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CITY COUNCIL MEETING

Monday, February 26, 2007

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

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CITY COUNCIL AGENDA

Monday, February 26, 2007

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5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. City Manager Recruitment and Selection Process

Resource: Tim Mayes, Human Resources

Time: 15 minutes

Synopsis

- A summary of the results of the Request for Proposals (RFP) process for selecting an executive search firm will be provided. Eleven firms submitted proposals in response to the RFP and Human Resources conducted follow up interviews with seven companies.
- Human Resources categorized the seven responses based on the firms' experience in conducting comparable executive searches. If Council wishes, the Human Resources Director will provide specific recommendations.
- Also, a proposed schedule of activities and calendar, and the basic position requirements will be presented.

Future Action

- This item is #10, on page 8 of this agenda.

2. Charlotte Regional Visitors Authority Update

Resource: Tim Newman, Charlotte Regional Visitors Authority (CRVA)

Time: 10 minutes

Synopsis

- Tim Newman's presentation will include:
 - CRVA's recent progress in growing the hospitality and tourism industry
 - Trends in hospitality revenues
 - Need for business development funding to attract conventions and meetings
 - Updated CRVA vision and mission statements

3. Naming Rights for Cricket Arena

Resource: Mike Crum, Charlotte Regional Visitors Authority (CRVA)

Time: 10 minutes

Synopsis

- The Authority entered into a five year agreement in 2001 with Cricket Communications to rename the facility Cricket Arena.
- The agreement included a \$150,000 annual license fee.
- The agreement was extended for one additional year for \$25,000 because Cricket was not interested in renewing at the previous rate, no alternative successor vendor was available, uncertainty over the venue's future with the departure of the Charlotte Checkers, and it was less expensive to keep the Cricket name on the building than to change to another name.
- The Authority has hired PMC Brand Management to seek a naming rights partner.
- There is renewed interest in naming rights for the facility.
- Mike Crum will brief the Mayor and City Council on the effort to replace Cricket Communications as naming rights partner for the facility currently known as Cricket Arena.
- CRVA is negotiating with Victory Junction Gang Camp to rename Cricket Arena "Victory Junction Coliseum".

Future Action

- CRVA expects to present a naming rights proposal contract to the City Council as soon as possible. City Council action is required to rename the facility.

4. Belmont and Seigle Avenue Infrastructure

Resources: Stanley Watkins, Neighborhood Development
 Jim Schumacher, Engineering & Property Management
 Debra Campbell, Planning Department

Time: 20 minutes

Synopsis

- Brief the City Council on proposed infrastructure projects for the Belmont neighborhood.
- The City staff is recommending, after consultation with the Belmont neighborhood organization, property owners and developers, the following infrastructure projects:

Projects	Location	Cost	Status
Seigle Avenue Streetscape	Seigle Avenue between 10 th Street and Parkwood Avenue	\$5.8M*	Planning/Design
Develop two Gateways	Intersections of Davidson Street and Parkwood; Parkwood Avenue and Hawthorne Lane	0.6M	Planning/Design
Parkwood Pedscape	Parkwood Avenue	0.6M	Planning/Design
Total		\$7.0M	

* Millions of dollars

- The Seigle Avenue Streetscape Improvements call for improving sidewalks, curb & gutter, planting strips and upgrading retaining walls along an almost one mile stretch of roadway.
- The Seigle Avenue improvements are being done in two phases. Phase I, located between 10th Street and the railroad bridge, will provide improvements to the west side of the street (\$1.2M) and reserve \$400,000 to assist future development on the east side. Phase II will complete improvements on both sides of the street between the railroad bridge and Parkwood Avenue (\$4.2M). See the attached map.
- The two gateway improvements will cost \$600,000 and the proposed pedestrian improvements along Parkwood Avenue will cost \$600,000.
- The above projects are being financed through 2004 Infrastructure Bonds (\$5.0M) and 2006 Infrastructure Bonds (\$2.0M) approved by the voters for the Belmont neighborhood.
- Also, the City Council accepted a \$1.24 million grant from the federal government on January 8, 2007 to undertake additional intersection improvements in the Belmont neighborhood.

Future Action

- The following items will be coming forward for City Council approval
 - Planning/Design contracts and/or amendments over the next several months
 - Real estate acquisitions in 2007/2008
 - Construction contracts in 2008/2009

Attachment 1

Maps and illustrations of the Belmont Infrastructure Projects

5. Analysis of Impediments to Fair Housing Report

Resources: Stanley Watkins, Neighborhood Development
Willie Ratchford, Community Relations

Time: 20 minutes

Synopsis

- 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 and 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.
- Annually, the City must submit to the U. S. Department of Housing and Urban Development (HUD) a Consolidated Plan, in order to receive federal funding for housing and community development activities.
- A HUD regulation also requires local jurisdictions to prepare and submit an Analysis of Impediments to Fair Housing Choice, which must be approved by

the local government.

- The Analysis of Impediments to Fair Housing Choice is a review of a community's policies, procedures, laws, and allowances (both public and private), that might impact a person's ability to live in the housing of his or her choice without regard to race, religion, color, national origin, sex, disability, or familial status.
- This document addresses barriers in the community that prevent people from accessing housing and recommends actions for improving housing, making it more affordable and fair.
- The report was prepared by Training and Development Associates of Laurinburg, North Carolina.

Future Action

- The Analysis of Impediments to Fair Housing Choice report, which reviews City policies and provides recommendations related to fair housing, will be on the March 26, 2007 Council Business Agenda.

Attachment 2

Findings, Recommendations and Staff Response
Analysis of Impediments to Fair Housing Choice

6. Committee Reports by Exception

Economic Development & Planning Committee: Scaleybank Transit Oriented Development

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

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

CONSENT

- 7. Consent agenda items 21 through 48 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

8. Public Hearing on Resolution to Close a Portion of Griffith Street

Action: **A. Conduct a public hearing to close a portion of Griffith Street, and**
 B. Adopt a Resolution to Close.

Staff Resource: Linda Poissant, Transportation

Policy

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

Explanation

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

Petitioner

Rea Contracting, LLC – David Henderson/Helms, Henderson & Associates, P.A.

Right-of-Way to be abandoned

A portion of Griffith Street

Location

Located within the vicinity of the Brookhill Community beginning 130 feet east from Griffith Street continuing north approximately 341 feet to its terminus

Reason

To incorporate the right-of-way into adjacent property owned by the petitioner for a proposed multi-family residential development. This abandonment is affiliated with rezoning petition #2006-012 approved by City Council on May 15, 2006.

Notification

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

Adjoining property owners

City of Charlotte – No objections

Neighborhood/Business Associations

Brookhill (S. Tryon Community Mission Church) – No objection

Brookhill Community Organization – No objection

Dilworth Community Development Association (DCDA) – No objection

Olmsted Park HOA – No objection

Sedgefield Neighborhood Association – No objection

Private Utility Companies – No objections

City Departments –

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

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

Attachment 3

Map

Resolution

POLICY

9. City Manager's Report

- Gangs Update

10. City Manager Recruitment and Selection Process

- Actions:**
- A. Select an Executive Search Firm for the process,**
 - B. Approve a Schedule of Activities and Calendar for the process,**
 - C. Approve the basic position requirements, preliminary to the public input process for identifying important candidate characteristics, and**
 - D. Adopt a budget ordinance appropriating up to \$62,467 from Council's Discretionary Account for the City Manager recruitment and selection process.**

Staff Resource: Tim Mayes, Human Resources

Explanation

- On January 22, 2007 the City Council directed the City Human Resources Director to:
 - Issue a Request for Proposals (RFP) for executive search firms
 - Develop a schedule of activities and calendar for the process

RFP Process and Selection of Executive Search Firm

- An RFP was developed and issued on January 26, 2007.
- Based on City Council's direction to the City Human Resources Director, the role of the executive search firm is to be the same as the role of the firm that assisted in the 1996 City Manager recruitment and selection process.
- The following steps were taken to inform firms that an RFP process was being conducted:
 - All companies on the State Interactive Purchasing system were electronically notified.
 - A notice that proposals were being solicited was placed in *The Charlotte Observer*.
 - Firms that had conducted comparable nation-wide searches were electronically notified.
- The deadline for submission of proposals was February 7, 2007.
- Eleven firms submitted proposals.
- The City Human Resources Director and three of his senior staff members conducted follow up interviews with seven of the eleven firms. Four firms were not interviewed for reasons of cost, comparable experience and/or responsiveness to the RFP.

- Following are the seven companies that the Human Resources staff interviewed, along with the price quotes (including expenses, except as noted) from each firm and comments relative to the firm's qualifications:

Firms with Extensive Experience Recruiting City/County Managers

1. *The Mercer Group* (Atlanta, Georgia) - \$30,000
 - Conducted the 1996 City Manager recruitment and selection process
 - Jim Mercer, company president, would personally conduct the process
 - Mr. Mercer has personally conducted City Manager searches for the following cities: Phoenix; Tucson; Austin; Ann Arbor; Raleigh; Durham; Dayton (OH); Newport News (VA); El Paso (Texas); Boulder (CO); Gainesville (FLA); College Station (TX); Concord (NC)
 - Mr. Mercer is currently conducting a City Manager search for the City of Gastonia.
2. *Slavin Management Consultants* (Norcross, Georgia) - \$21,500
 - Bob Slavin, company president, would personally conduct the process
 - Mr. Slavin has personally conducted City Manager searches for the following cities: San Diego; Winston-Salem; Durham; Greensboro; Wichita (KS); and County Manager searches for the following counties: Mecklenburg and Wake.
3. *Waters-Oldani Consulting Group* (Dallas, Texas) - \$21,500 excluding expenses
 - Chuck Rohr, a company consultant, would conduct search.
 - Mr. Rohr is a former Police Chief for the City of Plano, Texas.
 - Firm has conducted a large number of City Manager and public sector searches, mostly for organizations smaller in size than the City of Charlotte. Recent City Manager searches include the City of Abilene (TX) and the City of Tacoma (WA).
4. *The PAR Group* (Lake Bluff, Illinois) - \$20,500
 - Robert Beezat, a company consultant, would conduct search
 - Mr. Beezat is a former City Manager.
 - Firm has been conducting City Manager and public sector searches for over 30 years. Some of the consultants that have conducted the searches are now employed with other search firms. Recent City Manager searches include the City of Yuma (AZ) and the City of Little Rock (AR).

Firms with Some Experience Recruiting City/County Managers

1. *Arcus, LLC* (Harrisburg, Pennsylvania) - \$25,000
 - Scott Reilly, a company officer, would conduct search
 - Firm is relatively new to the public search business, but has conducted City Manager searches for the City of San Antonio and the City of Irving (TX).
2. *DHR International* (Charlotte, N.C.) – 30% of new City Manager's total base cash compensation, plus expenses
 - Walter Kuchinski and Jennifer Scott would conduct search

- DHR has completed much executive search work in the private sector, as well as non profits.
- Firm conducted City Manager searches for the City of Cincinnati (OH) and the City of Trenton (OH). Individuals who conducted these searches are no longer with the firm.

Firms with Extensive Public/Non-Profit Experience; no Experience Recruiting City/County Managers

1. *Sockwell Partners* (Charlotte, N.C.) - \$53,200
 - Susan Jernigan and Barbara Hudson would conduct search.
 - Firm has conducted searches for over 50 schools administrators.
 - Firm has conducted 2 searches for Charlotte-Mecklenburg Schools Superintendent.

Proposed Schedule of Activities and Calendar

<u>Activity</u>	<u>Date</u>
Mayor and City Council select Search Firm and approve position qualifications for advertisement	February 26
Begin advertisement and recruitment	March 9
Search firm identifies important candidate characteristics and qualities	March 12 - 23
<ul style="list-style-type: none"> - Receive input from Mayor and City Council through discussions with Search Firm - Receive input from public through two community meetings and through electronic communications 	
Search firm provides report to Mayor and City Council on public input regarding important candidate characteristics and qualities	April 2
Conclude Advertisement and Recruitment	April 13
Search firm provides report on candidates to Mayor and City Council	April 23 (Executive Session)
Mayor and City Council interview finalists	Completed by May 14
Mayor and City Council hold public meetings with finalists	Completed by May 28

Mayor and City Council make final hiring decision

Completed by June 4
(Executive Session)

Basic Position Requirements for 2007 Recruitment and Selection Process

- The basic position requirements include:
 - Requires bachelor’s degree in public or business administration or related field; or equivalent combination of education and experience
 - A master’s degree in Public Administration or related field highly desirable
 - Demonstrated evidence of continued professional development through completion of seminars, workshops and training programs to stay abreast of local government management field. Participation in professional development activities at the state and national level is important.
 - Requires significant, fiscally-responsible, seasoned professional management experience and skills, principally as local government manager or assistant in a similar or larger governmental organization
 - A proven track record of working in a large urban community, managing a large staff, managing a complex multi-functional organization and addressing urban problems required
 - Strong background in finance and budgeting and ability to meet community needs and goals
 - Demonstrated understanding of and experience in the role that successful economic development efforts play in allowing a community to maintain reasonable costs required
 - Experience managing a dynamic and growing community is important
 - Experience working in a diverse community

Funding

The current balance in Council’s Discretionary Account is \$62,467.

Attachment 4

Budget Ordinance

11. FY2008 and FY2009 Council Focus Area Plans

<p>Action: Approve the FY2008 and FY2009 Strategic Focus Area Plans for:</p> <ol style="list-style-type: none"> 1. Community Safety 2. Economic Development 3. Environment 4. Housing & Neighborhood Development 5. Transportation

Staff Resources: Julie Burch, City Manager’s Office
 Ron Kimble, City Manager’s Office
 Keith Parker, City Manager’s Office
 Curt Walton, City Manager’s Office

Explanation

- Staff drafted two year Focus Area Plans for Council's review. The Council Committees met prior to the annual strategy retreat to review the draft plans. Each initiative has measures for evaluation.
- On February 12, 2007, Council requested that the Focus Area Plans be brought forward for Council consideration at the February 26th meeting, due to cancellation of the retreat.
- Strategic Plans for each Council Focus are attached and major initiatives are outlined below:
 - **Community Safety**
 - Reduce crime through enforcement and prevention
 - Reduce property crime through education and enforcement
 - Enhance citizen perception of safety through engagement and information dissemination
 - Reduce vehicle crashes through enforcement, education and engineering
 - Manage natural and manmade disasters and major incidents
 - Educate and prepare children to prevent injuries and fires
 - **Economic Development**
 - Business expansion and retention
 - Small business opportunity
 - Corridor revitalization
 - Infill development/redevelopment/transit oriented development
 - Hospitality industry
 - Permitting process improvements
 - **Environment**
 - Support sustainability
 - Protect natural ecosystem and habitats
 - Lead by example, adopting sound environmental practices
 - Collaborate with local and regional partners
 - Increase city employees' awareness of the environment as a priority
 - **Housing and Neighborhood Development**
 - Reduce number of challenged neighborhoods
 - Expand supply of affordable housing
 - Eliminate sub-standard housing and neighborhood nuisances
 - Graduate neighborhoods from revitalization plan
 - Increase number of neighborhood problem-solving initiatives
 - Provide comprehensive infrastructure
 - **Transportation**
 - Centers and Corridors Strategy
 - Environmental quality and long-term regional sustainability
 - Convenient and efficient transportation facilities
 - Communicate land use and transportation objectives
 - Financial resources to implement programs and services

Attachment 5

FY2008 and FY2009 Council Focus Area Plans

12. Scaleybark Transit Oriented Development

This item will be distributed in the Friday, February 23rd Council-Manager Memorandum. The Economic Development and Planning Committee meets on February 21st.

BUSINESS

13. NASCAR Hall of Fame Contracts

- Action:**
- A. Adopt a budget ordinance appropriating \$6,000,000 from Certificates of Participation to the Convention Center Capital Project Fund, and**
 - B. Adopt a budget ordinance appropriating \$11,492,503 from Corporate Plaza Partners to Hall of Fame Capital Project Fund as described in the General Development Agreement,**
 - C. Award a contract to Turner Thompson Davis for construction management at risk services in the amount of \$131,589,503, and**
 - D. Approve Amendment #2 with Terracon for materials testing and inspection services in the amount of \$1,150,000.**

Staff Resources: Jim Schumacher, Engineering & Property Management
 Tim Newman, Charlotte Regional Visitors Authority
 Lee Madden, Finance

A. Budget Ordinance

- On March 6, 2006, NASCAR awarded the rights to the NASCAR Hall of Fame to the City of Charlotte. On March 27, 2006, Council appropriated \$154.5M for the design and construction of the Hall of Fame (HOF) project. This included:
 - \$118M in Certificates of Participation (COPs)
 - \$36.5M in bank loans
- The overall financing plan also included an additional \$6M in COPs to be used for:
 - Connection between the Hall of Fame complex and the existing Convention Center
 - Modifications to the existing Convention Center to make it compatible with the new Hall of Fame complex
- These funds were not appropriated by Council on March 27, 2006. The CRVA requests that these funds be appropriated so the proposed pedestrian connection can be designed and constructed concurrently with the HOF complex. In addition, the CRVA anticipates purchasing additional furniture for the existing ballroom.

B. Budget Ordinance

- On December 11, 2006, NASCAR exercised its option to build an office tower on the Hall of Fame site. In turn, NASCAR assigned this option to Corporate Plaza Partners. Also, on December 11, 2006, Council approved agreements between the City, CRVA and Corporate Plaza Partners for the development of an office tower and 99-year lease of the underlying property.

- Per the agreement with Corporate Plaza Partners, they will pay their incremental share of the parking deck and shared loading dock for the Hall of Fame complex. Based on construction estimates by Turner Thompson Davis, Corporate Plaza Partners' share of development costs for additional parking, loading dock expansion and site work is estimated to be \$11,492,503. This estimate includes design and other soft costs.
- The attached budget ordinance incorporates the projected cost associated with Corporate Plaza Partners share of the work.

C. Construction Manager

- The action will approve a Construction Manager at Risk contract with Turner Thompson Davis (TTD) and allow excavation and construction to begin. The key points of the contract are:
 1. TTD will contract with sub-contractors to complete all work and manage and coordinate all aspects of the construction.
 2. A guaranteed maximum price (GMP) will be established based on the direct and indirect costs of the work plus a 3% construction contingency. TTD guarantees that the cost of the work as defined by the base bid documents, coordination of all sub-contractors, and any necessary acceleration of the work, will not exceed the GMP.
 3. TTD will earn a fee of 3% of the actual cost of the work with up to 1% additional incentive fee based on success in meeting project goals.
 4. TTD will comply with the City's SBO Program in advertising and awarding sub-contracts and strive to exceed a goal of 16% SBE participation.
 5. Pre-construction estimating, project coordination, travel and other incidental costs will be reimbursed.
- Construction Manager at Risk project services are selected on a qualifications basis in accordance with State statutes. Turner Thompson Davis, a joint venture, was chosen by a selection committee and subsequently awarded a pre-construction services contract by the City Council on May 22, 2006.

D. Materials Testing and Inspection

- Materials testing and inspection services are selected on a qualifications basis in accordance with State statutes. Terracon was chosen by a selection committee in June 2006.
- A preliminary site testing contract in the amount of \$90,000 was awarded by the City Manager in July 2006. Amendment #1 for additional site testing in the amount of \$50,000 was awarded by the City Engineer in November 2006.
- Terracon will be responsible for materials testing and special inspections required by the International Building Code.
- SBE commitment is 5%
- The new contract amount will be \$1,290,000 once this contract is approved.

Funding

Hall of Fame Capital Project Fund

Convention Center Capital Project Fund

Attachment 6
Budget Ordinance

14. I-277/Caldwell Interchange - NCDOT Municipal Agreement and Budget Ordinance

- Action:**
- A. Authorize the City Manager to enter into a Municipal Agreement with NCDOT to receive up to \$5 million to fund a portion of the I-277/Caldwell Interchange Project (NASCAR infrastructure), and**
 - B. Adopt a budget ordinance appropriating \$3.5 million for the I-277/Caldwell Interchange project and other road modifications in the vicinity of the NASCAR Hall of Fame (HOF) project.**

Staff Resource: Jim Schumacher, Engineering & Property Management

A. Municipal Agreement with NCDOT

- This project involves the reconstruction of several ramps at the I-277/Caldwell Interchange, budgeted at \$11 million.
- Governor Easley committed to advance \$5 million towards the interchange modifications through funds provided by the NCDOT. The remaining \$6,000,000 is funded through a loan from the Municipal Debt Service Fund Balance.
- The interchange modification will result in approximately 10 acres of surplus land, which the NCDOT will transfer to the City at the completion of construction.
- The proceeds from the sale of the land will fund a \$20 million non recourse loan with simple interest at 4% for the Hall of Fame construction. Remaining land sale proceeds after loan and interest is repaid will reimburse the City and State for roadway construction costs at the proportion each contributed.
- The State's approval of the interchange modifications dictated that the project also include modifications to Stonewall, Caldwell and Brevard Streets. These improvements are funded with \$10 million in the CIP as implementation of the Center City Transportation Study. As outlined in the mid-year Budget Report, the timing of these funds will need to be adjusted to coordinate and combine the interchange and street improvements into one seamless project.
- Key elements of the Municipal Agreement include: the \$5 million advance of State funds and their reimbursement through the land sale proceeds; the transfer of surplus land, the prequalification of contractors, and the allocation of responsibilities between the State and City during construction.

B. Budget Ordinance

- The City Council appropriated \$2.5 million of the City's \$6 million contribution last year for planning, design, and environmental testing. This budget ordinance appropriates the remaining \$3.5 million to the project from the Municipal Debt Service Fund Balance.

Funding

Municipal Debt Service Fund Balance

Attachment 7

Budget Ordinance

15. Discovery Place Renovation and Exhibit Development

- Action:**
- A. Approve an Agreement with Discovery Place in the amount of \$15,930,000 for services related to procurement of exhibits for the proposed renovations of Discovery Place, and**
 - B. Exempt the proposed Discovery Place renovations from the 1% Public Art Funding requirement as with the City Council's exemption of the other four cultural facilities.**

Staff Resources: Michelle Haas, Engineering & Property Management
David Garner, Engineering & Property Management

Explanation

- On September 11, 2006 City Council approved implementation of the Cultural Facilities Plan. The Discovery Place project is a renovation of the facility and development of new science and technology exhibits. Project funding is \$31.6 million (\$15.6 million for the renovation and \$16 million for the new exhibits).
- This agreement will allow Discovery Place to proceed with its standard process to qualify, select, and contract with exhibit designers, fabricators and installers for exhibits for the renovated facility. Major components of Discovery Place's process include:
 - Determination of Major Exhibit Theme Areas by a team composed of Discovery Place staff and other science museum directors.
 - Request for Qualifications to potential exhibit design consultants.
 - Determination of exhibits to be developed by Discovery Place staff and those to be developed by pre-qualified firms through a Request for Proposals process.
 - Exhibit design/fabrication/installation will be managed by a Discovery Place team. Engineering & Property Management will provide project management and assistance to Discovery Place in coordinating the exhibit process with the overall building renovations. E&PM's project management staff will play a significant role in all phases of the Discovery Place exhibit process and will review all phases of work.
- Council action to exempt Discovery Place from the 1% Public Art Funding requirement is in line with action taken by Council on the other four cultural facility projects approved in September 2006.

Next Steps

- Once City Council approves this agreement, Discovery Place will begin the exhibit selection process.
- Staff will provide project updates to the City Council at project milestones. The anticipated completion date for all renovations, including new exhibits is late 2009.

Funding

Economic Development Capital Investment Plan

16. Belmont Convenience Store Acquisition

Action: Approve a reimbursement agreement with the Charlotte-Mecklenburg Development Corporation in an amount not to exceed \$1.1 million for services required to acquire, demolish and resale up to seven designated convenience stores, and identify a possible future retail site in the Belmont neighborhood.

Staff Resource: AC Shull, Economic Development Office

Explanation

- The City contracted with the Charlotte-Mecklenburg Development Corporation (CMDC) in 2004 to conduct an analysis of 13 convenience stores located in the Belmont neighborhood for possible acquisition and demolition as recommended in the Belmont Revitalization Plan.
- CMDC's study identified the highest priority convenience stores for acquisition based on crime, alcohol-related nuisance, community sentiment, environmental concern, non-conforming use status, physical condition, acquisition ease and location impact (see attachment).
- CMDC will acquire up to seven convenience store sites, conduct a Phase I Site Assessment, demolish the structures and sell the land after rezoning.
- The Charlotte Housing Authority will be given preference in purchasing (at appraised value) the store sites for housing purposes after the lots have been rezoned to conform to the Belmont Revitalization Plan or the Planning Commission staff agrees with the reuse of the land. The sale proceeds will be escrowed by the City and earmarked for possible future retail development in the Belmont neighborhood.
- CMDC will also identify a possible future retail site that will serve the community and the HOPE VI development. A federal grant, in the amount of \$750,000, has been requested to support the development of a retail center once a site is identified.
- The City Engineering Department will monitor the sites for environmental compliance during the demolition process.

Funding

The 2006 Neighborhood Improvement Bonds included \$1.1 million for the acquisition of Belmont convenience stores.

Attachment 8

Convenience Store Estimated Acquisition Expense

17. Appointments to Boards and Commissions**Action: Vote on blue paper ballots and give to the City Clerk at dinner.****A. BIZ HUB**

Two appointments beginning immediately, one ending July 2008 and one ending July 2009.

- Constance Johnson by Council members Burgess and Carter for the term ending July 2009
- Jay Joyce by Council member Carter for the term ending July 2008
- John C. Murphy by Council member Burgess for the term ending July 2008
- Phillip Owens by Council member Lassiter
- Nicholas Procopio by Council member Mumford

Attachment 9

Applications

B. CITIZENS' REVIEW BOARD

One appointment beginning immediately and ending July 2009.

- Charles Everage by Council member Barnes
- Charlene Hendricks by Council member Carter
- Beverly Lawston by Council member Mitchell
- Barry Roach by Council member Lassiter
- Paul Strickland, Jr. by Council member Foxx
- Roger "Bud" Wilkerson, III by Council member Kinsey
- Cynthia Zakary by Council member Burgess

Attachment 10

Applications

C. COMMUNITY RELATIONS COMMITTEE

Two appointments beginning immediately, ending June 2007 and the next full term.

- Franklin D. Barnes, II by Council member Barnes
- David E. Bradley by Council member Burgess
- Tammy M. Chappell-Proctor by Council members Burgess and Carter
- Caroline C. Frers by Council member Kinsey

- Elizabeth Lea by Council member Mumford
- Brenda B. McMoore by Council member Foxx
- Tracy J. Pavlish by Council member Dulin
- Cecelia D. Torres by Council member Carter
- James F. Young by Council member Kinsey

Attachment 11

Applications

D. KEEP AMERICA BEAUTIFUL

Three appointments beginning immediately and ending June 2007 and continuing for the next full three-year term.

- Kevin Brown by Council member Kinsey
- Shaun Kruse by Council member Kinsey
- Gene Goldberg by Council members Burgess and Dulin
- Gregory B. West by Council members Burgess and Carter
- Alyson Wheeler by Council member Barnes

Attachment 12

Application

E. NEIGHBORHOOD MATCHING GRANTS

One appointment in the Business Representative Category beginning immediately and ending April 2008

- Shaun Kruse by Council member Burgess
- Robert B. Settle by Council member Dulin

Attachment 13

Applications

F. SISTER CITIES COMMITTEE

Two appointments beginning immediately and ending April 2008.

- Steve Goldberg by Council member Lassiter
- Sue Gorman by Council member Lassiter
- Joseph R. Simino by Council member Mumford
- Regina E. Tisdale by Council member Kinsey

Attachment 14

Applications

F. SMALL BUSINESS ENTERPRISE LOAN FUND

One appointment beginning immediately and ending October 2008.

- Rosa Garvin by Council member Carter
- Robert L. Laney by Council member Mitchell
- Nigel Long by Council member Barnes (Recommended by Chair of the Committee)
- Juliette H. Nguyen by Council member Kinsey

Attachment 15
Applications**18. Mayor and Council Topics**

Council members may share information and raise topics for discussion.

19. Closed Session

Action: Adopt a motion pursuant to NCGS 143-318.11(a)(3) to go into closed session to consult with attorneys employed or retained by the City in order to preserve the attorney-client privilege and to consider and give instructions to the attorneys concerning the handling the case of J. Carlton Fleming and Bonnie S. Fleming v. Transit Management of Charlotte and the City of Charlotte (06-CVS-15029).

20. Closed Session

Action: Adopt a motion pursuant to NCGS 143-318.11(a)(3) to go into closed session to consult with attorneys employed or retained by the City in order to preserve the attorney-client privilege and to consider and give instructions to the attorneys concerning the handling the case of John Henry Miller, Jr. v. Transit Management of Charlotte, Inc., Katie Denise Harris and the City of Charlotte (05-CVS-21725).

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

21. Various Bids

A. Airport Shuttle Buses

Aviation

Staff Resource: Jerry Orr

Action

Award the low bid, unit price contract to Carolina Thomas, LLC of Greensboro, North Carolina to provide airport shuttle buses for a term of one-year and authorize the City Manager to renew the agreement for two additional one-year terms. The anticipated FY2007 expenditure is for eight buses at \$42,689 for a total of \$341,512.

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. Water Meter Yokes & Brass Accessories Utilities

Resource: Doug Bean

Action

Award the low bid, unit price contract to Mainline Supply Company of Charlotte, North Carolina to provide water meter yokes and brass accessories for a term of one-year and authorize the City Manager to renew the agreement for two additional one-year terms. The anticipated FY2007 expenditure is \$151,708.50.

Small Business Opportunity

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

C. Crushed Stone CDOT

Staff Resource: Jeff Black

Action

Award the low bid of \$1,137,477.50 by Martin Marietta Materials of Charlotte, North Carolina for furnishing various types and sizes of crushed stone for the term of one year and authorize the City Manager to renew the contract for four additional one-year terms. Crushed stone is a necessary component for street repairs and improvements. Stone is the foundation for all asphalt used when paving the streets.

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.

D. 911 Communications Consoles CMPD

Staff Resource: Karen Ruppe

Action

Award the lowest responsive bid of \$213,470.60 by Watson Dispatch of Poulsbo, Washington for the purchase and installation of 20 console workstations for the CMPD 911 Communication Department for the term of one year and authorize the City Manager to renew the contract for two additional one-year terms.

Small Business Opportunity

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

22. Refund of Property Tax

Action: Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$2,783.74.

Staff Resource: Greg Gaskins, Finance

Attachment 16

Resolution

List of property refunds

23. Resolution of Intent to Abandon Street and Set Public Hearing for a Portion of Masonic Drive

Action: A. Adopt the Resolution of Intent to abandon a portion of Masonic Drive; and
B. Set a public hearing for March 26, 2007.

Staff Resource

Linda Poissant, Transportation

Attachment 17

Resolution

Map

24. In Rem Remedy

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

Public Purpose:

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

Policy:

- Housing & Neighborhood Development
- Community Safety

The In Rem Remedy items were initiated from 3 categories:

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

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

Public Safety:

- A. 3035 Celia Avenue (Neighborhood Statistical Area 43 – University Park Neighborhood)
- B. 3004 Rozzelles Ferry Road (Neighborhood Statistical Area 25 – Smallwood Neighborhood)
- C. 1812/14 Westbrook Drive (Neighborhood Statistical Area 24 – Seversville Neighborhood)

Complaint:

- D. 2901 Clyde Drive (Neighborhood Statistical Area 25 – Smallwood Neighborhood)
- E. 3008 Dawson Avenue (Neighborhood Statistical Area 22 – Oakview Terrace Neighborhood)
- F. 1135 Montcalm Street (Neighborhood Statistical Area 19 – Thomasboro/Hoskins Neighborhood)

Field Observation:

- G. 3041 Celia Avenue (Neighborhood Statistical Area 43 – University Park Neighborhood)
- H. 2931 Cochrane Drive (Neighborhood Statistical Area 124 – Slater Road/Hamilton Circle Neighborhood)
- I. 205 South Ramsey Street (Neighborhood Statistical Area 19 – Thomasboro/Hoskins Neighborhood)
- J. 4949 Winchester Street (Neighborhood Statistical Area 19 – Thomasboro/Hoskins Neighborhood)

Public Safety:

A. 3035 Celia Avenue

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 3035 Celia Avenue (Neighborhood Statistical Area 43 – University Park Neighborhood).

Attachment 18

B. 3004 Rozzelles Ferry Road

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 3004 Rozzelles Ferry Road (Neighborhood Statistical Area 25 – Smallwood Neighborhood).

Attachment 19

C. 1812/14 Westbrook Drive

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1812/14 Westbrook Drive (Neighborhood Statistical Area 24 – Seversville Neighborhood).

Attachment 20

Complaint:

D. 2901 Clyde Drive

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2901 Clyde Drive (Neighborhood Statistical Area 25 – Smallwood Neighborhood).

Attachment 21

E. 3008 Dawson Avenue

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 3008 Dawson Avenue (Neighborhood Statistical Area 22 – Oakview Terrace Neighborhood).

Attachment 22

F. 1135 Montcalm Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1135 Montcalm Street (Neighborhood Statistical Area 19 – Thomasboro/Hoskins Neighborhood).

Attachment 23

Field Observation:

G. 3041 Celia Avenue

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 3041 Celia Avenue (Neighborhood Statistical Area 43 – University Park Neighborhood).

Attachment 24

H. 2931 Cochrane Drive

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2931 Cochrane Drive (Neighborhood Statistical Area 124 – Slater Road/Hamilton Circle Neighborhood).

Attachment 25

I. 205 South Ramsey Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 205 South Ramsey Street (Neighborhood Statistical Area 19 – Thomasboro/Hoskins Neighborhood).

Attachment 26

J. 4949 Winchester Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 4949 Winchester (Neighborhood Statistical Area 124 – Slater Road/Hamilton Circle Statistical Area 19 – Thomasboro/Hoskins Neighborhood).

Attachment 27

CONSENT II

25. Providence Church Lane Sidewalk

- Action:**
- A. Reject the low bid from DOT Construction Inc., of Charlotte, North Carolina for failure to comply with the Small Business Development Program Policy, and**
 - B. Award the construction contract for Providence Church Lane Sidewalk to Carolina Cajun Concrete for \$121,055.**

Staff Resource: Imad Fakhreddin, Engineering & Property Management

Providence Church Lane Sidewalk

- This project will construct sidewalk along Sarah Hall Lane between Lady Grace Lane and Providence Church Lane, and on Providence Church Lane between Sarah Hall Lane and Providence Road in southeast Charlotte.
- The sidewalk will connect neighborhoods to Providence Springs Elementary School.
- Construction completion is scheduled for second quarter of 2007.

A. Reject the low bid from DOT Construction Inc.

- Reject the low bid of \$113,696 from DOT Construction Inc.
- DOT Construction Inc. failed to meet the SBE utilization goal, mandatory outreach requirements and good faith efforts of the Small Business Development Program established for this project.

B. Award the construction contract to Carolina Cajun Concrete

- Award the construction contract to Carolina Cajun Concrete as the lowest responsive and responsible bidder.

Summary of Bids

DOT Construction	\$113,696.00
Carolina Cajun Concrete	\$121,055.00
United Construction	\$134,854.50
Sealand Contractors Corporation	\$140,523.90
KIP Corporation	\$142,780.00
Econ International	\$123,658.70
Carolina Site Concept	\$200,772.00

Small Business Opportunity

Established SBE Goal: 4%

Committed SBE Goal: 5.78%

Carolina Cajun Concrete exceeded the SBE established goal and committed 5.78% (\$7,000) to the following SBE firms: Bana Corporation and Muddrunners, Incorporated.

Funding

Transportation Capital Investment Plan

26. Transit Bus Tire Leasing and Services

Action: Approve a five-year agreement with Bridgestone Firestone North American Tire, LLC of Akron, OH to provide bus tire leasing and related services for \$2,721,087.95.

Staff Resource: Jim Zingale, Charlotte Area Transit System

Explanation

- The leasing of tires used on buses is the predominate practice by transit agencies nationally. The benefits of leasing include low inventory, on-going technical support, equipment and tire disposal and minimal employee overhead expense.
- The City has used a bus tire leasing and service company to provide tires and tire related services for its bus fleet since 1980. Tire service and maintenance are an important part of providing a safe and dependable bus fleet. Bridgestone Firestone has provided the service to CATS since March 2001.
- Bridgestone Firestone will provide new bus tires, retread tires, tire maintenance, tire disposal and tire services during the five-year contract period.

Selection Process

- The City advertised a Request for Proposals (RFP). The selection process identified Bridgestone Firestone as the most competitive. Goodyear Tire and Rubber Company also submitted a proposal that was approximately \$900,000 higher than the selected vendor.

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

Transit Operating Fund

27. Forensic Medicine Program Grant

Action: Adopt an ordinance appropriating \$46,634.55 in grant funds from the Governor's Crime Commission for CMPD's Forensic Medicine Program.

Staff Resource: Sherry Barnes, Charlotte-Mecklenburg Police

Explanation

- The Forensic Medicine Program is a partnership between CMPD and area hospitals.
- The program provides training to emergency room nurses on how to recognize victims of crime and how to collect, preserve and document evidence.
- Examples include use of rape kits, photographing injuries, packaging evidence and documenting victim statement/injuries.
- Nurses will also be trained to provide victims with community referrals, educational literature, victim compensation forms, etc.
- The goal of the program is better evidence collection in criminal cases, especially those involving sexual assault and domestic violence, and enhanced and immediate victim advocacy.
- Grant funds will cover the salary of the program director for six months and evidence collection supplies for the seven participating hospitals in Mecklenburg County. Police anticipates receiving another grant to fund the program director's position for an additional year.
- The program director will:
 - Develop program policies
 - Coordinates training/meetings
 - Conducts quality assurance/outcome measurement
 - Prepares program budgets

Funding

\$46,634.55 from the Governor's Crime Commission; in-kind match of \$11,658.64 provided through the hours of volunteer counselors who respond to the hospital to work with domestic violence victims at night and on weekends.

Attachment 28

Budget Ordinance

28. Gang of One Contract

- Action:**
- A. Adopt a budget ordinance appropriating \$100,000, and**
 - B. Approve a contract between CMPD and Mecklenburg County, in the amount of \$100,000 to administer funds for the Street Smart Program.**

Staff Resource: Fran Cook, Charlotte-Mecklenburg Police

Explanation

- Mecklenburg County's Juvenile Crime Prevention Council received a \$100,000 grant from the Governor's Crime Commission for gang prevention.
- These grants are only awarded to counties.
- The Juvenile Crime Commission Council decided that the funds should go to Gang of One for the development of the Street Smart Program in partnership with the Boys and Girls Clubs.

- Street Smart is a nationally recognized gang prevention curriculum offered through the Boys and Girls Club.
- The Boys and Girls Clubs will develop the program for Charlotte under the guidance of Gang of One.
- Under the contract, the Gang of One program will administer the funds for Street Smart. Monthly financial reports will be submitted to the County.
- The contract was approved by the County Commission on December 19, 2006.

Funding

Governor's Crime Commission Grant

Attachment 29

Budget Ordinance

29. Armored Vehicle for CMPD

- Action:**
- A. Approve the purchase of an armored vehicle without competitive bidding, as authorized by the sole source purchasing exemption of G.S. 143-129(e)(3), 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: Darrel Stephens, Charlotte-Mecklenburg Police
Jeff Dulin, Fire Department

Sole Source Exception

- G.S. 143-129 (f) provides that formal bidding requirements do not apply when:
 1. Performance or price competition are not available;
 2. A needed product is available from only one source 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 exception require City Council approval.

Explanation

- This vehicle is classified as a Special Response Vehicle and will be used for personnel deployment and evacuation, bomb response and SWAT applications.
- CMPD SWAT responds to approximately 75 incidents per year in which the unit could be used.
- CMPD would like to supplement the current armored vehicle made in 1988 to provide a redundant capability to provide Officer safety at SWAT incidents. The new vehicle can carry three times the number of people.

- This new unit is equipped with Chemical Biological Radiological Nuclear & Explosive capabilities that will provide a regional asset. This unit also has heating, air and a PA system for notification that is necessary for SWAT, hazmat, bomb or other incidents.
- The current Dragoon unit was a surplus vehicle, received free of charge and replacement parts are very hard to obtain.
- The Lenco B.E.A.R. ® (Ballistic Engineered Armored Response & Rescue) Vehicle meets the required specifications of the Department of Homeland Security (DHS) and is on the DHS Approved Equipment List.
- 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, this contract is exempt from the SBO Program.

Funding

2006 Urban Area Security Initiative Grant

30. Homeland Security Grant

- Action:**
- A. Enter into a grant agreement with the North Carolina Division of Emergency Management (NCDEM), on behalf of the U. S. Department of Homeland Security, in the amount of \$600,000 to assist in preparing for response to terrorism-related events, and**
 - B. Adopt a budget ordinance appropriating \$600,000 in funding.**

Staff Resource: Jeff Dulin, Fire

Explanation

- The Department of Homeland Security and the Office of Domestic Preparedness has made funding available through the FY2006 State Homeland Security Grant Program. This program was established to provide federal reimbursement to state and local governments for the purchase of equipment to ensure adequate preparedness for a response to an act of terrorism. In North Carolina, the North Carolina Division of Emergency Management (NCDEM) administers this program for the U. S. Department of Homeland Security.
- Grant funds will be used to purchase structural collapse equipment, search cameras, lifting shores and personal protective equipment. NCDEM will determine the equipment list for purchase that is necessary to raise the Charlotte Fire Department's response capabilities.

Funding

U. S. Department of Homeland Security Grant

Attachment 30
Budget Ordinance

31. Swift Water Rescue Grant

- Action:** **A. Enter into an agreement with NC Emergency Management for the acceptance of \$136,000 in grant funds, and**
- B. Adopt a budget ordinance appropriating \$136,000 in funding.**

Staff Resource: Jeff Dulin, Fire Department

Explanation

- Funding comes from a modification of the North Carolina Capital Appropriations Act of 2005, S.B. 1741, Session law 2006-66. This money was appropriated to support disaster response, focusing on swift water rescue capabilities.
- The funds will purchase equipment for Swift Water Rescue Technicians to integrate with NC National Guard UH-60 Helicopters.
- Charlotte Fire Department Urban Search and Rescue Task Force Members will use the equipment when conducting aerial rescue operations.
- Use of this equipment will allow for the integration of the Charlotte Task Force Members and North Carolina National Guard assets which will improve overall deployment and response capabilities to victims across North Carolina.

Funding

North Carolina Capital Appropriations Act of 2005

Attachment 31
Budget Ordinance

32. Radio System Upgrade for Regional Support

- Action:** **Approve a contract totaling \$902,354 with Motorola Inc. for the purchase of radio communication equipment to upgrade the current system to support two additional communication sites in Gaston County.**

Staff Resource: Dennis Baucom, Business Support Services
 Jeff Dulin, Fire

Explanation

- The City manages and maintains the 800 MHz public safety radio system for all public safety agencies operating within Mecklenburg County. Beginning in

2003 Charlotte began receiving Urban Area Security Initiative Grant funds to improve regional communication interoperability.

- The contract will allow the City to purchase and equip two radio control structures in Gaston County. This will provide radio coverage and interoperability for Mecklenburg and Gaston County Fire, Police and EMS agencies operating within Gaston County during emergencies. The ability to provide public safety agencies with reliable and interoperable communications is critical to the safety of first responders and citizens.
- The City of Gastonia requested use of these sites for their day to day communications system. Gastonia agreed to fund all ongoing maintenance for these sites.
- The funding for this equipment is through the Urban Area Security Initiative (UASI) Grants. These funds must be used to support regional interoperability solutions.

Small Business Opportunity

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

Funding

2004 UASI Grant

2005 UASI Grant

33. Airport Project Management Services

- Action:**
- A. Approve a contract with Turner Construction Company of Charlotte, North Carolina in an amount not to exceed \$2,300,000 for Airport project management services, and**
 - B. Adopt a budget ordinance appropriating \$ 2,300,000 from the Airport discretionary fund balance, to be repaid by proceeds from the 2007 General Airport Revenue Bonds.**

Staff Resource: Jerry Orr, Aviation

Explanation

- Pursuant to this contract, Turner Construction will supply trained personnel to assist in project management of various Airport construction projects designated by the Aviation Director.
- The major project is the third parallel runway, on which construction begins this spring.
- The Turner personnel will establish and maintain project schedules and budgets, monitor quality control and coordinate the work of various contractors.
- The contract term extends through June 30, 2010, although the City may terminate it at any time for any or no reason.

- The City will pay Turner up to \$52,000 per month for the first 18 months. On July 1, 2008, monthly maximum payment will increase to \$54,080, and on July 1, 2009, the monthly maximum payment will increase to \$56,243.
- The City will also pay Turner for pre-approved out-of-pocket expenses.
- Turner was selected because its personnel have successfully assisted the City with previous Airport development, including the two new daily parking decks.
- A competitive selection process is not required for project management or professional staff services.

Disadvantaged Business Enterprise

The Federal DBE Program neither requires nor permits goals for every contract. The City must meet its overall goal by using a mix of contract goals and race-neutral means.

Funding

Airport Capital Investment Plan

Attachment 32

Budget Ordinance

34. Airport Parking System Service Agreement

Action: Approve a three-year service agreement estimated at \$808,000 with ACS Transport Solutions, Inc. of Norcross, Georgia for maintenance of the Airport's automated parking system.

Staff Resource: Jerry Orr, Aviation

Explanation

- The Airport's current automated parking management system includes an on-line computer, which provides management and revenue control of all entrance gates, ticket dispensers, cashier terminals and inventory equipment. The system was originally purchased and installed in 1982 and has subsequently been expanded and upgraded to accommodate the significant expansions of the airport parking facilities. To date, the airport has invested \$4,398,740 for the purchase and installation of the parking management system. Due to the proprietary nature of the computer software, only ACS Transport Solutions, Inc. can provide software support and other services required.
- A parking industry expert was hired to evaluate the status of our current parking system equipment and make recommendations for the future. Their recommendation was to continue upgrading the current system rather than change to a new system.
- This three-year service agreement with ACS will provide two on-site technicians, preventative maintenance (including all parts and labor), 24-hour

emergency on-call service (including normal wear and tear and replacement parts) and on-site testing by factory-trained technicians.

- The current annual cost of \$212,820 will increase this year to \$258,750 due to the additional equipment associated with the new Daily Parking Decks and addition of failsafe database storage support. Additional service years are subject to adjustment based on the Consumer Price Index.

Small Business Opportunity

ACS Transport Solutions, Inc. is the sole-source provider for maintenance of this proprietary system. Pursuant to Section 2.21 of the SBO Program Policy regarding sole source purchases, this contract is exempt from SBO requirements.

Funding

Airport Operating Budget

35. Airport Valet Contract Amendment

Action: Approve an amendment to the contract with Parking Solutions, Inc. of Columbus, Ohio for the Business Valet parking operation at the Airport.

Staff Resource: Jerry Orr, Aviation

Explanation

- Since 2003, Parking Solutions has managed the curbside valet parking at the Airport pursuant to a Council-approved contract.
- Parking Solutions is paid a flat fee of \$900 per month and is eligible for an incentive fee of 5% of annual profits. Parking Solutions earned \$81,415 in FY2006. Additionally, Parking Solutions is reimbursed for allowable expenses according to a budget approved by the Aviation Director.
- This amendment will provide for a remote valet service called the Business Valet, located at the corner of Wilkinson Boulevard and Harlee Avenue.
- The approved expense budget for the first six months of the Business Valet operations (the remainder of FY07) is \$131,393.
- The Aviation Director, in consideration of the level of service to be provided and the demands of the valet parking market at the Airport, will establish the budget for subsequent fiscal years.

Small Business Opportunity

All additional work resulting from this amendment will be performed by the current contractor and subcontractors. Therefore, this amendment complies with Section 10.3 of the SBO Program.

Funding

Airport Operating Budget

Attachment 33
Parking Program Background
Map

36. Republic Airlines, Inc. Agreement

Action: Approve an agreement permitting Republic Airlines, Inc. to operate at the Airport.

Staff Resource: Jerry Orr, Aviation

Explanation

- Republic Airlines began service from Charlotte on February 17, 2007, doing business as US Airways Express, with daily flights to Atlanta, Georgia, Providence, Rhode Island and Columbus, Ohio.
- The airline will be permitted to operate under the same terms and for the same rates as other similar carriers at the Airport.
- Republic will pay landing and gate usage fees. The annual fees paid by Republic are anticipated to be above \$100,000.

37. Airport Contract for Architectural Services

Action: Approve a professional services contract with Roy Johnson, AIA of Charlotte, in an amount not to exceed \$375,000 to provide planning and architectural services at the Airport.

Staff Resource: Jerry Orr, Aviation

Explanation

- This contract is for the professional services of Roy Johnson, Architect, to assist airport staff in planning and implementing improvements to and construction of structures at the airport, including the main passenger terminal.
- Mr. Johnson is retired from Odell Associates where he served as a principal architect and has been involved with airport terminal development for over 30 years. For the past nine years, Johnson has worked for the airport.
- The scope of his services includes developing design concepts, negotiating contracts, reviewing plans, value engineering and master planning.
- Mr. Johnson will be paid on an hourly basis at the rate of \$130 per hour for hours worked.
- During the next three years, the airport will:
 - Build new \$220 million runway
 - Expand the terminal and adding gates
 - Add corporate hangars
 - Expand Wilson Air Center

- Expand cargo facilities
- Add new airport parking decks
- Build new roads and access systems

Disadvantaged Business Opportunity

The Federal DBE Program neither requires nor permits goals for every contract. The City must meet its overall goal by using a mix of contract goals and race-neutral means.

Funding

Airport Capital Investment Plan

38. Airport Municipal Agreement with NCDOT

Action: Adopt a resolution authorizing the Aviation Key Business Executive to execute a municipal agreement with the North Carolina Department of Transportation (NCDOT) in the amount of \$105,000 for the resurfacing of Mount Olive Church Road.

Staff Resource: Jerry Orr, Aviation

Explanation

- The Airport is starting the construction of the third parallel runway in March 2007.
- The runway construction requires the relocation of Wallace Neel Road, which will be done concurrently with the runway construction.
- In order to allow the runway contractor to complete the earthwork in safest manner, the Airport anticipates closing Wallace Neel Road between Old Dowd Road and Dixie River Road in July 2007.
- Because of the road closure, the Airport will implement a detour for local traffic only to access the neighborhoods currently served by Wallace Neel Road. The detour includes using Walker's Ferry Road, Mount Olive Church Road, and Dixie River Road.
- NCDOT supports the implementation of the detour; however they require that Mount Olive Church Road be resurfaced and widened by two feet in each lane to accommodate the additional traffic.
- This action will approve a municipal agreement with NCDOT, whereby the Airport will fund \$105,000 of the cost to resurface Mount Olive Church Road.

Funding

Airport Capital Investment Plan

Attachment 34

Resolution

39. Third Parallel Runway Grading

- Action:**
- A. Award the low bid contract with E.S. Wagner Company, LLC of Piedmont, South Carolina in the amount of \$43,626,829 for the grading of the Third Parallel Runway, and**
 - B. Adopt a budget ordinance appropriating \$51,534,511 from the Airport Discretionary fund balance to be replaced with the proceeds of the 2007 General Airport Revenue Bond issue.**

Staff Resource: Jerry Orr, Aviation Director

Explanation

- In April 2005, Council approved a contract in the amount of \$3,500,000 with Talbert & Bright, Inc. to design the new runway.
- In August 2006, the FAA issued its amended Record of Decision clearing the way for the construction of the 3rd parallel runway.
- In December 2006, the FAA offered the Airport a Letter of Intent committing \$124 million of federal grant funding over eight years for the construction of the runway.
- This contract will provide for the clearing of 640 acres of land, the installation of drainage pipes and the placement of approximately 9 million cubic yards of earthwork for the runway, related taxiways and the required relocation of several roads.
- The work is divided into two phases.
 - Phase 1-A includes the work related to the areas under the future pavement of the runway and taxiways.
 - Phase 1-B includes the work outside of the pavement areas. The contractor can work in both phases simultaneously.
- The contractor will have 720 calendar days to complete Phase 1-A and 840 days to complete Phase 1-B.
- This contract contains a bonus/liquidated damages clause that provides the opportunity for the contractor to earn a bonus of \$10,000 a day, not to exceed \$1,500,000 for the early completion of Phase 1-A, and \$1,000,000 for the early completion of Phase 1-B. Likewise, in each phase, the contractor will be charged \$10,000 a day, with no cap, if the work extends beyond the number of days in each phase of the contract.
- Three bids were received for this contract.
- Action B appropriates \$51,534,511 from the Airport Discretionary fund to be replaced with the proceeds of the 2007 General Airport Revenue Bond issue.
- The additional \$7.9 million includes a 10% contingency, planning, surveys, construction testing and inspections.

Disadvantaged Business Opportunity

Established DBE Goal: 12 %

Committed DBE Goal: 13.5%

E.S. Wagner has exceeded the DBE goal and committed 13.5% (\$5,907,649.64) to the following certified DBE firms: New Con Construction, Inc., Theresa's

Concrete Service, Inc., Martin Landscaping Co., Inc. and Carolina Environmental Contracting.

Funding

Airport Capital Investment Plan

Attachment 35

Budget Ordinance

40. New Street Lighting Installation

Action: Authorize the Transportation Key Business Executive to pay Duke Power \$521,915.42 for the installation of street lights on Rea Road and IBM Drive and breakaway street lights on W.T. Harris Boulevard.

Staff Resource: Mike Davis, Transportation

Explanation

- The Charlotte Department of Transportation has a goal of providing street lighting on every thoroughfare in Charlotte.
- Where lighting is to be installed along corridors with no existing overhead utilities, the electrical lines to power the lights are installed underground.
- Street lighting for Rea Road from Ballantyne Commons Parkway to Parks Farm Lane requires that electrical service be provided underground to serve new wood pole street lights at a total cost of \$159,120.60.
- Street lighting for IBM Drive from W.T. Harris Boulevard to Neal Road requires that electrical service be provided underground to serve new wood pole street lights at a total cost of \$177,336.01.
- Streets with high speeds and high traffic volumes require greater recovery areas for vehicles. NCDOT requires breakaway poles to be installed in lieu of wood poles to increase safety where recovery distances are constrained.
- Street lighting for W.T. Harris Boulevard from NC49 to Old Concord Road requires the use of 46 breakaway poles at a total cost of \$185,458.81.

Funding

Street Lighting Program

41. Road Widening Agreement for W.T. Harris Boulevard between Northlake Centre Parkway and I-485

Action: Authorize the Transportation Key Business Executive to execute a three-party agreement between the North Carolina Department of Transportation (NCDOT), City of Charlotte, and Reames Investors LLC, in the amount of \$376,000.

Staff Resource: Matt Magnasco, Transportation

Explanation

- The City has the ability to partner with the NCDOT to advance City-desired improvements not called for in the scope of a NCDOT project. These improvements are usually completed by the NCDOT, and the City reimburses the NCDOT upon receipt of an invoice.
- NCDOT will pay its contractor for the work and the City will reimburse NCDOT for the City's components of the project. The City's cost is fixed at \$376,000; any cost overrun would be paid by Reames Investors LLC.
- Reames Investors LLC is the developer of the Northcrest shopping center, located at the northwest corner of the intersection of W.T. Harris Boulevard and Northlake Centre Parkway. This site was conditionally rezoned (petition #2002-111) and is located across Northlake Centre Parkway from Northlake Mall.
- Reames Investors LLC is required to construct certain roadway improvements to W.T. Harris Boulevard as part of its rezoning; these improvements will cost approximately \$624,000.
- Part of the site development requirements for commercial sites in Charlotte is to install curb and gutter across the site's frontage in a location corresponding to a future curb line. The Charlotte Department of Transportation (CDOT) then paves up to that new curb line, minus any required roadway improvement such as a turn lane.
- The 2030 Long Range Transportation Plan (LRTP) identifies a six-lane, median-divided section as being the future curblane for this part of W.T. Harris Boulevard. In this particular case, CDOT would be responsible for paving one of three westbound lanes along the W.T. Harris Boulevard frontage of Northcrest, a section approximately 900 feet in length and 12 feet wide.
- NCDOT has an active Transportation Improvement Project to widen a portion of W.T. Harris Boulevard as part of construction of I-485. NCDOT's project (R-2248D) consists of constructing a 4-lane median-divided section along W.T. Harris Boulevard. NCDOT's construction limits along W.T. Harris Boulevard extend from west of Lake Spring Avenue to just west of Northlake Centre Parkway, encompassing the Northcrest frontage.
- CDOT has agreed to contribute money to NCDOT to lengthen a culvert across Dixon Creek and construct the third through lane identified in the 2030 LRTP.
- With three separate entities needing to do work in the section of W.T. Harris Boulevard between I-485 and Northlake Centre Parkway (NCDOT, CDOT, and Reames Investors LLC), it is most effective to have one contractor perform all the work. NCDOT's contractor for I-485 has agreed to construct both CDOT's and Reames Investors' portions as a change order to the R-2248D contract.
- The City's obligation under the three-party agreement is solely with the NCDOT. The City has no obligation to or from Reames Investors LLC.

Funding

Transportation Capital Investment Plan

Attachment 36
Map

42. Utilities Contract Language Amendments

Action: Approve amendments to the following contracts to include provisions for the reduction/release of retainage normally included in construction contracts for Charlotte-Mecklenburg Utilities for Irwin Creek Relief Sewer Contract II and Southwest Water Main Contract.

Staff Resources: Mike Boyd, City Attorney's Office
Barry Shearin, Utilities

Explanation

- The typical retainage provisions were inadvertently omitted in two contracts. In the interests of treating contractors consistently, staff recommends that these provisions be included. The City Attorney's Office also recommends that the surety be required to consent to any reduction/termination/release of retainage on the surety's contract.
- The contract documents provide for 10% of all progress payments to be retained for the Irwin Creek Relief Sewer Contract II and the Southwest Water Main Contract. Neither of these contracts permits the percentage of retainage to be reduced or any retainage to be released prior to final completion.
- Typical Utilities construction contracts permit:
 - Additional retainage to be terminated after the project is 50% complete so long as the character and progress of the work is satisfactory (effectively reducing retainage to almost 5% by the time the project is substantially complete)
 - The release of the portion of the retainage after substantial completion that is not required to assure completion of the project
 - If the character and progress of the contractor's work is no longer satisfactory, retainage may be reinstated.

43. Miscellaneous Utilities Construction, Contract Renewal #1

Action: Approve renewal #1 of the contract with State Utility Contractors, Inc., Monroe, North Carolina, in the not to exceed amount of \$1,255,416.75. Contract provides for repair and replacement of existing fire hydrants, valves, and associated appurtenances as needed throughout Mecklenburg County.

Staff Resource: Doug Bean, Utilities

Explanation

- The original contract was awarded by Council February 13, 2006, in the not to exceed amount of \$1,255,416.75.
- At the option of the City the contract may be renewed for three additional terms.
- This renewal provides for additional resources to expedite the repair and replacement of fire hydrants, valves and service lines that have been identified for service.

Small Business Opportunity

Established SBE Goal: 7%

Committed SBE Goal: 0.4%

State Utility Contractors failed to meet the goal, but met the mandatory outreach requirements and earned the required number of Good Faith Effort Points. They have committed \$10,175 to the following SBE firms: A-1 Pavement Marking, Inc. and Fernandez Construction.

Funding

Water Capital Investment Plan

44. Lead Hazard Reduction Services Contract

Action: Approve a three-year contract with Soils and Materials Engineering, Inc. (S&ME) not to exceed \$350,500 for Lead Based Paint Testing, Design, Risk Assessment, Clearance and Maintenance plan preparation.

Staff Resources: Stan Wilson, Neighborhood Development
Diane Adams, Neighborhood Development

Explanation:

- In October of 2006, the U.S. Department of Housing and Urban Development (HUD) awarded the City of Charlotte a \$2.9 million Lead Hazard Reduction Program Grant. The grant activities include lead based paint testing, construction and other services related to the reduction of lead hazards in housing units.
- On November 17, 2006 a Request for Proposals was issued to contractors for Lead Based Paint Testing, Design, Risk Assessment, Clearance and Maintenance Plan Preparation. The contract includes reducing lead hazards in 350 housing units. On December 22, 2006 five proposals were received.

Contractor	Proposed Cost Per Unit
S&ME	\$1,085
Environmental Investigations	\$1,200
ECS	\$1,675
Get the Lead Out	\$1,190

Roy Consulting

\$1,200

- Proposals were reviewed based on the contractor's ability and experience, capacity, cost effectiveness of services and the ability to provide timely services. Based on the evaluation of the proposals staff is recommending S&ME.
- S&ME has provided the lead testing and other related services to the City since 1996 under three City Council approved contracts. S&ME has consistently met performance requirements and has maintained competitive pricing.

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

Federal Lead Hazard Reduction Grant

45. Single-Family Housing Rehabilitation Grant

Action: Adopt a budget ordinance appropriating a \$400,000 Single-Family Housing Rehabilitation Grant from the North Carolina Housing Finance Agency.

Staff Resources: Stan Wilson, Neighborhood Development
Diane Adams, Neighborhood Development

Explanation

- In December 2006, the City of Charlotte, on behalf of the Charlotte-Mecklenburg Regional Housing Consortium, was notified by the North Carolina Housing Finance Agency that it had been awarded a \$400,000 Single-Family Housing Rehabilitation Grant.
- Under the provision of the grant requirements, the funds are available to areas outside of the City limits (including the surrounding towns).
- The City will serve as the "lead entity" and the "pass through agency" for the funding.
- The Charlotte-Mecklenburg Regional Housing Consortium consists of the City of Charlotte, Mecklenburg County and the towns of Cornelius, Huntersville, Mint Hill, Matthews and Pineville.
- The funds will be used to rehabilitate 10 single-family homes for households earning \$19,320 to \$51,300 for a family of four.
- The funds will address emergency home repairs and violations of the City's minimum housing code. Funds can also be used to make accessibility modifications for elderly and disabled homeowners.
- Up to 10% of the program funds (\$40,000) can be used by staff to administer the program.

- The grant program requires that funding be provided in the form of interest-free forgivable loans which will be serviced by the North Carolina Housing Finance Agency.

Background

- On June 26, 2000, City Council approved the adoption of a resolution for the City of Charlotte to enter into a cooperation agreement to form the Charlotte-Mecklenburg Regional Housing Consortium.
- The Consortium Agreement allows the County and surrounding towns to become “entitlement communities” for receipt of federal HOME funds to increase affordable housing opportunities for more individuals/ families in Mecklenburg County.
- Under the agreement, the City of Charlotte is the lead entity for the Consortium and the City serves as a “*pass through agency*” for the federal funding.

Funding

N.C. Housing Finance Agency – HOME Funds

Attachment 37

Award Letter from State of North Carolina
Budget Ordinance

46. Urgent Housing Repair Program Grant

Action: Adopt a budget ordinance appropriating an Urgent Repair Program Grant in the amount of \$75,000.

Staff Resources: Diane Adams, Neighborhood Development
Stan Wilson, Neighborhood Development

Explanation

- The City of Charlotte was notified by the North Carolina Housing Finance Agency that it had been awarded a \$75,000 Urgent Repair Program Grant.
- The grant funds will be used to rehabilitate 25 units of low and very low-income housing in the City’s targeted action plan neighborhoods over the next 18 months. Households earning 30 percent or less of the average median income (\$19,230 for a family of four) are eligible.
- The urgent repair funds are limited to owner occupied homes. The funds will:
 - Address emergency home repair
 - Provide accessibility modifications for elderly homeowners
 - Provide other necessary repairs to prevent displacement of homeowners
- The City will provide a match of \$50,000, which is budgeted through local Innovative Housing Funds. The Urgent Repair Grant will be used in conjunction with the City’s Selective Rehabilitation and Code Repair Programs.

History

- The State of North Carolina Housing Finance Agency has awarded the City of Charlotte a \$75,000 Urgent Repair grants in each of the last four fiscal years. Each year the City has successfully completed the requirements of the Grant.
- To date, 78 units have been repaired through the grant program over four grant periods.
- The North Carolina Housing Finance Agency issues grant applications on an annual basis.

Funding

N.C. Housing Finance Agency - N.C. Housing Trust Fund

Attachment 38

Award Letter from State of North Carolina
 Map of Target Area (indicated as census block groups)
 Budget Ordinance

47. Property Transactions

Action: Approve the following property acquisitions (A).

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

Acquisitions

- A. Project:** Albemarle Road Clear Creek Elementary School (Rocky River Church Road to Cabarrus Road) 16" Water Main, Parcel # 1
Owner(s): Woodland Beaver Farms, LLC
Property Address: Albemarle Road
Property to be acquired: 27,096 sq. ft. (.622 ac.) in Utility Easement, plus 10,022 sq. ft. (.230 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$11,365
Remarks: Compensation was established by independent, certified appraisals related to this property.
Zoned: B-1(CD)
Use: Commercial
Tax Code: 111-233-03
Total Parcel Tax Value: \$708,900

48. Meeting Minutes

- Action:** Approve the titles, motions and votes reflected in the Clerk's record as the minutes of:
- January 2, 2007 Business Meeting
 - January 31, 2007 Council Retreat