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James Mitchell, Jr.
Edwin Peacock III
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CITY COUNCIL MEETING
Monday, September 12, 2011

CITY COUNCIL AGENDA
Monday, September 12, 2011

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5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. Mayor & Council Consent Item Questions

Resource: Jim Schumacher, City Manager's Office

Time: 5 minutes

Synopsis

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

2. Federal Legislative Update

Resources: Dana Fenton, City Manager's Office
Rich Gold, Holland & Knight
Lisa Tofil, Holland & Knight
Jeff Boothe, Holland & Knight

Time: 45 minutes

Synopsis

- Holland & Knight, the City's federal lobbyist, will discuss the City's recent accomplishments, the political environment in Congress, the status of current requests, and possible objectives for 2012.
- After a 15 minute presentation, Council may ask questions and discuss the City's priorities for federal assistance.

Future Action

- On September 26, 2011, Council will be requested to renew the contract for federal representation for a one-year period.
- On October 3, 2011, the Government Affairs Committee will recommend the 2012 Federal Legislative Agenda for presentation to Council in November.
- On November 14, 2011, staff will brief Council on the Committee's recommended 2012 Federal Legislative Agenda
- On November 28, 2011, Council will be requested to adopt the 2012 Federal Legislative Agenda.

3. Broadband Technology Opportunities Grant

Resources: Chuck Robinson, Business Support Services
Cindy White, City Attorney's Office
Jeanne Simmons, Business Support Services

Time: 30 minutes

Synopsis

- On September 13, 2010, City Council accepted a Broadband Technology Opportunities Grant (BTOP) to deploy a 4th generation cellular broadband network for use by public safety and other essential government services. The Grant provided for \$16.7 million in federal funds from the American Recovery and Reconstruction Act and required the City to provide \$4.4 million in matching funds. Council accepted the grant with the condition that the grant match requirement could be met through in-kind contributions.
- Over the last year, City staff has had to overcome several challenges to advance the BTOP Grant program. These include:
 - National Telecommunications and Information Agency's reassessment and denial of the City's proposed \$3.94 million in-kind match
 - Federal Communications Commission rules that limited the use of the network in such a way that it made the network unsustainable after deployment
 - Withdrawal of the initial Request for Proposals (RFP) for the system deployment so that a restructured RFP could be reissued that would help the City overcome its grant match issues and provide a cost efficient business model
- The second RFP, issued in April 2011, had two respondents:
 - Motorola Solutions (partnering with American Tower Company and Verizon)
 - Alcatel Lucent (partnering with Crown-Castle Tower Company)
- Since both vendors provided acceptable technical solutions and had the capacity to meet the performance timeline of the project, City staff elected to enter into contract negotiations with both vendors. These negotiations have settled the important business issues for deployment and the ongoing maintenance and operation of the network and staff is now prepared to make a recommendation for contract award to City Council. This recommendation is based on:
 - Vendor experience
 - Overall technical solution to be provided
 - Ability to meet the BTOP Grant match and performance requirements
 - Implementation and five years operations and maintenance
 - Best negotiated contract structure

Future Action

- On September 26, 2011, City Council will consider award of contracts to implement the BTOP Grant.

4. 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.

5. Answers to Mayor and Council Consent Item Questions

Resource: Jim Schumacher, City Manager's Office

Time: 10 minutes

Synopsis

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

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

6. C-Span Week Recognition

Action: Mayor Foxx to read a proclamation in recognition of C-Span Week and their recent interviews and visits related to Charlotte's cultural heritage. The episodes will air on September 24 and 25, 2011.

7. Deaf Awareness Month Recognition

Action: Mayor Foxx to read a proclamation in recognition of September as Deaf Awareness Month in Charlotte.

CONSENT

- 8. Consent agenda items 14 through 45 may be considered in one motion except those items removed by a Council member. Items are removed by notifying the City Clerk before the meeting.**

PUBLIC HEARING

9. Public Hearing on Airport Revenue Bonds

- Action:**
- A. Hold and close a public hearing relating to the issuance of up to \$175 million of General Airport Revenue Bonds,**
 - B. Adopt a resolution to approve the issuance of up to \$175 million of General Airport Revenue Bonds,**
 - C. Adopt a resolution requesting Local Government Commission approval of up to \$80 million of taxable revenue bonds, and**
 - D. Approve an amendment to the rental car concession agreements with Alamo/National, Avis, Budget, Dollar, Enterprise, Hertz and Thrifty.**

Staff Resources: Greg Gaskins, Finance
Jerry Orr, Aviation

Explanation

- The Airport is planning to issue up to \$255 million of revenue bonds in early November.
- The new bonds will fund improvements to the airfield, terminal and the construction of a new short term parking deck.
- A portion of the new deck will be used as a rental car return facility. The construction costs for the facility will be funded through taxable bonds secured by contract facility charges (CFC) and contingent rent from the rental car companies.
- Actions A, B and C will:
 - Hold a public hearing required due to the tax status of a portion the General Airport Revenue Bond (GARB) because of certain components of this financing
 - Take final action to approve the issuance of the GARBs and the related documentation
 - Take initial action for Local Government Commission approval of the CFC component of the financing
- Council will be asked to give final approval for the CFC bonds at the October 10, 2011 business meeting.
- Action D approves an amendment to the current rental car concession agreements with the incumbent rental car companies.
- The amendment provides for an allocation of space for each company in the new deck, the remittance of CFC revenues, and triggers for contingent rent should the CFC revenues be insufficient to cover the debt service on the taxable revenue bonds.
- The term of the agreements will be extended for ten years from the date of beneficial occupancy of the new parking deck.

Funding

Airport Debt Service Fund

Attachment 1

Resolutions

POLICY

10. City Manager's Report

11. Center City 2020 Vision Plan



Action: Approve the Transportation and Planning Committee's recommendation to adopt the *Center City 2020 Vision Plan Volume I: The Concept Plan* and receive Chapter 5: Implementation as information.

Committee Chair: David Howard

Resources: Debra Campbell, Planning
Michael Smith, Charlotte Center City Partners

Explanation

- Charlotte Center City Partners (CCCP), the City of Charlotte, and Mecklenburg County have been working with a consulting team led by an urban planning and design firm, MIG, Inc., to create the Center City 2020 Vision Plan. The Plan will guide growth and development of Charlotte-Mecklenburg's urban core over the next decade. The consulting team also included Charlotte firms: urban designers ColeJenest and Stone, marketing communications firm Wray Ward, and transportation consultant Kimley-Horn & Associates.
- Charlotte Center City has a 44-year history of planning, beginning with the 1966 Odell Plan. The 2010 Vision Plan was the last plan developed for Center City. The 2020 Plan builds on the 2010 Plan and serves as the blueprint for future development.
- Plan boundaries include Uptown and other close-in neighborhoods adjacent to the I-277 loop. The planning process included a comprehensive community input program that began in 2009 and included a variety of mediums and venues such as:
 - 40-member Steering Committee
 - Hosting three community workshops
 - Four neighborhood workshops held at four different regional library locations
 - Two meetings, with five small group discussions
 - Several sessions with youth groups, a website, and blog
- The plan's vision is for Charlotte's Center City to be a viable and livable community whose extraordinary built environment, interconnected tapestry of neighborhoods and thriving businesses create a memorable and sustainable place.
- The 2020 Plan recommendations are organized around eight transformative strategies:
 - 1) Placemaking and urban design by encouraging memorable projects that strengthen Charlotte's identity, overcoming barriers such as the I-277 Loop and building and designing public infrastructure that serves multiple purposes
 - 2) Creating an Applied Innovation Corridor extending from UNCC Charlotte to SouthEnd with emphasis on the North End area to foster and promote innovative industries and tech-based businesses

- 3) Developing a center city urban campus to connect JCSU, Johnson and Wales, Central Piedmont and UNCC campuses together via transit, parking and other shared programs
- 4) Promoting a Destination Charlotte by establishing amateur sports clusters, and linking existing and new arts, cultural and entertainment venues together
- 5) Protecting and enhancing neighborhoods of center city by strengthening access to retail, civic, arts and public open space
- 6) Creating a network of parks and open space uses that could include a ward loop, boulevard loop and rail to trail
- 7) Establishing dynamic shopping experiences by creating strategic retail clusters along such areas as Tryon Street, Trade, and Brevard Street
- 8) Establishing an integrated transportation network and aspiring to be a true city of bikes

Charlotte Mecklenburg Planning Commission

- The Planning Committee of the Charlotte Mecklenburg Planning Commission received an overview of the plan at their meeting on May 17, 2011. The Committee received public comment at their meeting on July 19, 2011.
 - Beth Marlin, a Biddleville Neighborhood leader, wanted the plan to include more attention to the following:
 - Safety for pedestrians and bicyclists
 - Marking the individual neighborhoods with signage
 - Continue upgrading existing housing stock and preservation of important structures
 - More health care for senior citizens
 - More effort to aid the homeless
 - Dan Farris, with the Charlotte Area Bike Alliance, spoke to request that more time be allotted for public input. He and his organization would like to have public input extended until the end of September. There are a lot people on vacation and this would give them a chance to comment when they return.
- On July 19, 2011, the Planning Committee met and voted 5 to 0 recommending the plan be adopted.

Transportation and Planning Committee

- The Transportation and Planning Committee received an update on the plan at their June 20 meeting. Questions and concerns raised by committee members included:
 - Study area boundaries
 - Competition between innovation corridor and UNCC Research Institute
 - Type of industries that might be attracted to the innovation corridor
 - I-277 cap as a viable project in the 2020 plan
 - Type of new infrastructure proposed in the plan for the area near 5th Street west of the I-77 underpass
- The committee voted unanimously (Howard, Barnes, Carter, Cooksey, Kinsey) to recommend forwarding the plan to Council for public comment. At the public meeting that was held on July 25, 2011, several speakers attended and all spoke in support of the plan. No one spoke against the plan.
- On August 22, 2011, the Committee met again to further discuss the plan. The Committee voted unanimously (Howard, Carter, Kinsey) to recommend forwarding the plan to City Council for adoption.

- City Council received a copy of the Center City 2020 Vision Plan in the July 20 Council-Manager Memo. The Plan is also available at www.centercity2020.com.

BUSINESS

12. Council Meeting Calendar Amendment

Action: Consider amending City Council's 2011 meeting calendar as follows:

- 1. Combine the November 21 Zoning Meeting with the November 14 business meeting, and**
- 2. Combine the December 19 Zoning Meeting with the December 14 business meeting.**

Staff Resource: Tammie Keplinger, Planning

Explanation

- At the July Zoning Dinner Meeting, staff provided City Council with information related to Council Zoning Meetings during the 2011 holiday season. Council agreed to place the amendments on a future agenda for consideration.
- In November, the Council Zoning meeting falls during the week of Thanksgiving. As this is an election year, there will be no hearings at the November meeting, only decisions. For these reasons, staff recommends combining the Council Zoning meeting, scheduled for Monday November 21, 2011, with the Business Meeting on Monday November 14, 2011.
- In December, the Council Zoning meeting is scheduled for Monday December 19, 2011. Christmas will be on Sunday of the following weekend. Staff recommends that Council consider moving the zoning agenda items to a combined Business Meeting on Monday December 12, 2011.

Attachment 2

The Council calendars for November and December 2011 are attached.

13. Mayor and Council Topics

Council members may share information and raise topics for discussion.

CONSENT

Introduction to CONSENT

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

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

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

Contractors and Consultants

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

14. Murrayhill–Wedgewood Sidewalk

Action: Award the low bid contract of \$390,233.84 to Red Clay Industries for the Murrayhill-Wedgewood Sidewalk project.

Staff Resource: Sonji Mosley, Engineering & Property Management

Explanation

- This project is being built to add sidewalks as part of the City's Capital Investment Plan to provide a safe, efficient and comfortable pedestrian system to improve the quality of life of its residents, visitors and businesses.
- This project will include the construction of sidewalk, planting strips, curb and gutter, storm drainage improvements and landscaping.
- The project limits are along Murrayhill Road from Woodlawn Road to Lamont Drive, along the west side of Wedgewood Drive from Murrayhill Road to Seneca Place and the north side of Seneca Place between Lamont Drive and the Pinewood Elementary School Entrance.
- The goal of the sidewalk project is to provide pedestrian connectivity to nearby schools and parks.
- Construction will be completed by the end of second quarter 2012.

Small Business Opportunity

Established SBE Goal: 6.00%

Committed SBE Goal: 6.02%

Red Clay Industries committed 6.02% (\$23,500) of the total contract amount to the following SBE: Ram Pavement Services (grading/hauling).

Funding

Transportation Capital Investment Plan

15. FY2012 Street Main Extensions, Contracts A & B

Action: Award two low bid contracts for construction of water and sanitary sewer mains along existing roadways in Mecklenburg County under the Street Main Extension Program, to the following companies:

- **Davis Grading, Inc., \$1,355,276.55**
- **Dallas 1 Construction, LLC, \$1,425,689.40**

Staff Resource: Barry Gullet, Utilities

Explanation

- The street main extension program provides service to residential customers within 1,000 feet of an existing water or sewer main. Each extension is provided at the request of the property owner.
- Bids were unit price, based on estimated quantities for items needed for this type of work.
- Contracts will only be used when requests for water and sewer services are received from customers.

Small Business OpportunityDavis Grading, Inc.

Established SBE Goal: 5%

Committed SBE Goal: 5%

Davis Grading met the established SBE goal, and committed 5% of the total contract amount (\$67,765.00) to the following SBE firms: Boyle Engineering (soils testing services), Union Paving (asphalt work), and Dallas 1 Construction (water & sewer line installation).

Dallas 1 Construction, LLC

Established SBE Goal: 5%

Committed SBE Goal: 5.05%

Dallas 1 met the established SBE goal, and committed 5.05% of the total contract amount (\$72,000.00) to the following SBE firms: Boyle Consulting Engineers (soils testing services), and Bullseye Construction (water and sewer line installation).

Funding

Utilities Capital Investment Plan

16. South Park Area Intelligent Transportation System Project

Action: Award the low bid of \$1,859,824.28 to Whiting Construction Company for construction of the South Park Area Intelligent Transportation System Project.

Staff Resource: Veronica Wallace, Transportation**Explanation**

- Fiber optic cabling and traffic signal interconnection provides the ability to remotely adjust traffic signals. These adjustments can instantly improve traffic flow in response to changing traffic volumes during normal and emergency conditions.
- Fiber optic cabling combined with traffic management cameras, dynamic message signs, highway advisory radio and other traffic information devices create an Intelligent Transportation System (ITS).
- The South Park Area ITS Project includes approximately 19.84 miles of fiber optic cable and 29 traffic management cameras along Tyvola Road, Fairview Road, Sharon Road and other roadways adjacent to this area. The project also includes connections to 43 existing traffic signal control cabinets.
- The project is a critical link in the transportation communications infrastructure.

Small Business Opportunity

Established SBE Goal: 7%

Committed SBE Goal: 9.69%

Whiting Construction Co. committed 9.69% (\$180,279) of the total contract amount to the following SBE firms: M.H. Graves Construction (sidewalk replacement).

Funding

Transportation Capital Investment Plan

17. Rail Yard Lighting Enhancement

Action: Award the low bid contract of \$136,826 to Lake Electric Co., Inc. for rail yard lighting enhancements at the LYNX Blue Line South Boulevard Light Rail Facility.

Staff Resource: Bryan Leaird, Transit

Explanation

- The City was awarded a Department of Homeland Security grant with a 25% or \$34,206.50 local funding match for this CATS project.
- This project will allow the City to enhance safety and security conditions in the rail yard area by increasing the light level and coverage.
- This project was included in the Transit Capital Investment Plan.

MWSBE 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 Investment Plan - DHS Funded (75%), Locally Funded (25%)

18. Airport Sound Insulation Contract

Action: Award the low bid contract of \$75,395 with Moretti Construction, Inc. for the sound insulation of eight homes in the vicinity of the Airport.

Staff Resource: Jerry Orr, Aviation

Explanation

- In 1989, the Airport completed the original FAR Part 150 Program and obtained approval from the Federal Aviation Administration (FAA).
- 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 that were built prior to 1975.
- The Airport has now submitted an update to the FAR Part 150 program to FAA for review and approval. With the submittal of the program update, it is possible that homes that were eligible to be sound insulated under the existing program will no longer be eligible to participate because the new noise contours are smaller than the existing contours.
- 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 25 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.
- This contract will sound insulate another eight homes using Moretti Construction as well.

- The actual final number of homes that will participate in the program is unknown at this time.

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-neutral means.

Funding

Aviation Capital Investment Plan

19. Airport Moving Sidewalk Parts

Action: Award the low bid contract of \$242,956 to Schindler Elevator Corporation for the purchase of moving sidewalk parts/steps.

Staff Resource: Jerry Orr, Aviation

Explanation

- The Airport has 22 moving walkways, 15 escalators and 40 elevators.
- These moving sidewalks have been in operation since 1994.
- The contract will acquire replacement parts for maintaining these moving walkways.

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

Airport Operating Fund

20. Airport Concourse B Office Renovations

Action: Award the low bid contract of \$389,550 to Edison Foard, Inc. for renovation of offices on Concourse B.

Staff Resource: Jerry Orr, Aviation

Explanation

- Concourse B is leased to US Airways under the 1985 Airline Use Agreement, which will expire in June 2016.
- The concourse includes 18 gates and airline support space.
- This contract will renovate 22,636 square feet of non-public, airline support space in the concourse.
- US Airways will pay for this renovation cost.
- Council will be asked to approve another renovation contract for airline support space on Concourse C on September 26, 2011.

Small Business Opportunity

Established SBE Goal: 8.0%

Committed SBE Goal: 24.9%

Edison Foard, Inc, exceeded the established SBE goal, and committed 24.9% of the base bid amount (\$389,550) to the following SBE firms Vector Electric (electrical), and Weathers Heating & Air, LLC. (HVAC).

Funding

Aviation Capital Investment Plan

21. Airport Deicing Chemicals

- Action:**
- A. Award the low bid, three-year contract in the amount of \$6,000,000 to Ascent Aviation Group for the acquisition of aircraft deicing fluid,**
 - B. Award a low bid, three-year contract in the amount of \$425,000 to Nachurs Alpine Solutions for the acquisition of potassium acetate runway deicing fluid,**
 - C. Award the low bid, three-year contract in the amount of \$70,000 to Clariant Corporation for the purchase of sodium acetate runway deicing solid, and**
 - D. Award the low bid, three-year contract in the amount of \$250,000 to Little Hardware Company, Inc. for the purchase of urea, a deicing agent.**

Staff Resource: Jerry Orr, Aviation**Explanation**

- In order to support aircraft operations during winter weather events, the airport must purchase and maintain a supply of Aircraft deicing fluids and runway deicing chemicals.
- On September 13, 2010, City Council approved a three-year contract with Contego Systems LLC to operate a consolidated aircraft deicing facility for the airport.
- The contracts were bid on a unit-price basis with normally accepted price adjustment clauses due to raw product price increases. The products are delivered to the Airport on 24-hour to 36-hour notice.

Small Business Opportunity

No SBO goals are established for the purchase of goods and equipment (Appendix Section 18 of the SBO policy).

Funding

Airport Operating Fund

22. Fuel Supplies, Fleet Cards and Related Services

- Action:**
- A. Award the low bid unit price contract to FleetCor Technologies Operating Company, LLC d.b.a Fuelman of GA for the purchase of fuel supplies, fleet cards, and related services for a period of five years at an estimated annual amount of \$13,260,000, and**
 - B. Authorize the City Manager to extend the contracts for two additional two-year terms with possible price adjustments at the time of renewal as authorized by the contract.**

Staff Resource: Charles Robinson, Business Support Services

Explanation

- The City and County currently use various contractors for the provision of fuel supplies, fleet cards, and related services through various means, including gasoline, diesel, auxiliary fuels and motor oils at retail fueling stations, and through bulk and consignment fuel deliveries to onsite fueling locations.
- Fleet fuel credit cards are assigned to approximately 6,500 City vehicles and 1,100 County vehicles to ensure access to the discounted pricing schedule. The Fuelman invoices will provide comprehensive reporting of total fuel expenditures and activities.
- Business Support Services collaborated with the Fleet Management Advisory Team (FMAT) and more than 40 stakeholders across City Key Business Units and County Departments in order to finalize a solicitation for these commodities.
- The FMAT assisted in developing specifications and criteria for a consolidated fuel supplies, fleet cards, and related services agreement to maximize volume pricing discounts, standardize services and support, and facilitate reporting needs to document total fuel related purchases made by the City.
- The current contract for fleet cards also includes limited consignment fuel deliveries to onsite fueling locations at five City owned facilities and two County owned facilities. The new contract will expand this service to include consignment fueling through the use of vendor provided and maintained card readers at approximately 19 total locations.
- FleetCor will use a subcontractor, Mansfield Oil Company, to facilitate the delivery of bulk and consignment fuel to onsite fueling locations.

Contract Terms

- This contract is for the term of five years with two, two-year renewal terms.
- The Vendor shall supply the City and County each with an Oil Price Information Services (OPIS) subscription in order to compare the weekly OPIS Rack pricing with invoices.
- In addition to being low bid, FleetCor will provide 199 retail fueling locations within Mecklenburg County.
- FleetCor committed to maintain the current OPIS Rack + Margin pricing from the previous agreement for all fuel types for the term of the agreement, except for diesel fuel purchased on a consignment basis.
- The price of diesel fuel has been lowered by \$0.02 per gallon, which should result in an anticipated savings of approximately \$4,199 annually.

- FleetCor agreed to participate in the Charlotte Cooperative Purchasing Alliance Program and to provide a rebate of \$0.005 per gallon to the City for all purchases made by participating public agencies.
- In the past year, the City and County combined purchased 4.7 million gallons of gas. Similar volumes would generate a rebate of \$23,959 annually for City and County purchases.

Small Business Opportunity

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

Funding

Key Business Unit Operating Budgets

23. Louise Avenue Equipment Shop Expansion

Action:

A. Reject the low bid of \$1,365,320 Holden Building Co., Inc., for failure to comply with the Small Business Opportunity Program, and

B. Award a contract to the lowest responsive bidder, G.W. Liles Construction Co., Inc. in the amount of \$1,423,643 for the construction of the Louise Avenue Equipment Shop Expansion.

Staff Resource: Jeff Furr, Engineering & Property Management

Explanation

- This project will expand the existing metal building by adding a 5,334 square foot maintenance shop with two drive-through high-bays sufficiently sized to accommodate the City's large and heavy fire apparatus vehicles.
 - Other facility improvements include new shop vehicle lifts and alignment equipment, fluid pumps and mechanical equipment, oil/water separator, heating/ventilation systems and lighting.
 - Site work includes grading, storm drainage, concrete and asphalt pavement and landscaping.
 - The expansion will be constructed of steel framed roof systems and concrete masonry block exterior walls.
 - Electric motors and lighting installed will comply with the City of Charlotte's sustainability goals for energy efficiency.
 - Construction is expected to be complete by the second quarter of 2012.
- A. Reject the low bid from Holden Building Co., Inc.**
- Reject the low bid of \$1,365,320 from Holden Building Co., Inc.
 - Holden Building Co., Inc. failed to meet the established Small Business Enterprise goal of 10% and also failed to meet the Good Faith Effort Requirements of the SBO Program.
- B. Award the construction contract to G.W. Liles Construction Co., Inc.**
- Award the construction contract to G.W. Liles Construction Co., Inc. as the lowest responsive and responsible bidder.

Small Business Opportunity

Established SBE Goal: 10.00%

Committed SBE Goal: 11.03%

G.W. Liles Construction Co., Inc. committed 11.03% (\$156,379) of the total contract amount to the following SBEs: Richard Burrage, Inc. (Grading), James Seals & Stripes, Inc. (Line Stripping), Oliver Paving Company, Inc. (Asphalt Paving), and Harco Development, Inc. (Utilities). A further detailed summary of the bid rejection recommendation is attached.

Funding

Facilities Capital Improvement Plan

Attachment 3

Bid Rejection Summary for Holden Building Co., Inc.

24. Airport Turfing Contract

Action:

A. Reject the low bid of \$264,000 GML Contractors, Inc. as non-responsive, and

B. Award a contract of \$412,500 to the lowest responsive bidder, Central Carolina Seeding, for additional grass seeding along roads relocated for construction of the new runway project.

Staff Resource: Jerry Orr, Aviation**Explanation**

- As part of the new runway project, the Airport relocated Wallace Neel Road and portions of West Boulevard and Old Dowd Road.
- The contractors graded areas per their respective contracts; however, the areas need to be reseeded during the peak seeding season to strengthen turf growth and minimize erosion potential.
- The Airport's Storm Water Management Permit, issued by the North Carolina Department of Environment and Natural Resources, requires 85% water clarity for storm water leaving the Airport. An excellent stand of grass is necessary to achieve this standard.
- This contract will provide for 100 acres of seeding to establish quality turf.
- The apparent low bidder, GML Contractors, Inc., does not have the necessary license from the State of North Carolina, nor did they comply with the DBE program. This project included a 15% DBE Goal. GML Contractors, Inc. did not meet the goal, having no participation at the time of the bid nor did they perform any good faith efforts to obtain DBE participation. Thus, their bid is non-responsive to the bid specifications.

Contract Terms

- The contract is based on a lump sum cost for the first 80 acres and a unit price of \$3,700 per acre for an additional 20 acres with a 60 calendar day duration.

Disadvantage Business Opportunity

Established DBE Goal: 15%

Committed DBE Goal: 23.5%

Central Carolina Seeding exceeded the established DBE goal, and committed 23.5% of the base bid amount (\$412,500) to the following DBE Erosion Supply Co., inc. (erosion control)

Funding

Aviation Capital Investment Plan

25. Emergency Repairs on Park Road

Action: Approve the contract extension of \$475,000 for Blythe Construction for emergency roadway repairs on Park Road.

Staff Resource: Barry Gullet, Utilities

Explanation

- On Friday, August 26, a 24-inch water line ruptured on Park Road near Huntingtowne Farms Lane. Water from the ruptured pipe flowed under the road surface, causing significant buckling of the asphalt for about 200 feet along most of the width of the road.
- The pipe that ruptured was installed in 1975 and is a type of pipe called prestressed concrete cylinder pipe (PCCP). To make this repair, Utilities has assigned a contractor to repair the pipe. This is the same type of pipe that ruptured earlier this summer on Runnymede Lane.

Roadway Repairs

- The roadway repair work is being completed by Blythe Construction through an extension of the unit prices Utilities received through the bidding process for the repairs on Runnymede Lane. This repair work is being coordinated by CDOT and Engineering and Property Management.
- The asphalt will have to be removed from the entire width of the roadway and replaced for a distance of about 200 feet. It may be necessary to replace portions of the soil underneath the roadway that have been damaged by the flowing water. The repairs will take approximately two weeks to complete.
- The requirements of NC General Statutes 143-129(e)2 for competitive bidding are waived in cases of special emergency involving the health and safety of citizens or their property.
- In June 2011 for the Runnymede Road emergency repairs, Utilities requested unit price quotes from five roadway contractors. The lowest quote was from Blythe Construction. Blythe has agreed to honor the June 2011 prices on the Park Road repair.

Small Business Opportunity

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

Funding

Utilities Operating Budget

26. Scaleybark Transit Development Streetscape Project

Action: Approve an infrastructure reimbursement agreement with Scaleybark Partners, LLC in the amount of \$155,000.

Staff Resource: Jim Keenan, Engineering & Property Management

Explanation

- In 2007, the City entered into a Purchase and Sale Agreement (PSA) with Scaleybark Partners (SP) to provide for the sale and redevelopment of land adjacent to the LYNX Scaleybark transit station.
- The Scaleybark Station development is a proposed transit oriented development to be located on approximately 25 acres west of the Scaleybark Light Rail Station. When complete, it is anticipated the development will contain a mix of residential, retail and commercial properties that will enhance the surrounding neighborhood.
- The PSA, as amended in January 2011, requires that Scaleybark Partners complete construction of streetscape improvements and a linear park by January 15, 2012. They are now proceeding with this work along the west side of South Boulevard between Clanton Road and Freeland Lane. Their project, valued at \$1.25 million, includes a bicycle lane, on-street parking, improved sidewalks, lighting, landscaping and a small park area across from the transit station. Project completion is expected by mid December.
- The PSA includes a commitment by the City to fund certain infrastructure components which are included in the developer's construction plans. City Code Section 7.107 allows City financial participation of up to \$175,000 per qualifying development project when it is not practicable to construct the work separately. As required by City Code, the reimbursement amount is consistent with City costs for the work.

Small Business Opportunity

Construction contracts under \$200,000 are considered informal with regard to the SBE subcontracting goal setting process, therefore, establishing SBE goals is not required (Appendix Section 23.1 of the SBO Policy).

Funding

Transportation Capital Investment Plan – South Corridor Infrastructure

27. Various Stream Restoration Projects

Action: Approve a contract renewal with Wildlands Engineering, Inc. for \$475,000 for stream restoration engineering services.

Staff Resource: Jennifer Smith, Engineering & Property Management

Explanation

- Work under this renewal will include performing design and construction related services for the Collins Park Branch Watershed Enhancement Project.
- The Collins Park Branch Watershed Enhancement Project study area is roughly bounded by Murrayhill Road to the northwest, Scaleybark Road to the east and Woodlawn Road to the south. This stream drains approximately 430 acres within the Upper Little Sugar Creek basin.

- The original contract with Wildlands Engineering, Inc. was approved by City Council on September 22, 2008, for \$475,000 and this renewal will bring the total contract amount to \$950,000.
- The original contract funded the planning and design of the Glassy Creek Stream Restoration Project, the planning of the Collins Park Branch Watershed Enhancement Project, and various other tasks.
- This renewal will also include funding to perform construction related services for the Glassy Creek Stream Restoration Project.
- The Glassy Creek Stream Restoration Project is roughly bounded by Clanton Road to the south, Griffith Street to the north, S. Tryon Street to the east, and Barringer Road to the west.
- This renewal will allow for completion of all projects started under this contract and no additional renewals are anticipated.

Background

- Stream restoration is the process of converting a degraded, eroded stream corridor to a stable condition.
- The Clean Water Act requires public projects to mitigate impacts to streams and wetlands by restoring similar features elsewhere.
- Stream restoration projects generate mitigation credit that can be used to offset stream and wetland impacts on public projects.
- In 2004, the City of Charlotte established a Stream and Wetland Mitigation Bank (The Bank) to hold mitigation credits that can be used by City and County public projects.
- The Bank allows mitigation dollars to remain local rather than be paid to a statewide fund, so the benefits of restoration projects are realized in Charlotte's watersheds.
- Mitigation credits are currently sold by The Bank to various local agencies that allow the Storm Water Program to recoup the majority of the cost associated with restoring streams.
- Storm Water Services begins feasibility analysis on new stream restoration projects that are the highest ranking projects in the program backlog each year. These projects will generate credits for The Bank.
- The feasibility analysis, preliminary and final engineering for the projects is performed by consulting firms that are selected using the Council approved qualifications-based selection process. The use of consultants allows their specific expertise to be matched to the appropriate projects on a task order basis.
- When consultants perform feasibility analysis well, the most efficient method is for that firm to complete the engineering and provide construction administration services. The engineering contracts are renewed at the discretion of the City as necessary to complete the projects assigned to the firm.

Small Business Opportunity

All additional work involved in this renewal will be performed by the current consultant, Wildlands Engineering, Inc. and their existing subconsultants: Gavel & Dorn Engineering PLLC (engineering services) and Survey & Mapping Controls, Inc. (surveying services) (Part D: Section 6 of the SBO Policy).

Funding

Storm Water Capital Investment Plan

28. Police Providence Division Office Change Order #2

Action: Approve change order #2 with Camps Construction Company, Inc. in the amount of \$69,889 for the Police Providence Division Office.

Staff Resource: Michelle Haas, Engineering & Property Management

Explanation

- This project includes site development and improvements for construction of a one-story 12,200 square foot division office for the Police Providence Division Office located on Wendover Road. Construction is scheduled to be complete by the end of November 2011.
- This change order provides funding for:
 - Additional landscaping
 - Relocation of underground utilities
 - Modifications to door frames, floor coverings and millwork
 - Additional soundproofing of interview rooms
 - A short decorative retaining wall along the front lawn
 - Dumpster enclosure
 - Trench drains
 - Additional interior signage
 - Other miscellaneous minor items
- On August 23, 2010, City Council awarded the original construction contract of \$3,215,746.63 to Camps Construction Company.
- Change order #1 in the amount of \$95,853 was approved by the City Manager on April 26, 2011, to provide funding for replacement of unsuitable soil in the building pad area, a revised storm water detention system, addition of electrical floor boxes and other minor miscellaneous items.
- The total contract amount to date including this change order is \$3,381,488.63.
- Funding for this change order is available within the project budget.

Small Business Opportunity

All additional work involved in this change order will be performed by the current contractor and their existing subcontractors (Part D: Section 6 of the SBO Policy).

Funding

Facilities Capital Investment Plan

29. Police Electronic Monitoring Contract

- Action:**
- A. Approve a contract with Omnilink Systems, Inc. for electronic monitoring services and equipment for an initial term of three years at an estimated amount of \$453,330 per year, and**
 - B. Authorize the City Manager to approve two, one-year renewal options with possible price adjustments as authorized by the contract.**

Staff Resources: Ruth Story, Police
Dale Greene, Police

Explanation

- Police uses electronic monitoring as a tool to reduce the number of suspects who reoffend while awaiting trial. On average, Police monitors over 300 offenders at any given time. The majority of those offenders are awaiting trial for robbery, burglary, and larceny from vehicle. 85% of the offenders are under the age of 26.
- Omnilink Systems, Inc. has provided GPS based electronic monitors and monitoring services for Police since 2007.
- Police recommends contracting with Omnilink for these services for the following reasons:
 - Over 1,000 police officers and detectives have been trained on use of the software and technology. If a new vendor was selected, a significant amount of time and manpower would be needed to retrain the officers.
 - Police monitors over 300 offenders each day. If a new vendor was selected, all of the equipment assigned to the offenders would have to be changed out and all the offenders would have to be provided additional training.
 - Police requires that the offender tracking program have the capability to track offenders indoors when no GPS is available.
 - Only two manufacturers offer this technology.
 - Omnilink has an established data transfer process with Police for daily crime scene correlation. Any interruption in data transfer could result in any criminal activity of monitored offenders going undetected.
- The electronic monitors provided under the contract include GPS tracking of the physical location of offenders, enabling Police to link monitored offenders to locations where crimes have occurred. In 2010, 52 felony cases, including 15 burglaries and nine robberies, were solved using offender tracking data. In 2011, there have already been 55 felony cases solved through offender tracking data.
- The contract will include approximately 310 monitors. Police will pay a fixed daily rate of \$3.60 per monitor for the first three years of the contract. Daily rates for the remaining years of the contract will be negotiated annually between Police and Omnilink.

Small Business Opportunity

No SBO goal was set for this contract because subcontracting opportunities were not identified.

Funding

Police Operating Budget

30. Police Assets Forfeiture Appropriation

Action: Adopt an ordinance appropriating \$545,960 in assets forfeiture funds for various public safety projects.

Staff Resources: Katrina Graue, Police
Greg Crystal, Police

Explanation

- This ordinance appropriates \$545,960 in assets forfeiture funds for projects undertaken by Police.
- \$250,000 will be used to cover a portion of the cost of a new Laboratory Information Management System (LIMS) that will replace the current inadequate system. The new LIMS system will enable the department to track forensic evidence from the time of collection through disposition through the use of barcodes, ensuring a true chain of custody that can be demonstrated in court. The system will have enhanced tracking capabilities for cases in which evidence is processed by multiple sections of the Crime Lab. The system can also import information from other sources, including the department's records management and property control systems.
- \$100,000 will fund a camera pilot project in which cameras will be placed in locations that have consistently high levels of crime. The cameras would serve as a deterrent to crime and disorder. One of the pilot locations will be the area around I-85 and Sugar Creek Road. Other locations will be determined at a later date.
- \$80,000 will fund a new updated Firearms Simulator on which officers are trained on shoot/don't shoot scenarios, The new system includes scenarios for TASERS and long range sniper weapons used by the SWAT Team.
- \$70,000 will fund an independent review of Police's policies, procedures and training for the use of TASERS. The review will be conducted by the Police Executive Research Forum.
- \$40,960 will fund a number of training initiatives including death investigations, outdoor body recovery, and domestic violence.
- \$5,000 will fund a laboratory grade refrigeration unit with continuous temperature control for stored biological evidence (DNA) as required by law. The unit includes an alarm system which activates if the temperature deviates from its set range, door alarms that activate if the doors are not properly secured, temperature displays, and back up battery power.

Funding

Police Assets Forfeiture funds

Attachment 4

Budget Ordinance

31. Homicide Support Group Grant

Action: A. Accept a grant from the Governor's Crime Commission, in the amount of \$75,078, for second year funding of Police's Homicide Support Group, and

B. Adopt an ordinance appropriating \$75,078 in grant funds from the Governor's Crime Commission

Staff Resources: Veronica Foster, Police
Ricky Robbins, Police

Explanation

- The Charlotte-Mecklenburg Police Department has received a grant from the Governor's Crime Commission for second year funding for the Homicide Support Group.
- The Homicide Support Group provides an opportunity for families of homicide victims in Charlotte-Mecklenburg to interact with one another through monthly support group meetings and to receive assistance in working through the criminal justice system process and filing for victims compensation benefits.
- The Homicide Support Group is staffed by a Homicide Support Specialist who is an employee of United Family Services, Police's partner in this effort. The project is supervised on a part-time basis by a retired homicide sergeant. The sergeant's part-time salary of \$18,770 serves as the City's in-kind grant match.
- The grant funds the salary of the Homicide Support Specialist, travel and training expenses for project staff, and project operating expenses including equipment and supplies.
- The Homicide Support Group project received an honorable mention in the competition for the 2011 IACP/LogIn Excellence in Victim Services Award and will be recognized at the IACP (International Association of Chiefs of Police) conference in October 2011.

Funding

\$75,078 from the Governor's Crime Commission and \$18,770 from the Police operating budget

Attachment 5

Budget Ordinance

32. Construction and Landscape Equipment Parts

- Action:**
- A. Approve the purchase of construction and landscape equipment parts as authorized by the sole source exemption of G.S. 143-129(e)(6),**
 - B. Approve a contract with Charlotte Tractor for the purchase of equipment parts and services in the estimated annual amount of \$190,000 for the term of one year, and**
 - C. Authorize the City Manager to renew the contract up to four additional one-year terms with possible price adjustments as authorized by the contract.**

Staff Resource: Charles Robinson, Business Support Services

Sole Source Exception

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

Explanation

- Business Support Services/Equipment Management Division maintains 118 units of landscape tractors and mowers, backhoes, excavators, and other construction equipment manufactured by Kubota, New Holland and Case that are owned and operated by the City.
- Kubota, New Holland, and Case warranties require original equipment manufacturer (OEM) parts for all maintenance and repairs. OEM parts are also required to retain factory training, failure analysis, and diagnostic/technical support.
- Charlotte Tractor and Equipment is the only authorized distributor of Kubota, New Holland, and Case OEM parts and diagnostic services in the Charlotte area.

Small Business Opportunity

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

Funding

Business Support Services Operating Budget

33. Bus Parts

Action: A. Award a contract for bus parts as authorized by the sole source purchasing exception of G.S. 143-129 (e)(6), to the following vendors in estimated annual amounts as shown:

- | | |
|--|------------------|
| • Prevost Car (US) Inc. | \$250,000 |
| • Gillig Corporation | \$425,000 |
| • North American Bus Industries | \$40,000 |

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

Staff Resource: Larry Kopf, Transit

Sole Source Exception

- G.S. 143-129 (e)(6) provides that formal bidding requirement do not apply when standardization or compatibility is the overriding consideration.
- The parts must be interchangeable and compatible.

Explanation

- CATS Bus Operations Division uses proprietary Original Equipment Manufacturer (OEM) bus parts in the daily maintenance and repair of the CATS Bus Fleet.
- The proprietary OEM parts meet the required specifications and standards to keep the buses in the proper operating condition and to maintain the bus warranty. The only source of supply for these parts is the bus manufacturer.
- Bus parts will be ordered on an as needed basis. Contract amounts are based on prior usage and required inventory stock levels.
- These contracts included discounted pricing below the published manufacturer's listed pricing.

Small Business Opportunity

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

Funding

Transit Operating Budget

34. Blue Line Extension Rail Car Engineering

Action: Approve a contract with LTK Engineering for Light Rail Vehicle Engineering Support for the LYNX Blue Line Extension project in an amount not to exceed \$3,000,000.

Staff Resource: John Trunk, Transit

Policy

- Continue implementation of the Centers, Corridors and Wedges Strategy
- Prioritize, design, construct and maintain convenient and efficient transportation facilities to improve safety, neighborhood livability, promote transportation choices and meet land use objectives
- 2030 Transit Corridor System Plan

Explanation

- The work to be performed under this contract includes:
 - Vehicle acquisition assistance
 - Quality assurance before, during and after manufacturing
 - Oversight during live testing prior to placing in revenue service
 - Engineering assistance for the refurbishment of the existing fleet
 - Provide warranty administration. LTK will assist with component and system warranty and reliability issues as well as integrate the new vehicles into the existing reliability program.
- LTK provided the same engineering services for the South Corridor Light Rail Project. With LTK's assistance, the light rail vehicles met all quality specifications, complied with all local, state, and federal regulations, and were commissioned in accordance with the project schedule.
- On April 4, 2011, a Request for Qualifications was publically advertised. Three responses were received. An evaluation committee, comprised of CATS staff, selected LTK Engineering as the most qualified firm to perform the work.

Disadvantaged Business Enterprise Opportunity

Established DBE Goal: 11.7%

Committed DBE Goal: 11.7%

LTK Engineering committed 11.7% the following DBE firm: Railcar Quality Services (in-plant inspections).

Funding

Transit Capital Investment Plan – FTA Grant

35. Light Rail Vehicle Video Recording and Surveillance System Enhancement

Action: Approve contract amendment #3 in the amount of \$163,487 with Verint Video Solutions for video equipment and maintenance.

Staff Resources: Bryan Leaird, Transit
Michael Haddad, Transit

Previous Action

- On May 29, 2007, City Council approved a \$3,750,000 contract with Verint Video Solutions to provide a transit video system on the City's bus fleet and at the City-owned transit facilities.
- On October 22, 2007, amendment #1 was approved by the CATS Key Business Executive for \$31,464 to include video equipment on 18 additional buses.
- On December 14, 2009, City Council approved amendment #2 for \$1,050,000 to install video equipment on the City's paratransit Special Transportation Services bus fleet. This 2009 amendment was funded in part by an \$850,000 Technology Grant from the North Carolina Department of Transportation with a 10% local match.

Explanation

- The City was awarded a Department of Homeland Security grant with a 25% local funding match for this CATS project.
- This project will allow the City to significantly enhance camera resolution and recording capacity on light rail vehicles.
- The total contract value, including amendment #3, will be \$4,963,487.
- This project was included in the Transit Capital Investment Plan.

Small Business Opportunity

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

Funding

Transit Capital Investment Plan - DHS Funded (75%), Locally Funded (25%)

36. Federal Aviation Administration Grant

- Action:**
- A. Adopt a resolution accepting a Federal Aviation Administration (FAA) grant in the amount of \$3,695,893 for an Airport project related to the new runway, and**
 - B. Adopt a budget ordinance appropriating \$3,695,893 in FAA grant funds and transfer \$3,695,893 in 2007 Series B General Airport Revenue Bonds to the Debt Service Fund.**

Staff Resource: Jerry Orr, Aviation

Explanation

- Each year, the Airport qualifies for Federal Aviation Administration (FAA) entitlement funds under the Airport Improvement Program. The Airport's FY2011 entitlement funds currently available are \$3,695,893.
- In December 2006, the FAA issued its Letter of Intent (LOI) to provide \$80 million over eight years to be applied towards the cost of constructing the new runway. The LOI obligates the Airport to use \$8,500,000 of this year's entitlements towards the construction of the new runway.
- In April 2011, the Airport used \$4,804,107 of entitlements towards the runway. The LOI FAA grant of \$3,695,893 is the balance of the fifth installment of the LOI.

Funding

FAA Grant

Attachment 6

Resolution

Budget Ordinance

37. Traffic Signal OptiCom Systems

- Action:**
- A. Approve the purchase of OptiCom devices and related equipment, as authorized by the sole source purchasing exemption of G.S. 143-129 (e)(6),**
 - B. Approve a contract with Temple, Inc. for the purchase of OptiCom emitters, receivers and related parts in the estimated amount of \$300,000, and**
 - C. Authorize the City Manager to extend the contract for two additional, one-year terms with possible price adjustments as authorized by the contract.**

Staff Resources: Debbie Self, Transportation
Patrick Hoskins, Transit
Rich Granger, Fire

Sole Source Exception

- G.S. 143-129 (e)(6) provides that formal bidding requirements do not apply when:
 1. Performance or price competition are not available;
 2. A needed product is available from only one source or supply; or

3. Standardization or compatibility is the overriding consideration.
 - Sole sourcing is necessary since the equipment must be interchangeable and compatible with emergency vehicles and transit vehicles.

Explanation

- This contract provides traffic signal preemption for transit and fire vehicles.
- OptiCom systems provide priority movement to emitter-equipped vehicles at signalized intersections. Priority movements are determined by the traffic signal controller based on the detection of an approaching fire or transit vehicle.
 - Fire vehicles receive the highest priority to safely move through the intersection on a green signal indication. This technology is currently used at approximately 75 signalized intersections.
 - Transit vehicles are assigned a priority movement depending on ability of the signal phasing to serve the approach based on predefined parameters. For example, if a bus is running more than five minutes behind schedule, the traffic signal would provide a green signal indication to assist the bus to get back on schedule.
- The first routes to deploy transit priority using the Opticom System are Central Avenue from 10th Street/Louise Avenue to Albemarle Road and Albemarle Road from Central Avenue to Lawyers Road.
- Additional routes scheduled for fire vehicle and transit priority using the Opticom System include:
 - Beatties Ford Road from 5th Street to Sunset Road and Sunset Road to Harris Boulevard
 - North Tryon from Old Concord Road to Mallard Creek Church Road
 - South Tryon from Woodlawn Avenue to Choate Circle
 - Providence Road from Queens Road to Ballantyne Commons Parkway
- Congestion Mitigation and Air Quality (CMAQ) grant funds have been identified for Providence Road from Queens Road to Ballantyne Commons Parkway.
- Contract approval will lock in lower prices. The OptiCom manufacturer will have adequate lead time to supply enough devices to meet the schedule of CMAQ grants.
- Commitment to purchase equipment will be on an as needed basis with a sufficient supply of spares to be used in repair and maintenance.

Small Business Opportunity

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

Funding

Transportation Capital Investment Plan and CMAQ Grants

38. 2011 Assistance to Firefighters Grant

- Action:**
- A. Approve the Fire Department's application for grant funding totaling \$1.6 million, from the U.S. Department of Homeland Security to provide gas monitoring meters, a sprinkler system, traffic signal pre-emption devices, turnout gear, air-fill stations, and video conferencing, and**
 - B. Approve the Fire Department's joint application with the Cabarrus County Sheriff's Office for grant funding from the U.S. Department of Homeland Security to purchase communications equipment to enhance interoperable communications in Cabarrus County.**

Staff Resource: Rich Granger, Fire
Jeff Dulin, Fire

Grant Application for Fire Department

- The Charlotte Fire Department annually submits an application for the Assistance to Firefighters Grant. This is a competitive grant process and grant award decisions will be made in several months.
- The department has developed a request totaling approximately \$1.6 million. Federal funding would equal \$1.28 million, or 80%, of the total cost. The local matching requirement of 20% or \$320,000, would be funded from the Fire Department operating budget as well from funding received from Mecklenburg County to provide rural fire protection services.
- If the grant is awarded, City Council action will be necessary to accept and appropriate the grant.
- In the 2011 grant application, the requested funding includes the following items:
 - Gas detection & monitoring meters: The detection meters currently being used by firefighters will no longer be manufactured after March 2012. It will become increasingly more difficult to procure spare parts and sensors. For safety and training purposes, it is essential that the equipment is interchangeable; therefore, meters must be changed at one time.
 - Fire protection sprinkler system: Sprinkler systems for fire stations are now required. Station 5 is the last two-story facility that does not have a sprinkler system. Station 5 is located at 224 Wesley Heights Way. Installing this system will better protect the firefighters at Station 5, given that their sleeping quarters are located directly above the apparatus floor where historically, most station fires tend to occur.
 - Traffic signal pre-emption devices: These devices are used to control the traffic lights when an emergency vehicle is approaching. By changing all of the lights at an intersection to red, emergency vehicles can safely navigate through the intersection during an emergency response. The signalization will return to its normal sequence once the emergency vehicle has passed through the intersection. The location for future, additional pre-emption devices will be determined by the priority list.
 - Turnout gear: The Fire Department purchases turnout gear on an annual basis to replace worn-out, damaged, or contaminated gear. Applying for this grant would allow us to purchase gear for

approximately 50% of the firefighters. The remaining 50% have gear that is in good condition at this time.

- Permanent air fill stations: Air fill stations are used to refill air bottles that are used by firefighters during a fire. These fill stations will be placed in outlying fire stations; thus, eliminating the need for fire companies to drive to fire logistics to refill their air bottles. This change will increase the amount of time that companies remain in-service and available in their area.
- Video Teleconferencing Endpoints: Video teleconferencing (VTC) is an extremely useful tool that allows a face-to-face meeting environment between two or more users at different locations. VTC allows meetings without moving fire companies out of their station areas, or requiring decision makers to leave the scene of a disaster response, special event, etc. Endpoints are devices from which users make and receive video calls.

Regional Grant Application with Cabarrus County

- The Fire Department and the Cabarrus County Sherriff's Office have partnered to submit a regional request for grant funding from the Assistance to Firefighters Grant for communications equipment.
- The total amount of the regional grant application is \$3,300,000. The Assistance to Firefighters grant would provide \$2,750,000, or 80% of the funding. Cabarrus County will be covering the matching portion of the grant, which is \$550,000, or 20%.
- The 2011 joint application requests equipment to increase the communications capability in the area, which furthers the goal of regional interoperability. The entire Urban Area Security Initiative region, as well as the Fire Department would benefit from this project.
- If Cabarrus County is not able to provide the 20% matching portion of the grant, the Fire Department will withdraw the grant application.

Funding

2011 Assistance to Firefighters Grant awarded by U.S. Department of Homeland Security, Fire Department Operating Funds, and Funding for Rural Fire Protection Services, and Cabarrus County matching funds

39. Mecklenburg County Air Quality Grant

Action A. Approve a grant application to Mecklenburg County Air Quality Program for \$149,341 to partially fund the purchase of two natural gas fueled refuse trucks. The City will contribute \$448,023 to complete the purchase, and

B. Adopt a budget ordinance appropriating \$149,341 from Mecklenburg County Air Quality to purchase two natural gas refuse trucks.

Staff Resource: Victoria Johnson, Solid Waste Services

Explanation

- This action authorizes submitting a grant application in the amount of \$149,341 to the Mecklenburg County Air Quality Program. The grant award requires the City contribute additional funds of \$448,023 to complete the purchase of two compressed natural gas (CNG) fueled refuse

trucks to replace two diesel-fueled automated refuse trucks for use in Solid Waste Services refuse collection operations.

- The additional CNG vehicles will not expand the size of the Solid Waste Services fleet because they will replace two diesel vehicles scheduled for normal replacement through the City's vehicle replacement list.
- The unit price of the natural gas fueled automated refuse truck is \$298,682 compared to the current automated refuse truck price of approximately \$224,000. The grant will fund the difference in the truck prices.
- The two CNG fueled refuse trucks will burn cleaner fuel and offer a 23.18% reduction in carbon dioxide emissions, compared to diesel. Other advantages include:
 - Avoid the use of an estimated 149,240 gallons of diesel fuel over the vehicles' seven year useful lives
 - Provide a model for other North Carolina refuse collection operations to reduce both their petroleum use and emissions by replacing diesel trucks in their fleet with new CNG trucks
 - Increase the visibility of the City's and the State of North Carolina's support of alternative fuel projects
 - Provide cost savings, since compressed natural gas is less expensive than diesel, even when diesel is purchased at bulk rates. Natural gas fuel cost is estimated to be 50% lower than diesel fuel.
- This project supports the City's commitment to sound environmental practices in City facilities and operations.

Evaluation of Compressed Natural Gas Refuse Truck

- On January 26, 2010, City Council approved a grant application for the purchase of two environmentally friendly compressed natural gas fueled refuse trucks. The City's evaluation of the expanded use of natural gas fueled trucks began with the first grant application.
- The two CNG trucks have been used in collection operations for 11 months and have performed similarly to the diesel fueled trucks used in Solid Waste Services waste collection operations.
- Combined maintenance and fuel cost budgetary savings for the CNG trucks were \$70,000 for FY2011.

Funding

General Capital Equipment Replacement Fund

Attachment 7

Budget Ordinance

40. Old Statesville, David Cox, and Lakeview Road Intersection Improvements Municipal Agreement

- Action: A. Adopt a resolution to authorize the Key Business Executive for Transportation to execute a Municipal Agreement with the North Carolina Department of Transportation (NCDOT) for the installation of left turn lanes on all four approaches, and signalization of the intersection of Old Statesville Road, David Cox Road, and Lakeview Road, and**
- B. Adopt a budget ordinance appropriating \$1,587,200 in State funding.**

Staff Resources: Alan Morrison, Engineering & Property Management
Mark Cole, Transportation

Explanation

- This project will improve traffic operations and safety by adding left-turn lanes on all approaches, and installing a traffic signal at the intersection.
- The intersection is ranked on the City's High Accident Location List and NCDOT's Spot Safety List.
- The municipal agreement will allow the City to accept the \$1,587,200 in State funding identified for this intersection project.
- The total project budget is estimated to be \$1,984,000. Contributions from NCDOT will be a maximum of \$1,587,200 with the balance (\$396,800) funded by the City's Capital Investment Plan.
- The funds contributed to the project by NCDOT is a Congestion Mitigation and Air Quality (CMAQ) grant. The CMAQ portion funds 80% of the cost and the local municipality is required to contribute 20% of the funds.

Funding

North Carolina Department of Transportation and Transportation Capital Investment Plan

Attachment 8

Resolution
Concept plan
Budget Ordinance

41. 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 \$6,421.20, and**
 - B. Adopt a resolution authorizing the refund of business privilege license payments made in the amount of \$18,755.18.**

Staff Resource: Sherry Hite, Finance

Attachment 9

Resolution

List of property tax and business license refunds

42. Settlement of Claims on Patton Avenue and Vest Water Tank Renovations

- Action:**
- A. Approve a settlement with Corfu Contractors, Inc. to resolve disputed claims related to the Patton Avenue and Vest Backwash Elevated Water Storage Tank Renovations Project where the City will retain \$240,000 in liquidated damages and receive a 15-year paint warranty, and**
 - B. Authorize the City Attorney to execute the Settlement Agreement and Mutual Release of all other claims.**

Staff Resources: Barry Shearin, Utilities
Jude Starrett, City Attorney's Office

Explanation

- The Patton Avenue and Vest Backwash Elevated Water Storage Tank Renovations Project involved cleaning, repairing and painting the 1,276,000 gallon Patton Avenue elevated water storage tank and the 137,000 gallon Vest Tank.
- A confidential memo detailing the settlement will be sent to the Mayor and Council in the Friday, September 9 Council-Manager Memo.

43. Real Estate Appraiser Services Contract Amendments

Action: A. Approve contract amendments for real estate appraiser services with the following firms:

1. **Bryant & Rutledge, LLC, \$100,000**
2. **Fortenberry Lambert, Inc., \$100,000**
3. **T.B. Harris, Jr. & Associates, Inc., \$100,000**
4. **The Hopkins-McElhannon Group, Inc., \$100,000**
5. **James M. Owens, \$100,000**
6. **Integra Realty Resources-Charlotte, LLC, \$100,000**
7. **Ray E. Crawford & Company, Inc., \$100,000**
8. **The Hanes Group, Inc., \$100,000**

Staff Resource: Mark Boone, Engineering & Property Management

Explanation

- Real estate appraisal services are required during the real estate acquisition phase of public projects to establish the impact of a project on the value of real property.
- Certified independent real estate appraisers with specialized expertise in estimating the real estate market value for eminent domain appraisals and establishing fair and just compensation for property owners are required.
- The cost of the appraisal services are budgeted as part of Capital Investment Plan projects.
- Projects are assigned to the real estate appraisers on a work order basis using pre-established unit rates for services as needed.
- The real estate appraisers were chosen in compliance with North Carolina General Statutes and pursuant to the Council-approved qualifications based selection process.
- The City entered into the contracts for \$75,000 each in June 2009.
- The first amendments were awarded by Council in August 2010 for \$150,000 each for items 1 thru 6 above, and \$95,000 each for items 7 and 8 above.
- The second amendments were awarded by the City Manager in July 2011 as follows: Item 1 for \$80,000, Item 2 for \$85,000, Item 3 for \$95,000, Item 4 for \$65,000, Item 6 for \$85,000, Item 7 for \$55,000 and Item 8 for \$50,000.
- These third amendments are necessary in order to provide continued appraiser services through November of this year. The increased capacity of acquisitions required for the City's Capital Investment Plan Projects have necessitated the immediate need for additional appraiser services. City staff is preparing a Request for Proposals process with new contracts anticipated for award by November.

Small Business Opportunity

Bryant & Rutledge, LLC

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

Fortenberry Lambert, Inc.

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

T. B. Harris, Jr. & Associates, Inc.

No SBE goal was established for this contract because subcontracting opportunities were not identified (Part C: Section 2.4 of the SBO Policy). T. B. Harris, Jr. & Associates, Inc. chose to subcontract work it would normally perform in-house and committed 20.00% (\$20,000) of the total contract amount to the following SBE firm: Myers-Reich Company (real estate appraisal).

The Hopkins-McElhannon Group, Inc.

No SBE goal was established for this contract because subcontracting opportunities were not identified (Part C: Section 2.4 of the SBO Policy). The Hopkins-McElhannon Group, Inc. is an SBE.

James Owens Appraisal

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

Integra Realty Resources – Charlotte

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

Ray E. Crawford & Company, Inc.

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

The Hanes Group, Inc.

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

Funding

Capital Investment Plans

44. Police Eastway Division Office Acquisition

- Action:**
- A. Authorize the City Manager to execute the Purchase and Sale Agreements with the owners of Parcel 1 – PID 095-132-06, Parcel 2 - PID 095-132-11 and Parcel 3 - PID 095-132-07, (Seller) , and**
 - B. Authorize the acquisition by condemnation of Parcel 4 - PID 095-132-08 and Parcel 5 - PID 095-132-09.**

Staff Resources: Robert Drayton, Engineering & Property Management
Michelle Haas, Engineering & Property Management

Explanation

- A new 12,500-square-foot police station is proposed for this site and will replace the existing leased facility located in the Eastway Crossing Shopping Center on Eastway Drive.

- The selected location includes six parcels which will provide enough land area for the police division office and associated improvements.
- This action approves the acquisition by negotiated settlement and eminent domain of approximately 2.9 acres for a total of \$1,029,475 for Police's Eastway Division station including parcels at Central Avenue and Merry Oaks Road.
- Once these properties are owned by the City, the City will seek rezoning approval from the current R-4 and R-22 MF to Neighborhood Services.
- The City reached an agreement with the owners of three parcels and has been unable to reach a negotiated settlement with the owners of two parcels, which will need to be acquired by condemnation.
- A sixth parcel will appear on a future agenda.

Background

- A minimum of 3.0 acres is needed to accommodate the 12,500-square-foot facility, parking and to meet land development requirements.
- The Police Facilities Strategic Plan adopted in February 2010 outlined the following criteria to guide City staff in identifying a site suitable for future division offices:
 - Site must be highly visible, located on a major thoroughfare
 - Easily accessible from patrol division area
 - Accommodate a facility containing a minimum of 12,500 square feet of floor area, secured parking for at least 95 vehicles and public parking for at least 10 vehicles
- In March 2010, Police submitted a request to locate a site for this facility within the boundaries of the Eastway Division. Over 30 sites were included in the site search and this site was identified as the preferred location due to access, development cost, topography and configuration.

Funding

Facilities Capital Investment Plan

Attachment 10

Map

List of properties

PROPERTY ITEMS

45. Property Transactions

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

- 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

- For Aviation items A-E, the purchase price was determined by an independent appraisal and was reviewed by a second appraiser. Each appraisal takes into consideration the specific quality and quantity of the land. The tax value is determined on a more generic basis and will be higher or lower for land/house with certain attributes. Property is acquired per Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for Federal Aviation Administration reimbursement.

A. Project: Airport Master Plan Land Acquisition

Owner(s): Donald L Sellers

Property Address: 5920 Walker Street

Property to be acquired: .17 acres

Improvements: warehouse

Purchase Price: \$39,000

Zoned: I2 Use: warehouse

Tax Value: \$20,300

Tax Code: 115-172-27

B. Project: Airport Master Plan Land Acquisition

Owner(s): Richard and Linda Behr

Property Address: 3616 Marshall Avenue

Property to be acquired: .68 acres

Improvements: single family residence and warehouse

Purchase Price: \$140,000

Zoned: I2 Use: single family residence and warehouse

Tax Value: \$133,400

Tax Code: 115-172-05

- C. Project:** Airport FAR Part 150 Acquisition
Owner(s): Esther W Neel
Property Address: 8527 McAlpine Drive
Property to be acquired: .5 acres
Improvements: vacant land
Purchase Price: \$15,000
Zoned: R3 Use: single family vacant
Tax Value: \$25,000
Tax Code: 141-222-03
- D. Project:** Airport Master Plan Land Acquisition
Owner(s): Clough Plexico
Property Address: 8312 and 8620 Todd Road
Property to be acquired: 6.505 acres
Improvements: vacant land and single family residence
Purchase Price: \$312,000
Zoned: R3 Use: single family residence and vacant land
Tax Value: \$152,300
Tax Code: 055-382-11 and 055-382-01
- E. Project:** Airport Master Plan Land Acquisition
Owner(s): Clough Plexico
Property Address: 8516 Todd Road
Property to be acquired: .508 acres
Improvements: single family residence
Purchase Price: \$103,000
Zoned: R3 Use: single family residence
Tax Value: \$109,700
Tax Code: 055-382-04
- F. Project:** Ashley Road-Tuckaseegee Road Sidewalk, Parcel # 2
Owner(s): Billy Shaw Howell, Jr. and Wife, Bobbye J. Howell
Property Address: Ashley Road
Property to be acquired: 5,394 sq. ft. (.124 ac.) in Sidewalk and Utility Easement, plus 8,472 sq. ft. (.194 ac.) in Temporary Construction Easement
Improvements: Vacant
Landscaping: Vacant
Zoned: B-2
Use: Commercial
Tax Code: 067-143-01
Total Parcel Tax Value: \$627,300
Purchase Price: \$31,900
- G. Project:** Delta Lake Neighborhood Improvement Project, Parcel # 6
Owner(s): Bethel Korean Baptist Church
Property Address: 7121 Delta Lake Drive
Property to be acquired: 823 sq. ft. (.019 ac.) in Storm Drainage Easement, plus 4,957 sq. ft. (.114 ac.) in Sidewalk and Utility Easement, plus 1,507 sq. ft. (.035 ac.) in Temporary Construction Easement
Improvements: Private Sidewalk
Landscaping: None
Zoned: R-3

Use: Single Family Residential
Tax Code: 107-102-12
Total Parcel Tax Value: \$1,311,200
Purchase Price: \$20,100

- H. Project:** Steele Creek Pump Station Replacement, Parcel # 27
Owner(s): Carolina Place, LLC (Formerly Carolina Place Joint Venture)
Property Address: Carolina Place Parkway
Property to be acquired: 20,910 sq. ft. (.480 ac.) in Fee Simple, plus 66,172 sq. ft. (1.519 ac.) in Sanitary Sewer Easement
Improvements: None
Landscaping: Trees
Zoned: B-4
Use: 100 Year Flood Plain - Ac
Tax Code: 221-131-16
Total Parcel Tax Value: \$1,224,800
Purchase Price: \$88,150
- I. Project:** Storm Water M-Team Contracts, Parcel # 2
Owner(s): Zimmerman Commercial, LLC
Property Address: 810 Baxter Street
Property to be acquired: 1,941 sq. ft. (.045 ac.) in Storm Drainage Easement, plus 3,340 sq. ft. (.077 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: B-2
Use: Commercial
Tax Code: 125-173-02
Total Parcel Tax Value: \$1,140,900
Purchase Price: \$39,125

Condemnations

- J. Project:** Brookshire-Hovis-Oakdale Intersection Improvement, Parcel # 13
Owner(s): NFPS, Inc. And Any Other Parties Of Interest
Property Address: 5521 Brookshire Boulevard
Property to be acquired: 22,682 sq. ft. (.521 ac.) in Fee Simple **(TOTAL TAKE)**
Improvements: Commercial Building
Landscaping: None
Zoned: I-2
Use: Industrial
Tax Code: 039-172-03
Total Parcel Tax Value: \$113,000
Appraised Value: \$235,000
Property Owner's Counteroffer: None
Reason for Condemnation: This project will realign the existing road in order to improve safety and to better accommodate pedestrians, bicyclists and transit users. City staff and the owner were unable to reach an agreement on the language to be used in the Option to Purchase and Warranty Deed. The property owner is in agreement that condemnation

is needed in order to maintain the project schedule. Therefore, condemnation is recommended.

- K. Project:** Grove Park Neighborhood Improvement Project, Parcel # 3
Owner(s): Barbara S. McCall by Don McCall, Guardian of the Incompetent Estate of Barbara S. McCall and Any Other Parties of Interest
Property Address: 7531 Linda Lake Drive
Property to be acquired: 1,560 sq. ft. (.036 ac.) in Storm Drainage Easement, plus 886 sq. ft. (.020 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Zoned: R-3
Use: Single Family Residential - Waterfront
Tax Code: 107-172-08
Total Parcel Tax Value: \$171,700
Appraised Value: \$4,850
Property Owner's Counteroffer: None
Reason for Condemnation: This project consists of multiple storm drainage repairs, waterline upgrades and resurfacing certain streets. The title abstract indicates issues that could prevent the City from obtaining clear title to which the property owner is in agreement. Therefore, condemnation is recommended.
- L. Project:** Rozzelles Ferry Road Sidewalk, Parcel # 34
Owner(s): Ellis Heath, Florence Heath, and Hattie Heath and Any Other Parties of Interest
Property Address: Windy Valley Drive
Property to be acquired: 24,829 sq. ft. (.570 ac.) in Fee Simple **(TOTAL TAKE)**
Improvements: None
Landscaping: None
Zoned: R-5
Use: Single Family Residential
Tax Code: 057-093-06
Total Parcel Tax Value: \$10,200
Appraised Value: \$14,000
Property Owner's Counteroffer: None
Reason for Condemnation: This is a sidewalk project on Rozzelles Ferry Road from Hovis Road to Old Mount Holly Road. The title abstract indicates issues which could prevent the City from obtaining clear title. Therefore, condemnation is recommended.