

Mayor Patrick L. McCrory

Susan Burgess
Nancy Carter
Patsy Kinsey
John W. Lassiter
Don Lochman

Mayor Pro Tem Patrick De'Angelo Cannon

James E. Mitchell, Jr.
Patrick Mumford
Greg Phipps
John H. Tabor, AIA
Warren Turner

CITY COUNCIL MEETING

Monday, June 13, 2005

CITY COUNCIL AGENDA

Monday, June 13, 2005

TABLE OF CONTENTS

<u>Item No.</u>		<u>Page No.</u>	<u>Attachment No.</u>
5:00 P.M. Dinner Briefing			
Conference Center			
1.	FY2005 Housing Trust Fund-Request for Proposal Funding Recommendations	1	1
2.	2007 Annexation Study Areas	2	2
3.	Committee Reports by Exception	3	
7:00 P.M. Awards and Recognitions			
Meeting Chamber			
Consent			
4.	Consent agenda items 23 through 51 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.	4	
Public Hearing			
5.	Public Hearing to Close a Portion of Clarkson Street	5	3
6.	Public Hearing to Close a Residual Portion of East 16 th Street	6	4
7.	Public Hearing to Allow Johnson & Wales to Borrow Funds	7	
Policy			
8.	City Manager's Report	8	
9.	FY2006 & FY2007 Strategic Operating	8	

<u>Item No.</u>		<u>Page No.</u>	<u>Attachment No.</u>
	Plan and FY2006-2010 Capital Investment Plan Adoption		
10.	Revote on Council member Carter's Budget Amendment Proposal	9	5
11.	Cultural Facilities Support	10	6
12.	Prepared Food and Beverage Tax Distribution	10	7
13.	South End Transit Station Area Plan	11	
14.	Four-Year Terms for Mayor and City Council	13	8
15.	Multi-Family Garbage Collection	14	9
16.	Housing Trust Fund Emergency Winter Shelter	16	
17.	Housing and Urban Development Consolidated Plan	16	
18.	Carolina Theatre	16	10
19.	Arena Out-Parcels 2 and 3	18	11
Business			
20.	Homicide Task Force	21	
21.	FY2005 Housing Trust Fund Project Recommendations	22	12
22.	Off-Airport Parking Fees	23	33

Mayor and Council Topics

<u>Item No.</u>	<u>Page No.</u>	<u>Attachment No.</u>
-----------------	-----------------	-----------------------

Consent I

23.	Various Bids		
	A. Fire Hydrants	25	
	B. Fire Station #4 HVAC Upgrade	26	
	C. Road Humps, FY2005, Phase 2	26	
	D. South Boulevard Sidewalks, Phase 2	26	
	E. Edmore Estates Sanitary Sewer and Street Improvements	27	
24.	Resolution of Intent to Abandon Street and Set Public Hearing for a 10-foot Alleyway Bounded by W. Trade Street, S. Mint Street, W. 4 th Street, and S. Poplar Street	27	14
25.	Refund of Property Taxes	27	15
26.	In Rem Remedy	28	16-20

Consent II

27.	2007 Annexation Resolutions of Consideration	30	2
28.	Amendments to Agreement with the Town of Davidson for Police Dispatch Services	31	
29.	Charlotte Mecklenburg Community Foundation Grant	32	21
30.	Express and Business Shuttle Services	32	
31.	Transit Bus Procurement	33	22
32.	CATS Proprietary Bus Parts Contracts	34	
33.	Primary Clarifier Equipment for Irwin Creek Waste Water Treatment Plant	35	
34.	Beaverdam Creek & Studman Branch Outfall, Pumping Station & Force Main,	36	23

<u>Item No.</u>		<u>Page No.</u>	<u>Attachment No.</u>
	Amendment #3		
35.	Long Creek Parallel Sewer Outfall – Contract A	37	24
36.	Prosperity Church Road Widening, Phase 3	38	25
37.	Electrical Supplies Purchase	39	
38.	Modifications to Airport Baggage Handling System	40	26
39.	Airport Cargo Facility Construction and Lease for DHL Holding	41	27
40.	Airport Cargo Facility Lease for Jet Stream Ground Services, Inc.	41	
41.	Storm Water Maintenance, FY2004F	42	
42.	South Corridor Utility Coordination and Relocation	43	
43.	Edwards Brand Stream Restoration-Phase 3	43	
44.	Various Sidewalks Projects	44	
45.	CMGC Parking Deck Control Equipment	46	
46.	Unisys Service Desk Contract Extension	47	
47.	Audio Visual System for the Training Academy	48	
48.	Multi-Jurisdictional Hazard Mitigation Plan Resolution	48	28
49.	Coliseum Brokerage Services	49	

<u>Item No.</u>		<u>Page No.</u>	<u>Attachment No.</u>
50.	Property Transactions	50	
51.	Meeting Minutes	54	

5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. FY2005 Housing Trust Fund-Request for Proposal Funding Recommendations

Resources: Stan Wilson, Neighborhood Development
Jeff Meadows, Neighborhood Development

Time: 15 minutes

Synopsis

- The purpose of this presentation is to brief City Council on the following Housing Trust Fund (HTF) recommendations resulting from the FY2005 HTF Request for Proposal process:
 - Funding recommendations and letters of support for six multi-family housing developments – four new construction and two rehabilitation projects
 - Letters of support for four multi-family projects (503 units) seeking Low-Income Housing Tax Credits from the North Carolina Housing Finance Agency. These projects are not requesting funding from the City
 - Reallocation of funding (\$1,000,000) from the Rehabilitation funding category to the New Construction funding category
 - Requests for a waiver of the Assisted Multi-Family Housing Locational Policy for two projects. Staff has sent notification letters regarding the waiver requests to adjacent property owners and affected neighborhood organizations.

Background

- On November 8, 2004 City Council approved a Housing Trust Fund allocation in the amount of \$6,000,000 for the development of new multi-family rental housing; and \$4,000,000 for multi-family rental rehabilitation.
- Neighborhood Development issued a Request for Proposals to developers and received seven proposals.
- Staff evaluated and ranked each proposal based on the Loan and Grant Guidelines and Evaluation Criteria established by the Housing Trust Fund Advisory Board.
- The evaluation criteria considered City policies, the number of affordable units, financial strength of the development, City funds requested, leverage ratio, the experience of the development team and the property management proposal.

Future Action

- This item will be on the June 13, 2005 Council Business Agenda.

- City funding commitments and letters of support must be submitted to the North Carolina Housing Finance Agency by June 20, 2005.

Attachment 1

Project Ranking and Funding Recommendation Summary
Project Summary Reports: (*New Construction and Rehabilitation*)
Proposal Evaluation Criteria

2. 2007 Annexation Study Areas

Resources: Jonathan Wells, Planning
Mike Boyd, City Attorney's Office

Time: 15 minutes

Synopsis

- In order to initiate the 2007 annexation process, City Council approves study areas that may qualify for annexation. Staff will present these areas and describe the method used to identify the areas.
- The nine areas are:
 - Hucks
 - Ridge/Beard
 - Hood
 - Tom Short
 - Ardrey
 - Providence Pointe
 - Berewick
 - Belmeade
 - Rozzelle's Ferry

Future Action

- Council will be asked to approve Resolutions of Consideration during the June 13th business meeting.
- The 2007 annexation includes the following critical events:
 - June 13, 2005: City Council adopts "Resolutions of Consideration", thereby creating the 2007 annexation study areas
 - July 2006: City Council reviews annexation qualifying areas and adopts "Resolutions of Intent" that provide specific qualifying area boundaries, and approves annexation reports for each annexation area
 - October 2006: City Council holds annexation public hearing
 - November 2006: City Council adopts Annexation Ordinances, approving 2007 annexation areas
 - June 30, 2007: Approved annexation areas become effective

Attachment 2

Maps
Resolutions

3. Committee Reports by Exception

Budget Committee: FY2006 & FY2007 Strategic Operating Plan and the FY2006-2010 Capital Investment Plan

Transportation Committee: South End Transit Station Area Plan

Restructuring Government Committee:

- Four-Year Terms for Mayor and Council
- Multi-Family Garbage Collection

Housing and Neighborhood Development Committee:

- Housing Trust Fund Emergency Winter Shelter
- Neighborhood Development Consolidated Plan

Economic Development and Planning Committee:

- Carolina Theatre
- Arena Out-Parcels 2 and 3

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

CONSENT

- 4. Consent agenda items 23 through 51 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

5. Public Hearing to Close a Portion of Clarkson Street

Action: A. Conduct a public hearing to close a portion of Clarkson Street; and
B. Adopt a Resolution to Close.

Staff Resource: Roger Buell, Transportation

Policy

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

Explanation

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

Petitioner

Charlotte Rescue Mission – Tony Marciano

Right-of-Way to be abandoned

A portion of Clarkson Street

Location

Located within the Third Ward Community beginning from West First Street continuing southwest approximately 246 feet to its terminus at the NCDOT Railroad.

Reason

To incorporate the right-of-way into adjacent property owned by the petitioner for future building expansion.

Notification

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

Adjoining property owners –

North Carolina Department of Transportation – No objections

Neighborhood/Business Associations

Third Ward Neighbors Association – No objection

Center City Partners – No objection

Friends of Fourth Ward, Inc. – No objection

Wilmore Neighborhood Association, Inc. – No objection

Wesley Heights Community Associates – No objection

Private Utility Companies – No objections

City Departments –

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

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

Attachment 3

Map

Resolution

6. **Public Hearing to Close a Residual Portion of East 16th Street**

Action: **A. Conduct a public hearing to close a residual portion of East 16th Street; and**

B. Adopt a Resolution to Close.

Staff Resource: Roger Buell, Transportation

Policy:

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

Explanation

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

Petitioner

Leeper, Martin, Farris, LLC – Ray S. Farris III

Right-of-Way to be abandoned

A residual portion of East 16th Street

Location

Located within the Belmont Community beginning approximately 73 feet from Parkwood Avenue continuing off East 16th Street southwest approximately 30 feet then turning east approximately 40 feet then turning northeast approximately 30 feet to its terminus at East 16th Street.

Reason

To incorporate the right-of-way into adjacent property owned by the petitioner for the development of the proposed Duncan Place Multi-Family Project (rezoning petition #2004-56).

Notification

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

Adjoining property owners — None

Neighborhood/Business Associations

- Belmont Tenant Organization – No objection
- Belmont Strategy Force - No objection
- Plaza Midwood Neighborhood Association – No objection
- First Ward Neighbors, Inc. – No objection
- Center City Partners – No objection
- Elizabeth Community Association – No objection

Private Utility Companies – No objections

City Departments –

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

- Be contrary to the public interest; or
- 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

7. Public Hearing to Allow Johnson & Wales to Borrow Funds

- | |
|--|
| <p>Action:</p> <ul style="list-style-type: none">A. Conduct a public hearing to allow Johnson & Wales (EOP Charlotte JW, LLC) to borrow funds to construct student housing, andB. Authorize the Mayor to sign a Public Approval certificate. |
|--|

Staff Resource: Lee Madden, Finance

Explanation

- EOP Charlotte JW, LLC, a limited liability company, is seeking to refinance the acquisition of a 1.64-acre site located in the City near Johnson & Wales' campus, and the acquisition, improvement, renovation, construction and equipping thereon of a student housing facility.
- Under the Internal Revenue Code, the City Council must hold a public hearing and the Mayor must sign a certificate before the bonds can be issued.
- These are not City issued bonds and the City incurs no financial liability with respect to the bonds as a result of its limited participation in the process.
- A notice of the public hearing was published in the Charlotte Observer on May 30, 2005.

POLICY

8. City Manager's Report

9. FY2006 & FY2007 Strategic Operating Plan and FY2006-FY2010 Capital Investment Plan Adoption

This item will be sent in the Friday, June 10th Council-Manager Memorandum.

10. Revote on Council Member Carter's Budget Amendment Proposal

Action: Revote on Council Member Carter's budget amendment proposal.

Staff Resource: Ruffin Hall, Budget and Evaluation

Explanation

- At the June 6th Budget Straw Votes meeting, Council Member Carter made a motion to approve submitted budget amendments. The motion was approved by a vote of 6 to 5.
- Council members Turner, Mitchell, Cannon, Carter, Phipps and Burgess voted in favor of the motion. Council members Lochman, Lassiter, Mumford, Tabor and Kinsey voted against the motion.
- The Mayor vetoed the action.
- By City charter, the item is required to be on the agenda of the next regular or special meeting of Council. In order for such action to become effective, seven affirmative votes are required at this meeting.

Background

- Two alternative budget proposals have been presented by Council members in response to the City Manager's FY2006 / FY2007 recommended budget
- Council member Lochman presented a budget amendment proposal on May 18th at the Budget Adjustments meeting.
- Council Member Carter presented a budget amendment proposal on June 6th at the Budget Straw Votes meeting.

Veto Overridden

If Council Member Carter's proposal does not receive seven affirmative votes, the proposal fails.

Veto Not Overridden

If Council member Carter's proposal receives seven affirmative votes, the proposal is passed and the proposed budget will be so amended for budget adoption consideration.

Attachment 5

Council member Carter's Budget Amendment Proposal

11. Cultural Facilities Support

Action: Consider approval of a resolution supporting the Arts & Science Council's Cultural Facilities Plan deferred from June 6, 2005.

Committee Chair: John Lassiter

Staff Resource: Ruffin Hall, Budget and Evaluation

Explanation

- At the City Council Meeting on June 6, a resolution was presented by Council member Lassiter in support of the Arts & Science Council's Cultural Facilities Plan.
- The resolution committed advancing funds in the amount of \$1 million from the City's General Debt Service Fund, for the design process at Discovery Place and programming for the Afro-American Cultural Center beginning January 2006. Funds would be repaid from future capital project funding.
- The resolution was tabled for consideration at the June 13 Council meeting.

Attachment 6

Resolution

Information from June 6th Council meeting

12. Prepared Food and Beverage Tax Distribution

Action: Adopt a resolution approving an Interlocal Agreement with the Mecklenburg Towns for additional tax distribution based on Prepared Food and Beverage Tax collections as directed by House Bill 715 from the 2001 Session Law.

Staff Resources: Ron Kimble, Assistant City Manager
Greg Gaskins, Director of Finance

Explanation

- House Bill 715 from the 2001 General Assembly session gave the Mecklenburg Towns a supplemental tax distribution based on Food Tax collections within the towns for five years and required the City and Towns to negotiate in good faith any increase in that distribution by 2006.

- The original distribution rate was 50% of prior year's Food Tax collections but was subject to an annual maximum set at the time the bill was passed.
- The City and Towns have negotiated a future distribution calculation effective in FY2006.
- The new distribution calls for a distribution equal to 50% of the prior year's Food Tax collection within each town in FY2006, 65% in FY2007-FY2011 and 75% beginning in FY2012. No annual maximums are in the agreement, but a catastrophic provision in the Interlocal Agreement protects Charlotte if countywide food taxes become negative from one year to the next.
- The FY2006-FY2007 budget reflects this agreement.

Attachment 7

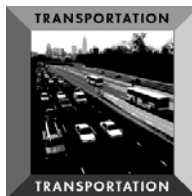
Resolution

Interlocal Agreement

House Bill 715 from the 2001 General Assembly session

Distribution Spreadsheet

13. South End Transit Station Area Plan



Action: Approve the Transportation Committee's recommendation to adopt the South End Transit Station Area, Concept Plan, with the following amendments:

1. Change plan name to *South End Transit Station Area Plan*
2. Add the following paragraph to the Streetscape Development Standards for Camden Road, page 40, "Minimum Setback" section:

For any new structure on a lot abutting an existing building at a lesser setback, the minimum setback may be reduced to either: 1) the setback of the abutting building, or 2) nine feet from the back of the proposed curb whichever is greater. This is intended to maintain the continuous building frontage in those blocks where it already exists. The sidewalk is to extend from the back of the curb to the minimum setback line. Developers must make alternative accommodations for required tree planting through such measures as tree planters in curb extensions.

Committee Chair: Pat Mumford

Staff Resource: Kent Main, Planning Commission

Explanation

- Plan will be the transit station area plan for three South End light rail stations: East/West, Rensselaer, and Carson.
- South End planning process began in 2001 to promote pedestrian-oriented and transit-supportive development.
- Study area includes properties within ½ mile of a South End transit station, excluding single-family areas of Wilmore and Dilworth neighborhoods.

- Beginning June 2004, four public meetings were held. Approximately 150 people attended the meetings.

Plan recommendations:

- Land Use: Transit-supportive development recommended in most of the district, with more residentially focused transit-supportive development at edges abutting Wilmore and Dilworth neighborhoods.
- Cross Sections and Streetscape Standards: Plan includes ultimate street cross sections and streetscape requirements for all streets in the study area. Building setbacks, measured from the curb, apply to all urban zoning classifications.
- Streetscape and Pedestrian Improvements: Plan recommends a number of improvements, including additional sidewalks, bulb-outs, pedestrian refuge islands, lighting, and signals, to be funded through future capital budgets.

Charlotte-Mecklenburg Planning Committee

- Charlotte-Mecklenburg Planning Committee received public comments on January 18, 2005. On March 15, staff proposed an amendment to the Part II Implementation Plan (provided for information; not a part of plan adoption). Amendment provisions:
 - Provides four groups for rezoning in separate applications over time;
 - Keeps Mixed Use Development District (MUDD), Urban Mixed Use Development (UMUD), and Neighborhood Supportive parcels in existing zoning districts;
 - Uses Transit Supportive overlay zoning in peripheral areas where more industrial uses are still in place.Planning Committee voted 5-0 to recommend approval with the amendment.

Committee Discussion

- Transportation Committee received staff background briefing on February 28.
- On March 28, Transportation Committee reviewed amended rezoning recommendation and forwarded the plan to Council for citizen comments.
- On April 11, City Council heard public comment on the plan. Discussion points centered on impacts to existing industrial properties and parking needs.
- Based on additional discussions with stakeholders, staff drafted further plan amendments:
 - Change name to remove the word Pedscape;
 - Allow reduced setbacks on Camden Road to match existing buildings. Planning staff also agreed to work with CDOT staff to monitor parking needs and potential parking strategies.
- On May 23, the Committee voted 3-0 (Mumford, Burgess, Tabor) to recommend approval with the amendments to the draft document. Staff will initiate applications for adoption of proposed zoning changes in line with the recommendations in the Implementation volume provided for information but not to be adopted.

Website

- The Plan, previously distributed, is available at the Planning Commission website, direct link:
<http://www.charmeck.org/Departments/Planning/Area+Planning/Plans/South+End+Pedscape.htm>

14. Four-Year Terms for Mayor and City Council

Action: Consider the Restructuring Government Committee's report of No Consensus on the issue of Four-Year Terms .

Committee Chair: James Mitchell

Staff Resource: Mike Boyd, City Attorney's Office

Background

- On June 28, 2004, City Council approved the following relative to four-year terms for the Mayor and City Council:
 - Directed the Restructuring Government to reconsider the issue of four-year terms in the Spring of 2005;
 - Directed that any recommended change in Mayor and Council terms be placed on a November 2005 referendum; and
 - Directed that any approved change in Mayor and Council terms become effective with officials elected in November 2007.
- On May 24, 2004, when the issue was originally referred to Restructuring Government Committee, Council also directed that any recommended or approved four-year terms be on a non-staggered basis.

Explanation

- On June 6, 2005, the Restructuring Government Committee (Mitchell, Lochman, Kinsey, Lassiter and Phipps) discussed four scenarios relative to Mayor and Council terms of office:
 - Retaining the existing 2-year terms;
 - Placing the issue of 4-year non-staggered terms on the November 2005 ballot, to become effective with those elected November 2007;
 - Placing the issue of 4-year non-staggered terms on the November 2006 ballot, to become effective with those elected November 2007;
 - Placing the issue of 4-year staggered terms on the November 2005 ballot, to become effective with those elected November 2007.
- The Committee discussed all options and agreed to report back to the Mayor and City Council that no consensus could be reached.
- Any change to the current 2-year terms requires adoption of a resolution. In order to place the question of four-year terms on the ballot for the general election in November 2005 and allow all required Council actions on this matter to be taken at regularly scheduled meetings, Council must adopt a resolution at this meeting to call a public hearing on the question for July 25,

2005. That resolution must also briefly, but completely, describe the proposed changes to the terms for the Mayor and City Council.

Attachment 8

Supporting information provided to Committee

15. Multi-Family Garbage Collection



Action: Approve the Restructuring Government Committee's recommendation to consider, during the FY2007 budget deliberations, providing roll-out garbage collection service at City expense to 3,493 multi family units with no space for a dumpster.

Committee Chair: James Mitchell

Staff Resources: Wayman Pearson, Solid Waste Services
Mujeeb Shah-Khan, City Attorney's Office
Curt Walton, City Manager's Office

Background

- On October 11, 2004 Council referred the issue of multi-family residential garbage collection to the Restructuring Government Committee.
- The Committee was asked to review Council's 2001 decision to provide dumpster service to multi-family dwellings of 30 or more units. The estimated number of multi-family units paying for private roll-out garbage collection was 13,000.
- The Restructuring Government Committee requested staff verify this number through field surveys. Following is the results of the survey:

Estimated Units as of November 2004	12,959
Units Never Built	317
Duplicate Site Plans	260
Already on Private Dumpster	1,827
Already on City Dumpster Contract	924
Grandfathered	2,021
Sub-Total Existing Units on Private Roll-out	7,610
On Private Roll-out with space for dumpster	4,117
On Private Roll-out with <u>NO</u> space for dumpster	3,493

- The cost of serving these 3,493 units with roll-out collection at City expense is as follows:

Start-Up (Non-Capital)	Start-Up (Capital)	Annual Operating Costs	Total
\$15,369	\$1,575,320	\$1,275,981	\$2,866,670

- Providing roll-out garbage service to these 3,493 units without dumpster space would be legally defensible and operationally feasible, given the additional requirements listed below are also met.

Explanation

- The Committee considered 2 options:
 - Option 1 was to retain the existing policy. That decision would involve no additional costs.
 - Option 2 was for the City to provide at City expense roll-out collection service to the 3,493 units, an additional cost of \$2,866,670.
- The Committee met on June 6, 2005 and voted unanimously (Mitchell, Lochman, Kinsey, Lassiter and Phipps) to establish roll-out garbage collection at City expense to multi-family units with no space for dumpsters as the preferred method of service delivery and that funding this service should be considered in the FY2007 budget process. The Committee made this recommendation for the following reasons:
 - Garbage collection is a basic City service that should be made available to residential units meeting the stated criteria.
 - The City's current budget situation precludes expanding any service with a cost of \$2.86 million.
 - Council should consider this service expansion along with all other budget adjustments in the spring of 2006.

Additional Requirements

- To make this option operationally feasible, the following criteria must also be met:
 - Common open space must be available
 - Would require removal of existing parking spaces
 - Dumpster location would not meet minimum distance of 100 feet from building/unit entry or exit.
 - Dumpster location must meet minimum height clearance of 25 feet
 - Vehicle inaccessibility due to street design impediments (straight dead ends, alleys, cul-de-sacs and residential parking - angled, front, on street)
 - Backing Distance – No more than 100 feet to each dumpster site
 - Turning Radius – Must be a minimum of 42 feet.
 - Site Plan – Must be consistent with physical layout and design
- In addition, any change to the current service delivery method must meet a standard satisfying the Equal Protection clause of the US Constitution. The delivery of service to these 3,493 units meets this standard. Modifications to this service delivery method would have to be evaluated against that standard.

Attachment 9

Summary Presented to Committee

Equal Protection Memorandum from the City Attorney

16. Housing Trust Fund Emergency Winter Shelter

This item will be sent in the Friday, June 10th Council-Manager Memorandum.

17. Housing and Urban Development Consolidated Plan

This item will be sent in the Friday, June 10th Council-Manager Memorandum.

18. Carolina Theatre



Action: Approve the Economic Development and Planning Committee recommendation to direct staff to develop a 120 day option agreement including benchmarks with Camden Property Management for redevelopment of the Carolina Theatre and bring option agreement back to Council for approval at the July 25th Council Meeting.

Committee Chair: John Lassiter

Staff Resource: Ed Wright, Engineering & Property Management

Policy

City Economic Development Strategic Plan supports City Center development projects.

Explanation

- In November 2004, Council directed staff to work with Camden Management Partners. On May 25, 2005, Council referred this to the Economic Development and Planning Committee.
- In early 2005, Camden Management Partners came to the City with a proposal to preserve the Carolina Theatre. Since that time City staff has worked with Camden and done the following:
 - Presented an overview of the Carolina Theatre's condition to City Council and requested that the matter be referred to the Economic Development and Planning Committee
 - Presented a more in depth presentation on the Carolina Theatre and Camden's proposal to the Economic Development and Planning Committee
- The most recent proposal from Camden Management Partners includes the following:
 - Berkman Tower at Carolina Theatre - a 100 unit residential condominium project on the site. The tower would contain structured parking, ground-floor retail and a total of 26 floors costing approximately \$25 million
 - Camden would pay the City \$1 million for the land portion not occupied by the Carolina Theatre (7,548 square feet) and the air rights above the Theatre (10,500 square feet)
 - The City would contribute the \$1 million paid by Camden toward the Theatre rehabilitation

- A City/County synthetic TIF is necessary to generate \$4.5 million for Theatre rehabilitation, contingent upon County approval.
- Private fundraising (by the Carolina Theatre Preservation Society) of \$2 million for Theatre rehabilitation
- The total budget for rehabilitation of the Carolina Theatre is \$7.5 million.
- The total project value is estimated at just under \$34 million.
- Staff presented four options to the Economic Development and Planning Committee.

Option I: Proceed with Camden

- Recognizes Camden's work to date
- Provides new entertainment venue in Center City
- Does not test market alternatives
- Does not fit CIP priorities (Maintenance, Replacement, Expansion, New)

Option II: Provide 120 day option and direction to Camden

- Provides time for Camden to answer questions
- Could lower City capital cost

Option III: Develop Request for Proposal (RFP) for redevelopment with or without Theatre

- Three to four month process; may miss current market conditions
- Provides for competitive process and alternative development proposals
- Does not impact CIP priorities
- May result in Theatre being torn down
- City may receive appraised value

Option IV: Sell site for highest price

- May result in Theatre being torn down
- Provides for highest and best use of site (mixed use project)
- \$2.8 million appraised value

Committee Recommendation

- The Committee decided unanimously (Lassiter, Cannon, Carter and Tabor) to approve Option II. The Committee's reasons for this recommendation include the following:
 - This option would allow Camden to answer questions about its proposal, and address concerns regarding funding and design/rehabilitation feasibility.
 - This option is the best opportunity, received to date, to preserve the Carolina Theatre.
- If City Council approves Option II with Camden, City staff will develop a 120 day option agreement, including performance benchmarks, with Camden for Council consideration on July 25, 2005.

Attachment 10

Presentation to Economic Development and Planning Committee
Information requested by Economic Development and Planning Committee

19. Arena Out-Parcels 2 and 3



Action: Approve the Economic Development and Planning Committee's recommendation relative to Arena Out-Parcels 2 and 3 to:

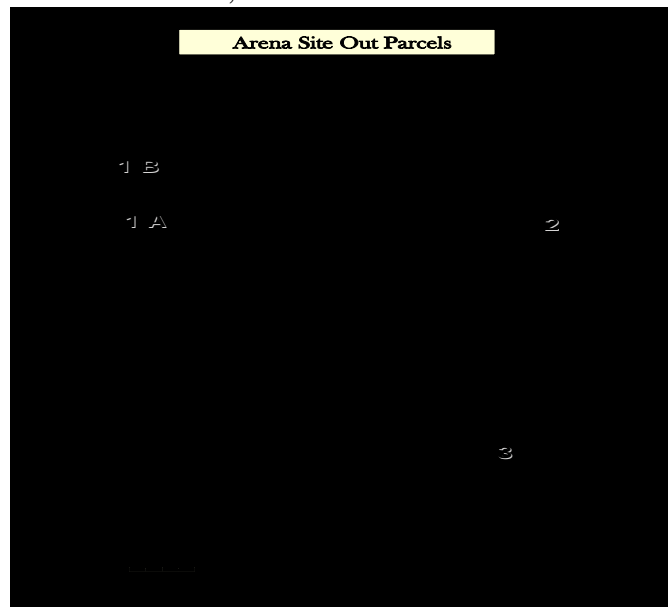
- a. Adopt a resolution to sell Parcel 2 to Preferred Parking service, Inc. for \$1,652,640 and remove the restriction on surface parking, and
- b. Set the price for Parcel 3 at \$2.1 million and solicit proposals for a private sale with no development restrictions other than those imposed by UMUD.

Committee Chair: John Lassiter

Staff Resources: Curt Walton, City Manager's Office
Ed Wright, Engineering and Property Management

Background

- Arena out-parcels 2 and 3 became available as a result of the final placement of the arena on the site, and are located as shown.



- Each parcel is approximately one-third acre.
- The proceeds from the sale of both parcels are part of the arena financing model.
- Private sales were approved for each parcel in order to further economic development goals associated with the new arena.
- Council declared each parcel as surplus on July 28, 2003 and approved the following disposition processes for the two parcels:

Parcel 2

- Begin private sale process at \$65/sq. ft., or \$1,342,770
- Restrict the property to limit the possibility of surface parking being the likely use after sale of the property

Parcel 3

- Fixed price of \$1.7 million for the land
- Retail requirement on the first floor
- CATS to have the option to purchase up to 58,000 square feet
- Design complementary to the arena

Current Conditions

- The market conditions for both parcels have changed since 2003 as follows:

Parcel 2

- New appraisal places value at \$62/sq. ft., or \$1,280,800.
- Land is now being used for surface parking for construction equipment.
- Remainder of block owned by multiple land owners, making assembly difficult.
- City has received a purchase offer from Preferred Parking Service, Inc. for \$80/sq. ft., or \$1,652,640. Offer is contingent on removal of the restriction on surface parking.
- The short-term market for this property appears to be surface parking, although the value of the land will likely encourage other uses in the near future. Parcel 2 will develop as the rest of the block develops.
- Preferred Parking Service, Inc. has indicated that the “Intended Use” shall mean the use of the property for the following purpose: all uses allowed under the UMUD zoning classification.”
- UMUD “permits and encourages the coordinated development of retail and wholesale trade; business, professional and financial services, offices, hotels, convention and conference centers, merchandise markets, high-density residential development, and parking as a separate business.”

Parcel 3

- In August 2004 City Council awarded Trammel Crow the option to purchase the property at any time through August 31, 2005.
- On March 31, 2005, Trammel Crow elected not to exercise its right to purchase the property, stating that it had “exhausted our efforts to find a viable product mix for this particular location”.
- The difficulty of providing parking on the site is a limitation on the value of the property.
- New appraisal in April 2005 now places the value at \$2.1 million, even with the limitations on the site, which primarily relate to parking.

Committee RecommendationsParcel 2

- At 29% over appraised value, \$80/sq. ft. is a very favorable offer. The City paid \$50/sq. ft. in 2002.
- Remove surface parking restriction and sell Parcel 2 to Preferred Parking Service, Inc. for \$1,652,640. Adoption of a resolution is required to implement this action.

Parcel 3

- Market the site and Issue a new Request for Proposals (RFP) soliciting proposals for a private sale without use or development restrictions, other than those already imposed by UMUD.
- The RFP would set a private sale purchase price of \$2.1 million and would require a development plan and development schedule.
- Should the land not be sold prior to the opening of the arena, the site will be prepared in such a way as to not detract from the arena.

Committee Discussion

- The Economic Development and Planning Committee met on May 25, 2005 and voted to recommend the above actions relative to these two parcels.
- Relative to Parcel 2, the Committee voted 2 to 1 (with Council members Lassiter and Carter voting in the affirmative and Council member Tabor voting in the negative) to recommend the above actions. Mayor Pro Tem Cannon was excused due to a conflict of interest. Council member Tabor voted against the motion because of the ample existing supply of surface parking in the uptown area and his reluctance for the City to appear to increase that supply.
- Relative to Parcel 3, the Committee voted unanimously (Lassiter, Cannon, Carter and Tabor) to recommend the above actions.
- The Committee asked why the appraised values of two parcels of the same size and in the same vicinity varied by such a wide margin. The variation is due to the shape of the property (Parcel 2 is triangular, while Parcel 3 is rectangular) and ownership (Parcel 2 is a small part of a block with multiple owners, while Parcel 3 is a self-contained parcel under the City's ownership.)

Attachment 11

Resolution

BUSINESS

20. Homicide Task Force

Action: Direct the City Manager to appoint a task force to make recommendations on homicide reduction in Charlotte-Mecklenburg.

Committee Chair: Mayor Pro Tem Patrick Cannon

Staff Resource: Keith Parker, City Manager's Office

Explanation

- At the January 13th meeting of the Community Safety Committee, Mayor Pro Tem Cannon expressed concern about the number of homicides in Charlotte-Mecklenburg in 2004.
- Of particular concern was the disproportionate number of African-American homicide victims (72 percent).
- At the February 28th meeting, City Council directed the City Manager to develop a process to form a homicide task force.
- Staff has met with several agencies who indicate a willingness to serve on the task force.

Charge to the Task Force

- Examine Charlotte-Mecklenburg homicide data to determine trends and developments, with emphasis on disproportionate victimization
- Study best practices of other municipalities that have experienced success in reducing homicides
- Because homicides are a community problem, the task force should include representatives from a variety of agencies and organizations
- Present Council the findings of the task force including recommendations and strategies to reduce homicides

Process

- Create a Manager-appointed task force comprised of the following representation:
 - CMPD
 - Neighborhoods
 - NAACP
 - Chamber of Commerce
 - Charlotte-Mecklenburg Schools
 - Urban League
 - Community Building Initiative
 - District Attorney's Office
 - Faith community
 - Department of Social Services
- Report recommendations to Council by February 2006.

21. FY2005 Housing Trust Fund Project Recommendations

- Action:**
- A. Approve the Housing Trust Fund (HTF) Advisory Board’s recommendation to reallocate \$1,000,000 from Multi-Family Rental Rehabilitation to Multi-Family Rental New Construction,**
 - B. Approve financial commitments of \$7,000,000 and letters of support for Multi-Family Rental Housing New Construction projects,**
 - C. Approve financial commitments of \$3,000,000 for Multi-Family Rental Housing – Rehabilitation projects,**
 - D. Approve Letter of support for four multi-family rental Low-Income Housing (LIHTC) projects submitted to the North Carolina Housing Finance Agency, and**
 - E. Approve waiver of the Assisted Multi-Family Housing Locational Policy for Kohler Avenue and Arrowood Road projects.**

Staff Resources: Stan Wilson, Neighborhood Development
Jeff Meadows, Neighborhood Development

Policy:

- The City’s FY2005 Consolidated Action Plan was approved by City Council on May 23, 2005. The plan identifies 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 November 8, 2004, City Council approved HTF allocation of \$6,000,000 to Multi-Family Rental Housing – New Construction and \$4,000,000 to Multi-Family Rental Housing – Rehabilitation.
- Staff issued Requests for Proposals for each of the housing development categories and evaluated and ranked each proposal based on the Guidelines and Evaluation Criteria established by the Housing Trust Fund Advisory Board.
- The 6 projects recommended for funding represent a total of 503 affordable housing units of which 182 (36%) serve households earning 30% and below the area median income (which is < \$19,230 for a household of four).
- The overall leverage ratio of the FY2005 projects recommended for funding is 1:5 with \$51,703,193 in total development costs.
- The HTF Advisory Board is recommending the reallocation of \$1,000,000 from Multi-Family Rental Rehabilitation category to the Multi-Family Rental New Construction category to support an additional new construction project, which provides 100 affordable units.

- City Council received a Dinner Briefing on the FY2005 Housing Trust Fund projects on June 13, 2005.
- Recommendations for Low Income Housing Credits must be sent to the North Carolina Finance Agency by June 20, 2005.
- The summary of the Housing Trust Fund Advisory Board's recommendations is attached.

Funding

City Bond and HOME Funds

Attachment 12

Summary of the Housing Trust Fund Advisory Board Recommendations

Project Summary Reports

Project Proforma

Project Sources and Uses

HTF Projects Map

22. Off-Airport Parking Fees



Action: Adopt an ordinance amending Chapter 4 of the City Code to impose a fee on off-airport parking operations equal to 10% of gross revenues.

Staff Resource: Jerry Orr, Aviation

Explanation

- There are no off-airport parking operators currently, although there have been some in the past.
- Formerly, the City charged an off-airport parking operator \$1 each time the operator entered airport premises to pick up customers.
- Other airports use a different fee structure. Those airports require parking operators to pay a percentage of gross revenues. Within the last several months, courts in Virginia and New Mexico have approved this type of fee structure.
- This modification would require any future off-airport parking operator to pay 10% of gross revenues, instead of \$1 per trip, effective July 1, 2005.

Attachment 13

Ordinance

MAYOR AND COUNCIL TOPICS

At the end of the formal agenda, Council members may share information and raise topics for discussion.

Introduction to CONSENT

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

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

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

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

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

Contractors and Consultants

All contractor and consultant selections follow the Council approved process unless described otherwise.

CONSENT I

23. Various Bids

A. Fire Hydrants

CMU

Action

Award the low bid by Hughes Supply for providing Fire Hydrants to CMU in the estimated annual amount of \$162,429.60 for a term of one year and authorize the City Manager to renew the contract for two additional one-year terms.

Small Business Opportunity

Established SBE Goal: 0%

Committed SBE Goal: 0%

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

B. Fire Station #4 HVAC Upgrade EPM**Action**

Award the low bid of \$200,602.50 by Superior Mechanical Systems, Inc. of Charlotte, North Carolina. Scope of work will upgrade the existing heating, ventilation and air conditioning systems in Fire Station #4 which is located at 525 North Church Street. Construction completion is scheduled for the fourth quarter of 2005.

Small Business Opportunity

SBE Subcontractor Utilization Goal: 4%

SBE Participation: 8.45 %

Superior Mechanical Systems, Inc., the low bidder, exceeded the SBO goal and committed 8.45% (\$16,950) of the total contract amount to the following certified SBE firms: A-1 Quality Insulating, and E. Moore & Son Electric Inc.

C. Road Humps, FY 2005, Phase 2 EPM**Action**

Award the low bid of \$199,607.20 by Oliver Paving, Inc. This project is part of an on-going program to install traffic calming road humps on various streets within the city limits of Charlotte. Construction completion is scheduled for third quarter of 2005.

Small Business Opportunity

SBE Subcontractor Utilization Goal: 4%

SBE Participation: 0 %

Oliver Paving complied with the mandatory outreach criteria and met good faith efforts. Oliver contacted 6 SBE firms and received one response.

D. South Boulevard Sidewalks, Phase 2**Action**

Award the low bid of \$279,180.47 by DOT Construction, Inc. of Charlotte, North Carolina. This project will construct sidewalk along both sides of South Boulevard from Arrowood Road to Archdale Drive to fill in areas where no sidewalk exists. The work includes erosion control; grading; drainage; precast concrete panel retaining wall; concrete curb and gutter, sidewalks, drives and wheelchair ramps; utility adjustments and asphalt paving. Construction completion is scheduled for the fourth quarter of 2005.

Small Business Opportunity

Established SBE Goal: 5%

Committed SBE Goal: 5.19%

DOT Construction, Inc. exceeded the goal and committed 5.19% of the total contract amount to the following certified SBE firms: Have Backhoe Will Travel Trucking, Hazel Holmes Trucking and Ground Effects, Inc.

E. Edmore Estates Sanitary Sewer and Street Improvements CMU & EPM

Action

Award the low bid of \$1,386,690.85 by 7 Star Construction Co., Inc., Rock Hill, SC. This contract provides for activation of sanitary sewer lines, street improvements, and resurfacing of existing streets in the Edmore Estates neighborhood, bordered by Beatties Ford Road, Brookshire Boulevard, Mt. Holly-Huntersville Road and Sunset Road. Project will be completed in December 2005.

Small Business Opportunity

Established SBE Goal: 8%

Committed SBE Goal: 8%

7 Star Construction Co. has committed 8% (\$111,200) of the total contract amount to the following SBE firms: Boyle Consulting Engineers, PLLC and Stinson Trucking

24. Resolution of Intent to Abandon Street and Set Public Hearing for a 10-foot Alleyway Bounded by W. Trade Street, S. Mint Street, W. 4th Street, and S. Poplar Street

Action: **A. Adopt the Resolution of Intent to abandon a 10-foot alleyway bounded by W. Trade Street, S. Mint Street, W. 4th Street, and S. Poplar Street, and**

B. Set a public hearing for July 25, 2005.

Attachment 14

Map

Resolution

25. Refund of Property Taxes

Action: **Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$2,430.84.**

Attachment 15
Resolution
List of Refunds

26. In Rem Remedy

For In Rem Remedy #A-E, 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 Plan

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 Observance – concentrated code enforcement program

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

Public Safety:

- A. 2200 Custer Street (Neighborhood Statistical Area 29-Lincoln Heights Neighborhood)
- B. 5901 Old Mount Holly Road (Neighborhood Statistical Area 17 – Todd Park Neighborhood)

Field Observation:

- C. 6625 Rockwell Blvd., West (Neighborhood Statistical Area 42 – Rockwell Park/Hemphill Heights Neighborhood)
- D. 208/210 Lakewood Avenue (Neighborhood Statistical Area 21 – Lakewood Neighborhood)
- E. 226 Rhyne Station Road (Neighborhood Statistical Area 110-Mecklenburg County Unincorporated)

Public Safety:

A. 2200 Custer Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2200 Custer Street (Neighborhood Statistical Area 29 – Lincoln Heights Neighborhood).

Attachment 16

B. 5901 Old Mount Holly Road

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 5901 Old Mount Holly Road (Neighborhood Statistical Area 17 - Todd Park Neighborhood).

Attachment 17

Field Observation:

C. 6625 Rockwell Blvd., West

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 6625 Rockwell Blvd., West (Neighborhood Statistical Area 42 – Rockwell Park/Hemphill Heights Neighborhood).

Attachment 18

D. 208/210 Lakewood Avenue

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 208/210 Lakewood Avenue (Neighborhood Statistical Area 21 – Lakewood Neighborhood).

Attachment 19

E. 226 Rhyne Station Road

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 226 Rhyne Station Road (Neighborhood Statistical Area 110 – Mecklenburg County Unincorporated).

Attachment 20

CONSENT II

27. 2007 Annexation Resolutions of Consideration

Action: Adopt a Resolution of Consideration for each of nine 2007 Annexation Study Areas.

Staff Resource: Jonathan Wells, Planning Commission
Mike Boyd, City Attorney's Office

Policy: City Annexation Policy and State Annexation Statutes

Explanation

- Per State law and City policy, areas to be considered for annexation are identified at least one year prior to beginning of formal annexation procedure.
- This is accomplished through adoption of Resolutions of Consideration, which delineate the geographical areas under study for annexation.
- Planning Commission staff identified nine areas suitable for evaluation to determine eligibility for annexation by examining the amount of existing development and the potential for additional development (based upon land development approvals) over the next year.
- In order to maintain the City's established schedule of undertaking annexations every two years, the study areas need to be identified at this time in order to conform to the 2007 annexation calendar.
- Individual Resolutions of Consideration are to be adopted for each of the nine annexation study areas. The nine study areas are:
 - Hucks
 - Ridge/Beard
 - Hood
 - Tom Short
 - Ardrey
 - Providence Pointe
 - Berewick
 - Belmeade
 - Rozzelle's Ferry
- Following adoption of Resolutions, City Council must wait one full year (but not more than two years) before initiating formal annexation proceedings for these areas.
- Detailed studies will be conducted in the coming year to determine what part (or all) of each study area qualifies for annexation.
- Qualifying areas will then be submitted for City Council consideration for annexation.
- Areas identified would be considered for annexation effective June 30, 2007.
- The following is a preliminary timetable of City Council actions in this annexation process:

- June 13, 2005 – Adopt Resolutions of Consideration, outlining general areas which may be eligible for annexation effective June 30, 2007
- July, 2006 – Adopt Resolution of Intent, giving specific boundaries of proposed annexation areas, and approve annexation reports for those areas
- October, 2006 – Hold Annexation Public Hearing
- November, 2006 – Adopt Annexation Ordinances
- June 30, 2007 – Effective Date of Annexation

Attachment 2

2007 Annexation Study Area Maps
Resolutions of Consideration

28. Amendments to Agreement with the Town of Davidson for Police Dispatch Services

Action: Approve amendments to the agreement between the City of Charlotte and the Town of Davidson regarding the provision of dispatch services for the Davidson Police Department.

Staff Resource: Paul Paskoff, Charlotte-Mecklenburg Police

Explanation

- On May 10, 2004, Council approved an agreement between the City of Charlotte and the town of Davidson regarding dispatch services.
- Agreement called for CMPD to provide dispatch services to the Davidson Police Department in return for Davidson Police responding to calls for police service in their sphere of influence.
- Agreement was result of the work of the Future of Policing Committee.
- Amendments to the agreement are necessitated by CMPD's move to a new platform as part of the upgrade of its communications system.
- Amendments remove the fees Davidson currently pays for software licenses and software upgrades for existing communications package.
 - Removes costs incurred by Davidson in 2004 to be brought on line to receive communications services from 2005 agreement
 - Adds requirement that Davidson pay prorated cost for high speed wireless system estimated at \$50 plus tax per Davidson patrol vehicle.
- Davidson will pay to purchase and maintain new modems to connect to CMPD's new mobile network on January 1, 2006.
- The amended agreement outlines the responsibility for specific expenses. There are no additional costs to CMPD.
- Agreement amended so that any subsequent amendments can be approved by the Charlotte City Manager and the Davidson Town Manager, as well as their police chiefs, without returning to the governing bodies each year.

29. Charlotte Mecklenburg Community Foundation Grant

Action: Adopt an ordinance, appropriating \$39,000 from the Charlotte Mecklenburg Community Foundation, for the Steele Creek Youth Program for the Charlotte-Mecklenburg Police Department.

Staff Resource: Captain Diego Anselmo, CMPD

Explanation:

- CMPD received a \$39,000 grant from the Charlotte Mecklenburg Community Foundation.
- Grant funds a “Steele Creek Youth Program” in the Steele Creek Patrol Division.
- Program provides at risk youth, ages 6-18 with alternatives to gang and other criminal activity.
- Program partners police officers with local churches, YMCA, Police Athletic League, Right Moves for youth, and other interested organizations to assist in providing at risk youth with alternatives to gang and criminal activity.
- Steele Creek Youth Advisory Council will work with these organizations to provide alternative youth activities through 2005-2006 academic year.
- Funds will be used to assist these organizations with expenses related to marketing the program, transportation to activities and food.

Attachment 21

Budget Ordinance

30. Express and Business Shuttle Services

Actions: Renew Three-Year Cost Sharing Agreements for Express Bus and Shuttle Services with the following:

- A. City of Concord
- B. Town of Mooresville
- C. City of Gastonia
- D. Lincoln County
- E. Wachovia Corporation

Staff Resource: Brad Miller, CATS

Explanation

- CATS’ operates regional express bus services to each of the six counties surrounding Mecklenburg County. Additionally, CATS operates an express shuttle service primarily benefiting Wachovia Bank employees traveling between the Uptown and University employment centers.
- Per the Metropolitan Transit Commission (MTC)’s adopted Financial Policies, CATS operates these services under cost sharing agreements with its respective regional partners and Wachovia Corporation.

- Ridership on all of the Regional Express routes is rapidly growing, increasing 51% so far in FY2005 with over 215,000 expected rides this fiscal year.
- In exchange for allowing its employees to ride for free on the Wachovia Express Shuttle, Wachovia Corporation will continue to cover 100% of the costs to operate this service.
- Per the MTC’s Financial Policies, Concord, Gastonia, Mooresville and Lincoln County will reimburse the City for 50% of the net operating expense (including overhead) for express bus services between their respective jurisdictions and Uptown Charlotte.
- These new contracts will be based on a revised costing methodology, consistent across all contracts, and will result in increased annual revenues for CATS in the amount of approximately \$85,000 in FY2006.
- At its May 25, 2005 meeting the Metropolitan Transit Commission voted to renew each of these agreements for three additional years.
- Each of the funding partners is scheduled to approve their FY2006 funding share to continue the services prior to Charlotte City Council’s consideration.

Funding

See the table below for the estimated FY2006 reimbursement levels for each of the services. Net Operating expenses will adjust to the adopted CATS budget in the two subsequent years.

SERVICE	FY2006 NET OPERATING EXPENSES	REIMBURSEMENT TO CATS / (%)
Lincoln County Express	\$69,046	\$34,523 (50%)
Gastonia Express	\$136,694	\$68,347 (50%)
Mooresville Express	\$183,634	\$91,817 (50%)
Concord Express	\$213,730	\$106,865 (50%)
Wachovia Shuttle	\$151,194	\$151,194 (100%)

31. Transit Bus Procurement

Action: **A. Adopt a budget ordinance to appropriate \$2,550,000, and**

B. Approve the purchase of seven low floor 30-foot buses from the Gillig Corporation for an amount not to exceed \$2,550,000. Purchase will be exercised off an existing contract approved by Council in March 2002.

Staff Resource: Brad Miller, CATS

Budget Ordinance

Budget ordinance will appropriate \$2,550,000 from CATS Operating Fund Balance.

Explanation

- On March 25, 2002, Council approved a competitively procured five-year contract with the Gillig Corporation to provide buses to CATS for its replacement and expansion needs.
- This will be the last order of the five year contract with the Gillig Corporation, which City Council approved in March 2002. A new competitive procurement process will be completed in the next year to select a future bus manufacturer to provide buses to CATS for FY2008 through FY2012.
- Seven buses will be purchased under this “Year 5 Option” to be delivered to CATS in July 2006 for planned service expansions related to the South Corridor Light Rail service implementation scheduled for FY2007.
- CATS will operate these buses on ultra low sulfur diesel and they will be equipped with emission reduction equipment (diesel particulate traps).

DBE Compliance

As a transit vehicle manufacturer, the Federal Transit Administration (FTA) requires specific DBE certifications from Gillig as a condition of being authorized to bid on transit procurements funded by FTA.

Funding

Transit Capital Fund

Attachment 22

Budget Ordinance

32. CATS Proprietary Bus Parts Contracts

Action: **A. Approve sole source contracts for proprietary Original Equipment Manufacturer’s (OEM) Bus Parts, renewable annually for three years, with the following suppliers in the respective not to exceed annual amounts:**

Nova Bus Corporation	\$450,000
Gillig Corporation	\$350,000
Optima Bus	\$200,000

B. Authorize the City Manager or designee to execute the contracts and renewals over a three-year period.

Staff Resource: Brad Miller, CATS

Explanation

- CATS’ Bus Operations Division uses proprietary Original Equipment Manufacturer (OEM) parts for repairs of its 322 fixed route bus fleet as part of its routine maintenance and upkeep of the transit fleet.
- CATS current fleet of heavy-duty buses consist of three different vendors:
 - 114 Nova Bus Corporation buses
 - 142 Gillig Corporation buses
 - 36 Optima Bus Corporation buses

- The proprietary parts to be purchased under these contracts are typically only available through the OEM. Otherwise, use of non-recommended parts would result in voiding the vehicle warranty.
- The contracts will not guarantee the manufacturers any level of parts usage; rather the amounts represent maximum amounts to be ordered if the parts are needed for maintenance and repair. The recommended maximum annual contract amounts for the three different manufacturers are based on CATS' previous experience and the relative age of each fleet of buses.

Cost Savings

- Annual contracts will allow CATS to obtain these parts at discount pricing levels that will reduce operating costs and increase the efficiency of operation. Staff anticipates saving 10-15% on the cost and processing of these parts versus the current method of processing individual purchase orders for each part as it is needed.
- CATS' adopted FY2006 budget includes \$3.4M for bus parts. The contracts will be awarded early in FY2006.

Selection Process

- North Carolina bid statute, G.S.143-129(f), allows sole sourcing when performance or price competition is not available, when a needed product is available from only one source of supply, or when standardization or compatibility is the overriding consideration.

Small Business Opportunity

Established SBE Goal: N/A

Committed SBE Goal: N/A

As a Transit Vehicle Manufacturer, the Federal Transit Administration (FTA) requires specific DBE certifications by the vendors as a condition of being authorized to bid on transit procurements funded by FTA.

Funding

Transit Operating Fund

33. Primary Clarifier Equipment for Irwin Creek WWTP

- Action:**
- A. Reject the low bid from Eimco Water Technologies of Salt Lake City, UT as non-responsive, and**
 - B. Approve a contract with WesTech Engineering, Inc. for the purchase of Primary Clarifier Mechanism Equipment in the total amount of \$699,992.**

Staff Resources: Arnold Jarrell, Charlotte-Mecklenburg Utilities
Karen Ruppe, Business Support Services

Explanation

- Hazen and Sawyer, PC completed the design for the installation of a stainless steel primary clarifier mechanism at the Irwin Creek WWTP.
- The purpose of the clarifier is to mitigate algae growth that causes increased operation and maintenance costs, limits proper treatment of the wastewater and could cause compliance problems with the NPDES permit.
- Hazen and Sawyer pre-qualified four manufacturers of the clarifier mechanisms.
- The low bid received from Eimco Water Technologies did not include the required bid bond (state statute requirement) and was deemed non-responsive.
- After thorough review of the bids, Hazen and Sawyer recommends award of the contract to the lowest responsible, responsive bid from WesTech Engineering.

Small Business Opportunity

Established SBE Goal: 0%

Committed SBE Goal: 0%

The SBO Program Manager waives SBE utilization goals for this contract.

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

Funding

Sewer Capital Investment Plan

34. Beaverdam Creek & Studman Branch Outfall, Pumping Station & Force Main, Amendment #3

- Action:**
- A. Adopt a budget ordinance to appropriate \$200,000 from Water and Sewer Revenue Bonds, and**
 - B. Approve Amendment #3 for \$156,993 to contract with Brown and Caldwell for additional services for the Beaverdam Creek & Studman Branch Outfall, Pumping Station & Force Main Project.**

Staff Resource: Doug Bean, Utilities

Budget Ordinance

- Beaverdam Creek and Studman Branch Outfall are included in the FY2002-2006 CIP with funding of \$5.7 million for design and engineering services and construction. Budget ordinance provides continued funding, plus a small contingency fund, for engineering and construction administration services, resulting from significant unforeseeable project delays.

Explanation

- Brown & Caldwell's contract with the City provides for engineering and construction administration services for the Beaverdam Creek and Studman

Branch outfall projects, which provide utility infrastructure to an area of Mecklenburg County currently without municipal sewer service. Amendment #3 provides funding for the following services:

- Continued engineering and construction management services due to electrical and equipment modifications
- Submersible pumps were not manufactured to specifications, and were returned to the manufacturer
- Major modifications to switchgear and other electrical components of pump station

History

- Beaverdam Creek is located in the southwest quadrant of Mecklenburg County, flowing into the Catawba River. Studman Branch is also in the southwest quadrant of the county near McDowell Park.
- Both Amendment # 1 for \$93,188 and Amendment #2 for \$96,169 were necessary due to extended construction times resulting from unforeseen circumstances both within and beyond the Contractor's control.
- Liquidated Damages, in the amount of \$223,000 are currently being withheld on the Beaverdam Creek project.
- The original Contract was awarded on December 9, 2002 in the amount of \$614,453.

Small Business Opportunity

Established SBE Goal: 0%

Committed SBE Goal: 0%

This project was initially awarded in December, 2002. Any additional work involved in this Amendment will be performed by Brown and Caldwell and their subcontractors. Therefore, this Amendment complies with Section 10.3 of the SBO Program.

Funding

Water and Sewer Capital Investment Plan

Attachment 23

Budget Ordinance

35. Long Creek Parallel Sewer Outfall - Contract A

- Action:**
- A. Adopt a budget ordinance appropriating \$950,000 from Water and Sewer Revenue Bonds, and**
 - B. Approve change order #1 for \$934,233 with D. H. Griffin Infrastructure, LLC to cover the cost of additional materials and labor.**

Staff Resource: Doug Bean, Charlotte-Mecklenburg Utilities

Budget Ordinance

- Long Creek Parallel Outfall, Phases I & II are included in the FY1997-2001 CIP with funding of \$5.8 million for design and engineering services and construction. Additional funding is needed due to changes in tunnel design and increased pipe size, plus a small contingency fund.

Explanation

- Scope of work changed to avoid wetlands permitting issues with an existing parallel channel of Long Creek and to meet tunneling requirements added by NC Department of Transportation:
 - Proposed parallel sewer line realignment and pipe size increase from 48-inches to 54-inches in diameter
 - Easement for existing 21-inch sewer line is in need of repair due to extensive erosion caused by creek flooding
- Current cost estimates indicate it is more cost effective to make the proposed changes to this project, and abandon a portion of the existing sewer line, than filling the eroded channel and paying the wetland mitigation fees that the Corps of Engineers have indicated would be required.
- Long Creek is located in the northwest quadrant of Mecklenburg County, running from Rozelles Ferry Road toward Oakdale Road.

Small Business Opportunity

Established SBE Goal: 0 %

Committed SBE Goal: 0%

All additional work involved in this change order will be performed by the current contractor, D. H. Griffin Infrastructure. and their subcontractors. Therefore, this change order complies with Section 10.3 of the SBO Program.

Funding

Sewer Capital Investment Plan

Attachment 24

Budget Ordinance

36. Prosperity Church Road Widening- Phase 3

- Action:**
- A. Adopt a budget ordinance appropriating \$2,000,000 from Street Bonds, and**
 - B. Award the low bid of \$1,062,435.94 by Arvy Construction Company of Charlotte, NC for Prosperity Church Road Widening - Phase 3.**

Staff Resource: Derrel Poole, Engineering & Property Management

Budget Ordinance

- Prosperity Church Phase III is included in the FY2006-2010 CIP with funding of \$2 million. When the CIP was developed, the timing of the construction contract award was not certain. Since the project is being awarded in June, the budget ordinance is necessary and the project will be eliminated from the FY2006-2010 CIP. The balance will cover landscaping and staff costs.

Contract with Arvy Construction Company

- Constructs turning lanes and traffic signals at the intersection of Prosperity Church Road and DeArmon Road
- Raises the grade of the roadway through the intersection to improve sight distance for northbound traffic
- Construction completion is scheduled for first quarter of 2006

Small Business Opportunity

SBE Subcontractor Utilization Goal: 7%

SBE Participation: 7%

Arvy Construction Company has committed 7% (\$74,407) of the total contract amount to the following SBE firms: ACS Pavement Marking and One Time Construction, Inc.

Funding

Transportation Capital Investment Plan

Attachment 25

Budget Ordinance

37. Airport Electrical Supplies Purchase

- Action:**
- A. Approve the purchase of various electrical equipment and parts without competitive bidding, as authorized by the cooperative purchasing exemption of G.S 143-129(e)(3), and**
 - B. Approve a contract with Graybar, Inc. for the purchase of electrical equipment and parts in the amount of \$180,000.**

Staff Resource: Jerry Orr, Aviation

Explanation

- This contract will provide various electrical equipment/parts to maintain various facilities throughout the airport complex.
- The Airport purchases a wide variety of electrical parts and recommends using a national contract with Graybar, which the City has established through its membership in the US Communities Purchasing Alliance.
- US Communities Purchasing Alliance conducts its own competitive bidding when establishing contracts, in turn, purchasing through the alliance's established contracts is in compliance with state bid laws.

Small Business Opportunity

Established SBE Subcontractor Goal: 0%

Committed SBE Subcontractor Goal: 0%

This contract is exempt under Section 2.21 of the SBO Policy because the US Communities Government Purchasing Alliance is used.

Funding

Airport Operating Fund

38. Modifications to Airport Baggage Handling System

- Action:**
- A. Adopt a budget ordinance appropriating \$435,000 in Airport Discretionary funds to be repaid by future Airport Revenue Bonds/ Passenger Facility Charge revenues, and**
 - B. Award a change order in the amount of \$395,957 to FKI Logistex Integration, Inc. of Louisville, KY for modifications to the baggage handling system.**

Staff Resource: Jerry Orr, Aviation

Budget Ordinance

- The budget ordinance allows the Airport to proceed with the baggage handling system. The Airport will be repaid by future revenue bonds and/or passenger facility charge revenues.

Explanation

- In January, 2001, Council awarded a contract to FKI Logistex Integration, Inc in the amount of \$2,611,997 to install baggage conveyors and display units for the international gate expansion.
- This change order will provide additional conveyors to accommodate the Transportation Safety Administration's screening of additional international flights and change order also extends an existing baggage device to accommodate new entrant Air Tran's needs.

Small Business Opportunity

Established SBE Goal: 0%

Committed SBE Goal: 0%

The additional work to be performed in this change order does not have any subcontracting opportunities anticipated. Performance by the prime contractor complies with Sections 5 and 10.3 of the SBO Program.

Funding

Airport Capital Investment Plan

Attachment 26

Budget Ordinance

39. Airport Cargo Facility Construction and Lease for DHL Holdings

- Action:** **A. Approve a budget ordinance to appropriate \$5,209,197 from the excluded centers Fund Balance, and**
- B. Authorize Aviation Director to: (1) execute a lease with a unit of DHL Holdings (USA), Inc. of an air cargo building to be constructed by the Airport and (2) execute a construction contract with Southside Constructors, Inc. to construct the air cargo building, and**

Staff Resource: Jerry Orr, Aviation

Budget Ordinance

- Funds have accumulated from cargo and fix based operation revenues. The budget ordinance appropriates these funds for construction.

Explanation

- The Aviation Director has been working with units of DHL Holdings (USA), Inc. (“DHL”) to develop specifications for a build to suit 80,400 square foot air cargo facility to accommodate DHL’s expanded air cargo operations at the Airport. Construction of the facility is estimated to cost \$5,209,197.
- The Airport expects a unit of DHL to execute a lease of the completed facility for a period of 10 years with two five-year options. Rentals will be approximately \$452,398 per year and are based upon the amount of the City’s investment, recovered with imputed interest over twenty-five years.
- The Airport has received competitive bids to construct the facility. The lowest qualified bidder is Southside Constructors, Inc. of Belmont, NC for \$3,761,900. After DHL executes the lease, the Aviation Director will execute the construction contract and give the builder a notice to proceed. If the lease is not executed by DHL the construction contract will not be executed and the facility will not be constructed.

Small Business Opportunity

Established SBE Goal: 7%

Committed SBE Goal: 16%

Southside Constructors, Inc has committed 16% (\$593,288) of the total contract amount to the following SBE firms: Gastonia Iron Works and Beck Electric.

Attachment 27

Budget Ordinance

40. Airport Cargo Facility Lease for Jet Stream Ground Services, Inc.

- Action:** **Approve a one-year lease with Jet Stream Ground Services, Inc. for the former United Airlines Worldwide Cargo.**

Staff Resource: Jerry Orr, Aviation

Explanation

- In 1997, the airport constructed a 21,000 square foot facility for United Airlines Worldwide Cargo.
- United Airlines entered bankruptcy in December 2002 and advised the airport that they would be rejecting the lease for their cargo facility.
- Jetstream has requested to lease the facility for one year.
- Jetstream is a ground handling company that handles cargo for various airlines, including United Airlines.
- The lease will generate \$180,000 per year.

41. Storm Water Maintenance, FY2004 F

Action: Approve Renewal #2 for \$1,108,165.00 with Kip Corporation for continued construction of FY2004 - F Storm Water Maintenance Package.

Staff Resource: Bill Pruitt, Engineering & Property Management

Renewal #2 with Kip Corporation

- Storm Water Services will continue regular maintenance activities under this contract based on good contractor performance using existing and adjusted unit prices.
- The original contract document allows for three renewals of the contract, at the City's option, as an incentive to the contractor for productivity and workmanship.

History

- Council approved the original contract for \$ 1,108,165.00 on May 24, 2004
- Council approved renewal #1 for \$ 1,108,165.00 on December 13, 2004
- The total contract amount for FY2004-F will be \$3,324,495.00

Small Business Opportunity

SBE Subcontractor Utilization Goal: 2%

SBE Participation: 2.21%

KIP Corporation exceeded the SBO goal and committed 2.21% (\$24,500) of the renewal amount to the following certified SBEs: Asphalt Graphics, Inc., N W Construction and Hazel Holms Trucking

Funding

Storm Water Capital Investment Plan

42. South Corridor Utility Coordination and Relocation

Action: Approve the contract in the amount of \$200,000 with Utility Coordination Consultants, Inc. for the coordination and relocation of utilities for approximately 26 projects along the South Corridor.

Staff Resource: Dieter Crago, Engineering & Property Management

Contract with Utility Coordination Consultants, Inc.

- Provides funding for utility coordination and relocation services including:
 - Project design review and collection of field data
 - Facilitation of utility meetings
 - Utility relocation schedule development, monitoring and control to keep all utilities on-schedule with South Corridor construction targets
 - Utility relocation inspection
 - Coordination with the City's Construction Manager on all utility-related project issues
 - Representation of the City's interests on all South Corridor projects

Small Business Opportunity

Established SBE Goal: 0%

Committed SBE Goal: 0%

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

Funding

Transportation Capital Investment Plan

43. Edwards Branch Stream Restoration – Phase 3

Action: Approve a contract with CH2M Hill for stream restoration engineering services in the amount of \$458,319.

Staff Resource: Tim Richards, Engineering & Property Management

Contract with CH2M Hill

- Provides funding for planning and design engineering services for the Edwards Branch Stream Restoration Project - Phase 3.
- CH2M Hill is familiar with the Edwards Branch Stream Restoration Project. They have performed design services for Phase I of the Edwards Branch Stream Restoration Project and have also worked on reports to obtain mitigation credit for the project.
- The new contract is needed to update the contract terms and conditions and to provide a detailed scope of work for the Edwards Branch Phase 3 project.

Edwards Branch Stream Restoration Project - Phase 3

- The Edwards Branch watershed is bounded by Central Avenue to the north, Sharon Amity to the east, Independence to the south and southwest and Norland to the northwest.
- The Edwards Branch project is a watershed-wide water quality and flood control project. The project was split into 3 phases:
 - Phase 1 included stream restoration and a constructed wetland designed by CH2MHill in conjunction with Mecklenburg County and was completed in 2002.
 - Phase 2 has almost finished construction and includes stream restoration and flood control components. Kimley-Horn served as the consultant on this phase.
 - Phase 3 includes planning, design and engineering services.

Contract History

- Council approved a master contract for \$125,000 on March 27, 2000 with CH2M Hill for unspecified stream restoration services.
- This contract was amended on March 25, 2002 for an additional \$125,000, making the total contract amount \$250,000. This contract was used for the Edwards Branch Phase I project, as well as other projects.

Small Business Opportunity

Established SBE Goal: 0%

Committed SBE Goal: 4.49%

The selection process for this project took place in December 1999, which preceded the implementation of the SBO Program for professional services contracts. However, CH2M Hill has committed 4.49% (\$20,594) of the total contract amount to the following certified SBEs: Nova Engineering & Surveying, and Carolina Copy Services.

Funding

Storm Water Capital Investment Plan

44. Various Sidewalks Projects

- | | |
|-----------------------|--|
| <p>Action:</p> | <p>A. Approve an agreement with Armstrong Glen, P.C. for engineering services in the amount of \$200,000,</p> <p>B. Approve an agreement with Dyer, Riddle, Mills & Precourt, Inc. for engineering services in the amount of \$250,000,</p> <p>C. Approve an agreement with Kimley-Horn and Associates, Inc. for engineering services in the amount of \$200,000,</p> <p>D. Approve an agreement with Mulkey, Inc. for engineering services in the amount of \$200,000,</p> <p>E. Approve an agreement with PBS&J for engineering services in the amount of \$200,000, and</p> <p>F. Approve an agreement with Ralph Whitehead Associates, Inc. for engineering services in the amount of \$250,000.</p> |
|-----------------------|--|

Staff Resource: Tom Russell, Engineering & Property Management

Contracts for Engineering Services

- Support the City's Sidewalk Program to enhance connectivity, offer transportation choices, and improve pedestrian safety
- Provide funding for planning, design and construction bid documents
- Six firms were selected because:
 - The volume of work requires that multiple firms participate in order to complete the work in a timely manner.
 - Prices for professional service agreements are negotiated, therefore, there is no advantage to consolidating the work.

Sidewalk Projects

- Council approved the new sidewalk program policy on May 23, 2005
- All sidewalk locations will be prioritized using the new policy
- Work may include curb and gutter, driveway aprons, planting strips or any combination of these improvements
- Will comply with City standards and Americans with Disabilities Act standards
- These contracts will design approximately 6 miles of sidewalks

Small Business Opportunity

A. Armstrong Glen, P.C.

SBE Subcontractor Utilization Goal: 3%

SBE Participation: 3%

Armstrong Glen has committed 3% (\$6,000) of the total contract amount on a work order basis with the following certified SBEs: Boyle Consulting Engineers, K.M. Armstrong Associates, On-Target Utility Locate Services, and Sharpe Images.

B. Dyer, Riddle, Mills & Precourt

SBE Subcontractor Utilization Goal: 3%

SBE Participation: 3%

Dyer, Riddle, Mills & Precourt has committed 3% (\$7,500) of the total contract amount on a work order basis with the following certified SBEs: Joel E. Wood & Associates, On-Target Utility Locate Services, and Torrence Reprographics.

C. Kimley-Horn and Associates, Inc.

SBE Subcontractor Utilization Goal: 3%

SBE Participation: 3%

Kimley-Horn and Associates has committed 3% (\$6,000) of the total contract amount on a work order basis with the following certified SBEs: Boyle Consulting Engineers and Torrence Reprographics.

D. Mulkey, Inc.

SBE Subcontractor Utilization Goal: 3%

SBE Participation: 3%

Mulkey, Inc. has committed 3% (\$6,000) of the total contract amount on a work order basis with the following certified SBEs: Boyle Consulting Engineers and Torrence Reprographics.

E. PBS&J

SBE Subcontractor Utilization Goal: 3%

SBE Participation: 3%

PBS&J has committed 3% (\$6,000) of the total contract amount on a work order basis with the following certified SBEs: Torrence Reprographics and On-Target Utility Locate Services.

F. Ralph Whitehead Associates, Inc.

SBE Subcontractor Utilization Goal: 3%

SBE Participation: 3%

Ralph Whitehead Associates, Inc. has committed 3% (\$7,500) of the total contract amount on a work order basis with the following certified SBEs: GNA Design Associates and On-Target Utility Locate Services.

Funding

Transportation Capital Investment Plan

45. CMGC Parking Deck Control Equipment

Action: Approve a contract with Carolina Time Equipment, Inc. for providing and installing a parking deck control system in an amount not to exceed \$130,000.

Staff Resource: David Garner, Engineering & Property Management
Karen Ruppe, Business Support Services

Explanation:

- Installation of a new daily public parking deck control system will provide full credit card capabilities, extensive controls and automated fee collection.
- The new system will program and track a unique number on each ticket. The system integration will allow the information to be forwarded to the office control computer for easy billing.
- The new functionality will reduce labor costs for the contractor while insuring accurate collection of parking fees. Projected payback for installation of this system is 18-24 months.
- Three proposals were received in response to the Request for Proposal.
- Engineering/Building Services staff evaluated each proposed system and visited sites to determine how the actual pay processes were executed.
- Carolina Time Equipment is recommended based on the firm's qualifications, equipment, experience, turn key solution and cost effectiveness.

Small Business Opportunity

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

Funding

Government Facilities Capital Investment Plan

46. Unisys Service Desk Contract Extension

Action: Approve the extension of the existing Unisys Service Desk Contract by two years with a right to cancel at any time. The extension contract price is not to exceed \$2,080,000 over two years.

Staff Resources: Susan Johnson, Business Support Services
Al Alonso, Business Support Services

Explanation

- Staff recommends extension of the existing service desk contract for the following reasons:
 - Current contract expires June 30th, 2005
 - Unisys consistently meets or exceeds current service levels
 - Unisys is willing to meet budget reduction requirement with minimal decrease in service (\$60,000 dollar budget savings)
 - Unisys is willing to agree to a contract extension for two years with the ability to terminate and re-compete with no penalty should budget climate improve
 - Contract adjustments will provide service improvements in some areas and decreases in other areas to meet the City's budget and service needs
- The City has enjoyed and benefited from the relationship with Unisys over the past 4 years. As the number of requests have increased, process efficiencies have resulted in an increase in problems resolved over the phone. They have also reduced the resolution time allowing a higher percent of calls resolved in two hours or less for government center calls and four hours or less for remote site calls.
- Current service includes 24 hour, 7 days a week phone support and desk side assistance
- Service changes include Service Level Agreement adjustments to assist the City in cost savings:
 - Handling after hours calls on a time and materials basis instead of the budgeted 5 calls per month
 - Increase in the maximum number of calls
 - Expanded ways for City employees to enter tickets for service
 - Elimination of service level premiums and credits

Small Business Opportunity

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

Funding

Business Support Services Operating Budget

47. Audio Visual System for the Training Academy

Action: Approve a contract with Proview Presentation Products for providing and installing an audio/video system to the Charlotte-Mecklenburg Police & Fire Training Academy in the amount of \$117,000.

Staff Resources: Officer David Padgett, Charlotte-Mecklenburg Police
Karen Ruppe, Business Support Services

Explanation:

- CMPD and the Fire department are in the process of expanding their audio/video network due to the relocation of the Emergency Operations Center to the Training Academy facility.
- The new projection system will allow a visual display of up to 35 sources with potential growth options.
- Two proposals were received in response to the Request for Proposal.
- A team consisting of CMPD, Fire and Procurement Services staff evaluated the proposals.
- Proview is recommended based on the firm's qualifications, experience, turn key solution and cost effectiveness.
- The Homeland Security grant approved by Council on May 24, 2004, funds the majority of this purchase.

Small Business Opportunity:

The Small Business Development Program Manager waived the SBE goal for this project. Pursuant to Section 2.21 of the Program Policy, this contract is exempt from the SBO Program.

Funding

Homeland Security Grant and Police Operating Budget

48. Multi-Jurisdictional Hazard Mitigation Plan Resolution

Action: Adopt a resolution accepting the Multi-Jurisdictional Hazard Mitigation Plan, which Council approved on May 23, 2005.

Staff Resource: Wayne Broome, Emergency Management

Explanation

- On May 23, Council adopted the Multi-Jurisdictional Hazard Mitigation Plan for Mecklenburg County.
- The Federal Emergency Management Agency and the North Carolina Office of Emergency Management require that each jurisdiction in the county adopt a resolution accepting the plan as policy and procedure for response to national disasters.
- The Plan is available in the Council library.

Attachment 28
Resolution

49. Coliseum Brokerage Services

Action: Authorize the City Manager to enter into a contract with Trammell Crow Company for the provision of brokerage and transaction management services related to the marketing and sale of the Charlotte Coliseum property.

Staff Resource: Curt Walton, Assistant City Manager
Edward Wright, Real Estate Division

Policy

- The sale of this property is in furtherance of the Council adopted Economic Development Strategic Plan in that the sale of the property will provide funds to facilitate the construction of a multi-purpose sports and entertainment facility to be located in the uptown area.

Explanation

- The selection of Trammell Crow Company for the provision of brokerage services for marketing the Coliseum Property is based on the following:
 - Staff has used internal efforts to date to market the property locally and (to a more limited degree) nationally.
 - These efforts have attracted significant interest, but no offers in excess of the existing Crescent Resources net offer of \$16,500,000.
 - In April, staff distributed an RFQ to commercial real estate brokerage firms.
 - From the responses, staff selected six firms to submit proposals to provide a national marketing effort to attract potential buyers.
 - Based on staff's review of the proposals, along with numerous personal and telephone interviews with the firm's principals, staff recommends approval of a contract with the Trammell Crow Company.

Basis for Recommendation

- The staff recommendation for selection of the Trammell Crow Company is based on the following factors:
 - The national scope of the Trammell Crow Company maximizes the firm's ability to provide national exposure to the Coliseum Property.
 - Trammell Crow is a national company rather than merely a member of a national network of independently owned firms or a member of an affiliated group.
 - The marketing plan is the most comprehensive of those proposed and includes property exposure via the internet, mass media, trade publications, internal distribution systems, a network of company-wide brokerage resources, and historical contacts.

- The system of status reporting to the City of Charlotte is the most timely and inclusive.
- The proposed marketing budget is reasonable and includes a broad-range of communication outlets.
- The marketing plan provides for the constant involvement of a public relations firm who will attempt to maximize exposure, including free-media opportunities.
- The proposed commission schedule is competitive with the other proposals;
- If their marketing efforts do not produce an up-set bid acceptably higher (at least 5% higher) than the Crescent Resources bid of \$16.5M, Trammell Crow will not be due a commission or fee. In addition, they will provide the same transaction management services (pre-closing duties) for the Crescent Resources purchase as they would for a higher bidder.
- The experience of Trammell Crow and its principals with similar properties is the most applicable to the circumstances surrounding the sale of the Coliseum property.
- The principals of Trammell Crow Company exhibited, by far, the most consistent commitment to this project and the strongest levels of confidence in their ability to successfully market the Coliseum property for its maximum value.

50. Property Transactions

Action: Approve the following property acquisitions (A-D) and adopt the condemnation resolutions (E-J).

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

For property transactions C-D and J, property is acquired in accordance with Federal Guidelines 49 CFR Part 24 of the Uniform Acquisition and Relocation Act of 1970. Acquisition costs are eligible for North Carolina Department of Transportation and Federal Transit Administration reimbursement.

Acquisitions

- A. Project:** Fred D. Alexander Boulevard - Section B, Parcel # 1
Owner(s): George C. White And Wife, Elizabeth G. White
Property Address: 6312 Freedom Drive
Property to be acquired: 85,813 sq. ft. (1.970 ac.) in Fee Simple Total Acquisition
Improvements: Single Family Home
Landscaping: None

Purchase Price: \$135,050

Remarks: Compensation was established by an independent, certified appraisal and appraisal review.

Zoned: R-4

Use: Single Family Residential - Rural Acreage

Tax Code: 057-232-04

Total Parcel Tax Value: \$120,600

- B. Project:** South Corridor Infrastructure Project: Arrowood Signature Package - Roadway Improvements, Parcel # 92
Owner(s): Robert Talley And Wife, Anna Marie Talley
Property Address: 1316 Starbrook Drive
Property to be acquired: 925 sq. ft. (.021 ac.) in Sidewalk and Utility Easement, plus 5,486 sq. ft. (.126 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$14,250
Remarks: Compensation was established by independent, certified appraisals in the area.
Zoned: B-2
Use: Office Condominium
Tax Code: 173-16C-99
Total Parcel Tax Value: \$33,100
- C. Project:** South Corridor Light Rail, Parcel # 105
Owner(s): Tricor Five Hundred Twenty One, LLC
Property Address: 9500 South Boulevard
Property to be acquired: 3,673 sq. ft. (.084 ac.) in Fee Simple, plus 500 sq. ft. (.011 ac.) in Utility Easement, plus 5,443 sq. ft. (.125 ac.) in Temporary Construction Easement
Improvements: Dumpster Screen
Landscaping: None
Purchase Price: \$57,925
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: B-1
Use: Restaurant
Tax Code: 205-102-31
Total Parcel Tax Value: \$1,415,500
- D. Project:** South Corridor Light Rail, Parcel # 131
Owner(s): Sonoco Paperboard Group, LLC
Property Address: 8800 South Boulevard
Property to be acquired: 395,152 sq. ft. (9.071 ac.) in Fee Simple, plus 3,456 sq. ft. (.079 ac.) in Storm Drainage Easement, plus 233 sq. ft. (.005 ac.) in Utility Easement, plus 72,483 sq. ft. (1.664 ac.) in Temporary Construction Easement
Improvements: Sign

Landscaping: None
Purchase Price: \$742,050
Remarks: Compensation was established by two independent, certified appraisals and an appraisal review.
Zoned: I-2
Use: Commercial
Tax Code: 205-211-03
Total Parcel Tax Value: \$3,400,400

Condemnations

- E. Project:** South Corridor Infrastructure Project: New Bern Sidewalks, Parcel # 505
Owner(s): Welsh Partners, LLC And Any Other Parties Of Interest
Property Address: 123 New Bern Street
Property to be acquired: Total Combined Area of 1,583 sq. ft. (.036 ac.) of Sidewalk and Utility Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$4,825
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: I-2
Use: Industrial
Tax Code: 147-017-07
Total Parcel Tax Value: \$269,000
- F. Project:** South Corridor Infrastructure Project: Sharon Road West Signature Intersection, Parcel # 106
Owner(s): Tucker Family, LLC And Any Other Parties Of Interest
Property Address: 8641 South Boulevard
Property to be acquired: Total Combined Area of 5,957 sq. ft. (.137 ac.) of Sidewalk and Utility Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$28,500
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: B-2
Use: Commercial
Tax Code: 173-234-01
Total Parcel Tax Value: \$853,500

- G. Project:** South Boulevard / Inwood Drive Storm Water Project - Phase II, Parcel # 26
Owner(s): Alton C. Coggin And Wife, Ruby T. Coggin And Any Other Parties Of Interest
Property Address: 4651 Fairbluff Place
Property to be acquired: Total Combined Area of 888 sq. ft. (.020 ac.) of Sanitary Sewer Easement
Improvements: None
Landscaping: None
Purchase Price: \$2,975
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: 171-011-43
Total Parcel Tax Value: \$125,400
- H. Project:** Tuckaseegee Road Streetscape, Parcel # 117
Owner(s): Calvin Rankin And Any Other Parties Of Interest
Property Address: 3021 Tuckaseegee Road
Property to be acquired: Total Combined Area of 593 sq. ft. (.014 ac.) of Sidewalk and Utility Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$117
Remarks: Compensation was established by independent, certified appraisals in the area. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: R-5
Use: Single Family Residential
Tax Code: 065-047-17
Total Parcel Tax Value: \$58,600
- I. Project:** Tuckaseegee Road Streetscape, Parcel # 148
Owner(s): William Clinton Baldwin And Any Other Parties Of Interest
Property Address: 3727 Tuckaseegee Road
Property to be acquired: Total Combined Area of 2,073 sq. ft. (.048 ac.) of Fee Simple, plus Existing Right-of-way, plus Sidewalk and Utility Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$1,375
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-5
Use: Single Family Residential
Tax Code: 065-054-04
Total Parcel Tax Value: \$68,000

- J. Project:** South Corridor Light Rail, Parcel # 261
Owner(s): Omnivita Hospitality, Inc. And Any Other Parties Of Interest
Property Address: 315 E. Woodlawn Road
Property to be acquired: Total Combined Area of 3,433 sq. ft. (.079 ac.) of Slope Easement, plus Temporary Construction Easement
Improvements: Retaining Wall, Sign and Utility Pole
Landscaping: Trees
Purchase Price: \$15,475
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: I-2
Use: Commercial
Tax Code: 149-073-20
Total Parcel Tax Value: \$4,696,500

51. Meeting Minutes

- Action:** Approve the titles, motions and votes reflected in the Clerk's record as the minutes of:
- May 9, 2005 Business Meeting
 - May 16, 2005 Zoning Meeting
 - May 18, 2005 Budget Adjustments
 - May 23, 2005 Business Meeting