

**Mayor Anthony Foxx**

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**Mayor Pro Tem Patrick D. Cannon**

David L. Howard  
Patsy Kinsey  
LaWana Mayfield  
James Mitchell, Jr.  
Beth Pickering

**CITY COUNCIL BUSINESS MEETING**  
**Monday, December 12, 2011**

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Staff requests that the time sensitive item listed below not be deferred.

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17	19	Traffic Signal Ethernet Switches

**CITY COUNCIL AGENDA**  
**Monday, December 12, 2011**

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## **CONSENT**

- 1. Consent agenda items 9 through 37 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

### 2. City Manager's Report

### 3. Steele Creek Area Plan



**Action:** Approve the Transportation and Planning Committee recommendation to adopt the *Steele Creek Area Plan Volume I: The Concept Plan*, and receive *Volume II: The Implementation Plan* as information.

**Committee Chair:** David Howard

**Staff Resource:** Melony McCullough, Planning

#### Explanation

- The *Steele Creek Area Plan* covers approximately 27,000 acres located in the southwestern portion of Mecklenburg County. The plan addresses key land use, transportation, urban design and development issues identified during the planning process and provides guidance for future land use and infrastructure decisions.

#### Plan Recommendations

- **Land Use:** Seventy percent of the plan area is located within a Wedge and the remainder is within four Activity Centers as defined by the City's *Centers, Corridors and Wedges Growth Framework*. The focus of the Plan is to provide for better integration of land use and transportation as well as protect the character of existing neighborhoods and the natural environment. The majority of the Wedge area is recommended for low density residential land uses at a maximum density of four dwelling units per acre (DUA). Moderate density residential developments and neighborhood serving land uses are appropriate at strategic locations along major thoroughfares within the Wedge. The expansion of industrial and office development is recommended in the Industrial and Mixed Use Activity Centers. Mixed Use Activity Centers are also identified as appropriate locations for higher density residential as well as more intense office and retail land uses.
- **Transportation & Streetscape Design:** The plan provides for new street connections at key locations to enhance the existing street network as well as enhancements to the pedestrian and bicycle network.
- **Community Design:** Plan policies include guidance for encouraging sustainable development that promotes accessibility for pedestrians and cyclists while integrating green amenities and environmentally sensitive features.
- **Infrastructure and Environment:** Plan policies support new civic infrastructure (i.e. water & sewer lines, libraries) and expansion of the greenway system, parks and open space.

#### Charlotte-Mecklenburg Planning Commission (Planning Committee)

- The Planning Committee voted unanimously to recommend adoption of the plan with the proposed revisions (attached) at their October 18, 2011 meeting.

### **Transportation & Planning Committee**

- The Transportation and Planning Committee voted unanimously (Howard, Carter, and Kinsey) at their November 28, 2011 meeting to recommend approval of the plan with the proposed revisions and an additional revision that adds language recognizing the historical significance of retaining the name York Road instead of changing it to South Tryon as property is annexed into the City.
- Since the public comment on September 26, staff shared with the committee two other concerns. The first is the recommended land use (residential up to 1 du) for The Sanctuary subdivision. The other concern is the detailed language included in The Palisades recommendation in the area plan, emphasizing the key community design guidelines that are especially important if the retail development is allowed to exceed 325,000 square feet as approved. The Transportation and Planning Committee did not recommend any additional changes to the plan to respond to these issues.

### **City Council**

- City Council received public comment on the plan and proposed revisions on September 26, 2011. There were five speakers. The speakers expressed concern about airplane flight patterns and noise; the density of a pending rezoning petition for The Sanctuary subdivision; and the desire to change the recommended land use from office to mixed use for two parcels located within the RiverGate Activity Center. The Transportation and Planning Committee supported staff's proposal to revise the plan to change the land use to mixed use for these two parcels.

### **Documents**

Copies of the plan and proposed revisions to the plan were included in Council's September 26<sup>th</sup> agenda packet. This information is also available on the Planning Department's website: [www.charlotteplanning.org](http://www.charlotteplanning.org).

#### 4. Political Consolidation Charter Study Commission

**Action:**

- A. Adopt a Concurrent Resolution with Mecklenburg County to establish and charge a Charter Study Commission,**
- B. Authorize the appropriation of \$150,000 of private funding for the Charter Study Commission and authorize the City Manager, in consultation with the Chair and Vice Chair of the Study Commission and the County Manager, to contract with a consultant and other providers of goods and services that will assist the Study Commission in completing its work, and**
- C. If the Charter Study Commission recommends against governmental consolidation, the City Manager is directed to work with the County Manager to complete a study of functional consolidation of one of the four previously identified candidates for functional consolidation by May of 2013.**

**Resource:** Mayor Anthony Foxx

##### **Explanation**

- Fifteen years have passed since the City of Charlotte and Mecklenburg County have considered political consolidation.
- Additional functional consolidations between Charlotte and Mecklenburg County have been accomplished during this time frame: radio communications, a consolidated 311, fleet maintenance, and the water quality lab. Already existing functional consolidations have also been modified during this time for Planning, Community Relations, Veteran's Services and Elections.
- Under state law Charter Commissions may be charged with any or all of the following duties:
  - Studying consolidation
  - Preparing a report
  - Preparing a plan for consolidation
  - Drafting any necessary agreements
  - Drafting a charter and any additional necessary legislation
  - Calling for a referendum
- The proposed charge to the Charter Commission would be to review the work of the 1995-96 Charlotte-Mecklenburg Charter Study Commission, collect public input, and draft a plan for consolidation along with any necessary legislation. Any such plan would have to be approved by the governing bodies before any referendum would occur.
- As with previous Charter Study Commissions, it is recommended that residents of Mecklenburg municipalities other than Charlotte and the extra territorial jurisdictions should be represented on the Charter Commission.
- If the Charter Study Commission recommends a Consolidation Plan that is approved by the governing bodies, before the plan becomes effective it would have to be approved by the voters at a referendum and ratified by the General Assembly.

- The Charter Study Commission would be charged to complete its work by July 31, 2012. If the Commission recommends against consolidation, it would be dissolved and City and County staff would be directed to complete at least one of the previously approved functional consolidation studies by May 2013.
- The recommended size of the Commission is 25. The County would appoint 13 members and the City would appoint 12. The Mayor and Chair of the Board of County Commissioners would jointly select a Chair and Vice-Chair from those appointed to the Commission.
- The Study Commission would be supported through \$150,000 in private contributions. In the event that adequate commitments have not been secured by February 1, 2012, the Commission will be disbanded.

**Background**

- Political Consolidation has been considered four times since the early 1970's
  - 1971 Political Consolidation Referendum failed
  - 1984 Consolidation Study Commission – Found insufficient reason to consolidate
  - 1990 Consolidation Charter Study Commission – Recommended against political consolidation
  - 1994-1996 Charter Drafting Committee and Charter Commission
- In the summer of 1994 the Charlotte City Council and the Mecklenburg County Board of Commissioners adopted 12 Consolidation Principles and appointed a 12 person Charter Drafting Committee. The Charter Drafting Committee presented a Preliminary Charter for a Charlotte-Mecklenburg Metropolitan Government to the two governing bodies on May 8, 1995.
- In September 1995 the Charlotte City Council and Mecklenburg County Board of Commissioners created a 25 member Charter Commission. The Commission held public hearings on the charter, made revisions to the charter, reviewed representation plans, and recommended the charter to the City Council and County Commission.
- Political Consolidation did not proceed to a referendum because the Preliminary Charter was not approved by both governing bodies.
- In the event the Charter Study Commission recommends against governmental consolidation, the City and County Managers would be directed to complete the study of at least one of the following functional consolidation areas by May 2013
  - Permitting Services
  - Human Resources
  - Fire/Medic
  - Government Television Production and Programming

**Funding**

Private funding

**Attachment**

Resolution

Budget Ordinance

## BUSINESS

### 5. Chiquita Brands International Incentive Grants

- Action:**
- A. Approve contracts between the City of Charlotte, the NC Department of Commerce (NCDOC) and Chiquita Brands International (Chiquita) for a \$2,500,000 One North Carolina Grant from the State to Chiquita,**
  - B. Approve the City's share of a Business Investment Grant to Chiquita for a total estimated amount of \$253,818 over five years (Total City/County grant estimated at \$728,114),**
  - C. Approve the City's share of an Economic Development Grant to Chiquita for \$875,000 over three years (Total City/County grant estimated at \$1,750,000), and**
  - D. Adopt a budget ordinance appropriating \$2,500,000 from a One North Carolina Grant to Chiquita and \$875,000 from the City to Chiquita.**

**Staff Resource:** Peter Zeiler, Neighborhood & Business Services

#### **Policy**

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

#### **Explanation**

- Cincinnati-based Chiquita Brands International Inc. (Chiquita) is a leading producer and distributor of bananas and other produce, including packaged salad products sold under the Fresh Express brand name.
- Chiquita employs approximately 21,000 employees worldwide.
- For much of 2011, Chiquita has been considering a relocation of its global headquarters, and considered sites in Charlotte, Atlanta, and Boca Raton, as well as an option to remain in Cincinnati.
- On November 29, 2011, the company announced that it would relocate its global headquarters to Charlotte, in part due to state and local incentives.
- Chiquita plans to lease approximately 140,000 square feet in the Center City within the year, and open a research and development facility in Charlotte within the next two years.

#### One NC Grant

- On November 29, 2011, the State awarded a One North Carolina Grant to Chiquita in an amount not to exceed \$2,500,000 as part of the company's relocation.
- By State statute, the City is required to administer a performance contract with Chiquita to ensure compliance with the State's job creation and capital investment standards.
- One North Carolina Grants require a local match.

- On September 12, 2011, City Council indicated its intent to approve the following financial incentive grants to Chiquita in a closed session in order to meet the local match requirement.

Business Investment Grant

- Chiquita's relocation meets all of the Council-approved requirements for a Business Investment Grant:
  - A taxable investment of at least \$14 million
  - The creation of 417 new jobs at an average annual wage of \$106,000
- If approved, the grant will be paid over two overlapping five-year terms corresponding to occupancy dates for the headquarters facility and the research and development facility.
- The City's share of the grant is estimated to be \$253,818, which is equal to 90% of new incremental taxes generated by Chiquita over the term of the grant. (Total City/County grant is estimated to be \$728,114).

Economic Development Grant

- Council also indicated its intent to approve an Economic Development Grant to Chiquita in the amount of \$875,000 to be matched by the County, for a total City/County grant of \$1,750,000.
- If approved, payments will be made over a three-year term, in installments that are proportional to the company's progress toward meeting its commitment of 417 total jobs.

**General Terms and Conditions**

- All property taxes due from the company must be paid before a grant payment is made.
- Chiquita must relocate its corporate headquarters to Charlotte within 12 months of Council's approval of the grant(s).
- Chiquita must create 417 jobs within three years at an average wage for all jobs equal to or greater than \$100,000.
- Chiquita's global headquarters must remain in Charlotte for no less than 10 years.
- Chiquita will maintain no less than 90% of expected new jobs on payroll during all 10 years.
- Failure to meet each of these grant terms will result in Chiquita's obligation to repay all or a portion of the grants.
- On September 20, 2011, the Board of County Commissioners also indicated its intent to approve these financial incentive grants to Chiquita in a closed session, and will consider this proposal on its December 20, 2011 agenda.

**Funding**

State of North Carolina: One North Carolina Grant Fund  
Business Investment Grant Account  
Economic Development Grant

**Attachment 2**

Budget Ordinance

## 6. 2012 City Council Meeting Calendar

**Action:** Approve the 2012 City Council meeting calendar.

**Staff Resource:** Stephanie Kelly, City Clerk

### Explanation

- N.C.G.S 43-318.12 requires that the City Clerk maintain on file a schedule of City Council's regular meetings. If a schedule is duly adopted and filed, no further notice of regular meetings is necessary.
- 2012 Council Retreat and Council Budget Retreat dates are included on this proposed schedule of meetings.

### Attachment 3

2012 Calendar

## 7. Mayor and Council Topics

Council members may share information and raise topics for discussion.

## 8. Closed Session

**Action:** Adopt a motion pursuant to NCGS 143-318.11(a) (3) to go into closed session to consult with attorneys employed or retained by the City in order to preserve the attorney-client privilege and to consider and give instructions to the attorneys concerning the handling of the case *Rina T. Jordan v. Henry Christopher Suhr III and City of Charlotte*, 10-CVS-6284.



## CONSENT

### Introduction to CONSENT

Consent consists of routine items that have been approved in the budget. Price lists for unit price contracts are available upon request.

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

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

#### Contractors and Consultants

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

## 9. Voluntary Annexation Petition

**Action: Authorize the City Manager to sign a petition for voluntary annexation of a City-owned portion of Blythe Landing Park located in the Town of Cornelius extraterritorial jurisdiction.**

**Staff Resources:** Jonathan Wells, Planning  
Barry Shearin, Utilities

### Explanation

- The City of Charlotte owns a two-acre parcel located within the 38.4-acre lakefront, County-operated Blythe Landing Park in the Town of Cornelius unincorporated extraterritorial jurisdiction.
- The remainder of the park is owned by Mecklenburg County (23.8 acres) and Duke Energy (12.6 acres).
- The Mecklenburg County Commission authorized consent for annexation at their October 4 meeting and has subsequently submitted a completed petition to Cornelius. Duke Energy is currently reviewing the petition.
- The City property serves as a fee-simple right-of way for an underground water line between Lake Norman and Charlotte-Mecklenburg Utility's nearby Lee Dukes Water Treatment Plant, and is improved with park amenities such as driveways, parking lot, and landscaping.
- The Town initiated the request to allow the Town to assume police patrol authority in the park.
- Following annexation, Utilities access to the City-owned property and to the water line would be unaffected.
- Similarly, land development review authority would remain unchanged since Cornelius currently exercises that authority within its extraterritorial jurisdiction.
- Police patrol responsibility would shift from the Charlotte-Mecklenburg Police Department to the Cornelius Police Department.
- As a pre-requisite to annexation, the Cornelius town board would need to schedule and hold a public hearing, and to pass an annexation ordinance.

### Attachment 4

Map

## 10. Habitat for Humanity Critical Home Repair Program

**Action: Provide a grant to Habitat for Humanity Charlotte (Habitat) in the amount of \$500,000 to provide home rehabilitation services to families inside the City Limits of Charlotte.**

**Staff Resources:** Diane Adams, Neighborhood & Business Services  
Pamela Wideman, Neighborhood & Business Services

### Explanation

- Habitat for Humanity partnered with the City of Charlotte for the last four years to provide home repairs.
- Neighborhood & Business Services recommends continuing the current partnership by increasing financial support to Habitat for Humanity's Critical Home Repair program. Increased financial support will enable more families to be served.
- The grant will be funded through Community Development Block Grant (CDBG) funds (2012 Funding Cycle) and used to avoid displacement of homeowners and their families by repairing dangerous code violations at qualified properties, not previously constructed by Habitat. Examples of dangerous code violations include structural damage, roofing, and lack of adequate sanitary facilities.
- CDBG regulations allow recipients of CDBG to designate nonprofit agencies as subrecipients to perform CDBG grant eligible activities. Habitat was chosen as a subrecipient based on expertise, quality of work, and the ability to provide leverage.
- Habitat estimates in-kind contributions of materials and volunteer labor to be approximately \$169,993, providing significant leverage dollars.
- The City will supply referrals to Habitat for Humanity, approve scope of work for each unit, monitor all work, and approve final payment for each unit. Habitat will prioritize families:
  - With an elderly or disabled head of household or household member
  - With a single parent household with one or more children in the home
  - With five or more permanent residents (large families)
- A minimum 25 units will be completed under this contract. The estimated City contribution is \$20,000 per unit and Habitat's estimated contribution is \$6,800 per unit.
- Habitat receives funding from the City in the form of a grant and requires the program participants to pay back a fraction of the cost of the work in accordance with Habitat policies via a Repayment Agreement.
- Funds recovered by Habitat through this Repayment Agreement are deposited into a segregated account designated specifically for home rehabilitation services and shall be used solely for urgent, major, and structural home repairs for additional project properties.

### Funding

Community Development Block Grant

## 11. Irwin Creek Wastewater Treatment Plant Upgrades and Improvements

- Action:**
- A. Award the low bid contract of \$20,881,400 to Crowder Construction Co. for construction of the Irwin Creek Waste Water Treatment Plant (WWTP) Improvements and Upgrade Project Phase 1,**
  - B. Approve an amendment in the amount \$590,300, with Hazen and Sawyer for additional design services provided during the final design of the Irwin Creek WWTP Upgrades and Improvements Project, and**
  - C. Approve a contract in the amount of \$2,709,200, with Hazen and Sawyer, for construction administration services for the Irwin Creek WWTP Upgrades and Improvements Project.**

**Staff Resource:** Barry Gullet, Utilities

### Project Overview

- The Irwin Wastewater Treatment Plant is located off of Billy Graham Parkway, adjacent to the Billy Graham Library complex.
- The treatment plant was originally constructed in the 1920's and has been expanded and had various components upgraded since that time. However much of the equipment and structures are decades old and in need of rehabilitation to ensure the plant can safely treat its 15 million gallon per day capacity within the current permit limits.
- The Wastewater Master Plan presented to Council at their February 2007 workshop indicated upgrades are needed at the Irwin Creek Wastewater Treatment Plant to increase reliability and fully utilize the plant's rated capacity.
- The Irwin Creek WWTP Improvements and Upgrades Project will be constructed in two phases. Phase 1 construction will cost \$20,881,400. Phase 2 will be bid in about 18 months, near the completion of Phase 1. The estimated cost of Phase 2 is \$20 million.

### Construction Contract

- The Phase 1 construction contract includes the following:
  - Rehabilitation of the Influent Pump Station
  - New Influent Flow Diversion Structure with Composite Sampler
  - New Influent Flow Measurement Structure
  - Filter Backwash Pump Replacement
  - Installation of Weirs in Effluent Filters to Improve Distribution
  - New Engine-Generator Facility
  - Rehabilitation of the Anaerobic Digester Complex
  - New Filtrate Equalization Tank
  - Secondary Clarifier Improvements
  - Five new Electrical Substations and overhead electrical lines for electrical reliability
  - Instrumentation and Control Improvements
  - Driveway Improvements from Secondary Entrance Gate to New Generator Facility

- Additional storm water management measures on the plant site

### **Amendment for Design Services**

- The amendment includes additional design services that were necessary for the following reasons:
  - The Irwin Creek WWTP was originally constructed in the 1920's. A complete set of reliable record drawings did not exist when this project was initiated in 2007. The age and condition of the plant made it difficult to estimate the complete scope of the project before actually beginning the design. The consultant expected to develop about 300 construction drawings for the project but actually ended up with 600 drawings in order to adequately describe the work to be bid due to the age and condition of much of the facility.
  - Unforeseen electrical conditions that necessitated several electrical buildings and unforeseen soil conditions that led to additional design effort for the Generator Facility.
  - Budget constraints and a slower economy required the original scope of the project to be broken into two phases which required additional engineering to ensure the plant would be able to maintain reliable operations under the phased construction.
  - The slow economy resulted in construction contractors bidding for types of projects in which they have little or no previous experience. Hazen and Sawyer assisted in the development and administration of a prequalification process to ensure bids were received only from contractors experienced in wastewater treatment plant construction. As a result, 18 general contractors and four electrical contractors are prequalified to submit construction bids for the Irwin Creek WWTP Upgrades project. Thirteen bids were received.

### Amendment History

- On July 23, 2007, Council approved a contract with Hazen and Sawyer in the amount of \$561,900 for professional services associated with producing a preliminary engineering report. The report outlined in detail the work required to ensure the plant can reliably treat its rated 15 million gallons of wastewater per day, into the future.
- On June 13, 2008, the City Manager's Office approved an amendment to Hazen and Sawyer's preliminary engineering contract in the amount of \$62,890. The amendment provided services associated with updating FEMA flood elevation models necessary to accurately assess impacts from proposed construction at the Irwin Creek WWTP.
- On February 23, 2009, Council approved a contract with Hazen and Sawyer in the amount of \$2,807,730 for design services associated with the upgrades and improvements of the Irwin Creek WWTP, including detailed design of process and electrical equipment that needs to be upgraded or replaced.
- Hazen and Sawyer was selected for the preliminary engineering work and detailed design work according to the Council approved, qualifications-based selection process performed in accordance with NC General Statutes.

### **Construction Administration Services**

- Phase 1 of the Irwin Creek WWTP Upgrade Project totals more than \$20 million and requires professional construction administration services.

- The contract with Hazen and Sawyer provides for the following services for Phase 1:
  - Construction Administration
  - Construction Observation
  - Facility Start-up Services
  - Operations and Maintenance, and Operator Training on the new equipment
  - Specialty Subconsultant Services

### **Small Business Opportunity**

#### Crowder Construction

Established SBE Goal: 5%

Committed SBE Goal: 5.95%

Crowder Construction exceeded the SBE established goal and committed 5.95% (\$1,241,975) of the total contract amount to the following SBE firms: 8 Star Construction (asphalt milling & removal); B&B Concrete Construction (curb & gutter); D's Trucking (hauling); Independent Mapping Consultants (aerial photography); Mid-Atlantic Erosion Control (silt fencing); MTS Trucking (hauling); Oliver Paving (asphalt pavement installation); Skyline Design & Landscape (landscaping); and Southern Concrete Services (rebar installation).

Subsequent to Bid Opening, Crowder Construction committed an additional 0.16% (\$33,138) to The Carolina's Landworks (erosion control).

#### Hazen and Sawyer

All additional work involved in this contract amendment will be performed by the consultant and existing subconsultants (Part D: Section 6 of the SBO Policy). Hazen committed 16.43% (\$97,000) of the amendment amount to the following SBE: Southeastern Consulting Engineers, Inc. (construction inspection services).

For professional services contracts, the City negotiates SBE goals after the proposal selection process. (Part C: Section 2.2 of the SBO Policy). On this contract, Hazen & Sawyer committed 6.50% (\$176,000) of the total contract amount to the following firms: Hinde Engineering (surveying services); Priest Architecture (architectural review services); and Southeastern Consulting Engineers (generator facility construction inspection services).

### **Funding**

Utilities Capital Investment Plan

## 12. Sanitary Sewer Rehabilitation Program

**Action:**

**A. Approve a contract in the amount of \$985,000 with Frazier Engineering, P.A. for professional engineering and construction management services for the Sanitary Sewer Rehabilitation Program, and**

**B. Authorize the City Manager to renew the contract for four additional terms, each in the same amount as the original contract.**

**Staff Resource:** Barry Gullet, Utilities

### Explanation

- This contract provides for professional engineering and construction management services for the ongoing Sanitary Sewer Rehabilitation Program focusing in the following areas:
  - Sewer System Evaluation
  - Planning and Design
  - Construction Drawings and Specifications
  - Construction Management
- Rehabilitation projects are prioritized based on historical maintenance costs, the overall condition of the facilities, and sanitary sewer overflows that have occurred or the likelihood of future overflows due to the pipe condition.
- Four submittals were received in response to a Request for Qualifications. Frazier Engineering was selected using the Council approved, qualifications-based selection process.

### Small Business Opportunity

For professional services contracts, the City negotiates SBE goals after the proposal selection process. (Part C: Section 2.2 of the SBO Policy). On this contract, Frazier Engineering committed 5.00% (\$49,250) to the following SBE firms: Mahnaz, Inc. (traffic control design), and Survey & Mapping Control, Inc (surveying services).

### Funding

Utilities Capital Investment Plan

## 13. Electrical Improvements for Water Treatment Facilities

**Action:** Approve a contract with Southeastern Consulting Engineers, Inc. in the amount of \$338,000 for design and construction administration services for electrical improvements at Charlotte-Mecklenburg Utilities Department (CMUD) water treatment facilities.

**Staff Resource:** Barry Gullet, Utilities

### Explanation

- This contract provides funding for design and construction administration services for electrical upgrades at several CMUD water treatment facilities.
  - The existing generator and associated control equipment will be replaced with new equipment at the Hoskins booster pump station.
  - The existing electrical equipment at the Catawba River pumping station is 46 years old and needs to be replaced.
  - The existing diesel generator and associated equipment at the Vest Water Treatment Plant will be replaced. This equipment is approximately 47 years old.
  - The existing backup generator systems at Lee S. Dukes and Franklin Water Treatment Plants will be assessed for possible improvements to address backup power needs during power outages.
- Three submittals were received in response to a Request for Qualifications. Southeastern was selected based on the Council approved, qualifications-based process and in accordance with NC General Statutes.

### Small Business Opportunity

For professional services contracts, the City negotiates SBE goals after the proposal selection process. (Part C: Section 2.2 of the SBO Policy). On this contract, Southeastern committed 5.00% (\$16,900) of the total contract amount to the following SBE firm: Walker Engineering, PA (structural engineering design services). Southeastern Consulting Engineers is also a certified SBE firm.

### Funding

Utilities Capital Investment Plan

## 14. Franklin Water Treatment Plant Raw Water Reservoir Improvements, Amendment #3

**Action: Approve Amendment #3 for \$315,500 with Hazen and Sawyer, P.C. for professional services for the Raw Water Reservoir Improvements project at the Walter M. Franklin Water Treatment Plant.**

**Staff Resource:** Barry Gullet, Utilities

### Explanation

- The Franklin Water Plant is the largest water plant within the Charlotte Mecklenburg Utilities system with a capacity of 181 million gallons per day. The plant is located on Brookshire Boulevard (NC 16) just north of Interstate 85.
- The original contract in the amount of \$1,949,830 was approved by Council on September 10, 2007.
- This contract provided for engineering design services to combine two smaller reservoirs with a single larger reservoir.
- The new reservoir is currently under construction with Thalle Construction at a cost of \$18,717,000. Amendment #3 provides funding for the following:
  - Additional monthly construction administration, inspection and groundwater monitoring costs due to the extended construction period
  - Additional soil testing by a sub-consultant, on an ongoing basis, tied to the contractor's schedule
  - Review and response to claims for extra cost and time issued by the contractor
  - Inspection services when the contractor was working outside of normal working hours
  - Laser profile of a 84" diameter pipeline installed under this project that showed some areas of deflection
  - Revise the Operation and Maintenance Manual to include both the existing reservoir and the new reservoir
- Amendment #1, in the amount of \$364,700, was approved by Council on November 9, 2009. That amendment provided for design and inspection of repairs to Reservoir #3, which was not in the original scope of the project.
- Amendment #2, in the amount of \$496,760, was approved by Council on March 28, 2011. That amendment provided funding primarily for additional monthly construction administration and a subconsultant's soil testing related to a construction time extension given due to weather impacts at the outset of the project.
- The contractor is currently beyond the contract time and is being assessed liquidated damages. The contractor has requested a time extension due to wet soil conditions that occurred at various times over the past year, which is being evaluated.
- Liquidated damages that are collected would be used to compensate for this additional engineering cost.
- Total amount of the contract is now \$3,126,790, and is still within budget.

**Small Business Opportunity**

All additional work involved in this amendment will be performed by the consultant and their existing subconsultants. This amendment complies with Part D: Section 6 of the SBO Policy.

**Funding**

Utilities Capital Investment Plan

**15. I-277/I-77 Loop Study Municipal Agreement, Resolution and Contract**

**Action:**

- A. Adopt a resolution authorizing the Key Business Executive of Transportation to execute a Municipal Agreement with the NCDOT for NCDOT to reimburse the City \$150,000 for the I-277/I-77 Loop Study,**
- B. Authorize the City Manager to negotiate and execute a contract with RS&H to complete the Loop Study for an amount not to exceed \$380,000, and**
- C. Adopt a budget ordinance appropriating \$150,000 from NCDOT funding.**

**Staff Resources:** Norm Steinman, Transportation  
Vivian Coleman, Transportation

**Explanation**

- City staff conducts transportation planning on behalf of the Mecklenburg-Union Metropolitan Planning Organization.
- The purpose of the Loop Study is to define and evaluate short-term, cost-effective operational improvements and long-term capital projects for the I-277/I-77 Loop around Uptown.
- The total cost of the Study is \$380,000.
  - \$230,000 has been allocated by the Mecklenburg-Union Metropolitan Planning Organization (MUMPO) from federal transportation planning funds known as Unified Planning Work Program (UPWP) funds.
  - \$150,000 will be provided by NCDOT.
- This study will result in recommendations for projects to be included in MUMPO's 2040 Long Range Transportation Plan. Implementation of capital projects will be used on subsequent feasibility and design studies, and environmental impact assessments.
- A comprehensive study of the entire Loop has never been undertaken.
- The consultant selected for this study will recommend projects to help maintain efficient operations on the I-277/I-77 Loop over the next 50 years.
- This study will build on prior analyses conducted for the Center City Transportation Plan, and will be consistent with the 2020 Center City Vision Plan.

**Background**

- On September 26, 2011, City Council adopted a budget ordinance to accept Unified Planning Work Program (UPWP) funds from MUMPO, including the \$230,000 of UPWP funds to be used for the I-277/I-77 Loop Study.

- The UPWP is adopted annually in accordance with joint Federal Highway Administration/Federal Transit Administration (FHWA/FTA) transportation planning guidelines. This UPWP allocation has been included in the City's annual budget.
- A formal Request for Qualifications (RFQ) process was used to select the consultant. A selection team with representatives from CDOT, Planning and NCDOT reviewed five consultant proposals. The proposals were evaluated using the Engineering and Property Management RFQ selection process.
- RS&H was selected to complete the Loop Study.

#### **Small Business Opportunity**

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

#### **Funding**

NCDOT and MUMPO

#### **Attachment 5**

Resolution

Budget Ordinance

## **16. WT Harris and Brookshire Boulevards Classifications Study**

**Actions: Authorize the City Manager to negotiate and execute a contract with DRMP, Inc. to complete the Classifications Study for an amount not to exceed \$125,000.**

**Staff Resources:** Norm Steinman, Transportation  
Brian Horton, Transportation

#### **Explanation**

- City staff conducts transportation planning on behalf of the Mecklenburg-Union Metropolitan Planning Organization.
- Roadway classifications are applied throughout the US to establish speed limits, the level of access control, the provision of intersections or interchanges, and options for various design features (lane widths, curb type and radii, and facilities for pedestrians and bicyclists).
- This Study will determine the appropriate classifications for these two roadways in Charlotte: Brookshire Boulevard and WT Harris Boulevard.
- The Study is necessary at this time because these two roadways, which presently include different roadway classifications, are being affected by discrete land development and transportation investment decisions.
- Decisions about roadway classifications can affect the levels and types of mobility, accessibility, and travel modes available. The potential impacts of these decisions will be analyzed and discussed with stakeholders in the upcoming study.
- The recommendations of this Study will be used by the City of Charlotte and the NCDOT to develop the specific design plans necessary for actual implementation of any projects on these roadways.
- This Study will be completed by the June 30, 2012.

**Background**

- On September 26, 2011, the City Council adopted a budget ordinance to accept Unified Planning Work Program (UPWP) funds from MUMPO, including \$100,000 of UPWP funds to be used for the Classifications Study. The City will provide up to \$25,000 from the Transportation Capital Investment Plan.
- The UPWP is adopted annually in accordance with joint Federal Highway Administration/Federal Transit Administration (FHWA/FTA) transportation planning guidelines. This UPWP allocation has been included in the City's annual budget.
- A formal Request for Qualifications (RFQ) process was used to select the consultant. A selection team with representatives from CDOT, Planning and NCDOT reviewed six consultant proposals. The proposals were evaluated using the Engineering and Property Management RFQ selection process.

**Small Business Opportunity**

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

**Funding**

MUMPO and Transportation Capital Investment Plan

**17. Traffic Signal Ethernet Switches**

**Action: Authorize the City Manager to amend the contract with NWN Corporation for the purchase of Ethernet Switches and related parts in an amount not to exceed \$250,000.**

**Staff Resource:** Debbie Self, Transportation

**Explanation**

- Ethernet switches are computer networking devices used to connect the transportation system, including traffic signals and traffic management cameras. The switches allow for high speed transmission of data.
- Recent upgrades in the bandwidth between CDOT's Traffic Management Center and the CMPD's Law Enforcement Center allow for future use of high-definition cameras.
- Council approved a three-year contract with NWN Corporation on June 13, 2011 in the amount of \$250,000 for the purchase of Ethernet Switches and related parts.
- This action would increase the total three-year contract amount to \$500,000.
- The increased amount would allow for the purchase of related parts that support future expansion to high-definition traffic management cameras, and maintenance of Ethernet switches.

**Background**

- The City developed an updated Intelligent Transportation System (ITS) Communication Master Plan in 2008. A key component of the Master Plan is migration from serial communications (older technology) to an Ethernet/Internet Protocol (IP) based communication infrastructure.
- The Ethernet/IP communication infrastructure will:

- Create communication redundancy by re-routing data in the event of electronic device failures and physical damage to fiber optic cable
- Support future expansion of the transportation network including traffic signals, traffic management cameras and dynamic message signs
- Support the migration from analog video to digital video which allows for inter-agency and future public viewing of the cameras
- A formal Request for Proposal process was used to evaluate Ethernet switches. A selection team with representatives from CDOT, Business Support Services, NCDOT and CDOT's consultant reviewed seven vendor proposals. The proposals were evaluated using more than 20 criteria such as reliability, price, configuration, maintenance and ease of expansion.
- NWN Corporation's proposal was selected as the most cost effective, reliable and best selection for the Cisco Ethernet switches and related parts.

#### **Small Business Opportunity**

No SBE goals are established for the purchase of goods and equipment (Appendix Section 18 of the SBO Policy).

#### **Funding**

Transportation Capital Investment Plan

## **18. Airport Recycling Center Equipment**

**Action:**   **A. Award the low bid contract of \$258,788 to DariTech, Inc. for the purchase of the in-vessel composter for the Airport Recycling Center, and**

**B. Award the low bid contract of \$178,590.35 to Sustainable Agricultural Technologies, Inc. for the purchase of the Vermicomposting System for the Airport Recycling Center.**

**Staff Resource:**   Jerry Orr, Aviation

#### **Explanation**

- In April 2011, Council approved the plan for an Airport Recycling Center to be located on the Airport. The Airport Recycling Center will process approximately 10,000 tons of trash annually and avoid an estimated \$300,000 in annual landfill fees.
- In August 2011, Council approved the purchase of baler and conveyor systems as the first part of developing the Airport Recycling Center.
- The in-vessel composter will treat the organic trash and contaminated paper products in the first stage of the composting process.
- The vermicomposter will accept the products from the in-vessel composter and further break down the organics into compost. Included in the pricing of the vermicomposter are the earthworms that are necessary for this process.
- The compost will be used at the Airport and will reduce the organics deposited in the landfill.
- Both pieces of equipment include the delivery, installation, and a one year warranty.
- The Airport Recycling Center will open in Spring 2012.

**Small Business Opportunity**

No SBE goals are established for the purchase of goods and equipment (Appendix Section 18 of the SBO Policy).

**Funding**

Aviation Operating Budget

**19. Airport East Terminal Change Order #1**

**Action: Approve Change Order #1 with Edison Foard, Inc. in the amount of \$364,284 for additional work scope including mechanical, electrical, and plumbing items for the terminal complex.**

**Staff Resource:** Jerry Orr, Aviation

**Explanation**

- In September 2010, City Council approved a contract with Edison Foard, Inc. for the construction of the East Terminal Expansion. This expansion will provide an additional four-lane security checkpoint and an expansion to the international arrivals hall.
- In coordinating the work required for the new parking deck and a future expansion to the East Terminal area, the Airport identified three work items that are advantageous to complete under this contract rather than wait for those future projects to start construction.
- Change order #1 will fund the following additional work items:
  - Installation of additional hot and chilled water lines for the HVAC system of the new parking deck
  - Modification of existing underground jet fuel lines that will be under the new building expansion. The modification will encase the lines in a larger steel pipe for added safety and leak detection capability
  - Installation of a second electrical transformer and the associated cabling to accommodate future electrical needs in the terminal
- Funding for this change order comes from proceeds of General Airport Revenue Bonds, for which the debt service is paid through Airport revenues and airline rates and charges.

**Small Business Opportunity**

All additional work involved in this contract will be performed by Edison Foard, Inc. and their existing subcontractors (Part D: Section 6 of the SBO Policy).

**Funding**

Aviation Capital Investment Plan

## 20. Airport Entrance Road Design Services Change Order

**Action: Approve Amendment #1 with HNTB Corporation in the amount of \$113,545 for additional traffic study, roadway design, and environmental documentation.**

**Staff Resource:** Jerry Orr, Aviation

### Explanation

- In 1975, the North Carolina Department of Transportation (NCDOT) Transportation Improvement Program (TIP) included a project to design and construct an Airport Entrance Road from I-85 to the Airport.
- NCDOT designed the road; however, the construction funding has continuously been pushed into the later years of the TIP and the road has not been built.
- Due to significant growth in local passengers since 1975, the NCDOT road design is now inadequate.
- In February 2011, City Council approved a contract in the amount of \$1,943,619 with HNTB for the design of a new entrance road. This design included a connector to Little Rock Road near the I-85 interchange.
- Under the new design, NCDOT is responsible for constructing the connector to Little Rock Road north of Wilkinson Boulevard. NCDOT informed the Airport that due to additional planning and environmental work, that section of road will not be constructed at the same time the Airport constructs the entrance road.
- Due to NCDOT's schedule, Amendment #1 will provide funding for HNTB to conduct additional traffic analysis and roadway design to accommodate a revised road alignment for the rear entrance road.

### Small Business Opportunity

All additional work involved in this amendment will be performed by HNTB Corporation and their existing subcontractors (Part D: Section 6 of the SBO Policy).

### Funding

Aviation Capital Investment Plan

## 21. Airport Camera System Change Orders

- Action:**
- A. Approve Amendment #1 to the Building Management Systems Maintenance Contract with Johnson Controls Inc. for building management systems maintenance in the amount of \$33,036 plus \$110,113 parts allowance, and**
  - B. Approve Change Order #4 to the Camera System Contract with Johnson Controls Inc. for additional camera system installation in the amount of \$392,663.**

**Staff Resource:** Jerry Orr, Aviation

### Building Management Systems

- In September 2010, the Airport issued a Request for Proposals for maintenance and support of the more complex elements of the Airport's automation systems, which centralizes control of all heating, ventilating and air conditioning, lighting, fire safety, access control, security surveillance and alarm systems.
- In December 2010, Council approved a five-year contract with Johnson Controls in the amount of \$1,642,992 with an additional parts allowance of \$1,125,000 based on their company experience and proposed cost of services. Johnson Controls, Inc. has been performing automation work at Charlotte Douglas International Airport since 1982.
- As Airport operations continue to grow in scope and new requirements are identified, additional automation elements are needed which exceed the maintenance and part allowances of the original contract.
- Amendment #1 will provide maintenance and parts for these access controls upgrades:
  - US Airways GSE Building Access Control Addition (cost of which will be reimbursed by US Airways)
  - Door Alarms
  - Media Camera
- The contract ends December 31, 2015.

### Camera System

- In February 2008, Council accepted a grant in the amount of \$2,050,000 from the Department of Homeland Security for the Transportation Security Administration (TSA) to provide a closed-circuit television (CCTV) based security system at the checkpoints to replace a leased system.
- In July 2008, Council approved a contract with Johnson Controls, Inc. in the amount of \$449,724 to supply and install the system consisting of 300 cameras.
- In March 2009, Council approved Change Order #1 in the amount of \$368,371 for additional cameras the TSA determined were needed to meet their operational needs.
- In September 2009, Council approved Changer Order #2 in the amount of \$842,480 for additional cameras to the modified TSA checkpoints and upgrades to the Airport operations' camera systems.
- Change Order #3 in the amount of \$24,646 was made in June 2010.
- As Airport and TSA operations grow, new camera requirements have been identified.

- Change order #4 will provide camera equipment, installation, and maintenance for the following projects:
  - TSA Workstation Hard Drive Additions
  - TSA Checkpoint E and Inline Baggage Cameras
  - TSA Video Management System Domain Server Addition
  - US Airways Video Management System Upgrade (cost of which will be reimbursed by US Airways)
  - Taxi Operation Cameras
  - Business Valet Cameras
  - CMPD Cameras
  - Airport Operations Enterprise Video System Server Upgrade
- These are extensions of and additions to existing systems and need to be installed by the supplier of the base system.
- The contract ends September 14, 2012.

**Small Business Opportunity**

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

**Funding**

Aviation Capital Investment Plan

## 22. Airport Criminal History Records Check and Security Threat Assessment

**Action:** Approve a two-year contract with the Transportation Security Clearinghouse (TSC) in the amount of \$350,000 for Criminal History Records Checks and Security Threat Assessment services.

**Staff Resource:** Jerry Orr, Aviation

### Explanation

- The American Association of Airport Executives (AAAE) is a professional association of airport executives. It provides a wide range of services and professional development opportunities.
- The Transportation Security Clearinghouse (TSC) is a division of the AAAE responsible for processing Security Threat Assessments (STA) and Criminal History Record Checks (CHRC) for aviation workers.
- In 2002, the TSA required all commercial service airports to change the vetting process for individuals with unescorted access within certain areas.
- TSC has been the only TSA-approved provider of these vetting services.
- Charlotte Douglas International Airport (CLT) has approximately 12,000 individuals in the badging database and badge approximately 4,500 new individuals each year.
- CLT pays the Transportation Clearinghouse for CHRCs and for STAs. However, CLT recoups the majority of the costs for this service through the issuances of badges that are paid by the airlines, tenants, and other airport personnel.
- The new contract will reduce the rate for STAs from \$11 to \$7.

### Small Business Opportunity

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

### Funding

Aviation Operating Budget

## 23. Airport Retail Concession

**Action: Approve a five and a half-year agreement with The Paradies Shops, LLC to provide two shoeshine concessions in the passenger terminal at the Airport for 10 percent of their gross revenues.**

**Staff Resource:** Jerry Orr, Aviation

### **Explanation**

- In September 2010, Council approved a five-year agreement with two, one-year extensions with The Paradies Shops to operate retail concessions in the Terminal.
- Executive Shine operates two shoe shine locations at the Airport as a subconcession to HMS Host.
- This agreement transfers the administrative responsibility of operating the subconcession agreement from HMS Host to The Paradies Shops for the length of their original contract.
- Paradies will pay 10 percent of gross revenues from the Executive Shoe Shine locations.
- This change will not result in any change to the personnel for the two shoe shine locations.

### **Disadvantaged Business Opportunity**

Established DBE Goal: 20.6%

Committed DBE Goal: 26.00%

This contract falls under the Airport Concessionaire Disadvantaged Business Enterprise (ACDBE) program. The Paradies Shops, LLC. maintains their original ACDBE Goal through the addition of this concession.

## 24. Fire Department Headquarters Construction

**Action:**   **A. Adopt a budget ordinance appropriating an additional \$740,725 in Capital Investment Plan funds to the Charlotte Fire Department Headquarters Project, and**

**B. Award the low bid contract of \$10,949,120 to Myers & Chapman, Inc. for construction of the Charlotte Fire Department Headquarters.**

**Staff Resources:**   William Haas, Engineering & Property Management  
                              Rich Granger, Fire

### Explanation

- This project consists of the construction of a new 36,524 square-foot, two-story facility, located at 500 Dalton Avenue.
- The new facility will consolidate the following operations: Fire Administration, Fire Information Technology, Fire Prevention, and Emergency Management.
- Construction completion is scheduled for fourth quarter 2013.

### Budget Ordinance

- The construction bids were higher than estimated due to higher prices for steel, window systems, sheetrock and mechanical systems. Currently, there is an industry-wide trend of price increases for building materials and mechanical systems.
- To ensure this facility is an asset for the surrounding area and a catalyst for future development in the Graham/Statesville Avenue corridors, staff recommends adding savings from previous fire station projects.
- This Budget Ordinance will reprogram \$740,725 in existing Capital Investment Plan appropriations from the Harrisburg Road Fire Station, which is complete.

### Sustainable Facilities Design Commitments

- This facility will be constructed in accordance with the Policy for Sustainable City Facilities adopted by City Council in September 2009.
- Some sustainable elements include a white membrane roof, "low flow" water fixtures, high efficiency HVAC system and ventilation, finishes with low or no volatile organic compounds, low light pollution and LED lighting.
- A commissioning agent will be used on the project, as required by the Policy on Sustainable City Facilities, to ensure mechanical and electrical systems operate at optimum efficiency.

### Small Business Opportunity

Established SBE Goal: 12%

Committed SBE Goal: 12.12%

Myers & Chapman Inc. met the established SBE goal and committed 12.12% (\$1,327,282) of the total contract amount to the following SBEs: B&B Concrete Construction (curb and gutter), Cautmica LLC (painting), DJ Metal and Glass (glass & glazing), Edwards Landscape Co. (landscaping), Linear Masonry (masonry) and Munoz Contracting (drywall).

### Funding

Government Facilities Capital Investment Plan

**Attachment 6**  
Budget Ordinance

## 25. Betty Coleman Pond Water Quality Enhancement Project

**Action:** Award the low bid contract of \$433,539 to OnSite Development, LLC for the Betty Coleman Pond Water Quality Enhancement Project.

**Staff Resource:** Matthew Anderson, Engineering & Property Management

### Explanation

- Betty Coleman Pond is a one-acre pond located at the end of Coleman Drive off of Rocky River Road. The pond treats 100 acres of upstream drainage area.
- Betty Coleman Pond drains to a tributary of Reedy Creek, which is identified as impaired by Clean Water Act standards.
- The enhancement will improve the quality of water moving through the pond before the water discharges into the creek.
- Improving existing ponds is a cost-effective means of improving water quality, averaging one-fifth the cost of creating new water quality measures that provide equivalent environmental benefit.
- Improvements will include:
  - Pond grading and excavation
  - Construction of a new dam and outlet structures
  - Erosion control measures
- Construction is expected to be complete third quarter of 2012.

### Small Business Opportunity

Established SBE Goal: 7.00 %

Committed SBE Goal: 7.15%

Onsite Development, LLC exceeded the established SBE goal and committed 7.15% (\$31,000) of the total contract amount to the following SBE firms: All Points Trucking (hauling) and D's Trucking Service, Inc. (hauling).

### Funding

Storm Water Capital Investment Plan

## 26. Various Water Quality Enhancement Projects Engineering Services

**Action:** Approve a contract with Armstrong Glen, P.C. for up to \$1,000,000 for engineering services.

**Staff Resource:** Daryl Hammock, Engineering & Property Management

### Policy

- Pond projects are implemented in accordance with the Council-approved Pond and Dam Rehabilitation Policy, aimed at protecting as many existing ponds as possible prior to removal by private development or structural failure, and used as highly cost-effective tools to achieve water quality and flood control goals.

### Explanation

- The ponds selected as water quality improvement projects drain to creeks that are identified as impaired by Clean Water Act standards.
- The improvements to the existing ponds will remove pollutants from storm water runoff before the water is discharged into the creeks.
- Improving existing ponds is an extremely cost-effective means of improving water quality, averaging only one-fifth the cost of creating new water quality measures providing equivalent environmental benefit.
- Storm Water Services begins feasibility analysis on new water quality improvement projects that rank highest in the program backlog each year.
- The feasibility analysis, preliminary and final engineering for the projects are performed by consulting firms selected using the Council-approved, qualifications-based selection process. The use of consultants allows their specific expertise to be matched to the appropriate projects on a task-order basis.
- Pickway Pond will be the first project assigned under this contract and is located between Pickway Drive and Hilltop Circle in the Derita/Statesville area. It is estimated planning and design will cost approximately \$200,000.

### Small Business Opportunity

For professional services contracts, the City negotiates SBE goals during the contract negotiation process (Part C: Section 2.2 of the SBO Policy). Armstrong Glen, Inc. included the following SBEs as part of their supporting team to be utilized as the project evolves: Boyle Consulting Engineers (geotechnical services), Habitat Assessment & Restoration (ecological services), On Target Utility Locate Services (utility locate services) and Survey Mapping & Control (surveying). Armstrong is also a City-certified SBE.

### Funding

Storm Water Capital Investment Plan

## 27. Storm Drainage Improvement Projects Engineering Services

**Action:**   **A. Approve a contract renewal with Parsons Brinckerhoff, Inc. in the amount of \$750,000 for engineering services, and**

**B. Approve a contract renewal with US Infrastructure of Carolina, Inc. in the amount of \$1,500,000 for engineering services.**

**Staff Resource:**     Jennifer Smith, Engineering & Property Management

### Explanation

- Storm Water Services begins engineering analysis on new storm drainage improvement projects that are the highest ranking in the program backlog each year. The projects may include storm drainage improvements that reduce house and street flooding or repair failing infrastructure.
- The engineering analysis and design for the projects are performed by consulting firms that are selected using the Council approved qualifications-based selection process. The use of consultants allows their specific expertise to be matched to the appropriate projects on a task-order basis.
- When consultants perform quality engineering analysis, the most efficient method is for that firm to complete the design and provide construction administration services.

### Parsons Brinckerhoff, Inc. Contract

- Under this contract, Parsons Brinckerhoff, Inc. has previously performed planning and preliminary design work for the McAlway/Churchill project.
- The McAlway/Churchill project boundaries are roughly Meadowbrook Road and North Wendover Road to the north, McAlway Road to the east and south and Randolph Road and Sedgewood Circle to the west.
- The project area covers approximately 325 acres and includes multi-family residential, single family residential and commercial land uses.
- This renewal will provide funding to complete design, including the additional improvements for any new requests, and construction administration.
- The original contract was approved by City Council on May 26, 2009 for \$1,000,000. This contract renewal will bring the total contract amount to \$1,750,000.
- This renewal will allow for completion of all projects started under this contract and there will be no additional renewals.

### US Infrastructure of Carolina, Inc. Contract

- Under this contract, US Infrastructure of Carolina, Inc. has been assigned various projects including: the Memorial Stadium Culvert Repairs, Park Road Storm Drainage Improvements, and most recently the planning tasks for the Lyon Court project.
- The Lyon Court project is roughly bounded by The Plaza to the west, Belvedere Avenue to the north, Truman Road and Morningside Drive to the east and McClintock Road to the south.
- The project area covers approximately 300 acres and includes multi-family and single family residential land uses.

- This renewal will provide funding to complete design and construction administration.
- The original contract was approved by City Council on July 27, 2009 for \$1,000,000. This contract renewal will bring the total contract amount to \$2,500,000.
- This renewal will allow for completion of all projects started under this contract and there will be no additional renewals.

**Small Business Opportunity**

Parsons Brinkerhoff, Inc.

All additional work involved in this renewal will be performed by Parsons Brinkerhoff, Inc. and their existing subconsultants (Part D Section 6 of the SBO Policy). Existing subconsultants include the following SBE firms: Avioimage Mapping Services, Inc. (aerial photography) and On Target Utility Locate Services, Inc. (utility location).

US Infrastructure of Carolina, Inc.

All additional work involved in this renewal will be performed by US Infrastructure of Carolina, Inc. and their existing subconsultants (Part D Section 6 of the SBO Policy). Existing subconsultants include the following SBE firms: R. Joe Harris & Associates (surveying), On-Target Utility Locate Services, Inc. (utility location), Joel E. Wood & Associates (geotechnical), Barry Lambert Engineering, PC (structural engineering), and Collins & Baker, PA (civil engineering).

**Funding**

Storm Water Capital Investment Plan

## 28. Statesville Road Widening Utility Relocation Costs

**Action: Authorize the City Manager to negotiate and execute an agreement with AT&T for up to \$500,000 to relocate AT&T infrastructure for the Statesville Road Widening Project.**

**Staff Resource:** Theresa Watley, Engineering & Property Management

### **Explanation**

- AT&T will be required to relocate existing utility infrastructure that is in conflict with the Statesville Road Widening Project. The infrastructure includes AT&T overhead and underground lines adjacent to Statesville Road.
- Payment of these utility relocation expenses will be consistent with practices for relocating utility related infrastructure.
- Staff is working with AT&T to determine if portions of the relocation costs are attributable to AT&T.
- Funding for this work was included in the original project budget.
- Authorization for this Council action will enable AT&T to proceed with their utility relocations without delay to the project.
- The Statesville Road Widening Project includes the widening of Statesville Road from I-85 to Sunset Road and the construction of turning lanes, a planted median, bike lanes, sidewalks and planting strips.

### **Small Business Opportunity**

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

### **Funding**

Transportation Capital Investment Plan

## 29. Construction Review and Claims Analysis Services

**Action:** Approve contracts for construction review and claims analysis services with the following firms:

1. Applied Building Sciences, Inc., \$100,000
2. SEPI Engineering & Construction, Inc., \$100,000

**Staff Resource:** David Meachum, Engineering & Property Management

### Explanation

- Consultants will provide professional consulting services by performing construction reviews of plan documents and by analyzing contractor claims as needed.
- Construction reviews will be performed on 16 to 20 large, complex projects before the work is bid. Past reviews have proven beneficial in shortened project schedules, decreased project cost and project claim prevention.
- Claims analysis services will only be performed when contractor claims result in litigation. The service assists the City in developing a strong defense to the contractor claim. The potential benefit of this service is decreased claim judgment loss and cost avoidance.
- Funding for these contracts is available in the various projects' fund/centers that will be reviewed for constructability and/or claim analysis.
- These firms were selected using the Council-approved, qualifications-based selection process.

### Small Business Opportunity

#### Applied Building Sciences, Inc.

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

#### SEPI Engineering & Construction, Inc.

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

### Funding

Various Capital Investment Plans

### 30. Electronic Maintenance Supply and Repair Parts

- Action:**
- A. Approve the purchase of electronic maintenance supply and repair parts from Tessco through Federal GSA Contract #70 in the estimated annual amount of \$500,000 as authorized by the Federal contract exemption of G.S. 143-129(e) (9a), and**
  - B. Authorize the City Manager to approve purchases in FY2013 and FY2014 for the estimated annual amount of \$500,000 as authorized by the GSA Contract.**

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

#### **Federal Contract Exception**

- G.S. 143-129(e)(9a) allows local governments to purchase from contracts established by the United States government, including any federal agency, if the contractor is willing to extend the same or more favorable prices, terms, and conditions as those established under the federal contract.

#### **Explanation**

- The City purchases a variety of general purpose electronic supplies and repair parts compatible with numerous technology related products including, but not limited to, mobile device mounts and hardware.
- Tessco was awarded a federal contract by the General Services Administration (GSA) on May 25, 2004 that is valid through May 25, 2014.

#### **Small Business Opportunity**

Contracts purchased off an existing federal contract are exempt (Appendix Section 23.2 of the SBO Policy).

#### **Funding**

Various KBU Operating Budgets

### 31. Police Vehicle Power Distribution System Equipment

- Action:**
- A. Approve the purchase of Power Distribution Systems and Related Components, as authorized by the sole source exception of G.S. 143-129(e) (6),**
  - B. Award a unit price contract to Kerr Industries for providing Power Distribution Systems Equipment for a term of two years in the estimated annual amount of \$500,000, and**
  - C. Authorize the City Manager to approve up to four, one-year renewal options with possible price adjustments as authorized by the contract.**

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

#### **Sole Source Exception**

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

#### **Explanation**

- Business Support Services/Equipment Management Division (BSS/EMD) and the Charlotte Mecklenburg Police Department (CMPD) have identified functionality issues with up-fitting and installing police specific electronic equipment that contributes to the unreliability of patrol vehicles.
- BSS/EMD partnered with CMPD and Kerr Industries to conduct a Police vehicle power distribution evaluation study to identify ways to address the following:
  - Improve vehicle battery life to enhance police vehicle safety and usability; and
  - Design a system that will allow EMD to utilize the manufacturer’s original equipment wiring harnesses that are provided with each patrol vehicle.
- The system has been designed so additional electronic equipment can be installed in the future if needed by the end user.
- The installation of the power distribution system will improve the quality and turn-around time of CMPD’s aftermarket up fits, protect the aftermarket equipment from electrical damage and help to insure battery protection.
- The system will also allow for standardization of system installations for CMPD vehicles.

#### **Small Business Opportunity:**

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

#### **Funding**

Business Support Services Operating Budget

## 32. Vehicle and Equipment Non-Emergency Lighting/Warning Devices

**Action:** A. Approve the purchase of vehicle and equipment non-emergency lighting and warning devices and related components, as authorized by the sole source exception of G.S. 143-129(e) (6), and

B. Award a unit price contract to Campbell-Brown for providing non-emergency lighting/warning devices and related components for vehicles and equipment as authorized by the contract for a term of five years in the estimated annual amount of \$150,000.

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

### Sole Source Exception

- G.S. 143-129 (e) (6) provides that formal bidding requirements do not apply when:
  - Performance or price competition are not available;
  - A needed product is available from only one source or supply; or
  - Standardization or compatibility is the overriding consideration.
- Sole sourcing is necessary because there is only one supply source.
- Campbell-Brown is the exclusive warranty dealer of Federal Signal (Amber/Target Tech products), Brigade Electronics, and Star Headlight Products within the authorized region.

### Explanation

- Business Support Services/Equipment Management Division maintains, repairs and installs new and replacement lighting on various City of Charlotte vehicles and equipment.
- Examples of lighting and devices include: amber caution lighting, traffic directional signals, and back-up warning alarms.

### Small Business Opportunity

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

### Funding

Business Support Services Operating Budget

### **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 \$18,225.26, and**

**B. Adopt a resolution authorizing the refund of business privilege license payments made in the amount of \$5,359.19.**

**Staff Resource:**     Dan Pliska, Finance

#### **Attachment 7**

Resolution

List of property tax refunds

List of business privilege license refunds

## 34. In Rem Remedy

**For In Rem Remedy #A-F, the public purpose and policy are outlined here.**

**Public Purpose:**

- Eliminate a blighting influence.
- Reduce the proportion of substandard housing.
- Increase tax value of property by making land available for potential infill housing development.
- Support public safety initiatives.

**Policy:**

- Housing & Neighborhood Development
- Community Safety

The In Rem Remedy items were initiated from 3 categories:

1. Public Safety – Police and/or Fire Dept.
2. Complaint – petition by citizens, tenant complaint or public agency referral
3. Field Observation – concentrated code enforcement program

The In Rem Remedy item is listed below by category identifying the street address and neighborhood.

**Public Safety:**

- A. 609 W. 28th Street (Neighborhood Statistical Area 36 – Tryon Hills Neighborhood)
- B. 8200 Park Vista Circle (Neighborhood Statistical Area 189 – Hwy 51/Park Road Neighborhood)

**Complaint:**

- C. 6518 Hoover Circle (Neighborhood Statistical Area 111 – Pawtucket Neighborhood)

**Field Observation:**

- D. 3125 Columbus Circle (Neighborhood Statistical Area 13 – Ashley Park Neighborhood)
- E. 1260 Edgewood Road (Outbuilding) (Neighborhood Statistical Area 112 – Toddville Road Neighborhood)
- F. 1213-1, 2 Effingham Road (Neighborhood Statistical Area 18 – Enderly Neighborhood)

**Public Safety:**

**A. 609 W. 28<sup>th</sup> Street**

**Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 609 W. 28<sup>th</sup> Street (Neighborhood Statistical Area 36 – Tryon Hills Neighborhood).**

**Attachment 8**

**B. 8200 Park Vista Road**

**Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 8200 Park Vista Road (Neighborhood Statistical Area 189 – Hwy 51/Park Road Neighborhood).**

**Attachment 9**

**Complaint:**

**C. 6518 Hoover Circle**

**Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 6518 Hoover Circle (Neighborhood Statistical Area 111 – Pawtucket Neighborhood).**

**Attachment 10**

**Field Observation:**

**D. 3125 Columbus Circle**

**Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 3125 Columbus Circle (Neighborhood Statistical Area 13 – Ashley Park Neighborhood).**

**Attachment 11**

**E. 1260 Edgewood Road (Outbuilding)**

**Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1260 Edgewood Road (Outbuilding) (Neighborhood Statistical Area 112 – Toddville Neighborhood).**

**Attachment 12**

**F. 1213-1, 2 Effingham Road**

**Action:** Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1213-1, 2 Effingham Road (Neighborhood Statistical Area 18 – Enderly Neighborhood).

**Attachment 13**

**35. Real Estate Appraisal Services**

**Action:** A. Approve contracts for real estate appraisal services with these firms:

1. John Bosworth & Associates, \$170,000
2. Bryant & Rutledge, LLC, \$235,000
3. Fortenberry Lambert, Inc., \$260,000
4. T.B. Harris, Jr. & Associates, Inc., \$290,000
5. The Hopkins-McElhannon Group, Inc., \$185,000
6. James M. Owens, \$145,000
7. Integra Realty Resources-Charlotte, LLC, \$250,000
8. Ray E. Crawford & Company, Inc., \$170,000
9. The Hanes Group, Inc., \$145,000
10. Clontz Newkirk, \$100,000
11. RiverRidge Valuations, \$100,000

B. Authorize the City Manager to approve renewals to the above contracts for an additional aggregate amount not to exceed \$2,050,000.

**Staff Resource:** Mark Boone, Engineering & Property Management

**Explanation**

- Real estate appraisal services are required during the real estate acquisition phase of public projects to establish the impact of a project on the value of real property.
- Certified independent real estate appraisers are required with specialized expertise in estimating the real estate market value for eminent domain appraisals and establishing fair and just compensation for property owners.
- The contract amount varies based on contractor experience and capacity to do the work. The initial contract amounts and renewals will provide for continuous services up to two years.
- The cost of the appraisal services are budgeted as part of Capital Investment Plan projects.
- Projects are assigned to the real estate appraisers on a work-order basis using pre-established unit rates for services as needed.
- On August 22, 2011, the real estate appraisal services contracts were pulled from the agenda. A new Request for Proposal process was initiated by staff.
- A Request for Proposal was advertised on October 12, 2011. The real estate appraisers were selected using the Council-approved, qualifications-based

selection process in accordance with NC General Statutes. All qualified firms submitting proposals were accepted.

**Small Business Opportunity**

No SBE goal was established for these contracts because subcontracting opportunities were not identified. For services based contracts, the City seeks to negotiate SBE goals during the contract negotiation process (Part C: Section 2.2 and 2.4 of the SBO Policy).

T.B. Harris Jr. and Associates, Inc. included the following SBE as part of their supporting team to be utilized as the project evolves: Myers-Reich Company (Appraisal Services).

The Hopkins-McElhannon Group, Inc. is a City-certified SBE firm.

**Funding**

Various Capital Investment Plans

## PROPERTY ITEMS

### 36. Property Transactions

**Action: Approve the following property transaction(s) (A-C) and adopt the condemnation resolution(s) (D – E).**

- The City has negotiated in good faith to acquire the properties set forth below.
- For acquisitions, the property owner and staff agreed on a price based on appraisals and/or estimates.
- In the case of condemnations, the value was established by an independent, certified appraisal followed by a third-party appraisal review.
- For most condemnation cases, City staff and the property owner(s) have been unable to reach a settlement. In some cases, condemnation is necessary to ensure a clear title to the property.
- If City Council approves the resolutions, the City Attorney's Office will initiate condemnation proceedings. As part of the condemnation process, real estate staff and the City Attorney's Office will continue to negotiate, including court-mandated mediation, in an attempt to resolve the matter. Most condemnation cases are settled by the parties prior to going to court.
- If a settlement cannot be reached, the case will proceed to trial before a judge or jury to determine "just compensation."
- Full text of each resolution is on file with the City Clerk's Office.

#### Acquisitions

- A. Project:** Beatties Ford Road Business Corridor Improvements, Parcel # 14  
**Owner(s):** The Heirs of Bertha B. Perry and Gwendolyn H. McCarroll, Trustee of The Trust Created by will of Arthur Tyrone McCarroll dated January 4, 1980  
**Property Address:** 2300 Keller Avenue  
**Property to be acquired:** 344 sq. ft. (.008 ac.) in Sidewalk and Utility Easement, plus 4,280 sq. ft. (.098 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Zoned:** B-2  
**Use:** Commercial  
**Tax Code:** 075-021-06  
**Total Parcel Tax Value:** \$175,900  
**Purchase Price:** \$13,750
- B. Project:** Idlewild Road Roadway Improvement Project, Parcel # 27  
**Owner(s):** Shannon L. LaPrade  
**Property Address:** 8500 Idlewild Road  
**Property to be acquired:** 20,168 sq. ft. (.463 ac.) in Fee Simple **(TOTAL TAKE)**  
**Improvements:** Single Family Dwelling  
**Landscaping:** None  
**Zoned:** R-4  
**Use:** Single Family Residential

**Tax Code:** 165-101-03  
**Total Parcel Tax Value:** \$96,400  
**Purchase Price:** \$84,000

- C. Project:** Idlewild Road Roadway Improvement Project, Parcel # 28  
**Owner(s):** Joseph Rebello  
**Property Address:** 8508 Idlewild Road  
**Property to be acquired:** 18,121 sq. ft. (.416 ac.) in Fee Simple  
**(TOTAL TAKE)**  
**Improvements:** Single Family Dwelling  
**Landscaping:** None  
**Zoned:** R-4  
**Use:** Single Family Residential  
**Tax Code:** 165-101-02  
**Total Parcel Tax Value:** \$83,500  
**Purchase Price:** \$100,000

### Condemnations

- D. Project:** Brookshire-Hovis-Oakdale Intersection Improvement, Parcel # 14  
**Owner(s):** Wachovia Bank And Trust Company, N/K/A Wells Fargo Bank And Any Other Parties Of Interest  
**Property Address:** 5641 Hovis Road  
**Property to be acquired:** 681 sq. ft. (.016 ac.) in Fee Simple, plus 512 sq. ft. (.012 ac.) in Storm Drainage Easement, plus 81 sq. ft. (.002 ac.) in Utility Easement, plus 5,433 sq. ft. (.125 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** Shrubs  
**Zoned:** I-2  
**Use:** Commercial  
**Tax Code:** 035-012-25  
**Total Parcel Tax Value:** \$1,505,000  
**Appraised Value:** \$21,050  
**Property Owner's Counteroffer:** None  
**Reason For Condemnation:** The property owners support the project; however, staff and the owners have been unable to reach agreement regarding the acquisition. Staff has made the following accommodations: maintain access during construction, protect business sign during construction, and compensate for loss of landscaping located within easement areas. A condemnation process is recommended during which negotiation and mediation can continue, and if necessary, just compensation for the property owner can be determined by the court.
- E. Project:** City Boulevard Extension - Phase I, Parcel # 12  
**Owner(s):** Blue Moon City Trust And Any Other Parties Of Interest  
**Property Address:** 6504 Rumble Road  
**Property to be acquired:** 18,382 sq. ft. (.422 ac.) in Fee Simple  
**(TOTAL TAKE)**  
**Improvements:** Single Family Dwelling  
**Landscaping:** None

**Zoned:** R-3

**Use:** Single Family Residential

**Tax Code:** 047-281-61

**Total Parcel Tax Value:** \$121,700

**Appraised Value:** \$102,500

**Property Owner's Counteroffer:** \$94,000 mortgage payoff, allow owner to retain ownership of the house, plus purchase replacement lot, plus pay all expenses to move and set up house on replacement lot, all of which could total at least \$175,000.

**Reason For Condemnation:** The property owner has concerns about the project. Staff and the property owner have been unable to reach agreement regarding the acquisition. Staff cannot accommodate purchasing the property as a total take as well as allowing the property owner to retain ownership of the house with the City paying all expenses to purchase a replacement lot, move and reset the house. A condemnation process is recommended during which negotiation and mediation can continue, and if necessary just compensation for the property owner can be determined by the court.

### 37. Meeting Minutes

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

- **September 26, 2011 Business Meeting**
- **October 3, 2011 Workshop Meeting**