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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 8, 2009

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

Item #	Page #	Title
14	14	Federal Stimulus Clean Water Grant Awards

CITY COUNCIL AGENDA
Monday, June 8, 2009

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.	First Ward Park/Parking Deck	1	
3.	Wright Avenue Improvements	2	
4.	Bus and Truck Parking for Uptown Venues	2	
5.	Answers to Mayor and Council Consent Item Questions	3	
7:00 P.M. Meeting Chamber			
Consent			
6.	Consent agenda items 21 through 38 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.	5	
Public Hearing			
7.	Public Hearing on a Resolution to Close a Residual Portion of 28 th Street	6	1
Policy			
8.	City Manager's Report	8	
9.	FY2010 Operating Budget and FY2010-2014 Capital Investment Plan	8	
10.	2009 Housing Trust Fund Project Recommendations	8	2
11.	Boulevard Homes HOPE VI Project Letter of Support	9	3
12.	Animal Ordinance Amendment	11	4

<u>Item No.</u>		<u>Page No.</u>	<u>Attachment No.</u>
13.	Business District Organization Program Revisions	12	5
Business			
14.	Federal Stimulus Clean Water Grant Awards and Bid Awards	14	6
15.	Workforce Development Board Contract Amendment	15	7
16.	2011 Annexation Resolutions of Consideration	17	8
17.	Charlotte-Mecklenburg Housing Partnership's Funding Request for Kohler Avenue Apartments	18	9
18.	Mecklenburg County 10 Year Solid Waste Management Plan	19	10
19.	Business Investment Grant for Siemens Energy Inc.	21	
20.	Mayor and Council Topics	22	
Consent I			
21.	Various Bids	24	
	A. Vegetation Maintenance and Establishment	24	
	B. Griffith Street Lift Station Rehabilitation	24	
	C. FY2009 Water Main Rehabilitation Contract	25	
	D. Airport Communication Infrastructure	25	
22.	Resolution of Intent to Abandon a Residual Portion of Stafford Drive	25	11
23.	Refund of Property Taxes	26	12
Consent II			
24.	Interlocal Agreements for Historic Landmarks Commission with Mecklenburg County and Towns of Huntersville and Matthews	27	13
25.	Municipal Agreement for US 521 and Ballantyne Commons Parkway Intersection Improvement	28	14

<u>Item No.</u>		<u>Page No.</u>	<u>Attachment No.</u>
26.	IKEA Reimbursement Agreement Amendment #2	29	
27.	CATS Security Awareness Training	30	
28.	CATS Special Transportation Eligibility Services Contract	31	
29.	Electronic Auction for Disposal of Surplus Equipment	32	15
30.	Airport Concession Contract Amendment	33	16
31.	Airport Fixed Base Operator Management Contract	34	
32.	Airport Fixed Base Operator Fuel Supplier Contract	35	
33.	Airport Telecommunications Contract	36	
34.	Accela Automation Maintenance and Support	36	17
35.	Athletic Facility at Alexander Street Park	37	18
36.	Airport Property Exchange	38	19
37.	Property Transactions	39	
38.	Meeting Minutes	42	

5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. Mayor & Council Consent Item Questions

Resource: Curt Walton, City Manager

Time: 5 minutes

Synopsis

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

2. First Ward Park/Parking Deck

Resource: Tom Flynn, Neighborhood & Business Services

Time: 20 minutes

Synopsis

- City Council approved a framework for this project in July 2008.
- The approved framework includes the following:
 - Economic development grant payments to fund gap in financing for 1,335 parking spaces, 305 of which would be primarily used by UNC Charlotte's Uptown Campus
 - City/County grant payments equal 45% of incremental taxes generated for ten years
 - Maximum estimated grant payment equals \$26.1 million
 - The City provides funds for raising Brevard and 8th Streets
 - Mecklenburg County provides funds to design and build park
 - UNC Charlotte contributes \$4.2 million
 - Levine Properties contributes \$11 million to construct parking deck and owns and operates the parking deck, assuming all risk for construction cost over-runs and operating cost losses
 - A preference for keeping 8th Street open through the park
- Staff has been negotiating with Levine Properties, the developer on this project, and has updated the Economic Development & Planning Committee on the project's progress.
- This presentation provides an update to the full Council on the following issues:
 - Terms of the Development Agreement
 - Terms for the Reimbursement Agreement for raising Brevard and 8th Streets

Future Action

- The Economic Development and Planning Committee is expected to make a recommendation on the development and reimbursement agreement during their June 15, 2009 committee meeting.
- City Council will be requested to take action during their June 22, 2009 meeting in order to keep this project on schedule with UNC-Charlotte's Center City campus.

- Mecklenburg County's Board of Commissioners is scheduled to consider this action during their July 7, 2009 meeting.

3. Wright Avenue Improvements

Resources: Ron Kimble, City Manager's Office
Bob Hagemann, City Attorney's Office
Brendan Smith, Engineering & Property Management

Time: 15 minutes

Synopsis

- Wright Avenue is located in east central Charlotte off of Castleton Road.
- Two blocks of Wright Avenue were never constructed due to default/bankruptcy of the developer.
- Seven houses are occupied, but do not front on a completed street, although right-of-way exists. The houses are currently served by an alleyway at the rear of the properties.
- A partnership of several entities including the City of Charlotte will be needed to complete the street.

Future Action

Staff requests Council refer this to a Committee.

4. Bus and Truck Parking for Uptown Venues

Resources: Ron Kimble, City Manager's Office
Mike Crum, Charlotte Regional Visitors Authority
Tim O'Brien, Engineering & Property Management

Time: 10 minutes

Synopsis

- For several years, City and CRVA staff have been looking for a site to park and stage buses and trucks that serve uptown venues such as the Blumenthal, Time Warner Cable Arena, ImaginOn, Levine Museum of the New South and Discovery Place.
- An opportunity exists to satisfy this need as well as satisfy additional parking needs of the North Carolina Music Factory and provide much needed expansion space for the Food Bank on Spratt Street (owned by the County).
- Clearing and grading of two parcels of land on Seaboard Street and entering into a joint use agreement among the City, the County, and ARK Management will accomplish these goals.

Future Action

- Staff requests permission to proceed with clearing and grading of the land in order to establish this much needed parking as quickly as possible. A right-of-entry needs to be granted by the City for ARK Management to perform this task.
- Staff also requests that the City Manager be authorized to negotiate the agreements/transactions that will govern and document the parties' commitments and obligations to each other.

5. Answers to Mayor and Council Consent Item Questions

Resource: Curt Walton, City Manager

Time: 10 minutes

Synopsis

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

7:00 P.M. MEETING CHAMBER

CONSENT

- 6. Consent agenda items 21 through 38 may be considered in one motion except those items removed by a Council member. Items are removed by notifying the City Clerk before the meeting.**

PUBLIC HEARING

7. Public Hearing on a Resolution to Close a Residual Portion of 28th Street

Action: **A. Conduct a public hearing to abandon a residual portion of 28th Street, and**

B. Adopt a resolution to close.

Staff Resources: Jeff McSwain, Transportation
 Linda Poissant, Transportation

Policy

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

Explanation

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

Petitioner

Mr. Scott Wellmon

Right-of-Way to be abandoned

A residual portion of 28th Street left over from the realignment of Davidson Street and 28th Street Intersection

Location

Located within the vicinity of NODA (Historic North Charlotte Neighborhood Association), beginning from North Davidson Street continuing northwestwardly approximately 314 feet to its terminus at Jordan Place

Reason

To incorporate the right-of-way into adjacent property owned by the petitioner to create a more viable parcel for future development

Notification

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

Adjoining property owners - None

Neighborhood/Business Associations

NODA - (Historic North Charlotte Neighborhood Association – No objections
Optimist Park – No objections
Villa Heights Neighborhood Organization – No objections
North End Partners – No objections
McCreesh Place – No objections

Private Utility Companies – No objection

City Departments

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

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

Attachment 1

Map

Resolution

POLICY

8. City Manager's Report

9. FY2010 Operating Budget and FY2010-2014 Capital Investment Plan

- City Council's Straw Votes Meeting was June 3. This agenda item will be sent in the Friday, June 5 Council-Manager Memo.

10. 2009 Housing Trust Fund Project Recommendations

Action:	<p>A. Approve a loan in the amount of \$1 million to the Charlotte Housing Authority for the rehabilitation of Strawn Tower as part of the FY2009 Housing Trust Fund Multi-Family Rental Housing Request for Proposals, and</p> <p>B. Approve a loan in the amount of \$1 million to the Charlotte Housing Authority for the rehabilitation of the Charlottetown Terrace as part of the FY2009 Housing Trust Fund Special Needs Housing Request for Proposals.</p>
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Staff Resource: Stan Wilson, Neighborhood & Business Services

Policy

- City's FY2006-FY2010 Consolidated Action Plan:
 - Approved by City Council on June 13, 2005
 - Identified 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 January 12, 2009 City Council approved a Housing Trust Fund (HTF) allocation of \$9,330,000 for Multi-Family Rental (\$6 million) and Special Needs Housing (\$3.3 million).
- Staff issued Requests for Proposals for Multi-Family Rental and Special Needs to developers. Staff received proposals, evaluated and ranked each one based on the Guidelines and Evaluation Criteria established by the Housing Trust Fund Advisory Board.
- Nine projects (six multi-family and three special needs), at a cost of \$9.3 million, are being recommended for funding.
- The Strawn Tower (multi-family rental) and Charlottetown Terrace (special needs) are included in the FY2009 HTF recommended projects for funding.
- At the June 1, 2009 City Council Workshop, the Charlotte Housing Authority requested that City Council move the funding vote on the Strawn Tower and the Charlottetown Terrace to June 8, 2009 to meet a June 16, 2009 deadline for a special allocation of federal recovery competition grants.
- Strawn Tower is located at 1225 S. Caldwell Street with 170 housing units serving seniors earning 30% or below the area median income.

- Charlottetown Terrace is located at 1000 Baxter Street with 143 housing units will serve persons meeting the federal definition of disability (physical or mental disability, drug/alcohol rehabilitation).

Project Name	Afford Units	Type	City Funding	Housing Locational Policy
Strawn Tower	170	Rehabilitation	\$1,000,000	Exempt-Rehab
Charlottetown Terrace	161	Rehabilitation	\$1,000,000	Exempt-Rehab
Totals	331		\$2,000,000	

Funding

City Housing Bonds (Housing Trust Fund)

Attachment 2

Request Letter – Charlotte Housing Authority
 FY2009 HTF Project Funding Recommendations
 Project Summary Reports
 Project Sources and Uses
 Project Proforma

11. Boulevard Homes HOPE VI Project Letter of Support



Action: Approve the Housing and Neighborhood Development Committee’s recommendation to provide a Letter of Support for the Boulevard Homes HOPE VI Application to include financial commitments as follows:

1. \$5 million for the proposed rental housing components of the application from the FY2010 Housing Bonds,
2. \$300,000 for subsidies through the City’s HouseCharlotte program for 30 off-site, for sale single-family homes, and
3. \$7 million to support the proposed on-site infrastructure from the FY2010 Neighborhood Improvement Bonds.

Committee Chair: Susan Burgess

Staff Resource: Stan Wilson, Neighborhood & Business Services

Policy

- On September 2, 2008 the Charlotte Housing Authority (CHA) briefed City Council on its plans to apply to the U.S. Department of Housing and Urban Development (HUD) for a \$20 million HOPE VI federal grant to aid in the redevelopment of the Boulevard Homes public housing community located on West Boulevard and Billy Graham Parkway. The City Council referred the request to the Housing and Neighborhood Development Committee for review and recommendation.

Explanation

- The Charlotte Housing Authority (CHA) Board of Commissioners has requested the City’s participation and commitment to the Boulevard

Homes HOPE VI application for the redevelopment of the Boulevard Homes community.

- The CHA is seeking the HOPE VI funding as a result of the challenges the agency faces with the Boulevard Homes development. These challenges are in the areas of public safety, high capital needs, functional obsolescence (built in 1969), distress in the surrounding neighborhood (adjacent property). There is also the potential for innovative partnerships.
- The CHA is seeking a \$20 million HOPE VI federal grant to aid in the redevelopment of the 300 unit public housing community. The proposed redeveloped community will have an educational theme consisting of a new PK/K-8 school, childcare facility and approximately 300-400 new housing units (250 new multi-family rental homes and 100 senior homes) with an additional estimated 900 off-site housing units included in the plan. The overall development plan is projected to cost \$150 million. The overall project leverage ratio of the City funds is approximately 12:1.
- The proposed plan includes a City investment of \$12.3 million for housing (\$5.3 million) and on-site infrastructure (\$7 million).

\$5.3 million for Housing

- Of the \$5.3 million, \$5 million of the housing funding request is proposed to be reserved in FY2010 Housing Bonds. The project financing will be made available on a project-by-project basis, subject to the general conditions and underwriting criteria of the Housing Trust Fund. Each project will be presented to City Council for final approval.

Boulevard Homes Hope VI Summary

Project Site	Location	Total Cost	Funding Sources			
			City Funding	HOPE VI	CHA	Other
Multi-Family Rental	On /Off-Site	\$88.8	\$5.0*	\$13.7	\$12.5	\$57.6
Single Family Homes	Off-Site	\$ 4.2	\$0.3**	\$ 0.9	--	\$ 3.0
Totals		\$93.0 m	\$5.3 m	\$14.6 m	\$12.5 m	\$60.6 m

The proposed \$7 million on-site infrastructure commitment will be funded from the 2010 Neighborhood Improvement Bonds.

**Funded from the FY2010 HTF Bonds*

***Funded through the HouseCharlotte Program*

- The City’s \$5 million commitment of FY2010 Housing Bonds will be invested in approximately 350 units serving households with an income at 30% of area median income or below. Additionally, the funds will be leveraged to produce an additional 350-450 affordable housing units in mixed income developments. The proposed development plan also produces market rate units in these mixed income developments and accounts for the control of a neighboring property.
- The remaining \$300,000 of the housing request represents a subsidy for the 30 single-family for sale homes. These funds would be reserved from the City’s HouseCharlotte down payment assistance program.

\$7 million for Infrastructure

- The Boulevard Homes redevelopment plan also proposes a City investment of \$7 million in infrastructure. The City's Engineering and Property Management Department projects a total infrastructure cost of \$11.8 million. The gap between the City's estimate and CHA's funding request will be funded through Hope VI and CHA funds. These funds support infrastructure needs directly associated with the HOPE VI redevelopment plan. The infrastructure funds will be made available from the FY2010 Neighborhood Improvement Bonds. The funds will be dispensed on a project-by project basis subject to the requirements and review of the City's Engineering and Property Management Department.

Committee Discussion

- The Committee discussed the Boulevard Homes Hope VI project at five meetings: November 6, 2008, December 10, 2008, February 25, 2009, April 8, 2009 and May 13, 2009.
- On May 13, the Committee unanimously approved the Letter of Support for the Boulevard Homes HOPE VI Application (Burgess, Barnes, Cooksey, Lassiter and Mitchell).

Funding

FY2010 Housing Bonds (Housing Trust Fund)
 FY2010 Neighborhood Improvement Bonds (Infrastructure)
 Federal HOME Funds (HouseCharlotte)

Attachment 3

Boulevard Homes Redevelopment Plan
 Background
 Hope VI Overview
 Proposed Site Development Map
 Project Budget and Funding Sources
 Housing and Neighborhood Development Committee Recommendation

12. Animal Ordinance Amendment

Action: Approve the Community Safety Committee's recommendation to amend Chapter 3, Section 102 (c)(3)(d) of the City Code to allow pygmy and dwarf goats to be kept as household pets and exempt from the requirement of a minimum pasture area of one-fourth acre.

Committee Chair: Warren Turner

Staff Resources: Eric Campbell, City Manager's Office
 Mark Balestra, Animal Care and Control

Explanation

- At the March 9, 2009 City Council meeting, a referral was made to the Community Safety Committee to review how pets are defined in the City Code and to make recommendations for change, if deemed necessary.

Committee Discussion

- On May 21, Mark Balestra, Bureau Manager with CMPD Animal Care and Control, reviewed Charlotte Code Animal Definitions, various pet

definitions and Animal Codes from other cities and counties with committee members.

- Staff explained that the current City ordinance does not provide a definition for a household pet. Animals are defined by species and are then regulated based on those definitions.
- During the May 21 Community Safety Committee meeting, a question was asked regarding a specific case in which a Fourth Ward resident was denied a permit to own two pygmy goats due to the lack of the one-fourth acre required by the current ordinance.
- The City's current ordinance requires that each goat, sheep or other small livestock have a minimum pasture area of one-fourth acre.
- The Fourth Ward resident has exercised his right to appeal Animal Care and Control's decision to deny his permit to the City Manager for an administrative hearing.
- The Committee voted unanimously (Kinsey, Dulin, and Peacock) to recommend amending Chapter 3, Section 102(c)(3)(d) of the City Code to allow pygmy and dwarf goats to be kept as household pets and exempt them from the requirement of a minimum pasture area of one-fourth acre.
- Passage of this amendment would not exempt pygmy and dwarf goats from the nuisance requirements of the current ordinance.

Attachment 4

Ordinance Amendment

13. Business District Organization Program Revisions



Action: Approve the Economic Development and Planning Committee's recommendation to revise the Business District Organization Program in the following areas:

- 1. Matching ratio – City will now match 2:1 instead of 1:1,**
- 2. City match – increased from \$10,000 max. to \$30,000 max,**
- 3. Board requirements – must be minimum of 50% business instead of 75%, and**
- 4. Non-profit status – pending 501 (c)(3) or (c)(6) status is acceptable**

Committee Chair: John Lassiter

Staff Resources: Tom Warshauer, Neighborhood & Business Services
John Short, Neighborhood & Business Services

Policy

City Council's Economic Development Focus Area encourages the redevelopment of distressed business districts to provide services and jobs to Charlotte's residents and neighborhoods.

Explanation

- The Business District Organization Program (BDOP), approved by City Council in December 2002, was designed to support growth in the

identified distressed business corridors by fostering the growth and expansion of business district organizations.

- Two organizations have used BDOP matching funds: Freedom Drive Development Association and NorthEnd Partners. These organizations have proven to be effective as sources of information and a forum for networking and problem-solving for their corridors.
- Research of similar national programs designed to assist business organizations showed marketing and promotional activities to be critical to the success of business district organizations. These organizations operated with annual budgets in the \$40,000-\$50,000 range.
- Expansion of the BDOP grant will enable Charlotte's business district organizations to widen their capabilities and develop new methods of attracting patrons/residents to their corridors.

Recommended Program Revisions

- Expand City's contribution from 1:1 to 2:1, where the City will match two dollars to every one dollar raised by the organization.
- The City's maximum grant award will increase from \$10,000 to \$30,000. Organizations will continue to be reimbursed based on actual receipts of approved expenses, not to exceed the new \$30,000 limit. Under the new matching ratio, the City would award \$30,000 to an organization if it raises/spends \$15,000 or more on approved expenses.
- Currently, the governing boards of each organization must be comprised of a minimum of 75% businesses. The revisions will allow that requirement to be lowered to a minimum of 50%. This is to encourage organizations to form in communities where neighborhood leaders have a strong presence and can encourage businesses and neighborhoods to form strong partnerships.
- Groups that have a pending 501 (c)(3) or (c)(6) status will be eligible for the grant. This change was made because the process for acquiring non-profit tax status is often lengthy and could impede a legitimate business group from participating in the program.

Committee Discussion

- On May 13, 2009 the Economic Development and Planning Committee voted unanimously (Lassiter, Foxx, Mitchell and Kinsey) to recommend approval of the changes to the Business District Organization Program.
- The Committee also directed staff to continue working on a start-up guide to assist organizations in their formative stages and to develop measures to ensure funds are being distributed to reputable associations.

Funding

Development and Revitalization Fund - \$400,000 annually

Attachment 5

Program Revisions - Comparison between current and proposed BDOP programs

BUSINESS

14. Federal Stimulus Clean Water Grant Awards and Bid Awards



- Action:**
- A. Adopt a budget ordinance allocating federal stimulus funds to the Storm Water Stimulus Fund in the amount of \$1,772,006.35,**
 - B. Award the low bid of \$331,510.30 by 8 Star Construction Company, Incorporated for Revolution Park Water Reuse Pond, contingent upon State approval, and**
 - C. Award the low bid of \$1,440,496.05 by Shamrock Environmental Corporation for Muddy Creek Watershed Restoration, contingent upon State approval.**

Staff Resource: Daryl Hammock, Engineering & Property Management

Explanation

- On March 9 and April 13, Council approved resolutions and applications to the North Carolina Division of Water Quality for Federal Clean Water funding.
- On April 24, staff was notified of two projects receiving stimulus funding awards: The Muddy Creek/Campbell Creek Restoration and the Revolution Park Water Reuse project.
- The stimulus funding award is \$1,772,006.35, 50% of which will need to be repaid interest free within 20 years. The State will review and approve the bid awards and will reimburse the City for actual costs.
- Construction on both projects will begin in June to comply with federal grant requirements.

Revolution Park Water Reuse Pond

- The Revolution Park Water Reuse Pond Project, located adjacent to Barringer Drive and I-77, will result in a two acre lake to filter storm water pollutants, provide a source of water for irrigation and reduce the demand for potable water. Construction completion is scheduled for fourth quarter of 2009.

Muddy Creek Watershed Restoration

- The Muddy Creek Watershed Restoration will restore and enhance 7,373 linear feet of stream and 6.1 acres of wetland along Muddy Creek and Eastland Branch, tributaries to Campbell Creek in the McAlpine Creek watershed. Four storm water best management practices (BMPs) will detain urban stormwater runoff and enhance and protect forested riparian (stream bank) areas. A new 27.9 acre riparian wildlife habitat conservation area will also be created. The project area is roughly bounded by Albemarle Road to the north, Independence Boulevard to the west, Idlewild Road to the south and Farm Pond Lane to the east. Construction competition is scheduled for the third quarter of 2010.

**Revolution Park Water Reuse Pond Project
Disadvantaged (MBE/WBE) Requirements**

MBE Goal: 8%
WBE Goal: 5%
Committed MBE Goal: 93%
Committed WBE Goal: 7%

It is a federal requirement that recipients for a federal loan follow the Disadvantaged Minority (MBE) and Women (WBE) Business Enterprise Program. The bidder must take steps to award subcontracts to minority and women businesses and to undertake good faith effort requirements. 8 Star Construction Company, a certified MBE firm, will perform 93% of the work with its own forces. They committed 7% to HowDel Trucking, a certified WBE firm.

**Muddy Creek Watershed Restoration Project
Disadvantaged (MBE/WBE) Requirements**

MBE Goal: 8%
WBE Goal: 5%
Committed MBE Goal: 9%
Committed WBE Goal: 8.82%

Shamrock Environmental Corporation committed 9% to the following certified MB firms: Hazel Holmes Trucking and W.G.K., Incorporated and 8.82% to Habitat Assessment & Restoration Program, Incorporated, a certified WBE firm.

Funding

Federal Stimulus Clean Water Grant and Storm Water Capital Investment Plan

Attachment 6

Budget Ordinance

15. Workforce Development Board Contract Amendment



Action:

- A. Amend the City’s contract with the Charlotte-Mecklenburg Workforce Development Board by \$248,450 to administer employment training programs prescribed by the American Recovery & Reinvestment Act Of 2009, and**
- B. Adopt a budget ordinance appropriating \$248,450 of American Recovery & Reinvestment Act of 2009 grant funding for local workforce development programs.**

Staff Resources: Tom Flynn, Neighborhood & Business Services
Deborah Gibson, Workforce Development Board
Executive Director

Explanation

- On April 13, 2009 Council amended the City’s contract with the Charlotte-Mecklenburg Workforce Development Board (WDB) by up to \$4.3 million to administer employment training and job placement programs prescribed by the American Recovery & Reinvestment Act of 2009 (Recovery Act).
- On May 7, 2009 the City received notification from the North Carolina Department of Commerce that it will receive an additional \$248,450

from the Recovery Act to support the Governor's Charlotte Workforce Recovery Project.

- The City is required to contract with the Charlotte-Mecklenburg WDB for expenditure of funds.
- NC Department of Commerce directed the WDB to use the funds in the following manner:
 - A \$208,450 contract with the University of North Carolina at Charlotte (UNCC) to redesign and deliver four high Continuing Education and/or Graduate-Credit Certificate Programs on an accelerated schedule in order to respond to the retraining needs of displaced workers in the Charlotte region
 - Continuing Education Certificate Programs, which typically take four to nine months to complete, will be redesigned and delivered in four to six weeks.
 - Graduate-Credit Certificate Programs, which typically take 12 to 15 months to complete, will be redesigned and delivered in five to eight months.
 - Participants will be referred to UNCC by the Charlotte-Mecklenburg WDB, Gaston County WDB and the Centralina WDB, which serves Anson, Cabarrus, Iredell, Lincoln, Rowan and Union counties.
 - UNCC expects to enroll approximately 100 dislocated workers through this grant, but has indicated an ability to accommodate up to 200 depending on demand.
 - The balance of the grant (\$40,000) is to be used to support the hiring of a project manager at UNCC for 18 months to ensure ongoing coordination with the WDB of the overall recovery effort.
- The funds are to be spent by December 31, 2010.

Background

- The WDB is responsible for implementing the federally funded Workforce Investment Act (WIA) that provides job training and assistance to unemployed and underemployed workers in Mecklenburg County.
- The City serves as the fiscal agent for the program and contracts with the WDB on an annual basis to implement WIA services.

Funding

American Recovery & Reinvestment Act of 2009

Attachment 7

Budget Ordinance

16. 2011 Annexation Resolutions of Consideration

Action: Adopt a Resolution of Consideration for each of eight 2011 Annexation Study Areas.

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

Policy

City Annexation Policy and State Annexation Statutes

Explanation

- Per State law and City policy, areas to be considered for annexation are identified at least one year prior to beginning of formal annexation procedure.
- This is accomplished through adoption of Resolutions of Consideration, which delineate the geographical areas under study for annexation.
- Planning staff identified eight areas suitable for evaluation to determine eligibility for annexation by examining the amount of existing development and the potential for additional development (based upon re-zonings and subdivision approvals) over the next year.
- In order to maintain the City's established schedule of undertaking annexations every two years, the study areas need to be identified at this time in order to conform to the 2011 annexation schedule.
- Individual Resolutions of Consideration are to be adopted for each of the eight annexation study areas. The eight study areas are:
 - Sandy Porter – located west of City limits between S. Tryon Street and I-485
 - Rhyne – located northwest of City limits at I-485 and Mt. Holly Road
 - Mt. Holly – located northwest of City limits between Mt. Holly Road and the river
 - Riverbend – located northwest of City limits near Harwood Lane and the river
 - Rozzelle's Ferry – located northwest of City limits along NC16 at Mountain Island Lake
 - Coventry – located northeast of City limits, south of NC49 at I-485
 - Camp Stewart – located east of City limits, north of Albemarle Road along I-485
 - Sledge – located southwest of City limits, west of Steele Creek Road, north of McDowell Park
- Following adoption of Resolutions, City Council must wait one full year (but not more than two years) before initiating formal annexation proceedings for these areas.
- Detailed studies will be conducted in the coming year to determine what part (or all) of each study area qualifies for annexation.
- Qualifying areas will be submitted in July 2010 for City Council consideration for annexation.
- Areas identified would be considered for annexation effective June 30, 2011.
- The following is a preliminary timetable of City Council actions in this annexation process:
 - June 8, 2009 – Adopt Resolutions of Consideration, outlining areas which may be eligible for annexation effective June 30, 2011

- July, 2010 – Adopt Resolution of Intent, giving specific boundaries of proposed annexation areas, and approve annexation reports for those areas
- October, 2010 – Hold Annexation Public Hearing
- November, 2010 – Adopt Annexation Ordinances
- June 30, 2011 – Effective Date of Annexation

Attachment 8

Resolutions of Consideration
2011 Annexation Study Area Maps

17. Charlotte-Mecklenburg Housing Partnership's Funding Request for Kohler Avenue Apartments

Action: Approve the Charlotte-Mecklenburg Housing Partnership's request for additional funding in the amount of \$908,317 from the Double Oaks set-aside from the 2008 Housing Bonds for the construction of the 48 unit Kohler Avenue Apartments.

Staff Resource: Stan Wilson, Neighborhood & Business Services

Policy

- City's FY2006-FY2010 Consolidated Action Plan:
 - Approved by City Council on June 13, 2005
 - Identified 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

- The Kohler Avenue Apartments site is located at 1238 Kohler Avenue in the Double Oaks neighborhood. The proposed new development will consist of 48 rental units, 12 of which will serve households earning 30% and below the area median income (AMI). The remaining 36 will serve households earning 50% and below AMI.
- On June 11, 2007 City Council approved a loan in the amount of \$430,000 to the Charlotte-Mecklenburg Housing Partnership (CMHP) to develop the Kohler Avenue Apartments.
- On July 23, 2007 City Council approved the Double Oaks Redevelopment Plan and Housing Trust Fund set-aside of \$5 million for rental housing, (\$2.5 million FY2008 and \$2.5 million in FY2010).
- The CMHP is requesting additional loan funds (\$908,317) due to the following:
 - A significant drop in tax credit equity, which means the tax credits will yield less money for the project. As a result, an additional \$541,776 is needed to fund the project.
 - The project was redesigned for a smaller site to adhere to the redevelopment plan which contributed to increased costs based on recent construction bids. Actual costs are projected to be \$366,541 over the original estimate.
- The CMHP is requesting to use the Double Oaks set-aside funds to meet the funding gap.

- The funds are requested from the set-aside because the Kohler Avenue Apartments are included in CMHP's commitment to replace 300 affordable units in the Double Oaks neighborhood, including 75 units at 30% of AMI.
- The CMHP began construction on 120 of the 300 affordable units in June 2009 and anticipates beginning construction on 96 additional units in August 2009.
- The start of the project has been delayed due to market instability that required a change in investors.
- The additional \$908,317 will increase the City's loan amount to \$1,338,317. This represents a City investment of \$27,882 per unit. The total development cost is \$5,959,588 and the overall leverage ratio is 1:4.45.
- A balance of \$1,591,683 will remain from the Double Oaks Housing Trust Fund set-aside funds from the FY08 housing bonds.
 - Double Oaks Set-Aside \$2,500,000 (FY2008 bonds)
 - Less:
 - Kohler Avenue Apartments - \$ 908,317
 - Remaining set-aside funds \$1,591,683

Funding

Housing Trust Fund (Housing Bonds) – Double Oaks set-aside

Attachment 9

CMHP Funding Request Letter

Project Summary

Project Sources and Uses

Project Pro-forma

Kohler Avenue Apartments Information

18. Mecklenburg County 10 Year Solid Waste Management Plan

Action: Adopt a resolution approving the Mecklenburg County 10 Year Solid Waste Management Plan dated July 1, 2009.

Staff Resource: Victoria Garland, Solid Waste Services
Bruce Gledhill, Mecklenburg County Solid Waste Services

Explanation

- North Carolina General Statute 130A-309.09A(b) requires all units of local government to prepare and approve a 10 year solid waste management plan.
- This same statute requires that mandatory updates to the plan be submitted at least every three years, the current revision being due by June 30, 2009. The Mecklenburg County Solid Waste Management Plan was first adopted in September 1988 and subsequently amended in 1990, 1992, 1997, 2000, 2003 and 2006.
- Local governments included within this Plan are Mecklenburg County and the municipalities of Charlotte, Cornelius, Davidson, Huntersville, Matthews, Mint Hill and Pineville (collectively called the Planning Area).
- This 2009 update addresses changes in the Planning Area's waste management programs that occurred since 2006.
- The Plan emphasizes waste reduction programs in the residential, commercial and construction & demolition (C&D) waste sectors that will

- achieve a 35% overall reduction in the per capita waste disposal by FY2019. The reduction goal is based on FY1999 benchmark data.
- The waste reduction goal was set by the Planning Area Steering Committee which included representatives from each local government and the County-appointed Waste Management Advisory Board. Consideration in setting the goal was given to existing and planned solid waste management programs.
 - Specific waste reduction goals by waste category are listed below.
 - Reduce annual per capita residential waste disposal from 840 pounds in FY2008 to 680 pounds by FY2012 using initiatives that include:
 - Implementation of Single Stream curbside recycling collection to increase recycling volume
 - Exploration of collecting additional materials, e.g. paper milk cartons, small beverage paper cartons
 - Continued promotional partnerships (Curbside Value Partnership, Recycle and Win)
 - Reduce annual per capita commercial waste disposal from 1,740 pounds in FY2008 to 1,582 pounds by FY2012 using initiatives that include:
 - Continued enforcement of the Source Separation Ordinance
 - Single Stream service to City of Charlotte, Charlotte-Mecklenburg Schools, Central Piedmont Community College and other governmental facilities
 - Promote food waste recycling
 - Reduce annual per capita C&D waste disposal from actual 760 pounds in FY2008 to 640 pounds by FY2012 using initiatives that include:
 - Continuing to provide recycling opportunities for clean wood, concrete and drywall at Foxhole Landfill
 - Support recycling of C&D waste generated by new construction, retrofits and renovations
 - Development of mixed C&D processing capacity
 - Consider Source Separation Ordinance type mandatory recycling
 - On May 5, 2009, Mecklenburg County Board of Commissioners adopted this Solid Waste Management Plan.

Attachment 10

Resolution

Mecklenburg County 10 Year Solid Waste Management Plan Dated July 1, 2009

List of Steering Committee and Waste Management Advisory Board Members

19. Business Investment Grant for Siemens Energy Inc.

Action: Approve the City share of a Business Investment Grant to Siemens Energy Inc. for a total estimated amount of \$811,756 over eight years (total City/County grant estimated at \$2,296,317).

Staff Resources: Brad Richardson, Neighborhood & Business Services
Tom Flynn, Neighborhood & Business Services

Policy

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

Explanation

- Siemens Energy, Inc. (Siemens), headquartered in Orlando, develops and builds power plants and power generating components, including alternative energy devices such as wind turbines.
- Siemens employs 740 people at its Charlotte facility on Westinghouse Boulevard, which is within the Business Investment Zone.
- Siemens recently selected Charlotte for the consolidation of their engineering functions and plans to construct a \$12 million LEED-certified office building and install approximately \$40 million of machinery and equipment by 2013.
- This project meets all of the Council-approved requirements for a Business Investment Grant:
 - A taxable investment of approximately \$52 million
 - Creation of 240 new jobs with an average annual wage of \$65,000 by 2013 (164% of the local average)
 - There was competition for this project from Orlando, Florida.
- Additionally, the expansion is estimated to have a total direct economic impact of \$50.2 million per year on Charlotte's economy, and generate average annual tax revenues of \$402,000 for the City.
- City Council indicated their intent to approve a Business Investment Grant to Siemens in a closed session on January 12, 2009.
- The Board of County Commissioners indicated their intent to approve a Business Investment Grant to Siemens in a closed session on January 21, 2009.
- On May 14, 2009, Siemens was awarded a Job Development Investment Grant from the State of North Carolina valued at approximately \$2.7 million over 9 years.
- Siemens anticipates the \$40 million machinery investment to occur over several phases, and has requested the grant agreement include two overlapping five year terms. Staff recommends a five year term beginning in FY2011 (which includes the office building) and a second five year term beginning in F2014, for a total grant term of eight years.
- If approved, the following schedule is an estimate of the Investment Grant payments to Siemens. This estimate is the City and County share of the grant and represents 90% of net new property taxes paid by the company over the terms:

Year	City	County	Totals
1	\$122,997	\$224,939	\$347,936
2	\$114,742	\$209,843	\$324,585
3	\$107,312	\$196,256	\$303,568
4	\$168,666	\$308,461	\$477,127
5	\$155,252	\$283,929	\$439,181
6	\$53,450	\$97,750	\$151,200
7	\$47,341	\$86,579	\$133,920
8	\$41,996	\$76,804	\$118,800
Total	\$811,756	\$1,484,561	\$2,296,317

- 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 five 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 approved the Business Investment Grant to Siemens on June 2, 2009.

Funding

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

20. Mayor and Council Topics

Council members may share information and raise topics for discussion.

Introduction to CONSENT

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

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

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

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

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

Contractors and Consultants

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

CONSENT I

21. Various Bids

A. Vegetation Maintenance and Establishment

EPM

Staff Resource: Isaac Hinson, Engineering & Property Management

Action

Award the low bid of \$104,117 to Carolina Wetland Services, Inc. and authorize the City Manager to renew this annual contract one time. This contract provides comprehensive planting and invasive plant management services for stream restoration, wetland and other water quality improvement projects constructed by Storm Water Services. Consistent with the Council Focus Plan for the Environment, the work will involve the installation of vegetation for stabilization of stream banks, stream buffers, ponds and wetlands. Vegetated stream banks and wetlands are essential for erosion prevention, water quality improvement and generation of mitigation credit, which will help offset environmental impacts of City construction projects. The renewal is at the City's option as an incentive to the contractor for good performance, productivity and quality work.

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). However, the recommended prime bidder, Carolina Wetlands Services, is an SBE.

B. Griffith Street Lift Station Rehabilitation

CMU

Staff Resource: Doug Bean, Utilities

Action

Award the low bid of \$960,365.70 by Gilbert Engineering Company for the upgrade of the Griffith Street lift station, located in the Town of Davidson. Upgrades to this lift station will increase the station's capacity and reliability, which are needed due to expanding growth in the area and the lift station's age. The lift station is over 30 years old and is within 30 feet of Lake Norman.

Small Business Opportunity

Established SBE Goal: 5%

Committed SBE Goal: 6.35%

Gilbert Engineering exceeded the SBE established goal and committed 6.35% (\$61,000) to the following SBE firms: D's Trucking, Vector Electric and Ms. Sybil's Seeding.

C. FY2009 Water Main Rehabilitation Contract**CMU****Staff Resource:** Doug Bean, Utilities**Action**

Award the low bid of \$1,484,752.52 by Heitkamp, Inc. This project provides for the cleaning and epoxy lining of aged water mains throughout Mecklenburg County that have reached the end of their service life. Rehabilitation is done throughout the year based on water quality complaints received from customers.

Small Business Opportunity

Established SBE Goal: 5%

Committed SBE Goal: 5.54%

Heitkamp exceeded the SBE established goal and committed 5.54% (\$82,280) of the total contract amount to the following SBE firms: Hertz Service Pump & Compressor, Hydratech, Conmat Development, Shipp's Fire Equipment and Victor Melton Construction.

D. Airport Communication Infrastructure**Aviation****Staff Resource:** Jerry Orr, Aviation**Action**

Award the low bid of \$233,820.64 by Enterprise Systems to provide the equipment necessary to activate the fiber optic backbone between the Airport's Maintenance Facility on Wilkinson Boulevard and the Airport Terminal. The backbone will support the various forms of communication including the Business Valet Deck's revenue control and Closed Circuit TV, the office and warehouse data communication, and other future communications including active signage for the parking lots and roads.

Small Business Opportunity

Pursuant to Part B: Section 2.4 of the SBO Program, no SBO utilization goal was set for this contract because subcontracting is not anticipated.

22. Resolution of Intent to Abandon a Residual Portion of Stafford Drive

Action: **A. Adopt the Resolution of Intent to abandon a residual portion of Stafford Drive, and**

B. Set a public hearing for July 27, 2009.

Staff Resources: Jeff McSwain, Transportation
 Linda Poissant, Transportation

Attachment 11

Map

Resolution

23. Refund of Property Taxes

Action: Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$1,449.55

Staff Resource: Henry Simmons, Finance

Attachment 12

List of refunds

Resolution

CONSENT II

24. Interlocal Agreements for Historic Landmarks Commission with Mecklenburg County and Towns of Huntersville and Matthews

Action: **A. Approve by resolution, Historic Landmarks Commission Interlocal Cooperation Agreements with Mecklenburg County, the Towns of Huntersville and Matthews for the Charlotte-Mecklenburg Historic Landmarks Commission to add Huntersville and Matthews to the municipalities served by the Commission, and**

B. Authorize the City Manager or his designee to sign the Interlocal Agreements on behalf of the City.

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

Explanation

- The Charlotte-Mecklenburg Historic Landmarks Commission (HLC) has worked with the Town of Huntersville and the Town of Matthews on admitting Huntersville and Matthews to the joint preservation commission. Huntersville and Matthews, if admitted, would become the third and fourth municipalities respectively to join with the City and County in working as a joint preservation commission.
- The addition of Huntersville and Matthews 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 Huntersville and Matthews will both 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. The County funds 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.
- The interlocal agreements are necessary to admit Huntersville and Matthews.

Benefits

- Adding the new municipalities will benefit the municipalities by allowing them to use the current HLC instead of having to create a new historic preservation commission in their towns.
- The municipalities will benefit from being able to tap the experience available through the HLC.
- The HLC will benefit by being able to make sure the landmark approvals are consistent throughout the County, and that any preservation work is performed in a consistent manner throughout the County.
- The City will benefit from consistency achieved so that projects will not be approved that are so out of the ordinary that they affect the landmark designation and preservation process as handled within the City.

Background

- 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.
- Subsequently, during the June 23, 2008 City Council Meeting, the City Council approved an amendment to the interlocal agreement which admitted the Town of Davidson to the joint preservation commission.

Attachment 13

Resolutions

25. **Municipal Agreement for US 521 and Ballantyne Commons Parkway Intersection Improvement**

- Action**
- A. Adopt a resolution authorizing the Key Business Executive for Transportation to execute a Municipal Agreement with the North Carolina Department of Transportation (NCDOT) for the US 521 and Ballantyne Commons Parkway Intersection Improvement Project in the amount of \$582,000, and**
- B. Adopt a budget ordinance appropriating \$582,000.**

Staff Resources: Andy Grzymiski, Transportation
Veronica Wallace, Transportation

Explanation

- The City is designing and installing a second left turn lane from eastbound Ballantyne Commons Parkway to northbound Johnston Road within the existing median. A pedestrian refuge in the existing median, along with wheelchair ramps, pavement markings, and pedestrian signals will be added as part of the project.
- The City secured a federal grant through the Federal Highway Administration in the amount of \$582,000. This grant will be administered by NCDOT. By approval of this resolution, the NCDOT agrees to reimburse the City up to \$582,000 for the work.
- A Municipal Agreement between the City and NCDOT is necessary for the City to be reimbursed.
- The format and cost sharing philosophy is consistent with past municipal agreements.

Funding

Federal Highway Administration Grant and Transportation Capital Investment Plan

Attachment 14

Resolution
Budget Ordinance

26. IKEA Reimbursement Agreement Amendment #2

Action: Approve Amendment #2 to the IKEA Reimbursement Agreement with Crescent Resources, extending the completion date for IKEA Boulevard Extension by one year to April 2014 and extending the date by which Crescent must request the first payment by one year, to March 2013.

Staff Resource: Tom Flynn, Neighborhood & Business Services

Explanation

- IKEA Boulevard Extension provides a number of benefits, including:
 - Part of an overall proposed road network that supports the planned at-grade intersection of North Tryon and City Boulevard
 - Contributes to the accessibility of IKEA, which is projected to generate \$400,000 per year in City sales tax revenue from visitors outside Mecklenburg County
- Council approved the Infrastructure Reimbursement Agreement in December 2007. The major points of this agreement are:
 - City pays Crescent 90% of tax increment for 10 years, not to exceed \$5.4 million, for construction of IKEA Boulevard Extension.
 - Future development along IKEA Boulevard Extension will conform to the design and land use patterns established in the University City Area Plan
- Amendment #2 provides additional time for construction of IKEA Boulevard Extension by Crescent Resources.
- Additional time is needed because:
 - Negotiations took longer than expected with the property owner at the new intersection of IKEA Boulevard Extension and McCullough Drive.
 - Negotiations resulted in a roundabout design for the new intersection. This design resulted in less land acquisition and lower total cost for the road, which avoided the possible need for the City to condemn for right-of-way.
- The additional time needed to construct IKEA Boulevard Extension will result in a longer build out period for the development along IKEA Boulevard Extension. Therefore, the timeframe for Crescent requesting the first payment should be moved back one year to compensate for the longer time required for development along IKEA Boulevard Extension.
- Amendment #1 provided \$35,000 toward the cost of redesigning the intersection of Ikea Boulevard Extension and McCullough Drive.

Small Business Opportunity

The Infrastructure Reimbursement Agreement established a 10% SBE goal for this project.

27. CATS Security Awareness Training

Action: Approve a one year contract with K&J Safety and Security Consulting Services for Security Awareness Training which is required for all CATS employees for an amount not to exceed \$175,000.

Staff Resources: Marvin Bohon, Transit
Robert Nipper, Transit

Explanation

- The Department of Homeland Security (DHS) determined from the September 11 report that all of U.S. mass transit is to be considered a target for terrorist actions. DHS is therefore requiring that mass transit agencies train their employees on what to look for in reference to terrorist threats and how to be vigilant.
- In April 2008, City Council approved the execution of a Supplemental 2008 Homeland Security Grant in the amount of \$977,518 for several projects in the FY2008 Capital Investment Plan including Security Awareness Training.
- In May 2008, DHS awarded CATS a grant to provide a Security Awareness training class to all CATS employees.
- Security Awareness Training focuses on enhancing the capability of CATS employees to identify, report, and react to suspicious activity and security incidents.
- Safety is CATS' number one priority. The DHS grant will fund vital training that will help transit employees gain an understanding of:
 - Terrorism
 - How to recognize suspicious activity
 - How to recognize dangerous behaviors
 - To identify hazardous packages
 - This will help CATS to create and maintain a safe and secure environment
- On April 17, 2009, a Request for Proposals to provide the security awareness training was advertised. Five firms submitted proposals.
- K&J Safety and Security Consulting Services was chosen because of their experience with this type of training and their proposed training schedule is the best for CATS' needs while staying within the budget.
- CATS will offer 75 training sessions with over 1,300 CATS employees participating. Each training session will require four hours, totaling 300 hours of Security Awareness training.

Disadvantaged Business Enterprise Opportunity

Pursuant to DOT DBE Program, Subpart C, no DBE utilization goal was set for this contract because no subcontracting opportunities are available.

Funding

Homeland Security Grant and Transit Capital Investment Plan

28. CATS Special Transportation Eligibility Services Contract

- Action:**
- A. Approve a three year contract with Carolinas HealthCare System's Charlotte Institute of Rehabilitation - Vocational Services (CIR) for eligibility determination for an amount not to exceed \$450,000, and**
 - B. Authorize the City Manager to exercise up to two, one year contract extension options.**

Staff Resource: Pete Wallace, Transit

STS Passenger Eligibility Certification Process

- In September 2002, the Metropolitan Transit Commission adopted an Americans with Disabilities Act Paratransit Improvement Plan for CATS' Special Transportation Services (STS).
- CATS operates a paratransit STS fleet of 85 specially equipped vehicles providing fully demand responsive door-to-door transport for the disabled. These services include 240,000 rides and 2.7 million miles traveled annually.
- The Plan included a recommendation to tailor the STS eligibility process to be further in-line with federal requirements and to ensure that CATS would certify those customers most in need of services.
 - Customers determined able to use fixed route bus services receive instructions on how to use those services.
- On July 24, 2006, CATS instituted a three-step eligibility process, which includes an application, in-person interview and functional assessment in accordance with the plan's recommendations.
- CATS contracted with an independent and clinically professional third party, Carolinas HealthCare System's Charlotte Institute of Rehabilitation Vocational Services (CIR), to conduct the new eligibility process and make recommendations to CATS.
- The three-step eligibility process reduced the rate of customer growth from a five-year average of 7.8% per year to and yearly average of 2.7%. This dramatically reduced the need to expand the STS fleet and to hire additional staff to meet demand.
- As of April 30, 2009, of the 4,129 new applications for eligibility that were mailed to potential customers:
 - 32% of the recipients chose to complete the eligibility process
 - 1,629 eligibility certifications were completed and, 159 were deemed ineligible
 - 845 previous customers chose to transition to the fixed route bus services
 - CATS provides training to previously certified and ineligible riders on how to access and ride fixed route bus services.
 - The average cost to provide STS service to one person for a whole year is approximately \$15,000.
- The existing agreement ends July 1, 2009.

Request for Proposal (RFP) Process

- On March 4, 2009, a RFP was publically advertised. Two firms acknowledged interest in the service. Charlotte Institute of Rehabilitation (CIR) was the only firm to submit a proposal.

- CATS contacted the other firm interested in the project to assess the rationale for not submitting a proposal. That firm identified the work as very specialized and requiring additional personnel outside the firm's skill sets.
- CIR has considerable experience working with persons with disabilities. Their clinical assessment expertise and local footprint has been positive for the work they have performed for CATS.
- CIR maintained the original pricing structure throughout the first contract's term without any inflationary increases, and has agreed to maintain that same pricing for the term of the new contract with no cost increases for any service performed.
- The three year average cost per certification is \$96.96.
- As of April 30, there were 2,669 STS certified customers for FY2009. The recertification process will start again in the third year of the new contract. CATS projects there will be 4,200 STS customers by that time.

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

Transit Fund Operating Budget

29. Electronic Auction for Disposal of Surplus Equipment

Action: A. Adopt a resolution declaring specific equipment as surplus, and

B. Authorize said items for sale by electronic auction beginning June 15, 2009, and ending July 5, 2009.

Staff Resource: Charles Robinson, Business Support Services

Explanation

- Pursuant to North Carolina G.S. 160A-270(c) approval is requested for two electronic auctions as follows:
 - Beginning June 15, 2009 and ending July 5, 2009, four units of fire equipment will be offered for electronic auction.
 - Each auction will contain two units of fire equipment with reserve prices on each unit.
 - The reserve price is the lowest price at which the City wishes to sell the fire equipment. If the reserve price is not met in the electronic auction, the City is not obligated to sell the fire equipment and may reserve the items for future auctions.
- The City wishes to auction this fire equipment now as opposed to storing it for the remaining four months until the next live public auction on September 19, 2009.
- By auctioning this equipment off now, Business Support Services (BSS) will avoid additional out-of-service maintenance to these fire units and will also be able to better access and use the storage facility that would otherwise be required to house these four fire units.
- BSS currently contracts with Rogers Realty and Auction Company for all auction services associated with rolling stock, police unclaimed items, computers, and miscellaneous items for both on-site and electronic

auctions at a commission rate of 9.5% as approved by Council on August 25, 2009.

- The Rogers contract provides full-scale service for all auctions, but in this instance, the need for these services is minimal since the fire equipment is in good condition. The City simply needs an on-line hosting site to facilitate the electronic auction.
- Therefore, given the City's desire to return a maximum amount of revenue from these fire units, BSS initiated an informal survey of electronic auction service providers in an effort to find a lower commission rate that fit the level of service required for this particular electronic auction.
- The current contract with Rogers Realty and Auction Company is non-exclusive and allows the City to use other acceptable service providers for electronic auctions when in the City's best interest. BSS intends to use Rogers Realty and Auction Company for future electronic auctions that require higher levels of service and support.
- As a result, BSS will use this opportunity to pilot test Publicsurplus.com, using an introductory commission rate of 3.75%. This rate expires after one year. Publicsurplus.com was selected through an informal selection process.

Small Business Opportunity

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

Funding

Auction proceeds

Attachment 15

Resolution

List of rolling stock

30. Airport Concession Contract Amendment

Action: Approve an amendment to the Concession and Lease Agreement with Host International, Inc. to provide for an early termination to the Merchandise Concessions and an extension of the Food and Beverage Concessions.

Staff Resource: Jerry Orr, Aviation

Explanation

- The Airport has a contract with Host International, Inc. that permits Host to operate food and beverage and merchandise facilities at the Airport. The term of this contract is set to expire on June 30, 2010.
- This amendment gives the Airport the right to immediately begin to implement a new merchandise program at the Airport while preserving the stability of the existing food and beverage operations. It also avoids the necessity of buying out Host's unamortized investment in the food and beverage facilities on July 2010 at a cost of \$6 million.
- The Airport has negotiated an agreement with Host to amend the contract as follows:
 - The City can terminate the merchandise concessions immediately and rebid the contract.

- Food and beverage contract would be extended with one five year option
- Presently Host pays a fee equal to about 15% of its gross receipts plus 40% of its profits from the concessions. Under the amended contract:
 - o Host would pay a fixed rental every year for the food and beverage concession areas in the terminal. Initially, this would be over \$4,000,000 per year. This number would increase or decrease if the amount of food and beverage space changes.
 - o In addition, Host would pay to the City 50% of Host's profits from the food and beverage concession.
 - o This is calculated to increase the City's share of gross receipts by about 2%.
 - o There would be no increase in the fees paid by DBE subconcessionaires.
- Council was briefed on the Airport Development Plan at the June 1 Workshop.

Disadvantaged Business Enterprise

The amended contract maintains a 20% commitment by Host International, Inc.

Attachment 16

Background

31. Airport Fixed Base Operator Management Contract

Action: Approve a five year management contract extension with Wilson Air Center–North Carolina, LLC as the Fixed Base Operator (FBO) Services Manager to provide general aviation services at Charlotte Douglas International Airport as directed by the Aviation Director.

Staff Resource: Jerry Orr, Aviation

Explanation:

- The City had a 20 year lease with Signature Flight Support for FBO Services at the Airport that expired June 30, 2004.
- In Spring 2004, the Airport requested and received proposals from qualified and experienced FBOs to provide FBO Services at the Airport pursuant to a Management Contract rather than a lease.
- In October 2004, Council approved a five year management contract with Wilson Air Center-North Carolina, LLC (Wilson) to provide FBO services at general aviation facilities at the Airport.
- Operating under the management contract, Wilson has significantly increased the customer service at the FBO, being recognized on multiple occasions as one of the best FBOs in the country. Wilson has also assisted the City in adjusting the customer's cost of fuel and services to be more competitive with other FBOs both regionally and nationally.
- Under this contract extension, Wilson will continue to supply the staffing and expertise necessary to provide FBO services to locally based and itinerant aircraft operators at the Airport for an additional five years.
- Wilson will receive an annual management fee of \$250,000 for its services, plus an incentive fee of 5% of the surplus revenues generated for the City from its operations.

- Council was briefed on the Airport Development Plan at the June 1 Workshop.

Small Business Opportunity

SBE goals do not apply to this contract.

Funding

Airport Fixed Based Revenues

32. Airport Fixed Base Operator Fuel Supplier Contract

Action: Approve a one year contract extension with Eastern Aviation Fuels to provide aviation fuel for resale to general aviation customers through the Airport's Fixed Base Operator, Wilson Air Center—North Carolina, LLC.

Staff Resource: Jerry Orr, Aviation

Explanation

- The Fixed Base Operator (FBO) facility at the Airport is operated under a management contract with Wilson Air Center—North Carolina, LLC (Wilson).
- On behalf of the City, Wilson sells aviation fuel to general aviation aircraft owners at the FBO.
- In Spring 2004, five aviation fuel suppliers submitted proposals to sell the City its requirements of aviation fuel.
- In November 2004, Council approved a five year contract with Eastern Aviation Fuels of New Bern, NC (Eastern). Eastern offered the lowest price, at \$0.069 per gallon over the Platts Gulf Coast Index (Platts). Platts is the governing index for fuel prices in North Carolina. Eastern also leased the City fueling trucks as needed.
- Under this one year contract extension, Eastern will continue to provide fuel and fuel trucks as needed for the FBO operation at the Airport under the same conditions as the existing contract.
- Council was briefed on the Airport Development Plan at the June 1 Workshop.

Small Business Opportunity

Pursuant to Section 5 of the SBO program, no SBO utilization goal was set for this contract because subcontracting is not anticipated.

Funding

Eastern's invoices will be paid by Wilson, who will be reimbursed under the terms of their Management Agreement.

33. Airport Telecommunications Contract

Action: Approve a contract with AT&T in the amount of \$139,469.13 for maintenance of the Airport's telecommunications system.

Staff Resource: Jerry Orr, Aviation

Explanation

- Since the new terminal opened in 1982, the Airport has contracted for a dedicated on-site technician to maintain its AT&T Centrex telephone system.
- The telephone system currently has over 3,100 lines.
- The cost of the technician is spread over all users of the Airport system.
- This agreement will extend the contract with AT&T for another year with an increase of \$1,458.22 in the annual cost.

Small Business Opportunity

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

Funding

Airport Operating Budget

34. Accela Automation Maintenance and Support

Action: A. Approve a contract renewal with Accela Inc. to provide maintenance and hosting services for land development permit and enforcement system through June 2, 2010 for \$164,316.25, and

B. Authorize the City Manager to renew the Accela contract for up to four years after June 2010 at the same per license rate for maintenance services and with annual rate increases of up to 3% for hosting services.

Staff Resource: David Weekly, Engineering & Property Management

Explanation

- In 2006, Accela Inc. (Accela) and the City entered into an agreement to upgrade the City's KIVA Land Development System to Accela Automation for \$614,740. Accela Automation is a web-based system used to store, track and report land development permit and enforcement activity.
- The agreement included an annual fee for Accela to provide maintenance and support of Accela Automation. The agreement requires Accela to continue offering maintenance services to the City at the same fee, renewable for up to nine years (at the City's option).
- In 2007, Accela and the City amended the agreement to add web hosting services. Accela has now agreed to amend the agreement to cap increases of the web hosting fees to not more than 3% per year.
- The maintenance fee and web hosting fee may vary from year to year based on the number of licenses and modules then in use at the City.
- The current payment request of \$164,316.25 includes \$97,272 for annual maintenance and \$67,044.25 for the hosting fee, based on the attached

rate schedule. Because the City is synchronizing the timing of the maintenance and hosting fees, the hosting fee is pro-rated to cover only 67% of the year. Hosting fee payments for future years will be higher, as shown on the attachment, because they will cover the entire year.

- The City is currently partnering with Mecklenburg County to develop an Electronic Plan Management (EPM) system that will allow customers to submit plans electronically and staff to review plans electronically. Accela Automation's web application is well suited to interface with EPM in order to provide this service to our customers.
- In June 2009 the agreement was amended to establish a rate of increase cap for hosting services and to move the date on which Accela is entitled to bill the City for the hosting fee to the billing date for the maintenance fee.

Small Business Opportunity

No goal was established because sub-consulting opportunities are not anticipated.

Funding

Engineering & Property Management Operating Budget

Attachment 17

Summary of Annual Fees for Maintenance and Hosting

35. Athletic Facility at Alexander Street Park

- Action:**
- A. Approve the Development and Use Agreement between Mecklenburg County and Trinity Episcopal School (TES) for the use of the Alexander Street Park property, and**
 - B. Approve the long term lease of a portion of City owned land to Mecklenburg County for park and recreational use.**

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

Development and Use Agreement

- Mecklenburg County Park & Recreation enters into agreements where private entities make investments in public park facilities in exchange for priority scheduling at the facility.
- The County plans an agreement with Trinity Episcopal School (TES) for the construction, use and operation of recreational facilities on County-owned Alexander Street Park property at 900 N. Myers Street (parcel ID# 081-086-04) and E. 12th Street (parcel ID# 081-086-08). The term of the agreement is projected to be 99 years.
- City Council action is needed for two reasons:
 - The City approves changes in the use of the property pursuant to the 1998 Parks Consolidation Agreements.
 - The agreement exceeds ten years.
- The athletic facilities at Alexander Street Park will consist primarily of a soccer field and running track. TES will design, permit and construct the improvements, and the County will maintain the athletic fields, equipment and structures, as well as manage scheduling of the facilities.

- TES will have first right of reservation to the facilities, followed by other reservations made with the County, then general public use, in accordance with the Park and Recreation Department's field reservation process.

City/County Lease

- The soccer field and track requires a small encroachment into adjacent City owned property at 910 and 932 N. Alexander Street (parcel ID#s 081-086-07 and 081-086-01, respectively). The County requests to lease approximately 0.65 acres of the City property to accommodate the athletic field.
- The Alexander Street property is the site for a planned expansion of maintenance facilities for CATS STS vehicles. The maintenance facility design is not affected by the minor encroachment associated with the athletic field.
- The term of the lease is 99 years to match the Development and Use Agreement.
- This transaction has been through the Mandatory Referral process, with staff and the Planning Committee supporting the proposed use.

Attachment 18

Aerial Map
Survey Map

36. Airport Property Exchange

Action: Adopt a resolution authorizing a land exchange between the City and DavidLand LLC.

Staff Resource: Jerry Orr, Aviation

Explanation

- DavidLand LLC owns 24.845 acres of land on the south side of the Airport, and 7.914 acres of land on the north side of the Airport. They want to exchange 21.136 acres of this land for adjacent land owned by the City on West Boulevard on the south side of the Airport.
- The City owns over 1,000 acres of land on the south side of West Boulevard. There are four parcels of land totaling 21.236 acres in that area that the Airport wants to exchange for the DavidLand LLC property.
- An independent MAI appraiser has appraised the proposed exchange. The city will exchange 21.236 acres (valued at \$1,483,192) for 21.136 acres (valued at \$1,483,192).
- Benefits to the City are:
 - The Airport will acquire land on Wilkinson Boulevard that can be used for terminal complex expansion in the future.
 - Appropriate restructuring of property lines allows maximum utilization of the property currently owned by DavidLand LLC, which they plan to develop and will maximize property taxes to the City.

Attachment 19

Resolution

37. Property Transactions

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

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

Acquisitions

- A. Project:** Fred D. Alexander Boulevard - Section B, Parcel #3.1
Owner(s): Florine Love Joy
Property Address: 633 Wingate Drive
Property to be acquired: 2,385 sq. ft. (.055 ac.) in Fee Simple, plus 2,910 sq. ft. (.067 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$10,000
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: R-4
Use: Single Family Residential - Rural Acreage
Tax Code: 057-232-01
Total Parcel Tax Value: \$124,500
- B. Project:** Freedom Drive Widening, Parcel #308
Owner(s): Hafy Mulaffer
Property Address: 4434 Freedom Drive
Property to be acquired: 1,073 sq. ft. (.025 ac.) in Fee Simple, plus 1,569 sq. ft. (.036 ac.) in Sidewalk and Utility Easement, plus 46 sq. ft. (.001 ac.) in Utility Easement, plus 9,237 sq. ft. (.212 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-5
Use: Single Family Residential
Tax Code: 057-042-01
Total Parcel Tax Value: \$90,200
- C. Project:** Freedom Drive Widening, Parcel #309
Owner(s): Linda M. Bailey
Property Address: 4428 Freedom Drive
Property to be acquired: 619 sq. ft. (.014 ac.) in Fee Simple, plus 1,287 sq. ft. (.030 ac.) in Sidewalk and Utility Easement, plus 3,052 sq. ft. (.070 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$11,375
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: R-5

Use: Single Family Residential
Tax Code: 057-042-02
Total Parcel Tax Value: \$83,200

- D. Project:** Freedom Drive Widening, Parcel #328
Owner(s): Octavio Lopez and wife, Gloria Lopez
Property Address: 4236 Freedom Drive
Property to be acquired: 928 sq. ft. (.021 ac.) in Fee Simple, plus 362 sq. ft. (.008 ac.) in Storm Drainage Easement, plus 1,300 sq. ft. (.030 ac.) in Sidewalk and Utility Easement, plus 2,263 sq. ft. (.052 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$18,000
Remarks: Compensation was established by independent, certified appraisals related to this property.
Zoned: R-5
Use: Single Family Residential
Tax Code: 063-091-28
Total Parcel Tax Value: \$56,300
- E. Project:** Freedom Drive Widening, Parcel #444
Owner(s): J.C. Taylor a/k/a James C. Taylor
Property Address: 4401 Freedom Drive
Property to be acquired: 5,116 sq. ft. (.117 ac.) in Fee Simple, plus 2,422 sq. ft. (.056 ac.) in Existing Right-of-way, plus 1,794 sq. ft. (.041 ac.) in Storm Drainage Easement, plus 2,434 sq. ft. (.056 ac.) in Sidewalk and Utility Easement, plus 22 sq. ft. (.001 ac.) in Utility Easement, plus 17,375 sq. ft. (.399 ac.) in Slope Easement, plus 3,394 sq. ft. (.078 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$27,900
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: R-4
Use: Single Family Residential
Tax Code: 059-041-12
Total Parcel Tax Value: \$124,400
- F. Project:** US 29/NC 49- University City Boulevard Phase I and Phase 2-North Tryon Widening, Parcel #27
Owner(s): Kenneth Gerald Lockard
Property Address: 6832 North Tryon Street
Property to be acquired: 2,972 sq. ft. (.068 ac.) in Fee Simple, plus 10,753 sq. ft. (.247 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$30,000
Remarks: Compensation was established by independent, certified appraisals related to this property.
Zoned: B-2
Use: Commercial
Tax Code: 049-081-08

Total Parcel Tax Value: \$741,500

- G. Project:** US 29/NC 49- University City Boulevard Phase I and Phase 2-North Tryon Widening, Parcel #31
Owner(s): Miriam Johnson Davis
Property Address: 6919 North Tryon Street
Property to be acquired: 17,061 sq. ft. (.392 ac.) in Storm Drainage Easement, plus 1,961 sq. ft. (.045 ac.) in Utility Easement, plus 2,590 sq. ft. (.059 ac.) in Existing 30' Line Easement (per Duke Power), plus 25,790 sq. ft. (.592 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$100,300
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: B-2
Use: Commercial
Tax Code: 089-254-17
Total Parcel Tax Value: \$1,153,000
- H. Project:** Airport Master Plan Land Acquisition
Owner(s): Hunter Mobile Home Park LLC
Property Address: 5911/6001 Wilkinson Blvd
Property to be acquired: 11.873 acres
Improvements: Mobile home park
Purchase Price: \$1,831,500
Remarks: The purchase price was determined by two independent Member Appraisal Institute (MAI) appraisers and was reviewed by a third MAI appraiser. Each appraisal takes into consideration the specific quality and quantity of the land. The tax value is determined on a more generic basis and will be higher or lower for land/house with certain attributes. Property is acquired per Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration reimbursement.
Zoned: I2 Use: mobile home park
Tax Value: \$1,008,700
Tax Code: 115-172-11 and 115-172-13

Condemnations

- I. Project:** Freedom Drive Widening, Parcel #510
Owner(s): Rosa E. Rivas and Darin Velasquez and Donald D. Doggett and wife, Niwen Sun and any other parties of interest
Property Address: 1636 Ranch Road
Property to be acquired: Total Combined Area of 957 sq. ft. (.022 ac.) of Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$1,425
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-5

Use: Single Family Residential
Tax Code: 057-041-45
Total Parcel Tax Value: \$11,300

- J. Project:** US 29/NC 49-University City Boulevard Phase I and Phase 2-North Tryon Widening, Parcel #42 and Parcel #43
Owner(s): Berkley Company a/k/a Berkeley Company et al and any other parties of interest
Property Address: North Tryon Street
Property to be acquired: Total Combined Area of 23,029 sq. ft. (.529 ac.) of Fee Simple, plus Existing Right-of-way, plus Storm Drainage Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$28,575
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: B-2(CD)
Use: Commercial
Tax Code: 049-141-20 and 049-141-19
Total Parcel Tax Value: \$3,132,200

38. Meeting Minutes

Action: Approve the titles, motions and votes reflected in the Clerk's record as the minutes of:
- April 20, 2009