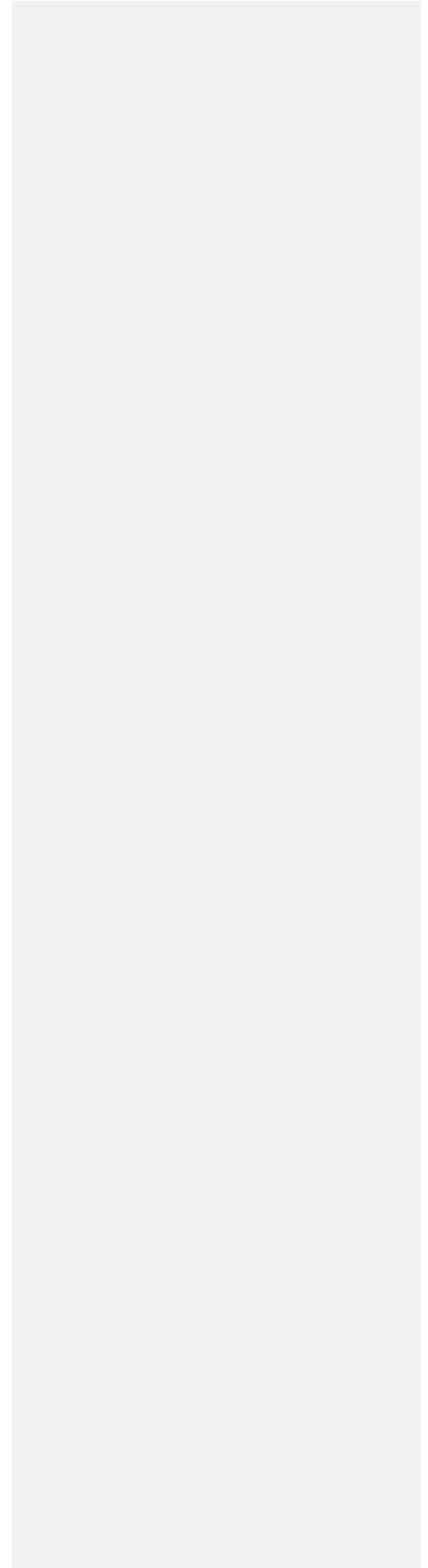


Mayor Patrick L. McCrory **Mayor Pro Tem Patrick De'Angelo Cannon**
Susan Burgess James E. Mitchell, Jr.
Nancy Carter Patrick Mumford
Patsy Kinsey Greg Phipps
John W. Lassiter John H. Tabor, AIA
Don Lochman Warren Turner

CITY COUNCIL MEETING

Monday, November 28, 2005



CITY COUNCIL AGENDA

Monday, November 28, 2005

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5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. Construction Cost Trends

Staff Resource: Jim Schumacher, Engineering & Property Management

Time: 10 minutes

Synopsis

- The City's Capital Investment Plan involves a wide variety of public works projects, such as the installation of new sidewalks, transportation and utility infrastructure, and the construction of buildings such as fire stations, the arena, and operations facilities.
- Rising construction costs are affecting the costs of these projects.
- Staff will review the current trends and some of the influencing factors – locally, nationally, and globally.

Future Action

The presentation is for information only. However, the data will affect current and future project budgets and award of future construction contracts.

2. South Corridor Light Rail Project Status Report

Resource: Ron Tober, CATS

Time: 40 minutes

Synopsis

- Construction of the region's first rapid transit line is proceeding in the South Corridor. Light rail and infrastructure construction work is underway all along the corridor except in the South End and Uptown areas. Light rail construction in these two areas is scheduled to start in February.
- The first light rail vehicles that will operate along the line are currently being manufactured in Sacramento and are scheduled to be delivered in June. Extensive efforts are underway to communicate with residents and businesses along the corridor to keep them informed on the construction work and to mitigate negative impacts to the maximum extent possible.
- Two construction contracts for the South Corridor Light Rail Project remain to be awarded: Station Finishes and Park and Ride Lots contract and Convention Center Modifications contract. Bidding for the Station Finishes and Park and Ride Lots is completed. Bidding for the Convention Center modifications is scheduled to occur early in 2006.

Future Action

- The Station Finishes and Park and Ride Lots contract is item 25, page 30 of this agenda.

3. Briar Creek Update

Resource: Doug Bean, Utilities

Time: 10 minutes

Synopsis

On Tuesday, November 22nd, Utilities staff met with the Selwyn Grove Neighborhood. The Wednesday, November 23rd Council-Manager Memorandum will include a summary of the meeting and follow-up on previous questions from Council and the neighborhood.

4. Public Art Program Status

Resources: Deborah Ryan, Public Art Commission
Robert Bush, Arts & Science Council
Jean Greer, Public Art, Arts & Science Council

Time: 10 minutes

Synopsis

- City Council approved the current Public Art Ordinance on May 27, 2003.
- On June 20, 2005 City Council approved the annual agreement with the Arts & Science Council and the Public Art Commission for administration of the Public Art Program.
- In accordance with the annual agreement, this is the mid-year reporting to the City Council on the status of projects and an audit summary of the activities of the program for FY2005.

Attachment 1

FY2006 Public Art Commission Mid-Year Report

5. Committee Reports by Exception

Budget Committee: Process for FY2007 Budget Alternative Revenues and Expenditure Review

Economic Development and Planning Committee: Strategies to Address Growth Impacts on Schools and Cultural Facilities Master Plan

Housing and Neighborhood Development Committee: Pilot Rental Security Deposit Guarantee Program and No Parking on the Lawn Ordinance, 16 month Report

**6:30 P.M. CITIZENS FORUM
MEETING CHAMBER**

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

CONSENT

- 6. Consent agenda items 18 through 37 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.**

POLICY

7. City Manager's Report

8. Review Process for Budget Alternative Revenues and Expenditures

Action: Approve the Budget Committee's recommendation regarding the process for review of alternative revenues and expenditures.

Committee Chair: Don Lochman

Staff Resource: Ruffin Hall, Budget and Evaluation

Explanation

- The Council adopted a budget resolution in June 2005 regarding preparations for the FY2007 budget.
- The resolution included a charge to the Budget Committee to study and recommend a process to review revenues and expenditures.
- Since June, the Budget Committee met four times gathering information and studying the issues.
- At the October 19th dinner briefing, Council member Lochman updated the Council and received approval for the Budget Committee to review additional revenue and expenditure information.

Committee Discussion

- At its November 21st meeting, the Budget Committee recommended the following process:
 - Recommends the City Council direct the next Budget Committee to continue working on the items outlined in the June 2005 resolution.
 - Recommends the Council direct the Budget Committee to develop an alternative revenues and expenditures proposal for Council's approval, including an opportunity for comment by the appropriate public agency such as the Mecklenburg Board of County Commissioners or Charlotte-Mecklenburg Schools.
- The Committee unanimously approved the recommendation (Lochman, Burgess, Carter, and Mumford). Council member Turner was absent.

Attachment 2

Adopted June 2005 Resolution Regarding FY2007 Budget

9. Cultural Facilities Master Plan



- Action:**
- A. Approve the Economic Development and Planning Committee's recommendation to accept the Conceptual Cultural Facilities Plan -Affiliate Building Programs and Operating Proformas,**
 - B. Approve the Economic Development and Planning Committee's recommendation to adopt the Cultural Facilities Plan Financial Framework, and**
 - C. Authorize the City Manager to develop a Memorandum of Understanding (MOU) with Mecklenburg County and Wachovia for the development of a new Afro-American Cultural Center, a new Mint Museum, a new Bechtler Art Museum, and a new Theatre; and refer this MOU to the Economic Development and Planning Committee prior to Council's consideration.**

Committee Chair: John Lassiter

Staff Resource: Ron Kimble, City Manager's Office
Tom Flynn, Economic Development Office
Ruffin Hall, Budget and Evaluation

Policy

Charlotte will be the most prosperous and livable city for all citizens through quality economic development.

Explanation

- On May 23rd City Council received a presentation from the Arts & Science Council (ASC) for implementation of five cultural projects - Discovery Place Renovation, a new Afro-American Cultural Center, a new Mint Museum, a Bechtler Art Museum and a 1,200 seat theatre. Council asked the Economic Development and Planning Committee to review the business pro formas of the cultural agencies and the City Manager to report on staff's review of the proposal.
- On June 13th City Council adopted a resolution to
 - Evaluate and identify revenue sources by August 1, 2005
 - Take necessary steps to pursue full funding sources for the Arts and Science Cultural Facilities including evaluation of a public-private development for the construction of the Bechtler Museum, Mint Museum and 1,200 Seat Theatre
 - Continue to evaluate capital needs and operating costs for each project
 - Commit to advancing funds for design and planning of Discovery Place and the Afro-American Cultural Center
- On August 22nd City Council approved the Economic Development and Planning Committee's recommendation to adopt a strategy for Funding Cultural Facilities.

- The Economic Development and Planning Committee held eight meetings to review each of the five cultural arts projects and the proformas of the five cultural organizations, the Wachovia development, the Arts & Science Council's private fund raising plan, and the financial framework for the cultural facilities plan. Throughout the process the plans have been reviewed and refined. The Afro-American Cultural Center is now a part of the Wachovia Tower Project.
- The ASC prepared a private fund raising plan with five levels of support.
 1. The ASC Board is responsible for facilitating the private sector endowment campaign and committing annual basic operating grants to each of the five affiliates. The affiliate boards are responsible for efficiently operating their facilities. This is reflected in the pro forma operating models.
 2. The Private Sector Endowment Campaign of \$66+ million
 3. Affiliate Operating Performance Models prepared by Deloitte
 4. A Cultural Facilities Cash Reserve Fund will be established and will equal one year's worth of net new facility operating expenses being transferred from the City to the cultural organizations and will build to \$3.5M.
 5. The Foundation for the Arts & Sciences (FFAS) distribution practice is to distribute net fund balance growth up to 5%. It will distribute greater than 5% should individual organizations encounter transitional difficulties resulting from absorbing net new facility operating expenses.
- The Conceptual Cultural Facilities Plan-Affiliate Building Programs and Operating Proformas is part of the Draft City of Charlotte Strategy for Funding Cultural Facilities Report, pages 3-60. This report was distributed in the Wednesday, November 23rd Council-Manager Memorandum.
- The Cultural Facilities Plan Financial Framework is attached.

Committee Discussion

- On November 16th the Economic Development and Planning Committee voted 3 to 1 (Lassiter, Carter, Tabor – for; Lochman – against; Cannon – abstaining) to accept the Cultural Facilities Plan Affiliate Building Programs and Operating Proformas. The Committee also voted 3 to 2 (Lassiter, Cannon, Carter – for; Lochman, Tabor – against) to adopt the Cultural Facilities Plan Financial Framework.
- The Mecklenburg County Economic Development Committee reviewed the same information presented to the City's ED&P Committee on November 22nd and voted to place the financial framework on the December 20th County Commission agenda for action. Mecklenburg County is a MOU and financing plan partner.

Next Steps

- Continue to refine/improve the master plan program in consultation with Wachovia, Mecklenburg County, the ASC and its affiliates, and the hospitality and rental car industry.
- Continue to pursue naming rights as a source of revenue

- Develop a memorandum of understanding between Wachovia, the City and the County

Attachment 3
Financial Framework

10. Strategies to Address Growth Impacts on Schools



Action: Approve the Economic Development and Planning Committee's three recommended Priority Strategies to address Growth Impacts on Charlotte-Mecklenburg Schools (CMS).

Committee Chair: John Lassiter

Staff Resource: Jonathan Wells, Planning

Explanation

- Planning Liaison Committee is convened by the Planning Commission and consists of membership from the nine Mecklenburg County elected bodies (City Council, County Commission, Board of Education, six Town Councils).
- City Council members on the Planning Liaison Committee are Kinsey, Lassiter and Phipps.
- During the past 18 months, the Committee examined the impact of growth and new development in Mecklenburg County upon CMS schools and school crowding.
- The process involved data-gathering and presentations to the Committee by staff from Planning, CDOT, CMS, Mecklenburg County and several of the Towns.
- The scope of the effort has been to examine:
 - How development permitting and development impacts on schools are currently being coordinated in Mecklenburg County.
 - How development permitting and development impacts on schools (as well as other infrastructure) are currently being coordinated in several other North Carolina jurisdictions.
 - The manner in which current local practices might be adjusted to improve effectiveness.
- A broad spectrum of approaches and practices were discussed.
- At their May 20, 2005 meeting the Committee identified eight strategies for further consideration by the nine elected bodies (see attached recommendations).
- The Planning Liaison Committee suggested that the next step be to identify the top three recommendations, by means of a process whereby each of the nine elected bodies select its top three and Committee-wide consensus is reached.
- The Planning Liaison Committee is scheduled to discuss developing consensus on Committee-wide priority strategies at their December 16, 2005 meeting.

- At its August 22, 2005 meeting, City Council referred the matter to the Economic Development and Planning Committee for a recommendation.

Committee Recommendation

- The Economic Development and Planning Committee discussed this topic at their meetings on September 7th and 21st and on November 16th. Discussion topics ranged from
 - interest in making this a regional (rather than a County) initiative
 - interest in expanding the discussion to include operating as well as capital budgets
 - concern with staff workload and ability to follow through on the selected top priorities
- The Economic Development and Planning Committee (Cannon, Carter, Lassiter, Lochman and Tabor) recommends the three following strategies for approval by City Council, to be considered by the Planning Liaison Committee:
 - Strategy #1: Involve CMS in key initiatives pertaining to infrastructure and development approvals, beginning with the General Development Policies (GDP) Infrastructure process
 - Strategy #3: Evaluate standards and ordinances that may unnecessarily increase costs of school development
 - Strategy #6 & #7 (combined by the Committee): Ensure fiscal accountability for capital improvements with current funding and explore cost containment of school capital construction expenses
- A tally of the Committee votes on each strategy is attached.

Attachment 4

Growth Impacts on Schools Recommended Strategies
Growth Impacts on Schools: ED&P Strategy Vote Tally

11. Pilot Rental Security Deposit Guarantee Program



Action: Approve the Housing and Neighborhood Development Committee's recommendation to provide a grant up to \$15,000 to Crisis Assistance Ministries for the Pilot Rental Security Deposit Guarantee Program.

Committee Chair: Susan Burgess

Staff Resource: Stanley Watkins, Neighborhood Development

Policy

- The City's FY2006 Consolidated Action Plan approved by City Council on June 13, 2005, identifies the need for affordable, safe and decent housing for low and moderate-income families.
- The Consolidated Plan established goals to preserve the existing housing stock, expand the supply of affordable housing, and support family self-sufficiency initiatives.

- At the 2005 City Council Retreat, the issue of Low Rental Occupancy and Rehabilitation was referred to the Housing and Neighborhood Development Committee for review.

Explanation

- The Pilot Rental Security Deposit Guarantee Program will help lower income residents gain access to rental properties by assisting them in securing the necessary security deposits required to secure a rental home.
- The Pilot Rental Security Deposit Guarantee Program is expected to impact the City's 10.7% rental vacancy rate as reported in the Housing Trust Fund Advisory Board Housing Market Study.
- Staff worked with the Charlotte Apartment Association (CAA) and Crisis Assistance Ministries (CAM) to develop a Pilot Rental Security Deposit Guarantee Program for CAM clients.
- Participating Charlotte Apartment Association members will waive the rental security deposit, which will be guaranteed by Crisis Assistance Ministries in cases where clients default on the lease.
- The pilot program is expected to serve 300 families with an average security deposit of \$500. A 10% default rate (30 households) is anticipated. The City will provide a grant up to \$15,000 to CAM to cover the expected defaults.
- CAM will collect a security deposit from its clients in monthly installments. In the event of default, these funds will be accessed prior to the City funds.
- The City will consider continuing or expanding the program at the completion of the one-year pilot.

Committee Recommendation

- The Housing and Neighborhood Development Committee reviewed the Pilot Rental Security Assistance Program at its November 22, 2005 meeting.
- Topics of discussion included the overall need for the program, the potential for landlords' participation in the program, the City's funding liability, and the program's success criteria.
- The Committee voted unanimously (Burgess, Lochman, Mitchell, Mumford and Phipps) to recommend the Pilot Rental Deposit Assistance Program.

Funding

Innovative Housing Funds

Attachment 5

Pilot Rental Security Deposit Guarantee Program Presentation – November 22, 2005

12. No Parking on the Lawn Ordinance, 16 month Report



- Action:**
- A. Accept the Housing and Neighborhood Development Committee's 16 month status report on the No Parking on the Front Lawn Ordinance,**
 - B. Approve the Housing and Neighborhood Development Committee's recommendation to make no changes to the ordinance,**
 - C. Direct staff to undertake a Pilot Study, in a small geography, to examine the impact of a more proactive approach of enforcing the ordinance and report back to Council in six months, and**
 - D. Provide a status report to Council in one year.**

Committee Chair: Susan Burgess

Staff Resource: Walter Abernethy, Neighborhood Development

Explanation

- On November 24, 2003 City Council adopted a No Parking on the Front Lawn ordinance, effective April 1, 2004.
- The ordinance resulted from residents expressing concerns about the long-term impact of cars parked on front lawns in their communities.
- The ordinance bans the parking in front yards and side yards of corner lots, except on improved driveways and parking pads, but allows for some specific exceptions.
- Council directed the Housing and Neighborhood Development Committee to conduct a 16 month review of the ordinance's effectiveness.
- On November 22, 2005 the Housing and Neighborhood Development Committee completed its study and review.
- The Committee reviewed the following:
 - Ordinance requirements
 - Enforcement processes for both Neighborhood Development and Police
 - Number of calls for service and the City's response time
 - Challenges, issues and problems encountered enforcing the ordinance
- The Committee asked staff to undertake a pilot study, in a smaller geography, to examine the impacts of a more proactive approach of enforcing the Ordinance and report back to Council in six months. The Ordinance is currently enforced based on complaints.

16 Month Review Results

- Police and Neighborhood Development responded to 3,588 calls between April 1, 2004 and October 31, 2005 (1,614 to Police and 1,974 to Neighborhood Development).
- Calls resulted in 173 citations and one vehicle being towed.
- Police and Neighborhood Development view the number of calls manageable with current staffing levels.
- Residents raised concerns on neighborhood issues. Issues raised:

- Operational – enforcement consistency, call intake and identification of unusual issues and correct reporting of violations. These issues are being addressed through refresher training for staff and ongoing ordinance training with neighborhood leaders.
- Policy – three policy questions raised:
 1. Is the involvement of Police an effective use of resources?
Response: Police have responded to approximately 54 parking on the lawn calls, per month, for the last 12 months. Police view this call level manageable.
 2. Should standards be reviewed on what constitutes a parking pad?
Response: There are no standards for what constitute a parking pad other than materials which can be used. Staff uses judgment in determining the acceptability of a parking pad. Staff responded to one call where a resident expanded their parking area with additional gravel or other stone material.
 3. Should the ordinance apply to boats and trailers?
Response: The City Attorney has ruled that the ordinance is applicable to trailers of the front yard. However, it is not applicable to a boat not on a trailer. Staff is not aware of a complaint of this nature, but will begin enforcing trailers under this ordinance.

Committee Discussion

- The Housing and Neighborhood Development Committee received a 16 month status report on the “No Parking on the Front Lawn” Ordinance at their November 22, 2005 meeting.
- The Committee discussed the need for a more aggressive approach to enforcing the Ordinance.
- The Committee asked staff to undertake a pilot study, in a smaller geography, to examine the service delivery impacts of a more proactive approach of enforcing the ordinance and report back to Council in six months.
- The Committee unanimously voted (Burgess, Lochman, Mitchell, Mumford and Phipps) to receive the 16-month status report as information, accept staff’s recommendation to make no changes to the No Parking on the Front Lawn Ordinance and requested that staff report back to the Council in one year.

Attachment 6

Parking on the Lawn 16 Month Report
No Parking on the Front Lawn Ordinance

13. Sale of the Charlotte Coliseum Property

Action: Adopt a resolution approving the sale of the Charlotte Coliseum Property to Pope & Land, Inc., for \$19,000,000.

Note: the next phase of the upset bid process ends at 10:00 a.m. on Monday, November 28, 2005. Should the City receive additional qualified bids, this item will be removed from the agenda and the upset bidding process will continue.

Staff Resources: Curt Walton, City Manager's Office
Kent Winslow, Real Estate

Explanation

- Proceeds from the sale of the Charlotte Coliseum and its approximate 154 acres were approved by City Council in 2003 to be part of the financing of the new arena.
- The City's contract with the Charlotte Bobcats allows the property to be sold "no earlier than the later of 60 days after substantial completion of the arena or 30 days after the team begins playing home games in the arena." Therefore, the property may be sold after December 20, 2005.
- By North Carolina state statute, the property must be sold by competitive bid. The first upset bid period began on November 4, 2005 and ended at 5:00 pm on November 14, 2005.
- The bidding began at a price of \$17,820,000, with that bid being offered by Comstock, Inc., a real estate development company. The bid includes no contingencies.
- On November 14, 2005, Pope & Land submitted a qualified bid of \$19,000,000, which is greater than the minimum 5% bid threshold required by state law. The bid also includes no contingencies.
- Pope & Land has expressed interest in closing by year end. To do so requires Council action on November 28, 2005.
- However, should another qualified bid be received prior to 10:00 a.m. on November 28, 2005, this item will be removed from the agenda and the bidding process will continue.

Background

- The arena financing included up to \$50 million of proceeds from the sale of City assets, with the sale of the Coliseum property being the largest piece.
- The proceeds from the following properties were specifically dedicated to the financing of the new arena: the Coliseum property, the old convention center, the old bus garage, property on Cedar Street subsequently sold to Johnson and Wales, and the federal courthouse. Council has since entered into an agreement to sell the federal courthouse property to Queens University of Charlotte following the construction of the new federal courthouse on East Trade Street.
- Proceeds from the sale of other properties were subsequently dedicated to the arena financing model until the \$50 million was reached. Following is an accounting of those sales:

Property	Proceeds ¹
Charlotte Coliseum property to Pope & Land	\$18,373,000
Old Convention Center to Pacific Avenue, LLC (Ghazi)	\$14,000,000
Old Bus Garage to Ninth Street Investors LLC (Levine)	\$8,083,500
Coliseum Ground Leases to J. P. Morgan and Associates	\$3,236,170
Arena Out-Parcel 3 – currently being marketed	\$2,100,000 ²
Arena Out-Parcel 2 to Preferred Parking	\$1,652,640
Children’s Theatre to Morehead Properties, Inc.	\$1,116,750
Cedar and Fourth Street to Johnson and Wales	\$1,000,000
Federal Payment for delay in Federal Courthouse Land Swap	\$989,477 ³
Billy Graham/Westmont Remnant to Billy Graham Assoc.	\$399,500
Total	\$50,951,037

¹ “Proceeds” represent a net of commissions and closing costs, when applicable;

² Council has set the price for Arena Out-Parcel 3 at \$2.1 million with an anticipated sale date in 2006. Marketing for the property has not begun because the value was based on the arena being complete and priority was placed on marketing and selling the coliseum property;

³ The City’s agreement with the federal General Services Administration (GSA) included a land swap in 2003. In order to delay the land swap until 2004, the GSA requested \$1 million earnest money from Congress as payment to the City. Congress appropriated approximately \$10,500 less than requested.

- Once Arena Out-Parcel 3 is sold, Council may decide how to allocate the surplus, which currently stands at \$951,037. Since these properties were originally purchased from a mix of sources (primarily Hotel/Motel taxes and General Obligation Bonds), Council may allocate this surplus to either a general capital project or to a tourist-related capital facility.
- Arena Out-Parcel 1 is also available and is outside of the arena financing model. Parcel 1 was purchased for approximately \$7 million in the arena transaction and may be sold after December 31, 2007, due to deed restrictions. Those proceeds would be restricted to a tourist-related capital facility since Parcel 1 was purchased with hotel/motel taxes. Council reserved \$2 million of the proceeds for the Whitewater Park.
- The estimate value of the proposed Coliseum development at build-out is \$300 million, which would generate annual property taxes of approximately \$3.75 million.

Attachment 7
Resolution

14. Transit Governance Interlocal Agreement Amendments

Action: Approve amendments to the Transit Governance Interlocal Agreement.

Staff Resource: Ron Tober, CATS

History

- In February 1999 the original Transit Governance Interlocal Agreement was approved by the City of Charlotte, Mecklenburg County and the six Mecklenburg County towns (Cornelius, Davidson, Huntersville, Matthews, Mint Hill and Pineville).
- That Agreement provided that the Citizens Transit Advisory Group (CTAG) conduct a Governance Review which considered the effectiveness of the Transit Governance Interlocal Agreement and the governance structure it outlined, as well to consider other governance structures.

Governance Review Report

- The CTAG completed its review and reported their recommendations to the MTC on June 23, 2004.
- The MTC reviewed and accepted the CTAG governance report, and adopted a motion at their September 22, 2004 meeting which directed the MTC Managers to develop a strategy for implementing changes to the Transit Governance Interlocal Agreement which addressed four of the issues identified by the CTAG Governance Review:
 1. The timing of adding a NCDOT representative as a voting member of the MTC;
 2. The timing and criteria for adding representatives of jurisdictions outside Mecklenburg County as voting members of the MTC necessitated to implement the 2025 Corridor System Plan;
 3. The need for amendments to certain provisions of the Interlocal Agreement that may be potential impediments to continued implementation of the 2025 Corridor System Plan; and
 4. The re-constitution and re-mission of the CTAG.
- The MTC Managers conducted their review during the timeframe of October 2004 through June 2005 and their proposed amendments were approved by the MTC at their meeting of August 24, 2005. The MTC then directed staff to present the amended Agreement to the eight original signatories for adoption and provide an adoption status report not later than December 31, 2005.

Amendment Highlights

- NCDOT to become voting member of MTC in recognition of their funding partnership. Representative could be NCDOT Board of Transportation member or person designated by the Secretary. Timing issues are still to be worked out but the MTC would like to see this happen as soon as possible.
- Addition of voting members from surrounding counties once they have satisfied the following conditions: completion of Federal Transportation

Administration sanctioned studies; demonstrated a financial commitment and adoption of transit supportive land use and zoning policies.

- Future amendments of Interlocal Agreement must have City Council and Board of County Commissioners approval and 75% of the towns approval.

Actions to Date

- City Council received a briefing on this issue during the dinner briefing on November 14, 2005.
- To date, seven of the eight signatories have adopted the amendments as noted below:

Town of Huntersville	November 21, 2005
Mecklenburg County	November 15, 2005
Town of Pineville	November 15, 2005
Town of Mint Hill	November 10, 2005
Town of Matthews	October 24, 2005
Town of Cornelius	October 17, 2005
Town of Davidson	October 11, 2005

Attachment 8

Amended Transit Governance Interlocal Agreement

BUSINESS

15. First Ward Park Redevelopment

Action: Approve a resolution for the sale of 1.9 acres of City land (First Ward Park) to LMF/First Ward Associates for the appraised market value of \$1,950,000.

Staff Resource: Tom Flynn, Economic Development

Explanation

- In April 2005 the City received a proposal from LMF/First Ward Associates, LLC, owners of the out parcel on the corner of 7th and McDowell. This proposal included an option for the potential development of the Afro-American Cultural Center (AACC) on 7th & McDowell Street and development of the First ward Park.
- On July 25, 2005 Council directed City staff to work with LMF/First Associates to pursue agreement regarding development of First Ward Park.
- In November 2005 the Afro-American Cultural Center made their decision to locate the AACC expansion on Stonewall Street as part of the Wachovia Arts project.
- If Council approves this sale there will no longer be an opportunity to expand the Afro-American Cultural Center on the 7th and McDowell site.
- The proposed development will be on the sites of the current First Ward Park and the First Ward Shopping Center located at the corner of 7th and McDowell. The proposed mid-rise, mixed use development will include the following:
 - ⊖ Not more than 275 residential units
 - ⊖ Not more than 40,000 square feet of associated retail and office space

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Future Action

- The vacant land adjacent to the Afro-American Cultural Center, which was included in the original development concept of the site, is not included in this land sale. It will be studied in conjunction with the reuse of the current AACC building in a community consensus building process.
- Staff will bring the results of this study back to City Council in late 2006 for a decision regarding use of the site. Should the City decide to sell this vacant land outright, this Agreement provides LMF/First Ward Associates the right of first refusal at appraised market value.

Attachment 9

Development Agreement
Resolution
Concept Drawing

16. Southpoint Public Safety Tower Project

- Action:**
- A. Approve a lease agreement with Southpoint Volunteer Fire Department Inc. for land to construct a communications tower,**
 - B. Approve a resolution amending the FY2006-2010 Capital Investment Plan to accelerate the appropriation of \$885,000, and**
 - C. Adopt a budget ordinance appropriating \$885,000.**

Staff Resource: Dennis Baucom, Business Support Services

Explanation

- Growth along the Catawba River and other areas of western Mecklenburg County has led to an increase in public safety responses, which is quickly pushing the public safety radio infrastructure to its capacity.
- Southpoint Volunteer Fire Department offered land for the tower site at no cost. The site is located at 2300 Southpoint Road, Hwy 273, in Gaston County opposite Duke Power's Allen Steam Plant.
- This site supports the overall direction for implementing regional interoperability plan.
- There will be a mandatory Federal Communication Commission License freeze beginning in January 2006 for the two year period of Rebanding with Nextel. The City will need to file for the license required to operate this tower prior to January or wait until 2008 to begin the needed infrastructure improvements.
- The regional interoperability project provides the ability to use equipment funded through federal grants to reduce the overall cost to the City.
- The availability of grant funding reduces the overall cost to City for this project from estimated \$3.5 million to a projected \$885,000.
- This project is part of the overall \$26.5 million capital plan approved in FY2000 for radio infrastructure. The City has completed \$11.5 million in projects identified in the capital plan to date.

Funding

Source	Item	Amount
Federal Grant	Equipment	\$685,000
Available Inventory	Equipment	1,930,000
City Funding	Tower & Equipment	885,000
	Total	\$3,500,000

Attachment 10

Resolution
Budget Ordinance

17. Closed Session

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

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

18. Various Bids

A. Water Meter Yokes and Brass Accessories CMU

Action

Approve a unit price contract with Pipeline Supply Co., Inc. of Rock Hill, South Carolina for the purchase of water meter yokes and brass accessories in the estimated annual amount of \$195,116 for a term of one year and authorize the City Manager to renew the contract for two additional one year terms.

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.

B. Water Meter Bodies and Lids, Gate and Tapping Valves CMU

Action

Award unit price contracts to provide various size water meter bodies and lids, gate and tapping valves for a term of one year and authorize the City Manger to renew the agreements for two additional one-year terms to the following vendors:

- Mainline Supply of Charlotte, North Carolina for an estimated yearly amount of \$900,376
- Hughes Supply of Charlotte, North Carolina for an estimated yearly amount of \$105,065.16

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.

C. Thermoplastic Pavement Marking Material CDOT

Action

Award the low overall total bid for an estimated annual amount of \$88,138.80 by DOBCO of Manchester, Georgia for all four types of thermoplastic pavement marking materials, identified as both white and yellow bags or blocks. This will be a one year, unit price contract with options to renew for two additional one year periods. The total estimated cost over the entire potential three year term of the contract is \$264,416.40. The City Manager may authorize renewals.

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.

D. Traffic Signal Installations for South Tryon Street and Rivergate Development, South Tryon Street and Steele Creek Road, and Steele Creek Road and Walkerbranch Road CDOT

Action

Award the low bid of \$281,356.69 by Bryant Electric Repair & Construction Co, of Gastonia, North Carolina. This project will revise the existing wood pole signal at South Tryon Street/Steele Creek Road to a mast arm installation and install two new mast arm traffic signals at South Tryon Street/Rivergate Development and Steele Creek Road/Walkerbranch Road.

Small Business Opportunity

Pursuant with Section 2.21 of the SBO Policy, this contract falls outside of the SBO Program scope since selection of the contractor is made following Federal and State Requirements.

**E. I-277 / Independence Boulevard Intersection EPM
Improvements**

Action

Award the low bid of \$4,575,815.26 by Blythe Development of Charlotte, North Carolina. This project will increase vehicular accessibility into the Midtown Square area and increase pedestrian access along Kenilworth Avenue and Stonewall Street. The work includes bridge construction, drainage, curb, sidewalk, wheelchair ramps, traffic islands, guardrails, asphalt paving and pavement markings and water / sewer relocations and adjustments. Construction completion is scheduled for first quarter of 2007.

Small Business Opportunity

Established SBE Goal: 8.00%

Committed SBE Goal: 8.08 %

Blythe Development Company committed 8.08 % (\$369,657) of the total contract amount to the following SBE firms: Bullington Construction, On Time Construction, Inc, Oliver Construction of the Carolinas, Ground Effects, Inc and D's Trucking.

19. In Rem Remedy

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

Public Purpose:

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

Policy:

- Housing & Neighborhood Development
- Community Safety

The In Rem Remedy items were initiated from 3 categories:

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

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

Complaint:

- A. 2303 Rozzells Ferry Road (Neighborhood Statistical Area 25 – Smallwood Neighborhood)

Field Observation:

- B. 211 Goff Street (Neighborhood Statistical Area 19 – Thomasboro/Hoskins Neighborhood)
C. 214 Harrison Street (Neighborhood Statistical Area 21 – Lakewood Neighborhood)
D. 838 1, 2, 3 McArthur Avenue (Neighborhood Statistical Area 38 – Druid Hills North Neighborhood)
E. 3714 Oakwood Road (Neighborhood Statistical Area 125 – Nevin Community Neighborhood)
F. 2347 Olando Street (Neighborhood Statistical Area 37 – Druid Hills South Neighborhood)
G. 2003 Roslyn Avenue (Neighborhood Statistical Area 25 – Smallwood Neighborhood)
H. 2310 Arden Street (Neighborhood Statistical Area 37- Druid Hills South Neighborhood)

Complaint:

A. 2303 Rozzelles Ferry Road

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2303 Rozzelles Ferry Road (Neighborhood Statistical Area 25 – Smallwood Neighborhood).

Attachment 11

Field Observation:

B. 211 Goff Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 211 Goff Street (Neighborhood Statistical Area 19 – Thomasboro/Hoskins Neighborhood).

Attachment 12

C. 214 Harrison Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 214 Harrison Street (Neighborhood Statistical Area 21 - Lakewood Neighborhood).

Attachment 13

D. 838 1, 2, 3 McArthur Avenue

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 838 1, 2, 3 McArthur Avenue (Neighborhood Statistical Area 38 – Druid Hills North Neighborhood).

Attachment 14

E. 3714 Oakwood Road

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 3714 Oakwood Road (Neighborhood Statistical Area 125 – Nevin Community Neighborhood).

Attachment 15

F. 2347 Orlando Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2347 Orlando Street (Neighborhood Statistical Area 37 – Druid Hills South Neighborhood).

Attachment 16

G. 2003 Roslyn Avenue

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2003 Roslyn Avenue (Neighborhood Statistical Area 25 – Smallwood Neighborhood).

Attachment 17

H. 2310 Arden Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2310 Arden Street (Neighborhood Statistical Area 37 – Druid Hills South Neighborhood).

Attachment 18

20. Refund of Property Taxes

Action: Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$9,550.90.

Attachment 19

Resolution

List of property tax refunds

CONSENT II

21. Set Public Hearing Date for Annexation Agreements with Concord, Harrisburg and Midland

Action:

- A. Adopt resolution to hold a public hearing on a proposed annexation agreement with the City of Concord on December 12, 2005,**
- B. Adopt resolution to hold a public hearing on a proposed annexation agreement with the Town of Harrisburg on December 12, 2005, and**
- C. Adopt resolution to hold a public hearing on a proposed annexation agreement with the Town of Midland on December 12, 2005.**

Staff Resource: Mike Boyd, City Attorney's Office

Explanation:

- The City is a party to annexation agreements having a 10 year term with Concord and Harrisburg providing that the City will not annex property in Cabarrus County and that Concord and Harrisburg will not annex property in Mecklenburg County. Those agreements will expire January 1, 2006.
- The Town of Midland was incorporated in 2000 in the vicinity of the Mecklenburg/Cabarrus County Line and also wishes to enter into an annexation agreement with Charlotte as well.
- The proposed agreements will provide that the Cabarrus municipalities will not annex property in any portion of Mecklenburg County that is within Charlotte's sphere of influence and that Charlotte will not annex property in any portions of Cabarrus County that are within the Cabarrus municipalities' respective spheres of influence.
- Before entering into annexation agreements with Concord, Harrisburg and Midland, public hearings on the new agreements are required.

Attachment 20
Resolutions

22. Electronic Advertisement of Bid Opportunities

Action: Adopt a resolution authorizing the City Manager or designee to approve electronic advertisement of bid opportunities as an alternative to placing an advertisement in a newspaper of general circulation per N.C.G.S. 143-129(b).

Staff Resources: John Trunk, Business Support Services
Cynthia White, City Attorney's Office

Explanation

- ⊕ In August 2001, the General Assembly passed a new law giving local governing boards the authority to approve the use of electronic advertisement of bid opportunities in lieu of advertising in a local newspaper. Prior to this law, local governments have posted notice of bids electronically in addition to placing the newspaper ad.
- ⊕ Electronic advertising may include placing the advertisement on the official website of the City of Charlotte and/or other websites as deemed appropriate such as the North Carolina Interactive Purchasing Site (IPS), and Bidnet.com.
- ⊕ Business Support Services, Procurement Services Division (PSD), Engineering and Property Management (E&PM), and Charlotte-Mecklenburg Utilities (CMU) have successfully posted solicitations on the NC IPS website at no cost for the last four years, which has resulted in a significant increase in the number of vendor responses over previous methods of notification.
- ⊕ Since posting bid documents to the internet, BSS/PSD has received an average of three or four additional bid responses. As a result, documented savings from recent bids include an estimated \$40,000 for janitorial paper products and \$52,000 for Fire training apparel.
- ⊕ The cities of Raleigh, Durham and Greensboro, have adopted similar resolutions and report that they continue to receive good competition with no complaints from the vendor community.
- ⊕ Newspaper advertisements are extremely costly. In FY2005, the City spent an estimated \$125,000 in newspaper advertising of formal bid opportunities. Electronic advertising would significantly reduce or eliminate this expenditure.
- ⊕ Electronic advertising of bid opportunities also allows the vendor to download the complete solicitation document. This has resulted in a savings of approximately \$20,000 per year in printing, mailing and postage expenses over the last four years for BSS/PSD alone.
- ⊕ If the resolution is enacted, BSS, E&PM, and CMU in coordination with the Small Business Office (SBO) will initiate a transition phase to include an education piece for all vendors wishing to do business with the City. The SBO Office will continue their efforts regarding vendor opportunity notifications through their newsletter and the monthly bulletin.
- ⊕ With the support of the City Attorney's Office, BSS requests that City Council authorize the option of electronic advertising of bid opportunities in lieu of advertising in a local newspaper. Advertisements for bids may be placed electronically or in the local newspaper, when all other provisions of N.C.G.S. 143-129 regarding advertising of bids are met.

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Attachment 21
Resolution

23. Various Sidewalks Projects

Action: Approve Amendment #1 with Mulkey Engineers, Inc. for engineering services in the amount of \$300,000 for various sidewalk projects.

Staff Resource: Bette Frederick, Engineering & Property Management

Amendment #1 with Mulkey Engineers, Inc.

- Provides funding for planning and design services on various sidewalk projects as part of the new sidewalk program.

Sidewalk Program

- Enhances connectivity, offers transportation choices and improves pedestrian safety
- Policy for the new Sidewalk Program was approved by City Council on May 23, 2005
- Sidewalk improvement locations will be prioritized using criteria in the new policy
- Project improvements may include curb and gutter, driveway aprons, planting strips or any combination of these improvements
- Improvements will comply with City standards and Americans with Disabilities Act standards

Contract History

- Original contract for \$200,000 was approved by City Council on June 13, 2005
- The original funds have been allocated to projects that were already in progress and additional funding is needed for new projects.

Small Business Opportunity

Established SBE Goal: 4%

Committed SBE Goal: 4%

Mulkey, Inc. has committed 4% (\$12,000) of the total amendment amount on a work order basis with the following certified SBEs: Torrence Reprographics and Boyle Consulting

Funding

Neighborhood Capital Investment Plan

24. Financing FY2006 Equipment Purchases and Authorize Additional Solid Waste Trucks

- Action:**
- A. Adopt a resolution approving the terms of an Installment Payment Contract (lease/purchase) and related financing documents to fund the FY2006 Capital Expenditure Requirements. The principal amount of the contract will be approximately \$27 million, and**
 - B. Approve a budget ordinance authorizing an increase in the FY2006 installment purchase contract for the purchase of up to \$1.8 million in Solid Waste Services vehicles for the North Zone.**

Staff Resources: Greg Gaskins, Finance
Ruffin Hall, Budget and Evaluation
Wayman Pearson, Solid Waste Services

Explanation

- Council approved the Lease Purchase Agreement as part of the FY2006 Budget Process with the exception of \$1.8 million for 12 solid waste trucks.
- Solid Waste Services' North Zone's proposed optimization plan was reviewed by Internal Audit for conformity to the Council approved optimization policy in September 2005.
- Internal Audit reported its review to the Privatization-Competition Advisory Committee (PCAC) in October 2005.
- Optimization uses the lessons learned from previous competitions, such as adjusting equipment replacement cycles and the number of reserve vehicles kept on hand. This optimization plan includes replacing older vehicles to reduce maintenance and repair costs.
- The FY2006 budget was adopted prior to the Solid Waste Services' North Zone optimization plan's review. Therefore, the additional \$1.8 million must be added to the FY2006 Installment Payment Contract's (lease/purchase) current maximum authorized amount of up to \$25 million, for a new total of up to \$27 million. The final amount is dependent upon market conditions.
- The five-year financing period allows the City to spread the cost over the approximate life of the equipment.
- This resolution authorizes the City Manager and the Director of Finance to negotiate the documents necessary to secure funding for the City's FY2006 Capital Equipment Requirements.
- The estimated closing date of this deal is March 2006.

Funding

Installment Payment Contract

Attachment 22

Resolution
Ordinance
List of Equipment

25. South Corridor Light Rail Project-Station Finishes, Park and Ride Lots

Action: A. Authorize the CATS CEO to negotiate and execute a contract with Archer Western Contractors for the construction of the South Corridor Light Rail project-Station Finishes, Park and Ride Lots for an amount not to exceed \$44,070,218, and

B. Adopt a budget ordinance appropriating \$16,770,218.

Staff Resource: Ron Tober, Charlotte Area Transit System

Explanation

- This action authorizes the CATS CEO to execute an agreement with Archer Western Contractors for an amount not to exceed \$44,070,218.
- This contract provides for the construction of 15 stations and 6 park and ride lots along the South Corridor Light Rail right-of-way. The project will include modifications to traffic signals, roadway and sidewalks, drainage and utility locations. It also includes construction of stations, platforms, canopies, elevators, bus passenger facilities, pavement, lighting and security.
- Archer-Western is the contractor building the roadbed, track and bridge structures for the South Corridor Light Rail Project.
- Notice to Proceed will be issued December 14, 2005. Project completion is scheduled for second quarter of 2007.

Budget and Schedule Implications

- This contract award exceeds the budget for this element of the South Corridor Light Rail Project established by the Federal Full Funding Grant Agreement by \$13,762,590.
- The overage can be covered by a combination of the following:
 - under spending in other project contracts and elements
 - available unallocated project contingency
 - refund of sales tax associated with other contracts
 - reimbursements from other funds
 - other actions designed to reduce final project cost
- In order to provide funds to cover the total cost of this contract, the budget ordinance appropriates \$16,770,218 from the Transit Fund Balance.
- Completion of the project will be delayed by four months to save cost but will still be completed within the schedule required in the Federal Full Funding Grant Agreement.

Bid Process

- In June 2005 CATS publicly advertised for prospective bidders to participate in a competitive Invitation to Bid. In July CATS held a pre-bid conference to actively solicit participation and to share information.
- On bid opening date of September 9, 2005 CATS did not receive the minimum number of bids as required by North Carolina State Law (NCGS

143-129). CATS re-advertised the project and on September 20, 2005 received one bid. The bid amount was over budget.

- Staff immediately began negotiations to reduce the cost of the original bid without compromising safety, security or operations of the light rail line. The reductions in project cost were achieved through the following actions:
 - Elimination of a more elaborate station structure at the Trade Street/Arena Street
 - Elimination of pavers from all areas except station platforms
 - Elimination of various architectural features
 - Change some of the construction methods, materials and allowances for landscaping signage, and lighting
 - Postponement of various pedestrian walkway features paralleling the light rail line
 - Providing more time to construct and complete the work under the contract resulting in a four month delay in completion of the project

Bid Competition

- A number of construction companies initially expressed interest in this project. During the bid process CATS staff surveyed several of them. The following reasons were cited for not submitting bids:
 - Heavy current workload
 - Many other less complicated bid opportunities
 - Availability of experienced construction staff
 - Lack of available, required sub-contractors
 - Uncertainty over impact that U.S. natural disasters will have on availability and cost of labor, fuel, construction materials and equipment

Disadvantage Business Enterprise Participation:

Established DBE Goal: 20%

Committed DBE Goal: 20%

DBE's identified are: Regional Companies LLC, National Erectors, Inc. and The Artis Group.

Funding

Transit Capital Investment Plan

Attachment 23

SCLR Project Control Worksheet

Budget Ordinance

26. Heavy Repair Work for Damaged Buses

Action: **A. Approve a contract with Optima Bus Corporation for the repair of CATS Bus #606 for an amount not to exceed \$112,321, and**
 B. Approve a contract with Big Rig Collision Corporation for the repair of Bus #921 for an amount not to exceed \$142,450.

Staff Resources: James Zingale, Charlotte Area Transit System
 Brad Miller, Charlotte Area Transit System

Explanation

- Two of CATS' 332 fixed-route buses, Bus #606 and Bus #921 suffered major damage due to a fire and to a vehicle collision, respectively. CATS and the City's Risk Management Division have been working to recoup as much of the repair costs from outside sources as possible in order to return the vehicles to revenue service.

Bus #606

- Bus #606 is a 2001 29-foot Optima Opus Low-Floor shuttle bus with a life to date mileage reading of 125,763.
- On May 24, 2004, Bus #606 had a fire break out in the engine compartment while in revenue service. The cause of the fire was a shorted 24-volt power stud. The short provided a chain reaction of events which resulted in the fire within the engine compartment.
- The depreciated value of the bus at the time of the fire was \$193,150. The current cost to replace this bus with a similar new bus would be \$350,000.
- The cost of the repair is being partially absorbed by Optima Bus (the Original Equipment Manufacturer) and Cummins Atlantic (the engine manufacturer). Optima Bus is providing the labor for the repair (valued at \$46,981), Cummins is providing a new engine (valued at \$8,195) and CATS will be paying for the remaining materials necessary for the repair as well as the transportation to and from Optima's facility in Wichita, Kansas (\$112,321).
- Optima Bus has agreed to a 120 day schedule and labor warranty on their work of 18 months as well as a structural warranty of 18 months (the current warranty on the bus has expired).
- Following months of negotiations with each of these parties, CATS received alternative bids for the repair work and due to the contributions by Optima and Cummins Atlantic, this net-cost to CATS of \$112,321 was determined to be the most cost effective solution.

Bus #921

- Bus #921 is a 2002, 40-foot Gillig Low-Floor Local Bus with a life to date mileage reading of 54,845 miles.
- On November 12, 2003 significant body and frame damage occurred as a result of a vehicular collision with a stolen car involved in a high speed car chase with a patrolman from the Town of Fort Mill, South Carolina.
- The depreciated value of the bus at the time of the damage was \$284,738. The current cost to replace this bus with a similar new bus would be \$375,000.

- Competitive bids for the repair work were received and the price of \$142,450 from Big Rig Collision Corp. in Calgary, AB was determined to be the most cost effective repair solution.
- Big Rig Collision Corp. has agreed to a 120 day schedule and has agreed to provide a lifetime warranty on the work being performed.
- The two year delay in repairing this bus has been due to the ongoing efforts by the City's Risk Management Division and City Attorney's office to seek reimbursement of these repair expenses through litigation activities. CATS expects to be reimbursed for an undetermined settlement amount once the legal matter is resolved.

Funding

CATS Operating Budget

Disadvantaged Business Enterprise Participation

Pursuant to U. S. DOT DBE Program, Subpart C, no DBE utilization goal was set for this contract because subcontracting is not anticipated.

27. Airport Fuel Farm Expansion

- Action:**
- A. Award the low bid contract in the amount of \$1,578,000 with Petroleum Equipment Service of Charlotte, North Carolina for the expansion of a fuel farm located in the corporate aviation area, and**
 - B. Adopt a budget ordinance appropriating \$1,736,000 from fund balance to be repaid through facility rates and charges.**

Staff Resource: Jerry Orr, Aviation

Explanation

- In 1991 the Airport constructed a new fuel farm with above-ground storage tanks to serve the Fixed Base Operator and corporate aviation area.
- Two, 12,000-gallon tanks were leased to Nations Bank (now Bank of America).
- On September 27, 2005, the airport opened bids for this project. The airport rejected all bids and chose to rebid this project due to additional clarification needed in the bid specification.
- The scope of work for this contract includes:
 - ☐ Refurbishing the two existing tanks and installing two additional 12,000-gallon tanks, which Bank of America will lease from the City
 - ☐ Installing six new 20,000-gallon tanks for use by the City's Fixed Base Operator, Wilson Air Center
 - ☐ Providing all associated pumps, piping and dispensing equipment
 - ☐ Constructing two additional containment dikes
- The Budget Ordinance funds the contract plus a 10% contingency.

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Small Business Opportunity

Established SBE Goal: 6%

Committed SBE participation: 10.82%

Petroleum Equipment Service committed 10.82% (\$170,734) of the total contract amount to the following SBE firm: Senoj South

Funding

Airport Fund Balance

Attachment 24

Budget Ordinance

28. Airport East Daily Parking Deck Contracts and Budget Ordinance

Action:

- A. Award a contract in the amount of \$34,790,000 to Shelco, Inc. of Charlotte for construction of the East Daily Parking Deck,**
- B. Award a time and materials contract not to exceed \$250,000 to MACTEC Engineering and Consulting Inc. of Charlotte, and**
- C. Adopt a budget ordinance appropriating \$44,000,000 from the Discretionary Fund Balance to be repaid from the proceeds of future General Airport Revenue Bonds.**

Staff Resource: Jerry Orr, Aviation

Explanation

- In April 2001, City Council approved a contract with LS3P Architects to design twin parking decks at the Airport.
- In April 2003, City Council awarded contracts to construct the first deck, West Daily Deck. Construction was completed in June 2005.
- On November 14, 2005, City Council awarded a contract extension to Turner Construction Company to oversee construction of the new parking deck, East Deck.
- These contracts will provide for the construction of the East Daily parking deck and materials testing services during construction.
- The budget ordinance amount includes an 8% project contingency.

Small Business Opportunity

East Daily Parking Construction

Established SBE Goal: 7%

Committed SBE Goal: 8.22%

Shelco, Inc. has committed 8.22% (\$2,860,000) with the following SBE's: Southern States Rebar, Dakota Contracting Company, Waterproofing Specialists, Architectural Railings and Grills, Leebo's Welding, CNG Signs and Major Contractors

Engineering and Testing Services

Established SBE Goal: 3%
Committed SBE Goal: 10%

MACTEC Engineering and Consulting, Inc. has committed 10% (\$25,000) with the following SBE: On Spec Testing, Inc.

Funding

Airport Discretionary Fund Balance, repaid by future General Airport Revenue Bonds

Attachment 25

Budget Ordinance

29. Airport Concourse E Change Order

Action: Approve a change order in the amount of \$632,943 to a contract with Cam-Ful Industries, Inc. of Pineville, North Carolina for mechanical construction work.

Staff Resource: Jerry Orr, Aviation

Explanation

- In October 2000, Council awarded a contract to Cam-Ful for the mechanical construction of Concourse E.
- This change order will extend the underground hot and cold water supply lines to serve future additions to the concourse.
- The change order is within the project budget.

Small Business Opportunity

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

Funding

Airport Capital Investment Plan

30. Long Creek Pump Station, Change Order #3

Action: Approve Change Order #3 for \$603,613 for the Long Creek Pump Station with Pizzagalli Construction Company.

Staff Resource: Doug Bean, Charlotte-Mecklenburg Utilities

Explanation

- Change Order #3 provides for installation of additional 7,300-feet of 8-inch waterline to the new Long Creek Pump Station.

- A Telemetry Station has been added to operate and control the tandem operation of the Paw Creek and Long Creek Pump Stations.
- Influent pipeline had to be increased from 48-inch to 54-inch, due to the change in slope of the Long Creek Outfall.
- Change Orders 1 and 2 were for time extensions, no price changes.
- The original contract was for \$13,640,980.
- The Change Order is within the project budget.

Small Business Opportunity

All additional work involved in this change order will be performed by the current contractor, Pizzagalli, and their existing subcontractors. This change order complies with Section 10.3 of the SBO Program.

Funding

Sewer Capital Investment Plan

31. Briar Creek Relief Sewer Phase 1, Professional Services Contract

Action: Approve a professional services contract with Camp Dresser & McKee for \$4,672,110. This contract provides for final design, easement acquisition, and construction management services for Phase 1 of the Briar Creek Relief Sewer.

Staff Resource: Doug Bean, Charlotte-Mecklenburg Utilities

Explanation

- Existing sewer lines in the Briar Creek basin are no longer capable of handling necessary capacity due to growth and the aging infrastructure.
- Project area extends from Sugar Creek Wastewater Treatment Plant at Park Road and Tyvola Road up to Randolph Road.
- This contract will provide funding for the following:
 - Detailed final design
 - Easement map preparation and property acquisitions
 - Construction surveying
 - Construction administration

Small Business Opportunity

Established SBE Goal: 6%

Committed SBE Goal: 6.2%

Camp Dresser McKee met the SBE goal for this project, and has committed \$290,000 to Capstone Civil Group, PA.

Funding

Sewer Capital Investment Plan

32. Budget Ordinance for Municipal Agreements

Action: Adopt a budget ordinance appropriating \$1,470,000 of capital funding for construction municipal agreements already approved by Council.

Staff Resource: Liz Babson, Transportation

Explanation

- The City of Charlotte has entered into four construction Municipal Agreements with NCDOT that have already been approved by Council on agenda items dated August 23, 2004 and September 27, 2004.
- The proposed projects include:
 - Construction improvements at the intersection of I-85 Service Road and Sugar Creek Road totaling \$560,000
 - Construction improvements at the intersection of Independence Boulevard and Harris Boulevard totaling \$560,000
 - Construction improvements at the intersection of Brown Grier Road and Gallant Drive totaling \$100,000
 - Construction improvements at the intersection of Conference Drive and Monroe Road totaling \$250,000
- The above Municipal Agreements between the NCDOT and Charlotte DOT provide for the City to receive reimbursement from the State for the amounts not to exceed each of the above project totals. The Budget Ordinance is necessary for City Finance to be able to collect on billing submitted to the State for the above projects.

Funding

Transportation Capital Investment Plan

Attachment 26

Budget Ordinance

33. Municipal Agreement for Installation of New Traffic Signal and Extension of Arterial Signal System Communication Cable

Action: Adopt a resolution to authorize the Transportation Key Business Executive to execute a Municipal Agreement with the North Carolina Department of Transportation (NCDOT) for installation of traffic signal system communication cable from Ballantyne Commons Parkway to Williams Pond Road for an amount not to exceed \$115,000.

Staff Resource: Liz Babson, Transportation

Explanation

- NCDOT authorized the installation of a traffic signal at the intersection of Rea Road and Williams Pond Road as part of the Rea Road Extension Street Improvement project. The City has also installed arterial signal system communication cable from Ballantyne Commons Parkway to the traffic signal at Williams Pond Road. A Municipal Agreement between the City and NCDOT is needed in order for the City to be reimbursed for the work it has done.
- The Municipal Agreement provides for the City to be reimbursed, by the NCDOT, for all work it has performed on this project not to exceed \$115,000.
- The format and cost sharing philosophy is consistent with past municipal agreements.

Funding

Transportation Capital Investment Plan

Attachment 27

Resolution

34. Budget Ordinance to Appropriate Private Developer Funds

Action: Adopt a budget ordinance appropriating \$128,040 in private developer funds for traffic signal improvements.

Staff Resource: Liz Babson, Transportation

Explanation

- The developer, Childress Klein Properties is partially funding traffic signal installations/improvements to mitigate traffic impacts around their Rivergate Shopping Center project.
- The proposed project includes:
 - Installation of two new mast arm traffic signals at South Tryon Street and the Rivergate Development and Steele Creek Road and Walkerbranch Road
 - Revision of the existing wood pole signal at South Tryon Street and Steele Creek Road to a mast arm installation
- The Budget Ordinance estimates and appropriates \$128,040 in private developer funding for traffic signals and improvements associated with the Rivergate Project.

Attachment 28

Budget Ordinance

35. Sale of Parcel at the Corner of Trade and Caldwell

Action: Adopt a resolution authorizing the conveyance of .31 acres known as Tax Codes 125-023-12 and 125-023-13 to Preferred Parking Service, Inc. for \$1,540,000.

Staff Resource: Curt Walton, City Manager's Office
Kent Winslow, Engineering & Property Management

Explanation

- This small parcel of land was received through a condemnation settlement for the widening of Caldwell Street and was to be resold to replace land costs.
- The parcel is located along Caldwell Street, on the eastern edge of the parcel bound by Caldwell, Trade, Fourth and Brevard Streets.
- The condemnation settlement avoided paying approximately \$300,000 in severance damages.
- The sale price is the same per square foot price as the settlement price (\$115 per square foot).
- The property was and is currently being used for surface parking.
- The buyer will close on the property before the end of February 2006.
- This parcel is being sold through the City's private sale authorization.
- The proceeds return to the Sports and Cultural Facilities Capital Investment Fund to reimburse the Fund for advancing the earlier settlement costs.
- The sale will be subject to Mandatory Referral review on December 7, 2005.

Attachment 29
Resolution

36. Property Transactions

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

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

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

Acquisitions

- A. Project:** Airport Master Plan Land Acquisition
Owner(s): Mary L Bell
Property Address: 3241 Piper Lane
Property to be acquired: .436 acres
Improvements: warehouse
Purchase Price: \$305,000
Zoned: I2
Use: commercial
Tax Value: \$242,300
Tax Code: 143-111-39
- B. Project:** Briar Creek Relief Sewer Phase I, Parcel #10
Owner(s): Lesia L. Jackson (f/k/a Lesia L. Tyson)
Property Address: 5335 Lila Wood Circle
Property to be acquired: 18,295 sq. ft. (.420 ac.) in Fee Simple (Total Take)
Improvements: House
Landscaping: None
Purchase Price: \$668,000
Remarks: Compensation was established by an independent, certified appraisal and appraisal review.
Zoned: R-3
Use: Single Family Residential
Tax Code: 175-113-40
Total Parcel Tax Value: \$566,900
- C. Project:** Briar Creek Relief Sewer Phase I, Parcel #12
Owner(s): Stanley David Hoffman
Property Address: 5309 Lila Wood Circle

Property to be acquired: 27,443 sq. ft. (0.630 ac.) in Fee Simple (Total Take)
Improvements: House
Landscaping: None
Purchase Price: \$999,500
Remarks: Compensation was established by two independent, certified appraisals and an appraisal review.
Zoned: R-3
Use: Single Family Residential
Tax Code: 175-113-38
Total Parcel Tax Value: \$742,000

- D. **Project:** Margaret Wallace Road Widening (Developer Initiated Project), Parcel # 1
Owner(s): Lilly W. Frances And Any Other Parties Of Interest
Property Address: 4313 Margaret Wallace Road
Property to be acquired: Total Combined Area of 12,685 sq. ft. (.291 ac.) of Fee Simple, plus Existing Right-of-way, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: 33,305
Remarks: Compensation was established by two independent, certified appraisals and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner. Developer to pay all expenses.
Zoned: R-8(CD)
Use: Multi Family
Tax Code: 193-043-24
Total Parcel Tax Value: \$328,100
- E. **Project:** South Boulevard/Woodlawn Road Intersection Project, Parcel # 18
Owner(s): Bellsouth Telecommunications, Inc.
Property Address: 4651 South Boulevard
Property to be acquired: 124 sq. ft. (.003 ac.) in Fee Simple, plus 2,844 sq. ft. (.065 ac.) in Sidewalk and Utility Easement, plus 2,017 sq. ft. (.046 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$15,225
Remarks: Compensation was established by two independent, certified appraisals and an appraisal review.
Zoned: I-2
Use: Commercial
Tax Code: 149-151-07
Total Parcel Tax Value: \$2,848,200

Condemnations

- F. Project:** Margaret Wallace Road Widening (Developer Initiated Project), Parcel #2
Owner(s): Craig R. Hipkins And Rhonda Ruth Jerry And Any Other Parties Of Interest
Property Address: 4541 Margaret Wallace Road
Property to be acquired: Total Combined Area of 6,295 sq. ft. (.145 ac.) of Fee Simple, plus Existing Right-of-way, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$13,550
Remarks: Compensation was established by two independent, certified appraisals and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner. Developer to pay all expenses.
Zoned: B-1
Use: Commercial
Tax Code: 193-043-08
Total Parcel Tax Value: \$62,000
- G. Project:** South Corridor Infrastructure Project: Old Pineville Road Extension-A, Parcel #101
Owner(s): McDonald's Corporation And Any Other Parties Of Interest
Property Address: 825 East Arrowood Road
Property to be acquired: Total Combined Area of 19,529 sq. ft. (.448 ac.) of Fee Simple, plus Storm Drainage Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$25,650
Remarks: Compensation was established by two independent, certified appraisals and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.
Zoned: B-1S(CD)
Use: Industrial
Tax Code: 205-231-05
Total Parcel Tax Value: \$1,350,300
- H. Project:** South Corridor Infrastructure Project: Old Pineville Road Extension-A, Parcel #103
Owner(s): BP Oil Company And Any Other Parties Of Interest
Property Address: 901 East Arrowood Road
Property to be acquired: Total Combined Area of 21,744 sq. ft. (.499 ac.) of Fee Simple, plus Temporary Construction Easement
Improvements: None
Landscaping: None

Purchase Price: \$60,725

Remarks: Compensation was established by two independent, certified appraisals and an appraisal review. City staff has yet to reach a negotiated settlement with the property owner.

Zoned: B-1S(CD)

Use: Commercial

Tax Code: 205-231-04

Total Parcel Tax Value: \$962,500

37. Meeting Minutes and Closed Session Minutes

- Action:**
- A. Approve the titles, motions and votes reflected in the Clerk's record as the minutes of:**
 - October 19, 2005 Zoning Meeting
 - October 24, 2005 Business Meeting, and

 - B. Approve closed session minutes for the following dates in 2005.**

March 28, 2005	April 18, 2005	July 18, 2005
July 25, 2005	August 22, 2005	September 12, 2005
October 10, 2005		

Resource: Mac McCarley, City Attorney
Brenda Freeze, City Clerk

Explanation

- This action approves closed sessions for the dates in part B above. The closed sessions include:
 - two for the location of businesses or industries with economic development incentives,
 - one for a lawsuit and
 - four for evaluations of the City Manager and the City Attorney.
- If Council wishes to see or discuss these minutes a closed session will be necessary.