

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

Tuesday, May 28, 2013

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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19	24	University City Boulevard Pathway
26	31	LYNX Blue Line Extension Project – Advanced Public Utility Relocations
30	34	Blue Line Extension Property Transactions F, G, and H

**CITY COUNCIL AGENDA
Tuesday, May 28, 2013**

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7:00 P.M. Council Business Meeting		
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5:00 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. 2030 Transit Plan Update with the Transit Funding Working Group Recommendations

Resources: Mayor Jill Swain, Town of Huntersville
David Howard, Council member
Carolyn Flowers, Transit

Time: 60 minutes

Synopsis

- The 2030 Transit Plan was last updated in 2006 by the Metropolitan Transit Commission (MTC).
- Since adoption of the transit plan, the Great Recession caused a 22% drop in the local sales tax revenue and reduced funding from constrained state and federal budgets. Also, there has been a slower growth rate in future sales tax receipts than previously projected.
- In the winter of 2013, the MTC established the Transit Funding Working Group to:
 - Review funding shortfalls caused by the Great Recession;
 - Review the effects of reduced sales tax revenue to the transit funding plan; and
 - Develop a new strategy and set of tools that the MTC and its partners (the towns and city within Mecklenburg County) could use to advance the entire transit plan.
- The presentation will cover:
 - A review of the 2030 Transit Plan;
 - An update on the Red Line; and
 - The process and recommendations from the Transit Funding Working Group.

Future Action

The presentation is for information only.

3. 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.

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

7:00 P.M. COUNCIL BUSINESS MEETING

CONSENT

- 4. Consent agenda items 13 through 30 may be considered in one motion except those items removed by a Council member. Items are removed by notifying the City Clerk.**

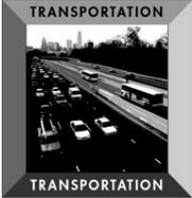
Consideration of Consent Items shall occur in the following order:

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

POLICY

5. City Manager's Report

6. FY2014 & FY2015 Transit Operating Budget and FY2014-2018 Transit Capital Investment Plan



- Action:**
- A. Approve the FY2014 & FY2015 Transit Operating Budget, approved by the Metropolitan Transit Commission on April 24, 2013,**
 - B. Approve the FY2014-2018 Transit Capital Investment Plan, approved by the Metropolitan Transit Commission on April 24, 2013, and**
 - C. Approve the FY2014-2018 Transit Debt Program, approved by the Metropolitan Transit Commission on April 24, 2013.**

Staff Resources: Carolyn Flowers, Transit
Dee Pereira, Transit

Policy

The Transit Governance Interlocal Agreement calls for the Metropolitan Transit Commission (MTC) to annually approve a Transit Operating Program and a Transit Capital Program by April 30. Following the MTC approval, the Transit Operating and Capital Programs are forwarded to the City Council for approval. Upon approval, the City Council shall fund the programs through its budget process and/or project ordinances.

Explanation

- On April 24, 2013, the MTC approved the FY2014 & FY2015 Transit Operating Budget and the FY2014-2018 Transit Capital Investment Plan, which were developed in compliance with MTC Financial and Fare Policies.
- The proposed FY2014 & FY2015 Transit Operating Budget and the proposed FY2014-2018 Transit Capital Investment Plan provides:
 - Core mass transportation services; and
 - A structurally-balanced financial plan.

FY2014 & FY2015 Transit Operating Budget

- The operating budget:
 - Reflects a 2.3% growth in income and a 3.6% growth in annual operating and maintenance;
 - Includes an 11% increase in the fuel budget; and
 - Includes an additional 7,198 bus revenue service hours.

Approved FY2014 & FY2015 Transit Operating Budget		
	FY2014	FY2015
Operating Income	\$138,388,914	\$145,265,030
Operating Expense	\$110,245,357	\$114,072,771

FY2014-2018 Transit Capital Investment Plan

- The Transit five-year Capital Investment Plan includes:
 - Asset maintenance;
 - Advancing the LYNX Blue Line Extension into construction;
 - Next steps for future rapid transit projects;
 - Upgrades to the radio system and fare boxes; and
 - Debt from three debt issuances for the LYNX Blue Line Extension project (\$125 million in short-term debt, a \$300 million private placement, and \$147 million in long-term debt).

Approved FY2014-2018 Transit Capital Investment Plan	
Capital Income	\$1,358,015,791
Capital Expense	\$1,189,562,158

Transit Debt Service Reserve Fund

In FY2014, \$2.5 million from sales tax revenue should be directed to this fund.

Community Input

- The Citizens Transit Advisory Group reviewed the FY2014 & FY2015 Transit Operating Budget and the FY2014-2018 Transit Capital Investment Plan and recommended adoption by the MTC.
- The Transit Services Advisory Committee received a presentation on the proposed budget on February 14, 2013.
- The MTC approved the FY2014 & FY2015 Transit Operating Budget and the FY2014-2018 Transit Capital Investment Plan on April 24, 2013.

Attachment 1

MTC - Action Item
Budget Summary

7. CityLYNX Gold Line Phase 2



- Action:**
- A. Approve the Economic Development Committee recommendation regarding the City Manager’s CityLYNX Gold Line Phase 2 Proposal,**
 - B. Authorize the City Manager to apply for federal grant and loan funding for 50% of the CityLYNX Gold Line Phase 2, and**
 - C. Adopt a budget ordinance to allocate \$63 million in existing General Capital Investment Pay-As-You-Go and Municipal Debt Service Funds to provide a 50% City local match for the CityLYNX Gold Line Phase 2.**

Committee Chair: James Mitchell

Staff Resources: Ruffin Hall, City Manager’s Office
Jeb Blackwell, Engineering & Property Management
Carolyn Flowers, Transit
Patrick Mumford, Neighborhood & Business Services

Overview

- In April 2013, the City Manager requested an opportunity to review and analyze the CityLYNX Gold Line Phase 2 Project.
- Following a City staff review of all aspects of the CityLYNX Gold Line Phase 2 Project, the City Manager presented to City Council at the May 13 Dinner Briefing an updated plan and recommendation to move forward.
- Approval of this agenda item advances CityLYNX Gold Line Phase 2 as described in the Manager’s Recommendation Paper. Additional supporting detail is included in the attached CityLYNX Gold Line Recommendation Paper.
- The CityLYNX Gold Line recommendation and plan for moving forward will be consistent with the recommendations of the Transit Funding Working Group, the Metropolitan Transit Commission, and the adopted 2030 Transit Plan.
- Assuming City Council approval, the Business item for the TIGER grant, on page 14 of the agenda, authorizes staff to proceed with the first grant opportunity.

Explanation

- The City Manager’s recommendation included:
 - Request that the Metropolitan Transit Commission (MTC) endorse branding the “streetcar” element of the 2030 Transit Plan as the “CityLYNX Gold Line”.
 - Request that the MTC endorse the City’s application for federal grant and loan funding for CityLYNX Gold Line Phase 2, with the City providing a 50% local match.
 - Recommend that City Council, at its May 28th Council Business Meeting: authorize staff to prepare and submit applications for federal grant and loan funding for the CityLYNX Gold Line Phase 2; and authorize the reallocation of unexpended and unobligated balances in the City’s General Capital Investment Pay-As-You-Go and Municipal Debt Service Funds to provide either cash or debt payments up to 50% of the cost of the CityLYNX Gold Line Phase 2, providing that such amounts not exceed the non-property tax revenue sources.
- In addition to the above recommendations, the CityLYNX Gold Line Recommendation Paper (attached) includes:

- Project descriptions such as cost, vehicles, alignment, and operations;
 - The policy rationale around the CityLYNX Gold Line, including economic development, community connections, and transit system relationships;
 - Branding and marketing strategies;
 - Funding frameworks including federal grants and loans and local revenue sources; and
 - Relationships to the current Transit System policy framework, such as those of the MTC and the recommendations from the Transit Funding Working Group.
- BAE Urban Economics (BAE) completed an Economic Development Update Study on the economic development impacts from the 4-mile segment covering CityLYNX Gold Line Phase 1 and 2. A copy of the BAE Summary Study is attached. Highlights of the study show the following economic impacts by 2035:
 - 1.1 million or more square feet in new development, including:
 - 276,700 square feet of additional office space
 - 21,800 square feet of additional retail space
 - 731 additional residential units
 - 101 additional hotel rooms
 - Increase in incremental property tax revenues could range from \$4.7 million to \$7 million per year by 2035.
 - The CityLYNX Gold Line is an integral part of the approved 2030 Transit Plan, supporting connections to employment, small businesses, entertainment, educational institutions, healthcare, and so on. Additionally, the CityLYNX Gold Line represents a critical connection for the efficient and robust operation of the overall transit system, including linking the future Red Line at Gateway Station to the Blue Line at the Charlotte Transportation Center.

CityLYNX Gold Line Phase 2 Description

- CityLYNX Gold Line Phase 2 will add 2.5 miles to the previously approved 1.5 mile Phase 1 project currently under construction, creating a 4-mile segment of permanent transit infrastructure.
- CityLYNX Gold Line Phase 2 will extend west from the Charlotte Transportation Center to French Street (2.0 miles) and east along Hawthorne Lane from Presbyterian Hospital to Sunnyside Avenue (0.5 miles).
- The 2.5-mile alignment of Phase 2 will have 11 stops, adding to the six stops along the 1.5-mile Phase 1 alignment.
- The combined 4-mile alignment of Phase 1 and 2 will connect the Charlotte Transportation Center and the LYNX Blue Line with the proposed Gateway Station that will service the proposed LYNX Charlotte Transportation Center, Red Line, Greyhound, and future Amtrak service.
- The estimated total capital funding of \$126 million will be needed to construct the 2.5-mile CityLYNX Gold Line Phase 2.
- Annual operating cost in the first year of operation is estimated to be \$3.3 million to support vehicle operations, basic equipment maintenance, and safety and security. An additional approximately \$1 million per year will be required to build a capital maintenance reserve to perform regular vehicle overhauls every five years and mid-life overhauls every 15 years.
- It is important to note that cost projections are based on current estimates. The \$126 million estimated capital cost will need to be escalated and the ultimate cost will be higher depending on when approvals are granted.

Funding Framework

- Staff recommends a 50-50 federal and local funding split.
- In staff's assessment, the CityLYNX Gold Line would be highly competitive in an application for federal funds.
- Capital funding, to cover the City's 50% local match, for the CityLYNX Gold Line Phase 2 would come from the use of unallocated and contingent capital accounts in the Municipal Debt Service Fund and the Pay-As-You-Go Fund in the General Capital Investment Plan.
- Staff has concluded that the City's \$63 million local share is well within an amount that can be funded from the non-property tax revenues of sales tax, interest on investments, vehicle rental tax, and other non-property tax revenues within these General Capital Investment Funds.
- None of the 3.17-cent recommended increase in the property tax for the FY2014-2018 General Capital Investment Plan would be used for the CityLYNX Gold Line.
- Funding for operations of the CityLYNX Gold Line will be provided from a variety of sources including ridership fares, advertising, naming rights, and potentially some form of property-based value capture revenue from sources such as Tax Increment Financing districts, Special Assessment Districts, or Municipal Service Districts.
- Operating funds will not be needed until 2019 at the earliest. The City will continue to work with the MTC for new sources of transit funding.

Council and Committee Meeting Discussions

- At the May 13 Dinner Briefing, City Council authorized staff to submit a request to the MTC at their next meeting on May 22 to:
 - Endorse branding the "streetcar" element of the 2030 Transit Plan as the "CityLYNX Gold Line", and
 - Endorse the City's application for federal grant and loan funding for CityLYNX Gold Line Phase 2, with the City providing a 50% local match.
- At the May 22 meeting, the MTC received the Transit Funding Working Group's report on options to address the entire transit system.
- Staff will provide an update of the MTC discussion in the Council-Manager Memo on Friday, May 24.
- At their May 16 meeting, the City Council Economic Development Committee received an updated report from BAE on economic development impacts from the 4-mile segment covering CityLYNX Gold Line Phases 1 and 2 (attachment three).
- Following the BAE presentation, the Economic Development Committee voted 3-1 (Mitchell, Howard, and Mayfield voted yes; Cooksey voted no; Cannon was absent) in favor of the City Manager's CityLYNX Gold Line Recommendation. The data presented in BAE's report will be incorporated into the CityLYNX Gold Line plan going forward.

Funding

Federal grants and loans and General Capital Investment Fund

Attachment 2

CityLYNX Gold Line Recommendation Paper

CityLYNX Gold Line Recommendation PowerPoint Presentation

CityLYNX Gold Line: BAE Economic Development Update Study Summary

CityLYNX Gold Line: BAE Economic Development Update Study PowerPoint Presentation

Staff responses to City Council questions on CityLYNX Gold Line

Budget Ordinance

8. Eastland Mall Demolition



- Action:**
- A. Approve the Economic Development recommendation for the demolition of Eastland Mall,**
 - B. Award the low bid contract of \$871,520 to Environment Holdings Group, LLC for Eastland Mall demolition, and**
 - C. Authorize the City Manager to execute the contract at discretion pursuant to receipt and evaluation of Eastland Mall proposals.**

Committee Chair: James Mitchell

Staff Resources: William Haas, Engineering & Property Management
Peter Zeiler, Neighborhood & Business Services

Explanation

- On July 23, 2012, City Council approved the acquisition of 80.4 acres at the former Eastland Mall site.
- Engineering & Property Management staff is coordinating the day-to-day facilities management and upkeep, and Neighborhood & Business Services (N&BS) staff is leading a disposition process for the site.
- In December 2012, N&BS staff released a Request for Qualifications (RFQ) to gauge market interest and received seven responses. In March 2013, N&BS issued a Request for Proposals (RFP) to three of the seven RFQ respondents.
- Two of the three RFP invitees have accepted the invitation and are expected to submit proposals by the May 30th deadline. Both proposing teams have indicated they do not foresee a viable adaptive reuse of the buildings on site.
- Maintenance, repair, utilities, security, and general site cleanup expenditures have totaled \$351,607 for the time period from September 1, 2012, through April 19, 2013. Every effort has been made to lower ongoing costs, but deferred maintenance by previous owners is expected to lead to significant repair expenses in the near future.
- Ongoing building maintenance and operation costs for FY2014 are estimated over \$500,000 per year. In addition, there are unknown costs associated with maintaining the structures in their vacant state. These risks include vandalism, theft, and further deterioration to building systems.
- Demolition of the buildings will significantly reduce ongoing maintenance costs and help avoid future repair costs while not hampering any future redevelopment of the site. Maintenance costs post-demolition are estimated at \$95,000 per year to include landscape maintenance and site lighting.
- The demolition project includes seven structures to be demolished and is approximately 1.2 million square feet. The structures include the in-line mall space, the anchor store spaces originally occupied by Sears, JC Penney, Belk, Dillard's, a former Firestone Service Center, and former Hollywood Video. The demolition bid proposal has been extended to July 17, 2013. After this date, the City would be required to rebid the demolition.
- According to Environmental Holding Group, an estimated 80% of material has been identified for salvage and recycling. This number includes a conservative approach for unknowns, fluctuating market rates, and environmental mitigation.
- The six month demolition is scheduled to be complete early in the first quarter of 2014.

- Demolition will be funded through the Eastland Area Infrastructure Fund, which has a current balance of \$2,304,000.

Committee Discussion

On May 2, 2013, the City Council Economic Development Committee received a staff presentation and analysis of demolition of the buildings and voted unanimously (Mitchell, Cannon, Cooksey, Howard, and Mayfield) to recommend the demolition of Eastland Mall.

Small Business Opportunity

Established SBE Goal: 10.00%

Committed SBE Goal: 10.90%

Environment Holdings Group met the established SBE goal and committed 10.90% (\$95,000) of the total contract amount to the following SBE firms: Stinson Trucking (hauling), TWD Enterprises (hauling), and Russo Construction (hauling).

Funding

General Capital Investment Plan

9. Charlotte-Mecklenburg Youth Council



Action:

- A. Approve the Economic Development Committee recommendation to fund the Charlotte-Mecklenburg Youth Council,**
- B. Authorize the City Manager to execute a contract with GenerationNation in the amount of \$34,000 to administer a Charlotte-Mecklenburg Youth Council, and**
- C. Adopt a budget ordinance appropriating \$34,000 from the FY2013 City Council Discretionary Fund to administer a Charlotte-Mecklenburg Youth Council.**

Committee Chair: James Mitchell

Staff Resource: Aisha Alexander, Neighborhood & Business Services

Explanation

- The purpose of the Charlotte-Mecklenburg Youth Council (Youth Council) will be to engage high school aged youth in order to:
 - Increase student knowledge about and interest in local government, civic issues, problem-solving, and leadership;
 - Increase opportunities for meaningful youth involvement in city policy and decision-making;
 - Highlight civic issues of importance to children and youth; and
 - Offer youth as a resource for public officials and civic leaders.
- GenerationNation, formerly Kids Voting, is a non-profit, K-12 civic education and youth civic leadership organization. For the past 20 years, GenerationNation has successfully engaged over 100,000 Charlotte-area students in civic and leadership experiences.
- The organization also provides non-partisan, non-issue-based programming based on civic education, engagement, and leadership with emphasis on problem-solving, critical thinking, and local government.

- GenerationNation will be responsible for the administration of the Youth Council with staff support from the City’s Neighborhood & Business Services Department, Mecklenburg County, and Charlotte-Mecklenburg Schools (CMS).
- Mecklenburg County and CMS have also committed to support the Youth Council with staff resources and in-kind support. Mecklenburg County will also fund the efforts in the amount of \$12,000, and GenerationNation has committed \$25,500.
- The proposed Youth Council’s budget and funding sources are:

Expense Line Item Descriptions	Amount
Staffing, Office, and Equipment	\$22,000
Training Conference and Summits	21,000
Miscellaneous Expenses	12,500
Communications	10,000
Meetings (rental space)	5,000
Travel (50 roundtrip transit passes)	1,000
Total	\$71,500

Funding Sources	Amount
Request of City of Charlotte	\$34,000
GenerationNation Commitment	25,500
Mecklenburg County Commitment	12,000
Total	\$71,500

Background

- At the April 9, 2012, Council Dinner Briefing, City Council requested staff consider the development of a Charlotte-Mecklenburg Youth Council. After research of best practices in youth council administration, consultation with area youth councils, and a review of internal resources, staff recommends contracting with GenerationNation in order to:
 - Leverage and expand upon GenerationNation’s proven youth civic engagement platform and experience;
 - Build stronger partnerships with CMS and Mecklenburg County to serve and engage youth; and
 - Increase youth engagement in City government while being fiscally responsible.
- Youth Council components will include:
 - Leadership Alliance – provides opportunities for high school student engagement to include:
 - Open monthly meetings,
 - Dialogues with leaders,
 - Youth forums on civic issues and youth priorities, and
 - Social media and student journalism
 - Youth Committees – provides opportunities for engagement around specific issues
 - Teens will have the opportunity to serve on committees aligned to focus areas and other critical issues impacting children and youth, and provide a ready student resource for task forces and leaders seeking youth perspectives.
 - Elected Executive Board – provide opportunities to serve in leadership roles
 - Leadership roles include chairing the Youth Council and committees, reporting to City Council on Youth Council work, and other governance responsibilities.

- Leadership is elected by ballot at a designated meeting or through other means, such as an electronic or text message ballot.
- The current FY2013 Council Discretionary account balance is \$63,192. If this action is approved, the remaining balance will be \$29,192.

Committee Discussion:

- On May 16, 2013, the Economic Development Committee voted unanimously (Mitchell, Cannon, Cooksey, Howard, and Mayfield) to recommend funding for the Youth Council.

Funding

FY2013 Council Discretionary account

Attachment 3

Budget Ordinance

BUSINESS

10. 2013 U.S. Department of Transportation National Infrastructure Investments Grant

Action:

- A. Authorize the City Manager to apply for a Transportation Investments Generating Economic Recovery (TIGER) grant and adopt a resolution of support for the Blue Line Capacity Expansion Project Phase 2,**
- B. Authorize the City Manager to apply for a TIGER grant and adopt a resolution of support for the CityLYNX Gold Line Phase 2, and**
- C. Adopt a resolution of support for the North Carolina Department of Transportation-sponsored project for I-77.**

Staff Resources: Carolyn Flowers, Transit
Jeb Blackwell, Engineering & Property Management
Danny Pleasant, Transportation

Explanation

- The Transportation Investments Generating Economic Recovery (TIGER) grants are authorized and funded by the U.S. Department of Transportation (USDOT) for transportation infrastructure projects. Four previous rounds of TIGER grants were authorized in 2009, 2010, 2011, and 2012.
- On April 22, 2013, USDOT issued a Notice of Funding Availability for the fifth round of TIGER competitive grants.
- This round, referred to as TIGER V, provides a total of \$473.8 million nationally with a minimum project amount of \$10 million and a maximum combined award for any one state of \$118.75 million.
- Successful projects will be required to obligate funds by September 2014.
- Staff proposes to submit two City-sponsored applications and to support one application being prepared by the North Carolina Department of Transportation (NCDOT).
- TIGER grant guidelines limit any single applicant to three project submissions.
- The application deadline is June 3, 2013.

City-Sponsored Projects

Blue Line Capacity Expansion Project Phase 2 (project cost \$25 million)

- Transit is seeking \$20 million in TIGER V funds and will provide the required 20% local match of \$5 million from the Transit Fund,
- The construction of the Blue Line Extension Project will include three-car platforms. The ultimate operating plan requires that the South Corridor Blue Line systems, controls, and platforms be upgraded to accommodate three-car trains before 2025 when ridership demand will require the extra capacity.
- Transit received an \$18 million TIGER III grant in 2011 for the Blue Line Capacity Expansion Program. This grant is being used to:
 - Increase the power along the South Corridor Blue Line to operate three-car trains,
 - Lengthen two platforms (I-485 and Stonewall) for three-car trains; and
 - Advance the design of four to five more stations to an advanced level for future expansion.

- The TIGER V grant would complete the design and construction of an additional six stations in conjunction with the TIGER III work.
- The additional capacity at these stations would increase operational efficiencies during special events, which create unusual peak demands and advance implementation of three-car platforms along the entire line.
- If Transit receives an award from the TIGER V Program, it will be in a position to obligate the funds by September 2014.

CityLYNX Gold Line Phase 2 to Charlotte Gateway (project cost \$48 million)

- The CityLYNX Gold Line Phase 1 Project, which received a \$24.9 million grant in July 2010, from the USDOT Urban Circulator Program, is under construction from the Charlotte Transportation Center (CTC) next to the Time Warner Arena to Presbyterian Hospital.
- A TIGER V grant award would:
 - Provide funding for a portion of the second phase of the CityLYNX Gold Line project that would extend the line one-half mile west from CTC to the Gateway Village Area of West Trade Street;
 - Purchase three modern streetcar vehicles, preferably hybrid, to retire the Gomaco trolleys, and
 - Upgrade the existing CityLYNX Gold Line stop platforms for level boarding with the new vehicles.
- The combined project would provide a 2-mile streetcar line from Gateway Village to Presbyterian Hospital, operating with modern streetcars and with a total of nine stops.
- \$24 million in TIGER V funds are being sought with \$24 million in local match coming from the City's existing General Capital Investment fund balances.
- Application submission is consistent with the City Manager's CityLYNX Gold Line implementation strategy presented earlier in the agenda on page 10. Based on the City Manager's presentation, an additional 2-mile portion of the CityLYNX Gold Line Phase 2 is proposed to be funded with 50% General Capital Investment funds and 50% additional federal grants.

North Carolina Department of Transportation-Sponsored Project

I-77 High Occupancy/Toll (HOT) Lanes (project cost \$500-550 million)

- The NCDOT is proposing to widen I-77 from I-277 Brookshire Freeway in Charlotte to Catawba Avenue (Exit 28) in Cornelius to provide two HOT lanes in each direction and to add one HOT lane in each direction from Catawba Ave to NC 150 (Exit 36) in Iredell County. In addition, the HOT lanes will have a direct connection to and from I-277 Brookshire Freeway.
- The existing high occupancy vehicle (HOV) lanes on I-77 would be converted to HOT lanes, and additional HOT lanes would be added to complete the two HOT lanes in each direction in the middle portion of the project.
- NCDOT is pursuing a public-private partnership for this project and would use the TIGER V funding to reduce the government supplement to the project to close the funding gap. Presently, \$170 million in state/federal funding are needed to advance this project. The design and construction is estimated to cost \$500 to \$550 million.
- NCDOT and the successful public-private partnership will provide the overmatch for this project.
- NCDOT has requested that the City of Charlotte provide a resolution of support for this project.
- On May 2, 2013, the Technical Coordinating Committee of the Mecklenburg-Union Metropolitan Planning Organization (MUMPO) recommended that the MUMPO board incorporate the proposed I-77 public-private partnership project into the

long-range transportation plan. The MUMPO board is scheduled to act on this recommendation on May 22, 2013.

Funding

Transit Fund and General Capital Investment Fund

Attachment 4

Resolutions

11. Conclusion of Consent Agenda

Action: Approve consent items that Council members pulled for discussion or additional information.

12. 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. The SBO Program Policy is referenced at the end of Consent.

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."

13. Police Patrol Boat

Action: **A. Approve a low bid unit price contract with Silver Ships Inc. for the purchase of patrol boats for a three-year term, and**

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

Staff Resource: Eddie Levins, Police

Explanation

- The current patrol boat, purchased in 1997, is used on Lake Norman by the Lake Enforcement Unit of the Charlotte-Mecklenburg Police Department.
- Due to age, the current patrol boat has required repeated repairs, and because of the size and space, it is not functional for duties performed by Lake Enforcement Officers.
- The new patrol boat has more space for officers during medical, rescue, and enforcement-related efforts on the lake. It also has additional storage space for both police and rescue equipment and supplies, and better lighting for nighttime enforcement.
- Shared Services' Procurement Management Division issued an Invitation to Bid on April 15, 2013; two bids were received.
- The cost of a fully-equipped boat is \$203,623.08.
- The contract is written as a unit price should police need to purchase an additional boat during the life of the contract.

Small Business Opportunity

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

Funding

Police Operating Budget

Attachment 5

Photo

14. Firefighting Foam Contract

- Action:**
- A. Approve the purchase of Thunderstorm foam, as authorized by the sole source exemption of G.S. 143-129(e) (6), and**
 - B. Approve a unit price contract with Williams Fire & Hazard Control, Inc. for the purchase of F603B Thunderstorm foam for a five-year term.**

Staff Resource: Rich Granger, Fire

Sole Source Exemption

- G.S. 143-129 (e) (6) provides that formal bidding requirements do not apply when:
 - Performance or price competition are not available;
 - A needed product is available from only one source or supply; or
 - Standardization or compatibility is the overriding consideration.
- Sole sourcing is necessary because Williams Fire & Hazard Control, Inc. is the manufacturer and sole distributor of the Thunderstorm product.

Explanation

- The Charlotte Fire Department uses Thunderstorm foam to combat chemical-based fires.
- Due to incompatibility, purchasing a different type or brand of foam would require draining all tanks and replacing all foam carried by the City's fire companies, which is not cost effective.
- Fire typically purchases eight totes of foam per year however; the number can fluctuate based on the need for foam at major incidents.
- The annual expenditures are estimated to be \$52,000 for the first year of the contract, and in subsequent years may fluctuate according to the consumer price index.

Small Business Opportunity

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

Funding

Fire Operating Budget

15. Fire Station 20 Expansion Project

Action: Award the low bid contract of \$339,320 to W.C. Construction Company, LLC for Fire Station 20 Expansion Project.

Staff Resources: Rich Granger, Fire
William Haas, Engineering & Property Management

Explanation

- Fire Station 20 was constructed in 1974 and is located at 9400 Nations Ford Road.
- The expansion of this facility will provide an additional 1,400 square feet of space to allow continued operations and defer the need for replacing stations with new facilities. New construction will include a weight room, men's and women's bathrooms and locker rooms, and new mechanical and electrical systems.
- Currently, the female locker room facilities do not appropriately accommodate staff.
- In addition firefighters are required to pass a physical fitness requirement each year, which requires an appropriate fitness program. As a result, the Charlotte Fire Department standard is to have exercise facilities onsite at every station to allow firefighters to exercise and remain on-site for emergency response.
- Funding of \$400,000 per year over five years is included in the approved FY2013-2017 General Capital Pay-As-You-Go fund for the renovation of older fire stations.
- Under this program, six of 30 existing stations have been renovated or expanded to date. Existing stations are evaluated each year to determine which stations are the next priorities. Evaluation is based on staffing and facility improvement needs.
- Construction completion is scheduled the first quarter of 2014.

Small Business Opportunity

Established SBE Goal: 9.00%

Committed SBE Goal: 12.38%

W.C. Construction Company, LLC exceeded the established SBE goal and has committed 12.38% (\$42,000) of the total contract amount to the following SBE firms: Coed Electrical Services, Inc. (electrical) and Stevens Interiors, Inc. (drywall).

Funding

General Capital Investment Plan

16. Police Westover Division Lease Renewal

Action: **A. Approve a lease renewal with Richard H. Marbut Properties, LLC, for office space for the Charlotte-Mecklenburg Police Department Westover Division at 1540 West Boulevard, and**

B. Authorize the City Manager to execute any lease-related documents.

Staff Resources: Katrina Graue, Police
 Robert Drayton, Engineering & Property Management

Explanation

- The Charlotte-Mecklenburg Police Westover Division currently leases 7,000 square feet of space in the City West Commons Shopping Center. Police plans to renew the lease and add 1,500 square feet in the same development.
- The Division has been in this location since 2003.
- The Westover Division is the smallest division office, and the addition of more space will help meet the operation needs until the construction of a new facility.
- The additional space will accommodate a gym and storage for equipment; it does not require any renovations.
- The lease agreement is for 8,500 square feet in the City West Commons Shopping Center located at 1540 and 1520-D West Boulevard.
- The Proposed FY2014-2018 Capital Investment Plan includes funding in FY2014 to construct a new Westover Division Police Station. If approved by City Council, the Westover Station is expected to be completed by 2016.

Terms of the Lease Agreement

- 8,500 square feet of office in 1540 and 1520-D West Boulevard.
- The lease will commence August 1, 2013 and terminate July 31, 2018 however; the City has the ability to terminate the lease at the end of year three with six months prior notice to coincide with the completion of the new station.
- The initial lease rate will be \$10.00 per square foot for office space located at 1540 West Boulevard and \$11.00 per square foot for retail space located at 1520-D West Boulevard (\$86,500 for the first year).
- The rental rates are lower than rates in the market place for comparable office and retail space.
- The rental rate will be fixed for the first two years and will increase 3% every first of July for the last three years for space at 1520-D West Boulevard. The rate for the space at 1540 West Boulevard will increase to \$11.00 per square foot in year two, \$12.00 per square foot in year three, and \$12.50 per square foot in years four and five if the lease is not terminated at the end of year three.
- The landlord is providing two months free rent for 1520-D West Boulevard and Police will make improvements required to occupy the space, which will be minimal. There will also be costs associated with retrofitting the space vacated by the current gym at 1540 West Blvd.
- Tenant pays pro-rata share of taxes, insurance, and utilities.
- Total lease payments not to exceed \$400,000 over the term of the lease.

Funding

Police Operating Budget

17. Time Warner Cable Arena Retail Space

Action: **A. Adopt a resolution approving a lease agreement for 7-Eleven, Inc. (7-Eleven) to occupy Time Warner Cable Arena Suites B and C at 333 East Trade Street for up to 10 years, and**

B. Authorize the City Manager to execute any lease-related documents.

Staff Resources: Robert Drayton, Engineering & Property Management
 Catherine Cooper, City Attorney's Office

Explanation

- Street-level retail space along East Trade Street was included in the arena construction. Charlotte B-cycle occupies Suite A, and NoGrease Barbershop occupies Suite D.
- The proposed use as a convenience store is consistent with zoning.

Lease Agreement

- The initial lease term is five years with one five-year option to renew.
- The tenant has the ability to terminate the lease at the end of year three with no less than six months prior notice and payment of a penalty equal to two years rent. After 7-Eleven vacates, the City will have the ability to lease the space to another tenant.
- The rent for years one through five will be \$17 per square foot (\$72,675.00 per year) and will increase to \$18.70 per square foot (\$79,942.50 per year) for year six through ten.
- The tenant pays for pro-rata share of water, chilled water, sewer costs, and all costs related to electricity, natural gas, waste disposal, telephone, cable, and internet access for their space.
- The lease gives 7-Eleven the ability to operate 24/7, but hours of operation are not yet set.
- 7-Eleven is anticipating an October 2013 opening date.
- As rent is received, a 4% brokerage commission will be paid to Chambers Group. The Chambers Group has an exclusive agreement with 7-Eleven to locate properties. The property owner typically pays the brokerage commission on spaces for lease. The commission structure is consistent with the marketplace.

Attachment 6

Resolution

18. Eastway-Sheffield Neighborhood Improvement Project

Action: Award the low bid contract of \$1,417,355.50 to Sealand Contractors Corporation for the Eastway-Sheffield Neighborhood Improvement Project.

Staff Resources: Carl Jarrett, Engineering & Property Management
Keith Carpenter, Engineering & Property Management

Explanation

- The Eastway-Sheffield Neighborhood Improvement Project falls under the 2008 Neighborhood Bond Program that will provide infrastructure improvements in the area bounded by Central Avenue, Eastway Drive, Albemarle Road, Independence Boulevard, and Sharon Amity Road.
- There are currently 10 neighborhood projects remaining of the original 31 projects approved by the City Council and voters in the most recent Neighborhood Improvement Bonds. Of these 10 projects, two are in design, five are in real estate acquisitions, and three are in the bid phase.
- The project will include:
 - Construction of curb and gutter,
 - Sidewalk and storm drainage improvements; and
 - Traffic calming in the form of two, small diameter traffic circles at two locations along Dresden Drive.
 - The traffic circles will be included as part of neighborhood requests, during the planning phase, to address speeding on certain streets.
- Construction is expected to be complete in second quarter 2014.

Small Business Opportunity

Established SBE Goal: 10.00%

Committed SBE Goal: 10.00%

Sealand Contractors, Corporation met the established SBE goal and committed 10.00% (\$141,735.55) of the total contract amount to the following SBE firms: On Time Construction (masonry), Darnell Jones Trucking (hauling), Streeter Trucking (hauling), and Richard Bear Trucking (hauling).

Funding

Neighborhood Improvement Capital Investment Plan

19. University City Boulevard Pathway

Action: Award the low bid contract of \$887,463.50 to Bullseye Construction, Inc. for the University City Boulevard Pathway.

Staff Resource: Troy Eisenberger, Engineering & Property Management

Explanation

- The project will construct a 10-foot-wide brick paver and asphalt pathway (approximately .9 miles) along the northwest side of University City Boulevard slightly past Broadrick Boulevard to John Kirk Drive, and from John Kirk Drive to East Mallard Creek Church Road.

- The pathway will provide connectivity for pedestrians and bicyclists traveling along University City Boulevard from the entrance of UNC Charlotte to the existing sidewalk at Mallard Creek Church Road.
- The project was identified through the prioritization process established by City Council's Sidewalk Retrofit Policy and will include:
 - Grading,
 - Storm drainage,
 - Driveway and retaining wall construction; and
 - Handrail installation.
- Construction is expected to be complete by second quarter 2014.

Disadvantaged Business Enterprise (DBE)

Established DBE Goal: 5.00%

Committed DBE Goal: 5.80%

Bullseye Construction met the established DBE goal, and committed 5.51% (\$51,430) of the total contract amount to the following DBE firms: Reynolds Fence & Guardrail (guardrails), Scott Trucking (hauling), and Dunlap Lawn Service (brick pavers).

Funding

General Capital Investment Plan

20. Pond and Dam Water Quality Enhancement Projects

Action: Approve a contract with Kimley-Horn and Associates, Inc., for Water Quality Enhancement Projects in the amount of \$500,000.

Staff Resource: Jennifer Smith, Engineering & Property Management

Policy

- Pond projects are implemented in accordance with the Council-approved Pond and Dam Rehabilitation Policy, aimed at protecting as many existing ponds as possible prior to removal by private development or structural failure, and are used as highly cost effective tools to achieve water quality and flood control goals.

Explanation

- The ponds selected as water quality improvement projects drain to creeks identified as impaired by Clean Water Act standards.
- The improvements to the existing ponds will remove pollutants from storm water runoff before the water is discharged into the creeks.
- Improving existing ponds is a cost-effective means of improving water quality, averaging one-fifth the cost of creating new water quality measures that provide equivalent environmental benefit.
- Storm Water Services begins feasibility analysis on new water quality improvement projects that are the highest ranking projects in the program backlog each year.
- The feasibility analysis, preliminary and final engineering for the projects are performed by consulting firms selected using the Council-approved qualifications-based selection process. The use of consultants allows their specific expertise to be matched to the appropriate projects on a task-order basis.

- When consultants perform feasibility analysis well, the most efficient method is for that firm to complete the engineering and provide construction administration services. The engineering contracts are renewed at the discretion of the City as necessary to complete the projects assigned to the firm.
- Tuckalake Pond will be the first project assigned under this contract and is located north of Tuckalake Drive and south of East Lake Road. The pond outlet and dam embankment are in need of repairs. This pond project will provide improved water quality for the watershed. If not repaired, the dam could fail and the water quality benefits would be lost as well as increased potential flooding issues downstream.

Small Business Opportunity

For professional-services based contracts, the City negotiates SBE proposal selection process (Part C: Section 2.2 of the SBO Policy). On this project, Kimley-Horn and Associates, Inc. has projected 10.00% (\$50,000) of the total contract amount to the following SBE firms: Hinde Engineering (utility coordination), Lyons Utility Locate (utility locating), and James Mauney and Associates (survey and mapping).

Funding

Storm Water Capital Investment Plan

21. Bridge Repair Design Services

Action: Approve a contract with for \$360,000 with WSP USA Corporation for the design of bridge repairs.

Staff Resource: Gus Jordi, Transportation

Explanation

- The Federal Highway Administration mandates the inspection of bridges and culverts every two years.
- The contract provides funding for design, bid phase, and construction administration services for repairs noted from the bridge inspection process completed during 2012.
- Bridge maintenance and repair includes but is not limited to guardrail replacement, painting, deck joint repair, and deck replacement.
- WSP USA Corporation was chosen using the Council-approved qualifications based selection process from 13 submitted proposals.
- Bridge repair construction will be awarded in a future action.

Small Business Opportunity

For services-based contracts, the City negotiates SBE goals after the proposal selection (Part C: Section 2.2 of the SBO Policy).

On this project, WSP USA Corporation has projected 5.00% (\$18,000) of the total contract amount to the following SBE firms: Capstone Civil Group, PA (construction inspection) and Dunbar Geomatics Group, PLLC (surveying).

Funding

Transportation Capital Investment Plan

Attachment 7

List of Bridges

22. Airport Use Agreement with Southwest Airlines

Action:

- A. Approve a lease with Southwest Airlines for space at Charlotte Douglas International Airport,**
- B. Approve a lease amendment with all signatory airlines to recognize existing conditions, and**
- B. Authorize the Aviation Director to execute any lease-related documents.**

Staff Resource: Jerry Orr, Aviation

Explanation

- In 1985 when the City first issued General Airport Revenue Bonds (GARB), airlines that operated at the Airport were given the opportunity to enter into a long-term lease agreement called an Airline Use Agreement.
- Airlines that have signed the Airline Use Agreement are eligible to rent space at the terminal and to share in a percentage of Airport revenues. In return, the signatory airlines guarantee jointly and severally payment of all GARB debt service in the event the Airport is not able to pay from its non-airline revenues.
- The current signatory airlines are American, Delta, jetBlue, United, and US Airways.
- Southwest has expressed interest in becoming a signatory airline. As a result, it will pay a fixed rent, even if it decreases its operation at the Airport, and it will become a guarantor of the GARB debt service.
- The other signatory carriers will also sign an amendment to the lease to reflect existing conditions:
 - Reflect issuance of City Council approved airport revenue bonds used to construct certain facilities leased by the airlines at the Airport;
 - Revise terminal schematics depicting areas leased to the airlines to reflect the actual use of these spaces, which has changed since the last Amendment; and
 - Recover the cost of the Airport's cash investment used to fund certain facilities at the airport.
- The Airline Use Agreement expires on June 30, 2016. Neither the Southwest Agreement nor the signatory amendment will change the length of the lease.

23. Airport Corporate Terminal Parking Canopy

Action: **A. Approve the low bid contract of \$359,900 with Randolph & Son Builders, Inc. for the installation of a canopy, and**

B. Adopt a budget ordinance appropriating \$359,900 from the Aviation Excluded Fund Balance to the Aviation Capital Investment Plan.

Staff Resource: Jerry Orr, Aviation

Explanation

- In 1983, the Airport constructed a corporate terminal building for non-commercial airline use; the facility is now operated by Wilson Air Center under a management contract with the Airport.
- The terminal has pickup and drop-off lanes with a canopy for customer convenience. The pick-up and drop-off area was expanded in 2012, and the existing canopy does not cover the full drive lanes.
- In November 2012, Pease Engineering Architecture, PC was issued a purchase order in the amount of \$25,000 for the design of the replacement canopy
- This new canopy will fully cover the pickup/drop area for the terminal.
- On February 22, 2013, invitations to bid were advertised, and the required minimum of three bids was not met. The project was re-advertised on March 19, 2013; two bids were received.
- Investment will be repaid from revenues generated by the corporate facility.

Small Business Opportunity

Established SBE Goal: 8.00%

Committed SBE Goal: 14.22%

Randolph & Son Builders exceeded the established SBE goal, and committed 14.22% (\$51,160) of the base bid amount to the following SBE firm: Union Paving Contractors (site paving), Treadway & Sons Painting (painting), and Co-Ed Electrical Services (electrical).

Funding

Aviation Capital Investment Plan

Attachment 8

Budget Ordinance

24. Airport Passenger Boarding Bridge Replacement

Action: A. Approve a contract in the amount of \$184,614 to Ameribridge, LLC of Indianapolis, Indiana for the purchase and installation of a refurbished passenger boarding bridge, and

B. Adopt a budget ordinance appropriating \$184,614 from the Airport Discretionary Fund Balance to the Aviation Capital Investment Plan.

Staff Resource: Jerry Orr, Aviation

Explanation

- In April 2012, the Airport hired DK Consultants to provide a full condition assessment of all 58 of the Airport-owned Passenger Boarding Bridges (PBB).
- Based on the assessment, the PBB at Gate A6 has exceeded its useful and economic life and is in need of replacement.
- The Airport identified two companies who refurbish used PBBs, and each company has proposed to provide the Airport with a PBB approximately 20-years old. With the refurbishment, the Airport expects to use this bridge for another 10 years.
- After review and assessment of each proposal, the Airport selected the PBB from Ameribridge due to shipping costs and price of the used PBB. This PBB was formerly in service at the Greenville-Spartanburg Airport. The quote includes a Payment and Performance Bond for this work.
- The cost of a new PBB is approximately \$500,000 installed with a useful life of 20 years.
- The procurement of a used bridge is economically justified as the simple annualized cost is \$18,461/year compared to \$25,000/year for a new PBB.

Small Business Opportunity

Construction contracts under \$200,000 are considered informal with regard to the SBE subcontracting goal setting process, therefore establishing SBE goals are not required (Appendix Section 29.1 of the SBO Policy).

Funding

Aviation Capital Investment Plan

Attachment 9

Budget Ordinance

25. Airport Runway & Taxiway Rehabilitation Design Services

Action: A. Approve a contract of \$196,000 for professional design services to W.K. Dickson & Co., Inc., and

B. Adopt a budget ordinance appropriating \$196,000 from the Airport Discretionary Fund to the Aviation Capital Investment Plan.

Staff Resource: Jerry Orr, Aviation

Explanation

- Runway 18L is one of the original runways at the Airport and has asphalt pavement. It was repaved in 2007. The runway is connected by Taxiway 'D', an asphalt taxiway, which runs parallel to the runway and provides access to the corporate aviation and military facilities on the Airport.
- Daily inspections of the runway and taxiway have shown that some areas of the pavement surface are exhibiting signs of stress that need to be repaired.
- This contract with W.K. Dickson will provide design, bidding, and construction administration services for repairing the pavement on the runway and taxiway.
- W.K. Dickson was selected based on their qualifications as submitted through a Request for Qualifications process conducted by the Airport for various airfield projects on December 21, 2010.
- This investment will be repaid from the Passenger Facility Charge revenues once approved by the Federal Aviation Administration.

Disadvantaged Business Opportunity

WK Dickson & Co., Inc. has committed 10% to Accutech Surveying and Mapping, LLC (survey and mapping).

Funding

Aviation Capital Investment Plan

Attachment 10

Budget Ordinance

26. LYNX Blue Line Extension Project - Advanced Public Utility Relocations

Action: Award the low bid contract of \$10,137,600 to Blythe Development Company for advanced public utility relocations associated with the LYNX Blue Line Extension Project.

Staff Resources: Carolyn Flowers, Transit
Jeb Blackwell, Engineering & Property Management

Explanation

- The contract provides for public utility relocation work for construction of the LYNX Blue Line Extension in the Segment C portion of the project. Segment C extends from north of Stetson Drive to UNC Charlotte Station.
- The work includes:
 - Grading,
 - Construction of a joint utility duct bank,
 - Retaining walls,
 - Storm drainage installation, and
 - Water and sewer installation.
- The work will be coordinated with private utility relocations, performed by the private utilities companies.
- Clearing, grading, and retaining wall construction are necessary to prep the site for both private and public utility relocations.
- The schedule for this work, including the private utility relocations, will run from June 2013, through April 2014.
- This contract includes project betterment to upsize a waterline from 16-inches to 24-inches at the request of the Charlotte-Mecklenburg Utility Department.
- The cost of the betterment is included in the bid and the engineer's estimate, but is not funded by the project; this cost will be completely funded by the Charlotte-Mecklenburg Utility Department.

Disadvantaged Business Enterprise (DBE)

Established DBE Goal: 3.00%

Committed DBE Goal: 3.00%

Blythe Development Company met the established DBE goal and committed 3.00% (\$304,628) of the total contract amount to the following DBE firms: Nicky Construction Company (pipe installation) and Absolute Business Connection, Inc. (flagging services).

Funding

Transit Capital Investment Plan and Utility Capital Investment Plan

27. Transit Emergency Preparedness Drills and Exercises

- Action:**
- A. Approve a two-year agreement with K&J Safety and Security Consulting Services, Inc. for implementation of emergency preparedness drills and exercises in an amount up to \$110,000 per year, and**
 - B. Authorize the City Manager to execute three, one-year contract renewals.**

Staff Resource: Carolyn Flowers, Transit

Explanation

- In 2011 and 2012, the U.S. Department of Homeland Security awarded grants to Transit for tabletop drills and full-scale field exercises. Transit applies for these grants annually and current funding allows for two years of drills and exercises.
- One tabletop drill and one full-scale exercise are to take place annually per the contract.
- The purpose of the drills and exercises is to ensure that Transit is adequately prepared for a response to emergency events.
- The drills and exercises are multi-departmental, multi-agency coordinated events. Participants include the Charlotte-Mecklenburg Police Department, Charlotte Fire Department, Emergency Medical Services, the Federal Bureau of Investigation, the Transportation Security Administration, and the Secret Service.
- K&J Safety and Security Consulting Services, Inc. will develop, administer, and implement the drills and exercises. In addition, they will monitor activities during the events and will provide summary reports of observations and recommendations.

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). On this contract, no SBEs were selected as part of the overall consultant project team.

Funding

Department of Homeland Security Grant

28. Medical Bill Review and Reduction Services

Action: **A. Approve a contract with CareLogic for Medical Bill Review and Reduction Services for an initial three-year term, and**
 B. Authorize the City Manager to approve up to two, one-year renewal options as authorized by the contract, and contingent upon the company's satisfactory performance.

Staff Resource: Daniel Pliszka, Finance

Explanation

- Annually, the Risk Management Division processes approximately 10,000 medical bills for workers' compensation claims for the City of Charlotte, Mecklenburg County, and the Charlotte-Mecklenburg Board of Education.
- As an opportunity to identify operation efficiencies and cost savings, the City conducted a study on third party review and reduction services.
 - Industry best practices include the application of fee schedules and preferred provider pricing to billed medical charges. Both practices maximize cost savings for the organization.
 - Risk Management, through the application of fee schedules, already achieves annual savings of approximately \$1.2 million from billed charges.
 - Contracting with a service provider allows additional savings of approximately \$373,000 annually.
- The service provider will review all medical bills for workers' compensation to ensure that the correct pricing has been applied, and will re-price the bills in accordance with fee schedules and preferred provider networks. In addition, the service provider has negotiated other discounts with the various medical providers, which currently are not available to the City.
- The estimated annual expenditure for these services is \$95,000.
- Savings and costs will be allocated on a pro rata basis to the City (62%), Mecklenburg County (17%), and Charlotte-Mecklenburg Board of Education (21%).

Selection Process

- The City issued a Request for Proposal (RFP) for medical bill review and reduction services on March 8, 2013; several proposals were received.
- The Project Team, consisting of staff from Shared Services' Procurement Management Division and Risk Management, evaluated the proposals and shortlisted to three service providers for further evaluation including interviews, a demonstration of the service providers' bill review and reduction software.
- The Project Team's recommendation is based on qualifications, experience, and cost effectiveness.

Small Business Opportunity

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

Funding

Risk Fund

29. Refund of Property Taxes

Action: Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$155,785.32.

Staff Resource: Dan Pliszka, Finance

Explanation

- Property tax refunds are provided to the City by Mecklenburg County due to clerical or assessor error or as a result of appeals.
- Mecklenburg County reported that refunds are unusually high due to the number of informal and formal appeals that went before the Board of Equalization & Review resulting in reduced taxes due.

Attachment 11

Resolution

List of property tax refunds

30. Property Transactions

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

For property transactions F-H property is acquired in accordance with Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for North Carolina Department of Transportation and Federal Transit Administration reimbursement.

- 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:** Beatties Ford Road Widening Phase 4, Parcel #57
Owner(s): 5100 Beatties Ford Road, LLC
Property Address: 5100 Beatties Ford Road
Property to be acquired: 8,242 sq. ft. (.189 ac.) in Fee Simple, plus 10,066 sq. ft. (.231 ac.) in Temporary Construction Easement, plus 91 sq. ft. (.002 ac.) in Utility Easement
Improvements: None
Landscaping: Trees and shrubs
Zoned: B-1
Use: Commercial
Tax Code: 037-372-09
Total Parcel Tax Value: \$2,659,900
Purchase Price: \$154,260
- B.** **Project:** Steele Creek Pump Station Replacement Final, Parcel #16
Owner(s): John Stephen Miller, Sr. and wife Anne S. Miller, John Stephen Miller, Jr. and wife Mary Carter G. Miller and Rebecca Miller Mahon and spouse, Bernard Mahon
Property Address: 202 Sunset Drive
Property to be acquired: 69,231 sq. ft. (1.589 ac.) in Sanitary Sewer Easement, plus 872 sq. ft. (.02 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: I-G
Use: Agricultural/Commercial/Residential
Tax Code: 205-191-08
Total Parcel Tax Value: \$272,468
Purchase Price: \$20,700

Condemnations

- C.** **Project:** 8" Sanitary Sewer to Serve 720 Marion Drive, Parcel #1
Owner(s): Acts Retirement-Life Communities, Inc. and any other parties of interest
Property Address: 0 Pineville-Matthews Road
Property to be acquired: 3,380 sq. ft. (.078 ac.) in Sanitary Sewer Easement, plus 6,846 sq. ft. (.157 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Trees
Zoned: R-15
Use: Senior Living Center
Tax Code: 227-027-41
Total Parcel Tax Value: \$215,800
Appraised Value: \$18,325
Property Owner's Counteroffer: None

Reason for Condemnation: Staff began working with the property owners in October 2012, and has yet to reach an agreement regarding the acquisition. 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.

- D. Project:** 8" Sanitary Sewer to Serve 720 Marion Drive, Parcel #2
Owner(s): Acts Retirement-Life Communities, Inc. and any other parties of interest
Property Address: 737 Plantation Estates Drive
Property to be acquired: 2,939 sq. ft. (.067 ac.) in Sanitary Sewer Easement, plus 6,427 sq. ft. (.148 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Trees
Zoned: R-I
Use: Senior Living Center
Tax Code: 227-027-43
Total Parcel Tax Value: \$36,081,400
Appraised Value: \$10,350
Property Owner's Counteroffer: None
Reason for Condemnation: Staff began working with the property owners in August 2012, and has yet to reach an agreement regarding the acquisition. 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.
- E. Project:** 8" Sanitary Sewer to Serve 720 Marion Drive, Parcel #5
Owner(s): Valentin Moldovan and wife, Florentina Moldovan and any other parties of interest
Property Address: 217 Bubbling Well Road
Property to be acquired: 781 sq. ft. (.018 ac.) in Sanitary Sewer Easement, plus 1,107 sq. ft. (.025 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-15
Use: Rural Home site
Tax Code: 227-027-17
Total Parcel Tax Value: \$258,900
Appraised Value: \$1,350
Property Owner's Counteroffer: None
Reason for Condemnation: Staff began working with the property owners in November 2012, and has yet to reach an agreement regarding the acquisition. 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.
- F. Project:** Blue Line Extension, Parcel #1349
Owner(s): NRG-Hampshire Hills LLC and any other parties of interest
Property Address: 5420 North Tryon Street

Property to be acquired: 14,864 sq. ft. (.341 ac.) in Fee Simple, plus 30,012 sq. ft. (.689 ac.) in Fee Simple within Existing Right-of-Way, plus 3,068 sq. ft. (.07 ac.) in Storm Drainage Easement, plus 10,831 sq. ft. (.249 ac.) in Temporary Construction Easement, plus 3,866 sq. ft. (.089 ac.) in Utility Easement

Improvements: Asphalt

Landscaping: Trees

Zoned: B-2

Use: Commercial

Tax Code: 097-111-28

Total Parcel Tax Value: \$4,580,200

Appraised Value: \$139,600

Property Owner's Counteroffer: None

Reason for Condemnation: Staff began working with the property owners in December 2012, and has yet to reach an agreement regarding the acquisition. 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.

- G. Project:** Blue Line Extension, Parcel #1356
Owner(s): Royal Realty Associates, LLC and any other parties of interest
Property Address: 5710 Old Concord Road
Property to be acquired: 218 sq. ft. (.005 ac.) in Fee Simple
Improvements: None
Landscaping: None
Zoned: I-2
Use: Commercial
Tax Code: 097-111-09
Total Parcel Tax Value: \$2,729,700
Appraised Value: \$400
Property Owner's Counteroffer: None
Reason for Condemnation: Staff began working with the property owners in November 2012, and has yet to reach an agreement regarding the acquisition. 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:** Blue Line Extension, Parcel #1357
Owner(s): John N. Dross and wife, Frances M. Dross and any other parties of interest
Property Address: 5542 North Tryon Street
Property to be acquired: 37,157 sq. ft. (.853 ac.) in Fee Simple, plus 100 sq. ft. (.002 ac.) in Sidewalk and Utility Easement, plus 6,874 sq. ft. (.158 ac.) in Temporary Construction Easement
Improvements: Trailer, ramp, deck, storage room, chain link fence, gates, storage shed and private light
Landscaping: None
Zoned: B-2
Use: Commercial
Tax Code: 097-111-05

Total Parcel Tax Value: \$840,200

Appraised Value: \$318,050

Property Owner's Counteroffer: \$395,000

Reason for Condemnation: Staff began working with the property owners in September 2012, and has yet to reach an agreement regarding the acquisition. 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.

I. Project: Hope Valley/ Oak Forest Neighborhood Improvement Project, Parcel #80

Owner(s): BAC Home Loans and any other parties of interest

Property Address: 4201 Stepping Stone Drive

Property to be acquired: 147 sq. ft. (.003 ac.) in Right-of-Way and Utility Easement, plus 2,411 sq. ft. (.055 ac.) in Temporary Construction Easement

Improvements: None

Landscaping: Tree and shrubs

Zoned: R-4

Use: Single Family Residential

Tax Code: 099-212-21

Total Parcel Tax Value: \$81,100

Appraised Value: \$1,025

Property Owner's Counteroffer: None

Reason for Condemnation: Staff has been attempting to contact the property owner through all possible channels since October 2012, and has yet to receive a response. 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.

Reference

Small Business Opportunity Program Policy Reference

The following excerpts from the City's SBO Policy are intended to provide further explanation for those agenda items which reference the SBO Policy in the business meeting agenda.

Part A: Administration & Enforcement

Appendix Section 18: Contract: For the purposes of establishing an SBE subcontracting goal on a Contract, the following are examples of contract types:

- Any agreement through which the City procures services from a Business Enterprise, other than Exempt Contracts.
- Contracts include agreements and purchase orders for (a) construction, re-construction, alteration and remodeling; (b) architectural work, engineering, testing, construction management and other professional services related to construction; and (c) services of any nature (including but not limited to general consulting and technology-related services).
- Contracts do not include agreements or purchase orders for the purchase or lease of apparatus, supplies, goods or equipment.
- The term "Contract" shall also include Exempt Contracts for which an SBE Goal has been set.
- Financial Partner Agreements, Development Agreements and Construction Manager-at-Risk Agreements shall also be deemed "Contracts," but shall be subject to the provisions referenced in the respective Parts of the SBO Program Policy.

Appendix Section 23: Exempt Contracts: Contracts that fall within one or more of the following categories shall be "Exempt Contracts" for the purposes of establishing an SBE subcontracting goal, unless the KBU responsible for procuring the Contract decides otherwise:

23.1. Informal Contracts. Informal Contracts shall be Exempt Contracts. (See Appendix Section 29 for a definition of Informal Contracts)

23.2. No Competitive Process Contracts: Contracts or purchase orders that are entered into without a competitive process, or entered into based on a competitive process administered by an entity other than the City shall be Exempt Contracts, including but not limited to contracts that are entered into by sole sourcing, piggybacking, buying off the North Carolina State contract, buying from a competitive bidding group purchasing program as allowed under G.S. 143-129(e)(3), or using the emergency procurement procedures established by the North Carolina General Statutes.

23.3. Managed Competition Contracts: Managed competition contracts pursuant to which a City KBU or division competes with Business Enterprises to perform a City function shall be Exempt Contracts.

23.4. Real Estate Leasing and Acquisition Contracts: Contracts for the acquisition or lease of real estate shall be Exempt Contracts.

23.5. Federal Contracts Subject to DBE Requirements: Contracts that are subject to the U.S. Department of Transportation Disadvantaged Business Enterprise

Program as set forth in 49 CFR Part 26 or any successor legislation shall be Exempt Contracts.

23.6. State Contracts Subject to MWBE Requirements: Contracts for which a minority and women business participation goal is set pursuant to G.S. 143-128.2(a) due to a building project receiving funding from the State of North Carolina shall be Exempt Contracts.

23.7. Financial Partner Agreements with DBE or MWBE Requirements: Contracts that are subject to a disadvantaged business development program or minority and women business development program maintained by a Financial Partner shall be Exempt Contracts.

23.8. Interlocal Agreements: Contracts with other units of federal, state or local government shall be Exempt Contracts.

23.9. Contracts for Legal Services: Contracts for legal services shall be Exempt Contracts, unless otherwise indicated by the City Attorney.

23.10. Contracts with Waivers: Contracts for which the SBO Program Manager or the City Manager waives the SBO Program requirements shall be Exempt Contracts (such as when there are no SBE subcontracting opportunities on a Contract).

23.11. Special Exemptions: Contracts where the KBU and the Program Manager agree that the KBU had no discretion to hire an SBE (e.g., emergency contracts or contracts for banking or insurance services) shall be Exempt Contracts.

Appendix Section 29: Informal Contracts: Contracts and purchase orders through which the City procures services from a Business Enterprise that fall within one of the following two categories:

29.1. Construction Contracts Less Than or Equal To \$200,000: Contracts for construction or repair work that are estimated to require a total expenditure of City funds less than or equal to \$200,000.

29.2. Service Contracts That Are Less Than or Equal To \$100,000: Service Contracts that are estimated to require a total expenditure of City funds less than or equal to \$100,000.

Part B: Formal Construction Bidding

Part B: Section 2.1: When the City Solicitation Documents for a Construction Contract contain an SBE Goal, each Bidder must either: (a) meet the SBE Goal, or (b) comply with the Good Faith Negotiation and Good Faith Efforts requirements. Failure to do so

constitutes grounds for rejection of the Bid. The City Solicitation Documents will contain certain forms that Bidders must complete to document having met these requirements.

Part B: Section 2.4: No SBE Goal When There Are No SBE Subcontracting Opportunities.

The City shall not establish an SBE Goal for Construction Contracts where there are no SBEs certified to perform the scopes of work that the City regards as realistic opportunities for subcontracting.

Part C: Services Procurement

Part C: Section 2.2: When the City Solicitation Documents for a Service Contract do not contain an SBE Goal, each Proposer must negotiate in good faith with each SBE that responds to the Proposer's solicitations and each SBE that contacts the Proposer on its own accord. Additionally, the City may negotiate a Committed SBE Goal with the successful Proposer after the Proposal Opening.

Part C: Section 2.4: No SBE Goal When There Are No SBE Subcontracting Opportunities.

The City shall not establish an SBE Goal for Service Contracts where there are no SBEs certified to perform the scopes of work that the City regards as realistic opportunities for subcontracting.

Part D: Post Contract Award Requirements

Part D: Section 6: New Subcontractor Opportunities/Additions to Scope, Contract Amendments

If a Contractor elects to subcontract any portion of a Contract that the Contractor did not previously identify to the City as a subcontracting opportunity, or if the scope of work on a Contract increases for any reason in a manner that creates a new SBE subcontracting opportunity, the City shall either:

- notify the Contractor that there will be no Supplemental SBE Goal for the new work;
or
- establish and notify the Contractor of a Supplemental SBE Goal for the new work.