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James Mitchell, Jr.
Edwin Peacock III
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CITY COUNCIL MEETING
Monday, December 8, 2008

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

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CITY COUNCIL AGENDA
Monday, December 8, 2008

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CONSENT

- 1. Consent agenda items 14 through 33 may be considered in one motion except those items removed by a Council member. Items are removed by notifying the City Clerk before the meeting.**

PUBLIC HEARING

2. Public Hearing on Eastfield North and Eastfield South 2009 Annexation Qualifying Areas

Action: Continue and conclude the public hearing on the Eastfield annexation qualifying areas.

Staff Resources: Jonathan Wells, Planning
Terrie Hagler-Gray, City Attorney's Office

Explanation

- On September 22, 2008 City Council directed staff to exclude a small portion of the previously-presented Eastfield 2009 annexation qualifying area.
- Exclusion of this area created two geographically-separate qualifying areas that were named "Eastfield North" and "Eastfield South".
- Each of these new areas qualifies for annexation under the applicable state statutes.
- On July 28, 2008 City Council established October 27, 2008 as the date for the public hearing for the Eastfield annexation qualifying area (as well as for the other five 2009 annexation qualifying areas).
- On October 27, 2008 Council held public hearings for all six areas and set December 8, 2008 as the date at which the Eastfield public hearing would be continued and concluded.
- On October 27, 2008 Council also adopted Annexation Reports for the new Eastfield North and Eastfield South qualifying areas.
- State annexation statutes require at least 30 days between Council adoption of the annexation report for a qualifying area and conclusion of the annexation public hearing for that area, thus necessitating the continuation until the December 8, 2008 meeting.

Next Steps

- Council will be asked to consider adoption of ordinances approving annexation of the Eastfield North and South annexation qualifying areas at the January 12, 2009 business meeting.

Attachment 1

Maps

3. Public Hearing on a Resolution to Abandon a Portion of 31st Street

Action: A. Conduct a public hearing to close a portion of 31st Street, and
B. Adopt a Resolution to Close.

Staff Resource: Linda Poissant, Transportation

Policy

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

Explanation

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.

Petitioner

First Industrial L&B, LLC/ Pete Godley

Right-of-Way to be abandoned

A portion of 31st Street

Location

Located within the Tryon Business Corridor beginning 230 feet from College Street intersection continuing approximately 583 feet southeastwardly to its terminus at the Southern Railway right-of-way

Reason

To incorporate the right-of-way into adjacent property owned by the petitioner for future multi-family development. Rezoning petition #2008-082 was adopted by City Council on September 15, 2008.

Notification

In accordance with City Policy, the Charlotte Department of Transportation sent abandonment petitions to adjoining property owners, neighborhood associations, private utility companies and City departments for review.

Adjoining property owners - None

Neighborhood/Business Associations

Craighead Community Outreach – No objections

Dillehay Courts - No objections

Historic North Charlotte Neighborhood Association - No objections

McCreesh Place - No objections

Optimist Park - No objections

Ritch Avenue Homeowner’s Association - No objections

Tryon N. Business Corridor Coalition - No objections

Villa Heights Neighborhood Organization - No objections

Private Utility Companies – No objections

City Departments

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

- Be contrary to the public interest
- Deprive any individual(s) owning property in the vicinity of reasonable means of ingress and egress to his property as outlined in the statutes

Attachment 2

Map

Resolution

POLICY

4. North Carolina Legislative Agenda for 2009

Action: Approve the Government Affairs Committee recommendation to approve the North Carolina Legislative Agenda for 2009.

Committee Chair: Patsy Kinsey

Staff Resource: Boyd Cauble, City Manager's Office

Explanation and Committee Action

- On October 10, 2008 staff requested that Key Business Units submit their recommendation for items to be included in the 2009 legislative agendas.
- On November 3 the Government Affairs Committee reviewed the draft legislative agendas. The committee also discussed individual Key Business Units' requests that could more appropriately be handled through statewide initiatives rather than local bills.
- Council reviewed the draft agenda on November 24 and suggested wording changes to clarify the intent to address scrap metal theft.
- On December 2 the Government Affairs Committee reviewed the necessary federal actions to be taken to preserve pending federal earmarks and the proposed state and federal agendas. The committee (Kinsey, Barnes, Burgess, Dulin and Lassiter) recommended approval of the state agenda but asked for additional information for the federal requests. The federal agenda will be presented to the Government Affairs Committee on January 5 and to City Council on January 12.
- On January 28 the 2009 North Carolina Legislative Session will begin.

Proposed North Carolina Legislative Agenda

Placeholders

- Transportation Funding – Roads/Transit (potential local and/or statewide)
 - The City of Charlotte, Mecklenburg County, and the Charlotte Chamber have appointed a local Committee of 21 to address the local \$6 billion roadway deficit. This committee is reviewing local alternative revenues which will require state authorization. Once they have completed their report, City Council will determine the next steps for any potential 2009 legislation.
 - The State legislature has appointed a 21st Century Transportation Committee to address the underfunded North Carolina transportation system and recommend how to best meet the projected \$60 billion roadway deficit. The committee is considering the following new revenue sources: vehicle miles traveled tax, increased highway use tax, \$30 increase in vehicle registration fees, weight surcharges, tolls, and a local option voter approved sales tax.
 - Transportation funding will be a significant state issue to be considered by the Mayor and Council before a vote is taken to endorse either the local Committee of 21 or the 21st Century Transportation Committee recommendation(s).
 - Transportation funding is a Council priority, but it is likely that no specific study committee recommendations can be evaluated and approved prior to the legislature convening.

- Criminal Justice System Funding/System Improvement (statewide)
 - The Mayor and City Council have made additional funding for the criminal justice system a top legislative priority for the past three years. The City has made significant progress in getting additional resources for our local judicial system by working with the Mecklenburg Delegation and state leaders. However, much more is needed for an effective holistic approach for reducing crime in Mecklenburg.
 - The City is still evaluating the results of the latest Mecklenburg County Criminal Justice Study and Police Chief Monroe's recommendations for improved enforcement/prosecution. Therefore, a placeholder is being included in the agenda pending clear definition of the City's role in assisting with the overall enhancement of the criminal justice system. Two specific police requests to help prevent criminal activity related to stolen scrap metal are included and described below.

Defensive Actions

- Annexation Protection (statewide)
 - Last year the North Carolina House approved a moratorium on locally initiated annexations. The Senate did not pass the bill before adjournment, but agreed to participate with the House by appointing an Annexation Study Committee consisting of legislators and citizens. Charlotte's City Attorney, Mac McCarley, was appointed to the Study Committee.
 - The City has already begun to present the case for no drastic changes to the existing annexation authority which has significantly contributed to orderly growth and economic development. As the Committee meets, the City will present information regarding how Mecklenburg County has successfully been divided into spheres of influence which guides orderly annexation of growth around our city limits. The timely provision of urban services to annexed populations, regardless of demographic characteristics, will also be highlighted.
 - This Council defensive legislative agenda item will be a top priority of the North Carolina League of Municipalities and may require significant Mayor and Council involvement with our elected state leaders.

Police Requests

- Stolen Scrap Metal Prevention Act (statewide)
 - This item pertains to General Statute: 66-11 that deals with regulated metals property. Charlotte-Mecklenburg Police would like to eliminate or limit cash sales. All other transactions to be paid by check would eliminate sellers using incorrect identification and create a paper trail. This bill would also require fingerprinting of sellers for all transactions. This would mirror the present City legislation for pawn shops. CMPD would also like to incorporate the suspect ban list for all transactions.
- Vehicle Titles with Salvage Sales (statewide)
 - Currently, vehicles 10 years old or newer sold for scrap metal must be accompanied by a title. Many cars older than 10 years are stolen strictly for the weight of the vehicles and the \$300+ scrap metal value assigned to the vehicle. CMPD requests current law be amended to require all cars, regardless of age, being sold for scrap metal be required to have a valid title. In 2007 over 3000 vehicles greater than 10 years old were stolen.

Next Step

- Present the State Legislative Agenda to the Mecklenburg Delegation at a breakfast meeting on January 12, 2009.

5. Coca Cola Recycling Proposal

Action: Approve Environment Committee recommendations related to the Coca-Cola request for the City to partner in a program to promote residential recycling.

Committee Chair: Edwin Peacock

Staff Resources: Victoria Garland, Solid Waste Services
Julie Burch, City Manager's Office

Explanation

- **The Council's Environment Committee is scheduled to meet at 3:00 p.m. on Monday, December 8, to review additional information requested from the November 17 Committee meeting and to make a recommendation on this proposal. The Council is being asked to take action on the recommendations now since this is the only December business meeting.** The proposal is time-sensitive for Coca-Cola (Coke) because this recycling initiative is budgeted and will be spent in the first quarter of 2009.
- In October, 2008 the North Carolina Department of Environment and Natural Resources (NCDENR) announced the "NC Recycling Challenge: 2 Million Tons By 2012". Motivated by this challenge, Coke developed a promotion - Recycle and Win! - to be a part of the solution to this challenge to local governments to accelerate the trend toward increasing the recovery of recyclable materials.
- According to NCDENR, Mecklenburg County currently recycles 375.95 pounds per capita (including yard waste) each year. The goal for all counties is 451 pounds per capita, in order to reach the State-wide annual goal of 2 Million Tons by 2012.
- Currently, the City spends \$175,000 a year to promote recycling. The current recycling rates by collection zone are: North 42%, South 65%, East 43% and West 17%.
- Under the Coke "Recycle & Win" program, citizens in Charlotte and Mecklenburg County will be rewarded for recycling "the right way". Coke and Keep Mecklenburg Beautiful will mail recycling education materials to all City and County households (approximately 200,000). The education piece will include reasons to recycle, what can and cannot be recycled, how to recycle and instructions on how to win should a citizen want to participate. Included with the educational material will be a sticker that the citizen will be asked to place on their recycling bins.
- Beginning February 2, 2009 the Coke Recycling team will visit neighborhoods in the City and County on recycling days to look for recycling stickers.
- Ten homeowners per week who are recycling correctly will win a \$50 gift card to Harris Teeter. The total number of winners will be 520 for the year, or a total of \$ 26,000 in incentives. Door hangers will be left with the winner with instructions on how to claim their \$50 gift card.
- The City's role in a partnership would be to: 1) provide input and approval of educational materials used for the promotion to ensure

- consistency and accuracy with the City's own educational materials; and 2) maintain the normal collection schedule for recycling. City 311 representatives would also be provided information to be able to respond to citizen calls and direct them to the appropriate Coke representatives.
- Solid Waste Services estimates additional promotion of recycling could increase the amount of recyclables to be collected from .5% to 5%.
 - City crews must meet customer expectations for picking up all recyclables at the curb on the scheduled day. If recycling increases by 3% to 5% or more, operating costs will increase in order to meet this expectation. The primary cost impact is overtime for crews to maintain normal collection schedules. Other related costs include additional equipment maintenance and additional recycling bins for customers who request them.
 - For the period February – December 2009, staff estimates additional City costs to range from approximately \$116,000 to \$195,000, depending on the actual increase in recycling. These costs would be incurred in the three zones for which the City is responsible under managed competition. The estimated costs are net of the savings in landfill fees as a result of materials being diverted from the landfill. If recycling increases in the West Zone, there would be no additional cost to the City because the private contractor, Inland, would be required to absorb the cost.
 - Any additional costs for February through June 2009 would be absorbed in the current Solid Waste operating budget. Based on experience in the first two months, Solid Waste would request funding in the FY2009 operating budget to cover costs for the remainder of the promotion.
 - While staff supports increasing residential recycling, there are concerns about the timing of this proposal and the potential cost impact at this time. Ideally, additional promotion of recycling would be timed with the launch of automated, single-stream recycling. However, staff recognizes that this is an opportunity to encourage citizens to recycle more which is consistent with City environmental goals.
 - The adopted Environment Focus Area Plan includes a target to implement single-stream recycling in 2010. Under the new collection system, it is anticipated that recycling will increase because it will be easier and more convenient for residents, as well as more efficient for City crews. The date for implementation will depend on funding availability for new trucks and the larger 96-gallon, roll-out carts. Staff will brief Council on estimated costs as part of the budget process.

Committee Discussion

- The Council Environment Committee met on November 17. Council members present were Peacock, Carter, Burgess, Cooksey and Dulin.
- Committee members raised several questions and asked for more information, including: additional explanation of City cost impact; information about the impact of any similar incentive programs in other cities; and possible grants available to cover City costs.
- Staff also discussed with the Committee the contractual matters to be addressed if the City enters into a partnership with Coca-Cola, as well as the broader policy implications. There is no City policy addressing partnerships or sponsorships with commercial entities. Issues to be addressed under such a policy would include, but not be limited to, intended purposes, circumstances under which sponsorship opportunities could be subjected to a competitive process, excluded categories of potential sponsors, and authority to approve sponsorships.
- The Committee will meet again the afternoon of December 8.

Attachment 3

Committee meeting summary of November 17, including Coca-Cola and City staff presentations

NC Department of Environment and Natural Resources press release, "NC Recycling Challenge: 2 Million Tons by 2012"

6. Belmont Retail



- The Economic Development and Planning Committee will meet on December 3. The agenda item will be sent in the Friday, December 5 Council-Manager Memo.

7. FY2010-FY2011 Budget Process and Calendar

Action: Approve the Budget Committee's recommended process for development of the FY2010-FY2011 Strategic Operating Plan and the FY2010-FY2014 Capital Investment Plan.

Committee Chair: Andy Dulin

Staff Resource: Ruffin Hall, Budget and Evaluation

Explanation

- The recommended FY2010-FY2011 Budget Process and Calendar includes:
 - Three budget retreats from March through April from 3:00 p.m. to 6:00 p.m. (ending at 5:00 p.m. on March 25).
 - Budget presentation on Monday, May 11 at 4:00 p.m.
 - Council adjustments to Manager's recommended budget on Wednesday, May 20 at 3:00 p.m.
 - Public hearing on the budget on Tuesday, May 26 at 7:00 p.m.
 - Council straw votes on Wednesday, June 3 beginning at 12:00 noon.
 - Budget adoption scheduled for Monday, June 8
- There are four items that influence the recommended calendar:
 - The second Budget Retreat on March 25 will end at 5:00 pm due to the Metropolitan Transit Commission (MTC) meeting.
 - The National League of Cities is the week of March 14-18.
 - Charlotte-Mecklenburg Schools Spring Break is the week of April 6-10.
 - The U.S. Conference of Mayors meets June 12-16.

Committee Discussion

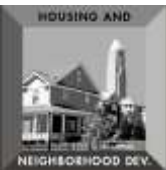
- The Budget Committee met on November 17, 2008 and unanimously (Dulin, Carter, Cooksey, Peacock and Turner) recommended the attached budget calendar and process for FY2010-FY2011.
- The Committee recommended June 8, 2009 as the date for budget adoption.

Attachment 4

Budget Process and Calendar

BUSINESS

8. Charlotte Housing Authority Emergency Grant for Hall House



Action: Consider an emergency grant of up to \$160,000 to the Charlotte Housing Authority to support operating costs for the use of Hall House for temporary winter housing for homeless families with children in the Charlotte Mecklenburg Schools.

Staff Resources: Stanley Watkins, Neighborhood Development
Stan Wilson, Neighborhood Development

Policy

- The FY2009 U. S. Department of Housing and Urban Development Annual Action Plan adopted by City Council on June 23, 2008.
- The Consolidated Plan and Action Plan identify the need for affordable, safe and decent housing for low and moderate-income families.
- The Plan reaffirmed the three basic goals of the City's Housing Policy:
 - Preserve the existing housing stock
 - Expand the supply of affordable housing
 - Support family self-sufficiency initiatives

Explanation

- The Charlotte Housing Authority (CHA) is requesting an emergency grant of up to \$160,000 to support operating expenses associated with the use of Hall House as temporary winter housing for homeless families with children in the Charlotte-Mecklenburg School System. The total operating budget is \$565,809 and includes supportive services and security.
- Charlotte is experiencing a shortage of temporary housing shelters for the coming winter. The existing women and children housing shelters are overcrowded.
- As temporary housing the facility will provide safe, transitional housing for up to 100 families of homeless children.
- Hall House is located at 426 North Tryon Street. The CHA plans to sell the building when the economy recovers and use the proceeds from the sale to construct approximately 300 new affordable housing units.
- All of the 191 former Hall House residents have moved to new apartment units and other CHA properties.
- Hall House will be available as temporary housing for a six month period, December 16, 2008 through June 2009. The six months will allow the children to complete the school year without disruption.
- Families will receive educational, employment and social services to assist them in moving from Hall House to stabilized housing at the end of the six months.
- The partners include the Charlotte Housing Authority, Charlotte-Mecklenburg Schools, WISH, Salvation Army, A Child's Place, Mecklenburg County Department of Social Services, Mecklenburg County Homeless Support Services and the City.
- The Salvation Army will manage all on-site staff and will hire a program manager to handle all day-to-day operations of the facility.
- The partners will work collaboratively to secure housing units and rental subsidies as part of the transition for the families in June.

- This project will be funded through funds allocated for the House Charlotte Program. This will impact approximately 16 to 21 down payment assistance requests for households earning between 81% and 110% of the area median income this fiscal year.

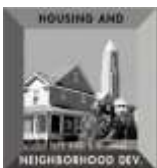
Attachment 5

Charlotte Housing Authority Letter
 Hall House – A Project to Stabilize Homeless Families with Children
 Hall House Budget

Funding

Innovative Housing Fund

9. Double Oaks Redevelopment Contracts



Actions:

- A. Accept a \$10 million Section 108 loan and adopt a budget ordinance to appropriate loan proceeds,**
- B. Authorize the City Manager to execute the Double Oaks Redevelopment Section 108 Loan Guarantee agreements and promissory notes, execute assignment agreements and other ancillary agreements that may be required by the federal Department of Housing and Urban Development (HUD),**
- C. Authorize the City Manager to negotiate and execute an agreement with Charlotte-Mecklenburg Housing Partnership Inc (CMHP) to use the proceeds from the Section 108 Loan,**
- D. Authorize the City Manager to negotiate and execute a contract with CMHP for up to \$6 million from 2008 Neighborhood Improvement Bonds for the Double Oaks Redevelopment,**
- E. Authorize the City Manager to negotiate and execute a contract with the CMHP for \$500,000 for relocation activities in the Double Oaks Redevelopment project, and**
- F. Adopt a resolution approving the conveyance of 1.3 acres of City owned land to the CMHP.**

Staff Resources: Stanley Watkins, Neighborhood Development
 Richard Woodcock, Neighborhood Development
 Anna Schleunes, City Attorney’s Office

Policy

- The City’s Mixed Housing Development Policy was adopted by City Council on September 24, 2003.
- The City’s FY2009 Consolidated Plan was approved by City Council on June 23, 2008. The Plan identified the need for affordable, safe and decent housing for low and moderate income families. The Plan reaffirmed the three basic goals of the City’s Housing Policy:
 - Preserve the existing housing stock
 - Expand the supply of affordable housing
 - Support family self-sufficiency initiatives

Project Overview

- The Double Oaks Redevelopment project is a mixed income and mixed use development on 98 acres of land along the Statesville Avenue Corridor. The project is roughly bounded by Statesville Avenue, Anita Stroud Park, Interstate 77 and LaSalle Street.
- The Double Oaks Redevelopment project entails converting 576 deteriorating apartment units built in 1949 to a new mixed use and mixed income community consisting of 108,000 square feet of non-residential uses and 940 residential units. The total cost of the project is about \$120 million with a total city investment of \$25 million.

Previous City Council Actions

- On April 9, 2007 the City Council approved the CMHP's request to work with City staff to develop a financing plan for the redevelopment of the Double Oaks Apartments.
- On July 23, 2007 City Council:
 - Approved the Double Oaks Redevelopment Concept as a priority
 - Approved the financial strategy
 - Directed the City Manager to include the infrastructure funding as part of the FY2009 Capital Budget
- On September 24, 2007 City Council authorized the City Manager to execute a Memorandum of Agreement with the CMHP for the Double Oaks Redevelopment and approved the submission of an application for a Section 108 Loan Guarantee.
- On September 24, 2007 the City Council approved an amendment to the City's FY2008 Consolidated Plan to designate the Double Oaks area as a Neighborhood Revitalization Strategy Area and conducted the first public hearing to receive comments on the Double Oaks Redevelopment project.
- On November 26, 2007 the City Council approved the "Development Funding Agreement" for the Double Oaks Redevelopment.
- On June 23, 2008 City Council approved the Housing Trust Fund recommendation of \$2.4 million for the purchase of Statesville Avenue Apartments, which is part of the Double Oaks Redevelopment project.
- On November 24, 2008 the City Council conducted a second public hearing to receive comments on the Double Oaks Redevelopment project.

Explanation

- City Council is requested to undertake actions to implement the Double Oaks Redevelopment project. These recommended actions are consistent with HUD requirements and the Development Funding Agreement with the CMHP adopted by City Council on November 26, 2007.
- A. Accept a \$10 million award and adopt a budget ordinance to appropriate the loan proceeds from the HUD's Section 108 Loan Guarantee Program
 - The Section 108 Loan Guarantee program is funded through the sale of bonds by the federal government. The funds are disbursed to the City and will be loaned to the CMHP for the Double Oaks Revitalization project. The Section 108 program requires that the City use its annual Community Development Block Grant (CDBG) funding to guarantee the repayment of the loan in the event the CMHP is unable to make loan payments.
- B. Authorize the City Manager to execute the Double Oaks Redevelopment Section 108 Loan Guarantee loan agreements and promissory notes, execute assignment agreements and other ancillary agreements that may be required by HUD

- This contract specifies the terms and conditions for the Section 108 loan guarantee. Key provisions include:
 - City's loan repayment schedule
 - Collateralization requirements including the synthetic tax incremental financing (TIF) provisions and assignments of CMHP assets
 - Loan guarantee requirements and the City's responsibility to use CDBG funds for that purpose
 - Financial management and reporting requirements
- Several technical financial agreements that do not modify the substance of the project are required by HUD. These agreements include:
 - A Pledge, Assignment and Security Agreement (assigning TIF revenue to HUD)
 - Collateral Assignment of CMHP's Promissory Note, loan agreements and a Deed of Trust
 - Letter Agreements for Section 108 Loan guarantee program
 - Establishment of a Deposit Account and an Investment Account
- C. Authorize the City Manager to negotiate and execute an agreement with the CMHP Inc to use the proceeds from the Section 108 Loan
 - Key provisions include the CMHP loan payment schedule and collateralization requirements
- D. Authorize the City Manager to negotiate and execute a contract with the CMHP for up to \$6 million from 2008 Neighborhood Improvement Bonds for the Double Oaks Redevelopment
 - The capital improvements include streets, sidewalks, water and sewer and street lights. This funding was included in the November 2008 Neighborhood Improvement Bonds. As discussed at the December 1, 2008 workshop, capital projects associated with the November 2008 bonds will be brought forward only in response to specific Council policy. Since this infrastructure commitment was made earlier through a series of Council actions, staff recommends that these funds be approved prior to Council's overall discussion of the CIP in February 2009. The overall infrastructure budget for the project is approximately \$8 million.
- E. Authorize the City Manager to negotiate and execute a contract with the CMHP for \$500,000 for relocation activities in the Double Oaks Redevelopment project
 - The overall relocation budget for the project is \$3.3 million and the relocation must comply with federal requirements established by HUD. This \$500,000 contract is funded with CDBG funds and will assist with relocation activities. Approximately 170 families are receiving relocation assistance as part of the Double Oaks project.
- F. Adopt a resolution approving the conveyance of 1.3 acres of City owned land (parcel #075-133-02) to the CMHP, Inc.
 - The site is located between Newland Road and Double Oaks Road and is needed to fully develop the site. The City's parcel is valued at \$55,800 and is almost entirely surrounded by the rest of the project site and will be included in the overall redevelopment of the site.

Public Hearing Comments

- Pat Garrett, Executive Director of the CMHP, informed the City Council that they closed on the property in September 2007. Ms. Garrett stated that most of the buildings have been torn down and inspections are nearing completion. Two rezonings have been completed and an additional rezoning is anticipated. Garrett also noted that they have received financing for 216 of the 300 affordable units and anticipates that financing will be received for the remaining affordable units before 2010.

Redevelopment Proposal

- The redevelopment includes approximately 940 residential units and approximately 108,000 square feet of non-residential development. Elements include:
 - 300 affordable apartments
 - 120 market rate apartments
 - 308 market rate single family/townhouses
 - 212 condominiums
 - 108,000 square feet of retail, services and offices
- 51% of the proposed rental and ownership housing will be affordable to households earning 80% or less of the area median income, which equates to \$51,520 for a household of four. This is HUD's standard for low-income housing.

Project Financing

- The Double Oaks Redevelopment is projected to cost \$56.6 million, and generate over \$120 million in public and private development. The projected City investments of \$25,155,800 consist of loan guarantees, loans and grants. The uses, type, amount and sources of those funds are described in the attachment.
- The City's investment represents a per unit cost of \$26,761, excluding the commercial development. The City's investment ratio is almost 1:5.

Attachment 6

Budget Ordinance
Resolution
Sources and Uses of Funds

10. Long-Term Investment Program

- Action:**
- A. Authorize the establishment of a Long-Term Investment Program to increase earnings on long-term capital reserves,**
 - B. Authorize up to \$150,000,000 to be transferred from the short-term investment pool to the Long-Term Investment Program,**
 - C. Approve a three year contract with NEPC, LLC (NEPC) as Investment Consultant for the City's Long-Term Investment Program at \$75,000 per year,**
 - D. Approve a policy statement of investment goals, objectives, and guidelines for the Long-Term Investment Program, as recommended by NEPC,**
 - E. Approve a contract with Regions Bank as Custodian for the Long-Term Investment Program at \$37,500 per year, and**
 - F. Authorize the Director of Finance to execute additional documents that may be necessary to implement the Long-Term Investment Program.**

Staff Resource: Greg Gaskins, Finance

Expanded Investment Authority

- As part of the legislative agenda approved by Council on January 8, 2007, the City pursued legislation for expanded investment authority to establish and implement a long-term, diversified investment program.
- On July 19, 2007 the North Carolina General Assembly passed the expanded investment authority legislation as requested in the City's January 8, 2007 legislative agenda. The authority was also granted to Greensboro, Raleigh, Guilford County, Mecklenburg County and Wake County.
- At the December 1, 2008 Council workshop, the Long-Term Investment Program was presented.

Explanation

- Long-term capital reserves of the City can be invested for diversification and for higher rates of return over the long run. The available funds are being moved from one type of investment to another.
- Capital reserves are funds that are set aside by the City to meet financial policies or guidelines but are not intended for expenditure in the near term. It is not intended for all capital reserves to be invested in the Long-Term Investment Program. Staff will transition these existing funds gradually from short-term to long-term investments over a 12 to 18 month period. As of June 30, the City's investments totaled approximately \$1.57 billion so the amount authorized for the long-term investment program would represent 10% of this amount.
- Staff conducted a competitive process with a Request for Qualifications (RFQ). NEPC, Callan Associates, Segal Advisors, Summit Strategies Group and Mercer responded to the RFQ. An investment consultant, NEPC, was selected from among three finalists to oversee the process of

implementing and managing a long-term, diversified investment pool. NEPC has a Charlotte office which will provide advisory services to the City. They were selected based on their experience, large firm size, robust research capabilities, portfolio analytics, and investment manager search capabilities.

- While the level of risk associated with these expanded investment options will be higher than the current low risk, short-term investment portfolio, NEPC will help manage the risk, as well as maximize the returns by:
 - Assisting the City with investment manager selection
 - Ongoing manager performance monitoring
 - Ensuring that the City’s portfolio is adequately diversified over time
- With the assistance of NEPC, staff has drafted a “statement of goals, objectives, and guidelines for the Long-Term Investment Program.” This investment policy statement, with an accompanying letter of recommendation from NEPC, is attached and staff is requesting Council approval of these guidelines.
- This action also establishes a three-year contract with NEPC as investment consultant and Regions Bank as the custodian of the invested funds.
- This action authorizes the Director of Finance to execute additional contracts necessary to implement the Long-Term Investment Program.

Funding

Long-Term Investment Program

Attachment 7

NEPC contract

Regions contract

Investment Policy Statement

11. Federal Lobbying Services Agreement

Action: A. Approve a two year agreement with Holland and Knight LLC for federal lobbying services at an annual fee not to exceed \$180,000, and

B. Authorize the City Manager to execute up to three, one year renewals.

Staff Resource: Boyd Cauble, City Manager’s Office

Explanation

- Holland and Knight offers the City an integrated team of strategic communicators, senior advisors, lobbyists, and attorneys to continue actively assisting the City in developing a comprehensive legislative program, and to advocate it effectively to both Congress and the administration.
- The Holland and Knight team includes former members of Congress, former advisor to the EPA Administrator, former deputy assistant to the President, and former congressional staff members with appropriations experience. In addition, Holland and Knight’s transit partner is one of the pre-eminent experts in the transit industry.
- Over the past five years, Holland and Knight has assisted the City’s federal Legislative Delegation in achieving over \$246 million in appropriations/authorizations.

- Holland and Knight has guided local staff in preparing funding requests for projects such as transit (\$192 million), Eastland Transit Center (\$167 million), Briar Creek Relief Sewer (\$14 million), Gang of One (\$1.37 million), Economic Development projects (\$1.8 million), Emergency Management (\$1.25 million), and several special intersection and signalization improvement projects (\$1.67 million).
- The City currently has pending requests totaling more than \$19.25 million for transit, public safety, utilities and economic development, plus considerable pending requests for projects such as the northeast transit line to the university.
- The proposed agreement is for two years, from January 1, 2009 to December 31, 2010. The total cost of the agreement remains at \$180,000 per year, based on a fixed monthly retainer of \$15,000. The Transit Fund will pay 50% (\$90,000) of the costs of the agreement given the scope of transit lobbying needs. The General Fund portion of the agreement is 50% (\$90,000).

Background

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

Small Business Opportunity

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

Funding

General Fund
Transit Fund

12. Business Investment Grant for Lupold Hydrotechnik, GmbH

Action: Approve the City share of a Business Investment Grant to Lupold Hydrotechnik, GmbH for a total estimated amount of \$47,878 over three years (Total City/County grant estimated at \$106,251).

Staff Resource: Brad Richardson, Economic Development

Policy

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

Explanation

- Headquartered in Germany, Lupold Hydrotechnik, GmbH is a manufacturer of hydraulic lifting devices and specialty valves, used in a variety of products including forklifts, pallet jacks, barber shop chairs, and automotive assembly lifts.
- Lupold currently operates a manufacturing plant in Germany and has recently decided to open a U.S. plant to serve their primary US customer, Bosch Rexroth, located near Greenville, South Carolina.
- In addition to sites near Greenville and Anderson, South Carolina, Lupold is considering two sites in Charlotte: one on Texland Boulevard near Westinghouse Drive and the other on Horseshoe Lane near the airport. Both sites are within the Council approved Business Investment Zone.
- This project meets all of the following Council approved requirements for a three year Business Investment Grant:
 - There will be a taxable investment of at least \$3 million, up to \$4.9 million.
 - The project creates 24 new jobs with an average wage of \$48,000 (121% of the average for the Charlotte-Gastonia-Rock Hill M.S.A.), with the potential for 22 additional jobs by 2013.
 - The facility is located in the Business Investment Zone.
 - There is competition for this project from South Carolina.
- The project is estimated to have a total direct economic impact of \$6.7 million per year on Charlotte’s economy and generate annual tax revenues of \$19,000 for the City.
- If approved, the following schedule is an estimate of the Investment Grant payments to Lupold, and represents 90% of the net new property taxes paid by the company to the City over the three year term:

Year	City	County	Totals
1	13,620	16,606	30,226
2	17,748	21,638	39,386
3	16,510	20,129	36,639
Total	\$47,878	\$58,373	\$106,251

- Mecklenburg County recently changed their method of calculating grants, and now estimates the costs associated with providing County services to the new jobs created. In order to do this, the County makes assumptions about the number of new residents that will require County services

resulting from Lupold's operation and the resultant costs of County services for those new residents. For this project, County staff plans on recommending to the County Commission a grant equal to 60% of the net new property taxes paid by Lupold to the County over the term.

- General terms and conditions of this grant include:
 - A portion of the grant must be repaid if the company moves this investment from Charlotte within three years of the end of the grant term.
 - Actual grant payments are based on the value of the investment as appraised by the Mecklenburg County Tax Office.
 - All property taxes due from the company must be paid before a grant payment is made.
- The Board of County Commissioners will consider approval of a Business Investment Grant on December 16, 2008.
- The State of North Carolina is also considering a One North Carolina Grant in the amount of \$48,000 which requires a local match.
- The company expects to make a decision by January 2009.

Funding

Business Investment Grant Account; first payment is estimated to occur in FY2012.

13. Mayor and Council Topics

Council members may share information and raise topics for discussion.

Introduction to CONSENT

The consent portion of the agenda is divided into 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. 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."

CONSENT I

14. Various Bids

A. Fire Rescue Trucks

Fire

Staff Resources: Rich Granger, Fire
Buddy Caldwell, Fire

Action

Award a unit price contract to Super Vacuum Mfg. Co. Inc. for fire rescue trucks at a low bid price of \$721,571 for the term of one year and authorize the City Manager to renew for four additional one year terms with possible price adjustments at the time of renewal as authorized by the contract. The Fire Department anticipates purchasing two trucks in FY2009 at a total cost of \$1,443,142 to replace current units as a part of the annual apparatus replacement schedule. The Fire Department uses rescue trucks to carry the equipment and manpower necessary to support various types of rescue operations including vehicle extrication. The equipment carried on a rescue truck is not commonly found on engine or ladder trucks

The firefighters that ride on these units receive specialized technical training for high-angle, confined space, structural collapse and trench rescues.

Small Business Opportunity

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

Deferral Consequences

After December 31, 2008 Fire anticipates a substantial per unit price increase due to changes to the National Fire Protection Association regulations.

B. Fire Ladder Trucks

Fire

Staff Resources: Rich Granger, Fire
Buddy Caldwell, Fire

Action

Award a unit price contract to Smeal Fire Apparatus for 105 foot Fire Ladder Trucks at a price of \$697,835 for the term of one year and authorize the City Manager to renew for four additional one year terms with possible price adjustments at the time of renewal as authorized by the contract. The requirement is for one ladder truck for FY2009. The Charlotte Fire Department (CFD) currently operates Smeal built fire trucks. By standardizing the fleet, CFD saves time and money for operational training, maintenance and parts. Smeal Fire Apparatus submitted the only bid in response to an Invitation to Bid. Thirteen known vendors were notified of the opportunity but chose not to bid due to limitations in construction methods that would require some exceptions to the specifications.

Small Business Opportunity

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

C. Fire Station #40

EPM

Staff Resources: Bruce Miller, Engineering and Property Management
Rich Granger, Fire

Action

Award the low bid of \$3,227,614.72 by G. W. Liles Construction Company, Inc. This project consists of the construction of a new, three-bay Fire Station at 9720 Harrisburg Road in the eastern part of Mecklenburg County to serve the Harrisburg and Hood Road area. On November 24, 2008 City Council approved the adoption of the 2009 Annexation Ordinance and Resolution for the North and South Hood Road area and this annexation station will provide firefighting service for that area. An alternate to furnish hydraulically operated bi-parting doors was accepted. Construction completion is scheduled for the second quarter of 2010.

Small Business Opportunity

Established SBE Goal: 10%

Committed SBE Goal: 17.59%

Liles Construction Company, Inc. exceeded the SBE established goal and committed 17.59% (\$567,965) to the following SBE firms: B & G Waterproofing, Inc., Cochrane Steel Industries, Inc., Gastonia Ironworks, H & M Cleaning & Maintenance Services, Mekki Modular Systems, Inc., Treadaway & Sons Painting & Wallcovering, Inc., Vector Electric Company and Wright Way Construction, Inc.

Deferral Consequences

Bids will expire before the next scheduled City Council meeting. Any delay impacting the construction schedule will delay occupancy which will affect service delivery and may require additional expense to extend the contract with the area Volunteer Fire Department at a cost of \$10,000 per month.

D. I-485 Park-and-Ride Expansion Parking Lot CATS

Staff Resource: David Feltman, Transit

Action

Award the low bid of \$272,448.50 by United Construction, Inc. This contract is for the construction of a parking area that will serve as an expansion of the LYNX I-485 Park-and-Ride facilities. The project will pave a one acre (approximately) site directly south of the parking structure access road, adjacent to the Texas Roadhouse site. Customers are currently parking in the area when the lot is full; however, it is not suitable for such use long-term in its current state. The expansion area will add an additional 85 parking stalls to the already existing 1,047, bringing the total available to 1,132. The site is owned by CATS and therefore, no property acquisition is required. The project is anticipated to be completed in the second quarter of 2009, weather permitting.

Small Business Opportunity

Established SBE Goal: 8 %

Committed SBE Goal: 8.07%

United Construction, Inc. committed 8.07% (\$22,000) of the total contract amount to three SBE firms: Bardwil Trucking, LLC (\$2,500), Streeter Trucking (\$16,000), and CSC of NC, PC (\$3,500).

Deferral Consequences

Existing Park-and-Ride facilities at this location are insufficient to handle the average daily parking volume, requiring LYNX riders to travel to other park-and-ride lots.

E. Vehicle Repair and Replacement Parts**BSS**

Staff Resources: Karen King, BSS
Genetta Carothers, BSS

Action

Award the low bid unit price contracts for providing GM/AC Delco original equipment manufacturer Repair and Replacement Parts in the estimated annual amount of \$175,000 for a term of one year and authorize the City Manager to renew up to four additional one year terms with possible price adjustments at the time of renewal as authorized by the contract to the following vendors:

Auto Supply Company, Inc. for providing 94 various repair and replacement parts to be ordered as needed.

Folger Automotive for providing 99 various repair and replacement parts to be ordered as needed.

Lee Forrest Buick Pontiac GMC for providing 43 various repair and replacement parts to be ordered as needed.

Parks Chevrolet for providing 19 various repair and replacement parts to be ordered as needed.

Repair parts will be used for equipment and vehicles including Police, Fire, and other emergency response vehicles serviced and maintained by the Equipment Management Division. Multiple vendors are recommended to ensure availability of the full range of products to fulfill current and future requirements including, but not limited to, emissions and exhaust components, engine components, body replacement parts, chassis and wheel components, electrical and lighting components and transmission services.

Small Business Opportunity

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

Deferral Consequences

The repair of equipment and vehicles is a critical and essential function. Access to repair and replacement parts allows the City's fleet equipment and public safety vehicles to be available for service.

15. Resolution of Intent to Abandon a Portion of an Unopened Right-of-way Running Off of Clark Drive South

Action: A. Adopt the Resolution of Intent to abandon a portion of an unopened right-of-way running off of Clark Drive South, and
B. Set a public hearing for January 12, 2009.

Staff Resource: Linda Poissant, Transportation

Attachment 8

Map
Resolution

16. Resolution of Intent to Abandon a 10 Foot Alleyway Running Off of North Dotger Avenue

Action: A. Adopt the Resolution of Intent to abandon a 10 foot alleyway running off of North Dotger Avenue, and
B. Set a public hearing for January 12, 2009.

Staff Resource: Linda Poissant, Transportation

Attachment 9

Map
Resolution

17. Resolution of Intent to Abandon Two Alleyways Bounded by North Alexander Street, East 36th Street, North Davidson Street and Mercury Street

Action: A. Adopt the Resolution of Intent to abandon two alleyways bounded by North Alexander Street, East 36th Street, North Davidson Street and Mercury Street, and
B. Set a public hearing for January 12, 2009.

Staff Resource: Linda Poissant, Transportation

Attachment 10

Map
Resolution

18. Resolution of Intent to Abandon a Portion of Main Street

Action: A. Adopt the Resolution of Intent to abandon a portion of Main Street, and
B. Set a public hearing for January 12, 2009.

Staff Resource: Linda Poissant, Transportation

Attachment 11

Map
Resolution

19. Resolution of Intent to Abandon a 10 Foot Alleyway Running Off of West Worthington Avenue

Action: A. Adopt the Resolution of Intent to abandon a 10 foot alleyway running off of West Worthington Avenue, and
B. Set a public hearing for January 12, 2009.

Staff Resource: Linda Poissant, Transportation

Attachment 12

Map
Resolution

20. Refund of Business Privilege License Taxes

Action: Adopt a resolution authorizing the refund of business privilege license payments made in the amount of \$479.81.

Staff Resource: Rosemary Lawrence, Finance

Attachment 13

Resolution
List of property tax and business license refunds

21. In Rem Remedy

For In Rem Remedy #A-G, 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. 2716 A & B Baltimore Avenue (Neighborhood Statistical Area 72 – Southside Park Neighborhood)
- B. 3008 Parkway Avenue (Neighborhood Statistical Area 18 – Enderly Park Neighborhood)

Complaint:

- C. 4614 Willard Street (Neighborhood Statistical Area 19 – Thomasboro/Hoskins Neighborhood)

Field Observation:

- D. 636 Blackmon Street (Neighborhood Statistical Area 19 – Thomasboro/Hoskins Neighborhood)
- E. 4405 Hovis Road (Neighborhood Statistical Area 19 – Thomasboro/Hoskins Neighborhood)
- F. 3029 Ross Avenue (Neighborhood Statistical Area 73 – Arbor Glen Neighborhood)
- G. 2121 Rozzelles Ferry Road (Neighborhood Statistical Area 25 – Smallwood Neighborhood)

Public Safety:

A. 2716 A & B Baltimore Avenue

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2716 A & B Baltimore Avenue (Neighborhood Statistical Area 72 – Southside Park Neighborhood).

Attachment 14

B. 3008 Parkway Avenue

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 3008 Parkway Avenue (Neighborhood Statistical Area 18 – Enderly Park Neighborhood).

Attachment 15

Complaint:

C. 4614 Willard Street

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 4614 Willard Street (Neighborhood Statistical Area 19 – Thomasboro/Hoskins Neighborhood).

Attachment 16

Field Observation:

D. 636 Blackmon Street

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 636 Blackmon Street (Neighborhood Statistical Area 19 – Thomasboro/Hoskins Neighborhood).

Attachment 17

E. 4405 Hovis Road

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 4405 Hovis Road (Neighborhood Statistical Area 19 – Thomasboro/Hoskins Neighborhood).

Attachment 18

F. 3029 Ross Avenue

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 3029 Ross Avenue (Neighborhood Statistical Area 73 – Arbor Glen Neighborhood).

Attachment 19

G. 2121 Rozzelles Ferry Road

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2121 Rozzelles Ferry Road (Neighborhood Statistical Area 25 – Smallwood Neighborhood).

Attachment 20

CONSENT II

22. Water and Sewer Bonds

Action: A. Adopt a resolution approving Remarketing Agents for the variable rate 2002C and 2002B Water Sewer Revenue Bonds, and

B. Adopt a resolution approving the execution, delivery and completion of documents for the standby bond purchase agreement related the 2006B Water and Sewer Revenue Bonds.

Staff Resource: Greg Gaskins, Finance

Explanation

- In the current market it is more efficient for the same firm that provides liquidity to remarket short term bonds. The changes below will accomplish these market requirements and enhance the marketability of the City's short term debt program. In addition, the pending merger of Wachovia Bank, NA to Wells Fargo Bank, NA has improved the value and stability of Wachovia credit products and allows the City to use existing liquidity commitments to substitute for a less desirable foreign bank. This action does the following:
 - Appoints Wachovia Bank, NA as Remarketing Agent for the City's Water and Sewer Revenue Bonds, Series 2002B, currently remarketed by Bank of America Securities, LLC and Banc of America Securities LLC as the Remarketing Agent for the City's Water and Sewer Revenue Refunding Bonds, Series 2002C, currently remarketed by Wachovia Bank, NA.
 - Substitute Wachovia Bank, NA for DEPFA Bank as liquidity provider for the City's Water & Sewer Revenue Bonds, Series 2006B.

Funding

Utilities Debt Service Fund

Attachment 21

Resolutions

23. FY2009 Paratransit Bus Order

Action: Approve the purchase of 24 Special Transportation Service (STS) paratransit vehicles from National Bus Sales at a unit cost of \$75,775.58, for a total amount of \$1,818,614.

Staff Resource: Jim Zingale, Transit

Policy

Transportation Action Plan

Federal Regulations: Americans with Disabilities Act (ADA) and Paratransit

- Paratransit is an alternative mode of flexible passenger transportation for certified physically disabled patrons that does not follow fixed routes or schedules.
 - The Americans with Disabilities Act of 1990 (ADA) requires transit agencies operating fixed route services to operate paratransit services.
 - ADA regulations require curb-to-curb, demand responsive services that mirror the fixed route services in terms of service times and areas.
 - By federal regulation, paratransit services cannot form a pattern of failed trips based on equipment failure.
- CATS' paratransit Special Transportation Services (STS) provides fully demand responsive transport, offering on demand, call up, door to door service from any origin to any destination in a service area.
 - STS provides over 20,000 rides per month for people with disabilities who cannot board or negotiate the local bus system as required by the ADA.
 - The STS fleet of 85 specially equipped vehicles travel 2.7 million miles per year providing public transportation to passengers using wheelchairs or who have other disabilities, during the same hours as the local fixed route buses, 365 days per year, as required by the ADA.

Explanation

- On January 8, 2007 City Council approved a citywide, unit price contract for several vehicle types including the STS paratransit vehicle.
- The contract is with National Bus Sales for the Goshen Paratransit Vehicle.
- The vehicle unit price reflects increases due to new federally mandated emission requirements directly related to an engine enhancement that will result in lower emissions.
- The vehicle unit price includes the additions of communication equipment, automatic vehicle locators, safety equipment, decaling, and in-plant vehicle inspections required by the Federal Transit Administration (FTA).
- The average age of CATS' STS paratransit fleet is currently six years. The recommended vehicle life of a paratransit vehicle is five years. Operating vehicles beyond their useful life results in escalating maintenance costs. The timely replacement of these vehicles results in lower overall maintenance costs.
- The FY2009 capital budget provides funding for the replacement of 24 vehicles.
- 91% of the funding for the buses will be provided by federal and state grants.

Disadvantaged Business Enterprise Opportunity

National Bus Sales complies with the FTA's regulation 49 CFR Part 26.45, which requires DBE certifications from Transit vehicle manufacturers as a condition of being authorized to bid on transit procurements funded by the FTA.

Deferral Consequences

CATS Special Transportation Services is experiencing cost overruns to the maintenance budget due to the poor condition of older vehicles in the fleet. The vehicles for this new order will be replacements to the fleet and will significantly lower maintenance costs.

Funding

Transit Capital Investment Plan

24. CATS Origin-Destination Study

Action: Approve a contract with NuStats, LLC for a total amount not to exceed \$436,344 to conduct a transit origin-destination study.

Staff Resource: David McDonald, Transit

Policy

Centers and Corridors, Transportation Action Plan Goal 1, 2030 Transit Corridor System Plan, Focus Area Initiative 1.- Measure C

Explanation

- The LYNX Blue Line Full Funding Grant Agreement, signed on May 5, 2005, requires that the City of Charlotte complete an "Origin-Destination Study" of the recently completed LYNX Blue Line. Funding for this study will be provided by an 84% contribution of federal and state funds with the remainder having been set aside within the South Corridor budget.
- This Origin-Destination Study is the major component of the "After" portion of the study. A similar study for the "Before" portion was completed prior to the November 2007 opening of the LYNX Blue Line.
- Given the high ridership of the LYNX Blue Line, the data collected from the "After" Origin-Destination Study will also be used to improve the travel demand model used to predict ridership for the Northeast Corridor "LYNX Blue Line Extension." This is critical to ensure an accurate federal ranking of the LYXN Blue Line Extension and an adequate design of the project.
- The Origin-Destination Study involves the on-board sampling of riders to determine trip purpose, origin, destination, boarding and departure locations, means of access (walk, bike or drive to bus or light rail) and frequency of use.
- At the recommendation of Federal Transit Administration staff, CATS expanded the data collection scope to include park and ride utilization, transfer analysis, and a broader period of time.
- A Request for Proposals (RFP) was advertised on the North Carolina State Interactive Procurement Site on October 3, 2008. Additionally, notification of the RFP opportunity was sent to nine firms identified as performing similar work.
 - Five firms submitted interest in the project and participated in the procurement process.
 - Four of these five firms attended the pre-proposal conference and one firm requested the pre-proposal information.
- NuStats, LLC was the only firm to submit a proposal on October 31, 2008, After review by a multi-departmental team, NuStats, LLC was selected to perform this work based upon qualifications, experience and approach, financial qualifications, cost effectiveness and value, and acceptance of the terms of the contract. NuStats, LLC's experience included conducting the Origin and Destination Study for the "Before" portion preceding the opening of the LYNX Blue Line.
 - Three firms previously submitted proposals for the "Before" Origin and Destination Study. A multi-departmental team reviewed those proposals.
- CATS negotiated an agreement significantly under cost estimates for the project.
 - The scope of the new study is expanded to include bus and rail.

- The costs per area of study is comparable to the previous “Before” study.

Disadvantaged Business Enterprise Opportunity

The contractor committed to use DBE firm Metro Staffing, Inc. at 26.5% (\$115,631.16). The Federal DBE Program requires that if CATS exceeds its overall goal in the course of a year, which it has, CATS must replace or eliminate the use of contract goals and use race-neutral means, which has been applied to this contract to achieve DBE participation.

Deferral Consequences

The Federal Full Funding Grant Agreement (FFGA) contractually requires that CATS complete the Before and After Study. Delay will jeopardize CATS’ ability to complete the FFGA and endanger CATS’ ability to receive future FFGA funding for future corridors. The optimum time to perform the study is in the spring. In order to maintain that schedule, a pilot study must be conducted in early 2009 to evaluate testing methodology. To ensure the schedule is met, CATS must provide the vendor with a notice to proceed before the end of the calendar year.

Funding

Transit Capital Investment Plan
Transportation Operating Budget
Grant Funding

25. Cleaning Service Contract for Airport

Action: Approve a three year contract totaling \$740,976 with Incredible Maintenance, Inc. for cleaning of the airport parking lots, decks, terminal, and other areas.

Staff Resource: Jerry Orr, Aviation

Explanation

- This contract will provide cleaning and trash removal services for the airport’s parking lots, parking decks, passenger drop off and pick up areas at the terminal, delivery dock, airport overlook and terminal roadways.
- The contract shall be for a period of three consecutive years beginning January 1, 2009 with a total negotiated cost of \$740,976.
- The current year cost is \$196,492. The new contract scope has additional scheduled pressure washings of the terminal passenger drop off areas along the curbside and trash and litter removal of the public overlook area and courtesy Cell Phone Lot.
- The project was advertised on September 28, 2008. Five vendors attended the pre bid meeting on October 9, 2008; however, there were insufficient bids to open at the bid opening on October 23, 2008. This project was re-advertised on October 28, 2008 and only one bid was received on November 6, 2008.
- Incredible Maintenance is the incumbent contractor and has been providing this service for the past five years.

Small Business Opportunity

Pursuant to the SBO Program Policy for service contracts, the City negotiated a committed SBE goal with the successful proposer. Incredible Maintenance

committed 7.6% per year (\$18,330) to Southern Hospitality Supply and 11.4% per year (\$28,195) to Conquest Power Wash.

Funding

Airport Operating Fund

26. Municipal Agreement for West Boulevard/I-485 Ramps

Action: Adopt a resolution authorizing the Aviation Director to execute a municipal agreement with the North Carolina Department of Transportation (NCDOT) for the construction of the I-485 interchange ramps at Garrison Road (future West Boulevard).

Staff Resource: Jerry Orr, Aviation

Explanation

- An extension of West Boulevard (NC 160) from Byrum Drive to a future I-485 interchange will be constructed as part of the road relocations necessitated by the construction of the new third parallel runway.
- Even though this is a state road, the Airport will manage the design and construction in order to expedite the project. NCDOT has committed \$1,700,000 in funding for the road relocation.
- In anticipation of this project, NCDOT graded the ramps at the West Boulevard I-485 interchange, but did not pave the ramps when the western section of I-485 opened because the West Boulevard extension had not been constructed at that time.
- While reviewing the plans with NCDOT, they agreed to include the paving of the ramps in the road extension project so the interchange can be opened as soon as the road is constructed.
- NCDOT had previously allocated funds for the ramps, which comes from the 2010 NCDOT Transportation Improvement Program (TIP). The budget in the TIP and the amount stipulated in the municipal agreement for this project is \$1,150,000.
- The Municipal Agreement will reimburse the Airport for the actual construction costs at the completion of the ramp paving.

Funding

NCDOT

Attachment 22

Resolution

27. Reimbursable Water and Sewer Contracts with Charlotte-Mecklenburg Schools

Action: Approve five-year reimbursable water and sewer main contracts with Charlotte-Mecklenburg Schools for \$949,087.

Staff Resource: Doug Bean, Utilities

Policy

Charlotte Mecklenburg Utilities Extension Program and Capital Improvement Plan, five year Reimbursable Extension Contract

Explanation

- The five year reimbursable program enables a customer to finance capital facilities to expedite construction. Upon completion, the customer will be reimbursed according to the procedures described in the Charlotte-Mecklenburg Utilities Extension Policy. The applicant has paid the 10% deposit of the estimated project cost.
- Charlotte-Mecklenburg Schools requests a contract for the construction of a 2,011 linear foot, 24-inch water main extension to serve the proposed Berewick Elementary School at 5910 Dixie River Road.
 - Project begins at a CDOT roadway infrastructure project at the intersection of Dixie River Road and Steele Creek Road, continuing along Dixie River Road to the proposed Berewick Elementary School site.
- Charlotte-Mecklenburg Schools also requests a contract for the construction of a 2,684 linear foot, 24-inch sewer main extension to serve the proposed Berewick Elementary School at 5910 Dixie River Road.
 - Project begins at the existing Beaverdam Creek Outfall and extends northwest along the tributary to the proposed school site.
- The total estimate for these projects is \$949,087.

Small Business Opportunity

The SBO Program does not apply to this type of contract. SBO goals will apply when the construction contract is bid.

Funding

Utilities Capital Investment Plan

28. Southwest Water Transmission Main Phase A Change Order

Action: Approve change order in the negotiated amount of \$1,912,399.16 to the contract with SJ Louis Construction, Inc. for the construction of Phase A of the Southwest Water Transmission Main.

Staff Resource: Doug Bean, Utilities

Explanation

- Phase A of the Southwest Water Transmission Main is a 72 inch water main from the Franklin Water Treatment Plant to the Airport.

- Charlotte Mecklenburg Utilities entered in to a contract with SJ Louis Construction, Inc. in the amount of \$39,693,407.85, on March 1, 2005.
- A portion of the construction project involved the construction of a 1,736 foot long tunnel under Josh Birmingham Parkway and Billy Graham Parkway.
- Soil borings taken during design indicated solid rock. In reality there were areas of solid rock, fractured rock, and soil.
- Approximately 1,440 feet into the tunnel, just before the crossing under Billy Graham Parkway and adjacent to the ramp to the Airport, the tunnel collapsed. It was determined that the rock in this area was so fractured that it wasn't safe to continue tunneling.
- Abandoning the tunneling operation required the contractor to open cut Billy Graham Parkway.
- On October 8, 2007 Council approved a change order in the amount of \$1,007,278 for this purpose. At the same time Council was advised that Utilities would have another change order related to the change of conditions in this tunnel.
- In November 2007 SJ Louis filed a claim against the City due to differing site conditions.
- Utilities entered mediation with SJ Louis and settled in the amount of \$1,912,399.16. These costs are in line with bid costs on other tunnel projects with similar soil/rock conditions.
- The total project cost, including this change order, will be within the project budget when completed.

Funding

Utilities Capital Investment Plan

29. W.T. Harris Boulevard Median Landscape (I-77 to The Plaza)

Action: **A. Reject the low bid of \$108,299.40 by Watson Groundworks, Inc. for failure to submit a responsive bid, and**

B. Award the bid of \$108,468.25 by Taylor's Landscaping Service, Inc. for landscape improvements.

Staff Resource: Quin Hall, Landscape Management

Explanation

- Watson Groundworks, Inc. failed to submit a complete North Carolina Licensure Requirements form with their bid. These omissions made their bid non-responsive.
- This contract provides for landscape improvements, including small tree removals and replacements, replacing damaged and missing shrubbery and groundcovers, and installing new trees in open areas in the medians along W.T. Harris Boulevard from I-77 to The Plaza.

Small Business Opportunity

The SBO office exempted landscaping projects from SBE subcontracting goals for FY2009 (Part A, Section 4.2 and Appendix Section 23.10 of the SBO Policy). Instead, staff seeks to enhance SBE utilization by issuing smaller contracts so SBEs can participate as Primes. For this contract, one of the six bidders was an SBE, although it did not provide the lowest bid.

Consequences of Deferral

- Landscaping will be delayed.
- There is currently a two year backlog of landscaping projects.
- Drought conditions from 2007 caused a delay in all landscaping projects until 2008.

Funding

Facilities Capital Investment Plan

30. Engineering Services for Upper Stoney Creek Stream Restoration Project

Action: Approve a contract with Michael Baker, Inc. for \$600,000 for engineering services for Stream Restoration and Mitigation Projects.

Staff Resource: Daryl Hammock, Engineering and Property Management

Stream Restoration

- Stream restoration is the process of converting a degraded, eroding stream corridor to a stable condition.
- The Clean Water Act often requires public projects to mitigate impacts to streams and wetlands by restoring similar features elsewhere.
- In 2004 Storm Water Services secured approval from federal and state agencies for the creation of a Stream and Wetland Mitigation Bank (the Bank).
- The Bank allows the City and other local jurisdictions the flexibility to mitigate stream impacts locally, rather than paying into a statewide fund.
- This project supports the City's Bank, which provides compensatory mitigation credit to public projects that impact streams and wetlands.
- Mitigation credits are currently sold by the Bank to individual projects at statewide market rates (currently \$323 to \$646 per linear foot), which allows the Storm Water Program to recoup up to 100% of the cost associated with restoring streams.

Contract for Engineering Services

- The contract with Michael Baker, Inc. will provide engineering services for the Upper Stoney Creek Stream Restoration Project as needed by the Storm Water program.
- The work involves final design, permit application preparation, mitigation credit application preparation, construction document preparation, construction administration services and post-construction monitoring.

Small Business Opportunity

Established SBE Goal: 4.08%

Committed SBE Goal: 4.08%

The City negotiated a SBE goal with Michael Baker, Inc. after the proposal selection process (Part C: Section 2.2 of the SBO Policy). Michael Baker, Inc. committed 4.08% (\$24,501) of the total contract amount to the following SBE firms: Survey Mapping & Control, Inc. (\$15,444) and Capstone Civil Group, P.A. (\$9,055).

Deferral Consequences

- If the stream mitigation credits are not available there would be two choices: City projects would be required to perform the stream mitigation on-site, which would likely be more expensive or impractical, or the City could choose to pay into a statewide fund that would be used to restore streams outside the Charlotte area.
- Environmentally, restoring resources locally helps improve local water quality whereas sending those dollars to the state helps improve the water quality of other jurisdictions.
- Financially, the Upper Stoney Creek project is anticipated to be approximately 35% less expensive than paying into the statewide fund due to recent changes in mitigation fees.

Funding

Storm Water Capital Investment Plan

31. Geotechnical and Construction Materials Testing Services Contract Amendment

Action: Approve Amendment #1 with Froehling & Robertson, Inc. for \$300,000 for geotechnical and construction materials testing services.

Staff Resource: Mae Bryant, Engineering and Property Management

Amendment to Contract for Services

- This contract provides for geotechnical engineering and construction materials testing services on various projects in support of the transportation, neighborhood improvement and sidewalk capital programs.
- The testing services will be used for contracts approved for construction by Council.
- Testing services are provided to ensure construction specifications are met.
- The materials tested included soil, asphalt and concrete being used on City projects and will be provided on an as-needed basis.
- Projects initiated under this contract include:
 - Elizabeth Avenue Business Corridor
 - Fred D. Alexander Boulevard-Section B-1
 - Fred D. Alexander Boulevard Contract B-2
- Froehling Robertson, Inc. was one of four firms selected using the Council approved selection process.
- City Council awarded the original contract for \$150,000 on May 14, 2007. The total contract, including amendment #1 will be \$450,000 and provides funds for the next two years to complete the projects currently under construction.

Small Business Opportunity

Established SBE Goal: 4%

Committed SBE Goal: 4%

All additional work involved in this amendment will be performed by Froehling & Robertson, Inc. and their existing subconsultants (Part D: Section 6 of the SBO Policy). Froehling & Robertson, Inc. committed 4% (\$12,000) of this amendment to the following SBE firm: Carolina Copy Services.

Consequences of Deferral

Approval of this amendment will help prevent project delays, discrepancies and possible change orders.

Funding

Transportation and Neighborhood Capital Investment Plan

32. Property Transactions

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

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

Acquisitions

- A. Project:** Beaverdam Creek Tributary #2 - Sewer Extension, Parcel # 1
Owner(s): Steele Creek 1997 Limited Partnership
Property Address: Dixie River Road
Property to be acquired: 22,430 sq. ft. (.515 ac.) in Sanitary Sewer Easement, plus 63,612 sq. ft. (1.460 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$20,916
Remarks: Compensation was established by independent, certified appraisals related to this property.
Zoned: BP
Use: Single Family Residential - Rural Acreage
Tax Code: 199-241-13
Total Parcel Tax Value: \$1,007,600
- B. Project:** Southwest Water Transmission Main - Phase C, Parcel # 21, 22 And 23
Owner(s): Southeastern Freight Lines, Inc.
Property Address: Steele Creek Road
Property to be acquired: 30,070 sq. ft. (.690 ac.) in Utility Easement, plus 10,042 sq. ft. (.231 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$25,237
Remarks: Compensation was established by independent, certified appraisals related to this property.
Zoned: I-2
Use: Industrial
Tax Code: 199-141-08/199-141-07/199-141-06
Total Parcel Tax Value: \$1,991,600
- C. Project:** Southwest Water Transmission Main - Phase C, Parcel # 56
Owner(s): Steele Creek 1997 Limited Partnership

Property Address: Steele Creek Road
Property to be acquired: 9,734 sq. ft. (.223 ac.) in Fee Simple, plus 26,374 sq. ft. (.605 ac.) in Existing Right-of-way, plus 8,155 sq. ft. (.187 ac.) in Utility Easement, plus 8,776 sq. ft. (.201 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$21,850
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: R-3
Use: Single Family Residential - Rural Acreage
Tax Code: 201-091-08
Total Parcel Tax Value: \$2,084,600

Condemnations

- D. Project:** Muddy Creek Stream Restoration, Parcel # 18
Owner(s): HSBC Mortgage Services, Inc. And Any Other Parties Of Interest
Property Address: 5938 Meadowhill Drive
Property to be acquired: Total Combined Area of 468 sq. ft. (.011 ac.) of Storm Drainage Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$150
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-20MF
Use: Single Family Residential
Tax Code: 133-132-30
Total Parcel Tax Value: \$125,100
- E. Project:** Reedy Creek Basin Sewer, Parcel # 30
Owner(s): Park West Development Company and Any Other Parties of Interest
Property Address: Robinson Church Road
Property to be acquired: Total Combined Area of 83,256 sq. ft. (1.911 ac.) of Sanitary Sewer Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$7,450
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: MX-2
Use: Single Family Residential - Rural Acreage
Tax Code: 111-021-93
Total Parcel Tax Value: \$156,000

- F. Project:** Southwest Water Transmission Main - Phase C, Parcel # 52
Owner(s): J&N Charlotte I, LLC and Any Other Parties of Interest
Property Address: Steele Creek Road
Property to be acquired: Total Combined Area of 7,312 sq. ft. (.168 ac.) of Utility Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$10,575
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: CC
Use: Commercial
Tax Code: 199-551-14
Total Parcel Tax Value: \$565,400
- G. Project:** Airport Master Plan Land Condemnation
Owner(s): BT Property, LLC
Property Address: part of 7101 Wilkinson Boulevard
Property to be acquired: 22.24 acres
Improvements: vacant land
Purchase Price: \$1,000,800
Remarks: Property was valued by the tax office at \$16,893 an acre in 2003 which does not reflect the current market values. The purchase price was determined by two independent Member Appraisal Institute (MAI) appraisers and was reviewed by a third MAI appraiser. Each appraisal takes into consideration the specific quality and quantity of the land. The tax value is determined on a more generic basis and will be higher or lower for land/house with certain attributes. Property is acquired per Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration reimbursement.
Zoned: I1 Use: vacant land
Tax Value: \$1,706,300 (101 acres total land)
Tax Code: 113-021-06
- H. Project:** Airport Master Plan Land Condemnation
Owner(s): Clark Associates (et al)
Property Address: part of 7101 Wilkinson Boulevard
Property to be acquired: 24.28 acres
Improvements: vacant land
Purchase Price: \$395,000
Remarks: Property was valued by the tax office at \$6,859 an acre in 2003 which does not reflect the current market values. The purchase price was determined by two independent Member Appraisal Institute (MAI) appraisers and was reviewed by a third MAI appraiser. Each appraisal takes into consideration the specific quality and quantity of the land. The tax value is determined on a more generic basis and will be higher or lower for land/house with certain attributes. Property is acquired per Federal Guidelines 49 CFR Part 24 of the

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

Zoned: R4 Use: vacant land

Tax Value: \$269,300 (based on 39.26 acres total land)

Tax Code: 113-331-22

33. Meeting Minutes

Action: Approve the titles, motions and votes reflected in the Clerk's record as the minutes of:
- **October 27, 2008**