

**Mayor Anthony Foxx**

Michael D. Barnes  
Patrick D. Cannon  
Nancy Carter  
Warren Cooksey  
Andy Dulin

**Mayor Pro Tem Susan Burgess**

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

**CITY COUNCIL MEETING**  
**Monday, January 11, 2010**

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

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20	20	Sidewalks and Accessible Ramps FY2010 Change Order

**CITY COUNCIL AGENDA**  
**Monday, January 11, 2010**

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## 5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

### 1. Mayor & Council Consent Item Questions

**Resource:** Curt Walton, City Manager

**Time:** 5 minutes

**Synopsis**

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

### 2. Streetcar and Enhanced Bus Project Funding

**Resources:** Jeb Blackwell, Engineering and Property Management  
John Muth, Transit

**Time:** 45 minutes

- Engineering and Property Management and CATS staff will provide a presentation regarding the eligibility of the Charlotte Streetcar Project and an Enhanced Bus Project for two, newly announced federal grant programs. Staff will present information on the application requirements, including local matches and project schedule criteria.
- The Federal Transit Administration (FTA) has announced two programs:
  - An Urban Circulator Program that supports the Department of Transportation's Livability Initiative
  - A Bus and Bus Facilities Livability Initiative to replace, rehabilitate and purchase buses, equipment and/or rehabilitate bus related facilities
- The Charlotte Streetcar is the only local project that qualifies in the Urban Circulator Program category. This program has \$130 million in funding and grants will be less than \$25 million per project. An award would not affect eligibility for other future federal grants. The staff and consultants are evaluating the opportunity to implement a first phase of the streetcar project using this grant.
- The Bus and Bus Facilities Program will award \$150 million nationwide in support of the Department of Transportation's Livability Bus Program; has no limit on size of grant(s); and requires that projects begin implementation upon receiving a grant. The Livability Bus Program makes funds available to purchase buses and to construct bus-related facilities and programs. Staff is developing the concept of expanding the Sprinter enhanced bus service into two corridors, Central Avenue and Beatties Ford Road. The total capital project cost is estimated to be \$15 million.
- With both grants, the FTA can provide up to 80% of the net capital cost of the selected projects. Therefore, a grant of the maximum amount of \$25 million for the streetcar would require at least a \$6.25 million City match.
- With either project, there would be operating cost impacts that are also being evaluated by the staff.

- Notice of these grants was issued December 8, 2009 with applications due in 60 days (by February 8, 2010). FTA plans to announce the grant recipients in early 2010.

**Future Action**

- Based on the staff and consultant evaluation of this opportunity and the City Council's guidance, the January 25 business agenda may include authorization to apply for the FTA Urban Circulator grant for a first phase of the streetcar and/or the FTA Bus and Bus Facilities grant for expansion of the Sprinter bus service.

### 3. Citywide Technology Strategy Update

**Staff Resource:** Jeff Stovall, Office of the Chief Information Officer

**Time:** 20 minutes

**Synopsis**

- Staff will present an update of the City's corporate technology strategy. Investments in new technology are key to improving customer service, improving service delivery, reducing costs and managing assets and resources.
- Two important portions of the Citywide Technology Strategy have been approved by Council since the September 8, 2009 update:
  - Work and Asset Management - September 28
  - Common Interfacing Software - December 14
- Additional future action remains for Financial Systems (Enterprise Resource Planning) and Citizen Relationship Management
- Budget Management is one component of the Financial Systems and will be presented for Council Action on January 25.
- Additional investments will be made in a phased approach to control risks and costs.
- Future project requests will be aligned to the enterprise strategy.

**Future Action**

- On January 25, Council will be asked to consider a contract for a Budget and Performance Management system.

### 4. Answers to Mayor and Council Consent Item Questions

**Resource:** Curt Walton, City Manager

**Time:** 10 minutes

**Synopsis**

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

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

**5. Recognition of the 60<sup>th</sup> Anniversary of the Berlin Airlift and the 20<sup>th</sup> Anniversary of the fall of the Berlin Wall**

**Action: Mayor Foxx to recognize Kurt Waldhausen, Honorary Consul for Germany, to highlight the 60<sup>th</sup> Anniversary of the Berlin Airlift and the 20-year anniversary of the fall of the Berlin Wall, including the overall unique relationship between Germany and the United States.**

## **CONSENT**

- 6. Consent agenda items 13 through 28 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

### 7. Public Hearing on Resolution to Close a Portion of West 3<sup>rd</sup> Street and a Residual Portion of South Mint Street

**Action:**   **A. Reopen and conduct a public hearing to close a portion of West 3<sup>rd</sup> Street and a residual portion of South Mint Street to incorporate right-of-way into adjacent parcels for the new Knights Baseball Stadium Project, and**

**B. Adopt a resolution to close.**

**Staff Resources:**   Jeff McSwain, Transportation  
                              Jim Kimbler, Transportation

#### Policy

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

#### Explanation

- This public hearing is continued from the December 14, 2009 meeting.
- 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 abandonment will not become effective until the surrounding street network improvements are constructed and accepted by the City and a building permit is issued for the construction of the baseball stadium. In the event that these contingencies are not met within five years, the abandonment will be void.
- The attached resolution refers to exhibits and metes and bounds descriptions that are available in the City Clerk's Office.

#### Petitioner

Mecklenburg County- Mark Hahn

#### Right-of-Way to be abandoned

A portion of West 3<sup>rd</sup> Street and a residual portion of South Mint Street

#### Location

Located within the Third Ward Community

A portion of West 3<sup>rd</sup> Street: A right-of-way that is approximately 60 feet wide and 515 feet long running between South Graham Street and South Mint Street consisting of 34,998 square feet.

A residual portion of South Mint Street: A right-of-way that is approximately 40 feet wide and 214 feet long, extending from West 3<sup>rd</sup> Street along South Mint Street consisting of 1,365 square feet.

#### Reason

To incorporate the right-of-way into adjacent parcels owned by the petitioner for the development of the new Knights Baseball Stadium

**Notification**

In accordance with 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

Mecklenburg County - No objections

Neighborhood/Business Associations

Third Ward Neighborhood Association – No objections

Third Ward, The Committee to Restore and Preserve- No objections

First Ward Neighbors – No objections

First Ward Community Fund, Inc – No objections

Gateway Plaza COA Neighborhood – No objections

Friends of Fourth Ward, 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 1**

Map

Resolution

## **8. Joint Public Hearing with the Charlotte-Mecklenburg Utilities Advisory Committee Concerning Revisions to the Water and Sewer Extension Policy**

**Action: Conduct a joint public hearing with the Charlotte-Mecklenburg Utilities Advisory Committee to consider proposed revisions to the Water and Sewer Extension Policy.**

**Staff Resource:** Barry Gullet, Utilities

**Explanation**

- The Interlocal Agreement with Mecklenburg County and the six towns requires that changes to the Water and Sewer Extension Policy be considered by City Council after a joint public hearing with the Utilities Advisory Committee.
- The proposed revisions will allow public water and sewer mains to be constructed in private streets under certain conditions.
- The revision is needed to coordinate water and sewer construction with the changes City Council approved on November 23, 2009 to the City's policy for converting private streets to public streets.
- The revision includes changes to accommodate state legislation requiring separate water meters for new in-ground irrigation systems.

- The current policy prescribes detailed requirements for a financial assistance program to help customers pay for new connections. The proposed revision will remove the detailed requirements and authorize the Utilities Director to:
  - Revise those requirements after notifying Council and the Utilities Advisory Committee
  - Administer the financial assistance program, including revisions
- The revisions will also update the policy to reflect minor operational changes that have taken place over time.
- Council will be asked to consider approving the proposed revisions on January 25.
- The Utilities Advisory Committee supports the proposed revision.

**Attachment 2**

Revisions to Water and Sewer Extension Policy

## POLICY

### 9. City Manager's Report

- 2010 Complete Count Census Committee Update

#### Attachment 3

Complete Count Community Action Plan

### 10. Small Business Strategic Plan



**Action: Approve the 2009 Economic Development & Planning Committee's recommendation to direct staff to develop a Small Business Strategic Plan in collaboration with the City's economic development partners.**

**Staff Resource:** Tom Flynn, Neighborhood & Business Services

#### Explanation

- In August 2009 the City's Business Advisory Committee was requested to identify opportunities for improving the City's support for all small businesses as part of the City's Economic Development & Planning Focus Area Plan.
- In October 2009 the Business Advisory Committee reported back through the Economic Development & Planning Committee. The Business Advisory Committee suggested that the City needs a clearer strategy to support small business and recommended that the City prepare a Small Business Strategic Plan in collaboration with the City's small business partners (see attached list). The Business Advisory Committee recommended that the plan include the following:
  - Mission Statement
  - Quantifiable objectives and goals
  - Defined roles of City, Chamber and other small business partners
  - Peer city analysis
  - Recommendations to improve support for small businesses
  - Identification of resource needs to implement recommendations
- Since October staff has met with partners to determine their interest. Based on their interest, the partners have begun discussing and analyzing the strengths and weaknesses of the current support system for small businesses.
- Council's approval of this Committee recommendation will move this planning process forward. This process will include input from small business owners and the Business Advisory Committee.
- The Plan supports the Small Business Loan Program approved by Council on December 14, 2009.

#### Small Business Strategic Plan Compared to Mayor's Small Business Task Force

- Overlap between this Small Business Strategic Plan and the Mayor's Small Business Task Force is limited because:
  - This plan will make recommendations on strategies to grow and support all 27,000 small businesses in Charlotte.
  - The Mayor's Small Business Task Force is charged with reviewing the City's Small Business Opportunity Program, which currently covers 650

small businesses and is focused on promoting small business utilization in City contracting.

**Committee Action**

- On October 21, 2009 the Economic Development & Planning Committee voted unanimously (Lassiter, Carter, Kinsey) to recommend directing staff to develop a Small Business Strategic Plan.

**Funding**

Existing City resources can cover costs of preparing the plan, which are currently estimated at \$7,500. The County is considering a \$3,000 contribution for this planning process. All of the partners would contribute staff time.

**Attachment 4**

Small Business Partners

## BUSINESS

### 11. Nominations to Boards and Commissions

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

#### A. FIREMEN'S RELIEF BOARD OF TRUSTEES

- One appointment for a three-year term beginning January 19, 2010
  - Henry Donaghy completed his second term of service and is not eligible to be reappointed.

#### Attachment 5

Applications

#### B. PRIVATIZATION/COMPETITION ADVISORY COMMITTEE

- Three appointments for two-year terms beginning March 2, 2010
  - Collette Alston and Trent Gustafson are eligible and would like to be reappointed.
  - David Cordes completed his second term of service and is not eligible to be reappointed.

#### Attachment 6

Applications

#### C. TRANSIT SERVICES ADVISORY COMMITTEE

- One appointment for a local or express service transit passenger for a three-year term beginning February 1, 2010
  - Anthony Wesley is eligible and would like to be reappointed.
- One appointment for a van pool rider for a three-year term beginning February 1, 2010. This is a new position on the Committee, approved by Metropolitan Transit Commission at their October 28, 2009 meeting.

#### Attachment 7

Applications

#### D. ZONING BOARD OF ADJUSTMENT

- One appointment for a three-year term beginning January 31, 2010
  - Randall Dean Fink is eligible and would like to be reappointed.

#### Attachment 8

Applications

### 12. 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."

## PROCUREMENT ITEMS

### 13. Rail Maintenance Truck

**Action: Award the low bid of \$183,610 by Rush International Truck Centers for the purchase of a Hi-Rail Maintenance Truck.**

**Staff Resource:** Rocky Paiano, Transit

#### **Explanation**

- The hi-rail maintenance truck is designed to operate on CATS' light rail tracks as well as roadways.
- The truck is equipped with a crane to move/carry heavy loads and is needed to serve multiple purposes in performing right of way maintenance or in responding to rail emergencies.
- This will be a new truck purchase. CATS does not currently have a vehicle with the capabilities of this truck. The purchase of such a truck was originally programmed for two years after light rail opening, when track maintenance needs would merit the equipment.
- Staff recommends that the purchase be made now and not deferred as the truck will be essential for upcoming track maintenance and will

actually represent a cost savings over the lease and mobilization of such a truck from a private vendor.

- The truck meets the 2010 reduced federal emissions standards.

**Small Business Opportunity**

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

**Funding**

Transit Capital Equipment Fund

## 14. Airport Electric Baggage Cart Battery Chargers

**Action: Award the low bid of \$148,734 to Averest, Inc. for the purchase of 12 outdoor battery chargers for electric baggage carts.**

**Staff Resource:** Jerry Orr, Aviation

**Explanation**

- This contract will purchase 12 outdoor battery chargers and an annual maintenance service contract. The battery chargers are part of the electrical infrastructure of the airport.
- The battery chargers are necessary for US Airways Express to charge the electric units for daily use.
- US Airways Express will pay a per use charge for this equipment. The airlines own the baggage carts.

**Small Business Opportunity**

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

**Funding**

Airport Capital Equipment Fund

## 15. Heavy Duty Trucks and Road Construction Equipment

**Action:**

**A. Award the low bid, unit price contract to Rush International Truck Center, for providing Heavy Duty Trucks and Road Construction Equipment for a term of one year, and**

**B. Authorize the City Manager to renew the contract for two additional, one-year terms with possible price adjustments at the time of renewal as authorized by the contract. The FY2010 expenditures are anticipated to be a combined total of \$519,278.**

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

### Explanation

- This item was deferred on December 14, 2009. In response to a Council question, staff shared incorrect information that the dump trucks would be used for the Single Stream recycling program. Actually, the dump trucks will be used as part of the reorganization of the Solid Waste program, specifically for bulky item collection, not recycling.
- The FY2010 expenditures are anticipated to be a combined total of \$519,278:
  - Two Truck Cab & Chassis (156" cab axle, 18 foot dump body with side lift and 26,000 lbs.) at a unit price of \$80,274 each
    - This is a dump truck used by Solid Waste and Special Services to pick up bulky items such as appliances, and has a lift installed on the side of the truck. The current truck used for this purpose is a 1999 model Freightliner with 90,292 miles on it. The life to date maintenance and repair cost has been \$36,881.50. In addition to this replacement, an additional truck was approved for purchase due to the West zone being added to the Solid Waste service area.
  - One Crew Cab Type Vehicle (10' dump body and 33,000 lbs.) at a unit price of \$80,825
    - This is a crew cab, single axle dump truck used by both Street Maintenance and by Charlotte Mecklenburg Utilities to carry working crews to job sites and to carry away broken concrete, dirt, and construction debris. The truck is also used to tow backhoes or other construction equipment to the work site. It is a 1992 International with 118,268 miles and a lifetime to date repair and maintenance cost of \$25,715.
  - One Single Rear Axle Truck (v-box spreader body and 33,000 lbs.) at a unit price of \$93,218
    - This is a regular cab, single axle truck with a material spreader body installed on it. It is used by Street Maintenance to spread salt on the roads when snow conditions exist as well as spreading sand on the roads when a spill has occurred on the roadway. It is a 1991 Ford F-700 with 28,840 miles and lifetime to date repair and maintenance cost of \$34,763.97.
  - One 1500 Gallon Fuel Truck (108" cab axle and 33,000 lbs.) at a unit price of \$94,953
    - This is a 1,500 gallon fuel tanker truck used to fuel vehicles and equipment at the Street Maintenance equipment yard. At the request of Street Maintenance, this equipment was added to the bid package. The equipment this truck will replace is a 1992 Ford F-700 with 80,724 miles on it and a life to date repair and

maintenance cost of \$28,147.89. The truck is in need of approximately \$66,000 in repairs to make it safe to continue to operate.

- One Crew Cab Type Vehicle (line body and 33,000 lbs.) at a unit price of \$89,734
  - o This is a crew cab truck with a utility body installed that provides tool storage in lockable compartments on the outside, and a large covered compartment in the bed of the truck. The truck is used by Charlotte Mecklenburg Utilities to perform maintenance and repairs to the water and sewer infrastructure. The truck is also used to tow backhoes or other construction equipment to the work site. The vehicle is a 1989 International with 138,734 miles and a life to date maintenance and repair cost of \$28,069.46.

### **Vehicle Replacement Criteria**

- Staff uses three criteria for determining the need to replace vehicles: age, mileage and maintenance costs. Criteria points are assigned for each vehicle, ranging from one to four, with four reflecting the highest need. Replacement recommendations are prioritized based on the number of points. Because of limited funding each year, the replacement of all vehicles that justify replacement does not occur.

### **Contract Terms**

- A multi-year contract term provides the City with better pricing and saves the City and the vendor the administrative cost associated with the solicitation process.
- Price increases are only allowed when justified in the City's sole discretion based on legitimate, bona fide increases in the cost of materials. Written documentation sufficient to demonstrate the proposed increases are required.
- The option to renew the contract for additional terms allows the City the opportunity to re-bid as determined necessary and does not lock the City into a long term contract.
- Future purchases are subject to funding approved in the City Council adopted, annual budgets.

### **Environmental Considerations**

- The trucks will meet the EPA 2010 emissions standard and are equipped with the cleanest burning diesel engines available for medium duty trucks.
- Currently, the only hybrid or "green" alternatives available for medium duty trucks are electric and add approximately \$50,000 to the unit price of each truck.

### **Small Business Opportunity**

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

### **Funding**

General Capital Equipment Fund

## CONTRACT ITEMS

### 16. Airport Terminal Ticket Level Renovations

**Action:**   **A. Award a low bid of \$1,342,010 to Edison Foard, Inc. for renovations to the terminal ticket level, and**

**B. Adopt a budget ordinance in the amount of \$1,342,010 from the Airport Discretionary Fund to be replaced with proceeds of a future General Airport Revenue Bond issue.**

**Staff Resource:**   Jerry Orr, Aviation

#### **Explanation**

- In July 2009 City Council approved a contract with DAS Architecture, Inc. for the design of renovations to the ticket counter level of the terminal building.
- This contract will:
  - Combine the Delta and Northwest ticket counters
  - Relocate the United and Continental ticket counters to the space adjacent to US Airways, all of which are Star Alliance members
  - Expand the space allocated to the A and B Checkpoints to allow an additional screening lane for each checkpoint

#### **Small Business Opportunity**

Established SBE Goal: 7.0%

Committed SBE Goal: 28.88%

Edison Foard, Inc. committed 28.88% (\$387,597) of the total contract to the following SBE firms: Gastonia Iron Works (steel), R.D. Franklin Electrical (electrical), Scott's Painting (painting) and Window 2 Wall (aluminum).

#### **Funding**

Airport Capital Investment Plan

#### **Attachment 9**

Budget Ordinance

## 17. Asphalt, Driveway and Sidewalk Cleaning Services for Utilities

- Action:**
- A. Approve a contract with American Pavement Cleaning Services, Inc. for asphalt, driveway and sidewalk cleaning services for an initial term of three years, in the estimated annual amount of \$130,000, and**
  - B. Authorize the City Manager to approve up to two, one-year renewal options with possible price adjustments, based on the Construction Cost Index, as authorized by the contract.**

**Staff Resource:** Doug Bean, Utilities

### Explanation

- Utilities contracts with a third-party vendor to clean asphalt, driveways and sidewalks after completion of City-constructed projects.
- American Pavement Cleaning Services, Inc. will perform chemical-free removal of all construction dirt and debris using only water and will ensure the use of filters to prevent any debris from going into the storm drains.
- American Pavement Cleaning Services is responsible for furnishing all equipment, personnel and water sources to perform these cleaning services.
- The City received five proposals in response to a Request for Proposals.
- After thorough evaluation, City staff unanimously considered American Pavement Cleaning Services, Inc., the service provider best meeting Utilities' needs.
- By utilizing a third-party vendor, Utilities saves money by eliminating the need to purchase additional equipment or hiring additional personnel to perform the services in-house.
- Five firms submitted proposals. American Pavement Cleaning provided the most favorable combination of price and response time.

### Contract Terms

- This contract is for a term of three years, with unit prices set for those years.
- At the time of renewal, unit prices will be adjusted either up or down based on the Construction Cost Index.
- The City reserves the right to renew the contract, based on the performance of the contractor, and the determination that unit prices remain competitive.

### Small Business Opportunity

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

### Funding

Utilities Capital Investment Plan

## 18. Water Recycle System at Franklin Water Treatment Plant

**Action:** Approve a contract with Hazen and Sawyer, P.C., in the amount of \$334,290, for design and construction administration of a Water Recycle System at the Franklin Water Treatment Plant.

**Staff Resource:** Doug Bean, Utilities

### Explanation

- In 2007 Hazen and Sawyer was selected to perform engineering work at the Franklin Water Treatment plant that included conducting a feasibility study for recycling treated, filter backwash water at the plant.
- Treated filter backwash water from the end of the water treatment process is normally released to a creek under a discharge permit issued by the state.
- The study found that recycling is cost effective in that it produces an energy savings that will recover the estimated project cost of \$1.6 million in about eight years.
- The recycling practice is also approved by the North Carolina Division of Public Water Supply under their regulations for water treatment plants.
- Staff recommends allowing Hazen and Sawyer, P.C. to do the design and construction administration phase in order to leverage knowledge of the project. Hazen and Sawyer performed the preliminary engineering as part of the 2007 contract. The pricing is below or equal to similar projects.

### Next Step

- Design should be complete by early Spring 2010 and construction bidding should occur shortly thereafter.

### Small Business Opportunity

For service-based contracts, the City negotiates SBE goals after the proposal selection process (Part C: Section 2.2 of the SBO Policy). On this contract, Hazen and Sawyer committed 2.12% (\$7,091.25) of the total contract amount to the following SBE firms: Hinde Engineering (surveying), Lyons Utility Locating Services (underground utility locate services), Capstone Civil Group (concrete testing) and Richa Graphics (printing/copying).

### Funding

Utilities Capital Investment Plan

## 19. Sugar Creek Wastewater Treatment Plant Primary Clarifier Improvements

- Action:**
- A. Reject the low bid of \$5,462,245 by Hickory Construction Company for failure to meet the requirements of the Small Business Program, and**
  - B. Award the low bid of \$5,567,000 to Crowder Construction Company for improvements to the primary clarifiers at the Sugar Creek Wastewater Treatment Plant.**

**Staff Resource:** Doug Bean, Utilities

### **Bid Rejection Explanation**

- Hickory Construction did not meet the SBE established goal at the time of bid opening, and failed to earn the minimum number of Good Faith Effort points.
- At the time of bid opening, Hickory Construction had a committed SBE goal of 0%, which required that they earn a minimum of 155 Good Faith Effort Points (GFEs).
- Hickory earned only 140 GFEs.
- The Program Manager decided not to grant a waiver for failure to comply with the requirements of the SBO Program because Hickory had a similar non-compliance issue in 2008.

### **Project Explanation**

- Sugar Creek Wastewater Treatment Plant is located in the Southpark area of Charlotte.
- The general scope of work involves the replacement of primary clarifier sludge equipment and covers for odor control, and associated mechanical, electrical, and civil work.
- Over the past several years, the equipment has required much higher maintenance due to corrosion; therefore, it needs to be replaced in order to maintain the integrity of the treatment process and odor control.

### **Small Business Opportunity**

Established SBE Goal: 6%

Committed SBE Goal: 6.35%

Crowder Construction exceeded the SBE established goal and committed 6.35% (\$353,700) to the following SBE firms: CITC, LLC (system integration), Delargy's Office Supply (construction sign printing), KRO Construction (paving), Ms. Sybil's Seeding (seeding and mulching), Stinson Trucking (hauling), and Vector Electric (electrical).

### **Funding**

Utilities Capital Investment Plan

## 20. Sidewalks and Accessible Ramps FY2010 Change Order

**Action:** Approve change order #1 in the amount of \$455,998.40 with Bullseye Construction, Inc. for the Sidewalks and Accessible Ramps FY2010 Project to expedite the Shopton Road West sidewalk.

**Staff Resource:** Tim Greene, Engineering & Property Management

### Explanation

- This sidewalk project is being expedited to complete the realigned portion Shopton Road West.
- In order to meet the preferred timeframe of an April 2010 completion, staff proposes this sidewalk be included as a change order. Work under this change order will allow landscaping work to be complete by the end of the spring planting season.
- Change order #1 will allow the City to use the competitive prices of the existing contractor, Bullseye Construction, Inc.
- The sidewalk was originally planned to be constructed as part of the Dixie River Road Realignment Project, which will be presented to Council for award in first quarter 2010.
- This change order will fund sidewalk construction on both sides of Shopton Road West from Steele Creek Road to Cory-Bret Lane. Drainage and backfilling medians with suitable plant mix will also be included.
- On August 24, 2009 City Council awarded the original contract in the amount of \$392,981.30 to Bullseye Construction, Inc. for sidewalks and accessible ramps at various locations.
- The total contract amount to date, including change order #1, is \$848,979.70.

### Small Business Opportunity

All additional work involved in this change order will be performed by the current contractor and their existing subcontractor(s) (Part D: Section 6 of the SBO Policy). Bullseye Construction, Inc. committed 23.96% (\$109,265) of the total change order amount to the following SBE firm(s): On Time Construction, Inc. (concrete work), and D's Trucking Services, Inc. (hauling). Bullseye Construction, Inc. is an SBE.

### Funding

Transportation Capital Investment Plan and Utilities Capital Investment Plan

## OTHER CONSENT ITEMS

### 21. Electronic Auction for Retired Buses

**Action:**

**A. Adopt a resolution declaring 28 retired buses as surplus,**

**B. Authorize 23 of the 28 retired buses to be sold by electronic auctions beginning February 1, 2010 and ending March 1, 2010, and**

**C. Authorize the City Manager to sell the remaining five retired buses directly to other governmental units.**

**Staff Resources:** Larry Kopf, Transit  
Charles Robinson, Business Support Services

#### Explanation

- Pursuant to North Carolina G.S. 160-270(c), approval is requested for four electronic auctions as follows:
  - Beginning February 1, 2010 and ending March 1, 2010, 23 retired buses will be offered for electronic auction
  - Three auctions will contain six buses and one auction will contain five buses.
- With limited storage space, the City wishes to auction these buses instead of storing them for the remaining three months until the next live public auction in April 2010.
- Council approved the disposition of 14 retired buses via direct sale to governmental units on September 28, 2009. Ten of the buses listed here are from that previous lot. The City was not able to find direct buyers for ten of the buses from that lot, and wishes to include these buses in order to move them via electronic auction.
- The 18 additional buses listed in this item are now eligible for retirement and are being replaced by 18 new buses that are currently delivered and readied for service to the citizens of our region.
- Of the 18 additional buses being retired, five are of interest to other governmental units and may be directly sold.

#### Auction Contract Process

- The City currently contracts with Rogers Realty and Auction Company for all auction services associated with rolling stock, police unclaimed items, computers and miscellaneous items for both on-site and electronic auctions at a commission rate of 9.5% as approved by Council on August 25, 2009.
- The Rogers contract provides full-scale service for all auctions, but in this instance, the need for these services is minimal. The City simply needs an online hosting site to facilitate the electronic auction.
- Business Support Services initiated an informal survey of electronic auction service providers in the spring of 2009 in an effort to find a lower commission rate for fire equipment that fit a similar level of service required.
- The current contract with Rogers Realty and Auction Company is non-exclusive and allows the City to use other acceptable service providers for electronic auctions when in the City's best interest. The City intends to

use Rogers Realty and Auction Company for future electronic auctions that require higher levels of service and support.

- As a result, the City plans to use PublicSurplus.com, which has extended its favorable commission rate of 3.75% to cover the period of the recommended auction. PublicSurplus.com was selected through an informal selection process.

**Summary of Action on 28 Buses**

# of buses	Requested Action	Bus status	Method of Disposition
10	Authorize for electronic auction	Retired in September 2009	Electronic auction
13	Authorize for electronic auction	Retired in December 2009	Electronic auction
5	Authorize for direct sale	Retired in December 2009	Direct sale to governmental unit
28 total			

**Small Business Opportunity**

No SBE goal was set for this auction because subcontracting opportunities are not anticipated (Part C; Section 2.4 of the SBO Policy). There are currently no SBEs listing auctioneering services in their City vendor profiles.

**Attachment 10**

Resolution  
List of rolling stock

**22. Resolution of Intent to Abandon a Portion of North Myers Street**

**Action:**   **A. Adopt the resolution of intent to abandon a portion of North Myers Street, and**

**B. Set a public hearing for February 8, 2010.**

**Staff Resources:**   Jeff McSwain, Transportation  
                              Linda Poissant, Transportation

**Attachment 11**

Map  
Resolution

**23. Resolution of Intent to Abandon a Portion of Armory Drive**

**Action:** A. Adopt the resolution of intent to abandon a portion of Armory Drive, and  
B. Set a public hearing for February 8, 2010.

**Staff Resources:** Jeff McSwain, Transportation  
Linda Poissant, Transportation

**Attachment 12**

Map  
Resolution

**24. Resolution of Intent to Abandon a Residual Portion of Thrift Road and Freedom Drive**

**Action:** A. Adopt the resolution of intent to abandon a residual portion of Thrift Road and Freedom Drive, and  
B. Set a public hearing for February 8, 2010.

**Staff Resources:** Jeff McSwain, Transportation  
Linda Poissant, Transportation

**Attachment 13**

Map  
Resolution

**25. Refund of Property and Business Privilege License Taxes**

**Action:** A. Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$18,634.06, and  
B. Adopt a resolution authorizing the refund of business privilege license payments made through clerical or assessor error in the amount of \$974.34.

**Staff Resource:** Sherry Hite, Finance

**Attachment 14**

Resolution  
List of property tax and business license refunds

## PROPERTY ITEMS

### 26. Amendment to Verizon Wireless Tower Lease

**Action:** Adopt a resolution approving the Third Amendment to a Tower Leasing Agreement with Cellco Partnership d/b/a Verizon Wireless.

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

#### Explanation

- Cellco Partnership d/b/a Verizon Wireless has been renting ground space and space on the City-owned telecommunications tower at 5731 Closeburn Drive since 1992.
- This lease is in its last renewal term and is due to expire on February 6, 2012.
- Verizon wishes to extend the lease and change equipment on this tower.
- Terms of the Third Amendment are as follows:
  - Extend current term to February 29, 2012
  - Five-year term beginning on March 1, 2012, with four, five-year options to renew
  - Rent rate will be increased from \$1,744.13 to \$1,844.13 per month.
  - Annual 3% increase in monthly rent, effective March 1, 2013
  - Verizon will swap the existing six antennas for six new antennas on the tower upon approval of this Third Amendment.

#### Background

- The City entered into a telecommunications lease with Metro Mobile of Charlotte, LLC on January 27, 1992.
- The First Amendment to the Tower Leasing Agreement occurred November 29, 1994 for the purpose of changing equipment and charging rent based upon the number of antennas on the tower.
- On November 19, 2004 the Second Amendment to the Tower Leasing Agreement occurred with Cellco Partnership d/b/a Verizon Wireless as successor in interest to Metro Mobile for the purpose of changing equipment.

#### Attachment 15

Resolution

## 27. Property Transactions

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

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

### Acquisitions

- A. Project:** FY08 Accessible Ramp Installation, Parcel # 26  
**Owner(s):** First Citizens Bank and Trust Company  
**Property Address:** 5400 South Boulevard  
**Property to be acquired:** 192 sq. ft. (.004 ac.) in Sidewalk and Utility Easement, plus 7,002 sq. ft. (.161 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$24,075  
**Remarks:** This negotiated settlement was based on an independent appraisal.  
**Zoned:** B-2  
**Use:** Commercial  
**Tax Code:** 169-092-05  
**Total Parcel Tax Value:** \$910,800
- B. Project:** Statesville Road Widening (I-85 to Sunset Road), Parcel # 27  
**Owner(s):** Turner Real Estate Holdings, LLC  
**Property Address:** 4724 Statesville Road  
**Property to be acquired:** 6,567 sq. ft. (.151 ac.) in Fee Simple, plus 299 sq. ft. (.007 ac.) in Storm Drainage Easement, plus 15 sq. ft. in Utility Easement, plus 2 sq. ft. in combined Utility and Storm Drainage Easement, plus 7,877 sq. ft. (.181 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$73,100  
**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review.  
**Zoned:** B-2  
**Use:** Commercial  
**Tax Code:** 045-305-77  
**Total Parcel Tax Value:** \$355,000
- C. Project:** Statesville Road Widening (I-85 to Sunset Road), Parcel # 45  
**Owner(s):** Consos, Incorporated  
**Property Address:** 5021 Statesville Road  
**Property to be acquired:** 8,946 sq. ft. (.205 ac.) in Fee Simple, plus 6,074 sq. ft. (.139 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None

**Purchase Price:** \$45,575

**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review.

**Zoned:** I-1

**Use:** Industrial

**Tax Code:** 041-156-03

**Total Parcel Tax Value:** \$575,600

- D. Project:** Statesville Road Widening (I-85 to Sunset Road), Parcel # 55  
**Owner(s):** Carl Alexander  
**Property Address:** 5127 Statesville Road  
**Property to be acquired:** 1,115 sq. ft. (.025 ac.) in Fee Simple, plus 1,802 sq. ft. (.041 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$17,700  
**Remarks:** Compensation was established by an independent, certified appraisal and an appraisal review.  
**Zoned:** R-4  
**Use:** Single Family Residential  
**Tax Code:** 041-161-16  
**Total Parcel Tax Value:** \$110,800
- E. Project:** Sugar Creek Road - Rumble Left Turn Lane, Parcel # 8  
**Owner(s):** Sotirios Tsilimos a/k/a Sotirios Sam George Tsilimos  
**Property Address:** 2400 West Sugar Creek Road  
**Property to be acquired:** 2,666 sq. ft. (.061 ac.) of Storm Drainage Easement, plus 2,567 sq. ft. (.059 ac.) of Utility Easement, plus 583 sq. ft. (.013 ac.) of Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** Shrubs  
**Purchase Price:** \$18,350  
**Remarks:** Compensation was established by an independent, certified appraisal and an appraisal review.  
**Zoned:** B-1  
**Use:** Commercial  
**Tax Code:** 047-043-10  
**Total Parcel Tax Value:** \$356,600

### Condemnations

- F. Project:** Statesville Road Widening (I-85 to Sunset Road), Parcel # 37 and # 39  
**Owner(s):** Paul Barnes Stewart and Wife, Jean Brown Stewart and Any Other Parties of Interest  
**Property Address:** 4900 and 4916 Statesville Road  
**Property to be acquired:** Total Combined Area of 4,121 sq. ft. (.095 ac.) of Fee Simple, plus Storm Drainage Easement, plus Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None

**Purchase Price:** \$3,150

**Remarks:** Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.

**Zoned:** R-4

**Use:** Commercial

**Tax Code:** 045-302-06 / 045-302-05

**Total Parcel Tax Value:** \$47,900

- G. Project:** Statesville Road Widening (I-85 to Sunset Road), Parcel # 78
- Owner(s):** Tammy Birmingham and Any Other Parties of Interest
- Property Address:** 5432 Statesville Road
- Property to be acquired:** Total Combined Area of 1,769 sq. ft. (.041 ac.) of Fee Simple, plus Storm Drainage Easement, plus Utility Easement, plus Combined Utility and Storm Drainage Easement, plus Temporary Construction Easement
- Improvements:** None
- Landscaping:** None
- Purchase Price:** \$1,175
- Remarks:** Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
- Zoned:** R-4
- Use:** Single Family Residential
- Tax Code:** 045-324-03
- Total Parcel Tax Value:** \$20,700

## 28. Meeting Minutes

<p><b>Action:</b> Approve the titles, motions and votes reflected in the Clerk's record as the minutes of:</p> <ul style="list-style-type: none"> <li>- November 9, 2009</li> <li>- November 16, 2009</li> <li>- November 23, 2009</li> <li>- December 7, 2009</li> </ul>
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