Council approved a rezoning petition on the property where this proposed development is to be located

- During the pre-development and rezoning phases of this housing project, St Andrew's Homes obtained public review and input through several community meetings in neighborhoods near the proposed location A letter from PHM Associates regarding neighborhood input is provided in the attachment. Also, a letter of support from the St Andrew's Homes Community Advisory Committee is provided in the attachment.

- Even though elderly and handicapped housing is exempt from the City's Locational Policy, the proposed development (located in Census Tract 12) is in a "Permissible Area" for affordable housing.

- Prior to submitting an application to the North Carolina Housing Finance Agency for low-income tax credits, all public sources of financing must be committed to St. Andrew's Homes. St. Andrew's Homes want to meet the May 31, 1995 tax credit application deadline

- Once St Andrew's Homes receives approval from all funding sources, the City will reserve the right to review all sources and uses of funds for the project

Funding: Federal HOME funds

Attachment 5

Item No

9. Closed Session

Action: Adopt a motion to hold a closed session at the conclusion of the meeting pursuant to G.S. §243-318.11(3) for conferring with the City Attorney concerning litigation against the City of Charlotte by Robert M. Day.

Introduction to CONSENT I and II

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 have met MWBD criteria

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

Minority and Women Business Development Program (MWBD) Abbreviations:
BBE - African American
ABE - Asian American
NBE - Native American
HBE - Hispanic
WBE - Non-Minority Women

CONSENT I

10. Various Bids

A. **Video Lab Film Processor** — **Police Department**

Recommendation: The Police Chief recommends the low bid of $108,929 by Colenta America Corporation of Paramus, New Jersey

MWBD Compliance. Yes, there are no known MWBD vendors for this equipment

B. **Sanitary Sewer Construction - Mallard Creek Tributary Outfall to Interstate 85/Mallard Creek Church Road** — **CMUD**

Recommendation The Charlotte-Mecklenburg Utility Director recommends the low bid of $358,208 24 by Trans-State Construction Company of Denver, North Carolina

MWBD Status:	Amount	% of Project	Project Goals
BBE	$0	0%	4%
WBE	$0	0%	3%

MWBD Compliance: Yes, the Contractor will perform all work with his own forces

C. **Water and Sewer Main Construction - FY 95 Contract #111 - Street Main Extensions** **CMUD**

Recommendation: The Charlotte-Mecklenburg Utility Director recommends the low bid of $568,069 50 by Foster Utilities, Incorporated of Pineville, North Carolina

MWBD Status:	Amount	% of Project	Project Goals
BBE	$0	0%	2%
WBE	$0	0%	3%

MWBD Compliance: Yes, the Contractor will perform all work with his own forces

D. **Water Treatment Chemicals - Sodium Bisculfite** **CMUD**

Recommendation: The Charlotte-Mecklenburg Utility Director recommends the low bid of $104,047 94 by Ace Chemical Company, Charlotte, North Carolina

MWBD Compliance· Yes, no response received from a MWBD firm

E. **Water Treatment Chemicals - Sodium Silicofluoride** **CMUD**

Recommendation· The Charlotte-Mecklenburg Utility Director recommends the low bid of $73,620 by Prilliman Chemical Company, Suffolk, Virginia

MWBD Compliance: Yes, no response received from a MWBD firm

Item No

F. Water Treatment Chemicals - Activated Carbon — CMUD

Recommendation: The Charlotte-Mecklenburg Utility Director recommends the low bid of $53,500 by Acticarb, Dunnellon, Florida

MWBD Compliance: Yes, no response received from a MWBD firm

G. Water Treatment Chemicals - Aluminum Sulfate — CMUD

Recommendation: The Charlotte-Mecklenburg Utility Director recommends the low bid of $119,812 by Peridot Chemicals, Augusta, Georgia

MWBD Compliance: Yes, no response received from a MWBD firm

11 Set Budget Public Hearing

Action: Set the date and time of the Budget Public Hearing for Thursday, May 25th at 7 00 p.m. in the Council Chamber. The public hearing will follow the budget workshop which is scheduled from 5·00 p m. to 7:00 p.m.

12 In Rem Remedy

A 1601 North Davidson Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 1601 North Davidson Street (Optimist Park Neighborhood) which is located in the City Within a City boundaries

Attachment 6

B. 1032 Holland Avenue, Apts. #1 and #2

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 1032 Holland Avenue, Apts. #1 and #2 (Druid Hills North Neighborhood) which is located in the City Within a City boundaries.

Attachment 7

C. 319 Solomon Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the dwelling at 319 Solomon Street (Biddleville Neighborhood) which is located in the City Within a City boundaries.

Attachment 8

13. Resolution of Intent to Abandon Street and Set Public Hearing - Unnamed Roadway off the 3000 Block of North Davidson Street

Action:

A Adopt the Resolution of Intent to abandon an unnamed roadway off the 3000 block of N. Davidson Street, and

B. Set a Public Hearing for June 26, 1995.

Attachment 9

Item No.

14. Speed Limit Change

Action: Adopt an ordinance to lower the speed limit on five Charlotte streets to 25 MPH:

- Blackhawk Road (NorthPoint)
- Countryside Drive (NorthPoint)
- Normandy Road (Club Colony)
- Wallace Lane
- Wedgewood Drive (Madison Park)

CONSENT II

15. Microcomputers, Desk and Laptop

Recommendation: Purchasing Director recommends that the bid submitted by Norcor Tech, Inc. be declared non-responsive because of low point values scored in the following areas technical specifications, vendor support and system options.

Further, the Purchasing Director recommends that the bid of $531,800 submitted by DP Connections, Inc , of Charlotte North Carolina, the lowest responsive bidder for desktops, be accepted and that the low bid of $190,350 by Computerland of Charlotte, NC be accepted for laptops

Explanation· The selection of the low bidder meeting criteria in the RFP included the following factors system cost, vendor experience, vendor support, life cycle cost, ability to meet technical specifications and available system options. Each factor received a point value that determined the vendor's score for each category. The evaluation team from Purchasing and CIS applied the point values for each factor by vendor to determine each vendor's weighted score in the evaluation process

These purchases will begin upgrading Police and Neighborhood Development to the same level of computerization as other City businesses.

The bid prices are good for six months with two more six month extension periods available.

MWBD Compliance: Yes. Several vendors on the bid list are MWBD's Two bids received are MWBD's

16. Belmont Neighborhood Reinvestment, Phase III - Change Order #1

Action: Approve Change Order #1 with Jones Fencing and Grading, Inc. for $452,495 33. This change order will provide infrastructure improvements in the Belmont Neighborhood bringing the total contract amount to $1,619,325.75

Policy The Neighborhood Reinvestment Program was approved by City Council in FY90 and merged with the Small Area Plan in FY92 This program provides for new or reconstructed infrastructure in areas where sub-standard or no infrastructure exists

Explanation of Request: This work was requested by the Neighborhood Development Department The additional work is being added as a change order to complete the Belmont Neighborhood Project before winter. The contractor has agreed to extend his prices as low bidder on the original contract for the change order, saving the City the time and cost of further design and bidding on this project. The additions include storm drainage, sidewalk, paving, and curb and gutter in the Belmont Community

Background: The Belmont Community was targeted for infrastructure improvements under the Neighborhood Reinvestment Program Approximately $4,000,000 in infrastructure improvements have been committed to this goal On February 14, 1994 Council awarded the Belmont Phase III contract to Jones Grading and Fencing in the amount of $1,166,830 42

17 Alum Residuals Facilities at Franklin and Vest Water Treatment Plant, Change Order #2

Action. **Approve Change Order #2 with Crowder Construction Company to the Alum Residuals Facilities Contract for General Construction at Franklin and Vest Water Treatment Plants for $217,200.04.**

Explanation of Request. This change order will allow erection of handrails along the existing flocculation basins, sedimentation basins, and filters at the Franklin Water Treatment Plant Installation of the handrails is an OSHA regulation required to ensure employee safety

Background

On April 25, 1994, Council approved the original contract with Crowder Construction Company for $5,890,242.

On April 10, 1995, Council approved Change Order #1 for $61,813

This will increase Crowder Construction Company's contract from $5,952,055 to $6,169,255.04

18 Electric Service Agreement - North Mecklenburg Water Treatment Plant

Action

Approve Electric Service Agreement for temporary power to the North Mecklenburg Water Treatment Plant with Crescent Electric Membership Cooperative (Crescent EMC) and Duke Power Company (Duke).

Explanation of Request

- The North Mecklenburg Water Treatment Plant is under construction Temporary electric service is required by all of the four prime contractors CMUD requires permanent electric service for operation of the plant

- The plant lies within a territory assigned to Crescent EMC The intake structure is located in an unassigned territory where either Duke or Crescent EMC can provide electric service at the customer's option

- CMUD purchased a raw water main right-of-way in fee simple from the intake to the plant site. In such circumstances, where there is contiguous ownership connecting a portion of a site that lies within an unassigned territory to part of a site that lies within an assigned territory, statutes permit the customer to choose the electric service provider

- Based on a comparison of proposals from Duke and Crescent EMC, CMUD chose Duke. Duke provided temporary power with a diesel generator pending construction of power lines to the site

- After CMUD chose Duke, and before a contract could be presented to Council, Crescent EMC sued Duke on the basis that the plant is located within an exclusive Crescent EMC territory. The Court issued a temporary injunction prohibiting Duke from supplying power to the plant pending a final decision by the court on the merits of the lawsuit

- Since the injunction was issued, CMUD has supplied temporary power to the plant site with leased generators

- This agreement provides that

  - Crescent EMC will build power lines to the plant site that are capable of providing both temporary and permanent power

  - Crescent EMC and CMUD will negotiate an agreement for permanent power, contingent on the outcome of the lawsuit. The term of the agreement will be 10 years, thus allowing Crescent EMC to recover its construction cost through revenues

  - Should Duke prevail in the lawsuit, the City will terminate its permanent electric service agreement with Crescent EMC Duke will construct its own lines to the plant site, and will reimburse Crescent EMC's cost for constructing its lines ($90,336.20)

When Duke's lines are activated, Crescent EMC's lines will be removed and the City will have no further obligation to Crescent

19. Voice Mail System Lease

Action: **Approval of five year lease with Tellmagine, Inc. to upgrade City's voice mail system totalling $196,440.**

Explanation of Request:

- The City's existing voice mail system is operating at capacity This request is to expand the current system to provide more voice mail boxes and improve its operating efficiency
- The proposed agreement has an annual cost of $39,288 and a total cost over the five year lease period of $196,440

Funding: Costs are charged to user departments at the rate of $4 per voice mail box per month

Background:

- The City's voice mail system, installed in March 1991, was projected to accommodate 500 voice mail boxes.
- This existing system is at maximum capacity with approximately 1,190 boxes and 51 specialized configurations including ones for Ride-Share and the City's Vacancy Hotline
- The proposed upgrade will
  - Provide a faster central processing unit to eliminate slow downs in answering and delivering messages,

- Increase capacity to approximately 2,500 voice mail boxes

- Allow full integration with the City's Interactive Voice Response platforms, such as BUSter and Call Charlotte

- Accommodate the average 20 new voice mail box requests received monthly, as well as the projected need for additional boxes at the new Charlotte-Mecklenburg Police Department

- The proposed lease contains a "technology clause" that will allow the City to terminate the existing lease without penalty and enter into a new lease for more technologically advanced equipment This clause was a critical factor in selecting Tellmagine, Inc to provide this upgrade, since no other leasing company contacted offered this option.

20 Aviation Solid Waste Collection and Disposal Services Contract

Action: **Approve a one year contract with Container Corporation of the Carolinas for solid waste collection and disposal services at the Airport not to exceed $325,000.**

Explanation of Request:

- This contract includes three recycling containers and seven waste containers at a monthly rental rate of $1,100. It also includes container pick up fees for transport to landfill/recycling facilities at a rate of $69 50 per haul Additionally, landfill fees of $29 70 per ton are passed through to the airport at actual cost The airport averages 115 hauls to the landfill/recycling facility with an average of 600 tons of waste monthly There is an offset from selling recyclable aluminum and cardboard

- Container Corporation was awarded this contract in 1991 because their proposal was more economical than those submitted by BFI Waste Systems and Chambers Development of North Carolina. Another Request for Proposals was advertised in March and proposals were submitted from D&L Waste and Container Corporation. Container Corporation's proposal was the most economical

- In an effort to reduce costs, the Airport is evaluating options to increase the volume of recycling and decrease the volume of waste One option includes hiring a company to separate the recyclables on site Should that occur, this contract may be terminated with a 60-day written notice.

Background·

- 1983 - 1989 - Airport used disposal service process on a month-to-month basis.

- April 1989 - City Council approved a one-year contract with two one-year extensions with Container Corporation

- June 24, 1991 - City Council approved a one year contract with two one-year extensions with Container Corporation

21. Maintenance Agreement for Airport Elevators and Moving Walkways

Action. **Award a five year maintenance contract to Schindler Elevator Corporation for the elevators and moving walkways located in the terminal expansion**

Explanation of Request·

- As part of the terminal expansion project, Schindler Elevator Corporation installed six moving walkways and three elevators

- According to the manufacturer, elevators and moving walkways require weekly inspections and maintenance
- Schindler proposes to provide an extended warranty agreement that includes parts and labor for five years at a rate of $4,345 a month

Background:

- The elevators and moving walkways installed in the terminal expansion have a one year warranty on parts and labor that expires on May 17, 1995.
- Otis Elevator and Southern Elevator Companies declined to bid on the maintenance contract due to parts availability and liability issues
- Schindler currently maintains six other elevators and four escalators on a separate agreement
- The monthly rate will be adjusted annually to reflect changes in Schindler's costs for labor and materials

22. Convention Center, Construction Management Amendment #3

Action. **Approve Amendment #3 to the construction management agreement with Fluor Daniel for $847,000.**

Explanation of Request:

- To keep the project on schedule, Fluor Daniel hired additional contractors, purchased construction supplies and materials, and in some cases brought in their own workers

- The amendment will reimburse Fluor Daniel for their actual out of pocket costs and includes no fee or interest

Attachment 10
Project Budget Update

23. Convention Center, Finishes Contract, Change Order #10

Action.

Approve Change Order #10 to the Convention Center Finishes contract with Cecil Malone for $279,811 increasing their contract from $13,319,511 to $13,599,322.

Explanation of Request

- This change order is to pay for extra work by a subcontractor to Cecil Malone, J P Enterprises (JPE), who provided painting and acrylic wall coatings for the Convention Center project This work was necessary to keep the project on schedule

- JPE originally submitted a request for $662,366 The Construction Manager has reviewed the request and can only justify $279,811 for additional work performed Staff agrees with this recommendation

- This change order is a portion of a larger final close out request from Cecil Malone that is currently being negotiated

Attachment 11
Background

24 Radio Communications Facility Lease

Action: Approve a lease agreement with Intermart Broadcasting of North Carolina, Inc. to co-locate an antenna on the City's tower and to rent space in the City's communications building located at 6230 North Tryon Street.

Policy: In October 1993, City Council adopted the Policy Statement for Asset Management The City will maximize its return from its current and future assets

Explanation of Request Intermart Broadcasting of North Carolina, Inc. needs an antenna site in the vicinity of the City's tower located along North Tryon Street and Heathway Circle for their radio communications services. They also need 140 square feet inside the City's communications room adjacent to the tower

The lease is for a three year term with two options to renew for three years each.

Their operation will not interfere with current or future needs of the City.

The rate for initial lease is $1,000 per month which is comparable to current rates being paid by private operators in the local area The rate is subject to renegotiation for each renewal period

Funding: The projected income from the agreement will equal $12,000 annually Revenues generated over the three year lease will be $36,000

Background· Since 1992 Council has approved a number of leases with communication companies to place equipment on City-owned land The leases generate a total of $79,500 annually in revenues to the City

The equipment being used is a three foot whip antenna and a 24 inch microwave dish located at the 220 foot level of the City's 490 foot communication tower The equipment being used has been approved by the CIS Department and is an unnoticeable addition to the tower.

25 Approve the following property acquisitions (A-H) and condemnation resolutions (I-O).

Acquisitions

A. Project Milton Road Improvements, Parcel #31
Owner(s) Robert P Hutcheson & wf , Judith F. Hutcheson
Property Address 2118 Milton Road
Property to be acquired 1,635 sq.ft (037 AC) fee acquisition plus 1,870 sq.ft (0429 AC) temporary construction easement
Improvements Trees, flower beds, seeded lawn, paved driveway
Tax Value: $57,400
Purchase Price $26,000
Remarks The areas and easements acquired are needed for the improvement of Milton Road and its intersection with Tipperary Place The compensation covers the loss of front and side yard land areas and loss of mature trees, shrubs, flower beds and seeded lawn Compensation is based on an appraisal

Zoned R-4 Use Single/Family/Residential
Tax Code 099-161-42

B. Project: Six Mile Creek Basin/Sanitary Sewer, Parcel #8
Owner(s) John Crosland Company
Property Address 16 170 Acres - Community House Road
Property to be acquired 61,650 sq ft. (1 42 AC.) Permanent Easement plus 61,650 sq ft (1 42 AC.) of Temporary Construction Easement.
Improvements· Trees
Tax Value. $194,040
Purchase Price $13,400
Remarks: A 2,055' permanent easement is required for the installation and future maintenance of a 36" sanitary sewer line Also required is a 30' temporary construction easement

Zoned: R-9CD Use Residential
Tax Code Part of 229-061-11

C. Project· Bethel Church Road Pump Station #4, Parcel #1
Owner(s) James Pellegrino
Property Address 20936 Lagoona Drive
Property to be acquired 20,020 sq.ft. 4596 AC.)
Improvements N/A
Tax Value· $20,000
Purchase Price: $26,000
Remarks This site is required for a sanitary sewer pump station It will serve the Bethelwood Lane, Bethel Church Road and Biscayne Park area The pump station is required due to increased demand for sewer service in this area. Acquisition price is based on appraisal

Zoned R-2 Use Vacant
Tax Code 001-703-03

D. **Project**. Milton Road Widening, Parcel #109/110/111/115
Owner(s): Sheffield Farms Associates and any other parties of interest
Property Address 4408 Mendham Drive
Property to be acquired. 5,108 sq.ft. (0.12 AC.) fee plus 3,824 sq ft. (0 0088 AC) temporary construction easement
Tax Value. $260,000
Purchase Price $17,300
Remarks: The construction of two additional through lanes plus a turning lane required acquisition along the length of the property A *large amount of construction easement* is required as well Compensation amount is based upon appraisal

Zoned R-17MF **Use** : Apartment
Tax Code· Part of 107-031-66, 107-027-02

E. **Project**: Carmel Road Widening, Parcel #124
Owner(s) R Brent Anderson & wf , Lori H Anderson
Property Address 5100 Carmel Road
Property to be acquired. 1,569 62 sq ft (0 036 AC) plus 690 01 sq ft (0.015 AC) of temporary construction easement
Tax Value $151,00
Purchase Price $47,950
Remarks This project causes loss of property, an entire landscaped buffer, fence, shrubs and a portion of an underground sprinkler system Compensation amount was based upon two independent appraisals

Zoned: R-3 **Use** : Residential
Tax Code 209-302-33

F. **Project** Beatties Ford Road Left Turn Lane, Parcel #22
Owner(s) Samuel Curry and Lavahn L. Curry
Property Address 2316 Beatties Ford Road
Property to be acquired 1,281 sq ft. (0.0294 AC.) in fee simple plus 967 sq ft (0.022 AC.) temporary construction easement
Tax Value. $137,570
Purchase Price: $12,600
Remarks: Area acquired in fee is necessary to provide a left turn lane on Beatties Ford Road Compensation is based on an appraisal made on the property and includes loss of asphalt area in front of building and relocation of advertising sign

Zoned. B-2CD **Use** Auto Repair Shop
Tax Code Part of. 075-021-04

G. **Project** Milton Road Widening, Parcel #121,122,123
Owner(s). Lloyd F Baucom & Meredith D. Stoever
Property Address 2824 Milton Road
Property to be acquired 9,972 sq.ft (0.23 AC.) fee plus temporary construction easement
Tax Value: $374,500
Purchase Price $41,860
Remarks The property will be affected by the road project due to the construction of a center turn lane along Milton Road and a turn lane coming out at Barrington Drive This resulted in the loss of developable property as verified by the City's independent appraiser

Zoned BISCD **Use** Convenience Store
Tax Code Part of 099-211-04, 27, 28

H. Project: F.A.R. Part 150 Land Acquisition
Owner(s). Pyramid Investment Company
Property Address 4329 Pebblebrook Drive
Property to be acquired 247 acres
Improvements 3 Bedroom, 1 Bath, Ranch
Tax Value. $43,510
Purchase Price $45,000
Remarks The purchase was determined by an independent appraiser and was reviewed by a second appraiser Each appraisal takes into consideration the specific size and condition of the house The tax value is determined on a more generic basis and will be higher or lower for houses with certain attributes Residential property is acquired per Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970 The owners are eligible for relocation benefits Acquisition and relocation costs are eligible for Federal Aviation Administration reimbursement.

Condemnations:

I. Project Six Mile Creek Basin/Sanitary Sewer, Parcel #30
Owner(s)· (Agent) Frank P Larson, Jr , V Pamela Larson Baldwin, Steven F Larson, Peter F Larson and all parties of interest
Property Address 13099 Darby Chase Drive
Property to be acquired 16,429 95 sq ft (.38 AC)
Improvements N/A
Tax Value: $2,310
Purchase Price $3,400
Remarks Project requires a 25' permanent easement along Six Mile Creek Permanent easement is 9,127 75 sq ft (21 AC) plus temporary construction easement of 7,300 20 sq ft (17 AC) The owner is unwilling to grant an easement due to his belief that damages are greater but did not provide any justification for an increase

Zoned R-3 Use Utilities
Tax Code 229-191-08

Item No.

J. **Project** Glenwood/Hoskins Sidewalk Project, Parcel #33
Owner(s) David J Taylor & wf , Judy Taylor and any other parties of interest
Property Address 515 South Hoskins Road
Property to be acquired 5,893 sq ft (0 135 AC)
Improvements· Sign
Tax Value. $95,250
Purchase Price. $13,300
Remarks: Property owner expressed at the beginning of negotiation that he would not settle this parcel. Title research indicates back taxes are owed from 1985 through 1994. Therefore, condemnation is recommended in order to get clear title.

Zoned. B-1 **Use**: Commercial Property
Tax Code. Part of 063-021-03

K. **Project**· Six Mile Creek Basin/Sanitary Sewer, Parcel #31
Owner(s) (Agent) Frank P. Larson, Jr ; Taboma,Inc a Nevada Corporation and all parties of interest
Property Address 13 535 Acres off Providence Road
Property to be acquired 62,358 30 sq.ft (1 43 AC)
Improvements. N/A
Tax Value· $135,270
Purchase Price $5,000
Remarks. Project requires a 25' permanent easement along Six Mile Creek. Permanent easement is 34,643 50 sq ft (80 AC.) plus temporary construction easement of 27,714 80 sq.ft (64 AC). The owner is unwilling to grant an easement due to his belief that damages are greater but did not provide any justification for an increase

Zoned R-3 **Use** Single Family
Tax Code 229-191-04

L. **Project**· Six Mile Creek Basin/Sanitary Sewer, Parcel #42
Owner(s) Blakeney Heath Limited Partnership, A North Carolina Limited Partnership and all parties of interest
Property Address 113 720 acres off Blakeney Heath Road
Property to be acquired: 108,613.60 sq ft. (2.49 AC.)
Improvements: N/A
Tax Value. $3,958,050
Purchase Price. $7,200
Remarks· Project requires a 25' permanent easement along Six Mile Creek Permanent easement is 67,883 50 sq ft (1 56 AC.) plus temporary construction easement of 40,730 10 sq ft (94 AC) The owner is unwilling to grant an easement until they receive some element of satisfaction, preferably a buy out by CMUD for the treatment plant they currently own Negotiations on that matter are under consideration but condemnation on this project is necessary in order to proceed with construction.

Zoned. 015 **Use**· CD
Tax Code 229-091-03

M. **Project** Six Mile Creek Basin/Sanitary Sewer, Parcel #7
Owner(s) Blakeney Heath Limited Partnership, A North Carolina Limited Partnership and all parties of interest
Property Address Rea Road
Property to be acquired 31,898 40 sq ft (73 AC)
Improvements N/A
Tax Value $62,860
Purchase Price: $3,100

Remarks Project requires a 30' permanent easement along Six Mile Creek Permanent easement is 15,949 20 sq ft (37 AC.) plus temporary construction easement of 15,949 20 sq ft (37 AC). The owner is unwilling to grant an easement until they receive some element of satisfaction, preferably a buy out by CMUD for the treatment plant they currently own Negotiations on that matter are under consideration but condemnation on this project is necessary in order to proceed with construction.

Zoned· R-20 Use Multi-Family
Tax Code. 229-061-14

N. Project: Six Mile Creek Basin/Sanitary Sewer, Parcel #29
Owner(s). V Pamela Larson Baldwin, Stephen F. Larson, Peter F Larson, Frank P Larson (Agent) and all parties of interest
Property Address 88 8 Acres off Providence Road
Property to be acquired 80,460.90 sq.ft (1 85 AC)
Improvements N/A
Tax Value N/A
Purchase Price: $6,500
Remarks. Project requires a 25' permanent easement along Six Mile Creek Permanent easement is 44,700 50 sq ft (1.03 AC.) plus temporary construction easement of 35,760 40 sq.ft. (82 AC.). The owner is unwilling to grant an easement due to his belief that damages are greater but did not provide any justification for an increase

Zoned R-3 Use Single Family
Tax Code 229-131-02

O. **Project** Six Mile Creek Basin/Sanitary Sewer, Parcel #9
Owner(s): Blakeney Heath Limited Partnership, a North Carolina Limited Partnership and all parties of interest
Property Address. Blakeney Heath Road
Property to be acquired· 88,395 55 sq ft. (2.03 AC)
Improvements N/A
Tax Value $1,011,490
Purchase Price $3,800
Remarks Project requires a 25′ permanent easement along Six Mile Creek Permanent easement is 53,962 sq ft (1 24 AC) plus temporary construction easement of 34,433.55 sq ft (79 AC). The owner is unwilling to grant an easement until they receive some element of satisfaction, preferably a buy out by CMUD for the treatment plant they currently own. Negotiations on that matter are under consideration but condemnation on this project is necessary on order to proceed with construction

Zoned: R-R **Use** CD
Tax Code 229-061-06