

Mayor Anthony Foxx

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

Mayor Pro Tem Patrick D. Cannon

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

CITY COUNCIL BUSINESS MEETING
Monday, November 14, 2011

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

Item #	Page #	Title
4	5	Public Hearing on Equipment and Facilities Financing
7	8	Better Buildings Grant Contract
16	16	LYNX Blue Line Bridge Drainage Repairs
28	27	Mint Museum Randolph Chiller Replacement

CITY COUNCIL AGENDA
Monday, November 14, 2011

TABLE OF CONTENTS

<u>Item No.</u>	<u>Page No.</u>	<u>Attachment No.</u>
Consent		
1. Consent agenda items 11 through 55 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.	1	
Public Hearing		
2. Public Hearing on Resolution to Close a Residual Portion of Piedmont Row Drive	2	1
3. Public Hearing on Resolution to Close Two 10-foot Alleyways Located Off of Tennessee Avenue	3	2
4. Public Hearing on Equipment and Facilities Financing	5	3
Policy		
5. City Manager's Report	6	
6. Elizabeth Area Plan	6	4
Business		
7. Better Buildings Grant Contract	8	5
8. Appointments to Board and Commissions	9	6-15
9. Mayor and Council Topics	11	
10. Closed Session	12	
Consent		
11. Boyce Road Sidewalk Project	14	
12. South Tryon Street Conversion Project	14	
13. Commonwealth Avenue and The Plaza Business Corridor Project	15	
14. Coulwood Area Sidewalks Project	15	

<u>Item No.</u>	<u>Page No.</u>	<u>Attachment No.</u>
15. Fred D. Alexander Section B. – Phase 2 Landscaping	16	
16. LYNX Blue Line Bridge Drainage Repairs	16	
17. Enclave Pond Water Quality Improvement Project	17	
18. Airport Underground Electrical Service	18	
19. Airport Sound Insulation Contract	18	
20. Wilson Air Center Entrance Improvements	19	
21. Airport Fire Station Solar Power System	20	
22. 2011 General Airport Revenue Bonds Appropriation	21	16
23. 2011 Airport Special Facility Revenue Bonds Appropriation	21	17
24. Airport Parking Deck Construction	22	
25. Irwin Creek Wastewater Treatment Plant Piping Replacement	24	
26. McKee Creek Sanitary Sewer Outfall, Mecklenburg County	25	18
27. Airport Entrance Road Bridge Testing Services	26	
28. Mint Museum Randolph Chiller Replacement	27	19
29. Combination Sewer Cleaning Trucks	28	
30. Solid Waste Automated Garbage Collection Trucks	29	
31. Municipal Agreement for Relocation and Adjustment of Utility Lines	30	20
32. Water Main Replacement, Renewal #1	31	
33. Briar Creek Relief Sewer Phase II Construction Administration Services	32	
34. Utilities Field Surveying Services for Design and Construction, Renewal #1	33	
35. Utilities Pipeline Investigation Services	33	
36. 2011 Homeland Security Grants	34	
37. Technology Help Desk Software Subscription Services	36	
38. CharMeck 311 Call Center Software Support	37	

<u>Item No.</u>	<u>Page No.</u>	<u>Attachment No.</u>
39. Telephony Project Management and Support Services	38	
40. Transit Portable Video Observation Units	39	
41. LYNX Blue Line Parking Guidance Systems	40	
42. Airport ATM Agreement with Bank of America	42	
43. Charlotte Convention Center Complex Mechanical Improvements	43	
44. GangNet Agreement	44	21
45. Police Undercover Vehicle Lease	45	
46. Public Safety Computer-Aided Dispatch Maintenance	45	
47. Street Marking Tape and Reflective Traffic Sign Materials	46	
48. Infrastructure Reimbursement Agreement for Improvements to South Boulevard/Carson Boulevard/Lexington Avenue Intersection	47	22
49. Donation of Surplus computer and Related Equipment to Goodwill	48	23
50. Refund of Property and Business Privilege License Taxes	49	24
51. In Rem Remedy	50	25-34
52. Office Space Lease for Neighborhood and Business Services Staff	53	
53. Little Sugar Creek Sewer Treatment Plant Property Lease Agreement for Recreational Facilities	54	
54. Property Transactions	55	
55. Meeting Minutes	66	

CONSENT

- 1. Consent agenda items 11 through 55 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

2. Public Hearing on Resolution to Close a Residual Portion of Piedmont Row Drive

Action: A. Conduct a public hearing to close a residual portion of Piedmont Row Drive, and
B. Adopt a resolution to close.

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

Petitioner

Bank of North Carolina- Richard D. Callicutt II

Right-of-Way to be abandoned

A residual portion of Piedmont Row Drive

Location

Located within the Barclay Downs Community; a residual portion of Piedmont Row Drive beginning at its intersecting point with Fairview Road, continuing approximately 180 feet south along the western most edge of the right-of-way to its terminus and consisting of 3,807 square feet

Reason

To incorporate the right-of-way into adjacent property owned by the petitioner for the construction of the future Bank of North Carolina

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

Bank of North Carolina – No objection

Neighborhood/Business Associations

Barclay Downs Homeowner's Association- No objections
 Beverly Woods Civic Association- No objections
 Madison Park Homeowner's 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
- Be contrary to the adopted policy to preserve existing rights-of-way for connectivity

Attachment 1

Map
 Resolution

3. **Public Hearing on Resolution to Close Two 10-foot Alleyways Located off of Tennessee Avenue**

Action: **A. Conduct a public hearing to close two 10-foot alleyways located off of Tennessee Avenue, and**

B. Adopt a resolution to close.

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

Petitioner

The Estate of W.H. Keistler, Jr., by and through its Executrix, Dorothy R. Keistler

Right-of-Way to be Abandoned

Two 10-foot alleyways located off of Tennessee Avenue

Location

Located within the Thomasboro Community. Alleyway one: a 10-foot wide alleyway beginning 157 feet south of Old Hoskins Road at its intersecting point with Tennessee Avenue and continuing 385 feet eastwardly to its terminus at N. Crigler Street and consisting of 4,518 square feet; and Alleyway two: a 10-foot wide alleyway beginning 160 feet south of N. Crigler Street at its intersecting point with Tennessee Avenue and continuing 490 feet northeastwardly to its terminus at Linwood Avenue and consisting of 4,581 square feet

Reason

To incorporate the right-of-way into adjacent properties in order to create more viable parcels

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

Mr. Jerry Hayden- No objections

Mr. Herbert Glen and Mrs. Debra Glen- No objections

Neighborhood/Business Associations

Thomasboro/Hoskins Neighborhood Association- No objections

Oakview Terrace 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
- Be contrary to the adopted policy to preserve existing rights-of-way for connectivity

Attachment 2

Map

Resolution

4. Public Hearing on Equipment and Facilities Financing

Action: **A. Conduct a public hearing on an installment financing contract to finance the City's acquisition of certain equipment and capital projects, and**

B. Adopt a resolution, that makes certain findings on the proposed financing and calls for the execution and delivery of various documents necessary to complete the sale.

Staff Resource: Greg Gaskins, Finance

Explanation

- The City is planning to issue up to \$40 million of bonds in early January in order to finance equipment, including fleet vehicles and technology, and certain projects, including police facilities, fire department facilities and urban streetcar infrastructure. This financing funds the completion of the Charlotte Fire Department headquarters and the Providence Division police substation.
- On July 26, 2010 City Council approved reallocation of \$5.5 million from Reserve for Economic Development Initiatives as part of the City's \$12 million match for the Streetcar Project.
- The City's obligation to repay the debt will be secured by real property and a security interest in the equipment.
- The financing also includes a \$2 million refunding of the outstanding bonds related to the 2001B facilities financing. The refunding will save the City over \$220,000.
- The current action will:
 - Conduct and close a public hearing on the projects to be financed
 - Make certain findings required for Local Government Commission approval of the financing
 - Give approval to the City Manager and Chief Financial Officer to take necessary actions to complete the financing

Funding

Municipal Debt Service Fund

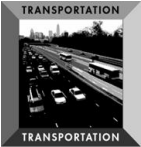
Attachment 3

List of projects/equipment
Resolution

POLICY

5. City Manager's Report

6. Elizabeth Area Plan



Action: Approve the Transportation and Planning Committee recommendation to adopt the Elizabeth Area Plan Volume I: The Concept Plan and receive Volume II: The Implementation Plan as information.

Committee Chair: David Howard

Staff Resource: Alan Goodwin, Planning

Explanation

- Charlotte-Mecklenburg Planning Department staff has worked with a stakeholder group to develop an area plan for the Elizabeth community. The plan area comprises approximately 630 acres and is bound by I-277 and Independence Boulevard to the north, the Seaboard Coastal Railroad to the east, Briar Creek to the south and Randolph Road/Fourth Street, South Laurel Avenue and Providence Road on the west.
- The plan will update the 1993 *Central District Plan* and will be the guiding policy document for the Elizabeth community in making land use, zoning and capital investment decisions.
- The plan defines the future development vision for the area, taking into account the unique characteristics of this historic neighborhood. It provides direction for preserving and protecting the established residential areas, while accommodating future growth, sensitive to the surrounding neighborhood, at identified nodes.
- A public kick-off meeting was held on September 22, 2009 with 140 people attending. Other public outreach efforts included a 40-member Citizen Advisory Group (CAG) that met eleven times over 13 months, an online survey to identify key issues, and a webpage devoted to the plan and process. A final public meeting was held on May 12, 2011 with 49 people attending. An additional CAG meeting was held on June 15, 2011.
- On June 20, 2011, staff met with Historic Elizabeth Neighborhood Foundation and Elizabeth Community Association representatives to discuss several requested revisions to the document. These requests have been addressed in the attached *Proposed Revisions to Draft Plan* and *Proposed Revisions the Preliminary Transit Station Sub-area*.

Plan Recommendations

- Generally, the plan includes "Five Priorities":
 - Protect, save, and enhance Independence Park
 - Integrate the proposed redevelopment of Elizabeth Avenue
 - Preserve residential areas
 - Encourage pedestrian-oriented development along East Seventh Street
 - Create transit options
- Land Use: The plan proposes to maintain the existing, well-established, primarily low-density residential character where single family residential is the predominant land use. It also recognizes East Seventh Street as an important

vehicular corridor, but with a more pedestrian-friendly character and streetscape and a mixture of residential, office, and retail uses. The land use policies also support the enhancement, protection, and preservation of existing parks and open spaces and institutional uses for existing hospital and medical office uses.

- Transportation and Streetscape Design: the policies address proposed new streets and enhancements to existing streets, to make them more pedestrian and bicycle friendly.
- Infrastructure and public facilities policies focus on protecting Independence Park, completing greenway connections, and minimizing impacts to the existing tree canopy.

Charlotte-Mecklenburg Planning Commission (Planning Committee)

- The Planning Committee received the public comments at its May 17th meeting. During the public comments, the Elizabeth Community Association and Historic Elizabeth Neighborhood Foundation requested an additional CAG meeting to discuss some unresolved issues. (This meeting was held on June 15, 2011 and resulted in several proposed changes to the draft plan as detailed in the attachments.) There was also a question about the land use recommendation of Office and Office/Institutional for blocks on East Fourth/Randolph between Queens Road and Colonial Avenue. Staff has followed-up with the Presbyterian Hospital representative on this issue and determined that no revisions are necessary.
- At its September 20, 2011 meeting, the Planning Committee voted unanimously to recommend approval of the draft plan with the changes proposed by staff.

Transportation & Planning Committee

- On September 12, 2011, the City Council's Transportation & Planning Committee received an overview of the plan. The Committee discussed proposed changes to the document, pursuing the corrective rezoning, and the importance of the plan for the area. Committee members Kinsey, Carter, Cooksey, and Howard voted unanimously to forward the *Draft Elizabeth Area Plan* to full Council for public comment on September 26, 2011.
- On October 10, 2011, the Transportation and Planning Committee voted unanimously (Council members Howard, Carter and Cooksey) to recommend approval of the draft plan with the changes proposed.

City Council

- On September 21, 2011, City Council received the draft plan and proposed changes. The plan and the table of proposed changes are also available on the CharMeck website (Planning Department under Area Planning).
- On September 26, 2011, City Council received public comments with two speakers, representing the Elizabeth Community Association and the Historic Elizabeth Neighborhood Foundation, voicing support of the draft plan.

Attachment 4

Proposed Revisions to Draft Plan

Proposed Revisions to the Preliminary Transit Station Sub-area

BUSINESS

7. Better Buildings Grant Contract



Action: A. Authorize the City Manager to negotiate a contract with the Southeast Energy Efficiency Alliance (SEEA) to accept and administer up to \$400,000 in energy efficiency funds from the U.S. Department of Energy, and

B. Adopt a budget ordinance appropriating \$400,000 in energy efficiency funds.

Staff Resources: Tom Warshauer, Neighborhood & Business Services
Nicole Storey, Neighborhood & Business Services

Focus Area

Environment Focus Area Plan Initiative – Collaborate with local and regional public and private partners and neighborhoods to enhance environmental quality and long-term sustainability

Explanation

- The Southeast Energy Efficiency Alliance (SEEA) is a non-profit organization whose mission is to promote energy efficiency throughout the southeastern United States.
- In 2010, SEEA was awarded a U.S Department of Energy (DOE) Better Buildings Program grant on behalf of a consortium of 15 cities in the southeast, including Charlotte. Other partner cities include Atlanta, Miami, New Orleans, Charleston, and Charlottesville.
- Under the Better Buildings Program, DOE awarded the SEEA consortium of cities \$20 million to be spent over a period of three years to develop programs that improve the energy performance of privately owned buildings. Approximately \$400,000 of these funds has been allocated for use in Charlotte.
- On April 25 2011, Council authorized the City Manager to negotiate a contract with the Southeast Energy Efficiency Alliance to disburse up to \$400,000 in Energy Efficiency Funds from the U.S. Department of Energy. The April 25 action provided that all funds would be managed and disbursed by SEEA and no funds would be transferred to the City.
- Since April, organizational changes within SEEA have rendered them unable to execute the contract as originally proposed. As a result, City staff developed a plan to administer the activities in-house, using existing Energy Efficiency and Conservation Block Grant (EECBG) funded staff through FY2012. Staff resources used during FY2013 will be reimbursed with Better Building Program grant funds.
- The proposed contract addresses how SEEA will partner with the City to spend the \$400,000 of funding allocated to Charlotte. Specifically, this contract addresses:
 - Management of funds
 - Program development and implementation
 - Program staffing and management
- Neighborhood & Business Services intends to use these resources to:

- Build on the successes of the current Commercial Building Retrofit Program, with a goal of increasing the energy efficiency of commercial structures within Charlotte by 15%
- Provide additional workforce development and accreditation opportunities for local businesses and professionals to expand the number of Building Performance Institute (BPI) certified professionals and accredited companies in the Charlotte Region
- The number of buildings that will be retrofitted will depend on the size of the buildings and scope of the projects. Based on the City's existing Commercial Building Energy Efficiency Retrofit Program, staff anticipates approximately six projects over the course of the funding period.
- There is no City financial commitment for this project.
- Neighborhood & Business Services will continue to oversee the SEEA BBP project and monitor the use of Charlotte's allocated funds.

Funding

American Recovery and Reinvestment Act Funds

Attachment 5

Budget Ordinance

Commercial Building Retrofit Program

8. Appointments to Boards and Commissions

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

A. BICYCLE ADVISORY COMMITTEE.

- Two appointments for three year terms beginning January 1, 2012.
 - Christopher Gladora by Council Members Burgess, Carter, Kinsey, Mitchell, Peacock and Turner
 - Jonathan Harding, incumbent, by Council Members Barnes, Burgess, Cannon, Carter, Cooksey, Howard, Kinsey, Mitchell and Turner
 - Dick Perlmutter by Council Members Dulin and Peacock
 - Keith Sorensen by Council Member Cannon

Attachment 6

Applications

B. BUSINESS ADVISORY COMMITTEE

- One appointment for an unexpired term beginning immediately and ending April 28, 2013. Per the December 13, 2010 Council action, appointees are to be in one of the following specific sectors: Manufacturing, Transportation/Logistics, Financial Services, Technology, Energy or Healthcare.
 - Lisa Crawford by Council Member Howard
 - Chris Moeller by Council Member Kinsey
 - Saeed Moghadam by Council Members Cannon and Cooksey
 - Craig Murden by Council Members Peacock and Turner
 - Anu Murthy by Council Member Burgess
 - Jaime Palacio by Council Member Carter
 - Thomas Vinson, Jr. by Council Member Mitchell

- Thad Walton by Council Member Dulin

Attachment 7

Applications

C. CHARLOTTE HOUSING AUTHORITY

- One appointment for a three year term beginning December 18, 2011.
 - Joel Ford, incumbent, by Council Members Barnes, Burgess, Cannon, Carter, Cooksey, Howard and Mitchell
 - Christopher Lachey by Council Member Dulin
 - Richard Payne by Council Member Peacock
 - William Scurry by Council Member Turner
 - Robert Szymkiewicz by Council Member Kinsey

Attachment 8

Applications

D. CHARLOTTE MECKLENBURG DEVELOPMENT CORP.

- One appointment for an unexpired term beginning immediately and ending October 31, 2012.
 - Jerry Hwang by Council Members Burgess, Carter, Cooksey and Peacock
 - Charle'on Macon by Council Members Cannon and Turner
 - Anthony Parker by Council Member Mitchell
 - Thad Walton by Council Members Dulin, Howard and Kinsey

Attachment 9

Applications

E. CHARLOTTE MECKLENBURG PUBLIC ACCESS CORPORATION

- One appointment for an unexpired term for a member of the general public beginning immediately and ending June 30, 2013.
 - Eric Rowell by Council Members Barnes, Burgess, Carter, Cooksey, Dulin, Kinsey and Peacock
 - Bernadine Simmons by Council Members Howard, Mitchell and Turner
 - Thomas Vinson, Jr. by Council Member Cannon

Attachment 10

Applications

F. HOUSING APPEALS BOARD

- One appointment for a three year term for an at-large member beginning January 1, 2012.
 - Charles Assenco, incumbent, by Council Members Barnes, Burgess, Cannon, Carter, Cooksey, Howard, Kinsey, Mitchell and Turner
 - Foti Kanos by Council Member Peacock

Attachment 11

Applications

G. KEEP CHARLOTTE BEAUTIFUL

- Two appointments for unexpired terms beginning immediately and

ending June 30, 2012 and June 30, 2013.

- Bryan Bishop by Council Members Carter, Kinsey and Mitchell
- Richard Flanagan, Jr. by Council Members Burgess and Carter
- Christopher Lachey by Council Members Cooksey, Kinsey and Mitchell
- Craig Murden by Council Member Peacock
- ReGinae Reynolds by Council Members Burgess, Cannon, Howard and Turner

Attachment 12

Applications

H. PASSENGER VEHICLE FOR HIRE BOARD

- One appointment for an unexpired term for a person with a disability or a representative from an organization that represents persons with disabilities beginning immediately and ending July 1, 2012.
 - Twila Adams by Council Member Mitchell
 - Hung Chau by Council Members Kinsey and Peacock
 - Monique Stamps by Council Members Burgess, Cannon, Carter, Cooksey, Howard and Turner

Attachment 13

Applications

I. SMALL BUSINESS ENTERPRISE LOAN FUND

- One appointment for a three year term beginning October 2, 2011.
 - Nigel Long, incumbent, by Council Members Barnes, Burgess, Cannon, Carter, Cooksey, Dulin, Howard, Kinsey, Mitchell and Peacock
 - Austin Scott by Council Member Turner

Attachment 14

Applications

J. TREE ADVISORY COMMISSION

- Three appointments for three year terms beginning December 14, 2011.
 - Matthew McLaren, incumbent, by Council Members Barnes, Burgess, Cannon, Carter, Cooksey, Howard, Mitchell and Peacock
 - Oliver Sharman by Council Member Kinsey
 - J. Martin Sondey, incumbent, by Council Members Barnes, Burgess, Cannon, Carter, Cooksey, Dulin, Howard, Kinsey, Mitchell and Turner
 - Joe Zuyus by Council Members Burgess and Kinsey

Attachment 15

Applications

9. Mayor and Council Topics

Council members may share information and raise topics for discussion.

10. Closed Session

Action: Adopt a motion pursuant to NCGS 143-318.11(a)(4) to go into closed session to discuss matters relating to the location of an industry or business in the City of Charlotte, including potential economic development incentives that may be offered in negotiations.

CONSENT

Introduction to CONSENT

Consent consists of routine items that have been approved in the budget. Price lists for unit price contracts are available upon request.

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

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

Contractors and Consultants

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

11. Boyce Road Sidewalk Project

Action: Award the low bid contract of \$243,183.60 to W. M. Warr & Son Inc. for the Boyce Road Sidewalk Project.

Staff Resource: Jorge Salazar, Engineering & Property Management

Explanation

- This project will build sidewalk, planting strips and minor storm drainage improvements.
- The project limits are along the north side of Boyce Road from Sardis Road to Terrace Drive.
- This sidewalk project will provide pedestrian connectivity to nearby schools and parks.
- Construction will be completed by the end of third quarter 2012.

Small Business Opportunity

Established SBE Goal: 4.00%

Committed SBE Goal: 4.00%

W. M. Warr & Son, Inc. met the established SBE goal, and committed 4.00% (\$9,727.35) of the total contract amount to the following SBE firms: P&TL Inc. (silt fence) and All Points Trucking (hauling).

Funding

Transportation Capital Investment Plan

12. South Tryon Street Conversion Project

Action: Award the low bid contract of \$957,000 to Blythe Development Company for the South Tryon Street Conversion Project.

Staff Resource: Joe Frey, Engineering & Property Management

Explanation

- The goal of this project is to improve pedestrian and bicycle connectivity between South End and Uptown, primarily focusing on the Tryon Street Bridge over I-277.
- This project will include the conversion of Church Street from one-way to two-way between Carson Boulevard and Morehead Street, improving traffic circulation and adding an alternative route for northbound traffic parallel to Tryon Street.
- Construction is expected to be complete by second quarter 2012.

Small Business Opportunity

Established SBE Goal: 7.00%

Committed SBE Goal: 7.08%

Blythe Development Co. met the established SBE goal committed 7.08% (\$67,744) of the total contract amount to the following SBE firms: All Points Trucking (hauling), A&R Materials (liquid asphalt), On Time Construction (concrete), and Ground Effects (pavement marking).

Funding

Transportation Capital Investment Plan

13. Commonwealth Avenue and The Plaza Business Corridor Project

Action: Award the low bid contract of \$1,262,061.68 to Ferebee Corporation for the Commonwealth Avenue and The Plaza Business Corridor project.

Staff Resource: Tom Russell, Engineering & Property Management

Explanation

- This project will provide a variety of urban street features such as public parking, sidewalks, landscaping, pedestrian crossings and lighting.
- Other improvements will include new curb and gutter, bicycle lanes, accessible ramps, storm drainage, pavement markings and utility relocation, and adjustments.
- The project limits are along Commonwealth Avenue from Pecan Street to The Plaza and along The Plaza from Commonwealth Avenue to Central Avenue.
- Construction is expected to be complete by first quarter 2013.

Small Business Opportunity

Established SBE Goal: 7.00%

Committed SBE Goal: 8.65%

Ferebee Corporation met the established SBE goal and committed 8.65% (\$109,242.50) of the total contract amount to the following SBEs: On Time Construction (masonry), R&N Construction (segmental wall), and Ground Effects (pavement marking).

Funding

Transportation and Storm Water Capital Investment Plan

14. Coulwood Area Sidewalks Project

Action: Award the low bid contract of \$1,975,370.44 to Ferebee Corporation for the Coulwood Area Sidewalks Project.

Staff Resource: Geen Khoo, Engineering & Property Management

Explanation

- This project includes three miles of sidewalk improvements on Pleasant Grove Road, McClure Circle, Coulwood Drive, Gum Branch Road and Kentberry Drive.
- Construction will also include utility relocations, curb and gutter and storm drainage improvements including a box culvert, stream re-grading and pedestrian bridges on Gum Branch Road.
- Construction will be completed in first quarter 2013.

Small Business Opportunity

Established SBE Goal: 5.00%

Committed SBE Goal: 7.33%

Ferebee Corporation exceeded the established SBE goal, and committed 7.33% (\$144,850) of the total contract amount to the following SBEs: On Time Construction, Inc. (masonry), D's Trucking Service, Inc. (hauling), Carolina Wetland Services, Inc. (landscape planting), Ground Effects, Inc. (pavement markings) and P&TL, Inc. (erosion control).

Funding

Transportation Capital Investment Plan

15. Fred D. Alexander Section B - Phase 2 Landscaping

Action: Award the low bid contract of \$147,094.20 to Champion Landscapes, Inc. for the Fred D. Alexander Section B – Phase 2 Landscaping.

Staff Resource: Imad Fakhreddin, Engineering & Property Management

Explanation

- This project will install trees, shrubs, ornamental grass and ground cover in the planting strip between curb and sidewalk, behind the sidewalk and in medians.
- The roadway project is currently under construction and will be completed by the end of 2011. Fred D. Alexander Boulevard Section B – Phase 2 extends from Freedom Drive to Tank Farm Drive (the ramp to Old Mt. Holly Road).
- Landscaping will begin after construction is complete in early January and be finished by the end of the second quarter.

Small Business Opportunity

No SBE goal was set for this contact because subcontracting opportunities were not identified (Part C: Section 2.4 of the SBO Policy). Two SBEs responded to this bid, but they were not the low bidder.

Funding

Transportation Capital Investment Plan

16. LYNX Blue Line Bridge Drainage Repairs

Action: Award the low bid contract of \$165,496 to Onsite Development, Inc. for drainage repair to light rail bridges.

Staff Resource: David McDonald, Transit

Explanation

- Although most of the bridges along the light rail were new construction, three were existing bridges from the previous freight railroad that are 35-50 years old. Bridges 35 years or older are expected to require drainage system maintenance and repairs.

- CATS conducts federally mandated inspections of bridges and structural culverts along the LYNX Blue Line Light Rail. The results of the most recent inspection cycle identified needed drainage system maintenance and repair issues on the three older railroad bridges along the light rail line. These issues are resulting in soil erosion problems.
- The three bridges span I-277, Third, and Fourth Streets. The bridges are structurally sound; however, repairs are necessary to ensure track stability at the approaches and to prevent potential disruption of service.
- The repairs to the drainage system have been designed to correct the drainage system deficiencies and stop the erosion at these bridges.

Disadvantaged Business Opportunity

No DBE contract goal was set on this project due to limited subcontracting opportunities.

Onsite Development, LLC committed \$74,250 (44.86% of the total contract amount) to the following SBE firm: Husky Construction Corp. (coring, piping, concrete and cleanup).

Funding

Transit Capital Investment Plan

17. Enclave Pond Water Quality Improvement Project

Action: Award the low bid contract of \$345,347.50 to RJJ Construction, LLC for the Enclave Pond Water Quality Enhancement Project.

Staff Resource: Matthew Gustis, Engineering & Property Management

Explanation

- Enclave Pond is a one-acre pond in southwest Charlotte off Steele Creek Road, southwest of the Steele Creek Road and South Tryon Street intersection.
- The pond drains to an unnamed tributary of Steele Creek, which is identified as impaired by Clean Water Act standards.
- The enhancement will improve the quality of water moving through the pond before the water discharges into the creek.
- Improving existing ponds is a cost-effective means of improving water quality, averaging one-fifth the cost of creating new water quality measures providing equivalent environmental benefit.
- Improvements will include:
 - Pond grading and excavation
 - Construction of dam and concrete outlet structures
 - Storm drainage devices
 - Erosion control measures
- Construction is expected to be complete second quarter 2013.

Small Business Opportunity

Established SBE Goal: 9.00%

Committed SBE Goal: 9.02%

RJJ Construction, LLC. met the established SBE goal, and committed 9.02% (\$31,145) of the total contract amount to the following SBE firms: John J. Trucking (hauling), Hazel Holmes Trucking, Inc. (Hauling) and Habitat Assessment & Restoration Program, Inc. (Planting).

Funding

Storm Water Services Capital Investment Plan

18. Airport Underground Electrical Service

Action: Award the low bid contract of \$298,543 to Brooks-Berry-Haynie and Assoc., Inc for construction of a concrete encased electrical duct system.

Staff Resource: Jerry Orr, Aviation

Explanation

- This contract will provide the Airport Terminal with additional electrical capacity, by adding a new concrete encased electrical ductbank on the east side of the terminal building.
- The additional capacity is needed because the existing Duke Energy electrical service on this side of the terminal is operating at maximum capacity.
- This is a lump sum contract with a 45 calendar day duration.

Small Business Opportunity

Established SBE Goal: 12%

Committed SBE Goal: 53.74%

Brooks Berry & Haynie exceeded the established SBE goal, and committed 53.74 % of the total bid amount (\$160,450) to the following SBE firm Vector Electric (electrical).

Funding

Aviation Capital Investment Plan

19. Airport Sound Insulation Contract

Action: Award the low bid contract of \$97,401 to Moretti Construction, Inc. for the sound insulation of nine homes in the vicinity of the Airport.

Staff Resource: Jerry Orr, Aviation

Explanation

- In 1989, the FAA approved the original FAR Part 150 Program.
- Under the program, the Airport voluntarily purchased over 400 homes and to date has provided sound insulation to over 1,000 homes.
- Sound Insulation includes the addition of storm windows, storm doors, central air conditioning, and insulation for homes within the noise contours built prior to 1979.

- The Airport has now submitted an update to the FAR Part 150 program to FAA for review and approval. When the updated FAR Part 150 program is approved by the FAA, the new, updated noise contours will likely be smaller than the existing contours. Thus, some homes that are currently eligible will not be eligible under the updated program.
- In April 2011, the Airport sent out letters to 169 homeowners informing them that their opportunity to be in the program may end soon. As of this time, only 35 have submitted paperwork to join the program.
- Due to the voluntary nature of the program, the Airport informally bids this work in small batches as the paperwork is completed. The work for the first nine houses was awarded to Moretti Construction in July 2011 with the bid of \$79,100. That contract was signed by the City Manager.
- Council approved a second contract in September 2011 in the amount of \$75,395 for eight houses with Moretti construction
- This contract will sound insulate another nine homes using Moretti Construction.
- The actual final number of homes that will participate in the program is unknown at this time.
- This is a lump sum contract with contract duration of 120 days.

Disadvantaged Business Opportunity

The Federal DBE Program neither requires nor permits goals for every contract. The City must meet its overall goal by using a mix of contract goals and race-natural means.

Funding

Aviation Capital Investment Plan

20. Wilson Air Center Entrance Improvements

Action: Award the low bid contract of \$398,588 to Blythe Development Company for improvements to Wilson Air Center Entrance.

Staff Resource: Jerry Orr, Aviation

Explanation

- Wilson Air Center operates the Corporate Aviation area for the Airport from a terminal off Airport Drive. This terminal building has been in operation since 1983.
- The Airport contracted with Pease Architects in April 2010 to design a new front entrance and parking lot in front of the terminal.
- This contract will redevelop the entrance and parking lot, adding landscaping and seating areas for customers using the terminal.
- This is a lump sum contract with a 60 calendar day duration.

Small Business Opportunity

Established SBE Goal: 12%

Committed SBE Goal: 12.01%

Blythe Development Company exceeded the established SBE goal, and committed 12.01% of the base bid amount (\$47,880.50) to the following SBE firm(s) PandTL,

Inc. (erosion/fence), All Point Trucking (hauling), GSS (surveying), B&B Concrete (curb & gutter), Ground Effects (markings), Landmark Materials (stone/dirt hauling).

Funding

Aviation Capital Investment Plan

21. Airport Fire Station Solar Power System

Action: Award the low bid contract of \$453,095 to Baker Roofing company doing business as Baker Renewable Energy for installing a solar power system at Fire Station 41 on the Airport.

Staff Resource: Jerry Orr, Aviation

Explanation

- In September 2010, City Council approved a contract with Edison Foard in the amount of \$3,629,200 for the construction of a new fire station on the airfield.
- Funding for this station was provided by the NC Air National Guard using Department of Defense Funds.
- The facility was designed to obtain silver LEED certification, which was awarded in spring 2011.
- With the addition of this solar power system, the fire station will qualify for LEED Gold status.
- The Department of Defense emphasizes the use of sustainable elements in new facilities, which includes solar power systems. Such systems are also consistent with the City's goals for environmental sustainability.
- This contract will install the photovoltaic solar array adjacent to the fire station, which is designed to produce 100 KWH of power.
- This is a lump sum contract with a 90 calendar day duration.

Disadvantage Business Opportunity

Established DBE Goal: 10%

Committed DBE Goal: 10%

Baker Roofing Company doing business as Baker Renewable Energy met the established DBE goal, and committed 10.00% (\$45,309.54) of the total bid amount to the following DBE firm(s): Bullington Construction (fence)

Funding

Aviation Capital Investment Plan

22. 2011 General Airport Revenue Bonds Appropriation

Action: Adopt a budget ordinance appropriating \$145,091,681 of 2011 General Airport Revenue Bonds.

Staff Resource: Jerry Orr, Aviation

Explanation

- On September 12, 2011, City Council approved a resolution authorizing the issuance of up to \$175,000,000 in General Airport Revenue Bonds (GARBS) to fund various terminal, public parking and airfield projects.
- The Airport advance-funds some construction projects much like construction funding is used in home building. The 2011 GARBs will reimburse Airport funds for a number of the projects listed below that have been completed or are underway, and will also fund some projects that have not started.
- The appropriation of \$145,091,681 includes the following:
 - \$134,570,563 for capital projects including the reimbursement of Airport funding for the reconstruction of Runway 18C/36C, an extension of Taxiway 'D', an expansion of Concourse 'E', construction of a road to the new Airport Fire Station, the expansion of the east side of the terminal, ticket lobby renovations, and new funding for the construction of the public parking portion of the new parking deck
 - \$8,883,600 to establish debt service reserve funds for the 2011 General Airport Revenue Bonds
 - \$1,637,518 to fund issuance expenses (feasibility study, underwriter's discount, bond counsel, and financial advisor)

Attachment 16

Budget Ordinance

23. 2011 Airport Special Facility Revenue Bonds Appropriation

Action: A. Adopt a budget ordinance appropriating \$60,295,000 of 2011 Airport Special Facility Revenue Bonds, and

B. Adopt a budget ordinance appropriating \$33,336,852 of Contract Facility Charge (CFC) fund balance to the Airport Capital Investment Fund.

Staff Resource: Jerry Orr, Aviation

Explanation

- On October 10, 2011, City Council approved a resolution authorizing the issuance of up to \$80,000,000 in Airport Special Facility Revenue Bonds to fund a consolidated rental car facility.
- The Special Facility Bonds and CFC Fund Balance appropriation of \$93,631,852, includes the following:
 - \$85,003,721 for construction of the rental car portion of the new parking deck and the construction of a new storage/maintenance facility for the rental car operation.

- \$7,785,987 to establish debt service reserve funds for the 2011 Special Facility Revenue Bonds.
- \$842,144 to fund issuance expenses (feasibility study, underwriter's discount, bond counsel, and financial advisor).
- Action B appropriates CFC Fund Balance in lieu of issuing additional Special Facility Bonds.

Attachment 17

Budget Ordinance

24. Airport Parking Deck Construction

Action: Approve contracts for the construction of a new Airport parking deck totaling \$121,877,960.

- 1. Award the low bid contract of \$120,920,000 to Archer Western Contractors, LTD. for the construction of a new parking deck, and**
- 2. Approve a contract with AMEC E&I, Inc. in the amount of \$957,960 for construction materials testing services for the new deck project.**

Staff Resource: Jerry Orr, Aviation

Explanation

- In 1990, the Airport constructed two short-term parking decks with a total of 2,713 spaces.
- The Airport has experienced a 6.7% annualized rate of growth in local passengers since 1990, generating demand for additional short-term parking capacity.
- In July 2009, Council awarded contracts for the design of a new parking deck accommodating 4,000 hourly parking spaces and three floors for rental car facilities.
- The new deck will replace the existing 2,713 space Hourly Decks located in front of the Terminal.
- The Consolidated Rental Car Facility will permit rental car customers to access their rental cars with a short walk from the Terminal to the new facility, enhancing customer service and removing the buses that currently serve the rental car facilities from the Airport's roadways. The removal of the buses is expected to ease congestion on the roadways, improve air quality, and save the rental car concessionaires money.
- The rental car portion will also include a Quick Turn Around facility, allowing the rental car companies to efficiently service and clean returned vehicles on site and have them ready to be rented again.
- Moving the rental car facilities from their current locations on Rental Car Road will allow for the construction of a future international terminal.
- The rental car portion of the costs for construction is \$60,080,181 and will be funded with a combination of Contract Facility Charge (CFC) cash revenues and proceeds from the 2011 Special Facility Revenue Bonds, financed by the CFC Revenues. The CFC Funds and bond proceeds are appropriated in item #23, page 21 of this agenda.

- In May 2007, Council authorized a \$3.50 CFC per contract per day charge for all vehicles rented at the Airport, to fund construction, maintenance, and operation of the rental car concession facilities. This fee was increased to \$4.00 per contract per day on November 1, 2011.
- The Airport has issued \$60,295,000 in 2011 Special Facility Revenue Bonds secured by CFC revenues and rental car company guarantees to pay for the rental car portion of the facility.
- The parking portion of the costs for construction is \$61,797,779 and will be paid from the proceeds of 2011 General Airport Revenue Bonds, the debt service of which is paid by the general revenues of the Airport. These bond proceeds are appropriated in item #22, page 21 of this agenda.
- The B Action approves a contract for construction materials testing services for the project.
- AMEC E&I, Inc. was selected by a selection committee comprised of the Aviation Director and staff members. The selection was based on the firm’s qualifications.

Contract Terms

- Action A is a lump sum contract.
- Action B is a not-to-exceed amount based on hourly rates.

Small Business Opportunity

Archer Western Contractors, LTD

Established SBE Goal: 9%

Committed SBE Goal: 10.32%

Archer Western Contractors, exceeded the established SBE goal, and committed 10.32% (\$12,373,436) of the base bid amount to the following SBE firms Southern Concrete Services (concrete reinforcing), Skyline Design & Landscaping (landscaping), Moore Linder Engineering, Inc. (engineering consulting) and Pandtl, Inc.(erosion control).

AMEC E&I, Inc.

For professional services based contracts, the City negotiates SBE goals during the contract negotiation process. On this contract, AMEC E&I, Inc. committed 10.00% of the contract bid amount (\$95,796) to the following SBE firm: Capstone Civil Group, P.A. (testing).

Funding

Construction Element	General Airport Revenue Bonds	Special Facility Revenue Bonds	CFC Cash	Total
Public Parking Deck	\$61,797,779			\$61,797,779
Rental Car Facility		\$30,080,181	\$30,000,000	\$60,080,181
Total	\$61,797,779	\$30,080,181	\$30,000,000	\$121,877,960

25. Irwin Creek Wastewater Treatment Plant Piping Replacement

Action: Award the low bid contract of \$107,300 to Gilbert Engineering Company for replacement of heating water pipe lines at Irwin Creek Wastewater Treatment Plant.

Staff Resource: Barry Gullet, Utilities

Explanation

- Sludge (biosolids) is a byproduct of the wastewater treatment process and is treated in a tank called a digester by heating and mixing it over a long period of time in order to meet specific criteria established by a state-issued permit.
- This contract provides for the replacement of the 20 year old buried pipes that deliver hot water to heat the sludge in the digesters, which have reached the end of their useful service life.
- Failure of these pipes jeopardizes compliance with the state permit requirements. If the permit requirements are not met, then the treated sludge must be disposed of in a landfill instead of land application, which increases operating costs by roughly 35 percent.
- The projected costs of additional repairs to these pipes exceed the replacement cost.
- Also, the heating water is chemically treated and extremely hot, so leaks create a safety and environmental hazard.

Small Business Opportunity

Construction and repair contracts under \$200,000 are considered informal contracts and are not subject to established SBE subcontracting goals (Appendix Section 23.1 of the SBO Policy).

Funding

Utilities Capital Investment Plan

26. McKee Creek Sanitary Sewer Outfall, Mecklenburg County

- Action:**
- A. Award the low bid of \$4,084,698 by B.R.S., Inc. for the construction of the Mecklenburg County section of the McKee Creek Sanitary Sewer Outfall,**
 - B. Approve a contract in the amount of \$597,700 with Woolpert North Carolina, PLCC to provide construction administration services for the Mecklenburg County section of the McKee Creek Sanitary Sewer Outfall, and**
 - C. Approve a contract in the amount of \$338,000 with Terracon Consultants Inc. for material testing, pre/post blast surveying, and blast monitoring services.**

Staff Resource: Barry Gullet, Utilities

Construction Contract

- The City has an agreement with the Water and Sewer Authority of Cabarrus County (WSACC) for WSACC to treat wastewater from the eastern areas of Charlotte-Mecklenburg.
- In 2002, a second agreement was executed with WSACC for service to the Reedy and McKee Creek areas (Harrisburg Road/Rocky River Road).
- The agreement provides for construction of a series of sewer lines in Cabarrus and Mecklenburg counties.
- This contract is to construct a 24-inch diameter sewer line along McKee Creek from near the county line to Misenheimer Road in Mecklenburg County.
- This project is needed to serve the 2011 Camp Stewart South annexation area and the future hospital at I-485 and Albemarle Road.
- A previous construction contract totaling \$2,995,331.91 was awarded by Council on November 8, 2010 for construction of the Cabarrus County portion of this project.

Construction Administration Contract

- This professional services agreement will provide inspection services, surveying, and construction-phase administration services.
- Woolpert was selected using the Council approved qualifications-based selection process.

Seismologist Services Contract

- The services of seismologists are needed to ensure that construction blasting specifications are strictly adhered to, in order to help avoid damage to nearby structures.
- Blast monitoring in the field involves seismographic monitoring during all blasting events, documenting ground vibrations, blast durations, and noise levels.
- The pre-blast surveys are used to document the existing condition of structures within a 500-foot radius of the blasting area prior to blasting activities. All residents within this radius will be receiving letters notifying them of the potential for blasting and about this service.
- Post-blast surveys document the condition of the same structures following blasting activities.

- Terracon was selected using the Council-approved qualifications based selection process.

Small Business Opportunity

B.R.S., Inc.

Established SBE Goal: 5%

Committed SBE Goal: 3.51%

B.R.S., Inc. failed to meet the established goal, but earned the required number of Good Faith Effort Points (Part B: Section 2.1 of the SBO Policy). In their bid, they committed 3.51% (\$143,500) of the total contract amount to the following SBE firms: D's Trucking, (hauling); P&TL, Inc., (erosion control); and Carolina Wetland Services (wetlands delineation)

Subsequent to bid opening, B.R.S. committed an additional \$77,000 (1.89%) to Sanders Constructors (clearing and grubbing) increasing overall SBE utilization to 5.40%. A further detailed summary of the GFE Points compliance is attached.

Woolpert and Terracon

For service-based contracts, the City negotiates SBE goals after the selection process (Part C: Section 2.2 of the SBO Policy). On their contract, Woolpert has committed 3.51% (\$21,000) of the total contract amount to the following SBE firms: Pittman Professional Land Surveying and Richa Graphics. For the Terracon contract, no SBE utilization goal was set because subcontracting opportunities were not identified (Part C: Section 2.4 of the SBO Policy).

Funding

Utilities Capital Investment Plan

Attachment 18

Good Faith Efforts Summary

27. Airport Entrance Road Bridge Testing Services

Action: Approve a contract with Terracon Consultants, Inc. in the amount of \$344,400 for construction materials testing services for the three bridges associated with the Airport Entrance Road project.

Staff Resource: Jerry Orr, Aviation

Explanation

- In September, City Council approved a contract with Blythe Construction in the amount of \$1,595,547.25 for construction of one four-lane bridge over the Norfolk Southern mainline that will be used for traffic approaching the terminal on the new entrance road.
- This contract provides for construction materials testing services for this bridge as well as two others related to the entrance road project.
- Terracon Consultants, Inc. was selected by a selection committee comprised of the Aviation Director and staff members. The selection was based on the firm's qualifications.
- The contract is a not-to-exceed amount based on hourly rates.

Small Business Opportunity

For professional services based contracts, the City negotiates SBE goals during the contract negotiation process. On this contract, Terracon Consultants, Inc. committed 10.00% (\$34,440) of the contract amount to the following SBE firm: Capstone Civil Group, P.A. (testing).

Funding

Aviation Capital Investment Plan

28. Mint Museum Randolph Chiller Replacement

Action: **A. Reject the low bid of \$498,750 from Climate Systems, Inc. for failure to comply with the Small Business Opportunity Program, and**

B. Award a contract to the lowest, responsive bidder Catawba Mechanical Services, Inc. in the amount of \$519,750 for the construction of the Mint Museum Randolph Chiller Replacement.

Staff Resource: James Church, Engineering & Property Management

Explanation

- This project includes replacing three existing air-cooled chillers with two new high-efficiency, air-cooled chillers.
- The existing chillers are all past their service life, one no longer functions, and the two remaining chillers cannot maintain temperature and humidity to museum standards, putting exhibits at risk.
- In addition to the chiller replacement, the contract includes:
 - Electrical modifications required for the change-out
 - Building controls upgrade to facilitate the new chiller installation
 - Required minor general construction and structural work
- Construction is expected to be complete by second quarter 2012.
- Climate Systems, Inc. failed to meet the established Small Business Enterprise goal of 5% and also failed to meet the Good Faith effort Requirements of the SBO Program.
- Catawba Mechanical Services, Inc. is the lowest responsive and responsible bidder.

Small Business Opportunity

Established SBE Goal: 5.00%

Committed SBE Goal: 19.82%

Catawba Mechanical Services exceeded the established SBE goal and committed 19.82% (\$103,000) of the total contract amount to the following SBE firm: A & W Electric Inc. (electrical). A further detailed summary of the bid rejection recommendation is attached.

Funding

Government Facilities Capital Investment Plan

Attachment 19

Bid Rejection Summary

29. Combination Sewer Cleaning Trucks

- Action:**
- A. Approve the purchase of sewer cleaning equipment as authorized by the sole source exception of G.S. 143-129(e)(6), and**
 - B. Approve the purchase of two sewer combination cleaning trucks from Rodders & Jets Supply Company in the total amount of \$611,360.**

Staff Resource: Barry Gullet, Utilities**Sole Source Exception**

- G.S. 143-129 (e) (6) provides that formal bidding requirements do not apply when:
 - Performance or price competition are not available
 - A needed product is available from only one source or supply
 - Standardization or compatibility is the overriding consideration
- For this purchase, standardization is the primary consideration justifying sole source.
- Utilities currently has nine of these trucks in its fleet. Standardization increases operational efficiencies and reduces the number of maintenance parts required in the City's inventory.

Explanation

- Combination sewer cleaning trucks are heavy-duty trucks specially equipped with a combination of high pressure cleaning hoses and pumps that use water jets to dislodge debris from the sewer lines and a large vacuum unit to remove the dislodged debris and transport it for disposal.
- Sewer lines must be cleaned periodically to prevent blockages that cause sanitary sewer overflows and to clear blockages that have already caused overflows. While overflows have been reduced over the past years, additional cleaning is needed to further reduce overflows.

Small Business Opportunity

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

Funding

Utilities Capital Equipment Fund

30. Solid Waste Automated Garbage Collection Trucks

- | | |
|----------------|---|
| Action: | <p>A. Approve the purchase of eight Autocar side loading automated garbage collection trucks as authorized by the previously bid or "piggybacking" exception of G.S. 143-129(g), and</p> <p>B. Approve a contract with Young's Truck Center dba Advantage Truck Center for the purchase of eight Autocar side loading automated garbage collection trucks in the amount of \$1,987,744.</p> |
|----------------|---|

Staff Resource: Victoria Johnson, Solid Waste Services

Piggybacking Exception

- G.S. 143-129(g) allows local governments to purchase from any supplier that has, within the past 12 months, contracted to furnish the item to any federal, state or local agency.
- The contract must be one that was entered into following a public, formal bid process substantially similar to the one set forth in the North Carolina statutes.
- The City of Greensboro awarded a contract for these vehicles on September 6, 2011.
- The City of Greensboro's contract specifications for automated garbage collection trucks meet the operational needs of the City of Charlotte Solid Waste Services and the contract price is competitive.

Explanation

- The trucks being replaced by the purchase are used to collect garbage placed curbside in rollout carts and meet the criteria for normal replacement.
- The trucks are on the approved FY2012 Capital Replacement List.
- The trucks being replaced range in age from five to seven years old and have average mileage of 111,000 miles.

Small Business Opportunity

Piggyback contracts are exempt (Appendix Section 23.2 of SBO Policy).

Funding

Capital Equipment Fund

31. Municipal Agreement for Relocation and Adjustment of Utility Lines

- Action:**
- A. Adopt a resolution authorizing the Utilities Key Business Executive to execute a Municipal Agreement with the NC Department of Transportation (NCDOT) for design and construction of water and sewer line relocations and adjustments along Sam Newell Road, in the estimated amount of \$199,765, and**
 - B. Authorize the City Manager to approve the final pay request for the actual cost of the utility construction.**

Staff Resource: Barry Gullet, Utilities

Explanation

- NCDOT requires that the City enter into a municipal agreement for relocation of utility lines within NCDOT road way projects prior to construction.
- The amount of the agreement is based on an NCDOT engineer's estimate.
- Once completed, Utilities reviews the invoice, validating the charges and making corrections when needed.
- This agreement is for relocation of approximately 806 linear feet of municipally-owned water and sewer lines, ranging in size from six to 24 inches, within NCDOT's roadway improvements project along Sam Newell Road from Lakeview Circle to the entrance to Crown Point Elementary School.
- Relocation of the water lines is in the scope of work covered by the contract between NCDOT and the prime construction contractor.
- At the end of the project, the City will reimburse NCDOT for actual construction costs associated with the utility relocation.
- Should the actual cost be different from the estimated amount of this Agreement, the City Manager will sign a Supplementary Agreement for the cost differential. Final invoice differences can be attributed to:
 - Actual unit price bids being different than estimated;
 - Changes in material costs between when the estimate was prepared and the completion of the project; or
 - Required design modifications resulting from NCDOT project changes.
- The format and cost sharing philosophy is consistent with past Municipal Agreements.

Funding

Utilities Capital Investment Plan

Attachment 20

Resolution

32. Water Main Replacement, Renewal #1

- Action:**
- A. Approve renewal #1 of the contract with Dallas 1 Construction LLC, in the amount of \$1,553,300, for replacement of aging water mains throughout Mecklenburg County, and**
 - B. Authorize the City Manager to renew the contract for two additional terms with possible price adjustments based on the terms of the contract.**

Staff Resource: Barry Gullet, Utilities

Explanation

- This contract provides for replacement of existing water mains throughout Mecklenburg County that have reached the end of their service life. Water main replacements improve service reliability, water quality and fire flow capacity.
- The contract provides for three renewal terms, at the sole discretion of the City, with unit price adjustments based on the Construction Cost Index. This index indicates a 4.05% cost increase since the award of the original contract.
- During the initial term of the contract, Dallas 1 replaced approximately 22,000 linear feet of water mains throughout Mecklenburg County.
- Projects have been assigned to account for all of the funding in the current contract.
- The original contract, in the amount of \$1,492,840.25, was awarded by City Council on June 14, 2010.

Small Business Opportunity

Dallas 1 Construction had a committed goal of 8% during the initial term of the contract. To date, they have attained a goal of 9% with the following SBE firms: Bullseye Construction, (water main construction) and On Target Utility Locate Services, (underground utility locating services). Dallas 1 Construction is a certified SBE firm.

Funding

Utilities Capital Investment Plan

33. Briar Creek Relief Sewer Phase II Construction Administration Services

Action: Approve a Professional Services Agreement for \$2,065,200 with Camp Dresser & McKee (CDM) for construction administration for Briar Creek Relief Sewer Phase II.

Staff Resource: Barry Gullet, Utilities

Background

- The Briar Creek Relief Sewer project is needed to address both wet weather and anticipated growth wastewater flows in the Briar Creek drainage basin.
- The project consists of a new pump station at the Sugar Creek Wastewater Plant and large diameter sewers from the plant (Tyvola and Park Roads) up to The Plaza.
- Given the size of the project, it was intended to be constructed over a number of years in several phases. The last phase of the pipeline is intended to be complete in 2015.
- The pump station and Phase I of the pipeline up to Randolph Road were completed last year.
- Construction of Phase II, which runs from Randolph Road, across Charlotte Country Club to Country Club Drive, is expected to last two years and the engineer's estimate is \$28,000,000.

Explanation

- Camp Dresser & McKee (CDM) was selected in 2000 for the Briar Creek Relief Sewer project, using the Council-approved qualifications-based selection process.
- The initial work on the project was to perform preliminary engineering and routing studies for the entire length. Once complete, contracts would be awarded for the detailed design and construction administration as the phases were ready to begin.
- Final design for Phase II of the project was awarded to CDM on November 12, 2007. Completion of Phase II design was delayed slightly by Utilities due to construction delays with the Myers Park High School tunnel on Phase I and for budgetary reasons.
- This agreement with CDM will provide for construction administration and inspection services for the Phase II construction contract.
- Phase II construction is currently being bid and expected to be considered by City Council in December 2011 for contract award.

Small Business Opportunity

For service-based contracts, the City negotiates SBE goals after the selection process. (Part C: Section 2.2 of the SBO Policy). On this contract, CDM committed 5.47% (\$113,000) of the total contract amount to the following SBE firm: Gavel & Dorn Engineering, PLLC (construction materials testing services).

Funding

Utilities Capital Investment Plan

34. Utilities Field Surveying Services for Design and Construction, Renewal #1

Action: **A. Approve renewal #1 of the contracts with The Survey Company, Inc. and Lawrence Associates, in the amount of \$200,000 each, and**

B. Authorize the City Manager to renew the contracts for two additional terms.

Staff Resource: Barry Gullet, Utilities

Explanation

- In the design of water and sewer lines, one of the first steps in the process is the detailed surveying of a proposed route or corridor to determine the location of other structures or utilities, ground elevations, and establishing property lines. For Utilities, this work is done with a combination of two, in-house surveying crews and contracting with private survey companies.
- On February 28, 2011 Council awarded contracts to these two firms, in the not-to-exceed amount of \$200,000 each.
- The contract provides for three renewal terms, with no adjustments to hourly rates. Each term is defined as one-year or until the initial funds have been expensed. Projects have been assigned to account for all of the funding in the current contract.

Small Business Opportunity

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

Funding

Utilities Capital Investment Plan

35. Utilities Pipeline Investigation Services

Action: **Approve a professional services agreement for \$228,140 with RedZone Robotics, Inc. for pipeline investigation services.**

Staff Resource: Barry Gullet, Utilities

Explanation

- Laser profiling services are needed to evaluate the overall condition of various water and sewer pipelines.
- Laser profiling measures the roundness of a pipe to pinpoint areas of deflection (egging) and other defects. Deflected areas may need to be repaired to avoid potential leaks at the pipe joints.
- Most of the services will be used for a water main that begins at the Franklin Water Treatment plant and ends at Charlotte/Douglas International Airport.

- Deflection was determined to have caused earlier leaks on this pipeline, and those leaks have been repaired. About 1,000 feet of the pipeline was laser profiled at the time those repairs were made.
- This project will provide an overall assessment of the condition of the rest of the pipeline (up to 33,000 feet) to determine if any other areas have deflected and have a high likelihood of leaking.
- The water main will be taken out of service during the profiling. The work is planned for January and February 2012, when water demand is lower. Water service will not be disrupted.
- Several small diameter sewers will also be laser profiled to assess the condition of various plastic pipe materials that were installed in the past on a trial basis.
- A Request for Proposals was issued on September 16, 2011. Two proposals were received. Redzone was the most competitive and responsive proposal.

Small Business Opportunity

No SBE goal was set for this project because subcontracting opportunities were not identified. (Part C: Section 2.4 of the SBO Policy)

Funding

Utilities Capital Investment Plan

36. 2011 Homeland Security Grants

- Action:**
- A. Authorize the Fire Chief to accept a grant in the amount of \$2,132,180 from the US Department of Homeland Security's 2011 Urban Areas Security Initiative (UASI) Grant Program,**
 - B. Authorize the Fire Chief to accept a grant in the amount of \$267,608.35 from the US Department of Homeland Security's 2011 Metropolitan Medical Response System (MMRS) Grant Program, and**
 - C. Authorize the Fire Chief to accept a grant in the amount of \$25,000 from the US Department of Homeland Security's 2011 State Homeland Security Grant Program (SHSGP) for the Hazardous Materials Regional Response Team 7 (RRT-7).**

Staff Resource: Jeff Dulin, Fire

Explanation:

- The 2011 Urban Areas Security Initiative Grant Program allowed 31 applicants to apply for funding to aid in the prevention, protection, response and recovery from terrorist attacks.
- The City of Charlotte was awarded the grant by the US Department of Homeland Security based on the risks and threats for our community.
- In developing a regional approach and as mandated by the grant guidelines, the following counties were included as part of a regional implementation concept: Cabarrus County, NC; Catawba County, NC; Gaston County, NC; Iredell County,

- NC; Lincoln County, NC; Lancaster County, SC; Stanly County, NC; Union County, NC; and York County, SC.
- The total amount of the grant awarded to Charlotte was \$3,244,400. The North Carolina Division of Emergency Management will retain \$1,112,220 of these funds for the Management and Administration of the Grant Program, construction of a radio tower to support the NC Voice Interoperability Plan for Emergency Responders (VIPER) radio system, and purchase radio consolettes for the NC Highway Patrol that will support both VIPER and the City of Charlotte's radio system.
 - The \$2,132,180 retained by the City will be used for terrorism preparedness activities such as equipment acquisition, planning, exercise and training activities.
 - The 2011 Metropolitan Medical Response System Grant Program provided funding to 124 identified cities to aid in the medical response to an act of terrorism or natural disaster.
 - The City of Charlotte was awarded the grant by the US Department of Homeland Security due to population and metropolitan center status. The other cities that were awarded funds in North Carolina were Greensboro and Raleigh.
 - The grant total awarded to Charlotte was \$281,693. However, the State of North Carolina retained \$14,084.65 of the grant for management purposes, which is allowable under the grant program guidelines.
 - The City's portion of the grant, \$267,608.25, will be used to purchase communications equipment, medical supplies and pharmaceuticals for the treatment of patients on a terrorism scene.
 - The 2011 State Homeland Security Grant Program awarded funds to US States and Territories based on the Department of Homeland Security calculated risks, vulnerabilities and threats.
 - Congress requires that a minimum of 80% of the funds are passed through the States to the local levels to provide funds for local efforts to combat terrorism and other natural hazards in the categories of planning, training, exercises and equipment purchases.
 - The funds awarded for RRT-7, totaling \$25,000, will be used to purchase equipment to support the detection of and response to hazardous materials incidents, and to provide training for responding to such incidents.
 - Grant revenue for these grants was anticipated and included in the FY2012 budget.
 - The performance period for the grants is three years with the option to apply for extensions as necessary.
 - No matching funds are required for the grants.

Funding

2011 UASI Grant, 2011 MMRS Grant, 2011 SHSGP Grant

37. Technology Help Desk Software Subscription Services

- Action:**
- A. Approve a contract with BMC Software, Inc. for software hosting/subscription services in support of the City's helpdesk services for an initial term of two years in the amount of \$425,000, and**
 - B. Authorize the City Manager to approve up to two, one-year renewal options as authorized by the contract, and contingent upon the company's satisfactory performance.**

Staff Resource: Charles Robinson, Business Support Services

Explanation:

- The City currently owns software from BMC Software, Inc. to manage delivery of technology services to business units. This software is installed on servers owned and managed by the City. The software vendor now offers a service to host the application on its servers and to manage upgrades and support of the software on behalf of its customers.
- The software, known as Remedy, has various modules used to manage technology functions such as service requests, help desk tickets, system configuration, change management, and problem management.
- A benefit of moving to a vendor-hosted service is that an expedited deployment of all modules can be achieved while leveraging the expertise of the vendor.
- Other benefits are that the City-owned server hardware currently in use can be either retired or re-deployed to meet other needs, annual software maintenance fees will be eliminated, and staff time to support the application will be reduced.
- In moving to a vendor-hosted subscription service, the annual subscription fee will be approximately \$30,000 more than what is currently paid to the vendor in software maintenance fees alone, however the cost difference will be offset by the reduction in server expenses.
- A one-time expense of \$148,000 is included to make the transition to the vendor's environment and to configure and implement the software modules.

Small Business Opportunity

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

Funding

Business Support Services Operating Budget

38. CharMeck 311 Call Center Software Support

- Action:**
- A. Approve expenditures with Verint for ongoing software maintenance fees, professional services and feature upgrades in support of the 311 Call Recording and Workforce Management System in the estimated amount of \$75,000 annually for three years, and**
 - B. Authorize the City Manager to approve two additional two-year renewals with possible price adjustments at the time of renewal based on satisfactory performance, prevailing maintenance rates, and current support needs of the system.**

Staff Resource: Charles Robinson, Business Support Services

Explanation

- In 2004, the City installed a Verint call recording and quality experience system for the CharMeck 311 call center. Since installation, improved capabilities have been achieved for call center agent quality reporting, Utilities billing, the CMPD Crime Reporting Unit, and workforce management.
- The call center provides essential customer service and information functions to the citizens of the City of Charlotte and Mecklenburg County.
- In January 2010, Business Support Services negotiated and Council approved a Master Service Agreement directly with the software manufacturer to deliver business continuity and future life cycle support for the system to include:
 - Quality Reporting software maintenance
 - Workforce Management software maintenance
 - Software and hardware version upgrades
 - Professional services phone support
 - On-site upgrade and implementation support
- The current Master Service Agreement provides the City with the ability to renew the maintenance coverage and professional services relationship annually at the City's discretion.

Small Business Opportunity

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

Funding

Business Support Services Operating Budget

39. Telephony Project Management and Support Services

- Action:**
- A. Approve a one-year contract with Kimberly Laney Consulting, LLC in an annual amount not to exceed \$150,000, to provide project management and support services for telephony infrastructure. The telephony infrastructure includes communications platforms for 311, the city's AT&T Centrex, and other telephony systems that use voice, fax, email, text, and mobile, which allow the citizen to communicate with the City using a cost-effective voice-over-Internet-protocol (VOIP) technology, and**
 - B. Authorize the City Manager to negotiate and approve up to two, one-year renewal options contingent upon the company's satisfactory performance, and continued project funding.**

Staff Resources: Jeff Stovall, Office of the Chief Information Officer
Bellverie Ross, Office of the Chief Information Officer

Explanation

- The telephony infrastructure is the technology supporting the electronic transmission of voice, fax, text or other forms of communication generally associated with telephones.
- Kimberly Laney Consulting, LLC will provide project management and support services to the OCIO for telephony infrastructure replacement. The work includes creating, updating, and communicating project plan, schedule and change management initiatives associated with replacement of the existing Avaya telephony system, Centrex system, and other telephony platforms throughout the city.
- Within the current IT umbrella contract for providers of technology project management type work, the average rate is \$79 per hour. The rate for Kimberly Laney Consulting, LLC is \$75 per hour. The contract length is 12 months.
- Kimberly Laney Consulting, LLC was selected based upon a history of providing successful services to the City with CharMeck 311, Office of Chief Information Officer, Engineering & Property Management, Charlotte Department of Transportation and Human Resources.

History

- A contract with Kimberly Laney Consulting, LLC was approved by the CharMeck 311 Director in December 2010 for \$50,000. The December 2010 contract included representing CharMeck 311 throughout the Charlotte-Mecklenburg Utilities 40 Point Plan initiative and serving as project manager for Telephony Strategy and Replacement Consolidation Roadmap Phase 1.
- The consistency and familiarity of Kimberly Laney Consulting, LLC with the daily operations throughout the City's call centers creates the foundation for effective project management services in the delivery of telephony replacement. These skills are most readily available through contracting.

Small Business Opportunity

No SBO goal was set for this contract because subcontracting opportunities were not identified (Part C; Section 2.4 of the SBO Policy). Kimberly Laney Consulting, LLC is a certified small business with the City of Charlotte.

Funding

Technology Capital Investment Plan

40. Transit Portable Video Observation Units

Action: A. Approve the purchase of four portable video observation units as authorized by the state contract exception of G.S. 143-129(e)9, and

B. Approve the purchase of four portable video observation units from Millenium Products, Inc. in an amount up to \$132,328.

Staff Resource: Bryan Leaird, Transit

Policy

- Prioritize, design, construct, and maintain convenient and efficient transportation facilities to improve safety
- Seek financial resources, external grants, and funding partnerships necessary to implement transportation programs and services
- Decrease crime throughout Charlotte Mecklenburg through enforcement and problem solving strategies that target criminal activity

State Contract Exception

- NC General Statute 143-129(e)(9a) and the Federal Local Preparedness Acquisition Act authorizes local governments to purchase from General Services Administration (GSA) contract holders.
- The system will be purchased from Millenium Products, Inc. using their GSA Contract which offers volume discount pricing. The GSA contract was a result of a full and open competitive solicitation process.

Explanation

- The Department of Homeland Security awarded a grant to the City for improved security and observation of the transit system. This grant covers 100% of the project's cost. These observation units, also known as camera trees, are part of CATS' overall response to federal authorities' recommendation to heighten security for all transit systems.
- These portable video observation units are similar in function to the portable towers that CMPD use in 'hot spot' locations. The added benefits, provided by these units, are that they are much smaller, extremely mobile, can be battery and partially solar powered, and are able to send wireless data to a variety of electronic devices including smart phones.
- The portable video observation units will enhance the security of the transit system by:
 - Providing Transit security with the flexibility to temporarily and strategically place wireless remote video cameras to meet immediate issues and
 - Increasing the profile of transit law enforcement at specific sites.

- The unit would be deployed during special events, including those held in the uptown area, and at Transit Centers, Park and Rides and other areas within the transit system as necessary.

Small Minority Women Disadvantaged Business Opportunity

This contract is subject to federal grant requirements for outreach to small, minority, women-owned and disadvantaged firms. No goal was set because there are no subcontracting opportunities.

Funding

Transit Capital Fund

41. LYNX Blue Line Parking Guidance Systems

- Action:**
- A. Approve the award of a contract to Watson Electrical Construction Co., LLC for an amount not to exceed \$316,798 for design and installation of parking guidance systems at LYNX Blue Line park and ride facilities, and**
 - B. Approve the award of a contract to TCS International for an amount not to exceed \$356,083 for technology components (variable message signs, communications equipment and software).**

Staff Resource: Mike Haddad, Transit

Policy

Focus Area 3: Prioritize, design, construct, and maintain convenient and efficient transportation facilities to improve safety, neighborhood livability, promote transportation choices.

Project History

- In May 2009, a pilot project was installed at the I-485 Park and Ride Deck. Traffic sensors counted cars entering and exiting the lot, and a sign at the lot entrance provides motorists with the number of available parking spaces.
- Customer responses to the pilot project have been largely positive with suggestions to increase the size of the signs and digital display characters.
 - Daily riders were the primary users of the sign system.
 - The information from the system allowed new traffic patterns to be generated, which greatly assisted traffic flow in and around the I-485 facility.
- In October 2010, the City was awarded an Advanced Technology Grant from the North Carolina Department of Transportation with a 10%, or \$67,288, local funding match for this CATS project.

Explanation

- This project will expand the parking guidance system to all seven LYNX Blue Line stations with park and ride lots. The suggestions from customers during the pilot project have been incorporated in the larger project.
 - The signs will be significantly larger and the digital display characters have been enlarged to increase readability.

- Remote control access will be included to speed configuration and management of the "system".
- Power source protection equipment has been included to prevent interruptions.
- The information from the expanded system will be used to identify traffic patterns to assist with traffic flow in and around LYNX park and ride lots.
- Each lot will have sensors to count cars and a sign to display parking availability at the station. Signs will also display parking availability at the next station to the north and south of the current station.
- Communications to a central server enables City staff to monitor parking availability for all LYNX Blue Line park and rides in near real-time.
- Parking availability information can also be deployed to the City's website and smart phone applications.
- Watson Electrical will perform electrical and sign design, and install parking counter sensors, variable message signs and communications equipment provided by TCS International.

Selection Process

- Watson Electrical and TCS International were selected pursuant to a competitive Request for Proposal (RFP) procurement process. Five firms contacted the City with an interest in submitting proposals. Watson and TCS International were the firms to submit a proposal. A committee made up of transit procurement, technology and facilities staffers determined the proposal was qualified, responsive and responsible.

Small Minority Women Disadvantaged Business Opportunity

This project is subject to state technology grant requirements for outreach to small, minority, women-owned and disadvantaged firms.

Design and Installation Contract

Watson Electrical Construction Co., LLC has already committed to soliciting SMWDBE firms for: landscaping, asphalt/concrete repair and sign foundations work, that work is estimated at 5% of the contract amount.

Equipment and Goods Purchase

No goals were established for purchases of the goods and equipment due to limited opportunities for subcontracting.

Funding

Transit Capital Fund

42. Airport ATM Agreement with Bank of America

Action: **A. Approve a three-year contract for a minimum annual amount of \$1,237,500 with Bank of America to operate all ATM locations at the Airport, and**

B. Authorize the City Manager to execute two, one-year extensions.

Staff Resource: Jerry Orr, Aviation

Explanation

- ATM services are one of many amenities provided to passengers at the Airport.
- In 2005, the Airport underwent a bid process and awarded ATM contracts to four banks, with each bank paying a set rent plus a percentage of gross receipts.
- In the one-year period between May 2010 through April 2011, the Airport earned \$247,556 for these ATM locations.
- In 2005, the Airport also awarded an annual contract in the amount of \$425,000 to Bank of America for naming rights to the Airport's Business Center and the right to operate two ATMs in this area. The Business Center was an area offering meeting space, quiet cubes, and business services to passengers.
- In order to accommodate changing passenger needs, the Airport decided to close the under-utilized Business Center to make way for a new food concession in this area. The ATM units will remain and were included in the ATM Invitation to Bid (ITB).
- In July 2011, the Airport issued a new ITB, which allowed for two options:
 - Location-Based Bids: bid on one or multiple ATM locations in the Terminal. Each bid composed of a set monthly rent with a biddable "per transaction" fee. ATM location would be awarded to highest Minimum Annual Guarantee based on "per transaction" fee.
 - Exclusive Bid: bid on exclusive rights to all ATM locations in the Terminal. Bid composed of a set annual fee with a biddable "per transaction" fee. Exclusive option would be awarded to highest "per transaction" fee.
- Seven bids were received, two of which included bids for the exclusive option.
- The Airport elected the exclusive option because it is projected to provide the most revenue to the Airport.
- Bank of America submitted the highest bid for the exclusive option at \$.75 per transaction.
- Projected Revenues were:
 - Multiple Banks: \$1,205,529
 - Fifth Third Exclusive: \$1,367,500
 - Bank of America Exclusive: \$1,612,500

Contract Terms

- Three-year term with two optional one year extensions to be executed by the Aviation Director.
- Bank of America will pay an annual flat fee of \$1,237,500 to be invoiced monthly as well as \$.75 per transaction completed at an Airport ATM.
- As part of the contract for the exclusive bid, the successful bidder is entitled to \$161,250 in annual advertising placement at the Airport.

43. Charlotte Convention Center Complex Mechanical Improvements

Action: Approve an amendment for \$200,800 with McCracken & Lopez, P.A. for mechanical improvements to the chiller/boiler plant in the Charlotte Convention Center Complex.

Staff Resource: Jeff Furr, Engineering and Property Management

Explanation

- The original chiller/boiler power plant in the Convention Center had enough capacity to add the new Crown Ballroom and NASCAR Hall of Fame to the hot and chilled water systems.
- During installation of the additional systems, it was recognized that the now 16 year old plant would need mechanical and operational control system upgrades.
- The close-out of the Hall of Fame/Ballroom budget in 2010 set aside funds for these future mechanical upgrades.
- McCracken & Lopez was the original mechanical, electrical and plumbing engineer for the Convention Center. Earlier this year, the City Engineer approved an initial contract with the firm in the amount of \$47,000 to analyze the existing systems and establish the scope of the needed upgrades.
- This amendment will provide final design, construction documents and construction administration services for both chiller and boiler system improvements. The total contract amount with this amendment will be \$247,800.

Small Business Opportunity

All additional work involved in this amendment will be performed by the current consultant, McCracken & Lopez, P. A. (Part D: Section 6 of the SBO Policy). McCracken & Lopez, P.A. committed 1.25% (\$2,500) of this amendment amount to the following SBE firm: Richa Graphics (printing).

Funding

Hall of Fame Capital Project Fund

44. GangNet Agreement

Action: A. Approve an agreement with the NC Governor's Crime Commission (NCGGC) to accept funding from the Maryland State Police via their U.S. Department of Justice grant to maintain the GangNet System until statewide consolidation of the system is completed, and

B. Adopt an ordinance appropriating \$152,549 in funds from the Maryland State Police and/or the North Carolina Governor's Crime Commission.

Staff Resource: Glen Neimeyer, Police

Explanation

- City Council previously approved the FY11 GangNet grant from the North Carolina Governor's Crime Commission on September 13, 2010 in the amount of \$303,912. GangNet is the database for known gang members, their associates, and their criminal activity.
- The grant funds are used for Police to maintain the GangNet system for the western part of the state.
- After the award of the grant, the state decided to reduce costs by consolidating the three GangNet nodes to one central location. The state instructed Police to continue operating the western node in a maintenance mode at the same level as FY2011.
- The U.S. Department of Justice awarded the State of Maryland a grant for sharing of gang intelligence and information. The State of North Carolina has entered into an agreement with the Maryland State Police to provide maintenance to the western node until the three North Carolina GangNet nodes are consolidated to one location. This funding arrangement will be in effect during the transition period to consolidate the NC GangNet nodes during FY2012.
- The Governor's Crime Commission has committed to reimburse the Charlotte-Mecklenburg Police Department for any eligible funds not reimbursed from the Maryland State Police during the transition period.

Funding

Maryland State Police and NC Governor's Crime Commission

Attachment 21

Budget Ordinance

45. Police Undercover Vehicle Lease

Action: Approve a three-year lease with Wilmar Leasing for 24 undercover police vehicles at a cost not to exceed \$346,140.

Staff Resources: Vicki Foster, Police
Greg Crystal, Police

Explanation

- Police's Vice Division has been leasing undercover vehicles since 2000.
- Leasing undercover vehicles has enabled the Vice Division to obtain a variety of reliable vehicles that are replaced on three or four-year cycles.
- If the undercover nature of a vehicle is compromised during the lease period, the vendor will replace the compromised vehicle with another make and model for the remainder of the lease period at no additional cost.
- The 24 vehicles on this lease will replace 19 vehicles that have reached the end of their original four-year lease period and five vehicles that will complete their one-year lease.

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

Police Operating Budget

46. Public Safety Computer-Aided Dispatch Maintenance

Action: Approve an agreement with Intergraph Corporation for software maintenance and on-site system support for the consolidated Public Safety Computer Aided Dispatch System (CAD) for a period of three years with an option to extend for an additional two years at a cost up to \$3,200,000 for five years.

Staff Resources: Katrina Graue, Police
Jeff Dulin, Fire

Explanation

- City Council approved the consolidation of the Police and Fire Computer-Aided Dispatch systems to the Intergraph Public Safety CAD system in December 2010. The consolidation of the two systems is currently underway and is due to be completed by April 2012.
- Police's existing maintenance agreement with Intergraph expired October 31, 2011. A new maintenance agreement is necessary to extend the maintenance for the existing system and to add the software licenses purchased as a result of the consolidation of the police and fire systems. The additional license maintenance charges for Fire will be added in year two at the conclusion of the extended warranty purchased through the Master Agreement with Intergraph.

- The new maintenance agreement includes an on-site System Engineer for support and maintenance of the system. This position provides on-site expertise for maintenance of the system and troubleshooting problems at their earliest stages.
- Due to the proprietary nature of the system, the City is contractually obligated to have Intergraph Corporation perform the maintenance.
- The initial term of the maintenance and support agreement with Intergraph is three years with an option to extend the agreement for two additional years.
- The agreement includes an estimated annual increase not to exceed five percent per year for maintenance and support in years two through five.
- The annual increase amount is competitive and similar to increases associated with other computer maintenance contracts.

Small Business Opportunity

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

Funding

911 Fund

47. Street Marking Tape and Reflective Traffic Sign Materials

- Action:**
- A. Approve the purchase of street marking tape and reflective traffic sign materials, as authorized by the sole source exemption of G.S. 143-129(e)(6),**
 - B. Approve a contract with 3M, Inc. for the purchase of street marking tape and reflective traffic sign materials in the estimated amount of \$1,500,000 for the term of three years, and**
 - C. Authorize the City Manager to extend the contract for two additional one-year renewals with possible price adjustments at the time of renewal as deemed reasonable and appropriate by the City Manager.**

Sole Source Exception

- G.S. 143-129 (e) (6) provides that formal bidding requirements do not apply when:
 - Performance or price competition are not available;
 - A needed product is available from only one source or supply; or
 - Standardization or compatibility is the overriding consideration.
- Sole sourcing is necessary for standardization and performance.

Explanation

- Street marking tape is used to install center lines and edge lines on city roadways.
 - 3M street marking tape has a raised pattern that offers greater nighttime and rainfall visibility than flat pavement marking materials.
 - 3M street marking tape has a four year warranty versus competitive tapes, which only carry a 16-month warranty.

- Reflective traffic sign materials comprises reflective sheeting used to produce all new road signage in the City of Charlotte.
 - 3M "prismatic" reflective sheeting has been extensively weather tested, and used on transportation related projects over six years.
 - Use of 3M reflective sheeting allows for sign synchronization on City maintained roadways, easier field identification and compliance with Manual on Uniform Traffic Control Devices minimum retro reflective requirements.
- 3M is the only supplier that can provide CDOT with all reflective material needs. 3M offers a bulk purchase discount for both products.

Small Business Opportunity

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

Funding

Transportation Operating Budget

48. Infrastructure Reimbursement Agreement for Improvements to the South Boulevard/Carson Boulevard/Lexington Avenue Intersection

Action:

A. Approve an Infrastructure Reimbursement Agreement with 1200 South Blvd, LLC for improvements to the intersection of South Boulevard at Carson Boulevard and Lexington Avenue in the amount of \$425,500, and

B. Amend the Resolution authorizing the abandonment of Palmer Street, S. College Street, and a Portion of Carson Boulevard.

Staff Resource: Mike Davis, Transportation

Infrastructure Reimbursement Agreement

- Cambridge Development Group intends to construct a multi-family project on property adjacent to the South Boulevard/Carson Boulevard Intersection.
- The City intends to signalize the intersection of South Boulevard and Carson Boulevard to facilitate pedestrian and bicycle crossings on South Boulevard, moderate vehicle speeds entering and exiting Center City, and improve connectivity.
- The proposed project includes the relocation of Carson Boulevard within existing right-of-way, a northbound left-turn lane on South Boulevard, a traffic signal, bike lanes and sidewalks.
- The City can achieve significant cost savings by partnering with the developer who will be mobilized for site work and the relocation of a 54" water main.
- The proposed intersection project is consistent with the South End Area Plan.
- 1200 South Blvd, LLC will comply with the public advertising and bidding process requirements of G.S. 143-129.

Abandonment Resolution Amendment

- Construction of the multi-family project requires the abandonment of Palmer Street.

- Palmer Street was authorized for abandonment by City Council in 2008 contingent upon the completion of the intersection project, along with rights-of-way for S. College Street and a portion of Carson Boulevard.
- The developer seeks to execute the abandonment by providing a letter of credit to the City that ensures completion of the project.

Background

- A similar project at this location and reimbursement agreement were approved by City Council in 2008 with a different developer, but that developer was not able to go forward with the project at that time.
- This project was discussed during the public hearing for rezoning petition 11-053, 1200 South Boulevard, LLC.

Funding

Transportation Capital Investment Plan

Small Business Opportunity

The Infrastructure Reimbursement Agreement contains a SBE utilization goal of 11%, applicable to the amount being reimbursed on this project.

Attachment 22

Map
Resolution

49. Donation of Surplus Computers and Related Equipment to Goodwill

Action: Adopt a resolution approving the donation of surplus computers and related equipment to Goodwill Industries of the Southern Piedmont.

Staff Resource: Charles Robinson, Business Support Services

Explanation

- On April 11, 2011, City Council approved a partnership between the City and Goodwill Industries for the management of surplus electronic disposal.
- G.S. 160A-280 requires that City Council adopt a resolution approving all donations. A list of surplus computers and related electronic equipment will be created for each donation cycle and brought to Council for review and approval.
- Periodically throughout the year, donations will be made as surplus equipment accumulates.

Attachment 23

Goodwill Donation List
Resolution

50. 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 \$14,884.86, and**

B. Adopt a resolution authorizing the refund of business privilege license payments made in the amount of \$11,039.08.

Staff Resource: Susan Walker, Finance

Attachment 24

Resolution

List of property tax and business license refunds

51. In Rem Remedy

For In Rem Remedy #A-J, the public purpose and policy are outlined here.

Public Purpose:

- Eliminate a blighting influence.
- Reduce the proportion of substandard housing.
- Increase tax value of property by making land available for potential infill housing development.
- Support public safety initiatives.

Policy:

- Housing & Neighborhood Development
- Community Safety

The In Rem Remedy items were initiated from 3 categories:

1. Public Safety – Police and/or Fire Dept.
2. Complaint – petition by citizens, tenant complaint or public agency referral
3. Field Observation – concentrated code enforcement program

The In Rem Remedy item is listed below by category identifying the street address and neighborhood.

Public Safety:

- A. 3607 Reid Avenue (Neighborhood Statistical Area 7 – Reid Park Neighborhood)

Field Observation:

- B. 1700 Berryhill Road (Neighborhood Statistical Area 13 – Ashley Park Neighborhood)
- C. 2812 Holt Street (Neighborhood Statistical Area 44 – North Charlotte Neighborhood)
- D. 1105 Pamlico Street (Neighborhood Statistical Area 51 – Belmont Neighborhood)
- E. 3906 Plainview Road (Neighborhood Statistical Area 18 – Enderly Park Neighborhood)
- F. 3018 Reid Avenue (Neighborhood Statistical Area 7 – Reid Park Neighborhood)
- G. 711 Seldon Drive (Neighborhood Statistical Area 26 – Biddleville Neighborhood)
- H. 1720 Taylor Avenue (Neighborhood Statistical Area 23 – Washington Heights Neighborhood)
- I. 2319 West Boulevard (Neighborhood Statistical Area 7 – Reid Park Neighborhood)
- J. 5315 a/k/a 5301 Wilkinson Boulevard (Neighborhood Statistical Area N/A)

Public Safety:

A. 3607 Reid Avenue

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 3607 Reid Avenue (Neighborhood Statistical Area 7 – Reid Park Neighborhood).

Attachment 25

Field Observation:

B. 1700 Berryhill Road

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1700 Berryhill Road (Neighborhood Statistical Area 13 – Ashley Park Neighborhood).

Attachment 26

C. 2812 Holt Street

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2812 Holt Street (Neighborhood Statistical Area 44 – North Charlotte Neighborhood).

Attachment 27

D. 1105 Pamlico Street

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1105 Pamlico Street (Neighborhood Statistical Area 51 – Belmont Neighborhood).

Attachment 28

E. 3906 Plainview Road

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 3906 Plainview Road (Neighborhood Statistical Area 18 – Enderly Park Neighborhood).

Attachment 29

F. 3018 Reid Avenue

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 3018 Reid Avenue (Neighborhood Statistical Area 7 – Reid Park Neighborhood).

Attachment 30

G. 711 Seldon Drive

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 711 Seldon Drive (Neighborhood Statistical Area 26 – Biddleville Neighborhood).

Attachment 31

H. 1720 Taylor Avenue

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1720 Taylor Avenue (Neighborhood Statistical Area 23 – Washington Heights Neighborhood).

Attachment 32

I. 2319 West Boulevard

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2319 West Boulevard (Neighborhood Statistical Area 7 – Reid Park Neighborhood).

Attachment 33

J. 5315 a/k/a 5301 Wilkinson Boulevard

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 5315 a/k/a 5301 Wilkinson Boulevard (Neighborhood Statistical N/A).

Attachment 34

52. Office Space Lease for Neighborhood & Business Services Staff

Action: Authorize the City Manager to execute a lease with Rozzelles Ferry LLC, a subsidiary of the Charlotte Mecklenburg Development Corporation, to occupy 7,245 square feet of office and storage space in the Greenway Business Park, located at 2730 Rozzelles Ferry Road, for the Northwest Service Area Team of Neighborhood & Business Services.

Staff Resources: Walter Abernethy, Neighborhood & Business Services
Robert Drayton, Engineering & Property Management

Explanation

- In July 2011, Neighborhood & Business Services (N&BS) reorganized its workforce to provide comprehensive service delivery throughout the community. The reorganization created four service area teams that include Code Enforcement, Community and Commerce, Housing Services and Economic Development. The new service areas also align with the CMPD service areas.
- The reorganization will combine the Northwest Center staff at 2324 LaSalle Street with those at 2732 Rozzelles Ferry, allowing Neighborhood and Business Services to consolidate the new Northwest Service Area Team into one location.
- This building, located on a priority revitalization corridor, is part of the 20-acre Charlotte Mecklenburg Development Corporation (CMDC) project known as the Greenway Business Park.
- In December 2007, the City approved a \$950,000 grant toward the development of the Greenway Business Park.
- On September 14, 2009, the City approved an additional \$500,000 grant to the CMDC for the rehabilitation of three vacant buildings to be used as office space at the location.
- The new location will house 15 N&BS staff members and enable them to improve service delivery efficiency and help create new collaboration and partnership opportunities in the service area.
- The leased area includes 5,687 square feet of office space and 1,558 square feet of storage space, which is consistent in size with other service area locations.
- Office furniture will be transferred from the current facilities.
- It is Neighborhood and Business Services' intention to maintain a visible presence in locations that will benefit most from their services.

Lease Terms

- Rentable area: 7,245 square feet of office and storage space
- Base Rent: \$5,833.37 per month (\$11.35 per square foot for office space and \$3.50 per square foot for storage space) or \$70,000.45 per year. This is comparable to similar space in this market segment.
- Duration: Seven-year term with three, five-year option periods.
- Rate increases: No rate increase for the first seven years and 3% rate increase for each of the three, five-year option periods.
- Upfit costs: Landlord will provide all upfit costs and will perform the work.
- City responsibility: City pays for HVAC maintenance and pro-rata share of building maintenance, utilities and janitorial services.

Funding

Neighborhood and Business Services Operating Budget

53. Little Sugar Creek Sewer Treatment Plant Property Lease Agreement for Recreational Facilities

Action: Approve a Ground Lease Agreement with Mecklenburg County regarding County use of City property for biking and walking trails.

Staff Resources: Barry Shearin, Utilities
Catherine Williamson, City Attorney's Office

Explanation

- The existing Sugar Creek Wastewater Treatment Plant site includes over 100 acres of land between Sugar Creek and Tyvola Road that currently has limited use for the wastewater treatment processes.
- The property is the location for a proposed future treatment plant expansion. The proposed expansion project is currently on hold due to lower growth projections.
- Most of the property is forested and over the past years an informal trail network has been developed on portions of the property and used by neighboring walkers and bikers in conjunction with the trails on the Marion Diehl Center property.
- Since the treatment plant expansion has been postponed, Utilities has been in discussion with Mecklenburg County Parks and Recreation and the Tarheel Trailblazers mountain bike club about the Mecklenburg County Parks and Recreation department managing the property for hiking and biking trails. The County is proposing that the Trailblazers develop and maintain the trails in conjunction with the current agreement the County has with them at several parks throughout Mecklenburg County.
- Allowing for more formal use and management would also provide for proactive management in dealing with undesirable uses such as all terrain vehicles. The Charlotte-Mecklenburg Police Department has also participated in these discussions and is currently assisting with security on the property.
- This lease is a no cost lease and provides that either the City or the County can terminate on 90 days notice.
- The lease agreement was approved by the Mecklenburg Board of County Commissioners on October 18.

PROPERTY ITEMS

54. Property Transactions

Action: Approve the following property transaction(s) (A-H) and adopt the condemnation resolution(s) (I-AC).

- The City has negotiated in good faith to acquire the properties set forth below.
- For acquisitions, the property owner and staff have agreed on a price based on appraisals and/or estimates.
- In the case of condemnations, the value was established by an independent, certified appraisal followed by a third-party appraisal review.
- For most condemnation cases, City staff and the property owner(s) have been unable to reach a settlement. In some cases, condemnation is necessary to ensure a clear title to the property.
- If City Council approves the resolutions, the City Attorney's Office will initiate condemnation proceedings. As part of the condemnation process, real estate staff and the City Attorney's Office will continue to negotiate, including court-mandated mediation, in an attempt to resolve the matter. Most condemnation cases are settled by the parties prior to going to court.
- If a settlement cannot be reached, the case will proceed to trial before a judge or jury to determine "just compensation."
- Full text of each resolution is on file with the City Clerk's Office.

Acquisitions

- A. Project:** Allenbrook/Westridge Stream Restoration and Flood Control Project, Parcel # 2
Owner(s): Jimmie D. Allen and Wife, Margaret B. Allen
Property Address: Freedom Drive
Property to be acquired: 82,576 sq. ft. (1.896 ac.) in Conservation Easement
Improvements: None
Landscaping: Trees
Zoned: R-5
Use: Flume/Swim Floodway (No Build Zone)
Tax Code: 057-061-02
Total Parcel Tax Value: \$50,100
Purchase Price: \$22,500
- B. Project:** Ashley Road- Tuckaseegee Road Sidewalk, Parcel # 3
Owner(s): 3321 Freedom, LLC
Property Address: 1239 Ashley Road
Property to be acquired: 1,857 sq. ft. (.043 ac.) in Sidewalk and Utility Easement, plus 3,696 sq. ft. (.085 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: B-2
Use: Commercial

Tax Code: 067-141-02
Total Parcel Tax Value: \$193,800
Purchase Price: \$11,282

- C. Project:** Brookshire-Hovis-Oakdale Intersection Improvement, Parcel # 12
Owner(s): L & K Development, Inc.
Property Address: 321 Oakdale Road
Property to be acquired: 3,631 sq. ft. (.083 ac.) in Fee Simple, plus 1,472 sq. ft. (.034 ac.) in Existing Right-Of-Way, plus 2,197 sq. ft. (.050 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Trees
Zoned: B-D
Use: Commercial
Tax Code: 035-031-12
Total Parcel Tax Value: \$34,800
Purchase Price: \$12,000
- D. Project:** Brookshire-Hovis-Oakdale Intersection Improvement, Parcel # 15
Owner(s): JKG Land Development Partnership
Property Address: 5539 Hovis Road
Property to be acquired: 2,674 sq. ft. (.061 ac.) in Fee Simple, plus 701 sq. ft. (.016 ac.) in Storm Drainage Easement, plus 1,908 sq. ft. (.044 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Trees & Shrubs
Zoned: I-2
Use: Commercial
Tax Code: 035-011-11
Total Parcel Tax Value: \$39,500
Purchase Price: \$33,600
- E. Project:** City Boulevard Extension - Phase I, Parcel # 31
Owner(s): Timothy A. Christian
Property Address: 6400 Rumble Road
Property to be acquired: 65,340 sq. ft. (1.500 ac.) in Fee Simple (TOTAL TAKE)
Improvements: Single Family Dwelling
Landscaping: None
Zoned: R-17 MF
Use: Multi Family
Tax Code: 047-032-03
Total Parcel Tax Value: \$70,700
Purchase Price: \$120,850
- F. Project:** City Boulevard Extension - Phase II, Parcel # 38
Owner(s): Charles Edward Gaskin and Wife, Althea B. Gaskin
Property Address: 2300 Barn Board Lane
Property to be acquired: 3,395 sq. ft. (.078 ac.) in Temporary Construction Easement
Improvements: Landscaping Timber

Landscaping: Various Plantings, Trees, & Shrubs
Zoned: R-3
Use: Single Family Residential
Tax Code: 047-281-26
Total Parcel Tax Value: \$153,200
Purchase Price: \$20,000

- G. Project:** Community House Farm to Market Road Project, Parcel # 43
Owner(s): Patrick William Tripi And Lee John Tripi
Property Address: 10204 Ventana Court
Property to be acquired: 1,027 sq. ft. (.024 ac.) in Fee Simple, plus 313 sq. ft. (.007 ac.) in Sidewalk and Utility Easement, plus 32 sq. ft. (.001 ac.) in Utility Easement, plus 932 sq. ft. (.021 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-3
Use: Single Family Residential
Tax Code: 223-192-08
Total Parcel Tax Value: \$314,700
Purchase Price: \$10,000
- H. Project:** Eastway Police Station, Parcel # 6
Owner(s): Thomas D. Hamlett
Property Address: 1616 Merry Oaks Road
Property to be acquired: 7,766 sq. ft. (.178 ac.) in Fee Simple, plus 1,640 sq. ft. (.038 ac.) in Existing Right-of-way (TOTAL TAKE)
Improvements: Single Family Dwelling, Detached carport and storage building
Landscaping: None
Zoned: R-22MF
Use: Single Family Residential
Tax Code: 095-132-08
Total Parcel Tax Value: \$138,400
Purchase Price: \$160,000

Condemnations

- I. Project:** Allenbrook/Westridge Stream Restoration and Flood Control Project, Parcel # 12
Owner(s): William Edward Smith, Jr. And Any Other Parties Of Interest
Property Address: 1419 Grovewood Drive
Property to be acquired: 1,736 sq. ft. (.040 ac.) in Storm Drainage Easement, plus 2,422 sq. ft. (.056 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-5
Use: Single Family Residential
Tax Code: 057-062-32
Total Parcel Tax Value: \$12,500 (Vacant Land)
Appraised Value: \$1,375

Property Owner's Counteroffer: None

Reason For Condemnation: After extensive searching, staff has been unable to locate the property owner. The other 83% of acquisitions have been accomplished and construction is scheduled to begin in third quarter of 2012. A condemnation process is necessary in order to achieve clear title.

- J. Project:** Allenbrook/Westridge Stream Restoration and Flood Control Project, Parcel # 32

Owner(s): Heirs Of The Estate Of Morris Erwin Sylver, Sr. And Any Other Parties Of Interest

Property Address: 1301 Grovewood Drive

Property to be acquired: 1,412 sq. ft. (.032 ac.) in Storm Drainage Easement

Improvements: None

Landscaping: Trees

Zoned: R-5

Use: Single Family Residential

Tax Code: 057-056-17

Total Parcel Tax Value: \$79,000

Appraised Value: \$1,000

Property Owner's Counteroffer: None

Reason For Condemnation: The property owners support the project and have agreed to the acquisition at the appraised value. A condemnation process is necessary in order to achieve clear title.

- K. Project:** Allenbrook/Westridge Stream Restoration and Flood Control Project, Parcel # 37

Owner(s): Joseph D. Tucker And Any Other Parties Of Interest

Property Address: 4600 Westridge Drive

Property to be acquired: 2,233 sq. ft. (.051 ac.) in Storm Drainage Easement

Improvements: None

Landscaping: Trees

Zoned: R-5

Use: Single Family Residential

Tax Code: 057-056-35

Total Parcel Tax Value: \$86,700

Appraised Value: \$350

Property Owner's Counteroffer: None

Reason For Condemnation: After an initial meeting, the property owner has not responded to staff communication. A condemnation process is recommended during which negotiation and mediation can continue, and if necessary, just compensation for the property owner can be determined by the court.

- L. Project:** Allenbrook/Westridge Stream Restoration and Flood Control Project, Parcel # 41

Owner(s): David A. Stogner and Wife, Debbie H. Stogner And Any Other Parties Of Interest

Property Address: 1201 Grovewood Drive

Property to be acquired: 1,321 sq. ft. (.030 ac.) in Storm Drainage Easement

Improvements: None

Landscaping: Trees

Zoned: R-5

Use: Single Family Residential

Tax Code: 057-056-12

Total Parcel Tax Value: \$84,300

Appraised Value: \$400

Property Owner's Counteroffer: None

Reason For Condemnation: The property owners support the project and have agreed to the acquisition at the appraised value. A condemnation process is necessary in order to achieve clear title.

- M. Project:** Allenbrook/Westridge Stream Restoration and Flood Control Project , Parcel # 88
- Owner(s):** East Coast Properties, LLC And Any Other Parties Of Interest
- Property Address:** 1124 Marbel Street
- Property to be acquired:** 6,673 sq. ft. (.153 ac.) in Sanitary Sewer Easement, plus 22,368 sq. ft. (.513 ac.) in Storm Drainage Easement, plus 4,790 sq. ft. (.110 ac.) in Temporary Construction Easement
- Improvements:** None
- Landscaping:** Trees
- Zoned:** R-22- MF
- Use:** Multi Family
- Tax Code:** 063-084-08
- Total Parcel Tax Value:** \$2,773,300
- Appraised Value:** \$33,875
- Property Owner's Counteroffer:** \$48,690
- Reason For Condemnation:** The property owners support the project; however, staff and the owners have been unable to reach agreement regarding the acquisition. A condemnation process is recommended during which negotiation and mediation can continue, and if necessary, just compensation for the property owner can be determined by the court.
- N. Project:** Beatties Ford Road Business Corridor Improvements, Parcel # 6
- Owner(s):** Beatties Ford Road Development, Inc. And Any Other Parties Of Interest
- Property Address:** 2116 Beatties Ford Road
- Property to be acquired:** 103 sq. ft. (.002 ac.) in Sidewalk and Utility Easement, plus 436 sq. ft. (.010 ac.) in Temporary Construction Easement
- Improvements:** None
- Landscaping:** None
- Zoned:** B-1
- Use:** Commercial
- Tax Code:** 075-039-02
- Total Parcel Tax Value:** \$96,200
- Appraised Value:** \$1,675
- Property Owner's Counteroffer:** None

Reason For Condemnation: The property owners support the project and have agreed to the acquisition at the appraised value. A condemnation process is necessary in order to achieve clear title.

- O.** **Project:** Beatties Ford Road Business Corridor Improvements, Parcel # 7
Owner(s): Beatties Ford Road Development, Inc. And Any Other Parties Of Interest
Property Address: 2120 Beatties Ford Road
Property to be acquired: 2,810 sq. ft. (.065 ac.) in Sidewalk and Utility Easement, plus 8,985 sq. ft. (.206 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: B-1
Use: Commercial
Tax Code: 075-039-01
Total Parcel Tax Value: \$214,500
Appraised Value: \$41,075
Property Owner's Counteroffer: None
Reason For Condemnation: The property owners support the project and have agreed to the acquisition at the appraised value. A condemnation process is necessary in order to achieve clear title.
- P.** **Project:** Beatties Ford Road Business Corridor Improvements, Parcel # 21
Owner(s): Dalebrook Professional Center, Inc. And Any Other Parties Of Interest
Property Address: 2506 Beatties Ford Road
Property to be acquired: 1,552 sq. ft. (.036 ac.) in Sidewalk and Utility Easement, plus 917 sq. ft. (.021 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: B-1
Use: Commercial
Tax Code: 075-011-06
Total Parcel Tax Value: \$650,200
Appraised Value: \$11,600
Property Owner's Counteroffer: None
Reason For Condemnation: The property owners support the project and have agreed to the acquisition at the appraised value. A condemnation process is necessary in order to achieve clear title.
- Q.** **Project:** Beatties Ford Road Business Corridor Improvements, Parcel # 34 and # 35
Owner(s): KFC Of America, Inc And Any Other Parties Of Interest
Property Address: 2121 Beatties Ford Road
Property to be acquired: 700 sq. ft. (.016 ac.) in Sidewalk and Utility Easement, plus 6,232 sq. ft. (.143 ac.) in Temporary Construction Easement
Improvements: none

Landscaping: None
Zoned: B-1
Use: Commercial
Tax Code: 069-171-28 and 069-171-27
Total Parcel Tax Value: \$148,100
Appraised Value: \$25,325
Property Owner's Counteroffer: None
Reason For Condemnation: The property owners support the project and have agreed to the acquisition at the appraised value. A condemnation process is necessary in order to achieve clear title.

R. Project: Brookshire-Hovis-Oakdale Intersection Improvement, Parcel # 1 and # 9

Owner(s): Robert C. Spivey, Jr. and Wife, Patsy C. Spivey And Any Other Parties Of Interest

Property Address: 5600 Brookshire Boulevard

Property to be acquired: 60,928 sq. ft. (1.399 ac.) in Fee Simple, plus 3,359 sq. ft. (.077 ac.) in Storm Drainage Easement, plus 91 sq. ft. (.002 ac.) in Utility Easement, plus 36,046 sq. ft. (.827 ac.) in Temporary Construction Easement

Improvements: None

Landscaping: Trees

Zoned: B-2(CD)

Use: Commercial

Tax Code: 035-021-03 and 035-021-18

Total Parcel Tax Value: \$1,184,900

Appraised Value: \$606,550

Property Owner's Counteroffer: None

Reason For Condemnation: The property owners have concerns about the project. Staff and the owners have been unable to reach agreement regarding the acquisition. Staff has made the following accommodations: construct an additional driveway cut per the property owners redevelopment plans and maintain access during construction. Staff cannot accommodate connecting the additional driveway to the existing asphalt due to existing conflicts with overhead transmission lines, fuel lines, air pump and business sign or installing a drainage pipe under the road to accommodate the owners future development due to lack of information regarding requirements. A condemnation process is recommended during which negotiation and mediation can continue, and if necessary, just compensation for the property owner can be determined by the court.

S. Project: Eastway/Sheffield Neighborhood Improvement Project, Parcel # 26

Owner(s): Michael Stewart Shook And Any Other Parties Of Interest

Property Address: 1320 Dresden Drive West

Property to be acquired: 893 sq. ft. (.021 ac.) in Temporary Construction Easement

Improvements: None

Landscaping: Trees

Zoned: R-4

Use: Single Family Residential

Tax Code: 131-061-16

Total Parcel Tax Value: \$151,700

Appraised Value: \$475

Property Owner's Counteroffer: None

Reason For Condemnation: The property owner is against the project and after initial contact, the property owner has not responded to staff communication. The other 82% of project acquisitions have been accomplished and construction is scheduled to begin in first quarter of 2012. A condemnation process is recommended during which negotiation and mediation can continue, and if necessary, just compensation for the property owner can be determined by the court.

T. Project: Eastway/Sheffield Neighborhood Improvement Project, Parcel # 39

Owner(s): Gloria J. McNeill And Sheila Prince And Any Other Parties Of Interest

Property Address: 3706 Dresden Drive East

Property to be acquired: 851 sq. ft. (.020 ac.) in Temporary Construction Easement

Improvements: None

Landscaping: None

Zoned: R-4

Use: Multi Family

Tax Code: 131-092-09

Total Parcel Tax Value: \$149,000

Appraised Value: \$850

Property Owner's Counteroffer: None

Reason For Condemnation: After initial contact, the property owner failed to attend a scheduled meeting and has not responded to staff communication. In order to achieve clear title, condemnation process is necessary.

U. Project: Eastway/Sheffield Neighborhood Improvement Project, Parcel # 48

Owner(s): Gloria J. McNeill And Sheila Prince And Any Other Parties Of Interest

Property Address: 3766 Dresden Drive East

Property to be acquired: 1,331 sq. ft. (.031 ac.) in Temporary Construction Easement

Improvements: None

Landscaping: None

Zoned:

Use: Multi Family

Tax Code: 131-092-02

Total Parcel Tax Value: \$149,000

Appraised Value: \$625

Property Owner's Counteroffer: None

Reason For Condemnation: After initial contact, the property owner failed to attend a scheduled meeting and has not responded to staff communication. In order to achieve clear title, condemnation process is necessary.

- V. Project:** Eastway/Sheffield Neighborhood Improvement Project, Parcel # 87
Owner(s): Design Construction Services, Inc. And Any Other Parties Of Interest
Property Address: 3945 Winfield Drive
Property to be acquired: 774 sq. ft. (.018 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Shrubs
Zoned: R-4
Use: Single Family Residential
Tax Code: 131-102-16
Total Parcel Tax Value: \$129,000
Appraised Value: \$400
Property Owner's Counteroffer: \$ 1,925
Reason For Condemnation: The property owner has concerns about the project. Staff and the owner have been unable to reach agreement regarding the appraised value. A condemnation process is recommended, during which negotiation and mediation can continue, and if necessary, just compensation for the property owner can be determined by the court.
- W. Project:** Eastway/Sheffield Neighborhood Improvement Project, Parcel # 144
Owner(s): Helmuth Pavel Hernandez And Any Other Parties Of Interest
Property Address: 1239 Dresden Drive West
Property to be acquired: 83 sq. ft. (.002 ac.) in Storm Drainage Easement, plus 803 sq. ft. (.018 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-4
Use: Single Family Residential
Tax Code: 131-062-16
Total Parcel Tax Value: \$125,500
Appraised Value: \$275
Property Owner's Counteroffer: None
Reason For Condemnation: The property owner supports the project and has agreed to the acquisition at the appraised value. In order to achieve clear title, condemnation process is necessary.
- X. Project:** Eastway/Sheffield Neighborhood Improvement Project, Parcel # 156
Owner(s): Zaide Haile And Negesti Gebreselasie and Spouse, Alem T. Sertsu And Any Other Parties Of Interest
Property Address: 1943 Optimist Lane
Property to be acquired: 54 sq. ft. (.001 ac.) in Storm Drainage Easement, plus 84 sq. ft. (.002 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned:

Use: Multi Family

Tax Code: 131-104-11

Total Parcel Tax Value: \$146,700

Appraised Value: \$175

Property Owner's Counteroffer: None

Reason For Condemnation: The property owner has concerns about the project. Staff and the owner have been unable to reach agreement regarding the appraised value. A condemnation process is recommended, during which negotiation and mediation can continue, and if necessary, just compensation for the property owner can be determined by the court.

- Y. Project:** Milhaven Lane Sidewalk Improvement, Parcel # 47
Owner(s): Heirs Of William F. Staton And Any Other Parties Of Interest
Property Address: 6020 Milhaven Lane
Property to be acquired: 1,518 sq. ft. (.035 ac.) in Existing Right-Of-Way, plus 1,530 sq. ft. (.035 ac.) in Storm Drainage Easement
Improvements: None
Landscaping: Trees
Zoned: R-4
Use: Single Family Residential
Tax Code: 041-211-04
Total Parcel Tax Value: \$19,700
Appraised Value: \$250
Property Owner's Counteroffer: None
Reason For Condemnation: The property owner of record is deceased with approximately 73 heirs. A condemnation process is necessary in order to achieve clear title.
- Z. Project:** Nevin Neighborhood Improvement Project, Parcel # 12
Owner(s): Crosby N. Pierce And Any Other Parties Of Interest
Property Address: 3626 Arvin Drive
Property to be acquired: 426 sq. ft. (.010 ac.) in Storm Drainage Easement, plus 1,203 sq. ft. (.028 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-4
Use: Single Family Residential
Tax Code: 045-312-15
Total Parcel Tax Value: \$98,900
Appraised Value: \$650
Property Owner's Counteroffer: None
Reason For Condemnation: After extensive searching, staff has been unable to locate the property owner. The other 81% of project acquisitions have been accomplished, and construction is scheduled to begin in fourth quarter of 2012. A condemnation process is necessary in order to achieve clear title.

- AA. Project:** Nevin Neighborhood Improvement Project, Parcel # 17
Owner(s): Tou T. Thao and Wife, Ka Vue And Any Other Parties Of Interest
Property Address: 3712 Arvin Drive
Property to be acquired: 1,042 sq. ft. (.024 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Trees
Zoned: R-4
Use: Single Family Residential
Tax Code: 045-293-23
Total Parcel Tax Value: \$117,500
Appraised Value: \$425
Property Owner's Counteroffer: None
Reason For Condemnation: After extensive searching, staff has been unable to locate the property owner. The other 81% of project acquisitions have been accomplished, and construction is scheduled to begin in fourth quarter of 2012. A condemnation process is necessary in order to achieve clear title.
- AB. Project:** Old Dowd Road Sanitary Sewer Project, Parcel # 2
Owner(s): PMP Enterprises, LLC And Any Other Parties Of Interest
Property Address: 9608 Old Dowd Road
Property to be acquired: 999 sq. ft. (.023 ac.) in Sanitary Sewer Easement, plus 411 sq. ft. (.009 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: Trees
Zoned: R-MH
Use: Single Family Residential
Tax Code: 113-045-20
Total Parcel Tax Value: \$25,400
Appraised Value: \$425
Property Owner's Counteroffer: None
Reason For Condemnation: After extensive searching, staff has been unable to locate the property owner. This is a two parcel project of which the other parcel has been accomplished. Construction is scheduled to begin in fourth quarter of 2011. A condemnation process is necessary in order to achieve clear title.
- AC. Project:** Thomasboro/ Hoskins Neighborhood Improvement Project Phase 4, Parcel # 63
Owner(s): East Coast Properties, LLC And Any Other Parties Of Interest
Property Address: 1124 Marbel Street
Property to be acquired: 4,361 sq. ft. (.100 ac.) in Fee Simple, plus 9,096 sq. ft. (.209 ac.) in Existing Right-of-way
Improvements: None
Landscaping: None
Zoned: R10-MF
Use: Multi Family

Tax Code: 063-084-08

Total Parcel Tax Value: \$2,356,300

Appraised Value: \$16,525

Property Owner's Counteroffer: None

Reason For Condemnation: The property owners have concerns about the project. Staff and owners have been unable to reach agreement regarding the acquisition. Staff made the following accommodations: purchasing needed area in permanent easement instead of fee simple. Since this accommodation was made, the property owners have not responded to staff communication. A condemnation process is recommended, during which negotiation and mediation can continue, and if necessary, just compensation for the property owner can be determined by the court.

55. Meeting Minutes

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

- July 25, 2011 Business Meeting
- August 22, 2011 Business Meeting
- September 6, 2011 Tour and Closed Session
- September 12, 2011 Business Meeting
- September 19, 2011 Zoning Meeting