

City of Charlotte

Charlotte-Mecklenburg Government Center
600 East 4th Street
Charlotte, NC 28202



Meeting Agenda

Monday, October 8, 2018

Council Chambers

City Council Business Meeting

Mayor Vi Lyles
Mayor Pro Tem Julie Eiselt
Council Member Dimple Ajmera
Council Member Tariq Scott Bokhari
Council Member Ed Driggs
Council Member Larken Egleston
Council Member Justin Harlow
Council Member LaWana Mayfield
Council Member James Mitchell
Council Member Matt Newton
Council Member Greg Phipps
Council Member Braxton Winston II

5:00 P.M. ACTION REVIEW, CHARLOTTE-MECKLENBURG GOVERNMENT CENTER, ROOM 267

1. Mayor and Council Consent Item Questions

Staff Resource(s):

Marie Harris, Strategy and Budget

Time: 5 minutes

Synopsis

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

2. Agenda Overview

Staff Resource(s):

Marcus Jones, City Manager

3. Charlotte Chamber Campaign Update on Bond Referendum

Staff Resource(s):

Phil Reiger, Strategy and Budget

Time: 15 minutes

Explanation

- The Charlotte Chamber is leading a campaign to educate and promote the upcoming Charlotte Bond Referenda.
- Chamber staff will provide an overview of the campaign efforts and identify ways in which residents can get involved.

Future Action

This presentation is for information purposes only in preparation for the Bond Referenda on November 6, 2018.

4. Managing Public Information

Staff Resource(s):

Stephanie Kelly, City Clerk's Office
Cheyenne Flotree, City Clerk's Office

Time: 15 minutes

Explanation

- Preservation of public records, including electronic communication, is required by North Carolina Public Records Law.
- This presentation will provide an overview of the City's current policy and continuous improvement initiatives.

Future Action

City Council will be asked to consider a contract to purchase text archiving software during the Business Meeting on October 22, 2018.

5. Infrastructure Planning for the Future

Staff Resource(s):

Mike Davis, Engineering and Property Management
Phil Reiger, Strategy and Budget

Time: 15 minutes

Explanation

- Well-planned public infrastructure is critical for the creation of a City that is recognized for connectivity, mobility, and accessibility.
- This presentation will highlight the innovative, collaborative, and disciplined work that is underway to support the General Community Investment Plan going forward.

Future Action

This presentation is for information purposes only.

6. Answers to Mayor and Council Consent Item Questions

Staff Resource(s):

Marie Harris, Strategy and Budget

Time: 10 minutes

Synopsis

Staff responses to questions from the beginning of the Action Review meeting.

7. Closed Session (as necessary)

**6:30 P.M. CITY COUNCIL BUSINESS MEETING,
CHARLOTTE-MECKLENBURG GOVERNMENT CENTER,
CHAMBER**

Call to Order

Introductions

Invocation

Pledge of Allegiance

PUBLIC FORUM

8. Public Forum

9. Consent agenda items 23 through 49 may be considered in one motion except for 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. Items that have not been pulled, and
- B. Items with citizens signed up to speak to the item.

AWARDS AND RECOGNITIONS

10. Framework for Future Day Proclamation

Action:

Mayor Lyles will read a proclamation recognizing October 8, 2018, as Framework for Future Day.

11. National Arts and Humanities Month Proclamation

Action:

Mayor Lyles will read a proclamation recognizing the 60th Anniversary of the Arts & Science Council and the month of October as National Arts and Humanities Month.

12. Domestic Violence Awareness Month Proclamation

Action:

Mayor Pro Tem Eiselt will read a proclamation recognizing October as Domestic Violence Awareness Month.

POLICY

13. City Manager's Report

BUSINESS

14. Motorcycle Equipment Donation to Matthews Police Department

Action:

Adopt a resolution authorizing the donation of motorcycle lighting accessories and radios to the Matthews Police Department.

Staff Resource(s):

Kerr Putney, Police
William Farrell, Police

Explanation

- The Charlotte-Mecklenburg Police Department (CMPD) leases motorcycles but owns the lighting accessories and radios attached.
- CMPD will be entering a new lease for BMW motorcycles with factory-installed lighting package and wiring and will be returning its leased motorcycles to Harley-Davidson.
- Lighting accessories and radios from the Harley-Davidson motorcycles are not compatible for use on the BMW motorcycles.
- North Carolina General Statute 160A-280 permits the City to convey property to other units of government if approved by the governing board.
- CMPD would like to donate lighting accessories and radios from two, leased Harley-Davidson motorcycles to the Matthews Police Department for use on its motorcycles.
- Market value of the lighting accessories and radios is \$5,578.
- The Matthews Police Department would accept the donated lighting accessories and radios "as is" and without warranty.

Attachment(s)

Resolution

[Resolution Motorcycle Equipment Donation to Matthews Police Department Final 090718](#)

15. Private Developer Funds Appropriation

Action:

- A. Approve Developer Agreements with Bryant Farms Development, LLC, 601 South Tryon, LLC, Central Point and NoDa Owner, LLC for traffic signal installations and improvements, and**
- B. Adopt a budget ordinance appropriating \$134,832 in private developer funds for traffic signal installations and improvements.**

Staff Resource(s):

Liz Babson, Transportation
Charles Abel, Transportation

Explanation

- Private developer agreements and funds appropriations are needed when a developer is required through the City rezoning process to make traffic signal improvements.
- Funding contributions from private developers must be appropriated prior to the City's initiation of work.
- The \$134,832 in private developer funding is for traffic signals, traffic signal modifications and/or upgrades, and other related work associated with the developers' projects. The funding is restricted to the projects noted below:
 - Bryant Farms Development, LLC contributed \$5,175 for traffic signal at Charlotte Fire Station #32 (Council District 7).
 - 601 South Tryon, LLC contributed \$24,834 for traffic signal modifications at College Street and Stonewall Street (Council District 1).
 - Central Point contributed \$79,925 for traffic signal modifications at 10th Street and Seigle Avenue (Council District 1).
 - NoDa Owner, LLC contributed \$24,898 for traffic signal modifications at North Davidson and 27th Street (Council District 1).
- These developer contributions are based on cost estimates prepared by the Charlotte Department of Transportation (CDOT).
- Any funding contributed by the developer(s) for a signal project that is unused by the City will be refunded back to the developer(s) after project completion.
- CDOT will install and operate these signals as part of the existing signal systems in the area.

Fiscal Note

Funding: Private Developer Contribution

Attachment(s)

Map
Budget Ordinance

[Traffic Signal Improvements 090418](#)

[CDOT ord 10-8-18 Developer Contributions](#)

16. Transfer of City-Owned Property on Morris Field Drive

Action:

- A. Adopt a resolution approving the transfer of two parcels on Morris Field Drive (parcel identification numbers 117-111-22 and -65) consisting of 8.965 acres of vacant land to Habitat for Humanity of Charlotte for the development of for-sale, affordable housing units, and**
- B. Authorize the City Manager to negotiate and approve a contract with Habitat for Humanity of Charlotte for up to \$1,200,000 in Community Development Block Grant funding for infrastructure improvements related to the development.**

Staff Resource(s):

Mike Davis, Engineering and Property Management
Tony Korolos, Engineering and Property Management
Pamela Wideman, Housing and Neighborhood Services

Explanation

- One of City Council's priorities is to build and preserve vibrant and diverse neighborhoods by expanding the supply of affordable housing through new construction and preservation of the existing housing stock.
- The transfer of the City property on Morris Field Drive for use as affordable housing, coupled with Community Development Block Grant (CDBG) funding of the necessary public infrastructure, furthers this goal by creating an affordable homeownership opportunity.
- The use of publicly owned land to achieve affordable homeownership for households earning 80 percent and below of the area median income is consistent with both the Housing Charlotte Framework and national best practices.
- This transaction is also consistent with the Council-adopted City-Owned Real Estate and Facilities Policy.
- This City-owned property consists of two vacant parcels that total 8.965-acres, and are currently zoned R-8 (single family residential) in Council District 3.
- An appraisal of the property in March 2017 established a fair market value of \$205,300.
- Habitat for Humanity of Charlotte is a licensed general contractor and will act as both the subdivision developer and builder.
- This project consists of the development of a new single-family, residential subdivision and construction of 47 single-family, for-sale housing units. The homes will be affordable to a range of households between 30 and 80 percent of the area median income.

Background

- The property was acquired by the City on August 9, 1983, from the Charlotte-Mecklenburg School Board as a settlement for a lawsuit. It has not been used since the former school building was demolished several years after the property was acquired. A Charlotte Water pipe extends across the property and any disposition of the land would involve retention of a utility easement.
- Planning, Design and Development staff recommended approval of the proposed land transfer, conditioned upon the identification and commitment of \$1.2 million in CDBG funding to finance the infrastructure improvements needed for the success of the proposed project.
- As part of the mandatory referral process, the Planning Commission reviewed the transaction on July 19, 2011, and voted to recommend the transaction with no additional comments.

Fiscal Note

Funding: Community Development Block Grant (HUD Funding)

Attachment(s)

Map
Resolution

[Location Map - Morris Field Drive](#)

[Morris Field Resolution](#)

17. Sale of City-Owned Property on Matheson Avenue

Action:

Adopt a resolution approving the private sale of a parcel on Matheson Avenue (parcel identification number 083-156-16) consisting of 0.34 acres of vacant land for \$25,900 to Four Oaks Builders, LLC, for a development that will include an affordable housing unit.

Staff Resource(s):

Mike Davis, Engineering and Property Management
Tony Korolos, Engineering and Property Management
Pamela Wideman, Housing and Neighborhood Service

Explanation

- One of City Council's priorities is to build and preserve vibrant and diverse neighborhoods by expanding the supply of affordable housing through new construction and preservation of the existing housing stock.
- The sale of City property on Matheson Avenue for use as affordable housing furthers this goal by creating an affordable homeownership opportunity.
- The use of publicly owned land to achieve affordable homeownership for households earning 80 percent and below of the area median income is consistent with both the Housing Charlotte Framework and national best practices.
- This transaction is also consistent with the Council-adopted City-Owned Real Estate and Facilities Policy.
- The City-owned property is a vacant, 0.34-acre parcel currently zoned R-5 (single family) in Council District 1.
- An appraisal of the property on February 21, 2018, established a fair market value of \$25,900.
- Four Oaks Builders desires to purchase the City-owned parcel and assemble it with an adjacent parcel for the development of a diverse price point housing community consisting of three, single-family homes, which will include one, For Sale unit under the HouseCharlotte program.
- The offer from Four Oaks Builders includes the following terms:
 - Purchase price of \$25,900,
 - Earnest money deposit of \$1,295 within five days of City Council's approval to accept the offer,
 - Due diligence period of 60 days, and
 - Closing to occur within 30 days from the end of the due diligence period.
- Additionally, the land will enable a HouseCharlotte approved purchaser to obtain a homeownership opportunity in an area of high opportunity.
- The HouseCharlotte program provides deferred, forgivable down payment assistance loans to qualified applicants to purchase homes within the Charlotte city limits.
- The proposed housing unit will be available to households earning 80 percent or below of the area median income with a 15-year affordability deed restriction placed on the affordable unit.
- The maximum purchase price for the new construction unit is \$224,000, which is approximately \$275,000 less than the other market rate units in the same development.

Fiscal Note

Funding: Proceeds from the sale will be deposited into the General Community Investment Plan

Attachment(s)

Map
Resolution

[Location Map - Sale of City-Owned Property on Matheson Avenue](#)

[Matheson Ave Resolution 8.27.18](#)

18. Sale of City-owned Property on Parkwood Avenue

Action:

Adopt a resolution approving the private sale of two parcels on Parkwood Avenue (parcel identification numbers 083-137-12 and -13), consisting of 0.259 acres of vacant land for \$140,000 to Vista Homes II, LLC for the development of up to five townhome units which will include an affordable housing unit.

Staff Resource(s):

Mike Davis, Engineering and Property Management
Tony Korolos, Engineering and Property Management
Pamela Wideman, Housing and Neighborhood Services

Explanation

- One of City Council's priorities is to build and preserve vibrant and diverse neighborhoods by expanding the supply of affordable housing through new construction and preservation of the existing housing stock.
- The sale of City property on Parkwood Avenue for use as affordable housing furthers this goal by creating an affordable homeownership opportunity.
- The use of publicly owned land to achieve affordable homeownership for households earning 80 percent and below of the area median income is consistent with both the Housing Charlotte Framework and national best practices.
- This transaction is also consistent with the Council-adopted City-Owned Real Estate and Facilities Policy.
- The two City-owned properties are vacant and total 0.259 acres, and are currently zoned B-1 (neighborhood business) permitting residential uses in Council District 1.
- An appraisal of the property on April 9, 2018, established a fair market value of \$209,300.
- Vista Homes II, LLC desires to purchase the City-owned parcels for the development of a diverse price point housing community with an affordable, HouseCharlotte qualified unit.
- The offer from Vista Homes II, LLC includes the following terms:
 - Purchase price of \$140,000,
 - Earnest money deposit of \$7,000 within five days of City Council's approval to accept the offer,
 - Due diligence period of 60 days,
 - Closing to occur within 120 days from the end of the due diligence period, and
 - The City will retain a 15-foot easement that will serve as a pedestrian and bike connector to enhance the future Parkwood Avenue and The Plaza improvement project.
- The purchase price is \$69,300 lower than the appraised value for the following reasons:
 - No other offers have been received on the property within the past two years,
 - This transaction will make it possible for a HouseCharlotte approved purchaser to obtain homeownership in an area of high opportunity for no more than \$224,000, which is \$103,000 less than the for sale market rate housing units in this development, and
 - The City will retain an easement needed to complete the Parkwood Avenue and The Plaza road diet.
- The HouseCharlotte program provides deferred, forgivable down payment assistance loans to qualified applicants to purchase homes within Charlotte City limits.
- The proposed housing unit will be available to households earning 80 percent or below of the area median income with a 15-year affordability deed restriction placed on the affordable unit.

Fiscal Note

Funding: Proceeds from the sale will be deposited into the General Community Investment Plan

Attachment(s)

Map
Resolution

[Location Map - Sale of City Property 1621-1623 Parkwood Avenue](#)

[Parkwood Avenue Resolution DRAFT 5.14.18](#)

19. Sale of City-owned Property on Spencer Street

Action:

Adopt a resolution approving the private sale of a parcel on Spencer Street (parcel identification number 091-091-04) consisting of 1.37 acres of vacant land for \$50,000 to Shea Real Estate Investments, LLC, a wholly owned subsidiary of Shea Homes, for a development that will include affordable units.

Staff Resource(s):

Mike Davis, Engineering and Property Management
Tony Korolos, Engineering and Property Management
Pamela Wideman, Housing and Neighborhood Services

Explanation

- One of City Council's priorities is to build and preserve vibrant and diverse neighborhoods by expanding the supply of affordable housing through new construction and preservation of the existing housing stock.
- The sale of City property on Spencer Street for use as affordable housing furthers this goal by creating an affordable homeownership opportunity.
- The use of publicly owned land to achieve affordable homeownership for households earning 80 percent and below of the area median income is consistent with both the Housing Charlotte Framework and national best practices.
- This transaction is also consistent with the Council-adopted City-Owned Real Estate and Facilities Policy.
- The City-owned property is a vacant, 1.37-acre parcel currently zoned R-5 (single family) in Council District 1.
- An appraisal of the property on April 9, 2018, established a fair market value of \$50,000.
- Shea Homes desires to purchase the City-owned, landlocked parcel coupled with adjacent parcels for the development of a diverse price point housing community.
- The offer from Shea Homes includes the following terms:
 - Purchase price of \$50,000,
 - Earnest money deposit of \$2,500 within 10 days of City Council's approval to accept the offer,
 - Due diligence period of 240 days, and
 - Closing to occur within 240 days from the end of the due diligence period.
- Additionally, the land will enable a HouseCharlotte approved purchaser to obtain a homeownership opportunity in an area of high opportunity.
- The HouseCharlotte program provides deferred, forgivable down payment assistance loans to qualified applicants to purchase homes within the Charlotte city limits.
- The proposed housing unit will be available to households earning 80 percent or below of the area median income with a 15-year affordability deed restriction placed on the affordable unit.
- The maximum purchase price for the new construction unit is \$224,000, which is approximately \$125,000 less than the other market rate units in the same development.

Fiscal Note

Funding: Proceeds from the sale will be deposited into the General Community Investment Plan

Attachment(s)

Map
Resolution

[Location Map - Sale of City Property - Spencer Street](#)

[Spencer Street Resolution DRAFT 5.14.18](#)

20. Acquire Surplus CMS Property

Action:

Approve the purchase of an 11.1 acre parcel (parcel identification number 075-105-29) located at 1209 Eureka Street for the amount of \$3,125,000.

Staff Resource(s):

Mike Davis, Engineering and Property Management
Tony Korolos, Engineering and Property Management
Pamela Wideman, Housing and Neighborhood Services

Explanation

- The Charlotte-Mecklenburg Board of Education owns an 11.1 acre property, currently zoned Multi-Family Residential (R-22MF), that is no longer in use as the Double Oaks School and has been designated as surplus. The site is located at 1209 Eureka Street in Council District 2.
- The property is located in an area of high-opportunity and the City would utilize the site for redevelopment. Future re-use could include the construction of affordable housing, an industry-driven career pathways center, and/or other catalytic redevelopment.
- An appraisal of the property in April 2018 established a fair market value of \$3,150,000.
- The terms of the purchase are:
 - \$3,125,000 purchase price with a five percent earnest money deposit of \$156,250,
 - 90-day due diligence period, and
 - 10-day closing period.
- As part of the mandatory referral process, the Planning Commission reviewed the transaction and voted to recommend the transaction on October 18, 2016.
- This transaction is also consistent with the Council-adopted City-Owned Real Estate and Facilities Policy.
- The Charlotte-Mecklenburg School Board approved the sale of the property to the City of Charlotte on August 14, 2018. The Mecklenburg County Board of Commissioners declined its statutory Right-of-First Refusal on September 5, 2018.

Fiscal Note

Funding: Pay-As-You-Go Funds

Attachment(s)

Map

[Location Map - Land Acquisition for Affordable Housing Development](#)

21. Interlocal Agreement for Mecklenburg County Fleet Maintenance Operations

Action:

Adopt a resolution approving an Interlocal Agreement between the City of Charlotte and Mecklenburg County for consolidation of fleet maintenance operations.

Staff Resource(s):

Mike Davis, Engineering and Property Management

Chris Trull, Engineering and Property Management

Explanation

- The purpose of this agreement is to specify the details of the consolidation of Mecklenburg County's Fleet Maintenance Operations into the City of Charlotte's Engineering and Property Management Fleet Management Division, to be operated and administered by the City.
- This agreement supersedes and replaces the 2008 Fleet Management Interlocal Agreement between the City of Charlotte and Mecklenburg County, under which the City has been performing fleet maintenance operations for the County since July 1, 2008.
- On December 30, 2015, Mecklenburg County issued a Request for Proposals (RFP) for Fleet Maintenance and Related Services. The City submitted a proposal in response to the RFP, and the City and County have negotiated amendments to the 2008 agreement, to include the following details:
 - The City will be responsible for the maintenance and repair of County vehicles, including the stocking and issuing of necessary parts and supplies, and the related administrative services such as policies and procedures, equipment specifications and preparation, budgeting, vehicle inspections, and vehicle disposal.
 - The County operates a fleet of approximately 1,380 units, with the bulk of the fleet being cars and light-trucks. In addition, the fleet includes some construction equipment, large trucks, and landscape equipment.
 - The County agrees to lease to the City for \$1 per year for the duration of this agreement the building located at the current Mecklenburg County fleet maintenance facility, located at 900 West 12th Street in Council District 2, which includes approximately 32,225 square feet.
- The Mecklenburg County Board of Commissioners is scheduled to approve the agreement at its board meeting October 16, 2018.
- Rates and fees for specific services and staff time will be agreed to annually.
- The City will bill the County monthly for actual costs incurred for the provision of services in the previous month.

Fiscal Note

Funding: Mecklenburg County will provide monthly funding for the cost of providing this service. Revenue from the County will be deposited into the City's General Fund.

Attachment(s)

Map

Resolution

Interlocal Agreement

[Location Map - Interlocal Agreement for Mecklenburg County Fleet Maintenance Operations](#)

[Council Resolution Ratifying Fleet Interlocal Amendment 2018-8-3](#)

[FY19 CITY OF CHARLOTTE FLEET INTERLOCAL FINAL 9 19 18](#)

22. Mayor and City Council Topics

The City Council members may share information and raise topics for discussion.

CONSENT

23. PetSmart Charities Pet Retention Grant Program

Action:

Authorize the City Manager to accept a grant in the amount of \$150,000 from PetSmart Charities Pet Retention Grant Program to assist owners at risk of surrendering their pets and to purchase an X-ray machine.

Staff Resource(s):

Kerr Putney, Police

Karl Bannerman, Police

Joshua Fisher, Police

Explanation

- PetSmart Charities will provide \$15,000 to enable the Charlotte-Mecklenburg Police Department's (CMPD's) Animal Care and Control Division (AC&C) to purchase supplies for pet owners, including dog houses, pet food, collars, leashes, and tethering materials.
- PetSmart Charities will provide \$75,000 for AC&C to purchase an X-ray machine.
- The inability of some pet owners to pay the medical expenses associated with a treatable condition or to afford pet supplies often results in pet owners desiring to surrender their pet to the AC&C. The AC&C Safety Net Program exists to support these pet owners with basic expenses so that they may retain their pets in their homes.
- PetSmart Charities will provide \$60,000 to allow AC&C to offer a pet owner a medical voucher, valued up to \$300, redeemable at a local veterinary clinic, to assist with the cost of medical expenses.
- The in-house X-ray machine will provide AC&C the ability to make faster diagnoses and treatment decisions, allowing for efficient use of medical resources. Additionally, AC&C will save on the costs currently incurred to transport animals to outside facilities for testing.
- The grant funds are to be used to help reduce the rate of euthanasia by saving an estimated 325 animals through the AC&C Safety Net Program. The presence of the X-ray machine would allow 780 animals per year to receive X-ray examinations.
- The 12-month grant period is from November 1, 2018, through October 31, 2019.

Fiscal Note

Funding: Public Safety Grant Fund

24. U.S. Department of Justice DNA Capacity Enhancement and Backlog Reduction Program Grant

Action:

Authorize the City Manager to accept a two-year, DNA Capacity Enhancement and Backlog Reduction grant in the amount of \$372,989 from the U.S. Department of Justice.

Staff Resource(s):

Kerr Putney, Police

Bruce Bellamy, Police

Matthew Mathis, Police

Explanation

- The Charlotte-Mecklenburg Police Department (CMPD) often applies for grants to fund work beyond what is programmed in the operating budget.
- Since 2006, CMPD has received an annual grant award from the U.S. Department of Justice for DNA Capacity Enhancement and Backlog Reduction Program. CMPD has been awarded another year of grant funding for Fiscal Year 2018.
- The grant will fund ongoing work to process DNA samples associated with crimes such as homicides, rapes, and robberies. The funded work also includes a quality assurance audit.
- The grant will continue to fund four existing positions.
- This ongoing grant funding has helped to increase CMPD's capacity to process more DNA samples awaiting analysis.
- The grant is for a two-year term from January 1, 2019, through December 31, 2020.
- According to grant parameters, the City must accept the grant award by October 20, 2018, in order to receive funding.
- The grant totals \$372,989, and does not require the City to provide any matching funds.

Fiscal Note

Funding: Public Safety Grant Fund

25. U.S. Department of Justice Sexual Assault Kit Initiative Grant

Action:

Authorize the City Manager to accept a three-year, Sexual Assault Kit Initiative grant in the amount of \$452,637 from the U.S. Department of Justice.

Staff Resource(s):

Kerr Putney, Police
Chris Dozier, Police
Muriel Hughes, Police

Explanation

- The Charlotte-Mecklenburg Police Department (CMPD) often applies for grants to fund work beyond what is programmed in the operating budget.
- CMPD has been awarded a Fiscal Year 2018 Sexual Assault Kit Initiative grant from the U.S. Department of Justice.
- The grant will fund a partnership with UNC Charlotte to conduct a census to identify convicted sexual assault offenders who have not previously provided DNA samples. Using the census data, DNA samples will be obtained in instances where none were previously collected. The new samples will be maintained in the national Combined DNA Index System.
- The grant will also fund two staff to complete the programmed work.
- The grant is for a three-year term from October 1, 2018, through September 30, 2021.
- According to the grant parameters, the City must accept the grant award by November 9, 2018, in order to receive funding.
- The grant totals \$452,637, and does not require the City to provide any matching funds.

Fiscal Note

Funding: Public Safety Grant Fund

26. Transportation Asphalt

Action:

- A. **Approve the purchase of plant-mix asphalt from a state contract,**
- B. **Approve unit price contracts with Ferebee Corporation and Blythe Construction Inc. for the purchase of asphalt for the term of two years under NCDOT Bituminous Plant Mix Asphalt, contract #54-JM-1214114, dated May 1, 2018, and**
- C. **Authorize the City Manager to extend the contract for additional one-year terms as long as the state contract is in effect, at prices and terms that are the same or more favorable than those offered under the state contract.**

Staff Resource(s):

Liz Babson, Transportation
Charles Jones, Transportation

State Contract Exemption

G.S. 143-129(e)(9) allows local governments to purchase from state contracts if the contractor is willing to extend the same or more favorable prices, terms, and conditions as those established under the state contract.

Explanation

- Plant-mix asphalt is used by the Charlotte Department of Transportation for the maintenance and repair of roadway surfaces, including the patching of potholes, repair of utility cuts, and paving activities. Current asphalt purchases are made through the state contract.
- G.S. 143-129(e)(9) allows local governments to purchase from state contracts if the contractor is willing to extend the same or more favorable prices, terms, and conditions as those established under the state contract.
- The amount of asphalt to be purchased will vary between vendors based on the proximity of maintenance activities related to the vendor's plant location.
- The adjusted unit price is based upon the monthly price of the asphalt binder posted by the North Carolina Department of Transportation.
- Annual expenditures are estimated to be \$6,500,000.

Charlotte Business INclusion

This is a state purchasing contract and is exempt (Part A: Appendix 27 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: Street Maintenance Powell Bill Fund

27. Roadway Construction Services Fiscal Year 2019 A and B

Action:

- A. **Reject the low-bid submitted by BSL Galbreath, Inc. for the Specialized Roadway Construction Services Fiscal Year 2019 A project,**
- B. **Approve a contract in the amount of \$298,347.50 to the lowest responsive bidder RPG Construction LLC for a term of 18 months for the Specialized Roadway Construction Services Fiscal Year 2019 A project, and**
- C. **Approve a contract in the amount of \$298,001 to the lowest responsive bidder Silverback Brothers, LLC for a term of 12 months for the Specialized Roadway Construction Services Fiscal Year 2019 B project.**

Staff Resource(s):

Mike Davis, Engineering and Property Management
Tonia Wimberly, Engineering and Property Management
Becky Chambers, Engineering and Property Management

Explanation

- These contracts will provide horizontal construction services on an as-needed basis for minor infrastructure projects including, but not limited to, accessible ramps, sidewalk gaps, and other work associated with these features.
- Work includes but is not limited to traffic control, erosion control, clearing and grading, drainage, milling, asphalt paving, pavement markings, curb, sidewalk, driveways, pedestrian refuge islands, retaining walls, wheelchair ramps, utility relocations, and installations.
- Contract Fiscal Year 2019 A and Fiscal Year 2019 B provide the same services but have different contract durations.
- Work orders will be issued on a task order basis prior to work starting.

Action A

- BSL Galbreath, Inc. bid in the amount of \$274,376.63, and was found to be non-responsive as a result of failing to meet the North Carolina General Contracting Licensing requirements.
- BSL Galbreath, Inc. does not have a General Contractor License.

Action B

- On August 2, 2018, the City issued an Invitation to Bid; three bids were received.
- RPG Construction, LLC was selected as the lowest responsive, responsible bidder.
- Estimated construction cost is \$281,000.

Action C

- On August 2, 2018, the City issued an Invitation to Bid; three bids were received.
- Silverback Brothers, LLC was selected as the lowest responsive, responsible bidder.
- Estimated construction cost is \$281,000.

Charlotte Business INclusion

The City solicited bids only from City certified SBEs, therefore 100% of the project participation is being committed to the certified firms (Part A: Section 2.3 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: General Community Investment Plan

28. SouthPark Cultural Loop Framework Plan

Action:

Authorize the City Manager to negotiate and approve a contract up to \$300,000 with Kimley Horn and Associates, Inc. for planning services for the SouthPark Cultural Loop Framework Plan.

Staff Resource(s):

Tracy Dodson, City's Manager's Office

Fran West, Economic Development

Mike Davis, Engineering and Property Management

Explanation

- This project will create a design and implementation plan for the SouthPark Cultural Loop as identified in the SouthPark Comprehensive Neighborhood Improvement Program (CNIP). The SouthPark Cultural Loop will be an iconic urban trail for cyclists and pedestrians that connects neighborhoods, shops, restaurants, hotels, and parks in the SouthPark activity center. This project will be planned with interactive input from the adjacent neighborhoods, businesses, employers, and developers in SouthPark.
- The Cultural Loop was identified as one of the top 15 SouthPark CNIP projects. The top 15 prioritized projects are seen as the most transformative for the SouthPark activity center and its surrounding neighborhoods based on the vision and guiding principles (ranking criteria) established for building a stronger, vibrant, and more connected public realm throughout the SouthPark CNIP area. The SouthPark CNIP and Cultural Loop is located in Council District 6.
- Planning services will include but are not limited to public outreach, analysis, development of design palette, alignment refinement, identification of quick win opportunities, and implementation strategies.
- On July 18, 2018, the City issued a Request for Qualifications (RFQ); six proposals were received.
- Kimley Horn and Associates, Inc., is the best qualified firm to meet the City's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.
- City Council will be asked to approve a design phase at a future Business Meeting.

Charlotte Business Inclusion

The City negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INCLUSION Policy). Kimley-Horn and Associates, Inc. has identified the following certified firms(s) to participate as project scopes are defined:

- Groundworks Studio, PLLC (SBE) (Public Art Integration)
- Yellow Duck Marketing, LLC (SBE) (Digital Marketing/Branding/Graphics)

Fiscal Note

Funding: General Community Investment Plan

Attachment(s)

Map

[Location Map - SouthPark Cultural Loop Framework Plan](#)

29. HVAC Equipment, Installation, Service, and Related Products

Action:

- A. **Approve the purchase of HVAC equipment, installation, service, and related products from a cooperative purchasing contract as authorized by G.S. 143-129(e)(3),**
- B. **Approve a unit price contract with Daikin Applied Americas, Inc. for the purchase of HVAC equipment, installation, service, and related products for a term of one year under National Intergovernmental Purchasing Alliance, Contract Number R150505, October 1, 2015, and**
- C. **Authorize the City Manager to extend the contract for additional one-year terms as long as the cooperative contract is in effect, at prices and terms that are the same or more favorable than those offered under the cooperative contract.**

Staff Resource(s):

Mike Davis, Engineering and Property Management
William Haas, Engineering and Property Management

Cooperative Purchasing Exemption

NC S.L. 2001-328, effective January 1, 2002, authorizes competitive group purchasing.

Explanation

- The City is responsible for the operations and maintenance of municipal facilities, structures, and assets including office, warehouse, storage, vehicle maintenance, communication towers, and public safety.
- Daikin Applied Americas, Inc. designs and manufactures commercial HVAC systems and offers:
 - Advanced HVAC technology that is energy efficient and compatible with the building automation systems currently in use in City-managed facilities,
 - Turnkey solutions for HVAC system replacements to ensure project and start-up efficiency, and
 - Comprehensive maintenance and repair services.
- Daikin Applied Americas, Inc. has a contract awarded through the National Intergovernmental Purchasing Alliance that offers competitively obtained contracts to public agencies nationwide.
- The City has had success with the Daikin equipment currently being used.
- As existing HVAC equipment in City facilities reaches the end of service life, this contract will allow for replacement with Daikin Applied Americas, Inc. equipment as deemed appropriate.
- Annual expenditures are estimated to be \$700,000.

Charlotte Business INclusion

These are cooperative purchasing contracts and are exempt (Part A: Appendix 27 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: General Fund building maintenance capital program, cultural facilities operating budgets, and designated capital funding as needed

30. Storm Water Repair and Improvement Contract (Fiscal Year 2019-A)

Action:

Approve a unit price contract \$4,275,662.60 to the lowest responsive bidder Onsite Development, LLC for the Storm Water Repair and Improvement Fiscal Year 2019-A project for a term of 18 months.

Staff Resource(s):

Mike Davis, Engineering and Property Management
Susan Tolan, Engineering and Property Management

Explanation

- This contract is part of an ongoing program to provide repairs and/or improvements to storm drainage systems. Each request is investigated and prioritized based on the severity of potential public/private property flooding and/or property damage.
- Approximately 30 projects may be constructed within a contract term that may not exceed 18 months. The number of projects may vary depending on the nature and extent of the repairs actually constructed.
- On August 7, 2018, the City issued an Invitation to Bid; four bids were received.
- Onsite Development, LLC was selected as the lowest responsive, responsible bidder.

Charlotte Business INclusion

Established SBE Goal: 16.00%
Committed SBE Goal: 21.87%

Onsite Development, LLC. exceeded the established SBE subcontracting goal, and has committed 21.87% (\$935,000) of the total contract amount to the following certified SBE firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Affordable Source Trucking, LLC (SBE, MBE) (\$150,000) (hauling)
- Streeter Trucking Company, Inc (SBE, MBE) (\$150,000) (hauling)
- L Carranza Dump Truck Service LLC (SBE) (\$125,000) (hauling)
- JV Trucking, LLC (SBE) (\$100,000) (hauling)
- MTS Trucking Inc. (SBE, MBE) (\$100,000) (hauling)
- Solanos Trucking Company, Inc (SBE) (\$100,000) (hauling)
- AMP Utility Distribution Services, LLC (SBE) (\$75,000) (utility material)
- R.R.C. Concrete Inc (SBE, MBE) (\$75,000) (concrete)
- B & N Grading, Inc. (SBE) (\$60,000) (milling)

Established MBE Goal: 7.00%
Committed MBE Goal: 11.11%

Onsite Development, LLC. exceeded the established MBE subcontracting goal, and has committed 11.11% (\$475,000) of the total contract amount to the following certified MBE firms (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Affordable Source Trucking, LLC (SBE, MBE) (\$150,000) (hauling)
- Streeter Trucking Company, Inc (SBE, MBE) (\$150,000) (hauling)
- MTS Trucking Inc. (SBE, MBE) (\$100,000) (hauling)
- R.R.C. Concrete Inc (SBE, MBE) (\$75,000) (concrete)

Fiscal Note

Funding: Storm Water Community Investment Plan

31. McDowell Creek Wastewater Treatment Plant Reliability Improvements Phase 2

Action:

Approve a contract in the amount of \$7,171,000 to the lowest responsive bidder State Utility Contractors, Inc. for the McDowell Creek Wastewater Treatment Plant Reliability Improvements Phase 2 project.

Staff Resource(s):

Angela Lee, Charlotte Water

Ron Hargrove, Charlotte Water

Carl Wilson, Charlotte Water

Explanation

- The McDowell Creek Wastewater Treatment Plant is located on Neck Road in the Town of Huntersville, and has been in operation since 1979 with treatment expansions constructed in 1997 and 2007.
- The primary objective of this Reliability Improvements Project is to complete required rehabilitation, maintenance, and upgrades to continue treating daily plant flows while meeting all existing discharge permit requirements. This objective will be met by completing rehabilitation and maintenance of multiple components.
- On July 16, 2018, the City issued an Invitation to Bid; four bids were received.
- State Utility Contractors, Inc. was selected as the lowest responsive, responsible bidder.
- On February 27, 2017, Council approved the engineering services contract for Phase 2.
- Phase 2 is anticipated to be complete in the third quarter of 2019.

Charlotte Business INclusion

Established MSBE Goal: 6.00%

Committed MSBE Goal (at time of Bid): 5.25%

MSBE Participation to Date: 6.86%

State Utility Contractors, Inc. failed to meet the established subcontracting goal, but earned the minimum Good Faith Efforts (Part B: Section 5 of the Charlotte Business INclusion Policy). State Utility Contractors, Inc. has committed:

- CITI, LLC (MBE) (\$367,815) (instrumentation and control)
- Oliver Paving Company, Inc. (SBE, WBE) (\$7,500) (paving)
- Martin Resources, LLC (SBE) (\$1,000) (hauling)

Subsequent to the Bid Opening, State Utility Contractors, Inc. has committed an additional 1.61% (\$115,829.91) to the following certified firms:

- AMP Utility Distribution Services, LLC (SBE) (\$110,829.91) (material supplier)
- P&TL, Inc. (SBE) (\$5,000) (erosion control)

Fiscal Note

Funding: Charlotte Water Community Investment Plan

Attachment

Map

[Map-McDowell Creek Wastewater Treatment Plant Reliability Improvements Phase 2](#)

32. Water and Sewer New Service Installations

Action:

- A. Approve a unit price contract to the lowest responsive bidder B.R.S., Inc. for the Installation of Water and Sewer Services for an initial term of one year, and**
- B. Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Angela Lee, Charlotte Water
David Czerr, Charlotte Water
Keri Cantrell, Charlotte Water

Explanation

- Charlotte Water outsources new water and sewer service installations, removal, and main line extensions using construction contracts in order to ensure timely service.
- This short duration work includes installation, removal, connections, valves, and related components. Due to the short time frames for completion of each task, subcontractors cannot be scheduled to meet the demanding time constraints of each site.
- Customers pay connection fees for new services, which are based on costs incurred through these contracts.
- The work covered under this contract should provide approximately 400 new commercial service installations, 30 existing service removals, and five short water and/or sanitary sewer main line extensions annually.
- This is the first of two similar contracts Charlotte Water plans to bid during Fiscal Year 2019.
- On July 12, 2018, the City issued an Invitation to Bid; three bids were received.
- B.R.S., Inc. was selected as the lowest responsive, responsible bidder.
- The renewals allow for possible price adjustments based on the Engineering News Record Construction Cost Index.
- The cost of equipment and parts installed for a customer comprises approximately \$2,200,000 of the estimated annual expenditures.
- Estimated annual expenditures are \$5,628,497.
- In an effort to contribute to the City's workforce development program, B.R.S., Inc. has agreed to mentor and train two individuals in large diameter water and wastewater tap installation for the first six months of the contract. This effort will help development of a pipeline of future workers with the unique skills, knowledge, and abilities to fill entry-level positions within the industry.

Charlotte Business INclusion

Established MSBE Goal: 5.00%

Committed MSBE Goal: 0.00%

B.R.S., Inc. has submitted a Self-Performance Affidavit with their proposal. (Part B: Section 2.2.1 of the Charlotte Business INclusion Policy). State Statute, and therefore the CBI policy, allows for Self-Performance on construction contracts. Although there were limited subcontracting opportunities, staff established a 5% MSBE goal on this contract.

Fiscal Note

Funding: Charlotte Water Community Investment Plan

33. Water Service Relocation and Water Main Dismantlement

Action:

- A. **Approve a unit price contract to the lowest responsive bidder Atlantic Coast Contractors, Inc. for Water Service Relocations and Water Main Dismantlement for an initial term of one year, and**
- B. **Authorize the City Manager to renew the contract for up to three, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Angela Lee, Charlotte Water

Ron Hargrove, Charlotte Water

Explanation

- The contract will provide 3/4-inch and one-inch water service relocations and associated water main dismantlement. It will also provide for the replacement of out-of-standard and leak-prone water services in areas that were served by private water companies prior to purchase by the City.
- In order to proactively reduce the number of unplanned repairs, this contract targets infrastructure and areas in the distribution system with the highest failure rates.
- Due to a need for increased capacity, several streets (especially streets located in the older parts of the distribution system) have more than one water line in service. As the oldest lines reach the end of their service life, the connections to these lines need to be relocated to the newer lines. Dismantling the older lines reduces the potential for leaks and improves water quality for the customer.
- The contract includes licensed plumbing company services to address work on private property related to water service relocations where needed.
- On August 14, 2018, the City issued an Invitation to Bid; four bids were received.
- Atlantic Coast Contractors, Inc. was selected as the lowest responsive, responsible bidder.
- The renewals allow for possible price adjustments based on the Engineering News Record Construction Cost Index.
- Annual expenditures are estimated to be \$1,688,246.

Charlotte Business INclusion

Established MSBE Goal: 8.00%

Committed MSBE Goal: 8.94%

Atlantic Coast Contractors, Inc. met the established subcontracting goal and has committed 8.94% (\$151,000) of the total contract amount to the following certified firm(s) (Part B: Section 3 of the Charlotte Business INclusion Policy):

- Piedmont Underground Utilities, Inc. (SBE) (\$100,000) (utility construction)
- R.E. Sifford Utility, Inc. (SBE, MBE) (\$40,000) (utility construction)
- The Huffstetler Group, Inc. (SBE) (\$10,000) (concrete)
- Shipp's Fire Equipment Sales, Inc. (SBE) (\$1,000) (backflow certification)

Fiscal Note

Funding: Charlotte Water Community Investment Plan

34. Underground Boring Tools and Pipe Splitters

Action:

- A. Approve the purchase of Underground Boring Tools and Pipe Splitters, as authorized by the sole source exemption of G.S. 143-129(e)(6),**

- B. Approve a contract with TT Technologies, Inc. for the purchase of Underground Boring Tools and Pipe Splitters for the term of five years, and**

- C. Authorize the City Manager to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

Angela Lee, Charlotte Water

Ron Hargrove, Charlotte Water

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 for this contract because there is only one supply source.
- The City Council must approve purchases made under the sole source exception.

Explanation

- Charlotte Water currently has 25 boring tools and pipe splitters of this type in its inventory. This contract will be used to fully outfit each Field Operations crew with these tools, as well as have needed maintenance and repairs performed on the tools in the future.
- Charlotte Water uses underground boring tools and pipe splitters in order to replace pipes without compromising roadways and driveways.
- TT Technologies, Inc. is the only manufacturer that offers a spring-loaded head in their boring tool, which is key to making an accurate and successful bore. Without this feature, roadway disturbance is very likely due to an inability to make the bore and/or the boring tool rise toward the surface.
- The splitting tool is unique to TT Technologies, Inc. because of its four-blade pilot design, which is capable of effectively splitting both plastic (PVC) and copper pipe. The tool is used to split PVC lines and replace them with copper tubing from the main to the service line.
- Annual expenditures are estimated to be \$80,000.

Charlotte Business INclusion

This is a sole source contract and is exempt (Part A: Appendix 1.27 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: Charlotte Water Operating Budget

35. Sugar Based Beverage Reuse for Wastewater Treatment Plants

Action:

Approve unit price contracts for Sugar Based Beverage Reuse for Wastewater Treatment Plants for a term of five years to the following:

- **Choice USA Beverage Inc.,**
- **Coca-Cola Bottling Co. Consolidated, and**
- **Independent Beverage.**

Staff Resource(s):

Angela Lee, Charlotte Water

Ron Hargrove, Charlotte Water

Explanation

- Since 2001, Charlotte Water has partnered with local beverage companies for the delivery of sugar water to Charlotte's wastewater treatment plants.
- Sugar water is a waste product from local beverage companies, and is found in beverages such as soda and tea. Once sugar based beverages have expired, they are retrieved from store shelves for disposal.
- Charlotte Water utilizes this waste product to remove phosphorous in the wastewater treatment process. Incorporating this beneficial and sustainable product into wastewater treatment operations, instead of using more expensive chemicals, results in annual savings of approximately \$500,000.
- A waiver of a competitive solicitation process may be granted when deemed appropriate and in the City's best interest. A waiver has been approved for this procurement.
- Annual expenditures are expected to be \$200,000.

Charlotte Business INclusion

No subcontracting goals were established because there are no opportunities (Part C: Section 2.1(a) of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: Charlotte Water Operating Budget

36. Blue Line Extension Construction Management Services Contract Amendment

Action:

Approve contract amendment #9 for up to \$4,000,000 to HNTB North Carolina PC for construction management services for the LYNX Blue Line Extension project.

Staff Resource(s):

John Lewis, CATS

Jill Brim, CATS

Explanation

- Although the Blue Line Extension (BLE) project successfully opened for revenue service on March 16, 2018, work continues on the Civil A, Civil B/C, Station Finishes, Track and Systems contracts to complete all required work, including submittals, testing, corrective actions, and closeout documentation. This work is ongoing and expected to be complete in early 2019.
- HNTB is providing construction management services for the BLE, including construction inspection, submittal reviews, change management, schedule analysis, construction safety oversight, and quality management services.
- HNTB North Carolina PC contract amendment #9 is needed due to the following:
 - Extended duration of Civil construction contracts, including contract closeout;
 - Extended duration, resolution of issues, and testing support related to the Track and Systems contract;
 - Claims and litigation support; and
 - Extended overall completion schedule of the BLE project.
- On November 12, 2012, the City Council approved Phase One of the construction management agreement in the amount of \$3,000,000. Phase One was executed to allow work to begin while the primary contract was negotiated.
- Eight contract amendments have been approved to date.
- The new total value of the contract, including this amendment, is an amount up to \$74,264,506, which is within the current BLE project budget.

Disadvantaged Business Enterprise Opportunity

All additional work involved in this amendment will be performed by HNTB North Carolina PC and their existing DBE subcontractors.

Fiscal Note

Funding: CATS Community Investment Plan

Attachment(s)

Blue Line Extension Support Services Contract Amendment History

[Attachment BLE Construction Management Contract Amendment History.docx](#)

37. CATS Transit Security Contract Amendment

Action:

Approve contract amendment #3 for \$1,000,000 to G4S Secure Solutions (USA), Inc. to provide transit security services through the end of its contract term on October 11, 2018.

Staff Resource(s):

John Lewis, CATS

Kenneth Chapman, CATS

Explanation

- The City contracts with G4S Secure Solutions (USA), Inc. (G4S) to provide security services for CATS' transit facilities and fleet. These private security services provide additional support to the Charlotte-Mecklenburg Police Department's efforts.
- Contracted private security is a cost-effective solution to ensure safety and security for approximately one half of the annual cost of utilizing sworn officers.
- City Council approved a contract with G4S on August 26, 2013, but the contract did not include funds to provide security services for the Blue Line Extension.
- The contract requires an additional \$1,000,000 to cover the cost of security services for the newly expanded transit system until the end of the contract term on October 11, 2018. This amount supports the increase in cost since the opening of the BLE on March 16, 2018, through the end of the contract term.
- This is anticipated to be the final amendment on this contract and a subsequent item will be presented to Council to award a new three-year contract.

Charlotte Business INclusion

G4S has committed 15.00% (\$150,000) of the total contract amendment amount to the following certified firm(s):

- Professional Security Services (MBE) (\$150,000) (unarmed security guard and video monitoring services)

Fiscal Note

Funding: CATS Operating Budget

38. CATS Transit Security Services

Action:

- A. **Approve a three-year contract for up to \$5,890,960 annually with G4S Secure Solutions USA Inc. for transit security services at various transit facilities, and**

- B. **Authorize the City Manager to extend the contract for two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

John Lewis, CATS

Kenneth Chapman, CATS

Explanation

- The City contracts with a private security company to provide security services for CATS' transit facilities and fleet. These private security services provide additional support to the Charlotte-Mecklenburg Police Department's (CMPD) efforts.
- Contracted private security is a cost-effective solution to ensuring safety and security at CATS' properties for one half of the annual cost of utilizing a sworn CMPD officer.
- A team composed of CATS and CMPD representatives evaluated the contract for award selection and adherence to the terms.
- The contract scope allows for additional future security services to be provided for future transit line expansions and special events.
- The City will retain the right to terminate the contract immediately for default including, among other things, any violation of law.
- On July 13, 2018, the City issued a Request for Proposals (RFP); two proposals were received.
- G4S Secure Solutions USA Inc. best meets the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements that included company experience in a transit environment and staff qualifications.
- The estimated annual expenditures are \$5,890,960, for an estimated total of \$17,672,880 over the three-year term.
- This action will award a new three-year contract, while the preceding item is presented to Council to amend the current contract.

Charlotte Business INclusion

The City negotiates subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy).

G4S has committed 17.33% (\$1,020,903) of the annual contract amount (equaling \$5,104,517 of the potential five-year contract amount) to the following certified firm(s):

- Professional Security Services (MBE) (\$1,020,903 annually) (unarmed security guard & video monitoring services)

Fiscal Note

Funding: CATS Operating Budget

39. LYNX Rail Car Cleaning Services

Action:

- A. Approve a contract for up to \$60,000 with 25/27 Cleaning Services, LLC for light rail facility cleaning for an initial term of one year, and**
- B. Authorize the City Manager to renew the contract for up to four, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.**

Staff Resource(s):

John Lewis, CATS
Allen Smith III, CATS

Explanation

- The City contracts for 24-hour cleaning services at several facilities within the CATS system to complement City staff.
- Cleaning services allow CATS to maintain a high standard of cleanliness and typically work in the evening hours.
- These services will be performed at the following CATS locations:
 - South Boulevard Light Rail Facility located at 3305 Pelton Street (Council District 3),
 - North Brevard Light Rail Facility located at 1911 North Brevard Street (Council District 1),
 - UNC Charlotte Passenger Station storage track (Council District 4), and
 - I-485 Passenger Station storage track (Council District 3).
- Cleaning supplies, water, and personal protective equipment will be supplied by CATS.
- On May 4, 2018, the City issued a Request for Proposals (RFP); six proposals were received.
- 25/27 Cleaning was selected because they best meet the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- The estimated total amount for five years is \$300,000.

Charlotte Business INclusion

The City solicited proposals only from City-certified SBEs, therefore 100% of the project participation is being committed to the following certified firm: 25/27 Cleaning Services LLC (SBE, MBE) (Part A: Section 2.3 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: CATS Operating

40. CATS Bus Wheel Reconditioning Services

Action:

- A. Approve a unit price contract with Global Aviation Services for bus wheel reconditioning services for an initial term of one year, and
- B. Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the purpose for which the contract was approved.

Staff Resource(s):

John Lewis, CATS
Tangee Mobley, CATS

Explanation

- To ensure durability, extended life, and safety of bus wheels, the City contracts with a vendor to inspect wheels for damage and to recondition them.
- The vendor will transport wheels to its facility in order to remove minor damage and to recondition them to a high-gloss finish.
- On March 31, 2018, the City issued a Request for Proposals (RFP); two proposals were received.
- Global Aviation Services best meets the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Staff anticipates renewing the contract for two, one-year terms at prices to be negotiated based upon market conditions.
- Estimated contract expenditures are \$60,000 annually.

Charlotte Business INclusion

No subcontracting goal was established because there are no opportunities (Part C: Section 2.19(a) of the Charlotte Business Inclusion Policy).

Fiscal Note

Funding: CATS Operating Budget

41. Airport Sanitary Sewer Line

Action:

Approve a contract in the amount of \$5,564,286.19 to the lowest responsive bidder Fuller & Co. Construction LLC for the Sanitary Sewer Line on Rental Car Road.

Staff Resource(s):

Brent Cagle, Aviation
Jack Christine, Aviation

Explanation

- Due to increased sewer demand from Concourse A Expansion and the Terminal Lobby Expansion projects, a new sewer line is necessary for these and future projects.
- On July 24, 2017, City Council approved sewer design services for the Concourse A and Terminal Lobby Expansion projects in the amount of \$399,400 by STV Engineers, Inc.
- On July 17, 2018, the City issued an Invitation to Bid; three bids were received.
- Fuller & Co. Construction LLC was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by fourth quarter 2019.
- This activity is occurring on airport property, Council District 3.

Charlotte Business INclusion

Fuller & Co Construction LLC is a City certified SBE. Current Charlotte Business INclusion Policy does not count the prime contractor's certification status towards MSBE subcontracting goals.

Established MSBE Goal: 9.00%

Committed MSBE Goal (at time of Bid): 1.75%

MSBE Participation to Date: 5.47%

Fuller & Co Construction LLC failed to meet the established subcontracting goal, but earned the minimum Good Faith Effort Points (Part B: Section 5 of the Charlotte Business INclusion Policy). Fuller & Co Construction LLC committed:

- Tarpon Construction, Inc. (SBE) (\$96,000) (asphalt, curb, and sidewalk)

Subsequent to the Bid Opening, Fuller & Co Construction LLC has committed an additional 3.72% (\$208,300) to the following certified firms:

- Tony's Trucking (SBE, MBE) (\$75,000) (hauling)
- Carolina Environmental Response Team (SBE) (\$60,075) (vacuum excavation)
- Kelby Construction, Inc (SBE) (\$36,125) (traffic control, landscape lighting, landscaping)
- Supreme Sweepers (MBE) (\$17,500) (sweeping site pavement)
- The Survey Company (SBE) (\$15,000) (survey)
- RDL Private Utility (SBE, MBE) (\$4,600) (utility locating)

City staff will continue to work with Fuller & Co Construction to increase MSBE participation.

Fiscal Note

Funding: Aviation Community Investment Plan

42. Airport Terminal Elevated Roadway System and Pedestrian Tunnels

Action:

- A. Approve contract amendment #3 for \$740,000 with HNTB of North Carolina for construction administration and inspection services, and**
- B. Approve contract amendment #1 for \$192,500 with Summit Engineering, Laboratory, & Testing, P.C. for quality assurance testing.**

Staff Resource(s):

Brent Cagle, Aviation

Jack Christine, Aviation

Explanation

Action A:

- On November 8, 2010, City Council approved a design contract to HNTB of North Carolina, P.C. (HNTB) in the amount of \$1,292,280 for the terminal elevated roadway system.
- On September 10, 2012, City Council approved contract amendment #1 in the amount of \$362,081 to HNTB for additional design services.
- On August 24, 2015, City Council approved a construction contract for the Terminal Elevated Roadway System project, and also approved amendment #2 with HNTB in the amount of \$1,617,669, for the construction administration of the project.
- The construction is projected to be complete September 2019, and the amendment will ensure continuity of construction administration, scheduling, project controls and field inspections.
- The new total of the contract, including this amendment, is \$4,012,030.
- This activity is occurring on airport property, Council District 3.

Action B:

- On August 24, 2015, City Council approved a contract with Summit Engineering, Laboratory, & Testing, P.C. in the amount of \$1,971,800 for quality assurance and special inspections.
- The construction is projected to be complete September 2019, and the amendment will ensure continuity of quality assurance testing, bridge inspection, caisson inspection, and special inspections.
- The new total of the contract, including this amendment, is \$2,164,300.

Charlotte Business INclusion

Action A:

All additional work involved in this amendment will be performed by HNTB of North Carolina and their existing subcontractor (Part D: Section 6 of the Charlotte Business INclusion Policy).

HNTB of North Carolina has committed 2.70% (\$20,000) of the total contract amendment amount to the following certified firm:

- McFarland Building Group, LLC (SBE, MBE) (\$20,000) (progress meetings and document control)

Action B:

All additional work involved in this amendment will be performed by Summit Engineering, Laboratory, & Testing, P.C. and their existing subcontractor (Part D: Section 6 of the Charlotte Business INclusion Policy).

Summit Engineering, Laboratory, & Testing, P.C. has committed 10.00% (\$19,250) of the total contract amendment amount to the following certified firm:

- On-Spec Engineering (SBE) (\$19,250) (materials testing)

Fiscal Note

Funding: Aviation Community Investment Plan

43. Airport Ramp Pavement Management Program

Action:

Approve a contract in the amount of \$542,980 with Delta Airport Consultants, Inc. for engineering services of the Airport Ramp Pavement Management Program.

Staff Resource(s):

Brent Cagle, Aviation
Jack Christine, Aviation

Explanation

- The majority of aircraft ramp pavement at the Airport is over 30 years old and will soon be reaching the end of its life cycle.
- The Airport Ramp Pavement Management Program will provide a comprehensive review on conditions of all ramp pavements (excluding the Air National Guard ramp) along with an improvement schedule and costs analysis for the rehabilitation and repair of the pavement.
- The professional services contract will include surveying, destructive and non-destructive pavement analysis, geotechnical investigation, engineering, maintenance/replacement costs, and schedule analysis for Aviation's Capital Improvement Plan.
- On March 23, 2017, the City issued a Request for Qualifications; 24 proposals were received.
- Delta Airport Consultants is the best qualified firm to meet the City's needs based on their experience on similar airfield projects.
- The Airport applied for grant funding provided by the Federal Aviation Administration's Airport Improvement Program, which would ultimately fund 75 percent of the contract.
- This activity is occurring on airport property, Council District 3.

Disadvantaged Business Enterprise

The City negotiates subcontracting participation after the proposal selection process.

Delta Airport Consultants, Inc. has committed 36.28% (\$196,980) of the total contract amount to the following certified firms:

- On-Spec Engineering (DBE, SBE) (\$119,980) (preliminary geotechnical services)
- CES Group Engineers, LLP (DBE, SBE, WBE) (\$77,000) (core location surveying services)

Fiscal Note

Funding: Aviation Community Investment Plan

44. Airport Office Space Lease to Frontier Airlines

Action:

Approve a 2.5 year lease with Frontier Airlines for office space in the terminal of Charlotte Douglas International Airport.

Staff Resource(s):

Brent Cagle, Aviation
Haley Gentry, Aviation

Explanation

- Aviation makes office space available to lease to airline tenants.
- This lease would provide 209 square feet of office space in the terminal to Frontier Airlines to support its airline operations.
- Annual rent based on the terminal rental rate is \$9,555.64, with the total 2.5-year lease value of \$23,889.06.
- This activity is occurring on airport property, Council District 3.

Fiscal Note

Funding: Revenue from the lease agreement will be deposited within Aviation's operating budget

45. Refund of Property Taxes

Action:

Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessment error in the amount of \$2,107.76.

Staff Resource(s):

Robert Campbell, Finance
Kay Elmore, Finance

Explanation

- Mecklenburg County notified and provided the City of Charlotte the list of Property Tax refunds due to clerical or assessment error.

Attachment(s)

Taxpayers and Refunds Requested
Resolution Property Tax Refunds

[List of Taxpayers and Refunds Requested.pdf](#)

[Resolution.pdf](#)

46. Meeting Minutes

Action:

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

- **September 10, 2018, Business Meeting, and**
- **September 17, 2018, Zoning Meeting.**

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

PROPERTY TRANSACTIONS**47. Property Transactions - Cross Charlotte Trail Bradywine - Tyvola, Parcel #22**

Action: Approve the following Acquisition: Cross Charlotte Trail Bradywine - Tyvola, Parcel #22

Project: Cross Charlotte Trail Bradywine - Tyvola, Parcel #22

Owner(s): Victor M. Pineiro and Hilda H. Pineiro

Property Address: 1800 Asbury Hall Ct

Total Parcel Area: 30,886 sq. ft. (.709 ac.)

Property to be acquired by Easements: 2,599 sq. ft. (.06 ac.) in Permanent Greenway Easement, plus 1,205 sq. ft. (.028 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: Trees

Zoned: R-12

Use: Flum/Swim Floodway (No Build Zone)

Tax Code: 175-131-50

Purchase Price: \$11,725

Council District: 6

48. Property Transactions - Cutchin Drive Drainage Improvements, Parcel #12

Action: Approve the following Acquisition: Cutchin Drive Drainage Improvements, Parcel #12

Project: Cutchin Drive Drainage Improvements, Parcel #12

Program: Flood Control

Owner(s): Debra G. Detwiler

Property Address: 3142 Chaucer Drive

Total Parcel Area: 19,953 sq. ft. (.458 ac.)

Property to be acquired by Easements: 763 sq. ft. (.018 ac.) in Storm Drainage Easement, plus 543 sq. ft. (.012 ac.) in Existing Drainage Accepted as Storm Drainage Easement

Structures/Improvements to be impacted: Fence, arbor, retaining wall

Landscaping to be impacted: Various plantings

Zoned: R-3

Use: Single-family Residential

Tax Code: 209-083-15

Purchase Price: \$23,850

Council District: 6

49. Property Transactions - Glenn Teague Road to serve 6130 & 6116, Parcel #1

Action: Approve the following Condemnation: Glenn Teague Road to serve 6130 & 6116, Parcel #1

Project: Glenn Teague Road to serve 6130 & 6116, Parcel #1

Owner(s): Gerald A. Chadwick and Amy Joy Chadwick

Property Address: 6124 Glenn Teague Rd

Total Parcel Area: 17,290 sq. ft. (.397 ac.)

Property to be acquired by Easements: 2,555 sq. ft. (.059 ac.) in Waterline Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: R-5

Use: Single-family Residential

Tax Code: 023-241-20

Appraised Value: \$9,450

Property Owner's Concerns: The property owners are concerned with the amount of compensation being offered.

City's Response to Property Owner's Concerns: Staff informed the property owners they could obtain their own appraisal in order to justify a counter offer.

Recommendation: Staff recommends proceeding to condemnation during which time negotiations can continue, mediation is available and if necessary, just compensation can be determined by the court.

Council District: N/A

Adjournment

REFERENCES

50. Reference - Charlotte Business INClusion Policy

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

Part A: Administration and Enforcement

Part A: Section 2.3: Targeted Outreach and Designated Contracts for Small Business Enterprises (SBEs).

When feasible, the Charlotte Business INClusion (CBI) Office may designate certain Contracts or categories of Contracts in which solicitation efforts will be directed only to SBEs. In designating Contracts for targeted outreach or SBE participation, the CBI Office takes into account the size and scope of the Contract and the availability of SBEs to provide the applicable services or products.

Part A: Section 3.1: Subcontracting Goals. The City shall establish one or more Subcontracting Goals for all Construction Contracts of \$300,000 or more and for all Architecture, Engineering, and Surveying Contracts of \$100,000 or more. Contracts estimated to be less than these thresholds are exempt from the goal setting process.

Appendix Section 20: Contract: For the purposes of establishing an (Minority, Women, and Small Business Enterprise (MWSBE) 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, surveying, 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), and (d) apparatus, supplies, goods, or equipment.
- The term "Contract" shall also include Exempt Contracts for which an SBE, Minority Business Enterprise (MBE), or Women Business Enterprise (WBE) Goal has been set.
- Financial Partner Agreements, Development Agreements, Infrastructure Improvement Agreements, Design-Build, 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 Charlotte Business INClusion Program Policy.

Appendix Section 27: Exempt Contracts: Contracts that fall within one or more of the following categories are "Exempt Contracts" and shall be exempt from all aspects of the Charlotte Business INClusion Policy:

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, 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.

Managed Competition Contracts: Managed competition contracts pursuant to which a City department or division competes with Business Enterprises to perform a City function.

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

Federal Contracts Subject to Disadvantaged Business Enterprise (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.

State Funded Contracts Subject to the State's MWBE Requirements: Contracts that are subject to an MWBE Goal set by the State of North Carolina pursuant to N.C. Gen. Stat. 143-128.2.

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

Interlocal Agreements: Contracts with other units of federal, state, or local government.

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

Contracts with Waivers: Contracts for which the City Manager or CBI Program Manager waives the CBI Program requirements (such as when there are no MWSBE subcontracting opportunities on a Contract).

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

Appendix Section 35: Informal Contracts: Contracts that are estimated to be less than the following dollar thresholds prior to issuance of the City Solicitation Documents:

- Construction Contracts: \$500,000, and
- Service Contracts and Commodities Contracts: \$100,000.

Part B: Construction and Commodities Contracts

Part B: Section 2.1: When the City sets a Subcontracting Goal, each Bidder must either: (a) meet each Subcontracting Goal; or (b) comply with the Good Faith Negotiation and Good Faith Efforts requirements for each unmet Subcontracting Goal. Failure to comply 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 2.3: No Goals When There Are No Subcontracting Opportunities. The City shall not establish Subcontracting Goals for Contracts where: a) there are no subcontracting opportunities identified for the Contract; or b) there are no SBEs, MBEs, or WBEs (as applicable) to perform scopes of work or provide products or services that the City regards as realistic opportunities for subcontracting.

Part C: Service Contracts

Part C: Section 2.1(a) Subcontracting Goals: No Goal When There Are No MWSBE Subcontracting Opportunities. The City shall not establish Subcontracting Goals for Service Contracts where (a) there are no subcontracting opportunities identified; or (b) there are no SBEs or MWBEs certified to perform the scopes of work that the City regards as realistic opportunities for subcontracting.

Part C: Section 2.1(b) and 2.1(c): The City may require each Proposer to submit with its Proposal one or more of the following: (a) a Participation Plan describing how Proposer intends to solicit MWSBE participation; (b) the Proposer's Committed Subcontracting Goals; and (c) an affidavit listing the SBEs and MWBEs it intends to use on the Contract.

Part C: Section 2.1(h) Negotiated Goals: The City may seek to negotiate Subcontracting Goals after Proposals have been submitted.

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 MWSBE subcontracting opportunity, the City shall either (a) notify the Contractor that there will be no Supplemental MWSBE Goal for the new work; or (b) establish and notify the Contractor of a Supplemental MWSBE Goal for the new work.

51. Reference - Property Acquisitions and Condemnations

- 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, and
 - 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 the 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 a trial before a judge or jury to determine "just compensation."
- Full text of each resolution is on file with the City Clerk's Office.
- The definition of easement is a right created by grant, reservation, agreement, prescription, or necessary implication, which one has in the land of another, it is either for the benefit of land, such as right to cross A to get to B, or "in gross," such as public utility easement.
- The term "fee simple" is a synonym for ownership and is an estate under which the owner is entitled to unrestricted powers to dispose of the property, and which can be left by will or inherited.

52. Reference - Property Transaction Process

Property Transaction Process Following City Council Approval for Condemnation

The following overview is intended to provide further explanation for the process of property transactions that are approved by City Council for condemnation.

Approximately six weeks of preparatory work is required before the condemnation lawsuit is filed. During this time, City staff continues to negotiate with the property owner in an effort to reach a mutual settlement.

- If a settlement is reached, the condemnation process is stopped, and the property transaction proceeds to a real estate closing.
- If a settlement cannot be reached, the condemnation lawsuit is filed. Even after filing, negotiations continue between the property owner and the City's legal representative. Filing of the condemnation documents allows:
 - The City to gain access and title to the subject property so the capital project can proceed on schedule.
 - The City to deposit the appraised value of the property in an escrow account with the Clerk of Court. These funds may be withdrawn by the property owner immediately upon filing, and at any time thereafter, with the understanding that additional funds transfer may be required at the time of final settlement or at the conclusion of litigation.
- If a condemnation lawsuit is filed, the final trial may not occur for 18 to 24 months; however, a vast majority of the cases settle prior to final trial. The City's condemnation attorney remains actively engaged with the property owner to continue negotiations throughout litigation.
 - North Carolina law requires that all condemnation cases go through formal non-binding mediation, at which an independent certified mediator attempts to facilitate a successful settlement. For the minority of cases that do not settle, the property owner has the right to a trial by judge or jury in order to determine the amount of compensation the property owner will receive.