

Mayor Anthony Foxx

Michael D. Barnes
Dr. Jason Burgess
Nancy Carter
Warren Cooksey
Andy Dulin

Mayor Pro Tem Patrick D. Cannon

David L. Howard
Patsy Kinsey
James Mitchell, Jr.
Edwin Peacock III
Warren Turner

CITY COUNCIL MEETING
Monday, September 27, 2010

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

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CITY COUNCIL AGENDA
Monday, September 27, 2010

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5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. Mayor & Council Consent Item Questions

Resource: Julie Burch, City Manager's Office

Time: 5 minutes

Synopsis

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

2. Design-build Contract for McAlpine Wastewater Treatment Plant Filter Upgrade

Resource: Barry Shearin, Utilities

Time: 20 minutes

Synopsis

- In 2007, the City obtained local legislation to allow for the use of design-build or design-build-operate for the design and construction of any water or wastewater treatment plant capital project.
- Design-build is a construction project delivery method in which one entity, the design-build team, works under a single contract with the project owner to provide design and construction services. This construction method streamlines the project delivery through a single contract between the owner and the design-build team. This fundamental difference between design-build and the traditional design-bid-build method allows for faster delivery through collaborative project management and cost savings since an integrated team is geared toward efficiency and innovation.
- Utilities plans to issue a Request for Qualifications to select a firm for design and construction of its first design-build project, which will be the McAlpine Creek Wastewater Management Facility Effluent Filter Expansion.
- Utilities staff will update Council on
 - Design-build vs. design-bid-build delivery methods
 - Benefits to the City

Future Action

Council will be asked to award a design-build contract to the selected firm later this calendar year.

3. Cultural Facilities Renaming to Levine Center for the Arts

Resources: Ron Kimble, City Manager's Office
Scott Provancher, Arts and Science Council

Time: 20 minutes

Synopsis

- Mayor Foxx asked that this item be scheduled for discussion and action on this agenda.
- The Arts and Science Council (ASC) is in the process of renaming the area in and around the new cultural facilities the Levine Center for the Arts, based upon the Levine Foundation gift provided to the endowment associated with this project.
- The ASC would like to formally rename the one-block segment of 1st Street between South Church and South Tryon Streets, Levine Avenue of the Arts.
- As part of the renaming, the ASC will be implementing a plan to provide signage and other features recognizing the new name.
- The funding for planning, design and construction of the signage and features will be provided by the ASC. The partnership for implementing the changes will be comprised of ASC, Charlotte Center City Partners, Wells Fargo and the City.
- The City's estimated annual maintenance cost is \$10,000 and can be paid through existing funds in the Tryon Street Maintenance Account.

Future Action

- The renaming action is included as item 14, page 15 of this agenda.

4. Answers to Mayor and Council Consent Item Questions

Resource: Julie Burch, City Manager's Office

Time: 10 minutes

Synopsis

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

6:30 P.M. CITIZENS' FORUM

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

5. Easter Seals Walk With Me Celebration Proclamation

Action: Mayor Foxx to present Basil Williams, Executive Director of Easter Seals of Charlotte, with the "Walk With Me Celebration Day – A Day to Celebrate People of All Abilities" proclamation.

CONSENT

- 6. Consent agenda items 18 through 47 may be considered in one motion except those items removed by a Council member. Items are removed by notifying the City Clerk before the meeting.**

PUBLIC HEARING

7. Public Hearing on Resolution to Close Moss Street, Benson Street and Portions of Dearborn Avenue, Badger Court and Horne Drive

Action: **A. Conduct a public hearing to close Moss Street, Benson Street and portions of Dearborn Avenue, Badger Court and Horne Drive, and**

B. Adopt a resolution to close.

Staff Resources: Jeff McSwain, Transportation
Linda Poissant, Transportation

Policy

To abandon right-of-way that is no longer needed for public use

Explanation

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.
- The attached resolution refers to exhibits and metes and bounds descriptions that are available in the City Clerk's Office.

Petitioner

Double Oaks Development, LLC

Right-of-Way to be abandoned

Moss Street, Benson Street, and portions of Dearborn Avenue, Badger Court and Horne Drive

Location

Located within the Double Oaks Community

Moss Street is a 50-foot wide right-of-way beginning at Double Oaks Drive meandering approximately 640 feet eastwardly to its terminus and consisting of 32,040 square feet.

Benson Street is a 30-foot wide right-of-way beginning at its intersecting point with Woodward Avenue and continuing approximately 297 feet north to its terminus and consisting of 8,790 square feet.

A portion of Dearborn Avenue is a 30-foot wide right-of-way beginning 555 feet west of its intersecting point with Statesville Avenue and continuing approximately 56 feet westward to its terminus and consisting of 1,701 Square feet.

A portion of Badger Court is a cul-de-sac shaped right-of-way located approximately 228 feet west from its intersecting point with Statesville Avenue and consists of 5,979 square feet.

A portion of Horne Drive is a 50-foot wide right-of-way beginning at Double Drive and curving in a southeastward direction approximately 760 feet to its terminus and consisting of 38,691 square feet.

Reason

To incorporate the rights-of-way into adjacent parcels for various right-of-way realignments and parcel combinations to accommodate the development of the Double Oaks single and multi-family development. This abandonment is consistent with rezoning petition #2008-073, which was approved by City Council on July 21, 2008.

Notification

As standard procedure, the Charlotte Department of Transportation sent abandonment petitions to adjoining property owners, neighborhood associations, private utility companies and City departments for review.

Adjoining Property Owners

Roman Catholic Diocese of Charlotte- No objections

Presbytery of Charlotte- No objections

Neighborhood/Business Associations

Double Oaks Community Organization – No objections

Edison Street Block Association – No objections

Druid Hills – No objections

Lincoln Heights Neighborhood Association – No objections

Lockwood Neighborhood Association – No objections

Oaklawn Community Improvement Organization – No objections

Genesis Park – No objections

J. T. Williams Neighborhood Association - No objections

Private Utility Companies – No objections

City Departments

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

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

Attachment 1

Map

Resolution

8. Public Hearing on Resolution to Close Dunbar Street and a Portion of McNinch Street

Action: **A. Conduct a public hearing to close Dunbar Street and a portion of McNinch Street, and**
 B. Adopt a resolution to close.

Staff Resources: Jeff McSwain, Transportation
 Linda Poissant, Transportation

Policy

To abandon right-of-way that is no longer needed for public use

Explanation

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.
- The attached resolution refers to exhibits and metes and bounds descriptions that are available in the City Clerk's Office.

Petitioner

Beazer Homes Corporation- John Carmichael/K&L Gates LLP.

Right-of-Way to be abandoned

Dunbar Street and a portion of McNinch Street

Location

Located just outside of the Third Ward and Wesley Heights Community Dunbar Street is a varying right-of-way consisting of three tracts;

Tract 1: beginning from South Clarkson Street continuing northwestwardly approximately 530 feet to its terminus and consisting of 21,434 square feet

Tract 2: beginning from South Clarkson Street continuing southeastwardly approximately 280 feet to its terminus at South Cedar Street and consisting of 10,846 square feet

Tract 3: beginning from South Cedar Street and continuing northwestwardly approximately 607 feet to its terminus and consisting of 23,950 square feet

A portion of McNinch Street: beginning from Dunbar Street and continuing approximately northeastwardly approximately 155 feet to its terminus at Morehead Street and consisting of 4,861 square feet

Reason

To incorporate the right-of-way into adjacent land to create a more contiguous parcel for future development

Notification

As standard procedure, the Charlotte Department of Transportation sent abandonment petitions to adjoining property owners, neighborhood associations, private utility companies and City departments for review.

Adjoining Property Owners- None

Neighborhood/Business Associations

Third Ward Neighborhood Association- No objections

Third Ward Committee to Restore and Preserve- No objections

Wesley Heights Community Association- No objections

Private Utility Companies – No objections

City Departments

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

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

Attachment 2

Map

Resolution

POLICY

9. City Manager's Report

10. Tree Ordinance Revisions



Action: Approve the Environment Committee's revisions to the Tree Ordinance with an effective date of January 1, 2011.

Committee Chair: Edwin Peacock

Staff Resource: Tom Johnson, Engineering & Property Management

Previous Actions

- On July 26, 2010, staff presented the Environment Committee's recommendations to Council during the dinner briefing.
- On September 13, 2010, a public hearing was held. A follow-up report with questions and answers from the public hearing is attached.

Explanation

- This work is the result of an extensive stakeholder process, including a cost/benefit analysis and evaluation/approval by the Environment Committee.
- The primary purpose of the revisions is to further protect Charlotte's tree canopy while offering flexibility and options for compliance with the ordinance.
- The current ordinance includes tree save and tree planting requirements for commercial and single family developments. The proposed revisions focus primarily on commercial development. There are 22 proposed administrative and technical revisions including two primary changes:
 - Require 15% minimum tree save for commercial development with flexible options allowed for compliance for certain types of developments (current requirement is tree save in the front setback)
 - Increase the number of trees in parking lots by decreasing tree spacing from 60 to 40 feet
- The proposed revisions to the Tree Ordinance are attached along with the following:
 - Summary of Revisions presented at the July 26 Dinner Briefing
 - July 26 Dinner Briefing Presentation
 - Actions to Impact the Tree Canopy
 - September 13 Public Hearing Follow-up

Committee Action

- The Environment Committee discussed the ordinance and the proposed revisions between 2007 and 2010. Staff presented Stakeholder recommendations which the Environment Committee accepted. There were two Stakeholder non-consensus items that were addressed by the Environment Committee. Those two items were:
 - Additions to existing sites
 - Payment-in-lieu for tree save area
- The final vote on these issues took place on June 21 and 25, 2010 and were as follows:

- Treatment of additions to existing sites as proposed by staff: Howard, Carter, Peacock, and Dulin - for (vote: 4-0).
- Payment in lieu with a cap at 90% of the average tax value of land: Howard, Carter, Peacock - for, Dulin-against (vote: 3-1).
- Motion on recommending entire Tree Ordinance to move forward to Council unanimously approved (vote: 4-0).

Future Action

- At the request of the Environment Committee, staff will regularly monitor and report to City Council on the efficacy of the tree ordinance revisions.

Attachment 3

Proposed Revisions to Tree Ordinance
 Summary of Revisions presented at the July 26 Dinner briefing
 July 26 Dinner Briefing Presentation
 Actions to Impact the Tree Canopy
 September 13 Public Hearing Follow-up

11. Federal Legislative Services Agreement

Action: A. Approve the Government Affairs Committee recommendation to approve a one-year agreement with Holland and Knight LLC for federal legislative services at an annual fee not to exceed \$198,000, and

B. Approve the Government Affairs Committee recommendation to extend the agreement for an additional year, contingent upon performance.

Committee Chair: Nancy Carter

Staff Resources: Ron Kimble, City Manager's Office
 Dana Fenton, City Manager's Office

Explanation

- Holland and Knight offers the City an integrated team of strategic communicators, senior advisors, lobbyists and attorneys to continue actively assisting the City in developing a comprehensive legislative program, and to advocate it effectively to both Congress and the administration.
- The Holland and Knight team includes former members of Congress, former advisor to the EPA Administrator, former Deputy Assistant to the President, and former congressional staff members with appropriations experience. Holland and Knight's transit partner is one of the pre-eminent experts in the transit industry.
- Holland and Knight has proven they have excellent relationships with the City's Congressional Delegation, Appropriations Committee staffs, and federal agencies.
- Over the last several years, Holland and Knight has assisted the City's Congressional Delegation in securing over \$240 million in appropriations and authorizations on behalf of the City.
- The City currently has more than \$4 million in pending federal requests including the Blue Line Extension (\$3.7 million in Senate) and Gang of One (\$400,000 in Senate and \$350,000 in House).

- Their knowledge and experience of the Federal Transit Administration's Full Funding Grant Agreement process will be beneficial for the extension of the Blue Line. Furthermore, their contacts inside the Department of Transportation enabled the North Mecklenburg Mayors and CATS staff to meet with staff from the Federal Transit Administration and Federal Railroad Administration concerning the TIGER grant proposal for the Red Line.
- Holland and Knight has always agreed with and adhered to the City's requirement that it not represent any other local government or regional organization in the State of North Carolina. This is particularly important given the re-emergence of the plans for a rail system in the Raleigh area.
- Holland and Knight is fully aware of the trend towards more discretionary grants, and is already working with City KBUs to maximize our potential from such grants.
- The proposed agreement is for one year, from January 1, 2011 to December 31, 2011. The cost of the agreement will be \$198,000, based on a monthly retainer of \$16,500. The Transit Fund will pay 50% (\$99,000) of the costs of the agreement given the scope of transit lobbying needs. The General Fund portion of the agreement is 50% (\$99,000).

Background

- In September 2003, the City issued a Request for Proposals (RFP) for federal legislative services. The RFP addressed City legislative needs including transit, public safety, economic development, environmental quality, housing and community development and other City Council priorities.
- Proposals were received from 14 legislative and law firms. Holland and Knight was selected, following an extensive evaluation process, based on staffing and project management experience, federal legislative experience, financial responsibility, approach and work plan and acceptance of contract terms.
- In November 2003, Council approved a two-year agreement with Holland and Knight at an annual cost not to exceed \$150,000, with up to three, one-year contract renewals. In 2005, the City negotiated an annual cost not to exceed \$180,000 for the contract renewal year 2006. All three contract renewals were exercised at this rate. In 2008, City Council extended the contract for an additional two-year period expiring December 31, 2010 at an annual cost of \$180,000.

Committee Discussion

- The City Council's Government Affairs Committee (GAC) discussed the federal legislative services agreement and the reasons to retain Holland and Knight at its September 7, 2010 meeting. The staff presentation is attached.
- GAC unanimously agreed on a 3-0 vote (Carter, Cannon and Dulin) that the contract should be extended for one year at an annual cost not to exceed \$198,000, and that, contingent upon performance, it could be extended for an additional year at the same rate.

Small Business Opportunity

Contracts for legal services are exempt (Appendix 23.9 of the SBO policy).

Funding

Transit Fund (50% or \$99,000 annually) and General Fund (50% or \$99,000 annually)

Attachment 4

Federal Legislative Contract presentation to Government Affairs Committee,
September 7, 2010

12. Johnston and Mecklenburg Mills Disposition Process

- Action:**
- A. Approve the Housing and Neighborhood Development Committee recommendation to solicit the highest purchase offer for the Johnston and Mecklenburg Mills properties, and**
 - B. Stipulate that the sale contract will require the purchaser to provide 20% of residential units as affordable to households earning 60% of area median income and preserve the mill buildings for a minimum of ten years.**

Committee Chair: Patsy Kinsey

Staff Resource: Peter Zeiler, Neighborhood & Business Services

Explanation

- Neighborhood & Business Services has recently received a number of inquiries regarding the Johnston and Mecklenburg Mills property located at N. Davidson and East 36th street.
- On June 30, the City Manager received a cash offer for sale of the property.

Committee Discussion

- On June 30, 2010, the Housing and Neighborhood Development Committee discussed a range of approaches for disposition given the purchase offer and interest expressed by other parties and directed staff to provide more details for both an upset bid process and a private sale process.
- On August 2, 2010, the Committee met again and discussed the two potential disposition methods. The Committee voted (4-1, Kinsey, Mitchell, Barnes and Cannon in favor, Cooksey opposed) to recommend a private sale process designed to solicit the highest bid for the purchase of the property to be redeveloped with historic preservation and affordable housing conditions, specifically 20% of the residential units will be affordable to households earning 60% of area median income.

Proposed Process and Conditions

- Staff is working to resolve North Carolina Railroad encroachments in order to ensure all reasonable encumbrances to the property are resolved prior to sale. Staff is prepared to immediately implement the sales process when the encroachments are resolved. The City will close the transaction within 30 days of receiving the highest final bid.
- The proposed process and conditions are:
 - Immediately following satisfactory resolution of the rail encroachment issues, the City will publicly advertise the property for sale.
 - Fifteen days after the sale advertisement, the City will host a mandatory pre-bid meeting and building walkthrough for bidders. Failure to attend will disqualify bidders.
 - Fifteen days after the mandatory pre-bid meeting and building walkthrough, bidders will submit sealed bids containing their bid amount, a 5% deposit, an executed copy of the sale agreement and

evidence that they have completed at least one historic renovation and one affordable housing project, each of which must be at least \$5,000,000 in project cost.

- Minimum bid price will be \$600,000.
- All qualified bidders will be notified of the highest bid and given a ten-day period to rebid at a minimum 10% increase. If such a bid is received, qualified bidders will be notified and given another ten-day period to raise their bid price until the final highest bid is received.
- The sales agreement will provide the following stipulations as covenants to run with the land to ensure the completion of the project and safeguard against speculation:
 - o If within ten years of purchasing the property, a certificate of appropriateness for demolition is issued, the City will have a 90-day option to repurchase the property at 80% of the final upset bid price.
 - o If submitted permit plans for either mill building do not include a minimum of ten residential units, the City will have a 90 day option to repurchase the property at 80% of the final upset bid price.
 - o If building permits have not been issued and construction financing has not been secured within three years of date of sale, City will have a 120-day option to repurchase the property at 100% of the final upset bid price.
- The winning bidder will be required to provide 20% of the aggregated rental units as affordable to households earning 60% area median income. Additionally, each mill building shall contain a minimum of 10 such affordable units. In the event that affordable units are not maintained at the agreed upon conditions, the developer shall pay annual liquidated damages for each unit not in compliance.
- The winning bidder will have one year from date of purchase to complete any and all necessary work to bring the buildings into full code compliance.

Background

- On August 6, 1990, the City approved a \$1,000,000 loan to Trenton Property, Inc. for the acquisition and rehabilitation of Johnston and Mecklenburg Mills.
- On June 24, 1991, the City provided an additional loan of \$2,533,500 to develop Johnston Mill and renegotiated the \$600,000 balance of the original loan. The City invested \$2.4 million for the rehabilitation of the Mecklenburg Mill Apartments.
- On September 27, 2004, City Council approved an additional \$800,000 to acquire the first mortgage for Johnston Mill Apartments to protect the City's interest and maintain the units as affordable.
- In January 2006, the City foreclosed and took possession of both the Mecklenburg and Johnston Mill apartments.
- On May 12, 2006, the residents in Mecklenburg Mill were evacuated for their safety.
- On February 12, 2007, City Council approved a Request for Proposal process to dispose of the mill properties.
- On July 28, 2008, City Council authorized sale of the property to NoDa Mills, LLC for \$475,000. NoDa Mills LLC never completed the purchase of the site and on December 29, 2008, the sale offer expired.

BUSINESS

13. 2010 Community Development Neighborhood Revitalization Grant/Loan

Action: Approve financial commitments of \$1,594,000 to the City's Certified Community Housing Development Organizations (CHDOs) for housing development in the City's targeted revitalization areas.

Staff Resources: Zelleka Biermann, Neighborhood & Business Services
Pamela Lopez, Neighborhood & Business Services

Policy

- City's FY2011-FY2015 Consolidated Action Plan:
 - Approved by City Council on July 26, 2010
 - Identified the need for affordable, safe and decent housing for low and moderate-income families
 - Reaffirmed the three basic goals of the City's Housing Policy: preserve the existing housing stock, expand the supply of affordable housing, and support family self-sufficiency initiatives

Explanation

- The City has \$1,594,000 available in CHDO set-aside funds through the U.S. Department of Housing and Urban Development (HUD). The funding is designed to provide affordable housing opportunities in the City's targeted neighborhoods, which include Druid Hills, Grier Heights, Lakewood, Lincoln Heights, Peachtree Hills, Reid Park, Thomasboro/Hoskins, Washington Heights, and Windy Ridge.
- These funds can only be used by City certified CHDOs where the CHDO acts as the developer, sponsor and/or owner of the housing development.
- This funding will be used for development purposes only. Funds will be used for land acquisition and construction of both multi-family and single family developments.
- These units will serve families earning at or below 60% of the area median income for rental units and families earning at or below 80% of the area median income for single family units.
- Staff accepted four proposals from the following City-certified CHDOs - Belmont, CROSSROADS, Friendship and Lakewood Community Housing Development to develop affordable housing. Staff reviewed each proposal and recommends making financial commitments to the following four projects:

| Project Name | Developer/Partner | NSA | Units | Type | City Funding |
|---------------------|----------------------------------|-------------------|-------|----------------------------|--------------|
| Belmont Bungalow | Belmont CDC | 51- Belmont | 4 | New Construction and Rehab | \$268,000 |
| Grier Heights Homes | CROSSROADS CDC/ Self Help CDC | 59- Grier Heights | 11 | Land Acquisition | \$427,000 |
| Friendship Gardens | Friendship CDC/Builders of | 29 - Lincoln | 10 | Construction | \$449,000 |

| | | | | | |
|-------------------------------|---|-------------|-----------|------------------|--------------------|
| | Hope | Heights | | | |
| Lakewood Bungalows Apartments | Lakewood CDC/The Affordable Housing Group | 21-Lakewood | 9 | Land Acquisition | \$450,000 |
| Total | | | 34 | | \$1,594,000 |

- Each organization understands and agrees that the project must be completed within the 24-month time span allotted by HUD. If an organization fails to complete their project, the funds will be redistributed to other projects.

Funding

Federal Home Fund – CHDO Set-aside

Attachment 5

Project Summaries

14. Levine Center for the Arts

Action:

A. Accept an offer from the Arts and Science Council for specialty items to be placed in the right-of-way as part of the Wells Fargo Cultural Campus (to be renamed Levine Center for the Arts) and accept maintenance responsibility for the items.

B. Approve the re-naming of a segment of West 1st Street to Levine Avenue of the Arts.

Staff Resource: Ron Kimble, City Manager’s Office

Explanation

- In September 2007, City Council approved the set of agreements which allowed the construction of four new cultural facilities.
- The last facility, the Mint Museum, is scheduled to open in October 2010.
- The area in and around the cultural facilities is currently named the Wells Fargo Cultural Campus.
- The Arts and Science Council (ASC) is in the process of renaming the area the Levine Center for the Arts, based on the Levine Foundation gift provided by the Levines to the endowment associated with this project.
- The ASC would also like to formally rename the segment of West 1st Street between South Church and South Tryon streets, Levine Avenue of the Arts.
 - The street re-naming policy provides for the re-naming of existing City streets.
 - Normally, re-naming a street does not require Council approval. Because of the significance of this change, staff believes Council approval is appropriate.
- As part of the re-naming, the ASC will be implementing a plan to provide signage and other features recognizing the new name.
- The partnership for implementing the changes will be comprised of ASC, Charlotte Center City Partners, Wells Fargo and the City.
- The funding for planning, design and construction of the features will be provided by the ASC.

- ASC also will fund the changing of numerous signs, including locations adjacent to elevators, in parking garages and for all internal directional signage.
- Maintenance of the following items within the road right-of-way will be the responsibility of the City:
 - Internally lighted street signs renaming First Street between South Tryon Street and Church Street to Levine Avenue of the Arts
 - Crosswalk engravings at the intersection of First Street and Tryon Street to read Levine Center for the Arts
 - Eight sculptural elements that will mark the entrance points into the Levine Center for the Arts complex
 - Banners with Levine Center for the Arts logo and wording attached to the existing light poles
- The City's estimated annual maintenance cost is \$10,000 and can be provided through existing funds for maintaining street signs, roads and specialty items in the Tryon Street area.

Funding

Capital - Arts and Science Council Endowment

Annual Maintenance – Tryon Street Maintenance Account in Solid Waste Services Operating Budget

15. Davidson Street Bus Facility Technology and Security Equipment



Action: Approve a contract with Simplex Grinnell for the purchase and installation of security and technology equipment in an amount not to exceed \$775,000.

Staff Resource: Tom Livingston, Transit

Policy

Transportation Action Plan Goals:

- Seek financial resources, external grants and funding partnerships necessary to implement transportation programs and services
- Prioritize, design, construct and maintain convenient and efficient transportation facilities

Previous Actions

- On April 27, 2009, City Council approved a plan for Phase I renovations of the Davidson Street Bus Facility. The City Manager was authorized to apply for the \$20,766,306 of American Recovery and Reinvestment Act (ARRA) funds for the Davidson Street Bus Facility renovations. ARRA required that all projects be "shovel ready" at the time of submission.
- The application for the federal ARRA funds was successful and required no local matching funds. Council authorized the acceptance of the ARRA funds on July 27, 2009.

Explanation

- This contract will supply Information Technology and Safety/Security Equipment for the facilities under renovation and construction at the Davidson Street Bus Facility. Equipment will be purchased off a U.S.

General Services Administration agreement with Simplex Grinnell and will included:

- Card access equipment
- Security gate controllers
- Information technology equipment
- Cabling and related equipment
- At the April 26, 2010 meeting, staff informed Council that contracts for these purchases would be coming up for approval at a future council date.
- The ARRA funding for this project requires no local matching funds.

Grant Allocations

Awarded Construction

| | |
|---------------------------------------|-------------|
| Maintenance Building Renovation | \$8,704,000 |
| Owner Inspection Services | \$275,000 |
| Parking Deck Construction | \$4,459,203 |
| Admin/Operations Building -Renovation | \$2,169,300 |

**Technology, Safety & Security
(Current Action)**

\$775,000

| | |
|-----------------------------------|-------------|
| Project Administration; Equipment | \$4,383,803 |
|-----------------------------------|-------------|

| | |
|---------------------|--------------|
| Total Grant Funding | \$20,766,306 |
|---------------------|--------------|

Technology U.S. General Services Administration Agreement Terms

- NC General Statute 143-129(e)(9a) authorizes "Purchases of apparatus, supplies, materials or equipment from contracts established by the United States of America or any federal agency, if the contractor is willing to extend to a political subdivision of the State the same or more favorable prices, terms, conditions as established in the federal contract."
- Simplex Grinnell has a national contract through a U.S. General Services Administration purchasing agreement that offers volume discount pricing procured using full and open competition.

Disadvantaged Business Enterprise Opportunity

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

Funding

Transit Stimulus Grant Fund. This project does not require a local fund match.

16. Paw Creek Force Main Replacement

Action: **A. Award the low bid contract of \$6,431,874.23 to BRS, Inc. for construction of the Paw Creek Force Main, and**

B. Award a contract to Hazen and Sawyer, in the amount of \$208,050 for construction-phase services for the Paw Creek Force Main project.

Staff Resource: Barry Gullet, Utilities

Previous Meeting

- At the September 13 business meeting, City Council deferred this item so that the Small Business Opportunities for the construction contract could be reevaluated.
- The Good Faith Efforts are explained in the attachment.

Construction Explanation

- The existing pressure pipeline from the Paw Creek Wastewater Liftstation needs to be replaced due to the need for increased capacity for wet weather flows and excessive corrosion in some sections.
- A significant portion of the line runs through Charlotte Douglas Airport property.
- This project replaces a section of the existing 24-inch force main with a new relocated 36-inch pipe line where the line is in conflict with the proposed airport intermodal facility. A section was also replaced and relocated for the construction of the new runway in 2008.
- The remainder of the pipeline will be replaced in the future in conjunction with a new relief sewer currently being designed along Taggart Creek to the Irwin Wastewater Plant.
- Construction is scheduled for completion July 2011.

Professional Services Explanation

- On September 22, 2008, Council awarded the design contract for this project to Hazen and Sawyer in the amount of \$1,552,673.
- This agreement will provide for inspection, construction administration, and survey services during the construction phase of this project.
- Hazen and Sawyer was selected using the Council approved qualifications-based selection process.

Small Business Opportunity (Construction)

Established SBE Goal: 6%

Committed SBE Goal: 2.45%

BRS, Inc. failed to meet the established goal, but earned the required number of Good Faith Effort Points (Part B: Section 2.1 of the SBO Policy). They committed 2.45% (\$157,245) of the total contract amount to the following SBE firms: Express Logistics Services (hauling), Perry's Law & Landscaping Services (erosion control), A-1 Precision Fence Co. (fencing), and B&B Concrete (concrete driveways, sidewalks and curb & gutter).

In addition, subsequent to Bid Opening, BRS committed an additional 0.48% (\$30,900) to Conmat Construction (concrete work). A further detailed analysis of the SBE efforts undertaken for this contract is attached.

Small Business Opportunity (Professional Services)

For service-based contracts, the City negotiates SBE goals after the selection process (Part C: Section 2.2 of the SBO Policy). On this contract, Hazen and Sawyer committed 12% (\$25,000) of the total contract amount to Hinde Engineering for construction staking services.

Funding

Utilities Capital Investment Plan

Attachment 6

Good Faith Efforts

17. 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."

PROCUREMENT ITEMS

18. Airport Drainage Pipe Repair

Action: Award the low bid contract of \$2,298,600 to Hall Contracting Corp. for the repair of drainage pipe under the air carrier ramp at Charlotte Douglas International Airport.

Staff Resource: Jerry Orr, Aviation

Explanation

- The construction of the passenger terminal in 1982 required the piping of a portion of Coffey Creek with a section of two 96-inch corrugated metal pipes and another section of 90-inch reinforced concrete pipes.
- The pipes are routinely inspected, and the most recent inspection showed some deformation in the metal pipes and some cracking in the concrete pipes.
- This contract will reinforce both sections of pipe with steel plates to extend their life.
- The project was bid to repair only the sections currently required with an alternate to correct the entire pipe. Favorable pricing offers the

opportunity to correct the entire pipe now and funding is available to select the alternate.

Disadvantaged Business Opportunity

Established DBE Goal: 3%

Committed DBE Goal: 1.35%

Hall Contracting exceeded the project goal with 3.11% of the base bid committed to two DBE certified companies: Carolina Environmental Contracting (clearing and grubbing, silt fence, seed and mulch) and Stinson Trucking (aggregate/hauling). Due to the materials-intensive nature of the project, the Airport's election to use the alternate bid, which nearly triples the length of aluminum liner, impacts the DBE commitment with a reduction in the opportunity relative to the necessary materials. Additionally, Hall Contracting submitted their supporting documentation of Good Faith Efforts made to obtain DBE participation.

Funding

Aviation Capital Investment Plan

19. Harrisburg Road 16-Inch Water Main

Action: Award a low bid contract for \$851,309.27 to Davis Grading, Inc. for the construction of a 16-inch water main along Harrisburg Road and Robinson Church Road.

Staff Resource: Barry Gullet, Utilities

Explanation

- This project will provide funding for the construction of approximately 9,784 linear feet of 16-inch water mains, with an additional 668 linear feet of eight and 12-inch water mains, along Harrisburg and Robinson Church Roads.
- This project will complete the loop of water distribution mains in this area, improving system performance (water pressure and water quality).
- This project is a required component of the Hood Road South 2009 Annexation Area for water system improvements and fire protection in this area.

Small Business Opportunity

Established SBE Goal: 5%

Committed SBE Goal: 5.00%

Davis Grading met the SBO Goal and committed 5.00% of the total contract amount (\$42,575.00) to the following SBE firms: Union Paving Contractors (asphalt paving services), B & B Concrete (concrete curb and gutters), and Dallas 1 Construction (water line installation).

Funding

Utilities Capital Investment Plan

20. West Craighead Road Storm Drainage Improvements

Action: Award a low bid contract of \$2,323,247.62 to Ferebee Corporation for the West Craighead Road Storm Drainage Improvements.

Staff Resource: Steven Frey, Engineering & Property Management

Explanation

- The work in this project consists of grading, storm drainage, asphalt paving, erosion control and traffic control.
- The project watershed is approximately 100 acres in the eastern quadrant of the intersection of West Craighead Road and North Graham Street. The project outfalls into the Derita Branch of Little Sugar Creek.
- Construction is expected to be complete in third quarter 2012.

Small Business Opportunity

Established SBE Goal: 9%

Committed SBE Goal: 9.04%

Ferebee Corporation committed 9.04% (\$210,050) of the total contract amount to the following SBE firms: A-1 Precision Fence Company (fence installation), On Time Construction Inc. (masonry), D's Trucking Services (hauling) and New Beginning Landscape (landscaping).

Funding

Storm Water Capital Investment Plan

21. Utilities Large Generator Preventive Maintenance and Repair

Action: A. Approve service contracts with the following companies for large generator preventative maintenance, electrical output testing, fuel tank cleaning, and repair services for an initial term of three years:

- Carolina CAT – \$128,100 (\$42,700/year)
- Covington Power Solutions - \$89,100 (\$29,700/year)
- Cummins Atlantic - \$159,000 (\$53,000/year), and

B. Authorize the City Manager to approve up to three additional one-year renewal options as authorized by the contract, and contingent upon the Company's satisfactory performance.

Staff Resource: Barry Gullet, Utilities

Explanation

- Charlotte-Mecklenburg Utilities currently uses three vendors to provide preventive maintenance and repair services for the large generator systems and equipment at its 27 generator plants throughout the City.
- The services provide for all required equipment, materials, tools, labor, and supervision to maintain the generator equipment at each facility.
- Preventative maintenance will be completed on diesel powered emergency generators from 200 KW to 2000 KW in size annually, with repairs as needed.

- The warranty stipulations and proprietary software attached to these generators require the maintenance services to be provided by the manufacturer.
- The City issued a Request for Quotes to the manufacturers of the generators on July 26, 2010 and received three quotes in response.
- After a thorough evaluation, the Project Team, consisting of staff from Business Support Services and Utilities, recommends awarding to Carolina CAT, Covington Power Solutions, and Cummins Atlantic as the service providers best meeting the established requirements.

Contract Terms

- The aggregate estimated six-year term cost for generator preventative maintenance, fuel tank cleaning, load bank testing, and repair services at all locations is \$752,400.
- The annual cost for repair services at each location will be based on the hourly rates and parts and equipment rates detailed in each contract.
- The contracts will have an initial term of three years with the option to renew for three additional, consecutive one-year terms.
- Contract renewal after the initial term of three years is contingent upon availability of funds, as well as the company's satisfactory performance.

Small Business Opportunity

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

Funding

Utilities Operating Budget

22. Briar Creek Relief Sewer Phase 1B Contract Change Order

Action: Approve Change Order #1 in the amount of \$493,500 to the Briar Creek Relief Sewer Phase 1B construction contract with Rockdale Pipeline, Inc.

Staff Resource: Barry Gullet, Utilities

Explanation

- Council awarded a contract to Rockdale Pipeline, Inc. for \$13,708,774.50 on July 24, 2007, for construction of Phase 1B of the Briar Creek Relief Sewer.
- The project is now complete and the pipeline is in service.
- During the course of the project, Rockdale was requested to perform additional work in several areas due to the proximity to their worksite and the need for coordination with their work in combination with their expertise in working with large diameter pipe lines.
- The additional items of work included:
 - Emergency repair to a leaking 54-inch water transmission main that was immediately adjacent to the Briar Creek relief sewer project
 - Settlement that occurred in Providence Road adjacent to the water line repair
 - Emergency repair of an existing sewer line in Eastover Park
 - Installation of additional 30-inch sewer line in Eastover Park beyond that originally estimated in the contract

- Miscellaneous additional grading and restoration beyond what was originally included in the contract
- This is the first and final change order for this contract and total contract amount is still well below original estimates and budget for the project.

Small Business Opportunity

All additional work involved in this change order was performed by the current contractor and their existing subcontractors (Part D: Section 6 of the SBO Policy).

Funding

Utilities Capital Investment Plan

23. Utilities Laboratory Equipment and Commodities Contract

- Action:**
- A. Approve a sole source contract for the purchase of water quality analytical instruments and reagents manufactured by Hach, as authorized by the sole source purchasing exemption G.S. 143-129 (e)(6),**
 - B. Award contracts to the following authorized distributors of Hach products for the term of two years, in the combined estimated annual amount of \$400,000:**
 - Hach Company
 - Heyward, Inc.
 - Beck Sales & Engineering, Inc.
 - Gary Visser
 - James Hutcherson, and
 - C. Authorize the City Manager to renew the contracts for three additional one-year terms with possible price adjustments at the time of renewal, based on the terms of the contract.**

Staff Resource: Barry Gullet, Utilities

Sole Source Exception

- 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
 - Standardization or compatibility is the overriding consideration
- Hach products are only available through their authorized, regional distributors.

Explanation

- The Hach Company is the worldwide manufacturer and distributor of laboratory testing equipment and reagents.
- Many of the reagents, sampling and testing supplies, which are necessary for Utilities to comply with state and federal regulations, are only available from Hach.
- This contract provides fixed unit prices for all Hach testing equipment and supplies for a term of two years with options to renew for three additional one-year terms.

- Purchases will be made on an as needed basis via purchase orders.

Small Business Opportunity

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

Funding

Utilities Capital Investment Plan

24. Airport East Terminal Expansion

- Action:**
- A. Approve a contract to the second low bidder in the amount of \$20,009,059 with Edison Foard, Inc. for construction of the East Terminal Expansion,**
 - B. Approve a contract in the amount of \$473,800 with Mactec Engineering and Consulting, Inc. for construction materials testing and special inspection services for the East Terminal Expansion, and**
 - C. Adopt a budget ordinance appropriating \$20,482,859 from the Airport Discretionary Fund Balance to the Airport Capital Investment Plan.**

Staff Resource: Jerry Orr, Aviation

Explanation

- The low bid of \$19,057,000 by Edifice General Contractors was withdrawn due to a clerical error as allowed by NC General Statute 143-129.1.
- The terminal lobby experiences very high passenger volumes on a regular basis, with extensive lines at airline ticket counters and the passenger security checkpoints. The East Terminal Expansion project will increase the terminal lobby capacity and reduce the processing time for local passengers using the Airport.
- On July 27, 2009, City Council approved a design contract with DAS Architecture, Inc. for the design of the East Terminal Expansion.
- This project will construct an expansion to the east side of the terminal lobby to accommodate a fifth security checkpoint, additional airline support space, and public circulation space.
- The project will also include an expansion of the international arrivals baggage claim and baggage re-check areas, which will allow passengers to collect their international baggage and re-check that baggage, if necessary, to connecting domestic flights in a more expedient manner.
- The project will be complete in approximately 18 months.

Sustainable Facilities Design Commitments

- This project is an addition to an existing building, which offers limited opportunities for sustainable design elements.
- This facility will not be LEED certified; however, staff and consultants incorporated sustainable elements into the design to the extent practicable.
- The Airport will not pursue LEED Certification for this expansion due to the excessive cost of the certification (\$165,000) and additional construction expense (\$3 million).

- The following chart summarizes the facility-specific design commitments which support the City’s Sustainability Priorities defined in the policy.

| Sustainability Priorities | Facility-Specific Design Commitments |
|---|---|
| Preserve Land & Trees | <ul style="list-style-type: none"> • Tree planting is not applicable to this project due to the location of the expansion. |
| Conserve Clean Water Resources | <ul style="list-style-type: none"> • Water efficient “low-flow” plumbing fixtures |
| Reduce Energy Use & Carbon Footprint | <ul style="list-style-type: none"> • Use of daylighting to provide additional illumination of public areas • Installation of a vapor barrier system to provide better insulation • Recapture of heat from the chillers to provide heating capacity |
| Maximize Transportation Alternatives | <ul style="list-style-type: none"> • This expansion is not accessible by vehicle, so no transportation alternatives exist. |

Small Business Enterprise

Established SBE Goal: 12%

Committed SBE Goal: 1.28%

Edison Foard failed to meet the established goal, but earned the required number of Good Faith Effort Points (Part B: Section 2.1 of the SBO Policy).

They committed 1.28% (\$244,555) of the total base bid amount to the following SBE firms: Griffin’s Grading (sitework) and Cautmica, LLC (painting). In addition, subsequent to bid opening, Edison Foard committed 3.18% (\$610,000) to an additional Certified SBE, Stevens Interiors, Inc. (drywall/framing). A further, detailed analysis of the SBE efforts undertaken for this contract is attached.

Funding

Aviation Capital Investment Plan

Attachment 7

Budget Ordinance

Good Faith Efforts

25. Airport Use Agreement with jetBlue Airways

Action: Approve an Airport use agreement with jetBlue Airways for space at Charlotte Douglas International Airport.

Staff Resource: Jerry Orr, Aviation

Explanation

- In 1985, when the City first issued General Airport Revenue Bonds (GARB), airlines that operated at the Airport were given the opportunity to enter into long-term lease agreements called an Airline Use Agreement.
- Airlines that have signed the Airline Use Agreement are eligible to rent space at the terminal and to share in a percentage of Airport revenues. In return, the signatory airlines guarantee jointly and severally payment of all GARB debt service in the event the Airport is not able to pay from its non-airline revenues.
- The current signatory airlines are US Airways, United, Continental, American, and Delta.

- jetBlue began service at Charlotte in March 2002, renting City operated space on a per-aircraft turn basis.
- jetBlue now wishes to become a signatory airline. As a result, it will pay a fixed rent, even if it decreases its operation at the Airport, and it will become a guarantor of the GARB debt service. The annual rent is estimated at \$315,263.
- The Airline Use Agreement expires in 2016.

26. Airport Parking Revenue Control System

Action: Approve a contract with Scheidt & Bachmann in the amount of \$4,692,904, for the purchase and installation of a Parking Revenue Control System.

Staff Resource: Jerry Orr, Aviation

Explanation

- The Airport has a commercial vehicle lane, five parking decks, and five surface parking lots totaling 27,331 public parking spaces. The Airport's Parking Revenue in FY2010 was \$30.1 million.
- The Airport has had an automated Parking Revenue Control System provided by ACS, Inc. since 1982. This system is outdated and becoming unsupportable.
- On March 8, 2010, Council approved a contract with Kimley-Horn and Associates which provided for the design of a new automated parking revenue control system, assistance in procurement and installation, and acceptance testing of the system installed.
- Three vendors were pre-qualified based on experience in providing similar systems and submitted proposals in April 2010.
- This contract provides for all new equipment and provides credit card entry and exit, self service options, as well as traditional ticket in/cashier out capabilities, along with numerous security controls.
- Upon receipt of qualified proposals, ACS, Inc. was eliminated and interviews were held with Scheidt & Bachmann and CTRS Systems
- Based upon all evaluation factors including their experience at other large hub airports, Scheidt & Bachmann was selected and the contract terms were negotiated.
- Their proposal provides for a one year warranty upon completion with an additional five years of maintenance to be funded by the Airport Operating Fund.

Small Business Opportunity

Established SBE Goal: 4%

Committed SBE Goal: 9.12%

Scheidt & Bachmann met the established SBE goal and committed 9.12% of the total contract amount (\$428,000) to the following SBE firms: RDS Electrical Contracting, LLC (electrical).

Funding

Aviation Capital Investment Plan

27. Multi-Family and Public Facilities Refuse, Recycling, and Bulky Item Collection Services

Action:

A. Authorize the City Manager to execute a contract with BFI Waste Services, LLC doing business as Republic Services of Charlotte for Refuse, Recyclables, and Bulky Item Collection Services to Multi-Family Communities and Designated Public Facilities for an initial term of three years, and

B. Authorize the City Manager to renew the contract for two additional one-year terms. The five year cost of the contract is estimated at \$12,500,000.

Staff Resource: Gerry Gorbey, Solid Waste Services

Explanation

- The City currently contracts with Allied Waste Services, a predecessor company of Republic Services, which also owns BFE Waste Services. All references to Republic Services, Allied Waste Services and BFI are references to the same company.
- Republic Services dba Allied Waste Services provides weekly solid waste garbage and recyclables collection service to mostly multifamily residential communities that have 30 or more units and designated public facilities.
- The garbage collection service is for dumpsters or compactors and is provided to multifamily communities that are not serviced by City crews.
- Contract recyclables service is also provided to multifamily communities that are not serviced by City crews.
- Under a separate agreement, also with Allied Waste Services, the City contracts for scheduled bulky item collection and one-time annual collection (in January) of Christmas trees from multifamily communities that are not serviced by City crews.
- Both collection contracts expire on December 31, 2010 and the new contract will consolidate all collection services to multifamily communities and designated public facilities under one contract.

Vendor Selection

- In response to Request for Proposals, the City received six proposals. Two proposals, Republic Services of Charlotte and Advanced Disposal, were shortlisted for financial review by Internal Audit and for final consideration.

Summary of Proposals

| Refuse, Recyclables, Bulky Items and Christmas Trees Collection Svcs. | | | |
|--|----------------------------|---------------------------------|-------------------------------|
| Service Provider | Grand Total Cost (5-Years) | Difference from Lowest Proposal | Annual Cost Difference (Avg.) |
| Republic Services | \$12,406,021.19 | N/A | N/A |
| Advanced Disposal | \$15,016,876.79 | \$2,610,855.60 | \$522,171.12 |
| Waste Connections, Inc. | \$19,317,582.85 | \$6,911,561.66 | \$1,382,312.33 |
| Waste Industries | \$19,333,691.31 | \$6,927,670.12 | \$1,385,534.02 |
| Waste Management | \$21,428,577.44 | \$9,022,556.25 | \$1,804,511.25 |
| Waste Pros | \$21,806,780.86 | \$9,400,759.67 | \$1,880,151.93 |

- The Proposal Evaluation Team comprised of staff from Business Support Services Procurement Services Division and Solid Waste Services determined that due to its five-year grand total cost and its ability to meet the specified service requirements, Republic Services of Charlotte was the service provider with the best proposal for the City.
- Accounting for residential growth and possible fuel adjustments, the five-year total cost of the contract is estimated at \$12,500,000.

Small Business Opportunity

No SBO goal was set for this contract because subcontracting opportunities were not anticipated (Part C; Section 2.4 of the SBO Policy). However, Republic Services of Charlotte committed an estimated 17.9% (\$2,219,183) of their total contract proposal amount to the following certified SBE: Urban Disposal for recyclables collection.

Funding

Solid Waste Services Operating Budget

28. Citywide Information Technology Professional Services Contract

- Action:** A. Approve contracts for Citywide Information Technology Contract Professional Services for an initial term of three years, with a combined estimated annual expenditure of \$2,000,000 with the following Service Providers:
- Apex Systems, Inc.,
 - CCCi,
 - CIBER,
 - COMSYS, a Manpower Company,
 - ComTec Information Systems,
 - CedarCrestone,
 - DISYS,
 - Global Networkers, Inc.,
 - ITP Consulting/Debbie's Staffing,
 - Premier Alliance Group,
 - Sapphire,
 - Skybridge Global,
 - SoftSol,
 - SYSTEMTEC,
 - Tailwind Associates,
 - Team Technology, Inc.,
 - TECHEAD, and
- B. Authorize the City Manager to approve up to two additional one-year renewal options as authorized by the contract, and contingent upon satisfactory performance.

Staff Resource: Charles Robinson, Business Support Services

Explanation

- The City has a need for highly skilled technical staff to support various Information Technology (IT) projects and initiatives throughout the fiscal year, including infrastructure planning and management and technology customer service support.
- In order to meet the diverse projects and initiatives, Business Support Services/Procurement Services Division (BSS/Procurement) partnered with several KBUs to establish contracts that allow for the recruitment and placement of highly skilled technical consultants in an efficient, timely and cost-effective manner as the support need arises.
- The City issued a Request for Proposals for these services and received 52 proposals in response to the solicitation issued on July 28, 2010.
- After a thorough evaluation, the Project Team, consisting of staff from BSS/Procurement and BSS/IT, Police, CATS-IT, Human Resources, Chief Information Office, and Utilities, recommends awarding to the providers listed above as the service providers that best meet the established requirements.

Contract Terms

- The estimated annual cost for IT Professional Services is \$2,000,000.
- Pricing is based on a structured pricing per each company's hourly rate and mark up.
- Contract renewal after the initial term of three years is contingent upon availability of funds, as well as satisfactory performance of each company.

Small Business Opportunity

No SBO goal was set for this contract because subcontracting opportunities were not identified (Part C; Section 2.4 of the SBO Policy). However, Team Technologies is an SBO firm and all other firms that may qualify have been encouraged to register with the SBO Office.

Funding

Various KBU Operating Budgets as needed

Attachment 8

Selected Companies' Summaries and Descriptions

29. Caterpillar Original Equipment Manufacturer Parts and Services

- Action:**
- A. Approve the purchase of Caterpillar Equipment parts as authorized by the sole source exemption of G.S. 143-129(e)(6), and**
 - B. Approve a contract with Carolina Tractor and Equipment for the purchase of repair and replacement parts and diagnostic services in the estimated annual amount of \$125,000 for the term of five years.**

Staff Resource: Charles Robinson, Business Support Services

Sole Source Exception

- G.S. 143-129 (e) (6) provides that formal bidding requirements do not apply when:
 - Performance or price competition are not available;
 - A needed product is available from only one source or supply; or
 - Standardization or compatibility is the overriding consideration.
- Sole sourcing is necessary because there is only one supply source.
- The City Council must approve purchases made under the sole source exception.

Explanation

- The City currently operates 102 units of heavy and medium trucks and 11 units of construction equipment that are powered by Caterpillar engines and maintained by Business Support Services/Equipment Management Division. The trucks and equipment are used by Solid Waste Services, Transportation, Utilities, and Landscape Management for various daily operations.
- Caterpillar product warranties require original equipment manufacturer (OEM) parts for all maintenance and repairs. OEM parts are also required to retain factory training, failure analysis, and diagnostic/technical support.
- Carolina Tractor and Equipment is the only authorized distributor of Caterpillar OEM parts and diagnostic services in the Charlotte area.

Small Business Opportunity

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

Funding

Business Support Services Operating Budget

30. Citywide Background Investigation Services

- Action:**
- A. Approve contracts for Citywide background investigation services for an initial term of one year with a combined estimated annual expenditure of \$135,000 for the two following Service Providers:**
 - U.S. Investigative Security Services Agency, LLC (ISS)
 - Hirease, Inc., and
 - B. Authorize the City Manager to approve up to four additional one-year renewal options as authorized by the contract and contingent upon satisfactory performance.**

Staff Resource: Charles Robinson, Business Support Services**Explanation**

- Business Support Services/Procurement surveyed the needs of multiple City and County entities for background investigation services and found that City Human Resources (HR), Police, Fire, Mecklenburg County, Charlotte-Mecklenburg Schools (CMS), and Mecklenburg County Sheriff's Office (MCSO) all have a need for these services.
- Consolidating the needs of multiple entities presents a more efficient and cost effective method for providing mandatory background investigation services for employees, consultants and other service providers working within the confines of the City and County.
- This consolidated effort resulted in a cost savings per applicant of \$5.25 with Hirease and a cost savings per applicant of \$23.75 with ISS. The City anticipates using the services for approximately 300 background investigation applications annually.

Background Investigations

- In accordance with City policy, background investigation checks will be conducted on all final internal and external candidate(s) applying for any position with the City of Charlotte.
- Background checks must be in compliance with all federal and state statutes, such as Fair Credit Reporting Act and the Municipal Records Retention Schedule.
- The type of information collected as part of the background investigation check includes, but is not limited to: reference checks, social security verifications, education verification, criminal conviction record check, and if applicable, a credit history check, sex offender registry and motor vehicle records check.
- The scale of the background search ranges from local, regional and national depending on the level of the position being applied for, and the entity requesting the background investigation check.

Selection Process

- BSS/Procurement received 12 proposals in response to a competitive solicitation.
- After a thorough evaluation, the Project Team, consisting of staff from BSS/Procurement, City HR, County HR, CMS, and MCSO recommends

awarding to ISS and Hirease as the Service Providers that best meet the established requirements.

Small Business Opportunity

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

Funding

City, County and CMS Operating Budgets

Attachment 9

City Policy on Pre-Employment Background Checks

31. Citywide Maintenance, Repair and Operating Supplies

- Action:**
- A. Approve the purchase of maintenance, repair and operating supplies as authorized by the cooperative purchasing exemption of G.S. 143-129(e)(3),**
 - B. Approve a contract with Grainger for the purchase of maintenance, repair and operating supplies in the estimated annual amount of \$650,000 for the term of one year, and**
 - C. Authorize the City Manager to extend the contract for three additional one-year renewal terms with possible price adjustments at the time of renewal as authorized by the contract.**

Staff Resource: Charles Robinson, Business Support Services

Explanation

- The City uses a large variety of maintenance, repair and operating (MRO) supplies, including but not limited to hardware, lamps, ballasts, tools, air filters, paints, plumbing, and heating and air conditioning items.
- On June 26, 2006, City Council approved a contract with Grainger for providing MRO supplies, which expires October 31, 2010.
- Grainger has a national contract through the National Intergovernmental Purchasing Alliance (NIPA) that guarantees their lowest available prices to local government agencies with discounts from 10% to 81.5% off thousands of MRO products.
- Annually, the City spends approximately \$650,000 on MRO Supplies.

Cooperative Purchasing Exemption

- NC Senate Bill 914, effective January 1, 2002 authorizes competitive group purchasing.
- The Grainger contract was competitively bid by the City of Tucson, Arizona and awarded on January 1, 2010 on behalf of NIPA.
- Combining the volumes of government agencies nationwide achieves cost effective pricing and reduces the administrative and overhead cost of suppliers and government agencies alike.

Small Business Opportunity

Cooperative Purchasing contracts are considered exempt (Appendix Section 23.2 of the SBO Policy).

Funding

Various KBU operating budgets on individual as needed basis

32. Carolina Industrial Equipment Parts and Services

Action: **A. Approve the purchase of specialized equipment parts as authorized by the sole source exemption of G.S. 143-129(e)(6), and**

B. Approve a contract with Carolina Industrial Equipment for the purchase of repair and replacement parts and services in the estimated annual amount of \$110,000 for the term of five years.

Staff Resource: Charles Robinson, Business Support Services

Sole Source Exception

- G.S. 143-129 (e) (6) provides that formal bidding requirements do not apply when:
 - Performance or price competition are not available;
 - A needed product is available from only one source or supply; or
 - Standardization or compatibility is the overriding consideration.
- Sole sourcing is necessary because there is only one supply source.
- The City Council must approve purchases made under the sole source exception.

Explanation

- The Equipment Management Division maintains 42 units of specialized equipment, such as street sweepers, leaf collection and litter vacuums, currently operated by Transportation, Special Services and Engineering & Property Management for maintaining City streets and other various daily operations.
- This equipment is specialized and cannot be serviced or maintained without the proper training, parts, electronic operating systems, and tooling.
- All product warranties require original equipment manufacturer (OEM) parts for all maintenance and repairs. OEM parts are also required to retain factory training, failure analysis, and diagnostic/technical support.
- Carolina Industrial Equipment is the exclusive authorized distributor of equipment parts/services, and warranty services for the products listed above.

Small Business Opportunity

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

Funding

Business Support Services Operating Budget

33. JCB Construction Equipment Parts and Services

- Action:**
- A. Approve the purchase of JCB Construction Equipment parts as authorized by the sole source exemption of G.S. 143-129(e)(6), and**
 - B. Approve a contract with Interstate Equipment Company for the purchase of repair and replacement parts and services in the estimated annual amount of \$80,000 for the term of five years.**

Staff Resource: Charles Robinson, Business Support Services

Sole Source Exception

- G.S. 143-129 (e) (6) provides that formal bidding requirements do not apply when:
 - Performance or price competition are not available;
 - A needed product is available from only one source or supply; or
 - Standardization or compatibility is the overriding consideration.
- Sole sourcing is necessary because there is only one supply source.
- The City Council must approve purchases made under the sole source exception.

Explanation

- The City currently operates 14 units of JCB construction equipment, such as backhoes and forklifts, which are used by Transportation, Utilities, and Engineering & Property Management for various daily operations.
- This equipment is specialized and cannot be serviced or maintained without the proper training, parts, electronic operating systems, and tooling.
- JCB product warranties require original equipment manufacturer (OEM) parts for all maintenance and repairs. OEM parts are also required to retain factory training, warranty, failure analysis, and diagnostic/technical support.
- Interstate Equipment Company is the exclusive authorized distributor of all JCB equipment parts and warranty services for the Charlotte area.

Small Business Opportunity

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

Funding

Business Support Services Operating Budget

34. Cummins Atlantic Diagnostics and Repair Services

- Action:** Approve a contract with Cummins Atlantic for providing vehicle and equipment diagnostic and repair services in the estimated annual amount of \$110,000 for the term of five years.

Staff Resource: Charles Robinson, Business Support Services

Explanation

- The City currently operates 106 units of heavy and medium trucks and construction equipment that are powered by Cummins Atlantic engines

and maintained by Business Support Services/Equipment Management Division. The trucks and equipment are used by Solid Waste Services, Transportation and Landscape Management for various daily operations.

- Cummins Atlantic requires factory training, failure analysis, and diagnostic and technical support to maintain the equipment warranty.
- Cummins Atlantic provides exclusive service and warranty repairs on all series of Cummins engines. No other service facility within Charlotte-Mecklenburg is certified to service and warranty all Cummins engines.

Small Business Opportunity

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

Funding

Business Support Services Operating Budget

35. Davidson Street Fuel and Wash Facility Renovation Architectural and Engineering Services

Action: Authorize the City Manager to negotiate a contract with Gannett Fleming, in an amount not to exceed \$560,000, for architectural and engineering design services for renovation of the Davidson Street Bus Facility Fuel and Wash Facility.

Staff Resources: John Muth, Transit
Monifa Hendrickson, Transit

Policy

Transportation Action Plan Goals:

- Seek financial resources, external grants and funding partnerships necessary to implement transportation programs and services.
- Prioritize, design, construct and maintain convenient and efficient transportation facilities.

Explanation

- The Fuel and Wash Facility at the Davidson Street Bus Facility is over 25 years old and is in need of technological and structural renovation to incorporate modern environmental and efficiency standards, and to replace equipment that requires costly maintenance, repair and parts.
- The updated facility will incorporate environmental elements which are comparable with the South Tryon Fuel and Wash Facility. The re-designed facility will meet or exceed state and federal design requirements, including:
 - Double-walled containment on all tanks, piping and spill sumps
 - Overfill prevention valves
 - Corrosion-resistant materials for all underground materials
 - State-of-the art electronic monitoring systems
- This project is not part of the American Recovery and Reinvestment Act funded Davidson Street Bus Facility project. The re-design is being funded via 80% FTA grant, 10% state and 10% local funding.

Sustainable Facility Decisions

The facility will be designed and constructed in accordance with the Policy for Sustainable City Facilities which was adopted by City Council in September 2009.

- The following chart summarizes the facility-specific planning-phase goals which support the City’s Sustainability Priorities defined in the policy.

| Sustainability Priorities | Facility-Specific Planning-Phase Goals |
|--|--|
| Preserve Land & Trees | <ul style="list-style-type: none"> • The project is a renovation of an existing structure. • The existing infrastructure will be used. • The renovation will maintain the existing community connectivity to public services. |
| Conserve Clean Water Resources | <ul style="list-style-type: none"> • Indoor water usage will be 20% below State code requirements by using “low flow” water fixtures. |
| Reduce Energy Use & Carbon Footprint | <ul style="list-style-type: none"> • Facility will reduce energy consumption by 30% below industry requirements. • High efficiency HVAC units will be used. • Energy efficient light fixtures will be used. • A new exterior skin system will increase the building’s R-value. |
| Maximize Transportation Alternatives | <ul style="list-style-type: none"> • Facility will maintain access to existing bus service. • Facility parking will include bicycle racks and designated carpool parking spaces. |
| Lead by Example & Encourage Local Sustainable Industry | <ul style="list-style-type: none"> • Facility will use a minimum of 10% regional materials based on total cost basis. |
| Protect Occupant Health, Maximize Productivity & Encourage Sustainable Employee Behaviors | <ul style="list-style-type: none"> • The facility will have finishes with low or no volatile organic compounds. • Individual controllability of thermal systems will be provided. • Individual controllability of lighting systems will be provided. • Facility will include designated recycling areas. |

- Staff does not plan to pursue LEED certification for the renovated facility at this time.
- The goal is to achieve 40 LEED-equivalent points.

Selection Process

- Responses to the Request for Qualifications were received from three firms on June 22, 2010, and were evaluated by representatives from Engineering & Property Management and CATS. The firms were interviewed by the Selection Committee on July 13, 2010.
- Gannett Fleming, Inc. was judged to be the most qualified to address the specific requirements of this project, and is being recommended for contract award.

Disadvantaged Business Enterprise- DBE

Established DBE Goal: 11.6%

Committed DBE Goal: 12%

Gannett Fleming proposed to assign approximately 12% (\$61,800) of the total contract amount to the following DBE firm(s): SEPI Engineering, Inc. and Capstone Civil Group PA.

Funding

Transit Capital Fund

36. Transit Financial Initiatives Contract

- Action:**
- A. Approve a one-year contract with Jeffrey A. Parker & Associates Inc., in the amount of \$142,500 to research and recommend methodologies which can be used in advancing the 2030 Transit Corridor System Plan, and**
 - B. Authorize the City Manager to negotiate and approve two, one-year renewals of the contract.**

Staff Resources: Carolyn Flowers, Transit
Dee Pereira, Transit

Policy

2030 Corridor System Plan, Transportation Action Plan Goal 1-“Continue implementation of the Centers and Corridors strategy”

Explanation

- The economic recession of 2009 severely impacted the revenue from the ½ Cent Sales & Use Tax for Transit.
- The 2030 Transit Corridor System Plan (2030 Plan) was based on assumptions for growth of the Sales & Use tax which are no longer viable. For example, the actual sales tax revenue received in FY2010 is equal to the amount received in FY2005.
- The Metropolitan Transit Commission (MTC) has directed CATS staff to start revision of the 2030 Plan which was approved by the MTC in November 2006.
- In order to revise the 2030 Plan, CATS and experts in the transit industry will research initiatives being used by others in the industry to advance transit projects around the country, and determine whether they can work in the Charlotte region.

Contract Services

- The Consultant will provide the following services:
 - Research and recommendation of initiatives (design-build, financial, and other) used by transit agencies around the country to advance major projects using public and private partnerships
 - Assistance in revising the 2030 Plan models that will work within the Charlotte region
 - Assistance in development of the Financial Plan to submit to the Federal Transit Administration in August 2011. This Financial Plan must demonstrate CATS’ financial capacity to advance the Northeast Corridor project toward receiving a Federal Full Funding Grant Agreement (FFGA) in 2013
 - Continued advice and assistance in advancement of future projects in a revised 2030 Plan

Selection Process

- On July 27, 2010 CATS advertised this project publicly, soliciting offers from firms nationwide. On August 16, 2010 CATS received five offers for consideration.

- An evaluation team made of representatives from Budget & Evaluation, CATS Finance and CATS Project/Engineering selected Jeffrey A. Parker & Associates Inc. as the best qualified firm.

Disadvantaged Business Opportunity

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

Funding

Transit Capital Fund

37. DNA Analysis Grant

Action: Accept a grant from the U.S. Department of Justice, in the amount of \$349,200, for DNA analysis in the Charlotte-Mecklenburg Police Department Crime Lab.

Staff Resource: Rick Williams, Police

Explanation

- The Charlotte-Mecklenburg Police Department Crime Lab received a grant from the U.S. Department of Justice's Forensic DNA Backlog Reduction Program.
- The grant funds positions and equipment for DNA analysis.
- A portion of the grant, \$291,948, will fund three temporary positions. Two of the positions are existing DNA analysts, funded from previous grants, and the third is a new position for an Evidence Technician who will be a liaison between the DNA Section and Police Property and Evidence, transferring evidence between the two locations and maintaining records on chain of custody.
- Other grant components are as follows:
 - \$8,742 will fund training for the DNA analysts.
 - \$18,510 will fund a new server and software for the CODIS application (local, state, and federal DNA databases), two thermal mixers and a laptop computer for the evidence technician.
 - \$30,000 will fund supplies for DNA analysis.
- The grant period is from October 1, 2010 to March 31, 2012. Staff plans to apply for the grant again in 2012.

Funding

\$349,200 from the U.S. Department of Justice; no City matching funds are required. This grant was anticipated and appropriated in the adopted FY2011 Operating Budget.

38. Duke Overhead and Underground Utility Relocation Payments for the Archdale Project

Action: Approve payments to Duke Energy in the amount of \$290,158.90 for the relocation of overhead and underground utility facilities for the Archdale Project.

Staff Resource: Jim Keenan, Engineering & Property Management

Explanation

- This payment covers overhead utility relocations, conversion of overhead utilities to underground and the installation of new mast arms for the Archdale Intersection Project at Old Pineville Road.
- This payment represents the actual utility relocation costs for the project, as determined in accordance with Duke Energy Relocation Agreement.
- The funds for this payment were included in the project budget and remain available in the project account.
- This South Corridor Infrastructure Project project was completed in 2007. Staff changes at Duke Energy resulted in a delayed submittal of this invoice to the City.

Small Business Opportunity

Contracts entered into without a competitive bidding/proposal process are considered exempt contracts (Appendix 23.2 of the SBO Policy).

Funding

Transportation Capital Investment Plan

39. Stream Restoration Engineering Services

Action: A. Approve a contract with Collins & Baker Engineering, PA for engineering services in the amount of \$200,000, and

B. Authorize the City Manager to execute up to two renewals not to exceed \$200,000 each, based upon consultant performance.

Staff Resource: Jennifer Smith, Engineering & Property Management

Explanation

- Stream restoration converts an eroded, degraded stream into a stable, ecologically sustainable condition.
- In many cases, the Clean Water Act requires City of Charlotte projects to mitigate impacts to streams and wetlands by restoring similar features elsewhere.
- Stream and wetland restoration provides compensatory mitigation credit to offset impacts of municipal projects including airport expansions and transportation and neighborhood improvement projects.
- Compensatory mitigation credit is awarded by federal agencies incrementally over a five-year period following completion of each restoration project.

- This contract will provide engineering design services for project maintenance during initial establishment phase in order to maximize mitigation credits.
- Additional work may include assistance with standardizing the stream restoration design process, preparation of feasibility studies and preparation of design plans for small scale restoration projects for mitigation credit.
- The consultant was selected pursuant to the Council-approved, qualifications-based selection process performed in accordance with NC General Statutes.

Small Business Opportunity

For service based contracts, the City negotiates SBE goals after the proposal selection process (Part C: Section 2.2 of the SBO Policy). This is a work order based services contract. Collins & Baker Engineering, P.A. will use the following SBEs as the contract requires: The Survey Company (surveying); Carolina Wetland Services (environmental) and On Target Utility Locate Services (utility locator).

Funding

Storm Water Capital Investment Plan

40. Police South Division Lease Agreement Amendment

Action: Approve an amendment to the original lease with Ghiz Investments I, LLC to modify the term of the lease as follows:

1. Add 1,700 square feet of office space for Police's South Division District Office, and
2. Revise the term of the lease to extend the termination of the existing lease from July 31, 2012 to July 31, 2013 and replace the one, five-year lease extension with up to three, one-year options to renew, based on performance.

Staff Resources: Timothy O'Brien, Engineering & Property Management
Katrina Graue, Police
Mike Bedard, Police

Explanation

- On February 14, 2002, Police executed a ten-year lease with one, five-year renewal option for the South Division District Office at 8050 Corporate Center Drive, south of Highway 51, off Johnston Road near I-485.
- The South Division District Office currently leases 7,810 square feet. The amended lease will add 1,700 square feet to total 9,510 square feet.
- The South Division is one of Police's largest divisions. The facility is undersized for the number of officers who work from this office. Also, new recruits have been assigned to this Division as part of the 125 officers added in FY2010.
- By renegotiating the lease at this time, the amended lease will provide the Police more flexibility for terminating in later years, as well as reducing

the lease rate from \$17.32 per square foot to \$15.60 per square foot for the next two years.

- The net effect of expanding the office and adjustment to the operating expense will result in an \$18,379 annual increase.
- The only construction needed is to add a shower in the men's new locker room and construct a doorway connecting the new space to the existing space. The work will be done by the City's Engineering & Property Management Department. Construction is expected to be less than \$30,000.
- Used office furniture will come from the Police Headquarters to further reduce upfitting costs.
- All other terms will remain the same.

Lease Terms

- Office space: increases from 7,810 square feet to 9,510 square feet
- Lease rate: reduces from \$17.32/square foot to \$15.60/square foot and remains at that level for two years
- Rate increases: remain the same in the new lease at 2% annual increases except there will be no increase in the new lease until year three
- Renewal Periods: Three, one-year renewals

Small Business Opportunity

Contracts for the lease of real estate are considered exempt contracts (Appendix Section 23.4 of the SBO Policy).

Funding

Police Operating Budget

41. Donation of Fire Department Equipment

Action: Adopt a resolution to donate an equipment trailer to West Mecklenburg Volunteer Fire Department.

Staff Resources: Rich Granger, Fire
Jeff Dulin, Fire

Explanation

- The Charlotte Fire Department would like to donate one equipment trailer to the West Mecklenburg Volunteer Fire Department.
- This trailer was originally purchased in 2004 for \$600 with 2003 Part I funds provided by the US Department of Homeland Security for homeland security equipment.
- The trailer has been used to tow Gator Utility Vehicles for search and rescue operations. However, the trailer is too short to tow the new Mule Utility Vehicles that the department is purchasing in an effort to standardize its off road vehicle fleet.
- The estimated current value of this trailer is approximately \$200.
- The West Mecklenburg Volunteer Fire Department is in need of a trailer to tow the Gator Utility Vehicle donated by the City. This donation was approved by Council on August 23, 2010, to support search and rescue incidents that they respond to at the U.S. National Whitewater Center.
- The donation to West Mecklenburg Fire Department will allow this equipment to remain inside the Charlotte Urban Areas Security Initiative region.

- North Carolina General Statutes §160A-280 authorizes the donation of personal property from a City to a non-profit organization incorporated in one of the United States upon adoption of a resolution by City Council.

Attachment 10

Resolution

42. Workers' Compensation Claim Settlement

Action: Approve a payment of \$185,000, in full and final settlement of the indemnity portion of a Workers' Compensation claim for Charlotte Fire Department employee, Jessica Jarrell.

Staff Resource: Mac McCarley, City Attorney's Office

Explanation

- This payment will be a full and final settlement of any future indemnity payments required for Ms. Jessica Jarrell.
- On December 21, 2005, Ms. Jarrell was injured in a work-related accident.
- A confidential settlement memo will be sent to City Council in the Friday, September 24 Council-Manager Memo.

Funding

Risk Management Fund

43. Refund of Business Privilege License Taxes

Action: Adopt a resolution authorizing the refund of business privilege license payments made in the amount of \$260.54.

Staff Resource: Henry Simmons, Finance

Attachment 11

Resolution

List of business privilege license refunds

44. Property Acquisition Services for Thomasboro/ Hoskins Phase 4 Neighborhood Improvement Project

Action: Approve a contract for property acquisition services for Thomasboro/Hoskins Neighborhood Improvement Project, Phase 4 with Professional Property Services Inc. in an amount not to exceed \$232,000.

Staff Resources: Laura Rushing, Engineering & Property Management
Kristie Kennedy, Engineering & Property Management

Explanation

- Engineering & Property Management's Real Estate Services Division currently provides property acquisition services using in-house and contract resources for the City's Capital Improvement Program.
- Under the proposed contract, Professional Property Services, Inc. will provide property acquisition services for approximately 176 parcels of the Thomasboro/Hoskins Neighborhood Improvement Project (NIP), Phase 4.
- Professional Property Services Inc. was selected pursuant to the Council-approved, qualifications-based selection process performed in accordance with NC General Statutes.
- The Thomasboro Hoskins NIP will provide sidewalks, driveway aprons, handicap ramps, utility pole relocations, storm drainage, curb and gutter, waterline replacement and resurfacing in the area bounded by Wildwood Avenue to the north, Interurban Avenue and Forsythia Circle to the west, Bradford Drive and Cantwell Street to the east and Freedom Drive to the south. Estimated total project cost for these improvements is \$4 million.
- Funding for this project was included in the 2006 Neighborhood Improvement Bonds.

Small Business Opportunity

No SBE Goal was set for this contract because subcontracting opportunities were not identified (Part C: Section 2.4 of the SBO Policy).

Funding

Neighborhood Capital Investment Plan

45. Property Acquisition Services for Eastway/Sheffield Neighborhood Improvement Project

Action: Approve a contract for property acquisition services for Eastway/ Sheffield Neighborhood Improvement Project (NIP) with THC, Inc. in an amount not to exceed \$180,000.

Staff Resources: Laura Rushing, Engineering & Property Management
Keith Carpenter, Engineering & Property Management

Explanation

- Engineering & Property Management's Real Estate Services Division currently provides property acquisition services using in-house and contract resources for the City's Capital Improvement Program.

- Under the proposed contract, THC, Inc. will provide property acquisition services for approximately 153 parcels of the Eastway/Sheffield NIP.
- THC, Inc. was selected pursuant to the Council-approved, qualifications-based selection process performed in accordance with NC General Statutes.
- The Eastway/Sheffield NIP will provide storm drainage, sidewalks and traffic calming in the area bounded by Albemarle Road, Independence Boulevard, Eastway Drive and Central Avenue. Estimated total project cost for these improvements is \$3.3 million.
- Funding for this project was included in the 2008 Neighborhood Improvement Bonds.

Small Business Opportunity

No SBE Goal was set for this contract because subcontracting opportunities were not identified (Part C: Section 2.4 of the SBO Policy).

Funding

Neighborhood Capital Investment Plan

46. Sale of Surplus Land to Salvation Army

- Action:**
- A. Adopt a resolution proposing to accept the offer from The Salvation Army to purchase approximately .54 acres of surplus City owned property located at 922 Louise Avenue (portion of 08111207) for \$82,350, and**
 - B. Establish the details of the sale using the upset bid procedure.**

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

Explanation

- The City's property at 922 Louise Avenue, behind The Salvation Army Center on Central Avenue, consists of a parking lot used by the Solid Waste Division. When the parking lot was constructed, approximately .72 acres of wooded land on the parcel could not be used due to its higher elevation from the rest of the Solid Waste parking lot.
- The Salvation Army approached the City, requesting to purchase the surplus land for a wooded outdoor environment in which to provide counseling to those struggling with addiction issues at their Adult Rehabilitation Center.
- The land is behind The Salvation Army's property on Central Avenue. The only good access to this land is through The Salvation Army property or through the City's Solid Waste parking lot.
- No departments or agencies have expressed an interest in retaining this land. Execution of the sale will be subject to the Mandatory Referral process and the Planning Committee's final review slated for October 19, 2010.
- The Salvation Army's offer of \$82,350 is the fair market value as determined by an independent appraiser.
- Staff recommends that Council propose to accept this offer and begin the upset bid process. If a qualifying higher offer is not received within the ten-day period after publication of the terms of the offer, the property may be sold to the Salvation Army for \$82,350.

Attachment 12

Map

Resolution

PROPERTY ITEMS

47. Property Transactions

Action: Approve the following property transactions (A-H) and adopt the condemnation resolutions (I-N).

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

NOTE: 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. In most cases, City staff and the property owner(s) have been unable to reach a settlement. In some cases, condemnation is necessary to insure 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:** Briar Creek Relief Sewer Phase 2, Parcel # 14
Owner(s): Assembly Tower Center Association, Inc.
Property Address: 2607 East 7th Street
Property to be acquired: 809 sq. ft. (.019 ac.) in Sanitary Sewer Easement, plus 1,302 sq. ft. (.030 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: O-2
Use: Medical Office
Tax Code: 127-091-02
Total Parcel Tax Value: \$2,010,200
Purchase Price: \$14,600
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
- B. Project:** Eastburn Storm Water Capital Improvement Project, Parcel # 3
Owner(s): Rebecca Schenck
Property Address: 5624 Glenkirk Road
Property to be acquired: 2,545 sq. ft. (.058 ac.) in Storm Drainage Easement, plus 1,996 sq. ft. (.046 ac.) in Utility

Easement, plus 1,925 sq. ft. (.044 ac.) in Temporary Construction Easement

Improvements: None

Landscaping: None

Zoned: R-3

Use: Single Family Residential

Tax Code: 171-252-30

Total Parcel Tax Value: \$237,600

Purchase Price: \$11,800

Remarks: Compensation was established by an independent, certified appraisal and appraisal review.

- C. Project:** Eastburn Storm Water Capital Improvement Project, Parcel # 36
Owner(s): Brian H. Grinde and Wife, Ansley S. Grinde
Property Address: 4822 Fairheath Road
Property to be acquired: 1,306 sq. ft. (.030 ac.) in Sanitary Sewer Easement, plus 916 sq. ft. (.021 ac.) in Storm Drainage Easement, plus 1,201 sq. ft. (.028 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-3
Use: Single Family Residential
Tax Code: 179-032-22
Total Parcel Tax Value: \$189,100
Purchase Price: \$11,000
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
- D. Project:** Eastburn Storm Water Capital Improvement Project, Parcel # 39
Owner(s): James Wilson Largen, Jr. and Wife, Tanya L. Baker
Property Address: 4833 Fairheath Road
Property to be acquired: 2,501 sq. ft. (.057 ac.) in Storm Drainage Easement, plus 110 sq. ft. (.003 ac.) in Utility Easement, plus 895 sq. ft. (.021 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-3
Use: Single Family Residential
Tax Code: 179-011-18
Total Parcel Tax Value: \$156,400
Purchase Price: \$11,275
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
- E. Project:** Park Road Sidewalk @ Poindexter and Sunset, Parcel # 3
Owner(s): Todd Murphy
Property Address: 2918 Park Road
Property to be acquired: 378 sq. ft. (.009 ac.) in Sidewalk and Utility Easement, plus 645 sq. ft. (.015 ac.) in Temporary Construction Easement
Improvements: None

Landscaping: Trees
Zoned: R-4
Use: Single Family Residential
Tax Code: 147-092-05
Total Parcel Tax Value: \$216,000
Purchase Price: \$12,800
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.

- F. Project:** Paw Creek Force Main Replacement - Phase 2, Parcel # 3
Owner(s): Duke Energy Carolinas, LLC f/k/a Duke Power Company
Property Address: 6325 Wilkinson Boulevard
Property to be acquired: 27,079 sq. ft. (.622 ac.) in Sanitary Sewer Easement, plus 35,846 sq. ft. (.823 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: TREES
Zoned: I-2
Use: Industrial
Tax Code: 113-012-12
Total Parcel Tax Value: \$1,840,000
Purchase Price: \$29,821
Remarks: This acquisition was negotiated and settled with property owner(s).
- G. Project:** Providence Road Sidewalk II (Folger Drive to Blueberry Lane), Parcel # 6
Owner(s): Warren Lester West and Marie Ellen West, Trustees Of The Warren Lester West and Marie Ellen West Revocable Trust Dated March 09, 2007
Property Address: 1101 Turnbridge Road
Property to be acquired: 2,818 sq. ft. (.065 ac.) in Sidewalk and Utility Easement, plus 42 sq. ft. (.001 ac.) in Utility Easement, plus 4,947 sq. ft. (.114 ac.) in Temporary Construction Easement
Improvements: Fence
Landscaping: Trees
Zoned: R-3
Use: Single Family Residential
Tax Code: 187-215-01
Total Parcel Tax Value: \$170,300
Purchase Price: \$22,948
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
- H. Project:** Shillington Storm Water Capital Improvement Project, Parcel # 15
Owner(s): D. Edwin Rose and Wife, Carla R. Rose
Property Address: 8516 Greencastle Drive
Property to be acquired: 1,321 sq. ft. (.030 ac.) in Storm Drainage Easement
Improvements: None
Landscaping: Trees
Zoned: R-3

Use: Single Family Residential
Tax Code: 209-501-31
Total Parcel Tax Value: \$783,200
Purchase Price: \$25,975
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.

Condemnations

- I. Project:** Colonial Village/Sedgefield Neighborhood Improvement Project - Phase II, Parcel # 211
Owner(s): Michael Seaton and Jennifer L. Seaton And Any Other Parties Of Interest
Property Address: 939 Sedgefield Road
Property to be acquired: Total Combined Area of 2,457 sq. ft. (.056 ac.) of Storm Drainage Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: Trees
Zoned: R-1
Use: Single Family Residential
Tax Code: 147-101-57
Total Parcel Tax Value: \$177,700
Appraised Value: \$5,000
Property Owner's Counteroffer: \$ 12,500
Reason For Condemnation: This project involves neighborhood improvements to include installation of sidewalks as well as storm drainage facilities. Mature landscaping on the property must be removed along the storm drainage easement. The independent appraisal takes these changes into account in evaluating the "before" and "after" condition; however, the owner does not feel the appraisal adequately addressed the impacts to the property and the permanent impact on the landscape. Condemnation will allow mediation and/or the court system to establish just compensation.
- J. Project:** Eastburn Storm Water Capital Improvement Project, Parcel # 48
Owner(s): Andrew D. Thrasher And Wife, Marsha H. Thrasher And Any Other Parties Of Interest
Property Address: 6400 Hazelton Drive
Property to be acquired: Total Combined Area of 2,782 sq. ft. (.064 ac.) of Storm Drainage Easement, plus Utility Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: Trees
Zoned: R-3
Use: Single Family Residential
Tax Code: 179-032-08
Total Parcel Tax Value: \$177,600
Appraised Value: \$13,100
Property Owner's Counteroffer: \$ 90,000
Reason For Condemnation: This capital improvement project involves the installation of storm drainage in order to mitigate storm drainage issues. Mature landscaping on the property must be removed along the storm drainage easement. The

independent appraisal takes these changes into account in evaluating the "before" and "after" condition; however, the owner does not feel the appraisal adequately addressed the impacts to the property and the permanent impact on the landscape. Condemnation will allow mediation and/or the court system to establish just compensation.

Attachment 13

Staff Report

- K. Project:** McAlpine Creek Outfall Replacement Sewer - North Branch, Parcel # 7
Owner(s): Kirsten Y. Boehme And Any Other Parties Of Interest
Property Address: 1400 Marlwood Circle
Property to be acquired: Total Combined Area of 5,562 sq. ft. (.128 ac.) of Temporary Construction Easement
Improvements: None
Landscaping: Trees and Shrubs
Zoned: R-3
Use: Single Family Residential
Tax Code: 109-273-04
Total Parcel Tax Value: \$165,600
Appraised Value: \$5,375
Property Owner's Counteroffer: N/A
Reason For Condemnation: This project involves improvements to the existing sanitary sewer line and the temporary construction easement is going to result in the removal of mature trees and landscaping. Since March, the City has addressed concerns of the property owner with numerous special provisions. The independent appraisal takes these changes into account in evaluating the "before" and "after" condition; however, the owner does not feel the appraisal and special provisions adequately addresses the impacts to the property and the permanent impact on the landscape. Condemnation will allow mediation and/or the court system to establish just compensation.
- L. Project:** CATS: Northeast Corridor Light Rail Transit, Parcel # 1237.1
Owner(s): Gateway Communities, LLC And Any Other Parties Of Interest
Property Address: 400 East 33rd Street
Property to be acquired: Total Combined Area of 99,282 sq. ft. (2.279 ac.) of Fee Simple, plus Existing Right-of-way
Improvements: None
Landscaping: None
Zoned: I-2
Use: Industrial
Tax Code: 083-031-01
Total Parcel Tax Value: \$1,502,500
Appraised Value: \$365,850
Property Owner's Counteroffer: N/A
Reason for Condemnation: This matter was deferred by Council on July 26, 2010 for more negotiation, based on a

request by the landowner's representative. City staff held additional meetings with the landowner, attempting to find a resolution that would allow the planned development project to proceed. City staff and the landowner were not able to determine a solution other than proceeding with condemnation as a way of protecting the right of way for the Blue Line Light Rail Extension. Attached are two letters that describe the process and the outcome.

Attachment 14

September 3 Letter

September 17 Letter

- M. Project:** CATS: Northeast Corridor Light Rail Transit, Parcel # 1238.1
Owner(s): Noda Yards, LLC And Any Other Parties Of Interest
Property Address: East 33rd Street
Property to be acquired: Total Combined Area of 18,564 sq. ft. (.426 ac.) of Fee Simple, plus Existing Right-of-way
Improvements: None
Landscaping: None
Zoned: MUDD(CD)
Use: Industrial
Tax Code: 083-031-42
Total Parcel Tax Value: \$494,500
Appraised Value: \$115,200
Property Owner's Counteroffer: N/A
Reason for Condemnation: This matter was deferred by Council on July 26, 2010 for more negotiation, based on a request by the landowner's representative. City staff held additional meetings with the landowner, attempting to find a resolution that would allow the planned development project to proceed. City staff and the landowner were not able to determine a solution other than proceeding with condemnation as a way of protecting the right of way for the Blue Line Light Rail Extension. Attached are two letters that describe the process and the outcome.

Attachment 14

September 3 Letter

September 17 Letter

- N. Project:** Airport Master Plan Land Condemnation
Owner(s): Thomas Stephen Autry
Property Address: 8918 Byrum Drive
Property to be acquired: 1.57 acres
Improvements: warehouse/office building
Purchase Price: \$235,000
Remarks: The purchase price was determined by two independent Member Appraisal Institute (MAI) appraisers and was reviewed by a third MAI appraiser. Each appraisal takes into consideration the specific quality and quantity of the land. The tax value is determined on a more generic basis and will be higher or lower for land/house with certain attributes. Property is acquired per Federal Guidelines 49 CFR Part 24 of the

Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration reimbursement.

Zoned: BD Use: warehouse/office

Tax Value: \$209,200

Tax Code: 141-201-05