

Mayor Patrick L. McCrory Mayor Pro Tem Susan Burgess

Michael Barnes
Nancy Carter
Andy Dulin
Anthony Foxx
Patsy Kinsey

John W. Lassiter
Don Lochman
James Mitchell, Jr.
Patrick Mumford
Warren F. Turner

CITY COUNCIL MEETING

Monday, February 12, 2007

Time Sensitive Items

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

Item #	Page #	Title
9	8	North Carolina 2007-2013 Transportation Improvement Program
18	17	Upfit for CATS Office Space at 400 East Trade
22B	21	Ashley Park/Westerly Hills Neighborhood Improvements Phase 2
22C	21	Cyrus/Douglas Branch Channel Improvements Phase 2
27	25	Equipment Lease Purchase Program
28	26	Interlocal Agreement with Charlotte Housing Authority for Seigle Avenue Streetscape
30	28	Storm Water Maintenance FY2004D Renewal #3
35	33	Buffer Zone Protection Program
36	34	Armored Vehicle for Police
37	35	Mobile Communications Vehicle
44B	41	Condemnation B-Potts Street Parallel Outfall, Parcel #19

CITY COUNCIL AGENDA

Monday, February 12, 2007

TABLE OF CONTENTS

<u>Item No.</u>	<u>Page No.</u>	<u>Attachment No.</u>
5:00 P.M. Dinner Briefing		
Conference Center		
1.	North Carolina 2007-2013 Transportation Improvement Program	1
2.	Small Business Opportunity Program Plan for the NASCAR Hall of Fame Construction Contract	1
3.	Transportation Action Plan and Funding Options	2
4.	10 Year Plan to End Chronic Homelessness	2
		1
7:00 P.M. Awards and Recognitions		
Meeting Chamber		
Consent		
5.	Consent agenda items 22 through 45 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.	4
Public Hearing		
6.	Public Hearing on Ordinance to Amend Housing Code	5
		2

<u>Item No.</u>	<u>Page No.</u>	<u>Attachment No.</u>	
Policy			
7.	City Manager's Report	7	
8.	NCDOT Proposal for Lighting on I-277 and I-77	7	
9.	North Carolina 2007-2013 Transportation Improvement Program	8	
10.	Johnston and Mecklenburg Mill Apartments-Request for Proposal	8	3
11.	Neighborhood Policy and Strategy Report	10	4
12.	Scaleybark Transit Oriented Development	11	
Business			
13.	NASCAR Hall of Fame Contracts	12	
14.	Whitewater Parkway Construction Agreements	12	5
15.	Belvedere Homes Redevelopment	13	
16.	Land Exchange for Transit Supportive Redevelopment along the South Corridor Light Rail Project	14	6
17.	Citizen Participation Plan for Community Development	16	7
18.	Upfit for CATS Office Space at 400 East Trade	17	
19.	Appointment to Boards and Commissions	17	8

<u>Item No.</u>	<u>Page No.</u>	<u>Attachment No.</u>
20. Nominations to Boards and Commissions	17	9-18
21. Mayor and Council Topics	19	
Consent I		
22. Various Bids		
A. Fire Support Vehicles	20	
B. Ashley Park/Westerly Hills Neighborhood Improvements Phase 2	21	
C. Cyrus/Douglas Branch Channel Improvements Phase 2	21	
D. Traffic Signal Fiber Optic Cable and Conduit Construction along South Boulevard	22	
E. FY07 Sanitary Sewer Rehabilitation	22	
23. Refund of Property Tax	23	19
24. Resolution of Intent to Abandon Street and Set Public Hearing for a Residual Portion of Right-of-Way Located at the Intersection of Selwyn Avenue and Brandywine Road	23	20
25. Resolution of Intent to Abandon Street and Set Public Hearing for a Portion of Means Court	24	21
26. Resolution of Intent to Abandon Street and Set Public Hearing for Two 10-foot Alleyways Bounded by N. Church Street, W. 30 th Street, N. Tryon Street and W. 29 th Street	24	22

<u>Item No.</u>	<u>Page No.</u>	<u>Attachment No.</u>
Consent II		
27. Equipment Lease Purchase Program	25	23
28. Interlocal Agreement with Charlotte Housing Authority for Seigle Avenue Streetscape	26	24
29. Pedestrian Light Poles and Fixtures	27	
30. Storm Water Maintenance FY2004 D Renewal #3	28	
31. Uniformed Guard Service	29	
32. Transit Scheduling Software Maintenance Agreement	30	
33. Emergency Management Program Grant Funding	31	25
34. Mobile Data Computer Project	31	
35. Buffer Zone Protection Program	33	26
36. Armored Vehicle for Police	34	
37. Mobile Communications Vehicle	35	
38. Hidden Valley Truancy Project Grant	36	27
39. Access to Police Personnel Files	36	
40. Professional Services Agreement for West Water Main, Phase 2	37	
41. Sanitary Sewer Rehabilitation Program	38	

<u>Item No.</u>	<u>Page No.</u>	<u>Attachment No.</u>
Professional Services Contract Renewal #2		
42. Sewer Easement Mowing & Clearing Services Contract	39	
43. Transfer Former Fire Station 10 to Mecklenburg County	39	
44. Property Transactions	40	
45. Meeting Minutes	41	

5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. North Carolina 2007-2013 Transportation Improvement Program

Resource: Andy Grzymiski, Transportation

Time: 30 minutes

Synopsis

- The City, Mecklenburg-Union Metropolitan Planning Organization (MUMPO) and North Carolina Department of Transportation (NCDOT) have been working to review and suggest needed changes to the draft FY2007-2013 Transportation Improvement Program.
- City Council received information previously regarding Federal Earmarks contained in the funding program and planned use of GARVEE (Grant Anticipation Revenue Vehicles) bonds to advance the schedule for the next segment of Independence Boulevard widening from Sharon Amity Road to Conference Drive.
- The Dinner Briefing will present the recommendations that the Technical Coordinating Committee (TCC) is making to the MUMPO. The TCC will make its recommendations on February 9th and the MUMPO will be asked to approve the recommendations at a special meeting to be held on February 15th. City staff will send information regarding the TCC vote and recommend how City Council directs its MUMPO representative's vote prior to the February 12 presentation.
- This timetable is required because the NCDOT just informed MUMPO that the NC Board of Transportation will approve the TIP at its March 1st meeting.

Future Action

- An item to formally direct City Council's MUMPO representative is a part of this agenda, item 9, page 8.

2. Small Business Opportunity Program Plan for the NASCAR Hall of Fame Construction Contract

Resource: Jim Schumacher, Engineering & Property Management

Time: 30 minutes

Synopsis

- Staff will be present the Small Business Opportunity Program implementation plan for the NASCAR Hall of Fame contract with Turner Thompson Davis. The presentation will include:

- Outreach/certification of small business enterprises (SBEs)
- Methodology for assessing the local capacity of small business firms
- Methodology for establishing the project SBE goal
- Comparisons to similar projects
- Upcoming bidding/subcontracting opportunities

Future Action

- Council approval of the contract with Turner Thompson Davis is on this agenda. The item will be distributed in the Friday, February 9th Council-Manager Memorandum.

3. Transportation Action Plan and Funding Options

Resources: Norm Steinman, Transportation

Time: 20 minutes

Synopsis

- Council's Budget Committee has asked for additional information from staff about the expenditures recommended in the Transportation Action Plan (TAP), so that Council can decide the relation between the TAP's recommendations and possible new revenue sources.
- CDOT staff will describe the categories of programs and projects included in the TAP, the current and proposed levels of expenditures for the next ten years, and the results of an assessment of a short list of expenditure options.

Future Action

- After this briefing, Council may decide if this topic should be referred to a Council Committee for further discussion.

4. 10 Year Plan to End Chronic Homelessness

Resources: Stanley Watkins, Neighborhood Development
Chris Wolf, Executive Director, A Way Home

Time: 20 minutes

Synopsis

- The purpose of the presentation is to provide City Council an overview of the completed 10 Year Plan to End Chronic Homelessness - Into the Light.
- A Way Home was created as part of the Mecklenburg Council on Homelessness and is an outgrowth of the Out of the Shadows report, which was endorsed by City Council and the Mecklenburg County Board of Commission in early 2003.
- A Way Home will ask City Council to adopt this report along with short and

long-term action steps to support the following plan goals:

- Goal 1: Housing: Get homeless families and individuals into appropriate and safe permanent housing as soon as possible
 - Goal 2: Outreach and Engagement: Link chronic homelessness to housing, treatment and services through intensive outreach and engagement
 - Goal 3: Prevention: Promote housing stability for families and individuals most at-risk of becoming homeless.
- The U.S. Department of Housing and Urban Development, as part of a national movement to end homelessness, mandated that cities prepare a 10 year plan to end chronic homelessness. The plan will become a requirement to receive federal funds.
 - On February 28, 2005, City Council approved a \$25,000 grant as the City's contribution to A Way Home to develop the plan for the Charlotte-Mecklenburg area.
 - On any given night, over 5,000 individuals are homeless in Mecklenburg County, as are tens of thousands annually.
 - The Into the Light Plan calls for a shift in philosophy from a shelter based to a housing first approach.
 - Implementation of the Plan calls for development of 2,500 units of housing with supported services over the next ten years, expanding community based case management, developing integration systems strategies, and incorporating housing assistance centers and rapid re-housing strategies into the overall homeless support system.

Future Action

Staff recommends referring the Plan to the Housing and Neighborhood Development Committee for review and recommendation to the City Council.

Attachment 1

10 Year Plan to End Chronic Homelessness

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

CONSENT

- 5. Consent agenda items 22 through 45 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 Ordinance to Amend Housing Code

Action: Approve the Housing and Neighborhood Development Committee's Recommendation to:

A. Hold a public hearing on amendments to the Chapter 11 Minimum Housing Code, and

B. Adopt an ordinance to amend the Housing Code to make it consistent with the North Carolina Building Code and make minor clarifications.

Committee Chair: Susan Burgess

Staff Resources: Walter Abernethy, Neighborhood Development
Michael Jenkins, Neighborhood Development

Policy

Charlotte's Minimum Housing Code provides "standards for places of habitation for the protection of the life, health, safety, welfare and property of the general public and owners and occupants of places of habitation." This Code is applicable to all dwellings or dwelling units within the jurisdiction of the City regardless of when such units were constructed, altered, repaired, or improved.

Explanation

- There have been several changes made to the North Carolina State Building Code this past year, which dictate changes in Charlotte's Minimum Housing Code. Also, staff is recommending several minor changes for clarification.
- Changes recommended to the Minimum Housing Code are:
 - Specifications for bars on windows (State Building Code)
 - Standardize the height of porches, terraces and platform 30 inches or more above finished grade to have railings not less 36 inches high (State Building Code)
 - Minor language changes for clarification
- This particular section of the Minimum Housing Code has not been updated in many years, and is currently less restrictive than the State Code resolving these areas.
- These amendments will better provide for the safety of occupants of dwellings.

Background

- On December 11, 2006, the Housing and Neighborhood Development Committee voted unanimously to recommend that the safety issues of the code proceed to public hearing.
- Advertisements for the public hearing were in the Mecklenburg Times on January 23, 2007 and January 30, 2007. For information purposes, the notice was in the Charlotte Observer on Sunday, February 4, 2007.

- The Committee also reviewed a proposed change to the Occupancy Requirements, which limits the number of individuals that may reside in a house. This matter was referred to City Council for more discussion which is scheduled for March 5, 2007.

Attachment 2
Ordinance

POLICY

7. City Manager's Report South Corridor Light Rail Project Update

8. NCDOT Proposal for Lighting on I-277 and I-77

Action: Recommend that the NCDOT Install Solar Street Lighting on the I-277 Loop, plus a portion of I-77.

Staff Resources: Andy Grzymiski, Transportation
Barry Moose, NCDOT

Explanation

- On January 22nd, Barry Moose, North Carolina Department of Transportation (NCDOT) Division 10 Engineer, spoke to the Council Transportation Committee about a number of local transportation issues, including the lighting of I-277 and a portion of I-77.
- The problem area was generally described as I-277 plus a section of I-77 up to I-85. The lighting system in this area is 35 years old and is beyond the point of repair.
- The NCDOT is looking at two options, solar lighting and standard lighting.

Solar Lighting

- The first option is to use solar lighting. This would cost \$1 to 1.2 million for full replacement of the existing system.
- The NCDOT has been testing this system on I-77 at LaSalle Street with success. The lights used for the replacement would be brighter than those being tested, while still not as bright as the standard lights.
- Spacing of the lights would ensure that they meet the required illumination standards.
- This replacement would be completed at the State's expense without additional State Transportation Plan (TIP) dollars and installation could begin by summer 2007.

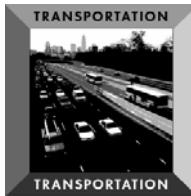
Standard Lighting

- The second option for lighting would be a full replacement of the standard lighting package that exists today.
- This option would cost \$6 to \$8M and would have to be financed in the state TIP through a one time use of Equity Funds or through GARVEE Bonds. GARVEE Bonds are bonds issued in anticipation of future federal funds and subject to the Equity Formula, with the cost repaid over 12 years.
- Planning and design for this option would begin by late 2007.

Recommendation

- While not formally endorsing either option, the Council Transportation Committee seemed to prefer the solar option, due to the lower cost, ability to implement quicker and beneficial environmental effect.
- Barry Moose asked that City Council formally support Option 1, the solar option.
- If the second option is selected, City Council would need to instruct its MUMPO representative to pursue funds through the TIP.

9. North Carolina 2007-2013 Transportation Improvement Program



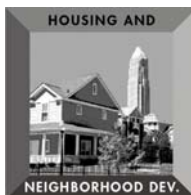
Action: Direct the vote of the City of Charlotte MUMPO Representative related to the North Carolina 2007-2013 Transportation Improvement Program.

Staff Resource: Andy Grzymiski, Transportation

Explanation

- City and Mecklenburg-Union Metropolitan Planning Organization (MUMPO) staffs have been working with the North Carolina Department of Transportation (NCDOT) staff to develop a Transportation Improvement Program (TIP) since a draft was published in August 2006.
- The Technical Coordinating Committee (TCC) is expected to vote on the TIP at their February 9th meeting.
- City staff will forward information on the TCC discussion and a recommendation on how to direct City Council's MUMPO representative's vote prior to this Council meeting. A presentation will be given at the February 12th Dinner Briefing. Councilmember Mumford is the City Council's representative on the MUMPO and will be asked to vote at a February 15th MUMPO meeting.
- Staff was recently informed that the NCDOT Board of Transportation is expected to approve the TIP at their March meeting which is one month earlier than we were previously told.

10. Johnston and Mecklenburg Mill Apartments – Request for Proposals



Action: Approve the Housing and Neighborhood Development Committee's recommendation for a Request for Proposal (RFP) process to dispose of the Mills properties.

Committee Chair: Susan Burgess

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

Policy

- City's Mixed Housing Development Policy was adopted by City Council on September 24, 2003.
- Charlotte Region Transit Station Area Joint Development Principles and Policy Guidelines: The Joint Development Policies, adopted by the Charlotte City Council in April 2003.
- The City's FY2006-2010 Consolidated Plan was approved by City Council on June 13, 2005.
- The Plan identified the need for affordable, safe and decent housing for low and moderate-income families.
- The Plan reaffirmed the three basic goals of the City's Housing Policy: preserve the existing housing stock, expand the supply of affordable housing, and support family self-sufficiency initiatives.

Explanation

- The Housing and Neighborhood Development Committee requests that City Council approve a Request for Proposal (RFP) process to dispose of the Johnston and Mecklenburg Mill Apartments and the two adjacent buildings.
- The Mills site is a seven-acre tract located adjacent to the northeast intersection of North Davidson Street and 36th Street. The site houses the former 90-unit Johnston Mill and 60-unit Mecklenburg Mill, which were used for affordable housing until May 2006. The site also contained two accessory buildings.
- RFP Scope: The City will seek proposals from qualified developers or development teams to purchase, design, rehabilitate, market and manage the Mills properties. The City seeks mixed-income development proposals for the site, which:
 - Offer the City the highest return on its investments in the site
 - Promote affordable housing that:
 - o Maximizes the number of affordable housing units. One to One replacement is desired with a minimum of 75 units on-site.
 - o Requires off-site affordable housing units to be within 1/2 mile of the Mills sites.
 - Promote transit oriented development, including office and business uses consistent with current zoning.
- The City is offering the Mills properties "As Is."

RFP Schedule

Issue Request for Proposals	February 15, 2007
Pre-Submission Conference	March 16, 2007
Proposal Due Date	May 31, 2007
Selection Committee Reviews and Short List	June 15, 2007
Proposal Presentations	July 13, 2007
Selection Committee Recommendation	August 10, 2007
City Council Approval of the Development team	September 2007

Selection Process

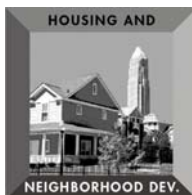
- The Selection Committee will be composed of City of Charlotte staff, representatives of the Historic North Davidson Neighborhood and Business Associations and a private sector developer with experience in residential development. A short list of developers (three to four) will be interviewed as a part of the process. The Selection Committee's recommendations will be sent to the Housing and Neighborhood Development Committee for recommendation to the City Council.

Committee Discussion

- On January 17, 2007 the Housing and Neighborhood Development Committee met to discuss the information from the January 2, 2007 City Council Workshop. The Committee discussed the Artspace proposal and City Council priorities for the redevelopment of the Mills properties.
- A majority of the Committee felt the priorities previously discussed with the Council, including return on investment, affordable housing and transit oriented development, were important considerations for the site. One member felt the Artspace proposal had merit and should be considered. The Committee voted 3 -1 (For: Barnes, Foxx and Lochman; Against: Burgess, Committee member Mumford left the meeting prior to the vote) to send the RFP prepared by staff to the City Council for consideration and approval.

Attachment 3

Background – Johnston and Mecklenburg Mills
Request for Proposal Highlights
Johnston and Mecklenburg Mills RFP Document
Committee Meeting Summary

11. Neighborhood Policy and Strategy Report

Action: Receive as information the Neighborhood Policy and Strategy Report from the Housing and Neighborhood Development Committee.

Committee Chair: Susan Burgess

Staff Resource: Stanley Watkins, Neighborhood Development

Policy

- The Council's Priority Action Plan called for the review of the City's policy and strategy for addressing neighborhoods.

Explanation

- The Neighborhood Policy and Strategy report is a compilation of City policies and strategies that apply to residential, commercial and industrial neighborhoods.

- The policy section of the report highlights and summarizes policies that the City has put in place over time. These policies cover City provided services, which address:
 - Planned Neighborhoods
 - Safe Neighborhoods
 - Safe, Decent and Affordable Housing
 - Accessible Transportation
 - Adequate Infrastructure
 - Clean and Nuisance Free Environment
 - Economic Development
 - Healthy Environments
 - Well Managed Neighborhoods
- The strategy section of the document discusses how the City works with neighborhoods to deliver services and bring about change. The City strategy covers how coordinated efforts around the Neighborhood Quality of Life Study, Council's focus area plans, neighborhood planning, tiered service delivery and resource investments contribute to strengthening neighborhoods.

Committee Discussion

The Housing and Neighborhood Development Committee held two meetings to review and discuss the neighborhood policy. The Committee indicated the City had varied and comprehensive policies to address neighborhoods as evidenced by changes in the bi-annual Neighborhood Quality of Life. Concern was expressed that the issues areas were too broad to be implemented. One challenge indicated was the City's ability to build neighborhoods that provide a "sense of place", rather than just build subdivisions. Also, concern was expressed as to how all of these areas are measured collectively. The Quality of Life Study was mentioned as an overall measure of neighborhood health and quality. The Committee voted unanimously to send the report to Council as information representing a compilation of City policies. (Burgess, Barnes, Foxx, Lochman and Mumford)

Attachment 4

Neighborhood Policy & Strategy Report

12. Scaleybark Transit Oriented Development

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

BUSINESS

13. NASCAR Hall of Fame Contracts

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

14. Whitewater Parkway Construction Agreements

- Action:**
- A. Approve a Municipal Agreement with the North Carolina Department of Transportation (NCDOT) for up to \$1,725,000 of State funds to be used for the construction of Whitewater Parkway,**
 - B. Adopt a budget ordinance for \$1,725,000 from the NCDOT, and**
 - C. Approve an Infrastructure Reimbursement Agreement with Whitewater Parkway, LLC for up to \$1,725,000 for the construction of Whitewater Parkway.**

Staff Resources: Ron Kimble, City Manager's Office
Bob Hagemann, City Attorney's Office

Explanation

- The US National Whitewater Center opened in October 2006 using Hawfield Road as its temporary access. Since inception it has been contemplated that a new road, Whitewater Parkway, would be constructed and would become the primary permanent access to the Center.
- NCDOT has allocated \$1.8M to the City as a pass through for US National Whitewater road access purposes. NCDOT must contract with a governmental entity in order to commit the funds for the project.
- \$75,000 of this \$1.8M was appropriated for Hawfield Road improvements on June 26, 2006, leaving \$1.725M for use on the US National Whitewater Parkway permanent access road.
- Crosland and US National Whitewater Center have formed a limited liability corporation known as Whitewater Parkway LLC with whom the City would contract for the \$1.725M pass through funds. Crosland is involved because of their road construction requirements adjacent to their development, Whitewater Subdivision.
- The City has no other obligation beyond this \$1.725M for the Whitewater Parkway construction, and has sufficient guarantees built into the contract to assure that Whitewater Parkway is built according to NCDOT's approved plans. The estimated cost of the Whitewater Parkway is \$4.0M, with the difference between the City's \$1.725M and \$4.0M to be borne by Whitewater Parkway LLC, including any cost overruns.

- Whitewater Parkway will be finished no later than two years from approval of plans, approval expected within 60 days. It is hoped that construction would be completed sooner than two years.
- Minority and Women Business policy guidelines of NCDOT apply to this project.

Attachment 5

Budget Ordinance

Proposed City/NCDOT Municipal Agreement

Proposed City/Whitewater Parkway LLC Infrastructure Reimbursement Agreement

15. Belvedere Homes Redevelopment

Action: Authorize staff to continue to work on Charlotte Mecklenburg Development Corporations' redevelopment of Belvedere Homes into a business park by investing up to \$950,000 of the \$1.9 million project gap from the ED Corridor Revitalization Fund, contingent upon Mecklenburg County matching the City's investment.

Staff Resource: AC Shull, Economic Development Office

Explanation

- Charlotte Mecklenburg Development Corporation (CMDC) has requested the City's assistance in purchasing and redeveloping the Charlotte Housing Authority's Belvedere Homes 22.71 acre land site on Rozzelles Ferry Road
 - CMDC proposes to develop a business park on the Charlotte Housing Authority (CHA) land similar to Wilkinson Park Business Center.
 - The Belvedere Homes public housing was demolished with a HOPE VI Grant.
- If Council approves this action, staff will:
 - Enter into a purchase and sale agreement with CHA
 - Begin the rezoning process with CHA consent
 - Work with Mecklenburg County to get their matching funds provided in their FY08 budget
 - Work with our Federal lobbyist to secure the requested HUD grant
 - Prepare a development agreement with CMDC for City Council approval
- Due to the heavy industrial land uses adjacent to the Belvedere site, residential use is no longer feasible for the vacant land. Planning staff supports this change of land use.
- Redevelopment of the Belvedere land would:
 - Benefit the corridor with new business activity and the jobs associated with it
 - Encourage further redevelopment of vacant industrial land
 - Remove blighted structures

- The Park will result in approximately 11 new businesses, constructing 11 new facilities, each facility averaging 12,500 square feet, for a total of 137,500 square feet generated. The completed tax assessment value will be approximately \$8,750,000, and 125 jobs will be created.
- City will coordinate CMDC efforts with the Workforce Development Board and other partners to identify and train neighborhood residents for the jobs created
- Total cost of developing the Park is estimated at \$3.8 million. Preliminary cost and revenue projections indicate the project will have a financing gap of \$1.9 million.
- The City's maximum investment would be 50% of \$1.9 million, contingent upon Mecklenburg County matching the City's investment. Federal and State grants could also reduce the amount of City and County investment.
- CHA is willing to sell their land at appraised value.
 - The current appraised value of the CHA land is \$1,050,000
 - CHA would use proceeds from the land sale and other equity, and debt sources, to build 60-100 units of apartments in a mixed income community. CHA plans to request \$2 million from the Housing Trust Fund for this project.
- Staff proposes that the City's investment come from the ED Corridor Revitalization Fund.

Funding

ED Corridor Revitalization Fund

16. Land Exchange for Transit Supportive Redevelopment along the South Corridor Light Rail Project

- Action:**
- A. Authorize the City Manager to negotiate and execute appropriate agreements to exchange real property between the City of Charlotte and Dinerstein Developers, LLC d/b/a Din/Cal, Inc. ("Developer") to allow the Developer to use the area outside the preserved transit corridor to complete a transit supportive residential development, and**
 - B. Adopt a resolution authorizing the exchange of real property between the City and the Developer.**

Staff Resources: Tina Votaw, CATS
Tim O'Brien, Engineering & Property Management

Policy

In 2005, City Council adopted the SouthEnd Transit Station Area Plan to guide development along the corridor. The Plan defines development standards for property adjacent to the rail corridor and envisions that surplus right-of-way may be incorporated into adjacent transit friendly development.

Explanation

- In order to facilitate development along the rail corridor, consistent with the SouthEnd Station Area Plan, this property transaction will maximize the use of the outer edges of the rail corridor by constructing a new transit supportive development.
- The rail corridor in the SouthEnd area is 130 feet wide. The preserved transit corridor being typically 70 feet wide, is dedicated to light rail, trolley and pedestrian uses. The areas outside the preserved transit corridor (generally 30 feet in width on both sides of the corridor) are considered “buffer areas” and in this case can support transit oriented development. Therefore, staff supports the land exchange.

City receives from Developer

- “Fee” title to 10,610 sq. ft. (37 feet in width from the centerline of the rail corridor) that will remain in use as the rail corridor, having a determined value of \$57,000. This will change the City’s ownership in this portion of the rail corridor from Charter Rights to full fee ownership.
- Benefit of screening a metal utility building (a signal house) with a brick enclosure within the apartment complex at an estimated developer cost of \$100,000.
- Bury the overhead power lines along College Street for an added cost of \$30,000.
- Upgrade entryways along the rail corridor to brownstone design at an added cost of \$30,000.
- Upgrade sidewalks along street frontage - \$20,000 (upgrade to pavers over concrete).
- Additional landscaping and trees beyond what is required for the development - \$10,000.
- Property tax value revenues for the new \$31 million development will increase from \$33,598/year to estimated \$420,000/year.

Developer will receive from the City

- Release of rail right-of-way to 6,661 sq. ft. (28 feet in width from the westerly edge of the rail corridor), less the area reserved for the Signal House with a determined value of \$180,000.
- Release of air rights above the Signal House beginning approx. 5-feet above the Signal House to construct apartment units having a determined value of \$17,000.

Contingencies

- The actual exchange of property rights between the City and the Developer is contingent upon:
 - FTA approval of the exchange is received by the City.
 - Developer acquires the adjacent property from the Carroll family.
 - Approval of Developer’s plans related to use of the right of way and construction above and around the Signal House.

Attachment 6

Background

Photos

Resolution

17. Citizen Participation Plan for Community Development

Action: Approve the Citizen Participation Plan, which ensures citizen input in the planning, implementation and assessment of Community Development activities.

Staff Resource: Stanley Wilson, Neighborhood Development

Policy

- The City's FY2006-2010 Consolidated Plan was approved by City Council on June 13, 2005.
- The Plan identified the need for affordable, safe and decent housing for low and moderate-income families.
- The Plan reaffirmed the three basic goals of the City's Housing Policy: preserve the existing housing stock, expand the supply of affordable housing, and support family self-sufficiency initiatives.

Explanation

- Citizen participation is a requirement by the U.S. Department of Housing and Urban Development (HUD), in order to receive funding. In addition, the plan is a key part of the City's annual approval of the Consolidated Plan and Consolidated Annual Performance and Evaluation Reports, which are submitted to HUD.
- The document contains the following as it relates to providing opportunities for Charlotte's citizens to participate in community development activities:
 - Standards of Participation
 - Provision of Adequate and Timely Information
 - Required Public Hearings
 - Provision of Bilingual Access
 - Assisting Persons with Disabilities
 - Technical Assistance to Neighborhoods and Residents
- In accordance with HUD requirements, modifications were made to the plan. The federal government requires local governments adopt a Citizen Participation Plan, which ensures that citizens have a voice in the planning, implementation and assessment of community development activities.

Attachment 7

Citizen Participation Plan

18. Upfit for CATS Office Space at 400 East Trade

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

19. Appointment to Boards and Commissions

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

A. CITIZENS' TRANSIT ADVISORY GROUP

One appointment for an unexpired term beginning immediately and ending June 2007 and continuing for the next full term ending June 2009.

- Mark Loflin by Council member Carter
- Michelle Mallard by Council member Mitchell

Attachment 8

Applications

20. Nominations to Boards and Commissions

Action: Nominate citizens to serve as specified.

A. BIZHUB

One appointment for an unexpired term beginning immediately and ending July 2008.

- Mitchell Lemons failed the attendance requirement.

One appointment for an unexpired term beginning immediately and ending July 2009.

- Thomas Washington failed to meet the attendance requirement.

Attachment 9

Applications

B. BUSINESS ADVISORY COMMITTEE

One appointment recommended by the Chamber of Commerce for an unexpired term beginning immediately and ending April 2008.

- Robert Sappenfield, Jr. failed to meet the attendance requirement.

Attachment 10

Applications

C. BUSINESS EXPANSION FUNDING CORPORATION

One appointment for a representative of a business organization for an unexpired term beginning immediately and ending April 2009.

- Maxie Washington resigned.

One appointment for a representative of the private lending industry for an unexpired term beginning immediately and ending April 2008.

- Sherry Lewis failed to meet the attendance requirement.

Attachment 11

Applications

D. CITIZENS' REVIEW BOARD

Two appointments for unexpired terms beginning immediately and ending July 2009.

- Vanessee Burns and Beverly Lawston failed to meet the attendance requirement.

Attachment 12

Applications

E. COMMUNITY RELATIONS COMMITTEE

Two appointments for unexpired terms beginning immediately and ending June 2007 and continuing for the next full term ending June 2010.

- Todd Malloy and Jacqlin Robinson failed to meet the attendance requirement.

Attachment 13

Applications

F. KEEP CHARLOTTE BEAUTIFUL COMMITTEE

One appointment for an unexpired term beginning immediately and ending June 2007, then continuing for the next full term ending June 2010.

- Christopher Gegg resigned.

One appointment for an unexpired term beginning immediately and ending June 2008.

- Jerry Black failed to meet the attendance requirement.

One appointment for an unexpired term beginning immediately and ending June 2009.

- Robert Alston resigned.

Attachment 14

Applications

G. NEIGHBORHOOD MATCHING GRANTS FUND

One appointment for a representative of the business community for an unexpired term beginning immediately and ending April 2008.

- Jacqueline Yelverton failed to meet the attendance requirement.

Attachment 15

Applications

H. PASSENGER VEHICLE FOR HIRE BOARD

One appointment for an unexpired term beginning immediately and ending July 2009 for a driver of a vehicle for hire.

- Pratul Khandelwal failed to meet the attendance requirement.

Attachment 16

Applications

I. SISTER CITIES COMMITTEE

Two appointments for unexpired terms beginning immediately and ending April 2008.

- Kenneth Harmon resigned.
- Anthony Tindall failed to meet the attendance requirement.

Attachment 17

Applications

J. SMALL BUSINESS ENTERPRISE LOAN FUND

One appointment for an unexpired term beginning immediately and ending October 2008.

- Rosa Garvin failed to meet the attendance requirement.

Attachment 18

Applications

21. Mayor and Council Topics

Council members may share information and raise topics for discussion.

Introduction to CONSENT

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

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

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

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

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

Contractors and Consultants

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

CONSENT I

22. Various Bids

A. Fire Support Vehicles

Fire

Staff Resource: Mehl Renner

Action

Award a unit price contract to provide Fire Support Vehicles to Parks Chevrolet of Charlotte, North Carolina for a term of one-year and authorize the City Manager to renew the agreements for two additional, one-year terms. Parks Chevrolet was the only bid submitted for the items due to limited competition for specialized equipment. The FY07 expenditure will be two of Item 2 and one of Item 3 for a total of \$119,895. Item 1 was included to establish a unit price contract for future purchases (see chart on next page). The Fire Support Vehicles will be used for training activities at the training academy and will be available to deploy equipment for the Urban Search and Rescue Task Force during disasters.

Item	Description	Bid Amount
1	4-Wheel Drive, Extended Cab, Diesel Truck Model CK30953	\$34,751
2	4-Wheel Drive, Crew Cab, Diesel Truck Model CK30943	\$35,670
3	4-Wheel Drive, Crew Cab, Diesel Truck Model CC5E044	\$48,555

Small Business Opportunity

The Small Business Development Program waived the SBE goal for this project. Pursuant to Section 5 of the SBO Program, no SBO utilization goal was set for this contract because subcontracting is not anticipated.

B. Ashley Park/Westerly Hills Neighborhood Improvements Phase 2 EPM

Staff Resource: Eric Bilsky

Action

Award the low bid of \$1,681,450 to United Construction of Charlotte, North Carolina on a unit price basis. Phase 2 of this project was identified in the 2006 Neighborhood Improvement bonds. The planning and design of this project was accomplished with Phase 1 funds. Improvements will include sidewalk, curb and gutter, wheelchair ramps, driveway aprons, retaining walls, storm drainage, and related work. Construction completion is scheduled for second quarter of 2008.

Small Business Opportunity

Established SBE Goal: 10%

Committed SBE Goal: 2.68%

United Construction did not meet the SBE goal, but exceeded the minimum number of Good Faith Effort points and met the mandatory outreach requirements. United held a pre-bid for SBE subcontractors on January 3, 2007 and no SBE firms attended. United committed 2.68% (\$45,000) with following SBE firms: Bardwil Trucking, Custom Lawn and Landscaping and Happy Jack Trucking, Inc. The SBO office approved the committed goal of 2.68%.

C. Cyrus/Douglas Branch Channel Improvements Phase 2 EPM

Staff Resource: Matthew Gustis

Action

Award the low bid of \$1,442,072.50 by United Construction, Inc. of Charlotte, North Carolina. This project consists of stream restoration along Douglas Branch from Briar Creek Road to Eastway Drive as well as stream bank rehabilitation along Cyrus Branch from its confluence with

Douglas Branch to its upper end near Central Avenue. The project will restore and enhance approximately 4,000 feet of channel. This project will also supply the Charlotte Storm Water Services' Mitigation Bank with credits to sell to other public agencies having to mitigate through state and federal permitting requirements. Currently the Bank's revolving fund concept provides approximately 60% recovery of project costs and keeps restored projects within the City. Construction completion is scheduled for first quarter of 2008.

Small Business Opportunity

Established SBE Goal: 7%

Committed SBE Goal: 7.67%

United Construction met the SBE established goal and committed 7.67% (\$110,652) to the following SBE firms: Capstone Civil Group, P.A., D's Trucking Service, Inc., Estes Design, Inc., Habitat Assessment & Restoration Program, Inc. and Robinson & Sawyer, Inc.

D. Traffic Signal Fiber Optic Cable and Conduit Construction along South Boulevard **CDOT**

Staff Resource: Jeff McSwain

Action

Award the low bid of \$906,369.21 by Whiting Construction Company of Troutman, North Carolina. This project includes the installation of aerial and underground fiber optic facilities at various locations along South Boulevard between I-485 and East Trade Street.

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.

Disadvantaged Business Enterprise

Established DBE Goal: 10.4%

Committed DBE Goal: 11.86%

Whiting Construction Co. Inc. has exceeded the established DBE goal. They have committed 11.86 % (\$93,446.00) of the total contract amount to the following certified DBE firms: UCCI, Inc. and CODE LLC.

E. FY07 Sanitary Sewer Rehabilitation **CMU**

Staff Resource: Doug Bean

Action

Award the low bid of \$3,622,986.67 by Mountain States Contractors, LLC of Durham, North Carolina for rehabilitation of sanitary sewers and manholes throughout Mecklenburg County; and authorize the City

Manager to renew the contract for one additional term. This contract provides for the installation of a continuous liner into old deteriorating sewer lines. This is a trenchless procedure, with digging occurring only where repairs are needed in order to install the liner. This process reconstructs the sewer lines and prevents future maintenance costs, infiltration of groundwater and root intrusions, thus preventing overflows.

Small Business Opportunity

Established SBE Goal: 7%

Committed SBE Goal: 12.38%

Mountain States Contractors exceeded the established SBE goal and committed \$448,445 to Central Carolina Underground.

23. Refund of Property Tax

Action: Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$283,444.80

Staff Resource: Lee Madden, Finance

Attachment 19

Resolution

List of property tax and privilege business license refunds

24. Resolution of Intent to Abandon Street and Set Public Hearing for a Residual Portion of Right-of-Way Located at the Intersection of Selwyn Avenue and Brandywine Road

Action: A. Adopt the Resolution of Intent to abandon a residual portion of right-of-way located at the intersection of Selwyn Avenue and Brandywine Road, and

B. Set a public hearing for March 26, 2007.

Staff Resource: Linda Poissant, Transportation

Attachment 20

Resolution

Map

25. Resolution of Intent to Abandon Street and Set Public Hearing for a Portion of Means Court

Action: A. Adopt the Resolution of Intent to abandon a portion of Means Court, and

B. Set a public hearing for March 26, 2007.

Staff Resource: Linda Poissant, Transportation

Attachment 21

Resolution

Map

26. Resolution of Intent to Abandon Street and Set Public Hearing for Two 10-foot Alleyways Bounded by N. Church Street, W. 30th Street, N. Tryon Street and W. 29th Street

Action: A. Adopt the Resolution of Intent to abandon two 10-foot alleyways bounded by N. Church Street, W. 30th Street, N. Tryon Street and W. 29th Street, and

B. Set a public hearing for March 26, 2007.

Staff Resource: Linda Poissant, Transportation

Attachment 22

Resolution

Map

CONSENT II

27. Equipment Lease Purchase Program

Action: Adopt a resolution approving the terms of an Installment Payment Contract (lease/purchase) and related financing documents to fund the FY2007 Capital Equipment Lease Purchase Program. The principal amount of the contract will be approximately \$35 million.

Staff Resources: Lee Madden, Finance
Ann White, Budget & Evaluation

Explanation

- The FY2007 annual budget authorized up to \$34.6 million in lease purchase financing for capital equipment.
- An additional \$2.2 million was authorized by Council on January 8, 2007 for a radio communications tower and equipment on the Midland site in Cabarrus County. The decision to extend the current solid waste services West Zone contract postpones the need for new startup equipment; therefore, \$1.9 million can be reduced from the plan adopted by Council in June, for a net increase of \$300,000 from the adopted budget.
- The first payment for the \$35 million in lease purchase financing will begin in FY2008. The five-year financing period allows the City to spread the cost over the approximate life of the equipment.
- City Council approves all contracts for equipment purchases.
- Lease purchase financing allows the City to obtain expensive capital equipment when needed, while spreading the cost of purchasing the equipment over several years, lessening the impact on a given fiscal year budget.
- Lease purchase financing is generally used when acquiring necessary capital equipment that is too expensive to purchase outright, but not costly enough to justify the use and expense of a bond issue; or when capitalized equipment has a useful life of several years but not enough to match the life of a bond. Lease purchase financing can be completed in a fraction of the time it takes for a full bond issue, allowing the City to acquire equipment on a timely basis.

- This year's equipment includes:

	Dollars <u>(in millions)</u>
Public safety vehicles	
Fire	\$2.6
Police	3.9
Solid Waste trucks	5.5
Other KBU trucks	0.2
Communications Tower Equipment	2.2
Police Video Recorders	1.2
Computer and Other Equipment	2.9
Total General Government	\$18.5
Street Maintenance Vehicles (Powell Bill)	0.7
Utilities Vehicles and Other Equipment	14.7
Issuance Costs	1.0
Grand Total	\$34.9

- This resolution authorizes the City Manager and the Director of Finance to negotiate the documents necessary to secure funding for the City's FY2007 Capital Equipment Requirements.
- The estimated closing date of this deal is March 26, 2007.

Funding

General Powell Bill and Utilities Operating Funds

Attachment 23

List of Projects
Resolution

28. Interlocal Agreement with Charlotte Housing Authority for Seigle Avenue Streetscape

Action: Authorize the City Manager to enter into an Interlocal Agreement with the Charlotte Housing Authority (CHA) in an amount not to exceed \$450,000 to fund the construction of infrastructure improvements in the Belmont neighborhood as part of the HOPE VI project.

Staff Resource: Keith Carpenter, Engineering & Property Management

Explanation

- On February 10, 2003 City Council directed City staff to participate with the CHA on the Piedmont Courts HOPE VI application. The HOPE VI project includes \$8.8 million of locally funded infrastructure improvements at the Piedmont Courts site and throughout the Belmont Neighborhood. This funding was a part of the 2004 Neighborhood Improvement Bond package.

- This request represents streetscape improvements to be made within the City R/W of Seigle Avenue that adjoins to the former Piedmont Courts site. CHA contractors will construct these improvements as a part of the overall site work. The City will reimburse CHA for the actual costs of this work.
- The City will disburse funds to the CHA based on invoices for work completed. Engineering and Property Management staff will confirm that the work has been satisfactorily completed before each invoice is approved.
- The CHA has selected Crosland Inc. to develop the site.
- The scope of work and construction cost are in agreement with the City's estimated costs for this work and are a part of the original budgeted scope of the Seigle Avenue Streetscape project.
- Council received a briefing on the Belmont Revitalization on January 8th.

Small Business Opportunity

Pursuant to Section 2.21 of the Program Policy regarding contracts that are entered into without a competitive process, this contract is exempt from the Small Business Opportunity Program.

Funding

Transportation Capital Investment Plan

Attachment 24

Interlocal Agreement

29. Pedestrian Light Poles and Fixtures

- Action:**
- A. Approve the purchase of decorative pedestrian light poles and fixtures without competitive bidding, as authorized by the sole source exemption of G.S 143-129(e)(6), and**
 - B. Approve a contract with Duke Power for the purchase and installation of 34 pedestrian lights and fixtures for Belmont-Parkwood Avenue Pedestrian Improvement project for \$120,573.86.**

Staff Resource: Doris Chung-Watson, Engineering & Property Management

Sole Source Exception

- G.S. 143-129(e)(6) provides that formal bidding requirements do not apply when:
 1. Performance or price competition are not available;
 2. A needed product is available from only one source of supply; or
 3. Standardization or compatibility is the overriding consideration.
- Sole sourcing of the light poles and fixtures is necessary for all of these reasons.

Explanation

- The Belmont-Parkwood Avenue Pedestrian Improvement Project includes decorative pedestrian lights to be installed along the Parkwood Avenue Corridor from the intersection on N. Davidson Street and Parkwood Avenue to the intersection on the Plaza and Parkwood Avenue. This proposed lighting will enhance pedestrian safety improvements as part of the Belmont Area Revitalization Plan adopted by City Council May 12, 2003.
- Decorative pedestrian lights are mounted lower than street lights and provide better lighting for pedestrians. Decorative street lights are mounted on steel poles rather than wooden poles and have no overhead wires.
- The one time cost covers purchase and installation only. Charlotte Department of Transportation pays on-going energy and maintenance on a monthly basis for pedestrian lights.

Small Business Opportunity

Pursuant to Section 2.21 of the Program policy regarding purchases without competitive bidding, this contract is exempt from the Small Business Opportunity Program.

Funding

Transportation Capital Investment Plan

30. Storm Water Maintenance FY2004 D Renewal #3

Action: Approve Renewal #3 for \$1,051,825 with Blythe Development Company for continued construction of FY2004 D Storm Water Maintenance Contract.

Staff Resource: Bill Pruitt, Engineering & Property Management

Renewal #3 with Blythe Development Company

- Storm Water Services will continue regular maintenance activities under this contract based on good contractor performance utilizing existing and adjusted unit prices in accordance with the contract.
- The original contract document allows for renewals of the contract up to three times, at the City's option, as an incentive to the contractor for productivity and workmanship. This is the third and final renewal of the contract.

Contract History

- Council approved the original contract for \$1,051,825 on March 22, 2004.
- Council approved renewal #1 for \$1,051,825 on October 10, 2005.
- Council approved renewal #2 for \$1,051,825 on April 10, 2006.
- The total contract amount for FY2004 D, including Renewal #3 will be \$4,207,300.

Small Business Opportunity

Established SBE Goal: 6%

Committed SBE Goal: 6%

Blythe Development Company met the SBE goal and committed 6 %

(\$63,109.50) of the total contract renewal amount with the following SBE firm:

RC Hauling, Inc. This renewal complies with Section 13.1 of the SBO Program.

Funding

Storm Water Capital Investment Plan

31. Uniformed Guard Service

- Action:**
- A. Approve a contract for \$1,735,218.57 (\$578,406.19 annually for three years) with Allied Barton Security Services, Inc. for uniformed guard service for the Charlotte-Mecklenburg Government Center (CMGC) and City Hall, and**
 - B. Authorize the City Manager to approve the two, one year extension options at the same annual contract amount.**

Staff Resource: Randy Robinson, Engineering & Property Management

Explanation

- The City uses contract service for uniformed guards at the Charlotte-Mecklenburg Government Center and City Hall.
- The level of security services is tied to the Homeland Security Threat Matrix.
- A Request for Proposals process was used to select a vendor to provide this service.
- Nineteen proposals were received. Selection criteria included uniformed guard experience in buildings of similar size and nature, hiring and training practices of employees and practical experience of local management and price.
- Allied Barton's price was competitive among the vendors who demonstrated strengths in the selection criteria and they were selected as the vendor. They are the current vendor and the contract will expire April 30, 2007.
- Allied Barton's price remains fixed for the complete length of the contract, including any extensions. The term of the contract is for three years, with an option to renew for two additional one year periods. The level of staffing and hours can be adjusted up or down on this contract.
- In April 2002 City Council approved the security contract with the current level of service. Council referred CMGC security to the Community Safety Committee for review of staff levels and physical security improvements. In May 2002, the Committee received a staff report on security matters. In June 2004 a follow-up report was provided to the Committee.

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

Engineering & Property Management Operating Budget

32. Transit Scheduling Software Maintenance Agreement

Action: Approve a four year contract for maintenance and support with Giro, Inc. for the transit scheduling software system for an estimated total cost of \$340,000.

Staff Resource: Larry Kopf, CATS**Explanation**

- The HASTUS Scheduling System is the primary CATS tool used to maximize efficiencies affecting its largest cost driver, operator wages. Using parameters from the local bargaining agreement with CATS bus drivers, HASTUS reviews thousands of trip tie-ups and hundreds of operator work assignments in seconds to optimize overtime, minimize idle time and increase efficiency.
- CATS is working to upgrade the existing system, which will include features to facilitate light rail scheduling.
- The upgrade to the existing system was approved by City Council on April 24, 2006 at the cost of \$875,355.
- The HASTUS Scheduling System serves as the foundation software that most of CATS' other technology systems coordinate with, including its customer service phone system and website, its bus stop database and maintenance systems and its Automatic Vehicle Locator (AVL) system.
- The software system entails maintenance services valued at \$79,720 for the first year. Maintenance costs have traditionally escalated at 4% or better each year.
- Giro, Inc. has offered the opportunity to lock in maintenance costs at \$79,200 for the first year after the upgrade, with a 2.5% increase each year for three subsequent years.
- The alternative would be to not purchase maintenance services, which would put many CATS systems at risk in case of failure, or to pay year by year with increases of approximately 4% each year.

Small Business Opportunity

Pursuant to Section 5 of the SBO Program, no SBO utilization goal was set for this contract because subcontracting was not anticipated. Giro, Inc. provides proprietary and turnkey solutions for this nature of work.

Funding

Transit Operating Budget

33. Emergency Management Performance Grant Funding

Action: **A. Accept a grant of \$65,816.02 from the North Carolina Division of Emergency Management, and**

B. Adopt a budget ordinance appropriating \$65,816.02 in funding.

Staff Resource: Wayne Broome, Fire

Explanation

- The Federal Emergency Management Agency (FEMA) makes program grant funding available on an annual basis to state and local emergency management agencies. Funds are provided for local government entities to conduct necessary emergency management functions within their jurisdictions.
- These funds may be used to assist in the development and continuation of comprehensive planning and response efforts at the state and local government levels.
- The North Carolina Division of Emergency Management serves as the coordinating agency for FEMA concerning grant program activities within the State of North Carolina.
- Locally the funds are used for personnel support, maintenance of the Charlotte-Mecklenburg All Hazards Plan and support of the Charlotte-Mecklenburg Emergency Operations Center.

Funding

Emergency Management Performance Grant

Attachment 25

Budget Ordinance

34. Mobile Data Computer Project

Action: **A. Approve the purchase of hardware and implementation services for wireless build out associated with Fire Department's Mobile Data Computer project without competitive bidding, as authorized by the cooperative purchasing exemption of G.S. 143-129(e) (3), and**

B. Approve a contract with Coleman Technologies, Inc. for the purchase of Wireless Access Points, accessory hardware, and implementation services in the amount not to exceed \$390,000 and up to \$10,000 for miscellaneous expenditure associated with this project such as wiring, electrical and hardware needs.

Staff Resources: David Duffy, Fire
 Dennis Baucom, Business Support Services

Cooperative Purchasing Exemption

- Coleman Technologies, Inc. has a federal contract through the General Services Administration (GSA), Federal Acquisition Services Division.
- The Coleman contract was competitively bid on behalf of federal, state and local governments and awarded on February 27, 2002 for a term of five years..
- NC Senate Bill 914, effective January 1, 2002 authorizes the exception to competitive bidding for competitive group purchasing.

Explanation

- This project supports CFD's Mobile Data Computer (MDC) Project.
- A Pilot Project (proof of concept) with nine facilities was successfully implemented in October 2006. The next step is to extend this feature to the rest of the CFD facilities.
- Wireless access will be used by the Fire Apparatus to synchronize their hardware while in the Fire Station, thus ensuring the most up to date information on the MDCs at all times.
- This connectivity will be used in conjunction with the previously purchased VisiCAD Mobile software.

Background

- Broadband countywide wireless services are not currently available. The current strategy to meet the wireless needs of public safety operations is to build hot spots at key locations such as fire stations or district offices.
- The Restructuring Government Committee was updated in January 2007 regarding the recent survey of interest of the private sector to build a countywide wireless infrastructure. Currently only one company, Earthlink, is willing to build up to a 50 square mile service area without capital commitment from the City. This limited service area will not meet the needs for public safety wireless. Staff is currently exploring the possibility of public/private partnerships in order to identify a ground floor tenant pool large enough to attract a company to build out the entire county.

Small Business Opportunity

Pursuant to Section 2.21 of the Program Policy regarding purchases without competitive bidding, this contract is exempt from the Small Business Opportunity Program.

Funding

- 911 Surcharge funding will be used to purchase the hardware and the associated services. By state law, these funds can only be used to purchase equipment and technology that supports the receipt of 911 emergency calls and the dispatch of emergency response personnel. Eligible equipment includes telephones, telephone lines, CAD systems and associated computer equipment and software.
- The law governing the use of 911 Surcharge funds specifically prohibits the purchase of fire apparatus, payment of salaries for response personnel, or the construction and refitting of emergency facilities.

35. Buffer Zone Protection Program

- Action:**
- A. Accept a grant of \$64,500 from the North Carolina Office of Emergency Management, administrators of the Department of Homeland Security's 2006 Buffer Zone Protection Program,**
 - B. Adopt a budget ordinance appropriating \$64,500 in funding, and**
 - C. Approve a contract with ESRI in the amount of \$170,000 to create Buffer Zone Protection Plans.**

Staff Resource: Jeff Dulin, Fire

Explanation

- The Buffer Zone Protection Program (BZPP) provides funding to develop effective protective measures that will make it more difficult for terrorists to conduct surveillance or launch attacks within the immediate vicinity of high priority critical infrastructure targets.
- In 2005, the Department of Homeland Security identified sites within the Charlotte Urban Areas Security Initiative (UASI) Region that it deems critical infrastructure or key resources. In 2006, additional sites were identified across the State of North Carolina outside of the UASI Region.
- The Charlotte UASI region and ESRI built upon a project ESRI completed with the State of South Carolina for the FY 2005 Buffer Zone Protection Program. This project created BZP Plans for all of South Carolina's sites.
- Recognizing the value of this partnership, the North Carolina Office of Emergency Management is granting the Charlotte UASI additional funds from the FY2006 BZPP Grant to complete site plans for their additional 2006 sites for \$64,500.
- The Charlotte UASI Region will also be partnering with ESRI to update Buffer Zone Protection Plans for the critical infrastructure sites that are located within the region for \$170,000 from Homeland Security Grants previously appropriated by Council.
- It is essential that one consistent format be created that can be used by both North and South Carolina because jurisdictions of the Charlotte UASI lie within both states. As well, ESRI personnel possess the security clearances required to gain access to the sites due to previous Homeland Security work with South Carolina.

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

Homeland Security Grants

Attachment 26

Budget Ordinance

36. Armored Vehicle for Police

- Action:**
- A. Approve the purchase, using federal funds, of an armored vehicle without competitive bidding, as authorized by the sole source purchasing exemption of G.S. 143-129(e)(6), and**
 - B. Approve a contract with Lenco Industries, Inc. for the purchase of one Ballistic Engineered Armored Response & Rescue (B.E.A.R. ®) vehicle in the amount of \$304,662.**

Staff Resources: Jeff Dulin, Fire
 Captain Coerte Voorhees, Charlotte-Mecklenburg Police

Sole Source Exception

- G.S. 143-129 (e)(6) provides that formal bidding requirements do not apply when:
 1. Performance or price competition are not available;
 2. A needed product is available from only one source or supply; or
 3. Standardization or compatibility is the overriding consideration.
- Sole sourcing is necessary because there is only one supply source.
- Purchases made under the sole source exemption require City Council approval.

Explanation

- CMPD needs to replace the existing 1998 armored SWAT vehicle due to outdated technology.
- The current armored vehicle is activated every time SWAT responds and has been deployed 72 times in the past year.
- The Lenco B.E.A.R. ® (Ballistic Engineered Armored Response & Rescue) Vehicle meets the required specifications of the Department of Homeland Security.
- Lenco is the only manufacturer who can provide an armored vehicle unit to a non-military agency that meets the DHS standards.

Small Business Opportunity

Pursuant to Section 2.21 of the Program Policy regarding purchases without competitive bidding, this contract is exempt from the SBO Program.

Funding

Federal Urban Area Security Initiative Grant

37. Mobile Communications Vehicle

- Action:**
- A. Approve the purchase of a mobile communications vehicle without competitive bidding, as authorized by the sole source purchasing exemption of G.S. 143-129(e)(6), and**
 - B. Approve a contract with L3 Communications for the purchase of one L-3 Wolf Coach Mobile Communications vehicle in the amount of \$240,700.**

Staff Resources: Jeff Dulin, Fire
 Captain Coerte Voorhees, Charlotte-Mecklenburg Police

Sole Source Exception

- G.S. 143-129 (e)(6) provides that formal bidding requirements do not apply when:
 1. Performance or price competition are not available;
 2. A needed product is available from only one source or supply; or
 3. Standardization or compatibility is the overriding consideration.
- Sole sourcing is necessary because there is only one supply source.
- Purchases made under the sole source exemption require City Council approval.

Explanation

- As part of the 2005 Buffer Zone protection plan funding, CMPD identified the need for a communications/surveillance vehicle that can be used in conjunction with the two CMPD helicopters.
- The Wolf Coach vehicle is a 2006 Dodge Sprinter that is customized with computer/network, microwave radio and tracking devices that will maintain the consistency and interoperability of a similar unit approved by Council on November 27, 2006 to be used by the Fire Department.
- This unit differs from the one previously approved in that it allows communication with the CMPD helicopters.
- By purchasing a like unit, CMPD and the Fire Department will have compatible communications, satellite and downlink capabilities that will be imperative for information sharing on the scene of incidents.
- The Mobile Communications Unit will be fully deployable prior to or after an incident at an identified critical infrastructure site, or if a team is sent out to support critical infrastructure protection in another jurisdiction.

Small Business Opportunity

Pursuant to Section 2.21 of the Program policy regarding purchases without competitive bidding, this contract is exempt from the Small Business Opportunity Program.

Funding

This purchase will be funded by the Fiscal Year 2005 Buffer Zone Protection Program Grant that specifies a communications unit must be purchased with the funds. This grant is managed by the Charlotte Fire Department.

38. Hidden Valley Truancy Project Grant

Action: Adopt a budget ordinance, appropriating \$59,994.22 in grant funds from the Governor's Crime Commission, to fund the Hidden Valley Truancy Project.

Staff Resource: Major David Graham, Charlotte-Mecklenburg Police

Explanation

- The North Patrol Division has received grant funds under the Project Safe Neighborhoods Program to implement a truancy project targeting youth in the Hidden Valley neighborhood.
- The program will target truants at Martin Luther King Middle School.
- Project funds will pay for overtime for officers to locate truants and return them to school, make home visits to chronic truants and work with school personnel to develop individualized intervention plans to improve the attendance of truant students.
- The program will use a problem solving approach to identify what is driving the truancy issue in each student's life.
- Project goals are to reduce truancy and turn truants into productive students, serve as a gang prevention and intervention effort and reduce crime in the Hidden Valley area.
- A pilot program, targeting the ten most chronic truants at Martin Luther King Middle School, will be conducted in April 2007 to test the intervention model.
- The full program will be implemented in August 2007 to run concurrently with the 2007-2008 school year.

Funding

Governor's Crime Commission; no matching funds required

Attachment 27

Budget Ordinance

39. Access to Police Personnel Files

Action: Authorize personnel from the University of North Carolina Criminal Justice Department to access CMPD personnel files.

Staff Resource: Deputy Chief Ken Williams, Charlotte-Mecklenburg Police

Explanation

- In 2002, CMPD implemented a new field training program for police recruits which emphasized problem solving applications in the field.
- UNCC's Criminal Justice Department is applying for a grant from the National Institute of Justice to compare the performance results of officers trained under the new program with those of officers trained under the previous Field Training Program.
- The research will require access to personnel files of officers who completed their field training between 2000 and 2006.
- The data will be kept confidential and officers will be identified only by numbers.
- The research will be conducted by Dr. Vivian Lord, Chairman of UNCC's Criminal Justice Department, and two of her colleagues.
- UNCC's Criminal Justice Department has conducted pervious research projects requiring access to CMPD personnel data with no problems regarding the proper use of the data.
- The research will be helpful to CMPD in evaluating the effectiveness of the new training model.

40. Professional Services Agreement for West Water Main, Phase 2

Action: Approve a contract for Phase 2 of the West Water Main project in the amount of \$717,000 with McKim & Creed Engineers, P.A. for water main planning, design and construction management/ administration work.

Staff Resource: Doug Bean, Utilities

Project Background

- Project extends the proposed 64 inch West Water Main along Remount Road, across West Blvd. and I-77, to connect to the existing 64 inch main in Remount Rd. at S. Tryon St.
- The project will improve system reliability and increase system capacity.

Explanation

This contract provides funding for the following items:

- Preliminary and final design including, surveying, geotechnical investigations, environmental assessments, real estate easement plats, traffic control plans, engineered shoring and tunneling plans, regulatory agency permit applications and road encroachment applications.
- Provide construction staking, construction administration, resident project representative and construction materials testing services during project construction.
- McKim & Creed was selected using Council's approved qualifications based selection process.

Small Business Opportunity

Established SBE Goal: 5%

Committed SBE Goal: 6.57%

McKim and Creed has committed \$102,450 to the following SBE firms: Avioimage, Habitat Assessment & Restoration Program (HARP) and Gavel Engineering.

Funding

Water Capital Investment Plan

41. Sanitary Sewer Rehabilitation Program Professional Services Contract Renewal #2

Action: Approve renewal #2 of the contract with Frazier Engineering, P.A. of Stanley, North Carolina for engineering services related to the Sanitary Sewer Rehabilitation Program. The contract will not exceed \$992,600.

Staff Resource: Doug Bean, Charlotte-Mecklenburg Utilities

Explanation

- Original contract awarded by Council on February 28, 2005, in the not to exceed amount of \$992,600, with options to renew for three additional terms.
- Renewal #1 was approved by Council on May 8, 2006, in the not to exceed amount of \$992,600.
- Renewal #2 provides for continued engineering services focusing on the following areas:
 - Sewer system evaluation surveys
 - Planning and design
 - Construction drawings and specifications
 - Construction management

Small Business Opportunity

Established SBE Goal: 5%

Committed SBE Goal: 5%

Frazier Engineering committed to spend \$49,600 with the following SBE firms: Survey & Mapping Control, Inc., On Target Utility Locate Services, Sharpe Images, Inc. and Meade Gunnell.

Funding

Sewer Capital Investment Plan

42. Sewer Easement Mowing & Clearing Services Contract

- Action:**
- A. Approve a contract with Bushhog America, Inc. for Sanitary Sewer Easement Mowing and Clearing, in the not-to-exceed amount of \$250,000, and**
 - B. Authorize the City Manager to renew the contract for three additional one-year terms, each not-to-exceed \$250,000.**

Staff Resource: Doug Bean, Charlotte-Mecklenburg Utilities

Explanation

- Contract provides for sewer line easement mowing and clearing services throughout Mecklenburg County. Bushhog America was selected, based on price and experience, using the Council approved selection process.

Small Business Opportunity

Pursuant to Section 5 of the SBO Program Policy, no SBO utilization goal was established because subcontracting is not anticipated.

Funding

Utilities Operating Budget

43. Transfer Former Fire Station 10 to Mecklenburg County

- Action:**
- A. Declare as Surplus the former Fire Station 10 located at 2136 Remount Road (PID #067-061-01 &02), and**
 - B. Approve the transfer of the property consisting of 0.958 acre to Mecklenburg County.**

Staff Resource: Tim O'Brien, Engineering & Property Management

Background

- Mecklenburg County has a long-range plan to acquire the entire block where the Old Dowd House is located which was used as a military headquarters for Camp Greene during World War I.

Explanation

- The Fire Department retired Fire Station 10 on Remount Road and moved to their new facility a few blocks away on Wilkinson Boulevard.
- Mecklenburg County has requested the City parcel in order to assemble it with the existing Old Dowd House, located on the same block.
- The Old Dowd House served as a military headquarters for Camp Greene during World War I. The house is a local landmark as designated by the Charlotte-Mecklenburg Historic Landmarks Commission.

- The City's property is zoned residential so the existing structure cannot be used for business or warehouse.
- Reuse of the building for residential purposes is also not feasible.
- The land is appraised at \$45,000 while the demolition and environmental remediation costs are projected to be \$65,000.
- Mecklenburg County proposes to purchase the land for one dollar and they will absorb the environmental remediation costs.
- Mecklenburg County will also pursue a request by Urban Restoration Inc. to use this space to meet their classroom needs on a temporary basis until they find a larger facility.
- As part of the Mandatory Referral Process, the Planning Commission recommended approval for restoring the Old Dowd House and assembling the adjoining open space to serve the needs of the neighborhood and the transit corridor as well.

44. Property Transactions

Action: Approve the following property acquisition(s) (A) and adopt the condemnation resolution(s) (B).

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

Acquisitions

- A. Project:** West Water Main, Parcel # 15
Owner(s): BBM III Holdings, LLC
Property Address: Morrisfield Drive
Property to be acquired: 21,733 sq. ft. (.499 ac.) in Utility Easement, plus 16,549 sq. ft. (.380 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$13,000
Remarks: Compensation was established by independent, certified appraisals related to this property.
Zoned: I-2
Use: Industrial
Tax Code: 117-111-61
Total Parcel Tax Value: \$274,900

Condemnations

- B. Project:** Potts Street Parallel Outfall, Parcel # 19
Owner(s): Wachovia Bank, N.A. And Any Other Parties Of Interest
Property Address: 320 South Main Street
Property to be acquired: Total Combined Area of 1,788 sq. ft. (.041 ac.) of Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$2,150
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: VCP (Village Center Planning Area)
Use: Commercial
Tax Code: 003-253-16
Total Parcel Tax Value: \$79,200

45. Meeting Minutes

- Action:** Approve the titles, motions and votes reflected in the Clerk's record as the minutes of:
- January 2, 2007 Council Workshop
 - January 8, 2007 Business Meeting
 - January 16, 2007 Zoning Meeting