

Mayor Patrick L. McCrory Mayor Pro Tem Susan Burgess

Michael D. Barnes
Nancy Carter
Warren Cooksey
Andy Dulin
Anthony Foxx

Patsy Kinsey
John Lassiter
James Mitchell, Jr.
Edwin Peacock III
Warren Turner

CITY COUNCIL MEETING
Monday, June 23, 2008

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
23E	27	Sardis Road Booster Pump Station
30	37	Police Accident Reporting System

CITY COUNCIL AGENDA
Monday, June 23, 2008

TABLE OF CONTENTS

<u>Item No.</u>		<u>Page No.</u>	<u>Attachment No.</u>
5:00 P.M. Dinner Briefing			
Conference Center			
1.	Mayor and Council Consent Item Questions	1	
2.	FY2008 Housing Trust Fund Project Recommendations	1	
3.	Fairmarket Square Apartments Refinancing	2	
4.	Answers to Mayor and Council Consent Item Questions	3	
6:30 P.M. Citizens' Forum			
Meeting Chamber			
7:00 P.M. Awards and Recognitions			
Meeting Chamber			
Consent			
5.	Consent agenda items 23 through 45 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.	4	
Policy			
6.	City Manager's Report	5	
7.	Draft Northlake Area Plan	5	1
8.	FY2008 Housing Trust Fund Project Recommendations	7	2
9.	FY2009 Action Plan for Housing and Community Development	9	3

<u>Item No.</u>		<u>Page No.</u>	<u>Attachment No.</u>
10.	Initial Foreclosure Strategy – Reallocation of	11	4
11.	Charlotte Regional Partnership Film Commission Funding	13	5
12.	Community Building Initiative Funding	14	6
13.	2009-2015 MUMPO Transportation Improvement Program Amendment	15	
Business			
14.	General Obligation Bond Referendum	16	7
15.	Public Safety Recommendations	17	8
16.	Business Investment Grant for CCL Label, Inc.	18	
17.	Fairmarket Square Apartments Financing	19	9
18.	Charlotte Center City Partners Bylaw Changes and Board Appointments	21	10
19.	Nominations to Boards and Commissions	22	11-18
20.	Mayor and Council Topics	23	
21.	Closed Session - Litigation	23	
22.	Closed Session – Real Estate	24	
Consent I			
23.	Various Bids	25	
	A. Harris Boulevard/I-485 Traffic Signals	25	
	B. Traffic Signal Fiber Optic Cable and Conduit Construction on Ardrey Kell Road and Wendover Road/Eastway Drive	26	
	C. Historic City Hall Cooling Tower Replacement	26	
	D. Road Humps FY2008	27	19
	E. Sardis Road Booster Pump Station	27	
	F. Airport Maintenance Facility Roof Repairs	28	

<u>Item No.</u>	<u>Page No.</u>	<u>Attachment No.</u>
G. Fire Hydrants	28	
H. Traffic Signal Controllers	28	
I. Firefighting Helmets	29	
J. Medical Supplies	29	
K. Dump Truck Cab and Chassis/Body and Loader	30	
24. Approve Resolution of Intent to Abandon Right-of-Way and Set Public Hearing for a Residual Portion of Fayette Road	31	20
25. Refund of Property Taxes	31	21
26. In Rem Remedy	32	22-26
Consent II		
27. Interlocal Agreement for Historic Landmarks Commission with Mecklenburg County and Town of Davidson	34	27
28. Collection Agency Services	35	
29. Enterprise Software License Agreement	36	28
30. Police Accident Reporting System	37	
31. Planning and Design Engineering Services for Neighborhood Improvement Projects	38	29
32. Surveying and Mapping Services for Capital Improvement Projects	40	
33. Inspection of Qualifying City Bridges	41	30
34. Road Construction and Closures at Rail Crossings Reimbursement Agreement for Seaboard Street	42	31
35. Lease Renewal for Neighborhood Development Code Enforcement at Merchandise Mart	43	
36. Emergency Mutual Aid Agreement	44	32

<u>Item No.</u>		<u>Page No.</u>	<u>Attachment No.</u>
37.	Transit Pass Sales and Advertising at Time Warner Cable Arena	45	
38.	Griffith Street Pump Station, Engineering Services Contract	46	
39.	Reimbursable Sewer Contract, Shopton Square Retail Investors I, LLC	47	
40.	Solid Waste Interlocal Agreement with Mecklenburg County	47	33
41.	Airport Noise Compatibility Program	49	34
42.	Runway 18L Safety Area Improvements	50	
43.	Airport Escalator/Elevator Maintenance Services	51	
44.	Property Transactions	51	
45.	Meeting Minutes	55	

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 I and Consent II agenda items. Staff will address as many questions as possible at the end of the dinner meeting.

2. FY2008 Housing Trust Fund Project Recommendations

Resource: Stanley Watkins, Neighborhood Development
Stan Wilson, Neighborhood Development

Time: 20 minutes

Synopsis

- Staff will brief City Council on ten Housing Trust Fund (HTF) developments recommended to be funded, reallocation of funds, and a Housing Locational Policy waiver.
- On July 23, 2007 City Council approved the HTF Advisory Board's recommended funding allocation in the amount of \$9,227,553 for Multi-family Rental housing (new construction and rehabilitation) and Special Needs housing (new construction and rehabilitation). The allocation was divided as follows: Multi-family Rental (\$7,500,000) and Special Needs (\$1,727,553). Special Needs housing is defined as housing that serves persons with disabilities, the homeless, persons with HIV/AIDS, and the elderly.
- The ten projects recommended for funding represent a total of 641 affordable housing units. Of those projects, 279 (43%) serve households earning 24% and below the area median income, which is \leq \$15,456 for a household of four.
- Staff received twelve proposals from developers on February 15, 2008. One project application was withdrawn (\$1,500,000) and a second project (\$385,000) was incomplete and did not meet HTF underwriting guidelines.
- The remaining ten proposals were evaluated and ranked by staff based on the Loan and Grant Guidelines and RFP Evaluation Criteria adopted by the Housing Trust Fund Advisory Board. A balance of \$427,732 is remaining after the ten projects are funded. These funds will be included in a future funding allocation to be recommended to City Council by the HTF Advisory Board. In addition, the adopted FY2009 budget includes \$10 million in affordable housing bonds for consideration on the November 2008 ballot.
- The project recommendations do not include the FY2009 bonds approved by City Council for affordable housing on June 9, 2008 and scheduled for voter consideration in November 2008.

- The proposed 641 affordable housing units are consistent with the number of units funded in previous HTF Requests for Proposals.
- A waiver is required for the Statesville Avenue multi-family project. The Housing Locational Policy requirements prohibit multi-family construction in prohibited areas.

Future Action

- The Policy section of this agenda (item #8 on page 7) includes recommending approval of the Housing Trust Fund Project Recommendations.

3. Fairmarket Square Apartments Refinancing

Resource: Charles Woodyard, Charlotte Housing Authority
Stanley Wilson, Neighborhood Development

Time: 15 Minutes

Synopsis

- Fairmarket Square is located at 5914 Fairmarket Place, off The Plaza in east Charlotte and the 60 units currently serve households earning 40% or less than area median income (\$25,760 for a household of four).
- The current owner, Crosland, Inc., and the Charlotte Housing Authority (CHA) have entered into a letter of agreement for the CHA to purchase the property to preserve the affordability. Crosland, Inc. will continue to manage the property for a minimum of three years.
- CHA's request is for the City to extend the maturity date of its current \$1,275,000 loan from March 1, 2008 to March 1, 2028 for Fairmarket Square. The City's \$1,275,000 loan was originally approved by City Council on September 11, 1989.
- In addition to the loan extension, the CHA is requesting that the City provide a \$95,000 loan to fund part of the rehabilitation of the property. The total cost of rehabilitation is \$392,830 and the CHA would cover the remaining \$297,830. The source of the City's \$95,000 loan would be federal HOME dollars.
- The City Council's priority is housing units that serve households earning 30% or less than the area median income. The restructuring of the loan will make 16 of the 60 units affordable to households earning 30% of the area median income (\$19,320 for a household of four). The remaining 44 units will continue to serve households at 40% of the AMI.
- The loan was originally due and payable on March 1, 2007; however, the loan was extended one year to a March 1, 2008 maturity date to allow Crosland, Inc. to develop a strategy to keep the affordability requirement. The extension was issued by staff under authority provided in the original loan agreement.

Future Action

- The Business section of this agenda (item #17 on page 19) includes approval of the Fairmarket Square Refinancing.

4. Answers to Mayor & Council Consent Item Questions

Resource: Curt Walton, City Manager

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**

CONSENT

- 5. Consent agenda items 23 through 45 may be considered in one motion except those items removed by a Council member. Items are removed by notifying the City Clerk before the meeting.**

POLICY

6. City Manager's Report

7. Draft Northlake Area Plan



Action: Adopt the draft Northlake Area Plan Volume I: The Concept Plan as recommended by the Economic Development and Planning Committee and receive Volume II: The Implementation Plan as information.

Committee Chair: John Lassiter, Economic Development and Planning

Staff Resource: Alysia Osborne, Planning

Focus Area: Economic Development

Explanation

- An interdepartmental team has been working with residents and stakeholders since November 2006 to develop this area plan for approximately 4,300 acres surrounding Northlake Mall. The Plan includes recommendations that address land use, transportation, urban design, public facilities and environment. Additionally, the plan includes a Transit Station Area Plan for the proposed Eastfield Station on the North Commuter Rail line.
- An initial public meeting was held in November 2006 with approximately 225 citizens attending. Two multi-day public workshops and a community meeting were held during 2007. In addition, staff worked closely with a stakeholder group of 25 volunteers on the plan recommendations.

Plan Recommendations

- Land use recommendations are divided into three distinct geographies consistent with the Centers, Corridor, and Wedges Growth Framework.
 - The wedge area is recommended to remain primarily lower density residential with opportunities for institutional, neighborhood serving retail, park and open space uses.
 - The center area, which encompasses the Northlake Mall, is recommended to include a mixture of office, retail, residential, park and open space uses.
 - The corridor area is recommended to remain predominantly industrial and office with some opportunity for retail, residential, park and open space uses.
 - Recommendations for the Eastfield Transit Station Area call for a mix of transit supportive residential, office and retail.
- Transportation/Streetscape Design recommendations focus on integrating transportation and land use and include an internal street network concept to provide transportation choices and increased connectivity. The street network is especially critical because:
 - The transportation analyses indicated Northlake would experience high levels of congestion if land development outpaces the planned road improvements provided in the 2030 Long Range Transportation Plan.
 - A vehicular connection across I-77 is needed to achieve the land use vision for the Center area. This connection is also critical to providing

connectivity between the Center and the proposed Eastfield Transit Station Area.

Committee Recommendations

- On December 18, 2007, the Charlotte-Mecklenburg Planning Committee unanimously (7-0) recommended approval of the plan, with the revisions listed in the attached "Recommended Revisions to the Draft Document".
- At their April 2, 2008 meeting, the Economic Development and Planning Committee recommended adoption of the draft Northlake Area Plan with the revisions recommended by the Planning Committee. The vote was four to one (Council members Foxx, Kinsey, Mitchell and Carter voted yes. Council member Lassiter voted no).

Committee Discussions

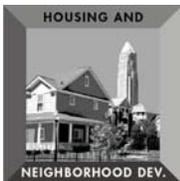
- The Planning Committee of the Charlotte-Mecklenburg Planning Commission spent four months reviewing the draft plan, including touring the plan area and hearing citizen comments at a formal meeting in September 2007.
- The Economic Development and Planning Committee discussed the Plan at four meetings beginning in September 2007. They also received public comments during the October 8, 2007 Council Business meeting and toured the study area on March 4, 2008.
- The discussions of both Committees focused on property owners' concerns with approximately 12 of the land use recommendations. In general, property owners requested:
 - Higher intensity uses and densities
 - Single uses (freestanding retail) vs. mixed/multi-uses
 - Greater flexibility for increased development in the Center Area (near the mall)
- At the direction of both Committees, staff contacted all the property owners who expressed concern about draft plan recommendations and were able to resolve most of their issues. However, the committees continued discussing two outstanding issue areas. The first issue area is immediately surrounding Northlake Mall where a property owner was requesting considerably more intense development than staff recommended, given the lack of supporting transportation infrastructure and the proximity of a future rapid transit station. The other issue area is near W.T. Harris Boulevard and Mt. Holly-Huntersville Road, where a property owner requested a nonresidential land use since a rezoning was recently approved adjacent to one side of their property.
- Both Committees recommended revisions to the September 2007 draft document to address citizen concerns and to provide flexibility for increased intensities near the mall, while ensuring that transportation infrastructure would be in place to support it.
- In general, the recommended revisions:
 - Create more flexibility for building heights and development intensity/density in pedestrian core of study area near the mall if five specified criteria are met
 - Add language to recognize unique opportunity of center area
 - Enlarge pedestrian core of study area
 - Increase density in a few areas and/or added to recommended land uses
 - Change land use recommendation south of the transit station to office/industrial warehouse-distribution, thus eliminating the proposed corrective rezoning

- Council deferred action on this plan at their May 12 Business Meeting due to continued concerns from two property owners in the plan area. Staff has contacted both property owners to further discuss their concerns.
 - The first property owner, Mrs. Kay Owens, expressed concern about the plan recommendation for residential of up to six dwelling units per acre (DUA) for her property. Initially the plan recommended residential up to four DUA for her property, however, this plan was modified during the review process to allow residential up to six DUA. Recently, a rezoning was approved to allow a Walgreen's adjacent to the property. Mrs. Owens is requesting to have language added to the plan that allows consideration for a nonresidential use on a portion of her property. On May 27, staff emailed draft language to Mrs. Owens that addresses her concerns and also attempted to contact her by phone on June 13. Staff has not received any communication from Mrs. Owens.
 - The second property owner, Mr. Ron Withrow, desires more intense development than the plan recommends for the area surrounding the mall. Staff met with Mr. Withrow and his representative on May 16. At this meeting, the property owner proposed changes to the density and intensity of the land use recommendations. Staff reviewed the proposal and met with Mr. Withrow on June 10 and is generally in agreement. Staff will continue discussing this area with him to develop a resolution.
- Staff will update the Planning Committee on June 17 and the Economic Development and Planning Committee on June 18. The June 20 Council-Manager Memo will include an update of these meetings.

Attachment 1

Economic Development and Planning Committee Recommended Revisions to September 2007 Draft Document

8. FY2008 Housing Trust Fund Project Recommendations



- | | |
|----------------|--|
| Action: | <p>A. Approve financial commitments of \$6,511,966 for Multi-Family Rental Housing (New Construction and Rehabilitation projects),</p> <p>B. Approve the reallocation of \$560,302 from Multi-Family Rental to Special Needs Housing to fund all four projects under this category,</p> <p>C. Approve financial commitments of \$2,287,855 for Special Needs Housing, and</p> <p>D. Approve a waiver of the Housing Locational Policy for the Statesville Avenue multi-family development (Double Oaks).</p> |
|----------------|--|

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

Focus Area: Housing and Neighborhood Development

Policy

City's FY2006-FY2010 Consolidated Action Plan:

- Approved by City Council on June 13, 2005
- Identifies the need for affordable, safe and decent housing for low and moderate-income families
- Reaffirmed the three basic goals of the City's Housing Policy: preserve the existing housing stock, expand the supply of affordable housing, and support family self-sufficiency initiatives.

Explanation

- On July 23, 2007 City Council approved a Housing Trust Fund (HTF) allocation of \$9,227,553 to Multi-Family Rental (\$7,500,000) and Special Needs Housing (\$1,727,553).
- Staff issued Requests for Proposals to developers. On February 15, 2008 staff received proposals. Each proposal was evaluated and ranked based on the Guidelines and Evaluation Criteria established by the Housing Trust Fund Advisory Board.
- Ten projects (six multi-family and four special needs), at a cost of \$8,799,821, are recommended for funding and represent a total of 641 affordable housing units. Of those projects, 279 (43%) serve households earning 24% and below the area median income, which is \leq \$15,456 for a household of four.
- The overall leverage ratio of the recommended projects is 1:5 with a total of \$46,637,331 in development costs.
- After funding the six multi-family rental developments, a balance of \$988,034 will remain. Council is being asked to reallocate \$560,302 of these funds to the Special Needs Housing category to fund all four projects submitted.
- The remaining balance of \$427,732 will be included in a future funding allocation to be recommended to City Council by the HTF Advisory Board
- Project recommendations do not include the FY2009 bonds for affordable housing approved by City Council on June 9, 2008, and scheduled for voter consideration in November 2008.
- The Statesville Avenue Multi-Family Project (Double Oaks) is located in a prohibited area per the Housing Locational Policy. A waiver is needed in order to proceed with development of this property.

Multi-Family Rental – (New Construction and Rehabilitation Projects):

Project Name	Afford Units	Total Units	City Funding	Total Development Cost	Housing Locational Policy
Seneca Woods	49	49	\$750,000	\$3,481,880	Exempt-Rehab.
Statesville Ave	96	96	\$2,400,000	\$12,295,056	Waiver Required
Gables II	72	72	\$1,512,000	\$9,037,502	Exempt – Elderly
Robinsdale	30	30	\$548,366	\$1,096,732	Exempt-Rehab.
West Downs	28	28	\$551,600	\$1,561,600	Exempt - Rehab.
Townhomes of Ashbrook	<u>150</u>	<u>150</u>	<u>\$750,000</u>	<u>\$13,870,202</u>	Exempt - Rehab.
Totals	425	425	\$6,511,966	\$41,342,972	

Special Needs Housing – (Rehabilitation Projects):

Project Name	Afford Units	Total Units	City Funding	Total Development Cost	Housing Locational Policy
Edwin Towers	175	175	\$649,313	\$1,298,627	Exempt Elderly Rehab
Craig Avenue	10	10	\$299,900	\$1,200,000	Exempt-Disabled
Arc Mecklenburg	5	5	\$238,642	\$766,342	Exempt - Disabled.
McCreesh Place II	<u>26</u>	<u>26</u>	<u>\$1,100,000</u>	<u>\$2,029,390</u>	Exempt-Disabled
Totals	216	216	\$2,287,855	\$5,294,359	

Funding

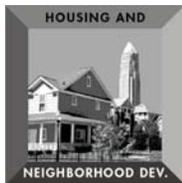
City Housing Bonds (Housing Trust Fund)

Attachment 2

Project Sources and Uses

Project Proformas

9. FY2009 Action Plan for Housing and Community Development



Action: Approve the Housing and Neighborhood Development Committee's recommendation to approve:

- A. The FY2009 Annual Action Plan and to receive the City's proposed federal grant allocations of approximately \$8.09 million for FY2009, and
- B. The Action Plan to include a \$30,000 grant to A Way Home to support operating costs associated with the implementation of the 10-Year Plan to End and Prevent Homelessness.

Committee Chair: Susan Burgess

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

Focus Area: Housing and Neighborhood Development

Policy

- The FY2009 Annual Action Plan is the City's one-year strategy for providing housing and community development activities.
- The U.S. Department of Housing and Urban Development (HUD) mandates development of this plan in order to receive federal funding for housing and community development activities.
- The plan supports the goals of the City's Housing Policy: preserve the existing housing stock, expand the supply of low and moderate-income

housing, and support family self-sufficiency – as well as the City's neighborhood revitalization strategy.

Explanation

- The FY2009 Annual Action Plan includes housing and community development needs and resources for the City of Charlotte and Regional Housing Consortium.
- The Regional Housing Consortium is a partnership between the City of Charlotte, Mecklenburg County and the towns of Cornelius, Pineville, Matthews, Mint Hill and Huntersville.
- The Plan also serves as the City's annual application to HUD to receive approximately \$8.09 million in new federal grant program funds.

Community Development Block Grant (CDBG)	\$4,647,877
HOME Investments and Partnerships (HOME)	\$2,564,854
Emergency Shelter Grants (ESG)	\$ 206,304
Housing Opportunities for Persons with AIDS (HOPWA)	<u>\$ 671,000</u>
Total	\$8,090,035

- The proposed FY2009 federal fund allocation represents a decrease of approximately \$87,616 under the FY2008 funding.
- The Housing and Neighborhood Development Committee is recommending that the Action Plan be amended to include a grant in the amount of \$30,000 requested by A Way Home to support operating costs associated with the implementation of the 10-Year Plan to End and Prevent Homelessness.
- Other funding sources for the A Way Home Program include Mecklenburg County and the United Way.
- On November 12, 2007, City Council adopted the 10-Year Plan to End and Prevent Homelessness and designated A Way Home as the manager and coordinator of the ongoing development of the 10 year plan. A Way Home was also designated to establish a high level 10-Year Plan Advisory Board and work with staff to establish the annual benchmarks.
- Staff would bring a contract (including a scope of services and an agency budget) back to City Council for approval at a later date.

Community Input

- Four citizen forums were held to seek public input (citizens and partner agencies) and to inform the public of the Action Plan preparation process and timeline for completing the document. The public forums were advertised in the local newspaper, as required by HUD, and invitations were mailed. Twenty-five people attended the public forums.
- Neighborhood Development advertised the Public Hearing in the local newspaper, as required by HUD.
- More than 2,000 invitations were sent to neighborhood organizations, Neighborhood Development's financial partners and interested individuals to advertise the public forum and the public hearing.
- The draft Action Plan has also been advertised and made available to the public for comment at the following locations: Charlotte-Mecklenburg Library, West Boulevard Library, Beatties Ford Road Library, Neighborhood Development Department and on the Neighborhood Development website.

Committee Discussion

On June 11, 2008 the Housing and Neighborhood Development Committee voted unanimously to recommend the FY2009 Action Plan to City Council for

adoption, with an amendment to include \$30,000 to A Way Home to implement the document. Members present were Burgess, Mitchell and Barnes.

Attachment 3

FY2009 Annual Action Plan

Housing and Neighborhood Development Committee Presentation

Citizen comments

Funding

Federal Funds - CDBG, HOME, ESG and HOPWA

10. Initial Foreclosure Strategy – Reallocation of Resources



Action: Approve the Housing and Neighborhood Development Committee's recommendation to reallocate \$448,700 to support the Initial Foreclosure Strategy and authorize the City Manager to enter into contracts for implementation.

Staff Resource: Stanley Watkins, Neighborhood Development

Focus Area: Housing and Neighborhood Development

Policy

On April 28, 2008 the City Council approved the Initial Foreclosure Strategy.

Explanation

- The City's Initial Foreclosure Strategy has two primary components – 1) Education, Outreach and Advocacy and 2) Neighborhood Preservation Strategy.
- The Education, Outreach and Advocacy component is a City-wide effort to get information out about the foreclosure issue and available resources that residents can use to address individual situations. This component includes the City working with housing counseling organizations, financial institutions, state and federal agencies, and legislative officials on the foreclosure issue.
- The Neighborhood Preservation Strategy calls for the selection of a highly impacted foreclosure neighborhood as a pilot for the preservation initiative. The Peachtree Hills subdivision in west Charlotte is recommended as the pilot neighborhood. The City will form a team of residents, City departments and our partners - Self Help Community Development Corporation, Charlotte-Mecklenburg Housing Partnership and Habitat for Humanity – to preserve the neighborhood.
- The overall budget for this two-year initiative is estimated at \$3.35 million, with the City directly contributing \$448,700. The City's partners will provide the balance of the funding to undertake this initiative. (The attachment includes a budget that shows the contribution of the City and its partners.)

City Resource Redirection and Impacts

- At this time, the City is not requesting new funding for the Initial Foreclosure Strategy. The City's FY2009 costs will be redirected from other City programs, which include absorbing some costs within existing budgets, reassigning personnel, direct investments in pilot neighborhood.

- The City is proposing to absorb the costs of the Education, Outreach and Advocacy for the city-wide efforts for FY2009. This includes web site development, graphic design, printing, mailing and staff resources to engage in coordination and advocacy. The web site has been completed and is now up and running. A campaign to reach out to highly impacted neighborhoods is being prepared. Staff efforts will be ongoing in this area.
- The Neighborhood Preservation activities include staff resource allocation and direct investments in the Peachtree Hills neighborhood. The direct investments are:

City Peachtree Hills Direct Investments			
Activities	Funder	Total	Source
Homebuilding Upgrades	City	\$112,500	CDBG
Minor Rehab Program	City	250,000	CDBG
Lighting	City	11,200	City Lighting
Infrastructure	City	50,000	Capital Program
Landscaping	City	25,000	Neighborhood Matching Grants
Totals		\$448,700	

- In addition, the City is proposing to utilize one-half of a Neighborhood Specialist's time to coordinate activities in the Peachtree Neighborhood. One of the Neighborhood Liaison positions will be assigned to this neighborhood to help coordinate the City's team, neighborhood partners, City service delivery and provide neighborhood association training. The City will continue to serve all 13 declining Neighborhood Statistical Areas, but the level of effort will be reduced by the equivalent of one Neighborhood Statistical Area.
- Funding for the homebuilding upgrades and Minor Rehab program (up to \$10,000) to assist 32 properties will be redirected from funding proposed for the revitalization neighborhoods. The homebuilding upgrades will be used to assist Habitat for Humanity with any homebuilding projects in the area. The Minor Rehab program will assist in the fix-up of any of the proposed 25 housing units to be purchased by Self-Help CDC. The \$362,500 would otherwise have been used to rehabilitate up to 12.5 housing units in the eight revitalization neighborhoods.
- The lighting costs of \$11,200 will be funded through the City's lighting program. The street lights are currently operational. The FY2009 street lighting budget is \$7.6 million.
- The infrastructure needs of \$50,000 relate to some uncompleted sidewalks and needed street repairs in the subdivision. These costs can be borne by the Sidewalk Repair Program and Neighborhood Improvement Program. The FY2009 Sidewalk Program budget totals \$7.5 million.
- Finally, landscaping of \$25,000 is needed to handle erosion and neglect issues. This cost is being recommended to be redirected from the Neighborhood Matching Grant program. The FY2009 Matching Grants budget totals \$200,000.
- The City will enter into contracts with its development partners to implement the Neighborhood Preservation strategy.
- The City's direct investments in Peachtree Hills are being leveraged at a ratio of almost 6:1. This is an opportunity to build a model for addressing highly impacted foreclosure neighborhoods.

Committee Discussion

On May 14, 2008, the Housing and Neighborhood Development Committee reviewed the overall budget for the initiative, clarified the city's position in the real estate transaction involving rehabilitation, and discussed the impact of the resource redirection on the City's revitalization program and the neighborhood Liaison Program. The Committee unanimously approved the reallocation (Burgess, Mitchell, Barnes, Cooksey, and Lassiter)

Attachment 4

Initial Foreclosure Strategy

Funding

City Housing Bonds (Housing Trust Fund)
Foreclosure Budget

11. Charlotte Regional Partnership Film Commission Funding



- Action:**
- A. Consider increasing the contract with the Charlotte Regional Partnership by \$25,000 to \$149,034 in support of film recruitment activities, and**
 - B. Consider adopting a budget ordinance appropriating \$25,000 from the City Council's FY2008 Discretionary Account.**

Staff Resources: Brad Richardson, Economic Development
Ruffin Hall, Budget and Evaluation

Focus Area: Economic Development

Explanation

- In FY2008, Council approved a total appropriation of \$144,435, including \$25,000 from Council's Discretionary Account, for the Film Commission.
- Continuation of the \$25,000 was not recommended because Charlotte Regional Partnership (CRP) did not meet proposed goals for FY2008. For example, the target for FY2008 was to generate 250 qualified film and television production projects annually. As of the first five months (the Financial Partner application deadline), CRP had generated 87 industry leads. To date, however, there have been 212 qualified industry leads.
- The FY2009 Funding Request from the Charlotte Regional Partnership included \$25,000 to support the CRP Film Commission, which recruits the production of major motion pictures, independent films, television specials, commercials, and other film-related projects to the Charlotte region.
- The adopted FY2009 budget includes \$124,034 for the City's annual per capita contribution. The Film Commission funding request was in addition to the per capita contribution.
- At the May 28 Budget Straw Votes meeting, Council directed staff to bring back an agenda item regarding the CRP funding request for the Film Commission. Council asked staff to work with CRP to develop better performance objectives and measures.
- CRP Film Commission accomplishments from FY2008 include the attraction of three feature films and over 65 commercials in the Charlotte region

with a combined budget of over \$20 million; total hotel room nights in excess of 11,000; and use of over 700 local film crew.

- Proposed new objectives for FY2009, include the following:
 - Recruit and support feature films and commercials with a combined budget of \$9.0 million; 2,500 hotel room nights and the use of 400 local film crew members
 - Develop a strategic plan to understand the strengths, weaknesses, and economic impact of the film industry in the Charlotte region
- If this item is approved, staff requests Council direction on whether the funding increase for the Film Commission is another one-time or an annual contribution.
- For FY2008, Council's Discretionary Account contains a balance of \$80,000. Approving the use \$25,000 for the CRP Film Commission leaves a remaining balance of \$55,000.

Funding

FY2008 Council Discretionary Account

Attachment 5

Budget Ordinance

CRP Financial Partner summary from March 5, 2008 Budget Retreat

Film Commission Objectives and Measures

12. Community Building Initiative Funding



- Action:**
- A. Consider approving a contract with the Community Building Initiative for \$50,000, and**
 - B. Consider adopting a budget ordinance appropriating \$50,000 from the City Council's FY2008 Discretionary Account.**

Staff Resource: Ruffin Hall, Budget and Evaluation

Focus Area: Community Safety

Explanation

- At the June 9, 2008 Council meeting, Council directed staff to bring back an agenda item regarding the request for funding from Community Building Initiative (CBI).
- Community Building Initiative began as the Community Building Taskforce in 1997 in response to a series of incidents that focused attention on racial division within the community.
- Community Building Initiative was incorporated in 2004 as a non-profit and has operated as an independent entity since 2006.
- In 2007 Community Building Initiative adopted a 2008-2012 Strategic Plan founded on the three priorities of leadership and organizational development, engagement and collaboration, and development and sustainability.
- A history of CBI's requests for City funding is attached.
- The FY2009 funding request from Community Building Initiative was \$50,000 to support the three strategic priorities listed above.
- For FY2009, the Manager's recommended budget did not recommend funding for any new Financial Partners - including Community Building Initiative.

- If this item is approved, staff requests Council direction on whether the funding increase for CBI is a one-time or an annual contribution.
- For FY2008, Council's Discretionary Account contains a balance of \$80,000. Approving the use \$50,000 for Community Building Initiative leaves a remaining balance of \$30,000. If both the Community Building Initiative (\$50,000) and the Charlotte Regional Partnership Film Commission (\$25,000) funding requests are approved, the balance remaining in the FY2008 Council's Discretionary Account will be \$5,000.

Funding

FY2008 Council Discretionary Account

Attachment 6

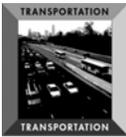
Budget Ordinance

CBI Financial Partner summary from March 5, 2008 Budget Retreat

Community Building Initiative Proposed Scope of Services

History of CBI Funding Requests

13. 2009-2015 MUMPO Transportation Improvement Program Amendment



Action: Approve the Transportation Committee's recommendation to direct the vote of the City of Charlotte Mecklenburg Union Metropolitan Planning Organization (MUMPO) Representative, Council member Foxx, related to an amendment to the MUMPO 2009-2015 Transportation Improvement Program.

Staff Resource: Andy Grzyski, Transportation

Focus Area: Transportation

Explanation

- NC 218 is serving as a de facto Monroe Bypass and is severely deteriorating to the point that routine maintenance is no longer able to keep the road in acceptable condition.
- NCDOT has recommended that funding come from the delay of the Polkton bypass (R-3820) in Anson County and from cost savings from the Graham Street Extension/Mallard Creek Road Realignment project in Charlotte.
- At its June 5, 2008 meeting, the Technical Coordinating Committee (TCC) made a motion to accept the financial strategy to fund the NC 218 improvements provided that:
 - The City of Charlotte staff assures the TCC that the Graham Street Extension cost estimate reflects the City's vision for the project's design
 - The Charlotte City Council agrees with the proposed strategy
 - No other project be delayed as a result of the funding of NC 218
- The TCC voted unanimously to recommend to the MUMPO Board that it amend the TIP to reflect this funding strategy.
- Council's Transportation Committee will review this item on June 23 and report to Council.
- The MUMPO will vote on the TIP amendment at its July 16 meeting.

BUSINESS

14. General Obligation Bond Referendum

Action: Approve three resolutions authorizing staff to proceed with the necessary actions to conduct a general obligation bond referendum on November 4, 2008. The referendum will request voter approval for \$170,200,000 of Street Bonds, \$10,000,000 of Housing Bonds and \$47,000,000 of Neighborhood Improvement Bonds.

Staff Resource: Scott Greer, Finance

Explanation

- On June 9, 2008 Council adopted the FY2009-FY2013 Capital Investment Plan, which included a \$227.2 million bond referendum in 2008.
- The resolutions specifically authorize:
 - Notice of intent to apply to the Local Government Commission
 - Application to the Local Government Commission
 - Certain statements of fact concerning the proposed bonds

Next Steps

- On July 28, 2008 the bond order will be introduced and Council will be asked to set a public hearing on the bond order for August 25, 2008.
- On August 25, 2008 Council will be asked to hold a public hearing, approve the bond order and set a special bond referendum.
- After November 4, 2008 Council will be asked to adopt the Certificate of Canvas by the Mecklenburg Board of Elections and adopt a resolution certifying and declaring results of the special bond referendum.

Funding

Municipal Debt Service Fund

Attachment 7

Resolutions
List of Projects

15. Public Safety Recommendations

- Action:**
- A. Approve a Contract subject only to technical changes with the Administrative Office of the Courts in the amount of \$369,075 to add two Assistant District Attorneys and three support personnel dedicated to focus on property crimes,**
 - B. Authorize the City Manager to renew the contract for a second year subject to funding and appropriation, and**
 - C. Authorize the City Manager to enter into a MOU with the District Attorney, which outlines specific performance measurements for the Property Crimes Unit and the prosecution of habitual offenders.**

Staff Resource: Curt Walton, City Manager

Focus Area: Community Safety

Explanation

- On May 12, City Council approved Public Safety Recommendations funding two Assistant District Attorneys and three support personnel for the Property Crimes Unit in the District Attorney's Office.
- The FY2009 Budget adopted on June 9, 2008 contained funding for the Public Safety Recommendations.
- The ultimate objective to be achieved through the addition of these positions is to reduce the time for disposition of property cases from the current average of eight to ten months to five to six months and to obtain appropriate punishment for habitual offenders. The goals of this unit are:
 - Place an emphasis on habitual felons (those defendants that have three or more consecutive felony convictions) by strengthening plea bargains to require the defendant to plead to the longest possible active sentence on the underlying charge and the additional charges related to habitual offenders.
 - All residential burglary cases accepted for prosecution will be prosecuted as felonies and the state will request active time in each of those cases.
 - All vehicle theft, possession of stolen vehicle, and larceny from vehicle cases accepted for prosecution will be resolved as felonies.
 - Plea offers in felony property cases will increase in severity.
- The following performance measures have been developed by the District Attorney's Office and CMPD and are based on estimates of the current amount of time for property cases to reach milestones in preparation for prosecution. Since there is not adequate baseline data, these efficiencies will be measured and benchmarked for subsequent years.
 - Obtain restitution information from the victims of felony property crimes within 30 days of case inception (current estimate is 42 days). This contact with victims to determine financial loss suffered enables the District Attorney to more fully develop a case and also builds a level of cooperation with the victims.
 - Send 80% of property crime cases to the Grand Jury Clerk within 90 days (current estimate is 150 days)
 - Prepare the Bills of Indictment/Issuance of Officer Subpoenas in 80% of property cases within two weeks of receipt by the Grand Jury Clerk (current estimate is 10-12 weeks)
 - Copy the open discovery documents in 80% of property crime cases

- within one week (current estimate is three weeks)
- Set 80% of all property cases accepted for felony prosecution in Administrative Court within 150 days of case inception (current estimates is 180 to 240 days)
- Process map the flow of a property case through CMPD and the District Attorney's Office and analyze the process to identify any inefficiencies
- City Council also approved \$3 million in funding for technology improvements in the District Attorney's Office and the Trial Court Administrator's Office. These funds will be held until a detailed plan for case management technology is developed with appropriate performance metrics.
- Attached is performance data on the existing District Attorney Liaison Unit, which was requested by City Council.

Attachment 8

District Attorney Liaison Unit Performance Report

16. Business Investment Grant for CCL Label, Inc.

Action: Approve the City share of a Business Investment Grant to CCL Label for a total estimated amount of \$211,372 over three years. (Total City/County grant estimated at \$597,936).

Staff Resource: Brad Richardson, Economic Development

Focus Area: Economic Development

Policy

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

Explanation

- CCL Label is a manufacturer and distributor of pressure-sensitive labels, aluminum containers, plastic tubes and other packaging solutions in the personal care, healthcare and specialty food and beverage sectors.
- CCL Label currently employs 135 workers in a leased facility located at 4000 Westinghouse Boulevard. The company has indicated its intent to relocate and expand when its lease expires in April 2009.
- The company is considering purchasing and expanding an existing building located at 12810 Virkler Drive in southwest Charlotte. They are also considering sites in South Carolina, and have received incentive proposals from both Lancaster and York Counties.
- CCL Label's relocation and expansion meets all of the following Council-approved requirements for a three-year Business Investment Grant:
 - A minimum taxable investment of \$9.7 million, with a potential investment of \$20 million over the next three years
 - Creation of 10 new jobs and the retention of 135 existing jobs with an average wage of \$58,000 (146% of the average for the Charlotte-Gastonia-Rock Hill M.S.A.)
 - The proposed new facility is located within the Business Investment Zone.
 - There is competition for this project from South Carolina.

- Additionally, the expansion is estimated to have a total direct economic impact of \$997,000 per year on Charlotte's economy, and generate annual tax revenues of \$88,000 for the City.
- If approved, the following schedule is an estimate of the Investment Grant payments to CCL Label, based on a \$20 million investment. This estimate is the City and County share of the grant and represents 90% of net new property taxes paid by the company over three years.

Year	City	County	Totals
1	76,270	139,485	215,755
2	70,690	129,280	199,970
3	64,412	117,799	192,211
Total	\$211,372	\$386,564	\$597,936

- The general terms and condition of this grant include:
 - A portion of the grant must be repaid if the company moves this investment from Charlotte within three years of the end of the grant term.
 - Actual grant payments are based on the value of the investment as appraised by the Mecklenburg County Tax Office.
 - All property taxes due from the company must be paid before a grant payment is made.
- The Board of County Commissioners will consider approval of a Business Investment Grant on July 1, 2008.

Funding

Business Investment Grant Account; first payment is estimated to occur in FY2011.

17. Fairmarket Square Apartments Refinancing

Action:	<p>A. Approve a 20-year extension of the City's existing \$1,275,000 loan to become due and payable in 2028, and</p> <p>B. Approve a loan in the amount of \$95,000 to the Charlotte Housing Authority to partially fund the rehabilitation of the Fairmarket Square Apartments.</p>
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Staff Resource: Charles Woodyard, Charlotte Housing Authority
Stan Wilson, Neighborhood Development

Focus Area: Housing and Neighborhood Development

Policy

- The City's FY2006-2010 Consolidated Plan was approved by City Council on June 13, 2005.
- The FY2008 U. S. Department of Housing and Urban Development Annual Action Plan and Analysis to Impediments to Fair Housing were approved by City Council on May 29, 2007.
- The Plan identified the need for affordable, safe and decent housing for low and moderate-income families.

- The Plan reaffirmed the three basic goals of the City's Housing Policy: preserve the existing housing stock, expand the supply of affordable housing, and support family self-sufficiency initiatives.

Explanation

- On September 11, 1989, City Council approved a city loan in the amount of \$1,275,000 to the Fairmarket Square Limited Partnership (Crosland, Inc. is the managing member of the LLC) for the development of 60 new multi-family apartments located at 5914 Fairmarket Place, off The Plaza in east Charlotte.
- The units serve households earning 40% or less than area median income (AMI), which is \$25,760 for a household of four.
- The Fairmarket Square apartments are currently fully occupied.
- The Charlotte Housing Authority (CHA) and Crosland, Inc. have entered into a letter of agreement for the CHA to purchase the property to preserve the affordability. Crosland will continue to manage the property for a minimum of three years.
- The CHA has developed a plan that will restructure the financing and is requesting that the City extend the maturity date of the loan to 2028.
- The restructuring will make 16 of the 60 units affordable to households earning 30% of the AMI, which is 19,320 for a household of four, while the remaining 44 units will continue to serve households at 40% of the AMI.
- The current City loan is non-amortizing with 0% interest, as long as the project continues to serve households earning 40% and below.
- The loan was originally due and payable on March 1, 2007. However, the loan was extended one year to a March 1, 2008 maturity date to allow Crosland, Inc. to develop a strategy to keep the affordability. The extension was issued by staff under authority provided in the original loan agreement.
- In addition to the extension, CHA is requesting a loan in the amount of \$95,000 to fund part of the rehabilitation of the 60 unit development. The total rehabilitation cost is \$392,830 and the remaining \$297,830 will be the responsibility of the CHA.
- The rehabilitation loan term is a deferred, 20 year loan at 0% interest.
- Proposed rehabilitation work includes kitchen cabinet replacements, HVAC and water heater upgrades, sprinkler system, appliances, and carpet.

Funding

Federal Community Development Block Grant/HOME Funds - (Rehabilitation Loan)

Attachment 9

CHA Request Letter
Project Summary Sheet & Map
Sources and Uses
Project Proforma

18. Charlotte Center City Partners Bylaw Changes and Board Appointments

<p>Action:</p>	<p>A. Approve amendments to Charlotte Center City Partners (CCCP) bylaws with respect to the composition of the CCCP Board of Directors,</p> <p>B. Reappoint existing CCCP Board members, and</p> <p>C. Appoint four new CCCP Board members.</p>
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Staff Resource: Emily Westbrook, Economic Development

Explanation

- Charlotte Center City Partners (CCCP) is a nonprofit organization the City contracts with to provide services in the Center City and Historic South End.
- CCCP's services and activities are funded through special property tax assessments in four Municipal Service Districts (MSDs) in Center City and Historic South End.
- City Council must approve all amendments to the CCCP bylaws that deal with the composition of the Board and appointment of directors.
- On May 15, 2008, CCCP's Board recommended the following two changes to the bylaws:
 - Increase the maximum number of ex officio directors, which have no voting rights, from 10 to 15 to adequately represent the expanding number of non-profits and university stakeholders in our urban core
 - Add the Immediate Past-Chair of the Charlotte Chamber of Commerce to the list of eligible directors
- Additionally, City Council appoints the CCCP Board of Directors each year based upon the slate of nominees.
- The following existing members are recommended for reappointment to the Board:

Jim Turner, Chair	Jennifer Appleby	Ann Caulkins
Bobby Drakeford	Lance Drummond	Phil Dubois
Jim Dulin	Jeannie Falknor	Steve Harris
Todd Mansfield	Ernie Reigel	John Stamas
Ben Williams	Darrel Williams	Pat Riley
Harvey Gantt	David Furman	Tom Hughes
Mary MacMillan	Krista Tillman	Parks Helms
John Lassiter	Debra Campbell	Art Gallagher
Peter Gorman	Lee Keesler	Harry Jones
Michael Marsicano	Bob Morgan	Tim Newman
Curt Walton	Tony Zeiss	

Bold indicates Ex Officio board member

- The following new members are recommended for appointment to the Board:

Lynn Boggs
Bob Hambright

Fred Whitfield
Ronald Carter

Bold indicates Ex Officio board member

- CCCP's Board approved the attached slate of nominees at its May 15, 2008 meeting. Council must either appoint this slate of nominees or request a revised slate of nominees from CCCP.

Attachment 10

Revised CCCP Bylaws

19. Nominations to Boards and Commissions

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

A. AIRPORT ADVISORY COMMITTEE

- One three year appointment for a West Side Resident beginning July 31, 2008.
 - Grace Bailey is eligible and would like to be reappointed.
- One appointment for a three year term beginning July 31, 2008.
 - Stanley Vaughn is eligible and would like to be reappointed.

Attachment 11

Applications

B. CHARLOTTE REGIONAL VISITORS AUTHORITY

- One appointment for a three-year term for a Hotel/Convention representative beginning July 1, 2008.
 - The recommendation from CRVA is John Sweeney, the new General Manager for The Westin.

Attachment 12

Applications

C. CMUD ADVISORY COMMITTEE

- One appointment for a three-year term for a Contractor/Water Sewer representative beginning July 1, 2008.
 - The recommendation from Charlotte Mecklenburg Utilities is Marco Varela.

Attachment 13

Applications

D. DOMESTIC VIOLENCE ADVISORY BOARD

- One appointment for a three year term beginning September 22, 2008.
 - Patricia Kelly does not want to be reappointed.

Attachment 14

Applications

E. HISTORIC LANDMARKS COMMISSION

- Two appointments for three-year terms beginning July 17, 2008.
 - Frank Bragg and Lynn C. Weis are eligible and would like to be reappointed.

Attachment 15

Applications

F. PAROLE ACCOUNTABILITY COMMITTEE

- One appointment for an unexpired term beginning immediately and ending June 1, 2010.
 - Bev Merritt has resigned.

Attachment 16

Applications

G. PLANNING COMMISSION

- One appointment for an unexpired term beginning immediately and ending June 30, 2010.
 - Kelly Alexander, Jr. has resigned.

Attachment 17

Applications

H. ZONING BOARD OF ADJUSTMENT

- One appointment for an unexpired term beginning immediately and ending January 30, 2010.
 - Robert J. Eaton has resigned.

Attachment 18

Applications

20. Mayor and Council Topics

Council members may share information and raise topics for discussion.

21. Closed Session - Litigation

Action: Adopt a motion pursuant to NCGS 143-318.11(a)(3) to go into closed session to consult with attorneys employed or retained by the City of Charlotte in order to preserve the attorney-client privilege and to consider and give instructions to the attorneys concerning the handling and settlement of claims which are reasonably likely to be litigated within the foreseeable future but are not yet in litigation.

22. Closed Session – Real Estate

Action: Adopt a motion pursuant to NCGS 143-318.11(a)(5) to go into closed session to establish, or to instruct staff or negotiating agents concerning the position to be taken by or on behalf of the City Council in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease.

Introduction to CONSENT

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

Consent I consists of routine items that have been approved in the budget, are low bid and comply with Small Business Opportunity Program Policy.

Consent II consists of routine items that have also been approved in the budget, but require additional explanation.

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

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

Contractors and Consultants

All contractor and consultant selections follow the Council approved process unless described otherwise.

CONSENT I

23. Various Bids

A. Harris Boulevard/I-485 Traffic Signals

Staff Resource: Gus Jordi, Transportation

Action

Award the low bid of \$168,483.98 by Digital Traffic Systems, of Newport News, Virginia. This project includes the installation of metal strain poles, strain pole foundations and associated hardware, span wire, conductor cable, traffic signal heads, video detection cameras, trenching, conduit, embedded loop detectors, weatherheads, overhead street name markers, overhead signs and pull boxes as part of the signal installation for Harris Boulevard/I-485 Eastbound Ramp and Harris Boulevard/I-485 Westbound Ramp. The State of North Carolina reimburses the City for this work.

Disadvantaged Business Enterprise

No DBE goal was set for this contract because subcontract opportunities are not anticipated.

Funding

Transportation Capital Investment Plan

B. Traffic Signal Fiber Optic Cable and Conduit Construction on Ardrey Kell Road and Wendover Road/Eastway Drive

Staff Resource: Gus Jordi, Transportation

Action

Award the low bid of \$326,770.49 by Whiting Construction Company of Troutman, North Carolina. This project includes the installation of aerial and underground fiber optic facilities at various locations along Ardrey Kell Road and Wendover Road/Eastway Drive. The State of North Carolina reimburses the City for this work.

Disadvantaged Business Enterprise

Established DBE goal: 8%

Committee DBE goal: 9.85%

Whiting Construction Co., Inc. exceeded the established DBE goal. They committed 9.85% (\$32,210) of the total contract amount to the following certified DBE firm: CODE LLC.

Funding

Transportation Capital Investment Plan

C. Historic City Hall Cooling Tower Replacement

Staff Resource: David Taylor, Engineering and Property Management

Action

Award the low bid of \$196,000 by Southern Comfort of Charlotte, Inc. of Charlotte, North Carolina. This project consists of the replacement of one cooling tower and associated pumps. The cooling tower is 20 years old and has reached its life expectancy. The system is experiencing rust and the lead time for replacement is three months. Operations would be impacted if the system required emergency replacement. Construction completion is scheduled for fourth quarter of 2008.

Small Business Opportunity

Under the revised SBO Policy, construction contracts under \$200,000 are considered informal with regard to the SBE subcontracting goal setting process, therefore establishing SBE goals is not required (Appendix Section 29.1 of the SBO Policy). No SBEs submitted a bid for this contract.

Funding

Facilities Capital Investment Plan

D. Road Humps FY2008

Staff Resource: Chip Gallup, Transportation

Action

Award the low bid of \$156,780 by Oliver Paving Company of Charlotte, North Carolina. This project includes traffic control; placement and compaction of approximately 70 asphalt road humps, stamping and coloring selected asphalt surfaces; providing and installing preformed pavement-marking symbols. This project is part of an on-going program to install traffic-calming road humps on various streets within Charlotte. Construction completion is scheduled for fourth quarter of 2008.

Small Business Opportunity

Under the revised SBO Policy, construction contracts under \$200,000 are considered informal with regard to the SBE subcontracting goal setting process, therefore establishing the SBE goals are not required (Appendix Section 29.1 of the SBO Policy). Two SBEs bid on this contract, however neither was the low bidder.

Funding

Neighborhoods Capital Investment Plan

Attachment 19

List of road hump streets

E. Sardis Road Booster Pump Station

Staff Resource: Barry Shearin, Utilities

Action

Award the low bid of \$1,385,000 by Hickory Construction Company of Hickory, North Carolina. This project includes installation of two owner-purchased booster pumps and associated piping at the Sardis Road Booster Pump Station. This pump station is located at the corner of Sardis Road and Pineville-Mathews Road.

Small Business Opportunity

Established SBE Goal: 3%

Committed SBE Goal: 16.28%

Hickory Construction Co. exceeded the SBE goal and committed 16.28% (\$225,500) of the total contract amount to the following SBE firm: Vector Electric.

Funding

Utilities Capital Investment Plan

F. Airport Maintenance Facility Roof Repairs

Staff Resource: Jerry Orr, Aviation

Action

Award the low bid of \$645,775 by Cyclone Roofing of Indian Trail, North Carolina for roof replacement on the Airport Maintenance Facility.

Small Business Opportunity

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

Funding:

Aviation Capital Investment Plan

G. Fire Hydrants

Staff Resource: Barry Shearin, Utilities
Aubrey Miller, Business Support Services

Action

Award the low bid unit price contract to Ferguson Waterworks of Concord, North Carolina. This project provides fire hydrants for a term of one-year and authorizes the City Manager to renew the agreement with possible price adjustments for two additional one-year terms. There are three sizes of hydrants included in this contract with the following unit prices: 3' - \$1041.19, 3'6"- \$1061.79 and 4'-\$1084.49. The estimated first year expenditure is \$117,086.90. These are stock items that Utilities maintains in inventory for both replacement and new locations.

Small Business Opportunity

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

Funding

Utilities Capital Investment Plan

H. Traffic Signal Controllers

Staff Resource: Charles Abel, Transportation
Aubrey Miller, Business Support Services

Action

Award the low bid unit price contract to RGA Inc. of Powhatan, Virginia. The project provides Traffic Signal Controllers for a term of one year and authorizes the City Manager to renew the agreement with possible price adjustments for two additional one-year terms. The estimated first year expenditure for 110 units is \$195,250. These controllers are used to manage the traffic signals throughout the City.

Small Business Opportunity

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

Funding

Transportation Capital Investment Plan

I. Firefighting Helmets

Staff Resource: Rich Granger, Fire
Genetta Carothers, Business Support Services

Action

Award the low bid unit price (\$387.28 per helmet) contract to Newton's Fire and Safety, of Swepsonville, North Carolina. The project provides firefighting helmets to the Charlotte Fire Department for a term of one year and authorizes the City Manager to renew with possible price adjustments up to four additional one-year terms. The anticipated annual expenditure is \$77,456.

Charlotte Fire Department requires new and replacement firefighting helmets. CFD is adding 18 new positions and requires firefighting helmets to replace 1/8 of the helmets based on an eight year replacement schedule.

Small Business Opportunity

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

Funding

Fire Department Operating Budget

J. Medical Supplies

Staff Resource: Rich Granger, Fire
Genetta Carothers, Business Support Services

Action

Award the low bid unit price contracts for providing Medical Supplies to the Charlotte Fire Department for an initial term of one year and authorize the City Manager to renew with possible price adjustments up to four additional one-year terms to the following vendors:

- Southeastern Emergency Equipment, Wake Forest, North Carolina in the estimated annual amount of \$54,000 for 59 various items to be ordered as needed.
- Tronex Company, Parispany, New Jersey in the estimated annual amount of \$20,000 for various protective gloves to be ordered as needed.

An Invitation to Bid (ITB) was issued that included 74 items purchased by CFD in the past year and allowed the vendors to identify alternate brands for all items they could provide. Six responsive bids and eight non-responsive bids were received in response to the ITB.

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

Fire Department Operating Budget

K. Dump Truck Cab and Chassis/Body and Loader

Staff Resource: Herbert Judon, Aviation
Mehl Renner, Business Support Services
Susan McMorris, Business Support Services

Action

Award low bid unit price contracts to the following vendors for the term of one year and authorize the City Manager to renew each contract with possible price adjustments for two additional one-year terms. Three dump truck units (replacements) and one loader are to be purchased initially to meet FY2008-FY2009 requirements for Aviation, in the total amount of \$369,689.76. This equipment is needed for construction projects. The resulting contracts will otherwise serve all Key Business Units for future requirements of this type.

Rush International Truck Center
Volvo & GMC Truck Center
James River Equipment

Small Business Opportunity

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

Funding

Aviation Operating Budget

24. Approve Resolution of Intent to Abandon Right-of-Way and Set Public Hearing for a Residual Portion of Fayette Road

Action: A. Adopt the Resolution of Intent to abandon a residual portion of Fayette Road, and
B. Set a Public Hearing for July 28, 2008.

Staff Resource: Linda Poissant, Transportation

Policy

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

Reason

To incorporate the right-of-way into adjacent property owned by the abutting owner, Mr. Wade D. Collins. The abandoned property will be split equally between Mr. Collins and an adjacent owner, Centex Homes, for the purpose of installing a new entranceway sign/wall to be located outside the City right-of-way for the Woodbury subdivision.

Attachment 20

Map

25. Refund of Property Taxes

Action: A. Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$1,235.59.

Staff Resource: Rosemary Lawrence, Finance

Explanation

- Approve property tax refunds assessed through clerical or assessor error.

Attachment 21

Resolution

List of property tax refunds

26. In Rem Remedy

For In Rem Remedy #A-E, 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. 646 S. Hoskins Road (Neighborhood Statistical Area 19 – Thomasboro/Hoskins Neighborhood)
- B. 6002 Patricia Ryan Drive (Neighborhood Statistical Area 119 – Oakdale South Neighborhood)

Complaint:

- C. 5242 West Holly Vista Drive (Neighborhood Statistical Area 126 – Henderson Circle Neighborhood)

Field Observation:

- D. 3516 Blessing Street (Neighborhood Statistical Area 12 – Westerly Hills Neighborhood)
- E. 337 Houston Street (Neighborhood Statistical Area 110 – Wildwood Neighborhood)

Public Safety:

A. 646 S. Hoskins Road

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 646 S. Hoskins Road (Neighborhood Statistical Area 19 – Thomasboro/Hoskins Neighborhood).

Attachment 22

B. 6002 Patricia Ryan Drive

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 6002 Patricia Ryan Drive (Neighborhood Statistical Area 119 – Oakdale South Neighborhood).

Attachment 23

Complaint:

C. 5242 West Holly Vista Drive

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 5242 West Holly Vista Drive (Neighborhood Statistical Area 126 – Henderson Circle Neighborhood).

Attachment 24

Field Observation:

D. 3516 Blessing Street

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 3516 Blessing Street (Neighborhood Statistical Area 12 – Westerly Hills Neighborhood).

Attachment 25

E. 337 Houston Street

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 337 Houston Street (Neighborhood Statistical Area 110 – Wildwood Neighborhood).

Attachment 26

CONSENT II

27. Interlocal Agreement for Historic Landmarks Commission with Mecklenburg County and Town of Davidson

- Action:**
- A. Approve Historic Landmarks Commission Interlocal Cooperation Agreement with Mecklenburg County and Town of Davidson for the Charlotte-Mecklenburg Historic Landmarks Commission to add Davidson to the municipalities served by the Commission, and**
 - B. Authorize City Manager, or his designee, to sign the Interlocal Agreement on behalf of the City.**

Staff Resources: Stewart Gray, Charlotte-Mecklenburg Historic Landmarks Commission
S. Mujeeb Shah-Khan, City Attorney's Office

Explanation

- Over 30 years ago, the City of Charlotte and Mecklenburg County agreed to create the Charlotte-Mecklenburg Historic Landmarks Commission (HLC), a joint preservation commission, which would handle the process of designating historic properties in the City or the unincorporated areas of the County.
- The HLC has provided consulting services to other municipalities in the County to assist those municipalities with designating landmarks in their communities. The HLC wishes to continue formalizing those relationships as a joint planning agency for historic preservation issues through new Interlocal Agreements.
- During the April 23, 2007 City Council Meeting, the City Council approved a new interlocal agreement between the City, the County, and the Town of Pineville, which created the framework for admitting new municipalities to the joint preservation commission. The new interlocal agreement was effective July 1, 2007.
- After Pineville's addition in July of 2007, the HLC worked with the Town of Davidson on admitting Davidson to the joint preservation commission. Davidson, if admitted, would become the second municipality to join with the City and County in working as a joint preservation commission.
- The addition of Davidson through an amendment to the Interlocal Agreement will not result in changes to the method of funding of the HLC, or the selection of its members by the City and the County. While Davidson will use the services of the HLC, the HLC will not gain additional members as other municipalities join.
- Under the Interlocal Agreement with the County, the City does not fund the operations of the HLC. However, the City Council designates four members of the HLC, and the Mayor designates two members. The County Commission designates six members of the HLC.
- In order to admit Davidson, the City, the County and Davidson, will need to approve an amendment to the Historic Landmarks Commission Interlocal Cooperation Agreement.

Attachment 27

Resolution Approving Amendment to Interlocal Agreement for Historic Landmarks Commission with Mecklenburg County and Town of Davidson

28. Collection Agency Services

Action: **A. Authorize the City Manager to negotiate and execute a contract, not to exceed \$250,000, with Security Collection Agency for collection services with an initial term of three years and two additional one-year renewal options, and**

B. Authorize the City Manager to approve up to two, one year renewals.

Staff Resource: Scott Greer, Finance

Explanation

- The City held a contract for Collection Agency Services with Professional Recovery Consultants, Inc. of Durham, North Carolina, which has now expired. Collections include past due accounts to the City, primarily water, sewer, storm water bills, code enforcement citations, liens, civil penalties and miscellaneous invoices for other City of Charlotte services. At the time of referral, accounts are a minimum of 60 days past due from the due date.
- A Request for Proposal (RFP) was issued on January 3, 2008 for Collection Agency Services.
- The City received 11 proposals on March 5, 2008.
- Selection criteria included:
 - Background and experience in servicing public and private organizations of similar size and nature
 - Management and collection practices
 - Familiarity with and capability of exercising and interfacing with the North Carolina Debt Set Off Program. Under NC Statute 105-A, income tax refunds due to individuals who owe \$50 or more and are at least 60 days past due may be sent to the Debt Set Off Program for the payment of governmental utility services. The Debt Set Off Program is only applicable to those individuals who have filed state income tax returns.
 - Price
- Security Collection Agency's (SCA) response best matched the requirements listed in the RFP, including the ability to interface with the NC Debt Set Off Program. SCA has performed similar work in the public and private sectors since 1974.
- The City will pay SCA 16% of the amount of collections.

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

Various City Funds

29. Enterprise Software License Agreement

Action: Approve an Enterprise License Agreement for three years to Environmental Systems Research Institute (ESRI) for an amount of \$935,000 for computer software licenses and maintenance for the City's Geographic Information System (GIS).

Staff Resource: Twyla McDermott, Business Support Services

Explanation

- City Key Business Units (KBUs) use Geographic Information System (GIS) software to support the delivery of citizen services. Examples of the uses of GIS technology in the City include:
 - Crime analysis and reporting
 - Vehicle routing and optimal route delineations
 - Information dissemination to the public via charmeck.org and cmpd.org
 - A variety of decision support, analysis, and mapping services in 13 departments
- Currently, GIS software is licensed and maintained on an individual KBU basis. By entering into an Enterprise License Agreement with ESRI, the 13 business license agreements for software maintenance and licensing will be consolidated into one agreement for the City.
- The license agreement will result in cost avoidance of at least \$140,000 over the three year term. The total \$935,000 cost will be spread over the three-year term as follows: FY2009 - \$335,000, FY2010 - \$300,000 and FY2011 - \$300,000
- In addition to the cost savings benefit, the agreement will result in efficiency gains from centralized maintenance contract management.
- The agreement provides departments with:
 - Unlimited licensing for ESRI GIS software licenses at no additional cost for the initial software acquisition
 - Annual software maintenance services to keep the software up-to-date
 - Technical support services for City staff to consult directly with ESRI

Small Business Opportunity

Contracts entered into without a competitive bidding/proposal process are exempt (Appendix Section 23.2 of the SBO Policy).

Funding

Various City KBU departmental operating budgets

Attachment 28

Cost Allocation Plan by KBU

30. Police Accident Reporting System

- Action:**
- A. Approve the purchase of an accident reporting system without competitive bidding, as authorized by the sole source purchasing exemption of G.S. 143-129 (e) (6), and**
 - B. Approve a contract with VS Visual Statement to purchase an accident reporting system in the amount of \$99,973.**

Staff Resource: Ron Horton, CMPD

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
- Sole sourcing is necessary since the equipment must be interchangeable and compatible with other CMPD applications
- Purchases made under the sole source exemption require City Council approval

Explanation

- At the present time, CMPD officers complete accident reports using the TRACS system which is supported by NCDMV (North Carolina Department of Motor Vehicles). Use of the TRACS system is optional; the state does not mandate the use of a specific accident reporting system. Several other law enforcement agencies throughout the state, including the Raleigh Police Department, do not use TRACS.
- CMPD's experience with the TRACS system has shown that it is time consuming for officers to fill out reports. It now takes an average of 87 minutes as compared to the 30-45 minutes required under the previous reporting application. It is also difficult to locate reports as they are processed through the system which has generated frustration for citizens.
- CMPD has made numerous requests to work with NCDMV on these issues but they have continuously been deferred by NCDMV technical staff. NCDMV concentrates its resources on supporting the system for smaller agencies that do not have their own server.
- In view of those issues, CMPD wishes to purchase a product called Report Beam which is offered by VS Visual Statement. The Report Beam system has several features which are compatible with the technology infrastructure that CMPD officers are accustomed to using.
- The current TRACS system gathers accident reports on a server and the reports are then transmitted electronically to DMV.
- VS Visual Statement will maintain that server and the reports will continue to be gathered in the DMV format. Those reports will be transferred to DMV as paper copies, as they were prior to the July 2007 conversion to TRACS, until the state has the methodology to accept electronic transfers from the new system. DMV has indicated they may not be able to accommodate the electronic transfers until sometime in 2009, when they develop a standard electronic data method for all agencies not using TRACS.
- Maintenance of the server will enable CMPD to capture the accident data as soon as the report forms are submitted by the officer. Data from those

forms is then sent to CDOT electronically, enabling both CDOT and CMPD to analyze crash data and identify high accident locations on a timely basis.

- CMPD receives no data from DMV so the conversion to Report Beam will not impact accident data collection or analysis.
- The use of Report Beam will also enable citizens to continue to be able to download accident reports from a website instead of getting them through DMV.
- CMPD estimates that Report Beam will enable officers to reduce the time needed to fill out an accident report to 30-45 minutes. CMPD projects that officers will fill out approximately 34,152 accident reports this fiscal year; if the time to fill out a report were decreased from 87 minutes to 45 minutes (the high end of the projected time reduction), officers would gain 23,906 hours per year during which they can be doing other police work including responding to calls for service, patrolling their assigned areas, and engaging in problem solving activities.
- Total cost of the system is \$99,373 for the first year with ongoing maintenance costs of \$14,323 in each subsequent year.

Small Business Opportunity

Contracts entered into without a competitive bidding/proposal process are exempt (Appendix Section 23.2 of the SBO Policy).

Funding

Police Operating Budget

31. Planning and Design Engineering Services for Neighborhood Improvement Projects

Action: Approve engineering services contracts:

- A. STV, Inc., d/b/a STV/Ralph Whitehead Associates, Inc. (STV) in the amount of \$154,214.20 for planning services for Plaza/Shamrock Neighborhood Improvement,**
- B. Armstrong Glen, PC in the amount of \$306,200 for design services for East Forest Neighborhood Improvement,**
- C. STV, Inc., in the amount of \$252,804 for design services for Nevins Neighborhood Improvement, and**
- D. STV in the amount of \$213,007 for design services for Sugaw Creek Neighborhood Improvement.**

Staff Resource: Carl Jarrett, Engineering and Property Management

This item awards four professional services contracts – one for planning and three for design. The funding for these contracts was included in the 2006 Neighborhood Improvement Bonds – planning/design funds. These funds allow for advance planning/design reducing wait time for project implementation. The approach is similar to the roads program and the three year vote to drive. Below is a summary of the Neighborhoods and Bond Year for construction.

Plaza/Shamrock	2008
Sugar Creek/Ritch Avenue	2006
East Forest	2008
Nevins	2010

The Neighborhood Improvement Program provides infrastructure improvements such as curb and gutter, sidewalk, storm drainage, street resurfacing and street trees.

Planning Phase Engineering Services for Plaza/Shamrock Neighborhood Improvement

- Nineteen engineering firms submitted qualification packages to provide services for the neighborhood projects. Chosen firms were selected pursuant to a Council approved qualifications-based selection process, performed in accordance with NC State General Statutes.
- This planning contract will include a review of existing infrastructure and identify alternatives for roadway and pedestrian improvements by conducting a series of public meetings and developing conceptual plans, planning reports and cost estimates.
- The planning phase is expected to last approximately nine to 12 months.

Design Phase Engineering Services for Neighborhood Improvement Projects: East Forest, Sugaw Creek, and Nevin

- On May 14, 2007, Planning Phase contracts were approved for 14 Neighborhood Improvement Projects. Planning phase work is now either completed or nearing completion. These design phase contracts are the first of several design contracts that will be presented to Council for approval during the next several months.
- The chosen firms were selected pursuant to a Council approved qualifications-based selection process performed in accordance with NC State General Statutes.
- The design phase is expected to last approximately 12 to 18 months. Allowances for real estate and construction phase assistance activities are also included in the contract.

Small Business Opportunity

Plaza/Shamrock Neighborhood Improvement

For services based contracts, the City negotiates SBE goals after the proposal selection process (Part C: Section 2.2 of the SBO Policy). STV included SBEs on their project team, however, the work to be completed by the consultant in this phase will not require the services of those SBEs.

East Forest Neighborhood Improvement

The City negotiated an SBE goal with Armstrong Glen, P.C. after the proposal selection process (Part C: Section 2.2 of the SBO Policy). Armstrong Glen, PC committed 0.78% (\$2,400) of the total contract amount to the following SBE firm: Boyle Consulting Engineers, PLLC (\$2,400).

Sugaw Creek Neighborhood Improvement

For services based contracts, the City negotiates SBE goals after the proposal selection process (Part C: Section 2.2 of the SBO Policy). STV included SBEs on their project team, however, the work to be completed by the consultant in this phase will not require the services of those SBEs.

Nevin Neighborhood Improvement

For services based contracts, the City negotiates SBE goals after the proposal selection process (Part C: Section 2.2 of the SBO Policy). STV included SBEs on their project team, however, the work to be completed by the consultant in this phase will not require the services of those SBEs.

Funding

2006 Neighborhood Improvement Bonds

Attachment 29

Map of neighborhoods

32. Surveying and Mapping Services for Capital Improvement Projects

- Action:**
- A. Approve a contract with Concord Engineering & Surveying, Inc. in the amount of \$250,000 for surveying and mapping services, and**
 - B. Authorize the City Manager to execute two renewals to the contract for \$100,000 each.**

Staff Resource: David Snider, Engineering and Property Management

Contracts for Surveying and Mapping Services

- Typical surveying services contracts include but are not limited to: boundary, topographical, physical, American Land Title Association Surveys, and construction staking.
- This contract will provide funding for surveying services for ongoing Capital Improvement Projects.
- Projects impacted by this contract include Neighborhood Improvement Program, sidewalk, roadway and Storm Water projects.

Contract with Concord Engineering & Surveying, Inc.

- Concord Engineering & Surveying, Inc. was selected in May 2008, pursuant to a Council approved qualifications-based selection process performed in accordance with NC State General Statutes.
- Nineteen firms responded and Concord Engineering & Surveying, Inc. was one of four firms selected. Contracts with the other three selected firms will be submitted for Council consideration on a future agenda.
- The surveying division maintains 12-month "retainer" contracts in order to provide timely response to ongoing project needs and requirements.
- The City may renew the contract up to two times in the amount of \$100,000 per 12-month period.
- The renewals are at the City's option as an incentive to the Consultant for good performance.

Small Business Opportunity

Concord Engineering & Surveying listed in their proposal the following SBEs as supporting team members: Independent Mapping Consults, Inc. and On Target Utility Locate Services, Inc. CESI will utilize these SBEs for each work order as this project evolves (Part C: Section 2.2 of the SBO Policy).

Funding

General Government and Storm Water Capital Projects

33. Inspection of Qualifying City Bridges

- Action:**
- A. Adopt a budget ordinance estimating and appropriating NCDOT funds of \$287,301.60, and**
 - B. Approve a contract for \$359,127 with Thompson-Gordon-Shook Engineers, Inc. (TGS) for the Inspection of Qualifying City Bridges.**

Staff Resource: Gus Jordi, Transportation

Explanation

- The Federal Highway Administration mandates that bridges/culverts be inspected every two years. Bridges greater than 20 feet in length qualify for federal reimbursement through the North Carolina Department of Transportation (NCDOT).
- Council approved a municipal agreement on November 12, 2007 with NCDOT to share the cost of the mandated inspections for bridges that qualify for matching funds. Under the municipal agreement, the City will be reimbursed \$287,301.60 (80%) of the cost of these inspections. The balance will be paid from the City's Bridge Program, which has an existing account balance of \$5.3 million.
- This agreement provides for inspection services for 161 bridges and culverts maintained by the City, and for over-street walkways within City-maintained streets.
- TGS was chosen using the Council-approved qualification based selection process.
- Attached is a more in-depth explanation of the City's bridge program.

Funding

The budget ordinance appropriates NCDOT reimbursement into the Bridge Capital Account (balance: \$5.3 million).

Attachment 30

Budget Ordinance
Bridge Program Overview

34. Road Construction and Closures at Rail Crossings Reimbursement Agreement for Seaboard Street

- | | |
|---------------|---|
| Action | <p>A. Authorize the CDOT Key Business Executive to execute a four-party agreement between the North Carolina Department of Transportation (NCDOT), City of Charlotte, CSX Transportation, and Norfolk Southern Corporation,</p> <p>B. Approve the First Amendment to Infrastructure Reimbursement Agreement with Fiber Mills, LLC, and</p> <p>C. Approve a resolution closing streets at railroad crossings related to Seaboard Street realignment as identified in a previously executed three-party agreement.</p> |
|---------------|---|

Staff Resources: Tom Warshauer, Economic Development
Mike Davis, Transportation
Joe Frey, Engineering and Property Management

Explanation

- On June 26, 2006, the City Council approved an Infrastructure Reimbursement Agreement (Synthetic Tax Increment Financing) with ARK Management, Inc. for the reimbursement of up to \$1,700,000 (net present value) for public street infrastructure, including a realignment and extension of Seaboard Street. Subsequent thereto, ARK Management, Inc. assigned the Infrastructure Reimbursement Agreement to a related company, Fiber Mills, LLC.
- Fiber Mills, LLC has begun construction of the Seaboard Street extension which will connect the Fiber Mills development and surrounding properties to Graham Street
- On August 27, 2007, the City Council authorized the CDOT KBE to execute a three-party agreement between NCDOT, the City, and Fiber Mills, LLC. The three-party agreement contemplates the closing of three streets at existing at-grade railroad crossings upon completion of Seaboard Street:
 - Existing Seaboard Street
 - 9th Street
 - 11th Street
- Public meetings for these closures occurred on June 11, 2008. Concerns voiced by the public included the inability of some Fourth Ward residents to cross the tracks on 9th Street to access the Pinewood/Elmwood Cemetery, and a concern by one business owner that CSX trains frequently block the private crossings at his business. When this occurs, trucks cannot access the business via 9th Street, which they do now. Concerns were addressed to the satisfaction of those concerned.
- The proposed four-party agreement provides that upon closure of the three streets at the railroad crossings, NCDOT, Norfolk Southern, and CSX will make payments to the City for costs associated with the Seaboard Street project and associated railroad closures totaling \$272,000.
- These funds will be used to recover the City's costs for installation of a new traffic signal at Seaboard and Graham Street and for staff costs. The remainder would be used to reimburse Fiber Mills, LLC for a portion of costs incurred in constructing the Seaboard Street extension through an amendment to the Infrastructure Reimbursement Agreement. The amendment provides that the maximum TIF reimbursement amount (i.e.,

\$1,700,000 net present value) will be reduced by the amount paid to Fiber Mills, LLC from the four-party agreement proceeds.

Funding

CSX, Norfolk Southern, and NCDOT

Attachment 31

Resolution

35. Lease Renewal for Neighborhood Development Code Enforcement Team at Merchandise Mart

Action: **A. Approve an extension of Neighborhood Development’s lease at the Merchandise Mart for two years at a total of \$44,660.16, and**

B. Authorize City Manager to execute the lease.

Staff Resources: Richard Woodcock, Neighborhood Development
 J. R. Steigerwald, Engineering and Property

Explanation

- Neighborhood Development first leased space for the South District Code Enforcement Team at the Merchandise Mart in May 2004. The intent was to improve efficiency by placing Code Enforcement Inspectors closer to their sectors for inspections.
- The previous lease expired during the change in ownership of the Merchandise Mart and the lease was extended for a short period on a month-to-month basis.
- The landlord has offered a two-year term lease for approximately 2,000 square feet of leased space, with the rent adjusted to a market level of \$11.00 per square foot. In the second year, the rent would be adjusted by 3%.
- Real Estate has researched this sub-market area and found the rent to be slightly lower than the average in this area.
- The adjusted rent has been included in Neighborhood Development’s budget.
- Eight inspectors, one clerical person and one Code Supervisor are located at this site.

Small Business Opportunity

Contracts for the acquisition or lease of real estate shall be exempt contracts (Appendix Section 23.4 of the SBO Policy).

Funding

Neighborhood Development Operating Budget

36. Emergency Mutual Aid Agreement

Action: Approval of NC Water and Wastewater Agency Response Network (WARN) Mutual Aid Agreement and designate the KBE as the authorized official.

Staff Resource: Barry Gullet, Utilities

Explanation

- This agreement creates a Water and Wastewater Agency Response Network (WARN) in North Carolina.
- The KBE is authorized to request mutual aid assistance from other members and is authorized to respond to requests of assistance from other members.
- WARN allows water utilities to provide peer-to-peer mutual aid support for rapid, short term deployment of emergency assistance to restore critical operations to an affected utility.
- The types of support that could be requested or provided through WARN include labor and equipment, parts, supplies, or technical or management assistance.
- Examples of situations where the agreement could be activated include damage from lightning strikes, main breaks, equipment failures, ice storms and hurricanes.
- The agreement was drafted by water and wastewater utilities across North Carolina and included input from the North Carolina Department of Environment and Natural Resources, North Carolina Emergency Management, and US Environmental Protection Agency Region IV. Partner agencies include NC American Water Works Association-Water Environmental Association, NC Rural Water Association, NC Waterworks Operators' Association, and the NC League of Municipalities.
- California and Florida led the way by developing the first statewide mutual aid agreement for utilities. The American Water Works Association picked up on the agreement and there is now a national movement for each state to develop an agreement similar to the Florida and California model. Currently there are 21 states with activated agreement, nine others are pending (North Carolina included), and another seven states are in the process of developing their agreements.
- The agreement has gone through rigorous reviews by City of Charlotte Legal, as well as attorneys for the City of Raleigh and Greenville Utilities Commission. As soon as three cities sign the agreement (Davidson Water, Inc. and the City of Rocky Mount have already signed and the City of Raleigh and Greenville Utilities are expected to sign this month), the agreement will be in effect. All other utilities across the state are eligible and it is anticipated that a large number, including most of the large cities, will sign.
- The agreement supplements the existing NC Statewide Mutual Aid Agreement which Charlotte is a part to and it can be used to supplement the Emergency Management Assistance Compact which is a state to state agreement that Charlotte has supported.
- Looking forward, the long range goal is for each state to have their own agreement, and that all the agreements would work together to form a nationwide network of mutual aid.
- Benefits of the agreement include:
 - Provisions for reimbursement and liability coverage
 - Supplements existing mutual aid agreements

- Does not require state or federal declarations in order to be activated
- Does not obligate members to commit resources or provide assistance
- Provides access to possible assistance statewide whenever members need help
- Meets Department of Homeland Security requirements for emergency expenses to be eligible for federal reimbursement
- Establishes a network of contacts and resources

Attachment 32

NCWater WARN Mutual Aid Agreement.

37. Transit Pass Sales and Advertising at Time Warner Cable Arena

Action: Authorize the City Manager to negotiate a three year contract with the Bobcats Basketball, LLC to provide in-arena advertising for an amount not to exceed \$110,500 and to provide services to sell CATS round-trip tickets in tandem with events at the Time Warner Cable Arena.

Staff Resource: Olaf Kinard, Charlotte Area Transit System

Explanation

- For nearly 20 years, CATS has used local and regional retail outlets to sell transit passes to the public. Currently there are more than 50 retail establishments selling transit passes to the public in exchange for a 10% commission.
- Individual outlet arrangements are typically month-to-month agreements that generate commission totals well under \$100,000 individually.
- In FY2007, the retail outlet structure generated more than 14% of CATS total pass sales or approximately \$800,000.
- The Time Warner Cable Arena (TWCA) conducts approximately 150 – 180 events each year, which is situated at the entrance to the LYNX Blue line's main transfer station in center city.
- Since the opening of the LYNX Blue line, the public has used the LYNX extensively to attend all the events at the TWCA. The majority of LYNX riders purchase their tickets from the Ticket Vending Machines (TVM) located at each station or from tickets sellers prior to attending a major event at the TWCA.
- In FY2008, CATS conducted advertising at the TWCA to promote rail safety and to encourage the use of the LYNX line to attend events at the TWCA. This advertising helped to create a safe light rail system for customers and pedestrians and increased ridership to events at the TWCA, including concerts, games, circus, etc.
- Utilizing the Bobcats to sell transit passes in tandem with event tickets will provide a convenient service to the public. Additionally, CATS estimates that with 150-180 events at the TWCA and approximately 3,000 – 6,000 pre-sold tickets, partnering with the Bobcats could generate from \$1.3 to \$2 million per year in pass sales for CATS.
- CATS estimates that the use of pre-selling through the Bobcats' organization can result in up to a 50% reduction in the cost to selling tickets due to the reduced demand on the TVMs, ticket stock, money replenishment activities and other administrative duties related to ticket selling.

- The Bobcats require advertising when a vendor is provided access to their customers for purposes of generating revenue. However, the annual cost of advertising in the first year, amounting to \$35,000, will be deferred by the first \$35,000 of commissions earned by the Bobcats Basketball, LLC from pass sales with no out of pocket expense to the City unless the annual commission amount fails to reach \$35,000. This same process will be used for years two and three of the contract.

Small Business Opportunity

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

Funding

Transit Operating Budget

38. Griffith Street Pump Station, Engineering Services Contract

Action: Approve a contract for \$285,300 with McKim & Creed of Charlotte, North Carolina, for construction administration of the Griffith Street Pump Station.

Staff Resource: Barry Shearin, Utilities

Explanation

- This contract will provide engineering services related to construction administration, bidding services, and construction inspection for the Griffith Street Pump Station, located in northeast Davidson.
- Project includes upgrades to the pump station, force mains, and gravity sewers in this area.
- McKim & Creed was selected using the Council-approved qualifications based selection process.

Small Business Opportunity

Committed SBE Goal: 3.85%

For service-based contracts, the City may negotiate SBE goals after proposal selection process (Part C: Section 2.2 of the SBO Policy). McKim and Creed committed 3.8% (\$11,000) of the total contract amount to the following SBE firm: Gavel Engineering.

Funding

Utilities Capital Investment Plan

39. Reimbursable Sewer Contract, Shopton Square Retail Investors I, LLC

Action: Approve a five-year reimbursable sewer main contract between Shopton Square Retail Investors I, LLC and the City of Charlotte.

Staff Resource: Barry Shearin, Utilities

Explanation

- Shopton Square Retail Investors I, LLC requests a contract for the construction of a 4,851 linear foot sewer main to serve the Shopton Square development, located at 8508 Steele Creek Road, near the intersection of Shopton Road and Steele Creek Road.
- The five-year reimbursable program enables a customer to finance capital facilities to expedite construction. Upon completion, the customer will be reimbursed for eligible costs of construction according to the procedures described in the Charlotte-Mecklenburg Utilities Extension Policy.
- The total estimate for this project is \$873,180.

Small Business Opportunity

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

Funding

The applicant has deposited 10% of the estimated project cost with Charlotte-Mecklenburg Utilities.

40. Solid Waste Interlocal Agreement with Mecklenburg County

Action: Adopt a resolution to execute an agreement with Mecklenburg County that establishes a comprehensive system for the management of recyclables, yard waste and refuse generated by the residents of Mecklenburg County, specifically those that reside within the City of Charlotte.

Staff Resource: Victoria Garland, Solid Waste Services

Explanation

- This approval of this action continues a collaborative agreement that originated in 1984 between the City and Mecklenburg County that combines solid waste disposal assets under County control and outlines the joint responsibilities of the two governmental bodies for comprehensive solid waste management.
- The original agreement was amended in 1986 to authorize the County to exercise the City's right of eminent domain to acquire property for transfer stations, recycling centers and waste-to-energy facilities.
- A second amendment in 1987 approved the State-mandated Mecklenburg County Solid Waste Management Plan dated November 1987 and extended the agreement until June 30, 2008.

- This new agreement includes a commitment by the City to implement a single-stream recycling program for residential curbside collection by July 2010, a specific target in the Council-adopted FY2009 Strategic Focus Area Plan for the Environment.
- Single-stream recycling eliminates the need for either residents or City crews to separate materials being recycled. The advantages of single-stream recycling include: reduced landfill disposal costs and increased operational efficiency by City crews. Additional background information about single-stream recycling will be included in the Council-Manger Memo of June 20, 2008.
- The County is committing to indirectly assisting the City's implementation of single-stream recycling by not increasing the City's waste disposal tipping fee above its current rate of \$26 per ton in FY2009.
- Holding the tipping fee constant will neutralize the impact on the City of a new State-mandated \$2 per ton solid waste disposal tax (effective July 1, 2008) and a scheduled 50¢ per ton CPI adjustment. Based on FY2008 waste disposal volume, holding the tipping fee flat is expected to generate City savings of \$760,000.
- Beyond FY2009, the County will increase the tipping fee based upon a percent of surcharges it pays to the landfill, plus any imposed taxes.
- In addition to single-stream recycling, this agreement defines the responsibilities of the County for providing and operating all recycling, yard waste and solid waste management facilities required to receive solid waste materials as collected by the City or its agents.
- This agreement defines the responsibilities of the City for delivery of solid waste materials to designated solid waste facilities listed in Exhibit A of the agreement.
- This agreement also establishes guidelines for revenue sharing from the sale of old corrugated cardboard and defines all other relationships not specifically mentioned above.
- The term of this agreement is 20 years.

Funding

Solid Waste Operating Budget

Attachment 33

Resolution Authorizing Execution of the Revised and Restated Solid Waste Interlocal Agreement Between Mecklenburg County and the City of Charlotte
Revised and Restated Solid Waste Interlocal Agreement

41. Airport Noise Compatibility Program

- Action:**
- A. Approve a change order with Andrew S. Harris, Inc. of Manchester, Massachusetts in the amount of \$294,500 to complete an update of the Noise Compatibility Program, and**
 - B. Adopt a budget ordinance in the amount of \$294,500 from the Airport Discretionary Fund to be repaid with future federal grants and proceeds from future General Airport Revenue Bonds.**

Staff Resource: Jerry Orr, Aviation

Explanation

- The Airport started a Noise Compatibility Program in 1989 to measure airport noise and to implement a program to mitigate the impacts of noise in certain areas around the Airport.
- Since the program's inception, the Airport has spent over \$60 million on noise mitigation in the community.
 - 549 homes purchased
 - 1,027 homes insulated
 - Eight churches insulated
 - Three schools insulated
- The Federal Aviation Administration recommends updating the Noise Compatibility Program every five years.
- In August 2002 City Council approved a contract with Andrew S. Harris, Inc. to update the Noise Compatibility Program.
- While significant progress was made toward completing the Program Update, the volatility of the aviation activity in the years after September 11 has made it impossible to finish the Update.
 - Bankruptcies of five airlines
 - Wholesale changes in aircraft serving the Airport
 - Numerous fluctuations in the number of operations at the Airport
- In order to have a Program Update that the Airport can use moving forward, it must take into account the massive changes in the industry post 9/11.
- This change order will fund the preparation of new aviation forecasts, noise contours, and revise noise mitigation measures to acknowledge our new environment as necessary to complete the program update.
- Permanent funding for this contract will come from a future Airport Improvement Program grant and proceeds from future General Airport Revenue Bonds, the debt service of which will be paid for with Passenger Facility Charge revenues.

Disadvantaged Business Opportunity

Established DBE Goal: 0%

Committed DBE Goal: 0%

The DBE program neither requires nor permits a DBE participation goal on each contract. The City may meet its annual DBE utilization goal through a mix of contract goals and DBE-neutral means. Andrew S. Harris, Inc. intends to utilize certified DBE firm, Neighboring Concepts, PLLC for a portion of this work.

Funding

Aviation Capital Investment Plan

Attachment 34
Budget Ordinance

42. Runway 18L Safety Area Improvements

Action: Approve a contract with Blythe Construction of Charlotte, North Carolina in the amount of \$690,406.25 for the construction of the Runway 18L Safety Area Improvements.

Staff Resource: Jerry Orr, Aviation

Explanation

- Federal Aviation Administration (FAA) criteria requires runways to have a 1,000 foot Runway Safety Area (RSA) beyond the end of the runway to provide a flat, grassed area for aircraft to stop in the event it overruns the runway.
- Due to the proximity of the Norfolk-Southern main line to the end of runway 18L, the runway does not have a standard RSA.
- FAA has mandated that all Runway Safety Areas be upgraded by 2015. Approved upgrades include the installation of an Engineered Material Arresting System (EMAS) bed. The EMAS bed is a series of crushable blocks that will help stop an aircraft that over runs the runway.
- In January 2008, City Council approved a contract with Engineered Arresting Systems Corporation to procure the EMAS blocks.
- This contract will fund the site preparation and the installation of the blocks.
- Funding for this contract comes from proceeds of an existing FAA Airport Improvement Program Grant and the 2004 General Airport Revenue Bonds, the debt service of which is paid for from Passenger Facility Charge revenues.

Disadvantaged Business Opportunity

Established DBE Goal: 11%

Committed DBE Goal: 5.5%

Blythe Construction, Inc. failed to submit the appropriate paperwork at the time of bid and was initially denied approval by the Airport DBE Liaison Officer. Federal Regulation requires that prior to award to another contractor, Blythe must be provided the opportunity for administrative reconsideration. A representative of Blythe met with staff providing documentation that they had performed those elements. It was confusion over the 72 hour deadline for submittal of other DBE documents that was the issue. The result of reconsideration was to approve Blythe's bid on the project. They have committed to using three certified DBE's totaling \$38,094 on the project. Although the Project Goal was not met, Blythe Construction, Inc. provided documented evidence of Good Faith Efforts to attain the goal.

Funding

Aviation Capital Investment Plan

43. Airport Escalator/Elevator Maintenance Services

Action: Approve a five-year contract with Otis Elevator Service of Farmington, Connecticut for maintenance service on the Airport's escalators and elevators.

Staff Resource: Jerry Orr, Aviation

Explanation

- This contract will provide maintenance and repair services for all of the airport's 71 moving sidewalks, escalators, and elevators.
- Request for Proposals were issued on April 27, 2008 and four vendors, Otis Elevator, Schindler, Kone and Thyssen Krup, requested the proposal package.
- On May 23 staff received proposals from Schindler and Otis Elevator. Kone and Thyssen Krup declined to submit a proposal.
- The work scope will provide required maintenance and inspection of all of the units and response to any breakdowns or failures between the hours of 6:00 a.m. and 9:00 p.m., seven days a week. Any call backs between 9:00 p.m. and 6:00 a.m. are chargeable based on their published labor rates.
- The first year's contract amount is \$570,000 with an additional \$30,000 for parts that are not included as part of the contract
- Each subsequent years' contract amount would increase based on the Producer Price Index for Metals.

Small Business Opportunity

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

Funding

Aviation Operating Budget

44. Property Transactions

Action: Approve the following property transaction(s) (A-E) and adopt the condemnation resolution(s) (F-L).

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

Acquisitions

- A. Project:** Blair Road – Albemarle Road To Allen Station, Parcel # 1
Owner(s): Taylor Oil Company, LLC
Property Address: 11325 Blair Road
Property to be acquired: 6,810 sq. ft. (.156 ac.) in Utility Easement, plus 9,866.478 sq. ft. (.227 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$24,190
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.

Zoned: B-G
Use: Commercial
Tax Code: 137-153-06
Total Parcel Tax Value: \$137,800

- B. Project:** Long Creek Pump Station, Parcel # 1
Owner(s): Clariant Corporation
Property Address: 11606 Mount Holly Road
Property to be acquired: 266,212 sq. ft. (6.111 ac.) in Sanitary Sewer Easement, plus 153,595 sq. ft. (3.526 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$150,000
Remarks: Compensation was established by two independent, certified appraisals and an appraisal review.
Zoned: CC
Use: Commercial
Tax Code: 031-441-01
Total Parcel Tax Value: \$78,400
- C. Project:** Reedy Creek Basin - Mecklenburg County, Parcel # 18
Owner(s): James Cecil Teeter
Property Address: 9400 Plaza Road Extension
Property to be acquired: 62,125 sq. ft. (1.426 ac.) in Sanitary Sewer Easement, plus 85,842 sq. ft. (1.971 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$15,000
Remarks: Compensation was established by independent, certified appraisals related to this property.
Zoned: R-3
Use: Single Family Residential - Rural Acreage
Tax Code: 108-181-02
Total Parcel Tax Value: \$1,038,100
- D. Project:** South Boulevard Left Turn Lane, Parcel # 6
Owner(s): Cavalaris Realty Company
Property Address: 7701 South Boulevard
Property to be acquired: 1,673 sq. ft. (.038 ac.) in Fee Simple, plus 197 sq. ft. (.005 ac.) in Sidewalk and Utility Easement, plus 108 sq. ft. (.002 ac.) in Utility Easement, plus 8,764 sq. ft. (.201 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$18,403
Remarks: Compensation was established by independent, certified appraisals related to this property.
Zoned: B-2
Use: Commercial
Tax Code: 173-201-05
Total Parcel Tax Value: \$663,900

- E. Project:** Southwest Water Transmission Main- Phase C, Parcel # 30
Owner(s): E & D Properties, LLC
Property Address: 12610 Steele Creek Road
Property to be acquired: 5,318 sq. ft. (.122 ac.) in Utility Easement, plus 4,242 sq. ft. (.097 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$13,700
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: I-1
Use: Industrial
Tax Code: 199-431-69
Total Parcel Tax Value: \$950,200

Condemnations

- F. Project:** Alexander Road Improvements, Parcel # 10
Owner(s): Patrick J. Sullivan And Wife, Melissa E. Sullivan And Any Other Parties Of Interest
Property Address: 6621 Mays Chapel Lane
Property to be acquired: Total Combined Area of 425 sq. ft. (.010 ac.) of Utility Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$975
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-3
Use: Single Family Residential
Tax Code: 213-372-25
Total Parcel Tax Value: \$282,800
- G. Project:** Alexander Road Improvements, Parcel # 20
Owner(s): Lance S. Mayfield And Wife, Margaret K. Mayfield And Any Other Parties Of Interest
Property Address: 7125 Alexander Road
Property to be acquired: Total Combined Area of 9,224 sq. ft. (.212 ac.) of Fee Simple, plus Existing Right-of-way, plus Sidewalk and Utility Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$3,275
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-3
Use: Single Family Residential
Tax Code: 213-191-14
Total Parcel Tax Value: \$274,100

- H.** **Project:** Alexander Road Improvements, Parcel # 21
Owner(s): Thomas A. McNeely And Any Other Parties Of Interest
Property Address: 7219 Alexander Road
Property to be acquired: Total Combined Area of 8,684 sq. ft. (.199 ac.) of Fee Simple, plus Existing Right-of-way, plus Sidewalk and Utility Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$2,600
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-3
Use: Single Family Residential
Tax Code: 213-191-15
Total Parcel Tax Value: \$310,900
- I.** **Project:** Nightingale Storm Water Capital Improvement Project, Parcel # 10
Owner(s): James P. Means And Huong T. Means, Co-Trustees Of The Means Family Living Trust And Any Other Parties Of Interest
Property Address: 8332 Park Vista Circle
Property to be acquired: Total Combined Area of 9,975 sq. ft. (.229 ac.) of Storm Drainage Easement, plus Conservation Easement
Improvements: None
Landscaping: None
Purchase Price: \$3,725
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: 221-224-53
Total Parcel Tax Value: \$124,400
- J.** **Project:** Nightingale Storm Water Capital Improvement Project, Parcel # 21
Owner(s): Vincent J. Washington And Wife, Alicia S. Washington And Any Other Parties Of Interest
Property Address: 8500 Park Vista Circle
Property to be acquired: Total Combined Area of 3,301 sq. ft. (.076 ac.) of Storm Drainage Easement, plus Conservation Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$3,375
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: 221-224-47

Total Parcel Tax Value: \$111,900

- K. Project:** Nightingale Storm Water Capital Improvement Project, Parcel # 27
Owner(s): Rebeca Arteaga Loera And Wife, Jose Guadalupe Loera And Any Other Parties Of Interest
Property Address: 11008 Blue Heron Drive
Property to be acquired: Total Combined Area of 1,130 sq. ft. (.026 ac.) of Storm Drainage Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$1,300
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: 221-214-02
Total Parcel Tax Value: \$128,900
- L. Project:** Nightingale Storm Water Capital Improvement Project, Parcel # 114
Owner(s): Jiten Pandya And Wife, Asha J. Pandya And Any Other Parties Of Interest
Property Address: 10707 Silver Pheasant Drive
Property to be acquired: Total Combined Area of 1,946 sq. ft. (.045 ac.) of Storm Drainage Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$3,300
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: 221-212-05
Total Parcel Tax Value: \$144,400

45. Meeting Minutes

<p>Action: Approve the titles, motions and votes reflected in the Clerk's record as the minutes of:</p> <ul style="list-style-type: none"> - May 12, 2008 - May 14, 2008 Budget Workshop - May 19, 2008
