

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 29, 2012

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

Item #	Page #	Title
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20	20	Transit Marketing Services

**CITY COUNCIL AGENDA
Tuesday, May 29, 2012**

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4:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. Mayor and Council Consent Item Questions

Resource: Ruffin Hall, 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. Uptown Charlotte Knights Baseball Stadium



Committee Chair: James Mitchell

Resources: Ron Kimble, City Manager's Office
Greg Gaskins, Finance Department
Anna Schleunes, City Attorney's Office
Michael Smith, Charlotte Center City Partners

Time: 30 Minutes

Synopsis

- On January 23, 2012, the City Council referred the topic of professional and amateur sports to the Economic Development Committee.
- On March 1, 2012, the City's Economic Development Committee received a report on the Economic Impact of Sports in the Charlotte Region, showing an overall total economic impact of \$2.1 billion annually.
- A Companion Report showed \$38 million direct and \$66 million total annual economic impact, and 490 direct and 749 total jobs associated with an uptown baseball stadium.
- On March 15, 2012, the Charlotte Knights' requested \$11 million of City participation to complete their proposed financing plan for an uptown baseball stadium.
- The City's Economic Development Committee met on April 4, 2012 and April 19, 2012 to evaluate the Knights' request.
- On April 19, 2012, the City's Economic Development Committee voted 4 to 1 to recommend (over 20 years) \$6 million of tourism funding, and \$2.5 million of a property tax based economic development grant for incremental taxes generated from the two square blocks where the proposed Stadium and Hotel would be built. Mitchell, Cannon, Howard and Mayfield voted for the recommendation. Cooksey voted against the recommendation. Cannon and Cooksey's votes were "with reservation" pending the receipt of additional information.
- At the April 23, 2012 dinner briefing, the City Council reviewed the Committee's recommendation. Based on feedback from the City Council, staff continued to refine the City's response to the Charlotte Knights' request.
- City staff will share a final recommendation for City participation based upon City Council feedback on April 23, 2012.

Future Action

No action is required on May 29. The final funding proposal will be scheduled for consideration at the June 11 Council meeting.

3. Proposed Changes to Residential Rental Property Ordinance



Committee Chair: Patrick Cannon

Resources: Mark Newbold, City Attorney's Office
Steve Willis, Police
Eric Campbell, City Manager's Office

Time: 30 minutes

Synopsis

- The City ordinance regarding residential rental property registration and remedial action programs has been in effect since June 1, 2010. The intent of the ordinance is to hold property owners accountable for crime and disorder occurring on their properties. The ordinance establishes a disorder risk threshold which weighs violent crime, property crime and citizen initiated calls for service.
- Rental properties falling into the top 4% of the disorder threshold are subject to mandatory registration including payment of a registration fee based upon the number of units in the property. The property owner must attend a mandatory meeting with CMPD and enter into a remedial action plan to address the disorder issues at their property.
- Progress on the remedial action plan is monitored at six month intervals. Once a property comes into compliance, it is removed from the list and no further action is taken. Under the current ordinance, an owner whose property is not in compliance after 18 months is subject to revocation of his rental registration. Revocations can be appealed to the Residential Rental Property Review Board.
- CMPD presented a review of its first year of experience with the ordinance at a Council dinner briefing on July 25, 2011. Based on CMPD's recommendations for changes to make the ordinance more effective, Council referred the issue back to the Community Safety Committee. During a series of committee meetings, CMPD has presented the issues in depth. On May 2, 2012, the Committee voted to recommend the proposed changes to the ordinance to the full Council.
- The presentation will include an explanation of the proposed changes which include:
 - Mandatory free registration of all rental properties
 - Payment of administrative fees by owners whose properties fall within the 4% disorder risk threshold
 - Calculation of the disorder risk threshold on a quarterly basis as opposed to annually
 - Removal of the process to revoke registration including the appeals process and the Residential Rental Property Review Board

Future Action

The amendment is item 10, on page 9 of this agenda.

Attachment 1

Comparison between Current and Proposed Ordinance
Residential Rental Property Ordinance

5:15 P.M. DINNER BREAK**4. Mecklenburg County Solid Waste Management Plan 2012-2022**

Resources: Victoria Johnson, Solid Waste Services
Bruce Gledhill, Mecklenburg County Solid Waste

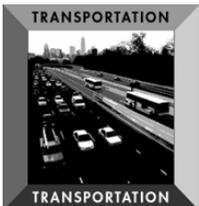
Time: 20 minutes

Synopsis

- Staff will provide an overview of the Solid Waste Management Plan 2012-2022 (SWMP). The State established the requirement for the SWMP and requires that the SWMP be updated every three years.
- The Solid Waste Interlocal Agreement with Mecklenburg County requires the County to prepare and submit the SWMP to the State by the required date, June 30, 2012.
- The SWMP recommends policies, programs and infrastructure for the next ten years to meet the solid waste management needs of the City and County; and sets direction for short and long-term per capita waste reduction goals.
- Prior to submission, the SWMP is adopted by resolution by the participating units of local government.

Future Action

At the June 11 business meeting, City Council will consider action on the Solid Waste Management Plan 2012 – 2022.

5. I-485 South and I-77 North Project Updates

Resources: Norm Steinman, Transportation
Tim Gibbs, Transportation

Time: 30 minutes

Synopsis

- The North Carolina Department of Transportation (NCDOT) is proposing to accelerate two freeway widening projects:
 - I-485 between I-77 and Rea Road
 - I-77 between Uptown and Lake Norman
- The proposed projects will increase capacity, provide more reliable travel times, and establish new congestion management strategies. NCDOT will need additional funding to accomplish those projects years sooner than previously programmed.

- For I-485, NCDOT is proposing to add one general purpose lane in each direction between I-77 and Rea Road. Staff will explain the specific changes to the project previously anticipated to be built by NCDOT.
- For I-77, NCDOT is proposing to build two High Occupancy Toll (HOT) lanes in each direction, between I-85 and Exit 28 (Catawba Avenue). According to NCDOT, this doubling of HOT lane capacity would be accomplished as part of an overall project stretching from I-277 to Mooresville.
- The Mecklenburg-Union Metropolitan Planning Organization (MUMPO) has completed an air quality conformity analysis as required by USDOT and the Environmental Protection Agency (EPA), which included the I-485 and I-77 projects in tandem. This analysis was necessary for MUMPO to be able to amend both the local Long Range Transportation Plan and the Transportation Improvement Program.
- On March 22, April 9, and May 14 the Transportation Committee was briefed on the project updates.

Future Action

The Mecklenburg-Union MPO is expected to vote on both projects during a special meeting called for June 20, 2012.

6. Answers to Mayor and Council Consent Item Questions

Resource: Ruffin Hall, 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**

7:15 P.M. COUNCIL BUSINESS MEETING

CONSENT

- 7. Consent agenda items 13 through 23 may be considered in one motion except those items removed by a Council member. Items are removed by notifying the City Clerk.**

Consideration of Consent Items shall occur in the following order:

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

PUBLIC HEARING

8. Public Hearing on Preliminary FY2013 Operating Budget and FY2013-2017 Capital Investment Plan

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

Committee Chair: Michael Barnes

Staff Resource: Randy Harrington, Budget and Evaluation

Explanation

- On May 9, 2012, the City Manager presented the recommended FY2013 Operating Budget and FY2013-2017 Capital Investment Plan. The May 9 recommendation represents the proposed City operating and capital budget for next fiscal year, beginning on July 1, 2012.
- State law requires the City hold a public hearing following presentation of the Manager's recommended budget (May 9, 2012) and prior to Council adoption of the budget (June 11, 2012).

FY2013 Operating and Capital Recommended Budget Summary

- A property tax rate increase of 3.6 cents, representing a property tax rate of 47.3 cents, with the increase dedicated to the General Capital Investment Plan
- City-wide total budget of \$1.97 billion, up 18% above the FY2012 budget of \$1.67 billion, due primarily to new, recommended capital investments
- General Fund budget up 3.8%, from \$532.2 million in FY2012 to \$552.2 million in FY2013
- Property tax revenue growth of 4.68% in FY2013
- Sales tax revenue growth of 3.9% over FY2012

Recommended Property Tax Rates

Purpose	FY2012 Tax Rate	Recommended FY2013 Tax Rate	Rate Increase (FY2012 to FY2013)
General Fund	36.0¢	36.0¢	0.0¢
Capital Debt Service	6.5¢	10.1¢	3.6¢
Pay-As-You-Go Capital	1.2¢	1.2¢	0.0¢
Total	43.7¢	47.3¢	3.6¢

General Fund Budget Highlights

- \$2.9 million in FY2013 for Police budget adjustments:
 - 50 Police Officers added in the FY2010 budget funded by an American Recovery and Reinvestment Act (ARRA) grant for which funding expires in September: \$2.4 million
 - Four Crime Analysts previously funded by ARRA grant: \$0.25 million
 - Three telecommunicators funded by Town of Huntersville under new 911 call dispatch arrangement: \$0.25 million
- \$1.4 million in FY2013 for vehicle maintenance and repair
- \$1.1 million in FY2013 for fuel adjustments

- \$0 net impact due to elimination of supplemental multi-family disposal reimbursements (\$0.5 million cost reduction offset by decrease to solid waste fee)
- A complete copy of the recommended budget is available at: <http://citybudget.charmeck.org>.

Revenue Recommendations related to Other Funds

- Utilities: Changes in Residential and Non-Residential Water and Sewer Rates

Residential Water Rates	FY2012	FY2013
Tier 1 (1-4 Ccf)	\$0.98	\$1.09
Tier 2 (5-8 Ccf)	\$1.96	\$2.18
Tier 3 (9-16 Ccf)	\$3.41	\$3.81
Tier 4 (over 16 Ccf)	\$5.32	\$5.96
Sewer Charges	\$4.14	\$4.32
Non-Residential Water Rates	\$2.20	\$2.33

- Storm Water: 6% impervious surface fee rate increase in FY2013 to reduce the flood control project backlog and increase the major flood control projects
- Airport: no change
- CATS: The Metropolitan Transit Commission approved a base fare increase of 25 cents for FY2013

Recommended Employee Compensation and Benefits

- 3.0% Broadbanding merit adjustments
- 2.5% or 5.0% Public Safety Pay Plan (PSPP) step adjustments
- 1.5% PSPP market adjustments
- State required retirement system contribution decrease from 6.88% in FY2012 to 6.74% in FY2013 for non-sworn employees. For FY2013, the retirement contribution for sworn police remains at the FY2012 rate of 7.04%. The Firefighter Retirement System is not impacted, as the system is administered by the City.
- City's portion of funding for group insurance coverage is increasing by 2% in FY2013
- 2% cost share increase for employees in the PPO Plus Plan; 0% increase for employees in the PPO Basic Plan
- Increase cost sharing for retirees (37.5% to 42.5% for retiree only and 47.5% to 50% for retiree and dependent)
- Offer same sex domestic partner benefits beginning January 1, 2013

Recommended Position Changes

- Number of positions impacted in General Fund
 - Seven added in Police, of which three are funded externally
- Other changes:
 - 25 new positions in Aviation to meet current customer service delivery needs
 - Three new positions plus eight Land Development positions transferred to Storm Water to help address Storm Water capital project backlog (Engineering & Property Management Department)

Recommendations for Financial Partners & Outside Agencies

- No new General Fund Financial Partners or Outside Agencies recommended
- 2% restoration of FY2010 funding cut to Arts & Science Council, Charlotte Regional Partnership, Charlotte International Cabinet, and United Family Services – Victim Assistance
- \$50,000 increase for Charlotte Regional Partnership Film Commission to support film industry marketing and recruitment.
- All other Financial Partner and Outside Agency funding held flat to FY2012 levels except for specific contract provisions
- Out-of-School Time Partners Request for Proposal Process results in six partners, with total funding at \$1,242,918, which is unchanged from FY2012.

Recommended FY2013-FY2017 Capital Investment Plan

- The General Capital Investment Plan (CIP) totals \$926.4 million, which includes four bond referenda over eight years totaling \$689.9 million of General Obligation debt and \$236.5 million of Certificates of Participation.
- The five-year total recommended Capital Investment Plan is \$4.1 billion
- The General CIP includes three categories for the four bond referenda and certificates of participation:
 - Investing in Corridors at \$305 million
 - Increasing Connections at \$286.9 million
 - Improving Communities at \$334.5 million
- Enterprise Capital programs over five years increase and decrease:
 - CATS totals \$1.2 billion, a 7.1% decrease
 - Aviation totals \$1.0 billion, a 6.15% increase
 - Storm Water totals \$260.7 million, a 3.4% increase
 - Utilities totals \$622.9 million, a 27.2% increase

Budget Process

- On May 16, Council met to consider possible changes to the Manager's recommended budget. Proposed adjustments by the Council that received five or more votes will move on to the May 30 Council's straw votes meeting for consideration. A list of the Council's May 16 Budget Adjustments is attached.
- Council's Straw Votes meeting is scheduled for May 30, 2012 at 12:00 p.m. Budget amendments receiving six or more votes are included in the final budget ordinance for consideration on June 11.
- Budget adoption is scheduled for June 11, 2012 at 7:00 p.m. during the Council's business meeting.
- Council is required by state law to adopt a budget on or before July 1 of each fiscal year.

Attachment 2

May 9 Recommended Budget Presentation
 Manager's Transmittal Letter
 Executive Summary from the FY2013 Strategic Operating Plan
 May 16 Budget Adjustments

POLICY

9. City Manager's Report

10. Residential Rental Property Ordinance Amendment



Action: Approve the recommendation of the Community Safety Committee to adopt an ordinance amending Chapter 6 of the Charlotte City Code entitled "Businesses and Trades" to make changes in the residential rental registration and remedial action program.

Committee Chair: Patrick Cannon

Staff Resources: Mark Newbold, Attorney's Office
Steve Willis, Police
Eric Campbell, City Manager's Office

Current Ordinance

- On November 9, 2009, City Council adopted an ordinance regarding registration of rental property and a remedial action program. The ordinance became effective on June 1, 2010.
- The intent of the ordinance, which was proposed by the Charlotte-Mecklenburg Police Department (CMPD), was to hold landlords accountable for crime and disorder issues on their property and to have them address the issues through a remedial action plan developed in conjunction with police.
- The ordinance established a disorder risk threshold among all rental properties. Activity is measured on a weighted scale with violent crime weighted the highest, followed by property crime and citizen initiated disorder calls for service. The activity is currently calculated on a yearly basis. Rental properties falling within the top 4% of the disorder risk threshold are targeted for enforcement and required to meet with police to develop the remedial action plan.
- Owners of rental properties falling into the top 4% of the disorder risk threshold are required to register their properties and pay a registration fee based upon the number of units in the property.
- The current ordinance requires reviews of the progress of the remedial action plan at three, six-month intervals. Once a property is no longer in the top 4% of the disorder risk threshold it is designated as in compliance and no further action is taken.
- The owner of a property that is not in compliance after 18 months is subject to losing his license to rent unless he has made a good faith effort to comply with all conditions of the remedial action plan. Revocations of rental registration licenses may be appealed to a Residential Rental Property Board.

Proposed Changes

- CMPD personnel reported to Council on their first year of experience with the ordinance at the July 25, 2011 Council meeting. Based on the first year of enforcement, police recommended a number of changes to make the ordinance more effective. The issue was referred back to the Community Safety Committee for discussion. The proposed amendments to the ordinance include:

- A requirement for mandatory free registration of all rental property is added to enable police to contact property owners on a timely and proactive basis.
- If a property is included in the top 4% of the disorder risk threshold and targeted for enforcement, the property owner must pay an administrative fee.
- Registration requires the property owner to provide both a personal and business address; the current ordinance requires only one address.
- The disorder risk threshold will be calculated on a quarterly basis instead of annually, providing a better picture of recent activity at a property.
- During the mandatory meeting with the property owner, police must consider whether the owner knew or should have known that the disorder activity was occurring on the property.
- The process for revoking rental registration licenses and the appeal process are removed because they have never been used. Any violation of the ordinance is a misdemeanor.
- The proposed amendments will be effective January 1, 2013, enabling the City to publicize the registration requirement.

Committee Discussion

- The Community Safety Committee discussed the proposed changes to the Rental Property ordinance at a number of meetings. One of their primary concerns was that mandatory registration would be punitive to the majority of property owners who did not have crime and disorder issues at their properties. Police felt that mandatory registration enabled them to contact property owners on a timely basis and would make the ordinance a more proactive tool to address crime and disorder.
- On May 2, 2012, the Committee voted unanimously (Cannon, Pickering, Dulin, and Barnes) to recommend the proposed amendments.

Attachment 1

Comparison between Current and Proposed Ordinance
Residential Rental Property Ordinance

BUSINESS

11. Conclusion of Consent Agenda

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

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 Wireless Video Camera Upgrade

- Action:**
- A. Approve a contract amendment with Advanced Digital Solutions, in an amount up to \$150,000, for the purchase and installation of new video cameras, parts and accessories and the integration of wireless video into Charlotte-Mecklenburg Police Department's (CMPD) Digital Content Management System, and**
 - B. Approve a contract amendment with Avrio RMS, in an amount up to \$525,000, for the design, procurement and installation of wireless cameras located within CMPD patrol divisions.**

Staff Resources: Katrina Graue, Police
Ron Horton, Police

Explanation

- As part of the crime reduction strategy, Police plans to expand its wireless closed-circuit television camera system that is currently in operation in the North Tryon Division to additional locations throughout the city.
- The pole cameras will be installed in and around high crime areas to provide video coverage of critical areas where crime has historically occurred. The cameras are only used to monitor activity in public right of way where there is no reasonable expectation of privacy.
- As a part of the camera project, it is necessary to integrate the additional cameras into its current Digital Video Content Management System which was designed and installed by Advanced Digital Solutions. Police will also need to purchase video management workstations that will enable police personnel to manage video cameras and feeds from both live and recorded video stored in the system. The contract amendment also covers the purchase of additional cameras for a joint project between CMPD and CDOT to cover corridors not currently covered by CDOT.
- The contract with Avrio RMS covers the design, configuration and installation of the wireless camera system to all patrol divisions.

Contract History

- The original contract with Advanced Digital Solutions was approved by Council on February 13, 2012. The initial contract was for \$1,550,000 for two years with an option for the City Manager to extend the contract for an additional year for an additional \$1,200,000. The contract covered the creation of an Enterprise Digital Media Content Management System to be used by multiple City departments as they convert camera systems from analog to digital. It also provided for recording, storage, and content management for digital video from fixed cameras across the City and for replacement of the CMPD Digital Video Interview System which had been in use since 2003.
- City Council approved a contract amendment on April 23, 2012 for an amount up to \$195,000. The amendment funded additional security cameras for CMPD Headquarters which were recommended in a security review. It also funded standardizing all CMPD video sources into one platform.
- The original contract with Avrio RMS was approved by the City Manager.

- The Advanced Digital Systems and the Avrio RMS contracts were subject to a competitive selection process.

Small Business Opportunity

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

Funding

Police Operating Budget

Attachment 3

SBO Policy Reference

14. Walkers Ferry Road Water Main Phase 2

Action: Award the low bid contract of \$218,261.54 to R.H. Price for the construction of the Walkers Ferry Road Water Main Phase 2, funded by a Community Development Block Grant (CDBG) received by Mecklenburg County.

Staff Resource: Barry Shearin, Utilities

Explanation

- Utilities has been working with Mecklenburg County to install public water along Walkers Ferry Road just west of I-485 (Dixie Berryhill area) under a HUD grant received by the County.
- Council approved acceptance of the Grant from Mecklenburg County on May 9, 2011.
- Phase 1 of the project was completed in January 2012 and included the installation of a water line along a portion of Walkers Ferry Road. Phase 2 of this project is now ready to begin and Utilities will be receiving \$204,666 in grant funds.
- Phase 2 will include the installation of over 3,000 feet of smaller water lines in neighborhood streets along Walkers Ferry Road where the initial water line was installed.
- The proposed grant is about \$13,600 less than the cost of installing water lines throughout the neighborhood streets, but completing the lines to the ends of the street will eliminate the need to disrupt the neighborhood in the future.
- The \$13,600 balance will be paid from CMUD's Street Main Extension Program, since these projects meet the requirements of that program.
- Mecklenburg County will use a portion of the overall grant to fund the cost of connection fees and plumbing cost to physically connect residents to these water lines.
- Phase 3 (and final) will be next year. Should the County not receive grant funding in the final year, the City is not obligated to build the remaining phase.

Minority, Women, and Small Business Opportunity

Mecklenburg County's program provisions apply in establishing goals for this project.

Funding

Community Development Block Grant and Utilities Capital Investment Plan

15. Sewer Line Cleaning Machines

- Action:**
- A. Approve the purchase of four sewer line cleaning machines, as authorized by the previously bid or “piggybacking” exception of G.S. 143-129(g); from Coe Equipment Company, and**
 - B. Approve a unit price contract with Coe Equipment Company for the purchase of four sewer line cleaning machines in the total amount of \$254,612.**

Staff Resource: Barry Gullet, Utilities**Piggybacking Exception**

- G.S. 143-129(g) allows local governments to purchase from any supplier that has, within the past 12 months, contracted to furnish the item to any federal, state or local agency.
- The contract must be one that was entered into following a public, formal bid process substantially similar to the one set forth in the North Carolina statutes.
- Charlotte-Mecklenburg Utilities Department (CMUD) is piggybacking off the Springfield Metro Sanitary District of Springfield, Illinois, which solicited for this equipment in July 2011.

Explanation

- CMUD maintains 4,084 miles of sanitary sewer mains.
- Approximately two thirds of sanitary sewer overflows occur where sewer mains are located off-street (behind houses or adjacent to creeks) where access is limited.
- This equipment will allow Utilities easier access to clean and clear blockages to reduce sanitary sewer overflows on these lines.
- CMUD currently operates its Field Operations in four geographic zones and one of these units will be deployed in each of those zones.

Small Business Opportunity

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

Funding

Utilities Capital Equipment Fund

Attachment 3

SBO Policy Reference

16. Sewer Easement Clearing

Action: Approve a two-year contract with Single Oak Farm Grading and Landscaping for sanitary sewer easement clearing and mowing, in the amount of \$500,000.

Staff Resource: Barry Gullet, Utilities

Explanation

- CMUD owns approximately 1,000 miles of sewer line easements. These easements must be maintained for access as required by CMUD's state-issued operating permits.
- This contract provides for sewer line easement clearing and mowing services throughout Mecklenburg County. This contract will supplement the two existing CMUD mowing crews plus provide clearing services for heavier tree growth on some of the older easements.
- A Request for Proposal (RFP) was issued on April 17, 2012 for mowing and clearing services.
- CMUD received two proposals for this work.
- Single Oak Farm Grading and Landscaping was selected based on the following criteria, as delineated in the RFP:
 - Proposed equipment and operator fees
 - Availability of equipment and operators
 - Experience in providing similar services on similar projects
 - References
- Single Oak Farm Grading and Landscaping was the lowest price proposal meeting the qualifications for the work. All work is based on hourly rates for the specified equipment and personnel.

Small Business Opportunity

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

Funding

Utilities Operating Budget

Attachment 3

SBO Policy Reference

17. McAlpine Creek Relief Sewer Phase 3 and Irvins Creek Sewer Construction and Engineering Services

- Action:**
- A. Award the low bid contract of \$22,497,720.30 to B.R.S., Inc. for construction of the McAlpine Creek Relief Sewer Phase 3 and Irvins Creek Sewer, and**
 - B. Approve contract amendment #1 for \$766,000 with McKim & Creed, Inc. for additional engineering services.**

Staff Resource: Barry Gullet, Utilities

Construction Explanation

- The McAlpine Creek Relief Sewer Project extends along McAlpine Creek from the McAlpine Wastewater Treatment Plant in Pineville to Lawyers Road, and is being designed and constructed in phases. The new sewer line will parallel the existing sewer line and provide the needed capacity for wet weather flows and future growth capacity.
- Construction on Phases 1 and 2 of the project is complete.
- Phase 3 will extend from Colony Road to 600 feet past Independence Boulevard.
- CMUD also has a replacement sewer line along a portion of Irvins Creek that connects to the McAlpine Creek relief sewer. The Irvins Creek sewer line is also being constructed under this contract. Portions of both the McAlpine and Irvins Creek sewer lines are along the existing greenway so construction is being coordinated to minimize disruption to the greenways.
- It is anticipated that construction will take three years for this project.
- Funding for this project is consistent with the current long-term financial model for Utilities.
- The McAlpine Creek Relief Sewer is to be constructed in four phases. Total cost is budgeted at \$97,000,000.

Engineering Services Explanation

- On November 22, 2010, City Council approved the original contract for Phase 3 engineering services, in the amount of \$2,100,000.
- This contract provides engineering services for design and construction administration services for the McAlpine Creek Relief Sewer Phase 3 and the Irvins Creek Relief Sewer.
- The original contract with McKim and Creed anticipated only two years of construction. After the completion of design, staff determined that construction could be up to three years depending on construction sequencing along the greenway.
- This amendment covers the additional construction time and some additional permitting required.
- This amendment is still within budget of the McAlpine and Irvins Creek Sewer line projects.

Small Business Opportunity

Construction (B. R. S., Inc.)

Established SBE Goal: 3 %

Committed SBE Goal: 4.48%

B.R.S., Inc. exceeded the SBE established goal and committed 4.48% (\$1,007,345) of the total contract amount to the following SBE firms:
 Accutech Surveying & Mapping (surveying services); Carolina Wetland Services (wetland restoration services); MTS Trucking (hauling); P&TL, Inc. (erosion control); & Sanders Constructors (clearing/grubbing).

Engineering Services (McKim & Creed Inc.)

All additional work involved in this amendment will be performed by the consultant and their existing sub-consultants. The committed SBE goal (22.86%) from the original contract carries forward onto this amendment – no new subcontracting opportunities are a part of this amendment. This amendment complies with Part D: Section 6 of the SBO Program (see attachment).

Funding

Utilities Capital Investment Plan

Attachment3

SBO Policy Reference

18. Utilities Facilities Access Control and Video Monitoring Services

Action:

A. Award contracts to the following companies to provide access control and video monitoring support services at all of Utilities’ treatment facilities:

- Trinity Access & Video Solutions, Inc (\$250,000)
- Advanced Digital Solutions, LLC (\$100,000)
- SFI Electronics, LLC (\$100,000)

B. Authorize the City Manager to renew the contracts for two additional one-year terms with possible price adjustments as stipulated in the contract.

Staff Resource: Barry Gullet, Utilities

Explanation

- CMUD owns a number of facilities that have substantial security and access control equipment such as electronic door and gate access systems, intrusion alarm systems, and video monitoring. The security equipment requires a wide variety of preventative repair and installation services. These contracts will provide those services.
- A Request for Proposals was issued on February 2, 2012. These firms were selected based on their price, experience, response time, references, and qualifications.
- Trinity Access and Video Solutions will provide preventative maintenance, troubleshooting, repair, and installation services.
- Advanced Digital Solutions and SFI Electronics will install video and access control systems.
- Purchase Orders will be issued for this work on an as-needed basis and all work paid for based on the hourly or lump sum rates quoted for the various types of work. Hourly rates for all three vendors are comparable.

- Price adjustments are allowed at the time of renewal based on the Producer Price Index for gasoline.

Small Business Opportunity

No SBE goals were set for these contracts because there are no SBE subcontracting opportunities (Part C: Section 2.4 of the SBO Policy) (see attachment). However, Trinity Access & Video Solutions is a City-certified SBE firm.

Funding

Utilities Operating Budgets and Capital Investment Plan

Attachment 3

SBO Policy Reference

19. Lincoln-Wilson Heights Neighborhood Improvement Project Phase 2

Action: Award the low bid contract of \$849,200 to Blythe Development for the Lincoln-Wilson Heights Neighborhood Improvement Project, Phase 2.

Staff Resource: Carl Jarrett, Engineering & Property Management

Explanation

- This project will include the construction of sidewalk, wheelchair ramps, planting strips, curb and gutter and storm water drainage improvements.
- This project is bounded by Russell Avenue, Beatties Ford Road, I-77 and Friendship Place.
- Phase 1 was completed in December 2011.
- Phase 2 construction is expected to be completed in first quarter 2013.

Small Business Opportunity

Established SBE Goal: 5%

Committed SBE Goal: 5.76%

Blythe Development exceeded the established SBE goal and committed 5.76% (\$48,916.92) of the total contract amount to the following SBE firm: A & R Materials, LLC (liquid asphalt).

Funding

Neighborhood Capital Investment Plan

20. Transit Marketing Services

- Action:**
- A. Approve a two-year agreement for marketing services with Luquire George Andrews (LGA) in an amount up to \$700,000 to support future growth in ridership, and**
 - B. Authorize the City Manager to execute three, one-year contract renewals each up to \$350,000 (for a total contract amount up to \$1,750,000).**

Staff Resource: Olaf Kinard, Transit

Background

- Since 1998, the public transit department has used contracted services from local advertising agencies to implement a marketing and communications program based on retail and business-to-business marketing strategies.
- Since 1998, ridership on CATS services has grown 6% on average and over 48% since 2005.
- Over the next five years, CATS will continue to expand the use of public transit to increase ridership, start the public outreach to communities and businesses as construction starts for the Blue Line Extension (BLE) and to conduct the grand opening of the BLE in 2017.
- Past history has shown that public education about transit and the promotion of new transit services are important to increasing ridership.

Explanation

- The goals of the transit advertising and marketing program are:
 - To increase usage of transit and ridesharing services
 - To enhance public awareness about public transit services and transit projects.
 - To promote air quality initiatives related to public transit
 - To promote the opening of the BLE and bus services feeding the new light rail line
 - To educate the customers and the public on safety related issues in and around public transit services

Contract Terms

- The selected agency will develop:
 - marketing and communication strategies
 - provide creative and design services
 - make media purchases (radio, digital, etc.) designed to achieve these goals
 - marketing strategies to leverage new tools and products to reach existing and new customers including digital, mobile, mobile apps, social, etc.
- Prices for services are fixed annually

Selection Process

- On March 15, 2012, a Request for Proposals (RFP) for Transit Marketing Services was publicly advertised.
- There were seven responses to the RFP. A technical evaluation committee comprised of CATS' staff evaluated the proposals.
- The selected firm Luquire George Andrews (LGA) was determined to have submitted the best responsive proposal.

Small Business Opportunity

For services based contracts the city seeks to negotiate SBE commitments during the contract negotiation process (Part C: Section 2.2 of the SBO Policy) (see attachment). Luquire George Andrews (LGA) included the following SBEs in their overall services proposal for the following services:

- Amy K. Steinmetz, LLC (Public Relations)
- Action Graphics (Printing services)
- Allegra Marketing and Print (Printing services)
- Data-Doc, Inc. (Printing services)
- Fast Signs- S. Tryon (Printing services)
- Imperial Printing Products (Printing services)

This is a task order contract, the SBEs mentioned above will be utilized in the areas listed, based on each company's particular skillset, and the type of tasks the City requests from Luquire George Andrews (LGA). Staff has requested that LGA contact and allow SBEs to compete for additional subcontracting solicitations that may occur during the life of the contract.

Funding

Transit Operating Fund

Attachment 3

SBO Policy Reference

21. Refund of Business Privilege License Taxes

Action: Adopt a resolution authorizing the refund of business privilege license payments made in the amount of \$2,238.04.

Staff Resource: Dan Pliszka, Finance

Attachment 4

Resolution

List of business privilege license refunds

PROPERTY ITEMS

22. Property Transactions

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

- 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:** Steele Creek Pump Station Replacement, Parcel # 14
Owner(s): The James Ross Miller, Jr. Family Limited Partnership
Property Address: 13328 Rock Hill - Pineville Road
Property to be acquired: 267,459 sq. ft. (6.140 ac.) in Sanitary Sewer Easement
Improvements: None
Landscaping: None
Zoned: G-I
Use: Woodland
Tax Code: 205-041-14
Total Parcel Tax Value: \$64,787
Purchase Price: \$158,388
- B. Project:** Steele Creek Pump Station Replacement, Parcel # 15
Owner(s): The James Ross Miller, Jr., Family Limited Partnership
Property Address: Downs Road

Property to be acquired: 107,593 sq. ft. (2.470 ac.) in Sanitary Sewer Easement
Improvements: None
Landscaping: Trees
Zoned: G-I
Use: Woodland
Tax Code: 205-041-10
Total Parcel Tax Value: \$13,181
Purchase Price: \$68,635

Condemnations

- C. Project:** Beatties Ford Road Widening Phase 1, Parcel # 65
Owner(s): Ronald Lee Cummings And Any Other Parties Of Interest
Property Address: 5308 Beatties Ford Road
Property to be acquired: 3,123 sq. ft. (.072 ac.) in Fee Simple, plus 3,852 sq. ft. (.088 ac.) in Temporary Construction Easement
Improvements: Brick Columns
Landscaping: Two Large Trees and Few Small Trees
Zoned: R-3
Use: Single Family Residential
Tax Code: 037-371-16
Total Parcel Tax Value: \$121,100
Appraised Value: \$7,100
Property Owner's Counteroffer:
Reason For Condemnation: Staff and the property owner have 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:** FY2012 Sidewalks - Harrisburg Road, Parcel # 2
Owner(s): Heirs of Doris M. Fairley, S. Dean Hamrick, Paula B. Hamilton, Jack T. Hamilton and Wife, Tamara B. Hamilton and Martha Susan Hamilton and Spouse, Robert T. Hamilton And Any Other Parties Of Interest
Property Address: Harrisburg Road
Property to be acquired: 945 sq. ft. (.022 ac.) in Sidewalk and Utility Easement, plus 44 sq. ft. (.001 ac.) in Utility Easement, plus 1,410 sq. ft. (.032 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: B-1
Use: Commercial
Tax Code: 109-092-24
Total Parcel Tax Value: \$18,100
Appraised Value: \$475
Property Owner's Counteroffer: None
Reason For Condemnation: Staff has been unable to determine and locate all of the property owners despite numerous attempts, including certified and regular mailed letters, internet searches and family member inquiry. To avoid delay in the project schedule, staff

recommends adopting a resolution to proceed to condemnation in order to obtain clear title.

- E. Project:** Ponderosa Neighborhood Improvement Project Phase 1 and Markland/Wedgefield Sidewalk Project, Parcel # 8
Owner(s): Ernest Lee Adams And Wife, Carol Adams And Any Other Parties Of Interest
Property Address: 3111 Markland Drive
Property to be acquired: 936 sq. ft. (.021 ac.) in Existing Right-of-way, plus 508 sq. ft. (.012 ac.) in Storm Drainage Easement, plus 160 sq. ft. (.004 ac.) in Sidewalk and Utility Easement, plus 2,864 sq. ft. (.066 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-5
Use: Single Family Residential
Tax Code: 115-022-20
Total Parcel Tax Value: \$53,900
Appraised Value: \$1,025
Property Owner's Counteroffer: None
Reason For Condemnation: Staff and the property owner have reached a verbal agreement. However, staff has yet to receive the signed agreements. The only means of property owner contact is in person at the property. Staff has visited the property several times with no response. 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.

23. Meeting Minutes

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

- March 21, 2012 Budget Retreat
- March 26, 2012 Business Meeting