

Mayor Patrick L. McCrory Mayor Pro Tem Susan Burgess

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

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

**CITY COUNCIL MEETING
Monday, September 28, 2009**

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

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17	16	Pedestrian Signals and Pavement Markings Municipal Agreement
29	30	Discovery Place Renovation and Exhibit Amendments
32	33	Multi-function Machines, Print Devices and Print Shop Services

CITY COUNCIL AGENDA
Monday, September 28, 2009

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5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. Mayor & Council Consent Item Questions

Resource: Curt Walton, City Manager

Time: 5 minutes

Synopsis

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

2. Single-Stream Recycling Contract Award Recommendation

Resources: Chuck Robinson, Business Support Services
Gerry Gorbey, Solid Waste Services
Mujeeb Shah-Khan, City Attorney's Office
Joel Ford, Privatization/Competition Advisory Committee

Time: 20 minutes

Synopsis

- Background
 - In June 2008, Council approved revising the interlocal agreement with Mecklenburg County to accommodate single-stream recycling.
 - In April 2009, Council approved Solid Waste Services' reorganization strategy, which included outsourcing of City's recycling program.
- Procurement process overview
 - Review of Request for Proposal (RFP) methodology
 - Review of RFP vendor evaluation criteria
 - Review of Vendor response to RFP:
 - Allied Waste Services/Republic Services
 - Inland Service Corporation
 - Waste Management of the Carolina's, Inc.
 - Waste Pro USA, Inc
 - Review of Vendors shortlisted for further evaluation:
 - Allied Waste Services/Republic Services
 - Inland Service Corporation
- Additional considerations based on interviews with shortlisted vendors:
 - Increase in anticipated citizen participation rates (from 60% to 75%)
 - Reduction in missed pickup cure period (from eight hours to four hours)
 - Increase in active measures to control recyclable contamination
 - Review of total revised cost structure by shortlisted vendors:
 - Cost Structure is based on a seven year contract (five year base term with options for up to two, one year renewals)
- Staff recommendation
 - Recommendation is to award to Inland Service Corporation

- Vendor is fully qualified
- Revised total pricing is significantly less than Allied/Republic

Future Action

The single-stream recycling contract will be on the October 12, 2009 business meeting agenda.

Attachment 1

Inland Services Contract Performance
Recycling Collection RFP Process

3. Centralina Council of Governments Services

Resources: Al Sharp, Centralina Council of Governments
Rebecca Yarbrough, Centralina Council of Governments
Julie Burch, City Manager's Office

Time: 20 minutes

Synopsis

- Centralina Council of Governments (COG) has responded to Council concerns related to services received in exchange for the City's membership dues.
- Centralina COG is planning to undertake two significant new efforts related to critical City of Charlotte issues:
 - The development and establishment of Regional Air Quality Compact
 - A comprehensive study intended to determine the best way to plan for and create a sound, multi-modal transportation system
- The Air Quality Compact would help the City accomplish Environment Focus Area Initiative #2: "Lead and support efforts to improve Charlotte and regional air quality". The transportation study would help accomplish Transportation Focus Area Initiatives #2 and #5.
- The Air Quality Compact, through the use of interlocal agreements linking municipalities and similar Memoranda of Understanding linking chambers of commerce, would focus regional action through centralized coordination, maintenance, accountability, and reporting.
- The compact's purpose would be further development and implementation of the Regional Air Quality Plan being developed by the CONNECT Regional Air Quality Work Group.
- COG's transportation study will focus on the best way to provide for a regional transportation system considering governance structures and funding mechanisms, changes that will occur as the result of the upcoming census, and changes that are expected as a result of proposed federal and state legislation.
- COG staff has also worked with City staff to develop bi-monthly updates of COG activities that are relevant to City priorities and contain detailed information concerning projects that directly impact or serve Charlotte. Council has received two issues of the new updates.

Background

- During budget deliberations in May and June, City Council debated the merits of belonging to the Centralina Council of Governments (COG).
- The approved budget contained an appropriation for \$84,333 for COG dues, half of the \$168,665 annual dues amount. At the time of budget adoption, the City Council directed the City Manager to work with the COG

on refining the COG's provision of services to the City and to examine COG's regionalism role.

- Since that time, the Executive Director of COG and the City Manager, along with COG and City staff, have met twice to discuss ways to make COG's work more relevant to the City of Charlotte. City and COG staff continue to collaborate on a number of initiatives, including the Storm Water Partnership and the CONNECT Regional Environment Cabinet.
- Centralina COG developed the two new strategic initiatives in recognition of Charlotte's and the region's critical needs, as well as refocused their bi-monthly updates to be more relevant to Charlotte.

Future Action

- The payment of the remainder of the City's COG membership dues will be on the October 12 meeting agenda. Funding would come from Council's discretionary fund.
- There are no immediate actions related to the establishment of the Air Quality Compact and the comprehensive transportation study. COG will proceed with these initiatives as authorized by their Executive Board and will provide updates to Council as work progresses.

Attachment 2

Centralina COG Air Quality Framework for Charlotte and the Greater Charlotte Region

Centralina COG Transportation Framework for Charlotte and the Greater Charlotte Region

Centralina Council of Governments City of Charlotte Report for July – August 2009

4. Answers to Mayor & Council Consent Item Questions

Resource: Curt Walton, City Manager

Time: 10 minutes

Synopsis

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

6:30 P.M. CITIZENS' FORUM

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

5. Proclamation for Easter Seals

Action: Mayor McCrory will recognize Basil Williams, Senior Director of Development for Easter Seals, and three guests to highlight their efforts in raising money and awareness for people with disabilities. Mayor McCrory will present them with a Proclamation celebrating ten years of their Walk with Me/Stroll in the Park event that will be held on October 17.

6. Proclamation for Charlotte CROP Hunger Walk

Action: Mayor McCrory will recognize Jennifer Hall, Administrator, Charlotte CROP Hunger Walk, and present her with a Proclamation for the 2009 Charlotte CROP Hunger Walk that will be held on October 4.

7. Recognition of Katherine Southard, Miss North Carolina, and National Spokeswoman for the National Scoliosis Foundation

Action: Mayor McCrory to recognize Miss Katherine Southard, who will be representing North Carolina in the Miss America Pageant in January. Miss Southard will address the City Council about Scoliosis Awareness through her role as National Spokeswoman for the National Scoliosis Foundation.

CONSENT

- 8. Consent agenda items 21 through 43 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 General Obligation Bonds

Action: **A. Conduct a public hearing to seek comment for the purpose of issuing up to \$92,000,000 in General Obligation Refunding Bonds, and**

B. Close the public hearing and adopt the Bond Order introduced at the September 14 meeting.

Staff Resources: Greg Gaskins, Finance
 Scott Greer, Finance

Explanation:

- The City issued variable rate bonds in 2007 to refinance short term debt in connection with City Council's Capital Investment Plan for streets, neighborhood improvements and housing initiatives.
- The Council took preliminary actions to refinance this debt and introduced a Bond Order to that effect at its September 14 meeting.
- A notice of public hearing to be held on September 28, 2009 was published in the Charlotte Observer on September 18, 2009.
- These actions are required by the North Carolina General Statutes, which include holding the public hearing and adopting the bond order after the public hearing is held.

Funding

Municipal Debt Service Fund

Attachment 3

Resolution

10. Public Hearing on Resolution to Close Various Rights-of-Way Near Martin Luther King, Jr. Boulevard

Action: **A. Conduct a public hearing to close a residual portion of South Poplar Street, South Poplar Street Connector, an alleyway off South Poplar Street, a residual Portion of West Martin Luther King Jr. Boulevard, and an alleyway off West Martin Luther King Jr. Boulevard for the new Romare Bearden Park project, and**

B. Adopt a resolution to close.

Staff Resources: Jeff McSwain, Transportation
 Linda Poissant, Transportation

Policy

To abandon rights-of-way that are no longer needed for public use

Explanation

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- A Council decision to abandon removes land from public right-of-way status and attaches it to the adjacent property.
- City staff has circulated the abandonment petition to internal City departments, abutting owners, utility companies and neighborhood associations within ½ mile radius for comments.
- The attached resolution refers to exhibits and metes and bounds descriptions that are available in the City Clerk's Office.

Petitioner

Mecklenburg County - Steve Law

Reason

To incorporate the rights-of-way into adjacent parcels owned by the petitioner in order to combine the parcels into one larger tract for the development of the new Romare Bearden Park Project

Right-of-Way to be abandoned

A residual portion of South Poplar Street, South Poplar Street Connector, an alleyway off of South Poplar Street, a residual portion of West Martin Luther King Boulevard, and an alleyway off of West Martin Luther King Boulevard

Location

Located within the Third Ward Community

A residual portion of South Poplar Street beginning at West Martin Luther King Jr. Boulevard continuing approximately 250 feet northeastwardly to its terminus at South Poplar Street Connector

Poplar Street Connector beginning at West 3rd Street continuing approximately 440 feet southwestwardly to its terminus at West Martin Luther King Jr. Boulevard

An alleyway off of South Poplar Street beginning at a residual portion of South Poplar Street between West 3rd Street and West Martin Luther King Jr. Boulevard continuing approximately 180 feet southeastwardly to its terminus

A residual portion of West Martin Luther King Jr. Boulevard beginning at the eastern most intersecting point of South Poplar Street Connector and West Martin Luther King Jr. Boulevard continuing approximately 196 feet southeastwardly to its terminus at a residual portion of South Poplar Street

An alleyway off of West Martin Luther King Jr. Boulevard approximately 60 feet northwest from the intersection of West Martin Luther King Jr. Boulevard, beginning at West Martin Luther King Jr. Boulevard continuing approximately 73 feet northeastwardly to its terminus

Notification

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

Adjoining Property Owners - None

Neighborhood/Business Associations

Third Ward Neighborhood Association – No objections

Third Ward, The Committee to Restore and Preserve- No objections

First Ward Neighbors – No objections

First Ward Community Fund, Inc – No objections
Gateway Plaza COA Neighborhood – No objections
Friends of Fourth Ward, Inc – No objections

Private Utility Companies – No objections

City Departments

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

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

Attachment 4

Map

Resolution

POLICY

11. City Manager's Report

- Update on the September 23 Metropolitan Transit Committee Meeting

12. Non-Residential Building Code Ordinance



- Action:**
- A. Approve the Housing & Neighborhood Development Committee's recommendation to adopt the Non-Residential Building Code Ordinance effective April 1, 2010, and**
 - B. Approve adding six positions, funded from the \$500,000 reserved for ordinance enforcement.**

Committee Chair: Susan Burgess

Staff Resource: Walter Abernethy, Neighborhood & Business Services

Explanation

- Adoption of a new Non-Residential Building Code would provide Code Enforcement staff more enforcement authority related to the condition of commercial structures.
- The proposed ordinance establishes specific standards of fitness and an enforcement process for all non-residential structures. The proposed ordinance also seeks to address unsafe and dilapidated conditions associated with both vacant and occupied commercial structures.
- The proposed ordinance will include enforcement tools including repair, demolition, and the issuance of civil penalties associated with non-compliance.
- The \$500,000 reserved for ordinance enforcement will be used to fund six positions (one Code Enforcement Supervisor and five Code Enforcement Inspectors) plus demolition, start-up, and operating costs.

-	Positions	\$106,890
-	Demolition	\$150,000
-	Start-up	\$107,500
-	Operating	<u>\$135,610</u>
Total		\$500,000

New Legislative Authority

- On August 21, 2007 the Governor signed into law Senate Bill 556, entitled An Act Authorizing Municipalities to Adopt Ordinances Establishing a Non-Residential Building or Structure Code.
- The bill gave municipalities the authority to adopt ordinances establishing standards of fitness for commercial structures and other non-residential buildings.

Stakeholder Process

- On February 11, 2008 City Council authorized Neighborhood & Business Services to create a stakeholder process to develop standards of fitness in support of a new Non-Residential Building Code.

- The stakeholder process began in September 2008 and ended in March 2009. The stakeholder committee consisted of representatives from business and industry, neighborhoods, and City/County staff.

Committee Discussion

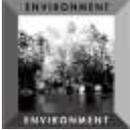
- The Housing & Neighborhood Development committee has reviewed the proposed standards of fitness and the proposed enforcement process.
- The Housing and Neighborhood Development Committee discussed the proposed ordinance at four meetings: April 8, 2009, May 13, 2009, July 27, 2009, and September 9, 2009.
- The Committee discussed several issues over the course of these meetings, including:
 - Administration and Enforcement of the ordinance - Specific points of discussion included the proposed civil penalty of \$500 for the first day of non-compliance to an order and \$50 each day thereafter of a non-residential structure compared to the civil penalty of \$100 for the first day of non-compliance to an order and \$10 each day thereafter for a residential structure.
 - Maintenance Standards - Only electrical, mechanical and plumbing devices and systems that are intended to be used or are being used at the time of inspection or are required by law are subject to the applicable portion of this article. This was established through the stakeholder process to provide thresholds and enforcement triggers to ensure reasonable inspections and compliance expectations.
 - Expertise of the Housing Appeals Board - The Committee expressed concerns about the expertise of the Housing Appeals Board members to hear non-residential appeals. After some discussion, the Committee agreed to evaluate the expertise needed for the Board members in one year.
 - Name of the Housing Appeals Board - The Committee discussed the need to change the name of the Housing Appeals Board to encompass the new non-residential ordinance.
- On August 24, 2009 a public hearing was held during the City Council meeting. Three stakeholder members (Susan Lindsay, Eastside Partners; Brian Fincher, Bryant Park; and Andy Munn, Real Estate Building Industry Coalition) spoke in support of the new ordinance. They commented that adoption of this ordinance will provide the City with another tool to help alleviate some of the problems associated with both vacant and occupied commercial structures.
- On September 9, 2009 the Housing & Neighborhood Development Committee voted unanimously (Burgess, Barnes, Cooksey and Lassiter) to recommend approval of the Non-Residential Building Code Ordinance allowing for implementation on April 1, 2010. The Committee also endorsed a name change (Housing & Commercial Structures Appeals Board) for the Charlotte Housing Appeals Board in consideration of the new Non-Residential Building Ordinance. The Appeals Board name change will require an amendment to Section 11-43 of the City Code and a public hearing. Staff will advertise the proposed name change and place a public hearing and action item on Council's agenda prior to ordinance implementation.

Funding

\$500,000 reserved in FY2010 Neighborhood & Business Services Operating Budget

Attachment 5

Proposed Non-Residential Building code Ordinance

13. Policy for Sustainable City Facilities

Action: Approve the Environment Committee recommendation to adopt the policy for sustainable city facilities.

Committee Chair: Edwin Peacock

Staff Resources: Gina Shell, Engineering & Property Management
Jeb Blackwell, Engineering & Property Management

Explanation

- The policy has been developed in response to Council's Environment Focus Area Plan, which requires incorporation of environmentally responsible elements in the design, construction, and operations of City facilities, and which sets a target to adopt a policy on Sustainable City Facilities by October 2009.
- The Council was briefed on the policy framework at the November 2008 Workshop. Council referred the matter to the Environment Committee. The Committee discussed the policy at four meetings.
- The Environment Committee unanimously approved the policy at their August 24 meeting and recommends its adoption.
- The Council was briefed on the proposed policy at the September 7, 2009 Workshop.
- The proposed policy reflects extensive staff work including:
 - Research of other cities' green building policies
 - Universal tools now available for measuring sustainable and energy-efficient buildings
 - Input and comment from local building industry professionals
- The policy, which applies to City owned and managed facilities, is intended to direct City staff to design, construct and operate sustainable City facilities.
- The policy:
 - Applies to every new City facility construction project and major (>5,000 square feet) renovation project
 - Lists local sustainability priorities, based on Council-approved policies, and requires staff decisions to be based on those priorities
 - Requires annual performance reporting and benchmarking of existing facilities
 - Requires training of project managers
 - Requires use of standard tools (Energy Star, LEED) for scoring consistency, but leaves certification decisions for individual projects to staff and Council
 - Requires cost-effectiveness analysis
 - Requires verification of decision-making through a process of internal vetting and third-party verification of achievements
 - Requires summary of project goals in Requests for Council Action
 - Requires annual policy review with opportunity for revision

Committee Discussion

- The Environment Committee discussed the policy at meetings in June, August and September.
- The following changes were made based on Committee discussion:
 - Reference to conserving and protecting all resources was added to the first paragraph
 - The definition of major renovation was changed from greater than \$1 million to at least 5,000 square feet of internal space. This aligns more consistently with similar policies in other municipalities.
 - The final Sustainability Priority was broadened to include language about protecting occupant health and maximizing productivity in addition to encouraging sustainable employee behaviors.
- The Committee discussed the use of LEED assessment tools for consistency and the opportunity for staff and Council to pursue LEED certification when appropriate.
- The Committee discussed the importance of basing facility decisions on a strong business case incorporating considerations of cost effectiveness and community goals.
- On August 24, 2009 Committee members Peacock, Burgess, Carter, Cooksey and Dulin voted unanimously to recommend adoption of the Sustainable Facilities Policy.

Implementation

- The policy will become effective immediately insofar as the requirements can be met for projects already in planning, design or construction. The policy will become fully effective for any projects included in the FY2011 Capital Investment Plan. KBU reporting requirements must be met beginning FY2011.

Attachment 6

Recommended Policy for Sustainable City Facilities
Follow-up from September 8 Dinner Presentation

BUSINESS

14. Habitat for Humanity Housing Trust Fund Grant



Action: Approve a grant from the Housing Trust Fund of up to \$555,000 for Habitat for Humanity of Charlotte to develop 37 affordable single family homes.

Staff Resources: Zelleka Biermann, Neighborhood & Business Services
Stan Wilson, Neighborhood & Business Services

Policy

- The City's FY2006-2010 Consolidated Action Plan was approved by the City Council on June 13, 2005 and:
 - Identified the need for affordable, safe and decent housing for low and moderate-income families
 - Reaffirmed the three basic goals of the City's Housing Policy: preserve the existing housing stock, expand the supply of affordable housing, and support family self-sufficiency initiatives

Explanation

- On January 12, 2009 City Council approved the Housing Trust Fund (HTF) Advisory Board's recommendation for allocating \$563,465 to the Homeownership housing category.
- On February 2, 2009 staff issued Requests for Proposals (RFP) to developers to build homeownership units in the City's targeted revitalization neighborhoods.
- Habitat's proposal was the only proposal received in response to the RFP. The number of proposals was impacted by the economy.
- The proposal was evaluated and ranked based on the Guidelines and Evaluation Criteria established by the HTF Fund Advisory Board and scored 95 points out of a possible 100 points.
- Habitat proposes to build 37 single-family homes in seven revitalization neighborhoods (Wingate, Druid Hills, Lakewood, Lincoln Heights, Reid Park, Thomasboro/Hoskins and Washington Heights).
- The homes will include architectural design upgrades that are needed to make the homes blend in with the other housing in the communities. In addition, the upgrades add value to the homes, which improves the community as a whole.
- Upgrades include full width porches with handrails, brick veneer foundations, window trim, and brick columns with tapered wood and brick steps.
- The total project development cost is \$3,541,977 and the City investment is \$555,000 (\$15,000/home). Other project funding sources include Habitat funding through recycled mortgage payments and other programs, in-kind donations and grant funds from the North Carolina Housing Finance Agency.

- The homes will serve households earning 60% (\$39,900 for a family of four) or less of the area median income and will be sold for \$68,000 to \$91,000 (based on the number of bedrooms).
- Monthly mortgage payments for Habitat homeowners range from \$337 to \$676.
- Habitat currently has a waiting list of approximately 17 families that are ready to select a lot and 88 potential homebuyers in the pipeline.
- All Habitat buyers receive pre-homeownership counseling.
- Habitat also provides post closing financial, mortgage delinquency and mortgage default counseling. Habitat uses newsletters and annual events to educate homeowners and assist them in keeping and maintaining their homes.
- Construction of the homes is scheduled to start in December 2009.

Funding

Housing Trust Fund (City Housing Bonds)

Attachment 7

Project Summary Report

Sources & Uses

Map – Location of Habitat Homes

15. Crime Analysts Grant



Action:

A. Accept a grant from the U.S. Department of Justice, in the amount of \$483,825, for four crime analysts for Police, and

B. Adopt an ordinance appropriating American Recovery and Reinvestment Act stimulus grant funds totaling \$483,825.

Staff Resources: Ken Miller, Police
Monica Nguyen, Police

Explanation

- As a part of the American Recovery and Reinvestment Act (ARRA), the U.S. Department of Justice offered competitive grants in a number of law enforcement-related categories.
- Police has received a grant for \$483,825 to hire four crime analysts. Council approved the grant application at its April 27 meeting.
- The analysts will support crime reduction at the neighborhood level through the analysis of crime and offender data and its timely dissemination to the 39 Response Area Commanders (RAC). The RACs will use that information to develop strategies to target the crimes and offenders causing the most harm in their assigned areas.
- Currently, the RACs are doing much of their own analysis. Police estimates that adding the crime analysts would save each RAC an average of five hours per week, giving the RACs additional time for their responsibilities in the field.
- The grant is for a two year period. The grant funds salaries and benefits, equipment, and travel to required grant conferences for four analysts.
- No matching funds are required from the City.
- There is no requirement for retention of the positions at the end of the grant period. Municipalities are encouraged to find ways to fund those

programs and positions that prove to add value to the criminal justice system and reduce crime.

Funding

American Recovery and Reinvestment Act

Attachment 8

Budget Ordinance

16. Shasta Lane Sidewalk Project Municipal Agreement



Action	<p>A. Adopt a resolution authorizing the City Manager to execute a municipal agreement with the North Carolina Department of Transportation (NCDOT) for the Shasta Lane Sidewalk Project, and</p> <p>B. Adopt a budget ordinance for American Recovery and Reinvestment Act stimulus grant funding and providing an appropriation totaling \$485,000.</p>
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Staff Resource: Sam Barber, Engineering & Property Management

Explanation

- The Mecklenburg Union Metropolitan Planning Organization (MUMPO) was informed in June that approximately \$7.6 million was available in NCDOT's Division 10 to fund additional stimulus projects. The money became available due to bids for current projects coming in under the original estimates.
- The funding amount of \$485,000 is in addition to the intelligent transportation system stimulus funding already received.
- The Shasta Lane Sidewalk Project is located between Randolph Road and Sardis Road, connecting the two to improve pedestrian traffic flow and safety.
- This project was requested by the residents through a petition process and has great neighborhood support.

Selection Process

- At its August 6, 2009 meeting, the Technical Coordinating Committee recommended that the MUMPO adopt a list of 17 potential projects for funding with the additional stimulus money.
- The projects considered came from the Transportation Improvement Plan amendment project list approved by MUMPO in March. Due to air quality restrictions, the NCDOT would not consider a project that added road capacity.
- The MUMPO endorsed the list at its August 19, 2009 meeting.
- NCDOT's Division 10 selected projects for funding.
- For this round of stimulus projects, the NCDOT has determined that construction authorization for this project must be obtained from the Federal Highway Administration (FHWA) prior to October 15 in order for the project to receive funding.
- Approval of the municipal agreement at this time will adhere to the schedule necessary to receive construction authorization from FHWA.

Funding

American Recovery and Reinvestment Act

Attachment 9

Resolution
Budget Ordinance

17. Pedestrian Signals and Pavement Markings Municipal Agreement



- Action: A. Adopt a resolution to authorizing the City Manager to execute a municipal agreement with the North Carolina Department of Transportation (NCDOT) for installation of countdown LED pedestrian signals and enhanced crosswalk pavement markings at signalized intersections, and**
- B. Adopt a budget ordinance appropriating American Recovery and Reinvestment Act Stimulus grant funds totaling \$800,000.**

Staff Resource: Scott Putnam, Transportation

Explanation

- The Mecklenburg Union Metropolitan Planning Organization (MUMPO) was informed in June that approximately \$7.6 million was available in NCDOT's Division 10 to fund additional stimulus projects. The money became available due to bids for current projects coming in under the original estimates.
- The funding amount of \$800,000 is in addition to the intelligent transportation system stimulus funding already received.
- CDOT developed an \$800,000 project to advance upgrading pedestrian signals to LED (light-emitting diode) countdown signals and enhance crosswalks at existing signalized intersections by installing the new piano-style markings to increase visibility, extend service life and reduce maintenance.
- Approximately 140 intersections will be upgraded.
- The use of LED signal indications reduces energy consumption at most signalized intersections by more than 50% when compared to an intersection equipped with incandescent bulbs. Additionally, LED signals have a useful life that is 2.5 times longer than an incandescent signal.

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- The projects considered came from the Transportation Improvement Plan amendment project list approved by MUMPO in March. Due to air quality restrictions, the NCDOT would not consider a project that added road capacity.
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Federal Highway Administration (FHWA) prior to October 15 in order for the project to receive funding.

- Approval of the municipal agreement at this time will adhere to the schedule necessary to receive construction authorization from FHWA.

Funding

American Recovery and Reinvestment Act

Attachment 10

Resolution

Budget Ordinance

18. Work and Asset Management Implementation

Action:

A. Approve contracts for software, software installation, and software maintenance with Azteca, Inc. not to exceed the amount of \$190,000, and

B. Approve a professional services contract with GHD, Inc. for work and asset management program implementation services not to exceed the amount of \$1,760,000.

Staff Resource: Jeff Stovall, Office of the Chief Information Officer
 Doug Bean, Utilities
 Jeb Blackwell, Engineering & Property Management

Explanation

- At the September 7, 2009 Workshop Council received a briefing on the City's Information Technology Strategy, which includes work and asset management.
- A Work and Asset Management program reduces the future life-cycle cost of capital assets and improves service delivery through better planned maintenance and repair.
- For both citizen service and operational benefit, staff recommends that Engineering and Property Management and Charlotte-Mecklenburg Utilities replace seven end-of-life, unsupported, or inadequate work management systems by jointly configuring and using a single, existing work and asset management solution (Azteca Cityworks).
- Staff also recommends that Engineering and Property Management and Utilities contract with GHD, Inc. to implement improved work and asset management processes and to guide the software configuration process.
- The Azteca contract includes:
 - The addition of an inventory control function to the existing system
 - Software maintenance fees
 - Software installation services
- GHD's scope of work includes:
 - Incorporating work management processes into the new system
 - Improving asset management processes
 - Configuring the system for use
 - Moving data from the old systems to the new system
 - Preparing mobile computing for field use
 - Ensuring the new system links to other City systems
 - Developing and supporting training
- In 2006 a Citywide initiative was undertaken to:

- Document the work and asset management processes and requirements of the City
- Research the various business process automation/information management options available
- Select the best-fit solution and implementation partner
- On August 28, 2006 Council approved the award of the study project to GHD, Inc. That contract provided for renewal options contingent upon satisfactory performance. GHD has performed above expectations.
- In 2007 GHD's recommendations included the development of a comprehensive asset management program for the City and the replacement/consolidation of 23 end-of-life, unsupportable, or inadequate work management systems.
- In 2008-2009 the City evaluated 11 solution proposals and four system demonstrations from vendors and concluded that the financial outlay for implementing these systems as planned was too great. To reduce implementation costs, staff trimmed down the program scope and assessed the viability of utilizing an existing internal system.
- Azteca Cityworks, an existing City/County system, was determined to meet the critical needs of Engineering and Property Management and Utilities.
- As a component of a long-term City strategy, Azteca Cityworks can be extended for use in other business units as other work management, asset management, or inventory control needs arise.

Benefits

- The implementation of the Azteca Cityworks solution is significantly less expensive than other evaluated solution (one-tenth of the software cost and one-third of the professional services cost).
- Engineering and Property Management and Utilities manage approximately 19,000 service requests per month in response to operational needs as well as to comply with local, state, and federal regulations. Work impact from this initiative is expected to include:
 - More efficient dispatch and response to citizen reported water leaks
 - Improvement of the proactive schedule for sewer system cleaning and maintenance to help reduce sewer overflows
 - Enhanced support for Building Services and Water/Wastewater plant preventative maintenance
 - Field automation of landscape management work orders
 - Better scheduling and coordination of water/sewer main repair and replacement
 - Increased accuracy for water main location for NC One-Call, the underground infrastructure location clearing house
- Other benefits of this initiative include:
 - Better assessment of asset base and condition
 - More accurate information for capital improvement decisions (repair or replace)
 - More reliable information for prioritizing field work
 - Enhanced consistency of service delivery
 - Work status updated in the field to provide more accurate and timely information to customer service
 - Using an existing system to consolidate and replace seven aging or unsupportable systems greatly reduces both implementation and support costs
- The business case for this program indicates full payback in less than 4.7 years with significant cost avoidance following the payback period.

Small Business Opportunity

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

Funding

Utilities Operating Budget, Utilities Capital Investment Plan, Capital Equipment Fund, and Engineering & Property Management Operating Budget

19. Mayor and Council Topics

Council members may share information and raise topics for discussion.

20. Closed Sessions

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

CONSENT

Introduction to CONSENT

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

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

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

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

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

Contractors and Consultants

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

CONSENT I

21. Various Bids

A. Patton and Vest Elevated Water Storage Tank Renovations **CMU**

Staff Resource: Doug Bean, Utilities

Action

Award the low bid of \$1,720,881 by Corfu Contractors, Inc. for reconditioning of the elevated water storage tanks located at Vest Water Treatment Plant. The tanks are to be sand blasted to remove rust and lead coatings, brought up to OSHA structural compliance, a chlorine mixing system installed and the entire tank recoated.

Small Business Opportunity

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

B. Freedom Drive Widening Phase 1- Grading EPM

Staff Resource: Tom Russell, Engineering & Property Management

Action

Award the low bid of \$296,250.15 by United Construction, Inc. This contract is for the initial clearing and grading for the future road widening so utility relocation can be done from Edgewood Drive/Bradford Drive at I-85 to Toddville Road. The work includes traffic control, erosion control, clearing and grubbing, grading, drainage, asphalt repair and associated work. Construction completion is scheduled for first quarter of 2010.

Small Business Opportunity

Established SBE Goal: 8%

Committed SBE Goal: 32.4%

United Construction Inc. committed 32.4% (\$96,000) of the total contract amount to the following SBE firm: Whitesell Construction Inc.

C. West Boulevard Relocation Aviation

Staff Resource: Jerry Orr, Airport

Action

Award the low bid of \$1,649,946.06 by E.S. Wagner Co., LLC for the construction of a portion of the West Boulevard Relocation. Construction of the new runway has provided several new roads to serve the neighborhoods west of I-485. This portion of West Boulevard (NC 160) is the final portion of the relocation. This contract provides the grading of a portion of the road alignment from the I-485 interchange at Garrison Road that is scheduled to be paved by NCDOT this year to existing NC 160, as well as construction of a vehicular bridge that will connect to the proposed intermodal facility at the Airport.

Disadvantaged Business Opportunity

Established SBE Goal: 10%

Committed SBE Goal: 18%

E.S. Wagner committed to using four NCDOT certified DBE's totaling \$299,188.25 or 18.13% of the project total.

22. Refund of Property Taxes

Action: Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$25,619.31.

Staff Resource: Rosemary Lawrence, Finance

Attachment 11

List of property tax refunds
Resolution

23. Resolution of Intent to Abandon an Unopened Right-of-Way known as Hasty Avenue

Action: A. Adopt a resolution of intent to abandon an unopened right-of-way known as Hasty Avenue, and

B. Set a public hearing for November 9, 2009.

Staff Resources: Jeff McSwain, Transportation
Linda Poissant, Transportation

Attachment 12

Map
Resolution

24. In Rem Remedy

For In Rem Remedy #A-K, 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. 2521 Century Oaks Lane (Neighborhood Statistical Area 133 – Mineral Springs/Rumble Road Neighborhood)
- B. 2949 Morning Drive (Neighborhood Statistical Area 7 – Reid Park Neighborhood)

Complaint:

- C. 1816 Union Street (Neighborhood Statistical Area 46 – Villa Heights Neighborhood)

Field Observation:

- D. 309-1, 2, 3 Coxe Avenue (Neighborhood Statistical Area 25 – Smallwood Neighborhood)
- E. 319-1, 2 Coxe Avenue (Neighborhood Statistical Area 25 – Smallwood Neighborhood)
- F. 323-1, 2 Coxe Avenue (Neighborhood Statistical Area 25 – Smallwood Neighborhood)
- G. 5810 Nations Ford Road (Neighborhood Statistical Area 199 – Yorkmount Neighborhood)
- H. 1012 Parkwood Avenue (Neighborhood Statistical Area 51 – Belmont Neighborhood)
- I. 1016 Parkwood Avenue (Neighborhood Statistical Area 51 – Belmont Neighborhood)
- J. 2100 Roslyn Avenue (Neighborhood Statistical Area 25 – Smallwood Neighborhood)
- K. 5148 Shady Grove Lane (Neighborhood Statistical Area 199 – Yorkmount Neighborhood)

Public Safety:

A. 2521 Century Oaks Lane

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2521 Century Oaks Lane (Neighborhood Statistical Area 133 – Mineral Springs/Rumble Road Neighborhood).

Attachment 13

B. 2949 Morning Drive

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2949 Morning Drive (Neighborhood Statistical Area 7 – Reid Park Neighborhood).

Attachment 14

Complaint:

C. 1816 Union Street

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1816 Union Street (Neighborhood Statistical Area 46 – Villa Heights Neighborhood).

Attachment 15

Field Observation:

D. 309-1, 2, 3 Coxe Avenue

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 309-1, 2, 3 Coxe Avenue (Neighborhood Statistical Area 25 – Smallwood Neighborhood).

Attachment 16

E. 319-1, 2 Coxe Avenue

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 319-1, 2 Coxe Avenue (Neighborhood Statistical Area 25 – Smallwood Neighborhood).

Attachment 17

F. 323-1, 2 Coxe Avenue

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 323-1, 2 Coxe Avenue (Neighborhood Statistical Area 25 – Smallwood Neighborhood).

Attachment 18

G. 5810 Nations Ford Road

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 5810 Nations Ford Road (Neighborhood Statistical Area 199 – Yorkmount Neighborhood).

Attachment 19

H. 1012 Parkwood Avenue

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1012 Parkwood Avenue (Neighborhood Statistical Area 51 – Belmont Neighborhood).

Attachment 20

I. 1016 Parkwood Avenue

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1016 Parkwood Avenue (Neighborhood Statistical Area 51 – Belmont Neighborhood).

Attachment 21

J. 2100 Roslyn Avenue

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2100 Roslyn Avenue (Neighborhood Statistical Area 25 – Smallwood Neighborhood).

Attachment 22

K. 5148 Shady Grove Lane

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 5148 Shady Grove Lane (Neighborhood Statistical Area 199 – Yorkmount Neighborhood).

Attachment 23

CONSENT II

25. General Obligation Bonds

- Action:** Approve a series of resolutions that do the following:
- 1. Provide for the issuance of General Obligation Refunding Bonds in an amount not to exceed \$232,000,000,**
 - 2. Provide for the issuance of Taxable General Obligation Housing Bonds in an amount not to exceed 20,000,000, and**
 - 3. Provide for the issuance of General Obligation Commercial Paper in an amount not to exceed 150,000,000**

Staff Resources: Greg Gaskins, Finance
Scott Greer, Finance

Explanation

- The City issues short term debt in connection with City Council's Capital Investment plan for streets, neighborhood improvements and housing initiatives. This action sets the terms of refunding bonds to:
 - Replace the short-term financing (commercial paper) program which began in 2007 with a permanent long-term financing in the form of General Obligation Refunding Bonds
 - Refund the variable rate bonds issued in 2007 into fixed rate bonds in order to eliminate the risks associated with variable rate debt and terminate the interest rate swap agreement associated with the variable rate bonds to be refunded
- Additionally, this action reauthorizes the short term financing program (commercial paper) with a new program which will be used for ongoing streets, neighborhood improvement and housing initiatives.
- Lastly, this action sets the terms for the issuance of Taxable General Obligation Housing bonds in an amount not to exceed \$20,000,000.

Funding

Municipal Debt Service Fund

Attachment 24

Resolutions

26. Building Commissioning Services

Action: Approve a contract for \$200,000 with System WorCx, PLLC for building commissioning services.

Staff Resource: William Haas, Engineering & Property Management

Explanation

- Building commissioning is a process that takes place on new projects and major renovations. The building commissioning process consists of:
 - Prior to construction – review of design plans and specifications to ensure the design meets a number of environmental and performance design criteria
 - During construction – confirm that the equipment installed meets the project specifications. Then inspect, test and balance the systems to ensure the facility is operating at peak performance once the project is complete
 - Post construction – train staff on the optimum performance characteristics and specific maintenance requirements of the equipment
- Systems that operate at peak performance can lower energy usage, create a more functional and comfortable work environment and extend the service life of the equipment.
- Building commissioning compliments the proposed Policy for Sustainable City Facilities. However, staff believes this process brings value and has merit independent of the Policy for Sustainable City Facilities.
- This contract will provide funding for building commissioning services for various City facilities, including Fire Stations 40 and 42, the Light Vehicle Maintenance Facility and the new Police Providence Division facility.
- The costs for these services will be covered in the individual project budgets.
- System WorCx, PLLC was selected pursuant to the Council-approved qualifications-based selection process performed in accordance with NC State General Statutes.

Small Business Opportunity

No SBE goal was set for this contract because subcontracting opportunities were not anticipated (Part B: Section 2.4 of the SBO Policy). System WorCx, PLLC is an SBE firm.

Funding

Government Facilities Capital Investment Plan

27. Freedom Drive Widening Municipal Agreement

Action: Adopt a resolution authorizing the City Manager to execute a municipal agreement with the NCDOT for the construction of the Freedom Drive Widening Project from Edgewood Drive/Bradford Drive at I-85 to Toddville Road.

Staff Resource: Tom Russell, Engineering & Property Management

Explanation

- This municipal agreement with the North Carolina Department of Transportation (NCDOT) will allow the City of Charlotte to construct improvements on state road Freedom Drive (NC State Road 73). Once the warranty period of one year is over following the completion of construction, NCDOT will resume maintenance of the new road.
- This project was identified in the Mecklenburg Union Metropolitan Planning Organization Transportation Plan and will improve safety for vehicles and pedestrians in the area.
- This project will widen Freedom Drive from two lanes to a four lane median-divided road from Edgewood Drive/Bradford Drive (at I-85) to Toddville Road, a distance of approximately 1.75 miles.
- Improvements will include drainage, sidewalk with planting strips on both sides, landscaped medians, utility relocations of overhead poles and underground duct banks, culvert, new street lighting on wooden poles and bicycle lanes.
- The construction of this project will be coordinated with the Little Rock Road Relocation Project and the Fred D. Alexander Boulevard Project, Segment B.

Small Business Opportunity

Contracts with other federal, state or local government are considered exempt contracts (Appendix Section 23.8 of the SBO Policy).

Funding

Transportation Capital Investment Plan

Attachment 25

Resolution

28. Pawtuckett Neighborhood Improvement Project Design Services

Action: Approve a contract for design services with Armstrong Glen, P.C. in the amount of \$304,000 for the Pawtuckett Neighborhood Improvements.

Staff Resource: Kristie Kennedy, Engineering & Property Management

Explanation

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

- The funding for planning and design of this project is from 2008 Neighborhood Improvement Bonds and the construction funds for this project are anticipated from 2010 Neighborhood Improvement Bonds.
- On July 28, 2008, the Pawtucket Neighborhood Improvement Project Planning Phase contract, for \$164,828, was approved. Planning phase work is now complete.
- Armstrong Glen, P.C. was selected pursuant to the Council-approved qualifications-based selection process performed in accordance with NC General Statutes.
- This design contract will carry forward the planning phase work.
- The design phase is expected to last 12 months.

Small Business Opportunity

The City negotiated an SBE goal with Armstrong Glen, P.C. after the proposal selection process (Part C: Section 2.2 of the SBO Policy). Armstrong Glen, P.C. committed 2.63% (\$8,000) of the total contract amount to the following SBE firms: On-Target Utility Locate Services, Inc. and Boyle Consulting Engineers, PLLC.

Funding

Neighborhood Capital Investment Plan

29. Discovery Place Renovation and Exhibit Amendments

- Action:**
- A. Approve Amendment for the Construction Manager at Risk contract with Rodgers Builders for the Discovery Place renovations establishing the Guaranteed Maximum Price of \$12,555,975, (a decrease of \$1,244,579) and,**
 - B. Approve Amendment to the contract with Discovery Place for exhibits to increase the contract from \$14,230,000 to \$15,446,000 (an increase of \$1,216,000).**

Staff Resource: William Haas, Engineering & Property Management

Explanation

- On February 27, 2006 City Council approved the Strategy for Funding Cultural Facilities and in September 2006, City Council and County Commission approved agreements to complete the funding process for Discovery Place and four other cultural facilities.
- Project funding for Discovery Place included \$15.6 million for facility renovations and \$16 million for new exhibits.
- As the project proceeded, the Discovery Place Board of Trustees decided that the renovations be redesigned and sequenced such that Discovery Place could remain open during construction
- Due to this decision, the renovation portion (Action A) is decreasing, in order to add funds to the exhibit contract with Discovery Place (Action B). In May 2009, \$28,579 in additional design work was approved by Council in a contract amendment with Little Architects to accomplish the goal of keeping Discovery Place open.
- All projected costs remain within the original \$31.6 million budget.

Rodgers Builders Renovation Contract

- On September 22, 2008 City Council awarded a contract with Rodgers Builders, Inc. in the amount of \$13,800,554 for construction manager at risk services for Discovery Place renovations.
- This Amendment establishes the Guaranteed Maximum Price (GMP) of \$12,555,975, which is based on the direct and indirect costs of the work plus associated construction contingencies. With the approved GMP, Rodgers guarantees the cost of the work, as defined by the agreement, will not exceed the contract amount.

Discovery Place Exhibit Contract

- This Amendment will move a portion of the exhibit infrastructure work, \$1,216,000, from Rodgers' contract into the Discovery Place Exhibit contract.

Small Business OpportunityRodgers Builders

The overall project SBE goal was set at 7%. Because this amendment is seeking a reduction in contract amount, no change will affect the overall SBE goal for the contract.

Discovery Place

No SBO goals were initially established for the contract with Discovery Place, as the SBO requirements were structured within the subsequent Construction Manager at Risk contract.

Funding

Cultural Facilities Fund

30. Tree Pruning Services FY2010

- Action:**
- A. Approve contracts for tree pruning arborist services with:**
- 1. Arboguard Tree Specialists in the amount of \$70,000,**
 - 2. E. Schneider Enterprises, Inc. in the amount of \$55,000,**
 - 3. The Davey Tree Expert Company in the amount of \$55,000, and**
- B. Authorize the City Manager to approve up to two, one year renewals for all of the above contracts.**

Staff Resource: Don McSween, Engineering & Property Management

Explanation

- The City is responsible for the maintenance of 160,000 street trees along 2,500 miles of streets. Pruning is necessary for preventative maintenance to improve tree canopy health and safety.
- These contracts will provide tree pruning services throughout the City.
- Three firms were selected because the volume of work often requires multiple firms to complete the work in a timely manner.
- These firms were selected using the Council-approved selection process.

- These contracts will have a term of one year and allow up to two renewals, at the City's option, as an incentive to the contractors for productivity and quality work.
- On September 14, Council approved three contracts for tree removal related to capital improvement projects, specifically for utility relocation.

Small Business Opportunity

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

Funding

Engineering & Property Management Operating Budget

31. Storm Drainage Engineering Services

Action: Approve a contract in the amount of \$1,000,000 with Armstrong Glen, P.C. for storm drainage engineering services.

Staff Resource: Jennifer Smith, Engineering & Property Management

Explanation

- This contract provides funding for planning, design and/or construction administration services to address high priority storm water projects throughout Charlotte, as needed.
- The projects will reduce house and street flooding.
- The first project to be initiated under this contract is the Gaynor Storm Drainage Improvement Project (SDIP).
 - The project area encompasses approximately 155 acres and is roughly bordered on the north by Hartness Avenue and Randolph Middle School, to the south by Brook Forest Lane, to the east by Addison Drive and Whitby Lane, and to the west by Randolph Road.
 - Within the project area, there is a history of house and street flooding, failing storm drainage infrastructure and stream erosion.
 - The Gaynor SDIP is not anticipated to cause additional impacts to downstream structures or roads with existing flooding issues.
 - Gaynor planning phase fees are expected to be approximately \$350,000.
- Services for this contract will be determined based on current ranking procedures or emergency needs and consultant performance. Work orders will be issued as needs arise.
- Amendment of this contract may be needed to finish design and construction services for the projects started under this contract.
- The chosen firm was selected pursuant to the Council-approved qualifications-based selection process performed in accordance with NC General Statutes.

Small Business Opportunity

Armstrong Glen listed in their proposal the following SBEs as supporting team members: On-Target Utility Locate, Survey Mapping & Control, and Habitat Assessment and Research Program. Armstrong Glen will utilize these SBEs for each work order as this project evolves (Part C: Section 2.2 of the SBO Policy).

Funding

Storm Water Capital Investment Plan

32. Multi-function Machines, Print Devices and Print Shop Services

Action: Approve a Lease and Service Agreement with IKON Office Solutions, Inc., for the provision of multi-function machines, print devices, and print shop services in the estimated annual amount of \$850,000 for a fixed term of 51 months, with possible price adjustments each year as authorized by the Agreement.

Staff Resource: Charles Robinson, Business Support Services

Previous Council Action

- Following a national competitive process, Council approved the following actions at the March 23, 2009 Council meeting:
 - Approve the purchase of multi-function machines, print devices, and print shop services without competitive bidding, as authorized by the cooperative purchasing exemption of G.S. 143-129(e)(3)
 - Approve a contract with Ricoh Americas Corporation for the provision of multi-function machines, print devices, and print shop services in the estimated annual amount of \$850,000 for a term not to exceed 51 months with possible price adjustments each year as authorized by the contract

Two Technical Corrections

- The City Attorney's Office recommends this Council action to address two technical corrections to the March 23 Council action to prevent any confusion on the authorized contracting entity and the City's intent.
- Due to corporate restructuring within Ricoh Americas Corporation, the services will now be performed by IKON Office Solutions, Inc. Ricoh and IKON requested the clarification that IKON is the authorized contracting entity.
- In preparing the final agreement documents, staff realized that the provision of services identified in the March 23 action was a purchase. The City's intent at that time was, and still is, to provide these services through a lease and service agreement.
- The business terms are identical to the information previously presented and approved by Council on March 23. The March 23 approved contract was not executed.

Small Business Opportunity

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

Funding

All KBU operating budgets, based on usage

33. Gang Prevention Contract with Charlotte-Mecklenburg Schools

Action: Approve a two year contract with the Charlotte-Mecklenburg Schools, in the amount of \$214,051, for the coordination of the No Easy Walk Program.

Staff Resources: Vicki Foster, Police
Fran Cook, Police

Explanation

- Gang of One was initiated in 2004 as CMPD's primary gang prevention and intervention initiative.
- Since its inception, Gang of One has developed a number of specific programs for students at all grade levels.
- One of those programs is No Easy Walk, a gang prevention initiative at five middle schools.
- The five sites served are:
 - Martin Luther King, Jr. Middle School
 - Bishop Spaugh Middle School
 - Eastway Middle School
 - Turning Point Academy
 - McClintock Middle School
- CMPD wishes to contract with the Charlotte-Mecklenburg Schools to coordinate the No Easy Walk program at all five sites.
- The contract is for a two year period and covers the salary for the coordinator and the programmatic activities at all five participating schools.
- The contract is funded under the FY2008 Congressional earmark for Gang of One.

Funding

FY2008 Congressional Earmark

34. Video Conferencing Equipment

Action: **A. Approve the purchase of Tandberg Video Conferencing Equipment as authorized by the cooperative purchasing exemption of G.S. 143-129(e)(3), and**

B. Approve a contract with Incident Communication Solutions for the purchase of Tandberg Audio Visual Equipment in an amount not to exceed \$355,000.

Staff Resource: Jeff Dulin, Fire

Cooperative Purchasing Exemption

- NC Senate Bill 914, effective January 1, 2002, authorizes the exception to competitive bidding for cooperative purchasing.
- Incident Communication Solutions was approved as a General Services Administration (GSA) Partner under the Tandberg Federal & GSA Specialization Program, effective September 8, 2009.

Explanation

- The Video Teleconferencing Project provides audio and video conferencing capabilities between regional public safety officials for regular meetings, connectivity during an emergency, and for remote training.
- This is Phase 3 of the City of Charlotte Video Teleconferencing Project. Phases 1 and 2 have been successfully implemented and are functioning at this time.
- Phase 3 is an upgrade to the system through the purchase of a new bridge and system endpoints. A video teleconference bridge permits two-way electronic communication between three or more remote endpoints. Endpoints are the remote components that allow the user to see and hear the teleconference. This upgrade will allow increased distribution of video teleconferencing capabilities by allowing for multiple calls simultaneously from multiple City and County Key Business Units. This will ensure that the system functions properly for day to day operations, as well as during emergencies, by providing the necessary capacity to hold multiple teleconferences at once.
- The current video teleconferencing bridge does not have the capacity to serve the needs of both the City and Urban Area Security Initiative (UASI) counties. Likewise, the current bridge capacity is insufficient for the City of Charlotte's enterprise solution that is being built. The upgrade adds scalability, capacity, and capability for integration with the City's Microsoft Office Communicator environment. This system will integrate with the City's information sharing plan.
- In addition, the contract provides endpoints to replace those originally installed in July 2005 which have reached the end of their life cycle.
- Implementation of this phase will complete the infrastructure backbone of the system. Future requests would be for support equipment such as (but not limited to) additional endpoints, which allow users to communicate on the system, as it continues to grow regionally and as a part of the City's Enterprise needs.

Small Business Opportunity

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

Funding

UASI Grants

35. 2009 Urban Areas Security Initiative Grant

Action: Authorize the Fire Chief to accept a grant in the amount of \$4,442,600 from the US Department of Homeland Security for the 2009 Urban Areas Security Initiative (UASI) Grant Program.

Staff Resource: Jeff Dulin, Fire

Explanation

- The 2009 Urban Areas Security Initiative (UASI) Grant Program allowed 62 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, 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 \$4,580,000. The North Carolina Division of Emergency Management will be retaining \$137,400 of these funds for the Management and Administration of the Grant Program at the State level, leaving the balance of \$4,442,600.
- Funds will be used for terrorism preparedness activities such as equipment acquisition, planning, exercise and training activities.
- Grant revenue was anticipated and included in the FY2010 budget.
- No matching funds are required with this grant.

Funding

UASI Grant

36. 2009 Metropolitan Medical Response System Grant

Action: Authorize the Fire Chief to accept a grant in the amount of \$311,584.37 from the US Department of Homeland Security for the 2009 Metropolitan Medical Response System (MMRS) Grant Program.

Staff Resource: Jeff Dulin, Fire

Explanation

- The 2009 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 the State of North Carolina were Greensboro and Raleigh.
- The grant total awarded to Charlotte was \$321,221. However, the State of North Carolina retained \$9,636.63 of the grant for allowable management purposes. Thus, the City will receive \$311,584.37.
- Funds will be used to purchase Personal Protective Equipment for first responders, Medical Cache Supplies and Pharmaceuticals for the treatment of patients on a terrorism scene.
- Grant revenue was anticipated and included in the FY2010 budget.
- No matching funds are required with this grant.

Funding

MMRS Grant

37. Airport Solid Waste Disposal Services

Action: Approve a month to month contract extension not to exceed \$450,000 for up to one year with Waste Management of the Carolinas, Inc. for solid waste disposal services.

Staff Resource: Jerry Orr, Airport

Explanation

- This contract was approved by Council in November 2004 for three years with two, one year extensions, and will expire in November.
- The airport is exploring a material recovery facility to process the airport's waste stream to capture all recyclable items to become a more sustainable facility and reduce the environmental impact of the airport.
- Extending this contract month to month will allow the Airport to complete its analysis so that the proper Request for Proposal can be developed to incorporate a material recovery operation if it is deemed feasible.
- The original terms, pricing and conditions of the contract will remain in place.

Funding

Airport Operating Budget

38. Airport Storm Drain Pipe Rehabilitation

Action: Approve a contract with Talbert, Bright, & Ellington, Inc. in the amount of \$146,518 for the design of a steel liner for storm drain pipes on the Airport.

Staff Resource: Jerry Orr, Airport

Explanation

- When the current terminal was constructed in 1982, the Airport installed 2,800 linear feet of 96 inch corrugated metal pipes under the air carrier ramp and terminal to carry storm water to Coffey Creek.
- The Airport has done periodic inspections of the pipe system and has identified areas where the pipe is beginning to show signs of distress from the weight of the structures above it.
- In 2001, the Airport installed a steel liner in 550 feet of the pipe under the terminal. Another inspection of the remainder of the pipe has been performed and additional areas have been identified for rehabilitation.
- This contract will provide design and bidding services for a steel liner for the remainder of the pipe system.
- Talbert, Bright, & Ellington was selected for this work based on a Request for Qualifications submission to the Airport for air carrier ramp expansion for Concourses D & E. In order to maintain the continuity of the steel liner design from the first phase, Talbert, Bright, & Ellington was selected to perform the remainder of the design work.

- Funding for this contract comes from proceeds of the 2004 General Airport Revenue Bonds, with the debt service paid by Passenger Facility Charge (PFC) revenues.

Funding

Airport Capital Investment Plan

39. Disposition of Retired Buses

Action: Authorize the City Manager to dispose of 14 retired buses by direct sale to other governmental units.

Staff Resource: Larry Kopf, Transit

Explanation

- CATS buses are purchased with funds from the Federal Transit Administration (FTA) (80%), NCDOT (10%), and local funds (10%).
- As a result, CATS is obligated to adhere to federal regulations pertaining to usage, life/mileage of the buses, sale cost and fleet size.
- Federal regulations require transit agencies to maintain fleet size based on spare bus ratios that are determined by the number of buses required for the peak service offered. CATS' spare bus ratio may not exceed 20% of its peak fleet requirement.
- Service cuts or service increases significantly affect the fleet size allowed by the federal regulations.
- As a result of service reductions in March 2009, the CATS bus fleet was found to exceed the federal limit for CATS service level by 39 buses.
- CATS is in the process of reducing its fleet size in order to comply with federal law and maintain federal funding.
- Because of auction facility space limitations, 14 remaining surplus, fully depreciated buses could not be auctioned on September 19, 2009.
- Council action is required for disposal of these remaining 14 excess buses, all of which are beyond their useful life.
- Below is a summary of past and recommended Council actions related to disposing of 39 buses.

Summary of Action on 39 Buses

# of buses	Council Action	Bus status	Methods of disposition
14	9/28/09 Recommended Action	Fully depreciated, useful life exhausted	Direct sale of vehicles
10	8/24/09 Council approved auction of vehicles	Fully depreciated, useful life exhausted	Disposed of at 9/19/09 City Auction
1	7/27/09 Council approved donation	Fully depreciated, useful life exhausted	Donate to CPCC Diesel program
11	7/27/09 Council approved transfers	Operable - Useful life remaining	Transfer to other transit agencies

3	No council action required	Non-operable - due to accident	Retire and utilize for parts
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- It is desirable to dispose of the buses as soon as reasonably possible to comply with FTA guidelines, and because there is limited storage space for buses beyond their useful life.
- The asking price for each bus sold directly will be at least \$3,060, equal to the average of winning bids for buses auctioned on September 19, 2009.
- Depreciated buses typically sell or auction for less than \$5000 per bus, and at that sale price, no reimbursement to FTA is required. In the event that the city sells any particular bus for more than \$5000, FTA is entitled to 80% of the entire sale proceeds.

Attachment 26

List of buses

40. New Records Retention and Disposition Schedule

Action: Approve the new North Carolina Municipal Records Retention and Disposition Schedule

Staff Resource: Stephanie Kelly, City Clerk’s Office

Explanation

- The NC Department of Cultural Resources (DCR), Division of Historical Resources, Archives and Records Section has issued a new Municipal Records Retention and Disposition Schedule. The schedule lists records commonly found in municipal offices and gives employees an assessment of their value by specifying when and if those records may be destroyed.
- Pursuant to State law, a municipality may only dispose of records with the consent of the DCR. Upon adoption by the City Council, this new schedule will serve as the DCR’s consent to dispose of records in accordance with its terms. It supersedes all previous editions, including all amendments thereto.
- The new schedule will be accessible on the City Clerk’s website and a hard copy maintained on file in the Clerk’s Office.

41. Council Meeting Calendar Amendment

Action: Amend the Council meeting calendar to cancel the October 5, 2009 workshop meeting.

Items that were planned for the October workshop can be placed on the October 12 dinner briefing.

42. Property Transactions

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

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

Acquisitions

- A. Project:** Freedom Drive Widening, Parcel # 287
Owner(s): Westside Associates and Westside Associates I
Property Address: 5262 Freedom Drive
Property to be acquired: 10,715 sq. ft. (.246 ac.) in Fee Simple, plus 16,320 sq. ft. (.375 ac.) in Existing Right-of-way, plus 10,789 sq. ft. (.248 ac.) in Sidewalk and Utility Easement, plus 585 sq. ft. (.013 ac.) in Utility Easement, plus 16,447 sq. ft. (.378 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$55,000
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: R-4
Use: Multi Family
Tax Code: 057-071-10
Total Parcel Tax Value: \$1,731,500
- B. Project:** FY08 Accessible Ramp Installation, Parcel # 15
Owner(s): 1423 South Tryon Partners, LLC
Property Address: 1401 South Tryon Street
Property to be acquired: 593 sq. ft. (.014 ac.) in Sidewalk and Utility Easement, plus 1,788 sq. ft. (.041 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None

Purchase Price: \$10,000

Remarks: Compensation was established by independent, certified appraisals related to this property.

Zoned: I-2

Use: Commercial

Tax Code: 123-041-01

Total Parcel Tax Value: \$266,700

- C. Project:** Statesville Road I-85 to Sunset, Parcel # 3
Owner(s): Statesville Road Partners, LLC
Property Address: 4301 Statesville Road
Property to be acquired: 3,456 sq. ft. (.079 ac.) in Fee Simple, plus 46 sq. ft. (.001 ac.) in Utility Easement, plus 5,437 sq. ft. (.125 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$37,500
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: B-2
Use: Commercial
Tax Code: 041-071-25
Total Parcel Tax Value: \$560,100
- D. Project:** US 29/NC 49 - University City Boulevard Phase I and II - North Tryon Widening, Parcels # 35 and 51
Owner(s): Howard P. Brady and wife, Frances L. Brady
Property Address: 7000 North Tryon Street
Property to be acquired: 2,289 sq. ft. (.053 ac.) in Fee Simple, plus 8,932 sq. ft. (.205 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$39,544
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: B-2
Use: Commercial
Tax Code: 049-113-22 and 049-113-21
Total Parcel Tax Value: \$500,600
- E. Project:** US 29/NC 49 - University City Boulevard Phase I and II - North Tryon Widening, Parcel # 50
Owner(s): Intown Properties II, LLC f/k/a Slam Properties II, LLC
Property Address: 110 West Rocky River Road
Property to be acquired: 3,983 sq. ft. (.091 ac.) in Utility Easement, plus 583 sq. ft. (.013 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$30,850
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: B-2(CD)
Use: Commercial

Tax Code: 049-181-08
Total Parcel Tax Value: \$2,496,100

Condemnations

- F. Project:** Freedom Drive Widening, Parcel # 338
Owner(s): Mecklenburg HUD Group Home #1, Inc. and Any Other Parties of Interest
Property Address: 1631 Forsythia Circle
Property to be acquired: Total Combined Area of 7,645 sq. ft. (.176 ac.) of Fee Simple, plus Storm Drainage Easement, plus Sidewalk and Utility Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$2,375
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-5
Use: Single Family Residential
Tax Code: 063-093-39
Total Parcel Tax Value: \$152,600
- G. Project:** Freedom Drive Widening, Parcel # 344
Owner(s): Community Apartments Corporation of Metrolina #3 and Any Other Parties of Interest
Property Address: 3950 Freedom Drive
Property to be acquired: Total Combined Area of 9,819 sq. ft. (.225 ac.) of Fee Simple, plus Sidewalk and Utility Easement, plus Utility Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$14,500
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-22MF
Use: Multi Family
- H. Project:** Freedom Drive Widening, Parcel # 353
Owner(s): Joseph G. Marion and Any Other Parties of Interest
Property Address: 3816 Freedom Drive
Property to be acquired: Total Combined Area of 1,540 sq. ft. (.035 ac.) of Storm Drainage Easement, plus Sidewalk and Utility Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$9,175
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-22MF
Use: Single Family Residential
Tax Code: 063-052-12

Total Parcel Tax Value: \$57,700

- I. Project:** Freedom Drive Widening, Parcel # 354
Owner(s): Joseph G. Marion and wife, Mildred Y. Marion and Any Other Parties of Interest
Property Address: 3808 Freedom Drive
Property to be acquired: Total Combined Area of 4,015 sq. ft. (.092 ac.) of Storm Drainage Easement, plus Sidewalk and Utility Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$3,825
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-22MF
Use: Single Family Residential
Tax Code: 063-052-14
Total Parcel Tax Value: \$22,800
- J. Project:** Freedom Drive Widening, Parcel # 356
Owner(s): Joseph Marion and wife, Mildred Marion, Herman Elder and wife, Nancy Elder, William Yandle and wife, Sarah Yandle And Any Other Parties Of Interest
Property Address: 3800 Freedom Drive
Property to be acquired: Total Combined Area of 849 sq. ft. (.019 ac.) of Sidewalk and Utility Easement, plus Utility Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$651
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-22MF
Use: Single Family Residential
Tax Code: 063-052-16
Total Parcel Tax Value: \$11,400
- K. Project:** Freedom Drive Widening, Parcel # 430
Owner(s): Robert M. Wareh and Any Other Parties of Interest
Property Address: 1729 Thriftwood Drive
Property to be acquired: Total Combined Area of 2,109 sq. ft. (.048 ac.) of Fee Simple, plus Existing Right-of-way, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$725
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-4
Use: Single Family Residential
Tax Code: 059-021-05
Total Parcel Tax Value: \$78,900

- L. Project:** Freedom Drive Widening, Parcel # 446
Owner(s): Christ Resurrection Church, Inc. and Any Other Parties of Interest
Property Address: 4527 Freedom Drive
Property to be acquired: Total Combined Area of 73,037 sq. ft. (1.677 ac.) of Fee Simple, plus Existing Right-of-Way, plus Sidewalk and Utility Easement, plus Utility Easement, plus Slope Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$144,425
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-4
Use: Church
Tax Code: 059-061-04
Total Parcel Tax Value: \$589,100
- M. Project:** Tuckaseegee Road Sidewalk (Heather Glen @ Brown), Parcel # 10
Owner(s): Ekaluck Kongruengkit and Teerade J Kongreungkit a/k/a Teeradey Kongruengkit a/k/a Teeradej Kongreungkit and Any Other Parties of Interest
Property Address: 5145 Tuckaseegee Road
Property to be acquired: Total Combined Area of 7,582 sq. ft. (.174 ac.) of Sidewalk and Utility Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$1,075
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-4
Use: Single Family Residential
Tax Code: 061-211-02
Total Parcel Tax Value: \$145,700
- N. Project:** Tuckaseegee Road Sidewalk (Heather Glen @ Brown), Parcels # 13 and 14
Owner(s): Emile Houndonougbo and wife, Evgene Oganesyman and Any Other Parties of Interest
Property Address: Tuckaseegee Road
Property to be acquired: Total Combined Area of 1,390 sq. ft. (.032 ac.) of Storm Drainage Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$575
Remarks: Compensation was established by an independent, certified appraisal and appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-4
Use: Single Family Residential - Common
Tax Code: 061-171-95 and 061-171-94

Total Parcel Tax Value: \$33,000

- O. Project:** Tuckaseegee Road Sidewalk (Heather Glen @ Brown), Parcel # 15
Owner(s): Fredrick Froukhians and Any Other Parties of Interest
Property Address: 5005 Tuckaseegee Road
Property to be acquired: Total Combined Area of 753 sq. ft. (.017 ac.) of Storm Drainage Easement, plus Sidewalk and Utility Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$225
Remarks: Compensation was established by an independent, certified appraisal and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-4
Use: Single Family Residential - Rural Acreage
Tax Code: 061-171-90
Total Parcel Tax Value: \$31,900
- P. Project:** Wilora Lake Rehab, Parcel # 3
Owner(s): Harry Gray Hoover and wife, Gwen Reynolds Hoover and Any Other Parties of Interest
Property Address: 6423 Vernedale Road
Property to be acquired: Total Combined Area of 5,690 sq. ft. (.131 ac.) of Storm Drainage Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$1,950
Remarks: Compensation was established by an independent, certified appraisal and appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-3
Use: Rural Homesite
Tax Code: 103-121-10
Total Parcel Tax Value: \$207,500

43. Meeting Minutes

Action: Approve the titles, motions and votes reflected in the Clerk's record as the minutes of:
 - August 24, 2009