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Patrick Mumford
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Warren Turner

CITY COUNCIL MEETING

Monday, September 26, 2005

CITY COUNCIL AGENDA

Monday, September 26, 2005

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5:00 P.M. DINNER BRIEFING CONFERENCE CENTER

1. Arboretum Fire Station Land

Resource: Deputy Chief Jon Hannan, Fire

Time: 15 minutes

Synopsis

- The Fire Department has a long-standing need for additional emergency resources in southeast Charlotte.
- City Council approved funding in the FY06 budget for purchase of a fire station site in the Arboretum area.
- The Fire Department and Engineering and Property Management identified a lot at 8325 Providence Road, south of Pineville-Matthews Road that meets the criteria for a fire station site. The neighbors are against it and have suggested an alternative site at the intersection of Pineville-Matthews Road and Raintree Lane. That site does not meet the criteria for a fire station site.

Future Action

Council will be asked to approve condemnation of this lot at their October 10, 2005 meeting.

2. Update on the Design of the Charlotte Gateway Station

Resources: Ron Tober, CATS
David Carol, CATS

Time: 15 minutes

Synopsis

- CATS, in conjunction with NCDOT, has completed a conceptual plan for the proposed Charlotte Gateway Station at West Trade Street and Graham Street .
- The new facility would consolidate regional and local transit in a single location and be served by Amtrak, North Corridor commuter rail, Greyhound, CATS local and express buses, the Center City Street Car, and the Southeast and West rapid transit corridors. Located in the midst of Johnson & Wales' new campus and a number of large vacant development sites, the new station is expected to serve as a catalyst for additional development of the City's West End and will include important new retail and air rights opportunities.

- Charlotte Gateway Station would include some 100,000 square feet of available office space. CATS has for several years been seeking to consolidate its various offices in a single headquarters facility. A number of proposals have been considered but rejected. On August 24, 2005, CATS proposed to the Metropolitan Transit Commission that CATS consolidate its offices at the Charlotte Gateway Station. Some Charlotte-area state offices also could be relocated to the facility.
- The MTC will consider this proposal at its September 28, 2005 meeting.

Future Action

This presentation is for informational purposes only.

3. Strategies to Address Growth Impacts on Schools

Time: 15 minutes

Synopsis

- 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)
- During the past 18 months, the Committee examined the impact of growth and new development in Mecklenburg County on 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 NC 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 Committee suggested that the next step should 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 reached.
- At its August 22, 2005 meeting, City Council referred the matter to the Economic Development and Planning Committee for a recommendation.

The Committee discussed this topic at their meetings on September 7th and 21st.

Future Action

Council will be asked to approve this item during the September 26, 2005
Business Meeting.

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

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

CONSENT

- 4. Consent agenda items 8 through 23 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 on Resolution to Close a Portion of South College Street and a Portion of an Unnamed Street

Action: A. Conduct a public hearing to close a portion of South College Street and a portion of an unnamed Street, and

 B. Adopt a Resolution to Close.

Staff Resource: Linda Poissant, Transportation

Policy

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

Explanation

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation 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

W. Vernon Simpson and Maggie M. Simpson

Right-of-Way to be abandoned

A portion of South College Street and a portion of unnamed Street

Location

Located within the vicinity of the Wilmore Neighborhood/South End Area.
 South College Street - beginning from East Palmer Street continuing northeast approximately 55 feet to its terminus at the unnamed Street.
 Unnamed Street – beginning from South College Street continuing southwest approximately 136 feet to its terminus at East Palmer Street.

Reason

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

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

Charlotte Terrace (CHA) – No objections

Strawn Apartment Residents Organization – No objections

Wilmore Neighborhood Associates, Inc. – No objections

Hall House Residents Association – No objections

Dilworth Community Development Association – No objections

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 property as outlined in the statutes.

Attachment 1

Map

POLICY

6. City Manager's Report

7. 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 Schools.

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 and six Town Councils)
- During the past 18 months, the Committee examined the impact of growth and new development in Mecklenburg County on 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 Committee suggested that the next step should be to identify the top three recommendations, by means of a process where each of the nine elected bodies select its top three, and Committee-wide consensus reached.
- 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. Discussion topics ranged from interest in making this a regional (as opposed to a County) initiative, to interest in expanding the discussion to include operating as well as capital budgets, to concern with staff responsibilities to follow through on the selected top priorities.
- The Economic Development and Planning Committee is scheduled to meet on September 21st. A revised Request for Council Action will be included in the September 23rd Council-Manager Memo.

Attachment 2

Growth Impacts on Schools Recommended Strategies

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

8. Various Bids

A. **Rozzelle's Ferry Road/West Trade Street Sidewalk Improvements** **EPM**

Action

Award the low bid of \$470,378.70 by United Construction Co., Inc. of Charlotte, North Carolina. This project is part of the West Side Strategic Plan and will provide storm drainage; curb and gutter, sidewalk, drives and wheelchair ramps; retaining wall; guardrail and handrail; asphalt repair and pavement markings. The project limits are along the north side of Rozzelle's Ferry Road, east through the intersection of Bellhaven Boulevard, and along the south side of West Trade Street. Construction completion is scheduled for first quarter 2006.

Small Business Opportunity

Established SBE Goal: 6%

Committed SBE Goal: 6.06%

United Construction met the SBO goal and committed 6.06% (\$28,500) of the total contract amount to the following certified SBE firms: A-1 Paving Marking, Inc. and Bardwil Trucking.

B. South Corridor Infrastructure Program, Package B EPM

Action

Award the low bid of \$496,160.70 by Carolina Cajun Concrete, Inc. of Charlotte, North Carolina. This construction package contains two infrastructure improvement projects, Sharon Road West/South Boulevard Intersection Improvements and Mustang Lane Improvements. The projects are part of the South Corridor Infrastructure Program (SCIP) and are funded through 2002 and 2004 voter-approved bonds. Schedule is dependent on availability of utility crews. Utility companies may relocate crews to the Gulf Coast to support rebuilding efforts, which would delay project. Any project delays resulting from Hurricane Katrina will be communicated to Council and citizens. Construction completion is scheduled for third quarter 2006.

Small Business Opportunity

Established SBE Goal: 6%

Committed SBE Goal: 3.02%

Carolina Cajun Concrete exceeded the mandatory outreach and committed 3.02% (\$15,000) of the total contract amount to the following certified SBE firms: A-1 Pavement Marking, Inc. and Bana Corporation. Per section 14.6 the SBO Program Manager waived the good faith efforts because the non-compliance does not reflect a lack of diligence on the bidder's part in complying with the program.

C. South Corridor Infrastructure Program, Package E EPM

Action

Award the low bid of \$868,466.87 by Sealand Contractors Corporation of Charlotte, North Carolina. This project will construct bike lanes, sidewalks, planting strips and related construction on Arrowood Road and Starbrook Drive from Old Pineville Road to Woodstream Drive. The project is part of the South Corridor Infrastructure Program (SCIP) and is funded through 2002 and 2004 voter-approved bonds. Schedule is dependent on availability of utility crews. Utility companies may relocate crews to the Gulf Coast to support rebuilding efforts, which would delay project. Any project delays resulting from Hurricane Katrina will be communicated to Council and citizens. Construction completion is scheduled for third quarter 2006.

Small Business Opportunity

Established SBE Goal: 7%

Committed SBE Goal: 7.06%

Sealand Contractors has met the SBO goal and committed 7.06% (\$61,350) of the total contract amount to the following certified SBE firms: H & H Hauling and On Time Construction.

D. CATS Rail Maintenance Hi-Rail Swing Machine CATS**Action**

Approve the low bid of \$342,730 to S.W.N.G. Inc. of Franklin Park, Illinois to provide a purchase of a swing machine and associated accessories used to perform track and rail systems maintenance and towing of light rail vehicles on the future South Corridor Light Rail System. The swing machine is a vehicle that can operate on and off the rail lines and includes a 20-foot articulated boom to move heavy items such as rail, rail ballast, overhead catenary wire and other materials. This machine also has a coupler for use in towing light rail vehicles. This machine needs to be ordered now in order to be available to CATS prior to the opening of the Light Rail Corridor in spring, 2007 as its manufacture and delivery require significant customization and extended delivery lead-time.

Small Business Opportunity

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

E. Construction of CATS Huntersville - Northcross Park & Ride Commuter Bus Facility CATS**Action**

Award the low bid of \$1,844,984.40 to Streamline, LLC of Mooresville, North Carolina for the construction of the Huntersville – Northcross Park & Ride (17126 Northcross Drive). The facility includes approximately 306 parking spaces, passenger shelters and surveillance systems.

Disadvantaged Business Enterprise

Established DBE goal: 11%

Committed DBE goal: 12%

The committed DBE firms identified are State Construction of the Carolinas, LLC and A-1 Pavement Marking

F. Installation of Standby Generators at Ten Wastewater Lift Stations CMU**Action**

Award the low bid of \$696,262 to Energy Erectors, Inc. of Charlotte, North Carolina. The project consists of the installation of 10 contractor furnished diesel generator sets, limited site grading, and foundations.

Small Business Opportunity

Established SBE Goal: 6%

Committed SBE Goal: 0%

Contractor failed to meet the goal, but exceeded the minimum good faith effort points and mandatory outreach.

G. FY06 Contract B – Street Main Extensions - Water and Sewer Main Construction CMU**Action**

Award the low bid of \$1,179,766 to RH Price, Inc. of Charlotte, North Carolina for construction of sanitary sewer and water mains along existing roadways in Mecklenburg County.

Small Business Opportunity

Established SBE Goal: 3 %

Committed SBE Goal: 4.32 %

RH Price, Inc. committed \$51,000 to the following SBE firms: Huneycutt Utilities, Pave Carolina, On-Time Construction, Inc. and Reliable Woodworks.

H. Sugar Creek Wastewater Treatment Plant, Primary Clarifier Pipe/Manhole Rehabilitation CMU**Action**

Award the low bid of \$494,907 to American Water Services Underground Infrastructure, Inc. of Charlotte, North Carolina for rehabilitation of the primary clarifier effluent launders, effluent pipes and manhole structures.

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 SBE utilization goal was set because subcontracting is not anticipated.

I. Field Operations, General Commerce Facility Standby Generator Installation CMU**Action**

Award the low bid of \$126,840 by Gilbert Engineering Company of Statesville, North Carolina for the installation of a standby generator at the Field Operations General Commerce Facility, which houses CMU's alternate Emergency Operations Center.

Small Business Opportunity

Established SBE Goal: 5%

Committed SBE Goal: 0%

The contractor failed to meet the goal established for this project, but exceeded the Good Faith Effort Points and exceeded the mandatory outreach.

J. McAlpine Creek Wastewater Management Facility HVAC and Flood Protection Improvements CMU

Action

Award the low bid of \$184,800 by Crowder Construction Company of Charlotte, North Carolina. The contract includes the furnishing of all labor, materials, and equipment to replace HVAC system and provide flood protection for equipment at the Screening and Grit Facility.

Small Business Opportunity

Established SBE Goal: 3%

Committed SBE Goal: 0%

Contractor failed to meet the goal, but exceeded the good faith effort points and mandatory outreach established for this project.

K. FY06 Street Main Extensions, Contract A - Water and Sewer Main Construction CMU

Action

Award the low bid of \$1,091,421 to RH Price, Inc. of Charlotte, North Carolina for construction of sanitary sewer and water mains along existing roadways in Mecklenburg County.

Small Business Opportunity

Established SBE Goal: 3 %

Committed SBE Goal: 4.67 %

RH Price, Inc. committed \$51,000 to the following SBE firms: Huneycutt Utilities, Pave Carolina, On-Time Construction, Inc., and Reliable Woodworks

L. Airport Heating, Ventilation and Air Conditioning (HVAC) Maintenance Contract

Action

Award the low bid of \$2,944,867 by Johnson Controls of Charlotte for HVAC operations and maintenance. This is a five year contract with two one year extensions. The amount of the five-year contract is \$2,944,867. The City has two one-year extensions available at its sole discretion which, if the City chooses to execute, will be negotiated at that time.

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.

9. Refund of Property Taxes

Action: Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$30,424.75.

Attachment 3

Resolution

List of property tax refunds

10. 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 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 Observation – concentrated code enforcement program

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

Public Safety:

- A. 1301 Briar Creek Road (Neighborhood Statistical Area 55 – Briar Creek/Woodland Neighborhood)
- B. 3008 Rozzelles Ferry Road (Neighborhood Statistical Area 25 – Smallwood Neighborhood)

Field Observation:

- C. 214 Lakewood Ave (Neighborhood Statistical Area 21 – Lakewood Neighborhood)
- D. 210 Walford Drive (Neighborhood Statistical Area 25 – Smallwood Neighborhood)
- E. 1015 Harrill Street (Neighborhood Statistical Area 51- Belmont Neighborhood)
- F. 1212 Allen Street (Neighborhood Statistical Area 51- Belmont Neighborhood)
- G. 8425-2 Old Concord Road (Mobile Home) (Neighborhood Statistical Area 138- College Downs Neighborhood)
- H. 2024 Rozzelles Ferry Road (Neighborhood Statistical Area 25- Smallwood Neighborhood)

Public Safety:

A. 1301 Briar Creek Road

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1301 Briar Creek Road (Neighborhood Statistical Area 55 - Briar Creek / Woodland Neighborhood).

Attachment 4

B. 3008 Rozzelles Ferry Road

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 3008 Rozzelles Ferry Road (Neighborhood Statistical Area 25 - Smallwood Neighborhood).

Attachment 5

Field Observation:

C. 214 Lakewood Ave

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

Attachment 6

D. 210 Walford Drive

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 210 Walford Drive (Neighborhood Statistical Area 25 – Smallwood Neighborhood).

Attachment 7

E. 1015 Harrill Street

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1015 Harrill Street (Neighborhood Statistical Area 51 – Belmont Neighborhood).

Attachment 8

F. 1212 Allen Street

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 1212 Allen Street (Neighborhood Statistical Area 51 – Belmont Neighborhood).

Attachment 9

G. 8425-2 Old Concord Road (Mobile Home)

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 8425-2 Old Concord Road (Mobile Home) (Neighborhood Statistical Area 138 – College Downs Neighborhood).

Attachment 10

H. 2024 Rozzelles Ferry Road

Action: Adopt an Ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2024 Rozzelles Ferry Road (Neighborhood Statistical Area 25 – Smallwood Neighborhood).

Attachment 11

CONSENT II

11. October 3, 2005 Council Workshop

Action: Cancel the October 3, 2005 Council Workshop.

- Staff suggests Council consider amending the 2005 calendar by canceling the workshop since there are no urgent agenda topics and briefings can be handled at dinner sessions in October.

12. Police Data Network Maintenance and Support

Action:

- A. Approve the purchase of Cisco SmartNet Maintenance Renewal without competitive bidding as authorized by the cooperative purchasing exemption of G.S. 143-129 (e) (3),**
- B. Authorize the City Manager to enter into a one-year agreement with Government Technology Services Corporation (GTSI) for SmartNet maintenance of the data communication equipment for Police. The cost of the agreement is not to exceed \$152,950 in the first year with no more than a 10% increase (i.e. \$168,245) for the renewal option year, and**
- C. Authorize the City Manager to execute one-year renewal option.**

Staff Resource: Ron Horton, Charlotte-Mecklenburg Police

Explanation

- GTSI has a national contract through US Communities Cooperative Purchasing Alliance that guarantees their prices to be the lowest offered to a Government Entity.
- The GTSI contract was competitively bid by Fairfax County, VA and awarded by the Fairfax Board of Commissioners on July 26, 2003.
- NC Senate Bill 914, effective January 1, 2002 authorizes the exception to competitive bidding for competitive group purchasing.
- GTSI focuses exclusively on federal, state and local government customers worldwide.
- GTSI is the Federal Government's leading supplier for public safety and homeland security products.
- SmartNet is the name for Cisco's master services agreement that supports data communications equipment that is the backbone of networks; SmartNet also includes software upgrades
- Current SmartNet agreement expired June 30, 2005
- New agreement includes maintenance of Cisco software and over 450 pieces of network equipment responsible for CMPD's computer operations

- Categories of equipment to be maintained include routers, switches, and the security firewall.

Funding

CMPD Operating Budget

13. Utility Bill Printing, Insertion, and Electronic Bill Presentment and Payment Services Contract

- Action:**
- A. Authorize the City Manager to negotiate and execute a contract with Kubra Systems, an international company for Utility Bill Printing, Insertion, and Electronic Bill Presentment and Payment Services. The initial term of this contract will be three years.**
 - B. Authorize the City Manager to renew for three additional one-year terms. The cost of the contract shall not exceed \$1,519,000 for the three year period.**

Staff Resource: Rosemary Lawrence, Finance

Explanation

- The original contract between the City and Total Billings, Inc. for Mail Insertion Services has expired and is currently operating on a month-to-month basis.
- In an effort to improve customer service the City is seeking to outsource bill creation, printing, mailing, and electronic presentation in addition to the current outsourced mail insertion services.
- Kubra System's services include bill messaging, special mailings by zip code and enables customers to view and pay bills online, via the internet.
- An RFP was issued on March 11, 2005. An evaluation team of City staff reviewed eleven responses. Kubra Systems demonstrated the highest ability to meet and/or exceed the City's requirements in all areas of service; therefore the evaluation team recommends a contract be awarded to Kubra Systems.
- Requirements include the ability to produce, print, insert and obtain postal discounts; to mail bills, letters and invoices within 24 hours from the time of file receipt. Additional requirements include the ability to electronically store and retrieve bills for viewing by customer service representatives and the ability to provide duplicate bills to customers upon request.

Funding

Utilities and Storm Water Operating Budgets

14. South Boulevard Phase 2 Storm Drainage Improvements

Action: Approve a contract amendment with CH2M Hill for engineering services for \$161,935.

Staff Resource: Jennifer Glotfelty, Engineering & Property Management

Explanation

- Contract amendment will provide funding for additional engineering design and construction administration services. Additional design items included: overhead utility relocations, plan & easement changes per property owner requests, detailed modeling and analysis for required permits
- High priority project in response to numerous citizen complaints about house, street, and yard flooding and severe channel erosion and system failures
- This project area is roughly bounded by Woodlawn Road, Murrayhill Road, Furman Place and Bradbury Drive
- The contract amendment cost is within the project budget

Contract History

- Planning phase for this project was completed by CH2M Hill under a separate contract approved by Council on September 14, 1998 for \$282,198.
- Original contract for design phase was approved by Council on April 28, 2003 for \$566,214.

Small Business Opportunity

Established SBE Goal: 0%

Committed SBE Goal: 0%

All additional work involved in this amendment, will be performed by the current consultant, CH2M Hill. Therefore, this amendment complies with Section 10.3 of the SBO Program.

15. Storm Water Design Manual Consultant Services

Action: Authorize the City Manager to negotiate an agreement with US Infrastructure of Carolina, Inc. (USI), in an amount not to exceed \$380,000, for consultant services for revisions to the Storm Water Design Manual.

Staff Resource: Daryl Hammock, Engineering & Property Management

Explanation

- The City is involved in a stakeholder process to develop post-construction controls, as required by the City's National Pollutant Discharge Elimination System (NPDES) permit, to ensure pre-construction runoff characteristics are maintained after construction

- Council was given a Post-Construction Controls Ordinance update at a Policy Retreat on April 4, 2005.
- Council will be briefed again at the October 10, 2005 Dinner Meeting
- The proposed regulations will necessitate significant revisions to the City's Storm Water Design Manual.
- The revisions will support recommendations from the Post-Construction Controls Stakeholder Committee to meet the goals of the process including:
 - Comply with federal storm water permit requirements
 - Satisfactorily address threatened and endangered species
 - CMU expansion
 - Annexation
 - Satisfactorily address the causes of stream impairment
 - Satisfactorily address storm water detention measures
 - Downstream flooding
 - Single-family detention
- Revisions to the manual will provide design guidelines for storm water control of new development that allows designers flexibility in meeting watershed protection goals through:
 - Design and construction of ponds and lakes that detain water and allow pollutants to settle out
 - Stream buffer protection
 - Maintenance of storm water facilities
 - Downstream analysis to protect existing development
- The City of Charlotte and Mecklenburg County will share responsibilities for consultant services and funding of a storm water design manual.
- Funding is prorated based on municipality land area:
 - 70% City funds
 - 30% County and Towns funds

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:

Storm Water Capital Investment Plan

16. United States Geological Survey 2005-2006 Cooperative Agreement

Action: Approve the 2005-2006 Cooperative Program Agreement with the United States Geological Survey (USGS) for storm water data collection activities in the amount of \$298,575.

Staff Resource: Tom Calhoun, Engineering and Property Management

Explanation

- The agreement is used to maintain the rainfall and stream flow gage system.
- Data from the gage system is used to:
 - Determine flood-prone areas
 - Review impacts of rain events
 - Determine long-term trends
 - Aid in water-quality investigations
 - Assist in the design of drainage infrastructure
- This agreement also maintains the Flood Information and Notification System (FINS) used to notify emergency personnel of potential threats to life and property.
- This agreement leverages City funds with USGS funds. Total cost is \$539,180. The City's share is \$298,575. USGS will pay the remainder of the cost.
- The City's cost last year was \$300,425.
- Mecklenburg County has a similar agreement with USGS. Total cost of that contract is \$462,820. The County's share is \$267,960. USGS will pay the remainder of the cost.

Contract History

- Since 1961, the City of Charlotte and Mecklenburg County have worked with the USGS, gathering rainfall and stream flow information through a cooperative, cost-sharing program.

Funding

Storm Water Fund and United States Geological Survey

17. Tyvola Road Intersection Project and 12-inch Water Main Project

- Action:**
- A. Approve a budget ordinance to appropriate \$450,000 from Water and Sewer Bonds, and**
 - B. Award the low bid of \$1,513,773.75 by Allied Resources USA, LTD of Charlotte, North Carolina for Tyvola Road Intersection and 12 inch Water Main.**

Staff Resource: David Meachum, Engineering & Property Management

Explanation

- In a collaborative effort, Engineering and Property Management and Charlotte-Mecklenburg Utilities have combined work in the South Corridor for improvements through coordinating contract awards.

Contract with Allied resources USA, LTD

- Improvements will provide a better pedestrian and bicycle environment at and between three intersections; Tyvola Road/Old Pineville Road, Tyvola

Road/South Boulevard, South Boulevard/Grover Road. This project is part of the South Corridor Infrastructure Program.

- The 12-inch Water Main construction addresses needed infrastructure improvements by connecting existing water mains on Tyvola Road and South Boulevard.
- This will improve the delivery of water in this area and enhance fire protection capabilities.
- This project provides for the additional water service demands projected with the redevelopment of the South Corridor.
- Construction completion is scheduled for third quarter of 2006.

Small Business Opportunity

SBE Subcontractor Utilization Goal: 8%

SBE Participation: 10.58%

Allied Resources has met the mandatory outreach criteria and exceeded the SBO goal. Allied has committed 10.58% (\$160,150.80) of the total contract amount to the following certified SBE firms: Bullington Construction, Capstone, D's Trucking Service, Inc., Ground Effects, Inc., and On Time Construction, Inc.

Funding

Economic Development Capital Investment Plan

Attachment 12

Budget Ordinance

18. Eastland Community Transit Center Lease and Easement Agreements

- Action:**
- A. Approve acquisition of leasehold interest and related easements in land located at Eastland Mall for the construction and operation of a CATS Community Transit Center, and**
 - B. Authorize City Manager or a designee to negotiate and execute a lease and related easement agreement with Charlotte Eastland Mall, LLC for the above purposes.**

Staff Resource: John Muth, Charlotte Area Transit System

Explanation

- The 2001 Countywide Transit Services Plan calls for locating a Community Transit Center in the Eastland Area. Extensive community outreach and surveys resulted in a consensus that the Transit Center should be located at Eastland Mall. Project staff collaborated closely with the Eastland Area Strategy Team (EAST).

- The plan calls for building an aesthetically pleasing, partially on-street, and partially off-street facility with separate boarding areas for in-bound and out-bound coaches, with a spacious landscaped pedestrian plaza area in between.
- The project includes a driver comfort station, and accommodation for security personnel, rider services, and information. Custom passenger shelters will be constructed along both passenger platforms. Video surveillance will enhance safety and security. The project plan is compatible with options under consideration for future streetcar service.

Lease and Easement Agreement

- The City will lease approximately 1.38 acres of land located along Central Avenue.
- The City will receive an access easement for bus access and a temporary construction easement for staging purposes. The City has negotiated a lease with Eastland Mall, LLC with the following key terms:
 - 10-year term with option to renew for 3 additional terms of 5-years each
 - \$50,000 annual rent for years 1-5, rent increases by 10% for each 5-year term thereafter
 - City will build a pedestrian walkway from the Transit Center to the mall entrance
 - City will be responsible for maintaining the leased and access areas
 - City will receive a vehicular access easement and a temporary construction easement

The financial terms of the lease are as follows:

Years 1-5	\$50,000	\$250,000
Years 6-10	\$55,000	\$275,000
Years 11-15	\$60,500	\$302,500
Years 16-20	\$66,550	\$332,750
Years 21-25	\$73,205	<u>\$366,025</u>
Totals		\$1,526,275

- The lease agreement has been drafted collaboratively by counsel for both parties.
- A subsequent procurement services request will be forwarded for the construction contract.

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

Charlotte Area Transit System Operating Budget

19. Settlement of Cricket Communications Tax Claims

Actions:

A. Approve “Administrative Period Claim Settlement Agreement” between City of Charlotte and Cricket Communications allowing for resolution of City’s tax claims against Cricket Communications.

B. Authorize City Tax Collector to sign Agreement on behalf of the City.

Staff Resources: DeWitt F. McCarley, City Attorney
S. Mujeeb Shah-Khan, City Attorney’s Office

Explanation

- For tax year 2004, the City and Mecklenburg County billed Cricket Communications (also known as Leap Wireless) for business personal property taxes and accrued interest in the amount of \$176,387.74. The City’s share was approximately \$62,958.14.
- Cricket Communications was in bankruptcy, having filed a voluntary petition with the bankruptcy court on April 13, 2003.
- The City and County filed a claim for the unpaid 2004 taxes with the bankruptcy court.
- In an attempt to resolve the outstanding claim, the City and County have been able negotiate a settlement of the claim under which Cricket Communications will pay the City and County \$147,087.00, which is approximately 84% of the total claim. The City would receive approximately \$52,499.82 from the settlement.
- Both the City Council and the County Commission must approve the settlement of the claim to receive its share of the \$147,087.00.
- This is the settlement of a disputed claim in litigation requiring Council approval.
- Once approved by both the City and the County, the Settlement Agreement will be signed by the City-County Tax Collector, and Cricket will pay the outstanding taxes within 60 days.

Attachment 13

Administrative Period Claim Settlement Agreement.

20. Federal Reimbursement for Airport Screening Costs

Action:

A. Approve a contract between the City and the Transportation Security Administration to reimburse the City \$456,700 for improvements to the Airport’s baggage handling system to accommodate screening equipment, and

B. Adopt a budget ordinance appropriating the reimbursed funds to the project.

Staff Resource: Jerry Orr, Aviation

Explanation

- The City continues to make various improvements to the Airport baggage handling system to improve efficiency and accommodate screening equipment and processes.
- With this contract, the TSA will formally commit to reimburse the City up to \$456,000.

Funding

Federal Transportation Security Administration

Attachment 14

Budget Ordinance

21. Budget Ordinance to Appropriate Private Developer Funds

Action: Adopt a Budget Ordinance Appropriating \$803,239 in Private Developer Funds for Various Traffic Signal Improvements.

Staff Resource: Elizabeth Babson, Transportation

Explanation

- The following developers are fully funding traffic signal installations / improvements to mitigate traffic impacts around their respective development projects:
 - Wal-Mart - Charlotte West contributed \$93,135 to fully fund the installation of a new traffic signal at Ashley Road and Greenland Avenue, and to make traffic signal modifications to the existing signal at Ashley Road and Wilkinson Boulevard.
 - Crescent Resources LLC contributed \$281,004 to fully fund the installation of a new traffic signal at Fairview Road and J A Jones Drive / Piedmont Place Way and to make traffic signal modifications to the existing signal at Fairview Road and Park South Drive.
 - Morrison Place LLC contributed \$74,130 to fully fund traffic signal modifications to the existing signals at Colony Road and Sharon Road and at Colony Road and Roxborough Road.
 - Cambridge-Davis Lake LLC contributed \$169,640 to fully fund the installation of a new traffic signal at Davis Lake Parkway and W T Harris Boulevard.
 - St. James Place of Charlotte LLC contributed \$65,955 to fully fund the installation of a new traffic signal at Ken Hoffman Drive and North Tryon Street.
 - Mecklenburg County contributed \$119,375 to fully fund traffic signal modifications to the existing signals at 4th Street and the I-277 Ramp, and 4th Street and McDowell Street.

- The Budget Ordinance estimates and appropriates \$803,239 in private developer funding for traffic signals and road work associated with developer projects. The funding is restricted to these projects.

Attachment 15
Budget Ordinance

22. Property Transactions

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

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

Acquisitions

- A. Project:** Cindy Lane Extension, Parcel # 3
Owner(s): Nancy J. Melton
Property Address: 4716 Statesville Road
Property to be acquired: 16,687.91 sq. ft. (.383 ac.) in Fee Simple, plus 449.23 sq. ft. (.010 ac.) in Storm Drainage Easement, plus 61.32 sq. ft. (.001 ac.) in Utility Easement, plus 2,882.53 sq. ft. (.066 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$41,025
Remarks: Compensation was established by two independent, certified appraisals and an appraisal review.
Zoned: R-4
Use: Commercial
Tax Code: 045-281-02
Total Parcel Tax Value: \$142,400
- B. Project:** South Corridor Infrastructure Project: Archdale Package, Parcel # 26
Owner(s): UPA Investments, Inc.
Property Address: 5940 South Boulevard
Property to be acquired: 588 sq. ft. (.013 ac.) in Sidewalk and Utility Easement, plus 1,822 sq. ft. (.042 ac.) in Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$18,880
Remarks: Compensation was established by two independent, certified appraisals and an appraisal review.
Zoned: B-2
Use: Commercial

Tax Code: 173-011-10
Total Parcel Tax Value: \$415,200

Condemnations

- C. 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: \$16,875
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: R-8(CD)
Use: Multi Family
Tax Code: 193-043-24
Total Parcel Tax Value: \$328,100
- D. Project:** South Corridor Infrastructure Project: Old Pineville Road Southern Section, Parcel # 112
Owner(s): Simpson Electric Company, Inc. And Any Other Parties Of Interest
Property Address: 6820 Old Pineville Road
Property to be acquired: Total Combined Area of 5,372 sq. ft. (.123 ac.) of Sidewalk and Utility Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$3,575
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: R-4
Use: Rural Homesite
Tax Code: 169-222-04
Total Parcel Tax Value: \$127,700
- E. Project:** South Corridor Infrastructure Project: South Boulevard / Woodlawn Road Intersection, Parcel # 1
Owner(s): DHR- FCR Charlotte, LLC And Any Other Parties Of Interest
Property Address: 4701 South Boulevard

Property to be acquired: Total Combined Area of 20,010 sq. ft. (.459 ac.) of Fee Simple, plus Sidewalk and Utility Easement, plus Temporary Construction Easement

Improvements: None

Landscaping: None

Purchase Price: \$130,675

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: 171-014-18

Total Parcel Tax Value: \$4,441,700

F. Project: South Corridor Infrastructure Project: South Boulevard / Woodlawn Road Intersection, Parcel # 8

Owner(s): Ruth S. Stewart And Any Other Parties Of Interest

Property Address: 4765 South Boulevard

Property to be acquired: Total Combined Area of 2,402 sq. ft. (.055 ac.) of Storm Drainage Easement, plus Sidewalk and Utility Easement, plus Temporary Construction Easement

Improvements: None

Landscaping: None

Purchase Price: \$18,675

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: 171-014-04

Total Parcel Tax Value: \$257,600

G. Project: South Corridor Infrastructure Project: South Boulevard / Woodlawn Road Intersection, Parcel # 19

Owner(s): Claude Lee Hensley, Jr. And Wife, Rebecca P. Hensley And Any Other Parties Of Interest

Property Address: 4651 South Boulevard

Property to be acquired: Total Combined Area of 10,315 sq. ft. (.237 ac.) of Fee Simple, plus Sidewalk and Utility Easement, plus Temporary Construction Easement

Improvements: None

Landscaping: None

Purchase Price: \$169,900

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: 149-151-08

Total Parcel Tax Value: \$944,900

- H. Project:** South Corridor Infrastructure Project: Woodlawn Intersection, Parcel # 6
Owner(s): Kinkwood, LLC And Any Other Parties Of Interest
Property Address: 300 East Woodlawn Road
Property to be acquired: Total Combined Area of 8,356 sq. ft. (.192 ac.) of Fee Simple, plus Utility Easement, plus Temporary Construction Easement
Improvements: None
Landscaping: None
Purchase Price: \$54,725
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: B-1
Use: Commercial
Tax Code: 169-012-06
Total Parcel Tax Value: \$659,800

23. Meeting Minutes

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

- September 6, 2005 Council Workshop