

Mayor Patrick L. McCrory Mayor Pro Tem Susan Burgess

Michael D. Barnes
Nancy Carter
Warren Cooksey
Andy Dulin
Anthony Foxx

Patsy Kinsey
John Lassiter
James Mitchell, Jr.
Edwin Peacock III
Warren Turner

CITY COUNCIL MEETING
Tuesday, May 26, 2009

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

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CITY COUNCIL AGENDA
Monday, May 26, 2009

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5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

The Dinner Briefing will adjourn at 6:15 p.m. to allow the Charlotte-Mecklenburg School Board to meet in the Conference Center at 6:30 p.m.

1. Mayor & Council Consent Item Questions

Resource: Curt Walton, City Manager

Time: 5 minutes

Synopsis

- Mayor and Council may ask questions about Consent I and Consent II agenda items. Staff will address as many questions as possible at the end of the dinner meeting.

2. North Carolina Legislative Update

Resources: Boyd Cauble, City Manager's Office
Mac McCarley, City Attorney's Office
Bob Hagemann, City Attorney's Office
Danny Pleasant, Transportation
Keith Parker, Transit
Greg Gaskins, Finance

Time: 40 minutes

Synopsis

The Legislature is struggling with a multibillion dollar deficit and cities are vulnerable to budget and legislative decisions affecting them as a result. A team of City staff will review the latest legislation moving through the Legislature at this time.

3. Answers to Mayor & Council Consent Item Questions

Resource: Curt Walton, City Manager

Time: 10 minutes

Synopsis

- Staff response to questions from the beginning of the dinner meeting.

4. Closed Session

Action: Adopt a motion pursuant to NCGS 143-318.11(a)(3) and (a)(5) to go into closed session:

- A. To establish, or to instruct the City's staff or negotiating agents concerning the position to be taken by or on behalf of the City in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease, and
- B. To consult with attorneys employed or retained by the City of Charlotte in order to preserve the attorney- client privilege and to consider and give instructions to the attorneys concerning the handling or settlement of *Corporate Plaza Partners, LLC v. City of Charlotte and Charlotte Regional Visitors Authority – 09-CVS-11109*.

6:30 P.M. CITIZENS' FORUM

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

CONSENT

- 5. Consent agenda items 17 through 38 may be considered in one motion except those items removed by a Council member. Items are removed by notifying the City Clerk before the meeting.**

PUBLIC HEARING

6. Public Hearing on Preliminary FY2010 Operating Budget and FY2010-2014 Capital Investment Plan

Action: Receive public comment on the City Manager's recommended budget.

Committee Chair: Andy Dulin

Staff Resource: Ruffin Hall, Budget and Evaluation

Explanation

- On May 11, 2009 the City Manager presented the recommended FY2010 Strategic Operating Plan and FY2010-2014 Capital Investment Plan. The May 11 recommendation represents the proposed City operating and capital budget for next fiscal year beginning on July 1, 2009.
- State law requires the City to hold a public hearing following presentation of the Manager's recommended budget (May 11, 2009) and prior to Council adoption of the budget (June 8, 2009).

FY2010 Operating and Capital Budget Summary

- No property tax rate increase recommended for FY2010.
- The total City-wide recommended budget for FY2010 is \$1.87 billion, with \$1.06 billion for operating expenses (all funds) and \$803.9 million for capital expenditures (all funds).
- The FY2010 General Fund recommended budget totals \$444.6 million net of transfers (included in the \$1.87 billion total budget). The City's General Fund includes Police, Fire, Solid Waste, Transportation and other services.
- \$6.5 million in budget reductions from mid-year FY2009 are being carried forward into FY2010 to balance the budget.
- Recommend Property Tax Rate Transfer:

Purpose	Current FY2009 Tax Rate	Recommended FY2010 Tax Rate	Rate Difference	Revenue Difference
General Fund	36.98¢	37.58¢	0.6¢	\$4.5 million
Capital Debt Service	7.37¢	6.87¢	(0.5¢)	(\$3.75 million)
Pay-As-You-Go Capital	1.51¢	1.41¢	(0.1¢)	(\$0.75 million)
Total	45.86¢	45.86¢	\$0.0¢	\$0.0 million

- Key changes:
 - 0.6 cent transfer for street resurfacing (transfer provides \$4.5 million to improve street conditions). Additional funding to work toward 12 year average street resurfacing cycle goal (current average is approximately 15 years).
 - Preparation for single stream recycling implementation in FY2011
 - Reserve for pending non-residential code enforcement ordinance

- Positions
 - 257.75 city-wide frozen, unfunded positions (120.75 in the General Fund)
 - New positions are for annexation only (42 in Fire, seven in Solid Waste, seven in Street Maintenance, one in Code Enforcement, and four in Utilities)
- Key Capital Projects
 - Boulevard Homes infrastructure: \$7 million
 - North Tryon Redevelopment: \$9.5 million
 - Northeast Corridor access improvements: \$6.5 million
 - Providence Police Station: \$6 million
 - Consolidated Fire Headquarters - Admin, Arson and Prevention: \$10 million
 - Brevard & 8th Street improvements: \$5.5 million
 - Streetcar planning and design: \$8 million
- Financial Partners & Outside Agencies
 - No new Financial Partners
 - Most Financial Partner funding reduced 2% from FY2009
 - Five exceptions made for Financial Partners that directly benefit citizens impacted by the current economy (funding held flat from FY2009): Community Link, United Family Services-Victim Assistance, United Family Services - Consumer Credit Counseling, Crisis Assistance, and YMCA Community Development
 - Recommend funding for four Community Development Corporations discontinued after September 1, 2009
 - Recommend 50% of dues funded for Centralina Council of Governments with a six-month termination notice from the date of Council approval
- Other Funds
 - Utilities: 5.2% rate increase for capital investments and debt service
 - Storm Water: Move from the current two-tier residential rate structure to a four-tier structure plus a 2% increase to the new four-tier base for capital investments
- Additional information regarding the recommended budget may be found on the City's budget web site: citybudget.charmeck.org.

Budget Process

- Council budget adjustments meeting was held on May 20, 2009 at 3:00 p.m. Proposed adjustments by the Council receiving five or more votes move on to the Council's straw votes meeting for consideration.
- Council's straw votes meeting is scheduled for June 3, 2009 at 12:00 p.m. Budget amendments receiving six or more votes are included in the final budget ordinance for consideration on June 8th.
- Budget adoption is scheduled for June 8, 2009 at 7:00 p.m.
- Council is required by state law to adopt a budget on or before July 1st of each year.

Attachment 1

Recommended Budget Summary
 Manager's Transmittal Letter
 Executive Summary from Recommended Budget
 Non-Departmental from Recommended Budget

POLICY

7. City Manager's Report

8. SafeLight and SafeSpeed Camera Civil Penalties

Action: A. Approve the payment of \$4,732,769 of SafeLight and SafeSpeed Camera program civil penalties proceeds to pay for the benefit of the Charlotte-Mecklenburg Board of Education, and

B. Adopt a budget ordinance appropriating \$4,732,769 from SafeLight/SafeSpeed and General Fund fund balance.

Staff Resources: Eric Campbell, City Manager's Office
Bob Hagemann, City Attorney's Office

Explanation

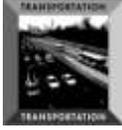
- The City of Charlotte was the first North Carolina municipality to operate a red light camera program. The program was intended to change driver behavior and reduce the number of intersection accidents.
- The 1997 authorizing legislation was drafted with the intent that the cost of the program would be borne by those who violated the law and not the taxpayers.
- The program was structured such that civil penalty proceeds would be used to compensate a private contractor, with the remaining proceeds used for traffic safety programs.
- On May 16, 2006, the North Carolina Court of Appeals issued an opinion in *Shavitz v. High Point* in which the Court concluded that the clear proceeds of civil penalties collected from a red light camera program must be paid to the local board of education. Shortly thereafter, the City Council voted to suspend the City's SafeLight and SafeSpeed Camera programs.
- Civil penalty proceeds from the three years immediately preceding the suspension of the programs total \$4,732,769.
- At the May 11 City Council meeting, Council member Foxx proposed paying the civil penalty proceeds to the Charlotte-Mecklenburg Board of Education. Council agreed to place this matter on the May 26 Agenda.
- Council also asked staff to explore options for resuming these programs by entering into discussions with CMS regarding ways to structure the program such that the City's General Fund would not be impacted. Staff will begin those discussions and will report to Council as appropriate.

Funding

- Funding for the \$4.7 million payment would come from two sources:
 - SafeLight and SafeSpeed Funds currently have \$2,178,351 in separate fund balance reserves related to the programs.
 - The remaining \$2,554,418 would come from General Fund fund balance.
- Currently, there is \$12 million in unrestricted capital reserves available to make the payment from the prior year reserves over the Council's 16% General Fund fund balance policy. If this action is approved, the remaining amount in General Fund reserves would be approximately \$9.4 million for FY2010.

Attachment 2
Budget Ordinance

9. Sharon & I-485 Transit Station Area Plan



Action: Approve the Transportation Committee recommendation to adopt the *Sharon & I-485 Transit Station Area Plan Volume I: The Concept Plan* and receive *Volume II: The Implementation Plan* as information.

Committee Chair: Anthony Foxx

Staff Resource: Kent Main, Planning

Explanation

- An interdepartmental team led by Planning staff has been working with residents and stakeholders to develop a plan for about 1,200 acres surrounding the Sharon Road West and I-485/South Boulevard Transit Stations.
- This is the sixth and final in a series of plans for station areas along the LYNX Blue Line south of South End to I-485.
- The plan updates adopted land use plans and provides policy guidance for future growth and development.
- Two public meetings were held: November 11, 2008 with 60 attending; December 11, 2008 with 28 attending.
- Based on input received through surveys and additional discussions with citizens, staff developed the attached Proposed Revisions to Draft Document. Revisions address concerns about particular land use recommendations, and about potential street connections.

Plan Recommendations

- Land Use: Divided into two distinct geographies consistent with the Centers, Corridors, and Wedges Growth Framework. (This plan area does not include a Wedge area)
 - Transit Station Area:
 - Promote mix of transit supportive land uses in Transit Station Area, generally within 1/2 mile of the stations
 - Support continuing use of major industrial operations near the Sharon Station until owners are ready for redevelopment to transit supportive uses
 - Encourage incremental intensification of big box shopping center property with transit supportive uses
 - Ensure that new development adjacent to the neighborhoods provides good transition
 - General Corridor Area:
 - Maintain locations for office, commercial, light industrial and warehouse uses in vicinity of Hebron Street and Westinghouse Boulevard
 - Maintain the single-family portions of the Pine Valley and Sterling neighborhoods; existing multi-family zoning needs correction
 - Support moderate density residential use off of Sharon Road West, Sharon Lakes Road, and Westinghouse Boulevard under specific criteria, with specific density limits in the Sharonbrook and Sharon South neighborhoods south of Sharon Road West

- Maintain moderate density residential character in portions of the area around Sterling Elementary School, with specific criteria for increased density in some areas closest to the I-485 station
- Transportation & Streetscape Design:
 - Maintain and enhance the transportation network to increase safety and connectivity for all users
 - Provide future cross sections for streets, identifying building setbacks and supplementing requirements in the Transit Oriented Development (TOD) and other urban zoning districts, based on the City's Urban Street Design Guidelines
- Infrastructure and Environment:
 - Make street trees a feature of all streets, and reduce impervious surfaces. Design buildings to reduce stormwater runoff and improve water quality

Charlotte-Mecklenburg Planning Commission (Planning Committee)

- The Planning Committee received public comments at their February 17 meeting. A business property owner asked for clarification on new street requirements (new streets would be required in the event of redevelopment for intensive uses, but not if expanded under existing zoning.) Speakers from the Pine Valley Neighborhood supported a proposed corrective rezoning of their single-family neighborhood from R-17MF to R-5. Committee discussion revolved around land use recommendations within ½ mile of the station. (Areas in single family and some lower-density multi-family use are recommended for continuing use at current density even if within ½ mile of a station.)
- After additional discussion of land use recommendations at their March 17 meeting, Planning Committee voted unanimously to recommend adoption of the plan with the Proposed Revisions, with the addition of a clarification concerning density transition and tree preservation in the Sharonbrook and Sharon South neighborhoods, and with a further request that the proposed corrective rezoning of the Pine Valley neighborhood be pursued as soon as possible upon plan approval by Council. The new revised language, as well as the previously proposed revisions, is on the attached Proposed Revisions to Draft Document.

Transportation Committee

- City Council's Transportation Committee received an overview of the plan at their February 9 meeting.
- At their April 13 meeting, the Committee voted unanimously (Foxy, Burgess and Carter) to forward the plan to Council for public comment.
- Council held the public comment meeting on April 27, 2009, and no speakers were there to speak on this agenda item.
- The Transportation Committee, at their May 11 meeting, unanimously (Foxy, Burgess and Carter) recommended adoption of the Sharon & I-485 Transit Station Area Plan with the changes recommended by staff.

Attachment 3

Proposed Revisions to Draft Document

10. FY2010 Action Plan for Housing and Community Development



Action: Approve the Housing and Neighborhood Development Committee’s recommendation to approve the FY2010 Annual Action Plan and to receive the City’s proposed federal grant allocations of approximately \$8.5 million for FY2010.

Committee Chair: Susan Burgess

Staff Resource: Stan Wilson, Neighborhood & Business Services

Policy

- The FY2010 Annual Action Plan is the City’s one year strategy for providing housing and community development activities.
- The U.S. Department of Housing and Urban Development (HUD) mandates development of this plan in order to receive federal funding for housing and community development activities.
- The Action Plan supports the City’s housing policy of preserving the existing housing, expanding the supply of low and moderate-income housing, supporting family self-sufficiency and the City’s neighborhood revitalization strategy.
- The Action Plan also supports the Ten Year Plan to End and Prevent Homelessness adopted by City Council on November 11, 2007. The proposed goals of the Ten Year Plan to End Homelessness are:
 - Goal 1: Housing: Get homeless families and individuals into appropriate and safe permanent housing as soon as possible
 - Goal 2: Outreach and Engagement: Link chronic homeless individuals to housing, treatment and services through intensive outreach and engagement
 - Goal 3: Prevention: Promote housing stability for those families and individuals most at-risk of becoming homeless.

Explanation

- The FY2010 Annual Action Plan includes housing and community development needs and resources for the City of Charlotte and the Charlotte-Mecklenburg Regional Housing Consortium.
- The Charlotte-Mecklenburg Regional Housing Consortium is a partnership between the City of Charlotte, Mecklenburg County and the towns of Cornelius, Huntersville, Matthews, Mint Hill, and Pineville.
- The Plan also serves as the City’s annual application to HUD to receive \$8,544,260 in new federal grant program funds.

Community Development Block Grant (CDBG)	\$ 4,782,038
HOME Investments and Partnerships (HOME)	\$ 2,841,233
Emergency Shelter Grants (ESG)	\$ 206,926
Housing Opportunities for Persons with AIDS (HOPWA)	\$ 714,063
Total	\$8,544,260

- The proposed FY2010 federal fund allocation represents an increase of approximately \$428,806 over the FY2009 funding amount of 8,115,454.

Community Input

- Four citizen forums were held to seek public input on the FY2010 Annual Action Plan and to inform the public of the preparation process and

timeline for completing the document. Approximately 25 people attended the citizen forums.

- Neighborhood Development advertised the public hearing in local newspapers (as required by HUD).
- More than 1,500 invitations were distributed to neighborhood organizations, Neighborhood & Business Service's financial partners and interested individuals to promote the public forums and the public hearing.
- A public hearing was held at City Council's April 27, 2009 meeting. One speaker commented on the Charlotte Housing Authority's development plans at the Strawn Apartments.
- The draft plan was advertised and made available to the public for comment at the following locations: Beatties Ford Road Library, Charlotte-Mecklenburg Library, West Boulevard Library, Neighborhood & Business Services Department and the Neighborhood & Business Services website.

Committee Discussion

- The Housing and Neighborhood Development Committee met on May 13, 2009 to discuss this item.
- The Committee asked staff to retire the phrase Communities Within a City (CWAC) and develop new terminology for describing the CWAC geography.
- Staff informed the committee that this is the final year of the five year plan and explained that due to the merger of Neighborhood Development and Economic Development, the next five year plan will reflect a more integrated approach to neighborhood and business corridors.
- The committee voted unanimously to recommend the proposed FY2010 Annual Action Plan to City Council for approval (Burgess, Mitchell, Barnes, Cooksey, Lassiter).

Funding

Federal Funds - CDBG, HOME, ESG and HOPWA

Attachment 4

FY2010 Annual Action Plan

Housing and Neighborhood Development Committee Presentation

BUSINESS

11. Energy Efficiency and Conservation Block Grant



- Action:**
- A. Approve an application to the US Department of Energy (DOE) for the initial funding of \$250,000 from the Energy Efficiency and Conservation Block Grant,**
 - B. Authorize the City Manager to award contracts totaling up to \$250,000 for**
 - Development of an Energy Efficiency and Conservation Strategy, and Community-wide Greenhouse Gas Inventory and Action Plan**
 - City Building energy audits or energy plans, and**
 - C. Adopt a budget ordinance appropriating \$250,000.**

Staff Resource: Julie Burch, City Manager's Office
Rob Phocas, City Attorney's Office

Explanation

- On March 26 the City was notified that Charlotte is eligible to receive \$6.7 million in funding for the Energy Efficiency and Conservation Block Grant.
- The funding is provided in three phases:
 - Initial funding for up to \$250,000 to develop an Energy Efficiency and Conservation Strategy and approved activities
 - Upon approval of the Strategy by DOE, the City can apply for ½ of the grant - \$3.2 million to implement the programs and activities.
 - The remaining \$3.2 million is awarded after reporting initial results of the programs and activities under the Strategy.
- This program is on an extremely tight time line:
 - The initial grant application deadline is June 25, though the City anticipates applying on May 29.
 - DOE is expected to provide award notification within 60 days.
 - The City has 120 days to develop the Strategy after notice of the initial award.
 - The City must obligate the entire \$6.7 million within 18 months after notice of the initial award. The City must spend the entire \$6.7 million within three years after notice of the initial award.
- City staff has developed a Request for Proposals for a consultant to:
 - Develop the Strategy
 - Validate the City's Greenhouse Gas Inventory
 - Prepare a community-wide Greenhouse Gas Inventory and Action Plan
- The process will include community input.
- The proposed timeline, depending on the notification from DOE for this process is:

- RFP Submittal Deadline	June 10
- Consultant Selection	June 26
- Contract Award by Manager	July 10
- Work begins	July 13
- Council Briefing	Sept. 8 or Sept. 14
- Draft Energy Efficiency Strategy Report	Oct. 2

- Completed
- Council Review of Strategy Oct. 12
- Adoption of Strategy by Council Oct. 19 or Nov. 9
- Submission to DOE Oct. 20 or Nov. 10
- City Staff has identified advisory partners to assist in the development of the strategy:
 - Duke Energy
 - Piedmont Natural Gas
 - Mecklenburg County
 - Charlotte-Mecklenburg Schools
 - Charlotte Chamber
 - UNC Charlotte
 - Central Piedmont Community College
- Depending on the cost of the consultant's contract for the strategy, if there is a balance of the \$250,000 remaining, staff recommends that it be used for energy audits and energy planning in City facilities, which are eligible activities of the grant. The audits will also help identify other possible uses for the \$6.7 million. A similar audit covering facilities managed by Engineering & Property Management cost \$7,500 in 2005.

Funding

American Recovery and Reinvestment Act Grant Funding

Attachment 5

Eligible Activities

Budget Ordinance

12. Community Development Block Grant Recovery Program



Action: Approve the Community Development Block Grant Recovery (CDBG-R) Program and the submission of the Substantial Amendment to the U.S. Department of Housing and Urban Development

Staff Resource: Stan Wilson, Neighborhood & Business Services

Policy

- The U.S. Department of Housing and Urban Development (HUD) established the Community Development Block Grant Recovery (CDBG-R), under Title XII of the American Recovery and Reinvestment Act of 2009 (Recovery Act).

Explanation

- The Community Development Block Grant Recovery (CDBG-R) funds are part of the Recovery Act of 2009. Based on HUD's formula allocation, the City of Charlotte has been allocated \$1,262,296 from this source of stimulus funds.
- In order to receive the funds, the City must submit a Substantial Amendment to the 2009 Consolidated Action Plan to the HUD Greensboro Field Office by June 5, 2009. HUD released the Notice of Program Requirements for the CDBG-R Program on May 5, 2009.

- In selecting projects to be funded, the intent from HUD is to invest in economic development, housing and other activities that will spur further economic investment, increase energy efficiency and create or retain jobs.
- Staff proposes using the CDBG-R funds to rehabilitate approximately 30 homes in targeted revitalization neighborhoods (Druid Hills, Lakewood, Lincoln Heights, Reid Park, Thomasboro/Hoskins, Washington Heights and Wingate).
- The owner-occupied homes serve households earning 60% or less than the area median income (AMI) and in many cases seniors earning 30% or less than AMI.
- The housing rehabilitation program will preserve the existing housing stock, meet a critical need in the community, create construction jobs and promote energy conservation techniques.
- Staff intended a more extensive public input process to select projects; however, once the regulations were published, staff learned that the HUD Amendment (application) is due June 5, 2009.

Community Input

- HUD published the program guidelines on May 5, 2009. The guidelines required a public comment period of seven calendar days and the substantial amendment to be posted on the Neighborhood & Business Services website.
- In accordance with the City's Citizen Participation Plan, the Substantial Amendment was advertised for eight calendar days from May 15 to May 22. The Substantial Amendment was made available to the public for comment at the following locations: Beatties Ford Road Library, Charlotte-Mecklenburg Main Library, West Boulevard Library, Amay James Recreation Center, Belmont Regional Center, Greenville Recreational Center, Charlotte Housing Authority, Neighborhood & Business Services Department and on the department's website.

Next Step

The Substantial Amendment will be submitted to HUD's Greensboro Field Office on June 2, 2009.

Funding

Community Development Block Grant Recovery (CDBG-R) Program funds are part of the Recovery Act of 2009

Attachment 6

Substantial Amendment to FY2009 Action Plan

13. Lead Hazard Control Program Grant Appropriation



Action: Adopt a budget ordinance appropriating \$2,999,903 from the federal Lead Hazard Control Program Grant.

Staff Resource: Stan Wilson, Neighborhood & Business Services

Policy

- The U.S. Department of Housing and Urban Development (HUD) established the funding for the Lead Hazard Control Program, under Title XII of the American Recovery and Reinvestment Act of 2009 (Recovery Act).

Explanation

- On February 25, 2009 the City's Neighborhood & Business Services Department received notification from the U.S. Department of Housing and Urban Development (HUD) that it was awarded a \$2,999,903 grant to continue the Lead Hazard Control Program. The grant requires a 10% match (\$300,000) which has been included in the FY2010 recommended budget.
- HUD requires that 50% of the funds be spent within two years and the entire grant must be spent within three years.
- Under the new grant, the City will reduce lead paint hazards in 275 low-income homes.
- 87% of the grant will be used for lead abatement hazard control activities (testing, inspections and housing rehabilitation to reduce lead hazards). HUD requires a minimum of 65% of grant funds to be used for lead abatement efforts.
- The remaining funds will be used for administration, program outreach/marketing and contractor training.
- The City will continue to use its current contractors, and as a result of the new grant, additional contractors will be recruited and trained for the program.
- Contractors are awarded lead hazard reduction rehabilitation work through a competitive process.
- Other program activities per HUD requirements include community awareness and education, contractor training, continuing the Lead Safe Charlotte HOTLINE, and screening children under the age of six for the presence of elevated lead blood levels.
- The City's revitalization neighborhoods will be prioritized for the program. The City's revitalization neighborhoods are Druid Hills, Lakewood, Lincoln Heights, Thomasboro-Hoskins, Reid Park, Washington Heights and Wingate. However, the program is available to all neighborhoods within the City's oldest residential areas and families in Mecklenburg County that have a child with elevated blood lead level.
- Some of the City's program partners include:
 - Mecklenburg County Health Department
 - LaNoticia Newspaper
 - The Charlotte Observer
 - Adams Outdoor Advertising
 - Socialserve.com
 - Lowe's Home Improvement
 - Mi Casa Su Casa
 - Hands on Charlotte

- Que Pasa Latino Communication
- Community Health Services
- Charlotte Post
- Partners provide in-kind advertising, program promotions, outreach, technical support and program supplies.

Next Steps

- Staff anticipates that grant funds will begin to be expended on June 1, 2009. Homes to be tested are in the process of being identified through outreach and marketing efforts.
- Staff will use a competitive bid process to select a company to provide testing and inspection services for the new grant program.
- Council will be asked to approve the contract for testing and inspection services at its September 14, 2009 Business Meeting for the implementation of the new grant funds.

Background

- Since 1995, the City of Charlotte has received five lead based paint grants exceeding \$17.1 million in funding from HUD. 77% of the lead grant funds (\$13 million) were used for inspections, testing and removal of lead hazards from homes. The remaining funds were used for administration, program outreach/marketing and contractor training.
- The following represents key program highlights:
 - Lead hazards reduced in 1,564 homes
 - Over 2,391 homes inspected/tested for lead hazards
 - 480 children tested for elevated blood lead levels
 - Over 80,000 brochures distributed

Funding

U.S. Department of Housing and Urban Development – Federal Recovery Act

Attachment 7

Map of Eligible Neighborhoods

Budget Ordinance

14. Purchase of Parcels for Fire Station 41

- Action:**
- A. Approve the purchase of 1.209 acres for Fire Station 41, PID 103-021-04, located at 5620 Central Avenue for \$498,112.50,**
 - B. Authorize the City Manager to execute the Purchase and Sale Agreement between Mildred H. Pittman 2003 Living Trust by Mildred H. Pittman, Trustee and Bryan William Pittman, Trustee, under Will of Horace H. Pittman (Seller) and The City of Charlotte, a North Carolina municipal corporation (Buyer),**
 - C. Approve the purchase of 1.151 acres for Fire Station 41, PID 103-021-12, located along Central Avenue for \$426,887.50,**
 - D. Authorize the City Manager to execute the Purchase and Sale Agreement between K. Martin Waters, Jr. and spouse, Dorothy N. Waters, Waters Management, LLC, Bryan W. Pittman and spouse, Katharine Pittman, Katharine Camden Pittman, Scot Blanton Pittman, Posey Ann Pittman and William Hoke Pittman by Bryan W. Pittman, Trustee, Mildred P. Sibley and spouse, David M. Sibley, Steven Erwin Sibley, David Pittman Sibley and Margaret Louise Sibley by Mildred P. Sibley, Trustee, Phillip H. Pittman and spouse, Laurie Pittman, (Seller); and the City of Charlotte, a North Carolina municipal corporation (Buyer), and**
 - E. Adopt a budget ordinance appropriating \$925,000 in Certificates of Participation for property acquisition.**

Staff Resources: Rich Granger, Fire Department
Robert Drayton, Engineering & Property Management

Explanation

- A minimum of two acres is required for Fire Station 41, so approval to purchase these adjacent properties is contingent upon approval of both transactions (PID 103-021-12 and PID 103-021-04).
- This action is related to item 15, page 19, Stimulus Grant for Fire Station Construction and Renovation. Ownership of the property is required for serious stimulus grant consideration.
- The proposed Fire Station 41 property is strategically located between neighboring stations.
- There is a response time issue with surrounding stations 3, 8, 15, 23 and 29 and the emergency workload in this area is the heaviest in the City.
- Engine 15, Ladder 23 and Engine 23 were the first, third, and fifth busiest companies in FY2008 with 4,311, 3,450, and 3,160 runs respectively.
- A new station is needed to ease the workload at the surrounding stations and improve response time to incidents in the area.
- This station will provide stability to the area and address fire workload and response concerns.

Purchase of PID 103-021-04

Approve the purchase of approximately 1.209 acres (52,664 square feet) for future Fire Station 41, located at 5620 Central Avenue for \$498,112.50, based on the appraisal.

- The property is currently improved with a 3,898 square foot commercial building previously occupied by a bank. The building would be demolished.
- The earnest money deposit of \$25,000, which is fully refundable for any reason during the 60 day due diligence period is payable to the Seller's attorney within 10 days of City Council approval.
- The balance of \$473,112.50 is payable to the Buyer's closing attorney prior to closing. These funds will be disbursed to Seller after closing.

Purchase of PID 103-021-12

Approve the purchase of approximately 1.151 acres (50,138 square feet) for future Fire Station 41, located on Central Avenue for \$426,887.50, based on the appraisal.

- The property is currently vacant.
- The earnest money deposit of \$21,000, which is fully refundable for any reason during the 60 day due diligence period is payable to the Seller's attorney within 10 days of City Council approval.
- The balance of \$405,887.50 is payable to the Buyer's closing attorney prior to closing. These funds will be disbursed to Seller after closing.

Budget Ordinance

The Capital Investment Plan includes \$7.7 million for the Eastland Fire Station. The FY2010 budget includes \$7 million, funded by certificates of participation, for land acquisition and construction. The budget ordinance appropriates \$925,000 of the \$7 million to execute the property transactions in this item. The remaining \$6,075,000 for project construction will be included in the FY2010 budget ordinance, scheduled for adoption on June 8, 2009.

Funding

Government Facilities Capital Investment Plan

Attachment 8

Maps

Budget Ordinance

15. Stimulus Grant for Fire Station Construction and Renovation



Action: Authorize the City Manager to approve the Fire Department's application for a stimulus grant from the U.S. Department of Homeland Security to provide funding for the Eastland Mall Fire Station 41 construction and Fire Station 18 renovation.

Staff Resource: Rich Granger, Fire

Explanation

- Approval of this item would allow staff to proceed quickly with the grant application once the application period opens. This best positions the City to compete for stimulus funding.
 - Application guidelines for fire station funding are expected to be published on May 30, 2009.
 - Similar to other stimulus application deadlines, staff expects the deadline for fire station funding requests to be short.
 - The City may be eligible to receive up to \$5 million in stimulus funds per fire station project (\$15 million maximum per jurisdiction) for Fire Department related capital expenses.
 - Staff anticipates that cost-sharing will not be a requirement of this grant.
- The Fire Department intends to apply for \$5 million in funding to construct Fire Station 41 at Eastland Mall and \$500,000 to renovate Fire Station 18 at 2337 Keller Avenue.
- Fire Station 18 is the highest priority for renovations to fire stations.
- To receive highest consideration for the grant application, the City must own the land for Fire Station 41. Item 14, page 17 of this agenda involves the purchase of two parcels for the land acquisition.

Funding

American Recovery and Reinvestment Act Grant Funding

16. Mayor and Council Topics

Council members may share information and raise topics for discussion.

CONSENT

Introduction to CONSENT

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

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

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

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

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

Contractors and Consultants

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

CONSENT I

17. Various Bids

A. Resurfacing FY2009 A

EPM

Staff Resource: Tim Greene, Engineering & Property Management

Action

Award the low bid of \$4,880,367.81 to Blythe Construction, Inc. This project consists of resurfacing approximately 51 miles of city streets and includes traffic control; asphalt and concrete pavement milling; resurfacing; manhole and water valve adjustments; wheelchair ramps and pavement markings. This project also includes street repairs in an annexed area of the city along John Adams Road and within Rolling Acres subdivision. Construction completion is scheduled for the fourth quarter of 2009.

Small Business Opportunity

Established SBE Goal: 8 %

Committed SBE Goal: 8.32 %

Blythe Construction, Inc. committed 8.32% (\$406,195) of the total contract amount to the following SBE firm: Carolina Cajun Concrete.

Attachment 9

List of streets

B. Kings Drive Pedestrian Refuge

EPM

Staff Resource: Daniel Leaver, Engineering & Property Management

Action

Award the low bid of \$176,465.83 to Red Clay Industries, Inc. The intersection of Baldwin Avenue and Kings Drive will be modified by realigning Baldwin Avenue at Kings Drive. Improvements will also include an eight-foot wide pedestrian refuge island, landscaping, sidewalk and pedestrian scale lighting. This project includes concrete sidewalk, driveways, erosion control, traffic control, utility relocation and utility adjustments. The work is being coordinated with the Little Sugar Creek Greenway construction. This business corridor project will help provide improved pedestrian access to the greenway. Construction completion is scheduled for the third quarter of 2009.

Small Business Opportunity

Established SBE Goal: 5%

Committed SBE Goal: 5.32%

Red Clay Industries Inc. committed 5.32% (\$9,400) of the total contract amount to the following SBE firms: Harvest Environmental Services and SafetyMart.

C. LED Traffic Signal Indications and Pedestrian Signals CDOT

Staff Resource: Scott Putnam, Transportation
Mehl Renner, Business Support Services

Action

Award the low bid unit price contract to RAI, Inc to provide LED signal indications and countdown pedestrian signal indications in the annual amount of \$183,112.50 for the term of one year and authorize the City Manager to renew up to four additional one year terms with possible price adjustments at the time of renewal as authorized by the contract.

The red, amber, and green Light Emitting Diode (LED) signal indications are installed in traffic signals. The countdown pedestrian signals provide the standard hand/person symbol with a time remaining in seconds. The LED's and Countdown signals are parts required for the installation and maintenance of signalized intersections within the City of Charlotte.

The use of LED signal indications reduces energy consumption at most signalized intersections by more than 50% when compared to an intersection equipped with incandescent bulbs. Additionally, LED signal indications have a useful life that is 2.5 times longer than an incandescent signal indication.

Small Business Opportunity

No SBE goals are established for purchases of goods and equipment due to limited opportunities for subcontracting (Appendix Section 18 of the SBO Program).

Attachment 10

Unit Prices

18. Refund of Property Taxes

Action: Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$24,740.85

Staff Resource: Rosemary Lawrence, Finance

Attachment 11

List of refunds
Resolution

19. In Rem Remedy

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

Public Purpose:

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

Policy:

- Housing & Neighborhood Development
- Community Safety

The In Rem Remedy items were initiated from 3 categories:

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

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

Public Safety:

- A. 2511 Dundeen Street (Neighborhood Statistical Area 33 – Washington Heights Neighborhood)
- B. 2720 Marney Avenue (Neighborhood Statistical Area 59 – Grier Heights Neighborhood)

Field Observation:

- C. 409-A Breezewood Drive (Neighborhood Statistical Area 131 – Mallard Creek/Withrow Downs Neighborhood)
- D. 409-B Breezewood Drive (Neighborhood Statistical Area 131 – Mallard Creek/Withrow Downs Neighborhood)
- E. 1213 Fairmont Street (Neighborhood Statistical Area 28 – Oaklawn Neighborhood)
- F. 3045 Ridge Avenue (Neighborhood Statistical Area 7 – Reid Park Neighborhood)
- G. 5413 Skycrest Drive (Neighborhood Statistical Area 126 – Henderson Circle Neighborhood)
- H. 2120 W. Trade Street (Neighborhood Statistical Area 26 – Biddleville Neighborhood)
- I. 416 Wesley Heights Way (Neighborhood Statistical Area 24 – Seversville Neighborhood)

Public Safety:

A. 2511 Dundeen Street

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2511 Dundeen Street (Neighborhood Statistical Area 33 – Washington Heights Neighborhood).

Attachment 12

B. 2720 Marney Avenue

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2720 Marney Avenue (Neighborhood Statistical Area 59 – Grier Heights Neighborhood).

Attachment 13

Field Observation:

C. 409-A Breezewood Drive

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 409-A Breezewood Drive (Neighborhood Statistical Area 131 – Mallard Creek/Withrow Downs Neighborhood).

Attachment 14

D. 409-B Breezewood Drive

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 409-B Breezewood Drive (Neighborhood Statistical Area 131 – Mallard Creek/Withrow Downs Neighborhood).

Attachment 15

E. 1213 Fairmont Street

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1213 Fairmont Street (Neighborhood Statistical Area 28 – Oaklawn Neighborhood).

Attachment 16

F. 3045 Ridge Avenue

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 3045 Ridge Avenue (Neighborhood Statistical Area 7 – Reid Park Neighborhood).

Attachment 17

G. 5413 Skycrest Drive

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 5413 Skycrest Drive (Neighborhood Statistical Area 126 – Henderson Circle Neighborhood).

Attachment 18

H. 2120 W. Trade Street

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2120 W. Trade Street (Neighborhood Statistical Area 26 – Biddleville Neighborhood).

Attachment 19

I. 416 Wesley Heights Way

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 416 Wesley Heights Way (Neighborhood Statistical Area 24 – Seversville Neighborhood).

Attachment 20

CONSENT II

20. Asbestos Survey and Reporting

Action:

A. Approve a contract with Roy Consulting Group Corporation for Asbestos Survey and Reporting for an initial term of two years in an estimated annual amount of \$50,000, and

B. Authorize the City Manager to approve up to three, one year renewal options contingent upon the company's satisfactory performance.

Staff Resource: Mike Jenkins, Neighborhood & Business Services

Explanation

- The Mecklenburg County Air Pollution Control Ordinance adopted by the Mecklenburg County Board of Commissioners requires asbestos surveys prior to demolition of dilapidated properties to identify possible asbestos and to ensure that contractors and surrounding residents are protected from asbestos contamination and proper abatement and disposal.
- The surveys protect public health and safety by identifying asbestos in order to properly abate and dispose
- Neighborhood & Business Services requested 77 surveys last year. Materials containing asbestos were found at 61% of the properties.
- The contract will allow asbestos surveys to be completed in an efficient and timely manner.
- The Housing and Neighborhood Development Committee is currently reviewing the proposed Non-Residential Building Code Ordinance. This contract is necessary for the demolition of residential dwellings and will be used to include non-residential buildings if the ordinance is approved.
- This contract would provide up to 153 surveys annually.

Selection Process

- In response to the Request for Proposals, the City received nine proposals.
- The Evaluation Team, comprised of staff from Business Support Services and Neighborhood & Business Services, evaluated service providers on the following criteria:
 - Background and experience of the company
 - Operational qualifications of personnel
 - Availability and staffing
 - Customer service approach
 - Business processes
 - Willingness and ability to comply with the RFP and contract terms and conditions
 - References
 - Cost of service provision
- After thorough evaluation, the Evaluation Team unanimously selected Roy Consulting Group Corporation as the service provider best meeting the established requirements.

Small Business Opportunity

No SBO goal was set for this contract because subcontracting opportunities are not anticipated (Part C: Section 2.4 of the SBO Policy). Roy Consulting Group Corporation is a woman-owned business.

Funding

Neighborhood Capital Investment Plan

21. Certification of School Officers as Police Reserves

Action: Adopt a resolution ratifying the extension of an interlocal agreement with the Charlotte-Mecklenburg Board of Education under which officers in the Charlotte-Mecklenburg Schools Law Enforcement Division will be certified as CMPD Police Reserves while awaiting passage of pending legislation in the North Carolina General Assembly.

Staff Resource: Deputy Chief Ruth Story, Police
Major Vicki Foster, Police
Judy Emken, Police

Explanation

- The Charlotte-Mecklenburg Schools Law Enforcement Division (CMSLED) was established in 1970 by the Charlotte-Mecklenburg Board of Education (CMBE). The division has a director, deputy director, four detectives and ten patrol officers.
- Law enforcement officers must be certified by a police agency in accordance with the North Carolina Criminal Justice Training and Standards Commission in order to carry firearms and have jurisdiction within the city/county to undertake any law enforcement action.
- CMPD partners with CMSLED on a daily basis to address criminal activity on school property, gang issues, and other activity that impacts the learning environment. CMPD believes it is important to have sworn CMSLED officers working in conjunction with its School Resource Officers to ensure safety in the schools as well as at extracurricular activities.
- In November 2007, City Council passed a resolution permitting CMPD and CMBE to enter into an Interlocal Agreement so that CMPD could hold the certification for CMSLED officers for 18 months while the CMBE sought legislation from the General Assembly to form a stand alone police agency.
- The Interlocal Agreement entered into in November 2007 expires on May 27, 2009.
- Legislation is currently pending in the North Carolina General Assembly to create a CMBE campus law enforcement agency.
- CMPD and CMBE wish to extend the current agreement until the pending legislation is passed, but no later than September 1, 2009.
- CMSLED officers would continue to be certified as Charlotte-Mecklenburg Police Reserves under all the same terms and conditions as the current Agreement.

Attachment 21

Resolution

22. Police Data Network Maintenance and Support

Action:

A. Approve an increase in the previously awarded maintenance contract of \$464,000 with Government Technology Solutions Incorporated for SmartNet Maintenance Support in the estimated total amount of \$50,000 for the two remaining years of the initial three year contract to support growth in the Charlotte-Mecklenburg Police Department's data communications network, bringing the total amount of this contract to an estimated \$514,000, and

B. Authorize the City Manager to approve two additional, one year renewals in an estimated annual amount of \$200,000, with price adjustments as may be required for the maintenance of additional equipment added to the CMPD data communications network.

Staff Resource: Deputy Chief Ken Miller, Police
Greg Crystal, Police

Explanation

- City Council approved this contract on January 28, 2008 for an initial term of three years in an amount not to exceed \$464,000.
- In addition, Council authorized the City Manager to approve two, one year renewal options in an amount not to exceed \$180,000 per year.
- The initial approval on January 28, 2008 did not provide the language to cover the addition or deletion of equipment over the life of the grant. Maintenance costs are based on the actual amount of equipment each year of the contract.
- The change in the contract will add an estimated additional \$25,000 for each of the next two years, making the total estimated value of the contract \$514,000.
- The City Manager would also be given approval to sign two additional, one year renewals in the estimated amount of \$200,000 for each of the two years, with price adjustments for any additional equipment.
- The maintenance agreement provides 24/7 maintenance support and software upgrades on Cisco software and over 850 pieces of network equipment essential to CMPD's computer operations.
- The infrastructure covered by this agreement is a critical component of providing quality customer service to the citizens of Charlotte.

Small Business Opportunity

No SBO goal was set for this contract because subcontracting opportunities are not anticipated (Part C, Section 2.4 of the SBO Policy).

Funding

Police Operating Budget

23. Hydraulic Cylinder Recondition and Rebuild Services

- Action:**
- A. Approve contracts for Hydraulic Cylinder Recondition and Rebuild Services for a term of one year in the estimated annual amount of \$180,000 to the following service providers:**
- Spartan Filtering Systems
 - Hydraulics Express
 - Component Rebuilders
- B. Authorize the City Manager to approve up to four additional, one year renewal options with price adjustments as authorized by the contract, contingent upon the company's satisfactory performance.**

Staff Resource: Charles Robinson, Business Support Services

Explanation

- The Equipment Management Division of Business Support Services (BSS) contracts externally for hydraulic cylinder recondition and rebuild services required for approximately 1,000 off-road vehicles, equipment and heavy duty construction equipment.
- These recondition and rebuild services are critical in reducing operational costs, as well as new equipment and maintenance costs for the City.
- The recondition and rebuild services help minimize equipment downtime through service level agreements included in the contract, thus keeping City-owned equipment operational for the provision of citizen services.
- BSS/Procurement Services Division issued a Request for Proposals twice, on January 6, 2009 and February 18, 2009. Three proposals were received.
- After careful evaluation, the Evaluation Team determined that the three recommended service providers met the established requirements and have the experience and capability to successfully provide the services.
- Awarding to three vendors supports the Equipment Management Division's objective of having multiple equipment sources available to ensure responsive service in a primary and alternate fashion on an as-needed basis.

Small Business Opportunity

No SBO goal was set for this contract because subcontracting opportunities are not anticipated (Part C; Section 2.4 of the SBO Policy).

Funding

Various KBU operating budgets

24. Pressure Hose Repair and Replacement Services

- Action:**
- A. Approve contracts for Pressure Hose Repair and Replacement Services for a term of one year in the estimated annual amount of \$180,000 to the following service providers:**
- Pirtek USA
 - Campbell Brown, Inc.
 - Custom Hydraulics Design
- B. Authorize the City Manager to approve up to four, one year renewal options with price adjustments as authorized by the contract, contingent upon the company's satisfactory performance.**

Staff Resource: Charles Robinson, Business Support Services

Explanation

- The Equipment Management Division of Business Support Services (BSS) contracts externally for pressure hose repair and replacement services required for approximately 1,000 off-road vehicles, equipment and heavy duty construction equipment.
- The repair services are critical in reducing operational costs by minimizing equipment downtime through service level agreements included in the contract.
- BSS/Procurement Services Division issued a Request for Proposals on March 3, 2009. Three proposals were received.
- After careful evaluation, the Evaluation Team determined that the recommended service providers met the established requirements and have the experience and capability to successfully provide the services.
- Awarding to three vendors supports the Equipment Management Division's objective of having multiple equipment sources available to ensure responsive service in a primary and alternate fashion on an as-needed basis.

Small Business Opportunity

No SBO goal was set for this contract because subcontracting opportunities are not anticipated (Part C; Section 2.4 of the SBO Policy).

Funding

Various KBU operating budgets

25. Charlotte-Mecklenburg Public Access Corporation Agreement Modifications

- Action:**
- A. Approve modifications to the agreement with the Charlotte Mecklenburg Public Access Corporation (CMPAC) to transfer funding received from the State of North Carolina's Video Programming Tax Distribution, and**
 - B. Adopt a budget ordinance appropriating \$37,695 received from the State of North Carolina's Video Programming Tax Distribution for FY2009.**

Staff Resource: Charles Robinson, Business Support Services

Explanation

- The NC Video Competition Act (Session Law 2006-151) provided for the transfer of video service provider franchising authority from local governments to the State. This transfer of authority became effective upon the termination or expiration of the current local franchise.
- Under the City's franchise agreement with Time Warner Cable (TWC), funding for CMPAC was provided directly to CMPAC from TWC, based upon a subscriber fee collected by the company. This arrangement ended when TWC terminated its franchise agreement pursuant to the NC Video Competition Act, effective January 31, 2009.
- A component of the transition to State franchising was the City's 2007 certification to the State of the amount of funding it received from the local cable operator pursuant to the local franchise agreement. This certification was used to establish the funding the City would receive from the State under the new law. In its certification, the City included the funding received from TWC for Public, Educational, and Government (PEG) Access Channel support, which included CMPAC funding. The City has since received the certified amount from the State, including the CMPAC funding.

Agreement Modifications

- The recommended modifications to the City's agreement with CMPAC will provide a mechanism for transferring the funding the City receives from the State specific to CMPAC. Specifically, CMPAC will receive 6.6% of the total State distribution to the City, the same percentage that was included in the 2007 certification. The amount to be transferred to CMPAC for FY2010 is \$509,876.32.
- The new Agreement also:
 - Formalizes the reporting requirements for CMPAC to keep the City updated on key operational issues
 - Modifies termination clauses to incorporate changes in legislative activities
 - Updates clauses per the provisions of NCGL 2006-151 and anti-discrimination laws
- The agreement ensures that should the State reduce or fail to provide funding from the sales tax on video programming and telecommunications services, the City has the authority to proportionately reduce or cease funding CMPAC based on the State's action. The CMPAC Board approved the agreement at its April 23, 2009 meeting.

Budget Ordinance

- The proposed Budget Ordinance is necessary to provide CMPAC the balance of payments it is due for the 2009 fiscal year. Since TWC terminated its franchise in January 2009, CMPAC only received payment of two of the three months of the final quarterly payment. The \$37,695 will provide the balance due to CMPAC for this quarter. The City has received this funding from the State's distribution.

Funding

North Carolina Video Programming Tax

Attachment 22

Budget Ordinance

26. **Gannett Fleming Design Contract Amendment #2 for NC 49 & US 29 Interchange Water Main**

Action: Approve Amendment #2, in the amount of \$230,000, with Gannett Fleming for design of a water transmission main to be built in conjunction with the NC 49 & US 29 Interchange project.

Staff Resource: Doug Bean, Utilities

Explanation

- Charlotte Mecklenburg Utilities recently completed a water system master plan that determined a major water line is needed along the corridor of the NC 49 & US 29 Interchange project in the next several years for future growth and to improve area water pressures.
- After reviewing the road improvement plans and the water transmission mains required by the master plan to serve the University City area, staff recommends that the installation of these water mains should occur in conjunction with the road project in order to minimize future pipeline construction disruptions within the roadway corridor.
- In order not to negatively affect the NC49/US29 roadway project final design schedule and minimize the risk of construction conflicts with the water line and road improvements, Utilities staff recommends that the most efficient way to get the water main designed would be to amend the roadway design consultant's contract (Gannett Fleming) to include this additional design work.

Project History

- Funding for the NC49/US29 Interchange Improvement Project was included in the November 1998 voter-approved bond referendum.
- On May 8, 2000 Council approved an agreement with Gannett Fleming in the amount of \$950,100 for design of the road improvements associated with the NC 49 & US 29 Interchange project.
- Amendment #1 was approved by Council on April 24, 2004, in the amount of \$2,009,181, for final design and construction phase services. The new contract total is \$3,189,281.

Small Business Opportunity

All additional work involved in this amendment will be performed by Gannett Fleming and their existing sub-consultants. This amendment complies with Part D: Section 6 of the SBO Program.

Funding

Utilities Capital Investment Plan

27. Private Developer Funds Appropriation

Action: Adopt a budget ordinance appropriating \$119,000 in Private Developer Funds for Traffic Signal Improvements.

Staff Resource: Scott Putnam, Transportation

Explanation

- The budget ordinance estimates and appropriates \$119,000 in private developer funding for traffic signals and work associated with developer projects. The funding is restricted to these projects.
- The following developers are fully funding traffic signal installations/improvements to mitigate traffic impacts around their respective development projects:
 - J&B Development and Management, Inc., contributed \$11,500 for the modification of a signal at the intersection of Archdale Drive and Park Royal Avenue for the Park South Station project.
 - Gateway Homes, LLC, contributed \$33,500 for the modification of a signal at the intersection of Highway 29 and Pavilion Boulevard.
 - KM JDH Beatties Ford, LLC, contributed \$20,500 for the modification of a signal at the intersection of Mt. Holly-Huntersville Road and Beatties Ford Road.
 - Shopton Retail Investors, LLC, contributed \$44,000 for a new signal at the intersection of Steele Creek Road and Dixie River Road for the Shopton Square project.
 - Southside Constructors Inc., contributed \$7,500 for the modification of a signal at the intersection of Community House Road and Providence Road West.
 - Merrifield Partners, LLC/Whitehall Property, contributed \$2,000 for the modification of a signal for the Arrowood driveway.
- The above signals meet the same criteria as other traffic signals approved by the City.
- 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 23

Budget Ordinance

28. Discovery Place Renovations Amendment #1

Action: Approve Amendment #1 for renovation design and phasing with Little Diversified Architectural Consulting, Inc. in the amount of \$355,000 to allow Discovery Place to remain open during renovations.

Staff Resource: Michelle Haas, Engineering & Property Management

Explanation

- On February 27, 2006 City Council approved the Strategy for Funding Cultural Facilities, and in September 2006 the City Council and County Commission approved agreements to complete the funding process for Discovery Place and the four other cultural facilities.
- On August 28, 2006 City Council approved a contract in the amount of \$271,520 for the initial phase of master planning and programming services.
- On June 11, 2007 City Council approved a contract with Little Diversified Architectural Consulting, Inc. in the amount of \$1,643,760 for project administration, design, preparation of construction documents and administration of construction activities for renovations to Discovery Place.
- The original design contemplated that Discovery Place would close for 14 months during construction. Plans were completed to support this effort.
- In October 2008, the Discovery Place Board of Trustees requested the renovations be redesigned and sequenced such that Discovery Place could remain open during construction except for approximately two weeks in May/June. The Board took this position with concerns over the loss of operating revenue with the facility closed in an economic downturn.
- This amendment provides fees to redesign and phase the renovations to support the Board's request.
- Discovery Place understands the request means an increase in design fees. They agreed to reduce the construction budget so the project can remain within the original budget.
- Throughout the fall and winter, scope revisions and phasing options were developed. Once the final scope and work sequence were substantially developed in April, Little was able to more accurately estimate the cost of the redesign.
- The project remains on schedule with a completion date of June 2010.
- The Discovery Place project is funded at \$31.6 million (\$15.6 million for renovations and \$16 million for new exhibits).
- This amendment amount is available in the project budget. No additional funding is being requested.

Small Business Opportunity

All additional work involved in this amendment will be performed by the consultant, Little Diversified Architectural Consulting, and their existing sub-consultants. Little committed 34.36% (\$121,985) of this amendment to the following SBE firm: Elm Engineering (Part D. Section 6 of the SBO Policy).

Funding

Tourism Capital Project Fund

29. Back Creek Church Road Engineering Services

Action: Approve a contract in the amount of \$266,000 with PB Americas, Inc. for engineering planning services for Back Creek Church Road.

Staff Resource: Jim Keenan, Engineering & Property Management
Len Chapman, Engineering & Property Management

Explanation

- This contract will provide an engineering planning study of approximately 2.7 miles of Back Creek Church Road from NC Hwy 49 to Rocky River Road.
- PB Americas, Inc. was selected pursuant to the Council-approved qualifications-based selection process performed in accordance with NC General Statutes.
- This contract is for planning services only. After completion of the planning phase, engineering design services will be secured through an amendment to this contract, a new contract or through a new qualifications selection process.

Background

- In May 2006, the City Council adopted the 25 year Transportation Action Plan (TAP).
- Farm-to-Market (FTM) roads are identified in the TAP and are targeted for improvement when they become deficient in their ability to adequately serve the rapidly developing urban land uses surrounding them.
- The Back Creek Church Road FTM project will provide improved safety and traffic flow in the northeast region of the City. Improvements may include additional lanes, sidewalks, bicycle lanes and landscaping.

Small Business Opportunity

For services based contracts, the City negotiates SBE goals after the proposal selection process (Part C: Section 2.2 of SBO Policy). PB Americas, Inc. committed 6.28% (\$16,707) of the total contract amount to the following SBE firm: Utility Coordination Consultants, Inc.

Funding

Transportation Capital Investment Plan

30. Ponderosa Neighborhood Improvements Design Services

Action: Approve a contract with US Infrastructure of Carolina, Inc. (USI) in the amount of \$178,000 for the design of Ponderosa Neighborhood Improvements.

Staff Resource: Tonia Wimberly, Engineering & Property Management

Ponderosa Neighborhood Improvements

- Planning on this project will be completed in June 2009, under a contract with Mulkey Engineers & Consultants, Inc. for \$142,160, approved by Council on July 28, 2008.
- USI is currently designing the Markland/Wedgefield sidewalk project within the Ponderosa neighborhood.
- USI was selected pursuant to the Council-approved qualifications-based selection process performed in accordance with NC General Statutes for both Neighborhood Improvement and Sidewalk projects.
- Planning and design for the Ponderosa neighborhood improvement project was approved as part of the 2006 bond program.
- This contract will combine the final design of both the sidewalk and neighborhood improvements, enhancing coordination and efficiency.

Background

- The Neighborhood Improvement Program, including this project, typically provides infrastructure improvements such as planting strips, curb and gutter, sidewalks, wheelchair ramps, storm drainage, street resurfacing and traffic calming devices.
- The Ponderosa Neighborhood Improvement project is bounded by West Boulevard, Kenhill Drive, Seymour Drive and the Norfolk Southern Railroad Line.

Small Business Opportunity

For services based contracts, the City negotiates SBE goals after the proposal selection process (Part C: Section 2.2 of the SBO policy). US Infrastructure of Carolina, Inc., committed 2.81% (\$5,000) of the total contract amount to the following SBE firms: On Target Utility Locate Services, Inc. and Joel E. Wood and Associate, P.L.L.C.

Funding

Neighborhood Capital Investment Plan

31. Storm Drainage Improvement Projects Engineering Services

Action: Approve a contract with PB Americas, Inc. in the amount of \$1,000,000 for storm drainage improvement projects.

Staff Resource: Jennifer Smith, Engineering & Property Management

Explanation

- The contract provides funding for planning, design and/or construction administration services to address high priority storm water projects throughout Charlotte as needed.
- The projects will reduce street and house flooding.
- The first project to be initiated under this contract will be McAlway/Churchill Capital Improvement Project. The project boundaries are roughly Meadowbrook Road and North Wendover Road to the north, McAlway Road to the east and south, and Randolph and Sedgewood Circle to the west. The project includes about 325 acres. The area is experiencing structure flooding, road flooding and stream erosion.
- The planning for the McAlway/Churchill Project is estimated to cost approximately \$600,000.
- Additional services under this contract will be determined based on current project ranking procedures or emergency needs and consultant performance. Additional work orders will be issued as the needs arise.
- Amendment of this contract may be needed to finish design and construction services for the McAlway/Churchill Capital Improvement Project, as well as any other projects that are started under this contract.
- The chosen firm was selected pursuant to a Council approved qualifications-based selection process performed in accordance with NC General Statutes.

Small Business Opportunity

For services based contracts, the City negotiates SBE goals after the proposal selection process (Part C: Section 2.2 of the SBO Policy). PB Americas, Inc. committed 4.63% (\$46,255) of the total contract amount with the following certified SBEs: Avioimage Mapping Services Inc., and On Target Utility Locate Services, Inc.

Funding

Storm Water Capital Investment Plan

32. Fire Station 40 Change Order #1

Action: Approve Change Order #1 in the amount of \$203,215 with G.L. Liles Construction Company for Fire Station 40.

Staff Resource: Bruce Miller, Engineering & Property Management
Rich Granger, Fire

Explanation

- This project consists of the construction of a new three-bay fire station at 9720 Harrisburg Road in the eastern part of Mecklenburg County to service the Harrisburg and Hood Road area.

- Change Order #1 provides funding for road improvements required by NCDOT, including widening the two-lane Harrisburg Road section from Camp Stewart Road to Timbertop Lane with an additional 12-foot lane to accommodate left turns.
- This work includes additional layout, traffic control, milling, grading, storm drainage, asphalt paving, thermo-striping and grassing of shoulders.
- These roadway improvements are not typical of previously constructed Fire Stations and were not included in the initial construction bid for the project.
- Prices for Change Order #1 are appropriate for the work.
- Funds are available within the project budget to cover this work.
- Contract completion is scheduled for second quarter of 2010.

History

- On November 24, 2008 City Council approved the adoption of the 2009 Annexation Ordinance and Resolution for the North and South Hood Road area, and this annexation station will provide firefighting service for that area. City Council awarded the original contract of \$3,227,614.72 to G. W. Liles Construction Company, Inc. on December 8, 2008.
- The total contract amount to date including Change Order #1 will be \$3,430,829.72.

Small Business Opportunity

All additional work involved in this change order will be performed by the current contractor, G.W. Liles Construction Company, Inc., and their existing subcontractors. This change order complies with Part D, Section 6 of the SBO Program.

Funding

Government Facilities Capital Investment Plan

33. Land Exchange for the Dixie River Road Realignment

Action:

A. Adopt a resolution authorizing the exchange of real property between the City of Charlotte (portions of PID # 19924102) and Steele Creek Limited Partnership (portion of PIDs # 19924137, 19925123, 19925202, 19924126, 19924101, 19925124, 19924113, 19924115), subject to rezoning of Parcel B in petition #2009-037, and

B. Authorize the City Manager to execute the exchange of land rights between the City of Charlotte and Steele Creek Limited Partnership.

Staff Resource: Jeff Reid, Engineering & Property Management

Explanation

- The Dixie River Road Realignment project involves construction of a new multi-lane roadway connecting Steele Creek Road (NC-160) to Dixie River Road at a new intersection recently built by NCDOT.
- The City of Charlotte acquired a parcel of land for the new roadway. After construction, the central portion of this parcel will be road right-of-way, and the remainder of the parcel will consist of two remnant property pieces, lying on either side of the new road.

- Steele Creek Limited Partnership, an adjoining landowner, has expressed an interest in acquiring the two City-owned remnant pieces for future development.
- The City requires portions of right-of-way from properties owned or controlled by Steele Creek Limited Partnership for construction of the new roadway.
- Steele Creek Limited Partnership has agreed to deed to the City approximately 7.2 acres of its property for road right-of-way for Dixie River Road Realignment, in exchange for the City's conveyance of its remnant parcels consisting of approximately 3.32 acres.
- All of the City land to be deeded to Steele Creek Limited Partnership will be remnant surplus property once this roadway project is constructed.
- Based upon recent property transactions in the area, the properties being exchanged are of equivalent value.

Funding

Transportation Capital Investment Plan

Attachment 24

Resolution

34. NCDOT's Surplus Right-of-Way along Independence Boulevard

- Action:**
- A. Approve the acceptance of surplus Independence Boulevard right-of-way from NCDOT (parcel adjacent to PID # 08117604), and**
 - B. Adopt a resolution authorizing the City Manager to execute a 20 year lease with Commonwealth & Pecan, LLC allowing them to use the newly acquired NCDOT land until it is needed for the future CATS Southeast Corridor project.**

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

Explanation

- NCDOT was approached by The Conformity Corporation, d/b/a Commonwealth & Pecan, LLC (Conformity) to release the surplus right-of-way (R/W) along Independence Boulevard.
- NCDOT was prepared to abandon the R/W to Conformity, the adjacent property owner, but upon inquiries to the City found that CATS is considering a future transit stop on this property.
- CATS does not have an immediate need for the land but does not want to lose the opportunity to construct a transit stop at this high density location. A station plan is attached showing how the transit stop could operate.
- In order to mediate the situation, NCDOT requests the following action:
 - NCDOT will agree to deed the surplus R/W to the City of Charlotte for one dollar, on the condition that the City leases the land to Conformity for one dollar until CATS needs the land.
 - Conformity will use the land for parking and will maintain the property.
 - If CATS determines the land will not be needed for a transit stop, the City will sell the land to Conformity for one dollar.

- Conformity requested, for financing reasons, that the lease term be 20-years, but the City has negotiated the right to cancel the lease with a 180-day written notice after the first five years. CATS concurs they will not need the land until after the five-year period.

Attachment 25

Aerial Map of the property
Proposed Pecan Station Plan
Resolution

35. Fred D. Alexander Boulevard Parcel Settlement

- Action:**
- A. Approve the purchase of a portion of land and easements from Raeford C. Love Trust & Love Grading Company, Inc. Tax ID 035-211-13, for \$132,613, and**
 - B. Approve transferring the City of Charlotte’s remnant parcel, Tax ID 035-055-15, to Raeford C. Love Trust & Love Grading Company, Inc. to provide access to the Love’s remaining parcel on Fred D. Alexander Boulevard.**

Staff Resource: Michael Knox, Engineering & Property Management

Explanation

- The following land rights from the Love family are necessary for the Fred D. Alexander Boulevard project:
 - .433 acre in fee simple
 - .337 acre in permanent slope easement
 - .177 acre in temporary construction easement
- The sellers are being compensated for their land, a sewer line relocation and tank relocation required by the project.
- Total compensation consists of a \$132,613 payment and the transfer of an adjacent City parcel of approximately .89 acre, valued at \$8,000. The City land is not buildable due to several easements, but is valuable for access to Love Grading, which is losing left turn access to and from Brookshire Freeway.
- The Loves have signed an agreement to indemnify the City and to accept the remnant parcel in an as-is condition, being aware of a report indicating potential ground water contamination at the project site. Transferring ownership of this parcel to the Love family reduces the City’s maintenance and liability and places the land back into productive use.
- The City will retain the property as temporary construction easement until the end of the project.

Funding

Transportation Capital Investment Plan

36. Crowder Construction Company Claim Settlement

Action: Approve a payment of \$556,000, in full and final settlement of all Construction Claims by Crowder Construction Company related to the construction of the I-485 Parking Deck, the southern terminus of the LYNX Blue Line.

Staff Resource: John Muth, Transit
John Joye, City Attorney's Office

Background

- The LYNX Blue Line, formerly known as the South Corridor Light Rail Project, opened for revenue service on November 26, 2007.
- The line is anchored at its southern end by an 1120 space parking deck with a green roof that serves as a play field for the neighboring Sterling Elementary School. This facility is known as the I-485 Parking Deck.
- A contract for \$21,389,000 to build the I-485 Parking Deck was executed with Crowder Construction Company (Crowder) on November 11, 2005.
- During the course of the initial construction, Crowder encountered a significant amount of rock and boulders while performing the foundation work for the facility.
- Due to the rock, boulders, and other subsurface conditions, Crowder incurred drilling and excavation costs (and made extra payments to subcontractors) that exceeded the main subcontractor's bid amount by approximately \$2 million.
- Crowder's position was that the extra costs stemmed from changed subsurface conditions that were not appropriately shown in the preliminary geotechnical report, prepared as part of Parson Transportation Group's design, and were not appropriately accounted for by the design; and that the City was responsible for the extra costs.
- City staff agreed that Crowder was due payment for a portion of the claimed extra work, but the proper cost for the work and the amount of the work that should be considered as extra was disputed.
- Under Crowder's contract with the City, Crowder assumed much of the subsurface risk. However, Crowder did not pass on any of that risk to its subcontractors. The extra costs were due at least in part to subcontract pricing formulas that were adverse to Crowder, but not binding upon the City.

Legal & Dispute Resolution Activity Synopsis

- City staff and Crowder negotiated several construction claims over the course of the approximately two years of construction, with the rock and boulders being the primary dispute.
- Crowder and staff were not able to resolve the claims and disputes and Crowder filed a construction claim suit against the City on April 24, 2008.
- The lawsuit claimed that Crowder was owed an additional \$2,939,377.67.
- On May 4, 2009 a mediation was held between Crowder and the City with the result that Crowder has agreed that it will enter into a full and final settlement with the City for \$556,000.
- City staff recommends that this settlement be approved as a fair and equitable resolution of the final construction disputes stemming from a successfully built and operable city facility.

Funding

Transit Fund

37. Property Transactions

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

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

Acquisitions

- A. Project:** Fire Station 40 - Harrisburg Road, Parcel # 11
Owner(s): First Korean Presbyterian Church of Charlotte
Property Address: 9832 Harrisburg Road
Property to be acquired: 5,730 sq. ft. (.132 ac.) in Fee Simple, plus 32,648 sq. ft. (.749 ac.) in Existing Right-of-way, plus 15,458 sq. ft. (.355 ac.) in Guy Easement and Overhead Electrical Easement, plus 6,418 sq. ft. (.147 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$16,845
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: R-3
Use: Single Family Residential
Tax Code: 111-092-05
Total Parcel Tax Value: \$342,100
- B. Project:** McAlpine Creek Relief Sewer Phase 2, Parcel # 20
Owner(s): Keith A. Kelly and Andra E. Kelly
Property Address: 4019 River Ridge Road
Property to be acquired: 11,418 sq. ft. (.262 ac.) in Sanitary Sewer Easement, plus 6,072 sq. ft. (.139 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$21,000
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: R-3
Use: Flum/Floodway (No Build Zone)
Tax Code: 211-175-23
Total Parcel Tax Value: \$405,000

Condemnations

- C. Project:** McAlpine Creek Relief Sewer Phase 2, Parcel # 17
Owner(s): John P. McPherson and Frances T. McPherson and any other Parties of Interest
Property Address: 6120 Ryder Avenue
Property to be acquired: Total Combined Area of 15,261 sq. ft. (.350 ac.) of Sanitary Sewer Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None

Purchase Price: \$925

Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.

Zoned: R-3

Use: 100 Year Flood Plain

Tax Code: 211-341-02

Total Parcel Tax Value: \$76,400

- D. Project:** Shasta Lane Sidewalk, Parcel # 17
Owner(s): David C. Dupuy and any other Parties of Interest
Property Address: 439 Shasta Lane
Property to be acquired: Total Combined Area of 2,020 sq. ft. (.046 ac.) of Sidewalk and Utility Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$2,425
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-3
Use: Single Family Residential
Tax Code: 185-142-31
Total Parcel Tax Value: \$238,400
- E. Project:** South Corridor Light Rail, Parcel # 318
Owner(s): Lincoln-Morehead II, LLC and any Other Parties of Interest
Property Address: 1001 Morehead Square Drive
Property to be acquired: Total Combined Area of 16,322 sq. ft. (.375 ac.) of Utility Easement, Access Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$240,621
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: UMUD
Use: Commercial
Tax Code: 123-011-01
Total Parcel Tax Value: \$19,004,800

38. Meeting Minutes

<p>Action: Approve the titles, motions and votes reflected in the Clerk's record as the minutes of:</p> <ul style="list-style-type: none"> - April 6, 2009 - April 13, 2009 - April 15, 2009 Budget Retreat
