

Mayor Anthony Foxx

Michael D. Barnes
Dr. Jason Burgess
Nancy Carter
Warren Cooksey
Andy Dulin

Mayor Pro Tem Patrick D. Cannon

David L. Howard
Patsy Kinsey
James Mitchell, Jr.
Edwin Peacock III
Warren Turner

CITY COUNCIL MEETING
Monday, February 28, 2011

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

Item #	Page #	Title
14	12	Private Water and Sewer Systems Purchase
29	30	Transit Diesel Fuel Contract Amendment

CITY COUNCIL AGENDA
Monday, February 28, 2011

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5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. Mayor & Council Consent Item Questions

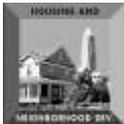
Resource: Eric Campbell, City Manager's Office

Time: 5 minutes

Synopsis

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

2. Housing Locational Policy



Committee Chair: Patsy Kinsey

Resource: Pamela Wideman, Neighborhood & Business Services

Time: 30 Minutes

Synopsis

- Staff will brief City Council on the Housing & Neighborhood Development Committee's recommended revised Housing Locational Policy (Policy).
- The current Policy was approved by City Council on November 26, 2001, and was amended on September 24, 2003.
- The Policy provides a guide for the development of new, rehabilitated or converted City, Federal or State subsidized, multi-family housing developments designed to serve, in whole or part, households earning 60% or less of the area median income (AMI).
- The objectives of the Policy are to:
 - Avoid undue concentration of subsidized multi-family housing
 - Geographically disperse new multi-family housing developments
 - Support the City's neighborhood revitalization efforts
 - Promote diversity and vitality of neighborhoods
 - Support school, transit corridor and other public development initiatives.
- The Policy establishes permissible and non-permissible Neighborhood Statistical Areas for the development of new subsidized multi-family rental housing.

Revised Policy Highlights

- The revised Policy recommends that new multi-family developments be located in Stable Neighborhood Statistical Areas (NSAs). The NSA should have no more than 15% of subsidized housing units and no more than 5% of subsidized housing units serving 0% to 30% of AMI.
- The revised Policy maintains the half-mile restriction when a new multi-family development is being developed within a half-mile of a Transitioning or Challenged NSA. However, it does permit new multi-family developments within in a half-mile of another Stable NSA.

- The revised Policy permits rehabilitations in any NSA with no addition to the existing unit count of the multi-family development undergoing rehabilitation.
- The revised Policy permits conversions of any amount to existing privately-owned, multi-family housing developments, serving families earning 60% or below the AMI by receiving public subsidy, in Stable NSAs, and permits conversions of up to 50% of the units, to existing privately-owned, multi-family housing developments, serving families earning 60% or below the area median income by receiving public subsidy, in Transitioning and Challenged NSAs.

Background

- On June 24, 2010, City Council approved a draft revised Policy and requested that Neighborhood & Business Services staff host a series of public forums during the months of July and August to gain citizen input on the revised Policy.
- Five public forums were hosted throughout the City. Forums were held in the North, South, East, West and Central regions. A total of 158 citizens attended the forums and the following recurring themes were raised at each of the forums:
 - Half-mile proximity restriction
 - Necessity of a Housing Locational Policy
 - Geographical Dispersion
 - Aesthetics and on-site property management
 - Impact on property values
 - Inclusionary Zoning
 - Proximity to goods and services
 - Policy application to City assisted developments
 - Policy Exemptions for seniors, disabled, and special needs populations
- During the months of August, September and October, the Housing & Neighborhood Development Committee met with Neighborhood & Business Services staff to develop the attached revised Housing Locational Policy.
- On October 18, 2010, the Housing & Neighborhood Development Committee voted 3-1 (Kinsey, Cannon, Mitchell for; Cooksey opposed) on the proposed revised Housing Locational Policy.
- On November 8, 2010, Neighborhood & Business Services staff provided a dinner briefing to City Council on the revised Policy.
- On November 22, 2010, a public hearing was held and 16 people spoke on the Policy topic. There were three recurring themes mentioned during the public hearing:
 - Percentage cap per Neighborhood Statistical Area
 - Half-mile radius restriction
 - Methodology around rehabilitations and conversions
- Due to the recurring concerns, City Council voted to refer the revised Policy back to the Housing & Neighborhood Development Committee for additional review.
- On February 2, the Neighborhood & Business Services staff presented a revised Policy to the Committee, inclusive of feedback from those who spoke during the November 22, 2010 public hearing, for consideration. The Committee voted 2-1 to move the item forward to a February dinner briefing for Council discussion (Kinsey and Cannon for; Cooksey opposed).

Future Action

Staff recommends City Council consider action on the revised Policy at the March 28 business meeting.

Attachment 1

Draft revised Housing Locational Policy

3. Private Water and Sewer Systems Purchase

Resource: Barry Gullet, Utilities

Time: 20 minutes

Synopsis

- In the 2009 and 2011 annexations, a number of developments were and will be annexed that are served water and sewer by private utility companies. For these situations, Charlotte-Mecklenburg Utilities typically negotiates to buy these systems if they are constructed such that they can provide the needed level of service with minimal to no upgrading.
- These system purchases are generally beneficial to the City and the residents in lowering costs.
- Utilities has negotiated a purchase price with these companies for the annexation area and a few neighborhood water and sewer systems in western Cabarrus County that were physically connected to the Mecklenburg systems and several in Matthews.
- This purchase is required to meet the 2009 annexation.
- This presentation will give an overview of the neighborhood water and sewer systems to be purchased and the options considered in addition to purchasing them to meet the annexation requirements.

Future Action

The purchase of private water and sewer systems is item 14, page 12 of this agenda.

Attachment 2

List of Subdivisions

Map

4. Answers to Mayor and Council Consent Item Questions

Resource: Eric Campbell, City Manager's Office

Time: 10 minutes

Synopsis

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

6:30 P.M. CITIZENS' FORUM

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

5. Firefighter Recognitions

Action: Mayor Foxx to recognize fire companies who have successfully saved the lives of patients using the new focused CPR protocol and to recognize the firefighters for their heroic actions to save the lives of two children from a burning building.

6. Barbara Jordan U.S. Postal Stamp

Action: Mayor Foxx to recognize Acting District Manager Angela H. Curtis, of the U.S. Postal Service, to present the postage stamp honoring Barbara Jordan, former Texas Congresswoman.

CONSENT

- 7. Consent agenda items 20 through 47 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

8. Public Hearing on Resolution to Close an Eight-foot Alleyway Located off N. Brevard Street

Action: **A. Conduct a public hearing to close an eight-foot alleyway located off N. Brevard Street, and**

B. Adopt a resolution to close.

Staff Resources: Linda Poissant, Transportation
 Jeff Boenisch, 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.
- The attached resolution refers to exhibits and metes and bounds descriptions that are available in the City Clerk's Office.

Petitioner

Seventh Street Investors, LLC- Daniel Levine/ John Carmichael

Right-of-Way to be abandoned

An eight-foot alleyway off of N. Brevard Street

Location

Located off of N. Brevard Street between E. 7th Street and E. 8th Street, beginning at N. Brevard Street and continuing 49 feet northwestwardly to its terminus and consisting of 392 square feet

Reason

To incorporate the right-of-way into adjacent property owned by the petitioner. This abandonment is in accordance with the First Ward Development Project. The area being abandoned will be incorporated into the proposed park.

Notification

As standard procedure, 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

First Ward Community Fund, Inc- No objections
 First Ward Neighbors, Inc- 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
- Be contrary to the adopted policy to preserve existing rights-of-way for connectivity

Attachment 3

Map

Resolution

9. Public Hearing on Resolution to Close a Ten-foot Alleyway Located off W. Park Avenue

Action: A. Conduct a public hearing to close a ten-foot alleyway located off W. Park Avenue, and

B. Adopt a resolution to close.

Staff Resources: Linda Poissant, Transportation
Jeff Boenisch, 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.
- The attached resolution refers to exhibits and metes and bounds descriptions that are available in the City Clerk's Office.

Petitioner

Greater Galilee Baptist Church- Dexter Snead

Right-of-Way to be abandoned

A ten-foot alleyway located off of W. Park Avenue

Location

Located within the Wilmore Neighborhood, a ten-foot alleyway running off of W. Park Avenue beginning at W. Park Avenue and continuing 150 feet eastwardly to its terminus and consisting of 1,488 square feet

Reason

To incorporate the right-of-way into adjacent parcels owned by the petitioner as part of the Greater Galilee Baptist Church development project. This project is consistent with City Council approved rezoning petition #2010-064, which was approved on November 15, 2010.

Notification

As standard procedure, 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

Nathan Gray - No objections

Neighborhood/Business Associations

Wilmore Neighborhood Association – No objections

Brookhill Community Organization – No objections

Revolution Park Neighborhood Organization – No objections

Historic South End – 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
- Be contrary to the adopted policy to preserve existing rights-of-way for connectivity

Attachment 4

Map

Resolution

POLICY

10. City Manager's Report

11. Towing and Booting Business Ordinance



Action: Approve the Community Safety Committee recommendation to adopt an ordinance amending Chapter 6 of the Charlotte City Code entitled "Businesses and Trades" to address issues associated with tows from private property.

Committee Chair: Patrick Cannon

Staff Resources: Eric Campbell, City Manager's Office
Mark Newbold, Police
Eddie Levins, Police

Previous Actions

- The towing and booting issue was referred to City Council's Community Safety Committee on November 23, 2009 due to citizen complaints of predatory towing practices from private property including excessive fees.
- The Community Safety Committee and staff sought feedback from citizens, towing companies, and parking lot managers to draft an ordinance balancing the concerns of all stakeholders.
- At its December 14, 2010 meeting, the Committee voted unanimously (Cannon, Kinsey, Barnes) to send the ordinance to the full Council for a vote. Council had a dinner briefing on the ordinance on January 24 and held a public hearing on February 14.

Ordinance Provisions

- The ordinance provisions apply only to tows from private property, including apartment and condominium parking lots.
- The ordinance specifies the size, location, and wording of signage for private parking lots where tows occur.
- The fee for completed trespass tows is set at no more than \$120 for vehicles weighing under 9,000 pounds and no more than \$500 for vehicles weighing more than 9,000 pounds. If a vehicle weighing more than 9,000 pounds must be towed in sections, the fee for each section must be no more than \$500.
- Fees for tows must be all inclusive and no additional fees may be assessed for booting, use of extra equipment or to recover charges for private parking violations.
- Fees for storing motor vehicles are established at \$15 per day and do not begin until 24 hours after the vehicle enters the lot.
- Booting fees may not exceed \$50.
- Towing and booting companies must accept cash and at least two major credit and debit cards.
- Towing services that have initiated but not completed a trespass tow must release the vehicle without a charge upon the request of the owner.
- Owners and operators of trespass tow vehicles must be allowed to retrieve personal property from the vehicle without a fee.

- Towing services engaging in trespass tows must have an employee on call 24 hours per day who can allow vehicle owners to retrieve a vehicle within 45 minutes of the request.
- Trespass tow vehicles must be towed to lots within Charlotte’s city limits.
- Vehicles cannot be towed from a private lot between 7:00 a.m. and 7:00 p.m. unless the owner or agent of the private lot signs a written authorization. The wrecker driver must obtain a complaint number from Police before removing a vehicle from a private lot.
- The ordinance prohibits interference with a towing company conducting a trespass tow from a private lot except under limited circumstances defined in the ordinance.
- The ordinance will be effective April 1, 2011.

Attachment 5

Towing and Booting Ordinance

12. Utilities’ Rate Methodology Changes

Action: A. Approve the Restructuring Government Committee recommendation to change the Charlotte-Mecklenburg Utilities’ water and sewer rate methodology, as set forth in the Water and Sewer Rate Study Report by Red Oak Consulting, dated February 22, 1011, and

B. Adopt an ordinance amending Chapter 23 of the City Code to incorporate the revised rate methodology.

Committee Chair: Warren Cooksey

Staff Resource: Barry Gullet, Utilities

Explanation

- On February 14, 2011, Utilities briefed Council about the water and sewer rate methodology study and the recommended rate structure changes.
- The recommended rate methodology changes include:
 - Addition of a fixed availability fee for each billing period. This fee will be used to recover a target of 20% of annual debt service costs and enhance revenue stability.
 - Lowering the single-family residential sewer cap and transitioning to a winter average consumption methodology for sewer charges
 - Adjustment of water usage tiered rate calculations
 - Adding financial incentives to install irrigation meters
 - Changing one of the parameters used to assess industrial high strength wastewater surcharges for regulated industrial customers
- Ten public meetings and four stakeholder advisory group meetings were held over the past year to receive public input about the rate structure.
- A joint public hearing with the Charlotte-Mecklenburg Utilities Advisory Committee was conducted at the February 14, 2011 City Council meeting, with no comments from the public.
- Charlotte-Mecklenburg Utilities Advisory Committee has reviewed and supports approval of the methodology changes.
- Recommended changes to the methodology would be implemented beginning in July 2011 with some of the changes phased in over the following year.

- On January 27, the Restructuring Government Committee voted four to one (Cooksey, Cannon, Kinsey and Mitchell for; Turner opposed) to forward the recommendation to City Council.
- The Water and Sewer Rate Study Report is attached. Appendix A to this report, "Water and Sewer Cost of Service Results" (208 pages) is available in the City Council's library.

Attachment 6

Rate Methodology Summary
February 14 Dinner Briefing Presentation
Water and Sewer Rate Study Report
Ordinance Amending Chapter 23

BUSINESS

13. Police Activities League Contracts



Action: Approve \$455,000 in grant-funded contracts with the Police Activities League (PAL).

Staff Resources: Ruth Story, Police
Greg Crystal, Police

Explanation

- City Council previously accepted three Justice Assistance grants (JAG) that included funds for the Police Activities League. The three grants and the amounts received by PAL were as follows:
 - 2009 American Recovery and Reinvestment (ARRA) JAG, accepted on August 24, 2009 - \$200,000 to PAL
 - 2009 JAG, accepted on September 14, 2009 - \$180,000 to PAL
 - 2010 JAG, accepted on August 23, 2010 - \$75,000 to PAL
- The two 2009 grants funded the establishment of community based learning centers at the Greenville Center that included both afterschool and summer activities. These activities included tutoring, life skills training, and participation in educational, cultural, and community services activities. The afterschool program served approximately 90 participants. The summer program served approximately 190 participants at three sites.
- The 2010 grant was originally intended to fund a culinary arts program but PAL has now asked to use those funds for the afterschool program. Money for the culinary arts program is now included in a grant to Gang of One that was accepted by Council on December 14, 2010. As a result, PAL has asked to divert the 2010 JAG funds to its afterschool program.
- The previous Council actions accepted the funds for these programs. This action approves contracts with PAL to administer these programs.

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

ARRA grant fund and Public safety grant fund

14. Private Water and Sewer Systems Purchase

- Action:**
- A. Approve purchase contracts with Carolina Water Service, Inc., Bradfield Farms Water Company, and Aqua North Carolina, Inc. to buy water and sewer systems in Mecklenburg and Cabarrus Counties for \$30,267,500, and**
 - B. Authorize the City Manager to negotiate an agreement for total compensation of no more than \$100,000, with a subsidiary of Carolina Water Service, Inc., to operate the wastewater treatment plant providing wastewater treatment services for the Lamplighter East Village, one of the Carolina Water Service Systems.**

Staff Resource: Barry Gullet, Utilities

Policy

- Annexation policy requires Utilities to provide basic water and sewer service to all residents within the city limits, which consists of a fire hydrant within 750 feet of each residence and sewer trunks to all public streets.
- When an annexed area is served by an existing private water and/or sewer system, either a new system is constructed or the system may be purchased to meet the annexation requirements. If the existing system basically meets the size and quality standards of the City, then purchasing is typically more cost effective.
- The purchase of these systems is necessary to meet requirements of the 2009 Annexation to install the basic water and sewer systems within two years of the effective date of the annexation.

Explanation

- The 2009 and 2011 Hood Road/Camp Stewart Annexation Areas contain several private water and sewer systems serving over 35 existing subdivisions (see attachment for list). These systems are owned by Carolina Water Service, Inc, Bradfield Farms Water Company (owned by the same parent company as Carolina Water Service), and Aqua North Carolina, Inc.
- Carolina Water Service owns systems within the approved 2011 Annexation area as well as other systems in Mecklenburg and Cabarrus County.
- These systems include a total of 3,198 water accounts and 4,608 sewer accounts in the following categories:
 - 2009 Annexation Areas
 - o Water 2,081
 - o Sewer 2,726
 - 2011 Annexation Area
 - o Water 199
 - o Sewer 393
 - Non-annexation Areas (Mecklenburg)
 - o Water 196
 - o Sewer 678
 - Cabarrus County
 - o Water 722
 - o Sewer 811
- The values for these systems were based on evaluations including:

- Long term revenues
- Comparisons with prior purchases
- Costs to construct a new parallel system
- Staff determined that the cost of a new system is more than the purchase price and constructing a new parallel system would be disruptive to the neighborhoods.
- The negotiated prices also account for the cost of any upgrades needed in these systems to meet Charlotte-Mecklenburg Utilities standards. Most of the Carolina Water System and Bradfield Farms systems meet current standards and the Aqua system only requires fire hydrants be added.
- The proposed purchase includes areas outside the annexation area because of the following:
 - During negotiations, Carolina Water Service indicated that to purchase the customers only within the annexation area was going to cost significantly more per customer than to purchase the entire system that Carolina Water Service owns and operates in eastern Mecklenburg and western Cabarrus counties.
 - Many of these water and sewer systems/subdivisions are interconnected within the Carolina Water Service system and difficult for them to separate. This would also reduce their revenue base to a point below their fixed costs to operate the remaining portions.
- This purchase also includes three systems in Matthews. Two of these currently have Charlotte-Mecklenburg Utilities sewer but Carolina Water Systems water and the third has Charlotte-Mecklenburg Utilities water but Carolina Water Systems sewer. Charlotte-Mecklenburg Utilities' water and sewer lines are now adjacent to these developments such that they can be fully served.
- The City is currently unable to provide wastewater treatment services to Carolina Water Service's system in Lamplighter Village East and Woodbury, both in the 2011 Annexation Area. It will be approximately two years before Utilities completes the McKee Creek Sewer line and removes the Lamplighter wastewater plant and the Woodbury sewer forcemain from service.
- Carolina Water Service, through one of its subsidiaries, has agreed to provide wastewater treatment services through the existing Lamplighter wastewater treatment plant. Council is asked to authorize the City Manager to negotiate that agreement for total compensation of no more than \$100,000 for the next two years (\$50,000 annually).
- The wastewater treatment for Woodbury is provided in the Bradfield Farms wastewater treatment plant that Bradfield Farms Water Company owns. Utilities will continue to be a customer of Bradfield Farms Water Company during this time, with rates based on a bulk sewer treatment rate set by the North Carolina Utility Commission. This cost will be approximately \$3,800 per month, based on their rate of \$20.84 per customer.
- Utilities is also currently negotiating with the Town of Harrisburg for Harrisburg to purchase all of the water and sewer customers and physical assets of this system in Cabarrus County.
- If a purchase agreement with Harrisburg is unsuccessful, Utilities will need to get permission from the Cabarrus County Commissioners for Utilities to own the private system property (easements, tank and well sites, etc.) in Cabarrus County per current North Carolina statutes.
- Under this purchase, the cost of the Carolina Water Service/Bradfield Farms Water Company systems is \$26,100,000 and the cost of the Aqua North Carolina systems is \$4,167,500. Funds for these acquisitions are

included in the Utilities Capital Investment Plan and the associated rate projections.

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

Utilities Capital Investment Plan

Attachment 2

Subdivision Table

Matthews Service Area Map

Cabarrus County Service Area Map

15. Consolidated E-911 System

Action: Authorize the City Manager to negotiate and execute a contract with Intrado Systems Corp. for a consolidated E-911 system for Mecklenburg EMS Agency (MEDIC), Charlotte-Mecklenburg Police Department (Police), and Charlotte Fire Department (Fire), in an amount not to exceed \$5,000,000.

Staff Resources: Jeff Dulin, Fire
Katrina Graue, Police

Explanation

- The E-911 system provides the initial point of contact between the caller and the public safety agency. This system receives and collects data from the caller that is transferred into the Computer Aided Dispatch (CAD) systems used by Police, Fire and MEDIC to provide a public safety response to the caller.
- It is critical that the City move ahead with this project for several reasons:
 - The technology associated with Fire and MEDIC's current system has become obsolete.
 - MEDIC's contract with their current vendor has expired.
 - There are many community safety advantages of consolidating equipment and operating as a single primary Public Safety Answering Point (PSAP), including:
 - Reduced 911 caller wait times
 - The system will provide end to end reporting capabilities, ensuring that all data collected can be transferred to the appropriate dispatch center.
 - There will be a common back-up center.
 - The system will be poised to be capable of receiving Next Generation 911 services such as text, pictures and video as they become available.

Previous Council Action

- This matter originally came before Council on May 24, 2010, following a Request for Proposal (RFP) process that originated in August 2008. Council approved the following action at the May 24, 2010 Council meeting:
 - Authorize the City Manager to negotiate a contract with Plant CML for a consolidated E-911 system for MEDIC, Police, and Fire, in an amount not to exceed \$5,000,000.

Revised Process

- Following the Council approval, Plant CML submitted revised pricing to the City that exceeded the above approved amount (based on onsite inspection and proposed modifications to the original proposal). The City and Medic then had discussions with Plant and the other vendor that had been a finalist in the RFP process (now called Intrado Systems Corp.), and received revised proposals from each. On July 13, 2010, the City invited both vendors to submit a best and final offer (BAFO).
- Police, Fire and Medic staff evaluated the BAFO responses and were prepared to recommend Intrado for contract award last November.
- Prior to staff recommending Intrado for contract award, Plant raised concerns about the fairness and legality of the procurement process. While staff did not believe the process was unfair or illegal, it became apparent that there were misunderstandings and miscommunications involving the revised proposals submitted prior to the BAFO process, and about the BAFO process itself. In particular, Plant CML thought they were limited to bidding pricing on the solution originally proposed, whereas Intrado did not. Following Plant's protest, City and Medic staff decided to issue a new RFP. Given the changing nature of technology and the fact that the vendors' original proposals were over two years old, staff concluded that a new RFP process would benefit the City and Medic by ensuring that all vendors have an opportunity to incorporate the latest hardware, software and future plans for staying current into their proposals. The City Attorney's Office informed Council of this decision and the reasons for it in a memo on November 12, 2010.
- The City issued a new RFP on November 17, 2010, and received proposals from Plant, Intrado, and two other vendors (Zetron, Inc. and Synergem) on January 5, 2011. The City then gave Plant and Zetron an opportunity to revise their proposals to address a technological concern, and both vendors submitted revisions on January 28, 2011.
- After thorough evaluation, the staff team is recommending award to Intrado Systems Corporation for the consolidated E911 System.

Terms

- The business terms are identical to the information previously presented to and approved by Council on May 24, 2010. These terms included hardware, software, site preparation, implementation, training and five years of maintenance in an amount not to exceed \$5,000,000. The May 24th approved contract was not executed.
- As planned, the system will be paid for and maintained using funding from the 911 surcharge administered by the NC911 Board. There is a fund balance that has been reserved for this project.

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

911 Fund

16. Seversville Apartments Loan

Action: Forgive the City's existing \$195,000 loan to Charlotte Mecklenburg Housing Partnership as part of the Seversville Apartments Renovation project to extend the affordability period for an additional ten years until 2033.

Staff Resource: Pamela Wideman, Neighborhood & Business Services

Policy

- The City's FY2011-2015 Consolidated Housing Plan was approved by City Council on July 26, 2010.
- The Plan identified the need for affordable, safe and decent housing for low and moderate income families.
- The Plan aligns with the U.S. Department of Housing and Urban Development's (HUD's) three overarching goals:
 - Decent, affordable housing
 - Economic opportunity
 - Suitable living environment
- 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

- Charlotte-Mecklenburg Housing Partnership (CMHP) is requesting the City forgive its \$195,000 loan on the Seversville Apartments, located in the Seversville Neighborhood. The Seversville Apartments serve households earning below 50% (\$24,335) of the area median income.
- Forgiving the loan will enable CMHP to make approximately \$800,000 in renovations to the apartment units and preserve them as long-term, affordable housing units until 2033.
- The renovations will include new HVAC units, energy efficient appliances, new roofing, windows, siding and fencing. The renovations will occur during the spring and residents may be displaced for no more than two days, due to the installation of new HVAC units. If residents are displaced, they will have the option to be relocated to a hotel. If they are relocated to a hotel, CMHP will pay all hotel expenses.
- CMHP has developed a financing plan which includes a HUD 223(F) loan, a HUD insured mortgage program, to renovate the apartment units. CMHP will not require additional rehabilitation funds from the City of Charlotte to complete this project and will extend the affordability period an additional ten years.

Background

- Seversville Apartments is a 47 unit, tax credit development built by CMHP in 1993 as part of a neighborhood revitalization undertaken by CMHP and the City of Charlotte. The revitalization effort included both the apartments and rehabilitation of approximately 50 single-family homes. The original cost of the apartments was \$2.7 million. All units are occupied.
- This revitalization effort resulted in the neighborhood moving from a Transition ranking in 2002, 2004, 2006 Quality of Life Studies to a Stable ranking in 2008 and 2010 Quality of Life Studies. Today, the neighborhood remains a stable neighborhood less than one and half miles from Uptown.

- Seversville Apartments were built on a two-acre parcel of land that was originally the site of Seversville School. After the school closed, the school system deeded the land and the former school building to the City.
- On December 31, 1991, the City deeded the land to CMHP to build affordable multi-family housing units. CMHP demolished the old school, applied for low-income housing tax-credits, and built Seversville Apartments, placing them in service in 1993.
- The City sold the land to CMHP for \$195,000. As payment, the City accepted a non-amortizing loan in the amount of \$195,000 with a 0% interest rate and a maturity date of 2023.

Attachment 7

CMHP Request Letter

17. Nominations to Boards and Commissions

Action: Nominate citizens to serve as specified.

A. CHARLOTTE INTERNATIONAL CABINET

- One appointment for an unexpired term in the open category beginning immediately and ending June 30, 2011, then continuing for a three-year term, ending June 30, 2014
 - Hal Markowitz has not met the City Council attendance requirement for 2010.
- One appointment for an unexpired term in the open category beginning immediately and ending June 30, 2013
 - Leslie Dwyer has not met the City Council attendance requirement for 2010.
- One appointment for an unexpired term in the business organization category beginning immediately and ending June 30, 2012
 - Wendy Shanahan has not met the City Council attendance requirement for 2010.

Attachment 8

Applications

18. Appointments to Boards and Commissions

Action: Vote on blue paper ballots and give to Clerk at dinner.

A. CIVIL SERVICE BOARD

- One appointment for an unexpired term beginning immediately and ending May 15, 2013
 - Ralph Barnes nominated by Council member Kinsey
 - Karen Burke nominated by Council members Barnes, Burgess, Cannon, and Mitchell
 - James Harrell nominated by Council members Howard and Turner
 - Jason McGrath nominated by Council members Dulin and Peacock
 - Ed Ross Stutts nominated by Council member Cooksey
 - Brigit Taylor nominated by Council member Carter

Attachment 9

Applications

B. COMMUNITY RELATIONS COMMITTEE

- Two appointments for unexpired terms beginning immediately and ending June 30, 2013
 - Patricia Albritton nominated by Council members Barnes, Burgess and Mitchell
 - Chantay Cooper nominated by Council member Turner
 - Richard Doty nominated by Council member Turner
 - MaNeisha LaFate nominated by Council member Dulin
 - Sharon Merritt nominated by Council members Burgess, Carter, Howard and Kinsey
 - Kathleen Odom nominated by Council member Cooksey
 - Aaron Orr, Sr. nominated by Council member Mitchell
 - Teresa Sandman nominated by Council member Peacock
 - Ben Stevenson II nominated by Council member Howard
 - Marilyn Sutterlin nominated by Council members Cooksey, Dulin and Peacock
 - Regina Tisdale nominated by Council member Kinsey
 - Johnnie Veal nominated by Council member Carter

Attachment 10

Applications

C. HISTORIC DISTRICT COMMISSION

- One appointment for an unexpired term beginning immediately and ending June 30, 2012 for an open category seat
 - Helen Butler nominated by Council members Burgess and Turner
 - Belinda Corbus nominated by Council member Dulin
 - Vincent Pfahl nominated by Council member Kinsey
 - Thomas Polito nominated by Council member Mitchell
 - Karen Rush nominated by Council members Barnes, Carter, Cooksey, Howard and Peacock

Attachment 11

Applications

D. NEIGHBORHOOD MATCHING GRANTS FUND REVIEW TEAM

- One appointment for an unexpired term for a neighborhood leader beginning immediately and ending April 15, 2011, and then continuing for a full two-year term expiring April 15, 2013
 - Tami Burris nominated by Council members Barnes and Mitchell
 - Hilary Greenberg nominated by Council members Burgess, Cooksey, Dulin and Peacock
 - Rosemary Martin nominated by Council members Howard and Kinsey
 - David Molinaro nominated by Council member Carter
 - J.M. Bryan Taylor nominated by Council member Turner

Attachment 12

Applications

E. STORM WATER SERVICES ADVISORY COMMITTEE

- One appointment for a land developer for an unexpired term beginning immediately and ending June 24, 2011
 - James Baysinger II nominated by Council members Barnes, Burgess, Cooksey, Peacock and Turner
 - Hollis Nixon nominated by Council members Carter, Howard, Kinsey and Mitchell
 - Brandon Plunkett nominated by Council member Dulin

Attachment 13

Applications

F. TREE ADVISORY COMMISSION

- One appointment for an unexpired term beginning immediately and ending December 13, 2012
 - Fred Dodson, Jr. nominated by Council members Barnes, Burgess, Cooksey and Dulin
 - Susan Tompkins nominated by Council members Carter, Howard, Kinsey, Mitchell, Peacock and Turner

Attachment 14

Applications

19. Mayor and Council Topics

Council members may share information and raise topics for discussion.

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."

20. Resurfacing FY2011 A and B Contracts

Action: A. Approve the low bid of \$5,142,303.80 by Blythe Construction, Inc. for Resurfacing FY2011-A, and

B. Approve the low bid of \$4,978,435.40 by Ferebee Corporation for Resurfacing FY2011-B.

Staff Resources: Layton Lamb, Transportation
Bryan Tarlton, Engineering & Property Management

Explanation

- The contract work includes:
 - Traffic control
 - Asphalt and concrete pavement milling
 - Base failure repair
 - Asphalt surface treatment
 - Utility adjustments
 - Manhole frame and cover replacements
 - Wheelchair ramp construction and repair
 - Asphalt paving
 - Pavement marking

- There are two planned resurfacing contracts for FY2011. In FY2010, there were three resurfacing contracts.
- The two FY2011 contracts will focus on paving an estimated 89 street miles throughout the City.
- Mileage is dependent upon asphalt price stability.
- During FY2009 and FY2010 asphalt prices remained relatively stable during the paving season which reduced the need to delete streets to keep costs within the original funding of the contracts.
- In FY2009, 100 miles were resurfaced. In FY2010, another 162 miles were resurfaced due to:
 - City Council’s approval of approximately \$8 million additional funding
 - Continuation of good prices on bids
- The total resurfacing mileage for FY2011 is lower than FY2010 mileage due primarily to the following:
 - Reductions in Powell Bill Funds (State Street funding)
 - Depletion of the Powell Fund Balance
 - Expiration of the one-time \$4.5 million annual resurfacing supplement from the General Fund
- The FY2011 A and B resurfacing contracts will target many streets with pavement failures that contribute to the development of potholes.
- Both contracts are scheduled for completion by October 2011, depending on weather conditions.

Small Business Opportunity

Blythe Construction, Inc.

Established SBE Goal: 7%

Committed SBE Goal: 7.07%

Blythe Construction, Inc. committed 7.07% (\$363,685.00) of the total contract amount to the following SBE firm(s): Carolina Cajun Concrete, Inc. (Sidewalk & Driveway/Masonry) and All Points Trucking, Inc. (Hauling).

Ferebee Corporation

Established SBE Goal: 7%

Committed SBE Goal: 9.64%

Ferebee Corporation committed 9.64% (\$480,126.45) of the total contract amount to the following SBE firm(s): DOT Construction (sidewalk and driveway) and ACS Pavement Marking (pavement marking).

Funding

Powell Bill Street Maintenance Fund

Attachment 15

List of streets to be resurfaced

21. 4701 Statesville Road Building Façade Modification

Action: Award a low bid contract of \$373,890 to G. W. Liles Construction Co., Inc. for renovation of the Phillips Investment Properties, LLC building, located at 4701 Statesville Road.

Staff Resource: Imad Fakhreddin, Engineering & Property Management

Explanation

- To facilitate the Statesville Road Widening Project, a modification to the façade of the existing building located at 4701 Statesville Road is necessary. The façade modification is part of the real estate negotiated settlement for this property.
- A portion of the building will be impacted by the road widening and the parking lot will be eliminated. The building modification work is required for the replacement of the parking lot and for the building to remain open for business and to keep it in compliance with building codes.
- The project consists of deconstruction and renovation of a section of the existing building, including removing the metal paneled exterior walls, drywall installation and painting, HVAC, electrical, plumbing, grading and concrete work.
- The contractor estimates that 80% of the deconstructed material will be recycled. The remainder is not suitable for recycling.
- The Statesville Road Widening Project is currently in the utility relocation phase, with construction expected to begin in first quarter 2012.

Small Business Opportunity

Established SBE Goal: 7%

Committed SBE Goal: 15.75%

G.W. Liles Construction Co. committed 15.75% (\$58,879) of the total contract amount to the following SBE firms: BP Contractors (demolition), Siteworks LLC (asphalt paving) and Skyline Design (landscaping).

Funding

Transportation Capital Investment Plan

22. Stonebridge Pond and Dam Enhancement

Action: Award a low bid contract of \$331,573 to Horsepower Site Services for the Stonebridge Pond and Dam Enhancement.

Staff Resource: Jennifer Smith, 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 to use these ponds as a highly, cost effective tool to achieve water quality and flood control goals.

Explanation

- Stonebridge Pond is a one-acre pond located in south Charlotte off Stonebridge Lane near Providence Road and Vernon Drive.

- Stonebridge Pond drains to Briar Creek, which is identified as “impaired” by Clean Water Act standards.
- The repairs will improve the quality of water passing through the pond before it discharges into Briar Creek.
- Improved water quality in the creek supports the City’s objective to sustain the quality of the environment for future generations.
- Enhancing the existing pond on private property provides public benefits by:
 - Removing pollutants
 - Reducing stream bank erosion
- Using the existing pond is much cheaper than obtaining property to build a new pond.
- If the existing pond fails, the City will realize greater impacts to the storm water system, divergence from the regulatory goals of the Clean Water Act and permanent loss of the opportunity for enhancement.
- The construction includes removal of sediment that has accumulated in the pond and improvements to the dam and spillway, which will enhance the pond's water quality benefits.
- Construction is expected to be complete in third quarter 2011.

Small Business Opportunity

Established SBE Goal: 6%

Committed SBE Goal: 6.15%

Horsepower Site Services committed 6.15% (\$20,400.00) of the total contract amount to the following SBE firm(s): D’s Trucking Service, Inc. (hauling) and Jim Bob’s Grading & Paving, Inc. (paving).

Funding

Storm Water Capital Investment Plan

23. Eastburn Storm Drain Improvements

Action: Award the low bid contract of \$4,454,752.50 to Blythe Development for construction of the Eastburn Storm Drain Improvements.

Staff Resource: Jennifer Smith, Engineering & Property Management

Explanation

- This project was identified as a storm water capital improvement project through the ranking process that involves analysis of customer drainage requests including complaints of structure and road flooding.
- The work includes grading, drainage culverts and structures, curb and gutter, driveways, sidewalks, stream restoration features, water line and sanitary sewer relocations, milling, resurfacing and landscaping.
- The area is bound by Fairview Road to the north, Archdale Drive to the south, Park Road to the east and Sharon Road to the west.
- Completion is scheduled for the second quarter of 2013.

Small Business Opportunity

Established SBE Goal: 10%

Committed SBE Goal: 10.00%

This agenda item was pulled from the February 14 business agenda for additional review. At bid, Blythe Development met the 10% Established SBE

Goal with several SBEs. Since bid date, the certification status of one of the SBEs listed by Blythe Development has gone under review by the SBO Office. In the interim, Blythe Development has agreed to replace the initial SBE with two other certified SBEs. A follow-up report will be provided once the SBO Office's review of the previous SBE is complete.

Blythe Development Co. committed 10.00% (\$445,500) of the total contract amount to the following SBEs: A-1 Precision Fencing (fencing), Aardvark Engineers (geo-tech testing), Absolute Business Solutions (traffic control), Bullington Construction (guardrail), Landmark Materials (hauling), R&N Construction (erosion control), On Time Construction, Inc. (sewer), and RC Hauling (hauling).

Funding

Storm Water Capital Investment Plan

24. Police Uniforms, Related Equipment and Services

Action: A. Award the low bid unit price contract to Best Uniforms, Inc. for the purchase of Police uniforms, related equipment and services for the term of three years at the unit prices set forth in the contract, with first year estimated expenditures of \$1,172,777, and

B. Authorize the City Manager to extend the contracts for two additional one-year terms with price adjustments as authorized by the contract.

Staff Resources: Ruth Story, Police
Charles Robinson, Business Support Services

Explanation

- Annually, Police purchases uniforms and related equipment and services including, but not limited to, standard uniforms, alternate duty pants and shirts, and leather accessories.
- On June 28, 2010, City Council approved a contract extension with Best Uniforms to provide Police with uniforms and related equipment through April 30, 2011.
- Based on past experiences with uniform contract bids, the uniform specifications and process were redefined this year to achieve cost effective pricing, promote competition, and reduce the costs associated with the contract.
- Procurement Services Division issued a two-step Invitation to Bid (ITB) that required bidders to furnish sample garments for Police to wear and evaluate. Phase I entailed testing and evaluating all products that bidders wished to submit. Phase II requested that bidders submit pricing on all products that were approved for use.
- During Phase I, four vendors submitted documentation (initial proposals, storefront plans, security descriptions, etc.). Two of those vendors supplied uniforms and products for evaluation.
- Police conducted a thorough evaluation of the uniforms and products submitted in Phase I, including a four week wear test to evaluate uniform samples for durability, fit and comfort.

- In Phase II, the ITB requested pricing for 193 items used by Police and a unit price for alterations per garment.
- Two responsive bids were received in response to the ITB. Best Uniforms, Inc. submitted the only bid to provide all requested products.
- Staff recommends awarding the contract to Best Uniforms for all requested products in the estimated annual amount of \$1,172,777. This price reflects a first year cost savings of \$327,530, based on a comparison of 109 items that were included in both the current contract (originally signed in 2004) and the new contract.
- Best Uniforms will provide a one-stop service facility which will maintain specified minimum stock levels for individual products and tailoring services. Having a one-stop facility will minimize the amount of time that officers are away from their duty assignments to obtain uniforms and equipment.
- The contract includes specified price increases on a product by product basis for each year of the five-year term. The annual increases average approximately 3.2%. All products will be ordered as needed.

Small Business Opportunity

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

Funding

Police Operating Budget

25. Police and Fire Fitness Equipment

- Action:**
- A. Award the low bid unit price contract to Specialized Fitness Inc. for the purchase of fitness equipment estimated at \$200,000 for the term of one year, and**
 - B. Authorize the City Manager to extend the contract for four additional one-year terms with possible price adjustments as authorized by the contract.**

Staff Resources: Richard Granger, Fire
Katrina Graue, Police

Explanation

- The Charlotte Fire Department and the Charlotte Mecklenburg Police Department require personnel to maintain a level of physical fitness in order to successfully pass an annual job skills based agility test.
- An Invitation to Bid was issued and included specifications for 20 types of commercial grade fitness equipment, such as:
 - Treadmills
 - Weights
 - Benches
 - Dumbbell racks
 - Stationary bikes
- Specialized Fitness, Inc. was the lowest responsive bidder. Three bids were received.
- The equipment purchased off this contract will be for replacement of fitness equipment that has reached the end of its useful life, or as needed in various fire and police locations.

- Fire's annual expenditures are estimated to be \$100,000 to provide fitness equipment for newly renovated fire stations and to replace existing equipment.
- Police's annual expenditures are estimated to be \$100,000 to provide fitness equipment for three new patrol division facilities.

Small Business Opportunity

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

Funding

Fire Operating Budget and Police Asset Forfeiture Funds

26. Regional Drug Trafficking Grant

- Action:**
- A. Accept two grants, in the amount of \$150,000 for FY2010 and approximately \$73,500 for FY2011, from the Office of National Drug Control Policy (ONDCP) to implement a regional High-Intensity Drug Trafficking Area (HIDTA) program for Mecklenburg, Gaston and Union Counties,**
 - B. Adopt an ordinance appropriating \$223,500 into the Public Safety Grant Fund, and**
 - C. Authorize the City Manager to accept three years of annual HIDTA grants, which are estimated to be \$450,000 in total.**

Staff Resources: Vicki Foster, Police
Glen Neimeyer, Police

Explanation

- The High-Intensity Drug Trafficking Area (HIDTA) Program improves the effectiveness and efficiency of drug control efforts by facilitating joint initiatives between law enforcement agencies, enabling them to share resources and information.
- Each HIDTA is governed by its own Executive Board, comprised of eight federal members and eight state or local members. The Executive Boards facilitate interagency drug control efforts to eliminate or reduce drug threats.
- The Piedmont HIDTA will be comprised of the Charlotte-Mecklenburg Police Department (CMPD), Gastonia Police Department and Monroe Police Department.
- The Piedmont HIDTA will focus on black tar heroin, which has increased significantly in this area. Law enforcement agencies have seen an increased number of property crimes due to black tar heroin and emergency rooms are seeing an increase in overdoses.
- The HIDTA funds will cover the cost of a task force made up of officers from the three participating agencies. CMPD will assign two of its detectives to the task force. The funds will cover overtime, equipment, and other related expenses.
- The three agencies will share the grant funds, with CMPD serving as the fiduciary for the Piedmont HIDTA.

Funding

HIDTA grant funds

Attachment 16

Budget Ordinance

27. 2010 Assistance to Firefighters Grant Acceptance

- Action:**
- A. Accept the 2010 Assistance to Firefighters Grant award,**
 - B. Adopt a budget ordinance appropriating \$657,000, including \$518,000 in Assistance to Firefighters Grant funding, and \$139,000 in City matching funds,**
 - C. Approve the purchase of turnout gear, as authorized by the cooperative purchasing exemption G.S. 143-129(e)(3), and**
 - D. Approve a contract with MES for the purchase of turnout gear in an estimated amount of \$657,000.**

Staff Resource: Rich Granger, Fire**Explanation**

- On May 24, 2010, City Council approved the Fire Department's application for the 2010 Assistance to Firefighters Grant (AFG).
- On February 4, 2011, the Fire Department was notified that they were awarded the grant.
- Normally, the department purchases 110 sets of gear annually. With this grant, Fire will be able to leverage existing funding to purchase 500 sets of gear.
- The AFG grant will provide 80% of funding (\$518,000) and the City will pay the 20% (\$129,500) matching portion of the grant.
- City matching funds will come from existing operating funds used to purchase turnout gear (protective clothing).
- The price of turnout gear is higher than originally anticipated. As a result, the total estimated amount of the contract with MES (\$657,000) includes an additional \$9,500 from the Fire operating budget.
- The grant period will run from February 2011 to February 2012.

Cooperative Purchasing Exception

- NC Senate Bill 914, effective January 1, 2002, authorizes the exception for cooperative group purchasing.
- The Fire-Rescue Group Purchasing Program has a contract with MES to provide Globe brand turnout gear.
- Cooperative purchasing exceptions require City Council approval.

Small Business Opportunity

Cooperative group purchasing contracts are exempt (Appendix Section 23.2 of the SBO Policy).

Funding

2010 Assistance to Firefighters Grant awarded by U.S. Department of Homeland Security and Fire Department Operating Funds

Attachment 17
Budget Ordinance

28. Transit Security Services Consolidation Amendment

Action: Approve an amendment to increase the annual not to exceed amount of the Allied Barton Security Services, Inc. contract from \$2,500,000, to \$2,910,923 in order to consolidate all Charlotte Transit Center (CTC) security and to provide for additional special event security and other security related duties.

Staff Resources: Bryan Leaird, Transit
Lisa Flowers, City Attorney's Office

Previous Council Action

- On August 27 2007, City Council approved a contract with Allied Barton to provide for sworn company police officers and unarmed security officers to be located at various CATS locations at an annual not to exceed amount of \$1,985,000.
- On May 24 and June 7, 2010, City Council approved the transition to a transit security staff, primarily consisting of company police officers, which are considered officers of the law in the State of North Carolina and have full powers of arrest.
- On June 28 2010, Council approved an amendment to increase the annual not to exceed amount of the Allied Barton contract to \$2,500,000, to transition to a primarily company police security staff.

Consolidation of all Related Safety & Security Services

Charlotte Transportation Center (CTC)

- The CTC is owned and controlled by Charlotte Transit Center, Inc., (CTC, Inc.), a non-profit formed in 1994 by the City of Charlotte and Bank of America (BoFA). CTC, Inc./BoFA have since employed off-duty Police officers for the CTC's Retail Portion.
- The entire CTC will now be secured under a single transit security command structure. This will allow security to act as a more cohesive unit.

Other Security Services

- In addition, this amendment proposes to consolidate the following services under CATS' full time Safety and Security force through Allied Barton Company Police:
 - Special Events - Use an increased Company Police presence for special events in order to provide adequate safety and security for the CTC and LYNX rail. The many special events that draw large crowds to Center City require Allied Barton to bring in off-duty officers and pay other officers overtime when events run long or longer individual service hours are required.
 - Fare Inspectors - Begin the transition from fare inspectors to Company Police Officers. Company Police Officers have the same authorization to confirm fares as inspectors and have full police powers, providing an increased security presence to deal with issues on CATS' property and rail vehicles.
 - Ticket Vending Machines - Provide security for revenue retrieval along the light-rail line. Currently CATS uses two security services (Allied

Barton and Dunbar). This would streamline the process to one security provider.

- All of the above Safety and Security Services are included in the CATS' FY2011 operating budget.
- CATS' Safety and Security staff, Allied Barton and Police will continue to work closely to provide ample security under a single command structure for the entire transit system.

Contract Amendment Terms

- This contract amendment will add an additional five sworn Company Police Officers and one police dispatcher, increasing the current number of Company Police from 33 to 38 and dispatchers from five to six.
- The City maintains the full ability to terminate the contract immediately for any default, including any violation of the law, and may terminate without cause upon 30 days notice to the vendor. The authority to terminate or modify the contract is delegated to the City Manager.

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

Transit Operating Budget

29. Transit Diesel Fuel Contract Amendment

Action: Approve an amendment to increase the not to exceed amount of the Quick Fuel Service LLC contract from \$10,000,000 to \$12,500,000 in order to purchase a higher percentage of CATS fuel through the more stable transit diesel fuel contract rather than from the public spot market.

Staff Resource: Tom Livingston, Transit

Explanation

- CATS purchases its fuel (approximately 3.3 million gallons per year) from two places:
 - A competitively procured contract with a guaranteed pricing structure, and more stable and available supply
 - The public "spot" market, which is daily price quotes from area suppliers
- This amendment will allow CATS to use funds already budgeted for fuel purchases on the more volatile public spot market and instead purchase from the more stable guaranteed contract.
- CATS has been increasing its use of the contract beyond expectations due to the fluctuations in market fuel prices and contracted vendor's consistent level of customer service. The current contracted vendor has the ability to service one time, large, fixed-price supply orders.
- The current contract was awarded to Quick Fuel Fleet Services LLC by City Council on January 26, 2009. This is the first amendment to that contract.

Small Business Opportunity

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

Funding

Transit Operating Budget

30. Annexation Street Maintenance Resolution

Action: Adopt a resolution to transfer maintenance for 37 streets, totaling 12.31 miles, from the North Carolina Department of Transportation (NCDOT) to the City of Charlotte.

Staff Resource: Layton Lamb, Transportation

Policy

Annexation

Explanation

- The City accepts State-maintained streets upon request and mutual agreement and/or when the streets are within an annexed area and not part of the NCDOT primary road system.
- The streets included on this list are located in the 2011 Annexation areas approved by City Council and are currently maintained by NCDOT.
- These streets are not on NCDOT's primary road system and qualify for maintenance under the City's Street Maintenance Policy.
- This resolution requests NCDOT transfer maintenance responsibility for the attached list of 37 streets to the City.
- The transfer will take place on June 30, 2011. Upon completion of the transfer, the streets will be added to the City's total mileage and included in the Powell Bill Funding allocation formula.

Attachment 18Street Listing
Resolution

31. Wright Avenue Street Improvement Special Assessment

- Action:**
- A. Adopt a resolution declaring the total cost to construct an unopened, one block portion of Wright Avenue, extending to the south from Lomax Avenue, as \$152,901,**
 - B. Directing staff to prepare the preliminary assessment roll, and**
 - C. Setting a public hearing on the preliminary assessment roll for March 28, 2011.**

Staff Resource: Phillip Reiger, Transportation

Policy

Non-System Residential Street Policy

Explanation

On April 12, 2010, City Council adopted an assessment resolution directing staff to construct the unopened, one-block portion of Wright Avenue, extending to the south from Lomax Avenue.

- Wright Avenue is located in the Cotswold Neighborhood, north of Sharon Amity, and adjacent to the Charlotte Swim and Racquet Club.
- The project included a standard residential street including curb, gutter, and sidewalk. (See attachment for pictures of the completed project.)
- Project construction was completed in December 2010.
- The total cost of the project, including all labor, equipment, and materials equaled \$152,901.
- Previous City Council action and the Non-system Residential Street Policy direct staff to exercise the City's statutory authority (N.C.G.S. §160A-216 et seq.) to use special assessments to finance the street improvements. The policy requires property owners to share 50% of the total cost of the street project.
- The actions listed above are necessary to execute the special assessment process mandated by State Statute.
- Special assessments constitute a lien on properties abutting the street improvements.
- Seven properties will be assessed. Assessments range from \$10,447 to \$13,154.

Next Steps

- After the public hearing on March 28, 2011 and assuming no adjustments are needed, City Council will vote to confirm the assessment roll.
- Within 30 days of the assessment role confirmation, Wright Avenue residents will be able to pay all or a portion of the assessment balance without penalty of interest.
- Residents can choose to pay all or a portion of the assessment in 10 annual installments at an interest rate of 8.0%. The first installment will become due and payable 60 days after the date that City Council confirms the assessment roll.
- Liens will be filed per N.C.G.S. §160A-228.

Attachment 19

Map

Photo
Resolution

32. Discovery Place Boiler Replacement

- Action:**
- A. Approve the purchase of Harsco PK boilers, as authorized by the sole source exemption of G.S. 143-129(e)(6), and**
 - B. Approve a contract with Thermal Resource Sales, Inc. in the amount of \$62,975 for the purchase of two Harsco PK boilers and associated flue piping.**

Staff Resource: William Haas, Engineering & Property Management

Sole Source Exception

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

Explanation

- Engineering & Property Management purchased a boiler from Thermal Resource Sales, Inc. in October 2010 for \$38,750 for Discovery Place.
- Council approval is required for the purchase of these two additional boilers since the total of these purchases will exceed \$100,000.
- The boilers at Discovery Place are well past their useful life and need replacing.
- In-house maintenance staff have been trained to service these boilers.
- This particular brand of boiler provides the best combination of efficiency and long life.
- City staff will solicit bids for the installation of these boilers, which is expected to be less than \$50,000.

Small Business Opportunity

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

Funding

Government Facilities Capital Investment Plan

33. Various Stream Restoration Projects

- Action:**
- A. Approve a contract with IDC Architects, P.C. d/b/a CH2M HILL E&C North Carolina in the amount of \$500,000 for stream restoration engineering services,**
 - B. Approve a contract with Kimley-Horn and Associates, Inc. in the amount of \$750,000 for stream restoration engineering services, and**
 - C. Authorize the City Manager to renew each contract twice for engineering services, up to \$500,000 and \$750,000, respectively, each renewal.**

Staff Resource: Jennifer Smith, Engineering & Property Management

Background

- Stream restoration is the process of converting a degraded, eroded stream corridor to a stable condition.
- The Clean Water Act requires public projects to mitigate impacts to streams and wetlands by restoring similar features elsewhere.
- Stream restoration projects generate mitigation credit that can be used to offset stream and wetland impacts on public projects.
- In 2004, the City of Charlotte established a Stream and Wetland Mitigation Bank (The Bank) to hold mitigation credits that can be used by City and County public projects.
- The Bank allows mitigation dollars to remain local rather than be paid to a statewide fund, so the benefits of restoration projects are realized in Charlotte's watersheds.
- Mitigation credits are currently sold by The Bank to various local agencies that allow the Storm Water Program to recoup the majority of the cost associated with restoring streams.
- Storm Water Services begins feasibility analysis on new stream restoration projects that are the highest ranking projects in the program backlog each year.
- The feasibility analysis, preliminary and final engineering 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 feasibility analysis well, the most efficient method is for that firm to complete the engineering and provide construction administration services. The engineering contracts are renewed at the discretion of the City as necessary to complete the projects assigned to the firm.

Contract with IDC Architects, P.C. d/b/a CH2M HILL E&C North Carolina (IDC)

- Initial work under the contract with IDC will include the preparation of a feasibility study for the Academy Creek Stream Restoration project. If the study determines that the stream restoration is feasible, then work will also include planning and design services.
- This project is located on the Charlotte Police & Fire Training Academy property near the intersection of Beam Road and Shopton Road.

- This restoration project is located in an area that has been impacted by storm water runoff and has been identified by the State as an “impaired” watershed.

Contract with Kimley-Horn and Associates, Inc. (Kimley-Horn)

- Initial work under the contract with Kimley-Horn will include the preparation of a feasibility study for the Reedy Creek Stream Restoration project. If the study determines that the stream restoration is feasible, then work will also include planning and design services.
- The Reedy Creek Stream Restoration project is bounded by Plaza Road Extension to the south, Grier Road to the northwest and Rocky River Road to the northeast.
- This restoration project is located in an area that has been impacted by storm water runoff.

Small Business Opportunity

IDC Architects, P.C. d/b/a CH2M Hill E&C North Carolina

IDC Architects, P.C. d/b/a CH2M Hill E&C North Carolina included the following SBEs as part of their supporting team: On Target Utility Locate Services (utility locator); Joel E. Wood & Associates, PLLC (civil and geotechnical engineering); and The Survey Company, Inc. (surveying). These SBE firms will be used as the project evolves (Part C: Section 2.2 of the SBO Policy).

Kimley-Horn and Associates, Inc.

Kimley-Horn and Associates, Inc. included the following SBEs as part of their supporting team: Boyle Consulting Engineers, PLLC (geotechnical), Carolina Copy Services, Inc. (copying), Hinde Engineering, Inc. (engineering) and Lyons Utility Locating (utility locating). These SBE firms will be used as the project evolves (Part C: Section 2.2 of the SBO Policy).

Funding

Storm Water Capital Investment Plan

34. Storm Drainage Projects – W.K. Dickson Renewal #1

Action: Approve renewal #1 with W.K. Dickson & Co., Inc. in the amount of \$650,000 for engineering services for storm drainage improvement projects.

Staff Resource: Jennifer Smith, Engineering & Property Management

Explanation

- Storm Water Services begins preliminary engineering for new storm drainage improvement projects that are the highest ranking projects in the program backlog each year.
- The preliminary and final engineering for the projects is 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 preliminary engineering well, the most efficient method is for that firm to complete the engineering and provide construction administration services. The engineering contracts are

renewed at the discretion of the City as necessary to complete the projects assigned to the firm.

- Under this contract, W.K. Dickson has been assigned projects including: Wiseman storm drainage improvements in the vicinity of W.T. Harris Boulevard and Idlewild Road; Fourth and Caldwell storm drainage improvements; Columbus Circle storm drainage improvements in the vicinity of Freedom Drive and Camp Green; and Jefferson storm drainage improvements near the Jewish Community Center.
- The original contract was approved by City Council on February 23, 2009 in the amount of \$500,000 and renewal #1 will bring the total contract amount to \$1,150,000.

Small Business Opportunity

All additional work involved in this renewal will be performed by the current consultant and their existing subconsultants (Part D: Section 6 of the SBO Policy).

Funding

Storm Water Capital Investment Plan

35. Various Water Quality Enhancement Projects

- Action:**
- A. Approve a contract with US Infrastructure of Carolina, Inc. in the amount of \$500,000 for various water quality enhancement projects, and**
 - B. Authorize the City Manager to renew the contract twice for engineering services on the projects assigned to the consulting firm, up to \$500,000 each renewal.**

Staff Resource: Jennifer Smith, 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 to use these ponds as a highly cost effective tool to achieve water quality and flood control goals.

Explanation

- The selected ponds drain to creeks that are identified as "impaired" by Clean Water Act standards.
- The repairs will improve the quality of water passing through the pond before it discharges into the creeks.
- Using existing ponds is much cheaper than obtaining property to build new ponds.
- Storm Water Services begins feasibility analysis on new water quality enhancement projects that are the highest ranking projects in the program backlog each year.
- The feasibility analysis, preliminary and final engineering 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 feasibility analysis well, the most efficient method is for that firm to complete the engineering and provide construction administration services. The engineering contracts are renewed at the discretion of the City as necessary to complete the projects assigned to the firm.
- Ashley Pond, located between Rheinwood Court and Ashley Farm Drive off Margaret Wallace Road, will be the first project assigned under this contract.

Small Business Opportunity

US Infrastructure of Carolina, Inc. included the following SBEs as part of their supporting team: Avioimage Mapping Services (aerial photogrammetry), Gary R. Volmer, PLS (surveying) and R. Joe Harris & Associates, PLLC. (surveying). These SBE firms will be used as the project evolves (Part C: Section 2.2 of the SBO Policy).

Funding

Storm Water Capital Investment Plan

36. Myrtle/Morehead Storm Drainage Improvements

Action: Approve a contract with Woolpert North Carolina, PLLC for \$1,477,981 for engineering services.

Staff Resource: Jennifer Smith, Engineering & Property Management

Explanation

- The Myrtle/Morehead Storm Drainage Improvement Project covers 230 acres and will address flooding in the project area bounded by South Boulevard, John Belk Freeway and East Park Road.
- Following a planning study completed in 2007, the project was put on hold due to high projected costs and limited benefits.
- Recent evidence of structural failure of portions of the very old, existing storm drain systems indicates that the project should proceed to protect both historic and newer residences.
- Woolpert North Carolina, PLLC (Woolpert) was selected using the Council approved qualifications-based selection process to provide engineering services for this project.
- An amendment to this contract may be necessary for construction phase services.

Small Business Opportunity

The City negotiated a SBE goal with Woolpert North Carolina, PLLC after the selection process (Part C: Section 2.2 of the SBO Policy). Woolpert North Carolina, PLLC. committed 8.47% (\$125,249) of the total contract amount to the following SBE firms: Gavel and Dom Engineering, PLLC. (drainage engineering), Lyons Utility Locating (utility location), Pittman Professional Land Surveying (surveying) and Richa Graphics (printing).

Funding

Storm Water Capital Investment Plan

37. Wilora Lake Rehabilitation Change Order #1

Action: Award change order #1 to United Construction of Charlotte, NC in the amount of \$196,318.53 for the Wilora Lake Rehabilitation project.

Staff Resource: Jennifer Smith, 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 to use these ponds as a highly cost effective tool to achieve water quality and flood control goals.

Explanation

- This rehabilitation project replaces a deteriorated dam, provides additional flood storage, reduces erosion, preserves habitat and protects water quality.
- Wilora Lake is a one acre pond located off Venedale Road, near Eastland Mall.
- The contract is based on unit prices and the change order will provide funds for some items where the quantity calculated to be necessary after the start of construction exceeds the original, projected quantities. Extensive unstable and unsuitable soils were discovered during excavation of the dam and pond, requiring additional soil analysis and larger quantities of replacement material and other measures to ensure a safe and effective dam structure.
- The original contract amount of \$611,081.10 was awarded by City Council on January 25, 2010 and included federal stimulus funding. The total contract amount to date, including this change order, is \$807,399.63. The change order will be financed entirely by local funds and is available within the project budget.
- This change order will allow funding for the completion of all work by the end of first quarter 2011.

Disadvantaged Business Enterprise

All additional work involved in this change order will be performed by the current contractor and existing subcontractors. United Construction, Inc. committed 17.82% (\$35,000) of the total change order amount to the following WBE firm: D's Trucking, Inc. (hauling).

Funding

Storm Water Capital Investment Plan

38. Utilities Lab Equipment

- Action:**
- A. Approve the purchase of laboratory equipment, as authorized by the sole source exemption of G.S. 143-129(e)(6), and**
 - B. Approve the purchase of an Agilent-brand gas chromatograph mass spectrometer and supporting equipment from Agilent Technologies, Inc. in the not-to-exceed amount of \$240,000.**

Staff Resource: Barry Gullet, Utilities

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
 - Standardization or compatibility is the overriding consideration
- Performance and standardization considerations qualify this equipment for sole source.
- Sole source exemption purchases require City Council approval.

Explanation

- The Department of Homeland Security has made funding available through the FY2010 Homeland Security Grant Program to fund Domestic Preparedness Readiness. City Council approved the grant application on September 14, 2009 and accepted the grant on May 24, 2010.
- Mecklenburg County and nine surrounding counties are members of the EPA Domestic Preparedness Readiness Region 7.
- Utilities is using the grant funds to purchase a gas chromatograph mass spectrometer, which will be used to test for pesticide contamination in drinking water for all ten member counties during emergencies.
- This particular model will benefit Utilities because it has the capability to test for an additional 350 harmful chemicals not currently available on existing equipment.
- Charlotte Mecklenburg Utilities was chosen to house, administer and operate the equipment because Utilities' laboratory currently operates a similar unit and has expertise in its proper use and operation.

Small Business Opportunity

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

Funding

Homeland Security Grant

39. Utility Field Surveying Services

Action: Approve two contracts for \$200,000 each, with The Survey Company, Inc. and Lawrence Associates, for surveying services required for the design and construction of water and sewer improvements.

Staff Resource: Barry Gullet, Utilities

Explanation

- These contracts will provide surveying services to supplement existing in-house surveying staff.
- A Request for Qualifications was issued in August 2010 and 15 Qualification Statements were received. The two firms were chosen based on experience and available staffing to provide these services.
- The chosen firms will provide:
 - Route surveying and mapping
 - Construction staking
 - Easement map preparation
- The hourly rates are specified in the contract, ranging from \$65 to \$125 per hour, based on job classifications.

Small Business Opportunity

No SBE goal was set for this project because subcontracting opportunities were not identified (Part C: Section 2.4 of the SBO Policy.) The Survey Co. is a certified SBE firm.

Funding

Utilities Capital Investment Plan

40. Water Main Replacement Renewal #1

Action: **A. Approve renewal #1 of the contract with Dallas 1 Construction LLC, in the amount of \$1,523,283, for replacement of aging water mains throughout Mecklenburg County, and**

B. Authorize the City Manager to renew the contract for two additional terms with possible price adjustments based on the terms of the contract.

Staff Resource: Barry Gullet, Utilities

Explanation

- This contract provides for replacement of existing water mains throughout Mecklenburg County that have reached the end of their service life. Water main replacements improve service reliability, water quality and fire flow capacity.
- The contract provides for three renewal terms, at the sole discretion of the City, with unit price adjustments based on the Construction Cost Index. This index indicates a 1.04% cost increase since the award of the original contract in September 2009.
- Projects have been assigned to account for all of the funding in the current contract, which totals \$1,459,084.

Small Business Opportunity

Dallas 1 Construction had a committed goal of 8.22% during the initial term of the contract. To date, they have attained a goal of 9.13% with the following SBE firms: Bullseye Construction, (water main construction), and On Target Utility Locate Services, (underground utility locating services). Dallas 1 Construction is a certified SBE firm.

Funding

Utilities Capital Investment Plan

41. Water/Wastewater Treatment Process Control Equipment Maintenance

- Action:**
- A. Award service contracts to the following companies to provide instrumentation development, implementation and maintenance at all of Utilities' treatment facilities in the combined amount of \$625,000:**
- **CITI, LLC (\$100,000)**
 - **Expert Services International, LLC (\$350,000)**
 - **MPG Consulting Services (\$175,000), and**
- B. Authorize the City Manager to renew the contracts for three additional terms, with possible price adjustments, as stated in the contracts.**

Staff Resource: Barry Gullet, Utilities

Explanation

- Utilities currently operates three water plants, five wastewater plants, six water booster stations, and 76 wastewater lift stations. These facilities require various instruments that measure and/or regulate process variables, such as flow, temperature, level or pressure.
- Supervisory Control and Data Acquisition (SCADA) refers to industrial computer control systems that monitor Utilities' treatment processes.
- Instrumentation and SCADA implementation and maintenance require highly technical and sophisticated skill sets.
- A Request for Qualifications was issued on December 21, 2010. Three firms responded. The above three firms were chosen based on their experience, references, and qualifications by a Utilities selection team representing all the various divisions within Utilities that use these types of services.
 - CITI, LLC will develop and assess instrumentation needs and then install the necessary instruments.
 - Expert Services International, LLC will be responsible for instrument hardware maintenance after the instruments are in place and out of warranty.
 - MPG Consulting Services will be responsible for SCADA development and implementation.
- Purchase Orders will be issued for this work on an as-needed basis. The estimated amounts of these contracts are based on historical annual instrumentation maintenance expenses at the various facilities.
- Utilities will pay on the basis of time and materials.

Small Business Opportunity

For service-based contracts, the City negotiates SBE goals after the proposal selection process. No SBE goal was set for this project because subcontracting opportunities are not anticipated. MPG Consulting Services is a certified SBE firm.

Funding

Utilities Operating Budget and Capital Investment Plan

42. Vehicle and Equipment Commission/Decommission Services

Action: **A. Approve a contract with Vehicle Prep Services for Vehicle and Equipment Commission/Decommission Services for an initial term of one year in the amount of \$100,000, and**

B. Authorize the City Manager to approve up to four, one year renewal options as authorized by the contract and contingent upon the company's satisfactory performance.

Staff Resource: Charles Robinson, Business Support Services

Explanation

- The City's Business Support Services Equipment Management Division (BSS/EMD) provides Fleet Asset services for a wide variety of vehicles and equipment for various City and Mecklenburg County (County) departments.
- Commissioning and decommissioning are required services for the preparation and removal of vehicles and equipment within the City and County fleets.
- Vehicle Prep Services supports the City and County's commissioning and decommissioning processes, including, but not limited to:
 - Commissioning
 - Inspection
 - Recording size and location of components
 - Installation of specialized Equipment (including K-9 cages, prisoner restraints, automatic vehicle location (AVL) components, and tool boxes)
 - Decommissioning
 - Verifying serial numbers
 - Removing graphics
 - Removing specialized equipment (including K-9 cages, prisoner restraints, AVL components, and tool boxes)

Vendor Selection

- The City received two responses to a Request for Proposals for Services.
- The evaluation team, comprised of staff from Business Support Services Procurement Services (BSS/PSD) and BSS/EMD, considered Vehicle Prep Services, a North Carolina based company, to be the service provider best meeting the established requirements. Vehicle Prep Services is the current vendor.
- The contract shall have an initial term of one year with the option to renew for four additional, consecutive one year terms.

- Contract renewal is contingent upon appropriations as well as the company's satisfactory performance.
- The estimated annual cost of services is \$100,000. The Contract terms require a fixed rate schedule for Commission and Decommission Services for the full life of the Agreement.

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

Business Support Services Operating Budget

43. Public Auctions for Disposal of Equipment and Police Unclaimed Property

Action: **A. Adopt a resolution declaring specific vehicles, equipment, and other miscellaneous items as surplus, and**

B. Authorize said items for sale by public auctions on April 9, 2011, and April 16, 2011.

Staff Resource: Charles Robinson, Business Support Services

Explanation

- Pursuant to North Carolina G.S. 160A-270(b) approval is requested for two public auctions as follows:
 - On April 9, 2011 at 10:00 a.m. to dispose of City owned property declared as surplus (see attachment)
 - On April 16, 2011 at 10:00 a.m. to dispose of police unclaimed property
- Each auction is a premise based auction to be conducted at the City-County Asset Recovery and Disposal facility located at 3301 Rotary Drive, Charlotte, North Carolina.

Background

- The City selected the auction service through competitive bids. The process was developed in the interest of fairness and is economical in its cost and time savings. The City's contract auction company, Rogers Realty and Auction Company, Inc., will conduct each auction. Rogers Realty and Auction Company, Inc. is a woman-owned business.
- Services provided include up to 20 days of labor for one employee to assist with set up duties for the rolling stock auction. On auction day, they provide four auctioneers and all support staff needed for a successful auction. They provide one employee for one week following the auction to disperse vehicles to the buyers.
- The auction company will be compensated for the sale through auction proceeds in the following manner:
 - Rolling stock equipment – 9.50% of the total gross sale price
 - Police unclaimed property – 9.50% of the total gross sale price
 - Miscellaneous items – 9.50% of the total gross sale price

Attachment 20

List of property to be declared as surplus
Resolution

44. In Rem Remedy

For In Rem Remedy #A-L, 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. 2529 Booker Avenue (Neighborhood Statistical Area 23 – Washington Heights Neighborhood)
- B. *832-1 Seigle Avenue (Neighborhood Statistical Area 51 – Belmont Neighborhood)
- C. *832-2 Seigle Avenue (Neighborhood Statistical Area 51 – Belmont Neighborhood)
- D. *832-3 Seigle Avenue (Neighborhood Statistical Area 51 – Belmont Neighborhood)

Field Observation

- E. 713 Bilmark Avenue (Neighborhood Statistical Area 140 – Hidden Valley Neighborhood)
- F. 3218 Capitol Drive (Neighborhood Statistical Area 4 – Capitol Drive Neighborhood)
- G. 400 Lakewood Avenue (Neighborhood Statistical Area 21 – Lakewood Neighborhood)
- H. 2740 Mayfair Avenue (Neighborhood Statistical Area 9 – Ponderosa/Wingate Neighborhood)
- I. 4110-1 Triangle Drive (Neighborhood Statistical Area 18 – Enderly Park Neighborhood)
- J. 401 Wellingford Drive (Neighborhood Statistical Area 140 – Hidden Valley Neighborhood)
- K. 2633 Wilkinson Blvd. (Neighborhood Statistical Area 8 – West Blvd. Neighborhood)
- L. 4620 Willard Street (Neighborhood Statistical Area 19 – Thomasboro/Hoskins Neighborhood)

*Originally heard at Jan 24th Council Meeting

Public Safety:

A. 2529 Booker Avenue

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2529 Booker Avenue (Neighborhood Statistical Area 23 – Washington Heights Neighborhood).

Attachment 21

B. 832-1 Seigle Avenue

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 832-1 Seigle Avenue (Neighborhood Statistical Area 51 – Belmont Neighborhood).

Attachment 22

C. 832-2 Seigle Avenue

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 832-2 Seigle Avenue (Neighborhood Statistical Area 51 – Belmont Neighborhood).

Attachment 23

D. 832-3 Seigle Avenue

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 832-3 Seigle Avenue (Neighborhood Statistical Area 51 – Belmont Neighborhood).

Attachment 24

Field Observation:

E. 713 Bilmark Avenue

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 713 Bilmark Avenue (Neighborhood Statistical Area 140 – Hidden Valley Neighborhood).

Attachment 25

F. 3218 Capitol Drive

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 3218 Capitol Drive (Neighborhood Statistical Area 4 – Capitol Drive Neighborhood).

Attachment 26

G. 400 Lakewood Avenue

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 400 Lakewood Avenue (Neighborhood Statistical Area 21 – Lakewood Neighborhood).

Attachment 27

H. 2740 Mayfair Avenue

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2740 Mayfair Avenue (Neighborhood Statistical Area 9 – Ponderosa/Wingate Neighborhood).

Attachment 28

I. 4110-1 Triangle Drive

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 4110-1 Triangle Drive (Neighborhood Statistical Area 18 – Enderly Park Neighborhood).

Attachment 29

J. 401 Wellingford Drive

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 401 Wellingford Drive (Neighborhood Statistical Area 140 – Hidden Valley Neighborhood).

Attachment 30

K. 2633 Wilkinson Boulevard

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2633 Wilkinson Blvd. (Neighborhood Statistical Area 8 – West Blvd. Neighborhood).

Attachment 31

L. 4620 Willard Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 4620 Willard Street (Neighborhood Statistical Area 19 – Thomasboro/Hoskins Neighborhood).

Attachment 32

45. Workers' Compensation Claim Settlement

Action: Approve a payment of \$175,000 in full and final settlement of a Workers' Compensation claim for Charlotte Mecklenburg Police Department employee, Ginger Lowe.

Staff Resource: Daniel Pliszka, Finance

Explanation

- This payment will be a full and final settlement.
- On November 15, 2003, Ms. Lowe was injured in a work-related accident.
- A confidential memo has been sent to City Council with the necessary details.

Funding

Risk Fund

46. McAlpine Relief Sewer Phase II Condemnation Settlement Additional Compensation

Action: Approve additional compensation of \$225,000 in final settlement of the condemnation case captioned City of Charlotte v. Carmel Country Club, Inc., 09-CVS-15851.

Staff Resources: Gretchen Nelli, City Attorney's Office
Barry Shearin, Utilities

Explanation

- Approximately 441,209 square feet of permanent sewer easement and approximately 293,102 square feet of temporary construction easement through two golf courses were acquired by condemnation on July 8, 2009 from Carmel Country Club, Inc.
- Council authorized condemnation for the construction of the McAlpine Relief Sewer Project, Phase II on June 22, 2009 in the appraised amount of \$832,125.
- Since its earliest contacts with Carmel Country Club about this project, the City has been committed to fund the cost of restoring the golf course after construction once those amounts were known, and so the City's appraisal at the time of the condemnation did not include compensation for that work.
- The City obtained an appraisal for the restoration of the golf course from a golf course designer, Kris Spence. Based on Kris Spence's report, an additional deposit was made on August 27, 2010 in the amount \$508,550.95.
- The Club selected and obtained an estimate from a golf course architect and contractor, Medalist Golf, showing a cost for course restoration in the amount of \$874,804.78
- The settlement amount is an additional \$225,000 above the City's appraisals.

Land Deposit	\$832,125.00
Restoration Deposit	\$508,550.95
Additional Settlement	<u>\$225,000.00</u>
Total	\$1,565,675.95

- By this settlement, the Club will assume 100% responsibility for restoration of the golf course, including all risks associated with the restoration work.
- The settlement also avoids the payment of any interest, expert witness fees and court costs which would be owed on a jury verdict.

PROPERTY ITEMS

47. Property Transactions

Action: Approve the following property transactions (A-E) and adopt the condemnation resolutions (F-I).

- The City has negotiated in good faith to acquire the properties set forth below.
- For acquisitions, the property owner and staff have 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:** Arnold Drive- Proposed 15" Sewer Replacement Serving, Parcel # 1
Owner(s): Charlotte Country Club, Inc.
Property Address: 2465 Mecklenburg Avenue
Property to be acquired: 12,268.71 sq. ft. (.282 ac.) in Existing Right-of-Way, plus 12,551.03 sq. ft. (.288 ac.) in Sanitary Sewer Easement, plus 19,548.14 sq. ft. (.449 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Trees
Zoned: R-4
Use: Golf Course Class 1 - Championship
Tax Code: 095-151-47
Total Parcel Tax Value: \$15,056,800
Purchase Price: \$12,025
- B. Project:** North Dotger Avenue Proposed 10" Sanitary Sewer Relocation, Parcel # 3
Owner(s): William E. Craig and Wife, Wanda B. Craig
Property Address: 2408 Kenmore Avenue
Property to be acquired: 854.67 sq. ft. (.020 ac.) in Sanitary Sewer Easement, plus 1,708.92 sq. ft. (.039 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Trees
Zoned: R-5

Use: Single Family Residential
Tax Code: 127-118-06
Total Parcel Tax Value: \$348,500
Purchase Price: \$16,500

- C. Project:** Salome Church at Mallard, Parcel # 6
Owner(s): Mallard Creek Polymers, Inc
Property Address: 14200 Mallard Creek Road
Property to be acquired: 15,871 sq. ft. (.364 ac.) in Fee Simple, plus 33,419 sq. ft. (.767 ac.) in Existing Right-of-Way, plus 176 sq. ft. (.004 ac.) in Utility Easement, plus 14,338 sq. ft. (.329 ac.) in Temporary Construction Easement
Improvements: Fence
Landscaping: None
Zoned: R-12
Use: Single Family Residential - Rural Acreage
Tax Code: 029-551-01
Total Parcel Tax Value: \$982,500
Purchase Price: \$11,500
- D. Project:** Steele Creek Pump Station Replacement, Parcel # 5
Owner(s): Cedar Fair Southwest, Inc.
Property Address: 14523 Carowinds Boulevard
Property to be acquired: 97,716 sq. ft. (2.243 ac.) in Sanitary Sewer Easement, plus 1,628 sq. ft. (.037 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Trees and Shrubs
Zoned: I-2
Use: Commercial
Tax Code: 203-152-08
Total Parcel Tax Value: \$19,603,600
Purchase Price: \$44,600
- E. Project:** Steele Creek Pump Station Replacement, Parcel # 22
Owner(s): Mecklenburg Development Group, Inc.
Property Address: Cranford Drive
Property to be acquired: 19,054 sq. ft. (.437 ac.) in Sanitary Sewer Easement, plus 3,971 sq. ft. (.091 ac.) in 3971 sq. ft. in Permanent Sanitary Sewer Easement Overlapping Railroad Right-of-Way
Improvements: None
Landscaping: Trees
Zoned: NS – Neighborhood Service District
Use: Commercial
Tax Code: 205-011-07
Total Parcel Tax Value: \$600,100
Purchase Price: \$29,000

Condemnations

- F. Project:** 2009 Annex. Hood Road North Water Main, Parcel # 99
Owner(s): Brantley Oaks Homeowners Association and Any Other Parties of Interest
Property Address: 5108 Witham Passage

Property to be acquired: 12,623 sq. ft. (.290 ac.) in Permanent Easement, plus 3,579 sq. ft. (.082 ac.) in Temporary Construction Easement

Improvements: None

Landscaping: Trees and Shrubs

Zoned: R-3

Use: Single Family Residential - Common

Tax Code: 105-311-09

Total Parcel Tax Value: \$0

Appraised Value: \$3,100

Property Owner's Counteroffer: \$10,000

Reason for Condemnation: This project will provide CMU water to the residences on Alerwood Lane. Staff and the Homeowners Association have not resolved the difference in the appraisal value and their counter offer. In order to maintain the project schedule, condemnation is recommended.

- G. Project:** Rozzelles Ferry Road Sidewalk, Parcel # 3
Owner(s): Fred D. Godley and Wife, Kathryn B. Godley and Any Other Parties of Interest
Property Address: Brookshire Boulevard
Property to be acquired: 895 sq. ft. (.021 ac.) in Storm Drainage Easement, plus 8,138 sq. ft. (.187 ac.) in Sidewalk and Utility Easement, plus 4,621 sq. ft. (.106 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: I-2
Use: Industrial
Tax Code: 035-013-03
Total Parcel Tax Value: \$1,852,400
Appraised Value: \$7,900
Property Owner's Counteroffer: \$10,000
Reason for Condemnation: This is a sidewalk project on Rozzelles Ferry Road from Hovis Road to Old. Mt Holly Road. At the property owner's request, condemnation is recommended.
- H. Project:** Salome Church at Mallard Creek Road, Parcel # 2 and # 7
Owner(s): WC&C, Inc. And Any Other Parties Of Interest
Property Address: Mallard Creek Road
Property to be acquired: 1,874 sq. ft. (.043 ac.) in Fee Simple, plus 18,338 sq. ft. (.421 ac.) in Existing Right-of-Way, plus 16,030 sq. ft. (.368 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-3
Use: Single Family Residential - Rural Acreage
Tax Code: 029-091-01 and 029-091-25
Total Parcel Tax Value: \$910,400
Appraised Value: \$1,675
Property Owner's Counteroffer: \$10,000
Reason for Condemnation: This project will realign Mallard Creek Road at Salome Church Road to improve the intersection geometry. Staff and the property owner have not resolved the

difference in the appraisal and their counter offer. In order to maintain the project schedule, condemnation is recommended.

- I. Project:** Salome Church at Mallard Creek Road, Parcel # 3
Owner(s): Craft Holdings, LLC and Any Other Parties of Interest
Property Address: Mallard Creek Road
Property to be acquired: 13,940 sq. ft. (.320 ac.) in Fee Simple, plus 17,247 sq. ft. (.396 ac.) in Existing Right-of-Way, plus 10,683 sq. ft. (.245 ac.) in Utility Easement, plus 8,131 sq. ft. (.187 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: CC - Commercial Center
Use: Commercial
Tax Code: 029-101-80
Total Parcel Tax Value: \$1,500,600
Appraised Value: \$37,950
Property Owner's Counteroffer: \$160,000
Reason for Condemnation: This project will realign Mallard Creek Road at Salome Church Road to improve the intersection geometry. Staff and the property owner have not resolved the difference in the appraisal and their counter offer. In order to maintain the project schedule, condemnation is recommended.