

Mayor Anthony Foxx

John Autry
Michael D. Barnes
Warren Cooksey
Andy Dulin
Claire Fallon

Mayor Pro Tem Patrick D. Cannon

David L. Howard
Patsy Kinsey
LaWana Mayfield
James Mitchell, Jr.
Beth Pickering

CITY COUNCIL MEETING
Monday, July 23, 2012

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

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40	36	Transit Services for Delegates of the Democratic National Convention
41	37	Transit Project Management System

**CITY COUNCIL AGENDA
Monday, July 23, 2012**

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2:00 P.M. City Manager's Evaluation CH-14

4:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. Mayor and Council Consent Item Questions

Resource: Eric Campbell, City Manager's Office

Time: 5 minutes

Synopsis

Mayor and Council may ask questions about Consent agenda items. Staff will address questions at the end of the dinner meeting.

2. North Tryon Street Business Corridor Improvement Project Alternate Design and Greenroads



Resources: Tom Russell, Engineering & Property Management
David Meachum, Engineering & Property Management

Time: 20 minutes

Synopsis

- In 2008, the City hired Warren & Associates to complete a real estate and development report to provide recommendations for the North Tryon corridor.
- In 2010, the Charlotte-Mecklenburg Planning Department completed the North Tryon Area Plan. Among the report recommendations was a proposed project to improve North Tryon Street between Dalton Avenue and 30th Street.
- A private developer, Vision Ventures, has acquired significant land around this portion of North Tryon with the intent of creating significant change and new development characterized by green/sustainable buildings, uses and practices.
- The North Tryon Street Business Corridor Project was initiated to provide improved infrastructure to support and revitalize the local community while creating future development opportunities.
- The consultant and staff design team has developed a design alternative that offers a number of potential transportation and economic development benefits. This alternative has been vetted through several public meetings and individual meetings with local businesses. In addition, the team believes the project represents an opportunity to evaluate an environmentally sustainable approach to roadway design and construction (Greenroads). The evaluation would provide information useful to the City in future project applications and in development of a City policy on sustainable roadways.

- The presentation will briefly describe:
 - The proposed design alternative
 - A description of the Greenroads Rating System and its application to the North Tryon project

Action

The contract amendment is item 35, on page 31 of this agenda.

3. Tree Canopy Investment Strategy



Resources: Davis Cable, Consultant, Tree Canopy Initiative
Gina Shell, Engineering & Property Management

Time: 30 minutes

Synopsis

- Staff and Consultant, Davis Cable, will brief Council on the past year's work toward Council's goal to achieve 50% Tree Canopy in 2050. Council adopted the goal on June 28, 2011. Accompanying the goal was a Tree Canopy Investment Strategy prepared by staff to provide a toolbox of possible approaches to make the community successful in meeting the goal and sustaining a strong canopy.
- Council's FY2013 Environment Focus Area Plan calls for the City to implement the City's Tree Canopy Investment Strategy.
- During FY2012, staff has worked with Consultant Davis Cable to continue discussions with community members, to refine the strategic toolbox, and to envision and pilot new programs to help achieve the goal.
- The Consultant's work was funded jointly by the City and the Knight Foundation. The Knight Foundation has been convening a group of interested citizens – the "Tree Committee" - coincident with Council's passage of the goal and with staff's work to implement the Strategy. This "Tree Committee" activity, in combination with City activities, has provided numerous collaborative opportunities.
- A number of activities and events have occurred and will be reviewed including:
 - Planting of 1,200 street trees
 - Creek ReLeaf volunteer tree planting along Briar Creek
 - Pilot neighborhood volunteer tree planting event in Peachtree Hills
 - "Action Summit" gathering of stakeholders, citizens and potential partners
 - Creation of a website devoted to the Charlotte Tree Canopy
 - Creation of a collaborative community initiative involving the City, the Foundation for the Carolinas, and other key partners
 - Creation of a draft proposed logo and tag line for the collaborative initiative called "Trees Charlotte"
- The potential for ongoing and expanding collaborative community opportunities will be described. Programmatically in FY2013 City staff plans to:
 - Continue street tree planting efforts
 - Continue to pilot neighborhood volunteer planting events
 - Establish the parameters of a matching grant program for neighborhood volunteer tree planting events under the umbrella of the City's existing Neighborhood Matching Grant Program (to be ready for FY2014)
 - Continue to partner with Charlotte Mecklenburg Storm Water Services and the Charlotte Public Tree Fund for Creek ReLeaf
 - Partner with the Charlotte Housing Authority and community volunteers to plant trees at existing Housing Authority developments

- Partner with Catawba Lands Conservancy to manage logistics of volunteer planting activities
- Create an Urban Forest Management Plan document
- Conduct an Urban Ecosystem Analysis similar to past analyses to determine tree canopy coverage as of 2012
- No additional funding will be required for these initiatives.

Action

Information only.

Attachment 1

Tree Canopy Goal Strategy

5:15 P.M. DINNER BREAK

4. Energy Efficiency and Conservation Block Grant Report



Resource: Robert Phocas, City Manager's Office

Time: 20 minutes

Synopsis

- In February 2009, the U.S. Department of Energy (DOE) allocated \$6,780,100 to the City of Charlotte through the Energy Efficiency and Conservation Block Grant (EECBG) program. Desired outcomes of the EECBG program included: increased energy efficiency; economic growth and community development; development of renewable energy technologies; improved air quality; improved coordination of energy-related policies; leveraging of public and private resources; and sustainability of projects and programs.
- The City used the first \$250,000 to create the DOE-required Energy and Conservation Strategy, which was necessary to access the remaining funds, and to conduct 12 energy audits of city facilities. City staff worked with its Energy Partners, City Council and input from citizens, through two public forums and an online community survey, to develop the Energy Strategy and specific energy and energy efficiency projects.
- On April 26, 2010, the City Council accepted the remaining \$6,530,100 after DOE approval of the City's Energy and Conservation Strategy.
- Staff submitted 17 projects, which were approved by DOE. These projects fell into the following six categories: energy investments in revitalization areas; neighborhood energy challenge; catalyst projects; air quality specific projects; public building energy efficiency; and energy strategy implementation. Staff has provided Council with periodic updates about the projects over the last two years.
- All projects are complete, in accordance with the grant deadline of July 26, 2012. DOE has commended the City's achievements as a result of three separate site visits by DOE to review the City's EECBG program.
- Staff will provide Council with a final update of the accomplishments of the EECBG program and the contributions it has made towards achieving the goals of the Council-adopted Environment Focus Area Plan.

Action

Information only.

5. Answers to Mayor and Council Consent Item Questions

Resource: Eric Campbell, City Manager's Office

Time: 10 minutes

Synopsis

- Staff responses to questions from the beginning of the dinner meeting

6. Closed Session

Action: Adopt a motion pursuant to NCGS 143-318.11(a)(4) to go into closed session to discuss matters relating to the location of an industry or business in the City of Charlotte, including potential economic development incentives that may be offered in negotiations.

6:30 P.M. CITIZENS FORUM

7:15 P.M. AWARDS AND RECOGNITIONS

7. Lerner Family and CMPD Independence Division

Action: Council Member Autry will recognize the Lerner Family and members of CMPD's Independence Division for establishing a partnership that successfully transformed the Idlewild Apartments into Arcadian Village.

8. North Carolina League of Municipalities George C. Franklin Award

Action: Mayor Foxx will recognize Ellis Hankins, Executive Director of the North Carolina League of Municipalities, to present Deputy Fire Chief Jeff Dulin with the George C. Franklin Award, which recognizes the student with the most distinguished record in the Municipal Administration Course at the UNC School of Government.

CONSENT

9. Consent agenda items 17 through 49 may be considered in one motion except those items removed by a Council member. Items are removed by notifying the City Clerk.

Consideration of Consent Items shall occur in the following order:

- A. Consideration of Consent Items that have not been pulled
- B. Consideration of Consent Items with citizens signed up to speak to the item

PUBLIC HEARING

10. Public Hearing on Resolution to Close a 10-foot Alleyway between Camden Road and S. Tryon Street

Action: A. Conduct a public hearing to close a 10-foot alleyway between Camden Road and S. Tryon Street, and

B. Adopt a Resolution to Close.

Staff Resource: Jeff Boenisch, 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.
- The attached resolution refers to exhibits and metes and bounds descriptions that are available in the City Clerk's Office.

Petitioner

Park Kingston Investors- George S. Warren

Right-of-Way to be abandoned

A 10-foot alleyway between Camden Road and S. Tryon Street

Location

Located within the vicinity of Historic Southend, and beginning on Camden Road between W. Park Avenue and W. Kingston Avenue, a 10-foot wide alleyway runs approximately 327 feet northwest to its terminus at S. Tryon Street, and consists of 3,270 square feet

Reason

As part of Rezoning Petition #2006-115, approved by Council on October 18, 2006, the right-of-way is to be incorporated into adjacent properties for the development of the proposed Park and Kingston Apartment community.

Notification

As part of the City's notification process, and in compliance with North Carolina General Statute 160A-299, the Charlotte Department of Transportation submitted this abandonment petition for review by the public and City Departments.

Adjoining property owners

Mr. Allen Griffin - No objections

Mr. Steven Price - No objections
B&B Southend, LLC - No objections
1611 South Tryon Street, LLC - No objections

Neighborhood/Business Associations

Historic Southend - No objections
Wilmore Neighborhood Association - Notified/ No comments
Dilworth Community Development Association - Notified/ No comments

Private Utility Companies – No objections

City Departments

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

- Be contrary to the public interest
- Deprive any individual(s) owning property in the vicinity of reasonable means of ingress and egress to his property as outlined in the statutes
- Be contrary to the adopted policy to preserve existing rights-of-way for connectivity

Attachment 2

Map
Resolution

POLICY

11. City Manager's Report

BUSINESS

12. Assignment of Purchase Contracts for Eastland Mall



Action: A. Accept the assignment of the Offers to Purchase and Contract entered into by FMW Real Estate for the following properties (hereafter Eastland Mall):

- 5471 Central Avenue LLC (Boxer Properties)	\$5,264,000
- Belk Inc.	\$1,200,000
- Higbee LANCOMS, LP (Dillard's site)	\$1,140,000
- Sears, Roebuck and Co.	\$2,500,000
- Eastland Fields LLC (JC Penney site)	\$1,200,000
- EJG Charlotte LLC (Firestone site)	\$925,000
- H/V Central Avenue LLC (Hollywood Video site)	\$925,000

B. Approve the Offers to Purchase and Contract for Eastland Mall.

Staff Resource: Patrick Mumford, Neighborhood & Business Services

Background

- In 2003, City Council adopted the Eastland Area Plan, which had the following stated goals:
 - Increase the economic viability of the Eastland area
 - Create a balanced mixture of land uses with a community center
 - Support strong neighborhoods
 - Improve aesthetic quality
 - Provide a multi-modal and connected transportation system
 - Ensure a safe community
- In 2006, Council adopted the Business Corridor Revitalization Strategic Plan, which identified the Eastland Mall area as a priority area of focus.
- In 2007 and 2008, respectively, Belk and Dillard's department stores closed at Eastland, followed by Sears in 2009.
- In late 2009, Council declined to exercise options to acquire 83 acres of the site at a total cost of \$22.24 million. Council directed staff to take no further action except to evaluate potential public-private partnership proposals for the site as they were received.
- In 2010, Boxer Properties purchased the in-line stores following foreclosure by previous owner LNR. Since that time, all other stores, including Burlington Coat Factory (which had replaced JC Penney in 2002), and outparcels have been vacated and shuttered.
- In 2011, CATS purchased 1.3781 acres from Boxer Properties for the Eastland Community Transit Center for \$771,150.

- In 2012, following a request from Council Member Autry, City Council authorized staff to be more proactive in Eastland acquisition conversations.

Explanation

- Working independently, FMW Real Estate (FMW) has secured purchase contracts in the amount of \$13,154,000 for 80.452 acres of contiguous property that constitute the majority of Eastland Mall site (see attached map).
- FMW’s purchase contracts total \$13,154,000 (approximately \$163,501 per acre). The individual contracts are with the following seven property owners:
 - 5471 Central Avenue LLC (Boxer Properties) \$5,264,000
 - Belk Inc. \$1,200,000
 - Higbee LANCOMS, LP (Dillard’s site) \$1,140,000
 - Sears, Roebuck and Co. \$2,500,000
 - Eastland Fields LLC (JC Penney site) \$1,200,000
 - EJM Charlotte LLC (Firestone site) \$925,000
 - H/V Central Avenue LLC (Hollywood Video site) \$925,000
- FMW has offered to assign the purchase contracts to the City.
- FMW negotiated \$600,700 in seller paid brokerage fees for the purchase contracts. However, FMW has agreed to cap its brokerage fee collection at \$400,000 and allocate the additional revenue (\$200,700) in the form of a credit to the City.
- FMW’s purchase contracts include the following terms:
 - Contracts may be assigned to a third party.
 - Purchase of the property and improvements are “as is”.
 - Buyer must post non-refundable deposits of \$750,000 on or before July 31, 2012.
 - Buyer must close on balance of \$12,404,000 on or before August 31, 2012.
- All purchase contracts are similar in nature in requiring the purchaser to pay pro-rated real estate taxes (City and County), with the exception of the contract with Eastland Fields LLC (JC Penney site). This contract stipulates that if the contract is assigned to the City of Charlotte or a related entity, the buyer will pay the full 2012 real estate taxes and unpaid storm water fees. These taxes and fees are estimated to be \$246,536, and would be paid by the City at closing.

Funding and Staff Recommendation

- The City has \$15,984,000 in approved 2008 Neighborhood General Obligation Bonds dedicated to Eastland. Staff recommends this as the source of funds for the purchase contracts.
- The table below illustrates the recommended sources and uses of funds for this transaction:

Sources:	Eastland Infrastructure Fund:	\$15,984,000	
	Commission credit:	\$200,700	\$16,184,700
Uses:	Acquisition:	\$13,154,000	
	Fees / taxes:	\$186,536	
	Site security / insurance:	\$602,000	\$13,942,536
Balance			\$2,242,164

- Staff recommends that Council accept the assignment and approve the purchase contracts for the following reasons:

- Supports the Council's Economic Development Focus Area Plan initiative to focus on job growth and increasing the tax base in the priority business corridors.
- Enhances the viability of the adjacent neighborhood and commercial districts by facilitating the removal of a blighting influence and 1.208 million square feet of vacant retail from the market.
- The negotiated price is unlikely to go significantly lower.
- The current disparate land owners will likely pursue piecemeal disposition with no overarching vision.
- In addition to the policy objectives stated above, there is expressed interest from multiple parties to construct film studios, sound stages and ancillary uses to support the film and television production industry in Charlotte.
- If Council approves this action, staff plans to issue a Request for Qualification and Proposals (RFQ/P) for development proposals to support the film and television production industry.
- Any such development would likely occupy only a portion of the 80-acre site and would be designed to encourage redevelopment of the remainder.
- If the film and television industry RFQ/P does not yield an acceptable development proposal, staff will propose for Council approval specific steps for an interim strategy until the real estate market materializes.

Funding

Neighborhood Capital Investment Plan - Eastland Infrastructure Fund

Attachment 3

Map

Offers to Purchase and Contract

13. Grant Contract Amendment for Compressed Natural Gas Refuse Vehicles



Action:

A. Approve a grant contract amendment with Carolina Blue Skies and Green Jobs Initiative for \$190,978 to supplement the purchase of four additional compressed natural gas fueled refuse trucks, and

B. Adopt a budget ordinance appropriating \$190,978 from Carolina Blue Skies and Green Jobs Initiative.

Staff Resource: Victoria Johnson, Solid Waste Services

Explanation

- Carolina Blue Skies and Green Jobs Initiative is a North and South Carolinas project led by the Triangle J Council of Governments (TJCOG) to implement with assistance from the N.C. Solar Center, Centralina Council of Governments, Land of Sky Council of Governments, and South Carolina State Energy Office, over 50 sub-award projects in North and South Carolina over the four-year project period.
- The project overall goals are to reduce dependency on imported petroleum, increase fleet fuel economy, reduce emissions, improve air quality and create and retain jobs.

- The U.S. Department of Energy (DOE) through the American Recovery and Reinvestment Act is the primary sponsor of the Carolina Blue Skies and Green Jobs Initiative.
- In January 2009, Council approved a grant application for the first two compressed natural gas (CNG) vehicles ordered in FY2010 for Solid Waste Services (SWS). In February 2012, City Council approved a grant application for an additional four compressed natural gas vehicles ordered in FY2012. This is the third grant opportunity for CNG vehicles for SWS and if approved, will bring the total SWS CNG fleet count to 10 vehicles by the end of FY2013.
- The current grant contract amendment in the amount of \$190,978 has been approved by TJCOG to supplement the purchase of four additional CNG powered refuse trucks to replace four diesel-fueled automated refuse trucks for use in SWS refuse collection operations in FY2013.
- The grant funds the incremental cost difference between the diesel and CNG cab/chassis.
- The additional CNG vehicles will not expand the size of the Solid Waste Services fleet because they will replace four diesel vehicles scheduled for normal replacement through the City's vehicle replacement list.
- The unit price of the natural gas fueled automated refuse truck is \$297,587.32 compared to the current diesel fuel automated refuse truck price of approximately \$248,468. The grant will fund the difference in the truck prices.
- The four CNG fueled refuse trucks will burn cleaner fuel and compared to diesel offer a 23.18% reduction in carbon dioxide emissions; and provide fuel cost savings since compressed natural gas is estimated to be 50% less expensive than diesel fuel.
- This project supports the City's commitment to sound environmental practices in City facilities and operations.
- The City is currently funding an alternative fuel vehicles study to include diesel, gasoline, CNG, propane and hybrid/electric vehicle use citywide. The study is being conducted by UNC-Charlotte and will be complete by the end of calendar year 2012.

Funding

Capital Equipment Fund

Attachment 4

Budget Ordinance

14. Conclusion of Consent Agenda

<p>Action: Approve consent items that Council members pulled for discussion or additional information.</p>

15. Appointments to Boards and Commissions

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

A. CITIZENS REVIEW BOARD

- One appointment for a three-year term beginning August 1, 2012.
 - James Barnes by Council Member Mitchell
 - Theresa Halsey by Council Members Autry, Barnes, Cannon, Fallon, Kinsey and Pickering
 - Sonnie McRae by Council Members Cooksey and Dulin

Attachment 5

Applications

B. COMMUNITY RELATIONS COMMITTEE

- Three appointments for unexpired terms beginning immediately and ending June 30, 2013.
 - Sandra Donaghy by Council Members Cooksey, Dulin and Mitchell
 - Brenda Hayden by Council Members Cannon, Fallon and Pickering
 - Karen Henning by Council Member Kinsey
 - Sabrina Jackson by Council Member Howard
 - Veronica Jones by Council Member Mayfield
 - Carmen Jones-Pickett by Council Members Barnes and Mitchell
 - Vanessa Kenon-Hunt by Council Member Pickering
 - Sue Korenstein by Council Members Cannon, Fallon, Kinsey and Pickering
 - Melvin Lowery by Council Member Howard
 - Cedric McCorkle by Council Members Barnes and Cannon
 - Tenessa Moore by Council Member Cooksey
 - April Morton by Council Member Autry
 - Delores Reid-Smith by Council Member Autry
 - Jacqlin Robinson by Council Member Mitchell
 - Winston Sharpe, Jr. by Council Member Fallon
 - Marilyn Sutterlin by Council Members Dulin and Kinsey
 - Michael Van Zytchow by Council Members Autry, Cannon, Dulin and Mayfield

Attachment 6

Applications

C. DOMESTIC VIOLENCE ADVISORY BOARD

- One appointment for a three-year term beginning September 22, 2012.
 - Sandra Donaghy by Council Member Mayfield
 - Gregory Hunt by Council Members Cooksey, Fallon and Pickering
 - Courtney Merchant by Council Members Barnes, Cannon and Kinsey
 - Eddie Sanders by Council Member Mitchell
 - Brigit Taylor by Council Member Autry

Attachment 7

Applications

D. KEEP CHARLOTTE BEAUTIFUL

- Two appointments for unexpired terms beginning immediately and ending June 30, 2013 and June 30, 2014.
 - Russ Ferguson by Council Members Cooksey, Dulin, Fallon, Kinsey, Mitchell and Pickering
 - Vanessa Kenon-Hunt by Council Members Autry, Barnes, Cannon, Cooksey, Dulin, Kinsey and Mayfield
 - Winston Sharpe, Jr. by Council Members Autry, Fallon, Mayfield, Mitchell and Pickering

Attachment 8
Applications

E. PASSENGER VEHICLE FOR HIRE BOARD

- One appointment for a vehicle for hire company owner for a three-year term beginning immediately and ending July 1, 2015.
 - Gregory Hunt by Council Members Dulin, Fallon, Mayfield and Pickering
 - Robert Walker by Council Member Howard
- One appointment for a person with a disability or a representative from an agency that works with persons with disabilities for a three-year term beginning immediately and ending July 1, 2015.
 - Twila Adams by Council Members Autry, Barnes, Mayfield and Mitchell
 - Hung Chau by Council Member Kinsey
 - Steven Eddy by Council Members Cannon, Cooksey, Dulin, Fallon and Pickering

Attachment 9
Applications

16. Mayor and Council Topics

Council members may share information and raise topics for discussion.

CONSENT

Introduction to CONSENT

Consent consists of routine items that have been approved in the budget. Price lists for unit price contracts are available upon request.

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. For the procurement of professional services and/or engineering architectural and surveying services, the North Carolina General Statutes 143-64.31 requires that units of government "select firms qualified to provide such services on the basis of demonstrated competence and qualification...without regard to fee other than unit price information, and therefore to negotiate a contract for those services at a fair and reasonable fee with the best qualified firm."

17. 2012 City Council Meeting Calendar Amendment

Action: Amend the City Council meeting calendar to schedule a meeting on August 13, 2012 at 12:00 noon in Room 267.

Staff Resources: Rodney Monroe, Police
Stephanie Kelly, City Clerk's Office

Explanation

- The Charlotte Mecklenburg Police Department requests a meeting to brief the Mayor and City Council on Democratic National Convention security issues.
- At the meeting, Council may adopt a motion to go into closed session pursuant to GS 143-318.11(a)(1) (in order to prevent the disclosure of sensitive public security information protected by GS 132-1.7) and pursuant to GS 143-318.11(a)(9).

18. Side Loading Automated Refuse Trucks

Action: A. Approve the purchase of four autocar side loading automated refuse trucks as authorized by the "piggybacking" exception of G.S. 143-129(g), and

B. Approve a contract with Young's Truck Center dba Advantage Truck Center for the purchase of four autocar side loading automated refuse trucks in the amount of \$993,872.

Staff Resource: Victoria Johnson, Solid Waste Services

Piggybacking Exception

- G.S. 143-129(g) allows local government to purchase from any supplier that has, within the past 12 months, contracted to furnish the item to any federal, state or local agency.
- The contract must be one that entered into following a public, formal bid process substantially similar to the one set forth in the North Carolina statutes.
- The City of Greensboro awarded a contract for these vehicles on September 6, 2011.
- The City of Greensboro's contract specifications address the needs for the City of Charlotte and the contract price is competitive.

Explanation

- The trucks meet the criteria for replacement and are on the approved FY2013 Capital Replacement List.
- There are four trucks being replaced. The average age is 5.5 years. The average mileage is 125,000 and the average life-to-date maintenance cost is \$145,000 for each vehicle.
- These diesel-fueled vehicles meet all current EPA emissions standards.

Small Business Opportunity

Piggyback contracts are exempt (Appendix Section 23.2 of the SBO Policy) (see attachment).

Funding

Capital Equipment Fund

Attachment 10

SBO Policy Reference

19. Tri-Axle Dump Trucks

Action:

- A. Approve the purchase of dump truck chassis as authorized by the State contract exception of G.S. 143-129 (e)(9),**
- B. Approve contract with Transource, Inc. for \$228,330.80 to purchase two dump truck chassis, and**
- C. Approve contract with Godwin Manufacturing for \$66,184 to purchase two dump truck bodies.**

Staff Resource: Charles Jones, Transportation

State Contract Exception

- G.S. 143-129 (e) (9) provides that formal bidding requirements do not apply when:
 - Purchases from contracts established by the State or any agency of the State if the contractor is willing to extend to a political subdivision of the State the same or more favorable prices, terms, and conditions as established in the State contract.
- The State contract offers better pricing than is available in the market for vehicles of this type.

Explanation

- Approval of these contracts will allow for the replacement of two tandem dump trucks with tri-axles.
- Tandem axle dump trucks have two sets of rear wheels, while a tri-axle dump truck has three sets of rear wheels.
- The trucks will provide additional hauling capacity which reduces the number of trips required to pick up asphalt.
- The tri-axle trucks will be used to haul materials such as asphalt, stone, gravel, and sand for road maintenance and construction.
- These trucks will also be used to spread salt during inclement winter weather.
- The increased salt capacity of these trucks will allow the Department to cover an additional 33 lane miles per truck without having to reload materials.
- The tandem trucks are on the vehicle replacement list due to vehicle age, mileage, and maintenance cost.
- The average age is 12 years and the average mileage is 123,214. The average life-to-date maintenance cost has been \$97,041.
- Each completed truck will cost \$147,257.40, at a total cost of \$294,514.80.

Small Business Opportunity

Contracts purchased off of a State Contract are exempt (Appendix Section 23.2 of the SBO Policy) (see attachment).

Funding

Capital Equipment Fund

Attachment 10

SBO Policy Reference

20. Salt for Street Deicing

Action: A. Award the low bid unit price contract to Cargill, Inc., for the purchase of road deicing salt for three years, and

B. Authorize the City Manager to extend the contract for two additional, one-year terms with possible price adjustments as authorized by the contract.

Staff Resource: Charles Jones, Transportation

Explanation

- This contract will provide road deicing salt for application on roads during inclement winter weather conditions as needed by the Charlotte Department of Transportation's Street Maintenance Division.
- The unit price per ton is \$78.77 based on estimated usage for a three year period.
- Annual expenditures for road deicing salt can vary significantly based on the number and duration of winter weather events and requirements have varied widely over the past few years. This contract allows the City to purchase according to its needs on a fixed unit price basis.
- Based upon the past usage, the annual expenditure is estimated to range between \$100,000 and \$250,000.

Small Business Opportunity

No SBE goals are established for purchases of goods and equipment (Appendix Section 18 of the SBO Policy) (see attachment).

Funding

Street Maintenance Powell Bill Funds

Attachment 10

SBO Policy Reference

21. Private Developer Agreement for Traffic Signal Improvements

Action: A. Authorize the City Manager to execute a Developer Agreement with DDR Belgate, LLC for \$292,046, and

B. Adopt a budget ordinance appropriating \$292,046 in Private Developer Funds for Traffic Signal Improvements.

Staff Resource: Scott Putnam, Transportation

Explanation

- DDR Belgate, LLC is fully funding traffic signal installations and improvements to mitigate traffic impacts at the intersection of Ikea Boulevard and Shopping Center Drive.
- Payments made by the developer are in response to estimates of work prepared by CDOT and supplied to the developer.
- Any funding contributed by the developer for a signal project that is unused by the City will be refunded after project completion.
- CDOT will be installing and operating these new signals as part of the existing signal systems in the area.

Funding

Developer Contributions

Attachment 11

Budget Ordinance

22. Resolution Supporting NCDOT Division 10 Request for General Assembly Contingency Funds

Action: Adopt a resolution supporting NCDOT Division 10's request for the allocation of \$250,000 from the North Carolina General Assembly's contingency funds (\$125,000 from the House of Representatives and \$125,000 from the Senate) for portable signage and landscape upgrades along state highways serving Charlotte.

Staff Resource: Danny Pleasant, Transportation

Explanation

- NCDOT is planning to accelerate maintenance and improve landscaping in its rights-of-way along the major highways serving Charlotte.
- The State is also planning to have fabricated portable "welcome" displays that can be moved around the State during events of statewide significance.
- The first city to use the portable displays will be Charlotte during the Democratic National Convention in September.
- The cost to provide landscaping upgrades along with the portable displays is estimated to be between \$500,000 and \$600,000.

- NCDOT Division 10 has set aside \$300,000 from its maintenance fund. In addition, NCDOT Division has asked the City to adopt a resolution supporting gap funding from the General Assembly's contingency fund in the amount of \$250,000.
- On July 3, 2012, the City Manager sent letters to the Speaker of the NC House of Representatives, Thom Tillis, and to Senator Bob Rucho expressing the City's support for the portable signage and landscaping upgrades.

Attachment 12

Resolution

23. Hazardous Materials Response X-Ray Systems

Action:

- A. Approve the purchase of two OpenVision X-ray systems for hazardous material responses as authorized by the sole source exception G.S. 143-129(e)(6), and**
- B. Approve a contract with QSA Global, Inc., for up to \$135,000 for the purchase of the X-ray systems and related accessories.**

Staff Resource: Jeff Dulin, Fire

Sole Source Exception

- G.S. 143-129(e)(6) provides that formal bidding requirements do not apply when:
 1. Performance or price competition is 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 is necessary for the x-ray systems to be compatible with the units being used by local and federal public safety response partners.

Explanation

- The Charlotte Fire Department (CFD) Hazardous Materials Response team currently supports local and federal response partners in identifying explosive and hazardous threats.
- The X-Ray systems will be used with other CFD Hazmat detection equipment and meters to rapidly detect hazardous threats, assess the situation and determine if additional resources are needed to respond to the incident.
- CMPD purchased the same type of X-Ray system from QSA Global in January 2012. It is used to rapidly detect threats posed by suspicious packages.

Small Business Opportunity

Sole Source contracts are exempt (Appendix Section 23.2 of the SBO Policy) (see attachment).

Funding

Department of Justice Grant

Attachment 10

SBO Policy Reference

24. Gunfire Detection System

Action: Adopt a budget ordinance appropriating \$50,000 in Assets Forfeiture funds to be applied to a subscription for technology services with SST, Inc for a one-year term of their ShotSpotter wide-area acoustic gunfire detection system.

Staff Resources: Harold Medlock, Police
Paul Paskoff, Police

Explanation

- ShotSpotter is a wide-area acoustic gunfire detection system that conveys incident alerts when a gunshot is detected. Using acoustic sensors mounted on tops of buildings, the system detects and pinpoints the location of gunshots fired. The system then sends information to police including the geo-location of gunfire and retrievable time-stamped audio available for investigative and forensic analysis.
- The system helps police officers to link people, places, and events in real time and to immediately respond to a criminal act involving gunfire.
- Two proposals were received and evaluated based on certain criteria the system had to meet and vendor experience.
- After the one-year term, Police will make the decision whether to renew the subscription for the system.

Funding

Assets Forfeiture Funds

Attachment 13

Budget Ordinance

25. Weather Stations for Emergency Management

Action: A. Approve the purchase of eight weather stations from Coastal Environmental at a cost of \$72,000 for use of real-time weather monitoring, as an approved project under the 2009 Urban Areas Security Initiative (UASI) grant program, and

B. Authorize the City Manager to extend the contract for one additional year with possible price adjustments as stipulated in the contract.

Staff Resource: Jeff Dulin, Fire

Sole Source Exemption

- 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 source is necessary for standardization of equipment.

Explanation

- The Charlotte Fire Department serves as the administrative agency for facilitating the majority of U.S. Homeland Security grant projects within the Charlotte Urban Areas Security Initiative (UASI) region.
- This purchase will add to an existing program which placed six identical weather stations in place in Charlotte. The additional units will be placed in and around the counties within the Charlotte UASI region. This is an approved project under the 2009 UASI grant program.
- The weather stations allow for the monitoring of weather conditions including, but not limited to: humidity, wind speed and direction and precipitation.
- These weather stations are connected to the Charlotte Operations Based Response Analysis tool, a GIS Based Situational Awareness Tool used by City-County Agencies in Emergency Management. This allows for the information gathered by the weather station to be used for decisions such as evacuation areas and routes to keep both citizens and first responders safe.
- This upgrade will allow regional data to be imported into the system for evaluation.

Small Business Opportunity

Sole Source contracts are exempt (Appendix Section 23.2 of the SBO Policy) (see attachment).

Funding

Urban Areas Security Initiative Grant

Attachment 10

SBO Policy Reference

26. Voluntary Annexation Public Hearing Date

Action: Adopt resolutions setting public hearings for August 27, 2012 for voluntary annexation of several City-owned and County-owned properties.

Staff Resource: Jonathan Wells, Planning

Policy: City Annexation Policy and State Annexation Statutes

Explanation

- The City proposes to annex a number of City-owned properties in Charlotte's extraterritorial jurisdiction immediately outside the current City limits, including the westernmost portion of the Charlotte-Douglas Airport.
City properties are:
 - Portions of Coffey Creek Greenway I and II (213.85 acres) off Shopton Road in Steele Creek area
 - Steele Creek/Byrum area (10.27 acres) near the southeast corner of Steele Creek Road and Byrum Road in Steele Creek area
 - West Byrum I, II and III (97.94 acres) at the Steele Creek Road/ Byrum Road intersection in Steele Creek area
 - Western portion of Airport property (905.4 acres)

- In addition, voluntary annexation petitions have been received from Mecklenburg County for County-owned properties in Charlotte's extraterritorial jurisdiction immediately outside the current City limits. County petitions are for:
 - Winget Park (40.86 acres) on Winget Road in Steele Creek area
 - Portions of Coffey Creek Greenway I and II (31.51 acres) off Shopton Road in Steele Creek area
 - McIntyre Creek Greenway (16.55 acres) off Miranda Road in the Oakdale area
- Areas proposed for annexation share boundaries with current City limits.
- Annexation of these properties will allow for a more orderly annexation process and orderly extension of City services and capital investments in the future.
- All properties are vacant with the exception of the Airport property which is improved with the new parallel runway and ancillary improvements.
- For City-owned properties, City Council must adopt Resolutions of Intent (attached) setting the date for public hearings.
- Public hearings are required prior to City Council taking action on voluntary annexation requests.

Consistency with City Council Policies

- These annexations:
 - Are consistent with City voluntary annexation policies approved by City Council on March 24, 2003.
 - Will not adversely affect the City's ability to undertake future annexations.
 - Will not have undue negative impact on City finances or services.
 - Will not result in situation where unincorporated areas will be encompassed by new City limits.

Public Hearing Date

- The Resolutions set Monday August 27, 2012 as the date for the public hearings on the voluntary annexations.
- City Council will be asked to take action on the voluntary annexations at the conclusion of public hearings.

Attachment 14

Resolutions

Maps

27. Congestion Management Process

Action: Authorize the City Manager to negotiate and execute a contract on behalf of the Mecklenburg-Union Metropolitan Planning Organization with RS&H Architects-Engineers-Planners, Inc. to develop a Congestion Management Process (CMP) in an amount up to \$225,000.

Staff Resource: Robert Cook, Planning

Explanation

- The Charlotte-Mecklenburg Planning Department is the lead planning agency for the Mecklenburg-Union Metropolitan Planning Organization (MUMPO).
- Metropolitan Planning Organizations (MPOs) whose populations exceed 200,000 are required to carry out a Congestion Management Process to:

- Examine the sources
- Evaluate alternative strategies for alleviating congestion
- Monitor the performance of these strategies
- MPOs are required to assess strategies that are other than traditional single-occupant vehicle expansion projects (such as roadway widening and new construction of general purpose travel lanes) before programming roadway capacity expansion construction projects.
- The CMP will result in the identification of strategies to address congestion, performance measures to track progress, as well as revised project ranking criteria.
- The CMP will be complete by March 2013.
- RS&H Architects-Engineers-Planners, Inc. was selected for this project using the Council-approved qualifications based selection process. A multi-jurisdictional evaluation team that included representatives from MUMPO member jurisdictions as well as CATS, CDOT, NCDOT, and E&PM, reviewed the responses to the Request for Qualifications that was issued, and determined that the RS&H proposal was the superior submittal.

NCDOT Small Professional Service Firm Opportunity

Since this contract will be either partially or totally funded by MUMPO, NCDOT’s Small Professional Services Firm (SPSF) program is required. For services based contracts, no SPSF goal is established; however the City negotiates an SPSF goal during the contract negotiation process.

On this contract, RS&H included an SPSF Certified Firm, Clearbox Forecast Group, PLLC (modeling activity) on their project team. MUMPO later decided to perform modeling related activities in-house which eliminated the need for the SPSF Firm. After further negotiation, it was agreed that RS&H expects to use SPSF certified firms when the scope of work presents an opportunity.

Funding
MUMPO

28. MUMPO Consultant Services

Action: Approve the following contracts on behalf of the Mecklenburg-Union Metropolitan Planning Organization (MUMPO) for Consultant Services:

- 1. Parsons Brinckerhoff, Inc. for \$125,000**
- 2. J.S. Lane Company for \$125,000**

Staff Resource: Robert Cook, Planning

Explanation

- The City of Charlotte is the lead planning agency for the Mecklenburg-Union Metropolitan Planning Organization (MUMPO)
- As such, City staff supports the regional transportation planning process by providing complex, multi-dimensional tasks covering a range of transportation planning and engineering needs.

- As MUMPO prepares to expand in response to the 2010 Census, and in order to meet increasing federal and state requirements, the City needs to augment staff with qualified consulting firms capable of providing assistance with some or all of the following tasks:
 - MPO planning needs associated with increasing metropolitan transportation planning requirements, and air quality conformity compliance
 - Urban area boundary expansion and metropolitan planning area boundary changes
 - Memorandum of Understanding (MOU) revisions
 - Engineering and planning work associated with Comprehensive Transportation Plan/Thoroughfare Plan projects
 - Modifications to existing planning processes such as Unified Planning Work Program preparation, locally administered project tracking
 - Financing and funding
 - Public involvement activities
- Both firms were selected using the Council-approved qualifications based selection process.

NCDOT Small Professional Service Firm Opportunity

Since these contracts are either partially or totally funded by MUMPO, NCDOT's Small Professional Services Firm (SPSF) program is required. For services based contracts, no SPSF goal is established; however the City negotiates an SPSF goal during the contract negotiation process.

Parsons Brinckerhoff, Inc. committed 20% (25,000) of the total contract amount to the following SPSF certified firms: Eydo, Inc (Public Involvement), and SEPI Engineering and Construction (Traffic Data Collection).

J.S. Lane Company, LLC committed 6% (\$7,500) of the total contract amount to the following SPSF certified firm: EEE Consulting, Inc. (Environmental Analysis and Design).

Funding

MUMPO

29. Utility Relocation Design Services

Action: Approve an agreement with Hinde Engineering Inc. in the amount of \$1,556,800 for design of water and sewer infrastructure related to transportation projects.

Staff Resource: Barry Shearin, Utilities

Explanation

- This agreement provides for the design of relocations or new water and sewer infrastructure within NCDOT, CDOT, and CATS roadway and rail projects.
- When a water or sewer line is located within a roadway or rail right of way and conflicts with an improvement project for the road or rail, Utilities is required to relocate its facilities as a part of the encroachment agreement obtained when the pipe line was installed. This contract will provide the resources for the designs that will meet those obligations.

- The NCDOT projects that are identified at this time are:
 - I-485 from I-77 to Rea Rd.
 - Catawba Ave. Widening
 - Independence Widening
 - US 29 over Mallard Creek
- The balance of the funds will be used for any upcoming NCDOT, CDOT or CATS projects that require the relocation of water and sewer lines.
- This is an hourly contract to be used on an as-needed basis in order to expedite the design of miscellaneous water and sewer relocations.
- Hinde Engineering was selected using the Council approved qualifications-based selection process.

Small Business Opportunity

Committed SBE Goal: 12.00%

For professional service-based contracts, the City negotiates SBE goals during the contract negotiation phase. (Part C: Section 2.2 of the SBO Policy) (see attachment). On this contract, Hinde Engineering committed 12.00% (\$186,816) of the total contract amount to the following SBE firms: Barry D. Davis Surveying (construction surveying services); & Lyons Utility Locating (utility locating services). Hinde Engineering is also a certified SBE firm.

Funding

Utilities Capital Investment Plan

Attachment 10

SBO Policy Reference

30. Water Main Replacement Professional Design Services

Action: Approve a professional services agreement for \$881,293 with Hazen & Sawyer (H&S) for professional design services for the replacement of a 24-inch water transmission main along Arrowood Road and Sulkirk Road.

Staff Resource: Barry Shearin, Utilities

Explanation

- Over the past two years, Utilities has experienced two significant water main failures; one on Runnymede Lane and the other on Park Road. At least one smaller failure has also occurred, all on the same concrete water main that was constructed in the 1970's.
- This water main extends along several roads and stretches from Woodlawn and Park Road over to Sharon Road and back over to near I-77 at Arrowood Road.
- The source of the failures is due to flawed materials used in the manufacturing process causing this manufacturer's pipe to fail throughout the country. However, the manufacturer has long been out of business so there is no legal recourse.
- Utilities has determined that due to other improvements made to the water system over the past decades, much of the water main can be (and has been) abandoned. However, there are two sections that need to be replaced in order to maintain good water flow.

- One section stretches along Arrowood Road from I-77 to Kings Creek Drive and a second section stretches from Park Road along Park South and Sulkirk Road to Sharon Road.
- The original water main was about 7 miles and this project would replace about 2.7 miles of the pipe.
- Hazen & Sawyer was selected for design of the project using the Council-approved qualifications-based selection process.
- This agreement with Hazen & Sawyer will provide a route alternative analysis as well as the preparation of construction drawings, easement maps, and bid specifications.
- Construction Administration will be under a separate contract agreement with Hazen & Sawyer to be considered after the completion of final design.

Small Business Opportunity

Committed SBE Goal: 29.55%

For professional service-based contracts, the City negotiates SBE goals after the proposal selection process. (Part C: Section 2.2 of the SBO Policy) (see attachment). On this contract, Hazen & Sawyer committed 29.55% (\$260,500) of the total contract amount to the following SBE firms: On-Target Utility Locate Services (underground utility locating services); Hinde Engineering (traffic control plans); Barry D. Davis Surveying (ground surveying); and Avioimage Mapping Services (aerial surveys and mapping).

Funding

Utilities Capital Investment Plan

Attachment 10

SBO Policy Reference

31. Thomasboro/Hoskins Phase 4 Neighborhood Improvement Project and Allenbrook/Westridge Storm Drainage Improvements

Action: Award the low bid contract of \$6,957,376.56 to Sealand Contractors Corporation for the Thomasboro/Hoskins Phase 4 Neighborhood Improvement Project and Allenbrook/Westridge Storm Drainage Improvements.

Staff Resources: Carl Jarrett, Engineering & Property Management
Matthew Gustis, Engineering & Property Management

Explanation

- The Thomasboro/Hoskins Phase 4 Neighborhood Improvement Project (NIP) and Allenbrook/Westridge Storm Drainage Improvements Project (SDIP) are located within the same area of the City.
- These projects were closely coordinated and will be built concurrently to reduce costs and impacts to property owners.
- Construction is expected to be complete fourth quarter 2014.

Thomasboro/Hoskins NIP Phase 4

- This project will include the construction of curb and gutter, sidewalks, driveways, wheelchair ramps, water/sanitary sewer rehabilitation and drainage improvements.
- Improvements will be installed on portions of Wildwood Avenue, Wabash Avenue, Pinoca Street, Williamson Street, Hovis Road, Bradford Drive, North Avenue, Marble Street, Willard Street, Montcalm Street, Saratoga Drive and Browns Drive.

Westridge Storm Drainage Improvements Project

- This project was identified as a storm water capital improvement project through the ranking process that involves analysis of customer drainage requests, including complaints of structure and road flooding.
- Construction includes grading, storm drainage pipes and structures, curb and gutter, driveways, water line and sanitary sewer improvements and landscaping.
- Improvements will be installed on Allenbrook Drive, Lanewood Place, Westridge Drive, Ranch Road, Ridgevalley Drive, Weststone Drive, Interurban Avenue, Marble Street, Westcliff Drive and Willard Street.

Allenbrook Stream Restoration Project

- This project will include stream restoration and stream preservation with buffer/stream enhancement. Stream restoration improvements will reduce erosion and acquire mitigation credits.
- Streams will be stabilized and/or restored in order to provide a more natural, stable stream system throughout the area.
- This project is located in portions of the Westchester and Thomasboro/Hoskins Neighborhoods and includes improvements along Allenbrook Tributary and Westridge Tributary.

Small Business Opportunity

Established SBE Goal: 6%

Committed SBE Goal: 6.00%

Sealand Contractors Corporation met the established SBE goal and committed 6.00% (\$417,443) of the total contract amount to the following SBE firms: Darnell Jones Trucking (hauling), Richard Bear Trucking (hauling) and On Time Construction (masonry).

Funding

Neighborhood Capital Investment Plan and Storm Water Capital Investment Plan

32. South Tryon Street Sidewalk Project

Action: Award the low bid contract of \$519,055.69 to Red Clay Industries, Inc. for the South Tryon Street Sidewalk project.

Staff Resource: Bette Frederick, Engineering & Property Management

Explanation

- The South Tryon Street Sidewalk Project will support the City's Sidewalk Program to enhance connectivity, offer transportation choices and improve pedestrian safety.
- This project will add sidewalk on South Tryon Street from Pressley Road to the Billy Graham Parkway (approximately .16 miles). Upgrades to the South Tryon Street bridge rails and realignment of the I-77 off-ramp to improve pedestrian safety will also be included.
- Construction is expected to be complete by fourth quarter 2012.

Small Business Opportunity

Established SBE Goal: 7%

Committed SBE Goal: 8.79%

Red Clay Industries, Inc. exceeded the established SBE goal and committed 8.79% (\$45,600) of the total contract amount to the following SBE firm: RAM Pavement Services (guardrail).

Funding

Transportation Capital Investment Plan

33. Orvis Street Sidewalk Project

Action: Award the low bid contract of \$153,329.50 to Carolina Cajun Concrete, Inc. for the Orvis Street Sidewalk project.

Staff Resource: Leon Howe, Engineering & Property Management

Explanation

- The Orvis Street Sidewalk Project will support the City's Sidewalk Program to enhance connectivity, offer transportation choices and improve pedestrian safety.
- This project will add sidewalk on the south side of Miles Court from Mulberry Avenue to Orvis Street and along the east side of Orvis Street from Miles Court to Russell Avenue (approximately .35 miles). Planting strips, wheel chair accessible ramps, curb and gutter and retaining walls will also be included as part of this project.
- Construction is expected to be complete by fourth quarter 2012.

Small Business Opportunity

Construction contracts under \$200,000 are considered informal with regard to the SBE subcontracting goal setting process, therefore establishing SBE goals is not required (Appendix Section 29.1 of the SBO Policy) (see attachment). Carolina Cajun Concrete, Inc. is, however, a certified SBE firm.

Funding

Transportation Capital Investment Plan

Attachment 10

SBO Policy Reference

34. Beatties Ford Road Business Corridor Project

Action: Award the low bid contract of \$1,248,111.15 to Sealand Contractors Corporation for the Beatties Ford Road Business Corridor project.

Staff Resource: Jim Keenan, Engineering & Property Management

Explanation

- The Community Economic Development program provides improvements to Charlotte's distressed business corridors and in areas with Council-adopted Pedscape Plans.
- The Beatties Ford Road Business Corridor Project was identified in the West End Land Use and Pedscape Plan adopted by City Council in November 2005.
- The goal of this project is to improve pedestrian safety, aesthetics and all modes of transportation through a variety of urban street features such as planted medians, pedestrian crossings, 6-foot sidewalks, 4-foot planting strips, lighting and landscaping along Beatties Ford Road from La Salle Street to I-85. Historic West End monument markers will also be installed as part of this project.
- Construction is expected to be complete by second quarter 2013.

Small Business Opportunity

Established SBE Goal: 7%

Committed SBE Goal: 7.00%

Sealand Contractors Corporation met the established SBE goal and committed 7.00% (\$87,368) of the total contract amount to the following SBE firms:

Darnell Jones Trucking (hauling), Richard Bear Trucking (hauling), On Time Construction (masonry) and Ground Effects (striping).

Funding

Economic Development Capital Investment Plan

35. North Tryon Street Business Corridor Improvement Project

Action: Approve a contract amendment with Kimley-Horn and Associates, Inc. for the North Tryon Business Corridor Project for \$220,000 for an alternative design option.

Staff Resource: Jim Keenan, Engineering & Property Management

Explanation

- During the planning phase and public input process for the North Tryon Street Business Corridor Improvement Project, an alternative design option was selected to better achieve project objectives.
- The alternative provides for a pairing of one-way streets, with these advantages over a single two-way street with median:
 - Attract private sector investment to grow jobs, businesses and services
 - Creates new frontage along North Church Street
 - Shorter pedestrian crossings
 - Fewer turning conflicts at intersections
 - Shorter signal times
 - Additional area for potential sustainable elements and green space
 - Reduced private building impacts
 - Creates several new high visibility parcel areas
- Adopting the one-way pairing option will require \$220,000 in additional design fees because of the increase from 5,300 feet to 9,300 feet of roadway being improved. The project limits are along North Tryon Street from Dalton Avenue to 30th Street.
- Kimley-Horn and Associates, Inc. was selected using the Council-approved qualifications-based selection process.
- The original contract amount of \$804,200 was awarded by City Council on June 28, 2010. The total contract amount to date, including these amendments is \$1,024,200 and is available within the project budget.

Background

- The North Tryon Area Plan was approved by Council in May 2010.
- Recommendations from the area plan resulted in the initiation of the North Tryon Street Business Corridor Project.
- The project funding was approved as part of the 2010 Transportation Bond Referendum with \$9.5 million initially appropriated for the planning, design and construction of improvements.
- Project objectives are:
 - Provide infrastructure improvements that support redevelopment
 - Improve aesthetics of North Tryon Street and Church Street
 - Improve all modes of transportation
 - Improve pedestrian safety at crossing streets
 - Provide appropriate accommodation for bicycle movements
 - Provide landscaping opportunities for street tree planting

Small Business Opportunity

All additional work involved in this amendment will be performed by Kimley-Horn and Associates, Inc. and their existing SBE certified subconsultants (Part D: Section 6 of the SBO Policy) (see attachment).

Kimley-Horn projects an additional 22.3% (\$49,005) of the amendment amount to the following SBE firms: Hinde Engineering, Inc. (utility coordination) and Boyle Consulting Engineers PLLC (geotechnical).

Funding

Economic Development Capital Investment Plan

Attachment 10

SBO Policy Reference

36. Lake Point Water Quality Enhancement Project Change Order #1

Action: Approve change order #1 in the amount of \$156,900 to United Construction, Inc. for the Lake Point Water Quality Enhancement Project.

Staff Resource: Matthew Gustis, Engineering & Property Management

Explanation

- Lake Point Pond is an 8.3 acre pond located north of Albemarle Road just east of W.T. Harris Boulevard. The pond is located within the Robinhood/Dooley Storm Drainage Improvement Project.
- Lake Point Pond drains to an unnamed tributary that eventually drains to McAlpine Creek, which is identified as impaired by Clean Water Act standards.
- On July 6, 2011, a section of the large concrete spillway collapsed into a void that had apparently formed through erosion over time. The collapse allowed water to begin discharging from the pond and through a culvert beneath Albemarle Road.
- Emergency Management Office personnel coordinated a response effort consisting of Police, Fire, the Charlotte-Mecklenburg Utility Department, Charlotte-Mecklenburg Storm Water Services and several other City and State agencies including the American Red Cross. Emergency response activities were needed to address the failure of the spillway and to protect public safety.
- In the July 8 Council-Manager Memo, City Council was notified of the emergency situation and the response activities to stabilize the spilling. Also, the memo explained that a change order to the project construction contract may be necessary.
- The property owner agreed to reimburse the City the cost associated with the emergency response activities. A reimbursement amount of \$93,119.62 was paid to the City on September 6, 2011.
- The original construction contract included improvements to the spillway, which enhance the pond's water quality benefits and provide flood control benefits to support the Robinhood/Dooley Storm Drainage Improvement Project.

Change Order

- Change order #1 will provide funds to accommodate the following overruns in contract items:
 - Additional undercut excavation due to encountering excessive unsuitable soil material within the dam embankment during construction

- Additional dam embankment material to replace the poor soil with suitable soil
- Preconstruction geotechnical testing indicated the need to remove unsuitable soils and quantities which were included in the original contract. However, during construction, additional quantities of unsuitable material were identified.
- The original contract amount of \$575,875 was awarded by City Council on June 13, 2011. The total contract amount to date, including this change order, is \$732,775. Funding for this change order is available within the project budget.
- Construction of the project was completed in first quarter 2012. The value of the quantities associated with this change order were disputed and these issues have since been resolved. This will allow for funding of all of the work that has been completed and closure of the contract.

Small Business Opportunity

All additional work involved in this change order will be performed by United Construction, Inc. and their existing subcontractors (Part D: Section 6 of the SBO Policy) (see attachment). United Construction, Inc. also committed 24.51% (\$38,451) of this change order amount to the following SBE firm: Streeter Trucking (excavation).

Funding

Storm Water Capital Investment Plan

Attachment 10

SBO Policy Reference

37. Public Auctions for Disposal of Equipment and Police Unclaimed Property

Action: **A. Adopt a resolution declaring specific vehicles, equipment, and other miscellaneous items as surplus, and**

B. Authorize said items for sale by public auctions on September 22, 2012 and September 29, 2012.

Staff Resource: Charles Robinson, Shared Services

Explanation

- Pursuant to North Carolina G.S. 160A-270(b) approval is requested for two public auctions as follows:
 - On September 22, 2012 at 10:00 a.m. to dispose of City owned property declared as surplus; and
 - On September 29, 2012 at 10:00 a.m. to dispose of police unclaimed property.
- Each auction is conducted at the City-County Asset Recovery and Disposal facility located at 5550 Wilkinson Boulevard, Charlotte, North Carolina.
- The City selected the auction service through competitive selection process. The City's contract auction company (Rogers Realty and Auction Company, Inc.) will conduct each auction. Rogers Realty and Auction Company, Inc. is a woman-owned business.

- Services provided include up to 20 days of labor for one employee to assist with set up duties for the rolling stock auction. On auction day they provide four auctioneers and all support staff needed for a successful auction. Rogers also provides one employee for one week following the auction to disperse vehicles to buyers.
- The auction company will be compensated for the sale through auction proceeds in the following manner:
 - Rolling stock equipment – 9.50% of the total gross sale price
 - Police unclaimed property – 9.50% of the total gross sale price
 - Miscellaneous items – 9.50% of the total gross sale price

Small Business Opportunity

No SBE goal was set for these auctions because there are no SBE subcontracting opportunities (Part C: Section 2.4 of the SBO Policy) (see attachment).

Funding

Shared Services Operating Budget

Attachment 10

SBO Policy Reference

Attachment 15

List of property to be declared as surplus
Resolution

38. Disposal of Surplus Personal Property Procedures Amendment

Action: Adopt a resolution amending the Procedures for Disposal of Surplus Personal Property to include rolling stock valued at less than \$30,000.

Staff Resource: Charles Robinson, Shared Services

Explanation

- On March 27, 2006, City Council adopted a resolution for Disposal of Surplus Personal Property valued at less than \$30,000 in accordance with North Carolina General Statute 160A-266 and 160A-270.
- The amendment provides an additional option for disposal of surplus rolling stock (i.e. vehicles and equipment) and allow quicker movement of rolling stock inventory that is necessary to more adequately manage the limited space available for the management and storage of rolling stock items.
- Raleigh, High Point, and Asheville currently use a similar resolution for their rolling stock disposal needs.

Attachment 16

Resolution

39. City of Gastonia Radio Service Interlocal Agreement

- Action:**
- A. Adopt a resolution approving a new Interlocal Agreement for Public Safety Radio Services with the City of Gastonia and Mecklenburg County and terminating the 2008 Gastonia Radio Interlocal, and**
 - B. Adopt a budget ordinance appropriating \$480,929 in program revenue.**

Staff Resource: Charles Robinson, Shared Services

Background

- In December of 2003, the City of Charlotte and Mecklenburg County entered into an Interlocal Agreement consolidating all functions of the Public Safety Radio Network within Mecklenburg County under the City of Charlotte. The agreement provides that the City and the County will work together to promote regional participation in building a shared radio network (the "Regional Public Safety Radio Network").
- The City of Gastonia entered into an Interlocal Agreement to join the Regional Public Safety Radio Network in 2008 as a participant using Charlotte/Mecklenburg infrastructure (the "2008 Gastonia Radio Interlocal").

Explanation

- The City of Gastonia has now obtained funding to build its own radio subsystem to participate in the Regional Public Safety Radio Network instead of participating as a user on the Charlotte/Mecklenburg infrastructure.
- Having Gastonia buy its own radio subsystem will enhance the technical capability and interoperability of the Regional Public Safety Radio Network.
- The addition of the Gastonia radio subsystem will entail terminating the 2008 Gastonia Radio Interlocal and having the City of Gastonia, the City of Charlotte, and Mecklenburg County enter into a new Interlocal Agreement for Radio Service.
- All service provided by the City under the proposed Interlocal Agreement will be fully funded by the City of Gastonia, including the funding of 2.25 full time employees (FTEs). These FTEs will be added upon execution of the agreement as follows:
 - One FTE will provide network support for all of the City of Gastonia's network equipment.
 - One FTE will provide subscriber equipment support for all radios.
 - The 0.25 FTE will represent Gastonia's portion of a Network Asset Manager position to manage all assets using the consolidated radio system.
- Projected annual payments from Gastonia are expected to total \$480,929.
- The City of Gastonia City Council approved the Agreement on June 19, 2012. Mecklenburg County Board of County Commissioners approved the amendment on July 3, 2012.
- Approval of the new Interlocal Agreement terminates the current Interlocal Agreement under which Gastonia participates in the Regional Public Safety Network as a user on the Charlotte/Mecklenburg system.

Attachment 17
Resolution
Budget Ordinance

40. Transit Services for Delegates of the Democratic National Convention

Action: Authorize the City Manager to negotiate and execute an agreement with the Democratic National Convention Committee (DNCC) to provide chartered Transit Services for delegates during the Democratic National Convention (DNC).

Staff Resource: Larry Kopf, Transit

Explanation

- The Democratic National Party will hold its presidential nomination convention in Charlotte from September 4, 2012 through September 6, 2012.
- The DNCC has secured approximately 250 buses, mostly from the private sector, to provide transportation service to delegates and other credentialed individuals between convention hotels and various convention venues.
- Although a significant effort was made to reach out to qualified private transportation providers, the DNCC anticipates the need for additional charter service and has approached the City to help provide this service.
- CATS has submitted a request for waiver to the Federal Transit Administration that will allow participation in the charter bus effort for DNC.

City Chartered Delegate Transit Services.

- The DNCC has, for several reasons, asked CATS to participate in the transportation of delegates.
 - CATS vehicles are equipped with wheelchair lifts, ramps, or low floors and are typically more accessible than a bus operated by private vendors.
 - Transit style low floor buses and trains are designed for easy boarding, which will help the DNCC move delegates during times when large crowds of people need to be transported.
 - Transit style vehicles typically provide more floor space to accommodate standees, which will also help the DNCC move large crowds of people.

Temporary Chartered Fleet and Personnel

- CATS has retained buses that had been due for retirement to assist with the effort to move delegates during the DNC.
- Spare buses from the active CATS fleet could also be used for delegate transportation.
- CATS bus drivers will be used to operate some of the CATS buses used in delegate service.
- CATS light rail operators will be used to operate a train shuttle for delegates.

Contract Terms

- CATS will charge the DNCC for the hours of delegate service that are provided.
- CATS will lease retired buses to the DNCC for its drivers to operate at a weekly lease rate.

- Staff's current estimate for providing charter and bus leasing services during the DNC is \$189,000. The final charged amount would depend on the actual number of logged in-service hours and the number of buses leased.
- The DNCC reimbursement to CATS will cover 100% of the operating and overhead costs.

Funding

DNCC reimbursements

41. Transit Project Management System

- Action:**
- A. Approve the purchase of a transit project management system as authorized by the federal contract exception G.S. 143-129 (e) (9a),**
 - B. Authorize the City Manager to negotiate and execute a start-up one-year agreement with The Winvale Group for the "e-Builder" Project Management System for an amount up to \$439,310, and**
 - C. Authorize the City Manager to negotiate and execute up to four, one-year license extensions, with each extension amounting to \$72,900, for an amount up to \$291,600.**

Staff Resources: Carolyn Flowers, Transit
Dee Pereira, Transit
John Trunk, Transit

Federal Contract Purchasing Exception

- G.S. 143-129(e)(9a) provides an exception to the formal and informal bidding requirements for the purchase of apparatus, supplies, material, or equipment from contracts established by the United States or any federal agency.
- This exception allows local governments to purchase from federal contract vendors that are willing to extend to the local government the same prices, terms, and conditions established in the federal contract.
- The federal government is able to leverage its purchasing power to negotiate better pricing, terms and conditions that generally occurs within the market.
- The Winvale Group has an active General Services Administration contract for the e-Builder product and is willing to extend the same pricing, terms and conditions to the City.

Explanation

- Financial management and administration of a rail construction project that is the magnitude of the Blue Line Extension (BLE) is a complex task that includes the review, validation, and cataloging of thousands of records.
- The South Corridor Light Rail Project (SCLRP) used spreadsheets and manual reviews/reconciliations to track the project budget, schedule and costs. Such manual practices are time consuming, inexact, and no longer industry practice.
- Reviews and audits of the SCLRP by CATS, consultants, and the Federal Transit Administration (FTA) generated two "lessons learned" regarding the management and administration of such projects:

- Technology must be leveraged to implement and automate project controls that identify and respond to financial variances quickly.
- Project and financial management must be proactive and utilize technology to achieve proper controls, transparency and best business practices.
- FTA Risk and Financial Consultants have identified the need for CATS to acquire and implement an integrated project control software system to manage CATS day-to-day operations and in preparation for the construction of the BLE.
- The FTA's financial management oversight and risk assessment consultants directly requested a system that is comparable to other transit agencies.
- The City's Enterprise Resource Program (ERP) will not be functional in time for the start of construction of the BLE project. Based on the lessons learned from the SCLRP, the FTA's review and direction, and the projected timing of the City's ERP, CATS began looking for a tested technology solution already proven in the transit industry. A primary requirement was compatibility with the City's current financial systems, and ERP once that system becomes operational.

Project Management System

- The system known as "e-Builder" is a tested technology that will enhance financial reporting.
- e-Builder is a proven system used nationally by other major transit systems to manage complex construction projects and track budgets.
- The e-Builder system provides:
 - Quick access to information and continuous visibility of the overall project status
 - Streamlined data input and retrieval, eliminating redundant data entry
 - Expenditure tracking by individual contract
 - Control systems which can use and integrate data from current City systems (e.g. GEAC, REM, Primavera, etc.), to assist with continuous monitoring and handling of project performance
 - Financial reports from the aggregate, program or project level, down to individual tasks, and individual line item commitments at the cost account level
 - Required controls, process management and reports to satisfy the FTA's reporting requirements for New Starts projects
- e-Builder is anticipated to be implemented within 90-120 days of contract execution.
- The initial contract amount includes \$333,100, plus a 10% contingency of \$33,310 and an initial annual license fee of \$72,900.
- The City will use the system for:
 - Real-time project updates and reports to Council, the Federal Transit Administration and the State
 - Monitoring and controlling total project costs including forecasted and anticipated costs
 - Streamlining the construction administration process while ensuring maintenance of the correct documentation and audit trail
 - Managing budget changes, purchase orders, contracts, change orders, invoices, and other approval processes to ensure that policies are followed
 - Managing the tasks and items associated with project close-out, commissioning, and the start of revenue service

Federal Disadvantaged Business Enterprise Opportunity

No DBE goal was set for this contract because there are no participation opportunities.

Funding

Transit Capital Fund

42. South Boulevard Light Rail Facility Addition Design Services

Action: Authorize the City Manager to negotiate and execute an agreement with Redline Design Group for architectural and engineering services for an addition to the South Boulevard Light Rail Facility for an amount up to \$275,000.

Staff Resource: David Feltman, Transit

Explanation

- As the light rail system matures, additional space is needed to accommodate personnel, parts, and vehicle maintenance services.
- CATS' staff conducted a Programming exercise to evaluate various options to provide the needed additional space. The evaluation results identified that an addition would be significantly more cost effective than building a separate free standing facility.
- The addition is intended to accommodate the Rail Systems section of the Light Rail Operations group, and will include an additional parts/storeroom for rail operations.
 - The addition will add approximately 20,000 square feet to the existing Light Rail Facility located at 3200 South Boulevard, which was completed in 2006.
 - The Rail Systems section is responsible for Maintenance of Way (MOW) activities, including maintaining and repairing track, train controls, the overhead catenary system and the traction power substations.
 - Currently, the Rail Systems section shares office, storage, and work space with Rail Car Maintenance, leaving the current work and storage areas at capacity. There is also an additional temporary storage container area for Rail System parts and equipment located in the facility's yard.
 - The additional parts/storeroom will provide an area for MOW parts and supplies, as well as additional area to store and disperse parts and supplies for the growing number of new light rail vehicles and equipment.
- CATS received nine submissions in a Request for Qualifications (RFQ). Redline Design Group was selected as the most qualified firm by a committee made up of representatives from CATS and E&PM.
 - Part of the RFQ deliverables was an initial Programming stage. The City negotiated and executed a \$15,000 scope of work for Redline Design Group to work with staff on the facility Programming phase.
- The project will be 80% federally funded.

Federal Disadvantaged Business Enterprise Opportunity

Established DBE Goal: 7%

Committed DBE Goal: 20%

The proposed DBE firm Elm Engineering, Inc. is scheduled to perform (mechanical, electrical, and plumbing) design and/or engineering.

Funding

Transit Capital Fund

43. Airport Wireless Carrier License Agreement

Action: Approve a license agreement with SprintCom, Inc. (Sprint) for the use of the distributed antenna system.

Staff Resource: Jerry Orr, Aviation

Explanation

- Over 39 million passengers passed through the Airport in 2011, most of whom required the use of a cellular device during their visit to the Airport.
- A distributed antenna system (DAS) is a network of antennas connected to a common source by fiber-optic cabling that provides consistent cellular service in a building. A DAS improves the cellular coverage in the terminal building of the Airport.
- The City has contracted with Wireless Services to design and install the DAS at a total cost of \$1,344,951.06. The City has also entered into a maintenance and monitoring agreement with Wireless Services under which the City pays Wireless Services \$10,500 per carrier per year to operate, maintain and monitor the DAS.
- Staff recommends a license agreement with Sprint to broadcast its telecommunications signal throughout the terminal. City Council approved comparable license agreements with AT&T and Verizon on May 14, 2012.

Contract Terms

- The license agreement will be for a 10 year initial term with two additional five year terms upon mutual consent of the parties.
- Sprint will pay the City \$448,317.62, its proportionate share of the cost of the design and installation of the system.
- Sprint will pay the City an annual license fee in the amount of \$80,000 for the use of the DAS. This fee will escalate by 3% for each year of the term of the license agreement.
- Sprint will pay the City an annual monitoring and maintenance fee in the amount of \$10,500 for the operation, monitoring and maintenance of the DAS. This fee will escalate by 3% percent for each year of the term of the maintenance and monitoring agreement.

Funding

Airport Operating Fund

44. Airport Telecommunications Contract

Action: Approve a one-year contract with AT&T in the amount of \$137,925.90 for maintenance of the Airport's Telecommunications system.

Staff Resource: Jerry Orr, Aviation

Explanation

- Since the terminal opened in 1982, the Airport has contracted for a dedicated on-site technician to maintain its AT&T Centrex telephone system at the request of the airlines, who pay a proportional share of the expense.
- The telephone system currently has 3,135 lines, of which the Airport uses 366 lines.
- The technician is responsible for all moves/adds/changes, routes all lines from the trunk in the basement to the user's phone, troubleshoots technical issues, and repairs outages.
- The contract provides an on-site technician, vehicle and maintenance equipment.

Small Business Opportunity

No SBE goal was set for this contract because there are no SBE subcontracting opportunities (Part C: Section 2.4 of the SBO Policy) (see attachment).

Funding

Airport Operating Fund

Attachment 10

SBO Policy Reference

45. Airport Fuel Contract

Action:

A. Award a low bid unit price contract up to \$15,225,000 to Petroleum Traders Corp. for the purchase of bulk fuel for three years (\$5,075,000 annually), and

B. Adopt a budget ordinance to appropriate \$3,552,500 from Airport tenant revenues received from the purchase of fuel. The budget ordinance amount reflects 70% of the first year expense of \$5,075,000 with the remaining 30% Airport share of \$1,522,500 funded through existing Aviation operating funds. The contract balance will be paid over the next two years.

Staff Resource: Jerry Orr, Aviation

Explanation

- The airport owns, operates and leases several aviation fuel farms on Airport property along with three Ground Service Equipment (GSE) fueling locations on Airport property and at the CLT Center.

- Each airport tenant is responsible for fueling their own GSE vehicles. In order to provide consolidated fueling sites, the Airport operates two airfield fueling locations and one Aviation Department-only location at the CLT Center.
- In order to receive quantity pricing, the Aviation Department consolidated all of the GSE fuel consumption, including the airlines, catering, other tenants, and the Aviation Department, into one contract.
- This contract provides pricing based on the Oil Price Information Service (OPIS) Gross Average Rack Price on Thursday of each week plus margin for regular unleaded 87 octane gasoline, E-10 blend ethanol enhanced unleaded gasoline, ultra low sulfur red dye diesel fuel, and ultra low sulfur diesel fuel.
- The airport tenant users of the GSE Fueling System will realize a savings of approximately \$160,000 annually and the Aviation Department will realize a savings of approximately \$84,000 annually over the current fuel provider.
- The budget ordinance appropriates money from revenue received by each airport tenant that uses GSE Fueling system on a monthly basis.
- Each user of the system will be billed by the Aviation Dept. for fuel dispensed on a monthly basis. Estimated usage and contract amount based on 1,450,000 gallons at \$3.50/gallon plus markup price for three years.
- Aviation's portion of this usage is approximately 30% or approximately \$5 million for three years.

Small Business Opportunity

No SBE goals are established for purchases of goods and equipment (Appendix Section 18 of the SBO Policy) (see attachment).

Funding

Aviation Operating Fund and Tenant Revenues

Attachment 10

SBO Policy Reference

Attachment 18

Budget Ordinance

46. Refund of Property and Business Privilege License Taxes

Action: **A. Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$5,333.13, and**

B. Adopt a resolution authorizing the refund of business privilege license payments made in the amount of \$16,304.80.

Staff Resource: Henry Simmons, Finance

Attachment 19

Resolutions
Refunds List

47. In Rem Remedy

For In Rem Remedy #A-E 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.

Field Observation:

- A. 7713 Boswell Road (Neighborhood Statistical Area 146 – Bradfield Farms Neighborhood)
- B. 1231 Georgetown Drive (Neighborhood Statistical Area 140 – Hidden Valley Neighborhood)
- C. 2555 Hemphill Street (Neighborhood Statistical Area 2 – Pinecrest Neighborhood)
- D. 2632 Mayfair Avenue (Neighborhood Statistical Area 9 – Ponderosa/Wingate Neighborhood)
- E. 3820 Rozzelles Ferry Road (Neighborhood Statistical Area 19 – Thomasboro/Hoskins Neighborhood)

Field Observation:

A. 7713 Boswell Road

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 7713 Boswell Road (Neighborhood Statistical Area 146 – Bradfield Farms Neighborhood).

Attachment 20

B. 1231 Georgetown Drive

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1231 Georgetown Drive (Neighborhood Statistical Area 140 – Hidden Valley Neighborhood).

Attachment 21

C. 2555 Hemphill Street

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2555 Hemphill Street (Neighborhood Statistical Area 2 – Pinecrest Neighborhood).

Attachment 22

D. 2632 Mayfair Avenue

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2632 Mayfair Avenue (Neighborhood Statistical Area 9 – Ponderosa/Wingate Neighborhood).

Attachment 23

E. 3820 Rozzelles Ferry Road

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 3820 Rozzelles Ferry Road (Neighborhood Statistical Area 19 – Thomasboro/Hoskins Neighborhood).

Attachment 24

PROPERTY ITEMS

48. Property Transactions

Action: Approve the following property transaction(s) (A-C) and adopt the condemnation resolution(s) (D-H).

- The City has negotiated in good faith to acquire the properties set forth below.
- For acquisitions, the property owner and staff have agreed on a price based on appraisals and/or estimates.
- In the case of condemnations, the value was established by an independent, certified appraisal followed by a third-party appraisal review.
- Real Estate staff diligently attempts to contact all property owners by:
 - Sending introductory letters via regular and certified mail
 - Making several site visits
 - Leaving door hangers and business cards
 - Seeking information from neighbors
 - Searching the internet
 - Obtaining title abstracts
 - Leaving voice messages
- For most condemnation cases, City staff and the property owner(s) have been unable to reach a settlement. In some cases, condemnation is necessary to ensure a clear title to the property.
- If City Council approves the resolutions, the City Attorney's Office will initiate condemnation proceedings. As part of the condemnation process, real estate staff and the City Attorney's Office will continue to negotiate, including court-mandated mediation, in an attempt to resolve the matter. Most condemnation cases are settled by the parties prior to going to court.
- If a settlement cannot be reached, the case will proceed to trial before a judge or jury to determine "just compensation."
- Full text of each resolution is on file with the City Clerk's Office.

Acquisitions

- A. Project:** Cherokee/Scotland Storm Drainage Improvement Project, Parcel # 6
Owner(s): F. Brian Gibson and Wife, Mary W. Gibson
Property Address: 1539 Scotland Avenue
Property to be acquired: 649 sq. ft. (.015 ac.) in Storm Drainage Easement, plus 1,537 sq. ft. (.035 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-3
Use: Single Family Residential
Tax Code: 155-123-22
Total Parcel Tax Value: \$753,300
Purchase Price: \$22,500
- B. Project:** Airport Master Plan Land Acquisition
Owner(s): Ann Shull Litaker

Property Address: * Shopton Road
Property to be acquired: 10.37 acres
Improvements: vacant land
Purchase Price: \$456,000

Remarks: The purchase price was determined by an independent appraisal and was reviewed by a second appraiser. Each appraisal takes into consideration the specific quality and quantity of the land. The tax value is determined on a more generic basis and will be higher or lower for land/house with certain attributes. Property is acquired per Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration reimbursement.

Zoned: R-3 Use: vacant land
Tax Value: \$197,900
Tax Code: 141-071-06

- C. **Project:** Airport Master Plan Land Acquisition
Owner(s): Birdie B. Suttle
Property Address: 8428 and 8500 Tuckaseegee Road
Property to be acquired: 2.44 acres
Improvements: warehouse
Purchase Price: \$150,000

Remarks: The purchase price was determined by an independent appraisal and was reviewed by a second appraiser. Each appraisal takes into consideration the specific quality and quantity of the land. The tax value is determined on a more generic basis and will be higher or lower for land/house with certain attributes. Property is acquired per Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration reimbursement.

Zoned: R-MH Use: warehouse
Tax Value: \$79,600
Tax Code: 055-381-03 and 055-381-26

Condemnations

- D. **Project:** Blue Line Extension, Parcel # 1363
Owner(s): Abdul H. Motan and Seema Motan And Any Other Parties Of Interest
Property Address: 5612 Old Concord Road
Property to be acquired: 14,875 sq. ft. (.341 ac.) in Fee Simple (TOTAL TAKE)
Improvements: Metal Building
Landscaping: None
Zoned: B-2
Use: Commercial
Tax Code: 097-111-08
Total Parcel Tax Value: \$178,900
Appraised Value: \$206,400
Property Owner's Counteroffer: \$375,000
Reason For Condemnation: Staff and the property owner have yet to reach an agreement regarding the appraisal. The property owner has obtained legal representation who instructed us to proceed to

condemnation. Therefore, staff recommends adopting a resolution to proceed to condemnation during which negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.

- E. Project:** Wiseman Storm Drainage Improvement Project, Parcel # 3
Owner(s): Bryant Nelson Allen And Any Other Parties Of Interest
Property Address: 8831 Idlewild Road
Property to be acquired: 1,500 sq. ft. (.034 ac.) in Storm Drainage Easement, plus 260 sq. ft. (.006 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-4
Use: Single Family Residential
Tax Code: 135-093-88
Total Parcel Tax Value: \$77,700
Appraised Value: \$125
Property Owner's Counteroffer: None
Reason For Condemnation: The house is vacant. Staff has been unable to locate the property owners despite numerous attempts, including certified and regular mailed letters, internet searches and neighbor inquisition. The title abstract also revealed issues that will prevent the City from obtaining clear title. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation in order to obtain clear title.
- F. Project:** Wiseman Storm Drainage Improvement Project, Parcel # 45
Owner(s): Roger Scott Sells And Any Other Parties Of Interest
Property Address: 4305 Morington Lane
Property to be acquired: 1,097 sq. ft. (.025 ac.) in Storm Drainage Easement
Improvements: None
Landscaping: None
Zoned: R-4
Use: Single Family Residential
Tax Code: 135-051-40
Total Parcel Tax Value: \$102,800
Appraised Value: \$650
Property Owner's Counteroffer: None
Reason For Condemnation: The property owner agreed to the acquisition in November 2011. Staff made numerous contact attempts to which the property owner was nonresponsive until May 2, 2012 in which staff received verbal agreement again. To date, staff has not received the signed agreements. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation in order to obtain clear title.
- G. Project:** Wiseman Storm Drainage Improvement Project, Parcel # 52
Owner(s): Susan Gail Marchisio And Any Other Parties Of Interest

Property Address: 3419 Arrow Lane
Property to be acquired: 2,427 sq. ft. (.056 ac.) in Storm Drainage Easement
Improvements: None
Landscaping: None
Zoned: R-4
Use: Single Family Residential
Tax Code: 135-063-07
Total Parcel Tax Value: \$110,300
Appraised Value: \$200
Property Owner's Counteroffer: None
Reason For Condemnation: Staff began working with the property owner in October 2011 and has yet to reach an agreement regarding the acquisition. The property owner is concerned that trees/brush will be lost during construction causing buffer loss from the adjoining property. The acquisition area of 2,427 square feet includes 1,960 square feet of public drainage easement currently maintained by the property owner and 467 square feet of additional storm drainage easement. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation during which negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.

- H. Project:** Wiseman Storm Drainage Improvement Project, Parcel # 53
Owner(s): George W. Spencer and Wife, Leslie G. Spencer And Any Other Parties Of Interest
Property Address: 4303 Claybury Court
Property to be acquired: 383 sq. ft. (.009 ac.) in Storm Drainage Easement, plus 139 sq. ft. (.003 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-4
Use: Single Family Residential
Tax Code: 135-051-28
Total Parcel Tax Value: \$102,000
Appraised Value: \$50
Property Owner's Counteroffer: None
Reason For Condemnation: After initial contact, the property owner failed to attend three scheduled meetings and has not responded to staff communication. To avoid delay in the project schedule, staff recommends adopting a resolution to proceed to condemnation during which negotiation can continue, mediation is available and if necessary, just compensation can be determined by the court.

49. Meeting Minutes

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

- April 23, 2012 Business Meeting
- May 16, 2012 Budget Retreat