

The City Council of the City of Charlotte, North Carolina convened for a Dinner Briefing on Monday, June 27, 2016 at 5:14 p.m. in Room 267 of the Charlotte Mecklenburg Government Center with Mayor Jennifer Roberts presiding. Councilmembers present were Al Austin, John Autry, Edmund Driggs, Julie Eiselt, Claire Fallon, Patsy Kinsey, Vi Lyles, LaWana Mayfield, James Mitchell, Greg Phipps and Kenny Smith.

\* \* \* \* \*

## **ITEM NO. 1: MAYOR AND COUNCIL CONSENT ITEM QUESTIONS**

**Councilmember Smith** asked that Item No. 47 be pulled for a separate vote.

**Councilmember Phipps** pulled Item Nos., 29, 36 and 57.

**Councilmember Mayfield** said I have a question on Item No. 36 regarding how we move forward when there is construction; how do we actually notify constituents, specifically those residents who are going to be impacted on street work prior to the development, and even though in theory when we move forward there is a process that is supposed to be in place, but I'm going to ask to get connected to the staff, because that is not happening on the ground in some neighborhoods. I have a neighborhood off of Barfield Road where a major road re-pavement was done and nobody in the neighborhood was notified a head of time. Residents literally had to drive over their grass to get out into the street to get out of their homes, and the project is still not completed and it is causing major damage to vehicles of which I am going to be sending some pictures over to staff, because I have gaps between where their sidewalk and the new curb is, and the road is not complete along with items that are sticking up in the pavement. We need to really look into who is actually in charge of staying on top of these companies that we identify since we have to, by law, go with the lowest responsive bidder. There are some cracks that are happening in the process with follow through and actually making sure they are doing the job that we are paying them to do.

**Assistant City Manager Debra Campbell** said Ms. Mayfield, would you mind repeating the street?

Mr. Mayfield said Barfield Road which is a part of the Clanton Park neighborhood.

Ms. Campbell said I got it; thank you.

Mr. Phipps said I have one final question about Item No. 28; I previously submitted a question and got a response, but I wanted to know with regard to Animal Care and Control Interlocal Agreement, has Animal Care and Control received any complaints from the small towns on their services?

\* \* \* \* \*

## **ITEM NO. 2: AIRPORT TAXI OPERATING AGREEMENTS**

**Interim Aviation Director Brent Cagle** said thank you for giving me the opportunity to provide you this presentation this evening in advance of Item No. 13 which you will be seeing this evening at City Council. The presentation is regarding the Airport Taxi Operating Services 2016 Request for Proposal process. Just to walk us through what we are going to talk about tonight, I will provide some background information; we will talk about the request for Proposal process that the airport that Management and Financial Services Procurement Division conducted. We will talk about the key RFP events, look at the evaluation criteria and also the recommendations and then discuss very briefly a text amendment associated with the PVH Ordinance.

As background: five years ago the airport entered into contracts for taxi service at the airport and those contracts are currently held by three companies: Crown, City and Yellow Cab. Over the life of that contract the airport has been pleased with the level of service and the customer satisfaction regarding taxi service at the airport. In 2015, we did want to take a look at the assumptions we've made and how we approach ground transportation in general. To do that, we contracted with Taxi Research Partners or TRP. They won a competitive process, an RFP

process, and they conducted an in depth investigation or study of all aspects of ground transportation: limousines, TNCs, which are Transportation Network Companies, more commonly referred to as ride sharing like Uber and Lyft, shuttles, and taxis. As it pertains to taxis, TRP found that Charlotte's model of contracting for on demand or walk-up service did represent a viable and best practice model for airports in the US. The study also identified a total number of airport licenses to be brought forward in the RFP. The study identifies 170 licenses; the recommendation tonight is for 171, and that is because of rounding. You can't assign a third of a car, and so it was rounded up, but basically the study established that number of licenses. The study did not establish the number of companies to contract with. Regarding the number of contracted companies the study simply said there should be more than one, and the reason it stated that is with one contracted company, in effect all of your eggs are in one basket, and if that company cannot provide service the airport would have an issue. TRP did not assign an upper limit of contracted companies; it simply said that number of contracted companies should be greater than one. It did establish a total number of licenses to be spread over the number of contracted companies, and that is 171 due to rounding.

That led us into the RFP, and really the RFP only covers on demand or walk-up services. Passengers under the existing contract and into the future under this contract, if they schedule service they are absolutely able to do that, and they can do that with any taxi company, with any ground transportation company in the City. This is only pertinent to on demand or walk-up service. Again the airport is concerned with on demand or walk-up service because taxis are often the first thing that our visitors experience and professional taxis present a positive impression of our City. In the walk-up market, the customer in effect delegates their ability to make a choice regarding the provider to the airport. They walk up to a taxi stand, and they expect a taxi to come and take them to their destination, but they haven't actively chosen which company or which taxi company is providing that service. They want a taxi, and they want to go wherever it is they need to go. I will also note that Charlotte Mecklenburg Police Department regulates taxis through the PVH or Passenger Vehicle for Hire Ordinance. The airport contract currently and into the future has higher standards than those that are set forth by the PVH and that we allocate the permits equally with one caveat in this recommendation that I will get to equally through the competitive process or the RFP that we've conducted.

The schedule for the RFP; on March 30, 2016 we released the request for proposal. On April 15, 2016, we conducted a pre-proposal conference; on May 5, 2016 the proposals were due. We received 12 proposals. May 11, 2016, an evaluation team met to evaluate and consider review the proposals. May 11, 2016 through June 15, 2016, we conducted due diligence and reference calls. On June 16, 2016, the airport and Management and Financial Services presented the Evaluation Committee's recommendation to the Community Safety Committee, and tonight we've brought forward the item for Council consideration. I will note that I've said "we". When I say we I'm referring to the airport and to Management and Financial Services Procurement Division; it was a joint RFP process, and we specifically sought that so that we could find best practices, and use Management and Financial Services, the experts if you will, to utilize a process that really represents what we believe is best practices for conducting RFPs.

Quickly, I will go through some of the evaluation criteria that the Evaluation Committee looked at. One, they looked at the proposer's experience and background. Two, they looked at the proposer's operating plans, the number of vehicles they had compared to the number of vehicles they were requesting, their vehicle maintenance plans if they were included in their proposal. Three, they look at the ability of the proposer to comply with airport rules; four, they looked at driver contracts and benefits, what does the company provide or how does the company contract with its drivers, and what kind of training and benefits do they offer to those drivers? They looked at the financial status of the companies and they looked at the technological capabilities, and by that they looked to the proposals to see if the individual proposals had offered up additional technology above and beyond that of the airport or the PVH Board.

That brings us to the recommendations or the recommended proposals. The Evaluation Committee, which consisted of five people; those five people, were Captain Rod Golding with CMPD; Jack Christine, the Airport's Chief Operating Officer; Valerie Boston, our Manager for all of our land side operations, which taxis fall under; Mike Walker of HMS Host, and Harold DeDe, who works in ground transportation at Atlanta Hartsfield Airport. The recommended proposals from the Committee are four companies: City Cab, Crown Cab, Green Cab and Yellow

Cab. Here you will note, Green Cab is recommended for 30 permits; the reason is Green Cab specifically asked for 30 permits, rather than an equal distribution, so they were awarded what they asked; however, they have been recommended to be awarded. They haven't been awarded; they have been recommended to be awarded what they ask. All things being equal, all of those licenses would have been distributed equally amongst those four; instead we took 170 minus 30, divided by three, rounded up, and now we come to 171. That breaks down to 47 permits for all companies except, Green Cap, and they are recommended for 30 permits. These proposers each demonstrated a commitment to a high level of customer service and interest in the welfare of the drivers and a track record of compliance with PVH and Airport requirements. I will also say, we also strongly believe that a happy driver results in a happy customer, so it is we think in our customer's interest to take a look at how each of the companies handles its contracts with drivers and the benefits. That was something that the panel looked at. The panel found that there was a clear line, a bright line between the four recommended companies and the qualities of their proposals that were submitted and the other eight proposals, and that is why they have brought forward the recommendation of the four companies.

Some of the areas of concern, but these are not universal amongst all of the other eight companies, but some of the areas of concern range from no current PVH certification, concern with higher franchise fees, or lack of benefits or training to their drivers. Capacity, asking for significantly more permits than currently PVH complying vehicles, past performance or lack of references or other required information. With that, I will speak briefing regarding the technical amendment; the current PVH Ordinance in Section 22-351 and you will note the red outlined text here. I was asked many times if this was a draft slide, and I need to resubmit this for the final. This is the slide I meant to present tonight; the red strike through is what we are requesting be removed from the current PVH Ordinance and what the red strike through does, it removes in code the length of term of the agreement. What that would do is enable to airport as a contractual matter to determine the length of the agreement rather than have an agreement length written into code.

**Councilmember Austin** said one of the most important things I wanted to have during this was integrity in the process. Last time around there were all types of allegations and obviously we are getting all types of e-mails and contacts about the process; those people who are now the fewer cabs, those people who feel like certain ones didn't need to get in there. How though this do we insure integrity with the people, with the process, outside interference from elected? Can you talk about that, because that is real important this time around for me?

Mr. Cagle said we understood that the last time around was a controversial process, and we wanted to, not learn from our mistakes, but improve upon the process where we saw there were issues last time. One of the things that we started out from the very beginning is first affirming do the contracts represent best practice, and TRP helped us with that. The second thing we did and this is very important, is we utilized Management and Financial Services, Procurement Division; we brought in the experts to help us create the RFP process and help us work through the RFP process. I will say Sarah Poulton with Management and Financial Services was great; she worked very, very hard on this as did others, but that really helped us insure that we were utilizing best practices in the process. I will also say there was some concern about the make-up of the Evaluation Committee during the last process; there was concern regarding the Aviation Director being on that Evaluation Committee. I specifically was not on the panel. We found what we think was a strong panel who represented both Charlotte Douglas International Airport and knowledge of our ground transportation needs at the airport. We brought in an independent airport person, Mr. DeDe from Atlanta, understanding the ground transportation but again in a different market. Mr. Mike Walker with HMS Host understands customer service; that is their business, providing customer service at the highest levels, and again, we view taxis fundamentally as a customer service to our passengers, then finally, Captain Golding who brings the public safety and knowledge of the PVH or CMDP knowledge to the panel. They were specifically chosen for their background and experience.

Mr. Austin said talk me through the top four; why those four over the rest of them. I'm really interested, and you talked about benefits to the cab drivers; I'm not quite sure I'm understanding what benefits cab drivers get, they are independent contractors. Can you help with that and your understanding how cab drivers relate to taxi cab companies?

Mr. Cagle said there are many different models, and I guess I wouldn't want to venture into commenting on how the relationship that taxi companies have with their drivers, although I believe it is true that many of their drivers are in effect contracted to the company. When it comes to benefits, we looked at the level of fees that the company charges its drivers; we also looked at the training program and the type of training programs that the companies offer for their drivers and those kinds of things. What does the company do to work with the driver to insure that that driver presents the highest level of service possible?

Mr. Austin said the other part of the question was the top four, why?

Mr. Cagle said I apologize; the Evaluation Committee did not rank, there was not scoring associated with these proposals. What they did was look at the proposals, and what they found according to their notes was that four companies, there was a bright line, the Evaluation Committee felt, in the quality of the proposal and what they brought forward as compared to the other eight companies. What the Evaluation Committee did not do was rank order every company one through 12 based on its proposal. That is not what they did, but what they did do was identify what they felt were the four strongest proposals and brought those forward for the recommendation.

Mr. Austin said so financial capacity, were you seeking tax returns for their ability to operate? Explain that, and did everybody provide the same sort of thing, and finally, everybody had an opportunity to contract, correct?

Mr. Cagle said to propose.

Mr. Austin said to propose, excuse me; all companies within the City of Charlotte?

Mr. Cagle said there were some proposers that were not companies yet by the PVH standard, but yes all proposers, any company had a chance to propose. To your first question, I will defer to Ms. Polten.

**Sarah Poulton, Management & Financial Services** said can you repeat your question one more time Mr. Austin?

Mr. Austin said it talks about financial capacity, and I've gotten an e-mail or two around one company saying they provided tax returns for three years or something like that and other people may or may not, so what exactly were you looking for in that question or in that criteria?

Ms. Poulton said we didn't actually ask for tax returns specifically, because that can be a lot of different things; a very stable company might have a tax return that might not look really positive and then a really positive tax return might look the other way, so we don't usually ask for tax returns. We did ask, as part of their operating plan, what was our plan for purchasing vehicles. Instead of asking for an exact number;, what is your plan? Have you gotten financing in place, have you already contacted dealerships to get lined with credit? It would be things of that nature. If the companies did already have the vehicles in their fleet for the number of permits they were requesting, they needed to provide us with details on how they were going to get to that number.

**Councilmember Driggs** said you asked to delete the provision that says "shall be entered into annually," so what is the term of the contract that you are contemplating, does it have renewal features, how does that work?

Mr. Cagle said as recommended, the contract will be an initial three year term with three one-year renewals so a possibility of six years, but it is technically a three-year plus three one-year renewals.

Mr. Driggs said during that time, you say that the permit can be revoked or may not be renewed if there is a failure of PVH prior company to comply with the terms of the agreement. What performance matrix are you applying or what constitutes compliance?

Mr. Cagle said compliance with airport rules and regulations, plus the compliance with the PVH rules and regulations. I guess what I would say is if there is a failure to comply with the rules

and regulations established via contract or established via City Code the airport has the ability to terminate the agreement.

Mr. Driggs said are customer complaints considered a part of that?

Mr. Cagle said they would be considered as part of that.

Mr. Driggs said what are the financial arrangements between the airport and the cab companies?

Mr. Cagle said the Airport contracts directly with the cab companies; the payment if you will from the cabs is a \$1.50 trip fee proposed in the current contract. Today it is \$1.00, so it is proposed at \$1.50. Today, it is a \$1.00 trip fee plus an annual license fee; we are doing away with the annual license fee, in favor of the trip fee. It is a revenue neutral stance for the airport, but it also means that you are being asked to pay based on usage, with no fixed costs from a company standpoint or a driver standpoint.

Mr. Driggs said the revenue from those fees relates how to the expense?

Mr. Cagle said it pays the costs of providing the facilities and overseeing the contracts and overseeing the operation associated with taxis. The airport does not look, we have not in the past and we will not in this recommended contract look to generate a profit; it would all be net zero, it is cost recovery.

**Councilmember Fallon** said can we talk about the human side of this? I gather a lot of these drivers are not skilled; where do they go? Are they still allowed if you call them from outside the airport to come to the Airport, so they can drive?

Mr. Cagle said this contract does not impact at all scheduled service.

Ms. Fallon said PVH required them to have newer taxes, and a lot of them had financed them, and now they can't come to the airport, what happens to that?

Mr. Cagle said they can come to the airport on a scheduled basis, and the airport contractor is actually a higher standard than PVH when it comes to vehicle age. Those vehicles are still eligible for use in the City as taxis.

Ms. Fallon said so they are viable; and they have the alternative to work for another company or go to Uber or something like that?

Mr. Cagle said I would suppose that would be an individual driver decision, but there is nothing in the contract that would prohibit them from doing that.

**Councilmember Smith** said how many companies are currently recognized as PVH cab companies?

Mr. Cagle said ten.

Mr. Smith said how many new permits are being issued? The study recommended 171, what is the current number?

Mr. Cagle said the current total number of vehicles of licenses issued by the airport is 157; new is 171. Inside of that there are also two different designations, non-peak and peak and to break those numbers down, non-peak amongst the three companies is currently 105, and it is increasing to 153 and peak in the current contract is 52, and it is decreasing to 18. There is a net increase in the number of vehicles, but there is also a desire for the airport to make those permanent vehicles. The peak are those that get called out when there is a peak, and so what we've seen over the life of this contract, the peak has grown quite frankly because we didn't have a methodology for how to rebalance that in the current contract. Taxi Research Partners helped us with that methodology, so that really peak is 10% of non-peak, and so there is a rebalancing inside the assignment, but there is also net increase of total licenses.

Mr. Smith said quick math, it looks like you are adding 14 licenses, and you are bringing that additional company in who is taking 30, so it is a net loss for the existing providers of a total of about 30.

Mr. Cagle said it depends on the provider, so the current contract City Cab was assigned 19 total vehicles; Crown and Yellow were assigned in the contract 69 total vehicles each. City Cab realizes an increase from 19 to 47. Green Cab is 100% increase zero to 30, and then Crown and Yellow are a decrease of 22 vehicles per company, 69 to 47.

Mr. Smith said anybody can drop off at the airport, correct? There is no restriction as to what company can be contracted to take you out to the Airport; our contract only deals with pick-up, correct?

Mr. Cagle said any company on a schedule basis can drop off and pick-up on a schedule basis.

Mr. Smith said I can have a cap in uptown Charlotte that is not one of the four providers, and they can take me out to the airport.

Mr. Cagle said correct and there is no trip fee associated with that type of service.

Mr. Smith said you mentioned the possibility to terminate permits, if they don't live up to their side of the contract. What happens to the permits; let's say you terminate one of the ones who gets 47, do those just get equitably distributed across the providers, or do you go back out to the market to add one of the companies?

Mr. Cagle said they would be distributed amongst the remaining contracting companies. I think equitably is the right way to say it. I would say evenly except, and Green understand this, when Green requested a smaller allocation they may not end the contract as proposed, with 30 vehicles, but they will also be on a pro rata basis percentage wise. behind the other three companies. Let's say for hypothetical Yellow Cap, if we were to terminate the new agreement, we would take those 47 licenses and distribute them amongst the three on a pro rata share based on their existing fleet or licenses at the airport.

**Councilmember Phipps** said for those companies that submitted but were not selected, was there any kind of post review to discuss with them some of the weaknesses in their applications that caused them not to be chosen or anything like that?

Ms. Poulton said there hasn't been. Until now, what we typically do is wait until the vendors ask us for the evaluation notes which several of them have, and we've provided them promptly to those companies that have asked for the evaluation notes or the proposals from their competitors. If a company did have specific questions about certain items in their evaluation notes, I would certainly be happy to talk with them over the phone about the high level items. We do debriefs requested by the company.

Mr. Smith said I know the last time contracts came around, there was sort of a clear delineation, and there were some companies that could not meet the criteria that the airport set up. Folks that weren't awarded the contract, did any of them fail to meet the stated criteria that we are judging them upon?

Mr. Cagle said I cannot answer that question; I was not with the airport during that process. It is my understanding that the last process there was a stated upper number of contracted companies which is not the case this time. As far as how the evaluation committee's discussions were regarding the prior contract, I cannot speak to that.

Mr. Smith said this contract there was a list of I assume 10, 11 or 12 criteria; did anybody that wasn't awarded the contract fail to meet – where there groups that did not get a contract that met all the criteria to serve at the airport, not whether or not there was a clear line of distinction, but met the minimum base requirement?

Mr. Cagle said based on the information that I have received from the Evaluation Committee, there may be companies that possibly could meet the requirements of the contract; however, their

proposals there were areas of concern that the Evaluation Committee had contained inside their proposals.

Mr. Austin said I think I know where Ms. Fallon was going in terms of hardship; was there an understanding from the existing contractors that things might change from the three years they have already existed to now? Was there an understand that if you invested in a 2016 or 2015 vehicle that things might change and you may not be that contractor; was there an understanding kind of all along about these contracts and what they meant with existing people?

Mr. Cagle said I guess the short answer to that is yes; the contract term was clearly stated; the three companies were asked to sign that contract each year, and they did, and the terms were clearly stated in the contract. I guess what I would say the long answer is the contract terms and conditions were known to both parties and agreed, to and there were no promises beyond satisfying the obligations of the contract.

Ms. Mayfield said Mr. Cagle I'm going to share that I have a concern with us changing the times as far as the contract being re-evaluated annually to go into a three year with presumably automatic additional year renewal mainly, because we have received a lot of concerns from this business from multiple companies, and as you just shared there was an understanding that to be compliant there is an expectation for you to maintain vehicles of a certain standard. But us moving to this new model of which I agree with the study of having an identified number that is going to keep it consistent because unfortunately the community at large doesn't know some of the concerns that were happening at the airport, but I think they should know that some of those concerns were the fact of safety. We had cab drivers that were sleeping in their vehicles over night at times at the airport in order to try to be the first ones out. We had incidents of verbal discussions regarding who was in line, so this creates a much better experience for our customers and our passengers, but I do have a concern with changing the language and not giving the opportunity for companies who have done everything in their power to be compliant; it is almost as if we are punishing them, especially when you have a new companies that are coming, for them to have an opportunity to be at the table, opposed to working up to getting out at the airport. I think I personally would prefer the current language and we continue on the model or maybe look at two-years opposed to three with the automatic renewal just to give as many opportunities as possible. A lot of people run their business off of the traffic that we have at the airport, so I just wanted to share I have a concern about that line.

Mr. Cagle said if you would like, there is a reason for the three years, and if you would like I can share that with you.

Ms. Mayfield said please.

Mr. Cagle said it is true that these contracts were signed and were understood by both parties; it is also true that inherent in the contract is a vehicle requirement that is basically all vehicles utilized at the airport must be no older than three model years old when they start service and can be used at the airport for no longer three years. That means if you start brand new, day one with a 2013 car and we are in 2016 that vehicle will be six model years old when it must be retired for use at the airport. That is why we suggested going to increments of three, because it better matches the vehicle requirement associated with the contract. That is one key area that the contract at the airport contract differs from the PVH; they have a different vehicle standard for taxes amongst the City, but I do appreciate your concern.

Mr. Driggs said in this application process, did we rely on information submitted by the companies; did we have a means of verifying all the statements they made about the cabs? I'm concerned in part, that maybe some companies were better at preparing submissions than others, so are we comfortable that what we know about the companies reflect their fleet and their operations?

Mr. Cagle said let me start by saying yes, we evaluated the proposals that we were given, and we evaluated the proposals as they were submitted and that is what we evaluated. To our due diligence, I will let Sarah speak to that.

Ms. Poulton said that is a great question, and it is often very hard to verify the claims on our proposal, but what my partner and I and Management and Financial Services completed after we received the proposals and a recommendation was made, was to go out check with the PVH itself and see that the number of vehicles that the company said they had that were PVH certified, were in fact PVH certified, so we worked very closely with Kirk Young and his team at CMPD to verify those. We called references to make sure that the company was as good as they said they were; that their vehicles were as clean as they said they were and that their drivers were as friendly and useful and knowledgeable of the City. Anything that we could verify with a fact or figure, we went out and did it to the best of our ability.

Mr. Driggs said in five or six years we could see a fair amount of growth; are you contemplating issuing more permits over time?

Mr. Cagle said yes, TRP said that was one thing that we lacked in the past; what TRP, one of the big work items or products of the study was giving us a set and standard methodology for recalculating periodically the total number of license and not how to allocate those, because they would be equally allocated but how to recalculate total number of licenses and that is something that the airport has not had up to this point.

Mr. Driggs said you just do that pro rata then?

Mr. Cagle said correct.

Mr. Austin said you spoke of best practices at other airports; at other airports are the contracts multi-year like this, or is it annually?

Mr. Cagle said it depends on the airport, and it depends on the structure of their deal. It is yes and no; some of them may be annual and some of them may be multi-year. It depends on the airport and some of the specific terms and conditions associated with their contract. Like I said, practically speaking even though code said it is an annual contract; the original contract was structured as one-year with four renewal options. In effect, the intent is a five-year contract. This contract is structured in three-year and six-year increments, to better align with the vehicle requirement that is slightly different than the PVH general requirement.

Mr. Austin said I just have the concern just blocking out so many small businesses for so long; I do know that is where they make their money, and so we are blocking small companies out of the opportunity to participate. I do have concerns about multi-year; I do appreciate the fact that you guys have been very diligent making sure that the integrity of the process is above board, so I do thank you for that.

**Mayor Roberts** said we will be voting on Agenda Item No. 13, and we have some speakers before we do that.

\* \* \* \* \*

### **ITEM NO. 3: EASTLAND MALL REDEVELOPMENT STRATEGY UPDATE**

**Director of Neighborhood and Business Services Pat Mumford** said I wanted to give you an update on the process, primarily for the Eastland Mall Property Redevelopment, and an update on some recent activity. There is no ask at the end of the this or this evening to approve anything officially. I would like however to get an indication of your approval of the approach that we are recommending to continue to the process for redevelopment.

Tonight, there are a couple of things I want to discuss; one is the process that we've been following to refine the concept plans that you have seen. I also want to present to you an additional concept that was developed by a gentleman by the name of Alejandro Aravena, he is with Elemental, a Chilean Architect, and I will give you some more detail of that, and I also want to frame the next steps and the timing for how to move this forward. I want to start with, there is movement on this site and that is exciting; you all approved the sale of a piece of the property to Charlotte Mecklenburg Schools; that has now gone through the process with the County and the School Board for approval, and we hope to close on that, or at least have the contract signed within the next two weeks. That is huge as far as movement; that is telling to the development

community that action is occurring. The activity with Alejandro in town has gotten people excited about this opportunity, so we want to make sure that we capture the momentum such that it is and to move this forward to action. Tonight is not about further visioning or conceptualizing; tonight is about implementation and execution on these concepts. I've shown this to you often, and I wanted to show it just briefly again this evening. There has been an awful lot of time and energy from the community, from this Council from previous Councils and from staff on how to help move this site back to a site of viability, much like it was before when it was an active mall. You can see all the way back to 2003, when Council approved and adopted the Eastland Area Plan; there has been a lot of action moving toward this state today, where we can really define this and move this forward. Most recently, I didn't show, it was last week, that the School Board approved the staff to enter into an agreement with the City to purchase the property for the School. You also have seen these principles before; these were developed by Charlotte East. I show them again, because it is going to be important to see how Alejandro and his efforts develop some principles that are really quite comparable to these. We have stayed true to these all along; these are important to us because the community developed them. These are high level; the concept that you have seen before, this concept really resonates with the principles that were developed. I can't stress enough, and I know I say this every time; this is a concept; this is not a master plan. Nothing new here; you've seen all of this before.

I want to talk a little bit more in detail about Elemental; so, Alejandro Aravena is the principle of this firm; he is a Pritzker Prize Winning architect. Some of you may know that is really comparable to a Nobel Prize in architecture, pretty phenomenal that the Latin American Economic Development Corporation was able to bring Alejandro here to our City with his colleague Juan Ignacio, and they came at the request of the Latin American Economic Development Corporation to just see what they thought about the Eastland Mall site, see what they thought about the Central Avenue Corridor, just to give their unbiased perspective. Alejandro was only here for two and a half days; it was a pretty exhaustive two and a half days. He met with local business owners, met with the community, had an event at UNCC, really asked a lot of questions about what could this be? How could this site change? How frankly could the City of Charlotte get rid of that expectation that what was really vibrant in 1979 was going to come back and see the possibilities of the future? Really a fascinating individual, I know I studied architecture and that is probably why I really liked it but he really asked powerful questions from a position of just not knowing. We are so invested in this, and he is not. This is not meant to be confusing; this is from Alejandro's presentation. It is a bit of a mind map of the elements that he found to be important in this area. You don't have to memorize this; I have broken it down a little bit easier to read, but it is really just to show a lot of the components that he found to be important, were really important to our community when Charlotte East developed principles and that was interesting in that it to some degree really validated the effort that is put into place already here. He came up with basically five areas of focus with character, environment, connectivity, demographics and economy, and he has a lot of other interesting words around this and how he came up with that. What is important is really those five core areas.

Again, I want to say, he was here two and a half days; this is not submitted as an architectural rendering ready to go to contract to build. This is an idea of components out of what he learned from the community that could fit together. You will see a large green space; that green space is comparable in square footage to the total green space in the above concept. The edges that he has shown for buildings, and don't try to figure out what the buildings are, they are just meant to be a mass to show that there is commercial and residential development. He proposed that along the edges. The total square footage of that is the same as the concept above. He didn't get into the details of the water quality, water treatment that we did, but he did show in the corner, the same location as we, the notion of an education facility or a school. When we walked away and we step away from that, we realize that the components are very similar. In fact, they are the same. The order of magnitude from each of those components is the same; clearly, how they are positioned and how they relate is different, and I would suggest to you that the final outcome of the redevelopment of the Eastland Mall site, whenever that is to occur, will probably not look exactly like either one of these, and that is because design is an iterative process. We take one step and then we react to that; in fact the school being approved has elicited some energy from the community. People are calling us about what is going on out there; I might want to participate in some development. Now we can respond to that, versus just a big blank space. This was really to us telling that the community has been on the right path with the uses and then

we ask ourselves, so what? Now what do we want to do? What we want to do is concept and move from vision and take action. Now, we have to get into that granular detail of engineering the site, understanding the marketability of these uses, understanding how we would operationalize green space, how we would maintain green space. What size makes sense? How does it respond to the community? How does it respond to the future development? That level of specificity is what we are suggesting we would like to do moving forward.

Before I get into those details, I do want to show the relationship between the Charlotte East developed principles and what we are calling Alejandro's principles, very interesting and a lot of similar words came out. He did not take ours and try to build on it, he just started from scratch. An interesting component that he has suggested in character is that this site should have some sort of iconic element to it, and he spoke to relating to the downtown area of Charlotte and that Eastland is only five miles away. If you could be elevated you could see the downtown and make that visual connection. He had shown in his presentation a big balloon that people would rise up with the balloon and see and come back down. It is not meant to be the answer; it is meant to say that there should some sort of element with this site that makes it unique and makes it iconic but I can't stress enough this is not about some architectural element being there. This is about a sustainable long-term viable development, and that is just one little aspect.

Connectivity, you all have talked about connectivity from pedestrian standpoint, vehicular standpoint; clearly the transit element is important to understand on the ground. The extension of the Gold Line out there, how it terminates, the current bus transit system, how we would have a short-term, an intermediate and a long-term approach needs to be engineered. We need to understand the cost impact and the timing impact of that. The environment, we've discussed the water quality several times and the potential approach to this being a green development, and demographics, it is no surprise to anybody that the demographics out there are different than they were when the mall was built, so how do we embrace that? How do we use that as a positive element to drive not only the design but the use and the experience out there at the Old Eastland Mall? The economic piece; Alejandro brought something to our attention that is not a typical approach to development in this country, and he talked about it as democratic real estate or capital entrepreneurs and capital development. His thought is, can young entrepreneurs own small spaces like they do in South America? Could they help be a part of the burgeoning economy on this side of town? That is an interesting proposition; we don't know if that would work, but it certainly does add to the flavor of how we might suggest this development occur so that more people can be engaged in the benefits that would accrue to this site.

It was really powerful that he came; it was great that we got the exposure for such a phenomenal architect in town, and we hope that there is some way that Alejandro can stay engaged in this process, potentially as a design consultant. We have to follow-up with him to see how that might work. I will also mention to you that one of the most powerful things that Alejandro brings to architecture and to design is the engagement and the public engagement. There are several examples of this in Chile, where he was very successful with it, and there is an opportunity here to potentially have a much more robust, public engagement process to define the uses, refine the uses and take action on getting those built.

To move forward, I've mentioned some of these already; the implementation is going to require a much more detailed approach to developing, what I would now call, a master plan. I stayed away from master plan for the last year, but now we are to that point where we want to master plan, at least get a framework for this site. A framework for this site that takes into account infrastructure, timing, takes into account some of the built things such as the school, will bring certainty to the development community. There is nothing the development community likes more than certainty; right now there is a lot of uncertainty and that doesn't bode well, so we need to refine this. We want, as I mentioned, to take a look at community engagement in a different way than we've typically done here in this community. We also need market feasibility today, not a feasibility study from five-years ago. As we know, the market is in an interesting place right now; what does that mean to real estate? What does that mean to financing real estate development? We need to understand that really clearly, today.

The last piece is around design guidelines, not being so prescriptive that we design a building for somebody, but we want the development community to understand what is the massing? What is the scale? What is the feel that we are looking for on this site, and part of the regulatory

framework is what is the zoning, so when somebody buys a parcel of land what do they get with that? What by right opportunity do they have with that? That is all part of what we are suggesting the next step would be, and we are looking to engage a multi-disciplinary consulting team to help us with that. This is a huge body of work; it is a large site. It is a complicated site, and we feel that we need some professional help to come in. We will guide that process, but engineers, architects market analysis, and there is in West Minister, Colorado, which is just outside of Denver between Denver and Boulder, there is 105 acre site, housed a mall very similar to Eastland Mall. It went down the same way Eastland Mall did, and the City of West Minister came in over a period of about three-years, purchased the vast majority of that site, and it is under redevelopment today. There is a real live current example of how to move this forward; we've been in contact with West Minister. We want to continue that to understand how they developed their relationship with a development team, and we are suggesting that this framework will allow us to respond to people and say hey, we want to participate in development at Eastland Mall. We've been through that over the years when people say they want to do something, we can't gage the potential success, because we don't have that developed yet.

We want to continue to include our public partners, the school, the County, Park and Rec, Library, those folks in town that have expressed interest in being a part of the ultimate development. These are what we've gone though and we need to assess the development infrastructure needs at a granular level, develop that design, the cost estimates, the timeframe, engaging the community; I mentioned the transit component and the guidelines and entitlement process and then finally what that development approach will look like.

The timing – we are proposing to have an RFP out to interested consultant teams by August of this year and take a few months to review those, select a team in October, complete implementation plan, at least that first pass by June of next year and then begin to implement. When I say implement I don't mean all 70-acres at one time gets redeveloped; what I'm suggesting is we begin to implement those components that need to come first that will then elicit response from developers, and we will build on that. I can't answer what Eastland Mall looks like today; it may sound odd, but I think that is actually pretty exciting because we are moving forward to where this iterative design process is going to be much more powerful from a sustainable standpoint, than if we design something today and said that is going to work for the next ten years. We feel very strongly this is a logical approach to developing this property; we don't have costs today, but I will tell you a contract of this nature could be \$200,000 to \$300,000, depending on the scope. The City of West Minister spent more than that; theirs was much more aggressive and that is a lot of money. I'm not here to ask you to approve any specific dollar amount; I wanted to give you a scope and a scale. If we don't do this however, we will continue to just plod along with that site the way it is. It is just not going to happen by itself. As I mentioned to someone today, hope is really not a good strategy, we need a much more thoughtful approach moving forward to move this thing and to see some activity on that site.

**Councilmember Eiselt** said would Alejandro be considered as someone participating in the process of the consulting team or would he be a consultant over the consulting process?

Mr. Mumford said our take right now is he will probably be one of the team members of a broader team.

Ms. Eiselt said did he come up with anything that was novel or quite different from a mass transportation standpoint that we had not considered before?

Mr. Mumford said he proposed some transit modifications along Central Avenue for that corridor. He didn't really focus too much on the terminus at the site so he has been around the globe and seen a lot of different transit solutions so he proposed some different things as far as reducing the number of stops and some elevated trains, so the short answer is yes. He wasn't looking at this through a feasibility lens; he was just throwing out ideas how we might have more impact in the interim, to change some of the current bus system before we can change it into a formal rail. Yes, our presentation this evening is focused really on the site itself; however, we are working with CATS on the other ideas to see if there is a way to integrate some of the route on Central to impact it.

**Councilmember Smith** said the number you threw out for the contract, that is just the consulting contract and that would not include cost to engineer drawings, work on design guidelines and other costs?

Mr. Mumford said it is both of those; it is a consulting contract that would include those elements. We wouldn't be looking for contract documents from an engineering standpoint, but we would want enough engineering activity to understand the appropriate size of stormwater pond, the cross section of streets, the elevation changes throughout the site so there is a level of engineering that we have not yet done, so we would be expecting that as part of the product from this RFP.

Mr. Smith said where I struggle with this is when we bought the site we bought it to combine all five parcels because we felt having it under one single ownership entity would make it easier to develop, and now we are saying we need to have engineered drawings and additional funds to go in to chase after the site. I'm struggling with the continuous spending out there.

**Councilmember Driggs** said I certainly don't want to minimize the challenge that this represents, and it is a tough assignment, but since you asked us for encouragement I guess, otherwise I would certainly want to know a lot more about where we expected to be once we spent the \$250,000 or \$300,000. I'm trying to visualize how detailed the plan would be that comes out of that. It says here, complete implementation plan in June and then to initiate the implementation of the plan in July. What kind of plan are we talking about? I'm not sure I'm going to get all the answers tonight, but I will just tell you that based on what I've heard, I'm kind of worried about making that investment in consultants. Again, I think it would take more time, but I would just like to know where we expect to be at the end of that outlay and what kind of confidence we are going to have at that point about getting other people to joint us since the risk is you spend the money, and we are still sitting here. Again I appreciate that we've got to do something, but as Warren Cooksey used to say, we've got to do something; this is something let's do this. I'm not there yet based on this description as far as wanting to move forward with this. I could get there.

**Councilmember Mayfield** said you mentioned West Minister over a three year period, the investments that they made; do you have a dollar figure on the total investment, not including the fact that they spent more than upwards of \$200,000 to \$300,000 on a study? Do you have what their total spend was over that three-year period? We've already invested \$13 million.

Mr. Mumford said that is correct, a little more than that. I don't have it today; the three-year period was the acquisition period to buy all the parcels of land and then the City of West Minister actually came in and was more of an active developer than we would proposed we would want to be. We can bring back those detailed dollars; they spent a considerable amount of money. That much I do know, beyond what we would spend.

Ms. Mayfield said I want to make sure we are having a conversation that is really apples to apples comparison; if we are looking at West Minister as a comparable. With the investment we've already made, it would also be good to know what the social economic area looked like, because other challenges that we are having. As was mentioned, we went in with one idea, well we've already split it off a little by selling some off to the school for them to build out there. It would be interesting to see if there is something out there that is a lot of closer to the challenges that we have and to get a real idea of what dollar number are we really talking about before this is said and done of investments that we are putting into it before the business community comes to the table and reap the benefits.

Mr. Mumford said that is the key outcome of the next step is to answer all those questions that you've raised, the same questions that we have, and until we can do more due diligence and refine that, it is very difficult to answer that question. I feel compelled to say, since I've heard twice, we bought this land to redevelop it. I remember back then there was a redevelopment question. The key to that purchase was to stop the bleeding of 1.2 million square feet of space that was literally rotting and would be a huge problem for that community. That was done, and I want to applaud the Council for doing that; that was a big move, and now we've seen West Minister follow suite. We were able to do that in a market where those properties were already assembled, so yes, we now want to go from a vacant piece of land to redevelopment land, but it

was a big first step to get that done, and we've heard that in the development community. That brings certainty again there aren't multiple land owners, so we have the ability to control our destiny to some degree, and that is important, and I don't want us to lose sight of that.

Ms. Eiselt said I want to come back to Transportation again because my understanding was that even with the plan that the City came up with the first time, how do you get there was the big question mark, and if the City is not willing to consider that piece of it, transportation out to that site, then anything we come up with is not set up to succeed, possibly. I would want to know right off the bat, how dependent are we upon some sort of mass transit out to the site on whatever it is that we develop out there and if a consulting team or even in their RFP, maybe in the RFP process we need to ask that, and we need to know specifically how dependent you feel we are on having a mass transit plan for the site.

Mr. Mumford said I think what we would ask is, how dependent are we on a different mass transit solution than what exists today? We have the bus today. It is a heavily utilized corridor, one of the most heavily utilized corridors that we have, so we are suggesting to build on that on an interim basis rely on what exists today, but also make sure that we take into account the future potential extension of the rail and the Gold Line and how might that be integrated into the development. It is a little bit of both of those at the same time, but absolutely those are questions that we would put into the RFP, to be addressed.

Mr. Smith said I do want to compliment; it looks like they did a more efficient use of green space in the conceptual elevation that you have given us. My wife is from St. Louis, and one thing we were talking about recently is you look at some of the older line cities, they've done a much better job of protecting and having some green space incorporated throughout the community, and that is one thing in Charlotte as we've grown and our parks may not have kept pace. That is a county issue obviously, but I do think one of the site characteristics that Eastland does have and one of the things I think has captured here, is the ability to have sort of a grand green space incorporated into it, and if we are looking at the Pearl Park and other things where we are losing ball fields around the community, I know that ball fields are not the grant economic design that some folks have for east Charlotte; it is of tremendous community value, and it is a way to have a gathering place to start bringing people back there. I'm not sure I want to spend \$300,000 on more consultants, but I do like the green space they've incorporated in here, and I think you did do a very good job of sort of highlighting the park side of it. As you go through the City, I think it is Jefferson Park in St. Louis, they have large ponds, paddle boats, jogging trails, Ferris wheels, and they have all these neat attractions, and when you go up there during the summer it is packed with families that are out partaking, and again it is not necessarily the economic development that some people are looking for, but it is a quality land use. I do not want to understate the green space I see here, and I think that is a step in the right direction.

**Councilmember Austin** said I don't know if the District Rep is open to it; is there any consideration for workforce housing or if market housing in the area, as we look to develop the site? I'm looking at Mr. Autry, because I know there is sensitivity in the area about more workforce housing and affordable housing. Maybe take that as a cue.

**Councilmember Autry** said things thanks Pat for bringing this around today, I think it is a great opportunity for the City to have a positive impact in an area of the City where a positive impact is greatly needed. It is also an opportunity to be a spark and somewhat of a catalyst into the surrounding area around Eastland to have an even better impact than what we would probably see off right off of that dirt. I would say to Mr. Smith I think the primary objective to collect all the different parcels out there was not necessarily so it could be handed off to one single developer, which was an attempt with an RFP response, but so that the City could have more to say with what the eventual outcome was instead of saying we have to slice it up now to take care of smaller bites for someone to chew up and digest. I would say that having seen the West Minister Plan, I don't know whether what we are looking for is anything as granular as that plan presents itself to be, it is pretty intense. Defining where shrubbery grows at road connections and so forth, so I can understand the value they got from that dollar. We have an opportunity here to show how where there is any new malls being built, a potential for what we can learn from the West Minister experience but also what we can invent and be creative in our own needs here, and I also need to say thank you to the Latin American Economic Development Corporation, Astrid, Julio, Chris, Kevin, your team for bringing Alejandro to the City and

making those engagement opportunities with the community around the Eastland area were very positive and very well received, and I think he has given us a lot more to think about and talk about with what we do with this dirt. Let's see what the RFP presents, what kind of responses we get from it; let's not try to throw the bathwater out with the baby either, because we need this property in this part of the City to be more productive and a better contributor to the City's revenue stream than it is today.

**Mayor Roberts** said thanks for the update and the outline of where things are going, and we look forward to the phase.

\* \* \* \* \*

#### **ITEM NO. 4: ANSWERS TO MAY AND COUNCIL CONSENT ITEM QUESTIONS**

**Assistant City Manager Debra Campbell** said there was one, Item No. 28, Animal Care and Control Interlocal Agreements; have there been any complaints from the small towns on the service? The response is no, there have not been any complaints received.

The meeting was recessed at 6:31 p.m. to move to the Council Chambers for the regularly scheduled Citizens' Form and Business Meeting.

\* \* \* \* \*

The City Council of the City of Charlotte, North Carolina reconvened for the Citizens' Form and Business Meeting on Monday, June 27, 2016 at 6:42 p.m. in the Meeting Chamber of the Charlotte Mecklenburg Government Center with Mayor Jennifer Roberts presiding. Councilmembers present were Al Austin, John Autry, Ed Driggs, Julie Eiselt, Claire Fallon, Patsy Kinsey, Vi Lyles, LaWana Mayfield, James Mitchell, Greg Phipps and Kenny Smith.

\* \* \* \* \*

#### **INVOCATION AND PLEDGE**

Councilmember Eiselt gave the Invocation followed by the Pledge of Allegiance to the Flag.

\* \* \* \* \*

#### **AWARDS AND RECOGNITION**

**Mayor Roberts** said before we get into our meeting, I want to take a point of privilege to recognize that this is our City Manager Ron Carlee's last meeting, and we are going to give him a wonderful going away gift that we give to people who leave us. They never leave us in spirit, but we are going to give him a beautiful picture of our skyline. Ron Carlee originally hails from Birmingham, Alabama and has worked in many cities and many places before coming to Charlotte. He was in Arlington, Virginia and Washington, D.C. area for more than 30-years and began working in local government in 1975, as Assistant to the Mayor of Birmingham. He has a Doctorate in Public Administration; he is a Fellow in the National Academy of Public Administration. He is ICMA Credentialed Manager, and he is Charlotte's 11th City Manager. He has been with us since April 2013, and he has dealt with many issues that our City is facing as we continue to grow by leaps and bounds, our airport growth, our transit expansion and growth, our street car, our housing expansion. He has been a terrific public servant; he has met many crises with amazing aplomb and calmness and communication. I have thoroughly enjoyed, in all of my six months, working with Ron Carlee, and I just want to say personally and on behalf of Charlotte we are grateful for your service. We wish you God speed and great luck in your next endeavors. We are truly grateful.

**Councilmember Austin** said Ron you know you are with my heart, and I really appreciate what you have done to support me, particularly in my first term in office and what you have done for our community and finding resources for District 2. I wish you much success as you move to your next, I call them, God assignment, so be blessed and walk with God.

**Councilmember Autry** said Ron who? How soon we forget, but thank you for your service to the City; it has been a joy and a pleasure to collaborate with you, and I know that you probably never really comprehended the kinds of challenges that you were going to face down, but I think you met all of them with style and grace and expertise and professionalism. I will always appreciate that.

**Councilmember Driggs** said Ron; we went through some pretty wild times during your three years. I appreciate your stewardship during that time; I appreciate the conversations we had about some of the finer points of policy, so I wish you all the best in your future endeavors.

**Councilmember Lyles** said I would like to recognize Ron for his service, the integrity that he brought to this community. The first time I saw Ron he was on the stage at Spirit Square, and they had these high stools and there were a lot of tall people and there was Ron, but he held his own through that entire conversation about our neighborhood, our City and its growth. I also want to recognize Emily, because Emily has come to this community, and she is here tonight. I don't think she usually comes to our meetings on Monday, so this was a special night. One of the most important aspects of being a City Manager is being a part of the organization but more importantly being a part of this community, and you've done that. We are glad that you and Emily are going to stay here in Charlotte; we are going to welcome you back I'm sure in many other ways and be glad that your presence is here among us. I want to say thank you. Being a City Manager isn't a very easy job, and I know about those kinds of long nights and tough decisions and lots of discussions and just trying to keep yourself present every day, every moment that we were organized and working through. I think you've done this well; you've done it with the ICMA open mind that you were going to leave this place better. Thank you very much for your service.

**Councilmember Mayfield** said Mr. Carlee, thank you. In these 38 months, you have jumped in and hit challenges from the day you walked into our City. Luckily you came the week-end before and you Emily got to see the beauty, and you were sold on that before dealing with multiple personalities, multiple challenges, the challenges that come along with growth in a big town that wants to be a big city as we continue to draw people. There were plenty of times where we bumped heads; I think you for all the times on Saturday night and Sunday mornings and Sunday in the middle of the day and late Sunday evening that you were accessible for what was happening on the ground in the community. I know you will be successful in whatever you choose to do, and you will be a gift to those in that room, and my prayer for you is that you are appreciated for what you do, for what you bring to the table. I wish plenty of times that we had appreciated you more, so thank you for what you have done for us in this short period of time. Emily, I love you.

**Councilmember Eiselt** said Ron and Emily, I've known you all as neighbors and City Council Manager for the past six and a half months, and like the Mayor, I appreciate greatly how both of you were so supportive in my beginning of my new term. As a citizen for the 31-months before that, I've watched as you've guided our City through some incredibly challenging times with patience and a level head, and I thank you for all that you have done for our community and for the Council as well. I wish you both the best of luck.

**Councilmember Fallon** said enjoy your retirement; the burden is off your shoulders.

**Councilmember Smith** said Ron, thank you for your service. The appreciation one has for the role of City Manager is just heightened when you are on City Council and you see that truly your job was a 24/7 job. To echo Ms. Mayfield, you were always accessible. One of my lasting impressions of you is maybe two years ago during that tremendous snow storm, when I could barely get to the end of my driveway to take my kids sledding, you were down here helping with the command center and making sure that the roads were being cleaned, that safety was out and that the City was being taken care of. I watched you on the Government Channel; I couldn't get here, and I don't know how you did it, but it was incredible as I sat there and saw you; you were working tirelessly to keep our City safe, and that is the dedication that you brought to the job, and I thank you. Good luck.

**Councilmember Mitchell** said Mr. Carlee, 36-months ago we had to make an important vote for the next leader of our community, and I was fortunate to cast a vote for you, because I knew you

were going to bring leadership, integrity, passion, because you really had a caring spirit about who Ron Carlee is and what you wanted to do for our community. Thank you for giving us your heart and your soul to make Charlotte a better place. Emily, thank you for allowing us to come into your home; now you have your husband back, and you all can enjoy retirement. Best wishes Ron.

**Councilmember Phipps** said Ron, as you might recall, maybe it was year ago that you had the opportunity of accompanying me to the Hidden Valley Optimist Club, and I'm a perennial optimist, and I know you are, because you really have to be an optimist to be in a position as demanding as yours. The thing that I will really remember about your service here in Charlotte is how you helped us through the challenging budget process we had last year when we had a lot of our funds redirected by the General Assembly and reminded me of a time, and I guess this relates to your lovely wife Emily, I was in Dover, England back in April 2007, and they just had had the tragedy at Virginia Tech, and I remember Nikki Giovanni gave a speech, and she delivered a chant at that speech saying that we could get through this because we are Virginia Tech. I sort of coined that phrase when we were going that budget process; how are we going to make ends meet? How can we meet this challenge? I adopted the phrase We Are Charlotte and that we can do this. It caught on during the budget corridors of the City, so I'm eternally grateful that you did decide to stay on until we completed this budget cycle, and I'm deeply appreciative of that. I cherish your leadership here, your openness, your counsel during these 38-months, and we've got your card here, so we know how to get in contact with you and keep you close. I just wish you and Emily much success in these intervening months, until such time as you go to your next phase of endeavor, and I thank you for all your service here with the City of Charlotte.

Mayor Roberts presented Mr. Carlee a picture of the Charlotte Skyline and said in another year or two the skyline will be different.

**City Manager Ron Carlee** said those comments were quite lovely, and I thank you Mayor and Council, and I don't say this factiously; I actually want to thank all the Mayors and Councils that I have worked with, but especially those in 2013, when I was hired. Seven of them are no longer at the dais. To begin, I also want to recognize the person who has worked as hard in Charlotte as I have helping and advising me on everything that I've done as City Manager, and that is Emily, and thank you for recognizing her as well. You truly did get two for one on this.

What enables Charlotte to sustain itself during leadership changes is the underlying structure that is based on professionalism and not on political affiliation. When I arrived, I continued the work of my predecessors and now Ron Kimble, Deputy City Manager, a former City Manager and seasoned professional, will keep Charlotte moving during this interim without remotely missing a beat. He will be able to do so for the same reasons as I; it is because of the dedication and hard work of over 7,500 plus professional City employees who give their best in the City day in and day out. There are far too many people for me to thank individually for the awesome experience over the past three years; staff on all levels of the organization, business and non-profit partners and especially the individual citizens, the people in the community who have reached out to me and have been so supportive. There are also too many accomplishments that we have achieved together to list, but I would like to just note a couple. At your last business meeting, you adopted on a vote of 10 to 1, the fourth operating budget and Community Investment Plan during my tenure; however, the year before I came the Council was divided over the street car and could not adopt a capital plan and missed an entire bond cycle. Today, Phase I of the City LYNX Gold Line is running; federal funding for Phase II was approved in December, and in July, you will be asked to approve a contract for new modern cars, and in August, you will be asked to award a contract for construction of Phase II. Now, this transit vision was developed by my predecessor Curt Walton and Mayor Foxx and a number of you and other people, and it will be advanced by our successors, and it is another excellent example of how a government based on professional management is able to take the long view. My proudest moment as a Charlottean was seeing you pass the non-discrimination ordinance. I owe much to my many LGBT friends and colleagues, and they deserve no less than equality. Despite all the negativity around HB2, it has been the catalyst for discussion and an opportunity for understanding and learning, especially about the transgender population, more so in the past 60-days than in the past 60-years. This quote has been used many times in the Chamber, but I cannot but use it again; the arc of the moral universe is long, but it bends for justice. We begin every meeting in this Chamber pledging to create a community with liberty and justice for all; it has been a true honor to work with Mayors and

Councilmembers, with executives and line workers and with a community that truly believes all should mean all. I wish you the best, and I thank you for letting me a part of this team. Thank you.

Mayor Roberts said the one positive thing I can foresee is that when we say Ron, we will know which one as Ron Kimble steps in for our next meeting, and we appreciate that as well.

\* \* \* \* \*

## **CITIZENS' FORUM**

### **Take Back the Greenway Run**

**Billie Shue, 101 South Tryon Street** said I wanted to thank you again for the efforts that you all have on the community greenways and parks. Over the years, as you know, there has been various instances of violence that have occurred out there, and in March, I came up here and spoke and expressed my concerns, and I've been able to see those concerns be addressed. I wanted to thank you for that. The Charlotte Mecklenburg Police Department has been in contact with me and given me some updates; I got some updates as recent as today on some measures that are being done where they looked into the emergency call post; they figured out that the wire post wouldn't necessarily be the best solution because of flooding issues that happen, but they are looking into alternatives, potentially solar powered towers, also they are looking at having the mile markers that you see on the interstate, having more of those out there, so if someone were to call they would be able to say exactly where they are. I appreciate hearing that; I also heard that they are looking to add police presence on certain greenways, which I have personally witnessed on some of the major ones in Charlotte, so very happy to see work being done there to address safety within our greenways and parks. The Charlotte Running Club put on a Take Back A Greenway Run at McAlpine Park this past Saturday, and basically, that run was to express our desire to see the greenways be safer out there and I was very pleased with the turnout we had there, and we are looking forward to having another run like that later in the fall. I wanted to thank you for your efforts and hard work on improving our communities with greenways and parks. Thank you very much and keep up the good work.

### **Salary Increase for City Skilled and Trade Workers**

**Larry Mackey, 8725 Waterrock Road** said this is going to be a little different, and we would like to thank the Mayor and City Council for allowing us to speak. I'm going to first say I thank God for the leadership that we have here. We are not here to complain, because three years ago we brought up the issue about pay; three years later, because of you all, it was passed, and as workers for the City we appreciate that. We really appreciate, because you don't know how many families, how many kids that you have touched. That is what we work for; we work for our family. My family thanks you, and I bet you all the other families around here thank you. Mr. Carlee, we talked three years ago, you said what you were going to do or try to do. I know you couldn't do it by yourself. I think Kim Eagle, Head of Budget, fantastic job. I thank Cheryl Brown of HR; Sheila Simpson because you will listen to us. You heard us, and you did whatever research had to be done, so we can have what we have today. This is a great City, and it is going to be a great City, because we all work together. We the workers, you are the leadership; you lead us the right way and allow us to work and do what we have to do for this City is going to be the best City in America if we all stick together. That is the only way it can be. Ms. Mayfield, I thank you for your forum, the forum of city budget and the exercise that you had, because it opened my mind to see what all of you are doing, what all of you go for. That was outstanding forum, because who ever been there they see and know what budget time is all about. We stood up here, and I was like man, how can you do this. So, I appreciate you and great minds think alike. We have a poster that we wanted to present to Ron.

**Mayor Roberts** said we appreciate our workers. You are so very nice.

\* \* \* \* \*

## CONSENT AGENDA

Motion was made by Councilmember Fallon, seconded by Councilmember Kinsey, to approve the Consent Agenda as presented, with the exception of Item No. 47 which was pulled for a separate vote.

**Councilmember Phipps** said with regards to Item No. 29, I want to thank our University City Division Captain Foley and his work in partnership with UNC-Charlotte for continuing a plan; this is a five-year contract that is coming up for renewal, and it is extending the jurisdictional boundaries with which the University and CMPD work together, in terms of insuring the safety of the students that live around some of the student housing complexes there, traverse the different establishments around University City and around the College. This is an opportunity for them to work collaboratively to make sure the incidents are put at a minimum, victimizations and such, and I wanted to highlight the work of the partnership by the University City Division and UNC-Charlotte's security unit there and ask for the consideration of the Council to approve that plan when it comes up for a vote tonight.

The next one I want to go to is Item No. 36, the NECI projects, the Northeast Corridor Infrastructure Program projects. What I wanted to highlight there was that we have a couple of streetscape projects coming on board, one of them at J. W. Clay Boulevard Station Streetscape, a \$607,000 contract. I know we've been having a lot of meetings in the University City about those projects; also the Tom Hunter Streetscape Improvement project in the Hidden Valley area. I know they've been coming out and been really interested in the progress there so another \$208,000 is going to be appropriated to get jump start that particular infrastructure project, and finally, I wanted to highlight Item No. 57, and that deals with the Municipal Agreement for the Construction of Water and Sewer Line Relocations at Hucks Road. With that, I just want to remind the people at Hucks Road that there is going to be some construction coming along soon as a result of utility movements there, so I want them to be cognizant of that fact. I just ask the Council to vote for all of these items that I have just discussed in addition to the other ones, and I wanted to highlight those things briefly.

The vote was taken on the motion and recorded as unanimous.

The following items were approved:

**Item No. 27: Law Enforcement Information Exchange System Implementation**

(A) Approve contract amendment #2 with Northrop Grumman in the estimated amount of \$574,000 for additional implementation services of the Navy Criminal Investigative Services, Law Enforcement Information Exchange Carolinas system to support additional agencies, (B) Authorized the City Manager to approve price adjustments and further amend the contract consistent with the City's business needs and the purpose for which the contract was awarded, (C) Authorize the City Manager to extend the contract as deemed reasonable and appropriate by the City Manager for as long as the federal grant is in effect, and (D) Authorize the City manager to purchase maintenance and support of the system for as long as the City uses the system.

**Item No. 28: Animal Care and Control Interlocal Agreements**

Adopt a resolution approving Interlocal Agreements Mecklenburg County towns of Cornelius, Davidson, Huntersville, Matthews, Mint Hill and Pineville to provide animal care and control related services, as well as collect fees for sheltering animals, for a term of one year with an automatic renewal of our additional years.

The resolution is recorded in full in Resolution Book 47, at Page 436-465.

**Item No. 29: University of North Carolina at Charlotte Campus Police Jurisdiction Agreement Extension**

Authorize the Chief of Police to enter into a five-year agreement with the University of North Carolina at Charlotte Board of Trustees to extend the jurisdiction of Campus Police.

**Item No. 30: Cityworks Work & Asset Management Implementation and Support Services**

(A) Authorize the City Manager to negotiate and approve a contract with Black & Veatch International Company to provide implementation and data migration support services for Cityworks, and (B) Authorize the City Manager to approve price adjustments and amend the contract consistent with the City's business needs and the purpose for which the contract was awarded.

**Item No. 31: Charlotte-Mecklenburg Government Center Security Bollards Replacement Project**

(A) Approve the purchase of security barrier equipment and installation oversight services from a federal contract as authorized by G. S. 143-129(e)(9a), (B) Approve a contract in the amount of \$153,400 with Delta Scientific, Inc. for the purchase of a High Security Vehicle Barrier System under U. S. General Services Administration (contract number GS-007F-0092H), and (C) Award a contract in the amount of 4154,000 to the lowest responsible bidder TEC Electric, LLC for the Charlotte-Mecklenburg Government Center Security Bollards Replacement Project.

**Summary of Bids**

TEC Electric, LLC	\$154,000.00
D. E. Brown Construction, Inc.	\$184,703.20
McFarland Construction	\$298,054.90

**Item No. 32: Craven Thomas Road/Robert Helms Road Streetscape Improvements**

Approve a contract in the amount of \$236,000 with Woolpert North Carolina, PLLC to provide engineering services for the Craven Thomas Road/Robert Helms Road Streetscape Improvements Project.

**Item No. 33: Fire Station Traffic Signal Upgrades**

Award a contract in the amount of \$670,422.79 to the lowest responsive bidder, Whiting Construction Co., Inc. for the upgrade of traffic signals at fire stations.

**Summary of Bids**

Whiting Construction Company	\$ 658,646.69
USC	\$1,103,700.32

**Item No. 34: Traffic Signal Cabinets**

(A) Award a unit price contract to the lowest responsive bidder, Trafficware Group, for the purchase of traffic signal cabinets for a three-year term, and (B) Authorize the City Manager to renew the contract for up to two additional, one-year terms with possible price adjustments and to amend the contract consistent with the City's business needs and the purpose for which the contract was approved.

**Summary of Bids**

Econolite Control Products*	\$232,435.60
Trafficware Group	\$279,069.00
JQ & G, Inc.	\$370,238.87

\*Did not meet bid specifications.

**Item No. 35: Private Developer Funds Appropriation**

Adopt Budget Ordinance No. 8070-X appropriating \$54,000 in private developer funds for signal modifications from Dixie River Land Company, LLC.

The ordinance is recorded in full in Ordinance Book 60, at Page 136.

**Item No. 36: Northeast Corridor Infrastructure Program Projects**

(A) Approve a contract in the amount of \$607,000 with DRMP, Inc. for engineering services for the J. W. Clay Boulevard Streetscape Improvements, (B) Approve a contract in the amount of \$375,900 with Parsons Brinckerhoff, Inc. for engineering services for the Parkwood Avenue Streetscape Improvements, (C) Approve a contract in the amount of \$208,000 with Stantec Consulting Services, Inc. for engineering services for the Tom Hunter Streetscape Improvements, and (D) Approve a contract in the amount of \$650,000 with RS&H Architects-

Engineers-Planners for engineering services for the North Tryon/36<sup>th</sup> Street Streetscape Improvements.

**Item No. 37: Aviation Annual Financial Report Design Services**

(A) Approve a unit price contract with Granite Sky Creative Group, Inc. for annual report graphic design services for an initial term of three years, and (B) Authorize the City Manager to renew the contract for up to two additional one-year terms with possible price adjustments and to amend the contract consistent with the City's business needs and the purpose for which the contract was approved.

**Item No. 38: Airport Concourse A signage Design Services**

(A) Approve a contract in the amount of \$131,060 with Gresham Smith and Partners/N C, P.C. for Concourse A Expansion Signage Design for the Airport, (B) Approve a contract in the amount of \$111,580 with Gresham Smith and Partners/NC, P.C. for Concourse A Renovation Signage Design for the Airport, and (C) Adopt Budget Ordinance No. 8071-X appropriating \$242,640 from the Aviation Discretionary Fund to the Aviation Community Investment Plan Fund.

The ordinance is recorded in full in Ordinance Book 60, at Page 137.

**Item No. 39: Airport Special Inspections and Construction Materials Testing**

(A) Approve a contract in the amount of \$950,000 with Terracon Consultants, Inc. for Special Inspections and Construction Material Testing for various Terminal area projects, and (B) Adopt Budget Ordinance No. 8072-X in the amount of \$590,000 from Aviation Discretionary Fund and in the amount of \$360,000 from the 2016 Aviation Revenue Anticipation Notes Proceeds to the Aviation Community Investment Plan Fund.

The ordinance is recorded in full in Ordinance Book 60, at Page 138-139.

**Item No. 40: Airport Asphalt Mill and Replacement**

Award a contract in the amount of \$1,665,975 to the lowest responsive bidder Blythe Construction, Inc. for the Taxiway Pavement Rehabilitation project.

**Summary of Bids**

Blythe Construction, Inc.	\$1,665,975.00
Blythe Brothers Asphalt Company	\$2,186,130.00
Lane Construction Corp.	\$3,111,345.00

**Airfield Lighting Equipment and Parts**

(A) Approve the purchase of airfield lighting equipment and parts for repairs, as authorized by the sole source exemption of G. S. 143-129(e)(6), (B) Authorize a unit price contract with ADB Airfield Solutions for the purchase of airfield lighting equipment and parts for repairs for the term of three years, and (C) Authorize the City Manager to renew the contract for us to two additional one-year terms with possible price adjustments and to amend the contract consistent with the City's business needs and the purpose for which the contract was approved.

**Item No. 42: Airport Passenger Boarding Bridge Maintenance Services**

(A) Approve a three-year contract with National Jetbridge Services for maintenance services for passenger boarding bridges, and (B) Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the City's business needs and the purpose for which the contract was approved.

**Item No. 43: Airport South Campus Duct Bank Design Services**

Approve a contract in the amount of \$136,350 to Delta Airport Consultants, Inc. for civil engineering design services for the Airport South Campus Communications project.

**Item No. 44: Airport Waste Hauling and Disposal Services**

(A) Approve a three-year contract with Waste Management of the Carolinas for Airport waste hauling and disposal, and (B) Authorize the City Manager to renew the contract for up to two additional one-year terms with possible priced adjustments and to amend the contract consistent with the City's business needs and the purpose for which the contract was approved.

**Item No. 45: On-Call Airport Communication Cabling Installation Services**

(A) Approve contract with the following companies for on-call Airport communications cabling installation services for an initial term of three years: AFL Network Services, Inc., Cabling Solution, Inc. Technology Integrators, Communication Management, Inc., Universal Voice/Data, and Xzact Technologies, Inc., and (B) Authorize the City Manager to renew the contracts for up to two additional, one-year terms with possible price adjustments and to amend the contracts consistent with the City's business needs and the purpose for which the contracts were approved.

**Item No. 46: Light Rail Vehicle Coupler Overhaul Services**

(A) Approve a contract for up to \$1.1 million with Dellner, Inc. for Coupler Subsystem Overhaul services, and (B) Authorize the City Manager to amend the contract consistent with the City's business needs and the purpose for which the contract was approved.

**Item No. 48: Kimberton Drive Storm Drainage Improvement Project**

Award a contract in the amount of \$499,961 to the lowest responsive bidder B&N Grading, Inc., for the Kimberton Drive Storm Drainage Improvement project.

**Summary of Bids**

B & N Grading, Inc.	\$499,961.00
Onsite Development LLC	\$527,125.50
Landsdown Earth & Pipe, Inc.	\$559,615.10
Carolina Cajun Concrete, Inc.	\$654,145.80
Zoladz Construction Company, Inc.	\$658,781.20
United of Carolinas, Inc.	\$662,786.30
Sealand Contractors Corp.	\$784,367.10

**Item No. 49: First Ward Storm Drainage Improvements Change Order**

Approve change order #1 for \$219,582 to Sealand Contractors, Corp. for the First Ward Storm Drainage Improvement project.

**Item No. 50: Stream Restoration Related to Sanitary Sewer Repairs Amendment**

Approve a contract amendment #1 for \$365,000 to the Stream Restoration Related to Sanitary Sewer Repairs contract with Kimley-Horn and Associates.

**Item No. 51: Sanitary Sewer Cleaning and Closed Circuit Television Inspections**

(A) Approve a unit price contract with Hydrostructures, P. A. for sanitary sewer cleaning and closed circuit television inspections for an initial term of one-year and (B) Authorize the City Manager to renew the contract for up to two additional, one-year terms with possible price adjustments and to amend the contract consistent with the City's business needs and the purpose for which the contract was approved.

**Item No. 52: Water Laboratory Chemicals, Supplies and Equipment**

(A) Approve the purchase of laboratory chemicals, supplies and equipment from a state contract as authorized by G. S. 143-129(e)(9), (B) Approve a unit price contract with VWR International for the purchase of laboratory chemicals, supplies, and equipment for the term of the current State Term Contract 493A – Laboratory Supplies and Equipment, (C) Extend the current contract with Fisher Scientific for the purchase of laboratory, chemicals supplies and equipment for the term of the current State Term Contract 493A – Laboratory Supplies and Equipment, and (D) Authorize the City Manager to extend these contracts for additional one-year terms as long as the state contract is in effect, at prices and terms that are the same or more favorable than those offered under the state contract.

**Item No. 53: Water and Wastewater Treatment Chemicals**

(A) Award a unit price contract to the following lowest responsive bidders for the purchase of water and wastewater treatment chemicals for the term of two years: Standard Carbon, LLC, Polytec, Inc., Kamira Water Solutions, Inc. Chemtrade Chemicals Corporation, Lhoist North America of Virginia, Inc., Univar USA Inc., PVS Technologies, Inc., Geo Specialty Chemicals, Inc., Brenntag Mid-South, Inc., JCI Jones Chemicals, Inc., and Water Guard, Inc., (B) Approve the purchase of magnesium hydroxide as authorized by the sole source exemption of G. S. 143-129(e)(6), and (C) Approve a contract with Premier Magnesia, LLC for the purchase of magnesium hydroxide for the term of two years.

**Item No. 54: Upper Taggart Creek Outfall Replacement Design Services**

Approve a contract in the amount of \$673,614 with Parsons Brinckerhoff Inc. for engineering design and hydraulic modeling services for the Upper Taggart Creek Outfall Replacement Project.

**Item No. 55: Sugar Creek Wastewater Treatment Plant Old Tank Closeout and Demolition Project**

Award a contract in the amount of \$1,984,500 to the lowest responsive bidder, Crowder Construction Company for the Sugar Creek Wastewater Treatment Plan Tank Closeout and Demolition project.

**Summary of Bids**

Contaminant Control, Inc. *	\$1,263,457.00
Crowder Construction Company, Inc.	\$1,984,500.00
Blythe Construction Company, Inc.	\$2,223,900.00
Haren Construction Company, Inc.	\$2,688,000.00
The Harper Corporation	\$2,768,000.00
JS Haren Company	\$3,718,000.00

\*Contaminant Control, Inc. failed to meet the established SBE goal of Good Faith Efforts; therefore, the contract was awarded to the next lowest responsive bidder.

**Item No. 56: Lake Norman Charter School Reimbursable Water Construction Contract for the Hambright Road Water Main**

Approve a five-year reimbursable contract with Lake Norman Charter School for water construction of a portion of the Hambright Road 12-inch water main extension in Huntersville.

**Item No. 57: Municipal Agreement for the Construction of Water and Sewer Line Relocations (Hucks Road)**

(A) Adopt a resolution authorizing the City Manager to execute a Municipal Agreement with the North Carolina Department of Transportation for construction of water and sewer line relocations and adjustments, and (B) Authorize the City Manager to approve the final pay request for the actual cost of the utility construction.

The resolution is recorded in full in Resolution Book 47, at Page 491-492.

**Item No. 58: Vehicle and Equipment Welding and Related Services**

(A) Approve a contract with Bondo Innovations for welding and related services for an initial term of three years, and (B) Authorize the City Manager to renew the contracts for up to two additional one-year terms with possible price adjustments and to amend the contracts consistent with the City's business needs and the purpose for which the contracts were approved.

**Item No. 59: Risk Management Office Space Lease Extension**

Approve a 39-month lease extension in the amount of \$17,703 per month, including the first three months of free rent and a 3% annual increase with 301 South McDowell Street Holdings, LLC, for the City's Risk Management Office Space.

**Item No. 60: Fleet Management Information System Contract Renewal**

(A) Approve a contract renewal with CCG Systems, Inc. for one year of additional maintenance and support for the Fleet Management Information System, and (B) Authorize the City Manager to purchase maintenance and support for up to four additional one-year terms.

**Item No. 61: Resolution of Intent to Abandon a Portion of an Alleyway off of East 10<sup>th</sup> Street**

(A) Adopt a Resolution of Intent to abandon a portion of an alleyway off of East 10<sup>th</sup> Street, and (B) Set a public hearing for July 25, 2016.

The resolution is recorded in full in Resolution Book 47, at Page 493-495.

**Item No. 62: refund of Property Taxes**

Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$2,411.35.

The resolution is recorded in full in Resolution Book 47, at Page 496-497.

**Item No. 63: Meeting Minutes**

Approve the titles, motions, and votes reflected in the Clerk's record as the minutes of May 11, 2016, Budget Adjustments, May 16, 2016 Zoning Meeting, May 23, 2016, Business Meeting and Citizens' Forum and May 25, 2016 Budget Adjustments/Straw Votes

\* \* \* \* \*

**ITEM NO. 47: CITY LYNX GOLD LINE SPARE PARTS**

Councilmember Smith said my opposition to the LYNX Gold Line is well known; no need to discuss any more, so I will be voting against it.

Motion was made by Councilmember Austin, seconded by Councilmember Mitchell, to approve the purchase of City LYNX Gold Line spare parts as authorized by the sole source exemption of G. S. 143-129(e)(6), and (B) Approve a contract in the amount of \$149,928 with Gomaco Trolley Co. for the purchase of City LYNX Gold Line Spare Parts.

The vote was taken on the motion and recorded as follows:

YEAS: Councilmembers Austin, Autry, Eiselt, Kinsey, Lyles, Mayfield, Mitchell, and Phipps

NAYS: Councilmembers Driggs, Fallon, and Smith.

\* \* \* \* \*

**ZONING**

**ITEM NO. 6: ORDINANCE NO. 8063-Z, PETITION NO. 2016-024 BY GREYSTAR GPII, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 6.01 ACRES LOCATED ON THE WEST SIDE OF RANDOLPH ROAD BETWEEN SLOANE SQUARE WAY AND RUTLEDGE AVENUE FROM R-3 (SINGLE FAMILY RESIDENTIAL) AND R-8MF(CD) (MULTIFAMILY RESIDENTIAL, CONDITIONAL TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL), FIVE-YEAR VESTED RIGHTS.**

The Zoning Committee found this petition to be inconsistent with the South District Plan recommendation for institutional use for the R-3 (single family residential) portion of the site. The R-8MF (CD) (multi-family residential, conditional) portion of the site is consistent with the multi-family use recommended by the plan but inconsistent with the density of 7.25 units per acre as amended by a previous rezoning petition. However, the proposed density is aligned with the General Development Policies, which support consideration of a density over 17 dwellings per acre, based on information from the staff analysis and the public hearing, and because the proposal is for multi-family residential use at a density of 26.28 dwelling units per acre. Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the subject site is located on a major thoroughfare on the southern edge of the Cotswold Mixed Use Activity Center, a priority area to accommodate future growth in an urban, pedestrian-oriented development form. The proposal has buildings along the street frontage with parking behind, and provision for good pedestrian connections to the sidewalk/multi-use trail system and the Centers, Corridors, Wedges Growth Framework recommends moderate (up to 22 dwelling units per acre) to high (over 22 dwelling units per acre) density residential within Mixed Use Activity Centers. The proposed density is 26.28 units per acre and the proposed use is compatible with nearby uses on Randolph

Road, both within and outside of the Activity Center and the site design provides a transition to the established neighborhood through the use of the following:

Yards (115-foot rear yard, 50-foot side yard along northern property line, and 26-foot side yard along southern property line); and buffers (45-foot buffer with a fence along the majority of the rear property line, a 26-foot buffer with a fence along the southern property lines, and 15-foot buffer with a fence along the northern property line); and building heights (limited to three stories and not to exceed 40 feet). The Zoning Committee voted 5-0 to recommend approval of this petition with the following modifications:

#### Site and Building Design

1. Amended the proposed fence location on the site plan to be along the inside edge of the buffers to reduce impacts to existing trees within the buffers.
2. Amended Note 5.d to specify that the fence will be located along the inner edge of the buffer along the western property line and amended the language to specify a 13-foot undisturbed tree save area within the buffer as indicated on the site plan and site cross-sections.
3. Amended note 5.a to specify that the inner 20 feet of the setback is a transition zone and specified elements such as patios, private open space, low walls and above ground backflow preventers, are allowed within that transition zone.
4. Amended Note 5.a to change "sidewalk" to "multi-use trail."
5. Amended Note 5.b to say "may extend up to two feet into the transition zone described in Note 5.a."
6. Amended Note 5.c to specify that the multi-use trail will be paved.
7. Amended Note 5.d related to buffers by removing the following, "the fence will not extend along the portion of the southern property boundary where the building abuts the landscape buffer."
8. Amended Note 5.g to prohibit retaining walls within the undisturbed portion of the buffers.
9. Amended Note 5.p to state "Above ground backflow preventers will be screened from public view and will be located outside of the proposed buffers and outside of required setbacks except that they may be located within the transition zone described in Note 5.a."
10. Revised Note 6.i to include "and provide pedestrian connection to the multi-use trail along Randolph Road."
11. Staff rescinded the request to amend the site plan to remove the southernmost sidewalk connection so that it is located outside of the buffer because the Ordinance allows walkways in buffers and the petitioner will provide a fence on the outer side of the sidewalk.
12. Committed to amending the site plan to clearly depict the fence locations as described in the development notes.
13. Reduced the number of proposed units from 180 (29.95 DUA) to 158 (26.28 DUA).
14. Reduced the maximum building height from three (40 feet) and four (50 feet) story buildings to all three-story buildings not to exceed 40 feet.
15. Amended Note 3.a related to access to specify that the northern driveway will be limited to a right-in/right out restricted with a "pork-chop" type median.
16. Split note 5.d in two creating note 5.d related to the western buffer and 5.e related to the southern buffer.
17. Increased the width of the western buffer from 26 feet to 45 feet along the majority of the boundary with a portion that may be reduced to 26 feet to accommodate a driveway turn around.
18. Specified in Note 5.d that the outer 13 feet of the buffer along the western property line will be an undisturbed tree save area and increased the number of additional trees to be planted from 7.5 for every 100 feet to 12 for every 100 feet.
19. Decreased the rear yard from 125 feet to 115 feet.
20. Decreased the area of the amenity courtyard from 5,000 square feet to 4,000 square feet.
21. Increased detached lighting height from 15 feet to 16 feet.

Motion was made by Councilmember Mitchell, seconded by Councilmember Autry, to approve petition No. 2016-024 by Greystar GPII, LLC as modified.

**Councilmember Smith** said I am not supporting this petition; I truly appreciate the progress made by the developer, but progress in and of itself is not enough to move me to a yes vote. As I look up and down the corridor, I can't find anything at a greater density than R-17 or MF-17. I

think 26 units an acre is too much density for this corridor, and neighborhood opposition at the hearing stated that they would have been supportive of 22 units per acre. I echo that sentiment; I would have supported 22 units per acre. Density is really product of price of property and what Council is willing to approve, so I am not going to support this. I'm going to side with the neighbors that were in opposition. I look at sites, and there are times in which I see no other land use opportunities, and I feel that at such times I do support petitions. I see other alternatives here, one of which would be less density, and two would be another product type.

**Councilmember Driggs** said having joined my colleague on the Gold Line vote, on this one I'm afraid I'm reaching a different conclusion. I think we all had a hard time with this; it is a border line issue. There are a lot of things that speak for it, the senior living aspect of it. I visited the site today; it doesn't feel to me like an unreasonable intrusion into the enjoyment of the neighboring neighborhood, and the biggest concern I have is that we don't have reference standards. I think a developer starts down a path, and the staff says yes, the Zoning Committee says yes and then based on issues that are difficult foresee we either say yes or no, and I think we ought to have a better environment for communicating where we are going to come out on some of these things. In the absence of that, I try to look at it just as a land use proposition, and I feel that the traffic impact for example and the general impact of having seniors as your neighbors makes this a more acceptable neighbor than some of the things that might happen there and also allows for somewhat higher density. It didn't look to me as I traveled up and down Randolph Road as if this particular proposal would be offensive to the appearance of the rest of Randolph Road as might be the case if you went into some of our older historic neighborhoods. Again, I'm reluctantly disagreeing with my colleague, but I feel that I should support this.

**Councilmember Fallon** said the density has troubled me, but it is mitigated by the fact for me that it is senior citizens, it is need and for a change something that doesn't look like barracks.

Mr. Smith said in conversation with Mr. Driggs, I would argue that yes, Planning Staff approved and the Zoning Committee, if that was the case it wouldn't need to come to the body, so I think the way the system is set up is that the body has the ultimate ability for approval. I don't necessarily take the word of staff or the Zoning Committee as gospel; I think there are a lot of factors that do play into it.

Motion was made by Councilmember Mitchell and seconded by Councilmember Autry to approve Petition No. 2016-024 by Greystar GPII, LLC, as modified.
--

The vote was taken on the motion and was recorded as follows:

YEAS: Councilmembers Austin, Autry, Driggs, Fallon, Mayfield, Mitchell and Phipps.

NAYS: Councilmembers Eiselt, Kinsey, Lyles and Smith.

Motion was made by Councilmember Mitchell, seconded by Councilmember Mayfield, that this petition is inconsistent with the South District Plan recommendation for institutional use for the R-3 (single family residential) portion of the site. The R-8MF (CD) (multi-family residential, conditional) portion of the site is consistent with the multi-family use recommended by the plan but inconsistent with the density of 7.25 units per acre as amended by a previous rezoning petition. However, the proposed density is aligned with the General Development Policies, which support consideration of a density over 17 dwellings per acre, based on information from the staff analysis and the public hearing, and because the proposal is for multi-family residential use at a density of 26.28 dwelling units per acre. Therefore, this petition was found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the subject site is located on a major thoroughfare on the southern edge of the Cotswold Mixed Use Activity Center, a priority area to accommodate future growth in an urban, pedestrian-oriented development form. The proposal has buildings along the street frontage with parking behind, and provision for good pedestrian connections to the sidewalk/multi-use trail system and the Centers, Corridors, Wedges Growth Framework recommends moderate (up to 22 dwelling units per acre) to high (over 22 dwelling units per acre) density residential within Mixed Use Activity Centers. The proposed density is 26.28 units per acre and the proposed use is compatible with nearby uses on Randolph Road, both within and outside of the Activity Center and the site design provides a transition to the established neighborhood through the use of the following: Yards (115-foot rear yard, 50-foot side yard along northern property line, and 26-foot side yard along southern property line); and buffers (45-foot buffer with a fence along the majority of the rear property line, a 26-foot buffer with a fence along the southern property lines, and 15-foot buffer with a fence along the northern property line); and building heights (limited to three stories and not to exceed 40 feet).

The vote was taken on the motion and was recorded as follows:

YEAS: Councilmembers Austin, Autry, Driggs, Eiselt, Fallon, Kinsey, Lyles, Mayfield, Mitchell and Phipps.

NAYS: Councilmember Smith

The ordinance is recorded in full in Ordinance Book 60, at Page 125-126.

\* \* \* \* \*

**PUBLIC HEARING**

**ITEM NO. 7: PUBLIC HEARING ON VOLUNTARY ANNEXATION FOR STARNES ROAD/PAW CREEK II VOLUNTARY ANNEXATION**

**Mayor Roberts** declared the hearing open.

There being no speakers either for or against a motion was made by Councilmember Austin, seconded by Councilmember Driggs, and carried unanimously to close the public hearing and adopt Ordinance No. 8064-X with an effective date of June 27, 2016 to extend the corporate limits to include this property and assign it to the adjacent Councilmember District 3.

The ordinance is recorded in full in Ordinance Book 60, at Page 127-130.

\* \* \* \* \*

**ITEM NO. 8: PUBLIC HEARING ON A RESOLUTION TO CLOSE A PORTION OF LOMA LINDA LANE**

**Mayor Roberts** declared the hearing open.

There being no speakers either for or against a motion was made by Councilmember Lyles, seconded by Councilmember Mitchell, and carried unanimously to close the public hearing and adopt a resolution to close a portion of Loma Linda Lane.

The resolution is recorded in full in Resolution Book 47, at Page 466-471.

\* \* \* \* \*

**ITEM NO. 9: PUBLIC HEARING ON A RESOLUTION TO CLOSE BONNIE CIRCLE AND FOREST DRIVE**

There being no speakers either for or against a motion was made by Councilmember Lyles, seconded by Councilmember Driggs, and carried unanimously to close the public hearing and adopt a resolution to close Bonnie Circle and Forest Drive.

The resolution is recorded in full in Resolution Book 47, at Page 472-480.

\* \* \* \* \*

**ITEM NO. 10: PUBLIC HEARING ON A RESOLUTION TO CLOSE A PORTION OF GREENWOOD CLIFF**

Motion was made by Councilmember Phipps, seconded by Councilmember Austin, and carried unanimously to continue a public hearing to close a portion of Greenwood Cliff to July 25, 2016. The Pearl Park Tax Increment Grant was considered by the following: Mecklenburg County Economic Development Committee: June 8, 2016, City Council Economic Development and Global Competiveness Committee on June 9, 20176 and Mecklenburg Board of County Commissioners June 21, 2016.

**Councilmember Phipps** said I noticed this has been delayed or deferred several times; is there a maximum amount of time that we are going to defer this?

**City Manager Ron Carlee** said this is part of a larger development plan that is still working its way through the process right now some issues related to the County. What we wanted to do was bring you this item once all the other issues have been resolved, so it can be done more as a package.

\* \* \* \* \*

**ITEM NO. 11: BUSINESS INVESTMENT GRANT FOR CORNING OPTICAL COMMUNICATIONS LLC**

**Mayor Roberts** declared the hearing open.

There being no speakers either for or against a motion was made by Councilmember Mitchell, seconded by Councilmember Austin, to close the public hearing regarding an economic development Business Investment Grant for Corning Optical Communications LLC, and approve the City's share of Business Investment Grant to Corning Optical Communications LLC for a total estimated amount of \$439,147 over five years. The total City/County grant estimated at \$1,187,450.

**Councilmember Smith** said I'm not going to support this incentive grant. Corning is relocating from Hickory to Charlotte which in and of itself is a win for these guys. I think they were out in the market looking for sites well before we did this, and again I don't think this passes the "but for" test. If you look at Hickory as compared to Charlotte, I think we have a larger workforce, have a lot of other things going for us, and I think they will come without this grant.

**Councilmember Mayfield** said I also do not agree that they meet the "but for" text, but I also have a concern regarding the bullet and the explanation that clearly states the land will be sold or

assigned to a third party developer, who will be the future owner of the property. The new 170,000-180,000 square foot facility will be leased to Corning for 10-15 years. The Business Investment Grant is for Corning Optical Communications, so I have a concern that we are giving you looking to approve a five-year grant, but you are not going to own the building even though you may make investments over the next five years in the building; a third party is going to actually own the building, and even though we have claw backs that are in place for a couple of years, I have a concern regarding who actually has ownership and control ultimately over not only the building, but the development and that you are asking for a grant when you are outside of our Business Investment Grant area. Again, you are basically coming 20 to 30 minutes away to move in, but since I'm geographically challenged it is 20 minutes away from me in Charlotte. I have a clear concern with who will actually be the owner and saying that they will be leasing this property for 10 to 15 years.

**Neighborhood and Business Services Director Pat Mumford** said Ms. Mayfield; a developer is proposed to build the building. Corning will be the tenant, but through the lease structure Corning is obligated to pay the property taxes. There will be an arrangement between the tenant and the developer that those benefits accrue to the tenant, being Corning, and so the grant is based on property taxes paid.

**Councilmember Mitchell** said the only thing I would add, Council you see with the write-up, but just to share with the audience and our citizens, what we are doing is creating 650 jobs over the next five years with an average salary of \$90,000. Once again, your Council is working hard to create opportunities for our citizens.

The vote was taken on the motion and was recorded as follows:

YEAS: Councilmembers Austin, Autry, Eiselt, Fallon, Kinsey, Lyles, Mitchell, and Phipps.

NAYS: Councilmembers Driggs, Mayfield and Smith.

\* \* \* \* \*

## **BUSINESS**

### **ITEM NO. 21: SOLICITATION PROCESS FOR THE SALE OF CITY-OWNED PROPERTIES IN BELMONT NEIGHBORHOOD**

**Adam Ruch, 817 East 20th Street** said I am the Treasurer of the Belmont Neighborhood Community Association, and I would like to speak in support of Agenda Item No.21, which will allow the City to perform a solicitation process for the development of the properties near the corner of Belmont Avenue and Harrill Street, within the Belmont Community. Our community has been working diligently with Councilmember Kinsey, Todd DeLong of Neighborhood Business Services, as well as the Planning Department, towards our mission of continuing to make Belmont a safe, friendly, diverse community of neighbors working together. Back in May of 2003, The Belmont Area Revitalization Plan was adopted by the Charlotte City Council and is the City's official small area plan for the Belmont Community. Over a decade later many of those recommendations and projects outlined in that document have either been implemented or are no longer appropriate given the changes in the economic climate within Belmont. As a result, the Belmont Community Association, led by our Land Use Committee, determined the need to review the plan for relevancy, as well as provide recommended updates based on the current conditions within our neighborhood and community. The outcome and recommendations from that process were documented and the community update was presented to Council back in April by our President, Vicky Jones. Through an inclusive transparent and methodical process, our community has identified Belmont Avenue as a corridor of interest and desired commercial district for our neighborhood. The community envisions a thriving commercial district that is respectful of the neighborhood's heritage and reflective of its future. A priority for our community is preserving these heritage structures which are located throughout our neighborhood. The city owned properties at 1035 Harrill Street and 923 Belmont Avenue are of particular importance for preservation and reuse, as they have heritage value to the neighborhood, and would support our community's vision for Belmont Avenue as our neighborhood's commercial district. Our goal as a community is to be proactive and work

closely with the City developers as our neighborhood and City continues to grow. Today, we ask Council to support the request to sell these buildings through the solicitation process, work with the selected developer to preserve and repurpose these structures for commercial use, to support our neighborhood towards our goal of cultivating cultural and economic diversity. We also ask that you help us to stay involved in the solicitation process through community representation as we select a developer.

Motion was made by Councilmember Kinsey, seconded by Councilmember Fallon, to authorize the City Manager to solicit proposals from interested developers to partner with the City to redevelop City-owned properties (tax identification numbers 081-124-10 and 081-129-02 in the Belmont Neighborhood.

**Councilmember Kinsey** said I also want to add my word of thanks to staff, to Todd DeLong and also to the neighborhood. This is a real win; at one time, I was afraid we were going to lose these properties, to tear them down, but I really appreciate staff working hard on this, and thanks to the Belmont neighborhood for working with us.

**Councilmember Smith** said I voted against this when we originally purchased it, and I'm going to vote against tonight. I'm not sure we can buy enough areas in which crime occurs to rehabilitate is the primary reason, and two it feels like the City is getting into the real estate speculation business. We bought it to demolish it, and now we are buying it to try to figure out a way to redevelop it with someone in the private sector, and I'm just not on board with it.

The vote was taken on the motion and recorded as follows:

YEAS: Councilmembers Austin, Autry, Eiselt, Fallon, Kinsey, Lyles, Mayfield, Mitchell and Phipps.

NAYS: Councilmembers Driggs and Smith.

\* \* \* \* \*

## **ITEM NO. 12: CITY MANAGER'S REPORT**

**City Manager Ron Carlee** said we did have planned tonight for you to hear very briefly what I think is a very exciting program from our Community Relations Committee, and I would ask Maria Macon if she would please come down and share with you a few moments about a new effort they have focused on alternatives to police arrest of youth and young adults, something that is very important to our community and a new Council of Elders, which our Community Relations Committee has formed.

**Maria Macon, Community Relations Committee** said I am three people today; I wanted to introduce you to the Council of Elders, which is an initiative, and first of all let me say, I know many people have been hearing about the Council of Elders, and I thought it would be a great idea, especially for the City Manager to bring about something that is a result of some of the work he has done. The Council of Elders is an initiative of the Crisis Response Committee of Charlotte Mecklenburg Community Relations. The initiative came about after interviewing approximately 20 Police Officers during our process of interviewing for the Police Banquet. In those interviews, the Officers over and over made the same statements, so from that came the initiation of the Council of Elders which will serve as an alternative to police arrest of youth and young adults ages 16 to 35. We have required that this Council have an initiative and a mission and it was interesting out of talking to 33 individuals that were invited to serve, what fell out of that, and you know what that process can be, were 15 individuals that were really committed with avenues and methods and availability that was very important and willingness to go through our process. They have to go through over 65-hours of training; our training required them to take the court college which is a 20-hour process, the basic mediation class, they have to learn mediation. Some of us mediate in the courts even now in Court 4330; they have to take the citizens' academy and go through the entire process which means they have to ride with police and learn how to hold a gun. They have to take training in dismantling racism and implicit bias. The reason for this is because it is very difficult to sit in judgment if you will over cases and

things that happen in our communities, all of our communities, and not have the equipment to do so. The training was over 65 hours; all of them have gone through that and they have decided to put our initiative into three areas and that is prevention, intervention, and post-incarceration. Prevention – you may have been hearing the peace walks that we do every month; we choose a community, mostly a high crime area, and we walk that community, shake hands, and talk with people and let them know that we are available. We are available to serve them in many different areas as it relates to programs that would help handle the issue that young people go through as they are getting older and getting into trouble for the most part. Those peace walks lead to the intervention, because in those walks we get an opportunity to hear mothers, primarily mothers, but mothers and fathers talk about what is going on with their young person, so now we are able to do the peace walk, meet with the young people and work on some intervention processes. More than likely, you've heard a very well publicized issue on post-incarceration, and that is where we are doing the expungement process, and we have actually initiated 570 expungements; 225 of them came from our last expungement activity May 31, 2016 which garnished 225 citizens or could be citizens if in fact they had had their criminal records expunged. That is a process that all comes about as a result of the Council of Elders. I want yield two minutes that I have, one to Freddie Romario for him to speak with you about what is happening Council of Elders in his community and the other minute to Beth Marlon to speak with you about the benefits of Council of Elders in their community.

**Freddie Romario, Council of Elders** said actually our team had different types of goals as Ms. Macon was saying, and actually, I have a few of them marked over here. I will actually and facilitate a cultural understanding in our community. This is a very diverse place and we have in our team a lot of different leaders from different communities' backgrounds, so this is going to contribute with that. It is also going to help understand in a better way that specific needs of non-English communities in our area as well. Language and culture itself is a big barrier, and we can help with that as well. This is a great team, and we actually need this report. If we do a good work in our committee, we are actually going to help these community members to become more active and live dependable in our community. This is something that we really want to do, and we are so willing to do that, and we need your help and support.

**Beth Marlon, Council of Elders** said I share Marian Macon's passion to prevent youth from getting into trouble, and if they do get into trouble to provide a way out. I want to continue the care that we've given in the community for the last 29-years. We've changed drug watches to neighborhood watches; we changed T-shirts from skull and bones to white dresses and suits that the kids wear in church as ushers. We have changed the disease rate, and Beatties Ford Road was one of the highest sexually transmitted disease rates in the City. We've removed rats, the two legged kind and the four-legged kind; we've also planted herbs and flowers in the place of weeds, and we have changed the value of healthcare so that youth can be expunged; they can go to college now. They can own their own homes now, and we just thank you. City Manager, I have especially seen tremendous changes in the last three years as far as police support, riding bicycles, and motorcycles to combat, to change the gang scene and thank you so much and thank you for continuing support for the Council of the Elders because it is a precious thing. I heard somebody comment, well it is only one person or it is only 300 people, but that makes a difference. You multiply that by four in a family and what do you have?

Ms. Macon said I just want to mention one thing; Alex Haley said that if in fact you see a turtle on a fence you know that someone had to pick him up and put him there, so I want to introduce you to the people that hold the turtle of the Council of Elders and I'd like for them to stand. That is just a few and they all are committed to working on this. Thank you for allowing us to speak tonight.

**Mayor Roberts** said thank you for what you are doing in our community;, we really appreciate it. I think we see the "I am homicide" TV star here too. We appreciate what you do and how can people get involved if they are interested?

Mr. Carlee said through our Community Relations Committee; they will be able to connect people. It is just one of the many outstanding programs of our Community Relations Committee, and I appreciate you letting me share this with you tonight. Early in my tenure here I was involved with Banning the Box on City employment but even better is helping young people get their records expunged and even better is keeping people out of jail. If we want to really move

the needle on economic opportunity, these efforts are critical, and I really appreciate the grass roots commitment that is being shown by our Council of Elders.

**Councilmember Eiselt** said I just wanted to make a comment also how grateful I am that members of the community have gotten involved to solve this problem of people not having choices when they get out of jail and helping young people to avoid going to jail. The federal government is considering legislation for criminal justice reform, which we applaud, and it will result in many offenders being released from federal prison. The big problem with this legislation is that it is not doing anything for the communities where these people will come back to, and that is what is so important on the services on the front end and the back end, so thank you for what you are doing.

\* \* \* \* \*

### **ITEM NO. 13: AIRPORT TAXI OPERATING AGREEMENTS**

**Councilmember Eiselt** said as Chair of the Community Safety Committee, I'm going to start with some opening statements on the approval of the Airport Taxi Agreement. The Airport contracts with taxi companies who provide on demand taxi service for passengers at the terminal. This on demand service is currently provided by three companies that supply 157 cabs under operating agreements that started in 2010. These agreements were approved by the City Council with an initial term that could be extended by the Airport for a total of six-years. In November 2014 the Council approved a contract with Taxi Research Partners (TRP) to review all aspects of the Airport's ground transportation program, including taxis to determine if any changes were needed in the ground transportation prior to starting the RFP process for the new taxi agreements. Airport staff and TRP provided periodic updates to the Community Safety Committee throughout the process. The TRP confirmed that the Airport's current taxi service model reflects many best practices across the country. They also identified the need to increase the total number of taxi permits for the Airport from 157 to 171. The current Airport taxi operating agreements expire mid-July of this year; therefore, the City Procurement Management Team issued an RFP for Airport taxi agreements on March 30, 2016 incorporating findings from the TRP report. The RFP included detailed selection criteria established by the City and in keeping with the TRP recommendation with the goal of continuing to provide first class customer service. Procurement Management conducted a procurement process and provided opportunities for potential proposers to ask questions and obtain clarification on the RFP requirements. The proposals were then analyzed by evaluation team comprised of airport staff and industry professionals that focused on ground transportation and customer service. Airport staff reviewed the criteria for selection set forth in the RFP and the recommendations of the evaluation team with the Community Safety Committee on June 16, 2016 and that City Council approve taxi agreement with four cab companies; Yellow Cab, Crown Cab, City Cab, and Green Cab. City Council is not being asked to sit as evaluation team members and evaluate the proposals ourselves, rather we are asked to determine whether the process was handled well, the analysis was solid, and the City's objectives will be met under the new agreements. Community Safety Committee felt like Council has had adequate briefings on the Airport taxi system, and it is appropriate for the Airport to bring this item forward tonight for Council's consideration.

**Interim Aviation Director Brent Cagle** said I am prepared to provide briefly the presentation from the Dinner Briefing so that the people in attendance at the Council meeting can also see that. I will move through it briefly, and I will also say thank you to Councilmember Eiselt; she encapsulated almost everything in that presentation very, very well.

We are here to talk about the Airport Taxi Operating Service's 2016 Request for Proposals process. As a little background in 2015, the Airport contracted with Taxi Research Partners (TRP) to do a comprehensive assessment of all aspects of ground transportation: limousines, TNCs or Transportation Network Companies, more commonly referred to as ride shares, Airport shuttles, and taxis. One of the findings that TRP had was they confirmed that the current contracted model that Charlotte Douglas International Airport has used for approximately the last five-years does represent a best practice across the United States. They also identified a total number of Airport licenses to be issued at 170, due to the rounding the recommendation is for 171 licenses. It is important to note that TRP did not specify the number of companies to be contracted with, rather they specified that the Airport should avoid contracting with only one

company. They did not put an upper limit on it; they just said that it was their recommendation to have more than one.

With that, we moved into our RFP objectives, again as Councilmember Eiselt noted, this RFP and contract only covers on demand taxi services or walk-up taxi services; these are customers who do not schedule service. They walk up and a taxi comes to the curb and picks them up and takes them to their desired destination. As in the current contract, the recommended new contract does not prevent passengers from scheduling service with any provider that they choose: taxis, limousines, etc. So, scheduled service is not today nor in the future regulated by a contract in any way by the Airport. Again, five years ago and today, we acknowledge that taxis are often the first thing that Charlotte visitors experience and as such, a professional taxi presents a positive impression of the City. Our RFP schedule began March 30, 2016; the RFP was released April 15, 2016, pre-proposal conference proposals due on May 5, 2016. The evaluation team met and considered the 12 proposals received on May 11, 2016. May 11, 2016 through June 15, 2016 working with Management and Financial Services Procurement Division, the City conducted reference calls and conducted due diligence on the proposal. June 16, 2016, we brought the recommendation forward to the Community Safety Committee leading us to tonight for Council consideration of the contract.

Some of the evaluation criteria proposers experienced their operating plan, ability to comply with Airport rules, driver contracts and benefits, financial status and technological capabilities. The evaluation committee recommended four proposers as best able to meet the RFP criteria; they are City Cab, Crown Cab, Green Cab and Yellow Cab. You will note that there is a slight difference in the number of permits recommended to be allocated; specifically, Green Cab has been recommended for 30 permits; that is because Green Cab requested an allocation of 30, so the 30 cabs as a recommended proposer. The 30 cabs are being recommended for Green and the balances of those licenses are being recommended to be evenly distributed to the other three recommended companies. The Evaluation panel felt there was a clear line between the recommended proposers and the eight proposers who were not recommended, and that was evidenced as they reviewed those proposals. Their recommendation is based on the review of those proposals and only on the review of those proposals.

Some of the areas of concern and these are not specific to a company; these are just general areas of concern that the evaluation team noted in the not recommended proposals things like no current PVH certification, concerns with higher franchise fees or lack of benefits and training for their drivers. Capacity concerns, asking for significantly more permits than currently compliant vehicles; financial capacity to acquire, prepare vehicles, past performance and lack of references or other required information. Tonight there is also a B action associated with our request; the B action is an ordinance or technical amendment to the PVH Ordinance Section 22-351. The slide above notes that the text in red or struck through, the recommendation is to strike that text and what that will have the effect of doing is allow the Airport as a matter of contract to determine the length of the agreement rather than have the length of the agreement written into City Code.

**Rudolph Kirkpatrick, 1317 McDowell Farms Drive** said I e-mailed this to you, and I don't know if you got so I'm going to make sure you get so I put it in your hand. I have been in Charlotte and been in the Vehicle for Hire industry since 1987, and I think what has happened to these companies in this City is a shame. We had an RFP that was put together with people who have worked together for the last five-years; I don't understand how that is not a conflict of interest. I understand there should have been a member from the Airport, one member, but you don't have three on a five member board. Another thing is, all the local companies have been here 20-years or longer, we didn't qualify? You have a company that comes in here in six months, and they qualified? I have more experience by myself in this industry than this company, but they say we didn't qualify. These things they gave us for not qualifying are nonsense. This is no reason for a company that has been in business for 20 to 30 years; you tell me I don't know how to do my job, yet they have in here that companies don't have third shifts by law; we work three shifts. We work 24 hours a day, seven days a week. We have been here for these years when none of these companies were here. Matter of fact, none of the people who made this decision was in this City when we were here taking care of our Airport. Now we've got to put our people out of work because these people want to put us out for six years. Three, four, five, six years, it is unfair, and we are asking that you guys as our spokes people; we are your constituents. We are asking you to stop this, even if you start it for a year;, next year we are

going to be at the same position. We went through this nonsense with Pat Cannon's administration; we shouldn't have to be back here. All we are asking is make it fair. We all have the same equipment; we all can benefit from it. If everybody was given 15 slots each, we all can work at this Airport. That is all we are asking; we're not asking to kick these other people out. We are just asking let us eat, let our people eat; that is all we are asking, and I don't think that is asking too much of our City Council. We've been through this over and over. I even told you guys back when they first started, please watch this process. I knew we were going to have problems. I don't want to go back through this. I don't like being the bad guy and pointing people out, but if they do something wrong I got to, and this was wrong. These companies have used a person on the selection committee as a reference; how can that not be a conflict of interest? That means you know this person, and you have used him as a reference. All we are asking is please be fair with us. Be honest with us. We are here in your community. We are people that have jobs here for people in this community; we are just asking let us eat. Check on the people out there right now, Uber, Lift, Yellow Cab; they are not a part of our community, but they work at our Airport.

**Obaid Khan, 9425 Copper Hill Lane** said I am here to represent all the companies that did not make it. I started this process as a young kid 18 years old, and now I am 25, and the process is still the same. Saying that this process was fair is kind of like saying Patrick Cannon did not take bribes, like come on, who are you guys lying too? We've been doing this for years and to give you the facts, these companies that were awarded the airport contract, they didn't get new drivers; they just got drivers from every other company that lost the contract. There were no new drivers. Where did this better service come from? Most of the drivers out there are independent contractors. They own their own vehicle, they have to pay for the equipment that is in the car so these companies that are saying they are the ones that are putting these vehicles out in from that is lies. Look at the money they are charging also; you guys should have asked the drivers for these companies working out there how much are they paying, and I don't think that process was fair at all. How can we sit here and talk about us as Charlotte, but none of the local companies made it besides Crown Cab was the only local company. City Cab was not in business for more than a year before they were given the contract, and here we are with a new process where Green Cab comes in off of United Cab pretty much, and they are awarded the contract. At this point, we've got to stop lying to ourselves, and we've got to make this fair. You just spoke about; and the first thing we did was pray and equality to all, so where does this fall into? You might as well tell us to stop doing business; at this point, just tell us quite because we've been doing this for way too long to be treated like this. For every problem there has to be a solution, and the only solution I can tell every other company that wasn't awarded the contract is file with the State kind of like Uber; file with them, become visual dispatch and then go sit out there at the Airport in their lot. Mr. Cagle, are you guys going to build everyone another lot or are we going to sit there with Uber? This process has been wrong from the start, and to be honest with you, Ms. Fallon I believe was part of the first process on the Safety Committee Board, and I checked the recent one and you are not on there. She is probably happy she is not on that Board no more, and the fact that we have three Airport members, how is that not a conflict of interest? You are you guys trying to lie to and the fact that we are sitting with the same process every single year. For five years, six years, we just went through it and at this point just tell us, hey go out of business. That is the easiest way, tell us to actually go out of business, because we would love to file with the state and not pay the City of Charlotte all those fees that we do; we would rather just go to the state and at least we will not kicked out of the Airport if we fill through the State. Thank you so much.

**Geoff Callison, 725 Breezewood Drive** said I am here more on behalf of the current proposal that you are putting forth; the proposal will displace 44 drivers that are currently there. Mr. Cagle had mentioned that these drivers that have put forth the new vehicles they knew that the contract was ending, but that is not really the case because the drivers that are buying new vehicles are the ones that are replacing ones that are leaving, if they decided to leave, if they were fired or displaced by their company. Maybe they had a car accident and they had to replace their vehicles. They've made a significant investment; these are kind of put forth by the Airport, so these drivers have already made the investment; why replace them with a new company that hasn't made the investment yet. We are drivers that are experienced; we've been there, we know the City very well, and we just want to have you consider that fact.

**Foboe Lawson, 425 West Craighead Road** said I tried to say thanks first of all to my Mayor Roberts and the other colleagues of this City Council. I drive for Yellow Cab. First of all, I might say this; if you see all of those people here we are going to be out of business. The point is the Airport rule is if you have a car for three years you have to be out of the Airport with that car, but car I bought cost me \$48,000; the payment was 72 months, so how can I afford to buy another car in three years. By now, the rule says some people will not be out of the Airport if they are approved by the concept today. That is why we are here; please see that one. We all have a family; if you see all of our family here, what are we going to do? My colleagues say some of this already, and I don't want to go through it. I pass you the bar and you do whatever you want to do, try to see that.

**Toni Martin, 2000 North Tryon Street** said I am Toni Martin, and I am the General Manager for Royal Cab and Transportation. My primary goal tonight is to ask that you reconsider the recommendations as being presented to you by the Selection Committee and include Royal Cab on the list of vendors authorized to service the Airport. The task presented to the Selection Committee was challenging. Unfortunately, I feel that some details may have been overlooked. The Council, as you said earlier, is here to evaluate that the process was handled well, based strictly on the facts as presented to the Airport via proposal and the evaluation forms from the Selection Committee let me ask that you offer further review. Royal Cab is operated 24-hours a day, seven days a week since its opening almost 20-years ago. We've a plan to operate three shifts, not two. Two companies that did receive recommendation were recognized for having 27-hybrids, while we have 51; no mention of that on our evaluation. A competing service company that was recognized for having an in house garage, as do we, while no mention of that was present on our evaluation sheet. There was recommendation for one company that has been in business for two years; Royal has been active in Charlotte since 1997. One company was recommended and sited as having four handicapped vehicles; we have 15. On the evaluation of this same company, one strength is listed as having "sufficient PVH compliant vehicles to comply on day one of contract". Royal Cab has sufficient vehicles, but we were not credited with this strength; based on the proposals only one vendor has a larger fleet than ours, as we have 120 active vehicles. A vendor with "franchise fees that are somewhat high" was recommended while we are operating at one of the lowest franchise fees in the City. That same recommended vendor was credited for not charging drivers credit card pass through, while Royal doesn't charge this fee either; however, again no mention of that strength on our evaluation, and I have passed these around to each of you. There is no doubt that the Committee faced an arduous task in selecting from all the proposals that were presented. I credit them for their effort, and I know that I see these as discrepancies, because I'm so directly affected by their decisions. I implore you each to consider offering Royal Cab possibly 25 permits to name us as your fifth company to service the Airport.

**Oumar Shy, 218 Livingstone Falls Drive** said I was wondering what is going to happen to us. I was buying a new car; it is a new car, and I'm supposed to pay for seven years and all of a sudden you they tell you that you are out of there. We are just wondering what is going to happen to us, because if we were not doing good at the airport, we have been doing really good up there. What has changed is not good, but you are going to have a bring a new company, new drivers and some drivers who were good, you are going to put them out of work. That is what I don't understand, and we try to pay for a new car in seven years and after a few months they are telling you are out. What are you going to do with all of that? We are just trying to ask the City Council to reconsider this and try to do something about it. We don't mind; you can bring new drivers, but you are going to bring new drivers out there, but don't take all the people who were doing good and put them out of work.

**Fesse Hay Berehane, 7400 Hillbourne Drive** said thank you for inviting me talk in front of you. I want to remind you; what is my reminder? The reminder is you need to think twice instead of once. We have 50 drivers out of the Airport by your proposal. For example, Yellow Cab, they have 45 inside. They have 25 outside picked drivers. Crown Cab the same. Do you think you about the 50 drivers who are working people? Where are you going to throw us? I have three mortgages; one is my house. Two is my kids. They are in college. If you throw me out from the airport, if you give Yellow Cab 47, what about the 25 Yellow Cab; we both have new cars that are two years old. We need to pay the value of our cars. We have brand new cars, hybrid Sienna. Do you think about that? Do you think about our kids as the future drivers in the

Airport? We have been there almost 20-years driving with Yellow, driving with other companies. Do you think about that? Thank about that please.

**Vandi Felka, 9321 Charolais Lane** said the previous speaker just lamented on almost what I was about to say, and that is we have been at the Airport; the Airport has given demands on us for conditions that we have fulfilled, and we are asking Council to consider the idea that you guys are going to put about 15 of us out. I have new car that I just bought, and I've not even made a year's payment on that and most of us at the Airport because it is a condition that was mandated that we have cars, but it was mandated that we have new cars. We went and got ourselves into debt. As I stand here, my wife has got two grand surgeries. I have a daughter in college; I have a car payment, and I have a mortgage. Are you going to let me go, and where am I going? So, we are appealing to Council to consider that instead of bringing in another company, what about we that have been there, that have paid dues, that are used to the conditions and qualities that have records that are qualifying enough? We are the first set of people that visitors interact with, and we are appealing to Council please have patience. We know there is good at the Airport now with the construction going, but until that good is matured then I think Council can suggest or recommend some more companies to come in. As we are right now even the Uber drivers out run the total quantity of drivers at the Airport as we speak. I won't go to that part, but I'm very concerned that if we are demanded to go through these qualifications and we are subjected to them, it is unfair for our lives to be shattered. I've been in business for 16-years in Charlotte; I have been in Charlotte for 28-years. I don't have a record, so the quality that is demanded by the City or by the state, I adhere to all of those. I don't think I need to be bumped out now, so please Council, I ask that you guys to take that in consideration.

**Macky Kilumbu, 11033 Carber Pond Road** said thank you for giving me this opportunity. Most of the things have been said by my friend, but I just want to say something. I don't mind you guys bringing a new company, give chance to everybody. That's okay, but I want you to think about us. We've been working there, and if you throw us out of the Airport, what are we going to do? We are not the bad guys; we've been checked, PVH, Airport, we've got this badge, and we serve the Airport 24/7. I don't mind you give a new company a chance to come to the Airport, but think about you reducing the value of the Yellow Cab because I work in the Yellow Cab. If 50 people are going to be out of their income, what are you going to do?

**Amanuel Hagof, 3010 Monroe Road** said I am speaking on behalf of City Cab, which minority and drives own company. City Cab was established by responsible and experienced drivers in mission to provide a quality taxi service and to be ambassadors of our great Charlotte Queen City. City Cab for the last six years have has had success of achievement, proper engagement, proficient operation, and integrity of its members in keeping with high standards of service. In 2011, in front of this forum, we pledged to change the image of the taxi industry. We are happy to announce that; everybody is a witness. We have really changed the taxi industry. [inaudible] City Cab is the first taxi company proved and shown to all taxi industry we bought as zero mileage, brand new taxi cars by introducing a cutting edge box seat great car processing technology and GPS tracking and monitoring dispatching system. We feel [inaudible] 100% our mission and become a motor taxi company in our Queen City. Not only that, as a taxi company, we are glad and happy they follow our footsteps, and they installed the same system what we introduced to Charlotte. We create trust, positive relationship and working environment with other sister taxi company. We've been for the last six years with Yellow and Crown with friendship with sister company, not competition and how to create a positive and good service. We discuss, not competition how City becomes a good ambassadors. With PVH office, their staff, Department of Social Services, with Charlotte International Airport, especially with ground transportation office and administrative staff, supervisors, and inspectors and supporting staff., we work like a family. No City Cab driver gets fired or suspended by ground transportation service for the last six years. We have proven our talent, our professionalism. At the end, I want to thank the City for acknowledging our talent and efforts within the last six years by selecting us again as one of the four companies for taxi service. Thank you very much again.

**Mayur Khandelwal 1541 St. George Street** said I represent Crown Cab; it is a family business that has been in the Plaza/Midwood area since 1987. I first want to say thank you, and we are very grateful for having had the opportunity to serve the Airport since the early 1990's. I'm coming to Council to seek a modification to the proposal before you. The current proposal takes our permit count from 69 to 47; that is a cut of 22 permits. That means, if this passes, I will have

to go back and tell some of these drivers, you can no longer work at the Airport; I will have to tell them that the investment that you made, because the Airport requires a premium car for a premium service, you will not get the opportunity to recover your investments; whereas, the rest of the drivers will have the three years to cover their investments, and many of them will one or two years. One-third of the drivers will be kicked out of the Airport; the other two-thirds will also have a concern. There is continuity. The Director spoke very eloquently this evening, and he spoke about happy customers come from happy drivers. I will say secure drivers make happy drivers, make happy customers. If a driver's investment is not secure and I agree no business is secure, but if an investment of a driver is at the whims of the decision makers that may be capricious or seem out of touch with what has been happening, then the driver is going to be ill at ease. If you think about it there has not been an issue with the performance of the contract in the past five years, and I leave you with this Councilmembers; you have a distinction. There is change for the sake of progress and change for the sake of change. Five-years ago, there was change for the sake of progress; new rules of engagement were put into place; whereas, in the past there were 12 companies integrated with the Airport; they are down to three. We have monthly meetings with the Airport. We have direct conversations. The DNC was a success at the ground transportation level, not by accident but because of this constant engagement. Five-years ago we changed for the sake of progress; today before you is change for the sake of change. An RFP process was mandated by the previous RFP, steps begets steps, begets steps, begets steps, to a new process that gets a new allocation. There is no continuity for many of these drivers; there will be in the future a concern, on the one hand if this body modifies the proposal and votes accordingly, drivers will know that is we do good work City Council and the Airport has our back. If this proposal passes as written today there will be concerns; drivers will be skittish that if they invest, is their investment guaranteed? Everybody gives a smile and gives a thumbs up, service is great but the rules are the rules of the contract and the machinery of the laws may trump a human element of this process.

**Abebaw Aedal, 307 Hunblet Circle** said I am here on behalf of City Cab. Most of City Cab members come from Africa where freedom is a privilege. For most people, we can't afford. We come to America; we work hard. We organize the opportunity; we open our own company. Five years ago, I stand here and promised you that we would serve the City of Charlotte with our good experience, and we did that. The next six years, upon your approval, we will do the same. How can we do that? One, the last five years our accomplishments, two our franchise whether it is at the Airport or on the street is the cheapest. Nobody beats our franchise. That means it has had a domino effect; the driver is happy. He will give you a good service; the customer is happy, and the City and the Airport will be happy. That is our principle. Our first investment, out of this, is on our children; the second one is on Charlotte. What is left of our children, we will invest it back to the City of Charlotte. We deserve this approval, and we will promise you again that we will give you an excellent service.

**Bill Dobbins, 7910 Waterford Ridge Drive** said I am very honored to have an opportunity to talk to Council and Mayor Roberts. What I've heard my fellow drivers' just talk about has been more about the fact that we have another company coming to the Airport. We understand that; what I haven't heard is anyone make a suggestion as to a second solution on that. I do have a solution; what I would suggest is that you actually bring this other company in but bring them in the way you brought in the other companies. You brought those companies in in such a way that no-one lost jobs. We are talking 40 to 50 people that will lose jobs here, including myself, so I'm not too happy about that. The point is, I believe if we brought this other company in with a smaller number of shares, no-one would be concerned about losing their job. I don't think the whole process that we are talking about now is very complicated; it is just that someone decided that bringing another company in and reducing the number of cars that we have at the Airport would not be something that would impact people's livelihood. I work for PVH; I'm also on the Council. I've been around this process for a long time, and I respect it, but what I also believe is that we have to use a little common sense when we are doing things like this. You impacting people's lives and ruining their job that is not a good thing here. You are elected officials; you came in with the knowledge from our public that they felt you would make good decisions on anything that you did here and just being present here tonight, I can understand that process has worked very well, but I think it is extremely important not to ignore the fact that some things that have been done at maybe a higher level may not have been done to the capacity that they should have been as far as considering the whole aptitude of what happens when these people are not able to work at the Airport. I'm here more to try to support them in their process there. As far as

myself, I'm a little more adapt to different changes, but the process is still the same. It is not fair; it is not right, and I think we are not trying to turn the clock back by putting something on front that looks good, but in reality it is not good. You can bring another company in, and that is fine, but you shouldn't bring it in at the cost of about 50 drivers that have been doing this job very well for a number of years. I respect their Council, and I think you will do the right thing for the people here.

**Yosef Measho, 6526 Fieldstone Minor Drive** said I drive for Yellow Cab; first of all, I would like to thank the Mayor of this great City, the City Manager, and all City Council for giving us this opportunity to that our voice shall be heard. I'm here to day to emphasize that Yellow Cab as a company and the driver's contribution to the demand of this great City and connecting the Airport with a city service. If you ask a single mother when she's left to go to the laundry, either Sugar Creek Road, West Boulevard, or Little Rock Road, what cab company she called when she needed service, she would say Yellow Cab. If you ask an older woman who likes to go to the grocery either in South Charlotte or the same areas, she will tell you Yellow Cab. If you ask a professional who likes to catch his early morning flight or later afternoon flight, he will tell you Yellow Cab. Why? They knew there was a Yellow Cab driver in every part of the City to give a fair, fast, reliable, and safer service, because they knew that they are in safer hands. There is a camera in every Yellow Cab car, and they knew their complaints, suggestion, or appearance would be management of Yellow Cab. City Council members and Mayor, since the Airport is owned by the City and managed by the City, I'm here to ask kindly to consider the Yellow Cab drivers contribution to the growth of this City, and the more the drivers have scattered on all of the City, the more the drivers are there for citizens of the City, the more will be granted by the Charlotte Airport. Last but not least, it is an honor for me to be here today, and I appreciate your time. God Bless the United States of America.

**Nancy Norelli, 1340 Harding Place** said I will speak for just a moment, and I am speaking on behalf of City Cab. Their representatives Abebaw and Amanuel spoke very ably about what their process is and who they are. I would say just two things; first your request for proposal was incredible comprehensive; you couldn't fill it out in a short period of time. You asked all the right questions, and we each had an opportunity to gather all of the material, so that a wise decision could be made. Secondly, about City Cab, they are marvelous ambassadors for this City. For every person that hops in that cab, whether it is someone that is on a bereavement mission because they've lost a relative or they are here to close a deal or they don't know the first thing about the South or they don't speak English. They know how to and have trained their drivers to make sure they know how to deal with every rider that jumps in that cab. They are true ambassadors because they have adopted and love our community; they give back to the community both corporately and individually, to the United Way, to Carolina Breast Friends and a project that they've been very proud of is the diversity project within the schools, a special installation in East Mecklenburg High School. They will continue to do that; they also collaborate exquisitely with the Airport to help get better mechanisms, to shorten the lines and to get the cabs to the customers as quickly as possible. Thank you very much for your time.

**Mohamed Moustafa, 2917 Rozzelles Ferry Road** said let us go back to 2010 when the first proposal came out, and I stood right here in front of the City Council, and I said the proposal was pay to play was nothing but a sham and paid to play. It was the longer run where I proved that. My transparency was clear that each and every individual that was paid to play, they brought this cab company out of the City of Charlotte from somewhere else, but originally Yellow Cab, what is now XUSA, and whereas the connection was HTA they become familiar together, and they played in the cahoots for the paid to play for the game. They got the largest company in the City then. The first company ever had all their fleet the same, the driver uniform, GPS and not Blackberry, and the tablet was Universal Cab. I spend as much money myself; I own every car on the fleet, and with all the corruption happening, they drove us out of business. They were trying to close Universal, but God is great and is always going to be great. I fought it. I went through it; we stay in business, and today we come with new proposals. The new proposal, really if you look at I you say alright, it is very good, but in the other end you look at it as it was a lot of the old same thing. We have to remember this. Every company have a blight; they choose, like in 2011, they choose company less than six months. Now they choose company less than a year, with no track record, no background, no equipment. They didn't own anything; we need to know how they are going to fulfil to serve the car at the Airport. We have a lot of company; Universal Cab had been 24-years in business. We don't owe anybody anything; we

have up to date record. We comply with the City, PVH. All the equipment is 2014 and 2015. I want to know what they want from us; we want all the drivers to get back to the Airport. Yellow Cab forces a drive, bring him here to talk, and the majority of them were working for Universal. When you talk to Crown Cab, we train him in Universal. The majority, when they take the company to the Airport, two companies take 50. Each one takes 50% of Universal drivers, and they are going to continue doing this.

**Abdi Duale, 6818 Chieftains Drive** said I've been living in this City for a long time; I also serve on the Vehicle for Hire. I am a recent, individual owner of [inaudible] whether they are out on the street or at the Airport. First, I want to express my sorrow that I did not get a chance to speak to the members of the Community Safety Committee when they were considering the RFP. Time will not allow me to get to the reason, but if you ask a question of if you give me additional time, I would be happy to tell you the reasons. I would request the Councilmembers and the Community Safety Committee to consider the RFP and ask more questions in light of information you received from me and also you are getting from the public. I am not against the RFP, and I support every cab company that is in Charlotte. I give you a sheet, and that sheet has Article 3 of the Airport's set of standards. Airport Standards requires all the Airport taxi are upgraded every three years; individual owner drivers work three years to retain permits when they buy new cars. That is solely to recoup the investment that they made. This was something that was agreed by everyone, including the previous City Manager, previous Airport Director, Jerry Orr, and we worked for it. Other Councilmembers at that time who were here also agreed. The idea was to be able to work hard to make the investment and to have enough time to recoup that investment. According to that section, you see in front of you that I give to you, all the Airport drivers upgraded their cars about a year and a half ago, at the end of 2010 through 2015. The RFP is here now, in the middle of 2016; if you do the math that is about a year and a half left of service for those drivers who are already working at the Airport. In a sense, every driver who is working at the Airport right now has a brand new car, and he still has at least one year of service left. If you look at the numbers, you do the math. I'm not a lawyer, and I'm sure the lawyers will find a way to go around that, but the point is companies deserve to be at the Airport but those drivers who are working, I was at a dealer today and a member of the Airport Director said they are happy with the service that these drivers are providing at the airport. That is the key. If you want a good service, you have to take care of the employees.

**Reverend Phillip Benham, 761 Harris Street, Concord** said you need wisdom, and Almighty God has that wisdom for you, and wisdom is simply to see things from God's perspective. I understand what our Airport Director is doing over there; he is looking for quality control, but what happens is when you limit competition then you begin to play favorites, and that is a very dangerous thing. You are the last line of defense for these taxi cab drivers and for these companies, you are, and you are going to make a decision, and God is calling you to make a decision with wisdom. I ask you to do it because I love taxi cab drivers, and I love taxi cab companies, and I'm thankful for them, and I'm thankful for their families; I'm thankful for everything that goes on. Now Mohamed and I don't agree with a couple of things about the God that we serve, but where the spirit of the Lord is it tells in the scriptures there is liberty. Liberty, this nation is free because Jesus is the Lord God, and that allows for people to be entrepreneurs, to do what God has called them to do. There is liberty here in the United States of America that you are not going to find in the other 57 Islamic states, but there is liberty here and these men know it, and these families know it. What I'm asking you to do is be their defender. They have a right to entrepreneurship; let them run, and Mr. Director as you are over there controlling who is here and who is there and you are looking for quality control, I think that they have explained very well that there is great quality in these taxi cabs. If you've ridden in the taxi cabs or if you've gotten into a taxi cab at the Airport you are going to find out that these are fine folks, if you spend time to talk to them. They've done their very best to express their will to you, so what I'm asking you to do is get wisdom from God. What would God say? They are other Council people that leave because they are offended by Almighty God that is a message, but that is fine I understand that, but the message is never the less truth. Unless the Lord builds the house, those who labor Mr. Airport Director, labor in vain. Unless the Lord watches over the City, the watchman stand guard in vain, so I pray that you would see them as God sees them and that you would understand that you don't need to limit this to four. Competition breeds excellence, so I'm asking you in Jesus name to be very careful how you decide tonight, because God is watching, and he will grant you the wisdom you need to do what is right for these that are here and for our entire City.

**Councilmember Smith** said serving on the Community Safety Committee, I know that the last presentation, I want this as open record, that we were pushing the vote tonight because we don't meet in July. What are the consequences if this is tabled and we go back and look at the evaluation process? Well, let me rephrase that what happens to the existing contracts if that happens?

Mr. Cagle said let me try to answer the first question regarding a deferral. That would inevitably mean that the existing contract would need to go into, these are my words, a hold over status for some amount of time for us to better evaluate what Council's concerns or wishes are for us to move forward. Your second question regarding an alternate recommendation that may be a better question for the lawyers; however, the Evaluation Committee has made a single , and the recommendation that the Evaluation Committee made is as stated before Council tonight. The ramifications I would defer to Mr. Hagemann.

Mr. Smith said what happens if we don't vote tonight?

**City Attorney Bob Hagemann** said well again, as Mr. Cagle said, you've got existing contracts that expire on July 17, 2016; your next Council meeting is after that date. If you don't award these contracts the Airport will have to figure out some way with those existing companies to go month to month or some other agreement to make sure we maintain service at the Airport. Beyond that, the process has been developed and recommendations are before you, but it is your prerogative of whether to accept the recommendation or reach some other conclusion of direct some other process.

**Mayor Roberts** said could you also in a motion move to extend the current contracts until our next meeting?

Mr. Hagemann said you could, but I have no reason to believe the current companies wouldn't be willing to continue working, but you can't order them to.

**Councilmember Mitchell** said Mr. Attorney would you repeat that; you don't think the current companies –

Mr. Hagemann said the contract is a bilateral agreement; both parties have to agree to it. The current contract expires on July 17, 2016; I would assume that the companies would be willing to serve, but we can't force them to if for some reason they chose not to.

**Councilmember Mayfield** said further clarification, hypothetically, if there were no contract, what would be the difference if we did not have a contract in place does that mean based on what is already in place only the companies that are identified currently will have access or would that open for other cab companies to have access?

Mr. Hagemann said I would assume that the Aviation Director would work toward keeping in place the current companies under the current arrangement, while legally he might be able to do something with other companies, that don't strike me as making a lot of sense when you have an active procurement process for the next longer period of time.

Mr. Cagle said practically speaking if we went into hold over we would not be able to move to 171 vehicles; the contracted vehicles, as stated in the existing contract, would remain, and the three companies, should they agree, would remain to provide on demand or walk up services at the Airport I would suppose on a month to month basis or for some period of time as long as the Airport or the City and as long as the companies would agree to that.

Ms. Mayfield said Mr. Cagle, based on the comments we've heard this evening and based on the Dinner Briefing, it was stated that no actual number was recommended as far as number of companies, just the number of vouchers. There were 171, which we rounded up to be even, unless you are going to be in a mini, because you are not going to be in three-quarters of a car. One of the suggestions that came from the industry was, what did we hear, 19 vouchers per each group, and that way we had a chance of supporting the majority of the cab companies opposed to 49, 30, 49. If were to look at that 10 out of the 12 that were actually good applications based on

our review process. What would that really look like for us in your opinion if we didn't have four, if we had a total of 12 companies here?

Mr. Cagle said there are 10 registered by the PVH and 12 submitted proposals.

Ms. Mayfield said out of the 10 if we just at the 10 that are registered through the PVH what would that look like. Has anyone at your staff looked at those numbers of what that would possibly look like between the allocations of the 171?

Mr. Cagle said let me say, I guess using the hypothetical not applying to this process, because during the process the Evaluation Committee did not find that there were 10 proposals of equal merit. That is what the Evaluation Committee has said; they found that there were four that were superior and eight that were less than those, not in rank order between those or any of the companies. Had ten companies proposed and the Evaluation Committee had said all of these companies satisfied all requirements equally, and we feel more than comfortable, we feel very comfortable moving all ten forward. The Airport would recommend, other than if a company had asked for an exception, that 170 vehicles be divided by 10. We would have equally distributed the 170 vehicles amongst the companies recommended to come forward by the panel, and that was something that again we understand the implications of that with the companies currently doing business. I guess I would also back up, and this wasn't asked, but it was stated many times tonight. The three companies that work at the airport: City, Crown, and Yellow do a very good job. The last five years, the Airport agrees that the level of customer service has improved so that the Airport agrees with that; we have very good working relationships with those three companies, and they are very responsive when there are issues; however, that still leads to where we are today with this RFP, and there were really two approaches. One, to insure that the three companies working at the Airport currently maintained what they have or maybe even grow if you are City, because they've completed the contract, and they have a significant amount of cabs less than Yellow and Crown, or to be equitable and say that the number of permits as set by TRP will be evenly distributed across the companies that have superior proposals, and that was what we brought forward because we believed that was the type of competition that the City Manager and the City Council wanted the Airport to bring forward and allow companies to compete with.

**Councilmember Austin** said I've quandered over this for quite some time, and you know sometimes there is no good answer to the decisions that we have to make on Council. Someone is going to be unhappy; someone is going to be mad, or somebody is going to be ticked off. To kind of piggyback on Ms. Mayfield's suggestion of 10 companies and providing it that way; we actually had that in the 1980's. The problem with that is still we are going to be hurting some people within those companies; there are still going to be people who are going to be blocked out as a result of that. What has been important to me, within this process, is the integrity of the process. Before, we had all types of allegations of things happening behind the scenes with these contracts, and I believe that staff has put forth its best efforts and contracted and talked with those around the country who are doing this same work. They selected an evaluation team, but I think is a solid team; I think you do need to have people who are entrenched in the Airport, only three of them listed here who have an understand of what that means. I think key to that was your Ground Transportation Manager, and I served in that role at the Airport. I am not so sure I agree with Item C within this consent item, which is authorize the City Manager to renew the contract for three additional years. I think I take issue with blocking out people for that amount of time. I think three years would give them some stability in knowing that they are going to be able to operate at the Airport. I will also say that every taxi cab company had the opportunity to respond to the RFP. At the end of the day, each driver still has the ability to operate within the City; they also have the ability to make contact with customers at the Airport, and still service those customers that they have been requested. I would say to Council I would move to approve Items A and B; I am not supportive of Item C.

<p>Motion was made by Councilmember Austin and seconded by Councilmember Autry, to approve (A) Enact a technical amendment to the Passenger Vehicles for Hire Ordinance (B) Execute contracts with the following companies for Airport taxi services for an initial term of three years: City Cab LLC, Crown Cab Company LLC, Green Cab of Charlotte LLC, and Yellow Cab of Charlotte.</p>
--

**Councilmember Fallon** said what would be the result of a temporary extension and an abatement of the people that they have picked for a while? I know the deadline is what, July 18, 2016? Is it possible till we really look at this a little heavier?

Mr. Cagle said that would be the Council prerogative to determine if you would like us to re-evaluate this process and defer this based on what you would like us to do to look at it. We could do that.

**Councilmember Driggs** said there are a number of allegations by the companies that the information that came out of the process was just plain wrong on facts. How do you respond to that?

Mr. Cagle said I would say that we were careful to select who we believe were five evaluation committee members who understood customer service, City safety requirements, and PVH requirements and Airport Ground Transportation operations, and on based on their review of the proposals, they have provided their notes. My response to that is that is the five committee member's response and recommendation based on their review of the information that was put in front of them, via the proposers, i.e. the 12 proposals that were put in front of them.

Mr. Driggs said so, you are confident that they didn't reach the conclusions they did based on false information? For example, there were one or two instances where people said they worked three shirts, but they were noted as working only two.

Mr. Cagle said I am confident that they understood and evaluated the information as presented to them, which may not be the same thing. I guess what I saying is if the proposal lacked clarity then the Evaluation Committee may also have lacked clarity in their conclusions, but they read each proposal and took it at face value of what it said, and they evaluated those proposals accordingly.

Mr. Driggs did the companies have a chance before we reached this point to look at the work of the Committee and to clarify or address any inaccuracies?

Mr. Cagle said the companies had the opportunity and continues to have the opportunity to review the Evaluation Committee's notes. The proposals were submitted and reviewed and that review is final. If the company continues to change the proposal it presents a bit of a problem for the RFP process, because if one company comes in and says well wait a minute that is not what I meant, then other companies and so I would say yes, all companies have the ability and some of them brought those notes with them today to review those notes and discuss the notes, but the proposals as submitted have been reviewed by the Committee, and they have not been reviewed based on additional information.

Mr. Driggs said I think the basic problem we have here is that there are essentially too many drivers who are qualified and who are perfectly deserving of being allowed to work at the Airport. One of the first findings of the consultants was that in the interest of the drivers, as well as the orderly operation of the Airport, 170 was about the right number in order to allow the drivers who have permits to earn a livelihood. If you throw it wide open then the competition, yes it is a good thing, but it does have the effect of making this a very lean environment for everybody there, and they end up sitting out at the Airport and sleeping in their cars as we heard. I think the idea that we aim for 170 permits is justified and then you are necessarily left with the fact that some people are going to be disappointed, and I agree with you on that. If we change our process or go back and redo this is going to be another room full of people and they are going to say many of the same things, and I think quite fairly this isn't an easy choice for us. One of the things that I wrestle with also is the drivers are speaking as if anybody who has worked hard at the Airport and has a good record should be allowed to stay there indefinitely. That implies that you are locking out a lot of other people who might be deserving. I don't think there is a perfect solution here; what I didn't hear tonight from the speakers was a suggestion. I didn't really hear anybody say look, here is a better way to do this so for that reason and because I'm generally inclined to support the efforts of the Director and our procurement staff, I will support this proposal, and I have a level of comfort that this was done in a way that was fair to everybody and in the best interest of the Airport.

**Councilmember Eiselt** said Mr. Cagle I just wanted to first of all mention that I appreciate how difficult this process was to come to and for all the people in the industry as well. None of us take that lightly; we do need to have a process and appreciate the hard work that you all have put into coming up with the process. To address Councilmember Austin's point about point C, to renew the contracts for three additional one-year terms, we do need to have some clarity around taxi drivers that invest in a vehicle to be able to operate at the Airport, and so how does the operating agreement in this form with Item C address that issue, and how is it different from the way we did it last time where we have individuals who are implying that they were investing in a vehicle under the assumption that they would get to use it for the full three years?

Mr. Cagle said striking action C, I believe would imply, and I would need clarification, would mean one of two things; one the original contract would stand for three years and depending on the clarification, then if the Airport wished to renew the contract for three one-year terms we would bring that renewal to City Council for approval annually for those three years. If that was not the intent of Mr. Austin's comment, then I think what it would mean is the contract would stand for three years, and two years from now the Airport would start a new RFP process to replace the contract upon the third year. An RFP of this magnitude takes between six and 12 months to complete, and so what it would mean is we would start a new RFP, and it would be one of those two options I believe based on clarification of Council's intent.

Mr. Eiselt said then you are kind of making the assumption that everybody is investing in a new car at the same time.

Mr. Cagle said I will say, and I think that may be actually a bit of an assumption that may not be correct. Even in the beginning of the current contract, it is not necessarily true that every company or driver purchased a new vehicle to operate it on day one. So if they had a vehicle when the contract was awarded that met the requirements, it may have been one-year old, but it met the requirements, the Airport did not require them to purchase new vehicles just for purchasing new vehicles sake. They still had to meet the Airport requirements, but that does not necessarily mean that they purchased a new vehicle on day one. That is also the case today with this contract. There may be vehicles operating out there that meet the Airport's requirement but are not brand new, and so the amortization schedule on vehicles is variable. It is basically 170 different amortization schedules, based on exactly where that vehicle is today or isn't, and so it is very difficult to say that all vehicles become amortized after three years. We are doing our best to make the contract term coincide with the vehicle requirements, but there is some art in the science.

**Councilmember Lyles** said I just want to restate, I think Mr. Driggs' question to you and I want to make sure that I have got it in my head correctly. When you had the process in place everyone submitted proposals; the proposals were opened at one time, reviewed all at the same time and decisions were made. Did the drivers or the cab company have an opportunity to interview or was it the written proposal as stated?

Mr. Cagle said it was the written proposal as stated.

Ms. Lyles said and that deadline was equal to everyone?

Mr. Cagle said yes, in the presentation the proposals, the RFP went out on March 30, 2016; the Airport and Management and Financial Services conducted a pre-proposal conference on April 15, 2016, and 12 companies' submitted proposals by the proposal deadline on May 5, 2016. All proposals received by the deadline on May 5, 2016 were considered on May 11, 2016 by the Evaluation Team.

Ms. Lyles said we had a consultant that helped us review best practices in other Airports, and this was the process that was recommended or were there options?

Mr. Cagle said there are options; there are many different options for managing, everything from what is referred to as open curb to a concession model. There are many different models; what TRP said was that the methodology that Charlotte is using does represent the best practice in the industry, rather than recommending that we do that they affirmed that our approach did represent a best practice.

Mr. Lyles said I won't restate Mr. Austin and Mr. Driggs' comments about this; I think that we are grateful that we have a City where people can come work in this industry, and it is going to be an opportunity to start somewhere, and perhaps it is just the matter of being able to provide the right level of service that has been reviewed by our consultants, the right level of service for our citizens that use the Airport, and it is unfortunate that we can't just do everything, and so I'm going to support this, because I do believe that the process followed generally our bid process for everything that we do in government. There is generally the same kind of process. In terms of the three years, I'm not sure what the intent is, and I was wondering if the intent was to bring it back to Council or just to automatically say that you would rebid it. In my sense of it, I would rather it have the option that it be able to be renewed, and we may have some discussions around it, and I actually would like for us not to deal with this just at one time. I think we ought to see a little bit more about how it is working. We get this at this time, because we've gone through it once, but I think it is something of value that we ought to look at it on some ongoing basis. My suggestion would be at the two-year period that we actually have that review, so that if we decide not to come back and renew for the three years that we say that so you have time to go through the process. I don't know what those metrics might be, but I think it would be helpful to have them because I think those metrics would help us in terms if we are going through the process having this format and the review that everybody knows and talks about it and is aware of it even before the RFP goes out or the pre-bid conference so that around the dais we understand what we are looking for. I would say if we could look at it in two years, have a report come back and that we have the option of renewing based upon that assessment and conversation, that would seem to work well for me. Having some metrics and having the opportunity to know what we are actually checking the box on would be helpful.

Mr. Smith said I support the Airport having the ability to have criteria for the cab companies that provide service; I support that being an elevated status from our normal PVH because passengers, you just get what is in the cue, and you don't necessarily have the free will to back away if you don't think the cab is service worthy. My problem or issue is that, I've asked the question earlier tonight if any company that had met all the criteria were denied access to the Airport, and I didn't get a very clear answer on that, and the recurring theme I've heard tonight from people who have spoken out, be it from companies that awarded contracts or company that were not, there is a clear financial benefit to having access to the Airport. From where I sit, I don't think government should be in the business of picking winners and losers; I'm okay with elevated criteria. I'm not confident that there may be some companies that met criteria; they may not have exceeded or may not have been as high up but met our criteria, so I'm not going to be supporting this motion put forth. I would be supportive of a deferral and another crack at it. I'm not making a motion but if there are folks on dais that otherwise are going to just vote tonight; I'm not voting for it.

Mr. Austin said seemingly every two years the City tackles something around taxicabs, whether it is the ordinance, whether it is the Airport contracts or whatever, so there has been an evolution to get to the point to where we are now with the contracts at the Airport. At one time, there was kind of a free open system where we had maybe seven companies and everyone was allotted, and that didn't work so they continued to try to refine the process and ultimately came to that we only needed to have only a few companies and have those companies be ultimately responsible for those drivers. I do believe staff has taken quite a bit of time in working through the process; I think the companies that are selected gave it their best. Everybody had an opportunity to present the proposal like any other process that we have here with the City. To piggyback on what Ms. Lyles said it is similar process that we have with everything that we do in the City, and we probably need to follow that or maybe we are opening ourselves up to something different or some other types of legal behavior. My only issue with this is locking people out for what appears to be six years. I just don't like that. I think that we need to go at a three-year process. Staff has indicated that it takes six to 12 months in order to go through the request for proposal. We do that all the time; it is part of what we and it is part of what staff does. We do it all the time, and I don't see any reason why we can just do it again. Again my recommendation is for A and B; I'm not supportive of C. I think we are trying to get to a level of service at the Airport that every other larger international airport facility is trying to get to. I believe that the open market kind of process that we had before was not a good one, and we've tried to refine it as best we can. We got a consultant to come in and help us with that process, and here we are.

Ms. Lyles said I just wanted to address Mr. Smith and say, one of the concerns that I have is that if we do go to everyone when we have the merits of the capacity there and then the second part of that is that we've had kind of more, the seven that were existing before. I remember chaos in terms of behavior, and I don't know how difficult that is to regulate. I don't know if we need to go into that, but I think that we've really spent as Mr. Austin said, trying to refine that system and one of the other things that I really think through is that we want people to be able to add value and make money and enough that it works for both the customer and the driver. That is a difficult balance perhaps so I don't know that I can support, and I'm not asking you to support, but I'm saying that I believe, like Mr. Austin, that the process has worked in its place.

Mr. Smith said I want the record to reflect, I'm not promoting or suggesting wide open. I'm suggesting that I think that we had 12 applications, 10 of which were PVH registered, four which we accepted, and the question I asked tonight were there companies that met the minimum requirements that were not awarded contracts. and I didn't get an answer to suggest that that was not the case. I think there were clearly folks that responded to the RFP that failed to meet the criteria set forth by the Airport that I suggest. I just personally think the number is greater than four; I don't think it is ten, and I don't think it is wide open. My good friend Mr. Austin somewhat made my point that locking them out for six years, that is admitting that locking them out that there is a consequence to them not having access to the Airport, and that is where my source of frustration is. I think there were companies that met our criteria that aren't being awarded contracts.

Mr. Cagle said let me try to clarify, and I hope I do a better job this time; I've had practice. I know what not to say. The Airport RFP did not establish minimum qualifications, so I understand your question. Your question is, which companies met the minimum qualifications; the Airport RFP did not establish minimum qualifications. What it did is establish evaluation criteria by which all companies were evaluated against and the Committee did not identify those that met the minimum qualifications, because those did not exist. They found those proposals that they thought answered or met the criteria exceedingly well. I apologize, I can't answer which companies met the minimum qualifications because the RFP did not establish minimum qualifications. That is also why there were 12 companies proposing, but only 10 companies registered with the PVH because that was not a minimum qualification to propose. That was a criteria that was considered by the panel, so I hope I clarified that.

Mr. Smith said it better clarifies, but my understanding in the process is that you had a list of criteria, and that there were grades against said criteria or evaluation against said criterion and that there some companies in there that met said criterion, that I don't think they are getting the contracts.

Ms. Lyles said because of the number of contracts available or –

Mr. Cagle said I guess I would say, I don't want to put words in the mouth of the Committee, but that may be an accurate statement. There are four companies according to the Committee that all exceeded and met, not just met, they exceeded all expectations of the Evaluation Committee, and they brought those forward as the recommendation; therefore, I have brought those forward as a recommendation. There was not a floor; when I think of a minimum qualification I think of can you make it to the floor of the minimum and be above that. Maybe you are way above it, and maybe you are just above it but the minimum qualification is the floor and this RFP process did not establish a minimum qualification.

**Mayor Roberts** said and you are grading on the curve.

Mr. Cagle said they were evaluating all of the proposals based on their merits.

**Councilmember Mitchell** said first I've got to say thank you to the staff and those who were on the Committee because Mr. Austin said it best; it was a tough responsibility and when we sit out here on the dais we don't think of Charlotte, those who win and those who lose. We try to do things to just make Charlotte better. In this one, I do feel like someone is going to win and someone is going to lose. The struggle I have and Mr. Smith touched on it, 10 companies qualified and only four were awarded. We have the 11th busiest Airport in the country, and it seems like instead of being a great opportunity to generate economic development, generate

small business to grow their families. We are somehow curtailing those opportunities, and that just doesn't sit comfortable with someone who is passion about small businesses growing the City of Charlotte. Then to be totally transparent and it is even confusing to me, maybe because I'm old school, and I believe A is 100, B is 90, C is 70, do you follow me? So, when you look at the evaluation it is A, E, B, and E and so if I am being evaluated, I don't know what numeric values those numbers have or if you gave me my proposal, I wouldn't know how to fix it, because I don't know what does E represent, and one reports no claims, lawsuits, bankruptcy or contract cancellation. We gave them an E; is that E for excellent or E for errors? What does E represent?

**Sarah Poulton, Management and Financial Services** said the letters represent the different evaluation criteria in the proposal; they were listed A through F, and so that is which criteria that corresponds with in the RFP.

Mr. Mitchell said so it is not even a grade, it just corresponds with one of the nine criteria?

Ms. Poulton said one of the six criteria.

Mr. Cagle said it is not a grade; the Evaluation Committee did not score or grade 75, 85, 82, they did not score the proposals. The letters that you see in their notes refer to the areas that they were reviewing for.

Mr. Mitchell said now we've got a real issue with being totally transparent, so if you didn't use a numeric value, and the grade we see here corresponds to a [inaudible] to one of the categories. How did you really grade those proposals to determine these four?

Ms. Poulton said I admit it is difficult to see especially just from seeing that one form that you have in front of you. The evaluation of a service project is always very challenging, because it is very qualitative. You are not looking at numbers. You are not looking at minimums. You are not looking at the best costs, so those criteria, the team looks at those and says what is our biggest concern? What are our biggest strengths in this proposal? What are we seeing that are big on either side? So, it is hard to quantitate in evaluation form what is very important and what is not important. You see in different parts of the evaluation some of them are listed under their strengths and some of them are listed under concerns and then we just told you which evaluation criteria that fell into. That is where we were looking at the proposals through that lens.

Mr. Mitchell said in our proposal, did we list on the front of it those things that were of high importance to us? On the proposals, so people clearly knew what was our top three or four.

Ms. Poulton said they were not ranked in any way; the six that you see in front of you were listed in Section five of the RFP, and they were detailed out as to what they were, but we don't put one above the other. There are certain things that concern the Airport quite a bit, but they are not ranked one, two, three, four, five, six; they are just included. That is why we use letters.

Mr. Mitchell said so we didn't rank them, and we didn't tell them what was important, so when I look at these I see some of them have X by yes on several of the applications, so how do you determine form one acknowledgement was more important than form five references?

Ms. Poulton said those X's are just to indicate that they were present in the proposal.

Mr. Mitchell said it is not even waved; it is just an X.

Ms. Poulton said correct.

Mr. Mitchell said can we have what you all – how did you score them? Can you share that with Council how you scored them? Was it background check was more important, no bankruptcy?

Ms. Poulton said I will say the biggest concerns just from our experience and the meeting where the benefits to the drivers, the wellbeing of the drivers are very important to the Airport and Frank described that very well tonight and then our briefing before. That was probably one of the very important ones, but again it is hard to tell you what is most important. Also if within a

proposal if there is a great concern in one area that might have outweighed all of the other things that were good or bad or if something is excellent in a proposal that also might outweigh things that are not great. It is very hard to quantitate that.

Mr. Cagle said we acknowledge that this is difficult stuff; I certainly acknowledge that, but I will also say as we started this process, knowing this is difficult stuff, quite frankly knowing that this is a contentious issue, right? If history has taught us anything five years ago was contentious; I wasn't here, but I'm sure it was. The next time around, I'm sure it will be contentious, because there are a lot of livelihoods, and there are a lot of people who are very passionate about that, including the Airport, but that is also why we took great care in this process, not only to satisfy ourselves that the method, the contracts themselves represented the best practice, but to work with Management and Financial Services Procurement Division to help us put together a process that has the highest integrity. Knowing that this is difficult stuff; that is one improvement I will say that the Airport made from last time, not that the last process was flawed, but we took great care in this process to be even more thorough and insure that we had many different City Departments and procurement experts helping us through the process.

Mr. Mitchell said Brent, I think all of us have no problem making tough decisions, but where we get very uncomfortable is when we make a tough decision, and we don't have the information to back it up. That sends the wrong signal.

**Councilmember Phipps** said Charlotte's Airport compared to other similar situated airports across the country, what is their outlier number of taxicab operators that they have in some of those larger airports that is similar to ours?

Mr. Cagle said that is difficult to say; it varies. RDU has one, and RDU is a similarly sized airport to us on their land side. This is where Charlotte Douglas becomes an outlier; we have 45 million annual passengers. We have 12 million local passengers, and those are the passengers who would access the land side, the roadways, the taxis and those kinds of things. That would be an example; Phoenix for example, they have three, but again those are different models. They may be comparable to us, and they may not. It is hard to answer with any certainty exactly how many they have. Some airports on the east coast have open curbs; it is difficult to say. It depends on the airport. Most airports have contracts for some limited number of companies to operate, and that is to insure a high level of service but also to insure operational efficiency at the Airport.

Mr. Phipps said several speakers tonight asserted that they will be irreparably harmed if they were excluded from the Airport, but I guess this contract that we are considering now, compared to last years, we only had three operators last year, and the proposal is to move to four this time. So, what is different than if you had this many people coming out and saying they would be irreparably harmed if they were not at the Airport? Wasn't that essentially the same case now; they are not at the Airport now in that kind of way right?

Mr. Cagle said there have many people who said that the companies and I think primarily Yellow and Crown Cab has stated that they will be irreparably harmed if they have reduced number of licenses at the Airport. Then there are companies that say they will be harmed if they don't have any licenses at the Airport. It is difficult to answer so those two arguments run mutually exclusive to each other. I guess I would say to promote competition and to allow new entrance there has to be redistribution of licenses at some point, or we are not promoting competition. We are first protecting existing entrance, and the Airport's process chose the former. I don't know if that was a good answer to your question or not; it was attempted a good answer.

Mr. Phipps said given the fact that you said you did not set minimum qualifications or even some of the scoring or the ways that decisions were arrived at who got chosen and who didn't, how concerned are you that there is too much subjectivity in the decision making process without regard to more definitive criteria being described at the outset when they made their application for these particular slots?

Mr. Cagle said I believe that the criteria established in the RFP process all of the proposers had access to the RFP document when it was issued, and they also had the ability throughout the open period before the proposals were due to ask for clarification and participate in a pre-

proposal conference. The purpose of that is to ask for clarification, which they did, and the Airport, that the City when that happens, issues addendums to clarify the RFP. That is a natural part of the process, so to the extent, do I think that we ran a process that allowed proposers to ask for clarification before their proposals were due? I absolutely do. I also believe that the panel evaluated the criteria put in front of them in an unbiased way, but clearly their opinions of the proposals are what came forward. They have rendered a recommendation based on their review and opinions of the proposals that they were asked to review. I believe that they did that in an unbiased way though.

Mr. Phipps said you said that the taxicab operators will have the ability to drop off passengers at the Airport?

Mr. Cagle said and pick-up, scheduled.

Mr. Phipps said a hypothetical situation, suppose someone drops off a passenger at the Airport and immediately when that passenger is exiting a passenger wants to get into that cab, is that permissible?

Mr. Cagle said that would be scooping in industry lingo and no, that would be an unscheduled passenger getting into a vehicle that is not contracted for unscheduled service. Does it happen? I'm sure it could, but no an unscheduled passenger, a passenger who does nothing other than say here is a cab I'm jumping in, should do that with the contracting companies at the taxi stand. That is the point of the contract; scheduled passengers can use any company that they wish, and the thought behind that is, a scheduled passenger quite frankly is buyer beware; they've made a decision of which company they want to utilize. A passenger who is walk-up has, in our view, advocated that role to the Airport, and so we try to insure the absolute highest quality possible because in our view the passenger has advocated that decision making role to the Airport.

**Councilmember Kinsey** said Mr. Cagle, you mentioned that there was a pre-proposal conference; do you recall, was it well attended? Did all of the cab companies attend it?

Mr. Cagle said yes ma'am.

Ms. Kinsey said so, they had that information prior to making their proposals back to the Airport; I would like to remind us all that we issue RFPs and RFQs all the time; we get things coming back to us for decisions to be made on contracts, on purchasing, on all sorts of things, and we never go into this kind of detail. If we started doing this on everything, we would be meeting all the time so I really caution us; we had a very sound process, and I absolutely honor the fact that you may disagree, but for goodness sakes let's move on with it. We are going over and rehashing everything, and if we delay this we are just going go through all of this again and we will hear the same things. When we make a decision on a contract, there is always a winner and there is always a loser and sometimes like this there are more losers than winners. I urge us to move on whichever way you feel that is fine, and I certainly respect that, but we are just talking over and over about the same thing and asking questions that we ask back when we met individually with staff, and we should have all of this answered if we were able to do that, so let's move on with it please.

Ms. Mayfield said this is a question for clarification that will maybe help us in the future; do you by any chance know when the surveys were done because a lot of times when you have an application process, especially when staff had to know what was going to be as contentious as this one, where the names of the company removed and it was just strictly looking at the merits of the application, not looking at who the company was, just the merits of the application? Two, is this one sheet that we are looking at basically the criteria that was used for the evaluations or was it more than this one sheet?

Mr. Cagle said to the first question I will answer, but I will also ask Sarah to affirm; the answer is no, the proposal were not reviewed blind so to speak, and the second is, the Evaluation Panel notes that you have are the summary prepared. Sarah do you want to talk about that process?

Ms. Poulton said correct, so we met for an entire day at the Airport; all five members, myself, and a colleague from Procurement to facilitate that process. What you see are the high level notes from the discussion. It is hard to capture and entire day on a piece of paper, so I recognize

that is a challenge, and you don't have the minutes if you will of our discussion, but you have to come to a conclusion at the end of that day and the end of your time evaluating. You are right, it is a challenge that is hard to capture on a sheet, but it is necessary to do that eventually.

Ms. Mayfield said Mr. Cagle, I appreciate the fact that you step out of that process and now what you are presenting to us is based on recommendation, and I'm sure almost everyone around this dais has sat on a nominating committee and had a day to evaluate applications, but are two that I clearly have concern regarding based on the notes and the information that was captured by the Committee. One states driver management, high concern with health and wellness of drivers, do health assessments, relates to customer experience, personality profile application for drivers, recommend for award. Second, franchise fees somewhat high, driver management, no benefits described for drivers, recommend for award. I'm trying to get an understanding with the applications that came in if these are the final notes, how do we recommend if, as was mentioned by my colleagues, that there is no clear identification of what A – F means, how were we able to determine this so that moving forward we can figure out a way to continue to streamline this process? I hear the comments that my colleague made, but the problem is and the reality is for a long time nepotism moved a lot of the conversation, so let's have a real conversation about the impact of what happens with previous contracts that were verbal contracts at the Airport. Trying to streamline this process, I'm just trying to understand, especially if we are considering three years plus giving a City Manager, so whoever is at the dais doesn't matter, the City Manager would then have the authority to just extend these contracts without necessarily having the history of all the dialogue that we are having. It would be helpful to understand those two.

Ms. Poulton said the first one was that the company had a high concern for their drivers, and that was something that was very important to the Airport was that the company was very invested and concerned of their drivers wellbeing. I believe that was the notes from the first one. The second one, I believe was a mix; there were some things that were good about their driver management and some were not as good, but on the balance the team thought that they were still treating their drivers better than they could and meeting more than the minimum requirements.

Mr. Cagle said Ms. Mayfield, I also want you to know that your second comment about verbal agreements;, let me rephrase it this way, about the Airport using best practice, conducting transparent, open processes we do take very seriously and that is what we believe we did with this process and that has led us to the recommendation tonight. We do take that very seriously, and we believe throughout our actions that is the goal that we are striving for and that we have achieved with this process.

Ms. Mayfield said this is what I would share with you; I believe it was with good intention that the Committee came together to identify. I do believe that the recommendation of an allotted number is the best practices and something that we should consider. I have a lot of concern with the language as far as identifying not only this three years, but additional as if it is a given because we did hear whether there was a contractual written understanding or a verbal understanding; there is question, interpretation is just that. They interpret a conversation very differently, but we heard that people were under the understanding that if they made the investment then that will give them access. I don't necessarily agree with that idea, because that put us right back where we are; no-one should assumed they are going to have access to the Airport, but for us to add that additional language in the contract, I think that is setting groups up because if we receive a lot of complaints or concerns regarding that particular company or something happens and that company merges then we are putting ourselves in a difficult situation. It is going to be interesting to see how my colleagues decide to move forward with this discussion, but I will say under the leadership of the Airport we have seen a lot of changes in the last year and a half, that I think has taken us in the right direction; we are just having some growing pains.

Mr. Austin we have a motion on the floor, and it has a second, so I would suggest that if we could do each item separately.

Mayor Roberts said so you want to divide up your motion?

Mr. Austin said yes, A and B together and C separate.

The vote was taken on the motion and recorded as follows:

YEAS: Councilmembers Austin, Autry, Driggs, Eiselt, Fallon, Kinsey, Lyles and Phipps

NAYS: Councilmembers Mayfield, Mitchell and Smith

Motion was made by Councilmember Austin and seconded by Councilmember Mitchell, to deny (C) Authorize the City Manager to renew the contracts for three additional one-year terms.

Ms. Mayfield said are you still trying to get back to three years?

Ms. Lyles said I'm saying options to renew the existing contract for three years based upon a review at two years; so you would have that option if we choose not to execute that option, we could at the two-year period, but if everything is humming along and not changed then we could implement the optional three years.

Mr. Austin said I don't want that to get muddled in my intent; my intent is go back out to all these people that we've locked out for three years and give them an opportunity to participate in the process again. Maybe through that process there will be a better understanding of the matrix that are needed, all the criteria that are needed for the RFP. I don't want to set that up for the next City Manager to come in and all of a sudden say oh, I have the ability to do this. I want it to go back out to the market and try it again for the request for proposal.

Mayor Roberts said that is a very different motion. Is there a second to the substitute motion?

Mr. Smith said point of clarification on the substitute motion; so C as it stands today is three additional one-year terms. Are you suggesting you want one renewal option for three-years or come back for the three one-year?

Ms. Lyles said let me make sure that I say it; a review at two-years where we could make a decision whether or not to execute three additional one-year options and that would come to the Council for review.

Mayor Roberts said and those couldn't start until the end of the third year?

Ms. Lyles said I'm sorry; we would get a report and an assessment after two years under the existing contract, and then we would make a decision on how to proceed. The contract would allow for the options for three additional one-year terms, but we would have that decision made after two-years.

Mayor Roberts said what I'm trying to clarify is since we just voted to do it three years, are you changing that to two-years or just saying the review is two for a year ahead?

Ms. Fallon said it would have to be a year ahead because the Airport Director said that you need 12-months.

Ms. Lyles said so a three-year contract reviewed at two-years.

Mayor Roberts said is there a second for the substitute motion?

Ms. Eiselt said second.

A substitute motion was made by Councilmember Lyles and seconded by Councilmember Eiselt to (C) Review and assess the companies after two years into the contract; City Council will then give direction to the City Manager on whether to execute three additional on-year renewal options.

Mr. Driggs said are the extensions there exercisable by either party?

Mr. Cagle said yes sir. They are not exercisable by either party; they have to be agreed on by both parties. Only the Airport or City Council can choose to exercise, but certainly the vendors the contractor parties have to agree also. So, they are not exercisable by either; they don't have the right to exercise the contract at their will; we have the right to exercise the contract at ours.

Mr. Driggs said so we have the right to advise them that we have decided to renew; they don't have any rights. I'm just trying to understand the difference in essence between this renewal option and just going for three years and then we are talking about an assurance or otherwise of a longer term. Is that right; that we are giving ourselves an out after three-years?

Mr. Cagle said for full transparency, the intent would be if they are successfully completing the term after three-years, all things being equal, they are successfully executing the contract. The Airport, as it did the last five years, would exercise those options and Item C would give the City Manager the right to make that determination. A review at two years, regardless of Option C, I think doesn't prevent you from saying don't exercise the options under any circumstances, and again as Ms. Lyles said, two years gives us the ability, should Council say do not exercise that option, to go back out to RFP. Two-years would give us enough forewarning to prepare and run a new RFP process.

Mr. Driggs said if the City does not exercise, what is the advance notice requirement?

Mr. Cagle said I think it is 90-days or something like that. I would need to check the contract, but memory serves me, which isn't always 100%, 90-days.

Mr. Driggs said so would your motion basically say that we have to extend that notice requirement to a year?

Ms. Lyles said no, I'm not suggesting that the notice, the contract would remain the same. This is how I see it, they are operating; the Airport comes back and gives us an assessment and based upon that assessment I'm assuming a recommendation, you would either decide to continue and it would just roll on, or you would say no we are not comfortable, and we would like for you to exercise the 90-day option when it is time but prepare to go ahead and begin to do that because it takes eight to 12-months to go through the process. Does that make sense?

Mayor Roberts said Mr. Smith do you have a clarification on that?

Mr. Smith said I follow; I think all you are saying is that you want Council to have the right to vote on the extension as opposed to the Manager.

Ms. Lyles said or give direction to the Manager; I'm not say that we have to vote on every one-year, but we would have a conversation and instruct the Manager we are comfortable or we are not.

Mr. Driggs said the way you describe it, it sounds like there could be a presumption on the part of a cab company that was performing perfectly that they would get renewed. From a formal standpoint though, is the renewal entirely at the option of the City without any burden of showing cause why we didn't renew?

Ms. Lyles said yes.

Mr. Driggs said I just want to be clear okay, because if it is then we can do this contract, and we haven't given anything up. We still have the right under the right circumstances to go ahead and change course. I'm just worried about the situation where a company was performing perfectly and thought, based on what you just said, that meant that they were secure.

**City Attorney Bob Hagemann** said let me see if I can put a finer point on what Mr. Driggs is suggesting. You could do a six-year contract with the right to terminate for cause, but you've got a lawsuit. How this is structured and the way the Director has described it, it is contemplated there would be a six-year term, but the City has the legal right to make a discretionary decision at

the end of three years, at the end of four and the end of five on whether to go that next step without buying a lawsuit, because it is totally discretionary.

Mr. Lyles said what I'm inserting is a two-year review so that we can do that and made that decision.

Mr. Driggs said I'm fine with the two-year review.

Ms. Eiselt said does that then allow, after the three-year initial term, if for whatever reason you are removing licenses from certain companies, does that then allow you to bring in another company or are you just redistributing those licenses amongst the four companies?

Mr. Cagle said I would need to clarify further with legal, but our intent would be no that would not bring in new company. A new company would not be brought into the contract without a new RFP process. The methodology to bring forward a new company is always a new RFP process.

Mr. Driggs said there is nothing to stop us from deciding at any point in time after the three-years that we want to start a new RFP process. We don't exercise any of our renewal rights so that option remains available to us.

Mayor Roberts said we have a substitute motion and a second.

Mr. Driggs said we are voting on the substitute motion; we approve C provided that after two-years we will take another look?

Ms. Lyles said that is what it would be.

Mayor Roberts said you have the option to start a new RFP process or to extend.

Mr. Driggs said just decide what we are going to do about our renewal options.

Mayor Roberts said correct.

The vote was taken on the substitute motion and recorded as follows:

YEAS: Councilmembers Driggs, Eiselt, Fallon, Kinsey, Lyles, Phipps and Smith

NAYS: Councilmembers Austin, Autry, Mayfield and Mitchell

Mayor Roberts said that motion passes, so in two years we will have the option to either begin a new RFP which takes several months or to begin the process for renewal.

\* \* \* \* \*

#### **ITEM NO. 14: EMERGENCY SOLUTIONS GRANT FUNDING RECOMMENDATIONS**

**Councilmember Mayfield** said on any given night, we have an average of 400 women and children that are staying at the Salvation Army Center of Hope and 350 men that are staying at the Men's Shelter of Charlotte. Tonight, we do have the opportunity to approve the Housing and Neighborhood Development Committee's recommendation of Emergency Solutions Grant Funding. The allocations are totaling \$272,051 to the men and women's shelter. These ESG funds are allocated annually by the U. S. Department of Housing and Urban Development, which is HUD. Our eligible uses for ESG funds including engaging homeless individuals and families living on the street, improving the quality and operation of emergency shelters, providing essential services to shelter residents, rapidly rehousing homeless individuals and families and preventing families and individuals from becoming homeless. With that said, I would like to make a motion to approve the Housing and Neighborhood Development Committee's recommendation of ESG funds totaling \$271,051 to the Men's Shelter of Charlotte in the amount of \$142,612 and the Salvation Army Center of Hope in the amount of \$129,439, but prior to that, I want to thank my colleagues on Housing and Neighborhood Development for us being able to

move this conversation forward very quickly. We have a need in the community, so my colleagues recognized that so tonight what we are asking for is the approval of this item and we will continue to support the work of preventing homelessness in our community.

Motion was made by Councilmember Mayfield, seconded by Councilmember Fallon, and carried unanimously to approve the Housing & Neighborhood Development Committee's recommendation of Emergency Solutions Grant Fund allocations totaling \$272,051 to the following agencies: Men's Shelter of Charlotte: \$142,612 and Salvation Army Center of Hope, \$129,439.

**Mayor Roberts** said I see our friends from the Salvation Army here in the audience and we appreciate your being here; the Men's Shelter are also here, thank you very much. We hope that helps us with our neighbors and friends who are homeless

\* \* \* \* \*

#### **ITEM NO. 15: GENERAL OBLIGATION BOND REFERENDUM**

**Director of Finance Robert Campbell** said as you all know in the FY2017-2021 CIP the Council approved on June 13, 2016 a referendum for November 2016 and also on the last of agenda at their Business Meeting you authorized staff to move forward with four actions, to conduct the referendum on November 8, 2016, which was mostly applying to the local Government Commission. That is what that dealt with. The item tonight is the second of four of the Council actions and basically it introduces the three bond orders and sets public hearing for July 25, 2016. The next steps would be the actual hearing on July 25, 2016; we would have the public hearing on the bond orders and approve the bond orders and the bond language for the referendum. On November 8, 2016, the voters would vote on the referendum and then we would come back in November to the Council to adopt a resolution to certify and declare the results.

Just a couple of reminders for the Council that no new property tax increases are needed to repay the debt, and if the voters approve the referendum any bonds that would be issued under that authority would come back to the Council prior to any debt issuance.

Motion was made by Councilmember Autry, seconded by Councilmember Lyles, and carried unanimously to (A) Introduce each of three bond orders required for General Obligation Bond Referendum which includes \$148,440,000 of Transportation bonds, \$55,000,000 of Neighborhood Improvement bonds and \$15,000,000 of Housing bonds, and (B) approve a resolution setting a public hearing for July 25, 2016.

The resolution is recorded in full in Resolution Book 47, at Page 481-490.

\* \* \* \* \*

#### **ITEM NO. 16: CITYWIDE RADIOS AND COMMUNICATION EQUIPMENT**

**City Manager Ron Carlee** said this is here largely because of the size of the contract.

Motion was made by Councilmember Lyles, seconded by Councilmember Fallon, and carried unanimously to (A) Approve unit price contracts for the purchase of radios and communication equipment for the term of three years to the following companies: Two Way Radio of Carolina, Motorola Solutions, Wireless Communications, and Communications International, and (B) Authorize the City Manager to renew the contract for up to two, one-year terms with possible price adjustments and to amend the contract consistent with the City's business needs and the purpose for which the contract was approved.

\* \* \* \* \*

**ITEM NO. 17: JUVENILE DIVERSION PROGRAM GRANT**

Motion was made by Councilmember Lyles, seconded by Councilmember Phipps, and carried unanimously to (A) Authorize the City Manager to accept a grant in the amount of \$98,186 from the North Carolina Governor's Crime Commission for the Juvenile Diversion Program to fund two existing positions and expand the program to serve the Town of Matthews, and (B) Adopt Budget Ordinance No. 8066-X appropriating \$98,186 in grant funds from the North Carolina Governor's Crime Commission.

The ordinance is recorded in full in Ordinance Book 60, at Page 132.

\*\*\*\*\*

**ITEM NO. 18: VICTIM SUPPORT GROUP GRANT**

Motion was made by Councilmember Lyles, seconded by Councilmember Mayfield, and carried unanimously to (A) Authorize the City Manager to accept a grant in the amount of \$180,174 from the North Carolina Governor's Crime Commission to fund 1.5 positions for the Victim Support Group, and (B) Adopt Budget Ordinance No. 8067-X appropriating \$180,174 in grant funds from the North Carolina Governor's Crime Commission.

The ordinance is recorded in full in Ordinance Book 60, at Page 133.

\*\*\*\*\*

**ITEM NO. 19: AIRPORT EAST TERMINAL PHASE II CONSTRUCTION**

**City Manager Ron Carlee** said you've heard a lot about the Master Plan, and we've briefed you extensively; this is a \$32 million contract. It is a major project, and we definitely did not want to bury this on Consent.

Motion was made by Councilmember Lyles, seconded by Councilmember Autry, to (A) Approve a contract with Messer Construction Co. in the amount of \$31,807,926.17 for construction management at risk services for the construction of East Terminal Phase II, and (B) Adopt Budget Ordinance No. 8068-X appropriating \$31,807,926.17 from the 2016 Aviation Revenue Anticipation Notes proceeds to the Airport Community Investment Plan Fund.

**Councilmember Mitchell** said Charlotte Business INclusion?

**Mayor Roberts** said we don't have to file a calculation until the end of the project.

Mr. Mitchell and why are we doing that differently instead of getting the participation up front?

**Deputy Aviation Director Jack Christine** said this is a Construction Manager at Risk project which is different from what we do with typical design bid build, so the calculations are done based on when we actually do the bidding for all of the individual pieces of the project. In this case, with it being a CMR not all of the packages are out yet, so we have goals set but we don't have participation because not all of the packages have come back to us. That is why we will come back to you all as we get all those pieces and be able to give you the full picture as they bid out the rest of the work.

Mr. Mitchell said why are we not putting all the bid packages out early?

Mr. Christine said the way CMR works with a project like this we bring to you a GMP (Gross Maximum Price) which is the \$31 million that you see in your agenda. That number is a combination of packages that have been bid out already and packages that have not yet gone out and the CM has estimated what those amounts will be. Until he actually bids out the rest of the

packages, we won't know what the participation is, and that will happen at different points as we go through the construction project. We've done some advance packages so that we can get the project underway but some of those numbers we won't know for another few months.

Mr. Mitchell said so the current packages are out on the street now?

Mr. Christine said not all of the packages are out on the street right now.

Mr. Mitchell said those that are out on the street?

Mr. Christine said those that are out on the street we have so far a utilization of \$4,030,000 which is 13% for MBE; for SBE we have \$1,546,900, which is currently right at 5%, but again not all the packages are bid out yet, so that number is going to adjust.

Mr. Mitchell said why are we doing things differently?

Mr. Christine said you are right we do most of our stuff design bid build; this project is a lot more difficult to execute because of what we are trying to do. There are two main elements of the project; the first one is an addition to the building that adds a food court for additional concession space. That is the easy part; the hard part of the project is we are rebuilding all the vertical circulation that takes passengers from the main terminal down to the E Concourse. Right now we have to escalators, one up, one down, a set of stairs and one elevator. By the time this project is done we will have five escalators, a set of stairs and two elevators, but all that work has to be done while still use that same part of the building. In order to phase the project correctly, we felt like taking the approach of using a CM at Risk construction delivery method was most advantageous to us as the owner so that we can help manage that sequence of events that has to happen in order to maintain the capacity we have right now with those escalators and elevators. When we first started this project, the design, four years ago we anticipated being a design bid build, but as we got into the actual construction phasing and trying to figure out how we were going to do that CM at Risk made much more sense to us.

Mr. Mitchell said you could do a CM at Risk project and still in the very early get your bid packages out so you could make sure you could hit your goal. That is why I'm not comfortable; why we wait until the very end when this dais won't have the opportunity to vote on it, and so three years from now it could come back that we didn't hit our goal. We won't have any say so or to ask you why didn't you hit the goal; why do you have SBE? I do CM at Risk a lot, and we are forced in our bid packages to make sure we hit our goals early before we are awarded the project.

Mr. Christine said if we were to take that approach that would be essentially doing a design bid build and you would just have a CM that was bidding the packages out, because we are trying to get this project going and get it off the ground and start that work, because the sooner we start the sooner we finish. This is a three-year duration project, and it is a project we probably should have started about two years ago. The growth that we've seen on the E Concourse, 46% of the people that travel through the Airport go down those set of escalators. It is just woefully inadequate for what we have for the amount of traffic we have today, so we were taking advantage of the fact that we could get the project going and get those other packages bid later on that will finish out the project. That is just an option of how you do CM at Risk. We will have a similar package for you, probably in August for the Concourse A expansion, that is also being done at CM at Risk. We will be in a very similar situation there where we are going to bring you a gross maximum price that isn't going to have all the packages bid out. That is part of doing a CM project, if you are trying to accelerate it to get the project going.

**Councilmember Lyles** said I think what I hear you saying is that you've established a project goal of 10% for MBE and 8% for SBE, and it is your responsibility to monitor and meet that goal. That is usually something that we do as this dais, and I think what you are really are taking on is the question of if you aren't going to be at that goal or if you are not going to exceed that goal then that puts you in that seat of actually being held accountable for it, and I'm saying that if I were sitting here and anything came in and I may not be sitting here in three years, but if I am then if you came in and said we made it at 9% I'd be very, very –

Mr. Mitchell said there would be nothing you could do about it then.

Ms. Lyles said there would be nothing I could do about it except, I could do something about him.

Mr. Mitchell said you can't fire him.

Ms. Lyles said no but I could give him a hard time. I'm just saying that I think it is a risk that you are taking, and I think the difference is that if you go about it in this way, then there is an expectation to meet those goals or exceed them.

Mr. Christine said yes ma'am.

Ms. Lyles said I'm not quite sure if I understand why a 10% and 8% are established here.

Mr. Christine said the goals were negotiated with the CBI Office and our CBI staff and the contractor. They look at the packages as they are set up, and they determine how much participation they can get in each one of those packages. It is done in a similar way that we do all of our other goal calculations, and those are the goals that they established.

Mr. Mitchell said Jack, let's be careful, and let's make sure we don't put the wrong information out there in the construction world. You can do GC CM at Risk project and still get your 10% and 8% when you turn in your bid. We are just doing it differently by doing it at the end of three years because in the real construction world, they have to turn in their numbers and their goal when they turn in their GMP, but you kept saying we want to do a design bid, and we thought CM at Risk was quicker. I just don't want us to be in the habit of doing CM at Risk and we wait until the project is over to get our numbers; that is not the right model.

Mr. Christine said sure and let me clarify; we are not going to have to wait until the end of three years to tell you what the packages came in and what their anticipated percentages are. We can provide that information as the rest of the packages come in. Every project that we do, you don't know until the end where it truly falls out but if the question is can we provide that information to you as the bid packages come in, we can do that.

Mr. Mitchell said Jack, I've got to push back. So, I'm doing a \$30 million project with UNC-G; the 15% was the MBE participation,; 10% was SBE. I had to turn in how I was going to reach those goals when I turned in my GMP. I had to turn in my goals then when I gave them my guaranteed maximized price, so you keep saying we don't have to turn them in right now. We can wait until later on in the project.

Mr. Christine said that is not an accurate statement.

Mr. Mitchell said If you are saying that is the model we are doing at the Airport I'm okay with that but let's don't act like that is the model out there in the construction community because it is not.

Mr. Christine said I understand the goals are set; we don't know what the participation is for some of those packages yet, because they haven't been bid, but the goals have been set. We are telling you what we know right now, which right now, based on what has been out; there is a 13% utilization of MBEs at \$4 million and then another \$1.5 million of SBE participation right now sitting at 5%. There is \$5.5 million that are going to small and minority businesses in this project today where we sit. There is more opportunity that hasn't been bid out yet, but the goals have already been established; it is 10% for MBE and 8% for SBE so we are not changing the goals as we go, and we're not waiting to see what comes in to set the goal. The goals have been set.

Mr. Mitchell said I just think we need to have an overall conversation Mayor and Council; Manager Ron , I know this is you last meeting, so I want to get you out of here before 11:00 p.m., but this is a \$31 million project. We've got the same 10% goals; we've had for the last eight years. Council, we've got to do better; we have to do better in increasing our participation.

**Councilmember Phipps** said that is a minimum goal, right?

Mr. Christine said it is a minimum, and we are tracking ahead of that for example on the MBE Program by an additional 30%.

Ms. Lyles said what has happened to the DBE Program?

Mr. Christine said DBE is used for federally funded projects; this is not federally funded.

Ms. Lyles said and the Airport doesn't follow that DBE standard?

Mr. Christine said we only follow that for federal projects.

Mayor Roberts said like the tower.

Mr. Christine said the tower is being built by the FAA, but for instance your next action is a taxiway reconstruction project; if we are anticipating pay out E grants for that, we would put DBE goal on that.

**Councilmember Fallon** said are you doing this to accelerate the work?

Mr. Christine said yes ma'am.

Ms. Fallon said I've been there twice in the last year, and neither the elevator or the escalators worked, and it was a back-up at the stairs and men had to help women down with luggage. It was a mess.

Mr. Christine said it is a mess; it is one of those challenging areas of the terminal that we've got to deal with it. Even something as simple if somebody trips on the escalator; that escalator gets shut down until the state can come out and inspect it before we can turn it back on. That means we only have one , and then you've got to choose, is it going to go up or is it going to go down. Eleven times a day you've got a bunch of people trying to go one way or the other, trying to figure out which way you go with that escalator is nearly impossible. We desperately need additional capacity in that area.

The vote was taken on the motion and was recorded as unanimous.

The ordinance is recorded in full in Ordinance Book 60, at Page 134.

\* \* \* \* \*

## **ITEM NO. 20: AIRPORT TAXIWAY C REHABILITATION CONSTRUCTION**

<p>Motion was made by Councilmember Mayfield, seconded by Councilmember Austin, and carried unanimously to (A) Award a contract in the amount of \$8,820,403 to the lowest responsive bidder Hi-Way Paving, Inc., for the construction of the Taxiway C Rehabilitation project and (B) Adopt Budget Ordinance No. 8069-X appropriating \$8,820,403 from the Aviation Discretionary Fund to the Aviation Community Investment Plan Fund.</p>
---

**Councilmember Mayfield** said Mr. Christine would you explain the DBE goals specifically on this one compared to the last project.

**Deputy Aviation Director Jack Christine** said this project is being funded with an AIP Grant, which means we follow the DBE Program for this particular project. Hi-Way Paving, Inc. was the low bidder; I'm sorry. I don't have my note in front of me as to what their percentage, was but I believe they exceed the 9%. That is set by our DBE liaison; that goal is set, and she takes the quantities and the types of work that are required and she runs that through the State DBE data base to find willing and able companies to perform the work and established the goal based on that.

**Summary of Bids**

Aviation advertised an Invitation for Construction Services twice; only one bid was received both times from Hi-Way Paving, Inc.

The ordinance is recorded in full in Ordinance Book 60, at Page 135.

\* \* \* \* \*

**ITEM NO. 22: INFRASTRUCTURE REIMBURSEMENT FOR 17TH STREET AND PARKWOOD AVENUE**

Motion was made by Councilmember Smith, seconded by Councilmember Lyles, to (A) Authorize the City Manager to execute an Infrastructure Reimbursement Agreement in the amount of \$125,189 with 300 Parkwood, LLC for the extension of 17th Street and improvements to Parkwood Avenue, and (B) Modify City-imposed deed restrictions on real property included in the proposed development.

**Councilmember Kinsey** said let me just mention because I've been very involved with this project; this project is on the Blue Line and with this infrastructure reimbursement we are getting five of the 48 units 80% AMI or below for 20-years, and the developer is sitting right up there. Thank you so much. We've been working very hard to get some affordable housing on the Blue Line, it is very needed, and they are doing it for us so thank you very much.

The vote was taken on the motion and was recorded as unanimous.

\* \* \* \* \*

**ITEM NO. 23: APPOINTMENT TO THE DOMESTIC VIOLENCE ADVISORY BOARD**

The following nominees were considered for one appointment for a partial term beginning immediately and ending September 21, 2016:

Dawn Ashwood, nominated by Councilmember Kinsey  
Kawana Davis, nominated by Councilmembers Austin, Autry, Eiselt and Mayfield  
Gurmey Fraser-Darlington, nominated by Councilmembers Driggs and Phipps  
Kerry Shipman, nominated by Councilmember Fallon

Results of the first ballot were recorded as follows:

Dawn Ashwood, 2 votes- Councilmembers Driggs and Kinsey  
Kawana Davis, 3 votes- Councilmembers Austin, Autry and Mayfield  
Gurmey Fraser-Darlington, 5 votes- Councilmembers, Eiselt, Fallon, Lyles, Mitchell and Phipps

Since no nominee received at least six votes, a second vote was taken and the results were recorded as follows:

Kawana Davis, 6 votes, Councilmembers Austin, Autry, Eiselt, Fallon, Mayfield and Mitchell

Ms. Davis was appointed.

\* \* \* \* \*

**ITEM NO. 24: APPOINTMENT TO KEEP CHARLOTTE BEAUTIFUL**

The following nominees were considered for one appointment for a term beginning immediately and ending June 30, 2017:

Brie Carlson, nominated by Councilmember Smith  
Jonathan Giles, nominated by Councilmembers Autry, Driggs and Eiselt  
Deborah Lee, nominated by Councilmembers Austin, Mayfield and Phipps  
Brian Withrow, nominated by Councilmembers Fallon and Kinsey

Results of the ballot were recorded as follows:

Jonathan Giles, 1 vote, Councilmember Driggs  
Deborah Lee, 4 votes, Councilmember Austin, Autry, Mayfield, and Mitchell  
Brian Withrow, 6 votes, Councilmember Eiselt, Fallon, Kinsey, Lyles, Phipps, and Smith

Mr. Withrow was appointed.

\* \* \* \* \*

**ITEM NO. 25: APPOINTMENT TO THE MINT MUSEUM BOARD OF TRUSTEES**

The following nominees were considered for one appointment for a term beginning August 1, 2016 and ending July 31, 2019:

Dawn Ashwood, nominated by Councilmember Smith  
Ena Cook, nominated by Councilmember Autry  
Elizabeth Frere, nominated by Councilmembers Driggs, Fallon and Kinsey  
Marc Jensen, nominated by Councilmembers Austin, Eiselt, Mayfield and Phipps

Results of the ballot were recorded as follows:

Dawn Ashwood, 1 vote, Councilmember Smith  
Ena Cook, 1 vote, Councilmember Autry  
Elizabeth Frere, 3 votes, Councilmembers Kinsey, Lyles and Mitchell  
Marc Jensen, 6 votes, Councilmembers Austin, Driggs, Eiselt, Fallon, Mayfield and Phipps

Mr. Jensen was appointed.

**City Attorney, Bob Hagemann** said just a point of clarification, if they have six votes they have been elected you don't have to do acclamation.

\* \* \* \* \*

**ITEM NO. 26: MAYOR AND CITY COUNCIL TOPICS**

**Councilmember Mitchell** said you have been seeing him around for about a month, but I haven't had the opportunity to introduce my intern Julian Durant. He sat through a very long meeting; he is a rising senior at North Carolina Central University, majoring in finance. Welcome aboard Julian. Thank you.

**Councilmember Smith** said I thank my colleagues that voted with me tonight on the rezoning, and I want the record to reflect, I still don't think that just because a developer does a lot that it means that he deserves to have [inaudible]. That is what they do in order to get something from the City. They went a long way but they didn't go far enough for me. I respectfully disagree but respect your opinions. Be safe; don't run stop signs.

**Councilmember Lyles** said I just wanted to say that I had the opportunity to visit my daughter Iesha Alexander, and she was of KABOOM and she said Mom, you've got to tweet about Charlotte, because the KABOOM play everywhere challenge which is an award of \$1 million, in September, they received over 1,000 applications nationwide. They had 200 finalists and five of those finalists are from Charlotte. The Rail Trail Symphony, Charlotte Center City Partners, they've put instruments, and you play them along the trail; the Imagine Forest and our Sarah submitted, along with I think Wilson and someone else in the office, the Government Center Porch and the last one called Spark, Socialize, Play, Accommodate to reach kids. I have a sense that we are going to do well on this, and I'm really excited. I want to say it takes a lot of innovation to compete nationwide and Charlotte deserves a lot of credit for submitting these ideas. Yay Sarah, keep working and thinking.

**Mayor Robert** said I just wanted to say quickly, I represented Charlotte at the US Conference of Mayors in Indianapolis and met a lot of great Mayors. We had 215 Mayors there and the most interesting seminar was on Sunday when we had the Dahlia Lama and Lady Gaga on stage together talking about kindness and compassion. The Dahlia Lama now has in his possession because I gave him a pin with the City of Charlotte logo, so the Dahlia Lama now has a pin and the message was about – the reason he invited Lady Gaga was because he wanted to reach the young people. The message was that we have too many things that build on fear, division, and hatred, and we should be seeking kindness and compassion in our cities. There is actually a city of kindness momentum in the United States, different cities are taking on acts of kindness and compassion, so we may to sign up; I'm going to find out more about it. That was a very interesting meeting.

**Councilmember Eiselt** said I just want to wish everyone a Happy Fourth of July, may be all bear in mind our lucky we are to live in a country that is free and independent, and may everybody be safe in their journeys over the holiday.

**Councilmember Austin** said I got an opportunity to participate in the Grand Opening of the Rosa Parks Farmer's Market, which is located on Beatties Ford Road, near I-85. It is open every Tuesday from 10:00 a.m. to 2:00 p.m.; I want to make sure everybody goes out there and gets some good fresh God's food.

Mayor Roberts said one last thing I forgot to say on behalf of Corporate Communications and Social Media; we are a doing a thing because July 7, 2016 is 704 which is our area code, so we are doing a fun way to engage the community. Use the hashtag 704 hashtag on Twitter and Facebook Instagram, and if you want to go to [Charlottenc.gov/704th](http://Charlottenc.gov/704th), you can find out more about how to have fun with the 4th of July and our area code.

\* \* \* \* \*

#### ADJOURNMENT

Motion was made by Councilmember Mayfield, seconded by Councilmember Driggs, and carried unanimously to adjourn the meeting.

The meeting was adjourned at 10:30 p.m.



Stephanie C. Kelly, City Clerk, MMC, NCCMC

Length of Meeting: 5 Hours, 16 Minutes  
Minutes completed: July 22, 2016