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Michael Barnes

John W. Lassiter

Nancy Carter

Don Lochman

Andy Dulin

James Mitchell, Jr.

Anthony Foxx

Patrick Mumford

Patsy Kinsey

Warren F. Turner

CITY COUNCIL MEETING

Monday, December 11, 2006

CITY COUNCIL AGENDA

Monday, December 11, 2006

TABLE OF CONTENTS

<u>Item No.</u>		<u>Page No.</u>	<u>Attachment No.</u>
5:00 P.M. Dinner Briefing			
Conference Center			
1.	2007 Legislative Agenda	1	1
2.	Central Yard Relocation Study	2	2
3.	Options for Congestion Mitigation Air Quality Funds	2	3
4.	Housing Trust Fund Homeownership Project Recommendations	3	4
5.	Williamsburg Neighborhood Curb and Gutter Assessment	4	5
6.	Committee Reports by Exception	5	
7:00 P.M. Awards and Recognitions			
Meeting Chamber			
Consent			
7.	Consent agenda items 23 through 41 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.	6	
Zoning			
8.	Rezoning Petition 2006-131	7	6

<u>Item No.</u>		<u>Page No.</u>	<u>Attachment No.</u>
Policy			
9.	City Manager's Report	8	
10.	Small Business Opportunity Program Revisions	8	7
11.	Alternative Revenues	9	8
12.	Budget Process and Calendar	11	9
13.	Mecklenburg County Authority Relative to the Transit Budget	12	10
Business			
14.	NASCAR Hall of Fame Office Building	14	11
15.	NASCAR Hall of Fame Certificates of Participation	16	12
16.	NASCAR Hall of Fame Professional Services Contracts	17	
17.	Williamsburg Neighborhood Curb and Gutter Assessment	18	5
18.	South Corridor Light Rail Project Change Orders	21	
19.	Transit Procurement Process	22	13
20.	North Tryon Redevelopment Plan	23	14
21.	Mayor and Council Topics	24	
22.	Closed Session	24	

<u>Item No.</u>	<u>Page No.</u>	<u>Attachment No.</u>
-----------------	-----------------	-----------------------

Consent I

23.	Various Bids		
	A. South Corridor Infrastructure Program Landscaping Package A	25	
	B. South Corridor Infrastructure Program Landscaping Package F	26	
	C. Medium Voltage Switchgear Lineup and Synchronous Motor Starters	26	
	D. FY07 Water and Sanitary Sewer Service Installations	26	
	E. Davidson Area Water and Sanitary Sewer Improvements	27	
	F. Traffic Signal Fiber Optic Cable and Conduit Construction on the Billy Graham Parkway, Tyvola Road, Nations Ford Road and West Boulevard Projects	27	
	G. Bus Operations Maintenance Parts	28	
24.	Refund of Property Tax and Business License Tax	28	15
25.	Resolution of Intent to Abandon Street and Set Public Hearing for a Portion of an Unnamed Right-of-Way Running off of Vance Street	28	16
26.	Resolution of Intent to Abandon Street and Set Public Hearing for Pinewood Avenue Located Between St. Mary Avenue and Mariam Drive	29	17

Consent II

27.	General Obligation Commercial Paper Reauthorization	30	18
28.	Queens University Agreement for Jonas Federal Courthouse	31	19
29.	Pedestrian Light Poles and Fixtures	32	

<u>Item No.</u>		<u>Page No.</u>	<u>Attachment No.</u>
30.	Clanton Road Pedestrian Safety	33	
31.	South Corridor Infrastructure Program Package C-DeWitt Lane Extension	34	
32.	Transit Pass Printing Services	35	
33.	Airport Heavy Maintenance Hangar Electrical Maintenance Contract	36	
34.	Airport East Daily Parking Deck	36	
35.	Municipal Agreement to Relocate and Adjust Water and Sewer Lines along I-485 from Oakdale Road to Old Statesville Road	37	20
36.	Contract for Police Background Investigations	38	21
37.	Declaration of Withdrawal for an Unopened Portion of Right-of-Way off Weyland Avenue	39	22
38.	Declaration of Withdrawal for a Portion of an Alleyway Located off West Sixth Street	40	23
39.	Sale of Property to Duke Energy for Sub- Station	41	
40.	Property Transactions	42	
41.	Meeting Minutes	43	

5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. Proposed 2007 North Carolina Legislative Agenda

Resources: Boyd Cauble, City Manager's Office
Key Business Executives

Time: 45 minutes

Synopsis

- Council will review and discuss issues to be included in the City's 2007 North Carolina Legislative Agenda. Key Business Executives submitted local issues for Council consideration. Council Committees have reviewed most of the following local requests. The following local items are for Council's consideration:
 - CATS: Amend City Charter regarding competitive proposal procurement and transit contracts
 - CATS: Amend State Statutes regarding complying with licensing requirements for bids and contracts
 - CATS: Operate buses in excess of maximum length of vehicles (currently 40 feet)
 - CDOT: Transportation Legislative Goals
 - CMU: Permission to Utilize Design/Build Contracts
 - Engineering: Permission to Conduct Electronic Bidding
 - Economic Development: Revise Underwriter Laboratory Inspection requirements
 - Finance: Expand investment authority for managing long term trust type funds
 - Police: Continued increased funding for criminal justice system
 - Police: Street Gang Prevention Act (HB50)
 - Police: Auto Theft – Wrecker and Tow Service
 - Police: Auto Theft – Chop Shop Act modeled after South Carolina
 - Police: Armed Robbery – Firearms should include a mock or apparent firearm
 - Police: Window Tint – regulate businesses
 - Police: Driving While License Revoked
- The final legislative package will be reviewed and approved by Council on January 8. The Council approved legislative priorities will then be presented to the Mecklenburg Legislative Delegation at a breakfast meeting on January 22, 2007.

Future Action

Request for Council Approval during January 9, 2007 City Council Meeting.

Attachment 1

Proposed 2007 North Carolina Legislative Agenda
Schedule of Proposed 2007 NC Legislative Requests Presented to Council
Committees

2. Central Yard Relocation Study

Resources: Michelle Haas, Engineering & Property Management
Jim Schumacher, Engineering & Property Management

Time: 20 minutes

Synopsis

- On September 5, 2006 City Council directed staff to do a full cost study for moving Central Yard as it exists today in Belmont to the Airport. Staff prepared a report outlining the associated costs and presents the report to City Council for information and comment.
- Staff will give a brief overview of the report outlining the following:
 - Current Central Yard Operations
 - Approved plan and budget for facilities upgrade
 - Options under consideration
 - Airport Option Costs
 - Revenue from the sale of Central Yard
 - Schedule

Attachment 2

Central Yard Relocation Study

3. Options for Congestion Mitigation Air Quality

Resources: Jim Humphrey, Transportation
Don Willard, Air Quality Director, Mecklenburg County

Time: 15 minutes

Synopsis

- At the November 6 Council workshop, Peter Pappas, Chair of the Regional Air Quality Board, and Dave Franchina, representing the Charlotte Chamber, presented Council with the preliminary results of Clean Air Works! (CAW), the public-private pilot program to reduce ozone emissions this past summer.
- The Council was asked to direct its MUMPO representative, Council member Pat Mumford, to approve use of CMAQ funds for a 2007 CAW program. Questions were raised about the program results, consultant contract expenditures and other options for use of CMAQ funds. Council deferred action on directing the MUMPO representative vote.
- The 2006 Clean Air Works! program was funded by a combination of \$500,000 in CMAQ funds approved by the Council and up to \$500,000 in Mecklenburg County funds.

- The dinner presentation will discuss the following:
 - purpose of CMAQ funds,
 - how funding is allocated by the MUMPO
 - 2006 Clean Air Works! expenditures
 - final results
 - how the program compares to other projects eligible for CMAQ funding
- The final Clean Air Works! report is included in the Council packet of Wednesday, December 6. This report was prepared by the pilot program consultant, URS.

Future Action

- On January 8, City Council will be asked to direct Council member Mumford's vote on CMAQ funding at the mid-January MUMPO meeting.

Attachment3

Executive Summary, Clean Air Works! 2006 Final Report of Clean Air Works!

4. Housing Trust Fund Homeownership Project Recommendations

Resource: Stan Wilson, Neighborhood Development

Time: 15 minutes

Synopsis

- Brief the City Council on two housing developments recommended for funding through the Housing Trust Fund (2004 voter approved housing bonds).

Charlotte Mecklenburg Housing Partnership

- 40 units of new construction to be located in the Druid Hills neighborhood (one of the City's targeted revitalization neighborhoods) with a City funding recommendation of \$613,115.
- The total development cost is \$5,244,526.
- The units will serve households earning 31% to 80% of area median income (\$19,320 to \$51,520 for a family of four).
- The prices of the homes range from \$120,000 to \$135,769.

Habitat for Humanity

- 32 units of new construction to be located in the various revitalization neighborhoods with a City funding recommendation of \$480,000.
- The total development cost is \$2,665,600.
- The units will serve households earning 31% to 60% of area median income (\$19,320 to \$38,640 for a family of four).
- The prices of the homes range from \$70,300 to \$86,300.

Background

- On November 8, 2004, City Council approved a Housing Trust Fund allocation of \$1,394,713 for homeownership development in the City's revitalization neighborhoods.
- On November 18, 2005 a Request for Proposals (RFP) was issued to development teams to build homeownership units in the City's targeted revitalization neighborhoods.
- Staff received three proposals from developers. One proposal did not meet the requirements. The remaining two proposals were evaluated and ranked by staff based on the *Affordable Housing Loan and Grant Guidelines* and RFP Evaluation Criteria adopted by the Housing Trust Fund Advisory Board.

Future Action

- City Council will be requested to consider the Homeownership project recommendations at their January 8, 2007 meeting.

Attachment 4

Individual Project Summary Reports

Evaluation Criteria – Homeownership Housing

Vicinity Maps of proposed housing developments

5. Williamsburg Curb & Gutter Assessment Roll

Resources: Susan Lewis, Engineering & Property Management

Time: 10 minutes

SynopsisWilliamsburg Neighborhood Petition

- The Provincetowne Storm Water Improvement Project included improvements to the roadside ditch systems within three neighborhoods built in the 1980s under County jurisdiction. The three neighborhoods are located off Ballantyne Commons Parkway: Williamsburg, Colony Woods and Provincetowne.
- 75% of property owners in the Williamsburg Neighborhood petitioned City Council for drainage improvement upgrades in the way of curb and gutter, meeting both State Statutes and Storm Water Services policies.
- State Statute's authorize cities to make improvements to abutting properties, while levying special assessments for such purposes.
- Council-adopted Storm Water Services policies require cost sharing when property owners request upgrades in repairs to drainage improvements.

Past Council Actions

- Council held public hearing and approved Assessment Resolution on March 22, 1999.
 - Council directed Storm Water Services to include curb and gutter upgrades for the Williamsburg Neighborhood as part of the Provincetowne Storm Water project.

- The cost of the curb and gutter upgrade was set to not exceed \$853,000 to be assessed on 182 properties directly abutting the improvements.
- Staff proceeded to design and build the Provincetowne project, including the curb and gutter upgrade for the Williamsburg neighborhood.

Council Action for December 11, 2006

- Adopt resolution to meet requirements of State Statute to:
 - State cost of project and total assessment
 - Order preparation and publication of Preliminary Assessment Roll
 - Set public hearing for January 8, 2007 on Preliminary Assessment Roll
- This is item 17, page 18 of this agenda.

Future Council Action for January 8, 2007

- Hold public hearing on January 8, 2007
- If required, modify Preliminary Assessment Roll based upon public hearing comments
- Confirm Assessment Roll

Attachment 5

6. Committee Reports by Exception

Budget Committee: Alternative Revenues and Budget Process and Calendar

Economic Development and Planning Committee: Small Business Opportunity Program Revisions

Housing and Neighborhood Development Committee: Housing Forum 2007

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

CONSENT

- 7. Consent agenda items 23 through 41 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.**

ZONING

8. Rezoning Petition 2006-131

Action: Render a decision on proposed rezoning 2006-131, by the Catellus Group, LLC, for a change from B-1, O-1, and O-2 to MUDD-O for 23.3 acres on Archdale Drive east of I-77.
--

Staff Resource: Keith MacVean, Planning

Explanation

- The decision on this petition was deferred from November 20th to December 11th at the request of the petitioner.
- The Zoning Committee voted to recommend approval of this petition, based upon the following significant modifications:
 - The petitioner has agreed to provide stormwater peak/volume controls and water quality improvements.
 - Parking has been increased to one space per 350 square feet of non-residential development and 1.5 spaces per dwelling unit.
- The Zoning Committee voted to find this proposal to be consistent with the Opportunities and Constraints portion of the General Development Policies.
- Staff disagrees with the recommendation of the Zoning Committee based upon the density of the proposed residential component of the petition.

Attachment 6

Staff Analysis
Zoning Committee Recommendation
Site Map

POLICY

9. City Manager's Report

- CMPD Update on Gangs

10. Small Business Opportunity Program Revisions



- Action:**
- A. Approve the Economic Development & Planning Committee recommendation to revise the Small Business Opportunity (SBO) Program, and**
 - B. Direct staff to make necessary modifications to the existing SBO Program.**

Committee Chair: John Lassiter

Staff Resource: Tom Flynn, Economic Development, Office
Tiffany Capers, Small Business Development Program
Cindy White, City Attorney's Office

Explanation

- City Council adopted the Small Business Opportunity Program in January 2003 and directed staff to implement the Program by March 2003.
- City Manager approved changes to waiver provision in September 2004. There have been no revisions to the Program since that time.
- The Economic Development & Planning Committee reviewed revisions to address four major areas in the SBO Program:
 1. Dollar threshold for formal construction contracts
 2. Mandatory outreach requirement
 3. Construction manager-at-risk contracting
 4. Citywide Small Business Enterprise (SBE) goal for informal procurements
- Recommendation 1: Change Formal Construction Contract Threshold from \$100,000 to \$200,000
 - State statute sets threshold for informal construction contracts as those estimated at \$300,000 or less.
 - City staff would use an informal bid process to select contractors to perform construction contracts estimated at \$200,000 or less.
 - By using an informal procurement procedure, staff can seek bids from SBE firms, increasing opportunities for SBEs to work as prime contractors
 - Using an informal selection process also reduces time between Council award and when construction project begins.
 - Staff would continue to present contracts over \$100,000 to City Council for approval.

- Recommendation 2: Change Mandatory Outreach Requirement to Good Faith Effort
 - City will notify SBEs certified in subcontracting areas of subcontracting opportunities.
 - The bidder will still seek SBEs to either meet the SBE goal or to earn good faith effort points.
 - Will allow bidders to engage in more meaningful outreach and SBE solicitation
 - Recommendation will remove a policy provision that staff routinely requests Council to waive.
- Recommendation 3: Apply SBO Program to Construction Manager at Risk Contracts and Other Construction Projects with City Investment
 - Communicates expectations that City projects constructed using a construction-manager method would be subject to the City’s SBO program.
 - Increases opportunities on private construction projects that include City investment.
- Recommendation 4: Increase Citywide SBE Goal for Informal Contracts to 10%
 - The City has exceeded the current 7% for the previous eight quarters.
 - Council adopted the current goal in the FY04 Economic Development Focus Area Plan.

Committee’s Recommendation

- The Committee approved unanimously three of the four recommendations. The Committee approved the recommendation to change Mandatory Outreach to a Good Faith Effort by a 3-1 vote. Committee members Lassiter, Carter and Dulin voted for the changes. Council member Mitchell voted against this recommendation.

Attachment7

November 27th Dinner Briefing Presentation

11. Alternative Revenues

Action: Approve the Budget Committee’s recommendations to:

A. Approve the process for developing an alternative revenues proposal, and

B. Refer two alternative revenues of land transfer tax (1st priority) and impact fees (2nd priority) to the Joint City-County Work Group for their review and recommendation.

Committee Chair: Don Lochman

Staff Resources: Ruffin Hall, Budget and Evaluation
Greg Gaskins, Finance

Explanation

- At the October 23rd Business dinner meeting, the Council referred the issue of alternative revenues to the Budget Committee.
- The referral included consideration of five alternative revenues (no particular order):
 - Impact fees
 - Land transfer tax
 - Payroll tax
 - Motor fuel tax
 - Sales tax
- On November 27th, the Budget Committee recommended the attached process to develop an alternative revenues proposal for the upcoming session of the N.C. General Assembly, including
 - A Joint Work Group of City and County elected officials made up of the City's Budget Committee and the County's Efficient and Effective Government Committee (or other appointed group by the Board of County Commissioners)
 - Input from relevant groups such as the Charlotte Chamber and Charlotte-Mecklenburg Schools
 - Staff support from City and County Budget Offices
- The Budget Committee recommended two alternative revenues for the Joint Work Group's consideration – land transfer tax and impact fees. The Budget Committee ranked land transfer tax as the first priority and impact fees as the second priority.

Background

- In June 2006, the Council referred the issue of alternative revenues to the Transportation Committee for review and recommendation.
- Also, in June 2006 the Council approved a process to review alternative revenues and bring back a report to the Council in October 2006.
- At the October 23rd Business dinner meeting, Finance staff presented the results of the alternative revenues review. The Council modified the list of alternative revenues and referred the list to the Budget Committee for review and recommendation. Additionally, the Council requested the Budget Committee consider the context of general capital needs as part of the discussion.
- On November 8th, the Budget Committee reviewed the alternative revenue list and discussed capital needs – particularly transportation capital. The Budget Committee requested staff draft a proposed process to work with Mecklenburg County on developing an alternative revenues proposal for the upcoming session of the N.C. General Assembly.
- On November 27th, the Budget Committee recommended an alternative revenues process and two alternative revenues for consideration.

Committee Discussion

- The Budget Committee voted unanimously (Lochman, Carter, Foxx, Mumford and Turner) for the attached process for alternative revenues. Staff modified the attached process since the Budget Committee meeting to accommodate the date change for the Delegation Breakfast and the Board of County Commission's meeting schedule.
- The Budget Committee held several votes regarding which two alternative revenue items would be recommended for the Joint Work Group's consideration. The final two votes are as follows:
 - Land transfer tax as first priority was voted 4-1 (Lochman, Carter, Mumford, Turner – for and Foxx – opposed).
 - Impact fee as second priority was voted 3-2 (Lochman, Mumford, Turner – for and Carter and Foxx – opposed).
- The Committee discussed the payroll tax for possible consideration but the motion failed.
- The Committee discussed several factors when deciding which alternative revenues to recommend: likelihood of passage in the N.C. General Assembly, adequacy of the revenue stream and the relationship to capital needs.

Attachment 8

Process for Alternative Revenues
Alternative Revenues Study Summary Report

12. Budget Process and Calendar

Action: Approve the Budget Committee's recommended process for development of the FY2008 and FY2009 Strategic Operating Plan and the FY2008-2012 Capital Investment Plan.

Committee Chair: Don Lochman

Staff Resource: Ruffin Hall, Budget and Evaluation

Explanation

- The recommended FY2007 Budget Process and Calendar includes:
 - Three half-day budget retreats from March thru April from 3:00 p.m. to 6:00 p.m. (Ending at 5:30 pm on March 28th).
 - Budget presentation on Monday, May 7th at 4:00 p.m.
 - Public hearing on the budget on Monday, May 14th (including storm water rate)
 - Council adjustments to Manager's recommended budget on Wednesday, May 16th at 3:00 p.m.
 - Council straw votes on Wednesday, May 30th
 - Budget adoption on Monday, June 11th
- There are three items that influence the recommended calendar:
 - The second Budget Retreat on March 28th will end at 5:30 pm due to the Metropolitan Transit Commission (MTC) meeting scheduled for 5:30 pm.

- The N.C. League of Municipalities Town Hall Day is scheduled for Wednesday, May 9th.
- The U.S. Conference of Mayors is June 22-26.
- The Restructuring Government Committee has discussed the budget process and role of the Budget Committee but has not yet made a recommendation. The next Restructuring Government Committee meeting is mid-January.
- Staff brought forward the proposed budget process calendar in order to set the Council's meeting calendar and reserve rooms. The Council may amend the budget process at any time.

Committee Discussion

- The Budget Committee met on November 27, 2006 and voted three to two (for - Lochman, Mumford, and Turner; opposed - Foxx and Carter) to recommend the attached calendar and process for 2007.
- The Committee discussed process concerns and difficulties experienced last year regarding opportunities for consensus building.

Attachment 9

Proposed Budget Process Calendar and Retreat Topics
Budget Calendar

13. Mecklenburg County Authority Relative to the Transit Budget

Action: Consider the Mecklenburg County Commission's request to reinstate county review and approval of the Transit Capital Program and Operating Program/Second Year Adjustments in the Transit Governance Interlocal Agreement.

Staff Resource: Curt Walton, City Manager's Office

Explanation

- The 1999 Transit Governance Interlocal Agreement gave both the Charlotte City Council and the Mecklenburg County Board of Commissioners review and approval authority of the Charlotte Area Transit System budget.
- The CATS budget was defined as the transit capital program and the annual operating program and second year adjustments.
- The Interlocal Agreement was amended in 2005 by all parties to the Agreement and deleted Mecklenburg County's authority to review the CATS budget;
- On November 8, 2006 the Mecklenburg County Board of Commissioners adopted the attached resolution requesting that its authority to review and adopt the CATS budget be reinstated.
- In order for the proposed changes to again be included in the Interlocal Agreement, it must be amended by the City of Charlotte and by five of the other six towns in Mecklenburg County.

- The City Manager recommends the Council consider three options to the County's request:
 - Approve the Resolution as requested by Mecklenburg County
 - Refer the Resolution to the Transportation Committee for further review
 - Defer action on the County's request until January 8, 2007

Attachment 10

Resolution and corresponding Interlocal Agreement Sections

BUSINESS

14. NASCAR Hall of Fame Office Building



- Action:**
- A. Acknowledge NASCAR's exercise of its option for a 99-year ground lease for the development of an office building on a portion of the NASCAR Hall of Fame site**
 - B. Approve the assignment by NASCAR of its rights to the ground lease and rights to construct, develop, own, and operate the office building to Corporate Plaza Partners, LLC**
 - C. Approve the General Development Agreement among the City of Charlotte, The Charlotte Regional Visitors Authority, and Corporate Plaza Partners, LLC**
 - D. Approve the Ground Lease between the City of Charlotte and Corporate Plaza Partners, LLC**
 - E. Authorize the City Manager to negotiate and execute other documents necessary to fully implement the General Development Agreement and Ground Lease including, but not limited to: (i) a Declaration and Grant of Easements applicable to the entire NASCAR Hall of Fame site in the customary form for projects of this type; (ii) a Condominium Declaration and Deed to convey the studio space to the developer; and (iii) construction easements as may be reasonably required**

Staff Resources: Ron Kimble, City Manager's Office
 Bob Hagemann, City Attorney's Office
 Tom Flynn, Economic Development Office
 Jim Schumacher, Engineering & Property Management

Explanation

- The NASCAR Hall of Fame Agreement, approved by City Council on March 6, 2006, gave NASCAR (or its approved designee) an option on up to a one acre site on the same block as the Hall of Fame for the construction of an office building. The Hall of Fame Agreement provided NASCAR a 180 day period to exercise this option. City Council has twice extended this option, which now expires on December 11, 2006.
- NASCAR will exercise and assign this option to Corporate Plaza Partners, LLC, a limited liability company affiliated with Lauth Property Group.
- Approval of these agreements will result in the construction of a Class A office building of approximately 425,000 net rentable square feet on the corner of Caldwell and Stonewall Streets. NASCAR will be the anchor tenant in this building and the building will generate approximately \$1.2 million per year in City/County property taxes.
- The key points to these agreements are:

1. Corporate Plaza Partners leases .58 acres for \$1 per year for 99 years and constructs a Class A office building not greater than 425,000 net rentable square feet and approximately 20,000 square feet of studio space.
2. NASCAR and NASCAR related companies will occupy at least 85,000 square feet of space, including studio space.
3. The City constructs a parking deck of not less than 800 nor more than 1060 parking spaces. The City pays for 400 parking spaces (estimated cost: \$6.8 million) plus \$4 million towards the incremental cost of building the additional 400 to 660 parking spaces for the office building. Corporate Plaza Partners pay the remaining incremental costs for the additional 400 to 660 parking spaces (estimated to be at least \$11M if 660 additional spaces are constructed). The City's obligation to contribute \$4 million for additional parking was established in the NASCAR Hall of Fame Agreement and reflects, in large part, the availability of this additional parking during non-business hours for Hall of Fame and convention center parking.
4. The City will provide an additional \$600,000 credit to Corporate Plaza Partners as a result of Corporate Plaza Partners paying for studio space where City-paid retail space (identified in the March 2006 agreement) was formerly planned along Stonewall Street.
5. The 400 – 660 office parking spaces are available to the Hall of Fame and the Convention Center after business hours on weekdays and on weekends.
6. The CRVA operates the parking deck and keeps all revenues from the deck except those attributed to office tower visitors and tenants.
7. If the parking deck is not completed by the time the office building is ready to open, the City and CRVA shall “use commercially reasonable efforts” to secure up to 400 off-site parking spaces for the office tenants. Corporate Plaza Partners will reimburse the City and CRVA for all costs associated with providing these spaces.
8. Costs of truck loading dock area are split 50/50 between the City and Corporate Plaza Partners.
9. If the office tower is sold or refinanced, the City participates up to \$6.1 million in the Net Proceeds from the sale or refinancing based upon the value of the City's participation (\$6.1 million) to the total cost of the office building (approximately \$90 million). These participation payments apply to all refinancings (except the refinancing of the construction loan) while Lauth or a Lauth controlled entity owns the building, and to all sales of the office building until after an arms-length sale by Lauth to a non-Lauth entity occurs.
10. Corporate Plaza Partners commits to a goal of 12.5% SBE participation in the construction of the office building and tenant upfit.
11. In the very unlikely event that the Hall of Fame is not built, the \$1 per year ground lease converts to a market rate ground lease, and the City's participation would be limited to the \$4 million contribution to the office building parking spaces.

Attachment 11

NASCAR Office Tower Analysis
 General Development Agreement
 Ground Lease
 Assignment to Corporate Plaza Partners

15. NASCAR Hall of Fame Certificates of Participation

Action: Adopt a resolution authorizing the negotiation of an installment purchase contract to sell up to \$170 million Certificates of Participation (COPS) for the NASCAR Hall of Fame and Convention Center expansion, appoint a financing team, set a public hearing and direct the publication of notice for the public hearing.

Staff Resources: Greg Gaskins, Finance
 Ron Kimble, City Manager's Office

Explanation

- This is the first action of two that authorizes the City to issue debt instruments for NASCAR Hall of Fame and Convention Center expansion projects including short term financing to provide cash flow for ongoing construction related expenses related to the new facilities. The second action will occur on January 8, 2007 and will authorize the sale of COPS.
- This action authorizes the negotiation of an Installment Purchase Contract to be used for financing the NASCAR Hall of Fame and Convention Center expansion projects and application to the Local Government Commission for the sale of up to \$170 million in COPS.
- This action includes approximately \$22.5 million in authorization which will be used to refinance the land under the Hall of Fame and Ballroom as required in the deed of trust. Debt service of the approximately \$22.5 million was already programmed in the Convention Center Tax Fund.
- Other items covered by this amount include contingency, capitalized interest and cost of issuance.
- The resolution does the following:
 - Approves the financing team
 - Makes findings required by the Local Government Commission
 - Schedules a public hearing for January 8, 2007
 - Directs the City Clerk to publish notice of the public hearing

Funding

NASCAR Hall of Fame Fund
 Convention Center Fund

Attachment 12

Resolution
 Breakdown of the Authorization

16. NASCAR Hall of Fame Professional Services Contracts

- Action:**
- A. Approve a contract with Pei Cobb Freed & Partners Architects, LLP for \$13,800,000 for architectural services for the NASCAR Hall of Fame,**
 - B. Approve a contract with Ralph Appelbaum Associates, Inc. for \$3,740,000 for exhibit design services for the NASCAR Hall of Fame, and**
 - C. Approve a contract with Harvest Environmental Services in the amount of \$600,000 for environmental remediation services.**

Staff Resource: Jim Schumacher, Engineering and Property Management

Explanation

Architectural Services

- The NASCAR Hall of Fame will be a 130,000 square foot museum for NASCAR Hall of Fame inductees, cars and other memorabilia.
- The project will be constructed at a site bounded by Brevard, Stonewall, Caldwell and Second Streets.
- Architectural services for the facility will include:
 - NASCAR Hall of Fame Museum
 - 800 - 1,060 space parking deck
 - Convention Center addition of approximately 100,000 square feet for ballroom and ancillary services
 - Connections between the museum and the convention center for patrons and services
- NASCAR Hall of Fame museum will include:
 - Infrastructure and shell space for a broadcast studio
 - Complete multi-media center
 - Interactive games and exhibits
 - Shell space for street front retail
 - Restaurant kitchens
 - Office space
- If NASCAR elects to build an office building, Lauch Property Group will reimburse the City for architectural fees for its share of the parking deck and loading dock.

Exhibit Design Services

- This contract will provide exhibit design services for the NASCAR Hall of Fame which includes 40,000 square feet of interactive games and exhibits.
- Ralph Appelbaum Associates (RAA) will research, develop, design, and oversee fabrication and installation of all graphics and exhibits.
- Exhibit design planning will be integrated into the planning and design of the entire NASCAR Hall of Fame project to take advantage of synergies and construction schedules.
- RAA will create unique, innovative, state-of-the art exhibits with a NASCAR theme that will resonate with NASCAR fans of all ages.

- Exhibits may run a range from simple, transparent display cases for trophies to very rugged, interactive exhibits that may allow fans to act out various racing-related activities.
- Displays will be evocative, emotional, rich, tactile, interactive and actively seek to engage visitors to provide an experience that fans will want to enjoy again and again.
- RAA will work with the architect, Pei Cobb Freed & Partners, the City, NASCAR and others to define the types and features of various exhibits.

Environmental Remediation

- An environmental site assessment of the NASCAR Hall of Fame site identified soil contamination due to historical uses of the property. Such past uses included a gasoline station and former car dealership. This contract with Harvest will provide funding for remedial services to include removal of the identified contaminated soils.
- City will be able to respond proactively to state and federal EPA requirements at the site.

Small Business Opportunity

Architectural Services

The NASCAR Hall of Fame was exempted from the formal professional services selection process. No SBE Goal was set for this project because the Charlotte Regional Visitors Authority selected the architect. After contract negotiations with the City, Pei Cobb Freed committed 2.53% (\$350,000) to the following SBE firm: Tobin Dudley, PLLC.

Exhibit Design Services

The City is allowing Ralph Appelbaum Associates to bring the most qualified firms to the project due to the highly specialized nature of exhibit design work; therefore no SBE utilization goal was established for this project. Ralph Appelbaum Associates committed to spend \$500,000 of the total contract amount with subcontractors.

Environmental Remediation

Pursuant to Section 5 of the SBO Program, no SBO Utilization goal was set for this contract because subcontracting is not anticipated. Harvest Environmental Services is a certified SBE.

Funding

NASCAR Hall of Fame Fund

17. Williamsburg Neighborhood Curb and Gutter Assessment

Action: Adopt a resolution declaring cost, ordering preparation of preliminary assessment roll and setting public hearing for January 8, 2007 on the preliminary assessment roll for the Williamsburg neighborhood curb and gutter improvements upgrade as required by N.C.Gen.Stat. §160A-226 and 227.

Staff Resources: Susan Lewis, Engineering & Property Management

Policy

- Storm Water Services Pipe and Channel Policy:
 - The City repairs existing open channels with channel improvements unless engineering reasons require installation of pipe or pipe is less expensive.
 - Property owners can receive an upgrade to City planned drainage improvements if they pay for the cost of the upgrade.

Explanation

- On November 30, 1998, Williamsburg neighborhood leaders presented a petition to the City Clerk containing signatures representing 75% of all affected properties requesting the cost-share upgrade.
- In order to address problems with frequent road flooding and deteriorating drainage infrastructure, Storm Water Services undertook planning on the Provincetowne Storm Water project, which encompassed three neighborhoods off of Ballantyne Commons Parkway: Williamsburg, Colony Woods and Provincetowne. As part of the citizen input process, property owners in two of the neighborhoods requested an upgrade to convert their roadside ditches to a curb and gutter drainage system.
- The requested upgrade was not necessary to provide a functioning drainage system. The City's "Pipe and Channel Policy" adopted on March 23, 1998 requires cost-sharing when property owners request an upgrade of this type.
- Section 7.104 of the City Charter and Article 10 of Chapter 160A of the North Carolina General Statutes authorizes cities to make special assessments for such purposes. Where a majority of the owners of lots to be assessed who represent ownership of the majority of street frontage to be improved sign a petition, all or a portion of the cost may be assessed upon all properties along the street frontage to be improved.
- After a public hearing on March 22, 1999, City Council approved a resolution directing Storm Water Services to include the curb and gutter upgrade with the larger Provincetowne Storm Water project and stating the intent to assess the cost of the upgrade after construction is completed. The property owner's share of the project cost was set at a not-to-exceed amount of \$853,000, which was the conceptual-level estimate of the upgrade cost.
- The basis of the assessment for each individual property owner was a combination of length of frontage and lot size. The assessment applies to 182 properties, with the average assessment amount per property being \$4,687.
- After approval of the resolution, Storm Water Services completed project planning and then moved forward with design and then construction of the Provincetowne Storm Water Improvement Project, which included complete retrofit of the inadequate drainage systems throughout the three neighborhoods. Flat grades, poor soils and existing sewer infrastructure made for difficult design and construction conditions. The additional upgrade from roadside ditches to a curb and gutter type of drainage system was included with the improvements in the Williamsburg neighborhood. Construction began in September of 2003.

- Total cost for the Williamsburg Neighborhood curb and gutter upgrade was \$1,241,621.60. As of this date, adjustments to the computed assessments for 13 individual parcels have resulted in reductions to the proposed assessment amount and, pursuant to the maximum allowable assessment set forth in the Assessment Resolution adopted by Council on March 22, 1999, the total assessment amount to be levied is \$843,671.
- Since 1999, this has been a “pending special assessment” and property owners and their representatives have been required to disclose the information to prospective buyers. Over half of the 182 properties have changed ownership since that time. Storm Water Services staff has provided information to real estate agents, buyers and sellers on pending individual assessment amounts whenever requested. In some cases, monies have been escrowed in closing accounts awaiting approval of the Assessment Roll.
- Storm Water Services staff has provided mail notifications about the pending assessment throughout the life of the storm water project. The most recent mailer, sent on November 8, 2006, provided detailed information on the assessment process and individual assessment amounts.

Future Actions

- After the public hearing on January 8th, Council will be requested to adopt a resolution confirming the Preliminary Assessment Roll as the Final Assessment Roll and Levying the Assessments
- After confirmation of the assessment roll, the Finance Department will issue invoices to each affected property owner stating the terms provided in the State Statute for payment in-full within 30 days or in 10 annual installments with 8% interest to begin within 60 days. Liens will be filed per N.C. General Statute §160A-228.

Budget Considerations

- The assessment payments will reimburse the flood control fund.

Attachment 5

Resolution for Williamsburg Curb and Gutter Upgrade Project Declaring Cost, Ordering Preparation and Publication of Preliminary Assessment Roll, and Setting Public Hearing on Preliminary Assessment Roll

Draft Preliminary Assessment Roll

Assessment Resolution adopted on March 22, 1999

Approved RCA to set Public Hearing on Preliminary Assessment Resolution – February 22, 1999

Approved RCA to adopt Assessment Resolution – March 22, 1999

18. South Corridor Light Rail Project Change Orders

- Action:**
- A. Authorize the CATS CEO to execute a contract change order with Archer Western Contractors to increase the contact amount for the Roadbed, Bridges, Trackwork contract by \$2,500,000,**
 - B. Authorize the CATS CEO to execute a contract change order with Archer Western Contractors to increase the contract amount for the Station Finishes contract by \$3,000,000, and**
 - C. Authorize the CATS CEO to execute a contract change order with Edifice Inc. to increase the contract by \$300,000 for the vehicle maintenance facility.**

Staff Resource: Ron Tober, Charlotte Area Transit System (CATS)

Explanation

- At the October 2, 2006 meeting, Council was presented with a new Project Estimate at Completion (EAC) of \$462.7 million. Information was provided describing the necessity of issuing several change orders over the coming months to meet the November 26, 2007 project completion date. Costs associated with the requested actions were included in the new Project EAC.
- The \$2,500,000 increase to Archer Western Contractor's (AWC) Roadbed, Bridges and Trackwork contract will pay for \$1,750,000 in known change orders and add \$750,000 in unallocated funds. This will establish a working contingency of approximately \$1,000,000 against which future change orders may be charged. These funds are needed to allow the contractor to proceed with required changes to contract plans and specifications resulting from designer errors and omissions, changing field conditions and third party requirements. The total contract value will be \$120,210,000. This contract is 80% complete.
- The \$3,000,000 increase to AWC's Station Finishes contract will pay for \$2,300,000 in known changes and add \$700,000 in unallocated funds. This will establish a working contingency of \$1,000,000 against which future change orders may be charged. These funds are needed to allow the contractor to proceed with required changes to contract plans and specifications resulting from designer errors and omissions, changing field conditions and third party requirements. The total contract value will be increased to \$47,670,000. This contract is 25% complete.
- The \$300,000 increase to Edifice's contract will pay for \$250,000 in known changes and provide \$50,000 in working contingency to cover any additional minor change orders needed for the contractor to complete construction of the vehicle maintenance facility. The facility will house the rail operations control center, offices and support services necessary to store, inspect, and maintain the light rail vehicle fleet. The additional funds are needed to pay for a contract time extension, designer errors and omissions and County Building Inspection requirements. The total contract value will be increased to \$30,722,446. This contract is 98% complete.

- Funds for these change orders will be drawn from the Full Funding Grant Agreement (FFGA) approved budget, as amended by City Council on November 27, 2006.

Funding

Transit Capital Investment Plan and Full Funding Grant Agreement

19. Transit Procurement Process

Action: Adopt a resolution confirming City Council's intent to use the competitive proposal method for future transit procurements in accordance with North Carolina General Statute 143-129(h).

Staff Resource: Carolyn Johnson, City Attorney's Office

Explanation

- This resolution confirms City Council's intent to use the competitive proposal method for future transit procurements.
- To ensure the City would have alternative methods to procure transit equipment, the City Charter was amended in 2000 to authorize the use of competitive proposal procurement. Section 8.87 of the Charter authorizes contracting for the purchase, lease or other acquisition of any apparatus, supplies, materials or equipment for public transit purposes using the competitive proposal method as provided in North Carolina General Statute (NCGS) 143-129(h).
- Competitive proposal procurement allows the City to discuss and negotiate project scope, specifications and other relevant terms prior to making a recommendation for contract award. This method generally results in achieving the best value procurement (the most advantageous proposal with price and other factors considered such as product design, delivery schedules, warranties and maintenance).
- The Federal Transit Administration recognizes (FTA Circular 4220.1e) the competitive proposal method as an acceptable procurement method for transit equipment and goods, particularly in circumstances wherein generic bid specification will not satisfy actual transit needs.
- Pursuant to requirements set forth in NCGS 143-129(h), Council is required to find the competitive proposal method is the most appropriate acquisition method prior to initiating such procurements. Council made such findings in October 2001 for the last buses and light rail vehicles procured by the City.
- Staff will use the competitive proposal method for buses in early 2007. Council approval of these purchases will continue to be required.

Attachment 13

Resolution

20. North Tryon Redevelopment Plan

Action: Approve contract for North Tryon Redevelopment Plan with Frank Warren & Associates, LLC for an amount not to exceed \$168,000.

Staff Resource: Tom Warshauer, Economic Development

Explanation

- The North Tryon Redevelopment Plan addresses two sections of North Tryon:
 - Section 1 - Brookshire Freeway to Sugar Creek Road
 - Section 2 - Sugar Creek Road to Old Concord Road
- Section 1: Preparation of a Redevelopment Plan for the area between the Brookshire Freeway and Sugar Creek Road was delayed pending MTC's decision on the preferred alignment for the Northeast Corridor light rail line and available funding. The purpose of the Redevelopment Plan in this area is to:
 - Update land use and zoning
 - Determine public infrastructure, street network and circulation improvements to promote redevelopment and transportation mobility
 - Identify target parcels for redevelopment
 - Define redevelopment and infrastructure implementation actions, costs and potential development partners
- Section 2: Between Sugar Creek Road and Old Concord Road the planning process will determine public infrastructure needs, costs and redevelopment actions that will promote new private investment along the corridor if light rail is not located in this section of North Tryon Street.
- Planning & CATS are contracting with a separate consultant to identify redevelopment opportunities and infrastructure costs with light rail in this section of North Tryon. This was a part of the MTC resolution adopted on June 28, 2006 which approved the Preferred Option for the Northeast alignment to follow the North Carolina Rail Road (NCRR) and merge onto North Tryon at Old Concord Road, but provided for additional study of the alternative alignment merging onto North Tryon at Sugar Creek.
- The Redevelopment Plan will allow the City to compare and evaluate the public infrastructure costs and economic impacts of the North Tryon Street versus NCRR light rail transit options.
- Warren & Associates (with subcontractors: The LittleJohn Group, Kimley-Horn & Associates and ColeJenest & Stone) was selected by an interdepartmental staff team from Economic Development, Planning, CATS and CDOT that interviewed three teams that submitted proposals.
- The consultant team will be working with a group of stakeholders representing business owners, property owners and neighborhoods.
- The Redevelopment Plan will be completed by June 2007.

Small Business Opportunity

The prime contractor, Warren and Associates, is an SBE firm. Staff anticipates 37.5% of the contract to be allocated to Warren and Associates.

Funding

Economic Development Operating Budget

Planning Operating Budget

CDOT Operating Budget

Attachment 14

Map of Study Area

21. Closed Session

Action: Adopt a motion pursuant to NCGS 143-318.11(a)(6) to go into closed session to consider the performance of the City Attorney and the City Manager.

22. Mayor and Council Topics

At the end of the formal agenda, Council members may share information and raise topics for discussion.

Introduction to CONSENT

The consent portion of the agenda is divided into two sections: Consent I and Consent II.

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.

CONSENT I

23. Various Bids

A. **South Corridor Infrastructure Program Landscaping EPM Package A**

Staff Resource: Todd Thorne

Action

Award the low bid of \$227,225.51 by Ingle and Son Landscaping, Inc. of Conover, North Carolina. This project includes the installation of plant material including trees, shrubs, groundcover, and seeding of disturbed turf areas within the project limits of the following: Arrowood Road and Starbrook Drive, Archdale Drive from Cherrycrest Lane to Montpelier, Intersection of Sharon Road West and South Boulevard. Construction completion is scheduled for second quarter of 2007.

Small Business Opportunity

Pursuant to Section 5 of the SBO Program, no SBO utilization goal was set for this contract because subcontracting is not anticipated.

B. South Corridor Infrastructure Program Landscaping Package F EPM

Staff Resource: Sonji Mosley

Action

Award the low bid of \$128,499.56 by Superior Seeding, Inc, of Gastonia, North Carolina. This package is for the landscaping of the South Boulevard/Woodlawn Intersection Project, Woodlawn Bike Lane Project and the Woodlawn Road Intersection Project. Construction completion is scheduled for first quarter of 2007.

Small Business Opportunity

Pursuant to Section 5 of the SBO Program, no SBO utilization goal was set for this contract because subcontracting is not anticipated.

C. Medium Voltage Switchgear Lineup and Synchronized Motor Starters CMU

Staff Resource: Doug Bean

Action

Award the lowest responsive bid of \$309,989 to Benshaw, Inc. of Glenshaw, Pennsylvania for the purchase and installation of medium voltage switchgear lineup and synchronized motor starters for the Vest Water Treatment Plant.

Small Business Opportunity

Pursuant to Section 5 of the SBO Program, no SBO utilization goal was set for this contract because subcontracting is not anticipated.

D. FY07 Water and Sanitary Sewer Service Installations CMU

Staff Resource: Doug Bean

Action

Award the low bid of \$1,958,170.50 by B.R.S., Inc., Richfield, North Carolina for installation of domestic water and sanitary sewer service throughout Mecklenburg County.

Small Business Opportunity

Established SBE Goal: 6%

Committed SBE Goal: 0%

B.R.S. failed to meet the goal, but exceeded the necessary good faith effort points and mandatory outreach requirements. Since the inception of the SBO Program, no subcontractors have been used on any formal water and sanitary sewer installation contracts.

E. Davidson Area Water and Sanitary Sewer Improvements **CMU**

Staff Resource: Doug Bean

Action

Award the low bid of \$2,963,743.22 by Buckeye Construction Company, Inc., Canton, North Carolina for construction of various water mains and sanitary sewer forcemains along Catawba Avenue, and Griffith Street in Davidson, North Carolina. Construction will begin in January 2007 and be completed in June 2007.

Small Business Opportunity

Established SBE Goal: 7%

Committed SBE Goal: 7.98%

Buckeye Construction Company committed \$236,357.70 (7.98%) to the following SBE firms: Asphalt & Concrete Pavers, Inc., D's Trucking and Martin Landscaping.

F. Traffic Signal Fiber Optic Cable and Conduit Construction on the Billy Graham Parkway, Tyvola Road, Nations Ford Road and West Boulevard Projects **CDOT**

Staff Resource: Jeff McSwain

Action

Award the low bid of \$475,933.83 by Bryant Electric Repair & Construction Company, Inc of Gastonia, North Carolina. This project includes the installation of fiber optic cable and conduit facilities on Billy Graham Parkway, Tyvola Road, Nations Ford Road and West Boulevard.

Small Business Opportunity

Established SBE Goal: 6%

Committed SBE Goal: 0%

Bryant Electric Repair & Construction Company, Inc. exceeded the mandatory outreach; however they failed to meet the goal or the Good Faith Efforts. The SBO Program Manager waived non-compliance for good faith efforts pursuant to SBO Policy 14.6. \$60,531 (12.72%) was committed to Carolina's Electrical Supply, Inc, a former SBE firm whose certification expired in June 2006. Staff has contacted the firm regarding re-certification.

G. Bus Operations Maintenance Parts**CATS****Staff Resource:** Jim Zingale**Action**

Award to the lowest bidder meeting specifications, National Fleet Services of Charlotte, North Carolina at an estimated annual amount of \$20,538.58 to supply Seals, Bearings and Races as required to CATS Bus Operations Division. This contract will be for an initial period of two years plus an additional three, one-year options. Total combined contract value over the maximum five-year term is estimated to be \$102,692.90. Authorize the City Manager to execute the contract renewals. The parts meet the required original manufacturers' specification standards necessary to maintain CATS' buses in proper operating condition. Parts will be ordered on an 'as needed' basis depending on usage and inventory stock levels.

Small Business Opportunity

Pursuant to Section 5 of the SBO Program, no SBO utilization goal was set for this contract because subcontracting is not anticipated.

24. Refund of Property Tax and Business License Tax

- Action:**
- A. Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$20,1950.26, and**
 - B. Adopt a resolution authorizing the refund of business privilege license payments made in the amount of \$15,818.65.**

Staff Resource: Greg Gaskins, Finance**Attachment 15**

Resolution

List of property tax and privilege business license refunds

25. Resolution of Intent to Abandon Street and Set Public Hearing for a Portion of an Unnamed Right-of-Way Running off of Vance Street

- Action:**
- A. Adopt the Resolution of Intent to abandon a portion of an unnamed right-of-way running off of Vance Street, and**
 - B. Set a public hearing for January 8, 2007.**

Staff Resource: Linda Poissant, Transportation

Attachment 16

Map

Resolution

26. Resolution of Intent to Abandon Street and Set Public Hearing for Pinewood Avenue located between St. Mary Avenue and Mariam Drive

- Action:**
- A. Adopt the Resolution of Intent to abandon Pinewood Avenue located between St. Mary Avenue and Mariam Drive, and**
 - B. Set a public hearing for January 8, 2007.**

Staff Resource: Linda Poissant, Transportation

Attachment 17

Map

Resolution

CONSENT II

27. General Obligation Commercial Paper Reauthorization

- Action:**
- A. Adopt a resolution directing staff to apply to the Local Government Commission (LGC) for authorization to issue up to \$100 million variable rate General Obligation bonds and set a financing team, and**
 - B. Adopt a resolution reauthorizing the issuance of up to \$150 million of General Obligation bond anticipation notes for the purpose of funding projects approved in the City's Capital Investment Plan and authorizing certain additional related documents.**

Staff Resource: Greg Gaskins, Finance

Explanation

- On December 13, 2004 Council approved a \$150 million General Obligation bond anticipation note program that was planned to be converted to permanent financing in two years.
- Actual expenditures for the program are \$100 million.
- This action approves, by resolution, the issuance of permanent debt to repay the General Obligation bond anticipation notes of \$100 million.
- This action authorizes application to the LGC for the sale of these bonds, approves a financing team and authorizes the terms of the bonds.
- The entire \$100 million will be sold at a variable interest rate.
- On July 25, 2005 Council authorized an interest rate swap with for \$100 million that will start on February 1, 2007 and will lock the interest rate on the \$100 million of the total below 4.3% - a substantial savings from current market conditions.
- A second resolution authorizes the issuance of \$150 million in General Obligation bond anticipation notes (commercial paper) to provide cash flow for general capital projects during the 24 months after February 1, 2007.
- The program is reauthorized every two years when permanent financing is issued.
- Issuing commercial paper lowers the overall cost of financing the capital plan by issuing temporary short term debt to fund the cash flow of construction projects. Long term debt is issued when the projects are complete. The result is not paying principal on borrowed funds until the funds are spent on a project. Short term commercial paper also carries a lower interest rate.
- In two years, Council and the Local Government Commission (LGC) will be asked to approve 20 year financing for the notes issued between February 2007 and January 2009.
- The LGC is expected to reauthorize the general obligation commercial paper program before January 31, 2007.

Funding
Municipal Debt Service Fund

Attachment 18
Resolution

28. Queens University Agreement for Jonas Federal Courthouse

Action: Amend the Option and Purchase Agreement with Queens University for the Jonas Federal Courthouse with respect to the due diligence benchmarks.

Staff Resource: Curt Walton, City Manager's Office

Explanation

- In December 2004 the City Council adopted a resolution authorizing the sale of the Jonas Federal Courthouse to Queens University of Charlotte to be used for one or more professional graduate school program(s).
- Terms of the Queens Option and Purchase Agreement were as follows:
 - Queens may purchase the building at any point between now and the time the General Services Administration (GSA) vacates the building.
 - Queens' purchase price will be equal to the City's total cost for the refinancing of the property, less the rent payments received from the GSA.
 - Queens' agreement is tied to meeting due diligence benchmarks
- Congress has authorized funding for planning and design of the new federal courthouse, but has not appropriated funding for construction. The GSA has advised that the process will likely take three years longer than anticipated.
- Since the federal government is requiring possession of the Jonas Federal Courthouse longer than the City and Queens originally anticipated, Queens has requested the remaining three due diligence benchmark deadlines be extended for three years as follows:
 - Suitability of building for Queens' academic and programmatic needs by January 1, 2006 (Complete)
 - Development and launch of a fundraising campaign to purchase and renovate the property by January 1, 2010
 - Demonstrate progress toward completion of fundraising campaign by January 1, 2011; and
 - Identification of available funds in the amount necessary to purchase the Property by January 1, 2012.
- Since the remaining benchmarks deal with fundraising, and fundraising campaigns are difficult when possession of the property is at least five years out, staff concurs with Queens' request.
- Extending the due diligence benchmarks has no negative financial impact on the City, yet retains the opportunity for additional professional graduate programs in the center city.

Background

- In 2001 the City purchased property at 500 E. Trade Street for \$10.8 million to preserve the site for the new federal courthouse.
- In December 2004 the City executed a land swap agreement, with the federal General Services Administration (GSA), with the City taking the Jonas Federal Courthouse at 401 W. Trade Street and the GSA taking the property at 500 East Trade Street. The GSA also executed a lease of the Jonas Federal Courthouse pending construction of a new federal courthouse. The lease is for five years and can be extended to nine years.

Attachment 19

Letter of Request from Dr. Pamela Davies

29. Pedestrian Light Poles and Fixtures

- Action:**
- A. Approve the purchase of decorative light poles and fixtures without competitive bidding, as authorized by the sole source exemption of G.S. 143-129(f),**
 - B. Approve a contract with Duke Power for the purchase and installation of 37 decorative pedestrian lights and fixtures for Stonewall Streetscape project for \$145,911.22, and**
 - C. Approve a contract with Duke Power for the purchase and installation of 22 decorative street lights and fixtures for I-277/Independence Boulevard project for \$110,778.15.**

Staff Resources: Sharon Buchanan, Engineering & Property Management
Sam Barber, Engineering & Property Management

Sole Source Exception

- G.S. 143-129 (f) 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 of supply; or
 3. Standardization or compatibility is the overriding consideration.
- Sole-source is necessary because the product is only available from one supply source.
- Sole source purchases require City Council approval.

Explanation

- Obtaining approval for pedestrian lighting is a routine practice for city projects. The one time cost does not cover maintenance; Charlotte Department of Transportation pays on-going energy and maintenance on a monthly basis for pedestrian lights. There are two projects occurring simultaneously that need approval.

- Decorative pedestrian lights are mounted lower than street lights and provide better lighting for pedestrians. Decorative street lights are mounted on steel poles rather than wooden poles and have no overhead wires.
- The Stonewall Streetscape project includes decorative pedestrian lights to be installed along Stonewall Street from McDowell Street to Independence Boulevard. The project provides a pedestrian connection between uptown and the Midtown redevelopment.
- The I-277/Independence project includes decorative street lights to be installed along Stonewall Street and Independence Boulevard.
- This project does not address broken street lights along I-277, which are NCDOT's responsibility.

Small Business Opportunity:

Pursuant to Section 2.21 of the Program policy regarding purchases without competitive bidding, this contract is exempt from the Small Business Opportunity Program.

Funding

Transportation Capital Investment Plan

30. Clanton Road Pedestrian Safety

Action: Approve Change Order #1 with Sealand Contractors Corporation in the amount of \$129,995.25 for Clanton Road Pedestrian Safety.

Staff Resource: Leon Howe, Engineering and Property Management

Clanton Road Pedestrian Safety

- The Clanton Road Pedestrian Safety project will change Clanton Road from a predominantly auto oriented street to a more complete street serving all modes of transportation (pedestrian, bicycle, transit and motor vehicle).
- The project transforms the four-lane road to two lanes with left turn lanes, bike lanes and pedestrian refuge islands.

Change Order #1 with Sealand Contractors Corporation

- This change order will provide for material quantities that were not reflected in the original project estimate and extra work, including:
 - Failing subgrade exposed and discovered during the milling which required additional material quantities of asphalt pavement and milling.
 - Concrete curb and gutter, subsurface drainage and planting mix was underestimated in the original bid.
- Funds to cover this additional work will come from the Clanton Road project, Traffic Calming Program, Bicycle Program and Pedestrian Safety Program.
- Council approved the original contract for \$408,960 on September 25, 2006.
- The total contract amount to date including Change Order #1 will be \$538,955.41.

- Contract is substantially complete and will be completed ahead of schedule.

Disadvantaged Business Enterprise

All additional work involved in this change order will be performed by the prime contractor, Sealand Contractors Corporation, and their existing subcontractor. Sealand committed 1.92% (\$2,500) of the change order amount to Darnell Jones Trucking. For this project, Sealand has made a total commitment to DBE firms of 4.37%.

Funding

Transportation Capital Investment Plan

31. South Corridor Infrastructure Program Package C – Dewitt Lane Extension

Action: Approve Change Order #1 with Ferebee Corporation in the amount of \$140,043.75 for South Corridor Infrastructure Program Package C.

Staff Resource: Jim Keenan, Engineering & Property Management

South Corridor Infrastructure Program Package C-Dewitt Lane Extension

- The project is funded through 2002 and 2004 voter-approved Roadway Bonds and the CMU Water and Sewer Revenue Bonds.
- The project will extend Dewitt Lane to Tryclan Drive to create a new connection between Freeland Lane to Clanton Road.
- This contract includes new roadway, bike lanes, sidewalks, medians, turn lanes, storm drainage and a water main construction.

Change Order #1 with Ferebee Corporation

- This change order will fund additional work to rebuild deteriorated existing pavement and to replace poor soil as required for culvert construction:
 - Adds asphalt removal and replacement for about 700' of existing pavement on Dewitt Lane-this pavement had been in service for many years and appeared sound. However, construction activities revealed that this section was not suitable and required replacement.
 - Replaces unsuitable subgrade soil materials encountered at the new culvert constructed as part of this project.
- Council approved the original contract for \$1,562,187.17 on February 13, 2006. Funds are available within the project budget to cover the change order.
- The total contract amount to date including Change Order #1 will be \$1,702,230.92.
- Construction completion is scheduled for second quarter of 2007.

Small Business Opportunity

All additional work involved in this change order will be performed by the prime contractor, Ferebee Corporation, and their existing subcontractors. Ferebee has committed \$10,883.40 (7.77%) of the change order amount to the following SBE

firm: D's Trucking Service. For this project, Ferebee has made a total commitment to SBE firms of 15.77%. This change order complies with Section 10.3 of the SBO Program.

Funding

Transportation Capital Investment Plan

32. Transit Pass Printing Services

- Action:**
- A. Approve an agreement for the printing of bus transit passes and transfers with EDM, Inc. of Greensboro, North Carolina to support existing and future ridership growth. This will be a two year agreement for \$80,392 annually with three additional one-year renewals, and**
 - B. Authorize the City Manager to approve three additional one-year renewals.**

Staff Resource: Kim Taylor, CATS

Explanation

- The major goal of this contract is to provide a variety of pre-packaged magnetic bus transit passes and transfers for customers to use for riding CATS services and to support increasing ridership on new services. In FY2006, total ridership on CATS was more than 19.1 million passengers, which represents a 62.1% increase since FY1998.
- In FY1998, the transit system installed a new fare collection system across its bus fleet that utilizes magnetic technology. This technology requires the use of magnetically encoded passes and transfers to record pass usage and ridership. In FY2006 over 500,000 passes of varying types were sold and over 4 million transfers were used.
- EDM, Inc. was selected following an RFP process that was advertised on the North Carolina Interactive Purchasing System. Proposals were received from three firms with EDM's proposals judged to offer the best overall value.

Small Business Opportunity

Pursuant to Section 5 of the SBO Program, no SBO utilization goal was set for this contract because subcontracting is not anticipated.

Funding

CATS Operating Funds

33. Airport Heavy Maintenance Hangar Electrical Maintenance Contract

Action: Approve a one-year contract with Starr Electric Co. Inc. of Charlotte in the amount of \$210,080 for preventative electrical maintenance service at the US Airways Heavy Maintenance Hangar.

Staff Resource: Jerry Orr, Aviation

Explanation

- The US Airways Heavy Maintenance hangar at the Airport requires regular and ongoing preventative electrical maintenance service.
- The contract price is determined by the hourly rate for the required work.
- US Airways will reimburse the City for the costs of this contract.
- The Airport received bids from three providers. Starr Electric is one of two identical low bids and was selected because, as the incumbent, Starr is already familiar with the facility and work involved. Starr's staff has already been screened and badged, and Starr can continue service without any disruption to the City.

Small Business Opportunity

Pursuant to Section 5 of the SBO Program, no SBO goal was set for this contract because subcontracting is not anticipated.

Funding

Reimbursed by US Airways

34. Airport East Daily Parking Deck

Action: Approve a change order to a contract for construction of the East Daily Parking Deck with Shelco, Inc. of Charlotte, North Carolina in the amount of \$269,307 for additional work to the West Daily Parking Deck.

Staff Resource: Jerry Orr, Aviation

Explanation

- On November 28, 2005, Council awarded a contract to Shelco, Inc. in the amount of \$34,790,000 to construct a 3,000 space East Daily Parking Deck.
- Since then, two additional change orders have been approved totaling \$265,201.
- This change order will add a protective topping coat to the West Deck (completed May 2005 without a topping) identical to the one being provided on the East Deck under the contract.

- This change order also adds a canopy between the two decks to accommodate a shuttle bus pick-up station.
- Funds are available in the project budget.

Small Business Opportunity

Established SBE Goal: 7%

Committed SBE Goal: 9.2%

All additional work involved in this change order will be performed by the prime contractor and existing subcontractors. Therefore, this change order complies with Section 10.3 of the SBO Program. The prime contractor originally committed 8.22% SBE participation to this project and this change order will increase it to 9.2%. Under this change order, the prime contractor commits another \$338,765 to the following SBE's: Waterproofing Specialists (\$338,000) and Southern States (\$765).

Funding

Airport Capital Investment Plan

35. Municipal Agreement to Relocate and Adjust Water and Sewer Lines along I-485 from Oakdale Road to Old Statesville Road

Action: A. Adopt a resolution to authorize the Key Business Executive for Transportation to execute a Municipal Agreement between the City of Charlotte and the North Carolina Department of Transportation (NCDOT) for water and sewer line work along I-485 from Oakdale Road to Old Statesville Road, and

B. Adopt a budget ordinance appropriating \$1,610,960 in funding.

Staff Resource: Doug Bean, Utilities

Explanation

- This Municipal Agreement is for the reimbursement to the State for the relocation and adjustment of municipally-owned water and sewer lines along I-485 from east of Oakdale Road to east of Old Statesville Road.
- The City will reimburse NCDOT for actual costs not to exceed \$1,610,959.59.
- The format and cost sharing philosophy is consistent with past municipal agreements.

Funding

Water and Sewer Capital Investment Plan

Attachment 20

Resolution

Budget Ordinance

36. Contract for Police Background Investigations

- Action:**
- A. Approve a three-year contract, with two, one-year extensions, with Insignis Security Solutions (ISS) for police applicant background investigations in the amount of \$145,000 per year, and**
 - B. Authorize the City Manager to approve two, one-year contract extensions.**

Staff Resource: Deputy Chief K. D. Williams, CMPD

Explanation

- CMPD outsourced the employer and character reference interviews for police applicants eight years ago.
- Outsourcing was initiated to allow officers assigned to the Recruitment Section to more actively recruit new officers and process their applications more effectively and efficiently.
- CMPD averages 120 to 150 applicants per year who reach the background investigation phase of the application process; background investigations for each applicant require 9 to 12 interviews of previous employers and character references.
- The company currently under contract to conduct interviews charges \$90 per interview with an increase to \$100 per interview scheduled for next fiscal year; total cost for FY06 was approximately \$144,000.
- A review of best practices led CMPD to seek outsourcing of additional portions of the application process, along with the interviews, without significantly increasing the cost of these services.
- CMPD issued a Request for Proposals for:
 - background interviews
 - comprehensive criminal records checks, including county, state, federal, and sex offender registry information (for all locations where applicant has lived)
 - verification of social security, credit history, education, and military service
 - DMV records for all states where the applicant has lived
 - complete reports on applicants for presentation to the Civil Service Board
 - production of a searchable database of applicant information
- Five companies submitted proposals; two of the proposals did not fully address the scope of work.
- Evaluation committee, comprised of members of CMPD and BSS, identified Insignis Security Solutions (ISS), based in Charlotte, as the company most responsive to the needs of CMPD.
- ISS is on the City's list of approved vendors and conducts background investigations for the Charlotte Fire Department and Mecklenburg County Social Services; services provided to the Fire Department are similar to those requested by CMPD.
- ISS personnel are familiar with CMPD's philosophy of policing and attributes in applicants the department is seeking.

- ISS will provide the requested services at a cost of \$900 per applicant; at an estimated 150 applications per year, the cost is \$135,000 plus an additional \$10,000 for hourly costs associated with an estimated 30 partial applications for applicants who are disqualified due to information discovered during the process.
- The contract with ISS will be effective January 1, 2007.
- Officers assigned to the Recruitment Section will gain additional time to meet recruitment challenges that include attracting more minorities and females to police work and competition from other agencies for the same applicant pool.

Small Business Opportunity

Pursuant to Section 5 of the SBO Program, no SBO utilization goal was set for this contract because subcontracting is not anticipated.

Funding

Police operating budget

37. Declaration of Withdrawal for an Unopened Portion of Right-of-Way Running off of Weyland Avenue

Action: Adopt a resolution stating that an unopened portion of right-of-way running off of Weyland Avenue is not part of the adopted street plan (thoroughfare plan).

Staff Resource: Linda Poissant, Transportation

Policy

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

Explanation

- North Carolina General Statute 136-96 states that a right-of-way not utilized within 15 years of dedication can be abandoned through the recording of the Declaration of Withdrawal with the Register of Deeds.
- The statute requires the City to adopt a resolution stating the right-of-way to be abandoned is not part of a proposed street plan.
- These unused and unopened rights-of-way are not part of any such plan; therefore, the City has determined that all necessary requirements of the statute will have been met by adopting the resolution.
- Charlotte-Mecklenburg Utilities has no existing utilities within the area to be abandoned that would require an easement.

Petitioner

The Charlotte-Mecklenburg Board of Education

Right-of-Way to be withdrawn

An unopened portion of right-of-way running off of Weyland Avenue

Location

Beginning from Royston Road continuing east approximately 1,170 feet to its terminus

Reason

To incorporate the right-of-way into adjacent property owned by the petitioner for potential school property expansion

Attachment 21

Map

Resolution

38. Declaration of Withdrawal for a Portion of an Alleyway Located off West Sixth Street

Action: Adopt a resolution stating that a portion of an alleyway located off of West Sixth Street is not part of the adopted street plan (thoroughfare plan).

Staff Resource: Linda Poissant, Transportation

Policy

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

Explanation

- North Carolina General Statute 136-96 states that a right-of-way not utilized within 15 years of dedication can be abandoned through the recording of the Declaration of Withdrawal with the Register of Deeds.
- The statute requires the City to adopt a resolution stating the right-of-way to be abandoned is not part of a proposed street plan.
- These unused and unopened rights-of-way are not part of any such plan; therefore, the City has determined that all necessary requirements of the statute will have been met by adopting the resolution.
- Charlotte-Mecklenburg Utilities has no existing utilities within the area to be abandoned that would require an easement.

Petitioner

Dixon-Powdermaker Furniture Company, David V. Boland, Pavco Industries, Inc. and Robert J. Boland

Right-of-Way to be withdrawn

A portion of an alleyway located off of West Sixth Street

Location

Located within the Fourth Ward Community beginning from West Sixth Street continuing southwestwardly approximately 119 feet to its terminus at a second 10-foot alleyway

Reason

To incorporate the right-of-way into adjacent property owned by the petitioner for a proposed multi-family development

Attachment 22

Map

Resolution

39. Sale of Property to Duke Energy for Sub-Station

Action: Adopt a resolution approving the sale of approximately 6.9 acres of City property located at 2501 Archdale Drive to Duke Power for \$300,000.

Staff Resource: Kent Winslow, Engineering & Property Management

Explanation

- Duke Energy needs to acquire approximately 6.9 acres of tax parcel 173-061-02 to construct a new sub-station to serve the Easlan Development on the former Celanese Acetate Plant on Archdale Drive.
- The land was originally acquired by the City of Charlotte for a waste water treatment facility. Subsequently, the City Manager approved this property as surplus.
- The Joint Use Task Force discussed this request and the staff supported the sale if the needed land can be reserved for Mecklenburg County for an extension of the greenway system either on the remaining land or by Duke Energy providing an easement on a portion of the land that it seeks to acquire.
- The Planning Commission voted not to support the sale as it had concerns about the sub-station being visible to residents of the Charlotte Housing Authority's (CHA) Leafcrest neighborhood and from Archdale Drive. CHA does not object to the use of the property for a substation.
- Duke is providing an 82-foot buffer on all four sides of the property.
- The purchase price is \$300,000 which is approximately \$44,000 per acre.
- A staff review determined this price per acre is consistent with market values in this area for residential zoned property given its topography.
- The provision of this sub-station will allow the development of approximately 850 condominium and "for sale" townhomes. The residential project will add over \$127 million to the property tax base.
- Revenue received from property sales is allocated to the Capital Investment Plan.

Attachment 23
 Resolution
 Map
 Letter from Duke Energy

40. Property Transactions

Action: Approve the following property acquisitions (A-B) and adopt the condemnation resolutions (C).

NOTE: Condemnation Resolutions are on file in the City Clerk's Office.

Acquisitions

- A. Project:** Briar Creek Relief Sewer Phase I, Parcel # 42
Owner(s): Duke Energy Carolinas, LLC
Property Address: Providence Road
Property to be acquired: 3,921 sq. ft. (.090 ac.) in Sanitary Sewer Easement, plus 1,451 sq. ft. (.033 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$15,900
Remarks: Compensation was established by independent, certified appraisals related to this property.
Zoned: R-3
Use: Utility
Tax Code: 153-105-27
Total Parcel Tax Value: \$87,100
- B. Project:** West Water Main, Parcel # 16
Owner(s): Philip Bert Fisher And Wife, Paula F. Fisher
Property Address: Plato Circle
Property to be acquired: 56,163 sq. ft. (1.289 ac.) in Utility Easement, plus 44,144 sq. ft. (1.013 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$24,000
Remarks: Compensation was established as a result of damages and areas acquired.
Zoned: R-8
Use: Residential
Tax Code: 117-111-51 / 117-111-58 / 117-103-01
Total Parcel Tax Value: \$1,195,400

Condemnations

- C. Project:** Edgewood Neighborhood Improvement Project Storm Water Easements, Parcel # 4 & 5
Owner(s): Gabriel L. Rogers And Any Other Parties Of Interest
Property Address: Tuckaseegee Road
Property to be acquired: Total Combined Area of 23,217.48 sq. ft. (.533 ac.) of Storm Drainage Easement
Improvements: None
Landscaping: None
Purchase Price: \$5,575
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-4
Use: Single Family Residential
Tax Code: 059-023-22 / 059-023-05
Total Parcel Tax Value: \$287,400

41. Meeting Minutes

- Action:** Approve the titles, motions and votes reflected in the Clerk's record as the minutes of:
- November 8, 2006 Workshop
 - November 20, 2006 Zoning