

**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, March 23, 2009**

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

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14	14	COPS Hiring Grant Application
17-B	19	Freedom Drive at Stewart Creek Parkway Intersection Improvements
19	22	I-277 at Caldwell Interchange

**CITY COUNCIL AGENDA**  
**Monday, March 23, 2009**

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**39.** Meeting Minutes

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

### 1. Mayor & Council Consent Item Questions

**Resource:** Curt Walton, City Manager

**Time:** 5 minutes

**Synopsis**

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

### 2. NASCAR Hall of Fame Exhibit Program

**Resources:** Jim Schumacher, City Manager's Office  
Winston Kelley, NASCAR Hall of Fame/CRVA  
Andrew Kidd, Electrosonic  
Charles Maltbie, Kubik-Maltbie  
Gary Brooks, Kubik-Maltbie

**Time:** 40 minutes

**Synopsis**

- As the next step in the design and construction process, the project team has selected vendors to fabricate and install the Hall of Fame exhibits based on qualifications and price.
- Four firms have been selected:
  - Electrosonic, Inc. will provide and install most of the audio-visual system components.
  - Kubik-Maltbie will construct and install exhibits and artifact displays, such as race cars, exhibit cases, and displays for each inductee into the Hall of Fame.
  - iRacing.com Motorsports Simulations, LLC will provide the software for race car simulators.
  - The Sponsorship Services Group, Inc. will construct the racing simulators.
- Representatives of Electrosonic and Kubik-Maltbie will provide an overview of their qualifications, and discuss some of the elements of the Hall of Fame in the context of similar applications in other facilities where they have worked.

**Future Action**

City Council action on award of the exhibit fabrication and installation contracts is anticipated for April 13.

**Attachment 1**

PowerPoint Presentation

### 3. Duke Energy Pilot Program for Overhead Utility Conversions

**Resources:** Phillip Reiger, Transportation  
Tim Gause, Duke Energy

**Time:** 20 minutes

#### Synopsis

- Duke Energy Carolinas, LLC received approval from the North Carolina Utilities Commission for a pilot program to convert overhead electric distribution facilities to underground for a three year term effective December 2008.
- Duke will partner and share conversion costs with up to three North Carolina municipalities, under the following provisions:
  - Duke will provide funds in an amount up to 0.5% of its annual electric sales revenue within the participating municipalities, but not more than half of the total project conversion costs.
  - For Charlotte, Duke estimates this is approximately \$10.5 million for the three-year program.
  - City must match Duke's contribution up-front, but can also extend the project beyond the financial contribution capacity of Duke.
  - Duke and the municipalities will collectively identify conversion projects. Final selection and priority of projects will be based on expected improvement in system reliability and/or safety with accompanying reduction in operating/maintenance expenses.
  - Duke has asked the City to acknowledge by March 31, 2009 interest in being a partnering municipality.
  - Duke will select the three partners by June 1, 2009.
  - If the City is selected, the matching funds for the first program year would need to be provided to Duke prior to Duke beginning any conversion project construction work.
  - Staff has preliminary concepts of viable City of Charlotte projects that:
    - Meet the terms of the Pilot Program
    - Align with the City's Corridor Growth Strategy and Business Corridor Revitalization Strategy
    - Maximize already-committed capital expenses
- Staff is reviewing these conceptual projects and pilot program details with all impacted key business units and Duke Energy.
- Staff will provide Council with a thorough cost-benefit analysis of the identified projects.

#### Council Action

- Concur with City moving forward as a potential participant with Duke Energy
- City Council action on recommended project(s) prior to June 1, 2009

#### Attachment 2

North Carolina Municipal Underground Conversion Matching Fund Plan

#### **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**

**5. Arts and Science Council 2009 Fundraising Campaign  
Recognition**

**Action:** Mayor to recognize Sue Gorman, 2009 ASC Annual Fund Campaign Co-Chair, and Lee Keesler, ASC President and CEO, to report on the 2009 Fundraising Campaign and highlight the campaign contributions made by the City workforce.

**6. Proclamation for Fathers against Violence and  
Repeat-offenders Ministries Day**

**Action:** Mayor to recognize John Jennings, Founder and CEO of Fathers Against Violence and Repeat-offenders (FAVAR) Ministries, Inc. and other members of the organization, to present them with a proclamation highlighting the work they are doing to assist the homeless and ex-convicts in the Charlotte community.

**7. Proclamation for Arbor Day**

**Action:** Mayor to recognize Craig Madans, Chair of the Tree Advisory Committee, to present him with a proclamation celebrating Arbor Day and to highlight the work of the Tree Advisory Committee.

## **CONSENT**

- 8. Consent agenda items 17 through 39 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

### 9. Public Hearing on a Resolution to Close a Ten Foot Alleyway between Hawkins Street and Camden Road

**Action:**   **A. Conduct a public hearing to close a ten foot alleyway between Hawkins Street and Camden Road, and**

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

**Staff Resource:**   Linda Poissant, Transportation

#### Policy

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

#### Explanation

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

#### Background

- On October 8, 2008 Chelsea South End, LLC submitted a petition to abandon a ten foot alleyway running between Camden Road and Hawkins Street.
- This abandonment is affiliated with a proposed mixed-use development project.
- City staff circulated the abandonment petition to internal City departments, abutting owners, utility companies and neighborhood associations within a half mile radius for comments.
- City Staff received comments of concern from abutting owner, Mr. Winston Goode.
- City staff asked the petitioner to schedule a meeting to address these concerns prior to proceeding with the abandonment process. A meeting was held on November 20, 2008 with the petitioner, City staff and Mr. Goode.
- Mr. Goode's concern is to maintain egress from his property via the alleyway as required by the North Carolina Fire Code and ingress/egress for building maintenance.
- City staff recommends that this abandonment be contingent upon egress requirements as stated in section 1023 and 504 of the North Carolina Fire Code being met during the review/approval of the proposed development plan by the Charlotte-Mecklenburg Planning Commission.
- Abandonment will be void if the above condition is not met within one year of City Council approval.

**Petitioner**

Chelsea South End, LLC - Dean W. Kiriluk/Kirco

**Right-of-Way to be abandoned**

A 10-foot alleyway between Hawkins Street and Camden Road

**Location**

Located within the Wilmore Neighborhood Association bound by West Boulevard, Hawkins Street, W. Kingston Avenue and Camden Road beginning at Camden Road and continuing approximately 422 feet to its terminus at Hawkins Street

**Reason**

To incorporate the right-of-way into adjacent parcels owned by the petitioner in order to combine the parcels into one larger parcel for the development of a future mixed-use 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

Patricia Moore – No objections

Jupiter Group, LLC – No objections

Shutter Shop, Inc, Mr. Winston G. Goode – Has concerns

Neighborhood/Business Associations

Brookhill (S. Tryon Community Mission Church) – No objections

Brookhill Community Organization – No objections

Dilworth Community Development Association (DCDA) – No objections

Olmstead Park HOA – No objections

Revolution Park Neighborhood Association – No objections

Wilmore Neighborhood Association – No objections

Private Utility Companies – No objections

City Departments

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

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

**Attachment 3**

Map

Resolution

## 10. Public Hearing on a Resolution to Close a Ten Foot Alleyway off Dotger Avenue

**Action:**   **A. Conduct a public hearing to abandon a ten foot alleyway off Dotger Avenue, and**

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

**Staff Resource:**   Linda Poissant, Transportation

### Policy

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

### Explanation

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

### Background

- On May 5, 2008 One Randolph Place, LLC submitted a petition to abandon a ten foot alleyway running off Dotger Avenue.
- City staff circulated the abandonment petition to internal City departments, abutting owners, utility companies and neighborhood associations within a half mile radius for comments.
- City staff received comments of concern from Mr. and Mrs. Huffman and Mrs. Gilbert, abutting owners to the alleyway.
- City staff asked the petitioner to schedule a meeting to address these concerns prior to proceeding with the abandonment process.
- A meeting was scheduled for November 5, 2008 by the petitioner to include City staff, Mr. and Mrs. Huffman and Mrs. Gilbert.
- On November 4, 2008 City staff was contacted by both abutting owners, stating their concerns with meeting with the petitioner because of past communication issues and requested a private meeting with City staff to discuss their concerns.
- After meeting with the abutting owners on November 26, 2008, staff's understanding is that their concerns are:
  - How the proposed development plan will impact their property
  - Losing existing alleyway access for current vehicular residential parking
- City staff held a final meeting on January 9, 2009 with abutting owners and the petitioner and discussed in detail the above concerns.
- In conclusion, the petitioner held additional meetings independently with each abutting owner and agreed to the following in order to resolve their concerns.
  - The alleyway abutting Mr. Huffman's property will be split so as not to impact his existing driveway that incorporates seven feet of the ten foot alleyway (see attachment).
  - The proposed project will be designed to include a 15 foot buffer from the existing properties with plantings and a six foot decorative fence/wall as required per the zoning ordinance.

- City staff recommends that this abandonment be contingent upon the approval of the proposed development plan by the Charlotte-Mecklenburg Planning Commission.
- Abandonment will be void if the above condition is not met.

### **Petitioner**

One Randolph Place, LLC – Mr. Darrell Avery

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

A 10-foot alleyway running off of Dotger Avenue

### **Location**

Located within the Crescent Heights neighborhood between Randolph Road and 7th Street, beginning from Dotger Avenue and continuing approximately 390 feet northwestwardly to its terminus

### **Reason**

To incorporate the right-of-way into adjacent property owned by the petitioner for future development of a proposed multifamily community

### **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

Dessie Gilbert – No objections

Gregory Chad Huffman – No objections

#### Neighborhood/Business Associations

Briar Creek-Commonwealth – No objection

Chantilly NA – No objection

Commonwealth Morningside NA – No objection

Commonwealth Park – No objection

Crescent Heights Neigh. Assoc. – No objection

Dwyer Solutions – No objection

Eastover Resident's Assoc. – No objection

Grier Heights Economic Foundation – No objection

Grier Heights Neighborhood Improvement Assoc. – No objection

Myers Park HOA, Inc. – No objection

Sedgewood Circle/Meadowbrook – No objection

Sedgewood Lake Drive HOA – No objection

Wendover Hills HOA – No objection

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 4**

Map

Resolution

## **ZONING**

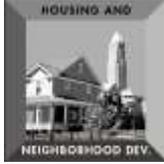
### **11. Deferred Zoning Petition(s)**

Due to the National League of Cities Conference, the Zoning Meeting will be on Thursday, March 19. If there are any zoning items deferred to the March 23 Business Meeting, the items will be sent in the Friday, March 20 Council-Manager Memo.

## POLICY

### 12. City Manager's Report

### 13. 2009 Neighborhood Symposium



**Action:** Approve the Housing and Neighborhood Development Committee's recommendation to proceed with the 2009 Neighborhood Symposium on May 16, 2009, not to exceed a budget of \$29,500.

**Committee Chair:** Susan Burgess

**Staff Resource:** Stephanie Small, Neighborhood & Economic Development

#### Policy

The City Council's Housing and Neighborhood Development strategy supports strengthening neighborhoods through 1) City service delivery; 2) strategic investments; and 3) neighborhood capacity building to improve and sustain Charlotte's quality of life.

#### Explanation

- The City has hosted the Neighborhood Symposium for 13 years. The Neighborhood Symposium is a citywide conference of neighborhoods, which provides opportunities for neighborhood leaders and others to learn about community services and resources, participate in informative workshops and network.
- The FY2009 budget allocates \$75,000 for this year's event. Because of the current economic conditions and the impact on the City's Budget, Neighborhood & Economic Development reviewed possible options for the 2009 Neighborhood Symposium.
- On February 25, 2009 staff engaged the Housing and Neighborhood Development Committee in a discussion about the 2009 Neighborhood Symposium and presented the following options:
  - Option A: Proceed with the Neighborhood Symposium as in previous years at a cost of \$63,650
  - Option B: Reduce the scope and further reduce cost of the Neighborhood Symposium, given the current economic conditions
  - Option C: Cancel the 2009 Neighborhood Symposium and reduce cost to \$9,975 (non-refundable deposit on Convention Center space)
- The Committee reached consensus on the need to have the 2009 Neighborhood Symposium. A majority of the Committee agreed that the Neighborhood Symposium could be held at a cost not to exceed \$25,000 and directed staff to develop a reduced program scope.
- As a follow up to the Committee's direction, staff developed a reduced program scope that eliminates the community forum, seated luncheon, the keynote speaker, parking and some audio visual equipment.

#### Committee Discussion

- The Committee discussed the reduced program scope during their March 11, 2009 meeting. The reduced program scope eliminates the community

forum, seated luncheon, the keynote speaker, parking and some audio visual equipment

- Due to the popularity of the community forum and discussion about its benefits, the Committee requested that staff add it back to the program. The community forum is a large scale assembly that will feature a panel of neighborhood representatives sharing their organizations' accomplishments in improving and sustaining their neighborhoods. A question and answer segment will follow the panelists' presentations, providing one of the best opportunities for symposium participants to network, model best practices and learn from each other.
- The Committee also discussed the need to provide lunch, especially if the program scope is expanded to include the community forum, thus extending the day for participants. The Committee requested that staff contact the Charlotte Regional Visitors Authority (CRVA) to determine if a suitable boxed lunch or snack could be provided at a cost not to exceed \$5,000, for an estimated 500 participants. Staff has contacted CRVA and learned that they can provide a suitable boxed lunch or snack not to exceed \$5,000.
- The Committee reached consensus on adding the community forum to the program, but did not reach consensus on whether lunch should be provided.
- The Committee approved a motion 3-2 to:
  - Maintain the proposed program schedule and add time for the Community Forum
  - Requested that staff contact the CRVA to inquire about the possibility of providing a low cost lunch, not to exceed \$5,000.
- Council members Barnes, Burgess and Mitchell voted in favor of the motion, while Council members Cooksey and Lassiter voted against the motion.

### **Background**

- The 14<sup>th</sup> Annual Neighborhood Symposium will be held on Saturday, May 16, 2009 at the Charlotte Convention Center from 7:45 am until 3:00 pm.
- The focus of this year's symposium will be the key objectives outlined in the City of Charlotte Neighborhood Policy, presented to City Council in 2006. The policy focuses on creating and supporting planned and safe neighborhoods; safe, decent and affordable housing; accessible transportation; adequate infrastructure; nuisance free environment; economic opportunity; healthy environment; and well managed neighborhood organizations.
- Citizens will learn about the neighborhood policy and related implementation strategies through their participation in a variety of workshops. In addition, the event is designed to build participants' capacity. The dialogue and networking will also help citizens establish priorities and strategies for their own neighborhoods.
- A parallel track for youth will focus on civic involvement. It is anticipated that existing partnerships with neighborhoods and nonprofits will be key in the successful engagement of youth to participate in the event.
- Winners of the 2008 Neighborhood Awards will be presented during the morning plenary session. Award categories include: neighborhood diversity, neighborhood safety, neighborhood of the year, outstanding neighborhood youth, neighborhood leader and Good Neighbor. Winners will be determined by a panel of judges representing various community stakeholders.

- In 2007, 486 citizens attended the event. In 2008, 643 citizens participated. The attendance for 2009 is estimated at 500.

**Funding**

Neighborhood and Economic Development Operating Budget

**Attachment 5**

Proposed Neighborhood Symposium Event Agenda (including lunch)

Proposed FY2009 Neighborhood Symposium Budget (including lunch)

## BUSINESS

### 14. COPS Hiring Grant Application



**Action:** Approve the Charlotte-Mecklenburg Police Department's application to the U.S. Department of Justice to hire up to 150 police officers.

**Staff Resource:** Chief Rodney Monroe, Police

#### Explanation

- The COPS Hiring Recovery Program offers one billion dollars to law enforcement agencies to hire or rehire law enforcement officers under the American Recovery and Reinvestment Act.
- CMPD wishes to submit an application for up to 150 officers under this grant program.
- The officers would support the department's crime reduction goals which focus on crime reduction at the neighborhood level through high visibility and targeting of crime and offenders causing the most harm in small areas of the city.
- 75 of the 150 officers will be hired in FY2010; 50 in FY2011; and 25 in FY2012, effectively extending the grant period to six years.
- Hiring will be spread across several recruit classes in each of the first three years of the grant.
- Based on the number of officers requested nationwide, the COPS Office may give CMPD a smaller number of officers than requested; assuming that the City receives officers under the grant, the City would have the option of reducing the number of officers it accepts at the time of the grant award.
- The funding for FY2013 through FY2105 of the grant program will be discussed with Council as part of this year's budget process.

#### Funding Provisions

- The COPS grant funds salaries and benefits for new officers for three years
- Salaries and benefits are funded at the entry level; any increases in years two through six of the grant must be paid by the City.
- Unlike previous COPS grants, the 2009 grant requires no matching funds from the City, however, the City must fund equipment and training for the new officers.
- The grant funds cannot supplant any funds included in the City's budget for new officers.
- The City must agree to retain all officers that are hired for a minimum of one year after the grant funding ends; the retention period for each officer is based upon the actual hire date.
- At the end of the grant period, the City's number of police officer allocations must be increased by the number received through the grant. The retained positions must be in addition to the number of locally funded positions that would otherwise have existed without federal funds.
- There is no limit to the number of officers for which the City may apply.
- The grant application deadline is April 14. The grant award notifications are not anticipated until September. If the grant is awarded, City Council action will be required to accept the grant.

**Costs**

- The total cost for the new officers from FY2010 through FY2015 is \$43,992,113. The federal share will be \$23,879,681.
- City costs in the grant period would be as follows:
  - FY2010: \$588,867
  - FY2011: \$676,044
  - FY2012: \$668,733
  - FY2013: \$3,043,010
  - FY2014: \$6,657,605
  - FY2015: \$8,478,172
- The figures assume no market or step adjustments in the second through sixth years of the grant.
- In FY2016, the City would assume the full cost of the officers which would be \$8,528,596 plus the cost of any compensation adjustment made during the term of the grant.

**Funding**

Base salary and benefits costs paid by COPS grant for three years; one-time equipment costs paid from capital reserve; future on-going costs to be determined as a part of the City's budget process

**15. City Manager's Authority to Reduce Personnel Costs**

**Action: A. Adopt a resolution authorizing the City Manager to take actions necessary to reduce personnel costs, and**

**B. Adopt a resolution repealing the Employee Placement Policy approved by the City Council in 1994 and establishing an Employment Severance Pay Policy.**

**Staff Resources:** Tim Mayes, Human Resources  
Hope Root, City Attorney's Office

**Explanation**

- While the City is well-positioned to manage through the down economy, it is necessary in the short-term to reduce personnel costs in targeted areas and in the long-term, having a variety of options to implement quickly is prudent.
- Additional authority is required to respond as quickly as necessary to any further deterioration of economic conditions.

Delegation of Authority to City Manager

- Pursuant to City Code Section 2-121(a), the City Manager currently has the authority to put into effect layoffs of City personnel and issue rules regarding those layoffs.
- Pursuant to City Code Section 2-121(b), City Council has retained authority over issues regarding compensation and paid holidays.
- The City Manager recommends that the Manager be given additional authority to take actions as necessary to reduce personnel costs, including but not limited to:

- Work furloughs that are compliant with the Fair Labor Standards Act
- Reductions of work time that are compliant with the Fair Labor Standards Act
- Unpaid holidays
- Reductions of base pay
- In determining such actions, the City Manager will assess service needs and potential cost reduction options.
- Such actions will be based on consideration of the need to assure the provision of essential public services and, although these actions are authorized for the entire workforce, they may vary by Key Business Unit, based on the assessment of public services to be provided and funding source for the service.

#### Repeal 1994 Policy and Establish Severance Pay Policy

- In 1994 the City Council approved an Employee Placement Policy. The Policy provides that when positions are eliminated and employees are laid off, the affected employees will receive one week of severance pay for each year of service with good performance. It is recommended that the Employee Placement Policy be repealed and that an Employee Severance Pay Policy as outlined in the attached resolution be adopted. The revised policy maintains the calculation of weeks of severance pay to one week per year of service with good performance.
- The 1994 policy addressed processes to determine which employees to retain. It was developed during the City's rightsizing effort. At that time, the organization was being restructured, with jobs simultaneously being eliminated and created, and the focus was on placing employees into new jobs within the organization.
- The 1994 Policy contains ambiguous language that limits the authority of the City Manager to create guidelines at this time, when the goal of a reduction-in-force is to save money by eliminating positions, rather than transfer employees. Discrimination case law subsequent to 1994 shows that when implementing a reduction-in-force, the employer should primarily focus on the positions to be eliminated, rather than the individual employees. The 1994 Policy primarily focuses on which employees to retain and displace, which is contrary to recent case law.
- If necessary, layoffs will be implemented using displacement criteria such as elimination of a City service or job function, possession of critical skills, employee performance, length of time on the job, and other relevant factors.

#### **Attachment 6**

Resolution Authorizing the City Manager to Implement Changes to Reduce Personnel Costs

Resolution Repealing Employee Placement Policy (1994), and Adopting Employee Severance Pay Policy

1994 Employee Placement Policy

## **16. Mayor and Council Topics**

Council members may share information and raise topics for discussion.

## CONSENT

### Introduction to CONSENT

The consent portion of the agenda is divided into three sections: Previously Delayed Capital Projects, Consent I and Consent II.

Previously Delayed Capital Projects are items placed on hold beginning in October 2008 due to the changing economic circumstances. At Council's February Retreat, Council directed staff to continue with the current capital program.

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."

## Previously Delayed Capital Projects

Items 17 through 23 are capital projects that were placed on hold beginning in October 2008 due to the changing economic circumstances. At Council's February Retreat, Council directed staff to continue with the current capital program.

Through May 11, the previously delayed capital projects will be highlighted in the business agenda.

<b>Previously Delayed Construction Projects</b>	<b>Engineer's Estimate</b>	<b>Amount below Engineer's Estimate</b>	<b>Estimated jobs supported*</b>
Independence Boulevard at Harris Boulevard Intersection Improvements	\$515,000	\$177,915	7 jobs for 3 months/10 jobs for 1 month
Freedom Drive at Stewart Creek Parkway Intersection Improvements	1,052,000	478,031.91	12 jobs for 3 months
Mount Carmel Baptist Church Left Turn Lane	288,000	109,365.50	15 jobs for 2 months
W.T. Harris Boulevard/Milton Road Intersection	195,000	48,246	15 jobs for 2 months
<b>Other Project Items</b>	<b>Project Type</b>	<b>Contract Amount</b>	<b>Estimated jobs supported*</b>
Business Corridor/Pedscape Infrastructure Design Services	Design Services	592,920	8 jobs for 11 months
I-277/Caldwell Interchange	Change Order	786,000	12 jobs for 2 weeks
Engineering Services for Farm-To-Market Road Improvement Projects	Engineering Services	724,430	6 jobs for 12 months
Engineering Services for Stream Restoration Projects	Engineering Services	500,000	3 jobs for 18 months
Beatties Ford Road Widening	Engineering Services	565,000	10 jobs for 18 months
Engineering Services for Grove Park Neighborhood Improvements	Engineering Services	181,008	6 jobs for 9.5 months

\*Job numbers requested from, and provided by, contractor or firm.

## PREVIOUSLY DELAYED CAPITAL PROJECTS

### 17. A. Independence Blvd at Harris Boulevard EPM Intersection Improvements

**Staff Resource:** Alan Morrison, Engineering & Property Management

**Action**

Award the low bid of \$337,084.65 to United Construction, Inc. This project will be constructed as part of a Congestion Mitigation and Air Quality agreement between CDOT and NCDOT and will include the installation of a right turn lane off Independence Boulevard at Harris Boulevard. NCDOT is responsible for 80% of the cost of this project. Construction is scheduled to be complete by the fourth quarter of 2009.

**Disadvantaged Business Enterprise**

Established SBE Goal: 10%

Committed SBE Goal: 10.15%

United Construction committed 10.15% (\$34,211.90) to the following DBE firms: ACS Pavement Marking, Inc., GATC Contracting, LLC, and James A. Streeter DBA Streeter Trucking.

### B. Freedom Drive at Stewart Creek Parkway EPM Intersection Improvements

**Staff Resource:** Imad Fakhreddin, Engineering & Property Management

**Action**

Award the low bid of \$573,968.09 to Sealand Contractors Corporation. This project will provide a new signalized intersection at Freedom Drive and the new Stewart Creek Parkway. It will also modify the intersection of Freedom Drive and Thrift Road. The work will include traffic control, erosion control, grading, drainage, curb and gutter, wheelchair ramps, sidewalk, asphalt paving and pavement markings. Construction is scheduled to be complete in June 2009.

**Small Business Opportunity**

Established SBE Goal: 7.00%

Committed SBE Goal: 7.00%

Sealand Contractors Corporation committed 7% (\$40,180) of the total contract amount to the following SBE firms: Darnell Jones Trucking Inc., Richard Bear Trucking and On Time Construction Inc.

### C. Mount Carmel Baptist Church Left Turn Lane EPM

**Staff Resource:** Jonathan Sossamon, Engineering & Property Management

**Action**

Award the low bid of \$178,634.50 to Blythe Development Co. This project includes the construction of a left turn lane along the church entrance and an eight foot planting strip and six foot sidewalk along the entire length of the turn lane. The work includes grading, road widening, curb and gutter,

sidewalk, driveway replacement, storm drainage and asphalt paving. Construction completion is scheduled for second quarter of 2009.

**Small Business Opportunity**

Established SBE Goal: 5.00%

Committed SBE Goal: 5.04%

Blythe Development Co. committed 5.04% (\$9,000) of the total contract amount to the following SBE firm: D's Trucking Service, Inc.

**D. W.T. Harris Boulevard/Milton Road Intersection EPM**

**Staff Resource:** Jonathan Sossamon, Engineering & Property Management

**Action**

Award the low bid of \$146,754.30 to Blythe Development Co. This project includes intersection improvements to provide a safer environment for pedestrians and motorists at the W.T. Harris Boulevard and Milton Road intersection. Work will also include asphalt paving, concrete curb and sidewalk, restriping and signalization. Construction completion is scheduled for third quarter of 2009.

**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 are not required (Appendix Section 29.1 of the SBO Policy). Five SBEs bid on this contract, however none were the low bidder.

**18. Business Corridor/Pedscape Infrastructure Design Services**

**Action: Approve an agreement for business corridor/pedscape infrastructure design services with:**

**A. URS Corporation in the amount of \$264,769 for the Beatties Ford Road Business Corridor, and**

**B. Kimley-Horn and Associates, Inc. in the amount of \$328,151 for the Commonwealth/Plaza Business Corridor.**

**Staff Resource:** Tom Russell, Engineering & Property Management

**Business Corridor/Pedscape Infrastructure**

- The program focuses on distressed business corridors and areas with Council-adopted pedscape plans.
- The Business Corridor/Pedscape Infrastructure Program is funded from general obligation bonds (such as the November 2008 Bond Referendum), separate from Business Corridor Revitalization Strategy funds.
- Projects may provide a combination of urban street features such as:
  - Improved sidewalks
  - New curb and gutter
  - Pedestrian intersection improvements
  - Crosswalks

- Additional on-street parking
- Planted medians
- Pedestrian scale lighting
- Landscaping

**A. Contract with URS Corporation for the Beatties Ford Road Business Corridor**

- The project limits are Beatties Ford Road from LaSalle Street to I-85.
- Project improvements may include sidewalks, pedestrian intersection improvements, crosswalks, planted medians, pedestrian scale lighting and landscaping.
- This project was identified in the West End Land Use and Pedscape Plan developed by the Charlotte Mecklenburg Planning Commission and adopted by City Council in November 2005.
- A planning phase contract for Beatties Ford Road Business Corridor was approved by City Council in November 2007 for \$133,000.

**B. Contract with Kimley-Horn and Associates for the Commonwealth/Plaza Business Corridor**

- The project limits are Commonwealth Avenue from Pecan Street to The Plaza and The Plaza from Commonwealth Avenue to Central Avenue.
- Project improvements may include sidewalks, new curb and gutter, pedestrian intersection improvements, crosswalks, additional on-street parking, pedestrian scale lighting and landscaping.
- This project was identified by the Plaza-Central Pedscape Plan developed by the Charlotte Mecklenburg Planning Commission and adopted by City Council in November 2003.
- A planning phase contract for Commonwealth/Plaza Business Corridor was approved by City Council in November 2007 for \$143,000.

**Small Business Opportunity**

A. URS Corporation

The City negotiated a SBE goal with URS Corporation after the proposal selection process (Part C: Section 2.2 of the SBO Policy). URS Corporation committed 7.39% (\$19,572) of the total contract amount to the following SBE firms: Neighboring Concepts (\$12,072) and On Target Utility Locate Services.

B. Kimley-Horn & Associates

The City negotiated a SBE goal with Kimley-Horn & Associates Inc. after the proposal selection process (Part C: Section 2.2 of the SBO Policy). Kimley-Horn committed 4.14% (\$13,575) of the total contract amount to the following SBE firms: On Target Utility Locate Service and Mitchell Consulting Inc.

**Funding**

Economic Development Capital Investment Plan

## 19. I-277/Caldwell Interchange

- Action:**
- A. Adopt a budget ordinance appropriating to the project account up to \$786,000,**
  - B. Approve change order #2 to the contract with Blythe Development for the I-277/Caldwell Interchange Modification Project in the amount of \$786,000, and**
  - C. Authorize the City Manager to sign a revised municipal Agreement with NCDOT providing state funding for up to \$225,000 for additional improvements requested by the NCDOT.**

**Staff Resource:** Jeb Blackwell, Engineering & Property Management

### Explanation

- This project constructs interchange and street modifications at I-277/Caldwell and in the vicinity of the NASCAR Hall of Fame, creating surplus right of way to be sold by the City and providing a pedestrian/bicycle link between South End and the Center City.
- Substantial water, wastewater and private utility infrastructure is also being installed at this time to avoid construction disruption later.
- The City Council awarded the contract to Blythe Development on July 23, 2007 in the amount of \$21,367,759.09, and Change Order #1 was approved July 28, 2008, increasing the contract amount to \$24,747,759.09.
- Long duration construction contracts provide for monthly index adjustments to the payment price for asphalt cement due to the volatility of that commodity.
- Although asphalt cement prices have declined significantly recently, some rebound of the price is anticipated. The additional cost is estimated to be \$340,000 as the final layers of asphalt are placed on all streets involved in the project this spring. These funds are available in the project account and will not be spent if the price does not increase.
- The NCDOT requested pavement milling and resurfacing near the interchange not part of the original scope of work, and will provide funds to reimburse the full cost of these improvements through a revised municipal agreement, estimated to be up to \$225,000.
- Private utility companies have requested additional underground conduits be installed with the project, and will provide funds to reimburse the full cost of these improvements, estimated to be up to \$221,000.
- The new contract amount will be \$25,533,759.09.
- The Change Order amount is calculated as follows:

NCDOT requested additions	\$225,000
Private utility requested additions	221,000
Asphalt cement adjustment/existing project budget	<u>340,000</u>
Change Order total	\$786,000

### Minority and Women Business Enterprise

Per the municipal agreement with NCDOT, the State Minority and Women Business Enterprise Program must be followed. All additional work involved in this change order will be performed by the current contractor, Blythe Development, and their existing subcontractors.

**Funding**

Transportation Capital Investment Plan

**Attachment 7**

Budget Ordinance

**20. Engineering Services for Farm-to-Market Road Improvement Projects**

**Action: Approve engineering services contracts for Farm-to-Market Projects with:**

**A. Dyer, Riddle, Mills & Precourt, Inc. in the amount of \$470,430 for Community House Road, and**

**B. Post, Buckley, Schuh and Jernigan, Inc. (PBS&J) in the amount of \$254,000 for Tyvola Road West.**

**Staff Resource:** Jim Keenan, Engineering & Property Management

**Explanation**

- In May 2006 Charlotte City Council adopted the 25 year Transportation Action Plan (TAP).
- Among needs identified in the TAP are improvements to Farm-to-Market roads. These formerly rural roads are generally deficient in their ability to adequately serve the rapidly developing urban land uses surrounding them. Community House Road and Tyvola Road West are CDOT's highest priorities for safety and traffic flow.
- These Engineering firms were selected pursuant to the Council-approved qualifications-based selection process performed in accordance with NC State General Statutes.

**A. Contract with Dyer, Riddle, Mills & Precourt, Inc. (DRMP) for Community House Road Farm-to-Market**

- The Community House Road Farm-to-Market project will provide improved safety and traffic flow on South Community House Road between Ardrey Kell Road and Bryant Farms Road. Improvements may include curb and gutter, sidewalks, additional lane width, bicycle lanes and turning lanes.
- Planning was completed in 2008 under a contract with DRMP for \$250,000 executed in November 2007.
- This contract will continue their effort through design and construction services.
- Funding for this project was included in the 2008 Transportation Bonds.

**B. Contract with PBS&J for Tyvola Road West Farm-to-Market**

- The Tyvola Road West Farm-to-Market project will upgrade Tyvola Road West to urban street standards to improve safety and traffic flow. Improvements may include a median, sidewalks, curb and gutter, bicycle lanes, landscaping and lighting.
- This contract will be for planning services only. Design services will be added later by amendment as appropriate.
- Funding for planning and design only is included in the Farm-To-Market Program budget. Partial funding for right-of-way acquisition and construction is proposed for the 2010 Transportation Bonds.

**Small Business Opportunity**A. Dyer, Riddle, Mills & Precourt, Inc.

For services based contracts, the City negotiates SBE goals after the proposal selection process (Part C: Section 2.2 of the SBO Policy). Dyer, Riddle, Mills & Precourt, Inc., committed 6.87% (\$32,309) of the total contract amount to the following SBE firms: Joel E. Woods Associates, Estes Design, Inc. and Richa Graphics.

B. PBS&J

- For services based contracts, the City negotiates SBE goals after the proposal selection process (Part C: Section 2.2 of the SBO Policy). PBS&J committed 0.98% (\$2,500) of the total contract to the following SBE firm: Carolina Wetland Services, Inc. In addition, PBS&J listed in their proposal the following SBEs as supporting team members: Capstone Civil Group, P.A. and On Target Utility Locate Services, Inc.
- Typical SBE tasks for the planning phase of Farm-to-Market projects, such as landscape design and survey, are now performed in-house on a project by project basis. For this reason, PBS&J found very few opportunities to subconsult and only proposed a small amount of SBE subcontracted work for natural resource and wetlands evaluation.

**Funding**

Transportation Capital Investment Plan

**21. Engineering Services for Stream Restoration Projects**

**Action: Approve a contract with Entrix of North Carolina, Inc. in the amount of \$500,000 for engineering services for stream restoration projects.**

**Staff Resource:** Jennifer Smith, Engineering & Property Management

**Stream Restoration**

- Stream restoration is the process of converting a degraded, eroding stream corridor to a stable condition.
- The Clean Water Act often requires public projects to mitigate impacts to streams and wetlands by restoring similar features elsewhere.
- Stream restoration projects generate mitigation credits that can be used to offset stream and wetland impacts on public projects.
- In 2004 the City of Charlotte established the Stream and Wetland Mitigation Bank to hold mitigation credits that can be used by City and County public projects.
- The Bank allows mitigation dollars to remain local rather than be paid to a statewide fund, so the benefits of restoration projects are realized in Charlotte's watersheds.
- Mitigation credits are currently sold by the Bank to individual projects at a rate of \$450 per linear foot, which allows the Storm Water Program to recoup approximately 100% of the cost associated with restoring streams.
- All of these restoration projects are located in areas that have been impacted by unmitigated storm water runoff and have been identified by the State as impaired.

### **Contract for Engineering Services**

- This contract with Entrix of North Carolina, Inc. will provide engineering services for Collins Park Branch and potentially other stream and wetland restoration and water quality projects as needed.
- The Collins Park Branch study area boundaries are Murrayhill Road to the northwest, Scaleybark Road to the east and Woodlawn Road to the south.
- The Collins Park Branch Project was selected after reviewing information collected on this stream section during the Conway-Briabend Storm Drainage Improvement Project.
- This project will repair a degraded stream, which is a high priority stream restoration project.
- Work will include the preparation of feasibility studies as well as planning and design plans for small scale restoration projects for mitigation credit.
- These contracts will support the City's Stream and Wetland Mitigation Bank.
- Entrix was selected in April 2008 pursuant to a Council approved qualifications-based selection process performed in accordance with NC State General Statutes.

### **Small Business Opportunity**

For services based contracts, the City negotiates SBE goals after the proposal selection process (Part C: Section 2.2 of the SBO Policy). Entrix of North Carolina, Inc. committed 10.00% (\$50,000) of the total contract amount to the following SBE firms: Capstone Civil Group, P.A., Carolina Wetland Services, Inc. and Collins & Baker Engineering, P.A.

### **Funding**

Storm Water Capital Investment Plan

## **22. Beatties Ford Road Widening**

**Action: Approve a contract with Post, Buckley, Schuh & Jernigan, Inc., (PBS&J) in the amount of \$565,000 for engineering services for the Beatties Ford Road Widening Project.**

**Staff Resource:** Jim Keenan, Engineering & Property Management

### **Explanation**

- The project design limits are from Capps Hill Mine Road to Sunset Road.
- This contract will extend the services of the current consultant (PBS&J) to provide professional design services.
- On January 27, 2003 City Council approved a contract with PBS&J for planning services for widening Beatties Ford Road in the amount of \$380,884. City Council was informed that the contract was for planning work only and final design work would proceed as funding allowed.
- Funding for real estate acquisition and construction is anticipated to be included in the 2010 Transportation Bond Referendum.
- PBS&J was selected pursuant to the Council approved qualifications-based selection process performed in accordance with NC State General Statutes.
- PBS&J pricing is competitive with similar projects. Plan quality is ensured and efficiencies are achieved by having the same firm take the project from the planning and design phase to the engineering services phase.

**Small Business Opportunity**

For services based contracts, the City negotiates SBE goals after the proposal selection process (Part C: Section 2.2 of the SBO Policy). PBS&J committed 3.66% (\$20,700) of the total contract amount to the following SBE firm: Capstone Civil Group, P.A.

**Funding**

Transportation Capital Investment Plan

## 23. Engineering Services for Grove Park Neighborhood Improvements

**Action: Approve a design contract with Kimley-Horn and Associates, Inc. in the amount of \$181,008 for the Grove Park Neighborhood Improvements.**

**Staff Resource:** Kristie Kennedy, Engineering & Property Management

**Explanation**

- The Grove Park neighborhood is bound by Robinson Church Road to the south, Linda Lake Court to the north, W.T. Harris Boulevard to the west and Linda Lake Drive to the east.
- Funding for planning and design was included in the 2006 Neighborhood Improvement Bonds. These funds allow for advance planning and design, reducing the wait time for project implementation.
- The Neighborhood Improvement Program provides infrastructure improvements such as curb and gutter, sidewalk, storm drainage, street resurfacing and street trees.
- Construction funding is anticipated to be included in the 2010 Neighborhood Improvement Bonds.

**Design Phase Engineering Services for Neighborhood Improvement Projects**

- The planning contract in the amount of \$140,680 was approved by City Council on May 14, 2007.
- The chosen firm was selected pursuant to a Council approved qualifications-based selection process performed in accordance with NC State General Statutes.
- This design contract will carry forward the planning phase work. Deliverables include 60%, 90% and 100% design plans for the Grove Park neighborhood.
- Kimley-Horn and Associates, Inc. pricing is competitive with similar projects. Plan quality is ensured and efficiencies are achieved by having the same firm take the project from the planning and design phase to the engineering services phase.
- The design phase is expected to last nine to twelve months.

**Small Business Opportunity**

- For services based contracts, the City negotiates SBE goals after the proposal selection process (Part C: Section 2.2 of the SBO Policy). Kimley-Horn and Associates, Inc. committed 1.66% (\$3,000) of the total contract amount to the following SBE firm: On Target Utility Locate Services, Inc. In addition, Kimley-Horn listed in their proposal the

following SBE as a supporting team member: Carolina Copy Services, Inc. Kimley-Horn will use this SBE as this project evolves (Part C: Section 2.2 of the SBO Policy).

- Typical SBE tasks for the design phase of Neighborhood Improvement projects, such as landscape design and survey, are now performed in-house but may be subcontracted as needed. For this reason, Kimley-Horn found very few opportunities to subconsult and only proposed a small amount of SBE subcontracted work for utility locating services.
- Upon request, Kimley-Horn sought to increase the SBE participation goal. However, they saw no viable SBE subcontracting opportunities on this portion of the contract.

**Funding**

Neighborhood Capital Investment Plan

## CONSENT I

### 24. Various Bids

#### A. 2009 Annexation, Upper Reedy Creek Interceptor CMU

**Staff Resource:** Doug Bean, Utilities

**Action**

Award the low bid of \$6,656,431.89 by Buckeye Construction Company, Inc., for construction of the Upper Reedy Creek Interceptor project. The adoption of the 2009 annexation requires that approximately 15 miles of gravity sewer be constructed to provide services to the newly annexed areas. This will be accomplished through five separate construction contracts, of which this is one. This project is located along Reedy Creek in Cabarrus County, North Carolina, beginning in the vicinity of Hickory Ridge Road (where the Middle Reedy Creek Project ends) and extending approximately 22,539 linear feet to the Mecklenburg County line. This project gives Utilities wastewater treatment capacity at the Cabarrus County Rocky River Treatment Plant.

**Small Business Opportunity**

Established SBE Goal: 5%

Committed SBE Goal: 5.34%

Buckeye Construction exceeded the SBE established goal and committed 5.34% (\$355,622.92) of the total contract amount to the following SBE firms: D's Trucking, The Carolina Landworks, and Ms. Sybil's Seeding.

#### B. 2009 Annexation, Middle Reedy Creek Interceptor CMU

**Staff Resource:** Doug Bean, Utilities

**Action**

Award the low bid of \$4,458,848.68 by Buckeye Construction Company, Inc., for construction of the Middle Reedy Creek Interceptor project. The adoption of the 2009 annexation requires that approximately 15 miles of gravity sewer be constructed to provide services to the newly annexed areas. This will be accomplished through five separate construction contracts, of which this is one. This project is located along Reedy Creek in Cabarrus County, North Carolina, beginning in the vicinity of Lower Rocky River Road and extending upstream approximately 13,160 linear feet to the vicinity of Hickory Ridge Road in Cabarrus County. All of the work is located in the permanent easement, and/or on property owned by the Water and Sewer Authority of Cabarrus County, North Carolina. This project gives Utilities wastewater treatment capacity at the Cabarrus County Rocky River Treatment Plant.

**Small Business Opportunity**

Established SBE Goal: 5%

Committed SBE Goal: 5.31%

Buckeye Construction exceeded the SBE established goal and committed 5.31% (\$236,805.90) of the total contract amount to the following SBE firms: D's Trucking, The Carolina Landworks and Ms. Sybil's Seeding.

**C. Beaverdam Creek East Sewer Improvements****CMU****Staff Resource:** Doug Bean, Utilities**Action**

Award the low bid of \$581,722.38 by B.R.S., Inc. for construction of approximately 4,900 linear feet of eight-inch gravity sewer. This project is being funded under a reimbursable contract in accordance with Section VI of the Utilities Water and Sewer Extension Policy. This sewer extension is necessary to provide service to a proposed shopping center near the I-485 & Steele Creek Road interchange. The shopping center is currently under construction. The sewer construction is scheduled for completion by June 25, 2009.

**Small Business Opportunity**

Established SBE Goal: 5%

Committed SBE Goal: 1.85%

B.R.S. failed to meet the SBE established goal, but earned the required number of Good Faith Effort Points (Part B: Section 2.1 of the SBO Policy.) They committed 1.85% (\$10,500) of the total contract amount to the following SBE firms: The Carolina Landworks and Express Logistics Services.

**D. Liquid Asphalt****CDOT****Staff Resource:** Layton Lamb, Transportation**Action**

Award the low bid unit price contract to Slurry Pavers, Inc, for the provision of CRS-2 Liquid Asphalt in the estimated annual amount of \$288,100 for the term of one year and authorize the City Manager to renew up to three additional one year terms with possible price adjustments at the time of renewal as authorized by the contract.

The CRS-2 liquid asphalt will be delivered and pumped into tanks at three Street Maintenance locations for street and road patch repairs. This product conforms to NC Department of Transportation, Division of Highway Standards and Specifications for Roads & Structures.

**Small Business Opportunity**

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

**E. Airport Welcome Center and Baggage Service Office Renovations****Aviation****Staff Resource:** Jerry Orr, Aviation**Action**

Award the low bid of \$297,062 by Marand Builders to renovate the Charlotte Regional Visitors Authority (CRVA) and Baggage Service Office. The Airport Welcome Center will be reconstructed to accommodate expanded and improved services offered by the CRVA's Manager and 12

volunteer employees that work at the Center. An office and workroom will be constructed, along with a redesigned counter to allow as many as three employees to work at one time. The space will feature video screens and redesigned brochure displays to serve as storage for the materials in use at the Welcome Center. The work space could also be used by convention groups that are greeting passengers and/or coordinating transportation needs, etc. This contract will also remodel and reconstruct the US Airways' baggage service office into a Star Alliance Bag Service Office.

**Small Business Opportunity**

Established SBE Goal: 5%

Committed SBE Goal: 6.76%

Marand Builders committed 6.76% (\$20,080) to the following SBE firms: Carolina Demolition, Parries Flooring and Agua Source Plumbing.

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

- Action:**
- A. Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$21,061.42, and**
  - B. Adopt a resolution authorizing the refund of business privilege license payments made in the amount of \$298.09.**

**Staff Resource:** Teresa Smith, Finance

**Attachment 8**

List of property tax and business license refunds  
Resolution

## 26. In Rem Remedy

**For In Rem Remedy #A-I, 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.

**Complaint:**

- A. 1705 Beatties Ford Road (Neighborhood Statistical Area 23 – Washington Heights Neighborhood)
- B. 2723 Ruby Street (Neighborhood Statistical Area 18 – Enderly Park Neighborhood)

**Field Observation:**

- C. Laborde Avenue (Neighborhood Statistical Area 126 – Henderson Circle Neighborhood)
- D. 7109-9 Old Statesville Road (Neighborhood Statistical Area 126 – Henderson Circle Neighborhood)
- E. 7109-10 Old Statesville Road (Neighborhood Statistical Area 126 – Henderson Circle Neighborhood)
- F. 7109-24 Old Statesville Road (Neighborhood Statistical Area 126 – Henderson Circle Neighborhood)
- G. 7109-27 Old Statesville Road (Neighborhood Statistical Area 126 – Henderson Circle Neighborhood)
- H. 7117-A Old Statesville Road (Neighborhood Statistical Area 126 – Henderson Circle Neighborhood)
- I. 7117-B Old Statesville Road (Neighborhood Statistical Area 126 – Henderson Circle Neighborhood)

**Complaint:**

**A. 1705 Beatties Ford Road**

**Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1705 Beatties Ford Road (Neighborhood Statistical Area 23 – Washington Heights Neighborhood).**

**Attachment 9**

**B. 2723 Ruby Street**

**Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2723 Ruby Street (Neighborhood Statistical Area 18 – Enderly Park Neighborhood).**

**Attachment 10**

**Field Observation:**

**C. Laborde Avenue**

**Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at Laborde Avenue (Neighborhood Statistical Area 126 – Henderson Circle Neighborhood).**

**Attachment 11**

**D. 7109-9 Old Statesville Road**

**Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 7109-9 Old Statesville Road (Neighborhood Statistical Area 126 – Henderson Circle Neighborhood).**

**Attachment 12**

**E. 7109-10 Old Statesville Road**

**Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 7109-10 Old Statesville Road (Neighborhood Statistical Area 126 – Henderson Circle Neighborhood).**

**Attachment 13**

**F. 7109-24 Old Statesville Road**

**Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 7109-24 Old Statesville Road (Neighborhood Statistical Area 126 – Henderson Circle Neighborhood).**

**Attachment 14**

**G. 7109-27 Old Statesville Road**

**Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 7109-27 Old Statesville Road (Neighborhood Statistical Area 126 – Henderson Circle Neighborhood).**

**Attachment 15**

**H. 7117-A Old Statesville Road**

**Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 7117-A Old Statesville Road (Neighborhood Statistical Area 126 – Henderson Circle Neighborhood).**

**Attachment 16**

**I. 7117-B Old Statesville Road**

**Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 7117-B Old Statesville Road (Neighborhood Statistical Area 126 – Henderson Circle Neighborhood).**

**Attachment 17**

## CONSENT II

### 27. Amendments to Discovery Place and Mint Museum Leases

**Action: Amend the leases for Discovery Place and Mint Museum (Randolph) to change the date by which the cultural affiliates will begin assuming responsibility for agreed upon operating expenses at their existing facilities.**

**Staff Resource:** Ron Kimble, City Manager's Office

#### Explanation

- In January 2005 the Mayor's Task Force on Cultural Facilities recommended a change in the City's cultural funding model, whereby the City would use its ability to leverage capital funding for cultural facilities and the facility operating costs would be transferred to the cultural affiliates over a period of time.
- This new model became a part of the Cultural Facility Plan as follows:
  - New cultural facilities would assume the operating costs of utilities, janitorial services, security, landscaping and cleaning supplies upon completion.
  - Existing facilities would assume these same operating costs in a phased in period of three years beginning upon the completion of the new facilities.
  - City would retain other building maintenance costs consistent with a City owned facility such as fire alarms, insurance, pest control, HVAC systems, minor plumbing repairs, etc.
  - The operating budget savings resulting from the transfer of utilities, janitorial services, security, landscaping and cleaning supplies to the cultural partners will offset the City's additional maintenance costs for the new facilities.
- On September 11, 2006 the City Council approved leases for Discovery Place and Mint Museum (Randolph) which begins this phasing with the following schedule:
  - Mint Museum - July 1, 2009
  - Discovery Place - between July 1 and October 1, 2009
- On January 5 City Council received an update on the schedule of all of the Cultural Facilities and discussed revising these two leases due to the change in construction/renovation schedules.
- Staff recommends that the leases be amended to begin this transition for both facilities on July 1, 2010, in accordance with the completion of the new Mint Museum and the completion of the renovation of Discovery Place.
- The impact of deferring transfer of facility operating costs is approximately \$289,000 for FY2010:
  - Discovery Place - \$213,000
  - Mint Museum (Randolph) - \$76,000
- However, the continued implementation of the second and third years of the phased transfer of operating costs from the City to the cultural partners will produce net savings to the City's operating budget of approximately \$915,000 annually by FY2013.

**Attachment 18**

Cost Savings Summary for Cultural Facilities  
 Discovery Place Letter  
 The Mint Museum Letter

**28. Financial Statements Audit**

**Action:**   **A. Approve a one year contract with Cherry, Bekaert & Holland, LLP, in the amount of \$135,000 to provide audit services for the fiscal year ending June 30, 2009, and**

**B. Authorize the City Manager to approve up to three additional consecutive one year renewal options with Cherry, Bekaert & Holland, LLP with possible price adjustments at the time of renewal as authorized by the contract, contingent upon the company's satisfactory performance.**

**Staff Resource:**   Teresa Smith, Finance  
                           Chuck Robinson, Business Support Services

**Explanation**

- State law requires Council to select a certified public accounting firm to audit the accounting records and annual financial report and to evaluate internal controls at the end of each fiscal year.
- The audit includes financial and compliance examinations as well as issuance of appropriate audit reports for the fiscal year ending June 30, 2009. The audit reports include:
  - The City's Comprehensive Annual Financial Report (CAFR), which includes the basic, combined and individual fund statements and schedules, and budgetary comparison information for the General Fund
  - The City's Single Audit for Federal and State funding sources
- The audit shall be completed and the company's opinion rendered no later than October 31, 2009.
- A Request for Proposals was issued on January 23, 2009 for an Audit of the City of Charlotte's Financial Statements.
- The City received five proposals in February 2009 and after thorough evaluations, the project team recommends award to Cherry, Bekaert & Holland, LLP.
- The selection criteria included: experience, qualifications, understanding of the work to be provided, cost effectiveness and value.
- Cherry, Bekaert & Holland, LLP is the incumbent vendor and has an excellent performance record with the City.

**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**

General Fund, Water and Sewer Operating, Airport Operating, Transit Operating, Storm Water Operating, Risk Management

## 29. Airport Facility Renovation

- Action:**
- A. Reject the low bid from Marand Builders for failure to comply with the Small Business Program Policy,**
  - B. Reject the second lowest bid from H & H Remodeling for failure to comply with the Small Business Program Policy, and**
  - C. Award the lowest responsive bid of \$158,350 to Shelco, Inc., for office renovations in the Airport Maintenance Facility on Wilkinson Boulevard.**

**Staff Resource:** Jerry Orr, Aviation

### Explanation

- In December 2004 the Airport acquired a 121,640 square foot big box building on Wilkinson Boulevard.
- In September 2008 City Council approved a design contract with C Design for the renovation of 4,500 square feet of office and support space in the building.
- This construction project will provide facilities for the Airport's Maintenance Division and permit a relocation of additional Airport personnel from the terminal building.

### Action A Bid Rejection

- Reject the low bid of \$144,247 from Marand Builders for failure to meet the SBE utilization goal and Good Faith Efforts of the Small Business Development Program.
- The goal for the project was 4% for which Marand committed 0%. They achieved only ten Good Faith Effort Points out of the 175 minimum required.

### Action B Bid Rejection

- Reject the low bid of \$149,431 from H & H Remodeling for failure to meet the SBE utilization goal and Good Faith Efforts of the Small Business Development Program.
- The goal for the project was 4% for which H & H committed 2%. They achieved zero Good Faith Effort Points out of the 175 minimum required.

### Summary of Bids

Marand Builders	\$144,247.00
H & H Remodeling	\$149,431.00
Shelco, Inc.	\$158,350.00
Edison Foard	\$162,500.00
MV Momentum	\$169,653.00
Bradley Construction, Inc.	\$175,949.00
J.G. Coram Company	\$179,000.00
The Whiting Turner	\$179,000.00
Moss-Marlow	\$184,994.00
D.E. Brown Construction	\$186,263.00
Camps	\$194,425.00
HR Construction	\$194,822.00
Ponder	\$198,000.00

Ikes Construction	\$200,000.00
Buchanan	\$200,900.00
Ames Builders	\$208,478.00
R. Black	\$208,900.00
Site Performance	\$216,000.00
A&M Construction	\$232,074.00
McCall Brother	Non-responsive

### **Small Business Opportunity**

Established SBE Goal: 4%

Committed SBE Goal: 1.8%

Shelco failed to meet the SBE goal, but they did achieve 175 Good Faith Effort Points out of the 175 minimum required. They committed 1.8% (\$2,850) to the following SBE firm: Carolina Demolition and Team Solutions.

### **Funding**

Airport Capital Investment Plan

## **30. Airport Security System Change Order #1**

**Action: Approve change order #1 with Johnson Controls, Inc. in the amount of \$368,371 for additional work to the security camera system.**

**Staff Resource:** Jerry Orr, Aviation

### **Explanation**

- In February 2008 Council accepted a grant in the amount of \$2,050,000 from the Department of Homeland Security for the Transportation Security Administration (TSA) to provide a CCTV based security system at the checkpoints to replace a leased system.
- In July 2008 Council approved a contract with Johnson Controls, Inc. in the amount of \$449,724 to supply and install the system.
- Subsequently, TSA has now decided it needs some cameras moved, along with additional cameras and equipment to meet their operational needs.
- This change order will provide the requested additions to the system approved by the TSA and will be funded from the grant.

### **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**

Airport Capital Investment Plan

## 31. Annexation Street Maintenance Resolution

**Action: Adopt a resolution to transfer maintenance for 121 streets from the North Carolina Department of Transportation (NCDOT) to the City of Charlotte.**

**Staff Resource:** Layton Lamb, Street Maintenance

### Explanation

- The City accepts State maintained streets upon request and mutual agreement and/or when the streets are within an annexed area and not part of the NCDOT primary road system.
- The streets included on this list are located in the 2009 Annexation areas approved by City Council and are currently maintained by NCDOT.
- These streets are not on NCDOT's primary road system and qualify for maintenance under the City's Street Maintenance Policy.
- This resolution requests NCDOT transfer maintenance responsibility for the attached list of 121 streets to the City.
- The transfer will take place on June 30, 2009. Upon completion of the transfer, the City will receive Powell Bill funding for the newly maintained streets.

### Funding

Powell Bill Street Maintenance Fund

### Attachment 19

Street Listing  
Resolution

## 32. Design Repair for City Bridges

**Action: Approve a contract for \$153,047.81 with Thompson-Gordon-Shook Engineers, Inc. (TGS) for the design of bridge repairs.**

**Staff Resource:** Gus Jordi, Transportation

### Explanation

- The Federal Highway Administration mandates that bridges/culverts be inspected every two years.
- Previously, the City Council approved two contracts with TGS totaling \$433,503 to inspect city bridges/culverts. Bridges are inspected for structural adequacy, safety and functionality.
- This contract provides funding for design, bid phase and construction administration services for repairs noted from the inspection contracts with TGS.
- Bridge repair construction will be awarded in a future action.

### 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**

Transportation Capital Investment Plan

**Attachment 20**

List of Bridges

**33. 2009 Annexation, Reedy Creek Outfall**

**Action:**

**A. Reject the low bidder, State Utility Contractors, Inc. for failure to meet the minimum experience requirements as stated in the bid document, and**

**B. Award the next low bidder, Sanders Utility, the low bid of \$7,501,364.33 for construction of the Reedy Creek Outfall project.**

**Staff Resource:** Doug Bean, Utilities**Explanation**

- The qualifications, as stated in the bid document, required that each bidder have a minimum of at least two projects involving large-diameter sanitary sewer main construction, each with a minimum of 36" in diameter and 4,000 feet in length. Both projects were required to be completed within the past five years.
- The last large-diameter sanitary sewer main construction State Utility has completed was 14 years ago.
- The second low bidder, Sanders Utility, was able to demonstrate that they met the requirements as stated in the bid document.
- The works consists of construction of approximately 33,000 linear feet of sanitary sewer lines, beginning at the Mecklenburg/Cabarrus County line and terminating at the Plott Road pump station.
- The adoption of the 2009 Annexation requires that approximately 15 miles of gravity sewer be constructed to provide services to the newly annexed areas. This will be accomplished through five separate construction contracts, of which this is the first.

**Summary of Bids**

State Utility Contractors	\$7,437,777.48
Sanders Utility	\$7,501,364.33
SJ Louis	\$7,750,846.16
Dellinger, Inc.	\$7,823,312.28
Garney Construction	\$8,552,517.00
Central Builders, Inc.	\$8,775,669.53
BRS, Inc.	\$8,822,621.24
RH Price, Inc.	\$9,159,925.95
Thalle Construction Co., Inc.	\$9,198,920.21
Moorhead Construction, Inc.	\$9,547,971.70
Hall Contraction Corporation	\$9,658,486.95
Oscar Renda Contracting, Inc.	\$9,861,733.55
BC&D Associates, Inc.	\$12,029,992.75
Ruby Collins, Inc.	\$17,429,171.24

**Small Business Opportunity**

Established SBE Goal: 7%

Committed SBE Goal: 2.32%

Sanders Utility failed to meet the goal, but earned the required number of good faith effort points. They committed 2.32% (\$174,287) of the total contract amount to the following SBE firms: Perry's Lawn & Landscaping, D's Trucking, All Points Trucking, Martin Resources, Ms. Sybil's Seeding, and Capstone Civil Group

**Funding**

Utilities Capital Investment Plan

### 34. Utilities Participation in Mecklenburg County Floodplain Buyouts along Briar Creek

**Action:** Approve an agreement with Mecklenburg County for floodplain buyouts along Briar Creek, in the total amount of \$160,000 as part of the easement acquisition process for the Briar Creek Relief Sewer.

**Staff Resource:** Doug Bean, Utilities

**Explanation**

- After the floods in August of 2008, Mecklenburg County Storm Water Services initiated the buyout of several properties along Briar Creek that were flooded.
- Utilities identified the properties that would be impacted by the future Briar Creek project. Utilities offered to pay a portion of the acquisition cost for the impacted properties.
- Utilities' decision to participate in the buyout of these properties and the ultimate demolition of the houses will save Utilities in excess of \$300,000 in construction costs associated with the future Briar Creek project.
- As part of the participation in funding the buyout, Mecklenburg County will grant Utilities an easement in the future across these properties at no additional cost to Utilities.
- These properties were selected based on their proximity to the construction of the future Briar Creek sewer line, and their negative impact on the difficulty of the project.
- All properties are located in areas experiencing flooding between Country Club Drive and Eastway Drive along Briar Creek, and all property owners are willing to sell.

**Funding**

Utilities Capital Investment Plan

### 35. Technology Service Desk Services and Related Software

- Action:**
- A. Approve the award of a service contract with Intratek Computers, Inc. for Technology Service Desk Services for an initial term of four years in an annual amount not to exceed \$900,000,**
  - B. Authorize the City Manager to approve up to two, two year renewal options with Intratek Computers, Inc. with possible price adjustments at the time of renewal as authorized by the contract, contingent upon the company's satisfactory performance,**
  - C. Approve the purchase of the BMC Remedy Help Desk Software Suite, licenses and maintenance services without competitive bidding, as authorized by the cooperative purchasing exemption of G.S. 143-129(e)(3),**
  - D. Approve a contract with BMC Software, Inc. for the purchase of the BMC Remedy Help Desk Software Suite, licenses and maintenance services in an amount not to exceed \$200,000 along with a five year maintenance renewal cost not to exceed \$160,000, and**
  - E. Authorize the City Manager to approve software maintenance renewals with possible price adjustments and additional software license purchases necessary to accommodate increases in service requirements from business units supported by Technology Service Desk Services that may occur over the contract period.**

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

#### **Technology Service Desk Services**

- The City's Technology Service Desk is a help desk or call center that offers a single point of contact for City employee inquiries and issues related to technology needs.
- The City's Technology Service Desk functions 24 hours a day, seven days a week, 365 days a year.
- The Technology Service Desk provides technical and functional troubleshooting for enterprise applications, departmental applications, standard PC hardware and software issues and installations, as well as telephony needs and network infrastructure issues.
- The Technology Service Desk requires both the provision of professional services and the use of related software to perform effectively as a help desk or call center for technology needs. As interdependent components, both the services and the software must be purchased.
- The Technology Service Desk has been outsourced for the past ten years and the current contract provider is Unisys.
- With the current outsourced contract scheduled to end June 30, 2009 and the objective to provide enhanced services at a lower cost, staff issued a Request For Proposals in September 2008.
- The City received six proposals in November 2008 which resulted in a shortlist of three companies.

- The selection criteria included: experience, solution delivery, references, competitive pricing and financial capability.
- After extensive evaluations, the evaluation team recommends award to Intratek Computers, Inc., which is an established service provider to many Veterans' Administration field offices and other government agencies responsible for providing technical staff and call center services.
- Intratek Computers, Inc. will hire up to ten local technical employees to provide the Technology Service Desk Services to the City and will provide services from inside the Charlotte-Mecklenburg Government Center.
- Intratek Computers, Inc. will begin providing services July 1, 2009 and will use the City's Help Desk Software to perform the service requirements.

### **Technology Service Desk Software**

- As part of the Technology Service Desk, the City requires the use of Help Desk Software to act as an incident management reporting system that records all technology requests for service, troubleshooting activities and resolutions.
- The Help Desk Software allows all problems or requests to be logged and a ticket number assigned for tracking and resolution; inquiries on the status of a Technology Service Desk call can be made by using this ticket number.
- Currently, the City is using the current contractor's software for help desk reporting, tracking and analysis.
- The City will require new Help Desk Software and has considered the alternatives of using the new vendor's software for a fee or purchasing software that will be owned by the City.
- Based on thorough analysis of all Technology Service Desk proposals, the City's evaluation team determined that owning the Help Desk Software will allow more internal control and improve performance metrics to minimize downtime and improve customer service delivery.
- The purchase of services and new software will result in an estimated savings of approximately \$1,052,000 over the life of the contract.

### **Cooperative Purchasing Exemption**

- NC Senate Bill 914, effective January 1, 2002 authorizes the exception to competitive bidding for competitive group purchasing.
- BMC Software, Inc. has a national contract through General Service Administration (GSA) for Information Technology Products (GS-35F-5237H) that guarantees their lowest prices.
- The GSA contract for Information Technology Products was awarded on March 30, 1998 and is available for use through May 29, 2009.

### **Small Business Opportunity**

No SBO goal was set for the Technology Service Desk contract because subcontracting opportunities are not anticipated. (Part C; Section 2.4 of the SBO Policy). For the Service Desk Software solution no SBO goals were set because contracts entered into without a competitive bidding/proposal process are exempt (Appendix Section 23.2 of the SBO Policy).

### **Funding**

Business Support Services Operating Budget

## 36. Multi-function Machines, Print Devices and Print Shop Services

- Action:**
- A. Approve the purchase of multi-function machines, print devices and print shop services without competitive bidding, as authorized by the cooperative purchasing exemption of G.S. 143-129(e)(3), and**
  - B. Approve a contract with Ricoh Americas Corporation for the provision of multi-function machines, print devices and print shop services in the estimated annual amount of \$850,000 for a term not to exceed 51 months with possible price adjustments each year as authorized by the contract.**

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

### Explanation

- The City uses multi-function machines, print devices and print shop services for the purpose of printing, copying, scanning, faxing and related functions within all City Key Business Units (KBUs).
- Multi-function machines (print, scan, copy and fax capabilities) and print devices (print capabilities only) are located throughout City facilities and produce an estimated 17.7 million impressions annually. Additionally, the City produces 4.65 million impressions annually through two print shops located within the Charlotte-Mecklenburg Government Center and the Law Enforcement Center.
- The City of Charlotte currently collaborates with Mecklenburg County and the City of Rock Hill for the provision of multi-function machines, printers and print shop services. This collaboration results in economies of scale to include a reduced cost per impression, volume discounts and administrative efficiencies.
- The current agreement with IKON involves a cost per impression price that is inclusive of all machine/device usage, maintenance, paper, toner and related supplies.

### Selection Process

- Business Support Services Procurement Services Division sponsored a user forum and product demonstrations in December 2008 to discuss alternative contracting approaches for these services. These alternatives included a restructured contract, a cooperative purchasing approach, or a full competitive solicitation.
- After much consideration, representatives from the City, Mecklenburg County and Rock Hill are jointly recommending the use of a cooperative purchasing agreement with Ricoh Americas Corporation established through the US Communities Purchasing Alliance. The US Communities agreement was competitively solicited as a national contract and meets the requirements of a cooperative purchasing agreement.

### Options and Printing

- Ricoh's device offerings allow a broader range of options for all City KBUs, increased energy efficiency, usage of recycled paper, and an increased ability for double sided printing, and tracking of double sided printing and other green initiatives related to printing needs.

- Key Business Unit's will be charged only for the number of impressions made each month and will receive a rebate for the number of double sided impressions made during that time.
- Based on historic usage, the estimated cost is \$850,000 per year, which may increase or decrease based on actual usage and percentage of double sided impressions.
- Previous cost per impression was \$0.0433 for black and white impressions, and \$0.1107 for color impressions. Proposed pricing under the US Communities Agreement is as follows:
  - With a three year agreement, KBUs will pay \$0.042 per black and white impression (estimated \$20,935 savings annually) or \$0.099 per color impression (estimated \$19,114 savings annually)
  - With a four year agreement, KBU's will pay \$0.038 per black and white impression (estimated \$85,351 savings annually) or \$0.099 per color impression (Estimated \$19,114 savings annually)
  - Each KBU will receive monthly rebates for any double sided copies at a rate of \$0.00397 each.

#### **Cooperative Purchasing Exemption**

- NC Senate Bill 914, effective January 1, 2002 authorizes the exception to competitive bidding for competitive group purchasing.
- Ricoh Americas Corporation, through a competitive process, was awarded the multifunctional printer/copier national contract through US Communities Purchasing Alliance that guarantees their lowest prices. The US Communities contract is available on a national level to approximately 87,000 entities.
- The multifunctional printer/copier contract was competitively bid and awarded by Los Angeles, California on September 21, 2007.

#### **Small Business Opportunity**

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

#### **Funding**

All KBU operating budgets, based on usage

### **37. Public Auctions for Disposal of Equipment and Police Unclaimed Property**

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

**B. Authorize said items for sale by public auctions on April 18, 2009 and April 25, 2009.**

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

#### **Explanation**

- Pursuant to North Carolina G.S. 160A-270(b) approval is requested for two public auctions as follows:
  - On April 18, 2009 at 10:00 a.m. to dispose of City owned property declared as surplus (see Exhibit A)
  - On April 25, 2009 at 10:00 a.m. to dispose of police unclaimed property (no exhibit required)

- Each auction is a premise based auction to be conducted at the City-County Asset Recovery and Disposal facility located at 3301 Rotary Drive, Charlotte, North Carolina.
- A live auction will primarily be used for the spring auction. The return on rolling stock assets, police unclaimed assets and computer and miscellaneous assets is traditionally higher at a live, onsite auction versus electronic auctions.
- The City selected the auction service through competitive bids. The process was developed in the interest of fairness and is economical in its cost and time savings. The City's contract auction company (Rogers Realty and Auction Company Inc.) will conduct each auction. Services provided include up to 20 days of labor for one employee to assist with set up duties for the rolling stock auction. On auction day they provide four auctioneers and all support staff needed for a successful auction. They provide one employee for one week following the auction to disperse vehicles to the buyers.
- The auction company will be compensated for the sale through auction proceeds in the following manner:
  - Rolling stock equipment – 9.50 % of the total gross sale price
  - Police unclaimed property – 9.50 % of the total gross sale price
  - Miscellaneous items – 9.50 % of the total gross sale price

**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).

Rogers Realty and Auction Company Inc. is a woman-owned business enterprise.

**Funding**

Auction Proceeds

**Attachment 21**

Public Auctions Resolution

List of Rolling Stock

## 38. Property Transactions

**Action: Approve the following property transactions (A-B).**

### Acquisitions

- A. Project:** US 29/NC 49- University City Boulevard Phase I and Phase 2-N.Tryon Widening, Parcel # 29  
**Owner(s):** Brown, Linda Lee Davis and Kathleen Elizabeth Davis Easton and Amy Eileen Davis Abernathy  
**Property Address:** 6919 N. Tryon Street  
**Property to be acquired:** 24 sq. ft. (.001 ac.) in Fee Simple, plus 1,578 sq. ft. (.036 ac.) in Storm Drainage Easement, plus 2,393 sq. ft. (.055 ac.) in Utility Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$10,325  
**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review.  
**Zoned:** B-2  
**Use:** Commercial  
**Tax Code:** 089-254-16  
**Total Parcel Tax Value:** \$312,200
- B. Project:** US 29/NC 49- University City Boulevard Phase I and Phase 2-N.Tryon Widening, Parcel # 30  
**Owner(s):** Ellas, Inc.  
**Property Address:** 6912 N. Tryon Street  
**Property to be acquired:** 1,051 sq. ft. (.024 ac.) in Fee Simple, plus 3,917 sq. ft. (.090 ac.) in Temporary Construction Easement  
**Improvements:** None  
**Landscaping:** None  
**Purchase Price:** \$14,075  
**Remarks:** Compensation was established by an independent, certified appraisal and appraisal review.  
**Zoned:** B-2  
**Use:** Commercial  
**Tax Code:** 049-081-02  
**Total Parcel Tax Value:** \$235,820

## 39. Meeting Minutes

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

- February 5, 2009 Council Retreat
- February 6, 2009 Council Retreat
- February 9, 2009
- February 16, 2009