

Mayor Patrick L. McCrory Mayor Pro Tem Susan Burgess

Michael D. Barnes
Nancy Carter
Warren Cooksey
Andy Dulin
Anthony Foxx

Patsy Kinsey
John Lassiter
James Mitchell, Jr.
Edwin Peacock III
Warren Turner

CITY COUNCIL MEETING
Monday, April 13, 2009

CITY COUNCIL AGENDA
Monday, April 13, 2009

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5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. Mayor & Council Consent Item Questions

Resource: Curt Walton, City Manager

Time: 5 minutes

Synopsis

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

2. National League of Cities/CVS Caremark Prescription Discount Program

Resources: Eric Campbell, City Manager's Office
Kim McMillan, Corporate Communications

Time: 20 minutes

Synopsis

- The National League of Cities (NLC)/CVS Caremark Prescription Discount program began in October 2008. There are approximately 50 cities currently enrolled and fully participating in the program and 60 cities in the developmental and planning stages of the program.
- The discount program is administered by CVS Caremark, a pharmacy benefit management company with a history of administering similar programs beginning in 1992.
- This program is estimated by NLC/CVS Caremark to save citizens of Charlotte an average of 20% off the full retail cost of prescription medications. There is no cost to the citizen to join.
- At the December 8, 2008 Council Business meeting, Council referred this item to the Restructuring Government Committee. On March 26, 2009 the Restructuring Government Committee voted unanimously to recommend participation to Council in the National League of Cities/CVS Caremark Prescription Discount program.
- Presentation will provide an overview of the program and program promotion.

Council Action

The Restructuring Government Committee recommendation is item 14, page 9, of this agenda.

3. **NASCAR Hall of Fame Small Business Opportunity Update**

Resources: Alban Burney, Neighborhood & Economic Development
Jeb Blackwell, Engineering & Property Management
Luther Cochran and Carol Lilly, Turner-BEK-Davis

Time: 30 minutes

Synopsis

- City staff and the Construction Manager will provide an update on the Small Business opportunities associated with the project.
- The presentation will include:
 - Application of the SBO Program to the project
 - Update on the goals and participation on building construction
 - Update on the goals and participation on professional and vendor services
 - Overall summary of goals and participation

Council Action

Agenda item 22, page 18, recommends award of the exhibit fabrication and installation contracts.

4. **Terminate NCDOT Municipal Agreement for Right-of-Way Mowing**

Resources: John Lojko, Engineering & Property Management
Jeb Blackwell, Engineering & Property Management

Time: 15 minutes

Synopsis

- Terminate the municipal agreement which allows the City to mow state rights-of-way within the City limits and be reimbursed by the state.
- The presentation will include:
 - Information/history on the municipal agreement with the NCDOT
 - Uncertainty on reimbursement by NCDOT due to state budget issues
 - Information on Landscape Management budget situation
 - Information on how the service level will change

Council Action

Agenda item 23, page 21, recommends Council action to terminate the municipal agreement which allows the City to mow state rights-of-way within the City limits and be reimbursed by the state.

5. Answers to Mayor and Council Consent Item Questions

Resource: Curt Walton, City Manager

Time: 10 minutes

Synopsis

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

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

6. Recognition of the North Carolina Teaching Fellows

Action: Mayor to recognize UNCC Professor Dr. Misty Hathcock and the 15 Junior Teaching Fellows who will be in the Meeting Chamber audience as they study leadership. The NC Teaching Fellows program provides a \$6,500 per year scholarship for four years to 500 outstanding North Carolina high school seniors who agree to teach in North Carolina for at least four years after graduation.

7. Proclamation to the Carolinas Freedom Foundation for Junior Reserve Officer Training Corps Day

Action: Mayor to recognize Osborne "Obie" Oakley with the Carolinas Freedom Foundation to present him with a Proclamation for "Junior Reserve Officer Training Corps (JROTC) Day" as the Foundation and AT&T celebrate the 6th Annual JROTC Awards on April 16, 2009.

8. Proclamation for Fair Housing Month

Action: Mayor to recognize Angeles Ortega-Moore, Vice-Chair, Charlotte-Mecklenburg Community Relations Committee (CRC) and Willie Ratchford, CRC Executive Director, to present them with a proclamation for "*Fair Housing Month*" and to highlight activities celebrating Fair Housing Month.

Mayor to also recognize Donna Anderson, President, Charlotte Regional Realtors Association (CRRA) to highlight the work of the CRRA Housing Opportunity Foundation and the "*Realtor Care Day*" events and Ken Szymanski, with the Greater Charlotte Apartment Association, to highlight his association's efforts with fair housing.

9. Presentation of Domestic Violence Advisory Board Annual Report

Action: Mayor to recognize Julie Owens, Co-Chair of the City's Domestic Violence Advisory Board, to present the annual report of the Committee regarding domestic violence in Charlotte-Mecklenburg.

CONSENT

- 10. Consent agenda items 26 through 51 may be considered in one motion except those items removed by a Council member. Items are removed by notifying the City Clerk before the meeting.**

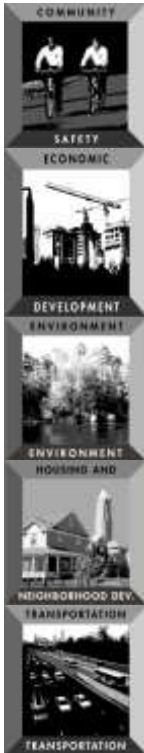
POLICY

11. City Manager's Report

- Mecklenburg County Request for City Support of Federal Appropriation for Chronically Homeless

Attachment 1

12. FY2010 Council Focus Area Plans



Action: Approve the Council Committees' recommended FY2010 Strategic Focus Area Plans for:

- A. Community Safety**
- B. Economic Development**
- C. Environment**
- D. Housing & Neighborhood Development**
- E. Transportation**

Committee Chairs: Warren Turner
 John Lassiter
 Edwin Peacock
 Susan Burgess
 Anthony Foxx

Explanation

- Staff drafted Focus Area Plans for Council's review. The Council reviewed the plans at the annual retreat in February.
- Following the retreat, each Committee reviewed and approved their respective plans. Each initiative has measures for evaluation.
- Changes to the attached plans made by the Committees since the Council's retreat are shown in bold type.

Community Safety

- Reduce crime through enforcement and prevention
- Enhance citizen safety through police visibility and citizen engagement
- Develop recruitment strategies to attract a more diverse applicant base for the Police Department
- Partner with other city and county agencies in enforcement and prevention efforts
- Reduce loss of life and property damage from fires through fire code enforcement and rapid response

Economic Development

- Promote healthy business climate
- Ensure small business opportunity
- Enhance workforce development

- Advance business corridor revitalization and redevelopment
- Promote infill development/redevelopment/transit oriented development
- Advocate business facilitation and business process improvements

Environment

- Support environmental sustainability by making wise decisions regarding growth and development
- Lead and support efforts to improve Charlotte and regional air quality
- Protect natural ecosystem and habitats, including the tree canopy
- Lead by example, adopting sound environmental practices in City facilities and operations
- Collaborate with local, regional and neighborhood partners

Housing and Neighborhood Development

- Improve safety and appearance of neighborhoods
- Conduct a pilot program to connect neighborhoods to jobs, goods and services along a specified business corridor
- Undertake a comprehensive review of the housing policy
- Improve the quality of life trends in challenged, transitioning and stable neighborhood statistical areas
- Increase the supply of affordable housing
- Address deteriorating and blighted non-residential structures
- Address foreclosures in target revitalization areas

Transportation

- Continue implementing Centers, Corridors and Wedges Growth Framework
- Collaborate with local and regional partners to ensure environmental quality and long-term regional sustainability
- Provide convenient and efficient transportation facilities
- Communicate land use and transportation objectives
- Seek financial resources to implement programs and services

Attachment 2

FY2010 Strategic Focus Area Plans

13. 2008-2009 Council Priorities

Action: Adopt the 2008-2009 Council Priorities:

A. Community Safety Strategic Plan

B. Business Corridor Revitalization

C. Long-Range Transportation Funding Strategy

Staff Resources: Eric Campbell, City Manager's Office
Ron Kimble, City Manager's Office
Jim Schumacher, City Manager's Office

Policy

On March 24, 2008 the Mayor and Council adopted the 2008-2009 Council Priorities. At the City Council Annual Retreat in February 2009, Council confirmed the 2008-2009 priorities. A major component of the Community

Safety Priority is the 2008-2012 Community Safety Strategic Plan. City Council reviewed the plan at the December 2008 workshop and the City Council Retreat.

Community Safety Strategic Plan

Goal 1: Adopt 2008-2012 Community Safety Strategic Plan

- Develop enforcement strategies and align police resources to reduce crime at the neighborhood level
- Strengthen partnerships, both with the community and with strategic partners in crime reduction and prevention
- Build trust and confidence in the community through diversity

Goal 2: Expand crime prevention and enforcement strategies

Goal 3: Enhance communications on crime and safety information

Goal 4: Actively seek favorable state/federal legislation and funding

Business Corridor Revitalization

Goal 1: Focus efforts and resources on five priority corridors: Eastland, Beatties Ford, Rozzelles Ferry, North Tryon and Wilkinson/Morehead/Freedom

Goal 2: Coordinate and align public services to support corridor revitalization, including Economic Development, Public Safety, and Neighborhood Development

Goal 3: Promote reuse/redevelopment of underutilized, deteriorated commercial structures

Goal 4: Leverage private sector investment and job creation

Long-Range Transportation Funding Strategy

Goal 1: Communicate the City's integrated transportation and land use growth strategy and infrastructure needs to accommodate the City's projected growth

Goal 2: Engage the community to help define the City's transportation challenges, review current tools and strategies to address transportation needs and develop action steps to enable transportation infrastructure to keep pace with growth

Goal 3: Explore funding options to address transportation funding needs to keep pace with projected growth

Goal 4: Develop a corresponding legislative strategy to implement the necessary transportation improvements to keep pace with growth

Attachment 3

Priority Plans and Major Accomplishments

2008-2012 Community Safety Strategic Plan

14. National League of Cities/CVS Caremark Prescription Discount Program

Action: Approve the Restructuring Government Committee recommendation to join the National League of Cities/CVS Caremark Prescription Drug Program.

Committee Chair: James Mitchell

Staff Resources: Eric Campbell, City Manager's Office
Kim McMillan, Corporate Communications
Justin Amos, City Manager's Office

Explanation

- At the December 8, 2008 Council Business meeting, Council referred this item to the Restructuring Government Committee.
- The National League of Cities (NLC)/CVS Caremark Prescription Discount program began in October 2008. There are approximately 50 cities currently enrolled and fully participating in the program and 60 cities in the developmental and planning stages of the program.
- The discount program is administered by CVS Caremark, a pharmacy benefit management company with a history of administering similar programs beginning in 1992.
- The program is sponsored by CVS Caremark but is not exclusive to CVS pharmacies. The program is offered to a wide range of pharmacy chains and independents that are found on the Caremark network, which potentially would include 90% of all pharmacies in the City of Charlotte.
- This program is not insurance. Discounts are only available at participating pharmacies. By using the card, participants agree to pay the entire prescription cost less any applicable discount. Savings may vary by drug and pharmacy.
- This program is estimated by NLC/CVS Caremark to save citizens of Charlotte an average of 20% off the full retail cost of prescription medications. There is no cost to the citizen to join.
- Staff is currently exploring media partners to increase the exposure of the program without the City spending resources for promotion purposes.
- Citizens will receive discount cards printed by CVS Caremark that will read "City of Charlotte Prescription Discount Program". CVS Caremark would have a small logo on the back of the discount card, which is necessary to receive the discount by the individual pharmacy.
- The Restructuring Government Committee is currently discussing a sponsorship policy for the City that will come to Council at a later time. Council recently approved a partnership with Coca-Cola to promote recycling within the City. The prescription discount program would be different in that a private logo would not be attached to City property or have a budgetary impact.

Budget Impact

- There would be no monetary impact to the City's budget to participate in the program. Caremark will provide marketing materials to the City. The City will use in-house resources to promote the program via media coverage, online (charmeck.org), and on air at the Government Channel.

Key Program Launch Requirements

- To launch the program, NLC/CVS Caremark requires participating member cities to promote and support the program. NLC/CVS Caremark will assign a dedicated implementation team to assist with the launch, which takes an average of eight weeks to complete. The successful launch of the program will require the City to participate in the following steps:
 - Complete the Prescription Discount Program interest form
 - Promote the program to local media outlets: print, television, radio
 - Promote the program throughout city facilities and promote current promotional vehicles
 - Provide citywide discount card distribution points
 - Provide space on City's webpage

Committee Action

- On March 26, 2009 the Restructuring Government Committee voted unanimously (Mitchell, Cooksey, Kinsey and Peacock) to recommend joining the National League of Cities/CVS Caremark Prescription Discount program.

Attachment 4

Citizen and Media Question and Answer Guide

15. Independence Boulevard Transitional Setback



Action: Approve the Economic Development and Planning Committee recommendation for Council to choose Option 1 or Option 2:

Option 1: Direct staff to file a City sponsored zoning and subdivision text amendment reducing the transitional setback on Independence Boulevard (US 74) and hold the public hearing on June 15, 2009, or

Option 2: Indicate intent to consider implementing reduction in the transitional setback along Independence Boulevard through the zoning and subdivision petition 2009-038 scheduled to be heard on April 20, 2009, but recommended for deferral to April 27, 2009.

Committee Chair: John Lassiter

Staff Resources: Laura Harmon, Planning
 Danny Pleasant, Transportation
 Tom Warshauer, Neighborhood and Economic Development

Explanation

- Options 1 or 2 reduce the transitional setback along Independence Boulevard (US 74) from 350 feet to 250 feet (Briar Creek to W.T. Harris Boulevard) and from 350 feet to 280 feet east of W.T. Harris Boulevard. The reasons for reducing the transitional setback are:
 - Through the development process for the Independence Boulevard Area Plan, staff has determined that the ultimate build out of Independence Boulevard requires only 250 to 280 feet in these sections. (This build out provides for a median, implementation of Bus Rapid Transit/Light Rail Transit, one High Occupancy Vehicle/High

- Occupancy Toll lane in each direction, three travel lanes in each direction and one access/deceleration lane in each direction.)
- This reduction in the transitional setback provides an additional 35-50 feet on each side for property owners to build upon. This may assist in the redevelopment of vacant sites along Independence.
 - If Council approves Option 1, the schedule for Council decision would be:
 - Public Hearing: June 15, 2009
 - Council Decision: July 20, 2009
 - If Council approves Option 2, the schedule for Council decision would be:
 - Public Hearing: April 20, 2009 (scheduled)
 - Council Decision: May 18, 2009
 - In either case, staff is proceeding with meetings with the Independence Boulevard Citizen Advisory Group to get input into this recommendation. These meetings are scheduled for April 2 and April 30, 2009. Staff is also planning a public comment session on the entire plan in late June 2009.

Committee Discussion

- The Committee voted 4-0 (Lassiter, Foxx, Carter and Kinsey) to approve this recommendation to Council. Issues discussed by the Committee included:
 - The possibility of reducing the transitional setback even more once decisions are made about the HOV/HOT lanes
 - The impact of this change on the proposed Wal-Mart at Pierson Drive
 - The need to move quickly now that the Independence Plan will make a recommendation to reduce the transitional setback
 - Staff recommendation concerning Zoning Petition 2009-038, which could significantly impact the transitional setback throughout Charlotte

Attachment 5

Presentation to ED & Planning Committee on March 19, 2009

Presentation to ED & Planning Committee on April 1, 2009

16. Resolution to the North Carolina Alcoholic Beverage Control Commission

Action: Consider a resolution to the North Carolina Alcoholic Beverage Control (ABC) Commission supporting the waiver of the three day application waiting period for private bar memberships.

Staff Resources: Tim Newman, Charlotte Regional Visitors Authority
 Ron Kimble, City Manager's Office
 Eddie Levins, Police
 Mark Newbold, Police

Explanation

- NC General Statutes define private clubs as establishments that are organized and operated solely for a social, recreational, patriotic, or fraternal purpose, not open to the general public but open only to members of the organization and their guests.
- For many years, the ABC Commission has enforced the following rules for private clubs who operate with alcohol permits:
 - Business must be open only to members

- New members must submit a written application for membership and the application must be kept on the premises as long as the person is a member
- Membership to the private club cannot be issued to a new member until three days after submitting a written application for membership
- A membership roster with all members' names and addresses in alphabetical order must be kept on the premises at all times
- Proof of membership (membership card) must be issued to the member and kept in his or her possession
- Management and employees cannot solicit members to sponsor non-members who arrive at the door
- The hospitality industry and several private clubs in Charlotte support the waiver of the three day application waiting period for private bar membership.
- All other rules described above would remain in place.
- New Hanover County in North Carolina has already expressed its support for the waiver.
- Waiver of the three day application waiting period will assist visitors in gaining admittance to private clubs, and assist private club owners in having an accurate record of patrons inside the club for which the owner has ultimate responsibility.

Attachment 6

New Hanover County Adopted Resolution
City of Charlotte Proposed Resolution

17. Force Account Legislative Item

Action: Authorize staff to seek legislation to raise the City's force account limit from \$125,000 to \$300,000.

Staff Resources: Boyd Cauble, City Manager's Office
Bob Hagemann, City Attorney's office

Explanation

- Force account is the use of government crews to perform construction and repairs. Mecklenburg County has local legislation pending (House Bill 507 and Senate Bill 437) that would raise the County's force account limit from \$125,000 to \$300,000 for nonutility construction or repair work for park and greenway projects.
- The City's Street Maintenance Division and Charlotte Mecklenburg Utilities believe that raising the City's force account limit would save money and expedite work in certain circumstances.
- Examples of force account work currently performed by City crews include construction of acceleration/deceleration lanes in front of commercial development; and replacement of large process and electrical equipment at the water and wastewater treatment plants.
- Expanding the amount of force account work could reduce the number of construction contracts awarded. Regarding the impact on Small Business Enterprises, the City's SBE policy currently exempts contracts under \$200,000 from goal requirements. Goals are set for contracts above \$200,000, so the loss of contracting opportunities between \$200,000 and \$300,000 could impact SBEs. In addition, SBEs are better situated to

serve as prime contractors for small contracts such as those below \$300,000.

- The force account limit was last raised in 1995 when the limit went from \$75,000 to \$125,000. According to the Bureau of Labor & Statistics, \$125,000 in 1995 dollars converts to approximately \$174,000 in 2009.

18. Recording Economic Development Closed Sessions

Action: Consider the audio recording of economic development closed sessions and provide for the release of the audio recording or verbatim minutes after a decision on the proposed economic development project has been announced.

Staff Resources: Dennis Marstall, Mayor's Office
Mac McCarley, City Attorney's Office

Explanation

- Mecklenburg County recently established a policy of recording all of its closed sessions. In light of this action, Mayor McCrory has placed this item on the agenda.
- The City Council generally uses closed sessions to consider personnel matters, legal claims and lawsuits, property acquisition and economic development transactions.
- This policy action is limited to keeping detailed minutes and recordings of economic development related closed sessions. Because of additional legal restrictions on personnel matters, and in order to protect the City's approach to litigation and property acquisition, those types of closed sessions would not be subject to the new policy.
- Under the Mayor's proposal, once a final decision on an economic development proposal has been announced, the audio recording of the closed session, or verbatim minutes where the matter was discussed, would be available to the public.

BUSINESS

19. Business Investment Grant for GMAC

Action: Approve the City share of a Business Investment Grant to GMAC for a total estimated amount of \$83,704 over three years (total City/County grant estimated at \$236,784).

Staff Resource: Brad Richardson, Neighborhood & Economic Development

Policy

Support the development of an economic environment that attracts new businesses, retains existing businesses and offers a diverse economic mix

Explanation

- Founded in 1919 as a subsidiary of General Motors Corporation, GMAC was established to provide auto dealers with the financing necessary to maintain vehicle inventories and to provide customers a means by which to finance vehicle purchases.
- The company's products and services have since been expanded and now include three primary lines of business: automotive financing, real estate financing and insurance.
- GMAC recently selected Charlotte for the establishment of a new corporate center, housing functions such as finance, human resources, accounting, information technology, marketing, treasury & risk, executives and corporate overhead /administration.
- This project meets all of the Council-approved requirements for a three year Business Investment Grant:
 - A taxable investment of at least \$6 million
 - Creation of 200 new jobs with an average wage of \$96,000 (242% of the local average)
 - There was competition for this project from Detroit, Michigan.
- Additionally, the expansion is estimated to have a total direct economic impact of \$51.7 million per year on Charlotte's economy, and generate annual tax revenues of \$370,000 for the City.
- City Council indicated their intent to approve a Business Investment Grant to GMAC in a closed session on February 2, 2009.
- The Board of County Commissioners indicated their intent to approve a Business Investment Grant to GMAC in a closed session on February 17, 2009.
- On March 20, 2009 GMAC was awarded a Job Development Investment Grant from the State of North Carolina valued at approximately \$4.5 million over nine years.
- If approved, the following schedule is an estimate of the Investment Grant payments to GMAC. This estimate is the City and County share of the grant and represents 90% of net new property taxes paid by the company over three years.

Year	City	County	Totals
1	\$30,295	\$55,405	\$85,700
2	\$27,819	\$50,876	\$78,695
3	\$25,590	\$46,799	\$72,389
Total	\$83,704	\$153,080	\$236,784

- The general terms and condition of this grant include:
 - A portion of the grant must be repaid if the company moves this investment from Charlotte within three years of the end of the grant term.
 - Actual grant payments are based on the value of the investment as appraised by the Mecklenburg County Tax Office.
 - All property taxes due from the company must be paid before a grant payment is made.
- The Board of County Commissioners approved a Business Investment Grant to GMAC on April 7, 2009.

Funding

Business Investment Grant Account; first payment is estimated to occur in FY2011

20. Workforce Development Board Contract Amendment



- Action:**
- A. Amend the City's contract with the Charlotte-Mecklenburg Workforce Development Board (WDB) by up to \$4 million to administer employment training and job placement programs prescribed by the American Recovery & Reinvestment Act Of 2009 (ARRA), and**
 - B. Adopt a budget ordinance appropriating up to \$4 million of ARRA grant funding for local workforce development programs.**

Staff Resources: Brad Richardson, Neighborhood & Economic Development
Deborah Gibson, Charlotte-Mecklenburg Workforce Development Board

Explanation

- On February 26, 2009 the City received notification from the North Carolina Department of Commerce that it will receive approximately \$4 million from the ARRA for expansion of Workforce Investment Act (WIA) job training and employment programs.
- The City is required to contract with the Charlotte-Mecklenburg Workforce Development Board (WDB) for expenditure of funds.

Funding Provisions

Adult and Dislocated Workers

- For FY2009 the City received \$3 million for adult and dislocated worker training and assistance under the Federal Workforce Investment Act. The funds are used to operate five JobLink Career Centers and provide approximately 400 individual training vouchers annually.

- As part of the ARRA, the City will receive approximately \$2.5 million for job training for adult and dislocated workers, representing a 83% increase to the FY2009 funding amounts.
- Eligible recipients of these funds are residents of Mecklenburg County who meet federal poverty income guidelines, as well as persons who have been laid off or notified of an impending plant or business closure. Individuals who have experienced a loss of primary income due to unemployment, divorce, separation, disability or death are also eligible.
- These funds are to be used to provide job search and placement assistance, including career counseling; assessment of skills and needs, and training from eligible providers such as community colleges and universities.
- While the ARRA stipulates that these funds be spent before June 30, 2011, the State Department of Commerce is considering an accelerated schedule for expenditure of these funds.
- The City's contract amendment with the WDB will include the following scope of services for the use of these funds:
 - Increase the number of training vouchers provided to eligible adults and dislocated workers (100% increase or 400 additional)
 - Explore a partnership with the Small Business Technology Development Center and the Kauffman Foundation to support entrepreneurship among the population of dislocated workers

Youth Job Training and Summer Employment

- For FY2009 the City received \$1.4 million for youth activities under the Federal Workforce Investment Act (WIA). This funding is used to serve approximately 250 WIA-eligible youth in Mecklenburg County annually.
- As part of the ARRA, the City will receive approximately \$1.5 million for job training and summer employment for youth, representing a 107% increase to the FY2009 funding amounts.
- Eligible youth must be ages 14-24, economically disadvantaged (i.e., below federal poverty standards or family on government assistance) and have one or more of the following barriers to employment:
 - High school dropout; pregnant (or parenting); in or aging out of foster care; homeless or runaway; youth offenders; deficient in basic math or literacy skills
- These funds can be used to pay stipends for summer employment and work experiences, to hire staff to find youth jobs, or to provide skills training and counseling.
- While the ARRA stipulates that these funds be spent by June 30, 2011, the State Department of Commerce has mandated that 70% (approximately \$1.1 million) be spent by September 30, 2009. The balance of these funds (approximately \$400,000) is to be spent by June 30, 2010.
- To meet this deadline, the WDB issued a Request for Proposals on March 17, 2009 for contractors to provide employment training and summer job placement to eligible youth from May 1 – September 30, 2009.
- The WDB received proposals from the following organizations:
 - Arbor Education & Training
 - BRIDGE Jobs Program
 - Camp Grier
 - D&R Community Development
 - First Presbyterian Church Freedom Schools Program
 - Friendship Community Development Corporation
 - Goodwill Industries of the Southern Piedmont
 - Jacob's Ladder Job Center
 - Lianda Resources

- Monarch Services
- Self Help
- Skill4Industry Foundation, Inc.
- St. Paul Baptist Church
- Urban League of Central Carolinas
- Youth Development Initiatives
- The WDB is currently reviewing the proposals and anticipates awarding contracts at their board meeting on April 24, 2009. The review team includes representatives from Charlotte-Mecklenburg Schools, Central Piedmont Community College, City staff and WDB staff.
- The City's contract amendment with the WDB includes the following scope of services for the use of these funds:
 - Increase the number of WIA eligible youth receiving job training and paid work experiences (100% increase or 500 additional)
 - Coordinate the identification of eligible participants and job development activities
 - Develop a combination of public, private and non-profit summer jobs and work experiences
 - Explore the development of a youth green job corps and community service learning opportunities

Background

- The WDB is responsible for implementing the federally funded Workforce Investment Act (WIA) that provides job training and assistance to unemployed and underemployed workers in Mecklenburg County.
- The City serves as the fiscal agent for the program, and contracts with the WDB on an annual basis to implement WIA services.

Funding

American Recovery & Reinvestment Act Of 2009

Attachment 7

Budget Ordinance

21. Storm Water Federal Stimulus Project Application



Action: Adopt a resolution approving application for federal stimulus grant/loan funding from the North Carolina Division of Water Quality for Muddy Creek/Campbell Creek Restoration up to \$2,194,900.

Staff Resource: Daryl Hammock, Engineering & Property Management

Explanation

- The North Carolina Department of Environment and Natural Resources is the state agency that will administer the federal stimulus funding for storm water projects.
- On March 9 Council approved several resolutions very similar to this one for various storm water, water and wastewater projects.
- In January 2008 Council approved a grant application to the state for this project and staff was notified by the state in August 2008 that this project would be awarded a grant.
- Recent state budgetary issues resulted in the state's grant program and grant awards being placed on hold.

- Fortunately many of the projects on hold, including this project, were selected by the state for further consideration under the federal stimulus funding program.
- City staff was encouraged by the state to reapply for this project using the stimulus funding process.
- The application process for the stimulus funding will use the current state revolving fund application process, which requires the local governing body to adopt a resolution supporting the request for grant and/or loan funding.
- This action will allow staff to proceed with submitting projects for potential stimulus funding within the procedures and deadlines of the state regulatory agencies.

Funding

Stimulus Funds

Attachment 8

Resolution

22. NASCAR Hall of Fame Exhibit Contracts

- Action:**
- A. Approve a contract with Kubik Maltbie, Inc. as primary fabricator and installer of all exhibits (except the racing simulators) as well as displays of racing artifacts and the displays honoring each inductee into the Hall of Fame in the amount of \$9,991,527,**
 - B. Approve a contract with Electrosonic, Inc. to provide all audio-visual system components that support the exhibits (except the racing simulators), and provide a full-time, on-site technician during the first year of operations, in the amount of \$6,652,859,**
 - C. Authorize the City Manager to negotiate and execute a contract with iRacing.com Motorsport Simulations, LLC to provide racing software to be used with race car simulators in the amount not to exceed \$400,000, and**
 - D. Approve a contract with The Sponsorship Services Group, Inc. (SSG) for the design and fabrication of race car simulators in the amount of \$702,972.**

Resources: Tim Newman, Charlotte Regional Visitors Authority
 Winston Kelley, Charlotte Regional Visitors Authority
 Jim Schumacher, City Manager's Office
 Jeb Blackwell, Engineering & Property Management

Explanation

- Construction of the NASCAR Hall of Fame building is progressing on schedule for completion in April 2010 and opening in May 2010. The area of the building where installation of exhibits will begin is scheduled to be ready in December of this year. The firms that will fabricate and install the exhibits have been selected by the project team. Prior to December, they will begin fabricating and testing exhibits in preparation for the beginning of installation in December, to be complete by May 2010.

- The exhibit firms are selected through a qualifications based process, with final scope and price to be negotiated. They submit a proposal outlining their qualifications and approach to the project along with a price, based on Ralph Appelbaum Associates' plan documents.
- The recommended firms were selected based on criteria such as team member experience, company experience with large projects, understanding of project objectives, work plan, and ability to meet schedule. Upon selection, the firms participate in a value engineering process to refine the scope of the work and align the scope with the budget.
- Firms were able to submit for either audio-visual or fabrication or both. Four firms were determined responsive to the request and were interviewed. Three of the four submitted for both audio-visual and fabrication proposals. Since Electrosonic submitted for audio-visual alone and as a team with Kubik-Maltbie, there were only seven, rather than eight, prices in the four proposals.

Firm:	Audio-Visual Scope	Fabricate-Install Scope	Combo Total
Design and Production	\$7,411,246	\$15,816,667	\$23,227,913
Electrosonic	\$5,951,233		
EWI Worldwide	\$8,287,705	\$7,158,459	\$15,446,164*
Kubik-Maltbie	\$6,453,762	\$11,071,078	\$17,524,840**

*with a joint venture audio-visual firm – Edwards Technology

**with a joint venture audio-visual firm – Electrosonic

- Electrosonic was selected for the audio-visual and Kubik-Maltbie for the fabrication/installation, each as an independent contractor. Their contract amounts, after value engineering and negotiation, are shown below. The combined total of these two contracts is less than the three initial proposals that included both components of the work.

Firm:	Audio-Visual Scope	Fabricate-Install Scope	Combo Total
Electrosonic/ Kubik- Maltbie	\$5,152,859	\$8,991,527	\$14,144,386

- The video and audio equipment for the exterior of the building is included in the Electrosonic contract to take advantage of their procurement of similar equipment. The contract totals, with contingency, are as follows:

Item:	Electrosonic	Kubik-Maltbie
Scope after value engineering	\$5,152,859	\$8,991,527
Contingency	\$500,000	\$1,000,000
Building exterior video/sound	\$1,000,000	N/A
Total	\$6,652,859	\$9,991,527

- The fabrication and installation of the racing simulators was separated in the procurement process due to the extremely specialized nature of the product. iRacing.com Motorsport Simulations, LLC will provide the

software for the race car simulators. iRacing will be NASCAR's software partner beginning in 2010, giving them access to all of the track telemetry necessary to create the most accurate, state-of-the-art racing software to simulate track conditions. The software will be continuously updated by iRacing to ensure up-to-date track conditions.

- The Sponsorship Services Group, Inc. will fabricate and install the race car simulators, full-size cars that provide a simulated racing experience utilizing the software and track data provided through iRacing.

Background

- The City of Charlotte and Charlotte Regional Visitors Authority (CRVA), with assistance from Wachovia and Bank of America, submitted a proposal to NASCAR in May 2005 to be the home of the NASCAR Hall of Fame. NASCAR awarded the Hall of Fame franchise to Charlotte in March 2006.
- The Hall of Fame is being constructed on a site adjacent to the Convention Center, along with a new ballroom for convention uses, a 1,000 space parking deck and a privately developed 390,000 square foot office tower by Lauth Development Group.

Small Business Opportunity

- The exhibit fabrication services and audio-visual system contracts combined provide a 6.73% goal, which is higher than any of the initial combined proposals.
- A. Contract with Kubik Maltbie, Inc. for Exhibit Fabrication Services: The City negotiated a SBE goal with Kubik Maltbie, Inc. after the proposal selection process (Part C: Section 2.2 of the SBO Policy). Kubik Maltbie, Inc. committed 4.00% (\$399,661) of the total contract amount to SBEs. Kubik Maltbie will identify SBE firms after award to allow time for due diligence in selecting the best qualified SBEs to perform the work.
- B. Contract with Electrosonic, Inc. for Audio-Visual System Component Services: The City negotiated a SBE goal with Electrosonic, Inc. after the proposal selection process (Part C: Section 2.2 of the SBO Policy). Electrosonic, Inc. committed 10.82% (\$720,131) of the total contract amount to the following SBE firms: MPact Systems, Inc. (\$472,600) and Charlotte Sound & Visual Systems, Inc. (\$247,531).
- C. Contract with iRacing.com Motorsport Simulations, LLC for Racing Software Services: No SBE goal was set for this contract because subcontracting opportunities are not anticipated (Part C: Section 2.4 of the SBO Policy).
- D. Contract with The Sponsorship Services Group, Inc. for Race Car Simulator Fabrication: No SBE goal was set for this contract because subcontracting opportunities are not anticipated (Part C: Section 2.4 of the SBO Policy).

Funding

NASCAR Hall of Fame Capital Account

23. Terminate NCDOT Municipal Agreement for Right-of-Way Mowing

Action: Terminate the municipal agreement which allows the City to mow state rights-of-way within the City limits and be reimbursed by the state.

Staff Resource: John Lojko, Engineering & Property Management

Explanation

- In preparation for the upcoming mowing season, NCDOT staff has been unable to commit to a level of funding or the number of mowing cycles it will reimburse the City. Therefore, staff recommends terminating the municipal agreement. This will result in NCDOT doing the mowing, which they are now preparing to do.
- The City has performed mowing of state right-of-way within the City limits through a municipal agreement with NCDOT since 1976.
- The municipal agreement provided reimbursement to the City for five mowing cycles per year totaling \$110,000, which was revenue/expense neutral.
- Until 2005, the City had been paying for three additional mowing cycles, for a total of eight during the year. This was eliminated in the 2005 budget.
- NCDOT staff plans to do two to four cuts, which likely will leave some areas of high grass on the shoulders. Examples of roadways affected are Pineville/Matthews Road, Providence Road, Independence Boulevard, Albemarle Road, North and South Tryon Street, University City Boulevard, Harris Boulevard, Brookshire Boulevard, Freedom Drive, Wilkinson Boulevard, West Boulevard, Steele Creek Road and Shopton Road.
- NCDOT informed the City in 2008 they want to develop a new municipal agreement for mowing and have additional right-of-way mowed by the City contractor. This would significantly increase the scope of work and require the City to rebid the work.
- Based on revised NCDOT specifications and the current service level of five mowing cycles, it is anticipated the expense could be in a range of \$200,000 to \$250,000. It is uncertain how many mowing cycles NCDOT may reimburse, but the likelihood is that it will be fewer than prior years.

24. Nominations to Boards and Commissions

Action: Nominate citizens to serve as specified. Incumbents may be reappointed at this meeting.

A. BECHTLER ARTS FOUNDATION BOARD

- One appointment for a three year term beginning July 1, 2009
 - Lucinda Gantt is eligible and would like to be reappointed.

Attachment 9
Applications

B. BUSINESS ADVISORY COMMITTEE

- Four appointments for three year terms beginning April 29, 2009
 - Terri Lynn DeBoo, Todd Paris and Gary LaBrosse are eligible and would like to be reappointed.
 - John E. Silvia completed his service and is not eligible for reappointment.

Attachment 10

Applications

C. CHARLOTTE REGIONAL VISITORS AUTHORITY

- Two appointments for three year terms for at-large members beginning July 1, 2009
 - Rai Glover, an at-large member, is eligible and would like to be reappointed.
 - James Nash, an at-large member, completed his service and is not eligible for reappointment.
- One appointment for a three year term for a representative of the restaurant category beginning July 1, 2009
 - Thomas Sasser, restaurant category representative, is eligible and would like to be reappointed.

Attachment 11

Applications

D. CHARLOTTE MECKLENBURG PUBLIC ACCESS CORPORATION

- One appointment for an unexpired term beginning immediately and ending June 30, 2010
 - Billy Scott did not meet the attendance requirement.

Attachment 12

Applications

E. CITIZENS' TRANSIT ADVISORY GROUP

- One appointment for a three year term beginning July 1, 2009
 - Jonathan Goldberg is eligible and would like to be reappointed.

Attachment 13

Applications

F. CIVIL SERVICE BOARD

- Two appointments for three year terms beginning May 16, 2009
 - Norris Anderson and Brenda Johnson are eligible and would like to be reappointed.

Attachment 14

Applications

G. CMUD ADVISORY COMMITTEE

- One appointment for a three year term for a financial expertise representative beginning July 1, 2009
 - George Beckwith, representing financial expertise, is eligible and would like to be reappointed.

Attachment 15

Applications

H. HISTORIC DISTRICT COMMISSION

- One appointment for a three year term for an at-large member beginning July 1, 2009
 - Karen Rush, an at-large member, is eligible and would like to be reappointed.
- One appointment for a three year term beginning July 1, 2009.
 - Barbara Highfill, resident representative, is eligible and would like to be reappointed.

Attachment 16

Applications

I. KEEP CHARLOTTE BEAUTIFUL

- Five appointments for three year terms beginning July 1, 2009
 - Sheridan Bell, Delores Holbrook Dixon, Frederick Hammermann and Alyson Wheeler are eligible and would like to be reappointed.
 - Marc Gustafson resigned.

Attachment 17

Applications

J. NEIGHBORHOOD MATCHING GRANTS FUND REVIEW TEAM

- One appointment for a two year term for a neighborhood representative beginning April 16, 2009
 - Renee Barfield, neighborhood representative, is eligible and would like to be reappointed.
- One appointment for a two year term for a business representative beginning April 16, 2009
 - Jennifer Lynn Sage, business representative, is eligible and would like to be reappointed.

Attachment 18

Applications

K. PAROLE ACCOUNTABILITY

- Two appointments for three year terms beginning June 2, 2009
 - James Bell and Willis Toms are eligible and would like to be reappointed.

Attachment 19

Applications

25. Mayor and Council Topics

Council members may share information and raise topics for discussion.

Introduction to CONSENT

The consent portion of the agenda is divided into three sections: Previously Delayed Capital Projects, Consent I and Consent II.

Previously Delayed Capital Projects are items placed on hold beginning in October 2008 due to the changing economic circumstances. At Council's February Retreat, Council directed staff to continue with the current capital program.

Consent I consists of routine items that have been approved in the budget, are low bid and comply with Small Business Opportunity Program Policy.

Consent II consists of routine items that have also been approved in the budget, but require additional explanation.

The City's Small Business Opportunity (SBO) Program's purpose is to enhance competition and opportunity in City contracting with small businesses in the Charlotte metropolitan statistical area. Participation of small business enterprises (SBE) is noted where applicable. Contracts recommended for award as of March 1, 2003 comply with the provisions of the SBO program policy for SBE outreach and utilization. Professional service contracts recommended for award as of August 1, 2003 comply with the provisions of the SBO program policy for SBE outreach and utilization.

Disadvantaged Business Enterprise (DBE) is a federal program primarily used for Aviation and Transit.

Contractors and Consultants

All contractor and consultant selections follow the Council approved process unless described otherwise. For the procurement of professional services and/or engineering architectural and surveying services, the North Carolina General Statutes 143-64.31 requires that units of government "select firms qualified to provide such services on the basis of demonstrated competence and qualification...without regard to fee other than unit price information, and therefore to negotiate a contract for those services at a fair and reasonable fee with the best qualified firm."

Previously Delayed Capital Projects

Items 26 through 31 are capital projects that were placed on hold beginning in October 2008 due to the changing economic circumstances. At Council's February Retreat, Council directed staff to continue with the current capital program.

Through May 11, the previously delayed capital projects will be highlighted in the business agenda.

Previously Delayed Projects	Project Type	Contract Amount	Estimated jobs supported*
Property Acquisition Services for Colonial Village/Sedgefield NIP	Property Acquisition Services	\$179,100	3 jobs for 6 months
Property Acquisition Services for York/Cama NIP	Property Acquisition Services	\$111,350	5 jobs for 6 months
Property Acquisition Services for Lincoln/Wilson Heights NIP	Property Acquisition Services	\$200,600	3 jobs for 9 months
Engineering Services for Sidewalk Projects (Kimley-Horn and Associates, Inc.)	Engineering Services	\$310,000	4 jobs for 18 months/2 jobs for .5 months
Engineering Services for Sidewalk Projects (Gannett Fleming, Inc.)	Engineering Services	\$150,000	7 jobs for 8 months
Engineering Services for Sidewalk Projects (PBS&J)	Engineering Services	\$200,000	8 jobs for 24 months
Engineering Services for Sidewalk Projects (STV/Ralph Whitehead Associates, Inc.)	Engineering Services	\$150,000	2 jobs for 12 months
Engineering Services for Sidewalk Projects (US Infrastructure, Inc.)	Engineering Services	\$200,000	5 jobs for 18 months
Engineering services for Fred D. Alexander Boulevard Section B.	Engineering Services	\$115,000	2 jobs for 9 months
Design services for McCrorey Heights Neighborhood Improvements	Design Services	\$255,205	7 jobs for 12 months

* Job numbers provided by contractor or firm

Previously Delayed Capital Projects cont'd

Previously Delayed Projects	Project Type	Contract Amount	Estimated jobs supported*
Surveying Services for Capital Improvement Projects	Surveying Services	\$150,000	7 jobs for 10 months
Engineering Services for Johnston-Oehler Road	Engineering Services	\$276,500	26 jobs for 12 months

* Job numbers provided by contractor or firm

CONSENT – Previously Delayed Capital Projects

26. Property Acquisition Services for Neighborhood Improvement Projects

Action: Approve contracts for property acquisition services for neighborhood improvement projects with the following firms:

A. Telecommunication & Industrial Consulting Services Corporation (TELICS) in the amount of \$179,100 for Colonial Village/Sedgefield,

B. Professional Property Services, Inc. (PPS) in the amount of \$111,350 for York/Cama, and

C. Gulf Coast Property Acquisition, Inc. (Gulf Coast) in the amount of \$200,600 for Lincoln/Wilson Heights.

Staff Resources: Mike Knox, Engineering & Property Management
Lamar Davis, Engineering & Property Management

Explanation

- Real Estate Services currently provides acquisition services using in-house and contract resources for capital improvement projects.
- The chosen firms were selected pursuant to a Council-approved qualifications based selection process performed in accordance with the NC General Statutes.
- These projects will provide improvements including curb and gutter, wheelchair ramps, planting strips and storm water improvements in key locations.
- These projects will improve the quality of life for residents and address public safety concerns in Colonial Village/Sedgefield, York/Cama and Lincoln/Wilson Heights neighborhoods.

A. Contract with TELICS in the amount of \$179,100 for Colonial Village/Sedgefield NIP

- Under the proposed contract, TELICS will provide easement acquisition for approximately 209 parcels for construction of the Colonial Village/Sedgefield NIP.
- This project is bound by Ideal Way, Park Road, Scaleybark Road and Industry Road. Other streets included in the proposed improvements are Freeland Lane, Yorkshire Drive and East Cama Street.

B. Contract with PPS in the amount of \$111,350 for York/Cama NIP

- Under the proposed contract, Gulf Coast will provide easement acquisition for approximately 131 parcels for construction of the York/Cama Neighborhood Improvement project.
- This project is bound by I-77, Yancey Road, Heriot Avenue, Industry Road and Scaleybark Road.

C. Contract with Gulf Coast in the amount of \$200,600 for Lincoln/Wilson Heights NIP

- Under the proposed contract, Gulf Coast will provide easement acquisition for approximately 236 parcels for construction of the Lincoln/Wilson Heights NIP.
- Lincoln Heights is located between Russell Avenue, Beatties Ford Road, I-77 and I-85. Wilson Heights is located between I-85, Beatties Ford Road and Friendship Village Place.

Small Business Opportunity

Contracts for the acquisition or lease of real estate shall be exempt (Appendix Section 23.4).

Funding

Neighborhood Capital Investment Plan

27. Engineering Services for Various Sidewalk Projects

Action: Approve amendments for engineering services for sidewalk projects with the following firms:

- A. Kimley-Horn and Associates, Inc. in the amount of \$310,000,**
- B. Gannett Fleming, Inc. in the amount of \$150,000,**
- C. Post, Buckley, Schuh and Jernigan d/b/a PBS&J in the amount of \$200,000,**
- D. STV, Inc. d/b/a STV/Ralph Whitehead Associates, Inc. in the amount of \$150,000, and**
- E. US Infrastructure, Inc. in the amount of \$200,000.**

Staff Resources: Kruti Desai, Engineering & Property Management
Vivian Coleman, Transportation

Contract Amendments for Engineering Services

- These amendments will provide funding for planning, design and construction of additional sidewalk projects which support the City's Sidewalk Program to enhance connectivity, offer transportation choices and improve pedestrian safety.
- The attached sidewalk candidates project list contains projects that have been requested or identified as potential projects for next fiscal year. The candidate list is subject to change as new requests will be evaluated prior to June 30, 2009.
- These amendments will pay for approximately four to six miles of sidewalk and will:
 - Comply with City and Americans with Disabilities Act standards
 - Incorporate the six step process outlined in the Urban Street Design Guidelines
- These firms were selected pursuant to the Council approved qualifications-based selection process performed in accordance with NC General Statutes.

- Multiple firms were selected because the volume of work requires that multiple firms participate in order to complete the work in a timely manner.
- These amendments were anticipated at the time Council approved the original contracts on March 24, 2008.
 - The total contract amount to date for Kimley Horn and Associates, including this amendment, is \$760,000.
 - The total contract amount to date for Gannett Fleming, Inc., including this amendment, is \$450,000.
 - The total contract amount to date for Post, Buckley, Schuh and Jernigan, including this amendment, is \$500,000.
 - The total contract amount to date for STV, Inc., including this amendment, is \$600,000.
 - The total contract amount to date for US Infrastructure, Inc., including this amendment, is \$500,000.

Sidewalk Projects

- Council approved the new Sidewalk Program policy on May 23, 2005.
- All sidewalk locations will be prioritized using the Council-approved policy.
- Work may include curb and gutter, driveway aprons, planting strips, pedestrian bridges, retaining walls or any combination of these improvements.
- The Kimley Horn amendment includes \$110,000 of stormwater funding for design. Three ongoing projects have drainage issues that can be resolved with the proposed sidewalks and make them one project to avoid additional impacts to the public.
- The attachment shows candidate sidewalk projects to be further evaluated.

Small Business Opportunity

A. Kimley-Horn and Associates, Inc.

All additional work involved in this amendment will be performed by the current consultant, Kimley-Horn & Associates, Inc. and their existing subconsultants (Part D: Section 6 of the SBO Policy). Kimley-Horn & Associates, Inc. committed 3.00% (\$9,300) of the total amendment amount to the following SBE firms: Boyle Consulting, PLLC, On-Target Utility Locate, Inc., and Mitchell Consulting, Inc.

B. Gannett Fleming, Inc.

All additional work involved in this amendment will be performed by the current consultant, Gannett Fleming, Inc. and their existing subconsultants (Part D: Section 6 of the SBO Policy). Gannett Fleming, Inc. committed 3.00% (\$4,500) of the total amendment amount to the following SBE firms: Capstone Civil Group, P.A., On-Target Utility Locate, Inc. and Bruce Clodfelter & Associates.

C. Post, Buckley, Schuh and Jernigan d/b/a PBS&J

All additional work involved in this amendment will be performed by the current consultant, PBS&J and their existing subconsultants (Part D: Section 6 of the SBO Policy). PBS&J committed 3.00% (\$6,000) of the total amendment amount to the following SBE firms: Capstone Civil Group, P.A., and On-Target Utility Locate, Inc.

D. STV, Inc. d/b/a STV/Ralph Whitehead Associates, Inc.

All additional work involved in this amendment will be performed by the current consultant, STV Incorporated and their existing subconsultants

(Part D: Section 6 of the SBO Policy). STV, Inc. committed 3.00% (\$4,500) of the total amendment amount to the following SBE firms: Geotechnical Resources, Inc. and Richa Graphics.

E. US Infrastructure of Carolina, Inc.

All additional work involved in this amendment will be performed by the current consultant, US Infrastructure of Carolina, Inc. and their existing subconsultants as well a one new SBE (Part D: Section 6 of the SBO Policy). US Infrastructure of Carolina, Inc committed 3.00% (\$6,000) of the total amendment amount to the following SBE firms: Joel E. Wood & Associates, PLLC, On-Target Utility Locate, Inc. and Richa Graphics.

Funding

Transportation Capital Investment Plan

Attachment 20

List of sidewalk candidate projects to be evaluated

28. Engineering Services for Fred D. Alexander Boulevard Section B

Action: Approve Amendment #4 in the amount of \$115,000 with STV, Inc. d/b/a STV/Ralph Whitehead Associates, Inc. for engineering services on Fred D. Alexander Boulevard Section B.

Staff Resource: Imad Fakhreddin, Engineering & Property Management

Explanation

- Contract amendment #4 provides funding for completion of design documents to proceed with phase two construction of Fred D. Alexander Boulevard. Work includes additional CSXT Railroad coordination, updating culvert design to meet changes in environmental requirements and preparation of water and sewer relocation plans and right of way documents not included in the original contract.
- This work was not anticipated in the previous amendments or the original contract.
 - CSXT required a separate pipe crossing permit which, in past projects, was covered by the construction agreement. This process was also hampered by multiple CSXT personnel changes.
 - After the environmental permits were received for the project, changing environmental requirements caused a redesign of the culvert.
 - Sanitary sewer and water design associated with Fred D. Alexander Boulevard was originally included in a proposed CMU transmission water main project along Fred D. Alexander Boulevard. The work was added to the Fred D. Alexander project when CMU later dropped the transmission main project due to funding constraints.
- The 2006 Transportation Bonds included \$20 million for this project. An additional \$21.5 million was included in the 2008 Transportation Bond referendum to fund section C and the second phase of section B. Section A is being planned and designed as part of the Freedom Drive Widening project and is now titled Little Rock Road Realignment.

Project History

- Fred D. Alexander Boulevard is a proposed multi-lane roadway that will connect Freedom Drive to Brookshire Boulevard, with Section B extending from Freedom Drive to Valleydale Road.
- Engineering and planning to establish an alignment and protect the project corridor began in 1995.
- The project was identified in the West Side Strategic Plan adopted by City Council in June 2000.
- Real Estate acquisition and utility relocation was funded in the 2004 Transportation Bonds.

Contract History

- In January 2001 Council approved the planning and design contract with Ralph Whitehead Associates, Inc. for the Fred D. Alexander Boulevard Section B project in the amount of \$1,110,000.
- City Council approved Amendment #1 in the amount of \$131,832 in January 2002. The amendment provided funds to design an additional bridge and a concrete culvert identified during the planning phase of the project.
- The City Manager approved contract Amendment #2 in the amount of \$95,000 in June 2006. The amendment covered rate adjustments, additional utility coordination and environmental permitting beyond what was anticipated in the original contract.
- Amendment #3, in the amount of \$200,000, was approved by Council in May 2007 and provided for the completion of design documents in order to proceed with phase one construction and for assistance during construction of the two phases. Work included review and approval of shop drawings of three bridges and preparation of separate utility plans not included in the original contract.
- The total contract amount to date, including Amendments #1 through #4, is \$1,651,832 and is still within the project budget.

Small Business Opportunity

All additional work involved in this amendment will be performed by the current consultant, STV Incorporated. This project originated under the MWBE program in 2000.

Funding

Transportation Capital Investment Plan

29. McCrorey Heights Neighborhood Improvements

Action: Approve a contract in the amount of \$255,205 with Gannett Fleming, Inc. for design services for McCrorey Heights Neighborhood Improvements.

Staff Resource: Lamar Davis, Engineering & Property Management

Explanation

- This contract is for the design phase of McCrorey Heights Neighborhood Improvements.
- Council approved a contract with Gannett Fleming, Inc. in the amount of \$149,860 on August 25, 2008 for planning phase services which are now

complete. This design contract will carry forward the planning phase work.

- The Neighborhood Improvement Program provides infrastructure improvements such as curb and gutter, sidewalk, planting strips and storm drainage improvements.
- The chosen firm was selected pursuant to a Council-approved qualifications based selection process performed in accordance with NC General Statutes.

Small Business Opportunity

For services based contracts, the City negotiates SBE goals after the proposal selection process (Part C: Section 2.2 of the SBO Policy). Gannett Fleming included SBEs on their project team; however the work to be completed by the consultant in this phase will not require the services of those SBEs.

Funding

Neighborhood Capital Investment Plan

30. Surveying Services for Capital Improvement Projects

Action: Approve amendment #3 with McKim & Creed, P.A. for additional surveying services in an amount of \$150,000.

Staff Resource: David Snider, Engineering & Property Management

Explanation

- Typical surveying services contracts include but are not limited to boundary, topographical, physical and American Land Title Association Surveys and construction staking.
- Amendment #3 will provide additional funding for surveying services for ongoing capital projects.
- Projects supported by this amendment include the I-277/Caldwell Interchange and the Lincoln/Wilson Heights Neighborhood.
- Council approved the original contract in an amount not to exceed \$200,000 on February 28, 2005.
- Council approved Amendment #1 in the amount of \$350,000 on November 12, 2007.
- The City Manager approved Amendment #2 in the amount of \$95,000 on October 22, 2008.
- State standards for plats have changed, requiring additional service for the Lincoln/Wilson Heights neighborhood, which are covered in Amendment #3.
- The total contract amount to date, including all three amendments, will be \$795,000.

Small Business Opportunity

All additional work involved in this amendment will be performed by the current prime consultant (McKim & Creed, P.A.) and their existing subconsultant (Part D: Section 6 of the SBO Policy). McKim & Creed committed 3.00% (\$4,500) of this amendment to the following SBE: Avioimage Mapping Services, Inc.

Funding

Transportation and Neighborhood Capital Investment Plan

31. Engineering Services for Johnston-Oehler Road

Action: Approve a contract in the amount of \$276,505 with URS Corporation-North Carolina for engineering planning services for Johnston-Oehler Road.

Staff Resource: Jim Keenan, Engineering & Property Management

Explanation

- This contract will provide for an engineering planning study of approximately 2.3 miles of Johnston-Oehler Road from Prosperity Church Road to Mallard Creek Road.
- URS Corporation-North Carolina was selected pursuant to the Council-approved qualifications based selection process performed in accordance with NC General Statutes.
- This contract is for planning services only. After completion of the planning phase, engineering design services will be secured through an amendment to this contract, a new contract or through a new qualifications selection process.

Background

- In May 2006 Charlotte City Council adopted the 25 year Transportation Action Plan (TAP).
- Farm-to-Market (FTM) roads are identified in the TAP and are generally deficient in their ability to adequately serve the rapidly developing urban land uses surrounding them.
- The Johnston-Oehler Road FTM project will provide improved safety and traffic flow in the northern region of the City. Improvements may include additional lanes, sidewalks, bicycle lanes and landscaping.

Small Business Opportunity

For services based contracts, the City negotiates SBE goals after the proposal selection process (Part C: Section 2.2 of SBO Policy). URS Corporation – North Carolina committed 7.03% (\$19,437) of the total contract amount to the following SBE firms: ITS Carolina, PC and Neighboring Concepts PLLC.

Funding

Transportation Capital Investment Plan

CONSENT I

32. Various Bids

A. Storm Water Maintenance FY2009 A EPM

Staff Resource: Gary Wright, Engineering & Property Management

Action

Award the low bid of \$907,175 to Showalter Construction Company, Inc. for construction of Storm Water Maintenance FY2009 A and authorize the City Manager to approve up to three annual renewals of the contract for \$907,175 each. This contract will provide maintenance repairs to existing storm drainage systems and construction of new drainage systems. Individual projects are identified and prioritized based on severity of potential public/private property flooding. Twelve month retainer contracts are set up to provide timely response to maintenance problems.

Small Business Opportunity

Established SBE Goal: 5%

Committed SBE Goal: 5.00%

Showalter Construction Company committed 5.00% (\$45,360) of the total contract amount to the following SBE firm: D's Trucking Service Inc.

B. Storm Water Maintenance FY2009 B EPM

Staff Resource: Gary Wright, Engineering & Property Management

Action

Award the low bid of \$854,825 to Onsite Development, LLC for construction of Storm Water Maintenance, FY2009 B and authorize the City Manager to approve up to three annual renewals of the contract for \$854,825 each. This contract will provide maintenance repairs to existing storm drainage systems and construction of new drainage systems. Individual projects are identified and prioritized based on severity of potential public/private property flooding. Twelve month retainer contracts are set up to provide timely response to maintenance problems.

Small Business Opportunity

Established SBE Goal: 5%

Committed SBE Goal: 5.50%

On Site Development, LLC committed 5.50% (\$47,000) of the total contract amount to the following SBE firms: On Time Construction, Union Paving Contractors and All Points Trucking.

C. Storm Water Maintenance FY2009 C**EPM****Staff Resource:** Gary Wright, Engineering & Property Management**Action**

Award the low bid of \$836,275 to Onsite Development, LLC for construction of Storm Water Maintenance, FY2009 C and authorize the City Manager to approve up to three annual renewals of the contract for \$836,275 each. This contract will provide maintenance repairs to existing storm drainage systems and construction of new drainage systems. Individual projects are identified and prioritized based on severity of potential public/private property flooding. Twelve month retainer contracts are set up to provide timely response to maintenance problems.

Small Business Opportunity

Established SBE Goal: 5%

Committed SBE Goal: 5.50%

On Site Development, LLC committed 5.50% (\$46,000) of the total contract amount to the following SBE firms: On Time Construction, All Points Trucking and Union Paving Contractors.

33. Refund of Property and Business Privilege License Taxes

- Action:**
- A. Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$17,827.87, and**
 - B. Adopt a resolution authorizing the refund of business privilege license payments made in the amount of \$966.27.**

Staff Resource: Dan Pliszka, Finance**Attachment 21**

List of property tax and business license refunds
Resolution

CONSENT II

34. Transfer Ownership of Four City Owned Parcels to Mecklenburg County for Incorporation into Greenway

Action: Authorize City Manager to execute deed conveying ownership of four City owned parcels to Mecklenburg County for greenway development.

Staff Resources: Jeff Reid, Engineering & Property Management
Lynnea Pulver, Engineering & Property Management

Explanation

- Staff recommends transfer of ownership of four City owned parcels to Mecklenburg County for greenway development. The Parcel ID numbers are 143-272-03, 143-272-02, 143-272-06 and 143-272-07.
- These parcels, totaling approximately 21.5 acres, have no marketable value to the City due to their location within the floodplain.
- The parcels are located along the western boundary of the City Park multi-use development, at the former Charlotte Coliseum site (Pope and Land development project). The parcels will become part of the three mile "Loop at City Park" greenway trail, providing pedestrian and bicycle connectivity to the amenities of City Park.
- The four parcels contain approximately .77 miles of the proposed three mile loop.
- Language regarding the need for future storm water and utility easements and the preservation of unused natural areas will be included in the deed.
- This proposed transaction has been through the Mandatory Referral process with the Planning Committee recommending approval.
- The properties would be donated to the County without any exchange of funds, nor would the conveyance be applied to the City/County Ledger system. This is a joint recommendation by City and County staff for several reasons:
 - While these parcels were not part of the original Parks Consolidation, both entities agreed they should be transferred to the County for park use.
 - The County recently approved and transferred dozens of easements to the City at no cost or application to the Ledger.
 - The transfer of these parcels to the County presents an opportunity for the City to eliminate both maintenance expenses and liability for land with no marketable value.
 - The County intends to spend money on improvements that will make this part of the greenway trail.
- The County is working with Pope and Land on a management agreement for the "Loop at City Park" greenway.
- The timeline for this section of the greenway project has not been established.
- Prior to the design phase, the County will conduct community input meetings.

Attachment 22

Maps

35. NCDOT Municipal Agreement for Charlotte Gateway Station

Action: Authorize the City Manager to execute a municipal agreement with the North Carolina Department of Transportation (NCDOT), to partner in the design, real estate use and acquisition for the Charlotte Gateway Station (CGS) project, and to comply with federal grant rules as requested by the Federal Transit Administration (FTA).

Staff Resource: David Carol, Transit

Policy

Transportation Focus Area Initiatives (1, 3 & 5), Transportation Action Plan (Goals 1, 2, & 5)

Proposed Municipal Agreement

- In order for CATS to receive federal funds for the development of the proposed Charlotte Gateway Station (CGS), the FTA is requiring CATS, as the grant applicant, to ensure compliance with all federal grant rules. NCDOT is a partner with CATS in the development of the CGS but it is not a part to the federal grant agreements and therefore, is not legally bound to comply with federal grant rules. For that reason, FTA requires that there be a written agreement with CATS and NCDOT that will obligate NCDOT to comply with applicable federal requirements during the development and construction phases of CGS.
 - This municipal agreement will obligate NCDOT, which owns property designated to be part of the CGS project, to comply with federal requirements.
 - Additionally, CATS and NCDOT agree to review plans and designs at no cost to either party and to acquire or donate certain real properties to the project.
 - The agreement contains an escape clause relieving both parties of their obligations if sufficient federal funding is not awarded for the project.
- FTA has reviewed the proposed municipal agreement and confirmed that it meets federal requirements.
- NCDOT plans to see approval of the agreement by the North Carolina Board of Transportation at their May meeting.

Charlotte Gateway Station Background

- NCDOT and CATS have been jointly advancing a plan to develop an intermodal transportation facility in uptown Charlotte since 2000.
 - The proposed facility is known as the Charlotte Gateway Station (CGS) and would be located between 4th, Graham and Trade Streets along the Norfolk Southern (NS) railroad tracks.
- Congress authorized \$19.8 million in grants to the City of Charlotte for development and construction of local transit improvements as part of the proposed CGS in 2006.
 - The federal grants will fund the majority of the costs associated with the project in the coming years.
 - City Council already has approved the acceptance of the grant funds and in May 2008 approved using part of the funds to acquire property on the west side of the NS tracks between 4th and Trade Streets.

- The federal grants also will be used to acquire the 1.34 acre Greyhound property on which CGS will be built and to make bridge improvements at 4th and Trade Streets.
- CGS would provide a central transportation hub capable of connecting future commuter rail, high-speed passenger rail (Amtrak), streetcar, and bus transit (CATS and Greyhound) and would serve the entire Charlotte region and beyond.
 - CGS would be the initial terminus for the Charlotte-Raleigh-Washington Southeast High-Speed Rail Corridor.
- City Council has received several briefings on the CGS project. The last update occurred at the May 27, 2008 Council meeting. On March 18, 2009, MUMPO received an update on the project.

36. Repair and Replacement of Fire Hydrants, Valves and Associated Equipment Contract Renewal

Action: Approve renewal #3 of the contract with State Utility Contractors, Inc., in the not-to-exceed amount of \$967,056.57 for the repair and replacement of existing fire hydrants, valves, services, and associated appurtenances as needed throughout Mecklenburg County.

Staff Resource: Doug Bean, Utilities

Explanation

- This renewal provides for additional resources to expedite the repair and replacement of fire hydrants, valves and service lines.
- Examples of previous contract period work include: replaced 242 fire hydrants; cleaned and adjusted 280 valves; repaired 75 leaks, and installed 55 commercial taps.
- Original contract awarded by Council on February 13, 2006 in the not-to-exceed amount of \$1,255,416.75, with options to renew for three additional terms.
- Renewal #1, in the not-to-exceed amount of \$1,255,416.75 was approved by Council on February 26, 2007. Renewal #2, in the not-to-exceed amount of \$1,255,416.75 was approved on January 14, 2008.
- Through negotiation, State Utility agreed to reduce the contract amount by 23% to a not-to-exceed amount of \$967,056.57 in order to avoid possible lay-offs of State Utility employees.

Small Business Opportunity

CMU is renewing a contract with State Utility Contractors. No SBE goal was set for this renewal because subcontracting opportunities are not anticipated (Part C: Section 2.4 of the SBO Policy).

Funding

Utilities Capital Investment Plan

37. Hydraulic Modeling for Wastewater Capacity Assurance Program

Action: Approve two contracts to complete the sewer system computer modeling for capacity assurance program project as required in the Environment Protection Agency (EPA) Administrative Order:

A. Brown and Caldwell in the not-to-exceed amount of \$2,914,084, and

B. ID Modeling in the not-to-exceed amount of \$1,923,342.

Staff Resource: Doug Bean, Utilities

Explanation

- One of the requirements of the Utilities EPA Administrative Order requires the development of a Capacity Assurance Program to provide evaluation and certification by a Professional Engineer that the sewer system has adequate capacity for each request for sewer service.
- A requirement of the program is that Utilities must have a computerized model of the sewer system that is capable of predicting the effect on the sewer collection system during peak wet weather periods for each new request for sewer service.
- The sewer system has been divided into two geographic regions with compliance dates of January 2010 and January 2011 for completion of these models.
- Development of these programs requires the installation of over 130 temporary flow monitors in the sewer systems for the next six months and extensive use of the GIS data for calibration of the systems.
- These two firms were selected using the Council-approved qualifications based selection process.

Small Business Opportunity

For service based contracts, the City negotiates SBE commitments after the proposal selection process. (Part C: Section 2.2 of the SBO Policy). For these two contracts, 7.69% (\$372,000) has been identified to be performed by the following SBE: AvioImage. This SBE will be used as a second tier sub and their services will be spread between both contracts. Both Brown & Caldwell and ID Modeling have also negotiated to use 13.16% (\$634,000) with a first tier subcontractor who graduated from the SBO Program last year (Frazier Engineering).

Funding

Utilities Capital Investment Plan

38. Geotechnical Professional Services Agreement for 2009 Annexation

Action: Approve contract with ATC Associates, in the not-to-exceed amount of \$120,000 for geotechnical services associated with the Reedy Creek Interceptor project.

Staff Resource: Doug Bean, Utilities

Explanation

- The adoption of the 2009 annexation requires that approximately 15 miles of gravity sewer be constructed to provide services to the newly annexed areas.
- This is being accomplished through five separate construction contracts, the final of which is item 40, page 42 of this agenda.
- This contract provides for engineering soils testing services during the construction phase of the Reedy Creek Interceptor project.
- ATC Associates Inc. will provide the following services:
 - Excavation and backfill testing
 - Various laboratory tests
 - Asphalt and concrete pavement testing
 - Reinforced concrete testing
- ATC Associates was selected using the Council-approved qualifications based selection process.

Small Business Opportunity

For service based contracts, the City negotiates SBE commitments after the proposed selection process (Part C: Section 2.2 of the SBO Policy). ATC Associates of NC committed 3.00% (\$3,600) of the total contract amount to the following SBE firm: Capstone Civil Group.

Funding

Utilities Capital Investment Plan

39. Pre & Post Blast Surveys and Blast Monitoring Professional Services Agreements for 2009 Annexation

Action: Approve two contracts, for pre and post blast surveys and blast monitoring services, during construction of portions of the Reedy Creek Interceptor and pump station projects:

A. Vibration Control Engineering, Inc. in the not-to-exceed amount of \$230,000, and

B. ESC Carolinas, LLP, in the not-to-exceed amount of \$460,000.

Staff Resource: Doug Bean, Utilities

Explanation

- The adoption of the 2009 annexation requires that approximately 15 miles of gravity sewer be constructed to provide services to the newly annexed

areas.

- This is being accomplished through five separate construction contracts, the final of which is item 40, page 42 of this agenda.
- Blasting will occur during construction of the various phases of the Reedy Creek Interceptor project.
- The services of seismologists are needed to insure that construction blasting specifications are strictly adhered to, in order to help avoid damage to nearby structures.
- Blast monitoring in the field involves seismographic monitoring during all blasting events, documenting ground vibrations, blast durations, and noise.
- The pre-blast surveys are used to document the existing condition of structures within a certain distance to the blasting area prior to blasting activities.
- The two firms selected will perform the following services:
 - Pre-blast surveys of homes, roads, bridges, etc. within a pre-determined radius of the blast zone
 - Post-blast surveys of the same structures following all blasting activities to document the existence of any damage
 - Seismic monitoring during all blasting events
 - Preparation of reports detailing ground vibrations and acoustic levels during all blasting events
- The chosen firms were selected pursuant to a Council-approved qualifications based selection process performed in accordance with NC General Statutes.

Small Business Opportunity

For service based contracts, the City negotiates SBE commitments after the proposed selection process (Part C: Section 2.2 of the SBO Policy). ECS Carolinas, LLP committed 4.00% (\$18,400) of the total contract amount to the following SBE firm: Capstone Civil Group, P.A. For the contract with Vibration Control Engineering, Inc., no SBE participation was negotiated because subcontracting opportunities are not anticipated.

Funding

Utilities Capital Investment Plan

40. 2009 Annexation, Reedy Creek Force Main and Gravity Sewer

- Action:**
- A. Reject the low bidder, Hall Contracting Corp. for failure to meet the minimum experience requirements as stated in the bid document, and**
 - B. Award the lowest responsive bid of \$5,038,615.05 by B.R.S., Inc. for construction of the Reedy Creek Force Main and Gravity Sewer project.**

Staff Resource: Doug Bean, Utilities

Explanation

- The qualifications, as stated in the bid document, required that each bidder have a minimum of at least two projects involving large-diameter sanitary sewer main construction, each with a minimum of 36-inch in diameter and 1,000 feet in length. Both projects were required to be completed within the past ten years.
- Hall Contracting's experience is in the area of sanitary sewer rehabilitation work, not new construction.
- The second low bidder, B.R.S., Inc., was able to demonstrate that they met the requirements as stated in the bid document.
- The works consists of construction of approximately 7,600 linear feet of gravity sewer, and approximately 3,300 linear feet of force main. The work begins at the Reedy Creek pump station located at Reedy Creek and Lower Rocky River Road, extending in a northerly direction along Rocky River Road to the Lower Rocky River influent pump station.
- The adoption of the 2009 Annexation requires that approximately 15 miles of gravity sewer be constructed to provide services to the newly annexed areas. This will be accomplished through five separate construction contracts, of which this is the final phase.

Summary of Bids

Hall Contracting Corporation	\$4,870,069.97
B.R.S., Inc.	\$5,038,615.05
Thalle Construction Co., Inc.	\$5,292,716.21
Buckeye Construction Co., Inc.	\$5,489,859.25
State Utility Contractors, Inc.	\$5,778,737.58
Dellinger, Inc.	\$5,793,258.45
Metra Industries	\$6,073,869.95
Sanders Utility	\$6,129,460.24
Central Builders, Inc.	\$6,836,224.59
RF Shinn	\$6,860,118.07
Gilbert Engineering Co.	\$7,418,809.65

Small Business Opportunity

Established SBE Goal: 5%

Committed SBE Goal: 0.95%

B.R.S. failed to meet the goal, but earned the required number of good faith effort points, thereby complying with the SBO policy. They have committed 0.95% (\$47,825) of the total contract amount to the following SBE firms: Perry's Lawn & Landscaping and Express Logistics Services.

Funding

Utilities Capital Investment Plan

41. Wastewater Bar Screens

Action: A. Approve the purchase of bar screen devices without competitive bidding, as authorized by the sole source exemption of G.S. 143-129(e)(6), and

B. Approve a contract with Vulcan Industries, Inc for the purchase of bar screens, in the not-to-exceed amount of \$524,724 for the Mallard Creek Wastewater Treatment Facility.

Staff Resource: Doug Bean, Utilities**Sole Source Exception**

G.S. 143-129 (e) (6) provides that formal bidding requirements do not apply when:

1. Performance or price competition are not available
 2. A needed product is available from only one source or supply, or
 3. Standardization or compatibility is the overriding consideration.
- Sole sourcing is necessary because there is only one supply source and standardization and compatibility is an overriding consideration.
 - The City Council must approve purchases made under the sole source exception.

Explanation

- Bar screen devices are used in wastewater treatment plants to remove large objects during the first stage to remove all solids from the wastewater.
- These Vulcan Bar screens will remove anything larger than 3/8 of an inch and are used as the first line of defense to protect other equipment such as pumps and grit removal systems that follow the initial removal process.
- The bar screens are needed to replace the existing ones on the Influent Pumping Station at Mallard Creek Water Reclamation Facility (WRF).
- Currently Vulcan bar screens are installed in other Utilities' wastewater treatment facilities. Standardizing these screens will reduce overhead, parts inventory, training cost to Utilities, and allow interchangeability of the Bar screens with other plants.
- The existing bar screens were damaged as a result of severe flooding on August 27, 2008.

Small Business Opportunity

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

Funding

Utilities Capital Investment Plan

42. Utilities Participation in Mecklenburg County Floodplain Buyouts along Briar Creek

Action: Approve an agreement with Mecklenburg County for floodplain buyouts of two properties on Country Club Drive for a total of \$394,000 through the Mecklenburg County floodplain buyouts program.

Staff Resource: Doug Bean, Utilities

Explanation

- The buyout agreement achieves an estimated \$1.5 million cost avoidance for the Briar Creek Relief Sewer Project.
- The next phase of the Briar Creek Relief Sewer comes within such close proximity to two homes that the only way to get through this area, without removing or damaging these two homes, will be to use a tunnel boring machine, which would increase the cost of construction approximately \$1.5 million.
- The property owners are both willing to sell their homes for a total of \$394,000. Once purchased, the homes will be demolished.
- Mecklenburg County will fund \$40,000 for the demolition of the homes.

Background

- After the floods in August 2008, Mecklenburg County Storm Water Services initiated the buyout of several properties along Briar Creek that were flooded.
- Properties at 3726 Country Club and 3717 Country Club had flooding in their crawl space but not their living space; thus they were not eligible directly through the FEMA grants that funded the other floodplain buyouts in this area.

Funding

Utilities Capital Investment Plan

43. CharMeck 311 Business Process Mapping

Action:

A. Approve a professional services contract with Ventana Multimedia for consulting services for an initial term of one year, in an amount not to exceed \$150,000, and

B. Authorize the City Manager to negotiate and approve up to two, one year renewal options contingent upon the company's satisfactory performance, and continued project funding.

Staff Resources: Kimberly Laney, City Manager's Office - CharMeck 311
Saskia Thompson, City Manager's Office

Explanation

- This consulting contract with Ventana Multimedia will provide business process mapping & documentation of citizen contacts and business processes established for City response and service delivery.

- Effective documentation and business process mapping are required next steps to achieve progress toward the City's Customer Relationship Management (CRM) solutions.
- This documentation and evaluation of service delivery is required to ensure a consistent, high quality standard in the customer service experience across the multiple City business units. Additionally, these efforts will continue to better provide transparency to service requests and feedback on results and citizen satisfaction.
- CRM solutions are needed to ensure process efficiencies including establishing a clear customer care strategy for multi-channel/high volume operations.
- Ventana Multimedia was selected because of qualifications for this work and previous experiences – including the City of Charlotte. The vendor successfully identified opportunities for improving citizen service delivery while documenting business processes for transition of services from Charlotte Mecklenburg Utility Billing to CharMeck 311.

History

- CharMeck 311 launched on July 1, 2005 with annual call volume of 1.3 million. Current projection for FY2009 is 1.7 million calls.
- City Council approved CharMeck 311's restructuring plan in February 2008. This reinvestment created the opportunity for CharMeck 311 to fulfill the City Manager's and Council's expectations for comprehensive citizen service.
- The restructuring plan calls for evaluating citizen contacts & developing solutions to optimize business processes while leveraging existing technologies.
- Having stabilized operations during the last 18 months, CharMeck 311 is now positioned to focus on preparation of an effective CRM strategy.
- These contracted services are essential preparation for the foundation and successful achievement of comprehensive citizen service.

Small Business Opportunity

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

Funding

CharMeck 311 Operating Budget

44. Airport Traffic Control and Security Guard Services Contract

Action: Approve a three year contract with G4S Wackenhut Security for Airport Traffic Control and Security Services in the amount of \$2,100,000.

Staff Resource: Jerry Orr, Airport

Explanation

- After September 11, 2001 the Airport used a combination of Airport personnel and temporary employees to comply with additional federal security mandates.

- In February 2004 Council approved a contract with Weiser Security to provide security services. This contract was amended shortly afterwards to add curbside traffic control and has now expired.
- In January 2009 the Airport sought proposals for this contract. The request for proposals generated 15 responses. A Selection Committee consisting of Airport staff and an Airport Advisory Committee member short listed and interviewed five of the companies. The evaluation team selected G4S Wackenhut Security due to their cost proposal, qualifications, quality of their presentation and references.
- This contract will provide uniformed traffic control personnel on the Airport terminal's upper and lower level curbsides and other security guard services.
- The contract term is three years.

Cost Structure

- The agreement requires the contractor to provide 908 man hours per week. However, for security-related contingencies and short term unanticipated service level increases, the Aviation Director may seek additional man hours at the contracted hourly rates.
- The employees will be responsible for a range of security guard functions as directed by the Airport.
- There are seven guard positions with hourly rates ranging from \$9.00 to \$11.25 per hour depending on specific responsibilities. The annual cost includes a 42% company markup which fell in the middle of all the companies who submitted proposals, which ranged from 31%-64%.
- The contract also provides for the consideration and approval of rate adjustments by the Aviation Director.

Small Business Opportunity

For service based contracts, the City negotiates SBE commitments after the proposal selection process (Part C: Section 2.2 of the SBO Policy). For this contract, security services was the only opportunity identified for subcontracting, and at the time of the proposal, there was only one SBE available in this service scope. Attempts were made to negotiate with them as a subcontractor; however, their rates were significantly higher than the prime contractor's rates. The SBO office reviewed this contract for subcontracting opportunities and concurs with Aviation's recommendation.

Funding

Airport Operating Budget

45. Airport Telecommunications Antenna Site Lease

Action: Approve a five year lease with T-Mobile South, LLC for a telecommunications antenna and related facility site on the Airport's rotating beacon.

Staff Resource: Jerry Orr, Airport

Explanation

- The Airport constructed a 134 foot tall tower for the FAA required rotating beacon in 1999. It was designed to accommodate up to four telecommunication antenna systems.

- T-Mobile South, LLC, the latest successor to the original user AT&T Wireless Services, will have exclusive use of 486 square feet of land and the right to attach three antennas and related equipment. The term is for five years beginning January 1, 2009 at a rental of \$3,500 per month with 3% annual escalations.

46. Fire Apparatus Rescue Equipment

Action:

A. Approve the purchase of rescue equipment without competitive bidding as authorized by the sole source purchasing exemption of G.S. 143-129 (e) (6), and

B. Approve the purchase of rescue equipment from Phoenix Rescue Company in the amount of \$100,000.

Staff Resource: Rich Granger, Fire

Sole Source Exemption

- G.S. 143-129 (e) (6) provides that formal bidding requirements do not apply when:
 1. Performance or price competition is not available;
 2. A needed product is available from only one source of supply; or
 3. Standardization or compatibility is the overriding consideration.
- Sole sourcing is necessary because the equipment must be interchangeable and compatible with the existing hydraulic rescue equipment used on existing apparatus. Phoenix Rescue Company is the only vendor that can provide compatible and interchangeable equipment.
- Sole source purchases require City Council approval.

Explanation

- The Charlotte Fire Department has two heavy rescue companies that carry a comprehensive set of rescue equipment that is used to extricate victims from their vehicles. The heavy rescue companies are located at Station 10 off Wilkinson Boulevard and Station 3 on Monroe Road.
- Urban Area Security Initiative (UASI) grant funds will be used to purchase hydraulic rescue equipment for the two rescue companies.
- Examples of equipment to be purchased include metal cutting tools, metal spreaders, devices to stabilize the load/weight, and hydraulic pumps to lift the load/weight.

Small Business Opportunity

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

Funding

2006 UASI Homeland Security Funding

47. Fire Turnout Gear Contract Amendment

Action: Amend the unit price contract with Carolina Fire Services, Inc., to include an additional \$194,250 annually. This would bring the annual contract total to an amount not to exceed \$388,500 for the purchase of 300 sets of turnout gear (jacket and pants) for each of the three remaining one year renewal terms.

Staff Resource: Rich Granger, Fire

Explanation

- City Council approved this contract on August 27, 2007 in the amount of \$194,250 for the purchase of 150 sets of turnout gear annually for the term of one year, and authorized the City Manager to renew the contract for four additional one year terms.
- The contract was renewed in 2008 for the second one year term.
- This year the Fire Department has purchased replacement gear in the amount of the existing contract. However, the City now has an opportunity to use 2006 Urban Area Security Initiative (UASI) funds to purchase a second set of turnout gear for the Haz-mat and Urban Search and Rescue teams since their gear wears out much faster. This is also an opportunity to purchase additional turnout gear to comply with the revised NFPA standard for turnout gear maintenance and repair. The existing contract must be increased to allow this purchase.

Small Business Opportunity

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

Funding

Fire Department Operating Budget \$194,250
UASI Grant \$194,250

48. Annexation Street Maintenance Resolution

Action: Adopt a resolution to transfer maintenance for 50 streets from the North Carolina Department of Transportation (NCDOT) to the City of Charlotte.

Staff Resource: Layton Lamb, Transportation

Explanation

- On March 23 City Council approved a related item to transfer maintenance for 121 streets from the NCDOT to the City. There were three streets omitted from the March 23rd list and 47 that were recently added based on updated NCDOT information. This action adds 50 streets (see attachment).
- The City accepts State maintained streets upon request and mutual agreement and/or when the streets are within an annexed area and not part of the NCDOT primary road system.
- The streets included on this list are located in the 2009 Annexation areas approved by City Council and are currently maintained by NCDOT.

- These streets are not on NCDOT's primary road system and qualify for maintenance under the City's Street Maintenance Policy.
- This resolution requests NCDOT transfer maintenance responsibility for the attached lists of 50 streets to the City.
- The transfer will take place on June 30, 2009. Upon completion of the transfer, the City will receive Powell Bill funding for the newly maintained streets.

Funding

Powell Bill Street Maintenance Fund

Attachment 23Street Listing
Resolution**49. Settlement of Workers' Compensation Claim**

Action: Approve a payment of \$281,819.09, in full and final settlement of a Workers' Compensation claim for Charlotte Mecklenburg Utilities employee Danny Williams.

Staff Resource: Dan Pliszka, Finance**Explanation**

- This payment will be a full and final settlement and will be reimbursed by the City's excess insurance carrier.
- On March 18, 2003, Mr. Williams was injured in a work-related accident.

Funding

Risk Fund

50. Property Transaction

Action: Approve the following property transaction (A).

Acquisition

- A. Project:** Dorman Road Area Sanitary Sewer Outfall to McAlpine Waste Water Treatment Plant, Parcel # 3.1
Owner(s): Parkway Crossing Partners, LLC
Property Address: Dorman Road
Property to be acquired: 2,244 sq. ft. (.052 ac.) in Sanitary Sewer Easement, plus 1,664 sq. ft. (.038 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$10,766
Remarks: Compensation was established as a result of damages.
Zoned: BP- Business Park
Use: Commercial
Tax Code: 221-101-66

Total Parcel Tax Value: \$326,700

51. Meeting Minutes

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

- February 23, 2009
- March 4, 2009 Budget Retreat